

Coronial Inquest Report (C Valentine) April 2015

- Implementation of Recommendations

	RECOMMENDATION	STATUS	FURTHER INFORMATION
22.2	<p>“That the Child Protection Act 1993 be amended to provide that a child born to a person who has a conviction in respect of a child previously born to them for manslaughter by criminal neglect, manslaughter or murder will, by force of the Act, be placed from birth under the custody of the Minister. The Act would then continue to apply to the child in the same way as if the custody had been ordered by the court under section 38(1)(d), so that the parent might apply to the court for a variation or revocation of the custody of the Minister. Furthermore, the Minister would have the same powers in relation to the child as any other child under the Minister’s care and protection: for example, the Minister might, by section 51(1)(a), permit the child to remain in the care of some other member of the child’s family. This might, for example, include the other parent of the child, who may have no previous conviction in relation to children, and may be a suitable person to care for the child. In such a case the Minister should be empowered to impose conditions on the convicted parent’s dealings with the child, if the parents are still in a relationship.”</p> <p>The amendment should also include other forms of homicide not involving a conviction, for example, cases dealt with under section 269 of the Criminal Law Consolidation Act</p>	Completed	<p>Minister for Child Protection Reform introduced in Parliament on 6 May 2015, amendments to section 37 of the <i>Children’s Protection Act 1993</i>.</p> <p>Proclaimed 28 April 2016</p>

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22.3	<p>“That Families SA urgently re-educate all of its staff to rectify the misunderstanding abroad in the organisation that questions to secure the protection of a child cannot be asked of people without the permission of the child’s parent or guardian. There is no such limitation, there never has been, and there never should be. This message must be disseminated urgently within the organisation. It is fundamental to the organisation’s responsibilities that its employees have a questioning attitude and a curiosity to establish facts as to a child’s welfare. Without this, Families SA cannot achieve its objectives.”</p>	Completed	<p>A direction was given to all Families SA staff on 17 April 2015. (PDF 314KB)</p>
22.4	<p>“That Families SA should strictly comply with section 20(2) of the Children’s Protection Act with immediate effect. Furthermore, that the Minister for Child Protection Reform draw the evidence of Mr Harrison and my remarks concerning section 20(2) of the Act to the attention of the President of the Legislative Council and the Speaker of the House of Assembly with the request from the Coroner’s Court of South Australia that the President and the Speaker draw to the attention of their respective Houses the flagrant disregard of section 20(2) by Families SA.”</p>	Completed	<p>Minister for Child Protection Reform wrote to both Houses of Parliament in May 2015.</p> <p>A direction was sent to all FSA staff on 1 May 2015. (PDF 374KB)</p> <p>Staff training rolling program commenced 1 July 2015.</p>
22.5	<p>“That the Minister for Child Protection Reform investigate whether Families SA have in any of its annual reports since 1 October 2006 reported on compliance with section 20(2) of the Act in accordance with the understanding of the Honourable Mr Xenophon MLC as referred to above. In the event that there has been no such reporting, that fact should also be reported to the</p>	Completed	<p>The department included an addendum in its 2014 annual report which stated:</p> <p>‘Further to the provision of this annual report to you on 31 March 2015, the Coroner on 9 April 2015 handed down findings from the inquest into the death of Chloe Valentine.</p> <p>‘The Coroner’s recommendations referenced annual</p>

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	President and the Speaker and an explanation provided.”		<p>reporting on compliance with section 20(2) of the <i>Children’s Protection Act 1993</i>.</p> <p>‘It is our intention as a department to report on this aspect of the Act in 2015 and future years.’</p> <p>The Minister for Child Protection Reform wrote to both Houses of Parliament in May 2015 in accordance with the recommendation</p>
22.6	“That Families SA direct its staff to actively apply child protection income management in the Playford area of South Australia and that the ‘policy’ of obtaining a benefit recipient’s consent to that course be abolished.”	Completed	<p>FSA changed its policy to use Child Protection Income Management without consent on 20 August 2015. The <i>Child Protection Income Management practice guide and procedure</i> have been redrafted to incorporate the new policy and procedure</p> <p>Training sessions have been provided to Northern Assessment and Support hub (24 June 2015) and Northern Drug and Alcohol Services SA (DASSA) (20 July 2015) and Northern Protective Intervention hub (13 August 2015).</p> <p>Financial Counsellors trained to use the Commonwealth United Government Gateway (UGG) on 12 August 2015 to make referrals.</p> <p>Since November 2015 the measures have been applied to 50 people.</p>
22.7	“That the State Government takes immediate steps to negotiate with the Commonwealth Government for the declaring of areas other than the City of Playford as declared areas for the imposition of child protection income management. There is no sensible rationale for confining to one geographical area a tool which	Completed	From 1 October 2015, the whole of metropolitan Adelaide and Adelaide Hills, Mount Barker and Gawler were declared child protection income management areas.

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	could have the effect of benefitting many children at risk of neglect and abuse in this State who happen to live outside of the geographical area of the City of Playford. It is absurd to impose a geographical limitation of that kind in my opinion.”		
22.8	That the State Government begin negotiations with the Commonwealth Government with a view to making the child protection income management regime a permanent structure and to that end, negotiate an indefinite extension beyond 30 June 2015 which is when the present Bilateral Agreement expires.	Completed	A new Bilateral agreement is currently being finalised to reflect the expansion of income management across SA. The Commonwealth has agreed to extend income management until 30 June 2017.
22.9	“That Families SA issue a policy prohibiting the transport alone of a child under the age of 12 years in any circumstances with a chauffeured delivery service unless in the custody of an employee of Families SA”	Completed	The Transport Policy identifies that children under the age of twelve requiring transport in an emergency situation, particularly after-hours, will be transported to an appropriate care arrangement by a Families SA staff member.
22.10	“That the operations of the Crisis Response Unit be reviewed with a view to determining whether it has sufficient resources and there is sufficient backup for situations such as that faced by Ms Heading on 12 November 2008. Ms Heading appeared to have a reluctance to call in a worker who may have been ‘on-call’. There should be no such reluctance in a situation such as that being faced by Ms Heading. There should be no hesitation in arranging a call back for an on-call worker in a case such as that. I am concerned that there may be a reluctance on the part of a person in Ms Heading’s position to institute a call back because of financial considerations. Staff should be informed as a matter of policy that the	Completed	<p>A review of Call Centre operations has been completed.</p> <p>The department has reinforced its policies to ensure staff contact an on-call supervisor when circumstances arise which demand all rostered crisis response night shift workers be mobilized.</p> <p>This policy was reiterated to relevant staff in April in response to the Coroner’s recommendation.</p> <p>The department continues to develop further improvements in the operation of the Child Abuse Report Line and the provision of its 24-hour service.</p>

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	appropriate action is to institute a call back in a situation such as that faced by Ms Heading. There should be no doubt at all about this and I recommend accordingly.”		
22.11	“That the Children's Protection Act 1993 be amended to include cumulative harm as a relevant factor in making decisions about the care of a child.	Completed	Minister for Child Protection Reform introduced in Parliament on 6 May 2015, amendments to section 6 of the <i>Children's Protection Act 1993</i> . (linked to 22.2) Proclaimed 28 April 2016
22.12	“That the Children's Protection Act 1993 be amended to make it plain that the paramount consideration is to keep children safe from harm. Maintaining the child in her or his family must give way to the child's safety.”	Completed	Minister for Child Protection Reform introduced in Parliament on 6 May 2015, amendments to section 3 of the <i>Children's Protection Act 1993</i> . (linked to 22.2) Proclaimed 28 April 2016
22.13	“That adoption should have a place in the alternative placement options in the child protection system. I do not purport to be in a position to offer a settled model of what the role of adoption in the child protection system should look like. However, the evidence of the scarcity of alternative placement options and the notorious under supply of suitable and willing foster parents leads me to the very firm opinion that permanent removal to adoptive parents must have a place in the child protection system and I recommend accordingly.”	Outcome Pending	The government is currently considering the recommendations made in the Nyland Child Protection Systems Royal Commission. The Adoption (Review) Amendment Bill was introduced in Parliament on 21 September 2016
22.14	“That a proper assessment be undertaken to ascertain the most effective resource allocation	Completed	The 2015/16 state budget includes more than \$50 million over four years for a range of reforms to improve and widen

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	method for Families SA. That assessment should include, as a starting point, a consideration of the volumes of work and what resource effort is needed to carry out that work satisfactorily. There must be an ability to monitor unfinished work and a system to measure the performance of individuals and the individual parts of the agency and there must be a reliable system for reporting those measurements in a timely manner to managers right up to the chief executive.”		<p>services for children at risk or in care. This includes:</p> <ul style="list-style-type: none"> • Almost \$20 million over four years to increase the number of foster carers, reuniting children in care with family and expanding the Positive Parenting Program. • \$31 million over four years to cover the growth in children in care. <p>A range of initiatives are now in place including implementation of the DECD Personal Performance Program Policy across all areas of Families SA.</p>
22.15	“That the evidence of Anthony Kemp, as a whole, be considered and included as a part of the redesign process referred to by Mr Harrison in his evidence.”	Completed	<p>The Redesign Team has considered Mr Kemp’s evidence Key points considered to dates:</p> <p>Families SA Offices structure an inefficient use of resources</p> <ul style="list-style-type: none"> • A Hub structure has been put in place in the metropolitan locations to focus on specialisation according to the case work function. In country locations specialised teams have been established. This specialisation of function allows for more targeted training of casework staff. <p>Inefficient use of resources</p> <ul style="list-style-type: none"> • Late in 2014 the Families SA Redesign team commenced a review of caseload and documented the casework activity recorded on C3MS (the casework data base). This work commenced with Guardianship hubs, followed by a review of Assessment and Support hubs. A review of casework activity is occurring across all hubs and country offices. This is forming the basis of operational performance reviews. <p>Poor assessment skills</p> <ul style="list-style-type: none"> • Implementation of Solution Based Casework (SBC) has been tailored to align with the specialised hubs and teams in country locations. Seven Families SA sites (4 Metro & 3 Country) have been prioritised for support to

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			<p>imbed SBC.</p> <p>Intakes being recorded against a prior intake</p> <ul style="list-style-type: none"> This is being addressed through the review of the operations of the Call Centre. <p>SW student being allocated as the primary worker</p> <ul style="list-style-type: none"> Social Work students are no longer the allocated worker for cases. <p>Lack of clinical supervision</p> <ul style="list-style-type: none"> A draft supervision procedure has been developed. Consultation with staff is currently underway. <p>Closing Cases No Action</p> <ul style="list-style-type: none"> The Linking Families team has been established in the Call Centre. Linking Families aims is to connect children, young people and their families to universal, secondary and targeted services at a time when potential for change is at its greatest – that is, before matters become more serious or entrenched. Referral of notifications to the Linking Families team is coordinated by the Families SA Call Centre staff.
22.16	“That Families SA allocate cases to dedicated workers to ensure continuity of care in the management of children at risk.”	Completed	<p>Continuity of care for children is a standard practice approach across Families SA. When a matter is allocated for investigation and assessment, the case is allocated to a dedicated social worker to ensure that the staff member responsible for undertaking the assessment is cognisant of the wide range of issues impacting on the child and their family across the course of the assessment period. Increased staff numbers via the current recruitment process will assist in ensuring that all areas of the business are appropriately staffed and continuity of care can be offered to children.</p>
22.17	“That Families SA train social workers in the art of proper note taking, with emphasis on the need to	Completed	<p>A direction was sent to all Families SA staff on 17 April 2015 from the Chief Executive. (PDF 314KB)</p>

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	be factually accurate, and make a clear distinction between the facts of an event and the worker's opinions and judgements about the event and particular individuals."		<p>A rolling training program commenced in June 2015. This is also included in all induction training for new staff.</p> <p>Delivery of online training is currently being explored with a view to implementing during 2016.</p> <p>A tailored training session for managers was held on 10 November.</p>
22.18	"That Families SA does not close files on their computer system when they are still in fact involved with the management of a file."	Completed	<p>Communique to staff sent on 20 July 2015 which also includes reference to Recommendation 22.20.</p> <p>When Families SA is working with the family the case is not closed. All children under the Guardianship of the Minister have an open file until the order is discharged.</p> <p>Chloe Valentine Coronial Inquest update. (PDF 228KB)</p>
22.19	"That when Families SA becomes aware of the involvement of another agency with a client, an accurate summary document is provided to the agency setting out relevant information about the client to ensure the agency is properly equipped to assist in ensuring the safety of any children under that client's care."	Completed	<p>The SA Government Information Sharing Guidelines for Promoting Safety and Wellbeing (ISG) have been updated. A DECD Appendix to the SA Government ISG explains how it is now being applied in the DECD context.</p> <p>See http://www.ombudsman.sa.gov.au/isg/</p> <p>Widespread communication (including CE communique) and training on the ISG continue to be provided across DECD.</p> <p>Families SA has developed new templates for a more coordinated referral and information sharing process between Families SA and other agencies to assist them in providing an effective and relevant services to families.</p>

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			The new Interagency Code of Practice was released in July 2016 and contains a number of key changes. The new Code is available here: https://www.decd.sa.gov.au/sites/g/files/net691/f/interagency_code_of_practice_0.pdf?v=1471228236
22.20	“That domestic violence counselling be implemented in all circumstances where Families SA identifies it as a risk factor for a client and that a failure to participate in domestic violence counselling be recorded for adverse consideration when assessing the onward progress of the care of a child.”	Completed	Communique to provide instructions to staff was sent on 20 July 2015. This communique also includes reference to Recommendation 22.18. Chloe Valentine Coronial Inquest update. (PDF 228KB)
22.21	“That a measure be introduced which provides for registration of social workers.”	In Progress	Currently exploring a range of options including seeking advice from the Minister for Health regarding possible registration through the National Registration and Accreditation Scheme (NRAS) This issue has been referred to the Australian Health Ministers’ Advisory Council for further work and advice back to Ministers at a future meeting.
22.22	That there be a mandatory restriction on student social workers and qualified social workers with less than 12 months experience having client contact without direct supervision by a senior social worker.	Completed	The initial phase of child protection assessments are now only undertaken by qualified social workers. A Social Work Student Field Education Handbook has been distributed to all Hubs and Offices detailing the role of the Student Social Worker and the particular tasks that can and cannot be undertaken by students on placements. In addition, a six week induction program has commenced for all new social work staff. Senior Practitioners, Supervisors and Managers have been provided with training and written information to ensure that they have a comprehensive understanding of the learning needs of new

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			staff, and the importance of directly supervising staff, in accordance with the Families SA Supervision Procedure.

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