



Government
of South Australia

FOURTH ANNUAL PROGRESS REPORT

in response to the

Children in State Care Commission of Inquiry Report

Allegations of Sexual Abuse and Death from Criminal Conduct

Tabled by the Minister for Education and Child Development
pursuant to section 11A of the *Commission of Inquiry (Children in
State Care and Children on APY Lands) Act 2004*

November 2012

**HOUSE OF ASSEMBLY
LAID ON THE TABLE**

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List of acronyms

ANCOR	Australian National Child Offender Register
APY Lands	Anangu Pitjantjatjara Yankunytjatjara Lands
CAMHS	Child and Adolescent Mental Health Services
CRC	Community Residential Care
C3MS	Connected Client Case Management System
DCSI	Department for Communities and Social Inclusion
DECD	Department for Education and Child Development
DFC	(former) Department for Families and Communities
DPTI	Department of Planning, Transport and Infrastructure
EDRMS	Electronic Documents and Records Management System
GCYP	Guardian for Children and Young People
HCSCC	Health and Community Services Complaints Commissioner
PIMS	Police Incident Management System
MPIS	Missing Persons Investigation Section
SAPOL	South Australia Police
CCIU	Care Concerns Investigations Unit (formerly Special Investigations Unit of DFC (SIU))
SMART Program	Strategies for Managing Abuse Related Trauma Program
VOAN	Volunteer Organisation Authorisation Number

Part 1 - Introduction

Part 1 - Introduction

The Children in State Care Commission of Inquiry (the “Mullighan Inquiry”) was established in November 2004 to investigate allegations of sexual abuse and death from criminal misconduct of children in State care.¹ The Hon Ted Mullighan, QC, former justice of the Supreme Court, was appointed as Commissioner.

Commissioner Mullighan submitted his final report to the Governor of South Australia on 31 March 2008. The report made 54 wide-reaching recommendations to further strengthen South Australia’s child protection system and to promote the safety and well-being of South Australia’s children and young people, both within the care and protection system and in the community.

The majority of these recommendations were either wholly or partially accepted by the Government of South Australia. Since receipt of the Mullighan Inquiry’s report and recommendations in 2008, the Government has implemented its response to 43 of the Inquiry’s 54 recommendations. The actions taken to give effect to the Government’s response are documented in this report and the Government’s previous reports to Parliament.²

The Government is committed to ensuring the best possible outcomes for children and young people in care, and for all children and young people across the State. This commitment is central to the Government’s continued response to the recommendations of the Mullighan Inquiry and to the Government’s strategic priority of *Every chance for every child*³.

The *Every chance for every child* priority seeks to contribute to a stronger, child friendly state, and to generate lasting opportunities for every South Australian child. This priority is guiding policy and decision-making across government to improve outcomes and life-chances for all South Australian children and young people. It promotes a partnership approach to service delivery and seeks to ensure that children and families are supported through early intervention services as the need for assistance arises.

In October 2011, the Machinery of Government changes established the Department for Education and Child Development (DECD). This new Department, which incorporates Education, Families SA and components of

¹ The *Commission of Inquiry (Children in State Care) Act 2004*. This Act was subsequently amended to include a separate inquiry into children on APY Lands and was renamed the *Commission of Inquiry (Children in State Care and Children on APY Lands) Act 2004*.

² Past reports are available from www.sa.gov.au/mullighaninquiry

³ See www.priorities.sa.gov.au/content/every-chance-every-child for more information.

the Women's and Children's Health Network, has lead responsibility for implementing the Government's response to many recommendations of the Mullighan Inquiry. DECD is also leading initiatives to progress the *Every chance for every child* strategic priority, including the development of new child development legislation for South Australia.

This is the Government's fourth annual report to Parliament. It summarises the progress the Government has made towards implementing its response and sets out priorities relating to the continued implementation of the recommendations of the Mullighan Inquiry.

Part 2 – Background

2.1 The Children in State Care Commission of Inquiry (the “Mullighan Inquiry”)

In 2004, as part of its program to reform South Australia’s child protection services and systems⁴, the Government introduced legislation to establish a Commission of Inquiry into Children in State Care.

The purpose of the Commission of Inquiry was to:⁵

- to examine allegations of:
 - sexual abuse of a person who, at the time that the alleged abuse occurred, was a child in State careor
 - criminal conduct which resulted in the death of a person who, at the time that the alleged conduct occurred, was a child in State care, (whether or not any such allegation was previously made or reported), and
- to report on whether there was a failure on the part of the State to deal appropriately or adequately with matters that gave rise to the allegations, and
- to determine and report on whether appropriate and adequate records were kept in relation to allegations and, if relevant, on whether any records relating to such allegations have been destroyed or otherwise disposed of, and
- to report on any measures that should be implemented to provide assistance and support for the victims of sexual abuse (to the extent that these matters are not being addressed through existing programs or initiatives).

The legislation received bipartisan support and the Parliament of South Australia enacted the *Commission of Inquiry (Children in State Care) Act 2004*⁶ in November 2004.

The establishment of the Mullighan Inquiry was well advertised across the State and a number of public meetings and outreach programs were

⁴ Government of South Australia (2004) *Keeping Them Safe: The South Australian Government’s Child Protection Reform Program*.

⁵ *Commission of Inquiry (Children in State Care and Children on APY Lands) Act 2004* Schedule 1.

⁶ Later amended to incorporate a separate inquiry into Children on APY Lands and renamed the *Commission of Inquiry (Children in State Care and Children on APY Lands) Act 2004*.

conducted by the Inquiry to raise awareness for groups that could be disadvantaged in gaining access, or coming forward, to the Inquiry.⁷ During the course of the Inquiry, evidence was taken from 792 people. The Inquiry found that 242 people were in State care at the time of the alleged abuse.⁸

The final report of the Mullighan Inquiry made 54 recommendations. The report and recommendations may be downloaded from www.sa.gov.au/mullighaninquiry or are currently available free of charge from the Department for Education and Child Development.⁹

2.2 The South Australian Government's response

The Government tabled its initial response to each of the 54 recommendations of the Commission of Inquiry on 17 June 2008. At this time, the Government announced that it had accepted the majority of the Mullighan Inquiry's recommendations and set out the steps that it would take to implement its response. The Government subsequently tabled a six month "implementation statement" in Parliament in September 2008.

Since November 2009 the Government has tabled an annual progress report in Parliament in each year. Copies of these reports are available from www.sa.gov.au/mullighaninquiry.

2.3 Reporting obligations

Under the *Commission of Inquiry (Children in State Care and Children on APY Lands) Act 2004*, the Government is required to report to Parliament on its progress towards implementing its response to the recommendations of the Mullighan Inquiry every year for five years.¹⁰

The reports must state:

- the recommendations of the Commissioner that have been wholly or partly carried out in the relevant year and the manner in which they have been carried out, and
- if, during the relevant year, a decision has been made not to carry out a recommendation of the Commissioner that was to be carried out, the reasons for not carrying it out, and

⁷ Children in State Care Commission of Inquiry, March 2008, *Allegations of Sexual Abuse and Death from Criminal Misconduct*, Government Publishing SA, Adelaide, page XII.

⁸ Ibid, page XI.

⁹ To obtain a copy of the report of the Children in State Care Commission of Inquiry free of charge email DECDFamiliesRecordsManagementTeam@sa.gov.au (subject to availability of reports).

¹⁰ Section 11A (c).

- if, during the relevant year, a decision has been made to carry out a recommendation of the Commissioner that was not to be carried out, the reasons for the decision and the manner in which the recommendation will be carried out.¹¹

This is the Government's fourth annual progress report to Parliament.

Important note

In October 2011, the names and responsibilities of several South Australian Government departments changed. This report refers to the Government departments that are currently responsible for the ongoing implementation of the Government's response to the Mullighan Inquiry.

2.4 Monitoring

To ensure a strong, collaborative and ongoing inter-agency response to the findings of the Mullighan Inquiry, the Government established a multi-agency working group in April 2008, comprising senior officers from key Government departments. The working group is responsible for continued oversight of the implementation of the Government's response to this important inquiry.

¹¹ Ibid.

Part 3 – Progress Report

Government Response Complete

Part 3 – Progress Report

3.1 Implementation of Government response completed by November 2011

In its annual report of November 2011, the South Australian Government reported that it had completed implementation of its response to 40 recommendations of the Mullighan Inquiry. These responses are summarised below.

Detailed information about the Government's response to these recommendations is available in its previous reports to Parliament.¹²

Recommendation 1

The SMART (Strategies for Managing Abuse Related Trauma) program should be ongoing, with the development of updated, refresher professional development seminars and collaborative practice forums.

Implementation of Government response complete

The Government supported this recommendation.

A new contract for services between the Minister for Education and Child Development and the Australian Childhood Foundation was signed in February 2012 for continued delivery of a state-wide SMART program.

The 2012 SMART program has focussed on building the capacity of regional support staff and school-based counsellors to support schools with trauma-informed planning and practice and in their work with young people in care.

¹² Previous responses are available from www.sa.gov.au/mullighaninquiry or from the Department for Education and Child Development.

Part 3 – Progress Report

Government Response Complete

Recommendation 2

That the self-protective training being taught by Second Story be reviewed to ensure that it covers the *Keeping safe: child protection curriculum* developed for teaching all children in schools and is adapted to target the specific needs and circumstances of:

- children and young people in care generally
- Aboriginal children and young people in care
- and children and young people in care with disabilities

That such self protective training is then delivered to children and young people in State care at their residential or secure care facility.

Implementation of Government response complete

The review of the self protective training program being taught to children and young people in Community Residential Care by The Second Story was completed and its recommendations implemented.

The self protective training program is now an established part of The Second Story's ongoing service delivery. The delivery of the program is subject to ongoing review to ensure that it continues to meet the needs of the children and young people in Community Residential Care.

Recommendation 4

That the *Children's Protection Act 1993* be amended to require organisations to lodge a copy of their policies and procedures established pursuant to section 8C(1) with the chief executive and that the chief executive be required to keep a register of those policies and procedures.

Summary of Government response complete

The Government supported the broad objective of this recommendation – that the range of organisations in the community which work with children or regularly interact with children should be monitored on their progress in implementing “child safe environments”.

Part 3 – Progress Report

Government Response Complete

The *Children's Protection (Implementation of Report Recommendations) Amendment Act 2009* was passed in 2009 and included provisions to:

- require organisations to lodge a statement of their policies and procedures established pursuant to section 8C with the Department for Education and Child Development (DECD), and
- enable the Chief Executive, DECD, to seek further information from organisations about their compliance with the requirements of section 8C.

These provisions commenced on 1 January 2011.

DECD (Families SA) developed a range of information resources and templates to assist organisations to meet their requirements, including sample policies, codes of conduct and other templates. A child safe environment lodgement form was also developed as a simple and helpful way for organisations to meet their requirement to lodge a statement with DECD. These resources are available for organisations to download from the Families SA child safe environments website (www.families.sa.gov.au/childsafe).

The new laws were widely communicated to affected organisations. Families SA continues to maintain a dedicated telephone helpline, mailbox and website and holds information sessions about the new laws as required. During 2011 – 2012, Families SA held six information sessions for impacted organisations and sectors to provide information about their obligations to develop policies and procedures to establish and maintain child safe environments.

A number of Government departments have also taken a lead role in supporting affected organisations to understand and meet their obligations. For example, since July 2011 the Office for Recreation and Sport has distributed over 19,000 copies of the booklet "Keeping Children Safe in Recreation and Sport" to clubs across the State. In addition, the Office delivered 17 education sessions to 362 individuals from organisations to support their roles as child safe officers during 2011-2012.

As of August 2012, statements about child safe policies and procedures have been lodged with the Department for Education and Child Development on behalf of over 8,800 organisations. Of this total, 1,381 of these statements were received from individual organisations and 122 from representative bodies (representing 7,515 organisations).

Part 3 – Progress Report Government Response Complete

Recommendation 5

That Families SA, as part of the screening process of employees, carers and volunteers, obtains information as to whether or not that person is on the Australian National Child Offender Register (ANCOR).

Implementation of Government response complete

Under national arrangements, the names of people recorded on the ANCOR register are not publicly released. However, information from national police databases about any criminal offences that would cause a person to be entered on the ANCOR register is provided in a person's criminal history report. This information is taken into account as part of the screening process for Families SA employees, carers and volunteers.

To ensure that the most comprehensive information possible is released as part of a criminal history check, Australian jurisdictions agreed that where a Paedophile Restraining Order is issued as a result of a court outcome, that information will be recorded on the national data base and will be reported on National Police Clearance Certificates. This only relates to jurisdictions where a Paedophile Restraining Order is an outcome of the court process. The South Australian Government also amended the *Children's Protection Act 1993* to enable South Australia to participate in the Council of Australian Government's Inter-Jurisdictional Exchange of Criminal History Information.

Part 3 – Progress Report

Government Response Complete

Recommendation 7

That the Charter of Rights for Children and Young People in Care be the subject of legislation in South Australia.

Implementation of Government response complete

The *Children's Protection (Implementation of Report Recommendations) Amendment Act 2009* was passed by Parliament in 2009 and included the following provisions:

- the Guardian must develop a draft Charter of Rights for Children and Young People in Care
- the Guardian must review the Charter at least once every five years
- in developing or reviewing the Charter, the Guardian must consult with interested persons and stakeholders, and
- upon receipt of the Charter or variation of the Charter, the Minister must cause a copy to be laid before both houses of Parliament.

These provisions commenced on 31 December 2009.

The former Minister for Families and Communities tabled the Charter of Rights for Children and Young People in Care in Parliament on 16 September 2010.

The Charter of Rights for Children and Young People in Care has now been endorsed by 49 agencies and there are 150 Charter champions in those agencies whose role is to promote children's rights and ensure agency knowledge and use of the Charter. In addition, a further five agencies have applied to endorse the Charter and are currently in the endorsement process.

Part 3 – Progress Report

Government Response Complete

Recommendation 8

That the *Children’s Protection Act 1993* be amended to provide for a Youth Advisory Committee, established and appointed by the Guardian for Children and Young People. The committee would consist of children and young people currently or formerly under the guardianship or in the custody of the Minister. Membership should include an Aboriginal person/s and a person/s with a disability.

Implementation of Government response complete

The *Children’s Protection (Implementation of Report Recommendations) Amendment Act 2009* was passed by Parliament in 2009 and included provisions to establish a Youth Advisory Committee.

These provisions commenced on 31 December 2009.

In May 2010, the Office of the Guardian for Children and Young People developed terms of reference for the operation of the Youth Advisory Committee. The terms of reference were ratified at the first meeting of the Youth Advisory Committee, in October 2010.

Recommendation 9

That a Minister's Youth Council be established to directly advise the Minister for Families and Communities. Council members must be children or young people aged 12–25 years currently or previously under the guardianship or in the custody of the Minister. The membership must include an Aboriginal child or young person; a child or young person/s with a disability; and a youth adviser to the Guardian for Children and Young People.

Implementation of Government response complete

The *Children’s Protection (Implementation of Report Recommendations) Amendment Act 2009* was passed by Parliament in 2009 and included a provision to require that the Minister responsible

Part 3 – Progress Report

Government Response Complete

for the administration of the *Children's Protection Act 1993* (currently the Minister for Education and Child Development) consult at least twice yearly with groups representing or comprised of children and young people in care. This requirement commenced on 31 December 2009.

In September 2012 the Minister for Education and Child Development met with eleven young people currently or previously in care and representatives from CREATE foundation and the Office for the Guardian for Children and Young People to discuss issues and needs for young people in care. This group included representatives residing in family based care and non family based care and young people who had recently transitioned to independent living. Young people had the opportunity to share their ideas through one to one conversations with the Minister.

As an integral part of implementing this recommendation, the Residential Care Directorate of Families SA, supported by the Office for Youth, has established a Residential Care Youth Advisory Committee (YAC). The YAC has a representative from each Residential Care Unit and includes Aboriginal young people. In conjunction with the Youth Affairs Council of South Australia (YACSA) and Second Story Youth Health Service, YAC members have received Youth Participation Training.

The Minister for Education and Child Development will continue to hold informal meetings with young people currently or previously in care, the CREATE Foundation, and the Office for the Guardian for Children and Young People to discuss needs, opportunities and current initiatives to support children and young people in care.

Part 3 – Progress Report Government Response Complete

Recommendation 10

That resources be allocated to ensure that the participation of children and young people on the Youth Advisory Committee appointed by the Guardian of Children and Young People (see recommendation 8) and on the Minister’s Youth Council (see recommendation 9) is not limited by financial barriers.

Implementation of Government response complete

Additional ongoing funding was allocated to the Office of the Guardian for Children and Young People as part of the Government’s response. The increased resources are sufficient to support this recommendation.

Recommendation 11

That there be a special position created in the Office of the Guardian for Children and Young People to assist the GCYP in addressing section 52C(2)(b) of the *Children’s Protection Act 1993* and ensuring that both individual and systemic advocacy is provided for children with disabilities in care.

Implementation of Government response complete

Additional funding was allocated to the Office of the Guardian for Children and Young People to establish an ongoing position specialising in advocacy for children with disabilities in care. The position commenced on 3 November 2008.

Part 3 – Progress Report

Government Response Complete

Recommendation 12

That an extensive media campaign be implemented to educate the community about child sexual abuse – its prevalence, existing misconceptions, perpetrators’ tactics, services for victims, and treatment of offenders – and highlight that child protection is a community responsibility.

Implementation of Government response complete

The former Minister for Families and Communities wrote to the Australian Minister for Families, Housing, Community Services and Indigenous Affairs and raised this recommendation for consideration as part of the ongoing strategies being developed under the National Framework for Protecting Australia’s Children. Any further action will be most appropriately addressed at a national level under the Framework.

The South Australian Government continues to strongly support the National Framework for the Protection of Australia’s Children (National Framework). South Australian Government agencies are implementing a number of targeted initiatives that are consistent with the goals of the Framework. These initiatives include strategies to educate children and the broader community about child sexual abuse and highlight that child protection is a community responsibility. The Government’s response to recommendations 1, 2, 3 and 4 are directly contributing to these goals.

The *“Protecting children and young people with disability: A Booklet for Parents and Carers”* and *“Guide to Protecting children and Young People with disability and preventing sexual abuse: For parents and carers”* booklets also address issues relating to child sexual abuse. These booklets provide information on why children with disability are more vulnerable to abuse and neglect, what children, parents and carers can do to lessen the likelihood of abuse and which services can help if a parent or carer suspects a child has been harmed. These booklets have been widely distributed across the State (refer to recommendation 18 for more information).

Part 3 – Progress Report

Government Response Complete

Recommendation 15

That the training of social workers by Families SA in regard to child sexual abuse be reviewed to include:

- What constitutes child sexual abuse
- That it is a crime and a breach of human rights
- Its prevalence in family and other contexts
- Statistics on different perpetrator groups
- The tactics that perpetrators use to secure silence
- The abuse of power inherent in child sexual abuse
- That perpetrators are solely responsible for the abuse
- That children, by definition, are incapable of giving informed consent to sexual abuse
- That children should be able to tell trusted adults about any abuse to which they are subjected
- What others can do if they suspect that a child is at risk (for example, reporting to police or Families SA)
- That child sexual abuse is a community issue requiring vigilance and appropriate responses
- How to respond to a disclosure
- Understanding the dynamics involved in disclosure (for example, a child disclosing has usually identified some quality in the confidant that they can trust – people who have been abused are often very attuned to ‘reading’ people’s likely responses)
- Understanding needs beyond mandatory reporting protocols and requirements (that is, the needs of the person or child who has been subjected to child sexual abuse)
- Listening to children and young people
- Empowering children and young people
- Caring for a child or young person who has been sexually abused

Part 3 – Progress Report

Government Response Complete

Recommendation 15 (cont)

- **The role of the Guardian for Children and Young People generally and specifically as an advocate for a child in care who has been sexually abused**
- **The role of the Health and Community Services Complaints Commissioner as an independent investigator**

Input in regard to the content of the program and its delivery should be received from current and former children and young people in care and professionals working in the area of child sexual abuse.

The training program should be mandatory for all social workers.

Implementation of Government response complete

The review of learning programs offered by the Department for Communities and Social Inclusion's College for Learning and Development to Families SA staff was completed in February 2009.

The topics recommended by the Commission of Inquiry relating to child sexual abuse were a focus of this review and have been interwoven into existing learning programs delivered by the College for Learning and Development to Families SA staff.

Recommendation 19

That there be a special position created in the Office of the Guardian for Children and Young People to assist in carrying out the guardian's functions pursuant to section 52C of the *Children's Protection Act 1993* in relation to Aboriginal children and young people under the guardianship or in the custody of the Minister.

Implementation of Government response complete

Additional funding was allocated to the Office of the Guardian for Children and Young People to establish an ongoing position specialising

Part 3 – Progress Report

Government Response Complete

in advocacy for Aboriginal and Torres Strait Islander children and young people in care. The position commenced on 3 November 2008.

Recommendation 20

That the practice guidelines of the Special Investigations Unit (SIU) be amended to include specific guidelines concerning notifications and investigations of alleged sexual abuse of children and young people in care.

In regard to notifications, it is recommended that the guidelines include requirements for mandatory notification of sexual abuse allegations by SIU to South Australia Police and the Guardian for Children and Young People immediately or within 24 hours, depending on the urgency of the circumstances.

In regard to SIU investigations, it is recommended that the guidelines include requirements for:

- **a strategy discussion between SIU and SA Police before the start of any SIU investigation, with the GCYP given prior notification of the discussion and invited to attend**
- **a written record signed by SIU and SA Police of the strategy discussion, outlining any actions to be taken by each, with a copy provided to the GCYP within 24 hours**
- **SIU to only take action in accordance with what was agreed in writing at the strategy discussion**
- **SIU to take no action that would prejudice a police investigation or potential prosecution. In particular, the SIU must not speak to the child, alleged perpetrator, potential witnesses or other potential complainants without seeking, and then gaining, approval in writing from SA Police**
- **the GCYP to be kept informed by SIU and SA Police of the progress and outcome of the investigation. Both SIU and SA Police to provide the GCYP with information concerning the investigation on request and to respond within 24 hours to any request by the GCYP for information regarding the investigation.**

Part 3 – Progress Report Government Response Complete

Implementation of Government response complete

The Practice Guidelines of the Department for Education and Child Development's Care Concerns Investigations Unit¹³ (CCIU) were amended to ensure that the Guardian for Children and Young People is notified in situations where a child in care makes an allegation of sexual abuse. A referral mechanism was also established for this to occur.

The new working practices implemented in response to this recommendation have been included in the *"Interagency Code of Practice: Investigation of Suspected Child Abuse and Neglect"*.

An awareness raising campaign was conducted to alert staff within the Department for Education and Child Development (Families SA) and South Australia Police of the new working practices and their rationale.

Recommendation 21

That there be a review of therapeutic services to children and young people provided by the Child Protection Services, Child and Adolescent Mental Health Services (CAMHS) and Yarrow Place Rape and Sexual Assault Service.

The review should include the:

- **Services' ability to provide counselling and therapeutic services to children and young people in care**
- **Structures required to increase the number of children and young people to whom counselling and therapeutic services can be provided, in both metropolitan and regional areas**
- **Resources required to achieve an appropriate level of response, that is, the provision of counselling and therapeutic services to at least 60% of children and young people who have been abused. Child protection services and CAMHS should receive a significant allocation of resources to increase their ability to provide such a level of response.**

¹³ Formerly the Department for Families and Communities' Special Investigations Unit (SIU)

Part 3 – Progress Report

Government Response Complete

Implementation of Government response complete

The Government undertook a review of the therapeutic services provided to children and young people by Child Protection Services, Child and Adolescent Mental Health Services (CAMHS) and Yarrow Place Rape and Sexual Assault Service.

During the course of the review, it was identified that improved service delivery was necessary for children and young people in residential care and commercial care. As an immediate response to this finding, the Government commenced initiatives to:

- consult with carers, community members and young people about the service delivery needs of this group, and
- provide additional training in therapeutic responses to relevant staff.

The review of therapeutic services has been completed and the results of the review have been incorporated and embedded into service planning and service responses.

The services reviewed in response to this recommendation provide evidence-based trauma-based models of therapeutic engagement of children and young people as part of ongoing service delivery.

Specific issues canvassed in the review have also informed the Child and Adolescent Mental Health Service's draft Model of Care.

Recommendation 22

That therapeutic support is made available for the relevant carers when a child or young person in care makes a disclosure of sexual abuse.

Implementation of Government response complete

This recommendation was considered as part of the review of therapeutic services being undertaken in response to Recommendation 21.

The services reviewed in response to recommendations 21 and 22 provide support and care to carers, significant others and families

Part 3 – Progress Report Government Response Complete

where they are involved in the care of a child or young person who has made a disclosure of sexual abuse as part of the therapeutic intervention.

The review considered the provision of appropriate support for these carers, significant others and families and the outcomes of the review have been embedded in existing programs.

Recommendation 23

That the *Children's Protection Act 1993* be amended to add a function to the Guardian for Children and Young People, namely to act as an advocate for a child or young person in State care who has made a disclosure of sexual abuse.

That in accordance with section 52B of the Act, the GCYP is provided with sufficient staff and resources to accomplish this function.

Implementation of Government response complete

The *Children's Protection (Implementation of Report Recommendations) Amendment Act 2009* was passed by Parliament in 2009 and included provisions to recognise the role of the Guardian for Children and Young People as an advocate for a child or young person in State care who has made a disclosure of sexual abuse.

These provisions commenced on 31 December 2009.

Recommendation 24

That it be mandatory for the Chief Executive of the Department for Families and Communities or the Commissioner of Police to notify the Guardian for Children and Young People when a child or young person under the Guardianship or in the custody of the Minister makes an allegation of sexual abuse.

Part 3 – Progress Report Government Response Complete

Implementation of Government response complete

The Practice Guidelines of the Care Concerns Investigations Unit (CCIU) were amended to ensure that the Guardian for Children and Young People is notified in situations where a child in care makes an allegation of sexual abuse and a referral mechanism was established for this to occur.

The new working practices implemented in response to this recommendation have been included in the *“Interagency Code of Practice: Investigation of Suspected Child Abuse and Neglect”*.

An awareness raising campaign was conducted to alert staff within the Department for Education and Child Development (Families SA) and South Australia Police of the new working practices and their rationale.

Recommendation 26

That consideration is given to changing the name of the Guardian for Children and Young People to avoid confusion with the role of the Minister as legal Guardian of children and young people placed in State care.

Implementation of Government response complete

The Government, in consultation with the Guardian for Children and Young People, considered this proposal and concluded that the risk of confusion is slight, and that amending the title of the Guardian would cause unnecessary confusion for the children and young people in care who are accessing the Guardian’s services.

Part 3 – Progress Report

Government Response Complete

Recommendation 27

That section 52A of the *Children's Protection Act 1993* is amended to delete section 52A(5)(f), powers of removal of the Guardian for Children and Young People, and replace it with provisions similar to the powers of removal relating to the Health and Community Services Complaints Commissioner and Employee Ombudsman.

Implementation of Government response complete

The *Children's Protection (Implementation of Report Recommendations) Amendment Act 2009* was passed by Parliament in 2009. The Act amended the powers of removal relating to the Guardian for Children and Young People to reflect the powers of removal relating to the Health and Community Services Complaints Commissioner and Employee Ombudsman.

These amendments commenced on 31 December 2009.

Recommendation 28

That the *Children's Protection Act 1993* be amended to expressly refer to the independence of the Guardian of Children and Young People; that the GCYP must represent the interests of children and young people under the guardianship or in the custody of the Minister; and that the Minister cannot control how the GCYP is to exercise the GCYP's statutory functions and powers—subject to section 52C(1)(f).

Implementation of Government response complete

The *Children's Protection (Implementation of Report Recommendations) Amendment Act 2009* was passed by Parliament in 2009. The Act includes provisions that require the Guardian for Children and Young People to act independently, impartially and in the public interest. The Act also expressly states that the Minister responsible for the administration of the *Children's Protection Act*

Part 3 – Progress Report Government Response Complete

1993 (currently the Minister for Education and Child Development) cannot control how the Guardian is to exercise the Guardian's functions or give any direction with respect to the content of any report prepared by the Guardian.

These provisions commenced on 31 December 2009.

Recommendation 29

That the *Children's Protection Act 1993* is amended to allow the Guardian for Children and Young People to prepare a special report to the Minister on any matter arising from the exercise of the GCYP's functions under the Act. The amendment should require the Minister to table the special report in parliament within six sitting days of receipt.

It should be expressly stated in the Act that the Minister may not direct the Guardian to change the contents of the report.

Implementation of Government response complete

The *Children's Protection (Implementation of Report Recommendations) Amendment Act 2009* was passed by Parliament in 2009. The Act provides for the Guardian for Children and Young People to prepare a special report to the Minister on any matter arising from the exercise of the Guardian's functions under the Act.

The Act also expressly states that the Minister may not direct the Guardian to change the contents of the report. The Minister must also table the special report in Parliament within six sitting days of receipt.

These provisions commenced on 31 December 2009.

Part 3 – Progress Report Government Response Complete

Recommendation 30

That the *Children's Protection Act 1993* is amended to provide the Guardian for Children and Young People with powers to obtain information *from any person* in connection with the GCYP's functions under the Act. This power should be coupled with a penalty for failure to comply. It should also be an offence for a person to persuade or attempt to persuade another by threat or intimidation not to provide information.

There should be general provision making it an offence to obstruct the GCYP.

It is recommended that the amendment be modelled on similar provisions to those of section 47(2)–(6) and sections 78–81 of the *Health and Community Services Complaints Act 2004*.

Implementation of Government response complete

The *Children's Protection (Implementation of Report Recommendations) Amendment Act 2009* was passed by Parliament in 2009. The Act provides the Guardian for Children and Young People with powers to obtain information *from any person* in connection with the Guardian's functions under the Act. This power is coupled with a penalty for failure to comply.

The Act also makes it an offence for a person to persuade or attempt to persuade another by threat or intimidation not to provide information or to obstruct the Guardian in the exercise of a power or function under the *Children's Protection Act 1993*.

These provisions commenced on 31 December 2009.

Part 3 – Progress Report Government Response Complete

Recommendation 31

That the *Health and Community Services Complaints Act 2004* be amended to allow all children and young people to make a complaint directly to the Health and Community Services Complaints Commissioner.

Implementation of Government response complete

The *Children’s Protection (Implementation of Report Recommendations) Amendment Act 2009* was passed by Parliament in 2009. The Act amended the *Health and Community Services Complaints Act 2004* to allow all children and young people to make a complaint directly to the Health and Community Services Complaints Commissioner

This amendment commenced on 31 December 2009.

Recommendation 33

That an amendment to the *Health and Community Services Complaints Act 2004* provides that a relevant consideration for extending the two-year limit in the child protection jurisdiction is that the complaint arises from circumstances since the launch of the *Keeping Them Safe* reform agenda in May 2004.

Implementation of Government response complete

The *Children’s Protection (Implementation of Report Recommendations) Amendment Act 2009* was passed by Parliament in 2009. The Act amended the *Health and Community Services Complaints Act 2004* to provide that a relevant consideration for extending the two-year limit is that the complaint relates to a health or community service provided to a child and the complainant first had notice of the circumstances giving rise to the complaint after May 2004.

Part 3 – Progress Report

Government Response Complete

This amendment commenced on 31 December 2009.

Recommendation 34

That the Criminal Justice Ministerial Task Force gives special consideration to the backlog of cases of sexual abuse involving child complainants and developing measures to prioritise the listing of those trials.

Implementation of Government response complete

The *Statutes Amendment (Evidence and Procedure) Act 2008* came into operation on 23 November 2008. The Act establishes procedures to fast track sexual abuse cases involving child complainants.

Practice directions have been issued for the Supreme Court, District Court and Magistrates Court and priority listing for these trials is in place.

Recommendation 35

That the Criminal Justice Ministerial Task Force, or another committee specially established for the purpose, develop appropriate guidelines to ensure that trials involving child complainants of sexual abuse are fast-tracked.

Implementation of Government response complete

The *Statutes Amendment (Evidence and Procedure) Act 2008* came into operation on 23 November 2008. The Act establishes procedures to fast track sexual abuse cases involving child complainants.

Practice directions have been issued for the Supreme Court, District Court and Magistrates Court and priority listing for these trials is in place.

Part 3 – Progress Report Government Response Complete

Recommendation 36

That specialist training is undertaken for police, prosecutors, defence counsel and judiciary in regard to working in the criminal justice system with child victims of sexual abuse who have a disability.

Implementation of Government response complete

The Government engaged a clinical psychologist to facilitate a training program to educate relevant criminal justice personnel about working in the criminal justice system with child victims of sexual abuse who have a disability.

Approximately 200 criminal justice personnel participated in the program. Evaluation reports that were completed by participants demonstrated that the training sessions were successful.

Recommendation 37

That a panel of appropriately qualified people consider and establish a model for restorative justice in regard to complaints of child sexual abuse made by victims.

Implementation of Government response complete

Cabinet considered the report of the Restorative Justice Reference Group in December 2010.

The report highlighted concern about the dangers of using restorative justice processes for sexual offences, with the potential for secondary victimisation due to the power imbalances between the victim and offender. The Reference Group recommended a cautious approach for the handing of sexual offence cases through restorative justice programs.

It was previously reported that the use of restorative justice processes would be considered in conjunction with Community Court Project planning.

Part 3 – Progress Report Government Response Complete

As part of the Mid-Year Budget Review on 15 December 2011, the Government decided not to proceed with the Community Court Project.

Given that the Community Court is no longer proceeding, and in light of the Restorative Justice Reference Group's reservations, restorative justice programs will not be expanded at this time.

Recommendation 38

That the South Australian Government makes a formal acknowledgement and apology to those people who were sexually abused as children in State care.

Implementation of Government response complete

On 17 June 2008, the former Premier delivered an apology on behalf of the current and previous Parliaments of South Australia to those who were abused as children in State care.

Part 3 – Progress Report Government Response Complete

Recommendation 39

That the South Australian Government fund a free specialist service to adult victims of child sexual abuse (while in State care) as was provided by Respond SA.

That the service is provided by an organisation that is independent of government and church affiliation, and has never provided institutional or foster care. That the organisation employs practitioners specially trained in the therapeutic response to adult victims of child sexual abuse.

That the service is provided by an organisation that is independent of government and church affiliation, and has never provided institutional or foster care. That the organisation employs practitioners specially trained in the therapeutic response to adult victims of child sexual abuse.

Implementation of Government response complete

To reflect the full intention of this recommendation, Families SA undertook a tender process in 2012 to identify an appropriate non-government, non-church based organisation to deliver the Post Care Services social work program. The Post Care Services social work program includes the service established in response to this recommendation to link adult victims of child sexual abuse to counselling and related support services. Families SA consulted with care leavers at various stages during the transition process.

Relationships Australia (SA) was the successful tender and is now responsible for delivery of the Post Care Services social work program. The new Relationships Australia (SA) Post Care Service has a central Adelaide location and will use its country outreach offices to support care-leavers in country areas (as required). The new service has retained the same 1800 contact number to ensure service continuity for care leavers. Clients of the Families SA Post Care Service social work program have been offered the opportunity to transition to the new service.

Part 3 – Progress Report

Government Response Complete

This new Relationships Australia (SA) Post Care Service will join with the Find and Connect Service also delivered by Relationships Australia (SA). The Find and Connect Service, which commenced in July 2012, is a Commonwealth Government funded support service to assist care leavers.

Recommendation 40

That a task force be established in South Australia to closely examine the redress schemes established for victims of child sexual abuse in other Australian jurisdictions for victims of child sexual abuse, to receive submissions from individuals and organisations on the issue of redress and to investigate the possibilities of a national approach to the provision of services.

Implementation of Government response complete

A task force was established and reported back to Government. The Government announced that common law claims arising from sexual abuse in State care would be litigated compassionately or victims of such abuse could apply for ex gratia payments pursuant to the *Victims of Crime Act 2001* as an alternative to litigation.

Recommendation 41

That the Paedophile Task Force, the Office of the Director of Public Prosecutions, the Legal Services Commission and the courts be allocated sufficient resources to investigate, prosecute, defend and conduct trials concerning the allegations of child sexual abuse arising from this Inquiry.

Implementation of Government response complete

On 31 March 2008, the Government announced that it would provide a further \$2.24 million to the Director of Public Prosecutions over three years to ensure that there are sufficient resources to provide advice to SAPOL and prosecute alleged perpetrators.

Part 3 – Progress Report

Government Response Complete

Recommendation 44

That a missing persons protocol between the South Australia Police local service areas and the Department for Families and Communities be implemented in all regions where residential care facilities are located (including transitional accommodation houses).

That a contact officer be established in each SA Police local service area where residential care facilities are located (including transitional accommodation houses) to facilitate the development and implementation of the missing persons protocol and to facilitate the flow of information concerning children and young people who frequently abscond and are 'at risk' of sexual exploitation.

Implementation of Government response complete

South Australia Police (SAPOL) has established contact officers in each Local Service Area where residential care facilities are located.

In September 2010, the Chief Executive of the former Department for Families and Communities and the Commissioner of Police agreed to a *"Missing Persons Protocol between DFC (Families SA) and SAPOL"*.

The Protocol facilitates a partnership arrangement between SAPOL and Families SA and guides coordinated and effective responses to children and young people in the custody and under the guardianship of the Minister who go missing.

A Missing Persons Protocol Management Group comprising senior officers from Families SA and SAPOL has been established and meets regularly to monitor the implementation of the Protocol and to ensure ongoing effective communication and information sharing between the two agencies. A local level Guardianship Liaison Group also meets regularly to facilitate joint developmental activities, joint problem-solving and enhanced inter-agency approaches to missing children and young people.

Families SA and SAPOL are working collaboratively to refine the Missing Persons Protocol process. The Missing Person Risk and Urgency Assessment procedure is currently being updated. Once complete, the

Part 3 – Progress Report

Government Response Complete

updated procedure will be trialled for a three month period. It is expected that the updated procedure will assist Families SA and SAPOL to more effectively respond and intervene when children and young people abscond and are at risk.

Recommendation 45

The South Australia Police computer system (PIMS) create separate fields to record if a child is in State care, and if a child is 'at risk' due to frequent absconding, to enable that information to be readily available.

That the SA Police local service areas and Missing Persons Unit maintain specific files about children in State care who are considered to be 'at risk' due to frequent absconding. The files should contain information about each time a child absconds, including where he or she has been located.

Implementation of Government response complete

The South Australian Government supported this recommendation.

South Australia Police (SAPOL) and Families SA committed to work together to enable the Police Incident Management System (PIMS) to record if a missing child was under the guardianship of the Minister.

PIMS has now been updated to identify and flag children and young people who are under the guardianship of the Minister. This functionality commenced on 30 June 2011. This mainframe (PIMS) aspect of the enhancement is now complete.

SAPOL and Families SA continue to work together to promote collaborative approaches to identify and respond to children and young people under the guardianship of the Minister who go missing from placements and are at risk of harm. In November 2011, SAPOL completed enhancements to its web-based South Australia Police Search Program (SAPPS) to support the initiative.

The Missing Persons Protocol Management Group continues to meet on a regular basis to monitor the implementation of the Missing Persons Protocol between SAPOL and the Department for Education

Part 3 – Progress Report

Government Response Complete

and Child Development (Families SA) (see recommendation 44). A focus of this group is to promote collaborative interagency approaches to risk assessment and related joint service responses concerning children and young people who frequently go missing from care.

Recommendation 46

That section 16 of the *Children’s Protection Act 1993* be amended to provide for a more general power to recover children in State care by deleting the requirement of a reasonable belief as to ‘serious danger’ and inserting a lesser standard such as ‘a risk to the well being of the child’.

Implementation of Government response complete

The *Children’s Protection (Implementation of Report Recommendations) Amendment Act 2009* was passed by Parliament in 2009. The Act amends section 16 of the *Children’s Protection Act 1993* to make clear that the power of removal in section 16 is in addition to, and does not derogate from, the powers of authorised police officers to remove children in State care from any place for the purpose enforcing any order of the Youth Court under section 54 (4) of the Act.

This provision commenced on 31 December 2009.

In addition, the *Statutes Amendment (Children’s Protection) Act 2009* was passed by Parliament in 2009 and commenced on 1 August 2010.

The Act empowers the Chief Executive to direct a person by written directive not to harbour or attempt to harbour or arrange for another person to harbour a named child who is the subject of a placement arrangement. The Act also allows for making of a child protection restraining order against an individual (see recommendation 47).

Part 3 – Progress Report

Government Response Complete

Recommendation 47

That the following offences be created:

- (1) Harbours a child in State care contrary to written direction.
- (2) Communicating with a child in State care contrary to written direction.

Implementation of Government response complete

The *Statutes Amendment (Children's Protection) Act 2009* was passed in 2009 and commenced on 1 August 2010.

The Act:

- authorises the Chief Executive to direct a person by written notice not to:
 - harbour or attempt to harbour or arrange for another person to harbour a named child who is the subject of a placement arrangement
 - communicate with a child who is the subject of a placement arrangement.
- creates two other offences:
 - harbouring a child who is the subject of a placement arrangement if the person knows that the child has left or has been removed from the child's place of residence without lawful authority
 - preventing the return of a child to the child's place of residence if the person knows that the child has left or has been removed from that place without lawful authority.
- provides for the making of a child protection restraining order against an individual.

The Department for Education and Child Development (Families SA) developed processes and procedures to support these amendments in consultation with relevant stakeholders.

Part 3 – Progress Report

Government Response Complete

Recommendation 48

That the South Australia Police undertake an operation in relation to Veale Gardens and other known beats to detect sexual crimes against children and young persons in State care, apprehend perpetrators and develop further police intelligence.

Implementation of Government response complete

This is an ongoing policing issue and South Australia Police (SAPOL) will continue to monitor known beats and conduct operations as required.

The provision of an adequate response to sexual offending and the safety of children is a very high priority and SAPOL is committed to providing a meaningful deterrence and response to offending against children regardless of geographic location.

In addition to maintaining a general policing presence in the area of all beats, SAPOL, through the Local Service Areas and Sexual Crime Investigation Branch has an intelligence and operational response structured to provide deterrence as well as operational response to sexual offending involving children. This includes undertaking specific policing initiatives when intelligence indicates that children or young people are frequenting the area of beats. These initiatives focus on criminal activity and, most particularly, sexual crimes against children.

Part 3 – Progress Report Government Response Complete

Recommendation 51

That the South Australian Government provides financial assistance to a family member of any child who dies in State care to enable that family member to be legally represented at a coronial inquest into that child's death.

Implementation of Government response complete

The Government is maintaining the present arrangement where a family member may seek financial assistance in the form of an ex gratia payment for representation at a Coronial inquest.

Recommendation 52

That departmental client sub-files have a 105-year retention period.

Implementation of Government response complete

The State Records Council approved a new disposal schedule for all client files and sub-files relating to children in care in December 2008. The new disposal schedule requires all client files to be retained for 105 years from a client's date of birth. Client files relating to people of Aboriginal and Torres Strait Island descent will be kept permanently.

Families SA is continuing to archive its client files according to its 2008 Records Disposal Schedule.

Following the Machinery of Government changes in 2011, DECD-Families SA and DCSI (Youth Justice) are working collaboratively to finalise a process for the separate management of Youth Justice records. This will include consideration of the continued use of the Families SA Records Disposal Schedule (RDS) for archiving Youth Justice client files.

Part 3 – Progress Report Government Response Complete

Recommendation 54

That the Department for Families and Communities continues with the discovery and consignment listing of any records relating to children in State care held permanently at State Records of South Australia or at other temporary storage providers where the department is the agency responsible.

Implementation of Government response complete

Four records management officer positions have been created and filled within Families SA. These positions have responsibility for ensuring the continued discovery and consignment listing of records relating to children in State care.

Part 3 – Progress Report Government Response Complete

3.2 Implementation of Government response completed during November 2011 – November 2012

Since the tabling of the third annual progress report in November 2011, the Government has implemented its response to a further three recommendations.

These three recommendations, and the actions the Government has taken to implement its response to them, are listed in this section.

Contextual information, including a summary of the Government's initial response in June 2008 and subsequent implementation reports, is also provided below each recommendation.¹⁴

Copies of the Government's past reports to Parliament are available from www.sa.gov.au/mullighaninquiry.

Recommendation 25

That Families SA's new C3MS (Connected Client and Case Management System) include a separate menu for allegations of sexual abuse of a child in State care, which would collate the names of all such children.

That the system include a separate field in relation to each child in State Care, which is dedicated to recording any information about allegations of sexual abuse, including when that information had been forwarded to the Guardian for Children and Young People.

Summary of Government response and progress made July 2008 – November 2011

The South Australia Government supported this recommendation.

Families SA committed to implement this recommendation as part of its implementation of the Connected Client and Case Management System (C3MS).

In 2011, Families SA reported that a separate process to record information about allegations of sexual abuse of children in State care had been implemented within C3MS. This allows Families SA to

¹⁴ Detailed information about the steps the Government has taken in response to these recommendations is available in the Government's past reports to Parliament.

Part 3 – Progress Report

Government Response Complete

record the names of all children in State care who have an allegation of sexual abuse and to record key information about the allegations of abuse, including:

- care concern referrals for alleged sexual abuse of children under the Guardianship of the Minister
- outcomes of an investigation undertaken by the Department for Education and Child Development's Care Concerns Investigations Unit (CCIU)
- actions by Families SA staffing response to substantiated care concerns, and
- when the allegations have been referred to various authorities (including the Guardian for Children and Young People, South Australia Police or SA Health Child Protection Services).

Annual Report of November 2012

The Government has implemented its response to this recommendation.

As previously reported, a separate process to record information about allegations of sexual abuse of children in State care has been implemented within C3MS.

All care concerns concerning children in State care are notified to the Child Abuse Report Line (CARL) and sent via C3MS to the CCIU for assessment. Concerns of a serious nature are investigated by CCIU and a record of the outcome of the investigation is recorded in C3MS.

Families SA has the capability to collate via C3MS the names of all children in State care who have an allegation of sexual abuse.

Part 3 – Progress Report Government Response Complete

Recommendation 32

That the child protection function of the Health and Community Services Complaints Commissioner be promoted by permitting the Commissioner to adopt an additional title as ‘Child Protection Complaints Commissioner’. This should be enacted in the Health and Community Services Complaints Act 2004.

That within a reasonable time after the delivery of the Inquiry’s report to the Governor, there be a public awareness campaign concerning the role of the HCSC Commissioner to receive complaints from people (including current and former children and young people in State Care) about child protection service providers.

Summary of Government response and progress made July 2008 – November 2011

In the first instance, this recommendation was considered as part of the review of the *Health and Community Services Complaints Act 2004*. The independent reviewer reported back to Government in November 2008.

The recommendation that the Health and Community Services Complaints Commissioner (HCSCC) adopt additional title of Child Protection Complaints Commissioner was not supported by the reviewer and was not implemented as part of the *Children’s Protection (Implementation of Report Recommendations) Amendment Act 2009*.

The reviewer supported the suggestion that a public awareness campaign be undertaken to promote the role of the Commissioner and Government-funded complaints services more generally.

The HCSCC undertook a public awareness campaign to promote the Commission’s role and services to a wide variety of audiences. This included reference to its child protection complaints jurisdiction, the HCSCC Charter of Health and Community Services Rights, and the development of the HCSCC Charter Champions Network.

SA Health and the Department for Education and Child Development (Families SA) committed to examine opportunities to strengthen frameworks for dealing with and responding to complaints and increase consumers’ knowledge about complaint resolution services.

Part 3 – Progress Report

Government Response Complete

In 2011, SA Health reported that its Safety Learning System had been fully implemented across SA Health. The Safety Learning System incorporates both incident and the management of feedback (for example, advice, compliment, complaint and suggestion).

DECD (Families SA) began promoting its framework for managing client feedback in 2011. This included the development of information resources (including brochures and posters) and the launch of a dedicated website. Specific resources were also developed for people who identify as Aboriginal or Torres Strait Islander.

Annual Report of November 2012

The Government has implemented its response to this recommendation.

As previously reported, the SA Health Safety Learning System has been fully implemented across SA Health.

The Families SA Client Feedback System is now fully implemented.

During 2011-2012, DECD (Families SA) promoted the Client Feedback System through the distribution of client feedback posters, brochures and forms and via its website. This promotional material includes reference to the HCSCC.

The implementation of the Families SA Client Feedback System has improved accessibility of feedback and complaints mechanisms for Families SA clients and has contributed to an improved response rate for acknowledging and resolving complaints.

Whilst the Families SA Client Feedback System is now operational, the Machinery of Government changes that occurred during 2011 requires that elements of the system be fully transitioned from the Department for Communities and Social Inclusion (DCSI) to DECD-Families SA. Arrangements have been entered into with DCSI to ensure a seamless transition that will not impact on accessibility for Families SA clients.

Families SA has rebranded client feedback posters and brochure / forms to refer to the Department for Education and Child Development. Families SA has also developed a DECD - Families SA Charter of Rights poster. These resources are being printed and will

Part 3 – Progress Report Government Response Complete

then be available from Families SA local offices and from the Families SA website.

Recommendation 42

That the provision of therapeutic and other intensive services for children in State care who abscond as envisaged in Keeping them Safe – in our care, action six: ‘Children with complex care needs’, be implemented and developed as a matter of urgency and be adequately resourced.

That a group of care workers with suitable training and experience for such intensive therapeutic services be established and assigned to work on a one-on-one basis with children in State care who have complex needs and frequently abscond from placements.

That a specialist team be engaged to examine the benefits of establishing a specific therapeutic intervention program in South Australia that identifies, assesses, assists and treats children at high risk, similar to those in place in Victoria and the United Kingdom.

Summary of Government response and progress made July 2008 – November 2011

The South Australian Government supported this recommendation.

The Government committed to create a specialist team to operate a 12 month pilot program for the provision of assertive specialised therapeutic services for children and young people in care with difficult and complex needs.

The pilot program commenced in October 2009. A steering committee comprising senior officers from relevant agencies was established to oversee the implementation of this work.

It was reported that the pilot program was operating at capacity, providing intensive services to 26 young people identified as “high risk”. During 2010 – 2011, the program established two new therapeutic groups and a weekly networking group continued. Initial analysis demonstrated that the pilot program had achieved some positive outcomes for the young people involved.

Part 3 – Progress Report

Government Response Complete

An evaluation of the pilot program was completed in 2011 and the pilot program was extended to enable the outcomes of the evaluation to be further embedded into service delivery.

Annual Report of November 2012

The Government has implemented its response to this recommendation.

The evaluation of the pilot program was completed in 2011. This evaluation reviewed all aspects of the services and the outcomes of the evaluation have been fully integrated into service delivery. Overall, the care team approach adopted as part of this program was found to be beneficial from all perspectives, including key agency management representatives, non-Government service providers, workers, clients and caregivers. Referral processes were reviewed, and joint referral processes and criteria were identified and implemented by Families SA, Yarrow Place and SA Health.

Following evaluation, this program is now embedded as part of the work of the Youth Team at Yarrow Place. As part of an ongoing service response, this program will continue to be reviewed and evaluated by all key parties, namely, Families SA, Yarrow Place, young people and caregivers.

Part 3 – Progress Report Government Response Continuing

3.3 Implementation of Government response continuing

This section provides detailed information about the actions the Government has undertaken since November 2011 towards implementing its response to the remaining nine recommendations of the Mullighan Inquiry. It also identifies areas of further work and key priorities for the next year.

During this reporting period, the Government has made significant progress towards implementing its response to the remaining recommendations and strengthening its response to the safety and protection of children and young people.

Key achievements include:

- The transition of screening bus and taxi drivers by the Department of Planning, Transport and Infrastructure (DPTI) to the Department for Communities and Social Inclusion's (DCSI) "working with children" screening system is now complete.
- A Residential Care directorate has been established in Families SA with lead responsibility for residential care service principles, practice packages and service modelling.
- Families SA, in collaboration with its non-government partners, has made significant progress towards implementing key initiatives under the *Directions for Alternative Care in South Australia 2011-2015*
- Families SA has developed draft Residential Care Service Principles to underpin therapeutic practice across residential care.

The Government is continuing to implement its response to these remaining recommendations and, as required by the *Commission of Inquiry (Children in State Care and Children on APY Lands) Act 2004*, will table a further progress report in Parliament on or before the last sitting day for 2013.

Part 3 – Progress Report Government Response Continuing

Recommendation 3

That the application of section 8B of the *Children’s Protection Act 1993* be broadened to include organisations as defined in section 8C.

That consideration is given to reducing or waiving the fee for an organisation applying for a criminal history report in order to comply with section 8B.

That a criminal history report be defined as a report that includes information as to whether a person is on the Australian National Child Offender Register (ANCOR).

Summary of Government response and progress made July 2008 – November 2011

The *Children’s Protection (Implementation of Report Recommendations) Amendment Act 2009* was passed by Parliament in 2009. The Act included provisions to extend the requirement to conduct criminal history assessments to the organisations defined in section 8C of the *Children’s Protection Act 1993*. Supporting Regulations were also made, which include the establishment of exempting criteria and a phasing-in schedule.

The relevant provisions of the *Children’s Protection (Implementation of Report Recommendations) Amendment Act 2009* and the *Children’s Protection Regulations 2010* commenced on 1 January 2011.

The requirement for organisations to conduct criminal history assessments for personnel working with children is being phased-in over a three year period, which commenced on 1 January 2011 and concludes on 31 December 2013. During this period, different sectors and organisations are being phased-in every six months. Exemptions do apply in some circumstances.

The cost of obtaining criminal history reports for eligible volunteers working with vulnerable groups is continuing to be met through the Volunteer Organisation Authorisation Number (VOAN) Scheme.

The Department for Communities and Social Inclusion’s Screening Unit is available to conduct criminal history assessments on behalf of organisations providing services to children and young people across

Part 3 – Progress Report

Government Response Continuing

South Australia (A fee applies for this service). To ensure that this service remains accessible, applications for assessments can now be lodged at Australia Post outlets with bill-paying facilities. This includes the majority of metropolitan and regional centre outlets.

During 2011, Families SA continued to maintain a dedicated mail-box, telephone helpline and website to provide guidance for organisations about conducting criminal history assessments and establishing child safe environments. Information sessions were also held for impacted organisations and sectors as required.

Annual Report of November 2012

As previously reported, the requirement to conduct criminal history assessments is being phased-in over three years. Child care centres, residential care providers, welfare organisations, private hospitals, day procedure centres, ambulance services, general practitioner services, dental services, all other health services and employees in sporting, recreational and volunteer services have now been phased-in.

People volunteering in organisations providing sport or recreational, religious or spiritual or educational services (other than schools) are being phased-in over the next 18 months.

During 2012, Families SA continued to maintain a dedicated mail-box, telephone helpline and website to provide guidance for organisations about conducting criminal history assessments and establishing child safe environments. Six information sessions were also held for impacted organisations and sectors to provide information about their obligations to develop policies and procedures to establish and maintain child safe environments, including their obligation to conduct criminal history assessments for people working or volunteering in prescribed positions.

Families SA is currently updating its suite of resources relating to child safe environments. Families SA is also working with the College for Learning and Development (Department for Communities and Social Inclusion) to update the *Guidelines for Mandated Notifiers* booklet to also include information for organisations about child safe environments. Once complete, these resources will provide organisations with comprehensive information about their obligations to ensure safe environments for children (including conducting criminal

Part 3 – Progress Report Government Response Continuing

history assessments for people working with children). These resources will be completed and available by the end of 2012.

Recommendation 6

That Families SA extend its screening processes to cover known regular service providers to children and young people in care with disabilities, such as regular bus and taxi drivers

Summary of Government response and progress made July 2008 – November 2011

The South Australian Government supported this recommendation in principle.

The Government committed to transition the screening of bus and taxi drivers to the Department for Communities and Social Inclusion's (DCSI) "working with children" screening system.

The transitioning of screening bus and taxi drivers to the "working with children" screening system commenced on 1 July 2011. To support the transition, the Department of Planning, Transport and Infrastructure revised the maximum accreditation period for bus and taxi drivers from five to three years and amended its licence and accreditation data base (TRUMPS) to accommodate the new timelines.

To encourage portability of checks, the driver accreditation card (which is issued to all accredited drivers) was also amended to clearly state that a "working with children" clearance has been obtained.

It was expected that the transitioning of all bus and taxi drivers to the "working with children" screening system would be finalised by the end of 2011.

The Government also committed to amend the list of disqualifying offences under section 31 of the *Passenger Transport Act 1994* to include assaults against a child or vulnerable adult.

Annual Report of November 2012

The transition of screening bus and taxi drivers by the Department of Planning, Transport and Infrastructure (DPTI) to the Department for Communities and Social Inclusion's (DCSI) "working with children" screening system is now complete. All new applications and renewals

Part 3 – Progress Report

Government Response Continuing

for driver accreditation must now have a Background Screening and Criminal History Check conducted by the DCSI Screening Unit.

The Department for Education and Child Development (DECD) has transitioned its drivers (e.g. school buses) to become accredited through DPTI. DPTI is facilitating this process through amendments to TRUMPS (the licence and accreditation data system) to identify DECD drivers for accreditation purposes.

As part of its response to this recommendation, the Government also committed to amend the *Passenger Transport Act 1994* to introduce a list of disqualifying offences under section 31 of the Act to include assaults against a child or vulnerable adult. It is now intended that the *Passenger Transport Regulations 2009* will be amended to require a Background Screening and Criminal History Check to be conducted by the DCSI Screening Unit as a prerequisite condition to gain and retain driver accreditation. This approach will ensure that passenger transport drivers undergo a comprehensive assessment of their criminal history (including convictions for assaults against children and vulnerable adults and other relevant offences) as part of the accreditation process to address their suitability to work with children and vulnerable adults.

The Government's response has been substantially implemented. It is intended that the *Passenger Transport Regulations 2009* will be amended by June 2013.

Part 3 – Progress Report

Government Response Continuing

Recommendation 14

That the following be formalised in, and implemented as part of, the *Keeping Them Safe* reform agenda:

- Every child and young person in care has an allocated social worker
- Every child and young person in care has regular face-to face contact with their allocated social worker, the minimum being once a month, regardless of the stability or nature of the placement
- The primary guiding principle in determining the workload of each social worker is quality contact between each child and young person in care and their social worker, which includes face-to-face contact at least once a month and the ability to respond within 24 hours if contact is initiated by the child or young person.

As part of implementing the above, it is recommended that:

- Sufficient resources are allocated to recruit and retain qualified social workers
- Emphasis is placed on the professional development and support of social workers including –
 - The reduction of team sizes to a maximum of seven or eight, to increase the capacity for better supervision of social workers and their own professional development
 - Mandatory training in supervision for all social workers employed in supervisory roles

The introduction of a system of registration or accreditation for social workers which requires ongoing professional development and training.

Part 3 – Progress Report Government Response Continuing

Summary of Government response and progress made July 2008 – November 2011

In its initial response of June 2008, the South Australian Government accepted this recommendation, acknowledging that “quality of contact” between workers and children and young people in care should be the primary guiding principle in workload planning and practice, and an integral part of the *Keeping Them Safe* reform agenda.

The Government also acknowledged the importance of regular contact between workers and children and young people in care, and committed that every child and young person in care would have an allocated care worker.

It was recognised that this recommendation requires a multi-faceted and long term approach. Its implementation remains a key focus in Families SA’s ongoing work to ensure that the best level of contact between children and workers is achieved within the resources available to the department. However, it is recognised that the number of children entering and remaining in care and their circumstances and contact needs fluctuate significantly over time. Service delivery must be responsive to these changes.

The Department for Education and Child Development (Families SA)¹⁵ reported on a range of strategies it was implementing to support this recommendation, including:

- Encouraging the practice of conducting a differential needs led assessment of contact for each child early in their placement and reviewing this assessment on an annual basis.
- Developing new Practice Standards for Child Protection and an agreed Practice Framework. It was anticipated that these documents would be completed by the end of 2011 and implemented across Families SA.
- Contributing to the development of *National Out-of-Home Care Standards*. These Standards will help ensure that children across Australia who are unable to live with their immediate family will receive the best possible care and support. During 2011, Families SA commenced an awareness raising process to communicate the new standards to relevant staff both within Families SA and to key

¹⁵ Formerly, the Department for Families and Communities.

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partners from across government and non government agencies in South Australia.

- Ensuring that where there is an urgent need, the Department will respond to contact from a child or young person within 24 hours.
- Recruiting 11 new relative care workers to provide support to relative and kinship care-givers. (These positions were filled in February 2009) and appointing Care and Protection Workers in country areas to assist social workers in recognition of the difficulty in recruiting to remote areas.
- The *Directions for Alternative Care in South Australia – 2011 to 2015* were released on 9 September 2011. The *Directions* aim to drive improvements across alternative care services in order to deliver quality, needs-based services in kinship, relative, foster, and residential care arrangements.
- An additional \$5 million per year for four years was allocated in the 2011-2012 State Budget to strengthen the capacity of Families SA to reunify children with their birth families wherever this is safe and possible to do so.
- Strategies to promote the recruitment and retention of qualified social work staff, and respond to issues related to the composition and optimisation of the workforce, including options for diversification of staff roles to incorporate other disciplines into child welfare and protection work.

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As previously reported, the increase of children entering and remaining in State care is a national issue. Strategies directed at promoting “quality of contact” and ensuring the best levels of contact are achieved between children in State care and their case manager are key priorities for DECD (Families SA).

Contact between a child in State care and their case manager is guided by a practice of differential response. Each child’s case manager works with the child, their family and their carers in order for the child to be supported and their individual care needs to be planned, monitored and met throughout their time in care. An important part of this process is assessing the child’s contact needs with their allocated case manager.

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Government Response Continuing

Where there is an urgent requirement for contact with a child in care, this is undertaken directly by the case manager, or through the case manager coordinating a response with partner agencies (depending on the specific needs of the child at that time).

Key outcomes relating to “quality of contact” achieved over 2011 – 2012 include:

- In August 2012 Families SA published a *Consents and Decisions* resource, which aims to establish a consistent approach to who is able to make day-to-day and long term decisions, or provide consent, concerning children and young people placed in family based care. This initiative promotes timely decision making and supports the child’s engagement in everyday social, educational, recreational and health care activities without having recourse to the case manager for day-to-day care decisions. The major underpinning of this initiative is empowerment of foster, relative and kinship carers to care for children within a care team approach. It also frees up case manager time through enabling carers to make day-to-day care decisions for a child in care themselves where it appropriate for them to do so.
- The alternative care functionality within C3MS commenced in July 2012 and is expected to increase capability to oversee contact, review and assessment processes. This will assist Families SA to more effectively monitor engagement and contact between children in care and their case managers.
- Families SA continues to promote the *National Standards for Out-of- Home Care* to staff.
- Families SA has built reporting functionality into C3MS to accommodate its reporting obligations under the *National Standards for Out-of- Home Care*. Initial measures to monitor implementation will focus on care planning and are scheduled for national reporting in 2013. These measures are:
 - the proportion of children and young people who have a current and approved documented case plan, and
 - the proportion of young people aged 15 years and over who have a current and approved leaving care plan.

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Families SA has made significant progress towards implementing key initiatives under the *Directions for Alternative Care in South Australia 2011-2015*. A Residential Care directorate has been established in Families SA with lead responsibility for the development of residential care services, residential care service principles, practice packages and high needs service modelling.

The Complexity Assessment tool has been implemented within Families SA to provide a structured way to identify the level of complexity of a child's needs as they enter care. This is expected to assist with placement matching and with case planning. This assessment is undertaken by senior practitioners who review all of the available information provided by the child's case manager. It is expected this information will be informed by external assessments including health and educational assessments where appropriate.

The Families SA Kinship Care program has also been strengthened and its staff increased by 15 full time positions (refer to recommendation 16).

Four Families SA offices are involved in trialling the Reunification Initiative, which commenced in 2011. The initiative aims to develop new and different ways of engaging and working with families who have involvement with the child protection system. This initiative aims to decrease the numbers of children entering and remaining in alternative care through working with families to keep them safely together and helping to improve parenting capacity and strengthen support networks. Where children must be separated from their family due to parental incapacity and/or risk of harm, the primary goal is to intervene proactively to return the child safely and quickly home, thus increasing the number of children reunified with their birth families. In seeking to reduce the number of children in care and increase reunification rates, the aim is to also assist case managers to have lower case loads and provide enhanced opportunities to work directly with those children who cannot go home.

An integral part of the Reunification Initiative has been the development of multi disciplinary teams. Seconded workers from the fields of drug and alcohol services and mental health work alongside Families SA child protection practitioners to support reunification and family preservation efforts. A cross government steering committee has also been established to incorporate a whole of government response and includes representation from Health, Housing, Disability,

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Government Response Continuing

Education, and Aboriginal Affairs and Reconciliation. The initiative is also supported through strategic partnerships, including:

- Families SA is working with the Youth Court to trial the use of Judicial Officer led Reunification Review Meetings. It is anticipated that Judicial Officer led meetings will place heightened expectations on service providers and parents to achieve outcomes.
- Families SA has also developed partnerships with Children’s Centres, the Australian Centre for Child Protection and Therapeutic Service Providers in order to meet identified service gaps and includes specialist training for target sites.

Work has continued towards the development of the Families SA Practice Framework. The framework is a conceptual map bringing together our approach to practice with children and their families. Key outcomes over the past year include finalisation of the Practice Framework approach and its core elements. The completion of this work was delayed following the Machinery of Government changes in late 2011. However, it is intended that the framework will be completed by the end of 2012 and implementation commenced across the agency in 2013.

Families SA continues to consider all opportunities and options in its recruitment of quality staff working in child protection. A number of initiatives in 2011-12 have contributed to this element of the strengthening practice agenda, including the engagement of all South Australian universities who offer social work qualifications in considering graduate “fitness for practice”, implementation of improved recruitment and selection criteria for staff, and an increased focus on continuing professional development through workplace learning.

The review of services to Aboriginal and Torres Strait Islander children in the metropolitan area was finalised in April 2012. Recommendations arising from the review will directly influence the agency’s ability to recruit and retain Aboriginal and Torres Strait Islander staff. These recommendations include the appointment of an Aboriginal Employment Consultant to develop and implement an agency-wide strategy to recruit and retain Aboriginal staff; the development of a leadership development and support program and offering increased

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opportunities for frontline Aboriginal staff to engage personal support services and undertake personal and professional development.

During 2012, the Australian Association of Social Workers commenced a national campaign to promote the implementation of registration for social workers across Australia. During 2012 – 2013, Families SA will work in partnership with other states and territories to progress a national position on social work registration.

Recommendation 16

That adequate resources are directed towards:

- Ensuring that no child or young person ever needs to be placed in emergency accommodation such as serviced apartments, bed and breakfast accommodation, hotels and motels
- Placing children and young people according to suitability of placement rather than availability
- The recruitment and retention of foster carers including providing adequate support (such as respite care) and ongoing consultation
- Accommodating a maximum of three children in residential care facilities.

Summary of Government response and progress made July 2008 – November 2011

The South Australian Government accepted this recommendation.

The Government noted that the continuing growth in the numbers of children in alternative care, and the difficulty in maintaining corresponding levels of placements, is a national problem. It reported on a range of strategies that are contributing to addressing this issue and diversifying care models for children and young people in care,¹⁶ including

¹⁶ For further information refer to the Government's previous reports, available from www.sa.gov.au/mullighaninquiry

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Government Response Continuing

- The construction of two residential care facilities to provide an additional 24 places for children in care (now operational).
- The refurbishment of eight houses at the old Tregenza Nursing Home at Elizabeth South to accommodate 24 children aged 0 – 11 years (now operational).
- The construction of houses under the Commonwealth Government’s Nation Building Economic Stimulus Program to provide additional places for children and young people in care.
- The release of the *Directions for Alternative Care in South Australia 2011- 2015* , which aim to drive improvements across alternative care services in order to deliver quality, needs-based services in kinship, relative, foster, and residential care arrangements.
- New initiatives and contractual arrangements with non-government partners to deliver additional places children and young people, including children and young people with disabilities and pregnant young women in care.
- The continued preparation of transition plans to support the expedient exit of all children and young people from Interim Emergency Accommodation.

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The Government continues to progress a range of strategies and service initiatives to ensure that the increasing number of children entering and remaining in State care can be placed in a care environment that meets their individual developmental needs. Underpinning this work is the *Directions for Alternative Care in South Australia 2011-2015* (the *Directions*), which establishes the strategic direction for planning and developing alternative care services in South Australia that respond to the diverse care needs of all children and young people.

Families SA has made significant progress towards implementing key initiatives under the *Directions*. For example:

- Alternative care options have been increased through the creation of an Other Person Guardianship (OPG) team within Families SA. This team undertakes specialist assessments and

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Government Response Continuing

facilitates the transfer of guardianship of a child in State care to the carer where careful assessment shows that it is in the child's best interest to do so (*Direction 2.4*).

- A Residential Care directorate has been established in Families SA with lead responsibility for the development of residential care service, residential care practice packages and principles, and high needs service modelling (*Direction 2.6*).
- Four Families SA Offices are involved in trialling the Reunification Initiative, which commenced in 2011 (*Direction 1.2*). (Refer to recommendation 14 for further information.)
- A Complexity Assessment Tool has been implemented for all children in State care in order to assist with assessment and matching children's needs with placement (*Direction 2.11*).
- A statistician consultant has been seconded from the Australian Bureau of Statistics to assist in the development of population based planning for alternative care (*Direction 2.1*).
- The Relative and Kinship Care program continues to be developed and expanded (*Direction 2.3*).

During 2011 – 2012, the Residential Care Directorate has led initiatives aimed at increasing capacity to provide high quality care for children in a non-family based care setting. These initiatives include:

- Since September 2011 a further 23 of the 69 houses allocated to Families SA under the Nation Building Economic Stimulus Program have been commissioned. A total of 65 of the 69 houses allocated to Families SA have now been commissioned, with many of these now operational. As recommended by the Commission of Inquiry, many of these facilities will accommodate small groups of children.
- Planning has commenced for the construction of two new Community Residential Care Units. As of October 2012, land has been allocated and architects have been engaged to produce an initial design concept. Consultation with relevant local government is planned to commence shortly. The new units will provide an additional 24 residential places for children in care.
- Draft Residential Care Service Principles have been developed in consultation with non-government residential care providers, the Office of the Guardian for Children and Young People, the

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Government Response Continuing

Create Foundation and other relevant professionals. The Service Principles will provide a broad overarching set of commitments that underpin therapeutic practice across residential care.

The 2011-2012 State Budget provided kinship care with additional funding of approximately \$1.5 million to fund the expansion of the program. This funding has facilitated the creation of two new kinship care teams and the recruitment and training of 15 full-time kinship care workers.

As part of the evolution of the program, kinship care workers are involved at all stages of the alternative care process, including before or at the time of a child entering alternative care, identifying potential carers within the kinship network, undertaking basic assessment of carer suitability and supporting kinship carers when the child comes into their care.

The pilot program developed in Gawler, entitled *Right Start*, is nearing completion. The *Right Start* program has played a significant role in the development of procedures and practice guidelines for kinship care workers based in Families SA Offices across the State in relation to the early identification, assessment, support and registration of kinship carers.

Families SA is continuing to work with the non-government sector to expand the placement options available for children and young people. For example, in 2006 there were 14 alternative care services funded by Families SA and contracted to non-government organisations with contracts totalling \$8.4m. Since 2006, there has been a five fold increase in the total value of grants contracts. In 2011-12 the number of organisations contracted to provide alternative care services has grown to 27 with grant funding totalling around \$57m. This is projected to grow to nearly \$60m in 2012-13.

Future service developments and contractual arrangements will be developed in accordance with the 2011-12 State Budget provisions and the *Directions for Alternative Care in South Australia 2011-2015*.

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Government Response Continuing

Recommendation 17

That Families SA and relevant stakeholders develop relevant training programs about child sexual abuse for all carers of children and young people in care (foster, relative/kin and residential carers).

That the programs be developed in consultation with current and former children in care, and professionals working in the area of child sexual abuse.

The particular training programs must address aspects of child sexual abuse, including:

- what constitutes child sexual abuse
- that it is a crime and a breach of human rights
- its prevalence in family and other contexts
- statistics on different perpetrator groups
- the tactics that perpetrators use to secure silence
- the abuse of power inherent in child sexual abuse
- that perpetrators are solely responsible for the abuse
- that children, by definition, are incapable of giving informed consent to sexual abuse
- that children should be able to tell trusted adults about any abuse to which they are subjected
- what others can do if they suspect that a child is at risk (for example, reporting to police or Families SA)
- that child sexual abuse is a community issue requiring vigilance and appropriate responses
- understanding the dynamics involved in disclosure (for example, a child disclosing has usually identified some quality in the confidant they can trust – people who have been abused are often very attuned to “reading” people’s likely responses)

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- understanding sexual abuse of children and young people in care with disabilities and the difficulties with disclosure
- identifying and understanding cultural issues relating to supporting disclosures by Aboriginal children and young people in care
- listening to children and young people
- empowering children and young people
- understanding needs beyond mandatory reporting protocols and requirements (that is, the needs of the person or child who has been subjected to child sexual abuse)
- caring for a child or young person who has been sexually abused, taking into account the need for a therapeutic response and understanding their vulnerabilities
- protective behaviours for carers
- the role of the Guardian for Children and Young People generally and specifically as an advocate for a child in care who has been sexually abused
- the role of the Health and Community Services Complaints Commissioner as an independent investigator

The training program should be mandatory and accredited.

There should be a system of registration/accreditation of carers with registration being contingent on completion of this training, and the completion of updated training programs on this topic every three years.

Summary of Government response and progress made July 2008 – November 2011

The South Australian Government supported this recommendation and recognised the importance of all carers receiving high-quality and compulsory training in aspects of child sexual abuse.

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Government Response Continuing

As an initial step, the former Department for Families and Communities (DFC) instructed all government and non-government service providers to immediately review their training programs to ensure the aspects of child sexual abuse outlined by the Commission of Inquiry were included in these training programs. It also committed to review the training requirements of carers and develop a framework for the recruitment, assessment, approval, training and support of carers.

In its 2011 progress report, Families SA reported that it had developed new competency based assessment and training packages for use across external and internal government providers of foster care in South Australia. The draft packages were adapted from resources developed by the NSW Association of Children's Welfare Agencies (ACWA) to reflect the South Australian alternative care context. Families SA commenced consultations with the alternative care sector on the draft assessment and training packages in April 2011.

The *Step by Step* assessment package and the *Shared Stories Shared Lives* training package will address abuse and trauma, identify different forms of child abuse including sexual abuse, ensure participants understand the impact of abuse and trauma on children (including its impact on brain development) and assist carers to respond appropriately to a child's disclosure of abuse.

Once complete, the requirement to deliver the *Step by Step* assessment package and the *Shared Stories Shared Lives* training package will be incorporated into all service agreements with non-government service providers.

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The *Step by Step* assessment package and the *Shared Stories Shared Lives* training package are close to completion. To date over 100 carer assessment staff have undertaken a two day *Step by Step* familiarisation training session delivered by staff from the NSW Association of Children's Welfare Agencies (ACWA).

During 2012-2013 Families SA will continue to work collaboratively with non government foster care agencies to progress additional resources that support the ongoing implementation of the *Step by Step* assessment package and the *Shared Stories Shared Lives* training package. These resources will include:

- online resources for carers and service providers

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Government Response Continuing

- practice guidance for service providers
- carer review format
- carer fact sheets
- across sector carer training calendar
- additional content for the Carers’ Approval and Registration Manual.

As part of the broader residential care reform, Families SA is developing a Residential Care Practice Package to guide the way staff work with children and young people in residential care houses and units. Many of the topics recommended by the Inquiry have been interwoven into this package. The package will consist of 20 practice guides, operating procedures and other tools to support direct care and include guidance relating to:

- understanding and working with sexualised behaviour
- understanding cyber safety and appropriate use of e-technology
- understanding and responding to abuse and neglect.

Families SA is now undertaking further consultation with Yarrow Place Sexual Assault Service and the Create Foundation to ensure the voices of children and young people are evident throughout the guiding principles, resources and training packages.

This work is informed by the nationally endorsed training package entitled *“Responding to Concerning Sexual Behaviours in Children and Young People”*, developed under the auspice of the *National Framework for Protecting Australia’s Children 2009-2020*. As part of its implementation of the Residential Care Practice Package, Families SA will also deliver this national training package to staff in the Residential Care Directorate

Families SA has also developed draft Residential Care Service Principles in consultation with non-government residential care providers, the Office of the Guardian for Children and Young People, the Create Foundation and other relevant professionals. The Service Principles will provide a broad overarching set of commitments that underpin therapeutic practice across residential care.

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Government Response Continuing

Recommendation 18

That there be mandatory specialist training for all carers and potential carers of children and young people with disabilities in State care, which includes the topics referred to in Recommendation 17 as well as particular issues concerning the prevalence of sexual abuse of children and young people with disabilities; prevention of sexual abuse of children and young people with disabilities; assessing behaviours as indicators of sexual abuse; supporting disclosure and responding to disclosure.

Summary of Government response and progress made July 2008 – November 2011

The South Australian Government supported this recommendation and recognised the importance of all carers receiving high-quality and compulsory training in aspects of child sexual abuse.

As an initial step, the former Department for Families and Communities (DFC) instructed all government and non-government service providers to immediately review their training programs to ensure the aspects of child sexual abuse outlined by the Commission of Inquiry were included in these training programs.

Recruiting and supporting specialised family based carers is a high priority for Families SA in order to ensure that the specific care and support requirements of children and young people with high and complex needs are met. Families SA previously reported that:

- In 2010 a new non-government therapeutic foster care program was funded. The programs, provided by Key Assets, employs staff specifically to recruit, assess, train and support specialised family based carers for children and young people with high and complex needs; and
- Carers must undergo mandatory training (including training about child sexual abuse) as part of the carer registration process.

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Government Response Continuing

Families SA also reported that it had developed draft competency based assessment and training packages for use across external and internal government providers of foster care in South Australia. At the time of reporting in 2011, stakeholder consultation on this package was underway (see recommendation 17 for more information).

Families SA, in partnership with Disability SA, had also commenced the development of a second edition of 'Protecting Children and Young People with Disabilities: a booklet for parents and carers'. The booklet would provide clear, accessible and up-to-date information to parents and carers on the prevention of abuse and neglect of children under 18 years of age living with a disability.

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The *Step by Step* assessment package and the *Shared Stories Shared Lives* training package are expected to be finalised by the end of the year. To date over 100 carer assessment staff have undertaken a two day *Step by Step* familiarisation training session delivered by staff from the NSW Association of Children's Welfare Agencies (ACWA).

During 2012-2013 Families SA will continue to work collaboratively with non government foster care agencies to progress additional resources that support the ongoing implementation of the *Step by Step* assessment package and the *Shared Stories Shared Lives* training package. These resources will include:

- online resources for carers and service providers
- practice guidance for service providers
- carer review format
- carer fact sheets
- across sector carer training calendar
- additional content for the carers' Approval and Registration Manual.

Families SA, in partnership with Disability SA, has updated the booklet *Protecting children and young people with disability: A booklet for parents and carers*. The updated content addresses a number of changes in child protection since the booklet was first published in 2005, including changes made to the *Children's Protection Act 1993*

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Government Response Continuing

and the revision of *Child safe environments: Responding to child abuse and neglect* training practices.

In November 2011, the Ministerial Advisory Committee: Students with Disabilities (MAC:SWD) collaborated with families of children with disability and Families SA to develop a companion document, specifically about protection and prevention of sexual abuse of children with disability entitled, *A guide to protecting children and young people with disability and preventing sexual abuse: For parents and carers*.

These two new companion publications are expected to raise awareness for the safety and wellbeing of children with disability and highlight where parents and carers can go for advice. They also include information on why children with disability are more vulnerable to abuse and neglect, what they can do to make abuse less likely and which services can help if they suspect their child has been harmed.

Copies of both booklets have been widely distributed across South Australia, including to Families SA local offices, Disability Services offices, non-government service providers, other stakeholders including health providers and police and care providers, pre-schools and schools.

Multiple copies have been provided to special schools and sites with special provisions, so that Directors and Principals can distribute copies to all families of children with disability enrolled at these sites. These booklets are supplied free of charge and are also available in PDF format at Families SA, Disability Services and MAC:SWD websites. Families SA will further promote the booklets to foster carers and other relevant stakeholders through a number of communication channels, including carer newsletters and website information.

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Government Response Continuing

Recommendation 49

That the Department for Families and Communities creates a central database of children who die while in State Care as part of its new C3MS.

The database should contain:

- The child's name and date of birth
- When the child was placed in custody or under the guardianship of the Minister; or the details of the voluntary agreement
- The child's last place of care
- The name of the child's last carers
- The date of death
- The cause of death (as initially advised by the department)
- The circumstances of death (as initially advised to the department)
- The source of the initial advice about the cause and circumstances of death
- Confirmation that the death was reported to the State Coroner and when
- If an inquest was not held, the cause of death as found by the Coroner and when that finding was made
- If an inquest was held, the cause of death as found by the Coroner's Court and when that finding was made
- If an inquest was not held because of a criminal prosecution, the name of the investigating police officer and the outcome of the criminal prosecution.

Part 3 – Progress Report Government Response Continuing

Summary of Government response and progress made July 2008 – November 2011

The South Australian Government supported this recommendation.

DECD (Families SA) committed to create a single central database of children who die while in State care, as part of its implementation of the Connected Client and Case Management System (C3MS).

It was reported that C3MS now has the capability to record all the key information available to the Department regarding children who die in care. All Families SA offices have access to C3MS.

Families SA also released the 'Death of a Child or Young Person under the Custody or Guardianship of the Minister: Practice Guide and Procedure'. The practice guide and procedure reinforces the roles and responsibilities of Families SA staff following the death of a child or young person under the custody or guardianship of the Minister or Chief Executive and address:

- The information that must be recorded in C3MS
- Requirements for notifying a reportable death to the Coroner
- Support for Birth and Foster Families.

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C3MS now has the capacity to centrally collate the names and other key information of children who die whilst in State care.

Families SA and the Births, Deaths and Marriages Registration Office have commenced discussions regarding the development of an information sharing protocol. It is anticipated this arrangement will streamline the routine and timely sharing of coronial and other relevant information relating to the deaths of children in State care.

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Government Response Continuing

Recommendation 50

That where a child dies in State care, the Department for Families and Communities maintains a physical file, which contains:

- Information about when the child died and in what circumstances, including reference in the file to where the information has come from
- Information from the State Coroner as to whether an inquest is to be held
- The coroner's finding as to cause of death

A copy of the coroner's reasons in the event that a coronial inquest is held.

Summary of Government response and progress made July 2008 – November 2011

The South Australian Government supported this recommendation.

DECD (Families SA) committed to create a single central database of children who die while in State care, as part of its implementation of the Connected Client and Case Management System (C3MS).

C3MS now has the capability to record all the key information available to the Department regarding children who die in care. All Families SA offices have access to C3MS.

Families SA also released the *Death of a Child or Young Person under the Custody or Guardianship of the Minister: Practice Guide and Procedure* in April 2011. The practice guide and procedure reinforces the roles and responsibilities of Families SA staff following the death of a child or young person under the custody or guardianship of the Minister or Chief Executive and address:

- The information that must be recorded in C3MS
- Requirements for notifying a reportable death to the Coroner
- Support for Birth and Foster Families.

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Families SA and the Births, Deaths and Marriages Registration Office have commenced discussions regarding the development of an information sharing protocol. It is anticipated this arrangement will streamline the routine and timely sharing of coronial and other relevant information relating to the deaths of children in State care. This information will then be recorded on the child's file.

Recommendation 53

That the Department for Families and Communities implement an appropriate electronic document and records management system (EDRMS), including file tracking, to appropriately manage paper and electronic records, including client and administration files. The EDRMS should interface with C3MS.

Summary of Government response and progress made July 2008 – November 2011

The South Australian Government supported this recommendation while recognising that its achievement requires a body of work which is significant and complex. An incremental approach is required.

The Government recognised the wisdom of the Electronic Document and Records Management System (EDRMS) interfacing with the Connected Client and Case Management System (C3MS). Integration with the EDRMS will be necessary, but will be achieved at a later stage in the process.

Families SA reported that C3MS is now being used by staff to record client and case management work. Work was also continuing in relation to the development of Alternative Care functionality in C3MS in order to record placements and carer payments within the system. The system will continue to be enhanced to meet future business needs.

The feasibility of integrating C3MS with an EDRMS within DECD would be considered in due course.

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Families SA continues to enhance C3MS in order to increase Families SA's electronic record keeping capabilities. As of 2 July 2012, the capability to record placements and carer payments has been integrated into C3MS.

With the Departmental changes which occurred in 2011 where Families SA moved from the former Department for Families and Communities (DFC) to the newly formed Department for Education and Child Development (DECD), the full roll out of the Electronic Document Records Management System (EDRMS) has been temporarily suspended.

Families SA is currently exploring all possibilities to ensure the continued implementation and use of the EDRMS in DECD and remains committed to the longer term project of the EDRMS interfacing with the Connected Client and Case Management System (C3MS).

Part 4 – Recommendations not implemented

Part 4 – Recommendations not implemented

The *Commission of Inquiry (Children in State Care and Children on APY Lands) Act 2004* requires that “if, during the relevant year, a decision has been made not to carry out a recommendation of the Commissioner that was to be carried out, the reasons for not carrying it out [must be stated]¹⁷.”

As it previously advised in its reports of July 2008, September 2008 and November 2009, the Government did not carry out the recommendation to expand the Sexual Behaviours Clinic [**Recommendation 13**]. The Government is continuing to support current arrangements regarding the funding of treatment and maintenance programs for sex offenders in both metropolitan and regional prisons through the Rehabilitation Programs Branch, Department for Correctional Services.

In its annual progress report of 2010, the Government advised that it did not support the implementation of **recommendation 43** at this time. This recommendation called for the introduction of a secure care therapeutic facility.

The Government received comprehensive advice from the Guardian for Children and Young People on this issue. The Guardian opposed the introduction of legislation and secure therapeutic facilities, and advised that a number of priorities to protect children should be given attention ahead of establishing such a facility.

The Government concurs with this advice and is committed to ensuring that integrated, flexible, responsive community-based support is available to meet the needs of children and young people in care, including those identified as ‘at risk’.

The importance of such support is reflected in the “*Directions for Alternative Care in South Australia 2011 – 2015*” (*the Directions*), which builds on the strategic directions in the *Keeping Them Safe – In Our Care* strategy.

The purpose of *the Directions* is to move the alternative care sector forward with a shared vision and purpose and establish strategies to achieve a sector that is integrated, innovative, flexible, responsive and accountable in its delivery of services and programs.

¹⁷ Commission of Inquiry (Children in State Care and Children on APY Lands) Act 2004 Section 11A (c) (ii)

Part 4 – Recommendations not implemented

The Government's response to a number of other recommendations is also supporting appropriate therapeutic intervention for children and young people in State care who are "at high risk". For example:

- A pilot program commenced in November 2009 and continues to provide intensive therapeutic support to children and young people in care who are identified as "at-risk" [Recommendation 42]
- The Government has introduced legislation to create the offences of failing to comply with a direction not to harbour or communicate with a child that is the subject of a placement arrangement. Provisions also made for the making of a child protection restraining order against an individual [Recommendation 47]
- The Government is introducing measures to strengthen the self-protective training being taught to children in State care and ensure that young people in community residential care receive an ongoing service response to health issues (including self-protective behaviours) [Recommendation 2]
- The Government has appointed contact officers for SAPOL local service areas where residential care facilities are located to ensure strong communication between staff at residential care facilities and local police in situations where a child or young person absconds. A co-ordinated, state-wide missing person's protocol for young people who abscond from State care has been drafted and is being trialled in some transitional accommodation houses and placement settings [Recommendation 45].

The Government will continue to monitor the therapeutic support available to children and young people in care and ensure that appropriate services and responses remain available to them. In particular, the outcomes of the pilot program to provide intensive therapeutic support to children and young people who are identified as "at-risk" will be an important resource to inform future planning and programs in this area