



Key Partners Forum

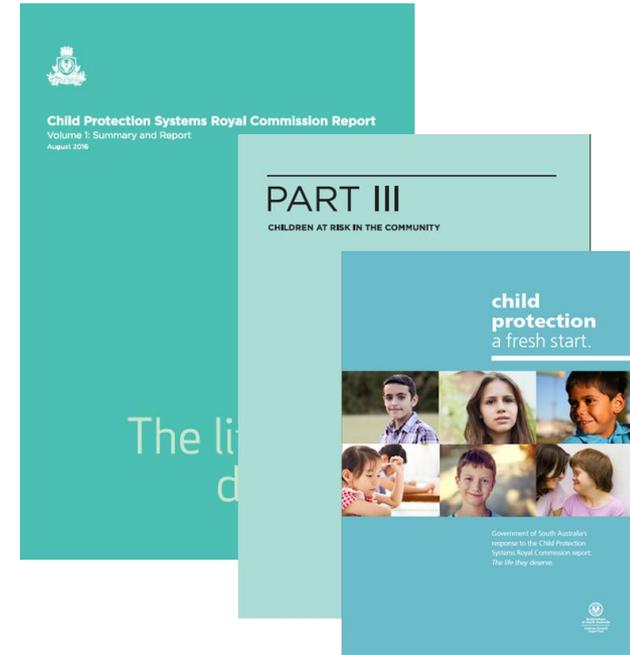
Wednesday 6 December 2017
4.00pm – 6.30pm



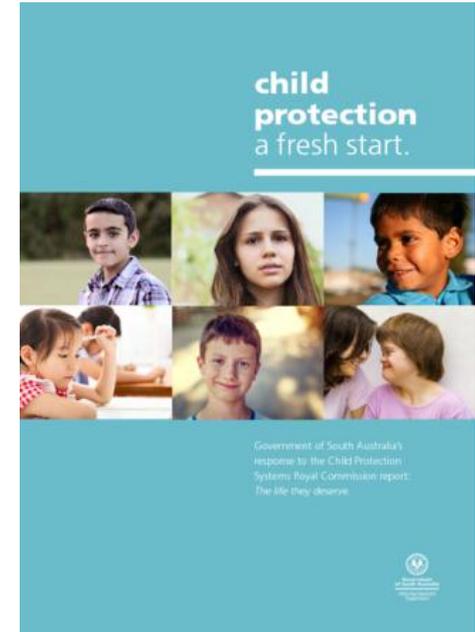
Child Safety Pathway

Matt Mooney
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Child Safety Pathway

- August 2014: The Child Protection Systems Royal Commission was established
- August 2016: Recommendations made by the commission were handed down through *'The life they deserve'* report
- Part III of the report, *Children at Risk in the Community* outlines how children at risk come to the attention of the Department, and consequently other government and non-government agencies through the process of notification.
- November 2016: The Government of South Australia's responded to the Royal Commission recommendations through *'Child Protection a fresh start'*



- The Child Safety Pathway was proposed as a new 'front door' to the child protection system.
- The key features of the new pathway include:
 - Implementation of a Multi-Agency Assessment Unit (MAAU) that offers a cross-agency approach to families and children at risk.
 - Pilot of a new intake function to manage the receipt of child abuse notifications, including a call back function.



- Current Process:
 - Call is made to the Child Abuse Report Line
 - Information provided by a notifier is noted on a paper 'log-sheet'
 - The information is then assessed and raised as a record on the child protection system

- Proposed Trial:
 - Call is made to the Child Abuse Report Line
 - Information provided by a notifier is recorded directly to an Electronic Log-sheet that is integrated with the child protection system
 - Trial the division of staff between the function of answering the call and assessing the allegation
 - Staff would be rostered between the functions of:
 - 'intake' that answers and records the allegations, and;
 - 'assessment' that assess the information and raise the child protection intake
 - Trial of a call back function, improved phone queue selection and information provided to notifiers

- Progress to Date :
 - Recruitment for the additional staff has been ongoing
 - Call wait times, abandonment rates and eCARL assessment response times have significantly improved
 - Renewed the focus on plans to recruit and retain Aboriginal staff
 - In addition to increasing the recruitment and retention of Aboriginal staff in the unit, practice quality, mentoring and cultural competency will become the core role for a newly developed senior Aboriginal leadership role – Principal Aboriginal Consultant, Intake.

- Progress to Date :
 - The Electronic Log Sheet has been developed. Improvements from some initial testing of the tool have been undertaken with phase two of testing currently underway.
 - A proposed testing plan for the updated Electronic Log Sheet has been developed as part of the internal quality assurance model and testing will be completed before the end of 2017.

- Progress to Date :
 - Early manual testing of separating call and assessment has uncovered a number of requirements for the Electronic Log Sheet that have been incorporated in to the scheduled updates.
 - Once these updates have been completed, pilot of the full 'intake' model will commence.
 - Development of a plan to improve the phone system, including establish a call back feature has been completed.
 - A current state review of the phone system configuration has been undertaken and several upgrades are currently being undertaken whilst ensuring service delivery has minimal impacts. Once completed the call back system and other system developments are expected to commence.

- The Multi-Agency Assessment Unit (MAAU) will seek to broaden the child protection and development approach to finding appropriate responses to families and children at risk.
- The new pathway will trial a interagency unit with participation from:
 - Department for Child Protection (DCP)
 - Department for Communities and Social Inclusion (DCSI): Housing SA
 - Department for Correctional Services (DCS)
 - Department for Education and Child Development (DECD)
 - SA Health
 - South Australia Police (SAPoL)

- The purpose of the MAAU is to ensure an integrated cross-agency approach to sharing information and responding to allegations of child abuse and neglect.
- The MAAU operate in conjunction with CARL and provide known information across government relating to vulnerable children and their families. This information is shared with the purpose of providing greater clarity of the known risk to the child and assist with a coordinated response.
- The ultimate aim of the program is to broaden referral pathways and provide earlier response for families that are otherwise not receiving a response.
- The MAAU is focused on children from pre-birth to 2 years of age (first 1000 days). By focusing on early intervention, the MAAU will serve as a referral pathway to Child and Family Assessment and Referral Networks (CFARNs).

- Progress to Date:
 - The initial MAAU staff commenced induction July 2017 and began reviewing live cases August 2017.
 - Within the first 4 months of the program, the MAAU has reviewed over 100 cases relating to over 200 children.
 - Provided shared information across Government in response to families and negotiation of referral services where appropriate.

- Example Case Study:
 - Case relates to a family of 5 who identify as Aboriginal. Both parents are 30 and the three children are 2 months, 1 year old and a 3 year old.
 - DCP receive a report regarding a verbal altercation between the mother and father. There was no assault reported but there were a number of threats made and Police attended where they found children present.
 - There are previous reports relating to lack of medical care for the children who all have health concern. Parents are disclosing personal issues with mental health and that they “can’t cope”. There are also issues relating to cannabis use and the risk of homelessness due to financial issues.

- Example Case Study:
 - As a result of MAAU review, additional information was added regarding homelessness, the lack of supports and management of the children's health care.
 - Information suggested that the parents were struggling to manage the three young children who all had significant health concerns. It was also noted that the family lacked social supports. It was also determined that the mother had a history of significant childhood trauma and a serious history of assault, substance abuse and mental health.

- Example Case Study:
 - DCP Kanggarendi picked up the case for a response.
 - Housing SA have contacted the local office and booked an appointment with the mother to resolve the housing needs that are causing conflict, and provide an assessment for the family to receive appropriate supports.
 - DCP Kanggarendi and Housing SA are in contact to remain informed of the services involved so that there is a coordinated response.
 - All agencies including Police, Health, Education and Corrections have now shared the provided information and plan of action for this family to better inform the service approach in the future.

- Next Steps:
 - Further work is underway to continue to develop the model.
 - This includes increasing the number of cases the unit can provide assistance with and strengthening the interface with the CFARNs and DCP offices.



How we will know we are making a difference?

- The Early Intervention Research Directorate (EIRD) will monitor and evaluate the Child Safety Pathway over the first 12 months of operation.
- Indicators to measure if the new service model is making a difference will include:
 - Reduced phone call abandonment rates
 - All phone calls received within 30 minutes, and call back contact made within 2 hours
 - eCARL notifications assessed within 24 hours
 - The number of MAAU agency interventions delivered
 - Investigations and statutory interventions avoided due to MAAU referral to Child and Family Assessment and Referral Networks (CFARNs)
 - Key stakeholder feedback.



Thank You

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Children and Young People (Safety) Act 2017

Claire Simmons

A/Director, Quality and Practice
Legislation Implementation Team

The Paramount Consideration

7—Safety of children and young people paramount

The paramount consideration in the administration, operation and enforcement of this Act must always be to ensure that children and young people are protected from harm.

8— Other needs of children and young people

- (1) In addition to the paramount consideration set out in section 7, and without derogating from that section, the following needs of children and young people are also to be considered in the administration, operation and enforcement of this Act:
 - (a) the need to be heard and have their views considered;
 - (b) the need for love and attachment;
 - (c) the need for self-esteem;
 - (d) the need to achieve their full potential.
- (2) To avoid doubt, the requirement under this section applies to the Court.
- (3) *Without derogating from any other provision of this Act, it is desirable that the connection of children and young people with their biological family be maintained*

Principles of the Safety Act

CHILD FOCUSED	PROACTIVE INTERVENTION	ATTACHMENT	TIMELINESS, PERMANENCE & STABILITY	RECOGNITION OF CARERS
Recognition of importance of Children & Young People	Early family group conferences led by DCP	Placement - safe, nurturing, stable and secure environment	Timely decision making	Approved carers can make representations in Court
Involvement in decision making and right to information	Investigation in any “other circumstances”	Placement - Preferred option is someone with an “existing relationship”	Assessment of likelihood of reunification before applying to Court	Increased involvement in decision making
Right to be heard at Court and SACAT	Department powers to direct parenting and drug and alcohol assessments	Desirable to maintain connection with biological family	Removal of 10 week rule – proceedings to be dealt with expeditiously	Right to information before and during placement
Support for care leavers	Alternative responses to notifications to address risk	Family group conferences	Reverse onus	Internal and external review avenues
Reverse onus	Require information from state authorities	Reverse onus	Long-term guardianship	Reverse onus

Principles - Child Focused

Parliamentary declaration (s4)

- *(1) The Parliament of South Australia recognises and acknowledges that –*
 - *Children and young people are valued citizens of the State; and*
 - *The future of the State is inextricably bound to the wellbeing of all its children and young people; and*
 - *It is of vital importance to the State, and all of its citizens, that all children and young people are given the opportunity to thrive.*
- *(2) The Parliament of South Australia recognises that, as a State, we want each child and young person to benefit from (at least) the following outcomes:*
 - *To be safe from harm;*
 - *To do well at all levels of learning and to have skills for life;*
 - *To enjoy a healthy lifestyle;*
 - *To be active citizens who have a voice and influence,*

And the Parliament of South Australia accordingly commits to promoting these outcomes.

- *(3) The Parliament of South Australia acknowledges that outcomes for Aboriginal and Torres Strait Islander children and young people in care have been poor, and that it is unacceptable for outcomes for those children and young people to be any different to those for children and young people in care generally.*

Principles - Child Focused

Involvement of children and young people in decision making

Parliamentary Declaration - Section 4(4):

*It is the intention of the Parliament of South Australia that the performance of functions in the administration and operation of this Act be done **in collaboration with, and with the cooperation of, children and young people and their families rather than simply being done to or for them.***

Principles of Intervention - Section 10(1)(b):

*if a child or young person is able to form their own views on a matter concerning their care, **the child or young person should be given an opportunity to express those views freely and those views are to be given due weight in the operation of this Act in accordance with the developmental capacity of the child or young person and the circumstances;***

Principles - Child Focused

Section 62—Child or young people to be heard in proceedings

Section 63—Representation of children and young people

Section 80—Children and young people to be provided with certain information prior to placement

Section 110—Chief Executive to hear complaints

Section 111—Chief Executive to assist persons leaving care

Section 112—Minister to arrange assistance for eligible care leavers

Principles - Proactive intervention

Principles of Intervention - Section 10(1)(d):

in each case, consideration should be given to making arrangements for the care of a child or young person by way of a family group conference if possible and appropriate.

Chapter 4 – Managing risks without removing child or young person from their home

- Child and Family Assessment and Referral Networks
- Family Group Conferences

Chapter 5, Part 2 – Responding to reports etc that child or young person may be at risk

- The Chief Executive holds investigation and assessment powers, without the need for a Court order

Principles - Attachment

The Placement Principles – Section 11:

- (1) The placement principles are as follows:
 - (a) all children and young people who have been removed from the care of a person under this Act should be placed in a **safe, nurturing, stable and secure environment**;
 - (b) the preferred option in relation to such placement of a child or young person is to place the child or young person with **a person with whom they have an existing relationship**;
 - (c) approved carers are entitled to be, and should be, involved in decision-making relating to children and young people in their care.

Principles – Timeliness, Permanence and Stability

Part 3—Principles to be applied in operation of this Act

Section 10—Principles of intervention:

(1) The principles of intervention are as follows:

- (a) decisions and actions (if any) under this Act should be taken in a timely manner (and, in particular, should be made **as early as possible in the case of young children in order to promote permanence and stability**);

Section 50 – When Application can be made for court order

(4) Before applying for a prescribed Court order in relation to a child or young person removed from a person under this Act, the Chief Executive ***must assess the likelihood of a reunification occurring and, if reunification is likely, the period within which reunification is likely to occur.***

Principles – Timeliness, Permanence and Stability

Section 89—Certain approved carers may apply to Chief Executive to seek long-term guardianship order

- (1) An approved carer in whose care a child or young person has been for a period of *at least 2 years (or such shorter period as the Chief Executive may determine)* (the proposed guardian) may apply to the Chief Executive for an application to be made in accordance with section 91 for a Court order placing the child or young person under the approved carer's guardianship.

Principles – Timeliness, Permanence and Stability

The principle also applies to the Court proceedings...

Section 56—Adjournments

- (1) All proceedings under this Act must be dealt with *expeditiously*, with due regard to the degree of urgency of each particular case.

59—Onus on objector to prove order should not be made

- (1) This section applies to proceedings on an application to the Court for orders relating to a child or young person who is, pursuant to an order of the Court, under the guardianship, or in the custody, of the Chief Executive or another person or persons.
- (2) If in proceedings to which this section applies a person objects to the making of an order by the Court, the onus is on the person to prove to the Court that the order should not be made.
- (3) However, subsection (2) does not apply where the person objecting to the making of the order is—
 - (a) the Crown; or
 - (b) if the Court is satisfied that the child or young person to whom the proceedings relate is not being unduly influenced by any person to object to the making of the order—the child or young person.

Principles – Increased rights for carers

Carers to be heard in Court proceedings:

Section 51 – Parties to proceedings:

- (3) ... the Court should, unless the Court is of the opinion that it would not be in the interests of the child to do so, allow—
- (b) if the child or young person is in the care of an approved carer—the approved carer, a reasonable opportunity to make representations to the Court in any relevant proceedings.

Section 66—Right of other interested persons to be heard

In any proceedings under this Act relating to a child or young person, the Court may, on the application of—

- (a) a member of the child or young person's family; or
(b) *a person who has at any time had the care of the child or young person;*

or

(c) a person who has counselled, advised or aided the child or young person, hear submissions the applicant wishes to make in respect of the child or young person, despite the fact that the applicant is not a party to the proceedings.

Principles – Increased rights for carers

Carers right to information:

Section 79—Approved carers to be provided with certain information prior to placement

Section 81—Approved carers to be provided with certain information

(1) A placement agency must provide to each approved carer with whom a child or young person is placed any information (including, to avoid doubt, any medical reports) held by the agency that is reasonably necessary to ensure—

(a) that the approved carer is able to provide appropriate care to the child or young person in all of their circumstances; and

(b) the safety of the approved carer and any other member of the approved carer's household.

Principles – Increased rights for carers

Carers right to participate in decision making:

82—Approved carers entitled to participate in decision-making process

- (1) Without limiting Chapter 2, but despite any other provision of this Act or any other Act, an approved carer in whose care a child or young person is placed is entitled to participate in any decision-making process relating to the health, safety, welfare or wellbeing of the child or young person.
- (2) Subsection (1) does not apply in relation to a particular decision if the decision-maker is satisfied that the participation of the approved carer would not be in the best interests of the child or young person.

Internal and External review

157—Internal review

158—Review of decisions by South Australian Civil and Administrative Tribunal

a decision of the Chief Executive under Chapter 7 (other than a decision under Part 4 of that Chapter);

Responding to reports

32—Chief Executive must assess and take action on each report indicating child or young person may be at risk

...

(3) Without limiting any other action that may be taken by the Chief Executive, the Chief Executive must, on completion of an assessment under this section, cause at least 1 of the following actions to be taken:

- (a) an **investigation** into the circumstances of the child must be carried out under section 34;
- (b) if the Chief Executive is satisfied that an investigation under section 34 is unnecessary, having regard to such of the circumstances of the child as may already be known to the Chief Executive, an **alternative response** that, in the opinion of the Chief Executive, more appropriately addresses the risk to the child or young person must be implemented;
- (c) the matter must be **referred** to an appropriate State authority under section 33;
- (d) if the Chief Executive is satisfied that—
 - (i) the matter has previously been dealt with under this or any other Act and there is no reason to re-examine the matter; or
 - (ii) the matter is trivial, vexatious or frivolous; or
 - (iii) there is good reason why no action should be taken in respect of the matter, the Chief Executive may **decline to take further action**.

Proactive Department powers

Section 35—Chief Executive may direct that child or young person be examined and assessed

- (1) This section applies to a child or young person—
 - (a) who is, having been removed under section 41, in the custody of the Chief Executive; or
 - (b) in relation to whom an order of the Court under section 53 authorising examination or assessment is in force; or
 - (c) in relation to whom an instrument of guardianship or a restraining notice is in force; or
 - (d) in any other circumstances prescribed by the regulations

...

Section 36—Chief Executive may direct person to undergo certain assessments

- (1) If the Chief Executive reasonably suspects that a child or young person is at risk as a result of the abuse of a drug or alcohol (or both) by a parent, guardian or other person, the Chief Executive may, by notice in writing, direct the parent, guardian or other person to undergo an approved drug and alcohol assessment.
- (2) If the Chief Executive reasonably suspects that a child or young person is at risk as a result of a lack of parenting capacity on the part of a parent, guardian or other person who has, or is responsible for, the care of the child or young person, the Chief Executive may, by notice in writing, direct the parent, guardian or other person to undergo an approved parenting capacity assessment.
- (3) A person must not refuse or fail to comply with a direction under this section.

Maximum penalty: Imprisonment for 6 months.

Department powers

Section 37—Random drug and alcohol testing

(1) This section applies to—

(a) a person who has, in the preceding 5 years, been directed by the Chief Executive to undergo an approved drug and alcohol assessment under section 36(1); or

(b) a person who was, in the preceding 5 years, the subject of an application for an order under section 20(2) of the Children's Protection Act 1993 (whether or not the application was granted); or

(c) any other person of a class declared by the regulations to be included in the ambit of this subsection.

(2) A person to whom this section applies must, in accordance with the scheme set out in the regulations, take part in random drug and alcohol testing.

...

(5) A person to whom this section applies must not, without reasonable excuse, refuse or fail to comply with a requirement under this section.

Maximum penalty: Imprisonment for 6 months.

Department powers

Section 38—Chief Executive may direct certain persons to undertake rehabilitation program

- (1) The Chief Executive may, by notice in writing, direct a person to whom section 37 applies to undertake an approved drug and alcohol rehabilitation program of a kind specified in the notice.
- (2) A person must not, without reasonable excuse, refuse or fail to comply with a direction under subsection (1).

Maximum penalty: Imprisonment for 6 months.

Section 93—Contact arrangements to be determined by Chief Executive

- (1) For the purposes of this Act, contact arrangements in respect of a child or young person to whom this Part applies are to be determined by the Chief Executive.

Section 94 – Contact Arrangements Review Panel

Section 151—Chief Executive may require State authority to provide report

- (1) The Chief Executive may, if the Chief Executive is of the opinion that it is necessary or would otherwise assist in the performance of functions under this Act, require a State authority to prepare and provide a report to the Chief Executive in relation to the matters, and in accordance with any requirements, specified in the notice.

Child Protection Officers

148—Primary function of child protection officers

Without limiting any other functions or powers of child protection officers under this or any other Act, the primary function of child protection officers under this Act is to exercise their powers for the purpose of removing children and young people from situations in which they are at risk of harm.

Section 149—Powers of child protection officers

- (1) Subject to this Act, a child protection officer may, as may reasonably be required in the administration, operation or enforcement of this Act, do 1 or more of the following:
 - (a) enter and remain on any premises, place, vehicle or vessel (and for that purpose require a vehicle or vessel to stop);
 - (b) inspect any premises or place, vehicle or vessel;
 - (c) use reasonable force to break into or open any part of, or anything in or on, any premises, place, vehicle or vessel;
 - (d) if the officer believes on reasonable grounds that a child or young person is at risk of removal from the State for female genital mutilation or marriage—seize and retain any passport issued in the name of the child or young person;
 - (e) take photographs, films, audio, video or other recordings;
 - (f) seize and retain anything that the officer reasonably suspects has been used in, or may constitute evidence of, a contravention of this Act;
 - (g) require a person who the officer reasonably suspects has committed, is committing or is about to commit, a contravention of this Act to state their full name and usual place of residence and to produce evidence of their identity;
 - (h) give such directions as may be reasonably required in connection with the exercise of a power conferred by a preceding paragraph or otherwise for a purpose related to the administration, operation or enforcement of this Act.

Child Protection Officers

Section 150—Child protection officer may require information etc

- (1) A child protection officer, may, by notice in writing, require a specified person or body (whether or not the person or body is a State authority, or an officer or employee of a State authority) to provide to them such information, or such documents, as may be specified in the notice (being information or a document in the possession of the person or body that is reasonably required in the administration, operation or enforcement of this Act).
- (2) To avoid doubt, a requirement under subsection (1) may include a requirement to provide copies of medical, financial or other records in respect of a person.
- (3) A child protection officer may, by notice in writing, require a specified person to—
 - (a) answer, to the best of the person's knowledge or belief, questions put by the child protection officer or an employee of the Department authorised by the Chief Executive for the purposes of this subsection; and
 - (b) in the case of a person who has examined, assessed or treated a person under this Act— provide to the child protection officer or the Chief Executive a written report of that examination, assessment or treatment.
- (4) A person or body of whom a requirement is made under this section must provide the specified information, documents, answers or reports in the manner and form, and within the period, specified in the notice.
- (5) A person or body who refuses or fails to comply with a notice under this section is guilty of an offence.

Maximum penalty: (a) in the case of a natural person—Imprisonment for 1 year; or (b) in the case of a body corporate—\$50 000.

Removal

Section 41—Removal of child or young person

- (1) Subject to this section, if a child protection officer believes on reasonable grounds that—
- (a) a child or young person has suffered, or there is a significant possibility that a child or young person will suffer, serious harm; and
 - (b) it is necessary to remove the child or young person from that situation in order to protect them from suffering serious harm or further serious harm; and
 - (c) there is no reasonably practicable alternative to removing the child or young person in the circumstances, the child protection officer may remove the child or young person from any premises, place, vehicle or vessel using such force (including breaking into the premises, place, vehicle or vessel) as is reasonably necessary for the purpose.

Removal

Section 43—Custody of removed child or young person

If the Chief Executive does not already have custody of a child or young person who is removed under section 41, the Chief Executive, by force of this section, has custody of the child or young person until—

- (a) the child or young person is returned to the custody of a parent or guardian, or delivered into the care of a person determined by the Chief Executive, under section 42; or
- (b) the end of the fifth business day following the day on which the child or young person was removed, (whichever is the earlier).

Applying to Court for Orders

Section 50 – When Application can be made for court order

...

(4) Before applying for a prescribed Court order in relation to a child or young person removed from a person under this Act, the Chief Executive *must assess the likelihood of a reunification occurring and, if reunification is likely, the period within which reunification is likely to occur.*

Section 53—Orders that may be made by Court

(1) If, on an application under this Act, the Court is satisfied that it is appropriate to do so, the Court may make 1 or more of the following orders in relation to a child or young person:

...

NB: The section then lists the possible orders that can be made by Court, without limitation.

Court Process

The 10 week rule has been removed, instead the Act provides:

Section 56—Adjournments

- (1) All proceedings under this Act must be dealt with *expeditiously*, with due regard to the degree of urgency of each particular case.
- (2) Without limiting subsection (1), once a trial under this Act commences—
 - (a) it should, as far as is practicable, continue without adjournment until all evidence has been presented; and
 - (b) judgement should be delivered as soon as is practicable after all evidence has been presented.

59—Onus on objector to prove order should not be made

- (1) This section applies to proceedings on an application to the Court for orders relating to a child or young person who is, pursuant to an order of the Court, under the guardianship, or in the custody, of the Chief Executive or another person or persons.
- (2) If in proceedings to which this section applies a person objects to the making of an order by the Court, the onus is on the person to prove to the Court that the order should not be made.
- (3) However, subsection (2) does not apply where the person objecting to the making of the order is—
 - (a) the Crown; or
 - (b) if the Court is satisfied that the child or young person to whom the proceedings relate is not being unduly influenced by any person to object to the making of the order—the child or young person.

Out of Home Care – Approved Carers

Approval of carers

Section 71 - Out of home care only to be provided by approved carers

Subject to this Act, a person must not provide out of home care unless the person is an approved carer.

Maximum penalty: \$10 000.

Section 72—Approval of carers

(1) The Chief Executive may, on an application under this section and by notice in writing, approve a person as an approved carer for the purposes of this Act.

...

Section 77—Temporary placement of child or young person where approved carer not available

...

(2) Despite any other provision of this Act, the placement of a child or young person under subsection (1)—

(a) must be of a temporary nature (and in any event *must not exceed a period of 3 months*); and

Out of Home Care – Licensing Schemes

Section 98—Foster care agencies to be licensed

A person must not carry on the business of a foster care agency unless the person is the holder of a licence under this Part.

Maximum penalty:

- (a) in the case of a natural person—Imprisonment for 2 years; or
- (b) (b) in the case of a body corporate—\$120 000.

Section 104—Children's residential facilities to be licensed

A person must not operate a children's residential facility unless the person is the holder of a licence under this Part in respect of the facility.

Maximum penalty:

- (a) in the case of a natural person—Imprisonment for 2 years; or
- (b) (b) in the case of a body corporate—\$120 000.

NB: Section 107—Persons not to be employed in licensed children's residential facility unless they have been assessed

1) A person must not be employed in a licensed children's residential facility unless the person has undergone a psychological or psychometric assessment of a kind determined by the Chief Executive for the purposes of this section.

Other new bits and pieces

Children and Young Person's Visitors Scheme (Chapter 9)

Chief Executive holds guardianship

Child Marriage (and FGM)

Chapter 12—Reviews of decisions under Act

Section 157—Internal review

158—Review of decisions by South Australian Civil and Administrative Tribunal

(1) Subject to this section, the South Australian Civil and Administrative Tribunal is, by force of this section, conferred with jurisdiction to deal with matters consisting of the review of the following decisions (reviewable decisions):

- (a) a decision of the Chief Executive under Chapter 7 (other than a decision under Part 4 of that Chapter);
- (b) Any other decision under this Act declared by the regulations to be a reviewable decision.

Transitional Arrangements

- The *Children's Protection Law Reform (Transitional Arrangements and Related Amendments) Bill 2017* passed Parliament on 28 November.
- The Transitional Arrangements Bill provides the mechanics to successfully transition from the *Children's Protection Act* to the Safety Act.
- There are also some related amendments in the Bill, including amendments to the BD&M Act to allow the Chief Executive to apply for a name change for children and young people in care.

Proposed Implementation Plan

- A staged approach has been recommended for the implementation of the new Safety Act.
- This is in line with the Nyland Royal Commission report which called for a “*staged and strategic approach to implementation*” and a realistic assessment of what can be achieved in the short, medium and longer-term for successful and sustainable child protection reform.
- It is **proposed** that the Act commence in two stages – February and October.

Proposed Stage One

- The first stage of commencement will be 26 February 2018
- Key priorities for this stage include:
 - principles and priorities** of the Safety Act
 - increased **voice of children** and young people
 - right to information** for children and young people and carers
 - involvement of carers** in decision making
 - assistance to **care leavers**
 - oversight** of our care environments for children and young people
 - additional functions** of the Minister and Chief Executive
- Essential tasks that will be undertaken for the first stage include:
 - Delivering or coordinating required **training** for staff, NGOs, carers and partners on the new legislation
 - Finalising new **practice and procedure guidelines**
 - Consulting** with partners, including children and young people
 - Necessary **ICT** changes

Proposed Stage One

Chapter 1 Preliminary

All

Chapter 2 Guiding principles and purposes

All

Chapter 3 Interpretation:

Section 19 (Minister may publish policies)

Chapter 4 Managing risks without removing a child:

Section 20 (establish CFARNS)

Chapter 6 Court orders relating to children and young people:

Section 59 (reverse onus)

Part 3 (child or young person to be heard in proceedings)

Part 4 (representation of children and young people)

Part 5 - ss 65 and 66

Proposed Stage One

Chapter 7 Children and young people in care:

Part 1, Div 4 (Information and involvement in decision-making)

Part 5 (voluntary custody agreements)

Part 8, s112 (assistance to care leavers)

Chapter 9 Children and Young Person's Visitor Scheme

All

Chapter 11 Administrative matters

Part 1 (functions of the CE)

Part 3, ss 153-155 (care leavers access to documents)

Part 4 (additional reporting obligations of CE)

Chapter 12 Reviews of decisions under Act

Part 1 (internal review)

Part 2 (SACAT)

Chapter 13 Miscellaneous

All, but s 161

Proposed Stage Two

- The second stage of commencement will be in October 2018
- Key priorities for this stage include:
 - new powers and duties for **DCP and child protection officers**
 - family group conferencing** as a means to resolve concerns for children and families
 - Court orders**
 - new definitions** for statutory child protection ('at risk', 'harm')
 - Approval** of carers
 - Case planning**
 - Regulation of **residential facilities** and **foster care agencies**
- Essential tasks that will be undertaken for the second stage include:
 - Training** for staff, NGOs, carers and partners in remaining provisions
 - Drafting of **agreements** with partners to reflect the new legislation
 - ICT** changes for additional reporting obligations
 - Consultation** with partners on the **regulations**

Proposed Stage Two

Chapter 3 Interpretation

Ss 16 – 18

Chapter 4 Managing risks without removing a child:

Part 2 (Family Group Conferences)

Part 3 (case planning)

Chapter 5 Children and young people at risk:

Part 1 (reporting suspicion of children at risk)

Part 2 (responding to reports that a child is at risk)

Part 3 (removal of child or young person)

Part 4 (instruments of guardianship)

Chapter 6 Court orders relating to children and young people:

Part 1 (applications for court orders)

Part 2 (orders that can be made by the Court – note s 59 in stage one)

Part 5, ss 67 - 68

Proposed Stage Two

Chapter 7 *Children and young people in care:*

Part 1 (Divs 1 – 3 approval of carers)

Part 2 (CYP in CE's custody or guardianship)

Part 3 (transition to long term guardianship)

Part 4 (contact arrangements for children)

Part 6 (Foster care agencies)

Part 7 (licensed residential facilities)

Part 8, s 111 (assistance for eligible care leavers)

Part 9 (miscellaneous)

Chapter 8 *Safe Environments*

Chapter 10 *Transfer of orders between jurisdictions*

Chapter 11 *Administrative matters:*

Part 2 (child protection officers)

Part 3 (some parts of information gathering and sharing)

Chapter 13 *Miscellaneous*

Section 161

Engagement with stakeholders and partners

Engagement with stakeholders and partners is important to ensure the priorities and principles of the Act are achieved across the sector

DCP will work directly with relevant agencies and partners to implement projects for commencement across the two stages

Regular updates will be provided within the current governance structure in place for the Nyland Reforms, including the Child Safety and Wellbeing Panel (CSWAP)

Updates and discussion will be provided for at other DCP and Sector forums such as the CAFFSA/DCP forum

The DCP Legislation team will provide relevant communiques through the regular Key Partners email updates

Engagement for Stage one

Information and resources will be made available on:

- implementation planning for the legislation
- learning materials on the legislation
- FAQ's

DCP will work directly with foster care agencies on the practices and processes to commence provisions about carers information and involvement in decision making.

DCP will work directly with advocacy organisations on carers rights.

Key Dates

6 December	Key Partners Forum
8 December	Feedback on proposed commencement plan due
15 December	Finalise commencement plan and communicate to staff and partners
December – February	Communication, engagement and training on Stage one commencement
26 February	Stage one commencement
February – October	Communication, engagement and training on Stage two commencement (including related regulations)
October	Stage two commencement

Feedback on proposed commencement plan

Please send any feedback on this proposed commencement plan to Brette Schumann, A/Executive Director Strategy and Performance:

brette.Schumann@sa.gov.au

Feedback due cob Friday 8 December