



Government
of South Australia

FIFTH 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 2013

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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
CCIU	Care Concerns Investigations Unit (formerly Special Investigations Unit of DFC (SIU))
CRC	Community Residential Care
C3MS	Connected Client Case Management System
DCS	Department for Correctional Services
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
MPIS	Missing Persons Investigation Section
PIMS	Police Incident Management System
SAPOL	South Australia Police
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.

This is the Government’s fifth and final annual report to Parliament. Since the receipt of the Mullighan Inquiry’s report in 2008, the Government has continued to demonstrate its strong commitment towards ensuring the best possible outcomes for children and young people in care, and for all children and young people across the State. The Government has implemented its response to 49 of the 54 recommendations of the Inquiry², with improvements to programs, policy and practice embedded into the ongoing work of relevant departments. A summary of these achievements is set out in Part 3. Further information regarding implementation is available in this report and in the Government’s previous reports to Parliament.³

In addition to its work in responding to this important report, key reforms to promote the safety and wellbeing of children and young people are being progressed by the South Australia Government. Many of these reforms are under the auspices of the Government’s strategic priority of *Every chance for every child*, which seeks to contribute to a stronger, child friendly state, and to generate lasting opportunities for every South Australian child.

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 A further two recommendations were not accepted by the South Australian Government, with 3 subject to ongoing implementation.

³ Past reports are available from www.decd.sa.gov.au/department/reviews-and-responses/child-protection-reviews

Part 1 – Introduction

For example:

- the Department for Education and Child Development announced the *Brighter futures* program, which supports the *Every chance for every child* priority and seeks to ensure a fully integrated department, providing services where they are most needed and enhanced supports for children and their families.
- the Minister for Education and Child Development appointed a new Deputy Chief Executive responsible for child safety and created a new Office for Child Safety to lead child safety policy, practice and standards, with a focus on implementing a family-focused child protection system that supports children and young people to remain in the care of their families, wherever it is safe and possible to do so.
- Families SA has commenced a Redesign Program to restructure and reform the service system and the practice model across care and protection in Families SA to deliver better outcomes for children and their families.
- in July 2013, the Government announced the establishment of South Australia's first Commissioner for Children and Young People as part of a package of measures being developed in the proposed child development legislation.
- the South Australian Government and the Local Government Association signed a Memorandum of Understanding in August 2012 formalising their commitment to developing child friendly communities.
- the Honourable Bruce DeBelle OA QC was commissioned to undertake an Independent education inquiry. The Government supported all of Mr DeBelle's recommendations and began immediately to work on their implementation.

Whilst 2013 marks the final year for reporting on the Government's response to these important recommendations, the Government remains strongly committed to ensuring the best possible outcomes for all of South Australia's children and young people, particularly those in the care and protection system. Information relating to ongoing work and reforms relating to the care and protection of children can be accessed through the Department for Education and Child Development website www.decd.sa.gov.au and through www.priorities.sa.gov.au/content/every-chance-every-child.

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:⁵

- to examine allegations of:
 - sexual abuse of a person who, at the time that the alleged abuse occurred, was a child in State care; or
 - 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*.

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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.decd.sa.gov.au/department/reviews-and-responses/child-protection-reviews.

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.decd.sa.gov.au/department/reviews-and-responses/child-protection-reviews.

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.⁹

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
- 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

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 Section 11A (c).

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reasons for the decision and the manner in which the recommendation will be carried out.¹⁰

This is the Government's fifth and final 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 was responsible for continued oversight of the implementation of the Government's response to this important inquiry.

The Government's response to a significant number of recommendations of the Mullighan Inquiry has now been implemented. Where required, as part of the ongoing response these recommendations, steering groups have been established that have continued oversight of this work. For example:

- the Second Story has instituted a Vulnerable Youth Advisory Group which informs its service development and delivery (supporting recommendation 2).
- the ongoing service provided by Yarrow Place in response to recommendation 42 is overseen by a panel of senior officers from Families SA and the Yarrow Place Youth Team.
- a Missing Persons Protocol Management Group comprising senior officers from Families SA and SAPOL and a local level Guardianship Liaison Group have been established and meet regularly to monitor the implementation of the Missing Person's Protocol implemented in response to recommendation 44.

¹⁰ Ibid.

Part 3 – Summary of Government response 2008 - 2013

Part 3 Summary of Government response 2008-2013

This Part provides detailed information about the actions the Government has undertaken to implement its response to the recommendations of the Mullighan Inquiry. As demonstrated in this report, important reforms and changes to policy and practice have been implemented to enhance the safety and protection of children and young people within the care and protection system and in the community.

Some of these reforms include:

- a package of legislation comprising Children's Protection (Implementation of Report Recommendations) Amendment Act 2009 and the Statutes Amendment (Children's Protection) Act 2009 was passed by Parliament and has now been implemented.
- a Missing Persons Protocol between Families SA and South Australia Police (SAPOL) has been implemented.
- bus and taxi drivers have been transitioned to the Department for Communities and Social Inclusion's working with children screening process.
- two new positions have been created in the Office of the Guardian for Children and Young People specialising in advocacy for children in young people in care with disabilities or who are Aboriginal or Torres Strait Islander.
- Relationships Australia (South Australia) has been funded to deliver a specialist service to provide counselling and related support services to adults who experienced child sexual abuse whilst in State care, at no cost to the care leaver.
- the 69 houses allocated to Families SA under the Nation building economic stimulus program have now been commissioned and are operational.
- 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 have been reviewed and the findings implemented.
- the former Premier, the Hon Mike Rann MP, delivered an apology on behalf of the current and previous Parliaments of South Australia to those who were abused as children in State care.

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- a specialist team has been established at Yarrow Place to provide assertive specialised therapeutic services for children and young people in care with difficult and complex needs.
- agencies have strengthened their policies, procedures and practices to incorporate recommendations made by the Inquiry.

The Government is continuing to implement its response to three recommendations (recommendations 14, 16 and 53). As set out in this report, the Government has made significant progress towards implementing these remaining recommendations and strengthening its response to the safety and protection of children and young people in this State.

This section sets out a summary of the Government's response to each recommendation of the Mullighan Inquiry report from 2008 – 2013. Further information can be found in the South Australian Government's previous reports to Parliament, available from

www.decd.sa.gov.au/departments/reviews-and-responses/child-protection-reviews.

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 South Australian Government supported this recommendation.

The *Strategies for Managing Abuse Related Trauma* (SMART) program is now in its eighth year. The SMART program, which provides training in understanding the impact of abuse-related trauma on children and young people, is delivered to Department for Education and Child Development (DECD) staff and personnel in children's centres in regional, remote and metropolitan regions.

An overview of the SMART professional development seminar was incorporated into the *Responding to abuse and neglect education and care update training package 2009-2011* and referenced in the *Responding to abuse and neglect education and care online update training 2012-2014*.

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Completing this training and participating in the accompanying group discussion are requirements for teacher registration in South Australia.

During 2009 staff working in DECD sites (approximately 25,000 employees) undertook '*Responding to abuse and neglect education and care training*'. This training incorporated an overview of the SMART professional development seminar. Additionally, since 2006 approximately 8,800 DECD staff have attended whole day SMART seminars or completed online training.

The Government secured a contract with the Australian Childhood Foundation to continue delivering this program from 2012 - 2014. During this period, the Australian Childhood Foundation has updated SMART online modules and made them available to DECD staff and child protection workers in all government agencies. The modules provide opportunities for staff to develop common understandings about best practice in working with children and young people who have experienced family violence, abuse and neglect.

In 2013 the SMART program has focussed on seminars for DECD regional support staff (both education and Families SA) while continuing to provide introductory and SMART strategy seminars. Two seminars have focussed on early childhood and a seminar for regional support staff working in interagency teams to support children and young people and their schools was fully subscribed. The *Strategies for managing abuse related trauma = educational reform* (SMART=ER) program has continued to support sites to focus on implementing trauma-informed practice, with increased participation from secondary schools and Anangu Schools.

Amata Anangu School is participating in SMART=ER for a second year in 2013. SMART training has been delivered to all staff at Amata during visits in 2012 and 2013. Ernabella Anangu School is also participating in the SMART=ER program during 2013. Two Australian Childhood Foundation trainers have spent a week on the APY Lands during June 2013, delivering training in Coober Pedy prior to visits to communities and workshops in Mimili (also attended by staff from Indulkana) and Fregon.

An extension of contract for services between the Minister for Education and Child Development and the Australian Childhood Foundation is being prepared for continued delivery of a state-wide SMART program in 2014. In response to requests for further training and continued support, it is intended that in 2014 the SMART=ER program will focus on providing support to all remote schools and communities on the APY Lands who express interest in participating. It is planned for this to include SMART training as part of the induction program for new staff, continued support to implement

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trauma-informed practice and liaison/coordination with families, the community and support agencies. Planning for 2014 will also include the development of new seminars for staff working with infants and their families.

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 South Australian Government supported the intent of this recommendation and committed to review the self-protective program being taught by The Second Story (TSS).

A review of the self-protective training program being taught by TSS was completed in early 2009. The review took into account the child protection curriculum for schools and considered strategies for combining and integrating this training with other therapeutic support services.

The review made a number of recommendations directed at strengthening the self-protective training being taught to children in State care and ensuring that children and young people in Community Residential Care (CRC) receive an ongoing service response to health issues (including self-protective behaviours).

In response to these recommendations, the Government implemented initiatives to:

- ensure that self-protective behaviours and training are embedded in the policies and practices for CRC staff and residents;

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- improve CRC staff and residents' knowledge of and access to accurate health information and primary health care services; and
- ensure that health services are provided to residents of CRCs as part of The Second Story's core service provision.

A multi-agency working group was established to oversee the implementation of the review findings and to ensure that CRCs receive a range of health services. The review recommendations were implemented by 2010.

The self-protective approach is incorporated into all work with children living in CRCs and is an established part of ongoing health service delivery at TSS. The delivery of TSS health services is subject to ongoing review as would normally occur in a health setting to ensure that it continues to meet the needs of the children and young people in Community Residential Care.

SA Health undertook a review of metropolitan based youth health services in 2010, with the direction set for prioritising targeted services to young people under the Guardianship of the Minister as well as other vulnerable youth populations. The Second Story (TSS) has restructured its service provision under the *TSS service framework 2011-2016*. This targeted comprehensive primary health care service is focused on young people under the Guardianship of the Minister, Aboriginal young people and other young people experiencing adverse health outcomes due to vulnerabilities.

TSS has developed program plans for vulnerable young people. As part of this process, TSS is working with the Residential Care Directorate of Families SA (which allocated a project officer to this work) to develop a service level agreement between TSS and the Directorate. The purpose of the agreement is to increase CRC and Transitional Accommodation (TA) residents' access to youth health services. In the interim, whilst this agreement is being developed, TSS has allocated one of its senior clinicians (RN4) to the role of co-ordinating client referrals from CRC and TA. This person is operating as the CRC/TA client case manager. The referrals are for health assessment, health care planning and treatment and are in line with the *National out of home care standards* and the Medicare benefits schedule (MBS) items for Aboriginal health checks.

TSS is also in the process of finalising a group project for the CRCs based on the identified needs of its clients. One of the shifts for TSS in its new service model is that the organisation will deliver health based groups based on the needs of the client group at that point in time. In focusing its services to Aboriginal young people, TSS has included, as part of its ongoing operational

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funding, Aboriginal Clinical Health Workers. TSS has also developed two Aboriginal Advisory Groups (one North, one South) with membership including Aboriginal Elders.

The work of the multi-agency working group established to implement this recommendation ended post implementation in 2010. However, to ensure ongoing program review, TSS has instituted a Vulnerable Youth Advisory Group which informs its service development and delivery. The membership of this group includes representatives from the CRCs, Families SA Regional Offices, a range of NGOs and young people in care.

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).

Implementation of Government response complete

In response to this recommendation the Government committed to introduce a Bill into Parliament to extend the obligation to conduct criminal history assessments to non-government and local government organisations that provide health, welfare, education, sporting or recreation, religious or spiritual, child care or residential services wholly or partly for children (section 8C definition).

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 above. 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.

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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 South Australian Government's Volunteer Organisation Authorisation Number (VOAN) Scheme.

The Australian National Child Offender Register (ANCOR) is a data base that records criminal convictions for sexual offending against children occurring anywhere in Australia. 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 and can be considered by organisations when making assessments about a person's suitability to work with children.

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

The phasing in of organisations, persons and positions will conclude at the end of this year. At this time, all organisations providing health, education, welfare, sport or recreation, religious or spiritual, child care or residential services wholly or partly for children will be required to ensure that criminal history assessments have been conducted for all people working or volunteering in prescribed positions, unless an exemption applies.

During 2013, 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. Families SA also updated its suite of internet resources relating to child safe environments. This work included updating the *Guidelines for mandated notifiers* booklet to also include information for organisations about child safe environments. These resources provide organisations with comprehensive information about their obligations to

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ensure safe environments for children (including conducting criminal history assessments for people working with children).

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'.

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 setting out 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 2012 – 2013, Families SA held three information sessions for impacted organisations and sectors to provide information about their obligations to

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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 (ORS) has distributed over 25,000 copies of the booklet *'Keeping children safe in recreation and sport'* and over 3000 child safe posters to sport and recreation clubs across the State. In addition, during this time ORS has delivered 45 free education sessions to over 1000 individuals from organisations to support their roles as child safe officers.

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).

Summary of Government response complete

The South Australian Government advised that under section 8B of the *Children's Protection Act 1993* Families SA already obtains a criminal history check for each employee, carer, volunteer or contractor working with or around children or their records.

The Australian National Child Offenders Register (ANCOR) is a data base that records criminal convictions for sexual offending occurring anywhere in Australia.

Under national arrangements, the names of people recorded on the ANCOR register are not publicly released. The national register is a powerful policing tool, which was developed to ensure that persons convicted of sex offences and other serious offences against children are able to be monitored by police once they have served their sentence. The names of persons on the national register are not publicly released to discourage offenders released into the community after sentence from 'going underground' and so being impossible to properly monitor.

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

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account as part of the screening process for Families SA employees, carers and volunteers.

Families SA employees, carers and volunteers undergo a comprehensive criminal history screening and background check every three years. In addition to consideration of criminal history information, this screening process also involves consideration of child protection information, information obtained from police, courts, prosecuting authorities and professional registration bodies and any other relevant information.

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 for people who work with children. The Department for Communities and Social Inclusion Screening Unit was accepted as a participating screening unit in the Inter-jurisdictional exchange of criminal history information for people who work with children on 24 July 2013.

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 complete

The South Australian Government supported this recommendation in principle and committed to transition the screening of bus drivers or taxi drivers to the Department for Communities and Social Inclusion's (DCSI) 'working with children' screening process.

The transition of bus and taxi drivers to the DCSI screening process commenced on 1 July 2011 and all new applications and renewals for driver accreditation must now have a Background screening and criminal history check undertaken by the DCSI Screening Unit.

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The licence and accreditation system for bus and taxi drivers remains the responsibility of the Department for Planning, Transport and Infrastructure (DPTI). DPTI has reduced the maximum accreditation period for drivers to three years (from five years) to align with the validity period of the working with children check conducted by the DCSI Screening Unit, and its licence and accreditation database (TRUMPS) has been amended in response to the new timelines.

For existing accredited bus and taxi drivers, the transition to the DCSI screening process is being undertaken as accreditations are renewed, when drivers seek to provide transport for DECD services or when drivers are referred for disciplinary action to the Passenger Transport Standards Committee following a charge or arrest and an updated criminal history is required. As accreditations were granted for up to five years prior to July 2011, a small number of drivers may not transition until June 2016 but these drivers will not be transporting DECD clients, nor have disciplinary investigations in this time.

In 2012, DECD transferred the function of licensing and accrediting its drivers (such as school bus drivers) to the DPTI, thus ensuring drivers engaged by DECD are subject to the most comprehensive screening and registration process available. To support the transfer, DPTI amended TRUMPS to identify DECD drivers for accreditation purposes.

In the first annual report, 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 a vulnerable adult. However, these changes are no longer required due to the following improvements to driver accreditation and licensing requirements which will meet the intention of the changes proposed in the first annual report:

- The *Passenger Transport Regulations 2009* will be amended to support a Background screening and criminal history check 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 charges and 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.
- A Bill to amend the *Child Sex Offenders Registration Act 2006 (SA)* (the CSOR Act) has been introduced into Parliament. The Bill seeks to amend the CSOR Act to require child sex offenders to register with the Commissioner of Police ('registrable offenders') and the *Bail Act 1985 (SA)*

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so that taxi-drivers and hire-car drivers are inserted into the definition of 'child-related work'. This means that under the CSOR Act it will be an offence for a registrable offender to be a taxi-driver or hire-car driver (for the period of their registration). The amendments to the *Bail Act 1985* will mean that every person charged with a class 1 or class 2 offence will be subjected to an automatic condition of bail that the person not engage in child-related work (unless a bail authority is satisfied that a person accused of a child sex offence poses no risk to the safety and well-being of children).

The Passenger Transport Standards Committee also assesses the fitness and propriety of drivers against criminal history charges and offences that may not directly relate to child protection, including dishonesty offences and road traffic offences, before a new or renewing accreditation is granted.

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 South Australian Government supported this recommendation, agreeing that enshrining the *Charter of rights for children and young people in care* in legislation would be of important symbolic and practical value.

Following a period of public consultation, the *Children's Protection (Implementation of Report Recommendations) Amendment Act 2009* was passed by Parliament in December 2009 and included the following provisions:

- the Guardian for Children and Young People must develop a draft *Charter of rights for children and young people in care*
- the Guardian for Children and Young People must review the Charter at least once every five years
- in developing or reviewing the Charter, the Guardian for Children and Young People 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.

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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.

As at the 30 June 2013, the Charter had been endorsed by 57 agencies. There are also over 200 Charter champions whose role is to promote children's rights in their agency.

The Charter is due for review in September 2015.

A charter implementation committee, with representatives from government and non-government agencies, meets four times a year to exchange information and discuss contemporary issues for children in care.

Associated with the Charter is a product range of toys, accessories and books designed by young people in care in SA, with messages about children's rights. These are available free to agencies that have endorsed the Charter for distribution to children in care.

In 2011 the Office of the Guardian for Children and Young People worked with 25 young people with disabilities to develop materials about their rights which were suited to their circumstances.

The 200+ Charter champions, who have responsibility for promoting the Charter and children's rights in their agency, are supported with additional information about rights and opportunities for deepening their knowledge and advocacy skills.

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 Government acknowledged that whilst in practice the Guardian for Children and Young People had made it a priority to regularly consult with

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and receive advice from children and young people in State care, there was no legal requirement that the Guardian do so.

In order to ensure that there is no question that young people should be actively involved in the work of the Guardian, the *Children's Protection (Implementation of Report Recommendations) Amendment Act 2009* included provisions to establish a youth advisory committee. Under these changes:

- the Guardian for Children and Young People must establish and maintain a youth advisory committee.
- membership of the Committee is to be determined by the Guardian for Children and Young People (subject to the below requirement).
- the Committee is to include children who are, or have been, under the guardianship, or in the custody, of the Minister.
- the Committee's primary function is to assist the Guardian for Children and Young People in the performance of the Guardian's functions by ensuring that the Guardian is aware of the experiences of, and receives advice from, children who are, or have been, under the guardianship, or in the custody, of the Minister.
- the Committee has such other functions as are assigned to the Committee by the Guardian for Children and Young People.
- the Guardian for Children and Young People may consult the Committee, or members of the Committee, as the Guardian thinks fit.
- the Committee will, subject to direction by the Guardian for Children and Young People as to the procedures it is to adopt, determine its own procedures.

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.

The youth advisory committee, with an initial seven members, met as a committee during 2010-2011. There was irregular attendance, so in 2011-12 the youth advisors to the Guardian supported a proposal to convene as the committee. Consultation with other young people on particular projects continued, such as the development of children's rights materials for children with disabilities and the production of a comic book on the theme of

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negotiating for what you want. This included consultation with an Aboriginal youth advisory group.

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 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 line with this recommendation, the Redesign Program within Families SA (refer to recommendation 14) has formed a comprehensive communication strategy in an effort to coordinate communications and consultation mechanisms across a broad range of stakeholders. This incorporates young people in care or who have been in care and key representative bodies for children and young people in care (e.g. Guardian for Children and Young People, CREATE Foundation).

A Redesign briefing session was held on Wednesday 24 July 2013 for key child welfare stakeholder representative bodies. This opportunity was used to outline how the Redesign marks a change to the focus and the approach of Families SA, and to the delivery of child protection services.

New systems and structures being developed through the Redesign are already being informed by the views of children and young people in care or who have been in care through evidence captured in research reports, annual reviews and other key documents. Furthermore, in line with the Communication Strategy, the Redesign Program is exploring longer-term

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options for seeking and utilising input for this cohort of key stakeholders. This includes tapping into existing communication channels and resources available within representative groups (such as newsletters).

Also supporting this recommendation, the Minister for Education and Child Development and/or staff from the Department for Education and Child Development convene informal meetings with groups representing children and young people under the guardianship of the Minister (such as the Guardian for Children and Young People and CREATE Foundation) to discuss matters relating to children and young people in care.

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 of \$0.19 million per annum was allocated to the Office of the Guardian for Children and Young People as part of the Government’s response. It is the Government’s view that 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

The South Australian Government supported this recommendation and committed to establish an ongoing position within the Office of the Guardian

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for Children and Young People specialising in advocacy for children with disabilities in care.

Additional funding was allocated to the Office of the Guardian for Children and Young People to create this specialist position, and a person was appointed to the position on 3 November 2008.

This appointment occurred in conjunction with action to progress Recommendation 19 (the creation of a position specialising in advocacy for Aboriginal children and young people in care) and Recommendation 23 (additional function of the Guardian to act as an advocate where a child in care has made a disclosure of sexual abuse).

It was identified that the creation of this new position would significantly increase the Guardian for Children and Young People's capacity to make contact with individual children in care with disabilities and to undertake both individual and systemic advocacy for children with disabilities in care. It would also ensure that advice provided by the Guardian for Children and Young People is based on a broader range of contacts with children.

The Guardian for Children and Young People advises that the additional position has increased the capacity of the Office of the Guardian to respond to requests for intervention and to visit children and young people in residential facilities. The work specific to children with disabilities has included advice to disability services about out of home care for children with disabilities and the development of materials for children with disabilities about their rights.

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

In the first instance, the South Australian Government referred this matter to the Council for the Care of Children (the Council) for advice and received preliminary advice recommending that a broad media campaign relating to

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child abuse and neglect not be implemented. The Council advised that a broad media campaign will have limited effectiveness and that community awareness achieved by such a campaign is not likely to be sustained long after it has ended. The Council expressed concern that a media campaign may further traumatise survivors of child sexual abuse and that the expense and resources associated with an extensive media campaign could be better applied to other, more effective preventative strategies or services.

The Council also advised that a more effective strategy would be to develop an ongoing program of public education which focuses on good parenting and the specific behaviours that place children at risk or compromise their well-being.

In December 2008 the Council convened a round table discussion to explore more effective means of community education on this issue. The roundtable included experts from academia, government policy and planning areas and multi-sector service delivery. The outcome of this was a recommendation that a community education campaign should be an important priority for the national agenda to protect children, and that a partnership approach involving a broad range of sectors and industries would be the best means to achieve this.

In response to this 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 *National framework*.

The South Australian Government continues to strongly support the *National framework for protecting Australia's children*. 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 one, two, three and four are also directly contributing to these goals.

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Recommendation 13

That the Sexual Behaviour Clinic (SBC) of the Rehabilitation Programs Branch (RPB), Department for Correctional Services (DCS), be expanded so that all child sex offenders may attend the program while in custody and at any stage of their sentence.

Not implemented

The Government advised that it would not implement this recommendation and that it would continue to support current arrangements with the Sexual Behaviour Clinic (based within the Rehabilitations Programs Branch) for the provision of treatment and maintenance programs for sex offenders in both metropolitan and regional prisons.

The Clinic is currently operating at Yatala and Mount Gambier prisons. It aims to reduce recidivism through the provision of specific and targeted programs for sexual offenders. Three intensive programs are provided on an almost continuing basis, and four maintenance programs are provided to those who have completed the intensive program.

The Clinic is currently accessed through a system of risk based prioritisation and offenders receive treatment services as available. Expanding this program to reach all child sex offenders at any point in their sentence would require significant additional resources and the establishment of facilities in all regions.

The scope of the SBC has expanded to include the SBC-me. The SBC-me was developed within the Department for Correctional Services (DCS) and is a high-intensity therapeutic program (14-month duration) designed for the treatment of sex offenders with low cognitive functioning. The outcome results of the pilot program of the SBC-me following treatment provided evidence of effective, positive changes within specific targeted treatment domains.

The Chief Executive, DCS, has provided formal approval to add the SBC-me to the suite of offence-focused programs provided by the Department and a further SBC-me program will be commencing in late 2013.

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.

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Government response continuing

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 to every child and young person in care being allocated a care worker. However, it was recognised that the number of children entering and remaining in care and their circumstances and contact needs fluctuate significantly over time, and that service delivery must be responsive to these changes.

Contact between a child in State care and their case manager needs to be guided by the practice of differential response. A differential needs led assessment of contact for each child is conducted early in their placement and this assessment is reviewed on an annual basis. Each child's case manager works with the child, their family and their carers to ensure that responses to the child's individual care needs are well planned, monitored and delivered throughout their time in care. The nature and level of a child's needs can vary significantly, according to variations in their care environment due to periods of instability and significant and/or disruptive events. Families SA works in partnership with its alternative care providers in the non-government sector to ensure that all children are met regularly, their carers are supported and the specific needs are addressed in a timely way. Sometimes this may involve intensive engagement, whilst at other times the role is one of general support and guidance. Families SA continues to work towards the standard of monthly visitation to provide support, monitor progress and plan for the child's life domain needs.

Where there is an urgent requirement for contact with a child in care, this is undertaken within 24 hours, either 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).

Every child who is in out of home care has an allocated worker assigned to them in order for core case management and planning responsibilities to be completed in a timely way. There are times when case managers / workers are not available due to leave and vacancies. When this occurs, the relevant Families SA Office Supervisor ensures that the child's needs are responded to as required, in partnership with members of the child's care team.

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Families SA has dedicated 'Connected Care' teams who work specifically in supporting children in out of home care, in partnership with our partner providers in the non-government sector. These dedicated teams have caseloads which reflect the complexity of the specific child or young person's needs and as required, workers allocation is adjusted to accommodate the periods of specific high need placements and emergency interventions. Further, the caseloads of workers in these teams are such that the requirement for monthly face to face contact can be maintained. As noted, whilst the differential response arrangement facilitates flexibility in monitoring and support engagements, the overall approach is to ensure at least monthly contact.

During 2008 – 2012, Families SA reported on a range of strategies aimed at ensuring the contact needs of children in State care are met, including:

- A Complexity assessment tool (CAT) was 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 tool assists with placement matching and with case planning.
- Significant progress was made under the *Directions for alternative care in South Australia 2011-2015*, which aims to drive improvements across alternative care services in order to deliver quality, needs-based services in kinship, relative, foster, and residential care arrangements.
- A Residential Care directorate was 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.
- A *Consents and decisions* resource was published to provide guidance about who is able to make day-to-day and long term decisions or provide consent for children and young people placed in family based care. This resource promotes timely decision making, supports children's engagement in everyday social, educational, recreational and health care activities and empowers 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.
- An additional \$5 million per year for five 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. This initiative seeks to decrease the number of children entering and

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remaining in alternative care by working with their families to help improve parenting capacity and strengthen support networks, so families are able to remain safely together.

- Families SA contributed to the development of *National Out-of-Home Care Standards*, which is a priority project under the *National framework for protecting Australia's children 2009–2020*. The Standards seek to drive improvements so that children across Australia who are unable to live with their immediate family receive the best possible care and support.
- The Families SA kinship care program was strengthened, with 15 additional full time positions created in 2012 (refer to recommendation 16).

Strategies continue to be implemented. For example, during 2012 – 2013, Families SA commenced an ambitious program of Redesign which will restructure and reform the service system and the practice model across care and protection in Families SA. Through the development of new service 'hubs' in metro, and specialised office structures within country offices, it is anticipated that Families SA will strengthen its capabilities to provide quality, timely and needs led supports to children in out of home care.

In implementing this recommendation, the Mullighan Inquiry recommended that consideration be given to the recruitment, retention and professional development of social workers. Families SA continues to progress 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.

In 2011-12, Families SA worked to improve recruitment through a number of strategies, including the implementation of improved recruitment and selection criteria for staff, an increased focus on continuing professional development through workplace learning, and the engagement of all South Australian universities that offer social work qualifications in consideration about graduate 'fitness for practice'.

Families SA continues to strive towards full employment of its workforce to optimise the opportunities for proactive case management. In South Australia there are two accredited social work training institutions, and Families SA continues to work in partnership with these universities in regards to curriculum design, placement provision, and graduate employment opportunities. Families SA is represented on both Universities

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Advisory Boards and can influence and support training and post qualification pathways for quality graduates who seek to work in child protection.

Families SA also continues to retain a skilled and competent workforce. It continues to face challenges in rural and remote recruitment and retention, and in response has constantly sought incentive and attraction opportunities to ensure it achieves optimal occupancy of positions.

In this reporting period, a significant shift occurred in the way in which Families SA delivers workplace learning and development. In January 2013, Families SA relocated its dedicated learning team and resources from the Department for Communities and Social Inclusion College for Learning and Development and co-located them within the Practice and Policy Directorate. The new Learning and Practice Development Team has finalised the first *Families SA learning and development framework*. The Framework sets out the organisations core principles, structure, design and delivery of workplace learning for all of Families SA staff. This has enabled the approach to learning and development to move away from more traditional knowledge based ‘training’ towards knowledge transfer in practice learning and development.

In 2012 the Australian Association of Social Workers reignited its campaign to see social work become a registered profession. The matter remains under consideration at national forums. In 2013, in preparation for the future registration of social workers, DECD completed an *Impact review* of the opportunities and options regarding the proposed implementation of registration and is now well positioned to respond proactively if the proposed registration were to eventuate.

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**

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Recommendation 15 (cont)

- **Caring for a child or young person who has been sexually abused**
- **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 South Australian Government supported this recommendation.

The Government reported that specific induction training in the area of child abuse (including child sexual abuse) would be mandatory for all Families SA social workers and advised that the College for Learning and Development within the former Department for Families and Communities would review its learning programs to ensure the recommended topics are included. The review was to take into account the views of current and former children and young people in care and from professionals and academics working in the area of child sexual abuse.

The review of learning programs was completed in February 2009. In conducting the review, college staff consulted with staff, researchers and interested stakeholders who have direct contact with children and young people in care. The topics recommended by the Commission of Inquiry were a focus of this review and were interwoven into existing learning programs.

Families SA remains committed to ensuring that social worker knowledge and skills in the area of child sexual abuse is maintained.

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In this reporting period, a significant shift occurred in the way in which Families SA delivers workplace learning and development. In January 2013, Families SA relocated its dedicated learning team and resources from the Department for Communities and Social Inclusion College for Learning and Development and co-located them within the Families SA Practice and Policy Directorate.

When Families SA first assumed responsibility for delivering training to social workers, the training program remained the same as in previous years. However, during 2013 Families SA adopted the case management practice model *Solution Based Casework* to support its new Practice Framework. This model has a strong evidence base and has been applied with success in several states in the American context. *Solution Based Casework* combines solution-focused techniques with relapse prevention strategies in an effort to help families focus on their strengths, supports and protective factors. This is done while also helping to hold families accountable through skill acquisition and adherence to collaboratively developed family plans. The approach helps practitioners and families focus on everyday life events, and helps families build the skills needed to manage situations that are difficult for them and cause harm to their children.

The model has specific, clear directions about the successful case management of safety in sexual abuse cases. The model's implementation over the next few years will provide additional opportunities for training of social workers and support workers and build on their existing skills in preventing and managing incidents of sexual abuse.

The roll out of training for *Solution Based Casework* began in August 2013 and is expected to be completed by the end of the year. The training is mandatory for all Families SA social workers. Ongoing strategies to embed *Solution Based Casework* practice will be based in the workplace, such as through coaching, supervision and other strategies.

A new Learning and Development Framework for staff that utilises informal and work-based approaches as well as formal classroom learning approaches has also been developed and is at the approval stage. Once approved, it is expected that future learning programs delivered to social workers and other staff will be dynamic and updated as context and knowledge bases change.

Specific induction training in the area of child abuse (including child sexual abuse) is also provided to Families SA residential care workers. In addition to the specific induction training, residential care workers are required to complete a comprehensive program of in-service education aligned to the

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Certificate IV in child, youth and family intervention (residential and out of home care).

Recommendation 15 will continue to be a key consideration in any future reviews and improvements to Families SA training programs.

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.**

Government response continuing

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.

From 2008 – 2012, a range of strategies were undertaken by Families SA to address this issue and diversify care models for children and young people in care, including

- The construction of two residential care facilities that now provide an additional 24 places for children in care.
- The refurbishment of eight houses at the former Tregenza Nursing Home at Elizabeth South that can now accommodate 24 children aged 0 – 11 years.

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- The commencement of planning for the construction of two new community residential care units commenced in 2012. Once complete, the new units will provide an additional 24 residential places for children in care. Construction on the first of the two units has commenced and is expected to be complete by mid-2014.

More than 360 professional full-time staff are being recruited by Families SA to help ensure that young people in residential care receive the long term therapeutic and consistent care they require. This initiative is intended to phase out the need to use commercial carers to care for young people for whom foster care is not an option. A next step will be to develop therapeutic residential care, assessment and stabilisation units. These units will facilitate faster transitions to family based placements and help ensure that young people are placed according to their needs.

Families SA is expanding its residential care services to help ensure that young people in residential care receive the stable and consistent care they require. This initiative is intended to phase out the need to use rotating commercial carer staff to care for young people who are not able to access foster or kinship care services. Models of care will be developed and implemented that promote therapeutic environments and that have a specific focus on assessment services and supports to help ensure that young people's specific needs are identified, assisting in more comprehensive matching and transition processes.

The 2011-2012 State Budget provided kinship care with approximately \$1.5 million to fund the expansion of the program. This funding has facilitated the creation of two new kinship care teams within Families SA and the recruitment and training of 15 full-time kinship care workers. As part of the evolution of the program, kinship care workers are now 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 kinship care program incorporates the outcomes of the *Right start pilot* in Gawler that was completed in 2012. The pilot implemented an integrated service model that provided support to carers immediately following placement.

The Government also provided a further \$27.2 million over four years as part of the 2013-14 State Budget to further support children and young people within the alternative care system. This funding is supporting the ongoing

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implementation of this recommendation through continued improvement in the *kinship care* program, improved therapeutic services and carer supports.

Families SA continues 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 fivefold increase in the total value of grants contracts. In 2012 – 2013 Families SA managed 77 contracts with non-government agencies totalling \$60.5 million.

To encourage and support growth in family based care, new service agreements for family based care now include placement growth payments. These payments are aligned to growth in the number of foster care placements.

Future service developments and contractual arrangements will continue to be developed in accordance with the 2013-14 State Budget provisions and the *Directions for alternative care in South Australia 2011-2015* (see below).

The 69 houses allocated to Families SA under the Nation building economic stimulus program have now been commissioned and are operational, with one home being used as an administrative centre. These houses will help phase out the need to use motel rooms to accommodate young people for whom foster care is not an option and commercial carers to care for them through increasing the number and variety of placements that are available to children and young people in need of alternative care, including suitable emergency care options. As recommended by the Commission of Inquiry, many of these facilities accommodate small groups of children.

Families SA is expanding its residential care services to help ensure that young people in residential care receive the stable and consistent care they require. This initiative is intended to phase out the need to use rotating commercial carer staff to care for young people who are not able to access foster or kinship care services. Models of care will be developed and implemented that promote therapeutic environments and that have a specific focus on assessment services and supports to help ensure that young people's specific needs are identified, assisting in more comprehensive matching and transition processes.

As previously reported, significant progress has been made towards implementing key initiatives under the *Directions for alternative care in South Australia 2011- 2015*. The Directions were released in 2011 and establish the

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strategic direction for planning and developing alternative care services in South Australia. 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 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 have been involved in the *Reunification initiative*, which commenced in 2011 (*Direction 1.2*).
- 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 was seconded from the Australian Bureau of Statistics during 2012 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 (see above and *Direction 2.3*).

The recruitment of foster carers remains a high priority for Families SA. During 2012–2013 campaign partnerships were initiated to promote foster care more widely in the regional areas of South Australia. A radio community service announcement for foster care was run in the regional areas during August 2013 and is scheduled to run on metropolitan radio stations in September and October 2013. The Families SA Foster Care Services Team continues to run and operate a state wide information service for the community regarding foster care. The service promotes and responds to enquiries via telephone and Families SA website. As part of this service, the team will deliver seven information sessions in metropolitan Adelaide during 2013-2014.

To support the retention of foster carers, Families SA contracts non-government service providers to deliver a range of family based care services, including foster, respite and specialist models of care. As part of their service agreements with Families SA, non-government service providers must allocate a placement support worker for each carer to provide support

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through face to face contact, home visits, telephone support, training and performance review. General and specialist service providers care required to recruit respite carers to support long term and specialist foster care placements.

In addition to the basic carer subsidy, Families SA also provides a range of additional financial supports for foster carers through alternative care support payments. Additional payments may also be provided to carers of children with complex needs.

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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Implementation of Government response complete

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.

In its initial response the Government advised that carers were already required to undergo mandatory training (including training about child sexual abuse) as part of the carer registration process and that successful completion of this training was a prerequisite for registration. Training attendance also formed an important component of every carer's annual review.

In 2008, the former Department for Families and Communities (DFC) instructed all government and non-government service providers who assess and support carers 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. DFC also undertook a review of its own carer assessment and training policies to develop a standardised training model and committed to develop a framework for the recruitment, assessment, approval, training (induction, core and specialist) and support for carers throughout their carer 'lifespan'.

During 2008, the Government also announced an additional \$7.3 million funding over four years would be allocated for non-government agencies to recruit, train and support foster carers, with an additional \$8.3 million to provide support and services (including training) to relative and kinship care workers.

By 2009 it became apparent that the breadth and complexity of the issues involved in ensuring a consistent approach to carer training that incorporated the issues identified by the Commission of Inquiry would be better addressed as part of the broader review of alternative care for children and young people that was also underway (the '*Alternative care quality assurance strategy*').

In July 2010, the former Minister for Families and Communities released the draft *Directions for alternative care in South Australia*. This document incorporated the *Alternative care quality assurance strategy* and included a specific focus on recruiting, training and retaining specialist family based carers. A range of government and non-government organisations were invited to provide comment on the draft directions. The finalised *Directions*

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for alternative care in South Australia 2011 – 2015 (the Directions) were released in September 2011.

During 2010, carer training was also supported through:

- The development of an introductory training module for carers that incorporated a DVD and information package.
- A shared learning forum established between Families SA and the Child and Family Welfare Association.
- The funding of two non-government organisations to employ staff whose roles are dedicated to recruiting, assessing, training and supporting carers.
- The delivery of other mandatory training, such as the carer specific *Child safe environment training module*, *First aid* and *Safe infant care* (where required).

In 2011, Families SA developed a draft competency based assessment for carers and draft 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 South Australia* carer assessment package and the *Shared stories shared lives South Australia* carer training packages were approved by the Minister for Education and Child Development (DECD) on 9 October 2012. A secure website for all family based care resources was approved on 16 November 2012 and is now operational.

The *Step by step* assessment package and the *Shared stories shared lives* training package 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.

Modules include:

- foster care in context
- bonding and attachment
- grief and loss
- abuse and trauma

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- identity and birth family contact
- responding to challenging behaviours
- team work
- maintaining cultural connections
- the story continues.

Families SA also developed additional resources to support the training packages. These resources 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 (currently in draft form).

All non-government providers of foster care in South Australia are currently using the *Shared stories shared lives* training package or its equivalent to deliver mandatory foster care training to all new or prospective carers. These resources are accessed through the secure *Step by step* website located on the DECD intranet.

To date over 170 foster care assessors have now attended the two-day *Step by step* Familiarisation workshop. In accordance with the copyright requirements of the *Step by step* assessment package, the workshops are facilitated by non-government service providers themselves or by Families SA. Carer registration remains contingent on the completion of the *Shared stories shared lives* carer training and other mandatory training (including *Child safe environments: Reporting child abuse or neglect*, *Applied first aid* and *Safe infant care*).

Current Families SA service agreements (2012 – 2015) support the ongoing implementation of this recommendation through establishing mandatory training requirements for all carers, including that 'the service provider will provide specialised training to all carers and potential carers of children and young people on child sexual abuse prevalence, tactics used to silence children, protective behaviours and caring for a child or young person who has been sexually abused, per Recommendation 17 of the *Children in State Care Commission of Inquiry*.'

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A draft competency-based carer review procedure and associated templates are being developed by Families SA to support the *Step by step assessment* and *Shared stories shared lives* training packages. Once implemented, the draft carer review process will require the identification of any ongoing training needs (inclusive of child sexual abuse and caring for a child with a disability) as a matter of priority.

As previously reported, Families SA also developed 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 Mullighan Inquiry have been interwoven into this package. The package consists 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.

This work was 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*. Families SA will also deliver this national training package to staff in the Residential Care Directorate.

The Residential Care Directorate has made significant progress in 2013 with the implementation of its training programs. All Residential Care staff have now completed training regarding content of the Residential Care practice guides '*Understanding and responding to abuse (including sexual abuse) and neglect*' and '*Cyber safety and responsible use of e-technology*'.

An additional half day training program entitled '*Understanding and responding to sexualised behaviour in residential care*' was trialled and evaluated in 2012 at two Residential Care Units. The training is directed at defining, assessing and responding to sexualised behaviour in children and young people, giving staff the tools to respond therapeutically with consideration being given to the aetiology of sexualised behaviour and underlying feelings or experiences.

All Residential Care Supervisors have completed this training program, and are being supported by a project team to continue with a 'train-the-trainer' model for direct care staff. It is expected that all residential care staff will have completed this training by the end of the year.

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The trial of the training program has been evaluated and all staff that completed the training provided positive feedback. This included that the training has improved their practice and their ability to understand and respond appropriately to sexualised behaviour exhibited by young people in State care.

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.

Implementation of Government response complete

The South Australian Government supported this recommendation, advising that recruiting and supporting specialised family based carers is a high priority for Families SA so as to ensure that the specific care and support requirements of children and young people with high and complex needs are met. Integral to achieving is 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 (see recommendation 17).

In 2010, a new non-government therapeutic foster care program was funded. The program, 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.

During 2011, Families SA, in partnership with Disability SA, developed a second edition of *'Protecting children and young people with disabilities: a booklet for parents and carers'*. The booklet provides clear, accessible and up-

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to-date information to parents and carers on the prevention of abuse and neglect of children less than 18 years of age living with a disability. In 2012 a companion booklet was produced, entitled '*A guide to protecting children and young people with disability and preventing sexual abuse: For parents and carers*'. This was developed by the Ministerial Advisory Committee: Students with Disabilities in collaboration with families of children with disabilities and Families SA. In January 2013 the second edition of these two companion publications were reprinted.

These two companion publications aim to raise awareness for the safety and wellbeing of children with disability and provide guidance for parents and carers about where to seek further advice. Information is also provided about 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, foster care agencies, disability services offices, non-government service providers, and 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 the Ministerial Advisory Committee: Students with Disabilities websites.

The *Step by step* assessment package and the *Shared stories shared lives* training package are also supporting this response (see Recommendation 17). Disability-specific service providers were engaged in consultation and development of the South Australian version of these resources.

All non-government providers of foster care in South Australia are currently using the *Shared stories shared lives* training package or its equivalent to deliver mandatory foster care training to all new or prospective carers.

In addition to the general *Step by step* carer assessment package, Families SA has developed tailored content for assessment of carers providing specialist care, including for children with a disability. This tailored assessment process addresses particular risks to the safety of a child with a disability, including that of sexual abuse.

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A draft competency-based carer review procedure and associated template in line with *Step by step* and the *Shared stories shared lives* training package has also been developed (see Recommendation 17).

Training requirements have now been included in current service agreements with specialist foster care services. These agreements now include a provision that ‘the service provider will provide specialised training for all carers and potential carers of children and young people about particular issues concerning the prevalence of sexual abuse of children and young people in State care, assessing behaviours as indicators of sexual abuse, supporting and responding to disclosure per recommendations 17 and 18 of the *Children in State Care Commission of Inquiry*’.

Service agreements are monitored Families SA Service Development and Accountability Unit, which will promote ongoing adherence to recommendation 18.

During 2013 – 2014, Families SA Residential Care Directorate will also prepare a practice guide entitled ‘*Understanding and working with children and young people with disabilities*’ as part of the Residential Care practice package. A specialised training program will also be developed to support and facilitate the implementation of this practice guide.

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

The South Australian Government supported this recommendation and committed to establish an ongoing position within the Office of the Guardian for Children and Young People specialising in advocacy for Aboriginal and Torres Strait Islander children in care.

Additional funding was allocated was allocated to the Office of the Guardian for Children and Young People to create this specialist position, and a person was appointed to the position on 3 November 2008.

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This appointment occurred in conjunction with action to progress Recommendation 11, (the creation of a position specialising in advocacy for children and young people with disabilities in care) and Recommendation 23 (additional function of the Guardian to act as an advocate where a child in care has made a disclosure of sexual abuse).

It was identified that the creation of this new position would increase the Guardian's capacity to monitor the circumstances of individual Aboriginal children and young people in care and help ensure their specific needs are identified and met. It would also ensure that advice provided by the Guardian is based on a broader range of contacts with children.

The Guardian for Children and Young People has advised that the additional position has increased the capacity of the Office of the Guardian to respond to requests for intervention, to visit children and young people in residential facilities and to do outreach work with Aboriginal organisations and practitioners. The work specific to Aboriginal children includes the preparation of materials about their rights to understand their family history and develop their cultural identity. The advocate's position is occupied by an Aboriginal person.

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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.

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Implementation of Government response complete

The South Australian Government supported this recommendation and recognised the importance of ensuring that all government agencies involved in child protection were provided with consistent guidance regarding the interagency process for investigating suspected child abuse or neglect.

The practice guidelines of the former Special Investigations Unit (SIU) of the former Department for Families and Communities already contained a requirement to refer allegations of sexual abuse to the Police within 24 hours. In 2009, these guidelines were amended to also require that the Guardian for Children and Young People be notified within 24 hours, or immediately in urgent situations. A referral mechanism for this to occur was also established.

The Government also revised the *Interagency code of practice: Investigation of suspected child abuse and neglect* to ensure that the information it contains remained comprehensive, timely and relevant. The revised code reflects recommendations 20 and 24 and outlines the new working practices between the DECD CCIU (formerly DFC SIU), the Guardian and SAPOL. It includes information sharing guidelines between the CCIU and other relevant agencies and promotes best practice in the management of child abuse and neglect through enhancing partnerships and agency training.

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.

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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.**

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. This review was completed in 2009.

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:

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

The review of therapeutic services was completed and the results of the review were incorporated and embedded into service planning and service responses.

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The services reviewed in response to this recommendation provide evidence and 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 (CAMHS) draft *Model of care*. This work is ongoing. Since the implementation of this recommendation was completed in 2011, CAMHS has undergone a number of changes. CAMHS became a state-wide service on 4 February 2013, and the new *Model of care* for the state-wide CAMHS service has been developed and has been released for consultation.

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

The Government advised that this recommendation would be considered as part of the review of therapeutic services being undertaken in response to Recommendation 21.

The review of therapeutic services under Recommendation 21 has been completed.

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

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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 South Australian Government supported this recommendation and committed to implement the required changes through an amendment to the *Children's Protection Act 1993*.

Following a period of public consultation, 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.

Additional funding of \$0.19 million per annum was allocated to the Office for Guardian as part of the Government's response to the recommendations of the Commission of Inquiry. The increased resources were considered sufficient to support this recommendation.

The Guardian for Children and Young People has advised that the additional function was met to the extent possible by the resources available to the Guardian.

The action undertaken that is specific to this additional function is as follows:

- The Guardian receives from the DECD Care Concerns Investigation Unit (CCIU) notifications of allegations of serious sexual abuse of children who are in State care.
- The Guardian convenes a quarterly meeting of the CCIU and the SAPOL Sexual Crimes Investigation Branch, to monitor progress on investigations of serious sexual abuse allegations. The core purpose of the meetings is to expedite investigations.

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However, the Guardian advises that this only meets in part the intention of the additional function.

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.

Implementation of Government response complete

The South Australian Government supported this recommendation.

The DECD Care Concern Investigations Unit (CCIU), formerly the Special Investigations Unit (SIU), amended its guidelines to ensure that the Guardian for Children and Young People is notified where a child or young person in care makes an allegation of sexual abuse. The guidelines allow for the Guardian to be immediately notified in urgent situations. A referral mechanism to allow this to occur was developed and continues to be followed.

The Government recognised the importance of ensuring that all government agencies involved in child protection are provided with consistent guidance regarding the interagency process for investigating suspected child abuse or neglect. The Government revised the *Interagency code of practice: Investigation of suspected child abuse and neglect* to ensure that the information it contains is comprehensive, timely and relevant. The revised code reflects recommendations 20 and 24 and outlines the new working practices between the DECD CCIU (formerly DFC SIU), the Guardian and SAPOL. It also includes information sharing guidelines between the CCIU and other relevant agencies and promotes best practice in the management of child abuse and neglect through enhancing partnerships and agency training.

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

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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.

Implementation of Government response complete

The South Australia Government supported this recommendation and advised that it would be implemented as part of the implementation of Families SA's Connected Client and Case Management System (C3MS).

In 2011, Families SA implemented a separate process to record information about allegations of sexual abuse of children in State care within C3MS. This allows Families SA to 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 staff in response to substantiated care concerns, and
- when the allegations have been referred to various authorities (including the Guardian for Children and Young People, SAPOL or SA Health Child Protection Services).

All care concerns related to 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.

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

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.

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.

Section 52A of the *Children's Protection Act 1993* now provides that:

1. There is to be a Guardian for Children and Young Persons.
2. The Guardian is to be appointed by the Governor on terms and conditions determined by the Governor.

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3. Subject to this section, the Guardian holds office for the term (not exceeding 5 years) stated in the instrument of appointment and is then eligible for re-appointment.
4. The office of the Guardian becomes vacant if the Guardian—
 - dies; or
 - completes a term of office and is not re-appointed; or
 - resigns by notice of resignation given to the Minister; or
 - is convicted either within or outside the State of an indictable offence or an offence carrying a maximum penalty of imprisonment for 12 months or more; or
 - becomes bankrupt or applies as a debtor to take the benefit of the laws relating to bankruptcy; or
 - becomes, in the opinion of the Governor, mentally or physically incapable of carrying out satisfactorily the duties of office; or
 - becomes a member of the Parliament of this State or any other State of the Commonwealth or of the Commonwealth or becomes a member of a Legislative Assembly of a Territory of the Commonwealth; or
 - is removed from office by the Governor under subsection (5).
5. The Governor may remove the Guardian from office on the presentation of an address from both Houses of Parliament seeking the Guardian's removal.
6. The Governor may suspend the Guardian from office on the ground of incompetence or misbehaviour and, in that event—
 - a full statement of the reason for the suspension must be laid before both Houses of Parliament within three sitting days of the suspension; and
 - if, at the expiration of one month from the date on which the statement was laid before Parliament, an address from both Houses of Parliament seeking the Guardian's removal has not been presented to the Governor, the Guardian must be restored to office.
7. Except as provided by this section, the Guardian may not be removed or suspended from office, nor will the office of the Guardian become vacant.

These amendments commenced on 31 December 2009.

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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 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.

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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.

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

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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.

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 South Australian Government supported this recommendation.

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

This recommendation was subsequently included in the *Children's Protection (Implementation of Report Recommendations) Amendment Act 2009*, which 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.

HCSCC is welcoming to any child or young person who approaches the office. Children and young people are advised on how to form their complaint, how to proceed and are provided with all necessary support to have their complaint resolved.

It is vital that appropriate and accessible complaints mechanism for children and young people in State care are confidential, protected and impartial. For this reason, the Government also supported and implemented other recommendations of the Inquiry relating to availability and accessibility of complaints mechanisms, including recommendation 23 (that the Guardian for Children and Young People act as an advocate for a child or young person in State care who has made a disclosure of sexual abuse), recommendation 33 (extension of the two year limit for complaints in the child protection

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jurisdiction in relevant circumstances) and the components of recommendation 32 relating to raising consumer awareness of government funded complaints services.

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.

Implementation of Government response complete

The South Australian Government supported this recommendation in part.

In the first instance, this recommendation was considered as part of the independent review of the *Health and Community Services Complaints Act 2004* which took place in 2008. The independent reviewer reported back to the Government in November 2008 and did not support the recommendation that the Health and Community Services Complaints Commissioner (HCSCC) adopt additional title of Child Protection Complaints Commissioner. The Government concurred and did not implement this component of the recommendation.

The reviewer supported the suggestion that a public awareness campaign be undertaken to promote the role of the HCSCC and Government-funded complaints services more generally. The Government committed to raise public awareness about the role of the HCSCC as part of broader initiatives to raise consumer/client awareness about Government funded complaints resolution processes.

The HCSCC undertook a public awareness campaign to promote the Commission’s role and services to a wide variety of audiences. This included

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reference to its child protection complaints jurisdiction and the *HCSCC charter of health and community services rights*. The HCSCC also developed a HCSCC Charter Champions Network to promote awareness of the Commissioner's role. The website of the HCSCC service includes specific reference to receive child protection services as part of its role.

The HCSCC is continuing its work in promoting its role and services to a wide variety of audiences. HCSCC advertises in the media to raise awareness about the Commission and making complaints, maintains a website advising how to complain, and distributes its information pamphlets widely. HCSCC has also provided customised information to child protection lawyers.

SA Health implemented a Safety Learning System that incorporates information about incidents as well as the management of feedback, including advice, compliments, complaints and suggestions. Importantly, the Safety Learning System enables SA Health to continually review and analyse feedback received from consumers of SA Health's services.

DECD (Families SA) implemented a Client Feedback System as an accessible framework for encouraging, managing and responding to client feedback. The Client Feedback System is promoted through the distribution of client feedback posters, brochures and forms and via the Families SA website. This promotional material includes reference to the HCSCC.

Due to the Machinery of Government changes in October 2011, some elements of this system required transitioning from the Department for Communities and Social Inclusion (DCSI) to DECD-Families SA. Arrangements were entered into with DCSI to ensure a seamless transition that would not impact on accessibility for Families SA clients.

During the transition phase, Families SA rebranded and updated its client feedback posters, brochures and forms to reflect Families SA's transition to the Department for Education and Child Development (DECD). A supply of the updated brochures and posters has been provided to all Families SA locations for placement in public waiting areas and to staff undertaking work outside of the office. Additionally, a supply of brochures has been forwarded to each agency funded or contracted by Families SA. The brochure includes a section outlining the roles of the HCSCC, Ombudsman SA and the Office of the Guardian for Children and Young People and provides information about how to contact these agencies in the event that a person is dissatisfied with the process, progress or response of their feedback to Families SA.

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A dedicated webpage has also been established on the DECD website that provides a simple mechanism for members of the public to provide feedback to Families SA electronically.

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.

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 South Australian Government supported this recommendation.

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

This recommendation was subsequently included in 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 enable consideration of extending the two-year limit in the child protection jurisdiction when the complaint relates to a health or community service provided to a child, and when the complainant first had notice of the circumstances giving rise to the complaint after May 2004.

This amendment commenced on 31 December 2009.

HCSCC has advised that it has not received a complaint that would fit these criteria and accordingly has not needed to set aside the two year timeframe.

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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 South Australian Government supported this recommendation.

The backlog of cases of sexual abuse involving child complainants and the development of measures to prioritise the listing of those trials was considered by the Criminal Justice Ministerial Taskforce.

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

To support implementation, practice directions were issued for the Supreme Court, District Court and Magistrates Court and priority listing for these trials is in place.

To reduce delays in the criminal justice system and assist in addressing the backlog of criminal cases, the South Australian Government also appointed an additional District Court judge in 2008 and two additional District Court judges in 2009.

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 South Australian Government supported this recommendation.

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The backlog of cases of sexual abuse involving child complainants and the development of measures to prioritise the listing of those trials was considered by the Criminal Justice Ministerial Taskforce.

Initially, a pilot of a dual system for fast tracking the committal and trial of cases of sexual offences against children was planned. However, in consultation with the judiciary, the Government adopted the more immediate approach of proclaiming the relevant provisions of the *Statutes Amendment (Evidence and Procedure) Act 2008*, which established procedures to fast track sexual abuse cases involving child complainants.

To support implementation, practice directions were issued for the Supreme Court, District Court and Magistrates Court dealing with how these provisions would operate and priority listing for these trials is in place.

To reduce delays in the criminal justice system and assist in addressing the backlog of criminal cases, the South Australian Government also appointed an additional District Court judge in 2008 and two additional District Court judges in 2009.

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 South Australian Government supported this recommendation.

A clinical psychologist was engaged 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.

The clinical psychologist facilitated 10 training sessions between February and June 2009. Approximately 200 criminal justice personnel participated in the program. This included members of the judiciary, the Office of the Director of Public Prosecutions, SAPOL, the Legal Services Commission and the Aboriginal Legal Rights Movement.

This program was delivered in conjunction with a related program of education arising from changes to the criminal law of rape and other sexual

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offences made in 2008. Through delivering these training programs concurrently to criminal justice personnel, the intent was to improve participant understanding of, and communication with, children who are the alleged victims of sexual offences, including the special issues presented by children with a disability who have been sexually abused.

Evaluation reports that were completed by participants demonstrated that the training sessions were successful.

Specialist training for police, prosecutors, defence counsel and the judiciary in regard to working with child victims of sexual abuse who have a disability is also a focus of the *Disability justice plan*.

Consistent with the *United Nations Convention on the Rights of Persons with Disabilities* and the federal *Disability Discrimination Act 1992* (Cth), the South Australian Government is demonstrating its commitment to improving access to justice for people with disability through the development of a *Disability justice plan*.

The *Disability justice plan* will include changes to the *Evidence Act 1929* aimed at minimising the number of times a vulnerable witness has to recount their experience and allowing audio-visual records, such as the video recording of interviews, to be used as evidence.

The Deputy Premier launched a successful two-month public consultation in May 2013, which involved five public meetings, including three in regional areas, and meetings with a range of community organisations and individuals.

The feedback from the public meetings is being considered in the preparation of a draft plan, which will be released for further public comment.

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

Between 2004 and 2008 the *Children in State Care Commission of Inquiry* examined allegations of sexual abuse of children in State care and of criminal conduct that caused the deaths of such children. In 2007, a second

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concurrent inquiry was established to investigate child sexual abuse on the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands. Both commissions made recommendations regarding the use of restorative justice.

In addition to this recommendation, the final report of the APY Lands Commission of Inquiry recommended:

That a process of restorative justice for the resolution of disputes in communities on the Lands be developed, implemented and periodically assessed (Recommendation 37).

The government's response to recommendation 37 of the Children in State Care final report was (in part) that:

The Government will establish a panel of appropriately qualified people to consider the issue of restorative justice for victims of sexual abuse whilst in State care and the appropriateness of an arrangement of restorative justice for victims of sexual abuse (and if so in which cases and in what circumstances). That panel will address the possible extension of its scope to other cases of child sexual abuse and provide advice on a suitable model for justice (if appropriate).

In reply to the APY Lands final report recommendation, the government referred to the commitment made in response to the Children in State Care final report to establish a panel of qualified persons and indicated that:

The Government will request that the panel consider the issue of restorative justice for victims of child sexual abuse on the APY Lands, and will consider the report of the panel when it is presented.

The Restorative Justice Reference Group was established in late 2008 by the Attorney-General. Membership of the group included appropriately qualified people from the Attorney-General's Department, former Department for Families and Communities, SAPOL, Department of the Premier and Cabinet (Aboriginal Affairs and Reconciliation Division), Courts Administration Authority, Department for Correctional Services and the Commissioner for Victims' Rights.

Over a period of 12 months the Reference Group conducted an extensive literature review, obtaining information on relevant practices, processes and legislation in other jurisdictions. It also met with key people to obtain information on existing arrangements within the South Australian criminal justice system (including restorative justice practices) and views on the appropriateness of a restorative justice approach for victims of sexual assault.

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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 handling of sexual offence cases through restorative justice programs.

As noted in the Reference Group report, the South Australian Government already delivers a range of programs that incorporate restorative justice elements, with conferences being the most common form of restorative justice offered in SA. These include the following:

- *Aboriginal sentencing conferences legislated under Section 9C of the Criminal Law (Sentencing) Act 1988*

Aboriginal Sentencing Conferences provide an opportunity for Aboriginal defendants to have their voice heard in a culturally appropriate manner, and family members and support persons are encouraged to attend and speak directly to the court.

- *Port Lincoln Aboriginal sentencing conferences*

Port Lincoln Aboriginal Sentencing Conferences are offered by the Magistrates Court in the Port Lincoln area and involve adult Aboriginal defendants in a post-plea, pre-sentence conferencing process, where cultural facets of the incident are considered and defendants are provided with the opportunity to respond to the victim of the offence.

- *Family conferences*

Under the *Young Offenders Act 1993*, any offence meeting the criteria for diversion under the Act may be referred to a family conference. A family conference allows the young person who has committed an offence to meet the victim of the offence and better understand the consequences of their offending behaviour.

The Restorative Justice Reference Group report does not support the blanket exclusion of sexual offences from restorative justice programs. However, the report notes the risks involved, particularly the potential for further harm to the victim, and the need for a cautious approach to the handling of sexual offences.

To apply restorative justice principles to the current system in a more holistic and consistent manner, the Restorative Justice Reference Group recommended that a restorative justice framework be developed for South Australia.

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Given the higher priority attached to other government commitments, the Government does not support the development of a state-wide restorative justice framework 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

The South Australian Government supported this recommendation.

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.

Following the apology motion in Parliament, the former Premier, former Minister for Families and Communities, representatives of the Anglican, Catholic, Uniting and Lutheran Churches and the Salvation Army signed a shared apology to survivors of abuse at a ceremony attended by more than 100 survivors of abuse.

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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

The South Australian Government supported this recommendation.

In 2008, the Government announced it would fund a service for three years to provide counselling and related support services to adults who experienced child sexual abuse whilst the State care, at no cost to them. A position was created within the former Department for Families and Communities to link adult victims of child sexual abuse to counselling and related support services. This position commenced in 2009.

To support this service, Relationships Australia (SA) was funded for three years to maintain a register of trained practitioners, including those who are free of church and government affiliation and to provide training to counsellors and therapists involved in providing therapeutic services to care leavers.

Families SA conducted a review of the service in 2011. The review demonstrated that the service had been successful in providing appropriate, relevant and flexible support to care leavers, including those who had made submissions to the *Children in State Care Commission of Inquiry*. It also found that the need for therapeutic services and support remained high, and that there is an ongoing need for further ongoing therapeutic support to be

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available. As a result of this review, Families SA committed funding the service beyond the three year period.

During 2012, a tendering process was undertaken by Families SA to identify an organisation that was independent of church and government to continue to deliver the *Post care services* social work program, in order to fully reflect the intent of this recommendation.

Relationships Australia (SA) was the successful tender and is now responsible for the ongoing delivery of the *Post care services* social work program. Services are provided from a central Adelaide location, (Elm Place, corner of Flinders Street) and care leavers living in country areas are supported through country outreach offices. This service commenced in July 2012.

In addition to the specialist service established in response to this recommendation, the *Post care services* social work program provides assistance to care leavers with:

- counselling and therapeutic services
- life skills
- parenting skills development
- identity and relationships
- accessing records
- advocacy and support in accessing services delivered by Commonwealth, State and non-government organisations, including services relating to health, employment and education.
- housing advocacy
- referrals to financial counselling and management
- drop in support.

Relationships Australia has upgraded its Respond SA website and developed a new film clip to include information specifically about institutional abuse. Relationships Australia SA also continues to maintain a list of accredited trained psychologists proficient with addressing issues of child sexual abuse. The list is available on the Respond SA website.

As part of its service, Relationships Australia SA has delivered information sessions to organisations, professionals and individuals on responding to people who have experienced sexual abuse as children, particularly those in State care.

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The services provided by Relationships Australia have been well received by care leavers. Relationships Australia has advised Families SA that there has been increased activity within the service. One of the reasons for this may be due to the current *Royal Commission into Institutional Responses to Child Sexual Assault*. For example, Relationships Australia SA has advised that some clients are seeking to be kept informed of the status of the Royal Commission and are seeking support to manage their responses to this enquiry.

The service is complemented by the Commonwealth Government funded *Find and connect service*, also provided by Relationships Australia, which commenced in 2012.

Families SA is maintaining a close working relationship with Relationships Australia and with the Commonwealth to ensure the effective delivery of both *Post care services* and the *Find and Connect Service* in this State. Families SA is also working with Relationships Australia clients regarding the provision of information via freedom of information.

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

The South Australian Government supported this recommendation. In July 2008, a taskforce was established to closely examine redress schemes for victims of child sexual abuse, taking into account the redress schemes implemented in Tasmania, Queensland and Western Australia.

The taskforce reported its findings to government. Subsequently, 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.

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The Commissioner for Victims Rights and Relationships Australia Post Care Services (formerly Families SA Post Care Services – refer to recommendation 39) offer assistance to victim-survivors who wish to make an application for an ex gratia payment under the *Victims of Crime Act 2001*.

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

The South Australian Government supported this recommendation.

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.

The Paedophile Task Force within SAPOL was provided with additional resources in 2008 to address the referrals of allegations from 170 people to the police ultimately received from the Commission of Inquiry.

The Legal Services Commission was provided with a funding increase of \$8.3 million over four years to supplement the funding base of the Commission based on existing demand for services.

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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.

Implementation of Government response complete

The South Australian Government supported this recommendation.

The Government created 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 using a ‘care team’ model comprising Families SA case managers, SA Health social workers, residential care workers and non-government agencies. A steering committee comprising senior officers from relevant agencies was established to oversee the operation of the pilot program.

During the pilot period the program operated at capacity, providing intensive services to 26 young people identified as ‘high risk’. During 2010–2011, the program was extended to include two new therapeutic groups. Initial analysis demonstrated that the pilot program was achieving some positive outcomes for the young people involved.

An evaluation of the pilot program was completed in 2011. 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

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processes were reviewed as part of the evaluation and joint referral processes and criteria were identified and implemented by Families SA, Yarrow Place Rape and Sexual Assault Service, and SA Health.

This program is now embedded as part of the work of the Youth Team at Yarrow Place and the outcomes of the evaluation have been fully integrated into service delivery. As part of an ongoing service response, this program will continue to be reviewed and evaluated by all key parties, which includes Families SA, Yarrow Place Rape and Sexual Assault Service, young people and their caregivers.

23 young people are currently receiving Yarrow Place services. All of these young people are under the Guardianship of the Minister for Education and Child Development and are considered to be 'at risk' due to absconding and risks of sexual exploitation. 70% of the new referrals to the program are Aboriginal young people. The service has been expanded to be a state-wide service and is currently working with seven Families SA offices.

The service is reviewed on an ongoing basis through a panel of senior Families SA staff, including staff from residential care, a principal social worker, Families SA office supervisor, complex care coordinator, director of residential care and social work coordinators from the Yarrow Place Youth Team. The panel meets on a six weekly basis and discusses the progress of clients, capacity for new referrals, any concerns and issues relating to complexities in offering therapeutic care.

Recent exit interviews conducted with Families SA case managers in relation to some young people who have received Yarrow Place services indicated that the Yarrow Place Youth Team has made a significant difference in the young person's life. Families SA case managers have found the service to be beneficial and have felt an increase in support having a Yarrow Place worker working with their clients. In 100% of the interviews conducted, all Families SA case managers have indicated that they would like to have a Yarrow Place worker working with their clients.

As part of the ongoing response to the implementation of this recommendation, the training component of the Yarrow Place Youth Team to support further training to youth workers and other professionals who work with young people who have experienced developmental trauma has been strengthened, to cover the neurobiology of trauma, the adolescent brain and the concept of therapeutic care.

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Recommendation 43

That a high security therapeutic facility to cater for children exhibiting behaviour placing them at high risk be established as a last-resort placement.

That the Minister appoints a panel of suitably qualified persons to select and design the secure care therapeutic facility and determine the services to be provided.

Not implemented

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 concurred with this advice and remained 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.

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 to provide intensive therapeutic support to children and young people in care who are

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identified as 'at-risk'. This program is now ongoing. [Recommendation 42]

- The Government 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 introduced 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

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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

The South Australian Government supported this recommendation.

South Australia Police (SAPOL) has established contact officers in each Local Service Area where residential care facilities are located to facilitate the flow of information concerning children and young people who frequently abscond and are considered to be 'at risk'.

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.

The protocol promotes interagency communication and a collaborative approach, incorporating:

- A framework from which Families SA can undertake prioritised responses to children and young people under the Guardianship of the Minister who are missing with cause for concern;
- A process for reviewing individual cases and intervention plans
- Improved data collection and information sharing between agencies.

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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 continue to work collaboratively to refine the Missing Persons Protocol process. For example, a *Missing person risk and urgency assessment procedure* was implemented in an agreed three month trial between SAPOL and Families SA. The trial was conducted at five care facility placements in the South Coast and Sturt Local Service Areas between March and June 2013. An evaluation has been conducted concerning the trial outcomes and the summary reports are being examined by senior executives of both SAPOL and Families SA with a view of introducing the assessment procedures state-wide during 2013 -2014.

From the trial, the risk and urgency assessment procedures resulted in a 63% reduction in the number of reports made to police of children missing from their placements and requiring immediate investigation.

The *'Missing Persons Protocol between DFC (Families SA) and SAPOL'* has been re-visited by both Families SA and SAPOL and is being updated. It will be replaced with an updated *'Memorandum of Administrative Agreement'* reflecting the changes required once senior executives of each agency have approved state-wide roll out of the new processes.

The agency *'Local Liaison Groups'* in each SAPOL Local Service Area where residential care facilities are located (including transitional accommodation houses) continue to provide coordinated and effective responses to children and young people in the custody and under the guardianship of the Minister who go missing.

The Missing Persons Protocol Management Group, comprising senior officers from Families SA and SAPOL continued to meet bi-monthly during the year to monitor the Protocol and trial to ensure ongoing effective communication and information sharing between the two agencies.

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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.

As a first step, SAPOL implemented an interim procedure to manage the stand-alone recording of information relating to children and young people under Guardianship orders who are considered to be at risk due to absconding.

South Australia Police (SAPOL) and Families SA worked together to enable the Police Incident Management System (PIMS) to record if a missing child is under the guardianship of the Minister. This functionality commenced on 30 June 2011. In November 2011, SAPOL completed enhancements to its web-based *South Australia police search program* (SAPPS) to further support information management in this area.

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. For example, 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 and Children's Development (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.

The number of children under the Guardianship of the Minister (GOM) reported missing as a percentage of the total of missing persons reported to

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the SAPOL presents a challenge due to the volume of reports and the requirement that all reports be closely scrutinised, assessed and appropriately investigated to ensure these children are quickly located and any risks appropriately addressed. A trial by SAPOL and Families SA of new risk and urgency assessment procedures between March and June 2013 resulted in a 63% reduction in the number of reports of children missing from their placements made to police that required immediate investigation. The Missing Persons Protocol established between SAPOL and the Department for Education and Child Development will be updated once senior executive of both Families SA and SAPOL have approved wider implementation of the new processes (see Recommendation 44).

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).

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Recommendation 47

That the following offences be created:

(1) Harboursing 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 South Australian Government supported this recommendation.

The *Statutes Amendment (Children's Protection) Act 2009* was passed by Parliament 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.

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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

The South Australian Government supported this recommendation.

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.

SAPOL's General Order relating to 'Homosexual Beats' was deleted to provide clarity to police that there is no impediment to a general policing presence at the locations and that the policing should be as it is in any other public place. General duties patrolling includes a frequent and intentional presence in the areas of known beats deterring activity which was the foundation of this recommendation.

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.

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Implementation of Government response complete

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 whilst in State 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 reinforce 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. This includes the information that must be recorded in C3MS, the requirements for notifying a reportable death to the Coroner and support for the child's birth and foster families.

Upon the death of a child, the case manager (or supervisor) is responsible for recording the following information:

- the date deceased, date of death, accuracy and reason for death.
- an alert for the child, including the cause and circumstances of the child's death as initially advised to Families SA
- an initial note within the child's care and protection case including the following information:
 - cause of death as advised to Families SA;
 - circumstances of death as initially advised to Families SA;
 - the source of the initial advice about the cause and circumstances of death (e.g. name, role/relationship to child, agency, contact details); and
 - confirmation that the death was reported to the State Coroner and when
- as further information becomes available, record the following in notes in the child's care and protection records:
 - 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; and

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- 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.

Where available, this information must be recorded within 24 hours of Families SA being notified of the death. If Families SA was notified outside of office hours, Crisis Response Unit is responsible for recording (a), (b) and (d) in an alert for the attention of the case manager.

In 2012, Families SA and the Births, Deaths and Marriages Registration Office began discussions regarding the development of an information sharing protocol. Information sharing between the two agencies commenced in November 2012. This arrangement has streamlined the routine and timely sharing of coronial and other relevant information relating to the deaths of children in State care.

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.**

Implementation of Government response complete

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 whilst in State care. All Families SA offices have access to C3MS.

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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 addresses:

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

Procedures have been developed to ensure the required information is not only recorded in C3MS but also in a separate physical file.

In 2012, Families SA and the Births, Deaths and Marriages Registration Office commenced discussions regarding the development of an information sharing protocol. Information sharing between the agencies commenced in November 2012. This arrangement has streamlined 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 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

As advised in the response of June 2008, the South Australian Government believes that a reasonable system already exists to provide financial assistance to family members in a coronial inquest.

It is already possible for a member of the community to seek an ex gratia payment from Government in a variety of circumstances. This process is sufficiently broad to accommodate requests for financial assistance for legal representation at Coronial inquests arising from the death of a child in State

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care. It is not necessary to establish a separate scheme relating to this form of request.

The present process allows requests to be considered on a case by case basis. The Government considers this appropriate because in not all cases will the Coroner grant a right of representation, and in not all cases will it be appropriate to provide assistance for representation. It will be appropriate to have regard to the circumstances in which the child came to be in care or of the circumstances of the child's death, in determining whether an ex gratia payment should be granted.

For this reason, the Government will maintain the present arrangement that a family member may seek financial assistance in the form of an ex gratia payment for representation at a coronial inquest. Applications would be approval by the relevant Minister or the Treasurer.

Recommendation 52

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

Implementation of Government response complete

The South Australian Government supported this recommendation.

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) continue to work collaboratively to enable the most efficient storage and future access to records. For example, Youth Justice client files continue to be archived using the Families SA Records Disposal Schedule. This will assist young people in the future who may wish to access their records which are now in some instances held across two departments.

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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.

Implementation ongoing

The South Australian Government supported this recommendation while recognising that its achievement would be incremental and require a body of work which is significant and complex.

In 2008 when this recommendation was made, the Families SA Connected Client Case Management System (C3MS) was in the early stages of development. C3MS is an internet based electronic case management system, which is designed to record all client case activity electronically

C3MS has now been rolled out across all Families SA sites. It has provided Families SA with the capacity to have a single view of all key interactions with clients. It provides transparency to case work and case management activities across Families SA and supports the recording of assessments, case plans, referral for services and placements, and recording service outcomes. C3MS records key life domain information for children within the care and protection system, including their health, education and training, identity and family relationships. C3MS also records placement information and carer payments.

Families SA is continuing to enhance C3MS in order to respond to different needs and to increase Families SA's electronic record keeping capabilities.

DECD recognises the value of interfacing an appropriate Electronic Document and Records Management System (EDRMS) with the Connected Client and Case Management System (C3MS) and has previously reported that integration would occur at a later stage in the process.

As a result of the machinery of government changes 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) a full roll out of the Electronic Document Records Management System (EDRMS) in Families SA was temporarily suspended. This is because

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the 'Objective' EDRMS license is held by the Department for Communities and Social Inclusion (DCSI). Under a transitional agreement with DCSI, Families SA is continuing to use the 'Objective' EDRMS. Families SA remains committed to the longer term project of an EDRMS interfacing with the Connected Client and Case Management System (C3MS). However, this will need to occur following the full roll out of an EDRMS across Families SA.

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

The South Australian Government supported this recommendation, recognising the importance that records relating to children in State care are appropriately recorded and stored.

Four records management officer positions were created and filled within Families SA. These positions are responsible for ensuring the continued discovery and consignment listing of 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.

In 2009, it was reported that since the appointment of the officers, a total of 412 linear metres of records had been listed, boxed and retained (where required). Of these records, 365 linear metres had been transferred to appropriate storage and 47 linear metres to State records for permanent retention.

Families SA has continued to list and archive closed client file records and corporate records. Currently there are approximately 2026 linear metres of Families SA records in permanent storage and there are over 4567 linear metres of temporary records stored with Families SA's temporary storage provider. Families SA records held in archives date back to 1876. The additional records management officer positions appointed in response to this recommendation has enabled Families SA to continue to archive current day closed records.

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More recent Families SA records are stored electronically in the Connected Client Case Management System