



Government
of South Australia

THIRD 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 2011

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List of acronyms

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

Part 1 - Introduction

Part 1 - Introduction

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

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

The majority of these recommendations were either wholly or partially accepted by the Government of South Australia. Since receipt of the Mullighan Inquiry’s report and recommendations in 2008, the Government has implemented its response to 40 of the Inquiry’s recommendations. The actions taken to give effect to the Government’s response are documented in this report and the Government’s previous reports to Parliament.²

Promoting the safety and well-being of children and young people is at the core of the Mullighan Inquiry’s recommendations and remains central to the Government’s response. The implementation of the Mullighan Inquiry’s findings is continuing to enhance child protection outcomes, both within the care and protection system and across the wider community. For example, these findings are influencing and informing South Australian Government legislation, policies and practices relating to the care and protection of children and interagency collaboration. The findings are also having a continuing impact on initiatives and services relating to children’s care and protection and in many cases have been embedded into the ongoing work and programs of relevant government and non-government organisations across South Australia.

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

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

² Past reports are available from <https://www.decd.sa.gov.au/department/reviews-and-responses/children-state-care>

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 systems³, the Government introduced legislation to establish a Commission of Inquiry into Children in State Care.

The purpose of the Commission of Inquiry was to:⁴

- 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*⁵ 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

³ Government of South Australia (2004) *Keeping Them Safe: The South Australian Government’s Child Protection Reform Program*.

⁴ *Commission of Inquiry (Children in State Care and Children on APY Lands) Act 2004* Schedule 1.

⁵ 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*.

Part 2 - Background

conducted by the Inquiry to raise awareness for groups that could be disadvantaged in gaining access, or coming forward, to the Inquiry.⁶ During 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.⁷

The final report of the Mullighan Inquiry made 54 recommendations. The report and recommendations may be downloaded from www.sa.gov.au/mullighaninquiry or are currently available free of charge from the Department for Education and Child Development.⁸

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, a "first annual progress report" in November 2009 and a "second annual progress report" in November 2010.

Copies of these reports are available from www.sa.gov.au/mullighaninquiry.

2.3 Reporting obligations

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

⁶ Children in State Care Commission of Inquiry, March 2008, *Allegations of Sexual Abuse and Death from Criminal Misconduct*, Government Publishing SA, Adelaide, page XII.

⁷ Ibid, page XI.

⁸ To obtain a copy of the report of the Children in State Care Commission of Inquiry free of charge email DFCFamiliesRecordsManagementTeam@dfc.sa.gov.au (subject to availability of reports).

⁹ Section 11A (c).

Part 2 - Background

- if, during the relevant year, a decision has been made to carry out a recommendation of the Commissioner that was not to be carried out, the reasons for the decision and the manner in which the recommendation will be carried out.¹⁰

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

Important note

Shortly before the tabling of this report the names of several South Australian Government departments were changed. Names that were current during the reporting period are used in the report.

Where the report identifies future actions, the titles of the new government departments are used

2.4 Monitoring

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

¹⁰ Ibid.

Part 3 – Progress Report

Government Response Complete

Part 3 – Progress Report

3.1 Implementation of Government response completed by November 2009

In its annual report of November 2010, the South Australian Government reported that it had completed implementation of its response to 34 recommendations of the Mullighan Inquiry. These responses are summarised below.

Detailed information about the Government's response to these recommendations is available in its previous reports to Parliament.¹¹

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

A new contract with the Australian Childhood Foundation for continued delivery of a state-wide SMART program is under negotiation for 2012.

The program will build the capacity of educators of young people from the early years to adolescence to provide trauma informed care and education.

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

¹¹ Previous responses are available from www.sa.gov.au/mullighaninquiry or from the Department for Education and Child Development.

Part 3 – Progress Report Government Response Complete

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

Implementation of Government Response Complete

The review of the self protective training program being taught by The Second Story has been completed and its recommendations have been implemented.

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

Recommendation 5

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

Implementation of Government Response Complete

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

To ensure that the most comprehensive information possible is released as part of a criminal history check, Australian jurisdictions agreed that where a Paedophile Restraining Order is issued as a result of a court outcome, that information will be recorded on the national data base and will be reported on National Police Clearance Certificates. This only relates to jurisdictions where a Paedophile Restraining Order is an outcome of the court process. In South Australia, section 99AA of the

Part 3 – Progress Report Government Response Complete

Summary Procedure Act 1921 deals with the making of Paedophile Restraining Orders.

The SA 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.

Recommendation 7

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

Implementation of Government Response Complete

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

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

These provisions commenced on 31 December 2009.

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

Part 3 – Progress Report Government Response Complete

Recommendation 8

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

Implementation of Government Response Complete

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

These provisions commenced on 31 December 2009.

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

Recommendation 9

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

Implementation of Government Response Complete

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

Part 3 – Progress Report Government Response Complete

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.

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. 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 s52C(2)(b) of the Children’s Protection Act 1993 and ensuring that both individual and systemic advocacy is provided for children with disabilities in care.

Implementation of Government Response Complete

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

Part 3 – Progress Report

Government Response Complete

Recommendation 12

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

Implementation of Government Response Complete

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

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

The Government’s response to recommendations 1, 2, 3 and 4 are also directly contributing to these goals.

Part 3 – Progress Report Government Response Complete

Recommendation 15

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

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

Part 3 – Progress Report Government Response Complete

Recommendation 15 (cont)

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

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

The training program should be mandatory for all social workers.

Implementation of Government Response Complete

The review of learning programs offered by the Department for Families and Communities' College for Learning and Development was completed in February 2009.

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

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 Children's Protection Act 1993 in relation to Aboriginal children and young people under the guardianship or in the custody of the Minister.

Implementation of Government Response Complete

Additional funding was allocated to the Office of the Guardian for Children and Young People to establish an ongoing position specialising in advocacy for Aboriginal and Torres Strait Islander children and young people in care. The position commenced on 3 November 2008.

Part 3 – Progress Report

Government Response Complete

Recommendation 20

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

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

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

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

Part 3 – Progress Report Government Response Complete

Implementation of Government Response Complete

The Practice Guidelines of the Special Investigations Unit (SIU) were amended to ensure that the Guardian is notified in situations where a child in care makes an allegation of sexual abuse. A referral mechanism was also established for this to occur.

The new working practices implemented in response to this recommendation have been included in the *Interagency Code of Practice: Investigation of Suspected Child Abuse and Neglect* and SIU's '*Management of Care Concerns – Manual of Practice.*'

An awareness raising campaign was conducted to alert staff within the Department for Families and Communities and South Australia Police of the new working practices and their rationale.

Recommendation 23

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

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

Implementation of Government Response Complete

The *Children's Protection (Implementation of Report Recommendations) Act 2009* was passed by Parliament in 2009 and included provisions to recognise the role of the Guardian 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.

Part 3 – Progress Report Government Response Complete

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

The new working practices implemented in response to this recommendation have been included in the *Interagency Code of Practice: Investigation of Suspected Child Abuse and Neglect* and SIU's *'Management of Care Concerns – Manual of Practice.'*

An awareness raising campaign was conducted to alert staff within the Department for Families and Communities and South Australia Police of the new working practices and their rationale.

Recommendation 26

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

Implementation of Government Response Complete

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

Part 3 – Progress Report Government Response Complete

Recommendation 27

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

Implementation of Government Response Complete

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

These amendments commenced on 31 December 2009.

Recommendation 28

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

Implementation of Government Response Complete

The *Children’s Protection (Implementation of Report Recommendations) 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

Part 3 – Progress Report Government Response Complete

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.

Implementation of Government Response Complete

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

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

These provisions commenced on 31 December 2009.

Part 3 – Progress Report Government Response Complete

Recommendation 30

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

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

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

Implementation of Government Response Complete

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

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

These provisions commenced on 31 December 2009.

Part 3 – Progress Report Government Response Complete

Recommendation 31

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

Implementation of Government Response Complete

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

This amendment commenced on 31 December 2009.

Recommendation 33

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

Implementation of Government Response Complete

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

This amendment commenced on 31 December 2009.

Part 3 – Progress Report

Government Response Complete

Recommendation 34

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

Implementation of Government Response Complete

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

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

Recommendation 35

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

Implementation of Government Response Complete

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

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

Part 3 – Progress Report Government Response Complete

Recommendation 36

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

Implementation of Government Response Complete

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

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

Recommendation 38

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

Implementation of Government Response Complete

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

Part 3 – Progress Report Government Response Complete

Recommendation 40

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

Implementation of Government Response Complete

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

Recommendation 41

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

Implementation of Government Response Complete

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

Part 3 – Progress Report

Government Response Complete

Recommendation 44

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

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

Implementation of Government Response Complete

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

In September 2010, the Chief Executive, DFC, 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 DFC and guides coordinated and effective responses to children and young people under the custody and guardianship of the Minister who go missing.

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

Part 3 – Progress Report Government Response Complete

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) 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).

Recommendation 47

That the following offences be created:

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

Implementation of Government Response Complete

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

The Act:

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Government Response Complete

- 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 Families and Communities developed processes and procedures to support these amendments in consultation with relevant stakeholders.

Recommendation 48

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

Implementation of Government Response Complete

This is an ongoing policing issue and SAPOL will continue to monitor known beats and conduct operations as required.

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

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

Recommendation 51

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

Implementation of Government Response Complete

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

Recommendation 52

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

Implementation of Government Response Complete

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

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Recommendation 54

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

Implementation of Government Response Complete

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

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3.2 Implementation of Government response completed during November 2009 – November 2010

Since the tabling of the second annual progress report in November 2010, the Government has implemented its response to a further six recommendations.

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

Contextual information, including a summary of the Government's initial response in June 2008 and subsequent implementation reports, is also provided below each recommendation.¹²

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

¹² Detailed information about the steps the Government has taken in response to these recommendations is available in the Government's past reports to Parliament.

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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 and progress made July 2008 – November 2010

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 of their policies and procedures established pursuant to section 8C with the Department for Families and Communities; and
- Enable the Department for Families and Communities to seek further information from organisations about their compliance with the requirements of section 8C.

The Department for Families and Communities developed a lodgement form as a simple and helpful way for organisations to meet this requirement. Organisations may complete and submit the form online or lodge a hard copy with the Department.

A communication strategy to inform affected organisations and sectors of the changes commenced in August 2010.

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The Government has implemented its response to this recommendation.

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

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DFC continued to communicate the changes to affected organisations and peak bodies during 2011. Throughout the communication period, articles were placed in newsletters of relevant organisations and peak bodies and 26 information sessions about the new laws were conducted by DFC in metropolitan and regional areas.

To ensure that information about child safe environments and mandatory notification is accessible to a range of audiences, DFC developed training packages that are responsive to community needs. For example, in addition to the one day Child Safe Environments: Reporting Child Abuse and Neglect and three day Train-the-Trainer training packages, DFC developed a training package for delivery to culturally and linguistically diverse communities. This training package was finalised in 2011 and is available for use via Child-Safe Environment DFC approved trainers.

During 2011, DFC also continued to deliver the Child-Safe Environments Anangu training package “Protecting Our Children - Protecting our Future” to communities on the APY Lands.

The Office for Recreation and Sport has played a key role in supporting sporting and recreational organisations to transition to the new requirements. The Office held 13 information sessions across metropolitan and regional areas during 2010 – 2011 and has developed information resources (including website information, a fact sheet, and policy templates and guidance) for use by the sector.

A child safe environment poster and an updated version of the “Keeping Children Safe in Recreation and Sport” booklet have also been completed by the Office for Recreation and Sport. To date 13,000 of these booklets and 2,850 posters have been distributed to a range of sport and recreation clubs and associations.

The Department for Education and Child Development (Families SA) is now responsible for administering the child safe environment provisions of the Children’s Protection Act 1993. During 2012, Families SA will continue to maintain a dedicated telephone helpline, mailbox and website and hold information sessions about the new laws as required.

Families SA will also amend the *Guidelines for Mandated Notifiers* booklet to include information about child safe environments. The booklet will clearly define the roles, responsibilities and legal requirements of Mandated Notifiers and organisations that provide

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services to children and young people in South Australia. Once finalised, the *Guidelines* booklet will be available to download free of charge from the child safe website (www.families.sa.gov.au/childsafesite) and will be provided in hard copy to people who participate in Child Safe Environments: Reporting Child Abuse and Neglect training.

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.**

Summary of Government response and progress made July 2008 – November 2010

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

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

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- 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.

It was expected that the final report of the review would be completed by the end of 2010 and then provided to Government.

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The Government has implemented its response to this recommendation.

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

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

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

Recommendation 22

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

Summary of Government response and progress made July 2008 – November 2010

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

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The Government has implemented its response to this recommendation.

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.

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.

Summary of Government response and progress made July 2008 – November 2010

The South Australian Government supported the general intent of this recommendation and committed to establish a reference group to consider the issue of whether restorative justice is an appropriate arrangement in some circumstances for victims of sexual abuse whilst in State care and on the APY Lands.

A reference group was established in late 2008 to consider this issue and report back to the Attorney-General.

The Restorative Justice Reference Group provided its final report to the Attorney-General in June 2010 and advised that the Attorney-General would consider the report's contents and next steps in conjunction with Cabinet.

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The Government has implemented its response to this recommendation.

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

Though supportive of the recommendations of the report, the government recognises the need to proceed carefully due to the complexity inherent in restorative justice processes and the potential of further harm to victims if processes are not managed with the utmost care.

As a first step, the use of restorative justice processes will be considered in conjunction with Community Court Project planning.

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.

Summary of Government response and progress made July 2008 – November 2010

The Government announced it would fund a service for three years to link adult victims of child sexual abuse whilst in State care to counselling and related support services at no cost to the care leaver.

A position was created within the Department for Families and Communities (Families SA - Post Care Services) to link adult victims of child sexual abuse to counselling and related support services.

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The Government funded Relationships Australia (SA) to maintain a register of trained practitioners who are free of church and Government affiliation to provide training to counsellors and therapists involved in delivering therapeutic services to care-leavers.

The Government announced that the service would be reviewed at the end of the three year period, in mid 2011.

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The Government has implemented its response to this recommendation.

The service linking victims of child sexual abuse to counselling and related support services was reviewed in mid 2011.

The review demonstrated that the service has been successful in providing appropriate, relevant and flexible support to care leavers, including those who made submissions to the Mullighan Inquiry. It also found that use of the service remains high and that there is an ongoing need for appropriate therapeutic services and support to be available for care leavers who experienced abuse whilst in State care.

As a result of the review, Families SA has committed to fund this service beyond the three year period.

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.

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Summary of Government response and progress made July 2008 – November 2010

The South Australian Government supported this recommendation.

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

It was anticipated that PIMS would have the capacity to identify those children and young people under Guardianship orders by mid 2011.

In the interim the Missing Persons Investigation Section (MPIS) ensured the stand-alone recording of this information. Since 2008 the MPIS provided a report of missing children under the Guardianship of the Minister to each Police Local Service Area.

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The Government has implemented its response to this recommendation.

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

SAPOL and Families SA continue to work together to promote collaborative approaches to identify and respond to children and young people under the Guardianship of the Minister who go missing from placements and are at risk of harm. For example, SAPOL will also enhance its web-based South Australia Police Persons Search (SAPPS) program to support this initiative. It is expected that this enhancement will be complete by the end of the year.

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

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3.3 Implementation of Government Response Continuing

This section provides detailed information about the actions the Government has undertaken since November 2010 towards implementing its response to the remaining 12 recommendations of the Mullighan Inquiry. It also identifies areas of further work and key priorities for the next year.

During this reporting period, the Government has made significant progress towards implementing its response to the remaining recommendations. Existing initiatives have been developed and enhanced and new initiatives have been introduced to strengthen our response to the safety and protection of children and young people.

Key achievements include:

- the Minister for Families and Communities released the *Directions for Alternative Care in South Australia – 2011 to 2015* on Friday 9 September 2011.
- the Child Safe Environment provisions of the *Children’s Protection Act 1993* commenced on 1 January 2011. These provisions are:
 - contributing to stronger protection for children and young people who access services in the community
 - raising community and organisational awareness of issues relating to child safety and well-being
 - reinforcing provision that child protection is a shared community responsibility, and
 - promoting “child friendly” approaches to service.
- the transitioning of bus and taxi drivers to the Department for Communities and Social Inclusion’s “working with children” screening system has now commenced.
- training packages for use across external and internal government providers of foster care in South Australia have been developed by Families SA. The training packages are currently in draft form and will be finalised by the end of 2011.

The Government is continuing to implement its response to these recommendations and, as required by the *Commission of Inquiry (Children in State Care and Children on APY Lands) Act 2004*, will continue to keep Parliament informed of its progress on a yearly basis.

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Recommendation 3

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

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

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

Summary of Government response and progress made July 2008 – November 2010

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

The Government delayed the commencement of these provisions by one year in order to give organisations sufficient time to become familiar with the new requirements. During this period, Families SA conducted a comprehensive communication strategy directed at affected organisations. As part of this strategy, Families SA established a telephone helpline, dedicated website, information resources (including guidelines and templates) and conducted a series of information sessions in metropolitan and regional areas.

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

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

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and organisations are being phased-in every six months. Private hospitals and day centres attached to private hospitals, child care centres and residential care providers were phased-in first. Welfare organisations, ambulance services, day procedure centres (not attached to hospitals), general practitioner services, dental services and some other health services are now being phased-in. Exemptions do apply in some circumstances.

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

The Department for Communities and Social Inclusion's Screening Unit (formerly the DFC 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 now be lodged at Australia Post outlets with bill-paying facilities. This includes the majority of metropolitan and regional centre outlets.

During 2012, Families SA will continue to maintain a dedicated mail-box, telephone helpline and website to provide guidance for organisations about conducting criminal history assessments and establishing child safe environments. Information sessions will also continue to be held for impacted organisations and sectors as required.

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Recommendation 6

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

Summary of Government response and progress made July 2008 – November 2010

The South Australian Government supported this recommendation in principle.

The Government committed to transition the screening of bus and taxi drivers to the Department for Families and Communities' "working with children" screening system.

The list of disqualifying offences under section 31 of the *Passenger Transport Act 1993* would also be amended to include assaults against a child or vulnerable adult.

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The Government has substantially implemented its response to this recommendation.

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

During the transition period, bus and taxi drivers are requested to obtain a "working with children" clearance from the Department for Community and Social Inclusion's Screening Unit (previously the DFC Screening Unit). In addition, the Passenger Transport Standards Committee is now requiring drivers to obtain a "working with children" clearance from the Department for Community and Social Inclusion's Screening Unit where a National Criminal History Records Check discloses a charge or conviction relates to assault (including sexual assault) or honesty.

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

It is expected that the transitioning of all bus and taxi drivers to the “working with children” screening system will be finalised by the end of 2011. At this time, all bus and taxi drivers will be required to obtain a “working with children” clearance as part of their initial accreditation and upon renewal.

Work is also continuing towards amending the *Passenger Transport Act 1994*.

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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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Summary of Government response and progress made July 2008 – November 2010

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 for the Department for Families and Communities’ workload planning and practice, and an integral part of the *Keeping Them Safe* reform agenda.

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

DFC reported that the development and implementation of strategies to improve practices and promote quality of contact for children in care is a priority for DFC and requires a multi-faceted and long term approach. There are no simple or quick solutions. DFC recognised that the numbers of children entering and remaining in care and their circumstances and contact needs fluctuate significantly over time. Service delivery must be responsive to these changes.

DFC reported on a range of strategies it was implementing to support this recommendation, including:

- Encouraging the practice of conducting a differential needs led assessment of contact for each child early in their placement and reviewing this assessment on an annual basis.
- Embedding efficiencies within the new Connected Client Case Management System (C3MS) to reduce worker engagement with administrative duties and contribute to increased direct worker-child contact.
- Developing new Practice Standards for Child Protection and an agreed Practice Framework. It is anticipated that these documents will be completed by the end of 2011 and implemented across Families SA.
- Contributing to the development of *National Out-of-Home Care Standards*. These Standards will help ensure that children across Australia who are unable to live with their immediate family will receive the best possible care and support.

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- Ensuring that where there is an urgent need, the Department will respond to contact from a child or young person within 24 hours.
- Recruiting 11 new relative care workers to provide support to relative and kinship care-givers. (These positions were filled in February 2009).
- Working with the non-government sector to increase the number of placement support workers available to support carers, and to identify potential new providers of family based-care services.
- Undertaking a review of Families SA career pathways to examine the potential of incorporating other relevant professional qualifications into care and protection work.
- Undertaking a range of initiatives to recruit and retain qualified staff, including the development of a Learning Action Plan under the auspices of the Workplace Learning Initiative and the delivery of competency based learning programs through the DFC College for Learning and Development.

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As previously reported, this recommendation requires a multi-faceted and long term approach. There are no simple or quick solutions. Its implementation continues to be a key focus in Families SA's ongoing work to ensure that the best level of contact between children and workers is achieved within the resources available to the department.

The initiatives relating to "quality of contact" continue to be progressed. Key outcomes over the past year include:

- The Practice Framework for Care and Protection is nearing completion. The framework will bring together, in an accessible format, Families SA expectations and requirements with regard to practice with children and their families.
- Further efficiencies continue to be built into C3MS. For example, work has commenced to support Families SA Supervisors to use C3MS as a tool for quality assurance and continuous practice improvement.
- The *Directions for Alternative Care in South Australia – 2011 to 2015* were released on Friday 9 September 2011. The *Directions* aim to drive improvements across alternative care services in

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order to deliver quality, needs-based services in kinship, relative, foster, and residential care arrangements.

- Care and Protection Workers have been appointed in country areas to assist social workers in recognition of the difficulty in recruiting to remote areas.

Another key outcome for this year has been the allocation of an additional \$5 million over four years in the 2011-12 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 funding will enable Families SA staff to work intensively and directly with children and young people in care, their birth families and the Youth Court to facilitate change and build parenting capacity within these families. It is anticipated that staff will have smaller caseloads and will therefore be well-placed to respond more holistically to support children and young people in care, address parenting problems and families to make and sustain changes to keep their children safe. This initiative will also have a strong focus on the professional development and support of workers involved.

During 2010 – 2011, the South Australian Government continued to support and contribute to the development and implementation of National Standards for Out-of-Home Care.¹³ In December 2010, Community and Disability Services Ministers agreed on National Standards for Out-of-Home Care and in April 2011, Ministers subsequently agreed to a schedule of national measurement and reporting arrangements for the National Standards.

Families SA has commenced an awareness raising process to communicate the new standards to relevant staff both within Families SA and to key partners from across government and non government agencies in South Australia.

Over the next year, South Australia will contribute to the development of administrative data for use in measuring progress against the national standards and continue communicating information about the standards to relevant stakeholders.

To promote the recruitment and retention of qualified social work staff, issues related to the composition and optimisation of the workforce, and options for diversification of staff roles to incorporate

¹³ The National Standards for Out-of-Home Care and related information are available from

www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/protecting-children-is-everyones-business

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other disciplines into child welfare and protection work continue to be reviewed. A key outcome over the past year has been the development of a case management role to assist in child protection and other areas of Families SA. The case management role, which is yet to be implemented, will complement social work roles within Families SA.

Work is also occurring to develop a strategically planned and coordinated approach to recruiting graduate social workers across Families SA. The Executive Leadership Team of DFC identified a specific project in which DFC senior leaders will liaise more strategically with the heads of departments in the three Universities in Adelaide who provide qualifying training in a range of disciplines which Families SA and DFC more widely recruit. Initial meetings with Executive Directors and Deans of the Universities commenced in April 2010, and discipline specific follow up meetings have been identified.

Ongoing professional development is recognised by Families SA as an important factor in retaining and supporting social workers. An effective strategy for promoting workplace learning is through its integration into the day to day work of Families SA staff. The Practice Framework that is currently being developed by Families SA will include a strong focus on supporting workplace learning for Families SA social workers and will promote the continued development of reflective practice.

The DFC College for Learning and Development offers a Diploma of Child Youth and Family Intervention for Families SA Social workers and other child protection staff involved in Investigation and Court work. DFC is now considering the introduction of the Vocational Graduate Certificate in Community Services (Statutory child protection) as a pathway for assisting other professionally qualified staff (such as nurses and teachers) to strengthen their existing skills and knowledge and gain entry into the Child Protection field. This approach will:

- place a strong emphasis on the professional development of Families SA staff
- provide a pathway for advanced practice and leadership skills for Families SA social workers
- promote the professionalisation of all Families SA child protection staff involved in Investigation and Court work through providing clear learning pathways, and

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- assist in recruiting and retaining professionally qualified staff in country and regional locations.

The DFC College for Learning and Development is continuing to deliver competency based learning programs to support the development of Families SA staff. Since the establishment of the College in 2006, 105 Supervisors have completed the *Reflective Practice Supervision* training course and 278 Families SA workers have completed the *Diploma in Child, Youth and Family Intervention (Statutory Child Protection)* or equivalent.

Recommendation 16

That adequate resources are directed towards:

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

Summary of Government response and progress made July 2008 – November 2010

The South Australian Government accepted this recommendation.

The Government noted that the continuing growth in the numbers of children in alternative care, and the difficulty in maintaining corresponding levels of placements, is a national problem. It identified a range of strategies that would contribute to addressing this issue and diversify care models for children and young people in care, including those with complex needs. These strategies were being supported by the Government's \$190.6 million investment in child protection and alternative care (announced in 2008 – 2009 budget) and \$137.7 million to continue to build capacity in the alternative care system to provide

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for appropriate placements for the growing number of children in alternative care (announced in the 2010 – 2011 budget).

The Government reported on progress towards a range of initiatives directed at increasing the capacity of residential care.¹⁴ These initiatives included:

- The construction of two residential care facilities to provide an additional 24 places for children in care;¹⁵
- The refurbishment of eight houses at the old Tregenza Nursing Home at Elizabeth South was completed in March 2010. This short to medium-term facility accommodates 24 children aged 0 – 11 years;
- The construction of houses under the Commonwealth Government's Nation Building Economic Stimulus Program to provide additional places for children and young people in care;
- The release of the draft "*Directions for Alternative Care in South Australia*" for community consultation in 2010;
- Initiatives being progressed to support relative and kinship care placements and promote their continued growth, including a review of the Relative and Kinship Care program and a pilot project to identify and scope earlier placement options with extended family;
- Working with non-government organisations to recruit more full-time foster carers; and
- Transition plans are continuing to be prepared to support the expedient exit of all children and young people from Interim Emergency Accommodation.

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Families SA is continuing to develop and provide appropriate care models that meet the diverse needs of children and young people.

Supporting this objective is the \$69.2m over four years allocated in the 2011-12 State Budget to strengthen alternative care services and to

¹⁴ For further information refer to the Government's previous reports, available from www.sa.gov.au/mullighaninquiry

¹⁵ At the time of reporting in November 2010, the facility at Queenstown was operational and construction of the facility at Noarlunga Downs was approaching completion

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develop targeted responses to reunifying children with their families.

The funding comprises:

- \$41.7m to help meet the growth in the number of children in State care through contributing towards the provision of home based, residential and emergency care;
- \$8.4m for the construction of new community residential care facilities; and
- \$19m to provide intensive support programs for families at risk, including strengthening the capacity of Families SA to reunify children with their birth families wherever this is safe and possible to do so.

Also supporting this recommendation are the *Directions for Alternative Care in South Australia – 2011 to 2015*. The *Directions* were released on Friday 9 September 2011 following a period of public consultation. The *Directions* focus on:

1. Designing flexible and integrated alternative care services;
2. Creating an enhanced service continuum of placement options and support services and
3. Building and applying a framework for quality assurance.

The *Directions* aim to drive improvements across alternative care services in order to deliver quality, needs-based services in kinship, relative, foster, and residential care arrangements. Underpinning the three *Directions* are the following 'core' foundations:

- *The Child*' (our central focus);
- *'Cared For'* (the way we deliver care); and
- *'In Partnership'* (delivering care services in partnership).

The *Directions* are guiding the further development of Families SA initiatives and contractual arrangements that aim to reduce the numbers of children in emergency accommodation. These initiatives and contractual arrangements include:

- The Community Residential Care Unit at Noarlunga Downs, which became operational in January 2011. The Unit provides an additional 12 places for children and young people in care.
- A new foster care program to be established within Uniting Care Wesley's Homelink service. Once operational, the program will

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have the capacity to provide ten additional places for children and young people with intellectual disabilities and with low to moderate needs.

- “Felix House”, a mutual client facility operated by CARA. Felix House has been funded by Families SA and Disability SA to provide an additional four places for children and young people with aspergers or autism spectrum disorder. The facility became operational in March 2011.
- Two facilities providing additional places for a total of eight children with intellectual disabilities. The facilities will be operated by CARA and located in Oaklands Park and Murray Bridge.
- A community based accommodation support service for pregnant young women in care, or those with infants. The service, which provides 24 hour onsite support, commenced in July 2011 and is operated by Centacare.

The Government is also continuing to work with non-government organisations to recruit more full-time foster carers.

As part of the Nation Building Economic Stimulus Program, 69 houses have been allocated to Families SA to provide additional places for children and young people in care. These houses are expected to provide sustained and stable care for children and young people.

43 houses are located in the metropolitan area and 26 in country regions. A number of these houses are now operational. Houses located in metropolitan areas will be primarily staffed by Families SA staff specifically recruited, trained and employed by Families SA and non Government agency staff. The houses located in country regions will be managed by non-government service providers.

The review of Families SA’s relative and kinship care program continues. This includes the integrated service model being implemented at the Gawler Families SA office between relative and kinship care staff, carers and Families SA Office case workers. This service provides support to carers immediately following placement and there have already been positive outcomes in preventing placement breakdown.

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Government Response Continuing

Recommendation 17

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

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

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

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

Part 3 – Progress Report Government Response Continuing

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

The training program should be mandatory and accredited.

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

Summary of Government response and progress made July 2008 – November 2010

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

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

The Department for Families and Communities also committed to review the training requirements of carers and develop a framework for the recruitment, assessment, approval, training and support of carers. The training requirements of carers were also identified as specific focus of the draft *“Directions for Alternative Care”*.

The Department for Families and Communities advised it was continuing to implement the initiatives outlined in the report of November 2009 to ensure that all carers receive ongoing training and support. Key outcomes achieved during 2010 included:

- The development of an introductory training module for carers that incorporates a DVD and information package.
- The continued delivery of the new Child Safe Environment training module across the alternative care sector.
- Families SA in partnership with Child and Family Welfare Association established a shared learning forum to share training, knowledge and resources.
- Two non-government agencies were funded to employ staff specifically to recruit, assess train and support carers.

The Government also identified that components of the additional funding of \$190.6 million over four years announced in 2008 would help support this recommendation.

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The *Directions for Alternative Care in South Australia – 2011 to 2015* were released on Friday 9 September 2011. The *Directions* aim to drive improvements across alternative care services in order to deliver quality, needs-based services in kinship, relative, foster, and residential care arrangements and address recruiting, training and retaining specialised family based carers. For more information about the *Directions*, refer to recommendation 16.

Families SA has developed new competency based assessment and training packages for use across external and internal government providers of foster care in South Australia. The draft packages have

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Government Response Continuing

been 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 and consultation is almost complete. Once finalised, these packages will serve as the baseline for all foster carer assessment and training across the State.

The new assessment and training packages incorporate:

- A draft *Step by Step South Australia (2011)* assessment package.
- A draft *Shared Stories Shared Lives* foster carer training package.

The draft *Shared Stories Shared Lives* foster carer training package provides entry level training for new foster carers and contains nine two-hour modules comprising:

- Foster care in context
- Bonding and attachment
- Grief and loss
- Abuse and trauma
- Identity and birth family contact
- Responding to challenging behaviours
- Team work
- Maintaining cultural connections
- The story continues

The Shared Stories Shared Lives training package addresses abuse and trauma, identifies different forms of child abuse including sexual abuse, ensures participants understand the impact of abuse and trauma on children (including its impact on brain development) and assists carers in appropriately responding to a child’s disclosure of abuse.

Once complete, the requirement to deliver the *Shared Stories Shared Lives* foster care training modules will be incorporated into all service agreements with non-government service providers.

In addition to entry level training, carers are also required to attend the following mandatory training prior to registration as a carer:

- Child safe environments
- First Aid
- Safe Infant Care training (where relevant).

Part 3 – Progress Report Government Response Continuing

Recommendation 18

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

Summary of Government response and progress made July 2008 – November 2010

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

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

The Department advised that it places a high priority upon recruiting and supporting specialised family based carers to ensure that the specific care and support requirements of children and young people with high and complex needs are met and highlighted that:

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

The Department for Families and Communities also committed to review the training requirements of carers and develop a framework

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Government Response Continuing

for the recruitment, assessment, approval, training and support of carers.

The Government identified that components of the additional funding of \$190.6 million over four years announced in 2008 would help support this recommendation.

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Families SA has developed new competency based assessment and training packages for use across external and internal government providers of foster care in South Australia. The packages are currently in draft form and once finalised, will serve as the baseline for all foster carer assessment and training across South Australia (see recommendation 17 for more information).

During 2011, specific services catering to children and young people with disabilities and complex needs were established or funded by DFC. These services provide specialist training for staff caring for children and young people with disabilities. The new services include a foster care program within UnitingCare Wesley's Homelink service to serve children and young people with intellectual disabilities and with low to moderate needs, and the establishment of mutual client facilities with CARA (see recommendation 16 for more information).

In addition, a second edition of *'Protecting Children and Young People with Disabilities: a booklet for parents and carers'* has been developed. The booklet provides clear and accessible information to parents and carers on the prevention of abuse and neglect of children under 18 years of age living with a disability

The information in this booklet aims to increase parents and carers understanding of the reasons why children with disabilities are at higher risk of harm, what they can do to make abuse less likely and which services can help if they suspect their child has been harmed.

Once released, hard copies of the booklet will be available free of charge from Disability SA local offices and relevant non-government organisations. The booklet will also be available to download free from the Families SA website. Families SA will promote the booklet to foster carers and other relevant stakeholders through a number of communication channels, including carer newsletters and website information.

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Government Response Continuing

Recommendation 25

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

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

Summary of Government response and progress made July 2008 – November 2010

The South Australia Government supported this recommendation.

The Department for Families and Communities (DFC) committed to implement this recommendation as part of its implementation of the Connected Client and Case Management System (C3MS).

The roll-out of the Connected Client Case Management System (C3MS) across the Department for Families and Communities commenced in August 2009, with phase one being completed in August 2010.

Families SA advised that once the roll-out of the next phase is complete, C3MS will have the capability to record information about allegations of abuse of children in State care (including allegations of sexual abuse) and record detailed information of when the allegations have been referred to various authorities. Families SA will also have the ability to collate the names of all children in State care who have made an allegation of sexual abuse.

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A separate process to record information about allegations of sexual abuse of children in State care has been implemented within the Families SA Connected Client and Case Management System (C3MS).

C3MS now has the ability 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:

Part 3 – Progress Report Government Response Continuing

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

Work is now underway to ensure that C3MS has the capacity to collate the names of children who have an allegation of sexual abuse and other key information.

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Recommendation 32

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

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

Summary of Government response and progress made July 2008 – November 2010

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

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

The reviewer supported the suggestion that a public awareness campaign be undertaken to promote the role of the Commissioner and Government-funded complaints services more generally. The Government committed to examine opportunities to increase consumers' knowledge about complaint resolution services.

To support this objective, SA Health and the Department for Families and Communities (DFC) reported on the initiatives being implemented to:

- Strengthen their framework for dealing with and responding to complaints; and

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Government Response Continuing

- Promote consumer and client awareness of the government-funded complaint resolution services that are available.

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A range of initiatives have been implemented to improve, promote and embed complaints resolution at the level of service delivery across SA Health and DFC. These initiatives aim to increase consumer and client knowledge about complaints resolution and to enhance organisational responses to complaints and feedback.

The SA Health Safety Learning System has now been fully implemented across SA Health. The Safety Learning System incorporates both incident and the management of feedback (for example, advice, compliment, complaint and suggestion). Under the Safety Learning System, SA Health will continually review and analyse feedback received from consumers of SA Health's services.

SA Health's Consumer Advisory Group, which includes representatives from all Local Health Networks, Mental Health, the Health Complaints Commissioner and the Health Consumers Alliance, will also continue to focus on systematic review of emerging issues and strategies to improve outcomes in these areas. Ongoing monitoring will occur on a monthly basis through the SA Health's Performance Review Committee and the SA Consumer Experience Surveillance System.

The Health and Community Services Complaints Commissioner (HCSCC) has undertaken a public awareness campaign to promote the Commission's role and services to a wide variety of audiences. This has included reference to its child protection complaints jurisdiction, the new HCSCC Charter of Health and Community Services Rights, and the development of the HCSCC Charter Champions Network.

DFC developed a holistic framework for managing client feedback and implementation has commenced. The framework has a strong focus on promoting accessible client feedback systems that effectively encourage, manage and respond to client feedback. To ensure continuous improvement, the framework also incorporates mechanisms for evaluating, improving or consolidating current practices and systems based on client feedback.

Part 3 – Progress Report

Government Response Continuing

DFC established a Client Feedback and Integrated Incident Reporting Project Board which comprises Executive Directors across DFC divisions. The purpose of the Board is to oversee full implementation of the DFC Client Feedback Management System and to review and analyse individual feedback and trends from DFC clients.

DFC began promoting the framework to DFC clients through a number of channels. For example, information resources (including brochures and posters) were developed and a website was launched. Specific resources were also developed for people who identify as Aboriginal or Torres Strait Islander.

Recommendation 42

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

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

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

Summary of Government response and progress made July 2008 – November 2010

The South Australian Government supported this recommendation.

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

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Government Response Continuing

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

It was reported that the pilot program was operating at capacity, providing intensive services to 25 young people identified as “high risk”. Ongoing evaluation demonstrated that the pilot program had achieved some positive outcomes for the young people involved.

A final evaluation of the program was planned to commence in November 2010.

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The program continues to provide effective intensive therapeutic support to children and young people in care who are identified as “at-risk”. This has been through a "care team" model with Families SA Case Managers, SA Health social workers, residential care workers and non-government agencies. Ongoing monitoring and evaluation of this program has occurred through monthly steering committee meetings and regular "care team level" meetings.

There are currently 26 individuals receiving intensive support. The program has established two new therapeutic groups and a weekly networking group continues. Initial discussions at workshops indicate that this model of working with these children and young people with very high and complex needs is making a significant difference.

The evaluation of the pilot program has been completed and the outcomes are being identified and integrated into service delivery. The pilot program has been extended to enable these elements to be further embedded and to inform future service planning and development.

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Government Response Continuing

Recommendation 49

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

The database should contain:

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

Part 3 – Progress Report Government Response Continuing

Summary of Government response and progress made July 2008 – November 2010

The South Australian Government supported this recommendation.

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

The database would have the capability of recording all the key information available to the department regarding children who die in care.

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As previously reported, C3MS now has the capability to record all the key information available to the Department regarding children who die in care. All Families SA offices and youth justice business units now have access to C3MS.

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

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

Work is now underway to ensure that C3MS has the capacity to centrally collate the names of children who die whilst in State care and other key information about these children.

Part 3 – Progress Report Government Response Continuing

Recommendation 50

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

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

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

Summary of Government response and progress made July 2008 – November 2010

The South Australian Government supported this recommendation.

Families SA maintains a physical file for every child who is in State care. To ensure that the file contains the most complete information possible, South Australia Police amended its procedures to require that Families SA be notified regarding all deaths of children who are believed to be in State care.

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This recommendation is being implemented in conjunction with Recommendation 49.

As previously reported, Families SA maintains a physical file for every child who is in State care. Key legal information available to the Department is recorded on the child's file.

Work is continuing to ensure that all key legal data relating to a child or young person who dies whilst in State care is routinely available to Families SA.

Part 3 – Progress Report Government Response Continuing

Recommendation 53

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

Summary of Government response and progress made July 2008 – November 2010

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

The Department for Families and Communities advised that it had commenced implementation of an electronic document and records management system. Full compliance with the recommendation was expected to take at least three years.

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

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C3MS is being used by Families SA staff to record client and case management work across Care and Protection and Youth Justice. Youth Justice Training Centres commenced use of C3MS in September 2011.

Work is continuing in relation to the development of Alternative Care functionality in C3MS in order to record placements and carer payments within the system. The system will continue to be enhanced to meet future business needs.

As a result of the recent reorganisation of Government departments and agencies, Families SA is now part of the Department for Education and Child Development. The feasibility of integrating C3MS with an Electronic Document and Records Management System within this Department will be considered in due course.

Part 4 – Recommendations not implemented

Part 4 – Recommendations not implemented

The *Commission of Inquiry (Children in State Care and Children on APY Lands) Act 2004* requires that “if, during the relevant year, a decision has been made not to carry out a recommendation of the Commissioner that was to be carried out, the reasons for not carrying it out [must be stated]¹⁶”.

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

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

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

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

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

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

¹⁶ Commission of Inquiry (Children in State Care and Children on APY Lands) Act 2004 Section 11A (c) (ii)

Part 4 – Recommendations not implemented

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

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

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