



Government
of South Australia

SECOND ANNUAL REPORT

by the

Minister for Families and Communities

to the

**Children in State Care Commission of Inquiry
Report**

***Allegations of Sexual Abuse and Death from
Criminal Conduct***

As required by section 11A of the *Commission of Inquiry
(Children in State Care and Children on APY Lands) Act 2004*

November 2010

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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 Inquiry¹) 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.

On 17 June 2008, the South Australian Government tabled in Parliament its initial response to the Mullighan Inquiry's recommendations. The Government accepted the majority of these recommendations and set out a comprehensive plan for implementing its response.

Since making its initial report to Parliament in June 2008, the Government has implemented its response to 34 of the Mullighan Inquiry's recommendations. These important achievements are contributing to stronger child protection outcomes, both within the care and protection system and in the wider community.

The full implementation of the Government's response requires long term commitment. Some recommendations require significant changes in policy and culture and this will take time. As demonstrated in this report, many of these changes are already beginning to take effect and are contributing to better outcomes for children in care and in the community.

This is the Government's second annual report to Parliament. It summarises the progress the Government has made towards implementing its response and also 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*.

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 systems², the Government introduced legislation to establish a Commission of Inquiry into Children in State Care.

The purpose of the Commission of Inquiry was to:³

- 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*⁴ 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

² Government of South Australia (2004) *Keeping Them Safe: The South Australian Government’s Child Protection Reform Program*.

³ *Commission of Inquiry (Children in State Care and Children on APY Lands) Act 2004* Schedule 1.

⁴ 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.⁵ 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.⁶

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 Families and Communities.⁷

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 and an "annual progress report" in November 2009.

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.⁸

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

⁵ Children in State Care Commission of Inquiry, March 2008, *Allegations of Sexual Abuse and Death from Criminal Misconduct*, Government Publishing SA, Adelaide, page XII.

⁶ Ibid, page XI.

⁷ 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).

⁸ 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.⁹

The Government's first annual progress report was tabled in Parliament in November 2009.

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

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.

During 2011, the working group will continue to meet on a regular basis to monitor progress towards implementing the Government's response.

⁹ 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 2009, the South Australian Government reported that it had completed implementation of its response to 14 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.¹⁰

Recommendation 1

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

Implementation of Government Response complete

The SMART Program was funded for delivery from 2009 – 2011. A procurement process has been initiated to secure a contract with the Australian Childhood Foundation for delivery in 2011.

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.

¹⁰ Previous responses are available from www.sa.gov.au/mullighaninquiry or from the Department for Families and Communities.

Part 3 – Progress Report Government Response Complete

Implementation of Government Response complete

Additional 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.

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**

Part 3 – Progress Report

Government Response Complete

Recommendation 15 (cont)

- 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

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 were interwoven into existing programs.

Part 3 – Progress Report

Government Response Complete

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.

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 with the statutory guardianship of the Minister over children in care is slight, and that amending the title of the Guardian at this stage will 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 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.

Government response

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 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.

Part 3 – Progress Report Government Response Complete

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

Since the tabling of the first annual progress report in November 2009, the Government has implemented its response to a further 20 recommendations.

These 20 recommendations, and the actions the Government has taken to implement its response to them, are listed below.

Contextual information, including a summary of the Government's initial response in June 2008 and subsequent implementation reports, is also provided below each recommendation.¹¹

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

¹¹ Detailed information about the steps the Government has taken in response to these recommendations is available in the Government's past reports to Parliament.

Part 3 – Progress Report Government Response Complete

Recommendation 2

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

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

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

Summary of Government response and progress made July 2008 – November 2009

The South Australian Government supported the intent of this recommendation.

A review of the self protective training program being taught by The Second Story was completed in early 2009. The review took into account the new Child Protection curriculum for schools and considered strategies for combining this training with other therapeutic support services.

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

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

- Ensure that self protective behaviours and training are embedded in the policies and practices of CRC staff and residents;
- Improve CRC staff and residents' knowledge of and access to accurate health information and primary health care services; and
- Ensure that health services are provided to residents of CRCs as part of The Second Story's core service provision.

Part 3 – Progress Report Government Response Complete

A multi-agency working group was established to oversee the implementation of the review findings and to ensure that a range of health services are provided within CRCs.

Annual Report of November 2010

The South Australian Government has implemented its response to this recommendation.

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.

Part 3 – Progress Report Government Response Complete

Recommendation 5

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

Summary of Government response and progress made July 2008 – November 2009

The South Australian Government accepted the burden of this recommendation, agreeing that Families SA, as part of its screening process for employees, carers and volunteers, needs to obtain the most complete criminal history information possible.

The Government acknowledged that under national arrangements, the names of people recorded on the ANCOR register are not publicly released to discourage offenders released into the community after sentence from “going underground” and so being impossible to properly monitor. However, information from national police databases about any criminal offences that would cause a person to be entered on the ANCOR register is provided in a person’s criminal history report. This information is taken into 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, South Australia police worked with other Australian police jurisdictions regarding the release of information concerning Paedophile Restraining Orders. 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 Restraint Order is an outcome of the court process.

Annual Report of November 2010

The South Australian Government has implemented its response to this recommendation.

Part 3 – Progress Report Government Response Complete

In addition to the implementation measures described above, the Government introduced in-house amendments to the *Children's Protection (Implementation of Report Recommendations) Amendment Bill 2009* in November 2009 to enable South Australia to participate in the Council of Australian Government's Inter-Jurisdictional Exchange of Criminal History Information.

The amendments received assent on 10 December 2009 and will commence on 1 January 2011.

Once commenced, these important changes will enable the Department for Families and Communities' Screening Unit to apply to the Council of Australian Government's Inter-Jurisdictional Exchange of Criminal History Information working group for approval to participate in the exchange of criminal history information.

Participation in the exchange will ensure that the Department for Families and Communities' Screening Unit can routinely access enhanced inter-jurisdictional criminal history information (such as information relating to convictions and charges alleged to have been committed) when conducting criminal history assessments for people working with children.

This will further improve the quality of screenings conducted by the Unit and help ensure that the most complete criminal history information possible is obtained when screening Families SA employees, carers and volunteers.

Part 3 – Progress Report Government Response Complete

Recommendation 7

That the Charter of rights for children and young people in care be the subject of legislation in South Australia.

Summary of Government response and progress made July 2008 – November 2009

The South Australian Government supported this recommendation.

On 16 July 2009, the *Children's Protection (Implementation of Report Recommendations) Bill 2009* was introduced into Parliament and released for a period of public consultation. The Bill included provisions to establish a legal requirement that a Charter of Rights for Children and Young People in Care exist in South Australia.

Annual Report of November 2010

The South Australian Government has implemented its response to this recommendation.

The *Children's Protection (Implementation of Report Recommendations) Act 2009* passed through both houses of Parliament in November 2009 and was assented to on 10 December 2009.

The Act includes 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;
- 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.

Summary of Government response and progress made July 2008 – November 2009

The South Australian Government supported this recommendation.

On 16 July 2009, the *Children’s Protection (Implementation of Report Recommendations) Bill 2009* was introduced into Parliament and released for a period of public consultation. The Bill included provisions to establish a Youth Advisory Committee.

The Guardian advised that she regularly obtains advice from young stakeholders and welcomes the formalisation of this advisory role through the establishment of a Youth Advisory Committee.

Annual Report of November 2010

The South Australian Government has implemented its response to this recommendation.

The *Children’s Protection (Implementation of Report Recommendations) Act 2009* passed through both houses of Parliament in November 2009 and was assented to on 10 December 2009.

The provisions relating to the establishment of a Youth Advisory Committee commenced on 31 December 2009.

The Guardian for Children and Young People has established the Youth Advisory Committee and an initial meeting was held on 1 October 2010.

Part 3 – Progress Report Government Response Complete

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.

Summary of Government response and progress made July 2008 – November 2009

The South Australian Government supported the intent of this recommendation, which is that the Minister for Families and Communities has advice and input from young people in care.

On 16 July 2009, the *Children's Protection (Implementation of Report Recommendations) Bill 2009* was introduced into Parliament and released for a period of public consultation. The Bill included provisions to require the Minister for Families and Communities to consult at least twice yearly with groups representing or comprised of children and young people in care, on issues relevant to children and young people in care or custody.

Annual Report of November 2010

The South Australian Government has implemented its response to this recommendation.

The *Children's Protection (Implementation of Report Recommendations) Act 2009* passed through both houses of Parliament in November 2009 and was assented to on 10 December 2009.

The *Children's Protection Act 1993* has been amended to require that the Minister for Families and Communities to consult at least twice yearly with groups representing or comprised of children and young people in care.

These provisions commenced on 31 December 2009.

Part 3 – Progress Report Government Response Complete

On 26 July 2010, the Minister for Families and Communities released the draft “*Directions for Alternative Care in South Australia 2010 – 2013*” for community consultation.

As part of the consultation process, the Minister for Families and Communities invited peak bodies and consumer groups representing children and young people to provide comment. The consultation also involved all organisations, programs services and individuals that contract, license, monitor, review, plan or provide alternative care services for children and young people in care.

The Department for Families and Communities has commenced discussions with CREATE and the Post Care Services Consumer Reference Group to establish ongoing mechanisms for this consultation to occur.

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.

Summary of Government response and progress made July 2008 – November 2009

As an initial response to this recommendation, the South Australian Government requested that the Council for the Care of Children examine the most effective approach for educating the community about the issue of child sexual abuse and raising awareness of child protection as a community responsibility.

The Council provided preliminary advice that cautioned against implementing a broad media campaign relating to child abuse and neglect. The Council advised that such a campaign would have limited effectiveness and that community awareness achieved by such a campaign is not likely to be sustained long after it has ended.

The Council for the Care of Children subsequently convened the ‘roundtable discussion’ in December 2008. The purpose of the roundtable was to explore an effective strategy for educating the community about child sexual abuse.

The Roundtable participants provided comprehensive advice on this issue, including that a community education campaign should be an important priority for the national agenda to protect children, and that a partnership approach involving a broad range of sectors and industries should be taken.

In response to this advice, the Minister for Families and Communities committed to raise the Council’s findings with the Australian Government for consideration as part of the ongoing strategies being developed under the National Framework for Protecting Australia’s Children.

Part 3 – Progress Report

Government Response Complete

Annual Report of November 2010

The South Australian Government has now implemented its response to this recommendation.

The Minister for Families and Communities wrote to the Hon Jenny Macklin MP (Minister for Families, Housing, Community Services and Indigenous Affairs) in December 2009 to alert the Australian Government to the Roundtable's findings.

In her response, Minister Macklin noted that "responding to sexual abuse" is a priority project under the National Framework's first three year action plan. In light of the relevance of recommendation 12 to this national priority, Minister Macklin advised that the matter could be considered as part of this project.

The South Australian Government continues to strongly support the National Framework for the Protection of Australia's Children (National Framework), which plays an important role in promoting a strong, collaborative and nationwide approach to child protection, and will continue to work closely with all Australian States and Territories and the non government sector to implement the agreed priorities.

Any further action relating to this recommendation will be most appropriately addressed at a national level under the National Framework.

Supporting Outcome 6 under the National Framework is: *Child sexual abuse and exploitation is prevented and survivors receive adequate support*. Consistent with this goal, the South Australian Government is implementing a number of targeted initiatives to educate children and the broader community about child sexual abuse and highlight that child protection is a community responsibility. These initiatives include:

- The Department of Education and Children's Services has developed and disseminated Cyber-Safety Guidelines to all government schools and pre-schools.
- South Australia Police is investigating on-line offending against children and exploring new technologies and methods of communication. A new Child Exploitation Tracking System is also planned to be introduced, which will provide greater efficiency and effectiveness in identifying children who are at risk of contact offending.

Part 3 – Progress Report

Government Response Complete

- The Department of Education and Children’s Services and the non government school sectors, in consultation with relevant stakeholders, have developed guidelines for responding to problem sexual behaviours in children and young people. The guidelines focus on providing appropriate support to all children and young people involved to both limit the effect of harm and to prevent future harm.

The Government’s response to a number of recommendations of the Mullighan Inquiry is also directly contributing to these outcomes. For example:

- The Second Story has reviewed its self protective training being taught to children in care and is implementing initiatives to strengthen its training and service response [refer to recommendation 2].
- Changes to the child safe environment provisions of the *Children’s Protection Act 1993* has strengthened the steps many organisations must take to establish and maintain safe and protective environments for children [refer to recommendations 3 and 4].
- The *Strategies for Managing Abuse Related Trauma. (SMART)* program is continuing to be delivered to relevant staff across the education sector to raise awareness and provide strategies for managing abuse related trauma [refer to recommendation 1].

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

Summary of Government response and progress made July 2008 – November 2009

The South Australian Government supported this recommendation.

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 *Interagency Code of Practice: Investigation of Suspected Child Abuse and Neglect* was revised to outline the new working practices implemented in response to this recommendation. The revised Code of Practice includes information sharing guidelines between the SIU and other relevant agencies and promotes best practice in the management of child abuse and neglect through enhancing partnerships and agency training.

The Government advised that it would regard the suggested 24 hour timeframe as a “best practice standard” for the Department for Families and Communities and the SIU. The Department for Families and Communities revised its work practices to ensure that in urgent situations, the notification to South Australia Police and the Guardian is made immediately by either Families SA Operational Staff or staff at the departmental Child Abuse Report Line.

Annual Report of November 2010

The South Australian Government has implemented its response to this recommendation.

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

During 2010, the SIU developed a *‘Management of Care Concerns – Manual of Practice.’* The Manual reinforces the guidance within the *‘Interagency Code of Practice.’* The Manual has undergone extensive consultation internally within the Department for Families and Communities as well as externally with key stakeholders, including South Australia Police, the Health and Community Services Complaints Commissioner and relevant non government organisations.

Part 3 – Progress Report Government Response Complete

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.

Summary of Government response and progress made July 2008 – November 2009

The South Australian Government supported this recommendation.

In its response of June 2008, the Government committed to amend the *Children's Protection Act 1993* to make clear that the Guardian for Children and Young People may act as an advocate for a child or young person in State care who has made a disclosure of sexual abuse.

On 16 July 2009, the *Children's Protection (Implementation of Report Recommendations) Bill 2009* was introduced into Parliament and released for a period of public consultation. The Bill included provisions to implement this commitment.

Additional 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.

Annual Report of November 2010

The South Australian Government has implemented its response to this recommendation.

The *Children's Protection (Implementation of Report Recommendations) Act 2009* passed through both houses of Parliament in November 2009 and was assented to on 10 December 2009.

The provisions relating to 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 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.

Summary of Government response and progress made July 2008 – November 2009

The South Australian Government supported this recommendation.

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 Guidelines allow for the Guardian to be immediately notified in urgent situations.

The *Interagency Code of Practice: Investigation of Suspected Child Abuse and Neglect* was revised to outline the new working practices implemented in response to this recommendation. The revised Code of Practice includes information sharing guidelines between the SIU and other relevant agencies and promotes best practice in the management of child abuse and neglect through enhancing partnerships and agency training.

Annual Report of November 2010

The South Australian Government has implemented its response to this recommendation.

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

During 2010, the Special Investigations Unit developed the *'Management of Care Concerns – Manual of Practice.'* The Manual reinforces the guidance within the *'Interagency Code of Practice.'* The Manual has undergone extensive consultation internally within the Department for Families and Communities as well as externally with key stakeholders,

Part 3 – Progress Report Government Response Complete

including South Australia Police, the Health and Community Services
Complaints Commissioner and relevant non government organisations.

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.

Summary of Government response and progress made July 2008 – November 2009

The South Australian Government supported this recommendation.

On 16 July 2009, the *Children’s Protection (Implementation of Report Recommendations) Bill 2009* was introduced into Parliament and released for a period of public consultation. The Bill included provisions to amend the powers of removal relating to the Guardian for Children and Young People.

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The South Australian Government has implemented its response to this recommendation.

The *Children’s Protection (Implementation of Report Recommendations) Act 2009* passed through both houses of Parliament in November 2009 and was assented to on 10 December 2009.

The powers of removal relating to the Guardian for Children and Young Persons have been amended to reflect the powers of removal relating to the Health and Community Services Complaints Commissioner and Employee Ombudsman.

These provisions commenced on 31 December 2009.

Part 3 – Progress Report Government Response Complete

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).

Summary of Government response and progress made July 2008 – November 2009

The South Australian Government supported this recommendation.

On 16 July 2009, the *Children's Protection (Implementation of Report Recommendations) Bill 2009* was introduced into Parliament and released for a period of public consultation. The Bill included provisions to give effect to this recommendation.

Annual Report of November 2010

The South Australian Government has implemented its response to this recommendation.

The *Children's Protection (Implementation of Report Recommendations) Act 2009* passed through both houses of Parliament in November 2009 and was assented to on 10 December 2009.

The Act requires that the Guardian must act independently, impartially and in the public interest. It also expressly states that the Minister 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.

Part 3 – Progress Report Government Response Complete

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.

Summary of Government response and progress made July 2008 – November 2009

The South Australian Government supported this recommendation.

On 16 July 2009, the *Children's Protection (Implementation of Report Recommendations) Bill 2009* was introduced into Parliament and released for a period of public consultation. The Bill included provisions to give effect to this recommendation.

Annual Report of November 2010

The South Australian Government has implemented its response to this recommendation.

The *Children's Protection (Implementation of Report Recommendations) Act 2009* passed through both houses of Parliament in November 2009 and was assented to on 10 December 2009.

The Act enables 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 and must 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*.

Summary of Government response and progress made July 2008 – November 2009

The South Australian Government supported this recommendation.

On 16 July 2009, the *Children's Protection (Implementation of Report Recommendations) Bill 2009* was introduced into Parliament and released for a period of public consultation. The Bill included provisions to give effect to this recommendation.

Annual Report of November 2010

The South Australian Government has implemented its response to this recommendation.

The *Children's Protection (Implementation of Report Recommendations) Act 2009* passed through both houses of Parliament in November 2009 and was assented to on 10 December 2009.

The Act provides the Guardian for Children and Young People with powers to obtain information *from any person* in connection with the Guardian for Children and Young People's functions under the Act. This power is coupled with a penalty for failure to comply.

Part 3 – Progress Report Government Response Complete

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 for Children and Young People 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.

Summary of Government response and progress made July 2008 – November 2009

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.

This recommendation was supported by the reviewer and included in the *Children's Protection (Implementation of Report Recommendations) Bill 2009*. The Bill was introduced into Parliament on 16 July 2009.

Annual Report of November 2010

The South Australian Government has implemented its response to this recommendation.

The *Children's Protection (Implementation of Report Recommendations) Act 2009* passed through both houses of Parliament in November 2009 and was assented to on 10 December 2009.

The amendments to 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 commenced on 31 December 2009.

Part 3 – Progress Report Government Response Complete

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.

Summary of Government response and progress made July 2008 – November 2009

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.

This recommendation was supported by the reviewer and included in the *Children's Protection (Implementation of Report Recommendations) Bill 2009*. The Bill was introduced into Parliament on 16 July 2009.

Annual Report of November 2010

The South Australian Government has implemented its response to this recommendation.

The *Children's Protection (Implementation of Report Recommendations) Act 2009* passed through both houses of Parliament in November 2009 and was assented to on 10 December 2009.

The Act amends 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 provision commenced on 31 December 2009.

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.

Summary of Government response and progress made July 2008 – November 2009

The South Australian Government supported this recommendation.

South Australia Police (SAPOL) and the Department for Families and Communities (DFC) agreed to develop a co-ordinated, state-wide missing person's protocol for children and young people who abscond from care. Bi-monthly meetings were also established to progress the protocol and the appointment of contact officers in every Local Service Area where residential care facilities (including transitional accommodation houses) are located.

A Procedure and Practice Guide on missing children was developed to provide comprehensive guidelines for Families SA staff for managing a situation in which a child or young person under the Custody or Guardianship of the Minister goes missing with cause for concern.

Annual Report of November 2010

The South Australian Government has implemented its response to this recommendation.

SAPOL have established contact officers in each Local Service Area where residential care facilities are located. The contact officer is responsible for the maintenance of ongoing communication and liaison between staff at residential care facilities and police.

Part 3 – Progress Report

Government Response Complete

In September 2010, the Chief Executive Officer, 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.

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

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

The Protocol also incorporates a process for improved collation of data relating to missing episodes. Data collection processes will be improved to assist in identifying overall trends and concerns and will also establish an effective system to monitor and identify patterns relating to missing episodes of individual children and young people. This will contribute to improved planning and intervention strategies for those most at risk.

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’.

Summary of Government response and progress made July 2008 – November 2009

The South Australian Government supported this recommendation.

On 16 July 2009, the *Children’s Protection (Implementation of Report Recommendations) Bill 2009* was introduced into Parliament and released for a period of public consultation. The Bill included provisions to give effect to this recommendation.

Annual Report of November 2010

The South Australian Government has implemented its response to this recommendation.

The *Children’s Protection (Implementation of Report Recommendations) Act 2009* passed through both houses of Parliament in November 2009 and was assented to on 10 December 2009.

The Act amends section 16 of the *Children’s Protection Act 1993* to make clear that the power of removal in this section 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* passed through both houses of Parliament and was assented to on 10 December 2009. The Act empowers the Chief Executive, Department for Families and Communities, 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.

Part 3 – Progress Report Government Response Complete

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

Part 3 – Progress Report Government Response Complete

Recommendation 47

That the following offences be created:

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

Summary of Government response and progress made July 2008 – November 2009

The South Australian Government supported this recommendation.

On 16 July 2009, the Attorney-General introduced the *Statutes Amendment (Children's Protection) Bill 2009*.

The Bill contained provisions to implement this recommendation and also to provide for the making of a Child Protection Restraining Order against an individual.

Annual Report of November 2010

The Government has implemented its response to this recommendation.

The *Statutes Amendment (Children's Protection) Act 2009* passed through both houses of Parliament and was assented to on 10 December 2009.

The Act:

- authorises the Chief Executive of the Department for Families and Communities 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

Part 3 – Progress Report Government Response Complete

- 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 Act commenced on 1 August 2010.

The Department for Families and Communities has developed processes and procedures to support these amendments in consultation with relevant stakeholders.

Part 3 – Progress Report

Government Response Complete

Recommendation 48

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

Summary of Government response and progress made July 2008 – November 2009

The South Australian Government supported this recommendation.

The Government advised that SAPOL through the Sexual Crime Investigation Branch and Police Local Service Area undertakes specific policing initiatives focusing on criminal activity and, most particularly, sexual crimes against children.

The need for specific police operations targeting such offending at Veale Gardens and other locations remained under assessment with operations instigated as required.

SAPOL would undertake liaison with local government and gay and lesbian groups to develop and initiate other appropriate intervention strategies.

Annual Report of November 2010

The South Australian Government has implemented its response to this recommendation.

As previously reported, 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 for SAPOL. 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

Part 3 – Progress Report Government Response Complete

area of beats. These initiatives focus on criminal activity and, most particularly, sexual crimes against children.

SAPOL will continue to liaise with Local Government and Gay Men's Health to ensure that appropriate intervention strategies are in place and actioned as necessary.

SAPOL is committed to providing a meaningful deterrence and response to offending against children regardless of geographic location.

Part 3 – Progress Report Government Response Complete

Recommendation 54

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

Summary of Government response and progress made July 2008 – November 2009

In its initial response of June 2008, the Government agreed that the continued discovery and consignment listing of records relating to children in State care is an important task and that the Department for Families and Communities would continue this work over time.

The Government created four ongoing records management officer positions within the Department for Families and Communities (Families SA) to continue the discovery and consignment listing of records relating to children in State care. As of November 2009, three of these positions had commenced.

Annual Report of November 2010

The South Australian Government has implemented its response to this recommendation.

The four records management officer positions have now been filled. These positions have ongoing responsibility for ensuring the continued discovery and consignment listing of records relating to children in State Care.

Part 3 – Progress Report Government Response Continuing

Part 3.3 – Implementation of Government Response Continuing

This section provides detailed information about the actions the Government has undertaken since November 2009 to implement its response to the remaining 18 recommendations of the Mullighan Inquiry. It also identifies areas of further work and key priorities for the next year.

As demonstrated in this report, the Government has made steady progress towards implementing its response to these recommendations. Important outcomes have been achieved that are contributing to the enhanced protection of children and young people, both within the care and protection system and in the community.

These outcomes include:

- The *Children's Protection Act 1993* was amended to broaden those organisations required to conduct criminal history assessments on people working with children (see pages 50- 51).
- A register was established to maintain a record of organisations that have established child safe environment policies and procedures (see pages 52 - 53).
- 36 additional places for children and young people in care were made available through the completion of the Queenstown and Tregenza residential units (see pages 59 - 62).
- The pilot program trialling the provision of intensive therapeutic services for young people in care who are at risk and frequently abscond achieved positive outcomes and will continue as an ongoing intervention in the lives of the young people involved (see pages 79 - 80).
- Since its establishment, the service linking care leavers with counselling and other therapeutic services assisted 150 care leavers access appropriate therapeutic services (see pages 77 - 78).
- On 26 July 2010, the Minister for Families and Communities released the draft "*Directions for Alternative Care in South Australia 2010 – 2013*" for community consultation.

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.

Part 3 – Progress Report Government Response Continuing

Recommendation 3

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

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

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

Summary of Government response and progress made July 2008 – November 2009

The Government announced that it would extend the requirement to conduct criminal history checks to local government and non-government organisations that provide health, welfare, education, sporting and recreational, religious and spiritual, child care and residential services wholly or partly for children. Exempting criteria would also be introduced in some circumstances.

The Government also announced that it would continue to meet the cost of obtaining criminal history reports for eligible volunteers working with vulnerable groups, through the Volunteer Organisation Authorisation (VOAN) Scheme.

The *Children's Protection (Implementation of Report Recommendations) Amendment Bill 2009* was introduced into Parliament on 16 June 2009 and then released for a period of public consultation.

The Bill included provisions to give effect to this recommendation.

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The Government has substantially implemented its response to this recommendation.

The *Children's Protection (Implementation of Report Recommendations) Amendment Act 2009* passed through both houses of Parliament in November 2009 and was assented to on 10 December 2009.

Part 3 – Progress Report Government Response Continuing

The amendments extend the requirement to conduct criminal history assessments for people working with children to all non-government and local government organisations providing health, welfare, education, sporting and recreational, religious and spiritual, child care and residential services wholly or partly for children.

Regulations have also been made to support the changes.¹² The Regulations include exempting criteria to exempt organisations, persons and positions from undergoing assessments in some situations.

As previously announced, the Government has delayed the commencement of these provisions by one year in order to give organisations sufficient time to become familiar with the new requirements. The changes will apply from 1 January 2011 and will be phased-in sector by sector over a three year period.

During this period, Families SA will continue to undertake initiatives to assist organisations to understand their new obligations under the *Children's Protection (Implementation of Report Recommendations) Amendment Act 2009*. For example, Families SA is maintaining a dedicated website and telephone helpline and is actively working with peak bodies and non-government organisations to communicate the changes to affected sectors.

¹² Children's Protection Regulations 2010

Part 3 – Progress Report Government Response Continuing

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 2009

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” - and committed to introducing legislation to this effect.

The *Children's Protection (Implementation of Report Recommendations) Amendment Bill 2009* was introduced into Parliament on 16 June 2009 and then released for a period of public consultation. The Bill included provisions to give effect to the Government's response to this recommendation.

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The Government has substantially implemented its response to this recommendation.

The *Children's Protection (Implementation of Report Recommendations) Amendment Act 2009* passed through both houses of Parliament in November 2009 and was assented to on 10 December 2009.

The Act amends the *Children's Protection Act 1993* 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.

These requirements will commence on 1 January 2011. The Department for Families and Communities has developed a lodgement form as a simple and helpful way for organisations to meet this requirement.

Part 3 – Progress Report Government Response Continuing

Organisations may complete and submit the form online or lodge a hard copy with the Department.

Organisations must lodge a statement by 28 February 2011, however, organisations may lodge a statement earlier if they choose.

Families SA is continuing to undertake initiatives to assist organisations to understand their new obligations under the *Children's Protection (Implementation of Report Recommendations) Amendment Act 2009*.

For example, Families SA is maintaining a dedicated website and telephone helpline and is actively working with peak bodies and affected non-government organisations to communicate the changes to affected sectors.

Part 3 – Progress Report

Government Response Continuing

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 2009

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 Department of Transport, Energy and Infrastructure (DTEI) and the Department for Families and Communities (DFC) have finalised a framework to transition screening for bus and taxi drivers to DFC's "working with children" screening system.

Work towards transitioning the screening processes is now underway and is expected to be completed by the end of December 2010. As part of the transition process, the maximum accreditation period for commercial drivers is being amended from five to three years and other accreditation requirements (such as compulsory medical examinations and training courses) are being aligned to coincide with the new accreditation period.

It is expected that the list of disqualifying offences under section 31 of the *Passenger Transport Act 1993* will be amended by the end of 2011.

Once implemented, the changes will enhance safety for the travelling public by ensuring greater currency in the information on the fitness and propriety of drivers, including their suitability to work with and around children and young people.

Part 3 – Progress Report

Government Response Continuing

Recommendation 14

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

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

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

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

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

Part 3 – Progress Report

Government Response Continuing

Summary of Government response and progress made July 2008 – November 2009

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.

The Department for Families and Communities committed to working towards achieving the best level of contact possible between children and social workers within available resources. For example, the Department commenced the following initiatives to ensure “quality contact” between workers and children in care:

- Implementing a policy of “differential response” in managing contact frequencies for children in care, with contact needs being established as part of each child’s initial case plan and reviewed on an annual basis.
- 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
- Redeveloping the Families SA practice model and standards, with a view to improving practices and relieving some of the administration pressures of social workers in the field, freeing more staff time.

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.

Part 3 – Progress Report

Government Response Continuing

The Government accepted the components of this recommendation relating to the issue of the recruitment, retention and professional development of social workers.

The Department faces particular challenges in keeping experienced and fully trained staff in a line of work that is intensive and at times, extremely challenging. A strong workforce planning approach has been implemented, which regularly seeks to support staff and improve effectiveness in this area.

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As previously reported, the Department for Families and Communities (DFC) is working to ensure that the best level of contact between children and workers is achieved within the resources available to the Department.

The development and implementation of strategies to improve practices and promote quality of contact for children in care is a priority for DFC.

This requires a multi-faceted and long term approach. The numbers of children entering and remaining in care and their circumstances and contact needs fluctuate significantly over time. DFC aims to ensure that service delivery is responsive to these changes.

The initiatives relating to the “quality of contact” between workers and children in care outlined in the progress report of November 2009 have contributed to the Department working towards achieving this objective. Ongoing initiatives being implemented by DFC include:

- 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

Part 3 – Progress Report

Government Response Continuing

Australia who are unable to live with their immediate family will receive the best possible care and support.

A review of Families SA career pathways is currently underway to examine the potential of incorporating other relevant professional qualifications into care and protection work. It is anticipated that this will help support the recruitment and retention of an appropriately qualified workforce to provide effective support and quality contact for children and young people in care.

DFC is continuing the implementation of its Workplace Learning initiative, which will positively influence the Departments ability to recruit and retain qualified staff. All Families SA business units now have a dedicated Facilitator of Workplace Learning, and a workplace learning intranet site is available for all Families SA staff.

A Learning Action Plan is being developed under the auspices of the Workplace Learning Initiative. The plan, which will be completed in 2011, includes a capabilities framework and needs analysis, and aims to identify strategic learning and development priorities for Families SA staff.

The DFC College for Learning and Development is continuing to deliver competency based learning programs to support the development of families SA staff. 80 Families SA team supervisors have now completed the *Reflective Practice Supervision* training course and 112 workers completed the Diploma in Statutory Child Protection in the past year.

Part 3 – Progress Report

Government Response Continuing

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 2009

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 supported by the Government's \$190.6 million investment in child protection and alternative care.

Strategies to increase the capacity of residential care included:

- The construction of a community residential care facility at Noarlunga Downs to provide 12 additional places for children in care
- The construction of a community residential care facility at Queenstown to provide 12 additional places for children in care
- The refurbishment of eight houses at the old Tregenza Nursing Home at Elizabeth South to provide 24 additional places for children in care.

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Government Response Continuing

The Department for Families and Communities committed to work with non-government organisations to recruit more foster carers and expand residential care through the development of new coordinated placement options. 11 new relative care support workers were recruited in February 2009 to provide support to relative and kinship care-givers.

The Government accepted in principle the recommendation on accommodating a maximum number of three children in residential care facilities. Most care facilities managed or funded by the Department for Families and Communities accommodate three or fewer children or young people. However there are circumstances in which it may be desirable that larger groups be accommodated together (e.g. large sibling groups). Future planning for accommodating children in residential facilities will take into account the need for flexible design to ensure that smaller or larger groups can be accommodated in a facility depending on assessed needs.

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As previously reported, the Department for Families and Communities is implementing a range of strategies to address this issue and diversify care models for children and young people, including those with complex needs.

The Queenstown Community Unit opened on the 30 April 2010 and is now operating at full capacity. The unit provides an additional 12 places for children and young people, the residents being accommodated in small groups of four.

Construction of the Noarlunga Downs Unit is approaching completion and is due to be opened in late 2010. Once completed, this unit will provide a further 12 places for children and young people in care.

The refurbishment of eight houses at the Tregenza Home at Elizabeth South was completed in March 2010. This short to medium-term facility accommodates 24 children aged 0 -11 years. The facility comprises eight separate units that accommodate small groups of three children and young people and focuses on assessment, stabilisation and transition into longer term care or reunification with family of origin. The composition of this facility promotes a flexible approach to accommodation arrangements and allows children and

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Government Response Continuing

young people to be placed according to their particular needs (such as age, disability, gender or culture).

The 2010-11 Budget will provide \$137.7m over 4 years to continue to build capacity in the alternative care system to provide for appropriate placements for the growing number of children in alternative care. This funding will also support the continued implementation of this recommendation.

It is anticipated that a number of houses to be constructed under the Commonwealth Government's Nation Building Program will also become available over the next year to provide additional places for children and young people in care.

On 26 July 2010, the Minister for Families and Communities released the draft "*Directions for Alternative Care in South Australia 2010 – 2013*" for community consultation.

The purpose of the *Directions* is to describe the strategic direction for alternative care from 2010- 2013. The *Directions* identify four priority areas for strengthening and building the capacity of the alternative care sector. The four areas are:

- Redesigning the alternative care system for flexibility and integration.
- Creating an enhanced service continuum of placement options and support services.
- Building and applying a framework for quality assurance.
- Integrating a standards-based approach to achieve continuity of care and optimal well being for children and young people in care.

A range of Government and non-government organisations, peak bodies and community organisations were invited to provide comment on the draft Directions. The results of the consultation are currently being reviewed and will inform further development of the alternative care sector.

The Government is also implementing initiatives to support relative and kinship care placements and promote their continued growth. Relative and kinship care placements are the first placement consideration for children entering care in South Australia. These initiatives include:

- a review of the Relative and Kinship Care program to develop future models for its management and delivery; and

Part 3 – Progress Report Government Response Continuing

- a pilot project has been established in Gawler to identify and scope earlier placement options with extended family and ensure appropriate supports are in place for families as soon as possible.

The Government is continuing to work with non-government organisations to recruit more full-time foster carers by licensing and contracting new foster care agencies such as Lutheran Community Care and Key Assets.

Transition plans are continuing to be prepared to support the expedient exit of all children and young people from Interim Emergency Accommodation. Regular monitoring and data analysis is also occurring to identify systems and practice issues affecting sustained transition of children from Interim Emergency Accommodation.

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Government Response Continuing

Recommendation 17

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

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

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

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

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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 2009

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

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Government Response Continuing

As an initial step, the 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 as part of the Alternative Care Quality Assurance Strategy. The aspects of child sexual abuse outlined by the Commission of Inquiry would be addressed as part of this review. Issues of carer accreditation and registration would also be considered.

The Government identified that components of the additional funding of \$190.6 million over four years announced in 2008 would help support this recommendation. Components of this funding would directly support non-government agencies to recruit, train and support foster carers.

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As previously reported, it is anticipated that the framework for the recruitment, assessment, approval, training and support of carers will be completed by mid 2011.

On 26 July 2010, the Minister for Families and Communities released the draft “*Directions for Alternative Care in South Australia 2010 – 2013*” for community consultation. This work incorporates the Alternative Care Quality Assurance Strategy.

The purpose of the *Directions* is to describe the strategic direction for alternative care in South Australia from 2010- 2013. The *Directions* include a specific focus on recruiting, training and retaining specialised family based carers.

A range of Government and non-government organisations, peak bodies and community organisations were invited to provide comment on the draft directions. The results of the consultation are currently being reviewed and will inform further development of the alternative care sector, incorporating the framework for the recruitment, assessment, approval, training and support of carers.

The Department for Families and Communities is also continuing to implement the initiatives outlined in the report of November 2009 to

Part 3 – Progress Report

Government Response Continuing

ensure that all carers receive ongoing training and support. Key outcomes achieved during 2010 include:

- 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. The module provides training and information to carers relating to the safety and protection of children, with a particular focus on children less than 5 years of age.
- Families SA in partnership with Child and Family Welfare Association have established a shared learning forum to share training, knowledge and resources.
- The funding of two non-government agencies to employ staff specifically to recruit, assess train and support carers. Components of the \$190.6 million over four years announced in 2008 supported this outcome.

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 2009

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, including particular issues relating to children and young people with disabilities.

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 as part of the Alternative Care Quality Assurance Strategy. The aspects of child sexual abuse outlined by the Commission of Inquiry would be addressed as part of this review. Issues of carer accreditation and registration would also be considered.

The Government identified that components of the additional funding of \$190.6 million over four years announce in 2008 would help support this recommendation. Components of this funding would directly support non-government agencies to recruit, train and support foster carers.

Carers are already required to undergo mandatory training (including training about child sexual abuse) as part of the carer registration

Part 3 – Progress Report

Government Response Continuing

process. Every carer must successfully complete this training in order to receive a Certificate of Registration. The Government also requires that carers are reviewed on an annual basis and training attendance forms an important component of this review.

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As previously reported, it is anticipated that the framework for the recruitment, assessment, approval, training and support of carers will be completed by mid 2011.

On 26 July 2010, the Minister for Families and Communities released the draft “*Directions for Alternative Care in South Australia 2010 – 2013*” for community consultation. This work incorporates the Alternative Care Quality Assurance Strategy.

The purpose of the *Directions* is to describe the strategic direction for alternative care in South Australia from 2010- 2013. The *Directions* include a specific focus on recruiting, training and retaining specialised family based carers, incorporating those caring for children with high or complex needs.

A range of Government and non-government organisations, peak bodies and community organisations were invited to provide comment on the draft directions. The results of the consultation are currently being reviewed and will inform further development of the alternative care sector, including the framework for the recruitment, assessment, approval, training and support of carers, including those caring for children with high or complex needs.

The Department for Families and Communities (DFC) 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. For example, a new non-government therapeutic foster care program provided by Key Assets was funded in 2010 to employ staff specifically to recruit, assess, train and support specialised family based carers for children and young people with high and complex needs.

Part 3 – Progress Report

Government Response Continuing

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 2009

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 commenced in October 2008. A consultant Project Officer was employed to conduct the review, which was overseen by a reference group.

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

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

Part 3 – Progress Report

Government Response Continuing

The final report of the review was delayed in order to allow for a full analysis of the findings and outcomes of the training and consultation to be properly considered and included in the report's recommendations.

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The Government has now undertaken consultation with relevant stakeholders about the service delivery needs of young people in commercial and residential care and these findings have been incorporated into the draft report of the review.

Further discussions with key stakeholders are planned to explore service pathways for children and young people.

Specific issues canvassed in the draft review are also informing the development of the draft Model of Care, currently being prepared by the Child Adolescent Mental Health Service.

The final report of the review will be considered by the reference group in late 2010 and then provided to Government.

Part 3 – Progress Report Government Response Continuing

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 2009

The provision of appropriate therapeutic support to relevant carers when a child or young person makes a disclosure of sexual abuse will be considered as part of the review undertaken in response to recommendation 21.

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

The Government will respond further to this recommendation following the conclusion of that review.

Part 3 – Progress Report

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 2009

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 department advised that the full implementation of C3MS across the Department would take at least three years.

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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.

The roll-out of the next phase of C3MS is planned to commence in March 2011. Once the roll-out 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.

Part 3 – Progress Report Government Response Continuing

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 2009

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 Bill 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 ensure that consumers’ knowledge about complaint resolution services is increased.

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As previously reported, the South Australian Government is committed to raising consumer and client knowledge about Government-funded complaint resolution services. To support this objective, SA Health and

Part 3 – Progress Report

Government Response Continuing

the Department for Families and Communities (DFC) are undertaking a number of initiatives to:

- Strengthen their framework for dealing with and responding to complaints; and
- Promote consumer and client awareness of the government-funded complaint resolution services that are available.

For example, SA Health is holding discussions with key stakeholder groups to determine the most effective means of increasing consumer awareness of existing complaints mechanisms, including those provided by the Health and Community Services Complaints Commissioner and the Public Advocate. Policies and procedures relating to consumer feedback and complaints management are also being drafted.

DFC is developing a holistic framework for managing client complaints and feedback. Under the framework, all serious complaints will be reported to the Health and Community Services Complaints Commissioner within five working days of receipt.

A key focus of DFC's framework is the promotion of the complaint and feedback system to all DFC clients through a multi-channel communication strategy that addresses the cultural, linguistic and demographic needs of clients. This information will be available to clients in a variety of different formats, such as brochures, posters, video clips and online information.

Part 3 – Progress Report Government Response Continuing

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 2009

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.

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The Restorative Justice Reference Group provided its final report to the Attorney-General in June 2010.

The Attorney-General will consider the report's contents and next steps in conjunction with Cabinet.

Part 3 – Progress Report Government Response Continuing

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 2009

The Government announced it would fund a free service for three years to link adult victims of child sexual abuse to counselling and related support services.

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

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

The service would be reviewed at the end of the three year period.

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Post Care Services within the Department for Families and Communities has extensively promoted the service linking adult victims of child sexual abuse to counselling and related support services to care leavers and therapists.

Since the establishment of the service 150 care leavers have made requests for financially assisted therapeutic support. Post Care Services is currently managing 141 cases on an ongoing basis and providing a wide range of support such as connection to therapeutic services, advocacy and other support services.

Part 3 – Progress Report Government Response Continuing

As previously reported, a review of this service will occur at the end of the three year period, in mid 2011.

Part 3 – Progress Report Government Response Continuing

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 2009

The South Australian Government supported this recommendation.

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

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

The pilot program would initially operate for a period of twelve months with a final evaluation occurring at the conclusion of this period.

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The pilot program is currently operating at capacity and is providing intensive services to 25 young people who have been identified as “high risk”.

Part 3 – Progress Report

Government Response Continuing

The steering group has closely monitored the implementation of the pilot program and has overseen further development of the service model throughout the twelve month period. A recent development has been the engagement and support of families and significant others in the lives of the young people involved in the program. A group work component is also being developed and is expected to be implemented shortly.

Ongoing evaluation has demonstrated that the pilot program has achieved some positive outcomes for the young people involved, many of whom exhibit signs of complex trauma. The circumstances of these young people and their families are such that effective intervention requires an ongoing service response. It is planned that the program will continue beyond the 12 month pilot period.

A final evaluation of the program will commence in November 2010. The evaluation will inform the ongoing development of the service model and help determine those areas where adjustments are required. This will ensure that the service model is working optimally to maximise outcomes for the young people involved.

Part 3 – Progress Report

Government Response Continuing

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.

Summary of Government response and progress made July 2008 – November 2009

The South Australian Government supported this recommendation.

South Australia Police and the Department for Families and Communities 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.

This would be achieved through connecting PIMS to the Families SA Justice Information System Network.

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SAPOL has commenced the enhancement process to flag children under the Guardianship of the Minister (GOM) in its Police Incident Management System (PIMS). Once implemented, this will enable SAPOL to access information about Guardianship orders from the Department for Families and Communities for both missing person and general inquiries.

It is anticipated that PIMS will have the capacity to identify those children and young people under Guardianship orders by mid 2011. It was not possible to finalise this process earlier as the changes are occurring as part of a suite of modifications to the Police Incident Management System (PIMS) that are scheduled to be completed in mid 2011.

Part 3 – Progress Report Government Response Continuing

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

Part 3 – Progress Report

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 2009

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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The South Australian Government has substantially implemented its response to this recommendation.

The implementation of the child protection components of the Connected Client and Case Management System (C3MS) commenced in mid 2009. Phase one implementation was completed in August 2010.

The implementation of phase one included 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 (with the exception of Training Centres) now have access to C3MS.

The Department for Families and Communities is continuing to implement C3MS across the Department. Structures are in place to monitor implementation and to identify, prioritise and progress systems enhancements (including improved reporting capacity) as required.

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 2009

The South Australian Government supported this recommendation.

The Department for Families and Communities 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 the Department for Families and Communities be notified regarding all deaths of children who are believed to be in State care.

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The Department for Families and Communities maintains a physical file for every child who is in State care. Under the Families SA records disposal schedule, these files are retained by the Department for 105 years from the child's date of birth. Files relating to people of Aboriginal or Torres Strait Islander descent are kept permanently (refer to Recommendation 52 for further information).

The Department for Families and Communities is committed to ensuring that the child's file contains the most complete information possible and is continuing to explore options to ensure key legal data is always available on the child's primary file.

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 2009

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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The Enterprise Content Management Study has now been completed. The Department for Families and Communities has entered into an enterprise agreement with Objective Corporation and the roll out of the Objective electronic document and records management system across the Department will commence shortly.

The implementation of the Connected Client Case Management System across the Department for Families and Communities commenced in August 2009, with phase one being completed in August 2010. The implementation of the next phase of C3MS is planned to commence in March 2011.

As previously noted, full implementation of C3MS is expected to take at least three years. A future step will be consideration of the integration of C3MS with the Objective EDRMS.

Part 3 – Progress Report Government Response Continuing

In the short term, the State Records Office will undertake an assessment of current record keeping adequacy of C3MS in 2011.

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]¹³”.

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 regard to **recommendation 43**, the South Australian Government does not support this recommendation at this time.

The Government received comprehensive advice from the Guardian for Children and Young People on this issue. The Guardian stated that the Government should not proceed with the introduction of secure facilities and recommended that a number of priorities to protect children should be given attention, such as:

- Improved intensive therapeutic services for children in existing residential and family-based care, including those in youth training centres
- Protective behaviours training and sexual health education available to all residents of residential facilities, and
- Amendment to the *Summary Procedure Act 1921* to restrain adults who exploit children by offering them shelter, drugs or other goods in return for sexual services.

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 draft “*Directions for Alternative Care in South Australia 2010 – 2013*” (*the Directions*), which

¹³ Commission of Inquiry (Children in State Care and Children on APY Lands) Act 2004 Section 11A (c) (ii)

Part 4 – Recommendations Not Implemented

builds on the strategic directions in the *Keeping Them Safe – In Our Care* strategy.

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

The *draft Directions* suggest the development of therapeutic models of care for children and young people in state care. These models would apply to children and young people in State care, including those who exhibit behaviour placing them at high risk.

The *draft Directions* were released for a six week period of community consultation on 26 July 2010. Community and voluntary organisations, non-government agencies, parents, carers, guardians and other interested parties had the opportunity to comment by 2 September 2010.

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

- A pilot program commenced in November 2009 to provide intensive therapeutic support to children and young people in care who are identified as "at-risk". It is anticipated that the report will be presented to the Government by the end of 2010 [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

Part 4 – Recommendations Not Implemented

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.

