

**Deputy Premier John Rau**

Attorney-General  
Minister for Child Protection Reform

**Minister Susan Close**

Minister for Education and Child Development

**Monday, 13 April, 2015**

## Government's response to Chloe Valentine Coronial Inquest

The Government today resolved to support 20 of the 21 recommendations from the Chloe Valentine Coronial Inquest.

Of the 21 recommendations handed down by Coroner Mark Johns earlier this month, the Government has expressed:

- Full support for 19 recommendations
- In-principle support for recommendation 22.13
- Recommendation 22.9 will be subject to further investigation

Minister for Child Protection Reform John Rau said implementation would begin immediately but in some cases further work needed to be done.

“It is clear some of these recommendations can be acted upon immediately however others that involve legislative change or Federal Government involvement will take more time,” Mr Rau said.

“This case has highlighted failings in the system and there are changes that must occur.

“I will be working with the Minister for Education and Child Development to ensure these recommendations are implemented as quickly as possible.”

Mr Rau said he would update Parliament on the Government's progress when it returns.

“I will be advising the Royal Commissioner Justice Nyland of Cabinet's determinations so that she can consider these as part of her review into Families SA.”

Mr Rau said he had asked Education Chief Executive Tony Harrison to write to the Coroner to clarify the Department's use of Sections 20(1) and 20(2) of the Children's Protection Act 1993 as referenced in recommendation 22.4.

Education and Child Development Minister Susan Close said she had been in contact with Belinda Valentine and would continue to update her on the progress.

“This is a tragic set of circumstances and we must do everything we possibly can to ensure they are not repeated,” she said.

## **The Cabinet today resolved:**

1. Cabinet endorses the general principle that the interests of the child should always be the first and foremost consideration.
2. Cabinet authorises the Minister for Child Protection Reform in consultation with the Minister for Education and Child Development to commence drafting legislation amending the Child Protection Act 1993 to ensure this principle of primary consideration of the welfare of the child is fully reflected in the Act, with the draft to be returned to Cabinet for approval in due course.
3. Cabinet notes the tension between the function of family support and child protection, particularly when administered by a single management structure. Cabinet requests the Minister for Child Protection Reform in consultation with the Minister for Education and Child Development to bring back to Cabinet a series of recommendations to further the structural, cultural and administrative separation of these two functions.
4. Cabinet notes that the present management of the child abuse notification system has been criticised as has the quality and consistency of case management and reporting.
  - 4.1 Cabinet requests the Minister for Education and Child Development to immediately issue directives consistent with the Coroner's recommendations regarding the quality and consistency of note taking, consistency of information sharing across agencies, and using the tools available in policy and legislation in management of families who are engaged in the child protection system.
  - 4.2 Cabinet notes that the Minister for Child Protection Reform in consultation with the Minister for Education and Child Development will conduct a review of the child abuse notification and reporting system and will report back to Cabinet as to how this may be improved, including statutory changes if required.
5. Cabinet endorses the proposition that early intervention in cases involving child safety is critical and requests the Minister for Child Protection Reform in consultation with the Minister for Education and Child Development report back to Cabinet on means by which early intervention and decision making focused on child welfare can be advanced and made more robust, including if necessary appropriate legislative changes.
6. Cabinet notes the comments of the Coroner regarding the professionalism of social workers and requests the Minister for Child Protection Reform and the Minister for Education and Child Development to bring back to Cabinet recommendations to address these issues.

## INITIAL RESPONSE TO THE CHLOE VALENTINE CORONIAL INQUEST

	RECOMMENDATION	DECISION	RESPONSE
22.2	<p>“That the Child Protection Act 1993 be amended to provide that a child born to a person who has a conviction in respect of a child previously born to them for manslaughter by criminal neglect, manslaughter or murder<sup>471</sup> will, by force of the Act, be placed from birth under the custody of the Minister. The Act would then continue to apply to the child in the same way as if the custody had been ordered by the court under section 38(1)(d), so that the parent might apply to the court for a variation or revocation of the custody of the Minister.</p> <p>Furthermore, the Minister would have the same powers in relation to the child as any other child under the Minister’s care and protection: for example, the Minister might, by section 51(1)(a), permit the child to remain in the care of some other member of the child’s family. This might, for example, include the other parent of the child, who may have no previous conviction in relation to children, and may be a suitable person to care for the child. In such a case the Minister should be empowered to impose conditions on the convicted parent’s dealings with the child, if the parents are still in a relationship.”</p> <p>The amendment should also include other forms of homicide not involving a conviction, for example, cases dealt with under section 269 of the Criminal Law Consolidation Act</p>	SUPPORT	Draft bill will be brought to Cabinet
22.3	<p>“That Families SA urgently re-educate all of its staff to rectify the misunderstanding abroad in the organisation that questions to secure the protection of a child cannot be asked of people without the permission of the child’s parent or guardian. There is no such limitation, there never has been, and there never should be. This message must be disseminated urgently within the organisation. It is fundamental to the organisation’s responsibilities that its employees have a questioning attitude and a curiosity to establish facts as to a child’s welfare. Without this, Families SA cannot achieve its objectives.”</p>	SUPPORT	A direction to this effect will be distributed to all staff by the CE this week.

	<b>RECOMMENDATION</b>	<b>DECISION</b>	<b>RESPONSE</b>
22.4	“That Families SA should strictly comply with section 20(2) of the Children’s Protection Act with immediate effect. Furthermore, that the Minister for Child Protection Reform draw the evidence of Mr Harrison and my remarks concerning section 20(2) of the Act to the attention of the President of the Legislative Council and the Speaker of the House of Assembly with the request from the Coroner’s Court of South Australia that the President and the Speaker draw to the attention of their respective Houses the flagrant disregard of section 20(2) by Families SA.”	SUPPORT	Compliance with section 20(2) is required of Families SA staff but note limited role, if any, given section 20(1). See table on page 130 of Coroner’s report.
22.5	“That the Minister for Child Protection Reform investigate whether Families SA have in any of its annual reports since 1 October 2006 reported on compliance with section 20(2) of the Act in accordance with the understanding of the Honourable Mr Xenophon MLC as referred to above. In the event that there has been no such reporting, that fact should also be reported to the President and the Speaker and an explanation provided.”	SUPPORT	DECD will provide information to the Minister for Child Protection Reform this week.
22.6	“That Families SA direct its staff to actively apply child protection income management in the Playford area of South Australia and that the ‘policy’ of obtaining a benefit recipient’s consent to that course be abolished.”	SUPPORT	Families SA policy and practice will be adapted to reflect this recommendation immediately.
22.7	“That the State Government takes immediate steps to negotiate with the Commonwealth Government for the declaring of areas other than the City of Playford as declared areas for the imposition of child protection income management. There is no sensible rationale for confining to one geographical area a tool which could have the effect of benefitting many children at risk of neglect and abuse in this State who happen to live outside of the geographical area of the City of Playford. It is absurd to impose a geographical limitation of that kind in my opinion.”	SUPPORT	The Minister for Child Protection Reform will write to the Commonwealth Government to facilitate this process.

	<b>RECOMMENDATION</b>	<b>DECISION</b>	<b>RESPONSE</b>
22.8	That the State Government begin negotiations with the Commonwealth Government with a view to making the child protection income management regime a permanent structure and to that end, negotiate an indefinite extension beyond 30 June 2015 which is when the present Bilateral Agreement expires.	SUPPORT	The Minister for Child Protection Reform will write to the Commonwealth Government to commence the process.
22.9	“That Families SA issue a policy prohibiting the transport alone of a child under the age of 12 years in any circumstances with a chauffeured delivery service unless in the custody of an employee of Families SA”	FURTHER INVESTIGATION REQUIRED	This recommendation involves broader practical considerations around the use of volunteers and other staff. Further investigation required.
22.10	“That the operations of the Crisis Response Unit be reviewed with a view to determining whether it has sufficient resources and there is sufficient backup for situations such as that faced by Ms Heading on 12 November 2008. Ms Heading appeared to have a reluctance to call in a worker who may have been ‘on-call’. There should be no such reluctance in a situation such as that being faced by Ms Heading. There should be no hesitation in arranging a call back for an on-call worker in a case such as that. I am concerned that there may be a reluctance on the part of a person in Ms Heading’s position to institute a call back because of financial considerations. Staff should be informed as a matter of policy that the appropriate action is to institute a call back in a situation such as that faced by Ms Heading. There should be no doubt at all about this and I recommend accordingly.”	SUPPORT	The existing procedure has been reinforced to staff which is to contact an on-call supervisor if it is necessary for both Crisis Response night shift workers to be mobilised.
22.11	“That the Children's Protection Act 1993 be amended to include cumulative harm as a relevant factor in making decisions about the care of a child.”	SUPPORT	Draft bill will be brought to Cabinet for Consideration.
22.12	“That the Children's Protection Act 1993 be amended to make it plain that the paramount consideration is to keep children safe from harm. Maintaining the child in her or his family must give way to the child’s safety.”	SUPPORT	Draft bill will be brought to Cabinet for consideration.

	<b>RECOMMENDATION</b>	<b>DECISION</b>	<b>RESPONSE</b>
22.13	<p>“That adoption should have a place in the alternative placement options in the child protection system. I do not purport to be in a position to offer a settled model of what the role of adoption in the child protection system should look like. However, the evidence of the scarcity of alternative placement options and the notorious under supply of suitable and willing foster parents leads me to the very firm opinion that permanent removal to adoptive parents must have a place in the child protection system and I recommend accordingly.”</p>	SUPPORT IN PRINCIPLE	<p>We acknowledge adoption can and does play a role in child protection. The Minister for Child Protection Reform will write to Commissioner Margaret Nyland of the Child Protection Systems Royal Commission and Professor Lorna Hallahan who is undertaking a review of the Adoption Act, informing them of this report and that the Government will await their recommendations before any further actions are taken in relation to this recommendation.</p>
22.14	<p>“That a proper assessment be undertaken to ascertain the most effective resource allocation method for Families SA. That assessment should include, as a starting point, a consideration of the volumes of work and what resource effort is needed to carry out that work satisfactorily. There must be an ability to monitor unfinished work and a system to measure the performance of individuals and the individual parts of the agency and there must be a reliable system for reporting those measurements in a timely manner to managers right up to the chief executive.”</p>	SUPPORT	<p>Agreed.</p>
22.15	<p>“That the evidence of Anthony Kemp, as a whole, be considered and included as a part of the redesign process referred to by Mr Harrison in his evidence.”</p>	SUPPORT	<p>DECD will consider all of Mr Kemp’s evidence to be included in the existing reform process.</p>

	<b>RECOMMENDATION</b>	<b>DECISION</b>	<b>RESPONSE</b>
22.16	"That Families SA allocate cases to dedicated workers to ensure continuity of care in the management of children at risk."	SUPPORT	In March 2015, a recruitment campaign commenced to attract staff to fill vacancies consistent with this objective.
22.17	"That Families SA train social workers in the art of proper note taking, with emphasis on the need to be factually accurate, and make a clear distinction between the facts of an event and the worker's opinions and judgements about the event and particular individuals."	SUPPORT	Families SA is currently developing a training program focussed on professional writing including case notes and report writing. This course will be mandated for all new and existing staff and will commence roll out mid-2015.
22.18	"That Families SA does not close files on their computer system when they are still in fact involved with the management of a file."	SUPPORT	Practice will be adapted accordingly.
22.19	"That when Families SA becomes aware of the involvement of another agency with a client, an accurate summary document is provided to the agency setting out relevant information about the client to ensure the agency is properly equipped to assist in ensuring the safety of any children under that client's care."	SUPPORT	It is agreed that improved information sharing protocols between agencies are necessary and will be implemented.
22.20	"That domestic violence counselling be implemented in all circumstances where Families SA identifies it as a risk factor for a client and that a failure to participate in domestic violence counselling be recorded for adverse consideration when assessing the onward progress of the care of a child."	SUPPORT	Agreed.

	<b>RECOMMENDATION</b>	<b>DECISION</b>	<b>RESPONSE</b>
22.21	“That a measure be introduced which provides for registration of social workers.”	SUPPORT	The recommendation will be referred to the Minister for Education and Child Development and Minister for Child Protection Reform for further work and report back to Cabinet.
22.22	“That there be a mandatory restriction on student social workers and qualified social workers with less than 12 months experience having client contact without direct supervision by a senior social worker.”	SUPPORT	Agreed.