

The Council for the Care of Children

Submission No 1 (of 2)

**Child Protection Systems Royal
Commission Report: The life they deserve**

20 September 2016

The Council for the
Care of Children



 Government of
South Australia

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Child Protection Systems Royal Commission Report: The life they deserve

Council for the Care of Children submission No 1 (of 2): The voice of the child

The Council for the Care of Children (Council) is responding to the *Child Protection Systems Royal Commission Report: The life they deserve* (the RC) report and recommendations in two separate submissions.

The focus of this first submission is ‘the voice of the child’. A further submission is being prepared which will address other aspects of the report together with a position on where the attention for reform and improvements should be directed.

1 Preliminary

Children and young people (children) are the experts of their own lives. They have a right to be involved in the (re)design of policy, services and infrastructure and in the implementation and evaluation of the same.

Listening to children and prioritising their voices can be a protective factor in terms of preventing abuse. Their input may help adults to get things right. The RC has recognised this and the RC report is permeated with persuasive and affirmative calls for the involvement of children in decision making. This is to be commended.

Regrettably though, the report’s compelling narrative is not strongly reflected in the 260 recommendations. Consequently, there is a lacuna in the governance and operational mechanisms set up to consider and respond to the recommendations as far as children’s participation is concerned. Only 11 of the 260 RC report recommendations (4%) provide for the involvement of children or infer their participation in some form.

2 Recommendations that provide for the voice of the child

The 11 recommendations that provide for children’s participation in some form include recommendations 58, 69, 77, 95, 113, 134, 136, 143, 173, 182 and 256. The Council has responded to these in table 1 below.

Table 1 RC recommendations that provide for the involvement of children or infer their participation in some form

No	Recommendation	Council comment and/or recommendations
58	Provide the Agency’s practitioners with training, support and supervision to equip them to make realistic assessments of risks, particularly in areas of chronic maltreatment, cumulative harm, social isolation, drug and	Supported. The voice of the child should be embedded in training, support, supervision and case planning and management. This could be achieved by: <ul style="list-style-type: none"> • It being required as a core competency ie

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	<p>alcohol abuse, mental health, family violence, and attachment and care needs of young children, to consider the views of children and to develop appropriate safety plans.</p>	<p>start by seeing the child and also build requirements into any standard guidelines</p> <ul style="list-style-type: none"> • Training of Social Workers - registration alone will not ensure that children are heard at an operational level but training which includes how to effectively engage, listen to and take into account the voice and interests of children should be a mandatory element of social work training programs • Tertiary education curriculum – involve children and young people in the training (and appropriately compensate them for their time) • Employee induction – staff should have an understanding of child development and have active and intent listening skills; they should know how to talk to children; a child must be sighted on every occasion when making contact; it should be a supervision requirement with reporting built into C3MS data recording • Code of Conduct - enforce through auditing. A key performance metric could be reporting on how children have been involved in planning and decision making about their care and placements • Safety management plans for all children – the proforma should have mandatory criteria such as the voice of child taken into account in assessment.
<p>69</p>	<p>Amend the Children’s Protection Act 1993:</p> <p>a) to require the child’s lawyer to:</p> <ol style="list-style-type: none"> i. act in accordance with the child’s instructions to the extent the child is able and willing to give such instructions ii. supplement those instructions with his or her own view of the child’s best interests to the extent the child is not able and willing to give instructions (provided the lawyer’s views do not contradict any instructions the child is able & willing to give) iii. indicate the nature of the role to the child, in accordance with the child’s developmental capacity iv. indicate to the court on which basis submissions are made; and <p>b) permit the court to appoint a child’s representative or, in emergencies, to dispense with the need for a representative. In the latter situation, the court should only make interim orders and then adjourn the proceedings to enable a duly instructed lawyer to represent the child.</p>	<p>Supported in principle with these requirements:</p> <ul style="list-style-type: none"> • for child advocates to be required to have specific training, eg trauma informed training • a demonstration that children’s views have been respectfully and adequately sought, documented and presented • for child specific professional development and/or training eg a requirement for say two hours’ child specific CPD per annum • for children to be involved in the delivery of the training (and to be adequately compensated) • for technological aids and Apps to assist children with a ‘virtual’ tour of a court and the various processes with ‘live’ links populated with explanations of roles, processes etc so that they can familiarise themselves with how courts work, their rights to have a say and who will speak to them and/or on their behalf, why and in what capacity different adults might be involved • for a child to have a support person of their choice eg a carer or (in)formal advocate.

No	Recommendation	Council comment and/or recommendations
77	Ensure that every child or young person in care has an allocated caseworker who has face-to-face contact with them once a month at a minimum.	<p>Supported in principle with the following caveats:</p> <ul style="list-style-type: none"> • Although there is a duty of care requirement for contact, the recommendation is very prescriptive both in terms of frequency and in terms of who should have the face-to-face contact with a child. A one-size-fits-all approach is not helpful. • For example, the responsibility for face-face-contact should be that of a case <i>manager</i>, not a case <i>worker</i>. An alternative would be the worker with the best ongoing relationship with the child, notwithstanding the obligation to report to a case manager in line with an accountability or supervisory role • Therefore, should discretion be a better approach to ensure the level and frequency of contact is commensurate with the needs of the child in placement. Perhaps a better option is to require a contact plan to be negotiated with the child(ren), documented in the case plan and reported on as part of the standards of OOHC. • Notwithstanding the duty of care: <ul style="list-style-type: none"> • contact should not be about frequency but about how it is done • schools should be engaged • there should be a balance between duty of care and not be reinforcing of a child being 'different' to their peers • consider a differential response based on quality of care • the frequency should be articulated and directed by a child, not the adults.
95	Amend section 51 of the Children's Protection Act 1993 to include a requirement that in all decisions affecting the child that are made in accordance with an order for guardianship, the child must be included in the decision making to the extent that they are capable and willing, and that the views of the child are given due weight in accordance with the age and maturity of the child.	<p>Supported with consideration to be given to the following:</p> <ul style="list-style-type: none"> • how does a court ensure that a child is involved in all decisions ie what weight does a court give to a child's evidence? Should the legislation be prescriptive and require demonstration of effective engagement with a child including on more than one occasion? • children and young people should be protected during face to face encounters • courts/lawyers must have child friendly practices, expertise and independence • a child's views must be adequately represented and given due weight. This should be evidenced in the transcript and reasons and an explanation should be provided to the child about the outcome in a language that the child can understand and uses to communicate in. This is important to ensure that children feel they have been heard and that their views have been given due consideration, even if the final decision is contrary to their wishes

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		<ul style="list-style-type: none"> • cultural considerations must be given due weight • extra effort is required with very young children.
113	<p>Include Agency staff, children in care and existing foster parents and kinship carers in the delivery of preliminary information and training for new and prospective approved carers.</p>	<p>Supported in principle on the following basis:</p> <ul style="list-style-type: none"> • children must be appropriately compensated for their attendance and/or participation • children should only be involved if they choose to be and it is in their best interests • training and support must be given to children who are involved in the provision of such training services.
134	<p>Amend section 56 of the Family and Community Services Act 1972 to extend the operation of the section to children in all facilities (including emergency care) established by the Minister, and develop a specific and identifiable pathway to enable a child to make a complaint to the Chief Executive pursuant to that section.</p>	<p>Supported. Please note:</p> <ul style="list-style-type: none"> • children should have different options and ways to make complaints eg Apps, face time, post cards etc. This could be tested with children to inform what mechanisms would be most effective • the process must be confidential • a child's right to be articulated in any relevant information being provided to them early on and regularly.
136	<p>Request GCYP to develop an education program for children in facilities run by the Agency or non-government organisations (emergency and residential) to explain and promote their rights pursuant to regulation 14(3) of the Family and Community Services Regulations 2009 and section 56 of the Family and Community Services Act 1972.</p>	<p>Supported with the proviso that children should:</p> <ul style="list-style-type: none"> • be fully involved in development and delivery of the program • be recognised for the skill development and rewarded for their involvement and time • be able to ask questions on a confidential basis and to receive a considered, genuine and respectful response.
143	<p>Create a specific unit and database to receive and track information about the conduct of staff from:</p> <ol style="list-style-type: none"> a) care concerns; b) critical incident reports; c) information from other staff; and d) complaints made by children. <p>This process should apply to staff employed by the directorate and those engaged through commercial agencies. Staff should be permitted to provide information directly to that unit.</p>	<p>Supported with the proviso that children should be involved in:</p> <ul style="list-style-type: none"> • the setting up of the unit • the design of a database • how the process should work overall.
173	<p>Consider developing technology to provide children in care with a user-friendly mechanism to engage with caseworkers in the care team and other responsible adults about their experiences and concerns.</p>	<p>Strongly supported. The development of the technology should involve children and should also facilitate:</p> <ul style="list-style-type: none"> • record keeping eg an automatic transfer via the technology to the main data system.
182	<p>Amend section 104 of the Summary Procedure Act 1921 to permit the filing in committal proceedings of a transcript of a recorded interview with a child under the age of 14 years that has been verified by a</p>	<p>Supported in principle. Please consider provisions for:</p> <ul style="list-style-type: none"> • evidence to be given via video or telephone also • a child to be able to choose a trusted support

No	Recommendation	Council comment and/or recommendations
	person in attendance at the interview, other than an investigating officer as defined in the Act.	<p>person to be with them through the process</p> <ul style="list-style-type: none"> • technological aids and/or Apps to assist children with a 'virtual' tour of a court and the various processes with 'live' links populated with explanations of roles, processes etc so that they can familiarise themselves with how courts work, their rights to have a say and who will speak to them and/or on their behalf, why and in what capacity different adults might be involved.
256	Develop a package of information regarding making complaints about child protection matters, including information and complaint forms which are suitable for children and young people.	Supported. Please consider the benefits of a variety of means including hard copy and electronic eg an interactive package. Children must be involved in the development of the information and forms etc.

3 Recommendations that could have been explicit about 'voice'

In the context of the precedent established by the RC report, Council has conservatively identified 39 other recommendations (15%) that could have provided for children to be involved.

These recommendations include numbers 70, 83, 118, 142, 145-147, 152, 153, 155, 157, 158-164, 166-169 (leaving care), 219, 226-229 (disability), 232, 235, 236 (culturally and linguistically diverse [CALD]), 245-251 (Children's Commissioner); 258, 259 (RC implementation). The Council has responded to these 39 recommendations in table 2 below.

Table 2 RC recommendations that could have been explicit about the involvement of children

No	Recommendation	Council comment and/or recommendations
70	<p>Amend the Children's Protection Act 1993 as follows:</p> <p>a) repeal section 38(1)(a) which concerns the making of orders for supervision and undertakings and section 38(2)(a);</p> <p>b) include as an object in the Act the importance of timely decision making to promote stability and maintenance for a child;</p> <p>c) at the time of the commencement of care and protection proceedings the Agency should assess whether there is a realistic possibility of reunification:</p> <ol style="list-style-type: none"> within six months for a child under two years, or within 12 months for a child over two years; and <p>d) if there is a realistic possibility of reunification within the timeframe specified in Recommendation 70(c), the Agency should seek an order placing the child under the guardianship of the</p>	<p>Please consider the following:</p> <ul style="list-style-type: none"> • c) – this should reflect 'must assess' (rather than 'should' assess) and this determination should influence decisions concerning ramifications. • f) - children and young people must be asked (in addition to adults) considering their best interests and wishes and such opinions should be taken into account in decisions reached. • a child, in accordance with their age and maturity, should have a veto regarding the making of a guardianship order if they have the capacity to do so.

No	Recommendation	Council comment and/or recommendations
	<p>Minister for a period of either six or 12 months (depending on the age of the child), and file a permanency plan setting out the proposals for reunification;</p> <p>e) if at the commencement of care and protection proceedings, or at any time thereafter, there does not appear to be any realistic possibility of reunification within the timeframe specified in Recommendation 70(c), the Agency should immediately apply for an order placing the child under the guardianship of the Minister until the age of 18 years and file a permanency plan setting out the proposals for the long-term placement of the child;</p> <p>f) if at any time special circumstances arise (particularly with respect to an older child) which make it necessary to extend the timeframes set out in Recommendation 70(c) hereof the Court shall have the discretion to extend the timeframe for a period no longer than six months. In any such case the onus will be on the parties to demonstrate the need for such extension having regard to the child's best interests and the potential risk to the child's need for stability and permanence;</p> <p>g) amend section 39(a) to delete the requirement to commence a hearing within 10 weeks, but provide that all proceedings be heard and determined expeditiously and that once the hearing commences, without special reasons, it should continue until the conclusion of evidence with the judgement delivered as soon as practicable thereafter.</p>	
83	<p>Review all placement breakdowns to determine and correct identified system deficits.</p>	<p>Supported with the following caveats:</p> <ul style="list-style-type: none"> • children must be asked for information and that must be documented and utilised in any review process • the information provided by children must be used to inform policy, best practice and continuous improvement.
118	<p>Create an expert panel within the Agency to consider the removal of children from long-term home-based placements.</p>	<p>Partially supported, noting the following:</p> <ul style="list-style-type: none"> • Referral to an expert panel has the potential to build in delay that may not be in the best interest of a child and to contradict the RC report's assertion that those on the ground should be empowered to make decisions • If an expert panel is established its membership should include young people with lived experience of OOHC and it should not be able to delegate a decision to one

No	Recommendation	Council comment and/or recommendations
		<p>panel member only, especially if the decision cannot be appealed</p> <ul style="list-style-type: none"> An expert panel should be required to seek a child's views before a decision can be made.
142	<p>Develop a clear process for workers in the residential care directorate which:</p> <ol style="list-style-type: none"> obliges workers to report any concerning behaviours from other workers, including those behaviours that do not necessarily meet the requirements for a mandatory report; obliges workers to report concerning behaviours from children in the absence of action by case management staff; and clarifies the availability of reporting pathways external to workers' immediate line of supervision. 	<p>Supported. Please consider the need to be mindful of a child's right to privacy and with a view to later requests for access to information. In developing the process. Children must be fully consulted and their views taken into account in refining the process of reporting.</p>
145	<p>Develop a streamed model of residential care with the following elements:</p> <ol style="list-style-type: none"> short-term assessment; long-term care for children who are not suitable for home-based care; care for children with high therapeutic needs; and built-in measures of outcomes that can be used to evaluate performance of the model on a regular basis. 	<p>Supported in principle with the following to be considered:</p> <ul style="list-style-type: none"> the language 'children who are not suitable for...' is inappropriate and should be replaced with 'children whose needs cannot be met in...' a child must be asked early in process about what they want from a placement and this information used in determining the most appropriate placement option a child's views and aspirations must be considered in making a determination involve children in the development of the measures and evaluation of the model.
146	<p>Identify and adopt a model of therapeutic care which is sufficiently flexible to be applied across all categories of residential care, and which promotes a consistency of approach and standard of care for all children.</p>	<p>Supported. Please note that children must be involved in the development or choice of a model of therapeutic care.</p>
147	<p>Replace operational services (OPS) 5 supervisors in residential care with allied health professional (AHP) or professional officer (PO) degree qualified staff, and recast the job and person specification to focus on the provision of staff with high level expert knowledge.</p>	<p>Supported in principle with a caution that this may not be possible in a macro context and potential future workforce shortages. Please note that children should be involved in the development of job and person specifications and in staff recruitment processes including interview processes. They should also be adequately compensated and receive tangible recognition of skill development with a view to enhancing their future opportunities for study, housing and employment.</p>
152	<p>Develop a secure therapeutic care model, supported by legislation, to permit children to be detained in a secure therapeutic care facility but with an order of the Supreme</p>	<p>Supported in principle however, children must be involved in consideration of and/or the development of a secure therapeutic care model.</p>

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	Court required before a child is so detained. The model should include regular evaluation of outcomes for children.	
153	Amend the Children's Protection Act 1993 to enable carers to apply to be appointed an Other Person guardian where children who are subject to long term orders have been in their care for a minimum period of two years, or such lesser period as the court in its absolute discretion determines is appropriate in the circumstances.	Supported in principle however, there must be a requirement for the views of a child to be sought and for a child to be fully informed of the implications, process and have sufficient time to make a decision before an OPG appointment is enacted.
155	<p>Establish an independent assessment panel to consider applications for Other Person Guardianship, in accordance with the following procedures:</p> <ul style="list-style-type: none"> a) the application to be made by a foster parent in person or by a caseworker or foster care support worker on behalf of the carer; b) an initial review be carried out by the Assessment Panel to determine the utility of referring the application for a full assessment; c) the application to be referred to the caseworker or such other appropriate person as is available to carry out the assessment and prepare the case plan in a timely manner; d) when the assessment has been completed and case plan prepared, the application to be referred back to the Assessment Panel for final determination; e) all decisions of the Assessment Panel are to be final. 	Supported in principle and please note such a panel, of more than one person, should involve young people with previous experience of out of home care and/or guardianship and/or adoption. No decision should be possible unless the views of the child have been sought and considered.
157	Consider the question of adoption where that is in the best interests of the child and an Other Person Guardianship order would not be appropriate.	Supported with the proviso that a decision about a child's best interest must be fully informed by the views of a child in accordance with their age and maturity. Further consideration must also be given to the need to ensure cultural and kin connections are made in respect of any Aboriginal or Torres Strait Islander (Aboriginal) child who might be considered for adoption.
158	Amend the Children's Protection Act 1993 to require the Minister to provide or arrange assistance to care leavers aged between 18 and 25 years. Assistance should specifically include the provision of information about services and resources; financial and other support to obtain housing, education, training and employment; and access to legal advice and health care.	Strongly supported. The advice of young people with experience of out of home care should be sought ie they should be involved in determining the arrangements and information. They should also be adequately compensated and receive tangible recognition of skill development with a view to enhancing their future opportunities for study, housing and employment.
159	Expand financial counselling services to manage access to post-care financial	Supported. The advice of <25s who have had experience of care should be sought ie they

No	Recommendation	Council comment and/or recommendations
	support from the Agency provided in accordance with Recommendation 158.	should be involved in the design of financial counselling services. They should also be adequately compensated and receive tangible recognition of skill development with a view to enhancing their future opportunities for study, housing and employment.
160	Amend the Children's Protection Act 1993 to permit care leavers to access, free of charge, original and copy documents that relate to them from the Agency, approved carers, and any nongovernment agencies contracted to provide care to them.	Strongly supported. Although this doesn't call for the involvement of children specifically, it is the Council's firm view that there should be an onus on the relevant agency for children with long term orders to collate the relevant identifying documentation early – sufficient to constitute proof of citizenship - and to keep them safe and to provide them when required and/or requested. This is not a matter that should be left to exit planning time as the collation at a later stage presents significant challenges.
161	Continue to make modified payments to foster and kinship carers where the care leaver is engaged in tertiary education, apprenticeship, or any post-high school training, and where their best interests would be served by remaining in foster or kinship care until the qualification is completed.	Supported in principle. Please seek the views of children in care in connection with the proposal and how it is to be implemented.
162	Review the Rapid Response policy to identify opportunities to expand priority services to care leavers up to the age of 25.	Strongly supported. Please involve children in the review of the policy and seek information from those who have left care about the challenges they faced/continue to face.
163	Prepare a new service model and work instruction for leaving care that incorporates the relevant elements of the National Approach, including specific reference to supporting care leavers who want to access further education and training.	Supported in principle. Please involve children in the preparation of a new service model and work instruction for leaving care. Please also seek the advice of those <25 who have already left care (and they should also be adequately compensated and receive tangible recognition of skill development with a view to enhancing their future opportunities for study, housing and employment).
164	Redeploy transition-from-care caseworkers to provide an add-on service for young people planning their move to independence.	Supported in principle noting that a one-size-fits-all model might not be appropriate for all those who are transitioning. Please involve children in the formation of this proposal.
166	Fund the development of a smartphone application that provides young people with up-to-date information about services and entitlements when leaving care.	Supported, noting that consideration should be given to financial support in terms of phone bills for a period of time post-care with the aim of ensuring access is possible. Please involve children in the development of an application.
167	Review contractual conditions governing service specifications for non-government independent living programs to develop greater flexibility in the age of admission and the age of discharge from programs.	Supported. Please involve children in the development of service specifications for NGO independent living programs.

No	Recommendation	Council comment and/or recommendations
168	Fund Housing SA to develop innovative housing models, particularly those that use supported share housing where appropriate for care leavers.	Supported. Please seek the advice of <25 year olds with experience of out of home care regarding share housing models. They should be adequately compensated and receive tangible recognition of skill development with a view to enhancing their future opportunities for study, housing and employment.
169	Fund a pilot program of intensive case management assistance for vulnerable care leavers, to be delivered by an agency with established relationships with vulnerable children in care.	Supported, noting that the language of 'care leavers who face vulnerability' is preferred to 'vulnerable care leavers'. Please seek the advice of children to inform the development of a pilot program of intensive case management assistance that best suits the needs of care leavers.
219	Collaborate with the Courts Administration Authority to improve access to justice for children in need of care in regional areas, including providing appropriate technology with respect to hearings in remote locations	Supported. Children who reside in regional areas must be involved in how this is done. They should be adequately compensated and receive tangible recognition of skill development with a view to enhancing their future opportunities for study, housing and employment.
226	Employ specialist disability workers to consult across the Agency in matters involving children with disabilities.	Supported. Please involve children with disability in designing the consultation processes and/or mechanisms.
227	Train Agency caseworkers to recognise and respond to the needs of children with disabilities, particularly in accessing and maximising support services offered by NDIS.	Supported. Please involve children with disability in designing and delivering the training. They should be adequately compensated and receive tangible recognition of skill development with a view to enhancing their future opportunities for study, housing and employment.
228	Ensure Agency caseworkers, when participating in NDIS planning, prioritise the use of the Alternative Care Therapeutic Team program when appropriate to meet the therapeutic needs of a child in care.	Supported. Please include a requirement that in determining the therapeutic needs of a child in care, that the child's views must be ascertained in accordance with their age and ability.
229	Develop clear guidelines on the role of home based carers in planning and decision making in NDIS for children in their care.	Supported. Please involve children with disability in the development of the guidelines on the role of home based carers in planning and decision making re the NDIS. They should be adequately compensated and receive tangible recognition of skill development with a view to enhancing their future opportunities for study, housing and employment.
232	Analyse data collected regarding the cultural background of children coming into contact with the child protection system to determine how to best respond to children at risk in culturally and linguistically diverse communities.	Strongly supported with the additional requirements that children from CALD backgrounds must be involved in informing how this is done.
235	Assist staff and carers who work with children in care who have a culturally and linguistically diverse background to achieve	Supported. Please involve children from a CALD background in developing information and resources for culturally informed best practice.

No	Recommendation	Council comment and/or recommendations
	culturally informed best practice through the development of practice guides.	They should be adequately compensated and receive tangible recognition of skill development with a view to enhancing their future opportunities for study, housing and employment.
236	Ensure that every child in care with a culturally and linguistically diverse background has a comprehensive cultural maintenance plan that is regularly reviewed, having regard to the child's age and placement circumstances.	Strongly supported. A child's cultural maintenance plan must include their views, goals and aspirations and should be regularly reviewed with the child.
245	Establish the statutory office of the Commissioner for Children and Young People and provide the Commissioner with the functions and powers referred to in this report.	Strongly supported and please note children must be involved in the legislation for, and the recruitment and selection of a Children's Commissioner. (Refer to separate advice supported by the Council on the legislation to establish a Children's Commissioner).
246	Consolidate the legislation for the Children's Commissioner, the Guardian for Children and Young People (GCYP), the Child Death and Serious Injury Review Committee (CDSIRC) and the Child Development Council in a single Act of Parliament.	<p>Partially supported (with the exception of the CDC) ie only the establishment of the Children's Commissioner, the GCYP and the CDSIRC is supported. With reference to the strengthening of the Children's Commissioner's remit and powers, the Council does not support the establishment of a Child Development Council (CDC) or that it should be co-located with the Children's Commissioner, the GCYP and the CDSIRC.</p> <p>The Council also advises that:</p> <ul style="list-style-type: none"> • the views of children be sought about the proposed legislation. • the involvement of children in any recruitment and selection processes for these officials and/or their staff. (They should also be adequately compensated and receive tangible recognition of skill development with a view to enhancing their future opportunities for study, housing and employment).
247	Empower GCYP and CDSIRC to refer matters to the Children's Commissioner, where they are of the view that escalation through processes available to the Children's Commissioner is appropriate.	Supported however, the Council advises that the views of children be sought about the proposed legislation and that they should be involved in the design and work of these officials/bodies.
248	Empower the Children's Commissioner to exercise its statutory powers and functions in relation to such matters, including employing the regime to monitor government responses to recommendations, and escalate the matter to the Minister and Parliament where necessary, at his or her sole discretion.	Supported in principle. Please seek the views of children about the proposed legislation for a Children's Commissioner.
249	Collocate the Children's Commissioner, GCYP, CDSIRC and the Child Development Committee, and make arrangements for the sharing of some administrative functions.	Partially supported (with the exception of the CDC) ie only the collocation of the Children's Commissioner, the GCYP and the CDSIRC is supported. However, the CDC will be subject to

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		the Minister's direction and will be required to collaborate closely with state authorities. Please seek the views of children about the proposed legislation for a Children's Commissioner.
250	Amend legislation to permit, but not require, GCYP, CDSIRC and the Children's Commissioner to share de-identified data.	Supported in principle, Please seek the views of children about the proposed legislation for a Children's Commissioner.
251	Amend legislation to empower the Children's Commissioner or GCYP to make complaints to the Ombudsman and HCSCC on behalf of a child.	Strongly supported. Please seek the views of children about the proposed legislation for a Children's Commissioner and how complaints should be dealt with. Please also involve them in the design of any complaint mechanisms, information etc.
258	Establish a response and implementation team consisting of staff with expertise in child protection, policy, data analysis, stakeholder engagement and legislative development.	Partially supported however, the Council points to a lacuna in terms of the views of children. Therefore, the Implementation Steering Committee should consider and endorse without delay a strategy for the meaningful and sustained involvement of children for the duration of the response to, and implementation of, the RC's recommendations with more than a single opportunity to participate.
259	Ensure the implementation of recommendations within the newly formed child protection department is adequately managed with high level change agents and appropriately qualified and skilled child protection staff.	Partially supported however, the Council points to a lacuna in terms of the views of children. Therefore, the Implementation Steering Committee should consider and endorse without delay a strategy for the meaningful and sustained involvement of children for the duration of the response to, and implementation of, the RC's recommendations with more than a single opportunity to participate. This should extend to the implementation of the newly formed child protection department, including the recruitment and selection of staff.

4 End notes

The Council strongly recommends that the comments contained in this submission be considered in connection with the voice of the child and that children should be fully and purposively involved in the response to, and implementation of, the RC report recommendations.

The Council for the
Care of Children



About the Council for the Care of Children

The Government of South Australia established the Council for the Care of Children in 2006 under the *Children's Protection Act 1993* and the Council's functions and responsibilities extend to all children and young people in SA from birth up to 18 years of age.

In looking out for children and young people across all communities and sectors in South Australia ('SA'), the Council advises government and others, and works collaboratively with state and national stakeholders, with the aim of ensuring children and young people in SA are cherished, nurtured and respected.

Broadly speaking, the Council's role in SA can be summarised as:

- advocating for and supporting the active participation of children and young people as valued citizens
- improving outcomes for children and young people by providing expert advice to government on their rights, needs and interests and the implications for policy, practice, and research
- raising awareness of issues impacting on children and young people
- monitoring the wellbeing of children and young people from birth to 18 years of age
- promoting the wellbeing, safe care and development of vulnerable children and young people (especially those with disability and/or under the guardianship of the Minister and/or who are Aboriginal or Torres Strait Islander).

One of the South Australian Government's seven key priorities is priority no 4, *Every chance for every child* which refers to all children and young people in SA up to 18 years of age. *Every chance for every child* aims to provide children and young people with the best possible start in life and to assist families to provide the best possible support for their children.

The Council supports *Every chance for every child*. This strategic direction is well-aligned with the Council's legislative mandate in SA and with the principles of the international human rights instruments which Australia upholds including the:

- United Nations Convention on the Rights of the Child
- United Nations Convention on the Rights of Persons with Disability
- United Nations Declaration on the Rights of Indigenous Peoples.

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