

# Queensland Government response to the Queensland Child Protection Commission of Inquiry final report

## Taking Responsibility: A Roadmap for Queensland Child Protection

December 2013

## Foreword

The Queensland Child Protection Commission of Inquiry (the Commission) delivers on the government's election commitment: *Establish a new 'Forde Inquiry' to review progress and chart a new roadmap for child protection for the next decade. In conjunction with community and key stakeholders, we will conduct a full audit and overhaul Queensland's child protection laws.*

On 1 July 2012, the Commission, led by the Honourable Tim Carmody QC, was established. The Commission was tasked with doing something no previous inquiry has ever done in Queensland: it was tasked with reviewing the entire child protection system. The 1998 Commission of Inquiry into Abuse of Children in Queensland Institutions conducted by the former Chancellor of Griffith University and Governor of Queensland, Ms Leneen Forde (the Forde Inquiry) and the 2004 Inquiry into Abuse of Children in Foster Care conducted by the Crime and Misconduct Commission (CMC), were both established in response to concerns about the abuse of children in out-of-home care. Recommendations from the Forde Inquiry focused on residential care facilities and those from the CMC Inquiry extended to include foster and kinship care.

By comparison to previous inquiries, the Commission was far more comprehensive in its terms of reference and deliberation. The Commission was asked to chart a roadmap for the state's child protection system for the next decade.

The Commission found that despite the hard work and good intentions of many and the large amounts of money invested in it since 2000, the child protection system is not ensuring the safety, wellbeing and best interests of children as it should or could.

The Commission also found that the perception of a system under stress is justified. Over the last decade, child protection intakes have tripled, the rate of Aboriginal and Torres Strait Islander children in out-of-home care has tripled, the number of children in out-of-home care has more than doubled, and children in care are staying there for longer periods. The budget for child protection services has more than tripled, going from \$182.3 million in 2003-04 to \$773 million in 2012-13.

Information provided to the Commission suggests that the two main factors contributing to the unsustainable demand on the Queensland statutory child protection system are:

- the high number of intakes to Child Safety (reporting stage)
- too many investigations being conducted by Child Safety (notification stage)

The overarching tenet of the report is clear in that parents (and families) should take primary responsibility for the protection of their children and that, where appropriate, parents should receive the support and guidance they need to keep their children safe. It is only as a last resort that the government should intervene in a statutory role to ensure the protection of children who are at significant risk of harm.

The Commission's report includes 121 recommendations that comprise the Child Protection Reform Roadmap, which provides government detailed directions about how the reform process should be undertaken to reform child protection in Queensland. The Commission views the development of strong collaborative partnerships between the government and the non-government sector as an essential component of the implementation of the Child Protection Reform Roadmap.

The Commission believes that with full implementation of the Child Protection Reform Roadmap, the child protection landscape in Queensland will be considerably different by 2019. A much greater emphasis will be placed on supporting vulnerable families to take proper care of their children.

The government has not merely accepted the Commission's recommendations at face value. The government has taken the time to properly review the full merits and impacts of each recommendation, which informs the response to the report. There is no motivation or interest in changing what is working merely for the sake of change, but the government is determined to deliver a reformed child protection system in Queensland that better provides for the safety, wellbeing and best interests of our most at-risk children when they cannot be properly cared for at home.

Commission of Inquiry recommendation		Queensland Government response
<b>Chapter 1: The case for reform</b>		
1	1.1 the Queensland Government promote and advocate to families and communities their responsibility for protecting and caring for their own children.	<b>Accepted</b> The government accepts this recommendation. Parents and families have a primary duty to protect and care for, and support the development, wellbeing and safety of their children.
<b>Chapter 4: Diverting families from the statutory system</b>		
2	4.1 the Minister for the Communities, Child Safety and Disability Services propose that section 10 of the <i>Child Protection Act 1999</i> be amended to state that 'a child in need of protection is a child who has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm'.	<b>Accepted</b> The government accepts this recommendation. The definitions in the <i>Child Protection Act 1999</i> will be amended to clarify for reporters about what is meant by terms such as 'significant harm' and when reports to Child Safety Services should be made. This will be introduced in early-2014 as one of a number of initiatives to strengthen how government, non-government agencies and professionals respond to vulnerable families and children.
3	4.2 the Department of the Premier and Cabinet and the Department of Communities, Child Safety and Disability Services lead a whole-of-government process to: <ul style="list-style-type: none"> <li>review and consolidate all existing legislative reporting obligations in the <i>Child Protection Act 1999</i></li> <li>develop a single 'standard' to govern reporting policies across core Queensland Government agencies</li> <li>provide support through joint training in the understanding of key threshold definitions to help professionals decide when they should report significant harm to Child Safety Services and encourage a shared understanding across government.</li> </ul>	<b>Accepted</b> The government accepts this recommendation. Responses to vulnerable families and children, and reporting practices to the child protection system, need to be more effective and consistent. This will be achieved by consolidating mandatory reporting obligations into one piece of legislation, the <i>Child Protection Act 1999</i> , together with training, guides and tools to enable more effective responses and referrals, and notifications when necessary.
4	4.3 the Queensland Police Service revoke its administrative policy that mandates reporting of all domestic violence incidents where at least one of the parties has a child residing with them to Child Safety Services, replacing it with a policy reflecting the standard recommended in rec.4.2.	<b>Accepted</b> The government accepts this recommendation. The existing Queensland Police Service (QPS) policy to report all domestic violence incidents to Child Safety Services is placing unnecessary pressure on the child protection system. The amended QPS reporting policy and practices will be consistent with the definition and standards resulting from recommendations 4.1 and 4.2. The government will pursue further reforms to improve prevention of and responses to domestic and family violence, especially where children are involved.

Commission of Inquiry recommendation		Queensland Government response
4	<p>4.3 the Queensland Police Service revoke its administrative policy that mandates reporting of all domestic violence incidents where at least one of the parties has a child residing with them to Child Safety Services, replacing it with a policy reflecting the standard recommended in rec.4.2.</p>	<p><b>Accepted</b> The government accepts this recommendation. The existing Queensland Police Service (QPS) policy to report all domestic violence incidents to Child Safety Services is placing unnecessary pressure on the child protection system. The amended QPS reporting policy and practices will be consistent with the definition and standards resulting from recommendations 4.1 and 4.2. The government will pursue further reforms to improve prevention of and responses to domestic and family violence, especially where children are involved.</p>
5	<p>4.4 as part of the review proposed in rec.4.2, the Queensland Police Service and the Department of Communities, Child Safety and Disability Services develop an approach to the exchange of information about domestic and family violence incidents that ensures it is productive and not a risk-shifting strategy.</p>	<p><b>Accepted</b> The government accepts this recommendation. Information about domestic and family violence incidents will be shared across departments and community agencies where appropriate to enable more coordinated and effective responses to those families.</p>
6	<p>4.5 the Department of Communities, Child Safety and Disability Services establish a dual pathway with a community-based intake gateway that includes an out-posted child safety officer as an alternative to the existing Child Safety intake process.</p>	<p><b>Accepted</b> The government accepts this recommendation. The government is committed to enabling families to get the right support at the time that they need it to help them to care for and protect their children. The government will work with partners and experts to design and implement by 1 January 2015 a dual pathway approach, whereby the referrer has an option to refer to Child Safety Services or alternatively to a regional community based referral point, most effectively and efficiently.</p>
7	<p>4.6 the Minister for Communities, Child Safety and Disability Services propose amendments to the <i>Child Protection Act 1999</i> to:</p> <ul style="list-style-type: none"> <li>• allow mandatory reporters to discharge their legal reporting obligations by referring a family to the community-based intake gateway, and afford them the same legal and confidentiality protections currently afforded to reporters</li> <li>• provide that reporters only have protection from civil and criminal liability if in making their report they are acting not only honestly but also reasonably</li> <li>• provide appropriate information sharing and confidentiality provisions to support community-based intake.</li> </ul>	<p><b>Accepted</b> The government accepts this recommendation. The government will introduce amendments in early 2014 to the <i>Child Protection Act 1999</i> so that a dual referral pathway can operate effectively with appropriate protections and enabling provisions.</p>

Commission of Inquiry recommendation		Queensland Government response
5	<p>4.4 as part of the review proposed in rec.4.2, the Queensland Police Service and the Department of Communities, Child Safety and Disability Services develop an approach to the exchange of information about domestic and family violence incidents that ensures it is productive and not a risk-shifting strategy.</p>	<p><b>Accepted</b> The government accepts this recommendation. Information about domestic and family violence incidents will be shared across departments and community agencies where appropriate to enable more coordinated and effective responses to those families.</p>
6	<p>4.5 the Department of Communities, Child Safety and Disability Services establish a dual pathway with a community-based intake gateway that includes an out-posted Child Safety Officer as an alternative to the existing Child Safety intake process.</p>	<p><b>Accepted</b> The government accepts this recommendation. The government is committed to enabling families to get the right support at the time that they need it to help them to care for and protect their children. The government will work with partners and experts to design and implement by 1 January 2015 a dual pathway approach, whereby the referrer has an option to refer to Child Safety Services or alternatively to a regional community based referral point, most effectively and efficiently.</p>
7	<p>4.6 the Minister for Communities, Child Safety and Disability Services propose amendments to the <i>Child Protection Act 1999</i> to:</p> <ul style="list-style-type: none"> <li>allow mandatory reporters to discharge their legal reporting obligations by referring a family to the community-based intake gateway, and afford them the same legal and confidentiality protections currently afforded to reporters</li> <li>provide that reporters only have protection from civil and criminal liability if in making their report they are acting not only honestly but also reasonably</li> <li>provide appropriate information sharing and confidentiality provisions to support community-based intake.</li> </ul>	<p><b>Accepted</b> The government accepts this recommendation. The government will introduce amendments in early 2014 to the <i>Child Protection Act 1999</i> so that a dual referral pathway can operate effectively with appropriate protections and enabling provisions.</p>
8	<p>4.7 the Department of Communities, Child Safety and Disability Services establish differential responses that include alternatives to a Child Safety investigation to respond to concerns that are currently categorised as notifications. This would provide three separate response pathways:</p> <ul style="list-style-type: none"> <li>an investigation response by government of the most serious cases of child maltreatment</li> <li>a family service assessment response by a non-government organisation where there is a low to moderate risk</li> <li>a family violence response by a non-government organisation where a child has been exposed to violence.</li> </ul> <p>For the latter two responses to be employed, there is no need for a formal finding that a child is in need of protection.</p>	<p><b>Accepted</b> The government accepts this recommendation. The establishment of a differential response will enable Child Safety Services to refocus its child protection investigations on the more serious cases. A differential response approach will mean that when a concern is reported to the child protection authority there are a number of options available to them to better focus how they engage with a child's family to meet the family's and the child's needs.</p>

Commission of Inquiry recommendation		Queensland Government response
9	4.8 the Department of Communities, Child Safety and Disability Services in its review of the <i>Child Protection Act 1999</i> consider amending section 14(1) to remove the reference to investigation and to replace it with 'risk assessment and harm substantiation'.	<b>Accepted</b> The government accepts this recommendation. Amendments to the <i>Child Protection Act 1999</i> will be introduced in early 2014 to better reflect the role of child safety officers to substantiate whether a child has been harmed and assess whether there is a risk of future harm to a child.
10	4.9 the Department of Communities, Child Safety and Disability Services establish specialist investigation roles for some Child Safety officers to improve assessment and investigation work. These officers would work closely with the new departmental legal advisors (see rec. 13.16) and police.	<b>Accepted</b> The government accepts this recommendation. The department will strengthen its capability to undertake investigations of the most serious cases of alleged child maltreatment through specialist investigation and assessment roles in child safety.
11	4.10 the Department of Communities, Child Safety and Disability Services review the cases of all children on long-term guardianship orders to the chief executive and those who have been in out-of-home care for less than six months (over a two-year period), with a view to determining whether the order is still in the best interests of the child or whether the order should be varied or revoked.	<b>Accepted</b> The government accepts this recommendation. A review of cases, as proposed in the recommendation will be undertaken by mid-2014. The Department of Communities, Child Safety and Disability Services will review relevant cases, develop transition plans for children whose orders are identified as no longer being in their best interests and will work with non-government service providers to provide necessary support to these children to help them transition to new arrangements that are in their best interests.
12	4.11 the Department of Communities, Child Safety and Disability Services review its data-recording methods so that the categories of harm and the categories of abuse or neglect accord with the legislative provisions of the <i>Child Protection Act 1999</i> .	<b>Accepted</b> The government accepts this recommendation. The Department of Communities, Child Safety and Disability Services will progressively revamp and simplify data collection categories and methods to accord with the legislation.
13	4.12 Child Safety, within the Department of Communities, Child Safety and Disability Services, cease the practice of progressing notifications relating to the relinquishment of children with a disability, and that Disability Services allocate sufficient resources to families who have children with a disability to ensure they are adequately supported to continue to care for their children.	<b>Accepted</b> The government accepts this recommendation. Disability and family support services will be improved, in particular through Queensland's transition to the National Disability Insurance Scheme, to assist families who have children with a disability to continue to care for them.  There will continue to be some situations where a child protection intervention is required for a child with a disability after other services and supports have been exhausted.

Commission of Inquiry recommendation		Queensland Government response
14	<p>4.13 the Premier establish a Child Protection Reform Leaders Group, chaired by the Deputy Director-General of the Department of the Premier and Cabinet, to have responsibility for leading the reform of the child protection system outlined in this report and for reporting to the Premier on implementation. The group would comprise of senior executives of:</p> <ul style="list-style-type: none"> <li>• Department of Communities, Child Safety and Disability Services</li> <li>• Queensland Health</li> <li>• Department of Education, Training and Employment</li> <li>• Department of Justice and the Attorney-General</li> <li>• Queensland Police Service</li> <li>• Department of Aboriginal and Torres Strait Islander and Multicultural Affairs</li> <li>• Department of Housing</li> <li>• Queensland Treasury and Trade</li> <li>• a non-government organisation</li> </ul>	<p><b>Accepted</b></p> <p>The government accepts this recommendation. The government will put in place strong cross-agency and senior executive-level leadership, accountability and coordination mechanisms to deliver the reforms, and to engage with non-government agencies and other stakeholders.</p>
<b>Chapter 5: Designing a new family support system for children and families</b>		
15	<p>5.1 the Department of Communities, Child Safety and Disability Services, in conjunction with relevant departments and the non-government service sector, conduct a stocktake of current family support services to identify gaps, overlaps or duplications in order to inform the department's development of an integrated suite of services within an overarching Child and Family support program. (This suite of services should take account of rec 4.7).</p>	<p><b>Accepted</b></p> <p>The government accepts this recommendation. The government will work with other levels of government, across agencies and with community organisations to build an integrated suite of services that provide families with support that is responsive, accessible and effective. A stocktake of services (both government and non-government) will be completed by February 2014 to inform where and what services are available and identify gaps.</p>
16	<p>5.2 the Department of Communities, Child Safety and Disability Services and Queensland Government agencies work collaboratively with the Australian Government to ensure that services to adults who are parents are cognisant of the impacts on a child and give priority access to high-risk adults.</p>	<p><b>Accepted</b></p> <p>The government accepts this recommendation. The government will work with Australian Government agencies and non-government organisations (NGOs) so that services for adults (such as programs for substance abuse, mental illness, domestic violence) are more aware and responsive to the person's responsibilities as a parent, and so that such services are more readily accessible to parents whose children are at risk of entering, or are in, the child protection system.</p>
17	<p>5.3 in developing the integrated suite of services, proposed in recommendation 5.1, the Department of Communities, Child Safety and Disability Services ensure all selected services demonstrate good outcomes for children and deliver value for money.</p>	<p><b>Accepted</b></p> <p>The government accepts this recommendation. Government agencies will reform family and child-related programs, procurement and performance management so that public investment is targeted towards the most effective services that can demonstrate good outcomes for children and families and deliver value for money.</p>

Commission of Inquiry recommendation		Queensland Government response
18	<p>5.4 the Department of Communities, Child Safety and Disability Services roll out the Helping Out Families initiative across the state progressively, and evaluate the program regularly to ensure it is achieving its aims cost-effectively.</p>	<p><b>Accepted in principle</b> The government accepts this recommendation in principle. Lessons learnt from the Helping Out Families initiative will inform a plan for expanding and improving family and parenting support, including integrated and intensive family intervention services, across Queensland.</p>
19	<p>5.5 The Child Protection Reform Leaders, through their departmental Reform Roadmap strategies and Australian Government service agreements, support regional Child Protection Service Committees in building the range and mix of services that address the parental risk factors associated with child abuse and neglect.</p>	<p><b>Accepted</b> The government accepts this recommendation. Implementation of the reforms, and the planning and delivery of integrated and effective services at regional and local levels will be facilitated through Child Protection Service Committees. These will be established progressively from early 2014.</p>
20	<p>5.6 planning for future service delivery and investment occur within a three-tiered governance system:</p> <ul style="list-style-type: none"> <li>• Department of Communities, Child Safety and Disability Services working with other departments, the non-government service providers, local councils and Australian Government service providers, to develop local 'family-support needs plan' and 'family-support services plans' to identify which services are required and to monitor the demand for services</li> <li>• Regional Child Protection Service Committees to ensure services are available to implement the local plans</li> <li>• Child Protection Reform Leaders Group to oversee development and operation of the place-based planning and service-delivery process, and report on outcomes.</li> </ul>	<p><b>Accepted</b> The government accepts this recommendation.</p>
21	<p>5.7 Family Support Alliances, along with relevant government departments, develop a collaborative case-management approach for high-end families that includes a single case plan and a lead professional.</p>	<p><b>Accepted</b> The government accepts this recommendation. The government is committed to collaborative case management, and integrated service planning and delivery, especially for the most complex and vulnerable families. A lead professional will provide a single point of contact for high-end families and the development of a single case plan.</p> <p>The government will engage with key stakeholders and determine, by mid-2014, the most effective mechanism to support collaborative case-management and integrated service delivery.</p>

Commission of Inquiry recommendation		Queensland Government response
<b>Chapter 6: Child protection and the non-government service sector in Queensland</b>		
22	6.1 the Family and Child Council (proposed in rec.12.3) ensure the establishment and maintenance of an online statewide information source of community services available to families and children to enable easy access to services and to provide an overview of services for referral and planning purposes.	<b>Accepted</b> The government accepts this recommendation.
23	6.2 the Queensland Government forge a strong partnership between the government and non-government sectors by: <ul style="list-style-type: none"> <li>including a non-government representative at all levels of the governance structure outlined in the Child Protection Reform Roadmap</li> <li>establishing a stakeholder advisory group (comprising government and non-government organisations) within the Department of Communities, Child Safety and Disability Services to implement policy and programs required by the Child Protection Reform Roadmap.</li> </ul>	<b>Accepted</b> The government accepts this recommendation. Successful implementation of the reforms will require productive partnerships between the government and NGOs. The stakeholder advisory group will be established in December 2013.
24	6.3 the Family and Child Council (proposed in recommendation 12.3) support the development of collaborative partnerships across government and non-government service sectors, and regularly monitor the effectiveness and practical value of these partnerships.	<b>Accepted</b> The government accepts this recommendation. In response to recommendation 12.3, the government will establish a new Queensland Family and Child Commission, with an advisory council made up of consumer, provider and other expert representatives.
25	6.4 the Department of Communities, Child Safety and Disability Services work collaboratively with non-government organisations in a spirit of flexible service delivery, mutual understanding and respect, and efficient business processes, including to develop realistic and affordable service delivery costings.	<b>Accepted</b> The government accepts this recommendation. The Social and Human Services Investment Blueprint will drive changes to the way government works with NGOs.
26	6.5 the Department of Communities, Child Safety and Disability Services review the progress made in building the capacity of non-government organisations after five years with a view to determining whether they can play a greater role by undertaking case management and casework for children in the statutory protection system.	<b>Accepted</b> The government accepts this recommendation. The Queensland Government is committed to increasing the role of NGOs in service delivery.

Commission of Inquiry recommendation		Queensland Government response
27	<p>6.6 the Family and Child Council (proposed in recommendation 12.3) lead the development of a capacity-building and governance strategy for non-government agencies, especially those with limited resources, that will:</p> <ul style="list-style-type: none"> <li>• improve relationships between government and non-government agencies</li> <li>• facilitate the establishment of a community services industry body, which will champion the non-government service sector in its delivery of high-quality community services.</li> </ul>	<p><b>Accepted</b> The government accepts this recommendation. The Social and Human Services Blueprint will focus on stronger partnerships with the non-government sector.</p> <p>The establishment of the independent Community Services Industry Body is underway and will be operational by early 2014.</p>
<b>Chapter 7: A new practice framework for Queensland</b>		
28	<p>7.1 the Department of Communities, Child Safety and Disability Services implement the Signs of Safety practice framework (or similar) throughout Queensland.</p>	<p><b>Accepted</b> The government accepts this recommendation. From mid-2014 the Department of Communities, Child Safety and Disability Services will implement a new practice framework that supports effective engagement with families and children to improve their outcomes.</p>
29	<p>7.2 the Department of Communities, Child Safety and Disability Services improve the family group meeting process by ensuring that:</p> <ul style="list-style-type: none"> <li>• meetings are conducted by qualified and experienced independent convenors within the department who report to a senior officer outside the Child Safety Service Centre</li> <li>• the department retain the capacity to appoint external convenors, where appropriate, to address power imbalances and better cater to the needs of particular parties</li> <li>• meetings are held at a location suitable to the family, such as the family's home or at a proposed child and youth advocacy hub</li> <li>• convenors ensure that appropriate private family time is provided during the meeting, consistent with the intent of the family group meeting model.</li> </ul>	<p><b>Accepted</b> The government accepts this recommendation. Family group meetings are an important way for families to be directly involved in planning to meet their children's needs that enable them to take responsibility. They are also a critical mechanism for service providers to come together to collaboratively discuss a case plan for a child. Fair, transparent and inclusive processes are more likely to achieve better outcomes for children and families. The Department of Communities, Child Safety and Disability Services will introduce improved family group meeting process through a new practice framework.</p>
30	<p>7.3 the Department of Communities, Child Safety and Disability Services develop and implement a pilot project to trial the Aboriginal Family Decision Making model for family group meetings in Aboriginal and Torres Strait Islander families.</p>	<p><b>Accepted</b> The government accepts this recommendation. The government will engage with Aboriginal and Torres Strait Islander stakeholders to identify the most appropriate model for Aboriginal and Torres Strait Islander Family Decision Making, and to develop and implement a pilot project to trial this in selected communities.</p>

Commission of Inquiry recommendation		Queensland Government response
31	7.4 the Department of Communities, Child Safety and Disability Services routinely consider and pursue adoption (particularly for children aged under 3 years) in cases where reunification is no longer a feasible case-plan goal.	<b>Accepted</b> The government accepts this recommendation. The government acknowledges that adoption as a permanency option for children in out-of-home care is a contentious issue. It is important that family reunification remains the preferred outcome for children in the child protection system where possible. Where reunification is not possible, other options, including adoption, that are in the best interests of the child will be considered.
32	7.5 the Department of Communities, Child Safety and Disability Services include in the cultural support plans for Aboriginal and Torres Strait Islander children a requirement that arrangements be made for regular contact with at least one person who shares the child's cultural background.	<b>Accepted</b> The government accepts this recommendation. The government acknowledges the importance for Aboriginal and Torres Strait Islander children who are in out-of-home care to maintain links with their cultural background.
33	7.6 the Department of Communities, Child Safety and Disability Services include in the local family support needs plan information on the different cultural and linguistic groups in their local communities, engage in consultation with those communities to determine what cultural support they can provide to children in care and ensure that their frontline workers, foster and kinship carers and non-government service providers are given appropriate cultural training, and that the cultural support plans specify arrangements for regular contact with at least one person who shares the child's cultural background.	<b>Accepted</b> The government accepts this recommendation. An effective integrated family support system needs to be tailored to meet the needs of families in the local community. Child Protection Service Committees will engage with local communities to understand the diverse needs of vulnerable families in the community.
34	7.7 in accordance with the elements of the National Clinical Assessment Framework for Children and Young People in Out-of-Home Care, the Department of Communities, Child Safety and Disability Services, in conjunction with Queensland Health, ensure that every child in out-of-home care is given a Comprehensive Health and Developmental Assessment, completed within three months of placement.	<b>Accepted</b> The government accepts this recommendation. Queensland already has a requirement that children in out-of-home care have a health passport that includes a health check within 30 days of being in care. The government is committed to comprehensive health and development assessments for every child in out-of-home care, completed within three months of placement.
35	7.8 the Department of Communities, Child Safety and Disability Services negotiate with Queensland Health and other partner agencies to develop a service model for earlier intervention specialist services for children in the statutory child protection system, including those still at home. This may require the expansion of the Evolve program or the development of other services to meet their needs, or a combination of both approaches.	<b>Accepted</b> The government accepts this recommendation. By the end of 2014, the government will revamp early intervention specialist services for children in and at risk of entering the statutory child protection system, including those still at home.

Commission of Inquiry recommendation		Queensland Government response
<b>Chapter 8: Options for children in out-of-home care</b>		
36	8.1 the Department of Communities, Child Safety and Disability Services identify the number of children in its care at each level of need— moderate, high, complex, extreme—to determine whether the capacity of current placement types matches the assessed needs of children in care. This should be done on a regional basis.	<b>Accepted</b> The government accepts this recommendation. The Department of Communities, Child Safety and Disability Services will identify the number of children in its care at each level of need on a regional basis by mid-2014.
37	8.2 the Department of Communities, Child Safety and Disability Services ensure transitionally funded residential placements are subject to the same level of oversight as grant-funded residential placements.	<b>Accepted</b> The government accepts this recommendation. Transitionally funded residential placements will be subject to the same level of oversight as grant-funded residential placements by early 2014.
38	8.3 the Department of Communities, Child Safety and Disability Services build on efforts already begun to articulate the uniqueness of kinship care and its importance as a family-based out-of-home care placement option so that kinship carers feel they are part of the care team.	<b>Accepted</b> The government accepts this recommendation. Kinship carers play an important role in providing out-of-home care. Kinship care generally provides children with less disruption, more continuity and a stronger sense of belonging. The government accepts that the support provided to kinship carers should not differ from that afforded to foster carers particularly in the areas of training and short breaks (respite).
39	8.4 the Department of Communities, Child Safety and Disability Services engage non-government agencies to identify and assess kinship carers.	<b>Accepted</b> The government accepts this recommendation. The non-government sector will be more fully engaged in identifying and assessing kinship care options for children commencing mid-2014.
40	8.5 the Department of Communities, Child Safety and Disability Services transfer the provision of all foster and kinship carer services to non-government agencies, including: <ul style="list-style-type: none"> <li>responsibility for identifying, assessing and supporting foster and kinship carers</li> <li>developing recruitment and retention strategies</li> <li>managing matters of concern.</li> </ul> The department will retain responsibility for foster care certification and for overseeing the response to matters of concern.	<b>Accepted</b> The government accepts this recommendation. The non-government sector already manages the majority of foster and kinship carers. The transfer of remaining carers will commence mid-2014.
41	8.6 the Department of Communities, Child Safety and Disability Services provide foster and kinship carers in receipt of a high-support needs allowance or complex-support needs allowance with training related to the specific needs of the child.	<b>Accepted</b> The government accepts this recommendation. Carers caring for children with complex needs will be provided additional practical support and training from mid-2014.

Commission of Inquiry recommendation		Queensland Government response
42	8.7 the Department of Communities, Child Safety and Disability Services partner with non-government service providers to develop and adopt a trauma-based therapeutic framework for residential care facilities, supported by joint training programs and professional development initiatives.	<b>Accepted</b> The government accepts this recommendation. Residential care tends to be an option for children and young people who have complex behavioural problems and high levels of placement instability, meaning they have high care needs. Development of a trauma based therapeutic framework will commence in early 2014.
43	8.8 the Department of Communities, Child Safety and Disability Services complete, and report to government about, the evaluation of the pilot therapeutic residential care program that was begun in 2011.	<b>Accepted</b> The government accepts this recommendation. A formal evaluation will commence early 2014.
44	8.9 if and when the Queensland Government's finances permit, the Department of Communities, Child Safety and Disability Services develop a model for providing therapeutic secure care as a last resort for children who present a significant risk of serious harm to themselves or others. The model should include, as a minimum, the requirement that the department apply for an order from the Supreme Court to compel a child to be admitted to the service.	<b>Accepted in principle</b> The government accepts this recommendation in principle. The government acknowledges that strategies to better meet the needs of young people in out-of-home care who present a significant risk of serious harm to themselves or others need to be considered. The government is of the view that the model for secure care will need to be thoroughly researched, planned and well resourced.
45	8.10 the Department of Communities, Child Safety and Disability Services investigate the feasibility of engaging professional carers to care for children with complex or extreme needs, in terms of, for example, remuneration arrangements and other carer entitlements, contracting/employment arrangements, and workplace health and safety considerations.	<b>Accepted</b> The government accepts this recommendation. The government will investigate the feasibility of engaging professional carers to look after children with complex or extreme needs.
46	8.11 the Department of Communities, Child Safety and Disability Services increase the use of boarding schools as an educational option for children in care and consult with boarding school associations about some schools becoming carers (under s.82 of the <i>Child Protection Act 1999</i> ).	<b>Accepted</b> The government accepts this recommendation.

Commission of Inquiry recommendation		Queensland Government response
<b>Chapter 9: Transition from care</b>		
47	9.1 the Child Protection Reform Leaders Group develop a coordinated program of post-care support for young people until at least the age of 21, including priority access to government services in the areas of education, health, disability services, housing and employment services, and work with non-government organisations to ensure the program's delivery.	<b>Accepted</b> The government accepts this recommendation. The government will develop an integrated program for transition planning and post-care support until at least the age of 21 for young people leaving care.
48	9.2 the Department of Communities, Child Safety and Disability Services fund non-government agencies (including with necessary brokerage funds) to provide each young person leaving care with a continuum of transition-from-care services, including transition planning and post-care case management and support.	<b>Accepted</b> The government accepts this recommendation.
49	9.3 the Child Protection Reform Leaders Group include in the coordinated program of post-care support, access and referrals to relevant Australian Government programs, negotiating for priority access to those programs.	<b>Accepted</b> The government accepts this recommendation. The government will commence negotiations with the Australian Government to seek priority access for young people leaving care.
<b>Chapter 10: Child protection workforce</b>		
50	10.1 the Department of Communities, Child Safety and Disability Services require Child Safety Officers and team leaders to have tertiary qualifications demonstrating the core competencies required for the work—with a preference for a practical component of working with children and families, demonstrating a capacity to exercise professional judgement in complex environments.	<b>Accepted</b> The government accepts this recommendation. In order for families to be supported and children to be protected, the workforce needs to have the necessary competencies including skills, abilities and knowledge. The Department of Communities, Child Safety and Disability Services will work with universities to identify ways to enable courses to more directly relate to the work undertaken in these roles.
51	10.2 the Department of Communities, Child Safety and Disability Services refocus professional development and training towards embedding across the organisation the Signs of Safety model (or similar) including a practice of 'appreciative inquiry'.	<b>Accepted</b> The government accepts this recommendation. As indicated in recommendation 7.1, the government is committed to implementing a new practice framework that assists practitioners by providing a method of engaging with vulnerable children and their families across Queensland. This will commence in mid 2014.

Commission of Inquiry recommendation		Queensland Government response
52	<p>10.3 the Department of Communities, Child Safety and Disability Services:</p> <ul style="list-style-type: none"> <li>review the role description for Child Safety Service Centre Manager to include professional casework supervision as an important component, and</li> <li>make this role subject to the same prerequisite qualifications as those for the Child Safety officer and team leader roles as recommended above.</li> </ul>	<p><b>Accepted in principle</b></p> <p>The government accepts this recommendation in principle. Child safety centre managers, as local service system managers, require specific expertise in the provision of family support and child protection services, and will also play an integral role in overseeing the changes necessary to successfully implement the reforms.</p> <p>Consistent with recommendation 10.1, further investigation is required to identify the best means of building and funding a workforce with appropriate skills, training and expertise.</p>
53	<p>10.4 the Department of Communities, Child Safety and Disability Services reduce the caseloads of frontline child safety officers down to an average of 15 cases each.</p>	<p><b>Accepted</b></p> <p>The government accepts this recommendation. The government will reduce the caseloads of child safety officers as the number of children in the statutory system reduces as a result of these reforms.</p>
54	<p>10.5 the Department of Communities, Child Safety and Disability Services implement a program to support Aboriginal and Torres Strait Islander workers to attain the requisite qualifications to become Child Safety officers.</p>	<p><b>Accepted</b></p> <p>The government accepts this recommendation. A dedicated Aboriginal and Torres Strait Islander workforce and organisational development strategy, aligned to broader reforms and workforce initiatives, will be developed in conjunction with key stakeholders—to be implemented from mid-2014.</p>
55	<p>10.6 the Department of Communities, Child Safety and Disability Services ensure training in the Signs of Safety (or similar) model for relevant officers in partner agencies, with an option for joint training if appropriate.</p>	<p><b>Accepted</b></p> <p>The government accepts this recommendation. As indicated in recommendations 7.1 and 10.2, the government is committed to implementing a new practice framework to assist practitioners to engage with vulnerable children and their parents.</p>

Commission of Inquiry recommendation		Queensland Government response
56	<p>10.7 the Family and Child Council (proposed in rec 12.3) lead the development of a workforce planning and development strategy as a collaboration between government, the non-government sectors and the vocational education and training sector and universities. The strategy should consider:</p> <ul style="list-style-type: none"> <li>• shared practice frameworks across family support, child protection and out-of-home care services</li> <li>• the delivery of joint training</li> <li>• opportunities for workplace learning including practicum placements, mentoring, and internship models of learning</li> <li>• enhanced career pathways, for example, through considering senior practitioner roles for the non-government sector and creating opportunities for secondments across agencies including between government and non-government agencies</li> <li>• staged approach to the introduction of mandatory minimum qualifications for the non-government sector, with particular focus on the residential care workforce</li> <li>• a coordinated framework for training where training opportunities align with the Australian Qualification Training Framework</li> <li>• the development of clearly articulated, accessible and flexible pathways between vocational training and tertiary qualifications, particularly for the Child Safety support officer role</li> <li>• working with universities to investigate the feasibility of developing a Bachelor degree in child protection studies and/or a Masters level or Graduate Diploma level qualification in child protection.</li> </ul>	<p><b>Accepted</b></p> <p>The government accepts this recommendation. The government will commence the preparation of a Queensland workforce planning and development strategy, commencing in mid-2014.</p>
57	<p>10.8 the Department of Communities, Child Safety and Disability Services introduce 10 Aboriginal and Torres Strait Islander Practice Leader positions (at a senior level) to drive culturally responsive practice through all levels of the organisation.</p>	<p><b>Accepted</b></p> <p>The government accepts this recommendation. The government will work with Aboriginal and Torres Strait Islander partners to determine where Aboriginal and Torres Strait Islander practice reform leaders are best placed.</p>

Commission of Inquiry recommendation		Queensland Government response
<b>Chapter 11: Aboriginal and Torres Strait children and the child protection system</b>		
58	<p>11.1 the Department of Communities, Child Safety and Disability Services extend eligibility for Aboriginal and Torres Strait Islander Family Support Services to include families whose children are at risk of harm, without requiring prior contact with the department. Services should be able to take referrals through as many different referral pathways as possible, including through the proposed dual intake pathways. Building the capability of these services should be a major priority over the next 10 years.</p>	<p><b>Accepted</b> The government accepts this recommendation. Eligibility will be broadened so that families can access the support services that they need, including Aboriginal and Torres Strait Islander Family Support Services, without first being referred to Child Safety Services.</p> <p>The Department of Communities, Child Safety and Disability Services is currently reviewing the Aboriginal and Torres Strait Islander Family Support Services (ATSIFSS) program. Outcomes of the review along with findings from the stocktake of family support services (recommendation 5.1) will inform progression of this recommendation.</p>
59	<p>11.2 the Child Protection Reform Leaders Group establish an Aboriginal and Torres Strait Islander Child Protection Service Reform Project to:</p> <ul style="list-style-type: none"> <li>• assess the adequacy of all existing universal, early intervention and family support services of particular relevance to child protection identifying gaps, overlaps and inefficiencies</li> <li>• develop and implement strategies and service delivery models that would enhance the accessibility of services for Aboriginal and Torres Strait Islander families and improve collaboration between service providers, and</li> <li>• incorporate a collaborative case-management approach for high-needs Aboriginal and Torres Strait Islander families.</li> </ul> <p>The project should include a particular focus on the delivery of services in the discrete communities. The project should be time-limited and be carried out by a committee comprising Child Protection Senior Officers. The committee should be jointly chaired by the deputy directors-general of the Department of the Premier and Cabinet and the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (DATSIMA) and report to the Child Protection Reform Leaders Group.</p>	<p><b>Accepted</b> The government accepts this recommendation. Aboriginal and Torres Strait Islander children and families are overrepresented in the child protection system, and the government is committed to this complex issue receiving urgent and priority attention.</p> <p>The government will partner with relevant Aboriginal and Torres Strait Islander peaks, providers, community representatives and other stakeholders at regional and state levels to develop and implement a comprehensive and concerted Strengthening Indigenous Families, Protecting Children Reform Project. This will bring together a number of projects arising from the government's response to recommendations related to the Aboriginal and Torres Strait Islander children and families who are overrepresented in the child protection system.</p>
60	<p>11.3 the Department of Communities, Child Safety and Disability Services develop a 'shared practice' model to allow recognised entities to work more closely with departmental officers to:</p> <ul style="list-style-type: none"> <li>• coordinate and facilitate family group meetings</li> <li>• identify and assess potential carers</li> <li>• develop and monitor cultural support plans</li> <li>• prepare transition-from-care plans.</li> </ul>	<p><b>Accepted</b> The government accepts this recommendation. A shared practice framework across government and non-government agencies will assist practitioners to engage with and support vulnerable children and families to help keep children safe at home.</p>

Commission of Inquiry recommendation		Queensland Government response
61	<p>11.4 the Department of Communities, Child Safety and Disability Services review training needs of recognised entities and develop a program that includes training in child protection processes, court procedures, and preparing and giving evidence.</p>	<p><b>Accepted</b> The government accepts this recommendation. The government will work collaboratively with key partner agencies to develop an appropriate training and development program in alignment with the implementation of recommendations 7.1 and 10.6.</p>
62	<p>11.5 the Department of Communities, Child Safety and Disability Services:</p> <ul style="list-style-type: none"> <li>• review the level of financial and practical support available to potential Aboriginal and Torres Strait Islander kinship and foster carers to see whether additional support could be provided to enable carers to provide more placements for Aboriginal and Torres Strait Islander children</li> <li>• consider introducing simplified kin-care assessment tools such as the Winangay Kinship Care Assessment Tools as an alternative to, or component of, the carer-assessment process.</li> </ul>	<p><b>Accepted</b> The government accepts this recommendation. The government recognises that keeping children connected to family, community and culture is of central importance to the long-term well-being of all children. Aboriginal and Torres Strait Islander children should be placed with kin, as a first preference, or with culturally appropriate Aboriginal and Torres Strait Islander foster carers as far as possible. This will be considered through the Strengthening Indigenous Families, Protecting Children Reform Project.</p>
63	<p>11.6 the Department of Communities, Child Safety and Disability Services develop and fund a regional Aboriginal and Torres Strait Islander Child and Family Services program in Queensland to integrate the programs of:</p> <ul style="list-style-type: none"> <li>• Aboriginal and Torres Strait Islander Family Support</li> <li>• Family Intervention Services</li> <li>• Foster and Kinship Care Services</li> <li>• recognised entity</li> </ul> <p>These services should be affiliated with Aboriginal Community Controlled Health Services or with an alternative, well-functioning Aboriginal and Torres Strait Islander or mainstream provider.</p>	<p><b>Accepted</b> The government accepts this recommendation. The government will work with Aboriginal and Torres Strait Islander child and family services, peaks and related bodies to develop and deliver an integrated service model at regional levels. This will be undertaken following the stocktake of family support services (recommendation 5.1) and in the context of developing an overarching child and family service program.</p>

Commission of Inquiry recommendation		Queensland Government response
64	<p>11.7 the Department of Communities, Child Safety and Disability Services fund a peak body to plan and develop the capacity of Aboriginal and Torres Strait Islander-controlled agencies to provide regional Aboriginal and Torres Strait Islander Child and Family services. The capacity development plan should promote partnerships, mentoring and secondments with other agencies and address:</p> <ul style="list-style-type: none"> <li>• service delivery standards</li> <li>• workforce development</li> <li>• appropriate governance and management arrangements.</li> </ul>	<p><b>Accepted in principle</b> The government accepts this recommendation in principle. Delivering better outcomes for Aboriginal and Torres Strait Islander children is one of the government's highest priorities and Aboriginal and Torres Strait Islander controlled agencies play a critical role in achieving this.</p> <p>The government will review existing arrangements in conjunction with Aboriginal and Torres Strait Islander controlled agencies to investigate streamlining opportunities and ensure services are delivered in the most effective way possible.</p> <p>The government agrees that Aboriginal and Torres Strait Islander controlled agencies need to increase their capacity and that this can be assisted through: setting service delivery standards; developing their workforce with partnerships, mentoring and secondments with other agencies; and improved governance and management.</p>
65	<p>11.8 The Queensland Police Service in consultation with local community organisations review current arrangements for the enforcement of domestic violence orders in discrete communities with respect to the adequacy of assistance being given to parties to seek orders, the adequacy of enforcement of orders and support for parties to keep orders in place.</p>	<p><b>Accepted</b> The government accepts this recommendation.</p>
66	<p>11.9 the Queensland Government, in taking into account the safety of women and children in determining whether an Alcohol Management Plan (AMP) should be withdrawn or have alcohol carriage limits reduced, should:</p> <ul style="list-style-type: none"> <li>• give particular consideration to the potential implications for the safety, health and wellbeing of children on that community, including the potential harm to unborn children of consumption of alcohol during pregnancy</li> <li>• require 'transition plans' to have specific harm-reduction targets in relation to child protection to be achieved before the transition from an AMP can occur</li> <li>• following transition from an AMP, a mechanism be established to trigger a review of alcohol availability on a community if harm levels exceed agreed levels as stated in the transition plan.</li> </ul>	<p><b>Accepted</b> The government accepts this recommendation. Alcohol is one of the primary factors contributing to violence in discrete communities. This is consistent with the government's current policy, as the Alcohol Management Plan Review's paramount consideration is the safety of community residents, particularly women and children including child protection issues. The review will also consider the need to increase school attendance. The government will consider each community's proposal for the future of alcohol management on the basis of these considerations.</p>

Commission of Inquiry recommendation		Queensland Government response
67	<p>11.10 the providers of family, health, policing and other services on discrete Aboriginal and Torres Strait Islander communities be made aware of the option for residents to initiate dry place declarations under the <i>Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984</i> and to advise and, if appropriate recommend, the option to clients if they become aware that alcohol consumption in the household is adversely affecting their client or other members of the household.</p>	<p><b>Accepted</b> The government accepts this recommendation. The government will support community residents to seek dry place declarations and encourage service providers to assist residents to consider this option.</p>
68	<p>11.11 the Aboriginal and Torres Strait Islander Child Protection Service Reform Project:</p> <ul style="list-style-type: none"> <li>work with individual communities and assist them to develop appropriate community-based referral processes on the discrete communities—this could involve conducting one or more trials of different models best suited to particular communities. Importantly, the models should build on existing child protection groups within the communities and, in those communities where there are no such groups, the project should assist communities to develop them</li> <li>explicitly address the delivery of services to support differential responses in discrete communities, including services necessary to provide family assessment or family violence responses as alternatives to investigation of notifications.</li> </ul>	<p><b>Accepted</b> The government accepts this recommendation.</p>
69	<p>11.12 the Aboriginal and Torres Strait Islander Child Protection Service Reform Project assess and provide advice to the government on the following matters:</p> <ul style="list-style-type: none"> <li>the extent to which safe houses are operating in accordance with the intended model of co-locating intensive family support services and whether links to these services could be improved</li> <li>whether there is a case for extending existing safe houses and establishing new safe houses, based on an assessment of community desire or on the benefits, demand and relative cost of alternative placements</li> <li>whether there is a case for establishing safe houses as a long-term placement option to keep children connected to their community.</li> </ul>	<p><b>Accepted</b> The government accepts this recommendation.</p>

Commission of Inquiry recommendation		Queensland Government response
<b>Chapter 12: Improving public confidence in the child protection system</b>		
70	12.1 the Premier specify the child protection responsibilities for each department through Administrative Arrangements and Ministerial Charter Letters, and include outcomes for each department in senior executive performance agreements.	<b>Accepted</b> The government accepts this recommendation.
71	12.2 the Child Protection Senior Officers (formerly the Child Protection Directors Network) support the Child Protection Reform Leaders Group, facilitate and influence change across their departments, and implement strategies to achieve departmental outcomes.	<b>Accepted</b> The government accepts this recommendation.
72	12.3 the Premier establish the Family and Child Council to: <ul style="list-style-type: none"> <li>• monitor, review and report on the performance of the child protection system in line with the <i>National Framework for Protecting Australia's Children 2009-2020</i></li> <li>• provide cross-sectoral leadership and advice for the protection and care of children and young people to drive achievement of the child protection system</li> <li>• provide an authoritative view and advice on current research and child protection practice to support the delivery of services and the performance of Queensland's child protection system</li> <li>• build the capacity of the non-government sector and the child protection workforce.</li> </ul> The council should have two chairpersons, one of whom is an Aboriginal person or Torres Strait Islander.	<b>Accepted</b> The government accepts this recommendation. However, the government will name the organisation the Queensland Family and Child Commission.
73	12.4 Regional Child Protection Service Committees, incorporating regional directors from each department responsible for child protection outcomes implement the Child Protection Reform Roadmap and achieve outcomes in their region.	<b>Accepted</b> The government accepts this recommendation. The government acknowledges the importance of accountability and responsibility for service delivery and operational outcomes being directed to the regional level, along with building partnerships across government and non-government sectors. Regional Child Protection Service Committees will be established across Queensland in late 2013 to coordinate reform implementation and facilitate effective working relationships at regional and local levels.

Commission of Inquiry recommendation		Queensland Government response
74	<p>12.5 each department with responsibility for child protection outcomes establish:</p> <ul style="list-style-type: none"> <li>• quality assurance and performance monitoring mechanisms to provide sufficient internal oversight</li> <li>• a schedule of internal audit and review linked to strategic risk plans and informed by findings of investigations and complaints management.</li> </ul>	<p><b>Accepted</b></p> <p>The government accepts this recommendation. The detailed implementation plan will include a whole-of-system performance framework. Each relevant government department will ensure robust quality assurance and performance monitoring mechanisms, which include internal audits and complaints management systems, align to this and other reporting requirements.</p>
75	<p>12.6 the Department of Communities, Child Safety and Disability Services ensure that all managers of Child Safety service centres implement a quality-assurance approach to monitoring Signs of Safety-based casework practice—one that uses a range of techniques to involve staff in reflecting on practice, mentoring and using multidisciplinary professional expertise.</p>	<p><b>Accepted</b></p> <p>The government accepts this recommendation. A quality assurance approach will be implemented to monitor the implementation of a new practice framework.</p>
76	<p>12.7 the role of the Child Guardian be refocused on providing individual advocacy for children and young people in the child protection system. The role could be combined with the existing Adult Guardian to form the Public Guardian of Queensland, an independent statutory body reporting to the Attorney-General and Minister for Justice.</p>	<p><b>Accepted</b></p> <p>The government accepts this recommendation. The government is committed to children having access to an independent, individual advocate who will safeguard their rights in the child protection system. The Child Guardian role will be refocused to provide individual advocacy for children and young people and appropriate support to manage their rights in the child protection system. The Child Guardian and Adult Guardian will be merged to be the Public Guardian of Queensland and will commence 1 July 2014.</p>
77	<p>12.8 the role of the Child Guardian—operating primarily from statewide ‘advocacy hubs’ that are readily accessible to children and young people—assume the responsibilities of the child protection community visitors and re-focus on young people who are considered most vulnerable.</p>	<p><b>Accepted</b></p> <p>The government accepts this recommendation.</p>
78	<p>12.9 complaints about departmental actions or inactions, which are currently directed to the Children’s Commission, be investigated by the relevant department through its accredited complaints-management process, with oversight by the Ombudsman.</p>	<p><b>Accepted</b></p> <p>The government accepts this recommendation. Individual departments will be responsible for investigating complaints made about their actions or inactions. The Ombudsman will provide independent oversight of each department’s administrative actions including actions taken in relation to complaints.</p>

Commission of Inquiry recommendation		Queensland Government response
79	<p>12.10 each department with responsibility for child protection improve public confidence in their responsiveness to complaints by:</p> <ul style="list-style-type: none"> <li>regularly surveying complainants</li> <li>publishing a complaints report annually</li> <li>working with the Child Guardian to provide child-friendly complaints processes.</li> </ul>	<p><b>Accepted</b> The government accepts this recommendation.</p>
80	<p>12.11 the Department of Communities, Child Safety and Disability Services:</p> <ul style="list-style-type: none"> <li>establish a specialist investigation team to investigate cases where children in care have died or sustained serious injuries (and other cases requested by the Minister for Communities, Child Safety and Disability Services)</li> <li>set the timeframe for such a child 'being known' to the department at one year</li> <li>provide for reports of investigations to be reviewed by a multidisciplinary independent panel appointed for two years.</li> </ul>	<p><b>Accepted</b> The government accepts this recommendation. Deaths of children who are known to the child protection system within one year of their death will be externally reviewed. The review process will establish whether there are lessons to be learned about the way professionals and organisations work together, including systemic issues identified for improvement.</p>
81	<p>12.12 Regional Child Protection Service Committees develop and support inter-agency, cross-sectoral working groups, including local government, to facilitate strong collaboration and coordination of services to achieve regional goals and outcomes for children and young people.</p>	<p><b>Accepted</b> The government accepts this recommendation. Regional Child Protection Services Committees will be established to lead and facilitate inter-agency, cross sectoral collaboration and coordination to achieve regional goals and outcomes for children and young people.</p>
82	<p>12.13 the Family and Child Council develop a rolling three-year research schedule with research institutions and practitioners to build the evidence base for child protection practice.</p>	<p><b>Accepted</b> The government accepts this recommendation. The government is committed to evidence-informed policy, programs and practice to address what works and what is best value. The new Queensland Family and Child Commission, informed by an Advisory Council, will lead and facilitate, along with research institutions and practitioners and other stakeholders, an evaluation framework and a rolling three-year research schedule.</p>

Commission of Inquiry recommendation		Queensland Government response
83	<p>12.14 each department with child protection responsibilities:</p> <ul style="list-style-type: none"> <li>develop an evaluation framework in the initial stages of program design to ensure the inputs needed for success are in place, theory of change is well understood and supported by an implementation plan, and to provide milestones for monitoring the quality of outputs, the achievement of outcomes and the assessment of impacts</li> <li>undertake and source research to inform policy and service delivery, identify service gaps and better understand the interface between children, young people and the service system.</li> </ul>	<p><b>Accepted</b> The government accepts this recommendation. Government departments will engage with the new Queensland Family and Child Commission, to identify, prioritise and facilitate research and evaluation that contributes to better services and outcomes for vulnerable families and children.</p>
84	<p>12.15 the Child Protection Reform Leaders Group and the Family and Child Council lead a change process to develop a positive culture in the practice of child protection in government and the community, including setting benchmarks and targets for improvement of organisational culture, staff satisfaction and stakeholder engagement, and report this in the Child Protection Partnership report.</p>	<p><b>Accepted</b> The government accepts this recommendation. The Reform Leaders Group and the new Queensland Family and Child Commission, along with government and NGOs, will develop and facilitate a process of positive cultural change and stakeholder engagement, and will report on progress and performance annually.</p>
85	<p>12.16 each department that funds community services to deliver child protection and related services work with the Office of Best Practice Regulation within the Queensland Competition Authority to identify and reduce costs of duplicate reporting and regulation. These departments should aim to adopt standardised and streamlined reporting requirements and, where possible, access information from one source rather than requiring it more than once.</p>	<p><b>Accepted</b> The government accepts this recommendation.</p>
86	<p>12.17 the Department of Communities, Child Safety and Disability Services progress and evaluate red-tape reduction reforms, including:</p> <ul style="list-style-type: none"> <li>transferring employment screening to the Queensland Police Service and streamlining it further</li> <li>considering ceasing the licensing of care services</li> <li>streamlining the carer certification process including a review of the legislative basis for determining that carers and care service personnel do not pose a risk to children.</li> </ul>	<p><b>Accepted</b> The government accepts this recommendation. The government will progress red-tape reforms including the transfer of child related employment screening functions. The Department of Communities, Child Safety and Disability Services will streamline licensing and carer approval processes whilst maintaining safeguards for children in out-of-home care.</p>

Commission of Inquiry recommendation		Queensland Government response
<b>Chapter 13: Children and the legal system</b>		
87	<p>13.1 the Department of Justice and Attorney-General establish the Court Case Management Committee to develop a case management framework for child protection matters in the Childrens Court. The committee should be chaired by the Childrens Court President and include the Chief Magistrate and representatives of the Department of Justice and Attorney-General, Legal Aid Queensland and the Queensland Law Society, the proposed Official Solicitor (or other senior officer) of the Department of Communities, Child Safety and Disability Services (see Rec.13.16) and the proposed Director of Child Protection (see Rec.13.17).</p>	<p><b>Accepted</b> The government accepts this recommendation. This will commence early 2014.</p> <p>It is appropriate for this work to be led by the President of the Childrens Court and Chief Magistrate, with the appropriate governance structure for the development of the case management framework also to be determined by the President and Chief Magistrate.</p>
88	<p>13.2 The proposed case management framework include:</p> <ul style="list-style-type: none"> <li>the stages, timeframes and required actions for the progress of matters, including any necessary special provisions to apply to complex matters (for example, those in which there may be multiple children the subject of orders)</li> <li>the ability for the Court to give directions to a parent to undertake testing, treatments or programs or to refrain from living at a particular address. The extent to which the parent complies should be considered by the Court in deciding whether to make a child protection order.</li> </ul> <p>The Chief Magistrate and the President of the Childrens Court should support the case management framework and develop necessary Practice Directions.</p>	<p><b>Accepted</b> The government accepts this recommendation. The aim of the case management framework will be to have matters more expeditiously and efficiently dealt with to ensure better outcomes for children.</p> <p>The government will consider legislative amendments required to enable the court to give directions to parents as part of the review of the <i>Child Protection Act 1999</i>.</p>
89	<p>13.3 the Attorney-General and Minister for Justice propose amendments to the <i>Childrens Court Act 1992</i> and the <i>Magistrates Act 1991</i> to clarify the respective roles of the President of the Childrens Court and the Chief Magistrate to:</p> <ul style="list-style-type: none"> <li>give the Chief Magistrate responsibility for the orderly and expeditious exercise of the jurisdiction of the Childrens Court when constituted by Childrens Court magistrates and magistrates and for issuing practice directions with respect to the procedures of the Childrens Court when constituted by magistrates, to the extent that any matter is not provided for by the Childrens Court Rules—this should be done in consultation with the President of the Childrens Court.</li> <li>ensure that the powers and functions of the Chief Magistrate extend to the work of the Childrens Court magistrates and magistrates.</li> </ul>	<p><b>Accepted</b> The government accepts this recommendation. This will be completed by mid-2014. This legislative amendment will ensure the orderly and expeditious functioning of the Childrens Court when constituted by magistrates.</p>

Commission of Inquiry recommendation		Queensland Government response
90	<p>13.4 the Minister for Communities, Child Safety and Disability Services propose amendments to the <i>Child Protection Act 1999</i> to:</p> <ul style="list-style-type: none"> <li>forbid the making of one or more short-term orders that together extend beyond two years from the making of the first application unless it is in the best interests of the child to make the order (subject to any proposed legislative amendment to the best interests principle arising from rec 14.4)</li> <li>allow the Court to transfer and join proceedings relating to siblings if the court considers that having the matters dealt with together will be in the best interests of justice.</li> </ul>	<p><b>Accepted</b></p> <p>The government accepts this recommendation. This will be completed by early 2014 and will clarify the use of short-term orders and enable the court to consider the matters of siblings together. The government notes the caveat that if it is in the best interests of the child to make one or more short-term orders that together extend beyond two years, this will not be forbidden.</p>
91	<p>13.5 the Court Case Management Committee review the disclosure obligations on the department and propose to the Minister for Communities, Child Safety and Disability Services amendments to the <i>Child Protection Act 1999</i> to introduce a continuing duty of disclosure on the department with appropriate safeguards.</p>	<p><b>Accepted</b></p> <p>The government accepts this recommendation. The Court Case Management Committee will conduct a review and provide recommendations for legislative amendment.</p>
92	<p>13.6 the Court Case Management Committee propose to the Minister for Communities, Child Safety and Disability Services amendments to the <i>Child Protection Act 1999</i> to provide a legislative framework for court-ordered conferencing at critical and optimal stages during child protection proceedings.</p>	<p><b>Accepted</b></p> <p>The government accepts this recommendation. A legislative framework will be developed for court-ordered conferencing at critical and optimal stages during child protection proceedings. Relevant administrative and operational processes will be developed to support this approach. The Court Case Management Committee will be tasked with providing recommendations regarding the development of the legislative and administrative framework. Amendments to support this approach will be proposed during the review of the <i>Child Protection Act 1999</i>.</p>
93	<p>13.7 the Department of Communities, Child Safety and Disability Services and the proposed Director of Child Protection develop appropriate policies and procedures to ensure that court-ordered conferences are attended by officers with the requisite authority to make binding concessions in the matter.</p>	<p><b>Accepted</b></p> <p>The government accepts this recommendation. The government accepts that for court ordered conferencing processes to operate effectively, departmental officers who attend must have the appropriate delegation or authority to make binding decisions and concessions in a matter.</p>
94	<p>13.8 the Attorney-General and Minister for Justice, in consultation with the Chief Magistrate appoint existing magistrates as Childrens Court magistrates in key locations in Queensland (subject to rec 13.3).</p>	<p><b>Accepted</b></p> <p>The government accepts this recommendation. This will be completed by mid-2014. The government supports the greater specialisation of magistrates constituting the Childrens Court and in consultation with the Chief Magistrate will make additional Governor-in-Council appointments of existing magistrates as Childrens Court magistrates in appropriate locations.</p>

Commission of Inquiry recommendation		Queensland Government response
95	13.9 the Department of Justice and the Attorney-General fund the Magistrates Court to finalise the review of the child protection benchbook and make it publicly available.	<b>Accepted</b> The government accepts this recommendation. The completion of the development of the child protection benchbook will assist consistency of decision making by providing a guide to assist Magistrates to manage child protection proceedings.
96	13.10 the Department of Justice and the Attorney-General and the Chief Magistrate collaborate to develop and fund a pilot project in at least two sites, in which the Childrens Court can access expert assistance under s 107 of the <i>Child Protection Act 1999</i> . The pilot project is to be evaluated to determine the extent to which it improves the decision-making of the court and to assess its cost-effectiveness.	<b>Accepted</b> The government accepts this recommendation. The Department of Justice and Attorney-General and the Chief Magistrate will commence work to identify potential pilot sites and develop an independent expert assistance model.
97	13.11 the State Government review the priority funding it provides Legal Aid Queensland with a view to ensuring that increased funding is applied for the representation of vulnerable children, parents and other parties in child protection court and tribunal proceedings.	<b>Accepted in principle</b> The government accepts this recommendation in principle. The Department of Justice and Attorney-General will review the priority funding it provides to Legal Aid Queensland.
98	13.12 Legal Aid Queensland review the use of Australian Government funding received for legal aid grants to identify where funding can be used for child protection matters.	<b>Accepted</b> The government accepts this recommendation. Under current arrangements, funding from the Australian Government to Legal Aid Queensland can be used for legal representation in relation to child protection matters where there are other connected family law issues. The allocation of Australian Government funding for child protection matters will be reviewed.
99	13.13 the Minister for Communities, Child Safety and Disability Services propose amendments to the <i>Child Protection Act 1999</i> to require the views of children and young people to be provided to the court either directly, that is personally (through an independent child advocate or direct representative) or through a separate legal representative where children and young people are of an age and are willing and able to express their views.	<b>Accepted</b> The government accepts this recommendation. This will be completed by early 2014. The government notes such amendments will build on the current provisions in the <i>Child Protection Act 1999</i> that require the Childrens Court to be satisfied that the child's wishes or views (if able to be ascertained) have been made known to inform decision making under the Act.

Commission of Inquiry recommendation		Queensland Government response
100	<p>13.14 the Minister for Communities, Child Safety and Disability Services propose amendments to the <i>Child Protection Act 1999</i> to provide clarity about when the Childrens Court should exercise its discretion to appoint a separate legal representative and also about what the separate legal representative is required to do. These amendments might require separate legal representatives to:</p> <ul style="list-style-type: none"> <li>interview the child or young person after becoming their separate legal representative and explain their role and the court process</li> <li>present direct evidence to the Childrens Court about the child or young person and matters relevant to their safety, wellbeing and best interests</li> <li>cross-examine the parties and their witnesses</li> <li>make application to the Childrens Court for orders (whether interim or final) considered to be in the best interests of the child or young person.</li> </ul>	<p><b>Accepted</b></p> <p>The government accepts this recommendation. This will be completed by early 2014. The government supports appropriate guidance being provided to the Childrens Court regarding when to consider making an order that a child be separately legally represented, and to clarify the role of separate legal representatives. This should be considered as part of the proposed review of the <i>Child Protection Act 1999</i>.</p>
101	<p>13.15 parents be supported through child protection proceedings by:</p> <ul style="list-style-type: none"> <li>the Department of Communities, Child Safety and Disability Services ensuring they are provided with information about how to access and apply for legal advice or representation, and that parents are provided with reasonable time within which to seek such advice</li> <li>the Childrens Court considering, at the earliest possible point in proceedings, the position of parents to determine whether they are adequately represented before the matter progresses</li> <li>Legal Aid Queensland amending its policies with a view to providing legal representation to those families where the court has directed the family be legally represented, but where the family are unable to secure representation without legal aid assistance</li> <li>where a consent order is being sought in the absence of parental legal representation, the Childrens Court reasonably satisfying itself that parents understand the implications and effect of the order before it can be ratified by the court.</li> </ul>	<p><b>Accepted</b></p> <p>The government accepts this recommendation. The government recognises that the provision of timely information about how to access and apply for legal advice or representation and access to appropriate legal representation is critical to ensuring that the child protection system produces good and just outcomes for children and their families.</p>

Commission of Inquiry recommendation		Queensland Government response
102	<p>13.16 the Department of Communities, Child Safety and Disability Services enhance its in-house legal service provision by establishing an internal Office of the Official Solicitor within the department which shall have responsibility for:</p> <ul style="list-style-type: none"> <li>• providing early, more independent legal advice to departmental officers in the conduct of alternative dispute-resolution processes and the preparation of applications for child protection orders</li> <li>• working closely with the proposed specialist investigation teams so that legal advice is provided at the earliest opportunity</li> <li>• preparing briefs of evidence to be provided to the proposed Director of Child Protection in matters where the department considers a child protection order should be sought.</li> </ul>	<p><b>Accepted</b></p> <p>The government accepts this recommendation noting that during the inquiry there were concerns about the participation of Child Safety Services in legal proceedings, in particular, the need for clear advice prior to the initiation of proceedings.</p> <p>An Office of the Official Solicitor will be established within the Department of Communities, Child Safety and Disability Services to provide legal advice to Child Safety Service Centres about child protection matters and to prepare court material for urgent applications to ensure a child's immediate safety.</p>
103	<p>13.17 the Queensland Government establish an independent statutory agency—the Director of Child Protection—within the Justice portfolio to make decisions as to which matters will be the subject of a child protection application and what type of child protection order will be sought, as well as litigate the applications.</p> <p>Staff from the Director of Child Protection will bring applications for child protection orders before the Childrens Court and higher courts, except in respect of certain interim or emergent orders where it is not practicable to do so. In the latter case, some officers within the Department of Communities, Child Safety and Disability Services will retain authority to make applications.</p>	<p><b>Accepted</b></p> <p>The government accepts this recommendation. The Director of Child Protection will be placed in Crown Law so that the government builds on its established expertise in child protection legal practice. The Director of Child Protection will have responsibility for deciding whether an application for a child protection order should be made, after consultation with the Department of Communities, Child Safety and Disability Services and on the basis of the evidence available in the particular case.</p>
104	<p>13.18 the Department of Communities, Child Safety and Disability Services move progressively towards requiring all court coordinators to be legally qualified and for their role to be recast to provide legal advice (within the Office of the Official Solicitor) or to transfer the role to the independent Director of Child Protection office.</p>	<p><b>Accepted in principle</b></p> <p>The government accepts this recommendation. The government will consider how to ensure that staff are appropriately trained and where the roles will be located.</p>
105	<p>13.19 the Minister for Communities, Child Safety and Disability Services propose amendments to the <i>Child Protection Act 1999</i> to permit the Childrens Court discretion to allow members of the child's family or another significant person in the child's life to be joined as a party to the proceedings where the court agrees the person has a sufficient interest in the outcome of the proceedings. These parties should also have the right to be legally represented.</p>	<p><b>Accepted</b></p> <p>The government accepts this recommendation. This will be completed in early 2014. The government notes that the current provisions of the <i>Child Protection Act 1999</i> mean that important family members and individuals in a child's life are often excluded from child protection proceedings.</p>

Commission of Inquiry recommendation		Queensland Government response
106	<p>13.20 the Minister for Communities, Child Safety and Disability Services propose amendments to the <i>Child Protection Act 1999</i> to provide that:</p> <ul style="list-style-type: none"> <li>before granting a child protection order, the Childrens Court must be satisfied that the department has taken all reasonable efforts to provide support services to the child and family</li> <li>participation by a parent in a family group meeting and their agreement to a case plan cannot be used as evidence of an admission by them of any of the matters alleged against them.</li> </ul>	<p><b>Accepted</b></p> <p>The government accepts this recommendation. The proposed amendments to the <i>Child Protection Act 1999</i> are consistent with the proposed child protection reforms that promote more support to families earlier through the secondary service system.</p>
107	<p>13.21 the Department of Communities, Child Safety and Disability Services ensure, when filing an application for a child protection order, its supporting affidavit material attests to the reasonable steps taken to offer support and other services to a child's family and to work with them to keep their child safely at home.</p>	<p><b>Accepted</b></p> <p>The government accepts this recommendation, which will be completed by early 2014. The proposed amendments to the <i>Child Protection Act 1999</i> are consistent with the proposed child protection reforms that promote more support to families earlier through the secondary service system.</p>
108	<p>13.22 the Department of Communities, Child Safety and Disability Services increase its capacity to work with families under an intervention with parental agreement or a directive or supervisory order with appropriate support services and develop a proposal for legislative amendment to provide for effective sanctions for non-compliance with supervisory or directive orders.</p>	<p><b>Accepted</b></p> <p>The government accepts this recommendation to increase the use of intervention with the agreement of a child's parents when this approach meets a child's needs. This general approach is in line with the shift in focus towards parents and families having responsibility to care for their children embedded throughout the Child Protection Reform Roadmap.</p>
109	<p>13.23 the Minister for Communities, Child Safety and Disability Services propose amendments to section 116 of the <i>Child Protection Act 1999</i> to allow the Childrens Court discretion to make an order for costs in exceptional circumstances.</p>	<p><b>Accepted</b></p> <p>The government accepts this recommendation, which will be completed by early 2014. The government notes that the Childrens Court does not currently have any discretion to order costs against a party for child protection proceedings.</p>
110	<p>13.24 the Court Case Management Committee examine whether the Childrens Court, in making a long-term guardianship order, can feasibly make an order for the placement and contact arrangements for the child. In this examination, the Committee should take account of the impact of such a proposal on the court case management system and the departmental case management processes.</p>	<p><b>Accepted</b></p> <p>The government accepts this recommendation. The government recognises that the determination of where the child will live, and who they will have contact with, is an important part of providing for their safety and wellbeing. The Court Case Management Committee will be tasked with examining this issue.</p>

Commission of Inquiry recommendation		Queensland Government response
111	13.25 the Minister for Communities, Child Safety and Disability Services propose an amendment to Schedule 2 of the <i>Child Protection Act 1999</i> to include a reviewable decision where the department refuses a request to review a long-term guardianship order by a child's parent or the child.	<b>Accepted</b> The government accepts this recommendation. This will be completed by early 2014. The government notes that the Commission expressed concern about the low number of applications to revoke long-term guardianship orders, wondering whether children are 'drifting through the care system once they have entered it'.
112	13.26 the Family and Child Council develop key resource material and information for children and families to better assist them in understanding their rights, how the child protection system works including court and tribunal processes and complaints and review options in response to child protection interventions.	<b>Accepted</b> The government accepts this recommendation. The government supports the development of resource material for children and families to assist them in understanding their rights when coming in contact with the child protection system.
113	13.27 the Queensland Civil and Administrative Tribunal consider, as part of its current review, improved practices and processes in the following areas: <ul style="list-style-type: none"> <li>child inclusive and age-appropriate processes, for example increased use of child and youth advocates</li> <li>more timely consideration to reduce unnecessary delays and the dismissal of matters</li> <li>enable publication of outcomes of matters being resolved as part of the compulsory conference process.</li> </ul>	<b>Accepted</b> The government accepts this recommendation. This work to improve processes will be given priority and undertaken independently of the current Queensland Civil and Administrative Tribunal legislative review.
114	13.28 the Minister for Communities, Child Safety and Disability Services propose amendments to the <i>Child Protection Act 1999</i> to allow the Childrens Court to deal with an application for a review of a contact or placement decision made to the Queensland Civil and Administrative Tribunal if it relates to a proceeding before the Childrens Court.	<b>Accepted</b> The government accepts this recommendation, which will be completed by early 2014. The government acknowledges the need to deal with applications in a timely manner and notes that there are occasions when related applications for the same child are underway in both the Childrens Court and the Queensland Civil and Administrative Tribunal.
<b>Chapter 14: Legislative review</b>		
115	14.1 the Department of Communities, Child Safety and Disability Services review the <i>Child Protection Act 1999</i> .	<b>Accepted</b> The government accepts this recommendation. The <i>Child Protection Act 1999</i> will be thoroughly reviewed, commencing in 2014, to ensure it provides a contemporary legislative framework for the new system, noting that amendments will be made to support the implementation of specific recommendations prior to the thorough review of the <i>Child Protection Act 1999</i> commencing.

Commission of Inquiry recommendation		Queensland Government response
116	14.2 the Department of Communities, Child Safety and Disability Services review the existing information exchange and confidentiality provisions in the <i>Child Protection Act 1999</i> and propose to the Minister for Communities, Child Safety and Disability Services the amendments necessary to implement the Commission's recommendations.	<b>Accepted</b> The government accepts this recommendation. The government will introduce changes to the <i>Child Protection Act 1999</i> , to facilitate the exchange of relevant information in certain circumstances.
117	14.3 the Minister for Communities, Child Safety and Disability Services propose amendments to the <i>Child Protection Act 1999</i> so that the chief executive administering the Act and the Director of Child Protection have limited legal authority to make public or disclose information that would otherwise be confidential (including, in rare cases, identifying particulars) to correct misinformation, protect legitimate reputational interests or for any other public interest purpose. In particular, it should be considered whether some of the confidentiality obligations should not apply when the child in question is deceased.	<b>Accepted</b> The government accepts this recommendation. This amendment will be progressed as part of the review of the <i>Child Protection Act 1999</i> .
118	14.4 the Minister for Communities, Child Safety and Disability Services propose amendments to the <i>Child Protection Act 1999</i> to: <ul style="list-style-type: none"> <li>clarify that the best interests of the child is to guide all administrative and judicial decision-making under the Act</li> <li>include a provision based on section 349 of the <i>Children and Young People Act 2008 (ACT)</i> setting out the relevant matters to be considered in determining the best interests of a child.</li> </ul>	<b>Accepted</b> The government accepts this recommendation.
119	14.5 the Department of Communities, Child Safety and Disability Services rationalise the principles for the administration of the <i>Child Protection Act 1999</i> and propose to the Minister for Communities, Child Safety and Disability Services amendments that rationalise and consolidate all the principles in one place, for example section 5B or section 159B.	<b>Accepted</b> The government accepts this recommendation. The principles for administering the <i>Child Protection Act 1999</i> are currently located in a number of sections throughout the Act. The government will make amendments to consolidate all principles in one place.
120	14.6 the Department of Communities, Child Safety and Disability Services in its review of the <i>Child Protection Act 1999</i> , incorporate the concept of 'parental responsibility' in child protection orders.	<b>Accepted</b> The government accepts this recommendation. This amendment will be considered as part of the review of the <i>Child Protection Act 1999</i> .

Commission of Inquiry recommendation		Queensland Government response
Chapter 15: Implementing the Child Protection Reform Roadmap		
121	15.1 that the Queensland Government commit to the Child Protection Reform Roadmap with the intention of significantly reducing the number of children in the child protection system, and improving outcomes for children in out-of-home care.	<b>Accepted</b> The government accepts this recommendation. Commissioner Carmody's roadmap sets a path for improving the Queensland child protection system over the next ten years moving away from a risk adverse system focused on placing too many children in care, to one focused on better supporting families and keeping them together.



