The Carmody Inquiry into Child Protection in Queensland
16 December 2013

Background

On 1 July 2012 the Queensland Child Protection Commission of Inquiry (the Commission) was established, led by the Honourable Tim Carmody QC. By comparison to previous inquiries, the Commission had far broader terms of reference. The Commission was asked to review the entire Queensland child protection system and to chart a roadmap for the system for the next decade.

By 1 July 2013 the Queensland Government had taken receipt of the Commission’s 733-page final report, titled *Taking Responsibility: A Roadmap for Queensland Child Protection*, and began to consider the Commission’s 121 recommendations.

Today, Child Safety Minister, the Hon Tracy Davis MP, announced that the Newman Government will implement the majority Queensland Child Protection Commission of Inquiry’s recommendations and will fundamentally reform how the state’s child protection system operates.

The Queensland Government’s response report gives considers each of the 121 recommendations. Of these recommendations, the government has accepted 115 outright and has given in-principle support to the remaining six.

Some of the key recommendations accepted by government include:

- Increased role for the non-government sector.
- Diverting families from the child protection system.
- Supporting young people who have left care, until the age of 21.
- Reducing over-representation of Aboriginal and Torres Strait Islander children.
- Amending legislation and the role of children and families in court.
- Forming a new Family and Child Commission.
- Increasing the use of boarding schools for children in care.
- Working with Children Checks (Blue Cards) scheme to be moved from the Department of Communities, Child Safety and Disability Services to the Queensland Police Service.

This brief discusses the report’s accepted recommendations and themes in further detail.

**Key recommendations**

**1. Diverting families from the statutory system**

A group of 13 recommendations given in the Commission’s report centred on the need to divert families from the statutory system. The government has accepted all 13 recommendations.
They include:

- Amend Section 10 of the *Child Protection Act 1999* to clarify the term ‘significant harm’. At present, the department has no legitimate role until ‘significant harm’ (a legally defined term) is reasonably suspected. The reality is that 80 per cent of current reports do not reach that threshold, which means a lot of time and resources are being spent on investigating if a child has been harmed, rather than on providing family support services. The government has accepted this recommendation and will amend the Act in early 2014.

- Create a whole-of-government process and create one standard to govern mandatory reporting policies. The government will respond to this recommendation by consolidating mandatory reporting obligations into one piece of legislation (the Child Protection Act 1999), and will combine this with training, guides and tools for more effective referrals.

- Develop an approach to sharing domestic and family violence information between the Queensland Police Service and Department of Communities, Child Safety and Disability Services in a way that is productive and not simply a risk-shifting strategy.

- Establish a dual pathway to allow referrers to either refer to Child Safety Services or to a regional community based referral partner.

- Establish differential responses to provide three separate response options which will involve the non-government sector more and will mean that the Department refocuses its child protection investigations on the more serious cases. The response pathways will be:
  - An investigation (undertaken by government) for the most serious cases of child maltreatment.
  - A family service assessment (undertaken by a non-government organisation) where there is a low to moderate risk.
  - A family violence response (undertaken by a non-government organisation) where a child has been exposed to violence.

- Create specialist investigation roles for some Child Safety officers, who would work closely with new departmental legal advisors and the police.

- Revamp and simplify data collection categories and methods to concur with the legislation.

- Establish a Child Protection Reform Leaders Group, chaired by the Deputy Director-General of the Department of Premier and Cabinet, to have responsibility for leading the reform of Queensland’s child protection system.

2. **Designing a new family support system**

Seven recommendations were given regarding the need to design a new family support system for children and families.

Key points include:

- 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. The government has accepted this recommendation and will complete its stocktake of government and non-government services by February 2014.
• Work more closely with Australian Government agencies and non-government organisations so that services for adults (such as substance abuse, mental illness and domestic violence programs) are more responsive in helping to protect that person’s children.
• Reform family and child-related programs, procurement and performance management to ensure services demonstrate good outcomes for children and deliver value for money.

3. **Stronger involvement of the non-government service sector in child protection in Queensland**

Six recommendations were centred on the involvement of the non-government service sector.

Some accepted recommendations include:

• Establish 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 processes.
• Forge a strong relationship with the non-government sector by:
  o Including a non-government representative at all levels of the governance structure outlined in the Child Protection Reform Roadmap.
  o Establishing a stakeholder advisory group, with representatives from government and non-government organisations. (To be established in December 2013.)
• Review the role of non-government organisations in five years’ time, 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.

4. **A new practice framework for Queensland**

Of the inquiry’s 121 recommendations, eight focussed on the need for a new practice framework in Queensland. The government accepted all of these recommendations.

As a result, the government will:

• Implement a new practice framework from mid-2014 that supports effective engagement with families and children to improve their outcomes.
• Develop and implement a pilot project to trial the Aboriginal Family Decision Making model. The pilot project will be trialled in selected communities.
• Consider and pursue adoption (particularly for children under 3 years of age) in cases where reunification with parents is no longer feasible.
• By the end of 2014, early intervention specialist services for children in and at risk of entering the statutory child protection system will be revamped. This will include those children still at home.

5. **Strengthening options for children in out-of-home care**

A group of 11 recommendations were given in the Commission’s report regarding options for children in out-of-home care. The government has accepted 10 recommendations outright.

They include:
• Identify the number of children in the department’s care at each level of need (moderate, high, complex, or extreme) and on a region-by-region basis by mid-2014, to determine whether capacity of placement types matches the assessed needs of children in care.
• Transitionally funded residential placements will be subject to the same level of oversight as grant-funded residential placements by early 2014.
• Further emphasis on kinship care and articulate its importance.
• Engage non-government organisations to identify and assess kinship care options for children from mid-2014.
• Transfer all remaining management of foster and kinship carers to the non-government sector, commencing in mid-2014.
• 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.

6. Transitioning from care & the child protection workforce

Eleven recommendations relate to transitioning children from care or to the child protection workforce. The government has accepted 10 of these recommendations outright.

Key recommendations include:
• Develop an integrated program for transition planning and post-care support until at least the age of 21 for young people leaving care.
• Require Child Safety Officers and team leaders in the department 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 and demonstrating a capacity to exercise professional judgement in complex environments. The Department of Communities, Child Safety and Disability services will work with universities further in this regard.
• Reduce caseloads of frontline child safety officers down to an average of 15 cases each.
• Support Indigenous workers to attain the requisite qualifications to become Child Safety officers.
• Commence a Queensland workforce and development strategy for child safety in mid-2014.

6. Helping Aboriginal and Torres Strait Islander children

Twelve recommendations relate specifically to Aboriginal and Torres Strait Islander children. The government has accepted 11 of these recommendations outright.

The key recommendations are:
• Extend eligibility for Aboriginal and Torres Strait Islander Family Support Services to include families who are at risk of harm, without requiring prior contact with the department.
• Develop a “shared practice” framework across government and non-government agencies to allow recognised entities to work more closely with departmental officers to coordinate and facilitate group meetings, assess potential carers, develop cultural support programs and prepare transition-from-care plans.
• Consider simpler kin-care assessment tools.
7. **Improving public confidence in the child protection system**

A group of 17 recommendations have been made with improving public confidence in mind. The government has accepted all of these.

Some key recommendations are:

- Child protection responsibilities for each department are specified by the Premier through the Administrative Arrangements and Ministerial Charter Letters. These responsibilities include outcomes in senior executive performance agreements.
- Establish a Queensland Family and Child Commission. The Premier will establish this Commission, which will aim to build the capacity of the non-government sector and the child protection workforce. It will have two chairpersons, one of whom is an Aboriginal or Torres Strait Islander person.
- Implement quality assurance and audit mechanisms in each department with responsibility for child protection outcomes.
- Merge the Child Guardian and the Adult Guardian (to become the Public Guardian of Queensland) from 1 July 2014. The role of the Child Guardian will be refocussed to provide individual advocacy.
- Have 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.
- Evaluate current reforms and further reduce red-tape including:
  - Transferring employment screening (Working with Children Checks, known as the “Blue Card” scheme) to the Queensland Police Service and further streamline.
  - Considering ceasing the licencing of care services.
  - Streamlining the carer certification process.

8. **Children and the legal system & legislative review**

Thirty-eight recommendations relate to children and the legal system and to legislative review.

A few of the key recommendations in these areas include:

- From early 2014 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.
- Propose amendments to the *Child Protection Act 1999* to forbid the making of one or more short-term orders that extend beyond two years, unless it is in the best interest of the child; and allow the Court to join proceedings for siblings.
- Establish an independent statutory agency, the Director of Child Prosecution.

Download the Queensland Government’s response to the Child Protection Commission of Inquiry final report here.

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