



The Hon Rob Lucas
Government of South Australia
Treasurer
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Dear Treasurer

I refer to your response, dated 27 January 2022, to Child and Family Focus SA's *Policy Positions and Election Commitment Requests: South Australian Election 2022*.

I appreciate the consideration that the South Australian Government gave to these requests, and the detailed responses outlined in your reply.

Please find attached CAFFSA's reply to your position in relation to two Policy Positions in particular: The appropriate funding and support for the South Australian Child and Young Person's Visitor Scheme, and the proposal for a Reportable Conduct Scheme. I attach to this correspondence a paper prepared by CAFFSA with a detailed analysis of the need for the Reportable Conduct Scheme. This paper directly addresses some inaccuracies in your response regarding current arrangements in South Australia.

The Chair of the CAFFSA Board and I would welcome the opportunity to discuss these concerns with you, should you wish further detail.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R Martin', with a horizontal line extending to the right.

Dr Robert Martin

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1. Appropriate funding and support for the South Australian Child and Young Person’s Visitor Scheme

In 2016, Royal Commissioner Margaret Nyland recommended that the government legislate for a community visiting scheme for children and young people living in residential care. Although the Commissioner’s recommendation arose from the investigations of the Royal Commission, it followed years of advocacy by the Guardian and others for the establishment of a funded, independent visiting scheme. Like any scheme for with such important reach, it requires adequate resourcing to provide the independent contact and support to our state’s most vulnerable children and young people.

Whilst your response cites the \$1.9M per annum made available to the Office of the Guardian for Children and Young People, it does not recognise that this funding is fully utilised undertaking the other functions of the Guardian and a substantial proportion of this funding can only be used for specific purposes that are not inclusive of a Reportable Conduct Scheme. CAFFSA also notes that the scheme was originally introduced with significant funding as a trial for two years, demonstrating that the Government recognises the substantial resources required to administer such a scheme.

The Office of the Guardian for Children and Young People commissioned a review of their work last year and established a Business Case for the minimum funding needed to ‘deliver all legislated roles of the Guardian for Children and Young People’.

It included a budget of \$1.637 million for a Residential Care Visiting Scheme for 400 children (the number who were living in residential care properties at that time).

A Budget for a Child and Person’s Visitor Scheme – \$1.637m

- Staffing – 1 Manager, 12 Visiting Advocates
- Goods & Services – for Recruitment, Training & Development, Travel, ICT, Consumables, Business Support
- Tasks – Pre-Visit Scheduling & Preparation, Review of Records, Visit, Post-Visit Reporting, Post-Visit Advocacy & Follow-Up, Data Collation and Analysis, Systems Advocacy, Quarterly and Annual Reporting.¹

¹ [It’s time! The compelling case for a Visiting Scheme for residential care – OOGCYP \(SA\)](#)

CAFFSA believes public release of the funding required for the scheme and the accompanying rationale provides an even more compelling case for endorsing this recommendation. As the Guardian states:

Children and young people living in residential care are some of the most vulnerable kids in South Australia's out-of-home-care system. Compared with other children living in family-based care, they face a higher risk of physical and/or sexual abuse and emotional and psychological harm, related to their living circumstances.

How can it be that there is still no dedicated funding for regular, systematic visits to the 600+ children who are living in residential care in South Australia?

Whilst the measures you outlined in your response to CAFFSA Election Policy regarding appropriate funding for the Visitor Scheme are welcome, they do not address the scope or the intent of the Nyland Royal Commission's recommendation. CAFFSA remains firmly of the view that funding for this, along with a Reportable Conduct Scheme are vital for protecting the safety, welfare and wellbeing of some of this state's most vulnerable children and young people.

Implementation of a Reportable Conduct Scheme

The Treasurer's response to the CAFFSA's recommendation to implement a Reportable Conduct Scheme (RCS) in South Australia is to advise that the state *'has various existing mechanisms that enable government bodies or statutory officers to oversee aspects of child protection matters.'*

CAFFSA takes the position, however, that none of the existing mechanisms allow for a scheme that would provide independent oversight of the handling of child abuse and neglect allegations against all sector employees and volunteers. Such a scheme needs to oversee the prevention and response to allegations of child abuse and misconduct by employees and volunteers of a broad range of organisations and institutions. This is vital because there is currently no agency in South Australia that collects and retains information on allegations of all forms of child abuse and neglect, regardless of whether it meets the criminal threshold. As a result, people with a long history of allegations made against them can move across sectors or organisations as staff or volunteers, with no way of organisations knowing this. There is also no organisation with the mandate and resourcing to build the capacity of the sector to improve their monitoring and response to allegations of all forms of child abuse.

Your response also notes that these existing mechanisms were *'tested and strengthened following the Royal Commission into Institutional Responses to Child Sexual Abuse.'*

CAFFSA does not believe that this strengthening is sufficient to adequately protect children and young people in South Australia. The attached paper, *CAFFSA Election Policy Position: Introduction of Reportable Conduct Schemes, January 2022*, examines the South Australian Government's response to the recommendation to establish a Reportable Conduct Scheme by the Royal Commission into Institutional Responses to Child Sexual Abuse, and identifies a number of inaccuracies.

None of the agencies cited in the SA Government's response currently have a legislative base that would allow for a comprehensive reportable conduct scheme. They do not provide for reporting of all forms of child abuse and neglect and the more recently accepted broader categories of adults who work closely with children are not covered in their governing legislation.

CAFFSA's view is that a Reportable Conduct Scheme needs to be an agency that is independent of Government with sufficient power and authority to carry out the aims and objectives of the Scheme. It would preferably be a body with expertise in investigations and not likely to give rise to a conflict of interest – ie: does not provide services or necessitate a 'relationship' with children and young people. It is also imperative that it is sufficiently resourced given the breadth and depth of the work.

The response forwarded by the Treasurer on behalf of the South Australian Government indicated that *'...a detailed scoping study was conducted into the need for a Reportable Conduct Scheme (RCS) in South Australia. The review was undertaken in consultation with bodies and statutory officers with responsibility for the safety of children.'*

Outcomes presented to the Attorney General in March 2020 acknowledged that the system had already undergone substantial reform, that a RCS would require significant legislative and administrative change for a service that would likely add little value as other mechanisms for oversight already exist through the Working With Children Check and Child Safe Environment Requirements.'

CAFFSA believes that the oversight provided through the Working with Children Check and the Child Safe Environment Requirements does not allow for the adequate provision of information described earlier. To reiterate, these mechanisms do not provide for the collection and retention of information on allegations of all forms of child abuse and neglect, regardless of whether it meets the criminal threshold. As a result, people with a long history of allegations made against them can move across sectors or organisations as staff or volunteers, with no way of organisations knowing about their history. There is also no organization that currently has the capacity to assist agencies to improve their monitoring and response to allegations of all forms of child abuse.

The Treasurer's response to the recommendation of the introduction of a Reportable Conduct Scheme concludes with the statement: *'Further consideration of a RCS will be deferred until South Australia's new child protection mechanisms have matured, and there is better understanding of these measures and the benefits or otherwise of establishing a RCS. Deferment will also enable South Australia to observe RCS's established interstate and draw on best practise if it ultimately decides to establish a RCS at a later date.'* It is CAFFSA's view that organisations providing care in South Australia, and the children, young people and families receiving this care, should not be made to wait until the 'benefits or otherwise' of a Reportable Conduct Scheme are determined. The benefits were clearly articulated in the Royal Commission and have now been introduced in a number of States and Territories. CAFFSA believes the time to commit resourcing to a suitable agency to introduce a Reportable Conduct Scheme is now.

Attachment: CAFFSA Election Policy Position: Introduction of Reportable Conduct Schemes, January 2022