



The PACT Foundation
Protect All Children Today Foundation
(auspiced by PACT Inc.)

RECEIVED
- 5 NOV 2012

BY:.....

1 November 2012

The Honourable Tim Carmody SC
Queensland Child Protection Commission of Inquiry
PO Box 12196
George Street
BRISBANE QLD 4003

Dear Commissioner Carmody

In recent conversation with Ann Daniels I had indicated that the PACT Foundation, as it will be known in late December/early January and PACT (Protect All Children Today) who are the current auspicing body for the Foundation, may take a preliminary position on the reform of the child protection system in Queensland.

I indicated we would do this by foreshadowing some of the potential recommendations we are considering.

Whilst we reserve the right to change our position once the Foundation Board is operational, we have formed the view that given the complexity of the Commission's task (and the plethora of information and avenues open for the Commission's consideration and deliberation), that it may be of assistance to inform the Commission of the direction of our thinking and including a small amount of the rationale without weighing the Commission down with the detailed submissions at this stage.

We would be happy to make ourselves available to discuss our preliminary position or in the event that it is more appropriate, we look forward to providing a detailed submission and our final recommendations for consideration.

Having spent over 20 years interacting with and in various roles within the child protection system across the eastern seaboard, I support the work of the Commission and recognize the complexity of the task.

We trust the attached prove useful.

Yours faithfully

Nicholas Tucker
on behalf of PACT Inc.
on behalf of The PACT Foundation

Preliminary Recommendations

1. Decentralisation of the child protection function into the communities.

- 1.1. The traditional model of centralised service delivery revolves around a structured bureaucratic response to child protection needs within a rigid policy framework.
- 1.2. These models do not adapt to community needs, neither are they flexible enough to accommodate Indigenous issues or traditional law.
- 1.3. A return to the community based model of service delivery within a clearly articulated legislative framework is seen as a significant but necessary change to assure a relevant response to the individualised protective needs of children in the context of the community in which they live.
- 1.4. Under this model, local government areas and jurisdictions would assume the responsibility for the delivery of services that are deliberately individualised to local areas, but bound together and audited against a strong legislative framework.
- 1.5. This model also provides scope for the election of child protection officials as required to ensure optimum child protection and support.

2. Elevation of the status and decision making capacity of child protection workers allowing them to make proactive decisions. The abandonment of structured decision making.

- 2.1. Decision making capabilities of child protection workers has been a recurrent issue over the last 30 years.¹ In order to address the inconsistency of decision making and identify children who are at risk and requiring urgent intervention a number of different risk assessment tools have been developed. One of these being the Structured Decision Making (SDM) tools, which was developed by the Children's Research Centre in Wisconsin, USA.² This process was implemented across Queensland in 2005 to improve consistency and validity in the assessment process.³
- 2.2. A study conducted on the effectiveness of SDM tools in child protection matters in Queensland, found that these tools did not improve consistency of decision making nor assist with targeting children most in need of intervention.⁴ Practitioners stated that the tools could oversimplify the complexity of the children's circumstance and often the tools were used post the decision as more of an administrative task, rather than to assist in decision making. Furthermore, it was found that there was a relationship between good practice due to qualifications and experience and poor practice as a consequence of less experience.
- 2.3. The results of this study would indicate that in order to improve child protection practices staff should have obtained an appropriate level of tertiary training and practical experience. In line with the previous recommendations. This would allow them to make professional, proactive decisions for all children whose circumstances may reveal risk factors that require urgent intervention.

¹ Reder and Duncan, 'Making the most of the Victorian Climbié Inquiry Report' (2004) 13 *Child Abuse Review* 95.

² Baird, C, Wagner, D, Caskey, R, Neuenfeldt, D, 'The Michigan Department of Social Services Structured Decision Making System: An Evaluation of Its Impact on Child Protection Services' (1995) Children's Research Center < <http://nccdglobal.org/publications?tagid=59>>

³ Gillingham, P, Humphreys, C (2010) 'Child Protection Practitioners and Decision-Making Tools: Observations and Reflections from the Front Line,' *British Journal of Social Work* 40, 2598-2616.

⁴ Gillingham, P, 'The Use of Assessment Tools in Child Protection: An Ethnomethodological Study' (2009) University of Melbourne <[http:// repository. unimelb.edu.au/10187/4337](http://repository.unimelb.edu.au/10187/4337)>

3. Enhancement of child protection legislation and procedures manuals to provide consistency across Queensland as opposed to centralization of authority and structured decision making.

3.1. In line with the previous recommendations both the existing legislation and policy frameworks need to be reviewed through widespread consultation with the community, policing and government sectors.

4. Decentralisation of funding from government agencies and the enmeshment of child protection workers into selected community bodies within local government areas.

Response covered previously in recommendations 1 and 2.

5. Structured external review process.

5.1. The development of a structured review process that allows the accreditation of workers, local government administration and the audit of case management practices against the legislative framework is required to ensure best practice.

5.2. The enhancement of the children's court jurisdiction and increased training for judicial officers to provide accessible judicial oversight is also recommended.

5.3. An expansion of legal aid and/or other funding to ensure that parents and adults are not unrepresented in matters involving children who are considered within their immediate family, or with whom they have a direct care responsibility or are their biological parent.

5.4. An expansion of the role of court services currently within the Department of Communities including a review and audit of existing court services throughout Queensland to ensure optimum client access to services and the allocation of funding to jurisdictions and geographical areas of most need.