



Hon Simone McGurk MLA
Minister for Child Protection; Women's Interests;
Prevention of Family and Domestic Violence; Community Services

Our ref: 74-14709
Your ref: 524/2017

Ms Dawn Wright
Manager Listings
Office of the State Coroner
Central Law Courts
Level 10, 501 Hay Street
PERTH WA 6000

Dear Ms Wright

Thank you for your correspondence received 31 July 2020 regarding the Coroner's Finding's following the inquest into the death of Child RM. I apologise for the delay in my response.

The Department of Communities (Communities) is committed to protecting children and young people from harm and to improving their operations to ensure our most vulnerable community members are supported to live in a safe and secure environment.

Since the tragic death of Child RM, Communities has commenced implementation of a number of significant organisational, structural and policy reforms focused on improving services and delivering better outcomes to vulnerable community members including children in the care of the Chief Executive Officer. These include but are not limited to:

Earlier Intervention and Family Support

The new Earlier Intervention and Family Support (EIFS) program has a focus on parenting and family functioning with the aim of bringing about nurturing and safe environments for children. It offers support around family preservation and reunification and can offer assistance and expertise in many areas, with priority given to Aboriginal families.

Establishment of a Specialist Child Protection Unit

The establishment of a Specialist Child Protection Unit aims to provide a more focused and coordinated approach to address systemic issues impacting on child protection practice and cultivate a more consistent, supported and effective child protection function. The unit is an opportunity to provide a leading voice on child protection matters, both within Communities and across the sector.

Consultation on the roles and functions of the unit has occurred, with feedback received to date indicating support for the establishment of the unit from both staff and



external stakeholders. It is anticipated that the Unit will be up and running by the end of 2020.

Out of Home Care

Through the Out of Home Care (OOHC) reform, Communities is to commence a co-design for a 'Complex Community Care' service. This service will provide therapeutic care arrangements for young people with complex needs. This includes young people:

- with extreme behaviours who pose a significant risk to themselves and/or others
- with a significant disability who require substantial assistance (including young people who are fed via percutaneous endoscopic gastrostomy), and
- on justice orders (including community-based orders) or released on bail.

It is envisioned this service will operate as a step down from Secure Care and the service will work closely with Secure Care to plan for a supported transition.

Cultural requirements and partnerships

A goal of Communities is to have more Aboriginal Community Controlled Organisations (ACCO) providing OOHC services and that all OOHC services will be culturally safe and responsive to the needs of Aboriginal children in care. Communities, in partnership with ACCOs and community, is developing minimum partnership requirements. These minimum requirements will form part of all new OOHC contracts.

Aboriginal Family Led Decision Making

Earlier this year I announced that Communities would undertake a pilot of Aboriginal Family Led Decision Making (AFLDM) and we have committed \$715,000 to progression this work. AFLDM is a model that creates a culturally safe space for family and extended family to provide input into decisions regarding their children, and for these decisions to be made in a culturally appropriate way.

The trial will include a focus on preventing infants from coming into care by keeping them safe with their parents and families. Other cohorts that may be part of the trial include children on protection orders (time limited) where the Department of Communities is working towards reunification and strengthening cultural support planning, and children whose families are working with the department's intensive family support teams to prevent them from entering care.

The pilot is intended to run for 12 months into 2021, with an evaluation to be undertaken to measure its impact on the experiences and outcomes for Aboriginal children and families.

Stronger focus on engaging with Aboriginal families and Organisations

Since the Machinery of Government amalgamations, Communities has placed a greater focus on engaging with Aboriginal families and organisations to bring about strengthened partnerships in providing safety for Aboriginal children. Communities has implemented a senior leadership structure with the addition of an integrated and effective community service delivery led by a Deputy Director General and a newly formed Aboriginal Outcomes division providing a cultural focus to delivering better outcomes.



The Aboriginal Outcomes division is leading several strategic initiatives that support improved cultural competence in the way Communities works:

- A framework to explore and develop local networks and partnerships with businesses and organisations that contribute to Aboriginal social and economic opportunities.
- The Aboriginal Cultural Capability Reform Program (ACCRP) will lead the development of a culturally competent workforce that recognises and appreciates Aboriginal values and traditions and includes understanding how culture influences behaviours, as well as interpretations and evaluations of behaviours.

Establishment of the Aboriginal Cultural Council

The Aboriginal Cultural Council (the Council) supports Communities to exercise governance, strategy and responsibilities within a culturally secure framework. The Council's role is to provide advice to the Communities Leadership Team.

Recommendations

I provide the following response to the recommendations made by the Coroner as an outcome of the Inquest into the death of Child RM:

Recommendation 1

The Department should consider whether the Children and Community Services Act 2004 should be amended to provide for a maximum secure care placement of greater than 42-days.

A secure care arrangement may be made for a child in care where there is an immediate and substantial risk of the child causing harm to themselves or another person and there is no other suitable way to manage that risk and ensure the child receives the care that they need.

The support provided at the Kath French Secure Care Centre may include, where necessary, periods of stay in secure care of up to 21 days and these periods can be extended for a further 21 days if there are exceptional reasons for doing so, in accordance with statutory requirements.

The legislative intent (as provided in the Second Reading speech) is that a secure care facility is not to be used for punitive purposes, a placement or bail option, or as an alternative facility for the treatment of children or young people who otherwise require psychiatric intervention and management.

The aim of secure care admission is to stabilise young people and keep them safe while developing a suitable plan to address their needs and return to the community. The focus is a multi-agency response to assess complex needs and ensure that transition plans are developed, and services provided to support the child's return to a suitable placement. The Kath French Secure Care facility works closely with the relevant Child Protection District to ensure a co-ordinated response to the care and support for young people is provided.



Both the 2017 Review of the *Children and Community Services Act 2004* (the Act) and the subsequent Evaluation of the Centre in 2019 (which arose from recommendations of the Review) support the current timeframes under the Act.

Communities supported the retention of the current timeframes for secure care and a key finding of the Evaluation Report – *that no child should be deprived of their liberty unless as a measure of last resort and then for the shortest appropriate period of time to stabilise the child.*

Communities accepted the finding made in the 2019 Evaluation of the Centre, that there is limited compelling evidence that the current maximum timeframe for secure care should be extended.

Following the Coroner's Recommendation, Communities will continue to monitor the the maximum timeframes for secure care.

Recommendation 2

In order to adequately address the needs of young people with complex/extremely complex needs, including those transitioning from secure care, the Department should fast-track the implementation of its proposed complex community care service (the Service). Given the obvious and urgent need for the Service, the current endorsed commencement date, namely the last quarter of 2023, is manifestly inadequate as is the Department's "accelerated" start date of July 2022 which currently under consideration.

Communities is committed to increasing placement options for children with complex needs.

Communities supports in principle the recommendation and is committed to supporting the safety and wellbeing of young people and ensuring that there are adequate supports to address the extremely complex needs of young people transitioning from secure care. Communities is currently reviewing the scheduling of the Out of Home Care Reforms (the Reforms), including the fast-tracking of the implementation of the proposed complex community care service through the Reforms. In addition, Communities is also currently implementing the recommendations of the 2019 Evaluation of the Kath French Secure Care Centre.

Recommendation 3

In order to ensure the cultural safety of children and staff at the Kath French Secure Care Centre (the Centre) and to provide staff with access to a high level of cultural competence the Department should, as a matter of urgency, endorse the business case submitted by the Director, Secure Care on 24 January 2020 and take all necessary steps to employ a cultural therapeutic specialist at the Centre.



The Business Case for the proposed position has been completed and is progressing through the Department of Communities approvals process.

Thank you for bringing this matter to my attention.

Yours sincerely

HON SIMONE McGURK MLA
**MINISTER FOR CHILD PROTECTION; WOMEN'S INTERESTS;
PREVENTION OF FAMILY AND DOMESTIC VIOLENCE; COMMUNITY SERVICES**

9 November 2020