

QUEENSLAND COMMISSION OF INQUIRY CHILD PROTECTION

Queensland Police Service Submission



Name of Department: Queensland Police Service

Director-General: Commissioner of Police, Ian Stewart

QCPCI

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List of Acronyms

<u>Acronym</u>	<u>Title</u>
AMP	Alcohol Management Plan
ANCOR	Australian National Child Offender Register
CAO	Court Assessment Order
CAP	Competency Acquisition Program
CCYPCG	Commission for Children, Young People and Child Guardian
CDCRC	Child Death Case Review Committee
CIB	Criminal Investigation Branch
CMC	Crime and Misconduct Commission
CPA	<i>Child Protection Act 1999</i>
CPIU	Child Protection and Investigation Unit
CPN	Child Protection Notification
CPO	Child Protection Order
CSDN	Child Safety Directors Network
CSO	Child Safety Officer
CSS	Child Safety Services
CSSC	Child Safety Service Centre
DETE	Department of Education, Training and Employment
DFV	Domestic and Family Violence
DPP	Director of Public Prosecutions
HOF	Helping Out Families
ICARE	Interviewing Children and Recording Evidence
ICM	Information Coordination Meeting
IT	Information Technology
JAB	Juvenile Aid Bureau
OPM	Operational Procedures Manual
PIC	Police Information Centre
PPRA	<i>Police Powers and Responsibilities Act 2000</i>
PSAA	<i>Police Service Administration Act 1990</i>
QH	Queensland Health
QPS	Queensland Police Service
RCF	Residential Care Facility
RE	Recognised Entity
RIS	Regional Intake Service
SCAN	Suspected Child Abuse and Neglect
SDM	Structured Decision Making
TAO	Temporary Assessment Order
YJA	<i>Youth Justice Act 1992</i>

Executive Summary

The Queensland Police Service (QPS) regards the Queensland Child Protection Commission of Inquiry as a valuable opportunity to seek to improve the Queensland child protection system. As an active stakeholder within that system, the QPS hopes this submission will provide the Commission of Inquiry with quality information aimed at supporting systemic reform to improve outcomes for children and families in Queensland. This submission addresses a number of areas where the QPS sees opportunities to enhance the current child protection system. The submission provides an overview of the QPS and the role of police in the child protection system. It addresses each Inquiry term of reference, and incorporates feedback on issues raised in evidence, submissions, and issues papers published by the Inquiry. Finally, it provides feedback to questions posed by the Commission in its February 2013 Discussion Paper.

Role of Police

QPS delivers a statewide 24 hour, seven day a week policing service including a first response to reported crime. This service has continued during a time of rapid population growth which has increased demands for services and placed pressures on the allocation of available policing resources.

The QPS operates predominantly in the tertiary section of the child protection system. The role of the QPS in the child protection system, through specialist Child Protection and Investigation Units (CPIU) is principally the investigation of crimes committed against children. Generally investigations fall into the broad categories of sexual abuse, physical abuse, and serious neglect where there is a suspected criminal offence. The QPS' primary contribution to the child protection system is the provision of investigative expertise, and where necessary placing matters before the criminal courts.

The CPIU role extends beyond functions associated with the child protection system. In addition to investigating allegations of intra-familial abuse, the CPIU is responsible for the investigation of extra-familial abuse (offences committed against children) and criminal offences committed by children. Extra-familial investigations encompass, as well as 'traditional' child abuse investigations, systemic targeting of networked paedophilia, and compliance management of registered sex offenders within the Australian National Child Offender Register (ANCOR) system.

Inquiry Terms of Reference

Areas of concern addressed in this submission include:

- clearer definition of the role of QPS within the child protection system
- reform of the legislation formalising the State's child protection system;
- review of intake and service delivery models, including reporting and notification models; and
- more effective partnership approaches, including interagency operability and joint investigations;
- information sharing; and
- agency capacity and workload issues.

In particular, the submission provides information and recommendations aimed at achieving a more refined legislative framework encompassing clearly articulated themes, definitions, powers and roles that establish a platform from which the QPS

can work collaboratively with key partner agencies, share information and undertake our core duties of investigating offences involving children. In particular, the QPS seeks to consolidate police powers currently in the *Child Protection Act 1999* (CPA) to the *Police Powers and Responsibilities Act 2000* (PPRA), to ensure all the police powers and responsibilities in relation to child protection activities are readily identifiable for all police officers.

The submission places significant weight on the information sharing issues that have resulted from differing interpretations of the legislation. It also discusses the QPS policy in relation to referral of children to Child Safety. In making referrals in accordance with sections 9 and 10 of the *Child Protection Act 1999* (CPA), it is QPS policy to refer any child exposed to domestic violence to Child Safety. This referral is made on the basis that the child may be at ongoing risk of, cumulative, harm, such is the nature of domestic violence.

The submission also discusses issues and options in relation to intake and referral systems, addressing workload issues identified by Child Safety Services (CSS), and their expressed concerns about the high number of referrals from professional reporters (police, health, education officers). While the Commission Discussion Paper posits options for intake (a dual referral option, or single entry referral to a non-government organisation), the QPS supports a model similar to the differential pathways model proposed by CSS. In this model, all referrals will continue to be made to CSS, whose officers have the expertise and access to relevant information, for initial assessment and appropriate allocation. This model will not require legislative change, will allow for early identification of children at immediate risk of harm, and will streamline the processes for commencing joint investigations with police when required. The model will also allow for referrals of children and families in need to the most appropriate services, based on the identified need.

The submission discusses the importance of joint investigations and the building and maintenance of positive working relationships with other stakeholders. This discussion also includes commentary about the role of the Regional Intake Services, and of the Suspected Child Abuse and Neglect (SCAN) Team System.

Comment is also provided regarding the secondary service system and early intervention strategies, both of which are considered essential components in a reformed system, which are more focussed on holistic assessment, ongoing support and more meaningful interactions between child protection practitioner and clients of the system, and which are likely to result in a reduction in the number of children entering the statutory child protection system.

While it is acknowledged that the issues discussed in this submission are complex, proposals are offered to address the identified issue. One such proposal is the development of enhanced information technology pathways to share information and standardise and streamline referral to other agencies.

The submission provides a detailed summary of some of the issues confronting police in relation to children accommodated in residential care facilities, including the multiple calls for service to police when children cannot be controlled, commit offences, or run away from the placement. The submission proposes the consideration of alternatives to residential care for high and complex needs children that will meet their needs and also improve the safety and security of other members of the community.

It is hoped that recommendations and reforms which may result from the current Commission of Inquiry will provide a refined legislative framework encompassing clearly articulated themes, definitions, powers and roles that establish a platform from which the QPS can work collaboratively, share information and undertake our core duties of investigating offences involving children.

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Introduction:

The Queensland Police Service (QPS) aims to deliver quality policing services to the people of Queensland with an overarching focus on making our State a safe and secure place.

The QPS has a long history of commitment to the protection of children within our communities. From the creation of the Juvenile Aid Bureau (JAB) in 1963 to the present response capability of the Child Protection and Investigation Unit (CPIU), the QPS has continued to develop specialist staff capable not only of providing a forensic response to child protection issues, but of also contributing to the prevention and intelligence lead targeting of activities which pose risk to children. It should also be noted that child protection forms only one part of a myriad of QPS organisational responsibilities aimed at ensuring a safer community.

Just as child protection policing forms one part of a larger organisational responsibility, so too child protection issues form part of a larger social system, linked to health, education, housing, infrastructure, and employment. Many of these issues, along with factors such as substance abuse, family violence and mental health, are contributors to, or precipitators of, reports of child harm.

The QPS acknowledges that deficiencies exist within the current child protection system and has consistently participated with partner agencies in discussions and development of options regarding possible system reforms. In addition to being an integral stakeholder in the child protection system, the QPS also maintains representation in critical multi-agency child protection forums, such as the Child Safety Directors Network (CSDN), the Child Death Case Review Committee (CDCRC), and Suspected Child Abuse and Neglect (SCAN) Teams.

On a broader scale, QPS participates in national policing forums, such as the Australia New Zealand Policing Advisory Agency (ANZPAA) - Child Protection Working Group, which supports a national policing focus on child protection issues. Through these forums, and as a proponent for the enhancement of the broader child protection system, the QPS endeavours to ensure that child protection services are meeting the needs of children in Queensland.

This submission focuses on the key aspects of the child protection system where it is considered meaningful change will not only clarify and refine the role the QPS plays within the system, but also bring about quantifiable benefits for all stakeholders, in particular the children of Queensland. It is acknowledged that reforms arising out of this Commission of Inquiry must be aimed at enhancing the child protection system well into the future, while at the same time being affordable within the current economic climate. This submission will also seek to address some of the options and issues raised in the Commission's Discussion Paper of February 2013, and issues papers of September and October 2012.

To date, the QPS has provided information and material to the Commission through direct evidence (including by Commissioner Stewart, QPS Child Safety Director Detective Superintendent Harsley, regional senior sergeants in charge of child protection investigation units, and those with responsibility for child protection policing, such as officers within remote communities), statements of witnesses, and documents pertaining to the policies and practices of the organisation as they relate to child protection activities. This submission reinforces and expands upon the views and policies espoused in the information provided.

The QPS appreciates the opportunity to provide this submission to the Queensland Child Protection Commission of Inquiry as a vehicle by which to make a contribution to the enhancement of the child protection system.

Queensland Police Service role and functions:

QPS Renewal Program 2013:

On 7 January 2013, the Police Commissioner announced a restructure and renewal program for the Service, to be implemented by 1 July 2013. The new QPS vision is "members of the community work with Queensland Police to stop crime and make Queensland safer", with the Service objectives to stop crime, make the community safer (including stopping road trauma), and build relationships across the community.

The key aims of the program are to:

- increase community safety and stop crime;
- increase officer safety and improve officer morale;
- achieve more efficient and effective service delivery;
- reduce fear of crime; and
- increase accountability.

The review of the Service found "*in the western world policing remains a 24/7 service delivery business but demand has increased dramatically. This has been largely because of increased community expectations due to improved standards of living and through the specialised, specific and complex nature of changes to the law and technology, and opportunities for criminals.*"

The focus of the restructure is to "*free up our police as much as possible from unnecessary bureaucracy and from some calls for service responses so more police are available:*

- *to be present in places and to target people and crime types that pose risk to the community;*
- *to deploy rapidly to incidents that require a quick response;*
- *to undertake complex criminal investigations particularly targeting serious crime or organised crime groups; and*
- *for ready deployment to planned and unplanned events."*

Once the renewal program is implemented, the Service will not have the capacity to fill gaps in service delivery that are not a core function of the QPS. The QPS is intent on providing services to meet its vision and objectives. A key activity in the immediate future is to develop a demand management strategy which articulates the services that will (or won't) be provided by the Service. Consideration may be given to delivering services that are not core functions on a cost recovery basis if no viable alternative can be negotiated.

In relation to the child protection system, the QPS reinforces its commitment to providing enhanced investigative policing responses to offences committed upon children, and to collaborating with partner agencies to ensure the safety and wellbeing of Queensland children.

Attachment A outlines the proposed organisational structure of the QPS. This structure clearly highlights the vast and diverse roles undertaken by police in Queensland.

The Role of the QPS:

The QPS is the primary law enforcement agency for the state of Queensland. Section 2.3 of the *Police Service Administration Act 1990* (PSAA) outlines the QPS functions, which include the preservation of peace and good order, the prevention and detection of crime, and the protection of all communities in the State and all members of those communities. Officers predominantly exercise powers under the provisions of the *Police Powers and Responsibilities Act 2000* (PPRA) and are guided by policy contained in the Operational Procedures Manual (OPM). Officers also administer functions and exercise powers under a broad range of State and Commonwealth legislation. QPS delivers a 24 hour, seven day a week policing service including a first response to reported crime. This service has continued during a time of rapid population growth which has increased demands for services and placed pressures on the allocation of available policing resources.

In his statement to the Queensland Child Protection Commission of Inquiry, (then Deputy) Commissioner Stewart highlighted that the growth of powers and obligations contained in the PPRA demonstrates the expanded legislative responsibilities placed on QPS members since the inception of the PPRA. Hooning, organised crime, and 'blue card' legislation are good examples of how policing continues to expand and evolve.

General duties police officers provide the first response to the community with regional services supported by specialist units including CPIU and Criminal Investigation Branches (CIB) that investigate criminal offences. Both first response general duties officers and specialist investigation units (CPIU and CIB) provide a decentralised law enforcement response across the State.

The Role of the CPIU:

The CPIU format is unique in Australia and is staffed by highly trained, skilled and professional investigators. All police regions have CPIU officers who provide a specialist policing response, primarily focused on the investigation of criminal matters pertaining to child protection and youth justice issues. These dedicated officers provide an ongoing response to the safety of children within the community, where a situation has escalated to a point when police are required.

The QPS operates predominantly in the tertiary sector of the child protection system. The role of the QPS in the child protection system is principally the investigation of crimes committed against children. Generally investigations fall into the broad categories of sexual abuse, physical abuse, and serious neglect where there is a suspected criminal offence. The QPS' primary contribution to the child protection system is the provision of investigative expertise. Where there is no CPIU office where the investigation is to occur, the local CIB will assume responsibility for the investigation. If there is no CIB office, general duties police will undertake the investigation (at least initially) with specialist assistance provided remotely.

The CPIU role extends beyond functions associated with the child protection system, which responds when there is no parent willing and able to protect the child (primarily intra-familial abuse). In addition to investigating allegations of intra-familial abuse, the CPIU is responsible for the investigation of extra-familial abuse (offences committed against children) and criminal offences committed by children. The role and functions of the CPIU has grown over time to accommodate government and community expectations and has increased responsibilities in response to legislative and policy change, responding directly to emerging social issues, and undertaking

work on behalf of other agencies, particularly after hours and in rural and remote areas where those agencies have no physical presence.

The evolution of the policing role and function means CPIU investigators now assume responsibility for a wider variety of duties than ever before, including the following:

- Criminal investigations involving children as victims, including:
 - Forensic interviewing of child witnesses;
 - Investigation of general child protection notifications, particularly sexual and physical abuse;
 - School based investigations;
 - Child death investigations;
 - Child exploitation investigations and other technologically facilitated crime;
 - Registration and ongoing monitoring of registered child sex offenders;
 - SCAN team core member responsibilities;
 - Screening and investigation of domestic violence matters involving children;
 - Blue card investigations and compliance activities;
 - Youth justice investigations, including conferences and diversions;
 - Missing juvenile investigations;
 - Assistance to interstate counterparts for child protection investigations;
 - Information management and release of information to other agencies;
 - Delivery of training and education to internal and external stakeholders;
 - General policing roles as required, including major events policing.
- **Emerging Issues for CPIU**
 - **Management of ANCOR offenders**

An example of the expanding role of the CPIU is the Australian National Child Offender Register (ANCOR), which requires police to monitor registered child sex offenders in the community. ANCOR has created significant workload on CPIUs around the State, with some officers being diverted to undertake a full-time role in ensuring that reportable offenders within their area of responsibility are complying with their reporting requirements, and are being appropriately monitored.

The Queensland Government has made a commitment to increase compliance and monitoring regimes in response to increased public expectations about monitoring reportable child sex offenders in the community. The monitoring and compliance management of reportable offenders is the responsibility of CPIU officers, resulting in increasing demand on the investigators. As the numbers of reportable offenders continues to grow, so too does the impost this area of work creates on CPIUs. As at 31 January 2013, there were 4,520 registered ANCOR offenders in Queensland.

- **Child Exploitation Investigations**

As previously stated, CPIU officers investigate child protection matters that relate to extra-familial abuse. These investigations rarely impact on the role of CSS unless it is identified that there is not a parent who is willing and able to protect the child from harm. Over the past decade investigations into extra-familial abuse, particularly sexual abuse investigations, have increased significantly due to the advent of technology-facilitated offending such as the production and distribution of child exploitation material. CPIU officers receive specific training to assist in these

investigations and due to the level of investigation required, these matters have significant resource implications.

The attributes of these crimes (accessing images and videos of children being abused – effectively crime scene images) trigger an immediate and thorough police response based on the crime scene evidence, which assists with the prosecution of offences and the identification of child victims subject to these crimes.

As part of their investigation, police are required to view the images and videos for the purpose of identifying the victim children depicted, and removing them from further harm. In response to the increase of this crime type, the QPS has established a specific Victim Identification Unit to ensure early identification and removal of victim children depicted in the images.

It is becoming more common for officers to find evidence of contact offences by the offender against children known to the offender, including their own children, resulting in an increase in intra-familial offences in this category. There appears to be a firm nexus between possession of child exploitation material and production of same (through committing and recording offences against a child known to the offender). This evidence of offending typically generates further investigations. The detection rate and solving of this type of crime continues to increase, as does the rate of identifying and removing children when they are exposed to harm from these types of activities. This crime type has truly emerged since 2005, and creates an obvious impact on resources as another area of work for CPIUs. In the majority of these cases, the offences being committed are extra-familial, so the children would not be referred to the child safety system, unless there was no parent willing and able to protect the child.

Due to the borderless nature of this type of offending, law enforcement agencies across the world work closely together to disrupt these activities. The QPS is receiving an increasing number of referrals from international law enforcement agencies for offences generated in Queensland, following an increasing focus on these offences in all jurisdictions and greater capacity for detection.

The very nature of the investigations undertaken by the CPIU means that it is difficult to devolve these duties to mainstream police due to the expertise required and the psychological welfare issues that may arise if this function was devolved.

- **Interstate Requests, and Major Events**

A further, less frequent but often time consuming, body of work undertaken by CPIU staff involves interstate inquiries and requests for assistance. Such inquiries include not only routine checks, but also the execution of orders from other jurisdictions akin to Queensland Child Protection Act orders. Invariably such duties can pose significant legislative uncertainty, particularly if agencies have limited understanding of the legal parameters under which their interstate counterparts operate.

There is also a significant impost created on resources from major events and special operations. For example, the annual Schoolies festival at the Gold Coast draws considerable resources from State Crime Operations Command and regional areas, including CPIUs. Events of this nature, while infrequent, require a multifaceted QPS response.

- **Child Protection / Youth Justice**

Traditionally CPIUs have played a major role in investigating and combating juvenile crime. This has been the preferred method of dealing with juvenile offenders, with CPIU staff being specifically trained and possessing a higher level of experience in enacting the provisions of the *Youth Justice Act 1992* (YJA) pertaining to restorative and diversionary justice measures. One of the key emerging issues for CPIU investigators includes the increased complexity and degree of offending by young people. Youth justice investigations are traditionally conducted by CPIU officers, who consider diversionary options as a first response to a young person's offending behaviour. The investigation of crimes committed by young people requires additional safeguards and procedures to be utilised to ensure the youth justice principles in the YJA.

Witnesses including Detective Senior Sergeants Glenn Horan and Peter Waugh, and Professor Janet Ransley have provided evidence to the Commission of Inquiry regarding the significant overlap between children known to both the child protection and youth justice systems. CPIUs have historically tried to maintain a balance between youth justice and child protection work in order to provide a specialist response to all matters in which children have either committed offences or had offences committed against them. However, a recent CPIU work needs analysis has revealed that the time available for CPIUs to devote to youth justice investigations is decreasing as the volume of child protection matters increases and the investigative role of the QPS within the child protection system continues to be prioritised.

The extraneous duties and escalation of CPIU workload as outlined above, means that CPIUs have less opportunity to attend to youth justice investigations and thus may not have the desired degree of interaction and engagement with children in the overlapping child protection and youth justice systems. Working with young people who are involved in both systems allows police to attempt to address deteriorating behaviours at an early stage. The inability to devote time to such matters also means that the 'overflow' of youth justice investigations the CPIU do not have capacity to deal with, are devolved to other police.

Competing priorities across the aforementioned areas of work creates a significant workload for investigators within the CPIU. Therefore any proposal to devolve additional responsibilities to police will erode the capacity of police officers to perform their core policing functions.

CPIU Staffing:

As at 1 January 2013, there were 10,846 police officers in Queensland. Commissioner Stewart provided evidence to the Commission of Inquiry regarding the number of staff specifically allocated to child protection activities within the QPS. As at 1 January 2013 the QPS approved strength for police officers specialising in roles involving child protection was 573, and actual strength was 525. This is comprised of specialist CPIU and SCAN staff throughout the state; and a central team of specialist detectives who deal with complex cases (the Child Safety & Sexual Crime Group). These figures are represented in the table below:

Allocation	Approved Strength	Actual Strength
SCOC - CSSCG	80	74
CPIU (36 Units)	474	432
SCAN (14 Units)	19	19
Total	573	525

When viewed in the context of the vast array of duties undertaken by police working within the realm of child protection as outlined above, these figures demonstrate that the responsibility for completing this volume of work rests with a relatively small proportion (approximately 5%) of QPS personnel. This workload presents significant challenges in terms of resource allocation, prioritisation and the ongoing psychological wellbeing of staff. Balancing these work needs requires CPIUs to be dynamic and flexible, while trying to remain vigilant in terms of giving core policing duties the highest priority, which has always centred on the provision of a specialised policing response to children, both as victims and offenders.

Training:

Training is a pivotal component of police work and is particularly relevant for CPIU officers due to the specialised nature of their duties. This in itself also creates an issue in terms of allocating time to complete such training, maintaining mandatory training qualifications and completing specialised training as the need arises.

As outlined in the evidence to the Commission of Inquiry by Detective Superintendent Harsley and several other officers, officers selected to perform duty within the CPIU undertake a rigorous selection process, including psychometric testing to assess their suitability for the role, and are subject to specialist training to perform the roles of a CPIU officer. Most officers commencing work in a CPIU have about five years of general duties policing experience.

Unless already qualified, on appointment to a designated CPIU position officers are required to complete the Detective Training Program as a qualification for appointment to Detective status. This program is not unique to CPIU staff and is mandatory for all staff being selected to undertake plain clothes, investigative roles within the QPS. Officers who successfully complete the program receive an Advanced Diploma of Public Safety (Police Investigations). The program requires an officer to attend three residential phases at the Queensland Police Academy in combination with workplace assessment and competency achievement. On average, a Detective appointment can take up to four years to attain.

Various units of compulsory training are required of all members of the QPS including CPIU officers. Compulsory training includes operational skills and tactics, and training in relation to legislative and policy amendments such as Domestic and Family Violence-legislation, QPS pursuit policy and ethics training.

Additionally, officers wishing to progress to higher ranks within the organisation are required to complete Management Development Programs which are conducted via distance education with some residential components.

Other training provided for officers in the CPIU in order to impart the knowledge and skills required for CPIU officers to complete their duties includes:

- Interviewing Children and Recording Evidence (ICARE) training
 - 140 hours made up of pre- & post-course assessment and 40 hours face to face training
- CPIU workshop (80 hours)
- Competency Acquisition Program (CAP) units including
 - Child Protection: Law and Procedures (10 hours)
 - Child Protection: Investigation and Issues (10 hours)

- Sexual Offences: Investigation (10 hours)
 - Sexual Offences: Legislation (10 hours)
- Blue Card Workshop (6 hours)
- Child Protection Offender Reporting Workshop (8 hours)
- Child Protection Offender Reporting – Online learning (3 hours)
- Investigative Interviewing
 - Level 1 – Face to face course (24 hours)
 - Prerequisites
 - Investigative Interviewing: The Theory behind the practice (8 hours)
 - Investigative Interviewing: Compliance and Safeguards (4 hours)
- Responding to Sexual Crimes Online Learning (4 hours).

Also considered necessary for CPIU staff are workshops and training in the use of technology to assist investigations relating specifically to 'cyber' crime. Such investigations can range from grooming type offences to the production and distribution of child exploitation material (many of which are Commonwealth offences). Because of the nature of technology today, the need to skill staff and regularly update training is of paramount importance.

The QPS appreciates that the role of the QPS within the child protection system may be an area of consideration and comment for the Commission of Inquiry. Any proposal for the expansion of the role of the QPS in the child protection system would need to be considered in the context of the delivery of all policing responsibilities. To further illustrate the position of the QPS in relation to these issues, additional information will be provided later in this submission addressing the Commission of Inquiry's specific terms of reference.

QPS Response to Inquiry Terms of Reference

Term of Reference a)

a) Reviewing the progress of implementation of the recommendations of the Commission of Inquiry into Abuse of Children in Queensland Institutions (the Forde Inquiry) and Protecting Children: An Inquiry into Abuse in Foster Care Crime and Misconduct Commission Inquiry

The QPS has supported the ongoing reform of Queensland's child protection system since the Forde Inquiry and has been an active contributor to this process.

It should be noted that no recommendations from the Forde Inquiry were specific to the functions of the QPS. While the subsequent Protecting Children Inquiry made no specific recommendations for the QPS, the Service contributed to, or participated in, the implementation of cross-government recommendations by appointing a Child Safety Director (recommendation 4.3), who subsequently became a member of the Child Death Case Review Committee (recommendation 5.27), collaborating on the work to enshrine the SCAN team system in legislation (recommendations 6.3-6.8), and entering into a Monitoring Plan agreement with the Commission for Children and Young People and Child Guardian (CCYPCG) (recommendation 5.22).

Term of Reference b)

b) Reviewing Queensland legislation about the protection of children, including the *Child Protection Act 1999* and the relevant parts of the *Commission for Children and Young People and Child Guardian Act 2000*

Key issues for consideration:

- *information sharing provisions*
 - *section 14(2) CPA*
 - *section 186 CPA*
 - *sections 95, 159M and 159N CPA*
- *mandatory reporting*
 - *referrals to Child Safety*
 - *children exposed to domestic violence*
- *other legislative issues for consideration*
 - *transfer of powers to PPRA*
 - *children in illicit drug laboratories*
 - *removal of children for law enforcement purposes*

Through the course of the hearings, consistent comment has been made by Commissioner Carmody regarding the lack of consistency and disparate operability issues associated with current child protection legislation. It is apparent that these issues have led to a divergence between the legislation and the policies and practices of CSS as noted by Commissioner Carmody. This is undoubtedly due to differing interpretations regarding the intent and application of the legislation. The QPS conceptually agrees with these observations, and argues clarification of this legislation and its intent is therefore pivotal to improving the interoperability of the system.

Members of the QPS are accustomed to operating within legislative frameworks, such is the nature of police work generally. Duties undertaken within the context of the child protection system are no exception, with legislative parameters directing

activities including the notification of offences, information sharing and the taking of child protection orders. It is the position of the QPS that the review and reform of legislation needs to be ongoing to ensure relevance and applicability.

Likewise, any policies that operationalise the legislation must be closely aligned to the intent of the legislation. In order for legislative and policy change to be effected and effective, it must be implemented in such a way that the change is embedded into the systems and practices of the organisation through training and ongoing monitoring.

In terms of child protection related legislation, the QPS seeks to bring to the attention of the Commission of Inquiry the below mentioned issues, where it is believed reform could bring about positive change within the broader child protection system.

Information Sharing Provisions:

The QPS acknowledges that for the child protection system to function successfully, relevant information retained by core agencies and non-government organisations must be responsibly shared and stored in order to provide an holistic view of families and/or children who are the subject of notification. 'Siloing' of information by stakeholders within the child protection system may compromise the effectiveness of the system. An essential element of an initial investigation and assessment of a child's protection needs is relevant information that the child protection agency is able to easily access, and assess.

In any consideration of referral processes, such as referral to secondary services, there is a risk that critical information about a child which, if assessed holistically, may result in a statutory response to the child, may be 'siloed' by the referring and/or receiving agency, and thus may not form part of subsequent considerations of a child's protection needs.

The *Child Protection Act 1999* (CPA) provides scope for the sharing of information in prescribed circumstances, however differing interpretations between agencies seem to significantly impinge upon information sharing processes.

- **Notification of Criminal Offences (section 14(2) of the *Child Protection Act 1999*)**

In accordance with Section 14(2) of the CPA, CSS are required to notify the QPS of any matter where there is a reasonable belief alleged harm to a child may involve the commission of a criminal offence relating to the child. This section of the Act specifies that this notification must occur 'immediately'. In such instances, police will then conduct either an independent or joint investigation with CSS staff, depending on the circumstances and availability of CSS staff. Despite the fact this is a legislative requirement, police still encounter many instances where CSS fail to provide such notifications in a timely manner, or fail to advise police at all. The unreported notifications are only realised during subsequent investigations where child protection histories are shared with QPS staff or through the SCAN team process. This issue has been raised in police statements submitted to the Inquiry, and in the submission (and associated attachments) of the CDCRC.

The timely notification of this information greatly assists in the gathering of evidence and allows for immediate action if the child is at risk of harm. Where delays occur, it compromises the investigative process and when notifications are not forwarded by CSS, no investigations can take place at all.

The QPS supports the practice of child protection notifications being made to CSS in the first instance, as this reinforces the principle that a child's wellbeing is the paramount consideration.

Another concerning issue with regard cross-agency notifications was identified by Detective Senior Sergeant David Miles, who told the Inquiry that a significant proportion of the matters that are ultimately forwarded by CSS to QPS clearly do not relate to criminal offences. Having failed to meet the CSS threshold for involvement (referred to as a child concern report (CCR) or General Advice), these non-criminal notifications are couched with the phrase '*forwarded to the QPS in accordance with statutory requirements*,' despite clearly not being within the ambit of section 14(2). These notifications are as a matter of practice assessed, which is in itself a time consuming practice, however in most situations no further action is taken by police. This is undoubtedly a widespread and concerning issue, although it is unclear whether it occurs due to a lack of understanding of the provisions, a lack of training, or general ambivalence regarding the provisions of section 14(2). Whatever the causal factor may be, inconsistency and a lack of compliance with this section creates a raft of issues for police investigators.

In accordance with the QPS renewal program with its focus on core policing responses, it is expected that matters such as these, which do not relate to criminal offences, will no longer be assessed.

- **Provision of Notifier Details to police (section 186 of the *Child Protection Act 1999*)**

The ability to undertake investigations based on information provided by CSS in relation to alleged offences against a child is often hampered because CSS will not provide details to the police about who is the notifier. Police are therefore not able to identify and speak with the notifier and obtain information they need to satisfy the grounds for investigation or a warrant. Often the information supplied by CSS is not sufficient as they do not ask the notifier questions needed to elicit the required information for a criminal investigation.

Case Study 1 – Notifier Details

A notifier contacted CSS to advise them of a suspect person who had been overheard to admit a relationship with a 14 year old child involving 'everything but sex'. Police were able to identify the suspect, but unable to identify the witness or child. The author of the referral from CSS advised she was not permitted to tell police the name of the notifier. She told police she believed her job would be in jeopardy if she told police that information, even though the notifier would be a material witness in any investigation.

Section 186(2)(a) clearly sets out the circumstances under which notifier details can be provided to QPS. Yet despite these provisions, numerous QPS witnesses have provided evidence to the Commission of Inquiry regarding the refusal of CSS staff to provide such details. Detective Senior Sergeant Kelly Harvey specifically raised this issue in her evidence to the Commission of Inquiry and produced an email directive sent by CSS management to their staff stipulating that notifier details were not to be provided to the QPS unless a joint investigation was being conducted (Exhibit 85). The issue regarding the reduction in the number of joint investigations being conducted is explored later in this submission.

CSS contends the provisions of section 186 of the CPA and Chapter 2 of the *Child Safety Practice Manual* provide the mechanism by which they can withhold notifier details. While this offers a different interpretation of the provisions of Section 186(2), it also seems at odds with the spirit of the CPA which aims to engender a cooperative and collaborative approach to child protection matters, with the primary purpose being the safety and wellbeing of children in our community. The application and interpretation of this section demonstrates the disparate agency interpretations, and the division between the intent of the legislation and the practical application of the policy.

From an investigative perspective, the inability to assess the veracity of a notifier and the information they have provided has the potential to not only compromise an investigation (through loss of material evidence, for example), but may also result in key witness details being withheld, and potentially reduce the opportunity for a successful prosecution. Attempting to establish these points, and indeed to uncover notifier identities through conventional investigative techniques when such information should be readily available, can create unnecessary delays, which may place a child at risk of further harm.

QPS officers have made numerous representations to CSS officers to clarify and resolve this issue, however to date the position of CSS remains unchanged. The QPS would therefore support any review of the CPA concerning the disclosure of such information with a view to establishing more definitive parameters ensuring the provision of such information to the QPS where there is an established investigative need.

- **Requests for Information by CSS officers (sections 95, 159M, and 159N of the *Child Protection Act 1999*)**

CSS officers regularly request information from police in relation to child protection referrals. Key elements include details about the parents, any criminal or domestic violence history, and details about other residents within the household.

The current policy requires requests for preliminary information (criminal and domestic violence history) be made by the CSS Central Screening Unit to the QPS Police Information Centre (PIC). A current obstacle to obtaining preliminary information is that the PIC requires the full names and dates of birth of subject people. Often, CSS does not have sufficient information to provide this, so Child Safety Officers (CSOs) contact their local CPIU to obtain this detail. The next issue is that, although they will be advised by PIC within 24 hours whether or not there is a criminal or domestic violence record for the subject person/s, it may take up to a week to provide the documentation, particularly if there is interstate history.

Once CSS receives the criminal and domestic violence history, they can make application under section 159M or 159N for specific information about relevant entries. For example, if there is a conviction for assault, the CSO can request more information about the facts of the offence. These requests are sent directly to the CPIU by the CSO.

The sharing 'principles' outlined in section 159B(b)(c) of the CPA create an onus on the QPS to participate in sharing "relevant information" (as defined in section 159C) with CSS. State-wide, CPIUs have well established protocols in line with the provisions of sections 159M & 159N of the CPA for the sharing of information between prescribed entities.

While the QPS makes every effort to provide relevant information in accordance with these provisions, some delays occur when CSS fail to make requests in line with established policy and protocols. For example, the requests for information will seek 'blanket' information about every criminal history and domestic violence entry, and ask for:

- details of all calls for service to the nominated address;
- police referrals to hospitals or SCAN;
- diary notes, police notes, official police notebooks;
- all statements and documents;
- Bench Charge sheets, running sheets, occurrence sheets, activity logs;
- domestic violence applications and orders;
- information management sheets; and
- any other documents or records relating to the nominated person/s.

In many instances, these requests require an immediate or one-day turnaround, and it is questionable whether the totality of the material above will provide any more information than a court brief or crime report would provide.

It has also been noted that there is some apparent confusion amongst CSS staff regarding the legislative authority under which they are making requests for information. This appears to extend to a general lack of understanding between the provisions of section 95 CPA, and the aforementioned section 159 provisions. As stated by Detective Senior Sergeant David Miles in his statement to the Commission of Inquiry, this also leads to duplication of some information requests, and significant delays where clarification needs to be sought from the enquirer regarding the exact nature of their request.

Any recommendations which help to streamline information sharing provisions, to ensure relevant information is shared in a timely and effective way, would assist in improving responses to children in need of protection.

Mandatory Reporting:

Current legislation and policy in Queensland requires reports of harm or suspected harm to a child to be made to the lead child protection agency, CSS. This report to the social service system places the safety and wellbeing of the child as the primary consideration. As identified in the submission from CSS, Queensland is the only jurisdiction where child protection reporting requirements are contained in numerous Acts and agency policies rather than under a single Act.

- Health workers are mandated reporters in Queensland, under the *Public Health Act 2005*. There is a penalty for failing to report harm.
- Under section 148 of the CPA, Child Safety employees and departmental licensed residential care service providers are mandated to report harm.
- Under section 25 of the *Commission for Children and Young People and Child Guardian Act 2000*, the Commission must report to Child Safety or the police when a child is considered to be in need of protection, in accordance with the definition in section 10 of the CPA.
- While not enshrined in legislation, education officers (both public and private) are required by policy to report harm or suspected harm to a child to Child Safety. There are penalties for failing to report harm.
- Recent amendments to sections 365 and 366 of the *Education (General Provisions) Act 2006* require education officers to report sexual harm or risk

of sexual harm to a child to police. There are penalties for failing to report harm.

- QPS officers have policy obligations to report harm or suspected harm to a child, in accordance with sections 9 and 10 of the CPA, to Child Safety.
- Additionally, QPS officers have a policy obligation to report to Child Safety any child who has been exposed to domestic and family violence, as defined in section 10 of the *Domestic and Family Violence Protection Act 2012*, on the basis that continued exposure to domestic and family violence is likely to cause cumulative harm to a child.

While the QPS utilises the provisions of sections 9 (which includes reference to cumulative harm) and 10 of the CPA as the basis of their reporting, other agencies may apply a slightly different threshold subject to their own legislation or policies.

The option of establishing a mandatory reporting regime has previously been discussed across the core agencies, and it was agreed a preferable alternative may be to amend sections 9 and 10 of the CPA to provide further clarity and guidance in relation to what constitutes harm and what constitutes a child in need of protection.

Amending or clarifying these sections will negate the need to legislatively mandate reporting, and allow for more unified formulation of policies and procedures across core government and non-government agencies. The creation of such policy and procedures will allow for a more structured and considered approach to the reporting of child protection matters to Child Safety.

The ambiguities contained within the CPA and the risks inherent in mandating for the reporting of harm have been discussed at length during the current inquiry. Chief amongst the detractors for mandatory reporting is Professor Robert Lonne, Queensland University of Technology.

Professor Lonne (transcript 28/08/2012) spoke of the negative impact mandatory reporting would create, stating that mandatory reporting only addressed 'social anxiety'. Professor Lonne described these negative impacts which included overburdening the tertiary child protection system, jeopardising good therapeutic relationships, and creating a child protection system that is focussed on investigation and forensics and less on identifying needs and providing support.

Professor Lonne's evidence to the inquiry also expressed his view that a refocussing of relevant legislation in the CPA was necessary to provide for better outcomes for children and families without having to engage a tertiary response.

The QPS supports the views expressed by Professor Lonne in relation to mandatory reporting, and agree that re-focussing on prevention and early intervention will provide for improved outcomes for children at an early stage, and consequently reduce demands on the tertiary system.

• **Referrals to Child Safety**

A further key challenge identified by the Commission of Inquiry (Discussion Paper, p37), based on information provided by CSS, has been the significant rise in referrals to CSS from professional referrers, such as police, teachers, and health professionals. CSS has reported that it cannot sustain a response to these referrals. CSS has also identified that a significant proportion of referrals from professional referrers do not meet the CSS threshold for notification, which would then require a

tertiary response. It is noted that a large percentage of referrals from QPS to CSS relate to risk of harm to children exposed to domestic violence incidents.

Caution needs to be exercised in interpretation of the statistics provided by CSS to the Commission of Inquiry as they are raw data, not filtered by identification of multiple referrals of the same family/child, from one or multiple agencies, or for one or multiple incidents. The data also does not identify those reports that, cumulatively, result in a subsequent notification and intervention by CSS. Likewise, the number of referrals from police which relate to children exposed to domestic violence do not identify the actual number of children and families, but rather the total number of referrals, which includes those children referred on multiple occasions due to the ongoing domestic and family violence in the household.

- **Children exposed to domestic violence**

It is the position of the QPS that children who are exposed to domestic violence are at ongoing risk of harm, both physical and emotional, due to the nature of domestic violence. In February 2005, the QPS implemented a policy which requires the completion of an incident-based crime report (0522) in all cases in which police attend a domestic violence incident where one or more children normally reside with either the respondent or the aggrieved, regardless of whether the children are present at the time of the incident. The 0522 reports are subsequently reviewed by the Officer in Charge of the CPIU, who will include additional details, such as relevant historical information, prior to forwarding to CSS for assessment, regardless of the degree of harm.

The QPS has identified that the collection of such information is critical in building a longitudinal, holistic picture of the family's circumstances and level of cumulative harm, to inform a comprehensive assessment of the issues and the family's level of need and risk. The current QPS policy represents best practice in responding to the risks associated with domestic and family violence (DFV), is consistent with the practice adopted in the majority of Australian jurisdictions, and is predicated on the research that identifies the cumulative impact of continued exposure to DFV.

The policy has gained further impetus from the recent amendments to the *Domestic and Family Violence Protection Act 2012*, particularly in terms of section 10, 'Meaning of exposed to domestic violence', which defines when a child is exposed to DFV, and provides relevant examples. When viewed in the context of other definitions of domestic violence, associated domestic violence and emotional or psychological abuse, the context and significance of emotional abuse reporting is reinforced.

While it is acknowledged that a single incident of domestic violence may not meet the threshold for referral to CSS, the cumulative impact of multiple DFV incidents must be considered, in accordance with section 9 of the CPA. Additionally DFV information should be viewed holistically in light of other information pertaining to a child/ren (that is, information that may be obtained from sources other than police). It should also be noted that 'cumulative harm' has been incorporated in the recent CPA amendments, "recognising the cumulative nature of harm, reinforcing that multiple events of harm, which do not individually meet the threshold for statutory intervention, are to be considered collectively in determining whether a child has been harmed"¹.

¹ Explanatory Notes, *Child Protection and Other Acts Amendment Bill 2010*.

The Queensland Child Death Case Review Committee Annual Report 2008-09 identified that 67% of young people who died by suicide in 2008-09 had domestic violence issues within the family. Over the years 2004-2009, 64% of young people fatally assaulted lived in households with a history of domestic violence.

The Commission Discussion Paper's proposal regarding a differential pathway specifically for domestic and family violence may provide a targeted response to this issue, and allow for relevant safeguards to be put in place to ensure cumulative harm is considered as a key harm indicator for the child/ren involved.

Similarly, an issue raised by CSS has been in relation to the complexity and amount of information provided by police in relation to the incidents of DFV. The QPS will undertake to work with CSS on developing a standard template for the provision of information relevant for their assessment of the harm, to improve the efficiency and consistency of information sharing and to ensure the 0522 referral contains concise child-focussed information to assist CSS in performing their functions.

Other legislative issues:

- **Transfer of police powers to the *Police Powers and Responsibilities Act 2000***

It has been noted that child protection plays one part in a myriad of QPS organisational responsibilities, and the primary responsibility for statutory child protection rests with the lead agency, CSS.

Currently, core police powers in Queensland are incorporated into the PPRA. The CPA is one piece of legislation that confers additional powers upon police beyond that contained in the PPRA. Under the CPA, certain powers are conferred upon both "authorised officers" and police. In general terms, the powers conferred on police relate to emergent child protection issues, including the power to remove a child from immediate harm, and to seek temporary or court assessment orders. It should be noted that police are not "authorised officers" under the CPA, a common misconception that has resulted from the inclusion of police powers in the CPA.

The QPS proposes to consolidate police powers currently contained in the CPA into the PPRA. It is believed that consolidating police powers into one centralised body of legislation will help clarify the role of police by clearly articulating those powers which are applicable to police, and ensuring that responsibilities and powers in relation to child protection activities are easily identifiable for all police officers, including general duties officers.

- **Children found in premises utilised as illicit drug laboratories**

There is an increasing trend for illicit drug laboratories to be located in suburban homes, often with resident children. At present, the QPS utilises the Commonwealth offence provisions of Division 310 *Commonwealth Criminal Code Act 1995* to investigate instances where children are found at premises utilised as illicit drug laboratories. To address investigative and evidentiary issues associated with these investigations the QPS is reviewing the manner in which these investigations are conducted.

It is the view of the QPS that exposure to such criminal activity can have detrimental effects upon children. These effects can be physical (e.g.- by exposure to highly toxic chemicals, the inherent risk of home invasion offences by the parents' associates)

and psychological (e.g.– exposure to the criminal environment associated with the residence). It follows then that parents who willingly expose their children to these dangers are 'prima facie' not willing and able to protect their children from harm, despite their later presentation and representations to CSS to the contrary.

Notwithstanding the review being conducted, at present there is limited capacity to charge parents or those caring for children in these circumstances with criminal offences for endangering children in this way. While the creation of new offence and evidentiary provisions would be extremely beneficial, further clarification of concepts such as risk and harm would also greatly assist in ensuring the protective needs of these children are met.

- **Removal of children for law enforcement purposes**

The CPA at section 17 provides authority for authorised officers and police officers, in prescribed circumstances, to have contact with children in school, education and care service premises, child care centres, family day care etc. The intent of this section is to allow investigations to take place without the prior knowledge of the child's parent or long term guardian in circumstances where such prior knowledge is believed to not be in the best interests of the child.

It is the experience of QPS investigators that occasionally the facility where the child is located is not one that is appropriate to conduct an investigation and may in fact represent the least likely location the child would willingly engage with investigators and provide information conducive to an investigation or interview. The CPA provides no specific authority for police officers to remove a child from a facility unless a child is taken into the care of the Chief Executive.

An authority to remove a child (subject to safeguards) to a more appropriate location without having to take the child into the Chief Executive's custody would greatly enhance the investigative options for both QPS and CSS investigators and provide better outcomes for children in our community.

Term of Reference c)(i)

c) Reviewing the effectiveness of Queensland's current child protection system in the following areas:

i) whether the current use of available resources across the child protection system is adequate and whether resources could be used more efficiently

Key issues for consideration:

- *Secondary service system, and early intervention*
 - *Decision making tool*
 - *Out-posted Child Safety Officer*
 - *Multiple referrals*
- *Information management*
- *Joint investigations*
 - *Time delay*
 - *Non notification / untimely notification*
 - *Disparate investigative functions*
 - *Loss of local relationships*

- *Commission Discussion Paper proposal regarding Forensic Investigation Teams*
- *Residential care facilities*
 - *QPS calls for service*
 - *Missing persons*
 - *Lack of specific lawful authority to return absconding children*
 - *Lack of appropriately trained staff*
 - *Lack of supportive management policy*
 - *Alternatives*

The current Commission of Inquiry has already heard evidence highlighting inefficiencies and deficiencies in the child protection system currently operating in Queensland. From a QPS perspective, a number of key areas continue to present themselves as significant areas of concern and where it is believed reform is necessary to address the inefficient use of QPS resources.

The QPS supports the assertions made by many witnesses and submissions to the Inquiry that a greater focus on prevention and early intervention will, in the long term, reduce demand on the statutory child protection system. It is expected this focus will also result in reduced calls for service to police. A key consideration is the process for assessing and referring children to a secondary service system, acknowledging that a coordinated secondary service system in Queensland is still in its infancy. It is the QPS view that CSS, as the lead child protection agency in Queensland, should retain responsibility for assessment and referral of children identified as being harmed or at risk of harm.

The development of a differential pathways model, discussed by CSS in their submission, appears to provide an appropriate solution to the workload issues, while also ensuring that expert initial assessments are made by an agency with access to all relevant current and historical information about a referred child. This model would allow for early identification of those matters which may require immediate response, including a joint investigation with police, and appropriate referral of children to available services, with the intention of reducing the number of children identified as needing to be taken into care.

A further benefit to this model would be that minimal legislative change would be required. CSS currently have the authority to refer a child in need to a secondary service agency, with or without consent (an issue for the QPS, discussed later in this section). Similarly, it would eliminate issues relating to information sharing, storage and security that would apply if a model of direct referral to secondary services was implemented.

There is evidence to suggest that long-term outcomes for children in care are not always positive. The CSS submission notes "*a significant proportion of adults who were in out-of-home care as a child experience homelessness, unemployment, financial difficulty, physical and mental health problems, drug and alcohol abuse, early parenthood and involvement in the criminal justice system*" (p90). A number of witnesses and submissions to the Inquiry have highlighted concerns that a child placed in an inappropriate placement, or who is moved between multiple placements, may be at more risk of adverse outcomes than a child who has security and stability of appropriate placement.

From a QPS perspective, police become aware of children who may be inappropriately placed through increased calls for service for particular children or

places. The longer-term outcomes for children in these circumstances are likely to include entry into the youth justice, and ultimately adult criminal justice system.

Secondary Service System and Early Intervention:

The Commission has extensive material before it, endorsing prevention and early intervention strategies as a way to reduce demand in the statutory child protection system. The QPS supports this focus as early intervention is likely to also significantly reduce the demands on police and the CPIU by preventing an escalation of problematic behaviour to a point where police intervention is required.

It has been consistently acknowledged that prevention and early intervention is critical to the reduction of referrals. It is also acknowledged that the universal and secondary service system in Queensland is still in its infancy, and that there are limited support services to which families in need can be referred.

Tertiary agencies, such as the QPS, must be able to have confidence that secondary services have sufficient resources, capacity and support to adequately respond to vulnerable children and families and appropriately identify when circumstances may be escalating to a point where statutory intervention may be required.

Queensland is unique in comparison to many other jurisdictions in Australia due to its vast geography. Within the State there are multiple remote and rural communities with relatively small populations. There are also 19 discrete Indigenous communities, as well as, uniquely, Torres Strait communities comprising 18 islands and two Northern Peninsula Area communities.

These rural and remote communities are at times difficult to access, particularly during the wet season for example, which complicates the delivery of government and non-government services. For example, in his statement Detective Senior Sergeant Glenn Horan noted that his District covers over 200,000 square kilometres, and some communities are more than 1,000kms from Cairns, and that sometimes travel by road is not possible. Maintaining a government agency presence, and sustaining a non-government service with a small and geographically diverse client base, are key issues for consideration in the implementation of child protection services. It is also noted that these communities have vastly disparate needs, subject to location, local industry (e.g. mining, farming) and proximity to basic services. Unless services are mapped to demand in these areas, there is likely to remain an inability to meet the service delivery needs of the children identified at most risk of harm. Arguably, place based models which provide tailored service delivery to communities based on the identification of needs would be preferable to a 'one size fits all' approach.

Not only does a secondary service system not exist consistently or adequately across the state, but the QPS currently does not have the legislative ability to refer to such services without consent. It should be acknowledged that where the referrals to CSS relate to children involved in domestic violence, there are significant issues in relation to consent, including from whom the consent is obtained, the age of the child and the capacity of the child to provide informed consent.

More broadly, it can be assumed that when police attend an incident, the primary focus will be on the immediate safety of the people present, and a de-escalation of the situation. It is not always appropriate to seek consent for a referral service intervention at this point, and it is not always possible to return 'after the fact' to make these approaches.

- **Decision making tool – Child Protection Reporter Guide**

To provide operational support for professionals working with children, the Department of Communities developed an online tool, the *Child Protection Reporter Guide*, to assist professionals in determining the most effective referral pathway for a child in need of support, including CSS and family support. While the QPS acknowledges the benefits such a tool may provide to partner agencies, namely Queensland Health and the Department of Education, it should be noted the QPS already relies on the specialist child protection expertise of officers within the CPIU across the State to apply the policy as outlined in the QPS OPM.

The QPS acknowledges the value of consistent and clear reporting guidelines for professional referrers, but the use of such 'tools' needs careful consideration as they are point in time decision aids based only the information available to that agency and should not replace the active investigation and information gathering regarding concerns relating to a child. Additionally, the QPS has espoused concerns regarding individual agencies holding information and making assessments in isolation. The implications of 'siloed' decision making have been addressed in detail by previous reviews of the child protection systems including those operating within Queensland.

Within a policing context, officers are often required to make judgements after hours and whilst confronted by operational situations which cannot always be captured accurately by decision making tools.

The CPIU officer investigates a variety of offences and obtains skills that are recognised nationally. The imposition of another layer in the process of reporting child protection concerns will only create an increase in the workload of CPIU officers who are already in many instances working beyond capacity. Further, there would be an additional training burden upon police which will impact upon their operational capacity.

CSS is the lead government agency in Queensland in relation to child protection, and is the central repository of child concern information from all agencies. CSS officers have the requisite expertise and authority to assess and act on this information. CPIU officers will continue to conduct joint investigations and share information, but do not have the capacity or expertise to undertake additional assessment responsibilities which appropriately are the responsibility of CSS.

- **Out-posted Child Safety Officer**

The Commission Discussion Paper discusses intake models in other jurisdictions (p50), many of which have out-posted child safety officers within the support service to provide expertise and advice. It is the position of the QPS that a similar model should be utilised in Queensland to assist with assessment, case planning and monitoring of families. As part of the assessment, the out-posted CSO will be able to check prior child protection history on the CSS database Integrated Client Management System (ICMS) where professional judgement dictates, and where the potential to identify cumulative harm, particularly in relation to DFV, can be realised.

This option is favoured by the QPS due to its consistency with maintaining the core business of both agencies, that is, the QPS remains responsible for the first and any criminal offence response, while CSS retains responsibility for the assessment and referral of risk of harm to children.

- **Multiple Referrals for the same harm incident**

In considering any proposal for direct referral by agencies to a secondary service system, it should be acknowledged that there is potential for multiple government agencies to refer the same child to one or more service providers, subject to their interpretation of the child's needs, or re-refer a child who has already been referred to a support agency. This is, in essence, reducing the coordinated service delivery response for the benefit of children, and is likely to congest service providers and reduce their capacity to respond effectively to families and children in need. This reinforces the need to establish a robust information sharing platform which will help to identify these multiple referrals before contact is made by multiple providers to the same family.

At a statutory level, referrers from different agencies, and potentially community members, who come into contact with a child who is exhibiting signs of harm, may all refer that child to CSS and/or the police. This, in effect, may result in multiple referrals for the same incident of harm, which need to be considered, and counted, as a whole rather than as individual referrals.

On a daily basis, CSS and police experience instances of multiple handling of the same child protection information. This situation often arises in cases where, for example, an agency provides information about a child to both police and CSS. Police and CSS independently assess the information from their individual statutory responsibilities. In instances where no further police action is warranted, police at times forward the information to CSS. CSS after assessing the information may detect an alleged offence, and forward these same matters to QPS, fulfilling their obligations under section 14(2) CPA. Hence to fulfil their reporting obligations, both CSS and QPS receive and report on the same information on two occasions. This multiple handling of the same information equates to an inefficiency of both CSS and QPS resources.

These concerns reinforce the QPS view that a single point of entry to the system is preferential, and that the proposal by CSS to implement a differential pathways model upon receipt of a referral is sound.

Information Management:

A significant concern for the QPS in the implementation of a 'dual referral' model is that critical information about a child which, if assessed holistically, may result in a statutory response to the child, may be 'siloes' by the referring agency and by the receiving agency, and thus may not form part of any future considerations of a child's needs. The process of siloing refers to agencies gathering and then storing information in an insular fashion. This means that other agencies and sometimes other sections within the same agency holding the information cannot access the information when making crucial decisions concerning families or individuals. This will limit the amount of centralised information that the statutory child protection agency is able to easily access, and assess. This approach may also reduce the ability of the statutory sector to consider the level of cumulative harm to the child.

The development of a collaborative information technology (IT) platform across government could facilitate and automate information sharing across key agencies to ensure more timely and effective use of agency resources. Currently, each core agency maintains individual IT systems with no, or limited, ability to interconnect between agencies. This then requires significant manual and therefore time-consuming processes between agencies to request and exchange information

relating to children and families. While not suggesting that IT would replace human interaction between agencies, a centrally accessible IT platform, whether it be through a central system or through data interface or data mining technology, would be able to interrogate and collate the information holdings across multiple agencies (potentially including secondary service agencies) allowing CSS to make an holistic assessment of a child's needs based on all of the available information.

An IT solution allowing for greater interagency access to relevant child protection information would be of great benefit in terms of the storage and use of such material. The evidence provided to the Commission of Inquiry by both Commissioner Stewart and Detective Superintendent Harsley postulated that the QPS supports the development of an IT solution that would prevent information 'siloing' and assist in streamlining child protection decision making processes.

Joint Investigations:

In cases of intra-familial child abuse, QPS and CSS policy encourages the best practice model of 'Interviewing Children and Recording Evidence' (ICARE) be utilised and that such interview be conducted jointly by the CSO and police. Interviews conducted in this manner are known as joint investigations. Joint investigations are conducted in the hope that the child provides their statement as few times as possible. As both agencies are present, the child's information is heard first hand and relevant information from the differing service perspectives is obtained.

Further to this, joint investigations create an environment where relationships are formed and knowledge, skills and practices are shared between agencies.

The QPS experience in recent times is that the conduct of joint investigations has reduced. Factors identified by CPIU managers for this reduction in joint investigations are listed below:

- **Time delay from reporting to Regional Intake Service to notifying of CSSC**

During 2010 CSS introduced Regional Intake Services (RIS). RIS assumed, on a regional level, the role formerly performed by local Child Safety Service Centre (CSSC) investigation and assessment (I & A) teams. There are 7 RIS teams servicing the State.

RIS provides a central point of contact for information relating to child protection concerns. Upon receipt of the information, RIS officers conduct an assessment of the information received utilising the Structured Decision Making (SDM) tool, and make a professional determination of whether the concerns reported require a statutory response from CSS, [a Child Protection Notification (CPN)]. If the matter is raised as a CPN the information including the RIS assessment is forwarded to the local CSSC which has responsibility for the geographical area in which the child resides.

The QPS has experienced numerous instances where the timely response by local CSSCs has been compromised. This delayed response is due to local CSS officers not responding to child protection matters until they have received notification from RIS that a statutory response is required. At times this has occurred despite the known information clearly meeting CSS threshold for investigation. Detective Senior Sergeant Harvey, Officer in Charge, Mount Isa CPIU cites one such example in her statement and provided the information in her evidence to the Inquiry.

This delay exacerbates the already difficult task of coordinating officers from each agency to respond in partnership to the child protection matter under investigation.

When delays are experienced due to the processes between RIS and CSS, QPS commence the investigation without CSS initial involvement and an opportunity to conduct a joint investigation is lost. Negative impacts are experienced by both agencies, as well as by the subject child, who is likely to be further interviewed by CSS or police.

- **Non Notification / Untimely Notification**

As previously stated, the provisions of Section 14(2) CPA place an obligation on CSS to notify QPS in the event alleged harm to a child or children may constitute the commission of a criminal offence.

In instances where CSS fail to fulfil their obligations under 14(2) CPA due to oversight or failure to identify the potentiality of the commission of a criminal offence, police are denied the opportunity to gather the best evidence available to place before a court, and no joint investigation is able to be undertaken.

In recent times capacity issues experienced by CSS appear to have resulted in many notifications being assigned a response time of 5 or 10 days. Police are then not notified until at least that time and the problems with regard to loss of best evidence are again encountered. Similarly, by this time, police will have received other priority jobs to attend and may not be able to coordinate a joint investigation with CSS in the times nominated by CSS.

A further consequence of this assignation of response times is the CSOs often ask police to 'sight' the child and provide advice to the CSO about their 'assessment' of the child to meet CSS' obligations. This is addressed further in this submission when discussing 'welfare checks'.

- **CSS and QPS disparate investigative functions**

The immediate safety of the child is the first priority for QPS. Second to this priority is the investigation of the criminality of the abuse, location of witnesses and person/s responsible and the preservation of evidence. The circumstances of a particular case will therefore dictate the priority these matters take.

CSS priority is the immediate safety of the child. Second to this priority is their need to conduct an investigation and assessment of the CPN and the ongoing safety and welfare needs of the child.

Given the high rate of reported child abuse and neglect, the limitations of staffing resources and other competing priorities, senior QPS investigators and CSS team leaders make judgement calls and prioritise attendance based on their competing perspectives and priorities. The result is a decline in joint investigations.

Case Study 2 – referral to police

Telephone message for someone from the CPIU to call informant regarding his neighbour screaming at her children (they are approx 3 years old and a toddler). He has called Child Safety (doesn't know who he spoke to or which office) and they told him as the family have no history he should contact CPIU.

- **Loss of relationship between Local CSSC and CPIU**

The implementation of RIS has seen a loss of local relationships being formed between local CSSCs and local CPIUs. In a child protection system that relies heavily on relationships between partner agencies such as CSS and QPS this loss of local relationships potentially slows the information sharing process, limits the opportunities for the transference of knowledge and skill of agency specific policy and procedures and weakens the general harmony that good relationships foster. This also results in a decline in the commitment to conduct joint investigations.

Commission Discussion Paper proposal regarding Forensic Investigation Teams:

The Commission has proposed the implementation of "forensic investigation teams", separate to "casework teams", working in a hub with CSS, QPS and health professionals to undertake investigation and assessment work for the most serious cases of maltreatment, where court action or criminal investigation is likely to be required (pp 96, 97, 125). Question 15 of the paper seeks feedback about the proposed options and cost-effective ways to implement the options.

It is perhaps timely to reinforce that the role of police involves investigating allegations of intra-familial abuse of children (which is within the purview of the proposed forensic investigation team), extra-familial abuse of children, and offences committed by children. While authorised under the CPA to apply for temporary and court assessment orders, police rarely utilise these provisions except in emergent circumstances, instead leaving the responsibility with CSS to make the applications.

On the face of the model proposed in the Commission's Discussion Paper, there appears to be a broader role for police as part of the forensic investigation team model, in that there is an apparent expectation that the police, as part of that team, would have a greater role in making application for child protection orders from court (p 96-97), a fundamental expansion of QPS' current role in this regard. This expanded role, if implemented, is likely to have adverse financial and human resource implications for the QPS.

Whilst acknowledging the shortcomings in the conduct of joint investigations the QPS wishes to reiterate that, when implemented effectively, joint investigations achieve better outcomes for children and families subject to intra-familial abuse.

The QPS has given consideration to a number of joint investigation models, including that of the New South Wales Joint Investigation Response Team (JIRT). The QPS acknowledges the studies on which these models are based, however is of the firm opinion that current QPS and CSS policy, when implemented appropriately, supports the use of joint investigations for notifications of intra-familial abuse. Further, the CPA provides for legislated information sharing and coordination of multi-disciplinary actions.

Another issue for consideration is the capacity and cost of establishing sufficient hubs to appropriately service all communities across the State. Queensland's population is dispersed across a vast geography, and the ability to respond quickly to child protection concerns across all areas of the State is likely to require significant resourcing.

The proposed model would also impact core operations of the CPIU, by dividing its child protection work between intra-familial abuse responses and extra-familial responses. In effect, a complaint of intra-familial abuse will be directed to a forensic investigation team to assess, while all other child abuse complaints will be assessed and allocated as they are now. This division of responsibility will in effect create a differential pathways process within the CPIU, which would not be conducive to an overall policing response. Alternatively, all complaints of child abuse, whether intra- or extra-familial, would be filtered through the forensic investigation team. This alternative is not considered to be viable, considering the volume, extent and complexity of extra-familial offending.

A more effective, and less costly, approach to achieve the intent of the forensic investigation teams is to utilise the current SCAN team infrastructure at an earlier stage than currently utilised. Sections 159I-L of the CPA outline the purpose and responsibilities of the SCAN team system. Presently, SCAN teams only meet when a matter has been screened by RIS as a notification requiring multi-agency coordination. However, the legislation is sufficiently broad that the SCAN structure can be utilised at the first available opportunity (i.e. when a referral is first received), to assess and implement the most appropriate response for the child.

The Commission Discussion Paper notes (p74) that the 2009 investment in SCAN totalled \$10.5 million. It is arguable, on the basis of the details of this option in the Commission Discussion Paper, that the cost of establishment and resourcing forensic investigation hubs would be significantly higher than that currently budgeted for in the SCAN process. This assumption is based on consideration of the implementation of similar interstate models, and the applicability of those models to Queensland's geography and dispersed population. This option will also help to address Question 5 of the Discussion Paper regarding the role of SCAN in a reformed child protection system.

It is the QPS view that addressing the identified deficiencies would result in greater use of joint investigations whilst the coordination and planning of multi-disciplinary actions could be achieved through a more timely use of the SCAN system. These benefits could be achieved without the need for implementing a new and inherently costly joint investigative model. This approach would necessitate a greater commitment by CSS to conducting joint investigations, and to ensure CSOs have the relevant skills and training, such as ICARE, to perform this role.

Moving the intake roles and functions to other places in the child protection system will have cost/resource implications for those agencies/entities required to take on additional responsibilities. If there is no funding available to support this change it would be more cost effective to enhance the existing intake system within CSS and allow the community based entities to focus on service delivery rather than intake and service delivery.

Given that QPS investigate both intra and extra familial child abuse, the QPS considers these policy changes as being the optimum to achieve better outcomes for children and families whilst exercising fiscal restraint.

Residential Care Facilities:

CSS policy allows for placement of children, subject of a child protection order and who exhibit complex and extreme needs that are not able to be met in mainstream foster care placements, into privately run Residential Care Facilities (RCF). Across

the State there has been an increase in the number of children admitted into these facilities.

It is the QPS experience that these RCF consume significant and disproportionate policing resources in responding to calls for service relating to recidivist criminal behaviour at the facility, recidivist absconding from the facility, staff safety and security at the facility, addressing unruly behaviour and the transporting of youths to and from the facility.

- **QPS Calls for Service to RCF**

The Commission has heard and seen evidence that many managers of CPIUs have voiced their concerns regarding repeat calls for service at RCFs. A specific example of the QPS experience was provided by Detective Senior Sergeant Peter Waugh, Officer in Charge, Logan District CPIU, who gave evidence to the Inquiry of a RCF in South East Queensland that required 149 calls for QPS service in a 6 month period in 2012. Similarly QPS information is available where one 10 year old child residing in a RCF required police (and other services) attendance on a total of 5 occasions within an eight day period in November 2012.

The nature of these calls for service is varied and can range from minor disturbances to serious criminal offences. The Commission of Inquiry has heard evidence that some carers in residential facilities call police to resolve minor disputes between residents, even though there is no criminal offence being committed. Other calls for service relate to property damage, assaults being committed upon carers or other residents, drug activity at the facility and residents failing to return to the facility by stipulated times, with such calls for service creating significant demand on policing resources.

Evidence provided to the Inquiry by a number of medical professionals, identified a 'subset' of young people who exhibit extreme and challenging behaviours and who 'are difficult to manage in standard foster care placements'. Children in this subset are frequently the subject of calls for service, a situation that can also place attending police in a difficult position. Options available to police in such circumstances are very limited, particularly where the behaviour of the offending child has resulted in a carer being assaulted, the child presenting an unacceptable risk to staff or other residents, or the facility being damaged to such an extent that the child can no longer be housed there. In these circumstances, remanding the child in police custody, youth detention or in an acute mental health facility under an Emergency Examination Order are often the only available options.

The QPS has identified the following key issues as contributing to repeat QPS calls for service at RCF:

- **Missing Persons from RCF**

The RCFs adopt a risk averse policy of reporting absconding youths immediately as a missing person. This policy runs the risk of 'trivialising' the intended use of reporting missing children to police, and of 'demonising' the child. Missing person reports are time consuming for all parties involved and are often still being compiled when the child returns of their own volition to the RCF. The missing persons report is often made with little or no inquiries conducted by staff in an effort to locate the absconding child. Many of these children do not fit the definition of a missing person as contained in QPS policy as they are, according to the evidence of Detective

Senior Sergeant Waugh and others, not missing at all but have self placed or attended a function without prior approval and simply absconded from the RCF to do so. Many times the missing person report is made even after these factors have been established through contact with the child. The contacting of police in these often innocuous circumstances runs the real risk of 'trivialising' the reports' intended use.

As stated below, except in certain circumstances police do not have legislative authority to return a child to a placement, so there is little benefit in contacting police if the child's whereabouts are known, and there is no known risk of harm to the child.

- **The lack of a specific lawful authority to return absconding children to the RCF**

Provisions within the PPRA and *Criminal Code Act 1899* provide authority in prescribed circumstances to deal with children generally as suspects / offenders. Section 21 CPA provides for circumstances where a child under 12 may be moved to a place of safety. This is in circumstances where their parents can not be readily located. There is no specific power to remove a child 12 and over to a place of safety, i.e. return them to their placement.

In other words, where a child has left a facility, and there is no identified risk of harm to that child (arguably an issue for CSS rather than police), the police are being used as a transport mechanism rather than for the exercise of a policing purpose. Some RCF workers have identified they call police for the 'authority of the uniform', however much evidence has been adduced in relation to the lack of respect for authority many residents of these facilities show.

It is therefore the QPS position that operational police should not be imposed upon to perform what amounts to be a basic parenting function and while police continue to be utilised in this manner, without legislative authority, they will continue being forced into the exercise of coercive, time consuming and often futile tactics in their efforts to return these children to their RCF.

- **The lack of appropriately trained and or inexperienced RCF staff**

QPS dealings with RCF staff would indicate that many staff lack the skill set, training and experience to manage the children within their care. Discussion held during the Commission of Inquiry hearings between the Commissioner and Mr Antoine Payet, the Acting Regional Manager CSS South Eastern Region, revealed that CSS doesn't prescribe any formal qualification for a residential care staff member. Conversely Mr Payet described the children within these RCFs as having 'a complexity of behaviours and presentations' that effectively precludes them from entering standard type foster care situations.

The Commission Discussion Paper (February 2013, p132) notes CSS sets no minimum qualification requirements for residential workers. The Discussion Paper (p133) further notes police involvement is likely to be reduced by workers being better trained, and working within a better therapeutic framework, thus preventing the escalation of problematic behaviours.

In terms of current legislation, another issue for consideration is whether RCF staff are both willing and able to care for the children in these facilities, in accordance with section 10 of the CPA. While the staff may be employed to care for the residents, they are in effect acting in the place of a parent and in the case of high needs

children may not have the special skills required to do so. In these instances, and within the 'artificial' setting of the residential care facility, staff may be unable to adequately fulfil the role usually undertaken by a parent, placing both themselves and the resident/s in a compromising situation, and failing to meet the care and protection needs of the child/ren under their care.

- **Lack of supportive management policy**

Funding for the RCF is provided by the Department of Communities. CSS policy for these facilities, despite the complex and extreme behaviours exhibited by this subset of children, is one that precludes any physical force or containment of the child. Doctor Steven Stathis, in his evidence before the Commission, discussed 'secluding' a child whilst their behaviours settled and described these actions as amounting to good parenting. The provisions of Section 280 *Criminal Code Act 1899* (domestic discipline) provides for the lawful use of appropriate force, by a parent or a person in the place of a parent, could be considered in the development of policies to ensure the effective management, discipline and control of a RCF.

QPS resources will continue to be disproportionately utilised at RCFs, whilst RCFs continue to adopt ineffective policies and practices to manage this subset of children.

- **Alternatives to RCF**

Doctor Steven Stathis, clinical director of the Child and Family Therapy Unit of the Royal Brisbane Children's Hospital extrapolated on this point during his evidence and described the benefits of and the need for this 'subset' of children to be housed in a secure facility whilst their behaviours and underlying psychiatric dysfunctions are treated through the implementation of a 'therapeutic foster care model'. Doctor Stathis referenced his comments to a UK model and the 'Berry Street', Victorian model which utilise the 'therapeutic foster care model' to achieve better outcomes for these children.

The Australian Capital Territory also has legislation in the *Children and Young People Act 1999* to implement an enforced therapeutic intervention.

Mr Robert Ryan, State Director for 'Key Assets', a foster care placement service for children who exhibit 'extreme and challenging' behaviours gave evidence to the Commission that a 'secure' care type arrangement should be considered. Mr Ryan told the Inquiry that to place this subset of children in a standard RCF or foster care placement amounts to a breach of a duty of care.

Whilst this subset of children remains within a standard RCF placement, it would appear that there is little likelihood that their lives will improve in any significant way. Further to this, whilst they reside within a standard RCF placement the resources of the QPS will remain a significant and integral part of their daily management thus consuming significant and ongoing QPS resources. Police have a duty to take appropriate action when responding to calls for service. In the case of repeated calls for service for the behaviours exhibited by children in care facilities, the likelihood of a criminal investigation and prosecution is increased, resulting in the children entering the criminal justice system, and leading to poor long-term outcomes for this cohort of children.

Term of Reference c)(ii)

- c) Reviewing the effectiveness of Queensland's current child protection system in the following areas:**
- ii) the current Queensland government response to children and families in the in the child protection system including the appropriateness of the level of, and support for, front line staffing**

Key issues for consideration:

- *Service delivery 'coverage' – police provide the only 24/7 coverage*
 - *Filling the 'gap'*
 - *'Welfare checks'*
- *Training, experience, and support for staff*
 - *Workforce development*
 - *Lack of ICARE trained staff from CSS*

As previously outlined, the QPS performs the statutory role in the criminal investigation of child abuse and neglect. The QPS role encompasses all children as distinct from CSS' role within the Queensland child protection system who by virtue of section 10 CPA become engaged only in cases of harm where there is no parent willing and able to protect the child, primarily intra-familial abuse.

Service delivery 'coverage':

Out of regular business hours CPIU staff, and on occasion general duties officers, may be required to exercise powers under the CPA due to the unavailability of CSS staff. It is important to acknowledge that while powers are conferred upon police by some provisions of the CPA, it is the position of the QPS that exercising these powers should primarily be the responsibility of CSS authorised officers. In this respect, the presence of CSS staff at incidents of child protection occurring outside of business hours would be considered preferential as opposed to the current reliance on QPS staff to fulfil CSS' role.

The 'gap' filled by the QPS during such times is never more apparent than during the Christmas and New Year periods. For example, for the 2012 festive period CSS effectively closed down between 24 December 2012 and 2 January 2013. Email notification of this closure was forwarded to the QPS, with the obvious expectation that the QPS would again assume responsibility for child protection activities which are not QPS core business, despite the fact this is a period which is traditionally exceedingly busy for police in terms of regular policing duties. It is acknowledged that the Child Safety After Hours Service was operating during this time, however this service provides only crisis responses, and all other child protection work was on hold until normal business resumed in January. It should also be noted that the Child Safety After Hours Service is, at best, a telephone service. While there may be opportunities for this service to provide a physical presence in Brisbane after hours, it has no regional presence except by telephone.

Evidence provided to the Commission by Detective Superintendent Cameron Harsley identified that peak periods for child protection are on weekends and holiday periods such as Easter and Christmas. These times provide additional family stressors such as financial pressures, extended proximity to family members, and the consumption of alcohol. As such, there is a need for CSS to provide frontline 'in person' services

over a broader spread of hours to ensure vulnerable children have access to the right services at the right time.

While it is noted in the Blueprint for implementing the recommendations of the Crime and Misconduct Commission (CMC) *"Protecting Children: An Inquiry Into Abuse of Children in Foster Care"* Report the preferred option for extended hours service delivery outlined around-the-clock CSS coverage, it is apparent such measures have not been implemented, thus creating a continued impost on policing resources. CSS attendance is also highly desirable in such circumstances given the fact they have the mandate, training and expertise to conduct social assessments which do not fall within the ambit of the QPS.

Within the Queensland child protection system, the QPS is the only government body with the ability to rapidly respond to children at risk 24 hours a day 7 days a week. The current service delivery model employed by CSS does not allow the lead agency to adequately respond to the protective needs of children. Further, the current after hours call service centre is largely dependent on the QPS officers' ability to respond to after hours child protection matters. The QPS is concerned that an underperforming model of service delivery will lead to poor outcomes for Queensland children.

Case Study 3 – After Hours Service

Detective Senior Sergeant, Officer In Charge of a regional CPIU advises:

At 5:10pm Friday 21 December CSS contacted police requesting assistance with the service of documents for a TAO regarding an Unborn Child Alert. Inquiries with the local QPS SCAN Representative and the QPS QPrime system established the matter had been mentioned at the SCAN Team meeting, CSS had carriage of the matter, and there had been no involvement by QPS outside of being core members of the SCAN Team. The notes on file dated 13 December indicated that CSS had already initiated plans for the birth of the child and the service of documents.

Contacted the CSO Case Worker. She advised they had no staff available after hours to execute the TAO as staff had left town for the upcoming Christmas break. Advised her that QPS were not able to assist as the CPIU had no staff currently working and that staff commencing at 8pm would have other priorities. She requested the matter be forwarded to uniform police to serve the documents. Advised her this would not be occurring, this was not a QPS priority as CSS had carriage of the matter, it was not urgent as the child was in hospital and no evidence to suggest that the child was likely to be removed. She reminded me that all members of the QPS, including uniform police had authority under the CPA. She advised she would speak with her manager.

At 7:10pm CSO contacted OIC. Stated that her Manager had requested that QPS 'call out' staff to execute the TAO and the overtime bill could be forwarded to CSS. Restated QPS position that this matter was entirely a matter for CSS and that my information was that CSS had a 'call out' capacity and those staff should be utilised. I was advised that CSS would not have staff available in the region over the Christmas period.

At approximately 12 midday on Saturday 22 December, OIC contacted the Hospital and asked for information regarding the child to assess the risk to the child. Advised the child was well and the mother of the child would be in hospital for a number of days. Also advised that all staff associated with the child were aware that should any

person attempt to remove the child CSS and QPS were to be advised immediately. They also advised that at this stage they were not aware any documentation relating to the custody of the child had been served.

On Monday 24 December QIC contacted the CSS to speak with the manager. Advised by administrative staff that there were no managers or case officers available until 2 January. No further contact with any person from CSS or Crisis Care relating to this matter.

- **Filling the 'Gap'**

Lack of capacity for CSS to physically respond to child protection matters outside of business hours places an onus on the QPS, and in most instances general duties police, to fill the gap in the CSS service delivery model. While it is noted there is sometimes a requirement for CPIU officers to attend and undertake a criminal investigation relating to the child, they cannot be expected to also undertake roles such as finding appropriate accommodation for the child removed from harm.

Case Study 4 – Accommodation

A nine year old (therefore not criminally responsible) boy picked up by regional police at 1530hours for kicking holes in the walls of a care placement, had to be restrained by uniform officers and taken to police station. Placed into the custody of CPIU officers, who phoned Crisis Care to try and find a placement. Crisis Care called back at 1900hours to advise the on-call area manager has not replied to the three messages left on her phone. They contacted the next month's on-call manager, who has also not returned the call. Consequently a Safe Places care worker was on the way from Brisbane to collect the child. Child remained in the care of CPIU officers until 2200hours – no other CPIU work could be undertaken by those officers in that time period.

The QPS acknowledges that they are not the experts on matters of child protection. The QPS has a plethora of other organisational responsibilities with their primary contribution to the child protection system being the provision of investigative expertise. In many situations general duties police officers provide an initial policing response to child protection related matters outside of business hours and as discussed earlier due to the broad nature of general duties policing many first response officers have a limited knowledge of child protection issues and rely on other experts to progress matters beyond a first response.

- **'Welfare Checks'**

Often calls for service relate to a request for QPS to perform a 'welfare check' on children subject of CSS involvement where such involvement has either not commenced or a reported circumstance has changed requiring CSS further involvement. At times the 'welfare check' required is an assessment of the child's immediate safety and requires an in depth and comprehensive assessment to be completed for a proper determination to be made.

On other occasions the welfare check may relate to the compliance monitoring of a safety or case plan condition where CSS have no capacity to attend. On many occasions the welfare checks performed by police are not comprehensive assessments of the safety and ongoing wellbeing of children but an immediate point

in time snapshot of the child's current safety and represent a 'quick fix' solution by CSS to complex matters of child protection.

The 'welfare check' should be conducted by an appropriately trained CSO to ensure a focus on the protection needs of the child. The use of police to fulfil this role places the QPS in a position of risk by performing a function for which they are not qualified, and is eroding the policing role, which is that of investigating criminal offences.

Training, experience and support of staff:

The QPS is committed to ensuring its CPIU officers are appropriately trained and supported to perform their role in accordance with their statutory obligations. While this training requires significant time commitment, there is an expectation that all officers will maintain currency of knowledge and skills.

• Workforce Development

While it is clear that each core agency in the child protection system has different roles and responsibilities, there are some areas that intersect, and where agencies would benefit from a shared understanding and joint professional development. These areas include SCAN, intake and information sharing. In relation to any Inquiry recommendations regarding key intersecting areas, consideration should be given to appropriate resourcing to ensure all agencies are able to develop and deliver the necessary training.

• Lack of ICARE trained staff from CSS

ICARE courses were developed in response to changes in the *Evidence Act 1977*, relating to vulnerable witnesses. The nationally accredited course was jointly developed and delivered by QPS and CSS. ICARE interviews are a crucial part of an investigation process, for both police and CSS, to ensure the best and most comprehensive information is obtained from a child at the earliest opportunity. Detective Superintendent Harsley informed the Commission that a minimum of ten ICARE courses are offered during each calendar year, with 10 places per course offered to CSS officers. He advised that in recent years CSS have not been able to fill all the positions offered. This low uptake has resulted in a reduction in the number of joint courses being conducted.

In early 2012, following feedback from a range of stakeholders including the DPP and the judiciary, the QPS liaised with CSS to revise the ICARE interview model and amend the training package accordingly. In May and June 2012, QPS officers travelled the state delivering an 'upskill' course to all CPIU officers. The invitation to attend the training was extended to all CSOs through the CSS training office. Despite repeated offers, no CSO attended the training offered. 325 QPS officers were provided with the training.

With the reported high rates of CSS staff turnover and the low uptake by CSS to receive ICARE training, the pool of ICARE trained CSS staff has reduced significantly. This creates the situation where in the event a joint investigation can be arranged, there is every likelihood that the investigating CSO is not ICARE trained. Accordingly the CSO will have little agency specific input into any 93A statement and they will rely on the expertise of the CPIU officer to elicit any relevant child protection information from the child, in addition to the disclosures of a criminal nature.

Term of Reference c)(iii)

c) Reviewing the effectiveness of Queensland's current child protection system in the following areas:

iii) tertiary child protection interventions, case management, service standards, decision making frameworks and child protection court tribunal processes

Key issues for consideration:

- *Tertiary child protection interventions*
 - *RIS*
 - *Threshold for intervention*
 - *SCAN*
 - *Emergency SCAN meetings*
- *Case management*
- *Service standards*
 - *Secure therapeutic care*
- *Decision making frameworks*
- *Court tribunal processes*

Child Protection Interventions:

Witnesses providing evidence to the Inquiry discussed the removal of children, including children removed at birth, by a statutory authority and described these events as being emotionally charged and even traumatic. Dr Jan Connors gave evidence of instances where because of capacity issues CSS requested either hospital staff (who refused) or QPS to perform their functions including serving mothers with Temporary Assessment Orders (TAOs). Dr Connors gave evidence to the Inquiry of mothers being told by CCS by telephone that their baby would be removed at birth. Other witnesses spoke of the need for the mother to be supported through the removal process, ensuring that the TAO or Court Assessment Order (CAO) process is properly explained.

In the greater majority of instances, the QPS are not the applicants for these TAO / CAO processes and will have little knowledge of the preceding circumstances and rationale leading to the decision to remove the child. The QPS are therefore not best placed to divest this duty in the absence of CSS and their attendance should be limited to appropriate instances to keep the peace or in the absence of CSS, as a last resort to ensure the immediate safety of the child. In all circumstances where police have exercised removal powers the immediate assistance and support of CSS should be ensured.

The QPS does have a role in the removal of children under the emergent provisions of section 18 CPA. However the role should be limited to instances where a policing presence is justified to ensure the peace is kept while CSS execute their removal process. A proviso to this would be self initiated removals under section 18 or in other emergent circumstances as outlined in s.16 and s.17 or as a last resort where children are at immediate risk of harm and CSS are not able to attend. As discussed previously the inability of CSS to perform their primary function then places the onus upon police to fulfill this role, which is not considered to be in the best interest of the parent or the child, as they are not given an opportunity to engage with the department and to be fully informed of the reasons for the actions being taken.

- **RIS**

The inefficiencies and negatives encountered by QPS with the implementation of RIS have been highlighted above and can be summarised as:

- Time delays encountered from reporting to Regional Intake Service to notifying of CSSC;
- Complications in coordinating a joint investigation;
- Loss of relationship between local CSSC and CPIU;
- For RIS located remotely from policing Districts a loss of local knowledge.

In stating this, the QPS does acknowledge benefits RIS has brought to reporting matters of child protection. The benefits are:

- A central point of contact and referring of child protection information;
- A central point of contact to obtain child protection information and more experienced staff who have a dedicated role to sharing and interpreting child protection information with CSS partner agencies where appropriate;
- Ready access to experienced team leaders to discuss matters in contention or seek higher level child protection advice or information.

- **Threshold for intervention**

An area of concern that is regularly expressed by CPIU managers and SCAN team representatives is the perceived threshold for intervention by CSS. Police report that they are regularly involved in investigations where they have formed the opinion that a child is at risk of harm of a significant nature. However, when the same information is assessed by CSS, the matter is not considered to reach the threshold for departmental intervention. This raises the concern that CSS policies, workload management issues, decision-making processes, assessment tools, experience of its staff, or ability to articulate the decision may individually or collectively be resulting in inconsistent assessments of the department child protection response required or expected by other agencies.

Dr Jan Connors discusses a similar experience from the position of health providers in her submission:

"We are frequently dealing with increasingly complex families with multiple child protection risk factors, often on a background of generational dysfunction. At the same time as acknowledging this complexity, the child protection system under CSS seems to be one where notification rates are kept down and where intervention rates are driven by the principle of 'least intrusive intervention' which, at times, overrides the best interest of the child. The increasing reliance on tools such as the Structured Decision Making (SDM) tool seems to be replacing skilled professional judgement."

Dr Connors also identifies issues of CSO inexperience, lack of suitable qualifications, rigid adherence to the SDM and assessments being conducted on a specific event or point in time as raising the threshold for CSS investigation, or if investigated a mere 'band aid' approach being adopted.

- **SCAN**

For a child protection matter to be progressed to the SCAN team forum, policy dictates that certain criteria must be met. One such criteria is that the matter must be reported to RIS, to be assessed as a notification and that coordination of multi-agency actions is required to assess and respond to the protection needs of the child. Due to the high threshold for notification being adopted by CSS, many families are denied the opportunities that a referral to the SCAN team forum may provide.

The SCAN team system has been operational in Queensland since 1980, when it was initiated by the Coordinating Committee on Child Abuse. Historically, the purpose of SCAN was to provide a forum for child protection professionals (police, paediatricians, and social workers) to discuss cases involving children who had been harmed or were at risk of harm. Previously, SCAN provided the only recognised forum through which these professionals could share information about subject children and provide a coordinated and multi-disciplinary response.

SCAN became a legislated process in the CPA in 2004. The 2004 CMC inquiry highlighted SCAN teams as a positive model for interagency cooperation.

SCAN teams are made up of senior representatives of QPS, QH, CSS and DETE. These four entities are referred to as the 'core agencies'. In discussion of the protective needs of Indigenous children, a Recognised Entity (RE) becomes the fifth core member agency.

SCAN teams operate in accordance with the CPA, Sections 159I – L. SCAN team core members have a legislated responsibility to contribute to the operation of the SCAN team system and use their best endeavours to agree on recommendations about assessing and responding to the protection needs of children, share relevant information about the children, their families and other relevant persons, identify relevant resources of members or other entities, take action as required under the recommendations and monitor the implementation of recommendations and review their effectiveness. It is through joint agency resourcing and coordination that better outcomes for children at risk are achieved.

Across Queensland, the QPS has 19 SCAN team representatives whose primary function is to perform those functions as outlined in s 159L CPA.

Prior to 2005, QPS policy required all cases of suspected abuse or neglect be referred to SCAN.

In 2007, a review of the SCAN system was undertaken. Key findings of the review showed:

- lack of full implementation of the SCAN System model;
- lack of implementation of regular multi-agency training;
- lack of implementation of the Annual Operational Review process or other formal review processes;
- lack of shared IT system across all core member agencies to allow for integrated data collection and information sharing;
- varying degree of knowledge and understanding of the purpose of the SCAN System;
- inconsistent knowledge and application of the SCAN System Inter-agency Policy and Procedures, including differences in the interpretation of mandatory referral

- criteria by core member agencies; and differences in the interpretation and the operationalisation of SCAN Team case closure criteria;
- lack of child focused recommendations and outcomes;
- correlation of SCAN team functioning to local CSS capacity and workload issues; and
- lack of effective chairing, which impacted on the functioning of the SCAN team, the case discussion and the formulation of child focussed recommendations

In late 2008, the SCAN team core member agencies agreed to implement a refocused model of service delivery for the SCAN team system. In October of 2010 the refocused SCAN team model was implemented as a result of this agreement. The resultant policy restricted matters referred to SCAN as those that:

Are assessed by RIS as a Child Protection Notification (CPN) and coordination of multi-agency actions is required to assess and respond to the protection needs of the child or;

CSS is responsible for ongoing intervention with the child through a support service case, intervention with parental agreement or a child protection order and coordination of multi-agency actions is required to effectively assess and respond to the protection needs of the child.

Therefore in instances of child protection, where RIS have assessed the matter as a Child Concern Report (CCR) the matter does not meet the criteria for referral to SCAN. However should a core member agency desire such a matter to go to SCAN the core member agency can refer the matter to an Information Coordination Meeting (ICM) after first discussing the CCR rationale with a team leader from RIS. An ICM discusses relevant agency specific material after which a determination may be made to have the matter 're-screened' by RIS. The majority of matters initially screened as a CCR remain a CCR after the ICM process.

Since the introduction of this policy in 2010, SCAN teams state-wide have experienced a decline in the number of matters referred to the SCAN teams. It is best described as a restrictive policy, largely based on reducing workload, which is now significantly under-utilised, considering the intent of the legislation.

In accordance with current SCAN policy a matter must be assessed as a CPN before it can be referred to SCAN. This assessment process at times causes a delay in the provision of the assessment outcome to inquiring core agencies, which in turn results in an untimely referral to SCAN. Where lengthy delays (sometimes up to weeks) occur, individual agency actions occur, at times unilaterally, in cases where the child and family could have benefitted from a collaborative, coordinated and multi-disciplined approach provided by the SCAN forum.

On other occasions QPS has already shared relevant information through the information sharing provisions of section 159 CPA with CSS and other partner agencies and coordinated actions well in advance of the matter being referred to SCAN. SCAN then becomes little more than a forum to formally table information already shared about cases where decisions have already been made and implemented.

The problems associated with the untimely provision of feedback and its impact on the effectiveness of SCAN has been articulated by the Queensland Health Child

Safety Director, Ms Corelle Davies and Dr Jan Connors in their statements and evidence to the Commission. This experience is also that of the QPS.

Similar to the SCAN forum, the untimely provision of feedback reduces the relevance and effectiveness of the Information Coordination Meetings (ICM). Numerous instances exist where the meeting discusses matters that are weeks old making the relevance of the information collated and tabled questionable. ICM frequently discuss agency specific information that was available, but apparently not requested by CSS and therefore not considered at the time the original CCR was recorded.

The identified deficiencies with the current SCAN model must not detract from the importance of the relationships formed through the SCAN team forum. These relationships are the key to providing authoritative, timely and coordinated child protection interventions many times outside the formal SCAN Team forum.

In summary SCAN is an effective forum to authoritatively assess the protective needs of children and inform and coordinate multi-agency actions. The effectiveness of SCAN is greatly reduced or made redundant through the untimely provision of information.

- **Emergency SCAN Meetings**

Emergency SCAN meetings are held in accordance with s.3.10 of the *Information Coordination Meetings (ICM) and the Suspected Child Abuse and Neglect (SCAN) Team System Manual*. These meetings can be requested by any core member agency during business hours and on a business day to discuss a child protection concern if those concerns have been assessed as a CPN and coordination of multi-agency actions is required between scheduled SCAN team meetings.

Core member representatives are usually teleconferenced into the meeting often at very short notice. In most instances, the information sought, shared and discussed is 'up to the minute', relevant and necessary for the coordination of multi-agency functions. The meetings facilitate effective and efficient coordination of agency specific tasks of matters that are topical and likely to benefit from such immediate coordinated action.

The use and conduct of Emergency SCAN meetings are a good example of how SCAN might function more effectively and efficiently. A review of the timing, structure and format of these meetings may be helpful in any consideration of the functioning of SCAN generally.

As discussed previously in this submission, there is scope to utilise the current SCAN infrastructure, including the established collaborative partnerships, to implement a forensic investigation team process.

Case Management:

While the QPS plays a significant role within the child protection system and values its position within the Child Safety Directors Network and SCAN team system, it is recognised that CSS are the lead agency in terms of the case management of child protection matters. The QPS willingly fulfils its role as a core SCAN agency and contributes to case management discussion in this forum, while also continuing to work collaboratively by sharing relevant information with CSS to inform and support their case management decisions. As previously mentioned in this submission,

improvement of information sharing legislation and processes can only enhance this situation, which in turn will have ongoing benefits in terms of case management.

Service Standards:

As previously stated, the role and functions of the CPIU has grown over time to accommodate government and community expectations and has increased responsibilities in response to legislative and policy change, responses to emerging social issues, and undertaking work on behalf of other agencies. While it is the QPS contention that the standard of service provided to the community has not diminished, it must be acknowledged that taking on additional roles and functions must have an impact on core policing duties. It has been pointed out that in circumstances where the CPIU are called upon to fill a 'gap' and take on roles not generally considered to be core QPS business, the investigation and prosecution of offenders often has to take second place or be delayed.

A revised and revitalised child protection system with a more balanced approach to universal, secondary and tertiary service provision would serve to address this issue, first and foremost by clarifying the roles of respective agencies.

- **Secure Therapeutic Care**

The Commission has heard evidence and received statements from a number of QPS officers which highlights the complex, extreme, and at times, criminal behaviours exhibited by children and young people housed in residential care facilities.

The QPS recognises that it is not uncommon for children and young people who have experienced abuse to exhibit complex or challenging behaviours. However, as discussed earlier in this submission, the QPS have concerns with the regularity of calls for service relating to children and young people in RCFs.

The QPS proposes consideration be given to a secure therapeutic care facility for a small number of young people who are identified as having needs which cannot be adequately met within the residential care environment. The Commission has heard evidence from a number of professionals who describe the need for a subset of children to be housed in a secure facility while their behaviours and underlying psychiatric dysfunctions are treated through the implementation of a 'therapeutic foster care model'.

Therapeutic residential care models are becoming an increasingly relevant out-of-home care option for children and young people with complex needs. Research describes this approach as one not simply aimed at the containment of 'hard cases', but rather at actively supporting and facilitating treatment for children and young people who may have been subjected to abuse and neglect.

Throughout the course of the Inquiry a number of therapeutic care models have been mentioned, including the UK model and the 'Berry Street' Victorian model. Parameters for this model include that it should only be applied to a small number of young people and should not to be considered a solution to accommodation shortages or viewed as a permanent arrangement.

Decision Making Frameworks:

In addition to the abovementioned enhancements to the current child protection system, greater emphasis on secondary services will require the implementation of screening, decision making and referral processes to support the revised approach. Key issues for consideration when reviewing current processes should take into account the criticism levelled on the Structured Decision Making (SDM) model currently used by CSS. Any decision making process should encapsulate the knowledge and experience of the decision maker and allow for their professional judgement and discretion to be key determinants in the process.

Court Tribunal Processes:

It has already been outlined in this submission that QPS members are occasionally called upon to enact the provisions of the CPA for the purpose of taking urgent TAO. Other than in these circumstances, police rarely become involved in child protection court and / or tribunal processes.

Term of Reference c)(iv)

c) Reviewing the effectiveness of Queensland's current child protection system in the following areas:

iv) the transition of children through, and exiting the child protection system

Key issues for consideration:

- *link between the child protection and youth justice systems*

The Commission of Inquiry has already heard evidence that a significant proportion of the families of young offenders have had contact with CSS and there is significant overlap between the child protection and youth justice systems. The QPS notes also that, if children exiting care are not appropriately supported, financially and emotionally, they will be at greater risk of entering the criminal justice system.

Witnesses before the Inquiry such as Professor Tilbury and Professor Smallbone have highlighted their beliefs that young people transitioning from care are not significantly supported and often return to an environment that is conducive to offending / re-offending and risk-taking behaviour. There has been an acknowledgement from these experts that, once in the child protection system, there are many barriers to exiting. This has been further reinforced by police witnesses such as Detective Senior Sergeants Glenn Horan and Peter Waugh who have outlined significant issues associated with residential care facilities. From a policing perspective, such facilities can do more harm than good by creating an environment where young people are introduced to offending behaviour.

Discussion regarding the implementation of a form of containment model, as previously discussed, offers an alternative to the current arrangement, though it is acknowledged that this would require a significant government commitment considering the resource-intensive nature of these facilities. In acknowledging this point, a counter-argument exists in that current care arrangements, particularly in high needs cases, are extremely costly. Evidence provided to the Commission of Inquiry indicates that up to 600 of the approximate 8,000 children in care are extremely high needs cases costing the State in excess of \$1,000 each per day. It should be noted, however, that earlier intervention to address the complex needs of

these children may result in reduced criminal justice involvement, providing a net saving of criminal justice resources.

Term of Reference d)

d) Reviewing the effectiveness of the monitoring, investigation, oversight and complaint mechanisms for the child protection system and identification of ways to improve oversight of and public confidence in the child protection system

Key issues for consideration:

- *Child Death Case Review Committee*
- *Child Safety Directors Network and SCAN sub-committee*

QPS is committed to an ethical policing culture which provides the foundation for its service delivery to the community. The QPS has a myriad of internal processes in which to monitor activities, outputs and productivity. Ethical standards and professional practices are constantly reviewed, with a complaints management system that is administered by the QPS Ethical Standards Command and overviewed by the CMC. Confidence in the QPS is also regularly measured within the wider community.

Child Death Case Review Committee:

The QPS recognises the role it plays in maintaining and improving the performance and perception of the child protection system. In this respect, the QPS believes the Child Death Case Review Committee (CDCRC) provides an important monitoring system. The QPS Child Safety Director is a member of the CDCRC which is chaired by the Commissioner for Children, Young People and Child Guardian. The CDCRC was established to increase transparency and accountability in the child protection system. Issues identified are addressed in detail in the CDCRC Annual report. If any adverse comments relate to police actions, the QPS internal review process is commenced, with a view to identifying not only individual actions but also whether any practice or systems issues require review.

Over the years, certain trends in findings of the CDCRC have emerged, including such issues as timeliness of decisions made by CSOs, lack of coordinated responses to the needs of the child, placement arrangements, record keeping, and case planning deficiencies. There is concern that there is limited accountability for CSS to address the concerns, to demonstrate actions taken to address the practice or systemic issues identified by the Committee, or to report on the outcomes of such actions, to ensure continuous practice improvement, and to reduce the risk of these factors contributing to another child's death.

Child Safety Directors Network and SCAN Sub-Committee:

In addition to being an integral stakeholder in the child protection system, the QPS also maintains representation, at Director or executive manager level, in critical multi-agency child protection forums, namely the Child Safety Directors Network (CSDN) and the SCAN Team Sub-Committee.

These committees are seen by the QPS as a positive cross-agency governance mechanism which enables a partnership approach to child safety within government. These committees have been instrumental in the effective coordination and

implementation of child protection reforms recommended by previous reviews and inquiries as they provide a forum for the discussion, management and progression of recommended reforms.

The QPS is concerned that there is no clear reporting or accountability mechanism for CSDN, and a weak system for the SCAN Team Sub-Committee, which reports to CSDN. CSDN has no obligation to report on its objectives or achievement, which can lead to complacency and a failure to achieve real outcomes for the child protection system as a whole. It is recommended that consideration be given to establishing a robust reporting framework for CSDN, to ensure child protection reforms are implemented, monitored, and enhanced at a whole of government level.

Term of Reference e)

e) Reviewing the adequacy and appropriateness of any response of, and action taken by, government to allegations, including any allegations of criminal conduct associated with government responses, into historic child sexual abuse in youth detention centres.

It is acknowledged that the Commission of Inquiry has dedicated considerable time and resources to the exploration of matters colloquially referred to as the 'Heiner Affair'. Former and current QPS witnesses have provided evidence to the Commission of Inquiry regarding some of the matters that led to the Heiner investigation, with their evidence providing valuable background information to assist the Commission in addressing term of Reference 3(e).

QPS Response to Commission of Inquiry Discussion Paper Questions

Chapter 3: Reducing demand on the tertiary system

Question 3

Which intake and referral model is best suited to Queensland?

The discussion paper posits two referral model options for consideration, being either a dual referral pathway model, or a non-government intake and referral service.

This submission, at pages 24-29, outlines some of the issues and concerns held by police in relation to referral pathways. Key concerns relate to information sharing, storage, security and siloing, and that an assessment of risk will not be based on holistic information about the needs of the child. There is also a concern that the current secondary service sector may not have the capacity to deal with the influx of referrals, particularly as it is presumed that there will be an increased likelihood that families are referred to different services by different agencies with whom they come into contact (based on that agency's assessment of their need, from the information available to that agency).

It is the QPS view that CSS, as the lead child protection agency in Queensland, should retain responsibility for assessment and referral of children identified as being harmed or at risk of harm.

The development of a differential pathways model, discussed by CSS in their submission, appears to provide an appropriate solution to the workload issues, while also ensuring that expert initial assessments are made by an agency with access to all relevant current and historical information about a referred child. This model would allow for early identification of those matters which may require immediate response, including a joint investigation with police, and appropriate referral of children to available services, with the intention of reducing the number of children identified as needing to be taken into care.

A further benefit to this model would be that minimal legislative change would be required. CSS currently have the authority to refer a child in need to a secondary service agency, with or without consent (an issue for the QPS, discussed later in this section). Similarly, it would eliminate issues relating to information sharing, storage and security that would apply if a model of direct referral to secondary services was implemented.

Question 4

What mechanisms or tools should be used to assist professionals in deciding when to report concerns about children? Should there be uniform criteria and key concepts?

The discussion paper highlights the use by Queensland Health and Department of Education, Training and Employment of the Child Protection Reporter Guide, and considers the implementation of child wellbeing units as a possible means of managing mandatory reports.

This submission provides general commentary in relation to mandatory reporting (at page 19), and suggests a clarification of key sections of the CPA may help to streamline reporting from professional referrers. In particular, further clarification of

key criteria such as 'harm of a significant nature', and the threshold for intervention will provide additional guidance to professional reporters in this regard.

The submission at page 26 discusses the QPS concern in the mandatory use/implementation of a Child Protection Reporter Guide and identifies the risk of replacing informed judgement by trained child protection staff. The submission notes the specialist child protection expertise of officers within the CPIU across the State (unique in Australian law enforcement agencies), and also expresses concerns regarding the use of such 'tools' as point in time decision aids, with similar concerns about information sharing and siloing.

Chapter 4: Investigating and assessing child protection reports

Question 5

What role should SCAN play in a reformed child protection system?

The Discussion Paper advises the Commission is exploring the option of providing a range of different responses to notifications and that a review of SCAN may need to occur to receive a response from a differential pathway.

The submission at page 40 highlights SCAN has been an effective forum to authoritatively assess the protective needs of children and inform and coordinate multi-agency actions, but cautions that the effectiveness of SCAN is greatly reduced or made redundant through the untimely provision of information.

The submission at page 30 discusses the Discussion Paper proposal referred to in question 15 below, and recommends the use of SCAN to address this proposal may be an effective means to address both questions 5 and 15.

Question 6

How could we improve the system's response to frequently encountered families?

The discussion paper reflects on the urgent need for reform in responding to a cohort of families who are frequently in contact with the state's child protection system.

The submission at pages 24-25 discusses the overwhelming evidence heard and submitted to the Commission endorsing prevention and early intervention strategies as a way to reduce demand in the statutory child protection system and thus improving the system's response to frequently encountered families, many of whom have multiple needs and risk factors to address.

Tertiary agencies, such as the QPS, must be able to have confidence that secondary services have sufficient resources, capacity and support to adequately respond to vulnerable children and families and appropriately identify when circumstances may be escalating to a point where statutory intervention may be required, however notes the vast geography and dispersed population of Queensland is an additional factor for consideration in developing a state-wide, multi-functional service system.

The QPS supports this focus as early intervention is likely to also significantly reduce the demands on police and the CPIU by preventing an escalation of problematic behaviour to a point where police intervention is required.

Question 8

What changes, if any, should be made to the Structured Decision Making tools to ensure they work effectively?

The discussion paper provides examples of decision making models used in other jurisdictions including models that can be incorporated with the current decision making model used in Queensland. These models include joint investigations, and multi-disciplinary models.

The submission at pages 39 (RIS) and 44 (decision making frameworks) identifies key issues for consideration when reviewing current processes should take into account the criticism levelled on the Structured Decision Making (SDM) model currently used by CSS, and argues for the inclusion of professional judgement as a key determinant in assessment. Further, there are concerns about the timeliness of the decisions made, and how this impacts on the ability to provide an effective coordinated response to the child.

Similarly to question 5 above, this question also links to question 15.

Question 9

Should the department have access to an alternative response to notifications other than an investigation and assessment (for example, a differential response model)? If so, what should the alternatives be?

The Commission Discussion Paper proposes a differential pathways model. As discussed throughout this submission, the QPS supports the exploration of alternate pathways for notifications in terms of the way they are handled by CSS. To this extent, the QPS has agreed to participate in two ongoing trials of a Differential Response Model in both the North Coast and South West Regions of Queensland. While the QPS has no data to hand yet to indicate the success of these trials to date, the frameworks proposed in the model would seem to provide a streamlined approach to resolving notifications that will not, on initial assessment, require a tertiary response.

This alternative response is based on the ability of the CSS to have capacity for direct referral to a suitable alternate service provider where it believed a family is need of support rather than a child protection intervention. In essence, this means that based on their initial evaluation, CSS officers would have the capacity to refer the matter directly to a suitable secondary service provider to assist a family where child protection issues do not meet the threshold for further intervention. By reducing the number of unnecessary investigation and assessment (I & A) matters, CSS would also have an increased capacity to devote time and resources to more 'soft knock / hot referral' matters, thus reducing the delays incurred with 5 and 10 day responses.

The Differential Response Model is but one example of the type of alternative the QPS would be willing to support in assisting CSS providing more meaningful and timely responses to notifications.

Chapter 5: Working with children in care

Question 15

Would a separation of investigative teams from casework teams facilitate improvement in case work? If so, how can this separation be implemented in a cost-effective way?

The QPS supports the notion that there needs to be greater clarity in terms of the key functions of investigation, case management, casework and service coordination. This would not only be beneficial in terms of standardising CSS practices around the state, but it would be essential to setting standards of what needs to be investigated by CSS, how the investigations are conducted, and exactly what needs to occur once an investigation is completed. The juxtaposition is that this would also serve to alleviate the confusing duplication of effort by the statutory agency and non-government service providers and set a platform for a model of secondary service delivery alleviating the need for investigation and unnecessary casework.

It is the QPS view that addressing deficiencies in existing structures, rather than creating a new structure, would result in greater use of joint investigations whilst the coordination and planning of multi-disciplinary actions could be achieved through a more timely use of the SCAN system. These benefits could be achieved without the need for implementing a new and inherently costly joint investigative model.

The submission at page 30 discusses the proposed Forensic Investigation Teams model. The QPS argues against this, and posits a more cost-effective solution to this issue may be the transformation of the SCAN team system to take a more active early investigation and assessment role than it currently has. This will allow current local collaborative partnerships across key agencies to be better utilised to deliver a coordinated, and more timely, response to children and families.

Question 17

What alternative out-of-home care models could be considered for older children with complex and high needs?

The Commission of Inquiry has heard evidence from a number of witnesses outlining the challenges of providing care for children of all ages with complex and high needs. It has also been outlined within this submission that children in this category also require regular use of QPS resources. Evidence has also been provided regarding the services that can be provided in line with confinement and secure care models.

It is the position of the QPS that the most beneficial alternative warranting further consideration is that of secure therapeutic care facilities catering specifically for young people who are identified as having needs which cannot be adequately met within the residential care environment. While this alternative still requires further investigation, it is noted that rather than just confining children, such models are aimed at actively supporting and facilitating treatment for children and young people who may have been subjected to child abuse and neglect. Evidence provided to the Commission by industry professionals suggests that the therapeutic nature of this type of care provides the young person with the best possible chance of achieving positive outcomes later in life.

These options are discussed at pages 34 and 44 of this submission.

Chapter 9: Oversight and complaints management

Questions 34 / 35 / 36

Are the external oversight mechanisms – community visitors, the Commission for Children and Young People and Child Guardian, the child death review process and the Ombudsman – operating effectively? If not, what changes would be appropriate?

Does the collection of oversight mechanisms of the child protection system provide accountability and transparency to generate public confidence?

Do the current oversight mechanisms provide the right balance of scrutiny without unduly affecting the expertise and resources of those government and non-government service providers which offer child protection services?

This submission outlines a number of mechanisms both internal and external to the QPS that ensures that the organisation provides ethical, professional, and accountable service within the child protection system.

Regarding the oversight and complaint mechanisms for the broader child protection system, it is the position of the QPS that representation on the Child Safety Directors Network, the Child Death Case Review Committee and the SCAN system allows appropriate input and contribution to the oversight of the system. The QPS values the opportunity to participate in these forums and processes, however notes, at page 46, that these committees would benefit from a greater level of accountability for their own outcomes, through establishment of robust, independent, governance processes.

Attachment A – QPS Organisational Structure



QUEENSLAND POLICE SERVICE
 Organisational Structure
 Prepared as at January 2013



