



## WITNESS STATEMENT OF CATHERINE MAREE TAYLOR

I, Catherine Maree Taylor of Level 1, 31 Flinders Street, Adelaide, South Australia, Chief Executive of the South Australian Department for Child Protection (**DCP**), do solemnly and sincerely declare that:

- 1 I am authorised to make this statement on behalf of the DCP.
- 2 I make this statement on the basis of my own knowledge, save where otherwise stated. Where I make statements based on information provided by others, I believe such information to be true.

### BACKGROUND AND QUALIFICATIONS

- 3 I have undergraduate qualifications in law and postgraduate qualifications in law and public administration including an Executive Masters of Public Administration (EMPA), Australia and New Zealand School of Government (ANZSOG).
- 4 I have been the Chief Executive of the DCP since 1 November 2016.
- 5 Prior to this, I was the Deputy Director-General, Child Family and Community Services at the Queensland Department of Communities, Child Safety and Disability Services. I held this role between 2013 and October 2016.
- 6 I have previously been a Director of Australia's National Research Organisation on Women's Safety and Chair of the National Forum for Protecting Australia's Children.
- 7 In 2018, I was appointed to the ANZSOG Alumni Advisory Council.
- 8 In 2019, I was awarded the Institute of Public Administration Australia (IPAA) National Fellowship for outstanding contribution to the study and practice of public administration.
- 9 In 2021, I was appointed as Adjunct Industry Professor with the Australian Centre for Child Protection, University of South Australia.
- 10 A copy of my curriculum vitae is attached to this statement and marked **CT-1**.



## THE NYLAND RECOMMENDATIONS

- 11 Prior to the Nyland Royal Commission<sup>1</sup> (**Nyland Commission**) in 2014-2016, the portfolios of education and child protection in the South Australian Government were managed under a single department, the Department for Education and Child Development (**DECD**).
- 12 The merger was intended to provide stronger integration of education, early childhood health and protective services so that every child would get the best possible start in life.
- 13 The Nyland Commission made an interim recommendation in a letter to Government in mid-2016 to separate child protection from education to become a standalone agency. This recommendation was acted upon and, in September 2016, I was appointed the Chief Executive of the new DCP.
- 14 There were a number of reasons for this recommendation including that the agency:
- (a) tasked with responsibility for child protection required a fresh start, and
  - (b) needed to be supervised by refreshed leadership with credibility in child protection.
- 15 In a larger department such as DECD, the Nyland Commission identified that it can be difficult to maintain a focus on child protection for a number of reasons – with one of those being the relative size of the respective workforces. For example, DECD had approximately 30,000 education employees and there were less than 2,000 child protection employees. In circumstances such as these, a department has to think very strategically about how to retain a focus on child protection with this imbalance in the workforce.
- 16 The challenge in maintaining a focus on child protection also presented itself in a number of other practical ways. For example, the Nyland Commission heard that educational staff insisted that child protection contribute to the funding of school support officers for children in care that other children (not in state care) were entitled to free of charge. This resulted in children in the care of the State being treated differently from all other children. As such, these arrangements

<sup>1</sup> <https://www.childprotection.sa.gov.au/documents/report/child-protection-systems-royal-commission-report.pdf>.

appeared to reinforce the difference between education and child protection rather than achieving what had been the original intention of the department; to bring together a focus on all children and young people.

- 17 The move to the larger Education Department had also resulted in the rationalisation of corporate services. The Nyland Commission found that a number of previously unforeseen issues emerged including that staff with child protection experience left and that staff from education were both classified at a different level than staff from the Child Protection Branch and often had little or no understanding of child protection.

### **RECOMMENDATIONS FOR A MEGA-DEPARTMENT**

- 18 I understand that the Tasmanian Government is considering creating a large department that will have responsibility for child protection, education and youth justice.
- 19 I did not work within the DECD before becoming the Chief Executive of the DCP.
- 20 I have a detailed knowledge of the recommendations of the Nyland Commission and I have worked in a number of 'mega-departments' where child protection is one branch of the larger department. Based on my experience and my knowledge of the recommendations of the Nyland Commission, there are a few key considerations to optimise a machinery of government change of this kind:
- (a) child protection expertise
  - (b) workforce training and support
  - (c) delegations supporting clinical decision making
  - (d) leadership
  - (e) corporate services' understanding of child protection, and
  - (f) Information available to the head of child protection and the head of the department.
- 21 I discuss each of these considerations below.

### **Child protection expertise**

- 22 In a department which has responsibility for child protection, front line staff need to be confident that the staff tasked with making critical decisions understand the business of the organisation.
- 23 It is imperative that child protection expertise and knowledge are embedded at all levels of the structure.
- 24 Regardless of the numbers of child protection employees, thought needs to be given to how the department retains a suitable focus on vulnerable children and young people in the community.
- 25 It is also critical to think about how to support child protection expertise and capability given the reality that child protection like many other human services is currently experiencing significant turnover rates.
- 26 In the past 12 months, one of the ways the DCP has sought to address this challenge is by moving from a model of Principal Social Workers located regionally to recruiting and locating senior practice leadership (Practice Leaders) in the majority of our offices. These practice leaders are separate from the case management supervisors and practitioners, provide specialist advice and consultation to case workers. DCP is now exploring a similar model where Principal Aboriginal Consultants are embedded in service delivery offices as well.

### **Workforce training and support**

- 27 Another way that DCP has sought to address the issue of retaining focus on vulnerable children and young people in the community is through workforce training and support.
- 28 A qualified and skilled workforce is essential to providing care that is equipped to provide quality outcomes for children and young people in a predictable and therapeutic environment.
- 29 As part of DCP's workforce strategy, DCP continues to grow its workforce and has developed new processes aimed at streamlining recruitment and training to attract and retain staff.
- 30 For example, the application of 'trauma lens' decisions made in the context of child protection is one of the five components of DCP's best practice approach.

Trauma theory assists DCP staff to understand the impact of traumatic experiences on brain and emotional development of children and young people who come to the attention of DCP.

- 31 The following training was offered to DCP service delivery staff in the 2020-2021 financial year:
- (a) a two-part online program delivered by the Australian Childhood Foundation entitled 'Understanding the Neurobiology of Complex Trauma' (one day in total)
  - (b) a two-part online program delivered by the Australian Childhood Foundation entitled 'Trauma Responsive Practice with Children and Youth People' (one day in total), and
  - (c) three MS Teams Workplace Learning Sessions, delivered by the DCP Lead Practitioner. Implementation Packs were developed and distributed to support the learnings from the session which had details about trauma-based assessment and links to the practice guides to support trauma-informed practice. Slides from this session are available to all staff on the DCP Intranet.
- 32 DCP's Learning, Practice and Professional Development program has also been offering the following face to face programs over a number of years:
- (a) Attachment and Trauma: Clinical Implications for Case Management Practice in DCP (two days), and
  - (b) Child Development and Trauma (two days).
- 33 Staff are also regularly offered the opportunity to receive online training with international expert, Richard Rose, on Communicating with Traumatized Children (aged 12 – 21) through the child and family service charity Berry Street.
- 34 The other elements of DCP's practice approach that is supported by regular workforce training and support include supervision, professional development, accountability and continuous improvement.
- 35 All new youth workers employed in DCP residential facilities are required to undertake training when they first join DCP. This training includes an eight week orientation and induction period during which youth workers commence a



Certificate IV in Child Youth and Family Intervention (to be completed over 20 days within the first year). The orientation and induction period includes a minimum of 12 shadow shifts and a three day intensive induction program that covers a range of areas.

- 36 Additional training must be completed during this initial eight week period including:
- (a) training in the Sanctuary model (2 days)
  - (b) management of Actual or Potential Aggression (1 day)
  - (c) steps 1, 2 and 3 of the Aboriginal Footprint Program (2.5 days in total)
  - (d) Safe Environments for Children and Young People (1 day)
  - (e) Kidsafe (half day), and
  - (f) C3MS (half day).

#### **Delegations supporting clinical decision making**

- 37 Prior to the Nyland Commission, many decisions, including decisions about a child would need to be approved by the then Deputy Chief Executive, DECD. This had the effect of promoting bureaucratic processes over professional judgement, moving decisions a long way from those who knew the child best.
- 38 The Nyland Commission identified the importance of setting delegations as close to the child as possible.
- 39 In response to the Nyland Commission, the distance between frontline workers and executive managers was reduced. DCP flattened its structure, re-assessed whether delegations were set at the right level and made sure that there was child protection leadership and expertise at all levels. This move was important because:
- (a) nobody knows the child like the case worker – as such, it is important to give the case worker the ability to exercise their professional judgement and make decisions supported by access to supervision and senior practice expertise, advice and support as required
  - (b) it minimises delays in decision-making by avoiding multiple layers of consultation

- (c) ensures decisions are made with a practice/clinical focus, regardless of where and who is making those decisions, and
- (d) it improves executive engagement and communication with the workforce.

40 A child protection department (whether standalone or combined) has to have the right people, with the right delegations, in the right places.

41 In a child protection agency, it is important to ensure that decision-making is influenced by child protection expertise and clinical governance. The decision makers need to make sure the focus is always on children and young people, carers and families. For example, if a child requires trauma informed therapeutic supports without delay, it may mean spending money on a private service in the short term, but it is likely to cost less in the longer term.

42 In the DCP, delegations are reviewed on a regular basis and, like Tasmania, where guardianship resides with the Chief Executive we have worked to identify which positions can and should make which decisions. For example, we wanted to ensure that something as significant as navigating and signing off on an end of life plan for a child sits with senior departmental executives with significant child protection expertise.

### **Leadership**

43 Child protection is challenging. It is important that the leadership group in a child protection department (whether it is a standalone department or not) has experience leading teams and making decisions in the child protection context. That is why the Nyland Commission recommended that the Chief Executive and other leaders in the new child protection department had strong leadership skills and established credibility in child protection work.

44 Currently in the DCP all senior leaders responsible for service delivery and practice have child protection expertise, including the Chief Executive, the deputy chief executive, the executive director responsible for out of home care and all of our regional directors.

45 Leadership also impacts more than direct practice in the organisation. It also impacts:

- (a) worker satisfaction

- (b) recruitment and retention
- (c) worker morale
- (d) organisational culture
- (e) ability to influence stakeholders, and
- (f) promotion of change to improve outcomes for children and young people.

46 It is also worth noting that the Nyland Commission recommended that the reform needed to be guided by the practice leadership of the executive team, noting that it was critical that business as usual functions in child protection were not compromised by achieving structural changes.

#### **Corporate services understanding of child protection**

47 Although some policies and procedures can be applied to the whole of department, some need to be 'right-sized' and fit for purpose for each agency of the department, in recognition of the specialisation of the agency. For example, the recruitment policy that applied at the time of the DECD required that all interview panels include a member of the Australian Education Union, regardless of whether the applicant had applied for an education position or a child protection position.

48 Care also needs to be taken when making workforce decisions that will have disproportionate effects on one agency over the other. For example, training is one area that is often targeted when savings are required. However, it is critical to supporting child protection expertise, quality and safeguarding as outlined previously.

49 Legal Services is another area for which different parts of the department have different needs. Child protection is a service that often requires legal advice and representation at court. As the guardian of 4,700 children, my legal obligations as Chief Executive are not only about the safety of the children and young people in care, there are also obligations I have acting on behalf of the state, including obligations to act as a model litigant. As such, it is important to have legal services that understand these (sometimes competing) obligations.

50 The department also needs to have a conversation about policies defining the relevant risk appetite and outlining decision-making in uncertainty. Public



servants within the mega-department need to understand that the assessment and management of risk is very different in education and child protection settings and, although the language used to describe the risk may sound similar, the context is different. This is elucidated by Eileen Munro in the context of her reviews of UK child protection systems, in which Ms Munro explains that to reduce defensive decision-making, child protection staff need a culture that learns from successes as well as failures. Good risk assessment and decision-making should be identified, recognised and shared; for example, by conducting appreciative inquiries or showcasing good practice.

- 51 In my experience there is no perfect structure. It is about how you work together to navigate the systems and how you ensure that systems are child centred and family focused. As long as all relevant agencies – child protection, justice, education, health – work together and collaborate in a way that allows information to be shared and issues to be escalated when needed, a departmental structure can work.

**Information available to the head of child protection and the head of the department**

- 52 For child protection and the head of the department to be able to learn how it is doing, good feedback about processes and outcomes provided to children and young people and families is needed.
- 53 At the outset, it will also be important to establish clear guidelines regarding what amounts to a significant or notifiable incident and what is the process for reporting these matters to the Secretary and relevant minister. For example, this might include reporting where the child or young person is the victim of a serious criminal offence, as well as where the child or young person has been charged with a serious offence, including allegations of abuse in care.
- 54 The departmental quality and safeguarding approach will need to be supported by the provision of regular reporting to external oversight bodies. For example, DCP provides details of all serious sexual abuse in care concerns to the Guardian, which occupies a role similar to the Child Advocate in Tasmania.

## IMPLEMENTATION

- 55 Following any inquiry, one of the universal challenges faced by government departments is the list of recommendations that they may receive.
- 56 In May 2015, the federal Royal Commission into Institutional Responses to Child Sexual Abuse commissioned the Parenting Research Centre to review the status of implementation and recommendations arising from previous inquiries of relevance to that Commission. The review assessed 288 recommendations and found that 48 per cent were implemented in full, 16 per cent were partially implemented, 21 per cent were not implemented and 14 per cent could not be determined.
- 57 The Nyland Commission asked the University of South Australia's Australian Centre for Child Protection (**ACCP**) to conduct a similar review of the implementation of recommendations by independent child protection inquiries in this state.
- 58 The ACCP analysis concluded that 'recommendations are more likely to be implemented where some form of accountability framework and monitoring process is in place'.
- 59 As the Chief Executive of DCP, I have lead the implementation of recommendations from the Nyland Royal Commission, the National Royal Commission into Institutional Responses to Child Sexual Abuse, coronial inquiries, Ombudsman reviews and the Child Guardian reviews. In my view, successful implementation of multiple recommendations requires government to:
- (a) determine which recommendations it accepts, which it accepts in principle and which it doesn't
  - (b) make realistic assessments as to what can be done in the short, medium and long terms
  - (c) implement recommendations in a staged and strategic manner, paying attention to the sequencing and interdependencies of the recommendations

- (d) ensure implementation is underpinned by evidence-based decision making – this will involve testing reforms, evaluating outcomes and adjusting for successful implementation
- (e) engage with children, carers, key partners and the community more broadly
- (f) appropriately resource the implementation of the recommendations, including establishing a response and implementation team who are solely focused on managing and progressing the implementation of all the recommendations across government, and
- (g) recognise that there is a limit to how much change a system can bear in any period of time.

60 The reality is, in my experience, real cultural change takes time to embed and for change to be sustained.

61 However, it must be accepted that the environment in which change is being implemented is also continually changing, so it is important that the implementation plan is agile enough to move with changing environment and to maintain momentum.

62 It is also important to use the knowledge and skills from other jurisdictions. There is a great strength in the child protection network nationally. Jurisdictional counterparts in child protection have a wealth of knowledge and tools, policies and procedures, which they have been very willing to share as required.

## **MONITORING AND OVERSIGHT**

63 In DCP, clear procedural guidance has been developed to ensure immediate safeguarding of children, collaboration between stakeholders and consistency in responses for screened in notifications.

64 All care concerns assessed as 'serious' are investigated formally through collaborative and coordinated efforts between internal and external stakeholders and DCP's Investigations Unit. Once a serious fact finding investigation has been finalised, the matter is tabled at the Care Concern Outcome Panel to make a recommendation finding regarding the investigation

outcome. The investigation is finalised once the outcomes are endorsed by the Director of Quality and Practice.

- 65 A quarterly care concern report is provided by the Care Concerns Management Unit to the Director of Quality and Practice. This report provides data and insight across the volume, assessment type, harm type and carer type for all care concerns referral received. Further enhancements are currently being developed to increase reporting capacity to consider trends with additional escalation pathways for thematic and systemic findings to ensure both a learning culture and operational and systemic improvement are maintained and encouraged.
- 66 DCP's Quality and Practice Directorate (**Q&P**) supports high quality, culturally responsive and safe practices for vulnerable and at-risk children, young people and their families in South Australia. Q&P engages a range of experienced professional and administrative staff including a Lead Practitioner, social workers, psychologists and other staff.
- 67 The core functions of Q&P include:
- (a) ensuring quality governance systems and structures are embedded across DCP
  - (b) collating and analysing information and emerging issues to inform evidence-based practice improvements
  - (c) conducting adverse event reviews to consider the lead up to the adverse event in order to identify strengths and/or deficits in practice or the systems within which the practice occurred
  - (d) developing culturally responsive and safe practices to support and improve workforce capability
  - (e) researching and evaluating data to provide evidence to support and inform policy, program and service delivery and continuous quality improvement
  - (f) providing Psychological Services, a service staffed by clinical psychologists which provides specialist trauma-informed services that focus on promoting and ensuring the safety of children and young

people living with their families and those who have been placed in care

- (g) providing Court Services and Liaison which supports the interface between DCP and the Youth Court (including the Reunification Court) and the Family Law Courts, and
- (h) determining the assessment and response pathway for all care concerns following allegations of abuse and/or deficits in care and facilitating Strategy Discussions for serious matters as well as providing expert advice regarding care concerns.

### **Responding to child sexual abuse**

68 Across Australia, each child protection agency has established processes and practices to protect children from child sexual abuse and to respond to disclosures of child sexual abuse.

69 In DCP, we have established clear guidance for child protection staff to safeguard children and young people in care by:

- (a) supporting staff to understand recognise and respond to the signs and symptoms of child sexual abuse
- (b) working proactively to prevent harm to children and young people in care
- (c) responding appropriately to disclosures or suspicions that a child or young person has or is being sexually abused
- (d) maintaining positive relationships and appropriate personal and professional boundaries, and
- (e) having clear expectations about reporting and intervention for (inappropriate) conduct of other adults.

70 Further, the DCP has drawn upon the program of work being undertaken by the Australian Centre for Child Protection Western Australia (**ACCP-WA**) to inform implementation of Royal Commission recommendations about preventing and responding to children with harmful sexual behaviours. The Framework for Understanding and Guiding Responses to Harmful Sexual



Behaviours in Children and Young People is the first product from ACCP-WA's program of work.

### Ongoing reform

- 71 In summary, reform will be assisted by Secretary responsibility and governance and the promotion of professional practice expertise and leadership. For example, the establishment of the role of Chief/Lead Practitioner reporting to the Chief Executive, the resourcing of dedicated child protection learning and professional development as well as service accountability, data collection and research capability to supervise the quality and the quantity of work delivered.
- 72 On 21 April 2022, South Australia's Deputy Coroner handed down his findings into the deaths of Amber Rose Rigney and Korey Lee Mitchell. The coroner's report is attached to this statement and marked **CT-2**. This death occurred prior to the establishment of DCP and many systems had changed between the date of the death and the coroner's findings. However, the coroner has made a number of recommendations to DCP that we are currently considering.
- 73 In response, the government has appointed an independent reviewer to assess the level of implementation of all the previous recommendations in relation to child protection. The Terms of Reference for the independent reviewer are summarised in the South Australia House of Assembly Hansard extract attached to this statement and marked **CT-3**. It is anticipated that this review will be completed at the end of October 2022.

I make this solemn declaration under the *Oaths Act 2001* (Tas).

Declared at Level 1, 31 Flinders Street, Adelaide, South Australia.

on 8 September 2022.



Catherine Maree Taylor

Before me

