



Department of Human Services

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Registrar
Coroner's Court of Victoria
436 Lonsdale Street
MELBOURNE VIC 3000

OUR REF: LEX 17539 LEG/08/849
YOUR REF: 5166/2007

By facsimile: 9686 1506

Dear Registrar

**Response to Coroner's recommendations regarding the death of Sharkia Handy
Court reference 5166/2007**

I refer to the findings of His Honour, Coroner William Peter White, in relation to the death of Sharkia Handy, delivered on 14 January 2010, and my letter to you dated 13 April 2010.

Please find enclosed the Department of Human Services' response to His Honour's recommendations.

If you have any queries, please contact Ms Colleen Carey, solicitor, by telephone on 9096 8207.

Yours sincerely

LJ Louise Johnson
Director
Legal Services Branch

Enc. Department of Human Services' response to recommendations made in the Inquest into the death of Sharkia Handy

Department of Human Services' response to recommendations made in the inquest into the death of Sharkia Handy

Court Reference: 5166/2007

Recommendations

His Honour, Coroner William Peter White, delivered findings in relation to the death of Sharkia Handy on 14 January 2010. Under section 72(2) of the *Coroners Act 2008*, His Honour made the following recommendations to the Department of Human Services (the department):

1. *The supervision of the department must be meaningful and direct. Actions taken should be followed through and acted upon or changed as circumstances dictate. The department should institute a procedure by which this is achieved effectively and meaningfully.*
2. *There must be meaningful communication concerning a child under care between the department, the carer (being the person with whom a child is placed), and the school. This communication should not be restricted by considerations of "privacy", where the welfare of the child in care is concerned. Each of these three parties should be fully informed of problems suffered by the child and actions taken to remedy the same.*

Department's Response

The department has introduced, or commenced introducing, a number of initiatives and policy changes in relation to these recommendations. Some changes commenced prior to the making of these recommendations, and are at various stages of implementation. Changes to community programs in the Robinvale area initiated, in part, in response to Sharkia's death, commenced prior to the inquest. These changes are further discussed below. Other practice requirements that were part of child protection policy prior to Sharkia's death are now being revised, strengthened, and emphasised in child protection policy documents and training. These practice requirements will be included in the *Child Protection Practice Manual*, a guide to practice for child protection practitioners. Child protection practitioners will also be given the opportunity to receive training in relation to any policy changes.

The department responds to each recommendation as follows.

Recommendation: The supervision of the department must be meaningful and direct. Actions taken should be followed through and acted upon or changed as circumstances dictate. The department should institute a procedure by which this is achieved effectively and meaningfully.

Response: Existing standards are being reviewed and will be strengthened.

Direct contact with a child who is a child protection client is considered an important element of child protection practice, and is expected in all cases. However, in each case, the frequency and nature of that direct contact needs to be determined in accordance with the best interests case plan for each individual child.

While current practice guidelines in relation to best interests planning imply that the type and frequency of contact with a child should be determined during the best interests planning process, the guidelines do not expressly state this. The department is now revising these practice guidelines. The revised guidelines will expressly state the parameters of contact with a child. This revision to existing practice is part of a broader project involving the implementation of the best interests case practice model for child protection.

The revised guidelines seek to emphasise the dynamic process of case practice, including careful planning, action to implement plans, continuing review of the effectiveness of plans and actions, and adaptation of plans as required. The department submits that the content of these revised guidelines is consistent with His Honour's recommendations.

The department had decided, prior to receiving these recommendations, to include in its practice guidelines specific requirements regarding regular direct contact with a child. The revised guidelines address the need for contact to be purposefully directed towards change. As a consequence of this recommendation, the practice guidelines will be further revised to ensure that they address the standard of meaningful and direct supervision.

A child may receive supervision and case management services from a community service organisation to which child protection has contracted its supervision and case management responsibilities. Child protection is revising its case contracting guidelines to provide child protection and community service organisations with information and practice requirements relating to kinship care placements. The revised guidelines will include more detail regarding the direct contact requirements for child protection and community service organisations. Community service organisations with case management responsibility for children residing in kinship care placements will be required to have direct contact with a child at least once per month.

Where child protection contracts its supervision and case management responsibilities in relation to a child to a community service organisation, child protection remains responsible for endorsing the child's best interests plan, and for other functions and decisions that cannot be contracted. It is a practice requirement that, at least every six months, child protection reviews the best interests plan of each child who is the subject of a protection order, including children whose cases have been contracted to a community service organisation, to ensure that the child's plan is appropriate and adapted as circumstances dictate. In addition, where a case has been contracted to a community service organisation, it is a practice requirement that child protection meet with the child at least once each year and ensure that organisations and professionals working with the child provide child protection with reports in relation to the child's wellbeing and development.

The revised practice guidelines will be published in the *Child Protection Practice Manual* in May 2010. Information seminars about the changes introduced in the guidelines will be held in all regional child protection offices.

This recommendation will also inform various broader initiatives that child protection has commenced as well as the training strategy for child protection practitioners and the operating model demonstration project.

Recommendation: There must be meaningful communication concerning a child under care between the department, the carer (being the person with whom a child is placed), and the school. This communication should not be restricted by considerations of privacy, where the welfare of the child in care is concerned. Each of these three parties should be fully informed of problems suffered by the child and actions taken to remedy the same.

Response: Information sharing standards were not observed and are being restated.

The department recognises that keeping children safe from harm requires a vigilant and informed community that is confident in making judgements and taking assertive action. The department and the Department of Education and Early Childhood Development, licensed children's services, and Victorian schools are negotiating a joint protocol, titled *Protecting the safety and wellbeing of children and young people*, to ensure that a unified and consistent approach is taken to protect the safety and wellbeing of all Victorian children and young people.

In addition to preparing case plans as required by section 167 of the *Children, Youth and Families Act 2005*, the department also prepares care plans that include an education component. It is a practice requirement that child protection must inform a school principal about any child living in out of home care to enable the establishment of a student support group for the child and the formulation of an individual education plan with the child's school. The plans emphasise the significance of the role of agencies and carers in liaising with the child's school. The department acknowledges that this practice requirement was not met in this case.

A number of developments in the Robinvale area since Sharkla's death, and prior to the making of these recommendations, have enhanced the resilience and capacity of the community, and improved communication among service providers in the community. The developments include:

- The holding of an Aboriginal Justice Forum, bringing together a range of services and authorities, including representatives of the Department of Justice, the Department of Education and Early Childhood Development, and Victoria police, to promote collaborative professional networks.
- The alignment of Robinvale with Mildura by the Child FIRST and Child and Family Services Alliance, to enhance the work of support services with Aboriginal families in Robinvale.
- The creation of the Robinvale Community Resilience Forum, a whole of government initiative focusing on mental health issues, in response to a number of suicides of Aboriginal youth. A subgroup of those involved in the forum continues to meet bi-monthly to address issues concerning young people including alcohol abuse, community violence, and other tensions.
- The establishment of a community reference group, co-chaired by an Aboriginal community member and the department's Loddon Mallee Regional Manager, Community Services, to provide a forum to raise issues and propose solutions.
- Communication to improve the relationship between the department and the Robinvale Secondary College. A representative of the school is scheduled to meet with the department's Assistant Manager of Child Protection in the Loddon Mallee Region to discuss the issue of privacy and confirm that privacy restraints do not prevent information being exchanged between the school and child protection when there are concerns about a child's safety or wellbeing. The department's Community Care Manager in the Loddon Mallee Region will also discuss this issue in a meeting with the Assistant Regional Director of the Department of Education and Early Childhood Development.