



Department of Health and Human Services

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Colleen Bebbington
Coroner's Registrar
Coroners Court of Victoria,
65 Kavanagh Street
SOUTHBANK VIC 3006

cpuresponses@coronerscourt.vic.gov.au

Dear Ms Bebbington

Court Reference: ██████████ – COR 2013 003373

I am writing in response to your letter to the Honourable Jenny Mikakos, Minister for Health, in relation to the investigation into the death of ██████████. Your correspondence has been forwarded to me as the matters raised fall within my portfolio responsibility. My sincere apologies for the delayed response.

As you may be aware the Department of Health and Human Services' (the department) child protection program participated as a party during the inquest. The Honourable Luke Donnellan, Minister for Child Protection, has responsibility for Victoria's child protection program.

The department acknowledges ██████████ tragic death and values the findings, conclusions and recommendations made by Coroner Spanos. The department provides the following in response.

Recommendation

Recommendation 1, page 35:

Conscious that policy is a matter for the government and should not be dictated by isolated or extreme circumstances, the level of risk to a child such as ██████████ can never be properly determined without a comprehensive understanding of her vulnerabilities and needs at the very least and, optimally, an appraisal of her current medical condition, preferably informed by a contemporary medical assessment. If this is beyond the current Child Protection paradigm, then I recommend that the Minister for Health and Humans Services considers modifying the paradigm to make special provision for vulnerable children like ██████████, analogous to initiatives for high-risk infants and high-risk adolescents where they exist, to ensure they remain visible to Child Protection.

Department of Health and Human Services' response

Significant improvements have been made to the child protection program since [REDACTED] death in 2013, including enhancements to internal data systems to ensure a child's disability or medical needs are recorded to support needs identification and monitoring. In addition, workshops for child protection practitioners have been held to enhance their understanding of the impact of complex health needs for children experiencing abuse or neglect and improved referral processes have been implemented between Child Protection and ChildFIRST. The Orange Door has also been rolled out in a number of sites across the state.

I confirm current departmental policies clearly identify disabilities and complex medical needs can significantly increase a child's vulnerability and that child protection practitioners are required to engage in thorough consultation and information sharing with specialists.

Child protection practitioners are required to consider a child's particular vulnerabilities and needs, including a child's medical condition as appraised by contemporary medical professionals, when undertaking any risk assessment. This includes an obligation to obtain professionals views in relation to the reported concerns when considering whether to progress a matter for further investigation or to refer the matter to ChildFIRST.

Wherever possible, parents will be informed, consulted and appropriately involved in any medical examination or treatment planned for their child placed in out of home care. Usual practice is to seek parental consent for examination and treatment regardless of whether the legislation requires consent or not. In the event parental consent cannot be obtained for a medical assessment, including those in parental care, Child Protection can seek a court order to enable an examination and assessment to proceed.

Should the Coroner feel this advice does not acquit the intention of the recommendation and that further action is required the department would value the opportunity to meet with the Court to discuss the action required to meet the objectives of the recommendation.

Shane Wilson, Assistant Director, Child Protection and Care, Children and Families Policy is available to be contacted on 9096 1016 if either you or Coroner Spanos would like to discuss the recommendation further.

Yours sincerely



Argiri Alisandratos
Deputy Secretary
Children, Families, Communities & Disability

14/05/2020