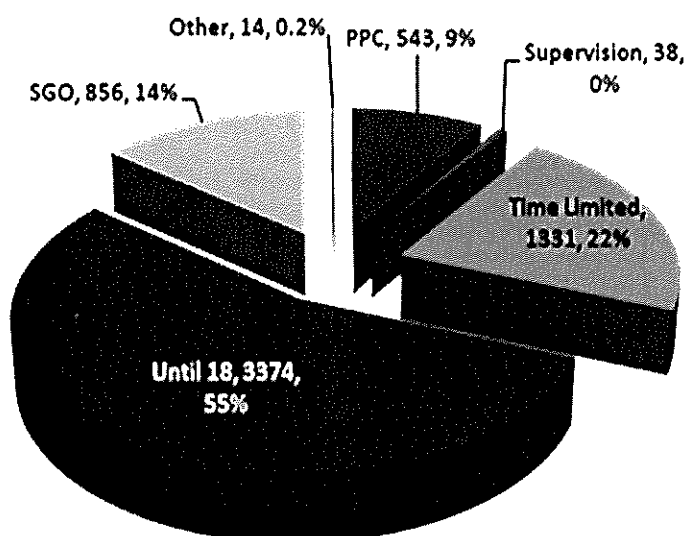


Children and Community Services Amendment Bill 2021 - Number of children on protection orders at 30 September 2021

The following information is provided in response to a request from the Hon Nick Goiran MLC during debate on the Children and Community Services Amendment Bill 2021 on 16 September 2021

Children on protection orders or in the CEO's care or Guardianship at 30 Sept 2021



Note: This chart includes children on SGOs and Supervision Orders in addition to children in care

PPC	543
Supervision	38
Time Limited	1331
Until 18	3374
SGO	856
Other	14

Note: Other placements include negotiated placement agreements, placement services or children under Commonwealth delegated guardianship pursuant to Immigration (Guardianship of Children) Act 1946.

Number of SGO applications lodged

	Aboriginal	Non-Aboriginal	Total
2020-21	32	51	83
2019-20	48	37	85

The Department does not routinely record the applicant for an SGO and determining this would require a case-by-case file analysis.

Statutory Review of the Children and Community Services Act 21004

NON-LEGISLATIVE RECOMMENDATIONS 1, 2(a) AND 4

Outlined below is an overview of the work undertaken to progress recommendations 1, 2a and 4, an explanation for why they are currently 'on hold' and the planned next steps to finalise the work addressing these recommendations

RECOMMENDATION	RATIONALE FOR ON HOLD
<p>Recommendation 1 - Cross sector foster carer panel</p> <p>There should be increased Aboriginal representation on the Cross-Sector Foster Carer Panel and it should be a requirement that at least one Aboriginal member of the Panel is involved in the consideration of each foster carer application before the Panel.</p>	<ul style="list-style-type: none"> • The Department of Communities has undertaken considerable work to address this recommendation. • The former Cross Sector Foster Carer Panel was suspended in May 2020 and replaced with a new interim committee. • The interim approval committee for foster carers was established in June 2020 with membership comprising representatives from Communities, the Foster Carer Association WA and an independent (external) Aboriginal person who co-chairs the committee. • Communities representatives on the committee include an Aboriginal Practice Leader. • At this time the external Aboriginal co-chair position is vacant however all meetings include an Aboriginal person via Communities Aboriginal Practice Leaders. • Work to address the recommendation is nearing completion awaiting appointment of a new co-chair. It is currently designated 'on hold' until the co-chair is appointed. • Communities has commenced the recruitment process.
<p>Recommendation 2 - Strengthened carer standards</p> <p>Subject to the findings of the Royal Commission, the following non-legislative measures for promoting consistently high cross-sector foster carer standards should be</p>	<p>Rationale for recommendations 2a and 4 being on hold, both relate to out-of-home care reform.</p> <ul style="list-style-type: none"> • The Department of Communities is currently working on reform of the out-of-home care system. • This is a long-term piece of work that is progressively reforming the systems, structures and services that support children in out-of-home care.

<p>pursued before any further consideration is given to establishing in legislation a single decision-maker for the approval and revocation of foster carers:</p> <p>Recommendation 2 (a) - cross-sector development of a carer assessment framework;</p>	<ul style="list-style-type: none"> • Recommendations 2a and 4 are 'on hold' while community service organisations delivering out-of-home care services can be procured. This procurement process will result in changes to both the providers of services and the way care is provided. In parallel to this work, recommendations 2a and 4 will be delivered. • The commissioning work for out-of-home care services has commenced in alignment with Communities agency commissioning plan. The next steps include three design labs with out-of-home care providers. • Communities has also been engaging foster carers on the Foster Carer Refresh Project (the Project). The Project was developed to improve outcomes for children in care by working with foster, family and significant other carers (carers) and the community sector to identify how we can work better together. • Importantly, this work enabled the views of carers from all over WA to be heard and considered in relation to the future reforms necessary for out-of-home care, to enable safe, stable and well supported care arrangements. • An implementation plan for the associated findings and recommendations is being developed, which will set the approach and timeframe for delivery of a 'consistent carer assessment framework to be used by Communities and community service organisations'.
<p>Recommendation 4 - Compliance with regulation 4</p> <p>The contractual requirements for Community Sector Organisations should be aligned with the carer assessment and revocation standards in regulation 4 of the CCS <i>Regulations 2006</i>.</p>	<ul style="list-style-type: none"> • Recommendation 4 is on hold until new contracts for out-of-home care services are developed, which is estimated to be in 2022 ahead of service commencement in early 2023. • The new contracts will include provisions to ensure compliance with regulation 4 of the <i>Children and Community Services Regulations 2006</i>.

Children and Community Services Amendment Bill 2021

Table 2: External consultation on the expansion of mandatory reporting

During 2020 and 2021, the Department of Communities (Communities) has undertaken targeted consultations with government departments, community service organisations, unions and peak bodies affected by the expansion of mandatory reporter groups recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission).

All reporter groups placed on the Supplementary Notice Paper (157-2 Issue No.7) to the former Children and Community Services Amendment Bill 2019 (2019 Bill) have been included in the Children and Community Services Amendment Bill 2021.

Consultations conducted during 2020 focussed on the legislative definitions required to capture the intended reporters. There has been consistent support for inclusion of the additional reporter groups recommended by the Royal Commission, and for the staggered introduction of the new groups over a three-year period.

After a consultation hiatus during Caretaker Conventions, further consultation with the new reporter groups has focussed on the training and implementation requirements of each group. Table 2 below lists the consultations.

Communities has conducted an internal pilot of an online training package to support implementation. Ongoing Communities consultation has occurred across government to ensure the training package is fit for purpose. It is anticipated the training package will be ready for targeted external piloting before the end of the year.

Date	Reporter Group	Meeting/Attendees	Issues and themes
Ongoing	Department of Communities, youth justice workers, registered psychologists, school counsellors and ministers of religion	Various	Development of online training for mandatory reporting of child sexual abuse
10 Sept 2020	Department of Communities	Internal Committee Meeting (Cross-agency representatives)	Implementation issues and planning. Update on mandatory reporting training
14 Oct 2020	Youth justice workers, registered	External Committee Meeting (Whole of government)	Implementation issues and planning

Date	Reporter Group	Meeting/Attendees	Issues and themes
	psychologists, and school counsellors	representatives including Departments of Health, Education and Justice)	
29 Oct 2020	Youth justice workers, registered psychologists, and school counsellors	Interagency Communications Working Group (Whole of government representatives including Departments of Health, Education and Justice)	Communication and planning
9 Dec 2020	Out-of-home care workers and early childhood workers	Western Australian Council of Social Services Children's Policy Advisory Council	Update and discussion on implementation
16 Feb 2021	Department of Communities	Internal Committee Meeting (Cross-agency representatives)	Implementation issues and planning
27 April 2021	Implications for WA Police Force	WA Police Force	Resourcing implications of expansion. Consideration of interjurisdictional demand comparisons to predict demand.
11 May 2021	Youth justice workers, registered psychologists, and school counsellors	External Committee Meeting (Whole of government representatives including Departments of Health, Education and Justice)	Implementation issues and planning.
May 2021	Registered psychologists	Australian Health Practitioner Regulation Agency	Agreement to communicate to their members the proposed amendments to legislate psychologists as mandatory reporters of child sexual abuse. Unable to include in accreditation until the requirement is national.
28 May 2021	Registered psychologists	Catholic Education of Western Australia and Chief	Planning to integrate/complement existing training program. Specific needs for psychologists were

Date	Reporter Group	Meeting/Attendees	Issues and themes
	and school counsellors	Psychologist, Department of Education	discussed and consideration will be given for a specific guideline to complement online training. Agreement to progress alignment of implementation of school counsellors and psychologists to support implementation for schools.
May/July 2021	School Counsellors	Royal Commission Implementation Project Team, Professional Standards and Conduct Division, Department of Education	Has systems in place for online training on child protection and child abuse for both psychologists and school counsellors.
June 2021	Registered psychologists	Australian Psychology Board	Agreement to advise of the proposed amendments to legislate psychologists as mandatory reporters of child sexual abuse.
2 June 2021	Early Childhood Workers	Various officers	Relatively high turnover of staff in this cohort group makes maintaining the currency of staff trained in MR challenging. However, this cohort is well placed to incorporate mandatory reporter training into existing training and there is already a clear focus on promoting child safety. There are also synergies with the National Quality Standards that apply to this sector.
3 June 2021	All new reporters	WA Police	Forecasting for potential increase in mandatory reporting.
4 June 2021	Registered Psychologists	Various officers from Department of Health	A consideration for this cohort is that registered psychologists may need additional training to consider and manage the possible ethical issues associated with therapeutic relationships between a psychologist and their client (and family) and the legal obligations of mandatory reporting. WA Health are well placed to be able to integrate the new mandatory reporter groups – they already have training and systems in place to support the existing health

Date	Reporter Group	Meeting/Attendees	Issues and themes
			reporter groups eg doctors, nurses, and midwives.
June 2021	Ministers of Religion	Survivor	Ongoing email correspondence to arrange a meeting to discuss implementation issues for adult survivors of child sexual abuse who use confessional as counselling type support.
8 June 2021	Ministers of Religion	President of Islamic Council of Western Australia	<p>Approximately 50-70 people would require training. The Islamic Council has indicated that while there is a willingness to be ready for implementation of the expansion of mandatory reporting, there is currently no training or procedures in place that could be expanded or utilised to incorporate Communities developed mandatory reporting training. The President of the Islamic Council, WA is willing to trial the online training and provide feedback (this could be extended to other Council members).</p> <p>There are also cultural considerations raised in relation to child sexual abuse, with parents likely to keep sexual abuse a secret to protect the child and family's reputation.</p> <p>The President of the Islamic Council, WA was of the view that to increase child safety a broader approach is required including protective behaviours training for children, awareness raising for teachers and parents via the Islamic colleges and schools. Islamic Council to trial the on-line training and provide feedback..</p>
8 June 2021	Ministers of Religion	Director Safeguarding	Confessional seal remains an issue for this cohort. The law of God remains paramount and it is likely that priests will accept the consequence (eg. \$6000 fine) rather than breaking the confessional seal to make a mandatory report.

Date	Reporter Group	Meeting/Attendees	Issues and themes
			<p>The Catholic Church are ready for implementation with structures, systems, and roles in place to support the roll out of mandatory reporting eg. Child Safeguarding Officers, training and policies already exist in relation to child abuse and neglect which could be adjusted to incorporate the mandatory reporter training. Approximately 400 people would require training.</p> <p>A proportion of priests will have English as a second language so accessibility of training and information will need to be considered.</p> <p>Agreed to trial the online training.</p>
14 June 2021	Ministers of Religion	Uniting Church	<p>The Uniting Church are well positioned to implement mandatory reporting legislation. They have a number of policies and frameworks in place, including training to support these, that will align and could be adapted to reflect the legal obligations required under mandatory reporting. The Uniting Church also has an ethical statement in place which supports reporting currently, even without the legal obligation of mandatory reporting. The Uniting Church provides Safe Church Training developed by the National Council of Churches which includes a focus on protecting vulnerable children from child abuse and reporting protocols. The confessional seal is not an issue or concern for the Uniting Church. The Uniting Church is willing to trial the online training and to provide Communities with feedback in relation to the content.</p>
15 June 2021	Ministers of Religion	Anglican Church	<p>Very supportive of the mandatory reporting legislation and advised that their priests can disclose information obtained in confession. Very positive about using Communities developed resources</p>

Date	Reporter Group	Meeting/Attendees	Issues and themes
			including online training to train all mandatory reporters. Requested that reports are provided regarding compliance. Agreed to trial the online training.
17 June 2021	Youth Justice Officers and Registered Psychologists	Department of Justice Commissioner for Victims of Crime	Has current mandatory training systems in place and can align with that and recruitment training. Agreed to trial the online training. Employs both permanent and contract psychologists. Justice is updating Cert III in correctional practice and will include additional material from Communities and on reporting.
21 June 2021	Psychologists	Australian Health Practitioner Regulation Agency (AHPRA)	Confirmed AHPRA can publish newsletters to registered psychologists with good readership. Provided an example of AHPRA published newsletter for Department of Health - Victoria regarding Mandatory Reporting requirements in Victoria from 1 March 2019.
22 June 2021	Ministers of Religion	Perth Hebrew Congregation (PHC)	Very positive about MR amendments and strong support and willingness for training. No current training systems in place however has a code of ethics for new staff relating to reporting of illness, injury and inappropriate contact with children. Open to online training and would also welcome in-person training.
6 July 2021	Ministers of Religion	Child Safe Coordinator Australia - Church of Latter-Day Saints	Positive regarding inclusion as mandatory reporters and training. Has progressed training for Victoria. Church ideology is to obey the law of the land so mandatory reporting legislation will be incorporated into existing training policy. Need to consider mobility of members across Australia. Three main language groups other than English - Tongan, Samoan and 'Chinese'. Has translated training and information on website for these language groups. Has

Date	Reporter Group	Meeting/Attendees	Issues and themes
			current systems in place for mandatory training in relation to child abuse – in-person with zoom, have found more effective in person.
23 July 2021	Out-of-home care workers Early Childhood Workers	Child and Family Alliance WA (CAFAWA)	Current multiple mandatory training requirements exist across the sector with good compliance. No significant issues in implementation of mandatory reporting training noted except that early childhood workers would need have to access to training outside of hours. Identified need for further relevant training across the sector on normal developmental milestones and impact of trauma.
18 Aug 2021	Ministers of Religion	Baptist Church - Church Health Pastor and Staff	<p>Very good readiness. Has implemented Safe Church training as mandatory for accredited pastors. Some churches have non-accredited pastors (whom training is not mandatory). Baptist policy to report and act as a mandatory reporter without legislation. Good experiences with contacting Communities to make reports.</p> <p>Keen to trial online training covering legislation for use across their sector. Wide language and cultural groups recommend translating fact sheet into Korean, Chin and Mandarin.</p>
19 Aug 2021	Ministers of Religion	Centrepont Church Executive Pastor	<p>High level of readiness and positivity regarding inclusion as mandatory reporting.</p> <p>Centrepont Church is a member of the Australian Christian Churches.</p> <p>Has current online and face to face mandatory training in child abuse, neglect and reporting for all accredited pastors and volunteers who work with children.</p> <p>In 2015, the ACC introduced new child protection policy and national support.</p>

Date	Reporter Group	Meeting/Attendees	Issues and themes
19 August 2021	Minsters of Religion	Quakers Head of Church	<p>Has some training and processes for children. Is involved with Safer Churches program. Implements child safe protocols via procedural guidance and training and additional checks such as working with children screening.</p> <p>Very small community in WA, may be supported internally by wider network across WA where mandatory reporting legislation already implemented.</p>
26 Aug 2021	Ministers of Religion	<p>Australian Christian Churches (ACC)</p> <p>Secretary for the State Executive and Safer Churches officer for WA</p>	<p>High level of readiness and positivity regarding inclusion as mandatory reporters. Noted ACC operates wider reporting requirements for staff and minsters to report physical abuse and neglect.</p> <p>Has current training systems in place for reporting. Will need to align mandatory reporting process and requirements with their current processes.</p> <p>Several language groups including Vietnamese and Samoan.</p>
7 Sept 2021	<p>Ministers of Religion</p> <p>School Counsellors</p>	<p>Youth Care Chaplains</p> <p>School Chaplaincy Team Leader</p>	<p>High readiness for commencement as mandatory reporters. Current strict reporting and administrative protocols including mandatory training in recognising and responding to child abuse and neglect.</p> <p>Requested inclusion in external training pilot and is looking for opportunities to align their current administrative and reporting requirements with mandatory reporting processes and requirements.</p>
8 Sept 2021	Youth Justice Officers	Department of Justice	Update to previous meeting in June 2021 to include Youth Custodial Officers as employees who meet definition.

Children and Community Services Amendment Bill 2021

Table 1: External briefings

The Department of Communities undertook significant consultation across 2018, 2019, 2020 and in the second half of 2021, both during the drafting process for the Children and Community Services Amendment Bill 2019 and following its introduction to Parliament on 28 November 2019. This included substantial stakeholder consultation in relation to drafting of the new mandatory reporter groups placed on the Supplementary Notice Paper (157-2 Issue No.7) in November 2021.

The Children and Community Services Amendment Bill 2021 (**2021 Bill**) largely reflects the 2019 Bill and all but one of the legislative recommendations of the Legislative Council Standing Committee on Legislation.

The Table below sets out the briefings held in 2021 following drafting of the 2021 Bill, to acquaint stakeholders with the changes in the new Bill and update them with anticipated timeframes.

Concurrent with these briefings, as indicated in *Table 2: External consultation on the expansion of mandatory reporting*, extensive consultation continued to occur with stakeholders in relation to implementation of the new mandatory reporter groups.

Date	Stakeholder	Summary
17 May 2021	Department of Health	Discussion on provisions of the Amendment Bill 2021 in relation to Rapid Response.
1 June 2021	Rapid Response Inter-agency working group meeting	Briefing provided to attendees on the current status of the Amendment Bill 2021.
4 June 2021	Foster Care Association WA	Briefing provided to the Director of the Foster Care Association WA on the Amendment Bill 2021.
4 June 2021	Aboriginal Family Led Decision Making Aboriginal Implementation Group	Briefing provided to attendees at this meeting on the Amendment Bill 2021. Focus of Briefing was on amendments impacting Aboriginal children, families and communities. This included discussion on the intersects between Aboriginal Family Led Decision Making and Aboriginal Representative Organisations.
10 June 2021	Yorganop, SNAICC, Yorgum, Aboriginal Legal Service and Noongar Family Safety and Wellbeing Council	Briefing held at Yorganop with Aboriginal stakeholders on the Amendment Bill 2021. Focus of briefing was on amendments impacting Aboriginal children, families and communities.

Date	Stakeholder	Summary
14 June 2021	CREATE Foundation	Briefing provided to CREATE Foundation's Head Office on the 2021 Bill.
15 June 2021	Youth Affairs Council of WA (YACWA)	Briefing provided to YACWA's CEO and colleagues on the 2021 Bill.
16 June 2021	Office of the Commissioner for Children and Young People (CCYP)	Briefing provided to two representatives from the CCYP's office on the 2021 Bill.
21 June 2021	Child and Family Alliance WA	Briefing provided to attending CAFAWA Board members on the 2021 Bill.
2 July 2021	Out-of-Home Care Reform - Independent Reference Group Co-Chairs	Briefing provided to Co-Chairs of the Independent Reference Group on the 2021 Bill.
13 July 2021	Aboriginal Legal Service and various community legal services	Briefing on the 2021 Bill held at Aboriginal Legal Service in Perth including attendees from Aboriginal Legal Service, Aboriginal Family Legal Service, Legal Aid WA and Community Legal WA.
19 July 2021	Perth Children's Court	Briefing provided to the Perth Children's Court President and Magistrates on the 2021 Bill.