



Report 76/2009

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1 Methodology

1.1 Review process

The Department of Communities (formerly the Department of Child Safety and referred to in this report as Child Safety Services), conducted a Child Death Case Review (the original review) in relation to its involvement with the subject child pursuant to s 246A of the *Child Protection Act 1999* (the CP Act) and provided the original review and relevant documents to the Child Death Case Review Committee (the Committee) pursuant to s 246D of the CP Act. The Committee uses this information and information obtained from the Queensland Child Death Register to conduct its review.

The Committee considered the original review pursuant to s 89T of the *Commission for Children and Young People and Child Guardian Act 2000* (CCYPCG Act). The original review was assessed in accordance with the Committee's review criteria (RC), a statutory instrument developed under s 89S of the CCYPCG Act and gazetted in the Queensland Government Gazette on 14 November 2008.¹

The Committee notes that Child Safety Services fulfilled its statutory requirements to provide the original review and relevant documents to the Committee within the legislated six month time frame.

The original review was considered by a quorum of the Committee members as prescribed by s 89N of the CCYPCG Act on 26 November 2009.

1.2 Disclosure of interests

The Commission for Children and Young People and Child Guardian (the Commission) considered whether there was any conflict of interest in this case as the Commission's Community Visitor program had visited the subject child when placed in care.

In view of the Committee's obligations under s 89Q of the CCYPCG Act to disclose interests, the Principal Auditor, Internal Audit, completed an internal review and prepared a report on the review for the Commissioner and Assistant Commissioner, for the purpose of declaring any conflict of interest to the Committee.

On 26 November 2009 the Committee considered the involvement of the Commission. It was determined that there was no conflict and the Commissioner and Assistant Commissioner could be present and take part in decisions about any matters to be decided.

2 Background

The [redacted] subject child was born on [redacted] and died on [redacted] aged [redacted] as a result of [redacted]

The subject child had a history of involvement with the child safety service system dating from 2000, as detailed in the original review. The subject child also had a history of involvement with the New South Wales Department of Communities and

¹ See Attachment One

was previously subject to a long term guardianship order. Concerns largely related to significant [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted] The subject child had been receiving counselling through a number of services to address issues [redacted]

[redacted] The subject child's attendance at such services does not appear to have been consistent.

At the time of [redacted] death, the subject child was residing in semi-independent residential placement through Pathways (PAIS). [redacted]

The Committee identified the following risk factors associated with the subject child and [redacted] family

Family

- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]

Child

- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- subject child not engaging with support services, and
- [redacted]

3 Circumstances surrounding the death

3.1 Cause of death

The cause of death of the subject child is recorded in the Queensland Child Death Register as [redacted]

[redacted]

[Redacted]

[Redacted]

[Redacted]

3.2 Service delivery needs of the subject child

In October 2008 the subject child was placed with PAIS in a semi-independent living placement [Redacted] The subject child remained in this placement [Redacted] until [Redacted] death in [Redacted]

The Placement Agreement and Care Plan developed by PAIS, Child Safety Officer (CSO) 16 and the subject child stated

[Redacted]

It appears that any concerns which Child Safety Services held in relation to the subject child having contact with [Redacted] were not communicated to PAIS.

As noted by the original review, Child Safety Services had little involvement with the subject child after this placement commenced, and on 16 January 2009 [Redacted] CPO expired. [Redacted]

[Redacted]

On 23 March 2009 Child Safety Services recorded a case note after being informed that [Redacted] had been residing with the subject child for a week [Redacted]

[Redacted]

On 3 April 2009 a PAIS worker made an appointment for the subject child with counselling service 10 after witnessing a fight between the subject child and [Redacted] on 1 April 2009.⁵

The subject child was receiving counselling [Redacted]

[Redacted]

[Redacted]

3.3 Service system actions/inactions linked to the subject child's death

The original review found that the service systems actions/inactions were not linked to the subject child's death. The Committee is of the opinion that this finding is appropriate.

Committee finding (RC1): The Committee is of the opinion that the action/inaction of the service system was not linked to the subject child's death.

4 Risk factors relevant to the subject child's death

Table 1: Potential risk factors relevant to the subject child's death

Risk factor	Identifier of risk
	Original review
	Original review
	Original review
	Original review
	Original review

4.1 Risk factors identified in the original review

The original review identified the following risk factors which are relevant to the subject child's death:

-
-
-
-
-

4.2 Risk factors identified by the Committee

The Committee did not identify any additional risk factors relevant to the subject child's death.

Committee finding (RC2): The Committee is of the opinion that the following risk factors identified in the original review are relevant to the subject child's death:

-
-
-
-
-

5 Service system issues

Table 2: Summary of service system issues

Service system issue	Adverse outcome	Identifier of service system issue
<i>Rights and needs of the child – placement arrangements – support and supervision of</i>	Yes – responsibility placed on the carers may have influenced placement	Committee

<i>carers and service providers</i> (responsibilities placed on carers between 2002 and 2005)	breakdowns resulting in lack of stability for the subject child.	
<i>Rights and needs of the subject child – therapeutic care</i> (coordination of therapeutic support services - 2002-2009)	Yes – inconsistent provision of and access to therapeutic support services did not enable the subject child to address issues such as the cumulative harm suffered from [redacted]	Committee
<i>Rights and needs of the child – contact – contact arrangements and conditions; child's wishes</i> (decision to allow subject child to organise [redacted] own contact with [redacted] parents – 2005)	Yes – [redacted] [redacted]	Original review
<i>Intervention – Assessment – decision-making – deciding the outcome</i> (plan to reunify subject child with either parent – 2005)	Yes – reunification plan impacted on the stability of placements	Original review
<i>Intervention – Child Protection Order – Type of Order</i> (decision not to apply for a Long Term Guardianship Order 2000–2009)	Yes – subject child continually returned to the care of [redacted] mother and father [redacted] [redacted]	Original review
<i>Rights and needs of the child – placement arrangements</i> (multiple placements experienced by the subject child between 2002 and 2009)	Yes – subject child experienced multiple placements instability within [redacted] life including changes of schools	Original review
<i>Intervention – Case planning – case plan review and reports</i> (adequacy of assessment of effectiveness of and compliance with case plan – 2002 – 2009)	Yes – subject child continued to be placed at risk of harm	Original review
[redacted]		Original review
<i>Intake – screening process</i> (screening of information by Child Safety Services from	Yes - child protection concerns were not assessed or addressed resulting in ongoing	Original review

concerning issues such as [redacted] [redacted] concerns from 2002-2009)	harm to the subject child.	
Child Safety Services' assessment of cumulative harm experienced by the subject child from 2002-2009	Yes – as a result of Child Safety Services not assessing the cumulative harm experienced by the subject child, the subject child was not provided with support and protection required.	Original review
Child Safety Services' assessment of the subject child's strengths and risk factors between 2005-2009	Yes – subject child continually exposed to harm as a result of Child Safety Services inappropriately assessing that [redacted] was able to protect [redacted] against the risks posed by [redacted] and [redacted]	Original review
<i>Rights and needs of the subject child – Education support</i> (subject child's involvement in education from 2005 – 2009)	Yes – subject child was not receiving education between 2006–2008).	Committee
<i>Rights and needs of children – placement arrangements – regular review of care arrangements</i> (Child Safety Services' intervention following placement with PAIS semi-independent living program - October 2008 – April 2009)	Yes – Child Safety Services did not monitor services provided by PAIS to subject child while the subject child. As a result, the subject child did not receive adequate support services during this time.	Original review
<i>Rights and needs of the children – Placement arrangements – provision of information to carers and service providers</i> (provision of information to PAIS – October 2008 – April 2009)	Yes – as PAIS was not aware of the risks posed by [redacted] no restrictions were placed on [redacted] visiting the subject child when placed in the semi-independent living program. Transition from care arrangements were not provided.	Original review
<i>Intervention – Child Protection Order</i> (decision to allow Short Term Custody CPO to expire – January 2009)	Yes – subject child did not receive necessary support from Child Safety Services	Original review
<i>Intake – Referrals and advice – QPS</i> (referral to QPS under s 14(2) CP Act – March 2009)	Yes – had Child Safety Services referred information about [redacted] while residing with the subject child in March 2009, [redacted]	Original review

	may have been prevented from having further contact with the subject child. [redacted]	
	[redacted]	

5.1 Service system issues identified in the original review as adversely affecting the subject child

The original review identified the following service system issues as resulting in adverse outcomes for the subject child:

- decision to allow subject child to organise [redacted] own contact with [redacted] parents – 2005
- plan to reunify subject child with either parent – 2005
- decision not to apply for a Long Term Guardianship Order 2000–2009
- multiple placements experienced by the subject child between 2002 and 2009
- adequacy of assessment of effectiveness of and compliance with case plan – 2002 – 2009
- Child Safety Services’ management [redacted]
- screening of information by Child Safety Services from [redacted] concerning issues such as [redacted]
- Child Safety Services’ assessment of cumulative harm experienced by the subject child from 2002-2009
- Child Safety Services’ assessment of the subject child’s strengths and risk factors between 2005-2009
- Child Safety Services’ intervention following placement with PAIS semi-independent living program - October 2008 – April 2009
- provision of information to PAIS – October 2008 – April 2009
- decision to allow Short Term Custody CPO to expire – January 2009, and
- referral to QPS under s 14(2) CP Act – March 2009

5.2 Service system issues identified by the Committee as adversely affecting the subject child

In addition to those identified by the original review, the Committee identified that the following services system issues also adversely affected the subject child:

- responsibilities placed on carers between 2002 and 2005,
- coordination of therapeutic support services - 2002-2009, and
- subject child’s involvement in education from 2005 – 2009

5.2.1 Responsibilities placed on carers between 2002 and 2005

The relevant documents indicate that Child Safety Services significantly relied on various foster carers in managing contact between the subject child and [redacted]. On a number of occasions during this time the foster carers were subjected to verbal abuse by the [redacted] and [redacted] and were at times asked for money by [redacted].

Given the volatile nature of [redacted] and [redacted] and the lack of boundaries of [redacted] as acknowledged by Child Safety Services, the

Committee is of the opinion that such level of contact with the carers should not have been allowed.

5.2.2 Coordination of therapeutic support services - 2002-2009

The subject child was referred to a number of support agencies between 2002 and 2009 to address issues including [redacted]

The Committee notes that overall the provision of therapeutic support services was disjointed due in part to the subject child's unwillingness at times to engage and also due to a lack of planning around the coordination of the different services.

While the Committee acknowledges that the subject child may have chosen to not engage with the services, had Child Safety Services developed a plan around the coordination of such services, therapeutic support may have been easier for the subject child to engage with.

5.2.3 Subject child's education from 2006 to 2009

After self-placing with [redacted] in 2006, the subject child ceased attending school. While this issue was raised with [redacted] and subject child, the subject child did not re-engage in an education program until late 2007 [redacted]

The Committee acknowledges the complexities faced by Child Safety Services in dealing with the subject child's family and that the issue around the subject child's education was one of many issues which the family was unwilling to engage about. However, the Committee considers that the service system's inability to respond to this situation adversely affected the subject child by not allowing [redacted] to be educated and isolating [redacted] from possible supports.

Committee finding (RC3): The Committee is of the opinion that the following service system issues which adversely affected the subject child were appropriately identified in the original review:

- decision to allow subject child to organise [redacted] own contact with [redacted] parents – 2005
- plan to reunify subject child with either parent – 2005
- decision not to apply for a Long Term Guardianship Order 2000–2009
- multiple placements experienced by the subject child between 2002 and 2009
- adequacy of assessment of effectiveness of and compliance with case plan – 2002-2009
- Child Safety Services' management of [redacted]
- screening of information by Child Safety Services concerning issues such as [redacted] from 2002-2009)
- Child Safety Services' assessment of cumulative harm experienced by the subject child from 2002-2009
- Child Safety Services' assessment of the subject child's strengths and risk factors between 2005-2009
- Child Safety Services' intervention following placement with PAIS semi-independent living program - October 2008 – April 2009
- provision of information to PAIS – October 2008 – April 2009

- decision to allow Short Term Custody CPO to expire – January 2009, and
- referral to QPS under s 14(2) CP Act – March 2009.

In addition, the Committee identified the following service system issues as adversely affecting the subject child:

- responsibilities placed on carers between 2002 and 2005,
- coordination of therapeutic support services - 2002-2009, and
- subject child's involvement in education from 2005 – 2009.

6 Recurring risk factors and service system issues

6.1 Recurring risk factors

The Committee identified the following recurring risk factors present in this case which have been present [redacted]

- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]

6.2 Recurring service system issues

The Committee suggests the following recurring service system issues are present in this case:

- intake - screening of information
- referral to QPS under s 14(2) CP Act
- assessment of cumulative harm
- multiple placements

6.2.1 Intake - screening of information

The Committee notes the presence of the issue of risk assessment in screening decisions in the recent cases: [redacted]

6.2.2 Referral to Queensland Police Service under section 14(2) *Child Protection Act*

The Committee notes the presence of the issue of lack referral to QPS under s 14(2) of the CP Act in the recent cases: [redacted]

6.2.3 Assessment of cumulative harm

The Committee notes that the assessment of cumulative harm is a recurring service system issue relevant in this case. This issue was also present in cases: [redacted]

6.2.4 Placement arrangements

The Committee notes that this case highlighted issues concerning the adequacy of placement arrangements in meeting a child's care needs. This issue was also present in the recent cases: [redacted]

Committee finding (RC4): The following recurring risk factors were identified by the Committee:

-
-
-
-
-



The following recurring service system issues were identified by the Committee:

- intake - screening of information
- referral to QPS under s 14(2) CP Act
- assessment of cumulative harm, and
- multiple placements

7 Quality of the original review

The Committee is required to consider whether the original review was of sufficient quality to enable timely responses to any relevant risk factors or service system issues (review criterion 5). To do this the Committee assesses if:

- the recommendations made in the original review are appropriate
- Child Safety Services has engaged with relevant service providers, and
- the information provided is sufficient to perform its statutory functions.

7.1 Recommendations made in the original review

The original review made the following recommendation:

1. *“The review report be provided to all staff who participated in the review to allow critical discussion and reflection on learnings”*

The Committee is of the opinion that this recommendation is appropriate.

7.2 Engagement with other service providers in conducting the original review

In conducting the original review, the Committee notes that Child Safety Services reviewed documents the Office of the State Coroner and QPS. The original review was also informed by discussions held with workers from PAIS and Queensland Health.

7.3 Information provided by Child Safety Services

7.3.1 Decision making information

Child Safety Services provided general information in relation to the planning and decision making in relation to the conduct of the original review.

7.3.2 Relevant documents

Child Safety Services appears to have provided all relevant documents for the Committee to fulfil its statutory obligations.

Committee finding (RC5): The Committee is of the opinion that no further action is required by Child Safety Services in terms of the sufficiency of the original review.

Attachment One

Commission for Children and Young People and Child Guardian Act 2000

Section 89S

Review Criteria for Child Death Case Review Committee 14th November 2008

The review criteria to be used by the Child Death Case Review Committee (CDCRC) in reviewing an 'original review' are to determine the following:-

1. Were any actions or inactions of the service system linked to the child's death?
2. What risk factors were relevant to the child's death?
3. Were any service system issues relevant to any adverse outcomes experienced by the child (while he or she was living)?
4. Are there any recurring or unrectified risk factors or service system issues that require further action?
5. Was the original review of sufficient quality to enable timely responses to any relevant risk factors or service system issues or is further action required?