

## Inquest into the death of Mason Jet Lee

Mason Jet Lee was 22 months of age when he died of abdominal injuries inflicted by the man his mother was in a relationship with. The Deputy State Coroner investigated the involvement of the Department of Child Safety, Youth and Women with Mason's family.

Deputy State Coroner Jane Bentley delivered her findings of inquest on 2 June 2020.

The Queensland Government responds to recommendations directed to government agencies at inquests by informing the community if a recommendation will be implemented or the reason why a recommendation is not supported.

The departments named in this response will provide implementation updates until the recommendation is delivered. Further information relating to the implementation of recommendations can be obtained from the responsible minister named in the response.

### Recommendation 1

The *Suspected child abuse and neglect (SCAN) manual* and relevant legislation, policies and procedures be amended to mandate that when a family is engaged with a service provider, and that family's matter is referred to SCAN:

- a. the external support worker must be invited to attend all SCAN meetings relevant to that family and
- b. information held by the SCAN members must be shared with the external support worker.

Response and action: the recommendation is implemented.

Responsible agency: Department of Child Safety, Youth and Women.

On 21 September 2020 the Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic Violence responded:

A review of the *Child Protection Act 1999* found that Part 3 (sections 159I to 159L) of the Act contained suitable powers to invite service providers to SCAN team system. This is most directly addressed through section 159K(b) which outlines that members of the SCAN system are – 'from time to time, other prescribed entities or service providers contributing to the operation of the system by invitation of the core members.'

A multi-agency working group, comprising subject matter experts from the Queensland Police Service, Queensland Health, the Department of Education and the Department of Child Safety, Youth and Women, met on three occasions to discuss changes to the SCAN team system manual and associated supporting materials. The SCAN team system manual is the primary procedural document for all agencies, and guides the operations of the SCAN team system.

A number of changes to the SCAN team system manual were approved by all SCAN team system core member agencies in September 2020. Now, SCAN coordinators will invite service providers, who are engaged with a family, to SCAN team meetings where the family's case is discussed. All relevant information held by SCAN team system members will be shared with service providers in the SCAN team meeting, and minutes be provided to service providers following the meeting. There has also been a review of the SCAN team system privacy deed, which all invited stakeholders are required to agree to prior to participating in a SCAN team system meeting.

Implementation activities to support the amendments will be completed by December 2020. These activities include communication of the changes and training to SCAN coordinators and core member representatives.

### **Recommendation 2**

Queensland Department of Health implement formal policies and procedures for the escalation of a case in which medical officers disagree with a decision made by the department (Department of Child Safety, Youth and Women) in relation to the discharge from hospital of a child.

Response and action: the recommendation is implemented.

Responsible agency: Queensland Health (lead), supported by the Department of Children, Youth Justice and Multicultural Affairs.

On 21 September 2020 the Deputy Premier and Minister for Health and Minister for Ambulance Services, and the Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic Violence responded:

Queensland Health finalised recruitment of a project manager who will coordinate the development and implementation of a process, and relevant supporting resources, for the escalation of a case in which Queensland Health medical officers disagree with a decision made by the Department of Child Safety, Youth and Women in relation to a child's discharge from hospital.

A working group, comprising subject matter experts from Queensland Health and the Department of Child Safety, Youth and Women was established to progress this recommendation. The working group will develop a joint escalation process. Each agency, informed by the working group, will be responsible for developing relevant resources to support the escalation process. A joint communication and implementation strategy will also be developed to ensure Queensland Health and Department of Child Safety, Youth and Women staff are aware of the escalation process.

### **On 8 July 2021 the Minister for Health and Ambulance Services, and the Minister for Children and Youth Justice and Minister for Multicultural Affairs and responded:**

On 12 November 2020, the policy area responsible for child safety within the former Department of Child Safety, Youth and Women transitioned to the Department of Children, Youth Justice and Multicultural Affairs.

Queensland Health and the Department of Children, Youth Justice and Multicultural Affairs developed a draft process for escalation of cases in which Queensland Health medical officers disagree with a decision made by the department. Using a collaborative approach, both agencies are undertaking consultation with Queensland Health clinicians and child safety staff through focus groups and scenario testing to ensure the joint escalation process addresses multiple possible escalation points.

A cross-agency working group has been established to consider feedback received through consultation, finalise development and inform implementation of the joint escalation process. The escalation process will be approved for implementation by the directors-general of Queensland Health and the Department of Children, Youth Justice and Multicultural Affairs.

Queensland Health are also dedicating further resources to the development and implementation of this process.

### **On 17 December 2021 the Minister for Health and Ambulance Services and Leader of the House, and the Minister for Children and Youth Justice and Minister for Multicultural Affairs and responded:**

In July 2021, after extensive consultation across both agencies, the directors-general of Queensland Health and the Department of Children, Youth Justice and Multicultural Affairs endorsed the 'Discharge escalation pathway for a child at risk'. This pathway provides consistency and best practice regarding the minimum

standard process and authority to initiate escalation when a medical officer is concerned about child safety's decision-making related to the immediate safety of a child upon discharge from a hospital.

With the pathway endorsed, both agencies will transition to business-as-usual implementation activities, including communications to stakeholders, monitoring of the pathway's use and periodic review.

This recommendation is now complete.

### **Recommendation 3**

Procedures and policies for the provision of information to the Queensland Police Service be reviewed to ensure that information held by the department is provided to the Queensland Police Service, upon request, in a timely manner and without redactions and the Queensland Police Service report annually for the next three years to the Coroners Court of Queensland the number, if any, of search warrants executed on the department for the provision of information in relation to children who are subject to a joint investigation.

Response and action: the recommendation is implemented.

Responsible agency: Department of Child Safety, Youth and Women and the Queensland Police Service.

On 21 September 2020 the Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic Violence, and the Minister for Police and Minister for Corrective Services responded:

Legal officers from the Queensland Police Service and the Department of Child Safety, Youth and Women met to discuss information sharing issues, and to confirm interpretations of relevant legislation.

The Department of Child Safety, Youth and Women commenced a review of information sharing procedures, including reviewing any requirements for legislative change. An action plan, identifying a number of activities, including a review of procedural advice, staff training, and information system inputs, has been developed.

The Queensland Police Service commenced scoping the requirements to report the number of search warrants executed on child safety for joint investigations.

The Queensland Police Service will continue joint investigation search warrant reporting requirements for the next three years.

### **On 22 April 2021 the Minister for Children and Youth Justice and Minister for Multicultural Affairs and the Minister for Police and Corrective Services and Minister for Fire and Emergency Services updated:**

The Queensland Police Service commenced collecting data to report the number of search warrants executed on Child Safety for joint investigations for the 2020-21 reporting period. It is anticipated the first report will be sent to the Coroners Court of Queensland in mid-2021.

Following confirmation of information sharing legislative interpretations in 2020, the Department of Children, Youth Justice and Multicultural Affairs commenced an information sharing improvement project. This project is continuing through 2021 and involves improving information requests through better and targeted training, monitoring and improving the quality of information requests and continuing to design an efficient information sharing application called Unify s159N.

The review of information sharing procedures and policies is being absorbed into business-as-usual arrangements for the Department of Children, Youth Justice and Multicultural Affairs.

#### **Recommendation 4**

The *Suspected child abuse and neglect (SCAN) manual* and relevant legislation, policies and procedures be amended to require cases remain open to SCAN until appropriate feedback has been provided to core members and it is agreed that the recommendations have been fulfilled, or if not fulfilled, are no longer appropriate, and that no further recommendations are appropriate.

Response and action: the recommendation is implemented.

Responsible agency: Department of Child Safety, Youth and Women.

On 21 September 2020 the Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic Violence responded:

A review of the *Child Protection Act 1999* found that that Part 3 (sections 159I to 159L) of the Act contained suitable powers to operate the SCAN team system, and a legislative provision was not required to effect appropriate case closures. This is appropriately dealt with through policy and procedure.

A multi-agency working group, comprising subject matter experts from the Queensland Police Service, Queensland Health, the Department of Education and the Department of Child Safety, Youth and Women, met on three occasions to discuss changes to the SCAN team system manual and associated supporting material. The SCAN team system manual is the primary procedural document for all agencies, and governs the operations of the SCAN team system.

A number of changes to the SCAN team system manual were approved by all SCAN team system core member agencies in September 2020. Now, where the SCAN team has formulated recommendations and at least one review has occurred to monitor the implementation and effectiveness of the recommendations, the case will be closed to the SCAN team only when it is agreed that the feedback adequately assures all core member representatives that the recommendations have been completed (or if not completed, are no longer appropriate) and the SCAN team agrees there has been no additional information provided which indicates that further recommendations are required to enable a coordinated response to the protection needs of children.

Implementation activities to support the amendments will be completed by December 2020. These activities include communication of the changes and training to SCAN coordinators and core member representatives.

#### **Recommendation 5**

The *Suspected child abuse and neglect (SCAN) manual* and relevant legislation, policies and procedures be amended to mandate that when a SCAN meeting is inquorate, the available members nevertheless hold a case planning discussion about the matters that would have been subject to the meeting.

Response and action: the recommendation is implemented.

Responsible agency: Department of Child Safety, Youth and Women.

On 21 September 2020 the Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic Violence responded:

A legislative review of the *Child Protection Act 1999* found that that Part 3 (sections 159I to 159L) of the Act contained suitable powers to operate the SCAN team system, and a legislative provision was not required to mandate quorum requirements. This is appropriately dealt with through policy and procedure.

A multi-agency working group, comprising subject matter experts from the Queensland Police Service, Queensland Health, the Department of Education and the Department of Child Safety, Youth and Women, met on three occasions to discuss changes to the SCAN team system manual and associated supporting material. The SCAN team system manual is the primary procedural document for all agencies, and governs the operations of the SCAN team system.

A number of changes to the SCAN team system manual were approved by all SCAN team system core member agencies in September 2020. The manual now reiterates that SCAN team meetings should, unless exceptional circumstances prevail, be quorate, including emergency SCAN meeting. This includes the identification of suitable proxies. The addition of the following guidance for case planning discussions has been added to the SCAN team system manual, where an inquorate meeting is unavoidable –

*The immediate safety of a child must never be compromised by an inability to form a SCAN team quorum. When a quorum is not formed for a SCAN team (or emergency) meeting to proceed then a case planning discussion will be held with the available core member representatives and invited stakeholders.*

The SCAN team system manual now includes the following guidance where immediate actions are taken prior to or during a SCAN team meeting –

*In some circumstances intervention by one or more agencies may occur prior to or during a meeting. Intervention may be required to ensure the immediate safety of a child and/or to meet other legislative requirements. In all instances, discussion and planning for cases by the SCAN team must not delay statutory responses or impede a criminal investigation.*

Implementation activities to support the amendments will be completed by December 2020. These activities include communication of the changes and training to SCAN coordinators and core member representatives.

#### **Recommendation 6a**

The department review its policies and procedures to ensure that, in accordance with the government's acceptance of recommendation 7.4 of the Carmody Inquiry:

- i. adoption is routinely and genuinely considered as a suitable permanency option for children in out-of-home care where reunification or unification is unlikely, and should be pursued in those cases, particularly for children aged under three years.
- ii. adoption is routinely and genuinely considered by child safety officers as one of the permanency options open to them when deciding where to place a child in out of home care.

Response and action: the recommendation is implemented.

Responsible agency: Department of Children, Youth Justice and Multicultural Affairs.

On 21 September 2020 the Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic Violence responded:

The Child Protection and Other Legislation Amendment Bill 2020 was introduced into the Legislative Assembly on 14 July 2020. The Bill proposed two amendments to the *Child Protection Act 1999* and a minor unrelated technical amendment to the *Adoption Act 2009*.

The proposed amendments to the *Child Protection Act 1999* intended to enhance the approach to permanency under the *Child Protection Act 1999*; clarify that adoption is already an option for achieving permanency for children in care, as part of the suite of alternative long-term care options available; and clarify the importance of and promote alternative permanency options for children under a long-term guardianship order to the chief executive.

The Legal Affairs and Community Safety Committee tabled its report on the Bill on 28 August 2020. The committee made one recommendation, that the Bill be passed.

The Department of Child Safety, Youth and Women has commenced a review of the 2018 permanency reforms. This has included briefings with relevant peak bodies and consumer groups and internal staff. This will progress further with audits of all children in care under three, by the end of 2020.

The Child Protection and Other Legislation Amendment Bill 2020 was not debated in the final sitting week of parliament. The Bill will lapse when the caretaker period commences on 6 October 2020. Whether the Bill is reintroduced into the Legislative Assembly will be a matter for the incoming government following the Queensland state election on 31 October 2020.

The Department of Child Safety, Youth and Women is in the final stages of developing an internal permanency strategy. This strategy will outline priority activities to inform better long-term outcomes for children in care. This will be informed by the review of the 2018 permanency reforms.

**On 22 April 2021 the Minister for Children and Youth Justice and Minister for Multicultural Affairs updated:**

In January 2021, the Department of Children, Youth Justice and Multicultural Affairs (the department) finalised an internal review of the implementation of the 2018 permanency reforms. The purpose of this review was to inform further internal actions required by the department to give full effect to the legislation. The review found that the communication activities, policy and procedural amendments and practice changes had resulted in the appropriate embedding of the changes. This was evidenced by progress made in reducing the number of sequential short-term orders for children and an increase in long-term orders. Uptake of the new permanent care orders is growing. Findings from the review have informed the development of the first departmental Permanency Strategy including a roadmap for further embedding of reforms which was approved in early 2021.

Between July and December 2020, the department undertook an audit of the cases of all children under three in care. The review sought to improve individual permanency outcomes for each child and to identify the enablers and barriers to achieving relational, physical and legal permanency. This audit has resulted in specific, individual-level actions to be undertaken by child safety officers, and system-level considerations which have been incorporated into the Permanency Strategy and roadmap.

On 23 March 2021, the Legislative Assembly passed the Child Protection and Other Legislation Amendment Bill 2020. The Bill amends the *Child Protection Act 1999* to enhance the approach to permanency under the *Child Protection Act 1999*; clarify that adoption is already an option for achieving permanency for children in care, as part of the suite of alternative long-term care options available; and clarify the importance of and promote alternative permanency options for children under a long-term guardianship order to the chief executive.

The Bill will become an Act when it receives Royal Assent and the permanency amendments will commence by Proclamation.

This recommendation is now complete. Implementation of the amendment Bill will be absorbed into the business-as-usual arrangements for the Department of Children, Youth Justice and Multicultural Affairs.

**Recommendation 6b**

The government consider whether the *Adoption Act 2009* (Qld) should similarly reflect the 2018 amendments to the *Adoption Act 2000* (NSW), expecting children to be permanently placed through out of home adoptions within 24 months of entering the department's care.

Response and action: the recommendation is implemented.

Responsible agency: Department of Children, Youth Justice and Multicultural Affairs.

On 21 September 2020 the Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic Violence responded:



The Child Protection and Other Legislation Amendment Bill 2020 was introduced into the Legislative Assembly on 14 July 2020. The Bill proposed two amendments to the *Child Protection Act 1999* and a minor unrelated technical amendment to the *Adoption Act 2009*.

The proposed amendments to the *Child Protection Act 1999* intended to enhance the approach to permanency under the *Child Protection Act 1999*; clarify that adoption is already an option for achieving permanency for children in care, as part of the suite of alternative long-term care options available; and clarify the importance of and promote alternative permanency options for children under a long-term guardianship order to the chief executive.

The Legal Affairs and Community Safety Committee tabled its report on the Bill on 28 August 2020. The committee made one recommendation, that the Bill be passed.

The Child Protection and Other Legislation Amendment Bill 2020 was not debated in the final sitting week of parliament. The Bill will lapse when the caretaker period commences on 6 October 2020. Whether the Bill is reintroduced into the Legislative Assembly will be a matter for the incoming government following the Queensland state election on 31 October 2020.

**On 22 April 2021 the Minister for Children and Youth Justice and Minister for Multicultural Affairs updated:**

In preparing the Child Protection and Other Legislation Amendment Bill 2020, the department gave consideration to the New South Wales legislative framework for adoption from the child protection system.

On 3 December 2020, the Minister for Children and Youth Justice and Minister for Multicultural Affairs introduced the Child Protection and Other Legislation Amendment Bill 2020 (the Bill) into the Queensland Parliament.

The Bill amends the *Child Protection Act 1999* to enhance the approach to permanency under the *Child Protection Act 1999*. The Bill clarifies that adoption is an option for achieving permanency for children who require long-term care. This is achieved by amending section 5BA(4) of the *Child Protection Act 1999* to provide that adoption is the third preference in the order of priority for deciding whether an action or order best achieves permanency for a child, except for an Aboriginal or Torres Strait Islander child. For an Aboriginal or Torres Strait Islander child, adoption will be the last preference, after being cared for under the guardianship of the chief executive.

This is consistent with section 7 of the *Adoption Act 2009* which provides that, because adoption (as provided for in that Act) is not part of Aboriginal tradition or Island custom, adoption of an Aboriginal or Torres Strait Islander child should be considered as a way of meeting the child's need for long-term stable care only if there is no better available option.

The Bill also inserts a new section 51VAA that requires the chief executive to review the case plan for a child two years after the long-term order was made. This review must consider whether permanency for the child would be best achieved by an alternative arrangement as provided for in section 5BA(4).

The Bill does not require that adoption be considered or expedited after two years of a child protection order granting guardianship to the chief executive being in place. Rather, the Bill requires the chief executive to review the case plan for the child to consider whether there is a better way of achieving permanency for the child. If adoption was identified as an option for a child as part of this review, the *Adoption Act 2009* would apply, including all of the protections and safeguards for Aboriginal and Torres Strait Islander children.

On 23 March 2021, the Legislative Assembly passed the Child Protection and Other Legislation Amendment Bill 2020. The Bill will become an Act when it receives Royal Assent and the permanency amendments will commence by Proclamation.

This recommendation is now complete. Implementation of the Bill will be absorbed into the business-as-usual arrangements for the Department of Children, Youth Justice and Multicultural Affairs.

**Recommendation 6c**

The department report to the Coroners Court of Queensland the numbers of children adopted and the details of those matters, every six months for the next five years.

Response and action: the recommendation is implemented.

Responsible agency: Department of Children, Youth Justice and Multicultural Affairs.

On 21 September 2020 the Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic Violence responded:

The Department of Child Safety, Youth and Women has commenced formulating the format of this report, which will draw from existing public performance reporting processes.

The first report to the coroner will occur in December 2020, six months after the government's acceptance of this recommendation.

**On 22 April 2021 the Minister for Children and Youth Justice and Minister for Multicultural Affairs updated:**

On 12 November 2020, the policy area responsible for child safety within the former Department of Child Safety, Youth and Women transitioned to the Department of Children, Youth Justice and Multicultural Affairs.

On 24 December 2020, the Department of Children, Youth Justice and Multicultural Affairs provided the first report of the number children adopted, with relevant details, to the Coroners Court of Queensland. The Department of Children, Youth Justice and Multicultural Affairs will continue reporting every six months for the next five years.