

# Care concerns: CCMU reporting to external agencies Procedure

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## 1. Purpose

This procedure has been developed to support the aims and objectives of the Department for Child Protection (DCP) [Manual of Practice chapter – Raising and Responding to Care Concerns](#). It is intended to be read in conjunction with other established procedures relating to the management of care concerns.

This procedure describes the process for Care Concern Management Unit (CCMU) staff on reporting matters to external agencies.

Reporting may occur at different times within the care concern process, dependent on the information available at the time, including:

- point of determination
- within/following the Care Concern Assessment Panel (CCAP)
- within the Interagency Code Of Practice strategy discussion and/or planning discussion
- at the conclusion of a care concern process when outcomes are finalised.

## 2. Scope

This procedure applies to staff within the CCMU. Those with specific roles and responsibilities related to this procedure include the CCMU Manager, the Principal Care Concern Officer (PCCO), the Senior Care Concern Officer (SCCO) and Program Support Officer (PSO).

## 3. Authority

### 3.1 Legislative context

*Children and Young People (Safety) Act 2017 Children and Young People (Safety) Regulations 2017*

Section 152 of the *Children and Young People (Safety) Act 2017* establishes the mechanism by which information relating to the health, safety, welfare or wellbeing of a particular child or young person or class of children or young people can be shared, with or without consent, between service providers and DCP as well as other government departments.

Section 164 of the *Children and Young People (Safety) Act 2017* provides for the disclosure of information to the Commonwealth or another State or Territory or to agencies exercising their official duties under an Act relating to the care or protection of children and young people.

*Independent Commission Against Corruption Act 2012*

Establishes responsibility for public officers to report suspected or alleged corruption, misconduct or maladministration in public administration to the Independent Commission Against Corruption.

*Child Safety (Prohibited Person) Act 2016*

Section 19 of the *Child Safety (Prohibited Persons) Act 2016* details the requirement for employers to advise the central assessment unit of certain information.

*Criminal Law Consolidation Act 1935*

Section 64A and 65 of the *Criminal Law Consolidation Act 1935* outlines additional responsibilities for DCP employees (including students, volunteers and agency carers) in responding to allegations of sexual harm perpetrated by another DCP employee.

## 3.2 Whole of Government requirements

- The [National Standards for out-of-home care 2011](#)
- [Charter of Rights for Children and Young People in Care](#)
- [Information sharing guidelines for promoting safety and wellbeing.](#)

## 3.3 DCP requirements

- [Quality and Safeguarding Framework, 2020](#)

# 4. Procedure requirements

## 4.1 Report a matter to external stakeholders

Following determination of the Care Concern Referral (CCR) either via the CCMU or Care Concern Assessment Panel (CCAP), the PSO will advise relevant stakeholders responsible for the child or young person of the determination via email utilising the [Determination Email to Stakeholders Template](#).

The SCCO will identify the stakeholders requiring notification of the CCR within the determination note. Based on the circumstances of the care concern, the list of recipients may differ. However, the list will typically include the DCP Manager (allocated office), Kinship Care Manager/Residential Care Manager, Service, Contracts and Licensing, and the non-government organisation (NGO) service provider.

Key external agencies and related stakeholders will also be included as recipients of the email communication and advised of the determination for actioning where the allegation meets specific criteria, as outlined below.

(Refer to 4.14 – [Care Concerns - Assess and Assign a Care Concern Referral Procedure](#) for further information regarding referral requirements).

### 4.1.1 South Australia Police (SAPOL)

South Australia Police (SAPOL) State Crime Assessment Centre are to be advised of all Serious Care Concern allegations of a criminal nature. The PSO is to email the password protected CCR to SAPOL's State Crime Assessment Centre ([SAPOL.SCAC@police.sa.gov.au](mailto:SAPOL.SCAC@police.sa.gov.au)) for review and allocation.

The Child and Family Investigation Unit (CFIU SAPOL), where the child or young person resides, are to be advised of all No Action, Minor or Moderate Care Concerns involving allegations of a criminal nature. The PSO is to email the password protected CCR to the appropriate CFIU as identified within the determination note.

In circumstances where the care concern involves information that a current or former DCP employee (including students, volunteers and agency carers) is the alleged perpetrator of sexual harm toward the child or young person (even if they are now an adult), CCMU staff must refer to the [Reporting a suspicion a child or young person is at risk procedure](#). In accordance with section 64A of the *Criminal Law Consolidation Act 1935*, it is an offence for a DCP employee not to report to SAPOL if they know or suspect sexual harm of a child perpetrated by another DCP employee. Failure to report to SAPOL suspected child sexual abuse in accordance with section 64A has a maximum penalty of imprisonment for three years. In accordance with section 65 of the *Criminal Law Consolidation Act 1935*, it is also an offence for a DCP employee to negligently fail to reduce or remove a substantial risk of sexual harm of the child or young person allegedly perpetrated by a current DCP employee and has maximum penalty of imprisonment for 15 years.

Consideration should also be given to whether the situation needs to be managed in accordance with the [Significant Incident Reporting Procedure](#).

#### 4.1.2 Guardian for Children and Young People (GCYP)

The Guardian for Children and Young People (GCYP) is to be advised of all care concerns which are sexual in nature. The PSO will email the password protected CCR to the GCYP Assessment and Referral Officer (R20@sa.gov.au) for review.

For all Serious Care Concerns that are sexual in nature, the GCYP will be provided a copy of the Response Plan following the Serious Care Concern Planning Discussion. The SCCO responsible for the Serious Care Concern will email the password protected Response Plan to the GCYP Assessment and Referral Officer.

Following the finalisation of all Serious Care Concerns of a sexual nature, the SCCO will send an outcome email to the GCYP Assessment and Referral Officer. The email will include a copy of the investigation report, CCOP minutes and the briefing endorsed by the delegate.

#### 4.1.3 National Disability Insurance Scheme (NDIS)

Where the CCR relates to a child or young person identified as having a disability, CCMU will advise the Manager, Regional Disability Team, of the Care Concern, regardless of the determination. The Manager, Disability Support, will be advised of all Moderate and Serious Care Concerns related to children or young people identified as having a disability.

Note that not all children and young people with disabilities are eligible for funding via an NDIS plan. Where a child or young person does have an NDIS plan, this will be saved on C3MS under the 'Plan tab'.

Reporting to the NDIS Quality and Safeguards Commission (the Commission) needs to occur when a care concern is raised in relation to a service provider/care arrangement (regardless of whether an agency or individual provider) that is eligible to be paid and funded via a child or young person's NDIS plan funding.

Note that where the care concern relates to a carer in a family based placement (either kinship or foster care), there is no requirement to report the concern to the Commission.

The Commissioning, Performance and Disability Directorate is responsible for identifying if the placement meets this criteria and will provide the CCMU with a list of identified placements every eight weeks. The SCCO will review the list and report all minor, moderate and serious care concerns to the NDIS Quality and Safeguards Commission.

#### 4.1.4 Department of Human Services Screening Unit

Under section 39A of the [Child Safety \(Prohibited Persons\) Act 2016](#), DCP is required to inform the Department of Human Services (DHS) – Screening Unit, where it is suspected that a person poses, or may pose, an unacceptable risk to children and young people. Mechanisms exist for the Screening Unit to continuously receive care concern outcome information through a continuous monitoring program.

The CCMU either via the Manager, CCAP, Serious Care Concern Planning Discussion and/or Care Concern Outcome Panel will consider whether the matter should be reported to the DHS Director, Screening Unit, via DCP's Executive Director – Out of Home Care and the Director of Quality and Practice. The email will then be uploaded to the Digital Workspace file for the care concern and onto C3MS.

#### 4.1.5 The Person Subject of Concern's employer

A Person Subject of Concern (PSOC) may be employed, outside of their caring role, by an agency with whom information can be shared under section 152 of the *Children and Young People (Safety) Act 2017*. This includes, other government agencies and service providers that DCP contracts to provide services to children and young people in care. Under these circumstances, the Manager CCMU will consider whether information regarding the care concern should be shared with the PSOC's employer to manage risk to a child or young person, or class of children or young people that might arise in the recipient's capacity as an employer or provider of services.

Where a decision is made by the Manager CCMU to share such information, it must not include details of any child or young person under guardianship that the care concern relates to or any information that may identify the child or young person. The Manager CCMU will inform the Director Quality and Practice, via email, of all information shared under section 4.1.5 of this procedure.

The Manager CCMU will upload any written advice to the employer onto C3MS and Digital Workspace as well as the email informing the Director of the information sharing.

#### 4.2 Documentation of external reporting

The CCMU staff will upload all correspondence with external agencies (excluding matters referred to the Office for Public Integrity (OPI)) on the care concern in C3MS under the notes and documents tab and the Digital Workspace file for the care concern.

#### 4.3 Report a matter to the Office for Public Integrity (OPI) or the Ombudsman

The [Independent Commission Against Corruption Act \(2012\)](#) (ICAC Act) established the Office for Public Integrity (OPI).

The OPI receives and assesses complaints and reports received regarding potential matters of corruption in public administration.

Under Schedule 1 of the ICAC Act, public officers include: public sector employees, local government employees, local government elected members, members of parliament, judges, and persons performing contract work for a public authority or the Crown. This includes NGO's and their workers.

The ICAC Act requires public officers to immediately report matters to the OPI which are reasonably suspected to involve corruption. This includes criminal offences involving conduct related to abusing power or position for a benefit, bribery and dishonesty offences.

Where a matter of corruption by DCP or service provider staff is reasonably suspected during assessment of a CCR, the matter is to be reported to OPI via the online report tool.

All staff within the CCMU are required to report where they reasonably suspect the above criteria is met.

Further information on what to and how to report is available at <https://www.publicintegrity.sa.gov.au/> and at employee conduct.

The Ombudsman has the function of receiving, assessing and investigating reports about misconduct and maladministration in public administration. Public officers and public authorities should report to the Ombudsman any reasonable suspicion of misconduct or maladministration in public administration.

Reportable matters may include but are not limited to:

- an intentional and serious contravention of a code of conduct by a public officer while acting in their capacity as a public officer that constitutes a ground for disciplinary action against the officer
- poor governance or mismanagement of public resources or functions that may have serious implications for the department and/or the community.

The OPI can also continue to receive complaints and reports about misconduct and maladministration in public administration. While ICAC can no longer investigate the reports they can be referred to another agency to investigate.

The Manager CCMU will inform the Group Manager Employee Relations via email that a care concern matter has been identified for reporting to OPI or the Ombudsman and that all further dealings with OPI for the matter are to be dealt with by Employee Relations. If the matter has been reported by the CCMU, a copy of the report will be sent in the same email. This email will be saved into the Digital Workspace file for the care concern.

The Group Manager, Employee Relations will be responsible for any further correspondence and responses to OPI.

The Group Manager, Employee Relations who oversees the DCP Investigation Unit will also consider Serious Care Concern investigations in progress for potential reporting to the OPI or Ombudsman SA, with all associated tracking and correspondence to remain the responsibility of the Investigations Unit.

## 5. Compliance, monitoring and evaluation

The Program Support Officer is responsible for ensuring the CCMU determination is emailed to all relevant stakeholders. The SCCO allocated to the care concern(s) is responsible for ensuring that all reporting requirements are considered met prior to closure of the concern.

## 6. Related documents

Related documents, forms and templates
<a href="#">Manual of Practice – Raising and Responding to Care Concerns</a>
<a href="#">Independent Commissioner Against Corruption Act (2012)</a>
<a href="#">Care Concerns - Assess and Assign a Care Concern Referral Procedure</a>
<a href="#">Employee conduct</a>
Determination Email to Stakeholders Template
<a href="#">Information Sharing Practice Guide</a>
<a href="#">Significant Incident Reporting Procedure</a>
<a href="#">Reporting a suspicion a child or young person is at risk procedure</a>

## 7. Glossary

Term	Meaning
CCAP	Care Concern Assessment Panel
CCMU	Care Concern Management Unit
CCR	Care Concern Referral
DCP	Department for Child Protection
GCYP	Guardian for Children and Young People
ICAC	Independent Commissioner Against Corruption
NDIS	National Disability Insurance Scheme
NGO	Non-Government Organisation
OPI	Office for Public Integrity
PSO	Program Support Officer
SAPOL	South Australia Police
SCCO	Senior Care Concern Officer

## Document control

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