

Hon. Steven Marshall MP
Premier of South Australia
via email: premier@sa.gov.au

6 January 2022

Dear Premier Marshall,

Independent Inquiry into Foster & Kinship Care

Connecting Foster and Kinship Carers SA (CF&KC-SA) is the independent peak representative body for Foster and Kinship Carers (Carers) in South Australia.

We write today in relation to the appointment of Dr Fiona Arney as the Independent Inquirer under the recently legislated Independent Inquiry into Foster and Kinship Care (the Inquiry). We understand Dr Arney's appointment was approved by cabinet on Monday 20 December 2021.

As the peak body, representing our over 1000 members, we are deeply concerned to ensure

- the voices of Carers are heard in relation to this Inquiry;
- the Inquirer appointed by the government is 'independent', and is seen to be 'independent'; and
- Carers have access to an Inquiry they can trust will be safe, fair, unbiased, fearless and (above all) effective.

Without these three important elements in place, we fear the Inquiry will

- not satisfy the Carers who fought for its establishment and the many others who welcome the opportunity it presents;
- not attract submissions from a full range of Carers;
- further alienate the very Carers that the Inquiry was established to support and encourage; and
- result in the loss of a very important opportunity to identify ways to improve our child protection system for the benefit of all.

The voice of Carers

It is clear that some Carers harbour very significant concerns about Dr Arney's appointment. A number have expressed these concerns in comments on the Department for Child Protection (DCP) Facebook page in response to the post announcing Dr Arney's appointment. We understand that some have written to Members of Parliament and to Dr Arney herself.

Independence

Of particular concern to our organisation is the issue of independence.

The amending legislation establishing the Inquiry, the Children and Young People (Safety) (Inquiry into Foster and Kinship Care) Amendment Act 2021, states that 'the

inquiry must be conducted by a person who is independent of the Department and not involved in the administration, operation or enforcement of this Act'.

This legislated independence is vital - in order for Carers to have faith in both the process and the outcome of the Inquiry.

In response to Carer concerns, The Hon. John Darley MLC convened a meeting with Dr Arney to discuss the Inquiry on 30 December 2021. The meeting was attended by two representatives from our organisation (Megan Hender, Chair; and Kelly Mathews, Board Member and Kinship Carer), two representatives from the Carer Project (Joyce Woody and Lisa O'Malley), Ms Belinda Valentine and Mr Ted Lee (a member of Mr Darley's staff). Dr Arney graciously submitted herself to be questioned by all those present. Our organisation came away from the meeting with

- a better understanding of Dr Arney's considerable skills and experience;
- a favourable view about Dr Arney's knowledge of the area and her commitment to improving the child protection system;
- a belief that Dr Arney's appointment met the legislation in that she was 'independent of the Department' and 'not involved in the administration, operation or enforcement' of the Act; and
- a determination to fully embrace the Inquiry with Dr Arney at its helm.

However since that meeting it has become clear that issue of independence has not been fully resolved. Some Carers continue to express considerable and (in some cases new) concerns - including that Dr Arney, her previous employer the Australian Centre for Child Protection (ACCP), and DCP are inextricably linked. To support this contention some Carers cite (amongst other things) that

- ACCP received considerable funds from DCP and other government departments during Dr Arney's tenure;
- Dr Arney has co-authored articles with senior DCP executives; and
- Senior DCP staff have been appointed as Adjunct Professors at ACCP.

An Inquiry that Carers trust

Whether these (and other) assertions are right, or whether they amount to a lack of independence, is not a matter for our organisation to determine. Our concern is that Carers have faith in the Inquiry and, in particularly, trust that it is being run at arm's length from DCP.

We therefore call for these Carer concerns to be heard, respected, resolved and responded to by government at the earliest opportunity, and (if the Inquiry is to be successful) certainly before the Inquiry gets underway.

We have addressed this call to you as

- we understand cabinet made the appointment;
- we believe for these issues need to be resolved at arm's length from DCP; and
- we believe the responsibility for the resolution of these issues lies with government, not with the appointed Inquirer.



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We would welcome an opportunity to discuss these important issues with you in person.

Yours sincerely,

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CEO
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Megan Hender
Chair
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cc: *The Hon. Rachel Sanderson MP, Minister for Child Protection*

The Hon. John Darley, MLC