

**This guide is intended to help Foster and Kinship carers (Carers) understand the Independent Inquiry into Foster and Kinship Care, and how Carers can be part of the process.**

**Please note:** new information published in this Carer Guide will have pink headings

### **What is the Inquiry into Foster and Kinship Care?**

The Inquiry into Foster and Kinship Care was established by SA Parliament when they voted to pass an amendment to the Child and Young Person (Safety) Act. The Amendment Act, introduced into Parliament by The Honourable John Darley MLC, states that, *The Minister must cause an Independent Inquiry into Foster and Kinship Care in the State to be conducted, and a report of the Inquiry to be prepared...*

### **What is the Inquiry going to look at?**

The legislation establishing the Inquiry sets out what it is to look at. It says [blue highlights added by us]:

*Without limiting the matters that may be considered in the course of the inquiry, the inquiry—*

*(a) must review **existing complaints mechanisms** in the Department as they relate to foster care and kinship care, including consideration of—*

*(i) how such complaints are processed by the Department; and*

*(ii) the independence of the complaints process; and*

*(iii) outcomes and actions arising from such complaints; and*

*(iv) the extent to which outcomes and feedback relating to such complaints are communicated to foster carers and kinship carers; and*

*(b) must review the **adequacy of existing consultation processes** between the Department, other persons and bodies involved in foster care or kinship care, and foster carers and kinship carers; and*

*(c) must review the **transparency and availability of documentation and information held by the Department** and other persons and bodies involved in foster care or kinship care to foster carers and kinship carers (including care concerns and manuals of practice); and*

*(d) must consider the **adequacy of internal procedures and arrangements** within the Department and other persons and bodies involved in foster care or kinship care in ensuring that—*

*(i) there is a sound partnership between the Department, those persons and bodies and foster carers and kinship carers, and*

*(ii) the rights of children in foster care and kinship care (including their rights relating to safety, cultural identity, access to services and opportunities, autonomy and decision-making) are respected, addressed and realised; and*

*(e) may make such **recommendations for changes** to matters affecting foster care or kinship care that the inquiry considers necessary or appropriate to improve outcomes for children and young people in foster care or kinship care, as well as foster carers and kinship carers (including, for example, the need for an independent, legislatively protected complaints system, changes to compliance procedures within the Department and any legislative changes needed to enable the recommendations to be implemented).*

The first 8 words of this excerpt from the Act: *without limiting the matters that may be considered* - are really important. The inclusion of these words mean that whilst the Inquirer **must** consider the particular things set out in the legislation, the Inquirer may receive submissions from Carers on **any** issues that Carers wish to present.

### **Who has been appointed as Inquirer?**

Dr Fiona Arney has been appointed the Independent Inquirer. Dr Arney is a former Professor from UniSA and current Director of [Arney Chong Consulting](#).

### **I have heard that Dr Arney is not 'independent'. Is that true?**

CF&KC-SA understands that some Carers are not confident that Dr Arney is 'independent' in the way that is required by the CYPs Act. Therefore, we wrote to the Premier on 6 January 2022, advising him on these concerns and asking that they be addressed. You can see a copy of our letter [here](#). We received a response to our letter on 28 January 2022. You can find a copy of the answer [here](#).

### **I thought we were going to get a former judge. Why is the Inquirer not a judge?**

The Act establishing this Inquiry does not say that the Inquirer must be a former judge. It says that *the inquiry must be conducted by a person who is independent of the Department for Child Protection and not involved in the administration, operation, or enforcement of this Act.*

### **Has the Inquiry started?**

Yes. The Act establishing the Inquiry states that it must commence not later than 1 month after the Amended Act comes into operation. The Act came into operation on 9 December 2021. The Inquiry officially commenced on 8 January 2022.

### **How long will the Inquiry run?**

The Act establishing the Inquiry says the Inquiry must be completed within 6 months after the Amending Act comes into operation. The Act came into operation on 9 December 2021. The Inquiry must therefore be completed by 9 June 2022.

### **How can I be involved in this Inquiry?**

You can be involved in the Inquiry by making a submission to the Inquiry. It is expected that most submissions will be in writing and submitted by email or post. Other ways of making submissions are currently being considered. If you would like to make a submission other than in writing, please let us, or the Inquiry, know.

### **Who can make a submission?**

The Inquiry accepts submissions from anyone. That includes current foster and kinship Carers, former foster and kinship Carers, respite Carers, emergency Carers, biological children of foster and kinship Carers, agency staff, and relevant professionals. You can also make a submission as part of a group.

### **Is there a submissions template to guide me?**

The Inquiry, as well as CF&KC-SA, are in the process of developing a template to help you construct your submissions. As soon as these templates are made available, we will share them with you. That said, you can construct your submission in any way you like – as a letter, an email, a table - whatever works for you. Remember – there is no set way to structure a submission.

### **How many words should my submission be?**

The length of your submission is up to you.

### **I have not made a submission to an inquiry before. Where can I get help?**

As your peak body, we are here to support Carers who want to make a submission. We intend to do this by

- delivering Carer information sessions regarding the inquiry
- publishing fact sheets
- sharing submission templates
- convening groups to provide group submissions, and
- providing information regarding other support services Carers can access during the submission process

We are also available to provide one on one assistance to Carers who would like help drafting their submissions. We have put together a group of existing employees and some volunteers to help you. They include: Emma Feagan (Project Officer), Jacquie Nevin (Legal Consultant), Natalie Baron (Administration and Events Coordinator), and Niamh Keller (Legal Volunteer). We encourage you to make Emma your first point of contact. She can be contacted by email: [inquiry@cfc-sa.org.au](mailto:inquiry@cfc-sa.org.au) or you can call our free phone number: 1800 732 272

CF&KC-SA hopes to meet with Carers to help make and edit submissions before the due date (3 May 2022). For those seeking this support, we encourage submissions to be made in advance where possible - this gives us time to look over it carefully. Whilst our opening hours are 9am to 5pm, we are willing to meet with you outside these hours if needs be.

### **Can I make a submission orally?**

The Inquiry has confirmed that it may allow people to make their submission orally. More information about this process is yet to be shared with us. You will be made aware as soon as we know more.

### **Can I make more than one submission?**

Yes. We have confirmed that it is possible to make more than one submission. This recognises the fact that some Carers might find it easier and more time efficient to make multiple short submissions on different topics.

### **Will CF&KC-SA make a submission?**

Yes. Our organisation was established by Carers for Carers over two decades ago. We now have over 1,000 members. Since 1 July 2017, our team has supported approximately 900 individual advocacy cases, received more than 4,873 phone call enquiries, and carried out 5 annual surveys identifying the successes and challenges for SA Carer families. All this work provides us, as the peak body, with a unique window that illustrates what works and what does not within DCP and the child protection system more generally. We will make a strong submission based on that experience, and call for input from Carers on particular topics to strengthen our submission. A copy of our submission will be made available to our members when completed.

### **What if I want to complain to the Inquirer about CF&KC-SA?**

We welcome constructive criticism. The Inquiry has its own staff who are able to assist Carers who want to make submissions about us. We will provide details of those staff when that information comes to hand. At the moment, you can contact the Inquiry directly at [Carer.Inquiry@sa.gov.au](mailto:Carer.Inquiry@sa.gov.au)

### **Do I need to consider any legal matters?**

Yes. We are creating a Carer Guide on this topic and will share it with you when it is complete.

### **Does mandated reporting apply to submissions?**

Yes. Under the CYPs Act, we are required to report suspicion, on reasonable grounds, that a child or young person may be at risk. Before you share your submissions with us, we encourage you to carefully think about what and how you include certain information in your submissions with the following mandatory reporting requirements in mind:

- **Under section 31(1) of the CYPs Act**, a person must make a report *if the person suspects on reasonable grounds that a child or young person is, or may be, at risk; and that suspicion was formed in the course of the person's employment.*
- However, **under section 31(2)**, a person need not report a suspicion... *if the person believes on reasonable grounds that another person has reported the matter...*

More specifically, **31(2) means** that if we have reasonable grounds to believe that DCP or your support agency is already aware of all the information that forms the basis of our suspicions, **we do not need to make a report.**

### **When are the submissions due and where do I submit them?**

The last day for lodging a submission is **3 May 2022**. Submissions can be lodged with the Inquiry via the Inquiry email address: [carer.submissions@sa.gov.au](mailto:carer.submissions@sa.gov.au)

We understand that the Inquiry may also be accepting submissions by post. We will provide details of the Inquiry's postal address when it comes to hand.

### **How can I be sure that my submission will be confidential?**

The Inquiry must meet all government rules and legislation in relation to confidentiality, security of information, privacy, etc. We understand that confidentiality is an important issue and we have forcefully communicated this to the Inquiry on behalf of Carers. We expect the Inquiry will provide detailed information on how submissions will be kept confidential and, how the names of people who made submissions, and any names that appear within submissions, will be protected. We will pass that information on to you as soon as that information comes to hand.

We have also confirmed with the Inquiry that it *will* be possible to make an anonymous submission if you wish.

### **Can I make an anonymous submission?**

We have confirmed with the Inquiry that it *is* possible to make an anonymous submission if you wish. In order to maintain your anonymity, once you have completed your submission, you can email it to our inbox [inquiry@cfc-sa.org.au](mailto:inquiry@cfc-sa.org.au)

We will then email your submission to the Inquiry on your behalf.

### **What happens at the end of the Inquiry?**

The Act states that, *on completing the Inquiry, the person conducting the Inquiry must cause a report of the Inquiry to be prepared, and a copy of the report provided to the Minister.* The Minister must cause a copy of the report to be laid before both Houses of Parliament, within 6 sitting days after receiving the report.

As your peak body, we will be doing all we can during the Inquiry to ensure the Inquiry report includes findings and recommendations that Carers support. Once the report has been made public, we will carefully analyse the report's findings and recommendations, seek Carer input into those findings and recommendations, and lobby hard for the implementation of the findings and recommendations that Carers support.

If you want to stay up to date about the inquiry (including how we can help you prepare a submission) please register your interest on our website here: <https://cfc-sa.org.au/carerinquiry/>

### **Can DCP and Foster Care agencies access submissions after the Inquiry?**

We received confirmation from the Inquiry team that submissions are not able to be accessed by anyone outside the Inquiry team and will not be released after the Inquiry.

### **Where will my submission be stored after the Inquiry?**

The Inquiry team has advised us they are seeking further legal advice regarding this matter. They have confirmed storage will be in accordance with legal requirements. CF&KC-SA will provide this information as soon as the Inquiry has responded.

**We will continue to update this Carer guide as information comes to hand. If you have other questions you would like answered in relation to the inquiry, please contact us.**



## **Independent Inquiry into Foster & Kinship Care FAQ Carer Guide**