



### Department for Child Protection (2019/05301)

The Ombudsman conducted an investigation following a complaint about the Department for Child Protection (**the department**). The complainant alleged that the department had failed to respond to disclosures by two children, alleging that they had been sexually abused by an adult family member a number of years prior. One of the children continued to have contact with that person. The department assessed that the notifications required a response, but then closed the matters without taking investigative action.

In response to the Ombudsman's investigation, the department explained that it had not conducted an investigation of the allegations because of their historical nature, the broader circumstances of a family dispute, and the involvement of South Australia Police (**SAPOL**) and Child Protection Services (**CPS**). The Ombudsman considered each point but was not satisfied that the department's view was reasonably open to it:

- firstly, the Ombudsman queried the weight that the historical nature of the allegations ought to have been afforded. Internal departmental guidance did not provide for case closure on that basis, and the notifiers' concerns had been raised in the context of ongoing contact
- secondly, while the Ombudsman recognised the acrimonious circumstances surrounding the notifications, he concluded that this did not negate the department's responsibility to determine whether the children had suffered or were at risk of harm
- finally, while the department is not required to reinvestigate all matters that have been investigated by SAPOL, the department must consider its own obligations and the thresholds of the *Children and Young People (Safety) Act 2017*. It did not appear that this had occurred in this matter.

The Ombudsman was not satisfied that there was good reason for the department to take no further action after the notifications were assessed as requiring a response, and concluded that its response to the allegations was wrong within the meaning of section 25(1)(g) of the *Ombudsman Act 1972*. To remedy this error, the Ombudsman made three recommendations for staff training, policy change, and reassessment of the notifications