

MEDIA RELEASE – FOR IMMEDIATE RELEASE

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Families SA / The Department for Child Protection’s actions in relation to disclosures of sexualised behaviour between young people in residential care

An investigation concerning the Department for Child Protection has detailed several failings in responding to sexualised behaviour between children and young people in residential care.

The Ombudsman has concluded an investigation concerning the response of the former Families SA and the Department for Child Protection (collectively, **the agency**) to evidence of incidents of sexualised behaviour between young people in residential care.

The Ombudsman’s investigation considered a period of time when two siblings were placed by the agency in a residential care unit (**the unit**) where sexualised behaviour occurred between numerous young people. The ages of the siblings and other young people concerned ranged between 9 years and 13 years.

In undertaking the investigation the Ombudsman considered:

- the agency’s placement of the siblings at the unit together with another young person, despite there being a documented history of sexualised behaviour between the three young people in a prior commercial care placement
- the agency’s response to evidence of sexualised behaviour between numerous young people in the unit
- the agency’s response to enquiries by the Guardian for Children and Young People.

The Ombudsman was mindful that experts in the field of Child Protection recognise that some forms of sexualised behaviour between children and young people is ‘developmentally appropriate’ however, some behaviour may be considered to be ‘problematic’, ‘harmful’ or even sexual abuse. The Ombudsman became aware that children and young people in Out of Home Care may exhibit sexualised behaviour as a consequence of abuse they have suffered prior to their placement in care.

As a result of the investigation, the Ombudsman was of the view that the agency’s placement of the siblings together with another young person in the unit was wrong for the purposes of the *Ombudsman Act 1972*. The Ombudsman took into account the nature and number of incidents of sexualised behaviour that had been recorded in relation to the three young people in a prior placement together and professional concern that had been expressed about the proposed placement of the young people together at the unit.

The Ombudsman was also of the view that the agency’s response to evidence of sexualised behaviour between numerous young people at the unit was unreasonable for the purposes of

the Ombudsman Act. Thirty records of the agency documented alleged incidents or disclosures of sexualised behaviour at the unit during a six month period. The Ombudsman considered that, among other things, staff had failed to report and consistently record allegations and disclosures of sexualised behaviour, and the agency had failed to investigate what appeared to be an ongoing problem occurring at the unit. The Ombudsman was of the view that the agency had failed to provide the level of care and protection that should be provided to any child.

The Ombudsman concluded that the agency's response to enquiries made by the Guardian for Children and Young People about the apparent sexualised behaviour that had occurred at the unit was wrong for the purposes of the Ombudsman Act. The Ombudsman took into account that the agency had, on some occasions, failed to respond to the Guardian for Children and young people and, on other occasions, had been delayed in providing a response.

The Ombudsman made numerous recommendations, including:

- when particular young people have a known history of sexualised behaviour between them, they are not to be placed together (other than in the case of siblings when it is in their best interests to remain together), and the agency takes particular steps to address the sexualised behaviours and protect the young people
- when a young person with a known history of problematic or harmful sexualised behaviour must be placed with any other young person, the agency must take particular steps to address those behaviours and protect the young people.

The agency has accepted and is currently working to implement the Ombudsman's recommendations.

For media enquiries, please contact Ombudsman SA on (08) 8226 8699. For a statement on the investigation, please see our website at www.ombudsman.sa.gov.au.