

Child Safety POLICY

Title: Participation of children and young people in decision-making

Policy No: 369-4

Policy Statement:

The Department of Children, Youth Justice and Multicultural Affairs (Child Safety) is committed to providing children and young people subject to statutory child protection intervention with the opportunity to participate in decision making in matters affecting their lives.

Child Safety is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, Child Safety has an obligation to take action to ensure children and young people are provided with opportunity, and supported to, participate in decision making in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights.

The safe care and connection of Aboriginal and Torres Strait Islander children with family, community, culture and country will be a key consideration when enabling children and young people to participate in decision making.

Children and young people will be engaged and involved when decisions are being made during an investigation and assessment and for the duration of any ongoing intervention. Child Safety staff will ensure children and young people are:

- actively listened to and included
- supported to express their views
- able to have their views taken into account and recorded
- involved in decision making processes
- informed of the range of supports and options available to them
- informed of the outcomes of decisions affecting their lives.

Children and young people in care will be made aware of their rights as outlined in the Charter of rights for a child in care (*Child Protection Act 1999* (the Act), schedule 1), in accordance with Child Safety's obligations set out in section 74(4) of the Act.

When a significant decision is being made for an Aboriginal or Torres Strait Islander child, Child Safety will arrange, with the child or young person's consent, for an independent person for the child, to facilitate the child or young person's participation in decision making.

Principles:

- The safety, wellbeing and best interests of the child or young person, both throughout childhood and the rest of the child or young person's life, are paramount.
- Child Safety staff will act and make decisions in a way that is compatible with human rights and obligations under the *Human Rights Act 2019*.
- The five elements of the child placement principle (prevention, partnership, placement, participation and connection) under section 5C of the Act, apply to processes, decisions and actions for an Aboriginal or Torres Strait Islander child.
- Children and young people have a right to receive information about plans and decisions that affect their lives now and in the future and about their personal history.
- Children and young people have a right to be consulted and take part in decisions that affect their lives, and contribute to or ensure their protection.
- If a child or young person is able to form and express views about their care, these will be considered in the decision.
- In recognition and respect of each child and young person's unique difference, children and young people will be engaged in decision making in flexible, creative and non-biased ways.
- When involving children and young people in decision making processes, Child Safety will take into account their age and ability to understand (including any disability needs) and where required ensure they have additional support to enable the child or young person to express their views and wishes.
- Children and young people from culturally and linguistically diverse backgrounds will be provided with appropriate services and supports to enable their active participation in decision making.
- Children and young people will be informed of Child Safety's internal and external complaints mechanisms that are available to them if they wish to complain about a decision or their level of participation in a decision making process.
- A delay in making a decision in relation to a child or young person will be avoided, unless appropriate for the child or young person (section 5B of the Act).

Objectives:

This policy aims to ensure that children and young people are given the opportunity, and are supported to meaningfully participate in decision making processes that affect their lives and that their views and rights are considered and respected.

Scope:

This policy refers to children and young people's participation in decision making at key decision-making points across the child protection continuum:

- from Child Safety's first intervention with a family during an investigation and assessment, and

- throughout the duration of any ongoing intervention.

Child Safety will arrange, in collaboration with an Aboriginal or Torres Strait Islander child or young person, for an independent person to help facilitate the child or young person's participation in significant decisions.

Roles and Responsibilities:

Child Safety staff will support children and young people's participation in case planning processes by giving them information prior to meetings, about:

- the case planning process
- their right to participate
- the purpose of the meeting, issues to be discussed, decisions to be made and the significance and potential implications of those decisions
- what they may be asked to discuss
- where the meeting will be held. This may involve showing the child or young person the venue
- who will be present and their roles and reason for attendance. This may include introducing the child or young person to participants in advance of the meeting.
- details of internal and external complaints mechanisms available to them if they have a complaint about their level of participation in a decision making process.

Before a meeting, Child Safety staff will talk with the child or young person about their needs, goals and issues they would like discussed at the meeting.

If a child or young person chooses not to directly participate in a meeting, Child Safety staff will explore alternative ways for them to express their views. This may include:

- obtaining their views prior to the meeting
- involving them for part of the meeting only
- organising teleconference facilities so the child or young person can listen to the meeting from a distant location and provide input if they wish
- holding a separate, formal meeting with the child or young person
- making a recording of the child or young person to be played during the meeting
- organising an informal meeting with the child or young person to discuss their views
- presenting drawings or other art work the child has created which express their views regarding the decision
- reading aloud information the child or young person has written. This may include a piece of creative writing or a statement of their wishes.

The roles and responsibilities of Child Safety staff in relation to the participation of children and young people in decision making, are outlined in the Child Safety Practice Manual, and associated resources.

Authority:

Child Protection Act 1999, section 5B,5C, 6AA, 14, 51L-51P,59(1)(d),59A,65B,74(4)),83A, Part3, schedule 1

Delegations:

Refer to the Instruments of delegation for decisions made under the *Child Protection Act 1999*.

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Help Contact: Child Protection Practice

Links:

Procedures

Child Safety Practice Manual

Related Legislation

Commission for Children and Young Peoples Act 2000

Human Rights Act 2019

Queensland Civil and Administrative Tribunal Act 2009

Children's Commissioner and Children's Services Appeals Tribunal Act 1996

Related Policies

Case planning (263)

Complaints Management

Decisions about Aboriginal and Torres Strait Islander children (641)

Investigation and assessment (386)

Transition to adulthood (349)

Rescinded Policies

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