

Child Safety POLICY

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

Policy No: 369-5

Policy Statement:

The Department of Child Safety, Seniors and Disability Services (Child Safety) is committed to:

- ensuring children and young people are provided with meaningful and ongoing opportunities to participate whenever a power is exercised, or a decision is made under the *Child Protection Act 1999* (the Act) that affects, or may affect, them (section 5E of the Act,)
- ensuring children and young people are able to express their view about what is and what is not in their best interests (section 5B(n) of the Act)
- upholding the right of children in care to be consulted about, and to take part in making decisions affecting their life (schedule 1(n) of the Act)
- ensuring children have meaningful and ongoing opportunities to participate in decisions about programs and services provided for the protection of children or to promote the safety of children (section 7(1)(g) of the Act).

Child Safety will have regard to the child's age and ability to understand when upholding their right to participate. If a child decides not to participate or is unable to participate, Child Safety will make a genuine attempt to obtain the child's views in another way that is appropriate for the child (section 5E(4) of the Act).

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 supporting children and young people's participation in decision making.

Children and young people will be engaged and involved when decisions are being made about them during an investigation and assessment and for the duration of any ongoing intervention.

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 (schedule 1 of the Act), 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 or young person, Child Safety will arrange, only with the child or young person's consent, for an independent person for the child, to help facilitate the child or young person's participation in decision making.

Child Safety will facilitate children and young people's participation in decisions being made about the programs and services it delivers. Participation will include their direct and indirect involvement. Participation will include consultation, where appropriate and possible, and the consideration of views expressed in previous engagement processes, published reports, research articles, service and program reviews, forums, client feedback and complaints and other processes where it is relevant in the circumstances.

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*.
- Active efforts must be made to apply the Aboriginal and Torres Strait Islander Child Placement Principle, section 5C of the Act, when making a significant decision about an Aboriginal and Torres Strait Islander child.
- Children and young people have a right to receive information about, and to be consulted and take part in, decisions that affect or may affect their lives, now or in the future.
- If a child or young person is able to form and express views about their care, these will be considered in the decision. Where required, additional communication or other support will be provided to enable the child or young person to express their views and wishes.
- A child or young person will not be disadvantaged if they decide not to express their views or are unable to express their views. Genuine attempts to obtain the child's views in another way that is appropriate for the child will be made, including seeking information from another person the child trusts or from a report prepared by a psychologist or other professional with relevant knowledge about the child.
- A child or young person's participation will be facilitated in flexible, creative and non-biased ways.
- 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.
- Programs and services provided for children and young people will be more responsive to the safety, belonging and wellbeing needs of children and young people if they participate in decisions about their development and delivery.

Objectives:

This policy aims to ensure that children and young people:

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- are provided with ongoing opportunities and are supported to meaningfully participate in decisions that affect or may affect them and that their views and rights are considered and respected, and
 - have opportunities to have their voices heard when decisions are made about the programs and services Child Safety delivers.

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.

It also refers to children and young people's participation in decisions about programs and services Child Safety delivers for the protection of children or to promote the safety of children.

Roles and Responsibilities:

Facilitating participation when a power is or may be exercised, or a decision is or may be made under the Act that affects, or may affect, a child or young person

Child Safety staff will, having regard to a child or young person's age and ability to understand:

- give the child or young person meaningful and ongoing opportunities to participate
- allow the child or young person to decide whether they participate in a decision
- allow the child to decide how they will participate, if applicable, including options to participate in all or in only a part of the meeting and to communicate:
 - verbally or non-verbally. This may include:
 - using augmentative and alternative communication aids to help a child or young person who has difficulties with producing or understanding spoken or written language
 - providing drawings or other art work they have created which express their views
 - providing their views in writing or a piece of creative writing that expresses their views
 - directly with a particular person
 - indirectly through a trusted person
 - indirectly through someone independent such as their legal representative or health practitioner
 - indirectly through a written statement or an audio or video recording
 - indirectly through an expert report
 - separately from particular persons

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- give the child the help they need to participate, if it is required
 - give the child or young person information that is reasonably necessary to allow the child to participate. This may include information about:
 - the action or decision being considered and what is likely to be discussed
 - where the meeting will be held and arrangements for showing the child or young person the venue prior to the meeting, if applicable
 - who will be present and their roles and reason for attendance and arrangements for introducing the child or young person to participants in advance of the meeting, if applicable
 - advise the child or young person about what help is available to them
 - allow the child or young person to express views that are different to views they have previously expressed
 - understand and consider, or make a genuine attempt to understand and consider, the views expressed by the child or young person.
 - listen to and engage with, or make a genuine attempt to listen to and engage with, the child or young person
 - ensure a record is made of the child or young person's views that, if appropriate, uses their words
 - ensure communication is carried out with the child or young person in a way that is appropriate for them, having regard to their age, maturity, capacity, culture and circumstances
 - provide the child or young person with the 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.

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.

When seeking approval of a decision about a program or service for children or young people, information will be provided to the relevant decision maker about how the voices of children and young people have been considered and the extent to which the decision is consistent with, or addresses, views or issues raised by children and young people.

Authority:

Child Protection Act 1999, section 5B(n),5C, 5E, 7, 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*.



Records File No.: Not applicable

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Office: Office of the Chief Practitioner

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

369-3 Participation by children and young people in decision-making

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