Introduction

Department of Communities, Child Safety and Disability Services

The Department of Communities, Child Safety and Disability Services (the department) is the lead agency for the whole of government response to child protection in Queensland. The Strategic Plan sets out the vision, values, priorities, goals and strategies in relation to children at risk or subject to departmental intervention.

Our Vision
Fair, cohesive and vibrant Queensland communities.

Our Purpose
Providing integrated community services that strengthen Queensland.

Our Values
The department will undertake the delivery of its services in line with the following values:
- client focus
- collaboration
- diversity
- innovation
- professional integrity.

Relevant legislation

The Child Protection Act 1999 and Child Protection Regulation 2011 provides the legislative mandate for child protection work undertaken by the department. Other legislation that impacts on the work undertaken by the department includes:
- Adoption Act 2009
- Child Protection (International Measures) Act 2003
- Childrens Court Act 1992
- Queensland Civil and Administrative Tribunal Act 2000
- Commission for Children and Young People and Child Guardian Act 2000
- Domestic and Family Violence Protection Act 2012
- Family Law Act 1975
- Family Services Act 1987
- Information Privacy Act 2009
- Right to information Act 2009

To access the above legislation, refer to the Queensland Legislation website.
Other key documents

Other key documents that guide the work of the department are:

- Code of Conduct for the Queensland Public Service
- RecFind user guide
- Recordkeeping: Client file procedure
- Information Coordination Meetings (ICM) and the Suspected Child Abuse and Neglect (SCAN) Team System Manual.

Child safety service centres: staff roles and responsibilities

The roles and responsibilities of staff at a CSSC contribute to the delivery of high quality child protection services to clients and communities.

CSSC manager

The CSSC manager leads and manages a CSSC through:

- the implementation of quality business and practice systems and standards
- ensuring that child protection services provided comply with relevant legislation, delegations, policies, procedures and quality standards
- the establishment of enduring productive partnerships with approved carers, the community, the public and non-government sectors
- the ongoing professional development and management of staff.

Senior practitioner

The senior practitioner supports and monitors the quality of the child protection service provided to children, their families and the community through:

- an ‘expert’ knowledge of child protection practice
- mentoring and developing the practice skills and knowledge of CSOs, CSSOs and team leaders
- monitoring and facilitating the implementation of relevant legislation, delegations, policies, procedures and quality standards
- managing the ongoing improvement of child protection practice
- participating in, or conducting reviews of, complex or sensitive cases.

Team leader

The team leader:

- leads and supervises a team of CSOs in the delivery of collaborative frontline child protection services to children, their families and communities
- provides professional supervision to staff involved in child protection service delivery
- ensures that the child protection services delivered, comply with legislation, delegations, policies, procedures and quality standards.
Child safety officer
CSOs provide statutory child protection services to children and families through:
- undertaking the roles of an authorised officer under the Child Protection Act 1999
- the application of relevant legislation, delegations, policies, procedures and quality standards
- working collaboratively with approved carers, the community, government and non-government service providers.

Child safety support officer
CSSOs support the provision of child protection services to children and families through:
- assisting CSOs in their application of relevant legislation, policies and procedures
- working collaboratively with approved carers, the community and government and non-government service providers.

Court coordinator
The court coordinator represents the chief executive in court matters by advising and consulting with other departmental officers and promoting a high standard of service to children in relation to court matters and the Queensland Civil and Administrative Tribunal (QCAT).

SCAN team coordinator
The SCAN team coordinator coordinates the effective functioning of the Suspected Child Abuse and Neglect teams.

Family group meeting convenor
A family group meeting convenor (FGM convenor) is delegated under the Child Protection Act 1999 to convene family group meetings. The FGM convenor is to be independent of the case and is not to have decision-making responsibilities for the case. The convenor plans, prepares participants for and facilitates the family group meeting. The convenor also records the case plan developed at a family group meeting.

Administrative staff
Administrative staff provide support services for the staff at the CSSC. This includes administrative assistance such as reception duties, record keeping and word processing.

Business support officer
Provides financial, human resource and business support to departmental officers, including specific advice and guidance to the manager about business systems and services.

Framework for the participation of children and young people in decision-making
All children and young people have a right to participate in decision-making about their own life. The Children and Young People’s Participation Strategy incorporates a vision and framework for children and young people’s participation and a detailed implementation plan.
The strategy builds on the commitment and collaborative efforts of departmental staff, non-government agencies and CREATE Foundation. The vision established by the strategy is for all children and young people in the child protection system to shape:

- their lives now and for the future
- the services and support they and other children and young people receive.

The participation strategy was informed by a review of relevant work of other Australian jurisdictions, literature and research to identify models of engagement and participation of children and young people in statutory child protection systems. The paper, Listening, hearing and acting: Approaches to the participation of children and young people in decision-making - a review of the literature reports on the outcomes of this literature review.

**Objectives**

The objectives of the department are to:

- develop a culture of valuing children and young people’s views and being proactive in facilitating their participation
- grow the number of children and young people receiving child protection services who report they have had opportunities to participate in decisions about their own lives and that they are satisfied with the process and the effect of their participation
- expand opportunities for children and young people to have a say about the nature and delivery of services to themselves and their peers.

**Facilitating the participation of children and young people in decision-making**

The strategy outlines four approaches or pathways to participation, based on research, that have been adopted.

Taking into account the nature of the decision, the participation of a child or young person in decision-making may occur in any one of the following ways:

- **Consultation**: the child or young person’s views are taken into account by the adults making the decision, however, they are not involved in implementing the decisions.
- **Supported**: the child or young person makes autonomous decisions and carries out actions with the support of adults.
- **Deciding together**: the child or young person and adults discuss their views, identify options and make decisions together. The adults in the process hold ultimate responsibility, but the child or young person steers the decision.
- **Acting together**: the child or young person and adults share power and responsibility for decision-making, both deciding and taking action to implement the decisions together.

The participation of a child or young person in matters and decisions affecting their day-to-day lives can be focused on matters and decisions that relate to them as individuals or to them as a group and may be formal or informal.

Individual matters and decisions include those relating to the immediate circumstances for a child or young person, their day-to-day care and support and their life course.

Group matters and decisions include those relating to service planning and development, service improvement, development of policy and procedures and review and development of legislation.
Formal participation includes the participation of children and young people at key decision-making points of the case planning cycle in accordance with the Child Protection Act 1999 and supported by departmental policies and procedures. Key decision-making points include:

- actions necessary to ensure a child’s protection (investigation and assessment)
- development of a child’s initial case plan at the family group meeting
- seeking a child protection order from the Childrens Court
- removal of a child from parental care
- placement of the child in out-of-home care
- the ongoing review of the child’s case plan
- the decision to pursue long-term guardianship of the child to the chief executive or another person
- decisions about a child’s contact with family and friends
- transition to independence for a young person.

The effective participation of children and young people in formal case planning processes and, where applicable, the development of education support plans, cultural support plans, transition to independence plans and health plans, requires that the child or young person is adequately prepared for the process and provided with additional supports, where necessary.

Informal approaches include on-going conversation during regular contact with the child or young person, observation, listening to spontaneous communication, engaging in joint activities and providing the child or young person with an opportunity to have contact with departmental officers when required.

Reflection and review is a critical part of the participation process. Ongoing reflection and review by children and young people and adults about what happened, how it happened and what worked, strengthens relationships and contributes to improved practice.

**Reasons for developing a participation strategy**

Children and young people’s participation is a right, not an option. Their human and legal rights to participation are identified in:

- the Child Protection Act 1999
- departmental policy and procedures.

The United Nations Convention on the Rights of the Child (the Convention) (Article 12) states that public services and governments are to provide children with the freedom and opportunities to express their views and that the service or government must consider their views in a meaningful way.

The Convention came into force on 2 September 1990, and is the first legally binding international instrument to incorporate the full range of human rights - civil, cultural, economic, political and social rights. Australia ratified the Convention in 1990, and in doing so, is committed to protecting and ensuring children’s rights and to being held accountable for this commitment before the international community.
The Convention is a universally agreed set of non-negotiable standards and obligations. These basic standards, also called human rights, set minimum entitlements and freedoms that should be respected by governments, including that children everywhere have the right to participate fully in family, cultural and social life.

The Child Protection Act 1999, section 5, establishes participation as a legal right for children. The legislation requires that the Child Protection Act 1999 is administered in a way that ensures the views of the child and the child’s family are considered and the child and the child’s parents have the opportunity to take part in making decisions affecting their lives.

The Child Protection Act 1999, section 59, requires that the Childrens Court may make a child protection order only if it is satisfied the child’s wishes or views have been made known to the court.

The Charter of rights for a child in care (Child Protection Act 1999, schedule 1) and kid’s rights - Charter of Rights for children in care establishes the right for the child to be consulted about, and to take part in, the decisions that affect the child’s life (having regard to the child’s age or ability to understand), particularly decisions about where the child is living, contact with the child’s family and the child’s health and schooling.

Departmental policy and procedures require that children and young people are provided with information and that their views are sought in court proceedings and case planning processes. For further information, refer to the Participation by children and young people in decision-making policy.

Respecting diversity

The department provides services to children and families who are diverse in many ways. Diversity can be attributable to differences in cultural and linguistic background, gender, lifestyle, sexuality, socio-economic status, family composition, personal beliefs and values. Diversity is reflected among the staff, as well as the people with whom the department works.

Diversity is enriching, sometimes threatening and almost always challenging.

Respecting diversity is about:

- building responsive relationships
- open and honest communication
- examining one’s own personal ideas, customs and beliefs and respecting that the beliefs of one person may not be the same as another
- acknowledging and respecting that others can hold different beliefs with equal conviction.

Culture and language are part of identity. Children and families can suffer if their culture and language are ignored, demeaned or marginalised. Culture is dynamic and evolving, not static. Attempting to represent or define a culture carries with it the risk of stereotyping or misrepresentation.

All departmental officers are to take responsibility for respecting diversity in practice, rather than delegating responsibility to people from ‘other’ cultures or lifestyles within the department.
Respecting diversity does not mean condoning or accepting experiences uncritically because they are culturally based. An inclusive service considers ways in which the abilities, strengths and interests of all children can be supported and extended.

**Aboriginal and Torres Strait Islander children**

Aboriginal and Torres Strait Islander children are over-represented at all stages of the child protection system. The further that Aboriginal and Torres Strait Islander children move through the child protection system, the higher the rates of over-representation. To reduce this over-representation a concerted whole of service system approach is necessary. This requires a collaborative approach to service delivery built on respect and recognition that Aboriginal and Torres Strait Islander families, communities and services want to be active partners with the department.

Culturally appropriate, effective and timely services need to be provided in partnership with the recognised entities to ensure the safety and well-being of Aboriginal and Torres Strait Islander children throughout Queensland.

In Queensland there are numerous discrete Aboriginal and Torres Strait Islander communities with distinct cultural, social, economic and family identities. When planning for or deciding any intervention with an Aboriginal or Torres Strait Islander child and his or her family, the department must ensure that the recognised entity is consulted about the decision or action and given the opportunity to provide information about the child, the family, relationships, community connections, clan or language group, location and, when necessary, safe, compatible placement options that comply with the hierarchy of placements outlined in the child placement principle.

For further information about engaging with Aboriginal or Torres Strait Islander children, families and communities, refer to the practice paper *Working with Aboriginal and Torres Strait Islander people*.

The department also recognises the importance of preserving and enhancing a child’s sense of identity and the significance of extended family, kinship arrangements, culture and community in raising Aboriginal and Torres Strait Islander children. The child placement principle, as outlined in the *Child Protection Act 1999*, section 83, and the requirements in relation to recording and reviewing the cultural support plan, guide the decisions and actions of departmental staff when an Aboriginal or Torres Strait Islander child is deemed to be in need of protection. For information about the purpose and requirements of the child placement principle, the roles and responsibilities and recording requirements for departmental staff, refer to the practice resource *The child placement principle*. For information about the purpose and requirements of the cultural support plan, the information to be recorded in the plan and recording and review requirements, refer to the practice resource *Developing a cultural support plan for an Aboriginal or Torres Strait Islander child*.

For information regarding key concepts that underpin departmental intervention with Aboriginal and Torres Strait Islander children and the process for decision-making refer to Chapter 10.1 *Decision-making about Aboriginal and Torres Strait Islander children*.

For a summary of the provisions within the *Child Protection Act 1999* about services to Aboriginal and Torres Strait Islander children, and requirements for working collaboratively with
the recognised entities, refer to the practice resource Legislative provisions in relation to Aboriginal and Torres Strait Islander children and collaboration with recognised entities.

Children from culturally and linguistically diverse backgrounds

The department recognises that Queensland is a culturally diverse state and works to protect children and young people of diverse cultural, linguistic, ethnic or religious backgrounds who have been harmed or who are at risk of harm.

This work is guided by specific provisions within the Child Protection Act 1999, including:

- Child Protection Act 1999, section 5 (2)(d)(i) - Principles for administration of Act
- Child Protection Act 1999, section 74 - Charter of rights for a child in care
- Child Protection Act 1999, section 122 (1)(d) - Statement of standards.

For further information relevant to working with children and families, refer to practice paper Working with people from culturally and linguistically diverse backgrounds.

The Multicultural Action Plan outlines current and proposed activities to achieve key multicultural child protection outcomes and seeks to respond to the protective needs of children and young people from culturally and linguistically diverse (CALD) backgrounds.

The action plan's focus on improving the responsiveness of child protection services is inclusive of activities which aim to:

- identify and support CALD child protection staff
- recruit and promote services and support for CALD foster and kinship carers
- collect and report on CALD data
- establish partnerships and consultative mechanisms with CALD communities and stakeholders.

Further information

Additional information can be accessed via the following websites:

- Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP)
- Ethnic Communities Council of Queensland
- Queensland Multicultural Resource Directory
- Secretariat of National Aboriginal and Islander Child Care (SNAICC)
- Translated resources (Child Safety website).

Recognised entities

The Child Protection Act 1999 requires that Aboriginal and Torres Strait Islander children and their families and communities receive services from the department that meet the cultural and identity needs of Aboriginal and Torres Strait Islander children, and reflect the unique needs of Aboriginal and Torres Strait Islander families, stemming from their history as Indigenous Australians (Child Protection Bill 1998, clause 6, explanatory notes).

Under the Child Protection Act 1999, section 6, the department is required to work with a recognised entity when making all decisions about an Aboriginal or Torres Strait Islander child.
In accordance with the *Child Protection Act 1999*, section 6(1) and (2), the department is required to either:

- provide the recognised entity with an opportunity to participate in the decision-making, where the decision is significant
- consult with the recognised entity on all other decisions.

A recognised entity may be an individual or organisation that is appropriate to be consulted about the child’s protection and care under an agreement between the department and the entity. If the entity is an individual, he or she must:

- be an Aboriginal or Torres Strait Islander person
- have appropriate knowledge of or expertise in child protection
- not be an officer or employee of the department.

If the recognised entity is an organisation, its members must include Aboriginal or Torres Strait Islander persons who have appropriate knowledge of or expertise in child protection and are not officers or employees of the department. It must also provide services to Aboriginal persons or Torres Strait Islanders (*Child Protection Act 1999*, section 246I). The department must also keep a list of the recognised entities with whom to consult about the protection and care of Aboriginal or Torres Strait Islander children (*Child Protection Act 1999*, section 246I).

For further information about the roles of the recognised entities, the legislative requirement to work collaboratively with a recognised entity for the child and the responsibilities of departmental officers, refer to the practice resource *Working with the recognised entity* and Chapter 10.1 *Decision-making about Aboriginal and Torres Strait Islander children*.

**Delegations**

Four groups of Statutes (Acts of Parliament), and delegated powers under those Acts, legally regulate the work of the department. The groups of Acts are those relating to: child protection, adoption, the public sector/human resources and financial administration. For the purposes of the Child Safety Practice Manual (CSPM), it is sufficient to refer to the Acts relating to child protection and to adoption, in particular the:

- *Adoption Act 2009*
- *Child Protection Act 1999*
- *Childrens Court Act 1992*
- *Family Services Act 1987*

To authorise actions to give effect to the purposes of these Acts, they each confer powers on the chief executive. As it is not practical to expect that the chief executive would always exercise those powers, that is, perform or authorise particular actions on a day-to-day basis, the Acts also give the chief executive power to delegate their statutory powers to officers or categories of officers, for example, the *Child Protection Act 1999*, section 156, and the *Family Services Act 1987*, section 6.

The formal legal instruments for this delegation of authority are written ‘instruments of delegation’ signed by the chief executive which delegate specified powers to particular categories of officer.
Whereas the CSPM provides staff with professional guidance and direction for actions they are to undertake, it is delegations under Acts that give relevant staff the legal authority to perform those actions.

Departmental officer’s have a responsibility to be informed of instruments of delegation as authority documents, and the Code of Conduct for the Queensland Public Service (created under the Public Sector Ethics Act 1994) states that, ‘You have a responsibility to maintain a good working knowledge of the legislation, policies, standards and procedures relating to your role, and to ensure your decisions are consistent with these (section 1.2)’. In addition, the Public Sector Ethics Act 1994, section 7, requires public service officials to uphold the laws of the State and the Commonwealth, and the Public Service Act 2008, section 26, requires that public service employees observe all laws relevant to their employment.

In addition to child protection and adoption, other Acts which have delegations applying to officers of the department are:

- the Public Service Act 2008, for the public sector/human resources

For further information, refer to the Statutory delegations on the department’s infonet site.

**Accountability for children in Queensland**

The department is accountable for the protection of children in Queensland. Should clients, carers, licensed care service staff or other interested persons hold concerns about the decisions or actions of departmental officers, various external accountability mechanisms are available, including:

- Queensland Civil and Administrative Tribunal
- the Commission for Children and Young People and Child Guardian (CCYPCG)
- the Crime and Misconduct Commission.

**Queensland Civil and Administrative Tribunal**

The Queensland Civil and Administrative Tribunal (QCAT) was established under the Queensland Civil and Administrative Tribunal Act 2000. QCAT looks into government decisions about children and young people in the care of the department and seeks to provide merit reviews of specific reviewable decisions, as outlined in the Child Protection Act 1999, schedule 2.

It is an independent body, which currently has an appointed President, located within the Department of the Premier and Cabinet. It is usually made up of three people who have experience in many areas including children’s issues, law and health. QCAT, while similar to a court, operates in a less formal manner and seeks to avoid an overly legalistic approach to cases, for example, legal representation is at the discretion of QCAT, based on the issues of each case.

In reviewing a decision QCAT may:

- agree with a decision (the decision stays the same)
- disagree with a decision (as if the decision had never been made)
- change some aspects of a decision
• make a new decision.

Those who may apply for a review of decisions under the Child Protection Act 1999, include:
• children or, if the child is too young, another person may do this on their behalf
• parents
• the Child Guardian, CCYPCG
• in specified circumstances, the child’s carer.

An application for the review of a decision needs to be made to QCAT within 28 days of the decision being communicated in writing by the department. QCAT’s role is finalised once a decision has been handed down. QCAT is not able to follow up on a case or manage or oversee cases.

Commission for Children and Young People and Child Guardian

The CCYPCG is an independent statutory body which promotes and protects the rights, interests and well-being of all children and young people in Queensland. The CCYPCG is independent and its decisions are not influenced by any government department or other agency.

The role of the CCYPCG is to:
• monitor and review laws, policies and practices impacting on services provided to children and young people
• administer a state-wide Community Visitor Program for children and young people in alternative care - including foster care and residential services
• receive and investigate complaints about services to children and young people known to the department
• maintain Child Death Register, administering the Child Death Case Review Committee and conducting research into child deaths
• employment screening of certain types of child-related employment (for example, Blue Cards)
• educate the community to comply with the Commission for Children and Young People and Child Guardian Act 2000
• monitor and review laws, policies and practices that impact on the safety and wellbeing of vulnerable children and young people at risk
• conduct research into issues impacting on the safety and well being of children and young people, and
• promote laws, policies and practices that uphold the rights, interests and wellbeing of children and young people, particularly those at risk

CCYPCG Community Visitors are appointed by the CCYPCG to visit children and young people in out-of-home care to ensure they are provided with appropriate care, to advocate on their behalf, help resolve any concerns or grievances and offer support if required. For further information refer to the Community Visitors Publications.

Crime and Misconduct Commission

The Crime and Misconduct Commission (CMC) is a statutory body, answerable to the people of Queensland through an all-party parliamentary committee, the Parliamentary Crime and
Misconduct Committee. Under the terms of the *Crime and Misconduct Act 2001*, the CMC operates on three major ‘fronts’:

- fighting major crime
- raising public sector integrity
- protecting witnesses.

The CMC has a major role to improve the integrity of the public sector and to reduce the incidence of official misconduct in the Queensland public sector. In collaboration with government departments, the CMC handles any serious concerns Queenslanders may have about the misconduct of public officials.

The CMC is not a court but can refer matters to the Director of Public Prosecutions with a view to criminal prosecution, or to the appropriate chief executive officer to consider disciplinary action. The CMC can also charge officers with official misconduct in a Misconduct Tribunal.

The role of Human Resources and Ethical Standards is to liaise with the CMC on matters relating to possible official misconduct reported from within the department.

When a person within the department becomes aware of possible official misconduct or a criminal offence, the CMC must be notified through the manager of the Human Resources and Ethical Standards Branch. The CMC will assess the matter and decide whether to deal with it or alternatively refer it back to the department to deal with.

The CMC may also refer matters to the Human Resources and Ethical Standards Branch from:

- complaints made by the public
- information from whistle blowers, anonymous sources or newspaper articles
- their own activities or intelligence sources.

Many matters come from chief executive officers of public sector agencies who have a statutory obligation to inform the CMC of any suspected official misconduct occurring in their own agency or department. The *Crime and Misconduct Act 2001* requires the CMC to refer the matter to the appropriate department, wherever possible.
Resources

Departmental resources

- Adoption Act 2009
- Child Protection Act 1999
- Child Protection Regulation 2011
- Children and Young People’s Participation Strategy
- Code of Conduct for the Queensland Public Service
- Information Coordination Meetings (ICM) and the Suspected Child Abuse and Neglect (SCAN) Team System Manual
- Listening, hearing and acting: Approaches to the participation of children and young people in decision making
- Multicultural Action Plan
- Practice paper: Working with Aboriginal and Torres Strait Islander people
- Practice paper: Working with people from culturally and linguistically diverse backgrounds
- Practice resource: Developing a cultural support plan for an Aboriginal or Torres Strait Islander child
- Practice resource: Legislative provisions in relation to Aboriginal and Torres Strait Islander children and collaboration with recognised entities
- Practice resource: The child placement principle
- Practice resource: Working with the recognised entity
- RecFind user guide
- Recordkeeping: Client file procedure
- Statutory delegations
- Strategic Plan
- Translated resources (Child Safety website)

External resources

- Childrens Court Act 1992
- Commission for Children and Young People and Child Guardian
- Community Visitors Publications
- CREATE Foundation
- Crime and Misconduct Commission
- Director of Public Prosecutions
- Ethnic Communities Council of Queensland
- Family Services Act 1987
- Financial Accountability Act 2009
- Public Sector Ethics Act 1994
- Public Service Act 2008
• Queensland Aboriginal and Torres Strait Islander Child Protection Peak
• Queensland Civil and Administrative Tribunal
• Queensland Legislation
• Queensland Multicultural Resource Directory
• Secretariat of National Aboriginal and Islander Child Care (SNAICC)
• United Nations Convention on the Rights of the Child