Child Safety
POLICY

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

Policy No: 369-3

Policy Statement:
The Department of Child Safety, Youth and Women (Child Safety) will provide children and young people subject to statutory child protection intervention with ongoing opportunities to participate in decision-making in matters affecting their lives.
Children and young people’s engagement and involvement will occur at key decision-making points across the child protection continuum. Children and young people will:

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

Where children or young people are in care, they will be made aware of their rights as outlined in the Charter of rights for a child in care, in Schedule 1, in accordance with the Child Protection Act 1999, section 74(4).

When Child Safety is making a significant decision about an Aboriginal or Torres Strait Islander child, Child Safety will arrange for an independent Aboriginal or Torres Strait Islander entity for the child (“independent person”) facilitate the child’s participation decision making.

Principles:

- The welfare and best interests of the child are paramount.
- Children and young people have a right to be consulted and take part in making decisions affecting their lives and which ensure, or contribute to, ensuring their protection.
- Children and young people have a right to be given information about decisions and plans that affect their lives now and in the future, and their personal history.
- Children and young people are each uniquely different, and participation in decision-making will recognise and respect these differences through the provision of flexible, creative and non-biased approaches.
- If a child is able to form and express views about his or her care, their views must be given consideration.
- When involving children and young people in decision-making processes, the child or young person's age, ability to understand and any disabilities that may require additional supports to enable the child to express their views and wishes will be taken into account.
- If the child or young person is Aboriginal or Torres Strait Islander, the five elements of the Child Placement Principles must be applied to any decisions or actions taken under the Child Protection Act 1999, section 5C.
- Aboriginal and Torres Strait Islander children and young people must be included in decision-making processes which are appropriate to Aboriginal tradition or Island custom and culturally appropriate.
- Children and young people from culturally and linguistically diverse (CALD) backgrounds must be provided with appropriate services and supports to enable their active participation in decision-making.
- Children and young people must be informed of Child Safety Services internal and external complaints mechanisms available to them should they have a complaint regarding their level of participation in a decision-making process or the decision.

**Objectives:**

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

**Scope:**

This policy aims to ensure that Child Safety staff:

- engage children and young people whenever possible in key decision-making points across the child protection continuum.
- arrange an Aboriginal or Torres Strait Islander entity for the child, in collaboration with the child, to help facilitate the child’s participation in significant decisions.

**Roles and Responsibilities:**

Child Safety staff should prepare the child or young person prior to their participation in a meeting by providing information on the following:

- their rights to participation
- the case planning process
- the purpose of the meeting, including the issues which may be discussed during the meeting, the decisions that may be made and the significance of those decisions
- what they may be asked to talk about
- the roles of the other participants of the meeting and the reason for their attendance
- where the meeting will be conducted and who will be attending the meeting. This may involve familiarising the child or young person with the setting and participants of the meeting prior to the meeting
- the internal and external complaints mechanisms available to the child or young person should they have a complaint regarding their level of participation in a decision-making process.
Prior to a meeting, Child Safety staff will also talk with the child or young person about their needs, goals and issues they would like to discuss during 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 proceedings only
- organising teleconference facilities so that 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 tape 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 decision-making
- reading something the child or young person has written during the meeting. This may include a piece of creative writing or a statement of their wishes.

Procedure:

Procedural details to give effect to this policy are set out in the Child Safety Practice Manual and specifically in the practice resource, Participation of children and young people in decision-making.

Authority:

*Child Protection Act 1999*

Delegations:

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

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Links:

**Related legislation or standards:**

*Child Protection Act 2000*

*Commission for Children and Young Peoples Act 2000*

*Queensland Civil and Administrative Tribunal Act 2009*

*Children’s Commissioner and Children’s Services Appeals Tribunal Act 1996*

**Related departmental policy:**

Case planning (263)

Communities policy - Complaints Management *<Forms, Standard Letters or Memorandum>*

**Rescinded policies:**

369-2 - Participation in Decision-Making - Children and Young People Subject to Statutory Child Protection Intervention

369-1 - Participation in Decision Making – Children and Young People in Alternative Care

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Linda Apelt

Director-General