

Introduction

Department of Communities (Child Safety Services)

Child Safety Services is the lead agency for the whole of government response to child protection in Queensland. The [Strategic Plan 2008-12](#) sets out the vision, values, priorities, goals and strategies in relation to children at risk or subject to Child Safety Services intervention.

Vision

Safe, confident children and young people who are valued by society.

Values

Children, accountability, respect and excellence.

Priorities and goals

To achieve this vision, our focus will be on improvements across four key areas:

- Our people - a sustainable, skilled workforce and professional workplace culture.
- Placements for children in our care - care options that meet the diverse needs of our clients.
- Our practice - improved safety and positive futures for children and young people.
- Our partnerships - collaborative partnerships that facilitate client access to support services.

Relevant legislation

The [Child Protection Act 1999](#) and [Child Protection Regulation 2000](#) provide the legislative mandate for child protection work undertaken by Child Safety Services. Other legislation that impacts on the work undertaken by Child Safety Services includes:

- *Adoption of Children Act 1964*
- *Child Protection (International Measures) Act 2003*
- *Childrens Court Act 1992*
- *Children Services Tribunal Act 2000*
- *Commission for Children and Young People and Child Guardian Act 2000*
- *Domestic and Family Violence Protection Act 1989*
- *Family Law Act 1975*
- *Family Services Act 1987*
- *Information Privacy Act 2009*
- *Right to information Act 2009*
- *Surrogate Parenthood Act 1988.*

To access the above legislation, refer to the [Queensland legislation](#) website.

Other key documents

Other key documents that guide the work of Child Safety Services are:

- [Code of Conduct](#)

- [Recfind User Guide](#)
- [Recordkeeping: Client File Procedure](#)
- [Suspected Child Abuse and Neglect \(SCAN\) System Inter-agency Policy and Procedures, September 2006.](#)

Accountability for children in Queensland

Child Safety Services 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 Child Safety Services' officers, various external accountability mechanisms are available, including:

- [The Children Services Tribunal](#)
- [The Commission for Children and Young People and Child Guardian](#)
- [The Crime and Misconduct Commission.](#)

Children Services Tribunal

The [Children Services Tribunal](#) (the Tribunal) was established under the *Children Services Tribunal Act 2000*. The Tribunal looks into government decisions about children and young people in the care of the Department of Communities (Child Safety Services) and seeks to provide merit reviews of specific reviewable decisions, as outlined in the *Child Protection Act 1999*, schedule 2.

The Tribunal will amalgamate into the new Queensland Civil and Administrative Tribunal from 1 December 2009.

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. The Tribunal, 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 the Tribunal, based on the issues of each case.

In reviewing a decision the Tribunal 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, Commission for Children and Young People and Child Guardian
- in specified circumstances, the child's carer.

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

Commission for Children and Young People and Child Guardian

The Commission for Children and Young People and Child Guardian (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 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
- receive and investigate complaints about services to children and young people known to Child Safety Services
- 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
- educate the community to comply with the Commission's Act
- 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 the Child Safety Services Ethical Standards Branch is to liaise with the CMC on matters relating to possible official misconduct reported from within Child Safety Services.

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

The CMC may also refer matters to the 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.

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 2008-2011](#) 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 Child Safety Services 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 Child Safety Services 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 Child Safety Services 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 from care 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 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 dialogue, observation, listening to spontaneous communication and engaging in joint activities.

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 [United Nations Convention on the Rights of the Child](#)
- the *Child Protection Act 1999*
- Child Safety Services 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' establishes the right for the child to be consulted about, and to take part in making, decisions affecting 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.

Child Safety Services' 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 regarding Child Safety Services' participation policy refer to the [Participation in Decision-making – Children and Young People in Alternative Care](#) policy (Policy no. 369-1).

Respecting diversity

Child Safety Services 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 Child Safety Services 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 Child Safety Services' officers should take responsibility for respecting diversity in practice, rather than delegating responsibility to people from 'other' cultures or lifestyles in Child Safety Services.

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 and young people are over-represented at all stages of the child protection system. Indigenous children and young people represent 6.6 per cent of all children and young people in Queensland, yet in 2007-08 accounted for:

- 19.2 per cent of children notified (4,294 of 22,333)
- 22.1 per cent of children substantiated (1,622 of 7,331)
- 31.5 per cent of children subject to child protection orders (2,185 of 6,942)
- 31.9 per cent of children living away from home (2,274 of 7,134).

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 Child Safety Services.

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

Urban Aboriginal and Torres Strait Islander families and communities are facing different challenges and issues from those families living in rural and remote areas. In Queensland there are numerous discrete Aboriginal and Torres Strait Islander communities with distinct cultural, social, economic and family identities.

For further information refer to the practice paper [Working with Aboriginal and Torres Strait Islander people](#).

Under the *Child Protection Act 1999*, section 6, Child Safety Services is required to work with a recognised entity when making all decisions about an Aboriginal or Torres Strait Islander child. For information about the history of recognised entities, the legislative requirement to work collaboratively with a recognised entity for the child and the role and functions of recognised entities, refer to the practice resource [Recognised entities](#).

For information regarding key concepts that underpin Child Safety Services' 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](#).

Children from culturally and linguistically diverse backgrounds

Child Safety Services 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](#).

Child Safety Services' [Multicultural Action Plan](#) outlines Child Safety Services' 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:

- [Aboriginal and Torres Strait Islander Partnerships](#)
- [Ethnic Communities Council of Queensland](#)
- [Queensland Multicultural Resource Directory](#)
- [Secretariat of National Aboriginal and Islander Child Care \(SNAICC\)](#)
- [Translated resources](#) (Child Safety Services website).

Recognised Aboriginal and Torres Strait Islander entities

Legislative change in May 2006 brought about the introduction of Aboriginal and Torres Strait Islander entities (recognised entities) to undertake specific functions related to the role of Child Safety Services.

The *Child Protection Act 1999* requires that Aboriginal and Torres Strait Islander children and their families and communities receive services from Child Safety Services 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).

Child Safety Services works collaboratively with the recognised entity for the child, when making decisions about an Aboriginal or Torres Strait Islander child. In accordance with the *Child Protection Act 1999*, section 6(1) and (2), Child Safety Services 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 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 history of recognised entities and their role and functions, refer to the practice resource [Recognised entities](#) 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 Child Safety Services. 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 it is sufficient to refer to the Acts relating to child protection and to adoption, in particular the:

- [*Adoption of Children Act 1964*](#)
- [*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 Child Safety Practice Manual provides staff with professional guidance and direction for actions they are to undertake, it is delegations under Acts applying to Child Safety Services that give relevant staff the legal authority to perform those actions.

Child Safety Services' officer's have a responsibility to be informed of instruments of delegation as authority documents, and the Child Safety Services' Code of Conduct (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 Child Safety Services are:

- the [Public Service Act 2008](#), for the public sector/human resources
- the [Financial Accountability Act 2009](#).

For further information, refer to the [Statutory delegations](#) on Child Safety Services' Infonet.

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 Child Safety Services' officers 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

Child safety support officers 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 Child Safety Services' officers and promoting a high standard of service to children in relation to court matters and the Children Services Tribunal.

SCAN (AM) Team coordinator

The SCAN (AM) Team coordinator coordinates the effective functioning of the Suspected Child Abuse and Neglect (AM) 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 and facilitates the family group meeting and 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 Child Safety Services' officers, including specific advice and guidance to the manager about business systems and services.

Resources

Child Safety Services' resources

- Adoption of Children Act 1964
- Child Protection Act 1999
- Children and Young People's Participation Strategy 2008-2011
- Code of conduct
- 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: Recognised entities
- RecFind user guide
- Recordkeeping client file procedure
- Statutory delegations
- Strategic Plan 2008-12
- Suspected Child Abuse and Neglect (SCAN) System Inter-agency Policy and Procedures, September 2006
- Translated resources (Child Safety Services website)

External resources

- Aboriginal and Torres Strait Islander Partnerships
- *Childrens Court Act 1992*
- Children Services Tribunal
- Commission for Children and Young People and Child Guardian
- Community Visitor Program Information Sheet
- 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 Legislation
- Queensland Multicultural Resource Directory
- Secretariat of National Aboriginal and Islander Child Care (SNAICC)
- United Nations Convention on the Rights of the Child