Promoting participation

Participation is an ongoing process of engagement and involvement through which children and young people:

- are actively listened to
- are supported to express their views
- have their views taken into account and recorded
- are involved in decision-making processes.

The underpinning principles of the Child Protection Act 1999, section 5, clearly emphasise participation by children and young people, respect for their rights, consideration of their views and, where possible, involvement in decision-making processes affecting their lives.

To be able to take part in decision-making processes, children and young people need to be:

- provided with all relevant information which relates to the decision under consideration in a manner which takes account of their ability to comprehend and understand
- informed of the types of decisions that need to be made and the reasons for these decisions
- actively engaged with Child Safety officers in a manner which takes positive action to elicit their views, supports them in expressing those views, and considers their views when decisions need to be made
- engaged in a manner which is appropriate for the child or young person’s age and developmental state and any disabilities which may require special supports to overcome potential barriers for the consideration of their views.

In some circumstances, the capacity for children and young people to actively participate in decision-making may be diminished or not be appropriate. Such circumstances may include:

- when the risk of significant harm indicates the need for statutory intervention, irrespective of the child’s, young person’s or parent’s wishes
- when the child or young person is unable to participate fully in decision-making (eg. due to factors such as drug or alcohol abuse, or severe disability)
- when the child’s or young person’s age or ability prevents them from understanding and actively contributing to the decision-making process.

In these situations, children and young people are entitled to information and involvement as is appropriate for their age, ability to understand, and psychological state, including information about the decision and rationale for the decision.

Aboriginal and Torres Strait Islander children and young people

For Aboriginal and Torres Strait Islander children and young people, Child Safety officers must give consideration to the family’s culture and community in the decision-making process.

Significant decisions regarding Aboriginal and Torres Strait Islander children and young people must be made only after consultation with a recognised entity. If it is not practicable to consult with the recognised entity, the views of members of the child’s community must be sought. Consultation should
be culturally appropriate and occur before decisions are made. If this is not practicable, consultation must occur as soon as possible after the decision is made.

Child Safety workers must be aware of, and sensitive to, the cultural factors which can influence communication processes with Aboriginal and Torres Strait Islander people.

When Aboriginal and Torres Strait Islander children and young people are participating in decision-making, consider culturally appropriate support for gender specific issues. For example, it may be culturally important in both urban and rural remote areas to facilitate a same gender elder, family member or recognised entity worker to support the child during the decision-making process.

**Children and young people from culturally and linguistically diverse (CALD) backgrounds**

For children and young people from CALD backgrounds, Child Safety officers must consider the cultural perspectives and beliefs when involving them in decision-making processes.

Issues of linguistic diversity, language variations and their past experiences must be considered when communicating and engaging with children and young people from CALD backgrounds and they must have access to an interpreter where required, for example children and young people whose first language is not English.

**Engaging children and young people**

In order to promote participation by children and young people in decision-making processes, Child Safety staff must:

- be as accessible as possible to the child or young person
- engage with children and young people not only in a formal context but also in an informal context, for example having a ‘chat’ on the phone, talking in the car whilst driving, or catching up with the child or young person at a food outlet of their choice
- explain the nature of the relationship the child or young person will have with the Child Safety Officer, and the contact arrangements which will exist in this relationship
- provide children and young people with timely and accurate information regarding Child Safety processes, procedures and actions, particularly in relation to why they are in care, what decisions are coming up and when decisions are being changed
- adopt a child-focused approach which values and respects children and young people, and which maintains a primary focus on their needs
- communicate and engage with children and young people in a manner which responds to their age, understanding and developmental level
- engage with children and young people in an environment which is familiar and child-friendly as far as possible.

Children and young people will be provided with the following Child Safety resources that promote their participation in decision-making and, where possible, Child Safety officers should use these resources as engagement tools with children and young people:

- the Statement of Standards for a Child in Care
• the Charter of Rights of a Child in Care
• ‘Kids rights - Charter of rights for children in care’
• ‘My journey in care’
• the ‘Info kit’ for children and young people in out-of-home care
• ‘Transition from care: Information to assist young people during meetings to plan their transition to independent living’.

When to involve children and young people in decision-making processes

Children and young people should be engaged in participatory decision-making processes throughout all stages of their involvement with Child Safety.

The views of children and young people must be taken into account, particularly when decisions are made regarding:

• the commencement and conclusion of an out-of-home care placement
• family contact arrangements with the child’s or young person’s parents and extended family
• the level and nature of information provided to carers of children and young people in out-of-home care
• the child’s or young person’s health and well-being
• the child’s or young person’s education
• ongoing contact arrangements between a child or young person and previous carers
• reunification planning.

Case planning meetings and case work processes where participation by children and young people in decision-making can be facilitated, include:

• family group meetings, and other case planning and review meetings and discussions
• placement meetings
• education support plan meetings
• child health passport meetings
• transition from care planning
• behaviour support planning
• cultural support planning.

A child’s or young person’s participation rights also apply to daily care decisions. Matters where their views must be considered include, but are not limited to:

• where the child or young person goes to school
• contact with friends, including sleepovers
• hair cuts, clothing, jewellery and piercing
• decisions about counselling
• sporting, recreation and curriculum related activities
• cultural and religious events and activities.
Preparing and supporting children and young people to participate

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.

Support Person

Children and young people have a right to nominate and be represented by a support person in order to gain greater access to participation in decision-making. The role of a support person is to:

- ensure that information is understood by the child or young person and to assist the child or young person to express their point of view and share information
- attend to the personal support needs of the child or young person
- help ensure that children and young people are provided with opportunities to participate in decision-making processes in matters affecting their lives
- help the child or young person to understand the case planning process and, in particular, the contents of their case plan
• provide children and young people with access to review and appeal mechanisms should they feel that their participation was not promoted.

A support person:
• is not a legal advocate or representative and should not intervene in, or influence, case planning processes or outcomes
• should remain focused on the participation rights of a child or young person, the processes and procedures which contribute to these rights, and the safety and care needs of a child or young person.

Conducting a meeting where a child or young person is present
Consideration must be given to any factors which could impact on a child or young person’s level of participation during a meeting. A positive experience of participation will encourage the child or young person to further participate. Child Safety staff should:
• structure the meeting according to the needs of the child or young person
• provide children and young people with opportunities during the meeting to express their needs and comment on decisions
• ‘check in’ with the child or young person during the meeting regarding their views on particular matters
• provide the child or young person with adequate time to think about what they want and to express their views
• actively listen to what the child or young person has to say and demonstrate that the child or young person has been ‘heard’ by discussing, respecting and clarifying their views where required
• provide a variety of options, where possible, to the child or young person and explain the reasons why some things may not be able to happened or be done
• conduct meetings and interviews in child-friendly settings, preferably those which are familiar to the child or young person
• use communication techniques which respond to the age and developmental level of the child or young person
• adopt a strengths-based approach to meetings, which emphasises the resources and strengths of the child’s situation
• ensure that children and young people are heard and have their views treated with respect
• provide support and advocacy for the child or young person.

Review and feedback with the child or young person
After each meeting, Child Safety staff will provide the child or young person with opportunities to review the outcomes of the meeting. This may involve:
• providing the child or young person with information about the outcomes of the meeting and the opportunity to debrief
• discussing their satisfaction with their level of participation during the meeting and how their participation could have been improved.
Complaints

Should a child or young person have a complaint regarding their level of participation in a decision-making process or the decision, the Child Safety officer must inform the child or young person of the internal and external complaints mechanisms available to them in accordance with Child Safety’s policy and procedures (refer to Policy No: 295-5 Complaints Management).

If resolution cannot be achieved through existing line management processes and/or other internal mechanisms, the child or young person must be informed of the external processes available to them.

Commission for Children and Young People and Child Guardian

Under the Commission for Children and Young People Act 2000, any child or young person, or adults acting on the behalf of a child or young person, can express concerns to the Commission for Children and Young People and Child Guardian regarding the services and support they receive from Child Safety. The Commission can:

- investigate concerns or complaints a child or young person may have regarding the services they are receiving from Child Safety or a non-government agency
- advocate for a child or young person and give them advice
- work to negotiate a better outcome for the child or young person with the service provider.

Children Services Tribunal

Under the Children Services Tribunal Act 2000, any child or young person under 18 years of age can file a review application to the Children Services Tribunal. The Children Services Tribunal provides merit reviews of reviewable decisions about services for children.

Under the Child Protection Act 1999, a child can apply for a review of decisions that:

- decide in whose care to place a child under a child protection order granting the chief executive custody or guardianship
- not informing a child’s parents of person in whose care the child is and where the child is living
- refusing to allow, restricting or imposing conditions on contact between a child and the child’s parents or a member of the child’s family
- removing a child or young person from the care of a carer
- arranging for an interstate welfare authority to assume custody or guardianship of a child.