



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2022-2023

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair),
Dr Marisa Paterson MLA

QUESTION ON NOTICE

ELIZABETH KIKKERT MLA: To ask the Minister for Family and Community Services

Ref: Portfolio area: Budget Statement G, pp. 2, 20 Community Services Directorate

In relation to: External Merits Review for Child Protection Decisions

Date (Question Lodged by Member): 29/08/2022

Date (Question Sent to DLO): 31/08/2022

1. It was stated in hearings that implementing external merits review for child protection decisions will require changes to the Children and Young People Act. When does the government expect to table an amendment bill to introduce these changes?
2. To date, what has been completed in relation to external merits review, and what remains to be done before legislative changes can be introduced?
3. Can the minister please provide an update on the internal merits review pilot/trial, including how many number of decisions considered, outcomes, and so forth?
4. When will internal merits review be fully implemented as a policy, and what needs to happen between now and then?

MINISTER STEPHEN-SMITH MLA: The answer to the Member's question is as follows: –

1. An amendment Bill to introduce changes to the *Children and Young People Act 2008* to incorporate an external merits review mechanism for child protection decisions is expected to be tabled in 2023.
2. An independent consultant was engaged in February 2022 to develop a model appropriate for the ACT for an external merits review process of child protection decisions.

The recommended model for an external merits review process will align with internal merits review processes and incorporate family-led, trauma-informed, strengths-based, transparent and restorative approaches.

A third and final roundtable will be co-hosted by the Community Services Directorate (CSD) and the Human Rights Commission to discuss the consultations with key stakeholders prior to the final report being delivered by the consultants.

The consultant will provide a final report in late 2022. Once the report is received, CSD will move forward with implementation planning to ensure the proposed model is effectively incorporated in legislation, policy and practice.

3. The CYPS Internal Review of Decisions (IRD) Pilot began in July 2022 and will run for 12 months. So far, there has been one request for review which was resolved between the client and CYPS without the need to engage the formal review process.

CSD continues to work to raise awareness of the availability of the internal review of decisions process for eligible decisions and has run multiple stakeholder information and staff training sessions. Further information on this process is available here:

<https://www.communityservices.act.gov.au/ocyfs/children/child-and-youth-protection-services/compliments-and-complaints/decision-reviews>.

4. The IRD pilot is being run alongside a Try, Test, Learn evaluation framework. It is being overseen by a Learning Improvement Committee made up of CSD executives from across the Directorate as well as representatives from Aboriginal Legal Services ACT/NSW, Carers ACT, Advocacy for Inclusion and the Children and Young People Commissioner. The Committee will meet regularly, with the first meeting scheduled for 8 September 2022.

The Committee will be responsible for supporting the continuous improvement of the IRD policies and procedures. At the end of the IRD pilot in June 2023, the Committee will provide the Directorate with a post-pilot report which will be considered to support the finalisation of policy and procedure documents.

CSD will continue to engage stakeholders to make any additional changes to the internal process as required to support the development and implementation of external merits review.

Approved for circulation to the Select Committee on Estimates 2022-2023

Signature:



Date: 7 | 9 | 22

By Minister Stephen-Smith [Minister for Families and Community Services]