



## Standing Committee on Health and Community Wellbeing

### **Inquiry into Annual and Financial Reports 2022-2023** **ANSWER TO QUESTION ON NOTICE**

Asked by **Mrs Elizabeth Kikkert MLA**:

Reference: Hearing on 15 November 2023, Annual Report of Community Services Directorate

In relation to: Children and Young People Protection Policy and Services and Internal Review Pilot

The government's 'Decision Reviews' website lists three stages of internal review: 1) 'meeting with your case manager', 2) 'internal review with CYPS', and 3) 'review by a panel'. The government's 'Requesting a Decision Review' factsheet, however, states that 'There are two stages to a decision review: 1) Firstly, a Senior Officer within CYPS will review the decision ... 2) If you are still unhappy after this first review, the decision may be reviewed by a Decision Review Panel' (p. 3). In the hearing, it was said that, since the launch of the internal review pilot last year, there had been 16 requests for a review of a decision including one newly received that morning).

1. In light of the above discrepancy regarding review stages, can the minister please clarify what exactly was meant by each of the following statements from the hearing:
  - (a) six requests for review had been resolved at 'stage 1' (i.e., case manager or senior officer),
  - (b) one request for review had been resolved at 'stage 2' (i.e., senior officer or review panel),
  - (c) no requests for review had gone past stage 2 (what is beyond stage 2),
  - (d) but two currently are being 're-reviewed' (by a review panel or something else)?
2. Have any requests for review completed the process without being resolved? If so, how many?
3. It was said during the hearing that more work is needed to inform people of their review rights, including caseworkers. Does this mean that caseworkers need to be better informed of review rights, that caseworkers need to better inform families of their review rights, or both?
4. What steps is the government taking to better inform families of their review rights?
5. Government sources clarify that not all decisions can be reviewed by a senior officer and that not all decisions that are reviewed by a senior officer can be reviewed by a review panel. Which decisions are subject to review by a senior officer, and of those, which can be subject to further review by a review panel?

**Minister Stephen-Smith:** The answer to the Member's question is as follows:

1. The Decision Review involves three stages: (1) 'meeting with your case manager', (2) 'internal review of decisions', and (3) 'review by a panel'. The 'Requesting a Decision Review' factsheet

will be revised to align with this delineated process, as outlined on the 'Decision Reviews' website.

- (a) Six reviews were resolved at stage 1 ('meeting with your case manager' stage).
  - (b) One review was resolved at stage 2 ('internal review with CYPS' at the senior officer stage).
  - (c) The Decision Review Panel (stage 3) is the next stage following stage 2. No requests for reviews have reached stage 3.
  - (d) There are currently zero (0) matters being re-reviewed as the two mentioned during the hearings have now been allocated for discussion with the non-government organisation who holds active case management rather than further review.
2. Zero (0) requests for review completed the process without being resolved.
  3. Case workers will be provided with up-to-date information on Decision Reviews to further assist in their understanding of the process and eligibility criteria. This will in turn equip case workers with current information to support them to communicate with families about their rights in relation to Decision Reviews.
  4. The Government is implementing a multifaceted approach to improve families' awareness of their review rights. This involves updating and refining information available on official websites, ensuring that case workers are well-versed in the intricacies of the review processes and actively facilitating effective communication with families. By consistently improving and disseminating comprehensive information, the Government aims to empower families with a clearer understanding of their rights in the review process.
  5. All facets of the Decision Review process are conducted independently of the initial decision-maker and individuals associated with the original decision-making. The review, conducted by a senior officer, ensures impartiality by involving someone without prior direct engagement in the decision under review and outside the line management structure of the original decision-maker.

If the affected person remains dissatisfied with both the original decision and/or the decision made by the senior officer through Internal Review, escalation to the Decision Review Panel will be considered by the Complaints and Client Services (CCS) Manager. This step is the final internal escalation point for a decision.

As per the grounds for a review by a senior officer, with the support of the CCS Manager, the affected person must identify why the decision requires further consideration based on one or more of the following concerns:

- The decision made by CYPS was based on an error of law, fact or policy.
- The decision was based on incomplete information.
- The decision-maker has incorrectly interpreted the information.
- The decision contravenes the human rights of the child or young person.
- New information exists that was not available at the time the decision was originally made.

Approved for circulation to the Standing Committee on Health and Community Wellbeing

Signature:



Date:

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By the Minister Families and Community Services, Ms Rachel Stephen-Smith MLA