



Standing Committee on Health and Community Wellbeing

Inquiry into Annual and Financial Reports 2021-2022 **ANSWER TO QUESTION ON NOTICE**

Asked by **MRS ELIZABETH KIKKERT MLA:**

Reference: Hearing on 9 November 2022, Annual Report of CSD

In relation to: Page 99-100, Internal Review of Decisions Pilot

1. It was stated in the hearing that, since the pilot commenced in July, there have been only two requests for internal review, one of which was deemed 'ineligible'. What does it mean for a review request to be ineligible, who decides, and what are the eligibility criteria?
2. The minister stated in September that the CSD was trying to raise awareness of the internal review option. What has been done between then and now to help families engaged in the child protection system understand that they can access an internal review of decisions through this pilot?
3. This 12-month pilot includes a Try, Test, Learn Evaluation Framework, but four months in, no matters have gone through the formal review process. How can the pilot be successfully evaluated with so few interactions?
4. Will evaluation of the pilot include considering reasons why there have been few requests for review?
5. During the hearing, it was stated that work is being done on 'a more restorative complaints process'. What process is this work taking, and when can we expect to see changes to the complaints process?
6. It was also alluded to that the Children and Young People Commissioner/s may have a role to play in making the complaints process more restorative. What was meant by this statement?

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

1. An ineligible review request is a request for decision review that does not meet the criteria for review.

The Complaints and Client Services Team assess requests for internal review to determine if they are eligible review requests.

Decisions that are eligible for review include:

- Contact;
- Placement;
- Restoration plan;
- Provision of supports;
- A child or young person's health;
- Culture, religion or education;
- Assessment of suitability information;
- Cultural plan;
- Therapeutic assessment plan; and
- Safety planning.

Decisions that not ineligible for review include:

- Care orders made by ACT Childrens Court;
- Appraisal decisions; and
- Day to day decisions made by foster carers.

The grounds for review of an eligible decision are:

- The decision made by Child and Youth Protection Services (CYPS) was based on an error of law, fact or policy;
- CYPS did not have all of the relevant information that was available at the time;
- CYPS has misunderstood the information; and
- New information exists that was not available when the decision was first made.

2. The Community Services Directorate (CSD) has developed a communications strategy which includes a range of activities to help families engaged in the child protection system understand that they can access an internal review. These include a set of fact sheets for families and CYPS staff, multiple community information sessions with key community organisations and engagement with CYPS staff to advertise the possibility of internal review.
- 3-4. While the Try, Test, Learn components of the evaluation cannot be fully realised without sufficient data, CSD can still understand an evaluation of the implementation, quality of practice guidance and review of accessibility of the process at the conclusion of the pilot. A key area of evaluation is assessing the accessibility of the pilot.
- 5-6. CSD has recently reviewed the Complaints Handling and Management Policy as result of a number of reviews and audits with a view to make the policy more restorative.

The Human Rights Commission (HRC) has also recommended that the Complaints and Client Services (CCS) Team undertake a more conciliatory approach to complaints

resolution, similar to how the HRC operates. As a result, CCS staff are getting training as accredited mediators.

This allows the team to offer restorative meetings with complainants to address individual and systemic concerns.

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

Signature:

A handwritten signature in blue ink, appearing to be 'R. Stephen-Smith', written over a horizontal line.

Date: 1/2/23

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