



STANDING COMMITTEE ON HEALTH AND COMMUNITY WELLBEING
Mr Johnathan Davis MLA (Chair), Mr James Milligan MLA (Deputy Chair), Mr Michael Pettersson MLA

Inquiry into Annual and Financial Reports 2020-2021
QUESTION ON NOTICE

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

Ref: Child Protection, CSD Annual Report 2020–21, p. 86

In relation to: Internal and External Merits Review

1. In the hearing, it was stated that the planned pilot for the new internal review process will finish in December 2022 or early 2023 but that, owing to delays, it has not begun yet. Will this pilot still run for a full 12 months as originally planned?
2. Will the internal review pilot consider only new matters arising once the pilot commences, or will it explore any previous matters? For example, a Canberra resident has recently been appointed her young grandchild's carer by the Magistrates Court as part of the Care and Protection Intensive List process, but an earlier CYPS decision has left her with no contact with her older grandchildren who are the young child's siblings. Is such a matter eligible to be reviewed internally as part of the pilot, or will this family need to wait for the final review process to be in place before seeking a review of the CYPS decision?
3. A new mediation process was discussed in the hearing, and it was stated that it is less formal and results in increased satisfaction. Can the minister please provide more information about this? Is it part of or separate to the internal review pilot? How has its satisfaction been tested? How widely has it been implemented?
4. The minister stated last year that the tender for a consultant to design an external merits review process had been endorsed. Who is the consultant, and is it still expected that they will 'deliver a report detailing the final model for External Merits Review by the end of June 2022'? If not, why not?
5. Can the minister please provide a copy of the terms of reference for the design of the external merits review process?

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

1. It is intended that the Internal Decision Review Try Test and Learn pilot will run for 12 months as planned.
2. Decision review processes have continued to be available to affected persons seeking to resolve a disputed decision. It has not been necessary to wait for the Internal Decision Review pilot to commence. In general, decisions previously subject to review would not be considered again, unless new information exists which was not available at the time the decision was originally made.
3. The Complaints and Client Services team within Children, Youth and Families has implemented a restorative approach to complaint handling. As part of this approach, Complaints and Client Services has provided successful mediation, and will continue to build capability to provide this service as all team members become accredited mediators.

As a new aspect of complaint handling this alternative dispute resolution process has not yet been evaluated. It is anticipated this approach will continue to provide opportunities for CYPs and ACT Together to hear the voices of complainants and to work collaboratively to reach satisfactory resolution of concerns.

This process is not part of the Internal Decision Review pilot although both processes work within a restorative and conciliatory approach. Under the new approach to complaint handling, complainants have written to the Complaints and Client Services team to express their satisfaction at the resolution of their complaint matter.

4. The successful consultancy is led by Monash University in partnership with Curijo Pty Ltd and the Centre for Evidence and Implementation. The project is contracted for completion at the end of September 2022. The duration of the contract was extended to accommodate additional time for consultation and to test draft model/s with stakeholders.
5. The External Merits Review project does not have terms of reference, however there is a statement of requirements for the project. The consultants will develop a unified model or models for review of child protection decisions in the ACT that considers:
 - the decisions that will be reviewable – breaking down into internal, external, or both
 - the recommended body that will have jurisdiction or authority to conduct the review – including whether the review mechanism will sit within existing functions, a new function or agency, or a combination
 - who is an affected person, and whether this definition changes based on the decision that is being reviewed
 - the interaction and alignment between internal and external merits review processes and the Courts

- any limitations which may be placed on rights that are engaged under the *Human Rights Act 2004*
- restorative approaches, such as exploring non-adversarial and group conferencing options
- risks, mitigations, and compromises for each model, including funding arrangements and
- strategic priorities, including commitments to self-determination and the Aboriginal and Torres Strait Islander Child Placement Principle.

The consultants will also provide advice on implementation, training and guidance of the recommended model/s.

The Contract, which includes a statement of the requirements for the project, is publicly available and can be found at:

<https://tenders.act.gov.au/contract/view?id=196383>

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

Signature:



Date:

24 | 3 | 22

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