

Australian Capital Territory

Children and Young People (Family Group Conference) Standards 2017 (No 1)

Disallowable instrument – DI2017 - 108

made under the

Children and Young People Act 2008, Section 887 Standard-making power

- 1 Name of instrument**
This instrument is the Children and Young People (Family Group Conference) Standards 2017 (No 1).
- 2 Commencement**
This instrument will commence the day after notification.
- 3 Declaration**
Under section 887 of the *Children and Young People Act 2008*, I declare that these Family Group Conference standards apply to the provisions found in Chapter 3 of the *Act*.
- 4 Revocation**
I revoke DI2008 – 281 the Children and Young People (Family Group Conference) Standards 2008 (No1)

Rachael Stephen-Smith
Minister for Children and Young People
24 May 2017

Standards for Family Group Conferencing In the ACT

Family Group Conference Standards for the ACT

STANDARDS

Standard 1: Referrals for a Family Group Conference

Standard 2: Facilitators

Standard 3: Convening Family Group Conferences

Standard 4: Confidentiality and Exchange of Information

Standard 5: Family Participation and Culturally Appropriate Practice

Standard 6: Conduct of the Family Group Conference

Standard 7: Reaching an Agreement

Standard 8: Outcome Reports and Agreements

Standard 9: Registration of Agreements

Standard 10: Review Family Group Conference

Standard 11: Appeals and Complaints

Standards

Standard 1: Referrals for a Family Group Conference

All referrals must consider the wishes and needs of the child/young person and their family.

- 1.1 The decision to accept a referral by the Family Group Conference facilitator will be based on the best interest of the child/young person.
- 1.2 A referral will be acknowledged on the day it is received.
- 1.3 Should a referral not be accepted the decision will be put in writing to the referrer and held on file.
- 1.4 A person making a referral, and any person holding an aspect of Parental Responsibility, will be advised in a timely manner of the acceptance or non-acceptance to an FGC.

Standard 2: Facilitators

All people who facilitate Family Group Conferences are appropriately qualified, trained and supervised.

- 2.1 Facilitators will not have been decision makers under this Act in relation to the child or young person (or one of their siblings) subject to the FGC prior to the referral for the FGC or FGC taking place.
A person who has: received or assessed a child concern report, or participated in an appraisal, or provided advice or consultation to an operational team of CYPs regarding the child/young person or one of their siblings, or provided support to an Out of Home Carer that is caring for or has cared for the child/young person (or one of their siblings), prior to the FGC referral or the FGC taking place, will not be a facilitator for an FGC concerning that child or young person.
- 2.2 Facilitators will have appropriate skill, knowledge and experience. Appropriate skills knowledge and experience may include: child development, child protection practice, cultural knowledge, skills in mediation and an

- understanding of the relevant legislation.
- 2.3 All people who facilitate FGCs will be offered ongoing professional development opportunities by the Director General.
- 2.4 All people who facilitate FGCs will be offered regular supervision by the Director General.
- 2.5 Appointment as Facilitator will be by way of a Notifiable Instrument.

Standard 3: Convening Family Group Conferences

All Family Group Conferences will, as far as is practicable, be convened in a timely manner, at a time and place that is suitable and appropriate to the needs and wishes of participants.

- 3.1 The facilitator will establish the FGC without unnecessary delay, acknowledging that delay may prejudice the best interests of the child or young person.
- 3.2 The facilitator will take reasonable steps to convene the FGC at an accessible location for participants.
- 3.3 Participants in a conference may be able to receive reasonable financial assistance to enable them to attend an FGC.
- 3.4 In determining the arrangements for the FGC the facilitator will take account of risks that may impact any person attending the FGC, including risks of physical or emotional abuse for children and young people and risks associated with family violence in general.
- 3.5 The Facilitator will explain the purpose of the FGC to all the participants.
- 3.6 Information about the purpose of the FGC will be provided to the child or young person in an age appropriate way. The facilitator will seek to arrange support for the child/young person to attend the FGC subject to their age and understanding.
- 3.7 If the child or young person does not attend, the Facilitator will seek to establish the child/young person's views and wishes and ensure that these are presented at the FGC.

Standard 4: Confidentiality and Exchange of Information

Information about the child or young person will be kept confidential.

- 4.1 All records about the conference will be kept securely and in line with the Territory Records Act and the Information secrecy and sharing provisions at Chapter 25 of this Act.
- 4.2 The facilitator will provide information to participants regarding their obligations to maintain confidentiality in relation to the FGC.

Standard 5: Family Participation and Culturally Appropriate Practice

All participants can expect a culturally appropriate service.

- 5.1 The facilitator will seek the views of participants regarding the need for a person with cultural knowledge to attend the FGC.
- 5.2 The Facilitator may consult with relevant agencies or community groups or representatives for Aboriginal and Torres Strait Islander people or people from Cultural and Linguistically Diverse backgrounds.
- 5.3 Where possible and appropriate, an FGC will be facilitated or co-facilitated by a person from the same cultural group as the child or young person.
- 5.4 Appropriate interpreters will be provided if needed to ensure all participants can contribute in an FGC.

Standard 6: Conduct of the Family Group Conference

All Family Group Conferences will be conducted in a child-centred and strengths-focused way.

- 6.1 The Facilitator will ensure all participants have the opportunity to have their voice heard and opinions expressed.
- 6.2 The Facilitator will ensure that the participants have sufficient 'private-time' during the FGC to be able to fully discuss any issues of concern.
- 6.3 The Facilitator will assist the family to come to an agreed outcome wherever possible.
- 6.4 The child or young person's best interests will always be the paramount consideration.
- 6.5 Participants will be supported to identify possible solutions and strategies for

meeting the child/young person's needs. The facilitator will advise the family of any 'bottom lines' or minimum requirements that in the view of the Director General are preconditions of an agreement.

Standard 7: Reaching an Agreement

The Facilitator will assist the participants of the Family Group Conference to reach an Agreement.

- 7.1 Any proposed Agreement arising from an FGC must be in the best interests of the child or young person. The facilitator, as a delegate of the Director General, must not agree to a proposed agreement that is not in the best interests of the child or young person.
- 7.2 The contents of any Agreement must be consistent with the child or young person's Cultural Plan (where developed).
- 7.3 On receipt of an Agreement, the Director General must implement the arrangements in the Agreement.

Standard 8: Outcome Reports and Agreements

All Outcome Reports and Family Group Conference Agreements will be provided in a timely manner.

- 8.1 The facilitator will provide a copy of the Outcome Report to the Director General, the child or young person and each person invited to the FGC no later than 28 days after the FGC.
- 8.2 If the FGC resulted in an Agreement, then this will also be provided along with the Outcome Report to the persons in 8.1.

Standard 9: Registration of Agreements

An application to the Children's Court may be made in relation to all Agreements which propose transferring or sharing parental responsibility

- 9.1 When an application is lodged with the Children's Court, the Director General or delegate will also advise the Public Advocate within 7 days of lodgement.

- 9.2 If the Children's Court registers an Agreement the Director General will provide a copy of the registration notice to each person who was invited to the FGC within 7 days of receipt of the registration.

Standard 10: Review Family Group Conference

A Review Family Group Conference will be held in a timely manner.

- 10.1 Reviews of the FGC Agreement will be held:
- 3 months after the FGC, or
 - If it appears that the Agreement is not being adhered to, or
 - If there is a material change in the circumstances of the child/young person or one of the parties, that in the view of the facilitator, warrants that the agreement should be reviewed, or
 - Upon request by one of the participants, subject to S.81 (3).
- 10.2 The review will consider whether the agreement is working and remains in the best interests of the child or young person.

Standard 11: Appeals and Complaints

Participants can raise concerns about the process, lodge complaints, or provide feedback about their involvement with Family Group Conference process and these are dealt with in a constructive, timely and fair way.

- 11.1 All participants will be provided with a feedback form and information about the complaints process by the facilitator.