

Australian Capital Territory

Children and Young People (Family Group Conference) Standards 2008 (No 1)

Disallowable instrument DI2008–281

made under the

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

EXPLANATORY STATEMENT

1. Background

This section outlines the purpose of Family Group Conferences along with the independent role of the facilitator.

2. Legal Basis

Family Group Conference Standards are pursuant to Section 887 of the *Children and Young People Act 2008*, while details of Family Group Conferences are outlined in Chapter 3 of the *Act*.

3. Principles

This section outlines a number of key rights on which the family group conferencing process is based. The rights have been determined from the *Act* and from current national and international practice.

4. Standards – summary of sections

Standard 1: Referrals for Family Group Conference

The referral process is to be transparent and based on the consent of all parties. The decision to accept a referral lies with the facilitator and is based on the best interests of the child principle. All decisions will be made as quickly as possible and parties advised of this. These decisions and an explanation of them will be recorded on file.

Standard 2: Facilitators

This section relates to the qualifications that the facilitator is to hold along with the training and supervision they are to receive. The section also advises of the independence of the facilitator.

Standard 3: Convening Family Group Conferences

This section outlines the timeframes for commencing and convening a Family Group Conference. The section sets out who is to be invited to Family Group Conference and also who is not allowed to attend. It also states that families are able to receive some financial assistance in order to attend a Conference. The section states that it is the facilitator's role to ensure that all participants are aware of the purpose of the Family Group Conference, particularly the child or young person. It is also the facilitator's role to ensure the child/young person's views are expressed if her/she is not present at the Conference. In addition, the facilitator is responsibly for selecting an appropriate venue and conducting the Conference appropriately.

Standard 4: Confidentiality and Exchange of Information

Information in regard to a Family Group Conference is sensitive information pursuant to Section 845 of the *Children and Young People Act 2008*. In order to protect this information this section limits the publication of the Outcome Report and the Agreement arising from a Family Group Conference.

Standard 5: Family Participation and Culturally Appropriate Practice

Family Group Conferences will be conducted in a way that takes into account the cultural background of the family. This includes provision for a support person nominated by the family to attend and for a facilitator/co-facilitator of the same cultural background to assist with the Conference.

Standard 6: Conduct of the Family Group Conference

This section relates to the facilitator's management of the Family Group Conference in particular in relation to the family members' views being heard and in assisting all participants to develop an outcome from the Conference. The section also emphasises the importance of the family members in being able to participate in their own "private time" as part of the Conference process.

Standard 7: Reaching an Agreement

This section outlines some of the conditions placed on the development of an Agreement arising from a Family Group Conference, in particular that it must be in the child/young person's best interests as determined by the Conference facilitator. It also emphasises the central role of the child or young person's views on the Agreement and their agreement with it. The section also places a degree of obligation on the Chief Executive to implement the details of the Agreement.

Standard 8: Outcome Reports and Agreement

The requirements of this section are based on Section 88 of the *Act* which sets out who is to receive a copy of the outcome of the Family Group Conference. The time frames are also based on Section 88 but are a slightly more prescriptive.

Standard 9: Registration of Agreements

The *Act* sets out certain circumstances in which an Agreement arising from a Family Group Conference must be registered with the Children's Court. These include when an Agreement seeks to transfer or share parental responsibility from a person to another person (other than the Chief Executive) as per Section 390 of the *Act*. This Section also describes who needs to be advised of the application to register the Agreement and who needs to be advised of the subsequent registration of the Agreement (pursuant to Sections 390 and 392 of the *Act*). The timeframes set out have been developed from best practice principles but are not stipulated in the legislation.

Standard 10: Review Family Group Conference

In most circumstances a Review Family Group Conference will be held within 3 months after the initial Conference. This Section sets out the circumstances in which a Review Conference can be held apart from the 3 month review.

Standard 11: Appeals and Complaints

This Section sets out the complaint management process for participants in a Family Group Conference which follows the DHCS complaint management process.