



# Charter of Rights for Parents and Families involved with ACT child protection services

## REPORT ON WHAT WE HEARD

### *Charter of Rights for Parents and Families involved with ACT child protection services*

The ACT Government is developing a *Charter of Rights for Parents and Families involved with ACT child protection services* (Charter of Rights), which will be embedded in the *Children and Young People Act 2008*. This work was a commitment in the Parliamentary and Governing Agreement and is also a priority initiative under *Next Steps for Our Kids 2022-2030*, the ACT's strategy for strengthening families and keeping children and young people safe.

The Charter of Rights aims to build shared understanding of how families and child protection workers can expect to interact. We know families have significantly less power than workers in these interactions. The Charter of Rights aims to support families to have a voice and be included in discussions and decisions about their children.

## THE CONVERSATION

### *Between April and November 2022, we conducted a two-stage consultation process:*

**stage 1** – targeted consultation with parents and families, and child protection staff, between April and November 2022

**stage 2** – broader community engagement via YourSay, open for 6 weeks from 1 September to 13 October 2022

In both stages of engagement, we asked participants to consider a discussion paper outlining key elements for the proposed Charter of Rights. The paper drew on earlier work from 2 academics from the Australian National University, Dr Sharynne Hamilton and Prof Valerie Braithwaite, which has provided a basis for the ACT's Charter of Rights.

Targeted consultation with parents and families included group sessions and individual meetings, using both virtual and face-to-face formats. We spoke with the Aboriginal and Torres Strait Islander Co-Design Network, families engaged with the Red Cross Birth Family Advocacy Support Service, and families with a parent and/or child with disability. Some of these lived-experience stakeholders also provided direct feedback on our early drafting at various stages of the process.

Consultation with child protection staff included discussions with senior leaders and executives, a group presentation for staff in the Children, Youth and Families (CYF) division of the Community Services Directorate, consultation workshops, and discussions with staff members from Child and Youth Protection Services (CYPS).

Broader consultation via YourSay provided participants with the option to respond to a survey and/or upload a written submission. Through this stage of engagement, we heard from a range of community organisations, advocacy bodies and other agencies, as well as community members with lived experience of the ACT child protection system.



## WHO WE ENGAGED

We engaged with people with lived experience and organisations with a professional interest in child protection:

consultation channel	number of participants / respondents
Aboriginal and Torres Strait Islander Co-Design Network (2 meetings plus out-of-session work)	9 members
group workshops with families engaged with the Red Cross Birth Family Advocacy Support Service (2 workshops plus 2 individual catch-up sessions)	5 parents
individual meetings with parents / family members with disability or who have a child with disability	7 parents / family members
presentations and discussions with CYF staff	CYF staff, including managers and executives, and staff in key operational areas (Principal Practitioners; Disability CYPS Liaison officer; Complaints and Client Services)
YourSay survey	18 survey responses
written submissions	8 submissions
Ngura Naraganabang (Safety in the Pouch) Advisory Group – an independent body of sector professionals	6 members
Our Booris, Our Way Implementation Oversight Committee (OBOW)	CSD attended the OBOW meeting on 5 December 2022.



## Key insights from what we heard

### Parents and families experience a lack of agency

1. Overall, parents' feedback centred around an imbalance of power in interactions between parents and workers.
2. Many parents told us they feel their voices are not heard. They described experiences when their wishes or concerns about the care of their children were not acknowledged.
3. Some stakeholder agencies' submissions suggested the Charter of Rights should express a more restorative approach with a focus on a 'fair and just' experience for families. These submissions also suggested the system should aim to treat everyone as a person of value and presume their honesty as a starting point.
4. Some child protection staff told us it can be challenging to presume all parents are being honest. Sometimes, independent evidence (e.g., urinalysis results or medical reports) does not support this approach.
5. Some parents told us it seems like there is a different standard applied to workers' behaviour, which doesn't apply to parents, and said it wasn't always acknowledged if a worker made an error or was inconsistent in their approach.
6. Some child protection staff told us about challenges in balancing their obligations under the *Children and Young People Act 2008* (CYP Act) with what families want. The CYP Act requires decisions made in relation to a particular child or young person to uphold their best interests as the paramount consideration.
7. Several stakeholder agencies' submissions said the Charter of Rights should not consider the rights of child protection staff and should focus exclusively on the experience of parents and families, to address the significant power imbalance.

### Record-keeping and privacy

8. Several parents told us when a report about their family included information that they felt was incorrect, they were unable to have it updated.
9. Some child protection staff shared concerns about families' requests to amend information, as it isn't appropriate for CYPS to change what is recorded (even when families say the information is incorrect). CYPS can add information reflecting a parent's view that the information is inaccurate, but must record information as it is reported, even if parents disagree. This is especially important in child concern reports or when other concerns are raised.
10. Some parents said they felt judged when information was included in reports that went beyond what the worker had observed in their family.
11. Some parents said they were not advised when information was shared with a third party (e.g., their child's school).
12. Child protection staff told us that information sharing sometimes needs to prioritise a child's safety or align with protocols with ACT Policing. This means it is not always possible to inform a parent when their information is shared.
13. Some staff told us there may be meetings/discussions where it isn't appropriate for a family to bring multiple support people, because sensitive information is being discussed.

### Understanding child protection processes

14. Some parents told us they didn't understand the steps they needed to take to work towards restoration (or another goal). This was made harder when their worker changed, as the new worker often had a different approach.
15. Some parents said information about child protection processes is overwhelming, hard to understand, or contradictory. This means they may not be able to process information right away or listen calmly when something is explained.
16. Parents also told us about significant challenges in complying with everything required of them, especially when relying on public transport to get to appointments or contact visits.
17. Many parents said the reasoning behind decisions is often not explained in a clear and transparent way.
18. Some child protection staff said the Charter of Rights should build realistic expectations. For example, workers are often out of the office and may not be able to respond quickly to emails. They also suggested the Charter of Rights should be clear about what CYPS can and can't do, e.g., it may not always be possible to offer parents many choices for the timing of meetings or contact visits.



19. One submission from a stakeholder agency suggested we should be clear that the Charter of Rights does not create new, enforceable rights or obligations, because this may create unrealistic expectations for families. This submission said the Charter of Rights should support the fundamental human rights protected in the *Human Rights Act 2004*.

### Support for parents and families

20. Some families said their involvement with child protection services stemmed directly from needing more support (e.g., help to manage their child's high care needs, or other issues like housing instability).
21. Many parents felt rules, procedures and policies should be more individualised and responsive to families' unique circumstances and needs. Support should be flexible enough to accommodate diverse needs (e.g., disability).
22. We heard that workers may not always be aware of all the supports available to families. Parents may miss out on services simply because they don't know what is available.
23. Feedback from child protection staff, parents and stakeholder agencies told us families with disability often experience additional barriers. This feedback suggested that the Charter of Rights should reflect a commitment to making reasonable adjustments and using a tailored approach.
24. Most stakeholder agencies' submissions said the Charter of Rights should reflect a broad definition of 'family' that includes people who are significant in the life of the child or young person.

### Culturally appropriate responses for Aboriginal and Torres Strait Islander families

25. Some members of the Aboriginal and Torres Strait Islander community shared experiences of intergenerational trauma, explaining that the child protection system continues to contribute to a legacy of the Stolen Generations.
26. Aboriginal and Torres Strait Islander parents and community members also shared experiences of being judged, or having assumptions made about parenting practices (e.g., their response to health issues) if these don't reflect Western approaches.
27. Some stakeholder agencies' submissions said the Charter of Rights should acknowledge the disproportionate representation of Aboriginal and Torres Strait Islander families in child protection and that it should strengthen efforts to provide a culturally safe response.



## WHAT'S NEXT?

The feedback we received is being used to shape the Charter of Rights. During all stages of engagement, we have connected with people with lived experience and other key stakeholders to test our early drafting and adjust the language and approach. This will inform a final Charter of Rights, which will be finalised in early 2023.

You can contact us to receive project updates by emailing [charterforfamiliesconsultation@act.gov.au](mailto:charterforfamiliesconsultation@act.gov.au).

To find out more about the Charter of Rights and other initiatives, policies and projects in Canberra visit <https://yoursayconversations.act.gov.au/children-and-family-services-reform/charter-rights-parents-and-families>.

### Key Timings

**Two-stage consultation** – April to November 2022 – **engaging families & community stakeholders**

**Developing a draft Charter** – November 2022 – **drafting and testing**

**Listening report** – December 2022 – **advise consultation participants of progress**

**Finalising the Charter of Rights** – early 2023 – **clearance and Cabinet processes**

**Public release** – May 2023 – **final Charter of Rights released**

**Implementation** – from May 2023 – **ongoing work to implement the Charter of Rights**

### THANK YOU FOR YOUR FEEDBACK

**307**

307 people visited the  
YourSay page

**329**

329 discussion paper  
downloads

**19**

We spoke to 19 parents and  
family members

**5**

We delivered 5  
presentations to 20+ staff  
members

**34**

We sent multiple emails to  
over 34 organisations to  
invite their feedback

**18**

We received 18 YourSay  
survey responses

**8**

We received 8 written  
submissions