

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

- 1 Name of instrument**

This instrument is the Children and Young People (Family Group Conference) Standards 2008 (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*.

Andrew Barr
Minister for Children and Young People
24 November 2008

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 Families will be provided with clear information about the FGC and the reasons for being referred to an FGC, in a way they can easily understand.
- 1.3 Families must give their consent to being referred to an FGC.
- 1.4 A referral will be acknowledged on the day it is received.
- 1.5 Should a referral not be accepted the decision would be put in writing to the referrer and held on file.
- 1.6 Families 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 All Facilitators will be independent of the referring agency or service.
- 2.2 All people who facilitate FGCs in the ACT will hold a relevant professional qualification.
- 2.3 All people who facilitate FGCs in the ACT will be offered ongoing professional development opportunities.
- 2.4 All people who facilitate FGCs in the ACT will be offered regular supervision.
- 2.5 Appointment as Facilitator will be by way of Notifiable Instrument. A register will be kept of FGC Notified facilitators.

Standard 3: Convening Family Group Conferences

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

- 3.1 Work on an FGC will commence within 5 working days of the referral and will be convened within 28 days of the referral.
- 3.2 An FGC will be convened at a venue that is easily accessible to families.
- 3.3 Families participating in a conference may be able to receive reasonable financial assistance to enable them to attend an FGC.
- 3.4 Any child, parent or person with parental responsibility may bring a support person of their choice to attend the FGC (although not a solicitor acting in legal capacity).
- 3.5 Any other participant may bring a support person at the discretion of the Facilitator.
- 3.6 The Facilitator will provide a safe environment for all participants based on an assessment of any risks.
- 3.7 The Facilitator will ensure that all participants are aware of and understand the purpose of the conference.
- 3.8 The following people will be invited to each FGC:
 - The child or young person, (dependent on age and capacity).
 - The delegate of the Chief Executive
 - Any other relevant professionals
 - Each parent, (unless the Facilitator considers this is not in the child's best interest)
 - Each other person who has parental responsibility (unless the Facilitator considers this is not in the child's best interest)
 - Any other person considered a relevant person.
- 3.9 Information about the purpose of the FGC will be provided to the child or young person in an age appropriate way.
- 3.10 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 No part of the Agreement arising from a conference will be published or made public in any form.
- 4.2 No part of the Outcome Report from a conference will be published in any form.
- 4.3 All records about the conference will be kept securely and in line with the Territory Records Act.
- 4.4 Each participant will be reminded of 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 family will be supported to identify appropriate participants to attend the FGC.
- 5.2 The Facilitator will consult with relevant agencies or community groups when working with ATSI or participants from Cultural and Linguistically Diverse backgrounds. Participants from these backgrounds are entitled to bring along an appropriate support person/s.
- 5.3 Where possible an FGC will be facilitated or co-facilitated by a person from the same cultural group as the family.
- 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 family 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 of paramount consideration.
- 6.5 Families will be supported to identify possible solutions and strategies for meeting the child/young person's needs.

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.
- 7.2 The contents of any Agreement must be consistent with the child or young person's Cultural Plan (where developed).
- 7.3 All Agreements will be in writing and signed by all relevant conference participants.
- 7.4 The Facilitator must advise all parties that they can seek legal advice, if they wish, before they sign an FGC Agreement.
- 7.5 The Facilitator must seek the views and wishes of the child or young person about the proposed agreement, (dependent on age and maturity) and; if the proposed Agreement is about a young person who is school-leaving age or older then the facilitator must give the young person an opportunity to get legal advice about the meaning and effect of the proposed Agreement.
- 7.6 An FGC Agreement can only be reached if the child or young person either:
- Agrees to the proposed FGC Agreement; or
 - Does not have sufficient maturity or developmental capacity to understand and agree to the proposed FGC Agreement.
- 7.7 On receipt of the signed Agreement the Chief Executive agrees to implement 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 Chief Executive or delegate, the child or young person and each person invited to the FGC within 14 days and no later than 28 days of 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 will 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 Chief Executive or delegate will also advise the Public Advocate within 7 days of lodgement.
- 9.2 If the Children's Court registers an Agreement the Chief Executive 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
 - Upon request by one of the participants, or
 - If the Agreement appears to be not being adhered to, or
 - If there is a major change in circumstances requiring the Agreement to be reviewed.
- 10.2 The review will look at the implementation of the Agreement.

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 Participants have the right to have complaints lodged and managed through of the Department's complaints handling procedure.
- 11.2 All participants will be provided with a feedback form and information about the complaints process by the facilitator.