

PRACTICE GUIDE

Family Participation Program - Referrals for Aboriginal and Torres Strait Islander family-led decision making

Family Participation Program

The Family Participation Program supports Aboriginal and Torres Strait Islander families to fully participate in child protection decisions that affect their lives, through the facilitation of Aboriginal and Torres Strait Islander family-led decision making processes when a decision is required about the safety or care of a child. Aboriginal and Torres Strait Islander family-led decision making strives to preserve, promote and enhance the child's connections to family, community and country.

Family Participation Program services are run by independent Aboriginal and Torres Strait Islander community-controlled organisations that support families to participate in decision making.

The Family Participation Programs and Aboriginal and Torres Strait Islander family-led decision making processes aim to empower families to develop family designed plans (known as family plans) that address the safety and wellbeing concerns for their children in line with the participation and partnership elements of the Aboriginal and Torres Strait Islander Child Placement Principle and promote the right to self-determination. The Family Participation Programs help families to understand Child Safety's concerns and provide a culturally safe space for families to identify protective factors and develop solutions that provide for the safety, belonging and wellbeing of their children. The services also help families identify and work with family members who might be able to provide support and have input at a family meeting and to develop a family plan.

This practice guide is to be read in conjunction with the Child Safety Practice Manual procedures.

The guide is structured as follows:

1. Key functions of the Family Participation Program
2. Referral priorities across the continuum
3. Information sharing between Child Safety and Family Participation Program services
4. The family's and child's right to choose service involvement
5. Referral during an investigation and assessment
6. Referral for a child subject to a short-term child protection order
7. Family plan and the case plan
8. Self-referrals to the Family Participation Program
9. Links to further information about the Family Participation Program.

1. Key functions of the Family Participation Program

The primary role of the Family Participation Program is facilitating Aboriginal and Torres Strait Islander family-led decision making processes to optimise the family's ability to fully, actively and meaningfully participate in key processes to effectively influence decision making across the child protection continuum. This may include:

- assisting a family to understand Child Safety's concerns and processes (where applicable)
- supporting a family to respond to and address the concerns, and have active input into decisions
- conducting family mapping to identify family members who could support the resolution of safety concerns or maintain the child's cultural and family connections
- holding planning sessions with family members in preparation for a family meeting

- facilitating a family meeting, ensuring all participants contribute to a family plan that meets the child’s safety and wellbeing needs
- recording a family plan and providing it to Child Safety
- linking the family with the support service they need to implement and sustain the family plan, where applicable.

A secondary function may include the Family Participation Program assisting the child and parents to identify an independent person or a staff member to act as an independent person, in certain circumstances, where requested by the family.

2. Referral priorities across the continuum

Although the Family Participation Program can offer assistance to families at numerous key decision-making points, the following 3 referral points are the currently agreed priority for the Family Participation Program and Child Safety.

During an investigation and assessment	At each case plan review during a short-term child protection order	Six months prior to the expiry of a short-term child protection order
<p>The Family Participation Programs facilitation of Aboriginal and Torres Strait Islander family-led decision making aims to prevent the need for further Child Safety intervention after an investigation and assessment is completed; by optimising the family’s contribution to problem solving, decision-making and planning; to mitigate risk and keep their child safe.</p> <p>Engaging the family as early as possible during the investigation and assessment means the Family Participation Program has the best opportunity for facilitating an Aboriginal and Torres Strait Islander family-led decision making process for the family and support them to:</p> <ul style="list-style-type: none"> • identify strengths and protective factors • have their say in the decision of whether their child is in need of protection • fully, actively and meaningfully participate in the investigation and assessment • develop safety and support plans to keep their child safe and document this in their family plan. 	<p>Early engagement with the child’s whole family network is important to ensure the timely and safe reunification of a child with their family and to ensure that Aboriginal and Torres Strait Islander children who could be safely returned to family do not remain in the child protection system.</p> <p>Returning children safely to family, restores and maintains protective connections to family, community and country.</p> <p>Early and effective participation and engagement of the child’s family and network also:</p> <ul style="list-style-type: none"> • enables the family to develop a family plan that is meaningful for them • supports decision making to enable relational, physical and legal permanency outcomes for the child • strengthens opportunities for concurrent planning. 	<p>At this stage Aboriginal and Torres Strait Islander family-led decision making facilitated by the Family Participation Program aims to improve and strengthen permanency planning, and where possible to reunify the child to their family and decrease the need for a subsequent child protection order.</p> <p>It is essential that families who have yet to be supported by the Family Participation Program during the short-term order, are offered the opportunity at this critical stage, where decision making focuses on whether:</p> <ul style="list-style-type: none"> • it is safe enough for the child to be reunified • reunification remains likely and achievable in the available timeframe • further ongoing intervention with or without a child protection order is needed • alternative permanent care arrangements are needed, including identifying long-term care arrangements within the family, where timely reunification to their parent/s is not possible.

3. Information sharing between Child Safety and Family Participation Program services

Family Participation Program services are 'specialist service providers' as defined in the *Child Protection Act 1999*, section 159, and therefore Family Participation Program providers and their employees must comply with the information sharing provisions of the *Child Protection Act 1999*, which allow for the sharing of information while protecting the confidentiality of the information (*Child Protection Act 1999*, Chapter 5A, part 4).

The *Child Protection Act 1999* enables Child Safety and Family Participation Programs to share information with each other to identify, assess and respond to child protection wellbeing concerns, provided there is a reasonable belief the information will help with the particular purpose for which it is being shared. This includes sharing information without a person's consent for specific purposes, including in regards to a child and an unborn child who may need protection after they are born.

Child Safety may share relevant information with a Family Participation Program service without the family's knowledge and consent to optimise the opportunity for the family to receive support from the Family Participation Program, as early as possible. The Family Participation Program can provide the family with support they may need to enable their full, active and meaningful participation at key decision-making points.

This means that when planning an investigation and assessment, Child Safety can give the Family Participation Program information such as the notified concerns and the family's child protection history for the purpose of helping "assess or respond to a child's needs or plan or provide services to a child or the child's family to decrease the likelihood of a child becoming a child in need of protection" (*Child Protection Act 1999*, section 159MD).

4. The family's and child's right to choose service involvement

At any point across the child protection continuum, before Child Safety can make a referral for a Family Participation Program to provide a service, the family's consent is required.

4.1 Investigation and assessment

Child Safety is to share information about all investigation and assessments for Aboriginal and Torres Strait Islander children with the local Family Participation Program. The Family Participation Program and Child Safety then work together to decide which families are likely to benefit from Aboriginal and Torres Strait Islander family-led decision making during the investigation and assessment. The Family Participation Program makes the final decision about which families they will make contact with or visit. The process for Child Safety to engage the Family Participation Program and for the Family Participation Program to determine whether, and at what stage of the investigation and assessment, they plan to visit the family, are determined at a local level.

If Child Safety conducts the initial visit to the family without the Family Participation Program being present, the CSO will seek the family's **agreement for the Family Participation Program to contact** them to discuss how the Family Participation Program can support them by facilitating an Aboriginal and Torres Strait Islander family-led decision making process. It is the Family Participation Program's role to then explain their service and seek the family's consent for a referral to be made. If the family does not agree to the Family Participation Program contacting them at this stage, the CSO will discuss with the family the option of working with the Family Participation Program at subsequent decision-making points, where relevant. Information about the Family Participation Program should be left with the family so that they can contact the service directly if they choose to at a later stage.

If the family agrees to be contacted by the Family Participation Program, Child Safety will advise the Family Participation Program. The Family Participation Program will then contact the family to explain their role, services and processes, and to offer an Aboriginal and Torres Strait Islander family-led decision making process. This enables the family to make an informed decision about whether they want to work with the Family Participation Program (and which service provider, if there is more than one), and consent to a referral. The Family Participation Program will seek the family's **consent for referral** and the CSO will then make a referral to the Family Participation Program.

The Family Participation Program will advise Child Safety of the family's decision and where the family consents to a referral, the CSO will complete a referral in the online portal. If a family does not provide consent for referral at this stage, Child Safety will discuss the option of working with the Family Participation Program at subsequent decision-making points, where relevant.

Note

Some Family Participation Program services may require Child Safety to make a referral using the Family and Child Connect portal before the Family Participation Program contacts the family. Where this local process exists, the CSO will speak to the family and seek their consent for referral to the Family Participation Program. If the family consents, the CSO will complete the online referral.

4.2 Short-term child protection orders

In the first instance Child Safety will discuss a possible referral to the Family Participation Program with the child and family and seek their **agreement for the Family Participation Program to contact** them. The Family Participation Program will then discuss their service with the family, offer their support for Aboriginal and Torres Strait Islander family-led decision making processes and seek the family's consent for referral.

Note

Some Family Participation Program services may require Child Safety to make a referral using the Family and Child Connect portal before the Family Participation Program contacts the family. Where this local process exists, the CSO will speak to the family and seek their consent for referral to the Family Participation Program. If the family consents, the CSO will complete the online referral.

If the family does not agree to the Family Participation Program making contact with them, or does not provide consent for a referral to be made, family-led decision making processes can still occur, for example, they can be facilitated by a family group meeting convenor, private convenor or a Child Safety employee, delegated to facilitate a family group meeting.

5. Referral during an investigation and assessment

For information about processes before making a referral to the Family Participation Program, including engaging the Family Participation Program during investigation and assessment planning, refer to the tool [Family Participation Program Involvement during an investigation and assessment](#).

A referral to the Family Participation Program, to assist with informing the decision about whether a child is in need of protection, occurs after Child Safety engages the local Family Participation Program. The aim is for the Family Participation Program to contact the family as early as possible during the investigation and assessment.

During an Aboriginal and Torres Strait Islander family-led decision making process to inform the decision about whether a child is in need of protection, Child Safety will outline the concerns identified to date and the Family Participation Program convenor will facilitate a process where the family develops a family plan aimed at keeping the child safe. The family plan should address the immediate harm and ongoing worries (risks) for the child, which will inform a decision that either:

- there is enough safety so the child is not in need of protection
or
- there is not enough safety and the child is in need of protection.

This approach seeks to optimise the family's participation in the decision about whether their child will be safe without Child Safety providing ongoing intervention. The family's participation is enhanced through a process facilitated independently of Child Safety, in which the family can have confidence. At times, family-led processes may result in a family reaching their own conclusion that their child is in need of protection and they require further support to address the concerns. The senior team leader, as the delegated decision-maker, is responsible for approving the final decision about whether the child is in need of protection.

Refer to CSPM [Plan the investigation and assessment](#) and [Decide if a child is in need of protection](#).

6. Referral for a child subject to a short-term child protection order

The 2 priority referral points for children subject to short-term child protection orders are:

1. Referral for each case plan review (at least every 6 months) throughout the duration of the order.
2. Referral 6 months prior to the expiry of the order (especially if the family is not already engaged with the Family Participation Program).

Processes and timeframes for Child Safety engaging the Family Participation Program about possible referrals for children subject to short-term child protection orders are determined at a local level. Engaging the Family Participation Program early will enable adequate information sharing and collaboration so the Family Participation Program can determine which families they are best placed to offer a service. Refer to the tool [Family Participation Program Priority referral points for children subject to short-term orders](#).

The outcome of the Aboriginal and Torres Strait Islander family-led decision making process will inform other decision-making processes for a child, such as the practice panel meeting. A Family Participation Program staff member may attend the practice panel meeting if they have been working with the family during the most recent case plan review period. Their role at the practice panel is to provide information about the Aboriginal and Torres Strait Islander family-led decision making process, how the revised family plan was developed, who participated, and the views the family expressed at the meeting including concurrent planning for the child. At the practice panel, it is not the role of the Family Participation Program staff member who has been working with the child and family to advocate for the family or act as a critical friend. Refer to the practice guide [Practice panels](#) and Procedure 5 [Review and revise the case plan](#).

7. Family plan and the case plan

For information about family-led decision making meetings, documents and plans, also refer to the practice guide [Family-led decision making - Key concepts](#).

A **family plan** is the plan developed by a family during an Aboriginal and Torres Strait Islander family-led decision making process. During the process, the family and their network have the opportunity for *family time* to discuss the family's strengths and worries and develop their own strategies for the child's safety that address the concerns they and Child Safety have identified. Professionals, including Child Safety staff do not participate in private family time unless requested by the family.

During an investigation and assessment, the family plan informs the decision about whether the child is in need of protection. The aim is for the family plan to provide enough safety to sufficiently mitigate the identified risks for the child and prevent the need for ongoing intervention.

If a child is assessed to be in need of protection, the *Child Protection Act 1999*, section 51B, requires that a written plan be developed for meeting a child's protection and care needs. This is the **case plan**. It may be possible, with the family's consent, for an Aboriginal and Torres Strait Islander family-led decision making process held for the child in need of protection decision, to continue for the purpose of developing the case plan for the child. For this to occur, the family would need to be given the opportunity to expand their family plan so it also addresses matters required in a case plan. (Refer to the practice guide [Family group meeting legislative requirements](#).)

The *Child Protection Act 1999* has certain requirements about how an initial case plan is developed. When the Family Participation Program facilitates an Aboriginal and Torres Strait Islander family-led decision making process to develop a family plan that meets the requirements of an initial case plan, the Family Participation Program facilitator undertakes the role of a private convenor under the *Child Protection Act 1999*. Together with Child Safety, the Family Participation Program facilitator must:

- ensure the process meets the specific requirements for a family group meeting outlined in the *Child Protection Act 1999*, part 3A
- ensure that the plan meets the requirements for a case plan under the Act section 51B(2). For a child in care, this would include developing a plan for meeting the child's cultural support and family contact needs.

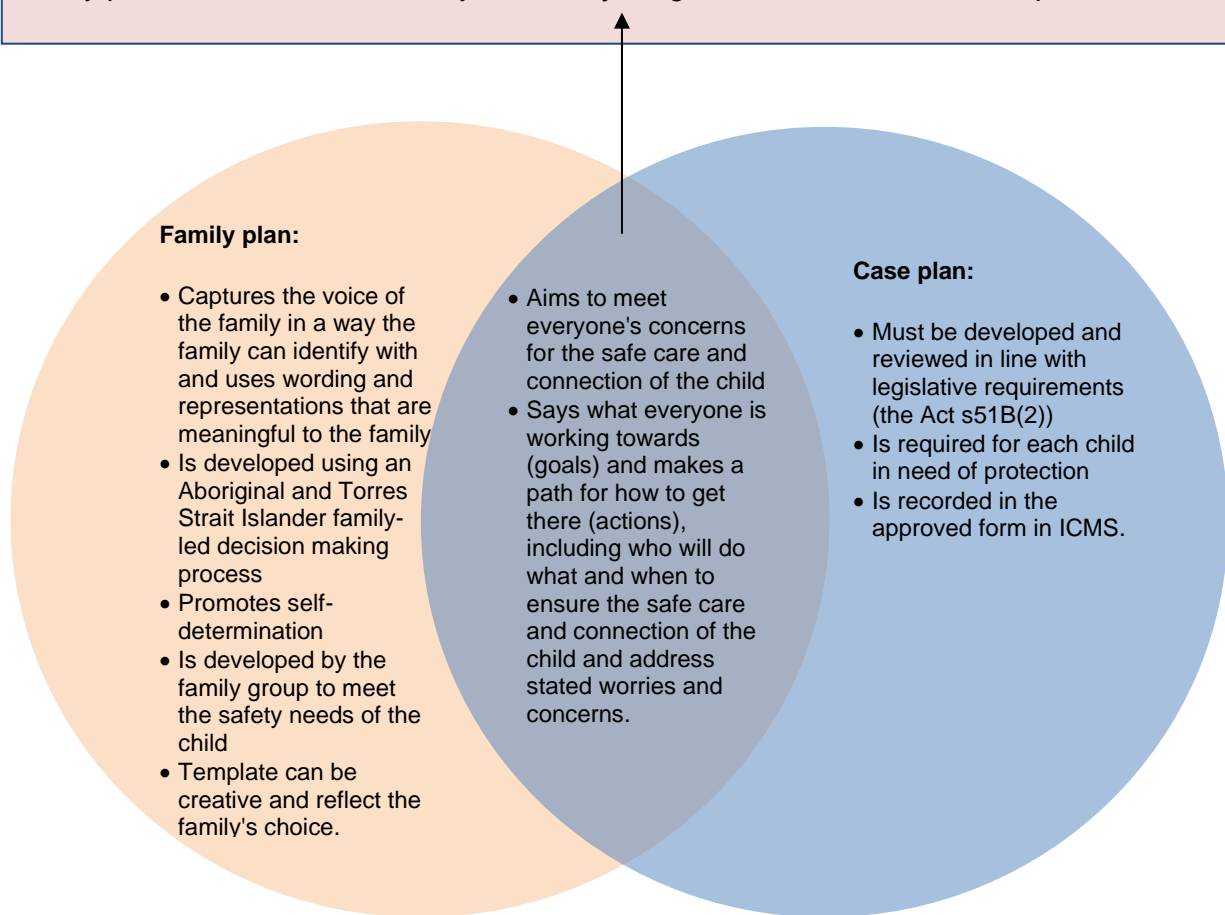
When the family plan addresses the child's safety needs and the required elements of the case plan, then it is the case plan. The *Child Protection Act 1999*, section 51O requires the case plan to be recorded in the approved form (which is the case plan form in ICMS). The CSO need only complete the mandatory fields of the form and then attach the family plan and submit it to the senior team leader for approval.

When the family plan does not address the required elements of the case plan, Child Safety in collaboration with the Family Participation Program facilitator, will discuss this with the family during the Aboriginal and Torres Strait Islander family-led decision making process and give them the opportunity to review the family plan. If the family plan still does not adequately address these areas, then the case plan document will include additional or different information not included in the family plan, to satisfy case plan requirements specified in the *Child Protection Act 1999*.

While the family plan and case plan are similar, they differ in the following ways:

- The case plan must meet requirements in the *Child Protection Act 1999*, including that it is recorded on the approved case plan form, which is in ICMS.
- The family plan is not prescribed under the *Child Protection Act 1999*. This allows flexibility in how it is recorded. This will vary depending on the purpose of the plan, the family's views and wishes and the input of the Family Participation Program facilitator.

The aim of Aboriginal and Torres Strait Islander family-led decision making is to bring together the elements of the family plan and legal requirements of the case plan as much as possible. If they do not align, differences are to be managed collaboratively and transparently. Collective decision-making will result in a plan that respects and values the integrity and intent of the family plan and meets Child Safety's statutory obligations to a child in need of protection.



8. Self-referrals to the Family Participation Program

When a family agrees to work with the Family Participation Program, either the family or Child Safety will make the referral to the Family Participation Program. Families may approach the Family Participation Program directly in order to self-refer. The Family Participation Program will tell Child Safety when a family self-refers. The CSO will share information with the Family Participation Program to assist them to provide Aboriginal and Torres Strait Islander family-led decision making. The CSO will email sensitive and confidential information to the Family Participation Program using Child Safety's secure encryption service, by including one of the following in the subject line:

- “[SEC=SENSITIVE]” which will encrypt the email

or

- “[SEC=SENSITIVE+]” which will encrypt the email and prevent the recipient from forwarding, printing or copying the email and taking a screen shot.

9. Referral outside of the three priority referral points

A family may benefit from referral to a Family Participation Program for Aboriginal and Torres Strait Islander family-led decision making at various stages of planning and decision making for a child, other than the 3 priority referral points outlined above. This may include:

- to develop a family plan that meets the required elements of an initial case plan and is developed using a process that meets the specific requirements for a family group meeting outlined in the *Child Protection Act 1999*
- in exceptional circumstances, to review a case plan for a child subject to a child protection order granting long-term guardianship to the chief executive, where revocation of the order is being considered.
- where a child needs a new care arrangement and an Aboriginal and Torres Strait Islander family-led decision making process will help identify or decide the best option for the child in line with the placement priorities in the *Child Protection Act 1999*.

Child Safety and the Family Participation Program will collaborate on a case-by-case basis to decide whether a referral will be offered to the family in these circumstances. As always, the family’s consent is required before Child Safety makes a referral to the Family Participation Program. If a family declines Family Participation Program engagement, or the Family Participation Program does not have capacity to engage with the family or accept a referral, Child Safety will consider alternative options for assisting the family to participate in a family-led decision making process, such as referral to a collaborative family decision making program family group meeting convenor or private convenor.

10. Links to further information about the Family Participation Program

Refer to [www.csyw.qld.gov.au/Family Participation Program](http://www.csyw.qld.gov.au/Family_Participation_Program) for further information about the Family Participation Program, including brochures and a list of services and contact details.

For more information about family-led decision making practice, programs and processes, refer to practice guide [Family-led decision making - Key concepts](#).

For information about engaging the Family Participation Program during investigation and assessment planning refer to the tool [Family Participation Program Involvement during an investigation and assessment](#).

For information about engaging the Family Participation Program for children subject to short-term orders refer to the tool [Family Participation Program Priority referral points for children subject to short-term orders](#).

For information on statutory obligations for family group meetings and case planning refer to the practice guide [Family group meeting legislative requirements](#).

For information on practice panels refer to the practice guide [Practice panels](#).

Version history

Published on:	23 October 2020
Last reviewed:	December 2022
Owner:	Office of the Chief Practitioner