

APPENDIX 1

Principles when working with children, young people and families

Extract from the *Children and Young Persons (Care and Protection) Act 1998*

Section 9 What principles are to be applied in the administration of this Act?

- (a) In all actions and decisions made under this Act (whether by legal or administrative process) concerning a particular child or young person, the safety, welfare and wellbeing of the child or young person must be the paramount consideration. In particular, the safety, welfare and wellbeing of a child or young person who has been removed from his or her parents are paramount over the rights of the parents.
- (b) Wherever a child or young person is able to form his or her own views on a matter concerning his or her safety, welfare and wellbeing, he or she must be given an opportunity to express those views freely and those views are to be given due weight in accordance with the developmental capacity of the child or young person and the circumstances.
- (c) In all actions and decisions made under this Act (whether by legal or administrative process) that significantly affect a child or young person, account must be taken of the culture, disability, language, religion and sexuality of the child or young person and, if relevant, those with parental responsibility for the child or young person.
- (d) In deciding what action it is necessary to take (whether by legal or administrative process) in order to protect a child or young person from harm, the course to be followed must be the least intrusive intervention in the life of the child or young person and his or her family that is consistent with the paramount concern to protect the child or young person from harm and promote the child's or young person's development.
- (e) If a child or young person is temporarily or permanently deprived of his or her family environment, or cannot be allowed to remain in that environment in his or her own best interests, the child or young person is entitled to special protection and assistance from the State, and his or her name, identity, language, cultural and religious ties should, as far as possible, be preserved.
- (f) If a child or young person is placed in out-of-home care, arrangements should be made, in a timely manner, to ensure the provision of a safe, nurturing, stable and secure environment, recognising the child or young person's circumstances and that, the younger the age of the child, the greater the need for early decisions to be made in relation to a permanent placement.
- (g) If a child or young person is placed in out-of-home care, the child or young person is entitled to a safe, nurturing, stable and secure environment. Unless it is contrary to his or her best interests, and taking into account the wishes of the child or young person, this will include the retention by the child or young person of relationships with people significant to the child or young person, including birth or adoptive parents, siblings, extended family, peers, family friends and community.

Section 10 The principle of participation

- (1) To ensure that a child or young person is able to participate in decisions made under or pursuant to this Act that have a significant impact on his or her life, the Director-General is responsible for providing the child or young person with the following:
 - (a) adequate information, in a manner and language that he or she can understand, concerning the decisions to be made, the reasons for the Department's intervention, the ways in which the child or young person can participate in decision-making and any relevant complaint mechanisms
 - (b) the opportunity to express his or her views freely, according to his or her abilities
 - (c) any assistance that is necessary for the child or young person to express those views
 - (d) information as to how his or her views will be recorded and taken into account
 - (e) information about the outcome of any decision concerning the child or young person and a full explanation of the reasons for the decision
 - (f) an opportunity to respond to a decision made under this Act concerning the child or young person.
- (2) In the application of this principle, due regard must be had to the age and developmental capacity of the child or young person.
- (3) Decisions that are likely to have a significant impact on the life of a child or young person include, but are not limited to, the following:
 - (a) plans for emergency or ongoing care, including placement
 - (b) the development of care plans concerning the child or young person
 - (c) Children's Court applications concerning the child or young person
 - (d) reviews of care plans concerning the child or young person
 - (e) provision of counselling or treatment services
 - (f) contact with family or others connected with the child or young person.