



Tasmania

DEPARTMENT of  
HEALTH and  
HUMAN SERVICES

# Family Group Conferencing Program Guidelines

Revised

**AUGUST 2005**

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## *Foreword*

The *Family Group Conference Program (FGC) Guidelines* have been developed for both staff at Child Protection Services and FGC Facilitators who have worked together since 2000 to provide family group conferencing to children, young people and families.

The *Family Group Conference Program Guidelines* will replace Module 4 ‘*Family Group Conferencing*’ and includes updated guidelines and information regarding the current model of the statewide FGC Program. This guideline including the accompanying forms and templates can be accessed via the [Child Protection Resource Net](#).

The *FGC Guidelines* outlines the model of family group conferencing introduced through the Tasmanian Act. It progresses from a general overview to more detailed guidelines and practice standards that form the FGC Program.

The FGC Project Review conducted in 2004 by Jennifer Thain and Jackie Mackenzie (Child Protection Services Support Unit) has informed the development of the revised guidelines. In addition, consultation with the FGC Project Consultants, child protection staff and facilitators has been invaluable to the review process. I would like to express thanks to all staff involved in this process for their contributions. It is hoped that Family Group Conferencing can continue to promote family participation and decision-making about the care and protection of children and young people in Tasmania.

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# 1. Introduction

## 1.1 What is Family Group Conferencing?

Family group conferencing (FGC) is a collaborative case planning process. It is used most effectively at a point of crisis or impending crisis for an individual or family and provides a structured framework which engages people closest to the issue in seeking a positive outcome together. A situation where a child or young person has become involved with statutory child care and protection systems certainly constitute a crisis for the whole family system. However, in the past, those most directly involved in the situation have frequently been left out of the decision-making process. The *Children, Young Persons and Their Families Act 1997*, seeks to address this in a number of ways, including the introduction of family group conferencing.

For family members, workers, facilitators and all others who take part:-

### Family Group Conferencing.....

can be:

Exciting  
Powerful  
Transforming  
Surprising  
Strengthening  
Healing  
Supportive  
Respectful  
Creative  
Empowering

can also be:

Threatening  
Demanding  
Challenging  
Uncertain  
Messy  
Volatile  
Risky  
Damaging  
Exhausting  
Abusive

Family group conferencing is not therapy, but can be therapeutic: it can give rise to surprising solutions, but it is not a solution in itself.



**Family Group Conferencing  
is a process not a panacea!**

## 1.2 History of FGCs

Family group conferencing was first included in legislation in New Zealand after an enquiry into the over-representation of Maori children in the welfare system. Objections had been raised about the high numbers of indigenous children in care and the lack of acknowledgement by the statutory and legal systems of the kinship and community support networks that often exist around a child.

Since 1989 the practice has been introduced in many countries including England, Scotland, Wales, Ireland, the Netherlands, Canada, North America, the Philippines, South Africa, Israel and Hong Kong. Most states in Australia are now also exploring the use of family group conferencing.

A similar process, known as 'community conferencing' is used under the new *Youth Justice Act 1997* to divert young offenders from Court.

## 1.3 Current Model

- Independent facilitators, external to Child Protection Services are contracted for the purpose of running an FGC for a particular child/ren.
- The family will be consulted about the choice of facilitator, the venue, time and other arrangements for the conference.
- Referrals will clearly outline the 'Safety Statement' determined from the TRF.
- All participants will receive a written invitation to the FGC.
- CPW and a Senior Worker will attend the conference.
- Lay advocates for children will generally be present.
- Outcomes will be recorded and signed by all parties.
- Plans will generally include processes for review.
- Quantitative and qualitative data will be collected.

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## 2. Guiding Principles

### 2.1 Legislation

Family group conferencing was introduced into Tasmanian law through the *Children, Young Persons and Their Families Act 1997*. A specific section (**Part 5, Division 1**) centres on the practice and describes its operation in detail. However, this process does not exist in isolation from other actions and decisions made under the legal mandate devolved to Child Protection Services.

*Family Group Conferencing is an integral part of the child-centered family-focused practice framework which underpins every action and decision made under the Act, and*

*It gives practical expression to the Principles of the Act*

As with any action or decision under the Act, all aspects of the referral, preparation, facilitation and management of family group conferences should reflect the Principles of the Act and be directed towards achieving what is in the ‘best interests of the child’ (**Section 55**).

These two components of the legislation provide the basis of all standards for practice irrespective of the context of involvement by child protection. They remain essential reference points for staff and although they are quoted in other practice frameworks, it is useful to preface detailed procedures for family group conferencing with a reiteration of the relevant sections of the Act.

### THE PRINCIPLES OF THE ACT (based on Sections 8 & 9)

- The primary responsibility for a child’s care and protection lies with the child’s family.
- A high priority is to be given to supporting and assisting the family to carry out that primary responsibility in preference to commencing proceedings under the Act which result in care and protection orders.

- If the family is still unable to care and protect the child or young person even after every effort has been taken to support and assist the family in that task, the Secretary of the Department may take on that responsibility – this is recognised as a step to be taken only after all other avenues have been explored.

- The best interests of the child must be the paramount consideration.

- Serious consideration must be given in any action taken to preserving all aspects of the child's identity.

- Wherever practicable and reasonable, any action taken must take into account the view of all persons concerned with the welfare of the child, including the child.

- In relation to Aboriginal children, a recognised Aboriginal organisation must first be consulted before any order is made under the Act or decisions are taken about where the child will reside.

In making any decision or order under the Act for an Aboriginal child, the following must be taken into account:

- any submission from or on behalf of a recognised Aboriginal organisation consulted in relation to the child;
- Aboriginal traditions and cultural values;
- The general principle that an Aboriginal child should remain within the Aboriginal community.
- All proceedings must occur in a timely manner, paying particular attention to the degree of urgency of each specific case.

In addition, the following general principles apply:-

- All clients should be treated with dignity and respect.

- Clients have a right to be consulted about the decisions that are being made about them.

- Clients have a right to information that is held about them.

- Clients have a right to information on the policies and procedures that guide the response or service that they receive from Child Protection Services.

## THE BEST INTERESTS OF THE CHILD (based on Section 55)

In determining what is in the child's best interests, the following matters must be taken into consideration:

- Any wishes expressed by the child and any relevant factors relating to their capacity to express their wishes such as their maturity or level of understanding.
- The nature of the relationship of the child with their guardians and other people who make a significant contribution to their care.
- The likely effect of any changes in the child's circumstances, including the likely effect on the child of any separation from the people with whom they have been living, be they their parents, guardians or other people.
- The practical difficulties and expense of a child having contact with their family and whether that difficulty or expense will substantially affect the child's right to maintain contact with the guardian on a regular basis.
- The capacity of their guardians or other significant person to provide for the child's needs, including their emotional and intellectual needs.
- The child's maturity, sex, background and culture (including any need to maintain a connection with the lifestyle, culture and traditions of the Aboriginal community).
- The need to protect the child from physical or psychological harm.
- The attitude to the child, and to the responsibilities of parenthood, shown by the child's guardians.

## 2.2 Values and Principles

Crises contain within them an opportunity for positive change.



A crisis, which affects one family member, has an impact on and reverberates throughout the whole family system.



Families have strengths, which are often not perceived by professionals witnessing the crisis.



Decisions should be made by those who are closest to the issue. People object and adversely react to others making decisions on their behalf.



People make better decisions if they have a vested interest in the outcome of those decisions.



Professionals have the responsibility to provide to the family their knowledge of resources, assessments, expertise in similar cases, and the reasons for their professional' s judgments in an educative and supportive manner.



Solutions lie within the family system that has the problem, not outside or in the hands of professionals.



People act and will respond according to the way they are treated by professional services. If they are treated as having the potential to find solutions, they will mobilise themselves positively and not waste the opportunity.

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## *3. Overview of the Process*

### **3.1 When FGCs are Held**

Family Group Conferences are called either –

- To make plans to ensure that children are cared for and protected from harm, or
- To review those plans.

Under the Act, family group conferences can be convened in certain circumstances:

1. By Order
2. On Request
3. As a Preferred Option for Case Planning

STANDARD: Child Protection Services staff should explore the least intrusive means of resolving issues. This entails the use of family meetings, case conferences, consultation with senior workers and senior practice consultants as well as expert assessments, where appropriate. These should be used creatively as mechanisms for seeking what is in the child's best interest in preference to initiating the resource-intensive and relatively 'public' process of family group conferencing.

Under the Act, FGCs can be convened in certain circumstances:

#### **FAMILY GROUP CONFERENCES MUST BE HELD:**

- a) If the Court has adjourned proceedings and referred a matter to a family group conference for consideration and report (**Section 30 (3)**).
- b) Where the convening of a family group conference is specified in an existing order. For example:-
  - 8-week Assessment Order – **Section 22** or a
  - 12 month Care and Protection Order – **Section 42** to review the arrangements for the care and protection of a child.

- c) Where the Secretary has been requested by a child under a care and protection order (including one which places them under the guardianship of the Secretary until they are 18) or any 2 or more members of the child' s family to convene such a conference and review the arrangements made for that child (**Section 53 (b)**).
  
- d) Where an extension to a 12 month care and protection order is deemed necessary, a family group conference is to be convened to review the existing arrangements (**Section 44 (1)(a)**).
  
- e) Where the Secretary is required to review the implementation of the plan made at a previous family group conference through another family group conference, or when a child or any two members of their family request that a family group conference is held for that purpose or when the Secretary considers it necessary or desirable to convene a family group conference (**Section 39**).

**FAMILY GROUP CONFERENCES MAY ALSO BE CONVENED:**

- a) Where the assessment of ongoing risk to a child referred to Child Protection Services indicates that plans need to be made to secure their future care and protection, a family group conference may be called to explore all possibilities within the family to care for the child (**Section 30 (1)**).
  
- b) In any other circumstances where the Secretary considers it necessary or desirable to convene such a conference.

### **3.2 FGC Referral Process**

When a family group conference is called under Division 1, Section 30 (1), Section 30 (1) (c), Section 30 (3), Section 39, Section 53 (a), Section 53 (b), Section 44 (1) (a), or in any other circumstances where the Secretary considers it necessary or desirable to convene such a conference, the Child Protection Worker (CPW) with primary responsibility for the child is required to complete a referral form to be sent to the FGC Program Coordinator. The FGC referral process has been divided into two parts, supported by Appendices 1 and 2: Referral Form and Pre-conference Meeting Agenda available under forms and templates on the [Child Protection Resource Net](#).

The referral form is a brief document that provides the FGC Program Coordinator and facilitator with the basic information regarding the child, the family and the purpose of the FGC. The referral form is guided primarily by the Tasmanian Risk Framework (TRF), and includes the safety statement to ensure that the safety and best interests of the child/young person guides planning and decision-making. The TRF component of the referral form will have generally been shared and explained to families before their involvement in an FGC. The referral form is endorsed by the primary worker's supervisor or senior worker and approved by the SPC. It is then emailed and faxed to the FGC Program Coordinator with a copy to the Service Centre Manager. If an SPC is unavailable, the Service Centre Manager can approve the referral form in their absence.

## SAFETY STATEMENT

The Safety Statement is the record of the Child Protection Worker's judgement of the significance of analysis included in the TRF. The safety statement is one of the most crucial aspects of work in child protection. Child Protection Workers use this to explain the risk judgement to an array of audiences, including families, children, young people, supervisors, managers, the courts and agencies.

The Safety Statement includes the judgement of risk that includes the following:

- The harm consequences
- The harm probability

And then make judgements about the significance of harm consequence and harm probability for:

- Immediate safety
- Future risk

### *Example of a Safety Statement*

Harm has been assessed as potentially **serious** for both children due to the hospital reporting serious physical injuries as a result of today's incident. This incident is alleged to have occurred due to Mary's mental illness and a domestic violence episode that occurred today.

It is **highly likely** that the children will be harmed again if they are returned to the parent's care at this time, given:

Mary has been hospitalised involuntarily

Jim is refusing to have Jason returned home and Jason is refusing to go home

Sophie is a highly dependent and vulnerable infant

There is no acknowledgement from Jim that his actions have placed the family at risk.

**Immediate safety** for the children is in questions and requires further investigation by CHILD PROTECTION. Further needs/tasks requiring investigation include:

Assessing Mary' s mental illness

The children' s physical and emotional health

Assessing Jim' s motivation in addressing his aggressive behaviours

Linking the family with agreed support services and family networks

Assessing Jim' s capacity to provide immediate care to the children

Pending this, **future risk** remains very high for these children.

The Pre-conference Meeting Agenda is a guide for CPW' s to plan for the face-to-face meeting with the allocated facilitator. This meeting should be held as soon as practicable after the referral form is completed so that the facilitator has sufficient information to commence contact with the family. The purpose of the pre-conference meeting is to provide more detailed information about the family (including LAC planning information and contact details) and practical issues that need to be considered for the conference. The information should be provided to the facilitator in paper-based form or the facilitator may decide to take additional notes. Facilitators will be required to inform the FGC Program Coordinator when the pre-conference meeting has taken place. The outcomes of the meeting must be documented and it is the responsibility of the allocated facilitator to complete the minutes for the pre-conference meeting.

The following sections reflect the questions in the referral form:-

#### Section 1: Information about the Referral

- When providing information about a previous family group conference, please ensure that the information in the current referral form is up-to-date, and reflects the progress since the last FGC or planning meeting.

- There is a six-week timeframe for the preparation, administration, facilitation and subsequent documentation of a Family Group Conference. It is not feasible for a successful conference to be facilitated and completed in less than 6 weeks from the receipt of the referral by the FGC Program Coordinator. It is the responsibility of the CPW to plan to ensure that this timeframe is achieved.
- If the family was not involved in the most recent planning meeting it may be useful for the facilitator to know why not – for example, no-one was contactable, or the fact that it was a decision from a Court Application Advisory Group (CAAG).

#### Section 2: The Purpose of the Family Group Conference

- It is important that the purpose of the FGC is clearly outlined in the referral form and that any Court plans or legal involvement is highlighted to ensure that the family and facilitator are informed well before the FGC. This information is critical for the FGC Program Coordinator to maintain data on the FGC Program.
- The focus of the family group conference is on the present and the future – not on the judgement of past actions, recrimination or blame. The emphasis is on participatory planning for the future care, protection, health and wellbeing of the child or young person and diversion, where possible, from more intrusive protective intervention by the state (both TRF and LAC frameworks are relevant).
- The TRF forms the backbone of this section of the referral form, and it is expected that an up-to-date TRF would have already been completed and shared with the family (under section 69 (1)) unless there are concerns regarding the safety of the child/family). If the CPW has concerns regarding sharing parts of the TRF with the family, this should be discussed with their supervisor or the SPC.
- If Specialist Assessment Guides (e.g. disability, mental health, re-unification) are appropriate, please include reference to these in the TRF.
- The safety statement derived from the completed TRF replaces the old “ bottom lines” and is the basis for decision-making. The TRF promotes the best interests and safety of the child.

#### Section 4: Genogram

- It is essential that the genogram is completed to ensure clarity for the facilitator regarding family relationships and connections within the immediate and extended family.

#### Section 4: Referral Approval Process

- Once the referral form is completed, it is to be emailed to the FGC Program Coordinator, with a copy to the Service Centre Manager. This is to ensure that the SCM is aware of the up-coming FGC and any associated issues.

#### Section 5: Next Steps after a referral

- The referral form is to be emailed and a signed copy faxed to the FGC Program Coordinator as soon as practicable.
- Any issues regarding timeframes for the FGC etc should be highlighted to the FGC Program Coordinator at this stage.

#### Section 6: Pre-conference Meeting Agenda:

- The agenda is intended to guide the pre-conference meeting between the CPW, coordinator and facilitator to ensure adequate exchange of information and discussion of relevant issues before the facilitator engages with the family. Senior Workers can decide if they wish to attend this meeting without their Coordinator.
- It is the responsibility of the CPW to prepare for the meeting and to bring all relevant documents and it is the responsibility of the facilitator to complete and circulate the minutes for the pre-conference meeting to participants.
- The checklist of requirements may include the following (which can be provided to facilitators in paper-based form):-

##### a) Information about the child/young person

- It is very important to include the contact details of the child especially if they are residing with a carer, to ensure facilitators can easily contact the child/young person.
- Current care planning documentation (i.e. LAC:- EIR1, PP2 and Care Plan), TRF and other relevant documentation including family assessments, psychological assessments, DVIR etc will form a large component of the information provided to the facilitator, at the pre-conference meeting. Any care

planning or other confidential documentation provided to the facilitator at the meeting will be returned to the CPW by the facilitator after the conference.

b) Practical requirements for the conference

- These issues should be fully discussed in the initial meeting between the facilitator and the CPW to ensure that all necessary arrangements are made well in advance.
- It may be necessary in some circumstances for a worker to discuss with the facilitator and FGC Program Coordinator the possibility of having a second facilitator where complex issues such as domestic violence/imprisonment/restraint orders are present.
- The CPW can, in conjunction with their supervisor or SPC, highlight to the FGC Program Coordinator if the case is perceived to be complex and requires additional time and effort for the FGC. The FGC Program Coordinator will consult with the facilitator, who can apply in writing to the FGC Program Coordinator for a supplementary contract for an increased payment.
- Attendance is a matter that the facilitator will discuss with Child Protection staff, the child or young person, caregivers and family members. It is the role of the facilitator to determine FGC attendance. If it is not possible for family members to attend for any reason it is important that the CPW and facilitator discuss how else they might be able to participate in the conference (e.g. letter, teleconference, support person).

c) Advocacy and support for participants at the conference

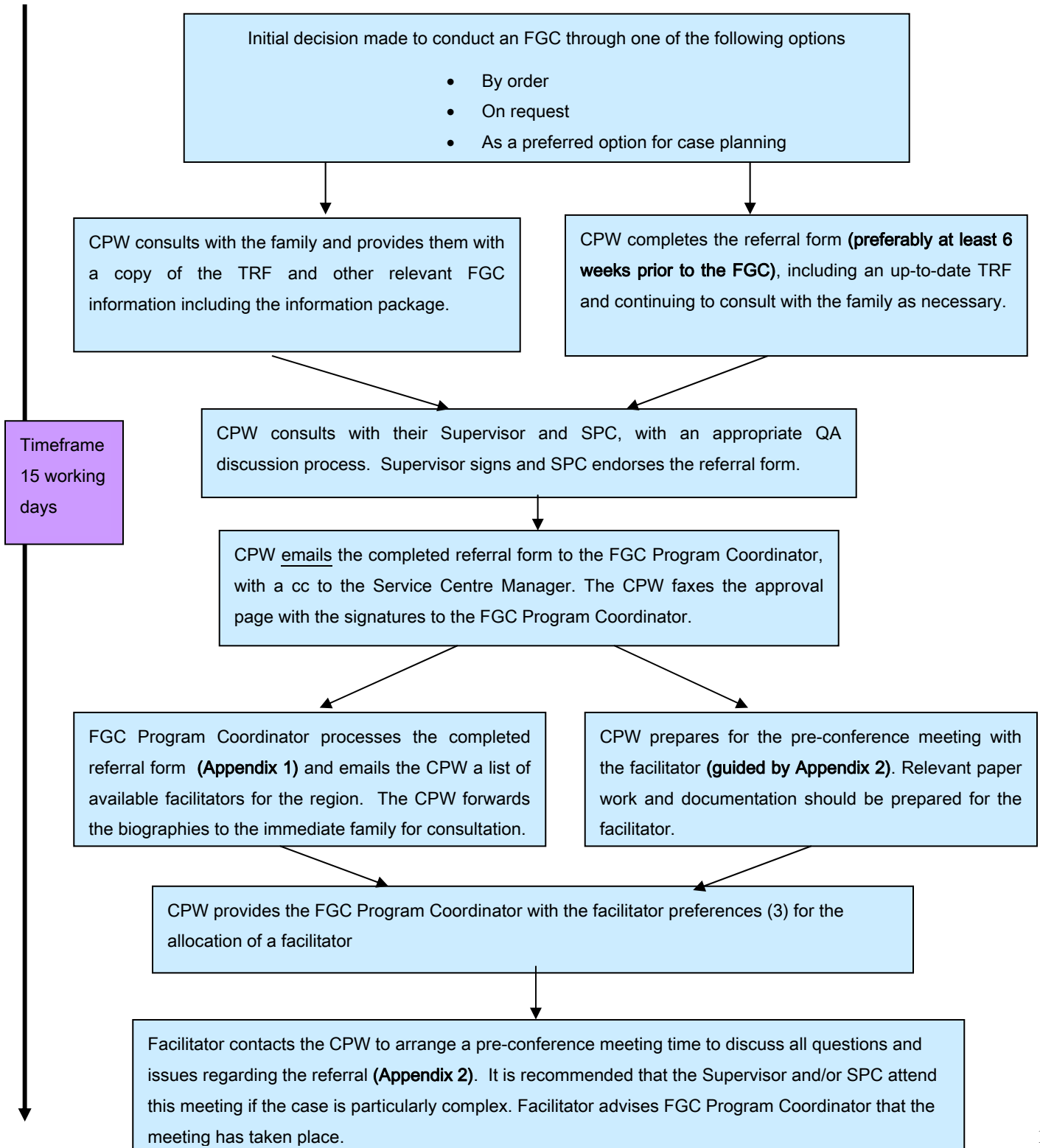
- It is the role of the facilitator to discuss any arrangements regarding advocacy with the CPW, the child/young person, protective family members and caregivers and other adults in whom the child or young person has trust.
- If it is found that there is no obvious person to advocate for child/young person, or it is felt that that person may have their own agenda in influencing the child, please inform the facilitator so that they will be able to contact a suitable professional to act as an independent advocate.

d) TRF and legal issues

The pre-conference meeting is a good opportunity to discuss the safety statement, which replaces the “ bottom-lines” to ensure clarity about the professional judgement that has been based on the safety and

risk assessment, before the facilitator begins contacting family members. Any upcoming court dates or legal orders should be clarified and discussed at this early stage. It is important to be transparent through this process to ensure adequate and accurate information provision to the facilitator and family and minutes will be recorded at the pre-conference meeting and placed on the child's file.

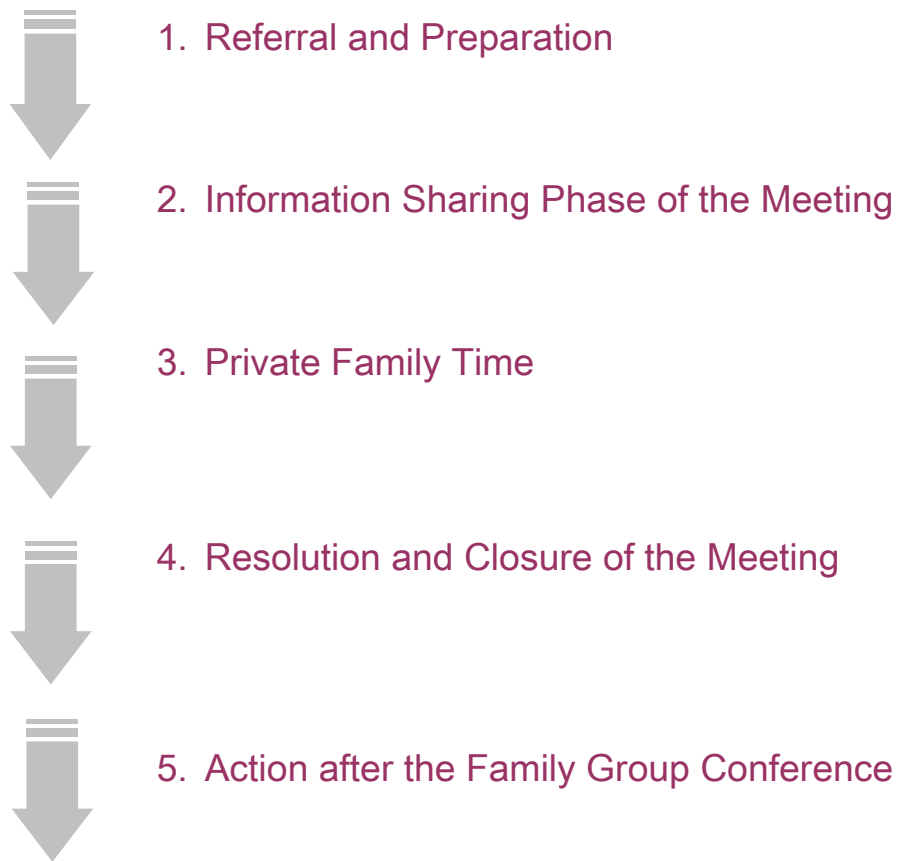
## Referral Flow Chart



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## 4. Stages of FGCs

The family group conferencing process consists of five stages:



### 4.1 Referral and Preparation

- This phase generally takes place over a period of about 3 weeks.
- The case is referred to the facilitator, who makes contact with family members and CPW and other relevant stakeholders and invites them to participate in the conference.
- **Facilitators are required to contact the CPW to make any arrangements to visit the child/young person. Facilitators are encouraged to show their identification badges when visiting schools and homes.**

- Information sharing with family members and other participants is an important role of both the facilitator and CPW (information sheets are available on the [Child Protection Resource Net](#) and videos for family members can be accessed via the FGC Program Coordinator).
- This is a critical phase of careful collaborative liaison with all parties. It can pave the way to a successful FGC and it provides all parties with time to assimilate the issues and consider solutions.

## 4.2 Information Sharing Phase of the Meeting

- This phase can take up to about an hour or an hour and a half.
- Introductions are made and each participant describes the nature of their connection with the child.
- The reason for calling the conference is reiterated.
- The referring Child Protection Worker clarifies the nature of the concern regarding risk to the child and defines the ' safety statement' .
- All necessary information concerning the situation is provided by other professionals and service representatives in attendance. Available supports are identified to the family.
- Family members are encouraged to ask questions.
- The Information Sharing Phase concludes with a reiteration by the facilitator of the reason for calling the conference.

## 4.3 Private Family Time

- This phase of the FGC generally takes about 45 minutes, but there should be no strict time limit imposed on the family.
- The professionals withdraw and those who are not involved with confirming the conference decision may leave.
- If requested, the facilitator can stay to assist the family with the writing up of the plan.
- The family may take as much time as they wish to develop a protective plan for the child, drawing on the support network identified to them and bearing in mind the ' safety statement' that have been clarified.

## 4.4 Resolution and Closure

When the family has reached a decision, the core members of the conference re-group and the plan is discussed. It will generally include details of:

- Who will take responsibility for the day to day care of the child,
- What supports will be offered by the family to the primary carer,
- What other agencies and services are to be involved,
- What resources are required for the plan to be effective and durable,
- Who will monitor it, and how and when it will be reviewed.
- If the family can reach agreement by consensus, the proposed plan is put in writing and signed by the facilitator, the child (if appropriate) the child' s advocate (if one is present), the child' s guardians and others involved with the implementation of the proposed plan.
- The family' s plan must be approved either by the Secretary or by the Court (depending on how the conference was initiated and whether it was ordered by the Court or part of an administrative planning or reviewing process).
- If recommendations have to be made to the Court, these should be included as part of the record of the decision of the family group conference.
- As soon as practicable all participants in the FGC are given copies of documents that record the outcome and the decision of the Secretary (if that responsibility lies with the Department, rather than the Court).
- If no decision can be reached by the participants in the conference, the facilitator writes a report as soon as possible after the conference.

## 4.5 Action after a Family Group Conference

- The optimum result of a family group conference would be an immediate approval of the plan.

- This would then be followed by a process of transition for the child and family from the level of Departmental intervention that preceded the family group conference to implementation and support of the plan.
- It is more likely that the proposed plan may need to be approved by an authority outside the family group conference (e.g. a higher delegation within the Department or the Court).
- The plan may not be approved and the family group conference could be **re-convened**.
- Action may be taken under Part 5 Division 2 to apply to the court for a care and protection order for the child.
- If the FGC has been convened under section 30 (3) of the Act (i.e if the Court has adjourned proceedings to allow for an FGC), the Child protection Worker is required to attach the family' s plan to their affidavit for the Magistrate.
- If the FGC was convened to review the case of a child under a long term Care and Protection Order and the outcome recommends that the order should be revoked, appropriate approval and legal proceedings would follow.

## 4.6 Roles and Responsibilities of Participants

### Key Participants

**The child or young person:** The child or young person is the focus of the FGC. They should be present if it is considered by the facilitator in their best interests to do so. If they do not attend, every effort should be made for their needs and wishes to be represented at the meeting.

**Family members:** The child' s guardians must be invited to the family group conference as well as other members of the immediate and extended family whose presence is considered beneficial to the process. If the presence of any individual may threaten or intimidate others at the meeting and jeopardise their safety, the facilitator has the authority to exclude them from the meeting.

**Facilitator:** FGC' s are convened by an independent facilitator who is not an employee of Child Protection Services. Facilitators come from a wide diversity of professions, including social work, counselling,

mediation, teaching, child care, law and advocacy. They are recruited through public expression of interest and, once approved, included on a register approved by the Secretary. Independent facilitators are engaged under a standard contract to convene and manage a family group conference for a particular child.

**Child Protection Services Staff:** The Child Protection Worker and Coordinator (or Senior Worker) will attend the FGC to present information in relation to the risk assessment and a clear safety statement to guide the family in making future plans.

**Child's Advocate:** The legislation emphasises that the 'voice of the child' is to be heard throughout all stages of involvement with Child Protection Services, either directly or indirectly. The Act specifically identifies the role of advocate during the process of convening a family group conference and gives the discretionary power of appointment to the facilitator.

However, it may be in the child's best interest to consider CPW may identify a person within the child's immediate circle of connection and support with whom the child or young person feels comfortable and through whom they feel they can more easily express their needs and wishes, for example a school social worker, youth leader, neighbour or relative.

**Representative of the Aboriginal Community:** If the child or young person is a member of the Aboriginal community, a representative nominated by a recognised Aboriginal organisation may attend.

**Others:** If the court has ordered the FGC, certain participants may be required to attend. A range of other participants may also be invited to the FGC. These include support people for the child or other family members, carers, school personnel, counsellors or others who have been providing services to the child or family in the past. Representatives of organisations who may be able to offer support to the child or family in the future may also be invited.

### Roles and Responsibilities

#### **Child/Young Person**

The facilitator and CPW for the child/young person will do everything they can to provide information about the FGC process and hear what the child/young person has to say when plans are made for their future.

Depending on the age of the child/young person, they are able to decide if they would like to attend the conference, and who they would like to accompany them. If the child/young person doesn't want to attend the conference the facilitator will allocate a child advocate to attend, express the child's wishes on their behalf and act in the child's best interests.

A child/young person has the **right:**

**To be SAFE**

**To be CARED FOR**

**To be HEARD**

### **Child Advocate**

Advocacy is about speaking up for children and young people. Advocacy is about empowering children and young people to make sure their rights are respected and their views and wishes are heard at all times. Other vulnerable members of the family may also require advocacy and similar principles apply. An advocate is someone who acts positively on behalf of someone else and is usually someone more articulate or more powerful. For children and young people this will often be an adult who has a professional qualification (as is paid as a 'professional advocate') although an advocate may be a peer advocate or volunteer (*Bateman, 1995, Fook, 2002, Atkinson, 1999 quoted Dalrymple, 2004*).

The child advocate undertakes the following key activities:

#### Meets with the child or young person

- The advocate will meet with the child or young person and assist them to identify their ideas, views and wishes.
- Although this discussion may start with the areas that have been identified by others as those about which decisions need to be made, the Advocate will also ask the child or young person if there are other matters that they wish to raise and have discussed.

- The advocate will also discuss the meeting itself with the child or young person and identify any concerns that they may have, work out whether or not they want to attend the meeting and how they want their views presented.

#### Attends the decision making meeting

The advocate will attend the meeting and support the child or young person in presenting, or on their behalf, represent the child or young person's views as agreed upon in the initial meeting. Where necessary, the Advocate will ensure that the child or young person's views are heard and considered in the decision making process.

#### Documents the meeting

The advocate will document the discussion, decisions and timeframes for activating the decisions made. This information will be provided to the child or young person, other significant people involved in their care and the statutory department responsible for their care.

#### Follows up

The advocate will have one follow up session with the child or young person to ensure that decisions have been satisfactorily implemented. Further advocacy can be negotiated where required.

The role of the child advocate also includes the following:

- They may be asked to explain to the conference the needs of a child at that particular age group.
- It is highly recommended that the child advocate brings something of the child' s – a cuddly toy, or a painting they have done, or something they have written, so the conference has the feeling that the child is “ real” and reminds everyone WHO THE CONFERENCE IS FOR!
- It is important for the child advocate to remain as neutral as possible.

#### **Separate Legal Representative for the Child**

The *Children, Young Persons and Their Families Act (1997)*, prescribes that the Court must not proceed to hear an application under this Act unless “ the child is represented in the proceedings by a legal

practitioner” or “ the Court is satisfied that the child has made an informed and independent decision not to be represented” .

The role of the Separate Representative is based on socio-legal assumptions that underpin the *Children, Young Persons and Their Families Act (1997)*. They include the following:-

- The primary responsibility for a child’ s care and protection lies with the child’ s family;
- Child Protection Services will only intervene to disturb the family unit when the child is considered “ at risk” .
- Proceedings are “ child focused” to establish and promote the best interests of the child. The inquiry is not fault driven.
- The focus is an inclusive and non-adversarial resolution, which promotes the family unit.
- Proceedings under the Act ought to be conducted in a specialist court whose practice and philosophy reflects the Act.

### Family Members

- It is the role of family members to decide when and where you would like the FGC, what would make it comfortable for them (e.g. what food, music, or ceremonies you would like included) and any particular people they would like to invite to support them at the conference.
- During the FGC, family members have the opportunity to ask questions of Child Protection Services, Facilitator and others.
- During the private family time, it is the role of the family to discuss the plan for how they can support each other in caring for the child/young person.
- During the discussion phase, the family present to the Facilitator and Child Protection Services, the plan for the future care of the child/young person. It is important to for the family to outline how people within and outside the family can support the plan, and what will happen if something goes wrong.

- It is important for family members to remain focused on what is in the best interests of the child and to focus on the future – not on the judgment of past actions, recrimination or blame.
- Family members have a right to request a review of arrangements for care and protection of a child/young person. Under the Act, a FGC can be requested if the “ Secretary has been requested by the child or any 2 or more members of the child’ s family to convene such a conference.
- Family members have a right to be fully informed about the process of Family Group Conferencing before their participation and can provide feedback or lodge a complaint to the FGC Co-ordinator if they are concerned about any aspect of the FGC process.

### Support Persons

The family or child/young person informs the facilitator, which support person they would like to have involved. The facilitator would normally ask the support person if they would like to participate in the FGC.

The support person’ s role is to help them express their needs and wishes at the conference. The support person will probably need to talk to the family member before the conference about their role.

If the support person feels at any stage of the conference that the needs and wishes of the family member or child/young person is not being expressed clearly.... or that the person they are supporting is not coping. They can:

- 1/. Ask the facilitator for a quick break so they can talk to the family member, ask if they are ok, and find out if they would like some help.
- 2/. It might be that the family member asks the support person to express something for them.

The support person must stay as neutral as possible. Their job is to help them express their views NOT express your own and to focus on the best interests of the child.

## Other Professionals

When children or young people do not receive the care and protection they have a right to, a teacher, member of the Education Department or other professional may have become involved. In circumstances where there are concerns about the child' s education, a teacher or member of the Department of Education support service may be invited to the conference.

Representatives from other government or non-government agencies or groups who can provide information about what supports they can offer to the family may also be invited to attend the Family Group Conference. As professionals or services providers either already involved with the case or representatives of potential future supports to the family, their principle task is that of *Information Provision*.

It is very important that information on available resources is provided to the family in a manner that is clear and accessible. Professional detachment is required in participating in a FGC in this capacity and it is not the opportunity to direct the family' s decision-making. The CPW and facilitator may be asked to assist invited professionals and other attendees in their preparation for the conference.

If the attendance of a professional or service representative is not possible or appropriate, a written report or other information about the services or supports available can be submitted in the form of pamphlets, videos etc to the meeting through the facilitator.

It is very important that the family receives copies of all documentation what will be presented to the conference in advance. It is important to remember that this is not a court setting and the point of the meeting is not to determine whether abuse or neglect has occurred or by whom. The focus of the meeting is on the future and on strategies for the future care and protection of the child.

## Facilitator

### Stage 1: Referral and Preparation

- After the pre-conference meeting with the CPW, the facilitator contacts the child or young person, immediate and key family members by telephone and/or to discuss the family group conference process, clarify expectations, discuss who should be invited and determine preferred venue, times etc.
- In the case of an Aboriginal child or young person, the facilitator consults with an appropriate recognised Aboriginal organisation about who should participate in the family group conference.
- The facilitator contacts the child or young person' s legal representative to ensure that he or she is aware of the family group conference and to determine the role of the legal representative in the process.
- It is the facilitator' s role to prepare an agenda for the family group conference.

### Stage 2: Information Sharing Stage

- The facilitator ensures that all parties, especially the child or young person (if present) fully understand the information that is being given to the conference, the concerns that are raised and the Risk Assessment.
- The facilitator ensures that the views and needs of the child or young person are conveyed to the conference, either directly or through his or her advocate.
- The facilitator ensures that the family is encouraged to ask questions and assist them with seeking clarification where there is uncertainty.
- The facilitator provides information to the conference from family and community members who were unable or preventing from attending the conference, for example by reading a letter from a distant family member, playing a video tape or audio tape.
- It is the facilitator' s role to adjourn the FGC for a short break or stop the process completely if there is any risk of violence or if any member of the family is being intimidated.
- The facilitator clarifies for the family the central questions they need to address during the private discussion time, preferably using a whiteboard or butcher' s paper to state the issues clearly and simply.

- The role of the facilitator is to check with any vulnerable members of the family whether they feel confident to enter the private time and offer support as appropriate.
- The facilitator ensures that the FGC remains focused on the best interests of the child, perhaps by inviting the child's advocate to speak at the conclusion of this phase of the meeting.

### Stage 3: Private Family Time

The facilitator remains available to the family to answer questions and offer support when requested.

### Stage 4: Resolution and Closure

If the family has reached a decision by consensus, listen carefully to the plan and write up the suggestions to ensure a shared understanding of what has been agreed by the family. Assess if there is a need to debrief with any participants including CHILD PROTECTION following the FGC to clarify or discuss any issues.

### **Child Protection Services**

It is the responsibility of the child/young person's Child Protection Worker (CPW) to:

- Where a family group conference is a possibility, provide the child and family with information about the process in advance so that it does not come 'out of the blue' for them.
- Prepare the referral for the facilitator for the conference.
- Provide copies of all relevant reports for the facilitator and family members, and to articulate simply and clearly the Safety Statement derived from the Tasmanian Risk Framework (TRF) in relation to the care and protection of the child. The Tasmanian Risk Framework (TRF) provides an evidence-based professional judgment model and a set of guides to information gathering, analysis and judgment regarding the impact and risk of abuse or neglect to children and young people.
- Both the child/young person's CPW (or Senior Worker) and their Coordinator will attend the conference, primarily to provide information to the meeting. This information relates to the TRF and the support strategies that can be offered to the family.

The supervisor or senior worker will be responsible at the conclusion of the conference for giving an indication to the family about whether or not their plan:

- Meets the safety statement outlined in the TRF and is likely to be approved by the Service Centre Manager. What resources are likely to be approved by Child Protection Services to support the family plan.

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## *5. Facilitators*

### **5.1 Recruitment and Monitoring**

Facilitators are engaged by the DHHS to facilitate FGCs in accordance with the requirements of the *Children, Young Persons and Their Families Act 1997*. The facilitator is independent of Child Protection Services and is responsible for the planning, management and recording of family group conferences (FGCs).

DHHS maintains a register of facilitators approved by the Secretary to conduct FGC' s on a contractual basis. The pool comprises facilitators drawn from a variety of work-history backgrounds; with significant experience and current professional skills in-group facilitation and, in particular, in working with children and young people.

The following facilitator competencies form the basis of the written application and interview and are considered necessary to successfully facilitate a family group conference:

- 1/. Group work facilitation skills and experience;
- 2/. Mediation, conflict resolution and negotiation skills and experience;
- 3/. Ability to communicate appropriately with a range of client groups, government and non-government agencies and to engage them in collaborative negotiation;
- 4/. Knowledge and understanding of the legislative context regarding child protection and welfare issues and familiarity with the Children, Young Persons and Their Families Act (or capacity to acquire the same);
- 5/. An understanding of the social and developmental needs of individuals, children and families;

Attrition may be anticipated due to numerous reasons such as:

- 1/. Lack of interest, due to other work opportunities or sporadic offering of work
- 2/. Self-selected withdrawal
- 3/. Sub-standard performance of facilitators, leading to non-renewal on the register or no further offer of contracts for facilitation duties.

Facilitators are required to complete the following to fulfill the application requirements:

- Proof of identity 100 point check
- Obtain and submit a National Police check
- Sign a consent form for a child protection record check
- Sign a Declaration of Confidentiality
- Write a written application document outlining their experience under the required competencies;
- Supply names and contact details of two referees
- Attend an interview
- Attend a competency-based two-day training program
- Under a mentoring scheme, observe an FGC and fill in an observation sheet.
- Once appointed, the first FGC will be observed by their mentor (an experienced facilitator).

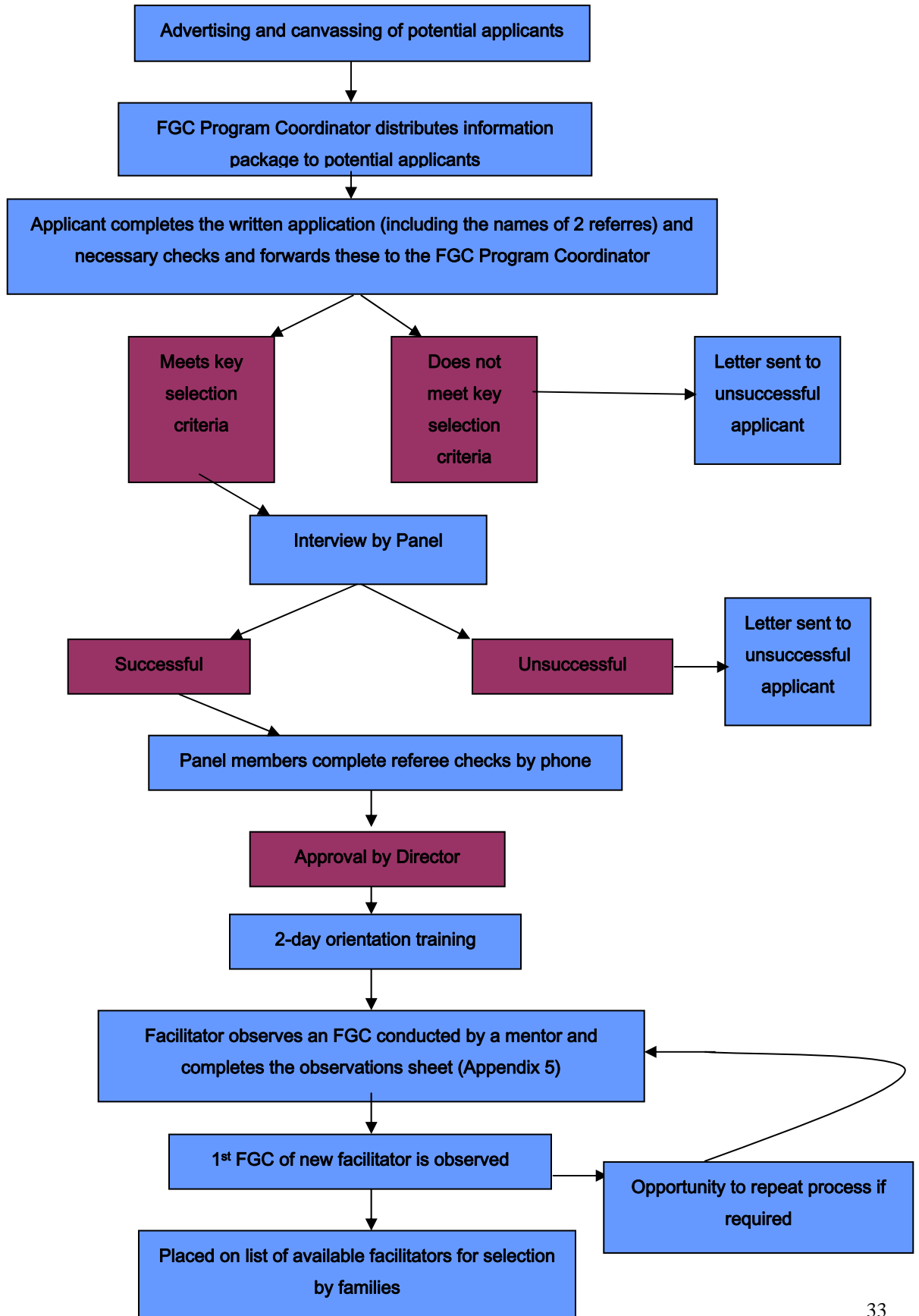
All documents from this process will be scrutinised by an independent panel, which will judge the appointment of the facilitator. A potential facilitator maybe called for a face-to-face interview.

Applications will be reviewed by an independent panel consisting of senior workers from the CFS, one from another agency within Health and Human Services, and a participant from a community organisation.

The interview process will include providing applicants with an information sheet (with questions for the interview) well in advance to promote thinking and planning regarding their experience of mediation and group work. The pre-interview contemplation is not a lengthy process and is designed to help applicants prepare for a ' professional conversation' with the panel using situations relevant to the position drawn from their own personal experience.

Once interviews have been held, panel members are required to assess the information obtained from the interview and application against the facilitator competencies

## Recruitment Flow-chart



### 5.1.1 Conflict of Interest

Facilitators will be required to declare any conflict of interest if requested to convene a family group conference.

Where prior association with a child or young person is recognised by the facilitator they may decline a particular conference. However, it is acknowledged that in some instances prior knowledge may well be an asset in facilitation of the conference. This matter should be discussed with the Child protection Worker. The following matters should be considered:

- Prior professional relationship with the child or young person
- Prior personal relationship with the child or young person
- Current or potential service delivery to the young person by the facilitator or the facilitator's organisation

As a matter of professional integrity it is understood that the facilitator will at no time during their role as facilitator, offer their private services to participants of a family group conference.

### 5.1.2 Contracting

Facilitator contracts are drawn up according to Crown Law by the FGC Program Coordinator. Facilitators are required to sign the contract before the FGC is held and adhere to the timeframes and requirements specified in the contract.

In the event that the contracted services become more complex or protracted than either of the parties could have anticipated, and the contract fee is inadequate to perform the contracted services, the family group conference facilitator may make an application in writing for a supplementary contract before the FGC is held.

This application should include an explanation as to why the contract fee is not adequate and stating the extra amount of money required to complete the contracted services. The decision whether or not to provide the further sum of money shall be at the absolute discretion of the FGC Program Coordinator and their line manager, and subject to such terms and conditions as the delegate thinks fit.

Criteria that may warrant a supplementary contract include the following:

- Travel outside the facilitator' s region
- Large number of children in the family (including separate placements etc)
- Safety issues that require additional preparation and consultation
- Difficulty contacting participants of the FGC and locating family members
- Complex issues that require consultation with a range of services for their involvement in the FGC.

### **5.1.3 Support for facilitators**

FGC facilitators require opportunities for ongoing professional development and training. Paid workshop sessions for facilitators will run every three months (four per year) in rotating areas. It is considered mandatory for facilitators to attend these.

It is envisaged that the training days will involve presentations by different facilitators on areas of interest/challenge, as well as trouble-shooting sessions, talks by professionals in areas of interest to facilitators, and presentations from Child Protection Services. Facilitators will be kept up to date on changes within the agency via the FGC “Voices” newsletter, which is produced by the FGC Program Coordinator for all staff and facilitators statewide.

### **5.1.4 Assessment of facilitator practice**

An independent panel will conduct an annual quality review of facilitators. This could be made up of the same panel members working in conjunction with the recruitment process. The review of each facilitator will use the following documentation:

- Compliments and complaints
- The observation by a member of the independent panel of a family group conference per facilitator per year organised by the FGC Program Coordinator
- Mandatory attendance at facilitator training.

## 5.2 Allocation of Conferences

Family members are provided with biographies of facilitators available within their region and are asked to provide 3 names in order of preference to their Child protection Worker. The FGC Program Coordinator allocates a facilitator based on who is available from the preferences within the specified timeframe.

Factors that should be considered when assigning a facilitator to a particular conference include:

- Gender
- Aboriginal or cultural identity
- Facilitation of a previous FGC.

It is noted however, that the role of the FGC Program Coordinator is to ensure that facilitators have the opportunity to improve their skills and therefore should facilitate at least 4 FGCs per year to ensure their ongoing professional development.

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## ***6. FGC Program Information***

### **6.1 Confidentiality**

Facilitators are bound not to reveal any information they have received about the child/young person or family circumstances, and therefore workers should feel confident in providing them with details that are necessary for a conference to take place with effective communication with family members and the child/young person. All documentation provided to the facilitator is to be returned to the CPW at the conclusion of the conference process.

Family group conferencing facilitators have to sign a declaration of confidentiality that they will not  
*“ directly or indirectly, communicate or divulge to any person any information relating to any matter that comes to my knowledge in consequence of my role as FACILITATOR under the Act.”*

*– signed before the Commissioner for Declarations.*

Under the Children, Young Persons and Their Families Act 1997 – section 103(2) – the following legislation applies to all people attending a family group conference

*Section 103(2) A person who attends a family group conference must not divulge any personal information obtained at the conference relating to the child, his or her guardian or a member of the child's family.*

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

*(3) This section does not prevent a person –*

*(a) from divulging information if authorised or required to do so by law; or*

*(b) from divulging statistical or other data that could not reasonably be expected to lead to the identification of any person to whom it relates; or*

*(c) engaged in the administration of this Act from divulging information if it is necessary or appropriate to do so for the proper administration of this Act.*

However, service coordination is a key child protection strategy and it cannot be achieved without sharing information. While the Act governs particular Care and Protection functions, it also describes a perspective that is now widely accepted in western countries and this is that authorities acting alone often cannot protect children. The Act aims for the whole community and service system to be actively involved in keeping children safe.

With this in mind, S.103 (3)(c) provides that:

*“ This section does not prevent a person -  
(c) engaged in the administration of this Act from divulging information if it is necessary or appropriate to do so for the proper administration of this Act.”*

## **6.2 Feedback Forms**

The FGC program has provided an opportunity for Child Protection Services staff, children, young people and families to work together differently in the quest for more positive outcomes. In order to attempt to gauge how our clients are finding the process and to provide us with some pointers to quality improvement as we develop the program, feedback forms are distributed to family members and other participants at every conference. Feedback forms are available on the [Child protection Resource Net](#).

## **6.3 Complaints and Compliments**

When a participant in a family group conference (FGC) wishes to make a complaint or compliment about some aspect of the FGC process, it is necessary that there is a procedure that can be followed for all nature of feedback to be handled appropriately. It is important that any complaint or compliment is handled in a transparent and consistent manner so that any distress experienced by all parties can be minimised, and those administering and implementing the FGC program can learn from the subsequent analysis. It is also important for facilitators and workers involved in FGC to hear when parties may wish to congratulate them on a particular success. Facilitators, in particular, often work in some isolation and it is therefore essential that they have the opportunity to access positive feedback from the important and sensitive work they do.

The FGC complaints and compliments procedures are to be used by the FGC Program Coordinator to process the information in the most appropriate manner, to alleviate distress, pass on positive feedback, and for staff and facilitators involved in the FGC program to learn and improve services to FGC participants.

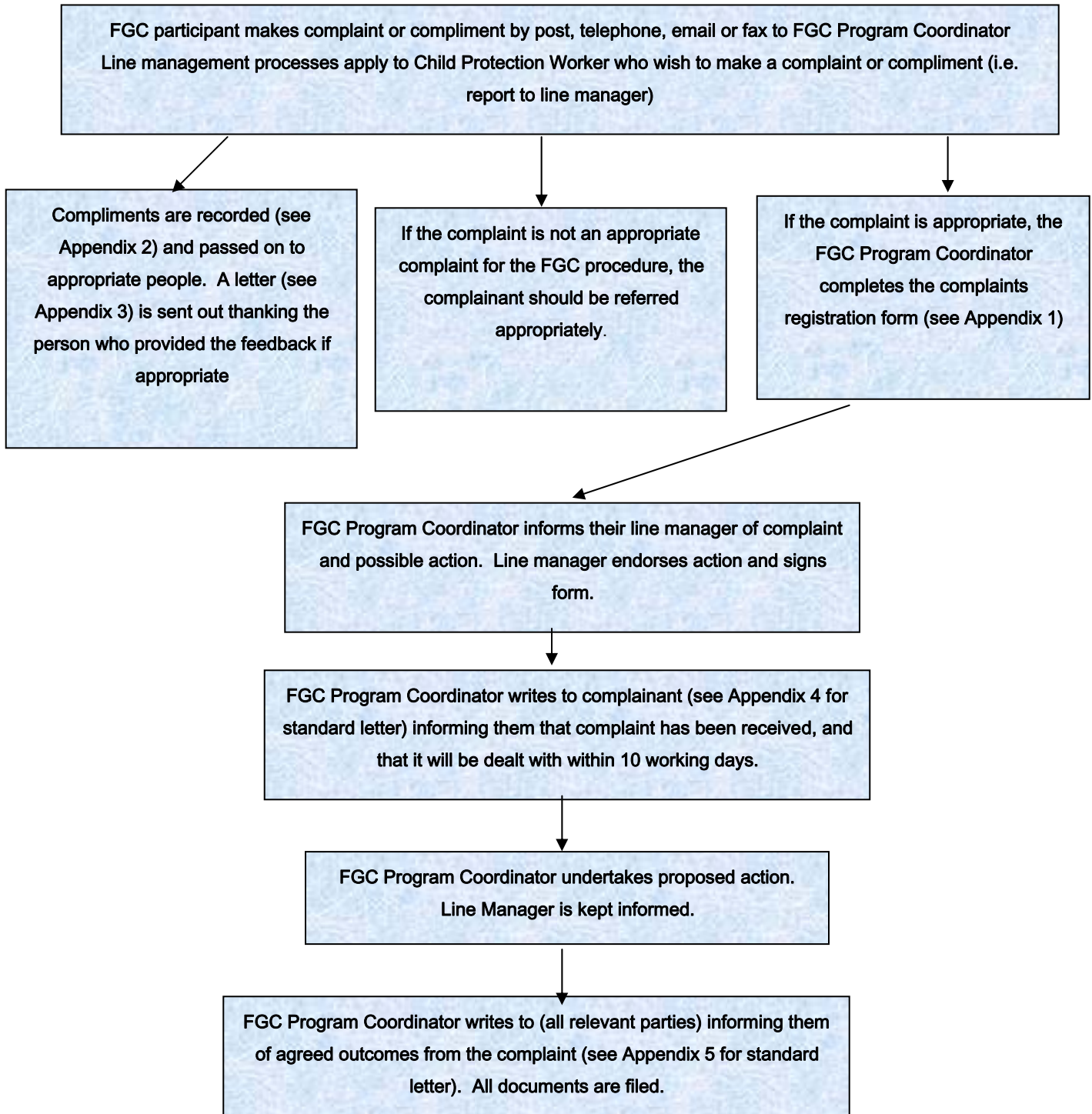
### **Principles of the complaints and compliments procedures**

- All participants have a right to provide feedback and have concerns, compliments or suggestions addressed appropriately and to be treated in a respectful and professional manner.
- Complaints and compliments are viewed positively and as a means to enhance outcomes for children through improved FGC processes.
- Information and ‘ ways in’ to the FGC complaints and compliments procedures are accessible to all participants involved in the FGC process.
- Confidentiality is a fundamental part of the process.
- If a complaint cannot be resolved at the first point of contact, an independent senior staff person will be involved; and
- Participants will have their complaint or compliment acknowledged in writing, and will be informed of the expected timeframes and processes.

Where a FGC participant requests anonymity in making a complaint, the following procedure will be followed:

- FGC participants are encouraged to provide sufficient details so that they can be advised of the outcome of the complaint; and
- FGC participants are also informed that they can choose to remain anonymous from the person or organisation that the complaint is concerning.

## Complaints and Compliments Flowchart



## 6.4. Appointment of Child Advocates

The legislation emphasises that the ‘ voice of the child’ is to be heard throughout all stages of involvement with Child protection Services, either directly or indirectly.

The Commissioner for Children provides advocacy at a ‘ systems’ level and direct input from children and young people will be sought through the Children and Young Persons’ Consultative Council. On an individual level, the Act specifically identifies the role of advocate during the process of convening a family group conference and gives the discretionary power of appointment to the facilitator (**Section 35**). However, it may be in the child’ s best interest to consider the appointment of a person to act as the child’ s non-legal advocate much earlier in the process.

The Child protection Worker may identify a person within the child’ s immediate circle of connection and support with whom the child or young person feels comfortable and through whom they feel they can more easily express their needs and wishes, for example a school social worker, youth leader, neighbour or relative. If such a person has already been identified during assessment and case management of the child’ s circumstances the Child protection Worker needs to convey this information to the family group conference facilitator. In the interests of continuity, this person should remain in this role, unless there are significant reasons, such as a conflict of interest or breakdown in the relationship between the advocate and the child, why they should not participate in the family group conference.

In situations where:

- the child or young person does not have a legal representative attending the family group conference, or
- the child has expressed a desire to have a lay advocate present in addition to or in preference to their legal representative, and
- there is no one within the immediate family or community network who is appropriate to act in this capacity

Child Protection Services staff and facilitators should contact agencies in the community to seek advice on the most appropriate means of supporting the child through the presence of an advocate.

These agencies include:

- In the case of an Aboriginal child: contact should be made with a local Aboriginal organisation already involved with the child or family. Where there is no such organisation involved, contact is to be made with the Tasmanian Aboriginal Centre.
- In the case of a child or young person with a disability: Advocacy Tasmania.
- National Association for Prevention of Abuse and Neglect (NAPCAN Tas). This will give access to the statewide support network, the Coalition for Children.

**STANDARD:** The appointment of an advocate for the child or young person involved in a family group conference should be based on the following criteria:

- The role of an advocate has been described to the child or young person if they are old enough and capable of understanding this, and the child or young person has agreed to the appointment of an advocate, or
- The child is too young or not able to understand the concept of advocacy, and their best interests will be served by the appointment of such a person in the family group conference – all children under 3 years are to be represented by an advocate, or
- The child or young person already has an identified adult who has performed this role at an earlier stage of their involvement with Child Protection Services, or
- The child or young person identifies an adult who they know and trust who is willing to act as their advocate, or
- Assistance with the appointment of an advocate has been sought from the community-based organisations listed above, and
- The advocate is an adult who has either a personal understanding of the child or young person's particular circumstances or has expert knowledge of the developmental or culturally specific needs of children or young people

## **6.5 Consultation with ‘ recognised Aboriginal organisations’**

A child’s relationship with the Aboriginal community maybe identified through the initial involvement of Child Protection Services prior to his or her case being referred for a family group conference.

Throughout the Act it is made clear that consultation with the Aboriginal community is a requirement at critical decision-making points. Consultation is to take place with those organisations which are gazetted by the Minister as ‘ recognised Aboriginal organisations’ . The appointment of a facilitator who is Aboriginal should be the first preference for any child or young person who is Aboriginal. If there is no Aboriginal facilitator available in the relevant region of the state, another facilitator who has demonstrated experience of working with the Aboriginal community or has undertaken cultural awareness training can be nominated.

Consultation by either Child Protection Services staff or facilitators in relation to attendance and contribution to family group conferences is to be with the most appropriate Aboriginal organisation in the region. The TAC should be contacted if there is no other organisation already supporting the child and family. The consultation with the Aboriginal organisation should include any comment or advice from them concerning the process. This might result in a flexible and creative adaptation of the model, possibly incorporating the use of sequential conferences with different groups within the extended family.

## **6.6 Sequential Conferencing**

This is a term used to describe an FGC which is staged over one or more meetings. It is a creative adaptation of the model and reflects the spirit of the legislation. It uses the provision in the Act for the facilitator to ‘ adjourn the family group conference from time to time and from place to place’ . It is a process that reflects the ‘ shuttle mediation’ model, which is effective in particular, disputes where the process is likely to be unproductive or even risky for some individuals if they were brought together in one place to make decisions.

To run the family group conferencing process over a number of meetings, which perhaps bring different groups of family and community members together at different times could be a pre-planned strategy to meet the needs of particular families. It has been suggested that for some Aboriginal family networks, this might be the most appropriate means of achieving the best outcome for the child or young person. It enables greater flexibility around venue and timing for family members, but will also demand careful planning and clear communication if the family decision is to be consensual at the conclusion of the process.

## 6.7 Management of Exclusions and Safety Issues

Gathering people together around a sensitive issue can be highly emotive and potentially intimidating for vulnerable members of the group. Family group conferencing has the capacity to ignite powerful feelings, and for the process to be diverted or subverted by past issues and unresolved pain or acrimony between family members or between the family and ‘ the system’ , as represented by Child Protection Services.

Although challenging, family group conferencing is not intended to be a threatening experience for any of the participants. The facilitator is responsible for ensuring that all those involved and especially the child or young person if they are present, remain safe throughout the process.

### **In order to achieve this, the following guidelines apply:**

1. If the presence of any person could result in the contravention of a restraint order, they are excluded from attending. This would generally relate to a restraint order on a person preventing them from being in contact with key participants, such as the child or young person, either of their parents, or close family members.
2. Parents or guardians can also be excluded at the discretion of the facilitator if they consider it would not be in the best interests of the child or young person for them to attend. Children and young people themselves are not obliged to attend and the facilitator may determine that it would not be in their best interests to be physically present.

3. Decisions about exclusions of particular individuals from the family group conference are difficult. However, the best interests of the child or young person are pre-eminent over needs and wishes of adult members of their families.
4. In cases where domestic violence has been a contributing factor to the assessment of risk, it is critical that a careful judgment is made concerning the potential for further abuse to occur through the family group conference process.
5. The Child protection Worker must alert the facilitator to any known patterns of violence and intimidation within the family network that they are aware of and particular situations in which violence may be triggered. Members of the family who feel vulnerable are entitled to have a support person with them.
6. Family members who are known to use violent or threatening behaviour will be informed by the facilitator that this is in itself a significant risk factor for the child or young person. If they are not excluded through a restraint order and are willing to contract very specifically with the facilitator that they will not use violence in any form throughout the family group conferencing process, they may attend.
7. If however, their attendance would result in another key participant not attending (e.g. the child's mother refusing to attend if her step father attends); the facilitator has the discretion to determine the hierarchy of importance in relation to making future plans for the child or young person. The excluded family member would then be invited to contribute to the planning process through a letter or verbal message conveyed through the facilitator.
8. At any point in the proceedings where the facilitator considers that the safety of any participant in the family group conference is jeopardised through actions, threats or more subtle forms of intimidation, they have the authority to stop or adjourn the process.
9. In all cases where a key participant, i.e. the child or young person, one or both of their guardians, or any other member of the immediate family is either excluded from attending the family group conference or not invited to attend in person, they will receive a notice from the facilitator confirming the reason for their non-attendance and inviting them to have input in other ways.
10. The use of sequential conferences may be appropriate in certain situations where it is not possible for all family members to meet together because of the level of disharmony between different individuals or groups. It can be considered if an assessment is made by the facilitator that future planning for the child would benefit from the input of those different groups within the family and community network.

11. When there are concerns regarding safety issues at a FGC, in some circumstances it may be considered appropriate for a security guard to be present (arranged via the FGC Program Coordinator).

## 6.8 FGC Reviews

The Act promotes the rights of children, young people and their families to request reviews of decisions that are made about their lives. There are a number of occasions when family group conferencing can be used as the forum through which that review takes place. These guidelines should be read in the context of the more overarching Information about Reviews available to staff.

An FGC can be specifically identified as the mechanism for reviewing a case on a planned basis. This may arise when it is a stated outcome of a previous FGC or when the child is under a short term care and protection order and Child Protection Services are considering whether to make application to the Court for an extension to that order. These situations can be anticipated and planned for by Child Protection Services staff as they are responsible for initiating the process (*Sections 39(a)&44(a)*).

Where reviews are requested by a child or young person on a care and protection order (or 2 or more of his or her family) the situation may be more problematic and contentious. Extreme vigilance must be paid to ensuring that all processes are transparent and that the rights of family members are preserved while the best interests of the child remain the paramount consideration.

Despite the insistence that the Secretary **must** convene a family group conference if requested by the child or family members (under Sections 39 (b) and 53 (b)), there are broader principles and provisions underpinning all decisions made under the Act which would indicate that on occasions such a request could be over-ruled.

These principles include the right of the child to have his or her views and opinions acknowledged, the right of the child to have stability and security, and the right of the child to be protected from all forms of harm, including repeated or intrusive assessments.

These principles should be considered in situations such as where:

- The family members request the family group conference, but the child or young person is settled in their placement and states clearly to an objective party that they did not want a review conducted in this manner, or
- A review (either through family group conference or internal case management planning meeting) has been conducted within the previous 6 months, a plan has been agreed and no major changes have occurred in the circumstances of either the child or the family members over that period, or
- A review through a family group conference was conducted within the previous 3 months, and there was no decision made by the family members by consensus or the decision was not approved by the Secretary and the issues being raised for review by the child or family are no different from those prompting the previous review.

The Act provides no clear guidance in relation to either timeframes for response or frequency of reviews under Sections 39 (b) and 53 (b). However, two timeframes are indicated elsewhere in the legislation. The general benchmark of **3 weeks** from the point of approval by the Secretary to the date of convening a conference is indicated in Section 32 (5). Under Section 22 (5)(a) the Court is permitted to extend an assessment order for up to **8 weeks** to allow for a family group conference to be convened. Given the likely complexity of convening a family group conference for review on request, the 8-week timeframe is more reasonable and the one to adopt.

**Sections 39(b)&53(b)**

**Given the above preamble, the following guidelines apply:**

1. Requests may reach the child's Child protection Worker verbally, personally or in writing. Irrespective of the means of communication from the child or family members, the request will be managed in the same manner. As soon as a request is made, the Child Protection Worker should consult with his or her Coordinator and the Senior Practice Consultant. These situations will require creative solution-seeking.
2. The Child Protection Worker should send a letter of response to the child or family members, attaching the ' Request for Review' form for the child or family members to complete and return. This registers their formal request for a review under the Act.

3. When the ' Request for Review' form is returned, the Child Protection Worker should interview the child or the family members if possible. This will provide the opportunity to clarify with them that they understand about family group conferencing how soon it is likely to take place (4-8 weeks from approval by the Service Centre Manager) and the fact that they will be expected to attend.
4. This would also provide an opportunity to discuss any review processes already scheduled or alternative means of resolving the issues such as a family meeting, case conference, complaint process or application by the family to the Court for a review.
5. The Child Protection Worker should also explain that having a family group conference to review the case will not necessarily alter the circumstances or the legal status of the child. The family group conference is only a component of the review process. The Secretary and or the Court may be involved in approving any significant changes to the child' s legal status, living arrangements etc.
6. The Child Protection Worker should also clarify that the request for review will have to be approved by the Service Centre Manager prior to the nomination of a facilitator. They will be notified within 10 working days of the response to the request. If the Service Centre Manager does not grant his or her approval, reasons will be given for this decision.
7. If the child or family members remain convinced that they wish to pursue their request, the Child protection Worker should progress to the next step.
8. A request for approval is made to the Service Centre Manager.
9. The Service Centre Manager should be aware of the possible implications of rejecting a request for review, and balance this with the negative impact on the health and wellbeing of children subject to the disruption of repeated assessments.
10. When the Service Centre Manager has determined his or her response, and returned the memorandum to the Child Protection Worker, the Child Protection Worker will send a letter to the child, young person or family members signed by the Service Centre Manager, advising them of the outcome of the request
11. If the request is approved, the normal process of contact with the FGC Program Coordinator to commence the preparation for a family group conference will be initiated by the Child Protection Worker.

12. The process will then follow the pathway through the stages of the family group conferencing process outlined in the general guidelines.

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## 7. Resources

### 7.1 [Springboard Program](#)

The Springboard Program is administered by the Child Protection Services Support Unit and is the responsibility of the FGC Program Coordinator. The Springboard Program was developed to sit alongside the family group conferencing program and reflect the principles of the *Children Young Persons and Their Families Act 1997*. The object, principles and provisions of this Act are all aimed at strengthening families and enhancing the safety, well-being, protection and resilience of children. The primary means of achieving this is to be through supporting their family and community networks. Evidence-based research supports the principle that the most effective care and protection plans for children are those in which there is a strong element of family participation within the context of a genuinely respectful relationship between workers and clients.

While participatory planning models fit comfortably within empowerment theory, the reality is that many of the families we are working are lacking the resources, either personal or economic, to participate ‘on an equal footing’ with representatives of the service system. The Division’s budget includes the capacity for time-limited financial support for agreed outcomes of family group conferences. The springboard program is not only utilised for families who have participated in a family group conference, as program funds have been accessed to support families working towards reunification (e.g. furniture, family contact, counselling etc).

#### PROGRAM OBJECTIVES

- Program funds are used to increase the capacity of families to care for their children when those children are, or may be, the subject of statutory intervention for their care and protection.

- Program funds are used to constructively manage a **critical change point** in life of the client or the client's family. This may be caused by a normal life cycle event or by a crisis.

## ELIGIBILITY CRITERIA

- Demonstrate that the approach taken with the family or client is solidly based on strength based, solution focused practice. All applications are to be supported by a Coordinator and endorsed by an SPC.
- All cases will have been assessed according to the TRF and once a priority rating has been given then the case is transferred to the Service Centre. This criteria ensures that there is a standard applied to the assessment of safety, risk and need.
- It is important to demonstrate how the family or client has been involved in the development of a plan.
- Funds are intended to complement longer-term and more comprehensive case planning. This planning acknowledges and looks forward to a future where departmental supports will cease.
- Strategies supported by the Springboard Program Funding encompass more than one dimension in a family's needs and provides for a more holistic approach. The plan should identify the resources that the client or family brings to contribute to the solution or improvement in life circumstance.
- Program funds are ideally suited to assisting critical change points in the family or client's life or situation.
- Child Protection Workers will need to demonstrate that they are aware of and have 'attempted to access existing mainstream options for assistance' .
- The care plan should attempt to expand the services available to the family but limit the number of people that the family has to negotiate with to access services.
- Consultation with any proposed service or resource provider will need to be evident in the plan and specific agreed costings included.

## CONSTRAINTS ON THE USE OF FUNDS:

- **Where the need would normally be covered by the existing care plan, the Springboard Program will not be accessed as a substitute for lack of funds in this area.**

- Funds are for **one-off assistance** and the duration of the additional expenditure is to be linked to **time-limited planning (up to 9 months)**. Please note: 1 springboard application per client not per family group conference.

## 7.2 Case Studies

The names in the following case studies have been changed to protect the confidentiality of the families and workers involved in the study. In some cases the gender or other details have also been changed where information given might otherwise allow identification. Two composite case studies, involving both positive and less positive outcomes for the children, illustrate the issues of follow-through and the correspondence or not between the family members' views and those of the professionals. . The case studies were adapted from *Family Decision Making, A Pilot Program by Burnside and DoCS, Evaluation Report Summary September 1999*.

### Case study 1

Andrew, 6, and Stephanie, 4, have been living with their Maternal Grandparents for 18 months. Their mother is in goal for drug-related offences and their father was unable to cope with the care of the children. The children have had little contact with their father' s family. The aim of the Family Group Conference (FGC) was to determine what help was available and what would be needed to enable the children to be returned to their parents' care following the release of their mother from goal.

The parents, both sets of grandparents and several aunts and uncles were invited to the FGC. There was considerable friction between the two sides of the family, because the maternal grandparents blamed the children' s father for their daughter' s involvement with drugs and the paternal grandparents were resentful about their lack of contact with the children. The facilitator had to do a lot of work to get them to agree to come to the meeting and to work towards the best arrangements for the children.

The meeting was very tense at first but the grandparents agreed to put aside their differences in the interests of the children. The family agreed upon a plan, which involved drug and alcohol treatment for both parents, a parenting skills program, and budgeting and financial advice. Supervised access was arranged for the children with the parents at the grandparents' homes. Housing agreed to provide priority placement for the family when the children were able to be returned home, following assessment of the situation.

Both grandparents carried through with their respective parts of the plan and provided assistance with transport, contact with the children and some financial help. The children had regular contact with the

paternal grandparents. The parents, however, did not attend the drug and alcohol program regularly and were often intoxicated or drug – affected or failed to turn up as arranged for their contact with the children. They were evicted and had to move when they failed to pay the rent. The Child protection Worker for the family changed positions and there was no-one allocated to the case to follow through or monitor the situation.

Both sets of grandparents blamed the parents and Child Protection Services for not following through with their part of the plan. The children remained well cared for with the maternal grandparents and the positive-outcome was that the grandparents were willing to co-operate for the sake of the children.

## Case Study 2

Carl was 12 years old. He came to the attention of Child Protection Services because his mother and his stepfather were unable to cope with his aggressive behaviour toward them and his younger sister. He refused to attend school and was placed on a voluntary care agreement for 3 months.

The placement was coming to the end of its term and a FGC was suggested to determine whether and under what conditions Carl could return home.

The plan involved counselling for the whole family, contact between Carl and his father and older brother, arrangements for Carl to attend a special school, and respite and recreational activities on weekends and holidays. A review date was set for 3 months after the FGC.

The family followed through with the live-in family counselling program, with Carl' s contact with his father, and with special recreational activities. Child Protection Services agreed to fund Carl' s attendance at the special school on a trial basis and to organise respite care if and when needed. Carl settled into the school, attended regularly for the first time in over 2 years, and had regular contact with his father. At the review meeting, Child Protection Services agreed to continue to fund the school fees for the following year.