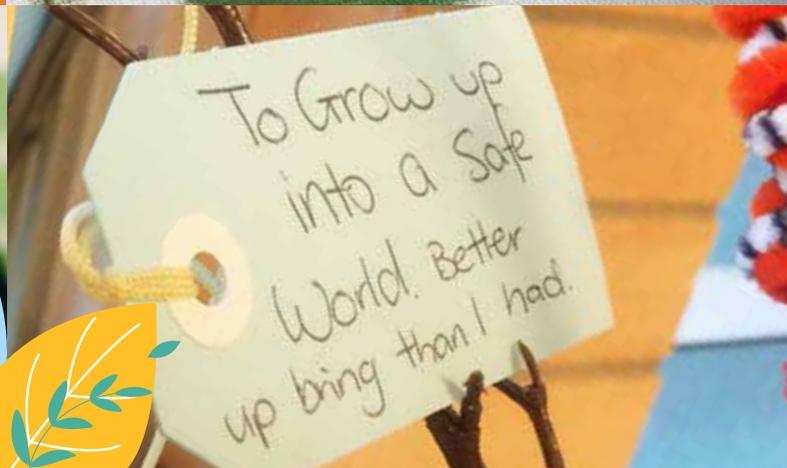
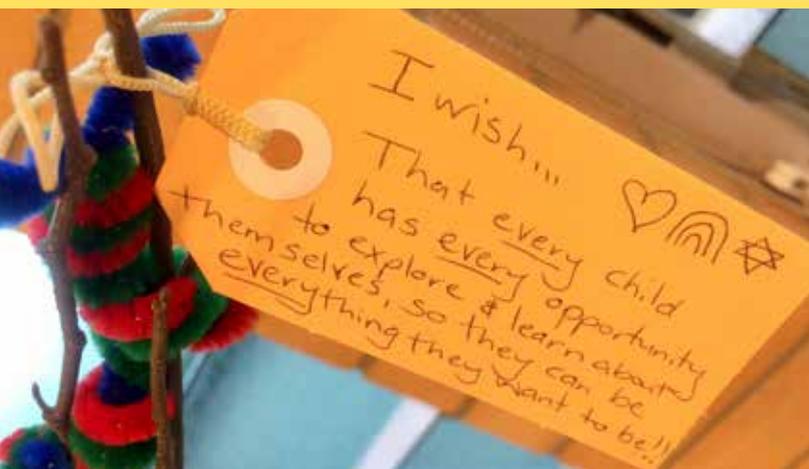


Charter of Rights for parents

involved with the child protection
system in Queensland





Acknowledgement

We respectfully acknowledge the Aboriginal people and Torres Strait Islander people in the State of Queensland. We acknowledge the cultural and spiritual connection that Aboriginal and Torres Strait Islander peoples have with the land and sea.

We celebrate Aboriginal and Torres Strait Islander cultures as the oldest continuing cultures in the world, and respectfully acknowledge Aboriginal people and Torres Strait Islander people as two unique and diverse peoples with their own rich and distinct cultures.

We acknowledge the importance of, and support, ongoing connections to family, language, community, culture, and Country. We also acknowledge that Aboriginal and Torres Strait Islander family structures and approaches to raising children is a source of cultural and parenting strength.

We pay our respects to Elders past and present as well as the emerging leaders.





The Charter of Rights for parents

The Charter of Rights for parents (the Charter) has been developed in partnership with the Family Inclusion Network (FIN) of Queensland, the Queensland Parents' Advisory Committee (QPAC) and the Department of Children, Youth Justice and Multicultural Affairs (the department).

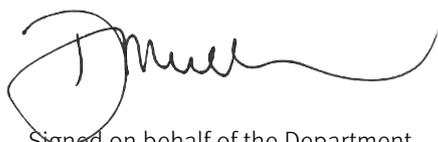
The Charter sets out the rights of parents involved in child protection matters.

The paramount concern for child protection in Queensland is the safety, belonging, wellbeing and cultural needs of children and young people as per the *Child Protection Act 1999*. This Charter has been developed to recognise that parents have the right to:

- life-long relationships with their children connected to community, Country, and culture
- self-determination and autonomy over decisions that impact their children and families
- natural justice and the time and space to respond to the concerns made about their parenting
- support services that decrease the need for the department's intervention (s5B, s159).

The Charter sets out the rights of parents in accordance with the *Queensland Human Rights Act 2019*.

Commitment to the Charter of Rights for parents



Signed on behalf of the Department of Children, Youth Justice and Multicultural Affairs

Deidre Mulkerin, Director-General



Signed on behalf of the Family Inclusion Network and the Queensland Parents' Advisory Committee

Karyn Walsh, CEO Micah Projects



As a parent in Queensland, when you are involved in child protection matters, you have the right to ...

- 1 Recognition and equality
- 2 Information and freedom of expression
- 3 Legal representation and a fair hearing
- 4 Protection of family
- 5 Support
- 6 Culture – generally
- 7 Culture – Aboriginal peoples and Torres Strait Islander peoples
- 8 Privacy, confidentiality and reputation

1

Recognition and equality

Your right to recognition and equality before the law (section 15)

Everyone is entitled to equal and effective protection against discrimination, and to enjoy their human rights without discrimination.

Queensland's Human Rights Act 2019

Including:

1. being recognised and respected in your role as a parent
2. having your voice heard
3. being treated with courtesy and dignity, without discrimination or bias of any kind regardless of the reason your family is in contact with the child protection system
4. being treated fairly regardless of your race, culture, gender, religion, age or disability
5. being treated equally before the law and receiving equal protection of the law without discrimination, including laws that govern the child protection system
6. receiving consistency and fairness in the service you receive from the department and funded agencies.

*“As a parent experiencing this system,
I have the right to be treated as an equal —
and nothing more or less.”* (Parent)

Your right to freedom of expression (section 21)

People are free to say what they think and want to say. They have the right to find, receive and share information and ideas.

Queensland's Human Rights Act 2019

Including:

1. having the allegations of harm, the outcome of assessments and actions explained to you in language that you understand
2. being given information about the process – that is, what you need to do right now, and what all parties will do next
3. having your concerns and questions heard, acknowledged and considered seriously in all decision-making
4. being informed regularly about how your child is, and more urgently if there are any important updates or changes in your child's life (such as health, schooling and where your child is living)
5. having the freedom to express feelings of grief, loss and trauma
6. receiving all information from formal meetings in writing, in a way that you understand and within a reasonable timeframe
7. having easy access to documents about your personal affairs and your contact with the department
8. being able to make a complaint or raise a concern without fear of reprisal
9. being told who your child's case manager and team leader are, and how to contact them, who to contact if there is no response after several attempts, and being notified if these change.

“I believe compassion, understanding and communication between parents and the department would close the divide.” (Parent)

Your right to a fair hearing (section 31)

A person has a right to a fair hearing. This means the right to have criminal charges or civil proceedings decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

Queensland's Human Rights Act 2019

Including:

1. having your own legal representation
2. being provided with information regarding your legal rights and how to access legal advice and representation from the beginning of your contact with the department
3. having a right to attend every court event (even if you are told you don't have to attend)
4. being able to have a support person with you in court and in meetings with the department
5. being informed about, and participating in the process (the steps and timeframes) that will lead to a decision being made ('procedural fairness').

"It is important that you speak to a lawyer at the earliest opportunity if child safety become involved." Know Your Rights, QATSI CPP

Your right to protection of families and children (section 26)

Families are entitled to protection. Families are the fundamental group unit of society and are entitled to be protected by society and the State.

Queensland's Human Rights Act 2019

Including:

1. having your family recognised as 'the fundamental group unit of society' and being entitled to protection by society and the State (*Queensland's Human Rights Act 2019*)
2. being provided with the best possible opportunities to have contact with your child to continue forging a positive and healthy relationship
3. being recognised and respected as a protective parent — you may be involved with the department but not responsible for the harm to your child. When that is the case, you have the right to safety for yourself and your child
4. acknowledging childbirth is a sacred experience — bonding (including breastfeeding) is an important time for the child and you have the right to fully experience it together.

"We're not here for ourselves. We're here for our children. Our children do not have a voice. We have to be that voice." (Parent)

Child Protection Act 1999 (section 5B)

The following are general principles for ensuring the safety, wellbeing and best interests of a child:

- (a) a child has a right to be protected from harm or risk of harm
- (b) a child's family has the primary responsibility for the child's upbringing, protection and development
- (c) the preferred way of ensuring a child's safety and wellbeing is through supporting the child's family
- (f) if a child is removed from the child's family, support should be given to the child and the child's family for the purpose of allowing the child to return to the child's family if the return is in the child's best interests.

Including:

1. receiving family support services that strengthen and support your family
2. having referrals and information about support services actively offered and facilitated
3. having a say in the type of support, and its timing and location, to ensure it is appropriate for your family
4. being able to have a support person with you in meetings with the department
5. advocating for your child's right to access health and therapeutic services and education appropriate to their development.

“There is a network of people and services qualified to support me and my children. All expertise should be listened to – the department is not the only ‘expert’.” (Parent)

Cultural rights — generally (section 27)

People can have different family, religious or cultural backgrounds. They can enjoy their culture, declare and practice their religion and use their languages.

Queensland's Human Rights Act 2019

Including:

1. having your culture, background, language, and practices respected, understood, and considered in the decisions made about your family
2. being able to practise your religion and language throughout your family's contact with the department
3. having an interpreter available if you are not able to understand or speak English.

“It's hard for any person to navigate these systems that are tricky and complex and overlap.” (Parent)

Cultural rights — Aboriginal peoples and Torres Strait Islander peoples (section 28)

Aboriginal peoples and Torres Strait Islander peoples in Queensland hold distinct cultural rights. They include the rights to practise their beliefs and teachings, use their languages, protect and develop their kinship ties, and maintain their relationship with the lands, seas and waterways.

Queensland's Human Rights Act 2019

Including:

1. acknowledging that Aboriginal and Torres Strait Islander peoples have distinct cultures and practices that must be respected, understood, and considered in any decisions made about your family. The term 'parent' can mean cultural parent, including extended family or kin recognised in Aboriginal and Torres Strait Islander family and community structures and child rearing practices
2. receiving information about your right to your own independent support and advice that is culturally safe, appropriate, trauma informed and healing focussed. The department will actively help you get this support
3. being able to develop, maintain, strengthen and protect your kinship ties and have these acknowledged, understood and respected
4. being able to follow cultural birth protocols, including ceremonies and being on Country
5. being able to maintain and strengthen your connections to language, family, community, Country, culture and spiritual practices and beliefs
6. having your cultural child rearing practices and structures understood, respected, maintained and strengthened, and to not be subjected to forced assimilation
7. having the right to have your child participate in cultural protocols, for example, Sorry Business, Coming of the Light, etc
8. having all decisions made about your family align with the five elements of the Aboriginal and Torres Strait Islander Child Placement Principle (see page 12).

The Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP)

PREVENTION — Protecting children’s rights to grow up in family, community and culture by supporting families to care safely for their children.

PARTNERSHIP — Ensuring the participation of community representatives in service design, delivery and individual case decisions.

PLACEMENT — Placing children in out-of-home care in accordance with the established ATSICPP placement hierarchy:

1. With Aboriginal and Torres Strait Islander relatives or extended family members, or other relatives and family members.
2. With Aboriginal and Torres Strait Islander members of the child’s community.
3. With Aboriginal and Torres Strait Islander family-based carers.
4. If the above preferred options are not available, as a last resort the child may be placed with a non-Indigenous carer or in a residential setting.
5. If the child is not placed according to the highest priority, the placement must be within close geographic proximity to the child’s family.

PARTICIPATION — Ensuring the participation of children, parents and family members in decisions regarding the care and protection of their children.

CONNECTION — Maintaining and supporting connections to family, community, culture and Country for children in out-of-home care.

“I grew up under the [Aborigines] Act. I had to get a permit and permission to do this and that. To cross the road! This system feels the same. I’m not ‘grandmother’ or ‘nan’. I’m not ‘the carer’. I’m Mum! That’s it! Finalise it. Done.” (Parent)

Your right to privacy and reputation (section 25)

Everyone has the right to keep their lives private.

Your family, home or personal information cannot be interfered with, unless the law allows.

Queensland's Human Rights Act 2019

Including:

1. having your personal information treated respectfully and sensitively
2. knowing that your personal information will only be shared when necessary and in line with the *Information Privacy Act 2009*
3. protecting your reputation regardless of the reason your family is in contact with the child protection system.

***“When I see what is written ... What?!
That didn't happen. This is not me!”*** (Parent)



Your right to make a complaint

The complaints process

The Department of Children, Youth Justice and Multicultural Affairs (the department) is committed to listening to and responding to your complaints in a private, sensitive and fair manner. The department follows a three-stage complaints management process:

Step 1: Local complaint management

Usually, the best place to start is by contacting your local Child Safety Service Centre and talking to the person you have been working with, or ask to speak to the supervisor or manager. Some complaints may be easily addressed by receiving information or negotiating a desired outcome.

Alternatively, you are able to contact the department's regional office and ask to speak to the senior advisor.

Step 2: Escalation of complaint

If you are unhappy with the outcome from the local process, you can contact the department's Complaints Unit. The Complaints Unit will keep you informed throughout the process, how long this may take, and the outcome reached.

You can contact the Complaints Unit by:

- freecall 1800 080 464
- sending an email to feedback@cyjma.qld.gov.au
- using the online form on the department's website: www.cyjma.qld.gov.au/contact-us/compliments-complaints
- attending in person, where this has been arranged
- by writing to:
Complaints Unit
Department of Children, Youth Justice and Multicultural Affairs
Locked Bag 3405, Brisbane Qld 4001

The Complaints Unit response will depend on the nature and complexity of the complaint.

Step 3: External Review

If you are unhappy with the outcome from raising complaints with the department, you may contact the Office of the Queensland Ombudsman who can review the Queensland Government's management of your complaint.



Review of decisions is everyone's right

When a decision is made about contact or placement you must be informed in writing. If you want to have your contact or placement decision reviewed, there are three steps:

1. Speak to your Child Safety Officer, Team Leader and/or Manager
2. Formally request a review of the decision through the department's Complaints Unit
3. Contact the Queensland Civil and Administrative Tribunal (QCAT) to have the decision reviewed. You have up to 28 days to contact QCAT to appeal the decision, after receiving the department's decision in writing. You can choose to go directly to QPAC after receiving the letter.

Go to the QCAT website: www.qcat.qld.gov.au/matter-types/children/parents-and-carers

Review of the Charter

This Charter will be reviewed in 12 month's time from date of publishing.

Feedback can be provided by email info.fin@micahprojects.org.au or phone 3013 6030 by 30 May 2023.

The first review will occur in July 2023.

Definitions

Throughout the Charter, the term 'parent' denotes the biological parent, legal guardian (with the exception of the chief executive) or cultural parent, including extended family or kin recognised in Aboriginal and Torres Strait Islander family and community structures, and child rearing practices.

Additionally, throughout the Charter, the terms 'the department' or 'child protection system' are used to mean the Queensland Department of Children, Youth Justice and Multicultural Affairs including contact that is governed by the *Child Protection Act 1999*. At times these terms are used interchangeably to align with the right it is referring to.

Further reading

United Nations Convention on the Rights of the Child

www.unicef.org.au/our-work/information-for-children/un-convention-on-the-rights-of-the-child

- Article 5 — Governments should respect the rights and responsibilities of families to guide their children so that, as they grow up, they learn to use their rights properly.
- Article 9 — Children should not be separated from their parents unless it is for their own good. For example, if a parent is mistreating or neglecting a child. Children whose parents have separated have the right to stay in contact with both parents, unless this might harm the child.
- Article 19 — Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them.
- Article 27 — Children have the right to a standard of living that is good enough to meet their physical and mental needs. The government should help families who cannot afford to provide this.

The Queensland Human Rights Commission and *Queensland Human Rights Act 2019*

www.qhrc.qld.gov.au/your-rights/human-rights-law

Queensland's *Human Rights Act 2019* protects 23 human rights in law. The Act primarily protects civil and political rights drawn from the International Covenant on Civil and Political Rights. It also protects two rights drawn from the International Covenant on Economic, Social and Cultural Rights (right to education and health services) and one right drawn from the Universal Declaration of Human Rights (property rights). The Act also explicitly protects the cultural rights of Aboriginal and Torres Strait Islander peoples.

From 1 July 2019, the Anti-Discrimination Commission Queensland became the Queensland Human Rights Commission. It also expanded its work to protecting and promoting the rights of all Queenslanders.

Child Protection Act 1999

www.legislation.qld.gov.au/view/html/inforce/current/act-1999-010

The purpose of this Act is to provide for the protection of children.

Child Safety Practice Manual

<https://cspm.csyw.qld.gov.au/>

This manual is used by the department's staff to guide and inform their choices when working with families in Queensland. It includes forms, templates, resources, procedures and practice kits. Practice kits are used to inform workers how to work with families around things such as alcohol and other drugs, care arrangements, Aboriginal and Torres Strait Islander communities, domestic and family violence, breastfeeding and mental health. If you are unable to access this Manual online ask your Child Safety Officer to provide you with a paper copy of the relevant section.

