

OFFICIAL

CHARTER OF RIGHTS FOR PARENTS AND CARERS WITH DISABILITIES INVOLVED WITH CHILD PROTECTION IN VICTORIA

**December 2022**

FUNDS IN COURT -HUMAN RIGHTS ADVISORY COMMITTEE IN CONSULTATION WITH DFFH, PEOPLE WITH LIVED EXPERIENCE AND  
DISABILITY AGENCIES

Level 5/469 La Trobe Street Melbourne

### **What is the charter?**

A Charter lists the rights that people have. We all have rights, and as members of the community, need to respect each other's rights. This *Charter is for people with disabilities who interact with Child Protection in Victoria. It is called the Charter of Rights for parents and carers with disabilities involved in Child Protection in Victoria {The Charter}*

The Charter lists what you can expect from the people who you come into contact with during the involvement that Child Protection in Victoria has with you, your family and your children.

### **What is the purpose of The Charter?**

The Charter aims to improve outcomes for parents and carers with disabilities who come into contact with Child Protection in Victoria.

The Charter recognises that parents and carers have the right to a relationship with their children. Child Protection has a legal responsibility to promote your child's best interests' and safety, and throughout their involvement with your child, should engage with you in an open and transparent way.

The rights in this Charter are consistent with the rights and requirements in the *Charter of Human Rights and Responsibilities Act 2006*, *Equal Opportunity Act 2010* and the *Children, Youth and Families Act 2005*. The rights in this Charter are also consistent with the rights in the United Nations Conventions on the Rights of a Child and the Rights of Persons with Disabilities.

### **Who is the Charter for?**

The Charter is for you. The Charter's key aim is to assist you while Child Protection is involved with your child or children.

### **What does the Law say about the Charter?**

Every child has rights under the United Nations Convention on the Rights of the Child. Victoria's *Charter of Human Rights and Responsibilities 2006* also recognises the right of children to protection. Victoria's *Children, Youth and Families Act 2005* also ensures that decisions are made in the best interests of a child. This includes protecting the child from harm and promoting the child's development.

People with disabilities have the same human rights as everyone else. The Convention on the Rights of Persons with Disabilities sets out these rights. These rights include: equality and non-discrimination, respect for home and the family, equal recognition before the law, legal capacity, and a number of other rights. Child Protection must consider the rights of a parent or carer with a disability during their involvement with them, their family, and children. Parents or carers with a disability should be given support to access appropriate assistance to care for their children.

### **How can the Charter be used?**

The Charter contains expectations about how rights are to be protected and respected, and the steps you can take to make a complaint and when you don't agree with decisions that are made during your involvement with the child Protection system.

### **How was the Charter developed?**

The Charter is a collaboration between the Funds in Court Human Rights Advisory Committee, the Department of Families, Fairness and Housing (the Department); advocates and persons with a lived experience of disability; and key disability organisations in Victoria.

### **Who should know about the Charter?**

Everyone who is involved with parents, carers, families, and children who come into contact with the Child Protection system should know about the Charter, the rights that it contains, and the expectations of those working in the system.

Other organisations who engage with parents and carers with a disability who are involved with the Child Protection system should be aware of the Charter. This includes the Office of the Public Advocate, Victoria Police, and the courts. The National Disability Insurance Scheme, disability advocacy providers, Commission for Children and Young People, Victoria Legal Aid, Community Legal Centres, and other agencies who work with families who have contact with Child Protection should also know about the Charter.

A copy of the Charter in accessible formats will be made available for downloading on organisations web sites and social media sites including disability organisations, the Child Protection Manual, and the Department, and hard copies in easy read will be also available.

### **How will parents with disabilities know about the Charter?**

Child Protection will provide a copy of the Charter to parents and carers during their first contact with them. Child Protection practitioners will discuss the Charter, the statements in it and what you can expect from your interactions with Child Protection. The copy provided at the initial meeting will include the name and contact details of your Child Protection practitioner and their team manager. Organisations concerned with the rights of persons with a disability will provide copies of the Charter in hard copy as well as digitally and make available on their web sites.

### **What should I do if I believe that the rights in the Charter are not being upheld?**

Contact: Your Child Protection practitioner and either you or your support person can explain your concerns. If you are dissatisfied with or believe no action has been taken in response to your feedback:

Contact [feedback@dffh.vic.gov.au](mailto:feedback@dffh.vic.gov.au) to make a complaint.

Contact your local disability advocate.

Contact your NDIS support coordinator.

Contact a lawyer who can provide support and explain the complaints process to you and act on your behalf.

Contact the Office of the Public Advocate.

Contact the Commission for Children and Young People.

## What should I do if I do not agree with a decision made by Child Protection?

You can request a review of a decision by contacting the Child Protection Practitioner or Team Manager.

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| <b>What are my rights?</b>                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>have the right to participate, to be heard and be included<br/>         have the right to be respected<br/>         have the right to information in accessible formats<br/>         have the right to have support<br/>         have the right to be treated fairly</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Right to participate, to be heard and be included</b>                                                                                                                                                                                                                    | <b>What does this mean?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| I have the right to have my voice as a parent heard, acknowledged, and considered in the decision-making process                                                                                                                                                            | <p>This means that I can express my views and that decision-makers will take into account my views when making decisions about my child/ren.<br/>         If I need support to participate in decision-making processes, I can have a support person present.<br/>         If I need help to communicate, I can have a person and necessary aids to assist me in expressing my views when decisions are being made about my child/ren.<br/>         If I do not have a support person, I should be provided with a current list of advocacy contact details.</p> |
| I have the right to have input and for my input to be sought and acknowledged when making decisions about the health, education, welfare or any issue affecting my child/ren.                                                                                               | This means having a say and being listened to about all the decisions that affect me, like where my child will live and where they will go to school                                                                                                                                                                                                                                                                                                                                                                                                             |
| I have the right to be provided with timely updates concerning changes in my child's circumstances                                                                                                                                                                          | This means that I will be told as soon as possible of any changes that affect my child and be regularly updated on matters affecting my child's development, education, and welfare.                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Right to be respected</b>                                                                                                                                                                                                                                                | <b>What does this mean?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| I have the right to be treated with courtesy, respect, and dignity, without discrimination.                                                                                                                                                                                 | <p>Being treated with respect means:</p> <ul style="list-style-type: none"> <li>- accepting me for who I am</li> <li>- treating me fairly and not discriminating against me for any reason</li> </ul>                                                                                                                                                                                                                                                                                                                                                            |
| I have the right to be recognised and respected in my role as a parent or family member                                                                                                                                                                                     | This means engaging with me during involvement with my child/ren.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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| I have the right to have feelings of grief and loss acknowledged and understood in a sensitive and non-judgmental way                                                                                                                                             | This means I have the right to be offered support services during involvement with Child Protection                                                                                                                                                                                                                                             |
| I have the right to have my culture and language respected and understood, and for this to be considered in the decisions made about my family                                                                                                                    | This means that people will: <ul style="list-style-type: none"> <li>- Understand, respect and value my culture</li> <li>- Provide supports to strengthen my connection to my family, community, and my culture</li> <li>- Support my child/ren to stay connected to their family, community, and culture in all parts of their life.</li> </ul> |
| I have the right to an opportunity for contact with my child/ren that promotes our positive relationship.                                                                                                                                                         | This means that I will be supported to contact my child all child/ren, in person or via electronic means, considering any decision made by the court regarding contact with my child/ren.                                                                                                                                                       |
| <b>Right to information</b>                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                 |
| I have the right to have the concerns relating to my child/ren and possible outcomes explained to me clearly, in a language and accessible format that I understand, through the assistance of an interpreter, communication partner or decision-making supporter | This means that if I need assistance to better understand information, or I need or assistance to be able to communicate about things that affect me and my family, I will be supported to do so.                                                                                                                                               |
| I have the right to be given information in an accessible format, about decisions relating to my child/children                                                                                                                                                   | This means that I will be kept informed, and any shared information will be provided in an accessible format as to why decisions have been made.                                                                                                                                                                                                |
| I have the right to receive all information from formal meetings in writing, in a format that is accessible and provided in a timely manner                                                                                                                       | This means that all information is produced in an accessible format that is easily understood by me and my support person and that this information will be provided in a timely manner                                                                                                                                                         |

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| <p>I have the right to honest and transparent communication and to be informed about:</p> <ul style="list-style-type: none"> <li>- who my child/ren's Child Protection practitioner and team manager are;</li> <li>- how to contact them; and</li> <li>- informed in a timely way of when there are changes that affect me or my children;</li> <li>- how my child/ren is coping in care and if there are changes to the care arrangement.</li> </ul> | <p>This means that I am told in a timely manner so I can be ready for the change so that:</p> <ul style="list-style-type: none"> <li>- I understand why there is to be a change</li> <li>- I understand why there is to be a change in the care arrangement, and</li> <li>- I can speak to my child/ren after the change to check with them how they are feeling about the change.</li> </ul> |
| <p><b>Right to have support and adjustments</b></p>                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                               |
| <p>I have the right to receive information about where I can get independent support, including decision-making support and advice that is appropriate to my culture and communication needs</p>                                                                                                                                                                                                                                                      | <p>This means I am provided information about where I can get independent support that is culturally and linguistically appropriate.</p>                                                                                                                                                                                                                                                      |
| <p>I have the right to have a support person with me in Court and in meetings with Child Protection and other services</p>                                                                                                                                                                                                                                                                                                                            | <p>This means that I can have a support person who can explain to me what is happening.</p>                                                                                                                                                                                                                                                                                                   |
| <p>I have the right to reasonable adjustments to help me participate in all legal proceedings including at investigative and other preliminary stages.</p>                                                                                                                                                                                                                                                                                            | <p>This means that I am able to be supported by a person with skills in disability and legal processes who can help me understand and participate meaningfully.</p>                                                                                                                                                                                                                           |

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| <b>Right to be treated fairly</b>                                                                                                                                                                                                       |                                                                                                                                                                              |
| I have the right to be treated fairly and to not be discriminated against for any reason. due to my disability, or other personal attributes, such as, race, culture, sex, gender identity, or religion.                                | This means that Child Protection practitioners treat me as a person with the same rights as anyone else.                                                                     |
| I have the right to consistency and fairness in service delivery and information provided to me                                                                                                                                         | Sudden changes are often very difficult for me, so I need to know as soon as possible why there have been or are going to be changes in any arrangements concerning my child |
| I have the right to make a complaint or raise a concern without fear of reprisal                                                                                                                                                        | This means I am supported to understand and use the available ways to give feedback or make a complaint.                                                                     |
| I have the right to be afforded procedural fairness                                                                                                                                                                                     | This means that I am to be given a reasonable opportunity to provide my side of the story and to present information in support of my story.                                 |
| I have the right to have my concerns heard, recorded, and responded to in a reasonable timeframe.<br>An interpreter or interpreting service is available to me so things can be explained to me in my language or translated as needed. | This means that I am able to communicate my views, and these will be considered as part of the planning for my child.                                                        |

Child Protection Practitioner's name: .....

Contact number: .....

Team Manager's name: .....

Contact number: .....

Parent or carer name: .....

Charter of Rights for parents and carers with disabilities involved in Child Protection in Victoria {The Charter}

The first edition was developed by Funds in Court Human Rights Advisory Committee [HRAC] in consultation with DFFH and in particular HRAC's charter working group whose members are Miranda Bain [Ma. Ed. Human Rights Advocate- FIC Working Group Chair,] Matt Hall-CEO of Supreme Court of Victoria, John Bolitho [retired lawyer], Marg Camilleri Senior Lecturer Federation University, Jacque O'Brien CEO Tweddle, Lauren Adamson Lawyer and Acting Coordinator Systemic Advocacy-OPA, Samantha Dooley State Director NDIS Quality and Safeguards Commission.

Consultations included: The Public Advocate -member Yuin mob, Aunt Joy Murphy- Elder, Cherise Smith, Midwife, Co-Ordinator of The Women's Individual Needs Clinic Royal Women's Hospital. Women with Disabilities Victoria, Council for Intellectual Disability, Office of the Public Advocate, Positive Powerful Parents Self Advocacy Group, Cystic Fibrosis Community Care, VALID, SARU- Self Advocacy Resource Unit, TWEDDLE, CORAS, RIAC-your rights your voice, Youth Affairs Council Victoria, Victorian Council for Social Service, Children's Court. Southwest Advocacy Association Inc., DJCS, Project Team from the Disability Royal Commission, VLA, University of NSW, SPIDAH-supporting People with an Intellectual Disability to access Health, BCYF, Western Victoria Primary Health Network, Centre for Excellence in Child and Family Welfare.



Southwest Advocacy Association Inc

