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| Review of a decision made by Child Protection under a protection order |
| Information for parents |

Child Protection is involved with your child because the Children’s Court has found that your child is in need of protection and has made a protection order. A child protection practitioner (your child’s child protection worker) is working with you and your child under the protection order made by the Children’s Court. Child Protection may make decisions concerning your child as part of the decision-making process following the making of a protection order.

Child Protection must prepare and implement a case plan and the case plan must be consistent with the protection order, including any conditions made by the Court. The case plan includes the permanency objective for your child. There are legal requirements about the appropriate permanency objective depending on the circumstances and it needs to align with the court order[[1]](#footnote-2). The case plan also sets out significant decisions Child Protection has made about your child’s care and wellbeing.

### Decisions made by the Court

Please note that depending on the nature of the protection order, some decisions are made by the Court, rather than Child Protection. If you disagree with a decision made by the Court, you should seek advice from the Court or speak with a lawyer.

## What happens if I disagree with a decision made by Child Protection?

During the period of the protection order, you might disagree with a decision Child Protection makes. Depending on the order, decisions may be made by Child Protection about where your child lives, who they have contact with, services your child needs and so on. You and your child have a right to an explanation of the decision by the person who made it. You also have a right to ask for a review by the department of any decision made by Child Protection during the period of the protection order. This is called an internal review.

## What if I want a review of a decision made by Child Protection?

Ask the child protection practitioner for a ‘Request for review of a Child Protection decision’ form. The form will have the name and address of the senior divisional officer who conducts reviews.

The form will help you to identify which decision you want reviewed, your reasons and the outcome you want. You can get help to complete this from your child protection practitioner (or anyone else). Completing the form is not essential and some people choose to write a letter to request a review. Your letter should explain the decision you want reviewed, the reasons for wanting a review and what you want the decision to be.

You need to make your request for a review no more than 28 days from the date the decision was made. In limited circumstances, a request for a review made outside of the 28-day time limit may be accepted. You will need a good reason why you didn’t make the request in time. You will be advised within two weeks, by a senior divisional officer, whether the review will occur.

## What then?

A review meeting with the senior divisional officer will be arranged as quickly as possible after your request has been received[[2]](#footnote-3). You will be given advance notice of the meeting.

You may have someone else with you at the review meeting to support you and help explain what you are unhappy with and what you would like to see happen.

#### What will happen at the meeting?

The senior divisional officer will outline their role and give a summary of the situation. You will be asked to explain your reasons for wanting the decision changed and what you would like it to be instead. Other people at the meeting will also be given the chance to express their opinions.

After the meeting, the matter will be looked at further and you will receive a decision in writing. The senior divisional officer will outline the reasons for their decision. They are required to make a decision that is in the best interests of your child.

## What if I am still not satisfied?

You may apply to the Victorian Civil Administrative Tribunal (VCAT) for the decision to be reviewed within 28 days of the outcome of the internal review. VCAT will only accept your application if the decision has been reviewed within the department first.

VCAT is independent of Child Protection and can be contacted by telephone on 1300 018 228, email or post – see [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au) for details.

## What if I have other concerns?

Child Protection staff will attempt to work cooperatively with you about your child’s safety and wellbeing. If you are unhappy with any of the department’s actions, you may contact the Child Protection Operations Manager/ Director.

If your complaint cannot be resolved at your local office, you can make a complaint by contacting the department’s complaints line via the online form at www.dffh.vic.gov.au or by telephone on 1300 884 706 (cost of a local call).

If your complaint cannot be resolved by speaking directly to the department, you may contact the Victorian Ombudsman via their website, [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au) or by telephone on 1800 806 314. The Ombudsman can investigate complaints about government departments. The Ombudsman is an office of last resort, so people who have a complaint may be encouraged to use all available avenues for resolving the complaint before the Ombudsman becomes involved.

## What if I have difficulty understanding English?

If you have difficulty understanding English, ask the child protection practitioner to organise an interpreter and explain the internal review procedure to you and discuss your concerns.

## Contact information

The child protection practitioner’s name is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Their Department of Families, Fairness and Housing office is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Their contact number is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The case planner for your child is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Their contact number is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The Child Protection Operations Manager/Director is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Their contact number is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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1. Where Child Protection assesses that a permanency objective consistent with the current order is no longer achievable, they will discuss this with you, prepare a new version of the case plan and apply to the Court for an order consistent with the permanency objective they have assessed is in your child’s best interests. The Court will then decide if it will make the order Child Protection recommends and the permanency objective will depend on the Court’s decision. [↑](#footnote-ref-2)
2. Unless you are advised by the senior divisional officer that the internal review will not proceed. [↑](#footnote-ref-3)