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| Resolving differences in cultural planning |
| Dispute resolution process for cultural planning |

# Overview

Planning in child protection is essential to enable the safety and protection needs of children are addressed. Good planning is transparent, fair, accountable, outcome focused and respectful. The case plan takes primacy in child protection planning. Developing plans, both case and cultural, with families will help to enable the successful implementation of the plans. For Aboriginal families, this may include extended family and community members where appropriate.

The case plan should be utilised to guide the development of the cultural plan. Case plans are required to address the cultural support needs of all children where the report to child protection has been substantiated. The Act requires the case plan and the cultural plan to align (section 176(2)).

Cultural planning promotes and strengthens an Aboriginal child’s connection to their Aboriginal culture and community. Under section 176 of the *Children, Youth and Families Act 2005* the Secretary to the Department of Health and Human Services is obligated to give a cultural plan to every Aboriginal child in Court-ordered out-of-home care. Furthermore, the cultural plan must align to the case plan. Under section 166 of the Act, the case plan must include any planning required to support the cultural needs of the child.

Cultural plans are developed through care teams, and it is important to involve the child’s carer as they will undertake some of the tasks in the cultural plans. The placement provider or case manager (including contracted case managers) lead care teams, and are responsible for ensuring a cultural plan is developed.

# Approach to resolving issues

The best interests of the child must always be paramount in decision-making for Child Protection. Section 10 of the Act sets out the best interests principles for children, while section 11 outlines decision-making principles, and section 12 outlines additional decision-making principles for Aboriginal children and young people. It is essential to consider the additional principles in cultural planning to ensure there is an Aboriginal voice in cultural planning. Equality and mutual respect should be the foundation which underpins the care team, which will assist when issues arise.

In the first instance, any issue or disagreement regarding the development of implementation of a cultural plan should be attempted to be resolved at the level which it arose. If the issue sits within the care team, all efforts should be made to resolve the issue prior to escalation. This may include asking an independent member of the care team to mediate. If the issue arises between the ACCO CEO and case planner, a meeting should be held to allow discussion of the issue to reach agreement. The best interests of the child should always be the deciding factor.

Where a dispute arises regarding the cultural plan the matter should first be discussed between the parties raising the concerns. If any change is made to the cultural plan as a result of mediation, the child and their family must be consulted on the changes prior to the cultural plan being finalised. If the dispute relates to the case plan, the issue must be managed through the internal review of decisions process.

## Escalation of issues

Should the issue remain unresolved at the level which it arose, the issue may be escalated to a higher level. Reasonable attempts must be made to resolve the issue before the issue is escalated. Issues within the care team should be escalated to an ACCO manager and the case planner for resolution. The ACCO manager and case planner should discuss the issue and attempt to resolve the issue, taking into consideration the best interests of the child as referenced in section 10 of the Act.

If an issue is unable to be resolved between the ACCO manager and case planner, a Child Protection executive officer should attempt to resolve the issue through mediation. As the department has the legislative obligation to prepare a case plan and give the cultural plan, it is appropriate senior Child Protection managers lead the resolution process. If the senior Child Protection manager is unable to mediate a resolution, the issue should be referred to the Child Protection Director for a decision in consultation with the ACCO CEO.

## Resolution process

