

Involving family and community

Families and caregivers have the responsibility to help children and young people learn to exercise their rights, and to ensure that their rights are protected. (Convention on the Rights of the Child, Article 5) [12]

National Principle 3 Families and communities are informed, and involved in promoting child safety



- 3.1 Families participate in decisions affecting their child.
- 3.2 The organisation engages and openly communicates with families and the community about its child safe approach and relevant information is accessible.
- 3.3 Families and communities have a say in the development and review of the organisation's policies and practices.
- 3.4 Families, carers and the community are informed about the organisation's operations and governance.

Child-focused care

The Department is committed to protecting the best interests of children and young people by respecting and facilitating the role of families and caregivers.

The Department observes Article 18 of the *United Nations Convention on the Rights of the Child*, which states that:

'Parents, carers or significant others with caring responsibilities have the primary responsibility for the upbringing and development of their child. This includes being informed about the organisation's operations and their children's progress and being involved in decisions affecting their children.' [12]

The *Children, Young Persons and Their Families Act 1997* (Tas) also recognises the role of the family and caregiver as best placed to provide care for children and young people, stating:

'The family [or caregiver] or a child [or young person] has the primary responsibility for the care, upbringing, and development of the child [or young person] and is entitled to be treated with respect at all times. [41]

The role of the Department is to provide high-quality care to children and young people while encouraging and partnering with families and caregivers to fulfil their role in protecting and supporting them.

Families and caregivers have the primary responsibility for the upbringing of their children and young people and have in-depth knowledge of the most appropriate support networks and the roles that each person plays in a child or young person's life. They are best placed to provide advice about the

needs, capabilities and supports that a child or young person requires when engaging with the Department.

The Department recognises that some children and young people live apart from their family or caregivers and take a sensitive approach to the rights and roles of any support networks in their lives.

The Department recognises that children and young people are best protected and cared for by their families and caregivers in most circumstances. When these networks are unable to protect children and young people from harm, the Department has a duty of care to take appropriate action to ensure their safety and wellbeing.

The Department aims to empower families and caregivers, respecting their right to participate in decisions affecting their lives. The Department seeks contributions from families and caregivers about how to better create safe, supportive environments that value children and young people, respects their culture, identity, and rights, and ensures that these rights are fulfilled.

Families and caregivers will be informed about their responsibility to keep children and young people safe, the Department's approach to child safety and wellbeing, and how they can become more involved in the Department's child safeguarding governance. They will be supported to identify and raise concerns of harm to children and young people.

Engagement and participation

The Department aims to engage with children, young people, their families, and caregivers to embed their contributions and representation.

This includes:

- feedback on how to improve services
- governance and advisory committees
- consumer engagement approaches
- consumer complaints and concerns processes
- risk management processes
- professional guidance around acceptable and safe behaviour and conduct
- the organisation of projects and events, and
- resources to support and educate children, young people, their families, and caregivers.

The Department observes the guiding principles that characterise effective and genuine engagement as outlined within its consumer engagement framework: [42]

Participation

- consumers have the right to participate in their own health, wellbeing, and welfare in a meaningful way. Consumers and community are involved in the design and shaping of policies and decisions relating to the Tasmanian healthcare system.

People-centred

- meaningful engagement processes embrace the values and the needs of consumers, their families, carers, and the community.

Mutual respect

- engagement undertaken with mutual respect and valuing each other's experiences and contributions.

Accessible and inclusive

- consumers and their families are a diverse group. Given this diversity, consumer participation opportunities need to be accessible and inclusive, with flexibility and a range of options for consumer participation. The needs of consumers and community experiencing barriers to service access and engagement are considered

Partnership

- working relationships between engagement partners are built on transparent and accountable processes which are publicly provided to consumers

Diversity

- the engagement process values and supports all consumers, carers and community

Support

- community advisory and engagement councils to take a formal leadership role in ensuring consumers, carers and community are provided with the support they need to engage meaningfully with the health and community services systems

Influence

- consumers, carers, and community engagement influence policy, planning and system reform

Continuous improvement

- consumer, carer and community engagement is regularly reviewed and evaluated to drive continuous improvement.

Decision making

The Department is committed to promoting a collaborative healthcare environment where children, young people, their families, and caregivers can ask questions, are informed about their options, have their values and preferences heard, and can engage in shared decision making.

The Department's informed consent processes comply with legislation and best practice, and observe the principles outlined within the NSQHS Standards. [43]

In general, Australian law recognises that individuals aged 18 years and over have full legal capacity to make decisions relating to their own health care.

Prior to the age of 18, parents and caregivers can provide consent for children, with the understanding that young people become increasingly competent to make decisions

regarding their own health care and this competency must be observed.

This competency (Gillick competence) is a common law principle that is assessed on an individual basis and depends on a range of factors.

A child or young person is considered to be 'Gillick competent' if they have a 'sufficient understanding and intelligence enabling [them] to understand fully what is being proposed.' It is important to note that the term 'assent' has no legal standing in Australia. [44]