

**Michael Pettersson MLA**

Minister for Business, Arts and Creative Industries

Minister for Children, Youth and Families

Minister for Multicultural Affairs

Minister for Skills, Training and Industrial Relations

Member for Yerrabi

**RESPONSE TO QUESTION ON NOTICE****Questions on Notice Paper No 6****Friday, 9 May 2025****Question No. 368**

MS BARRY: To ask the Minister for Children, Youth and Families —

1. In relation to children in the care of Children and Youth Protective Services, can the Minister advise what compliance checks are made on initial enrolment, placement, change of placement and placement review decisions?
2. What qualifications are required for staff conducting compliance checks?
3. How many staff are tasked with conducting compliance checks?
4. What compliance check methodologies are used?
5. What are the (a) purposes of and (b) issues covered in these compliance checks?
6. What are the key performance indicators (KPIs) assessed during these compliance checks?
7. What are the minimum acceptable standards for each KPI?
8. What discretion does a compliance checking official have to explore issues beyond the scope of a compliance check?
9. What are the outcomes of compliance checks for (a) 2020 to 2024 and (b) 2025 year to date?
10. What process is used to flag deficiencies in decision making?
11. What reports are produced after a compliance audit?
12. Who are these reports distributed to?
13. Are all compliance check reports considered by a management or oversight committee.
14. If a systemic issue is identified through multiple compliance reports, how is this escalated?
15. What systemic issues identified in compliance checks have been escalated to Senior Managers, the Director General and/or the Minister?
16. Are compliance check reports provided to independent oversight agencies; if so, which ones?



17. Has any review or evaluation been conducted into the effectiveness of the compliance checking or are any such reviews or evaluations planned.

**Michael Pettersson MLA** - The answer to the Member's question is as follows:

1. Children, Youth and Families (CYF) is guided by its obligations in the *Children and Young People Act 2008* (CYP Act). All kinship, foster care and residential services in the ACT are required to be an approved care and protection organisation who have been assessed as a suitable entity as per s63 of the CYP Act.

Where the Director-General has daily care responsibility for a child or young person, s512 requires the Director-General to place the child or young person with an out-of-home carer. Section 508 of the CYP Act defines an out-of-home carer as:

- a. a kinship carer for the child or young person; (s516) or
- b. a foster carer for the child or young person; (s518) or
- c. a residential care service for the child or young person (s520).

In the ACT all out of home carers are also required to be registered under the *Working With Vulnerable People (Background Checking) Act 2011* (WWVP ACT).

Kinship and Foster Carers are people who have been assessed as an appropriate person to care for children or young people under s514 of the CYP Act. The approval under s514 includes consideration of suitability information, at s65 of the CYP Act.

Residential Care services in the ACT are delivered by approved Care and Protection Organisations who have been assessed as a suitable child safe organisation. Residential Carers undergo a Suitable Persons Record Check (SPRC) prior to commencing employment.

Carer authorisation is reviewed in line with WWVP registration renewal, and on a discretionary basis, for example, following an allegation of abuse in care.

Placement decisions and placement review decisions are separate to suitability decisions and are made by CYF case management teams. Whilst the two decisions are interconnected, a placement decision may also be determined by other aspects of the CYP Act. For example, where there are two separate kinship carers found suitable under the CYP Act to care for the same child.

To be able to work with children in the care of the Director-General, organisations must be registered with the Human Services Registrar as a Care and Protection Organisation (CAPO). Organisations must be assessed to ensure it can provide services that meet Care and Protection Organisation Standards, and they must have at least one person in the organisation who is approved as a responsible person to lead and manage the organisation and services.

2. All staff have been employed based on their experience and/or qualifications to perform the required roles and responsibilities.
3. The CYF Suitability Information Team consists of two SOG C positions, two ASO4 positions and one Child and Youth Protection Professional 5 (CYPP5).
4. For Kinship and Foster Carers, consideration under s65 is guided by the [Children and Young People \(Kinship and Foster Carers Risk Assessment\) Guidelines 2023](#).
5. Refer to the response to question 4.
6. Refer to the response to question 4.
7. Refer to the response to question 4.
8. Refer to the response to question 4.
9. Between 2020 and 2024, 1842 Suitable Person Record Checks (SPRCs) were completed. Of these:
  - 33 denied
  - 131 withdrew/lapsed (this includes reject)
  - 170 Identified for further assessment through Initial Kinship Assessment (IKA)
  - 1508 granted suitability

From 01/01/2025 – 30/04/2025, 85 main foster and kinship SPRCs have been completed. Of these:

- 4 denied
  - 1 withdrew
  - 9 identified for further assessment through IKA
  - 71 granted suitability
10. All suitability recommendations are reviewed and either endorsed or rejected by a CSD official with the appropriate delegation. Complex or sensitive matters are escalated internally prior to decision. Decisions made under s514 of the CYP Act are reviewable through the ACT Civil and Administrative Tribunal (ACAT). Outcomes at ACAT are considered by CSD and will inform future decision-making.
  11. Once per year, CYF provides a list of all approved carers to Access Canberra to undertake data matching and confirmation of WWVP registration status.

This list is then reviewed for any data discrepancies and remediation work is undertaken on Child and Youth Record and Information System (CYRIS).

Monthly reports to CYF Executive are produced outlining the volume of compliance checks in progress and completed across all CAPO organisations.

12. Refer to the response to question 11.

13. Refer to the response to question 11.

14. Any systemic issues identified through the suitability review process are escalated following standard escalation procedures.

If systemic issues are identified, the issue would be raised with the Relationship Management Team who would work with the relevant non-government agency or agencies to identify and address the issue. This may involve auditing employee records to confirm suitability check approvals and HR processes.

15. A Carers ability to obtain a WWVP has previously been identified as a systemic issue. The *Background Checking Legislation Amendment Act 2023* amended the CYP Act to allow the Director-General to provide an exemption in exceptional circumstances under s514B (3)(c).

The CYF Executive Group Manager is briefed on all exemption applications and they only progress if endorsed.

16. No. The suitable person records checks are not provided to independent oversight agencies as a standard practice.

17. A review of the suitable person records check process occurred in 2022 which resulted in additional resources, streamlined suitability review process, implementation of the Preliminary Kinship Decision to enable placement with Kin immediately upon removal and development of the [Children and Young People \(Kinship and Foster Carers Risk Assessment\) Guidelines 2023](#).

Approved for circulation to the Member and incorporation into Hansard.



**Michael Pettersson MLA**  
**Minister for Children, Youth and Families**

**Date:** .....18/6/25.....

This response required 355 mins to complete, at an approximate cost of \$586.48.