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| Information on reviewable decisions |
| Child care agreements and voluntary placements |

# Not happy with decision in relation to a child care agreement

What happens if I am not satisfied with a decision made by the Department of Human Services in relation to a child care agreement?

You can request a review of that decision. The law requires that procedures are in place for the review of decisions made by the Department of Human Services in relation to child care agreements.

## What sort of decisions can I request a review of?

Any decision made by the department as part of the decision-making process concerning a child subject to an agreement including:

* recommendations arising from the review of an agreement
* non-approval to enter into a long-term agreement
  + non-approval of a person as suitable to have the long-term care of a child.

## What sort of decisions can’t I request a review of through the department?

Decisions regarding the day-to-day care of a child and their placement arrangement including:

* disagreements concerning visiting, transport, recreation and schooling arrangements
* proposed placement changes
  + behaviour support issues.

If you have concerns regarding the child’s day-to-day care, these concerns should be taken up with the service providing the child’s placement in out-of-home care.

## What if I cannot work out whether the decision is reviewable?

Speak with the service providing the placement. Alternatively, contact the department on the number listed at the back of this information sheet.

## Who can request the review of a decision made by the department?

A parent of the child, the child or any other person whose interests are affected by the decision can request a review of a decision made by the department in relation to an agreement.

## How do I request a review of a decision from the department?

Speak with the service providing the placement. Explain you would like a review of a decision. The service will give you a form to fill in which notifies a senior reviewing officer at the local department office of your request for a review. You do not have to complete the form to seek a review, but it will help the reviewing officer understand your point of view. You should make a request for a review as soon as possible after the decision has been made with which you are unsatisfied.

## What happens next?

A meeting with the department’s senior regional officer will be arranged as quickly as possible. You will be given advance notice of the meeting.

## What happens at the meeting?

The chairperson (the senior department regional officer) will outline their role and give a brief summary of the situation. You will be asked to explain your reasons for wanting the review. Other people at the meeting will also be given the chance to express their views. After the meeting, the matter will be looked at further and within two weeks, you will receive a decision in writing.

## What if I am still not satisfied?

You can apply to have the matter reviewed by the Regional Director of the local department office, using the same process as the first review.

If you have been through all the avenues of review within the department and are still not satisfied with the decision, you can apply to the Victorian Civil and Administrative Tribunal (VCAT) for the decision to be reviewed.

## What do I need to know about VCAT?

Before you can apply to VCAT, you must have exhausted all internal avenues for review available through the department. An application for review to VCAT must be made within a 28-day timeframe. VCAT will make a decision after consideration of all the issues. The decision of VCAT overrides any other decision being appealed against.

If you are not satisfied with the decision of VCAT, you may appeal to the Supreme Court of Victoria only on a question of law.

Child care agreements are regulated under legislation or law. In accordance with the law, the Secretary of the Department of Human Services must be notified of agreements, be consulted on their extension, undertake their review at certain times, approve the entering into of long-term agreements and in some cases, approve a person as suitable to have the long-term care of a child. The Secretary has delegated her functions and powers in relation to agreements to senior Child Protection Managers in local department offices.

## To find out more

Speak with your local service or Department of Human Services office.

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