



# Contact Arrangements Review Panel Procedure

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## 1. Purpose

The Contact Arrangement Review Panel (CARP), herein after referred to as the Panel, Procedure provides instruction and guidance for staff managing enquiries or applications about decisions relating to contact arrangements pursuant to Chapter 7, Part 4 of the [Children and Young People \(Safety\) Act 2017 \(CYPS Act\)](#). The procedure has been developed to ensure procedural fairness and to facilitate proper administration of the Panel.

## 2. Scope

This procedure applies to all Department for Child Protection (DCP) staff when receiving or managing enquiries or applications from specified persons (children and young people in care, parents, families, former carers) regarding decisions made by DCP that relate to contact arrangements for children and young people under custody or guardianship of the Chief Executive. The procedure also applies to the DCP and non-DCP Panel members approved by the Minister for Child Protection.

Decisions about contact arrangements are reviewable by the Panel, pursuant to section 95 of the CYPS Act. This procedure acknowledges that children and young people may need the support of a trusted adult when lodging an application.

## 3. Authority

### 3.1 Legislative context

This procedure should be read in conjunction with the following:

- [Children and Young People \(Safety\) Act 2017](#)
- [Children and Young People \(Safety\) Regulations 2017](#)

The CYPS Act and the *Children and Young People (Safety) Regulations 2017* (the Regulations) provide that the Panel is established to:

- review contact arrangements under Chapter 7, Part 4 of the CYPS Act
- report annually to the Minister for Child Protection on matters relating to contact arrangements under the CYPS Act
- undertake other functions as may be conferred on the Panel under the CYPS Act or by the Minister.

The Panel is subject to the direction and control of the Minister for Child Protection, other than in relation to a particular review of contact arrangements.

Section 95 of the CYPS Act provides that persons who have been provided with a contact arrangements determination and children to whom the determination relates have the right to have those arrangements reviewed.



## 3.2 Whole of Government requirements

DCP adopts [Commonwealth Ombudsman: Better Practice Complaint Handling](#) principles of an effective complaints and feedback management system. This also includes principles of the [Premier and Cabinet Circular PC039 - Complaint Management in the South Australian Public Sector](#).

## 3.2 DCP Requirements

- [Complaints and Feedback Management Policy](#)
- [Complaints and feedback management Procedure](#)
- [Disability Access and Inclusion Plan 2020-2024 \(DAIP\)](#)

## 4. Procedure requirements

### 4.1 Appointment of Panel members

The members of the Panel will be appointed on terms and conditions determined by the Minister for Child Protection.

Each Panel must not be convened with a quorum of less than three members of which one member must not be an officer or employee of DCP. For Aboriginal and Torres Strait Islander children or young people, the Panel must include a Principal Aboriginal Consultant (PAC) who has not been involved with the original determination to participate in the review.

The Panel may sit with additional members as guests of the Panel to provide expert opinion, as deemed required, for the purpose of a particular review (for example, family members or children and young people with disability).

### 4.2 Panel members must be independent of the matter under review

Members of a Panel must be independent of the matter under review. Panel members must disclose to the presiding Panel Chair any prior knowledge of the child or young person or family to which the contact arrangements under review relate. If a Panel member declares a conflict, the Panel member will be replaced for that matter. If the Panel Presiding Chair is satisfied that the member is independent of the contact determination under review, this decision and the reasons must be documented in the record of the review meeting.

Panel members must comply with the [Public Sector \(Honesty and Accountability\) Act 1995](#), including with respect to any personal interest that conflicts or may conflict with the Panel member's duties. Members must also comply with the DCP Contact Arrangement Review Panel Terms of Reference and ensure principles of procedural fairness are utilised when making decisions.

### 4.3 Lodging a Contact Arrangement Review Panel application

A Complaints and Feedback Application form for the Panel must be used when lodging a Panel application and can be found on the [DCP website](#). Applications for the Panel can be made:



- in person at any DCP office
- email: [DCPComplaintsandFeedback@sa.gov.au](mailto:DCPComplaintsandFeedback@sa.gov.au)
- post: Complaints and Feedback Management Unit, GPO Box 1702 Adelaide, 5001.

Should an applicant need assistance when completing an application form, they can contact 1800 003 305 for Complaints and Feedback Management Unit (CFMU) assistance. Additionally, applicants may seek the assistance of advocates or support services to assist in lodging applications for the CARP process. The use of [interpreters and translators](#) or accessible versions should be offered as required.

Should a local DCP office receive an application for the Panel, they must forward it to the DCP Complaints and Feedback Management Unit (CFMU) via email: [DCPComplaintsandFeedback@sa.gov.au](mailto:DCPComplaintsandFeedback@sa.gov.au) within two working days.

If a former foster or kinship carer wishes to apply for a review of their contact arrangements, they may access support from [Connecting Foster & Kinship Carers SA](#), the peak body for Carers.

Children and young people who wish to apply for a review of their contact arrangements may access the support from another trusted adult such as their carer or the [Office of the Guardian for Children and Young People](#) (OGCYP) and [CREATE](#).

#### 4.4 Panel Processes

Applications to the Panel for review must be made within 14 days of the contact determination (or such longer period at the discretion of the Panel or CFMU Manager where special circumstances exist). The panel will accept both written and verbal submissions (for verbal submissions, this must be with the assistance of the CFMU).

If an Aboriginal or Torres Strait Islander person applies for a review of their contact arrangements, the Panel should consult with a PAC to ensure cultural matters are considered such as language and communication barriers when working with the Aboriginal and/or Torres Strait Islander person who is making the complaint and particularly where English is not the first language. This ensures that the Aboriginal and/or Torres Strait Islander person making the complaint understands the processes and possible outcomes and can therefore give informed consent.

In accordance with section 95(4) of the CYPS Act, the Panel need not conduct a review if the Panel determines that the application is:

- frivolous, vexatious, misconceived or lacking substance; or
- being used for improper purpose; or
- otherwise an abuse of process.

It is important that DCP office managers respond to Panel applications and requests for information in a consistent and timely manner.

The frequency of Panel meetings will be determined as deemed necessary, noting that Regulation 26(e) of the *Children and Young People (Safety) Regulations 2017* requires reviews to be conducted in a timely manner.

When conducting a review of a contact arrangement determination relating to an Aboriginal and Torres Strait Islander child or young person, the Panel must give specific consideration to the five



elements of the [Aboriginal Child Placement Principle](#) (Prevention, Partnership, Participation, Placement and Connection) and the precursor, Identification and related policies and practice guidance. The Panel must include a PAC who has not been involved with the original determination to participate in the review.

The Panel will be provided with such administrative support as necessary by the Assessment and Resolution Officer (ARO) for the proper functioning of reviews.

## 4.5 Outcomes

In accordance with section 95(5) of the CYPs Act the Panel may on review under this section:

- Affirm the determination being reviewed; or
- Vary the determination that is being reviewed; or
- Set aside the determination being reviewed and;
  - i. substitute its own determination; or
  - ii. send the matter back to the Chief Executive for determination in accordance with any directions or recommendations that the Panel consider appropriate.

Where the Panel cannot reach a consensus, the chair will determine the final outcome.

Pursuant to section 95(7) of the CYPs Act, a further application for review cannot be made in respect of a determination that has been affirmed, varied or substituted by the Panel.

It is noted that DCP Legal Services are available to provide support to:

- The Panel to ensure legal consistency in the application of section 95 of the CYPs Act
- review Panel outcomes and provide legal advice where requested
- provide legal advice or brief the Crown Solicitor's Office, as required in relation to Ombudsman complaints relating to contact arrangements.

Persons requesting a contact arrangements review will be formally notified in writing of the outcome of their review. Further consideration should be given to consulting with a PAC to ensure cultural matters are considered such as language and communication barriers when engaging with the Aboriginal and/ or Torres Strait Islander person who is making the application, particularly where English is not the first language.

## 4.6 Reporting

The Panel will report annually to the Chief Executive on matters relating to contact arrangements under the CYPs Act. The Panel will also report annually to the Minister for Child Protection relating to contact arrangements (as per Regulation 25(2)(b)).

## 5. Compliance, monitoring and evaluation

The Panel and its processes will be reviewed at the end of the two-year Ministerial endorsed tenure, or earlier if required by legislative or organisational imperatives.



The DCP CFMU Manager will monitor and evaluate the adequacy of the procedure in meeting legislative, departmental and other requirements on an ongoing basis.

## 6. Related documents

Related documents, forms and templates
<a href="#">Complaints and Feedback Management Policy</a>
<a href="#">Complaints and Feedback Management Procedure</a>
<a href="#">Child and Young People (Safety) Act</a> section 94 and 95
<a href="#">Children and Young People (Safety) Regulations 2017</a>
Contact Arrangements Review Panel Terms of Reference
<a href="#">Public Sector (Honesty and Accountability) Act 1995</a>
<a href="#">Interpreting and translating procedure for people from a culturally and linguistically diverse (CALD) background</a>
Disability Access and Inclusion Plan 2020-2024 (DAIP)

## 7. Glossary

Term	Meaning
ARO	Assessment and Resolution Officer
Principal Aboriginal Consultant (PAC)	<p>A role within the Department of Child Protection, accountable for providing culturally inclusive practice, leadership for staff in respect to operational and strategic interventions for Aboriginal children, young people and their families.</p> <p>The PAC will:</p> <ul style="list-style-type: none"> <li>• share their expert cultural knowledge and drive practice excellence to achieve improved outcomes</li> <li>• navigate pathways to promote self-determination</li> <li>• contribute to policy and program development.</li> </ul>
CARP	Contact Arrangements Review Panel
CFMU	Complaints and Feedback Management Unit
Complaint	Expression of dissatisfaction made to or about DCP related to its services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly required



Term	Meaning
Complaints and Feedback Management System	Encompasses all aspects of the policies, procedures, practices, staff and infrastructure used by DCP in the management of complaints and feedback
CARP applicant	A person who has made an application to the Panel for a review of a contact determination
DCP	Department for Child Protection
Ombudsman SA	Ombudsman SA investigates complaints about South Australian government and local government agencies, conducts freedom of information reviews, and supports and monitors the implementation of the <i>Information Sharing Guidelines</i>
Procedural fairness	<p>Procedural fairness requires a fair and proper process to be used with making decisions that may adversely affect the interests of an individual. The rules of procedural fairness require:</p> <ul style="list-style-type: none"> <li>• a hearing appropriate to the circumstances</li> <li>• lack of bias</li> <li>• evidence and reasons to support a decision</li> <li>• inquiry into matters of dispute.</li> </ul> <p>Used interchangeably with “natural justice”</p>

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