

The Suitability Panel

The Suitability Panel (the Panel) is established under the *Children, Youth and Families Act 2005*. It decides whether or not an out-of-home carer who is alleged to have sexually or physically abused a child in his/her care should be disqualified from being a carer. The Panel also decides whether or not a carer that it has disqualified should have that disqualification removed.

How does a matter come to the Suitability Panel for hearing?

A matter can be referred to the Panel by the Secretary DHS, and a person who has been disqualified from being an out-of-home carer may apply to the Panel to remove the disqualification.

Who hears cases at the Suitability Panel?

The Chairperson and two other members hear cases. The Chairperson must be a practising lawyer while the other members must have qualifications and experience in law, social work, psychology, the treatment of sex offenders or any other relevant discipline.

Procedures of the Suitability Panel

Procedures of the Suitability Panel:

- are as informal as natural justice and the proper consideration of the case allow;
- the person against whom an allegation is made:
 - is entitled to be present;
 - may make submissions; and
 - may be legally represented.

- the hearing is not open to members of the public;
- the identity of a child or a carer must not be published or broadcast;
- the Panel is not bound by the rules of evidence;

The hearing process

There are two steps to the hearing process:

1. Where an allegation of physical or sexual abuse is referred by the Secretary DHS, the Panel must first find whether or not the abuse has occurred.

If the allegation is not proved, the Panel must find that there is no misconduct and the matter does not go any further.

If the allegation is proved, the Panel must make a finding that there has been misconduct by the person.

2. Where misconduct has been found, the Panel must then decide whether the person poses an unacceptable risk of harm to children.

If the Panel finds that a person does pose an unacceptable risk of harm to children then that person's registration as a carer will be removed. If the Panel finds that a person does not pose an unacceptable risk of harm to children then that person will remain registered as a carer.

Notice of the Panel's findings is given to the carer, the Secretary DHS and, and where the law requires, to the Secretary, Department of Justice.

More information?

For more information about the Suitability Panel you can go to www.suitabilitypanel.vic.gov.au or contact the executive officer on (03) 8608 5752.

Carer support during a Suitability Panel investigation

Should you be advised of a referral of your status as a carer to the Suitability Panel FCAV can support you through this process. While FCAV cannot offer legal advice or representation, we can work with you to identify the issues at hand, and to consider what information you want to raise with the Suitability Panel in your defence.

For assistance and support at any time, call the FCAV/PPSS Carer Information and Support Service on 9489 9770.