

Australian Capital Territory

Children and Young People (Care and Protection Organisation) Standards 2018 (No 1)

Disallowable instrument – DI2018-124

made under the

Children and Young People Act 2008, Section 887 (Standard-making power)

1 Name of instrument

This instrument is the *Children and Young People (Care and Protection Organisation) Standards 2018 (No 1)*

2 Commencement

This instrument commences on the day after notification.

3 Standards

I make the following Children and Young People (Care and Protection Organisation) Standards.

Rachel Stephen-Smith, MLA
Minister for Disability, Children and Youth

5 June 2018



CHILDREN AND YOUNG PEOPLE CARE **AND PROTECTION ORGANISATION** **STANDARDS**

May 2018

Rachel Stephen-Smith
Minister for Disability, Children and Youth
May 2018

2

ACT CHILDREN AND YOUNG PEOPLE CARE AND PROTECTION
ORGANISATION STANDARDS
2018

About the ACT Children and Young People Care and Protection
Organisation Standards

The ACT Government is committed to an improved service delivery model. During 2015, the ACT Legislative Assembly passed amendments to the *Children and Young People Act 2008* that built on the process of approval of suitable entities for a care and protection purpose. The amendments provided a regulatory function for the Director-General regarding the assessment and approval of Care and Protection Organisations (Organisations); the receipt and investigation of complaints; monitoring of, and intervention with, Approved Care and Protection Organisations. The Director-General has delegated regulatory functions to the Human Services Registrar.

The following purposes are prescribed as care and protection purposes:

- a) to provide placement prevention, reunification and supported contact services in a—
 - (i) home or community setting; or
 - (ii) residential setting;
- b) to provide clinical services;
- c) to provide engagement, empowerment and advocacy services;
- d) to provide transition to adulthood services.

The primary purpose of regulation in this sector is to safeguard vulnerable children, young people and families who are recipients of services and to establish benchmarks for the provision of services in the sector that focus on quality practice and continual improvement. The regulation of organisations is a key strategy in strengthening accountability, ensuring a high functioning care system and providing ongoing oversight as responsibility for children and young people is transferred to the community sector.

Legislation requires organisations that seek to be suitable entities for a care and protection purpose to demonstrate they have the capacity to comply, and are likely to continue to comply, with the Care and Protection Organisation Standards. These Standards reflect the criteria established in consultation with the sector concerning the requirements for prior approval as suitable entities.

These Standards reflect the ACT Out of Home Care (OoHC) Standards, which were adopted from the National Out of Home Care Standards on 1 July 2016. The range of areas covered by the Care and Protection Organisation standards is much broader than the OoHC standards. The OoHC standards map directly to indicators of compliance detailed within this

document, against which Care and Protection Organisations are assessed and monitored as suitable entities. This means that Care and Protection Organisations will comply with the ACT OoHC Standards through maintaining their suitable entity status.

In this way, the implementation of the Care and Protection Organisation Standards will not unduly impact on contractual reporting requirements for organisations. The mapping of the Care and Protection Organisation Standards to the OoHC Standards is included at Appendix A of this document. In addition, the alignment points are identified at each standard within this document.

The Standards also reflect the work and input provided during the consultation period by the ACT Children and Young People's Commissioner, particularly the development of Child Safe and Child Friendly Organisation principles and practices. These Standards incorporate the Principles of Child Safety in Organisations developed by the Australian Children's Commissioners and Guardians.

The Standards are supported by the Suitable Entity Guidelines, the Monitoring Guidelines and the Intervention Guidelines as outlined in the *Children and Young People Act 2008*.

Purpose

The Standards establish the minimum requirements for demonstrating compliance as a suitable entity for the provision of a care and protection service, based on the statutory responsibilities of the service providers as described in the *Children and Young People Act 2008*.

The Standards reflect the child focussed priority of the a Step up for our Kids Strategy and seek outcomes that ensure the rights of children and young people are upheld, that services are child safe and child friendly and children, young people and their families receive quality services.

The rights of children and young people arise from the United Nations Convention on the Rights of the Child, the *Human Rights Act 2004 (ACT)*, the *Children and Young People Act 2008*, the *Children and Young People (ACT Out of Home Care) Standards 2016* and the Charter of Rights for Children and Young People in Out of Home Care in the ACT.

Children and young people have the right to:

- Be safe, protected from harm and looked after
- Be heard, respected and treated fairly
- Participate in decisions that affect them
- Live a full life and develop healthily
- Healthy living environments
- Receive quality health care
- Receive an education
- Maintain relationships with family and people of significance
- Maintain connection with community, culture, language and spirituality

- Information about issues that concern them and talk with people about these
- Privacy and to have their own things
- Engage in leisure activities and spend time with their peers
- Services that assist them to achieve their full potential

Using the Standards

There are 18 standards within 5 domains. These were subject to extensive consultation across the sector during 2015 and 2017.

The Standards are designed to be flexible and apply to a range of support and care services, including:

- engagement, empowerment and advocacy services;
- placement prevention and reunification services;
- continuum of care services; and
- clinical and therapeutic services.

The Standards will also support the child centred and trauma informed focus of services to children, young people and families who require a service system response. This will include a strengths based approach that is based on an understanding of, and responsiveness to, the impact of trauma.

While the desired outcomes for Organisations remain consistent, the strategies used to achieve the outcomes may vary depending on the services provided. The Human Services Registrar's assessment of an Organisation's practice will be tailored to suit the type of service the Organisation provides. The Standards are not prescriptive and have been designed to allow Organisations to be flexible, responsive and innovative in the way they deliver services to children and young people.

Each Standard includes an objective and outcome which set goals to be achieved. Each Standard references relevant legislation, summarises key legislative/legal requirements and identifies compliance indicators to be met. Some indicators apply across several Standards, reflecting the interrelated nature of the work.

The indicators of compliance signal to the Human Services Registrar that there are sufficient and effective systems in place to support quality services and that outcomes are being met. Organisations may and are encouraged to have other strategies to support children and young people. The Human Services Registrar assesses Organisation's compliance against the Standards as a whole and Organisations must demonstrate they meet the minimum requirements. This is a first step in providing quality services and continual improvement in the provision of services to children and young people promoted by the Human Services Registrar.

When assessing an Organisation's compliance with the Standards, evidence that supports outcomes for children and young people through the application of the Organisation's

policies, procedures and practice is considered. If the Standards are met the evidence should demonstrate that:

- Children and young people are safe and there are policies and procedures in place that set out how the Organisation ensures children and young people remain safe
- Children and young people participate in decisions that affect their lives and their views and wishes are considered
- Children and young people feel valued by the people who care for them, their families and their peers
- Children and young people are cared for by caring and skilled adults
- Children and young people are supported to develop resilience and a positive sense of identity
- Children and young people maintain important relationships with their family and other people of significance
- Children maintain connections to community, culture, language and spirituality
- Children and young people have access to quality health care and their health needs are met
- Children and young people are supported to achieve their developmental and educational potential
- Children and young people engage in recreational activities and have hobbies and interests that assist them to learn new skills
- Children and young people are able to make personal choices that are safe and appropriate and are supported to manage their behaviour
- Children and young people develop self care and independent living skills, as appropriate
- Children and young people have access to information that is collected about them and are confident that their personal information will be used appropriately
- Children and young people and the people who work and care for them are confident to raise concerns or complaints and are taken seriously when they do
- People who work with and care for children and young people have the necessary qualities, skills and supports to provide an appropriate service

Acknowledgement

The ACT Government acknowledges and is grateful for the assistance provided by the NSW Children's Guardian to enable the preparation of the ACT Children and Young People Care and Protection Organisation Standards using the *NSW Child Safe Standards for Permanent Care* as a guide.

Contents

About the ACT Children and Young People Care and Protection Organisation Standards	3
Purpose	4
Using the Standards	5
Acknowledgement	6
Domain 1	9
Children and Young People – Quality of Care and Support – Quality of Life.....	9
Standard 1: Children and Young Peoples’ Rights	10
Standard 2: Family and Significant Others	13
Standard 3: Providing a Positive Care Environment	16
Standard 4: Identity	18
Domain 2	21
Children and Young People – Quality of Care and Support – Meeting Needs	21
Standard 5: Child Protection and Child Safety	22
Standard 6: Emotional and social development.....	24
Standard 7: Therapeutic Support	26
Standard 8: Health.....	28
Standard 9: Education	31
Standard 10: Living Independently.....	34
Domain 3	36
Children and Young People – Quality of Direct Service	36
Standard 11: Recruitment and management of Staff, Carers and Volunteers	37
Domain 4.....	39
Children and Young People – Quality Environments	39
Standard 12: Child Safe and Child Friendly Organisations	40
Standard 13: Participation in Decision Making	42
Standard 14: Quality Improvement and Feedback Processes.....	44
Domain 5.....	46
Children and Young People – Quality of Leadership, Governance and Financial Viability	46
Standard 15: Governance	47
Standard 16: Legislative and Other Compliance	50

Standard 17:	Records Management, Privacy, Confidentiality and Information Sharing.....	52
Standard 18:	Financial and Organisational Management	54
Appendix A:	Mapping of the ACT Out of Home Care Standards to the ACT Children and Young People Care and Protection Organisation Standards	56

Domain 1

Children and Young People – Quality of Care and Support – Quality of Life

Standard 1 – Children and Young Peoples’ Rights

Standard 2 – Family and Significant Others

Standard 3 – Providing a Positive Environment

Standard 4 - Identity

Standard 1: Children and Young Peoples' Rights

Objective: The rights of children and young people are the primary focus for their care.

Standard

Care and Protection Organisations promote and uphold the rights of children and young people they have contact with.

Legislation/Legal

Human Rights Act 2004

Children and Young People Act 2008

Children and Young People (ACT Out of Home Care) Standards 2016

Further Guidance

United Nations Convention on the Rights of the Child

United Nations Declaration on the Rights of Indigenous Peoples

ACT Charter of Rights for Children and Young People in Out of Home Care

The Aboriginal and Torres Strait Islander Child Placement Principle

Outcome

Children and young people understand their rights and have information about who can help them when concerned about their rights. Care and Protection Organisations promote and uphold the rights of children and support or advocate for children to access services when concerns about their rights arise.

Key Objectives of Legislation

- Every child has the right to the protection needed by the child because of being a child, without distinction or discrimination of any kind.
- Children and young people have the right to grow in a safe and stable environment.
- The best interests of the child must be the paramount consideration in decisions that affect their lives.
- Aboriginal and Torres Strait Islander people are to be provided with opportunities to participate in the care and protection of Aboriginal and Torres Strait Islander children.
- Services provided by, or for, government for the well-being, care and protection of children are centred on the needs of children, informed by

processes which engage children and take their views and wishes into account.

- Organisations responsible for the care of children should provide services that foster their health, developmental needs, spirituality, self-respect and dignity.
- Children should be supported to maintain family and other important relationships.

Indicators of compliance with the standard

- Children and young people are given information about their rights in a way they understand.
- Children and young people are given information, in a manner they understand, about access to Organisations or individuals who will advocate on their behalf when they have concerns about their rights.
- Children and young people are provided with opportunities to discuss concerns in private, and confidentiality is maintained unless it places the child or young person at risk.
- Children and young people are aware of the members of their declared care team and the role these individuals play in their lives.
- Children and young people understand their right to access to their personal file and other information about themselves in accordance with the legislative provisions.
- Organisations demonstrate that opportunities are provided for Aboriginal and Torres Strait Islander community members to participate in the care and protection of Aboriginal and Torres Strait Islander children and young people. Consideration should be given to the child or young person's country and cultural background.
- Organisations demonstrate an understanding of child safe and child friendly principles in policies and procedures.
- Child safe strategies, policies and procedures recognise and articulate that child safety is a shared responsibility at all levels of the organisation.
- Organisations have publicly available documents or statements that articulate their commitment to child safety.
- Organisations make decisions in relation to the lives of children and young people based on the best interest principle as articulated in the Children and Young People Act 2008.
- People working with and/or caring for children have access to copies of the United Nations Convention on the Rights of the Child, The *Children and Young People (ACT Out of Home Care) Standards 2016*, the ACT Charter of Rights for Children and Young People in Out of Home Care and the United

Nations Declaration on the Rights of Indigenous Peoples and understand their responsibilities in the application of these documents.

- Governing authorities ensure staff, carers and volunteers of a Care and Protection Organisation understand their obligations in promoting the best interests of children and young people as the paramount consideration.
- Leaders champion a child safe culture within the organisation.
- Training for staff, carers and volunteers includes the UN Rights of the Child and the 'Best Interest' principle as defined in the ACT Children and Young People Act, 2008. Staff, carers and volunteers understand the significance and application of these principles to the work they do.

If an Organisation complies with this Standard and Standard 2, it will also comply with:

ACT Out of Home Care Standard 3: Aboriginal and Torres Strait Islander communities participate in decisions concerning the care and placement of their children and young people.

Standard 2: Family and Significant Others

Objective: Children and young people remain engaged and connected to significant people and places in their lives.

Standard

Care and Protection Organisations promote, facilitate and strengthen children and young people's important relationships and new relationships are encouraged.

Legislation

Children and Young People Act 2008

Children and Young People (ACT Out of Home Care) Standards 2016

Further Guidance

ACT Charter of Rights for Children and Young People in Out of Home Care

Child and Youth Services Policies and Procedures

United Nations Declaration on the Rights of Indigenous Peoples

The Aboriginal and Torres Strait Islander Child Placement Principle

Outcome

Care and Protection Organisations demonstrate how they have promoted and facilitated children and young people's important relationships and encouraged new relationships.

Key Objectives of Legislation

- Children who do not live with their family must be encouraged and supported to have contact with family and significant people, in their best interests, where practicable and consistent with their views and wishes.
- Children and young people must be given ongoing opportunities to participate in decisions that impact on their lives.
- Aboriginal and Torres Strait Islander children must be encouraged and supported to maintain a connection with the lifestyle, culture and traditions of their Aboriginal and or Torres Strait Islander community.
- Aboriginal and Torres Strait Islander children and young people have a cultural support plan, which is informed by the child or young person, their family and/or members of the Aboriginal and Torres Strait Islander community.

- Parents sharing parental responsibility with others must be consulted regarding decisions involving their child.
- Decisions made concerning the safe placement of a child or young person must comply with the relevant legislative and procedural requirements.
- Delays in decision making processes should be avoided because delay is likely to compromise the child or young person's well-being.

Indicators of compliance with the standard

- Organisations demonstrate an understanding of child safe and child friendly principles in policies and procedures.
- Children and young people are asked about and supported to identify the important relationships they wish to maintain and decisions about these relationships are made in a timely manner.
- Children and young people of all cultures and religions are supported to maintain important relationships with family and significant people in accordance with their wishes and in compliance with legislative or Court ordered requirements.
- Aboriginal and Torres Strait Islander children and young people in care have a cultural care plan which is reviewed annually.
- Children and young people are supported to maintain contact and connections with siblings with whom they do not reside, including considering how these can occur in natural settings, such as attendance at the same school and enrolment together in extra-curricular activities.
- Organisations work with children and young people to identify and locate people and places that are significant to children and young people.
- Aboriginal and Torres Strait Islander children and families are asked about important relationships and cultural and traditional connections with their country and wider kinship group. Decisions are made in a timely manner.
- Families contribute to decision making processes that concern their child or young person.
- Where relevant and appropriate, parents and significant others are provided with appropriate supports to facilitate restoration of the child or young person to their family.
- Maintaining important relationships with family and significant others are reviewed in accordance with relevant procedures.
- Families and communities are provided with information about the organisation's operations and governance arrangements.

If an Organisation complies with this Standard, it will also comply with:

ACT Out of Home Care Standard 9: Children and young people are supported to safely and appropriately maintain connection with family, be they birth parents, siblings or other family members, and

ACT Out of Home Care Standard 11: Children and young people are supported to safely and appropriately identify and stay in touch with at least one other person who cares about their future, who they can turn to for support and advice.

If an Organisation complies with this Standard and Standard 1, it will also comply with:

ACT Out of Home Care Standard 3: Aboriginal and Torres Strait Islander communities participate in decisions concerning the care and placement of their children and young people.

Standard 3: Providing a Positive Care Environment

Objective: Children and young people receive appropriate care services relevant to their circumstances, in a safe environment.

Standard

Care and Protection Organisations ensure children and young people are cared for in safe, nurturing environments that are suited to their specific needs.

Legislation

Children and Young People Act 2008

Working with Vulnerable People (Background Checking) Act 2011

Children and Young People (ACT Out of Home Care) Standards 2016

Further Guidance

ACT Charter of Rights for Children and Young People in Out of Home Care
Child and Youth Services Policies and Procedures

Outcome

Care and Protection Organisations provide safe environments for children and young people.

Key Objectives of Legislation

- Children and young people must be provided with safe, clean and comfortable physical and social environments, and services have an obligation to keep children safe from harm.
- Children and young people are provided with opportunities to express their views and wishes concerning their care environment.
- Decisions made concerning the safe placement of a child or young person must comply with the relevant legislative and procedural requirements.
- Safe, permanent and stable environments for children and young people are supported in the best interests of the child or young person.
- If a child or young person does not live with their parent because of the action taken to protect them, the safety and well-being of the child are more important than the interests of the parents.

Indicators of compliance with the standard

- Organisations demonstrate an understanding of child safe and child friendly principles in policies and procedures.
- Children and young people are privately asked about their care environment and issues raised are considered and addressed in a timely manner.
- Organisations demonstrate ongoing compliance with legislative and procedural requirements that support safe environments for children.
- Children and young people engage in recreational activities and have hobbies and interests that assist them to learn new skills.
- Concerns for the safety and well-being of children are reported, recorded and responded to in accordance with mandated responsibilities.
- Critical incidents occurring within the care environment are reported, recorded and managed within the required timeframes.
- Children remain in nurturing and relationally enriched care environments that support stability, permanency and healing from traumatic experiences for the child or young person.
- Organisations demonstrate they work cooperatively to achieve outcomes in the best interests of the child or young person and their families.

If an Organisation complies with this Standard, it will also comply with:

ACT Out of Home Care Standard 1: Children and young people will be provided with stability and security during their time in care.

Standard 4: Identity

Objective: Children and young people have a positive sense of identity.

Standard

Care and Protection Organisations support positive identity development, self-worth and well-being for children and young people.

Legislation

Children and Young People Act 2008

Territory Records Act 2002

Children and Young People (ACT Out of Home Care) Standards 2016

Further Guidance

United Nations Convention on the Rights of the Child

United Nations Declaration on the Rights of Indigenous Peoples

ACT Charter of Rights for Children and Young People in Out of Home Care

Child and Youth Services Policies and Procedures

The Aboriginal and Torres Strait Islander Child Placement Principle

Outcome

Care and Protection Organisations work with others to improve the positive identity and resilience of children and young people they have contact with.

Key Objectives of Legislation

- The child or young person's sense of racial, ethnic, religious, individual and cultural identity should be preserved and enhanced.
- For Aboriginal and Torres Strait Islander children and young people, it is a high priority to protect and promote the child's cultural and spiritual identity and development by, wherever possible, maintaining and building the child's connection with their family, wider community and culture.
- Services provided by or for Government for the well-being, care and protection of children and young people foster and promote the self-respect, self-reliance and dignity of children and young people.
- The development of a child's identity is supported by consideration of their views and wishes when making decisions that impact on the child.

- For Aboriginal and Torres Strait Islander children and young people, the child's identity is supported by consideration of the views of their family and community.
- Social and cultural information regarding children and their families should be clearly documented in their records.

Indicators of compliance with the standard

- Care and Protection Organisation policies and procedures reflect the principles of a child safe and child friendly organisation.
- Care and Protection Organisations implement policies and procedures that reflect the need to preserve and strengthen the dignity of children, their involvement in decisions that impact them and considering their views and wishes.
- Children and young people are asked about the important relationships they wish to maintain and decisions about these relationships are made in a timely manner.
- Children and young people are provided with developmentally appropriate information about their families and supported to participate in life story work.
- Children who are Aboriginal, Torres Strait Islander or from other cultural backgrounds are supported to maintain connections with their community and wider kinship group, culture, language and spirituality.
- Aboriginal and Torres Strait Islander children and young people in care have a cultural care plan which is reviewed annually.
- Children's preferences to identify with particular names, places or people are respected.
- Events of significance to the child or young person are celebrated.
- Children and young people have opportunities to experience personal choices in their appearance, personal living space, likes and interests and life story work.
- Children and young people are supported to keep their valued personal and important items.
- Children and young people are supported to make informed personal choices and supported in understanding the implications of these choices.
- Family details and history are recorded and available to children and young people in compliance with legislative provisions.

If an Organisation complies with this Standard, it will also comply with:

ACT Out of Home Care Standard 10: Children and young people in care are supported to develop their identity safely and appropriately through contact with their families, friends, culture, spiritual sources and communities and have their life history recorded as they grow up.

Domain 2

Children and Young People – Quality of Care and Support – Meeting Needs

Standard 5 – Child Protection and Child Safety

Standard 6 – Emotional and Social Development

Standard 7 – Therapeutic Support

Standard 8 - Health

Standard 9 – Education

Standard 10 – Living Independently

Standard 5: Child Protection and Child Safety

Objective: Children and young people are safe and protected from harm.

Standard

Care and Protection Organisations actively safeguard the safety, welfare and well-being of children and young people.

Legislation

Children and Young People Act 2008

Children and Young People (ACT Out of Home Care) Standards 2016

Division 2.2A Reportable Conduct, Ombudsman Act, 1989

Further Guidance

United Nations Convention on the Rights of the Child

ACT Charter of Rights for Children and Young People in Out of Home Care

Child and Youth Services Policies and Procedures

Outcome

Care and Protection Organisations staff, carers and volunteers promote and safeguard the protection of children and young people they have contact with.

Key Objectives of Legislation

- Every child has the right to the protection needed by the child because of being a child, without distinction or discrimination of any kind.
- Children and young people have the right to grow in a safe and stable environment and are further protected from abuse or neglect while in care.
- Child protection is a shared responsibility across the community, especially those who work with children and young people.
- Listening to the voice of children and young people is important to their protection.
- Sharing of information, in accordance with legislative requirements, is important to the protection of children and young people.

Indicators of compliance with the standard

- Care and Protection Organisation policies and procedures reflect the principles of a child safe and child friendly organisation.

- Organisations have publicly available documents or statements that articulate their commitment to child safety.
- Children and young people are educated and supported to recognise behaviour that makes them feel unsafe and encouraged to talk about their concerns.
- Children and young people are provided with opportunities to discuss concerns in private and confidentiality is maintained unless it places the child or young person at risk.
- Children and young people raising concerns or making allegations about being unsafe are heard, their concerns are taken seriously and they are supported to make a report in accordance with policies and procedures.
- Care and Protection Organisations have a child protection policy. All reportable allegations that come to the attention of an Organisation are reported, recorded and managed in accordance with policies and procedures. Organisations act as if they are mandated reporters.
- Care and Protection Organisations staff, carers and volunteers are aware of their responsibility to protect and support children and young people with whom they have contact and understand the principles of Child Safe and Child Friendly Organisations.
- All people who work or volunteer for a Care and Protection Organisation who engage in a regulated activity requiring registration undergo Working with Vulnerable People checks prior to being engaged by the Organisation.
- Care and Protection Organisations' staff and volunteers are aware of the privacy and information sharing provisions of legislation and share information in the best interests and protection of a child or young person.

Standard 6: Emotional and social development

Objective: Children and young people are emotionally safe and their emotional development and wellbeing is supported to enable them to achieve their developmental potential

Standard

Care and Protection Organisations actively safeguard and strengthen the emotional well-being of children and young people.

Legislation

Children and Young People Act 2008

Territory Records Act 2004

Further Guidance

United Nations Convention on the Rights of the Child

ACT Children and Young People Out of Home Care Standards 2016

ACT Charter of Rights for Children and Young People in Out of Home Care

Outcome

Care and Protection Organisations staff take steps to safeguard and strengthen the emotional well-being of children and young people.

Key Objectives of Legislation

- Children and young people have the right to grow in a safe and nurturing environment.
- Children and young people have the right to meet with other children and participate in social, recreational and leisure activities.
- The child or young person's sense of racial, ethnic, religious, individual and cultural identity should be preserved and enhanced.
- Children and young people in care are supported to participate in social and/or recreational activities of their choice, such as sporting, cultural and community activity.
- The appropriate use and exchange of information is an important tool in protecting children and young people.

Indicators of compliance with the standard

- Children and young people's emotional and social needs are assessed, recorded and addressed.
- All children in out of home care have a current care plan and therapeutic case plan which are reviewed annually.
- Aboriginal and Torres Strait Islander children and young people in care have a cultural care plan which is reviewed annually.
- The specific needs of each child or young person are addressed through recreational and social activities provided for the child or young person.
- Care and Protection Organisations seek the views of children and young people and provide them with age appropriate opportunities to participate in recreational and social activities.
- Children and young people are supported to establish and maintain peer relationships.
- Care and Protection Organisation staff are aware of the information sharing legislative requirements and share information about the child's social and emotional development as required.
- Care and Protection Organisations plan coordinated services in conjunction with other Organisations providing services for the child or young person.
- Care and Protection Organisations involved with children who do not live with their parents review the emotional and social development needs of the child on a regular basis, at least annually.
- Care and Protection Organisations record all information about a child or young person in accordance with legislative requirements.
- Care and Protection Organisation policies and procedures reflect the principles of a child safe and child friendly organisation.

If an Organisation complies with this Standard, it will also comply with:

ACT Out of Home Care Standard 8: Children and young people in care are supported to participate in social and/or recreational activities of their choice such as sporting, cultural or community activity.

Standard 7: Therapeutic Support

Objective: Children and young people are supported to manage their own behaviour

Standard

Care and Protection Organisations ensure children and young people receive effective supports and interventions and have appropriate therapeutic support plans where necessary.

Legislation

Children and Young People Act 2008

Health Records (Privacy and Access) Act 1997

Mental Health (Treatment and Care) Act 1994

Territory Records Act 2004

Further Guidance

ACT Children and Young People Out of Home Care Standards 2016

ACT Charter of Rights for Children and Young People in Out of Home Care

National Disability Standards

Outcome

Care and Protection Organisations assess, prepare, implement and review therapeutic support plans and interventions for a child or young person in conjunction with others providing services to the child or young person.

Key Objectives of Legislation

- The care and protection of children and young people is a shared responsibility across the community, especially those who have contact with children and young people.
- Services provided by or for Government for the well-being, care and protection of children and young people foster and promote the health, spirituality and developmental needs of children and young people.
- Organisations must ensure that staff, carers and volunteers are safe and suitable and have the necessary knowledge and skills to work with children and young people.
- The appropriate use and exchange of information is an important tool in protecting children and young people.

Indicators of compliance with the standard

- Staff, carers and volunteers are supported to understand the purpose and meaning of trauma based behaviour in children and the principles of trauma informed care.
- All children in out of home care have a culturally appropriate therapeutic case plan which is reviewed annually
- Children and young people have access to therapeutic support plans, including where appropriate, therapeutic support for trauma induced behaviour.
- Therapeutic support for trauma induced behaviour integrates a trauma informed approach and seeks to avoid re-traumatising children or young people.
- The development of therapeutic support plans is undertaken by trained, skilled and appropriately qualified people.
- Organisations have procedures outlining the assessment, preparation, implementation and review of therapeutic support plans.
- The procedures demonstrate the participation of and consideration of the views and wishes of the child or young person.
- Practices are based on evidence and minimal restrictive options which comply with legislative, regulatory, contractual and policy/procedure requirements.
- Where restrictive options exist, they must be part of a specific therapeutic support plan and reduce, and where possible eliminate, the need for restrictive practice.
- Organisations share protected information in accordance with the legislative requirements and procedural practices for the purpose of fostering the health and well-being of the child or young person.

Standard 8: Health

Objective: Children and young people are healthy and have access to appropriate health and support services

Standard

Care and Protection Organisations address and support children and young people's health needs in cooperation with health providers.

Legislation/Legal

Children and Young People Act 2008

Health Records (Privacy and Access) Act 1997

Mental Health (Treatment and Care) Act 1994

Gillick v West Norfolk, 1984

Territory Records Act 2004

Further Guidance

ACT Children and Young People Out of Home Care Standards 2016

ACT Charter of Rights for Children and Young People in Out of Home Care

Outcome

Care and Protection Organisations staff take steps to address the health needs of children and young people they have contact with in conjunction with health service providers to enable children and young people to be healthy or achieve optimal health.

Key Objectives of Legislation

- Children and young people have the right to live a full and healthy life.
- The primary responsibility for providing health care to a child or young person lies with their parents. Priority must be given to supporting the child's parents or family members to provide for the wellbeing of the child or young person.
- If the child or young person does not live with their family, it is the responsibility of Government to share or take over this responsibility. Services provided by or for government for the care, well-being and protection of children must foster and promote the health of children and young people.

- The appropriate use and exchange of information is an important tool in protecting children and young people.

Indicators of compliance with the standard

- Care and Protection Organisations work with children, young people and parents to address the health care needs of children living with their parents.
- Aboriginal and Torres Strait Islander children and young people are supported to access culturally appropriate health services where possible and with agreement.
- Children and young people who do not live with their parents must have an individualised plan that details their health, education and other needs. This plan must be reviewed annually as a minimum.
- Children or young people who do not live with their parents have their physical, developmental, psychosocial and mental health needs assessed and attended to in a timely way.
- Young people who are able to make their own health decisions (as determined by a medical practitioner) are respected and supported in their decision making.
- Care and Protection Organisations involved with children or young people who do not live with their parents review the health needs of the child at least on an annual basis or as required in accordance with the needs of the child or young person.
- Care and Protection Organisations provide information regarding community resources to meet the health and developmental needs of children and young people.
- Children are provided with age appropriate information on abuse, including sexual abuse, and have access to prevention programs.
- Care and Protection Organisations share information about the child or young person's health and development as required, where appropriate and in compliance with legislative requirements.
- Care and Protection Organisations work cooperatively with other Organisations to provide planned and coordinated health services to children and young people, accessing relevant and available services.
- Care and Protection Organisations maintain records about health and medical information about children and young people and families in accordance with the legislative requirements and applicable policies and procedures.

- Children and young people are provided with age and developmentally appropriate information about their health in accordance with the legislative requirements.

If an Organisation complies with this Standard, it will also comply with:

ACT Out of Home Care Standard 4: Each child and young person has an individualised plan that details their health, education and other needs, and ACT Out of Home Care Standard 5: Children and young people have their physical, developmental, psychosocial and mental health needs assessed and attended to in a timely way.

Standard 9: Education

Objective: Children and young people receive an education and early childhood services to maximise their educational outcomes.

Standard

Care and Protection Organisations address and support children and young people's early childhood/educational needs in cooperation with early childhood/education providers.

Legislation/Legal

Human Rights Act 2004

Children and Young People Act 2008

Education Act 2004

Territory Records Act 2004

Further Guidance

ACT Children and Young People Out of Home Care Standards 2016

ACT Charter of Rights for Children and Young People in Out of Home Care

United Nations Declaration on the Rights of Indigenous People

Outcome

Care and Protection Organisation's staff take steps to address or support the early childhood/educational needs of children and young people they have contact with in conjunction with education service providers to enable children and young people to achieve their potential.

Key Objectives of Legislation

- Every child or young person has the right to have access to free school education appropriate to his or her needs.
- Children and young people in care access and participate in education and early childhood services to maximise their educational outcomes.
- The primary responsibility for providing education to a child or young person lies with their parents/guardians. If the child or young person does not live with their family, it is the responsibility of Government to share or take over this responsibility. Services provided by or for government for the care, well-being and protection of children must foster and promote the education of children and young people.

- Children and young people up to at least 18 years of age are supported to be engaged in appropriate education, training and/or employment.
- The appropriate use and exchange of information is an important tool in protecting children and young people.

Indicators of compliance with the standard

- Care and Protection Organisations work with children, young people and parents to address the educational needs of children living with their parents.
- Children and young people who do not live with their parents must have an individualised plan that details their health, education and other needs. This plan must be reviewed annually as a minimum.
- Children and young people who do not live with their parents have educational needs assessed and attended to in a timely way.
- Children and young people are to be consulted about their educational objectives and are involved in the development and review of their Individual Education Plans.
- Children and young people are supported to maintain school and/or early childhood service attendance.
- Children and young people experience stability in schooling and/or early childhood service. A change in placement should not mean a change in school or service.
- Children and young people are supported to participate in extracurricular school activities.
- Care and Protection Organisations involved with children and young people who do not live with their parents review the educational needs of the child or young person at least annually or as required in accordance with the needs of the child or young person.
- Care and Protection Organisations provide information regarding community resources to meet the educational needs of children and young people.
- Children and young people who are not in formal education setting have their educational needs met in flexible ways, specific to their needs.
- Care and Protection Organisations share information about the child or young person's education as required, where appropriate and in compliance with legislative requirements.
- Care and Protection Organisations work cooperatively with other organisations to provide planned and coordinated educational services to children and young people.

- Care and Protection Organisations record all educational information about children and young people and families.
- Children and young people are provided with age and developmentally appropriate information about their education.
- Education planning is integrated into transition planning for young people preparing to leave care.

If an Organisation complies with this Standard, it will also comply with:

ACT Out of Home Care Standard 6: Children and young people in care access and participate in education and early childhood services to maximise their educational outcomes, and

ACT Out of Home Care Standard 7: Children and young people up to at least 18 years are supported to be engaged in appropriate education, training and/or employment.

Standard 10: Living Independently

Objective: Young people successfully transition to independent living.

Standard

Care and Protection Organisations contribute, support and implement transition plans for young people that support their transition from out of home care.

Legislation/Legal

Children and Young People Act 2008

Territory Records Act 2004

Further Guidance

ACT Children and Young People Out of Home Care Standards 2016

ACT Charter of Rights for Children and Young People in Out of Home Care

Note: Young adult is a person aged 18 to 25 years. Young person is a person aged 12 to 17 years.

Outcome

Care and Protection Organisations actively support the transition planning for young people in cooperation with other involved organisations.

Key Objectives of Legislation

- Young people and young adults aged between 15-25 years are entitled to services and assistance to support their transition from out of home care to independent living arrangements.
- Every young person in care has a transition plan commencing at age 15 years which details the supports provided while the young person transitions from out of home care. The young person or young adult must be consulted in the development of a transition plan and plans are reviewed at least yearly with the young person.
- Young people are entitled to receive services that meet their particular needs including financial assistance and assistance to secure accommodation, education and training, employment, financial security, social support, life skills and health care.

- Young people and young adults who have left care are entitled to have and keep all the personal items held by the Director-General, out of home carer, kinship carer or foster care organisation.
- Young people and young adults who have left care are entitled to protected information about themselves held by the Director-General or the out of home carer.
- Records of transition planning and the actions taken to support the young person or young adult are to be recorded in accordance with the relevant legislation.

Indicators of compliance with the standard

- Care and Protection Organisations have policies and procedures that guide staff in the preparation of transition plans for young people in compliance with legislative and procedural requirements.
- Relevant Care and Protection Organisations prepare a transition plan for each young person who is leaving care from age 15 onwards in conjunction with other services and the young person.
- Relevant Care and Protection Organisations provide active support to young people to achieve the outcomes of the transition plan.
- Relevant Care and Protection Organisations apply for assistance and financial support on behalf of the young person or young adult if required.
- Young people are supported to develop independent living skills and manage everyday issues in their lives.
- Young people report feeling supported and equipped for their transition to independence.
- Young people receive information in accordance with their entitlement, within legislative requirements and in consideration of supports required.
- With the consent of the young adult, Care and Protection Organisations provide ongoing support to a young adult as agreed.
- Care and Protection Organisation share information to assist the young person or young adult; in compliance with legislative requirements.
- Records of planning and interventions are kept in accordance with legislative requirements.

If an Organisation complies with this Standard, it will also comply with:

ACT Out of Home Care Standard 13: Children and young people have a transition from care plan commencing at 15 years old which details support to be provided after leaving care.

Domain 3
Children and Young People – Quality of Direct Service

Standard 11 – Recruitment and management of staff, carers and volunteers

Standard 11: Recruitment and management of Staff, Carers and Volunteers

Objective: Children and young people are provided services and cared for by skilled and caring adults who protect them

Standard

People who work or volunteer to work with children and young people have appropriate skills and experience, are selected through fair and consistent processes and are trained to understand their responsibilities.

Legislation/Legal

Children and Young People Act 2008

Working with Vulnerable People (Background Checking) Act 2011

Division 2.2A Reportable Conduct, Ombudsman Act, 1989

Further Guidance

ACT Children and Young People Out of Home Care Standards 2016

ACT Charter of Rights for Children and Young People in Out of Home Care

Outcome

Children and young people are provided a safe and quality service by skilled and caring adults.

Key Objectives of Legislation

- Every child or young person has the right to the protection needed by the child or young person because of being a child, without distinction or discrimination of any kind.
- Children and young people have the right to grow in a safe and stable environment.
- Pre-employment checks are vital to ensure that people who work or volunteer to work with children and young people are suitable to do so.
- All people working or volunteering to work in a regulated activity and having contact with children and young people must have a Working with Vulnerable People (Background Checking) Act 2011 before commencing work as a staff member, carer or volunteer.
- Organisations must ensure that staff, carers and volunteers are safe and suitable and have the necessary knowledge and skills to work with children and young people. Recruitment and selection processes must include mandatory probity checks.

- Children and young people have the right to receive quality services, relevant to culture and background.

Indicators of compliance with the standard

- Care and Protection Organisations ensure all people engaged as staff (including subcontractors), carers or volunteers in a regulated activity have had the appropriate Working with Vulnerable People (Background Checks) checks in accordance with legislative and procedural requirements.
 - Organisations have the appropriate processes to manage instances when staff, carers or volunteers do not receive full clearance from the abovementioned process.
- Staff have appropriate qualifications, personal qualities, skills and experience required to perform their roles.
- Carers are assessed and receive ongoing training, development and support to enable them to provide quality care and uphold child safe and child friendly organisation principles.
- Organisations' recruitment processes and employment conditions are fair and transparent and comply with relevant legislation and industry awards.
 - Organisations undertake appropriate pre-employment checks, including reference checks with previous employers.
- Organisations' maintain comprehensive records for all staff, carers and volunteers relevant to the employment/work of the person, including performance management history, details of allegations and complaints and personal details.
 - Records are stored securely and treated with confidentiality.
 - Staff, carers and volunteers are aware of the right to access information about themselves and in accordance with legislative requirements.
- Organisations ensure that all staff, carers and volunteers are provided with appropriate induction training and acknowledge commitment to the code of conduct and governance principles.

If an Organisation complies with this Standard, it will also comply with:

ACT Out of Home Care Standard 12: Carers are assessed and receive relevant ongoing training development and support, in order to provide quality care.

Domain 4

Children and Young People – Quality Environments

Standard 12 – Child Safe & Child Friendly Organisations

Standard 13 – Participation in Decision Making

Standard 14 – Quality Improvement and Feedback

Standard 12: Child Safe and Child Friendly Organisations

Objective: Care and Protection Organisations demonstrate an understanding and application of child safe and child friendly principles.

Standard

Care and Protection Organisations provide a child safe and child friendly service.

Legislation/Legal

Children and Young People Act 2008

Working with Vulnerable People (Background Checking) Act 2011

Division 2.2A Reportable Conduct, Ombudsman Act, 1989

Further Guidance

ACT Children and Young People Out of Home Care Standards 2016

ACT Charter of Rights for Children and Young People in Out of Home Care

Australian Children's Commissioners and Guardians – Principles for Child Safety Organisations

The good practice guide to Child Aware Approaches: Keeping children safe and well (Cathryn Hunter and Rhys Price-Robertson)

Outcome

All Care and Protection Organisations are child safe and child friendly.

Key Objectives of Legislation

- Every child or young person has the right to the protection needed by the child because of being a child or young person, without distinction or discrimination of any kind.
- Children and young people have the right to grow in a safe and stable environment.

Indicators of compliance with the standard

- Organisations demonstrate an understanding of child safe and child friendly principles in policies and procedures.
- Organisations implement child safe and child friendly strategies in the workplace.
- Child safe strategies, policies and procedures are designed to:

- reduce the likelihood of harm occurring,
 - increase the likelihood of any harm being discovered, and
 - assist the organisation to respond appropriately to disclosures, allegations or suspicions of harm.
- Child safe strategies, policies and procedures recognise and articulate that child safety is a shared responsibility at all levels of the organisation.
- Children are provided with age appropriate information on abuse, including sexual abuse, and have access to prevention programs.
- Organisations review annually how improvements may be made to the provision of child safe and child friendly organisations.
- All people working or volunteering to work in a regulated activity and having contact with children and young people must have a *Working with Vulnerable People (Background Checking) Act 2011* before commencing work as a staff member, carer or volunteer.
- The Organisation has a clear Code of Conduct that includes standards in relation to being a child safe and child friendly organisation. Staff, carers and volunteers are provided with appropriate induction training and acknowledge commitment to the code of conduct.
- Organisations provide the opportunity for children and young people to be involved in planning, policy development and decision making, and in the review of policy, practice, and systems improvement.

Standard 13: Participation in Decision Making

Objective: The voice and participation of children and young people is sought, heard and considered when making decisions that impact them.

Standard

Care and Protection Organisations provide information to children and young people to enable them to meaningfully participate in decisions that have or may have an impact on them.

Legislation/Legal

Human Rights Act 2004

Children and Young People Act 2008

Court Procedures Act 2004

Further Guidance

ACT Children and Young People Out of Home Care Standards 2016

ACT Charter of Rights for Children and Young People in Out of Home Care

Outcome

Care and Protection Organisations demonstrate that the voice of the child or young person is heard and considered when a decision affecting the child or young person is made.

Key Objectives of Legislation

- Everyone has the right to freedom of expression and freedom of thought.
- A person making a decision in relation to a child or young person must give the child or young person sufficient information about the matter, in language and a way that the child or young person can understand, to enable the child or young person to take part fully in making a decision.
- Placement decisions for Aboriginal or Torres Strait Islander children and young people must be discussed with the child, not objected to by the child and consider submissions made by any Aboriginal or Torres Strait Islander person or organisation.
- In making a decision, the decision maker must endeavour to ensure that a child or young person's views and wishes are heard and that a child or young person may choose to take part in decisions made that will impact on their life.

Indicators of compliance with the standard

- Children and young people are provided with information in a way they understand, are consulted and participate (if they wish) in decisions about them.
- Children and young people are informed of how and when decisions that affect them will be made.
- To the extent that it is possible, children and young people's preferences are reflected in decisions.
- Children and young people are informed promptly of the outcome of decisions made and the reasons for the decisions in a way they understand.
- Care and Protection Organisations have policies and procedures that reflect the above named indicators.
- Care and Protection Organisations demonstrate implementation of the relevant policies and procedures when individual decisions are made.
- Care and Protection Organisations provide children and young people with information in a manner they can understand regarding processes for raising complaints or concerns.
- Feedback mechanisms and strategies employed by Organisations include the voice of children and young people in the review of service provision.

If an Organisation complies with this Standard, it will also comply with:

ACT Out of Home Care Standard 2: Children and Young People participate in decisions that have an impact on their lives

Standard 14: Quality Improvement and Feedback Processes

Objective: Service delivery improvements are an ongoing process engaged in by Care and Protection Organisations.

Standard

Care and Protection Organisations strive for ongoing improvements in their service delivery to children and young people through ongoing planning, evaluation and continuous improvement processes.

Legislation

Children and Young People Act 2008

Further Guidance

United Nations Convention on the Rights of the Child

Outcome

Care and Protection Organisations demonstrate ongoing improvement to service delivery for children and young people.

Key Objectives of Legislation

- The governing authority of the Care and Protection Organisation is responsible for ensuring that the needs of children and young people in contact with the Organisation are met.
- The governing authority of the Care and Protection Organisation is responsible for ensuring that the Organisation strives for ongoing improvement through planning, evaluation and continuous improvement processes.

Indicators of compliance with the standard

- Care and Protection Organisations have a Complaint and Feedback process for children and young people, carers and others to provide comment to the Organisation.
- Organisations have transparent processes to review and consider feedback and make changes or improvements to service provision.

- Strategic planning, evaluation and continuous improvement systems are in place in the Care and Protection Organisation. The focus of strategic planning and continuous improvement is to improve outcomes for children and young people.
- Care and Protection Organisation plans and systems are evaluated regularly and changes reflected in practice.
- Children and young people's views are sought and they are given the opportunity to be engaged in the process of evaluation and review of services delivery.
- The governing authority of the Care and Protection Organisation seeks opportunities to participate in whole of sector improvements and initiatives, where these are relevant to the services they provide.
- Organisations have systems in place to manage, monitor and address compliments, complaints and feedback.

Domain 5

Children and Young People – Quality of Leadership, Governance and Financial Viability

Standard 15 – Governance

Standard 16 – Legislative and Other Compliance

**Standard 17 – Records Management, Privacy, Confidentiality and Information
Sharing**

Standard 18 – Financial and Organisational Management

Standard 15: Governance

Objective: Care and Protection Organisations are well governed to support the aims and intended outcomes for children and young people.

Standard

Care and Protection Organisations establish and maintain a governing authority with policies, systems and procedures that demonstrate accountability and good governance.

Legislation

Children and Young People Act 2008

Australian Charities and Not-for-profits Commission Act 2012

Further Guidance

Contract Agreements

Constitution of the Care and Protection Organisation

Outcome

Care and Protection Organisations have a governing authority with policies, systems and procedures that demonstrate accountability and good governance.

Key Objectives of Legislation

- The governing authority of the Care and Protection Organisation is responsible for ensuring that the needs of children and young people in contact with the Organisation are met.
- The governing authority of the Care and Protection Organisation is responsible for ensuring that the Organisation strives for ongoing improvement through planning, evaluation and continuous improvement processes.
- The governing authority is responsible for ensuring the services are provided in accordance with legislative requirements.
- The governing authority ensures there are adequate governance policies and procedures implemented by staff.

Indicators of compliance with the standard

- The Care and Protection Organisation has an appropriate set of rules, constitution or other registered document that refer to service provision for children and young people they have contact with and reflects the child safe and child friendly principles.
- The governing authority of the Organisation maintains systems and procedures for the administration and management of the Organisation.
- The governing authority ensures that it has sufficient information available to it on which to base decisions.
- The governing authority facilitates a culture of leadership and participation throughout the organisation.
- Child safe strategies, policies and procedures recognise and articulate that child safety is a shared responsibility at all levels of the organisation.
- Leaders champion a child safe culture within the organisation.
- The Care and Protection Organisation has fair and transparent processes in place to ensure the governing body has members with, or they have access to, an appropriate range of skills and knowledge to deliver on its business plan and manage the risks in its business, including recruitment and selection, induction, professional development, succession, engaging external expertise, remuneration and performance assessment of the governing body.
- The governing authority of the Organisation ensures there are clear delegations and lines of responsibility.
- There are well defined, clear and transparent recruitment processes for members of the governing authority of the Organisation which clearly set out roles and responsibilities.
- The governing authority of the Organisation has a clear Code of Conduct and governance policies applicable to the governing authority, staff, carers and volunteers to ensure it maintains high standards of probity, including in relation to being a child safe and child friendly organisation, whistle blowing, conflict of interest, gifts and hospitality and procurement.
- The governing authority of the Organisation has a clear process to ensure that at least one person for the Organisation is appointed as the Responsible Officer under the provisions of the *Children and Young People Act 2008*.
- The principal officer and members of the governing authority of the Organisation comply with the Working with Vulnerable People (Background Checks) requirements.

- The governing authority of the Organisation notifies the Human Services Registrar of any changes as required by legislation and of any incident related to its operation (and its response) that damages or has the potential to damage the reputation of the community care and protection services sector.
- Organisations establish and administer a system for preventing, detecting, reporting on and responding to instances of fraud, corruption and criminal conduct.

Standard 16: Legislative and Other Compliance

Objective: Care and Protection Organisations operate legally and ethically and in the best interests of children and young people.

Standard

Care and Protection Organisations establish and maintain policies, systems and procedures that demonstrate accountability and legal compliance.

Legislation

Children and Young People Act 2008

Health Records (Privacy and Access) Act 1997

Information Privacy Act 2014

Territory Records Act 2002

Corporations Act 2001

Further Guidance

Contract Agreements

Outcome

Care and Protection Organisations operate in compliance with the policies, systems and procedures of the Organisation to demonstrate accountability, legislative compliance and good governance.

Key Objectives of Legislation

- The governing authority ensures that the organisation operates in a legal and ethical manner.
- The governing authority is responsible for ensuring the services are provided in accordance with legislative requirements.
- The governing authority ensures there are adequate policies and procedures implemented by staff.

Indicators of compliance with the standard

- The Organisation has policies, systems and procedures in place to ensure compliance with applicable legal requirements and relevant government policies.
- The Organisation provides training and supervision to inform, educate and support staff, carers and volunteers in meeting their legislative and compliance obligations and the strategies, policies and procedures applicable to ensure compliance.
- The Organisation regularly reviews their policies, systems and procedures to ensure compliance with changes to legal requirements and relevant government policies.

Standard 17: Records Management, Privacy, Confidentiality and Information Sharing

Objective: Care and Protection Organisations adhere to the highest standard of privacy, confidentiality, information sharing and robust records management.

Standard

Care and Protection Organisations establish and maintain information sharing and records management policies and procedures that are compliant with legislative requirements and ensure the safety and wellbeing of children and young people.

Legislation

Children and Young People Act 2008

Health Records (Privacy and Access) Act 1997

Information Privacy Act 2014

Territory Records Act 2002

Adoption Act 1993

Further Guidance

Contract Agreements

Constitution of the Care and Protection Organisation

Child and Youth Protection Services Policies and Procedures

Outcome

Care and Protection Organisations maintain records and share information about children and young people that respect the privacy of the child or young person, are legislatively compliant and ensure the safety and well-being of children and young people. Records held for people other than children or young people are maintained and managed in accordance with the relevant legislative and contractual requirements.

Key Objectives of Legislation

- The governing authority ensures there are adequate governance policies and procedures concerning records management and information sharing implemented by staff, carers and volunteers.

Indicators of compliance with the standard

- The Care and Protection Organisation has appropriate policies and procedures to manage, maintain and store records of children, young people and adults with whom the Organisation has contact.
- The Care and Protection Organisation maintains records for children and young people in compliance with the Children and Young People Act 2008, the Territory Records Act 2002, the Health Records (Privacy and Access) Act 1997, the Adoption Act 1993 and the Information Privacy Act 2014.
- The Care and Protection Organisation has policies and procedures that enable children, young people and young adults to access information about themselves in accordance with the legislative provisions.
- The Care and Protection Organisation's child protection policy states all allegations that come to the attention of an Organisation are reported, recorded and managed in accordance with policies and procedures. Care and Protection Organisations act as if they are mandated reporters.
- The Organisation has policies and procedures that ensure all incidents in which a child or young person or other service user has caused harm to themselves, another service user or third party is reported to the appropriate authority.
- Social and cultural information regarding children, young people and their families should be clearly documented in their records.

Standard 18: Financial and Organisational Management

Objective: A Care and Protection Organisation is well governed, well managed and is financially viable to enable continuous delivery of services in the best interests of children and young people.

Standard

Care and Protection Organisations have effective governance structures and financial management systems that ensure coherent and robust strategic, operational, financial and risk planning.

Legislation

Associations Incorporation Act 1991

Associations Incorporation Regulation 1991

Corporations Act 2001

Corporations (Aboriginal and Torres Strait Islander) Act 2006

Australian Charities and Not-for-Profits Commission Act 2012

Children and Young People Act 2008

Further Guidance

Constitution of the Care and Protection Organisation

Care and Protection Organisation's operational and financial management policies and procedures

Contract Agreements

ASX Corporate Governance Principles

Outcome

Care and Protection Organisations have a governing body that sets strategic direction and monitors performance to ensure viable capital structure, maintain appropriate operational and financial performance and manage financial risk exposure.

Key Objectives of Legislation

- All Organisations must operate in accordance with the legislation under which they are established as an entity.
- All Organisations must keep sufficient financial records to account and explain their financial position and to allow true and fair financial statements to be prepared and audited.

- Care and Protection Organisations make decisions in consideration of the best interests of children and young people.

Indicators of compliance with the standard

- The Care and Protection Organisation governing body sets and implements its strategic directions and scrutinises performance using business and financial planning and risk management. The governing body provides effective control of affiliated entity arrangements.
- The Care and Protection Organisation operates in accordance with a code of governance, consistent with the ASX Governance Principles, including in relation to the roles and responsibilities of the governing body and sub-committees, decision making processes, managing conflict of interest, internal business compliance and selection and performance of the CEO.
- The Organisation's system is consistent with good practice established by relevant child safe, anti-fraud, anti-corruption and anti-crime agencies and professional standards bodies.
- The Organisation's business planning process includes annual budgeting, forecasting and monitoring of costs and income to meet targets and goals.
- The Organisation's management structure, systems, policies and procedures are fit for purpose.
- The Organisation monitors and manages its capital structure and financial performance to achieve its business goals.

Appendix A: Mapping of the ACT Out of Home Care Standards to the ACT Children and Young People Care and Protection Organisation Standards

Out of Home Care Standard:	met by	Care and Protection Organisation Standard(s):
Standard 1 <i>Children and Young people will be provided with stability and security during their time in care</i>		Standard 3 <i>Providing a Position Care Environment</i>
Standard 2 <i>Children and young people participate in decisions that have an impact on their lives</i>		Standard 13 <i>Participation in decision making</i>
Standard 3 <i>Aboriginal and Torres Strait Islander communities participate in decisions concerning the care and placement of children and young people</i>		Standard 1 <i>Children and young people’s rights</i> and Standard 2 <i>Family and Significant Others</i>
Standard 4 <i>Each child and young person has an individualised plan that details their health education and other needs</i>		Standard 8 <i>Health</i>
Standard 5 <i>Children and young people have their physical, developmental, psychosocial and mental health needs assessed and attended to in a timely way</i>		Standard 8 <i>Health</i>
Standard 6 <i>Children and young people in care access and participate in education and early childhood services to maximise their educational outcomes</i>		Standard 9 <i>Education</i>
Standard 7 <i>Children and young people up to at least 18 years are supported to be engaged in appropriate education, training and/or employment</i>		Standard 9 <i>Education</i>
Standard 8 <i>Children and Young people in care are supported to participate in social and/or recreational activities of their choice such as sporting, cultural or community activity</i>		Standard 6 <i>Emotional and social development</i>
Standard 9 <i>Children and young people are supported to safely and appropriately maintain connection with family, be they birth parents, siblings or other family members</i>		Standard 2 <i>Family and Significant others</i>
Standard 10 <i>Children and young people in care are supported to develop their identity safely and appropriately through contact with their families, friends, culture, spiritual sources and communities and have their life history recorded as they grow up</i>		Standard 4 <i>Identity</i>
Standard 11 <i>Children and young people are supported to safely and appropriately identify and stay in touch with at least one other person who cares about their future, who they can turn to for support and advice</i>		Standard 2 <i>Family and Significant others</i>
Standard 12 <i>Carers are assessed and receive relevant ongoing training, development and support in order to provide quality care</i>		Standard 11 <i>Recruitment of staff, carers and volunteers</i>

Standard 13 *Children and young people have a transition from care plan commencing at 15 years old which details support to be provided after leaving care*

Standard 10 *Living Independently*