

Australian Capital Territory

Children and Young People (ACT Out of Home Care) Standards 2016 (No 1)

Disallowable instrument DI2016 – 3

made under the

Children and Young People Act 2008, section 887 (Standard-making Power)

EXPLANATORY STATEMENT

The National Standards for Out of Home Care (National Standards) were developed as part of the *National Framework for Protecting Australia's Children* and were endorsed by the Council of Australian Governments in 2009. The National Standards were finalised in 2011 on the basis of significant consultation across Australia with the out of home care sector.

The ACT has adopted the National Standards as the ACT Out of Home Care Standards (ACT Standards). Once commenced, the ACT Standards will be used to set a benchmark to mitigate any risk of further harm or neglect to children and young people who are in out of home care.

The ACT Standards set out minimum expectations and drive improvements in the quality of care for children and young people who are unable to reside with their birth families for protective or family welfare reasons.

The ACT Standards are consistent with the principles defined in the *United Nations Convention on the Rights of the Child*, are child focused and consider the rights and needs of children and young people in out of home care. The Standards will apply from when a child or young person is first placed in care, through to when a child or young person is transitioning from care.

The ACT Standards apply to any service or carer providing a placement in kinship and/or foster care (Kinship and Foster Care Organisation) residential care to a child or young person for whom the Director-General or delegate of the Director-General has full or shared parental responsibility. The ACT Standards do not apply to children and young people in voluntary community respite, who are over 18 years old or who are subject to an Enduring Parental Responsibility Order.

Care and Protection Organisations who provide Kinship, Foster Care and Residential services will be assessed and monitored against criteria to be a Suitable Entity under the *Children and Young Peoples Act (2008)* by the Human Services Registrar. The criteria against which Care and Protection Organisations are assessed and monitored as Suitable Entities maps directly ACT Standards. Therefore Care and Protection

Organisations will comply with the ACT Standards through maintaining their Suitable Entity status. In this way, the implementation of the ACT Standards will not unduly impact on the reporting requirements for Organisations.

The National Standards, to be adopted as the ACT Standards, ensure the following occurs:

1. Children and young people are provided with stability and security during their time in care.

Stability and security are vital to healthy emotional development and provide strong predictors of better outcomes for children.

2. Children and young people participate in decisions that have an impact on their lives.

This is critical to emotional development and self esteem and is a key provision within the *United Nations Convention on the Rights of the Child*.

3. Aboriginal and Torres Strait Islander communities participate in decisions concerning the care and placement of their children and young people.

Maintaining connections to family, community and country will help Aboriginal and Torres Strait Islander children and young people to develop their identity, feel connected to their culture and develop their spirituality.

4. Each Child and young person has an individualised plan that details their health, education and other needs;

5. Children and young people have their physical, developmental, psychosocial and mental health needs assessed and attended to in a timely way; and

6. Children and young people in care access and participate in education and early childhood services to maximise their educational outcomes.

Standards 4, 5 and 6 promote care planning that includes the views of the child or young person and significant others and is focussed on the child or young person's wellbeing, health and education, maximising the individual's life opportunities. Appropriate assessments are carried out to identify needs are respond in a timely way.

7. Children and young people up to 18 years are supported to be engaged in appropriate education, training and /or employment; and

8. Children and young people are supported to participate in social and /or recreational activities of their choice, such as sporting, cultural or community activity.

Standards 7 and 8 reflect the importance of children and young people in care having opportunities to experience education, training and development that enable them to fulfil their potential and be actively connected with community.

9. Children and young people are supported to safely and appropriately maintain connection with family, be they birth parents, siblings or other family members.

These relationships are important to the development of their identity, as well as their feeling of belonging in the world

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 story recorded as they grow up.

Shared experiences with family, friends and community strengthen the sense of self of children and young people in care. Memories and experiences during their time in care will be recorded to help them recall people and events that have shaped their lives.

11. Children and young people in care 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.

An adult role model can be critically important for children and young people in care and a vital support for their ongoing development

12. Carers are assessed and receive ongoing training, development and support in order to provide quality care.

Carers are recruited, assessed and have access to support, information and review mechanisms in order to ensure quality care is provided.

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.

Plan and provide practical help children and young people to prepare for the future.