

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)

EXPLANATORY STATEMENT

During 2015, the Legislative Assembly passed amendments to the *Children and Young People Act 2008* (the Act) that built on the process of approval of suitable entities for a care and protection purpose. The amendments require 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 (the Standards).

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 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 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.

The range of areas covered by the Standards is much broader than the ACT Out of Home Care Standards, which were adopted from the National Out of Home Care Standards and issued on 1 July 2016. The Care and Protection Organisation Standards provide oversight of all care and protection related services in the territory, including out of home care. It is intended that the implementation of the Care and Protection Organisation Standards will

not unduly impact on contractual reporting requirements for organisations. The Out of Home Care standards map directly to the indicators of compliance detailed within the Care and Protection Organisation Standards; meaning that Care and Protection Organisations will comply with the ACT Out of Home Care Standards through maintaining their suitable entity status.

The Standards were subject to extensive consultation across the sector during 2015 and 2017. They have been built on the criteria, established in consultation with the sector, which to this point has been used in the assessment and approval process for suitable entities for a care and protection purpose. Further development has been undertaken in consultation with stakeholders from approved Care and Protection Organisations, the Community Services Directorate (CSD) and Aboriginal and Torres Strait Islander care and protection workers from within CSD and the ACT Together consortium.

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. The Principles of Child Safety in Organisations developed by the Australian Children's Commissioners and Guardians are also incorporated in the Standards.

The Standards are supported by the Children and Young People Care and Protection Organisations and Responsible Persons - Approval Guidelines, the Children and Young People Care and Protection Organisation - Monitoring Guidelines and the Children and Young People Care and Protection Organisation - Intervention Guidelines as set out in the Act.

There are 18 standards within 5 domains. Following is a brief overview of the domains and standards:

Domain 1 Quality of Care and Support - Quality of life

Standard 1 Children and Young People's Rights

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

Standard 2 Family and Significant others

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

Standard 3 Providing a positive care environment

Children and Young People receive appropriate care services relevant to their circumstances, in a safe environment.

Standard 4 Identity

Children and young people have a positive sense of identity.

Domain 2 Quality of Care and Support - Meeting needs

Standard 5 Child protection and Child Safety

Children and young people are safe and protected from harm.

Standard 6 Emotional and Social Development

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

Standard 7 Therapeutic support

Children and young people are supported to manage their own behaviour.

Standard 8 Health

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

Standard 9 Education

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

Standard 10 Living Independently

Young people successfully transition to independent living.

Domain 3 Quality of Direct Service

Standard 11 Recruitment and management of staff, carers and volunteers

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

Domain 4 Quality Environments

Standard 12 Child safe and friendly organisations

Care and protection organisations demonstrate an understanding and application of child safe and child friendly principles.

Standard 13 Participation in decision making

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

Standard 14 Quality improvement and feedback process

Service delivery improvements are an ongoing process engaged by care and protection organisations.

Domain 5 Quality of leadership, governance and financial viability

Standard 15 Governance

Care and protection organisations are well governed to support the aims and intended outcomes for children and young people.

Standard 16 Legislative and other compliance

Care and protection organisations operate legally and ethically and in the best interests of children and young people.

Standard 17 Records management, privacy, confidentiality and information sharing

Care and protection organisations adhere to the highest standard of privacy, confidentiality, information sharing and robust records management.

Standard 18 Financial and organisational management

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.