

Schedule No: 1

Care and Protection documents

Folio no	Date	Document	Status	Reason for Exemption
1-5	15/09/2014	Care and Protection Services – Visiting Children in Out of Home Care Policy	Full release	
6-7	27/10/2009	Fact sheet – Charter of Rights for Children & Young People in Out of Home Care in the ACT	Full release	
8-9	Undated	Charter of Rights for Children & Young People in Out of Home Care in the ACT	Full release	

CHARTER OF RIGHTS

for CHILDREN & YOUNG PEOPLE in OUT OF HOME CARE IN THE ACT

What is the Charter of Rights?

The Charter outlines how children and young people can expect to be treated by the people caring and working with them. All of these rights are important but some might be viewed as being more important than others.

Who is the Charter of Rights For?

The Charter of Rights is for children and young people who are living in short term or long term Out of Home Care in the ACT.

What is Out of Home Care?

Out of Home Care is when a child or young person lives with someone they know within their family or community or lives with another family in Foster Care or lives with other children in Residential Care. Children and young people come into Out of Home Care for many different reasons.

What are The Rights of Children and Young People?

1. The right to be safe and looked after

For example, children and young people can expect to:

- feel safe and well cared for by workers and the people caring for them
- have someone they trust to talk to if they are unhappy, worried, or feeling unsafe
- have their needs met

2. The right to be respected

For example, children and young people can expect to:

- be accepted for who they are
- be treated the same as others
- be treated according to their age and where they are at in life and not expected to do things that may be too hard for them

3. The right to be treated fairly

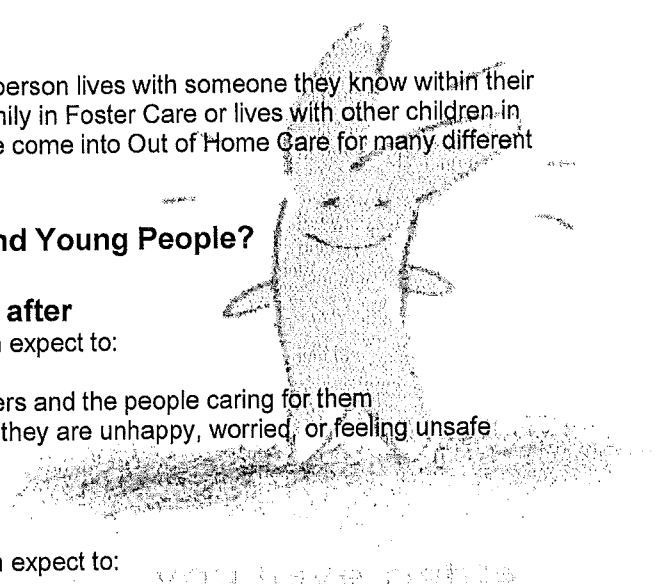
For example, children and young people can expect to:

- be treated as an individual
- be able to share their experiences, thoughts and feelings without being judged
- be treated the same as all other children and young people

4. The right to have fun, play and be healthy

For example, children and young people can expect to:

- see a health worker (i.e. a doctor, nurse, dentist, counselor or social worker, or be taken to hospital) as needed, to help their body and mind stay healthy and well.
- be able to relax, play and have fun
- have the choice of participating in recreational activities (i.e. sport or learning an instrument or another activity) that are safe and affordable.



5. The right to be heard

For example, children and young people can expect to:

- be able to share their views and be listened to about subjects like where to live, where to go to school or what sport or activity to take part in.
- have their thoughts and views considered when decisions are made about their care
- have decisions and outcomes that affect them explained in language they understand

6. The right to privacy and have their own things

For example, children and young people can expect to:

- have information about their life shared only with people who are involved in providing care and support for them.
- have their own things such as a bed, clothes, toothbrush, bath towel and private space when they feel the need to be alone.
- not have to talk about things they don't want to talk about

7. The right to ask questions about what is happening to them

For example, children and young people can expect to:

- know why they are in Out of Home Care
- be told about any planned changes or decision about them or their care, making sure they have the opportunity to ask questions
- have access to support, services and information as needed
- participate in planning when leaving care and be provided with support, information, and help in accessing services, to make the transition to independence or going home

8. The right to have contact with the people they care about and know about their family and cultural history.

For example, children and young people can expect to:

- be encouraged and supported in understanding and taking part in activities that are culturally important (i.e. language, religious beliefs, ceremonies, or artistic and cultural activities)
- be told about their life story, family history and cultural heritage
- have contact with the people they care about and who are special to them, when it is safe and in their best interest (i.e. their mum, dad, brother, sister, grandparents, uncles, aunts, a special family friend, a member of their community or their own friends)

9. The right to go to school

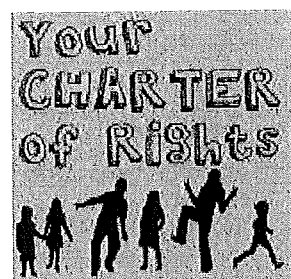
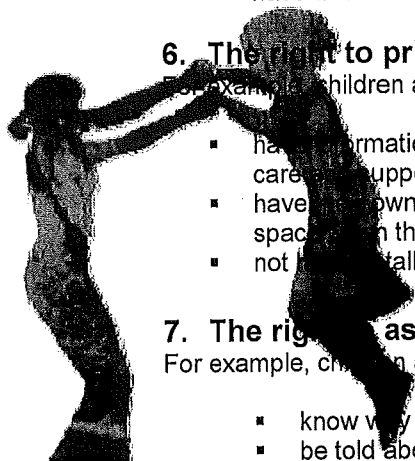
For example, children and young people can expect to:

- be able to attend school and be assisted in learning
- be provided with somewhere quiet to study and encouraged to do the best they can
- have assistance in continuing their education, gaining a part-time job or training as they get older

10. The right to talk to people about things they don't like or don't understand

For example, children and young people can expect to:

- be listened to and have their concerns taken seriously
- know who they can talk with and assist in sorting things out.
- have access to carers, workers and also independent individuals who will provide confidential help in resolving concerns.





fact sheet

CHARTER OF RIGHTS

for

CHILDREN & YOUNG PEOPLE

in

OUT OF HOME CARE IN THE ACT

FACT SHEET FOR FOSTER CARERS AND KINSHIP CARERS

Foster carers and kinship carers play a vital role in promoting and protecting the rights of children and young people who are living in Out of Home Care.

INTRODUCTION

The *Charter of Rights for Children and Young People in Out of Home Care in the ACT* (the *Charter*) has been developed in consultation with children, young people, foster carers, Out of Home Care agencies, and representatives from ACT Government departments.

The *Charter* is for all children and young people who are unable to live with their parents and are living in short term or long term Out of Home Care in the ACT. This includes foster care, kinship care, respite care, or other residential care facilities.

The *Charter* is consistent with the *United Nations Convention on the Rights of the Child*, the *ACT Human Rights Act 2004*, and *The Children and Young People Act 2008*, all of which spell out the basic human rights to which all children and young people are entitled.

WHAT IS THE PURPOSE OF THE CHARTER?

To provide children and young people who are living in Out of Home Care with a clear, easily understood statement of their right to –

- be safe and looked after
- be respected
- be treated fairly and not discriminated against
- access services that promote health and well being
- have a say
- privacy
- information
- family, friends, community, beliefs and culture
- education
- talk to people about things you don't like or don't understand

WILL THE INTRODUCTION OF THE CHARTER AFFECT ME AS A CARER?

The Rights in the *Charter* reflect the basic human rights all children and young people are entitled to receive from all people who are responsible for caring for them. As a carer you are already part of a care team responsible for looking after a child or young person and their wellbeing. The introduction of the *Charter* will assist you by providing a tool to help the child or young person you are caring for understand their rights while they are living in Out of Home Care.

You can help the child or young person in your care by explaining the *Charter* in a way that they can understand and by helping them with any questions they may have.

WHY HAS THE CHARTER BEEN PUBLISHED IN DIFFERENT FORMATS?

Children and young people who were consulted during the development of the *Charter* requested that the rights outlined in the *Charter* be presented in a way that could easily be understood and accessed. This led to the *Charter* being developed and published in age appropriate formats for 0 – 6; 7 – 12; and 13 – 18 years. For the younger children, a picture booklet using simple words was developed. The booklet was designed with the idea that carers or workers could sit with children and assist them in understanding their rights and what this might mean for them. For older children and young people wallet size cards outlining their rights have been developed to carry around with them for easy access. It is intended that carers and workers would still be able to talk with children and young people to assist them in understanding the *Charter* and what their rights are.

So although the *Charter* is presented in specific formats for each age group, it is important to check with the child or young person their understanding of the *Charter* and answer any questions they may have.





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WILL I RECEIVE TRAINING IN IMPLEMENTING THE CHARTER?

Information forums are being provided by Learning and Community Education (LACE), the Department's training body, prior to the launch of the *Charter* and following the launch. These forums will be open to Department staff, Out of Home Care agency staff, foster carers, kinship carers, and all other professionals caring for or working with children and young people living in Out of Home Care in the ACT. The *Charter* will also be integrated into initial foster and kinship care training for new carers. Informal information sessions will also be conducted for children and young people following the launch.

WHAT DO I DO IF A CHILD OR YOUNG PERSON I AM CARING FOR SAYS THAT I AM NOT UPHOLDING THEIR RIGHTS?

Firstly, discuss with the child or young person their concerns. If you are still unsure, contact your Out of Home Care supervisor who may wish to seek advice from the child or young person's Care and Protection Services case worker. If you are a kinship carer, contact your Care and Protection Services case worker.

THE CHILD OR YOUNG PERSON I AM LOOKING AFTER IS RELATED TO ME. WHY HAS THE CHARTER BEEN SENT TO ME?

If your relative is the subject of a voluntary agreement or a shared/full parental responsibility order made by the ACT Children's Court and is living with you, he or she is considered to be living in Out of Home Care and so will be sent a copy of the *Charter* automatically. As a 'kinship carer' you will also receive information about the *Charter*.

WE HAVE CHILDREN OF OUR OWN AND ARE ALSO FOSTER/KINSHIP CARERS. HOW DO WE USE THE CHARTER?

The Rights in the *Charter* are things most of us take for granted within our families, including feeling safe and cared for, maintaining culture and religion, participating in decisions, and getting information and help when it's needed.

You might want to have a family discussion about the Rights in the *Charter*. You might decide to have a number of talks over a period of time, particularly if the children are younger. You can then talk about a few of the Rights each time.

Based on your knowledge of the individual children, you may decide to take a different approach. For example, it might be better to talk to the child or young person individually about the *Charter*.

If you are unsure about how to approach the discussion, or would like some more information about a particular Right, contact your Out of Home Care supervisor if you are a foster carer or the child or young person's Care and Protection Services case worker if you are a kinship carer.

WHAT ABOUT MY RIGHTS?

Your right to provide a safe and nurturing environment for a child or young person living in Out of Home Care is supported by your care agency and the Department. Your rights do not conflict with the child or young person's Rights as provided for in the *Charter*.

HOW CAN I GET EXTRA COPIES OF THE CHARTER?

Copies of the age appropriate publications of the *Charter* for children aged 0-6 and 7-12 will be sent to you prior to the launch to provide to the children in your care. Young people aged between 13-18 years will also receive their own age appropriate publication through the mail prior to the launch. If you require further copies for your own information or for other children in your care you can contact your Out of Home Care agency and/or your Care and Protection Services case worker.

If you or the young person in your care do not receive a copy of the *Charter* through the mail, please contact your Out of Home Care agency and/or your Care and Protection Services case worker to request a copy.

WHERE CAN I FIND MORE INFORMATION ABOUT THE CHARTER?

Any questions you may have prior to the launch on 27 November 2009 can be directed to Leeanne Maher, Senior Advocate, DHCS on 6205 4073. Following the launch you can phone the Children and Young Person COR Liaison Contact on 6205 2898 during normal business hours.

In the near future, the *Charter* will be available on the DHCS website at www.dhcs.act.gov.au



Office for Children, Youth and Family Support

Care and Protection Services

Visiting Children in Out of Home Care Policy

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(Editing note: red text = glossary; green text = CYP Act reference)

1. Title

Visiting Children in Out of Home Care Policy.

2. Policy statement

Within the context of the *Children and Young People Act 2008*, this policy establishes that a child¹ in an out of home care placement (care placement) will be visited by a child protection worker a minimum of one (1) time in each calendar year. In addition:

- the frequency of visits will be considered against the:
 - vulnerability of the child
 - type, duration and stability of the care placement
 - frequency of interactions between the child and other Declared Care Team members
 - significant transition points in the child's life
 - other significant events including accidents and Child Concern Reports.
- at least one (1) visit will constitute an annual review of the child's care placement
- for a child who is in an interstate care placement, a visit may be conducted by a child protection worker from an interstate statutory child protection authority
- visits will include time for the child and the child protection worker to engage and discuss matters in confidence (in accordance with the child's age, understanding and wishes)
- where appropriate and consistent with the child's wishes, visits will be located primarily at the child's place of care to enable observation of interactions between the carer/s and the child
- where possible, visits will be planned in advance and conducted in a responsive and respectful manner while causing minimal disruption to the child's life
- the child protection worker will be informed about the current circumstances of the child prior to undertaking the visit.

3. Policy objectives

The objectives of this policy are to:

- Monitor the development and wellbeing of each child who is in a care placement.
- Directly seek the views and wishes of a child in a care placement.
- Monitor that a child in a care placement is being provided with a safe, nurturing and secure environment.

4. Policy principles

This policy is based on the principles of the *Children and Young People Act 2008*, notably the 'best interests' principle (s8), the principle relating to Aboriginal and Torres Strait Islander children (s10) and the care and protection principles (ss349-352) that:

- the 'best interests' of a child is the paramount consideration in all decisions about the wellbeing of a child
- children are protected from abuse and/or neglect and cared for in a safe, supportive and stable environment without unnecessary interruption

¹ Unless otherwise indicated, a reference to 'child' or 'children' also refers to a young person or young people.

- except where it is contrary to a child's best interests, the primary responsibility for providing care and protection for the child lies with the child's parents and other family members
- priority is given to supporting parents and other family members to provide for the wellbeing, care and protection of children, helping them to understand care and protection processes and have their views and wishes heard
- the views of children will be sought and considered in making decisions about them, taking into account their age, maturity, developmental capacity, gender, background and any other relevant characteristics
- children's sense of racial, ethnic, religious, individual or cultural identity is to be preserved and enhanced wherever possible by maintaining and building their connections to family, community and culture
- delay in decision making is to be avoided because this is likely to prejudice the child's wellbeing
- decision makers exercising functions under the Act must, where practicable and appropriate, have qualifications, experience or skills suitable to apply the principles
- it is necessary for children to have settled, stable and permanent living arrangements
- the impact on a child's attachment with primary individuals will be considered when making decisions about them.

5. Scope

This policy applies to all staff within Care and Protection Services (CPS) who make decisions about the daily case management and monitoring of a child's care placement.

6. Relevant legislation, policies, procedures and standards

This policy has specific reference to the *Children and Young People Act 2008*. The Act provides authority and direction about the placement and monitoring of a child with an out of home carer including ensuring the wellbeing and considering the views and wishes of children where the Director-General holds parental responsibility. For the purposes of this policy the relevant chapters of the Act are:

- Chapter 1 that identifies the objects, principles and considerations of the Act and defines the concepts regarding parental responsibility such as daily care and long term care responsibility.
- Chapter 10 that provides general matters relating to care and protection such as:
 - the 'best interests of the child' principle
 - early intervention and timely decision making to achieve safe, supportive and stable care arrangements for children
 - promoting the cultural and spiritual identity of Aboriginal or Torres Strait Islander children through connections to family and community
 - seeking and considering the views of children on decisions being made about them.
- Chapter 15 that provides for the care arrangements that may be made for a child including definition and authorisation of Out of Home Carers and the priorities for placing an Aboriginal or Torres Strait Islander child in care.
- Chapter 25 that provides the obligations for the recording and sharing of information received about the suspected abuse and/or neglect of a child.

This policy is consistent with the National Standards for Out of Home Care, particularly standards one and two, and assists CPS to comply with the standards. This policy supports the ongoing implementation of the Charter of Rights for Children & Young People in Out of Home Care in the ACT.

7. Review

This policy will be reviewed in September 2015 and annually thereafter. The Senior Director, Statutory Services may make amendments to this policy.

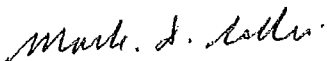
8. Access

This policy is not restricted.

9. Authorising officer

Name: Dr Mark Collis

Title: Senior Director, Statutory Services

Signature: 

Date of effect: 15 September 2014

Date of review: September 2015

10. History of amendments

Date	Changes	Authorised by

11. Glossary of terms

See separate Care and Protection Services policy and procedures glossary.