

Australian Capital Territory

Children and Young People (Carers) Charter 2024

Notifiable instrument NI2024–520

made under the

Children and Young People Act 2008, section 24A (Director-general charters)

1 Name of instrument

This instrument is the *Children and Young People (Carers) Charter 2024*.

2 Commencement

This instrument commences on the day after it is notified.

3 Charter for Carers

I make the attached Charter for Carers.

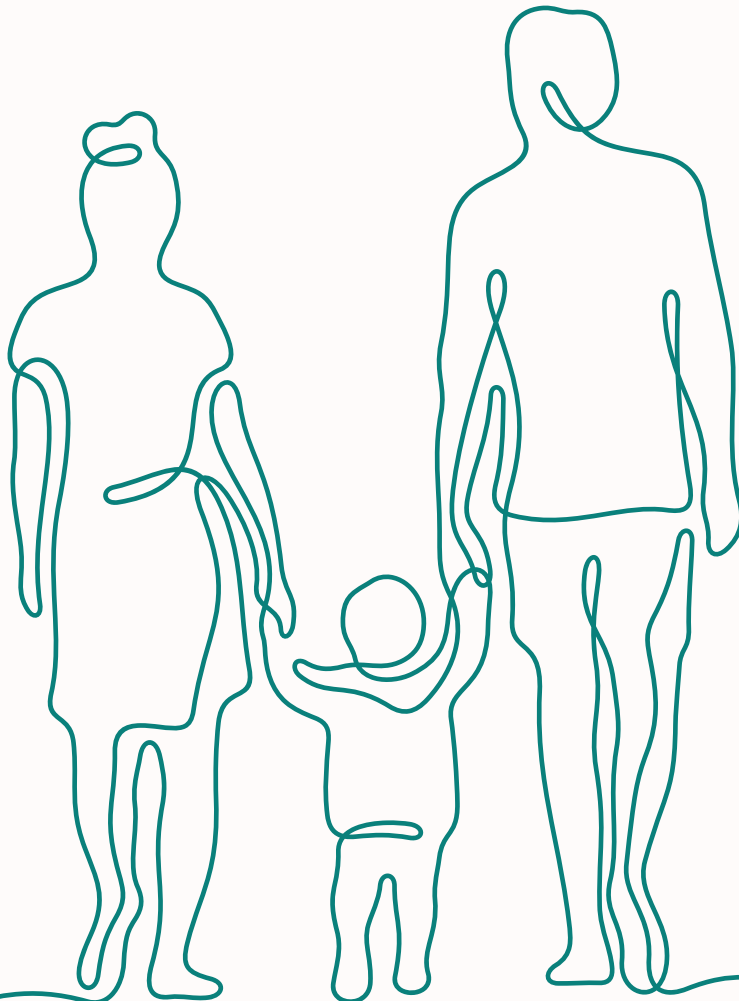
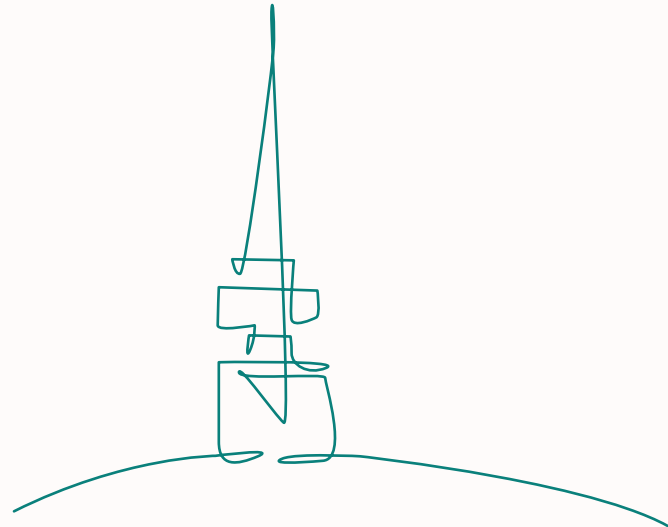
Catherine Rule
Director-General
Community Services Directorate
10 September 2024



ACT
Government

Charter for Carers

involved with ACT child
protection services



Produced by the Community Services Directorate

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Acknowledgement

The ACT Government acknowledges the Ngunnawal people as traditional custodians of the land and recognises any other people or families with connection to the lands of the ACT and region.

The ACT Government acknowledges the historical dispossession and its continuing legacy for Aboriginal and Torres Strait Islander people, and their vital ongoing contribution to the ACT community.

We acknowledge the deep significance of families' enduring connections to kin, community, culture, language and Country. We also acknowledge the cultural wisdom and strength found in Aboriginal and Torres Strait Islander family structures and approaches to raising children.



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Introduction: Message from the Minister

Keeping children who cannot live with their birth parents safe, strong, and connected would not be possible without the generosity and commitment of carers. The Charter for Carers acknowledges the vital role carers play in child safety and supports them to be heard and included in decisions about the child in their care.

The Charter for Carers involved with ACT child protection services (Charter for Carers) sets out the basis for respectful, relationship-based, culturally safe and trauma-informed practices as carers, advocates and child protection and out-of-home care agencies work together.

The Charter for Carers is for both kinship and foster carers. The journey to becoming a carer is recognised as different for these two groups¹, but the deep connection that develops with the children in their homes and hearts is often the same.

The Charter for Carers, the recently developed Charter for Parents and Families involved with ACT child protection and the Charter of Rights for Kids in Care are part of the Government's commitment to building trust and transparency in the care system. Together, these charters support a fairer, more accountable, and more open service system.

It is critical to acknowledge the over-representation of Aboriginal and Torres Strait Islander children living in out-of-home care. The ACT Government is committed to reducing this, but for children who cannot live safely with their parents, we're committed to placing them in accordance with the Aboriginal and Torres Strait Islander Child Placement Principle.



As a result, the Charter for Carers particularly respects the past experiences and cultural knowledge of Aboriginal and Torres Strait Islander families who the system identifies as kinship carers.

The Charter for Carers sets the expectations for carer and worker engagement. Its release is only one part of the broader suite of Next Steps initiatives. These reforms and initiatives seek to make the system work better for carers, and ultimately the children for whom they care so deeply.

Finally, I would like to express my profound gratitude and thanks to every carer who has taken a child into their home. Your selfless commitment provides our most vulnerable children with safety, hope and love. The Charter for Carers reflects the value in which you are held, and I hope it supports you as you navigate a complex and challenging system.

Rachel Stephen-Smith MLA

Minister for Families and Community Services

¹(Smart, J; Muir, S; Hughe, J; Goldsworthy, K; Jones, S; Cuevas-Hewitt, L; Vale, C, 2022)

About the Charter for Carers

The Charter for Carers is mainly for people which the child protection system refers to as kinship or foster carers. This means the Director-General² has authorised them to care for a child when the child cannot live with their birth parents.

Kinship carers are a child's kin - immediate and extended family and other culturally defined relationships or individuals acknowledged as family. They can also be people who are important to a child. For example, they could be a close family friend who has had past responsibility for the child's care or cultural needs. Foster carers are community members who have been assessed, approved and received training. They are unknown to the child before the child comes to live with them.

The Charter for Carers aims to build a shared understanding of how carers and child protection and out-of-home care workers can expect to engage with each other. It also sets out responsibilities for carers and workers. We know there is an inherent power imbalance in child protection systems and the Charter for Carers supports carers to have a voice, including with the help of a trusted person. It also responds to carers' feedback in seeking to improve transparency about the reasons for a child protection action or decision.

The Charter for Carers has been informed by many conversations to develop *Next Steps for our Kids 2022-2030*, as well ongoing conversations with the Aboriginal and Torres Strait Islander Co-Design Network and the Carer Wellbeing Sub-Committee. It details the reciprocal responsibilities carers and the child protection system have to each other and the child in care. We know contact with the child protection system can be challenging for carers as

they manage all that is required in a parenting role in the context of a statutory system. The Charter for Carers acknowledges carers' experiences and seeks to build a mutual understanding of what they can expect.

The Charter for Carers is further influenced by advice from organisations that support and advocate for carers, and from all those who commented on it through the ACT Government's YourSay web page. Staff and executives in the Children, Youth and Families division of the Community Services Directorate were also consulted and expressed eagerness to promote restorative and respectful working relationships with those who work tirelessly in their role as carers.

The Charter for Carers is very similar to the Charter for Parents and Families involved with ACT child protection (Charter for Parents and Families) and both set common standards of behaviour. Some of those who the system identifies as kinship carers may feel the Charter for Parents and Families is where they fit because they are grandparents, aunts, uncles or cousins first. However, the Charter for Carers outlines the extra responsibilities authorised carers have, along with some extra responsibilities for workers.

Regardless, carers and other members of the child's care team are encouraged to regularly refer to the Charter for Carers and/or the Charter for Parents and Families as their guide for respectful working relationships.



² In the context of care and protection of children, the Director-General is the person who holds delegated responsibility for the operation of the ACT's child protection system.

Principles

The Charter for Carers is guided by a set of principles intended to support an inclusive, fair and restorative system in which people feel valued and have their rights and dignity upheld. The principles were established in Next Steps for Our Kids 2022-2030. They are:

- > child, youth and family centred
- > evidence led
- > restorative
- > dignity driven
- > trauma informed
- > culturally safe
- > disability informed
- > accountable

The Charter for Carers aims to align with human rights that are protected in the Human Rights Act 2004. It is also consistent with the [Carers Recognition Act 2021](#) that recognises, promotes and values the role of unpaid carers in our community.

While the Charter for Carers seeks to improve the way carers experience child protection services, it is underpinned by a key principle: the best interests of the child or young person is the primary consideration in all decisions that affect them³.

³ Child and Youth Protection Services staff are obliged to act in accordance with the Children and Young People Act 2008. See section 8(1): 'In making a decision under this Act in relation to a particular child or young person, the decision-maker must regard the best interests of the child or young person as the paramount consideration.'



Charter for Carers



Shared expectations and responsibilities for everyone

We all have expectations about how others should treat us, and responsibilities in how we treat others. While acknowledging that carers already bear significant caregiving responsibilities, the Charter for Carers outlines shared expectations and responsibilities for both workers and carers.



Both Carers and child protection workers

can expect to

- > be treated with respect
- > connect as people and be treated as someone with value
- > not be judged
- > have respectful conversations.

have the responsibility to

- > act in the best interests of a child or young person
- > treat others the way you would like to be treated
- > listen to and consider others' views, even if you disagree
- > work together to find solutions that put the needs of the child first
- > actively and meaningfully engage the child or young person in any decisions that affect their lives.



What carers can expect

Respect



You can expect to

- > be treated with courtesy, respect and fairness and have your dignity upheld
- > be acknowledged in your role as a carer and recognised as someone with unique knowledge and perspective about the child in your care
- > be treated without discrimination due to culture, religion, language, race, sexual orientation, gender, age, disability or anything else
- > have any disability recognised and accommodated appropriately
- > be acknowledged as having needs and interests beyond your role as carer.

Being heard



You can expect to

- > have your views considered
- > explain your story and be treated as honest
- > have your experiences acknowledged with understanding and empathy
- > have questions answered in a way you can understand, in agreed timeframes
- > have a concern or complaint taken seriously
- > ask for a decision to be reviewed and have any review conducted in a timely way
- > be given information and be kept informed about any internal review and external merits review of decision processes.

Needs Specific to your role



You can expect to

- > have regular communication with your case manager, as appropriate to the child's circumstances
- > have a trusted person or advocate to support you in meetings or phone calls
- > have you and your family's cultural, religious, health and wellbeing needs considered and respected
- > have you and your family's safety considered when decisions are made
- > have your connection to the child in your care acknowledged, whether you are family who has become a carer or a carer who has become family
- > have your needs around assisting you to support the child in your care, heard and actioned as soon as possible, including being provided with appropriate trauma-informed and mental health training
- > be actively engaged and included in care and case planning for the child in your care and have your observations and experiences of them heard
- > be given timely information about court and other significant decisions that affect you and the child in your care
- > be given timely information about changes to contact arrangements
- > be provided with all relevant and available information to assist you to make informed decisions in your role as a carer, for example through the timely provision of medical documents and care and cultural plans
- > have assessments and feedback about your care managed with sensitivity and understanding
- > be informed in a timely manner if your case manager changes and engaged in appropriate transition planning as far as possible in the circumstances.

What parents and families can expect

Participating in discussions and decisions



You can expect to

- > have decisions explained transparently, in a way you can understand, and followed up in writing
- > be genuinely heard and included in discussions and decisions
- > be offered reasonable adjustments or support to participate if needed (for example, extra time to respond or access to interpreting or translating services)
- > have time to process information and respond wherever possible before decisions are made or further action is taken
- > have input to the timing of meetings or appointments made for the child in your care, acknowledging and respecting that you have other responsibilities and demands because of and in addition to your caring role.

Information and privacy



You can expect to

- > have your information treated sensitively and stored safely to protect your privacy
- > say if you believe information is incorrect and have your concerns recorded and investigated if necessary
- > know your information will only be shared if it's allowed under legislation
- > be told if your information is shared if it's appropriate to do so
- > be asked for information in a clear and reasonable way.



Responsibilities for



Carers

Recognising the many caregiving and other responsibilities carers already have, you are entrusted with the responsibility to

- > consider the best interests of the children in your care
- > provide a stable, safe and nurturing home environment to meet the needs of the children in your care
- > uphold the Charter of Rights for Kids in Care
- > support and facilitate agreed case planning goals for the children in your care
- > follow the policies, processes and guidelines you have agreed to in being authorised as a carer
- > actively participate in the carer approval and renewal process
- > uphold the right to privacy of the child in your care and their family
- > listen to the views and wishes of the child in your care, including respecting their wishes to share or not share their information with family members
- > undertake your role in care and case planning for the child in your care
- > tell workers what you want them to know about your family, including your cultural needs
- > where you do not share the same cultural background as the child in your care, provide culturally safe care where their culture can be celebrated, embraced and supported.

4 In the ACT, most information generally requires your consent to be shared. However, under specific provisions in the *Children and Young People Act 2008* and the *Domestic Violence Agencies Act 1986*, information can be shared without your consent in certain circumstances, such as when there is a risk to a child or another person.



Child protection workers

You have the responsibility to

- > be honest
- > listen to carers and include them in decision-making wherever possible
- > explain the reasoning for a decision and whether it can be changed or reviewed
- > make sure carers understand what is happening, and keep checking in with them
- > be consistent, reliable and clear about expected timeframes and communication methods
- > acknowledge progress and give feedback to support positive change
- > be aware of your personal and structural biases
- > act with objectivity, consistency, empathy and compassion and participate in training and development to reduce the impact of any biases in your practice
- > undertake training to improve engagement with carers about their cultural needs in a culturally safe way and acting in response to their assessment of their needs
- > ask carers to help you learn about their cultural needs, and how to support their cultural safety and that of the children in their care
- > apply reasonable adjustments (for example, for a carer with a disability)
- > be responsive to carers' circumstances, support them directly and link them to support that reflects their specific needs, particularly during and after changes to the care relationship (such as restoration)
- > offer support that is consistent with the Aboriginal and Torres Strait Islander Child Placement Principle and upholds Aboriginal and Torres Strait Islander self-determination
- > actively encourage and facilitate positive relationships between birth parents and carers
- > follow internal policies, procedures and guidelines (including ACT Public Service values)
- > do what you say you will do, and be clear when something isn't possible
- > respond to feedback and ensure carers know about and are kept up to date on the complaints process.

Responsibilities for

Non-Indigenous carers of Aboriginal and Torres Strait Islander children and their child protection practitioners



Carers can expect to

- > receive a cultural support plan
- > be supported and upskilled to implement the child's cultural plan in full.

Child protection practitioners have the responsibility to

- > make active efforts to support and maintain the connections of the child and young person to family, community, culture and country
- > develop cultural plans with the participation of family and extended family
- > consult with Aboriginal and Torres Strait Islander people with cultural authority
- > provide the cultural support plan to the carer
- > explain the cultural support plan to the child
- > review the cultural support plan annually and update as needed
- > monitor implementation of the cultural support plan by the carer
- > monitor potential for the child to be reunified with their Aboriginal and Torres Strait Islander family and kin, as a priority placement according to the ATSI CPP.

