

Tasmanian Out of Home Care Standards

June 2022



Acknowledgements:

The Tasmanian Government acknowledges and pays respect to the Tasmanian Aboriginal people as the traditional and original owners and continuing custodians of this land and acknowledges elders, past and present.

The Tasmanian Government would also like to acknowledge and thank the Commissioner for Children and Young People Tasmania, the Child Advocate for children in care, CREATE Foundation Tasmania (especially the young people who generously gave their time) for their input into the development of this document.

Seeking Help

If you have concerns for the safety or wellbeing of a child, call the Strong Families, Safe Kids Advice and Referral Line on 1800 000 123.

If a child is at immediate risk and Police or medical assistance is required, call 000.



Table of Contents

Minister’s Message	4
Supporting Information	5
<i>Introduction</i>	6
<i>Out of Home Care in Tasmania</i>	6
<i>Establishing the Tasmanian Out of Home Care Accreditation Framework</i>	8
<i>Developing Tasmanian OOHC Standards</i>	10
Tasmanian Out of Home Care Standards:	14
A Guide to reading the Standards	15
Indicators of Compliance with the Standard.....	15
Further Guidance.....	15
<i>Section 1: Children and Young People’s Wellbeing</i>	
Standard 1. Being Loved, Safe and Valued:.....	16
Standard 2. Having Material Basics:	18
Standard 3. Being Healthy:.....	19
Standard 4. Learning:.....	21
Standard 5. Participating:.....	23
Standard 6. Having a positive sense of culture and identity:	25
<i>Section 2: Child and Youth Safe Organisations</i>	
Standard 7. Out of Home Care Providers are Child and Youth Safe Organisations	27
Standard 8. Child Safety Service	29
Appendix A	30
<i>Tasmanian Child and Youth Wellbeing Framework</i>	30
Appendix B	31
<i>National Standards for Out of Home Care</i>	31
Appendix C	32
<i>Charter of Rights for Tasmanian Children and Young People in Out of Home Care</i>	32
Appendix D	33
<i>Introductory Self-Assessment Tool for OOHC Providers.</i>	33



Minister's Message

Keeping children and young people safe is everyone's responsibility.

Every child and young person needs a stable and loving home where they feel safe and supported and can achieve their full potential as they journey towards adulthood.

Keeping our children and young people safe and well is a priority for the Tasmanian Government.

Our commitment to strengthening safeguards for children and young people, improving their outcomes and supporting the families and people who care for them, continues with the release of Tasmanian Out of Home Care (OOHC) Standards, an action in the *Strong Families Safe Kids Next Steps Action Plan 2021-2023*.

The release of Standards is an important first step in building a more accountable Out of Home Care system in Tasmania. Standards drive cultural change and continued improvement in the quality and safety of care so that children and young people understand their rights, know what to expect and are supported to achieve the very best outcomes possible as they journey towards adulthood. Standards also help OOHC Providers and Carers understand the standard expected to ensure children and young people in their care are nurtured, feel loved and safe and have a strong sense of wellbeing.

The Standards are based on the Tasmanian Government's *Child and Youth Wellbeing Framework and Strategy: it takes a Tasmanian Village* definition of wellbeing which is where a child or young person: feels loved, safe and valued; has material basics; is healthy, learning and participating and has a positive sense of culture and identity.

Standards are an essential component in any accreditation system. The Tasmanian Government has committed \$2.2 million to support the establishment of a Tasmanian OOHC Accreditation Framework and Carers Register as part of its 2022-23 budget. Implementation of these important safeguarding initiatives will be staged over the next four years allowing providers and carers time to prepare for and adjust to new ways of working and reporting.

I would like to extend my thanks to all the organisations, individuals, peak bodies and other stakeholders who provided feedback on these Standards as part of the consultation process. Your input is valuable, and we will continue to work together to embed these Standards into practice.

Looking to the future, these Standards will provide a solid foundation for the creation of a contemporary Tasmanian OOHC Accreditation Framework with strong, independent, oversight and accountability so that every child and young person has the best possible chance to achieve their full potential in life.

A handwritten signature in blue ink, appearing to read 'Roger Jaensch'.

Roger Jaensch MP

Minister for Education, Children and Youth



Supporting Information





Introduction

Out of Home Care (OOHC) plays a pivotal role in providing care and support for children and young people unable to live safely at home with their family. The Tasmanian Government's commitment to a system that enhances the wellbeing outcomes and future success of children and young people living in OOHC continues with the development of Tasmanian OOHC Standards (the Standards).

Development of the Standards builds on significant work already undertaken by the Tasmanian Government in regard to children and young people, including: the ¹*Tasmanian Child and Youth Wellbeing Framework* and ²*Strategy It takes a Tasmanian Village* (2021); the Outcomes Framework for Children and Young People in Out of Home Care Tasmania (Department of Communities Tasmania, October 2018) and the Out of Home Care Foundations Project including development of the Model for Family Based Care (2019).

Nationally, the Australian Government's *Safe and Supported: The National Framework for Protecting Australia's Children 2021 – 2031* and the *Royal Commission into Institutional Responses to Child Sexual Abuse* (the Royal Commission) are other important drivers for change to Tasmania's OOHC service system.

In July 2021 the Tasmanian Government released its *Consultation Workbook: Establishing Tasmanian Out of Home Care Standards and a Carers Register* inviting stakeholder feedback and input into the development of the Standards and the scoping of a nationally consistent Carers Register. Submissions closed in October 2021 and responses were received from a wide range of stakeholders including government agencies, non-government organisations, relevant peak bodies and the Commissioner for Children and Young People.

This document incorporates the feedback received and delivers a set of Standards intended to provide guidance for OOHC Providers as they build capacity and readiness for a future Tasmanian OOHC Accreditation Framework. OOHC Providers will not be formally monitored or assessed against these Standards until such time as a Tasmanian OOHC Accreditation Framework is in place. It is expected the Standards will continue to be reviewed and nuanced as the Tasmanian OOHC Accreditation Framework develops over the next four years (2022-23 to 2025-26).

Further information on the progress of a Carers Register will be available during 2022-23.

Out of Home Care in Tasmania

OOHC is the system of formal care provided to children and young people assessed under the *Children, Young Persons and Their Families Act 1997* (the Act) as unable to live safely at home with parents or primary caregivers because of concerns for their safety and wellbeing.

The OOHC service system comprises government and non-government OOHC providers, carers and other bodies, including the Commissioner for Children and Young People and the Child Advocate, who all have a focus on the lives of children and young people in OOHC.

A range of care and accommodation services are provided as part of the OOHC system, including: family based care (foster care, kinship care, sibling group care, special care packages, emergency

¹ [1-Tasmanian-Child-and-Youth-Wellbeing-Framework-Web.pdf \(strongfamiliesafekids.tas.gov.au\)](#)

² [The Strategy | Have Your Say - Wellbeing Tasmania](#)



and respite care); salaried care (special care packages and Therapeutic Residential Care); systemic advocacy, therapeutic intervention and a diverse range of placement support services for carers and households. It also includes shared care arrangements that provide a mix of family based and salaried care for the child or young person.

As at 31 May 2022, 1,025 children were living in OOHC in Tasmania. Of those, around 20 per cent were under the age of five, 63 per cent aged between five and 14 years and 16 per cent were aged 15 years and older.

In regard to type of placement, the vast majority of children and young people (93 per cent) were living in family based care arrangements with around 51 per cent in foster care and 42 per cent in relative/kinship care. A small proportion were living in salaried care (6 per cent). Of all the children in OOHC in Tasmania, 38 per cent identified as Aboriginal or Torres Strait Islander.

OOHC Service System - Roles and responsibilities

As 'system owner' of OOHC in Tasmania, the Tasmanian Government is responsible for administering and facilitating the OOHC service system under the Act. The departmental Secretary (currently Secretary of the Department of Communities Tasmania) and the Child Safety Service have specific statutory roles and functions under the Act.

The Tasmanian Government funds non-government services to provide OOHC services under the Act and together, both government and non-government providers deliver the OOHC service system. Approximately 70 per cent of family based care is delivered through the Tasmanian Government and 30 per cent through non-government organisations. In this context:

- the **OOHC Service Provider** (government or non-government) is responsible for delivering quality OOHC services through the organisation and/or their carers (volunteer or salaried) to all children and young people receiving a service or placed into their care;
- the role of **Child Safety Services** is to protect children and young people who are at risk of abuse or neglect in accordance with the Act. This can include placing a child or young person into OOHC and monitoring their care against minimum service and care quality expectations; and
- **Children Youth and Families** (CYF) provides a range of services and supports that contribute to ensuring children, young people and their families are safe, nurtured and well. This includes a commissioning relationship with the Child Safety Service and OOHC Service Providers that includes procuring, funding and managing services to facilitate an OOHC service response.

In the case of 'contracted' services with non-government providers, CYF funds and manages OOHC services in accordance with Funding Agreements in place between the OOHC Provider and the Department. The OOHC Service Provider is responsible for delivering the contracted services.

Further, in developing these Standards, the focus has been on articulating the expected responsibilities and accountabilities of OOHC Service Providers and the Child Safety Service. It is acknowledged that other Departments (e.g. Departments of Health, Education and Justice), agencies (e.g. the National Disability Insurance Agency) and services (e.g. allied health and Mental Health Services) all play a role in assisting, and sometimes limiting the capacity of OOHC Providers to meet the Standards.



Establishing the Tasmanian Out of Home Care Accreditation Framework

Why does Tasmania need an OOHC Accreditation Framework?

The final report³ of the Royal Commission contains recommendations relating to state and territory provision of OOHC accreditation schemes. Specifically, the Royal Commission recommends that:

- each state and territory government should revise existing mandatory accreditation schemes to incorporate compliance with the Child Safe Standards identified by the Royal Commission, and extend accreditation requirements to both government and non-government out of home care service providers (Recommendation 12.4); and
- an independent statutory body should be responsible for receiving, assessing and processing applications for accreditation of OOHC service providers and conducting audits to ensure ongoing compliance with accreditation standards and conditions (Recommendation 12.5).

Although a range of measures and protections are currently in place to uphold the rights of children and young people in OOHC and ensure they receive quality services, Tasmania has yet to establish and implement an OOHC Accreditation Framework.

What is an Accreditation Framework?

An OOHC accreditation framework is a formal system of regulation based on compliance with prescribed standards of care. Its primary objectives are to safeguard children and young people, improve the quality of care they receive, strengthen oversight, promote transparency and increase public confidence in the quality and safety of OOHC.

A Tasmania OOHC Accreditation Framework will set out the requirements for receiving, assessing and processing applications from OOHC providers applying for accreditation in Tasmania. The monitoring function will include mechanisms such as audits, to ensure ongoing compliance with prescribed accreditation standards and conditions.

The Tasmanian Government is committed to the establishment of a Tasmanian OOHC Accreditation Framework to deliver improved quality of care for children and young people and increased accountability for OOHC providers, including government providers.

Where do the Standards fit into the Accreditation Framework?

Tasmanian OOHC Standards are an essential component of a Tasmanian OOHC Accreditation Framework. They are the prescribed standards of care to which OOHC providers will be held accountable and are expected to meet as a minimum standard of care.

Finalising Tasmanian OOHC Standards is an important step in shaping the Tasmanian OOHC Accreditation Framework.

³ [Final report | Royal Commission into Institutional Responses to Child Sexual Abuse \(childabuseroyalcommission.gov.au\)](https://www.childabuseroyalcommission.gov.au)



When can we expect implementation of an Accreditation Framework in Tasmania and who will administer it?

Work to develop a Tasmania OOHC Accreditation Framework, including how it will be governed, administered, and implemented will progress in stages to align with the review of the *Children, Young Persons and their Families Act 1997* and the development of a Tasmanian Child and Youth Safe Organisation Framework (CYSOF). The CYSOF will be a legislatively mandated framework comprising Child Safe Standards and a Reportable Conduct Scheme (refer to *What are Child Safe Standards and the Children and Youth Safe Organisations Framework?* on p11).

The Tasmanian Government has committed \$2.2 million over three years (from 2023-24 to 2025-26) to establish the OOHC Accreditation Framework and a Carers Register. This allows for a sustainable and phased implementation to ensure we have the 'best fit' for the Tasmanian context, including how the oversight and regulatory function will be delivered and by whom.

Importantly, this approach allows time for the necessary stakeholder engagement and for the OOHC sector to build capacity and readiness so they can engage in the formal implementation of the framework from 2023-24.

Legislative change may be required to establish a mandatory Tasmanian OOHC Accreditation Framework. A review of the *Children, Young Persons and their Families Act 1997* is underway and will consider the necessary amendments to give effect to the implementation of an OOHC Accreditation Framework.

More information will be available on the development of the OOHC Tasmanian Accreditation Framework in 2022-23.



Developing Tasmanian OOHC Standards

What is the benefit of Tasmanian OOHC Standards?

Tasmanian OOHC Standards establish clear benchmarks, objectives and indicators of compliance regarding the standard of care expected to ensure children and young people are nurtured, feel safe and have a strong sense of wellbeing. The Standards have been designed to:

- ensure services are safe, of high quality and focused on meeting the needs of and achieving the best possible outcome for children and young people;
- establish the expected minimum requirements for the accreditation of OOHC providers;
- support OOHC providers to build capacity and assist them to comply with future accreditation requirements;
- enable providers to identify areas where standards of good practice are met and target areas where improvements can be made to deliver improved outcomes for children and young people;
- drive continuous improvement of OOHC services.

How do the Tasmanian OOHC Standards fit with other compliance standards?

The Tasmanian Government recognises that OOHC Providers may be required to report against more than one set of standards depending on the services they deliver.

In seeking to minimise the reporting burden, this will be considered as part of the development of the OOHC Accreditation Framework and opportunities for mutual recognition and/or mapping further explored.

Why have we developed Tasmanian OOHC Standards when there are National OOHC Standards?

National OOHC Standards were developed under the former Council of Australian Governments (COAG) *National Framework for Protecting Australia's Children 2009-2020* and were designed to deliver consistency and drive improvements to the quality of care provided to children and young people across Australia (see Appendix B).

Tasmania, along with other jurisdictions, provides data to the Australian Institute of Health and Wellbeing (AIHW), who use the data to report against the National Standards.

Whilst many jurisdictions rely primarily on the National OOHC Standards, some have developed 'state-specific' standards that set clear expectations for what quality care and services looks like for children and young people in their jurisdiction.

In line with this approach, and working towards establishing a Tasmanian OOHC Accreditation Framework, the Tasmanian Government has developed Tasmanian specific OOHC Standards tailored to align with the *Tasmanian Child and Youth Wellbeing Framework* and Strategy and its six domains of wellbeing (see Appendix A).



What are the National Principles for Child Safe Organisations, and where do the Tasmanian OOHC Standards fit?

The [National Principles for Child Safe Organisations](#) were endorsed by members of the former Council of Australian Governments in February 2019. The principles aim to provide a nationally consistent approach to creating organisational cultures that foster child safety and wellbeing.

The National Principles reflect ten child safe standards recommended by the Royal Commission and are the vehicle for giving effect to recommendations relating to the standards.

Section 2 of the Tasmanian OOHC Standards relate to Child and Youth Safe Organisations, including a requirement to comply with the National Principles.

There is overlap between the Tasmanian OOHC Standards and the standards in the National Principles. The relationship between these sets of standards will be further considered as part of the development of the OOHC Accreditation Framework and opportunities for streamlining, mutual recognition and/or mapping explored.

What are Child Safe Standards and the Child and Youth Safe Organisations Framework?

The Tasmanian Government is progressing work to develop a *Child and Youth Safe Organisations Framework* for Tasmania. This Framework will be a legislatively mandated framework comprising Child Safe Standards and a Reportable Conduct Scheme, to be monitored and enforced by an independent regulatory and oversight body.

Implementing Child Safe Standards was a recommendation of the Royal Commission. Child Safe Standards will apply to all organisations engaged in child related activities in Tasmania. They will contribute to the prevention of abuse and harm to children, and ensure that relevant services, organisations, businesses, clubs, and associations have policies and procedures in place to effectively respond to incidents of child abuse, particularly child sexual abuse.

The Tasmanian Government is planning to adopt the National Principles for Child Safe Organisations (National Principles) as the Child Safe Standards in Tasmania, adapting them to the Tasmanian context as required after consultation with key stakeholders. Commencement of Child Safe Standards is scheduled for 2024.

OOHC providers will be legally required to comply with the *Child and Youth Safe Organisations Framework*, including the Child Safe Standards.

More information on the *Child and Youth Safe Organisations Framework* is available at www.justice.tas.gov.au/cysof .

What are the expectations regarding compliance with the Tasmanian OOHC Standards?

Safeguarding children and young people is a priority for the Tasmanian Government which is why Standards are being introduced alongside a legislative review and the development of a Tasmanian OOHC Accreditation Framework.



At this stage, the Standards are intended to be used as a high level **Guide** to enable OOHC providers and other stakeholders to:

- familiarise themselves with the expected minimum requirements under a Tasmanian OOHC Accreditation Framework;
- assess current service delivery to identify areas where they are performing well and areas for improvement;
- build capacity and readiness for an OOHC Accreditation Framework.

For OOHC Providers funded by the Department (i.e. non-government providers) the Standards will be referenced in future Funding Agreements in line with the intent above.

It is important to note that OOHC Providers will **not be** formally monitored or audited against these Standards until such time as the Tasmanian OOHC Accreditation Framework is in place.

The Standards will be reviewed as the Tasmanian OOHC Accreditation Framework develops. In the interim, providers are encouraged to familiarise themselves with the Standards, undertake a self-assessment of service delivery to determine the extent to which their services comply and undertake continuous improvement activity where required.

Comprehensive OOHC Provider resources, including a self-assessment toolkit, are under development. In the interim, an introductory self-assessment template is provided at Appendix D.

Who will the Tasmanian OOHC Standards apply to?

The Standards apply to all government and non-government providers that deliver OOHC services. This includes providers of:

- kinship care
- family based care
- emergency and respite care services and
- residential and other salaried care support services.

There is ongoing discussion about the application of Standards to informal kinship care. Further information will be made available on this matter as the Tasmanian OOHC Accreditation Framework is developed.

What has informed the Tasmanian OOHC Standards?

Stakeholder input and feedback has been central to the development of these Standards.

A Consultation Workbook on Establishing Tasmanian OOHC Standards and a Carers Register was released in July 2021 inviting stakeholder feedback and input by October 2021.

An OOHC Provider workshop was held in July 2021 and key stakeholder consultations undertaken with the Commissioner for Children and Young People (CCYP), Create Tasmania, the Child Advocate and Tasmanian Aboriginal community organisations between February and September 2021.



Feedback has been included in these Standards and will continue to inform the standards in the context of the development of the OOHC Accreditation Framework.

The Standards have also been informed by the Tasmanian Government's *Child and Youth Wellbeing Framework; It takes a Tasmanian Village, Child and Youth Wellbeing Strategy; Children, Young Persons and their Families Act 1997 Act; the United Nations Convention on the Right of the Child (1989); Outline of the National Standards for Out-of-home Care (2011)* and the *Charter of Rights for Tasmanian Children and Young People in Out of Home Care*.



Tasmanian Out of Home Care Standards:

Section 1 - Children and Young People's Wellbeing

Section 2 – Child and Youth Safe Organisations





Tasmanian Out of Home Care Standards

A Guide to reading the Standards

- There are a total of eight standards organised in two sections:
 - Section 1 – Children and Young People’s Wellbeing
 - Section 2 – Child and Youth Safe Organisation
- Standards should be read in conjunction with the *Supporting Information* in this document.
- Standards apply to all government and non-government providers that deliver OOHC services, including: formal kinship care; other family based care (inc. short/long term foster care, sibling group and specialised care); emergency and respite care services and residential and other salaried care support services including therapeutic services.
- These Standards are intended to be used **as a Guide** so that OOHC providers can:
 - become familiar with the expected minimum requirements under a Tasmanian OOHC Accreditation Framework
 - assess current service delivery to identify areas where they are performing well and to target areas for improvement
 - build capacity and readiness for the Accreditation Framework.
- The Standards are not prescriptive and have been designed to allow providers to be flexible, responsive and innovative in the way they deliver services to children and young people.
- The Standards deliberately overlap and individual standards cannot be considered in isolation from the other standards.
- An Introductory Self-Assessment template is provided at Appendix D.

Indicators of Compliance with the Standard

The Indicators of Compliance under each Standard have been designed to signal where effective measures are in place that support quality services against the Standard. They are not exhaustive and OOHC Providers may have additional or other strategies in place that demonstrate good practice against the Standards.

Further Guidance

- [United Nations Convention on the Rights of the Child.](#)
- [National Principles for Child Safe Organisations](#)
- [Tasmanian Child and Youth Wellbeing Framework](#)
- [It takes a Tasmanian Village, Child and Youth Wellbeing Strategy](#)
- [Charter of rights for Tasmanian Children and Young People in out of home care](#)
- [Children, Young Persons and Their Families Act 1997](#)



Section 1: Children and Young People's Wellbeing

The Standards in this section are based on the six domains of wellbeing in the Tasmanian Child and Youth Wellbeing Framework (see Appendix A).

Standard 1. Being Loved, Safe and Valued:

Children and young people live in safe, stable, caring and loving homes.

Legislation:

Children, Young Persons and their Families Act 1997 (Part 1A – 10A-10G, Part 5,6,7)

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

Refers to: Right 1

United Nations Convention on the Rights of the Child

Refers to Articles: 3, 6, 19, 20, 25, 34, 36 and 39

What this Standard means for children and young people

- ❖ I feel safe, supported and settled where I live
- ❖ I have trusting relationships with the people who care for me
- ❖ I feel cared for and loved at home
- ❖ I feel valued and respected, am listened to, and know who to talk to if I have concerns.

Indicators of Compliance:

Out of Home Care providers:

- 1.1 ensure the people caring for and working with children and young people in out of home care have undergone mandatory checks, completed appropriate induction and training and are assessed as suitable people to provide care.
- 1.2 ensure the home and care environment is assessed as suitable for a child or young person prior to a placement commencing.
- 1.3 place children and young people in home and care environments that meet individual needs and provide safe, nurturing and trauma informed care and support their need for stability.
- 1.4 undertake regular monitoring to assess the continued safety and suitability of the home and care environment for the child or young person.
- 1.5 ensure incidents are managed in accordance with relevant legislation, organisational and contractual incident reporting requirements.
- 1.6 ensure complaints are managed in accordance with organisational and contractual requirements and the process is accessible and easily understood so that children and young people know how to make a complaint and feel comfortable to do so.



- 1.7 work collaboratively with the Child Safety Service and other services or agencies to provide integrated care for each child, and young person.
- 1.8 support staff and carers to participate in the child or young person's Care Team and work together in the best interest of, and to promote and meet the needs of the child or young person.
- 1.9 support staff and carers to provide a home and care environment that identifies and adapts to the changing needs of the child or young person and supports continuity of care so the child or young person knows what and who to expect in regard to their care.
- 1.10 support staff and carers to provide a home and care environment that fosters nurturing, positive and trusting relationships with the children and young people in their care.
- 1.11 engage in safety planning and put appropriate strategies/plans in place to identify and mitigate risk to protect children and young people (and others) from harm.



Standard 2. Having Material Basics:

Children and young people have their material needs met and experience a standard of living that supports them to reach their full potential.

Legislation:

Children, Young Persons and their Families Act 1997 (Part 1A – 10A-10G, Part 5,6,7)

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

Refers to: Right 9

United Nations Convention on the Rights of the Child

Refers to Articles: 3, 24, 26 and 27

What this Standard means for children and young people

- ❖ I have the clothes and shoes I need
- ❖ I get enough good, healthy food
- ❖ I can get to the places I need to go
- ❖ I can keep warm and cool enough in winter and summer
- ❖ I have the things I need to study
- ❖ I have access to the outdoors and green space.

Indicators of Compliance:

Out of Home Care providers, including staff and carers:

- 2.1 provide a home and care environment with access to the following material basics (as a minimum):
 - nutritious food and clean water
 - education and training materials
 - adequate clothing and footwear
 - materials to support participation in activities
 - access to transport, required local services and materials to support participation in activities
 - adequate heating and cooling.
- 2.2 provide a home and care environment where children and young people have their own, belongings, such as toys, books and games and where these belongings are safe and respected by others.
- 2.3 provide a home and care environment where any personal belongings or specific resources remain with the child or young person throughout their time in care including if or when they move.
- 2.4 provide a range of age and developmentally appropriate activities and experiences within the home and care environment.



Standard 3. Being Healthy:

Children and young people have access to appropriate health and mental health services and are supported to be physically, mentally, emotionally and socially well.

Legislation:

Children, Young Persons and their Families Act 1997 (Part 1A – 10A-10G, Part 5,6,7)

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

Refers to: Right 2

United Nations Convention on the Rights of the Child

Refers to Articles: 3, 6 and 24

What this Standard means for children and young people

- ❖ I have a health check when I first go into care and am able to see a doctor, dentist, counsellor, or other health care worker when I need to
- ❖ I feel physically and emotionally well, happy and supported
- ❖ I have time to exercise, play outdoors and am encouraged to be as physically active as I can be.

Indicators of Compliance:

Out of Home Care providers, including staff and carers:

- 3.1 monitor and respond to children and young people's physical, emotional, social and mental health needs generally and in a manner consistent with health needs identified in the Care Plan (as they relate to the role of the Carer, not the role of the health or allied health professional).
- 3.2 facilitate access to appropriate health and developmental supports as required.
- 3.3 ensure that staff and carers are appropriately trained and have access to the assistance needed to understand and manage the impact of trauma and provide trauma informed care.
- 3.4 support children and young people to understand and manage their health needs over time.
- 3.5 share information about the child or young person's health and development as required and where appropriate, with the consent of the child or young person.
- 3.6 support children and young people to access and understand age and developmentally appropriate information about their health and development and available support services.
- 3.7 support children and young people to make healthy lifestyle choices.
- 3.8 support Aboriginal children and young people and children from CALD backgrounds to access culturally appropriate health and allied health support services.



- 3.9 support children and young people to establish and maintain positive peer relationships to support good mental, emotional and social health.



Standard 4. Learning:

Children and young people are supported to participate and engage in education, training or employment, and learn effectively according to their abilities.

Children and young people are supported to develop independent living skills.

Legislation:

Children, Young Persons and their Families Act 1997 (Part 1A – 10A-10G, Part 5,6,7)

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

Refers to: Right 8

United Nations Convention on the Rights of the Child

Refers to Articles: 3, 28, 29 and 30

What this Standard means for children and young people

- ❖ Learning is a good experience for me
- ❖ I regularly go to, and am engaged in school and/or training and/or work
- ❖ I get the help I need to learn and feel supported to learn in a way that works for me
- ❖ I have a quiet place to study and access to the resources I need to learn
- ❖ I am learning skills so I can live independently when the time is right.

Indicators of Compliance:

Out of Home Care providers, including staff and carers:

Education, training and employment

- 4.1 ensure children and young people attend an appropriate educational institution (e.g. early childhood care/centre, school, college, training/vocational) and support their participation and engagement in that educational institution.
- 4.2 regularly review, monitor and respond to children and young people's educational needs and progress in a manner consistent with educational needs identified in their Care Plan.
- 4.3 provide support and access to the necessary resources to enable children and young people to achieve educational milestones.
- 4.4 provide and/or advocate for additional learning support where a need has been identified.
- 4.5 engage with educational institutions to support the child or young person's education.
- 4.6 share information about the child or young person's educational progress as required and where appropriate, with the consent of the child or young person.
- 4.7 provide opportunities for children and young people to engage in activities outside of school that promote learning.



Transitioning out of care into independence

- 4.8 support young people to develop independent living skills, including strategies to manage everyday life issues.
- 4.9 involve young people in their preparation and planning for transition to independence and support them to identify options to meet their needs, goals and aspirations.
- 4.10 provide young people with information about their rights as a young person transitioning to independence, including what entitlements and supports are available to them up to the age of 25, and how to access these.
- 4.11 encourage positive connections with children and young people who have transitioned out of care, where appropriate.



Standard 5. Participating:

Children and young people: are engaged with their peers and community; have a say in decisions that affect them; understand their rights and are able to effectively express their views and raise concerns about the things that matter to them.

Legislation:

Children, Young Persons and their Families Act 1997 (Part 1A – 10A-10G, Part 5,6,7)

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

Refers to Rights: 3, 4 and 5

United Nations Convention on the Rights of the Child

Refers to Articles: 3, 4, 12, 13, 15, 23 and 31

What this Standard means for children and young people

- ❖ I know about my rights, and I know about the *Charter of Rights for Children and Young People in Out of Home Care*
- ❖ I get a say in what happens to me
- ❖ Important adults in my life listen to me and value what I say and explain decisions that affect me
- ❖ I participate in my Care Team and have a say in my Care Plan.
- ❖ I have positive, supportive peer relationships and friendships
- ❖ I can raise concerns freely
- ❖ I am able to take part in organised activities, such as sport, if that is what I want to do.

Indicators of Compliance:

Out of Home Care providers, including staff and carers:

- 5.1 engage with and listen to children and young people when decisions are being made about their lives and matters that affect them and give due weight to their views.
- 5.2 provide information for children and young people in a manner they can understand regarding decisions that affect their lives.
- 5.3 assist and support the child or young person to prepare for any meetings (including Care Team meetings) that are about them. This includes helping them to understand what is happening, why, who will be involved and the outcome.
- 5.4 support the child or young person to participate in the development of their Care Plan, in a manner of their choice, including supporting them to understand the reasons for any key decisions.
- 5.5 provide opportunities for children and young people to take part in recreational pursuits, social activities, and programs of their choice and support them to develop their interests through regular participation in activities of interest to them.



- 5.6 provide children and young people with information about their rights in a manner they can understand including the *Charter of Rights for Tasmanian Children and Young People in Out of Home Care* when entering Care.
- 5.7 ensure that children and young people are listened to when raising concerns, taken seriously and believed, without fear of any consequences and that concerns are dealt with in a timely manner and they are kept informed of the progress and the outcome.
- 5.8 ensure that children and young people can identify at least one trusted adult with whom they can express their views and raise their concerns, who will advocate for them, and help them make sense of the decisions that have been made about their lives.
- 5.9 ensure that children and young people are aware of the role of, and how to contact the Child Advocate.



Standard 6. Having a positive sense of culture and identity:

Children and young people have a strong sense of self-identity and belonging and are able to maintain safe, positive relationships with the people that matter to them.

Legislation:

Children, Young Persons and their Families Act 1997 (Part 1A – 10A-10G, Part 5,6,7)

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

Refers to Rights: 6 and 7

United Nations Convention on the Rights of the Child

Refers to Articles: 3, 14, 20 and 30

What this Standard means for children and young people:

- ❖ I know about my family and personal history and can connect with them as much as I want
- ❖ I am connected with my culture and/or spiritual practice and feel my beliefs and values are respected
- ❖ I feel like I belong
- ❖ I have a positive sense of self-identity and self-esteem.

Indicators of Compliance:

Out of Home Care providers, including staff and carers:

- 6.1 have knowledge of children and young people's culture, family history, religion, spirituality, community, and other connections that are important to them.
- 6.2 support children and young people's sense of identity and help them to be aware of, and remain connected to their family, culture, religion, spirituality and community.
- 6.3 support the child or young person to remain connected with family and community in accordance with the child or young person's views and best interests and their Care Plan.
- 6.4 encourage children and young people to establish new friendships and networks, hobbies and interests, and to be involved in the community.
- 6.5 support children and young people to identify and to stay in touch with safe, trustworthy people important to them prior to coming into care, who care about their future, and who they can turn to for support and advice.
- 6.6 support Aboriginal children and young people to maintain connection to their family, community and culture in line with the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP).
- 6.7 support children and young people from culturally and linguistically diverse (CALD) backgrounds to experience positive identity and cultural connections through interests and with appropriate role models in services, community and families.



- 6.8 help children and young people understand why they are in care in an age-appropriate manner.
- 6.9 where siblings are not living together, support frequent contact, in line with the child or young person's views and best interests and their Care Plan.



Section 2: Child and Youth Safe Organisations

Standard 7. Out of Home Care Providers are Child and Youth Safe Organisations

Legislation:

Children, Young Persons and their Families Act 1997 (Part 1A – 10A-10G, Part 5,6,7)

United Nations Convention on the Rights of the Child

Refers to Articles: 3, 7, 9, 19, 25, 34, 36 and 39

Indicators of Compliance:

Out of Home Care providers:

- 7.1 comply with the *National Principles for Child Safe Organisations* (note tools and resources to assist with compliance are available from the Child Safe Organisations website at [National Principles | Child Safe Organisations \(humanrights.gov.au\)](https://www.humanrights.gov.au/national-principles-for-child-safe-organisations)).

The following indicators are also provided for consideration as they refer specifically to the provision of OOHC:

- 7.1.1 provide ongoing support and advice to staff and carers, particularly in the early stages of a care arrangement, during critical periods and where a risk to the care arrangement continuity is identified and ensure effective action is taken as required.
- 7.1.2 provide regular supervision by appropriately qualified and experienced staff.
- 7.1.3 conduct regular reviews to support staff and carers to identify their strengths and areas for ongoing learning and development and develop a plan to achieve this.
- 7.1.4 provide staff and carers with ongoing development and training to respond to children and young people's needs and behaviours in a safe, trauma-informed and therapeutic way.
- 7.1.5 support staff and carers to use professional judgement in a transparent and accountable manner and apply contemporary and evidenced based practice in line with best practice and models of therapeutic care and in the best interests of the child or young person.
- 7.1.6 document any safety concerns in regard to a child or young person in a format that clearly identifies risks and includes specific strategies to mitigate the identified risk. This should be reviewed regularly.
- 7.1.7 meet the cultural needs of Aboriginal children and young people through implementation of strategies that are culturally safe and enable connection in line with the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP).
- 7.1.8 ensure children and young people, carers and families know their Child Safety Officer, and any key workers involved in providing care and services, and how to contact them.
- 7.1.9 ensure carers and other members of the Care Team coordinate their efforts to implement the transition to independence plan and support young people to develop independent living skills, as they transition to independent living.



- 7.1.10 comply with Child Safety Service operating requirements and protocols including reporting of standard of care concerns, safety and wellbeing concerns in care, and critical incidents in accordance with Department requirements, and the provision of an after-hours contact for staff and carers as required.
- 7.1.11 maintain clear, relevant, concise, timely and up to date records, including case records, file notes, and incident reports.
- 7.1.12 comply with Tasmanian mandatory reporting requirements, as outlined in the *Children, Young Persons and Their Families Act 1997* (the Act).
- 7.1.13 comply with relevant legislation and regulations for the protection of the confidentiality and privacy of the children and young people in care and keep all documentation in a secure environment.



Standard 8. Child Safety Service

The safety and wellbeing of children and young people is actively safeguarded.

Legislation:

Children, Young Persons and their Families Act 1997 (Part 1A – 10A-10G, Part 5,6,7)

United Nations Convention on the Rights of the Child

Refers to Articles: 19, 20, 25, 32, 33, 34, 35, 36 and 37

Indicators of Compliance:

Managers and staff working in the Child Safety Service:

- 8.1 comply with the *Children, Young Persons and their Families Act 1997* and other relevant legislation and government requirements.
- 8.2 provide services in accordance with the Children, Youth and Families Child Safety Practice Framework.
- 8.3 are aware of their responsibilities for promoting and safeguarding the wellbeing of children and young people and understand the need to protect children and young people from abuse and neglect underpins all areas of work with children and young people.
- 8.4 are aware of their responsibilities and reporting obligations and are supported to fulfil these obligations.
- 8.5 provide appropriate training relating to child safety and child safe organisational practice.
- 8.6 understand that all reports of concern where a child may have been abused, neglected or is not receiving appropriate quality of out of home care are reported, recorded and managed in accordance with required processes and in a manner that is child-focussed and promotes and prioritises the best interests of the child or young person.
- 8.7 actively support positive relationships with children and young people.
- 8.8 ensure that each child or young person has a Care Team and a Care Plan in place that addresses their specific needs and is reviewed regularly.
- 8.9 place children and young people in home and care environments that are safe and support their need for stability.



Appendix A

Tasmanian Child and Youth Wellbeing Framework

The primary aim of the *Tasmanian Child and Youth Wellbeing Framework* is to ensure there is a strong, common understanding of child and youth wellbeing. Tasmania's definition of wellbeing is based on the following six domains:

	<p>Being Loved, Safe and Valued</p> <p>This means children and young people:</p>	<ul style="list-style-type: none"> • have a safe, stable and supportive home environment • feel safe, secure and protected at home, in the community and online • feel valued and respected by teachers and other adults in their life and know they are important to others • have positive, trusted relationships with other people • have a voice and ability to raise concerns and have these addressed • feel safe about their future, the environment and climate.
	<p>Having Material Basics</p> <p>This means children and young people have access to:</p>	<ul style="list-style-type: none"> • suitable, secure, stable housing with adequate heating and cooling • nutritious food and clean water • education and training materials • appropriate clothing and footwear • transport, local services and materials to support participation in activities • the outdoors and green space.
	<p>Being Healthy</p> <p>This means children and young people:</p>	<ul style="list-style-type: none"> • are mentally and physically healthy • are emotionally well, happy and supported • are as physically active as they can be • are health literate and have access to appropriate health and care services • are immunised • are supported to engage in outdoor activities and nature-based play.
	<p>Learning</p> <p>This means children and young people:</p>	<ul style="list-style-type: none"> • are attending and engaging in education, training or employment • are participating in early childhood education • are developing literacy and numeracy skills appropriate to age • are supported to learn by their caregiver and education providers • have their individual learning needs addressed to allow them to realise their learning potential • are supported to learn about their world through connection to nature and the outdoors.
	<p>Participating</p> <p>This means children and young people:</p>	<ul style="list-style-type: none"> • are engaging with peers and community groups • are taking part in organised activities, including sport • are an active participant in their own life; including being able to have a say and have their opinion heard and valued • have access to and use technology and social media • can share experiences in nature and express their environmental views.
	<p>Having a Positive Sense of Culture</p> <p>This means children and young people:</p>	<ul style="list-style-type: none"> • can find out about family and personal history and are supported to connect positively with their culture • feel like they belong • have a positive sense of self-identity and self-esteem • are in touch with cultural or spiritual practices and having these practices valued and respected • can connect to nature and are supported to identify their core values about the environment as part of culture and identity.



Appendix B

National Standards for Out of Home Care

[National OOHC Standards](#) were developed under the former Council of Australian Governments (COAG) *National Framework for Protecting Australia's Children 2009-2020* and were designed to deliver consistency and drive improvements to the quality of care provided to children and young people across Australia.

Standard 1 - Children and young people will be provided with stability and security during their time in care.

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

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

Standard 4 - Each child and young person has an individualised plan that details their health, education and other needs.

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

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

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

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.

Standard 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.

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



Appendix C

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

A Charter of Rights was developed in conjunction with the Tasmanian Government, CREATE Foundation and the Tasmanian Commissioner of Children to support children who are not able to live with their parents.

A printable version of the Charter of Rights poster can be accessed on the Department of Communities Tasmania website [here](#).

The Charter establishes that all children and young people in OoHC in Tasmania have the following rights:

1. I have the right to be safe and feel safe.
2. I have the right to receive health care when it is needed.
3. I have the right to be consulted and listened to seriously about decisions that affect me.
4. I have the right to have regular meetings alone with my worker.
5. I have the right to be treated fairly and with respect for who I am.
6. I have the right to identify with my culture and community and to observe my chosen religion.
7. I have the right to have safe contact with my family and people who matter to me.
8. I have the right to have an education and to gain life skills.
9. I have the right to have my privacy respected.



Appendix D

Introductory Self-Assessment Tool for OOHC Providers.

See separate document.

Department of Communities Tasmania

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Visit: www.communities.tas.gov.au

