

# Submission to the ACT Government on the Draft Charter for Carers involved with ACT child protection services

*“A big thing I struggled with was carers not knowing how to support [me]. I didn’t even get access to counsellors at [agency] or school. I never got anything and now it’s too late to change any of my trauma.” (Young person, ACT) (CREATE Foundation, 2023)*

*“Wasn't getting any help at all from foster carers or case workers.” (Young person, ACT) (CREATE Foundation, 2024a)*

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# About CREATE Foundation

The CREATE Foundation is the national consumer peak body for children and young people with an out-of-home care experience. We represent the voices of over 45,000 children and young people currently in care, and those who have transitioned from care, up to the age of 25. Our vision is that all children and young people with a care experience reach their full potential. Our mission is to create a better life for children and young people in care.

To do this we:

- **CONNECT** children and young people to each other, CREATE and their community to
- **EMPOWER** children and young people to build self-confidence, self-esteem, and skills that enable them to have a voice and be heard to
- **CHANGE** the care system, in consultation with children and young people, through advocacy to improve policies, practices and services and increase community awareness.

We achieve our mission by facilitating a variety of programs and services for children and young people with a statutory care experience and developing policy and research to advocate for a better care system.

## Introduction

Thank you for the opportunity to provide feedback on the Draft Charter for Carers involved with ACT child protection services (the Draft Charter). CREATE welcomes the ACT Government's ambitious reform agenda and notes that this work is part of a broader package of reform being delivered by the ACT Government focused on early support for children, young people and their families to facilitate positive life outcomes and ensure long term wellbeing for our community. CREATE also acknowledges that the Draft Charter sits within a suite of overarching rights-based frameworks including the existing [Charter of Rights for Parents and Families](#) and the [Charter of Rights for Kids in Care](#). While these frameworks attempt to bolster transparency and build trust between the ACT Government and those in contact with the child protection system including children, young people, vulnerable families, and carers, CREATE emphasises the need for a clear and public process to monitor and evaluate how these rights are implemented and supported in practice.

CREATE's feedback on the Draft Charter reflects the concerns raised by children and young people with a care experience in the ACT. This includes involvement decision making, the protection of their rights in care, and need for greater transparency and communication (in age and developmentally appropriate ways) from the adults in their lives, including their carers and child protection workers.

### Summary of CREATE's recommendations:

1. Strengthen transparency by committing to public reporting and evaluation.
  - As part of the implementation and registration process for all three Charters, the ACT Government must commit to a process of independent and publicly available evaluation and monitoring. The voices of children, young people and carers must be included in this process and valued as providing expertise by experience. The ACT Government could leverage off similar processes previously in place for an annual, public reporting on compliance with the [National Out-of-Home Care Standards](#) or learn from work currently in train as part of the Department of Social Services commissioned [evaluation of Australian Government carer support programs](#).
2. Safeguarding the rights of the child by clarifying responsibilities for carers and child protection workers.

- Expanding the current list of responsibilities for both carers and child protection workers to capture the responsibility to *'actively and meaningfully engage the child or young person (as the expert in their lives) in decisions that affect their lives'*.
  - Practice guidance and training should be made available to carers to support their understanding of children and young people's rights in care, as part of the implementation of the Draft Charter.
3. Creating robust and implementable expectations for carers with the Draft Charter to translate such expectations into real outcomes for carers and the children and young people in their care.

## Detailed recommendations


### Strengthen transparency by committing to public reporting and evaluation

CREATE acknowledges that the ACT Government will undertake to register all three Charters as 'notifiable instruments' marking a public declaration of the standards contained within them and in an effort to ensure public accessibility to the document. However, we urge the ACT Government to complement this with a public commitment to report on the extent to which carers are able to access their rights. This would better position the ACT Government to move towards and ensure that such instruments can be translated into real outcomes for carers and subsequently children and young people. Given the scope of the rights included in the Draft Charter the voices of carers in addition to those of children and young people with lived experience will be a vital source of evidence in relation to how the Draft Charter is operating.

CREATE also strongly recommends inclusion of a broader scope and remit of the draft Charter to also include those within the 'informal care system' as opposed to solely foster and kinship carers. Evidence in Australia points to estimates of approximately 82% of Australian kinship care households providing informal kinship care (Kiraly et al., 2020). Developing a clear picture of the scope and breath of the 'informal care system' will help to prevent support gaps and increase informal carer access to the same comprehensive supports.

#### CREATE recommends:

- As part of the implementation and registration process for all three Charters, the ACT Government commit to a process of independent and publicly available evaluation, monitoring and reporting. The ACT Government could leverage off similar processes previously in place for annual, public reporting on compliance with the [National Out-of-Home Care Standards](#) (see Commonwealth of Australia, 2011) or learn from work currently in train as part of the Department of Social Services commissioned [evaluation of Australian Government carer support programs](#). CREATE considers that such a process should sit with an independent and rights focused body similar to the ACT Human Rights Commission. Evaluation, monitoring and reporting should occur after an initial one-year phase of embedding. The voices of children, young people and carers must be included and valued as providing expertise by experience to better understand if the rights contained in each of these instruments have been:
  - communicated effectively and appropriately with rights holders,
  - mechanisms for redress (including contact points) have been communicated to and understood by rights holders,
  - extent to which such rights are protected and enforced, and
  - areas for continuous improvement and development can be effectively identified and the Charters are updated to reflective the changing experiences of children, young people and carers in contact with the child protection system.
- The ACT Government to conduct a scoping exercise to better understand both the extent to which an 'informal care system' operates within the ACT context and their specific support



requirements. The ACT Government could consider partnering with Carers ACT to conduct this exercise.

### **Safeguarding the rights of the child by clarifying responsibilities**

While the Draft Charter maps some of the key responsibilities for carers and child protection workers, including to act in the best interest of the child or young person, CREATE stresses the importance of active and genuine engagement with children and young people as an integral part of this responsibility. Children and young people who CREATE consults with in the ACT consistently speak to disempowering experiences where child protection workers and carers did not actively communicate with them especially when they first entered the care system. This is a pivotal point of disruption in their lives and a moment where consistent communication and active involvement in decision making could have changed the trajectories of their experiences and halted persistent feelings of uncertainty and quashed fears related to their safety:

*“In the past it was hard to talk to caseworkers because they never talked to me. They would always talk to my carer instead of me, so this would always make it hard for me to open up. Even if I told my nan [carer] she would just say it's nothing to worry about.” (Young Person, ACT) (CREATE Foundation, 2024a)*

*“When I first moved into care I didn't know what was actually going on. The caseworker just came into our house and told us we had to leave. They didn't tell us why, they just told us to pack our bags because we were going to live with my nan. We also had a lot of different caseworkers during the first three years. They never spoke directly to us but would always talk to my nan [carer]. Or my feelings would be shared out in front of everyone without me being asked. They didn't care what I said, they just cared about what nan said. I didn't feel safe moving because they didn't tell me why...” (Young person, ACT) (CREATE Foundation, 2024a)*

These comments paint a stark picture of the desperate need to value children and young people's voices and for the adults in their life to actively communicate with them about what is happening in their lives and gather their feedback around what they think/feel will be in their own best interests. Disempowering experiences at the entry point to the care system can have lasting impacts for children and young people; with the above comments a prime example of how these experiences can define their journey and leave them pondering on unanswered questions well after their entry point.


Young people in the ACT are calling to be involved and communicated with directly:

*“Talk to them [young people] more. We had a caseworker that only talked to our nan [carer] not specifically to us... I didn't have much of a voice...” (Young person, ACT) (CREATE Foundation, 2024a)*

*“Just generally talk to the kids about how they are going gain their trust and don't listen to the carer blindly...” (Young person, ACT) (CREATE Foundation, 2024a)*

*“Sit down with them [young people] and have a proper chat and let the young person lead the conversation about what would help them instead of the carer making up the plan.” (Young person, ACT) (CREATE Foundation, 2024a)*

*“Case managers and the system needs to understand the impact they are having. It might impact the worker at the end of the day but they are working in our lives that's the thing they don't understand. They go home but we are home. The decisions they make continue to impact our lives even after we turn 18. Not enough people understand it's not just a job, when you work with people in out of home care it's a privilege. You are helping determine your life. Also Advocates and oversight bodies are under-resourced so they aren't able to keep an eye on all young people.” (Young person, ACT) (CREATE Foundation, 2024b)*



Young people have also told us about the times when adults in their lives have actively engaged with them, and how this brought about positive outcomes:

*“I was given the choice on whether I wanted to have a professional [mental health support person] to talk to. I said yes, I then had [name] who talks to me every second week on a Friday. This helps me understand a little bit more about myself and she's great to talk to. She is a therapist. My grandmother set this up initially and then my current carer asked if I wanted to continue and I said yes. They both asked me first and let me decide.” (Young person, ACT) (CREATE Foundation, 2024)*

#### **CREATE recommends:**

- Expanding the current list of responsibilities for both carers and child protection workers to capture the responsibility to ‘actively and meaningfully engage the child or young person (as the expert in their lives) in decisions that affect their lives’. This will also help to better safeguard the child and young person’s right to be respected (Right 2), to be heard (Right 5), to ask questions about what is happening to them (Right 7) and to talk to people about things they don’t like or understand (Right 10) contained in the [Charter of rights for kids in care](#).
  - This should be done by providing children and young people with developmentally appropriate information to support their involvement in discussions and building a culture around young people where they feel their voices are being listened to and in which they can provide feedback in self-defined ways. Additionally, the guidance should be provided to carers and child protection workers on feedback loops for children and young people where decisions are made that do not reflect their views.
- Expanding the current list of responsibilities for carers to capture the responsibility of carers to without information from the child or young person’s biological family according to the wishes of the child or young person in their care.
- Practice guidance and training should be made available to carers to support their understanding of children and young people’s rights in care as part of the implementation of the Draft Charter. CREATE is well placed to co-design with children and young people with a care experience (including co-developing and co-delivering) carer training on the value of these rights and the role they play in supporting the children and young people in their care to access their rights, who the contact points are for carers when the child’s rights have not been upheld, and how to support the child or young person to advocate for themselves.

#### **Creating robust and implementable expectations for carers**

CREATE welcomes the inclusion of a list of expectations for carers in the Draft Charter. However, there is a real need for specificity to be able to translate these expectations into real outcomes for carers. Young people in the ACT have also highlighted the significant pressure that carers are under and the need for robust and implementable supports for the carers in their lives:

*“Better supports are needed for carers. They can feel isolated at times which impacts a young person.” (Young person, ACT) (CREATE Foundation, 2024a)*

At CREATE we know that when carers feel supported, this can help to ensure the children and young people in their care are supported. We have also heard from young people that at times they feel their carers have not been equipped with the tools to help them process their experiences in care:

*“A big thing I struggled with was carers not knowing how to support [me].” (Young person, ACT) (CREATE Foundation, 2024a)*



**In this context CREATE recommends:**

- Clarifying what is meant by ‘regular’ contact with case managers including the frequency and methods of contact that carers can expect to receive. There is also a need to expand this expectation to include a level of flexibility to calibrate contact frequency to periods of higher need including when children and young people first enter care, placement changes and when young people begin planning for their transition from care.
- Expanding the expectation that carers will ‘have their needs around assisting them with the child in their care, heard and actioned as soon as possible’ to include the provision of base-line trauma-informed training (including trauma-awareness and responsiveness; and mental health de-escalation training) and carer coaching and development training. This should be provided to carers at regular intervals. Supporting carers to better understand the impact of trauma both prior to entering the care system and as a result of experiences within the care system will help to foster stronger relationships of support between carers and the children and young people in their care.

## Conclusion

Thank you again for the opportunity to provide feedback on the Draft Charter for Carers involved with ACT child protection services (the Draft Charter). CREATE applauds the initiative represented by the three Charters in their aim to strengthen transparency and build trust between the ACT Government and those in contact with the child protection system including children, young people, vulnerable families, and carers. To ensure full transparency and accountability, CREATE strongly recommends establishing a clear and publicly accessible process for reporting and to evaluate the implementation of the rights outlined in the Charters. CREATE also urges the ACT Government to ensure that acting in the best interest of the child involves active engagement with the voices of children and young people by both carers and child protection workers. This collaborative approach is essential for securing positive outcomes for children and young people with a care experience.

Should you have any questions or require additional information, please contact Kathryn Burke, National Advocacy and Influencing Manager, CREATE Foundation.

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