

Submission on the Refresh of the National Out-of-Home Care Standards

CREATE Foundation

"Listen to us about how we are feeling and how we want to change something or see something. Just listen and sit there."

"I want to help other kids that have been in care re-connect to their family, country and culture."

"We want to have genuine opportunities to shape any related discussion and decisions."

(Quotes from individual children and young people, throughout Australia,
CREATE Foundation)

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April 2025

Acknowledgements

CREATE is the national peak consumer body for children and young people with an out-of-home care experience. Whenever government or the sector considers issues of policy, legislation, system reform or service design, the voices of children and young people most impacted by these decisions must be heard.

CREATE represents the voices of over 45,000 children and young people who are in care each year nationally, and would like to acknowledge the contribution of 30,000 clubCREATE members, Young Consultants and Youth Advisory Groups throughout Australia, who have provided depth and breadth of expertise in every state and territory on the issues considered in this submission.

Where this submission uses direct quotes from children and young people in care, all identifying information has removed, this includes all references to gender, sexuality, age, culture, community, and location/s of their current or past care experiences.

About CREATE

CREATE Foundation is the national peak consumer 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 systems that impact children and young people, in consultation with them, through advocacy to improve policies, practices and services and increase community awareness.

We achieve our mission by delivering a variety of programs and supports for children and young people with a care experience, and by conducting advocacy and research to improve experiences and outcomes.

For more information, see:

- CREATE's [Strategic Plan 2024-27](#), which outlines our strategic directions and goals.
- CREATE's [Menu of Programs](#), which outlines the range of programs, events and activities that CREATE runs.
- CREATE's [Menu of Consultations](#), which outlines our engagement, consultation and research offerings.

About the submission

The Australian Government Department of Social Services (DSS) has tasked the Australian Institute of Family Studies (AIFS) to undertake a review of selected elements of the Safe and Supported Action Plan. This submission related to Refresh of the National Out-of-Home Care Standards. Its aims are to: gather the views and perspectives of key stakeholders (including young people with a care experience and carers) that will inform the development of Refreshed National Standards.

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The opportunity to champion child rights, connection and thriving, in the face of family violence, trauma and poverty

“We want adults to recognise our potential and dream big for us, so we can.” (Young person, CREATE Foundation, 2024)

“You are worthy and no matter your goals, you can accomplish anything.” (Young person, CREATE Foundation, 2024)

“From the perspective of young people with a care experience, I see it as black and white personally. The government should make sure that children in their care are kept safe.” (Young person, CREATE Foundation, 2024)

“Nobody listens to me.” (Young person, CREATE Foundation, 2024)

When government assumes the care of a child in Australia, CREATE Foundation advocates that all agencies of government and the funded sector should engage with and treat children in its care as a model parent would. From birth, throughout early childhood, school years, adolescence and into young adulthood, this system that has been created to protect children from harm, often contributes to experiences of further adversity and compounding trauma.

When the National Standards were conceived, they responded to various concerning reports, investigations and insights into how child protection and care systems were not providing safe settings for childhood; how it was failing to meet the developmental needs of children in its care, and sometimes, at its worst, the system is complicit in experiences of further harm through institutional child sex abuse, targeted exploitation, criminalisation of young people and relational neglect.

The National Standards must contemplate and reflect the broad and dynamic phases of development and individual needs of children in state care. The standards must articulate and hold to the aspirations, hopes, care and love for each individual child, as a parent would. The National Standards should consider deeply the needs of each child and what they need to heal and to thrive at each developmental stage.

Each child in care requires government, as its model parent, to go above and beyond to respond to the impacts of adverse childhood experiences, family violence, neglect and poverty. The intensity of response and need for immediate wrap-around support is vital for each child, and it must be balanced with relational warmth, structure and consistent rhythms – attendance at school, sports, play with loved ones – and continuous and loving care by known and trusted adults.

Every standard set for out-of-home care must be anchored to the commitment to strive to reunify families and to return a child to the care of family where it is safe to do so. Continued connection to parents, safe relatives and known adults changes the course a child’s life.

Where neglect is present, government must do everything it can to address the impacts of poverty, actively provide housing stability and support to lift families out of poverty, prioritise supports for addiction, and activate health, education and family support structures to keep children safely with their families. Similarly, where family violence is present, government should be doing all it can to provide stable, secure and safe housing for women escaping family violence with their children, so that the children can remain in the care of mum and the path of healing and rebuilding a life and a family can happen together. There must be enhanced supports to ensure that those children are never faced with the choice between homelessness or return to violence.

Children's core and protective relationships with adults must be prioritised as an essential expectation. The National Standards must have at the forefront the expectation that everything has been done, and is continuing to be done, so that a child's time living away from their family is not a prolonged experience that embeds disconnection, disruption and further disadvantage, changing the trajectory of their lives.

CREATE Foundation is well positioned to partner with government and the sector, so that the voices and lived experiences of children in care are heard and responded to. Informed by the lived experience and insight of children and young people, Australia can become a leader in contemporary, safe and best practice responses to child protection, family violence, neglect and poverty, in ways that are developmentally attuned and ensure that children and young people are heard, can heal, and thrive.

Recommendations to update the National Standards

Lived experience of out-of-home care in Australia at the heart

CREATE Foundation recommends that the lived experience of children in care is prioritised and resourced as fundamental to the redesign and refresh of the National Standards, overarching legislative and policy mechanisms for child protection, quality and safety monitoring and outcomes measurement for out-of-home care.

The impact of Australia's out-of-home care system on the childhoods and lives of children removed from their families is profound and enduring.

The outcomes of this system can be measured and understood through the lived experiences of children, who have been removed from their families and placed, in one, or many, of the varied configurations and settings that make up Australia's out-of-home care system.

"Culture is important, because without it I wouldn't be me. My culture is important but I wish I had the chance to understand it more growing up in care." (Young person, CREATE Foundation, 2024)

Australia does not systematically or effectively include the voices and lived experiences of children in its model of child protection delivery. State and territory governments and funded agencies that deliver out-of-home care services are not required to embed the structures and processes for children and young people to feel safe to have a say and express their priorities, concerns and aspirations. Participation is episodic and haphazard, and is often driven by the schedules and priorities of the adults, decision makers and funded services that steward and deliver these systems, rather than by children and young people.

It is one of the only systems, where the end consumer is not prioritised consistently at every level and phase of policy design, service delivery, implementation and improvement. Subsequently, this system fails to achieve its purpose, leading to poorer health, mental health, educational, employment, housing, justice and life outcomes for children in care.

The recasting and refresh of the National Standards is an important opportunity to move Australia's practices and systems for the genuine participation of children in care, and enhance their influence over their own lives and futures to reflect contemporary practice. We know that listening to and acting on the insights and lived experience of children and young people improves both immediate and long-term outcomes for children, and system performance.

CREATE, as the national consumer body for children in care, is independent of government and sector and is uniquely trusted by children and young people. CREATE is uniquely positioned to

support the Commonwealth Government to enact child and young-person led system oversight, governance and monitoring to ensure meaningful and safe youth engagement and leadership and implementing and monitoring of updated National Standards in partnership with young people.

National Children's Act to enshrine the rights of children into Australian law

CREATE Foundation recommends that the rights of children are enshrined in Commonwealth law, with application and accountability upheld for child protection and out-of-home care systems.

There is a lack of child rights standards codified and embedded in Commonwealth legislation articulating Australia's commitment to protecting and realising the rights, care, wellbeing and development of children.

CREATE Foundation strongly supports the 'Act for Children' campaign, and the establishment of Commonwealth mechanisms that ensure that child rights and wellbeing are a national priority. CREATE supports the establishment of a Federal Cabinet Minister for Children, a National Cabinet which prioritises the rights and wellbeing of children, the development of a National Plan for Child Wellbeing, and the passing of a National Children's Act to guarantee child rights into law.¹

The framework for considering the rights and wellbeing of children, and their representation, throughout Australian law, systems and services, is currently fragmented and ineffective.

Australia was a founding member and original signatory of the Universal Declaration of Human Rights in 1948. Australia subsequently ratified the United Nations Convention on the Rights of the Child in 1990, ratified the United Nations Convention on the Rights of Persons with Disabilities in 2008, and endorsed the UN Declaration on the Rights of Indigenous Peoples in 2009.

The relevance and application of these frameworks is uncontested and should frame and ground all areas of social policy and systems that affect children and young adults.

The interaction and framework of protections for children in Australia, and particularly children in care, should be introduced into Australia law, and a dedicated legal framework that address the gaps in protection and care afforded to children.

The operation of child protection in each state and territory, must be better supported by consistent, transparent, rights-based protections and ambitions for children in care – and supported by strong and robust monitoring and accountability. A codified and rights-based approach to child protection should be developed and introduced nationally.

The efficacy of the National Standards in the absence of a National Children's Act is limited. This limitation is evidenced in the conflated approach of the current standards, which seek to cover a generalist sense of the rights of the child and their human rights. With the introduction of a dedicated Commonwealth Act, providing a codified framework for child rights in Australia, this would enable cascading efforts, including the National Standards, to be significantly tightened, and more concrete, disciplined and effective in its purpose. Drafting and focus can then go to the substantive issues unique to the care of children when they are removed from their families for their own safety and protection.

¹ <https://www.actforchildren.net/>

Opportunity to innovate and move to best practice and evidence based models of care outside the family

CREATE Foundation recommends that the new standards include and promote the development of evidence based models beyond the existing approaches, and signal commitment to strong models that improve outcomes for children.

The current standards do not promote or encourage the development or implementation of delivery models for the care of children beyond the existing service configurations in place in Australia. The National Standards should clearly articulate agreed parameters and expectations for best practice, safety and care to support innovation, collaborative care and evidence-informed design, and facilitate continuous improvement. Refreshed National Standards provide an opportunity to raise the threshold of expectations and ambition for Australian children.

Clear accountability for childhood development and access to opportunities

CREATE Foundation recommends that the National Standards include direct reference to and accountability across Commonwealth, state and territory portfolios, including social services, health, education, early childhood, housing and disability, to ensure that the development needs of children in care are prioritised.

The National Standards are not anchored in action and currently do not require relevant Commonwealth, state or territory portfolio holders to collaborate and prioritise investment, responsiveness and priority access for children in care. Housing, early childhood care, education, physical and mental health, disability and responses to family violence must all be clearly and firmly connected to the out-of-home care system.

Robust monitoring and accountability of experiences in care and lifelong outcomes

CREATE Foundation recommends that the National Standards have an accompanying outcomes framework, stepping out immediate, medium and long-term outcomes expected for childhood development, aspirations and quality of life during and following a child's time in out-of-home care.

There is opportunity to ensure that the National Standards are strengthened considerably through the design and resourcing of robust monitoring and accountability for the experiences of children in care, and the immediate, medium and long-term outcomes of childhood development, wellbeing and care through the out-of-home care system.

CREATE Foundation recommends that children and young people in care work with other experts to design the approach to all monitoring of service delivery, and the quality and safety of care achieved by state and territories.

Monitoring and evaluation mechanisms should be designed with the unique insights and proactive engagement of children and young people in care, and those with care experiences. The lived experiences of children and young people, and their systems expertise must be supported and prioritised in shaping the outcomes framework, and monitoring its accountability measures.

"I am smart. I am confident. I speak up for myself and others." (Young person, CREATE Foundation, 2024)

CREATE recommends that children and young people in care have an ongoing role in providing insights into system and service performance against the National Standards, and its Action Plans, and ongoing monitoring and reporting on quality, safety and outcomes.

This can be achieved through various models, including through ongoing lived experience governance that support young person-led agenda setting. CREATE is well positioned to support the operation of a national lived experience governance group, complemented by regular reporting of experiences and outcomes from young people across jurisdictions to monitor the impact of practice, policy and system changes mobilised to align with updated National Standards.

Purpose of updated National Out-of-Home Care Standards

What should the purpose of the updated National Standards be?

CREATE Foundation recommends that the primary purpose of the National Standards should be re-cast, reflect and respond to the aspirations and needs of children, young people and young adults, as expressed by children and young people in-care. Their purpose should be to provide national and whole of system accountability for meeting the needs of children, their developmental, social, educational and health needs through nurturing, vibrant homes and life opportunities.

The loudest voice and perspectives on what should be expected when government assumes the role of carer and parent, are those of the children and young people who grow up in government care – those who are removed from their families due to child safety concerns.

“We are not just a caseload. We’re not just another name in your system. We are real people and your decisions impact us.” (Young person, CREATE Foundation, 2024)

The most recent government figures identify that over 55,000 children between the ages of 0-17 throughout Australia were in out-of-home care at least once during 2023-24.² Importantly, the number of young people aged 18-21 is not reported, despite continuing and vital role of government as young people in care transition to independence and pursue higher or vocational education, learn to drive and move towards independence. As articulated by the national Home Stretch campaign ‘Current government policies require the child protection system to begin preparing a young person to leave care as early as 15 years, while most would leave their care placement during their 16th or 17th year. In comparison, children residing at home, in the wider community, with one or both parents are remaining at home longer, with almost 50% of young people aged 18 to 24 having never left the family home.’³

The current out-of-home care system, in its design and implementation, is deeply disconnected with community values and expectations around what is involved to raise happy, healthy and thriving children. Currently, despite the rhetoric contained in the current standards - there is no accountability or consequence when this system fails the children in its care. The standards are only as meaningful as their implementation and the strength of the monitoring and continuous improvement methods. The current National standards have none of these features.

The National Standards must set strong expectations for a systemic shift towards family preservation and early intervention when there are safety and wellbeing concerns for children. The National Standards should embed and require home-based and relational care models as the foundational model that meet children’s developmental and relational needs through continuity of relationships with carers.

² Australian Government, Productivity Commission, [Report on Government Services 2025. PART F. SECTION 16: RELEASED ON 30 JANUARY 2025](#), Chapter 16 Child protection services.

³ ‘Why is The Home Stretch needed now’, [Home Stretch](#)

The purpose of the National Standards should articulate the expectations of children, the lives they want to live, and should provide accountability and monitoring to ensure that every child in out-of-home care has the broadest opportunities and full supports they need to build their futures. The development of the priorities should be firmly grounded in the lived experiences of children in care. The implementation of the standards, the quality and safety of out-of-home care, and the outcomes achieved for children whose childhoods are profoundly shaped by government throughout Australia should be monitored by children in care.

“Ask me more questions and ask how we can get involved.” (Young person, CREATE Foundation, 2024)

“Inclusion looks like friendly, caring, enthusiastic – make me feel good and happy.” (Young person, CREATE Foundation, 2024)

We know that the design, quality and safety of Australia’s out-of-home care systems and services frequently fall short of providing a safe, stable and caring environment for children.⁴ These settings often do not enable holistic and therapeutic responses to a child’s experience of maltreatment, abuse or neglect. Concerningly, Australia is facing a 27% increase in reported child abuse and neglect, and an 18% rise in the number of children in out-of-home care, with continuing systemic racism and over-representation of Aboriginal and Torres Strait Islander children removed from their families and raised in out-of-home care.⁵ There is a failure to manage the additional adverse impacts of child protection processes and interaction with police, courts and instability and disruption to a child’s education, recreational and social connections while government is removing them from family and community. Any period of time in out-of-home care is significant for children. Being placed in out-of-home care can compound the detrimental and serious long term effects of child maltreatment on social and emotional wellbeing, as well as educational attainment.

“We already got trauma. Any little things can become more traumatic and I think young people need to be listened to a little bit more and acted upon...” (Young person, CREATE Foundation, 2024)

Across all jurisdictions, when a child is placed in out-of-home care, their risk of certain kinds of harm increases, including harm caused through sexual exploitation and abuse in care settings and through early contact with criminal justice systems.⁶ In some situations, the experiences of harm for children and young people in out-of-home care are equivalent or worse to the violence, instability and harm they were removed from.

“They need an adult to advocate for them. I mean you’ve got to think you’re talking to traumatised children.” (Young person, CREATE Foundation, 2024)

The removal of children from their families is the most extreme exercise of government power in Australia. This removal often occurs within a context of inequality and poverty experienced acutely by children and young people, and where removal by child protection can occur due to extreme disadvantage, where parents do not have the physical resources to provide housing, food, medical and health care or clothing. At every phase, from investment in early years, to addressing and harnessing the potential and ensuring the wellbeing of teenagers, and most significantly the response to children in crisis, Australia fails children in out-of-home care.⁷

⁴ Final Report, Contemporary out-of-home care, [Royal Commission into Institutional Responses to Child Sexual Abuse](#), Volume 12, 2017; NSW Government, System review into out-of-home-care, 2024

⁵ UNICEF Australia, [Our Strategy for 2023-2025](#)

⁶ Human Rights Council, 24 February - 4 April 2025, Agenda Item 3, Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, *Visit to Australia. Report of the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children, Mama Fatima Singhatheh*, A/HRC/59/52/Add.1

⁷ UNICEF Australia, [Our Strategy for 2023-2025](#)

While the Commonwealth Government provides guidance on child protection, there is a dispersal of accountability to each state and territory for child protection interventions, and the system that responds to children when they are removed from their families, which results in varied practices, legal mechanisms, and systems. The National Standards should form part of a codified national approach to child protection legislation and arrangements across Australia, to ensure that the same protections, resources and opportunities are available to children everywhere in Australia.

The existing National Out-of-Home Care Standards and key outcome areas

Do the existing standards cover the important areas that affect outcomes for children and young people in care? If not, what areas need to be included in the refreshed National Standards?

CREATE Foundation recommends that the national standards strengthen the focus on the following key outcome and priority areas.

When CREATE Foundation was developing its Strategic Plan for 2024-2027, the voices of children and young people in care shaped our priority setting approach and the key outcome areas, and what matters most to children and young people in care. This approach should be replicated in designing updated National Standards.

CREATE Foundation recommends that the National Standards embed accountability and practical measurement of how government will provide and prioritise safety and stability in care.

Every child deserves someone who consistently shows up for them with warmth and care. The National Standards must acknowledge that relational safety and continuity of relationships are essential for the wellbeing and development of children and young people. For those in care, when living with family is not an option, stable placement arrangements are critical. This means placements that prioritise young people's sense of safety and respond to their individual needs, minimising disruption in their lives and supporting continuity of caring relationships and community connections. Children and young people also need to be actively involved in placement decisions so they have a say about where they live.

"I entered care at 14, went to a foster home and then moved to a residential place. Then moved to another residential place. Then moved back to the first residential place. Then moved back to the foster place. Then moved back to the second residential place. Then moved to a uni campus and now to a unit." (Young person, CREATE Foundation, 2024)

"I didn't get to review my case plan until I was 24 and complained to [department]." (Young person, CREATE Foundation, 2024)

CREATE Foundation recommends that the National Standards adopt a framework for a relational model of care.

Like everyone, children and young people need safe, responsive and meaningful relationships to be safe and well. This means trusted relationships with safe adults who listen to them, act on what they say, show warmth and show up for them in an ongoing way. Unfortunately, children and young people in care often experience disrupted relationships with family, carers and caseworkers. The National Standards must provide a robust framework for systems, policy frameworks, service models and practice approaches to elevate relationships as the most important thing when it comes

to child safety and wellbeing. The National Standards must signal expectations for whole of system reform required to achieve this shift, and movement towards a future care system that operates as a 'care community' of networked relationships, that prioritise children's right to safe, enduring and responsive relationships as a paramount concern.

"The more people that there are looking after you, it feels less like a family." (Young person, CREATE Foundation, 2024)

"They are the adult role model who can act as a parent figure." (Young person, CREATE Foundation, 2024)

CREATE Foundation recommends that Aboriginal and Torres Strait Islander self-determination takes precedence and the models of out-of-home care provided to Aboriginal and Torres Strait Islander children are First Nations led.

Aboriginal and Torres Strait Islander led and designed approaches are essential for meeting the needs of First Nations children and young people, and reducing the disproportionate number of First Nations children in statutory care. The National Standards must be substantially stronger in the expectations of delivery of child protection and out-of-home care through Aboriginal-led commissioning to put resources and decision-making power in the hands of First Nations communities, including proportionate investment in the community-controlled sector to enable culturally-informed services, based on community need. The National Standards must recognise Aboriginal and Torres Strait Islander children's right to connection to Country, culture, lore, spiritual systems, cultural protocols and practices, language, kin, clan and community as a major protective factor that can heal families, embody identity, reclaim pride and grow kids strong. The National Standards must include and encompass data sovereignty for First Nations communities and set out a pathway to Aboriginal-led oversight of child protection systems, including dedicated Commissioners for Aboriginal Children and Young People in all jurisdictions, with a full mandate to oversee all systems impacting on the lives of First Nations children and young people.

"Not being able to speak my language... I don't understand when my family are talking." (Young person, CREATE Foundation, 2024)

CREATE Foundation recommends that the National Standards clearly require adherence to human and child rights frameworks, and require active promotion and protection of each child's rights, celebrating diversity and embedding inclusion.

The National Standards need to be stronger in the support for every young person's right to be affirmed in their unique identity, and receive inclusive support that empowers them to thrive physically, emotionally, culturally and socially. The National Standards must enable and shift the basis of the system to a rights-based child protection model that elevates the voices and rights of children and young people. It must provide expectations that policies and systems that enable children and young people to be involved in decision-making about their individual journey in care, as well as decision-making about system reform. The National Standards must require and embed a positive obligation on child protection systems to ensure that service models and practice approaches promote the protection of child rights and are safe and responsive to young people with different abilities, cultural backgrounds, genders and sexualities, and neurodiversity.

CREATE Foundation recommends that the National Standards commit to reducing and limiting the use of residential care models as part of the out-of-home care system, as a model of last resort - moving towards a relational model of family-based care. Where residential care is used, CREATE

recommends that is is purposefully design for healing, and applies therapeutic models of practice and trauma informed settings in its architecture, staffing expertise and integration of supports.

The National Standards need to articulate a systemic shift towards family preservation and early intervention when there are safety and wellbeing concerns for children. The National Standards must prioritise and require jurisdictions to focus on enhancing home-based and relational care models that meet children's developmental and relational needs through continuity of relationships with carers. Where residential options are used, the National Standards should be clear about the improvements to the quality, stability, safety and model of care through better home environments in residential settings, smaller homes (unless catering for sibling groups), staffing models and practice approaches that prioritise meaningful relationships between workers and young people, and therapeutic models that address a holistic range of issues and needs affecting young people, with a particular focus on addressing mental health needs.

CREATE Foundation recommends that strong practices and supports are embedded to ensure strong sibling, kin and family connection.

The National Standards must meaningfully establish a care system that prioritises ongoing opportunities to nurture sibling, kin and family relationships, reflecting individual wishes of children and young people in care. The National Standards must be substantially stronger on the importance of this connection in a system oriented towards family reunification and support. The National Standards must outline expectations of appropriate resourcing and models to sustain sibling and family relationships as a protective factor, promoting identity and meaning, relational continuity, and emotional resilience. These connections also enhance stability, and promote a sense of belonging among young people who may be facing disruptions in other aspects of life.

"My grandma makes me feel safe, and my friends." (Young person, CREATE Foundation, 2024)

"I am not really sure where my family are from. I don't even know what my dad looks like. I can't ask my mum because it might cause problems." (Young person, CREATE Foundation, 2024)

"They [siblings] didn't know they were helping my mental health but just being around them could cheer me up even if they were annoying me... just knowing they were with me." (Young person, CREATE Foundation, 2024)

CREATE Foundation recommends that government provides early and thorough health and wellbeing assessments, supports and responses to ensure the best opportunities for children in care to thrive.

The National Standards should be ambitious and commit to active obligations around early and high-quality health care and responses to children from their first contact with child protection system. Every aspect of health, from dental care, orthodontics, to eyesight, speech pathology and nutrition should be holistically included and required for every child in care. The National Standards must place positive obligations to put in place early supports and protections for health and wellbeing. Children and young people in care often experience more health challenges than their peers, both while in care and after care, which can impact long-term quality of life and health outcomes. The National Standards should articulate the expectation that child safety and health systems need to work together to prioritise access to assessments, early intervention services and targeted specialist supports for children and young people in care, tailored to meet their unique needs.

“Disproportionate amount of people in care suffer from health conditions because of their trauma.” (Young person, CREATE Foundation, 2024)

“I thought it was normal to be in pain because that’s what my case workers told me.” (Young person, CREATE Foundation, 2024)

“I recently found out I have lots of chronic health issues. When I was in care, no one would ever take me to the doctor. I’ve been diagnosed so much in the last year. Even though I had so many illnesses in my family, including asthma. But no one would take me to get checked out and treated. (Young person, CREATE Foundation, 2024)

“Early intervention testing for young people for major health conditions that may not be covered by Medicare until symptoms develop.” (Young person, CREATE Foundation, 2024)

“We know people who live in heavy trauma environment, it raises cortisol and affects brain function. It completely alters the way the body reacts and reacts to stress...” (Young person, CREATE Foundation, 2024)

“They never included fruit and veggies in our meals in resi home.” (Young person, CREATE Foundation, 2024)

“We may not be believed for our symptoms because children in care have a specific stereotype...” (Young person, CREATE Foundation, 2024)

The National Standards should reflect the experiences of children in child protection and the need for additional assessment and mental health supports and care in response to adverse childhood experiences, family violence, their experiences as victims of crime and exposure to physical and sexual violence, and adverse impacts on their mental health through engagement with justice systems, police, courts, and series of unknown adults, placement changes and substantial disruptions as a result of child protection processes.

The National Standards should embed requirements for early and continuing mental health assessments, and support, with psychologists and professionals who the child identifies that they feel safe with, and provide mental health care and support throughout their childhood and into early adulthood.

The National Standards should strongly align with the government’s commitment to addressing gender-based violence. Stopping the cycle of family violence should be demonstrated through tangible and proactive action to ensure that the children and young people in care, who often have endured extreme experiences of violence, abuse and neglect, are equipped with the tools for healing and treatment of trauma by psychologists and other professionals, to enable them to thrive into adulthood.

The National Standards should require comprehensive physical and mental health assessments for children entering care, health assessments annually while in care, access enhancements for young people living in regional areas, priority access and express pathways to diagnostic services and NDIS supports, and targeted mental health service models for young people in care that address the impacts of trauma. The significant low levels of assessment, and disability supports, for children in care is harmful and affects long term outcomes for children. The National Standards must expect better coordination and delivery to ensure that every support is in place for children to grow, develop and participate fully in all spheres of childhood, adolescence and into young adulthood.

“Often, we don’t have a chance for our neurodiversity or trauma to be diagnosed... This means that responses are often incomplete or based on a misunderstandings or assumptions about what we might be struggling with.” (Young person, CREATE Foundation, 2024)

“I can say, if you sent me home without paperwork, I’ll be the only one who cares, because none of my carers care. I can confidently say that, because when I was looking to diagnose [...] I was having to do that alone... My carer’s only around three to six months, and then they’re gone and you have to move somewhere else.” (Young person, CREATE Foundation, 2024)

“... recognise typical trauma behaviours e.g. difficulty self-regulating, withdrawal, self destructive behaviour, an appearance of shutting down or an inability to focus.” (Young person, CREATE Foundation, 2024)

“Having an additional case file just for health and wellbeing.” (Young person, CREATE Foundation, 2024)

CREATE Foundation recommends that there are high ambitions and supports for children in care to excel at their education, from early childhood through to TAFE and university so children in care should be provided with every opportunity and support to learn and become highly skilled and educated young adults.

Children and young people in care commonly experience major disruption to their education, barriers to participate and stigma. The National Standards must outline the expectation that children in care attend and thrive at early childhood education and care, kinder, school, TAFE and university. At every stage of a child’s development, the full educational opportunities for learning and thriving must be available, and the National Standards should be clear that government is committed to and will ensure equitable access to quality education for young people in out-of-home care. Education attendance, tutoring, extra-curricular and social activities are all essential for their development and access to opportunities to work towards their aspirations and interests. Appropriate and early assessments to identify learning and development difficulties and supports to overcome the impacts of trauma on learning must be embedded as part of government assuming the role of the parent in a child’s life.

The National Standards should mobilise and require connection between service partners across education and child protection sectors to do better for children and young people in care, through practice improvements, better placement decisions, transport solutions to get to early childhood education centres, kindergarten, school, and further education. This should include flexible funding to cover school gear, technology to fully participate, funding for text books and stationary, provision of appropriate study spaces, desks and chairs and quiet in their homes, streamlined permissions to engage in extra-curricular school activities, bridging programs and alternative education pathways, additional tutors and supports where there is a learning difficulty or diagnosis (such as dyslexia). The National Standards should be ambitious and plan for the best and brightest futures, and highest levels of educational attainment that sets children in care up for independence and fulfilling lives and careers into adulthood.

“We really want to learn and be a part of the school environment but we are struggling. This can look like anger, choosing not to engage, or being really unfocused, but it’s actually that we are feeling unsafe and distressed.” (Young person, CREATE Foundation, 2024)

“We want adults to recognise our potential and dream big for us, so we can.” (Young person, CREATE Foundation, 2024)

CREATE Foundation recommends that the National Standards set a high standard of care, that addresses the exploitation of children in care, comprehensive responses to children as victims of crime, and reducing their exposure to adult-offending and ineffective responses to behaviours of concern and cycles of violence in care settings.

The National Standards should address the harmful interaction between justice and out-of-home care settings, and establish expectations to reduce the over-representation of children in care and implement new models of response. Active steps and change must be taken to reduce the high risk and experiences of violence and exploitation of children in out-of-home care. Children with a care experience (particularly those living in residential care) are disproportionately criminalised as a result of social disadvantage, experiences of adversity and trauma, the impact of racism, poverty, unsafe and unstable housing, unsupported mental health needs and substance issues, and practice issues resulting in high levels of contact with police.

In line with overwhelming evidence and expert opinion, CREATE strongly believes that raising the age of criminal responsibility is a critical step in reforming the youth justice system. This means all Australian governments should raise the age of criminal responsibility to 14 years (without exception), the minimum age of detention to 16 years, and invest in comprehensive diversion and early intervention supports, to reduce offending and interrupt cycles of contact with justice systems into adulthood.

Australian youth justice systems need urgent and major reform so that children and young people in our communities who have experienced family violence, homelessness, poverty, exploitation and abuse, are no longer criminalised or detained. The National Standards must include a comprehensive child-centred, trauma-informed and therapeutic services for all children who come into contact with the criminal justice system.

“People assume that foster kids are associated with crime, drugs and violence.” (Young person, CREATE Foundation, 2024)

“You know, like the idea that young people in care are more likely to be criminals or be at risk [and] require being treated like you’ve done something wrong.” (Young person, CREATE Foundation, 2024)

CREATE Foundation recommends that the National Standards provide sound and evidence based requirements for government to comprehensively provide the supports, structures and resources for young adults in care to successfully transition to independence between the ages of 18 and 25.

The National Standards must enable a supported transition to adulthood, and reset expectations and standards applied in the current system where children as young as 15 in care are being asked to consider their future lives as adults, where and how they will live, with the expectation of being ‘exited’ from care when they turn 18, particularly residential care. This practice is destabilising for young people who have already overcome uncertainty and distress in their lives. Young people often describe transitioning from care to independence as a stressful, unsupported and unsafe experience.

The National Standards should require all jurisdictions to implement and maintain robust transition support packages (that include adequate allowances for transition and into young adulthood) to ensure real choices and housing options for young people, as well as support for higher education

and professional aspirations. The National Standards should promote a significant policy shift in relation to transition supports, allowances and housing guarantees for young people leaving care up to the age of 25 years. The National Standards could enable transparent monitoring of outcomes for young adults leaving care, including the consideration of consistency of transition packages and prioritised access to housing and higher education supports available in each jurisdiction to ensure young people receive equitable opportunities and resources for their emergence into independence.

"It's a reminder that we didn't have a proper childhood. You couldn't be a teenager and do teenage things. You had to focus on planning your adulthood because no one else was going to do it." (Young person, CREATE Foundation, 2024)

"It's a very emotional and frightening thing to do, especially at a young age." (Young person, CREATE Foundation, 2024)

"I transitioned into a homeless shelter because there were no proper housing options." (Young person, CREATE Foundation, 2024)

"Most kids your age are 18 and still with their parents... I felt quite alone." (Young person, CREATE Foundation, 2024)

Should any of the standards be kept exactly as they are now? Which standards should be changed?

CREATE Foundation recommends that the standards are substantially redeveloped and reoriented to provide a cohesive framework for excellence in care and outstanding outcomes for children in care into their adulthood.

The review and refresh of the National Standards requires more substantial consideration beyond adjusting wording to ensure a cohesive framework for quality care and positive outcomes for children in care is established, implemented and monitored. The current standards are a combination of references to child rights, child protection practices, with one standard that goes to workforce training. It is an incoherent structure, and falls short of providing clarity of expectations and accountability for quality, safety and outcomes-oriented care.

Currently, standards 1, 2, 5, 6, 7, 8, 9, 10, and 11 seek to reflect and reference human rights and the rights of the child. However, this approach does not cover the field of rights, or provide adequate weight to the rights of children with disabilities, or the rights of First Nations children in light of the over-representation of these groups of children in care.

The positioning of child protection and out-of-home care approaches within a rights framework is essential, and should form part of Australia's national legislative landscape and active obligations that champion, protect and ensure the rights, health and wellbeing of children throughout Australia, and particularly children in care.

As discussed, Australia was a founding member and original signatory of the Universal Declaration of Human Rights in 1948. Australia subsequently ratified the United Nations Convention on the Rights of the Child in 1990, ratified the United Nations Convention on the Rights of Persons with Disabilities in 2008, and endorsed the UN Declaration on the Rights of Indigenous Peoples in 2009. Adherence to and fulfilment of these suite of human rights, and the particular rights of the child is a fundamental expectation of government when it assumes the care of children. All children in Australia should have their rights protected by adults in their lives and in the community and provided for through the

systems, services and supports available. With additional special rights and protections for children with disabilities and children from Aboriginal and Torres Strait Islander families and culture.

The removal of children from their families is the most extreme exercise of government power and intervention. A rights-based model would recognise the particular vulnerabilities of children under the age of 18 and their reliance on adults to have their needs met, and to fulfil their development and enact their full participation. In the review of the National Standards, the full realisation of the rights of the child should be contemplated and integrated into the practical considerations and the application of rights-based models and practices within out-of-home care.

However, while the current standards reference and allude to these rights, they do not provide or achieve a clear pathway for government delivery of out-of-home care. This approach does not provide comprehensive expectations on what should be delivered, and to what standard, throughout Australia.

CREATE Foundation recommends that National Standards should be established that assume application of rights, but provide clear and comprehensive architecture for safe and quality of care for children, and the outcomes expected from birth through to adulthood.

Standards 1, 2, 3, 9, 10 and 13 provide some guidance on child protection practices and expectations, where a plan is required as evidence of action and care, and the current (harmful) requirement to write up a plan for living independently with 15 year olds in care set out in standard 13.

The outcomes that CREATE advocates for, summarised for AIFS earlier in our submission response, need to be developed into a cohesive model of system expectations and articulated as National Standards.

CREATE Foundation recommends that where required, additional and distinct national documents to codify out-of-home care practices and models are established for care providers, including workforce expectations, for employees who are in the role of parents and creating a home for children in care.

For the out-of-home care system, care givers, family members, practitioners and employees in residential settings, are all part of the model of care and responsible for 'raising' children removed from their families through child protection intervention. This network of people is an essential part of providing safety, a home and a setting for childhood, adolescence and young adulthood.

Standard 12 is the only standard which considers the role of carers, from foster and kinship carers to employees within residential care settings.

The standard, as it is articulated, fails to acknowledge the range of systemic and service barriers that prevent carers from providing the childhood, adolescence and young adulthood they would hope to offer to ensure quality of life, and quality of care for children removed from their families. The standard also does not acknowledge the often short-term nature of care and the focus of carers on supporting connection and reunification with family for children removed. This standard does not adequately set out government's commitment to carers, and the level of support and connection required.

In alignment with the outcomes that CREATE advocates for, already summarised in this submission, much stronger guidance and support for carers needs to be considered and articulated. This needs to reflect a coherent policy and systems approach that recognises changes in carer demographics and social shifts in relation to community based caring models, and the leadership of First Nations practitioners, sector and communities in community oriented and kinship care approaches.

Nationally, and in light of the significance of the changes in recent decades, models of home-based care in the community need to be revisited. There needs to be clarity in policy position, the system design, and practice approaches. This needs to be developed and informed in partnership with children in care, and the community of carers throughout Australia, First Nations experts and leaders, and sector to design future-oriented and contemporary models of home-based care.

CREATE Foundation recommends that the wording and emphasis of the standards is recast and redeveloped with children as its audience and that this work is undertaken with children in care as design partners.

Children in care should be able to pick up the National Standards and understand who is responsible for providing for their care and childhood, what can they expect, and where do they go if this is not happening for them.

The wording of every standard must identify the state as the responsible party assuming the role of 'model parent' for each child in care from the moment they are removed. Every standard should be worded to place a positive and action-oriented obligations on states and territory governments, being clear about the thresholds for action is in order to achieve the stated outcomes for children in care, during their childhood, through their transitions to adulthood, and beyond.

The wording of every standard should be substantially more concrete in its expectations, and be anchored to a robust monitoring framework, that embeds accountability for action. The stated aims of the National Framework for Protecting Australia's children should be enforced and the Commonwealth should hold the state and territory governments to account for their care and protection of children experiencing, or at-risk of experiencing, abuse and neglect.

Children, as the primary beneficiaries of the standards, and therefore the primary audience, should have access to the National Standards in a child-friendly and accessible format, in written form, from their first contact with the care system. The National Standards should provide children and young people with comfort and assurance, that while they aren't able to live with their own parents, the government will do everything it can to be the best type of parent, and that all of the adults employed by the government and funded agencies will walk alongside them every step of their daily routine and their lives in care. They can ask for what they need, what they want, what is feeling hard and what is feeling good, and get the help they need from safe adults, who deeply care about them and who they are.

For those standards you ticked 'change', what changes are needed to shape improvements to children's experience of out-of-home care?

CREATE Foundation recommends that the standards which consider the delivery of care services, systems and models be revisited to reflect more concrete requirements, objective measurement and clear expectations.

Beyond adjustments to the wording of the current standards, CREATE recommends a deeper and more robust approach to considering how standards and expectations are framed. In recognition of the complexity of the style of review being undertaken, CREATE has provided some guidance and input into the wording and substance of the current standards, building from the advice provided in responses 1-3 above.

CREATE Foundation recommends the following are considered to address the challenges and limitations of the substance and effectiveness of the National Standards current wording:

- **Standard 1** should articulate what stability and security looks like as a minimum expectation and experience for a child or young person. This standard should explicitly step out the expectations of

support and responsiveness in advance of a child being placed in out-of-home care, and include actions and commitments of government to respond to the needs of children from the first indication of family violence, neglect or abuse, exclusion from education and health settings, and the impact of poverty and substance abuse.

- **Standard 2** should include the participation rights of children in alignment with the Convention on the Right of the Child, and include the expectations for participation in their immediate and personal circumstances, as well as participation in shaping the laws, systems and services that profoundly affect their lives and the lives of other children in care. This should include the right to have a voice, within a safe and supported context, listened to and taken seriously in relation to their concerns and preferences, and to have this participation respected and given due weight.
- **Standard 3** should be anchored on expectations of Aboriginal self-determination, and address how the current child protection practice results in the over-representation of First Nations children and families in out-of-home care. This standard, and the suite of standards, or separate standards for Aboriginal and Torres Strait Islander children, should be developed and led by First Nations leaders, peak bodies and Aboriginal community-controlled organisations through a separate and dedicated approach.
- **Associated with Standards 3, 9, 10 and 11** the National Standards should clearly embed and require transfer of delegation to Aboriginal and Torres Strait Islander community-controlled organisations, and the Child Placement Principles. They should also embed the role of First Nations peak bodies and advocacy groups as system partners in design, implementation and reform of child protection parameters and approaches for First Nations children. A further a dedicated standard relating to connection to culture, country and healing for First Nations children should be developed and included, reflecting the knowledge and practices of First Nations communities in healing and protecting children. CREATE considers that the broad references in the current **Standards 9, 10 and 11**, do not sufficiently or appropriately reflect the priority that must be given to the resourcing and support for connection to culture for First Nations children in care.
- **Standard 4** should be completely changed to acknowledge the impact and weight and importance of each area for childhood development, health and wellbeing. There should be separate standards and clear expectations set across the areas identified. There should be clear and stand-alone standards for education, health, disability that provide a focus on what the system will do to ensure child needs are comprehensively met while they are in care. There should be a standard that requires the distinct and clear standards to be documented and all of the relevant records and information to be kept and actioned on, and then provided to the child for their future record keeping and system accountability purposes. This standard should require the accountability of the system to demonstrate action and commitment to supporting the very best, timely and continuous actions for a child's health, early years and continuing education, disability, mental health, housing and social supports as required partners in government's role as the child's guardian. It should articulate the actions and contribution required to wrap around a child to enable them to thrive, focusing on the actions and obligations of these systems to prioritise the opportunities and outcomes of children in care. It should include the voice of children in setting these priorities for action, and require ease of priority access that removes all barriers to participation for children in the supports and activities they need to grow and thrive.
- **Standard 5** should set out the expectation of robust prior assessments and service responses throughout family services and child protection involvement with a child and their family, and establish accountability for continuity of supports when a child is removed from their family and placed in care. It must be clear that the range of assessments required must happen as early as possible in child protections involvement with a child, the initial assessments and support wrapping around a child for their physical, developmental, psychosocial and mental health should occur as

soon as child protection is involved to enable wrap-around supports and responses, within the family services model, and then within the community based child protection support model, with the resources and supports embedded within the family settings where safe to do so. The standard should include the practical expectation of complete printed records, as well as digital, and resources for all of this activity must be available to the child and their parents/carers. Where required, these should be shared with NDIS to support continuity of assistance where required. The wrap-around and timely assessments, and the following supports, must be a part of strongly supporting children staying with their families and a reunification oriented system, where government does all it can to provide holistic supports for families to stay together. The standards should in particular address the delivery of supports for children of women leaving family violence as a priority for a full suite of housing, education, health, mental health and developmental supports, so that the children can be supported to heal and thrive with their protective parent. The Standards should include recognition and expectation of the extensive work undertaken by collaborative professionals in advance of a child protection involvement and removal of the child, and accountability and transparency around the system failures when this initial and basic level of care has not been provided.

- **Standard 6 and Standard 7** should be reconsidered and shaped in accordance to age of development and phase of education. The limit on Standard 7 on only supporting children to participate in education up to the age of 18 is not in alignment with community expectations about access to higher education and training in young adulthood to enable full workforce participation and professional aspirations. Both standards identify a very low bar for what is expected of government as responsible for children during the formative and vital years of development. The recast standards should include expectations around developmental supports and educational resourcing beyond just school attendance. The standard should articulate clear expectations for early childhood education and development, school years, early adolescence and educational advancement into young adulthood. It should require proactive pathways, and requirement to maintain schooling and connection to education that supports and enables reunification and proximity to family where this is safe and possible. This should include provision and expectations for the tools and resources required for study and educational attainment in terms of access to a variety of age-appropriate books and developmental toys for babies and small children, the space, study settings in the home, technology and quiet study time and access to extra-curricular opportunities for primary and secondary aged children, and pro-active planning for resourcing and support to enable university and higher education attainment. The standards should reflect the highest levels of aspiration and supports for children in care, and include the expectation of education, training and workforce participation and support up to and including the age of 21 years as a minimum national standard in alignment with the Home Stretch campaign and the evidence in support of 21 as the minimum age, with supports and expectations in place up to the age of 25 for young people who require additional years of training aligned with their chosen profession. For example, if a child is pursuing law, engineering or medicine, support for their university attendance and participation must be extended to enable full educational attainment and qualifications as they prepare for adulthood.
- **Standard 8** must provide a stronger and active expectation of connection, where government ensures that during the vital years of development, children in care have the broadest access and experience of diverse recreational, social, sporting, artistic and music opportunities. The standards should be clear that each child has access to continued and meaningful engagement and participation, aligned with and continuing when a child is reunified with parents. Recreational, social, cultural and community activities significantly contribute to the ongoing development of children and young people in relation to identity development, social connection and development of support networks. These activities have substantial evidence in terms of supporting young people's psychological wellbeing, social skills, self-esteem, educational achievement, and identity

and relationship development. The standard should be strengthened in reflecting the importance of these activities to immediate and ongoing development and wellbeing of children in care. It should also be clear around the role of government in providing for transport, uniforms, bathers or instruments, enrolment costs, participation in finals and competitions, and ensure the whole range of supports and logistics is supported so that children in care don't miss out on these essential aspects of development during childhood.

- **Standard 9** should be much stronger in the orientation of child protection as prioritising child reunification and connection to family and kin as paramount, where this is safe to do so. The standard should include the system obligation for rigorous family-finding and comprehensive supports to ensure that there is connection within the family group, as broadly conceived. It should include clear and direct references to the management of family violence and the required wrap-around housing, transport and other supports for the mother and victim-survivor parent to enable children to stay in her care, and minimise any time in out-of-home care, and how connection back is anchored during these phases. The standards should expressly identify frequency of connection with parents, grandparents, chosen family members, siblings, that is evidence based to ensure depth of attachment and relationship at each stage of childhood. The standards should also ensure that expectations at each stage of childhood are clearly addressed and considered, based on best practice attachment, kinship and relational theories that apply from birth through to early adulthood. These standards should be developed with specific and thorough design reflecting the voices of children in care, and with care experience, and women of children who have survived family violence to deeply understand the structures, logistical supports and frequency required to ensure that family connection and attachment is strongly supported as a priority for a child's development and growth.
- **Standard 11** should be considered and aligned with **Standard 9** in term of family and kin connection, reflecting the inclusion of 'chosen family' in the best practice and broad definitions of family and kin in Australia and reflecting multi-cultural and First Nations practices and definitions of family. The limitation of one person should be removed, and children and young people should be supported to connect with the broadest range of safe adults across their social, educational, employment, sporting and artistic communities.
- **Standard 10** should be significantly reconsidered and allow for separate and appropriately weighted consideration of connection to culture and LGBTQIA+ identities. The standard relating to culture, community and faith communities, should be developed in partnership and with advice from multicultural and inter-faith leaders in Australia. A standard around safety, responsiveness and inclusion for LGBTQIA+ children should be developed in partnership and advice from LGBTQIA+ experts and Commissioners nationally, to ensure that there is clarity of the safety and supports for children to be free from discrimination and have access to inclusive practices throughout childhood, and relevant healthcare throughout adolescence and into early adulthood.
- **Standard 12** is the only standard which places an expectation around quality care but does not sufficiently step out what is required by governments nationally to deliver safe, quality and child-centred out-of-home care. Separate and robust Workforce Standards underpinning and enabling the delivery of the National Standards should be developed to set contemporary standards that align with Child Safe Standards, Worker Exclusion and Protection Schemes, minimum qualification, training and expertise requirements, and fundamentally redesigned model of delivery that ensures the achievement and delivery of the National Standards to meet the needs of children is resources, supported and achievable. The development of Workforce Standards for out-of-home care must draw on the deep and thorough work undertaken through Royal Commissions into Family Violence, Mental Health, and Disability services throughout Australia, and the state and territory based reviews into workforce capability, and the insights and recommendations from Child Death Inquiries and reviews managed by Commissioners for Children and Young People nationally, that

highlight a raft of workforce issues, practice challenges and capacity building requirements that have contributed to the deaths of children in out-of-home care.

- **Standard 13** should be modified to create a new standard that aligns with best practice approaches and evidence around preparing children and adolescence for adulthood. Government should anticipate extended care and continued supports as a child matures into early adulthood between the ages of 18 to 21 to developmental maturity generally achieved at or around the age 25. Increasing autonomy and responsibility throughout adolescence and in support of developing life-long confidence and skills for independent living must form part of the practice model and approach for caring and supporting teenagers in out-of-home care. Government must be accountable for providing support, opportunities and resources so that young people in care can acquire new skills, like learning to drive, and have the required levels of practice and supports to gain these basic life skills while they are in the care of government. Similarly, skill around financial management, savings, investing, grocery shopping, cooking and nutrition, managing household and living expenses and budgeting, should all be built in as part of the care model and supporting maturation throughout adolescence. The timing and pace of these conversations should be aligned individual development, maturation, and the gradual planning for living independently, and must align with national data as articulated in the Home Stretch campaign. The practical planning for movement from living in care to living independently should be initiated by government with young people in their care should go beyond a 'plan' with details, and include active participation, advocacy and support to assist young people to succeed in accessing the higher education, professional and living arrangements they aspire to.

Are there any additional standards that should be included?

The detailed advice and recommendations provided in responses 1-3, and additional considerations identified in relation to the current wording requested in responses 4 indicate the level of comprehensive review required of the current standards, in CREATE's view. As currently drafted, the standards reveal the need for a national policy approach and system architecture to support the safe care of children removed from their families. In addition to the substantive themes and advice recommended throughout this submission, the following additional considerations are provided.

CREATE Foundation recommends that additional standards need to consider:

- ***Proactive identification and response to trauma, post-traumatic stress and recovery planning.***
- ***Protection from sexual exploitation, neglect and violence in care.***
- ***Responses to children as victims of crime and ongoing supports where a child was subject to family violence, violence in their community, exposed to criminal activity and exploitation, or criminal offending by care providers.***
- ***Accessible and child friendly complaints and safety mechanisms, including independent visitors and supports, written and printed records for children, and age appropriate supports.***
- ***Access to technology, connection and literacy in alignment with their educational, services and support access, and employment needs.***
- ***Access to written records and personal health, education and child protection documentation.***
- ***Transparency of funding provided to meet the needs of children in care and responsiveness to child's views and preferences in the use of this funding.***

Children and young people's rights

Do the current National Standards do enough to embed the rights of children and young people as set out in the UNCRC and UNDRIP? Is there anything that should be changed in the updated National Standards or principles?

CREATE Foundation recommends that a comprehensive reconsideration of the approach to embed the rights of the child, human rights, rights of First Nations children, and rights of people with disabilities is required.

CREATE Foundation recommends that this should include a clear framework for child protection and out-of-home care settings that make meaningful and practical the promotion, protection and realisation of rights in care settings. It must include a robust monitoring and accountability framework to ensure enduring action and outcomes.

The current National Standards do not currently provide for a comprehensive approach to applying a human rights approach. The gaps and recommended approach to address this are detailed in CREATE's opening recommendations and throughout submission responses 1-4. Current National Standards do not at all reflect the Convention on the Rights of Persons with Disabilities. Significant further work is required to meaningfully apply rights frameworks, and the associated tangible actions, system requirements and models.

Priority population groups

Should the National Standards refer to different population groups? If yes, how should the standards include different population groups?

The National Standards should have a dedicated focus to population groups, and also on children and young people with shared and common experiences who are over-represented in care. The National Standards must draw on evidence-based frameworks to ensure that child protection and out-of-home care systems do not reinforce and compound disadvantage and discrimination of children in care. The standards must draw on understanding of cycles of violence and disadvantage, criminalisation and structural discrimination to shape effective expectations and practices that actively respond to these features and end these cycles of violence, isolation, poverty and stigma.

CREATE Foundation recommends that the standards should include direct and clear expectations of the level of support children and young people must receive to address the structural disadvantage, discrimination and trauma associated with out-of-home care.

Of the 55,000 children and young people removed from their families and placed in out-of-home care by the Australia government during 2023-2024 we know that many experience disability, mental health concerns, developmental delays, neurodiversity, housing insecurity and poverty.

There is a concerning overrepresentation of children and young people in out-of-home care that align with those most vulnerable to discrimination, structural exclusion, disadvantage and abuse in Australia. These groups include children and young people with disabilities, cognitive impairment, and developmental delays. There is substantial data collection issues and appropriate and early assessment of child's health and developmental needs. This results in compounding neglect and protracted challenges for every child who does not receive timely assessment, diagnosis and supports to ensure their full participation in childhood and into adulthood.

The new National Standards must ensure that the child protection and out-of-home care system in Australia is not a setting where lateral violence and system harm is perpetrated. The new National Standards must be clear, on a new model that actively changes these cycles of harm and

discrimination towards children in care, and steps out how the care system will ensure a brighter and thriving future.

CREATE Foundation recommends direct consideration and response to groups of children in care, who are over-represented and have common experiences and additional care needs in order to recover and be supported to heal and fully participate in a thriving childhood, adolescence and adulthood.

The National Standards should also respond to the specific needs of groups of children in care, that are known to be over-represented in care, who share common experiences of harm and associated continuing presentations and needs, in particular those who are over-represented, including:

- First Nations children and young people. This is discussed in more detail below in a dedicated recommendation.
- All children and young people who are currently in trauma, or have post-traumatic stress disorder, who need the benefit of expert and evidence-based interventions and treatments to address and resolve the continuing impacts of trauma and harm.
- All children and young people who have mental health presentations, episodes or continuing challenges to ensure they have accurate diagnosis, continuing and consistent treatment and support. Fully funded mental health care should be provided by government to all children in care, including diagnosis, treatment, continuous review and multidisciplinary supports.
- All children and young people who have severe and acute mental health presentations, including suicidal ideation, self-harm and eating disorders, must have access to prioritised and specialist care for treatment and support. Recognising the common co-presentation with untreated trauma and abuse.
- All children and young people who have been removed from their families from circumstances of family violence, to ensure that the inter-generational impacts and imprints of violence are addressed and responded to comprehensively to equip children to heal and develop to live a life as an adult who lives free from violence.
- All children and young people who have are victims of crime, from perpetrators within their home settings, or within care, including sexual and physical violence and coercive control, physical and sexual exploitation and abuse.
- All children and young people who have been exposed to drug and alcohol substance abuse in their families, home settings or within care.
- All children and young people, whose parents or carers have been incarcerated, who have been exposed to adults involved in crime, or who have been placed in police cells or detention in youth justice systems due to activities occurring while they are in the care of government.

CREATE Foundation recommends that there is a strong and dedicated focus on children and young people with disabilities, including physical and cognitive disabilities; and that neurodivergent children and young people are able to access priority assessments and pathways to NDIS support, and continuity of care into adulthood.

The National Standards should articulate the expectation, connection to, and priority access to NDIS and the full suite of early intervention supports, to enable full participation in early childhood development and educational opportunities, therapeutic supports, recreation and creative pursuits, and support for transitions to independent and support adulthood, including workforce and employment participation and independent living.

This should include responsibility for early assessment, identification and diagnosis of developmental delay or disability, and outline the responsibility of state and territory governments that are considered the child's guardians and responsible for the day-to-day decision making regarding the child. The expectation must be that the state acts as a model parent and carer, and seeks every support and assessment as soon as possible, from a child's first contact with child protection. State and territory governments should work closely with parents and carers, and the Commonwealth government to facilitate and enable priority assessment and delivery of NDIS supports for each child. There should be an expectation that this occurs before a child is removed from their family into out-of-home care to ensure that the placement and supports established around the child and from the first night in out-of-home care reflect and are supportive of a child's disability and developmental needs.

CREATE Foundation strongly supports the campaign for a prioritising healthcare for kids in care his should be reflected in the national standards, with a requirement for clear partnership with Medicare, general practitioners and mental health services Australia wide.

This support should focus on and include the groups of children above, and also include access to dental, speech pathology, orthodontics, podiatry, and optometry, to ensure that children can speak clearly, eat without pain and difficulty, move and see as they grow and develop into adulthood.

CREATE Foundation recommends that the Commonwealth work with First Nations leaders, community and sector to resource community-led and culturally-informed models of care for Aboriginal and Torres Strait Islander children.

The National Standards should clearly embed and require transfer of delegation to Aboriginal and Torres Strait Islander community-controlled organisations, and the ATSICPP, and embed the role of First Nations peak bodies and advocacy groups as system partners in design, implementation and reform of child protection parameters and approaches for First Nations children. Aboriginal and Torres Strait Islander led and designed approaches are essential for meeting the needs of First Nations children and young people, and reducing the disproportionate number of First Nations children in statutory care. CREATE supports Aboriginal-led commissioning to put resources and decision-making power in the hands of First Nations communities, including proportionate investment in the community-controlled sector to enable culturally-informed services, based on community need.

A further more detailed response, in support of Aboriginal self-determination being realised and embedded through child protection and care systems is provided below.

Principles and values

What are the key principles and values that should be reflected in the National Standards?

CREATE Foundation recommends that child and human rights principles are reflected in the National Standards.

CREATE Foundation recommends that the key principles and values reflected in the National Standards reflect international human rights for children, people with disabilities, and First Nations people.⁸ The key principles and values in the National Standards must uphold and commit to human rights and the additional rights which recognise that children and young people have special needs to help them survive and develop to their full potential. The standards should adhere to and articulate the rights children have to special protection because of their vulnerability to exploitation and abuse as laid out in the Convention on the Rights of the Child.

CREATE Foundation recommends that principles of meaningful and robust child participation, lived experience and leadership are reflected in the National Standards

The principles of meaningful and robust child participation, lived experience and leadership is required to ensure the outcomes of the out-of-home care system can be accurately measured and understood. This principle must be championed as central to the National Standards to reflect contemporary and best practice approaches, and what is known to be effective.

As the national consumer body representing children in care throughout Australia, CREATE is well-positioned to partner with the Commonwealth Government to ensure that system monitoring of child protection and out-of-home care reflects the voices, insights and wisdom that can only be understood through deep, continuous and supported child participation.

CREATE Foundation recommends that principles of safety, transparency and accountability for outcomes are reflected in the National Standards.

The current National Standards do not enable or include a national and transparent approach to monitoring the safety and outcomes of the child protection and out-of-home care systems.

The principle of accountability for action, strongly aligned to child participation and leadership as a foundational metric, must be developed and applied to ensure the National Standards are meaningful, and contribute to positive change and improvement in experiences in care and lifelong outcomes.

CREATE Foundation recommends that principles of best practice and evidence-based care are reflected in the National Standards.

Robust consideration of how to meaningfully and comprehensively embed principles that support the mental health of children in care, and include accountability and monitoring of adherence and action of these principles is vital.

These must include principles and approaches that require evidence models, evaluation and practice fidelity in care, that are:

- trauma-informed
- culturally appropriate

⁸ [The Universal Declaration of Human Rights](#), the [Convention on the Rights of the Child](#), the [Convention on the Rights of Persons with Disabilities](#), and the [Declaration on the Rights of Indigenous Peoples](#)

- strengths-based
- child-centred
- holistic and collaborative; and
- relationships-focused.⁹

The Aboriginal and Torres Strait Islander Child Placement Principle

CREATE acknowledges our positionality as a non-Indigenous organisation and the limitations of our voice in relation to community-led and culturally-informed models of care for First Nations children and young people. Self-determination for First Nations communities and the community-controlled sector should be the paramount guiding principle in relation to the safety and wellbeing of Aboriginal and Torres Strait Islander children, young people and their families. CREATE acknowledges that the community-controlled sector are the experts when it comes to achieving outcomes for communities and their children and young people.

Should elements of the ATSICPP be incorporated in the updated National Standards? If so, what elements should be included and how should this be reflected in the wording of the National Standards or the principles?

CREATE Foundation recommends that ATSICPP is fully implemented, and commitment to Delegated Authority models is embedded in the National Standards and consistent national approaches to child protection and out-of-home care.

CREATE strongly urges all governments to fully implement Delegated Authority models nationally, underpinned by legislative reform and supported by adequate resourcing and backbone funding. This will be major step in government genuinely handing over decision making power and resources to First Nations communities. It will lead to better outcomes for children and their families, and it will significantly progress efforts towards Target 12, given that transfer of authority leads to increased family preservation and reunification, thereby reducing over-representation (SNAICC, 2024)¹⁰.

CREATE recommends that the First Nations leaders, communities and sector, as the voices of Aboriginal and Torres Strait Islander children, should lead the design and approach to responding to the needs, safety, wellbeing and support of Aboriginal and Torres Strait Islander children and their families.

The National Standards should encompass a cohesive strategy and approach that strongly reflect the ATSICPP, and embed expectations articulated in the [Aboriginal and Torres Strait Islander Early Childhood Strategy](#), and [the National Agreement on Closing the Gap](#).

Nationally, 22,908 Aboriginal and Torres Strait Islander children are living in out-of-home care, amounting to approximately 41% of all children and young people in care (AIWH, 2024¹¹; SNAICC, 2024). In keeping with our role as a consumer body and advocate, this submission outlines what CREATE has heard directly from First Nations young people about their experiences in statutory care systems and the changes they believe will achieve progress on over-representation. It also outlines our understanding of the body of evidence in relation to addressing over-representation, particularly Aboriginal and Torres Strait Islander knowledge and evidence.

⁹ Miller, H and Alla [Practice principles for supporting the mental health and wellbeing of children in out-of-home care](#), AIFS, March 2024

¹⁰ SNAICC (2024) *Family Matters – Strong communities. Strong culture. Stronger children.* <https://www.snaicc.org.au/our-work/child-and-family-wellbeing/family-matters/>

¹¹ Australian Institute of Health and Welfare (2024) *Child protection Australia 2022–23, Supporting children.* <https://www.aihw.gov.au/reports/child-protection/child-protection-australia-2022-23/contents/insights/supporting-children>

The National Standards must expressly and in tangible ways progress achievement of the National Agreement on Closing the Gap Outcome 12 Target, to reduce the rate of over-representation of Aboriginal and Torres Strait Islander children and young people in out-of-home care arrangements by 45% by 2031.

CREATE Foundation recommends that the National Standards actively address and include:

- Listening to Aboriginal and Torres Strait Islander children and young people and ensure their right to participate in decisions that impact them.
- Listening to community and the community-controlled sector, and implement the many Aboriginal-led system reviews, inquiries and recommendations already developed.
- Investment in self-determination by investing in the Aboriginal community-controlled sector, including implementation of Delegated Authority models in all jurisdictions, and investment in flexible, culturally-informed and community-led service responses to the needs of children and families.
- Ensuring compliance with the Aboriginal and Torres Strait Islander Child Placement Principle and implementation of Aboriginal Family-Led Decision Making in all jurisdictions.
- Ensuring all jurisdictions have a Commissioner for Aboriginal and Torres Strait Islander Children and Young People with full authority under legislation, adequate resourcing, and direct access to all relevant information to ensure an effective oversight function.
- Investment in early intervention to reduce entries into care by addressing the issues contributing to child protection involvement, including investment in family support services and family preservation.
- Addressing the social drivers linked to child protection involvement, including poverty, family violence, intergenerational trauma, lack of safe and affordable housing, disability related needs, substance issues and mental health.
- Act quickly to establish standards for timeliness of change at each level of government. Current trends require urgent action to correct. This is critical to improve life outcomes for children and young people and avoid the grief of separation for children, families and community.
- Strengthen data reporting and public accountability, guided by principles of data sovereignty and Aboriginal knowledge and evidence.

CREATE often hears from First Nations young people once they are living in care that:

- They wish to be reunified with family and kin.
- They feel a strong longing for culture and a sense of loss and disorientation when they are not connected to culture.
- They want to have a voice and choice in relation where they live and who they live with, including the choice to live with siblings.
- They want to remain connected with family, kin, culture, Country and community while living in care.
- They want to enact their rights to self-determination, participation and connection to culture.
- Most of all, young people tell us that they want their culture to be respected, and for this respect to underpin all engagements with them, their families and community.

"Culture is important, because without it, I wouldn't be me. My culture is important but I wish I had the chance to understand it more growing up in care." (Young person, CREATE Foundation)

Other existing policies and frameworks

If you are familiar with state and territory out-of-home care frameworks, are there standards and principles in this framework that should be considered in the updated National Standards?

CREATE Foundation recommends that there is dedicated and child and young person-led review of care frameworks nationally, to provide advice to government on where these could be considered to update the National Standards.

CREATE has deep and broad engagement in every state and territory, and national membership comprised of 30,000 children and young people with lived experience of out-of-home care. CREATE welcomes the opportunity to support the Commonwealth Government and the AIFS team to deeply explore and work with children and young people to test and validate the effectiveness and outcomes achieved through these care frameworks and approaches to support the refresh of the National Standards.

Are there elements of existing policies and frameworks that should be considered in the updated National Standards?

CREATE Foundation recommends that alongside the National Standards refresh, Australian governments commit to clear expectations and timeframes for the implementation of Safe and Supported: Aboriginal and Torres Strait Islander First Action Plan 2023-2026.

Australian governments should implement and resource the actions under the Safe and Supported: Aboriginal and Torres Strait Islander First Action Plan 2023-2026. The lack of progress to date on Target 12 reflects a failure to implement these actions. Unfortunately, to date many actions have stalled due to a lack of dedicated investment at both Commonwealth and state and territory levels. It is imperative that this Action Plan is implemented as a national priority if Australian Governments are serious about children's safety and wellbeing.

Governments should invest in self-determination by investing in ACCOs. Although 41% of children and young people in OOHC nationally are Aboriginal and Torres Strait Islander, only 6% of child protection funding goes to ACCOs (SNAICC, 2024)¹². For progress to be made in addressing the over-representation of Aboriginal and Torres Strait Islander children in care, Governments need to adequately and proportionately resource the community-controlled sector. This requires Governments to transfer resources and decision making to community.

Evidence shows that the community-controlled sector is best placed to address the needs of First Nations children, young people and their families, through community-based and culturally safe service responses. In order to reverse trends in over-representation of First Nations children in care, investment is needed in flexible service models designed and delivered by community-controlled organisations to meet local needs, underpinned by culturally safe and culturally rich practice. As reflected in numerous reports (e.g. Lawrie 2024)¹³, non-Indigenous child protection practice and

¹² SNAICC (2024) *Family Matters – Strong communities. Strong culture. Stronger children.* <https://www.snaicc.org.au/our-work/child-and-family-wellbeing/family-matters/>

¹³ Lawrie A (2024) *Holding on to Our Future: Final Report of the Inquiry into the application of the Aboriginal and Torres Strait Islander Child Placement Principle in the removal and placement of Aboriginal children and young people in South Australia*, Commissioner for Aboriginal

decision-making can be culturally unsafe for Aboriginal and Torres Strait Islander children and families, and can perpetuate biases and structural racism. For example, mainstream child protection practice and assessment tools can perpetuate a culture of heightened surveillance of First Nations families, confuse poverty with neglect, and not take account of complex kinship systems and collective approaches to caring for children in communities, leading to more notifications to child protection and more intrusive interventions (SNAICC, 2024)¹⁴.

Additionally, at CREATE we hear from First Nations young people about their strong preference for culturally safe ACCO-led services, and placement with Aboriginal carers. Young people also express that they want to be involved in decision making about their care, and they want their family and community involved in decision-making. In this context, CREATE recommends the full implementation of Aboriginal Family-Led Decision Making nationally, led by ACCOs. This should be complemented by stronger compliance and oversight of operationalisation of the Aboriginal and Torres Strait Islander Placement Principle in all jurisdictions.

“They [the department] disconnected me from my ancestry. It was culturally rich with my family.”

“I was supposed to be connected with my past and culture. They cut me off from my background.”

“They’re my people, of course I want to know about it.”

“I would like to be more connected with my culture. I don’t know what that looks like though.”

“I want to help other kids that have been in care re-connect to their family, country and culture.”

Quotes from Aboriginal and Torres Strait Islander children and young people, from throughout Australia, CREATE Foundation.

Children and Young People South Australia. https://cacyp.com.au/wp-content/uploads/2024/06/CACYP-Inquiry_Final-Report_14052024.pdf

¹⁴ SNAICC (2024) *Family Matters – Strong communities. Strong culture. Stronger children.* <https://www.snaicc.org.au/our-work/child-and-family-wellbeing/family-matters/>

Final thoughts

Is there anything else not addressed by the previous questions that we should consider when making recommendations to update the National Standards?

CREATE Foundation has provided opening recommendations, and detailed considerations within each section of this submission that extend beyond the lines of inquiry stepped out in the submission template and research design.

CREATE views the review of the National Standards as an opportunity to move towards broader and much needed reform, address substantial system gaps, quality and safety concerns, and poor outcomes that children experience into adulthood following their experiences of being in the care of government for much of their upbringing and critical developmental milestones.

CREATE Foundation is seeking to work with and support the Commonwealth Government to redesign the system architecture and national monitoring of child protection and out-of-care from a national lens, and focus on levers within the Commonwealth's influence across housing, mental health, disability and education portfolios. The voice and lived experiences of children, in all of these areas, must be heard, and when they are heard and their advice is taken, the system and its outcomes will be transformed.

Thank you for the opportunity to provide a submission in relation to the Refresh of the National OOHHC Standards. CREATE is strongly supportive of review and rewrite of the Standards and is happy to partner on further reform initiatives under Safe and Supported.

For further information in relation to the submission, you can contact advocacy@create.org.au.