

# RESOURCE BOOKLETS for Kinship Carers

## Charter for Children in Out-of-Home Care



Charter Supporting  
People in Care  
Relationships



GPV/KCV acknowledges the peoples of the Kulin nation as the traditional owners of our great land and offers respect to Elders, past and present.

GPV/KCV acknowledges that the Aboriginal culture existed in Australia before European settlement and consisted of many community groups. Further, we acknowledge the Indigenous peoples of this land as the oldest continuing cultures in human history.

GPV/KCV acknowledges that laws and policies of the past have inflicted grief and suffering on our fellow Australians and regrets the removal of Aboriginal and Torres Strait Islander children from their families.

GPV/KCV believes that a society that is inclusive of all is crucial to individual and community wellbeing and will behave with respect towards all irrespective of their race, religion, sexuality, gender or socio-economic background.

GPV/KCV acknowledges 13th of February as National Apology Day, the anniversary of then Prime Minister, Kevin Rudd, delivering the National Apology to Australia's Indigenous Peoples in 2008. GPV/KCV will take steps that promote a happier and healthier future for Indigenous Australians, particularly the children and young people.

Ph: 0499 969 234

Email: [admin@kinshipcarersvictoria.org](mailto:admin@kinshipcarersvictoria.org)

[www.grandparentsvictoria.org.au](http://www.grandparentsvictoria.org.au)

[www.kinshipcarersvictoria.org](http://www.kinshipcarersvictoria.org)

Key words which influence GPV/KCV approaches are: Truthfulness, Confidentiality, Inclusiveness, Integrity, Constancy, Gratitude, Commitment, Compassion

Kinship Carers Victoria acknowledges the support of the Victorian government.

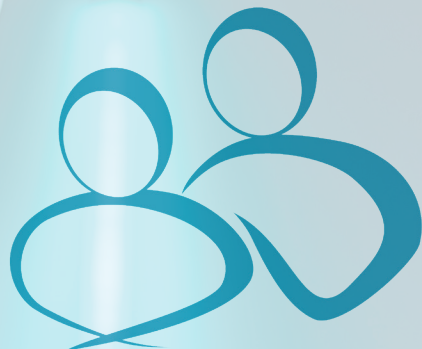


Families,  
Fairness  
and Housing

# Contents

<b>PART 1 - CHARTER FOR CHILDREN IN OUT-OF-HOME CARE</b>	<b>5</b>
<b>Questions and answers</b>	<b>6</b>
What is the Charter?	6
Who is the Charter for?	6
What does the law say about the Charter?	6
How can the Charter be used?	6
How was the Charter developed?	6
Who should know about the Charter?	7
How will children and young people learn about the Charter?	7
What should I do if I believe the rights in the Charter are not being upheld?	7
Making a complaint	7
Where can I get a copy of the Charter?	7
<b>The rights of children in out-of-home care</b>	<b>8</b>
<b>What do these rights mean?</b>	<b>9</b>

<b>PART 2 - CHARTER SUPPORTING PEOPLE IN CARE RELATIONSHIPS</b>	<b>13</b>
<b>Questions and answers</b>	<b>14</b>
What does the Charter mean for carers?	14
What does the Charter mean for people being cared for?	14
What does the Charter mean for people in care relationships?	15
How do you know if you are in a care relationship?	15
Why support people in care relationships?	15
How are the rights of people in care relationships protected?	16
Care relationships should be recognised, respected and supported	16
What do the Act and the Charter mean for funded organisations that provide support?	17
What do the Act and the Charter mean for state government and local government authorities?	17
Want to know more?	18



# Kinship Carers VICTORIA

Kinship Carers Victoria  
0499 969 234  
admin@kinshipcarersvictoria.org  
kinshipcarersvictoria.org



<https://kinshipcarersvictoria.org/listen-download-podcasts/>

# Charter for Children in Out-of-Home Care

Children in out-of-home care should expect they will be kept safe and well by all the people who provide them with care.

A Charter lists the rights and privileges people have. We all have rights, and as members of the community, we need to respect each other's rights.

The Charter for children in out-of-home care has been especially prepared for children who can't live with their parents and are in out-of-home care. It lists what children can expect from all those people who look after them and work with them when they are in care. All these people need to make sure the things they do for children and the things they allow children to do keep those children safe and well. Being safe and well are the most important rights, so they have been listed first. It means that if there is a clash between a child being safe and well and another right, the child's safety and wellbeing always comes first.

This resource booklet presents the Charter for children in out-of-home care to everyone who works with or cares for these children and young people. It lists the rights of children in out-of-home care and challenges all of us to continue our efforts to ensure they are met.

The 'every child/every chance' reforms provide professionals working within the sector more effective processes to listen to what children and young people want and need, enable earlier intervention, reduce child abuse and neglect, provide better support to Aboriginal children, young people and their families, and to work together in cooperation with other providers of children, young people and family services.

# Questions and answers

## What is the Charter?

*The Charter for children in out-of-home care* (Charter) provides a clear and simple set of statements of the rights that children and young people can expect to be upheld throughout their time in care as well as explanatory notes about these rights.

## Who is the Charter for?

The Charter is for children and young people living in care as it states and explains their rights.

However, it is also for all of those people who work with or care for children and young people: child protection workers, foster carers, residential care workers, case managers and so on. The Charter provides a guide for workers and carers about the sorts of things they need to make sure happen for children and young people in care. It will assist with discussions between children and young people and their carers or workers.

## What does the law say about the Charter?

*The Children, Youth and Families Act 2005 (CYFA)* requires that there is a Charter for children and young people in care in Victoria, that provides a framework for promoting the wellbeing of these children (s. 16(1)(f)). Although the Charter itself is not legally enforceable, the statements within it embody concepts that are reflected in law as well as in the Registration Standards for Community Service Organisations that provide out-of-home care services.

## How can the Charter be used?

The Charter requires that we act in ways that promote children's rights. It gives us a starting point for discussion about whether these rights are being upheld. If these rights are not being upheld, the Charter provides children and young people in care and their advocates with a solid platform for discussing how this can be addressed.

## How was the Charter developed?

Children and young people in care developed the Charter with assistance from the Office of the Child Safety Commissioner. In total over 100 children and young people were involved in preparing the Charter. Carers, social workers, parents and others were also involved in the development of the Charter.

## Who should know about the Charter?

Everyone who is involved with children and young people in out-of-home care should know about the Charter, the rights that it contains, and the expectations on those working with or caring for children and young people in care.

## How will children and young people learn about the Charter?

Children and young people should learn about the Charter from those close to them. It is vital that those people who work with and care for children and young people play a lead role in discussing the Charter, the statements contained within it and what it means regarding the expectations that they can have throughout their time in care. The Office for Children is currently consulting with children and young people regarding the ways in which we can best communicate with them about the Charter.

## What should I do if I believe that the rights in the Charter are not being upheld?

Initially it is best to take up your concerns with the organisation providing care for the child or young person and/or the relevant office of the Department of Families, Fairness and Housing, using the Charter as a tool to guide your discussions. If your concerns are not resolved, there are some organisations that might also be able to help, like:

- CREATE Foundation – 1800 655 105
- Department of Families, Fairness and Housing – 1300 475 170
- Commission for Children and Young People (formerly Office of the Child Safety Commissioner) – 1300 782 978
- The Victorian Ombudsman – 1800 806 314

## Making a complaint

If you are a child or young person living in out-of-home-care and you want to make a complaint, see Making a complaint - for children and young people in out-of-home care on the Department of Families, Fairness and Housing website. <https://www.dffh.vic.gov.au/making-complaint-children-and-young-people-out-home-care-care-services>

## Where can I get a copy of the Charter?

Extra copies are available from the DFFH website at:

<https://services.dffh.vic.gov.au/sites/default/files/2017-05/Charter-for-children-in-out-of-home.pdf>

# The rights of children in out-of-home care

## As a child or young person in care I need:

- to be safe and feel safe
- to stay healthy and well and go to a doctor, dentist or other professional for help when I need to
- to be allowed to be a child and be treated with respect
- if I am an Aboriginal child, to feel proud and strong in my own culture
- to have a say and be heard
- to be provided with information
- to tell someone if I am unhappy
- to know information about me will only be shared in order to help people look after me
- to have a worker who is there for me
- to keep in contact with my family, friends and people and places that matter to me
- careful thought being given to where I will live so I will have a home that feels like a home
- to have fun and do activities that I enjoy
- to be able to take part in family traditions and be able to learn about and be involved with cultural and religious groups that are important to me
- to be provided with the best possible education and training
- to be able to develop life skills and grow up to become the best person I can
- help in preparing myself to leave care and support after I leave care.



# What do these rights mean?

RIGHT	EXPLANATION
To be safe and feel safe	'Safe' means no one can abuse or hurt me. Where I live must be safe and not dangerous. I also need to feel safe, so there shouldn't be people or things around me that scare me.
To stay healthy and well and go to a doctor, dentist or other professional for help when I need to	I need to be given the things that will help my body and mind stay healthy and well, like being able to go to a doctor, dentist or other professional when I need to and having healthy food.
To be allowed to be a child and be treated with respect	This means I need to be treated according to my age and not be expected to act older or understand things that are too hard for me. Being treated with respect means accepting me for who I am, treating me fairly and not discriminating against me for any reason (this includes not treating me badly because I am in care).
If I am an Aboriginal child, to feel proud and strong in my own culture	This means that my carers and workers will: <ul style="list-style-type: none"> <li>• Understand, respect and value my own Aboriginal culture</li> <li>• Help me feel good about my own Aboriginal culture</li> <li>• Help me stay connected to my culture in all parts of my life.</li> </ul>
To have a say and be heard	This means having a say and being listened to about all things that affect me, like where I will live and where I will go to school. If I need help to have a say, someone will represent me wherever decisions are being made about me, like in court or in a meeting.
To be provided with information	Information is very important because without it I won't know who I am and won't be able to have a proper say about things that affect me. Examples of information I need are my life story, my history and my family's history, the choices I have and where I can go if I have a problem.

RIGHT	EXPLANATION
To tell someone if I am unhappy	If my rights aren't met, or if I am unhappy about something that has happened to me in care, I can make a complaint to someone who will sort it out.
To know information about me will only be shared to help people look after me	Information about me can't be given to just anyone – it can only be given to people who need to have that information – so they can look after me and care for me.
To have a worker who is there for me	This means having a worker whose job it is to make sure I get the things I need, plan things for me, do things for me, and make sure things that are important to me are not forgotten, like my family and culture.
To keep in contact with my family, friends and people and places that matter to me	This means all members of my family, like brothers and sisters and grandparents, and friends from before I came into care and friends that I made when in care. People who matter are people who may not be related but are still very important, like a carer I used to live with or a teacher that I really liked. Places that matter might be places that are special, like an old school I used to go to or somewhere that is special to my family, community or culture.
Careful thought being given to where I will live so I will have a home that feels like a home	<p>My home will only feel like a home if:</p> <ul style="list-style-type: none"> <li>• carers and workers think about my needs and things like my family, culture and community when making decisions about where I will live</li> <li>• it is a place where I feel I belong, where I am cared for, where I have my own space and my things are safe</li> <li>• I am not moved around too much without good reason.</li> </ul>

RIGHT	EXPLANATION
To have fun and do activities that I enjoy	There are lots of things I have to do but I also have to be able do things that I enjoy like play a sport or learn an instrument. What it is depends on what I like doing and what I am interested in.
To be able to take part in family traditions and learn about and be involved with cultural and religious groups that are important to me	This can include things like learning the language my family and community speak, going to special events, being able to follow the rules of my religion, and wherever possible visiting traditional lands and places that are sacred and special to my culture or religion.
To be provided with the best possible education and training	The best possible education means going to a school that meets my needs and getting help so I can do the best I can at school. The best possible training is training that will help me achieve what I want and will help me to get a job or to do other training or learning.
To be able to develop life skills and grow up to be the best person I can	Life skills means being able to learn from my mistakes, how to get along with people, how to live as an adult, and how to make good decisions about my future and be responsible for my actions.
Help in preparing myself to leave care and support after I leave care	I have the right to a 'leaving care plan', which is a plan that makes sure I get support to prepare myself for leaving care and support once I have left care. The sort of support I might need is being taught how to cook and budget and being given some money to help me move out of care; the sort of help kids not in care get from their parents when they move out of home.



## KCV's resource booklets for kinship carers

1. Planning for more effective access visits
2. How to run a successful support group and be an effective carer advocate/representative
3. The Orange Door services
4. Support for informal kinship carers
5. Grief and loss
6. How to make a complaint – and get heard
7. Court orders – the role of Child Protection and the courts
8. Education
9. Financial support for kinship carers
10. Rights
11. For children & young people with an emotional or physical disability
12. Assistance for those coping with suicide
13. LGBTQIA+ families & communities
14. Mental health and family relationships
15. Camps & respite
16. Carers' wellbeing
17. Legal community
18. Local governments
19. Support for grandparents and non-parents caring for children

# The Victorian charter supporting people in care relationships

## *Carers Recognition Act 2012*

Carers and the people they care for are the basis of the care relationship. A strong relationship has benefits for the carer and the person being cared for.

*The Victorian Carers Recognition Act 2012* recognises, promotes and values the role of people in care relationships, recognising differing needs and promoting the benefits that care relationships can bring.

The Victorian charter supporting people in care relationships reflects and supports the Act. The charter encourages organisations and services to better respect the important role carers have in our community.

# Questions and answers

## What does the Charter mean for carers?

As a carer you can expect to:

- be respected and recognised
  - as an individual with your own needs
  - as a carer
  - as someone with special knowledge of the person in your care
- be supported as an individual and as a carer, including during changes to the care relationship
- be recognised for your efforts and dedication as a carer and for the social and economic contribution to the community arising from your role as a carer
- have your views and cultural identity taken into account, together with the views, cultural identity, needs and best interests of the person for whom you care, in matters relating to the care relationship. This includes when decisions are made that impact on the carer and the care relationship
- have your social wellbeing and health recognised in matters relating to the care relationship
- have considered in decision making the effect of being a carer on your participation in employment and education.

## What does the Charter mean for people being cared for?

As a person being cared for you can expect to:

- be respected, recognised and supported as an individual and as a person in a care relationship, including during changes to the care relationship
- have your views taken into account, together with your needs, cultural identity and best interests, in how you are cared for
- have your changing needs considered and taken into account in how you are cared for.

## What does the Charter mean for people in care relationships?

People in care relationships should:

- have their care relationship respected and honoured
- if appropriate have their views considered in the assessment, planning, delivery, management and review of services affecting them and the care relationship.

## How do you know if you are in a care relationship?

Carers and the people they care for can be adults, young people or children, and from any cultural or geographical background. You are in a care relationship if the person being cared for is an older person, a person with a disability, a mental illness or an ongoing medical condition.

Each care relationship has different roles, needs and challenges, and anyone may find themselves in a care relationship at any stage of their lives.

People in care relationships need to be recognised and supported. Support begins with protecting rights.

## Why support people in care relationships?

Care relationships should be supported so the health and wellbeing of the carer, the person needing care and the relationship are sustained. Carers and the people they care for should be as healthy and content as possible.

Caring can be a tough job, so supporting carers can make a big difference to their lives, and the lives of the people they care for. While the needs of carers and the needs of those being cared for are different, supporting the care relationship brings benefits to both.

If care relationships are better supported, carers and those receiving care are more likely to take part in planning and managing care. They can also help with ideas about how services can be improved.

The Act and the charter help bring greater recognition, respect and support to people in care relationships. Putting the Act and charter into practice means different things for different people.

## How are the rights of people in care relationships protected?

Rights are protected in several ways. The Act means state government departments, local government authorities, and organisations funded by government to provide programs and services to people in care relationships have to respect and recognise the vital role that carers play in our community. State government departments, local government authorities and funded organisations bound by the Act have to consider the principles in the Act, and reflect them when providing support for people in care relationships.

The Victorian Charter of Human Rights and Responsibilities Act 2006 is a law about freedoms, rights and responsibilities. State government, local government and organisations funded to provide services have

to consider the Victorian Charter of Human Rights and Responsibilities when making laws, setting

policies and providing services. The Human Rights Charter includes freedom of speech and religion, freedom of association, and rights to a fair trial and equality before the law.

The Act and this charter are about people in care relationships. People in care relationships can expect to be:

- recognised and respected
- supported
- encouraged to take part in care planning and making decisions about care.

## Care relationships should be recognised, respected and supported

Recognising, respecting and supporting carers can be achieved by:

- having community, health and other care organisations that support the carer, the person needing care, and the care relationship. These include:
  - mental health, disability services and aged care services
  - funded care organisations providing home-based care services to children and young people in foster, kinship and permanent care arrangements
- helping all Victorians, whatever their background or culture, to find information, support and services they need in ways that are easily understood
- encouraging carers and people being cared for to get involved in planning and developing services
- improving support for carers by raising community awareness about the importance of the carer role.



## What do the Act and the Charter mean for funded organisations that provide support?

The Act and Charter should guide the development of policies and delivery of services to:

- suit the cultural identity of the carer and the person being cared for
- meet the unique and changing needs of people in care relationships
- support the care relationship itself
- monitor and test how well service providers support people in care relationships.

## What do the Act and the Charter mean for state government and local government authorities?

State government and local government use the Act and Charter to guide:

- carer friendly workplaces in state government departments and local government authorities
- development of policies and services to better support care relationships
- how programs and services are developed for supporting care relationships and how they are put into action
- other work to support care relationships.

State government, local government and relevant funded organisations that are responsible for developing or providing policies, programs or services that affect people in care relationships have to report publicly on their compliance with their obligations under the Act in their annual reports.

## Want to know more?

For information about support services for people in care relationships, contact Carers Victoria by telephone 1800 514 845.

Visit the Victorian Legislation website to read a copy of the Act <<https://content.legislation.vic.gov.au/sites/default/files/2020-04/12-10aa003%20authorised.pdf>>.

Visit the Department of Families, Fairness and Housing website to download a copy of this charter <<https://providers.dffh.vic.gov.au/victorian-charter-supporting-people-care-relationships-word>>.

Visit the Victorian Legislation website to download a copy of the Victorian Charter of Human Rights and Responsibilities Act 2006 <<https://content.legislation.vic.gov.au/sites/default/files/2022-06/06-43aa015%20authorised.pdf>>.

Visit the Department of Families, Fairness and Housing website to download a copy of the Charter for Children in Out-of-Home Care <<https://services.dffh.vic.gov.au/charter-children-out-home-care>>.

For information about employer and employee rights and responsibilities and flexible work arrangements visit the Human Rights Commission website: <<https://www.humanrights.vic.gov.au/>>.





Kinship Carers Victoria  
0499 969 234  
[admin@kinshipcarersvictoria.org](mailto:admin@kinshipcarersvictoria.org)



Kinship Carers Victoria  
is supported by the Victorian Government.