

Triple R Training for Carers

Roles, Responsibilities & Rights



Queensland
Foster and
Kinship Care

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- ▶ Statement of Standards
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Let's start with Roles and Responsibilities

Activity

You are going out to speak with a prospective Foster Carer about entering into the world of fostering - what would you tell them their roles and responsibilities are?

Now you are going out to speak with a prospective Kin Carer about caring for their grandchild in the system, what would you tell them their roles and responsibilities are?

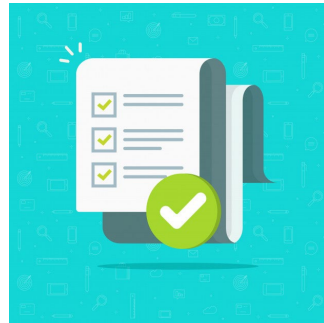


Roles and Responsibilities defined...

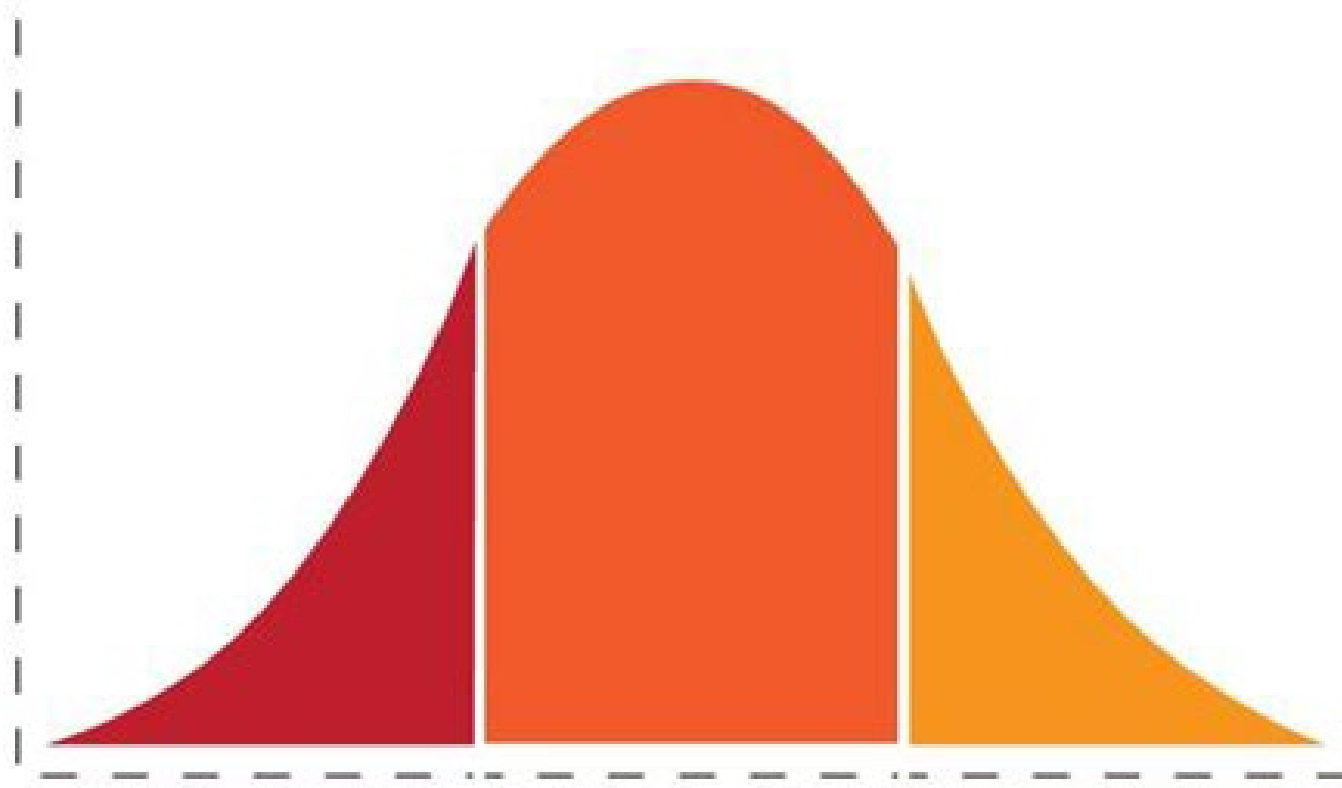
- ▶ To provide care to children and young people in line with the **Statement of Standards Section 122 CP Act 1999**.
- ▶ To provide care to children in line with the **Charter of Rights**.
- ▶ To provide care that aligns with **Child Safe Standards**
- ▶ To provide care that is consistent with the **Principles of the Child Protection Act 1999**, inclusive of the Aboriginal and Torres Strait Islander Placement Principle.
- ▶ To provide care that aligns with **Legislative Requirements of the Child Protection Act** that determines you as a suitable person to provide care.
- ▶ To provide care that aligns with the **Human Rights Act 2019**.

Statement of Standards

- ▶ Most carers are familiar with the Statement of Standards, however what they mean in terms of day-to-day care can be confusing.
- ▶ Let's take a look at a Practice Guide written by Child Safety.
- ▶ In groups of three - discuss what the Statement of Standards mean to you, provide some examples about how you have met the Statement of Standards.



Difference in care expected



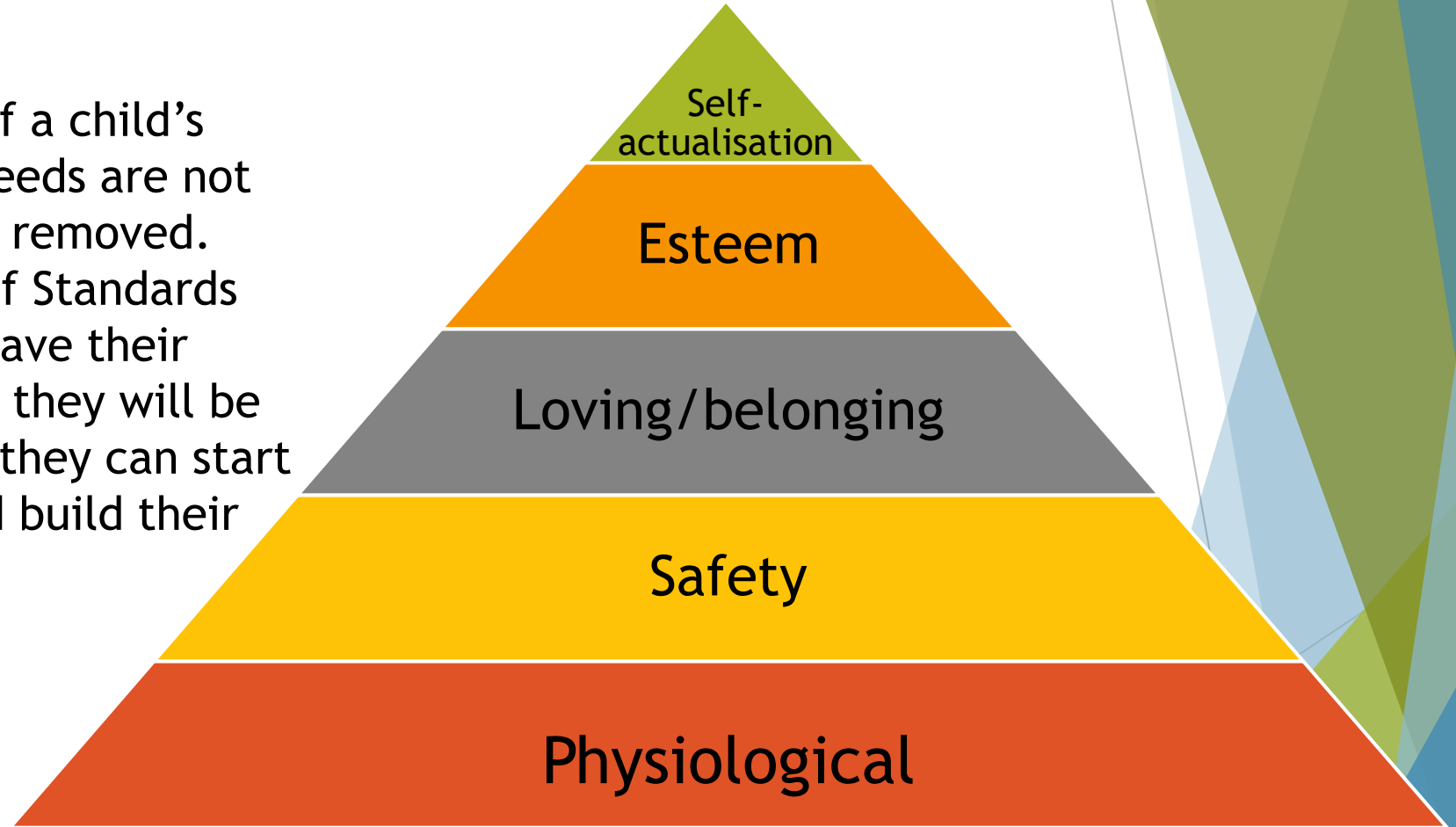
The Statement of Standards places a high level of expectation on Foster and Kinship Carers - why ?



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Maslow Hierarchy of Needs

Legislation tells us that if a child's physiological or safety needs are not being met, they must be removed. Meeting the Statement of Standards means that a child will have their Physiological needs met, they will be safe and from this point they can start to form attachments and build their self-esteem



Who else has a role and responsibility to meet the Statement of Standards?

Carers are only able to meet the Statement of Standards for a child in care in partnership with the child's care team. The Statement of Standards cannot be met working in isolation. The responsibility of making decisions about a child or young person in care involves a partnership between the parents, Child Safety and carers taking into account the views and wishes of the child or young person.

Read the scenario provided - what Statement of Standards apply, identify roles and responsibilities of care team members.

Charter of Rights

- ▶ Under Section 74, Schedule 1 in the Child Protection Act 1999 - you will find the Charter of Rights for children and young people;
- ▶ The Charter of Rights, like the Statement of Standards, are legislated;
- ▶ Like the Statement of Standards, the whole Care Team have a role and responsibility to meet the Charter of Rights for children and young people they are working with.

Let's take a closer look at the Charter of Rights - review Charter of Rights for a child in care handout

Charter of Rights continued...

- ▶ We must advise a child or young person of their rights.
- ▶ All children and young people have a right to participate in decision making about their own life. Children and young people's participation is a right, not an option.
- ▶ The Child Protection Act, Section 5 establishes participation as a legal right for children and young people.
- ▶ The legislation requires that the Act is administered in a way that ensures the views of the child and the child's family are considered and the child and the child's parents have the opportunity to take part in making decisions affecting their lives.
- ▶ The Act has clear requirements for seeking and considering the views of children and young people, and includes a charter of rights for those children and young people who are in the custody or guardianship of the Chief Executive.



A carer's role in meeting the Charter of Rights

Like the Statement of Standards, carers cannot meet these rights in isolation.

One of the key roles for carers in this space is the role of **advocacy** to ensure that a child and young person's rights are being met.

In pairs, choose one specific example within the Charter of Rights and speak about how you would advocate within a care team to ensure that this particular right of a child was upheld. In your discussion, talk about how each of the care team may play a role in meeting this Charter of Right.

Child Safe Standards

- ▶ As of 1st October 2025, all child safe organisations must comply with the 10 Child Safe Standards in addition to the Universal Safe Standard that requires child safe organisations to provide an environment that is culturally safe for Aboriginal and Torres Strait Islander people. This means they genuinely feel welcome, safe, valued, included and respected.
- ▶ The Queensland Child and Family Commission will provide oversight to Child Safe organisations to ensure compliance with the Child Safe Standards which are driven by the Child Safe Organisation Act 2024
- ▶ There are approx. 40,000 child safe organisations in Qld. Child Safety and your Foster and Kinship Care agencies are considered Child Safe organisations and therefore, any volunteer or staff member that comes under a Child Safe organisation is responsible for meeting the Child Safe Standards.
- ▶ Child Safe Standards were an outcome of the recommendations by the Royal Commission into Institutional Responses to Child Sexual Abuse in 2017 and is underpinned by a child right and a strength-based approach.
- ▶ Child Safe Standards are intended to prevent occurrences of Reportable Conduct which is the second safe-guard measure put into place under the Child Safe Organisation Act 2024.

The 10 Child Safe Standards

	1 Leadership and culture	Child safety and wellbeing is embedded in the entity's organisational leadership, governance and culture
	2 Voice of children	Children are informed about their rights, participate in decisions affecting them and are taken seriously
	3 Family and community	Families and communities are informed and involved in promoting child safety and wellbeing
	4 Equity and diversity	Equity is upheld and diverse needs respected in policy and practice
	5 People	People working with children are suitable and supported to reflect child safety and wellbeing values in practice
	6 Complaints management	Processes to respond to complaints and concerns are child focused
	7 Knowledge and skills	Staff and volunteers of the entity are equipped with the knowledge, skills, and awareness to keep children safe through ongoing education and training
	8 Physical and online environments	Physical and online environments promote safety and wellbeing and minimise the opportunity for children to be harmed
	9 Continuous improvement	Implementation of the Child Safe Standards is regularly reviewed and improved
	10 Policy and procedures	Policies and procedures document how the entity is safe for children



More information on
the 10 Child Safe
Standards

Activity

We are going back to Mable and Tom's story - read Scenario Two

Discussion in your groups which Child Safe Standards are relevant for Mable and Tom

Consider the Universal Standard - is this being applied for Mable and Tom, if so who is applying this and how

Principles of Child Protection Act 1999

Section	What Principle relates to
5A	Paramount Principle
5B	General Principles
5BA	Principles for achieving permanency for a child
5C	Additional Principles for Aboriginal or Torres Strait Islander children
5D	Principles about exercising powers and making decisions
5E	Principles for participation of children
5F	Principles about Aboriginal and Torres Strait Islander children - Chief executive, litigation director and authorised officers
5G	Principles about Aboriginal and Torres Strait Islander children - Children's Court
5H	Principle about Aboriginal and Torres Strait Islander children, consent to involvement of independent Aboriginal and Torres Strait Islander entities

Activity

- ▶ You will be broken up into 6 groups and each of your groups will be provided with a Principle section.
- ▶ Review the Principles in your section and discuss what a carer's role would be in ensuring that Principle is met and what a carer's responsibilities would also be in ensuring the Principle was met.
- ▶ Also consider what other members of the care team have roles and responsibilities in the area you are discussing.
- ▶ For those sections where there are multiple - choose three to discuss.

Be prepared to share with wider group.



Legislative requirement

In addition to meeting the Statement of Standards and Charter of Rights, there are certain legislative requirements a carer must meet to be approved and to continue to hold approval status as follows: in accordance with section 135 of the *Child Protection Act 1999* and Section 22,23 of the *Child Protection Regulation 2011*, that the applicant:

- ▶ is a suitable person to be approved as a foster carer, and all members of the applicant's household are suitable persons to associate on a daily basis with children; and
- ▶ the applicant and each adult member of the applicant's household have a current Blue Card; and
- ▶ is able to meet the standards of care in the Statement of Standards; and
- ▶ is able to help in appropriate ways towards achieving plans for the child's protection; and
- ▶ does not pose a risk to the child's safety; and
- ▶ is able and willing to protect a child from harm; and
- ▶ understands, and is committed to, the principles for administering the Act; and

Continued...

- ▶ has completed any training reasonably required by the Chief Executive to ensure the person is able to properly provide the care; and
- ▶ is able to help in appropriate ways towards achieving plans for the child's protection; and
- ▶ does not pose a risk to the child's safety; and
- ▶ is able and willing to protect a child from harm.



Let's explore further

Brainstorm activity...

What does this look like in day-to-day care, what role does a carer play and what is their responsibilities to ensure the above.

Human Rights Act 2019

The Queensland Human Rights Act 2019 aims to protect and promote human rights and to help build a culture in the Queensland Public sector that respects and promotes human rights. The Human Rights Act 2019 intends to help promote a dialogue about the nature and meaning of human rights.

The Queensland Human Rights Commission acknowledges Aboriginal and Torres Strait Islander peoples as the First Australians and recognizes their culture, history, diversity and their deep connection to the land, waters and seas of Queensland and the Torres Strait.

(Introduction to the Queensland Human Rights Act 2019, Participant workbook)

Continued...

The Main Objectives

- ▶ To protect and promote human rights;
- ▶ To help build a culture in the Queensland public sector that respects and promotes human rights; and
- ▶ To help promote a dialogue about the nature, meaning and scope of human rights.

The Act binds all persons and applies to:

- ▶ Public entities;
- ▶ Courts and tribunals; and
- ▶ Queensland Parliament.

What Rights are protected in Queensland?



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Civil and political rights

- ▶ Recognition of quality before the law
- ▶ Protection from torture and cruel, inhumane or degrading treatment
- ▶ Freedom of movement
- ▶ Freedom of expression
- ▶ Taking part in public life
- ▶ Cultural rights - generally
- ▶ Right to liberty and security of person
- ▶ Fair hearing
- ▶ Children in criminal processes
- ▶ Retrospective criminal laws
- ▶ Right to life
- ▶ Freedom from forced work
- ▶ Freedom of thought, conscience, religion and belief
- ▶ Peaceful assembly and freedom of association
- ▶ Property rights
- ▶ Protection of families and children
- ▶ Cultural Rights - Aboriginal and Torres Strait Islander people
- ▶ Human treatment when deprived liberty
- ▶ Rights in criminal proceedings
- ▶ Right not to be tried or punished more than once

Economic, social and cultural rights

- ▶ Right to Education
- ▶ Right to Health Services



Economic Rights



Social Rights



Cultural Rights

Public Entities

There are two types of public entities:

Core public entities are those that are considered public entities at all times, regardless of the functions they are performing i.e. a State government department, a public service employee and a Minister.

Functional public entities are those that are only considered entities when they are performing certain functions. The introduction of functional public entities reflects the modern operation of the government, where non-government entities, including non-government organisations, private companies and government owned corporations are engaged in various ways to deliver services to the public on behalf of the government or another public entity i.e. a private company managing a prison, a non-government organisation providing a public housing service.

What this all means for carers

- ▶ The Human Rights Act highlights both rights and responsibilities for carers in Queensland.
- ▶ Carers are considered **functional public entities** under the Human Rights Act as they are providing a service on behalf of government, that is they are caring for children and young people subject to custody and guardianship orders to the Chief Executive.
- ▶ The Foster and Kinship Care staff who provide day to day support to carers are also considered **functional public entities** as they are providing a service on behalf of the government.
- ▶ Child Safety staff are considered **core public entities** for the purposes of the Human Rights Act.

Lets first look to Responsibilities

As functional entities, carers have a responsibility to ensure that a child or young person's human rights are being upheld.

When a carer is meeting the Statement of Standards, Child Safe Standards and Charter of Rights for a child or young person in their care, they are effectively meeting their responsibilities under the Human Rights Act 2019 to the child or young person also.

Handouts - Rights

Activity

You will be provided with a list of the Rights as outlined in the Act which provide detail about what each right means.

You will also be provided with a list of the Statement of Standards and Charter of Rights.

In groups of three consider the Human Rights in the context of the Statement of Standards and Charter of rights, which ones align for children and young people in care.



Charter of Rights for Children	Human Rights Act
To be provided with safe and stable living environment.	Section 15, 16
To be placed in care that best meets the child's needs and is most culturally appropriate.	Section 15, 26, 27, 28
To maintain relationships with the child's family and community.	Section 26, 27, 28
To be consulted about and to take part in making decisions affecting the child's life (having regard to the child's age or ability to understand) particularly decisions about where the child is living, contact with the child's family and the child's health and schooling.	Section 21, 26, 31
To be given information about decisions and plans concerning the child's future an personal history, having regarding to the child's age or ability to understand.	Section 15, 26, 27, 28

Charter of Rights	Human Rights Act
To privacy, including for example in relation to the child's personal information.	Section 25
To have access to dental, medical and therapeutic services, necessary to meet the child's needs.	Section 15
To have access to education appropriate to the child's age and development.	Section 15 and 36
To have access to job training opportunities and help in finding appropriate employment.	Section 36
To receive appropriate help with the transition from being a child in care to independence including for example, help about housing, access to income, support and training and education.	Section 15, 24, 36

Statement of Standards	Human Rights
The child's dignity and rights will be respected at all times.	All Sections of the Human Rights apply to this
The child's needs for physical care will be met, including adequate food, clothing and shelter.	Section 17, 26
The child will receive emotional care that allows him or her to experience being cared about and valued and that contributes to the child's positive self regard.	Section 17, 26, 29, 31
The child's needs relating to his or her culture and ethnic grouping will be met.	Section 20, 21, 22, 26, 27, 28
The child's material needs relating to his or her schooling, physical and mental stimulation, recreation and general living will be met.	Section 15, 17, 20, 21, 26

Statement of Standards	Human Rights
The child will receive education, training or employment opportunities relevant to the child's age and ability.	Section 15, 36
The child will receive positive guidance when necessary to help him or her to change inappropriate behaviour.	Section 17
The child will receive medical and therapeutic services necessary to meet his or her needs.	Section 15
The child will be given the opportunity to participate in positive social and recreational activities appropriate to his or her developmental level and age.	
The child will be encouraged to maintain family and other significant personal relationships.	Section 26, 27, 28

Statement of Standards	Human Rights
If the child has a disability the child will receive care and help appropriate to the child's special needs.	Section 15
For subsection (1) (g) techniques for managing the child's behaviour must not include corporal punishment or punishment that humiliates, frightens or threatens the child in a way that is likely to cause emotional harm.	Section 17, 18

Care Team Approach

- ▶ Carers cannot meet the Statement of Standards and Charter of Rights in isolation, it takes a care team approach.
- ▶ Therefore, to meet the Human Rights for children and young people, it also takes a care team approach.
- ▶ Whilst carers have responsibilities to meet a child or young person's human rights as functional public entities, Child Safety also play a role in meeting a child's human rights as core entities.



Process if Human Rights are not being met for a child/young person

In the first instance, the complainant must attempt to resolve the complaint through the usual means available to them through the public entity.

For a child or young person, if the complaint was about their carer, they would first speak to their CSO and/or Community Visitor about their concern. Both public entities have processes in place to address concerns such as the Standard of Care and Harm Report Review processes.

Only where a child or young person does not believe they have been heard in their complaint would they then lodge a complaint with the Human Rights Commission.

If the complaint is accepted by the Commissioner, the process of resolution promotes a dialogue model - much like conciliation. There is no financial compensation element to this model.

Complaint made to the public entity

How has the public entity responded to the complaint ?

Public entity provides adequate respond within 45 business days

Dialogue between complainant and public entity

Public entity does not respond within 45 business days or provides inadequate response

Complaint made to QHRC

Preliminary enquiries made by the Commissioner

Commissioner may decide to accept the complaint for resolution (respondent notified)

Commissioner may attempt to resolve through conciliation

Complaint resolved: Commissioner notifies all parties

Complaint unresolved: Commissioner must prepare a report and give to all parties

Now lets take a look at carer rights

Activity

Let's go back to the Human Rights hand out and now look at each of the rights with a different lens.

In your same groups of three, consider which human rights relate to you as carers.

You will also be given a copy of the Statement of Commitment, and you can review this alongside the Human Rights and identify where there are alignments between carer rights identified under the Statement of Commitment and carers rights under the Human Rights Act.



Human Rights	Statement of Commitment
Privacy and Reputation	• Access to RTI/Administrative Release and/or providing copies of reports, case and other records that are held by Child Safety and/or agency files such as providing meeting minutes to carers where they have been participants in meetings. • Work with carers to undertake open and sensitive recruitment and assessment processes. • Provide Foster and Kinship Carers with copies of assessments of allegations involving themselves (including allegations of abuse or neglect) • Maintain confidentiality about Foster and Kinship Carers and for the child or young person in their care consistent with Child Safety policies and procedures.

Protection of families and children

- Provide information about a child or young persons family...where necessary to mitigate any risks from family members who may be distressed or aggrieved by decision made about the child or young person in their care.

Cultural rights - generally

- Consider the Foster and Kinship Carer's household when making decisions regarding the child or young person in their care
- Consult with Foster and Kinship Carer representatives when developing or changing policies and practices that effect them.

Cultural rights - Aboriginal peoples and Torres Strait Islander people

- Provide culturally appropriate support to Aboriginal and Torres Strait Islander Foster and Kinship Carers.
- Consult with Foster and Kinship Carer representatives when developing or changing policies and practices that effect them.

Process if Human Rights are not being met for a carer

There are current complaint processes in place for carers to access in the event they have a concern with their interaction with Child Safety. A carer must still attempt to resolve any complaint that may relate to Human Rights through the usual means, that is:

Internally to Child Safety

- ▶ Local - Speak to CSO, Team Leader and CSSC Manager to resolve issue
- ▶ Regional - Speak to Regional Complaints Officer and/or Regional Director
- ▶ Central - Central Complaints
- ▶ Director General and Minister

If a carer is unable to reach resolution through these means, they could then lodge a complaint with the Human Rights Commission. The same process applies for carers in terms of process as with any other person making a complaint.

Activity

- ▶ Using the Human Rights, in your groups of three, think of a time where you could have taken a matter to the Human Rights Commissioner on behalf of a child where you could identify a human right was not being met for that child and your attempts to address it through the Public Entity were not successful.
- ▶ Now think of an example where you could have used the Human Rights Act to advocate for yourself as a carer where attempts to address your concerns through the Public Entity were not successful.



Public entity reporting (Core Entities)

Public entities identified under the Financial Accountability Act 2009 (this includes the Department of Children, Youth Justice and Multicultural Affairs) are required to produce an annual report and from 2020, this report will be required to include information relating to their compliance with the Human Rights Act 2019. This information will include:

- ▶ Details for any actions taken during the reporting period to further the objects of the legislation;
- ▶ Details of any human rights complaints received by the entity including number and outcomes; and
- ▶ Details of any review of policies, programs, procedures, practices or services undertaken in relation to their compatibility with human rights.

Summary Human Rights Act

- ▶ Should be seen as a tool that can promote good advocacy for children and young people's needs to be met and for children and young people and carers rights to be upheld.
- ▶ The Human Rights Act will also provide for the protection of rights relating to families and therefore birth parents.
- ▶ Important that on all occasions, all appropriate steps are taken to resolve the conflict as per the processes set out by the Public entities that would already be in place i.e. complaints processes.
- ▶ Only when these attempts have not been successful, should there be access to the Human Rights Commission.

Statement of Commitment

- ▶ The Statement of Commitment was originally developed in 2002 with an underlying purpose of providing a document that sought to fulfil the legislative requirements under the Child Protection Act 1999 Section 7 (i), for the Chief Executive to negotiate and review a Statement of Commitment between the State and organisations with an interest in the care of children under this Act that includes the provision of support and resources by the department to carers.
- ▶ There have been 3 versions of the Statement of Commitment since this time but the most recent version signed off by the department and peak bodies in 2020 represents a modern and contemporary document that can absolutely be used as an advocacy tool for carers across Queensland.

Activity

- ▶ You will be broken into groups and will be provided with a section of the Statement of Commitment to review. You will then be asked to provide 3 key points from your section that you feel is vital information for you to be aware.
- ▶ You will now in those same groups be provided with a scenario each - which areas of the Statement of Commitment have not been upheld and by whom?



Summary - Statement of Commitment

- ▶ The Statement of Commitment should be seen as a living document for all carers.
- ▶ The Statement of Commitment is a powerful resource that both carers and Foster and Kinship Care agency staff can refer to when there are concerns about a carer's rights not being upheld.
- ▶ The Statement of Commitment is also a powerful resource to support carers understanding in their roles and responsibilities to children and young people in their care.



"It takes a village to raise a child."



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QFKC Support Team

Would you like to support and advise other carers? Training and support will be provided by QFKC.

Would you like to be involved in community events to support other carers?

Would you like to build stronger networks in your community?

If you are interested in becoming a QFKC Support Team member please let the trainer know and they will provide your details to the coordinator, alternatively ring the QFKC office on 3256 6166

Don't miss this great opportunity!



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NB: This training is a Queensland Foster and Kinship Care tool.

Policies and Procedures do change over time.

All efforts are made to provide accurate information at time of training.