



# Statement of Commitment

## To Queensland's foster and kinship carers

## Purpose

This Statement of Commitment (Statement) confirms the commitment of the Department of Children, Youth Justice and Multicultural Affairs (Child Safety) and Queensland peak child protection agencies (partner agencies) to work together with Queensland's foster and kinship carers to ensure the safety, wellbeing and belonging of children and young people placed in their care.

The Statement seeks to fulfil the legislative requirement under the *Child Protection Act 1999*, section 7(h), 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 Child Safety to approved carers.

Through this Statement, participants acknowledge their shared responsibility for children and young people in care and the unique role foster and kinship carers have as volunteers in this partnership.

Queensland's child protection system relies on foster and kinship carers volunteering their homes and their care and this Statement outlines a collective commitment to that care being enduring, fulfilling and able to meet the needs of children and young people.

## Principles

- Child Safety, partner agencies and foster and kinship carers will work together to ensure the safety, wellbeing and best interests of a child or young person are paramount, both through childhood and for the rest of the child or young person's life.
- Children and young people will receive care consistent with the Charter of Rights for children and young people in care, including the right to know and maintain a connection with their family, culture, traditions, language and community.
- Foster and kinship carers will be supported to provide care consistent with the Statement of Standards in the *Child Protection Act 1999*.
- The five elements of the Aboriginal and Torres Strait Islander Child Placement Principle under the *Child Protection Act 1999*, section 5C, will be applied to all the processes, decisions and actions undertaken for Aboriginal and Torres Strait Islander children and young people, including the provision of support for carers, caring for Aboriginal and Torres Strait Islander children and young people.
- Consistent with the *Our Way: A generational strategy for Aboriginal and Torres Strait Islander children and families*, we will support mechanisms for Aboriginal and Torres Strait Islander children, families, communities and organisations to participate in and drive decision-making about the safety and wellbeing of Aboriginal and Torres Strait Islander children.
- Child Safety, partner agencies and foster and kinship carers will act and make decisions in a way that is compatible with human rights and obligations under the *Human Rights Act 2019*.
- Each child or young person in care will be given the opportunity, and support, to participate in the decisions that affect their life.
- Kin will be considered as a first option should a child or young person be unable to live safely with their parents or guardians.
- Foster and kinship carers will receive and should expect, support that will help them provide a safe and caring environment in which the needs of children and young people are met.

- Foster and kinship carers will be respected and recognised as having significant relationships with the children or young people in their care.
- As members of a child or young person's safety and support network and care team, all participants will be treated fairly and equally with courtesy, respect and personal dignity and will be recognised for their unique knowledge and contributions to safety and case planning.

## Roles

### The Department of Children, Youth Justice and Multicultural Affairs (Child Safety)

The role of Child Safety, as the lead child protection agency in Queensland, is to ensure the safety, belonging and wellbeing of children and young people. When children or young people are unable to safely live with their own parents or guardians, Child Safety will place children and young people in a care environment that best meets their needs by:

- ensuring the care provided to children in care is consistent with the requirements of the *Child Protection Act 1999*, including:
  - Statement of Standards (section 122)
  - Charter of Rights for a child in care (Schedule 1)
  - Aboriginal and Torres Strait Islander Child Placement Principle (section 5C)
- consulting with children and young people and supporting them to participate in all the decisions affecting their lives
- actively supporting and facilitating the participation of Aboriginal and Torres Strait Islander families and communities in the processes, decisions and actions about the safety and wellbeing of their children in accordance with the five elements of the Aboriginal and Torres Strait Islander Child Placement Principle
- working with parents to address concerns so children and young people's permanent care is, wherever possible, provided by their parents
- ensuring that where reunification is not possible, concurrent planning allows for a child or young person's safety, belonging and wellbeing to be met through an alternative permanency option that meets the child's legal, relational, physical and cultural needs
- working with non-government, community-based foster and kinship care services to undertake the role of identifying recruitment, training and support of carers
- ensuring placement needs and supports for children are clearly documented, updated and understood through case plans and care agreements.

### Foster and kinship care services

The role of foster and kinship care services is to:

- work with Child Safety to identify kinship carers, recruit foster carers and assess, train and support foster and kinship carers
- involve foster and kinship carers in the planning and delivery of training, ensuring it is timely, relevant and culturally appropriate
- advocate for foster and kinship carers' needs and supports
- respond to requests for placements from Child Safety in a timely manner to meet the needs of the child or young person
- respond to foster and kinship carers' requests for supports in a timely manner to meet the needs of the child or young person

- work with Child Safety to assist and support foster and kinship carers to implement and achieve the agreed goals and outcomes of the child or young person's case plan
- provide ongoing support for foster and kinship carers through a range of services and resources
- work with Child Safety to provide access to training, both initial and ongoing
- raise community awareness of the role of foster and kinship carers and encourage people who are interested to seek further information and make application
- advocate for the importance of Aboriginal and Torres Strait Islander children to be placed with kin
- advocate for Aboriginal and Torres Strait Islander children to be connected to kin and community.

### **Foster and kinship carers**

The role of foster and kinship carers is to:

- provide a caring environment for children and young people, where their safety, wellbeing and belonging will be provided for, and where children and young people will be supported to remain connected to their family and culture and realise their full potential
- provide care consistent with the Statement of Standards and Charter of Rights for a child in care outlined in the *Child Protection Act 1999*
- ensure Aboriginal and Torres Strait Islander children and young people are connected to family, community and culture
- participate in the decisions affecting the lives of the children or young people in their care, and share their knowledge and opinions to inform decision making that is in the best interests of the child
- provide feedback to influence the development of, and changes to, the policies that affect foster and kinship care practices
- participate in and support the planning and delivery of training.

### **Peak bodies and advocacy groups**

Peak bodies and advocacy groups have specific roles and functions with respect to approved carers and children and young people, and represent the views of foster and kinship carers and children and young people. These are:

- Queensland Foster and Kinship Care
- PeakCare Queensland
- Queensland Aboriginal and Torres Strait Islander Child Protection Peak
- CREATE Foundation.

## Commitments

This section outlines the responsibilities each participant agrees to undertake as part of this Statement of Commitment to Queensland's foster and kinship carers.

### Child Safety commits to:

- work together with foster and kinship carers to ensure children and young people are aware and understand the Statement of Standards and the Charter of Rights and what these mean for them
- provide foster and kinship carers with timely and ongoing information about a child or young person, including information about the child or young person's medical, emotional and developmental needs, to provide a safe, healthy and protected environment for them, the carer and carer's family
- provide information about the child or young person's family to support ongoing connection and where necessary to mitigate any risks from family members who may be distressed or aggrieved by decisions made about the child or young person in their care
- support and facilitate the participation of foster and kinship carers in the decisions affecting the life of the child or young person in their care and have the carer's knowledge and opinions inform decision-making processes to ensure the best interests of the child
- provide specific assistance to non-Indigenous carers caring for Aboriginal and Torres Strait Islander children and young people to help keep the child or young person connected to family, community and culture
- provide culturally appropriate support to Aboriginal and Torres Strait Islander foster and kinship carers
- consider the foster and kinship carer's household when making decisions regarding the child or young person in their care
- consult foster and kinship carer representatives when developing or changing policies and practices that affect them
- work with foster and kinship care services 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)
- where foster and kinship carers have been a party to a process, provide copies of reports, case and other records that are held in Child Safety and/or agency files, such as providing meeting minutes to carers where they have been participants in a meeting
- assist access to records through Right to Information or Administrative Access, if required
- provide clear written goals and expectations for each child or young person through case plans and care agreements
- provide emotional, financial, therapeutic, practical and educational support for both the child or young person placed in their care and the carers themselves
- compensate for deliberate personal injury or damage to property as a result of the foster and kinship carers providing care, in accordance with departmental policies and procedures
- support access to a feedback, complaints or appeals process that is fair, just, equitable and timely

- provide consistency in decision-making and consistent interpretation and application of policy throughout the State
- maintain confidentiality about foster and kinship carers and for the child or young person in their care consistent with Child Safety policies and procedures
- work together with foster and kinship carers, through concurrent planning to support children and young people to achieve permanent care arrangements in childhood within legislative timeframes recognising that reunification with parents is the first preference for permanency in any child or young person's life
- work together with foster and kinship carers to support young people to transition to adulthood, recognising that this is a developmental process which is not achieved simply because the young person reaches 18 years of age
- work together with families and foster and kinship care services to identify and support kinship carers
- work with foster and kinship care services to meet the counselling needs associated with the caring responsibilities of foster and kinship carers
- work together with foster and kinship care services to support carers connect with a foster and kinship care service in a timely manner.

**Queensland's child protection peak agencies commit to:**

- work together to promote the implementation of Statement of Standards, Charter of Rights for a child in care and the Aboriginal and Torres Strait Islander Child Placement Principle
- promote the role of foster and kinship carers throughout their networks and undertake to raise community awareness of the role of foster and kinship carers
- support the connection and positive influence foster and kinship carers have in the lives of children and young people in care, and those with a care experience
- advocate for policy and practice that meets the needs of foster and kinship carers, children and young people.

This section acknowledges the commitment all foster and kinship carers make when they volunteer to meet the needs of children and young people in care.

**Queensland's foster and kinship carers commit to:**

- provide a safe, caring and stable environment, where appropriate positive behaviour is modelled, and encouraged
- support and encourage the participation of the child or young person in the development of the placement agreement, the case plan and in the ongoing decisions that affect their life
- support and encourage ongoing relationships with the child or young person's family in a way that is safe and consistent with the current case plan
- keep documents and other records belonging to the child or young person safe at all times and help develop records of their life journey
- encourage and support the child or young person to participate in activities that enhance their self-esteem and general wellbeing
- actively support and facilitate the child or young person's cultural needs, cultural identity and connectedness
- being actively involved in the various activities and forums associated with the particular child or young person in their care, as well as in activities related to their role as a foster or kinship carer

- actively engage in training and ongoing support specific to providing care for Aboriginal and Torres Strait Islander children
- work with Child Safety and foster and kinship care services to support the child or young person throughout the duration of the child or young person's placement, during planned conclusion or change of a placement, including reunification, in the best interest of the child or young person
- maintain confidentiality about the child or young person, their family and their circumstances
- ensure the child will receive positive guidance when necessary to help them change inappropriate behaviour using methods approved by Child Safety
- advocate on behalf of the child or young person for the resources and services required to ensure their full potential is reached
- decline care arrangements considered inappropriate for their family and circumstances
- notify their foster and kinship service or Child Safety of a change in their circumstances that impacts on their care of the child or young person
- request support in a timely way to avoid the escalation of negative events and encourage the child or young person to do the same
- actively participate in the approval and re-approval process and the development of both the foster carer agreement, the placement agreement and case plan for any child in their care
- seek out opportunities for further training and to make their training needs known to Child Safety or their foster and kinship care service
- implement protective behaviours and positive behaviour supports within the home
- stay informed and ensure that policies, practices and procedures are followed
- ensure Aboriginal and Torres Strait Islander children and young people are connected to family, community and culture.

## Agreement

This statement has been prepared collaboratively and reflects the shared commitment of all parties to an effective and respectful partnership for the benefit of children and young people in care. The Statement of Commitment:

- acknowledges and promotes the critical role of approved foster and kinship carers as part of a network or team providing quality care
- recognises the unique role foster and kinship carers play as volunteers in that network or team
- describes the roles and responsibilities of approved foster and kinship carers, Child Safety and foster and kinship care service staff.

All parties share the responsibility for promoting the Statement and constantly seeking ways to ensure that it is meaningful in our day-to-day work.



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## Glossary

Queensland's child protection peak bodies undertake a critical role in the advocacy, representation, co-design and delivery of statutory child safety services in Queensland.

### Queensland Foster and Kinship Care

The role of Queensland Foster and Kinship Care (QFKC) is to inform, support, represent and advocate for foster and kinship carers and the children and young people for whom they care. Membership of QFKC is open to all carers, interested organisations and individuals. QFKC receives specific funding to support a Foster Care Advocacy and Support Team (FAST) program. Delegates in this team are available to provide advice, support and advocacy services to individual carers or groups of carers throughout the State. QFKC also contributes to the professional development of foster and kinship carers and staff of Child Safety and foster and kinship care services.

### PeakCare Queensland

The role of PeakCare Queensland, as a peak body for child protection and related family support services in Queensland, is to provide an independent and impartial voice representing and promoting matters of interest to the non-government sector. This includes being involved in sector leadership, advocacy, policy development and planning and supporting its member organisations to develop and deliver quality services for the safety and wellbeing of children, young people and their families. PeakCare's member organisations are funded to provide services for children, young people and their families including prevention and early intervention services, intensive family support, child protection services, foster and kinship care and residential care services. PeakCare works in partnership with its members, Child Safety, Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP), QFKC and CREATE Foundation.

### Queensland Aboriginal and Torres Strait Islander Child Protection Peak

The role of Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP) is to improve the safety and wellbeing of Aboriginal and Torres Strait Islander children, young people and their families. QATSICPP provides leadership in advocacy and the development of policies, strategies and programs to resource, support and strengthen the capacity and capability of Aboriginal and Torres Strait Islander community-controlled child protection agencies throughout Queensland. QATSICPP works in partnership with key stakeholders including State and Commonwealth governments, other peak groups and community agencies to develop a collaborative approach to improving the safety and overall wellbeing of Aboriginal and Torres Strait Islander children, young people and families in Queensland.

To minimise the risk of any misinterpretation of the following terms, their specific meanings in this document are outlined below.

### Aboriginal and Torres Strait Islander Child Placement Principle

The Aboriginal and Torres Strait Islander Child Placement Principle outlined in the *Child Protection Act 1999*, section 5C is applied when administering the *Child Protection Act 1999* when working with Aboriginal or Torres Strait Islander children and families. Decisions about

an Aboriginal or Torres Strait Islander child must be made in a way that upholds the five elements of the Child Placement Principle:

- Prevention — that each Aboriginal and Torres Strait Islander child has the right to be brought up within their own family and community.
- Participation — that an Aboriginal and Torres Strait Islander child, their parents and their family, have the right to participate in all child protection decisions affecting them.
- Partnership — that Aboriginal or Torres Strait Islander peoples have the right to participate in significant decisions under the *Child Protection Act 1999* about Aboriginal or Torres Strait Islander children, including the design and delivery of programs and services.
- Placement — that if an Aboriginal or Torres Strait Islander child is to be placed in care, priority must be given to being placed with a member of the child's family group and if this is unable to occur then placement must follow the hierarchy of placement.
- Connection — that an Aboriginal or Torres Strait Islander child has a right to be supported to develop and maintain a connection with the child's family, community, culture, traditions and language, especially children placed with non-Indigenous carers.

### Approved carers

The *Child Protection Act 1999* recognises three types of approval:

1. Kinship carers are approved to care for a specific child or young person, or children who are members of their extended family, or with whom they have a pre-existing significant relationship.
2. Foster carers are approved to care for any child or young person in the custody or guardianship of the Chief Executive.
3. Provisionally approved carers are applicants wishing to become an approved foster or kinship carer, who initially receive a provisional certificate of approval. An applicant will only be provisionally approved to allow placement of a specific child in circumstances where:
  - the person has been provisionally assessed as suitable to care for that child
  - it is not possible, or not in the child's best interests, for the child to be placed in the care of an approved kinship carer, approved foster carer, entity conducting a departmental care service or licensee (*Child Protection Act 1999*, section 136A).

### The Statement of Standards

The *Child Protection Act 1999* and the *Child Protection Regulation 2011* are the key laws that regulate how the government responds to children and young people in need of care and protection.

Foster carers and kinship carers are required to provide a level of care which is consistent with the Statement of Standards outlined in Section 122 of the *Child Protection Act 1999*.

Child Safety, non-government foster and kinship care services, and foster and kinship carers are responsible for ensuring that children and young people are cared for in a safe and accountable way.

The Statement provides guidelines to ensure that care provided to children and young people meets their immediate and ongoing needs. The Statement of Standards states that:

- a) the child's dignity and rights will be respected at all times

- b) the child's needs for physical care will be met, including adequate food, clothing and shelter
- c) 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
- d) the child's needs relating to his or her culture and ethnic grouping will be met
- e) the child's material needs relating to his or her schooling, physical and mental stimulation, recreation and general living will be met
- f) the child will receive education, training or employment opportunities relevant to the child's age and ability
- g) the child will receive positive guidance when necessary to help him or her change inappropriate behaviour. 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
- h) the child will receive dental, medical and therapeutic services necessary to meet his or her needs
- i) the child will be given the opportunity to participate in positive social and recreational activities appropriate to his or her developmental level and age
- j) the child will be encouraged to maintain family and other significant personal relationships
- k) if the child has a disability, the child will receive care and help appropriate to the child's special needs.
- l) the application of the standards of care must take into account what is reasonable, with regard to the length of time the child is in the care of the carer or care service, and the child's age and development.

### **Human Rights Act 2019**

Queensland's *Human Rights Act 2019* protects 23 human rights in law. The *Human Rights Act 2019* protects the rights of everyone in Queensland and requires the Queensland public sector to act and make decisions which are compatible with these rights.

- The *Human Rights Act 2019* requires 'public entities' to consider human rights in all decision-making and action, and only limit human rights in certain circumstances and after careful consideration. When delivering services and interacting with the community, public entities must act compatibly with human rights when making decisions or taking actions
- give proper consideration to human rights when making decisions or taking actions.

These obligations apply to Child Safety staff as employees of a public entity under the *Human Rights Act 2019* and apply to all aspects of decision-making undertaken by Child Safety staff who have a responsibility to respect, protect and promote the human rights of individuals. The obligations also apply to foster and kinship carers considered 'public entities' under the *Human Rights Act 2019*.