

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 Human Services, 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 Human Services 1300 650 172
- Office of the Child Safety Commissioner 1300 782 978
- The Ombudsman 1800 806 314

Where can I get a copy of the Charter?

Extra copies are available from the website at www.dhs.vic.gov.au/everychildeverychance or call **(03) 9096 7366**

Charter for children in out-of-home care



This brochure 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 Charter appears below and on the inside of this brochure. On the back page we have provided some information about the Charter, its importance and how we can begin to inform children in out-of-home care about it. Suggestions about how we can best communicate this information to children will be provided to you in the coming months.

Charter for children in out-of-home 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.

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

These are *your* rights

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.

Charter for children in out-of-home 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"> • Understand, respect and value my own Aboriginal culture • Help me feel good about my own Aboriginal culture • Help me stay connected to my culture in all parts of my life.
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.

Right	Explanation
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.
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 in order 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.

Right	Explanation
Careful thought being given to where I will live so I will have a home that feels like a home	My home will only feel like a home if: <ul style="list-style-type: none"> • carers and workers think about my needs and things like my family, culture and community when making decisions about where I will live • 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 • I am not moved around too much without good reason.
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 to 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.

