

## **Submission from the Children in Care Collective on a proposed code of practice**

### **About the Children in Care Collective (the Collective)**

The Children in Care Collective was formed in 2016 by a group of out-of-home care service providers and leading experts in working with children with complex needs in out-of-home care.

The aim of the Collective is to share experience, discuss best practice informed by research, provide advocacy and learn from policy and practitioner experts in out-of-home care. The Collective seeks to address solutions to difficult systemic practice issues faced by the sector and to improve outcomes for children and young people with complex needs living in out-of-home care. The Collective's website is at <http://childrenincarecollective.com.au/>.

Our vision of success is that 'an effective and well-resourced service system supports children and young people with complex needs to grow up safely and well in out-of-home care, confident that their rights and wellbeing are protected and prioritised'. We believe a code of practice underpinned by strong guiding principles to be an important component of a safe and accountable out-of-home care and adoption system in New South Wales.

Members of the Collective that are designated agencies and adoption service providers are: Allambi Care; Anglicare NSW South, NSW West and ACT; Anglicare Sydney; CareSouth; Key Assets; Life Without Barriers; Mackillop Family Services; Marist180; Pathfinders; Settlement Services International; and Uniting NSW/ACT. Some of these member agencies may have submitted separate individual responses, which provide detailed input drawing from particular experience. This submission does not replace those individual responses but rather reflects the consensus of the Collective in relation to the proposed code of practice.

### **Consultation questions**

The Collective supports the proposed guiding principles set out in the consultation paper, with a few amendments aimed at strengthening the focus.

It is not clear from the consultation paper whether the guiding principles will be set out in the code of conduct. The Collective believes this would be useful as it would make the intent and underpinning of the code explicit while allowing the OCG to take into account the complexities of the work with children and young people in care and without adding additional elements to the practice requirements which are likely to make accreditation requirements more burdensome.

- The primary guiding principle should be phrased in terms of an organisational commitment to ensuring that children and young people grow up safely and well, not just that decision making is child-centred
- Children, young people, their families and their community should be actively supported to participate and collaborate in decision making
- Not only should Aboriginal and Torres Strait Islander children and young people be placed in accordance with the Aboriginal and Torres Strait Islander Child and Young Person Placement

Principles, but the guiding principle should explicitly prioritise the importance of collaboration and shared decision making with children, young people, families and communities

- Rather than ‘connections to community and country should be supported’, the guiding principle should more strongly state that ‘children and young people are actively supported to develop and maintain connections with their community, culture, language, and spirituality and participate in culture’.
- Decision making in relation to children and young people with disability should take into account their strengths as well as needs.
- An additional guiding principle should be ensuring the cultural safety of staff, carers, children and young people.

The Collective believes the practice requirements allow sufficient flexibility for the code of practice to be applied to home-based care, residential care and adoption arrangements.

The Collective believes the minimum requirements are reasonable for determining whether an agency should be accredited and that it is reasonable to expect that an agency can demonstrate it is meeting these practice requirements. The Collective has identified some areas where these requirements could be further strengthened or clarified, and these are set out below.

***Proposed Practice Requirement 1 – Governance and leadership***

An important additional practice requirement would be the inclusion of an organisational statement of commitment to child safety, as referenced in Standard 1 of the Child Safe Standards. This would make the purpose of the practice requirement more explicit.

In this practice requirement the terms ‘governing body’ and ‘governing authority’ are used. There is no definition of who these terms relate to. If possible, it would be better to use only one defined term consistently, ensuring that it is aligned with its use across the regulatory system.

***Proposed practice requirement 2 – Supporting participation of children and young people***

The Collective believes the point about supporting children and young people to make choices about identity, etc, would be strengthened by including supporting them to express their sexual and gender identity without fear of discrimination.

Overall, the practice requirement would be strengthened by requiring the clear and contemporary documentation of children’s participation and decisions, including their acknowledgement of the record where appropriate.

***Proposed practice requirement 4 – Meeting the individual needs of children and young people***

Noting Recommendation 12.9 of the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission), it would be valuable to include a practice requirement that children and young people receive age-appropriate and culture-appropriate education about sexuality and healthy relationships as well as the requirement under proposed practice requirement 6 that they are supported to recognise behaviour that makes them feel unsafe or uncomfortable etc.

***Proposed practice requirement 6 – Child protection and child safety***

The practice requirement includes children and young people having regular and direct access to a caseworker or other agency staff member and being supported to raise concerns or complaints.

Again with reference to the Royal Commission’s recommendations about increasing safety in out-of-home care, it would be useful to include a requirement that children and young people have an

opportunity to speak to a caseworker or other agency staff member in the absence of their carer so they can more safely raise concerns or complaints.

***Proposed practice requirement 7 – Providing safe and suitable care environments***

Rather than placement decisions being “informed” by the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles, the Collective suggests that these decisions should be ‘in accordance with’ the placement principles.

The Collective suggests the requirement that people who work with and care for children and young people are assisted to have conversations about online safety would be strengthened by including a requirement that children and young people, families, carers and staff are provided with information and education about online risks and how to manage them.

The Children in Care Collective is glad for the opportunity to contribute to the discussion about the development of a code of practice for statutory out-of-home care and adoption in New South Wales and would be pleased to continue to assist the Office of the Children’s Guardian with its aim of making organisations safe for children.

Should you have any queries arising from this submission, please direct them to me at [Rob.Ryan@lwb.org.au](mailto:Rob.Ryan@lwb.org.au) .

Yours sincerely



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Chair  
Children in Care Collective  
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*On behalf of the Children in Care Collective:*

Allambi Care; Anglicare NSW South | NSW West | ACT; Anglicare Sydney; CareSouth; Key Assets Australia; Life Without Barriers; Mackillop Family Services; Marist180; Pathfinders; Settlement Services International; Institute of Child Protection Studies (ICPS) - Australian Catholic University; Australian Centre for Child Protection (ACCP) - University of South Australia; Research Centre for Children and Families (RCCF) – University of Sydney.