



Australian Government
Australian Institute of
Family Studies



Refresh of the National Out-of-Home Care Standards: Written submission form

Introduction

The Australian Institute of Family Studies (AIFS) is inviting organisations and agencies who have expertise in out-of-home care to submit a written response to a summary of findings from a desktop review and discussion questions about the National Out-of-Home Care Standards (National Standards).

These submissions will inform recommendations that AIFS makes to the Australian Government Department of Social Services (DSS) and to the Safe and Supported governance bodies about updating the National Standards.

This call for submissions closes **Monday 14 April**.

About the project

The National Standards have not been updated since they were first published in 2011. This project is one part of a government commitment to update them. The aim of this project is to:

gather the views and perspectives of key stakeholders (including young people with a care experience and carers) that will inform the development of the Refreshed National Standards.

The Australian Government Department DSS has commissioned [AIFS](#) and [SNAICC](#) – National Voice for our Children to undertake consultations with key stakeholders and make recommendations on how the National Standards could be updated.

This consultation project is the first of several activities under Action 5.d.i of the [Safe and Supported First Action Plan](#) to Refresh the National Standards. This project is being conducted under the governance of the Safe and Supported Accountability and Data Working Group and Aboriginal and Torres Strait Islander Leadership Group.

Future work on Action 5d will involve updating the National Out-of-Home Care Indicators and Measures. However, this is not part of the current project.

Written submissions

This call for written submissions is the first stage in our national consultations. We are inviting organisations and agencies with expertise in out-of-home care to submit responses to the discussion questions below.

We are seeking submissions from:

- state, territory and Australian government agencies
- out-of-home care service providers (including Aboriginal and Torres Strait Islander Community Controlled Organisations [ACCOs])
- national, state and territory ACCO peak bodies
- national, state and territory peak bodies and advocacy groups for young people in care and carers
- Children's Commissioners and Guardians
- key expert stakeholders (e.g. academics working in this field).

As part of this form, we have included some high-level discussion and summary findings from the desktop review about the National Standards, as well as standards, principles, rights and frameworks across Australia.



The Australian Institute of Family Studies acknowledges the Traditional Owners of Country throughout Australia and recognises their continuing connection to lands and waters. We pay our respects to Aboriginal and Torres Strait Islander cultures, and to Elders past and present.

Other consultation activities

AIFS and SNAICC are working together to undertake a range of consultation activities. In the coming months, consultations will also be conducted with:

- young people with a care experience, including Aboriginal and Torres Strait Islander young people
- foster, kinship and other family-based carers, including Aboriginal and Torres Strait Islander carers
- Aboriginal and Torres Strait Islander organisations and leaders
- other key stakeholders.

For more information or if you have any questions about the project, you can:

- visit the AIFS Safe and Supported project website [Safe and Supported | Australian Institute of Family Studies](#)
- contact the project team at AIFS NationalOOHCstandardsreview@aifs.gov.au
- contact the project team at SNAICC policyprojects@snaicc.org.au.

The existing National Out-of-Home Care Standards

The full version of the existing National Standards can be found [here](#).

The National Standards (and related indicators and measures) were developed as a priority project under the *National Framework for Protecting Australia's Children 2009–2020*. The National Standards were published in July 2011 and have never been revised.

The National Standards were designed to encourage the delivery of consistent and quality care to children and young people in out-of-home care across all Australian states and territories. The National Standards, and associated measures and reporting mechanisms, were also designed to encourage quality improvement of out-of-home care and supports.

The National Standards consist of 13 standards in the areas of:

- health
- education
- care planning
- connection to family
- culture and community
- transition from care
- training and support for carers
- belonging and identity
- safety, stability and security.

These domains were identified as aspects of care that can contribute to positive outcomes for children and young people.

The National Standards document also outlines a set of principles to be considered along with standards.

Discussion and consultation questions

This section summarises the findings from a review of research and publicly available documents that relate to the National Standards, as well as standards, principles, rights and frameworks across Australia.

We are seeking your feedback on 12 questions related to the following themes:

- **Purpose of updated National Standards**
- **The existing National Out-of-Home Care Standards and key outcome areas**
- **Children and young people's rights**
- **Priority population groups**
- **Principles and values**
- **The Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP)**
- **Other existing policies and frameworks**

Important information for submitting a response

You do not need to answer all the discussion questions.

Please do not include any personal or identifying information in your response.

You may find that there is some overlap between your responses to different sections, especially related to outcome areas, rights and principles. Please provide your response where you feel it fits best.

You don't have to submit your written submission in one sitting; you can save your progress and return to it later to complete your response. To save your response, click the 'Resume later' button at the top right hand corner of the screen and follow the prompts.

All information you provide will be securely stored, in accordance with the *Privacy Act 1988* and [AIFS Privacy Policy](#). We will retain your response for 7 years. If you agree, we may reuse it in other projects to do with out-of-home care.

At the end of the form, there are questions about your organisation, privacy and option to leave contact details. Some of these questions are required. They help us to better understand your responses to the discussion questions and ensure we maintain your privacy in a way that you choose.

Need help?

If you would prefer to submit your responses in a different format or are having difficulty submitting your response, please contact the project team via email: NationalOOHCstandardsreview@aifs.gov.au.

Purpose of updated National Out-of-Home Care Standards

The National Standards were the first nationally implemented standards related to the care of children and young people in out-of-home care. They were released in 2011 and have not been updated since.

The National Standards focus on key areas that have a direct impact on the outcomes and experiences of children and young people in out-of-home care. They were introduced to:

- address the lack of consistency in minimum care requirements across Australian states and territories
- inform data collection and reporting
- promote consistent practice across Australia
- support continuous improvement in service delivery.

Our desktop review found no published evaluation that examined the implementation or effectiveness of the National Standards and, overall, we identified very few resources that directly referenced the National Standards.

However, we identified 2 ways that the National Standards had been used to guide data collection and reporting.

National reporting

The National Standards and associated National Indicators are one component of the Australian Institute of Health and Welfare's (AIHW) annual web-based report [Child Protection Australia](#). In the most recent complete report on the National Indicators, the AIHW reported against 7 of the 13 National Standards.

- This reporting against the National Standards has been described as important for building the evidence base for outcomes in out-of-home care.

Surveys of children and young people in out-of-home care

Children's participation and input into data collection has been identified as an important element of reporting against the National Standards. The AIHW conducted a [national survey](#) of children in out-of-home care in 2015 and 2018. The CREATE Foundation also conducted [surveys](#) with children and young people in out-of-home care in 2013 and 2017 to record outcomes against the National Standards. The CREATE Foundation saw the survey as an opportunity to highlight outcomes against the National Standards and for the findings to be used to improve child safety and wellbeing and the lives of children and young people in out-of-home care.

Discussion question

1. What should the purpose of the updated National Standards be?

In your response, you may wish to consider:

- *In your view, what is the main reason for having National Standards?*
- *What should the National Standards be used for?*
- *What should the National Standards achieve?*
- *What accountability mechanisms should be in place?*

The existing National Out-of-Home Care Standards and key outcome areas

The existing National Standards comprise 13 standards. These standards were based on domains that are associated with positive outcomes for children and young people in out-of-home care. These were originally developed based on consultation with children and young people, service providers, carers and governments. The domains covered by the existing National Standards are:

- health
- education
- care planning
- connection to family, culture and community
- transition from care
- training and support for carers
- belonging and identity
- safety, stability and security.

In our review of the research and documents about out-of-home care, state and territory guidelines and standards and reports based on consultation with children and young people, we found some recurring themes and priority areas. The themes we identified include:

- the importance of children and young people's participation in decision making
- the role of cultural connections and identity, particularly for Aboriginal and Torres Strait Islander children and young people and children of different cultural and linguistic backgrounds
- the importance of culturally appropriate and tailored support for Aboriginal and Torres Strait Islander young people and people from diverse cultural backgrounds when transitioning from care
- improved access to trauma-informed supports and mental health care, including trauma-informed therapeutic care
- the need for better support mechanisms in transition from care
- the factors that children and young people in out-of-home care report contribute to their experience of care. For example, differences in stability, safety and experience according to the type of placement.

Some, but not all, of these themes are reflected in the current standards. We are interested in hearing about how the refreshed National Standards can better support the needs of children and young people in out-of-home care across jurisdictions.

Discussion questions

2. **Do the existing standards cover the important areas that affect outcomes for children and young people in care? If not, what areas need to be included in the refreshed National Standards?**
3. **This question shows the wording of the current National Standards. Should any of the standards be kept exactly as they are now? Which of the standards should be changed?**

[tick/radio box list – select one per line]

Current standard	Keep as is	Change	Unsure/no opinion
1. Children and young people will be provided with stability and security during their time in care.			
2. Children and young people participate in decisions that have an impact on their lives.			
3. Aboriginal and Torres Strait Islander communities participate in decisions concerning the care and placement of their children and young people.			
4. Each child and young person has an individualised plan that details their health, education and other needs.			
5. Children and young people have their physical, developmental, psychosocial and mental health needs assessed and attended to in a timely way.			
6. Children and young people in care access and participate in education and early childhood services to maximise their educational outcomes.			
7. Children and young people up to at least 18 years are supported to be engaged in appropriate education, training and/or employment.			
8. Children and young people in care are supported to participate in social and/or recreational activities of their choice, such as sporting, cultural or community activity.			
9. Children and young people are supported to safely and appropriately maintain connection with family, be they birth parents, siblings or other family members.			
10. Children and young people in care are supported to develop their identity, safely and appropriately, through contact with their families, friends, culture, spiritual sources and communities and have their life history recorded as they grow up.			
11. Children and young people in care are supported to safely and appropriately identify and stay in touch with at least one other person who cares about their future, who they can turn to for support and advice.			
12. Carers are assessed and receive relevant ongoing training, development and support, in order to provide quality care.			
13. Children and young people have a transition from care plan commencing at 15 years old which details support to be provided after leaving care.			

4. **For those standards you ticked 'change', what changes are needed to shape improvements to children's experience of out-of-home care?**

Please provide specific wording changes or examples, where possible.

5. **Are there any additional standards that should be included?**

Please provide specific wording, if possible.

Please only include additional standards that you haven't already listed in response to previous questions.

Children and young people's rights

The literature we reviewed highlighted the importance of recognising the rights of children and young people. In particular, the rights set out in the United Nations Convention on the Rights of the Child ([UNCRC](#)) and the United Nations Declaration on the Rights of Indigenous Peoples ([UNDRIP](#)).

The UNCRC is relevant to all young people in out-of-home care. For example, the charter sets out the rights of children, including children in out-of-home care to:

- express and have their views genuinely considered and for all relevant decisions to be made in their best interests (Articles 12, 3)
- care that respects and facilitates engagement with their culture and language (Articles 20, 30–31)
- be able to have their care and circumstances regularly reviewed (Article 25).

The UNDRIP sets out a broad range of rights that are relevant to Aboriginal and Torres Strait Islander young people in out-of-home care. For example, particularly relevant are the rights of Indigenous people to:

- self-determination and participation in decision making (Articles 3, 4, 18, 19, 23)
- maintaining connection to culture, including through access to culturally appropriate education (Articles 8, 11–15, 17).

In the existing National Standards, there is explicit mention that children and young people should have their rights respected in accordance with the UNCRC. Within the principles and standards listed in the existing National Standards document, some areas of the UNCRC are touched on including:

- Children and young people participate in decisions that have an impact on their lives.
- Children and young people are supported to connect and engage with their culture through friends and family and cultural activities.
- The care environment should be nurturing and promote the child's best interests.
- While there is no explicit reference to the UNDRIP, the existing National Standards document references the need for Aboriginal and Torres Strait Islander communities to be involved in decisions in accordance with the [ATSICPP](#).

The elements of the ATSICPP reflect many of the UNDRIP and UNCRC rights that are relevant within the context of out-of-home care, particularly by embedding the rights of families and young people to participate in decision making and remain connected to their culture.

Discussion question

6. **Do the current National Standards do enough to embed the rights of children and young people as set out in the UNCRC and UNDRIP? Is there anything that should be changed in the updated National Standards or the principles?**

Please provide specific examples, where possible.

Priority population groups

The importance of identifying the needs of individual children and tailoring supports to meet those needs is well understood. Recognising child needs and tailoring supports is particularly important in out-of-home care as children have often experienced trauma and separation from family, communities and culture.

Children in out-of-home care are also likely to have additional needs due to disability or other factors related to the circumstances in which they entered care. For example, the current [Safe and Supported framework](#) recognises priority populations relevant to children and young people in out-of-home care, including:

- people with multiple and complex needs
- Aboriginal and Torres Strait Islander children experiencing disadvantage or who are vulnerable
- those with disability experiencing disadvantage or who are vulnerable
- those who have experienced abuse or neglect
- those leaving out-of-home care and transitioning to adulthood.

In our desktop review, we also identified several population groups or identities beyond those listed above that may be relevant to consider, either directly or indirectly, in a refreshed National Standards.

Discussion question

7. Should the National Standards refer to different population groups? If yes, how should the standards include different population groups?

For example, you may wish to consider:

- *Should the National Standards include a specific standard for specific groups?*
- *Should the National Standards mention specific populations in the principles, or elsewhere in the document?*
- *If yes, which groups should be included?*

You may wish to consider the following groups:

- *Aboriginal and Torres Strait Islander children and young people*
- *children and young people living in different geographical areas (e.g. urban, regional, remote)*
- *culturally and linguistically diverse children and young people*
- *children and young people with a disability*
- *infants and young children*
- *recently arrived migrants and refugees*
- *infants*
- *young children*
- *children and young people identifying as LGBTQI+.*

Please provide specific examples, where possible.

Principles and values

Principles reflected in the existing National Standards highlight the importance of:

- respecting the rights of the child
- providing nurturing care that promotes the best interests of the child
- ensuring children and young people are provided with clear and consistent information, and have the opportunity to be heard and have their views respected
- ensuring ongoing safe, meaningful and positive connections with family and community of origin
- respect and support for carers and their families
- quality care that addresses children's needs
- monitoring and reporting in the out-of-home care system and continuous system improvement to improve outcomes for children and young people
- involving Aboriginal and Torres Strait Islander families and communities in decision making.

Our review of the recent literature identified several recurring themes about what is important for good outcomes for young people in out-of-home care. While some of these themes are touched on in the existing National Standards document, some appear to be newer areas of focus. These themes include:

- Aboriginal and Torres Strait Islander peoples' self-determination and meaningful participation in decision making
- connection to culture, family, community and identity
- trauma-informed therapeutic care
- safety (including cultural safety)
- strengths-based approaches
- participation and partnership with children, families and communities.

Discussion question

8. What are the key principles and values that should be reflected in the National Standards?

In your response, you may wish to consider how the language used in the updated National Standards could reflect these principles and values.

We note that there may be some overlap between responses related to the principles, rights and key outcome areas. Please refer to responses on previous questions where relevant.

The Aboriginal and Torres Strait Islander Child Placement Principle

The **ATSICPP** is a framework to guide decision making relating to the safety of Aboriginal and Torres Strait Islander children with their families and/or in contact with statutory child protection systems.

Action 5 of the Safe and Supported Aboriginal and Torres Strait Islander First Action Plan commits all governments to implementing the ATSCIPP to the standard of active efforts. The commitment reflects longstanding calls for improved adherence and consistent implementation of the ATSCIPP across all jurisdictions.

The ATSCIPP is centred on 5 key elements:

- **Prevention** – the right of Aboriginal and Torres Strait Islander children to be brought up within their own family and community and on their own Country.
- **Partnership** – the right of Aboriginal and Torres Strait Islander persons, communities and organisations to participate in significant decisions about Aboriginal and Torres Strait Islander children, including in processes to reform legislation, policy, programs and practice.
- **Connection** – the right of Aboriginal and Torres Strait Islander children to be supported to develop and maintain connections to family, community, culture, traditions, language and Country.
- **Participation** – the right of the Aboriginal and Torres Strait Islander children, their parents, and family members to participate in an administrative or judicial process for making a significant decision about a child.
- **Placement** – that if an Aboriginal and/or Torres Strait Islander child is to be placed in care, the child has a right to be placed with a member of the child's family group, local community, or the Aboriginal and Torres Strait Islander community more broadly.

Through the implementation of these elements in legislation, policy and practice, the ATSCIPP aims to:

- ensure an understanding that culture underpins and is integral to safety and wellbeing for Aboriginal and Torres Strait Islander children and is embedded in policy and practice
- recognise and protect the rights of Aboriginal and Torres Strait Islander children, family members and communities in child welfare matters
- increase the level of self-determination of Aboriginal and Torres Strait Islander people in child welfare matters
- reduce the over-representation of Aboriginal and Torres Strait Islander children in child protection and out-of-home care systems.

Discussion question

9. **Should elements of the ATSCIPP be incorporated in the updated National Standards? If so, what elements should be included and how should this be reflected in the wording of the National Standards or the principles?**

Please provide specific examples, where possible.

Other existing policies and frameworks

State and territory standards and principles

Each state and territory in Australia operates under its own child protection legislation and has its own out-of-home care frameworks and/or charters. Some jurisdictions explicitly integrate the National Standards in their frameworks, while others have their own standards, frameworks and charters.

Discussion question

10. **If you are familiar with state and territory out-of-home care frameworks, are there standards and principles in this framework that should be considered in the updated National Standards?**

Please provide specific examples, where possible.

Other existing policies and frameworks

There have been a number of developments in child safe frameworks and policies at the national and state and territory levels since the original National Standards were released in 2011.

For example, the [National Principles for Child Safe Organisations](#) provide a framework to create child safe environments and to ensure that children's rights, safety and wellbeing are protected in institutions and organisations. These principles emphasise strong leadership, governance and culture that is rooted in child safety, empowering young people and children to take part in decision making that affects them and engaging families and communities in promoting the safety and wellbeing of children and young people.

These changes have often been driven by royal commissions and inquiries into areas related to child protection and child safety. An [analysis of the recommendations made in 61 inquiries](#) into child protection and youth justice identified major themes related to the need for Aboriginal and Torres Strait Islander self-determination and the need to improve child participation in decision making. Additional focus areas from this report included therapeutic care, maintaining connection to culture, family and country, education, advocacy and legal support, support for carers and various aspects of transitioning from care.

Discussion question

11. Are there elements of existing policies and frameworks that should be considered in the updated National Standards?

You may wish to consider:

- child safe standards and principles
- charters of rights
- other policies or guidance documents from your local service context.

Please provide specific examples, where possible.

Final thoughts

12. Is there anything else – not addressed by the previous questions – that we should consider when making recommendations to update the National Standards?

About your organisation

These questions ask some information about your organisation and where you work. This will help us to better understand your responses to the discussion questions.

*Indicates responses are required

- Organisation or agency name

Please note: We will not include your organisation/agency name in any reporting unless you select this option below.

- My organisation/I can be identified in reports and presentations about this topic*

☐ Yes

☐ No

If yes, how would you/your organisation like to be identified?*

For example:

- John Smith, CEO, Organisation name
- CEO, Organisation name
- Organisation name
- Where necessary, organisations who wish to remain anonymous will be referred to by organisation type and jurisdiction, for example:
 - Service provider, Victoria

- What state or territory does your organisation mostly work?*
- What does your organisation do?*
- Are you an Aboriginal and Torres Strait Islander Community Controlled Organisation?*
- For ACCOs and service providers: Which areas do you deliver services in?
- For ACCOs, service providers and peak bodies: Who does your organisation support?

Before final submission

*Indicates responses are required

- This submission does not include any personal or identifying information in response to the discussion questions*

☐ (Agree)

Please ensure that you have removed any personal or identifying information from this submission. You must "Agree" to complete this submission.

- AIFS can use the information in this submission in other projects to do with out-of-home care within the next 7 years*

☐ Yes

☐ No

- My organisation/I can be contacted for follow up questions or further consultation (Yes/No)

If yes, please provide contact information.

- I would like to receive a summary of the report findings (Yes/No)

☐ Yes

☐ No

If yes, please provide email address.

Please note this will be after the conclusion of the project.

Thank you

Thank you for your responses. We really appreciate your contribution to this project.

If you have any questions about the project, please visit the AIFS Safe and Supported project website [Safe and Supported | Australian Institute of Family Studies](#) or contact the AIFS project team via email: NationalOOHCstandardsreview@aifs.gov.au