

Statement of Commitment

Between the

Department of Communities,
Child Safety and Disability Services

and the

foster and kinship carers of Queensland

1. Introduction

This Statement of Commitment is an agreement that reflects a partnership approach, and respects the rights and responsibilities of all participants in promoting quality care for children and young people in foster care or kinship care.

The Statement of Commitment seeks to fulfil the legislative requirement under the *Child Protection Act 1999*, section 7(j), for the Chief Executive to “promote a partnership between the State and foster and kinship carers, and recognise the integral part played by foster and kinship carers for children”.

Out-of-home care refers to children and young people aged 0-17 years placed away from their parents or family home for protective or welfare reasons. Foster care and kinship care are core components of a range of out-of-home care services. For the purpose of this document, foster care and kinship care refers to the family-based care of children and young people, by an approved carer under the Act. The Act identifies two types of approved carers - foster carers and kinship carers.

2. Purpose

The Statement of Commitment articulates the commitment of the department and key partners to work together to ensure that children and young people placed with foster and kinship carers attain quality outcomes that prioritises their safety and promotes their wellbeing.

This is achieved by establishing partnerships that promote and ensure equitable and effective communication based on mutual respect and recognition.

3. Principles

The beliefs and values that underpin this Statement of Commitment are demonstrated in the following principles.

- Foster and kinship care is family-based care in which the safety, wellbeing and best interests of a child or young person are paramount.
- Where a child or young person is removed from their family, placement with kin will be considered as a first option.
- Where a child or young person is removed from their family, support should be given to the child or young person and their family for the purpose of reunification, if that is in the best interests of the child or young person.
- Where a child does not have a parent able and willing to provide for their ongoing protection, the child should be provided with the most appropriate long-term out-of-home care option for securing the child’s wellbeing.
- Each child or young person in out-of-home care will be given the opportunity, and support, to participate in the decisions that affect their lives.
- Every child or young person has the right to know and maintain a connection with their family, culture, traditions, language and community.
- All placements for Aboriginal and Torres Strait Islander children and young people will be made in accordance with the Child Placement Principle.
- All decisions about Aboriginal and Torres Strait Islander children and young people will be made in accordance with legislative requirements to provide a Recognised Entity with the opportunity to participate in all significant decisions or be consulted on all other decisions.
- Foster and kinship carers require training and support in order to provide quality, stable and nurturing care of children and young people.

- Effective partnerships recognise the unique contribution of each participant and their commitment to the respect of each other, which is evident in open and honest communication.
- Effective partnerships recognise and respect the culture of Aboriginal and Torres Strait Islander peoples and those of culturally and linguistically diverse backgrounds.
- All partners are entitled to an accessible, prompt and fair review process when disputes occur.

4. Roles

All roles carry responsibilities and rights. Some are held in common by all participants while others are specific to the individual role.

4.1 Foster and kinship carers

Foster and kinship carers give generously of their time, energy and themselves in their role of caring for children and young people whose own families are unable or unwilling to do so. It is essential that foster and kinship carers reflect a variety of backgrounds, lifestyles, cultures and family structures. This allows children and young people, who also come from various family settings, to have the opportunity to live in an appropriate family environment which values diversity, promotes equality and enables cultural identity to be maintained.

Foster and kinship carers carry the general responsibility to provide quality care in a family setting, to meet the needs of the child or young person. Foster and kinship carers must also promote the child or young person's rights to continuity of identity with, and connection to, members of their extended family wherever possible. It is essential that foster and kinship carers see their role as facilitating positive contact and attitudes with and towards the child or young person's own family, community and culture. Where physical contact with their family ceases, due to an unacceptable level of risk to any of the parties, it is the responsibility of foster and kinship carers to assist the child or young person in coming to terms with such a significant loss.

The department is responsible for seeking placements for Aboriginal and Torres Strait Islander children and young people with a member of their family, community or language group or any other Aboriginal and/or Torres Strait Islander person as outlined in the Aboriginal and Torres Strait Islander Child Placement Principle. Recognition of culture and the nurturing of a child's cultural identity and connectedness must be viewed as integral to the concept of best interests of the child. Where Aboriginal and Torres Strait children and young people are not placed with an Aboriginal or Torres Strait Islander carer, the department and the carer must ensure these children and young people have access to and connection with their family, community and language group, as well as the opportunity to participate in activities that enhance their cultural connections and identity.

As well as the responsibilities of their role, foster and kinship carers also have a right to expect support, respect and access to sufficient resources from the department and/or a foster and kinship care service, to enable them to fulfil the tasks of their role in an effective and efficient way. This must involve comprehensive pre-service and in-service training to achieve adequate competence, and where appropriate, such training should be culturally adapted to best address the needs of Aboriginal and Torres Strait Islander children and those of culturally and linguistically diverse backgrounds.

4.2 The Department of Communities, Child Safety and Disability Services

The department has primary responsibility to coordinate the Queensland Government's whole-of-government approach to the safety and well being of children and young people in this State. Its goals are to ensure that vulnerable children, young people and their families have access to a continuum of services which build on family and community strengths. Where a child or young person is in need of out-of-home care, one strategy to meet their needs is through quality family based care with a foster or kinship carer. The department has a statutory responsibility to have in place effective policies and procedures to promote and plan for the provision of quality out-of-home care placements.

In partnership with foster and kinship carers, the department has a responsibility to enable carers to undertake their role in a positive and efficient way, and to establish and maintain effective structures for the management, support and supervision of staff, carers and related services.

The department funds non-government, community based Foster and Kinship Care Services and Intensive Foster Care services to undertake the role of recruitment, training and support of carers, which includes Aboriginal and Torres Strait Islander placement services. In doing so, the department makes a strong commitment to meet the rights of foster and kinship carers as set out in this statement and to encourage carers to undertake their reciprocal responsibilities as significant members of a professional team.

4.3 Foster and kinship care services

Foster and kinship care services (including intensive foster care services) are responsible for the recruitment, training, assessment and support of foster and kinship carers in the non-government sector. They enhance the community's awareness of the role of foster and kinship carers and encourage people who are interested to seek further information.

One of the major roles of foster and kinship care services is to provide comprehensive support to, and advocacy for, foster and kinship carers through a range of services and resources. Foster and kinship care services work with the department to assist and support foster and kinship carers to implement and achieve the agreed goal and outcomes of the child or young person's case plan.

Foster and kinship care services have a responsibility to foster and kinship carers and to the department to ensure the placement process is in the best interests of the child or young person. All requests by the department for a placement with a carer must come through the foster and kinship care service. This allows the service to support placement matching principles when making decisions about an appropriate placement.

5. Responsibilities within the partnership

All partners have responsibilities and rights in common, whilst others may be distinct to the particular role. How these various responsibilities and rights are fulfilled will depend on the type of relationship which develops between the partners, and the commitment each makes to strengthen the relationship.

All partners have common responsibilities to the child or young person in care, although the ways in which these responsibilities are exercised will vary in accordance with the respective roles and responsibilities. It is necessary for all

participants to accept the responsibility to provide adequate resources to ensure a safe and caring environment in which the needs of children and young people are met, appropriate to their developmental level and unique personality.

Each partner must be aware of his or her own level of skill and each must also take the responsibility to refer to others for assistance when necessary. All participants have a responsibility to actively identify, promote and support attendance at training, professional development and other forums of relevant learning that will enhance their personal and professional expertise.

In addition, foster and kinship carers have identified that their three major areas of responsibilities are to:

- children and young people in their care
- the department and/or their foster and kinship care service
- themselves as foster and kinship carers.

5.1 Foster and kinship carers' responsibilities to the child or young person in care

The responsibilities of foster and kinship carers to the child or young person in their care are:

- to provide a safe, caring and predictable environment, where they model appropriate positive behaviour, and encourage and support positive relationships between the child or young person and the members of their family
- to encourage ongoing relationships with the child or young person's own family in a way that is safe and non-threatening and consistent with the current case plan
- to assist and support the child or young person in accordance with the Statement of Standards, as set out in the Act
- to maintain confidentiality about the child or young person, their family and their circumstances
- to advocate on behalf of the child or young person for the resources and services required to ensure their full potential is reached
- to 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
- to ensure, with support, the appropriate discipline of the child or young person using methods approved by the department
- to keep documents and other records belonging to the child or young person safe at all times
- to work with the department to maximise support for the child or young person during the planned conclusion or change of a placement, in a way that is least detrimental to the child or young person
- to encourage and support children and young people in care to participate in activities that enhance their self-esteem and general wellbeing
- to ensure that the child's cultural needs, cultural identity and connectedness are respected and encouraged.

5.2 Foster and kinship carers' responsibilities to the department and foster and kinship services

Foster and kinship carers have responsibilities to the department and to their foster and kinship service. It is acknowledged that the department and foster and kinship services also carry the responsibility to provide the resources and support to enable

foster and kinship carers to meet their responsibilities. The responsibilities of foster and kinship carers are:

- to decline placements they consider inappropriate for their family and circumstances
- to be 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
- to notify their foster and kinship service or the department of a change in their circumstances that impacts on their personal circumstances or the care setting
- to seek out and request support in a timely way to avoid the escalation of negative events, and encourage the child or young person to do the same
- to actively participate in the approval and re-approval process and the development of both the foster carer agreement, as well as the placement agreement and case plan for any child in their care.
- to actively engage in training and ongoing support specific to providing care for Aboriginal and Torres Strait Islander children

5.3 Foster and kinship carers' responsibilities to themselves as carers

In order to be able to provide quality care for children and young people, foster and kinship carers need to take responsibility for their own well-being. This requires that they:

- seek out opportunities for further training and to make their training needs known to the department or their foster and kinship care service
- implement protective behaviours within the home
- stay informed and ensure that policies, practices and procedures are followed
- seek support when needed and be actively involved with other foster and kinship carers.

6. Rights within the partnership

Complementing the responsibilities as outlined above, all participants have rights which are essential to the maintenance of a mature, functional relationship between partners which results in high quality care for children and young people. These rights have been identified as follows.

6.1 The right to feel valued

All participants have the right to be treated fairly and equally, with courtesy, respect and personal dignity as a member of a professional team who has unique knowledge and skills.

Foster and kinship carers' right to feel valued

Foster and kinship carers have the right:

- to open and sensitive recruitment and assessment processes and access to satisfactory levels of training, both initial and ongoing. This training is to involve foster and kinship carers in its planning and delivery and be timely, relevant and culturally appropriate
- to participate in the decisions affecting the lives of the children or young people in their care, and have their knowledge and opinions inform decision-making processes to ensure the best interests of the child
- to influence the development of, and changes to, the policies that affect foster and kinship care practices.

6.2 The right to feel safe

To operate in safety, all participants need an appropriate level of knowledge and skill. All partners have the right to natural justice and due process which incorporates the right to relevant information, to appropriate levels of privacy and confidentiality and ready access to a complaints and appeals process that is fair, equitable, just, informal and timely. It is their right not to be subjected to discrimination as set out within the law on the basis of age, gender, marital status, sexual preference, impairment, socio-economic level, race, culture and religious or political beliefs.

Foster and kinship carers' right to feel safe

Foster and kinship carers have the right:

- to as much timely and ongoing information about a child or young person as is necessary to provide a safe, healthy and protected environment for them, the carer and the foster or kinship carer's family. This includes the provision of relevant information related to the child's or young person's medical, emotional or developmental needs as it becomes available, including information from other professionals
- to be protected as far as possible from the behaviours of family members of the child or young person who may be distressed or aggrieved by decisions made about the child or young person in their care
- to be provided with copies of accurate information of assessments of allegations involving themselves (including allegations of abuse or neglect)
- to have access to copies of reports, case and other records about themselves that are held on departmental and/or agency files, through official RTI processes
- to have the goals and expectations of each placement made explicit and provided in written form within policy timeframes.

6.3 The right to feel supported

All participants have the right to adequate support that will enable them to meet the required standards of care for the child or young person, and to assist them in the resolution of any conflict or trauma associated with their work.

Foster and kinship carers right to feel supported

Foster and kinship carers have the right:

- to have the needs and rights of their own family recognised and respected when considering decisions regarding the child or young person in their care
- to have ready access to support for themselves and for the child or young person placed in their care, from the department or their foster and kinship care service. This support will be timely and may take various forms, including emotional, financial, therapeutic, practical and educational support
- to be compensated for deliberate personal injury or damage to property as a result of their providing care, in accordance with departmental policy
- to emotional support during the investigation or assessment of a matter of concern and debriefing and counselling after the investigation or assessment
- to counselling in relation to a traumatic event associated with their caring responsibilities
- to be supported to access a complaints or appeals process that is fair, just, equitable, informal and quick
- to be supported throughout the complaints or appeals process.

6.4 The right to feel confident

All partners have a right to expect assistance from others who have expertise, and to know that this assistance will be readily available. It is essential that all partners are confident that policy, procedures and practice are based on current research and best practice principles.

Foster and kinship carers' right to feel confident

Foster and kinship carers have the right:

- to request the end of a placement within mutually agreed timeframes wherever possible, while maintaining stability for the a child or young person, and focussing on the needs of the child or young person and the carer's own children
- to be provided with relevant information at all stages of a placement
- to be affiliated with a foster and kinship care service
- to confidentiality about themselves and for the children and young people in their care
- to consistent interpretation and application of policy throughout the State.

7. Peak bodies and advocacy groups

This statement of commitment recognises that there are peak bodies and advocacy groups that have specific roles and functions with respect to approved carers. These are Foster Care Queensland (FCQ), PeakCare Queensland (PeakCare) and the Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP).

The role of FCQ is to inform, support, represent and advocate for foster and kinship carers and the children and young people for whom they care. Membership of FCQ is open to all carers, interested organisations and individuals. FCQ 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. FCQ also contributes to the professional development of foster and kinship carers and staff of the department and foster and kinship care services.

The role of PeakCare is to be involved in policy development and planning and to support its member organisations to develop and deliver quality services for the safety and wellbeing of children, young people and their families. Member organisations are funded to recruit, train, assess and support foster and kinship carers, to provide out-of-home care or to advocate for children, young people and their families. To achieve this goal, PeakCare works in partnership with its members, the department, QATSICPP, FCQ and CREATE Foundation.

The role of QATSICPP is to improve the safety and wellbeing of Aboriginal and Torres Strait Islander children, young people and their families. QATSICPP supports its member organisations to develop and deliver culturally appropriate services across the child protection continuum including out-of-home care. 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.

7. Conclusion

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 requiring out-of-home care.

The statement:

- acknowledges and promotes the critical role of approved foster and kinship carers as part of a team providing quality out-of-home care
- describes the role of approved foster and kinship carers, the department and non-government organisations funded to provide Foster and Kinship Care services
- establishes the responsibilities and rights of approved foster and kinship carers, the department 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

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 is set out in section 83 of the *Child Protection Act 1999*. Its purpose is to enhance and preserve Aboriginal or Torres Strait Islander children's sense of identity by ensuring that these children and young people are maintained within their own biological family, extended family, local Aboriginal and Torres Strait Islander community, wider Aboriginal and Torres Strait Islander community and their Aboriginal and/or Torres Strait Islander culture.

The Act establishes further provisions that must be met if it is not possible to place the child with a carer from the priority groups identified above. To support and implement the provision, the Act requires that the department must give an opportunity for a recognised entity to participate in the decision-making process.

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).

Consultation

This refers to the connection between parties where one party requests advice or information of another, which is then taken into consideration.

Partnership

This refers to the link between the department, approved carers and other organisations that have an interest in foster and kinship care. Partnership does not mean equality. For example, the department has statutory powers and responsibilities under the *Child Protection Act 1999*. Nevertheless, the partnership is equitable if the different roles are respected and valued.

Positive Behaviour Support

This refers to a wide variety of techniques by which positive behaviour is supported. In this context it includes those measures which:

- involve no hitting or verbal abuse
- help the child or young person to understand the behaviour or consequences process
- promote self-control rather than control by others
- enable an empowering process, which builds self-esteem and confidence.

Provisionally approved carer (PAC)

This is a person who has been approved by the department to care for a particular child for a defined period of time. A provisionally approved carer must have made an application to be either an approved foster carer or kinship carer.

Standard of care

This refers to the statement of standards as set out in the *Child Protection Act 1999*, section 122.

Recognised Entity

This term refers to Aboriginal and/or Torres Strait Islander agencies or individuals that are approved to undertake the functions of a 'recognised entity' as described in the *Child Protection Act 1999*. The department is required to provide an opportunity for the participation of a recognised entity in those significant decisions which are likely to have a significant impact on the child's life (*Child Protection Act 1999*, section 6(6)), and consult with the Recognised Entity in relation to all other decisions for an Aboriginal or Torres Strait Islander child or young person.