

Charter of rights



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A draft Charter of Rights has recently been developed by the Department of Community Services (DoCS) for children and young people in out-of-home care in NSW. The Charter describes sixteen key rights that all children and young people in care are entitled to and has been developed in consultation with children and young people, carers and other foster care agencies.

WHY DO WE HAVE A CHARTER OF RIGHTS FOR CHILDREN AND YOUNG PEOPLE IN CARE?

Certain sections of the *Children and Young Persons (Care and Protection) Act 1998* relating to out-of-home care (OOHC) were proclaimed on 15 July 2003. Under Section 162 of the Act, DoCS is required to produce a Charter of Rights for children and young people in OOHC.

The purpose of the Charter is to:

- provide children and young people in OOHC with a clear statement of their rights
- provide a guide for carers and workers who must inform children and young people in OOHC about their rights
- help children and young people in OOHC assert their rights
- establish a shared understanding of the rights of children and young people in OOHC.

Why is it a "draft"?

The Charter is being circulated as a 'working draft' until August 2004 to give children and young people, carers and workers the opportunity to give us feedback on it. This will ensure that the Charter of Rights is a workable and useful document for everyone. We welcome your comments and will take them into consideration in producing the final Charter of Rights (see below).

What does the Charter mean for me as a carer?

As a carer, we are asking you to work with us in supporting the kids in your care to understand the rights contained in the Charter.

DoCS will send a copy of the Charter to all children and young people in OOHC who are over 10 years old and to all its authorised carers. If you are a carer currently looking after a child under the age of 10, we ask you to explain the Charter to the child in a way that they can understand. Your DoCS worker can help you if you are not sure how to do this.

How will the Charter be distributed in the future?

A copy of the Charter will be given to a child or young person at the time they enter OOHC. The worker who arranges the placement will discuss the Charter with the carer/s and the child or young person as they develop the Case Plan.

The girl I am looking after is my niece. Why has the Charter been sent to her?

If your niece is the subject of an order made by the Children's Court, she is considered to be in OOHC and so she will be sent a copy of the Charter automatically. If you are an 'authorised carer' you will also receive a copy.

We have two children of our own and are caring for a young boy. How do we use the Charter?

You might want to have a family discussion about the rights in the Charter. You will see that it mostly covers the sorts of rights that children take for granted within their families. Depending on the age of the children, you may have to explain some of the ideas to them, so it is probably best if you read the Charter first.

You might want to have a number of talks over a few weeks, particularly if the children are younger. You can then talk about a few rights in the Charter each time.

Based on your knowledge of the individual children, you can decide to take a different approach. For example, it might be better to talk to the child or young person in your care on his or her own about the Charter. If you are unsure about how to approach the discussion, or would like some more information about a particular right, contact your caseworker and discuss it with them.

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FACT SHEET

Charter of Rights for Children and Young People in Out-of-Home Care

The child I am caring for is only four years old – he won't understand what a 'Charter' or a 'right' is.

Very young children won't understand the ideas in the Charter. They will learn from what they experience. As a carer you can help them understand about rights by supporting the rights in the Charter. For example, you can help the child maintain contact with people who are important to them, and listen to what they have to say.

As the child matures, his or her understanding of rights included in the Charter will change. As with most things it is important that you take the child or young person's stage of development and capacity into account when deciding how to explain a situation.

I don't agree with some of the rights listed. What can I do?

You can provide comments on any aspect of the Charter before August 2004 (see below). All the comments received will be considered when the Charter is reviewed after this date.

I work in an agency that arranges foster care. What are my responsibilities?

As an agency that arranges placements of children and young people in OOHC, we are asking for your assistance to both support the rights in the Charter, and to also distribute copies of the Charter to your clients.

Agencies that arrange OOHC should provide a copy of the Charter to the child or young person at the time a placement is made and discuss the Charter with the child or young person and their carer at that time.

The child, young person or carer may also ask you questions about the Charter. You should help them resolve any problems they may have with the Charter.

I would like to make some comments about the Charter. How do I do this?

You can provide feedback to DoCS until August 2004 by:

- Sending an e-mail to setal@community.nsw.gov.au
- Phoning 1300 362 280 (free call between 9am and 5pm, Monday to Friday)
- Writing to the Executive Director, Out-of-Home Care, at 4-6 Cavill Ave, Ashfield NSW 2131

The CREATE Foundation will also have information on their website at www.create.org.au and children and young people can submit comments through this site too.

MAKING A COMPLAINT

If you have any concerns, first speak to your Caseworker and their Manager. They will do all they can to solve your problem quickly and efficiently. If you want to make a complaint about DoCS, rather than comment on the Charter, contact the DoCS Client Feedback & Assistance Unit on 1800 000 164.

What will happen after August 2004?

All of the feedback received will be collated. The Charter will then be reviewed and may be amended if the comments received indicate that this is necessary. The final version of the Charter will then be sent out to children, young people and their carers.

HOW WAS THE CHARTER DEVELOPED?

In 2002 the Centre of Applied Philosophy and Public Ethics at Charles Sturt University provided DoCS with a draft Charter of Rights based on the rights that are found in the Act and in the United Nations Convention on the Rights of the Child.

Consultation then took place with some children and young people in OOHC and changes were made to the draft following suggestions made during consultation.

The Minister for Community Services has now asked that the Charter be provided to children and young people in OOHC, carers and workers as a working draft for a period of twelve months. This will enable people to work with this Charter and find out if any changes need to be made. After August 2004 the Charter of Rights will be reviewed in the light of the comments received and then issued as a final document.