

## Legislative requirements for providing care



## ***The Statement of Standards***

The *Child Protection Act 1999* and the *Child Protection Regulation 2000* are the key laws that regulate how the government responds to children and young people in need of care and protection.

Foster carers and kinship carers are required to provide a level of care which is consistent with the Statement of Standards outlined in Section 122 of the *Child Protection Act 1999*.

The Department of Child Safety, non-government foster and kinship care services, and foster and kinship carers are responsible for ensuring that children and young people are cared for in a safe and accountable way.

The statement provides guidelines to ensure that care provided to children and young people meets their immediate and ongoing needs.

The Statement of Standards states that:

- (a) the child's dignity and rights will be respected at all times
- (b) the child's needs for physical care will be met, including adequate food, clothing and shelter
- (c) the child will receive emotional care that allows the child to experience being cared for and valued and positively contributes to the child's self-regard
- (d) the child's needs relating to culture and ethnic grouping will be met
- (e) the child's material needs relating to schooling, physical and mental stimulation, recreation and general living will be met
- (f) the child will receive education, training or employment opportunities relevant to the child's age and ability
- (g) the child will receive positive guidance when necessary to help change inappropriate behaviour. Techniques for managing the child's behaviour must not include corporal punishment or punishment that humiliates, frightens or threatens the child in a way that is likely to cause emotional harm
- (h) the child will receive dental, medical and therapeutic services necessary to meet the child's needs
- (i) the child will be given the opportunity to participate in positive social and recreational activities appropriate to the child's developmental level and age



- (j) the child will be encouraged to maintain family and other significant personal relationships
- (k) if the child has a disability, the child will receive care and help appropriate to the child's special needs. The application of the Standards of Care must take into account what is reasonable with regard to the length of time the child is in the care of the carer or care service, and the child's age and development.

### ***The Charter of Rights for a child in care***

The Charter of Rights for a child in care, outlined in Schedule 1 of the *Child Protection Act 1999*, describes core rights that apply to every child or young person in the care of the Department of Child Safety. Each child or young person placed in foster or kinship care must be told about the Charter of Rights, depending on their age and ability to understand.

The Charter of Rights states that a child or young person in care has the right:

- (a) to be provided with a safe and stable living environment
- (b) to be placed in care that best meets their needs and is most culturally appropriate
- (c) to maintain relationships with their family and community
- (d) to be consulted with, and take part in making decisions affecting their life, particularly decisions about where they live, contact with their family and their health and schooling. Their age or ability to understand must be considered
- (e) to be given information about decisions and plans concerning their future and personal history, having regard to their age or ability to understand
- (f) to privacy, for example, in relation to their personal information
- (g) to regularly review their care arrangements, if they are under the long-term guardianship of the chief executive
- (h) to have access to dental, medical and therapeutic services, necessary to meet their needs
- (i) to have access to education appropriate to their age and development
- (j) to have access to job training opportunities and help in finding appropriate employment
- (k) to receive appropriate help with the transition from care to independence, for example, help to find housing, access to income support and training and education.

If you have any questions about your responsibilities under the Statement of Standards, talk to your Child Safety Officer.

The *Child Protection Act 1999* is available at [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)

For more information contact your local child safety service centre or call the foster carer recruitment line on **1300 550 877** or visit [www.childsafety.qld.gov.au](http://www.childsafety.qld.gov.au) You can also contact Foster Care Queensland on **(07) 3268 5955**.