ACWA submission on the refresh of the National Out-of-Home Care Standards

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Introduction

The Association of Children's Welfare Agencies (ACWA) is pleased to contribute to the refresh of the National Out-of-Home Care Standards (National Standards). We believe that the National Standards play an important role in establishing the foundational elements of high-quality care and promoting a shared understanding of the outcomes towards which all services should be striving. The Standards support organisations and jurisdictions to work in partnership towards the same goals for children and young people.

About ACWA

We are the NSW peak body representing non-government community organisations that deliver services to children, young people and their families in vulnerable circumstances. Our member agencies include organisations providing a range of important services to improve children's safety, including early intervention, family preservation and out-of-home care (OOHC) services.

We collaborate with our members, partners, government and non-government organisations (NGOs) and other peaks to advocate for systemic reform to improve the lives of children and young people.

Our approach to this submission

This document presents ACWA's responses to discussion questions set out by the Australian Institute of Family Studies as part of the review of the National Standards. We developed this submission in consultation with several of our member organisations that provide out-of-home care services.

We support cultural safety and self-determination for Aboriginal and Torres Strait Islander communities, and as an ally and a non-Aboriginal peak body we seek to elevate the voice of Aboriginal and Torres Strait Islander stakeholders. We support Aboriginal and Torres Strait Islander peak bodies, organisations and communities to determine the solutions that will work for them.

We recognise the centrality of people with lived experience in the refresh of the National Standards and support their views and recommendations.

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?

Current use of the National Standards
Some of our members report that they predominantly refer to state and territory Child Safe Standards to inform their detailed policy and practice, and to ensure compliance with accreditation requirements. For agencies with services in jurisdictions that do not have an accreditation framework, such as Northern Territory, the National Standards are particularly important. Other agencies actively refer to the National Standards, for example:

- to inform their own organisational outcomes frameworks
- as a benchmark for quality
- to inform agency handbooks, practice guidelines, behaviour support protocols, case management and strategic planning.

Accountability mechanisms
We believe that accountability and transparency are vital to ensuring that government and non-government agencies are achieving the best possible outcomes for children, young people, kin and families. However, it is important to note that our member organisations are subject to a wide range of regulatory, accreditation and outcomes frameworks and standards, particularly those that work across jurisdictions. This includes various national, state and territory Charters of Rights for children and young people in care, Child Safe Standards, Outcomes Frameworks, and multiple measurement and monitoring systems. The NSW Government also plans to introduce an Accountability Framework for OOHC services in addition to these other systems.

For NGOs, these requirements exist in the context of information-sharing challenges and duplicative data capture systems that focus more on throughputs and outputs rather than outcomes (e.g. Auditor-General NSW, 2024; NSW Ombudsman, 2024). There is concern that introducing additional accountability mechanisms for the National Standards could lead to an increase in duplicative and burdensome administrative processes in this already heavily regulated system.

If accountability mechanisms are to be adopted, we recommend

- initial and ongoing efforts to reduce compliance burden, including using existing state and territory data rather than duplicating data reporting requirements
- a system of accountability that focuses on continual improvement that is supported by funding, including access to real-time data.

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?

We recommend that the following areas be included or expanded on in the Standards.

Mental health and wellbeing: The Australian Child Maltreatment Study (ACMS) has highlighted the strong association between child maltreatment and mental health disorders, and increased odds of health risk behaviours (Lawerence et al., 2023; Scott et al., 2023). The Study also showed that people who have experienced OOHC were more likely to have experienced multiple types of childhood maltreatment, more likely to experience a mental health disorder, and more likely to have experienced emotional abuse (Harris et al., 2024).

We recommend that the Standards highlight the importance of a proactive approach to mental health supports for children and young people in care, including holistic interventions that assume multiple types of maltreatment.

Trauma-informed care: Given our knowledge of these adverse childhood experiences, it is vital that services are aware of, sensitive to, and able to respond to each individual's unique needs in the context of their trauma history. However, Australian and international literature highlights inconsistencies in how trauma-informed care is defined and implemented, and the extent to which the possible elements of trauma-informed care are linked to positive outcomes for children in care.

We recommend that the Standards include a focus on trauma-informed care that consists of commonly agreed elements such as cultural, psychological and physical safety and forming healthy relationships (Gatwiri et al., 2019). Particular attention should be paid to the views of children and young people with lived experience, Aboriginal and Torres Strait Islander organisations and communities, and Culturally and Linguistically Diverse Communities when developing principles of trauma-informed care.

Permanency: Most jurisdictions now include a focus on permanency for children and young people in care, referring to legal, physical and relational permanency. We recommend that the Standards incorporate the concept of permanency alongside the stability that is already included. However, we strongly recommend that the Standards articulate a broader understanding of permanency in line with the views of children and young people in care and to reflect the concept of stability for Aboriginal and Torres Strait Islander children and young people. This may include:

- a nuanced understanding of permanency as a felt sense of belonging and security for children and young people (Wright & Collings, 2023)
- permanency for Aboriginal and Torres Strait Islander children as "a broader communal sense of belonging; a stable sense of identity, where they are from, and their place in relation to family, mob, community, land and culture" (SNAICC, 2016).

Safety: We recommend that the Standards incorporate a broader understanding of safety, including online safety and cultural safety. We also recommend that the Standards reflect the fact that safeguarding children is everyone's responsibility, and that all organisations must embed child safety and wellbeing in their leadership, governance and culture.

Transitions: Research suggests a successful transition out of care involves planning, social and emotional support, practical support, and ongoing, positive relationships with family, friends and significant adults and access to aftercare services (see McDowall, 2022). We recommend that the Standards capture this expanded, richer understanding of transitions from care.

Our members also highlighted the importance of maintaining relationships and a sense of belonging throughout all transitions – both during care and when leaving care – such as between placements, schools, or into employment. We recommend that the Standards reflect the need to focus support efforts at points of transition throughout a child's time in care.

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?

We recommend that key elements of several human rights treaties be integrated throughout the Standards. This includes the United Nations Convention on the Rights of the Child and the United Nations Declaration on the Rights of Indigenous Peoples. The Universal Declaration of Human Rights is applicable in that human rights apply equally to all, regardless of sexual orientation, gender identity, race and culture. The Convention on the Rights of Persons with Disabilities is also relevant for OOHC.

We recommend that greater emphasis be placed on the responsibility of organisations to make active efforts to provide children and young people with meaningful, ongoing opportunities to participate in decision-making and express their views.

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

We recommend that a specific standard be included in relation to respecting diversity and promoting equity by recognising the unique strengths, abilities and needs of each individual child. This would include highlighting the importance of responding to specific populations as listed above. See, for example, Standard 4 of the NSW Child Safe Standards.

Should elements of the ATSICPP 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?

We support the recommendation that the Standards directly reference the Aboriginal and Torres Strait Islander Child Placement Principle. We uphold the right of Aboriginal and Torres Strait Islander communities to determine how this should be reflected in the wording.

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

We recommend the following:

- A stronger emphasis is placed on supporting children's social and emotional development. See Standard 8 of the NSW Child Safe Standards.
- The inclusion of significant others as important connections to maintain. See Standard 5 of the NSW Child Safe Standards.
- Key elements of the NSW Framework for Therapeutic OOHC that are not already captured in the National Standards could be incorporated, such as the importance of a safe, nurturing, home environment.

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

As highlighted previously, some government and non-government organisations focus more on state and territory standards than on the National Standards. There is also the potential for confusion about the content and purpose of the different standards and framework.

We strongly urge all governments to improve the harmonisation of federal, state and territory standards if we are to achieve consistency and quality in OOHC across Australia. This could include a process of working with state and territory governments to re-establish their commitment to, and endorsement of, the refreshed National Standards, and an expectation that state and territory standards will reflect the National Standards. A mapping tool may also be useful to help service providers understand the overlaps and gaps across the different federal, state and territory standards. One example is this this tool developed by the National Centre for Action on Child Sexual Abuse that aligns a range of standards and quality systems with the Minimum Practice Standards for Specialist and Community Support Services Responding to Child Sexual Abuse.

In order to promote and embed the refreshed National Standards across all jurisdictions, we recommend strategies such as:

- engaging jurisdictional policy makers, regulatory bodies, peak bodies and service providers to increase understanding of the content and relevance of the refreshed Standards
- a scheduled review process (allowing sufficient time for organisations to embed the Standards into their policy and practice).

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