

The Charter of rights for kids in care

'The Charter is important because we are important, like all children and young people, and because we do not have our parents, we need you to help us in all these ways.'

(Female, 18).



This guide helps **carers** and **case managers** understand the importance of the ACT's *Charter of rights for kids in care*, and how it can be used to build relationships with children and young people.

ABOUT THE CHARTER

The ACT's *Charter of rights for kids in care* (the Charter) was developed in 2009 with input from children, young people, kinship and foster carers, out of home care agencies and ACT Government staff.

The Charter is for **all** children and young people who, for whatever reasons, are unable to live with their parents and instead live in someone else's care in the ACT. This includes children and young people in short or long-term care living with other family or friends in kinship care, or with foster carers, respite carers or in residential care.

The Charter lets these children and young people know they have **important rights** while they are in care and what they can expect from the people caring for and working with them. It tells them they have the right to:

- > be safe and looked after
- > be respected
- > be treated fairly
- > have fun, play and be healthy
- > be heard
- > privacy and have their own things
- > ask questions about what is happening to them
- > have contact with the people they care about and know about their family and cultural history
- > go to school
- > talk to people about things they don't like or understand.

These rights are consistent with the *United Nations Convention on the Rights of the Child* and ACT legislation.

WHY RIGHTS ARE IMPORTANT

All children and young people, regardless of why they are in care, have human rights and they should expect to have these upheld as they grow and develop into adults. Often though, children and young people who come into care have experienced times where their rights have been denied, such as being exposed to trauma, or from abuse or neglect.

Children and young people in care can be more vulnerable because of the impact this trauma has on their lives. They are also impacted on a daily basis by decisions made about them by other adults in their lives.

It is therefore very important for children and young people in care to have a **specific** set of rights just for them. It is also important for these rights to be promoted and upheld by **everyone** involved in looking after and supporting them. Together, this helps children and young people in care learn **they are important**, that their **voice is important** and their **access** to everything any other child might have access to is important.

THE ROLE OF ADULTS

Case managers, carers and residential workers all have a vital role in promoting and protecting the rights of children and young people in care. The Charter tells you what you need to ensure happens for them. Active and regular promotion of their rights helps you protect them and helps them grow up strong, safe and connected.

It's important whenever applying the rights, to always think about the child or young person's best



interests – such as keeping them safe, listening to their views and wishes, supporting their culture and religion, and being responsive to their needs. Also remember **everyone** has rights, including the child or young person's birth family and care family.

TALKING TO CHILDREN AND YOUNG PEOPLE ABOUT THE CHARTER

You can let children and young people know about the Charter when they first come into your care, even young children. Young people in care have told us that even from a young age they want to know about their rights. We asked them what age they thought is good to learn about the Charter – this is what they told us:

- > *'When they first enter care. When they are around 5 or 6.'* (Male, 16)
- > *'When is a good age? Can start off by showing that even from when they are very young they have choices and what they say matters.'* (Female, 20)

Such conversations don't have to be formal. There are lots of ways to make them engaging and appropriate for different ages and developmental stages. You might decide to:

- > have a family discussion about the rights, why they are important and how they apply to everyone in the family and their Care Team.
- > speak to everyone individually about what it means for them and others.

Whether you are a carer, case manager or residential care worker, it's important when having these conversations to find out:

- > how children and young people want to feel safe and cared for
- > what they enjoy doing and how they have fun
- > how they would like to be listened to and heard
- > who they would like to spend time with
- > how they would like to connect with their culture, be respected and treated fairly
- > how they would like their belongings cared for.

Also, talking about the Charter shouldn't be a one-off conversation. You can talk about them in your everyday conversations as you get to know a child or young person and make them feel safe and cared for.

WHAT CHILDREN AND YOUNG PEOPLE THINK

We asked children and young people in care what the rights mean to them and how they would look in their day-to-day lives. Use their insight to help you start some conversations.

THE RIGHT TO BE SAFE AND LOOKED AFTER

'That you are not fearing for your safety and you feel comfortable where you are. It's like a warm feeling.'

As well as having basic necessities provided, children and young people should feel safe and know they are not at risk of harm.

THE RIGHT TO BE RESPECTED

'No one judges my opinions or my religious beliefs, and I'm liked for who I am and don't have to pretend to be someone I'm not.'

Children and young people need to feel they are accepted for who they are, that adults listen seriously to what they say, and are treated according to their age and development.

THE RIGHT TO BE TREATED FAIRLY

'You are to be fairly treated so you have the same rights as others.'

Children and young people should not feel judged or treated differently to other children, especially other children not in care. They should also not experience prejudice about, for example, their gender, sexuality, race or culture.

THE RIGHT TO HAVE FUN, PLAY AND BE HEALTHY

'To keep friendships, be involved in other parts of the community, keep doing the activities I was doing before, see a doctor when I need to, and be helped with counselling or other things.'

Children and young people have the right to have fun, which means pursuing friendships and recreational activities. They should receive medical attention when they need it, as well as regular check-ups. They should also be supported to develop and grow with healthy food and exercise.



THE RIGHT TO BE HEARD

'Having a say can be through your actions and well as your words – people need to be interested and follow-up.'

Children and young people should have a say in decisions that affect them and be supported to speak up, feel important and have things discussed and explained in language they understand.

THE RIGHT TO PRIVACY AND HAVE YOUR OWN THINGS

'Not everything we tell a case manager or carer needs to be shared with everyone else – ask or tell us if you are going to talk to someone else about what we have said.'

Personal belongings are important ties to identity and children and young people should be supported to keep items they value, especially during times of change. Information about them and their birth families should also **only** be shared with others when it relates to their health, safety or wellbeing necessary to provide them proper care and to keep them safe.

THE RIGHT TO ASK QUESTIONS ABOUT WHAT IS HAPPENING TO YOU

'You are allowed to know what is happening to you and about you because it's your life.'

Children and young people should know why they are in care and what's happening, plus have the opportunity to ask questions. This means helping them feel comfortable to speak up and helping them to get answers.

THE RIGHT TO HAVE CONTACT WITH THE PEOPLE YOU CARE ABOUT AND KNOW ABOUT YOUR FAMILY AND CULTURAL HISTORY

'I can talk to the people I love and no one should be able to take that away from me.'

Children and young people must be supported to maintain contact and build relationships with those they care about when it is safe, and to learn about their family history. They should also be supported to feel proud about their culture by encouraging them to join in cultural activities and traditions and learn more about their cultural background.

THE RIGHT TO GO TO SCHOOL

'Getting the education they need. Getting help as soon as a child needs it and not waiting. Being given lots of opportunities to learn different things.'

Children and young people have the right to an education and should be provided with help to do the best they can. As they get older, this includes helping young people access training to continue their education and find a part-time job.

THE RIGHT TO TALK TO PEOPLE ABOUT THINGS YOU DON'T LIKE OR DON'T UNDERSTAND

'To know they can say if something is not okay, that someone will listen. To have someone to talk to and know what is going to happen.'

Children and young people need to know who they can reach out to when they need help and be confident their concerns will be taken seriously. They should have access to carers, case managers and independent individuals who can provide confidential help.

WAYS TO HAVE FUN WITH THE CHARTER!



GET CREATIVE!

- > **Draw a picture** together for each right about what the right means to them and your family and what things would uphold the rights.
- > Use the pictures you've drawn to make a puzzle, or play 'guess the right' where everyone takes turns to act out a right.
- > Make find-a-words and crossword puzzles together using key words from the Charter.
- > Think about how you can make the activities inclusive for children and young people from different cultures, such as Aboriginal and Torres Strait Islanders. You could use colours, language and symbols from their culture.



GET GAMING!

- > Adapt existing games like **Snakes and Ladders**. How?
 - Find a Snakes and Ladders board that has numbers in the squares (there's lots online to print or buy).
 - On separate pieces of cardboard, write each right and examples of when they are and aren't being upheld. For example: 'Children can go to birthday parties with their friends' (a right being upheld), and 'Children aren't allowed to go to school' (a right not being upheld).
 - To play, ask children and young people to roll a dice to see how many squares they should move on the board. If they land on a ladder, they move up to the square at the top of the ladder. If they land on a snake, they move down to the square where the snake's tail ends.
 - If they land on an even number, the person next to them reads out a card and they have to decide if the rights are or are not being upheld.

GET ACTIVE!

- > Play '**Please Crocodile**' to teach being fair and feeling safe. How?
 - One child is the crocodile and stands (facing away) a few metres from the other players who are on the safe riverbank. The other players ask: 'Crocodile, can we cross your river?'
 - Crocodile answers with something like: 'Only if you are wearing blue' or 'Only if you have brown hair'. Players who can answer yes can cross safely, but the others have to run and dodge the crocodile while trying to get to the safe riverbank on the other side.
 - After the game, ask everyone how it felt to not be included in a 'safe' category, or to feel like someone was chasing them. This can start conversations about how they know they are safe, and the importance for 'safe zones' in their lives.

GET SEARCHING!

- > **Play a game** of 'Find the right!' How?
 - Download the illustration 'Right up your street' (page 31) from *Our World Our Rights* (www.amnesty.org.uk/resources/resource-pack-our-world-our-rights)
 - Get children and young people to put a yellow sticker where they see a right being denied, a pink sticker where they see a right being upheld, and a green sticker where they see a human right being asked for.
- > **Watch a movie** where a child or young person is the main character. Have the Charter in front of the child or young person and get them to put a smiley sticker on it every time something reminds them of the right, and a different sticker when a right isn't being upheld.

GET READING!

- > Look to human rights books to help prompt conversations. For young children try, *I Have the Right to Be a Child* by Alain Serres. For young people, try this list for inspiration: www.amnesty.org.uk/best-young-adult-books

WANT MORE IDEAS?

Various resources can be adapted to help you talk about the ACT's Charter. And don't forget, case managers and supervisors can provide advice and inspiration too.

- > **United Nations Convention on the Rights of the Child:** The most widely ratified human rights treaty in history helping transform children's lives around the world. www.unicef.org/child-rights-convention
- > **Child's Voice: Our children have the right to be heard:** Great for Aboriginal and Torres Strait Islander children and young people. www.vacca.org/content/Document/Childs_Voice_Booklet.pdf
- > **RightsED: Australian Human Rights Commission:** Info plus activities to understand the difference between 'rights' and 'wants'. www.humanrights.gov.au/our-work/education/publications/rightsed-child-rights-index
- > **Our World Our Rights: Learning about human rights in primary and middle schools:** Artwork, games and activities to get children and young people thinking about what rights mean for them. www.amnesty.org.uk/resources/resource-pack-our-world-our-rights



www.communityservices.act.gov.au

Published: October 2019

