

Children and Young People (Care and Protection Organisation) Standards 2025 (No 1)

Disallowable instrument DI2025–272

made under the

Children and Young People Act 2008, Section 887 (Standard-making power)

EXPLANATORY STATEMENT

Since 2015, under the *Children and Young People Act 2008* (the Act), organisations that seek to be suitable entities for a care and protection purpose have been required to demonstrate they have the capacity to comply, and are likely to continue to comply, with the Care and Protection Organisation (CaPO) Standards (the Standards).

The following purposes are prescribed as care and protection purposes:

- to provide kinship and foster care services;
- to provide residential care services;
- to provide placement prevention, reunification and supported contact services in a home or community setting;
- to provide placement prevention, reunification and supported contact services in a residential setting;
- to provide clinical services;
- to provide engagement, empowerment and advocacy services;
- to provide transition to adulthood services.

The current standards commenced in the ACT in 2018. The review and update is timely to ensure the Standards reflect contemporary practice and clear expectations in the provision of services to promote the highest level of care for children and young people.

The new standards do not diminish or unduly trespass on rights previously established by the law. The Standards are part of a suite of protections made under the Children and Young People Act, 2008, including the regulation of Care and Protection Organisations. The Standards are designed to drive cultural change to create, maintain and improve child safe practices and as such contribute to the promotion of the rights of children and young people. It is acknowledged within the Standards that the rights of children and young people are engaged by various pieces

of legislation including *Children and Young People Act 2008* and the *Human Rights Act 2004* (HR Act).

The Standards provide a framework for creating child safe organisations and promote the rights contained within Section 11 of the HR Act by ensuring that organisations meet expected standards to protect children and young people. Section 11 of the HR Act states that every child, by virtue of age, has the right to the protection needed without distinction or discrimination of any kind. Likewise, the child's right to protection aligns with Australia's commitment to the Convention on the Rights of the Child, imposing a clear obligation on the government to implement measures aimed at ensuring the protection of children where necessary.

Rights of children and young people are further promoted by raising the quality of services that work with children and families engaged in the Child Protection system. The Standards support child centred and trauma informed service provision to children, young people and families; with a focus on promoting strengths-based approaches grounded in an understanding of, and responsiveness to, the impact of trauma.

The 2025 revision of the Standards takes into consideration the introduction of the ACT Child Safe Standards (CSS) Scheme, which began in 2024. The CSS Scheme is intended to complement existing safeguarding mechanisms in the ACT, in this case, the CAPO Standards, and promotes Section 11 of the HR Act by seeking to increase the safety and wellbeing of children and young people. The CSS scheme provides the basis for the revised CaPO Standards.

Both the 2018 CaPO standards and the revised 2025 CaPO standards were developed with the aim of not unduly impacting on contractual reporting requirements for organisations that are also required to comply with the ACT Out of Home Care Standards, issued on 1 July 2016. The Out of Home Care standards continue to map directly to the indicators of compliance detailed within the revised CaPO Standards.

Streamlined reporting obligation benefits the sector by increasing capacity for frontline services. Care and Protection Organisations providing services in the ACT will comply with both the ACT Out of Home Care Standards and the CSS Scheme through maintaining their compliance with the CaPO standards.

The revised standards have been subject to consultation across the sector during 2025. This has included engagement with ACT Care and Protection Organisations, sector policy and funding leads and co-regulators.

There are 6 standards, with underpinning service requirements to be met by approved organisations, summarised below:

- Standard 1:** Safe service delivery – Services are safely delivered based on assessed needs
- 1.1 Child and young person’s safety
 - 1.2 Needs assessment and service planning
 - 1.3 Health and wellbeing
 - 1.4 Cultural safety and inclusion
 - 1.5 Aboriginal and Torres Strait Islander cultural safety and inclusion
- Standard 2:** Agency and dignity – Services are child-centred and respect and uphold the rights and agency of children and young people
- 2.1 Dignity and respect
 - 2.2 Rights and responsibilities
 - 2.3 Advocacy and support
 - 2.4 Clear and accessible information
 - 2.5 Inclusion and participation
 - 2.6 Informed consent
 - 2.7 Connection to culture, family, friends and community
- Standard 3:** Safe environment – Services are provided in environments that are safe for children
- 3.1 Safe environment
- Standard 4:** Feedback and complaints – Children and young people are supported to provide feedback, complaints or raise concerns about service safety
- 4.1 Feedback
 - 4.2 Systems and processes
 - 4.3 Response to feedback, complaints and concerns
 - 4.4 Dispute management
- Standard 5:** Accountable organisation governance – Effective governance and organisational systems support safe delivery of social services
- 5.1 Accountable governance and leadership
 - 5.2 Strong financial governance
 - 5.3 Safe and inclusive practice culture
 - 5.4 Incident and adverse event reporting
 - 5.5 Outsourced services
- Standard 6:** Safe workforce – Services are delivered by a workforce that has the knowledge, capability and support to deliver safe services with care and skill
- 6.1 Workforce recruitment
 - 6.2 Workforce training
 - 6.3 Workforce performance and conduct
 - 6.4 Workforce planning