

NSW Foster Care Training

NSW Legislation and Standards



| marymead
children • families • community

Why do Carers need to know about Legislation and OOHC standards??



How does a child end up in OOHC?

Voluntary OOHC Placements

- E.g. illness or death of a parent

Court Ordered OOHC Placements

- NSW Children's Court deem a child's home environment to be unsuitable due to evidence of serious risk of psychological, emotional, physical or sexual harm; neglect; or parental unwillingness, or inability, to provide adequate care to the child or young person

Types of OOHC placements

- Kinship Placements
- Foster Care
- Residential Care
- Supported or Independent Living



NSW Out Of Home Care

Legislation:

- Child & Young Person (Care & Protection) Act 1998
- NSW OOHC Standards



For the Child or Young Person:

- NSW Charter of Rights
- UN Convention on the Rights of the Child



NSW Legislation



Child & Young person (Care & Protection) Act 1998

s.7&8 The objects of this Act are to provide:

- (a) that children and young persons receive such care and protection as is necessary for their safety, welfare and well-being, having regard to the capacity of their parents or other persons responsible for them, and
- (b) that all institutions, services and facilities responsible for the care and protection of children and young persons provide an environment for them that is free of violence and exploitation and provide services that foster their health, developmental needs, spirituality, self-respect and dignity, and
- (c) that appropriate assistance is rendered to parents and other persons responsible for children and young persons in the performance of their child-rearing responsibilities in order to promote a safe and nurturing environment.

ATSI Principles



- 1. Self Determination
- 2. Participation
- 3. Placement Principles
 - i) Kinship or extended family
 - ii) Community
 - iii) ATSI family within the area
 - iv) Suitable person or family



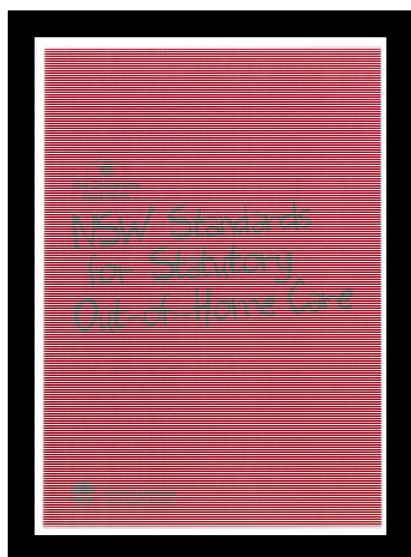
What else does the Act cover?

- Mandatory Reporting
- Principles for intervention
- Court proceedings
- Section 90 (rescind or altering court orders)
- Care Plans
- Permanency Planning
- Contact orders
- Definitions of the role of the Director General, Authorised carers, Designated agencies
- Placement Disclosure
- Instructions on physical restraint
- Role of the Children's Guardian
- Offences and penalties involving the care of a child or young person
- And so much more!!!



NSW OOHC Standards

- The OOHC provide guidelines and standards all OOHC agencies must adhere to.
- All agencies must adhere to, and are monitored on, the 22 OOHC standards:



Section 1 Children and Young People – Care and Wellbeing

- Standard 1 Children’s Rights
- Standard 2 Building a Positive Care Environment
- Standard 3 Child Protection
- Standard 4 Identity
- Standard 5 Family and Significant Others
- Standard 6 Participation in Decision Making
- Standard 7 Confidentiality and Privacy
- Standard 8 Emotional and Social Development
- Standard 9 Health
- Standard 10 Education

Section 2 Casework Practice to Support Care

- Standard 11 Initial Assessment and Placement in Out-Of-Home Care
- Standard 12 Case Planning and Review
- Standard 13 Case Work and Monitoring Placements
- Standard 14 Behaviour Support/Management Plans
- Standard 15 Planning for Leaving Care
- Standard 16 Documentation and Record Keeping

Section 3 Management of Carers and Staff – People Who Manage and Care for Kids

- Standards 17 to 20

Section 4 Organisational Management

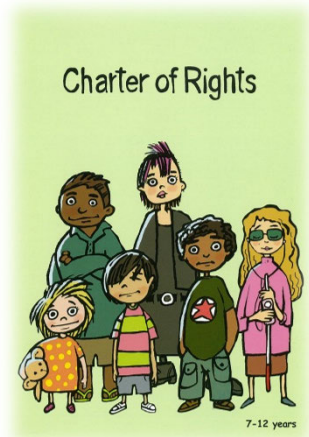
- Standards 21 and 22

Rights of Children and Young People



NSW Children and Young Persons Charter of Rights:

- Provided to each child and young person in NSW OOHC
- Explains what they can expect and how they have a right to play a role in their own life



UN Convention on the Rights of the Child

- The Convention states the universal human rights of children.



Parental Care and Decision Making



- Carers will have different decision-making responsibilities depended on the type of care they provide e.g. respite, emergency or short term care, or long term care.
- Some decisions cannot be made by carers, and can only be made by Marymead (designated agency).
- Finally, a few decisions regarding a child or young person may only be made by Community Services

Typically, a long term carer can make day to day decisions on issues such as:

- Which public school the child will attend;
- School excursions;
- Permission for sleepovers;
- Hair cuts;
- babysitting

Please see you hand out for further information...

Responding to Challenging Behaviour

Behaviour Interventions and Strategies

Restricted Practices

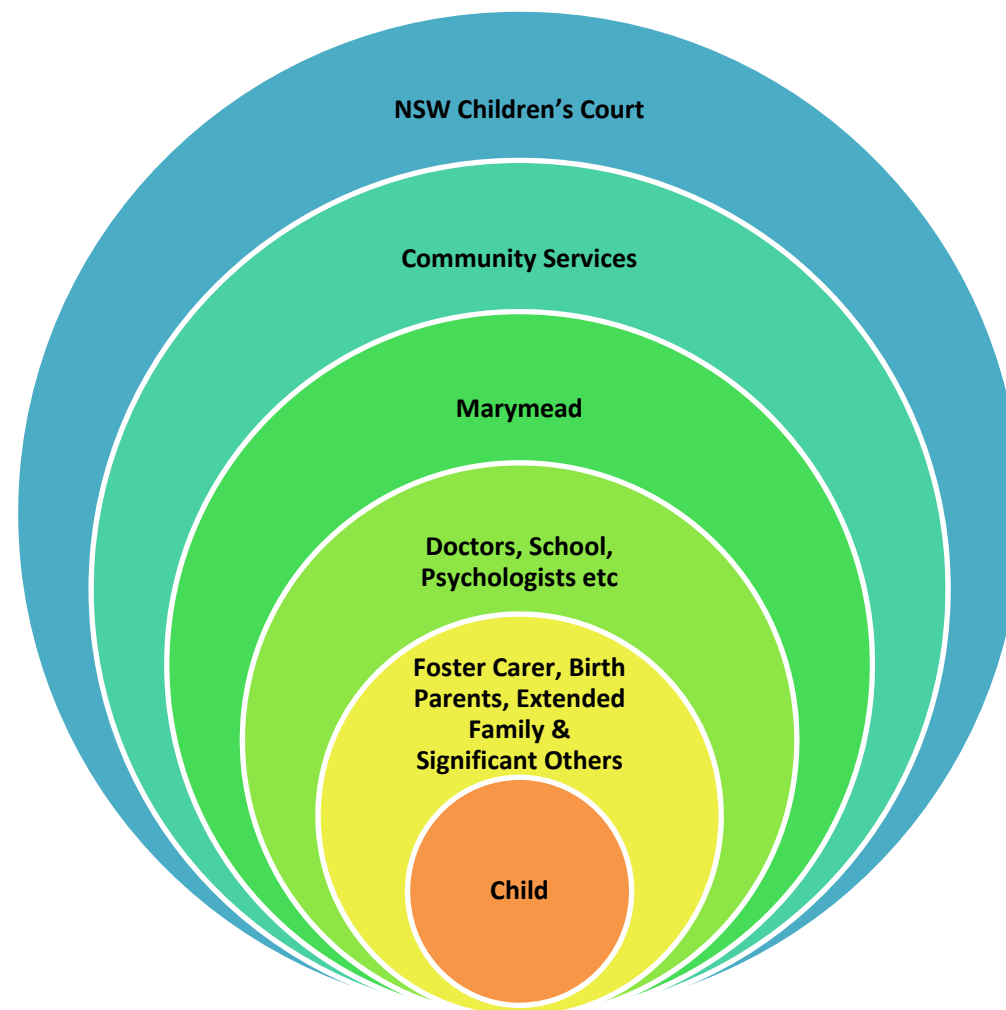
- Can be used within a Behaviour Management Plan
- Must be monitored for effectiveness
- Includes: Time Out, Psychotropic Medications, Token or Cost Response

Prohibited Practices

- Must **NEVER** be used
- Includes: withholding or withdrawal of food, shelter or warmth, use of physical force, smacking, threatening, or use of, social isolation.
- Prohibited practices cause further trauma to children and can have devastating short and long term outcomes.

So... you have given me all this information, but...what does it actually mean for me??

Who is in a Foster Child's Life?? (Care Team)



Marymead will help you...

- When you become a carer, you will be guided by Marymead to provide the best possible care to the child or children in your care.
- When you choose to become a carer, you are also choosing to become part of a care team. This means decisions are made in consultation with carers, Marymead and Community Services



When you have a child in your care....

When you are responding to a child or young person's needs:

- 1. We must always ensure any decision is made in the best interests of the child
- 2. Where possible and safe to do so, we encourage the child or young person to participate in decision making
- 3. When a child or young person arrives in your care, how you respond to them may have long-lasting effects and may potentially determine how they form their attachments to other adults or peers in the future.



References and Resources

- Children & Young Persons (Care & Protection) Act 1998
http://www.austlii.edu.au/au/legis/nsw/consol_act/caypapa1998442/
- NSW Office of the Children's Guardian OOHC Standards
<http://www.kidsguardian.nsw.gov.au/accreditation/nsw-out-of-home-care-standards>
- NSW Department of Family and Community Services (Community Services)
http://www.community.nsw.gov.au/welcome_to_docs_website.html
- Convention on the Rights of the Child <http://www.unicef.org/crc/>
- Fostering NSW <http://www.fosteringnsw.com.au/>
- Connecting Carers <http://www.connectingcarersnsw.com.au/>