



Families SA

Divisional Circular No. 131

Topic : Consultation required for removal of children placed on a guardianship order from foster care or relative / kinship care placements

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The policy of the Department for Education and Child Development (DECD) is that children for whom DECD has care and protection responsibility are provided with a stable, loving, secure and continuous care arrangement. Opportunities to develop a lifelong sense of belonging and connectedness are especially important for children placed in foster, relative and kinship care, who already have a disrupted care history.

The decision to remove children from families with whom they are living, including the removal of children who are settled with foster, relative or kinship carers, is a critical decision in the life of a child: removal of a child from a placement may have a life long impact on the health, wellbeing and future of the child. The carer family may also be severely impacted. Such decisions must be made with the utmost consideration of the child's safety, life-long security and future emotional wellbeing, as well as the natural justice rights of carers and their emotional wellbeing.

Decisions of this magnitude must be based on comprehensive assessment of the circumstances and needs of the child, including the immediate safety and risk of harm using SDM tools. Such assessment would usually incorporate advice provided by a Principal Social Worker, assessment by a Clinical Psychologist and, where the child is Aboriginal, advice from a Principal Aboriginal Consultant.

Because of the significance of the decision to remove a child from a foster, relative or kinship carer, the following procedures will apply:

(a) Emergency Removal

- Before the decision to remove a child on an emergency basis from a foster, relative or kinship carer is made, the Supervisor or Manager will consult with the Principal Social Worker. For Aboriginal or Torres Strait Islander children, cultural advice will be sought from the Principal Aboriginal Consultant. Where the psychological, emotional and developmental impact on the child needs to be carefully considered, the assessing Psychologist/Principal Clinical Psychologist will also be consulted. The Director/Assistant Director will be advised prior to any action and may request further details or assessment.
- If consensus cannot be reached regarding the emergency removal decision, the ultimate decision will rest with the relevant Director/Assistant Director.
- All advice must be documented and signed by (or emailed from) the person providing it and the decision, and rationale for this is to be recorded and signed by the delegate (usually supervisor or manager, but by the Director/Assistant Director if the decision rests with him/her).
- Delegations of the Minister's powers under the *Children's Protection Act, 1993* s.51 (1)(a) [relating to relative carers] and s.51(1)(b) [relating to foster carers] may only be exercised to remove a child from a placement if they are in accordance with this procedure. The exception is where the child is in a situation of immediate danger that



precludes the possibility of consultation before removal must be effected. Advice to the Director/Assistant Director is still required.

Where a child is removed on an emergency basis and the view of the Families SA Manager or Supervisor is that the removal should become permanent, the case conference (as outlined below) to consider permanent removal will be held in an expeditious manner following the emergency removal.

(b) When a foster care or relative care placement is not meeting the child's needs and there are concerns that the situation may lead to a placement termination.

It is expected as a normal part of **casework** that the case manager will:

- Have discussed the issues of concern with their supervisor
 - a. There will be a clear written record of
 - i. the child's needs that are not being met
 - ii. the carer's behaviours that are of concern
 - iii. the supports that have been put in place to address the concerns
 - iv. A record of the conversations between case manager (support agency worker if appropriate) and the response by the carer to the intervention / discussions
 - b. Have developed a strategy to address the concerns (future looking);
 - i. A case plan that clearly articulates what is required for the child to remain with the carer. This will include specifics about what must be present and absent (in behavioural terms).
 - ii. A review mechanism will be included in the case plan
- Have **communicated** the concerns with stakeholders and sought from them any supporting documents including their concerns and commentary
 - a. Alternative care support agency
 - b. Relative and Kinship Care Worker
 - c. The carer
 - d. Any agency working with the child (eg CAMHS)
 - e. Any agency tasked to support the placement
 - f. A Psychologist who has assessed either the child or the carer
 - g. **Consultation with Principal Social Worker and Principal Aboriginal Consultant (if the child is Aboriginal) should occur if the supervisor and case manager believe the matter is unlikely to be resolved through interventions**
 - h. Director/Assistant Director to be advised by memo of case direction and reasons prior to any action being taken

A case conference should then be scheduled if there is a likelihood that the matter is not going to be resolved to give the opportunity for everyone to be clear about the high risk of placement breakdown. It should include the following people:

- Principal Social Worker (as the chair)
- Supervisor
- Families SA case manager
- Carer
- Child or young person (where it is considered appropriate for them to attend)
- Key workers from the agency supporting them

If consensus cannot be reached via the case conferencing process regarding the permanent removal decision, the ultimate decision will rest with the relevant Director/Assistant Director. The Director/Assistant Director will review all the available information and make his or her decision in a prompt and timely manner. The requirement to consult with relevant experts is consistent with best practice approaches in



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implementing critical changes in case direction. It is intended that staff have the necessary supports and protections when they exercise their delegated responsibilities.

Where the child or the carer wish to terminate the placement, attention to the possibility of preserving the placement via consultation and involvement of the PSW is advised.

Rosemary Whitten
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