

7.15 Responding to Safety and Wellbeing Concerns for Children in the Care of the CEO Against Approved Foster Carers

Last Amended: 3/12/2013 8:37 AM

Policy

[Policy on Child Sexual Abuse](#)

Purpose

To guide child protection workers in responding to safety and wellbeing concerns for a child in the care of the Chief Executive Officer (CEO) in relation to approved Department for Child Protection and Family Support (the Department) and non-government agency foster carers and, in principle, to non-government agency employees undertaking direct care work.

Legislative Authority

[Children and Community Services Act 2004](#)

[Children and Community Services Regulations 2006 - Regulation 4 Approval of carers](#)

Standards

[Better Care, Better Services - Standards for Children and Young People in Protection and Care](#)

Practice Requirements

- Carer investigations must be undertaken by the Duty of Care Unit (DoCU), jointly and concurrently with a safety and wellbeing assessment by the child protection worker.
- A carer investigation is undertaken by the DoCU when:
 - an approved carer is the person alleged responsible in a safety and wellbeing assessment, or
 - there are repeated unresolved standard of care concerns and a recommendation for investigation is endorsed by the district director, or
 - other circumstances are endorsed by the Manager DoCU as requiring an independent carer investigation.
- In undertaking the carer investigation the DoCU must determine the carer's compliance with the carer competencies outlined in the Children and Community Services Regulations 2006 - Regulation 4 Approval of Carers.
- Foster carers must be provided with opportunities to debrief when required - ideally with a senior child protection worker placement services, department psychologist or by referral to an external provider through the Department's Employee Assistance Programme. For further information please refer to Chapter 7: Supporting Foster Carers.
- When a child in the CEO's care alleges they have been harmed by an approved foster carer, the child protection worker, in consultation with the team leader must undertake a risk assessment to determine whether any immediate action should be taken to ensure the safety of child/ren in the placement, including the carer's own children.
- Where it is determined that a child may be at risk of significant harm or has been significantly harmed by an approved carer, the child protection worker and/or team leader must consult with the DoCU duty investigation officer.
- The child protection worker and/or team leader must advise the senior child protection worker placement services for Department carers that a concern has been received.
- The child protection worker must record a Safety and Wellbeing Concern in Care Notification on Assist for the child/ren. A Carer Investigation Notification must be recorded on Assist for the carer/s by DoCU.
- The senior child protection worker placement services must amend the carer status on Assist to 'Under Review' pending the outcome of the investigation.
- The senior child protection worker placement services must place an 'Alert' on Assist advising that the carer is 'Under Review' and that no further placements should be made with the carer while the investigation is ongoing.
- A joint investigation planning meeting will be convened by DoCU involving relevant department and non-government agency employees (in accordance with the Department for Child Protection and Non-Government Placement Agencies Protocol).
- The child protection worker should proceed with the safety and wellbeing assessment for the child/ren.
- The child protection worker must ensure safety of the child/ren during investigation.
- District directors are responsible for approving recommendations to revoke carer approval. The process is detailed in Chapter 9: Revocation of Foster Carer Approval.
- Where a carer investigation results from unresolved standard of care concerns or other circumstances, the child protection worker does not need to undertake a safety and wellbeing

assessment.

- If the Department is aware of any person having been charged with, or convicted of, a Class 1 or Class 2 offence, or any other offence that in the Department's assessment makes the person inappropriate to carry out child-related work, the Screening Unit must be notified. The Screening Unit must then notify the Working with Children Screening Unit. While this is a general provision, it must also be observed in casework practice relating to approved carers and department employees, and in regard to charges or convictions relating to safety and wellbeing concerns for children in the CEO's care.

Process Map

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Introduction

The Department has a two tiered response to manage standard of care concerns and safety and wellbeing concerns for children in the care of the CEO relating to approved carers:

[Tier 1: Carer Standards of Care Assessment](#) is detailed in Chapter 7: Responding to Standard of Care Concerns against Approved Foster Carers. Child protection workers should refer to this chapter when the safety and wellbeing concern relates to an approved foster carer but there is no indication that the child has been significantly harmed or is at risk of significant harm.

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Tier 2 Carer Investigation

A carer investigation is undertaken when an approved carer is the person alleged responsible in a safety and wellbeing assessment or there are repeated unresolved standard of care concerns.

The child protection worker undertaking the safety and wellbeing assessment must:

- determine whether any immediate action should be taken to ensure the safety of child/ren in the placement, including the carer's own children
- consult with the DoCU duty investigation officer
- advise the senior child protection worker placement services for Department carers
- record a Safety and Wellbeing Concern In Care notification for the child/ren subject to the safety and wellbeing assessment if they are in the care of the CEO
- participate in the joint investigation planning meeting with the DoCU
- proceed with the safety and wellbeing assessment for the child/ren
- ensure safety of child/ren during investigation
- make recommendations in relation to the safety and wellbeing assessment outcome including substantiation or not and recording of a person responsible (PR) and a person assessed as causing significant harm (ASH)
- advise the carer in writing of the outcome of the safety and wellbeing assessment; and the appeal process if recorded as a PR or ASH.

The senior child protection worker placement services must:

- amend the carer status to 'Under Review'
- place an 'Alert' on Assist advising that the carer is 'Under Review' and that no further placements should be made with the carer.

The DoCU duty investigation officer must:

- quality assure the notification/s
- create a Carer Investigation File.

The DoCU Manager will:

- allocate the carer investigation to a senior investigator, DoCU and develop an allocation plan.

The senior investigator, DoCU will:

- record a Carer Investigation Notification for the carer/s
- review the carer's placement history and assess the need to undertake a safety and wellbeing assessment for other children currently and previously placed with the carer/s
- convene a joint investigation planning meeting with the child protection worker
- consult with the district Aboriginal practice leader if the allegation involves Aboriginal or Torres

Strait Islander carer/s

- refer to resources available on the [CaLD SharePoint Resource Library](#) (link in related resources) or consult with a colleague in their office who can provide relevant cultural information in cases involving families or children from a CaLD background. (For further detailed information on this process please refer to the [Reference Guide for Working with Culturally and Linguistically Diverse Families](#))
- advise the director of the non-government agency and invite them and/or their delegate to attend the planning meeting, if the allegation involves a non-government agency carer
- review the safety plan for the child and other children in the placement or household
- clarify process to advise carer about allegations, including who, what and when the carer will be advised. The carer should be advised of the concern in a timely manner
- provide the fact sheet, and the booklet, both resources named What happens if a foster child says I have hurt them? to the carer to ensure that the carer is informed about the safety and wellbeing assessment and the carer investigation process (in related resources)
- ensure that the carer has a support person
- identify the tasks that need to be undertaken, and timeframe, in consultation with the child protection worker and the agency (if relevant)
- interview carer/s and others as per investigation plan
- review Department carer files
- ensure all persons who have allegations made against them are given the opportunity to respond
- track the progress of the investigation and the review investigation plan as appropriate and
- keep the carer and/or the agency informed of the investigation's progress.

For non-government agency employees undertaking direct care work who are not approved under Regulation 4(1) the district director will:

- recommend that the non-government agency consider the impact of the carer investigation on the employee's existing work contract
- request that the agency provide written evidence of the action undertaken to address the concerns.

If the carer is also a department employee, DoCU will consult with Integrity Services Unit (ISU) and include ISU in the joint planning meeting.

Carer investigations may involve multiple safety and wellbeing assessments and/or multiple districts.

The DoCU may have an additional coordination role in complex carer investigations involving multiple children across districts.

The Carer Investigation Report is completed by the senior investigator DoCU, and is informed by the relevant safety and wellbeing assessment/s completed by the child protection worker. The report is a holistic assessment identifying individual, district and systemic issues that may have impacted on the events.

In general the timeframe, from commencement of the carer investigation intake to completion of the investigation, is 30 days. The Manager DoCU has authority to endorse extension of this timeframe in extenuating circumstances (for example when there is police involvement). The carer investigation is an information gathering and analysis process that informs the decision to proceed or not proceed with the revocation of a foster carer's approval.

The process for managing the outcome of carer investigations is as follows:

- the safety and wellbeing assessment/s are completed by the child protection worker and the outcome is documented in the Carer Investigation Report
- the final report is quality assured and endorsed by the Manager, DoCU and forwarded with the safety and wellbeing assessment outcome report/s via the district director to the relevant Executive Director/s
- the Executive Director Metro/Country has authority to endorse recommendations and direct implementation of recommendations in relation to department carers
- the Executive Director Service Standards and Contracting has authority to endorse recommendations and direct implementation of recommendations in relation to non-government agency carers.

The Carer Investigation Report will address carer compliance with the five carer competencies outlined in Regulation 4(1), and will include a recommendation in relation to the ongoing approval status of the carer. The carer should be advised in writing of the endorsed recommendations of the carer investigation and be advised of the process. Where revocation of a carer's approval is recommended, follow the process set out in Chapter 9: Revocation of a Foster Carer's Approval.

The documentation is placed on the DoCU's Objective file, the carer's Objective file and where appropriate, the relevant child's file.

2/11/2015

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If an approved carer is charged with, or convicted of, a Class 1 or Class 2 offence under the Working with Children (Criminal Record Checking) Act 2004, or any other offence that in the Department's assessment, renders the carer inappropriate for child-related work, the Department's Screening Unit (as opposed to the Working with Children Screening Unit) must be notified.

If, at any stage during the carer investigation process, the Department becomes aware that the carer has been issued with an interim negative notice or a negative notice under the Working with Children (Criminal Record Checking) Act 2004:

- the child protection worker must remove a child/ren placed with that carer immediately, or ensure that the carer has been removed from the placement household
- the child protection worker, in consultation with DoCU, where DoCU is managing the carer investigation, must commence the process for revocation of the carer's approval – refer to Chapter 9: Revocation of a Foster Carer's Approval for details of this process.

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