

Guidelines for responding to quality of care concerns in out-of-home care

Information for out-of-home carers

Children and young people who are removed from the care of their parents because of abuse or neglect need the best care that society can provide.

It is the shared responsibility of carers, community service organisations (CSOs) and Child Protection in the Department of Human Services to ensure the safety, stability and wellbeing of these children and young people.

The great majority of children and young people residing in out-of-home care receive good quality care from dedicated carers. However occasionally, an issue will be raised regarding the quality of care being provided to a child or young person.

Quality of care concerns

Quality of care concerns refer to any concern that has the potential to compromise a child or young person's safety, stability and development in the context of their age, stage of life and their culture and gender.

Quality of care concerns cover a wide range of issues, ranging from serious allegations of physical or sexual abuse or neglect to concerns about the quality or standard of care being provided to a child or young person.

Quality of care guidelines

In 2007, *the Guidelines for responding to quality of care concerns in out-of-home care* were introduced (the guidelines). The guidelines replaced all previous procedures and were expanded to include specific procedures in dealing with quality of care concerns for home-based care including lead tenant, residential care and kinship care.

The guidelines state that CSOs and Child Protection should work together when responding to quality of care concerns raised in relation to a child or young person in out-of-home care.

A guide for carers has been developed to summarise some of the key information contained in the guidelines that is specifically relevant to out-of-home carers. This guide is called *Quality of care concerns in out-of-home care: A guide for carers* and is intended to be a useful resource for all carers providing out-of-home care to children and young people, particularly those carers that are subject to a quality of care matter.

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Scope of the guidelines

The *Guidelines for responding to quality of care concerns in out-of-home care* are designed for use by Department of Human Services and CSO professionals when responding to quality of care concerns in relation to:

- home-based carers who provide foster care, shared family care, therapeutic foster care and adolescent community placements
- lead tenants who are volunteers living in semi-independent accommodation with a small group of young people providing them with support and guidance in developing their independent living skills
- residential carers who are employed by registered CSOs, the Department of Human Services or temporary staffing agencies
- kinship carers who are relatives or other significant persons providing care to children and young people following Child Protection intervention and assessment that they cannot live with their parents.

It is important to be aware that concerns may also be raised about members of a carer's household or family, or people within a carer's wider network who come into contact with children or young people in an out-of-home care placement.

Specific procedures

The guidelines specify that all concerns about possible physical or sexual abuse, neglect or other quality of care concerns must initially be screened to determine the exact nature of the concern and the most appropriate response.

The guidelines outline a number of possible responses to quality of care concerns including:

- **Take no further action** – in a small number of cases, it can be clearly established that the report of the concern is inaccurate or there is no basis for concern about the safety of the child or the quality of care the child is receiving.
- **Recommend that concerns are managed via support and supervision** – it is expected that the majority of quality of care concerns may be managed through support or supervision of the carer, either by the CSO or by Child Protection depending on the placement arrangements.
- **Recommend a formal care review** – this response occurs when there are serious or repeated concerns about possible poor quality care provision that may impact on the child or young person's safety, stability or development.
- **Commence an investigation into the concerns** – this response, which may or may not involve the police, may be implemented in response to allegations of possible abuse or neglect.

The guidelines include specific procedures for dealing with quality of care concerns for home-based care including lead tenant, residential care and kinship care.

What happens when a quality of care concern is raised?

On receiving a quality of care concern an Investigation Planning Group will be established to screen the concerns and determine the most appropriate course of action to be taken.

The Investigation Planning Group consists of the Child Protection unit manager, the appropriate CSO manager, the temporary staffing agency manager (if involved) and the regional quality of care coordinator.

A quality of care coordinator is employed in each Department of Human Services region to ensure that quality of care concerns are effectively and consistently managed throughout Victoria. Quality of care coordinators are the coordinating and monitoring point for receipt and investigation of quality of care concerns and queries related to out-of-home carers.

Child Protection will initially assess the immediate safety of the child or young person together with the safety of any other child or young person residing in the placement.

When a quality of care concern involves an allegation of physical or sexual abuse the Department of Human Services must also report the matter to Victoria Police. The police will determine if a criminal investigation will occur. A police investigation and Child Protection investigation may occur at the same time.

Where possible a child or young person's placement will be maintained during an investigation. However, in some circumstances, a child or young person may need to be removed from their placement. This decision can occur at any time before, during or after an investigation.

If a child or young person is Aboriginal, the Aboriginal Child Specialist Advice and Support Service (ACSASS), and where relevant, an Aboriginal community-controlled organisation, must be involved in making decisions about quality of care concerns.

Formal care review

There are times when concerns are raised about the quality of care provided to a child or young person in out-of-home care that do not relate to possible abuse or neglect but may still affect a child or young person's safety or wellbeing.

Examples of poor quality care could be in relation to inadequate hygiene, poor diet, inadequate supervision, inappropriate discipline, not cooperating with case plan arrangements for the child or young person or not complying with the *Registration standards for community service organisations*.

Where it is determined that a quality of care concern cannot be dealt with through support and supervision functions or when the matter is of a significant nature, a formal care review may be required.

A formal care review is a response to a quality of care concern that involves the CSO and Child Protection reviewing a carer's registration with an agency where there has been serious or repeated quality of care concerns raised about the same carer.

Where a quality of care concern cannot be dealt with through support and supervision functions or when the matter is of a significant nature, a formal care review may be required.

A formal care review occurs where the quality of care concerns raised about a carer cannot be considered as abuse in care, but are significant enough in type or volume to require exploration of their capacity to provide quality care to children and young people in out-of-home care.

Formal care reviews are led by the relevant CSO, or where a CSO is not involved the regional quality of care coordinator, with participation of Department of Human Services representatives.

A formal care review panel will meet to determine if an agreed action plan can be implemented to address the identified concerns and if it is appropriate for the carer to continue in their role.

A carer will be given time, and support, to meet the goals outlined in the action plan to ensure the safety and wellbeing of any children or young people in their care. After a three-month period, the action plan will be reviewed to determine whether concerns have been addressed.

If concerns have been addressed, no further action may be required. If concerns have not been addressed, consideration will need to be made as to whether the carer is able to continue in their caregiving capacity.

Investigation

In some cases, the quality of care concern raised involves allegations about physical or sexual abuse or serious neglect. When this occurs an investigation will commence. The Child Protection unit manager will consult with the quality of care coordinator and the CSO manager to assess the immediate risk of harm to the child or young person in care.

This assessment will determine what actions are in the best interests of the child or young person, taking account of natural justice and procedural fairness for carers.

Where the assessment has found that the allegation of physical or sexual abuse or serious neglect could be considered as a criminal offence, the police may be involved to determine if they will conduct a criminal investigation.

The process of addressing the concern may also involve a separate independent investigation and suitability panel process whereby carers can be disqualified from providing care if the suitability panel determines the carer poses an unacceptable risk of harm to children or young people. This may occur at the same time as a quality of care investigation but is a separate process.

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Support for carers

When quality of care concerns are raised carers can expect to be treated fairly, honestly and with respect, to be supported through the process and given as much information as possible without interfering with the investigation.

It is the role of CSOs, or the Department of Human Services if a CSO is not involved, to provide support and assistance to carers.

Carers will be provided with a nominated liaison person to whom they can direct their enquiries and concerns. The role of the liaison person is to provide the carer with:

- information about the investigation or review process
- expected time frames
- the outcome of an investigation or review
- the implications for the carer
- advice about counselling options
- information about the relevant dispute or appeals process.

A carer can also choose a person to provide support through the quality of care processes, possibly including attendance at interview.

This support person may be from the carer's own personal network or can be another carer available and willing to provide support.

If the carer is an employed staff member, this support person could be a person from a relevant union.

If the carer is a home-based carer, this support person could be a person from the Foster Care Association of Victoria.

Resolving differences

Carers can seek a review of a decision that affects them through either the CSOs internal review process or through the Department of Human Services review process.

Where a quality of care concern has been substantiated and the carer disagrees with a decision or recommendation made at the completion of the investigation, the carers can ask for a review by a senior departmental worker.

CSOs that are supporting carers have written policies for the resolution of disputes or complaints.

Where a carer disagrees with a decision or recommendation made during the course of a formal care review or a decision to withdraw a carer's approval to provide out-of-home care, they should raise their disagreements with the CSO in accordance with the organisation's policy and procedures.

Carers are encouraged to contact their nominated liaison officer at the CSO should they require additional information about the process of seeking a review.

Carers can seek a review of a decision that affects them through either the CSOs internal review process or through the Department of Human Services review process.

For more information please contact:

Your worker's name:

Guidelines for responding to quality of care concerns in out-of-home care is available at www.dhs.vic.gov.au and for community service organisations on the Funded Agency Channel at www.fac.dhs.vic.gov.au

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If you would like to receive this publication in an alternative format, please phone the Child Protection, Placement and Family Services Branch on 9096 0000, using the National Relay Service 13 36 77 if required, or email: queries.childprotection@dhs.vic.gov.au. This document is also available on the internet at www.dhs.vic.gov.au

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