

Out-of-Home Care (OOHC)

Program Guidelines



**NSW Department of
Community Services**

Introduction

The Out-of-Home Care (OOHC) Program Guidelines have been developed to provide an overview of the Out of Home Care Program as it is implemented in NSW.

The guidelines ensure that the purpose and parameters of the funding program are clearly articulated, enabling DoCS, the service provider as well as service users and the community to be clear about what is being funded and why.

The DoCS Corporate Plan 2004/05 – 2008/09 presents a Results Logic Diagram that maps out the range of outcomes required to achieve the overarching corporate goal that children, families and communities are safer, healthier and more resilient. OOHC plays a major role in achieving that outcome, providing children and young people who cannot live with their birth families a safe and nurturing environment for a period of time or permanently.

These guidelines link the results expected from DoCS funding programs and the funding processes. They outline the results for the OOHC Program, the activities that are expected to lead to these results and the performance measures that need to be incorporated into agreements with service providers.

The current hierarchy of documentation within the OOHC program is:

1. DoCS Corporate Plan

Provides the Results for the community that DoCS is seeking through the program

2. OOHC Program Guidelines

Outlines the results, activities and performance measures for the program

3. OOHC Service Specifications

Provides the individual specifications and outcomes for services funded in the program

4. Performance Monitoring Framework.

Provides the performance monitoring processes to ensure that service outcomes are achieved.

These Program Guidelines will be updated in line with any major update or revision of the above key documents.

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1 Program Description and Clients

The OOHC service system is complex and has a number of stakeholders including children, young people and their families, carers, non-government and government agencies. Designated agencies, including DoCS, provide placement, case management, supervision and support. DoCS is both a funder and provider of services.

The client group for OOHC is children and young people in NSW who are unable to live with their birth families. The client group includes children and young people leaving care up to the age of 18 years. After care support may also be arranged or provided to young people who are discharged from care at 15 years or over, potentially until they reach the age of 25 (section 165 of the Act). A more generalised discretion to provide assistance applies to these individuals after they turn the age of 25 years.

OOHC placement and support services are part of a continuum of integrated service provision to children and families in NSW – with early intervention and prevention at one end of the continuum and OOHC services at the other. OOHC services range from family restoration, general and intensive foster care, residential care, wraparound services including respite, supported independent living services, leaving and aftercare, and adoption. The placements can be emergency/crisis, short term, long term and permanent.

Supported care arrangements, which provide financial assistance and support to carers where there is a risk of entry into OOHC, are also included. However, other voluntary care arrangements are outside the scope of the OOHC program.

There are a number of ways in which children and young people exit the OOHC service system. These include restoration to family, a young person reaching the age of 18 years, the expiration or rescission of the care order, the making of a Sole Parental Responsibility Order, an Adoption Order, or the child or young person moving to another jurisdiction.

2 Legislative Framework

The *Children and Young Persons (Care and Protection) Act 1998* ('the Act') establishes the legislative framework for the provision of out-of-home care services in NSW.

The objects of the legislation are to provide:

- (a) that children and young persons receive such care and protection as is necessary for their safety, welfare and well-being, taking into account the rights, powers and duties of their parents or other persons responsible for them
- (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

(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.

The relevant principles in the legislation (s 9, 10, 11, 12, and 13) that are to guide the OOHC system are:

- the safety, welfare and wellbeing of a child or young person should be of paramount consideration in all actions and decisions
- wherever possible a child or young person must be given the opportunity to express their views freely and have such views taken into account
- account must be taken of the culture, disability, language, religion and sexuality of the child or young person
- intervention that is as least intrusive as possible should be taken to protect a child or young person
- a child or young person who cannot live with their family is entitled to special protection and assistance from the State, while preserving his or her own identity and community links as far as possible
- the development and implementation of permanency plans (including restoration) for children, particularly younger children, in a timely manner that reflects individual circumstances
- a safe, nurturing, stable and secure environment should be provided, where a child or young person can retain links with people who are important to them, including family members, peers, family friends and communities
- Aboriginal and Torres Strait Islander people should participate in decisions made concerning the placement of their children and young people
- Aboriginal and Torres Strait Islander children and young people should be placed in the care of their extended family or kinship group; a community member; another Aboriginal or Torres Straits Islander person; or another suitable person following consultation.

The *Children and Young Persons (Care and Protection) Regulation 2000* also forms part of the framework for the provision of OOHC services, particularly the need for providers to be accredited as a designated agency through the Office of the Children's Guardian. The *Adoption Act 2000* governs the process for the making to adoption orders.

Section 135 of the Act defines out-of-home care (OOHC) as meaning residential care and control of a child or young person at a place other than the usual home of the child or young person and by a person other than a parent or relative, where parental responsibility has been transferred to the Minister or the Director-General.

Entry into the OOHC service system can be through:

- a request by a parent to a non-government agency or to DoCS (s21) for an alternate care placement or
- a determination by DoCS, following a report, that a child or young person is in need of care and protection (s34).

Children or young people generally enter care through either a care order of the Children's Court (where Parental Responsibility is given to the Minister) under s135 or a temporary care arrangement under s151 (where they are in the care of the Director-General but where parental responsibility remains with the parent).

3 Program Result and Service Group Objectives

The DoCS corporate plan for 2004/5-2008/9 provides the intended objectives and results for provision of services in OOHC:

1. Children and young people in permanent placements

Objectives:

1. Expand the quality and range of placement options available to children and young people in out-of-home care, including foster care, residential care and new models of care.
2. Simultaneously expand the quality and range of services to children, young people and their families to support these placements.
3. Ensure maximum utilisation of permanency planning provisions, so that children and young people have long-term stability when they cannot live at home.

Result: Children and young people are in a safe, well-functioning, stable placement and are developing optimally

2. Children and young people restored to their family

Objective:

Improve the range and quality of services provided to children, young people and their families to support restoration, so that children's and young people's lives are not disrupted by unsuccessful attempts at restoration.

Result: Children and young people are successfully restored to their parental family

3. Children and young people with high needs

Objectives:

Better support children and young people with high needs by:

1. Using effective screening tools, employed as early as possible and are consistent over time, to identify those children and young people who fit the target group.
2. Having a range of appropriate placement options and support services to meet the needs of the target group in a cost-effective manner.

Result: A system is developed and implemented that provides quality, cost-effective care for children and young people with high needs and improves their longer-term outcomes

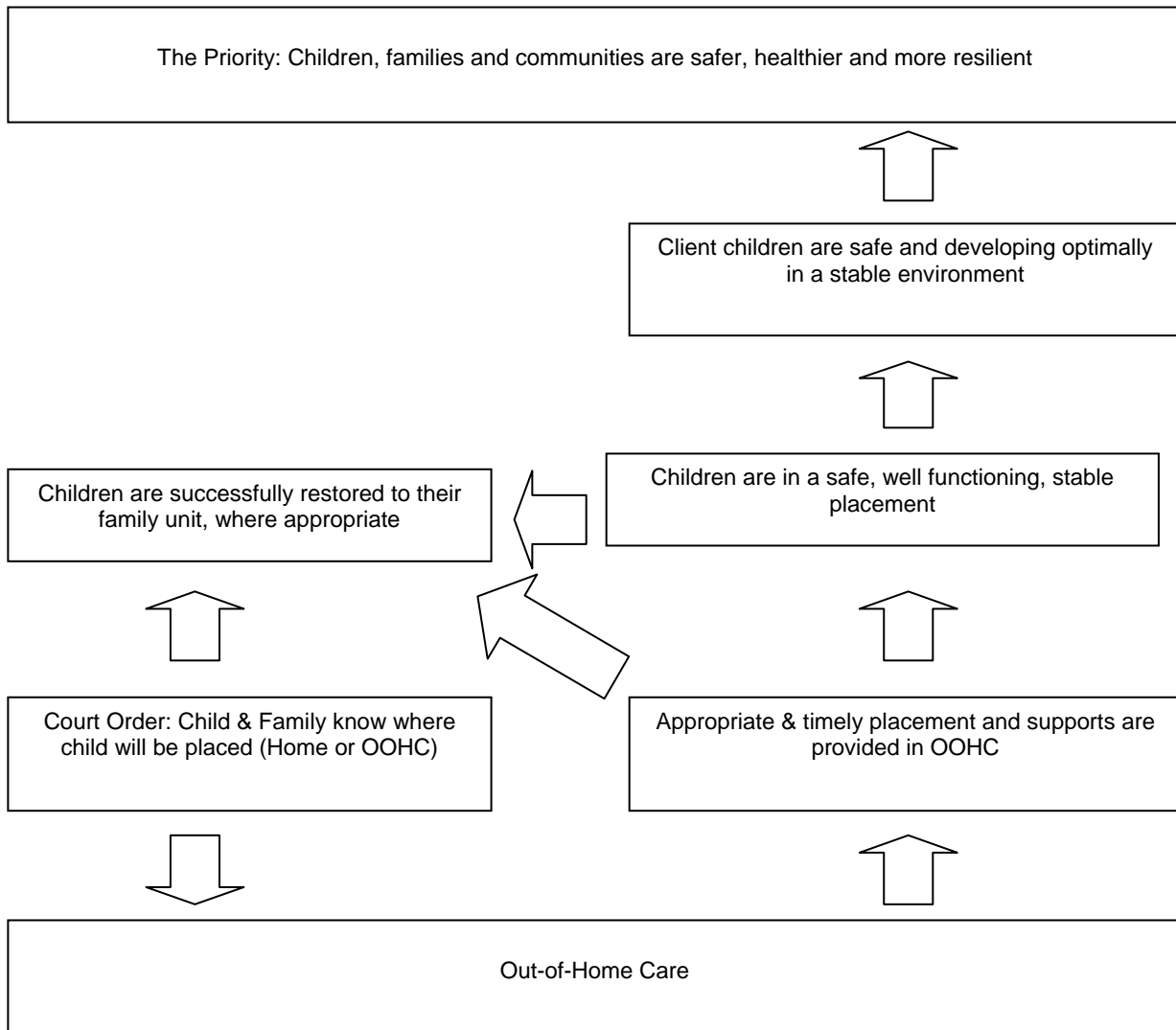
4. Improving the Out-Of-Home Care system

Objectives:

1. Ensure the out-of-home care service system is evidence-based and developed in partnership with the out-of-home care sector.
2. Provide an effective assessment tool for use with all children and young people who enter out-of-home care to ensure that the appropriate range of support services for them are identified.
3. Improve the education and mental health outcomes for children and young people in out-of-home care, so that those who have been in long-term out-of-home care have similar development to their peers in the general population.
4. Increase the knowledge and skills of DoCS staff to achieve consistency in operation and improve service to clients.

Result: The out-of-home care service system provides an appropriate quantity and range of cost-effective, efficiently run and well coordinated services to meet the needs of all children and young people in the system.

The DoCS Results Logic Diagram places the goals of OOHC within a goal hierarchy as follows:



4 Performance Measures

The following performance measures for the OOHC program are identified in the 2004/05 – 2008/09 Corporate Plan:

Stability of placement

Percentage of:

- i) all children and young people in out-of-home care
- ii) children under five years old in out-of-home care

on a final care and protection order, who have had five or more placements.

Children and young people restored to their parents

Percentage of children and young people in out-of-home care with a case plan goal of restoration who:

- i) are restored to their parents within 12 months of entering care
- ii) do not return to out-of-home care during the subsequent 12 months.

Safety of placement – high needs

Percentage of substantiated reports to DoCS of risk of harm to the children and young people in care who are classified as having high needs.

Service delivery cost

Annual real¹ expenditure on:

- i) all out-of-home care, per child in out-of-home care
- ii) all out-of-home care, per child in out-of-home care excluding children and young people with high needs
- iii) per child or young person identified as having high needs.

5 Service Activities to be Funded

The following models of care and service types/activities to be funded will support the individual needs of children and young people in OOHC. Agencies contracted to provide support through the following models of care may be expected to undertake case management and assessment services, as described below, as part of providing that support.

Models of Care

Residential Care is a premises where an authorised carer provides out-of-home care to one or more children or young persons (other than the carer's own place of residence). It is usually congregate care provided by staff in group homes for children and young people with who have an identified need for structured and close day to day supervision beyond that required for a general foster care placement and who cannot live in a family environment because of their behaviours, disability or other issues. This type of care is generally only suitable for older children or children with special needs.

Therapeutic Residential Care is a residential care premises, as described above, for children and young people with one or more disorders (post traumatic stress, conduct, hyperactivity and attachment) that prevent them from functioning effectively on a day to day basis and who cannot be treated in a non-residential setting. This service is time limited.

¹ Base year for real dollars is 2002/03

Supported Family Group Home for sibling groups (including Aboriginal siblings and siblings from culturally and linguistically diverse backgrounds) and adolescents (including young people transitioning to independence) who have low to moderate support needs. In a Supported Family Group Home, children and young people are cared for in a family type arrangement by consistent care givers who live in the home.

Supported Independent Living Services for young people with high, moderate or low needs who are in transition to independent living. Supported Independent Living Services provide accommodation and support services for a period of time, depending on the needs of the young persons.

General Foster Care for children and young people aged 0-17 years, provided by authorised carers in their own homes, or in a home owned or rented by an agency. Carers are provided an allowance and reimbursed for expenses.

Intensive Foster Care is a form of full time foster care specifically designed to meet the needs of children and young people assessed as having complex and high support needs, or for particular groups of children (like siblings) that together present a more complex caring role, or for children and young people at critical phases in their development. Intensive foster carers have specialised training and support requirements, and receive a higher level of reimbursement than general foster carers.

Relative Care is the care of a child or young person by an extended family member whose relationship is defined by the *Children and Young Persons (Care and Protection) Regulation 2000*, under Part 2, clause 5. Relative care also includes private arrangements between family members where DoCS does not facilitate the placement, but agrees to provide financial support via an allowance. **Kinship Care** is care with a person who is not a relative of a child or young person, but who shares a cultural, tribal and community connection that is recognised by that child or young person's family and community.

Service Activities

It is expected that agencies contracted to provide the above models of care will provide some wraparound services, as described below, or support the child/young person/family to access the required services (eg counselling allied health services, educational services) as part of the approved case plan.

a) Support services

Wraparound Services are the individualised services which support placements by addressing the needs of the child or young person in care and their carers; as identified through the assessment and case-planning process. These include: respite care, psychological and counselling services (including behaviour management support), specialist medical and allied health assessment and services, and educational supports.

Leaving & Aftercare services are provided to help young people in the transition from care. Under the Act, the Minister must consider the safety, welfare and wellbeing of a young person leaving care in order to establish whether the additional assistance is necessary. Assistance can be arranged or provided to young people who were discharged from care at age 15 years or over, potentially until they reach the age of 25 years.

Pre and Post adoption services DoCS delivers services for parents wishing to consider adoption for their child (including children with disabilities), and for adoption of children in care. DoCS also provides intercountry adoption services. A range of post adoption services to adopted people, birth parents and their families is also provided. Both DoCS and non government agencies provide adoption services.

b) Needs assessment and management of case / service plans

Case Management is the process of assessment, planning, implementation, monitoring and review. Case management aims to strengthen outcomes for both families and children and young people through integrated and coordinated service delivery. In most cases, case management will be undertaken by the designated agency providing the OOHC placement. At present, however, DoCS retains case management responsibility for a number of high needs children and young people who are with other agencies. It is envisaged that case management for these children will be transferred to agencies over time.

Assessment involves gathering detailed information about the child/young person and potential carer options, and an analysis of this information. Assessment is a prerequisite to effective case planning and management. Assessment can occur at many points in the care continuum including:

- at entry into care
- to assess the likelihood of restoration or whether an alternative placement option should be pursued
- to determine health, education and other needs
- to determine placement support needs
- to identify and match appropriate carers with children
- at placement change/breakdowns
- at critical life transition points (such as moving from primary to high school)
- leaving and after care.

6 Evidence Base and Data Collection

Out-of-Home Care policy and program development in NSW are informed by a sound evidence base.

Local and overseas research shapes various aspects of the OOHC program such as case management and casework, permanency planning, wraparound services, intensive foster care, leaving and after care arrangements, participation, placement in

family-based (particularly relative and kinship) environments rather than residential care, contact between a child and their birth family, development of services and specific placement policies for Aboriginal children and young people, and aged based allowances for foster carers.

A number of research projects in OOHC are outlined in the DoCS Research Agenda and findings from research are summarised in DoCS' Research to Practice notes available online at:

www.community.nsw.gov.au/research_centre/research_and_evaluation_program.html

The current major initiative underway to improve our understanding of the OOHC system and factors leading to better outcomes is the DoCS longitudinal study of children in out-of-home care to be undertaken from 2006/07 to 2010/2011, the program evaluation for OOHC, and the economic modelling of the OOHC system.

All these initiatives will require solid systems for data collection and analysis. DoCS' quarterly statistical reports and the Annual Statistical Report will continue to provide the latest analyses of the OOHC data. To inform the ongoing enhancement and development of the OOHC service system it is crucial that the data on which these analyses are based are comprehensive, accurate and reliable.

7 Partnership Framework

The legislation recognises and establishes a statutory framework for co-operative and coordinated work between government, non government agencies and families in the care and protection of children and young people. This is reflected in the *NSW Interagency Guidelines for Child Protection Intervention* that set out in practical terms the framework of interagency co-operation.

DoCS

DoCS promotes the safety and wellbeing of children and young people and works to build stronger families and communities through the provision of community services, prevention and early intervention services, statutory child protection and OOHC.

DoCS has responsibility for the provision of the full range of OOHC options, including family restoration, foster care, adoptions, and the planning and monitoring of funding to non-Government service providers of OOHC.

Other Government Agencies

Other government agencies have responsibilities to use their 'best endeavours' in responding to requests for services from DoCS, provided the request is consistent with each Department's responsibilities and policies. The involvement of other government agencies is essential in improving outcomes for children and young people in the areas of education, health, emotional and social development etc. Memorandums of Understanding between DoCS and government agencies have been developed to assist in ensuring that children and young people in OOHC are able to access services in a timely manner. Memoranda are currently in place with the Department of Education

and Training, Health, the Department of Juvenile Justice and the Department of Ageing, Disability and Home Care.

The Office for Children

The NSW Government created the Office for Children on 3 April 2006 by merging the Commission for Children and Young People and the Office of the Children's Guardian.

NSW Commission for Children and Young People

The main areas of work for the NSW Commission for Children and Young People relate to increasing the participation of children and young people in decision making that affects their lives, promoting the safety and welfare of children and young people, and strengthening the important relationships in the lives of children and young people and improving their well-being.

The Commission is also responsible for Working with Children Checks, which prohibit people convicted of sex offences, kidnapping or murder of a child from working in child-related employment. This includes employees of designated OOHC agencies, including DoCS, and foster carers.

The Office of the Children's Guardian

The Office of the Children's Guardian is an organisation established to promote the best interests of children and young people in OOHC. The key functions of the Children's Guardian are to accredit agencies and monitor designated agencies under the Act and Regulations. The NSW OOHC Standards are used by the Office of the Children's Guardian for the accreditation and quality improvement of OOHC services in NSW. The Office of the Children's Guardian has prepared benchmark policies for each of these standards.

NSW Ombudsman

Under the *Community Services Legislation Amendment Act 2002*, the Ombudsman has the power to investigate complaints about individual cases and may on application or on his own initiative, review the situation of a child or group of children in care. Such a review examines the various aspects of the welfare, status, progress and circumstances of the child or children who are the subject of the review. In addition, the Ombudsman now has the function to review the deaths of children and young people who are in OOHC, or who have been notified to DoCS within three years prior to their deaths, as well as adults and children with disabilities who die whilst in residential care.

The NSW Ombudsman also has responsibility for the coordination of Community Visitors. Official Community Visitors aim to advocate for and protect the interests of children, young people and people with disabilities living in full-time residential care provided or funded by DoCS or the Department of Ageing, Disability and Home Care.

Children's Court

The Children's Court deals with matters related to the care and protection of children and young people, and also criminal cases concerning children and young people. Children's Court proceedings in care and protection cases are conducted under the *Children's Court Act 1987* and the *Children and Young Persons (Care and Protection)*

Act 1998. The Court is able to make a variety of orders with respect to the care and protection of a child or young person. These include:

- interim care orders
- orders for supervision
- orders allocating parental responsibility for a child or young person
- orders prohibiting an act by a person with parental responsibility
- contact orders
- orders for the provision of support services
- orders to attend therapeutic or treatment programs.

Non-Government Agencies

Non government agencies provide a range of accommodation and support services to children and young people and their families. The care services can range from temporary and crisis care to long term permanent care and can include foster care, residential care and individualised arrangements.

Non-government agencies involved in OOHC care may be community organisations, charities or in some instances private companies. All services providing OOHC must be accredited by the Children's Guardian. This is a process which involves meeting standards, complying with quality assurance processes and being subject to case audits. While many agencies have a diverse range of funding sources, OOHC services are usually purchased by DoCS either through program funding with an annual agreement or on a fee for service basis relating to individual children and young people. The funding/purchase arrangements also articulate and clarify matters such as case management roles, responsibilities, delegated decision making and agreed outputs and outcomes. Many agencies have a number of programs for families, children, youth and individuals (in addition to OOHC services) that aim to reduce risk or family breakdown and child abuse, prevent entry to care, or support OOHC arrangements such as placement, restoration or leaving care.

Association of Children's Welfare Agencies

The Association of Children's Welfare Agencies (ACWA) is the peak child welfare organisation in NSW. ACWA works to promote quality care, protection and support for vulnerable children and young people with its membership of organisations and individuals involved in child and family welfare services. Through its training arm, the Centre for Community Welfare Training, ACWA provides a comprehensive range of learning and development opportunities for people working across the community services sector. The diverse activities of the organisation in policy, research, advocacy and education are shaped by a common purpose: to develop an effective community service system which promotes the rights and responds to the needs of children, young people and their families in NSW.

CREATE

CREATE, funded by DoCS as a peak organisation for children and young people in OOHC in NSW, exists to improve opportunities for the 20,000 children and young people in care across Australia. CREATE runs programs and services to connect children and young people to each other and their communities, build skills and

resources for children and young people in care, and change the care system from the inside out through the participation of children and young people themselves.

Aboriginal Child, Family and Community Care State Secretariat (NSW) Inc. (AbSec)

Funded by DoCS, the peak NSW Aboriginal organisation develops advice on child protection and OOHC policy and services for Aboriginal children and families.