Caring together

Resolving concerns and understanding your rights and responsibilities

A guide for foster, relative and kinship carers of children and young people in statutory care in NSW
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Across NSW there are thousands of fostering families doing an amazing job. While there are always the highs and lows that come with the challenges of raising children – sometimes there can be real concerns or problems that need solving.

This booklet is to assist foster, relative and kinship carers in NSW with children and young people in statutory care in working with an agency.

Being a carer is no easy task. Some days can be tough.

There are always issues that need to be solved and decisions made to help ensure children and young people have the support they need.

This booklet aims to help you work with your agency to resolve issues as they arise. We have included information about how best to manage a concern and what to do if you feel there is a need to make a complaint, and also what carers’ can expect if a complaint is made against them.

As a carer you are not alone – you are a member of a team. This team may include the caseworker, other staff from your foster care agency and professionals such as the child psychologist or speech therapist, or teacher.

A child or young person’s needs are best met when the different members of the team work together. However, sometimes difference of opinions can occur.

At some point, you may need to discuss concerns or even make a complaint because you are:

- concerned about a decision your agency has made;
- concerned about the level of service or support you receive; or
- have an allegation made against you.

When allegations are made against a carer it can be a distressing and confusing time, however, understanding the process, knowing your rights and where to get support will help.

"Statutory" means the Children’s Court has made an order allocating some or all aspects of parental responsibility (PR) to the Minister for Family and Community Services.
Resolving issues or concerns

Good communication is important. Try to talk through and solve problems together.

Working closely with your caseworker and agency and the professionals involved in the child or young person’s life is the best way to resolve issues.

If you hold onto a small problem, it can quickly become a bigger problem and be harder to resolve. Try to create positive working relationships and an atmosphere of cooperation – don’t forget to listen to all sides of the issue.

It is best to handle concerns informally with the people and professionals working with you – including listening to the child’s views, especially older children and teens. In the first instance, talk to the caseworker or person responsible for the view or decision you are concerned about.

Raising concerns when they arise can help resolve issues early – stopping problems from growing and escalating to a formal complaint.
Tips for effective communication with your caseworker

Set up a time to discuss your issue that suits all parties. Make sure you allow plenty of time so you are not rushed or run the risk of running out of time.

Speak from your own perspective — describe particular behaviour rather than making generalisations. Avoid using words like “always” and “never”.

Take a plan or some notes — You can have points about what you want to talk about. It is good to identify what outcome you would like.

Focus on the problem, not the person — try to keep the focus on what you have a problem with rather than blaming or finding fault.

Have a calm manner — if you are hostile or angry you may run the risk of putting the caseworker offside. Staying calm will help the discussion move forward.

Listen — if you don’t understand something you are entitled to ask for clarification until you do.

Refer to your notes — this can help if you are going off track or becoming flustered.

Give your full attention — put aside opinions or judgments. Try to see the situation from the other’s point of view, even if you don’t agree with them.

Carefully consider and really listen to what your caseworker has to say — if you think the issue or problem is still not resolved, then ask to speak to the manager.

Support — for example, from a carer support group or carer organisation, or someone who understands the situation. This person could help take any notes, provide guidance or support and offer to keep the meeting constructive.
If after speaking to the caseworker your issue is not resolved informally then ask to speak with the caseworker’s manager or the person the manager reports to, to see if you can work with the agency to resolve the issue.

Make sure you are familiar with your agency’s policy on managing a carer complaint. Non-government agencies and Family and Community Services have different processes to follow when solving problems or making a complaint.

While each agency has different procedures there are some common steps you can take when you have an issue or complaint.

Your agency is required to have written information about their complaints process and you can ask for a copy of this information.

What can I expect from the Agency?

You can expect to be permitted to speak with the manager. If you are not sure who the manager is, contact the agency directly and ask for their details. You can expect the manager will discuss your complaint with you, and depending on the nature of your complaint, speak with you via the telephone or make a time to meet with you in person.

The manager should listen to you and discuss the issues and options with a view to reaching a solution that is agreeable to all parties. You may like to take a support person with you to this meeting. Remember, the key focus will always be what is in the best interest of the child or young person.

Still not resolved?

You can seek help or advice from a carer support and advocacy organisation. These agencies support the carer when resolving concerns and can advise about complaints processes.

If you remain unhappy with the response after you’ve made an official complaint to your agency (after speaking with the caseworker and manager) you have the right to take your complaint to another body for external review.

These agencies will ask you if you have attempted to resolve the issue locally first with the agency. You will need to ask whether they can deal with the matter and if not, which agency can help. Agencies that may review your matter include:

- NSW Ombudsman,
- NSW Civil and Administrative Tribunal,
- Information and Privacy Commission of NSW,
- Anti-Discrimination Board of NSW.

More information about these agencies see page 6.
All agencies who provide out-of-home care in NSW must meet the accreditation standards set by the NSW Children’s Guardian – the *2010 NSW Standards for Statutory Out-of-Home Care*. Standard 20 relates specifically to what the standards should be for record keeping, privacy, confidentiality and carer and staff complaints.

**Standard 20: Record Keeping, Privacy, Confidentiality and Complaints for Carers and Staff**

1. The agency maintains comprehensive records for each carer, staff member and volunteer.
2. The records include details of the rationale for authorisation or employment, personal details, the details of any allegations or complaints against the person and other information relevant to the engagement of the person.
3. Personal information about carers and staff is maintained in a secure and confidential manner.
4. Identifying information about carers and staff is protected from release.
5. Carers and staff have access to the information held on file about them.
6. Carers and staff have a process to make complaints and have issues resolved.
7. Carers and staff are provided with information about organisations or individuals able to assist them with grievance or complaint procedures.
8. Carers and staff are referred for independent advice and support where required.

The NSW Ombudsman provides guidelines for how agencies manage complaint procedures. Agencies are expected to operate a fair and efficient complaints system. Specifically the NSW Ombudsman recommends that:

Agencies that provide community services are required to have good complaint handling systems and deal with complaints fairly, objectively and as quickly as possible. The Ombudsman’s ‘Complaint handling kit for community services’ provides guidance to agencies about appropriate complaint handling policies and processes. For further information, see the Ombudsman’s website.
Requesting a review

NSW Ombudsman’s Office

If you are not satisfied with the way your complaint is handled, you can contact the Ombudsman. The Ombudsman can deal with oral and written complaints about the conduct of community service providers or their employees. The Ombudsman deals with each complaint objectively, with a strong emphasis on local resolution where possible. When handling community services complaints, the Ombudsman can:

- refer a complaint to a service provider for resolution, and require the service to report back to the Ombudsman
- conciliate a complaint
- investigate a complaint, particularly if it raises serious questions about the current safety, care and/or treatment of a vulnerable service receiver, or issues of public interest or public safety
- refer a complaint to a service provider or other body for investigation, and monitor the investigation and its outcome

The Ombudsman may also decide not to take further action about a complaint, for example if the complaint is about events that happened more than 12 months ago and there are no current issues, or if the issues the subject of complaint have been, or can be, appealed to or reviewed by a Tribunal or Court.

In all cases, the Ombudsman will tell the complainant, in writing, what has been decided in relation to a complaint and the reasons for the decision.

For more information, visit the Ombudsman’s website www.ombo.nsw.gov.au or ring 9286 1000. If you prefer, you can ask to speak to a member of the Ombudsman’s Aboriginal Unit.

NSW Civil and Administrative Tribunal (NCAT)

NCAT can make various decisions under the Children and Young Persons (Care and Protection) Act 1998 and Children and Young Persons (Care and Protection) Regulation 2000. These include decisions about:

- granting an ‘authorised carer’ (foster parent) responsibility for the day-to-day care and control of a child or young person, or removing this responsibility from an authorised carer
- imposing conditions on an authorisation or cancelling or suspending a person’s authorisation.

You need to lodge your application to NCAT within 28 days from when you are notified of the internal review decision. You need to post or bring the application form to NCAT registry. You cannot lodge it online or by email or fax.

If you want to lodge an application but the deadline has passed, you have to ask the Tribunal for an extension. You will need to give a good reason for not lodging the application within the time allowed. It will be up to NCAT to decide at a directions hearing whether or not to accept a late application.

There is no fee for lodging an application to NCAT about a decision about a child care provider or authorised carer.

For more information you can contact NCAT on 1300 006 228 and press 3 for the Administrative and Equal Opportunity Division, or go to www.ncat.nsw.gov.au
Information and Privacy Commission NSW

The Information and Privacy Commission (IPC) is an independent statutory authority. The IPC promotes transparency and accountability through better access to information, balanced with a commitment to privacy rights for the people of NSW. If you disagree with certain government agency decisions about releasing information, you can apply to the Information Commissioner to review those decisions. You have 40 working days from the time the decision is sent to you to ask for a review.

Website: www.ipc.nsw.gov.au
Telephone: 1800 472 679 Monday to Friday 9am–5pm.

Anti-Discrimination Board of NSW

The Anti-Discrimination Board of NSW was set up under the Anti-Discrimination Act 1977 (NSW) to promote anti-discrimination and equal opportunity principles and policies throughout NSW and to administer the Act. Only certain types of discrimination are covered by the NSW Anti-Discrimination Act 1977. You can find out more about the types of discrimination that are against the law on their website.

If the discrimination or harassment happened more than 12 months ago, the Board can refuse to investigate the complaint, however, this is not automatic. If your complaint is about events that occurred more than 12 months ago, you can proceed to providing an explanation for the delay in lodging the complaint.

Website: www.antidiscrimination.lawlink.nsw.gov.au
Telephone: (02) 9268 5544 or toll free 1800 670 812 (for regional NSW only).
Legal advice

LawAccess NSW

Free government telephone service providing legal information, referrals and in some cases, advice for people who have a legal problem. Call LawAccess NSW on 1300 888 529 or visit the Law Access NSW website to find plain language legal information including fact sheets and guides. Law Access can also provide details for local Community Legal Centre’s. If you have a hearing or speech impairment use Telephone Typewriter on 1300 889 529. For an interpreter call 131 450.

Website:  www.info.lawaccess.nsw.gov.au
Telephone: 1300 888 529

Legal Aid NSW

Legal Aid provides free legal advice, and, in some cases, free legal representation to people who are economically or socially disadvantaged. In deciding whether to grant legal aid, they will look at the kind of case you have, chances of success and your assets and income. The Legal Aid website contains useful information about where you can get advice, how you can get help at court and how to apply for legal aid.

Website:  www.legalaid.nsw.gov.au
Telephone: 02 9219 5000

Legal Information Access Centre

Lawlink is hosted by The Department of Attorney General and Justice and provides help with research and representing yourself The Legal Information Access Centre at the State Library of NSW is a specialised legal information and research service for the general public. Librarians can help you find information which is relevant to your legal problem and direct you to plain language explanations of the law, as well as text books, law journals and legislation.

Website:  www.lawlink.nsw.gov.au
Telephone: 02 8688 7777
Complaints or allegations against a carer

Information about the complaints and appeals process should be a part of carer training and induction. How the agency addresses allegations of abuse are required to be clearly stated in a policy. Remember to ask your agency for its written policy.

From time to time, an allegation may be made against a carer. All allegations are taken very seriously. Whether true or false, allegations arise for a variety of reasons and must be investigated.

If an allegation is made against a carer it can be distressing and confusing, however, understanding the process and knowing your rights and where to get support will help.

Investigations are based on fairness, while giving the highest possible priority to the safety and wellbeing of the child or young person.

A carer has the right to know if an allegation has been made against them. However, in some instances, you might not be told of the allegation immediately, as this depends on the circumstances of the case.

All details, records and documents about the case are treated confidentially. Only people who have a direct role in the investigation are included in any discussions. Confidentiality is extremely important for protecting all concerned from undue stress and ensuring the investigation is fair.

Allegations that need to be notified to the Ombudsman are referred to as ‘reportable allegations’.

It is important to know the types of allegations that are reportable and those that are not. Section 25A of the Ombudsman Act defines a ‘reportable allegation’ as ‘an allegation of reportable conduct against a person or an allegation of misconduct that may involve reportable conduct’. Reportable conduct is defined as follows:

- any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material), or
- any assault, ill-treatment or neglect of a child, or
- any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

Section 25A of the Ombudsman Act defines ‘reportable conduct’ does not extend to:

- conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards, or
- use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures.

Why is reportable conduct investigated?

The investigation determines whether reportable conduct has occurred. Each agency has its own process for conducting an investigation; however, all investigations are expected to be conducted in a fair and transparent way, with the best interests of children and young people in mind. As a carer, you can seek advice and support from a support and advocacy group. You may also need to seek legal advice. See pages 8 and 13 for further information.
What is involved in the investigation of reportable allegations?

The Ombudsman oversees and monitors the investigation of, and management response to, reportable child abuse allegations and convictions against employees of certain agencies, including carers of children and young people in out-of-home care. Agencies must notify the Ombudsman of all reportable allegations and convictions that arise inside or outside the employee’s work. The Ombudsman decides whether an investigation into a reportable allegation or conviction has been properly conducted, and whether appropriate action was taken as a result of the investigation. The Ombudsman can also:

- directly monitor the progress of an investigation conducted by an agency, or an investigation conducted on behalf of the agency, concerning a reportable allegation or conviction against an employee
- conduct its own direct investigation into any reportable allegation or conviction
- directly investigate the handling of, or response to, a reportable allegation or conviction.

For further information see the ‘Handling complaints about community services’ factsheet on the Ombudsman’s website.

As a carer, you can generally expect to:

- have details, records and documents treated confidentially, with those with a direct role in the investigation included in discussions and correspondence
- have transparency in the process
- have the process completed in a timely manner
- have a support person during the investigation
- appeal a decision.

What happens when the investigation is completed?

After assessing all the information gathered during an investigation a conclusion will be made and you will be formally advised of the findings of the investigation.
Can carers ask for a review?

You have the right to respond, ask questions, provide information and seek a review. You can request a review if:

- you are not satisfied with the way an investigation has been conducted. The first step is to contact the person who advised you of the decision. If they can’t help or you’re not satisfied with their response, speak or write to the manager
- you are still not satisfied there are agencies you may contact who may be able undertake a review of your matter. These agencies include the NSW Ombudsman, NSW Civil and Administrative Tribunal, NSW Information and Privacy Commission and the Anti-Discrimination Board of NSW.

In all instances you will need to ask these bodies whether they can deal with your matter and if not, which agency can help. There are usually timeframes about when you can lodge a complaint. A summary is listed below – always check with the agency, as these timeframes may be subject to change.

**NSW Ombudsman**

In deciding whether an investigation into a reportable allegation has been properly conducted, the Ombudsman looks for clear and sufficient information to support actions taken by the agency in a number of areas, including:

- The initial response to the allegation
- How the investigation was planned
- What information was gathered as part of the investigation
- How the agency managed the employee/carer the subject of the allegation
- How the finding of the investigation was determined.

For further information see the ‘How we assess an investigation’ factsheet on the Ombudsman’s website.

**NSW Civil and Administrative Tribunal (NCAT)**

Avenues of appeal are a requirement of procedural fairness. In NSW the NCAT provides an avenue for carers’ to have some decisions made by Family and Community Services (FACS) and non-government out-of-home care agencies reviewed by an independent body, including:

- the decision to impose conditions of an authorisation, or to cancel or suspend a person’s authorisation as a carer
- the decision to grant to, or remove from, an authorised carer the responsibility for the daily care of a child or young person.

It provides access to a fair process as the carer is provided the opportunity to tell their story, present evidence and have a final decision made by an independent body.

The application needs to be lodged with NCAT within 28 days of notification of the internal review decision.

**Information and Privacy Commission NSW**

Carers have 40 working days from the time the decision is sent to you to ask for a review by the Information Commissioner.

**Anti-Discrimination Board of NSW**

If the discrimination or harassment took place more than 12 months ago, the Board can refuse to investigate carer’s complaint. However, this is not automatic.
Support and advocacy

If you are worried about trying to resolve an issue informally, you can seek help from a carer support organization. There are support services funded specifically to provide quality advice, support and training. These organizations have expertise in working with Community Services and out of home care agencies to help carers and understand the policies and processes that impact on children and carers.

**Connecting Carers NSW**  [www.connectingcarersnsw.com.au](http://www.connectingcarersnsw.com.au)

Connecting Carers NSW provides foster, kinship and relative carers across NSW access to training, education and peer support. Carers are provided with up-to-date advice and information to support you in caring for children and young people in out-of-home care and transitioning to a new agency from Community Services. The service includes a dedicated carer support line **1300 794 653** during business hours.

**Aboriginal Child, Family and Community Care State Secretariat (NSW) AbSec**  [www.absec.org.au](http://www.absec.org.au)

AbSec provides information, support and training opportunities for Aboriginal and non-Aboriginal foster and kinship carers of Aboriginal children and young people in NSW. The Aboriginal Statewide Foster Care Support Service (ASFCSS) provides a free telephone advice and advocacy service for Aboriginal carers and non-Aboriginal carers caring for Aboriginal children. Freecall **1800 888 698**.

**Peer support**

There are many ‘peer’ support groups across NSW. Peer support groups allow carers to meet and support each other, sharing knowledge and experience and increasing their understanding about caring for a child who may have experienced abuse, neglect and trauma.

Talk to Connecting Carers or AbSec or your caseworker about connecting with a local carer support group. You may even want to start your own. There are also a number of grandparent, disability and foster care groups that offer support. Talk with your caseworker and other carers about what is available.

**Training and resources**

All carers are entitled to ongoing support and training. Talk to your caseworker about the kind of training available to you and if there is anything you would like to learn to assist you as a carer.

Don’t forget that there are many free and low cost community courses and information sessions on a range of topics (from autism through to managing challenging behaviours and how to prepare children for high school) – so talk to your agency about what else might be available in your local community.

There are also a range of free online resources for carers at [www.community.nsw.gov.au/fostercarer_resources](http://www.community.nsw.gov.au/fostercarer_resources) – visit the section for carers. Resources include:

- **Caring for kids** – a guide for foster, relative and kinship carers has lots of practical information about day-to-day issues for carers. Developed by Community Services, however, much of this information is relevant to all carers. Always check with your own agency.
- **Raising them strong** – information and practical tips for carers of Aboriginal children, including kinship carers of Aboriginal children and young people.
- **Leading The Way and Your Next Step** – preparing young people for adulthood and transitioning from care.

You can also visit [www.fosteringnsw.com.au](http://www.fosteringnsw.com.au) for information about foster care agencies across NSW and where they are located.
Working together: carer and caseworker responsibilities

Carer responsibilities

As a carer, you can expect to:

- receive support and information from your caseworker and other professionals to help you better care for the child or young person placed with you
- be given necessary information (including medical details) about the child or young person to enable you to make an informed decision about whether or not you will accept a placement and can effectively care for them
- participate in decision-making processes in such a way that your opinions and your experience with the child or young person are properly considered
- make certain day-to-day decisions about the care of the child or young person
- be informed about decisions your agency makes and any other information that may have an impact on the care of the child or young person.

More information can be found in the booklet *Caring for Kids: A guide for foster, relative and kinship carers (FACS 2011).*

Day-to-day responsibilities

Your general day-to-day responsibilities are to provide a caring home and experiences that meet the child’s physical and emotional needs. This includes keeping their identity, assisting them to observe their religion (if any) and maintaining links with their cultural identity.

You’re also responsible for making day-to-day decisions for the child as they arise and getting advice from your caseworker if you’re unsure about what decisions you can make. For more information about the types of decisions you can make, talk to your caseworker.
Other important responsibilities

- Attending meetings when required.
- Contributing to the development of the child or young person’s case plan.
- Assisting in achieving the goals identified and participate in case plan reviews.
- Maintaining health records and keeping school records, photos, awards and other records on the child or young persons progress during your placement.
- Gathering material for the child’s Life Story Book and helping them to keep it up-to-date

- Keep records if the child or young person is injured or causes property damage or injury to others while in your home.
- Ensure the child is familiar with their rights under the Charter of Rights and support them to exercise these rights.
- Keep your caseworker informed about the child or young person’s progress, behaviour and any disclosures of abuse made by the child or young person.
- Inform your caseworker or the Child Protection Helpline (132 111, 24 hours/7 days a week) of any critical event – such as, the child or young person has a serious injury, illness or has gone missing – as soon as possible.
- Talk to your caseworker and keep them informed if you’re having difficulty with the child or young persons behaviour or dealing with other agencies involved with the child, such as their school or health services.

What if your circumstances change?

If there are any changes in your circumstances that may affect the child, you need to let your caseworker know as soon as possible, such as if:

- you plan to move out of the area, interstate or overseas
- you’ve changed address
- you’ve changed your telephone number
- you are going to have a baby
- you plan to go away on holiday
- someone is moving into your household
- a partner is moving out of the home
- someone in your home has a serious illness or you’re having personal family problems
- someone in your household has been charged with or convicted of an offence.

Make sure you tell your caseworker before you have a baby or before someone moves into your home.
Caseworker responsibilities

Caseworkers are responsible for supporting foster, relative and kinship carers. The role of your caseworker is to:

• work with you and the child or young person to ensure they understand their circumstances and their needs are being met in the placement
• ensure placements are culturally appropriate
• provide information and ongoing training to assist you in your role
• lead the development, implementation and review of the child or young persons case plan
• ensure you and other agency workers involved with the child or young person contribute to the development and implementation of the case plan
• listen to, record and respond to information provided by you and other agencies concerning the child or young person
• provide timely responses to requests for financial and other support
• oversee contact between children or young people, birth families and significant others.

Shared carer and caseworker responsibilities

Effective communication and cooperation between carers and caseworkers are key ingredients of successful placements. This includes:

• responding promptly and courteously to each other
• contacting each other to share information and feedback
• listening to and respecting each other’s views and working together to resolve concerns
• working together to protect the confidentiality of sensitive and personal information.

Decision-making

Many decisions need to be made when caring for a child or young person. These decisions can be a shared responsibility. If the child is in temporary care, their parents remain responsible for making many of these decisions. If parental responsibility has been allocated to the Minister, you as the child’s carer, are responsible for making most day-to-day decisions although some decisions require your caseworker’s or agency’s approval. If you’re unsure whether you can make a decision for a particular situation, contact your caseworker.
Information sharing and confidentiality

Keeping a child or young person informed

Children and young people in care have a right to be given age appropriate information about what is happening in their lives, including reasons for decisions and actions that affect them. This should be in a form they can understand. They should also be given opportunities to freely express their views and participate in decision-making.

The caseworker is responsible for giving children information about:

- why they’ve been placed in care
- the length of time they’re expected to be in care
- your family, including names of people living in your home, ages of children, your address and whether you have pets (before the child or young person is placed with you)
- what you’ll be told about them and their family
- whether they’ll need to change schools
- how contact with their family and significant others will be organised

As a carer, you are responsible for asking the child or young person’s views and taking them into account before making day-to-day decisions that affect them.

- recreational activities and venues in the neighbourhood, especially those relevant to their current activities and interests
- how to respond to questions from other children about being in care
- the case-planning process and their case plan goal
- how their views are to be recorded and taken into account
- their rights in care
- organisations that provide support to children or young people in care and how to contact them.
Information sharing and confidentiality

The information you receive about the child or young person in your care are confidential and should not be shared with friends and neighbours.

**Formal information sharing** – this takes place with your caseworker during case conferences. You can also share information with your caseworker via telephone, emails and home visits.

**Sharing information with people involved with the child or young person** – you can share information with people involved with the child or young person (such as doctors or teachers) as a general rule, only give out as much information as is necessary for them to deal with the issues at hand. Speak to your caseworker if you’re unsure about what information is appropriate to give out.

**Sharing information with carer support groups** – you should not share confidential information when attending such things as carer support groups. While these groups are a great place to share general information, ideas and experiences, you need to be very careful not to breach the child or young person’s confidentiality.

Privacy

Your privacy is protected by law and you have the right to expect that agency workers won’t share your personal information with people inappropriately. Children or young people in care have the same right to expect that details about them or their family won’t be discussed with other people.
Release of information about you, your family and the placement

Where appropriate, providing information about a child’s placement to their parents and other significant people in their lives (such as grandparents, siblings and previous long-term carers) can help maintain these relationships. It also supports a child or young person’s sense of belonging and identity, and assists them in making a smooth transition from care to home.

The law is very specific about what placement information can be given to parents and significant others. There are two different types of placement information that may be released to a child’s parents or significant others.

General non-identifying information

This is information about your household that can’t be used to identify you or the child or young persons location, work or the placement. Examples of non-identifying information include:

- your first name only
- your family’s culture, religion and main language spoken at home
- general details about your household, such as number and ages of any children, pets and type of accommodation you live in
- information like if other children or young people are leaving or joining your household, if you’re moving house or if the child or young person is changing school
- births, deaths and life-threatening accidents or illnesses of key people that have an impact on the child or young person’s life
- your post office box address, providing this can’t be used to identify where you live or work

High-level identifying information

This is information that can be used to identify where you live, work or where the child attends school. High-level identifying information concerning the placement of a child or young person must not be disclosed unless the authorised carer has been contacted and asked to consent to the disclosure.

Your agency will only provide this type of information to parents or significant others when satisfied that providing it presents no risk to the safety, welfare or wellbeing of the child or young person, you or members of your household.

This type of information includes:

- your surname, address and home phone number
- description of what you do for a living or other activities that can be used to identity you or where you work
- the name of school the child attends, (which can be used to identify the location).

Access to Records

Foster care agencies are required to keep comprehensive up to date records for children and young people and foster carers they are working with. State legislation allows children/young people and foster carers to know what personal information is held about them. Carers who wish to access their records, or with children and young people who wish to access their records, should make the request to their agency directly. For more information visit the Information and Privacy Commission Website at www.ipc.nsw.gov.au
Caring Together: Resolving concerns and understanding your rights and responsibilities
When a child or young person discloses abuse or neglect

If a child discloses abuse or neglect to you, it is extremely important for the child’s well-being that you understand what to do and know how to respond and where to seek help. Make sure you are familiar with what to do if this situation were to occur. Sometimes when children are settled and feeling secure in a placement they may feel more comfortable about sharing this information.

Disclosing abuse or neglect may also relate to allegations of abuse in care, where the child might be wanting to disclose something about possible abuse by someone in the carer’s household.

Types of disclosure

Disclosure can be direct, indirect, or a third-party disclosure.

**Direct disclosure**
- child says they are being abused or neglected
- child says they will tell about something happening to them only if certain conditions are met
- child Pretends it is happening to someone else.
- child says they were abused previously

**Indirect disclosures**
- verbal hints that appear to be about abuse
- written hints that appear to be about abuse
- graphic hints, e.g. journal writing, drawings, art work that appear to be about abuse

**Third party disclosure**
- abuse is occurring to a child. The child then tells another person who discloses to someone else.

There are different forms of child abuse. These include neglect, sexual, physical abuse, and emotional abuse or psychological harm – which could consist of witnessing domestic violence.

Although it is possible for ‘one-off’ incidents to cause serious harm, in general it is the frequency, persistence and duration of the perpetrators behaviour that is instrumental in defining the consequences for the child or young person. This can include a range of behaviours such as excessive criticism, withholding affection, exposure to domestic violence, intimidation or threatening behaviour.

Being aware – looking for signs or indicators of abuse

There are a number of indicators that can lead to indirect disclosure of an abuse, if a child does not directly disclose the abuse to you. These can come in the form of physical indicators or behavioural indicators. Below are some possible signs (not an extensive list) of neglect, physical abuse, sexual abuse, emotional and psychological abuse.

**Signs of neglect** may include low weight for age, untreated physical problems, poor standards of hygiene and poor school attendance.

**Signs of physical abuse** may include bruising, lacerations and welts, drowsiness, vomiting, fits or pooling of blood in the eyes, which may suggest head injury and adult bite marks and scratches.

**Signs of sexual abuse** may include pregnancy, sexually transmitted infections, bruises or marks on private areas of the body, questions or comments about people touching private areas of the body (where the reason for the touch seems unusual or more frequent than expected, or is confusing to the child).
These are just some examples of signs. Always talk to your caseworker or agency if you are worried or notice these or other types of behaviours or indicators always talk to your caseworker or agency.

All types of abuse and neglect harm children psychologically, but the term ‘psychological harm’ or ‘emotional abuse’ applies to behaviour which damages the confidence and self esteem of a child or young person, resulting in serious emotional deprivation or trauma.

Signs of emotional abuse may include feelings of worthlessness, unable to value others, lack of trust in people, extreme attention seeking behaviour, self-harm, taking extreme risks, depression and suicide attempt and running away.

Some of the indicators may stand alone, others may be grouped together. Remember, the above are only possible signs. The presence of these signs does not necessarily mean abuse and neglect has been or is, occurring.

**What can you do?**

If a child discloses information about experiences of abuse or neglect, listen calmly without judgment.

Reassure the child it’s not their fault, that you believe them, they did the right thing by telling you and you’re there to support them.

Don’t make promises you may not be able to keep like you’re going to make sure nobody ever hurts them again. Let them know you have to tell their caseworker because it’s their job to do what needs to be done to keep them safe.

Depending on the age of the child it may be helpful to ask a few very gentle ‘clarifying’ questions to help determine what the child is telling you – but be mindful not to ‘interview’ the child. Questions such as who, what, where and when will result in a more meaningful response to the abuse from the child’s caseworker and authorities.

At the next available opportunity take notes of what the child has said – use a notebook to record the child’s words and behaviours. Make a note of the date of this conversation and keep any notes in a safe place. Remember, these disclosures can contain sensitive information, it is important to maintain a level of confidentiality.

This will assist in any investigation related to the disclosure.
Reporting abuse or neglect as a carer

If you suspect that a child or young person is at risk of significant harm, you should make a report by phoning the Child Protection Helpline on 132 111 (TTY 1800 212 936) for the cost of a local call, 24 hours a day, 7 days a week, or you should contact your caseworker or agency.

If you suspect that a child or young person is at immediate risk of harm, contact your local police or ambulance by calling 000.

It is important the right people are informed concerning the child’s welfare. In consideration of the child’s safety, privacy and confidentiality, it is therefore important to not tell everyone.

What happens next?

When you report to your caseworker, you will be asked questions to help them find out about the risk of significant harm to the child or young person involved. This will assist in determining the appropriate response.

What happens next depends on the information received by Family and Community Services. Depending on the circumstance or the urgency of the report, the report may receive a response from multiple authorities including the police, Joint Investigations Response Teams (JIRT), as well as the Department of Family and Community Services.

Family and Community Services staff may need to talk to other people to find out the circumstances. For example, the caseworker might contact the child or young person’s teacher, the affiliated NGO, child care worker or relatives.

The law allows Family and Community Services to exchange information that relates to the safety, welfare or wellbeing of a child or young person with a range of agencies, including NSW Police, NSW Health or the Department of Education.

If the child or young person is at risk of significant harm, Community Services try to work with the family, other agencies and professionals to make sure they are safe. If a child or young person is in immediate danger, they will be moved to a safe place. The child or young person is involved as much as possible in decisions that affect them.

It could also be, that the matter may be sent locally for further assessment by the Community Services Centre (Family & Community Services ), or it may be closed upon receipt as no risk of significant harm is indicated.

Family and Community Services must assess reports where a child or young person is or may be at risk of significant harm from abuse or neglect.
Caring Together: Resolving concerns and understanding your rights and responsibilities
Carer Code of Conduct
For authorised foster, relative and kinship carers

How carers are expected to perform their role and what they can expect to receive is outlined in what is called a Code of Conduct.

A code of conduct is a set of guidelines that outline an acceptable standard of behaviour for a particular group. In any particular group people will have different ideas, so a set code of conduct lets everyone in the group know what is expected of them. Carers have their own Code of Conduct.

As discussed, all carers are responsible for providing day to day care of the child in their care including:

- providing a caring home and experiences that meet the child or young person’s physical and emotional needs
- working as part of the team with an agency and other professionals to ensure the safety, welfare and wellbeing of the child in your care
- attend meetings when required
- seeking guidance from your caseworker when you are not sure about something
- treating information about the child or young person’s family as confidential
- allowing workers to visit and to see the child or young person on their own
- helping the child or young person retain their own sense of identity and culture, including religious beliefs
- avoiding criticism about the child or young person’s family
- cooperating with contact arrangements with the child or young person’s birth family
- participating in regular reviews of the case plan for the child or young person.

Knowing what is in the carers Code of Conduct is important and it is good for carers to be familiar with what is and is not acceptable behaviour.

Statement of Purpose

The safety and welfare of children and young people in out-of-home care are best served by promoting strong and close relationships between the child or young person being cared for, their carer and the designated agency. The Code of Conduct aims to foster stable and positive relationships between the child or young person, their carer and the designated agency.

This Code of Conduct for Authorised Carers (the Code of Conduct) is a principle-based framework. It promotes the highest standards of conduct by authorised carers. It sets out the standards of behaviour that apply to carers. It also sets out the support and assistance that carers can expect to receive from the designated agency supervising the placement.

Compliance with the Code of Conduct

The Code of Conduct is consistent with the objectives and principles of the Children and Young Persons (Care and Protection) Act 1998. The Act provides the overarching framework for the care and protection of, and provision of services to, children and young persons in NSW, including the provision of out-of-home care services. Carers and designated agency are legally required to follow the provisions of the Act.

The Office for the Children’s Guardian’s NSW Standards for Statutory Out-Of-Home Care establishes the minimum requirements for accreditation of designated agencies. Under the Standards it is the responsibility of the designated agency to ensure children and young people are cared for appropriately through the appropriate selection, assessment, training, supervision and support of authorised carers. In carrying out this responsibility, the designated agency should ensure that authorised carers comply with the Code of Conduct and are adequately trained, supervised and supported to do so.

The Code of Conduct will help ensure designated agencies and authorised carers meet their obligation to uphold the rights of children and young people outlined in the NSW Charter of Rights for Children and Young People in Out-of-Home Care.

Non-Compliance with the Code of Conduct

The Children and Young Persons (Care and Protection) Regulation 2012 (the Regulation) provides for the Minister to issue this Code of Conduct and requires authorised carers to comply with this Code of Conduct as a condition of their authorisation. This ensures carers understand their rights and responsibilities. Non-compliance with this Code of Conduct could lead a designated agency to commence an investigation into the suitability of an authorised carer to provide out-of-home care.

Under the Regulation, a designated agency may cancel or suspend the authorisation of an authorised carer if the agency is of the opinion that the authorised carer has failed to comply with any obligation or restriction imposed on the authorised carer by the Act or Regulation. Any decision to cancel or suspend the authorisation of an authorised carer is reviewable by the NSW Civil and Administrative Tribunal.
Authorised carers are expected to:

**General**

- Follow the lawful policies, procedures and guidelines brought to your attention by the designated agency
- Maintain the rights of the child and young person in your care as set out in the NSW Charter of Rights for Children and Young People in Out-of-Home Care in NSW
- Immediately report to the designated agency any allegations or incidents of abuse, neglect or ill-treatment you are aware of
- Permit and support access by the designated agency, at any reasonable hour and on reasonable notice, to the child or young person for the purpose of consultation, assessment, monitoring, case planning and case management
- Actively participate in the development, implementation and review of case plans for the child and young person in your care.

**Care environment**

- Provide a physical environment that is safe, clean and comfortable and meets the needs of the child or young person in your care
- Respect the child or young person’s personal privacy and ensure secure storage and respect of their belongings
- Provide a range of age and developmentally appropriate social and recreational activities and experiences
- Permit and support access by the designated agency, at any reasonable hour and on reasonable notice, to the home environment for assessment of safety and suitability prior to and during placements
- Report immediately to the designated agency any incidents in the care environment or any change in household membership
- Not discharge the child or young person into the care of any other person, other than a staff member of the designated agency having supervisory responsibility or a person with parental responsibility for the child or young person without the written approval of the principal officer of the designated agency or by court order
- Provide a care environment where the child or young person is not exposed to physical, sexual, psychological or verbal abuse, ill treatment or neglect.

**Family and significant others**

- Recognise and respect that the child or young person has a right to maintain relationships with birth family, other significant individuals and their cultural and/or religious community where appropriate and safe to do so
- Support these relationships in accordance with the child or young person’s care plan and any relevant court orders.

**Identity, emotional and social development**

- Support the child or young person to feel safe and develop a sense of security
- Take appropriate measures, with support and assistance from the designated agency, to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse
- Support the child and young person to develop a positive sense of identity
- Allow the child or young person to observe his or her religion (if any)
- Assist in implementing the cultural support plans for Aboriginal and Torres Strait Islander and culturally and linguistically diverse children and young people in care
- Support and encourage the development of positive peer relationships
- Respect the right of the child or young person to express their views freely about decisions that affect them and give due weight to those views with regard to the age and maturity of the child or young person.

**Wellbeing, health and education**

- Follow the behaviour management policy of the designated agency. This will include ways to encourage positive behaviour in children and young people and appropriate actions to respond to challenging behaviours
- Only use behaviour management practices as described in the behaviour management policy or approved by the designated agency. The use any physical punishment or coercion, immobilisation, force-feeding, deprivation of food or any punishment intended to humiliate or frighten a child or young person is not permitted
- Report any incident where physical restraint has been used following the protocol for critical incident/event reporting within the designated agency. These reports enable the designated agency to respond quickly and provide appropriate support
- Dispense medication, particularly psychotropic medication, according to medical advice. Not reduce or withdraw medication without medical advice and the designated agency’s consent
- Ensure the child or young person’s health, wellbeing and dental needs are met and any planned intervention is carried out
- Immediately notify the designated agency of any major medical events, surgery, hospitalisation and school suspension or expulsion
- Regularly provide information to the designated agency about the child or young person’s well-being, including issues that may arise about their development, health, behaviour and educational progress
• Not require a child or young person in your care to perform duties that are unreasonable for their age and physical and intellectual development
• Provide an environment and activities which support learning and assist the child or young person in meeting their educational needs and future goals.

Leaving care
• In consultation with and with the assistance of the designated agency, implement plans to assist the young person for transition to adulthood. This will include teaching the young person the skills required for independent living
• Where the young person has a disability or disabilities, in consultation with and with the assistance of the designated agency and Ageing, Disability and Home Care, implement plans for a transition period to independent living or a more supportive accommodation option if required, depending on the young person’s needs.

Authorised carers can expect to have:

Respect and participation
• Recognised for the important things you do that help the whole community
• Supported in your role as a carer and respected as someone with your own needs including being able to access respite where appropriate
• Valued for what you bring to the role, including your language, cultural heritage, religious beliefs and life experience
• Encouraged to participate and provide your views in case planning and review, case management and service delivery planning
• Entitled to nominate a support person to be present when attending meetings with the designated agency
• Respected for your opinion and consulted on decisions about the care of a child or young person
• Entitled to access personal information held on file by the designated agency about you
• Provided with information about the designated agency’s complaints process.

Information
• Provided with a copy of the NSW Charter of Rights for Children and Young People in Out-of-Home Care in NSW
• Provided with a clearly expressed statement of purpose of the designated agency
• Provided with all relevant information that is available about the child or young person in your care to help you understand their needs
• Given clear, written information and training on your legal responsibilities as a carer and any reporting obligations required of the designated agency
• Given clear guidance on reportable conduct and the designated agencies’ obligation to record, investigate and respond to allegations of reportable conduct against an employee
• Provided with information about the process of investigations and advised of the outcome of any investigation within reasonable timeframes
• Provided with access to an interpreter, as required, when important decisions are being made about your relationship with the designated agency and/or the child or young person in your care
• Provided with information about foster, relative and kinship carer support networks, including 24 hour support numbers, which can support you in your role as an authorised carer.

Support and training
• Provided with ongoing training and resourcing to support the child or young person in your care to feel safe and develop a sense of security as well as caring for yourself
• Provided with support, resources and assistance to ensure the child or young person’s health, wellbeing and educational needs are met
• Provided with support and assistance to ensure any ongoing trauma or disabilities are addressed
• Provided with training and support on ways to encourage positive behaviour in children and young people, including appropriate actions to respond to challenging behaviours
• Supported and trained to implement cultural support plans for Aboriginal and Torres Strait Islander and culturally and linguistically diverse children and young people in your care.

Administration of the Code of Conduct

This Code of Conduct is issued by the Minister for Family and Community Services to be applied consistently across the out-of-home care sector. It is to be administered by the Department of Family and Community Services and any amendments will need to be made and approved by the Minister for Family and Community Services.

Designated agencies may develop their own policies, procedures and guidelines that provide more detailed information for authorised carers and designated agencies about their shared responsibilities to children and young people. These policies, procedures and guidelines should be consistent with the Children and Young Persons (Care and Protection) Act 1998, The Children and Young Persons (Care and Protection) Regulation 2012 and this Code of Conduct.
The Office of the Children’s Guardian (OCG) is an independent, statutory authority committed to delivering better outcomes for children and young people living in out-of-home care (OOHC).

The OCG accredit and monitor the performance of agencies that arrange statutory and supported OOHC and adoption services. The OCG also register and monitor agencies that provide, arrange, or supervise voluntary OOHC. The OCG is a regulator – not a provider of care services.

The OCG’s responsibilities, under the legislation, include:

- Accredits and monitors the designated agencies that arrange statutory out-of-home care (OOHC) Registers and monitors agencies that provide, arrange or supervise voluntary out-of-home care (VOOHC)
- Accredits non-government adoption services providers
- Administers the Working With Children Check and encourages organisations to be safe for children
- Administers the Carers Register for the purpose of authorising individuals to provide statutory and supported OOHC.

For more information visit www.kidsguardian.nsw.gov.au or call the Office of the Children’s Guardian on (02) 8219 3600.

Carers Register

The Carers Register is a secure, restricted access system designed to improve the authorisation process by supporting better information sharing between designated agencies.

It does not replace the detailed systems and processes used by designated agencies to assess carer applicants and their applicants and their household’s members, and to authorise suitable individuals as authorised carers.

It will hold essential information only about people who have been authorised, or who apply to be authorised for providing out-of-home care for children and young people in NSW. It will make it easier and faster to authorise carers in NSW and improve the way we place children in out-of-home care.

The Carers Register will hold information about:

- carer applicants (individuals who apply to a designated agency to become authorised carers)
- authorised carers (individuals authorised by a designated agency to provide statutory or supported OOHC, including those authorised both as foster carers and adoptive parents)
- household members (adults, young people and children regularly living in a carer’s home or residing in a dwelling that adjoins the home, e.g. a caravan or granny flat)
- children and young people in statutory, supported or voluntary out-of-home care will not be recorded on the Carers Register.

Designated (accredited) agencies will be responsible for entering carer application and authorisation information into the Carers Register. The OCG will maintain the Carers Register in accordance with the Children and Young Persons (Care and Protection) Act 1998 and the Children and Young Persons (Care and Protection) Regulation 2012.

For more information email carersregister@kidsguardian.nsw.gov.au
A new Working With Children Check (WWCC) came into effect in June 2013 and includes some new requirements. For example, all authorised carers are now required to apply for the new WWCC as well as any adults 18 years of age or older who reside in the home. Household members who are turning 18 years need to complete WWCC by the time they turn 18 years. They can apply one month before their 18th birthday.

If an authorised carer and any adults living in their home have not applied for the new WWCC, it will be against the law for children and young people to be placed in the home.

The NSW Ombudsman can deal with any complaints about the WWCC process administered by the Office of the Children’s Guardian.

Carers and adult members of the household must apply for their own WWCC check once every five years. Carers and members of their households are classed as volunteers so there is no cost to apply for the ‘working with children check’. However, if someone with a volunteer level check takes paid child-related work then they will need to upgrade and pay for a new WWCC. Visit www.newcheck.kids.nsw.gov.au or call 02 9286 7219.

The information in this booklet is intended as a guide only. It is always best to speak directly with your caseworker or agency when you have questions or concerns, or need to know more about a policy or process.

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