

Policy Statement: Care and Cultural Planning

<p>Purpose</p>	<ol style="list-style-type: none"> 1. To define the requirements necessary to develop a Care Plan for final orders to be made by the Children’s Court. 2. To define the requirements necessary for developing Cultural Plans for children and young people from Aboriginal, Torres Strait Islander and/or multicultural backgrounds. 	
<p>Use</p>	<p>These requirements must be applied when a caseworker is developing a Care Plan and making an application to the Children’s Court for final orders. Developing Cultural Plans for children and young people from Aboriginal, Torres Strait Islander and culturally diverse backgrounds is a mandatory requirement when submitting a Care Plan to the Children’s Court.</p> <p>Cultural planning is necessary to ensure the cultural needs of children and young people are met so they stay connected to their culture, engage in and embrace their cultural development and grow up with a strong sense of cultural identity.</p> <p>Cultural planning is an important part of the Care Plan, and will continue to be built on through case planning throughout the time a child or young person is in care.</p>	
<p>Definition: Care Plan</p>	<p>A Care Plan is a tool that may be used within a legal context to enable the Children’s Court to allocate parental responsibility or within the context of casework to formalise agreements made with the family to meet the care and protection needs of a child or young person. It sets out guiding principles for the permanent placement of a child or young person in which the Children’s Court must make its decision.</p> <p>Under section 78, if FACS applies to the Children’s Court for an order, not being an emergency protection order, for the removal of a child or young person from the care of his or her parents, FACS must present a Care Plan to the Children’s Court before final orders are made.</p> <p>Under section 83, if FACS applies to the Children’s Court for a care order (not being an emergency care and protection order) for the removal of a child or young person, FACS must assess whether there is a realistic possibility of the child or young person being restored to his or her parents, having regard to:</p> <ol style="list-style-type: none"> (a) the circumstances of the child or young person, and (b) the evidence, if any, that the child or young person’s parents are likely to be able to satisfactorily address the issues that have led to the removal of the child or young person from their care. 	<p>Act - Section 78</p> <p>Act – Section 83</p>
<p>Definition: Consultation</p>	<p>Consultation is an exchange or two-way flow of information. The form and size of consultation should be adjusted depending on the person, location and cultural considerations.</p>	<p>Aboriginal Consultation Guide</p>

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	<p>Respectful and culturally competent personal communication helps people take part fully in decision-making at a one-on-one level. It takes into account literacy levels and cultural protocols, and helps ensure all parties have maximum opportunity to focus on the best interests of the child or young person.</p> <p>Aboriginal consultation is an important method for empowering Aboriginal families and communities to help make decisions on matters that affect the care and protection of their children and young people.</p> <p>Aboriginal people should be consulted during all facets of intake, child protection, out-of-home-care, early intervention including safety assessments (pre-assessment and assessment consultations), case planning, case meetings, home visits, attending court, out-of-home-care placement and restoration decisions.</p>	<p>FACS Multicultural Services Resources</p> <p>Working with Aboriginal people and communities: a practice resource</p>
<p>Overview of the Care Plan</p>	<p>The caseworker must complete the following sections:</p> <ul style="list-style-type: none"> • Summary • Family Details • Family History • Legal Status and Placement Information • Permanency Planning • Views • Aboriginal and Torres Strait Islander cultural plan (only if the child has a cultural identity of Aboriginal or Torres Strait Islander) • Multicultural plan (only if the child has a cultural identity from a multicultural background) <p>It is necessary to complete all fields within the Care Plan relevant to the child or young person.</p>	
<p>Summary</p>	<p>This section is read-only populated by key information captured from the Care Plan. The summary page is a mandatory requirement set by the Children’s Court, giving Magistrates all essential information at the beginning of the plan.</p>	
<p>1: Family Details</p>	<p>This section records key information about the child and their family.</p>	
	<p>The caseworker must detail:</p> <ul style="list-style-type: none"> • the name of each person, agency or body participating in the plan, and their relationship to the child or young person, • the family structure and significant family and other relationships of the child or young person, • the ethnic background and religion of the child or young person, • whether the child or young person is of Aboriginal or Torres Strait Islander descent, • the principal language spoken in the family home of the child or young person. 	<p>Reg 22</p>

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	<p>or young person and his or her parents, relatives, friends and other persons connected with the child or young person.</p> <ul style="list-style-type: none"> • a permanency plan must be sufficiently clear and particularised so as to provide the Children’s Court with a reasonably clear picture as to the way in which the child’s or young person’s needs, welfare and well-being will be met in the foreseeable future. • if more than one agency or body participates in the Care Plan, the agency or body that is to have overall responsibility for coordinating the plan and the delivery of services to the child or young person and his or her family, • indicators by which to assess the extent to which the Care Plan is successful, • if restoration of the child or young person is to be considered at a later time, the goals to be achieved by the parents of the child or young person to facilitate his or her restoration to their care, and the approximate period of time in which those goals are to be attained having regard to the age and developmental needs of the child or young person. <p>Note: Section 10A Permanent Placement Principles of the Care Act outlines that adoption is the last preference for Aboriginal and/or Torres Strait Islander children and young people if restoration, guardianship and parental responsibility to the Minister are not practicable or in the best interest of the child or young person.</p>	<p>Reg 22</p>
<p>Connection to Case Planning</p>	<p>The caseworker must ensure a current and relevant Case Plan is included as part of the submission to the Children’s Court for Final Orders. This can be attached as a separate document or completed within the Permanency Planning section of the Care Plan.</p> <p>The caseworker must document:</p> <ul style="list-style-type: none"> • the resources required to provide any services that need to be provided to the child or young person and the availability of those resources to achieve that purpose, • the plans or arrangements to meet the education and training needs of the child or young person, • the role and responsibilities of each person, agency or body participating in the plan, and the approximate period of time during which those responsibilities are to be carried out, • indicators by which to assess the extent to which the Care Plan is successful. 	
<p>5: Views</p>	<p>This section records the opinions of the child, parents, family and kinship, other significant and professional relationships. Documents FACS approval, including</p>	

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	signatures.	
	<p>The caseworker must ensure that:</p> <ul style="list-style-type: none"> the Care Plan is to be made as far as possible with the agreement of the parents of the child or young person concerned, the Care Plan is to refer to the views of any person who has expressed disagreement with any of the provisions of the plan. <p>The caseworker must detail:</p> <ul style="list-style-type: none"> the method by which the views of the parents and child or young person were obtained, or if the views of the parents and child or young person were not obtained, the reasons why they were not obtained, the Care Plan is to be signed by each person, agency or body who has agreed to participate in the plan. The plan may be, but is not required to be, signed by the child or young person concerned, if practicable, the views of the child or young person as to the services that need to be provided to him or her and his or her family, the views of the parents of the child or young person as to the services that need to be provided to the child or young person and his or her family. <p>The Manager Casework must:</p> <ul style="list-style-type: none"> sign and date the Care Plan. This will indicate on the Summary page the “Date of Care Plan approval by FACS”. 	<p>Act - Section 78</p> <p>Reg 22</p>
<h2>Cultural Planning</h2>		
<p>Developing a Cultural Plan</p>	<p>The caseworker must ensure that:</p> <ul style="list-style-type: none"> the Aboriginal and Torres Strait Islander Cultural Plan component of the Care Plan template is completed when seeking final orders from the Children’s Court for an Aboriginal or Torres Strait Islander child, the Multicultural Plan component of the Care Plan template is completed when seeking final orders from the Children’s Court for a child from a culturally diverse background, a consultation is to be recorded in KiDS as a General File Note (see Appendix H Aboriginal Consultation Guide). 	
<p>Participation in culture</p>	<p>Participation in culture refers to the activities that the child or young person will participate in to develop their cultural identity while in care and the support provided to maintain their connection to family, community, culture, language and religion.</p> <p>These supports may be provided by individuals, such as the carer, family and community organisations.</p>	

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	<p>Caseworkers will need to actively seek the support of parents and relatives in meeting the child or young person's cultural, linguistic and/or religious needs as birth parents and other family members are a primary source of culture for children.</p> <p>Community, social, cultural and religious organisations also have a key role in supporting children to maintain their cultural connections.</p> <p>The importance of supporting children and young people to remain connected with their birth culture, language and religion is highlighted in Section 9(2)(d) of the Children and Young Persons (Care and Protection Act) 1998. This section of the Act stipulates that children and young people temporarily or permanently removed from their family environment are to be assisted and supported as far as possible to maintain their identity, language, cultural and religious connections.</p>	<p>Act - Section 9</p>
<p>Cultural planning as part of Case Planning</p>	<p>A Cultural Plan developed as part of the Care Plan, is a standalone, point-in-time document detailing the cultural consultations and supports for participating in culture that occurred leading up the development of the plan.</p> <p>Cultural planning as part of ongoing case planning should reflect agreements made in the development of the Care Plan, but also ensure they are up to date and relevant to the period of time the case plan covers. Consultation should continue to occur with culturally significant people in the child's life throughout their time in care.</p>	<p>OOHC case plan and review template</p>
<p>Aboriginal and Torres Strait Islander Cultural Plan</p>	<p>This section will only be available if Aboriginal or Torres Strait Islander is selected as the child's cultural identity. It records all relevant information on how the child or young person will maintain their cultural identity, meet their cultural needs, be included in cultural development activities, and also details the consultation with culturally significant individuals in the child's life that contributed to the development of the Cultural Plan.</p>	
<p>Mandatory requirements in developing an Aboriginal and Torres Strait Islander Cultural Plan</p>	<p>The caseworker must:</p> <ul style="list-style-type: none"> • complete a minimum of four (4) culturally appropriate consultations to develop an Aboriginal and Torres Strait Islander Cultural Plan. A culturally appropriate consultation is when an individual contributes significant cultural information relevant to the child and their family into the development of the Cultural Plan, • record a minimum of four (4) supports that will provide the opportunity for the child or young person to fully participate in cultural activities supporting their cultural development and to maintain their cultural identity, • record any culturally appropriate services significant to the child or young person, as 	<p>Aboriginal Consultation Guide</p> <p>Working with Aboriginal people and communities: a practice resource</p> <p>Act - Section 11</p>

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	<p>determined through consultations with the child, family, kin and community representatives.</p> <p>To facilitate self-determination and develop an Aboriginal and Torres Strait Islander Cultural Plan, caseworkers are required to engage and consult with:</p> <ul style="list-style-type: none"> • the child or young person and their family, • the extended family, • the Aboriginal community, • Aboriginal and non-Aboriginal agencies. <p>Aboriginal and Torres Strait Islander families, kinship groups, representative organisations and communities are to be given the opportunity, by means approved by the Minister, to participate in decisions made concerning the placement of their children and young persons and in other significant decisions made under the Act that concern their children and young persons.</p> <p>A permanency plan for an Aboriginal or Torres Strait Islander child or young person must address how the plan has complied with the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles.</p> <p>The Aboriginal and Torres Strait Islander Cultural Plan must be discussed with and agreed by the child or young person.</p>	<p>Act - Section 12</p> <p>Act - Section 13</p> <p>Act - Section 78</p>
	<p>The caseworker must detail:</p> <ul style="list-style-type: none"> • which communities the child or young person identifies with, • issues of social, cultural, educational or economic significance in relation to the child or young person or his or her family, • the role and responsibilities of each person, agency or body participating in the plan, and the approximate period of time during which those responsibilities are to be carried out. 	<p>Reg 22</p>
<p>Multicultural Plan</p>	<p>This section will only be available if a cultural identity is selected other than or in addition to Aboriginal, Torres Strait Islander, or Australian as the child's cultural identity. It records all relevant information on how the child or young person will maintain their cultural identity, meet their cultural needs, be included in cultural development activities, and also details the consultation with culturally significant individuals in the child's life that contributed to the development of the cultural plan. The Multicultural Plan should also be developed to maintain a child's or young person's language and religious beliefs.</p>	
<p>Consultation in developing a Multicultural Plan</p>	<p>A culturally appropriate consultation is when an individual contributes significant cultural information into the development of the Cultural Plan.</p> <p>To facilitate self-determination and develop a Multicultural Plan, caseworkers are required to engage and consult with:</p>	<p>FACS Cultural Consultation Multicultural Caseworker Practice Tool</p>

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	<ul style="list-style-type: none"> the child or young person and their family, the extended family, relevant cultural and religious communities, culturally appropriate agencies. 	
	<p>The caseworker must detail:</p> <ul style="list-style-type: none"> the culturally appropriate services that need to be provided to the child or young person, as determined through consultations with the appropriate family members and community representatives. issues of social, cultural, educational or economic significance in relation to the child or young person or his or her family, the role and responsibilities of each person, agency or body participating in the plan, and the approximate period of time during which those responsibilities are to be carried out. <p>The Multicultural Plan must be discussed with and agreed by the child or young person.</p>	<p>Act - Section 78</p> <p>Reg 22</p>
Role of Manager Casework	<p>The Manager Casework must quality check the Care Plan to ensure:</p> <ul style="list-style-type: none"> the caseworker has thoroughly completed all fields and sections of the Care Plan that are relevant to the child or young person, all Aboriginal and/or Torres Strait Islander children have a completed Aboriginal and Torres Strait Islander cultural plan included as part of their Care Plan, all children from culturally diverse backgrounds have a completed Multicultural plan included as part of their Care Plan, if attached, the Aboriginal and Torres Strait Islander cultural plan contains a minimum of four culturally appropriate consultations and a minimum of four supports to actively participate in their culture, or adequate justification on the reasons why these could not be completed, any attached cultural plans have been developed in collaboration with appropriate family, kin, community and cultural organisations/representatives significant to the child, the Care Plan has been developed in a collaborative manner with the child, family, kin, appropriate community representatives, and non-government organisations significant to the child. <p>The Manager Casework must also sign the Care Plan to approve it on behalf of FACS.</p>	
General	<ul style="list-style-type: none"> Under the Act, the Care Plan is only enforceable to the extent to which its provisions 	<p>Act - Section 78</p>

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	<p>are embodied in or approved by orders of the Children’s Court,</p> <ul style="list-style-type: none"> • Note: Under section 10 of the Act (The principle of participation), FACS is responsible for providing a child or young person with information, assistance and opportunities that will enable the child or young person to participate in decisions made under or pursuant to the Act that have a significant impact on his or her life. Those decisions include the development and review of Care Plans concerning the child or young person, • The Care Plan must be developed collaboratively with all involved parties where possible, • The Care Plan must be saved using the following naming convention (tbc), • The Care Plan must be recorded in KiDS as an attachment within the legal section. 	
<p>Research and casework practice tools</p>	<p>Children and Young Persons (Care and Protection) Act 1998 Children and Young Persons (Care and Protection) Regulation 2012 Case Plan Review Template Safe Home For Life: Permanent Placement Principles Information about Multicultural Caseworkers Multicultural Resources AbSec: Aboriginal Consultation Guide Engaging Families – Practice Tool Aboriginal Consultation Guide Working with Aboriginal people and communities: a practice resource FACS Cultural Consultation Multicultural Caseworker Practice Tool</p>	