



PSP Away from Placement Policy

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Purpose

This policy supports Permanency Support Program (PSP) funded service providers to provide services to children¹ that are away from their authorised placement for a temporary period; or not in a placement for a longer period.

The policy provides rules and practice guidance that:

- clarifies the role of the department and funded service providers, after an Away from Placement event and during approved periods when the child is away from their authorised placement (for a temporary period) or not in an authorised placement (after their placement has closed)
- provides a framework to enable funded service providers to retain case responsibility and continue to support a child away from or not in an authorised placement and
- ensures casework and support of the child, their parents and family/kin continues; practice consistency and relationships are maintained; and collaborative planning around the needs of the child occurs earlier.

¹ In this policy 'children' refers to 'children and young people' and 'child' refers to a 'child or young person'.

The policy applies to children in statutory out of home care (OOHC):

- for whom a funded service provider has primary case responsibility and
- in foster care, Residential Care² or Intensive Therapeutic Care (ITC) placements.

This policy does not apply to children:

- for whom the Department of Communities and Justice ('the department') has primary case responsibility
- in an Alternative Care Arrangement (ACA) or
- young people over the age of 18 years in Supported Independent Living (SIL) or Therapeutic Supported Independent Living (TSIL) placement.

Away from Placement

Definition of Away from Placement event

Away from Placement events include any of the following circumstances:

1. a child entering into custody or being sentenced to a period of detention
2. temporary self-placement of a child with a parent or (previous legal guardian); or someone who is not an authorised carer (someone not related to them; or another family member that is not their parent)
3. absence of a child from their authorised placement:
 - for a single ongoing period or for repeated shorter periods (of over 24 hours) *and*
 - when their whereabouts are unknown³ or their whereabouts are known but they have declined requests to return to placement *and*
 - when the department *and* the funded service provider reasonably form an opinion – and agree – the child is no longer occupying or residing in the placement, having regard to:
 - the frequency and duration of the periods of absence *and*
 - the child's history, age and any other relevant circumstances.
4. hospitalisation or admission to a rehabilitation program, for a period of greater than 2 weeks.



An Away from Placement event does not include any circumstance occurring in the exercise of ordinary day-to-day care responsibility for the child; taking into account stages of childhood and adolescent development.

Notification of an Away from Placement event

When an Away from Placement event occurs, the department and funded service providers have important complementary roles.

² At time of publication, FACS is transitioning from Residential Care to ITC. Unless otherwise indicated, all further references to ITC refer to either ITC or Residential Care.

³ Always report a child as a missing person when their whereabouts are unknown and there are fears for their safety or concern for their welfare https://www.police.nsw.gov.au/can_you_help_us/missing_persons

Funded service provider Notification

The funded service provider completes the Mandatory Reporter Guide (MRG) to ascertain whether a report to the Child Protection Helpline is required.

When the MRG indicates '*Report to FACS*' or '*Immediate report to FACS*', the funded service provider makes an immediate report to the Child Protection Helpline.

Whether or not a report to Child Protection Helpline is required, the funded service provider completes a *Notification & Request for Continuation of PSP packages form*, within 24 hours of the event, and forward to the:

- Child and Family District Unit (CFDU), for a child in foster care
- local district Intensive Support Service (ISS) team, for a child receiving ISS and residing in a placement arranged by a funded service provider and
- CFDU and Central Access Unit (CAU), for a child in residential care or ITC.

DCJ Notification

In most cases, a funded service provider will notify the department of an Away from placement event, as described above. However in some circumstances, the department may notify a funded service provider that it has formed a view that the child's circumstances constitute an Away from Placement event.

Away from Placement period

An Away from Placement period is a temporary period when a child is absent from their authorised placement and the placement remains open until they return. An Away from Placement period is not automatic – it is subject to approval by the department.

The Away from Placement period commences on the date of the report or notification of the event, subject to departmental agreement.

The period is for up to two weeks and may be extended for a further period of up to:

- six weeks for a child in foster care (maximum combined period of eight weeks) or
- two weeks for a child in ITC (maximum combined period of four weeks).

An Away from Placement period ends when a child returns to their authorised placement; transitions to another authorised placement; or the placement is closed (without the child entering a new one).

Assessment during an Away from Placement period

The department and funded service providers have important complementary roles in conducting assessment during an Away from Placement period.

Alternative Assessment

The department's nominated unit⁴, usually a CFDU or Community Services Centre (CSC), conducts an Alternative Assessment if a new child protection report is received and screened in for assessment (arising from the Away from Placement event).

In preparing for and conducting the Alternative Assessment, the department always consults with the funded service provider. See [Collaborating in Alternative Assessment](#).

The department always conducts an Alternative Assessment, unless:

- the department and the funded service provider agree an assessment is not required (for children in foster care) or

⁴ When a funded service provider exercises **primary** case responsibility, the department nominates which of their units will exercise **secondary** case responsibility. In many DCJ districts the nominated unit is will be the local Child and Family District Unit (CFDU). However, depending on district operating arrangements, it may be a Community Services Centre (CSC), an OOHC Hub or other specialist team.

- the department, the CAU and the funded service provider agree an assessment is not required (for children in ITC).

Circumstances that may warrant an Alternative Assessment *not* being required include:

- a child that frequently becomes absent from their placement, where a recent similar or identical event has already been assessed by the department and/or
- a child that is not in OOHC in accordance with [section 28](#) of the *Children and Young Persons (Care and Protection) Regulation 2012*, but is otherwise considered by the department and the funded service provider to be safe (for example in detention in a juvenile justice correctional centre)⁵.

An agreement that an assessment is not required is recorded on ChildStory, including the date the agreement was made, parties to the agreement, the circumstances and rationale for the agreement.

Reportable allegations

The funded service provider conducts a separate investigation when the new child protection report (arising from an Away from the Placement event) raises allegations of reportable or criminal conduct by an authorised carer or other employee of the funded service provider.

See [Collaborating in assessing reportable conduct](#) and [Responding to Critical Events](#).

Roles during an Away from Placement period

The department and funded service providers have important complementary roles during an Away from Placement period. The funded service provider:

- continues case responsibility
- enacts a detailed plan to support the child return to placement and
- provides progress updates to the department as appropriate or when requested.

The department's nominated unit:

- monitors progress of the funded service provider in supporting the child return to placement
- liaises with CAU (for children in ITC) and
- considers referral to a district complex needs panel, subject to district operating arrangements.

For children in ISS⁶, the respective roles (above) are subject to agreement between ISS and the funded service provider, on a case by case basis.

PSP packages during an approved Away from Placement period

During an approved Away from Placement period, existing PSP packages are continued for children in foster care or ITC. Equivalent non-PSP funding is provided for children in Residential Care.

PSP packages are continued from the date the child left the placement (*not* the date the request is received by the department). Provision of packages ends on the date of expiry of the maximum Away from Placement period or an earlier date approved by the department.

Eligibility criteria

The department may approve an Away from Placement period, when the funded service provider demonstrates:

- a plan (including specific tasks, responsibilities and proposed timeframes) is being enacted to support the child return to placement

⁵ Refer to Regulations for full details, but these include: boarding houses attached to education or training, holiday sporting or religious camps, health services, places of detention or supported accommodation.

⁶ Intensive Support Services (ISS) may retain primary case responsibility, on a case by case basis.

- purposeful engagement that includes repeated face-to-face interaction with and sighting of the child and/or their parents or family/kin and
- evidence the child will return to the authorised placement during the period.

Extension

The department may approve an extension of the Away from Placement period (within the maximum period), when the funded service provider demonstrates:

- the current plan to support the child return to placement has been ***substantially enacted***
- an extended plan (including specific tasks, responsibilities and proposed timeframes) is being enacted to support the child return to placement
- the extended plan includes:
 - a case plan review in relation to the child's ongoing and changed needs
 - conduct of a risk assessment and implementation of a risk management plan
 - conduct of a Permanency Consultation in relation to the suitability of child's case plan goal and legal arrangements (including consideration of proceedings to vary/rescind the order)
- purposeful engagement including repeated face-to-face interaction with and sighting of the child and/or their parents or family/kin and
- evidence the child will return to the authorised placement during the extended period.

Approval

The *Notification and Request for Continuation of PSP packages form* is used to seek approval of an Away from Placement period. Requests are dealt with promptly by the department, to enable timely and efficient decision making. For this reason:

- An funded service provider submits the form to the nominated unit within 24 hours of the Away from Placement event.
- The nominated unit makes a decision to approve (or decline) the request within three business days of receipt.
- The nominated unit or CAU immediately advises the funded service provider of the outcome.
- If approved, the completed form is immediately forwarded to the Commissioning and Planning unit responsible for contract management of the funded service provider.

Delegation

Approval delegation of an Away from Placement period is Category 4 officer and above. For example:

- Director Community Services/Director Operations and above for foster care or
- Director Intensive Support Services and above for Intensive Therapeutic Care.

Not in Placement

Not in Placement Period

A Not in Placement period is a period when a child is not in an authorised placement, after their authorised placement is *closed*⁷. A Not in Placement period is not automatic – it is subject to approval by the department.

The Not in Placement period commences on the expiry date of an Away from Placement period. A Not in Placement period may also commence without an Away from Placement period, if there is

⁷ Authority to close ITC placements is with Director ISS and relevant Commissioning and Planning Manager (in consultation with FACS district).

immediate evidence the child cannot or will not return to their authorised placement.

The Not in Placement period is up to 6 months. This period may be extended by up to 2 months at a time, for a further period of up to 6 months (maximum 12 months)⁸.

The Not in Placement period ends when the child transitions to another authorised placement; or a non-authorised placement approved by the department; or other care arrangements arising from the court order being varied/rescinded by the Children's Court; or primary case responsibility of the child is transferred to the department.

Closing an authorised placement

The decision to close a placement is not automatic. A placement may only be closed when:

- a nominated unit (for children in foster care) or CAU (for children in ITC) agrees to a proposal by the funded service provider to close a placement or
- the department directs a funded service provider that the placement is to be closed⁹.

Roles during a Not in Placement period

The department and funded service providers have important complementary roles during a Not in Placement period. The funded service provider:

- continues case responsibility and carries out its initial plan to support the child transition to another authorised placement; or another approved care arrangement and
- provides monthly (or more frequent) progress updates to the nominated unit and district complex needs panel as appropriate or when requested by the department.

The department's nominated unit:

- ensures the child is placed on the relevant district's complex needs panel agenda (if the child's safety, permanency and wellbeing is not already monitored by the panel)
- refers the case for a Permanency Consultation to review the child's needs, case plan goal and legal status and
- monitors the progress of the funded service provider in supporting the child transition to another authorised placement; or another approved care arrangement, including monthly review by the district complex needs panel.

PSP packages during an approved Not in Placement period

During an approved Not in Placement period for children in foster care or ITC, the Not in Placement Case Coordination package replaces the existing PSP baseline package. The applicable case plan goal and child needs packages continue. Specialist packages may continue subject to review by the department. Provision of equivalent non-PSP funding is provided for children in Residential Care.

Subject to approval, Not in Placement packages commence on the date the funding request is received by the department or expiry of an approved Away from placement period, whichever is the latter. Provision of packages ends on the date of expiry of the maximum Not in Placement period or an earlier date approved by the department.

Provision of Not in Placement packages by the department is not retrospective.

Eligibility criteria

The department may approve a Not in Placement period when the funded service provider demonstrates:

⁸ The Not in Placement period does not continue past expiry of the Children's Court order allocating the child's parental responsibility to the Minister; or the child attaining the age of 18 years.

⁹ As commissioning agency, FACS may direct a placement for a child in statutory OOHC be closed (by a funded service provider) at any time.

- (any previous) Away from Placement plan to support the child return to their authorised placement was **substantially enacted**
- a new plan (including specific tasks, responsibilities and proposed timeframes) is being enacted to support the child transition to another authorised placement; or another care arrangement approved by the department and/or the Children's Court
- the plan includes:
 - a case plan review in relation to the child's ongoing and changed needs
 - conduct of a risk assessment and implementation of a risk management plan
 - conduct of a Permanency Consultation in relation to suitability of the case plan goal and legal arrangements (including consideration of proceedings to vary/rescind the orders)
- purposeful engagement that includes repeated face-to-face interaction with and sighting of the child and/or their parents or family/kin and
- evidence the child will transition to another authorised placement; or another approved care arrangement during the period.

Extension

In extenuating circumstances, the department may approve an extension to the Not in Placement period (within the maximum period), when the funded service provider demonstrates:

- the current plan to support the child transition to another authorised placement; or another approved care arrangement has been **substantially enacted**
- an extended plan (including specific tasks, responsibilities and proposed timeframes) is being enacted to support the child transition to another authorised placement; or another approved care arrangement
- the extended plan includes:
 - an additional case plan review in relation to the child's ongoing and changed needs
 - a review of the risk assessment and implementation of a reviewed risk management plan
 - conduct of specialist assessments as required and
 - conduct of a further Permanency Consultation in relation to suitability of the case plan goal and legal arrangements (including consideration of proceedings to vary/rescind the order)
- evidence that transition is foreseeable, realistic and achievable within the period of the proposed extension.

Approval

The *Notification and Request for Not in Placement packages form* is used to seek approval. Requests are dealt with promptly by the department, to enable timely and efficient decision making. For this reason:

- The funded service provider submits the request to the nominated unit:
 - *in advance of expiry* of an approved Away from Placement period or
 - *within 24 hours* in circumstances where there is no Away from Placement period.
- The nominated unit or CAU makes a decision that the placement will be closed (for that child)
- The nominated unit makes a decision to approve (or decline) the request within 3 business days of receipt.
- The nominated unit or CAU immediately advises the funded service provider of the outcome.
- If approved, the completed form is immediately forwarded to the Commissioning and Planning unit responsible for contract management of funded service provider.

Delegation

Approval delegation for Not in Placement period is Category 4 officer and above. For example:

- Director Community Services or Operations for foster care or
- Director Intensive Support Services and above for ITC.

Approval delegation for extension of Not in Placement packages is Category 3 officer and above, for example, Executive District Director.

Return of case responsibility to the department

Transfer of case responsibility from a funded service provider to the department is not automatic, it is subject to approval by the department. It may occur under exceptional circumstances including:

- the department and the funded service provider agree the funded service provider is no longer capable of achieving the child's case plan goal
- the department assesses (Alternative Assessment) that the funded service provider is not capable of protecting the child from immediate danger of serious harm and/or risk of future, likely serious harm
- the department declines to approve an Away from Placement or Not in Placement period
- the maximum Not in Placement period is reached (without the child entering a new authorised placement or other approved care arrangements) or
- at any other time the department determines that transfer of primary case responsibility from a funded service provider to the department is required¹⁰.

Delegation

Delegation for accepting transfer of primary case responsibility to the department is Category 4 (and above). For example Director Community Services/Director Operations or Director Intensive Support Services (for Intensive Therapeutic Care).

¹⁰ As commissioning agency, FACS may withdraw any child from case responsibility of a funded service provider at any time.

PSP Packages

Away from Placement packages

Existing PSP case plan goal, baseline and child needs packages continue. Specialist packages may continue subject to review by the department.

Cost Component	Package Type	Cost description
Case Plan Goal	Existing package	Case planning and review; and provision of services to achieve case plan goal. Per package description – PSP Business Rules for Eligibility .
Baseline	<i>Foster Care or Aboriginal Foster Care Package or an ITC Package</i>	Staff salaries, training and recruitment, case load and case mix and overheads ¹¹ . Provision of placement, for example foster care recruitment, training and allowance.
Child Needs	Existing <i>Child Needs (Low, Medium or High) Package</i>	Education support, allied health, psychology and behaviour therapy. Per package description – PSP Business Rules for Eligibility .
Specialist	Existing packages, subject to review by the department.	Per Package description – PSP Business Rules for Eligibility .

Not in Placement packages

The *Case Coordination Not in Placement Package* replaces the previous PSP baseline package. The existing case plan goal and child needs packages continue. Specialist packages may continue subject to review by the department.

Cost Component	Package Type	Cost description
Case Plan Goal	Existing package	Case planning and review; and provision of services to achieve case plan goal. Per package description – PSP Business Rules for Eligibility .
Baseline	<i>Case Coordination (Not in Placement) Package</i>	Staff salaries, training and recruitment, case load and case mix and overheads. Provision of outreach casework, support and mentoring, for example cost of youth work wages, activities, travel and brokerage.
Child Needs	<i>Low, Medium or High Package</i>	Education support, allied health, psychology and behaviour therapy. Per package description – PSP Business Rules for Eligibility .
Specialist	Existing packages, subject to review by the department.	Per package description – PSP Business Rules for Eligibility .

¹¹ Proposed Service Model & Costs – OOHC Re-commissioning Program Board Paper 11 November 2016