

Schedule 4 – Legislation and Policies

This Schedule is to set out in detail the Service Provider's obligations in respect of the Legislation, Policies and Practices.

Service Provider Name	
PLA ID	
Program	Permanency Support Program

1. Purpose

- (a) The purpose of this Schedule is to set out in detail the Service Provider's obligations in respect of the Legislation, Policies and Practices.
- (b) The Service Provider, in carrying out its obligations under the Funding Deed and this Program Level Agreement and the Schedules, must comply with:
 - i. all relevant legislation, regulations, policies, guidelines and procedures, including but not limited to, those listed in this Schedule.
 - ii. the Service Provider is bound by any legislative or regulative amendments to any relevant legislation listed in this Schedule or any other legislative and regulative instruments, in any jurisdiction, that the Service Provider must adhere to.
 - iii. the Service Provider is bound by any new relevant legislative or regulative requirements that relevant Parliaments throughout the Commonwealth might pass from time to time during the term of this Program Level Agreement.
 - iv. any government policies referred to or made available to the provider by FACS or any other relevant Agency (including by reference to an internet site).
 - v. FACS reserves the right to update, withdraw or create new policies, procedures and guidelines listed in this Schedule or created for insertion into this Schedule at any time during the term of this Program Level Agreement.

2. Obligations

The Service Provider must implement its own policies and procedures in accordance with service requirements and the legislation and FACS policies included as following and where by amended or replaced from time to time relevant to the Permanency Support (Out-of-Home Care) Program.

FACS is committed to implementing changes to FACS delivery of services that will support the objectives of the Permanency Support (Out-of-Home Care) Program. FACS may amend and update policies, procedures and practices to support these developments.

2.1 Permanency Support (Out-of-Home Care) Program Description (Program)

2.1.1 The service provider must, as part of the requirements under this Program Level Agreement and the Schedules, comply with the Program Requirements document which is accessible at: FACS community services website.

2.1.2 FACS reserves the right to amend and update the Permanency Support Program Requirements guideline document at any time during the term of this Program Level Agreement.

2.2 Legislation and regulation

The Service Provider is bound by, but not limited to, the following laws and requirements contained within the following pieces of legislation and regulation:

- [Children and Young Persons \(Care and Protection\) Act 1998](#)
- [Children and Young Persons \(Care and Protection\) Regulation 2012](#)
- [Child Protection \(Working with Children\) Act 2012](#)
- [Child Protection \(Working with Children\) Regulation 2013](#)
- [Community Services \(Complaints, Review and Monitoring\) Act 1993](#)
- [Ombudsman Act 1974](#)
- [Ombudsman Regulation 2016](#)
- [Adoption Act 2000](#)
- [Adoption Regulation 2015](#)
- [Government Information \(Public Access\) Act 2009](#)
- [NSW Privacy and Personal Information Protection Act 1998](#)
- [NSW Health Records and Information Privacy Act 2002](#)
- [NSW Work Health and Safety Act 2011](#)
- [NSW Work Health and Safety Regulation 2011](#)
- [State Records Act 1998](#)
- [Privacy Act 1988 \(Commonwealth\)](#)

2.3 Legislation-based policy requirements

The Service Provider is bound by, but not limited to, the following policy requirements created by legislative or regulative provisions:

- [NSW Child Safe Standards for Permanent Care](#)
- [Child Safe Organisations](#)
- [Charter of Rights for Children and Young People in Out-of-Home Care](#)
- [Guidelines for the Provision of Assistance after Leaving Out of Home Care, NSW Department of Community Services](#)
- [Ministerial Code of Conduct for Authorised Foster, Relative and Kinship Carers](#)

2.4 Related NSW Government Policy

The Service Provider is bound by, but not limited to, the following policy NSW Government Policy requirements:

- [Child Wellbeing and Child Protection – NSW Interagency Guidelines](#)
- [NSW Human Services Outcomes Framework](#)
(<https://www.facs.nsw.gov.au/reforms/nsw-human-services-outcomes-framework>)

2.5 Permanency Support Program Policy – all services

The Service Provider is bound by, but not limited to, the following Permanency Support Program Policy documents:

- [Permanency Support \(Out of Home Care\) Program Description](#)
- [Permanency Support Program Case Management Policy and Rules and Practice Guidelines \(2017\)](#)
- [NSW Child Safe Standards for Permanent Care](#)
- [Guiding Principles for strengthening the participation of local Aboriginal community in child-protection decision-making](#)
- [Transitioning from out-of-home care to independence: A nationally consistent approach to planning](#)
- [Permanent Placement Principles](#)
- [Common Principles for contact](#)

Further policies related to case work or otherwise to support best practice can be found at the Community Services website on the Policies and Guidelines for funded Services page.

2.6 FACS Funding Policy

The Service Provider is bound by, but not limited to, the following documents:

- [Funded Contract Management Framework](#)
- [Fraud Control Plan](#)

2.7 Memoranda of Understanding, Protocols, inter-agency policies

- [Joint Operational Practice Guidelines for Children and Young People who are shared clients of FACS and Juvenile Justice](#)
- [Joint Protocol for Young People in residential OOHC \(Intensive Therapeutic Care services only\).](#)
- [Protocol between FACS and the NSW Public Guardian for the appointment of the Public Guardian with an Advocacy Function for a young person with a disability who is planning to transition from statutory care to adult disability services](#)
- [National Partnership Agreement on Universal Access to Early Childhood Education](#)

2.8 Other related policy

- [United Nations Convention on the Rights of the Child](#)
- [United Nations Declaration on the Rights of Indigenous Peoples](#)
- [Transitioning from out-of-home care to independence: A nationally consistent approach to planning](#)

3. Service Provider Declaration

I have read, understood and agree with the Schedule 4 Legislation and Policies as it relates to the Program Level Agreement.

Service Provider:

Delegated Signatory

Name: _____
Position in Organisation: _____
Date: _____
Signature: _____

Department of Family and Community Services:

Delegated Signatory

Name: _____
Position in Organisation: _____
Date: _____
Signature: _____