



Human Services
Community Services



**Education
& Training**

MEMORANDUM OF UNDERSTANDING

between

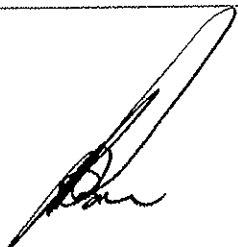
**NSW DEPARTMENT OF EDUCATION AND TRAINING
(SCHOOLS)**

and


DEPARTMENT OF HUMAN SERVICES NSW, COMMUNITY SERVICES

**in relation to educational services for children and young people in
Statutory Out of Home Care***

**(*for whom the Minister of Community Services has parental responsibility or
the Director-General of Human Services NSW has parental or care
responsibility relating to residence and/or education and training**



Greg Prior
Deputy Director-General, Schools
NSW Department of Education and
Training
Date: 2 MARCH 2011



Annette Gallard
Chief Executive
Department of Human Services
NSW, Community Services
Date: 7 MARCH 2011

1. Introduction

- 1.1 This Memorandum of Understanding provides a framework for a coordinated approach between Department of Human Services NSW, Community Services (Community Services) and the NSW Department of Education and Training (Education) in relation to identifying, planning and responding to the educational needs of children and young people in statutory out of home care in government schools.
- 1.2 Children and young people covered by this Memorandum of Understanding are those enrolled in or applying to enrol in a government school and who are currently in statutory out of home care and for whom the Minister for Community Services has parental responsibility or the Director General of Human Services NSW has parental or care responsibility relating to residence and or education and training.
- 1.3 It is acknowledged that, at the time of signing this Memorandum of Understanding, significant policy and service system changes are expected as a result of the Government Action Plan in response to the recommendations of the Special Commission of Inquiry into Child Protection Services in NSW. Both parties agree that the Memorandum of Understanding will be revisited and amended if required by those changes.

2. Parties to the understanding

- 2.1 This Memorandum of Understanding is between Community Services and Education.
- 2.2 Role of non-government organisations
 - 2.2.1. Signatories to the Memorandum of Understanding agree that the provisions of this Memorandum of Understanding extend to non-government organisations funded by Community Services to provide case management for children and young people in statutory out of home care.
 - 2.2.2 Signatories to the Memorandum of Understanding will recognise non-government organisations stakeholders as having responsibility for case management of children and young people in statutory out of home care and to facilitate access to educational services in the same way as they would facilitate access to educational services for children and young people case managed by Community Services.
 - 2.2.3 Community Services *Service Provision Guidelines Out-of-home care* give Community Services and non-government out of home care service providers the core policy and operational framework and requirements for delivering out-of-home care services.

3. Purpose of the Memorandum of Understanding

The purpose of this Memorandum of Understanding is to:

- 3.1 Provide a framework for meeting the educational needs of children and young people in statutory out of home care who are enrolled in or applying to enrol in a NSW government school, as a component of the child or young person's care planning.

- 3.2 Support the learning needs of children and young people in statutory out of home care through the implementation of education plans to improve their participation and performance in school
- 3.3 Ensure children and young people in statutory out of home care receive coordinated service delivery at key stages or circumstances in their school life, including transition
- 3.4 Work collaboratively to establish effective and efficient communication channels and modes of working to improve the educational outcomes of children and young people in statutory out of home care who are enrolled in or applying to enrol in a NSW government school
- 3.5 Promote information sharing about each organisation's policies, programs, services and other resources, to facilitate better outcomes for children and young people in statutory out of home care.

4. Legislative Context

- 4.1 The statutory responsibilities of Community Services and Education are mandated through the *Children and Young Persons (Care and Protection) Act 1998 ("the Act")* and the *Education Act 1990*.
- 4.2 Education also has responsibilities under a range of other legislation including the Occupational Health and Safety Act, the Anti-Discrimination Act 1977 and the Disability Discrimination Act 1992 and the Commonwealth Disability Standards for Education

5. Guiding principles

The principles set out in the Memorandum of Understanding will be implemented through regional protocols and/or joint practice procedures and guidelines as appropriate.

- 5.1 Parents and carers have the primary responsibility for the upbringing, protection and development of their children.
- 5.2 The safety, welfare and wellbeing of children and young people are the collective responsibility of the whole of government and the community and are delivered through a mix of non-government and state agencies.
- 5.3 Community Services and Education will work together to achieve high or improved standards of educational performance for children and young people in statutory out of home care.
- 5.4 Children and young people will be encouraged to participate, according to their age and development, in decision making in planning for their educational program and for support for their social and emotional wellbeing at school.
- 5.5 Community Services and Education will be sensitive to the needs and requirements of children and young people from culturally and linguistically diverse backgrounds and their carers.
- 5.6 The personal identity, language, and cultural and religious ties of children and young people in care will be maintained, and their relationships with family, significant others and their community recognised.
- 5.7 Community Services and Education will work together to ensure Aboriginal children, young people and their families participate with as much self-

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determination as is possible, and be active participants in the development of education plans.

- 5.8 The needs of the child or young person are the starting point for any joint work and decision making. Decision making in relation to the education of a child or young person in statutory out of home care should, where practicable, involve those people who are significant to the child or young person. The best interests of the child or young person are of key importance in any decisions
- 5.9 Intervening early to identify and respond to the educational needs of children and young people provides the best opportunity to support the educational participation and performance of children and young people in statutory out of home care.

6. Collaboration¹

Community Services and Education will:

- 6.1 Implement the Memorandum of Understanding at a state, regional and local level using agreed protocols, communication, monitoring and review processes
- 6.2 Promote communication and dissemination of information including face to face briefings and joint training opportunities, where appropriate, which may also involve non-government funded organisations
- 6.3 Ensure that key contact officers are nominated at the regional level. These officers provide a first point of contact for information, collaboration and assistance, if required, for the other department or organisation
- 6.4 Provide 'in principle' support to a request from either department for joint collaboration on national or state-based research projects regarding children and young people in care provided the proposed research satisfies the research guidelines of both Community Services and Education
- 6.5 Support coordinated approaches to:
- educational planning to respond to the identified needs and wellbeing of the child or young person
 - the timely transfer of information
 - identified enrolment, engagement or attendance issues
 - suspension, expulsion, placement and transition procedures.

7. Governance

- 7.1 This understanding will be activated once it is signed by the Deputy Director-General, Schools, NSW Department of Education and Training and the Chief Executive, Department of Human Services NSW, Community Services.
- 7.2 The steering committee will continue to oversee the implementation of the Memorandum of Understanding. The steering committee will have responsibility for the monitoring and review of the Memorandum of

¹ This includes services provided directly by CS and/or non-government stakeholders and/or through other government, non-government and/or other agencies.

Understanding. It will determine reporting requirements and advise on any review or evaluation that is needed and its timing.

- 7.3 Either party may seek variation of this Memorandum of Understanding by notifying the other. Variations must be agreed by the Deputy Director-General of Education (Schools) and the Chief Executive Officer of Community Services.

8. Escalation of complex issues – dispute resolution

- 8.1 No child or young person is to be left without adequate support while interagency issues are being resolved.
- 8.2 Any dispute about the responsibility of either Community Services or Education in relation to a service delivery requirement should, wherever possible, be resolved at the local level within two weeks by the Community Services Interagency Pathway Coordinator and/or Managers Client Services, and appropriate Education officers
- 8.3 In situations where there is dispute, the Education officer and supervisor, and the Community Services Interagency Pathway Coordinator and/or Managers Client Services are to develop an action plan that addresses the issues of conflict and identifies strategies to resolve the conflict, timeframes and review dates.
- 8.4 When attempts to resolve the issues at the local level have been unsuccessful, a dispute matter may be referred to the relevant regional directors of Community Services and Education.
- 8.5 Any matters, under the terms of the Memorandum of Understanding, which cannot be resolved at the regional level will be referred to Education's General Manager, Access and Equity and Community Services' Deputy Chief Executive, Operations to work with the regional directors to facilitate a solution.
- 8.6 Where agreement cannot be reached at that level, these issues will progress to the Deputy Director-General (Schools) and the Chief Executive Community Services for resolution.

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