

# CODE OF CONDUCT FOR AUTHORISED CARERS

This Code of Conduct is for authorised foster, relative and kinship carers, prospective guardians and dually authorised prospective adoptive parents currently providing authorised care. These groups of people are referred to as 'carers' throughout the Code of Conduct.

A designated agency is an organisation accredited to arrange and supervise out-of-home care services. They are referred to as 'agency' throughout the Code of Conduct.

Children or young people will be referred to as child or children throughout the Code of Conduct.

## Statement of purpose

Strong and close relationships between the child, their carer, the child's family and agency staff support the child's safety and welfare. The Code of Conduct aims to promote loving, stable, caring and positive relationships between the child and their carer. It also promotes good relationships between carers, the child, the child's family and the agency.

The Code of Conduct reflects that permanency is a priority for children. Where possible permanency (via restoration, guardianship or open adoption) should be achieved within two years of a decision being made about the best permanency option for a child. The Code of Conduct helps agencies and carers uphold the rights of children outlined in the *NSW Charter of Rights for Children and Young People in Out-of-Home Care*.

This Code of Conduct promotes the highest standards of conduct by 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 agency supervising the placement.

## Compliance with the Code of Conduct

The Code of Conduct aligns with the aims of the *Children and Young Persons (Care and Protection) Act 1998* (Care Act). As a carer you and your agency are working within the principals of the Care Act and comply with the Code of Conduct. You are not expected to be familiar with the Care Act. Your agency should explain key parts of the Care Act to you. The Code of Conduct is designed to help you understand your rights and responsibilities.

Agencies must ensure that you understand the Code of Conduct. Agencies should train, supervise and support you so that you can comply with the Code of Conduct. For carers from non-English speaking backgrounds, agencies should consider using an interpreter to communicate the Code of Conduct to you.

## Non-compliance with the Code of Conduct

As a carer you must comply with this Code of Conduct. If you do not follow the Code of Conduct your agency may reconsider whether you are a suitable carer.

Breaches of the Code of Conduct may result in a reportable conduct investigation, depending on what you have done (or not done). An agency may also cancel or suspend your authorisation.

If an agency cancels or suspends your authorisation you can ask for their decision to be reviewed internally and externally by the NSW Civil and Administrative Tribunal (NCAT).

**Authorised carers are required to:**

General

- Follow the lawful policies, procedures and guidelines brought to your attention by your agency.
- Maintain the rights of the child 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 your agency any allegations or incidents of abuse, neglect, ill-treatment or reportable allegations of which you become aware.
- Allow your agency to inspect your home and meet with and speak to the child in your care. Your agency needs to give you reasonable notice and arrange a reasonable time to visit the child.
- Actively participate in the development, implementation and review of case plans for the child in your care.

Care environment

- Provide a home that is safe, clean and comfortable and meets the needs of the child in your care.
- Respect that children are entitled to personal privacy and ensure their belongings are kept safe and treated with respect.
- Provide a care environment where the child is not exposed to physical, sexual, emotional, psychological or verbal abuse, ill treatment or neglect.
- Provide a range of things for the child in your care to do. These activities and toys should reflect the child's age, development, skills and interests.
- Report immediately to your agency any incidents in the home or any change in who lives in your home. Incidents include:
  - the child is expelled or suspended from school
  - the child is absent without your permission for a period of 24 hours or more
  - the child travels interstate without the appropriate notification or approval (check with your agency, as these requirements are currently under review).
  - the child suffers a serious accident, injury, illness or death
  - the child witnesses any acts of domestic or family violence
  - you become a parent to another child
  - another child joins your household
  - you or any other member of your household are charged with or convicted of an offence for which a penalty of imprisonment for 12 months or more may be imposed.

- Allow the child in your care to participate in normal childhood activities that are appropriate for their age and level of development.
- Include the child in your care in activities with other children in the home, appropriate to their interests, developmental stage and ability.

### **Sleepovers and holidays**

- It is your responsibility to ensure that children placed in your care are provided with safe care arrangements. You remain responsible for making decisions about the children in your care and should remain contactable when children are with part time carers (formerly respite), camps, sleepovers and like activities.
- Children in your care can have occasional sleep-overs, holiday visits and play dates with extended family and friends. These people do not need Working With Children Checks and you do not need prior approval from your agency. You remain the child's carer during these times. It is your responsibility to make sure the people the child is visiting are safe and appropriate. You need to obtain approval from your agency for any regular sleepover arrangements such as where a child is spending more than 21 nights per year with the same person.

### **Family and significant others**

- Recognise and respect that the child has a right to maintain relationships with their birth family where safe to do so. A child's connection to their birth family should extend beyond their parents.
- Recognise and respect that the child has a right to maintain relationships with significant people in their life and their cultural community/s where safe to do so.
- Support these relationships as per the child's care plan, case plan and any relevant court orders.
- Listen to and respect the views of the child about the manner and frequency of time they spend with family and significant people.

### **Identity, emotional and social development**

- Support the child to feel safe and develop a sense of security.
- Work with your agency to meet any specific trauma or disability needs that a child in your care may have.
- Support the child to develop a positive sense of identity.
- Support and encourage the development of positive friendships.
- Respect the right of the child to express their views freely about decisions that affect them and properly consider those views with regard to the age and maturity of the child.

### **Culture**

- Recognise the importance of the child's cultural identity to their wellbeing.
- Assist in implementing the Aboriginal and Torres Strait Islander Cultural Plan for Aboriginal and Torres Strait Islander children in your care.

- Assist in implementing the Cultural Plan for culturally and linguistically diverse children in care.
- Allow the child to observe their religion (if any).

### **Wellbeing, health, disability and education**

- Follow the positive behaviour support policy of your agency. This will include ways to encourage positive behaviour in children and will help you respond to challenging behaviours.

Focus on using positive behaviour support practices as described in the positive behaviour support policy or approved Positive Behaviour Support Plan by your agency.

- Only use behaviour support practices as described in the positive behaviour support policy or approved positive behaviour support plan by your agency.
- The use of any physical punishment or coercion, force-feeding, deprivation of food or any punishment intended to humiliate or frighten a child is unlawful and is not permitted. Only use restrictive practices that are part of an approved Positive Behaviour Support Plan or Behaviour Support Plan, time limited and reviewed regularly.
- Report any incident where physical restraint has been used following the protocol for critical incident/event reporting within your agency. These reports enable your agency to respond quickly and provide appropriate support. Physical restraint is only to be used in extreme situations where there is a risk of serious injury to the child or another person. Physical restraint is an action taken to restrict a child or young person's movement.
- Dispense medication, particularly psychotropic medication, according to medical advice. Psychotropic medication is any medication prescribed by a doctor which affects a child or young person's thinking, mood, behaviour, level of arousal or perception. An example is dexamphetamine which is often prescribed for Attention Deficit Hyperactivity Disorder (ADHD). You must not reduce or withdraw medication without medical advice. You must let your agency know if the child is prescribed a psychotropic medication or if the prescription is changed. A child who is prescribed psychotropic medication requires a Positive Behaviour Support Plan to ensure that other behaviour support strategies are being used to manage behavioural difficulties.
- Ensure the child's health, wellbeing and dental needs are met and any planned intervention is carried out in a timely manner.
- Support and seek assistance for any disability needs of a child in your care.
- For a child with a disability, it is the responsibility of your agency to seek access to the National Disability Insurance Scheme (NDIS), in collaboration with carers. You should work with the NDIS Support Coordinator to implement the NDIS plan to meet the disability needs of the child.

- Immediately notify your agency of any major medical events, surgery, hospitalisation and school suspension.
- Regularly provide information to your agency about the child's well-being, including issues that may arise about their development, health, behaviour and educational progress.
- Have expectations around duties – such as chores or participation in activities – that are reasonable and reflect the age and physical and intellectual development of the child in your care.
- Provide an environment which promotes learning and helps the child to reach their full potential and future goals.

### **Leaving care plans**

- In consultation with and with the help of your agency, support young people to develop skills and transition to adulthood. This will include teaching the young person the skills required for independent living. Recognise that a young person may not be ready to live independently as soon as they turn 18 years old.
- Leaving Care Plans for the young person should be developed from the age of 15 years old.
- Where the young person has a disability or disabilities, work with the assistance of your agency and the NDIA, 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 be:**

#### Respect and participation

- Recognised for the important things you do that help the child and the community more broadly.
- Supported in your role as a carer and respected as someone with your own needs including being able to access supports both within your family and community as well as from your agency. Support options should be tailored to the child and your needs and can include sleepovers, overnight camps, extended visits with significant people in the child's life or their extended family.
- Valued for what you bring to the role, including your language, cultural heritage, religious beliefs and life experience.
- Entitled to participate in making decisions concerning the safety, welfare and well-being of the child in your care.
- Respected for your opinion and consulted on decisions about the care of a child. There are some decisions that, as the child's carer, you can make and some decisions that are the responsibility of your agency or the NSW Department of Communities and Justice (formerly FACS) but your opinion should always be considered and respected.
- Encouraged to participate in and provide your views in case planning and review and case management.

- Entitled to nominate a support person to be present when attending meetings with your agency.
- Entitled to access personal information held on file by your agency about you.
- Provided with information about your 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 your agency.
- Provided with all relevant information that is available about the child in your care to help you care for the child and understand and meet their needs.
- Provided with all relevant known information to ensure your safety and the safety of other members of your household.
- Given clear, written information and training on your legal responsibilities as a carer and any reporting obligations required by your agency.
- Given clear information about reportable conduct and your agencies' obligation to record, investigate and respond to allegations of reportable conduct against an employee (including carers and adult members of a carer's home). Reportable conduct is any sexual offence or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence); any assault, ill-treatment or neglect of a child; and any behaviour that causes significant emotional or psychological harm to a child.
- Provided with information about the process of investigations and advised of the outcome of any investigation within a reasonable timeframe.
- Provided with access to an interpreter, as required, when important decisions are being made about your relationship with your agency and/or the child 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

- Entitled to access the services of government funded agencies such as *My Forever Family NSW* or *AbSec NSW Peak Aboriginal Corporation*, that provide support, training and resources to all NSW carers.
- Provided with ongoing training and resources to support the child 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's health, wellbeing and educational needs are met.

- Provided with support and assistance to help address trauma-related issues for a child in your care.
- Provided with support and assistance for a child with a disability and disability related issues.
- Provided with training and support on ways to encourage positive behaviour in children in out-of-home care, 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 in your care.
- Provided with access to support services if a reportable conduct investigation occurs.

### **Reportable Allegations and Reportable Conduct**

- Under the *Children's Guardian Act 2019* the Department of Communities and Justice and agencies must notify reportable allegations about their 'employees' to the Children's Guardian and complete an investigation of those allegations.
- Carers and other adults living in their house are included as employees and are subject to an investigation if reportable allegations are made against them.
- You are expected to cooperate with a reportable conduct investigation.
- Reportable Conduct is not limited to your conduct towards a child in out of home care as it extends to your conduct towards all children.

Reportable Conduct means:

- a) a sexual offence
- b) sexual misconduct
- c) ill-treatment of a child
- d) neglect of a child
- e) an assault against a child
- f) an offence under section 43B (failing to reduce or remove risk of child becoming victim of child abuse) or 316A (Concealing child abuse) of the *Crimes Act 1900*
- g) behaviour that causes significant emotional or psychological harm to a child.

### **Administration of the Code of Conduct**

This Code of Conduct is issued by the Minister for Families, Communities and Disability Services to be applied consistently across the out-of-home care sector. It is to be administered by the Department of Communities and Justice

and any amendments will need to be made and approved by the Minister for Families, Communities and Disability Services.

Agencies may develop their own policies, procedures and guidelines that provide more detailed information for authorised carers and agencies about their shared responsibilities to children. 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.