

CODE OF CONDUCT FOR AUTHORISED FOSTER, RELATIVE AND KINSHIP CARERS

Statement of Purpose

The safety and welfare of children and young people in out-of-home care are best served by promoting strong and close relationships between the child or young person being cared for, their carer and the designated agency. The Code of Conduct aims to foster stable and positive relationships between the child or young person, their carer and the designated agency.

This Code of Conduct for Authorised Carers (the Code of Conduct) is a principle-based framework. It promotes the highest standards of conduct by authorised carers¹. 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 designated agency supervising the placement².

Compliance with the Code of Conduct

The Code of Conduct is consistent with the objectives and principles of the *Children and Young Persons (Care and Protection) Act 1998*. The Act provides the overarching framework for the care and protection of, and provision of services to, children and young persons in NSW, including the provision of out-of-home care services. Carers and designated agency are legally required to follow the provisions of the Act.

The Office for the Children's Guardian's *NSW Standards for Statutory Out-Of-Home Care* establishes the minimum requirements for accreditation of designated agencies. Under the Standards it is the responsibility of the designated agency to ensure children and young people are cared for appropriately through the appropriate selection, assessment, training, supervision and support of authorised carers. In carrying out this responsibility, the designated agency should ensure that authorised carers comply with the Code of Conduct and are adequately trained, supervised and supported to do so.

The Code of Conduct will help ensure designated agencies and authorised carers meet their obligation to uphold the rights of children and young people outlined in the *NSW Charter of Rights for Children and Young People in Out-of-Home Care*.

Non-Compliance with the Code of Conduct

The Children and Young Persons (Care and Protection) Regulation 2012 (the Regulation) provides for the Minister to issue this Code of Conduct and requires authorised carers to comply with this Code of Conduct as a condition of their authorisation. This ensures carers understand their rights and responsibilities. Non-compliance with this Code of Conduct could lead a designated agency to commence an investigation into the suitability of an authorised carer to provide out-of-home care.

Under the Regulation, a designated agency may cancel or suspend the authorisation of an authorised carer if the agency is of the opinion that the authorised carer has failed to comply with any obligation or restriction imposed on the authorised carer by the Act or Regulation. Any decision to cancel or suspend the authorisation of an authorised carer is reviewable by the Administrative Decisions Tribunal.

¹ An authorised carer means a person who, in accordance with the regulations, is authorised as an authorised carer by a designated agency, or a person who, in accordance with the regulations, is otherwise authorised as an authorised carer.

² Designated agencies are agencies accredited by the Children's Guardian to arrange and supervise the provision of out-of-home care services.

Authorised carers are expected to:

General

- Follow the lawful policies, procedures and guidelines brought to your attention by the designated agency
- Maintain the rights of the child and young person 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 the designated agency any allegations or incidents of abuse, neglect or ill-treatment you are aware of
- Permit and support access by the designated agency, at any reasonable hour and on reasonable notice, to the child or young person for the purpose of consultation, assessment, monitoring, case planning and case management
- Actively participate in the development, implementation and review of case plans for the child and young person in your care.

Care environment

- Provide a physical environment that is safe, clean and comfortable and meets the needs of the child or young person in your care
- Respect the child or young person's personal privacy and ensure secure storage and respect of their belongings
- Provide a range of age and developmentally appropriate social and recreational activities and experiences
- Permit and support access by the designated agency, at any reasonable hour and on reasonable notice, to the home environment for assessment of safety and suitability prior to and during placements
- Report immediately to the designated agency any incidents³ in the care environment or any change in household membership
- Not discharge the child or young person into the care of any other person, other than a staff member of the designated agency having supervisory responsibility or a person with parental responsibility for the child or young person without the written approval of the principal officer of the designated agency or by court order⁴
- Provide a care environment where the child or young person is not exposed to physical, sexual, psychological or verbal abuse, ill treatment or neglect.

Family and significant others

- Recognise and respect that the child or young person has a right to maintain relationships with birth family, other significant individuals and their cultural and/or religious community where appropriate and safe to do so
- Support these relationships in accordance with the child or young person's care plan and any relevant court orders.

³ The Children and Young Persons (Care and Protection) Regulation requires an authorised carer to immediately notify the designated agency of any of the following occurs: the child or young person is expelled or suspended from school, absent without permission from care of the carer for a period of 24 hours or more, absent without permission (whether or not while in the care of the authorised carer) from NSW for any period, or suffers a serious accident, injury, illness or death, the authorised carer becomes a parent to another child or young person or the authorised carer or any other members of the household are charged with or convicted of an offence for which a penalty of imprisonment for 12 months or more may be imposed.

⁴ Occasional arrangements, such as a sleep-over at a friend's house, play-dates and babysitting, do not constitute a "discharge" of care.

Identity, emotional and social development

- Support the child or young person to feel safe and develop a sense of security
- Take appropriate measures, with support and assistance from the designated agency, to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse⁵
- Support the child and young person to develop a positive sense of identity
- Allow the child or young person to observe his or her religion (if any)
- Assist in implementing the cultural support plans for Aboriginal and Torres Strait Islander and culturally and linguistically diverse children and young people in care
- Support and encourage the development of positive peer relationships
- Respect the right of the child or young person to express their views freely about decisions that affect them and give due weight to those views with regard to the age and maturity of the child or young person.

Wellbeing, health and education

- Follow the behaviour management policy of the designated agency. This will include ways to encourage positive behaviour in children and young people and appropriate actions to respond to challenging behaviours
- Only use behaviour management practices as described in the behaviour management policy or approved by the designated agency. The use of any physical punishment or coercion, immobilisation, force-feeding, deprivation of food or any punishment intended to humiliate or frighten a child or young person is not permitted
- Report any incident where physical restraint⁶ has been used following the protocol for critical incident/event reporting within the designated agency. These reports enable the designated agency to respond quickly and provide appropriate support
- Dispense medication, particularly psychotropic medication, according to medical advice. Not reduce or withdraw medication without medical advice and the designated agency's consent
- Ensure the child or young person's health, wellbeing and dental needs are met and any planned intervention is carried out
- Immediately notify the designated agency of any major medical events, surgery, hospitalisation and school suspension or expulsion
- Regularly provide information to the designated agency about the child or young person's well-being, including issues that may arise about their development, health, behaviour and educational progress
- Not require a child or young person in your care to perform duties that are unreasonable for their age and physical and intellectual development
- Provide an environment and activities which support learning and assist the child or young person in meeting their educational needs and future goals.

Leaving care

- In consultation with and with the assistance of the designated agency, implement plans to assist the young person for transition to adulthood. This will include teaching the young person the skills required for independent living

⁵ This is required under Article 16.4 of the *United Nations Convention on the Rights of Persons with Disabilities*.

⁶ The *Children and Young Persons (Care and Protection) Act 1998* permits physical restraint to only be used in extreme situations where there is a risk of serious injury to the child, young person or another person.

- Where the young person has a disability or disabilities, in consultation with and with the assistance of the designated agency and Ageing, Disability and Home Care, 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 whole community
- Supported in your role as a carer and respected as someone with your own needs including being able to access respite where appropriate
- Valued for what you bring to the role, including your language, cultural heritage, religious beliefs and life experience
- Encouraged to participate and provide your views in case planning and review, case management and service delivery planning
- Entitled to nominate a support person to be present when attending meetings with the designated agency
- Respected for your opinion and consulted on decisions about the care of a child or young person
- Entitled to access personal information held on file by the designated agency about you
- Provided with information about the designated 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 the designated agency
- Provided with all relevant information that is available about the child or young person in your care to help you understand their needs
- Given clear, written information and training on your legal responsibilities as a carer and any reporting obligations required of the designated agency
- Given clear guidance on reportable conduct and the designated agencies' obligation to record, investigate and respond to allegations of reportable conduct against an employee⁷
- Provided with information about the process of investigations and advised of the outcome of any investigation within reasonable timeframes
- Provided with access to an interpreter, as required, when important decisions are being made about your relationship with the designated agency and/or the child or young person 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

- Provided with ongoing training and resourcing to support the child or young person in your care to feel safe and develop a sense of security as well as caring for yourself

⁷ 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 psychological harm to a child

- Provided with support, resources and assistance to ensure the child or young person's health, wellbeing and educational needs are met
- Provided with support and assistance to ensure any ongoing trauma or disabilities are addressed
- Provided with training and support on ways to encourage positive behaviour in children and young people, 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 and young people in your care

Administration of the Code of Conduct

This Code of Conduct is issued by the Minister for Family and Community Services to be applied consistently across the out-of-home care sector. It is to be administered by the Department of Family and Community Services and any amendments will need to be made and approved by the Minister for Family and Community Services.

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