

Special Conditions for Residential Care Program Level Agreement (PLA) 2017 -2018

Special Condition 1 Supporting Permanency Outcomes

FACS is committed to ensuring the safety, permanency and wellbeing of children and young people is the primary element for the provision of services under the Permanency Support (OOHC) Program. This includes children and young people spending the minimum time in Out of Home Care necessary to facilitate transitioning to safe permanency outcomes that promote their wellbeing.

FACS acknowledges that over time, the community benefits from a quality child and family centred, viable and sustainable service system that offers positive outcomes for children and young people.

1.1 Working Towards Permanency

The Service Provider must ensure that services for children and young people are driven by the achievement of permanency outcomes for each child and young person, to be started from the commencement of their entry into care.

These outcomes must be delivered in accordance with the Permanent Placement Principles as outlined in section 10A of the *Children and Young persons (Care and Protection) Act 1998*.

Special Condition 2 Residential Care

2.1 NGO to NGO referrals in residential care

All referrals for residential care, including referrals from Service Providers who hold case management of a child or young person should be directed to Central Access Unit (Metro Intensive Support Services) who currently have the primary oversight and coordination role for all residential care referrals via the Child and Family District Unit.

Service Providers seeking a referral for a young person from their program to another residential care service will not be able to directly refer to that Service Provider to be considered as part of their contracted care placements.

2.2 Joint Protocol to reduce the contact of young people in residential out-of-home care with the criminal justice system.

Residential Care providers must adhere to the Joint Protocol, and ensure that all their staff involved in the provision of Residential Care adhere to the requirements of the Joint Protocol. This includes delivering services and managing issues or concerns regarding children or young people in Residential Care in accordance with the principles and other elements of the Protocol.

Service providers must also ensure that all staff to whom the Joint Protocol applies have undertaken the mandatory training, as identified by FACS.

2.3 Planned absence

When a child or young person has been restored to family or foster care their residential placement must be closed within 1 week of the transition. It is not appropriate to keep a residential placement open as a fall back option.

2.4 Unplanned absences in Residential Care

A unplanned absence may include where a child or young person:

- has run away and is missing
- self placed, or
- is in custody or detention
- is hospitalised or admitted to a rehabilitation program.

Residential Care Service Providers must notify the local CFDU of any unplanned absence within 4 hours and conduct a risk assessment of the child or young person as part of this process

The Central Access Unit should also be notified of any unplanned absence by sending the unplanned absence form to the CentralAccessUnit@facs.nsw.gov.au for distribution to and approval by the owning District.

Where it is anticipated that a child or young person will return to the placement with the service provider, FACS may continue payment of the unit cost for an agreed period of up to two weeks, and after review of the risk assessment and progress, in some cases, for a further two weeks without the absence being considered a placement vacancy.

Risk assessments and the management of unplanned absences that may involve the child or young people in, or at risk of, contact with the Justice system, need to be in accordance with the '*Joint Protocol to reduce the contact of young people in residential out-of-home care with the criminal justice system*', which can be found at the FACS Community Services website here: <http://www.community.nsw.gov.au/for-agencies-that-work-with-us/policies-and-guidelines/mou,-protocols,-and-interagency-guidelines>.

Payment of the unit cost for unplanned absences will only occur where there is evidence that the child or young person is likely to return to the placement and the service provider is actively providing case management to the child or young person. Approval for payment of the unit cost to continue is delegated to the Executive District Director.

Where it is anticipated that a child or young person will not return to the placement or evidence provided is insufficient to support the contention that a child or young person will return to the placement, payment of the unit cost in respect of that child or young person will cease from the agreed last date of the placement. The agreed last date of placement is the last date that the child or young person was in placement, or where there is approval to pay for an unplanned absence after this date, to the date which has been formally approved by FACS.

2.5. Individual (one to One) placements

FACS current guidelines note that safety is a key consideration when determining client mix and for NGO's accepting placements. By design, the residential system will build on client matching, placements and transition processes.

For all residential referrals, the FACS Central Access Unit (CAU) will undertake a suitability assessment (which incorporates risk and safety planning) to determine whether the residential system is best placed to meet a child or young person's needs and to determine the most suitable service type.

Placement matching will be a joint process with NGO service providers. The CAU will work closely with providers to ensure that risks and safety concerns for each child and young person in the placement are carefully considered and mitigated when determining client mix. The CAU will have oversight of all children and young people in residential placements and have a clearly recorded rationale for placement matching.

Where there is a consensus that a service provider is unable to accept a placement due to their inability to deliver a child or young person's case plan in a group environment, an individual placement may be negotiated. This individual placement will only be negotiated for a point in time, with a view to deescalate the placement when assessed as safe and suitable.

2.6 Transition of children under 12 years from Residential Care

The Service Provider must adhere to any direction by FACS relating to this Special Condition and must, in undertaking its obligations, act in the best interests of the children and young people.

To support the safety, permanency and well-being outcomes of the Permanency Support (OOHC) Program, FACS is committed to moving children aged under 12 years of age out of Residential Care so they can be provided with more age-appropriate OOHC or other services and/or supports, where, or until, their permanency case plan goal directions can be achieved.

Where, FACS holds case management of children under 12 years, the FACS caseworker will work closely with the Service Provider to ensure coordinated and planned transition to an alternative placement.

As part of this, FACS is currently scoping holistic, cross-government service suites for cohorts of children in OOHC. Children under 12 years of age in Residential Care are an identified priority cohort for this work.

FACS is committed to negotiating and securing improvements in the existing services it provides, as well as those provided by the NSW Departments of Health, Education, and Justice, and to commissioning a range of additional support services identified as beneficial for this specific cohort of children. These additional services may include but are not limited to trauma treatment, psychological, paediatric, mental health and ancillary health, education and transition from care services.

2.6.1 Obligation of the Service Provider with children under 12 years in placement

The Service Provider must work with FACS to assist with the smooth and orderly transition of any child under 12 years of age from the Residential Care placement managed by the Service Provider to other services as directed by FACS. This includes, where relevant, working to support the smooth transition of children into OOHC or other services delivered by FACS or other FACS funded Service Providers.

FACS will work with the Service Provider, and other providers as relevant, to develop a plan to manage of the transition of these children. This transition plan, and the deliverables within it, will be monitored as part of the contract management meetings with the Service Provider.

2.6.2 Variation to contracted capacity

The Service Provider must be ready, where there are Residential Care placement vacancies, to accept within their current contractual arrangements, except where it is agreed by FACS that the rejection of the placement match is.

Where the Service Provider declines referrals despite contract capacity and without agreement by FACS not to accept a referral, FACS will review the contracted volume. Where the Service Provider continues not to accept referrals, FACS may choose to amend the Program Level Agreement and Service Delivery Schedule in accordance with the terms and conditions of the Funding Deed and Program Level Agreement.

The Service Provider acknowledges that as children under 12 years of age transition out of Residential Care FACS may lead to a reduction in the number of contracted Residential Care places in accordance with the terms and conditions of the Funding Deed and Program Level Agreement.

Special Condition 3 – Aboriginal Children and Young People

Aboriginal children and young people in care will be placed in accordance with permanent placement principles and Aboriginal placement principles as described in the Children and Young Persons (Care and Protection) Act 1998, and the NSW Government's commitment for Aboriginal children and young people to be supported by designated Aboriginal Service Providers where they exist and have capacity.

Where no designated Aboriginal Service Provider is available within a locality, or if a designated Aboriginal Service Provider currently lacks sufficient contracted placement capacity, FACS will seek placements with non-Aboriginal agencies.

Where non-Aboriginal agencies accept placements for Aboriginal children, they will do so with the following requirements:

- i. Participate, where applicable, in district Aboriginal placement panel meeting/s prior to receiving the placement of an Aboriginal child or young person.
- ii. Use their best endeavours to recruit, retain and develop Aboriginal staff to support carers in the best interest of the needs of Aboriginal children and young people.
- iii. Help build the capacity of Aboriginal providers, with the view that children and young people, and their carers, will transition to a designated Aboriginal Service Provider in the future.
- iv. Ensure Aboriginal children and young people remain connected with their culture, community, Country and kin.

Where it is identified that Aboriginal children and young people can be transitioned to a designated Aboriginal Service Provider, the non-Aboriginal Service Provider must:

- i. At the direction of FACS, assist with the transition of Aboriginal children and young people to the Aboriginal Service Provider as soon as practically possible. This must be done in consultation with, and with approval of, the child or young person and his or her family or kin. Assist the Aboriginal Service Provider during and subsequent to that transition.
- ii. Acknowledge that referrals of Aboriginal children and young people to non-Aboriginal Service Providers are intended to be short term.
- iii. Referrals for placements of Aboriginal children and young people may be transitioned to a designated Aboriginal Service Provider in a managed process before the child or young person's case plan goal is achieved, unless the Aboriginal child or young person and his or her family or kin chooses otherwise.
- iv. Acknowledge that as Aboriginal children and young people transition to Aboriginal Service Providers, FACS may reduce the non-Aboriginal Service Provider's number of contracted places in accordance with the terms and conditions of the Funding Deed and Program Level Agreement.

Special Condition 4 – Accuracy and Timeliness of data reporting

The Service Provider must comply with all data reporting requirements. This includes completing the Minimum Data Set as required, in a timely and accurate manner, and updating and completing information as required on the Referral Management System.

4.1 Existing Data

FACS will access a range of existing data and information to assess the performance of the Service Provider in regards to provision of services that focus on:

- i. safety, permanency and wellbeing of the children and young people that services and supports are provided for
- ii. safe stable placements well matched to the needs of each child and young person, and
- iii. the provision of appropriate permanency options for each child and young person.

FACS is responsible for provision of a quarterly performance report to the Service Provider. This report will be made available within 60 business days of the end of a reporting period.

4.2 Identification and Collection of Data

The Service Provider must participate in the collection of relevant data and information as directed by FACS and disclose this information to FACS on request, unless restricted from doing so under NSW or Australian law or by Court or other legal order.

Special Condition 5 – Collaboration

To ensure the best outcomes for children and young people are achieved, FACS is committed to working in a collaborative manner with Service Providers. FACS also encourages collaborative partnerships between Permanency Support (OOHC) Program Service Providers and other services and supports for the shared purpose of achieving positive outcomes for children and young people.

The Service Provider must work collaboratively with FACS and other Service Providers to support the outcomes of the Permanency Support (OOHC) Program. This includes working collaboratively to enable the smooth transition of children and young people as identified by FACS, to help facilitate readiness to move to the new model, and in delivering the Program across the state in accordance with the Program Level Agreement.

The Service Provider must work collaboratively with FACS and other Service Providers to adopt Program changes as determined by FACS as a result of findings gained through consultation with and feedback from stakeholders and/or any future evaluation.

Special Condition 6 – Readiness for the Permanency Support Program

The Service Provider warrants to FACS, a commitment to planning and implementation for readiness, and to transition to the new service requirements of the Permanency Support (OOHC) Program. This will include, actively transitioning current practice to support the principles and outcomes of the new model, such as, but not limited to, permanency outcomes.

The Service Provider must start planning and preparing for transition to the new service model as part of the delivery of Permanency Support (OOHC) Program services under this Program Level Agreement. This will include planning for any changes to staffing, payment and other internal mechanisms, ICT and other systems, policy and other changes needed to be able to effectively transition.