

## Schedule 6 – Additional Terms

This Schedule sets out additional terms.

|                       |                            |
|-----------------------|----------------------------|
| Service Provider Name |                            |
| PLA ID                |                            |
| Program               | Permanency Support Program |

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## **Special conditions 1: Exiting residential care provision in locations**

### **1.1. Background**

The transition of Children and Young People from residential care to Intensive Therapeutic Care (ITC) is expected to take approximately 12 to 24 months, starting on 1 July 2018. As a successful Service Provider, the provision of Intensive Therapeutic Care components will commence on 1 July 2018 in accordance with Schedule 5 (Implementation Plan) of the PLA.

FACS is committed to ensuring a safe and well-planned transition of Children and Young People from residential care to ITC that minimises disruption and considers each individual's best interests.

FACS will work with all exiting residential care providers to plan a transition that achieves the best outcomes for all children and young people.

Service Providers that previously provided residential care services, may be required to exit from some locations and deliver services in new locations, in accordance with the volume allocation and locations set out in Schedule 3.

### **1.2. Obligations**

Where a Service Provider is exiting from an existing location, the Service Provider must continue to carry out its contractual requirements and obligations in accordance with the Funding Deed and in the best interests of the Children and Young People, until such time that identified Children and Young People have transitioned to another Service Provider.

During this term of this transition, the service provider will be required, if determined appropriate, to continue to accept referrals into funded vacancies. FACS expectation is that service providers will not establish additional homes or fill bedroom capacity, unless directly requested by the CAU and FACS Transition Team.

The Service Provider is to provide FACS with information regarding each home, on request, by FACS. The information requested must include the following details:

- address;
- children names residing in the residential home;
- number and type (residential or intensive residential care) of contracted places for each residential home; and
- maximum capacity of the home.

This information is required to be provided to FACS on request and an update must be provided to FACS should any details change.

### **1.3 Service requirements for exiting locations**

Service Providers exiting locations are not required to provide the suite of ITC service requirements detailed in Schedule 1 of the PLA, to those Children and Young People who will transition to other Service Providers.

During the transition period, Children and Young People currently placed in residential care will continue to be provided with the service requirements for existing service funding types

prior to 1 July 2018 until such time as they transition into an ITC service type. As such, Service Providers transitioning out of a location, will not be required to adhere to the Service Requirements set out in Schedule 1 of the PLA for that specific location.

## **Special Condition 2: Transition of Children and Young people**

### **2.1. Transitioning of Children and Young People**

The Service Provider must:

- continue to carry out the contractual obligations under the Funding Deed;
- provide immediate services to the current caseload of Children and Young People,
- work with FACS to ensure the least disruptive transition of Children and Young People to other Service Providers.
- consider reasonable referrals during the transition period

The transition of Children and Young People to other Services Providers will be determined by FACS in conjunction with existing service providers.

### **2.2. Delivering against the transition plan**

Service Providers exiting from a location will be required to develop a Transition Plan that defines key deliverables and timeframes, to ensure the least disruptive transition of children and young people to the selected Service Provider. Where any Service Provider identifies issues with delivering against the Transition Plan, they must immediately notify the FACS contract manager/transition team.

The milestones and timeframes table in the transition plan will be agreed by FACS and the Service Provider existing from a location and will form part of the obligations under this PLA. The milestones and timeframes will be reviewed as part of the required outcomes and performance threshold for Service Provider.

### **2.3 Support for a coordinated approach to the transition**

The Service Provider exiting a location, is required to work with:

- i. FACS to minimise Children and Young People's concerns by maintaining consistent communication with the children and young people in their placements about the transition. Communication about major issues is to be discussed and approved by the relevant FACS district staff prior to communication with the Children and Young People;
- ii. FACS in the transition planning and implementation. This includes working with FACS Transition Team, Central Access Unit, Commissioning and Planning and Child & Family staff including those from the Intensive Support Services Teams; and
- iii. families where restoration is identified as preferred permanent option for the child or young person.

### **2.4. Transitional Reviews**

FACS will review the transitioning arrangements, including the milestones and timeframes requirements on a weekly basis, either over the telephone or in person, or as directed by FACS in respect of review frequency, review mechanisms or any other matter.

## 2.5. Working Collaboratively with other Service Providers

As part of the transitioning process, the Service Provider exiting from a location is required to work with the Service Provider(s) to whom Children and Young People will be transitioned to ensure an effective handover and case management transfer requirements.

## 2.6 Working closely with the Children's Guardian

The Service Provider exiting a location, will be required to actively work with FACS and the Office of Children's Guardian (where required) on transition planning and implementation to achieve successful transition within the agreed timeframe.

All Service Providers must maintain OCG accreditation requirements.

## **Special Condition 3: Variation to funding and payment provisions**

### 3.1 Variation in funding and contract volume

FACS will reduce the funding levels for residential placements in exiting locations as the number of Children and Young People transition to other Service Providers. When a child or young person exits the placement, further referrals maybe considered in line with the cohort suitability of the Children and Young People and the Service Provider's transition requirements, all attempts will be made to place Children and Young People in existing housing configurations to assist in the transition of cohort groupings to new Service Providers and ensure cost efficiency during the transition period.

FACS will adjust the purchased levels of service types on a quarterly basis, in accordance with the developed transition and implementation plans and actuals process. FACS will agree, in collaboration with the Service Provider, the date when funding will cease for contracted places in residential homes.

### 3.2 Payment for placements

All Children and Young People will be eligible for the Permanency Support Packages in accordance with their individual needs. Placement types will be reviewed and determined by the FACS Contact Manager and will be paid in accordance to the new funding model detailed in Schedule 3.

FACS and the Service Provider will closely monitor the delivery against the key deliverables and in accordance with the timeframes agreed during the development of the agreed transition plan.

Once the residential home is empty, all funding will cease for those contracted places. In special circumstances, FACS and the Service Provider may negotiate an appropriate payment method to ensure sufficient resources are available to complete the transition.

### 3.3 Payment for unplanned absence

From time-to-time, unplanned absences of children and young people from funded OOHC placements may occur. Unplanned absences may include, but are not limited to, when a child or young person:

- has run away and is missing

- self placed, or
- is in custody or detention.

Service providers must notify their local FACS Child and Family District Unit and send the unplanned absence form to the Central Access Unit [CentralAccessUnit@facs.nsw.gov.au](mailto:CentralAccessUnit@facs.nsw.gov.au) within 4 hours of this absence and conduct a risk assessment of the child or young person as part of this process.

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.

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 during an unplanned absence is delegated to the child or young persons owning district - Executive District Director.

#### **Special Condition 4: Joint Protocol**

##### **4.1 Joint Protocol to reduce the contact of young people in residential out of home care with the criminal justice system**

All Service Providers must adhere to the Joint Protocol, and ensure that all their staff involved in the provision of care adhere to the requirements of the Joint Protocol. This includes delivering services and managing issues or concerns regarding Children and Young People in residential care in accordance with the principles and other elements of the Joint Protocol.

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

#### **Special Condition 5: Data Reporting Requirements**

##### **5.1 Accuracy and Timeliness of data reporting**

The Service Provider exiting a location must continue to comply with all data reporting requirements. The Service Provider is required to advise the FACS Transitional team on a weekly basis when a child or young person has been transitioned from the residential care service.

The Service Provider exiting a location must participate in the collection of relevant data and information as directed by FACS including the Minimum Data Set, in a timely and accurate manner.

##### **5.2 Record management**

The Service Provider exiting a location must comply with the Children and Young Persons (Care and Protection) Act 1998 which requires designated agencies to keep records relating

to a child or young person in OOHC for a period of seven years after the placement ceases, following which the records must be delivered to FACS.

Records may be created, received or maintained in physical form (paper) or electronically. This includes email, letters, documents, text messages, plans, reports, as well as information in databases and information systems.

### 5.3 Return of child records

The Service Provider exiting a location is required to manage the return of child records in accordance with guidelines and information provided by FACS.

## **Special Conditions 6: Significant Disabilities in ITC**

### 6.1 Children and Young People approved for Significant Disabilities

FACS has put in place an interim contract management and funding solution for Children and Young People in ITC with Significant Disabilities between 1 July 2018 until the ITC Significant Disability service type is available. This will minimise disruption to Children and Young People and ensure continuity of service provision during this interim period.

The ITC Significant Disability service type will be for a very limited cohort of Children and Young People who are identified as having very high support needs and significant functional impairment due to disability. In many cases the child or young person will have multiple disabilities.

Access into the ITC Significant Disability service type will be determined on a case by case basis and subject to eligibility criteria followed by a further assessment process. The child or young person will require intensive ongoing supports above and beyond the provisions of other service types offered within the ITC service system and will require specialist and intensive supports to maintain stability in their care arrangements.

It will be unlikely that the child or young person will be able to step down into a less intensive placement type within 24 months. The impact of these disability related impairments will significantly reduce independence which in most cases is likely to continue into adulthood and require adult disability services.

### 6.2 Interim eligibility framework

To be eligible for Significant Disability payments, the following eligibility criteria applies:

- Children and Young People eligible for ITC Significant Disability must be aged over 12 years\* have a minimum Child Assessment Tool (CAT) score of (5/6)
- must have a disability (or multiple disabilities) that are permanent or likely to be permanent (more than 24 months) including:
  - cognitive, neurological, developmental or intellectual disability (IQ assessed under 70)
  - physical or sensory disability
  - diagnosed psychiatric/psychological condition (regular exacerbations)
  - serious medical conditions- i.e. degenerative conditions, uncontrolled epilepsy

- the impairments related to the disability (as distinct from developmental norms) will significantly impact on adaptive functioning, requiring intensive supports, across majority of the following domains:
  - Communication - skills needed to communicate own needs and interact with others
  - Self care - skills needed for personal care
  - Motor Skills - fine and gross motor skills
  - Self-direction - skills needed for self control, decision making and independence
  - Home living -- domestic skills needed in the home
  - Community access – skills needed to access and participate in the community
  - Health and safety – skills needed to remain safe and well and the consideration of the safety of others
  - Leisure – skills to plan and engage in recreational activities/play
  - Social – skills to interact with others and build relationships with others
  - School/Vocational – skills to independently function in school or vocational settings
- Needs could not be adequately met in a less intensive placement type in ITC
- Client mix could not be adequately and safely managed in ITC

\* FACS recognises that, in extraordinary circumstances, there may be children under the age of 12 years, who require the intensive level of support through ITC Significant Disability. In such circumstances thorough assessments will be undertaken by FACS to determine the appropriateness of the placement.

### 6.3 Payment for Significant Disability placements

From the Service Start Date and until the tender for Significant Disabilities is finalised, eligible Children and Young People approved via application process, will be funded in the same way as other Children and Young People (a baseline package, plus a case plan goal package, plus a needs package), as detailed in Schedule 3. Additional supplementation required to bring the funding packages in line with current funding levels will be paid as a Complex Care Payment.

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## Service Provider Declaration

I have read, understood and agree with the Schedule 6 – Additional Terms 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: \_\_\_\_\_