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# NSW Government logo  Family & Community Services. Ageing, Disability & Home Care

# Children and Young Persons (Care and Protection) Regulation 2000 – Schedule 3

## Schedule 3 Code of Conduct for Residential Units

(Clauses 24 and 34)

### 1   Admission of child or young person to out-of-home care

(1)  In deciding whether or not to admit a child or young person to out-of-home care, the designated agency must have regard to:

(a)  what options for care of the child or young person are available, and

(b)  the views of the child or young person, and

(c)  the welfare and interests of the child or young person.

(2)  If admission of a child or young person to care is requested by a person who is not a parent of the child or young person, the designated agency must be satisfied, before admitting the child or young person to care, that all reasonable endeavours have been made to locate the child’s or young person’s parents and to ascertain their views as to the child’s or young person’s admission to care.

(3)  Before admitting a child or young person to care, the designated agency must obtain (where practicable) a social and medical history of the child or young person and the child’s or young person’s parents.

### 2   Care of children and young persons

An authorised carer employed by the designated agency must, in relation to each child or young person in out-of-home care, ensure that:

(a)  the health, welfare and progress of the child or young person are promoted, and

(b)  the child or young person receives guidance as to generally accepted community standards of behaviour, and

(c)  the child or young person is encouraged to participate, as far as is reasonably practicable, in the ordinary life of the community, and

(d)  the observance by the child or young person of his or her religion (if any) and the preservation of the child’s or young person’s cultural identity are encouraged.

### 3   Supervision

(1)  The designated agency must ensure that the children or young persons in out-of-home care are adequately supervised, having regard to their ages and physical and intellectual development, by adult members of the staff.

(2)  The designated agency must ensure that no person is allowed to supervise children or young persons unless the person:

(a)  is sympathetic to the welfare of children and young persons, and

(b)  has adequate knowledge, understanding and experience of children and young persons so as to be capable of meeting their needs, and

(c)  is able to adequately care for and supervise children and young persons, and

(d)  is of suitable maturity, health and personality to care for children and young persons, and

(e)  is a fit and proper person, and

(f)  has received suitable training in the proper care of children and young persons.

(3)  The designated agency must ensure that no member of staff employed by the agency as an authorised carer to supervise children or young persons without assistance both supervises children or young persons and performs other duties at the same time if those other duties would adversely affect the quality of supervision.

### 4   Bedrooms

(1)  The designated agency:

(a)  must provide adequate sleeping accommodation, in a room that is separate from any bedroom in which an adult sleeps, for each child or young person who resides in out-of-home care, and

(b)  must ensure that:

(i)  each such child or young person is provided with a separate bed or cot, equipped with a clean and comfortable mattress and bed clothing that is appropriate to the climate, and

(ii)  linen on each such child’s or young person’s bed or cot is changed weekly (or more frequently if necessary), and

(iii)  adequate facilities are provided for storage of each such child’s or young person’s clothing and personal belongings.

(2)  The designated agency must ensure:

(a)  that no child or young person who is of or above the age of 7 years sleeps in the same room as another child or young person (other than a relative) of the opposite sex, and

(b)  that each young person who resides in out-of-home care has sleeping accommodation that affords the young person adequate privacy.

### 5   Study

The designated agency must ensure that each child or young person who is in out-of-home care, and who is attending school or undertaking studies, is provided with facilities for quiet study that are adequate, having regard to the age of the child or young person.

### 6   Health and medical attention

(1)  The designated agency must ensure that each child or young person in out-of-home care is supplied with such medical and dental treatment as is necessary.

(2)  The designated agency must, as soon as practicable (and, in any case, within 24 hours) after a child or young person who is in out-of-home care is admitted to hospital, cause notice of that fact to be given to each person who has parental responsibility for the child or young person who can reasonably be located.

(3)  If a medical practitioner recommends to an authorised carer employed by the designated agency that the care or treatment of a child or young person in out-of-home care should be varied for reasons of health, the carer must use his or her best endeavours to give effect to the medical practitioner’s recommendation.

(4)  The designated agency must ensure:

(a)  that there is a suitable and fully-stocked first-aid kit on the premises, and

(b)  that at least one member of the staff on duty holds approved qualifications in the administration of first-aid, and

(c)  that all first-aid equipment, medicine, drugs and other substances potentially harmful to children or young persons are stored in cupboards that are secured by means of child-proof locks.

### 7   Children and young persons not to perform unreasonable duties

An authorised carer must ensure that a child or young person in out-of-home care is not required to perform duties that are unreasonable, having regard to the child’s or young person’s age and physical and intellectual development.

### 8   Discipline of children and young persons

A designated agency is to ensure that all staff and volunteers:

(a)  do not physically coerce or physically punish a child or young person, and

(b)  in any event, comply with the behaviour management policy of the designated agency.

### 9   Animals

The designated agency must ensure that any animal kept at the residential facility is kept clean and well-cared for.

### 10   Discharge of children and young persons

The designated agency must not discharge a child or young person in out-of-home care into the care of any other person, otherwise than:

(a)  into the care of a person who has parental responsibility for the child or young person, or

(b)  pursuant to an order of a court having jurisdiction to make orders with respect to parental responsibility for children or young persons.