



## 2.1.5 Responding to standard of care concerns against approved carers

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### Legislation

- Children and Community Services Act 2004
- Children and Community Services Regulations 2006 - Regulation 4 Approval of carers

### Purpose

To guide child protection workers in responding to standard of care concerns for a child in the care of the Chief Executive Officer (CEO) in relation to approved Communities and non-government agency foster, family and significant other carers (carers) and, in principle, to non-government agency employees undertaking direct care work.

### Practice Requirements

- When responding to standard of care concerns the Department of Communities (Communitas) has a responsibility to ensure that all approved carers are able to meet the five competencies, in accordance with the *Children and Community Service Regulations 2006*:
  1. The carer is able to provide care for a child in a way that promotes the wellbeing of the child, promotes the child's family and interpersonal relationships, and protects the child from harm.
  2. The carer is able to provide a safe living environment for a child.
  3. The carer is able to work cooperatively with officers, a child's family and other people when providing care for a child.
  4. The carer is able to take responsibility for the development of his or her competency and skills as a carer.
  5. The carer is a person of good character and repute.
- Carers must be provided with opportunities to debrief when required - ideally with a senior child protection worker

### Related Resources

#### Policies

- Child Sexual Abuse Policy

#### Standards

- Better Care Better Services - Standards for Children and Young People in Protection and Care

### Practice Requirements

placement services, a Communities' psychologist or by referral to an external provider through the Employee Assistance Program. For further information please refer to Chapter 3.1: Supporting carers.

- The senior child protection worker placement services must be consulted prior to the endorsement of a recommendation to undertake a Carer Standard of Care Assessment.
- If the carers are Aboriginal, or are caring for Aboriginal children, staff must consult with their district Aboriginal practice leader or other relevant Aboriginal officers for assistance in developing an effective assessment that takes into consideration cultural issues.
- All consultations must be recorded and saved in the case file and carer file. If the carers and/or the children are from a culturally and linguistically diverse (CaLD) background, specific language and cultural needs must be considered. Where possible, this information should be obtained from the child's family and community. Additional cultural information is available through the *CaLD SharePoint Resource Library* (link in related resources).
- A *Critical Incident – Standard of Care Issue* notification must be recorded for the child on Assist, be quality assured by Duty of Care Unit (DoCU) and a safety and wellbeing assessment must be completed.
- A *Carer Standard of Care Incident* notification must be recorded for the carer on Assist and quality assured by DoCU. This enables standard of care concerns about carers to be tracked over time and across districts.
- The carer must be advised of the care concern and given an opportunity to respond to the concern.
- The assessment must use the Signs of Safety assessment and planning process.
- The assessment must consider the opinion of the child.
- Districts should approach the DoCU duty investigation officer for consultation.
- The Carer Standard of Care Assessment must be allocated by the district director to an appropriate senior officer.
- The senior officer undertaking the Carer Standard of Care Assessment must:
  - develop, implement and document an appropriate response, including carer supports, monitoring, supervision or training
  - advise the carer of the assessment outcome the recommendations, including how, when and by whom they will be implemented
  - complete outcome report *Form 461 Duty of Care Report - Carer Standard of Care Assessment* for approval by the district director, and forward to DoCU within 30 days. Any extension to this reporting time frame should be approved by the district director.

### Procedures

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- Tier 1: Carer Standard of Care Assessment
- Carer Standard of Care Assessment: Communities' Carers

- Carer Standard of Care Assessment: Non-Government Agency Foster Carers
- Completion of Carer Standard of Care Assessment

### Introduction

Communities have a two tiered response to standard of care concerns and safety and wellbeing concerns for children in the CEO's care relating to approved carers.

Tier 2: Carer Investigation is detailed in Chapter 2.1: Responding to safety and wellbeing concerns for children in the care of the CEO against approved carers. Child protection workers should refer to this entry when an approved carer is the person alleged responsible in a safety and wellbeing assessment, or where there are repeated, unresolved standard of care concerns.

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### Tier 1: Carer Standard of Care Assessment

Standard of care concerns are acts or situations that indicate that a carer has failed to meet the competencies, but significant harm or risk of significant harm has not occurred.

The Carer Standard of Care Assessment is undertaken when:

- a safety and wellbeing assessment identifies standard of care concerns and the district director endorses a recommendation that a Carer Standard of Care Assessment be undertaken
- the district director endorses a recommendation by the child protection worker or other worker to undertake a Carer Standard of Care Assessment in response to on-going standard of care concerns that could not be addressed through day to day case practice.

The focus should be on addressing the concern, rather than investigating it.

Standard of care concerns may include:

- inappropriate discipline where there is no physical injury, for example, smacking a child with an open hand on the bottom
- inadequate supervision of the child
- inappropriate behaviour modelling by the carer including substance abuse
- physical environment in the carer's home that is potentially unsafe or unhygienic
- verbal interaction with the child that is offensive, intimidating or degrading
- measures used to restrain or contain a child outside guidelines for best practice
- preventing the child from participating in specialised care and treatment that is recommended for adequate developmental progress

- restricting a child's connections to cultural or kinship ties; derogatory comments relating to race, culture, ethnicity, religion, sexual preference, gender
- carer not working cooperatively with Communities' staff
- carer actively undermining contact between the child and biological family.

If there are multiple or chronic standard of care concerns or if previous standard of care concerns have not been addressed, then a Carer Investigation may be appropriate.

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### **Carer Standard of Care Assessment: Communities' Carers**

A Carer Standard of Care Assessment must be allocated by the district director to an appropriate senior officer, and where possible, to the senior child protection worker placement services.

Consultation and action required includes:

- the senior child protection worker placement services must be consulted prior to the endorsement of a recommendation to undertake a Carer Standard of Care Assessment
- if the carer is Aboriginal or caring for Aboriginal children, department staff must consult with their district Aboriginal practice leader or other relevant Aboriginal officers for assistance in developing an effective assessment that takes into consideration cultural issues
- all consultations must be recorded and saved in the case file and carer file. Record the:
  - date of the consultation
  - name of staff member(s) involved in the consultation
  - issues discussed and outcomes
  - if there is another document relating to the consultation include the Objective reference number.
- If the carers and/or the children are from a culturally and linguistically diverse (CaLD) background, specific language and cultural needs must be considered. Where possible, this information should be obtained from the child's family and community. Additional cultural information is available through the *CaLD SharePoint Resource Library* (link in related resources) or the *Reference Guide for Working with Culturally and Linguistically Diverse Families* (in related resources)
- consultation can occur with the DoCU duty investigation officer
- a *Critical Incident – Standard of Care Issue* notification for the child must be:
  - recorded by the child's child protection worker on Assist and quality assured by DoCU,

- the child protection worker must also complete a safety and wellbeing assessment: refer to Chapter 2.1: Safety and Wellbeing Assessment - safety and wellbeing concerns regarding children in the care of the CEO.

The following action is undertaken by the senior officer who has been allocated the Carer Standard of Care Assessment:

- a *Carer Standard of Care Incident* notification must be recorded for the carer on Assist and quality assured by DoCU. This enables standard of care concerns about carers to be tracked over time and across districts
- the carer must be advised of the care concern and given an opportunity to respond to the concern
- the assessment must utilise the Signs of Safety assessment and planning process
- the assessment must consider the opinion of the child
- an appropriate response must be developed, implemented and documented - including carer supports, monitoring, supervision or training
- the carer must be advised of the assessment outcome, the recommendations, including how, when and by whom they will be implemented.

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#### **Carer Standard of Care Assessment: Non-Government Agency Foster Carers**

These procedures are consistent with and informed by the *Department for Child Protection and Family Support Non-Government Placement Agencies Protocol* (in related resources).

The following action is undertaken by the child protection worker identifying the concern and the non-government agency (the agency):

- consultation can occur with DoCU duty investigation officer
- a *Critical Incident – Standard of Care Issue* notification for the child must be:
  - recorded on Assist and quality assured by DoCU,
  - the child protection worker must complete a safety and wellbeing assessment. Refer to Chapter 2.1: Safety and Wellbeing Assessment - safety and wellbeing concerns regarding children in the care of the CEO
- the assessment must consider the opinion of the child
- a *Carer Standard of Care Incident* notification must be recorded for the carer by the child protection worker and quality assured by DoCU
- a meeting is convened by the child protection worker with the agency and the concerns are outlined. Relevant documentation, including the notification, is provided to the agency

- the agency undertake an assessment, advise the carer of the standard of care concern and give the carer an opportunity to respond to the concern
- the agency develop, implement and document an appropriate response including carer supports, monitoring, supervision or training
- the agency advise the carer and the child protection worker of the assessment outcome, the recommendations, including how, when and by whom they will be implemented
- the agency complete an *Outcome Report* and forward it to the child protection worker
- the child protection worker includes their comments and recommendations and provides a copy of the final report to the agency.

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### **Completion of Carer Standard of Care Assessment**

*Form 461 Duty of Care Report - Carer Standard of Care Assessment* (in related resources) must be completed within 30 days and forwarded to the district director for approval. Any extension of the reporting timeframe should be approved by the district director.

The findings of Standard of Care Assessments will be collated by DoCU and may contribute to recommendations made to the CEO for systems development and improving practice standards.

For further details refer to Chapter 3.1: Supporting carers, and/or Chapter 2.1: Responding to safety and wellbeing concerns for children in the care of the CEO against approved carers.

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