

Policy 7B	HUMAN RESOURCE MANAGEMENT CHILDREN & YOUNG PERSONS PROTECTION/CHILD SAFE POLICY
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Record of policy development		
Version	Date approved	Date for review
3.0	January 2020 – interim CEO Approval – to be provided to the Board in February 2021	January 2022
2.3	July 2019	October 2020

Policy purpose:

This policy relates to – Safety of Children and Young People, including Voluntary Out of Home Care

Policy:

COASTLINK engages staff, volunteers and contractors, who have the required skills, qualifications and personal qualities, to provide a high level of quality services for clients. This policy outlines the minimum expected behaviours between workers and children in our organization as part of our commitment to creating safe environments.

Those engaged by COASTLINK must adhere to a strict Child Safe Code of Conduct and other Codes of Conduct.

This policy applies to all staff employed at Coastlink irrespective of whether they work in Disabilities or Aged Care.

Relevant Standards

NDIS Practice Standards: January 2020

Standard 1 - Rights and Responsibilities
Standard 2 – Provider Governance and Operational Management
Standard 3 Individual Outcomes
Standard 6 Service Management

Aged Care Quality Standards

Not Applicable

Related Legislation & References

[Children’s Guardian Act 2019](#)

[Child Protection \(Working with Children\) Act 2012 \(NSW\)](#)

[Child Protection \(Working with Children\) Regulation 2013 \(NSW\)](#)

[Child Protection \(Working with Children\) Regulation 2013 - Reg 24 \(NSW\)](#)

[Children and Young Persons \(Care and Protection\) Act 1998 \(NSW\)](#)

[Children and Young Persons \(Care and Protection\) Regulation 2012 \(NSW\)](#)

[Commonwealth Privacy Act 1988](#)

[Crimes Act 1900 NSW](#)

[Crimes Act 1900 \(Grooming\) NSW](#)

[Crimes Act 1900 \(Child Abuse Material\) NSW](#)

[Criminal Code Act 1995 \(CWth\)](#)

[National Disability Insurance Scheme \(Practice Standards—Worker Screening\) Rules 2018](#)

[National Disability Insurance Scheme \(Provider Registration and Practice Standards\) Rules 2018](#)

[National Disability Insurance Scheme Act 2013](#)

[National Disability Insurance Scheme Code of Conduct](#)

[NDIS Quality and Safeguards Commission](#)

[Ombudsman Act 1976](#)

[United Nations Convention on the Rights of Persons with Disabilities](#)

[Work Health and Safety Act 2011](#)

Related Procedures	
VOOHC Client intake and recording	
Documents/Forms	
Employment Checks	Shared files/workers files (e and hard)
Position Descriptions	Shared Drive/Child & Young Persons
Employee Files	Finance/Operations Manager's Office
Human Resource Forms	Shared Drive Forms folder
Corporate Calendar	Shared Drive

Responsibilities and delegations	
This policy applies to: Clients Employees/volunteers	It will be distributed through: Client handbook, Coastlink website, Coastlink brochures Employee/volunteer handbook, shared drive
Policy approval	Board
Definitions	
Refer to definitions list at front of Coastlink Policy and Procedure Manual	

HUMAN RESOURCE MANAGEMENT PROCEDURE

7B.1 What is this policy for?

This policy guides staff, volunteers and students in complying with this legislation and in providing a Child Safe environment for participants.

It details expectations on how employees (see definition below) should behave with children and young people in our organisation.

The policy focuses on making the organisation safe for children and young people.

7B.2 Definitions for this policy

Children and Young People:

Under the Children and Young Persons (Care and Protection) Act 1998 a child is a person under the age of 16 years. A young person is a person aged 16 years and above but who is under the age of 18 years.

Under the Children's Guardian Act 2019 a 'child' means an individual under the age of 18 years. (Schedule 6 Dictionary)

Employee:

Any person who is employed by COASTLINK, whether or not they are employed to work directly with children, as well as individuals engaged by COASTLINK to provide services to children and young people such as contractors, volunteers and students in placement.

Head of Agency:

Head of agency is the COASTLINK CEO.

NSW Reportable Conduct Scheme:

From 1 March 2020 the Office of the Children's Guardian has the authority to run the Reportable Conduct Scheme requiring certain organisation or relevant 'entities' to notify and investigate certain allegations (reportable allegations)

Reportable allegations are:

Allegations that a relevant employee has engaged in conduct that may be 'reportable conduct.

Reportable conduct is:

Defined at Clause 20 Children's Guardian Act 2019 to mean the following conduct (whether or not a criminal proceeding in relation to the conduct has been commenced or concluded):

- A sexual offence with or in the presence of a child,
- Sexual misconduct with, or in the presence of a child,
- Ill-treatment of a child,

- Neglect of a child,
- An assault against a child,
- Behaviour that causes significant emotional or psychological harm to a child,
- Any offence under section 43B or 316A of the [Crimes Act 1900](#), whether or not with the consent of the child.

Reportable conduct does not include:

- Conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity health or other characteristics of the children and to any relevant codes of conduct or professional standard;
- the use of physical force that, in all circumstances, is trivial or negligible, and the circumstances are investigated with the results of the investigation recorded in accordance with appropriate procedures;
- conduct of a class or kind

7B.3 Legislation

The three key pieces of child protection legislation in NSW with which COASTLINK must comply are:

Legislation	Key Issue	Key Agency
Children’s Guardian Act 2019 (NSW)	Reportable allegations and convictions under the Reportable Conduct Scheme	Office of the Children’s Guardian
Child Protection (Working With Children) Act 2012	Child related employment screening	Office of the Children’s Guardian
Children and Younger Persons (Care and Protection) Act 1998;	Child or young person at “risk of significant harm”	Community Services

7B.4 Background

COASTLINK is funded by the NSW Department of Family Community Services and indirectly through the National Disability Insurance Scheme (funds provided to NDIS Participants) to provide services to children and young people. A fee for service brokerage arm also operates which supports people under 18 years old, usually paid for by external disability agencies or families.

- A service user aged under 18 years can choose to attend small group activities such as vacation care, Teen Time and weekend activities supported by COASTLINK workers as well as individual care and support with a staff member;
- As a disability service, COASTLINK does not employ qualified child care staff as our services are mainly based around providing social support for the person with a disability and respite for the carer, rather than having an educational focus;

- Although not employing qualified child care staff, COASTLINK staff must understand their duty of care to the children and young people they support and ensure a Child Safe environment at all times.

7B.5 Philosophy

COASTLINK Board, management and employees support the active participation of children and young people, their carers and supporters in our organisation.

- Staff will listen, acknowledge and respect individual views and will involve service users and their families as much as possible in decisions, especially about matters that will directly affect that child or young person.

7B.6 Employees

Under the 'Act', an '**employee**' captures a range of individuals who work with children, including:

- An individual employed by or in a relevant entity (organisation under the Act);
- An individual engaged by the entity – whether directly or indirectly – to provide services to children:
 - As a volunteer, whether or not the person requires a Working With Children Check clearance to do so (this includes parent volunteers engaged with relevant entities);
 - As a contractor, if the contractor requires a Working With Children Check clearance for the purposes of the engagement;
 - An authorised care and any adult who resides on the same property as an authorised carer in circumstances requiring the adult to hold a Working With Children Check clearance; and
 - Others listed in the *Children's Guardian Act 2019 in s16*.

COASTLINK promotes respect, fairness and consideration for all employees (as defined above).

7b.7 ORIENTATION AND TRAINING

Employees will be made aware at orientation and through mandatory Child Safe and Child Protection training, of their duty of care towards children and young people. This will include how to identify grooming activities by employees and others and how, when and to whom this should be reported

- Staff will undertake Child Protection training before being assigned to work with any clients aged under 18 years old;
- Staff must hold a current Working With Children Check clearance;
- At orientation, new staff and volunteers are required to sign, as part of the Professional Boundaries Policy and the Employees Code of Conduct, their understanding that he/she cannot undertake paid or unpaid work or engagement in any other capacity with any COASTLINK service user or their family outside allocated COASTLINK shifts. Failure to comply with this requirement may result in disciplinary action including dismissal;

- At orientation, all staff are trained in what they need to report and how to report in relation to child protection legislation as detailed in section 7B.7 below.

7B.8 Reporting Accountabilities and Complaints:

- A child, young person, employee, carer or family member or case manager can make a complaint or raise a concern with any person in the organisation. This person will listen closely and treat each person with dignity and respect.
- The person may disclose abuse (including sexual abuse), inappropriate behaviour around children and young people and/or suspicion of abuse or harm to a child or young person;
- The person who received the disclosure will complete an incident/accident report and forward it immediately to the Child Safety Contact Person, the Operations Manager;
- All COASTLINK management personnel are “mandatory reporters” who must report concerns about risk of significant harm to the NSW Department of Communities and Justice (DCJ) and police;
- If the reported incident/s concern allegations of child abuse, the Child Safety Contact Person will make a report to the NSW Department of Communities and Justice (DCJ), Child Protection Hotline on 132 111 (24 hour/7 days service);
- If the complaint involves inappropriate behaviour including non-compliance of the COASTLINK’s Children and Young Person’s Code of Conduct, the matter will be reported to the CEO who will act in accordance with internal disciplinary procedures and as required by the Office of the Children’s Guardian.

Definitions of significant risk are shown below:

- the basic physical or psychological needs of the child or young person are not being met (neglect)
- the parents or caregivers have not arranged necessary medical care for the child or young person (unwilling or unable to do so)
- the parents or caregivers have not arranged for the child or young person to receive an education in accordance with the Education Act 1990 (unwilling or unable to do so)
- risk of physical or sexual abuse or ill-treatment
- parent or caregiver’s behaviour towards the child causes or risks serious psychological harm (emotional abuse)
- incidents of domestic violence and as a consequence a child or young person is at risk of serious physical or psychological harm (domestic or family violence)
- the child was the subject in a prenatal report and the birth mother did not engage successfully with support services.
- It’s mandatory to make a report if the child is 0-15 years and at risk of significant harm. It’s not mandatory to make a report if it is an unborn child, or a young person aged 16-17

7B.9.1 Reportable Allegation

Section 18(1) of the Act defines 'reportable allegation' as an allegation that the employee has engaged in conduct that may be reportable conduct, whether or not the conduct is alleged to have occurred in the course of the employee's employment with COASTLINK.

7B.9.2 Reportable Conviction

Section 19(1) of the Act defines 'reportable conviction' as a conviction, including a finding of guilt without the court proceeding to a conviction, in NSW or elsewhere, of an offence involving reportable conduct, whether or not the conduct occurred in the course of employment with COASTLINK.

7B.9.3 Reportable Conduct

Section 20 of the Act defines 'reportable conduct', whether or not criminal proceedings in relation to the conduct has been commenced or concluded –

- A sexual offence with or in the presence of a child,
- Sexual misconduct with, or in the presence of a child,
- Ill-treatment of a child,
- Neglect of a child,
- An assault against a child,
- Behaviour that causes significant emotional or psychological harm to a child,
- Any offence under section 43B or 316A of the [Crimes Act 1900](#), whether or not with the consent of the child.

7B.9.4 Reportable conduct does not include:

- Conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity health or other characteristics of the children and to any relevant codes of conduct or professional standard;
- the use of physical force that, in all circumstances, is trivial or negligible, and the circumstances are investigated with the results of the investigation recorded in accordance with appropriate procedures;
- conduct of a class or kind

COASTLINK as a designated agency under s 72(1) of the Act must notify reportable allegations that are work related. In addition COASTLINK must notify reportable allegations that are not connected to the employee's conduct at work. The Child Safety Contact Person of COASTLINK must notify ([7 day notification form](#)) the Office of the Children's Guardian within **7 business days** of becoming aware of the reportable allegation and must properly respond to the allegation including:

- assess and manage any risks (to children, other staff and the worker who is the subject of the allegation);
- plan and conduct an appropriate investigation, having regard to the principles of procedural fairness;
- provide an update to the Office of the Children's Guardian **within 30 days** (either as an interim report or a final report); ([30 day interim report form](#))
- make a finding for all allegations; and
- provide a final Report to the Office of the Children's Guardian about the finding and action taken.

The reporting requirements are extended under Part 5 Division 1 of the Act to include reportable incidences to young people who are provided care 'out-of-home' including 'voluntary out-of-home care' including in supported disability accommodation (including group homes).

7B.10 Risk Management following a reportable allegation

COASTLINK is responsible for ensuring that any risk an employee may pose to a child(ren) is assessed and managed while responding to reportable allegations. This should be a dynamic process:

- An initial assessment on receipt of a reportable allegation should be based on all relevant information known at that time;
- The risk assessment should be revisited and – where appropriate – adjusted during the investigation, as new information becomes known;
- A final risk assessment should be undertaken at the end of the investigation. At each stage, the assessment should inform any decision about risk management – that is, action that will be taken to address identified risks. It is important to record why the decision was made to take, or not take, any action following an initial, subsequent and final risk assessment.

7B. 10.1 Assessing the Risk

Under the Children's Guardian Act, COASTLINK is required to provide information about the nature of the entity's initial risk assessment and risk management action when they make their 7-day notification.

The initial risk assessment should identify and plan to avoid or minimise the risks to:

- the child(ren) who are the subject of the allegation;
- other children with whom the employee may have contact;
- the employee against whom the allegation has been made;
- the employing entity;
- other parties to the alleged incident (such as witnesses or reporters); and
- the proper investigation of the allegation.

Importantly, COASTLINK should assess the potential risk to the investigation or any individual's health and safety before informing an employee about a reportable allegation against them. An employee should not be informed about the reportable allegation if doing so would compromise the investigation or put a person's health or safety at serious risk.

Protecting children

The paramount consideration when responding to reportable allegations is to ensure the safety of the child or other children. The risk assessment should consider the following:

- Does the child require protective intervention by another authority?

If COASTLINK suspect that a child is at risk of significant harm it will be reported to the Child Protection Helpline of the Department of Communities and Justice (DCJ). When DCJ is involved, COASTLINK will liaise with the relevant caseworker about any action we intend to take, to ensure it does not compromise any statutory child protection response.

- Do other steps need to be taken to prevent further allegations?

Where possible, the child's daily circumstances should remain unchanged. Exceptions might be where the child is at risk of victimisation by peers or employees as a result of

the allegations, or where it is difficult to ensure a child's safety because of COASTLINK's inability to directly supervise the child and the employee.

Protecting employees

When taking action to address any identified risks, COASTLINK will also take into consideration the needs of the employee against whom the allegation is made. It is important to consider as part of this assessment, is the risk to the employee of being the subject of further reportable allegations if risk management action is not taken to manage the opportunity for this to occur.

Risk management action is sometimes misinterpreted as disciplinary action by parties who are affected by the decision. A decision to take action based on a risk assessment:

- is not an indication that the alleged conduct occurred or is considered to have occurred;
- does not mean a finding has been made; and
- will not influence the investigation's findings.

COASTLINK will consider the level and type of support that should be provided to the employee during the investigation, such as access to counselling and a support person. If the employee nominates a support person, it is important to ensure the nominated person is appropriate – for example, anyone who may be a witness in the investigation of the reportable allegation should not be assigned as a support person to the employee, as this would present a conflict of interest for them and would compromise the integrity of your investigation.

7B.10.2 Employment Related Issues

COASTLINK will also make a decision on whether an employee remains in the workplace whilst the investigation is taking place. If the employee remains in the workplace the risks will be assessed and appropriate duties will be determined and a responsible person will be allocated to monitor and assess any risks associated with the employee having access to children in the care of COASTLINK.

Factors to be considered in making this decision include:

- the nature and seriousness of the allegation(s);
- the vulnerability of the children the employee would be in contact with at work eg. the child(s) age, communication skills, or disability;
- the nature of the position occupied by the employee eg. levels of interaction with children;
- the amount and level of supervision available for the employee;
- the availability of support for the employee on a day-to-day basis if their duties are unchanged eg. managing children with challenging behaviours; living in out of home care;
- the employee's disciplinary history;
- other possible risks to the investigation.

If DCJ and/or the police are involved, COASTLINK will check with them first to ensure any action taken by the COASTLINK will not interfere with their investigations. NSW Police or the Director of Public Prosecutions (DPP) may direct that an investigation by COASTLINK is likely to prejudice a police investigation or court proceedings. In these circumstances, the investigation may be suspended pending their advice, and any risks

managed (in consultation with NSW Police and the DPP) while the investigation is suspended.

7B.10.3 On going Risk Management

- Maintain confidentiality -only parties that need to know should be informed
- All informed parties will sign a Confidentiality Statement
- The employee who is subject to the allegation will be treated fairly and afforded procedural fairness throughout the process
- COASTLINK will develop a risk management plan to ensure appropriate support is being provided to:
 - the child(ren) who are the alleged victims of the alleged conduct;
 - the employee who is the subject of the allegation; and •
 - other relevant parties (this may include parents or carers' of the child, other children or other employees affected by the allegation, for example, a witness to the alleged conduct).

7B.11 Planning and Conducting an Investigation

7B.11.1 Initial response to allegation

The initial response to child safety concerns is critical, because if the initial response is deficient, any future investigation can be compromised and children can be placed at risk, or continued risk.

7B.11.2 Clarifying the allegation

COASTLINK will take all relevant steps to understand the nature of the allegation – including whether it is a reportable allegation and whether it is an allegation of a criminal offence.

This will require COASTLINK to make some clarifying inquiries. Initial inquiries should be:

- limited to those needed to clarify the allegation and plan a response;
- to assess whether there is an allegation that needs to be reported; not the likelihood that it is true or not true – that will occur as part of the investigation.

Particular caution should be taken when the source of the allegation is a direct disclosure from a child. If the child's free discourse is enough to understand the type of allegation then COASTLINK will provide support but not ask further questions. If questions are required to be asked to clarify the nature of the concern, use open ended questions – that is, questions that cannot be answered yes or no.

Immediate risk

In cases where a child is at immediate risk of serious harm from an employee, COASTLINK has a duty to take prompt and decisive action to manage those risks. For example, taking immediate steps to cease and prevent further contact between the employee and the child who is the alleged victim of reportable conduct or any other children. Or securing forensic evidence. The reasons for taking any immediate action of this type will be documented at the earliest opportunity.

7B.11. 3 Reporting to Police

If a reportable allegation requires a report to Police (that is, if it is a criminal offence), this should be the first step that COASTLINK will take after addressing any immediate significant risk to children or the investigation. If reported to Police, COASTLINK will not take any investigative action in response to the reportable allegation without first confirming whether or not Police will conduct inquiries or an investigation.

COASTLINK will notify the Guardian with a 7-day notification to the Guardian, and may request guidance if required to proceed. If Police are conducting inquiries, COASTLINK will consult with the police officer in charge about any action we propose to take, including risk management action. This is to ensure that any police investigation is not compromised. If police are investigating the allegation, COASTLINK will not take any action to alert the employee – directly or indirectly – to the allegation until clearance to do so is provided by Police.

If COASTLINK has concerns that risks to children in our organisation are not being managed while a police investigation is underway, we will alert Police to these concerns and also raise these concerns with the Children’s Guardian.

7B.11.4 Reporting to the Child Protection Helpline

At the same time, if a mandatory report to the Child Protection Helpline of the Department of Communities and Justice (DCJ) is required, because a mandatory reporter has reasonable grounds to suspect that a child or children are at risk of significant harm, COASTLINK must make this report immediately. Any response from DCJ (including any joint response through the Joint Child Protection Response Program – JCPRP) takes priority over the reportable conduct response.

7B.11.5 Notifying the Children’s Guardian

After making any mandatory reports to Police and DCJ, if the allegation constitutes a reportable allegation, the Office of the Children’s Guardian must be notified within 7 business days of becoming aware of the reportable allegation, unless there is a reasonable excuse for not doing so. COASTLINK will undertake an initial risk assessment before notifying the Guardian, so as to provide the Guardian with information about how we are managing risks.

7B.11.6 Planning and coordinating the investigation

- The scope of the investigation will be commensurate with the circumstances of the case
- The investigation of the allegation will be separated from the decision making around the allegation
- The investigation may be outsourced or will be assigned to a relevant ‘employee’
- The process will be transparent, accountable, supported by evidence and procedurally fair
- An investigation plan will be developed outlining:
 - What COASTLINK intends to do
 - Who will do what
 - Why it is being done
 - What information needs to be gathered
 - What COASTLINK hopes to achieve; and
 - When it needs to be done
- The process should involve:
 - Clearly defining the allegations

- Identifying sources of information (e.g. witnesses, available records, identifying and assigning tasks
- Determining time frames; which will be determined on a case by case basis
- Identifying cultural or special needs of the parties and how they will be addressed
- Identifying other parties or agencies that may be able to assist and consult for advice if required.

Useful contacts may include: Office of the Children’s Guardian, Department of Communities and Justice – Child Protection, Police, National Disability Services, Intellectual Disability Services, NSW Ombudsman (emergency only) Helpline, Abuse and Neglect Rights Service/Criminal etc.

7B.11.7 Ensuring Procedural Fairness

COASTLINK will ensure that all investigations are conducted by following procedural fairness guidelines. Steps will be taken to:

- Maintain appropriate level of confidentiality;
- identify and manage any real or perceived conflicts of interest or real or apprehended bias;
- put the subject employee on notice (at an appropriate time) of the nature and scope of the allegations, the process that will be followed and (if relevant) that a notification has been made to the Office of the Children’s Guardian;
- keep the employee reasonably informed of the progress of the investigation;
- conduct as timely an investigation as possible in the circumstances;
- frame the allegations appropriately;
- put all the allegations to the employee, with sufficient notice;
- provide an option of a support person should the employee be interviewed in relation to the allegations;
- explain the potential consequences of an adverse finding;
- provide the employee with a genuine opportunity to respond to the allegations, in writing or at interview.

7B.11.8 When to inform the employee about the allegation

The point at which the employee is told about the reportable allegation and given an opportunity to respond can be critical to the success of an investigation. It can also impact on the degree and duration of stress experienced by the employee.

- COASTLINK will assess the potential risk to the investigation or any individual’s health and safety before informing an employee about a reportable allegation against them;
- CCGACL will not inform the employee about the reportable allegation if doing so would compromise the investigation or put a person’s health or safety at serious risk. If this decision is made it will be documented and provided to the Guardian;
- The employee will be advised as early as possible in the process that an allegation has been raised; that it will be investigated; the status of the response and what they can expect. Details of the allegation(s) will not be provided to the employee at this stage, as it can compromise the integrity of the investigation;
- The employee shall be notified that the allegations are reportable allegations and they have been notified to the Children’s Guardian;

- The employee will be reassured at the allegation stage that no decision has been made regarding whether or not the alleged conduct occurred; that the employee will be provided with the details of the allegation as soon as they are fully known; and they will be given an opportunity to respond to them.

7B.11.9 Informing the child who is the alleged victim, and their parent or carer

Section 57 of the Act states that heads of relevant entities who have received a report of a reportable allegation must - unless satisfied that the disclosure is not in the public interest - disclose the following information (at the earliest practicable time) about the response to the report to the child who is the alleged victim and their parent or carer:

Relevant information is defined to mean the following information:

- information about the progress of the investigation;
- information about the findings of the investigation;
- information about action taken in response to the findings.

There will often be public interest reasons not to disclose information to one or more of these parties. It is important to document what, if any, information is disclosed under this provision and any public interest reasons information is not disclosed. This documentation should be provided to the Guardian.

7B.11.10 Gathering and securing information

CCALCG will ensure that all information collected in relation to the investigation is kept in a safe and secure place, with access only by approved persons.

Information relevant to the investigation can be obtained from a range of sources:

Direct evidence or information

This will be obtained by speaking with people (eg the child, witnesses or the employee) who were involved in the alleged incident, or who saw or heard an alleged event. In some circumstances, it may be necessary to obtain information from people who have had conversations or have other information about an alleged event.

The Rules of Evidence do not apply to investigations of reportable allegations. Evidence that is inadmissible in criminal proceedings, for example, can be considered as part of your reportable conduct investigation. Therefore, even if a reportable allegation has been the subject of a criminal charge and acquittal, CCALCG will still consider any additional information gathering required to undertake as part of our reportable conduct response. Physical evidence

This can be obtained, for example, by:

- collecting documents such as rosters, emails, files;
- securing and inspecting objects and records including mobile telephones, computers and other digital devices, chat logs, photos and text messages;
- inspecting locations to check the relative positions of parties and witnesses to the alleged incident, eg playgrounds;
- taking relevant photographs and making drawings or diagrams of the location of the alleged incident.

External sources

Information will be obtained from people who have specialised knowledge in a specific field that the general public or CCALCG does not have. For example, information from a medical practitioner may be relevant if they had examined a child or young person. When the police or the Department of Communities and Justice have been involved, requests for information from, or provision of information to these agencies generally should be made in accordance with Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998, and by referring to your responsibilities to investigate reportable allegations made against your employee under Part 4 of the Children's Guardian Act 2019. If CCALCG has any difficulty obtaining relevant information from either the Department of Communities and Justice or NSW Police, or any other source, we will contact the Office of the Children's Guardian for advice.

Interviews:

- Permission will be sought from the child/rens parents or carers to conduct an interview unless there are sound reasons not to;
- The child and or other witnesses will be interviewed in a logical and appropriate sequence;
- All interviews will be adequately recorded, including details of questions and responses, location of the interview, who was present, start and end times;
- Where possible ensure records are verified, signed and dated by all involved
- Cease an interview if a criminal disclosure is made and do not pursue any additional allegation/s in the context of the current allegation/s;
- Review initial assessment of risks and take further action to address concerns if new information is obtained.

7B.11.11 The employee's response to the allegation

When all relevant information has been obtained the allegation should be formally put to the employee with as much detail as possible so the employee has a genuine opportunity to respond;

- The purpose and process of the investigation;
- The employee's rights and the role of the Office of the Guardian (including the right to make a complaint about how the reportable allegation is responded to);
- Invite the employee to respond in an interview or via a written response;
- Allow the employee to bring an appropriate 'support person' (a witness in the investigation would not be appropriate).

7B.11.12 Making Finding and taking action

The investigation process should aim to gather and examine information to establish facts and make findings in relation to reportable allegations against an employee. The Act places a number of obligations on CCALCG in connection with making findings about reportable allegations.

A 'finding of reportable conduct' is defined in Section 26 of the Act, meaning a 'finding that a reportable allegation has been sustained. COASTLINK will make a finding of reportable conduct if satisfied on the balance of probabilities that the case against the employee has been proven.

On the balance of probabilities:

This standard is met when the decision maker is 'reasonably satisfied' (that is, actually persuaded) that the reportable conduct occurred. CCALCG when making the decision will take into consideration:

- The nature of the reportable allegation and any defence; and
- The gravity of the matters alleged.

Mandatory Considerations:

Division 6 of the Act states that the decision maker must have regard to the mandatory matters outlined in the section and must consider whether the reportable allegation relates to conduct that is in breach of established standards, having regard to:

- Professional standards;
- Codes of conduct, including NDIS Code of Conduct and Children's Guardian Code of Conduct;
- Accepted community standards.

7B.11.13 Thresholds for findings of reportable conduct

When considering a finding of reportable conduct CCALCG will assess the evidence against the thresholds outlined in the Act.

Sexual offence – A sexual offence does not have to have resulted in a charge or conviction for it to be sustained as reportable conduct. In addition, as the rules of evidence do not apply, the decision-maker may give consideration to evidence that would not be admissible in criminal court proceedings. However, to make a finding of reportable conduct for a sexual offence, the decision-maker must be reasonably satisfied that all the elements of the sexual offence have been proven on the balance of probabilities.

Sexual misconduct – To make a finding of sexual misconduct, the decision-maker must be reasonably satisfied that the alleged conduct occurred and that it was sexual in nature.

Assault – Assault has both a physical (or 'action') element and a mental (or 'attitude') element. To make an assault finding, decision-makers need to be reasonably satisfied that both the action and attitude elements have been satisfied. • **Ill-treatment** – In making a finding of ill-treatment, it is important to consider relevant codes of conduct that outline the nature of professional conduct and practice by the 3 employees, which inform whether the conduct was not only unreasonable but also seriously inappropriate, improper, inhumane or cruel.

Neglect – To make a determination of neglect, the decision-maker must be reasonably satisfied that the employee engaged in the alleged conduct (including an omission to act); that it constituted a significant failure; and that the child either was harmed or it was likely the child could have been harmed as a result.

Behaviour causing significant emotional or psychological harm to a child – To make a determination under this category, the decision-maker must be reasonably satisfied that all three elements are met – that is, that the alleged inappropriate behaviour occurred; that the child suffered harm that was more than transient; and that there was a causal link between the inappropriate behaviour and the harm. It will often

be necessary to obtain a psychological or medical assessment of the child to determine whether psychological harm can be established. However, a clinical diagnosis will not be required in every circumstance – particularly if the assessment itself may cause harm. In addition, in certain serious and/or ongoing domestic violence cases, it may be open to infer that a child has been psychologically harmed, in the absence of a clinical diagnosis of such harm.

7B.11.14 Making the finding

When making a finding after a reportable conduct investigation, a decision-maker should:

- consider all relevant factors that the decision-maker has real or constructive knowledge of;
- give appropriate weight to factors that have probative value;
- not assign weight to irrelevant factors or give disproportionate weight to factors of little or no substance;
- form and document a logical rationale for proposed findings, which logically flow from the evidence and which indicates that it is reasonably open – on the balance of probabilities – to make the proposed decision.

If the decision-maker requires more information to make a finding, they might refer the matter back to the investigator for further inquiries. The employee should be informed if this step is taken, and the likely timeframe for completing the further inquiries.

If the decision-maker has reasons not to undertake these steps, it is important to fully document these reasons and provide them to the Guardian, along with any supporting documentation.

Non-adverse findings

If the decision-maker proposes to make a finding under the Act other than a finding of reportable conduct, the decision-maker should inform the employee in writing about the finding and any action the CEO will be taking. (If the employer is making misconduct findings, they should consider any further steps they should take in accordance with their misconduct-related policies and procedures.)

Adverse reportable conduct finding

If an adverse reportable conduct finding is proposed, procedural fairness will generally entail taking further steps. Again, if these further steps are not taken, it is important to document the reasons and provide them to the Guardian.

Adverse finding (finding of reportable conduct)

If the decision-maker proposes to make a finding of reportable conduct, the following further procedural fairness steps are generally necessary before confirming that finding:

- inform the employee, generally in writing, of the proposal to make the adverse finding;
- provide as much detail about the reasons for the proposed adverse finding as is reasonable; and
- provide the employee with an opportunity to make a further submission in response to the proposed finding and reasons.

It is important to note that, while the Act states that the CEO may give the entity report to the employee who is the subject of the report, the Act does not require it. Further, the

CEO should carefully consider the rights and welfare of other parties who may be mentioned in the report before deciding to provide a copy to the employee.

Procedural fairness:

- Requires that the employee be given sufficient particulars to be able to respond to the allegations against them and reasons for any adverse findings – this does not require provision of the entire or un-redacted entity report;
- The safety, welfare and wellbeing of children is the paramount consideration;
- The employee should be given a reasonable amount of time to make any further submission and if/when it is received, the decision-maker must give the submission genuine consideration before proceeding to make a final decision;
- This should be clearly documented;
- The employee's submission can give rise to a need to make further inquiries or further test the evidence before the decision-maker can finalise their decision;
- If the employee identifies other relevant lines of inquiry and the decision-maker chooses not to pursue those lines of inquiry, the reasons should be documented. If there are no sound reasons, the finding may be open to challenge.
- Once the final decision is made, the employee should be informed in writing. They should also be informed of any external referrals (such as to the WWCC Directorate) and internal review or appeal options available to them.

Findings referred to the WWCC Unit

A finding of reportable conduct in relation to sexual misconduct, a sexual offence or a serious physical assault must be referred within the Office of the Children's Guardian to the Guardian's Working with Children Check Directorate. Therefore, when informing an employee of a finding of reportable conduct against them, entities should alert them to the consequent report to the WWCC Directorate in relation to sustained findings of sexual misconduct, a sexual offence or a serious physical assault. Information must also be referred internally to the Guardian's Working with Children Check Directorate if it meets the threshold for consideration of an interim WWCC bar pending a formal risk assessment.

Regardless of the finding about the reportable allegation, the CEO is required to advise the Guardian of the final action they have taken, or will take, as a result of the investigation and the reasons for taking that action (or taking no action). To this end, decision makers should clearly document their analysis of how the evidence supports their finding and how the evidence has informed their final risk assessment and decision-making around action.

The final risk assessment and action should address all identified risks, including those relating to:

- the employee – for example, consider whether the employee needs ongoing support;
- whether training or other remedial action is required;
- or if disciplinary action is warranted.

Any previous relevant matters relating to the employee should be considered when deciding the appropriate action to take as a result of this investigation.

- the child or children involved – is there a need for counselling, other ongoing support or a plan managing future contact with the employee?
- any other party – for example, if the allegation is found to be false and vexatious, a decision should be made regarding what action to take, if any, in relation to this;

- organisational culture – for example, the investigation may have identified a need for improved education and awareness around child protection issues for children, employees or both;

- systems – for example, did the investigation uncover work practices, or skills gaps that contributed to the reportable allegation arising? How can these be addressed?

- policies and procedures – were existing policies and procedures able to accommodate all the issues that arose during the investigation, or could they be refined?

- risks outside of the organisation’s control – the CEO should consider whether there is a basis for releasing information about the reportable conduct matter to a prescribed body under Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998.

Once the final decision is made, the employee should be informed in writing. They should also be informed of any relevant consequences (such as that the Guardian will refer any sustained sexual offence, sexual misconduct or serious physical assault findings to its WWCC Directorate) and of any internal review or appeal options available to them.

Final advice should also be provided to the alleged victim and their parent/carer unless it is not in the public interest to do so.

The CEO should:

- send the investigation report and the results of the entity investigation to the Office of the Children’s Guardian;
- The report must also be accompanied by any copies of documents in the entity’s possession that are relevant to the report, including transcripts of interviews and copies of evidence.

All information relating to the investigation should be stored in a secure place that is separate (but linked by reference) to the employee’s personnel file, except for any outcome impacting on the employee’s work. For instance, if the employee is directed to amended duties, training, counselling or additional supervision, can resign, or is dismissed by the agency.

7B.12 Recruitment

COASTLINK has, and will, maintain policies and procedures concerning recruitment, screening and selection process (located in the Human Resources policies and procedures in Section 7 of the Policy Manual) including the need for formal interview, referee checks (which must include the applicant’s last workplace), National Police Check and Working with Children check.

- The CEO must notify the Office of the Children’s Guardian of any reportable allegations and convictions against employees, volunteers or students within 7 days of becoming aware of them;
- COASTLINK uses the NSW Office of Children’s Guardian as our screening agency who will be aware if any person applying for a Working with Children check



through COASTLINK is a "barred person". These people will be refused employment at COASTLINK.

7B.13 Staff, Volunteer and Student Code of Conduct for Children and Young People as discussed at orientation for new workers.

This Child and Young Person Code of Conduct is in addition to all other Codes of Conduct and must be adhered to by all employees working with clients aged under 18 years of age.

1. Role modelling and language around children and young people:

Children and young people pick up on inappropriate behaviour and language very quickly so we all need to role model behaviours and language with each child and young person. This includes:

- Being positive and not negative;
- Use DO's and not DON'T's;
- Praise not punish;
- Avoid negative words like NO and CAN'T;
- Avoid using swear words and foul language around all clients including children and young people.

2. Physical Contact:

Because of their disabilities and special needs, many of the children and young people attending CCAGCL need personal care services such as nappy changing, feeding, showering and washing and so on. Some need to be rocked to sleep and/or need a person in the bedroom with them while they go to sleep to assist in feeling secure. Some children and young people are cared for individually by employees either in their own homes, in workers homes (host families), in a COASTLINK centre (or other facility such as a cabin) or in the community

All employees will take all reasonable precautions to ensure both they and the clients are not put in a vulnerable or compromising situation. Special consideration must be undertaken when individual care is provided to clients of the opposite gender to the carer. Physical contact that is not related to each person's disability or in accordance with their care plans is strictly forbidden with any child or young person attending COASTLINK's services.'

3. Communication devices

- Employees are not allowed to contact or communicate with children or young people using social media such as Facebook, Instagram or Twitter and all other current and future social media platforms;
- Employees are not allowed to take photos or images of children or young people unless asked to do so by their Coordinator/Manager and using a COASTLINK owned phone/device which must be returned to the office for downloading (a signed consent form is always required prior to any photos being taken) ;
- Employees are not allowed to keep photos of COASTLINK clients aged under 18 years on their phones, iPads or any other device.

4. Employee relationships with children and young people:

Employees need to understand their duty of care to children and young people, part of which is to ensure that relationships are always appropriate. The following will apply at all times:

- Employees will not perform tasks for a client/carer or their family members or relations which are not authorized by COASTLINK.
- This includes carrying out any babysitting, caring or supporting any COASTLINK client or carer, either as a volunteer or being paid by the client/family;
- Employees must only do the shifts/tasks allocated to them formally by COASTLINK and which are shown on the COASTLINK roster.

- Employees will not have sexual relationships with children and young people. These are reportable offences and are strictly prohibited by legislation in NSW and by COASTLINK;
- Employees must not develop any **“special relationships”** with children and young people which could be seen as favouritism, such as offering gifts or special treatment;
- Any employee who suspects another employee of **“grooming”** a child, carers or family, must report this to the Operations Manager immediately (employees will be provided with training in how to recognise grooming behaviour);
- Sometimes a child or young person may develop a “crush” on an employee which may cause the employee stress or distress. In these cases the Coordinator can talk to the client and/or their carer to discuss the matter sensitively and manage it effectively where possible. If these approaches fail, the employee can be removed from shifts where this child or young person is present and provided with other work.

5. Neglect of a child or young person

Neglect in the care and support of a child or young person is a deficit in meeting that person’s basic needs including failure to provide basic physical health care, supervision, nutrition and emotional nurturing.

Neglect of a child or young person is a reportable offence.

6. Psychological harm of children and young people

Psychological harm refers to an employee’s inappropriate verbal or symbolic acts toward a child or young person and/or a pattern of failure to provide a child with adequate non-physical nurture and emotional support. This can include:

Rejection:

- by the employee refusing to acknowledge the child or young person’s worth and the legitimacy of their needs;

Isolating and ignoring:

- through cutting the child or young person off from normal social experiences, prevents the person from forming friendships;
- failure to integrate each child and young person into COASTLINK’s programs, services and the community where they are able to access the community.

Frightening:



- verbally assaulting the child or young person, creating a climate of fear and/or bullying the child or young person to frighten him or her.

Psychological harm is a reportable offence

FAILURE TO ABIDE BY ANY ASPECT OF THIS CODE OF CONDUCT COULD LEAD TO INSTANT DISMISSAL

7B.13 or 14 Voluntary out-of-home care (VOOHC)

VOOHC is out-of-home care that is arranged by a parent of a child (i.e. a person who has parental responsibility for the child), or a person authorised by the parent to act on their behalf with an organisation. VOOHC arrangements can take many forms, including out-of-home respite (e.g. host family or centre-based) or longer-term care arrangements. A child (under the age of 18) is in VOOHC when:

- he or she stays at a place other than his/her usual home for one or more nights;
- he or she is in the care and control of a person other than his/her parent (i.e. the person with parental responsibility for the child); and
- his/her parent has entered into an arrangement with an organisation to provide or arrange that care (a voluntary arrangement).

13.1 VOOHC Statement:

COASTLINK is a non-designated VOOHC provider and is registered by the Children's Guardian to arrange and provide VOOHC.

13.2 Purpose:

- This policy sets out the requirements and procedures for CCALCG to comply with its responsibilities under the provisions of *the Children's Guardian Act 2019 NSW* and the *Children and Young Persons (Care and Protection) Regulation 2012 NSW* for a non-designated agency.

The policy ensures COASTLINK has processes in place to ensure requirements for intake and assessment, supervision, case planning, interagency coordination, and monitoring and reporting aligned to the VOOHC framework.

COASTLINK procedures are consistent with other applicable legislation including the *Carers (Recognition) Act 2010*, the *Disability Inclusion Act 2014*, the *Ombudsman Act 1974*, the *Community Services (Complaints, Review and Monitoring) Act 1993*, the National Disability Insurance Scheme (Incident Management and Reportable Incident) Rules 2018, the National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018, and NSW and Commonwealth Privacy legislation.

13.3 COASTLINK Principles of VOOHC Care:

Safety, welfare and wellbeing of the child or young person is paramount –

COASTLINK engages a family centred approach to delivery of VOOHC, which means VOOHC services must be responsive to the needs of the child, and their parent(s) and family. However, if the needs of a child or young person and their parents or family become incompatible, the safety, welfare and wellbeing of child/young person is



paramount. All necessary actions will be undertaken to ensure the safety, welfare and wellbeing of the child or young person.

Participation – COASTLINK will provide information about services in a manner and language they can understand to child/young person and parent(s) to make informed choices about services and participate in decision making (integral to family centred approach). Children and young people will be given the opportunity to freely express their views on all matters relating to their safety, welfare and wellbeing. Their views will be given due weight in all decisions made and supports provided.

Collaboration – COASTLINK will work collaboratively with other VOOHC agencies and funding bodies in coordination/service delivery (i.e. take a partnership approach between VOOHC agencies and funding bodies, while placing the child/young person at the centre of collaborative decision making). The exchange of information with other agencies, government departments and all other people meets the requirements under *Section 9 of the Statutory Procedures Voluntary Out-of-Home care in NSW* document as prescribed by the *Office of the Children’s Guardian. Section 15 of COASTLINK Policies and Procedures* relating to *Privacy and Confidentiality* must be followed at all times.

Respite – COASTLINK recognises that respite is critical for supporting the relationship between child/young person and their parent(s). It also provides children and young people with opportunities to connect with their peers and the community.

Appropriate services – a child/young person should not to be placed in VOOHC if appropriate services can be provided to enable them to remain with their families.

Family supports and non-VOOHC respite arrangements are considered in addition to VOOHC supports. Short term occasional respite is recognised as a service that promotes children and young people remaining with their families.

Age appropriate care – The age of a child or young person is a key consideration in determining VOOHC supports. When a young person is placed with COASTLINK consideration is given to placement with peers of similar age, developmental capacity and interests. At COASTLINK children under 7 years old will not be placed in centre based care unless they have complex health care needs. While it is discouraged, young people aged 16-17 years old may be placed with adults if a comprehensive risk assessment is completed. Children under 16 years old must only be placed with adults in exceptional circumstances i.e. high health needs or limited mobility so as to present no risks to others. Children and young people will not be placed with adults without a detailed risk assessment being undertaken, regularly reviewed and with written permission from the CEO.

Connections – COASTLINK supports VOOHC recipients to maintain connections with family, significant others and the community, actively involving parents in planning their child’s care and support. Access to education institutions, friends, family, mainstream formal and informal supports and services and cultural and sport programs are all considered in the placement of children and young people.

Culturally considered/appropriate placements – COASTLINK is respectful of the cultural needs of Aboriginal and Torres Strait Islander people and people from culturally and linguistic diverse backgrounds. A person-centred approach to the care of children and young people will assist in meeting their cultural and religious needs.

Complaints handling – Children/young people and their parent(s) are made aware of how to make complaints. COASTLINK’s complaints process is equitable and fair.



COASTLINK has established processes for dealing with complaints and disputes, that ensures confidentiality and that no loss of service results from the process. Complaints are managed within the guidelines and procedures in *Policies and Procedures; Section 16: Complaints and Service User Feedback*. Additional specific complaints handling processes regarding children and young people are contained in *Section 7B-8*.

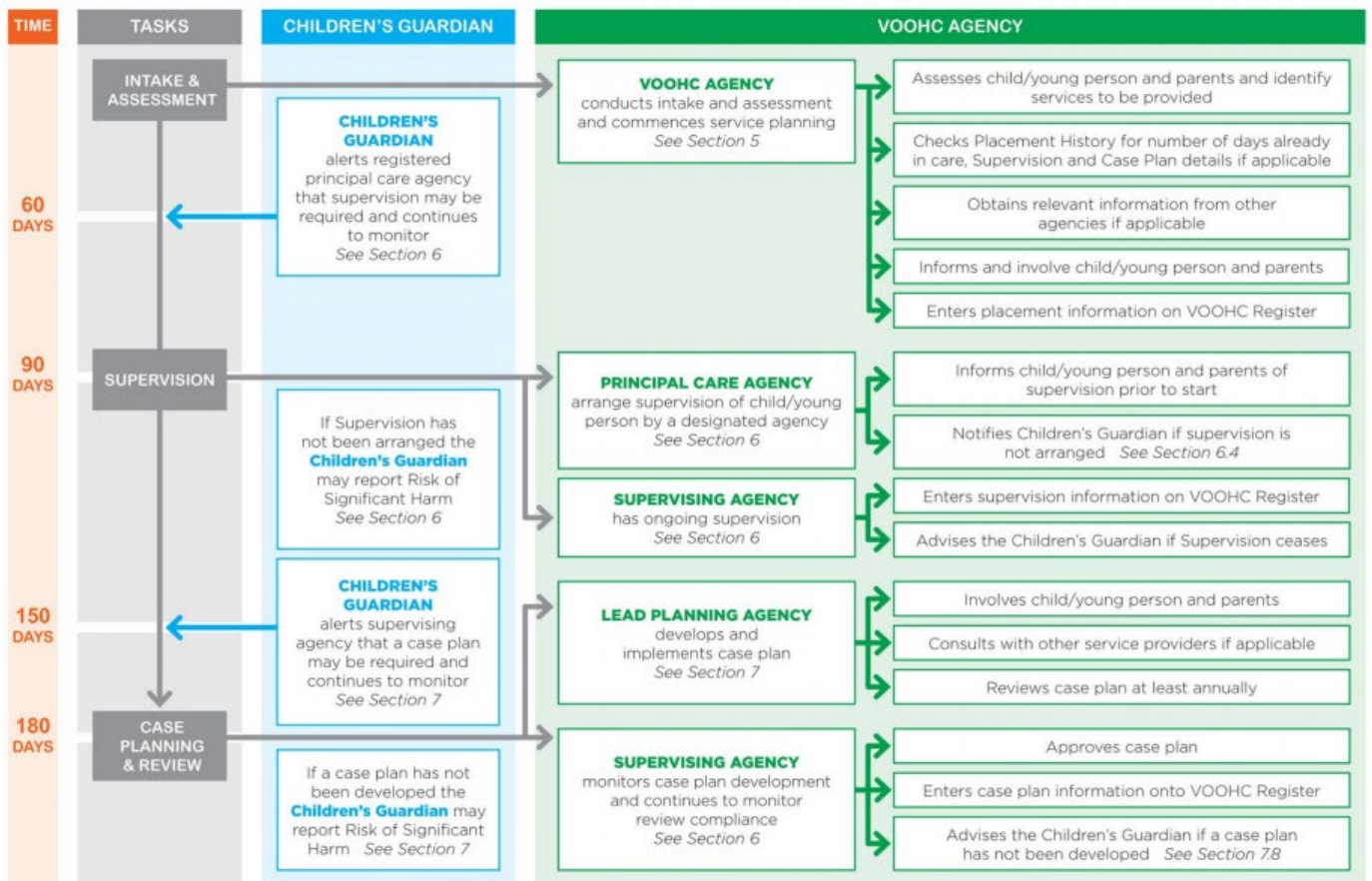
Behaviour management policies – COASTLINK has clear policies in relation to approved behaviour management practices to be used by carers and staff, include prohibited practices and limitations relating to the use of physical restraint. See *Section 9.4.2 Inappropriate Service User Behaviour (Including Challenging Behaviour); 4.2.4 Service Users With Dementia, Challenging Behaviours And Other Special Needs Groups; Section 19 Protection And Promotion Of Human Rights/Zero Tolerance Of Abuse* for more information.

13.4 VOOHC Procedures

COASTLINK complies with the *Statutory Procedures – Voluntary out-of-home care 2020 NSW* processes. The schematic below refers to the summary of processes in Section 4 of the *Statutory Procedures – Voluntary out-of-home care in NSW* document.

The schematic provides a time line alignment with tasks, the Guardian's roles and VOOHC Actions. Relevant actions are further detailed below:

4 Summary of VOOHC Processes



7B – 13.4.1 Intake and Assessment

COASTLINK applies the principles in 7B 13.3 in all intake and assessment practices. The Intake and assessment procedures contained in Section 5 of the *Statutory Procedures – Voluntary out-of-home care in NSW (VOOHC Procedures)*.

COASTLINK staff involved in the intake and assessment of children and young people are provided a copy of the document and given personal instruction by the Operations Manager on the processes and procedures.

A summary is provided below:

COASTLINK obtains sufficient information to understand the specific needs of children, young people and their families to ensure appropriate services are provided.

Forms and other documents including Client Profiles will be prepared for all clients in line with:

Policy 11: Support Planning and Delivery, which considers the following information: All relevant information detailed in the VOOHC Procedures is considered as part of the intake and assessment processes, including:

- whether COASTLINK can meet the immediate and ongoing needs of the child or young person;
 - COASTLINK undertakes a risk assessment identifying potential risks to the child or young person or risk the child or young person may pose to others;
- COASTLINK's VOOHC Coordinator considers the Register Placement History

including:

- obtains information from other agencies (where relevant) during intake and assessment;
- contacts any current supervising designated agencies to advise of COASTLINK's involvement;
- contacts any current designated agency that has lodged a case plan notification for the child or young person;
- COASTLINK ensures children and young people and their parent(s) are included in the intake and assessment process and their views are recorded;
- COASTLINK informs children and young people and their parent(s) about the VOOHC processes and what information will be held about them on the VOOHC Register, and their rights to access and correct information;
- COASTLINK ensures that the legal status of a child/young person is recorded at intake and that children and young people on statutory care orders are not entered on to the VOOHC Register;
- COASTLINK obtains information about the child or young person including and maintains detailed records required to facilitate effective delivery of service and maintain a safe environment for the client. Client specific records and documents are governed through Policies and Procedures Section 3.3 Service User Information.

Specific information collected and managed for VOOHC include:

- Information required to be entered on the VOOHC Register - i.e. first name, middle names, surname, any previous names used, date of birth, place of birth, gender, whether the child or young person identifies as Aboriginal or Torres Strait Islander or has a disability;
- The Placement History on the VOOHC Register to view the child's VOOHC placement history, days spent in care in the last 12 months and any current supervising agency or case plan;
- the current formal and informal supports for the child or young person and their parent(s)/family (if information is available);
- any health, medication, disability, environmental, safety risk, emotional/behavioural, cognitive/developmental, mobility, nutrition or dietary issues relevant to the child or young person's care – where possible the agency should obtain any management plans for these issues (e.g. Health Plan, Behaviour Management Plan, Epilepsy Plan, Asthma Plan, Allergy Plan);
- likes and interests and the participation in educational/vocational, social and leisure activities;
- any special cultural/spiritual/religious, language or communication needs of the child or young person;
- the child or young person's living and socialisation skills and any daily routine they may have (including eating, drinking, dressing, sleeping, bathing, toileting or menstruation);
- the needs of the parent(s) and the maintenance of relationships with family and significant others;
- the emergency contact details for the child or young person's parent(s) and other relevant family members;
- Are the necessary supports being funded in the individuals NDIS plan? Is there a need for a support coordinator if one is not in place? Is a review of the Plan required?;

Records are maintained in line with privacy laws and COASTLINK's policies and procedures in Section 3.3 Service User Information; 3.6 Archiving. Additional information Specific to VOOHC regarding written or electronic records of the intake and assessment process are retained including:

- Each assessment and intake process, including how the views of the child or young person and their parent(s) were sought;
- confirming a VOOHC placement in writing to the parent(s) within 7 days of the placement being arranged; the service/s that have been agreed to (a service agreement/plan), including responsibilities and timeframes.

7B – 13.4.2 VOOHC Register

- COASTLINK processes ensure that all required information is entered on to the VOOHC Register within required timeframes.
- COASTLINK applies the principles of care as detailed in *7B 13.3 COASTLINK Principles of VOOHC Care*.
- COASTLINK has robust systems to record information on to the VOOHC Register within the required 5 working day timeframe.
- The *Voluntary Out-of-Home Care Register Manual* is provided to all staff entering data into the VOOHC Register, and appropriate training is provided by the Operations Manager.

In the absence of the VOOHC Supervisor (due to holiday or illness), the Operations Manager will enter the data or ensure it is entered to legislative requirements.

Key “Rules” for registering VOOHC data are provided for quick reference below:

7B - 13.4.2.1 New Placements

Where COASTLINK is responsible for providing the VOOHC placement, COASTLINK will lodge the New Placement notification.

The New Placement notification record is not entered until the child has entered the placement.

New Placement notifications are recorded within 5 working days of the placement start date.

Some key details for a new placement notification are shown below for quick reference:

1. Sign in

- Username: only provided to approved persons
 - Password: only provided to approved persons
2. Agency registration number: only provided to approved persons

3. **Child and Placement Details:**

- Child details including gender, surname, first name, middle name/s (must be entered if applicable), date of birth, country of birth, city/town of birth (if born in Australia), also known as (full name/s if applicable), identification as Aboriginal or Torres Strait Islander, disability status (within the *Disability Services Act 1993* target group);
- All known information must be entered;
-
- Placement details including placement entry and exit dates (if the child has left the placement), placement type (centre-based respite, host family, residential placement), care type (long term, i.e. > 28 days) or (short term i.e. < 28 days)
- Is there a current case plan for the child? Yes/No

7B - 13.4.2.2 Placement History

Before COASTLINK provides a VOOHC placement it checks the child's placement history for the past 12 months.



The VOOHC Register Placement History function is utilised when COASTLINK receives a referral for VOOHC. This is to view the child or young person's previous placements and to ensure appropriate exchange of information and collaboration with other agencies occurs.

If the child has had more than 90 days of care in aggregate in the past 12 months, care is only provided by COASTLINK if the placement is supervised by a designated agency or the Office of the Children's Guardian

If the child has had 180 days of care in aggregate in the past 12 months, a case plan approved and to be supervised by a designated agency is received.

7B - 13.4.2.3 Exit Placement

Where COASTLINK submitted the New Placement notification it will make the Exit Placement notification for that child.

An Exit Placement notification will be recorded after the child has left placement.

Exit Placement notifications are recorded within 5 working days of the placement exit date.

7B - 31.4.2.4 Supervisor notifications

Placements with a registered agency must be supervised by a designated agency or the Office of the Children's Guardian if a child or young person has had more than 90 days care in aggregate in the previous 12 month period.

COASTLINK will collaborate with the Supervising Designated Agency to assist it to meet its responsibility to lodge the Supervisor Notification within 5 working days of the supervision commencement date.

7B - 13.4.2.4 Case Plan

New case plan: COASTLINK works with the Designated Agency to ensure a case plan is developed if a child has had 180 days or more in care in an aggregate 12 month period. The case plan is to be prepared prior to the 180 day milestone being reached.

Reviewed case plan: COASTLINK works collaboratively with the Designated Agency to ensure case plans are reviewed at least every 12 months. It is the responsibility of the Designated Agency that provides or supervises a VOOHC placement, or the Office of the Children's Guardian to lodge the Case Plan notification. COASTLINK works collaboratively with the Designated Agency to ensure Case Plan Notifications are recorded within 5 working days of the development/review of a case plan.

7B - 31.4.2.5 Placement Data Entry and Management

- COASTLINK has a dedicated VOOHC supervisor role;
- The Social Support Coordinator (children and teens) – has VOOHC supervisor functions defined in their job description.
- KPIs are also developed and reported to the Operations Manager, stating weekly that the VOOHC data for the previous week has been entered accurately and on time.
- The VOOHC Register Quarterly Activity Report is provided to the VOOHC Supervisor to undertake a reconciliation of all data and compliance with internal and VOOHC guidelines and policies
- The reconciliation is provided to the Operations manager for review
- The Operations Manager will undertake a quarterly audit of the reconciliation.
- Once reviewed the Operations Manager will provide a sign confirmation copy of the reconciliation to the CEO

Where a staff member is on leave, the Operations Manager is required to ensure data is entered on time by an authorised staff member (see 13.4.2)

7B - 13.4.3 Behaviour Management

COASTLINK applies the principles of Behaviour Management as detailed in **7B 13.3 COASTLINK Principles of VOOHC Care.**

COASTLINK has robust policies and procedures in dealing with behaviours and behaviour management. Specific details are provided below to assist care workers and management to better understand their requirements, prohibited practices and the use of physical restraint as prescribed in the *Children and Young Persons (Care and Protection) Regulation 2012 (clause 86)*.

All carers (staff and volunteers) engaged by COASTLINK to provide voluntary out-of-home care must comply with these requirements and limitations. *COASTLINK Policies and Procedures Section 9.4.2* provides additional information pertaining to Behaviour Management and Restrictive Practices, including:

Challenging behaviour may be defined as:

"Behaviour... of such an intensity, frequency or duration as to threaten the quality of life and/or the physical safety of the individual or others and is likely to lead to responses that are restrictive, aversive or result in exclusion." Please reference This can include direct physical actions or threats, sexual suggestions, self harm, damage to property, wilful exposure and foul language.

COASTLINK has a number of service users who frequently display "challenging behaviours" and makes every endeavour to ensure that person is dealt with safely (both for themselves and staff members) and positively and to continue to enjoy community access and in-home care as much as possible, having regard for the safety of community members. Only as a last resort will a person with "challenging behaviours" be denied services either temporarily or permanently.

Each episode of "challenging behaviour" will be treated independently and staff members supporting the service user will work with their supervisors and coordinators will determine how to manage each episode.

Each person who exhibits inappropriate behaviour will have a Behaviour Support Plan in place prepared by professionals. These plans will be followed by COASTLINK staff at all times and will be regularly reviewed.

Behaviour Support Plans will be discussed in detail with parents and carers for approval to be implemented by Coastlink. Once approved by the parent/carer, any identified restrictive practices must be approved by either the Coastlink Restrictive Practice Panel or an external Panel which must contain at least one clinical specialist. Approval is then sought from the Board to implement the Restrictive Practice.

Staff working with clients with a restrictive practice will be formally trained in the restrictive practice prior to providing care to the client. Clients requiring a restrictive practice to be implemented may not access services until the restrictive practice is approved as provided above.

Section 9.3.6 states: When necessary, the Aged Care Coordinator/Assessor identifies the need for support for service users with dementia, challenging behaviours or other special needs groups and those with specific care needs. COASTLINK provides training for relevant staff in how to work with people with dementia, people with challenging behaviours, or with specific care needs. COASTLINK makes every effort to make sure that services are delivered in an appropriate and sensitive way to all people, and in particular, to people with different levels of needs.

7B - 13.4.3.1 Prohibited Practices

The Regulation specifically prohibits carers from using the following to correct or manage the behaviour of a child or young person in voluntary out-of-home care:

- any physical coercion or physical punishment (including corporal punishment)
- any punishment that takes the form of immobilisation, force-feeding or depriving of food
- any punishment that is intended to humiliate or frighten a child or young person.

7B - 13.4.3.2 reviewing the use of approved behaviour management practices

Where a carer finds that the approved behaviour management practices are inadequate to manage the behaviour of a child or young person, the carer must notify their Coordinator as soon as possible. Written notification must be provided immediately using either the Incident Notification Form or the Hazard Notification Form.

COASTLINK will then follow the standard procedures as outlined *Section 8.5 Accidents and Incidents* or *Section 8.6 Hazards* as appropriate.

The appropriate Coordinator will assess the situation, consult the parent of the child or young person, and determine if the problem should be addressed:

- (a) by providing appropriate advice, support and training to the voluntary carer and appropriate support to the child or young person
- (b) by changing the placement arrangements.

7B - 13.4.3.3 Use of physical restraint

COASTLINK staff must follow approved policies and procedures at all times. Compliance to the *Children and Young Persons (Care and Protection) Act 1998* is mandatory.

In some circumstances, carers may be concerned that the behaviour of a child or young person may cause serious injury to the child or young person, or to another person.

The *Children and Young Persons (Care and Protection) Act 1998* permits a carer to physically restrain a child or young person if the carer believes that restraint is necessary to prevent serious injury.

Physical restraint is the intentional restriction of a child or young person's movement or behaviour by the use of a device or physical force.

The *Act (section 158)* sets out the limitations and protections that apply to the use of physical restraint by carers:

- Physical restraint is permitted as a form of intervention only where children or young people may seriously injure themselves or others if not restrained.
- Physical restraint may only be used on a temporary basis to prevent injury to the child or young person or others.
- Carers may remove from the child or young person any weapon, alcohol, illegal substance or other thing to prevent injury to any person.
- The restraint must be consistent with any behaviour management requirements of a care plan applying to the child or young person. Where behaviour management requirements have not been set out, reasonable force may be used.
- A carer who uses physical restraint in accordance with the Act and who is able to satisfy the court that his or her actions were reasonable in all the circumstances is immune from any criminal or civil liability that arises as a consequence.

Physical restraint may only be used in extreme situations, i.e. where there is a risk of serious injury to the child, young person or others.

The type of physical restraint used should be the least restrictive and minimally intrusive.



Staff must complete an incident report (see *Policy 8.5 Accidents and Incidents*) where an incident of physical restraint has been used.

Appropriate support and counselling will be provided for children and young people who have been physically restrained. Staff may also consider using COASTLINK's Employee Assistance Program where necessary.