



# Department of Human Services

Incorporating: Health, Community Services, Mental Health, Senior Victorians and Housing

50 Lonsdale St  
GPO Box 4057  
Melbourne Victoria 3001  
DX210081  
[www.dhs.vic.gov.au](http://www.dhs.vic.gov.au)  
Telephone: 1300 650 172  
Facsimile: 1300 785 859

## Guidelines for Overnight Stays for children and young people in out of home care

### 1. Introduction and purpose

- 1.1 It is important that children and young people in out of home care are able to build and maintain relationships with their peers, and to engage in normal childhood activities. Children and young people in out of home care should as far as possible be granted the same permissions to take part in normal and acceptable, age appropriate peer activities, as would reasonably be granted by the parents of their peers. One such activity, which supports the development of relationships, is overnight stays at the home of a friend.
- 1.2 The purpose of this policy is to provide practice advice for carers, case workers and case managers within Child Protection and Community Service Organisations (CSOs), enabling them to make assessments and decisions in relation to allowing overnight stays for children or young people in out of home care where the carer is not present. This policy will update the advice in the Child Protection Practice Manual (advice no 1469).

### 2. Scope

- 2.1 The policy applies to children and young people in kinship care, home based care and residential care placements that are subject to:
  - A long term Guardianship order;
  - Guardianship to Secretary order;
  - Custody to Secretary Order;
  - Interim Protection Order (where the child or young person is not placed with their parent/s); or an
  - Interim Accommodation Order.
- 2.2 This policy applies to children aged 4 years and above. It is not considered appropriate for children younger than this to stay overnight away from their carer with friends. In practice it is considered unlikely that any preschool aged child would stay overnight without their carer. Accordingly, any requests for overnight stays for preschool children must be considered carefully.
- 2.3 The policy does not apply to children or young people in out of home care placed through a voluntary arrangement. In these circumstances, the permission of the child or young person's parent/s or guardian is required for the overnight stay to occur.

- 2.4 This policy applies to overnight stays of up to two consecutive nights. Longer stays require the approval of the child's case manager. The case manager will determine any additional conditions for approval of the longer stay on a case-by-case basis.
- 2.5 This policy does not change current requirements in relation to decision-making, planning, approvals and checks for changes of placement or respite care.

### 3. Definitions

- 3.1 The term 'carer' refers to foster carers, kinship carers and residential care workers.
- 3.2 The term 'case worker' refers to either a DHS Child Protection practitioner or CSO worker or a residential care worker.
- 3.3 The term 'case manager' refers to a DHS case manager or, where the case is contracted, a CSO case manager.

### 4 Issues

- 4.1 The previous policy required the parents of friends of children in care to undergo a police check as a condition for an overnight stay. There were several issues with this policy in that:
- It sometimes led to children missing out on opportunities to stay with friends due to their embarrassment when a police check was required for their friend's parents or the length of time a check sometimes took.
  - A clear police check in and of itself does not provide a sound basis for making a decision about the suitability of an overnight stay and may give a false sense of security.
  - It failed to emphasise the importance of an assessment that is informed by the things a good parent considers when deciding whether or not to allow their own child to stay overnight with friends.
- 4.2 This new policy recognises that the child's carer is often in the best position to make a decision about the suitability of an overnight stay with friends, and seeks to strike a better balance between minimizing the risk for children in care whilst ensuring they are not restricted from engaging in the normal everyday activities any child enjoys and needs.

### 5 The Policy

- 5.1 **In general, where there is a request for a child or young person in out of home care to stay overnight with a friend, the decision to allow or not allow the overnight stay to occur may be made without the need for police checks on the adults in the household where the child or young person is to stay.**
- 5.2 **On all occasions of the first overnight stay with a particular friend, the decision is to be made by the foster or kinship carer in collaboration with the CSO case worker, and in residential care, by the residential care worker in collaboration with the Unit Supervisor or Case Manager, before the stay occurs.**
- 5.3 **On subsequent stays with the particular friend, providing there were no issues with the previous stay, and on agreement by the DHS case manager or CSO contracted Case Manager, the carer may make the decision to allow the**

stay without the need to consult with the DHS or CSO case worker each time. However, carers should continue to advise the case worker or unit manager in the case of residential care, of the overnight stay prior to the stay occurring.

## 6 Decision making process

6.1 On all occasions of the first overnight stay with a particular friend, the decision to allow or not allow the overnight stay is to be made by the carer in consultation with the case worker, or in the case of residential care, the Unit Supervisor or DHS case manager or CSO contracted Case Manager, before the stay occurs. The following factors must be considered in making this decision:

### Box 1 Assessment considerations

#### For the carer

- What is the purpose of the visit?
- What are the child or young person's wishes? Do they wish to stay overnight?
- Are they sufficiently independent and settled to be separated from the carer overnight?
- Has the child or young person previously stayed overnight with the family prior to entering this placement and was it a positive experience?
- What is the age, level of understanding and the vulnerability of the child or young person concerned?
- Does the child or young person know the friend well? Have they spent time at the home/with the family?
- Does the child or young person know the friend's parents/carers and are they comfortable with the friend and their family?
- Who will be supervising the child or young person during the visit?
- What are the sleeping arrangements and are they appropriate?
- Does the carer know the friend and their family?
- Does the carer know who will be staying at the friend's home that night?
- Are there any reasonable grounds for concern that the child or young person may be at risk of harm in the household concerned, or from the activities proposed during the visit?
- Are there any reasonable grounds for concern that the child or young person may, through their own behaviour put themselves or others at risk of harm in the household concerned?
- Is the child or young person staying in the household with another child or young person, rather than staying solely with an adult or adults?
- Are there any cultural issues that need to be considered?
- Is the request reasonable at this stage of the placement?
- Are there any other reasons (such as an interrupted night's sleep, illness etc.) that would make the stay difficult for the child or young person?

Where the child is a pre-schooler, the following additional questions should be considered:

- Does the person have experience looking after children of this age group?
- Does this person know how to appropriately comfort the child?

#### For DHS or the CSO

- Are there any relevant restrictions or exceptional reasons in the child or young person's Court Order, which restrict overnight stays?
- Are there any relevant restrictions or exceptional reasons in the child or young person's case plan which restrict overnight stays?
- Are there any relevant restrictions or exceptional reasons in the child or young person's Care and Placement Plan, which restrict overnight stays?
- Are there any factors in the child or young person's past experiences or behaviour, which restrict overnight stays?

6.2 It is acknowledged that the assessment considerations is a long list. However, most of the issues are the same issues that a responsible parent would automatically consider in deciding whether or not to allow their child to stay overnight with a friend. The list therefore is not intended to be treated as a checklist.

## 7 Once a decision is reached

7.1 If, after assessing these considerations, the carer and the case worker decide that an overnight stay is appropriate, then it may proceed without the need for a police check on the adults of the household where the overnight stay will occur.

7.2 If, after the assessment process the carer and case worker decide that an overnight stay is not appropriate, then permission should not be granted. The carer should explain to the child or young person the rationale for not allowing the stay.

7.3 Where a decision has been made to allow the overnight stay, and without breaching the child or young person's privacy, the carer must consider what information the person caring for the child or young person overnight needs to know and provide that information to them e.g.:

### Box 2 Information considerations

- Likes and dislikes
- Routines (e.g.: bedtime, meals etc)
- Cultural considerations (e.g.: food, dress, customs etc)
- Fears or phobias (e.g.: frightened of the dark, water, animals etc)
- Swimming proficiency (if relevant to activities)
- Medical needs (e.g.: medication, allergies etc)
- Behaviours and the management of these behaviours
- Details of how to contact the carer during the period of the stay and a back-up contact.

7.4 The carer must contact the parents of the friend prior to the visit occurring to confirm the arrangements for an overnight stay. The carer should not rely on advice from the child or young person in their care or the child or young person's friend. The carer must discuss the following arrangements with the parents of the child's friend:

### Box 3 Arrangement considerations

- Arrangements and times for 'drop off' and 'pick up'
- Relevant information or resources needed by the child or young person for activities during the overnight stay (i.e. money, appropriate clothing, swimming costume, etc.)
- Contact details for the household in which the child or young person is staying
- The parents of the friend must have contact details for the carer
- Relevant information about the child or young person's needs should be given to the person caring for the child or young person overnight
- How the child or young person can contact the carer in case the child or young person feels unhappy or unsafe during the stay.

7.5 Once the decision is made it is the responsibility of the case worker, or the unit manager in the case of residential care, to inform Child Protection of the arrangement. Child Protection must record the details of the overnight stay on the child or young person's file.

## 8 After the Overnight Stay

- 8.1 After the overnight stay, the carer should give feedback to the DHS or CSO case worker about the following:

### **Box 4 Feedback considerations**

- Has the carer discussed how the overnight stay went with the person caring for the child or young person?
- Did the child or young person have a positive experience?
- Are there any issues or concerns that need to be addressed?
- Are there plans for another overnight stay in the future?

## 9 Subsequent overnight stays

- 9.1 If an overnight stay is successful and likely to occur again, the case manager can make a decision that subsequent overnight stays with the particular friend can occur without the need for consultation each time by the carer. However, the carer should consider the circumstances for each overnight stay outlined above, and ensure the child or young person's case worker is advised of the overnight stay before the stay occurs. The case worker should advise the carer of changes regarding the child or young person's status as outlined in **Box 1**

## 10 Considerations for good practice

- 10.1 There is no specific legal requirement in Victoria for police checks to be carried out on adults in a private household as a pre-condition where a child or young person in out of home care may stay overnight. However, the law of negligence requires staff and carers to act reasonably in all circumstances. This means staff and carers should have acted reasonably and considered the issues as outlined above, to ensure the safety and protection of the child or young person in their care, during an overnight stay where the carer is not present. The guiding principle is to act in a way that a good parent would act in deciding whether or not their child should stay overnight with a friend.