



FCAV/PPSS INFO SHEET: Quality of Care – What to expect when a quality of care concern is raised



Care Association of Victoria Inc (FCAV) Position:

The 'Guidelines for Responding to Quality of Care Concerns in Out of Home Care Final Working Draft November 2007' take into account the expectation that the majority of children and young people in care receive good quality care and that foster carers and CSOs work hard at their relationship to ensure this is prioritised. The FCAV recognises, however, that the Quality of Care process can be an extremely stressful and isolating experience and would encourage foster carers to contact their CSO to gain support. Independent support and assistance can also be sought through the FCAV / PPSS Carer Information and Support Service by calling 9489 9770.

The following information is a summary of what foster carers can expect if they are subject to a Quality of Care concern, including relevant terminology and the possible timelines to be anticipated.

Call FCAV for a full copy of the guidelines or look on our website. Alternatively, a full copy of the *Quality of Care Guidelines* are available at:

<http://www.cyf.vic.gov.au/placement-support/library/publications/guidelines-responding-to-quality-of-care>

Initial questions to ask your CSO

- What is the nature of the allegation/s?
- How will this allegation be managed i.e. Support & Supervision, Formal Care Review or Investigation
- How long can I anticipate the process will take?
- What is the next step?

Please note, due to the nature of some investigations, answers to these questions may not be immediately available to carers, however open communication between agencies and carers is the first step in ensuring a respectful and open process is maintained.

Ongoing support for Foster Carers

- The Guidelines suggest that it may be best if the chosen support person be skilled and available to offer support as required. You may choose a CSO representative, trusted friend or relative, colleague, lawyer or possibly the FCAV;
- The role of the support person may include attending meetings with you, taking notes for you and being present as reassurance during any interviews or meetings;
- Support following the quality of care process is also available through your CSO. This may include de-briefing, counselling, support groups and contact with the FCAV;

Liaison Person for Foster Carers

You will have a liaison person who will act as the key point of communication between yourself and the Investigation Planning Group (IPG). This person tends to be a professional (ie CSO or Child Protection representative)

Investigation Planning Group (IPG)

When a report is initially received an IPG will be formed consisting of a Child Protection Unit Manager; CSO Manager; Regional Quality of Care Co-ordinator and others as deemed necessary. A carer will not be invited to take part in this process. The IPG will determine appropriate actions and make decisions in accordance with the 'Best Interests Principles' outlined in the *Children Youth & Families Act 2005*.

No Further Action

In a small number of cases, where it is clearly established that the report of concern is inaccurate or there is no basis for any concern, no further action will be taken. The Child Protection Unit Manager, in consultation with the CSO and Regional Quality of Care Coordinator will make this decision.

Support and Supervision

The Guidelines state that the majority of Quality of Care concerns are managed via the support and supervision process. Matters that do not relate to physical or sexual abuse but still affect a child or young person's safety or well-being are generally dealt with through this process and managed by your CSO or Child Protection (where there is no CSO). These concerns may relate to neglect, inadequate hygiene, poor diet, inadequate supervision, inappropriate discipline, not meeting required standards or not co-operating with case plan arrangements for the child or young person.

Formal Care Review

When concerns are very serious, are repetitive, or form a pattern, (not including physical or sexual abuse), a Formal Care Review may be required. This is led by the CSO and guided by a Formal Care Review Panel that will determine if an Action Plan can be implemented to address the identified concerns and if it is appropriate for the carer to continue in their role. Review outcomes will be communicated to the carer in person and through a letter from the CSO.



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Investigation

It may be necessary to respond to a quality of care concern via a formal investigation. **All allegations of physical or sexual abuse will usually require an investigation.** Investigations will include interviews with Child Protection and your CSO, possibly the police. The CSO will inform the carer of the outcome and continue to provide support.

Right to Appeal and Complaints Process

Foster carers can seek a review of a decision through either the CSO's internal review process or DHS's review processes. To appeal an investigation outcome (substantiation/unsubstantiated) is via Child Protection process, however an appeal regarding recommendations of care status is via CSO process. CSOs are required to have written procedures for the resolution of disputes and complaints including the process for lodging and managing complaints, steps and timeframes in assessing and resolving disputes and the process to appeal decisions such as recommendations made during the course of a Formal Care Review.

Other Useful Documents & Links

- Victorian Charter of Human Rights & Responsibilities
<http://www.equalopportunitycommission.vic.gov.au/pdf/The%20Charter%20of%20Human%20Rights%20and%20Responsibilities%20-%20Protection%20of%20freedoms%20and%20rights%20for%20everyone%20in%20Victoria.pdf>
- Charter for Children in Out of Home Care
http://www.cyf.vic.gov.au/_data/assets/pdf_file/0009/96066/charter_for_children_in_out-of-home_care.pdf
- Children Youth & Families Act (Vic.) 2005
http://www.austlii.edu.au/au/legis/vic/consol_act/cyafa2005252/
- Best Interest Principles – legislated. Refer CYFA.
- Best Interests Framework
http://www.cyf.vic.gov.au/_data/assets/pdf_file/0011/43013/ecec_best_interest_framework_proof.pdf
- The Aboriginal Child Placement Principle – legislated. Refer CYFA.
- Home Based Care Handbook
http://www.cyf.vic.gov.au/placement-support/library/publications/placement-and-support/home-based_handbook
- Registration Standards for CSOs
http://www.cyf.vic.gov.au/family-services/registration-of-community-service-organisations/registration_standards_for_csos

Acronyms

QOC	Quality of Care
ACSASS	Aboriginal Child Specialist Advice & Support Service
ACCO	Aboriginal Community Controlled Organisations
CSO	Community Service Organisation
IPG	Investigation Planning Group
C/YP	Child or Young Person
DHS	Department of Human Services
FCAV	Foster Care Association of Victoria Inc.
CYFA	Children Youth & Families Act (Vic.) 2005

***Substantiation – This refers to a decision being made by Child Protection, as a result of the information gathered and consultation with the IPG, about whether the alleged incident, act or omission has occurred or not.**

****Please note, this Info Sheet should be read in conjunction with the Fact Sheet and Carer Guide soon to be provided by the Department of Human Services.**

Independent Investigation and Suitability Panel – is a separate process to Quality of Care

If there is an allegation of physical or sexual abuse, the Secretary of the Department may decide that an Independent Investigation is warranted. An independent investigator will recommend whether the matter will be sent to the Suitability Panel. Foster carers can be disqualified from providing care if the Suitability Panel determines the foster carer poses an unacceptable risk of harm to children. *The Children Youth & Families Act 2005* (s) 81 & 82 prescribes the requirements for these processes. Appeal of Suitability Panel outcome is to VCAT.

Please Note:
All days and hours referred to in this flowchart pertain to working days or working hours, not calendar days.

Support & Supervision

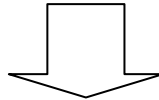
The majority of concerns are re: poor Quality of Care and are managed by your CSO via support & supervision.

Once a concern is raised it will be monitored with a view to getting it right. This monitoring may continue for an extended period of time. Your agency will give you clear actions to assist you in addressing any concerns.

Quality of Care Report Received (Day 1)



An initial screening & consultation process takes place between Regional Quality of Care Coordinator, Child Protection & CSO usually within 24 hrs. (Day 1)



Possible Screening Outcomes

- No Further Action
- Support & Supervision
- Formal Care Review
- Investigation

Please Note:
The decision to remove a child or young person from a placement may take place at any time before, during or after an investigation.

It is possible that as more information becomes available, the initial response may need to be changed.

If the child or young person is Aboriginal, ACCASS or ACCSO must be involved in decision making.

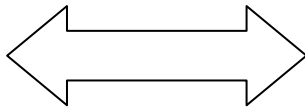
Formal Care Review (Lead by Agency)

Formal Care Review Panel established within 5 days (Day 2 to 6)

Immediate outcomes: within 10 days
 ➤ DHS will inform the C/YP where an interview is required;
 ➤ Advise the C/YP's parents;
 ➤ Interview the C/YP's carer; (Day 7 to 16)

Draft Formal Care Review Outcome Report to be prepared within 15 days (Day 17 to 31)

Outcomes determined within 20 days:
 ➤ Concerns addressed & no further action; (Day 32 to 51)
 ➤ Action Plan implemented over 3 months; (Day 52 to 81)
 ➤ Carer's approval is withdrawn (deregistered);



Investigation (Lead by Child Protection & DHS Quality of Care Co-ordinator)

Investigation Planning Group will meet within 3 days. (Day 2 to 4)

If Police make a decision to investigate, the involvement of the CSO or the Department may need to be reviewed.

Investigation Outcome

The investigation must be completed within 28 days & a 2nd IPG held to discuss substantiation, recommendations and any proposed action plan. (Day 5 to 32)

Unsubstantiated
 ➤ No Further Action
 ➤ Support & Supervision
 ➤ Formal Care Review

Substantiated
 Ongoing placement (Child Protection) & status of carer determined (CSO).