



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
Telephone: 1300 650 172
Facsimile: 1300 785 859

Guidelines for consent for participation of children and young people in out of home care in school excursions, camps and other non-school activities.

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 engage in normal childhood activities. As far as possible, children and young people in out of home care should be granted the same permissions to take part in normal and acceptable, age appropriate activities, as would reasonably be granted by the parents of their peers.
- 1.2 These guidelines 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 providing consent for children and young people in out of home care to attend excursions, camps and other activities.

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 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 parent/s or guardian is required for the camp, excursion or activity to occur.

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.
- 3.4 The term 'activity' refers to non-school activities such as sporting or leisure activities within community organisations or individual activities e.g. music

tuition with an individual teacher, parties and other activities with friends where there is adult supervision.

4 Considerations

- 4.1 Previously, written permission from the case manager or DHS worker was required to allow children and young people in out of home care to participate in activities such as excursions, camps and other activities. This practice sometimes resulted in children and young people not being able to participate in activities because of the delays in getting permission forms signed, and placed an added burden on carers.
- 4.2 These guidelines recognise that the child's carer is often in the best position to make a decision about the suitability of an activity and seeks to strike a balance between minimising the risk for children in care, whilst ensuring they are not restricted from engaging in the normal everyday activities any child enjoys and needs.
- 4.3 These guidelines recognise that school excursions, other activities and camps are an important aspect of a child or young person's education and development, and any barriers that make participation difficult, should be removed or reduced.
- 4.4 These guidelines allow carers to make the assessment, give permission and sign the necessary permission forms for an excursion or activity to occur in the majority of instances. The carer must identify the capacity in which they are signing the form (eg. Foster carer, kinship carer or residential care worker). The exception to this relates to camps involving an overnight stay (see section 5.4) and also any activities where the permission form contains an indemnity or immunity clause (see section 5.5).

5 General principles

- 5.1 In general, a decision to allow or not allow a child or young person in out-of-home care to participate in a school excursion or other activity should be guided by the considerations outlined in Box 1 below.

Box 1: Assessment considerations for excursions and activities

- The people running the activity appear to be competent to run the activity, provide adequate supervision, and have strategies in place for responding to possible emergency situations.
- The level of risk for participation by the particular child is assessed as low by the carer.

The following points outline considerations specific to school excursions, camps and non-school activities.

5.2 School excursions

- 5.2.1 The decision to give permission for the child or young person to attend school excursions can be made by the carer. It is reasonable for carers to assume that school excursions organised by a school have considered the matters outlined in Box 1. However, in each instance, the carer should make their own risk assessment of the activity, which may require obtaining more information from the school about the activity.
- 5.2.2 The carer must ensure the permission form is completed and they identify the capacity in which they are signing (e.g. foster carer, kinship carer or

residential care worker). The carer should keep note of the excursions attended and advise the child's case worker at the earliest time possible so that other members of the child's care team are aware of their participation in these activities.

5.3 Non-school activities

- 5.3.1 The decision to give permission for the child or young person to attend a non-school activity can be made by the carer in the majority of instances. The carer should consider the issues outlined in Box 1 in the same way any good parent would decide for their own children (i.e. whether or not the activity is suitable, safe and one the child or young person will enjoy) and complete any permission forms as required.
- 5.3.2 There may be some instances where the carer is unsure about the level of risk in a particular activity. In these instances, the carer should consult with the CSO case worker to assist in the decision making process.
- 5.3.3 Some activities carry an inherent level of risk. For example, a young person may seek permission to go rock climbing, or engage in an activity like white water rafting. When an activity carries risks (even when well run by a qualified person) carers should always speak to the CSO case worker before giving permission for participation.
- 5.3.4 It should be noted that carers can always give permission for a child or young person in their care to attend activities such as a friend's birthday party or to visit a friend's house. Unless the party involves a significantly risky activity, or unless there are legal or other child-specific issues that preclude their participation (likely to be an uncommon situation) attendance at such events should be supported and approved by carers as they feel appropriate.
- 5.3.5 Where a decision is made to allow the activity to proceed, the carer should ensure that the necessary permission forms are completed for the activity.
- 5.3.6 For a non-school activity, the carer, without breaching the child or young person's privacy, must consider what information the person supervising the child or young person during the activity needs to know, and provide that information to them (refer Box 2).

Box 2: Information considerations

- Likes and dislikes
- Routines (e.g.: 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 activity and a back-up contact.

- 5.3.7 The carer must consider and discuss the following arrangements with the adult supervising the activity:

Box 3: Arrangement considerations

- Arrangements and times for 'drop off' and 'pick up'

- Relevant information or resources needed by the child or young person during the activity (i.e. money, appropriate clothing, swimming costume, etc.)
- Contact details for the adult supervising the activity
- The adult supervising the activity must have contact details for the carer
- Relevant information about the child or young person's needs should be given to the person supervising the child or young person during the activity
- How the child or young person can contact the carer in case the child or young person feels unhappy or unsafe during the activity.

5.4 Camps

- 5.4.1 Unlike school excursions and other non-school activities, participation in a camp is something that carers and others should receive advice about well in advance. For this reason, and also because camp permission forms are more likely to contain indemnity or immunity clauses, permission for involvement should be given by the Child Protection Unit Manager. Carers should discuss camp participation with the CSO case worker as soon as they become aware of it, and ask the case worker to ensure the necessary permission forms are completed in time.
- 5.4.2 In the event that the camp has been arranged by the child or young person's school, it is reasonable to assume that the considerations detailed in Box 1 have already been assessed as acceptable by the school.
- 5.4.3 In the event that the camp is one run by another organisation, the carer, case worker and case manager need to satisfy themselves that the conditions detailed in Box 1 have been met.
- 5.4.4 In addition, for both school and non-school camps, the assessment considerations in Box 4 below enable the carer and case worker to consider the child or young person's particular circumstances and situation and therefore the appropriateness or otherwise of attendance at the camp. These conditions are the same as those for consideration in determining the appropriateness or otherwise of a child staying overnight at the home of a friend (refer to Overnight Stays Guidelines, Child Protection Practice Manual – PG1563).

Box 4: Assessment considerations for camps

For the carer

- What are the child or young person's wishes? Do they wish to attend the camp?
- Are they sufficiently independent and settled to be separated from the carer to attend?
- Has the child or young person previously stayed away overnight 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?
- Who will be supervising the child or young person during the camp?
- Is the child or young person familiar with the people that will be supervising them at the camp, and is that likely to present any difficulties?

- What are the sleeping arrangements and are they appropriate?
- Does the carer know the people who will be supervising the child or young person at the camp?
- Are there any reasonable grounds for concern that the child or young person may be at risk of harm in the location concerned, or from the activities proposed during the camp?
- 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 at the camp?
- 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 camp difficult for the child or young person?

For DHS or the CSO

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

5.4.5 Where a camp takes place outside of Victoria, and the child or young person is under a guardianship order, permission must be sought from the Child Protection Unit Manager. Where the child or young person is under a custody order, permission must be sought from, and forms signed by the child's parental guardian.

5.5 Forms including an indemnity or immunity clause

5.5.1 In the event that the permission form for a particular activity or camp (school or non-school) includes an immunity or indemnity clause carers cannot give permission or sign the permission form.

5.5.2 An **immunity clause** is a clause intended to ensure that the person signing the permission form is agreeing not to sue the school or organisation running the activity if the child is injured due to the school's/organisation's negligence.

5.5.3 An **indemnity clause** is a clause intended to ensure that the person signing the permission form is agreeing to bear any costs incurred by the school/organisation if the child causes damage or loss to another person or the organisation during the activity.

5.5.4 The standard Victorian Department of Education Parent Excursion Consent form generally has no immunity or indemnity clauses. However, Private/non-government schools use a variety of permission forms, which may include an indemnity or immunity clause.

5.5.5 In the event that the camp or activity permission form includes an indemnity or immunity clause, the carer should not sign the form but should refer the matter to the CSO case worker who will contact DHS. DHS staff receiving such a query must seek further advice from the Legal Services Branch before the Child Protection Unit Manager gives permission.

6 Once a decision is reached

- 6.1 In most cases, permission will be granted for the child or young person to attend school excursions, participate in other non-school activities and attend camps. However, if the carer assesses the activity is not appropriate for the child or young person, then permission should not be granted. The carer should explain to the child or young person the rationale for not giving permission.
- 6.2 When a carer permits a child to engage in an activity, they should ensure the CSO case worker knows about these events so they gain an accurate picture of the child or young person's experiences whilst in care.

7 Considerations for good practice

- 7.1 Consideration and communication about a child or young person's activities should be discussed as part of care team meetings.
- 7.2 Carers and others should always seek to support a child's involvement in school excursions, other activities and camps.