



Care Planning Policy

Purpose

The purpose of this policy is to outline the legislative requirements and practice procedures for undertaking care planning for a child in the care of the Chief Executive Officer (CEO) of the Department of Communities (the Department).

Policy statement

Children¹ in the care of the CEO of the Department require comprehensive care plans that focus on identifying and meeting the needs of the child while in care. The child's best interests must be the paramount consideration in all care planning decisions.

Background

Planning for children in care is a core responsibility and function of the Department. The *Children and Community Services Act 2004* (the Act) enshrines care planning in legislation and requires a number of actions to occur when planning for a child in care.

Care planning is distinct from case planning. Case planning relates to the family group, not the individual child, and comprises all aspects of a case, not only the care needs of the child. However, case planning decisions will inform the child's provisional care plan or care plan.

Under Section 30 of the Act, a child is in the CEO's care if the child is:

- in provisional protection and care;
- the subject of a protection order (time-limited) or protection order (until 18);
- the subject of a negotiated placement agreement; or
- provided with a placement service under s.32(1)(a).

Legislative Mandate and Principles

The Department has a statutory role to provide for the protection and care of children in circumstances where their parents are unable or unlikely to. Sections of the Act relevant to promoting the wellbeing of children in the CEO's care include sections 7 – 14, 29, 30, 39,

¹ Throughout this document, the term 'children or child' is used to refer to all children and young people under the age of 18 who are in the care of the Chief Executive Officer of the Department of Communities.

56(2), 88I, 89, 89A, 90, 91–95 and 133 and relate to the guiding principles and care planning processes that apply when planning for a child in care.

Section 89 of the Act requires every child in care to have a care plan. A care plan must identify the needs of the child and outline the steps or measures to be taken to address those needs. The care plan must also set out the decisions about the care of the child including care arrangements, any secure care decisions and decisions pertaining to the development and maintenance of contact between the child and a parent, sibling or other family member, or any other person who is significant in the child's life.

In addition, the care plan must incorporate a cultural support plan for Aboriginal and Torres Strait Islander and culturally and linguistically diverse children (s.89A), and a leaving plan care for young people over 15 years (s.89B).

The care planning process must include the child's views and wishes, giving them the opportunity to participate in significant planning decisions about their care in accordance with the Principle of Child Participation under Section 10 of the Act.

In addition to the legislative requirements above, the care plan should also include:

- the overall goal;
- the participants' views and wishes expressed during any meetings, including a summary of the child's wishes and how the child participation principle was applied;
- a proposal to meet the child's culture and identity requirements; and
- brief rationale for the decisions.

The Chair of a care plan meeting is responsible for the preparation of a written care plan following the consultation process and/or care plan meeting/s. Care plans should be written in a way that does not compromise a child's safety and wellbeing once the plan is distributed as required.

Section 89 (3E) of the Act requires that modification of a child's care plan must occur as soon as practicable after a decision recorded in the plan is varied, revoked or substituted or a further decision made. As soon as possible after a care plan or provisional care plan has been prepared, modified or reviewed, a copy of the care plan or modification (as the case requires), or a written report on the outcome of the review must be given to:

- the child;
- each parent of the child;
- any carer of the child; and
- any other person considered by the CEO to have a direct and significant interest in the wellbeing of the child.

A copy of the care plan or modification (as the case requires) may be withheld from a party if it is considered that providing a copy would pose an unacceptable risk to the safety of

the child or another person - s.89(7) of the Act. This does not apply to a provisional care plan.

If a person is denied a copy of a care plan or modification, they must be given written notice of the decision and the reasons for it. The person also has the right to apply to the CEO for a review of the decision (through the Care Plan Review Panel), and subsequently may apply to the State Administrative Tribunal (SAT) if dissatisfied with the CEO's review decision.

Care Planning for Children in Provisional Protection and Care

Section 39 of the Act requires a provisional care plan to be prepared within seven working days after a child enters provisional protection and care (unless the child enters secure care, in which case the timeframe is two working days). The information required in the provisional care plan is:

- an outline of the child's needs while in provisional protection and care and how those needs are to be addressed;
- decisions about the child's care arrangements or secure care arrangements;
- decisions about contact arrangements with the child's parent/s, sibling/s, family members or any other person who is significant in the child's life; and
- a summary of how the child participation principle in s.10 was applied and the wishes/views of the child regarding the decisions in the plan.

Other information should be recorded as available. Additional information required in the provisional care plan for a child in secure care includes an outline of the needs of the child in transition to other living arrangements after leaving secure care and how the needs will be met to reduce the likelihood of a return to secure care (s.88I of the Act).

Where a meeting has not occurred before the development of the provisional care plan, a planning meeting and/or consultation should occur with all relevant parties within 30 working days.

The provisional care plan may be modified at any time if the situation changes or more information is gathered. Inclusive and consultative processes should be undertaken with all parties where possible.

The CEO must modify a provisional care plan for a child if a decision recorded in the plan is varied, revoked or substituted or a further decision about the child's care is made by the CEO. The modification must be made as soon as practicable.

As soon as is practicable after the CEO prepares or modifies a provisional care plan the CEO must ensure that a copy of the care plan or modification is given to the child, the parent of the child, any carer of the child, and any other person considered by the CEO to have a direct and significant interest in the wellbeing of the child.

Provisional care plans must be reviewed every six months as part of case management.

Care Planning for all other Children in the CEO's Care

A care plan must be prepared and implemented as soon as practicable after a child first enters the CEO's care (other than a child in provisional protection and care). In practice, this is within 30 working days.

The care plan is developed through consultation with all parties (the child, parent(s), carer(s) and any other person who is significant in the child's life). The views and wishes of all parties should be obtained and documented.

Where it is not possible to convene a meeting or a series of smaller meetings with all parties (for example, geographical distance, illness or concerns about family violence), other forms of consultation must occur.

Review or Modification of a Care Plan

A review of the operation and effectiveness of every care plan must be completed, at a minimum, once every 12 months consistent with s.90 of the Act. See below for information regarding the Department's 11 month care planning cycle. More frequent review may be required for children under two years of age.

A review of the care plan must be carried out before an application is made to the Court for the extension of a protection order (time-limited) – s.56(1) of the Act.

Like all care planning, a review of the care plan is an inclusive process with all parties (where possible). It should:

- consider the current care plan to see if the decisions were implemented and assess how effective they have been;
- provide a synopsis of the child's current circumstances and identify whether any of the child's needs have changed;
- present and consider the views of all parties about the current situation and future planning;
- discuss any changes and decisions that may have occurred since the last care plan; and
- identify whether the child is leaving care and, if so, propose steps and measures to meet the child's leaving care needs.

A care plan should be modified at any time in the planning cycle if new information emerges or events occur that have an effect on the planning decisions for the child. Care plans should be modified if a change of care arrangement occurs and, where a child enters secure care, the care plan modification must occur as soon as practicable but within two working days after the care arrangement- s.88I of the Act.

Where modifications are proposed, a care plan meeting should be held, but if this is not possible the modification/s can still occur. However, all parties should be consulted where

possible. If modifications are required to several dimensions of the care plan, it may be more practical to conduct a review of the care plan, even if it is before the review due date. If a review is conducted, consultation must occur with all parties (where possible).

Review of Certain Decisions Regarding a Care Plan

The Care Plan Review Panel, established by the CEO, reviews certain decisions in a child's care plan on behalf of the CEO (care planning decisions) if the child, the child's parent's, the child's carer or other significant person to the child² applies to the CEO for a review of a decision. This includes a decision set out in a care plan for the child but does not include a secure care decision referred to in s.88G of the Act. It also includes a decision by the CEO not to provide a party with a copy of a care plan or modification, as the case requires.

All parties must be advised of their right to a review of these decisions, and of the Department's complaints and appeals processes.

If a party is dissatisfied by the CEO's review of the decision, they can seek a review of the decision through the SAT.

If a SAT review results in the modification of the child's care plan, that 'relevant modification' must be reflected in the care plan for 12 months. Care plan reviews may still be carried out and modifications made as required; however, the relevant modification is to remain in the care plan for 12 months unless there is a significant change in facts or circumstances, or new facts or circumstances have arisen since the SAT decision was made.

Quarterly Care Reports

A Quarterly Care Report is required for all children in the CEO's care. The Quarterly Care Report is to confirm the case manager meets with the child on his or her own at least once every three months. This is to determine how the child is progressing in care, to hear their views and wishes, assess their wellbeing and build relationships.

The review or modification of a care plan can constitute a Quarterly Care Report if the case worker has met with the child within one month before or after the report is due.

11 Month Care Planning Cycle

Care planning is a cyclical and ongoing process to make sure care plans are regularly reviewed and modified, and steps and measures are identified to meet all nine dimensions of the child's care – refer to Attachment One.

² This refers to any other person considered by the CEO to have a direct and significant interest in the wellbeing of the child.

To assist forward planning, and to make sure that reviews of care plans are completed within the required legislative timeframe, districts use a rolling 11 month planning cycle. This cycle is designed to support a sustainable and systematic approach so that all children in care have an up-to-date care plan or provisional care plan.

All care planning requirements should be scheduled to occur between January and November of each calendar year. A letter should be provided to the parent(s), carer(s) and parties significant to the child at the beginning of the cycle, providing details of meeting dates for the care plan review and the quarterly care visits scheduled throughout the year.

Related policies and documents

- Stability and Connection Planning Policy
- Signs of Safety Policy
- Leaving Care Policy
- Charter of Rights for Children and Young People in Care
- Memorandum of Understanding (MoU) between the Department and the Disability Services Commission: Joint Roles and Responsibilities for Supporting Children and Parents with Disabilities and operational guidelines (2015)
- MoU between the Department and the Public Advocate: procedures for young adults with decision-making disabilities leaving the care of the Department (January 2011).

Guidelines

The Casework Practice Manual Chapter 3.4 provides practice guidelines for staff based on this policy.

Document control

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Amendments

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1	April 2022	Senior Operational Policy Officer	Legislative amendments
2	July 2022	Principal Legislation Officer	Legal Review (approved April 2023)
3	September 2023	Senior Operational Policy Officer	Final amendments following General Counsel approval
4	October 2023	General Manager, Specialist Child Protection Unit	Minor edits to reflect contemporary language

Attachment One

