

# NSW Department of Education Out of Home Care in Government Schools Policy

The policy sets out the requirements relating to children and young people in statutory out of home care who are attending government schools, including preschools.

## 1. Objectives - Policy statement

1.1 To enhance the participation, retention, educational outcomes and wellbeing of children and young people in statutory out of home care who are attending government schools, including preschools.

## 2. Audience and applicability

2.1 NSW government schools, including preschools; parents/caregivers; caseworkers, children and young people in out of home care, government departments and designated non-government agencies.

## 3. Context

3.1 The *Education Act 1990* seeks to mitigate educational disadvantages arising from the child's gender or from geographic, economic, social, cultural, lingual or other causes (*Education Act 1990*, 6c).

3.2 "If a child or young person is temporarily or permanently deprived of his or her family environment, or cannot be allowed to remain in that environment in his or her own best interests, the child or young person is entitled to special protection and assistance from the State, and his or her name, identity, language, cultural and religious ties should, as far as possible, be preserved." *Children and Young Persons (Care and Protection) Act 1998*, Section 9.

3.3 The NSW Government plan *Keep Them Safe: A shared approach to child wellbeing* states that within 30 days of entering out of home care, all preschool and school aged children and young people in out of home care in government schools will have an individual education plan prepared for them, which is reviewed annually by the Department of Education and Training and by the responsible case worker. (Recommendation 16.8)

### 3.4 Legislation

3.4.1 *Education Act 1990*.

3.4.2 *Children and Young Persons (Care and Protection) Act 1998* (the Act).

In this act 'Out of home care' ([Section 135](#)):

- 1) means residential care and control of a child or young person that is provided:
  - a) by a person other than a parent of the child or young person, and
  - b) at a place other than the usual home of the child or young person, whether or not for fee, gain or reward.
- 2) There are 3 types of out of home care for the purposes of this Act, as follows:
  - a) "statutory out of home care" - see section 135A,
  - b) "supported out of home care" - see section 135B,
  - c) "voluntary out of home care" - see section 135C.

Note: Children and young people in statutory out of home care are the focus of this policy.

In this Act ([Section 139](#)), "designated agency" means:

- a) a department of the Public Service, or
- b) an organisation that arranges the provision of out of home care, if the department or organisation is accredited for the time being in accordance with the regulations.

## **4. Responsibilities and delegations**

### *4.1 Principals*

4.1.1 Principals are responsible for ensuring that assistance is provided to every child and young person regardless of their circumstances including their culturally and linguistically diverse backgrounds, religious or spiritual beliefs, gender and disabilities to access and participate in education on the same basis as all other students to achieve good educational outcomes.

4.1.2 Principals must ensure that children and young people in out of home care have access to the full range of school activities and programs.

4.1.3 Principals must ensure that information entered on the enrolment registration number (ERN) database for children or young people identified by the school as being in out of home care is updated when necessary. This includes using “split family” and “change student family” in the family management (family tree) function where there are different care circumstances for students and their siblings.

4.1.4 Consideration should be given to reviewing the plan where there are changes in other aspects of the child or young person’s life, such as a change of care placement, which may cause disruption to their schooling. Additional support to enhance the educational outcomes of children and young people in out of home care may be provided by:

- the carer, other professional staff (for example, speech therapists) and designated non-government agencies
- other departmental staff, for example, school counsellors or learning and support teachers.

4.1.5 Principals must ensure that the development and review of education plans is conducted in collaboration with the carer, caseworker, child or young person and other, appropriate, stakeholders.

4.1.6 Principals must ensure that carers and the child or young person are provided with a copy of the education plan as soon as possible after it is developed and whenever it is reviewed. A copy should be provided, by the carer or school to Community Services NSW or the designated government or non-government agency with case management responsibility.

4.1.7 Principals must ensure that each child or young person’s education plan is kept on file, is accessible to those who need access to it, and accompanies the child or young person’s record if there is a change of school.

4.1.8 Principals must ensure that there is appropriate permission for access to information concerning children and young people in out of home care. Permission will not necessarily be required in all cases if, for example, this is necessary under the Information Exchange provisions of part 16A of the Children and Young Persons (Care and Protection) Act 1998.

4.1.9 Principals must not disclose the care status of a child or young person in out of home care, including to departmental staff, unless this is required by legislation or necessary for the safety, welfare and wellbeing of the child or young person. This includes disclosing information on a ‘need to know’ basis to enable the development of an education plan. Information may be provided to another agency if this is necessary under the Information Exchange provisions of part 16A of the Children and Young Persons (Care and Protection) Act 1998.

### *4.2 Teachers*

4.2.1 Teachers are expected to participate in the development and implementation of education plans for children and young people in out of home care, the annual review of such plans, and to support their effective implementation.

4.2.2 Teachers must maintain the confidentiality of the care status of the child or young person in out of home care except as authorised by the principal (or otherwise required by law).

#### *4.3 Out of home care coordinators*

4.3.1 Out of home care coordinators will coordinate and monitor the educational support for children and young people in out of home care in government schools.

4.3.2 Out of home care coordinators will work with educational services staff, and relevant staff in other agencies, in establishing effective and efficient modes of working to improve the educational outcomes for children and young people in out of home care. This includes being a contact point for receiving information about children and young people entering out of home care and about health assessments conducted by NSW Health

4.3.3 Out of home care coordinators must not disclose the care status of a child or young person in out of home care, including to departmental staff, unless this is required by law or necessary for the safety, welfare or wellbeing of the child or young person.

#### *4.4 Out of home care teachers*

4.4.1 Out of home care teachers will work with school and educational services staff to build the capacity of teachers and schools to support children and young people in out of home care and improve their educational outcomes.

4.4.2 Out of home care teachers must not disclose the care status of a child or young person in out of home care, including to departmental staff, unless this is required by law or necessary for the safety, welfare or wellbeing of the child or young person.

#### *4.5 Educational services directors*

4.5.1 Educational services directors are responsible for the effective use and monitoring of out of home care resources to ensure that they are appropriately directed to enhancing the educational outcomes of children and young people in out of home care.

#### *4.6 Carers*

4.6.1 School and educational services staff are expected to liaise with carers and the caseworker to encourage their involvement in the educational planning process for the child or young person in their care.

#### *4.7 Government departments and other designated agencies*

4.7.1 School and educational services staff are expected to liaise with Community Services NSW or the designated non-government agency to encourage their involvement in the educational planning process for the child or young person in their care.

4.7.2 It is the legal duty of designated agencies that are prescribed bodies, to take reasonable steps to coordinate decision-making and the delivery of services regarding children in out of home care. Relevant information, resources and expertise must therefore be accessed and utilised to meet the needs of individual children and young people.

### **5. Monitoring, evaluation and reporting requirements**

5.1 Each school will review its support to any children or young people known by them to be in out of home care to ensure that it complies with this policy.

5.2 The Executive-Director, Learning and Engagement will monitor the state-wide implementation of this policy.

***At Illaroo Road Public School we work within the policy guidelines as set out above by the Department of Education.***