

Child Safety POLICY

Title: Responding to concerns about the standards of care

Policy No: 326-10

Policy Statement:

The Department of Children, Youth Justice and Multicultural Affairs (Child Safety) has a legislative responsibility to ensure children in care are cared for in a way that meets the statement of standards (*Child Protection Act 1999* (the Act), section 122) and the Charter of Rights for a Child in Care (schedule 1 of the Act).

Child Safety has a responsibility, in partnership with foster and kinship care services, to ensure that approved carers are provided with support, to enable them to fulfil their responsibilities under the Act. Child Safety also has a responsibility to ensure licensed care services are provided with support, to enable them to fulfil their responsibilities under the Act. Child Safety licensed care services and other entities will ensure the standards of care provided to children through proactive case work and will address concerns and issues as they arise and prevent concerns from continuing or escalating.

Where concerns are raised about the quality of care provided to a child in care, Child Safety will respond by conducting a standards of care review. Where concerns indicate that a child in care has been harmed, or it is suspected that a child has been harmed, Child Safety will respond by recording a harm report and conducting an investigation and assessment.

When responding to concerns about the standards of care, Child Safety will work in a cooperative, timely and supportive manner with carers and licensed care services. Carers may choose to record their discussion of harm reports with Child Safety staff and retain the recording. Carers are the owners of interview material they record, but cannot communicate or publish any part of audio or video recordings to any person, except in accordance with the provisions of the Act.

When responding to concerns about the standards of care, Child Safety will work in a way that promotes the continuity of the child's relationships and the stability of the child's care arrangement, as far as possible.

Children will be kept informed of matters affecting them, in a way and to an extent that is appropriate, having regard to their age and ability to understand. Children will have the opportunity to participate in the decision making that affects their lives.

Child Safety is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, Child Safety has an obligation to take action to respond to concerns about the standards of care provided to a child in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights.

The safe care and connection of Aboriginal and Torres Strait Islander children with family, community, culture and country will be a key consideration **when** responding to concerns about the standards of care for an Aboriginal and Torres Strait Islander child.

Principles:

- The safety, wellbeing and best interests of a child, both throughout childhood and the rest of the child's life, are paramount.
- Child Safety staff will act and make decisions in a way that is compatible with human rights and obligations under the *Human Rights Act 2019*.
- A child has a right to be protected from harm and risk of harm.
- A child has the right to stable living arrangements, including arrangements that provide for the child's development, education, emotional, health, intellectual and physical needs.
- A child has the right to know, explore and maintain his or her identity and values, including cultural, ethnic and religious identity and values.
- Responses to concerns received about the quality of care provided to a child will be responded to as a matter of priority and within required timeframes.
- The five elements of the child placement principle (prevention, partnership, placement, participation and connection) under section 5C of the Act apply to all processes, decisions and actions for an Aboriginal or Torres Strait Islander child.
- The long-term effect of a decision on an Aboriginal or Torres Strait Islander child's identity and connection with the child's family and community will be taken into account in responses to concerns about the quality of care provided to a child.

Objectives:

This policy aims to ensure that:

- Child Safety's response to concerns about the standards of care provided to a child in care are undertaken in a manner that is collaborative, respectful and supportive, with the overarching aim of ensuring the safety and wellbeing of children in care
- the support needs of carers are identified and addressed as part of the response to children
- decisions made in relation to Aboriginal and Torres Strait Islander children promote their safe care and connection with family, community, culture and country.

Scope:

This policy refers to children who have been placed in care under section 82(1) of the Act. It does not apply to:

- children subject to a child protection order granting custody to a member of the child's family (section 61(d) of the Act)
- children subject to a child protection order granting long-term guardianship to a person other than the chief executive, unless the concerns relate to respite care provided by an approved foster carer or provisionally approved carer (section 61(f) of the Act).

Roles and Responsibilities:

Refer to the Child Safety Practice Manual, Provide and review care, for responsibilities relevant to responding to concerns about the quality of care provided to a child.

Authority:

Child Protection Act 1999, sections 51ZE, 61, 82, 83(2) and 84, 122, 135-141.

Child Protection Regulation 2011

Delegations:

Refer to instruments of delegation relevant to responding to concerns about the standards of care provided to children in care.

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Office: Office of the Chief Practitioner
Help Contact: Child Protection Practice

Links:

Procedures

Child Safety Practice Manual

Related legislation or standard

Human Rights Act 2019

Statement of Commitment between the Department of Child Safety, Youth and Women] and the foster and kinship carers of Queensland

Working with Children (Risk Management and Screening) Act 2000

Related policies

Carer learning and support (457)

Carer participation (460)

Critical incident reporting

Decisions about Aboriginal and Torres Strait Islander children (641)

Foster care training (383)

Information sharing for service delivery coordination (403)

Participation of children and young people in decision-making (369)

Placement of children in care (578)

Response to children who are sexually abused while placed in care (627)

Rescinded policy

326-9 Responding to concerns about the standards of care

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