

**Guidelines for Service Delivery:
Youth Housing and Reintegration
Service (YHARS)
and
After Care Service**

Revised: October 2017

Acknowledgements

The first version of this document was developed by the Office for Youth and Child Safety between January and March 2010 in consultation with Housing and Homelessness Services, Youth Detention Centres, Youth Justice Services and Child Safety Service Centres.

The following source documents were referenced and adapted in the development of these guidelines:

- Department of Communities, 2009, *Supporting Young People Under 16 Years of Age: Guidelines for Good Practice for SAAP Services*.
- Department of Communities, Housing and Homelessness Services, *Guidelines for the use of Brokerage Funds in Specialist Homelessness Services*.
- Department of Communities, *Youth Justice Services Practice Manual December 2009*.
- Legal advice provided by Legal Services, Department of Communities, October 2009.
- Department of Communities, 2008, *Logan Beenleigh Young Persons Project Information Sharing Protocols*.
- Department of Communities, *Child Safety Practice Manual, 2004*.
- Department of Communities, 2008, *Youth Justice Case Management Framework*.
- Department of Communities, 2009, *Conflict Resolution and Grievances Procedure, Conduct and Performance*.
- Department of Communities, 2009, *Conflict Resolution and Grievances Policy, Conduct and Performance*.
- Department of Communities, 2007, *Disclosing information about a young person fact sheet*.
- Department of Communities, 2008, *Recordkeeping Framework*.
- Department of Communities, 2008, *Record Keeping*.
- Legislative references:
 - *Director of Child Protection Litigation Act 2016*
 - *Child Protection Act 1999*
 - *Youth Justice and Other Legislation Amendment Act 2014*
 - *Information Privacy Act 2009*
 - *Community Services Act 2007*

These guidelines were revised in October 2014 to incorporate the revised departmental structures and operating guidelines. The guidelines were amended in October 2017 in relation to the administration of brokerage.

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Purpose

These guidelines outline the processes by which the Youth Housing and Reintegration Service including After Care Service (YHARS) will interact and share information with stakeholders, manage information about YHARS clients, and provide case management and brokerage services to young people. Adherence to the Guidelines for Service Delivery is required as a condition of the service agreement between the YHARS provider and the department, and is effective from the date the service agreement is signed by the relevant parties.

The purpose of these guidelines is to outline the expectations of funded service providers, as well as service providers' relationships with the following stakeholders:

- Child Safety Service Centres
- Youth Justice Service Centres
- other non-government and government agencies involved in the delivery of services to YHARS clients

YHARS will be monitored and reviewed by the Department of Communities, Child Safety and Disability Services for continuous improvement purposes against the Guidelines for Service Delivery.

Overview

The Homelessness National Partnership Agreement is an agreement between the Commonwealth Government and Australian State and Territory Governments to deliver a range of initiatives to address homelessness. The Youth Housing and Reintegration Service including After Care Service (YHARS) is one of these initiatives. This initiative is required to provide a coordinated and integrated response to the complex needs of young people who are homeless or at-risk of homelessness.

YHARS will target young people aged 12 - 21 years at the time of referral who are at risk of homelessness, or who are homeless, and who:

- are transitioning or who have transitioned from the care of the Department of Communities, Child Safety and Disability Services (Child Safety) or have recently exited from care or, are transitioning to the community following a period of sentence or remand in a Youth Detention Centre or,
- have been "sleeping rough" or living in unstable or temporary housing arrangements

Given the high rate of over-representation of Aboriginal and Torres Strait Islander young people in the child safety and youth justice service systems, a significant proportion of YHARS clients will be Aboriginal and/or Torres Strait Islander young people.

YHARS including After Care Service consists of the following two components:

1. The Support Service will provide case management support and brokerage to assist young people aged 12 - 21 years who are homeless or at risk of homelessness, to transition to greater stability and independence. The support will be delivered to young people who belong to the identified target groups and who are:
 - without accommodation
 - living in existing unstable accommodation
 - accommodated in Transition to Independent Living Units
2. The After Care Service will provide individualised support through a combination of brokerage funds and case management to young people aged 17 - 21 years who are homeless or at risk of homelessness, and are leaving or have recently left the care of Child Safety.¹ Young people who reside outside YHARS catchment areas will be considered for After Care Service support and brokerage on a case by case basis.

Objectives and outcomes

The objective of YHARS is to assist young people transition to greater stability and independence. This will be achieved through flexible, evidence-based service delivery with a focus on:

- supporting young people to apply for and access transitional accommodation
- actively reconnecting young people to family/carers where appropriate
- engaging young people in education, training and employment
- providing young people with the skills to maintain their tenancies
- providing young people with the knowledge and skills to function independently and successfully
- linking young people with sustainable mainstream support, specialist services and longer term housing

The expected outcomes from YHARS are as follows:

- young people will be stabilised in terms of their welfare and accommodation needs
- young people will maintain or improve connections with their families, peers, and communities where appropriate
- young people will develop knowledge and skills that promote independent living
- young people will complete their bail or supervised release orders without further offending or contravention of their supervision orders
- young people leaving accommodation options available under the Youth Housing and Reintegration Service including After Care Service will access and maintain sustainable and longer term accommodation and support
- young people will maintain or improve their participation in education, training or employment

¹ Referrals for young people from New Zealand who are not eligible for other government services may be considered for support. Referrals may also be accepted from young people who are cared for under the Unaccompanied Humanitarian Minor (UHM) program

- young people will be linked with community and government resources as required and will gain skills to enable them to access these resources
- families of young people will develop or improve their knowledge and skills to supervise and support their children

Shared roles and responsibilities

This section outlines the shared roles and responsibilities of key stakeholders providing high quality, integrated services to YHARS clients.

Each key stakeholder shares the following responsibilities:

- to collaborate in the coordination and delivery of services to the client group
- considering the needs of young people, their families, kin and carers in the planning and delivery of services so that appropriate coordinated services are available
- monitoring service provision to reflect the changing needs of individuals and communities, and to ensure services are improved over time
- working collaboratively to resolve and address barriers to coordinated service delivery
- ensuring that wherever possible, the young person receiving YHARS support is able to make informed decisions including those regarding informed consent

YHARS responsibilities

The YHARS funded service provider will be responsible for:

- providing support and case management to young people relating to their housing needs, employment, training and education
- providing lead case management to the young person where no statutory agency is responsible for a YHARS client
- participating in case planning and providing support for the implementation of case plans where a Child Safety Service Centre or Youth Justice Service Centre has lead case management responsibility for a young person²
- supporting the young person to maintain relationships with family, kin and community where possible
- engaging relevant supports for a young person where there are specific cultural considerations
- monitoring and reporting on the achievement of clients' goals
- administering brokerage services to YHARS Support Service and After Care clients where YHARS has case management or case coordination responsibilities
- working with other service providers across the After Care Service catchment (where applicable) area³ to administer After Care Service

² See Case Management responsibilities

³ See Service Agreement for outline of departmental regions where After Care Service brokerage will be implemented

brokerage funding for young people living outside YHARS catchment locations⁴

- identifying agencies to provide assistance and support for young people referred to YHARS After Care Service brokerage and who reside outside YHARS catchment locations
- working collaboratively with stakeholders especially family, kin and carers, within the young person's support network
- monitoring service provision to reflect the changing needs of individuals and communities
- working collaboratively with government and non-government stakeholders to resolve and address barriers to coordinated service delivery

Child Safety responsibilities

The Department of Communities, Child Safety and Disability Services is the Queensland Government's lead child protection agency. The *Child Protection Act 1999* and *Child Protection Regulation 2011* provide the legislative mandate for child protection work undertaken by the department⁵.

Children and young people subject to a statutory intervention under the *Child Protection Act 1999* receive support to enhance their safety and well-being. A young person in care may be supported by and accommodated in residential services at various locations across Queensland. Child Safety may use YHARS accommodation where available as a placement where this is assessed as best meeting the needs of the young person. Where a young person is subject to statutory intervention, Child Safety is responsible for case managing the young person.

The role of Child Safety is to work collaboratively with YHARS by:

- referring young people who meet eligibility criteria
- providing lead case management when the young person is subject to dual child protection and youth justice orders⁶
- providing support to the client who is residing in YHARS accommodation and is subject to a child protection order
- supporting the young person to maintain relationships with family, kin and community where possible
- engaging relevant supports where there are specific cultural considerations for a young person
- working collaboratively with YHARS to clarify their role in case coordination to ensure goals identified in the case plan are achieved
- sharing relevant information with YHARS and stakeholders as required

Youth Justice responsibilities

⁴ See Brokerage Administration

⁵ The primary clients of Child Safety are vulnerable children and young people within Queensland who have been harmed or at risk of harm. The operating focus is on meeting the protective needs of this group of children and young people.

⁶ See Glossary for information about Dual Orders (Appendix 3)

Under the *Youth Justice Act 1992*, the Department of Justice and Attorney-General is responsible for administering youth justice orders, including supervised orders,⁷ Conditional Bail programs⁸, providing court submissions, developing court reports, and supporting young people remanded in custody⁹ and subject to detention orders. Youth Detention Centres are responsible for the safe detention of young people and managing the case work of young people remanded in custody and subject to detention orders.

The role of Youth Justice Services and Youth Detention Centres is to work collaboratively with YHARS by:

- referring young people who meet eligibility criteria
- providing lead case management where the YHARS client is subject to a youth justice order but is not subject to any other statutory intervention
- contributing to the case management plans of Child Safety where the young person is subject to dual youth justice and child protection orders
- supporting the young person to maintain relationships with family, kin and community where possible
- engaging relevant support networks where there are specific cultural considerations for a young person
- referring young people to YHARS prior to completion of the detention period
- sharing relevant information with YHARS and other stakeholders as required.

Responsibilities of other service providers

The YHARS case manager may refer the young person to a specialist service provider. YHARS will need to negotiate roles and responsibilities with this service provider as these may vary depending on the particular circumstances of the referral. It is recommended that YHARS funded service providers develop clear protocols and communication pathways including, if relevant, a memorandum of understanding with other service providers assisting with managing the shared responsibilities of service delivery to clients¹⁰.

The specialist service provider is expected to work collaboratively with YHARS to:

- provide services as requested by YHARS through the referral process
- support the young person to maintain relationships with family, kin and community where possible
- provide feedback to YHARS, with the consent of the young person, to ensure coordinated service delivery and that the young person's needs are met
- assist with monitoring service provision to reflect the changing needs of individuals, family, kin and communities and to ensure services improve over time
- resolve and address barriers to coordinated service delivery

⁷ See Glossary for information about Statutory Youth Justice Orders (Appendix 5)

⁸ See Glossary for information about Conditional Bail Programs (Appendix 3)

⁹ See Glossary for information about Remanded in Custody (Appendix 3)

¹⁰ Department of Communities, Child Safety and Disability Services officers may be able to assist with this process

Responsibilities of other service providers sub-contracted to provide After Care Service case management by YHARS

When a young person has left care, resides outside the YHARS geographic service delivery boundaries, is not subject to an order, and requires access to brokerage services; YHARS may engage a non-government or government service provider in the client's local area to provide support¹¹. Case management will include assessment and intervention to address needs identified in the request for After Care Services.

There are two options for managing these referrals:

1. Establish a link with a recommended service provider and negotiate the required case management support.
2. If there is another local service provider already providing support which includes case management services, YHARS may request information¹² to facilitate access to the After Care Service brokerage funds, with the young person's consent.

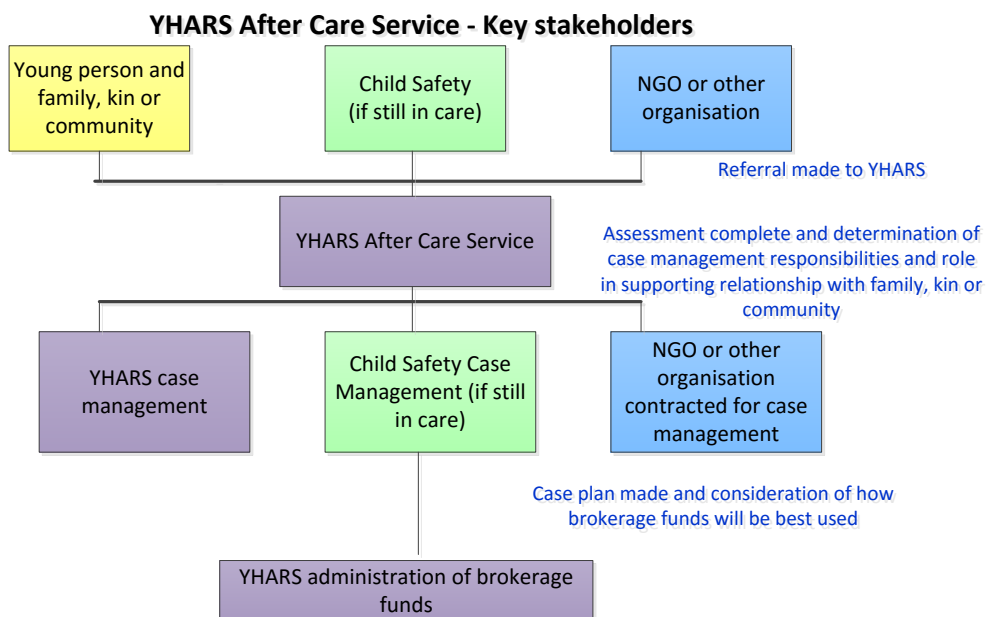
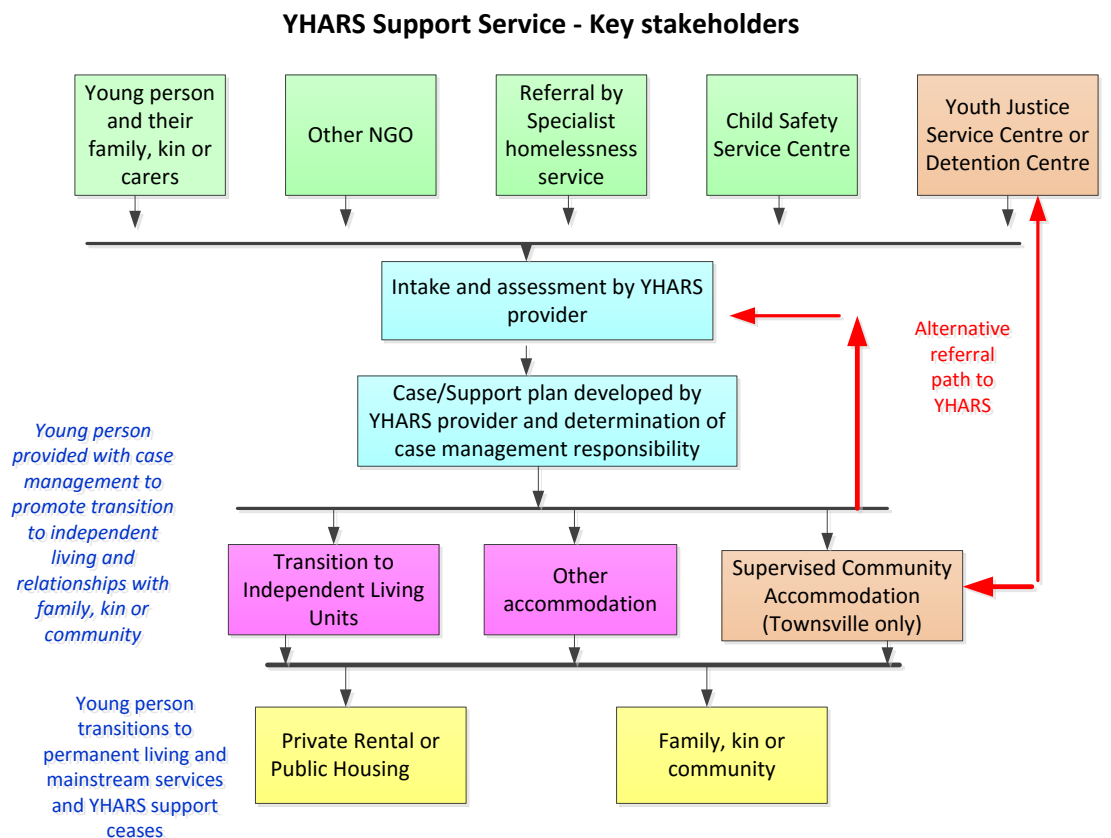
In both these situations, the role of the service provider is to:

- provide After Care Service clients with case management services
- liaise with Child Safety to clarify their role and obligations towards the young person
- support the young person to maintain relationships with family, kin and community where possible
- develop a case/support plan identifying the young person's needs and goals
- contact YHARS to negotiate additional funding where the person is eligible and requires brokerage funding for additional services and goods
- provide reporting and accountability documentation to YHARS
- share relevant information with YHARS and other stakeholders as required

¹¹ See Brokerage Administration

¹² See Information Sharing

Service delivery process flowchart



Information sharing

All stakeholders must ensure that sharing of information complies with legislation, organisational policies and procedures, and is in the best interests of the young person.

There are instances when service providers will need to collect, use and share

young people's personal information, such as:

- receiving referrals of young people
- undertaking an assessment of the young person's eligibility and needs
- developing a case plan and determining case work responsibilities among stakeholders
- providing ongoing direct service delivery to clients
- coordinating services for the young person in accordance with the support plan and identified needs
- monitoring and reporting client outcomes

General principles

The best interests of the YHARS client are likely to be met when there is sufficient knowledge of the young person's case plan and goals in relation to their assessed needs, and organisations are working collaboratively to coordinate service delivery.

In providing services which meet the best interests of the client, YHARS is required to comply with the following clauses in the service agreement:

- disclosure of confidential information
- protection of personal information

To assist in providing a high standard of service delivery, the key principles underpinning the collection, use and disclosure of personal information are outlined below.

Key principles

Informed consent

Informed consent of client must be obtained prior to information sharing as early as possible in YHARS' engagement with the young person. Consent should be sought for the collection, use and disclosure of personal information.

To enable the young person to make an informed decision about whether or not to provide consent to the collection, use and disclosure of personal information, the young person must be given sufficient information about what personal information will be collected, how it will be used, and to whom it will be disclosed. (See Appendix 6 for example of client consent form)

In a situation where a young person does not provide consent for information sharing with other stakeholders, YHARS will need to consider the implications of providing services to the client and the extent to which service delivery may be affected. The young person must be informed about any possible implications in line with the Standards for Community Services.

Relevant, current and accurate

Necessary, relevant, current and accurate information to enable case management support of young people, including the coordination of specific services involving a young person's housing and other needs, should be shared. Stakeholders will ensure as far as reasonably practicable, personal information collected or shared is both accurate and up-to-date. Relevant information includes as relevant to the reason information is being shared:

- client's current support needs
- the client's service history, support needs and risk of harm and protective factors
- the client's family, kin, friendship and community support networks
- client's status, progress and outcomes

The records and files provided to an external provider when sharing information with consent remain the property of the external provider and the information contained in them must remain confidential.

Collection

It is expected that the type of information collected from young people will often be of a highly personal nature and therefore it is important to ensure that information is collected respectfully and with sensitivity.

If appropriate, service providers should consider if there are other less intrusive ways of collecting this information. For example, with the consent of the young person, it may be appropriate to obtain information from another service provider if this will save the client repeating their story multiple times. This should only be done with the consent of the young person.

Responsibilities

YHARS information sharing responsibilities

YHARS should protect clients' rights to confidentiality and privacy¹³, however where there is concern about harm or risk of harm to the young person under the age of 18 years, it is critical for YHARS to report these concerns to Child Safety. The organisation's policies, procedures and duty of care requirements should reflect this requirement.

As early as possible in the YHARS worker's engagement with young people¹⁴, the young person should be provided with information about the service's confidentiality and record keeping policies. Young people should be asked if they understand the policies and be provided with the opportunity to ask questions about these policies. If the young person is from a culturally or linguistically diverse background, it may be necessary to use interpreter services to ensure the young person understands the service and can express their needs and wishes.

The YHARS worker and young person need to discuss the implications of providing consent so that the young person is aware of how, why, when and what information will be shared with external services. This will remove any ambiguity for the young person, particularly when there is concern regarding harm or risk of harm, and in situations where young people in statutory care require medical treatment or are missing.

Information sharing regarding young people in the child protection system

Provisions in the *Child Protection Act 1999* relate to planning and information sharing about children, young people and families:

¹³ See Standards for Community Services: Standard for confidentiality and privacy

¹⁴ Discretion may be exercised as to the most appropriate time in the early stages of engagement with the young person

- a child protection order gives the department the right and responsibility to make decisions about the child's daily care (sections 12 and 13)
- it requires the department to ensure a case plan is developed for each child in need of protection and ongoing help. This includes living arrangements and interim arrangements, services to meet protection and care needs of the child, and their future wellbeing (section 51C)
- service providers may give government departments relevant information in regards to the child's plan or to respond to the health, educational or care needs of the child (section 159M(c))
- service providers must take reasonable steps to coordinate decision-making and the delivery of services to children and their families to appropriately and effectively meet their protection and care needs (section 159F)

These provisions must be considered when working with young people in care who are accessing services from YHARS.

In any case where a young person has ongoing involvement with Child Safety (either through a child protection order or other open case), YHARS should contact the relevant Child Safety Service Centre to clarify roles and expectations, and to ensure the case plan is developed with the open participation of all stakeholders. The *Child Protection Act 1999* permits open information sharing in such situations.

YHARS providers must comply with their organisational policy around informing the relevant Child Safety Service Centre about the safety and wellbeing of the young person where there is concern about harm or risk of harm, and in situations where the young person in statutory care requires medical attention.

Information sharing regarding young people in the youth justice system

To safeguard the interests of a young person on youth justice orders, YHARS should obtain consent from the young person to contact the relevant Youth Justice Service in the following situations:

- when they are aware that a young person is subject to a youth justice order
- when a young person is subject to a youth justice order and they leave the service or appear to be missing
- when a young person has as part of their youth justice order or bail undertaking a condition to reside in YHARS supported accommodation, and it becomes evident that this may not be possible or sustainable
- to discuss a YHARS client's support needs, case plan or to identify additional sources of support for the young person, particularly family, kin, friendship and community support.

Other circumstances where information exchange may occur

YHARS may wish to confirm with Child Safety and Youth Justice whether a young person has been, or is subject to a statutory child protection, youth justice order or bail order with conditions where it is suspected that this is the case and the young person provides consent, or where it may be necessary to provide for a person's safety, including the young person's safety.

Where YHARS has lead case management responsibility, the service will be responsible for monitoring the young person's goals. Any reporting mechanisms or requirements should be identified and discussed openly with the young person.

Situations where informed consent may be overridden

In situations where there is identified harm or risk of harm to a young person under the age of 18 years, YHARS providers may need to make contact with Child Safety, regardless of whether the young person is subject to a child protection order.

There may be other circumstances where YHARS identifies a need to contact other agencies including Youth Justice Services, Queensland Health, mental health services, Queensland Police Service or the young person's parents or carers without the consent of the young person. YHARS providers must have well defined policies relating to the circumstances in which contact will be made with an individual or agency without a young person's consent (for example, duty of care for safety of the young person and others or emergency medical treatment). It is important for services to advise young people about the limits to confidentiality.

Child Safety information sharing responsibilities

The *Child Protection Act 1999* states provisions to support collaboration and allow the sharing of relevant information between government departments and non-government organisations that provide services to young people and families (chapter 5A).

Where a young person is subject to statutory intervention and is being case managed by Child Safety, it is recommended that the responsible Child Safety Service Centre follows these principles for information sharing:

- the Child Safety Officer is to work collaboratively with the YHARS provider and other YHARS stakeholders, ensuring the working relationship is inclusive, participatory, and in the best interests of the young person
- relevant child protection information should be shared with YHARS via case discussion processes and with the young persons and parent's consent where possible (sections 14 and 22)
- reporting mechanisms and frequency for the YHARS client should be identified in the development of the case plan
- where a YHARS client is subject to dual orders, Child Safety will exercise lead case management role and will work collaboratively with YHARS stakeholders

Youth Justice Services and Youth Detention Centre information sharing responsibilities

Where a young person is subject to statutory youth justice orders (not dual orders), the Youth Justice Service will retain lead case management responsibility.

It is recommended that Youth Justice Services and Youth Detention Centres follow these principles for information sharing:

- Youth Justice Service and Youth Detention Centre work collaboratively with the YHARS provider, ensuring the working relationship is inclusive and participatory, and in the best interests of the young person
- the *Youth Justice and Other Legislation Amendment Act 2014* makes reference to disclosure of information to someone else if the child consents to the disclosure after being told:
 - the type of information to be disclosed
 - to whom the information is to be disclosed, and the reason for the disclosure
- consent from the young person should be obtained in writing

- the *Youth Justice and Other Legislation Amendment Act 2014* also provides the ability to disclose information if it is necessary to ensure a person's safety, including the young person's safety. If there is a concern that the young person may pose a risk to the greater community, then, in keeping with the legislation, the Youth Justice Service and YHARS should share information.

YHARS and other service provider information sharing responsibilities

With the consent and involvement of the young person, it is recommended that YHARS will work with other service providers in the following ways:

- non-government or government service providers will provide YHARS with relevant information about the young person's needs and resources available to assist in meeting these needs
- YHARS and other agencies may be involved in reviewing the young person's case plan.

After Care Service information sharing between YHARS and other non-government or government service providers

Where it is required for YHARS to work with other service providers in the administration of the After Care Service brokerage funding, the following information sharing is required:

- non-government and government service providers should provide YHARS with the relevant case management information developed with the consent of the young person in relation to their housing and other needs
- both agencies should discuss and ensure the case plan is appropriate for the young person, and the brokerage funding is provided to achieve planned goals¹⁵
- YHARS should be able to contribute to case management reviews

Referral

Youth Justice Services, Youth Detention Centres, Child Safety and other government and non-government organisations may make referrals to YHARS. Additionally, a young person may self-refer to the service.

Referral criteria

Referrals will be accepted and prioritised for young people aged 12 - 21 years who are homeless or at risk of homelessness and are either¹⁶:

- transitioning or have transitioned from a child protection order to independence
- transitioning from a period of sentence or remand in a Youth Detention Centre or
- sleeping rough or living in unstable, temporary or inadequate housing

YHARS referral process

¹⁵ See Brokerage Administration

¹⁶ Referrals for young people from New Zealand who are not eligible for other government services may be considered for support. Referrals may also be accepted from young people who are cared for under the Unaccompanied Humanitarian Minor (UHM) program

YHARS is required to develop and undertake a screening process to ensure the young person meets referral criteria. Based on the information provided by the referring agency, YHARS will make a decision on whether to accept the young person's referral. YHARS will provide confirmation to the referring agency and/or the young person within two business days.

Young people may be referred by Child Safety, Youth Justice Services, other government services or non-government organisations. Referrals should follow the process developed by YHARS in consultation with other stakeholders. With the young person's permission, the minimum following information will be required for referral to YHARS:

- full name, date of birth, address, and phone number
- parent, guardian or carer's names and contact numbers if applicable
- school details including year, contact person, and phone if applicable
- family members including names, age, gender
- information regarding involvement with Child Safety or Youth Justice Service Centres, including any statutory interventions that the young person is subject to
- health issues including mental health
- relevant information from the young person's case plan, including identified needs, risks and responsiveness to interventions
- referrer's name and contact details.

Child Safety referrals

Child Safety may assess all eligible young people and where required, refer those that are homeless or at risk of homelessness and transitioning from care to YHARS.

Child Safety will refer 17 year olds who are at risk of homelessness including young people who are at risk of homelessness on leaving care.

Child Safety may also refer young people residing outside a designated YHARS catchment area to YHARS for consideration.

The process for referring Child Safety Service clients to YHARS is as follows:

1. the officer identifies a young person who meets the referral criteria
2. the young person and their care team agree to the referral
3. the officer completes the YHARS referral process
4. the officer may contact YHARS to confirm or discuss the referral

For referrals for young people under 18 years of age, Child Safety will retain responsibility as lead agent for that client where the young person continues to receive statutory intervention from Child Safety. YHARS providers will assist young people to engage with Child Safety where they are disengaged or reluctant to work directly with the department.

Youth Justice Service and Youth Detention Centre referrals

The Youth Justice Service, working in conjunction with the Youth Detention Centre, may refer young people exiting detention and who are at risk of homelessness to YHARS.

The process for referring young people exiting detention to YHARS is as follows:

1. the case workers (Youth Justice Service and Youth Detention Centre) identify a young person who meets the YHARS referral criteria
2. the referral is discussed and agreed to by the young person, their parent or care provider where possible, and their case workers
3. the case workers complete the YHARS referral process
4. the case workers may contact YHARS to confirm or discuss the referral

Referrals for accommodation support for young people

YHARS will have access to an allocation of Transition to Independent Living Units. YHARS will be required to work in collaboration with local housing service centres and registered housing providers to coordinate client service delivery where the young person is being considered for a Transition to Independent Living Unit. This option caters for young people with low to moderate support needs. The referral process is outlined below.

Transition to Independent Living Units

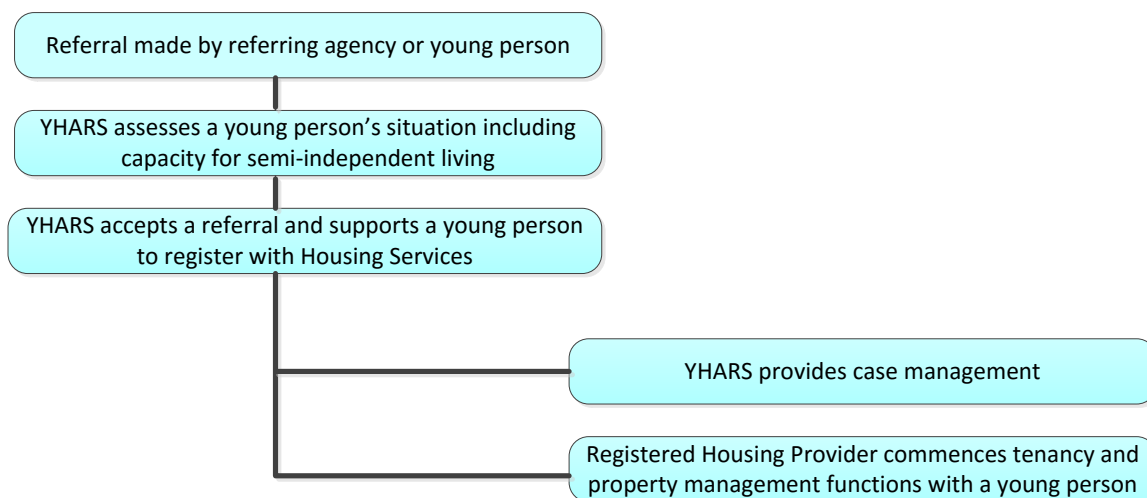
Youth Justice Services (in conjunction with Youth Detention Centres if required), Child Safety and other government and non-government service providers may make referrals to YHARS for young people to access independent living unit accommodation and case management.

Eligibility for young people to reside in these units requires that they meet all of the following criteria:

- aged between 15 - 21 years
- assessed as suitable and capable of semi-independent living
- eligible for or in receipt of an independent income
- eligible for social housing assistance
- in the process of applying for or have an approved application on the housing register with the Department of Housing and Public Works

Referral process for Transition to Independent Living Units

Referral process for Transition to Independent Living Units



After Care Service

After Care Service case management and brokerage provided by YHARS (external to YHARS catchment areas)

YHARS After Care Service brokerage is available for young people aged 17 – 21 years old who are transitioning or who have transitioned to independence. Child Safety Officers, the young person themselves or a government or non-government service provider can make referrals to YHARS for a young person who requires After Care Service case management support.

Young people who are under 18 years old, reside outside a designated YHARS catchment area and are in the care of the department will be considered for After Care support and brokerage on a case by case basis¹⁷.

YHARS will undertake an assessment process to ensure that the young person meets the eligibility criteria. YHARS will make a decision about whether to accept the young person's referral and provide confirmation to the referring agency and young person within two business days.

With the consent of the young person, the following information will be required for a referral to YHARS for After Care Service brokerage:

- young person's full name, date of birth, address, and phone number
- details of the Child Safety Service Centre that managed or is managing the young person's child protection order
- name and contact details of the worker from the referring agency
- a copy of the young person's case plan or details about services and supports provided to the young person

Case management provided by another service provider

Child Safety, other government services and/or non-government service providers located outside the YHARS Support Service catchment areas may make referrals to YHARS on behalf of a young person who requires After Care Service case management support and brokerage. In this situation, a young person will still require an assessment and case management plan to access the After Care Service brokerage.

A request for After Care Service brokerage must include the following information:

- young person's full name, date of birth, address, and phone number
- contact details of the relevant Child Safety Service Centre to verify the young person's circumstances

If the young person is assessed as being eligible to receive After Care Service brokerage, YHARS will also require:

- a case plan or relevant extract from a case plan showing why this brokerage is required, including how it will assist to achieve the goals of the case plan
- other options explored before application for After Care Service brokerage
- outcomes to be achieved through the use of the After Care Service brokerage

¹⁷ Referrals for young people from New Zealand who are not eligible for other government services may be considered for support. Referrals may also be accepted from young people who are cared for under the Unaccompanied Humanitarian Minor (UHM) program

- strategies for monitoring brokerage use and outcomes

Principles for case management and accommodation support

YHARS providers are required to use a case management approach when providing assistance to young people, including support for Aboriginal and Torres Strait Islander young people and young people aged under 16 years. This section outlines case management frameworks, as well as principles and resources for working with young people.

Case management in the YHARS context refers to a planned approach to service delivery and includes the following stages¹⁸:

- referral of the young person to the service
- entry and screening processes
- assessment
- case planning
- direct service
- coordination
- monitoring and review
- exit planning, case closure and follow up
- evaluation

YHARS case management framework, principles and resources

Case management where statutory intervention exists

In situations where there is statutory intervention by Child Safety

If a young person referred to YHARS is currently subject to intervention by Child Safety, the Child Safety Officer¹⁹ will maintain lead case management responsibility and will work collaboratively with YHARS, ensuring the young person has been informed and has given consent prior to referral.

It is expected that the Child Safety Officer will work in a way which is inclusive and participatory, and in the best interests of the child or young person. This includes providing relevant case plan information to YHARS and participating developing shared responses to emerging client needs.

YHARS providers will assist young people to engage with Child Safety where they are disengaged or reluctant to work directly with the department. In these situations, Child Safety still holds statutory responsibility for developing and implementing a case plan.

In situations where there is statutory intervention by Youth Justice Services

Where a young person is subject to youth justice intervention, the Youth Justice Service will maintain case management responsibility. The case worker will work collaboratively with YHARS, ensuring the young person has been informed and given consent prior to referral.

In situations where a young person is subject to dual orders

¹⁸ See National Practice Principles in SAAP Case Management available at www.dss.gov.au

¹⁹ *Child Protection Act 1999*, section 5, 6, 51A-Y, 59, 68(1)(d)(i), 80, 83, 86, 122, 187, 188, schedule 1.

Where a young person is subject to dual orders, Child Safety will retain lead case management responsibility.

The role of YHARS when there is statutory intervention

Where a young person is subject to statutory intervention, the YHARS role will involve the following:

- obtain with the young person's consent, relevant information from the young person's current case plan
- participate in monitoring and reviewing by way of review meetings, case discussions, and information sharing with all key stakeholders
- be proactive in reducing barriers to the young person obtaining services to address the factors which are contributing to their homelessness
- support the young person to maintain relationships with family, kin, friends and community support networks where possible
- establish sustainable links to education, training and employment for the young person

Case management where statutory intervention does not exist

If YHARS has contact with a young person aged 12 - 21 years with no current involvement with Child Safety or Youth Justice Services, YHARS will be responsible for providing lead case management support.

Working with Aboriginal and Torres Strait Islander young people

Aboriginal and Torres Strait Islander young people exiting or transitioning from child protection orders, or transitioning to the community after being held in custody in a youth detention centre, experience a heightened risk of homelessness and are a priority client group for this initiative. Therefore, cultural competency must be embedded in the organisational culture of YHARS and in all aspects of service delivery, including case management.

Assessing a young person's needs includes an assessment of the young person's family and kin relationships and family and kin structure, the role and involvement of extended family, the Indigenous community, friends and other agencies.

Collaborative relationships, protocols and referral pathways with Indigenous managed services and community elders will assist with building culturally competent responses to the needs of Aboriginal and Torres Strait Islander young people. If possible, YHARS should employ Indigenous staff and ensure the inclusion of, and access to services for Aboriginal and Torres Strait Islander people.

Working with young parents who are engaged with Child Safety

Where a YHARS client is also a parent of a child and is in contact with Child Safety, YHARS should encourage the client to continue to engage with Child Safety to ensure the well-being and safety of any children in their care.

Should YHARS assess that a risk of harm exists to a child, consideration must be given

to immediately notifying Child Safety. It is important to inform the young person about reporting obligations in line with the organisation's policy and procedures and duty of care responsibilities at the commencement of the YHARS service.

Working with young people (including considerations for those under 16 years)

The following section provides information regarding the legal roles and responsibilities of YHARS and other issues that may arise when working with clients, particularly those aged under 16 years who are not involved with Child Safety.

Principles for working with young people aged under 16 years

YHARS providers need to consider the following principles and activities when working with young people aged under 16 years in accommodation services:

- develop age appropriate strategies for entry screening, assessment, planning, intervention services, coordination, monitoring and review, exit planning, case closure and follow up
- early assessment of the young person's capability and understanding of the needs for which they are seeking help, the choices available to them, and the likely and possible consequences of any proposed course of action
- assessment includes consideration of whether the young person is at risk of harm or has been harmed, and whether this information needs to be reported to Child Safety
- assessment also determines the types of support that would best meet the needs of the young person
- support young people wherever possible to reconcile and strengthen family, kin and community relations in a culturally competent way. This includes:
 - consideration of the young person's family structure and extended family relationships, mentors and friendship networks
 - consideration of their role in the community and support provided by other government or non-government agencies, including teachers and coaches
- where reconciliation of the young person with their family is not a viable option, assist the young person to establish and maintain relationships with kin, friends, mentors and community support networks and ensure that they have access to safe and secure accommodation
- work with young people to plan for their exit from the service to ensure that they are aware of, and have access to, sources of ongoing support in the community
- circumstances in which young people are unable to return home (or who are refusing to return home) due to allegations of physical or serious emotional harm, neglect or sexual abuse must be reported to Child Safety. It is important to inform the young person about reporting obligations in line with the organisation's policy and procedures and duty of care responsibilities.

Rights and responsibilities of parents and young people

Parents have a legal responsibility to care for, protect, supervise, guide and provide for their children to adulthood. While it is legally recognised that a young person aged 18 years may exercise legal rights and responsibilities, it is also recognised that the young

person will continue to mature physiologically and cognitively until their early to mid-twenties.

Parents have a right to decide on issues affecting their children. For example, where children live, where they go to school, reasonable discipline, consent for medical treatment and religious education, unless statutory intervention is occurring and/or a court order exists which alters this right. The court can override parental rights relating to the care and custody of their children.

YHARS must ensure that the young person is able to give informed consent about any decisions relating to their care. Legal advice²⁰ indicates that a young person is capable of giving informed consent if they have achieved sufficient understanding and intelligence to enable them to comprehend what is proposed to them.

Legal and ethical considerations

There are a number of complex issues to be taken into account when working with young people aged under 16 years. These issues need to be considered by the YHARS provider in the development of policies and procedures, particularly with respect to young people's capacity for informed consent and decision-making. A summary of issues in relation to the legal issues follows.

Best interests

The extent to which the decision or action is in the young person's best interests is an ethical and legal consideration which will need to be taken into account by the YHARS provider.

Unless there is statutory intervention or existing family law court or domestic violence orders in place which negate this, the views of the parents in relation to the young person's decision or proposed course of action should also be considered.

The rights and wishes of both the young person and parents have to be considered and balanced against each other, yet informed by the overriding principle of the young person's best interests.

Advocacy

The YHARS provider will act as an advocate for the young person with a clear awareness of the need to assess the young person's situation in a holistic context by considering their relationships with family, kin, friends, school and community.

Informed consent

Providing they have an understanding of the options and implications of their decision, the young person can be assumed to have the capacity to give informed consent to matters such as medical assessment and treatment. Consideration should be given to the young person's age, developmental stage, cognitive and emotional capacities, vulnerability, any intellectual or psychological impairment, any statutory intervention in place, the risk the decision poses for the young person, and the degree to which they

²⁰ In 1992, in a Queensland case commonly known as Marion's Case, the Gillick decision was adopted as part of Australian law. In the Australian case a majority of the judges of the High Court of Australia found that a young person was capable of giving informed consent if they had achieved a sufficient understanding and intelligence to enable them to understand fully what was proposed to them.

fully understand the choices and implications of their decision.

The immediate and longer-term impact and the seriousness of the decision for the safety and well-being of the young person also have to be assessed.

There are both legal and ethical considerations regarding the assessment of a young person's competence to give "informed consent" and each case has to take individual circumstances into account.

Conflict between rights of the parent and rights of the young person

There are many situations where there is conflict between the young person's rights to autonomy and the parent's rights as legal guardian.

Where it is clear that there is a conflict between parent and young person, or there is no parental agreement regarding the young person's actions or decisions, then the YHARS provider should be cautious in its assessment of "competence to give informed consent".

Duty of Care

Every person has a duty of care to every other person who is reasonably likely to be injured by the first person's acts or omissions. The YHARS providers have a duty of care to all clients of the service, as well as other workers and those who are likely to suffer foreseeable harm. Services are required to take all reasonable care in carrying out their work to make sure that appropriate standards of care are met. The appropriate standard of care is assessed on the action a reasonable person would take in a particular situation. On some occasions a client's right to confidentiality may need to be overridden by a YHARS provider if a duty of care issue arises.

YHARS providers should have policies to ensure that procedures for reasonable actions to meet duty of care responsibilities are in place. Any action taken under a worker's duty of care obligation should be documented and reported to their supervisor.

To meet duty of care responsibilities, YHARS providers should consider:

- the need to access interpreter or other support services for young people from culturally and linguistically diverse backgrounds
- the need to respect and be sensitive to the cultural preferences and customs of young people from Aboriginal and Torres Strait Islander backgrounds
- the need to respect and be sensitive to the needs of young people with a disability, and aware of appropriate support services to assist young people meet their specific needs
- how the service can responsibly meet the needs of a young person
- how the service can support the young person to maintain relationships with family, kin, friends, mentors and community support networks
- how the service can work cooperatively with other services to meet the needs of the young person
- referral to other support services when YHARS cannot responsibly provide assistance to a young person
- the need to assist young people exiting YHARS to link with transitional or long term support services

YHARS providers should advise young people under the age of 16 years about their duty of care responsibilities, including the service's policies regarding:

- the support the service is able to provide

- the circumstances in which parent's or care providers of a young person may be advised of the young persons' whereabouts and safety
- the circumstances in which Child Safety and/or Youth Justice Services may be contacted

This information will be provided upon initial contact so that young people can make an informed decision about whether or not to access the service.

Contact with parent, family and carers

YHARS providers should develop a policy regarding contact with parents, family and carers. This policy should take the following into account:

- the young person's right to access safe and secure accommodation
- the young person's willingness to have contact with their parents, family, kin and carers
- the young person's right to have their confidentiality respected
- the provision of information about the young person's wellbeing to parents, family, kin and carers without compromising the young person's privacy
- a parent's or carer's right to know where their child is and to make day to day decisions in relation to their child, subject to consideration of issues relating to the child's safety
- Child Safety statutory obligations to assess child protection notifications relating to young people
- the YHARS operational guidelines and service model

Where the young person is subject to a child protection order, it is recommended that YHARS contact Child Safety for information regarding the arrangements for contact with parents, family and carers.

In providing services to young people under the age of 16 years, the YHARS providers will need to consider issues relating to how the young person's parent or guardian or carers may be involved in the young person's support plan. An important part of working with young people is to reconcile and strengthen family and kin relationships wherever possible.

If the young person accommodated or supported by YHARS is subject to statutory child protection intervention, then Child Safety should be contacted regarding parental or carer contact prior to making contact with the young person's parents or carers. The respective roles of Child Safety and the YHARS provider in this process should be negotiated and explained clearly to the young person and the parent.

In some instances, young people may be reluctant for their parents, guardians or carers including significant others like elders to be informed of their whereabouts. On initial contact with the service, young people should be informed of policy regarding contacting parents and how information is passed on.

Unless a court order exists, that is, a family court order or a child protection order with custody or guardianship to the Director General, Department of Communities, Child Safety and Disability Services, a child's parents retain legal rights until the child reaches 18 years of age. This is the case even if the child leaves home. It is important to assess how the needs of young people can be met and family relationships supported in the process rather than focusing on the rights of parents versus the rights of young people.

The YHARS providers' primary responsibility is to their clients. When the client is under the age of 16 years, the rights and needs of the young person may not always be consistent with those of their parents. The YHARS providers should ensure that the best interests of the young person are the priority in any service provided.

If parents contact the service requesting information

Under no circumstances should the YHARS staff provide information which is not factually correct to a young person's parents, family member or carers. Service providers should ensure parents are provided with appropriate information. Where the YHARS provider's policy is not to release information, procedures for dealing with requests for information should be in place. The procedures should require staff to advise parents that they cannot confirm or deny that the young person is accommodated at the service. If any contact does occur, the young person should be advised that their parent, family member or carer has contacted the service and would like to speak with them.

If a parent, family member or carer visits YHARS seeking contact with the young person, the service should inform the parent, family member or carer of the organisation's policy in relation to requests for information or contact.

Generally, Child Safety is required to advise parents of the young person's whereabouts. When this occurs and the young person is residing in YHARS accommodation, Child Safety should advise YHARS immediately. Child Safety can only withhold information from parents when there is an assessed risk to the safety of the young person or others.

It is important to mediate with a young person and their family to help resolve conflict and reunite families wherever possible. It is also acknowledged that "time-out" is often important in enabling young people and families to gain perspective and resolve their own problems.

Income support for under 16 year olds

In accordance with the approved case plan, Child Safety may provide financial support to young people who are subject to statutory intervention. Discussions regarding financial assistance should take place with the local Child Safety Service Centre and in light of the case management protocol between welfare authorities for unsupported young people. If a child protection order does not exist, the parents of the young person would generally be responsible for financially supporting the young person.

Child Safety is responsible for advising the YHARS provider how payment for accommodation costs and related living costs will be met for young people who are subject to an order and are referred to YHARS for accommodation.

For young people aged 12 - 17 years who are under juvenile justice orders, Youth Justice Services maintains primary case management responsibility for the statutory components of their orders and may assist the young person to apply for any benefits for which they may be eligible.

If a young person aged under 16 years is not subject to an order and requires income support, the YHARS provider can make a referral to Centrelink. Centrelink will assess the application and provide income support if the young person meets the eligibility criteria.

Child Safety and Centrelink are bound by the *Case Management Protocol between Commonwealth Agencies and State/Territory Welfare Authorities for Unsupported Young People* (sometimes referred to as the Youth Protocol). The protocol clarifies the responsibilities of each of the agencies in relation to homeless young people seeking income support.

Under the protocol, Centrelink is required to refer all homeless or unsupported young people under the age of 15 who apply for income support to Child Safety. As deemed appropriate by Centrelink, young people aged 15 - 17 may also be referred under the protocol. In exceptional circumstances, Centrelink may provide financial support through Special Benefit for young people aged under 15 years. Centrelink is responsible for the final decision regarding the outcome of all applications for Commonwealth income support.

Medical treatment

The YHARS providers will assist young people to access medical and dental services as required. If the doctor or dentist is satisfied that the child or young person understands the implications, it is the child or young person who should give consent to medical or dental treatment. In an emergency, doctors have the full authority of the law to act without consent.

Medical treatment for young people subject to child protection orders

Child protection orders specify the custody and guardianship arrangements for children and this in turn determines authority for making key decisions about medical treatment. Decisions should be referred to Child Safety in the first instance.

Self-injury concerns

The YHARS providers should have policy in place detailing procedures for staff for situations where there is concern that a young person is at risk of suicide or self-harm. The policy and procedures for dealing with suicide risk must ensure that reasonable action is taken to prevent suicide, and that support is provided to young people who may be depressed or at risk of suicide. The young person's case management plan will also need to detail these actions. YHARS providers should contact Child Safety immediately if there is concern about any young person subject to statutory intervention who may be at risk of suicide or self-harm.

YHARS providers may not be in a position to responsibly accommodate a young person who is at risk of suicide²¹ due to the service's staffing model, their capacity to supervise or an absence of appropriate health care services in the area. If the

²¹ Youth Justice Services and Youth Detention Centres have a procedure for identifying young people with known suicide risk behaviours and information sharing between YHARS and these agencies should include the disclosure of this information

YHARS providers cannot responsibly respond to the needs of the young person, a referral to a more appropriate health care or mental health care service should be made.

If the YHARS provider is concerned that a young person subject to statutory intervention is at risk of suicide or self-harm outside business hours, they should contact the After Hours Child Safety Service Centre so that appropriate support can be accessed. In an urgent situation, the YHARS providers should arrange emergency medical assistance for the young person and then contact Child Safety. Local arrangements need to be in place to ensure YHARS providers and Child Safety responsibly manage emergency situations.

All stakeholders have particular responsibilities to manage and report suicide risk for the young people they are working with. It is recommended that YHARS notifies relevant stakeholders when there appears to be a suicide or self-harm risk for a young person and that any response plans are developed collaboratively as appropriate. YHARS also needs to implement the organisation's policies and procedures for duty of care and to comply with the relevant clauses of the service agreement.

What if the young person is a missing person?

YHARS providers are to have policies to respond when a young person under the age of 18 years is suspected as being listed as missing and/or whose whereabouts are unknown.

Child Safety is responsible for ensuring that young people subject to statutory child protection intervention are reported as missing if their whereabouts is unknown. A YHARS staff member may be asked to make a report to police if they were the last person to see a young person who has gone missing.

YHARS providers are advised to ask young people whether they may be currently listed as missing when the young person first accesses the service. A young person may choose not to reveal their status as a missing person, or may be unaware that they are listed as missing. In the instance where a young person believes they may be listed as a missing person, the service is advised to support the young person to notify the Queensland Police Service or their family of their whereabouts or their wellbeing so that they are removed from the missing person's list. Alternatively, the young person may consent to another appropriate adult conveying this information to the Queensland Police Service or their family on their behalf.

YHARS providers are encouraged to provide as much information as possible to the Queensland Police Service about any young person who may need to be listed as missing. However, it is inappropriate for the YHARS providers to obtain additional intrusive information if they believe a young person may one day need to be listed as missing. For example, it is intrusive and inappropriate to photograph young people or make records of tattoos or distinguishing marks.

Brokerage administration

This section outlines the purpose, principles and operational procedures for the use of brokerage funds for both components of YHARS and has been adapted from the Department of Communities Guidelines for the use of Brokerage Funds in Specialist Homelessness Services.

Brokerage funding is delivered across two components within YHARS including After Care Service:

1. Support Service: provided to assist clients who are case managed by the service within the target location
2. After Care Service: provided to assist clients who are case managed within the target location and eligible young people from other locations²²

Purpose

The Department of Communities, Child Safety and Disability Services provides brokerage funds as a component of grant funding. In the context of YHARS, brokerage is defined as the purchase of goods or services by the service provider to support a client to meet their goals as specified in a case management plan. The total amount allocated to the service for brokerage in a funding period is specified in the YHARS service agreement.

Brokerage funding of up to \$3,500 may be available to meet the assessed needs of a client included in a case management plan. Brokerage expenditure in excess of \$3,500 may be considered by the department, on a case-by-case basis, for young people with challenging and complex needs.

Brokerage may be required by some, but not all, YHARS clients and may be used when other options to meet the client's identified needs are not available. There is no requirement for the service to allocate brokerage funds to individual clients during the funding period. It is not anticipated that all YHARS clients will need to access brokerage and this should be assessed on a case-by-case basis and supported by a case management plan.

Brokerage funding:

- should not replace or duplicate existing services, or services provided by other providers
- may be used to contribute towards a service in part or full.
- may be pooled to support two or more YHARS clients with the same assessed need(s) and who consent to participating in a shared service.

Brokerage can be used by services to assist clients at risk of homelessness to:

- access new accommodation
- maintain existing accommodation arrangements
- access specialist support to stabilise the young person
- participate in education, training and employment
- meet a client's immediate needs where no other options are immediately available.

²² Refer to Service Agreement

Examples of brokerage usage for YHARS case management include:

- payment of utility bills or rent arrears
- contribution to bond and/or rental guarantee
- purchase of material aid such as food, white goods, cutlery, crockery, furnishing or medication and hygiene consumables
- payments for essential documents such as birth certificate
- purchase of specialist services not provided by YHARS or After Care, including psychological, psychiatric or other mental health services, family mediation, therapy or counselling, medical and dental services
- enrolment or course fees at an educational or training institution
- payment for the cost of employment related licences, for example, forklift ticket
- payment for occasional child care
- travel costs for clients to access specialised support or affordable housing
- purchase of up to 100 hours (equivalent) of driving lessons with a registered driving school (when a driving supervisor is not available/accessible) where obtaining a drivers licence has been identified as a goal in the young person's case plan
- removal costs to access affordable housing

YHARS must manage expectations to ensure clients do not become reliant on brokerage funds for the ongoing costs of living. These funds should be used astutely by the service across the funding period.

Principles for the use of brokerage funds

The use of brokerage funds in YHARS including After Care Service is guided by five principles:

Case Management

Brokerage funds are administered in the context of case management, which should be undertaken on a collaborative basis, especially when young people are involved with Child Safety and/or Youth Justices.

When a case management plan provides for the purchase of services and resources that are essential to achieving client outcomes, it should ensure that:

- interventions purchased with brokerage funds are assessed and negotiated in collaboration with the client
- responses are tailored to the needs of clients
- some level of assessment and planning is put in place prior to, or concurrent with the use of brokerage funds
- brokerage is not the first or only service provided to the clients.

Flexibility

The use of brokerage is driven by choice and flexibility in service delivery and can be applied at any point across the service delivery continuum.

Client focus

Brokerage support is responsive to and driven by the expressed need of the client, and is respectful of the rights, dignity and confidentiality of the client.

Avoid duplication of service provision

Brokerage funds are not intended to duplicate the provision of one-off financial and material assistance available from other sources; for example, Child Related Costs (Appendix 1).

Value for money

Interventions purchased with brokerage funds are to be as cost effective as possible. When deciding to commit brokerage funds, consider whether the intended expenditure is the best use of resources to meet identified client needs or goals.

Procedures for administering brokerage

Support Service

The referral process undertaken by YHARS will determine the young person's circumstances and whether the person is eligible and/or prioritised for service delivery under this funding initiative. An assessment of the young person's support needs and subsequent development of their case plan, in conjunction with key stakeholders, will determine whether there is a need to use brokerage funding.

However, in keeping with the principle of flexibility, there may also be instances during the course of involvement with the young person, where there is an emergent need that requires the use of brokerage funding.

Brokerage should be paid directly by the service on behalf of the young person for goods and services. Direct cash payments to young people are not permitted. The service will also be responsible for ensuring that funds have been expended for their intended purpose and develop processes to identify, manage and account separately for expenditure.

After Care Service brokerage

The After Care Service incorporates local and regional brokerage funding components. To centralise access to the After Care Service brokerage funding by eligible young people across all of Queensland, the brokerage funding will be administered by YHARS in the following areas:

- Inala YHARS - Brisbane, North Coast and South East regions
- Townsville YHARS - North and Far North regions
- Rockhampton YHARS - Central Queensland region
- Toowoomba YHARS - South West region

Brokerage administered in target locations

In conjunction with key stakeholders, an assessment of the young person's support needs and subsequent development of their case plan will determine whether there is a need to utilise brokerage funding. As noted, brokerage will be paid directly by the service on behalf of the young person, and the service will be accountable for the expenditure of funds and separate management of this funding.

Brokerage administered outside of target locations

As part of the YHARS including After Care Service, the provider may have a responsibility to administer brokerage to clients in locations outside the target area.

In this instance, the YHARS including After Care Service may not have responsibility for case management of these clients. It is possible that referrals for this brokerage may come from:

- Child Safety
- non-government or government agencies
- the young person

For a young person to be eligible for access to brokerage funding, an assessment and case plan outlining the need for brokerage funding must be developed and provided to YHARS. In order to facilitate the provision of face-to-face support to the young person, a young person who self refers from an area outside of the target location must be referred by YHARS to a service provider in the relevant geographical area for support. The sub-contracted service provider will undertake an assessment and case planning process to identify how the brokerage will assist the young person in achieving case planning goals. This service provider will then release this information to YHARS for brokerage funding. YHARS will request the sub-contracted service provider to monitor and follow up to ensure that brokerage is used for the purpose it was intended.

As part of the self-referral process, YHARS will be required to confirm that the young person has exited or is exiting the care of the department²³. YHARS will advise the young person of the requirement to contact Child Safety to verify this information. YHARS will also establish whether the young person has received any other entitlements before brokerage can be provided.

If a young person opposes contact with Child Safety consideration may be given to provide brokerage to assist the young person to access and/or maintain emergency accommodation. See Appendix 2 for case scenario examples.

There may be exceptional instances where a young person accesses YHARS support brokerage from outside the YHARS catchment areas. In these circumstances (where other suitable youth-focused organisations are non-existent or unable to assist) the brokerage would be managed as per the guidelines for the After Care brokerage.

Service providers contracted to provide a case management service to self-referring clients may be paid at a rate of SACS level 4.4 including on-costs (*Queensland Community Services and Crisis Assistance Award 2008*). This funding may be in addition to the total grant amount available for After Care Service brokerage funding.

Record keeping

YHARS is funded under the National Partnership Agreement on Homelessness and the service will be required to participate in performance monitoring, data collection and evaluation processes. To assist with these processes and performance reporting requirements, services funded under this funding initiative will be provided with Information Communications Technology (ICT) which has

²³ Transition from Care is the process undertaken by Child Safety to prepare the young person to exit child safety care. It involves the development of a case plan and often involves the allocation of resources to this plan.

been tailored to the Commonwealth and State reporting requirements. The service agreement includes a clause which requires YHARS to record client data on the client management system called Service Record System (SRS) which is specific to the YHARS initiative.

The YHARS client management system allows services to collate, report and extract required data. There is also functionality for client case management.

Information that is required to be recorded on the SRS is similar to that which is collected by Specialist Homelessness Services and includes:

- demographic information about clients
- income
- labour force or education
- referral pathways
- assessment of the young person's needs
- accommodation
- brokerage funding or support provided
- review and monitoring which include reporting on client outcomes and project evaluation

General principles for record keeping in YHARS

- Record keeping systems should be compliant with clauses 20 and 21 of the service agreement between the YHARS and the department
- Implementation of the record keeping system should be monitored by management and subject to the organisation's quality assurance processes
- Record keeping systems should be reliable and secure from unauthorised access, damage and misuse
- Record keeping strategies, tools, and systems should be systematic and comprehensive
- YHARS must make and keep full and accurate records for as long as they are required for business, legislative and accountability purposes.

Data safety and storage

YHARS providers are responsible for developing policies and procedures for implementing a range of security measures to protect information from unauthorised access, modification or disclosure, and also against misuse and loss. Examples include provision for physical security, computer security, communications security and personnel security.

YHARS providers must explain the need to collect data, including the intention to use data for research purposes to the young people accessing the service and explain how privacy is safeguarded in the data collection process.

As part of this funding initiative, the YHARS client management system will have the capacity to record and store data and case files. This application will be web-based and have a range of security measures to protect client information. YHARS will be required to develop policies and procedures to ensure the effective use of this system.

Disposal of Records

When the case is closed, all file notes or records not included in the SRS client management system need to be securely retained by YHARS.

Conflict resolution

The purpose of this section is to provide guidance for conflict resolution for all stakeholders in YHARS.

General principles

- Wherever possible, stakeholders with a complaint, or experiencing conflict should attempt to resolve the matter locally without the need for formal management intervention
- Grievances must be dealt with in a fair, impartial and unbiased manner with all parties being afforded natural justice
- Formally lodging a grievance should occur only where all reasonable attempts to resolve the matter locally and informally have failed
- Information or allegations which may constitute official misconduct, corruption or maladministration, must in line with the funding source, be referred to Ethical Standards, Department of Communities, Child Safety and Disability Services.

Practice Context

Conflict between YHARS and a departmental stakeholder

If a YHARS provider has a dispute with Child Safety, Youth Justice Services, Social Housing Services or other government services in relation to a casework matter, the following processes should be employed:

- the YHARS provider will attempt to resolve the matter directly with the departmental service involved
- if the matter cannot be resolved, the service will contact the Department of Communities, Child Safety and Disability Services community resource officer or contract manager
- if the matter still remains unresolved, the issue may then be referred to the Regional Director

If a Child Safety, Youth Justice Service, Youth Detention Centre, or Social Housing Service staff member has a disagreement with the YHARS provider about their service delivery, the following processes should be employed:

- the department will attempt to resolve the matter directly with the YHARS provider
- if the matter cannot be resolved, the department will contact the relevant Community Support Officer or Contract manager
- if the matter still cannot be resolved, the issue will be referred to the relevant Regional Directors

Complaints about YHARS by young people

Funded services are required to establish a grievance procedure to follow when

formal complaints are made by young people. As part of the intake procedure for clients, young people accessing YHARS should be informed of the service's grievance procedures. As young people may require support to have their complaint heard, the organisation's grievance policy may need to be modified to ensure support is available for the client group.

Young people have the right to make a complaint about any aspect of the services they receive from the YHARS funded service. When they cannot be resolved by the service, complaints will be referred to the departmental regional office where the service is located.

If a young person complains about inappropriate sharing of their personal information by a government officer, a complaint can be made to the relevant agency. In this instance, the agency will be guided by its own complaint handling policies and procedures. If the complaint is in relation to inappropriate sharing of information by staff within YHARS or by other service providers participating in the service delivery protocol, the issue should be referred to the YHARS manager who will be guided by complaint handling procedures as defined in the service's funding agreement.

Complaints about Child Safety, Youth Justice Services or Housing Services by young people

Young people affected by the decisions made by Child Safety, Youth Justice Services or Housing Services have the right to complain if dissatisfied.

If a complaint relates to a decision made by Child Safety, Youth Justice Services or Housing Services, the following process applies:

- every effort should be made to resolve the matter directly with the service involved
- if the matter cannot be resolved, the Manager of the Child Safety Service Centre, Youth Justice Services or Housing Services should be contacted
- if the matter has not been resolved and the matter is in relation to Child Safety, the Client Relations Officer at the regional office should be contacted
- if the matter has not been resolved and is in relation to another Department of Communities, Child Safety and Disability Services service area, the Complaints and Review Unit may be contacted²⁴
- if the matter has not been resolved and is in relation to Youth Justice Services or Housing Services, a complaint may be submitted via the Queensland Government²⁵

Information required for a complaint should include:

- what occurred and when it occurred
- who was involved
- who has been informed of this previously
- the process for resolution so far

²⁴ Phone 1800 080 464, or email feedback@communities.qld.gov.au

²⁵ Phone 13 74 68, online form <http://www.qld.gov.au/contact-us/complaints/index.html>, in person or by mail

APPENDIX 1 – Options available for young people subject to statutory intervention

Child Safety Statutory Intervention

Child Safety supports all young people who are subject to statutory interventions through Child Related Costs. In addition, young people aged 15 - 18 years are also supported with case plans with a Transition from Care component and a one-off payment of Transition to Independent Living Allowance.

Child Related Costs

All young people who are subject to a child protection order receive support through Child Related Costs reimbursement that is approved for costs that are specific to the child or young person's individual needs over and above the financial support provided in the fortnightly caring allowance. Eligible costs include carer support, client support and family contact, education support, medical costs and travel.

Transition from Care

Transition from Care (TFC) is planning for the young person who is turning 15 years for when the protection order ends. An officer from Child Safety will work with the young person to develop transition from care goals as part of case planning. Financial assistance is available to implement these goals. Eligible costs for TFC support can provide payment for study, obtaining a drivers licence, living independently, and accessing counselling and support services.

Transition from Care funding is also available where a young person is aged 18 years and where a Support Service case has been opened to facilitate up to 12 months support on unresolved transition from care issues (as assessed by Child Safety). This support will address significant issues, such as housing, education, training, employment, social connectedness and independent living skills and the case is reviewed at six month intervals.

Transition to Independent Living Allowance²⁶

The Transition to Independent Living Allowance (TILA) is available to assist with needs that a young person aged 15 – 25 years, who is leaving care or has left care, in relation to establishing independent living. It provides one-off support up to \$1,500 and can be used for costs such as starting employment, education, moving expenses or establishing a household.

Juvenile Justice Statutory Intervention

Youth Justice Service Centres have some provision to cover Child Related Costs for young people. These Child Related Costs are most often used for case plan related activities and interventions as well as targeted therapeutic interventions. The Youth Justice Service Centre may provide support to young people leaving detention including funding for clothing. If a young person is unable or unwilling to return home to their family after exiting detention, the Youth Justice Services case worker will provide Child Safety with a referral for further support (including financial support).

²⁶ See www.dss.gov.au for further information

APPENDIX 2 – Examples of case scenarios for After Care brokerage referrals

Referral from Child Safety to YHARS including After Care Service	
CLIENT INFORMATION	PROCESS
<p>A referral has been received from an officer at a Child Safety Service Centre. In this referral, it is identified that Susan needs assistance to secure long term accommodation and support to maintain this accommodation.</p> <p>Susan is 18 years and 3 months and informs the intake officer from YHARS that she was in foster care until she was 18 years old. She does not have permanent accommodation after leaving her placement with the carers.</p> <p>Susan has been staying at a friend's unit, but the friend is being evicted in two days and Susan has no other accommodation options at this time.</p>	<p>YHARS receives the referral by email or fax from the Child Safety Officer with information confirming that Susan is transitioning from care and identifies she is currently at risk of homelessness. On the basis of the information provided by the officer at the Child Safety Service Centre, YHARS has assessed the young person as being eligible and prioritised her for After Care Service brokerage funds.</p> <p>As per these guidelines, the officer from Child Safety should be the lead case worker for Susan and will work collaboratively with the YHARS After Care Service case worker (where After Care Service case support is available) and with any other relevant service providers.</p> <p>As Susan has a current support service plan, the Child Safety Service Centre will meet identified and appropriate costs that are aligned with the support service plan through Transition from Care funding such as Susan's bond, white goods, TAFE courses and furniture. The worker at YHARS should request a copy of the relevant sections of the case plan to confirm this support and identify gaps in support which may be a barrier to Susan obtaining permanent accommodation.</p> <p>Brokerage funding and support could be provided for additional items which would assist Susan to obtain and maintain permanent accommodation. This support should not duplicate support which is already available from the Child Safety Service Centre. YHARS will need to develop internal organisational policies and procedures which will respond to this scenario and provide transparent, accountable and equitable processes.</p>

Referral from a non-government organisation to YHARS

CLIENT INFORMATION	PROCESS
<p>A referral from XYZ Youth Service has identified that Tom is 18 years old, having exited care recently and may be eligible for After Care Service brokerage funding.</p> <p>Over the last 7 months Tom has been alternating between sleeping on friends' couches and living on the streets.</p> <p>Tom has reported that while in care, he had multiple placement breakdowns however he has continued to receive support from Child Safety. The support appears to have been sporadic due to Tom moving from one place to another and losing contact with his Child Safety Officer. It appears Tom's Child Safety Services file is now closed as he is over 18 years old.</p> <p>Tom lives in a rural location and does not have access to the YHARS office. He receives unemployment benefits from Centrelink and has no contact with his family and extended family who reside in Western Australia.</p> <p>Tom states he cannot find anywhere to stay and has contacted the XYZ Youth Service by phone from his local Centrelink office. The XYZ Youth Service has provided Tom with some information about the YHARS including After Care Service. He has requested that the XYZ Youth Service to complete a referral on his behalf.</p>	<p>YHARS received the emailed or faxed referral from the XYZ Youth Service with the relevant information completed.</p> <p>YHARS will contact Tom to gain further information, discuss the service, inform him about the criteria for support through the After Care Service and seek his consent to confirm his status with the Child Safety.</p> <p>YHARS will also need to obtain consent from Tom so that information can be shared between the YHARS and the XYZ Youth Service so that case management support can be provided.</p> <p>Since Tom is residing outside of the area where case management support can be provided by the YHARS office (to meet the requirement for brokerage funding to be provided in the context of support to the young person), YHARS may negotiate with XYZ Youth Service to determine whether they have the capacity to provide some time-limited case management support for Tom. This case management support may be able to be provided as an activity which is funded by XYZ Youth Service however could also be provided on a fee-for-service basis.</p> <p>YHARS will need to develop internal organisational policies and procedures which will respond to this scenario and provide transparent, accountable and equitable processes.</p> <p>The role of the external agency (possibly XYZ Youth Service) will be to contact Tom, provide assessment of his immediate presenting needs, identify how the brokerage funding can contribute to addressing the immediate needs (related to homelessness), provide support and ensure that brokerage is used for the purpose it was intended. Each situation will be different and it is difficult to anticipate outcomes when clients may present with complex needs.</p> <p>For accountability of the brokerage funding, YHARS will be responsible for confirming that expenditure meet the YHARS policy and procedures for use of brokerage funding.</p>

Self-referral from young person to YHARS	
CLIENT INFORMATION	PROCESS
<p>Terry is an 18 year old male, his girlfriend Julia is 17 years and they have a 6 month old daughter. Terry and Julia have self-referred to YHARS to access the After Care brokerage funding. The family are currently living out of Terry's car and their child has been sick on and off for the past month.</p> <p>Terry states they need to have a place to live as well as food and other essentials for their child. Terry does not work and has only recently been released from prison. Terry was previously in foster care but has been disconnected from his family and his foster family and wants no contact with them.</p> <p>Julia informs the worker at YHARS that she has been involved with Child Safety and has a current Child Protection Order due to expire when she is 18 years. She reports that she left her placement at age 16 years when she met Terry. She has had no contact with Child Safety since that time.</p> <p>Julia states her mother is an alcoholic and drug user and has a propensity to be very violent to others so she has no physical contact with her.</p>	<p>During intake assessment with the YHARS including After Care Service, Terry signed a consent form to allow the service to contact Child Safety. Confirmation of previous child protection status by the Child Safety Service Centre is essential to process Terry's request for service delivery.</p> <p>In this scenario, the worker at YHARS will need to determine whether Julia wants to re-engage with the officer at Child Safety. In responding to the identified needs of both Julia and her child, the worker will also need to consider YHARS policies and procedures relating to duty of care responsibilities and the Human Services Quality Framework's Standard 4: Safety, well-being and rights²⁷.</p> <p>When the Child Safety Service Centre confirms Terry's status as a young person who has previously been in care, the YHARS service can provide case management, accommodation (if available) and financial support through After Care Service brokerage funding.</p> <p>Given the risks and complexity of need in this example, if this situation were to present to the service, YHARS should consider notifying Child Safety about current concerns. This will depend on whether the service has been able address the presenting risk factors as well as any protective factors and the YHARS organisational policies and procedures. If there is a referral to Child Safety, it is the responsibility of the Intake Officer at the Child Safety Service Centre to respond to the child protection issues.</p>

²⁷ See Human Services Quality Framework <https://www.qld.gov.au/community/documents/community-organisations-volunteering/human-services-quality-standards.pdf>

APPENDIX 3 – Glossary of terms

Authorised Officer

A person appointed under the Child Protection Act 1999, section 149. This includes Child Safety Officers (CSOs) who provide case management support to children and young people on child protection orders and their families.

Approved carer

Approved carers are persons in whose care a child has been placed by the Chief Executive, and include foster carers, kinship carers and provisionally approved carers. Carers are subject to statutory approval processes and must comply with standards set in the Child Protection Act 1999.

Bail

Following the release of a defendant from the custody of a police officer who has been charged with an offence; bail is a promise to the court to attend on a certain date. Failure to attend court can result in a warrant being issued for a person's arrest. Conditions may be applied if a child (under the juvenile justice legislation) is being, or has been granted bail. These conditions may include a curfew, a condition not to attend certain places or have contact with certain people, or a condition to participate in a program supervised by Youth Justice Services (see Conditional Bail Program). A court can place any condition on bail that may reduce the risk of further offences.

Breach (of an order)

A breach is where a young person receives a summons (or a warrant if their whereabouts are unknown) to attend court because they haven't been complying with the conditions of their order. The court may allow the young person a further chance to prove that they can comply with the order, they may change the conditions of the order, or they may impose a different order.

Case management

Case management in a YHARS context refers to a planned approach to service delivery and includes the following stages:

- referral of the young person to the service
- entry and screening processes
- assessment
- case and support planning
- direct service
- coordination
- monitoring and review
- exit planning, case closure and follow up
- evaluation

The principles underlying case management emphasise planning and coordination, focussing on individual client needs and involving clients as much as possible in the development of strategies to meet their needs. Consideration should also be given to involving the young person's immediate or extended family, friends, school and community in the case management process where this is appropriate.

Resources for Case Management

The SAAP Case Management Resource Kit provides a comprehensive resource for training and reference about case management. See <http://www.dss.gov.au/our-guidelines-for-service-delivery-youth-housing-and-reintegration-service-including-after-care-service> – Revised October 2017

[responsibilities/housing-support/publications-articles/homelessness-general/saap-evaluation-and-research-publications/saap-case-management-resource-kit](http://www.dss.gov.au/our-responsibilities/housing-support/publications-articles/homelessness-general/saap-evaluation-and-research-publications/saap-case-management-resource-kit)

National practice principles underpin SAAP Case Management. See <http://www.dss.gov.au/our-responsibilities/housing-support/publications-articles/homelessness-general/saap-evaluation-and-research-publications/national-practice-principles-in-saap-case-management>

Case Management (Child Safety)

Case management within Child Safety refers to the department's responsibilities when intervening in the life of a child and family. It is made up of assessment, planning, implementation and review and is outlined in the Child Safety Practice Manual as required by the *Child Protection Act 1999*. See <http://www.communities.qld.gov.au/childsafety/child-safety-practice-manual>

Case plan

A written plan for meeting the young person's needs. It is developed in a participative process between the worker undertaking lead case management, the child, their family and other people significant to the child and family. It records the goal and outcomes of ongoing intervention and identifies the agreed tasks that will occur to meet the goal and outcomes.

If a young person is involved with Child Safety, they will have a case plan developed as part of the case management process.

Child

Under the *Child Protection Act 1999*, a child is an individual who is under 18 years of age. The term child is used to signify both a child and a young person.

Starting in November 2017, 17 year-olds who commit offences will be dealt with under the *Youth Justice Act 1992* rather than by the adult criminal justice system.²⁸

Child Concern Report

A child concern report (CCR) is recorded by Child Safety when concerns reported about a child do not meet the threshold for recording a notification.

Child Protection Order

A child protection order (CPO) is an order made under the *Child Protection Act 1999*, when a child is considered to be in need of protection. Details of these orders are outlined in Appendix 4.

Child Safety After Hours Service Centre

The Child Safety After Hours Service Centre is a 24 hour departmental service that provides after-hours responses to clients of the department, the community, other government departments and community agencies in response to child protection.

Child Safety Service Centre

Child Safety Service Centre's are front-line service delivery points for Child Safety. Children, young people and their families are usually linked to a specific service centre.

²⁸ Source: <http://www.justice.qld.gov.au/corporate/business-areas/youth-justice/inclusion-of-17-year-old-persons>
Guidelines for Service Delivery: Youth Housing and Reintegration Service including After Care Service – Revised October 2017

Conditional Bail Program

A conditional bail program is aimed at a young person whom the court believes is unlikely to comply with bail conditions unless supervised under a structured program. The conditional bail program engages a young person in activities to develop their capacity to comply with their bail undertaking.

Each conditional bail program is tailored by Youth Justice Services to meet a young person's assessed needs. A young person can only be placed on a conditional bail program when a court grants them bail and makes participation in the conditional bail program a condition of their bail undertaking.

Custody – Child Safety

In accordance with the *Child Protection Act 1999*, a person who has or is granted custody of a child has the right and responsibility to attend to day-to-day matters only, including a child's daily care and/or making decisions about a child's daily care.

Dual orders

Refers to circumstances where a child is concurrently subject to a child protection order under the *Child Protection Act 1999* and a youth justice order under the *Youth Justice and Other Legislation Amendment Act 2014*.

Family contact – Child Safety

When used by Child Safety, the term differs for each child in out-of-home care, as determined by the range of persons and relationships considered of significance to the child. Family contact may include contact between the child and their siblings, parents, extended family, community members, persons of cultural or ethnic significance and other persons of significance in the child's life.

Formal Warning or Informal Warning

If a young person is subject to bail or a supervised youth justice court order, and they fail to obey the requirements of their order, then they may be “informally warned” or “formally warned”. An informal warning is where the young person is reminded of the conditions of their order and told that any further non-compliance will result in a formal warning. A formal warning is where a young person is reminded of their order's conditions, and told that further non-compliance will result in a breach.

Foster carer

An individual, or two or more individuals approved to care for a child subject to departmental intervention.

Gillick competency (see informed consent)

A term used in medical law to describe when a minor may be able to consent to his or her own medical treatment, despite a young age. The standard is based on a decision of the House of Lords in the case *Gillick v West Norfolk and Wisbech Area Health Authority* [1985] 3 All ER 402. The health professional decides if the child is able to provide consent for medical procedures based on the concept of 'Gillick competency'.

Guardianship

A person who is granted guardianship of a child under the *Child Protection Act 1999*. This person has the powers, rights and responsibilities to attend to and make decisions that relate to day-to-day matters concerning the child's daily care and

long-term care, welfare and development of the child in the same way a person has parental responsibility under the *Family Law Act 1975*.

Harm

The *Child Protection Act 1999* defines harm as “any detrimental effect of a significant nature on the child’s psychological or emotional well-being”. Harm can be caused by physical, psychological or emotional abuse or neglect, or sexual abuse or exploitation and can be caused by a single act, omission or circumstance, or a series or combination of acts, omissions or circumstances.

Informed consent

In December 1990, Australia ratified the International Convention on the Rights of the Child. The Convention on the Rights of the Child contains a comprehensive statement about children’s rights. One of the principles the Convention emphasises is ‘the right of children to be heard and to participate in decision making, taking their capacity to understand issues into account, on matters that affect their interests’.

The effect of a 1985 English House of Lords case, known as the Gillick Case, is that once a child is capable of properly understanding information about particular issues for which they are seeking help, the choices available to them, and the likely possible consequences of any proposed course of action, then that child, regardless of their chronological age, can make decisions and they then have the same rights to privacy, confidentiality, and health care as an adult.

In 1992, in a Queensland case commonly known as Marion’s Case, the Gillick decision was adopted as part of Australian law. In the Australian case a majority of the judges of the High Court of Australia found that a young person was capable of giving informed consent if they had achieved sufficient understanding and intelligence to enable them to understand fully what was proposed to them.

Since the Queensland Parliament has not passed any specific laws relating to children’s decision-making rights, the legal decisions mentioned in the two cases are considered to be the law in Queensland.

Investigation and assessment - Child Safety

Investigation and assessment is the department’s response to all notifications, to determine the safety and protective needs of a child under the *Child Protection Act 1999* where there are allegations of harm or risk of harm to a child.

Kinship carer – Child Safety

A kinship carer is a person related to the child or a member of a child’s community who is approved by the department to provide an out-of-home care placement for the child. Kinship carers may be grandparents, aunts, uncles, relatives or other people of significance to the child. For Aboriginal and Torres Strait Islander children, kinship care may include another Aboriginal person or Torres Strait Islander who is a member of, or compatible with the child’s community or language group.

Kin

Under the *Child Protection Act 1999*, and in relation to a child or young person, refers to any of the young person’s relatives who are persons of significance to the young person, or anyone else who is a person of significance to the young person.

Notice to Appear

This is a document issued by the police to a person, stating that they have been

charged with an offence, and requiring them to attend court at a specific time. Failure to attend court in accordance with a Notice to Appear may result in an arrest warrant being issued by the court.

Out-of-home care – Child Safety

Out-of-home care is a term used by Child Safety to refer to placements of children, subject to statutory child protection intervention, with individuals and services approved or licensed under the *Child Protection Act 1999*. Out-of-home care includes placements with licensed care services or approved carers.

Parent

The *Child Protection Act 1999* notes that a parent of a child is the child's mother, father or someone who has or exercises parental responsibility for the child. A parent of an Aboriginal or Torres Strait Islander child includes any person who under Aboriginal or Torres Strait Islander tradition or custom is regarded as a parent of the child.

The *Youth Justice and Other Legislation Amendment Act 2014* notes that a parent is a parent or guardian of a child, or a person who has lawful custody of a child other than because of the child's detention for an offence or pending a proceeding for an offence, or a person who has the day-to-day care and control of a child.

Recognised entity

Recognised entities are Aboriginal and/or Torres Strait Islander organisations which undertake specific functions under the *Child Protection Act 1999*. Child Safety works collaboratively with the recognised entity for the child, when making decisions about an Aboriginal or Torres Strait Islander child.

Risk of harm

The likelihood of a child or young person (18 years and under) suffering physical, psychological or emotional harm in the future.

Service provider

A service provider is defined by the *Community Services Act 2007*, as a corporation that provides or intends to provide a community service.

Statutory Intervention – Child Safety

Statutory intervention refers to any actions undertaken under the mandate of the *Child Protection Act 1999*.

Suicide risk alert – Child Safety and Youth Justice Services

A suicide risk alert is recorded when a young person displays or discloses a history of one or more of the following:

- a suicide attempt
- a diagnosis of depression
- self-injurious behaviour
- expressed or assessed suicidal behaviour

All stakeholders in the young person's support plan will need to develop and implement a risk management plan.

Support service case

A support service case provides ongoing intervention to:

- work with a child and family to reduce the likelihood of future harm to a child

- work with a pregnant woman to reduce the likelihood of future harm to an unborn child
- provide ongoing support to a young person transitioning to independence

Transition to independence

Transition to independence refers to a young person's transition from being a child in care to becoming an independent adult. Child Safety has a legislated mandate to provide support for young people in their transition to independence, including transition planning, resources and referrals for after care support.

Unacceptable risk of harm

Unacceptable risk of harm refers to situations where the risk identified is probable, not possible, and likely to occur in the near future, where there are insufficient protective factors to ensure the child's safety without intervention from Child Safety.

Watch-house

If a young person is refused bail by the court following an arrest, the police transfer the young person to a youth detention centre. The young person may be detained in a watch-house or Children's Court cell while arrangements are made for their transfer to detention.

Youth Justice order

An order made under the *Youth Justice and Other Legislation Amendment Act 2014*, when a child is found guilty of an offence/s. A youth justice order may be undertaken in the community or require that a child serve a specified period in detention. Details of these orders are provided in Appendix 5.

Youth Justice Service Centre

This is the location from which young people subject to statutory youth justice orders are supervised and supported. The officers employed at the Youth Justice Service Centre engage with young people who are subject to supervised court orders or bail in activities, programs and reporting.

APPENDIX 4 – Glossary of Statutory Child Protection Orders

Assessment Order

A short term order that is granted by either a magistrate or the court, under the *Child Protection Act 1999*, to allow a range of activities to occur to complete an investigation and assessment, when a parent has not given consent for these actions to occur (refer to Temporary Assessment Order and Court Assessment Order).

Child Protection Order

A child protection order (CPO) is an order made by the Children’s Court under the *Child Protection Act 1999*, when a child is considered to be in need of protection.

The Director of Child Protection Litigation was established under the *Director of Child Protection Litigation Act 2016* as an independent statutory agency to conduct child protection legal matters.

Court Assessment Order

A court assessment order (CAO) is an order made under the *Child Protection Act 1999* to authorise actions necessary as part of an investigation and assessment to assess whether a child is in need of protection, if the child's parents have not provided their consent for these actions or the parent’s consent cannot be obtained and it is considered that it will take more than three days to complete the investigation and assessment.

Custody Order

A child protection order where custody of the child has been granted to a relative of the child or the chief executive.

Directive Order

An order made under the *Child Protection Act 1999*, directing a parent to do or refrain from doing something directly related to the child's protection, and/or not to have contact (direct or indirect) with the child, or to only have contact when a stated person or a person of a stated category is present.

Guardianship Order

A child protection order where guardianship of the child has been granted to a relative of the child, another person, or the Chief Executive.

Long-term Guardianship Order

An order made under the *Child Protection Act 1999*, granting long-term guardianship of the child to a suitable family member (other than a parent of the child), another suitable person nominated by the chief executive, or to the chief executive. Long-term guardianship applies until a child turns 18 years old.

Non-custodial Order

An order made under the *Child Protection Act 1999*, where custody and guardianship of the child remain with the parents.

Short-term Custody Order

An order made under the *Child Protection Act 1999*, where custody rights and responsibilities are granted to a kinship carer or to the chief executive (for a period of up to 2 years). Guardianship rights and responsibilities in relation to the child remain with the child's parents for the duration of the custody order.

Short-term Guardianship Order

An order made under the *Child Protection Act 1999*, where guardianship rights and responsibilities in relation to the child, including matters associated with the child's daily care, are granted to the chief executive (for a period of up to 2 years) (see 'guardianship').

Supervision Order

An order made under the *Child Protection Act 1999*, requiring the chief executive to supervise the child's protection in relation to the matters stated in the order.

Temporary Assessment Order

A temporary assessment order (TAO) authorises actions during the investigation and assessment process when parental consent cannot be obtained. A TAO can provide the authority to take a child into the custody of the chief executive; however, guardianship rights and responsibilities remain with the child's parents. A TAO may also order specific actions relating to the assessment of a notification, for example, the conduct of a medical assessment in relation to a child. A TAO can only be granted for not more than three business days and can be extended by one business day.

Temporary Custody Order

A temporary custody order (TCO) authorises the actions necessary to secure the immediate safety of a child, pending a decision of what further action is necessary to meet the child's protection and care needs. A TCO can provide the authority to take a child into the custody of the chief executive; however guardianship rights and responsibilities remain with the child's parents. A TCO may also order specific provisions considered appropriate, for example, authorising a medical examination or directing contact. A TCO can only be granted for a period of three business days and can be extended by one business day if intending to apply for a child protection order.

APPENDIX 5 – Glossary of Statutory Youth Justice Orders

Section 149 of the *Youth Justice Act 1992* establishes that Act as the exclusive sentencing code for criminal court matters involving children. The sentencing options available to the court are contained in Part 7, Division 4, of the Act.

Community Service Order (CSO)

When a court finds a young person guilty of an offence/s, it may order the young person to perform unpaid community service. The young person must have attained the age of 13 years. A court must order a minimum of 20 hours for a CSO. If the young person has not attained the age of 15 years at the time of sentence the maximum number of hours that can be imposed is 100 hours, if they have attained the age of 15 years the maximum that can be imposed is 200 hours. Principle consequences for young people on a CSO include the requirement to perform work duties as directed, loss of leisure time to perform community service and potential for being breached and returned to court for not complying with the CSO.

Conditional Release Order (CRO)

When a court finds a young person guilty of an offence, and after considering a pre-sentence report, it may impose a detention order and then immediately suspend the order and make a CRO. The young person is then immediately released from custody. The court may order a conditional release order for a maximum of 3 months. A CRO provides a young person with a short period of intensive intervention for a period of not more than 3 months. During the order, the young person participates in a structured program incorporating requirements and activities to address their offending behaviour. If the young person fails to comply with the order, or is found guilty of another indictable offence while subject to a conditional release order, the order may be revoked and the detention order activated. For a young person on a CRO consequences include the requirement to participate in all activities as directed, significant loss of leisure time and potential for the order to be revoked and to be sent to detention where they do not comply.

Detention Order

This is an order made by the court pursuant to sections 175 and 176 of the Act, on a child found guilty of a serious offence/s, requiring that a child be detained for a specified period of time, in a youth detention centre. Two components apply being a period in secure custody - usually 70% of the period for which the Detention Order is made, and a period of supported and supervised release in the community - usually 30% of the period of the order and known as a Supervised Release Order (SRO). However, if the court considers it appropriate it can order that from 50% up to 70% of the period of the detention order be served in detention. Consequences of not complying with the SRO component of the Detention Order includes potential for being return to detention to serve all or part of the remainder of the Detention Order.

Graffiti Removal Order (GRO)

Where a young person has attained the age of 12 years at the time of committing a graffiti offence, the court must sentence them to perform unpaid graffiti removal service if found guilty of the offence. If the young person has not attained 13 years at the time of sentence the maximum hours they may be order to perform is five hours, if they have attained 13 years but not the age of 15 years the maximum hours that can be ordered are 10, and if they have attained the age of 15 years at time of sentence the maximum number of hours are 20. Consequences for the young person on a GRO are requirement to perform graffiti removal work activity, loss of leisure

time and potential for being breached and returned to court for not complying.

Intensive Supervision Order (ISO)

When a court finds a person under 13 years guilty of an offence, and after considering a pre-sentence report, it may order an ISO for a maximum of 6 months. An ISO aims to address a very young person's serious offending behaviour. It is usually the last option for the young person before a detention order is considered. An ISO provides a very young person with intensive supervision and support, allowing the young person to remain in the community. The department works with the young person, their family and community members to provide intensive support to the family to strengthen and increase the young person's capacity to address issues linked to their offending behaviour. Principle consequences for a young person sentenced to an ISO are loss of leisure time that mandatory reporting entails, confronting issues contributing to their offending in an ISO conference and the potential for being breached and returned to court for not complying.

Multiple and Combined Orders

A court may make more than one sentence order for a single offence. While the type and combination of orders is at the discretion of the sentencing court, the *Youth Justice and Other Legislation Amendment Act 2014* places some limitations on the combinations of sentence orders that can be made for a single offence. These limitations are not exhaustive and provided a combination does not conflict with the legislation, a court may make other combined orders (for example a combined probation order and fine order for a single offence).

Probation Order

When a court finds a young person guilty of an offence, the court may order a community-based order such as probation. Mandatory requirements of a probation order are that the young person report to their youth justice officer as required, receive visits as arranged and refrain from further offending. In addition, subject to certain criteria specified in section 193 of the Act, the court may impose additional conditions that are directly related to the offence, e.g. participate in an anger management program or drug and alcohol counselling. The principle consequences for a young person on a probation order are loss of leisure time that mandatory reporting entails and potential for being breached and returned to court for not complying.

Supervised Release Order (SRO)

A supervised release order is the community-based component of a detention order, and it commences only once a young person is released from detention. There are several requirements of such an order, and a young person is required to report as directed to their Youth Justice Caseworker. If a young person breaches this order, they can be returned to detention to serve the remainder of their sentence.

APPENDIX 6 – Example of client consent form and client non-consent form

Client consent form

I, {insert client name}, hereby acknowledge that {insert organisation name} has advised me of the following:

- {insert organisation name} privacy and confidentiality policy
- My right to access personal information
- My right to withdraw my consent at any time

I am aware of and understand that the organisation may need to collect and disclose personal information to third parties (as required) in order to provide support.

I nominate that my personal information be disclosed only to the person or agencies listed below:

- {Insert names of third parties as agreed by client, for example Child Safety, Youth Justice}

I understand that {name of organisation} must comply with relevant privacy laws and I will contact the organisation immediately if I feel these laws have been breached.

Name of client _____ Signature _____ Date _____

Name of case worker _____ Signature _____ Date _____

Client non-consent form

I, {insert client name} do not give my consent for {insert name of organisation} to collect and disclose my personal information to any third parties.

Name of client _____ Signature _____ Date _____

Name of case worker _____ Signature _____ Date _____