

About the standards of care

The Department of Children, Youth Justice and Multicultural Affairs (the department) has a responsibility to ensure that children who are placed in an approved care arrangement are provided with care that meets the standards of care outlined in the statement of standards (*Child Protection Act 1999*, section 122).

The department is required to take action when it is suspected that a child's care is not meeting the required standards. Where a concern is identified, the department will make a decision about how to respond, and, if there is a concern about the child's ongoing safety and well-being, then there is a need to work out what is happening and what may be needed to improve the standard of care the child is receiving.

When the department receives information about the quality of care being provided to the child, the department will discuss the information with the foster and kinship care service provider who is working with you (if you are supported by one) and work out with them the most appropriate way to respond. The response will be either to:

- **continue to monitor the standards of care:** this response may occur when there are concerns or issues about the quality of the care provided to the child. The Child Safety Officer (CSO) and/or the foster and kinship care service provider will discuss these emerging issues or concerns with you as a carer, and work out what assistance or supports may be required to prevent them escalating into something more serious. For a non-family-based care service provider, the discussion will occur with relevant staff members to determine how to improve the care being provided.
- **conduct a standard of care review:** this will occur where there are concerns that the child's care may not be meeting the legislated standards. The CSO and/or the foster and kinship care service provider that you are supported by will have a 'standards of care discussion' with you about the standards of care that are the subject of the review. In talking with you, they will want to understand more about what is happening regarding the child's care and whether or not the standards of care are being met. Depending on the child's age and developmental level, the CSO will also talk with the child. The review will also take into account the role and responsibilities of other members, such as the department and your service provider. You will be advised of the outcome of the standard of care review - this will either be that the standards have been met, or the standards have not been met.
- **investigate and assess a harm report:** this is more serious process, as it is about a suspicion that the child has experienced harm while in your care. The department will record a harm report and will need to interview you and the child, and any other person that may have been involved. You will be asked a range of questions specifically about the harm or suspected harm and the CSO will also explore the impact of the alleged harm with the child. Depending on the circumstances of the harm, the Queensland Police Service may also be involved. You will be advised of the outcome in writing.

What happens next?

If you are an approved carer and the standards of care review determines that a child's care has not met the legislated standards, the department will meet with you to review the placement agreement for the child. It will be updated to clarify the goals of the placement, and to document any support that you and the child need. In addition, your foster carer agreement may also be reviewed with you, to make sure that your preferences and needs are correctly recorded. For example, if you have particular learning and development needs that the department or foster and kinship care service need to meet, they may be recorded in your foster carer agreement. For kinship carers, this information may be recorded in the placement agreement for the child.

If you are a staff member in a non-family-based care arrangement and the standards of care review determines that a child's care has not met the legislated standards, your service provider will work with the department to develop an action plan to address the standards of care that were not met.

The role of support persons and advocates

When a standard of care review or an investigation and assessment of a harm report is to occur, you may wish to have someone support you through the process. Wherever possible, you will be contacted in advance to arrange the meeting or interview, which will give you the opportunity to arrange to have a support person present, if you choose to do so.

A support person is a person that can enable your effective participation during discussions or interviews about the concerns with the department and the foster and kinship care service. A support person is not a legal advocate or representative and is not to intervene in, or influence, the assessment process or outcomes.

The role of a support person during this process is to:

- ensure that information is understood by the person they are supporting
- attend to that person's personal support needs
- assist in ensuring that the process is fair and accountable.

A worker from the department or your service provider may be your support person if you choose.

You may also access an advocate to assist you through the process, should you require it. An advocate is a person who can speak, act or write to promote and protect your best interests and well-being.

If a support person or advocate is found to be hindering the process and interfering with the department's ability to secure the child's welfare and protection, the CSSC manager may disqualify the person from being either a support person or advocate. In such cases, you are able to arrange another support person or advocate, with whom the department does not perceive a conflict of interest.



Information sheet for carers and staff members

Accessing support persons

You have the right to choose who you wish to have as a support person. A support person is a person who is often known and trusted by you. As an approved carer you may choose to access a support person through your foster and kinship care service. A support person may also be accessed through the Queensland Foster and Kinship Care (QFKC) Foster Care Advocacy Support Team (FAST). Further information can be obtained from [Queensland Foster and Kinship Care](#) (by using the link), or by phone (07) 3256 6166.