

NSW specialised substitute residential care

Information for families



September 2022

www.ocg.nsw.gov.au

What is specialised substitute residential care?

Specialised substitute residential care is a legal term that covers organisations that:

- provide overnight respite care, or
- provide overnight behaviour support services.

It is where a child or young person's family consents to an agency providing or arranging overnight care for their child away from their usual home.

It is not a specific service. Rather, it is a type of arrangement which may include:

- overnight or short-term accommodation in a group home or respite environment

- an overnight stay with another family in a 'host family' arrangement
- longer term residential care
- camps that focus on respite care or behaviour support
- accommodation provided under the Bail Assistance Program.

Specialised substitute residential care may be provided as a one-off emergency placement or accessed on a regular or long-term basis.

These arrangements can be funded in several ways including direct payment by families, the Bail Assistance Program or through the NDIS.

What must providers do?

Providers are required to undertake a self-assessment and comply with the Code of Practice for the sector.

They must actively take steps to ensure that children and young people in their care are safe. They must work to implement the Child Safe Standards to help them do this.

These are key things that providers are required to:

- Implement the Child Safe Standards
- Involve children and young people and their families in care planning and decision-making
- Make children and young people and families aware of how they can make and resolve complaints
- Provide culturally appropriate services
- Enter basic information about children and young people and their care onto the SSRC Register
- Arrange for children and young people who have accessed services for more than 90 days in any 12-month period to have their care supervised
- Ensure children and young people for more than 180 days in any 12-month period have an approved case plan which is reviewed at least once a year.

Families are encouraged to research providers before engaging them. We have a checklist available on our website to help.

Our role

In NSW the Office of the Children's Guardian regulates providers as part of the Child Safe Scheme.

Our focus is monitoring for compliance against the Code of Practice and that agencies are implementing the Child Safe Standards. More information about the Standards can be found on our website.

The SSRC register

The Office of the Children's Guardian monitors the number of times a child or young person accesses overnight respite care to identify where additional support may be required.

The register is a secure online database that records information about a child or young person accessing overnight care services.

It is updated by the services that provide direct care and holds the following information:

- full name and any previous name of the child
- date and place of birth
- gender
- Aboriginal and Torres Strait Islander status
- disability
- name of the provider
- length of time spent in care
- dates of any case plan or reviews.

If a child remains in overnight care for more than 90 days in a 12-month period, the care may need to be supervised by an agency with long-term experience in providing overnight care services. In this case, the supervising agency will update the SSRC Register so it holds the following information:

- name of the supervising agency

date the supervision commenced.

Children and young people have a right to access and correct any information held about them by a provider or on the Register.

Information exchange

Under a different section of legislation (Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*), specialised substitute residential care providers are 'prescribed bodies'.

This legislation allows providers to exchange information relating to the safety, welfare or wellbeing of a child or children if it helps them or other 'prescribed bodies' to:

- Make any decision assessment or plan or initiate or conduct any investigation or to provide any service, relating to the safety and welfare of the child or children
- Manage any risk to the child or children that might arise in the prescribed body's capacity as an employer or designated agency.

The safety, welfare and wellbeing of the child or young person takes precedence over the protection of confidentiality or an individual's privacy. Therefore, this information may be provided even if consent cannot be obtained.