

What information will be held on the voluntary out-of-home care register?

From 7 February 2011, a voluntary out-of-home care register will contain the following information about each child or young person who uses voluntary out-of-home care on or after this date:

- full name and any previous name
- date and place of birth
- gender
- Aboriginal and Torres Strait Islander status
- disability status
- the name of the agency providing and/or supervising the voluntary out-of-home care
- length of time spent in voluntary out-of-home care
- dates of any case plans/reviews.

Access to the register is restricted to the Office of the Children's Guardian and approved staff of voluntary out-of-home care agencies only. Access may be provided to other specified government officers in limited circumstances.

Children and young people and their parents may access and correct information captured on the voluntary out-of-home care register by contacting the Office of the Children's Guardian on 02 8219 3600 or voohc@kidsguardian.nsw.gov.au.

When can agencies share information about children and young people?

Voluntary out-of-home care agencies are 'prescribed bodies' under Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*.

When can agencies share information about children and young people?

Voluntary out-of-home care agencies are 'prescribed bodies' under Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*.

This means they can, and sometimes must, collect and provide information relevant to a child or young person's safety, welfare or wellbeing to other prescribed bodies (i.e. organisations with direct responsibilities for child health, welfare, education or care, cultural support or for law enforcement).

This information can be exchanged to assist a prescribed body:

- make a decision, or undertake an assessment or plan
- provide a service
- manage any risk to a child or young person
- initiate or conduct an investigation.

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 can be exchanged without your consent.

Where can I find more information about voluntary out-of-home care?

More information is available at kidsguardian.nsw.gov.au

Office of the Children's Guardian

Suite 1, Level 13,
418A Elizabeth Street Surry Hills NSW 2010
Phone: 02 9286 7219
Email: kids@kidsguardian.nsw.gov.au

www.kidsguardian.nsw.gov.au

NSW voluntary out-of-home care legislation

Information for families

All children and young people in voluntary out-of-home care on or after 7 February 2011 are covered by the legislation



www.kidsguardian.nsw.gov.au

What is voluntary out-of-home care?

A child or young person under the age of 18 is in voluntary out-of-home care when:

- their parent has made an arrangement with an organisation to provide or arrange care for them and
- they stay at a place other than their usual home overnight for one or more nights and
- they are cared for by someone other than a parent or relative.

Voluntary out-of-home care includes overnight centre-based respite, host family care, residential placements and camps that provide respite or address challenging behaviour.

voluntary out-of-home care does not include care provided:

- by a boarding school or other educational institution
- by a licensed children's service
- by a health service
- by an adoption service
- under the Supported Accommodation Assistance Program
- to a child or young person who is a carer
- by other types of camp or recreation facilities unless there is a focus on respite or behaviour management.

What is the purpose of the legislation?

The voluntary out-of-home care legislation is designed to:

- safeguard the interests of children and young people in voluntary out-of-home care
- improve coordination, planning and delivery of voluntary out-of-home care services
- ensure that children and young people in longer term voluntary out-of-home care benefit from appropriate supervision and case planning
- ensure that children and young people in voluntary out-of-home care receive culturally appropriate services
- ensure that voluntary out-of-home care agencies are subject to independent oversight by the NSW Office of the Children's Guardian.

Which agencies can provide or arrange voluntary out-of-home care?

Only a designated agency accredited to provide out-of-home care to children and young people, or an agency registered by the Children's Guardian, can legally arrange or provide voluntary out-of-home care in NSW.

A list of all designated and registered agencies and their contact details is available at www.kidsguardian.nsw.gov.au.

What does the legislation require?

The legislation and procedures require voluntary out-of-home care agencies to:

- make the safety, welfare and wellbeing of children and young people their overriding consideration
- meet minimum intake, assessment, interagency coordination and case planning and review requirements
- involve children and young people and their parents in care planning and decision-making, including their cultural needs
- make children and young people and their parents aware of how they can make and resolve complaints about their services
- enter basic information about children and young people and their care onto the voluntary out-of-home care Register
- arrange for children and young people in voluntary out-of-home care for more than 90 days in any 12 month period to have their care supervised
- ensure children and young people in voluntary out-of-home care for more than 180 days in any 12 month period have approved case plans in place which are reviewed at least once a year.