

Checklist for schools, caseworkers and carers

Roles and responsibilities in supporting students in statutory OOHC in the Education Pathway

Purpose

This checklist aims to assist schools, caseworkers, and carers identify who is responsible for making decisions relevant to a child or young person's education, when placed in statutory out-of-home care (OOHC).

Note: The term child or children used in this document includes young people.

What is OOHC?

When the Department of Communities and Justice (DCJ) determine that a child is in need of care and protection, they may remove the child from their family and place them in OOHC. Care arrangements for children unable to live with their parents can include a placement in home-based care (foster or relative/kin care) or in non-home-based care such as residential or therapeutic care.

Types of OOHC

There are two main types of OOHC:

1. **Statutory OOHC:** When the Children's Court has made an order to transfer parental responsibility:
 - solely to the Minister for Families and Communities, or
 - shared responsibility between the Minister for Families and Communities and a suitable person/s.
2. **Supported OOHC:** When the Children's Court has made an order to transfer parental responsibility to a relative/kin or suitable person. **These children are not eligible for the pathway.**

Referral to the OOHC Education Pathway

A child is referred to the OOHC Education Pathway when in statutory OOHC. When there is a shared parental responsibility, the Minister **must** hold aspects for education and training of the child to be referred to the OOHC Education Pathway.

*Note: A child is **not** referred to the OOHC Education Pathway when subject to a **Temporary Care Arrangement (TCA)** as the parents maintain parental responsibility.*

Case management of children in OOHC

Case management (CM) is an interactive and goal-oriented process focused on ensuring that the needs of children, their families, and carers are met. It involves assessment, planning, implementation, monitoring, and review. The aim is to improve outcomes through coordinated and integrated service delivery. CM is comprised of two types of responsibility, primary case responsibility and secondary case responsibility.

- Primary case responsibility can be managed by DCJ or a Service Provider (SP) contracted by DCJ. Primary case responsibility involves delivering individualised casework support, planning and review – with the child, their carers, parents, and family/kin.
- Secondary case responsibility involves DCJ supporting the SP contracted with primary case responsibility by carrying out the departments statutory role and providing additional resources or services as needed. A list of Service Providers can be found on the NSW Children's Guardian website [here](#).

Roles and responsibilities

Role	Responsibility
DCJ	DCJ exercises statutory powers under the Children and Young persons (Care and Protection) Act 1998. This means there are some decisions that can only be made by DCJ as the Department with delegated parental responsibility for a child in statutory OOHC.
Barnardos	Currently through a deed of agreement , the Minister has delegated powers to Barnardos Australia to exercise particular, but not all, functions of parental responsibility. All other service providers do not have delegated functions of parental responsibility.
Agency with CM responsibility	Several decisions can be made by the agency that has case management responsibility for the child, including decisions regarding education, in partnership with the carer. The agency can either be DCJ or a service provider. The school will be informed by the service provider when case management responsibility for a child has been transferred to their agency by a Change of Details form completed by the Caseworker.
Caseworker	<p>Caseworkers build relationships with children, and their families and carers to influence change and bring about support and protection in families. Caseworkers ensure that children are informed of their rights and that their voices are heard.</p> <p>In relation to Education, a caseworker supports the child's access and engagement in education through the OOHC Education Pathway. A multi-agency meeting with Health and Education should be considered to discuss concerns or share information such as the health management plan or assessments completed by the school.</p>
Carer	<p>An authorised carer is a person who has been authorised by a designated agency under the care legislation. An authorised carer has day-to-day care responsibility and provides ongoing care, support, and assistance to children in OOHC.</p> <p>When a carer has decision making responsibility, it is important to work in partnership with the caseworker by communicating the child's educational progress or other important information such as the outcome of a referral to the school counsellor.</p>
Residential care worker	<p>Children who cannot live in foster, relative/kinship care enter residential care. Children in residential care are supported through a partnership approach and each child is allocated a caseworker, rostered residential care staff and a multi-disciplinary care team led by a therapeutic specialist.</p> <p>Residential care workers provide day to day care for the child that can include school transport and information sharing. All decisions will need to be completed by the agency with case management responsibility as residential care workers have a rotating roster and are not the child's carer.</p> <p>More information about residential care placements can be found on the DCJ website here.</p>
School	Schools work collaboratively with DCJ/service providers to support students participating in the OOHC Education Pathway to enhance the learning and wellbeing outcome of students in statutory OOHC.

Who can I contact for more information?

If you are unsure about who can make a decision in a particular situation, contact the Service Provider or your local DCJ [Community Services Centre](#).

Education decisions for children in Statutory OOHC

Enrolment

A student who is in statutory OOHC should not be enrolled without authority from a manager casework. A carer may contribute to the decision making, but enrolment is signed by the agency with CM.

Decision	Authorised Carer (DCJ/SP)	Agency with CM (DCJ/SP)	DCJ consent required	Barnardos can consent
<p>Make decisions regarding school enrolment, education, and training.</p> <p>A caseworker completes the enrolment form, and a manager casework signs the enrolment form.</p>	✓	✓ (lead)		
<p>Inform the Department of Education oohc.cps@det.nsw.edu.au and the principal (of old and new school) of the intention to enrol a child in a new school. Follow the OOHC Education Pathway on p5.</p>		✓		
<p>Provide the school with relevant information about the child's history (where appropriate), current schooling, supports, and care arrangements for siblings, if different.</p>		✓		
<p>Respond to school requests to participate in case planning for student wellbeing, learning, and behaviour management, including developing a transition plan if needed.</p>	✓	✓		
<p>Provide school with relevant information about risk of harm to staff and students which might impact enrolment. The caseworker to participate in the risk assessment process where necessary.</p>		✓		
School Counsellor/Psychologists permission				
<p>Permission to see School Counsellor (only one authority needed). A Caseworker may complete the consent form at the time of enrolment.</p> <p>A young person considered to be a mature minor can provide consent. Refer to Consent for medical and dental treatment on the DCJ website for further information. <i>There is no minimum age to be considered a mature minor, this is assessed by a medical professional.</i></p> <p>Cognitive and behavioural assessments/psychometric testing should be shared with the Caseworker to ensure support and better outcomes for the child.</p>	✓	✓		
Apprenticeship and traineeships				
<p>Decisions around entering an apprenticeship or traineeship.</p>			✓	✓
Attendance				
<p>Ensure the child is attending school on a day-to-day basis. Provide notes explaining any absence.</p>	✓			

Decision	Authorised Carer (DCJ/SP)	Agency with CM (DCJ/SP)	DCJ consent required	Barnardos can consent
Points of contact for the school when attendance is identified as a problem.	✓	✓		
Respond to a request from the school or an authorised carer to help develop strategies to support school attendance.		✓		
Publishing permission <u>Reminders for schools regarding publishing:</u> <i>Never disclose a child's identity in conjunction with OOHC status.</i> <i>Observe all Court Orders that protect a child's identity or location.</i> The Caseworker completes the 'permission to publish' section of the enrolment form and the carer provides ongoing day-to-day permission to publish, subject to any new direction given by the agency with CM. Additional permission to publish is not required to participate in school photographs.				
Media, public appearances, and participation in research – permission given where the out of home care status and identity of a child is not revealed.	✓	✓ (lead)		
Sign school permission to publish note, including the child's name and photo, as long as the photo does not identify the child as being in OOHC.	✓	✓ (lead)		
Religious instruction – as per agreed case plan				
Responsibility for this decision, including a child's participation in religious activities, rests with the agency in developing the child's case plan. The carer is responsible for making sure the child receives the type of religious instruction agreed to. Therefore, advice will be given to the school at time of enrolment.	✓	✓		
Transition plans				
Following prolonged absence, it may be necessary to develop a transition plan for a student.		✓		
Beginning kindergarten or high school.		✓		
Case Management <i>Case management of child in OOHC by DCJ or a Service Provider.</i>				
Follow the OOHC Education Pathway				
Inform the Department of Education when a child or young person attending a NSW government school enters care or starts school for the first time, by sending a Notice to school to oohc.cps@det.nsw.edu.au .		✓		

Decision	Authorised Carer (DCJ/SP)	Agency with CM (DCJ/SP)	DCJ consent required	Barnardos can consent
Inform the Department of Education about any changes to the child's circumstances by completing a Change of Details form and sending it to oohc.cps@det.nsw.edu.au .		✓		
Inform school about who is responsible for making decisions that may be relevant to a child's schooling, including ensuring the carer is involved throughout the process and working with the school to implement agreed actions and strategies.	✓	✓ (lead)		
Case plan				
Develop and review the case plan to meet the safety, welfare and wellbeing needs of the child in consultation with the child, their carers, parents, other relevant professionals, and significant others.		✓		
Case plan to incorporate education goals and strategies agreed by stakeholders in Personalised Learning and Support Planning.		✓		
Day-to-day care of child or young person				
Make decisions for a child's day-to-day care.	✓			
Information provision				
Ensure carers are fully informed of their responsibilities relating to the education and training of children in their care.		✓		
Provide information to birth parents on the whereabouts of a child.		✓		
Share relevant information about a child with the school on an ongoing basis, as appropriate.	✓	✓		
Share information on agency programs and services, access and eligibility.		✓		
Expenses				
Payment of school related expenses such as uniforms, books, travel, and excursion costs, etc.	✓			
Approval for payment and carer reimbursement of additional school related expenses not covered by the carer allowance, e.g., tutoring.		✓		
Assessment and information on child need				
Respond to a request from the school for copies of relevant information on the child including assessments, including those ordered by the court, which will assist in the planning and decision-making concerning the education needs of a child.		✓		

Decision	Authorised Carer (DCJ/SP)	Agency with CM (DCJ/SP)	DCJ consent required	Barnardos can consent
Participate in the planning and decision-making concerning the health and wellbeing, learning and behavioural needs of a child. Including responding to a request from the school to participate in a timely way.	✓	✓ (lead)		
Work with NSW Health to facilitate access to a mental health, physical health, or functional needs assessment of a child or young person.		✓		
Regularly assess the health and wellbeing needs of a child in care.	✓	✓ (lead)		
Before and after school care/vacation care				
This includes planned or casual arrangements.	✓			
Education Planning				
Personalised Learning and Support Planning (PLaSP)				
Participate in PLaSP meetings and reviews coordinated by the school.	✓	✓		
Implement strategies to build on the child's formal learning at home.	✓			
Facilitate access to external services recommended in PLaSP to support learning, such as tutoring.		✓		
Access Request				
Be involved in the Access Request application.	✓	✓		
Sign the Access Request.		✓		
Receive the letter of offer.		✓		
Parent Teacher interviews/meetings				
Discussions of academic progress, behaviour and other issues. <i>Carer to share with caseworker.</i>	✓			
Report cards and test results – where to send				
Internal school test results	✓			
School reports	✓	✓		
External or state-wide test results	✓	✓		

Excursions

Decision	Authorised Carer (DCJ/SP)	Agency with CM (DCJ/SP)	DCJ consent required	Barnardos can consent
Excursions – responsibility for providing written permission				
Day trip.	✓			
Less than one week duration within NSW.	✓			
One week or more duration within NSW.		✓		
High risk activities – organised by school such as rock climbing or surfing.		✓		
Interstate or overseas for any length of time.			✓	
Where the child has an individualised health care plan at school				
School should liaise with the caseworker and carer to plan for any identified health care needs to enable a child to participate in planned school excursions.	✓	✓ (lead)		
Swimming lessons				
Organised by school.	✓			
After school activities organised by the school				
Permission to attend after school activities including work experience and volunteer activities organised by school.	✓			
Health and Wellbeing				
Health and wellbeing				
Consent to health assessments where concerns are raised by the child, carer, teacher, health care provider or other person about an aspect of a child's health, development, or disability (e.g., hearing, vision). This includes where health assessments are conducted at school.	✓			
Consent to general medical and dental treatment or check-ups not requiring surgery or specialist treatment which have been identified in the child's case plan, e.g., treatment for asthma or diabetes, general dental, etc.	✓			
Administration of medication prescribed by a medical practitioner as well as some 'over the counter' medicines.	✓			
Consent to medical and dental treatment in emergency situations where the medical officer deems it necessary to save the life of a child.	✓			

Decision	Authorised Carer (DCJ/SP)	Agency with CM (DCJ/SP)	DCJ consent required	Barnardos can consent
Inform school of any allergies.	✓	✓		
Communicate with school about relevant aspects of a child's health, development, or disability. <i>The Caseworker to consider a multi-agency meeting with Health and Education to discuss concerns or share information such as the health management plan.</i>	✓	✓ (lead)		
Consent to medical and dental treatment involving surgery, other than urgent treatment.			✓	✓
Approval of psychotropic medication for the purpose of controlling, managing or changing behaviour – only if part of an approved behaviour management plan and prescribed by a doctor.			✓	✓
Consent for immunisation conducted at school.	✓			
Medical emergency at school				
First point of contact.	✓			
If life threatening, carer to inform DCJ.	✓			
If ambulance called, school to contact both the carer and caseworker.	✓	✓		
Individualised health care plans at school				
Consult with the child medical practitioner about the implications of the child's health condition for their schooling.	✓			
Convey all relevant information from the medical practitioner to the school to assist school in planning for support and for the development of an individual health care plan as appropriate.	✓			
Behaviour				
Agency developed Behaviour Support Plan				
Develop plan, if required, and assist authorised carers manage the behaviour of the child.		✓		
Discuss with, and/or provide a copy of the plan to the school.		✓		
Management plan for medications				
Agency developed plan, outside of school to approve the use of psychotropic medications for the purpose of controlling behaviour.			✓	✓
Discuss with, and/or provide a copy of the plan to the school.		✓		

Decision	Authorised Carer (DCJ/SP)	Agency with CM (DCJ/SP)	DCJ consent required	Barnardos can consent
Suspension				
Suspension notification.	✓	✓		
Suspension resolution meetings				
Agency, school and authorised carers to collaboratively identify and case manage appropriate return to school strategies. (Plan the resolution meeting before the end of the suspension period).	✓	✓		
Suspension leading to expulsion				
If expulsion is considered, the school must contact the authorised carer and agency to discuss the issues and plan a way forward, including finding an alternative educational placement.	✓	✓		