

# PRACTICE GUIDE

## Provisional approval - meeting the statement of standards

### The aim of provisional approval

The aim of provisional approval is to enable the chief executive to place a child with a foster or kinship carer applicant, prior to the completion of their assessment, where it is assessed as being in the best interests of a child. As far as possible, placement will be with kin, in accordance with the *Child Protection Act 1999* (the Act), section 5, which identifies placement with kin as the preferred option wherever possible.

To be considered for provisional approval, a person makes an application to be either a foster or kinship carer.

Whilst there is provision in the Act for a foster carer to be issued with a provisional certificate of approval, it is not intended to use provisional approval to circumvent the requirements that foster carers need to meet in order to be approved to care for children.

### Undertaking the brief assessment for provisional approval

#### Assess ability and willingness to meet the statement of standards

Discuss with the applicant their legislative obligation to provide care to the child in accordance with the statement of standards. Explain each standard and discuss how the applicant might care for the child, on a daily basis, to ensure that each standard is met.

The statement of standards, and examples of how an approved carer might meet each standard, are provided below.

### Chapter 4 Regulation of care, Part 1 Standards of care, 122 Statement of standards

- (1) The chief executive must take reasonable steps to ensure a child placed in care under section 82 is cared for in a way that meets the following standards (the statement of standards):
  - (a) the child's dignity and rights will be respected at all times (*for example, children: favourite toys, books; safety, young people: privacy, safety*)
  - (b) the child's needs for physical care will be met, including adequate food, clothing and shelter (*for example, nutritional food, special dietary needs, privacy and space, safety of household*)
  - (c) the child will receive emotional care that allows him or her to experience being cared about and valued and that contributes to the child's positive self-regard (*for example, warm, caring and responsive language, conflict resolution*)
  - (d) the child's needs relating to his or her culture and ethnic grouping will be met (*for example, contact with extended family, contact with culturally appropriate services, participating in cultural events*)
  - (e) the child's needs relating to his or her schooling, physical and mental stimulation, recreation and general living will be met (*for example, school materials, library materials, access to libraries, computer resources, exhibitions*)
  - (f) the child will receive education, training or employment opportunities relevant to the child's age and ability (*for example, play group, pre-school, school, TAFE, university, employment, career days*)

- (g) the child will receive positive guidance when necessary to help him or her to change inappropriate behaviour (*Child Protection Act 1999, section 122 (2), requires that corporal punishment is not to be used nor punishment that involves humiliation or fear*)
  - (h) the child will receive dental, medical and therapeutic services necessary to meet his or her needs (regular dental appointments, medical attention in response to sickness, inoculations, specialist services)
  - (i) the child will be given the opportunity to participate in positive social and recreational activities appropriate to his or her developmental level and age (*for example, birthday parties, visiting friends, sports, hobbies*)
  - (j) the child will be encouraged to maintain family and other significant personal relationships (for example, contact visits, telephone calls, e-mails, life book, photos)
  - (k) if the child has a disability – the child will receive care and help appropriate to the child's special needs (*attending specialist appointments, implementing care strategies recommended by specialists, ensuring the child has appropriate aides or equipment necessary to managing their disability*).
- (2) For subsection (1)(g), techniques for managing the child's behaviour **must not** include corporal punishment or punishment that humiliates, frightens or threatens the child in a way that is likely to cause emotional harm. (*For example, discussion and implementation of consequences, time out, positive reinforcement, use of behaviour charts or rewards*).
- (3) For subsection (1)(j), if the chief executive has custody or guardianship of the child, the child's carer **must act** in accordance with the chief executive's reasonable directions. (*for example, provide care in accordance with the case plan for the child, facilitate family contact as per the case plan, seek the necessary approvals for certain decisions relating to the child's daily care*).
- (4) The application of the standards to the child's care must take into account what is reasonable having regard to –
- (a) the length of time the child is in the care of the carer or care service; and
  - (b) the child's age and development.
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