

# Child Safety POLICY

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**Title:** Placement of children with Child Safety employees

**Policy No:** 36-5

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## Policy Statement:

Children subject to a care agreement or an order granting custody or guardianship to the chief executive may be placed with an employee of the Department of Children, Youth Justice and Multicultural Affairs (Child Safety). This includes a person undertaking employment through a traineeship or student placement, where:

- the employee is an adoption applicant and the child has a valid adoption consent and is to be adopted by the employee
- the employee is an approved carer, or has provisional approval, at the time their employment commenced
- the employee meets the legislative definition of kin (*Child Protection Act 1999* (the Act), schedule 3), submits an application to become a kinship carer and has been approved as a kinship carer, including provisional approval (if applicable), by the regional director.
- the employee is employed in a non-direct service delivery role, submits an application to become a foster carer and has been approved as a foster carer, including provisional approval (if applicable), by the regional director.

An employee who is employed in a direct child protection service delivery role, who does not meet the legislative definition of kin, may only be approved as a foster carer, including provisional approval (if applicable), in circumstances where the regional director is satisfied that it is the child's best interests and the employee meets foster carer applicant approval requirements.

Children subject to a care agreement or an order granting custody or guardianship to the chief executive will not be placed with a Child Safety employee, where the employee does not have current approval, or provisional approval, as a carer.

The safe care and connection of Aboriginal and Torres Strait Islander children with family, community, culture and country is a key consideration when making care arrangements for an Aboriginal or Torres Strait Islander child.

Child Safety is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, Child Safety has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights.

## Principles:

- The safety, wellbeing and best interests of the child, both throughout childhood and for the rest of the child's life, are paramount.
- The child and their parents have the opportunity to take part in making decisions affecting their lives, and the views of the child and the child's family are considered.
- In deciding in whose care the child is to be placed, proper consideration will be given to placing the child, as a first option, with kin.
- When Child Safety is making significant decisions about an Aboriginal or Torres Strait Islander child, Child Safety will, in consultation with the child and family, arrange for an independent Aboriginal or Torres Strait Islander entity for the child to facilitate the child's and family's participation in decision-making, including decisions about where and with whom the child will live (section 83(2) of the Act).
- Child Safety staff will act and make decisions in a way that is compatible with human rights and obligations under the *Human Rights Act 2019*.
- The five elements of the child placement principle (prevention, partnership, placement, participation and connection) under section 5C of the Act, apply to processes, decisions and actions taken for an Aboriginal or Torres Strait Islander child.
- Child Safety employees have a right to volunteer in roles in the same way as members of the general public, as long as conflicts of interest are managed in accordance with related Child Safety policy and procedure.
- Child Safety employees have a right to be informed about the potential implications of being an approved carer prior to lodging an application for approval, or during the assessment of an application for renewal of approval.
- Any application by an employee to become an approved carer will be voluntary, having regard to the unique considerations likely to be faced in their dual role as an approved carer and a Child Safety employee.

## Objectives:

This policy clarifies the circumstances in which children may be placed with Child Safety employees, and aims to minimise and where appropriate, facilitate the appropriate management of issues or risks, including conflicts of interest, associated with an employee's dual role as an employee and an approved carer.

## Scope:

This policy applies to all Department of Children, Youth Justice and Multicultural Affairs employees, who want to become, or are, approved foster or kinship carers (including provisional approval), or adoption applicants, for a child subject to:

- a care agreement

- an order granting custody or guardianship to the chief executive, including a temporary custody order or a transition order

Employees from another agency, for example, a licensed care service will be guided by their agency's policies and procedures as to whether they can apply to become approved carers.

### **Roles and Responsibilities:**

- The Child Safety regional director is responsible for deciding all foster or kinship carer applications for approval (including provisional approval), or renewal of approval, where the application is made by an employee.
- If an employee is a carer applicant who requires after hours provisional approval, the Duty Executive Officer (contacted by Child Safety After Hours Service Centre staff) is responsible for deciding the application for provisional approval.
- The assessment of, and the provision of direct support to, an employee who is a carer applicant or an approved carer, may be undertaken by Child Safety staff, staff of Foster and kinship care services or by a contracted fee-for-service professional, provided this does not constitute a conflict of interest.
- Information in relation to the approval of an employee as an approved carer is located in the Child Safety Practice Manual, Assess and approve carers, and associated resources.

### **Authority:**

*Child Protection Act 1999*

### **Delegations:**

Refer to Instruments of delegation for decisions relating to the approval of carers.

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**Office:** Investment and Commissioning  
**Help Contact:** Tertiary Care and Support

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**Links:**

**Procedures**

Child Safety Practice Manual

**Related\_policies**

Conflicts of interest

Placement of children in care (578)

Decisions about Aboriginal and Torres Strait Islander children (641)

**Related Legislation or Standard**

*Child Protection Regulation 2011*

*Human Rights Act 2019*

*Public Sector Ethics Act 1994*

*Public Service Act 2008*

Code of Conduct for the Queensland Public Service

Statement of Commitment between the Department of Child Safety, foster care services and the carers of Queensland

**Rescinded Policy**

36-4 Placement of children with departmental employees

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Michael Hogan

Director-General