



Community
Child Care

Vision into Practice



Children in out-of-home care

Information pack for Victorian
long day care services



Community Child Care Association (CCC) acknowledges Aboriginal and Torres Strait Islander peoples as the First Peoples of this nation and the Traditional Custodians of the land on which we work. We recognise their continuing connection to culture, land, water and community. We pay our respects to Elders past and present. We acknowledge the strength of family connection and kinship within Aboriginal and Torres Strait Islander communities and their ongoing dedication to educating and caring for children. Sovereignty of these lands was never ceded.

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What is out-of-home care?

Out-of-home care (OoHC) is the term used in Victoria to describe the living arrangement of a child who is placed in formal statutory care away from their parents or guardians. It includes placement in kinship care, foster care and residential care. Children are placed in OoHC for a variety of reasons and are subject to a protection order under the *Children, Youth and Families Act 2005*.

Who is responsible for children in out-of-home care?

Each child in OoHC has a team of people who work together to support them, including:

- **A foster, kinship or residential carer** who they live with and who has day-to-day responsibility for their wellbeing (the term 'carer' used throughout this information pack refers to all of these carer categories)
- **A Department of Families, Fairness and Housing (DFFH) Child Protection case manager or a contracted case manager from a community service organisation** who is responsible for developing and implementing a case plan for the child (the term 'case manager' used throughout this information pack refers to both of these categories).

Children can also be in informal out-of-home care. This arrangement is when a child is living with someone other than their parent or legal guardian, without an out-of-home care legal order in place. DFFH usually does not have oversight of these arrangements.



Long day care services will have regular contact with the child's carer(s) and should also be given the contact details of their case manager. Case managers are expected to include participation in a quality early childhood service in the child's case plan.





It is strongly encouraged that you use the [*Early Childhood Agreement for Children in Out-of-Home Care*](#) in conjunction with this information pack.

What obligations do long day care services have?

All education and care services must provide priority of access to children in OoHC, as outlined in the [*Child Care Provider Handbook*](#). Similarly, services in receipt of kindergarten funding by the Victorian Government are required to prioritise children in OoHC.

Early Childhood Agreement for Children in Out-of-Home Care

Under the *Early Childhood Agreement for Children in Out-of-Home Care* (the Agreement), there is an expectation that long day care services will support the wellbeing and development of children in OoHC, and that they will take all reasonable steps to make places available for these children.

The Agreement aims to increase the participation and engagement of children in OoHC in high-quality early childhood services and to improve coordination between the services and agencies working to support the child.

The Agreement outlines the requirements and responsibilities of all parties to work together to ensure that children in OoHC have access to high-quality early childhood education and care experiences that support their development and wellbeing. While the Agreement focuses on Maternal and Child Health services and kindergarten programs, it also recognises the important role all long day care services can play.

The roles and responsibilities set out in the Agreement for all early childhood education and care services are in line with the National Quality Framework, and outlined in the National Quality Standards.

Who can make decisions for children in out-of-home care?

Who can make decisions, and how decisions are made, about children in OoHC is determined by the *Children, Youth and Families Act 2005*.

Case managers can make decisions for children in OoHC. Carers are provided with an 'authorisation instrument' by the child's case manager which sets out the decisions they can make. You can request a copy of the instrument so that your service is aware of the decisions being made for the child.

The child's carer will make most of the care decisions about the child's day-to-day needs and wellbeing (e.g., clothing, diet and daily routine). They are also likely to be authorised to make short-term decisions for a child, such as consenting to activities like excursions and routine medical and health care.



Services can contact the child's case manager for more information about carer authorisations.



Information sharing

Services must comply with the [Protecting the Safety and Wellbeing of Young People](#) protocol and other relevant privacy legislation.

Services are required to regularly share information with the child's carer and case manager. Information about individual children in OoHC may be shared between services when in the best interests of the child and must be treated sensitively and confidentially.

The Child Information Sharing Scheme permits the requesting and disclosure of confidential information between prescribed organisations, including education and care services, for the purpose of promoting the wellbeing and safety of a child or group of children. These prescribed organisations are obliged to provide information in response to a request from another prescribed organisation (unless the information is exempt).

Details of the Child Information Sharing Scheme are set out in the [Child Information Sharing Scheme Ministerial Guidelines](#), which are legally binding for all prescribed organisations.

Who is responsible for enrolling the child and for fee payment?

Depending on the statutory order in place, enrolment of children in OoHC may be completed by the child's case manager, a carer or parent, or jointly by a combination of these parties.

Payment of fees is determined on a case-by-case basis. It is important that who is responsible for paying the fees is clarified at enrolment, as this will influence eligibility for Australian Government financial assistance.



Services should contact the child's case manager (this may be the OoHC provider) for advice and confirmation of enrolment and fee-payment arrangements.





What fee assistance or funding is available for children in out-of-home care?

The Australian Government provides a range of fee assistance to support the participation of children in an approved education and care service, including CCS and several additional subsidies within the Child Care Safety Net. Eligibility for these forms of assistance depends on the parent's or carer's individual circumstances.

The Australian Government Child Care Subsidies include:

- Child Wellbeing
- Grandparents
- Temporary Financial Hardship
- Transition to Work.

Children who are in statutory OoHC are determined 'at risk' and are therefore eligible to access [Additional Child Care Subsidy \(ACCS\)](#) under 'child wellbeing'. ACCS can cover up to the full cost of the child's fees. Children in OoHC may be eligible for Provider Eligible Arrangement (PEA), with evidence requirements now increased to six months.

In recent years, the process for applying for ACCS has been streamlined. Please see the [Child Care Provider Handbook](#) for more information (note: children in OoHC are referred to as 'foster children' in the Handbook).

The Department of Education and Training provides a range of funding that supports children in OoHC to participate in kindergarten programs in long day care services. This includes Early Start Kindergarten (ESK) grants.

ESK and ESK extension grants support the participation of children known to child protection, including children in OoHC, in two years of funded kindergarten before starting school. Please see the companion information pack *How Early Start Kindergarten Grants Work in Long Day Care* and the [Kindergarten Funding Guide](#) for more information.

What are the immunisation requirements for children in out-of-home care attending long day care services?

Victorian *No Jab, No Play* legislation requires services to obtain evidence before enrolling a child that the child is:

- Fully immunised for their age, or
- On a vaccination catch-up program if they have fallen behind with their vaccinations, or
- Unable to be fully immunised for medical reasons.

The only acceptable evidence is the Australian Immunisation Register (AIR) statement, regardless of whether or not the child is up to date with immunisations or has a medical exemption.

For children known to child protection, including children in OoHC, a 16-week grace period applies. During this time the child can still attend long day care and services are required to take reasonable steps to obtain the required documentation. This may mean providing information to the child's carer about immunisation services or liaising with the child's case manager.

If the grace period has expired and the service has been unable to obtain acceptable documentation, the child can continue to attend, except in the circumstance of an outbreak of an infectious disease. The service should continue to work with the child's carer to address this issue.

Under Australian Government *No Jab, No Pay* legislation, financial assistance with the costs of the child's fees, including Child Care Subsidy (CCS), is conditional on children meeting immunisation requirements. In Victoria, depending on their own internal policies, services can still allow non-immunised children who are not eligible for CCS to attend. In this instance, the service will need to immediately liaise with the child's carer and case manager to make a plan about payment of full-service fees.



Please refer to the [DHHS Immunisation Enrolment Toolkit](#) for more detailed information and requirements.

How can long day care services support children in out-of-home care?

- ✓ Support the child to feel safe and connected by building trusting and respectful relationships with both the child and their carers.
- ✓ Make the child feel welcome, listen, and take a flexible and compassionate approach to support. Work in partnership with carers and communicate about the child's learning and development.
- ✓ Remember that the child and their family are likely to be going through a stressful time and it may not always be straightforward for them to meet the service's requirements.
- ✓ Understand children in OoHC often do not have the paperwork required for enrolment, such as a birth certificate, immunisation records, CRN number or CRN numbers linked to their carer. This should not delay their enrolment at a long day care service.
- ✓ Do everything possible to make a place available for a child in OoHC, even where usual enrolment processes cannot be followed. If a child in OoHC leaves your service and later returns to the area, do everything possible to make a place available for them again.
- ✓ Provide inclusive and culturally appropriate environments and practices, responsive to each child's needs.
- ✓ Provide resources and information for the child's family or carers that promote stimulating home learning environments.
- ✓ Actively communicate and collaborate with the child's case manager and other agencies that are working with the child to support their enrolment, education, wellbeing and ongoing participation in your service. This includes your local council who will have a designated OoHC contact, and the local government Maternal and Child Health nurse who may be involved in the planning for a child in OoHC.
- ✓ Support effective transitions for children in OoHC into other early childhood services and to school.



Contact your local LOOKOUT Centre if you need further support.





How does LOOKOUT support children in out-of-home care?

The Early Childhood LOOKOUT Program (EC LOOKOUT) provides specialised support and assistance to ensure children in OoHC can access and participate in kindergarten and have a supportive transition to school. EC LOOKOUT staff work with other frontline services to meet the needs of children in OoHC, in particular, by promoting inclusive, trauma-informed approaches and cultural inclusion.

LOOKOUT Early Childhood Learning Advisors promote and support:

- Enrolment and ongoing engagement in quality early childhood education and care settings
- Early Start Kindergarten funding and other subsidies to support children in OoHC's inclusion in funded kindergarten programs
- Early childhood education services to support individual children's ongoing engagement in education
- The transition to school process
- Professional learning on inclusive, culturally safe and trauma-informed practice and supports for children in OoHC.

LOOKOUT Early Childhood Learning Advisors are located in most of the Department of Education and Training's regional offices across Victoria.





Case study: Child in out-of-home care and long day care

Ewan* is three years old and has transitioned in and out of OoHC for some time. His access and visits with his mother are sporadic and his father is in prison. His grandparents are active and engaged with his care and openly share information with Ewan's long day care service. Ewan is also being supported to access occupational therapy and works with a speech therapist, with a potential autism diagnosis being closely monitored.

Since attending long day care, Ewan has built a strong attachment to the main educators who work in his room. His long day care service has facilitated program support group meetings with Ewan's family and professionals to monitor his development and goals. Staff also meet or have phone discussions with his carers regularly. They support his carers with various processes including accessing referrals for allied health services, providing digital support and regularly using email to share information, as this is Ewan's family's preferred method of communication.

Ewan's educators have worked to provide the necessary supports to ensure he feels safe, secure and included at long day care. They use

*Child's name has been changed to protect their identity.

the [Individual Learning Plans \(ILP\) for Children in Out-of-Home Care](#) guidance document to inform their practice. They also work with Ewan's occupational and speech therapist to support his developmental and learning goals, in collaboration with his family members.

Building up attachment and relationships between Ewan and his educators has been a strong focus, so that his social skills, emotional awareness and self-regulation skills can grow. Educators frequently seek Ewan's voice to ensure he is feeling valued and secure.

Ewan's case manager has invited Ewan's teacher to care team meetings and has relied heavily on [Early Childhood LOOKOUT](#), which has been an invaluable resource for them.

Ewan's educators have sought out opportunities to upskill through additional training opportunities in resilience and trauma from [Be You](#). They have worked on curriculum and program development with the service's educational leader and have prioritised their own self-care as a team so that they can best support Ewan and his family.



The assistance of Ewan's family has helped the long day care service to gain valuable insight into Ewan's needs, which in turn has supported the entire team of professionals involved with Ewan and his family.



Further resources

Child Care Provider Handbook

www.dese.gov.au/early-childhood/resources/child-care-provider-handbook

Child Level Supports for Children in Out-of-Home Care

<https://youtu.be/RXaOJcYWueQ>

Department of Education and Training Victoria

www.education.vic.gov.au

Early Childhood Agreement for Children in Out-of-Home Care

www.education.vic.gov.au/childhood/professionals/health/outofhomecare/Pages/earlychildhoodagreement.aspx?Redirect=1

Early Childhood LOOKOUT Support Centres

www.education.vic.gov.au/about/programs/Pages/lookout.aspx

Early Start Kindergarten: Information for Early Childhood Education and Care Services

www.education.vic.gov.au/Documents/childhood/providers/comms/whatisearlystartkinder.pdf

Immunisation Enrolment Toolkit for Early Childhood Education and Care Services

www.health.vic.gov.au/immunisation/immunisation-enrolment-toolkit-for-early-childhood-services

Information Sharing in OoHC

www.cpmanual.vic.gov.au/our-approach/information-sharing

Obligations to Protect Children in Early Childhood Services

www.education.vic.gov.au/childhood/providers/regulation/Pages/protectionprotocol.aspx

Report on Government Services 2016

www.pc.gov.au/research/ongoing/report-on-government-services/2016/community-services/child-protection

Supporting Children in Out-of-Home Care: Information for Early Childhood Professionals

<https://www.education.vic.gov.au/childhood/professionals/health/outofhomecare/Pages/supportingchildren.aspx>

System Supports for Children in Out-of-Home Care

<https://youtu.be/onKgXnMOWww>

The Kindergarten Funding Guide

www.education.vic.gov.au/childhood/providers/funding/Pages/kinderfundingcriteria.aspx





For more information about Early Start Kindergarten, call an Early Childhood Performance and Planning Advisor located in each Department of Education and Training regional office.

**Department of Education and Training
Victoria Regional Offices**

[www.education.vic.gov.au/about/contact/
Pages/regions.aspx](http://www.education.vic.gov.au/about/contact/Pages/regions.aspx)

Phone **1800 338 663** if you are unsure of the regional office number, or **(03) 9637 2000** with general enquiries.

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For free advice for long day care directors, coordinators, leaders, teachers and educators, call Community Child Care Association (max. five minutes for non-members) on **(03) 9486 3455**.