

Authorising carers using the standard instrument of authorisation

Information for foster and prospective permanent carers

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Introduction

As the child's carer, you will make many decisions every day about caring for the child in your care, for example, the clothes they will wear, their routine, and so on. These are day-to-day care decisions, and, as the child's carer, you have both the right and the responsibility to make them in the child's best interests. You do not need authorisation to make these decisions.

At other times, routine decisions that require authorisation will need to be made for a child.

The **standard instrument of authorisation** (the standard authorisation) has been provided to you as the primary foster or prospective permanent carer to enable you to make decisions about specified day-to-day issues for children in your care. Your standard authorisation lists the issues you are authorised to make decisions about to support the care you provide. It does not apply if you are a respite carer.

The standard authorisation enables you to make decisions about the specified issues for a child subject to an interim accommodation order or a protection order that confers parental responsibility on the Secretary of the Department of Health and Human Services including a family reunification order. This means that you do not need a new standard authorisation if you accept a new placement, or a new protection order is issued for a child in your care.

Decision making principle

All decisions about specified issues in the standard authorisation must be made with consideration given to the current court order, the best interests of the child, their views, medical history, dietary requirements, Aboriginal or other cultural preferences, faith, general wellbeing, and the parental rights of parents.

Issues that are included in your standard authorisation

The following information will help you to understand the types of decisions you can make using the standard authorisation, and where you can go for further information if you have any questions.

Routine medical and dental care

You **may** consent to:

- routine medical care provided by a general registered medical practitioner (GP) including child immunisations
- routine medical care provided by staff at day care, kindergarten or school
- routine dental care provided by a dentist, including dental check-ups and teeth cleaning
- signing for prescriptions at a pharmacy, and administering medication prescribed by a registered medical practitioner or dentist.

Decision making principle

A person making a decision about the above issues must consider the views of children who have sufficient maturity and understanding of their medical situation and proposed treatment, and the legal capacity to consent to, or refuse, such treatment. Determining whether a child has the capacity to consent to, or refuse, treatment is a complex issue, and requires assessment by a medical practitioner.

You must request a child specific carer authorisation from the child's case manager to obtain consent regarding non-routine medical and dental matters.

This does not prevent you from seeking emergency medical treatment for the child where required.

Education related issues

Where assessed as posing a low level risk to the child you **may** consent to:

- school, kindergarten, or childcare activities, incursions or excursions, work experience and school camps within Victoria
- participation in suitable organised activities outside school hours within Victoria, such as sports, dance classes, music lessons, scouts and Aboriginal or other cultural activities
- arranging or allowing the child to participate in suitable age-appropriate social, cultural and recreational activities within Victoria, including playdates with other children, and attending festivals and parties.

Conditions

Activities must not be approved if they will disrupt planned contact or if it will occur after a placement has ended.

You must not sign a consent form if the signature of the parent or legal guardian is required. In these circumstances you must speak to the child's case manager.

Indemnity and immunity clauses in consent forms

Consent forms for low risk activities sometimes include an indemnity or immunity clause that will apply if a child is harmed while participating in the activity.

Before signing a form with such a clause, you need to give careful consideration to:

- the level of risk associated with the activity and the safety arrangements in place
- whether the activity is appropriate for the child
- whether there can be negotiation regarding the clause (you may question the clause, and the organiser may agree to delete it)
- what a responsible parent would do in the circumstances
- the provision of adequate supervision and emergency procedures for the duration of the activity by the activity organiser.

If you have any doubt, consult with the child's case manager before signing.

Photographs

You **may** consent to photographs of a child in relation to a school or educational activity, sporting event or an appropriate community activity providing that the photograph:

- **does not** pose a risk of exposing the child's whereabouts, if there is a requirement that the child's whereabouts not be known. Contact your child's case manager for further information if needed.
- **does not** identify the child as being involved with the Children's Court (criminal or family divisions).

Overnight stays

If the child is over four years old, you **may** consent to overnight stays at the house of a friend or sibling (if appropriate) within Victoria, and for a maximum of two consecutive nights.

Conditions

- As the child's carer, you are expected to act as a responsible parent would when making decisions about where the child in your care can go, or where they can be left without your direct supervision.
- On all occasions, prior to the first overnight stay with a particular friend or sibling, the decision to approve the stay is to be made in collaboration with the child's case manager.
- In providing consent you need to consider the child's age and stage of development. If you have any concerns or queries, discuss them with the child's case manager.

Haircuts

- You may consent to a child's haircut to maintain an existing style or healthy condition. Where it is the child's first haircut, the child's case manager must be consulted first.

Conditions

- Decisions about haircuts require sensitive handling. They can be an area of tension or distress when a child is in out-of-home care.
- A person making a decision about haircuts must consider the views of the child when determining how the child's hair is to be maintained and the views of a parent (where appropriate) particularly if the child's haircut is their first.
- Where a child in your care indicates a desire to make a significant change to their appearance, you may need to help them consider the issue, and, where appropriate, seek support and approval from their parents via their case worker. The child's culture of origin needs to be respected where this is relevant.

The standard authorisation documentation and guidelines

When you are issued with the standard authorisation you can expect to receive:

- a cover letter
- the standard instrument of authorisation (the standard authorisation)
- attachment A to the standard instrument (the specified issues about which you can make decisions)
- this information sheet

The standard authorisation must be signed by the Chief Executive Officer (or equivalent) of the registered community service organisation you are accredited with.

The standard authorisation is only valid for the primary carer named on the standard authorisation.

A new standard authorisation will be required if you transfer to a new community service organisation or Aboriginal Community Controlled Organisation.

Issues that are not included in the standard authorisation

For children subject to an interim accommodation order or family reunification order, the child's parents retain parental rights for the child, and parental agreement is required regarding major long-term issues, except where otherwise permitted under the *Children, Youth and Families Act 2005* (the Act) or ordered by the Children's Court.

Decisions of a long-term nature

Decisions about major long-term issues are not covered by this authorisation. These decisions require parental or child protection agreement, except where specified by the court or where the department has specific legal authority (such as in relation to medical consent). You need to contact the child's case manager about these decisions.

A major long-term issue means an issue about the care, wellbeing or development of the child that is **of a long-term nature**. This includes issues about the child's education (both current and future), religious and cultural upbringing, health or their name.

Where there are issues outside day-to-day care that are not specified in the standard authorisation but are required, you must consult with the child's case manager, and obtain a written child specific instrument of authorisation endorsed by child protection, before making decisions about any issue not specified in the standard authorisation.

To arrange a child specific instrument of authorisation, speak to your case worker or the child's case manager.

Medical and dental exclusions

You are **not authorised** to approve or consent to:

- non-routine or specialist treatment including surgery
- treatment for a previously undiagnosed condition
- decisions regarding medical or health issues of a long-term nature
- dental treatment such as fillings, orthodontic treatment or the extraction of permanent teeth
- other decisions about long-term or major medical or dental interventions.

Education related exclusions

You are **not authorised** to:

- sign a consent form if the signature of the parent or legal guardian is required. In these circumstances you must speak to the child's case manager.
- to refuse participation in, religious education at the child's school. This decision needs to be made by the child's parents, unless otherwise ordered by the court.
- high risk activities such as horse riding, rock climbing or water skiing

Educational decisions of a long-term nature

You are **not** authorised to make decisions about educational matters of a long-term nature, such as which school the child attends, or the choice of Year 11 or 12 subjects.

Overnight stays exclusions

You are not authorised to approve or consent to:

- overnight stays for children under four years old
- more than two consecutive nights for a child

Haircuts – exclusions

You are **not** authorised to consent to haircuts:

- where it is a change of existing style
- the child disagrees with the decision

Interstate and overseas travel

You must **not** allow the child in your care to travel interstate or overseas without child protection's written approval.

The department must be informed of any interstate movement of a child subject to a court order (because it involves the child leaving the jurisdiction of the Children's Court).

Where a need for interstate travel or movement is anticipated, or where the placement is near an interstate border and cross-border travel is part of your usual routine, a child specific authorisation that specifies the approved nature of the travel or movement may be requested from child protection. Discuss this option with your case worker.

Body piercing and tattoos

You are **not** authorised to consent to body piercings and tattoos. In Victoria a person must be 18 to get a tattoo or an intimate body piercing

Financial decisions

You are **not** authorised to commit the department to any financial expenditure. Existing arrangements for approval of expenditure still apply.

Your authorisation to make certain decisions does not affect the arrangements for financial support for home-based carers. Current procedures regarding financial arrangements in relation to children in out-of-home care still apply.

The care, education and medical expense allowances provided to home-based carers assist with meeting the expenses associated with providing home-based care as a volunteer carer. This includes costs connected with recreational activities and entertainment, and meeting the educational and health needs of the child.

You are already in a position to commit to the expenditure of the allowances you receive, and this will be relevant to many of the decisions you are authorised to make in relation to the child.

If you think a particular cost is beyond the scope of your care allowances, you may request supplementary placement support funding.

Reviewing and revoking the standard authorisation

The standard authorisation will be reviewed by your community service organisation every three years and you will be advised in writing to confirm that you are authorised to continue to use your standard authorisation for a further three years. You will only require a new standard authorisation if you move to a new community service organisation.

The standard authorisation may also be revoked at any time if your accreditation status changes, or there is a related client incident or issue that identifies inappropriate use of the standard authorisation. Your community service organisation will advise you in writing that your standard authorisation is no longer valid.

General guidance for making decisions

Legal obligations

Any decision you make needs to be in the best interests of the child and consistent with the court order and case plan for the child. This will mean, for example, that activities cannot be arranged that would prevent compliance with a condition of the court order, or prevent established contact arrangements from proceeding, without prior agreement by the department. For more information in relation to these matters you must speak to the child's case manager before making a decision that may affect compliance with these legal obligations.

Consider families and culture in decision making

Speak to the child's case manager or care team about how best to include the child's parents in decisions for the child, and particularly any decisions that will have an impact after the child returns to their parents' care. This may arise, for example, if a school camp or other activity will occur after the date planned for the child to return to their parents' care, or where the child's involvement in an activity may need to be maintained after they return home. This should not be agreed to without discussion with the parents by the care team or child protection.

Give particular consideration to the child's Aboriginal or other culture, and how this may be relevant to the decisions you make. For example, in some cultures, haircuts have particular meaning, or a baby's first haircut may be very significant. Choice of sport (Aussie rules vs soccer) may be something about which a child's parents feel passionate, and participation in camps may be of concern in some cultures.

Information, support and assistance

Parents will be informed about the decisions in the standard authorisation that you are able to make in relation to their child, following placement commencement.

If you have any questions, contact your case or the child's case manager.

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Where the term 'Aboriginal' is used it refers to both Aboriginal and Torres Strait Islander people. Indigenous is retained when it is part of the title of a report, program or quotation.

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