

Guidelines for Overnight Stays for Children and Young People in Out of Home Care

Key Points:

- The attached document outlines decisions about children in care spending overnight stays with friends.
- It is important to involve the child or young person in decision-making.
- **The child's carer is usually best placed to decide if it is safe for the child to spend an overnight stay with friends. The decision should be made using the same considerations a parent would use.**
- However, the decision for the child's first overnight stay with a specific friend will include a discussion with the child's case manager.
- **A police check is NOT required for the adults who are living in the home where the child will be having the overnight stay.**
- Providing that the first overnight stay is successful, the carer can agree to the child having subsequent overnight stays.
- However, there are some specific requirements. For instance, the child's case manager must approve all overnight stays for children under the age of six years.
- There are also additional requirements based on the type of order that children are under. For instance, if the child is under a Voluntary Care Order, the parents' permission is required.
- The specific conditions are outlined in Section 2 (Scope) of the guidelines.
- The case manager will record details on overnight stays in the Case and Care Plan for the child.

Disability, Child, Youth and Family Services

Guidelines for Overnight Stays for Children and Young People in Out of Home Care

1. Introduction and purpose

- 1.1. It is important that children¹ in out of home care are able to build and maintain relationships with their peers and engage in normal childhood activities. As far as possible children in out of home care should be granted the same permissions (as would reasonably be granted by the parents of their peers) to take part in normal and acceptable, age-appropriate peer activities. Overnight stays can support the development of relationships and build resilience for children in care. However, good parenting involves sound judgement on when and with whom an overnight stay for a child is appropriate. The sound judgement that parents exercise is more complex for children in care.
- 1.2. The purpose of these guidelines is to provide direction and advice for carers, child protection workers and non-government providers of out of home care services on decisions in relation to allowing overnight stays for children in out of home care where the carer is not present.

1.3. The guide has been developed to ensure that decision making in relation to overnight stays for children in care allows for their participation in social activities in the same way as their peers but recognises their specific circumstances and the need for workers and carers to be diligent in ensuring that they are safe.

- 1.4. These guidelines recognise that the child's carer is often in the best position to make a decision about the suitability of an overnight stay with friends, and seeks to strike a balance between minimising the risk for children in care while ensuring they are not restricted from engaging in the normal everyday activities any child enjoys and needs. Such decisions involve most of the issues that a responsible parent would automatically consider in deciding whether or not to allow their child to stay overnight with a friend.

2. Scope

- 2.1. These guidelines apply to the following situations:
- 2.1.1. children over the age of six years² in home based placements (kinship care, foster care, family group home care and cottage home care) who have requested an overnight stay with a friend/s;
 - 2.1.2. children who are placed in out of home care under Assessment Orders (Section 22) and Care and Protection Orders (Section 42). However, in many situations an overnight stay for a child under an Assessment Order will be inappropriate because there has not been sufficient time for the child to establish a supportive relationship with the carer or for the worker to assess the child's capacity to remain safe during an overnight stay with a friend/s; and
 - 2.1.3. overnight stays of up to two consecutive nights. Longer stays require the approval of the child's case manager. The case manager will determine any additional conditions for approval of the longer stay on a case-by-case basis.
- 2.2. These guidelines **do not** apply for:
- 2.2.1. children who are placed in out of home care under a Requirement (Section 20) or a Warrant (Section 20). These are time-limited placements (maximum of five days) at the time of the initial intervention by Child Protection Services. In these situations the child's carer and worker have not had sufficient time to sufficiently understand the child's needs and behaviours;

¹ The term child includes young people aged under 18 years. However, the guide recognises that young people aged 16 and 17 years should have a greater say in decisions about overnight stays.

² It is not considered appropriate for children younger than six years to stay overnight away from their carer with friends. Accordingly, the child's case manager must approve overnight stays for children under six years.

- 2.2.2. children in out of home care placed through a voluntary arrangement (voluntary care agreement or emergency care) who would require the permission of their parent/s or guardian before an overnight stay can occur;
 - 2.2.3. children having access visits with family members. If the child has requested an overnight stay with a family member, refer to the Policy and Guidelines on Contact between Children in Out of Home Care and their Family. Access visits with family should be planned and recorded in the child's Case and Care Plan; and/or
 - 2.2.4. overnight stays for the child because the carer requires respite or is temporarily unable to care for the child. In those circumstances the Out of Home Care team should arrange an alternative placement with an approved carer.
- 2.3. Other circumstances where the guidelines **do not** specifically apply:
- 2.3.1. situations that involve overnight stays because of the child's participation with school camps or trips as well as cultural, recreational, sporting, musical, and other formal activities. Children and young people should be encouraged and supported to attend these activities. The decision to attend will be made on a case by case basis and recorded in the child's Case and Care Plan; and
 - 2.3.2. to children placed rostered care and residential care. Decisions on overnight stays with friends in these placements are approved by the House Supervisor in consultation with the roster/residential care worker and the child's case manager.
- 2.4. These guidelines do not change current requirements in relation to decision-making, planning, approvals and checks for changes of placement or respite care.

3. Guidelines

- 3.1. The decision for a child to stay overnight will be based on an assessment of the importance of the event for the child; the child's capacity to manage the overnight stay; the child's safety, and any legal considerations (see Section 4.4 of these guidelines).

3.2. **On all occasions of the first overnight stay with a particular friend, the decision is to be made by the carer in collaboration with the child's case manager and the child where appropriate. The case manager must approve the overnight stay and note the approval on the child's file.**

- 3.3. If, after assessing the considerations, the carer and the child's worker decide that an overnight stay is appropriate, then it may proceed without the need for a police check on the adults of the household where the overnight stay will occur.

- 3.4. Without breaching the child's privacy, the carer must consider what information the person caring for the child overnight needs to know and provide that information to them (see Section 5 of these guidelines).

3.5. **The carer must contact the parents of the friend prior to the visit occurring to confirm the arrangements for an overnight stay (see section 5). The carer should not rely on advice from the child or young person in their care or the child or young person's friend.**

- 3.6. The child protection worker must record the details of the overnight stay on the child or young person's file.

- 3.7. Following the overnight stay, on the next scheduled visit to the child, the child's worker will discuss how the overnight stay went with the child and the carer. The discussion must explore any issues or concerns for the child during the overnight stay and, if required record specific strategies in the child's Case and Care Plan.

- 3.8. If the overnight stay was successful and it is likely to occur again at the particular friend's home, the child protection worker can make the decision that subsequent overnight stays with the particular friend without the need for consultation each time by the carer. However, the carer must assess the appropriateness of each future overnight stay.

- 3.9. The carer should inform the child's worker each time an overnight stay is planned and advise if there were issues or concerns for the child during the stay.

3.10. The Case and Care Plan Review will include a review of overnight stays.

4. Considerations for assessing if a child should be allowed to stay overnight

4.1. Considerations in relation to the significance of the proposed stay

4.1.1. Children need guidance in setting reasonable and manageable social activities. They may be reluctant to say no to a request to attend a social event and it is the role of the carer/worker acting as a responsible parent to determine how important it is for the child to attend the proposed overnight stay.

Considerations include:

- What is the purpose of the overnight stay?
- How important is the event? If all members of the child's class are attending a 'sleepover', then it is more important that the child attends. Likewise an overnight stay to celebrate of the child's involvement in a team event is considered more important.
- What other activities is the child currently involved in?
- Will the overnight stay impact on the child's schooling and other activities?
- Does the child or young person know the friend well? Have they spent time at the home/with the family?
- Does the child or young person know the friend's parents/carers and are they comfortable with the friend and their family?

4.2. Does the child have the capacity to manage the proposed overnight stay

4.2.1. Children require support and guidance to successfully manage the requirements of an overnight stay. The decision in relation to children in care has specific considerations including:

- What is the age, level of understanding and the vulnerability of the child or young person concerned? (Carers and workers should recognise that young people aged 16 and 17 years may require support to make an appropriate decision rather than make the decision on behalf of the young person).

• Is the child/young person settled in the current placement? (This is a major consideration.)

- Is the child mature enough and have the means to make contact with the carer if the overnight stay is not working out as planned?
- Has the child or young person previously stayed overnight with the family prior to entering this placement and was it a positive experience?

• Are there any reasonable grounds for concern that the child or young person may, through their own behaviour, put themselves or others at risk of harm in the household concerned? This is particularly important in the case of adolescents.

- Are there any cultural issues that need to be considered?
- Are there any other reasons (such as an interrupted night's sleep, illness etc.) that would make the stay difficult for the child or young person at this time?

4.3. Are there safety concerns for the child

4.3.1. The following considerations should be thought through:

- Who will be supervising the child during the visit?
- Is the person aware of the child's care needs and does he or she has the ability to attend to these?
- Is the person willing and able to contact the carer if there are any concerns about the child during stay?
- What are the sleeping arrangements and are they appropriate?
- Does the carer know the friend and their family?
- Has the friend spent time at the carer's home with the child?
- If yes, how well did they get on?
- Does the carer know who will be staying at the friend's home that night?

- Are there any reasonable grounds for concern that the child or young person may be at risk of harm in the household concerned, or from the activities proposed during the visit?
- Is the request reasonable at this stage of the placement?

4.4. Legal considerations

4.4.1 Are there any conditions attached to the legal order which restrict overnight stays?

4.4.2 Are there any relevant restrictions or exceptional reasons in the child or young person's Case and Care Plan, which restrict overnight stays?

5. The carer's role in supporting the child's participation in overnight stays

5.1. The carer must establish with the adult who will have temporary care of the child, the arrangements and times for 'drop off' and 'pick up'. The carer must ensure that arrangements are in place for the mutual contact between the child and the carer during the period of the overnight stay. Thus the carer should establish:

- the contact details for the household in which the child or young person is staying;
- that the parents of the friend must have contact details for the carer; and
- how the child or young person can contact the carer in case the child or young person feels unhappy or unsafe during the stay.

5.2. The carer should inform the adult who will have temporary care of child about the child. This could include:

- likes and dislikes;
- routines (e.g.: bedtime, meals etc);
- fears or phobias (e.g.: frightened of the dark, water, animals etc);
- swimming proficiency (if relevant to activities);
- medical needs (e.g.: medication, allergies etc);
- behaviours and the management of these behaviours;
- details of how to contact the carer during the period of the stay and a back-up contact; and
- Child and Family Services (CAFS) After Hours Service.

5.3. The carer will ensure that the child has appropriate clothing and pocket money for the overnight stay.

5.4. Following the visit the carer will enquire with the friend's family how the visit went.

6. Considerations for good practice

The law of negligence requires staff and carers to act reasonably in all circumstances. This means staff and carers should have acted reasonably and considered the issues as outlined above, to ensure the safety and protection of the child in their care, during an overnight stay where the carer is not present. The guiding principle is to act in a way that a good parent would act in deciding whether or not their child should stay overnight with a friend.