

# Child Safety POLICY

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**Title:** Emergent accommodation

**Policy No:** 631-2

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## Policy Statement:

The Department of Children, Youth and Multicultural Affairs (Child Safety) will deliver an effective and efficient care system aimed at meeting the daily protection and care needs of children and young people and achieving positive outcomes for children. Where a child or young person requires care to meet his or her protection and care needs, this will occur in accordance with the legislated Statement of Standards (*Child Protection Act 1999*, section 122) and the Charter of Rights for a Child in Care (*Child Protection Act 1999*, Schedule 1).

The safe care and connection of Aboriginal and Torres Strait Islander children with family, community, culture and country will be a key consideration when undertaking intervention with parental agreement with Aboriginal or Torres Strait Islander children and families.

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.

The primary means of providing care arrangements to children will be through foster and kinship care and grant-funded non-government placement services. However, Child Safety may utilise emergent accommodation as a temporary measure where no other care arrangement options are available through foster and kinship care, grant-funded placement services, or placement services funded through child related costs – placement funding.

Emergent accommodation includes the overnight and short-term use of commercial accommodation sites such as motels, hotels and caravan parks, with care and support provided by direct care workers.

Emergent accommodation will only be used in circumstances where there is the unforeseen need for a care arrangement for a child or young person, or where an existing care arrangement has ended unexpectedly, and no other care arrangement option is immediately available.

## Principles:

- The safety, wellbeing and best interests of a child or young person, throughout childhood and for the rest of the child or young person's life, are paramount.

- The safe care and connection of Aboriginal and Torres Strait Islander children and young people with family, community, culture and country will be a key consideration when undertaking intervention with parental agreement with Aboriginal or Torres Strait Islander children and families.
- 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.
- A child or young person's family has the primary responsibility for the child or young person's upbringing, protection and development and the preferred way of ensuring a child or young person's wellbeing is through the support of the child or young person's family.
- Child Safety will only place children and young people in care as part of an integrated child protection response when assessment indicates that separation of the child or young person from their family is unavoidable to ensure the child or young person's safety or wellbeing.
- Placement in care is a means of providing a safe and therapeutic care environment for children and young people.
- If a child is removed from the child or young person's family, the child or young person should be placed with the child or young person's siblings, to the extent that it is possible.
- A child or young person should have stable living arrangements, including arrangements that provide for a stable connection with the child or young person's family and community, to the extent that it is in the child or young person's interests; and for the child or young person's development, educational, emotional, health, intellectual and physical needs to be met.

### **Objectives:**

This policy and associated procedures provide Child Safety staff with guidance in circumstances where a child or young person's immediate needs for protection and care can only be met by the use of emergent accommodation.

### **Scope:**

Emergent accommodation may be utilised for children or young people aged 12 years and older, who are subject to an assessment order, a care agreement or a child protection order granting custody or guardianship to the chief executive (including interim orders), where the child or young person's immediate needs for protection and care can only be met by the temporary use of emergent accommodation.

Emergent accommodation may be utilised for children younger than 12 years of age only in exceptional circumstances, for example, where the child is part of a sibling group to be placed together, and subject to a higher level of approval (refer to the Emergent accommodation procedure).

Emergent accommodation may be utilised for up to seven consecutive nights. Extension beyond seven nights must be approved by the regional executive director and may not exceed 20 nights in total. Extension beyond seven nights may only be approved where there is clear evidence that no suitable placement for the child is available.

In exceptional circumstances, where no grant-funded care arrangements are available and commercial accommodation sites (such as a self-contained unit in a caravan park) are the only viable rental option, the use of emergent accommodation may be extended beyond the 20 day limit with approval from the regional executive director. In such circumstances, all efforts must be made to transition the child or young person to another care arrangement (either through grant-funded placement services or through child related costs – placement funding) as soon as possible.

Emergent accommodation does not include:

- overnight and short-term stays in hotels, motels and caravan parks when a child or young person is on holiday with an approved foster or kinship carer
- planned supported independent living arrangements, in which young people aged 15 to 17 years are residing in a form of commercial accommodation (for example, a self-contained unit in a caravan park).

Please note that residential care is provided at premises owned or leased for the specific purpose of caring for children or young people and is in no circumstances to be provided in commercial accommodation sites such as motels, hotels and caravan parks.

### **Roles and Responsibilities:**

Roles and responsibilities related to the use of emergent accommodation are outlined in the procedure Emergent accommodation.

Roles and responsibilities related to care arrangements are contained in the Child Safety Practice Manual.

### **Authority:**

*Child Protection Act 1999*

Child Protection Regulation 2011

*Disability Services Act 2006*

*Financial Accountability Act 2009*

### **Delegations:**

Delegations for approval of emergent accommodation are outlined in the associated procedure.

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**Records File No.:** CHS/20150  
**Date of approval:** 4 February 2020  
**Date of operation:** 4 February 2020  
**Date to be reviewed:** 4 February 2023

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**Office:** Office of the Chief Practitioner  
**Help Contact:** Child Protection Practice

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**Links:**

**Procedures**

Child Safety Practice Manual  
Child related costs – in-home support (630)  
Child related costs – placement funding (628)

**Related Legislation**

*Child Protection Act 1999 Family*  
*Financial Accountability Act 2009*  
*Human Rights Act 2019*

**Related Policies**

Case planning (263)  
Child related costs – in-home support (630)  
Child related costs – placement funding (628)

**Rescinded Policy**

631-1 Emergent accommodation

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Michael Hogan  
Director-General