

# Early intervention and voluntary out-of-home care for children who are NDIS participants

Policy

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Version	Date	Action Officer	Changes made
1.0	7/06/2021	Operational Support	New policy providing the framework and governance for the Disability and Development Team to administer the Department's responsibilities relating to arrangements for children and young people with disability requiring accommodation outside the family home.

Acronyms	Full form
Cohort 1	Refers to the Voluntary Out-of-Home Care pathway
Cohort 2	Refers to the Early Intervention and Prevention Pathway
EIP	Early Intervention and Prevention
MOU	Memorandum of Understanding
NDIA	National Disability Insurance Agency
NDIS	National Disability Insurance Scheme
The Department	Department of Territory Families, Housing and Communities
VOOHC	Voluntary Out-Of-Home Care

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## 1. Policy Purpose

To ensure a consistent approach to the provision of supports for children and young people who, due to their complex disability needs, require accommodation outside the family home or may require early intervention and prevention to reduce the need for this support in the future.

## 2. Policy Statement

The Department of Territory Families, Housing and Communities (the Department) has entered a Memorandum of Understanding (MOU) with the National Disability Insurance Agency (NDIA) and the Commonwealth Department of Social Services to identify and support children and their families who, due to the child's complex disability needs, may require accommodation outside the family home. The Department acknowledges that the best place for a child to be raised is in their family home. As such, the Department is committed to assisting children to remain in their family home for as long as possible and reducing their need for accommodation and care outside their family home into the future.

## 3. Early Intervention and Prevention

Where a child with complex disability needs is identified by the Department or by the NDIA as being at risk of requiring accommodation outside the family home in the future, the Department will work with the NDIA and the child's family to keep the child at home as long as possible. This is referred to as the Early Intervention and Prevention (EIP) stream or Cohort 2.

## 4. Voluntary Out-of-Home Care

Where a child with complex disability needs is identified by the Department or by the NDIA as requiring accommodation outside the family home, a decision regarding their eligibility will be made. Consent is required from the parents for the child to be accommodated outside the family home. The Department will work with the NDIA and child's family to facilitate the child's care, with the aim to reduce the need for these supports in the future. This is referred to as Voluntary Out-of-Home Care (VOOHC) or Cohort 1.

It is important to note that VOOHC is a voluntary arrangement. When a child is living in VOOHC their parents retain full parental responsibility, remain involved in the child's life, and responsible for all decisions that require parental consent. Parents must be provided with information and support about their responsibilities in a language that they will understand, and in a culturally secure and supportive manner. If required, parents will be supported to travel to the locality where the child is living. Similarly, if required, the child will be supported to travel to their home community for participation in events and ceremonies.

## 5. Roles and Responsibilities

### 5.1. Role of the Department

The Disability and Development Team will:

- Receive referrals for VOOHC and EIP via main stream services e.g. Health, Education or Justice, child protection practitioners, or NDIS funded services;
- Obtain consent to share participant information, and discuss with the NDIA to determine eligibility for services under the MOU;

- Lead case coordination of relevant mainstream services e.g. family supports, health, education and housing and work with the NDIA Coordinator of Supports to ensure that disability supports provided are joined up, holistic and tailored to the needs of individual children;
- Assist parents to the extent necessary, to source and engage an accommodation provider, with assistance from the child's NDIA Coordinator of Supports;
- Be responsible for funding and oversight of the accommodation arrangements, including rent, board, lodging, food and utilities;
- Work with the NDIA to support parents to remain actively involved in the daily lives of their child, including supporting parents to make all of the decisions in relation to their child;
- Monitor the appropriateness of placements and the safety of children living in VOOHC;
- Where appropriate, continue to work with families and the NDIA towards the child's return to the family home.

## 5.2. Parent's Role

- Retain guardianship and parental responsibility for their child;
- To be involved in all discussions relating to their child;
- To make decisions regarding their child's care;
- When a child is in VOOHC, where possible, maintain an ongoing relationship with their child through engagement in day-to-day activities such as attending medical appointments, parent teacher interviews, social and family activities. There may be situations where this is not possible e.g. the distance between the parent's home and the child's placement places restrictions on the parent's capacity to engage with the child.

## 5.3. NDIS Role

- Receive referrals for VOOHC and EIP through the access requests, planning meetings, plan reviews and change of circumstance reviews;
- Obtain consent to share participant information and discuss with the Department to determine eligibility for services under the MOU.
- Provide children and young people with access to the Complex Support Needs Pathway where required;
- Fund disability related core, capacity building and capital supports deemed reasonable and necessary for the child. These may include specialist support coordination, additional in-home-supports, social and communication activities, transport, respite, assistive technology, home modifications and short term-accommodation.

Additionally, where the child requires accommodation outside the family home;

- Fund 24/7 staffing, including support during school hours where the child is not able to attend school;
- Assess children and young people with disability living outside the family home for Specialist Disability Accommodation and Supported Independent Living eligibility from the age of 16 years;
- Participate in planning for transition to independent living for children and young people requiring accommodation outside the family home from the age of 16 years;

- Give providers a **Parental Agreement for the care and support for children and young people** template and suggest its use for families in these situations with regard to their NDIS funded supports.

## 6. Applying for Care and Protection Order

The involvement of the child's parents is critical to the child's ongoing care. There may be circumstances where a parent's involvement cannot be maintained despite the provision of supports by the Department to facilitate their participation. If parents are not able, or are unwilling, to make critical decisions in relation to their child's care, it may be necessary to seek a Protection Order under the *Care and Protection of Children Act (2007)* to ensure the child's ongoing care and wellbeing is maintained. The child's best interest must be the paramount consideration.

## 7. Legislative Basis and Related Documents

- *Care and Protection of Children Act 2007*
- *National Disability Insurance Scheme Act 2013*
- Memorandum of Understanding Between the Commonwealth Department of Social Services, and the National Disability Insurance Scheme Launch Transition Agency and the Northern Territory as represented by Territory Families in relation to the Implementation of Arrangements for Children and Young People with Disability Requiring Accommodation Outside the Family Home.
- Bilateral Agreement between the Commonwealth of Australia and the Northern Territory on the National Disability Insurance Scheme.