

Partnering Agreement between Department of Health and Human Services and Department of Education 2015–2018

Delivering educational achievements for students in Out of Home Care (OOHC) through supporting them to learn, reach their potential, lead fulfilling and productive lives and to contribute positively to the community.

1. Background

The term *Out of Home Care (OOHC)* for the purpose of this document, refers to those students who are under the following legal orders:

- **Custody and Guardianship to 12mths s42(4)(a)**
- **Custody for 12mths s42(4)(b)**
- **Guardianship for 12mths s42(4)(c)**
- **Guardianship to 18yrs s42(4)(d)**
- **Extension of Care and Protection Orders s44**

Both the Department of Health and Human Services (DHHS) and the Department of Education (DoE) are committed to providing access, participation and achievement in education for all students in OOHC students in government schools, Kindergarten to Year 12.

It is acknowledged that students in OOHC are a diverse group, but they share the experience of being unable to live with their parents for short or extended periods of time.

For these children, the State undertakes the responsibilities usually taken by a parent as the legal guardian. This State function is specifically delegated to the Secretary for the Department of Health and Human Services.

Despite the fact that individual students in OOHC can and do excel educationally, the current outcomes data for this group indicates that they are significantly underachieving.

Given the background and circumstances of many of these students, access, participation and achievement in education has the potential to significantly improve their life chances. In some cases, this may require special assistance and support.

2. Purpose

Both DoE and DHHS share the responsibility for ensuring that these students receive the support they need. This Agreement outlines roles, responsibilities and processes that support that collaborative effort.

The purpose of this Partnering Agreement is to:

- Have a shared partnership and approach to achieving individual educational goals for students in OOHC.
- Improve educational outcomes related to student attendance and attainment for students in OOHC.
- Monitor and measure educational outcomes of students in OOHC.

3. School Enrolment

All details pertaining to the child and their involvement with Child Protection Services **MUST** remain confidential and are not to be discussed outside the relevant principal,

classroom teacher and Child Protection staff. Children involved with Child Protection Services are entitled to have their circumstances and their privacy protected.

All discussions and/or decisions regarding school enrolment for a student in OOHC must involve the student's legal guardian or his/her delegate.

When a student comes in to OOHC, (or moves placement whilst in care) every effort should be made to ensure continuity of school enrolment to minimise disruption to the young person's education. Where it is in the child's best interest to do so, and it is practicable and safe to do so, the school enrolment should remain at the school they attended prior to coming into, or transferring within, care.

In cases where this is not possible, the Case Manager, in consultation with the parent, guardian or care giver should contact the relevant Learning Services Operations Manager as to the most appropriate placement. In circumstances where agreement can still not be reached the case will be referred to the General Manager of the relevant Learning Service.

When a change of schools is necessary, the previous school, with the support of Learning Services where necessary, will undertake to provide all the necessary information regarding the student's learning and support needs to the new school, including the current Personalised Learning Plan (PLP).

Where the Case Manager experiences difficulties they should contact the relevant Learning Services Operations Manager to assist in facilitating the process.

Where students are registered in the Tasmanian eSchool or are attending offsite flexible programs there will be formal processes requiring relevant DHHS and DoE staff to monitor their enrolment, participation and achievement. There will also be a designated point of contact in the Department of Education, through the Operations Manager, for Case Managers and/or carers.

4. School Attendance

Where a student is in care, the Secretary of DHHS is that student's legal guardian, and as such, has a legal obligation to ensure their attendance at school.

The student's Case Manager will be advised promptly, and where possible in advance of issues relating to non-attendance, suspensions, and exemptions from enrolment, part time enrolment, part time attendance arrangements, expulsions and exclusions.

The student's Case Manager will conduct home visits with DoE School Social Workers in cases where school non-attendance for a student in OOHC has become a threat to the development and safety of the student.

5. Case Planning and Personalised Learning Plans

Given that students in OOHC have experienced significant disruption and trauma, they are often likely to require additional support and encouragement to maximise their educational development.

Students in care are required to have Personalised Learning Plan (PLP) and a Case and Care Plan (CCP).

The content of a PLP forms a part of the Case and Care Plan (CCP).

Class teachers and Case Managers will work collaboratively to develop CCPs and PLPs for students in OOHC. Where possible, students and other relevant parties will be encouraged to participate in developing CCPs and PLPs.

Each PLP will be regularly updated and a copy provided to the Case Manager.

To further support students in OOHC, it is important that principals and teachers understand the consequences of abuse and neglect, and consider its impact on the student's physical, emotional, social and behavioural presentations. Principals and teachers will be supported with access to trauma related training.

6. Resources

Under exceptional circumstances, in order to re-engage some children in OOHC in educational programs, additional support may be required to address the child's educational and therapeutic needs. In these situations, resource support will be considered through formal processes on a case by case basis, through negotiation with the relevant Child Protection Manager, Disability, Child and Youth Services and the Operations Manager of the relevant Learning Service.

Schools who support a Bring Your Own technology (BYOT) approach to ICT must be clear to all students and parents/carers that those who opt not to participate in BYOT will still have access to school owned ICT.

7. School Retention

Data indicates that students in OOHC are four times more likely to be suspended as their peers. Experience would suggest that the more a child is suspended the greater the difficulty in successful reintegration into school and/or ongoing retention.

Schools work within the Learner Wellbeing and Behaviour Policy and the Respectful Schools and Workplaces Framework. As such they have well developed whole school approaches to dealing with inappropriate behaviour. For all students, schools must take into account the full range of circumstances of a student when considering the use of sanctions, exemptions from enrolment or part-time attendance arrangements.

For students in OOHC it is noted that the use of sanctions puts additional pressure on often fragile care placements of children. Therefore, when sanctions are being considered, there will be a high level of collaboration between carers, Case Managers and school staff.

In cases where, for a student in OOHC, suspension or exclusion is necessary, the student's Case Manager must be informed using the same processes that would be used for any other student (such as a telephone call to the Case Manager/carers and follow up documentation) so appropriate arrangements can be made for their care whilst not attending school.

As with all students, if a student in OOHC exhibits behaviour that threatens the safety of staff and students, the principal may call for the assistance of the Police if the student has not been collected.

In cases where efforts to retain students in school-based education have not achieved success, the school will negotiate an appropriate education or training pathway with the student, Case Manager and/or legal guardian.

8. Monitoring and Reporting of Student Outcomes

Class teachers will engage and retain all students including those in OOHC through creative, innovative and supportive learning programs and environments, and monitor and report their progress as per normal monitoring and reporting procedures.

9. Information Sharing

Personalised Learning Plans must be stored in the Department of Education's Student Support System. Case and Care Plans must be stored in CPIS2.

Regular alerts will be made between both agencies in relation to:

- The names of students entering and exiting Care and Protection Orders
- the name and contact numbers of all students' Case Managers
- changes to Case Managers
- changes to a student's placement
- changes to enrolment
- non-attendance, suspensions, exemptions from enrolment, part-time attendance arrangements, expulsions and exclusions
- any other information relevant to the child's care, protection and education.

There is a Memorandum of Understanding between the DHHS and DoE. The MOU allows:

- the regular exchange of data to identify government school students in OOHC.
- the regular exchange of data regarding Personalised Learning Plans (PLPs) and Case and Care Plans (CCPs).

DHHS and DoE will collaborate in the development of an appropriate data collection framework to monitor the engagement and achievement of students in OOHC.

10. Mandatory Reporting

All DoE and DHHS employees and volunteers are mandatory reporters, as defined in the *Children, Young Persons and Their Families Act 1997* (the Act). The Secretary of the Department of Health and Human Services has endorsed the Department of Education's Mandatory Reporting Procedures in accordance with this Act.

11. Implementation of the Agreement

Both agencies encourage collaboration and the fostering of opportunities to work together on issues of mutual benefit and concern that support meeting the educational needs of students in OOHC.

The Deputy Secretary, Early Years and Schools and the Deputy Secretary, Children and Youth Services, will oversee the implementation of the Agreement.

Child Protection Area Managers will be responsible for the dissemination and implementation of this Agreement with their staff and will be responsible for responding to issues that arise in implementation.

General Managers, Learning Services will be responsible for the dissemination of this agreement and will be responsible for responding to issues that arise in this implementation.

Operations Managers, Learning Services will be responsible for the implementation of this agreement in schools.

Disputes arising from the implementation of this Agreement will be resolved between the relevant Operations Manager and the Area Director, Children and Youth Services.

12. Terms of the Agreement

Heads of Agency commit to this Agreement for a three (3) year period. A review will be completed after twelve (12) months of implementation to assure the Agreements effectiveness.

13. Relationship of this Agreement with other Agreements

This Agreement will replace the previous Partnering Agreement relating to students under Care and Protection Orders. This Agreement is not intended to supersede or alter any contractual or other Agreements between DHHS and DoE.

Signed by



Liz Banks

Deputy Secretary, Early Years and Schools

Department of Education

Date: *22/2/2016*



Tony Kemp

Deputy Secretary, Children

Department of Health and Human Services

Date: 17 February 2016