



# Who Can Say OK?

Consultation Report: Foster and kinship carers

January 2024



Working alongside carers



Government of South Australia  
Department for Child Protection

# Acknowledgement

The Department for Child Protection (DCP) are very thankful to the carers that took the time to generously provide feedback as part of this consultation, either in person or in writing. The contributions received are invaluable to improving 'Who Can Say OK?' and wider DCP practice.

# Introduction

## What is 'Who Can Say OK?'

'Who Can Say OK?' outlines who has the authority to approve certain decisions for children and young people under guardianship orders who are in family-based care.

The guidance is arranged into different areas of decision making, covering topics such as education, health, contact arrangements, travel, and social media use.

'Who Can Say OK?' emphasises the need to make decisions in partnership with carers, to achieve best outcomes for the children and young people in their care.

## Why is 'Who Can Say OK?' being reviewed?

'Who Can Say OK?' is being reviewed to ensure its continued accuracy and relevance for carers. The review is focussed on ensuring the topics covered in 'Who Can Say OK?' reflect the types of decisions encountered by carers when providing day to day care for children and young people.

The review will also be looking at ways to improve the guidance to be as clear and user friendly as possible.

## What is the consultation report?

This report is a summary of what was discussed with carers during both the in-person and virtual consultation sessions facilitated by Connecting Foster and Kinship Carers SA on 6 November 2023. This report also captures the responses from carers who independently provided written feedback to inform the review.

The report is divided into the main themes that arose across the feedback received.

DCP have included a summary of what carers said and how DCP plans to action the feedback received to improve 'Who Can Say OK?' and wider DCP practice.



## Legislative amendments to funeral and burial arrangements not included in the guidance

Some carers noted that legislative amendments, known as 'Finn's Law', regarding the role of carers in funeral and burial arrangements were not explicitly referenced in 'Who Can Say OK?'.

Following Finn's Law, it is expected that carers be involved in discussions about funeral and burial arrangements for a child or young person that passes away while in their care. 'Who Can Say OK?' reflects this position but does not currently refer to these changes as arising from the amendments brought about by 'Finn's Law'.

### What we will do:

- 'Who Can Say OK?' content about funeral and burial arrangements will be amended to explicitly reference 'Finn's Law'.

## Lack of information regarding Court involvement for carers

Carers provided feedback that it would be beneficial for information regarding their ability to engage in the Court process for any ongoing care and protection hearings to be included in 'Who Can Say OK?'.

Carers can make the decision to seek the permission of the Court to be involved in proceedings or present their views to a Judge. The Court will ultimately decide if, and how, a carer can be involved in the Court proceedings.

### What we will do:

- 'Who Can Say OK?' will be updated to include new content about Court involvement for carers in care and protection proceedings.
- 'Who Can Say OK?' will also include contact details for legal services that may be able to offer advice and representation for carers who are interested in being involved in a care and protection matter.





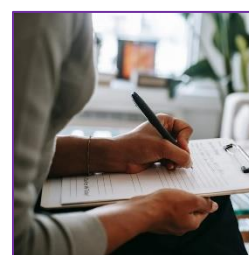
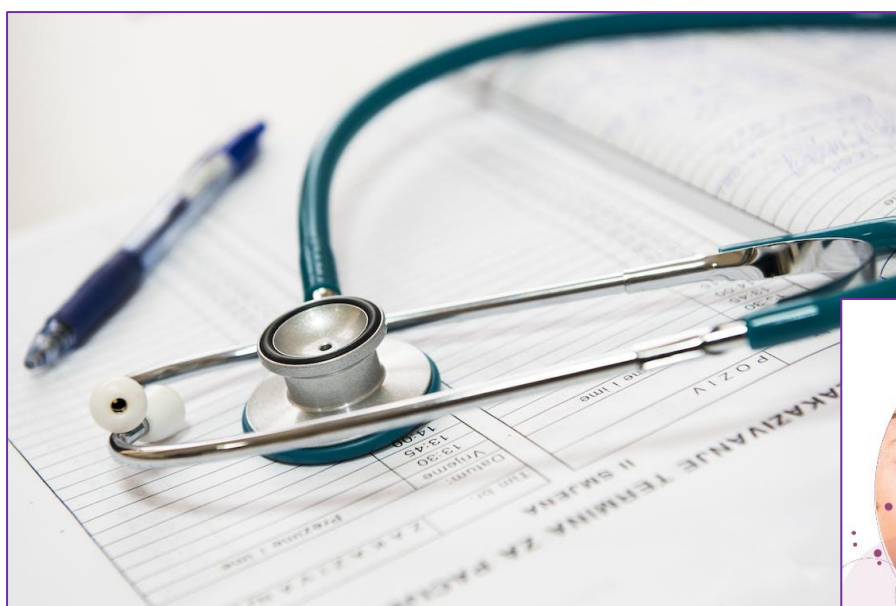
## Medical decision making

Carers raised various difficulties they experienced when making medical decisions for children and young people in their care.

Some carers reported that DCP did not follow through in seeking (and funding) private specialists to which a child or young person was referred. Other carers expressed reservations about the assessment process undertaken by DCP Psychological Services. Carers were also confused about who was required to provide consent when administering certain medications for a child or young person in their care. Some carers further mentioned issues in not having medical reports shared with them, to be able to offer a coordinated approach to a child or young person's care.

### What we will do:

- Specific information will be included in 'Who Can Say OK?' to outline the decision making powers of carers when administering prescribed medications and approving medication plans (for example, asthma plans at school sites).
- Information outlining the DCP Psychological Services assessment process will be included in 'Who Can Say OK?' to provide context to carers about how decisions about pursuing psychological, cognitive, adaptive, educational and/or neurodevelopmental assessments are made.
- New prompts will be included in 'Who Can Say OK?' to promote decisions about allied health providers and specialists being made in partnership with carers.
- 'Who Can Say OK?' and DCP's internal Manual of Practice will be strengthened to support medical reports being shared with carers, where appropriate to do so.



## Decisions not being made in partnership with carers

Carers noted varying experiences of being meaningfully included by DCP staff when decisions were being made for the children and young people in their care. Experiences of decision making being undertaken in partnership with carers varied considerably, leading to inconsistencies.

Examples of decisions being made in isolation from carers included a mobile phone being given to a young person without a carer first being consulted, NDIS decisions being made without carer input and carers not having appointment times discussed with them prior to appointments being made.



### What we will do:

- A renewed focus on making decisions in partnership with carers will be included in the revised 'Who Can Say OK?'. Prompts will be included in the resources for DCP staff to consult with carers before making significant decisions such as purchasing a mobile phone for a child or young person or arranging an appointment.
- Communications about the revised 'Who Can Say OK?' to DCP staff will also reiterate the need for decisions to be made in partnership with carers.
- Internal practice guidance for DCP staff will be reviewed to include further prompts for making decisions in partnership with the care team.
- Specific content will be included in 'Who Can Say OK?' to encourage the expertise of carers as the day-to-day caregiver for the child or young person to meaningfully inform NDIS and health related decision making.
- Practice concerns raised by carers have been escalated for training and operational follow up. A focus on making decisions in partnership with carers will be messaged by Practice Leaders and emphasised in staff training sessions in 2024.
- Multiple workplace learning sessions were held in November 2023 to specifically highlight the importance of working in partnership with care teams. These sessions were delivered to 360 attendees, inclusive of DCP staff.
- The concerns raised were further presented to Practice Leaders, Principal Aboriginal Consultants and Principal Clinical Psychologists on 5 December 2023 to discuss with staff at their offices.

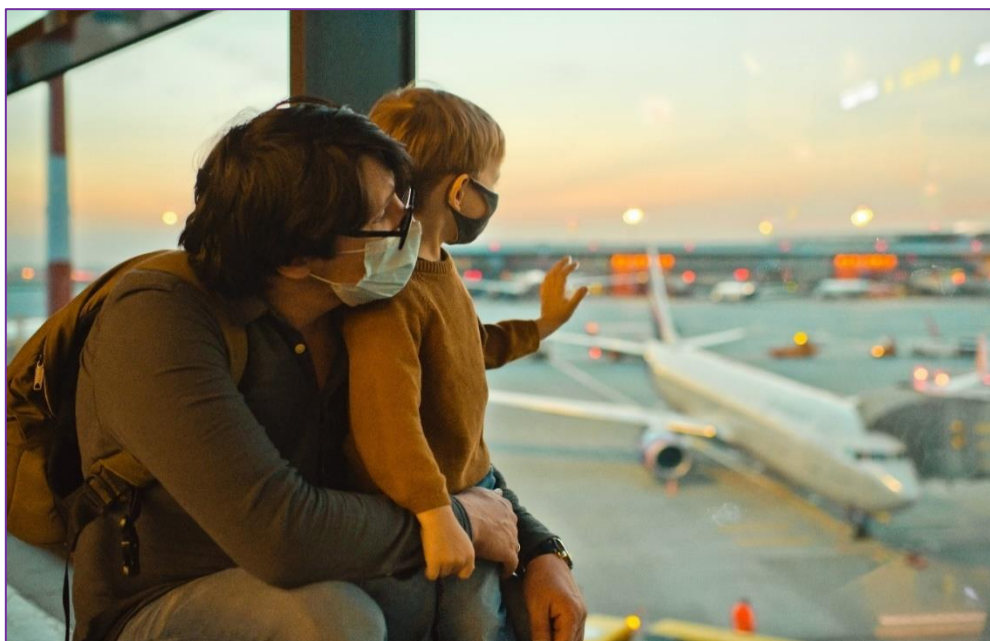
## Decisions not being timely

Feedback provided by some carers raised issues with how long decisions took to be made, or formally approved by DCP. It was noted that the approval processes for some decisions could be burdensome, and delays could be caused by the number of internal approval processes that needed to be satisfied.

Interstate and overseas travel for children and young people in care was identified as an example of a decision that requires an involved internal approval process, which can delay formal approval being received and jeopardise travel plans. Carers also raised concerns about requests to show DCP confirmations of booked accommodation and transportation prior to formal approval for travel being granted. This placed carers in the difficult position of needing to pay for flights and accommodation, before receiving formal DCP approval for their trip.

### What we will do:

- Internal guidance for DCP staff will be revised regarding travel approvals, to promote efficient decision making that supports children and young people to have opportunities for positive, safe travel experiences. Guidance will reiterate to DCP staff that carers do not need to show booked confirmations of travel plans in order to receive travel approval.
- Travel information in 'Who Can Say OK?' will be strengthened to emphasise the need for travel approvals to be sought as early as possible and processed in a timely manner by DCP.





# Changes in DCP case worker leading to changes in decision making approaches

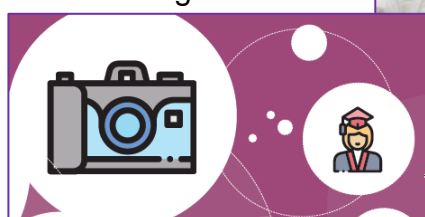
Carers shared the challenges and inconsistencies they face in decision making when they experience a change in case worker. Changes to case workers can lead to sudden differences in decision making approaches or leave carers without a clear DCP contact to obtain necessary consents.



Carers provided examples of an inconsistent approach between case workers to a child having an ear piercing, different approaches across DCP case workers to overseeing the management of a child's bank account and a carer being unaware of who to contact within DCP to seek necessary approvals when their case worker left.

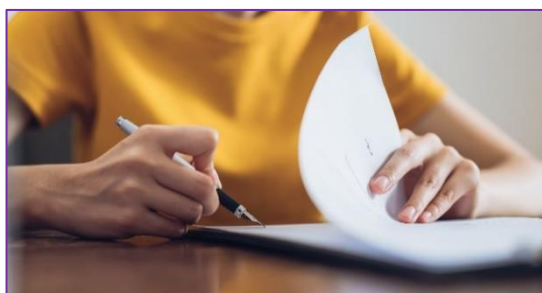
## What we will do:

- Internal guidance for DCP staff will be updated to focus on strategies to promote a consistent approach to decision making during transitions between DCP case workers.
- Communications about the revised 'Who Can Say OK?' will message the difficulties carers have experienced with inconsistent approaches to decision making and emphasise strategies to promote consistency.
- New content will be included in 'Who Can Say OK?' to reaffirm requirements for DCP to clearly and accurately document agreed decisions to promote consistency across any change of DCP case workers.
- New content will be included in 'Who Can Say OK?' to outline the staff within DCP that may be able to approve a decision for a carer, where a DCP case worker is not available or currently allocated.
- Practice concerns raised by carers have been escalated internally with the Practice Approach and Learning, Practice and Professional Development teams for training and operational follow up. A focus on making decisions in partnership with carers will be messaged by Practice Leaders and emphasised in staff training sessions.



## Uncertainty in financial decisions

Carers expressed some confusion over certain financial decisions, including who was responsible for paying for certain costs associated with activities outlined in the 'Who Can Say OK?' resources. 'Who Can Say OK?' does not provide the leading guidance on financial decision making within DCP and instead refers to the '[Carer Support Payments Handbook](#)' and '[Carer Reference- Who Pays for What?](#)' Some carers noted that the brief references in 'Who Can Say OK?' regarding financial decision making could at times appear misaligned with the other financial decision making guidance.



Other carers raised uncertainty with who is responsible for paying for school photos (especially where additional photos were being obtained for birth parents), what DCP will contribute towards childcare, gaps in payments for kindergarten fees and DCP payments towards camps (particularly where a camp was being used in place of respite care arrangements).

### What we will do:

- DCP recognise that financial support is a key aspect of supporting carers to meet the needs of the children and young people in their care. Financial support for carers is not within the scope of 'Who Can Say OK?' However, feedback received about financial decision making is valuable and will be considered by DCP in its response to the Report of the Independent Inquiry into Foster and Kinship Care.
- Brief content regarding financial decision making currently contained within 'Who Can Say OK?' will be removed, to avoid any conflicting advice. Reference to relevant DCP finance policies and guidance will be made throughout 'Who Can Say OK?' to ensure carers have one source of information about financial decision making.
- Link 'Who Can Say OK?' to the '[Child care assistance for carers](#)' webpage, which has been developed since the last review of 'Who Can Say OK?' and clarifies subsidies and funding for childcare.





## Processes not set up for children and young people under guardianship

Wider difficulties were reported by carers when assisting with certain administrative tasks, as some processes were not properly equipped to consider the unique position of children and young people in care. Carers encountered difficulties when opening and managing bank accounts on behalf of a child or young person, or ensuring Medicare rebates were repaid into the correct bank account.

These practical difficulties further complicated decision making for carers and raised operational risks in bank accounts or rebate payments being accessible to those other than a child or young person's legal guardian.

### What we will do:

- Concerns about the difficulties and operational risks in opening a bank account on behalf of a child or young person in care have been escalated and will be actively considered.
- 'Who Can Say OK?' will be amended to require a DCP case worker to open a bank account on behalf of a child or young person in care. This will ensure the child or young person's legal guardian has the administrative responsibility for opening and co-signing their account.
- Medicare issues have been raised by DCP with the Australian Department of Health and Aged Care, who manage Medicare, to identify systemic gaps that are leading to delays and incorrectly linked accounts.



## Difficulties in decision making with partner agencies

Carers discussed the challenges and inconsistencies they can face when needing to make decisions with non-DCP agencies, who may not often work with children and young people that are in care.

Some examples raised included a carer being told by their school that they could not sign a consent form for an excursion as the signature was required from a 'parent or guardian', confusion about who could consent to a support service attending to offer a child assistance during school hours and urgent surgery for a child not proceeding as a hospital would not accept carer consent for the procedure. Carers also suggested further content be included to clarify the role of carers during school suspensions and exclusions and when DCP consent is required for the administration of prescribed medications.



### What we will do:

- 'Who Can Say OK?' will be amended under the 'Education' and 'Health' sections to emphasise key points when undertaking decision making with partner agencies. The ability of carers to provide consent to school activities, excursions and camps (where no more than two nights) will be highlighted.
- Further clarification will be included in 'Who Can Say OK?' regarding consent requirements when urgent medical treatment is needed.
- New content will be added to 'Who Can Say OK?' about school suspensions and exclusions, to clarify the responsibilities of the care team during these processes.
- New content will be added in 'Who Can Say OK?' about consent for taking medications or accessing support services in a preschool or school setting.
- DCP will provide targeted communications to schools that have enrolments from children and young people under guardianship to clarify the decision making authority of carers.
- DCP have raised the ability for urgent medical care to be provided in the absence of DCP approvals with the Department for Health at an interagency working group meeting. A joint working group will identify channels to effectively share this information to hospitals. A joint communication strategy is being planned with the Department for Health to raise the awareness of the situations in which carers can provide medical consent. The joint strategy will also promote alternative DCP contacts that medical staff can use to seek DCP consent when required.
- DCP will promote and circulate the revised 'Who Can Say OK?' to partner agencies including the Department for Education, Health and relevant foster care agencies, emphasising the need for a consistent approach to decision making that aligns with 'Who Can Say OK?'

## Next steps

DCP will incorporate the feedback received, as outlined in this report, into 'Who Can Say OK?' to make it as useful and relevant to carers as possible. Broader practice issues raised during consultation have been escalated for further action.

DCP is aiming to publish the revised 'Who Can Say OK?' in early 2024 and this will be communicated to carers once it is available. The new 'Who Can Say OK?' will be available on the DCP website for carers to access when published.

DCP will be promoting the new guidance across DCP and will message the key learnings from the carer feedback that has been received, to promote inclusive and consistent decision making.

## Contact us

If you have any questions or further feedback about 'Who Can Say OK?', please contact DCP via one of the following:

- Email [DCPPracticeApproachandManualFeedback@sa.gov.au](mailto:DCPPracticeApproachandManualFeedback@sa.gov.au)
- Phone on 8226 7070.

