

Collection of students by the Department of Community Services, procedures

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There are a number of reasons why officers from the Department of Community Services, hereafter referred to as DoCS, may seek approval from a school principal to collect a student from a government school. These include the following.

1. Removal of a student as part of a statutory child protection intervention.
2. Collection of a student who is in statutory out of home care for matters related to their being in care.
3. Collection of a student not in statutory out of home care for whom a family has requested short-term assistance.

The principal must be the person to collect the student for the DoCS officer. If the principal is unavailable he/she must nominate an executive staff member to collect the student. In those cases where there is no school executive member for example, a small school, the principal should nominate a member of the teaching staff to perform this duty. Hereafter the procedures will say 'principal', however circumstances where the principal is not present, his/her nominee will act on the principal's behalf.

1. Removal of a student as part of statutory child protection intervention

A student may be removed from a government school by DoCS officers as part of a statutory child protection intervention utilising Section 234 of the *Children and Young Persons (Care and Protection) Act 1998*. This would apply, for example, where the student has been the subject of a risk of harm report, and following investigation, the child or young person is deemed to be at risk of harm if allowed to return home at the end of the school day.

The DoCS officer carrying out this responsibility is required to provide the following information to the principal, and if the student is over the age of 10 years, to the student:

- the officer's name and the nature of his or her authority, and
- the student's name, date of birth and usual place of residence, and
- the fact that the law authorises the DoCS officer to remove the child or young person from the school, and
- the reasons for which the child or young person is being removed from the premises or place, and
- what is likely to happen in relation to the care and protection of the child or young person as a consequence of his or her being removed from the premises or place.

If the DoCS officer is unknown to the principal, the DoCS officer should provide photo identification of their name and position in DoCS and the authority under which they are acting should be written on official DoCS letterhead. The principal should retain this written information and note that they have verified the officer's identity.

Occasions may occur when DoCS officers arrive without the written authority to collect the student. If the authority to remove the student is given to the principal verbally it must be followed by written notice as soon as practicable after the student is removed. The legislation Section 234 1(c) requires that the notice must state *the fact that the law authorises the person to remove the child or young person from the premises or place*. This needs to be stated orally by DoCS and confirmed by the DoCS officer in the written notice. If there is no written documentation for the removal of the student, the need to identify the authority of the officer is heightened.

The legislation also requires that, if the student is over the age of 10 years, the officer must:

- inform the child or young person that he or she may choose to contact any person, and
- ensure that the child or young person is given reasonable opportunity and appropriate assistance to contact any such person.

The DoCS officer is responsible for informing the child or young person's parent or carer that this action has been taken. The DoCS officer must inform the principal when this communication will take place.

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2. Collection of a student who is in statutory out of home care

There are occasions when DoCS officers may seek to collect a student from a government school, for example, to take the student to a medical appointment, private counselling or visit with their birth family. Such activities may occur on a regular basis and are usually arranged in advance. This includes circumstances where a child or young person is in a short-term temporary care arrangement with a plan for restoration to their family.

Circumstances when the school principal is given little prior notice of a DoCS' request to collect a student may occur when:

- the officer/s has obtained an appointment or meeting related to the student's health, wellbeing or care circumstance
- the care arrangement has broken down and the child is not to return to their present care setting
- there is an approved arrangement between the principal and carer with DoCS agreeing to collect a student if the carer is unavailable. This mostly relates to student behaviour. A record of the agreement should be held by the school, the carer and DoCS.

3. Collection of a student not in statutory out of home care for whom a family has requested short-term assistance

Parents may seek assistance from DoCS when encountering problems that affect their ability to care for their children, for example, hospitalisation of a parent. The family may obtain temporary care for their child/children while they resolve accommodation, financial or other difficulties. The temporary care arrangement is usually short-term with the plan being to restore the student to their family.

Procedures when DoCS officers collect students from a government school

On the occasions when the principal is unavailable, he /she must ensure that the nominated member of staff is aware of and available to carry out the procedures.

Principals should be informed in the first instance by the DoCS officer prior to the planned visit. This phone call is intended to verify the details of the DoCS worker and relevant Community Services Centre. The DoCS officer should provide the written authority to collect the student and their photo identification on arrival at the school.

If the DoCS officer does not have the written authority then this must be provided as soon as practicable. The principal can release the student without the written authority provided the authority is given verbally and confirmed in writing as soon as practicable after the student is collected. The principal may need to follow up the written advice from DoCS who, by law, are required to provide this.

On each occasion that a student is collected by DoCS the attached Proforma must be completed.

When a student is regularly collected, for example every week, by a DoCS officer, the attached Proforma only needs to be completed on the first occasion. The arrangement for the regular collection must be recorded on the Proforma. The principal must verify these details each time the student is collected.

On all occasions the principal must collect the student for the DoCS officer.

There should be two identical copies provided by the school, one to be retained by the school principal and the other by the DoCS officer. This written advice acknowledges the transfer of responsibility for child protection between the agencies and provides a record of handover from agency to agency.

Collection of students by the Department of Community Services, procedures



While it may not always be indicated, students who are in statutory out of home care may be identified on the *Application to Enrol in a NSW Government School* form.

Students may be placed in statutory out of home care or returned to their birth family during their time at school. This information should be updated on the student's record as it becomes known. The Learning Support Team records should also be updated, if applicable. This information should be made known to staff only if they have a reason, as part of their duties as an employee, to be given this information.

The principal must establish that the details provided by the DoCS officer/s match those held at the school. The student's date of birth and current place of residence must be verified by the principal. The principal should also speak with the student and, if available, sight the student's photograph on the school's record file.

Only after the principal is confident that the correct student has been identified should he/she release the student.

The DoCS officer must wait in the school's main administration office. The principal must:

- collect the student and take them to the school administration office
- together with the DoCS officer/s verify that the correct student is being collected.

This verification should include, in the presence of the principal, the DoCS officer:

- speaking with the student to establish their name and date of birth
- informing the student of the officer/s names and their authority
- informing the student of the reason for being collected, where they are going and what is likely to happen
- informing the student, if he or she is over 10 years of age, that he or she may choose to contact any person. If the student chooses to do so, he or she should be given reasonable opportunity and appropriate assistance to contact that person.

The principal must verify:

- how the student will be transported
- the arrangements whether or not the student will be returned to school that day
- the arrangements when reporting the student's return.

The principal and DoCS officer may agree that any activity in which the student is currently participating can continue for an agreed time before the departure from the school takes place.

When a student is collected all staff who have supervisory responsibility for the student must be informed that student has left the school.

When a student is returned to school all staff who have a supervisory role for the student must be informed.

The principal must ensure that the Attendance Register is completed using the approved attendance register codes.

Principals must ensure that the completed and signed Proforma is filed in a secure central place in the school.

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The principal and the DoCS officer must countersign each Department's copy. The principal and the DoCS officer will each retain a copy of the completed proforma.

Student's name:

Date of birth: **Roll class:**

Place of residence: with parent/s in out of home care

Current residential address:

Parent or carer's name: Telephone:

The student's parents or carers have been be informed by DoCS. Yes or No (circle)

If no, when will they be informed?

The reason the student is being collected:

The DoCS officer's photo identification and authorisation have been sighted. Identification number or other details of how the officer's identity is known.....

Name of DoCS officer: Position:

Community Services Centre: Telephone:

The student will be collected on (date)(time)

Provide details if a regular collection

Name of the person who will supervise the student while in DoCS care.

Destination: Mode of transport:

Anticipated dateand timethe student will be returned to main school administration office

The arrangements if the student will not be returned to school this day

The school principal and DoCS officer agree that the correct student has been presented for collection.

Principal's name: Signature:

School: Telephone:

DOCS officer's name: Signature:

Date: Time