

Quality Standards Framework Regulations Implementation Bulletin #5: Safety Plans

FEBRUARY 1, 2023

In follow up to the January 25, 2023, email, this is the fifth of the weekly communications that will be sent by the Ministry of Children, Community and Social Services (ministry) to out of home care¹ service providers and placing agencies on the new and updated [Quality Standards Framework](#) related regulations, which come into effect on July 1, 2023.

The weekly bulletins will cover the 10 regulatory topics with the intent to help familiarize licensees and placing agencies with the new and updated requirements, and answer questions about how they can start preparing for implementation.

Note that the information that follows does not constitute legal advice. It provides general information about the regulatory amendments made to licensing requirements under the *Child, Youth and Family Services Act, 2017 (CYFSA)*. If you require assistance with respect to the interpretation of the regulatory requirements and their potential application in specific circumstances, you should seek legal advice.

1. Who do the new safety planning requirements apply to?

The requirements apply to all licensees: children's residence licensees, foster care licensees, and staff-model home licensees.

Exception: The new rules specific to safety planning do not apply with respect to a young person where the young person has been ordered into detention or custody by a youth justice court. In those circumstances, minimum mandatory service requirements may be found in the Youth Justice Services Manual. Safety planning is inherent in all case management and supervision of young persons and can be found throughout the Youth Justice Services Manual.

¹ Although the term **residential care** is a legal term under the CYFSA and its regulations, the ministry is using the term "out-of-home care" instead of "residential care" to acknowledge the traumatic history of the Residential School system in Canada. We recognize the importance of choosing different language, especially, since the term may be triggering to some.

2. Overview of new safety plan requirements:

A. Safety Assessment:

- Licensees must conduct a safety assessment for every child who is to be admitted to the licensed setting and in respect of residents or foster children residing in a residence or foster home as of July 1, 2023, for the purposes of determining whether a safety plan is required for the child.

Safety Assessment – Required Content:

- To carry out a “safety assessment”, a licensee must do the following:
 - 1) Make reasonable efforts to determine whether the child engages in behaviors that may pose a risk to the safety of themselves or others or whether there are other risks to the child’s safety, based on all information known to the licensee, including information about the child’s needs and behaviors contained in:
 - a) Any documents or information collected by the licensee or any documents created by the licensee as part of the pre-placement assessment process,
 - b) In the case of an existing resident or foster child, any Serious Occurrence Reports (SOR) or other reports concerning the child that are prepared by the licensee or persons providing direct care to the child on behalf of the licensee,
 - c) In the case of a resident or foster child residing in the licensed setting as of July 1, 2023, any plan of care developed for the child, and
 - 2) Obtain the view of the placing agency/person placing the child on the need for a safety plan for the child.

Timing for Safety Assessment:

- Unless a safety plan has already been created in accordance with the requirements set out in the regulation (summarized below), a safety assessment must be conducted by the licensee:
 - In the case of a child who is to be admitted to or placed in the licensed setting, the assessment must be completed before the child’s admission or placement,
 - In the case of a resident or foster child residing in the licensed setting as of July 1, 2023, during the development their plan of care, during a review of their plan of care, immediately following any situation during which the child engages in any behaviors which may pose a risk to the safety of the child or others or during which the child’s safety is otherwise put at risk.

Transition provision:

For children already residing in licensed out of home care settings as of July 1, 2023: **No later than July 30, 2023:** The licensee is required to conduct a safety assessment and, if a safety plan is required, develop one as soon as possible in accordance with the regulatory requirements (summarized below).

Documentation Requirements:

The licensee must document the safety assessment and ensure the documentation is maintained in the child's file/case record.

Timing for Development of Safety Plan:

If, after completing the safety assessment it is determined that a safety plan is required for a child, the licensee must develop one in accordance with the regulatory requirements (summarized below) as soon as possible and, in the case of a new admission or placement, before the child's admission/placement in the licensed setting.

B. The Need for a Safety Plan:

- A safety plan is required for a child, resident, or foster child if, after conducting a safety assessment, the licensee determines that:
 - The child engages in behaviours that may pose a safety risk to themselves or others or there are other risks to their safety, or
 - The view of the person who is placing the child or who placed the child is that a safety plan is needed.

C. Safety Plan Content:

- A safety plan must include the following content (as well as any other information the licensee considers appropriate):
 1. The child's behaviours that may pose a safety risk to themselves or others and any other reasons why the child's safety is at risk,
 2. Safety measures, including the amount of any supervision required, to prevent the child from engaging in behaviours that may pose a risk to the safety of themselves or others or to otherwise protect the child (which also needs to be informed by information provided by the placing agency or person who placed the child),
 3. Procedures to be followed by persons providing direct care, including foster parents, to the child in circumstances where the child engages in behaviours that harms the safety of themselves or others or otherwise risks their safety,
 4. Any recommendations, to which the licensee has access, from people who provided or are providing specialized consultation services, specialized treatment, or other clinical supports to the child to address the behaviours that may present safety risks,
 5. Any clinical or other supports provided to the child to address the child's behaviours that may present safety risks, and
 6. The names, contact information and, if applicable, job titles of any persons consulted on and involved in the development of the safety plan, including the date(s) they were consulted.

D. Safety Plan Development/Review Consultation:

- The licensee must include the following people in the development and review of the safety plan:
 - The placing agency, if it is not the licensee,
 - The child, to the extent possible given their age and maturity,
 - The child's parents, if appropriate,
 - The foster parent or parents (in the case of a placement with a foster care agency), and,
 - In the case of a First Nations, Inuk or Métis (FNIM) child, a representative chosen by each of their bands or FNIM communities.
- If it is not possible to consult one or more of the people above, the licensee can complete the safety plan, and must, on an ongoing basis, make reasonable efforts to ensure that the persons listed above are consulted on the safety plan and must amend the plan as necessary based on their input.
- The licensee must note in the child's case record/file the reasons that a person listed above was not consulted or involved in the safety plan and a description of any efforts made to include them.
- The licensee must ensure that all persons mentioned above, except for the child's parents if it was determined to be inappropriate to consult them on the development of the safety plan, receive a copy of the child's safety plan at the following times:
 - a. for a new admission or placement, before the child is admitted or placed.
 - b. for a child residing in a licensed setting as of July 1, 2023, as soon as possible after it is developed.

E. Safety Plan Reviews:

Timelines:

1. A licensee must review a child's safety plan during the development of the plan of care and during each review of the plan of care.
2. The safety plan must also be reviewed immediately after any of the following occurs:
 - a. The child engages in behaviour that poses a risk to the safety of themselves or others, or a situation occurs where the child is put at risk,
 - b. An incident occurs during which the measures set out in the safety plan are shown to be ineffective in preventing the child from engaging in behaviours that pose a safety risk,
 - c. New information comes to the attention of the licensee respecting the safety risks posed by the child or to which the child is subject or behaviours of the child that has implications for the information contained in the safety plan, or
 - d. The child or other person consulted on and involved in the development of the safety plan requests a review.

3. When reviewing the safety plan, the licensee must ensure that:
 - a. It continues to adequately keep the child and others safe, and if it does not, an amended plan is developed,
 - b. The same process and requirements for the development of the plan are followed and complied with (described above under paragraphs 3 and 4 of this document),
 - c. Any amendments to the plan are documented and dated in the plan,
 - d. All information known to the licensee at the time of the review about the child's behaviours are considered, including by persons who provide direct care to the child, including, in the case of a foster child, the child's foster parents, and
 - e. Any recommendations received by the licensee from any individual named as a resource person², any person who provides direct care to the child (other than the foster parent), or from the child's primary worker is incorporated into the safety plan.

If the licensee is reviewing the safety plan because the measures set out in the plan were shown to be ineffective, they must ensure that different preventative measures are set out in the child's amended plan.

Staff and Foster Parent Review:

- A licensee must ensure that a child's safety plan is reviewed by any person providing direct care to the child (including foster parents and any person assigned to supervise and support foster parents under s. 122 of O. Reg. 156/18) before the person begins providing direct care for the first time, as soon as possible after the safety plan is developed (if the plan was developed after that person started providing direct care to the child), and as soon as possible after the plan is amended.
- A licensee must ensure, each time the safety plan is reviewed by people providing direct care (described above), that they sign the safety plan and indicate the date of review.

Documentation:

- A licensee must ensure that all copies of a child's safety plan is in their case record/file and make the most recent version readily available at their licensed setting (foster home or residence).

² **Resource person (O. Reg. 156/18, s. 5):**

(1) A child who is offered an opportunity as described in clause 4 (5) (e) or an individual who is offered an opportunity as described in subclause 4 (5) (f) (iv) may name an individual as a resource person whose role, on a voluntary basis, is,

- (a) to assist the service provider in taking into account one or more identity characteristics of the child or regional differences when making a decision that will materially affect or may materially affect the child's interests; and
- (b) in the case of a First Nations, Inuk or Métis child, to assist the service provider in taking into account the child's cultures, heritages, traditions, connection to community and the concept of the extended family in relation to any aspect of providing services to the child and the child's family.

Implementation:

A licensee must ensure that any person providing direct care to the child, including the child's foster parents, does so in accordance with the child's safety plan.

3. How do the new safety planning requirements enhance quality of care?

Introducing new requirements for Safety Plans and Safety Assessments is part of the work to embed *Ontario's Quality Standards Framework: A Resource Guide to Improve the Quality of Care for Children and Young Persons in Licensed Residential Settings* (QSF), into regulation. Quality Standard 5 of the QSF speaks to the need for children to feel that the licensed setting where they reside is safe (culturally, spiritually, physically, emotionally and mentally), inclusive, and accessible.

Experiences of trauma by children and young persons in out of home care settings are common as the very nature of being in care - away from a loving and supportive environment - can itself be traumatizing. As a result, it is important for service providers to support children by creating environments with additional emotional and physical safety supports that provide healing and survivor-centred care.

This requirement supports children in out of home care settings to feel that their placement is safe, inclusive, and accessible. It is intended to reduce the likelihood of harm to children, staff, and foster parents.

4. Where can I find the regulations?

The new regulatory requirements applicable to safety assessments and safety plans can be found on E-Laws accessible here: [O. Reg. 156/18. Refer to ss. 86.3-86.8 \(for children's residences and staff model homes\) and to ss. 129-129.5 \(for foster care\).](#)

5. What resources will be available to me in future to support implementation of the new requirements?

In the coming months, the following will be available to service providers to support understanding and compliance with the new safety planning requirements:

- A guidance document covering the new requirements, purpose for the new requirements, indicators used by the ministry to assess for compliance, guidance for placing agencies and best practices for implementation (March 2023).
- A Safety Plan Template (March 2023).
- Information webinars for service providers on the new requirements (Spring 2023).

6. Who should I be sharing this information with?

Information regarding the new safety planning requirements should be shared with all children's out of home care licensees, including children's residences licensees, staff-model home licensees and foster care licensees. This information should also be shared with placing agencies, front-line staff members and foster parents.

Exception: The new rules specific to safety planning do not apply with respect to a young person, where the young person has been ordered into detention or custody by a youth justice court. In those circumstances, minimum mandatory service requirements may be found in the Youth Justice Services Manual. Safety planning is inherent in all case management and supervision of young persons and can be found throughout the Youth Justice Services Manual.

7. Who can I contact if I have questions about the updated regulations?

If you require assistance with respect to the interpretation of the legislation and its potential application in specific circumstances, you should seek legal advice.

You may also contact your regional licensing team for more information as you implement the new requirements. Any additional questions pertaining to future activities to support operationalization of the new regulations can be directed to qualitystandardsframework@ontario.ca.

8. What's Next?

Stay tuned! The next Quality Standards Framework Regulations Implementation Bulletin topic will be on **plans of care**.