



Department of Human Services

Memorandum

FILE REF:

**TO: REGIONAL COMMUNITY CARE MANAGERS - FOR ACTION
REGIONAL CHILD PROTECTION MANAGERS - FOR ACTION
REGIONAL PLACEMENT AND SUPPORT MANAGERS - FOR INFORMATION
MANAGER AFTER HOURS SERVICE - FOR INFORMATION**

FROM: CHRISTINA ASQUINI, DIRECTOR, CHILD PROTECTION AND FAMILY SERVICES

DATE:

SUBJECT: PROVISION OF INFORMATION ABOUT CHILDREN IN OUT OF HOME CARE TO PLACEMENT PROVIDERS AND CARERS

PURPOSE:

To ask that you remind Child Protection staff of the legislative and policy requirement to ensure that information about children and young people in out of home care is passed on to community service organisations providing placements and through them to foster carers and residential care staff at the commencement of a placement and throughout the life of the placement.

BACKGROUND

1. Community service organisations have recently raised concerns that carers, both residential and foster carers, are not provided with information required to care for children and young people. They advise that Child protection workers indicate that information sought cannot be provided for privacy reasons.
2. The Children, Youth and Families Act 2005 (CYFA) specifically obliges Child Protection to provide carers with information about the children in their care.
3. Section 179 (1) states " If the Secretary or an out of home care service intends to place a child in the care of a person other than the parent of the child, the Secretary or out of home care service must provide the carer with all the information that is known to the Secretary or the service and that is reasonably necessary to assist the carer to make an informed decision as to whether or not to accept the care of the child"
4. Section 179 (2) states "If the Secretary or an out of home care service has placed a child in the care of a person other than the parent of the child, the Secretary or out of home care service must provide the carer with any information known to the Secretary or the service regarding the medical status of the child to enable the carer to provide appropriate care for the child."
5. The Child Protection Practice Manual advice number 1403: Information sharing in out of home care specifically advises

"Child Protection practitioners must use and disclose personal information in the best interests of the child in a way that ensures good quality care is provided and ensures their safety, stability and development, and at the same time protects their privacy"

and

"Although the need to know particular personal information can only be determined on a case by case basis, it must again be emphasised that those who have a direct

involvement in the provision of out of home care will generally need to collect and use all relevant personal information in order to provide good care. This includes home-based carers who have 24 hour direct care of a child."

6. The Home based care handbook (Section 6: Communication and information sharing) expresses these requirements more simply:

"Carers must be given information they need to provide good care for a child or young person. This information should be provided to the carer before or at the time the placement is made, or as soon as possible thereafter. This is a requirement of the Children, Youth and Families Act 2005."

and

"Carers need to be updated as information changes."

7. The full text of the Child Protection Practice Manual advice number 1403: Information sharing in out of home care has been provided for your reference as Attachment 1. The full text of Section 6 of the Home based care handbook: Communication and information sharing is attached as Appendix 2.

ISSUES

8. The requirements and expectations for providing carers with the information needed for good care have been clearly outlined in the legislation, the Child Protection Practice Manual and the Home based care handbook. They must be implemented.
9. Whilst cognisant of issues and pressures that arise when placement occurs, advice from the sector is that Child Protection workers are still failing and sometimes refusing to share information about children in out of home care that their carers and other members of their care team need to know in order to provide good care.
10. Carers (whether residential staff or home based carers) and workers from the placement agency directly involved must be provided with the following information:
 - information that enables them to make a decision to accept the placement of a child or young person
 - information needed to provide good care for the young person
 - information about the child or young person's health issues or medical conditions
 - the child or young person's previous placement history
 - information about any specific developmental or behavioural issues
 - any specific information that has an impact on the safety of the child, young person, carer or others
 - the names of the child or young persons' family, extended family and other significant people in their life
 - the child's culture and religion
 - any educational details relevant to the child or young person
 - court order details and conditions – carers should be provided with a copy of the court order that the child or young person is placed under
 - regular updates on case direction from Child Protection (noting that this advice may be provided to the placement agency worker to pass on to carers and other members of care team).
11. However carers cannot expect to receive the following information:

- some personal background information about the child's family that is not relevant to the care of the child
 - copies of court reports
 - information that is not yet available despite everyone's best efforts.
12. Child protection workers, carers and placement agency workers and other members of the child's care team are not prevented by privacy legislation from disclosing personal and health information about a child so long as it is being disclosed for the primary purpose for which it was collected, which is, to protect the child from harm and/or to promote their development. Indeed, Section 180 of the CYFA specifically exempts the disclosure of information provided about a child provided *for the purpose of providing appropriate care of the child* from confidentiality requirements.
13. Some personal information may be particularly sensitive due to the risk of negative consequences for the child if that sensitive information is further disclosed or fails to be disclosed. This may mean taking additional care to ensure the security of any records where sensitive information is documented and also to ensure that only those with a genuine need to know receive some particularly sensitive information. However information needed for good care, even particularly sensitive information, will almost certainly need to be disclosed to carers in order to ensure the child's safety, stability and development.
14. These privacy and confidentiality issues are explained in detail in the Child Protection Practice Manual Advice number 1403 provided as Attachment 1.
15. Your assistance is urgently required to ensure that all child protection staff are aware of and carry out their responsibilities to provide carers and staff of community service organisations providing out of home care with information about the children placed with them that they need in order to provide good care in line with:
- the legislative requirements,
 - the Child Protection Practice Manual Advice number 1403: Information sharing in out of home care (Attachment 1)
 - the principles and expectations outlined in the Home based care handbook Section 6: Communication and information sharing (Attachment 2).
16. I am writing to all community service organisations providing out of home care services advising them about the requirements and expectations in relation to the provision of information needed for good care. I am advising them to contact regional Child Protection Managers about any cases where they believe the necessary information was not provided. A copy of this letter is provided as Attachment 3.
17. You are asked to ensure an appropriate response is provided to any complaints raised by carers and community service organisations about situations and circumstances where it is claimed that the information necessary for good care has not been provided.
18. Please contact David Clements, Assistant Director Placement and Support if you have any concerns or questions about the matters raised in this memo.

RECOMMENDATIONS

19. That child protection staff are made aware of and enact their responsibilities to provide carers and staff of community service organisations providing out of home care with information about the children placed with them that they need in order to provide good care in line with:
- the legislative requirements

- the Child Protection Practice Manual Advice number 1403: Information sharing in out of home care (Attachment 1)
 - the principles and expectations outlined in the Home based carers handbook Section 6 Communication and information sharing (Attachment 2).
20. That you note that all community service organisations providing out of home care are being advised about the requirements and expectations in relation to the provision of information needed for good care and to contact regional Child Protection Managers to ensure that any cases, where they believe that the necessary information was not provided, are rectified.
 21. That you provide an appropriate response to any complaints raised by carers and community service organisations about situations and circumstances where it is claimed that the information necessary for good care has not been provided.
 22. That you contact David Clements, Assistant Director Placement and Support or myself if you have any concerns or questions about these matters.

Christina Asquini
Director
Child Protection and Family Services