



Department of Human Services

Incorporating: Health, Community Services, Mental Health, Senior Victorians and Housing

50 Lonsdale St
GPO Box 4057
Melbourne Victoria 3001
DX210081
www.dhs.vic.gov.au
Telephone: 1300 650 172
Facsimile: 1300 785 859

21 December 2007

OUR REF:

YOUR REF:

«Name__Title»
«Agency»
«Postal_Address»
«Suburb»

Dear «Dear»

Re: Provision of information to placement service providers and carers about the child in their care

I have been most concerned to be told at recent forums by carers and staff of community service organisations providing both residential care and home based care that they are still not being provided with the information about children in their care that they need to provide good care, especially at or near the commencement of a placement. This is clearly not acceptable.

The Children, Youth and Families Act 2005 (CYFA) specifically obliges Child Protection and out of home care services to provide carers with information about the children in their care.

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"

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."

The Child Protection Practice Manual advice number 1403: Information sharing in out of home care (full text attached as Appendix 1) summarises the legislative obligations and 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 general 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.”

The Home based care handbook (full text Section 6: Communication and information sharing attached as Appendix 2) 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.”

I have therefore asked regional Community Care Managers and Child Protection Managers to ensure that all child protection staff are aware of their responsibility 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).

I would like you to similarly make sure that your carers and staff who are involved in the provision of out of home care are aware of these requirements and expectations in relation to the provision of information about the child in their care.

This will mean that carers (whether residential staff or home based carers) and workers from the placement agency who are directly involved with the child should expect to 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).

Of course, carers cannot reasonably 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.

I understand that there may be some confusion about everyone's obligations under Privacy legislation and/or the additional responsibilities we all have to treat information regarding vulnerable children and their families with the highest level of confidentiality. These issues are discussed in detail in the Child Protection Practice Manual Advice number 1403 provided as Attachment 1.

In summary, 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.

At the same time however, carers and placement agency workers who receive this information on a need to know basis for the provision of good care must still treat the information about the child and their families with the highest level of confidentiality and not further disclose this information outside the child's care team except to others with a clear need to know this information in the child's best interests (eg medical practitioners).

Some personal information may be particularly sensitive due to the risk of negative consequences for the child if that sensitive information were to be further disclosed or fail to be disclosed. This will 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 will almost certainly need to be disclosed to carers in the child's best interests in order to ensure the child's safety, stability and development.

I would appreciate you drawing your staff and carers' attention to Child Protection workers' responsibilities for providing your staff and carers with all the available information that is needed for good care and to your staff and carers' responsibilities to keep that information confidential within the child's care team and also to share the information your staff and carers have that is needed for the good care of the child with Child Protection workers and other members of the child's care team.

If, in future, there are any cases where they and you believe that information about the child that was needed for their good care was available to Child Protection but not provided to relevant placement services staff or carers by Child Protection workers, would you please contact the relevant regional Child Protection Manager.

Please contact David Clements, Assistant Director Placement and Support if you have any concerns or questions about the exchange of information about a child that is needed for their good care.

Yours sincerely



Christina Asquini
Director
Child Protection and Family Services