

# Protocol between child protection and youth justice

August 2016



# Protocol between child protection and youth justice

August 2016

To receive this publication in an accessible format phone 03 9096 7366, using the National Relay Service 13 36 77 if required, or email [contactyouthjustice@dhhs.vic.gov.au](mailto:contactyouthjustice@dhhs.vic.gov.au)

Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

© State of Victoria, Department of Health and Human Services August, 2016.

This work is licensed under a Creative Commons Attribution 3.0 licence

Available at [www.dhhs.vic.gov.au](http://www.dhhs.vic.gov.au)

# Contents

<b>1.</b>	<b>Principles underpinning this protocol .....</b>	<b>1</b>
<b>2.</b>	<b>Why should we work together? .....</b>	<b>Error! Bookmark not defined.</b>
<b>3.</b>	<b>Aims of the protocol .....</b>	<b>2</b>
<b>4.</b>	<b>Responsibility for primary case management .....</b>	<b>3</b>
<b>5.</b>	<b>Information sharing between child protection and youth justice .....</b>	<b>4</b>
5.1	Laws protecting personal and health information.....	5
5.2	Disclosure of information .....	5
5.3	Situations where information must be exchanged.....	6
5.3.1	Client's initial involvement with child protection or youth justice	
5.3.2	If staff become aware of new information	
5.3.3	When child protection staff become aware of offending behaviour	
5.3.4	Court reports and court attendance on criminal matter	
5.3.5	Case plans and client service plans	
5.3.6	Case closure	
5.3.7	Where a youth justice client is a parent	
<b>6.</b>	<b>Resolving disputes .....</b>	<b>9</b>
<b>7.</b>	<b>Disability Services and young people involved with child protection and youth justice .....</b>	<b>Error! Bookmark not defined.9</b>
<b>8.</b>	<b>Guide to program responsibilities.....</b>	<b>10</b>
8.1	Joint and individual program responsibilities for common clients at different stages.....	11
<b>Appendices - Information sheets.....</b>		<b>21</b>
	Your personal information notice – For young people receiving child protection services	
	Your personal information notice – For young people receiving youth justice services	
	Your personal information notice – For parents regarding child protection services	
	Your personal information notice – For parents or caregivers of youth justice clients	
	Privacy and provision of personal information notice – For professionals regarding child protection services	
	Privacy and provision of personal information notice – For professionals regarding young people receiving youth justice services	



# 1. Principles underpinning this protocol

The Department of Health and Human Services is responsible for statutory child protection services and the statutory supervision of young people in the criminal justice system. In this protocol, these services are referred to as child protection and youth justice.

The initial protocol between child protection and youth justice was developed in 1994 and since this time legislative changes have occurred requiring the protocol to be updated.

In addition to a range of legislative change, the department is undergoing a transformational change process. The five principles for an integrated human services system are:

1. **People are at the centre of everything we do.** We take all of our client's life circumstances into account, and work with individuals and families to improve their outcomes. We recognise the diversity of our clients and are guided by their needs and choices.
2. People in need should have access to the right support, provided in a cost-effective way.  
**Supporting clients to lead independent and meaningful lives by building their capabilities is the long-term goal.**
3. **All parts of the human services system should work together.** By aligning and integrating the human service system we can reduce duplication and focus on shared outcomes for clients.
4. **A skilled workforce is key to a more integrated system and to better client outcomes.** Our workforce should have the skills, tools and the right accountabilities to support clients to improve their lives.
5. Victorians who access our services will be **valued, respected and treated fairly** at all times.

These principles and the human rights principles in the *Charter of Human Rights and Responsibilities Act 2006* underpin the revised protocol. The protocol encourages collaboration between department staff involved in a client's life to ensure a holistic focus on client and family needs and enable joint decision-making, reduce duplication of effort, and promote service coordination. These elements contribute to positive outcomes.

## 2. Why should we work together?

The Australian Research Alliance for Children and Youth and other literature indicates that complex problems require a different approach because they need a range of inputs. Effective collaboration has four core characteristics:

1. trusting relationships – between workers and with clients and their families
2. an holistic problem perspective – a focus on the range of needs clients and their families are experiencing
3. pooling of resources – those of the department and those of the client, their family and, where evident, the family's community
4. harnessing combined impact and expanded skills.

The Australian Research Alliance for Children and Youth indicates that the advantages of collaboration include:

- a focused application of knowledge and expertise
- more effective use of resources through clear allocation of tasks
- a higher level of commitment to action
- more relevant and effective planning.

Child protection and youth justice often deal with young people who are involved with both service systems at the same time. These young people have complex needs that require flexible and collaborative responses. While each area provides a program of services to address its mandated responsibilities and to meet the needs of these young people, it is vital that child protection and youth justice staff work together to maximise outcomes for these young people and their families.

In the first instance it is incumbent on departmental staff to model a professional, respectful and collaborative case management approach with each other.

Where clients and their families are seen as critical to resolving their own issues, and are respected and included as part of the collaborative effort, issues can be resolved more quickly and with better results for the young person.

## 3. Aims of the protocol

The aim of this protocol is to affirm the partnership between child protection and youth justice and improve outcomes for young people by enhancing joint work between child protection and youth justice. To achieve good outcomes for young people, staff from both programs need to:

- be aware of their key roles and responsibilities, including primary case management responsibility, and those of other professionals involved with the young person
- share information and communicate effectively
- resolve disputes quickly.

This protocol also outlines:

- an overview of considerations when child protection and youth justice clients have a disability
- a guide to joint and individual child protection and youth justice responsibilities for common clients at different stages, and
- information sharing for clients, their families and professionals (refer to appendices).



## 4. Responsibility for primary case management

The primary case manager holds lead responsibility for oversight and coordination of service delivery and direct case practice with the young person. While each program retains its particular legislative responsibilities, and it is fundamental that all programs undertake their respective functions in a client centred and mutually collaborative way, the primary case manager acts as the key point of communication and planning oversight for the young person.

It is important for a young person who is subject to both a youth justice order and a protection order to be clear about who is their primary department case manager. There should be no confusion at any point of service delivery as to who the primary case manager is. The decision should be taken based on the young person's best interests and case management needs.

Primary case management will usually be held by the practitioner who has the most involvement with the young person, the one with whom they have the most intensive working relationship. Given the primacy of relationship-based work, incorporating the perspective of the young person should also be factored into what arrangements have the best chance of improving outcomes with a particular young person.

The child protection and youth justice senior practitioners with supervisory oversight for the client must agree and document the rationale for the decision on which program will hold primary case management. In youth justice, this will be determined by the team leader and in child protection, by the case worker's supervisor, who is usually a senior practitioner or team manager.

Regardless of which practitioner undertakes the primary case manager role with the young person, a flexible sharing of resources and skills is critical to joint work with dual order clients. Additional options and strategies can be formulated through joint work. As well, a joint and flexible approach supports practitioners when demands from high needs dual order clients might otherwise be overwhelming.

Furthermore, regardless of which practitioner undertakes the lead case manager role with the young person, each program retains its specific legal responsibilities associated with the young person's statutory orders.

The following criteria may be used to guide the decision on primary case management:

1. For a young person subject to a final protection order, child protection will usually take the primary case management role as statutory case planner whether directly or through a contracted case management service (see (2) below) unless that is not supported by assessment of the young person's needs. In any event, child protection and youth justice will undertake their assessment and case planning/case management roles and responsibilities relating to the respective statutory orders. In all cases, case management is undertaken collaboratively and youth justice planning will be aligned with the broader child protection case plan.
2. Where child protection case management has been contracted to a Community Service Organisation (CSO), statutory case planning responsibility remains with child protection. Child protection must ensure that the CSO is aware that the young person is a youth justice client. Youth justice must participate in the care team. For Aboriginal young people, child protection must also ensure that the CSO is aware of the need to keep the Aboriginal Child Specialist Advice and Support Service (ACSASS) involved in the decision-making and provide input into care team meetings, to inform the case management process for youth justice and child protection.
3. Where it is proposed that youth justice will hold primary case management for a young person subject to a final protection order, the reasons should be documented and the decision endorsed by a youth justice team leader and the child protection team manager. For example, if a young person

has a strong, continuous relationship with their youth justice case manager, it may be appropriate for youth justice to assume the primary case management.

4. Where a youth justice client becomes subject to child protection involvement through a report or further protective intervention - but is not subject to a protection order - youth justice will as a rule continue to hold lead case management. There will be communication and joint planning for the young person within the parameters of each program's specific role and legal requirements.
5. While a young person is in custody on sentence, the child protection practitioner or youth justice community-based case manager will be the primary case manager, as per their pre-existing responsibilities in the community. Youth Justice Secure Services, as custodian, have day-to-day care and management of the young person but primary case management does not transfer to youth justice custodial staff. The youth justice custodial centre worker will be the key point of liaison for the primary case manager.

Whenever a change of primary case management occurs, key tasks include file review, handover and prioritisation of outstanding tasks. Both youth justice and child protection should clearly record the decision about primary case management responsibility and any subsequent decision to change this.

Finally, where the young person's protection order or youth justice order is about to cease, proactive planning must occur to clarify and confirm ongoing case management arrangements for the young person. Prior to termination of involvement of either program, a review will occur, according to each program's practice requirements. This is to ensure a handover to or from the primary case manager and that key case management tasks have been completed or communicated in the handover as residual tasks that require timely follow up. The same proactive planning and communication about case management for a young person applies when making leave arrangements for workers.

## 5. Information sharing between child protection and youth justice

Clients and their families are entitled to participate in decisions that affect them. Information sharing between practitioners should generally occur with the knowledge and involvement of the client and their family within the limits of what is practical and in the client's best interests.

The following sections outline procedures for use and disclosure of personal and health information. Information may be shared between professionals where **relevant and pertinent** to decision-making, the carrying out of plans, provision of services and monitoring or enforcement of court orders. However, Information Privacy Principle (IPP) 1.3 and 1.5 make it a legal requirement to:

**advise the client and their family what information is likely to be collected, the purposes for which it is being collected, and to whom it will usually be disclosed and shared with.**

This legal requirement is met by personal information sheets, legally termed 'collection notices', to provide to young people, their parents or caregivers, and professionals. Under IPP 1.3, these personal information notices are to be provided at or before the time of collection of information. The information notices explain why child protection and youth justice collect information and how it will be used and disclosed. For every client, explain the personal information notice and ensure that they understand it. The sharing of information should be regularly revisited with the client and their family.

If the young person has been provided with a personal information notice, written consent is not required for information sharing for the purpose of service delivery, for example, with a support agency. However, it remains best practice to seek the agreement of the young person before doing so, if possible. Personal information notices, which are consistent across the child protection and youth justice programs but

tailored to each, are companion documents to this protocol and can be downloaded from the department's web site. If you are uncertain about whether information may be shared, refer to the following sections of the protocol or seek advice.

## 5.1 Laws protecting personal and health information

The *Children Youth and Families Act 2005*, the *Privacy and Data Collection Act 2014* and the *Health Records Act 2001* contain requirements about the collection, use, disclosure and storage of a client's personal and health information.

In general, the department should:

- only collect information necessary to undertake its statutory obligations and provide services
- actively assist young people and parents to understand why the information is collected and how it will be handled
- use and disclose information only for the primary purpose for which it is collected (or for a directly related secondary purpose) or for another purpose with the person's consent (unless otherwise authorised by law)
- store it securely, protecting it from unauthorised access
- retain it for the period authorised by the *Public Records Act 1973*, and
- provide the client with access to their own information and the right to seek correction of incorrect information.

The *Charter of Human Rights and Responsibilities Act 2006* (the Charter) also specifies relevant rights. Section 17(2) specifies that "Every child has the right, without discrimination, to such protection as in his or her best interests and is needed by him or her by reason of being a child." Consistent with the department's obligations under the Charter, collaborative practice is required and is central to the department's values. Section 13 specifies that a person has the right not to have privacy, family, home or correspondence unlawfully or arbitrarily interfered with, and not to have their reputation unlawfully attacked. Sharing personal information only when relevant and pertinent, and ensuring the information is true and accurate, is consistent with this obligation.

## 5.2 Disclosure of information

Information provided to youth justice or child protection may be shared and provided to other relevant organisations or professionals in order to complete an assessment or report or to undertake case planning. When possible, the client should be informed first. Information can be exchanged without informing the client when appropriate, such as when a youth justice worker discloses information regarding protective concerns to a child protection worker.

Information collected about clients may be disclosed, if relevant and pertinent, to:

- courts and others involved in court proceedings, including parents and carers
- community services, such as counselling, drug and alcohol or family support
- schools and health
- Disability Services
- members of the client's family
- a support service or cultural worker, such as a Koori Youth Justice Program worker
- the police, if the child or young person is a victim.

The following are examples of disclosure authorised by law:

- information provided to a child protection practitioner in making a report that a child is in need of protection, including the reasonable grounds for that belief (sections 183, 184, 189 *Children, Youth*

and Families Act 2005 (CYFA), Health Privacy Principle 2.2(c) and Information Privacy Principle 2.1(f));

- providing information in response to a request from a child protection practitioner at any time following a protective intervention report to the department, including during protective intervention if the information is relevant to the protection or development of the child (sections 192 to 193 CYFA, Health Privacy Principle 2.2(c) and Information Privacy Principle 2.1(f));
- information provided to youth justice that a child has breached a condition of his or her youth justice order (Health Privacy Principle 2.2(i) and Information Privacy Principle 2.1(e)), for example, reoffending while on a youth justice order; and
- information relating to a client who is subject to both a child protection order and a youth justice order (a “dual order” client). Because the young person is on two distinct statutory orders with associated departmental responsibilities, information sharing is necessary between youth justice and child protection in relation to the client’s case management to ensure a consistent and co-ordinated response. In such cases, it will still be necessary to consider the purpose for which the relevant information was collected (as set out in the collection notice) and ensure that the information is being used or disclosed for that same primary purpose or a permitted secondary purpose, for example, sharing information if a direct link to the young person’s case plan can be demonstrated.

## 5.3 Situations where information must be exchanged

### 5.3.1 Client’s initial involvement with child protection or youth justice

When a young person becomes involved (or re-involved) with child protection or youth justice, the practitioner will make enquiries to determine if the client is known to, or is a current client of the other program, including checking the CRIS Common Client Layer (CCL). Checking the CCL may not be adequate to determine if a client is involved with another program and practitioners need to pursue other avenues whenever there is reason to believe that a client is known to another program. This will include a direct approach to the other program when required. Child protection should consider changing the client status in CRIS (from ‘Confidential’ to ‘Unrestricted’) to enable mutual cross-program visibility at the CCL level. This decision should be approved by a supervisor and should consider any particular sensitivity or confidentiality issues on a case by case basis.

When staff of either program become aware from their enquiries that their client is currently a client of, or has been known in the past to the other program, they will inform the other program of their involvement and their requirement to collect information. Necessary information should be exchanged to allow each program to make a full assessment of the client’s circumstances. This exchange will usually take place when the child protection program is investigating a report or when the Youth Justice program receives a referral from the Court.

Where a young person is a **current** client, there should be immediate contact between Youth justice and child protection to exchange relevant information. In exchanging relevant information, staff should have regard to the purpose for which relevant information has been collected by the department, and ensure that the proposed exchange of information is consistent with that purpose or would otherwise be permitted as discussed in section 5.1 above and following the Best Interest Principles. Information regarding **past** involvement should also be shared between child protection and youth justice. For example, the theme of previous reports or the type of previous youth justice orders is pertinent information.

When a young person is a **current** client, consultation must occur throughout the course of involvement and prior to either program ceasing involvement with the client. Consultation will be initiated by child protection if they are considering closing the case or by youth justice if the court order is due to expire. This is to ensure that:

- all relevant information has been considered before either program ceases involvement

- the program retaining involvement is able to undertake case management, and
- any unmet needs have been planned for.

### **5.3.2 If child protection or youth justice staff become aware of new information**

Each program must pass on significant information relating to the young person's behaviour or circumstances. In particular, child protection must advise youth justice of any placement changes, behaviour compromising the young person's safety or if the young person goes missing. It is critical to share information regarding safe management of the young person. If youth justice staff become aware of new information which may affect child protection's assessment of risk to the client, he or she must advise child protection. A proper assessment of the significance of the information will be made by child protection in light of the overall risk assessment.

### **5.3.3 When child protection staff become aware of offending behaviour**

When a child protection practitioner becomes aware of alleged offending behaviour or other behaviour which may be in breach of the terms of a youth justice order, he or she must report this to youth justice. For example, if the young person has been directed by the court not to associate with his co-offender but the child protection practitioner learns that they are socialising together.

### **5.3.4 Court reports and court attendance on criminal matters**

When child protection or youth justice is required to prepare a court report where a young person is a client of both services, consultation should occur regarding the contents of the report.

Specifically, each program must consult the other prior to making a recommendation to the court where it is known that the young person is a dual order client. Dual order status will be established by making enquiries *at first point of contact* with child protection or youth justice to determine if the young person is known to, or a current client of, any other Department of Health and Human Services program.

Information should be discussed during preparation of court reports for consistent content from both programs as all departmental staff are delegates of the Secretary and are required to present an agreed position in court.

In all cases where a young person who is subject to child protection involvement attends court on a criminal matter, child protection must consider attending the hearing with the young person. Where the young person is subject to a family reunification order, care by Secretary order or long-term care order, the young person's case manager (either child protection or case contracted case manager) must attend court hearings for criminal matters, unless there are good reasons not to. Community Service Organisations' contracted case managers will consult child protection prior to attending court and throughout the hearing.

If prior to a criminal court hearing and following consultation between youth justice and child protection, it is agreed that it is not necessary or in the young person's best interests for child protection or a contracted case manager to attend the hearing, a rationale will be recorded in CRIS by child protection and communicated to the youth justice worker. This decision rests with child protection and should be endorsed by a child protection supervisor. Where necessary, it may be acceptable for child protection not to attend a court hearing for a criminal matter on consideration of the following factors:

1. the young person has a youth justice case manager who will attend the hearing
2. the youth justice case manager and/or youth justice court advice worker has consulted child protection and has received adequate, up-to-date advice on child protection's views
3. a young person appears at the court following an overnight arrest or event on a weekend or public holiday and child protection is either not aware of the hearing or is not able to attend - in these cases

the youth justice court advice worker will check on FERIS and where possible consult the young person's child protection practitioner or the practitioner's supervisor

4. there is no reason to believe that the court requires specific advice from child protection
5. it is not likely that the young person will be placed in custody by the court
6. the young person is legally represented.

### **5.3.5 Case plans and client service plans**

Child protection case plans and youth justice client service plans should be developed collaboratively for dual order clients with both programs involved in decision-making meetings. Each program should ensure that they have a copy of endorsed plans.

Where a dual client is identified as a high risk client and is registered on a Divisional High Risk Youth Register, youth justice must actively participate in high risk meetings and joint decision-making.

### **5.3.6 Case closure**

For both youth justice and child protection, case management is time-limited by the length of the protective intervention or statutory order applicable to the relevant child or young person. A client may cease to be a client of youth justice and child protection at different times. It is therefore crucial that case closure is properly managed in cases where a child or young person is both a youth justice and a child protection client, as follows:

- Prior to the expiry of a relevant order, a care team meeting involving all stakeholders should be called by the worker from the program area whose involvement with the young person is ending. This meeting should ensure that all connections have been made with the services the young person and/or their family will continue to require. In sharing information with any stakeholders or service providers outside the department, it is critical that any personal or health information disclosed to those stakeholders is disclosed only where such disclosure is consistent with the provisions of the *Children, Youth and Families Act 2005*, *Privacy and Data Protection Act 2014* and *Health Records Act 2001*, as discussed above.
- A case closure report should be prepared by the youth justice case manager at the end of their statutory involvement. This includes a summary of the client's order and documentation of the services that will remain involved with the young person after the expiry of the order. A copy of this document should be provided to other attendees at the case closure meeting and the child protection practitioner, who will continue case management of the young person after the expiry of the order. If the client's child protection order ends prior to the expiry of the relevant youth justice order, the outcomes of the case closure meeting must be documented, including decisions made and allocation of follow up tasks. Child protection will provide a copy of the case closure report and outcomes of the case closure meeting to youth justice.

### **5.3.7 Where a Youth Justice client is a parent**

Where a young person who is a youth justice client (with or without child protection involvement), is a parent, child protection may have a role with the young person's child. However, it should not be assumed that child protection will have involvement with the child of a youth justice client.

Where a youth justice client is a parent, the youth justice case manager will proactively seek advice on whether child protection is involved with the child. If at any stage a youth justice worker is concerned for their client's child, a report should be made to child protection, regardless of whether child protection is known to already be involved with the young person or their child.

There must be effective, ongoing communication in all cases where both youth justice and child protection are involved. Where a young person's child is a client of child protection, information sharing specifically about the young person's child, including privacy limitations, will centre on the child as the primary client and the young person as parent, regardless of whether the young person is already themselves a child protection client. If both the child and young person are current clients of child protection, all of the requirements for a dual order client will apply to the young person.

It is part of child protection's legal obligation to inform youth justice clients, who are the parents of a child involved with child protection, about any child protection proceedings. They have a right to understand the process, participate in decision-making (as appropriate) and be aware of any child protection court orders that may be made.

## 6. Resolving disputes

When case management disputes arise between child protection and youth justice, they need to be resolved in a timely way in the best interests of the client.

Disputes should be resolved at the 'lowest' level where possible. However, if practitioners are not able to resolve the issue quickly, it should be referred to and mediated by their respective supervisors and if necessary, to the next line up.

## 7. Disability services and young people involved with child protection and youth justice

Disability services is responsible for funding and providing a range of supports and services for people in Victoria aged six years and over with intellectual, physical, sensory and multiple disabilities, neurological impairments and acquired brain injury. The aim of disability services is to improve the quality of life for Victorians with a disability through supports and services that enhance people's independence, choice and community inclusion. Disability services strategies require working in partnership with people with a disability, their families, carers, Department of Health and Human Services officers and community support providers.

Young people with a disability are at an elevated risk of involvement with child protection and the criminal justice system. It is critical that child protection and youth justice practitioners are aware if their client is also a client with disability services. When a child protection or youth justice practitioner suspects that a young person has a disability, they should contact the area disability intake and response service to establish whether the young person:

- is a client of disability services
- should be assessed for eligibility.

When a disability services practitioner becomes aware that a client has become involved with child protection or has been charged with an offence, the practitioner must contact the area child protection and youth justice programs to ascertain the nature of that involvement and to establish coordinated planning processes.

Child protection will only be involved with a young person with a disability when the young person is assessed as being at risk of significant harm. Youth justice will only be involved with a young person at



the direction of the Children's Court, that is, if a report is being written for court or if the young person is sentenced to a supervisory order.

A young person involved with child protection, youth justice and disability services will have allocated workers with each service. The primary case manager must always be identified at the outset. For "dual order" clients, case management responsibility will, as a rule, sit with child protection unless there are extraordinary circumstances.

For further information, please refer to the *Protocol between Youth Justice and Disability Services and guidelines for workers*, Department of Human Services (2009) or the *Children, Youth and Families and Disability Services Operating Framework*, Department of Human Services (2012).

## 8. Guide to program responsibilities

The following table contains a guide to practitioner responsibilities for different stages of a young person's involvement with child protection and youth justice, setting out joint and individual responsibilities of child protection and youth justice.

This guide should be used by child protection and youth justice staff to clarify roles and responsibilities.



## 8.1 Joint and individual program responsibilities for common clients at different stages

Work stage	Joint practice	Child protection (CP)	Youth justice (YJ)
<b>All stages</b>	<p>Provide secondary consultation and support to co-workers from both programs.</p> <p><b>Resolving disputes</b></p> <p>Disputes may arise between CP and YJ during the case management of a child or a young person who is under the care or supervision of both program areas.</p> <p>If practitioners are unable to resolve the issue, it should be referred to the supervisors of the respective practitioners. If still unresolved, the dispute may be referred to the team managers in CP and YJ. If still unable to be resolved at this level, the dispute should be referred to and mediated by the area manager in CP and manager, Individual and Family Support.</p>	<p>Regularly communicate and liaise with YJ case manager.</p> <p>Provide general advice and support to YJ regarding:</p> <ul style="list-style-type: none"> <li>• the CP program</li> <li>• CP system and processes, including Court and any changes in statutory conditions</li> <li>• strategies to address protective concerns</li> <li>• progress of the child or young person and their family during the protective order</li> <li>• any change in accommodation</li> <li>• referrals to services that will provide family support and address protective concerns.</li> </ul>	<p>Regularly communicate and liaise with CP practitioner.</p> <p>Provide general advice and support to CP regarding:</p> <ul style="list-style-type: none"> <li>• the YJ program</li> <li>• the criminal justice system and processes including Court and any changes in YJ order and special conditions on order</li> <li>• issues for children or young people</li> <li>• a child or young person's progress on YJ order</li> <li>• any change in accommodation</li> <li>• referrals to services that address the underlying causes of offending.</li> </ul>
<b>Contracted cases</b>	<p>A case contract is a formal arrangement in the form of a written agreement between CP and another agency or professional regarding the management of an individual child or young person subject to a CP order. It most often applies to children subject to protection orders, such as care by Secretary and long-term care orders.</p> <p>CP may contract another agency to perform all of the case management tasks and functions <b>within</b> an identified plan <i>except case plan decision-making</i>. With all case</p>	<p>Invite all services to case planning or case review meetings where decisions to change the case plan are likely to be made. For example, when a child or young person is remanded in custody or sentenced to a custodial or community-based order in the Criminal Division of the Children's Court.</p> <p>Retain primary decision making responsibility, and ensure the active participation of all services involved in the support and supervision of the child or young</p>	<p>On a day-to-day basis, work with the contracted case manager from the community service organisation. Share relevant information with the contracted case manager as required (complying with the information sharing provisions).</p> <p>Where the child or young person's status changes (for example, remand in custody), ensure this is communicated to CP and the contracted case manager.</p> <p>Attend case planning or case review meetings.</p>

Work stage	Joint practice	Child protection (CP)	Youth justice (YJ)
<b>Contracted cases</b> <i>(continued)</i>	contracting, the case plan decision-making remains with CP.	person.	Where disputes about case process occur between the community service organisation and YJ, bring this to the attention of CP.
<b>Working with young Aboriginal and Torres Strait Islander people and their families</b>	Young Aboriginal and Torres Strait Islander people are significantly over represented in the CP and YJ systems. A greater understanding of and commitment to practice approaches that take account of Aboriginal culture, family relationships and parenting arrangements, will better protect Aboriginal young people and their best interests.	Be familiar with the range of practice advice, internal and external Aboriginal and Torres Strait Islander workers delivering support and services for young Aboriginal and Torres Strait Islander people and their families. Examples from the CP practice manual of relevant practice advice include: <ul style="list-style-type: none"> <li>Placing Aboriginal children in out-of-home care.</li> </ul> There are a range of Aboriginal Controlled Community Organisations that can assist.	Be familiar with the range of Practice Instructions, advice, internal and external Aboriginal and Torres Strait Islander workers delivering support and services for young Aboriginal and Torres Strait Islander people and their families. <p>The relevant practice instruction from the Youth Justice Community Based Practice Manual is titled <i>Working with Aboriginal clients</i>.</p> Ensure that community and custodial-based Koori youth justice workers are included in case planning and review. In addition there are a range of Aboriginal Controlled Community Organisations that can assist.
<b>Information sharing at all stages</b>	It is a legal requirement to ensure that clients and families are advised of what information might be gathered, how it might be used, who it might be disclosed to or shared with and, where appropriate, seek their consent to this. <p>Young people and their families must also be advised of how to contact the department, the fact that they are entitled to access their personal information, any law requiring the information to be collected, and any consequences to them if they do not provide that information. Personal information notices must be provided before personal information</p>	Ensure that information sharing follows best practice (see Joint Practice). CP practitioners should advise YJ of a young person's history of CP involvement when a young person is placed on an order supervised by YJ. <p>Ensure that all relevant information is shared in a timely manner with colleagues, including circulation of care team minutes.</p>	Ensure that information sharing follows best practice (see Joint Practice). YJ case managers should check for CP involvement, advise CP of a young person's supervision by YJ and request a young person's history of CP involvement. <p>Ensure that all relevant information is shared in a timely manner with colleagues, including circulation of care team minutes.</p>

Work stage	Joint practice	Child protection (CP)	Youth justice (YJ)
<b>Information sharing at all stages</b> <i>(continued)</i>	<p>is collected (see appendices to protocol).</p> <p>Whether consent is provided or not, comply with the information sharing provisions outlined in the Protocol, which sets out how and for what purpose information may be shared.</p>		
<b>Report from YJ to CP and Investigation</b>  <b>Section 28 of the Children, Youth and Families Act 2005</b>	<p>At times, children and young people involved with YJ present with very concerning behaviours and YJ can become aware of circumstances that meet the definition in S.28 requiring them to advise CP.</p>	<p>Receive the report from YJ and during the course of an investigation:</p> <ul style="list-style-type: none"> <li>• obtain specific information from YJ regarding risk of harm to the child or young person</li> <li>• understand the YJ program's mandate</li> <li>• contact other services identified by YJ for follow-up inquiries if a decision is made to progress to investigation stage</li> <li>• advise the YJ case manager of the outcome of the report.</li> </ul>	<p>Contact CP to make a report and provide:</p> <ul style="list-style-type: none"> <li>• specific information regarding young person's protective risks or about a child in need of therapeutic treatment</li> <li>• general information regarding young person's situation.</li> </ul> <p>Assist any investigation by:</p> <ul style="list-style-type: none"> <li>• clearly stating the YJ program's mandate</li> <li>• provide contact details for follow-up inquiries</li> </ul> <p>Where appropriate, YJ should advise the child or young person why a report to CP is required.</p>
<b>Court (CP)</b>	<p>Discuss court reports during preparation for consistent content from both programs.</p> <p>All departmental staff are delegates of the Secretary and are required to present an agreed position in court.</p> <p>Before appearing in court, discuss and agree on departmental advice to be provided to the court, and liaise with the client's solicitor. Ideally, CP and YJ staff should meet before the court date or, at a minimum, make time to</p>	<p>Provide YJ case manager with court dates as soon as practicable.</p> <p>Liaise with the YJ case manager to determine whether they will support the young person at court and / or be required to give evidence. CP or the contracted agency is the delegated parent of the child or young person and it is important to the child or young person to be supported in court, both in the Family and Criminal Divisions.</p>	<p>Continue to provide information to the CP practitioner.</p> <p>Support the young person at court and give evidence as requested.</p> <p>Understand the conditions of the CP order and assist the young person and their family to comply.</p>

Work stage	Joint practice	Child protection (CP)	Youth justice (YJ)
	<p>liaise before entering the court.</p> <p>CP and YJ need to be aware of, or discuss and agree on, recommended conditions on orders. This may change at the hearing through negotiations or the magistrate's decision.</p>	<p>Contact YJ case manager and advise them of the outcome and any conditions of the CP order.</p> <p>Understand the conditions of the YJ order and assist the young person to comply.</p>	
<b>Court (YJ)</b>	<p>As per court stage outlined above, plus:</p> <ul style="list-style-type: none"> <li>• Support the child or young person to seek legal representation</li> <li>• Support the child or young person at court as appropriate</li> <li>• Give evidence in court if required</li> <li>• Liaise with other report writers e.g. Children's Court Clinic.</li> </ul>	<p>Notify YJ if a child or young person has been remanded after hours and has a bail application.</p> <p>Liaise with YJ regarding the provision of advice to the family about the impact of court and bail on the client.</p> <p>Attend court to support the young person and provide evidence as requested.</p> <p>Advise the YJ case manager of any court outcome.</p>	<p>Advise CP of court dates and details as soon as possible.</p> <p>Attend court with the child or young person (including bail applications). Assess how best to provide and ensure support to the young person and ensure that YJ advice is given to the court.</p> <p>Advise CP practitioner of court or bail application outcome.</p>
<b>Case management</b>	<p>Within first week of the order being made, or when either program becomes aware of their client's involvement with the other program, contact the other program and discuss their client's status, share relevant information and arrange to meet.</p> <p>At the initial meeting, both workers and team leaders should:</p> <ul style="list-style-type: none"> <li>• decide who has primary case management responsibility using the decision making criteria outlined in the <i>Protocol</i>. In the main, CP would retain</li> </ul>	<p>Provide any assessment or background information regarding the young person critical to YJ assessment, planning and management.</p> <p>Once it has been decided who is the primary case manager, this case manager will convene a joint meeting with the other practitioner and the young person and their family, and YJ custodial services when the young person is remanded or sentenced.</p> <p>At the joint meeting with YJ, client and family:</p> <ul style="list-style-type: none"> <li>• clearly explain who is the primary case</li> </ul>	<p>Provide any assessment or background information regarding the young person critical to CP assessment, planning and management.</p> <p>At the joint meeting with CP, client and family:</p> <ul style="list-style-type: none"> <li>• clearly explain who is the primary case manager and ensure the young person and their family have the relevant contact details</li> <li>• clearly explain the conditions of the order and consequences of non-compliance</li> <li>• discuss the young person's situation referring to any existing assessments or undertake new ones</li> </ul>

Work stage	Joint practice	Child protection (CP)	Youth justice (YJ)
<p><b>Case management</b> (continued)</p>	<p>primary case management unless there are good reasons why this should transfer</p> <ul style="list-style-type: none"> <li>where CP has contracted case management, the community service organisation responsible for care of the child or young person should be advised of YJ involvement and include YJ in the care team</li> <li>explain roles and responsibilities</li> <li>agree on processes to share relevant information between the programs so that interventions are coordinated (note that some information sharing will be necessary regardless of lack of consent).</li> </ul> <p>During ongoing involvement, staff should:</p> <ul style="list-style-type: none"> <li>have regular and consistent contact with each other and with the young person and their family by telephone, face-to-face and in writing</li> <li>formalise the young person's requirements of their order(s) in writing, clarifying conditions such as appointment times and locations for YJ, or living arrangements for CP</li> <li>support compliance with each program's orders</li> <li>ensure both YJ and CP are invited to case planning and other decision making meetings.</li> </ul> <p>Ensure regular care team meetings are held</p>	<p>manager and ensure the young person and their family have the relevant contact details</p> <ul style="list-style-type: none"> <li>clearly explain the type of order and conditions and consequences of non-compliance</li> <li>clearly explain living and access arrangements</li> <li>discuss the young person's situation referring to any existing assessments</li> <li>discuss the young person's needs and determine what supports they need</li> <li>establish a clear procedure for communication and liaison between involved services</li> <li>provide any information and documentation that may assist workers from different programs, whilst complying with the information sharing provisions of the Protocol.</li> </ul> <p>Advise colleagues of any change to compliance of orders, circumstances or concerns.</p> <p>Share information regarding any incident reports or breaches of conditions.</p>	<ul style="list-style-type: none"> <li>discuss the young person's needs and determine what supports they require</li> <li>establish a clear procedure for communication and liaison between involved services</li> <li>help facilitate young person's compliance with order(s)</li> <li>inform the young person and their family of any meeting times, attendees and purpose</li> <li>provide any information that may assist workers from different programs, whilst complying with the information sharing provisions of the Protocol.</li> </ul> <p>Advise colleagues of any change to compliance of orders, circumstances or concerns.</p> <p>Share information regarding any incident reports or breaches of conditions.</p>

Work stage	Joint practice	Child protection (CP)	Youth justice (YJ)
<b>Case management</b> <i>(continued)</i>	to monitor the young person's progress.  Continue to revisit confidentiality and privacy requirements whilst on the order.		
<b>Case planning</b>	Review the client's needs and finalise case plans.  Where appropriate, crisis plans should be incorporated into the general case plans. These are plans detailing what steps will be taken if the client experiences a crisis (such as, becomes homeless). Practitioners should make plans for responding to likely risks.  Agree on and document the role of other services (e.g. secondary consultation) if the young person is involved with community service organisations.	To assist in the development of YJ case plans: <ul style="list-style-type: none"><li>• provide advice on CP specific supports and services available to the young person and their family</li><li>• provide advice on any CP plans and reviews</li><li>• attend case planning meetings.</li></ul>	To assist in the development of CP case plans: <ul style="list-style-type: none"><li>• provide advice on YJ programs available to the young person and their family</li><li>• provide advice on YJ assessment and service plan</li><li>• attend case planning meetings.</li></ul>
<b>Case review</b>	Together, regularly review case plans to ensure that each practitioner is aware of progress, issues and any possible changes to case plan goals.  Ensure case review meetings are held at a minimum every three months, except when a young person's circumstances change. In this instance a case review meeting should be held within two weeks in order to review and amend the case plan to account of changed circumstances (e.g. when a young person is detained in custody).  Undertake case plan reviews with the young	Maintain regular, purposeful contact with the young person and their family through regular care team meetings and other communication channels.  Organise joint home visits or if the client is in custody visit the young person at the centre to review plans and check on progress.  Continue to re-visit the case plans to ensure they are relevant and are responding to the young person's needs.  Encourage young people to maintain contact with the YJ case manager and comply with conditions of the YJ order.	Maintain regular, purposeful contact with the young person and their family through regular care team meetings and other communication channels.  Organise joint home visits or if the client is in custody visit the young person at the centre to review plans and check on progress.  Continue to re-visit the case plans to ensure they are relevant and are responding to the young person's needs.  Encourage children and young people to maintain contact with their CP practitioner and participate in case planning meetings.

Work stage	Joint practice	Child protection (CP)	Youth justice (YJ)
	person and their family.		
<b>Case closure</b>	<p>Plan for the young person's needs when their involvement with CP and / or YJ ends to:</p> <ul style="list-style-type: none"> <li>• identify what support services the young person and/or their family will continue to need</li> <li>• clarify whether other program area or another service will provide ongoing case management or other supports</li> <li>• recognise the achievement of the young person in completing the court order, and allow the young person to reflect on the purpose of the order and their progress</li> <li>• make crisis plans, if relevant, with the young person and family.</li> </ul> <p>When either program is closing their case, a joint visit with the young person and their family to ensure that they understand which practitioner will be the primary contact going forward.</p>	<p>Attend case closure meetings as arranged by YJ prior to the end of YJ involvement and provide advice regarding suitable community or CP supports.</p> <p>If CP is closing prior to the expiration of the YJ order, the CP case closure process must be followed, a case closure meeting held and a copy of the case closure summary provided to YJ.</p>	<p>Arrange a case closure meeting and prepare a case closure report at the end of YJ statutory involvement.</p> <p>The report must summarise the client's order and document services which will remain involved.</p> <p>A copy of the report must be provided to CP at the case closure meeting.</p> <p>Re-report to CP if protective concerns re-emerge after CP closed case and before expiration of YJ order.</p>
<b>Where a YJ client is a parent of a child involved with CP</b>	<p>Ensure that there is regular communication and information shared with the YJ client who is a parent.</p> <p>Ensure that, where appropriate, the parent is supported to participate in case planning meetings and decision-making processes for their child.</p>	<p>Provide meaningful opportunities for YJ young people who are parents to participate in case planning or decision-making processes for their child (as appropriate).</p> <p>As far as practicable, ensure that CP processes do not unduly disadvantage a YJ young person's ability or opportunities to parent their child (as appropriate).</p> <p>Ensure regular communication and</p>	<p>Support YJ young people who are parents to participate in case planning and decision-making processes for their child (as appropriate).</p> <p>Enable the young person to access any services or supports required to enable them to effectively parent their child (as practicable and appropriate).</p>



Work stage	Joint practice	Child protection (CP)	Youth justice (YJ)
		information is shared with the YJ young person (as appropriate).	
<p><b>When a young person is detained in custody on remand</b></p>	<p>Liaise with and support the Parkville Youth Justice Precinct (PYJP) to undertake bail suitability assessments, provide appropriate bail options, including the necessary supports and services to assist the young person to comply, and to contribute to minimising periods of detention where suitable alternative options are available.</p> <p>A unified position is important as all departmental staff are delegates to the Secretary and are required to present an agreed position in court.</p>	<p>Liaise with the PYJP unit coordinators to determine whether the young person is suitable for bail and provide appropriate accommodation options.</p> <p>Provide supports and services to assist young people to comply with their bail conditions, including assistance to attend any specialist appointments as per the case plan.</p> <p>Revise the case plan to accommodate the young person's bail or custodial status.</p>	<p>The PYJP unit coordinators will be responsible for:</p> <ul style="list-style-type: none"> <li>• alerting the community-based YJ team manager or delegate when a young person from their area is remanded in custody.</li> <li>• The community-based YJ team manager will advise the PYJP unit coordinator who the primary case manager is or will organise a CRIS search (in the case of a young person not already known to YJ) to determine whether they are known to CP and provide the contact details of the CP practitioner to the PYJP unit coordinator</li> <li>• ensuring care team meetings occur to coordinate arrangements to support bail applications within 72 hours</li> <li>• proactive follow up with YJ and CP to promote case planning that will support their client's timely transition to the community</li> <li>• providing advice to the community-based YJ team manager or delegate about what the young person requires to be supported in the community.</li> <li>• YJ community will assist the primary case manager to have the young person's bail application heard in court. If successful, YJ will assist with the provision of required services to support the young person during</li> </ul>



Work stage	Joint practice	Child protection (CP)	Youth justice (YJ)
<p><b>When a young person is detained in custody on sentence</b></p>	<p>The CP or YJ community-based worker will be the primary case manager.</p> <p>The YJ custodial worker will be the key point of liaison for the primary case manager and provide the day-to-day care of the young person, including carrying out their tasks allocated as a result of the review of the overall case plan.</p> <p>Ensure clear processes for communication between workers and with the young person and their family.</p> <p>When a young person enters custody on sentence, within one week the primary case manager will organise an initial care team meeting to discuss bail options or the plan while the young person is detained.</p> <p>The initial meeting will include the CP and YJ community-based workers, the young person's YJ custodial worker, the young person and their family.</p> <p>The YJ custodial worker will be responsible for notifying, at the earliest opportunity, the primary case manager and relevant others of any issues or concerns they have about the young person, and any serious incidents that occur during the period of detention.</p>	<p>Where a young person is detained on sentence, the case plan will be reviewed to identify and allocate the tasks and actions required to support the young person through their order.</p> <p>Regular care team meetings will be held to review the case plan and the young person's progress. These should be held at a minimum of once every two months.</p> <p>Care team meetings will involve the primary case manager, the YJ custodial worker, the young person and their family, and other professionals as appropriate.</p> <p>Care team meetings will also plan for the eventual release of the young person. Release plans will be clear about living arrangements, education or training arrangements, other services the young person may need and the supports to be provided to the young person and their family or the long-term support network.</p>	<p>their bail period, as per the case plan.</p> <p>Organise or attend care team meetings, and actively participate in the planning for the young person whilst they are detained.</p> <p>Assist in the organisation of any services the young person requires, as well as contribute to the case planning and implementation tasks.</p> <p><i>Parole planning</i></p> <p>The community-based YJ parole officer presents a parole plan to the Youth Parole Board at least 2 weeks prior to parole eligibility. The parole plan is prepared in consultation with the CP practitioner, the young person, their family, YJ custodial worker and other relevant external service providers.</p> <p>The parole plan will align with the young person's broader case plan.</p> <p>Once the young person is granted parole, the parole plan will be supervised by the parole officer. The parole officer will attend case planning / review meetings as organised by the primary case manager.</p>
<p><b>Divisional</b></p>	<p>Work together to make the decision that is in</p>	<p>At the earliest opportunity advise the YJ case manager if there is an intention to move a</p>	<p>At the earliest possible opportunity advise the CP practitioner if a client or their family indicates</p>

Work stage	Joint practice	Child protection (CP)	Youth justice (YJ)
<p><b>transfers</b></p>	<p>the best interests of the young person.</p>	<p>client to another division.</p> <p>Where the client or family has indicated to the YJ case manager that they intend to move and CP does not agree that it is in the best interests of the young person, inform the YJ case manager of the reasons for this. Seek to jointly communicate this decision to the client.</p> <p>Where there is a dispute about the decision, escalate the matter to the respective team managers for resolution.</p>	<p>their intention to move to another division and seek the CP practitioner's agreement.</p> <p>If the CP practitioner does not agree, ascertain the reasons for this. If necessary, convene a meeting to discuss further.</p> <p>Where CP has demonstrated that they do not consider it in the best interests of the young person to move, seek to jointly communicate this decision to the young person.</p> <p>Where there is a dispute about the decision, escalate the matter to the respective team managers for resolution.</p>

## Appendices - Information sheets

Information may be shared between professionals where relevant and pertinent to decision-making, the carrying out of plans, provision of services, and monitoring or enforcement of court orders. However, it is a legal requirement to:

- advise the client and their family what information is likely to be collected
- the purposes for which it is being collected, and
- to whom it will usually be disclosed and shared with.

The following personal information notices are for workers to discuss with and provide to young people, their parents or caregivers, and professionals. For every client, explain the information and ensure that they understand it. The sharing of information should be regularly revisited with the client and their family.

**Note** that if a young person has been provided with a personal information notice, written consent is not required for information sharing for the purpose of service delivery. However, it remains best practice to seek the agreement of the young person before doing so, if possible.

The following personal information notices are companion documents to the protocol and can be downloaded individually from the department's web site:

- Your personal information - Information for young people receiving child protection services
- Your personal information - Information for young people receiving youth justice services
- Your personal information - Information for parents regarding child protection services
- Your personal information - Information for parents or caregivers of youth justice clients
- Privacy and provision of personal information - Information for professionals regarding child protection services
- Privacy and provision of personal information - Information for professionals regarding young people receiving youth justice services

# Your personal information

## For young people receiving child protection services

Child protection is part of the Department of Health and Human Services. We have received a report because someone thinks you are in need of protection. We need to investigate the report to make sure you are safe.

## What information is collected and how is it used?

The department will collect information about you and your family. This can include:

- names, addresses, dates of birth and contact details
- who is in your family and things that have happened in your family
- details about your education and health
- if you or your family have been in trouble with the police
- your involvement in other services, such as, youth justice, disability, alcohol and other drugs, child, youth and mental health services.

## What laws protect my personal information?

The *Children Youth and Families Act 2005*, the *Privacy and Data Collection Act 2014* and the *Health Records Act 2001* say how we must look after your information. Together, these laws tell us how we have to collect, use, and store your personal information. They also say who we can give information about you to, or collect information from.

This means that we:

- only collect information necessary to provide services
- make sure that we know why we collect the information and how it will be handled
- use and make it known only for the main purpose it was collected or a directly related purpose you would reasonably expect, or for another purpose with your consent (unless authorised by law\*)
- store it safely, protecting it from people without authority accessing it
- keep it for the period the law tells us to keep it for
- make sure that any transfer of information outside Victoria follows Victorian privacy laws
- provide you with access to your information and the right to seek its correction.

## Who can the department share my personal information with?

We may give information about you to other people or organisations to help us decide if you are safe, or to decide who should help you or your family. We may share information with other parts of the department providing services that might be relevant to you, such as youth justice or disability services. We might give information to your school, or doctor, or an organisation that provides advice and support to children and families, or provides foster care. If we think a crime may have been committed against you, we will tell the police so they can investigate. If we think that the Children's Court needs to make an order to keep you safe, we will put information about you and your family in a report to the court. You and your parents will get a copy of the report.

When we can, we will tell you before we give your personal information to someone else. Sometimes we will decide it is better for you, or for someone else, if we don't tell you until later. \*And sometimes the law means that we can, or we must, give your information to someone else.

## Recording and accessing your information

In the department, your information is held in an electronic client information and case management system known as the Client Relationship Information System (CRIS), with built-in privacy safeguards that:

- limit the information collected about you
- put limits on who can get access to it
- pick up possible misuse, and
- make sure that records are updated when your circumstances change.

So that we can provide you with coordinated services, workers employed by the department use CRIS to record and access information regarding their work with you. Workers employed by one of our service partners may use CRIS but only when it is agreed between the department and a service that CRIS access is needed to deliver effective support to you.

If there are any serious or urgent matters about you that require particular attention, these can be recorded on CRIS. All access to CRIS is under strict conditions of use and in agreement with the law.

If you want to see information that has been collected about you, speak to your child protection worker and they may be able to show you or talk to you about the information, or help you to apply under the *Freedom of Information Act 1982* to access your personal information and to have it changed if it is incorrect.

## What you can expect of us\*

We will:

- protect your personal information and only use it for the right reasons
- tell you about your rights and responsibilities
- make it easy for you to contact us
- do the things we say we will do, like getting back to you when we say we will
- help you apply for, or use, our services
- be polite and respect your views, opinions and personal circumstances, such as, your culture, family situation, age, gender, disability, faith, sexual orientation or gender identity
- arrange for an interpreter or other language services, if you need this
- tell you if you are not eligible for a service or if there is a waiting list
- provide you with advice on other support that might be available
- give you opportunities to be involved in decisions about the services you access, and support you to have a say
- tell you about any decision that affects you and the reasons for our decision
- tell you how you can ask for our decision to be reviewed or how you can make a complaint.

## How you can help us\*

You can help us provide you with a better service if you or your support person:

- give us complete and accurate information
- tell us if your situation or things in your life have changed or might be about to change
- treat our staff with respect and courtesy
- do the things you have agreed to do, like keeping appointments with us, or letting us know if you can't attend appointments
- name a support person to help you in dealing with us, if you need to
- respect our property and other people using our services
- give us honest feedback about our services.

\* From the Department of Human Services client services charter, *Our Service Commitment to you, 2011* available at:

[http://www.dhs.vic.gov.au/\\_data/assets/pdf\\_file/0007/666079/clientservicescharter\\_20102011.pdf](http://www.dhs.vic.gov.au/_data/assets/pdf_file/0007/666079/clientservicescharter_20102011.pdf)

## Further information

If you do not understand or you would like more information about sharing of personal information, or if you have a complaint about your personal information, you should ask your child protection worker or their supervisor. If you choose not to do this or you still have a complaint, you can contact:

Organisation	Phone number
Department of Health and Human Services complaints reception	Free call 1300 884 706
Victoria Legal Aid or your local community legal centre	Free call 1300 792 387
Commissioner for Privacy and Data Protection	Free call 1300 666 444
Health Services Commissioner	Free call 1300 582 113
Victorian Ombudsman The Ombudsman is able to investigate complaints about government departments. The Ombudsman is an office of last resort, so people who have a complaint are encouraged to use all available avenues for resolving the complaint before the Ombudsman becomes involved. The Ombudsman will usually not intervene unless you have raised your concerns with the responsible government authority.	(03) 9613 6222 or free call (regional only) 1800 806 314

To receive this publication in an accessible format, please email  
[cpmanual@dhhs.vic.gov.au](mailto:cpmanual@dhhs.vic.gov.au)

Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

© State of Victoria, Department of Health and Human Services, August, 2016

Available at [www.dhhs.vic.gov.au/youth-justice-community-practice-manual/accountable-case-practice](http://www.dhhs.vic.gov.au/youth-justice-community-practice-manual/accountable-case-practice)



# Your personal information

For young people receiving youth justice services

## What information is collected and how is it used?

The Department of Health and Human Services is responsible for supervision of your court order. We help you with skills to manage your life without more offending. We collect information about you so that we can work out what supports you need, coordinate services and work together on your future. If you do not provide information to us, we may not be able to provide you with all the services you need. Information collected includes:

- names, addresses, dates of birth and contact details
- offending information, such as, police charges, offence details and victim impact statements
- who is in your family and things that have happened in your family
- details about your education, health and interests
- your involvement in other services, such as, child protection, disability, alcohol and other drugs, child, youth and mental health services.

## What laws protect my personal information?

The *Children Youth and Families Act 2005*, the *Privacy and Data Collection Act 2014* and the *Health Records Act 2001* say how we must look after your information. These laws tell us how we have to collect, use, and store your personal information. They also say who we can give information about you to, or collect information from.

This means that we:

- only collect information necessary to provide services
- make sure that we know why we collect the information and how it will be handled
- use and make it known only for the main purpose it was collected or a directly related purpose you would reasonably expect, including research or the compilation or analysis of statistics in the public interest (without publishing anything that could identify you), or for another purpose with your consent, unless authorised by law (see below about law enforcement and harm)
- store it safely, protecting it from people without authority accessing it
- keep it for the period the law tells us to keep it for
- make sure that any transfer of information outside Victoria follows Victorian privacy laws
- provide you with access to your information and the right to seek its correction.

## Who can the department share my personal information with?

We may share your information with other parts of the department providing services that might be relevant to you, or with organisations or professionals, so that we can complete an assessment or so that we can plan how best to support you. If you do not provide information to us, we may not be able to provide you with all the services you need. When we can, we will tell you before we give your information to others.

If we are preparing a report for the court, we will put information about you in a report because the law requires us to give your information to the court. You, your lawyer and any other person the court orders, will get a copy of the report. Information we collect may be made known to:



- courts and others involved in court proceedings, including parents and carers
- community services, such as counselling, drug and alcohol or family services
- schools and health services
- other government services, such as child protection and disability services
- members of your family
- a support service or cultural worker, such as a Koori Youth Justice Program worker
- the police, if you are the victim of an offence.

Because the youth justice service is a law enforcement agency for the court, it can give your personal information – if there are good reasons– to other people involved in the management of a sentence or remand, or to other law enforcement agencies, for example, as part of a criminal investigation.

To prevent harm, your personal information can also be exchanged without seeking your permission, such as, if there is a serious threat to a person’s life, health, safety or welfare, or a serious threat to public health or safety. This information sharing includes with a child protection worker if there are concerns about your safety.

## Recording and accessing your information

In the department, your information is held in an electronic client information and case management system known as the Client Relationship Information System (CRIS), with built-in privacy safeguards that:

- limit the information collected about you
- put limits on who can get access to it
- pick up possible misuse, and
- make sure that records are updated when your circumstances change.

So that we can provide you with coordinated services, workers employed by the department use CRIS to record and access information regarding their work with you. Workers employed by one of our service partners may use CRIS, but only when it is agreed between the department and a service that CRIS access is needed to deliver effective support to you. If there are any serious or urgent matters about you that require particular attention, these can be recorded on CRIS. All access to CRIS is under strict conditions of use and in agreement with the law.

If you want to see information that has been collected about you, speak to your youth justice worker and they may be able to show you or talk to you about the information, or help you to apply under the *Freedom of Information Act 1982* to access your personal information and to have it changed if it is incorrect.

## What you can expect of us\*

We will protect your personal information and only use it for the right reasons. We will also:

- tell you about your rights and responsibilities
- make it easy for you to contact us
- do the things we say we will do, like getting back to you when we say we will
- help you apply for, or use, our services
- be polite and respect your views, opinions and personal circumstances, such as, your culture, family situation, age, gender, disability, faith, sexual orientation or gender identity
- arrange for an interpreter or other language services, if you need this
- tell you if you are not eligible for a service or if there is a waiting list
- provide you with advice on other support that might be available
- give you opportunities to be involved in decisions about the services you access, and support you to have a say
- tell you about any decision that affects you and the reasons for our decision
- tell you how you can ask for our decision to be reviewed or how you can make a complaint.

## How you can help us\*

You can help us provide you with a better service if you or your support person:

- give us complete and accurate information
- tell us if your situation or things in your life have changed or might be about to change
- treat our staff with respect and courtesy
- do the things you have agreed to do, like keeping appointments with us, or letting us know if you can't attend appointments
- name a support person to help you in dealing with us, if you need to
- respect our property and other people using our services
- give us honest feedback about our services.

\* From the Department of Human Services client services charter, *Our Service Commitment to you, 2011* available at: [http://www.dhs.vic.gov.au/\\_data/assets/pdf\\_file/0007/666079/client-services-charter\\_20102011.pdf](http://www.dhs.vic.gov.au/_data/assets/pdf_file/0007/666079/client-services-charter_20102011.pdf)

## Further information

If you do not understand or you would like more information about sharing of personal information, or if you have a complaint about your personal information, you should ask your youth justice worker or their supervisor. If you choose not to do this or you still have a complaint, you can contact:

Organisation	Phone number
Department of Health and Human Services complaints reception	Free call 1300 884 706
Victoria Legal Aid or your local community legal centre	Free call 1300 792 387
Commissioner for Privacy and Data Protection	Free call 1300 666 444
Health Services Commissioner	Free call 1300 582 113
Victorian Ombudsman	(03) 9613 6222 or free call (regional only) 1800 806 314

To receive this publication in an accessible format, please email [contact.youthjustice@dhhs.vic.gov.au](mailto:contact.youthjustice@dhhs.vic.gov.au)

Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

© State of Victoria, Department of Health and Human Services, August, 2016

Available at [www.dhhs.vic.gov.au/youth-justice-community-practice-manual/accountable-case-practice](http://www.dhhs.vic.gov.au/youth-justice-community-practice-manual/accountable-case-practice)



# Your personal information

For parents of child protection clients

## What information is collected and how is it used?

Child protection is part of the Department of Health and Human Services. The department investigates reports about children that may be in need of protection and helps families to care for their children. While investigating a report about your child and working with your family, child protection services will collect information about you and your child. If you, or your child, do not provide information to us, we may not be able to provide your child with all the services your child needs. Information collected includes:

- names, addresses, dates of birth and contact details
- family circumstances and relationship details
- educational, medical, psychological and psychiatric reports
- criminal history
- other service involvement, such as, youth justice, disability, alcohol and other drugs, child, youth and mental health services.

We use this information to assess whether your child is in need of protection, determine their best interests and decide how best to help you and your child.

## What laws protect my personal information?

The *Children Youth and Families Act 2005*, the *Privacy and Data Collection Act 2014* and the *Health Records Act 2001* say how the Department of Health and Human Services must look after your information. Together, these laws tell us how we have to collect, use, and store your and your child's personal information. They also say who we can give information about you to, or collect information from. This means that we:

- only collect information necessary to provide services
- make sure that you know why we collect the information and how it will be handled
- use and disclose it only for the primary purpose it was collected or a directly related purpose, or for another purpose with your consent (unless otherwise authorised by law)
- store it securely, protecting it from unauthorised access
- retain it for the period authorised by the *Public Records Act 1973*
- make sure that any transfer of information outside Victoria is in accordance with Victorian privacy legislation
- provide you with access to your information (or your child's information) and the right to seek its correction.

## Who can the department share my personal information with?

We may give information to other people and organisations that help children and families. We will usually tell you who your information is given to. Sometimes the law allows us to collect and share your information without your knowledge or consent. This includes when someone's safety or welfare is at risk.

Information you or your child provides to the department may be made known to other relevant parts of the department, organisations or professionals in order to complete an assessment or to plan service responses. When

we can, we will tell you before we give your personal information to someone else. If we are preparing a report for the court, we will put information about you and your child in a report because the law means that we must give your information to the court. You, your lawyer and any other person the court orders, will get a copy of the report.

Information we collect about you and your child may be made known to:

- Victoria Police, who also have a role in protecting children
- courts and others involved in court proceedings
- community service organisations, such as counselling, drug and alcohol or family services
- schools and health providers
- other government services, such as youth justice and disability services.

If we make a protection application to the Children's Court, we will write a report. It will explain why we are involved with your child and why we think we need to continue working with you and your child. It will contain a lot of personal information. You (and the other parent if you are not together) and your lawyer will get a copy. If you think that information in the report could be harmful to the health and safety of you or your child, you should tell your child protection worker. The court can restrict access to the report, or parts of the report, if necessary.

## Recording and accessing your information

Within the department, your information is held in an electronic client information and case management system known as the Client Relationship Information System (CRIS). CRIS has built-in privacy safeguards that limit the information collected about you; restrict who can get access to it; detect possible misuse; and ensure that records are updated when your circumstances change.

To provide you with coordinated services, workers employed by the department or by one of our service partners may use CRIS to access or record information regarding their involvement with you. This will only occur where it is agreed between the department and a service provider that CRIS access is essential to delivering effective support to your child. If there are any urgent or serious matters concerning your child that require particular attention and care, these can be recorded. All access to CRIS will be under strict conditions of use and in compliance with the Privacy and Data Protection Act.

## What you can expect of us\*

We will:

- protect your personal information and only use it for the right reasons
- tell you about your rights and responsibilities
- make it easy for you and your child to contact us
- do the things we say we will do, like getting back to you when we say we will
- help you to apply for or use our services and tell you if you are not eligible for a service or if there is a waiting list
- be polite and respect your views, opinions and personal circumstances, such as, your culture, family situation, age, gender, disability, faith, sexual orientation or gender identity
- arrange for an interpreter or other language services, if you need this
- provide you with advice on other support that may be available
- give you opportunities to be involved in decisions about the services you access, and support you to have a say
- tell you about any decision that affects you your child and the reasons for our decision
- tell you how you can ask for our decision to be reviewed or how you can make a complaint.

## How you can help us\*

You can help us provide you with a better service if you or your support person were to:

- give us complete and accurate information
- tell us if your situation or things in your life or your child's life have changed or might be about to change
- treat our staff with respect and courtesy
- do the things you have agreed to do, like keeping appointments with us, or letting us know if you can't attend appointments
- nominate a support person to assist you in dealing with us, if you need to
- respect our property and other people using our services
- give us honest feedback about our services.

## Access to personal information

You should speak to your child protection worker if you want to see information that has been collected about you. They may be able to show you or talk to you about the information, or help you to apply under the *Freedom of Information Act 1982* to access your personal information and to have it changed if it is incorrect.

## Further information

If you do not understand or you would like further information about exchange and disclosure of personal information, or if you have a complaint about your personal information, you should ask your child's child protection worker or their supervisor. If you choose not to do this or you still have a complaint, you can contact the organisations below.

The Victorian Ombudsman is able to investigate complaints about government departments. The Ombudsman is an office of last resort, so people who have a complaint are encouraged to use all available avenues for resolving the complaint before the Ombudsman becomes involved. The Ombudsman will usually not intervene unless you have raised your concerns with the responsible government authority.

Organisation	Phone number
Department of Health and Human Services complaints reception	Free call 1300 884 706
Victoria Legal Aid or your community legal centre	Free call 1300 792 387
Commissioner for Privacy and Data Protection	Free call 1300 666 444
Health Services Commissioner	Free call 1300 582 113
Victorian Ombudsman	(03) 9613 6222 or free call (regional only) 1800 806 314

To receive this publication in an accessible format, please email  
[cpmanual@dhhs.vic.gov.au](mailto:cpmanual@dhhs.vic.gov.au)

Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

© State of Victoria, Department of Health and Human Services, August, 2016

Available at <http://intranet.dhs.vic.gov.au/resources-and-tools/guides-and-manuals/child-protection-and-youth-justice-protocol>

\* From the Department of Human Services client services charter, *Our Service Commitment to you, 2011* available at: [http://www.dhs.vic.gov.au/\\_data/assets/pdf\\_file/0007/666079/client-services-charter\\_20102011.pdf](http://www.dhs.vic.gov.au/_data/assets/pdf_file/0007/666079/client-services-charter_20102011.pdf)



# Your personal information

For parents or caregivers of youth justice clients

## What information is collected and how is it used?

The Department of Health and Human Services is responsible for the statutory supervision of young people in the criminal justice system. We provide youth justice services to help your child develop knowledge, skills and attitudes to manage their life without further offending. Information that is collected to assess a child or young person's reoffending risk, related needs and plan for their rehabilitation may include:

- names, addresses, dates of birth and contact details
- information about offences, such as, police charges, offence details and victim impact statements
- family circumstances and relationship details
- educational, medical, psychological and psychiatric reports, and your child's interests
- criminal history
- other service involvement, such as, child protection, disability, alcohol and other drugs, child, youth and mental health services.

We use this information to assess the level and type of services needed to reduce a young person's risk of reoffending and decide how best to plan for and support their rehabilitation. If you, or your child, do not provide information to us, we may not be able to provide your child with all the services they need.

## What laws protect my personal information?

The *Children, Youth and Families Act 2005*, *Privacy and Data Protection Act 2014* and the *Health Records Act 2001* say how the Department of Health & Human Services must look after your information. Together, these laws tell us how we have to collect, use and store your and your child's personal information. They also say who we can give information about you to, or collect information from. This means that we:

- only collect information necessary to provide services
- make sure that you know why we collect the information and how it will be handled
- use and make it known only for the main purpose it was collected or a directly related purpose you would reasonably expect, including research or the compilation or analysis of statistics in the public interest (without publishing anything that could identify you or your child), or for another purpose with your consent, unless authorised by law (see below about law enforcement and harm)
- store it securely, protecting it from unauthorised access
- keep it for the period authorised by the *Public Records Act 1973*
- make sure that any transfer of information outside Victoria is in accordance with Victorian privacy legislation
- provide you with access to your information (or your child's information) and the right to seek its correction.

## Who can the department share my personal information with?

Information you or your child provides to the department may be made known to other relevant parts of the department, organisations or professionals in order to complete an assessment or to plan service responses. When



we can, we will tell you before we give your personal information to someone else. If we are preparing a report for the court, we will put information about you and your child in a report because the law means that we must give your information to the court. You, your lawyer and any other person the court orders, will get a copy of the report.

Information we collect may be made known to:

- courts and others involved in court proceedings
- community services, such as counselling, drug and alcohol or family services
- schools and health services
- other government services, such as child protection and disability services
- a support service or cultural worker, such as a Koori Youth Justice Program worker
- the police, if your child is the victim of an offence.

Because the youth justice service is a law enforcement agency under section 15 of the *Privacy and Data Protection Act 2014*, it can give your personal information – if there are reasonable grounds – to other people involved in the management of a sentence or remand, or to other law enforcement agencies. Reasonable grounds exist if the information needs to be released to enable a law enforcement function to be carried out, for example, as part of a criminal investigation.

For some disclosures, information will be exchanged without seeking your permission, such as when a youth justice worker discloses information regarding protective concerns to a child protection worker, or to prevent harm, such as, a serious threat to a person's life, health, safety or welfare, or a serious threat to public health or safety.

## Recording and accessing your information

Within the department, your information is held in an electronic client information and case management system known as the Client Relationship Information System (CRIS). CRIS has built-in privacy safeguards that limit the information collected about you, restrict who can get access to it, detect possible misuse, and ensure that records are updated when your circumstances change.

To provide you with coordinated services, workers employed by the department or by one of our service partners may use CRIS to access or record information regarding their involvement with you. This will only occur where it is agreed between the department and a service provider that CRIS access is essential to delivering effective support to your child. If there are any urgent or serious matters concerning your child that require particular attention and care, these can be recorded. All access to CRIS will be under strict conditions of use and in compliance with the Privacy and Data Protection Act.

## What you can expect of us\*

We will:

- protect your personal information and only use it for the right reasons
- tell you about your rights and responsibilities
- make it easy for you and your child to contact us
- do the things we say we will do, like getting back to you when we say we will
- help you apply for or use our services
- be polite and respect your views, opinions and personal circumstances, such as, your culture, family situation, age, gender, disability, faith, sexual orientation or gender identity
- arrange for an interpreter or other language services, if you need this
- provide you with advice on other support that might be available
- give you opportunities to be involved in decisions about the services you access, and support you to have a say
- tell you about any decision that affects you and your child and the reasons for our decision
- tell you how you can ask for our decision to be reviewed or how you can make a complaint.



## How you can help us\*

You can help us provide you with a better service if you or your support person were to:

- give us complete and accurate information
- tell us if your situation or things in your life or your child's life have changed or might be about to change
- treat our staff with respect and courtesy
- do the things you have agreed to do, like keeping appointments with us, or letting us know if you can't attend appointments
- nominate a support person to assist you in dealing with us, if you need to
- respect our property and other people using our services
- give us honest feedback about our services.

\* From the Department of Human Services client services charter, *Our Service Commitment to you, 2011* available at:

[http://www.dhs.vic.gov.au/\\_data/assets/pdf\\_file/0007/666079/client-services-charter\\_20102011.pdf](http://www.dhs.vic.gov.au/_data/assets/pdf_file/0007/666079/client-services-charter_20102011.pdf)

## Access to personal information

You should speak to your child's youth justice worker if you want to see information that has been collected about you or your child. They may be able to show you or talk to you about the information, or help you to apply under the *Freedom of Information Act 1982* to access your personal information and to have it changed if it is incorrect.

## Further information

If you do not understand or you would like further information about exchange and disclosure of personal information, or if you have a complaint about your personal information, you should ask your child's youth justice worker or their supervisor. If you choose not to do this or you still have a complaint, you can contact the organisations below.

The Victorian Ombudsman is able to investigate complaints about government departments. The Ombudsman is an office of last resort, so people who have a complaint are encouraged to use all available avenues for resolving the complaint before the Ombudsman becomes involved. The Ombudsman will usually not intervene unless you have raised your concerns with the responsible government authority.

Organisation	Phone number
Department of Health and Human Services complaints reception	Free call 1300 884 706
Victoria Legal Aid or your community legal centre	Free call 1300 792 387
Commissioner for Privacy and Data Protection	Free call 1300 666 444
Health Services Commissioner	Free call 1300 582 113
Victorian Ombudsman	(03) 9613 6222 or free call (regional only) 1800 806 314

To receive this publication in an accessible format, please email [contact.youthjustice@dhhs.vic.gov.au](mailto:contact.youthjustice@dhhs.vic.gov.au)

Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

© State of Victoria, Department of Health and Human Services, August, 2016

Available at [www.dhs.vic.gov.au/youth-justice-community-practice-manual/accountable-case-practice](http://www.dhs.vic.gov.au/youth-justice-community-practice-manual/accountable-case-practice)

# Privacy and provision of personal information

For professionals regarding child protection services

## What laws protect personal information provided to the Department of Health and Human Services?

Child protection is part of the Department of Health and Human Services. The department investigates reports that children are in need of protection and, where necessary, takes action to promote a child's safety and development. The *Children, Youth and Families Act 2005* is the law under which the department investigates reports and works with families where a child is at risk.

The *Privacy and Data Protection Act 2000* and the *Health Records Act 2001* govern how personal and health information is managed by the Victorian Government (including child protection) and its contracted service providers. The *Children, Youth and Families Act* also governs the privacy of personal and health information held by the department.

Together, these laws tell us how we have to collect, use, and store personal information. They also say who we can give information to or collect information from. This means that we:

- only collect information necessary to provide services
- ensure that you know why we collect the information and how it will be handled
- use and disclose it only for the primary purpose or a directly related purpose, or for another purpose with the client's consent (unless otherwise authorised by law)
- store it securely, protecting it from unauthorised access
- retain it for the period authorised by the *Public Records Act 1973*
- provide clients with access to their information and the right to seek its correction.

## What information will be collected and how will it be used?

The information that is collected to investigate reports or assess a child's risk or needs may include:

- names, addresses, dates of birth and contact details
- family circumstances and relationship details
- educational, medical, psychological and psychiatric reports
- observations of interactions with peers, parents and others
- parental presentation – at school, childcare, medical appointments etc.
- other service involvement, such as, youth justice, disability, alcohol and other drugs, child, youth and mental health services.

Information you or your organisation provide to the department may be disclosed to other relevant parts of the department, organisations or professionals in order to complete an assessment or to plan service responses. Information may be made known to:

- the Children's Court and parties to its proceedings, such as children, parents and carers
- the police during a joint investigation or if the child is the victim of a crime
- child and family services, and drug and alcohol services

- schools and health providers
- other government services, such as youth justice and disability services
- the Aboriginal Child Specialist Advice and Support Service, if the child is Aboriginal.

## Protecting your professionalism when providing information to the department

If you **make a report** to child protection services, your identity cannot be disclosed except with your consent or if it is ordered by the Children’s Court.

If you **provide information** to child protection services during an investigation, your identity can only be disclosed with your consent, or:

- if the department believes, on reasonable grounds, that the disclosure is necessary to ensure the safety and wellbeing of the child
- if it is required by another protective intervener, such as the police
- if it is required by a person in connection with a court proceeding (including a proceeding in the Family Court of Australia).

Providing information to the department, either voluntarily or in response to a request, does not constitute a breach of professional ethics. The Children, Youth and Families Act grants immunity from any liability otherwise arising from the *Health Services Act 1988* and the *Mental Health Act 1986*.

## Further information

If you wish to access information you have provided to the department about a client, please contact the relevant area of the department.

If you have a complaint about the use of the information you have provided to the department, you can contact:

Organisation	Phone number
Department of Health and Human Services complaints reception	Free call 1300 884 706
Commissioner for Privacy and Data Protection	Free call 1300 666 444
Health Services Commissioner	Free call 1300 582 113

To receive this publication in an accessible format, please email [cpmanual@dhhs.vic.gov.au](mailto:cpmanual@dhhs.vic.gov.au)

Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

© State of Victoria, Department of Health and Human Services, August, 2016

Available at <http://intranet.dhhs.vic.gov.au/resources-and-tools/guides-and-manuals/child-protection-and-youth-justice-protocol>

The information contained herein is for information purposes only and does not contain legal advice.

# Privacy and provision of personal information

For professionals regarding youth justice services

## What laws protect personal information provided to the Department of Health and Human Services?

The Department of Health and Human Services is responsible for the statutory supervision of young people in the criminal justice system. We provide youth justice services to help young people develop knowledge, skills and attitudes to manage their life without further offending. The *Children, Youth and Families Act 2005* is the principal legislation for the youth justice service.

The *Privacy and Data Protection Act 2014* and the *Health Records Act 2001* govern how personal and health information is managed by the Victorian Government (including Youth Justice) and its contracted service providers. The Privacy and Data Protection Act contains 10 information privacy principles and the Health Records Act contains 11 health privacy principles. The department adheres to these principles as minimum standards for handling personal, sensitive and health information. The Children, Youth and Families Act also governs the privacy of personal and health information held by the department.

Together these laws tell us how we have to collect, use and store personal information. They also say who we can give personal information to or collect information from. In broad terms this means that we:

- only collect information necessary to provide services
- ensure that clients know why we collect the information and how it will be handled
- use and disclose it only for the primary purpose it was collected or a directly related purpose, or for another purpose with the client's consent (unless otherwise authorised by law)
- store it securely, protecting it from unauthorised access
- ensure that any transfer of information outside Victoria is in accordance with Victorian privacy legislation
- retain it for the period authorised by the *Public Records Act 1973*
- provide clients with access to their information and the right to seek its correction.

## What information will be collected and how will it be used?

The information that is collected to assess a child or young person's risk of reoffending, related needs and plan for their rehabilitation may include:

- names, addresses, dates of birth and contact details
- police charges, offence details and victim impact statements
- family circumstances and relationship details
- educational, medical, psychological and psychiatric reports
- criminal history
- other service involvement, such as, child protection, disability, alcohol and other drugs, child, youth and mental health services.

Information you or your organisation provide to the department may be disclosed to other relevant parts of the department, organisations or professionals in order to complete an assessment or to plan service responses. Information may be made known to:

- courts and others involved in court proceedings
- community service organisations, such as counselling, drug and alcohol or family support services
- schools and health providers
- other government services, such as child protection and disability services
- a contracted support service or cultural worker, such as a Koori Youth Justice Program worker
- the police, if the child or young person is the victim of an offence.

## Protecting your professionalism when providing information to the department

Providing information to the department, either voluntarily or in response to a request, does not constitute a breach of professional ethics. The Children, Youth and Families Act grants immunity from any liability otherwise arising from the *Health Services Act 1998* and the *Mental Health Act 2014*.

## Further information

If you wish to access information you have provided to the department about a client, please contact the relevant area of the department.

If you have a complaint about the use of the information you have provided to the department, you can contact:

Organisation	Phone number
Department of Health and Human Services complaints reception	Free call 1300 884 706
Commissioner for Privacy and Data Protection	Free call 1300 666 444
Health Services Commissioner	Free call 1300 582 113

To receive this publication in an accessible format, please email [contact.youthjustice@dhhs.vic.gov.au](mailto:contact.youthjustice@dhhs.vic.gov.au)

Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

© State of Victoria, Department of Health and Human Services, August, 2016

Available at [www.dhhs.vic.gov.au/youth-justice-community-practice-manual/accountable-case-practice](http://www.dhhs.vic.gov.au/youth-justice-community-practice-manual/accountable-case-practice)

The information contained herein is for information purposes only and does not contain legal advice.