

MEMORANDUM OF UNDERSTANDING

Memorandum of Understanding between International Social Service, Australian Branch (ISS) and the Department of Human Services (DHS), Child Protection and Family Services Branch.

INTRODUCTION

The purpose of this Memorandum of Understanding is to improve the delivery of services to children where there are international child protection issues. It documents the statutory responsibilities of Child Protection and the roles and responsibilities of ISS and how the two organisations will work together.

BACKGROUND

ISS

The mission of ISS is to work across boundaries with those in vulnerable situations, with a special emphasis on children. ISS works to ensure entitlement and protection under international human rights frameworks, through the professional delivery of casework and advocacy services, contributions to policy development, conducting research and developing and delivering training.

A direct and local casework service can be provided in 167 countries through the international network of ISS.

DHS

Child Protection is a statutory service, which provides child centred family focussed services to protect children and young people from significant harm as a result of abuse or neglect within the family unit. Child Protection supports and refers children and young people to services to assist them deal with the impact of abuse and neglect on their well being and development. Where assessed risks cannot be managed safely, Child Protection may also take matters before the Children's Court, to ensure children and young people are protected and safe from harm

PRINCIPLES

- Children have the right to be protected from abuse and neglect and their protection, welfare and rights are paramount, in accordance with the United Nations Convention on the Rights of the Child, which entered into force in Australia in September 1990.
- This protection extends to children in international situations, in accordance with the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of parental responsibility and measures for the Protection of Children, which entered into force in Australia in August 2003

AIMS & OBJECTIVES OF THE PROTOCOL

- To ensure the protection of children in international situations
- To document how ISS and Child Protection cooperate to work within the relevant children's Conventions, as stated above
- To establish clear guidelines and procedures regarding referrals and points of contact and the management of Privacy responsibilities.
- To ensure that professionals from ISS and Child Protection recognise and respect each other's roles and responsibilities.
- To ensure clear lines of communication between ISS and Child Protection in the exchange of information.

ROLES AND RESPONSIBILITIES

ISS

ISS offers the following services:

Casework

- Tracing biological parents in overseas countries, for example where a child wishes to establish or re-establish contact with a biological parent.
- Assistance in preparing children and family for reunion visits overseas.
- Providing in-country information and support for visits by children to family in another country, for example where a child is visiting a biological parent in another country.
- Liaising with overseas Social Service Departments via the ISS network to explore the possibility of international kinship placements
- Undertaking comprehensive home assessments for a permanent or temporary child placement overseas.
- Assistance when a biological parent needs to be contacted regarding guardianship issues, for example for health related reasons.

Background Checks

ISS undertakes background police and child protection checks where information is required from another country. These checks are relevant to ensure prospective carers, who have resided for a significant period overseas, have been adequately screened. Checks are also undertaken to gather historical information regarding previous involvement a family may have had with police or protective services in another country, or for other specified purposes.

Advice

ISS provides secondary consultations regarding complex child protection cases with an international component.

Training

ISS offers in-service training on international child protection issues within the framework of International Conventions.

DHS

The role of the Child Protection Service is to:

- Receive notifications from people who believe on reasonable grounds that a child is in need of protection because of abuse or neglect
- Provide advice where people report such concerns
- Investigate matters where it is believed that a child is at risk of significant harm
- Refer children and families to services that assist in providing the ongoing safety and well being of the children
- Take matters before the Children's Court if the child's safety cannot be ensured within the family
- Supervise children on legal orders granted by the Children's Court

REFERRALS

Referrals from Child Protection to ISS will occur through the following process:

- A Child Protection Practitioner will discuss the referral with their Team Leader and confirm that referral to ISS is appropriate and the type of services required eg. Assessment, casework, advice, etc
- As per the current Child Protection practice advice for Hague Convention related matters, the Regional Manager for Child Protection will be advised and Legal Services Branch consulted.
- Where required, advice regarding the proposed plan and use of ISS services should be sought from the Policy and Practice Unit. Child Protection and Family Services Branch.
- Initial contact will be made by the DHS Child Protection Practitioner with the Caseworkers at ISS to discuss the nature of the referral and negotiate specific tasks, responsibilities and anticipated timelines and costs.
- The Child Protection Practitioner will complete the ISS referral form (Case Summary Form), including geno gram where relevant, and email it to the ISS Caseworker.
- Referral will then be formally accepted or declined by ISS within ONE working day by email or fax. The Child Protection Worker will provide confirmation to ISS that this information has been received.

Notifications from ISS to Child Protection will occur through the Intake system of the relevant regional office.

If ISS are providing an alert to child protection in relation to a child and/or family that may be residing or coming to reside in Victoria, where the exact address details are unknown, this should be made through the relevant liaison officer based in Central Office or After Hours Child Protection Emergency Service if the alert is provided outside business hours.

FEES

ISS will charge DHS a fee for the services provided as outlined in the "ISS, Australian Branch, List of Fees and Charges". Advice will be charged on an hourly basis, calculated cumulatively and invoiced periodically. It is acknowledged that these fees and charges will alter over time.

REVIEW

The MOU will be reviewed after 12 months of operation, including relevance, nature and extent of referrals, and fees and charges.

CONFIDENTIALITY

In the release of information to ISS relating to a Child Protection matter DHS must comply with the provisions of the CYPA 1989, Information Privacy Act 2000, Health Records Act 2001, and Child Protection Practice Advice (Manual and Practice Instructions), relating to privacy issues.

To any extent that the HRA or IPA is inconsistent with the CYPA, the *Children and Young Persons Act 1989 prevails* to the extent of the inconsistency.

In any event where a practitioner believes an inconsistency exists, the Legal Services Branch should be consulted before any action is taken.

ISS, Australian Branch operates within the Privacy Act 2000.

PARTIES TO THE MEMORANDUM OF UNDERSTANDING

Signed by:

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Executive Director
Office for Children
Department of Human Services

Ruth Richter
National Director
ISS, Australian Branch

Margaret Roberts
President
ISS, Australian Branch