

POLICY NAME	CONFIDENTIALITY & PRIVACY
POLICY NUMBER	PSP7
APPROVAL / ACTIVE DATE	February 2014
REVIEW DATE	November 2021
POLICY STATUS	Approved
VERSION	4
APPROVED BY	Policy Review Committee

PURPOSE OF THE POLICY

To provide a system for WCF staff and foster carers to protect the privacy of children and young people in our Permanency Support Program

LEGISLATION / REGULATIONS / STANDARDS

Children and Young Persons (Care and Protection) Act 1998, Sections: 8 – 12, 14, 29(1)(f), 29(3A-6), 105, 140, 142 – 144, 149B-K, 160, 162, 163, 185, 245, Chapter 16A, 248, 254.

Children and Young Persons (Care and Protection) Regulation 2012, Clauses: 8, 14, 20, 34, 37, 40, 42, 87, Schedule 3 – Clauses 5-7, 11.

Adoption Act 2000, Sections: 7 – 9, 119, 178, 180, 180A, 186, 194

Adoption Regulation 2015, Clauses: 74.

Standard 7 of the NSW Child Safe Standards for Permanent Care.

POLICY STATEMENT

WCF recognises that each child or young person in out of home care has the right to privacy and confidentiality.

WCF has a responsibility to respect and protect the privacy of individual children and young people, therefore personal information will not be used in a way that unnecessarily identifies children and young people.

Children and young people have the right to respect and privacy, about any information they provide to WCF, with the exception of serious risks to children and young people.

WCF policy and procedures are designed to ensure that information about children and young people are kept confidential and only disclosed with the appropriate consent/s, for the purpose of ensuring that children and young people are receiving the supports and services they need.

Both paper based and electronic information pertaining to children and young people in out of home care will be stored and backed up securely, in line with legislative requirements. These systems will be set up to prevent unintentional release of confidential information.

Children and young people in WCF's Permanency Support Programs will be provided with accommodation that allows for privacy, personal space and the ability to safely store their personal possessions.

WCF's PSP staff and foster carers will be made aware of their roles and responsibilities with regard to upholding the privacy and confidentiality of all children and young people in WCF out of home care services during their training, and Induction and Orientation process.

The WCF Privacy and Confidentiality Policy will apply in all circumstances with the exception of Child Protection Concerns, such as a child or young person disclosing allegations of abuse or neglect by an employee (including foster carers). At this time, relevant information will be accessed only by other approved parties, only on a 'need to know' basis.

All WCF policies and procedures will be developed in line with the principles of the rights of children and young people and will also be consistent with the various laws and covenants protecting the rights and privacy of individuals.

WCF policies and procedures will outline professional obligations for staff members, foster carers, management, volunteers and students as well as any other persons associated with WCF's Permanency Support Programs.

Appropriate space for confidential conversations will be provided in all WCF workspaces, and staff are to ensure that confidential conversations are to be conducted in these spaces.

PERMANENCY SUPPORT PROGRAM PROCEDURE

No.	Procedure	Accountable	Due
1	When a child or young person enters WCF's Permanency Support Program the Permanency Support Program Team Leader will ensure that each child and young person is allocated a Caseworker.	PSP Team Leader	On entry
2	<p>The child or young person will be informed of WCF's Privacy and Confidentiality Policy, in an age appropriate format using the How do we keep your information? sheet which is provided in the -</p> <ul style="list-style-type: none"> • Kids Welcome Pack 7 – 12 Years • Kids Welcome Pack 13 – 18 years <p>This information should include -</p> <ul style="list-style-type: none"> • record keeping and data collection; • casework review and conferences; • consultation processes. <p>All conversations regarding confidentiality and privacy must be documented by case note in Community Data Solutions (CDS).</p>	PSP Caseworker	On entry
3	WCF's Permanency Support Program will abide by the Declaration on the Rights of the Child, the International Covenant on Civil and Political Rights and other laws and regulations designed to protect the privacy of individuals.	All PSP Staff and Foster Carers	Ongoing
4	<p>All staff involved in WCF's Permanency Support Program will be informed and trained in the implementation of the confidentiality and privacy policy through -</p> <ul style="list-style-type: none"> • staff Induction and Orientation process; • staff supervision and support sessions; • staff training. 	All PSP Staff	Ongoing
5	<p>WCF's foster carers will be informed and trained in the implementation of WCF's Confidentiality and Privacy Policy through -</p> <ul style="list-style-type: none"> • initial carer training; • the Induction and Orientation process; • informal training provided by the Caseworker during home visits; • formal ongoing training. 	All Foster Carers, PSP Casework staff & Intake, Assessment and Support (IAS) Officers	Ongoing

6	<p>Children and young people have the right to refuse all or some information required for data collection. PSP Caseworkers should explain to the child the importance of the information and document their refusal through a case note on CDS.</p>	PSP Caseworker	Ongoing
7	<p>Children and young people will be informed of their confidentiality at the start of formal intervention sessions.</p> <p>Clinical notes are stored on the CDS clinical file and are not visible to general users.</p> <p>Clinical notes will not be shared without the permission of the young person (where appropriate) or representative, and at the discretion of the Clinical Services Manager.</p>	Clinicians	Ongoing
8	<p>Discussion should occur with children and young people regarding the release of information about them to other Agencies, birth families and friends, where it is assessed as appropriate. This can include s.149 information and the views of the child or young person. This discussion will be documented through a case note on CDS.</p>	PSP Caseworker	When required
9	<p>Any exchange of information regarding a child or young person with external agencies or services must be done through the 16A process – see 16A Exchange of Information Policy.</p> <p>There are few exceptions where WCF can provide information without prior discussion, they include -</p> <ul style="list-style-type: none"> • the issuing of a legal warrant; • where there has been a serious threat made or admission of a dangerous or illegal act; • where suicide or risk of self-harm is suspected; • where mandatory reporting of abuse is required; • where a child or young person is listed as a missing person with the Police. <p>In these cases, the reasons for disclosure of information needs to be documented in the child or young person's casework file and discussed with the child or young</p>	All agency staff	Ongoing

	person when deemed appropriate. Any information provision outside of the above policy would be considered a breach of this policy and may result in disciplinary action.		
10	<p>Personal information about a child or young person and their families that is kept by WCF Permanency Support Program will be kept -</p> <ul style="list-style-type: none"> confidentially secured in a locked cabinet, within locked designated office space; in a secure electronic format accessible only to relevant personnel. 	PSP Staff and Management	Ongoing
11	Children and young people in out of home care will be consulted about their privacy. The level of privacy provided to children and young people will be monitored through routine case planning processes and case conferences.	PSP Caseworkers	Ongoing
12	WCF's casework staff and foster carers should make every attempt to minimise intrusion into children and young people's privacy and respect their request for privacy.	PSP Caseworkers and Foster Carers	Ongoing
13	Appropriate spaces for confidential discussions will be provided in all WCF work spaces.	WCF Management	Ongoing
14	All staff are responsible for not having conversations that may breach a child or young person's confidentiality in public areas, including lunch rooms, office foyers and reception areas.	All WCF Staff	Ongoing
15	<p>If a child or young person requests to see to their casework file, the PSP Team Leader will consider this request and consult with the PSP Regional Manager.</p> <p>The PSP Team Leader and Regional Manager will also consider what supports should be in place for the child or young person in accessing this information.</p>	Permanency Support Program Team Leader / Regional Manager	As required
16	Media exposure of children and young people in WCF's Permanency Support Program will only be allowed if the child or young person is not identified as a child in out of home care.	Permanency Support Program Team Leader	As required

17	<p>Children and young people's files must never leave WCF offices, unless this is approved by a Permanency Support Program Team Leader or they are being transferred between offices. Files are not to be left unattended at any time and must not be carried in a manner where a child or young person's confidentiality may be compromised.</p> <p>The transfer of children and young people's information between offices should be recorded through a case note on CDS.</p>	Permanency Support Program Team Leader	Ongoing
18	<p>If children and young people have left the Agency and their files need to be archived, files are to be sent to Head Office for archiving using the Interoffice File Transfer Request form which is sent to the Administrator at Head office for archiving.</p>	Permanency Support Program Team Leader / Administrator	When child or young person has left the Agency

FORMS ASSOCIATED WITH THIS POLICY

Form Name	Pathway
How do we keep your information?	PSP → Resources
Kids Welcome Pack 7 – 12 years	PSP → Resources
Kids Welcome Pack 13 – 18 years	PSP → Resources
16A Exchange of Information Policy	Policies → PSP
Interoffice File Transfer Request Form	Admin → Forms

HISTORY OF PREVIOUS AMENDMENTS:

Version	Date Approved	Approved by
1	February 2008	Chief Executive Officer
2	November 2012	General Manager
3	November 2016	Policy Review Committee
4	November 2018	Policy Review Committee