



MEMORANDUM OF UNDERSTANDING

CHILD PROTECTION FRAMEWORK
FOR THE PROVISION OF SERVICES

BETWEEN

DEPARTMENT OF HEALTH

AND

DEPARTMENT FOR FAMILIES AND COMMUNITIES

INTENT

This Memorandum of Understanding (MoU) between the Department for Families and Communities and the Department of Health provides a framework for the management and delivery of services to children and families involved in the child protection system. (For the purposes of this Memorandum of Understanding reference to the Department of Health includes Health Units incorporated under the South Australian Health Commission Act.)

The framework is developed to inform the:

- principles and understandings of practice relating to children and families in the child protection system between staff of the Department for Families and Communities and the Department of Health;
- establishment of an interagency steering committee with responsibility for the maintenance and development of coordinated, comprehensive, accountable and responsive services for child protection between the Department for Families and Communities and the Department of Health;
- establishment of discrete service protocols between agencies and/or services that meet the unique needs of these agencies or services in relation to their specific child protection responsibilities.

POLICY FRAMEWORK

Keeping Them Safe

The Government is committed to reform and renewal of the child protection system and has considered recommendations of the Layton Child Protection Review in *Keeping Them Safe: the South Australian Government's Child Protection Reform Program*. *Keeping Them Safe* provides the framework for progressing reform and includes the following priorities for reform across the system:

- Support to children, young people and families;
- Effective, appropriate interventions;
- Reforming work practice and culture;
- Collaborative relationships; and
- Improved accountability

Child protection has been an important priority for the Department of Health and Department for Families and Communities for some time. In response a number of protocols and interagency guidelines to inform practice both between individual agencies and across government departments have been developed including the Interagency Code of Practice and the Collaborative Service Delivery Framework. Each document provides information and guidelines that are specific and relevant for the particular agencies involved.

This MoU is intended to support these documents and inform the development of similar documents in the future. The MoU describes key principles, roles and responsibilities and is intended to inform current practice and a strengthened child protection system for the future.

Working Together

A commitment to partnership, collaborative practice and shared responsibility will support the development of a strong and accountable child protection system in South Australia.

An effective and accountable child protection system in South Australia relies on the provision of appropriate, respectful, timely and accurate information transfer between government and non-government agencies, particularly those involved in the care and protection of children.

The South Australian Health Commission Act and the Code of Fair Information Practice also guide the disclosure of information and collaboration between individuals and agencies where concerns regarding child protection have been identified.

An important feature of such a system will be the sensitive, appropriate and compliant use and sharing of information. It is noted that unless otherwise required by legislation; the Minister for Health; or the Minister for Families and Communities; all information acquired on or about health and social services provided to children and families will be shared and communicated as appropriate between departments. Information will be treated as strictly confidential by those who have access to such data, with the intention that such information shall not be disclosed to third parties to this MoU.

OPERATING PRINCIPLES

The MoU is guided by the following key principles:

- The wellbeing of all children and their safety and protection is the responsibility of both the Department of Health and Department for Families and Communities.
- Department of Health and Department for Families and Communities staff will work actively and in partnership to ensure that all children and families receive appropriate, effective and seamless services. This responsibility recognises that many children and families are best supported by integrated, voluntary and family focussed health and community services.
- A skilled, knowledgeable, confident and supported workforce ensures that staff and volunteers are aware of and responsive to issues of child safety and well being, and this capacity forms the foundation for an effective and accountable child protection system.
- A strengthened, responsive and accountable system of child protection in South Australia is supported by a commitment to partnership, collaboration and shared responsibility between the Department for Families and Communities and Department of Health.
- The Department of Health and the Department for Families and Communities have multiple and joint roles in the provision of services that protect and support children and includes specific partnership for example between Children, Youth and Family Services (CYFS) and Child Protection Services.
- Clinical and other service providers from both the Department of Health and the Department for Families and Communities will ensure that information and advice regarding placement, therapeutic services, care and support is shared in an effective and timely manner, and that it informs the provision of seamless and high quality services to children and families within the child protection system.
- The immediate notification of suspected child abuse or neglect to CYFS is the mandated and legal responsibility of all staff and volunteers involved in the care of or provision of services to children.
- While notification remains a key mechanism through which the systems that act to ensure child protection are engaged, Department of Health services also maintain a duty of care for those children at risk of child abuse or neglect, and to whom services and support are being provided.

- In accordance with the South Australian Health Commission Act, the Children's Protection Act and the Code of Fair Information Practice, Department of Health and Department for Families and Communities staff are authorised, consistent with current delegations, to disclose and share information that will assist in ensuring the care and safety of children. This enables a free exchange of information between staff of the Department for Families and Communities and the Department of Health where concerns for a child's safety and wellbeing are being considered.
- Professional training, development and consistent staff support is a priority for both the Department of Health and Department for Families and Communities and both maintain a strong commitment to this aspect of service development and delivery.

ROLES AND RESPONSIBILITIES

The principles described above are supported by clearly defined and agreed upon roles and responsibilities for both the Department of Health and the Department for Families and Communities.

Department of Health

- The provision of high quality, holistic and family focussed services and support that value and build families' strengths will be provided by all Department of Health staff.
- The immediate notification of suspected child abuse or neglect to CYFS is the mandated and legal responsibility of all staff and volunteers. This requires that staff be attentive and respond to initial suspicions of child abuse or neglect and act to confidently engage with CYFS as the statutory authority for child protection. The responsibility to notify is based on a suspicion of abuse or neglect, not the current level of safety or danger to the child (for example a notification must still be made if a suspicion of abuse or neglect arises for a child who is hospitalised and therefore considered safe).
- Maintained service provision and support may require assertive and persistent follow-up. Department of Health staff will ensure that CYFS are notified in the instance where services/support are withdrawn or unable to be provided by them or refused by the family. This responsibility may include the re-notification to CYFS of previously established 'Notifier Concerns' and the notification to CYFS of families who do not attend or participate in agreed plans for support and services.

- Following notification, Department of Health agencies and service providers will continue to actively support and maintain service provision in partnership with CYFS.
- Staff employed by the Department of Health will actively seek to convene (as required) and participate in case conferences for the planning and review of services and support for children and families.

Department for Families and Communities

- The provision of high quality, holistic and family focussed services and support that value and build families' strengths will be provided by all Department for Families and Communities staff.
- The Department for Families and Communities, through Children Youth and Family Services has the statutory responsibility for child protection in South Australia.
- CYFS staff will receive, assess and when considered appropriate investigate notifications of suspected child abuse or neglect received from the Department of Health. This action will reflect strong partnership between departments and recognise that notifications made by Department of Health staff are considered, informed and reflect serious concern for a child's safety and well being. Action will involve advice to Department of Health staff regarding the outcome of notifications and as appropriate follow up with staff involved in the care and support of the child/ren and their family.
- CYFS staff will remain actively involved in and responsible for the evaluation and monitoring of child safety in cases where CYFS have identified children to have been harmed or to be at risk of harm. This responsibility is not diminished or altered by the involvement of health agencies in the care and provision of services to a child/ren and their family. CYFS will maintain lead responsibility for case management.
- Staff employed by the Department for Families and Communities, will actively seek to convene (as required) and participate in case conferences for the planning and review of services and support for children and families.
- CYFS staff are responsible for determining when children's safety cannot be secured within the immediate family environment, and if required, to make application to the Youth Court for a Care and Protection Order.

FRAMEWORK FOR SERVICE PROVISION

This MoU supports the development of an effective and accountable child protection system and services between the Department for Families and Communities and Department of Health.

Specific and discrete protocols will be developed between agencies as appropriate and will clearly articulate guidelines and processes for information sharing and in accordance with the South Australian Health Commission Act and the Code of Fair Information Practice.

Governance Protocol

An interagency steering committee will provide leadership and oversight for the development and maintenance of a coordinated, comprehensive, accountable and responsive child protection system between the Department for Families and Communities and the Department of Health

The steering committee will make recommendations to Chief Executives of both the Department for Families and Communities and the Department of Health on workforce and funding requirements necessary to develop new or extend existing service capacity to meet the needs of children who have been assessed to be at risk of or who have experienced child abuse.

As services and systems develop, the Department of Health and Department for Families and Communities will work with service providers to ensure that the capacity to respond exists.

Hon Jay Weatherill MP
Minister for Families and Communities
Minister Housing
Minister for Ageing
Minister for Disability

/ /

Hon Lea Stevens MP
Minister for Health
Minister Assisting the Premier in Social Inclusion

/ /

ATTACHMENT ONE: Child Protection Steering CommitteeMembership

It is recommended that membership include senior staff from Departments and key service providers.

Terms of Reference

The Child Protection Steering Committee will provide leadership, strategic direction and oversight for the state wide development and implementation of a coordinated, comprehensive, accountable and responsive child protection system in South Australia.

Key responsibilities of the Child Protection Steering Committee are:

1. The provision of strategic and policy direction within the Department of Health and Department of Families and Communities for the well being, safety and protection of all South Australian children.
2. The development and maintenance of effective and accountable communication systems at all levels across the Department of Health and the Department for Families and Communities for issues relating to child protection.
3. The identification, management and resolution of specific issues concerning the system of child protection in South Australia.
4. The evaluation and monitoring of the MoU Child Protection Framework for the provision of services in South Australia.
5. Reporting annually to the Chief Executive, Department of Health and the Chief Executive, Department for Families and Communities.