

Information Sharing



Queensland
Foster and
Kinship Care

Content

- ▶ What guides the way we share information
- ▶ Confidentiality
- ▶ Missing Children Guidelines
- ▶ Social Media

What guides information sharing

- ▶ Child Protection Act 1999
- ▶ Statement of Commitment
- ▶ Child Safety Practice Manual

It is vital that we are guided in the way we share information so we can protect the privacy and therefore dignity and rights of our children and young people in care - their life journey's should be treated with the utmost respect.

Child Protection Act

Section 187 (1)

This section outlines all those that it applies to - the sections relevant to carers are;

- ▶ (iv) an approved carer or other person in whose care a child has been placed under this Act; or
- ▶ vii) a person attending a case planning meeting or participating in another way in the development of a child's case plan; or

Continued...

Section 187 (2)

The person (Section 187 (1)) must not use or disclose the information, or give access to the document, to anyone else.

Continued...

Section 187 (3)

However the person may, subject to Section 186 (Disclosure of notifier to only prescribed entities - Carers not being one of them), use or disclose the information or give access to the document to someone else.

- (a) to the extent necessary to perform the person's functions under or in relation to this Act; or
- (b) if the use, disclosure or giving of access is for purposes related to a child's protection or wellbeing;

Example:

An approved carer in whose care a child has been placed under this Act may disclose relevant information about the child to a person, including, for example, a school teacher or member of the carer's immediate family, to help the person understand and meet the child's needs.

- (c) if the use, disclosure or giving of access—
 - (i) relates to the Chief Executive's function of cooperating with government entities that have a function relating to the protection of children or that provide services to children in need of protection or their families; or
 - (ii) is for the performance by the Chief Executive (adoptions) of his or her functions under the *Adoption Act 2009*; or
 - (iii) is otherwise required or permitted under this Act including, for example, this division or section 159M) or another law; or
- (d) to the extent necessary to protect a person from a serious and imminent risk to the person's safety or health.

Section 187 (5)

To remove any doubt, it is declared that a person participating in the development, implementation or revision of a child's case plan under this Act is performing a function under this Act.

Placement of Children and the Act

Section 83 A of the Child Protection Act clearly outlines the information that should be provided to Carers at the time of consideration and placement of a child.

A handout will be distributed which outlines this section of the act.

1. Were you aware of this section
2. What does it mean for you as a Carer
3. How should it be interpreted

Cultural considerations

Recent amendments to the Child Protection Act 1999 (159ME) facilitates the sharing of information with and from an Independent Aboriginal or Torres Strait Islander Entity for an Aboriginal or Torres Strait Islander child to help facilitate the child or family's participation in making plans or decisions relating to the child or the child's family and provide or offer to provide services to the child or the child's family.

Continued...

The Act recognises that information shared under Section 159ME can be comprised of Fact or opinion (Section 159 MF).

Statement of Commitment

Legislation is complimented with other pieces of information about how we can share information in the best interests of children.

The Statement of Commitment is an agreement that seeks to promote a partnership between the State and Foster and Kinship Carers and recognises the integral part played by Foster and Kinship Carers for children.

Responsibilities to the child or young person (5.1)

To maintain confidentiality about the child or young person, their family and their circumstances

Rights of Carers

Foster and Kinship Carers have the right to feel safe (6.2), they have the right to...

‘as much timely and ongoing information about a child or young person as is necessary to provide a safe, healthy and protected environment for them, the Carer and the Foster or kinship carers family.

This includes the provision of relevant information related to the child’s or young person’s medical, emotional or developmental needs as it becomes available, including information from other professionals’.

Child Safety Practice Manual

Chapter 10.3 of the Child Safety Practice Manual outlines provisions for Sharing of Information - it states...

The purpose of the information sharing provisions of the *Child Protection Act 1999* is to remove barriers to the exchange of relevant information to promote a child's well-being, to effectively meet their protection and care needs, and to facilitate the coordination of service delivery to relevant children and families.

Activity

So what does all this actually mean !

In groups of 3-4 discuss how you interpret these sections of the act and other documents in your day-to-day care of children and young people - what does confidentiality mean to you?

Activity

Now still in your groups, you will be given one of three scenarios - read through it and discuss your views on whether the carers have met their obligations under the act in respect to confidentiality.

Confidentiality and Care

Ultimately when considering your obligations as carers under the Act, you need to bring your mind to ...

‘Needs to Know Basis’ and ‘why is this information relevant to this person’

Ask yourself why am I sharing this information and does the person I am sharing this information with need to know it in order to protect the child or other children.

Activity - Can and Cannot

Children and Young People in care can/cannot:

- ▶ Appear in school photos;
- ▶ Appear in a newspaper article about Foster and Kinship Care;
- ▶ Appear in a newspaper article about a sporting achievement;
- ▶ Identify themselves as a child or young person in care.

Implications...

When we don't respect the privacy of children and young people, we are not meeting the Statement of Standards either S.122 (a) a child's dignity and rights will be respected at all times.

Continued...

- ▶ Children and Young people can assume a reputation that is not accurate or reflective of who they are necessarily - this can have implications on potential placement options.
- ▶ Information carers hold about a child's history of trauma is extremely sensitive - we simply do not have the right to share this with people who don't need to know it.

Missing Children Guidelines

Review by QFCC

**“There should not be two responses
to missing children -
one for a child in out-of-home care, and one for a child
living at home”**

*“When a child is missing: Remembering Tiahleigh -
A report into Queensland’s children missing from out-of-home care”
Queensland Family and Child Commission 2016 page 23*

Missing Children Guidelines

Providing a clearer picture

Activity

If your child was missing, what steps would you take as a parent to locate them - share your thoughts with your neighbour.

You would try to find them !

- ▶ Search house and surrounding area.
- ▶ Check with other household members if there has been a change of plans/scheduling.
- ▶ Phone or text the child.
- ▶ Communicate with the child via microblogging sites, messaging apps, etc.
- ▶ Enquire with the last place they had been to or person they had been with.
- ▶ Contact their friends and acquaintances - ask if they are there; for information to help you locate them.
- ▶ Contact extended family members.
- ▶ Check places they frequently go to.
- ▶ Seek assistance from others to find them.
- ▶ Repeat some/all of the above steps.

Absent and Missing-lets explore

The difference between a child or young person being absent as opposed to missing can cause much confusion and this can lead to the most appropriate response.

Read the scenarios provided - in groups of four identify which scenarios are of children and young people missing and which ones are of children and young people absent.

Absent

An absent child is a child who is absent for a short period without permission, and where the child's location is known or can be quickly established.

- This requires a range of inquiries / actions to find them.
- It does not require a police response

Missing

A missing child is a child **whose location is unknown** and there are fears for the safety or concern for the welfare of the child.

- It does require a police response.
- It requires a whole of care team response.

Important point

Just because it is established initially that a child or young person is absent, this needs to be monitored as the situation could change to the child or young person missing.

Absent to missing

The shift from 'absence' to 'missing' takes into account a range of factors including, but not limited to, the

- ▶ length of time the child has been absent/missing.
- ▶ age of child.
- ▶ context and circumstance of their disappearance
- ▶ vulnerabilities of the child e.g. medical, developmental, disability, patterns of behaviours, drug and alcohol misuse, high risk behaviours.
- ▶ the nature and findings of the initial inquiries made.

Social Media

The do's and don'ts

What is Social Media

Social media is defined as websites and applications that enable users to create and share content or participate in social networking.

Types of Social Media

- ▶ Facebook
- ▶ Twitter
- ▶ Instagram
- ▶ Snapchat

Any others...

Activity

In pairs, talk about some of the pros and cons of social media that you have experienced from a personal perspective.

Pros

- ▶ Allows us to keep in touch with people we meet at different points of our lives.
- ▶ Allows us to reconnect with old friends and distant relatives.
- ▶ Helps to build the bridge that physical distance brings.
- ▶ A place to find what is happening in the world around us.

Cons

- ▶ Can be seen to insulate us and distract us- people more interested in what's on their phone than what is right before them.
- ▶ Validity of information is not always verified - can be used to spread rumours, propaganda and misleading information.
- ▶ Can be a platform for bullying and trolling.
- ▶ Becoming harder to separate personal and professional lives.

Continued...

Privacy

One of the biggest 'cons' to social media is that of an individual's privacy. Pictures and videos of everyone are circulating through the internet and as much as we may try to be careful about who sees what by setting our privacy settings - we can't stop others from posting pictures of us or our families on social media or from sharing posts we've put up.

Social Media and Caring

In pairs talk discuss the following

1. Are you able to post pictures of children and young people in your care on social media?
2. Are you able to discuss your role as a Foster or Kinship Carer on social media?

What are your considerations when answering these questions?

Considerations

- ▶ **Statement of Standards - Section 122**
- ▶ **Confidentiality Provisions - Child Safety Act (1999)**
 - ‘ it is unlawful to provide information that is likely to lead to the identification of a child as being subject to an investigation under the Act, of an allegation of harm or risk of harm or a child in the chief executive’s custody or guardianship under the act or a child for whom an order is in force’

Such information can include

- ▶ The child's relationship to friends or acquaintances that could identify the child as a child in out of home care.
- ▶ References to 'foster children' being 'foster carers' or court matters.

Child's right to privacy

Children have the right to privacy. Privacy has many aspects, including physical privacy, communications privacy and information privacy.

This right to privacy is recognised in the United Nations Convention on the Rights of the child. The Charter of Rights for a child in care establishes a child's right to privacy, including information privacy.

What does this mean

- ▶ It is essential that children who are old enough to understand the concept of privacy are consulted by carers about any intention to publish or post their photographs on any medium.
- ▶ While there is no age a child is legally able to make a decision about his or her privacy, carers need to use fair and reasonable judgment to determine a child in their care's understanding of what this means.

Activity

You will be provided with a list of photo scenes. Identify which ones would be suitable to post after consulting with a child.

Discuss why you would and would not post the particular scenes identified.

True Story

As this training module was being written, an 18 year old girl in Austria was suing her parents for posting ‘embarrassing’ photographs of her as a child on Facebook.

The 18 year old claims that the intimate pictures from her childhood have made her life a ‘misery’.

The lawyer for the 18 year old believes she has a good chance of winning in court.

Emerging views on SM topic

Professor Nicola Whitton of Manchester Metropolitan University is among those predicting trouble. “I think we’re going to get a backlash in years to come from young people coming to realise that they’ve had their whole lives, from the day they were born, available to social media. A recent University of Michigan study found that children aged 10 to 17 “were really concerned” about the way parents shared their children’s lives online.

<https://www.theguardian.com/sustainable-business/2016/may/08/children-sue-parents-facebook-post-baby-photos-privacy>

So what to consider when posting pictures

- ▶ Age and consent of child
- ▶ Length of placement
- ▶ Type of Photo
- ▶ Is there any identifying information

Ask yourself the question - would you as an adult be ok with 'this photo' being made public - any photo can end up being shared and made more public simply by a friend or family member sharing it.

Must nots

- ▶ Never post information on a Social media site about any court proceedings affecting the child.
- ▶ Never enter into any online discussion about the child.
- ▶ Never identify the child as being a child in care.
- ▶ Never post case specific information about a child.

Tips

- ▶ Be aware that some smart phones embed tags that can provide geographic information revealing a child's location.
- ▶ Check 'Terms and Conditions' of the social media platforms and set appropriate privacy settings.
- ▶ Be clear with your friends and family about your obligations regarding social media.

If in doubt - speak to your CSO about any of the discussion points today before posting photographs of children in your care on line.

Summary

Information sharing the right information with the right people is essential to the wellbeing of our children and young people in the out of home care sector.

Information sharing should not be something we shy away from or feel confronted about, rather we need to educate ourselves and be confident to work as a care team knowing we all have the right information to make the most important decisions.

**"The question isn't 'What do we want to know about people?'
It's 'What do people want to tell about themselves?'"**

- Mark Zuckerberg

QFKC Support Team

Would you like to support and advise other carers? Training and support will be provided by QFKC.

Would you like to be involved in community events to support other carers?
Would you like to build stronger networks in your community?

If you are interested in becoming a QFKC Support Team member please let the trainer know and they will provide your details to the coordinator, alternatively ring the QFKC office on 3256 6166



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Don't miss this great opportunity!

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NB: This training is a Queensland Foster and Kinship Care tool.

Policies and Procedures do change over time.

All efforts are made to provide accurate information at time of training.



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