



Family &  
Community  
Services

# S149B-K AND S163

DISCLOSURE TO PARENTS AND  
SIGNIFICANT PERSONS OF INFORMATION  
CONCERNING PLACEMENT IN OUT-OF-  
HOME CARE

# SECTION 149 B-K AND SECTION 163

## Legislative Basis

- Section 149 (B-K): Placement of Information to parents and significant others
- S163: Parent's right to progress and development information

## Statutory Requirements

NSW Standards for Statutory Out-of-Home-Care

The Children's Guardian Guidelines

# S149 B-K OVERVIEW

- 149B Definitions (Parent/Significant others)
- 149C Disclosure to parents and significant others
- 149D Type and amount of information to be disclosed
- 149E Consent to authorised carer to disclosure of high level identification information
- 149F Disclosure of high level identification information without consent of authorised carer
- 149G Application for review of decision to disclose high level identification information
- 149H Modification of Administrative Decisions Tribunal Act 1997
- 149I Refusal to disclose information concerning placement
- 149J Disclosure not contravention of confidentiality or contravention of privacy law
- 149K No conflict with court order

# RESPONSIBILITY FOR DISCLOSING INFORMATION

The agency with case management responsibility is responsible for disclosing:

- Progress and development information to parents, and
- Placement information to parents and significant others

# HOW DO WE APPLY THIS TO PRACTICE?

**There are three key steps that need to be undertaken to adequately meet our practice obligations for children and young people in OOHC:**

1. Undertake a risk assessment (with your manager) and consultation (with child or young person and carer)
2. Provide the information to parents / significant others
3. Review the provision of information at key stages of case management

# RISK ASSESSMENT

A risk assessment must be conducted to determine the level of disclosure of information to be provided to parents and significant others.

## 149C - Disclosure to parents and significant persons

*The assessment should be conducted/reviewed:*

1. When a CYP enters care
2. When there is a change of placement
3. When there are changes of CYP, carer or parents circumstance
4. Case Planning / Review meeting

# WHO DO WE TALK TO?

In order to conduct the risk assessment, we will need to consult with the following:

1. The child or young person
2. Mother and Father
3. Authorised carer
4. Significant other (if applicable)
5. Manager Casework

# ASSESSING THE LEVEL OF DISCLOSURE

## 149D - Type and amount of information to be disclosed

*There are 2 types of information that may be disclosed:*

1. High level identifying placement information or if a “High Level” of disclosure is assessed, a written consent form to the carer is required
2. Non identifying placement information



Type/Level	Example	Case Plan category
High Level Identification Information	<ul style="list-style-type: none"> <li>▪ Full name of carer and other family/household members</li> <li>▪ Carer's address and location, telephone numbers including landline</li> <li>▪ Name of CYP school</li> </ul>	High Level Type 1
Information that may allow a person to establish high level identification information	<ul style="list-style-type: none"> <li>▪ Description or location of school</li> <li>▪ Name of school Principal</li> <li>▪ Email address containing part of the authorised carer's surname</li> </ul>	High Level Type 2
Contact information that doesn't allow establishment of high level identification information	<ul style="list-style-type: none"> <li>▪ Post office box address</li> <li>▪ General location area</li> <li>▪ Authorised carer's first name, unless it's an unusual name</li> <li>▪ An email address that doesn't include the authorised carer's surname</li> <li>▪ Carer's mobile number</li> <li>▪ CYP mobile</li> </ul>	Contact Type 3
Non identifying information about significant family member	<ul style="list-style-type: none"> <li>▪ Births, deaths, marriages and other significant life events for key people in the authorised carer's extended family that may impact on CYP life</li> <li>▪ Moving house or school – advising of the event but not the new address</li> <li>▪ Any departures or arrivals of other children to the carer's home</li> </ul>	Non – identifying Type 4
Non identifying contextual placement information	<ul style="list-style-type: none"> <li>▪ First name of authorised carer</li> <li>▪ Cultural identity, religion and language spoken at home</li> <li>▪ General details about the family composition, backgrounds, lifestyle and experiences</li> <li>▪ General information about the placement</li> </ul>	General Type 5

# PROVIDING INFORMATION TO PARENTS/SIGNIFICANT OTHERS

## 149E - Consent of authorised carers to disclosure of high level identification information

- Carer's written consent is required prior to the release of any high level identifying placement information.

## 149F - Disclosure of high level identification information without consent of authorised carer

*If an authorised carer does not consent, Community Services may still disclose if:*

1. It is believed that the disclosure of information will not pose any safety risks; AND
2. Carer advised in writing:
  - a. The reasons why there are no risk factors
  - b. That the information will not be disclosed within 21 days
  - c. The carer's right to appeal

A copy of the written reasons given to the carer should also be given to children aged over 12 years if in the child's best interest. If under 12 years a copy must be put on a child's file for the purpose of disclosing them to the child after he or she reaches the age of 12. (Unless deemed not in the child's best interest)

# INTERNAL REVIEWS AND ADT

## S149G - Application for review of decision to disclose high level identification information

- Carers may request a review by the NSW Combined Administration Tribunal if they are unhappy with the decision to disclose placement information

# PROVISION OF INFORMATION S163

## S163 - Parents' right to information concerning progress and development of their children

*Parents have a right to information in regards to the progress and development of their children while they are in care.*

This information includes but is not limited to:

- School Reports
- Medical information
- Health Reports including dental and optical
- Progress information; for example development milestones, favourite foods, sporting skills, team sports, awards received.
- Photos
- Police involvement; for example charges, juvenile justice involvement