

SCENARIO 1:

SHARING INFORMATION WITH OTHERS AND REQUESTING INFORMATION FROM POLICE

Background

John (13 years old) receives treatment from Child Adolescent Mental Health Service (CAMHS) for anxiety. He lives with his mother, two younger siblings and grandmother.

John's uncle Sam lives nearby and often visits at night after he has been drinking. Sam has been diagnosed with schizophrenia and when he is intoxicated, he behaves aggressively. Sam receives support from an adult mental health team who are concerned that he is not sticking to his treatment plan, including taking medication and not drinking. Part of this plan is for his mother (who lives with John), to administer his medication.

John told his CAMHS worker, Ana, that he is scared of Sam. He and his siblings often hide when Sam visits and he is really angry. John has called Police a couple of times. Ana spoke with John's mother and grandmother about these worries but they don't think it is a significant problem.

Details of proposed information sharing

Ana wants to:

- share what she knows about Sam's behaviour and the impact on John with Sam's treatment team. She wants changes to Sam's treatment plan that will meet his needs but also keep the tamariki safe
- ask the Police about the visits they have made to the house so she can understand more about what has been happening for John
- share this information without consulting John or his whānau.

Considerations when making the decision to share information

Are the agencies/professionals covered by section 66C of the Oranga Tamariki Act 1989?

Yes. All these agencies are considered child welfare and protection agencies.

Can the information be disclosed under section 66C?

Yes. Ana can share the information John has disclosed about himself and his siblings being fearful of Sam's behaviour with the adult mental health team as it is to **prevent and reduce risk** of harm.

Can the information be requested under section 66C?

Yes. Ana can ask the Police for information about the calls made about Sam and the actions taken by Police as it is relevant to understanding whether actions need to be taken to prevent or reduce the risk of John being subject to harm by Sam.

Should tamariki and whānau be consulted?

Yes. Section 66K requires that we consult with the child, young person or their representative unless it is not safe or appropriate to do so. Ana should consult with John about the information she wants to share with the adult mental health team **AND** take his views into consideration before she makes the decision.

SCENARIO 2:

REQUESTING INFORMATION FROM AND SHARING INFORMATION WITH ORANGA TAMARIKI

Background

Tania is applying for day to day care of her three grandchildren (Abby 15, Felix 10 and Jayden 8) under the Care of Children Act 2004. She started caring for them after she was contacted by Oranga Tamariki when their mother, Sandra, was admitted to hospital for a drug overdose.

Dianne is a family breakdown assessor from Barnardos. She is doing an assessment to check for family breakdown as part of the process for Unsupported Child's Benefit. During a conversation, Abby (aged 15) told her about what life with their mother was like including often being hungry, her mother's current boyfriend being scary, and the tamariki staying away from him when he visited the house.

When Dianne contacted Abby's mother, Sandra, she denied any involvement with Oranga Tamariki. She also said that her tamariki will be returning to her soon.

Details of proposed information sharing

Dianne wants to:

- ask Oranga Tamariki why the decision was made to place the tamariki with their grandmother and what are the long-term plans so she can complete her assessment
- share with Oranga Tamariki what Abby said about living at home.

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IN AN EMERGENCY CALL 111

Considerations when making the decision to share information

Are the agencies/professionals covered by section 66C of the Oranga Tamariki Act 1989?

Yes. Barnardos and Oranga Tamariki are both child welfare and protection agencies. As an employee of Barnardos, Dianne is covered by the information sharing provisions.

Can the information be disclosed under section 66C?

Yes. Dianne can share information at any time with Oranga Tamariki if she is concerned about the safety of the tamariki and wants to **prevent and reduce risk** of future harm.

Can the information be requested under section 66C?

Yes. Dianne can ask for the information that she needs from Oranga Tamariki to complete her assessment of risk as this supports the wellbeing of Abby, Felix and Jayden.

Should tamariki and whānau be consulted?

Section 66K requires Dianne to talk to Abby before sharing this information to take into consideration Abby's views, unless it's not safe or appropriate. Dianne did talk to Abby, who was happy for Oranga Tamariki to be told and also asked Dianne to tell her youth mentor.

SCENARIO 3: SHARING INFORMATION WITH OTHER SERVICE PROVIDERS

Background

Wiremu is a social worker at Oranga Tamariki. He is doing an assessment with Casey (4), Katherine (3) and Michele (2) who live with their mother and father. The whānau came to the attention of Oranga Tamariki after a Police callout to a verbal argument between the parents over money and childcare.

During his assessment Wiremu has found that:

- the tamariki are all enrolled in Early Childhood Education
- one child has a medical condition and the whānau is finding this difficult to understand and manage the complexities that come with it
- the childcare provider is unaware of the medical condition
- an NGO has recently become involved to provide respite and support to the family
- the father is attending counselling in relation to stress.

Wiremu is coming to the end of his assessment and doesn't believe the tamariki are in need of care or protection, but believes they need on-going help and support. He would like to share his assessment with the people involved in supporting the whānau to assist them in meeting the children's needs.

Details of proposed information sharing

Wiremu wants to:

- share his assessment with the people working with this whānau to assist their on-going support work.

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Are the agencies/professionals covered by section 66C of the Oranga Tamariki Act 1989?

Oranga Tamariki, the childcare centre and the NGO are all child welfare and protection agencies so Wiremu can share his assessment with them. Wiremu needs to check if the counsellor is an independent person or a member of a child welfare and protection agency. If not, section 66C cannot be used to disclose information to the counsellor.

Can the information be disclosed under section 66C?

Yes. Wiremu can share information about the tamariki and parents with those working with the whānau under section 66C because it directly relates to wellbeing and is intended to **prevent and reduce risk** of harm. He will need to use professional judgement to determine what information is relevant to share and who to share with.

Should tamariki and whānau be consulted?

Yes. Wiremu should consult with the parents in relation to the assessment findings and his plan to disclose this information. Under section 66K Wiremu must also consult with the tamariki, or a representative, where safe or appropriate about the details of information he wants to share and take their views into account.

SCENARIO 4: REQUESTING INFORMATION FOLLOWING A REPORT OF CONCERN

Background

Fiona, a primary school principal has made a report of concern to Oranga Tamariki. She is worried about Zach (7) who often looks upset and scared at the end of the day and would rather be at school than at home. He also gets angry with other tamariki when they don't do what he wants, hitting and screaming at them.

The school has talked to Zach's parents, but they didn't acknowledge any problems.

Fiona was worried that Zach was seeing violence at home and the parents don't consider the impact it has on his wellbeing.

The school hasn't heard back from Oranga Tamariki about the report of concern they made three weeks ago.

Details of proposed information sharing

Fiona wants to:

- contact Oranga Tamariki and find out what is happening so the school can make decisions on how to help Zach.

Considerations when making the decision to share information

Are the agencies/professionals covered by section 66C of the Oranga Tamariki Act 1989?

Yes. The school and Oranga Tamariki are both child welfare and protection agencies.

Can the information be requested under section 66C?

Yes. Fiona could request this information using section 66C. However, this is not necessary, as Fiona was the person who made the report of concern. Under section 17 of the Oranga Tamariki Act she is entitled to be advised whether the report has been investigated and if so whether any further action has been taken.

Should tamariki and whānau be consulted?

No. Fiona is not required to consult with Zach or his parents before requesting this information. As the person who made the report of concern, Fiona can request an update.

SCENARIO 5: REQUESTING INFORMATION FOLLOWING A REPORT OF CONCERN

Background

Kiri and her two tamariki have been admitted to a safe house as Kiri's partner (a well-respected member of the community) has been abusing her and it is affecting the children.

Kiri has historically had mental health and addiction issues. Her partner has told her he will use these issues against her in court to gain custody of the tamariki if she causes trouble.

Kiri's neighbour has made a report of concern and Oranga Tamariki are now investigating. Oranga Tamariki has approached the NGO that runs the safe house to determine immediate safety of the tamariki.

The NGO is concerned about sharing Kiri's information due to her partner's status in their provincial town. Kiri has also said that unless the workers can maintain her confidentiality, she will return to her partner as she cannot manage the psychological battle.

Details of proposed information sharing

Oranga Tamariki wants to:

- request information from the NGO to assist with their investigation into the issues raised in the report of concern. Specifically, Kiri's current presentation and parenting ability, the NGO's previous involvement, details that led to Kiri being in the safe house, presentation of Kiri's tamariki, other agencies involved and any further information they may hold that is relevant to the on-going care and safety of the tamariki.

Oranga Tamariki can request the information under section 66 or section 66C.

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Considerations when making the decision to share information

Are the agencies/professionals covered by section 66C of the Oranga Tamariki Act 1989?
The NGO and Oranga Tamariki are both child welfare and protection agencies.

Can the information be disclosed under section 66C?

Yes. The information relates directly to the safety and wellbeing of Kiri's tamariki.

Should tamariki and whānau be consulted?

Given the provincial location and prominence of Kiri's husband, Kiri should be consulted in relation to the impact that any relevant information released would have on her and her tamariki. The tamariki should also be consulted in relation to the information sharing and prior involvement with the NGO.

A section 66C request would allow the agency to choose what information they share and this could allow Kiri to feel more in control of what is shared.

Alternatively, the 66 request would require all relevant information to be shared.

Information may also be able to be requested, and disclosed, under section 20 of the Family Violence Act 2018.

SCENARIO 6:

REQUESTING INFORMATION FROM ORANGA TAMARIKI AND SHARING INFORMATION WITH OTHER SERVICE PROVIDERS

Background

Mel, a school counsellor, is concerned about Georgia (14). Georgia has only been attending school two days a week and acts aggressively when asked about her attendance.

The school counsellor has spoken to Georgia who said she doesn't come to school because she has bad anxiety which makes her housebound. Georgia also said that she has thoughts about hurting herself. When discussing these issues she was visually distressed, shaking and speaking with hesitation. Georgia also stated that Oranga Tamariki had previously been involved.

Georgia is not under any health provider for these issues.

Mel has consulted with Georgia about sharing her issues with anxiety with a healthcare provider and her parents. Georgia does not want this to occur.

Details of proposed information sharing

Mel wants to:

- share the information about Georgia with a community mental health provider and Georgia's parents to ensure Georgia's safety, and increase her attendance at school
- request information from Oranga Tamariki on previous involvement.

Considerations when making the decision to share information

Are the agencies/professionals covered by section 66C of the Oranga Tamariki Act 1989?

Mel, Oranga Tamariki and community mental health providers are covered by the provisions.

Can the information be disclosed under section 66C?

Yes. This information relates directly to the safety and wellbeing of Georgia and is needed to **prevent and reduce risk** of harm.

Can the information be requested under section 66C?

Yes. This information relates directly to the safety and wellbeing of Georgia and contributes to an **assessment of risk and needs**.

Should tamariki and whānau be consulted?

Mel has consulted with Georgia who does not want any of this information shared with anyone. However, because Georgia has expressed self-harm thoughts Mel should disclose this information to ensure Georgia gets the appropriate support.

Mel should use her professional judgement to decide if further discussion about sharing the information would put Georgia at further risk.