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Child FIRST and Family Services Policy and Practice Advice:

Identifying and recording a ‘significant concern for the wellbeing of a child’ and unborn referral types.

**Background**

The enactment of the *Children, Youth and Families Act* 2005 (CYFA) included the introduction of provisions for community-based child and family services to receive referrals regarding ‘a significant concern for the wellbeing of a child’. The legislation also contains information exchange provisions to enable Child FIRST and family services to undertake risk assessment and appropriate referral of the cases that meet this criterion.

The Family Services IRIS data collection system was upgraded in 2007 and the Family Services IRIS Data Dictionary May 2007 was provided to ensure that the data requirements pertaining to the implementation of the CYFA be accurately recorded.

The department has more recently become aware of a range of practices that may lead to the inaccurate, or absence of, recording of this referral type. This is a critical issue as failure to record this referral accurately potentially exposes your organisation if a Child FIRST or family services practitioner collects or discloses information in the mistaken belief that it is protected, when it is not.

Feedback from the sector also suggests that recording of unborn referrals is inconsistent. This updated policy advice aims to provide clarification regarding the classification and recording of ‘significant concern for the well being of a child’ and unborn referral types and the upgrades planned for Family Services IRIS in 2012 that will support these requirements.

Note that: Justice O'Brien in the Supreme Court, Buckley vs CSV 1992 identified significant as:

* *'more than trivial or insignificant, but need not be as high as serious…and*
* *(is) important or of consequence, to the child's development'…*
* *'It is irrelevant that the evidence may not prove some lasting permanent effect or that the condition could be treated'.*

*The significance must be demonstrated in a way that is specific to the case. For harm to be regarded as significant it must be 'of consequence' or be of 'considerable amount, or effect, or importance'.*

**The *Children, Youth and Families Act* 2005**

The intent of the CYFA is to increase public confidence in raising concerns about children’s wellbeing. Chapter 3 – Child and Family Services, PART 3.2 – Concern about wellbeing of child, S. 27 Object of Part, states that: *‘The object of this Part is to enable a confidential report or referral to be made about a child if there is a significant concern for the wellbeing of the child’.*

The CYFA provides the capacity for a person to make a referral to a community-based child and family service, S. 31: *‘A person who has a significant concern for the wellbeing of a child may refer the matter to a community-based child and family service’.*

A person may also make a referral where they have a significant concern for the wellbeing of an unborn child after they are born (S. 32). The referrer is protected and their identity must be kept confidential (Sections 40 and 41(1A)). The presence of significant concern for the wellbeing of a child also enables the information sharing provisions (Sections 33 and 36).

And S. 39 states: *“The Secretary and a community-based child and family service must make a written record of each report or referral received and each disclosure made to or by them under this Part.”*

**Updated Policy Advice**

A significant concern about the wellbeing of a child referral must be classified and recorded as such **where the significant concern relates to the level of concern that the referrer has for the wellbeing of the child/ren at the point of referral.** A significant concern for the wellbeing of an unborn child referral must also be classified and recorded where the referrer’s primary concern is for the unborn child after the child is born. This is not to be confused with the practitioner’s assessment of the wellbeing of the child.

This definition shifts the emphasis from the worker’s assessment of the wellbeing of the child to the level of (significant) concern of the referrer, which is the intent of the law, so that referrers with concern can feel confident that they can make a referral with the option of this being confidential.

This referral type is capturing a ‘moment in time’ view of the referrer therefore the classification must not be changed.

How do I know if the referrers’ concerns are ‘significant’?

The Child FIRST or family services worker must establish the level of concern from the referrer: good practice would be that the practitioner receiving the referral would, following the referral discussion, seek to clarify the referrer’s level of concern. A suggested query to confirm their view may be: ‘How would you describe your level of concern for the wellbeing of this child/these children, would you say it is significant?’

An example of a referral that is not a ‘significant concern for the wellbeing of the child’ could be where:

* the referral is a self referral,
* the referrer’s concern is of a low/ lower level regarding the wellbeing of the child, or
* the call is more of a general inquiry in nature, that may be responded to with advice, information and/or a referral to another appropriate service.

As the CYFA applies only to the state of Victoria this classification will not apply to a referral for a child and family who do not reside in Victoria. This may apply to services where referrers seek support from a service located in Victoria for families located over the state border.

**Planned Changes to Family Services IRIS**

To assist workers to accurately record this referral type, the Family Services IRIS data system is to be upgraded to reflect the following, at the next IRIS upgrade, due August 2012.

A new field is to be included that will record the referral type and ask the following question:

Does the referrer have a significant concern regarding the wellbeing of the child/ren or an unborn child? Options: Yes or No

This will be a mandatory field and once selected and saved, this data will be ‘locked down’.

**Recording unborn referrals**

A further new field is to be included to assist more accurate recording of unborn referrals and the following will be asked:

Is this an unborn referral? Options: Yes or No

The classification of Case Category, that is, ‘Significant concern about wellbeing’, ‘complex’ or ‘other’ will be deleted from the Family Services IRIS system as this data can be extracted from the selection in the ‘Issues’ field. This will reduce the burden of entering this data twice.