



## FREQUENTLY ASKED QUESTIONS (FAQ) – INFORMATION ABOUT MY TIME IN CARE

This FAQ section will help you find out how to get information about your time in the care of the Department of Communities Child Protection and Family Support Division. In this FAQ section, the Department of Communities will be referred to as the Department.

As per the [Charter of Rights for Children and Young People in Care](#) you have the right to find out information about your time in care. Information written about you in your case file is called a record. Records can include information about your childhood, your family, why you were in care, your foster carer and other matters connected to your time in care. Records are also called case files. You may also wish to refer to the [flowchart](#) to give you an idea. People seek their personal records for different reasons. Everyone's story is different.

### 1. **Where do I go to get information from my case files?**

You can go to the Department's Freedom of Information Unit (FOI Unit) to request the information you want. You can contact the Department's FOI Unit yourself or if you are under 25 years old, you can contact the local district office to help you. If you are still in care, your caseworker can help to get the information for you.

### 2. **What is the Department's Freedom of Information Unit?**

The FOI Unit<sup>1</sup> provides decision makers with advice and support when dealing with applications for access to documents under the *Freedom of Information Act 1992* (FOI Act). The FOI Unit also advises applicants of the informal or existing ways to access information other than making an FOI request.

Applicants still wishing to make a request are informed of how and in what format the application can be lodged. The FOI Unit undertakes a majority of the responsibilities associated with applications and has delegated responsibility for the administration and coordination of the FOI Act. Freedom of Information gives anyone, including young people in care or those who were in care, public rights of access to official government documents.

### 3. **What information can I get?**

Under the FOI Act, any person has a right to apply for information. You can request personal or non-personal information. Personal information includes information about you, such as your placement and time in care. Non-personal information includes government policy documents, research and data materials and information about other persons (third party information – see question 10).

### 4. **How old do I have to be to get information from my case files / records?**

You are able to access information about your records at any age during your time in care and after leaving care.

### 5. **Are my records private?**

There are laws that protect your records from being made public. You won't see these records on a website, or in a book, because they are private, personal, and confidential.

---

<sup>1</sup> FOI Unit is Freedom of Information Unit

**6. Why does the Department need to keep my records?**

It is the law that all records of what happened to you or about your time in care are kept on file for you and to allow new workers to know what has been going on.

**7. What type of information is kept in my case files?**

For young people who have been in care, the records will consist of a genogram ('family tree'), regular case notes with dates (a bit like a diary), school reports, letters from your school, family and other sources, care plans, photographs and other reports such as assessments and medical records. Some records may include sensitive information about you, such as why you were brought into care ('words and pictures'), your health, your parents and other family members.

When a letter is written on your behalf or a report such as a care plan is about you (if you are still in care or a young care leaver), good practice requires that it should be discussed with you first. For some older care leavers this may not have been the case and therefore some of the information in the file may be material that you have never seen before.

Copies of reports such as your care plan (or modified care plan), cultural plan and education plan should be provided to you while you are still in care. You should also be included in the planning process of your time in care so that you can have a say about issues or things concerning you and also get to discuss about other areas such as education, housing, money and other things to prepare and help you have a smooth transition when leaving care into independent living.

**8. What happens to my records when I leave care**

The Department will keep your records electronically. Older physical files are kept in off-site secure storage.

**9. How is information given to me?**

There are many ways you can access information including getting copies, reading the file, or talking to someone about it. This can be discussed with your caseworker if you are still in care. If you are no longer in care and under 25 years old, you can either contact the district office or contact the Department's FOI Unit<sup>2</sup> for further information. If you are 25 years or older, contact the FOI Unit directly.

**10. When I get the information why is some information blanked/crossed out?**

Sometimes you may not be able to see parts of your file that have information about other people as it will be blanked out or crossed out which is also called redacted. Such information could be about other children (or about your siblings – brothers, sisters, friends or family, or other people that may have been in care or in the same placement as you), or the name of the person who reported concerns about your safety and wellbeing, or information about a legal matter that is confidential. You will only get to see information about you and not about another person (third party information).

Likewise if there is information about you in someone else's file, that person will not be able to see your information as it will be redacted too.

---

<sup>2</sup> FOI Unit is Freedom of Information Unit

### **11. What if I want to know information about someone else?**

Information about other people including family members is 'third party' information. Due to the law under the FOI Act, you might find that your access to third party information is restricted even if permission is given by that person, as some of the information is exempt. Exempt documents may include those relating to national security, material obtained in confidence, cabinet documents, or other matters set out in the FOI Act<sup>3</sup>.

To request access to third party information you need to apply through the Department's FOI Unit. A worker from the FOI Unit will help you with your application.

### **12. Who can have access to my records?**

Generally, you are the only person who can access your records. If you have left care, and another person wants to access your records, the FOI Unit or your caseworker must take steps to seek your views if they are considering releasing your information.

If you are still in care, there may be circumstances when information is required to be provided to your parent or guardian or someone else who has permission. This would be in line with the Department's casework practice and examples may include referrals for services, youth allowance assistance and care plans.

If you are still in care and a request is made by another person for access to your records outside of the above circumstances, the Department will make a decision as to whether it is in your best interests for the information to be released.

### **13. What is the name of the folder that is given to me when I leave care?**

You will be given a hard copy file called a Child History Folder containing all original documents. The folder is given to you by your caseworker as part of your transition from care. If you never received your folder, you can request it through the local district office or the Department's FOI Unit (if you are 25 years and older). Information in the Child History Folder might be different from specific information you might be after from your case file.

### **14. What information is in the Child History Folder?**

Your folder should contain original documents like your birth certificate, photographs and information such as a genogram (family tree), your placement details, records of life experiences and achievements, your education and school reports, medical and health records, legal documents, protection orders, cultural and identity plans, care plans or provisional care plans (and modifications to these plans), income and entitlements, religious and family background, and the names of significant people in your life.

Reports not included in the folder include things like your safety and wellbeing assessment and/or information from the children's hospital child protection unit.

All information in the folder is also kept in the virtual electronic system called the Child History File. The Child History File must include documents as stated by law under the *Children and Community Services Regulations 2006* such as:

---

<sup>3</sup> FOI Act is Freedom of Information Act

**r.5 Records, prescribed information for** (*Children and Community Services Act 2004, s.128*)

- (1) The following information is prescribed for the purposes of section 128 —
- (a) the child's name;
  - (b) the child's date of birth and place of birth to the extent that such information is available;
  - (c) a copy of the child's care plan or provisional care plan and any modifications to it;
  - (d) information about the child's health, including a copy of any medical records and immunisation records —
    - (i) relating to the period in which the child is in the CEO's care; or
    - (ii) otherwise provided to the CEO;
  - (e) information about the child's education, including a copy of any school reports —
    - (i) relating to the period in which the child is in the CEO's care; or
    - (ii) otherwise provided to the CEO;
  - (f) information about the child's cultural, ethnic, religious and family background to the extent that such information is available;
  - (g) any other information considered by the CEO to be relevant to the child.
- (2) In subregulation (1)(c) —  
**care plan** has the meaning given to that term in section 89(1);  
**provisional care plan** has the meaning given to that term in section 39(1).

**15. Will I get my Child History Folder if I leave care before turning 18?**

If you leave care before 18 years old, your caseworker will decide if it is okay to give you or your parent or carer (special guardian), all or some of the information contained in the Child History Folder. When you turn 18, you can contact the local district office closest to where you live to get the full copy of your Child History Folder. It is yours to have and to keep.

**16. What happens if I lose information in my Child History Folder?**

A copy of every document in your Child History Folder is saved in the Department's electronic record management computer system called Objective. If for some reason you lost your folder, you can ask the Department for a copy stored in the electronic file. Remember there won't be any originals to give to you as these would have been provided to you in the original Child History Folder.

**17. Do I need to have someone with me when I receive the information?**

A worker will chat with you and find out how you are feeling, what support you might need and who will be with you when you are given the information. This is your choice; however, it can be helpful to have someone with you when going through the information.

If you are under 18 years old, you are encouraged to have your carer, guardian or someone else that you feel comfortable with and whom you trust. At times, you never know what you might find out and it is always good to have someone there with you than to be alone in case you find out something that might upset you or make you feel uncomfortable or even angry.

### **18. How might I feel when accessing my case files / records?**

You might feel different types of emotions like anxious, happy, scared, surprise, sad, angry or annoyed or a mixture of everything when going through the information given to you.

For example, you might find clues and answers to questions about why you were in care, about your identity, your childhood and family history. Also, it could lead to reconnecting with extended family members like aunties, uncles and cousins that you never knew existed. The reunion might make you very happy and excited or disappointed but at the same time you might feel anxious because you are not sure if they will like you or whether you will like them.

At times you may not get all the answers to your questions and you might feel overwhelmed, lost, alone, sad and even angry. It is encouraged that you speak with a professional person and the Department can make a referral for you. Or if you like, the Department can also provide you the contact details for you to make the referral yourself when you are ready.

### **19. What if I don't understand the information given to me?**

Sometimes the information you receive may be confusing or come as a surprise to you. You can ask the worker or the person you choose to share the information with to explain what you don't understand. Ask as many questions as you like.

### **20. Contacting the Department of Communities**

You can contact your local district office in Western Australia by calling any of the numbers below:

Telephone: (08) 9222 2555 Country free call: 1800 622 258

International: +61 8 9222 2555

Postal address: PO Box 6334, EAST PERTH WA 6892

Website: <https://www.dcp.wa.gov.au/>

### **21. Further information**

For further information please look at the resources below:

- [Access to Information \(Case files and Records\) flowchart](#)
- [FAQ – Freedom of Information](#)