

CARE OF CHILDREN IN IMMIGRATION DETENTION POLICY®

KEY POINTS

- All children presenting to the Sydney Childrens Hospitals Network (SCHN) are entitled to high quality care, in line with the Network's vision and values.
- The presence in the hospitals of children in immigration detention, and staff from immigration detention, should not adversely affect the detained patient's health care, the working environment of SCHN facilities , other patients, their parents, visitors, or SCHN staff
- Simultaneously, responsibility for the security of the detained patient lies with the Agency who has the person in custody.
- The high-level guiding principles contained within this document aim to deliver person-centred care underpinned by the principles of recovery. Person and family-centred care is health care that is respectful of - and responsive to - the preferences, needs and values of patients and consumers. The widely accepted dimensions of person-centred care are respect, emotional support, physical comfort, information and communication, continuity and transition, care coordination, involvement of family and carers, and access to care. (Australian Commission on Safety and Quality in Health Care).
- As a tertiary paediatric institution SCHN also acknowledges the importance of family connection, care and support with regard to the health and wellbeing of any child, irrespective of immigration or visa status, and based on respect for persons and the rights of the child as defined by the [UN Article 24, Rights of the Child](#)
- The SCHN acknowledges that the safety of all concerned is paramount. A flexible, solution-focussed approach between the SCHN and the staff from immigration detention agencies will optimise outcomes for the person, the safety of everyone involved and the efficiency of the broader emergency response system.

Approved by:	SCHN Policy, Procedure and Guideline Committee	
Date Effective:	2 nd May 2022	Review Period: 3 years
Team Leader:	Manager	Area/Dept: Priority Populations

CHANGE SUMMARY

- New related policy added to list due to importance of staff knowing that fees can be waived for Asylum Seekers in the community- [“Provision of Specified Public Health Services”](#)
- Amendments made to reflect current policy, correct terminology and changes to staff and clinics since previous version

READ ACKNOWLEDGEMENT

- The following staff are required to read and acknowledge they understand the contents of this policy: SCHN Executive on-call and DCO.
- The following staff are required to be aware of this policy: SCHN Refugee Children's teams, NUMs of wards and Outpatient/Ambulatory teams managing children in immigration detention, treating clinicians, Patient Flow team, SCHN Human Resources and Public Relations teams, SCHN interpreting and administrative staff working with children in immigration detention, SCHN Medico-legal Manager, SCHN Clinical Ethics Manager, SCHN HIU Manager

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Related policies

- Medicare Ineligible Asylum Seekers- Provision of Specified Public Health Services
https://www1.health.nsw.gov.au/pds/ActivePDSDocuments/PD2020_039.pdf
- MOU between NSW Health and NSW Police (especially chapter 4):
<https://www.health.nsw.gov.au/mentalhealth/resources/publications/mou-health-police-2018.pdf>
- NSW Health Manual: Protecting People and Property (especially chapter 6):
<http://www.health.nsw.gov.au/policies/manuals/Documents/prot-people-prop.pdf>
- NSW Health Policy Directive [PD2016_047] Employment Checks - Criminal Record Checks and Working with Children Checks (SCHN coversheet):
<http://webapps.schn.health.nsw.gov.au/epolicy/policy/3139>
- NSW Health Policy Directive [PD2013_007] Child Wellbeing and Child Protection [SCHN coversheet]: <http://webapps.schn.health.nsw.gov.au/epolicy/policy/3309>
- NSW Health Policy Directive [PD2006_053] Interpreter Services [SCHN coversheet]:
<http://webapps.schn.health.nsw.gov.au/epolicy/policy/3303>
- SCHN Admission policy: <http://webapps.schn.health.nsw.gov.au/epolicy/policy/3898>
- SCHN Media Activity and Public Relations Policy:
<http://webapps.schn.health.nsw.gov.au/epolicy/policy/3429>
- CHW: Disaster Response Plan
<http://webapps.schn.health.nsw.gov.au/epolicy/policy/4116> (at 2.3)
- SCH: Disaster Response Plan:
<http://webapps.schn.health.nsw.gov.au/epolicy/policy/3634>
- SCHN Dress Code and Uniforms policy:
<http://webapps.schn.health.nsw.gov.au/epolicy/policy/2925>

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TABLE OF CONTENTS

Related policies	3
Definition of Terms	5
Procedure details	5
<i>Persons affected</i>	5
<i>Agencies commonly involved</i>	5
Responsibilities	6
Other practice points	7
Procedure: SCHN staff working with agency and detention staff	8
Appendix A: Agency contact details and websites	9
<i>IHMS</i>	9
<i>Serco</i>	9
<i>Websites</i>	9

Definition of Terms

- **Place of detention**
 - i. Immigration detention: People seeking asylum who arrive by boat in Australia are confined in held detention in restricted locations such as detention facilities or offshore islands.
 - ii. Detained children and their families leaving the detention facilities for health care or other reasons are 'supervised' at all times by Border Force Agents, or their nominated sub-contractors, e.g. Serco.
 - iii. CD: Community Detention (also called Residence Determination): The Minister for Immigration can release a person from held detention by making a 'residence determination'. This requires a person to live in a residence determined by the Department of Immigration. This is mostly used for families, unaccompanied minors and other vulnerable groups.
- **Detention staff:** all workers, including security staff (e.g. Serco), from designated places of detention.
- **Australian Border Force (ABF):** previously the Department of Immigration and Border Protection.
- **Person Seeking Asylum:** someone who is seeking protection or refuge and has applied for refugee status and who is awaiting a decision on this application.
- **Refugee:** someone who is outside their country of origin, who has a well-founded fear of persecution and who is unable to return to their country of origin. For full definition see: United Nations High Commissioner for Refugees (UNHCR).
- **IHMS:** International Health and Medical Services (healthcare contracted by ABF).
- **Agencies:** see list of organisations involved below.

Procedure details

Persons affected

Children and young people (CYP) in immigration or community detention and their parents/carers, detention centre staff and management (including security staff), IHMS staff, community detention staff and management (including case managers and agency staff), SCHN staff, including the SCHN Executive.

Agencies commonly involved

SCHN, ABF, IHMS, Serco (security staff for Immigration detention), Settlement Services International (SSI), Life Without Barriers, NSW Refugee Health Service, all other relevant tendered welfare agencies and services supporting families from refugee and asylum seeking backgrounds.

Responsibilities

- 1. Director of Clinical Operations or After Hours Executive on-call** is the key point of contact for SCHN and all referrals for admission from IHMS. IHMS will contact the DCO or Exec on call to discuss all potential referrals. The DCO and the Exec on call will then liaise with the relevant clinicians and patient flow team regarding potential admissions.
- 2. Nurse Unit Manager (NUM) or delegate** will be responsible for liaising with the relevant agencies to ensure the child and their parent / carers are treated and accommodated appropriately. If concerns cannot be managed directly by the NUM, the NUM will escalate this to the **Director of Clinical Operations** via their **Clinical Program Director (CPD)**. After hours the Team Leader will notify the **After Hours Nurse Manager** who will escalate to **Executive – on call** as required.
- 3. Director of Clinical Operations or After Hours Executive on-call** will consider notification of admission to SCHN Public Relations Department. Notification is essential in the event of media inquiries or public statements, as for other SCHN patients.
- 4. SCHN staff** will provide the same level of care to CYP in detention as for all patients, including providing clinical care in a manner that ensures the CYP and family's privacy, confidentiality and safety. CYP in detention should be discussed (with patient permission) with the **SCHN Refugee Children's Service** team (inclusive of relevant staff of CHW HARK Refugee Clinic & SCH Refugee Clinic, Community Child Health) to ensure appropriate communication and referral pathways are in place.
- 5. Detention Security Staff** will remain outside the room for admitted patients, in a suitable location as directed by the **NUM** so as not to interfere with normal inpatient clinical care on the ward. In the outpatient setting, attending detention security staff will **not** be present inside the clinic room, but may remain outside the examination room.
- 6. Detention Security Staff** will not unduly restrain or handcuff patients or patient's family or carers for the purpose of transferring them to a medical appointment, except with prior approval from SCHN Executive assessed on the basis of potential risk posed to themselves or to SCHN staff or visitors.
- 7. Detention Security Staff** will need to present formal photo identification at the start of every shift change and will not be permitted to remain on the wards without this documentation. The agency responsible for the employment of the detention security staff will be required to confirm prior to entry of SCHN facilities that detention security staff hold **valid National Criminal Record Check (NCRC) and Working with Children Checks (WWCC)**. The agency will provide NCRC and WWCC details of individual detention security staff within 24 hours of request from the NUM or SCHN Executive. Attending detention security staff will adhere to the principles that govern SCHN workplace practices and behaviours.
- 8. SCHN staff** need to be aware that the detention staff are obliged to remain within reasonable proximity of the relevant CYP and their parent/carer at all times. The expectation is that the attending security staff will not be present within the room where inpatient or outpatient care is provided, but may remain outside the patient's room in a place which is approved by the NUM to be acceptable to staff, the detained patient and their family, and other patients. ABF or Agency staff will inform SCHN staff of any

specific requirements relating to a patient. These will be taken into account, but the clinical needs of the patient will remain the paramount consideration for SCHN.

9. **Other ABF or agency staff**, or any visitors will need to present formal identification and their role to ward staff, and will not be able to contact patients without such identification.
10. **SCHN staff** will inform Agency staff, where required, of any principles of care that govern SCHN work practices and behaviours, such as identity requirements, patient confidentiality and working with interpreters.
11. **SCHN interpreting staff** will provide interpreter services where needed, across the hospital encounter to facilitate patient care.
12. **SCHN administrative staff** will record accurately the patient's name, family details, date of birth (as known), language preference and requirement for interpreter assistance.
13. **SCHN staff** will inform the attending detention staff of any impending ward transfers or movement to other areas of SCHN.

Other practice points

1. In the event of aggressive or threatening behaviour, SCHN staff will follow the normal Code Black (Security Risk) procedure. Detention security staff will not participate in SCHN Code Black procedures but have the responsibility for their clients' immigration detention.
2. SCHN staff will maintain the privacy and confidentiality of CYPs in their care and will not provide information to agency staff about a CYP and their parent/carer if it is not immediately applicable to the agency staff member's duty of care (i.e., medical information will be directed to the referring health clinician and not to detention security staff).
3. SCHN staff are to include written acknowledgement on discharge summaries and outpatient letters that health information is being provided for the purpose of ongoing medical care.
4. SCHN staff, unless otherwise authorised, will not discharge a detained CYP to any person other than detention staff. However SCHN staff will make clinical recommendations and discharge planning arrangements based on the best interests of the CYP, as with other patients under SCHN care. This may include recommendations to find a suitable placement out of detention to facilitate CYP and family wellbeing.
5. In the event of any dispute between SCHN staff and detention staff, SCHN staff will escalate the matter to the NUM/Head of Department, who will escalate to the Director of Clinical Operations, or Executive on-call if required.

Procedure: SCHN staff working with agency and detention staff

1. SCHN treating team, with informed consent from the patient/carer, is requested to provide regular clinical updates and discharge planning arrangements to IHMS via Email: IHMSAssistance@ihms.com.au. The lead clinician (or their nominated person) will be a single contact point for all agencies including IHMS, Serco and ABF.
2. In the event of a CYP and family being accompanied by detention centre staff, the detention centre staff will at all times be requested and expected to wear 'plain clothes' (and not uniform) to the hospital and will make their supervision and presence as discrete as possible.
3. Agency staff will accommodate clinical requests for the recovery and wellbeing of the CYP, including requests that require leave from the ward/clinical area and school attendance where appropriate, as would occur for other patients.
4. Agency staff will provide background medical information including IHMS records, immunisation records and any other health information available for the patient. SCHN staff should request the required information through IHMS when it is not available. See contact details below.
5. Agency staff will arrange and facilitate attendance at all follow up appointments at SCHN, and notify the hospital of any cancellations as soon as possible.
6. Agency staff will allow SCHN staff to maintain timely contact with the CYP/family in relation to their medical condition/information.
7. Agencies will organise approval for reimbursement of health care costs related to hospital admissions and care episodes.

Appendix A: Agency contact details and websites

IHMS

Medical Director

IHMS 24 hour line 1800 197 659

IHMS Head Office [24 hrs] (02) 9372 2500

Email: IHMSAssistance@ihms.com.au

Website IHMS (<http://www.ihms.com.au>)

Serco

(02) 9780 9488

Websites

- **IHMS:** <http://www.ihms.com.au>
- **Australian Government Department of Home Affairs:**
<https://immi.homeaffairs.gov.au/settling-in-australia>
- **Privacy Act:**
<https://www.oaic.gov.au/privacy/the-privacy-act>
- **The Convention on the Rights of the Child:**
http://www.unicef.org/crc/#http_www_unicef_org_crc
- **UNHCR: The 1951 Refugee Convention and 1967 Protocol:**
http://www.unhcr.org/pages/49da0e466.html#http_www_unhcr_org_pages_49da0e466_html
- **Australian Human Rights Commission: Immigration Detention, Asylum Seekers and Refugees:**
http://www.humanrights.gov.au/human_rights/immigration/index.html#http_www_humanrights_gov_au_human_rights_immigration_index_html (multiple resources)
- **RCH Immigrant Health Service:**
<https://www.rch.org.au/immigranthealth>
- **SCHN Refugee Service:**
<https://www.schn.health.nsw.gov.au/find-a-service/health-medical-services/refugee-service>
- **NSW Refugee Health Service:**
<https://www.swslhd.health.nsw.gov.au/refugee>

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