

# CARE OF CHILDREN IN IMMIGRATION DETENTION

## POLICY®

### KEY POINTS

- All children presenting at the SCHN are entitled to high quality care, in line with the hospital's vision and values. The presence in the hospital of children in immigration detention and staff from immigration detention should not adversely affect the patient's health care, the working environment of the ward and hospital, other patients, other children, their parents or SCHN staff. Simultaneously, the security of the person in detention 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-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).
- 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 will optimise outcomes for the person, the safety of everyone involved and the efficiency of the broader emergency response system.

### CHANGE SUMMARY

- N/A - New document

<b>Approved by:</b>	SCHN Executive	
<b>Date Effective:</b>	23 <sup>rd</sup> August 2018	<b>Review Period:</b> 3 years
<b>Team Leader:</b>	Clinical Program Director	<b>Area/Dept:</b> Priority Populations

## 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 team, NUMs of wards and Outpatient/Ambulatory teams managing children in immigration detention, treating clinicians, patient flow team, SCHN Human Resources and Public Relations teams, and SCHN interpreting and administrative staff working with children in immigration detention.

### Related policies

- 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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## Definition of Terms

- **Place of detention**
  - i. Immigration detention: Held detention in which asylum seekers are 'guarded' by SERCO guards.
  - ii. CD: Community Detention (also called Residence Determination).
- **Detention staff:** all workers, including security staff (SERCO), from designated places of detention.
- **Australian Border Force (ABF):** previously the Department of Immigration and Border Protection.
- **Person Seeking Asylum:** someone who 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 in immigration detention and their parents/carers, children in 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 involved***

SCHN, ABF, IHMS, SERCO (security staff for Immigration detention), Settlement Services International (SSI), Life Without Barriers, relevant tendered welfare agencies.

## 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 children in detention as for all patients, including providing clinical care in a manner that ensures the child and family's privacy, confidentiality and safety. Children in detention should be discussed (with patient permission) with the **SCHN Refugee Children's Service** team 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 on the ward 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 need to present formal photo identification and they 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 that all 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 upon request from the SCHN Executive. Attending detention security staff will adhere to the principles that govern SCHN workplace practices and behaviours.
7. **SCHN staff** need to be aware that the detention staff are obliged to remain within proximity of the relevant patient 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 during this process. ABF or Agency staff will inform SCHN staff of any specific requirements relating to a patient.
8. **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.
9. **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.
10. **SCHN interpreting staff** will provide interpreter services where needed, across the hospital encounter to facilitate patient care.
11. **SCHN administrative staff** will record accurately the patient's name, family details, date of birth (as known), language preference and requirement for interpreter assistance.
12. **SCHN staff** to keep the attending detention staff aware 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 an obligation to maintain their clients in Immigration detention.
2. SCHN staff will not provide information to agency staff about a child 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 child to any person other than detention staff.
5. In the event of any dispute between SCHN staff and detention staff, SCHN staff will escalate the matter to the NUM, 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 child and family being accompanied by detention centre staff, the detention centre staff will wear 'plainclothes' (and not uniform) to the hospital, and will make their supervision and presence as discrete as possible.
3. 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.
4. 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.
5. Agency staff will allow SCHN staff to maintain contact with the child/family in relation to their medical condition/information.
6. Agencies will organise approval for IHMS reimbursement of health care costs related to hospital admissions and care episodes.

## Appendix A: Agency contact details and websites

### **IHMS**

Medical Director  
Tel: +61 2 9025 2891; Fax: +61 2 9086 9858  
Email: [e.kostopoulos@ihms.com.au](mailto:e.kostopoulos@ihms.com.au)  
**IHMS 24 hour line 1800 197 659**  
**IHMS Head Office [24 hrs] (02) 9372 2500**  
Email: [IHMSAssistance@ihms.com.au](mailto: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://www.homeaffairs.gov.au/about/immigration-detention-in-australia>
- **Privacy Act:** [http://www.privacy.gov.au/law/act#http\\_www\\_privacy\\_gov\\_au\\_law\\_act](http://www.privacy.gov.au/law/act#http_www_privacy_gov_au_law_act)
- **The Convention on the Rights of the Child:**  
[http://www.unicef.org/crc/#http\\_www\\_unicef\\_org\\_crc](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](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](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:**  
[http://www.SCHN.org.au/immigranthealth/#http\\_www\\_RCH\\_org\\_au\\_immigranthealth](http://www.SCHN.org.au/immigranthealth/#http_www_RCH_org_au_immigranthealth)

### **Acknowledgement:**

*This Policy was modified from the Royal Children's Hospital, Melbourne, Victoria, policy entitled: Care of Children in Immigration Detention (Document Number: RCH0284; Exec Sponsor: Chief of Medicine; Policy Category: Culturally Responsive Care; Authoriser: RCH Policy & Procedure; Date Authorised: 10 Aug 2018)*

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