

Out-of-Home Care

Legal assistance for carers

This fact sheet outlines how to appeal to the Administrative Decisions Tribunal if you disagree with a decision to give out high level information about your placement.

The out-of-home care agency (the agency) that manages you as a carer holds information about you, your family and members of your household, and the child or young person in your care.

Some of the information agencies have about you and the child or young person in your care is classified as 'high level'.

High level information includes:

- your surname and the surnames of people in your household
- your address and home telephone number
- the name of your employer or information about your workplace
- the name of the school the child or young person in your care goes to.

In some circumstances, the agency can decide to give some or all of this high level identification to birth parents, or to other people who are significant to the child or young person in your care.

The agency will tell you if they have decided to give out this information.

If you disagree with that decision, you can appeal to have it reconsidered. There are a number of steps you must follow to appeal a decision.

The information in the attached table describes the steps involved in an appeal. It also shows the amount of time you have to complete each step.

The first step in an appeal is to ask the agency to do an internal review. No information will be given out until the internal review has been completed.

If you are not happy with a decision after an internal review has been completed, you can ask the agency to appeal to the Administrative Decisions Tribunal (the ADT) on your behalf. You might need to seek legal representation.

All appeals to the ADT are assessed by an independent panel and the agency will not be allowed to give out information until all appeals are finished.

If you appeal, the ADT will ask the agency to prove that giving out this information will not put anyone's safety at risk, including your safety, the safety of your family/household, or the child or young person in your care.

You can apply to the Department of Community Services (DoCS) for financial help towards the costs of legal assistance in the appeal to the ADT. Information about how you can do this is also in the attached table.

DoCS has no duty or commitment to give you any more financial assistance for your appeal than what is outlined in the table for your legal expenses.

continued overleaf

REVIEW AND APPEAL PROCESS

Step	Time Frame	Who	Action	Details
1	Within 21 days of the agency writing to tell you that they have decided to give out high level information	Carer	Ask for an internal review	If you disagree with the decision to give out high level information and would like the agency to reconsider, ask the agency to review the decision.
2	Within 21 days of the date on the letter telling you about the results of the internal review	Carer	Think about the decision made as a result of the internal review	You can write to the agency asking them to apply to the Administrative Decisions Tribunal (ADT) on your behalf if: i. the decision to release high level information is upheld; and ii. you continue to disagree with the reasons provided by the agency.
3	As soon as possible	Carer	Choose a legal representative	You are responsible for choosing and instructing your legal representative. Your legal representative is independent of the agency.
4	As soon as possible after you've chosen your legal representative	Carer	Send a letter to the Director, Legal Services Branch, Department of Community Services (DoCS)	Write to DoCS and give them the name and contact details of your legal representative.
5	Within seven days of getting the letter telling you that the agency has applied to the ADT	Carer	Send papers to the Director, Legal Services Branch at DoCS	Send a copy of the following documents to the Legal Services Branch at DoCS: <ul style="list-style-type: none"> • your original letter asking for the application to be made • the outcome of the internal review including the reasons why the information is to be released.
6	Shortly after being told you have chosen a legal representative	DoCS	DoCS will send a letter to your legal representative	Legal Services Branch at DoCS will write a letter to your legal representative to give them the following advice about the financial assistance available and the conditions for payment: i. an invoice must be received by DoCS within 12 months of being issued by the legal representative. ii. the invoice must specify that it concerns an ADT application for a review of the decision to give out high level placement information. The invoice cannot include any work done before the application was filed with the ADT. iii. the invoice must give details of the amount of time the legal representative spent on your case. iv. reimbursement will not be paid for disbursements v. all invoices must be sent to you within 12 months of the ADT finishing its review of the decision.
7	Shortly after getting invoices from your legal representative	Carer	Send invoices to Director, Legal Services Branch at DOCS	Shortly after getting each invoice send it to the Director, Legal Services Branch, DoCS.
8	As soon as possible	DoCS	Legal Services Branch at DOCS will send payments directly to your legal representative	Payment will be made at \$330.00 per hour for each hour the invoice says the legal representative worked on your appeal to the ADT. \$10,000.00 is the most DoCS will pay to your legal representative when all the invoices for your case are added up. No payments will be made directly to you.

ADDRESS OF THE DIRECTOR, LEGAL SERVICES

The address of the Legal Services Branch at DoCS is:

Director, Legal Services Branch
Department of Community Services
Locked Bag 28, ASHFIELD NSW 1800

For more details on the ADT
phone: 02 9223 4677,
or visit: www.lawlink.nsw.gov.au/adt