

Memorandum of Understanding

Between

**Child, Youth and Family, a Service of
the Ministry of Social Development**

and

**Health and Disability National
Services, Ministry of Health**

20 May 2008

Table of Contents

<i>1</i>	<i>Parties</i>	<i>3</i>
<i>2</i>	<i>Scope of the Memorandum of Understanding</i>	<i>4</i>
<i>3</i>	<i>Responsibilities</i>	<i>4</i>
<i>4</i>	<i>Background</i>	<i>4</i>
<i>5</i>	<i>Purpose</i>	<i>5</i>
<i>6</i>	<i>Review</i>	<i>5</i>
<i>7</i>	<i>Principles</i>	<i>5</i>
<i>8</i>	<i>Confidentiality</i>	<i>6</i>
<i>9</i>	<i>Effect of the Memorandum</i>	<i>6</i>
<i>10</i>	<i>Amendments</i>	<i>6</i>
<i>11</i>	<i>Execution</i>	<i>7</i>
<i>12</i>	<i>Appendix A Relationship Managers</i>	<i>7</i>

1 Parties

This Memorandum of Understanding (MoU) is between:

The Deputy Chief Executive, Child, Youth and Family

And

The Deputy Director-General, Health and Disability National Services, Ministry of Health

The parties agree that their respective organisations will endorse and adhere to this MoU at all levels.

The MoU will have particular relevance to the roles outlined in Table One below.

Table One: Those roles that are likely to refer to this MoU in their work

Group	Disability Services	CYF	
Local	Needs Assessment and Service Coordination Organisation (NASC¹) <ul style="list-style-type: none"> Needs Assessment facilitator² Service Coordinator Team Leader NASC Manager 	Care or Protection³ <ul style="list-style-type: none"> Social Worker Care and Protection Coordinator Supervisor Practice Leader Site Manager 	Youth Justice <ul style="list-style-type: none"> Social Worker Youth Justice Coordinator Youth Justice Manager
Regional	Ministry of Health <ul style="list-style-type: none"> Contract Relationship Managers (CRM) Regional Portfolio Managers (Northern/Southern) 	<ul style="list-style-type: none"> Operations Manager - cluster of sites Regional Director 	
National	Ministry of Health <ul style="list-style-type: none"> Development Manager Children and Young People National Operations Manager Deputy Director-General Health and Disability National Services 	<ul style="list-style-type: none"> Executive Manager, Operations General Manager Operations Chief Social Worker Deputy Chief Executive 	

¹ Needs Assessment and Service Co-ordination Organisation

² Needs Assessment facilitator or similar titles used for these roles within NASCs

³ The definition of a child or young person in need of care or protection is defined in section 14 of the CYPF Act. This Act can be viewed at:

http://www.legislation.govt.nz/libraries/contents/om_isapi.dll?clientID=2210124363&infobase=pal_statutes.nfo&jump=a1989-024&softpage=DOC

2 Scope of the MoU

The MoU relates to children and young people with disabilities who are:

- Subject to Part Two of the Children, Young Persons, and Their Families Act 1989 (CYPF Act),

And who are also

- Eligible for Ministry of Health Disability Support Services, the criteria for, which is currently:

“A person who has been identified as having a physical, intellectual and / or sensory disability (or a combination of these) which is likely to continue for a minimum of six months and results in a reduction of independent function to the extent that ongoing support is required”

Source: Ministry of Health, 1997

Excluded from this MoU are those children and young people who do not come within the umbrella of Ministry of Health Disability Support Services.⁴ Some examples are:

- Accident- related disability needs services, such as for paraplegia and brain injury;
- Services for chronic medical conditions; and
- Mental health services.

Disabled children and young people who meet the above criteria are referred to in this MoU as “eligible children and young persons”.

3 Responsibilities

Child, Youth and Family is the government agency with legal duties and powers to intervene to protect and help children who are being abused or neglected. Child Youth and Family is accordingly responsible for the investigation and assessment of whether a child is in need of care and protection.

Disability Services within the Ministry of Health is responsible for the planning and the funding of Disability Support Services to children and young people with disabilities. Disability Support Services, through contracted NASC organisations, is responsible for the assessment of disability support needs.

4 Background

In 1999 the Children, Young Persons and their Families Agency and the Health Funding Authority developed a draft Memorandum of Understanding called “*CYPFA and HFA: Services for Children with Disabilities*”. This had three parts including a provisional agreement, guidelines for staff and service models. The intention was to

⁴ Disability Support Services funded by Ministry of Health for DSS clients

“assist in managing services to children and young people with intellectual and physical disabilities”⁵.

In 2006 the then Department of Child, Youth and Family Services and the Disability Services Directorate of the Ministry of Health commissioned an independent review of issues at the interface of disability support and care or protection services. The report from this review titled “*The Best of Care?*” recommended that the draft 1999 MoU be updated.

5 Purpose

The purpose of this MoU is for the parties to identify and record agreed principles in order to improve outcomes for eligible children and young people with disability.

Adherence to these principles aims to support appropriate and consistent decisions affecting eligible children and young persons to be made by the agencies and to provide clarity about what these shared and agreed principles are.

This MoU is not legally or otherwise binding on the parties. It simply reflects an agreement between the Deputy Chief Executive Child, Youth and Family and the Deputy Director-General, Health and Disability National Services, Ministry of Health.

It is the intention of both parties to form a Technical Reference/Advisory Group to develop practice guidelines that describe the roles, responsibilities, funding arrangements, formal escalation and actions for relevant parties.

6 Review

Both parties will review this document within three years.

7 Principles

The principles of this MoU are that:

1. The best interests of the child are the primary concern
2. The rights of children are recognised and are not diminished by the presence of a disability
3. Wherever possible the child’s or young person’s family⁶/whānau, caregivers and guardians participate in decisions that affect the eligible child or young person
4. Employees and agents of the Ministry of Social Development and the Ministry of Health will co-operate with each other in undertaking their respective duties and responsibilities in relation to the assessment, planning and service co-ordination for eligible children and young people with disability
5. Employees and agents of the Ministry of Social Development and the Ministry of Health will co-operate with each other to find solutions for eligible children and young people for whom a standard service response is inadequate

⁵ Page 2, 1996 MoU

⁶ Family to mean family, whānau, agia group.

6. The wishes of the eligible child or young person are considered and taken into account in making decisions that affect them, as much as is practicable and staff will co-operate with services that facilitate the child or young person having an independent voice (e.g. independent advocacy services)
7. Decisions affecting continuity of care for the eligible child or young person are timely
8. Access to Disability Support Services will not be curtailed or reduced as a result of an intervention being undertaken by CYF

8 Confidentiality

The organisations acknowledge that disclosure of information is subject to the Official Information Act 1982 ("OIA") and may also be subject to the Privacy Act 1993 and the Health Information Privacy Code.

Each agency will consult with the other before disclosing information which relates to operational matters covered by this MoU, as required by law, and each agency will only disclose that information in accordance with the law.

9 Effect of the Memorandum

This MoU is based on a spirit of goodwill and cooperation to achieve the agreed purpose of this MoU. The provisions of this MoU are subject to the law, any government directive and any policy change.

Where changes to government policy affect the purpose and functions of this MoU, each agency will inform the other of those changes as early as possible and meet to amend any aspects of this MoU as is agreed.

Any feedback on the effectiveness of this MoU and the accompanying practice guideline and how they can be improved should be sent to both agencies' national manager (see Appendix A) at:

- the national office of Child, Youth and Family; and
- the Ministry of Health.

10 Amendments


This MoU may be varied from time to time by mutual agreement, as recorded by the signatories' authority.

With each variation, a new document including the variation(s) will be produced and agreed and then signed and distributed by the parties.

The parties' relationship managers are responsible for ensuring destruction of redundant MoU, distribution of new MoU and retention of the MoU.

11 Execution

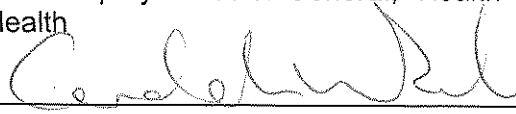
Signed by the Deputy Chief Executive, Child, Youth and Family

Signature  _____

Name: Ray Smith

Date: 24.6.2008

Signed by the Deputy Director-General, Health and Disability National Services,
Ministry of Health

Signature  _____

Name: Geraldine Woods

Date: 27.6.2008

12 Appendix A National Managers

Child, Youth and Family

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Ministry of Health

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