

MYTH VS FACT

Information Sharing

for professionals in the child and family support sector

The *Information Privacy Act 2009* prohibits the sharing of information unless it must be shared to prevent serious threat to the safety or welfare of a child.

1

This isn't the only time when information can be shared. This Act allows information sharing for other purposes where it is enabled by another law, for example the *Child Protection Act 1999*.

As a mandatory reporter, I'm only required to report a reasonable suspicion of significant harm resulting from physical or sexual abuse where there may not be a parent able and willing to protect the child.

2

This is true. However, you should report all types of abuse that result in significant harm. This includes neglect and emotional abuse as well as physical and sexual abuse.

As a professional working for a non-government organisation I can't share information:

3

- with another organisation about a child because the child is in out-of-home care.

Not always. You can share information with other services if there is consent. Written consent isn't required however you should document conversations for your own records.

- about a parent with Child Safety Services because they didn't provide consent.

4

A child's safety, wellbeing and best interests are paramount. Their protection and care needs take precedence over the protection of an individual's privacy.

- with another support service about a child who has a parent able and willing to protect them.

5

Not always. You can share information if you have the consent of the individual or family. You can always share personal information about an individual when making a report about significant harm to Child Safety Services.

As a professional working for a 'particular prescribed entity' under section 159M of the *Child Protection Act 1999*, I can only share information with support services with the family's consent.

6

Where you have concerns that a family is at risk of requiring Child Safety Services' statutory intervention, you may share information with other support services without the family's consent to refer the family for support.

As a Family and Child Connect or Intensive Family Support Service worker, I can't ask the referrer for more information to support the referral.

7

You can always contact the referrer to ask for more information to support the referral, even if the referral was made by a particular prescribed entity without the family's consent.

Child Safety Services will let the family know I have reported concerns.

8

This is not true. Child Safety Services must keep a notifier's details confidential.

GUIDE

January 2017

for professionals in the child and family support sector

Information Sharing

MYTH BUSTING



Knowing when to share information to protect the safety of children and promote their wellbeing can be challenging.

This myth busting guide assists professionals to understand key facts about information sharing.

MYTH VS FACT

The *Information Privacy Act 2009* prohibits the sharing of information unless it must be shared to prevent a serious threat to the safety or welfare of a child.

1

This is not the only circumstance where information can be shared. The *Information Privacy Act 2009* allows information sharing where it is enabled by another law, for example the *Child Protection Act 1999*. Chapter 5A of the *Child Protection Act 1999* guides when information can be shared for the co-ordination of service delivery.

The purpose of information sharing provisions is to 'remove barriers to the exchange of relevant information to promote a child's wellbeing, to effectively meet their protection and care needs, and to facilitate the coordination of service delivery to relevant children and families'. It is best practice, wherever possible and/or appropriate, to seek the consent of the child or their parent when considering sharing information about a child in need of protection.

As a mandatory reporter under the *Child Protection Act 1999*, I am only required to report a reasonable suspicion of significant harm resulting from physical or sexual abuse where there may not be a parent able and willing to protect the child.

2

You are only mandated to report to Child Safety Services if you form a reasonable suspicion that a child has suffered, is suffering, or is at an unacceptable risk of suffering significant harm caused by physical or sexual abuse, and may not have a parent able and willing to protect them.

HOWEVER

You should report all types of abuse that result in significant harm to a child where there may not be a parent able and willing to protect them. This includes neglect and emotional abuse as well as physical and sexual abuse. You are always protected from liability when reasonably and honestly reporting concerns to Child Safety Services about alleged harm under section 197A of the *Child Protection Act 1999*.

As a professional working for a non-government organisation, I cannot share information with another organisation about a child I am working with because the child is in out-of-home care.

3

This is not always the case. As a service provider, you can share information with other services as long as there is consent* for sharing it. A child's case plan will usually detail the people and services involved to help the child and family and whether services can talk to each other about the child's needs. Speak with the Child Safety Officer if you are unsure. You can always share 'relevant information' outlined by section 159C of the *Child Protection Act 1999* with Child Safety Services about the child, or another relevant person, if the child is in need of protection.

* Written consent isn't required however you should document conversations for your own records.

MYTH VS FACT

As a professional working for a non-government organisation, I cannot share information about a parent with Child Safety Services because they did not provide consent.

4

You can share information without a family's consent provided it is relevant to the functions of Child Safety Services. For example, you can share 'relevant information' with Child Safety Services, without consent, to inform their decision making during an investigation and assessment.

If you are working with a child who is living in out-of-home care and their parents, the *Child Protection Act 1999* includes a principle at section 159B(g) because a child's safety, wellbeing and best interests are paramount, their protection and care needs take precedence over the protection of an individual's privacy. This is referred to as the 'best interests of the child principle'. It clarifies that the safety of the child is always the primary consideration rather than the right to privacy.

As a professional working for a non-government organisation, I cannot share information with another service about a child who is not in need of protection.

5

This is not always the case. Generally, you would seek the consent of an individual or family to share information and be open and honest with them. A consent form should clarify: the reasons the service is collecting personal information, how it will be used, and how it will be shared in certain circumstances.

You can always share personal information about an individual when making a report about significant harm to Child Safety Services in line with section 13A or 13E of the *Child Protection Act 1999*.

As a professional working for a 'particular prescribed entity' under section 159M of the *Child Protection Act 1999*, I can only share information with support services with the family's consent.

6

If you work for a 'particular prescribed entity' you may share information with other support services, including Family and Child Connect, without the family's consent. This can only be because you hold concerns that do not meet the threshold for a report to Child Safety Services, but you consider the child is likely to become in need of protection if no preventive support is given.

The support service may make contact with the family to discuss their needs and offer them support if information has been shared without consent.

As a Family and Child Connect or Intensive Family Support Service worker, I cannot ask the referrer for more information to support me in understanding a referral received from a particular prescribed entity without consent.

7

You can always contact the referrer to ask for more information to support the referral, even if the referral was made by a particular prescribed entity without the family's consent.

Child Safety Services will let the family know I have reported concerns which will impact on my relationship with the family and affect my ability to support them.

8

Child Safety Services must keep a notifier's details confidential. This means that in most circumstances, Child Safety Services cannot tell anyone about who reported the concerns and must be careful to discuss the concerns with the family in a way that does not identify the notifier.