

Child Safety POLICY

Title: Information sharing for service delivery coordination

Policy No: 403-5

Policy Statement:

The Department of Children, Youth Justice and Multicultural Affairs (Child Safety) is committed to the sharing of information that is critical for the coordination of services to appropriately and effectively meet the safety, belonging, wellbeing and cultural needs of children, and to support their families.

The *Child Protection Act 1999* enables broad information sharing between entities involved in the family support and child protection system. Child Safety is responsible for establishing ways to coordinate the roles and responsibilities of services to relevant children and their families, under Chapter 5A of the *Child Protection Act 1999*. Sharing information supports collaborative working arrangements to achieve the best possible outcomes for children and their families.

Child Safety is also committed to respecting, protecting and promoting human rights. The *Human Rights Act 2019* requires Child Safety to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights.

The safe care and connection of Aboriginal and Torres Strait Islander children with family, community, culture and country will be a key consideration when sharing information under the *Child Protection Act 1999*.

Principles:

- The safety, wellbeing and best interests of the child, both throughout childhood and the rest of the child's life, are paramount.
- The management of personal information is managed with sensitivity and discretion, recognising that the wellbeing of children includes respect for their family's information.
- Effective engagement through information sharing and service delivery needs to respond to any cultural, historical barriers related to the participation and understanding of Aboriginal and Torres Strait Islander people in decision making and providing consent to the sharing of personal information.
- The sharing of information enables effective planning and delivery of integrated and targeted support to children and families, particularly those with multiple or complex needs.
- The child's need for safety, belonging and wellbeing and any other person's safety takes precedence over the protection of an individual's privacy regarding their personal information.

- Child Safety staff, prescribed entities and service providers will contribute within their own sphere of responsibility to assessing and meeting the safety, belonging and wellbeing of children and to supporting their families.
- Child Safety staff will work collaboratively with other entities and in a way that respects the functions and expertise of each other.
- Child Safety staff will act and make decisions about the sharing of information that is compatible with human rights and obligations under the *Human Rights Act 2019*.
- The five elements of the child placement principle (prevention, partnership, placement, participation and connection) under section 5C of the *Child Protection Act 1999*, apply to any processes, decisions and actions taken for an Aboriginal or Torres Strait Islander child.
- Actions and communications with and on behalf of parents, siblings, long-term guardians, carers and their family members, affected by the death of a child in care will be supportive and conducted with sensitivity.
- Information received about children and families will be recorded and stored securely.
- Information sharing must comply with the Privacy Principles outlined in the *Information Privacy Act 2009*.

Objectives:

This policy aims to:

- promote and assist in the sharing of information and coordination of service delivery to a child who is in need of protection, a child who may be in need of protection, or a child who may become a child in need of protection if preventative support is not given to the child or the child's family.
- ensure that Child Safety staff recognise whether human rights are affected by a decision or action and only limit rights proportionately and reasonably as appropriate in the circumstances.

Scope:

This policy refers to the actions of Child Safety staff when gathering information, sharing information and coordinating a response with service providers to children and young people who may be in need of protection or who may become in need of protection if preventative support is not given to them or their family.

Entities:

Entities that can share information under the *Child Protection Act 1999* are:

- the chief executive or an authorised officer
- prescribed entities, including particular government agencies and specialist service providers

- service providers, including organisations providing a service to children, licensees and independent entities.

Information may be shared between entities where it relates to the safety, welfare or wellbeing of a child and if it is reasonably believed the information will help in the co-ordination of service delivery, such as to:

- provide timely, coordinated and tailored support to families
- assess and respond to the safety, belonging and wellbeing needs of children and offer help or support to their families.

Information sharing about unborn children

Information may be shared between entities to help determine if an unborn child is in need of protection after the child's birth and to take necessary action, such as offering help and support to a pregnant woman. If an unborn child is an Aboriginal or Torres Strait Islander child, the chief executive's requirement to arrange for an independent Aboriginal or Torres Strait Islander entity for the child (section 21A of the *Child Protection Act 1999*) is subject to the pregnant woman agreeing to this occurring.

Consent

Child Safety staff will seek consent for the sharing of information, whenever safe, possible and practical, including from children who have the capacity to understand the sharing of information, particularly if the information is sensitive. Parents and family may also be involved when information is being shared about younger children who are unable to provide consent.

Information may be shared without consent for particular purposes to ensure that the safety, wellbeing and best interests of a child or the safety of a person is prioritised over the protection of any individual's privacy.

Disclosing personal information

Before disclosing information about a person to someone else, consideration is to be given to whether disclosing the information is likely to adversely affect the safety, wellbeing and best interests of a child or the safety of another person.

When information is shared with a third party, the person or entity must not use or disclose the information to anyone else unless in accordance with the *Child Protection Act 1999*.

Exchange of information with other states and territories and New Zealand

Interstate, territory and New Zealand agencies that administer child welfare laws may be provided with information that is relevant to them performing their functions and to enable service delivery coordination.

Death of a child in care

Following the death of child who died while in care, information may be provided to the child's parents or a person acting on behalf of the child. Upon request, information must be given to the Police Commissioner when police are conducting an investigation in relation to the death of a child.

Recording and storage of information

Care must be taken to ensure that personal information is handled in accordance with the *Information Privacy Act 1999* in relation to the collection, storage, use and appropriate sharing of personal information. Documents containing personal information must be protected from loss, unauthorised access, use, modification, disclosure or any other misuse.

Roles and Responsibilities:

The roles and responsibilities of Child Safety staff in relation to information sharing and service delivery coordination are outlined in the Child Safety Practice Manual, and associated practice resources.

Authority:

Child Protection Act 1999, chapter 5A

Delegations:

Refer to instruments of delegation for information on delegations for decision-making under the Act.

Records File No.: Not applicable
Date of approval: 20 December 2019
Date of operation: 1 January 2020
Date to be reviewed: 1 January 2023

Office: Office of the Chief Practitioner
Help Contact: Child Protection Practice

Links:

Procedures

Child Safety Practice Manual
Suspected Child Abuse and Neglect Team System Manual
Information Sharing Guidelines

Related policies

Case planning (263)
Information Privacy (408)
Intake (528)
Investigation and assessment (386)
Obligations, actions and responsibilities upon the death of a child in care (421)
Suspected Child Abuse and Neglect (SCAN) Team System (405)

Related Legislation

Childrens Court Rules 2016
Coroner's Act 2003
Director of Child Protection Litigation Act 2016
Human Rights Act 2019
Information Privacy Act 1999
Right to Information Act 2009

Rescinded Policies

403-4 Information exchange and service delivery coordination

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