

SHARING INFORMATION IN RELATION TO CHILD SAFETY AND WELLBEING – SOUTH AUSTRALIA



In this tool, you will find:

- » An overview of the process for sharing information under the Information Sharing Guidelines
- » Answers to common questions
- » Links to additional resources

Related tools

- » Child Protection Obligations – SA
- » Domestic and Family Violence Obligations – SA

BACKGROUND AND CONTEXT

This document provides information for CaFIS providers in South Australia about information sharing obligations under the *Children and Young People (Safety) Act 2017* and the Information Sharing Guidelines for Promoting Safety and Wellbeing.

While this is an overview of the process for sharing information, organisations are required to have their own procedures for implementing the Information Sharing Guidelines, detailing lines of approval and supervision.

It is expected that CaFIS organisations will ensure employees are aware of their requirements under the Information Sharing Guidelines for Promoting Safety and Wellbeing.

KEY GUIDANCE

Sharing Information for Safety and Wellbeing

The *Children and Young People (Safety) Act 2017* provides the legislative basis for information to be shared to assist in the provision of services to children or young people, or to manage risks to children and young people.

The Information Sharing Guidelines for Promoting Safety and Wellbeing were introduced by the South Australian

Government to provide a consistent state-wide approach to appropriate information sharing practice.

The Guidelines allow for information to be shared when there is a valid reason and with consent wherever safe, possible and practical. When there is a threat to a person's safety and wellbeing, information can be shared without consent.

Who can share information?

The Information Sharing Guidelines for Promoting Safety and Wellbeing apply to a wide range of South Australian government agencies and non-government organisations, including those working in health, education, policing, juvenile justice, disability, housing, mental health, family violence, drug and alcohol services, Aboriginal community controlled services, multicultural services, aged care, and correctional services.

When information MUST be shared

You must share information in circumstances where it is required by the *Children and Young People (Safety) Act 2017* or another law, by policy directives, or by order of the court.

- If you suspect that a child or young person has been or is being abused or neglected, you must report this to the Child Abuse Reporting Line (see CaFIS tool *Child Protection Obligations – SA*)
- If you suspect there is a serious and imminent risk of injury or death from domestic or family violence you must notify SA Police (see CaFIS tool *Domestic and Family Violence Obligations – SA*).

Where you have a statutory obligation to share information, you are not required to seek consent.

When information CAN be shared

Information can be shared when there is a valid reason to share information, where there is authority, and it is reasonable to do so in the circumstances.

Valid reasons include a belief that sharing information is necessary to:

- divert a person from offending or harming themselves
- protect a person from potential harm, abuse or neglect
- protect service providers in situations of danger
- help service providers more effectively address risks to safety and wellbeing
- alert other service providers to a person's need for assistance.

Information can be shared about all people when there is a risk of harm to themselves or others. The level of risk of harm will determine whether information is shared with or without consent.

People have a right to have their privacy protected. Only information that is relevant to the purpose should be shared.

When information SHOULD NOT be shared

Certain information is protected and should therefore not be shared, such as:

- information that discloses the identity of a person who reported child abuse or neglect
- information that is protected by legal professional privilege
- information that is protected by public interest immunity
- where there are provisions in other legislation which prohibit the disclosure of part or all the information (such as section 67E of the *Evidence Act 1929*).

If you make the decision not to share information you must record the purpose and detail of information that was requested, and the reasons and approvals obtained to not share the information.

Consent to share information

Consent is a core concept when sharing information. The *Children and Young People (Safety) Act 2017* and the guidelines state that a person's consent to share information must be sought in all situations where it is considered reasonable and practicable to do so.

Sharing information without consent is allowable if:

- the information sharing is required by law
- it is not safe or possible to seek consent
- consent has been refused and the information is being shared to prevent a serious threat to someone's life, health or safety
- the decision to share without consent has been approved by the appropriate person in your organisation.

Information Sharing Process

Organisations operating under the Information Sharing Guidelines for Promoting Safety and Wellbeing are required to develop an Appendix to the Guidelines to guide staff in how to implement the Guidelines.

The main steps of the information sharing process are:

- Understand any legislative requirements
- Verify the identity of the person seeking information before sharing information
- Assess whether there is a valid reason for sharing information
- Seek consent to share information wherever safe, possible and practical
- Seek approval to share information
- Only share information relevant to the purpose
- Keep detailed records.

APPLICATION TO CaFIS PROVIDERS

Key questions and answers

Do I need to get consent to share information?

Consent to share information must be sought in all situations where it is considered reasonable and practicable to do so.

What if a child is too young to give their consent to share information?

If it is your assessment that a child or young person is not able to give informed consent, you should seek the consent of a parent or carer (where it is safe and/or appropriate to do so) or consider whether there is sufficient reason to share information without consent.

What if I seek consent from a child or parent and consent is refused?

Generally, if a client withdraws consent or refuses to give consent for their information to be shared, their wishes must be followed.

Where there are serious threats to life, health or safety, you are obliged to share information in order to prevent serious harm or possibly death, and consent is not required.

Disclaimer

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Do note this is guidance is accurate at the time of publishing however, it is up to the service providers to remain up to date with changes in legislation.

Where to go for more information on this topic

Information Sharing Guidelines for Promoting Safety and Wellbeing

https://www.dpc.sa.gov.au/__data/assets/pdf_file/0009/45396/Information-Sharing-Guidelines.pdf

SA Children and Young People (Safety) Act 2017

[https://www.legislation.sa.gov.au/LZ/C/A/CHILDREN%20AND%20YOUNG%20PEOPLE%20\(SAFETY\)%20ACT%20017/CURRENT/2017.25.AUTH.PDF](https://www.legislation.sa.gov.au/LZ/C/A/CHILDREN%20AND%20YOUNG%20PEOPLE%20(SAFETY)%20ACT%20017/CURRENT/2017.25.AUTH.PDF)