

PRACTICE GUIDE

Information sharing: Assessment and Service Connect

Assessment and Service Connect (ASC) is a partnership with non-government services to respond to families who come to the attention of Child Safety. Understanding the legislative provisions for sharing of information between Child Safety and relevant non-government services will ensure families receive the right services at the right time. The *Child Protection Act 1999* Section 159F requires that service providers must take reasonable steps to coordinate decision making and the delivery of services to children and families, in order to appropriately and effectively meet the protection and care needs of children and support their families. This includes the coordination of the services being delivered to a family by an ASC service provider and Child Safety.

Consent from families

ASC service providers will obtain a family's consent to share information. Consent does not need to be written to share information. A verbal agreement or acknowledgement is sufficient. It is advisable for ASC service providers to document the conversation in the Assessment Referral and Case Management system (ARC).

Notifier information

Child Safety must uphold notifier confidentiality. Child Safety can't release notifier details to an ASC service provider.

Cross agency information sharing

ASC service providers can only share information with each other or other service providers when the family has provided consent.

How to share information

The *Child Protection Act 1999* does not prescribe how information will be shared. Information is able to be shared either verbally or in writing. In many circumstances it will be appropriate for information to be shared verbally.

Information sharing with Child Safety

An ASC service provider can share 'relevant information' with Child Safety without consent to inform Child Safety's decision making during an investigation and assessment. The *Child Protection Act 1999*, section 159C defines 'relevant information' and sets out when information can be shared, with whom and for what purposes.

The following 'relevant information' that is held by an ASC service provider can be given to Child Safety without a family's consent;

- information to help investigate allegations of or risks of harm to a child,
- information to assess whether a child is in need of protection,
- information to help take action for an investigation or there appropriate action such as a joint assessment,
- information to investigate or assess whether an unborn child will need protection after birth,
- information to offer help and support to a pregnant woman whose unborn child may need protection after birth,
- information to develop or assess the effectiveness of a child's Child Safety case plan,
- information to help Child Safety assess or respond to the health, educational or care needs of;
 - a child in need of protection;

- a child who may become in need of protection if preventative support is not given to the child or their family,
- information to help Child Safety make plans, decisions or provide services to;
 - a child in need of protection,
 - a child who may become in need of protection if preventative support is not given to the child or their family, and
 - the child's family

Use of shared information

In accordance with the *Child Protection Act 1999*, section 188 any person receiving information under chapter 5A, must keep it confidential.

The *Child Protection Act 1999*, section 187 requires information obtained about a person's affairs under the Act not to be used or disclosed or access given to a document containing the information to anyone else except;

- to the extent necessary to perform functions under the *Child Protection Act 1999* or the *Adoption Act 2009*,
- for purposes related to a child's protection or wellbeing,
- to cooperate with another government entity that has a function for the protection of children or that provides services to children in need of protection or their families,
- if otherwise required or permitted under the *Child Protection Act 1999* (including the information sharing provisions) or another law, and
- if the information being disclosed to a person is information about that person

Prescribed entities

Under the *Child Protection Act 1999*, section 159M, an ASC service provider can provide the following 'relevant information' to a particular prescribed entity without a family's consent (for example Queensland Health and the Department of Education and Training);

- information that may help the particular prescribed entity decide whether information about suspected harm or risk of harm will be given to Child Safety,
- information that may help the receiver decide whether information about an unborn child who may need protection after birth will be given to Child Safety,
- information that may help Child Safety to offer help and support to a pregnant woman whose child may be in need of protection after birth,
- information to assess or respond to the health, educational or care needs of a child in need of protection,
- information to make plans, decisions or provide services for a child in need of protection or the child's family, and
- information to offer help and support to a child or child's family to prevent the child becoming a child in need of protection

Disclosure

'Disclosure' is a common legal procedure where parties to a legal proceeding exchange information (or the evidence) that they have in their possession or control, and that they may later rely on in court. The Director of Child Protection Litigation (DCPL) which initiates all child protection order applications, has a duty to disclose to all parties in a proceeding, any documents in its possession or control that are relevant to the proceedings under *Child Protection Act 1999*, section 189C. In turn, Child Safety has a positive obligation to provide all 'relevant' information to the DCPL. A party can include the child, their parents, a separate representative or someone with an interest in proceedings and who is joined by the court via the *Child Protection Act 1999*, section 113.

There may be circumstances where the DCPL refuses to disclose some documents, for example if their disclosure will prejudice an ongoing police investigation or it is likely to endanger a person's safety or psychological health under the *Child Protection Act 1999*, section 191.

Given the highly sensitive nature of the information disclosed, it is an offence for a party to a legal proceeding to directly, or indirectly, disclose or make use of the information provided to them via disclosure. A party also can't share information with anyone not involved in the proceeding or use the information for another purpose.

Version history

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