



# Manual of Practice: Information gathering and sharing

*The Department for Child Protection (DCP) Manual of Practice has been developed to support and guide DCP staff to undertake child protection practice. The Manual of Practice is reviewed and updated regularly to ensure it provides best practice guidance to staff based on research and in alignment with relevant legislation. DCP practitioners are encouraged to apply professional judgment to each individual child protection case in its specific context.*

*The DCP Manual of Practice contains links to websites that are external to DCP. DCP takes reasonable care in linking to websites but has no direct control over the content of the linked sites, or the changes that may occur to the content on those sites. It is the responsibility of users to make decisions about the accuracy, currency, reliability and correctness of information contained in linked external websites.*

## Purpose

This chapter sets out the Department for Child Protection's (DCP) approach to information gathering and sharing, including responsibilities under the *Children and Young People (Safety) Act 2017* (CYPS Act) and other legislation.

Information gathering and sharing is crucial for protecting children and young people from harm and supporting their wellbeing. Gathering and sharing the right information in an effective and timely way assists DCP and other services involved with children and young people, their families and carers to coordinate a better response and work collaboratively in a way that meets the needs of the child or young person, their family and their carers.

Information gathering and sharing contributes to effective and quality practice at each phase of child protection work. DCP staff must be familiar with the pathways for information gathering and sharing described in this chapter and understand which pathway should be utilised in what circumstances.

## Scope

This chapter applies to all DCP staff and volunteers who are required to gather and/or share personal client information. Personal client information is any information obtained working under the CYPS Act that could identify an individual. All information stored in C3MS should be considered as personal client information. DCP staff should treat information as personal if it contains:

- the person's name
- a photograph
- a detailed description that can be used to identify the person (for example, address and age)
- sufficient information to identify the person when combined with other easily available information (for example, an educator at a school who was present at a particular incident).

DCP staff should be mindful that information could still be identifiable to some individuals (for example, family members) who have additional information even if it is not broadly identifiable. This chapter applies to information gathered and shared internally (within and across DCP) and externally (such as with other government agencies, persons and bodies).

The guidance in this chapter does not relate to the following:



- sharing information with Crown solicitors (CSO) as part of legal proceedings. Consult with Crown for advice about information that can be shared. Noting that legal advice provided to DCP (from the CSO or from DCP Legal) should not be included as part of documents submitted to court
- Freedom of Information requests. Refer to the [Freedom of Information Procedure](#) for further information
- requests for information through a subpoena. Refer to [DCP Legal](#) for further information
- publishing of information in a public forum (for example, the DCP website or social media platforms). Refer to [DCP Legal](#) for further information
- sharing of anonymised data in relation to children, young people and families. Refer to [Research Performance and Evaluation](#) for further guidance about sharing this type of information
- provision of information to care leavers. Refer to [Provision of Information to Care Leavers Guideline](#) for further information
- information sharing as part of transferring a care and protection order and proceedings to another jurisdiction. Refer to the [Transfer care and protection orders and proceedings between South Australia and other jurisdictions](#) key step of the Ongoing intervention chapter of the Manual of Practice for further guidance
- sharing information with a translator, which is not considered as disclosure of personal information under section 164(4) Regulation 42(2)
- sharing information with the DCP Call Centre in relation to a suspicion that a child or young person is at risk. Refer to the [Reporting a suspicion a child or young person is at risk Procedure](#) for further information
- requesting information from Birth, Deaths and Marriages to support a child or young person in care to obtain proof of identity documents. Refer to the [Support the child or young person to obtain legal proof of identity documents](#) key step of the Manual of Practice for further information
- sharing DCP employee information such as payroll information or providing an employment reference. Refer to [Human Resources](#) for further information about sharing this type of information if needed.

The term ‘DCP case worker’ is used throughout the Manual of Practice to refer to the range of roles held by DCP staff with case management responsibility. Certain powers and functions prescribed by the Children and Young People (Safety) Act 2017 (CYPS Act) can only be exercised by DCP staff in specified roles. DCP staff must refer to both the [Guide to authorisations and delegation of powers and functions - by legislative provision](#) and the [Authorised child protection officers – list of positions eligible for authorisation](#) for guidance about what powers can be exercised within their role. It is the decision maker’s responsibility to ensure they have the appropriate delegation so that decisions are lawfully made.

‘Aboriginal and Torres Strait Islander’ is used throughout the Manual of Practice to refer to all people who identify as Aboriginal, Torres Strait Islander or both Aboriginal and Torres Strait Islander. In practice, it is preferable to identify Aboriginal and Torres Strait Islander people, where possible, by their specific Language group or Nation, acknowledging that a family may not hold this information due to experiences of cultural dispossession.

The term ‘culturally and linguistically diverse (CALD) background’ is used throughout the Manual of Practice to refer to all children and young people, families and communities from culturally and linguistically diverse backgrounds, inclusive of those who identify as belonging to new and emerging Communities (NECs).

## Principles



- The safety of children and young people is the paramount consideration.
- Client information is gathered and shared appropriately and responsibly to promote the safety and wellbeing of children and young people, families and carers.
- People are entitled to have their privacy protected.
- Where privacy and risk to safety are in tension, responding to the safety risk is prioritised.
- A person's informed consent to gather or share information should be sought and obtained where safe, possible and practical. However, it may be appropriate to gather or share information without consent in certain situations (refer to [Consider whether it is appropriate to seek consent](#)).
- Information gathering should be targeted and collaborative wherever possible, with consideration given to the impact on DCP's partner agencies.
- Information sharing is underpinned by a strong framework, comprising the *Children and Young People (Safety) Act 2017* and the [Information Sharing Guidelines for promoting safety and wellbeing](#) (ISG).

## Significant decisions with Aboriginal and Torres Strait Islander infants, children and young people

The guidance in this chapter relates to gathering and sharing information to support significant decision making for Aboriginal and Torres Strait Islander infants, children and young people (for example, identifying family and kinship connections when mapping for placements and supporting the child, infant or young person's contact with family, kin, culture and Country).

For further practice support when working with Aboriginal or Torres Strait Islander infants, children, young people and families, refer to the Aboriginal and Torres Strait Islander Child Placement Principle active effort prompts throughout this chapter. These prompts should be read in conjunction with the [Aboriginal and Torres Strait Islander Child Placement Principle Practice Paper](#).

### Authority

Sections 79 – 81, 150, 152, 163 and 164 of the *Children and Young People (Safety) Act 2017* (CYPS Act)

Regulations 39, 41 and 42 of the *Children and Young People (Safety) Regulations 2017* (CYPS Regulations)

[Instrument of authorisation pursuant to section 164\(4\) of the CYPS Act and regulation 42\(1\) of the CYPS Regulations](#)

### Flowcharts

- [Information gathering flowchart](#)
- [Information sharing flowchart](#)

### Key steps

1. Gather information
2. Determine whether to share information
3. Consider whether it is appropriate to seek consent

## 1. Gather information

Information gathering supports DCP to protect children and young people from harm and ensure they achieve their full potential. Gathering the right information in an effective and timely way assists DCP and other services involved with children and young people and their families and carers to coordinate a better response and work collaboratively in a way that meets their needs.

The guidance below outlines the process for gathering information to perform functions or manage risks in relation to children or young people. If DCP staff believe that information is required for another purpose, consultation with a supervisor and/or [DCP Legal](#) is required.

Information may be needed to (including, but not limited to):

- verify, clarify or corroborate information provided by the child, young person, family or carer
- collect information about specific allegations
- collect information about the history or circumstances of the child, young person, parent, family member or another person who has a significant or relevant relationship with the child or young person
- collect information about an agency's contact with the child or young person and/or family, including past support or service provision.



### Partnership

#### Aboriginal and Torres Strait Islander Child Placement Principle active effort prompt

When gathering information from an Aboriginal or Torres Strait Islander infant, child or young person or their family, it is recommended that DCP staff partner and consult with a Principal Aboriginal Consultant. This supports culturally safe engagement to encourage the child, young person and/or family to share the relevant information.



### Prevention

#### Aboriginal and Torres Strait Islander Child Placement Principle active effort prompt

Gathering information from other persons and bodies can assist the DCP case worker to undertake a holistic assessment of the Aboriginal or Torres Strait Islander infant, child or young person that considers the whole of the infant, child, young person and family's needs and circumstances. This includes cultural considerations such as the strengths and protective factors that the family's culture may provide them.

## Consider the need for DCP to request information from another person or body

DCP staff should only request information to perform functions or manage risk in relation to children or young people. This includes (but is not limited to):

- determining if a child or young person is safe
- investigating allegations that a child or young person is at risk
- undertaking a holistic assessment of the child or young person and their family and carers



- determining if a child or young person is in need of care and protection and how to secure this
- determining intervention or support required to ensure a child or young person's ongoing safety
- developing or assessing a case plan
- assessing or responding to the needs of a child or young person (including health, developmental, disability, educational or care needs).

Before requesting information, it is essential that DCP staff have confirmed:

- what information is required?
- what purpose is the information required for?
- has the information been requested previously?
- if it has not been requested previously, who has the information or where is it held?

DCP staff must check C3MS to confirm whether the information has previously been requested by DCP. Where applicable, DCP staff should also search under the child or young person's siblings for the information. Many persons and bodies who provide services to children and young people and their families receive a high number of requests from DCP. It is important to avoid making multiple requests for the same information and DCP should not request information that has previously been requested unless there is a valid reason to believe that the information provided is no longer accurate or complete. If updated or additional information is needed from the same person or body, DCP staff must ensure the purpose, scope and timeframe for the subsequent request is clearly defined and described.



### Partnership

#### **Aboriginal and Torres Strait Islander Child Placement Principle active effort prompt**

Aboriginal and Torres Strait Islander organisations and services that are supporting and working with the infant, child and young person and/or their family can hold important information about the family as well as cultural and community knowledge. This information can inform decision making to support the family and to ensure Aboriginal or Torres Strait Islander infants, children and young people are protected from harm. DCP staff should consider requesting information from Aboriginal and Torres Strait Islander organisations and services to support their work with the infant, child or young person.

If information is required for something other than managing risk to children or young people, DCP staff should consult with a supervisor. The supervisor should consult with [DCP Legal](#) if they are unsure whether the information request is appropriate.

## Consider whether it is appropriate to seek consent

DCP staff must consider whether it is safe, practical and appropriate to seek consent in accordance with the [Consider whether it is appropriate to seek consent](#) key step of this chapter of the Manual of Practice. If informed consent has been given, the information can be shared under section 164(1)(b) CYPS Act.

## Information held by an interstate or Commonwealth person or body

### Interstate child protection agencies

The DCP Subpoena and Information Release Team (SIRT) is responsible for facilitating requests for information from DCP to interstate child protection agencies. DCP staff must request interstate child



protection information from another jurisdiction by completing and sending the [Interstate child protection information request Form](#) to the DCP SIRT via [email](#).

## Services Australia (Medicare, Child Support and Centrelink)

The [Information Sharing Protocol between the Commonwealth and Child Protection Agencies](#) can be used to request information from Centrelink, Medicare and Child Support Agency) when:

- the department has reasonable grounds for believing that disclosure is necessary to prevent or lessen a threat to the life, health or welfare of a person (which may include an unborn child)
- it is necessary to contact a parent or relative in relation to a child (to locate a parent in order to serve court papers, or locate a relative to explore placement options).

All DCP requests for information to Services Australia using the protocol must be made through [DCPCommonwealthInfoRequests@sa.gov.au](mailto:DCPCommonwealthInfoRequests@sa.gov.au).

Agency	Request form	Information available
Centrelink ( <a href="#">Information Sharing Protocol Appendix 1</a> )	<a href="#">Centrelink information request form</a>	<ul style="list-style-type: none"> <li>• a current or last recorded residential and postal address</li> <li>• names and dates of birth of children who may be at risk in the care of the person being sought</li> <li>• other details where relevance is justified (it is necessary to prevent or lessen a threat to life, health or welfare of a child or young person).</li> </ul>
Medicare ( <a href="#">Information Sharing Protocol Appendix 2</a> )	<a href="#">Medicare information request form</a>	<ul style="list-style-type: none"> <li>• Medicare enrolment information – address, date of birth, phone number and email address (if available)</li> <li>• Medicare claims information               <ul style="list-style-type: none"> <li>○ treating or referring doctor name and address</li> <li>○ service item number and description</li> <li>○ date of service</li> <li>○ Medicare Australia benefit paid and fee charged</li> </ul> </li> <li>• Pharmaceutical Benefits Scheme (PBS) information               <ul style="list-style-type: none"> <li>○ prescriber name</li> <li>○ dispensing pharmacy name</li> <li>○ PBS item code and description</li> <li>○ date prescribed and date supplied</li> <li>○ quantity and number of repeats</li> </ul> </li> <li>• Australian Childhood Immunisation Register (ACIR) information               <ul style="list-style-type: none"> <li>○ date of immunisation</li> <li>○ type of immunisation</li> <li>○ dose number</li> </ul> </li> <li>• Medicare card numbers – for children who have been removed from their parents and taken into the care of child protection agencies.</li> </ul>
Child Support Agency ( <a href="#">Information Sharing Protocol Appendix 3</a> )	<a href="#">Child Support Agency information request form</a>	<ul style="list-style-type: none"> <li>• current or last recorded residential addresses and postal addresses</li> <li>• names and dates of births as per Child Support Agency records</li> <li>• names and dates of births of other children in the care of another person</li> </ul>



		<ul style="list-style-type: none"> <li>most recently reported custodial information for children – the child’s main residence and other addresses.</li> </ul>
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When requesting information using the protocol, staff must identify a response priority timeframe:

Priority level	Description
<b>Urgent/Critical</b>	A response is required as soon as practicable due to imminent risk to the child or young person’s safety.
<b>High priority</b>	A response is required within 5 working days.
<b>Standard priority</b>	A response is required within 10 working days (noting this this priority automatically applies to requests for purpose of contacting a parent or relative of the child or young person).

When requesting an urgent/high priority response, the DCP case worker must provide a rationale.

For further guidance about liaising with Services Australia for children and young people in care, refer to the following key steps in the Supporting children and young people in care chapter of the Manual of Practice:

- [Support the placement](#) (for guidance about claiming Centrelink payments)
- [Access health services for the child or young person](#) (for guidance about Medicare and Health Care Cards)
- [Support the child or young person to attend child care](#) (for accessing the Child Care Subsidy).

### National Disability Insurance Agency (NDIA)

DCP staff should contact [DCP Disability and Development Services](#) to discuss making a request for information from the NDIA. DCP staff must provide the following information to assist the NDIA to determine whether to release information:

- if DCP has tried to obtain the information from another source or there are reasons why the information cannot reasonably be obtained from another source
- whether the information is required to prevent or lessen a serious threat to an individual’s life, health or safety, and if so, any details.

### Federal Circuit and Family Court of Australia

DCP staff must initially try to get information about proceedings in the Federal Circuit and Family Court of Australia from the child or young person’s family. If this is unsuccessful or DCP staff need to verify the information provided, DCP staff can contact the DCP Courts Services and Liaison Team to discuss the process for making a request by telephone on 8226 2810 or by email at [DCPFamilyLawInterface@sa.gov.au](mailto:DCPFamilyLawInterface@sa.gov.au). The following information can be requested:

- what proceedings have taken place or are taking place
- what orders have been made, and what orders are being sought
- the status of the court proceedings and the date fixed for any future proceedings
- names of lawyers involved in proceedings and the independent children’s lawyer
- if there is a court expert involved in the proceedings



- copies of relevant orders or family assessment reports (if relevant).

Information exchange will be subject to any privacy and confidentiality obligations.

## Interstate criminal history information

There are no formal information sharing arrangements in place between DCP and police services in other states and territories. DCP staff can request information from an interstate police service for the purposes of performing functions or exercising powers under section 164(1)(e) CYPS Act. However, DCP has no power to compel the interstate police service to provide the information.

Interstate criminal history can be obtained with the consent of the person as part of a national criminal history check.

SAPOL may hold some information relating to interstate criminal history. This can be requested using section 152 of the CYPS Act (refer to 'Determine the approach for requesting information within South Australia' below). In urgent situations where SAPOL may hold information, contact the relevant SAPOL [District Child and Family Investigation Section \(CFIS\)](#) or [Regional LSA Criminal Investigations Branch \(CIB\)](#) for advice.

## Information held by other interstate persons and bodies

DCP staff can request information from other interstate persons or bodies. However, the interstate person or body is under no obligation to provide the information and will follow the information sharing laws and protocols within their own jurisdiction when determining whether they can (or will) share the information requested.

An interstate person or body is more likely to be able to share information with DCP if the person has provided their written consent to the disclosure. Refer to the [Consider whether it is appropriate to seek consent](#) key step in this chapter for further information about seeking consent.

## Determine the approach for requesting information within South Australia

As part of ongoing assessment and case conceptualisation for children, young people, families and carers, DCP staff will be required to gather information from a range of people and bodies (for example, school and service providers working with them). If DCP staff do not require the information formally, contact should be made with the information holder to request the information.

When requesting information, DCP staff should ensure that:

- only information relevant to their functions relating to children and young people is requested
- the currency and/or accuracy of the information is confirmed
- requests for information are made securely and the person sharing information is given a secure way to provide DCP with the information.

## Section 152 requests

DCP staff may require information to be provided formally (for example, in a written report for court purposes). Under section 152 and regulation 39 of the CYPS Act, DCP staff can formally request information from the following:

- State authorities (includes public sector agencies, SAPOL, government schools, local councils and people and bodies who are contracted to provide services to children and young people and their families on behalf of a State authority)
- a Child and Family Referral Network and its constituent members



- a person or body that provides services to children and young people or their families for or on behalf of DCP
- a non-government school
- the Commissioner for Aboriginal Children and Young People
- the Guardian for Children and Young People
- the Child Death and Serious Injury Committee
- the Child or Young Person's Visitor
- the South Australian Civil and Administrative Tribunal.

If information is formally required from any other person or body in South Australia that is not captured above, DCP staff should consult with a supervisor to determine whether a section 150 request is appropriate.

Information regarding an unborn child cannot be requested using section 152. DCP staff should consult with a supervisor to determine whether a section 150 request is appropriate.



### Connection

#### Aboriginal and Torres Strait Islander Child Placement Principle active effort prompt

Consider gathering information from persons and bodies who are working with the Aboriginal or Torres Strait Islander infant, child, young person and their family or kin to understand the Aboriginal or Torres Strait Islander infant, child or young person's cultural identity and connections. While the family and kin are generally best placed to provide this information, other persons and bodies may also hold important cultural information that can strengthen the information gathered from the family and highlight protective factors.

### Consult with a supervisor to determine whether a section 150 request is appropriate

Section 150 requires a person or body to:

- provide information or documents that are reasonably required in the administration, operation or enforcement of the CYPS Act which may include medical or financial records of a person (sections 150(1) and (2))
- answer questions, to the best of the person's knowledge or belief, put by the DCP authorised child protection officer (section 150(3)(a))
- provide a written report of an examination, assessment or treatment that has been undertaken under the CYPS Act (section 150(3)(b)). This does not apply if the examination, assessment or treatment was not undertaken under the CYPS Act.

If required information cannot be gathered using a section 152 request, the DCP case worker should consult with a supervisor to determine if it is appropriate to use a section 150 request. The supervisor should consider whether the information should be requested under section 150 CYPS Act, noting a request under section 150 must not be made unless there is an open case and the information is requested by an [authorised child protection officer](#).

When gathering information in relation to an unborn child, DCP staff should first attempt to obtain the information using the [Information Sharing Guidelines](#) (ISG). The ISG allows sharing of information to protect a person or groups of people from potential harm, abuse or neglect and to help service providers more



effectively address risks to safety and wellbeing. DCP staff should only use section 150 to obtain information in relation to an unborn child if a request under the ISG has been declined.

The supervisor must consider the following before approving a request under section 150 CYPS Act:

- why the information cannot otherwise be obtained (such as under section 152 CYPS Act, ISG)
- whether compelling disclosure would be appropriate in the circumstances
- the grounds for believing the person or body has information relevant to the care and protection of the child or young person
- what information is reasonably required in the administration, operation or enforcement of the CYPS Act.

A section 150 CYPS Act notice can be sent to a family member, friend or other adult involved in the child or young person's life. However, in most circumstances this is not an appropriate way to obtain information or documents from non-professionals. Before using section 150 of the CYPS Act to require information or documents from non-professionals, the supervisor must consult with a practice leader or manager and [DCP Legal](#).

If the supervisor does not consider that a section 150 request is appropriate and the information is still required, consultation with [DCP Legal](#) should be considered.

## Request information under section 152 or section 150

Many agencies receive a high volume of information requests and it is essential that DCP staff ensure requests are well targeted to support timely and coordinated responses. DCP may be required to pay a fee for the information request (for example, from a private practitioner or service provider). All information requests to SAPOL are subject to a fee (refer to the [SAPOL fee schedule](#)).

If information is being requested under section 150 or section 152 CYPS Act, the person requesting information must be an [authorised child protection officer](#).

### 1. Contact the person or body by telephone to discuss the request

The DCP case worker or another member of DCP staff who is familiar with the case should contact the information holder before making the request unless the information is requested from one of the following in a non-urgent situation:

- SAPOL
- South Australian Housing Trust
- Department of Correctional Services
- Women's and Children's Health Network.

DCP staff should confirm:

- what information is needed
- the currency and relevancy of the information held
- who the request should be addressed to. DCP staff should refer to the relevant template below for the specific contact point for the agency or organisation
- the timeframe for providing information. DCP staff may need to negotiate with the information holder particularly if the request is urgent. DCP staff must provide a reason for why the information is



required urgently. If an appropriate timeframe cannot be negotiated, DCP staff should consult with a supervisor/manager/practice leader

- whether a fee will be required to obtain information under section 150 from a private practitioner or service provider (for example, psychologist). The DCP authorised child protection officer should negotiate the cost involved. The payment of any fees must be approved by the [financial delegate](#) prior to formally issuing the request.

This discussion helps ensure that a request for information is well targeted and a collaborative, timely and efficient process for information sharing.

A formal request is not required if, as a result of the discussion, the information holder has:

- provided all relevant information verbally
- confirmed that they have had limited or no contact with the person, or
- confirmed that they do not hold any recent or relevant information that would assist DCP to perform a function or manage a risk relating to a child or young person.

Information shared must be recorded in C3MS. Refer to ‘Manage the information and document the information gathering outcome’ in this chapter of the Manual of Practice.

## 2. Complete the relevant template

The templates below should be used for formal requests within South Australia:

<b>Health</b> Refer to the <a href="#">SA Health contacts for information gathering guide</a> for specific contact and service details.	
<a href="#">Drug and Alcohol Services South Australia (DASSA)</a>	<a href="#">Women's and Children's Health Network</a>
<a href="#">Northern Adelaide Local Health Network</a>	<a href="#">Southern Adelaide Local Health Network</a>
<a href="#">Central Adelaide Local Health Network</a>	<a href="#">Regional Health Network</a>
<b>Education and Human Services</b>	
<a href="#">Non-government school</a>	<a href="#">Department for Education (DE)</a>
<a href="#">Department of Human Services (DHS)</a> <ul style="list-style-type: none"> <li>• Child Wellbeing Practitioner Program</li> <li>• Children’s Centre</li> <li>• Child and Family Referral Network (CFARN)</li> <li>• Strong Start Northern</li> <li>• Strong Start Southern</li> </ul>	
<b>Police and Correctional Services</b>	
<a href="#">South Australia Police (SAPOL)</a>	<a href="#">Department for Correctional Services (DCS)</a>



<b>Aboriginal and Torres Strait Islander services</b>	
<a href="#">Aboriginal Family Support Services (AFSS)</a>	<a href="#">Nunkuwarrin Yunti</a>
<b>Other</b>	
<a href="#">South Australia Housing Authority (SAHA)</a>	<a href="#">Centacare</a>
<a href="#">Uniting Communities</a>	<a href="#">Women's Safety Service (WSS)</a>

If the information holder is not listed above, use the below templates as appropriate:

- Generic Section 152 request form
- Generic Section 150 request form\*

\* Note: Section 150 requests must only be used by an [authorised child protection officer](#) with the approval of a supervisor.

When completing the template, DCP staff must:

- provide sufficient detail to understand request purpose and locate information, including:
  - the time period for which information is sought (for example, the last six months)
  - the type of information sought
  - how information will assist DCP to perform a function or manage risk to a child or young person
  - provide a realistic timeframe for the person or body to provide the information. Urgent requests should only be made in exceptional circumstances. The reason for urgency must be included. Telephone contact should be made with the person or body prior to sending an urgent request to discuss the requirements and ensure the request is sufficiently targeted and timeframe is realistic
- provide a **second DCP contact person** who may be contacted and/or receive the information
- address the request to the **correct agency contact point**
- **for section 150 CYPs Act requests:** specify the manner and form in which the response should be provided. Consider what will be the least onerous on the person or body while still providing the required information. Information could be in the following forms:
  - existing documents, such as reports, video footage, case notes, medical or financial records
  - written report style documents
  - written responses using standard letters
  - written responses by email without a formal cover letter (If required in support of a Youth Court application, the email record should be included as an attachment in an email to the Crown Solicitor's Office. This record should not be forwarded by email chain to the Crown Solicitor's Office)
  - verbal information in a telephone conversation or a meeting (such as during a strategy discussion). DCP must keep a concise written record of the exchange.

#### SA Civil and Administrative Tribunal (SACAT)



A request for information from SACAT should be carried out in two stages.

1. Confirm whether the person has been the subject of a SACAT order and seek a copy of the order(s).
2. If an order has been made, request the documentation that SACAT holds that supported the order.

DCP staff must consult with DCP Legal prior to making any requests for information from SACAT other than as outlined above.

### 3. Seek supervisor approval

The information request template must be approved and signed by a supervisor.

For a **section 152** CYPS Act request, the supervisor must be satisfied that:

- there is a legitimate need for the information or documents requested
- the information or documents are necessary to assist DCP to perform a function or manage a risk relating to a child or young person
- the template has been completed by an [authorised child protection officer](#).

For a **section 150** CYPS Act request the supervisor must be satisfied that:

- there is a legitimate need for the information or documents requested
- the information or documents are reasonably required in the administration, operation or enforcement of the CYPS Act
- the template has been completed by an [authorised child protection officer](#)
- the information cannot be obtained under section 152
- compelling disclosure is appropriate in the circumstances
- DCP are willing to pay any fee associated with the request
- there is an open case for the child or young person.

### 4. Make the request to the specified person or body

DCP staff should email the request for information template to the person or body as soon as possible after receiving supervisor approval. This is particularly important for urgent requests. Requests should not be faxed unless specifically agreed by the person or provider.

If the information is no longer required, DCP must notify the person or body as a priority.

Where a request is made under section 152 of the CYPS Act, the person or body can determine the manner in which it will provide the requested information.

### Respond if a request is declined or DCP does not receive a response

DCP staff should explore the reasons why the request has been declined or not responded to and provide further information regarding why the information is required and how it will be used if necessary. If the information is still not provided, DCP staff must consult with a supervisor.

The DCP supervisor should consider escalating to a supervisor within the organisation where the information is held.

Consideration should be given to requesting information under section 150 CYPS Act, if a section 152 CYPS Act request has been declined. Refer to 'Determine the approach for requesting information within South Australia' in this chapter of the Manual of Practice.



If the request was made under section 150 CYPS Act, penalties apply (section 150(5) CYPS Act) to the person from whom the information was requested. The supervisor must consult with [DCP Legal](#).

## Manage the information and document the information gathering outcome

It is important that the information gathering process is recorded in an accurate and timely way, particularly for information that will be used as part of court proceedings. Information must be managed with sensitivity and discretion, recognising the wellbeing of children and young people includes respect for their family's information.

If the information has been obtained under section 150 or section 152 of the CYPS Act, this must be clearly marked so that this is taken into consideration when determining whether to share the information in the future. The following information should be recorded in C3MS under the child or young person:

### Request details

- What information was requested?
- What purpose was it requested for?
- Details of contact with information holder. Who was contacted? When (date and time) were they contacted? What was discussed?
- If a written request was made, upload a copy of the section 150/152 letter or information request.

### Consent

- Upload a copy of written consent or details of verbal consent (who gave it, when and to whom). If the information gathering is covered by a standing consent that has already been recorded in C3MS, details of where this is located in C3MS should be included (for example, title and date of case note).
- If consent has not been obtained, why it was unreasonable or impractical to obtain.
- If consent was refused, why it was refused and why it is still considered necessary to share information.

### Response to the information request

- Whether the requested information was provided.
- A record of consultation with a supervisor and/or approval given (if consultation was relevant).
- Upload copies of any information received.
- Any follow up actions required.
- Any contact with the child, young person or family to discuss the information request.

## Consider discussing the information request with the client

DCP staff should consider discussing the information request with the client, including what information has been gathered, from where and for what purpose. This includes how this information may be used to make decisions about the care and protection of the child or young person. This is particularly relevant where the information has been gathered by DCP without first informing the client or obtaining their consent. DCP staff should consider any risks involved in informing the client about the information gathered and consult with a supervisor if they are unsure whether it is appropriate.

## Information gathering within a care team



The following care team members are able to share information with DCP under section 152 CYPS Act, without a formal section 152 template being completed:

- anyone working for the South Australian government
- education staff – government or non-government
- the child or young person’s carers
- the carer’s support service provider
- anyone that is providing a service for the child/young person or their family (this can include the carer) for or on behalf of DCP.

For any other care team members who are not included on the list above, the DCP case worker should seek consent from the child or young person to be able gather information.

DCP staff should still manage and document the information gathering as outlined in ‘Manage the information and document the information gathering outcome’. The [Care team meeting template](#) can be used to record information sharing decisions during a care team meeting.

## Information gathering for an investigation where there is limited existing information

When working with individuals where there is limited existing information, it is important to engage them to try to ascertain:

- any services or agencies that they have had contact with
- the child or young person’s school (if applicable)
- whether the family has lived interstate or overseas.

Relationship based practice can support practitioners to engage individuals in information gathering conversations. Refer to the [Relationship Based Practice Practice Paper](#) for further information.

People who have recently moved to South Australia may have child protection history in other jurisdictions and it is important to consider carrying out interstate checks where relevant. Consideration should be given to completing a Connect for Safety check (for further guidance, refer to the [Connect for Safety intranet page](#)).

If DCP staff are still unable to identify any services or agencies that the person has had contact with and information is critically required, consideration should be given to requesting information from:

- South Australia Police (SAPOL)
- the local health network where the person lives
- the local health network where any relevant children and young people were born.

Even if a family is known to DCP, there may be individuals connected with the family (for example, parent’s partner) who limited information is known about. Consideration regarding the amount of information that needs to be gathered about these individuals should include:

- the amount of contact they will have with the child or young person (including whether they will be having unsupervised contact)
- any history of the family having contact with individuals who have posed a risk to the child or young person (for example, history of domestic violence or association with substance misusers).



## 2. Determine whether to share information

Sharing information is an essential component of effective and collaborative child protection practice. It is integral to the effective operation of the [DCP Practice Approach](#). The process and considerations for sharing information are outlined below. DCP staff should also refer to the [DCP Information sharing flowchart](#) when determining whether to share information.

### Consider a request for DCP to share personal client information

Before sharing information, it is essential that DCP staff have confirmed:

- who is requesting the information?
- what purpose the information is required for?
- what information is required?
- who has the information or where is it held?

If DCP staff do not have an existing working relationship with the person requesting the information they must verify the identity of the person (including their role in their organisation) before sharing information:

- verification by telephone:
  - call the organisation using their telephone number available on the internet
  - ask to speak with the individual or someone who can confirm their identity
- verification by email:
  - confirm that the email address matches the signature
  - confirm that this is a work email account. For SA government staff this should end with .sa.gov.au
- verification by official documentation (for example, SA government employee identification card or drivers licence).

If DCP staff are unable to verify the identity of a person requesting information, the information must not be shared and a consultation with a supervisor held (refer to 'Consult with a supervisor and seek approval to share information'). If the information is not easily accessible, DCP staff should consider how long it would take to locate the required information. For information requests that are likely to be time consuming, DCP staff should consult with a supervisor prior to starting to source the information. All decisions regarding information sharing should have regard to the potential safety impact of not sharing information and that the safety of children and young people must always be the paramount consideration.

DCP staff should consider whether the information requested is consistent with the purpose the person requesting information has given and consult with a supervisor if there are concerns. DCP staff should only share information that is relevant and share no more than is required to meet the purpose of the request.

### Consider whether it is appropriate to seek consent

DCP staff must consider whether it is safe, practical and appropriate to seek consent in accordance with the [Consider whether it is appropriate to seek consent](#) key step of this chapter of the Manual of Practice. If informed consent has been given the information can be shared under section 164(1)(b) CYPS Act.

### Consider whether information can be shared under a frequently used provision



DCP staff must share information in the following circumstances:

- to provide information about a child or young person to a proposed family based carer (section 79(1) CYPS Act)
- to provide information about a proposed family based carer to a child or young person (section 80 CYPS Act)
- to provide a carer with information about a child or young person in their care (section 81(1) CYPS Act) to meet the care needs of the child or young person or to ensure the safety of the carer or their household members (if it is a family based placement). Refer to the 'Information sharing with family based carers' section below and [Support the placement](#) in the Supporting children and young people in care chapter of the Manual of Practice.

DCP staff can share information:

- if informed consent has been provided (section 164(1)(b) CYPS Act)
- to protect a person from risk of serious harm as per the [authorisation issued under section 164\(4\)](#) CYPS Act, regulation 42(1). This authorisation can only be used:
  - where it is necessary to disclose the information to that person in order to protect a person from risk of serious harm
  - if consistent with the objects of the CYPS Act
  - to promote safety and wellbeing for children, young people and their families
  - in accordance with the ISG decision making steps and practice guide
- to one of the following people or bodies to perform functions in relation to children and young people (section 152 and regulation 39 CYPS Act):
  - State authorities (Includes public sector agencies, SAPOL, government schools, local councils and people and bodies who are contracted to provide services to children and young people and their families on behalf of a State authority)
  - people/agencies providing services to children and young people or their families on behalf of DCP
  - non-government schools
  - Child and Family Referral Networks.

DCP staff must still consider if there are any reasons not to share the information as outlined below. If DCP staff cannot identify a frequently used provision but still believe that the information should be shared, they should consult with a supervisor and seek approval to share information.

## Identify any reasons not to share the information

DCP staff are required to consult with a supervisor if any of the following reasons not to share apply:

- sharing information could pose a risk to a person
- information contains notifier details
- request to share a [Multi Agency Protection Services](#) (MAPS) document
- information contains legal advice provided to DCP
- sharing information could impact on a forensic interview or criminal investigation



- sharing information about a child or young person in care's care arrangements with their parent or guardian (can only be shared by supervisor).

## Consult with a supervisor and seek approval to share information

DCP staff must consult with a supervisor in relation to an information sharing decision and seek approval to share information if either of the following apply:

- there are reasons not to share information
- the information sharing is not covered by a frequently used legal provision, and informed consent has not been provided.

The supervisor should use the guidance below to support the consultation process. If following the consultation, the supervisor is still unsure whether information should be shared, consultation with [DCP Legal](#) is required.

### The information sharing is not covered by a frequently used legal provision

The 'Consider whether information can be shared under a frequently used provision' section of this chapter contains the most frequently used provisions for sharing information under the CYPS Act. DCP staff should have already considered whether a frequently used provision can be used to share information prior to consultation.

In addition, the supervisor can give approval to use the following provisions to share information:

- sharing information with the following for the purpose of assisting them to perform functions relating to children and young people or to manage risk to a child or young person or a group of children or young people (section 152 and regulation 39 CYPS Act)
  - Commissioner for Aboriginal Children and Young People
  - Guardian for Children and Young People
  - Child Death and Serious Injury Committee
  - Child or Young Person's Visitor
  - South Australian Civil and Administrative Tribunal
- information may be shared in connection with the administration or enforcement of the CYPS Act or any other Act (section 164(1)(c) CYPS Act)
- information may be shared for the purposes of referring the matter to a law enforcement agency, or a person or agency exercising official duties under an Act relating to the care or protection of children or young people (section 164(1)(d) CYPS Act)
- information may be shared to an agency or instrumentality of this State, the Commonwealth or another State or Territory of the Commonwealth for the purposes of the proper performance of its functions (section 164(1)(e) CYPS Act)
- information may be shared if the disclosure is reasonable and necessary for the protection of the lawful interests of that person (section 164(1)(f) CYPS Act)
- information may be shared with the authorisation of the Chief Executive (section 164(4) Reg 42(1) CYPS Act).



## There are reasons not to share information

### **Identity of the person requesting information cannot be verified**

The supervisor should support DCP staff to explore other ways to verify the identity of the person requesting information or share information with another person within the requesting organisation. If a DCP staff member believes someone has deliberately misrepresented themselves in seeking information, they must seek advice from [DCP Legal](#) as this may represent a criminal offence.

### **Sharing information could pose a risk to a person**

The supervisor should use their professional judgement to determine whether to share information. Consideration will need to be given to the potential risk to the person and the impact of not sharing information.

### **Information contains notifier details**

Notifier details can only be shared under section 163 and regulation 41 CYPS Act if any of the following apply:

- the disclosure is made with the consent of the notifier
- the disclosure is required or authorised by the Chief Executive or under the CYPS Act
- the disclosure is made by way of evidence before a court or tribunal and the court or Tribunal has granted permission of the disclosure in accordance with section 163
- the disclosure is reasonably necessary for the performance of the person's official functions and duties, in accordance with any requirements of the Chief Executive
- the disclosure is reasonably necessary for the functions and duties of a State authority relating to the protection of children and young people from harm, in accordance with any requirements of the Chief Executive
- the disclosure is reasonably necessary to prevent harm or further harm being caused to the child or young person to whom the information relates, in accordance with any requirements of the Chief Executive.

If DCP staff receive a request to share notifier details as part of a strategy discussion, the following applies:

- DCP staff can share notifier details with SAPOL if requested by SAPOL to assist with their investigation into the alleged harm against a child or young person. This information must not be shared with other strategy discussion participants (unless approved by DCP Legal). DCP staff should be particularly mindful when sharing information via email, ensuring that SAPOL are the only recipients and that any document containing notifier details are clearly marked to indicate that it is for police use only. DCP staff should consult with DCP Legal if SAPOL request notifier details for any other purpose.
- DCP staff will need to consult with DCP Legal to determine on a case-by-case basis whether notifier details can be shared with other agencies.

If none of the above apply, the supervisor should consider whether the information can be shared in an extracted or redacted format that will prevent notifier details from being shared.

### **Request to share a MAPS document**

Refer to the [Multi Agency Protection Services](#) intranet page for further information.



### Information contains legal advice provided to DCP

The supervisor should consult with [DCP Legal](#) to confirm how to proceed with the request.

### Sharing information could impact on a forensic interview or criminal investigation

If SAPOL are involved, their instructions must be followed to ensure there is no compromise to investigation operation and possible prosecution. The supervisor should consult with [DCP Legal](#) to confirm how to proceed with the request, if required.

### Involves sharing child or young person in care's care arrangements with their parent or guardian

DCP must keep the parents and guardians of children and young people in care informed about where the child or young person is placed and how they are being cared for unless it is not in the best interests of the child or young person (section 84(5) CYPS Act). This information can only be shared in accordance with [DCP authorisations and delegations](#).

If a decision to share information about the child or young person's care arrangements with their parent or guardian is made under section 84(5) of the CYPS Act and affects a child or young person, the DCP case worker must ensure that to the extent that the child or young person is willing and able to do so, they should be involved in the decision making process and their views given due weight. Refer to [Seek the views of the child or young person](#) in the Supporting children and young people in care chapter of the Manual of Practice for more information.

## Share information

DCP staff can share information if one of the following apply:

- informed consent has been provided
- information can be shared under a frequently used provision
- a supervisor has approved for the information to be shared.

Any reasons not to share information must have been considered and actioned appropriately.

Information shared by DCP must be classified in accordance with the [DCP Information Classification Quick Guide](#). DCP staff must apply the 'STARR' principles when sharing information. The STARR principles are:

- **Secure:** Ensure records of information are shared and stored securely. DCP staff should make every effort to ensure that only the relevant person or organisation has access to the information.
  - When using email, consider including personal client information as an attachment that is password protected and providing the password by telephone or subsequent email.
  - When posting physical letters or documents, use registered mail.
  - Provide information for the recipient regarding expectations about limits on further sharing or use of the information:
    - For example, "This information is confidential and has been obtained under [insert relevant section] of the *Children and Young People (Safety) Act 2017* (CYPS Act). Please refer to CYPS Act for information about restrictions on sharing this information".
- **Timely:** The sharing of information should not be delayed. Emergency requests should be clearly identified and actioned.
- **Accurate:** Ensure the information shared is accurate or advise of any variations that apply.



- **Relevant:** Ensure the amount of information provided is no more than the amount necessary to meet the purpose of the information sharing.
- **Record:** Information sharing decisions must be recorded accurately and contemporaneously.

## Document the information sharing decision

The following information should be recorded in C3MS under the child or young person:

### Request details

- Who made the request? How was their identity verified?
- What did they request?
- What purpose was it requested for?

### Consent

- Upload a copy of written consent or details of verbal consent (who gave it, when and to whom). If the information sharing is covered by a standing consent that has already been recorded in C3MS, details of where this is located in C3MS should be included (for example, title and date of case note).
- If consent has not been obtained, why it was unreasonable or impractical to obtain.
- If consent was refused, why they refused and why it is still considered necessary to share information.

### Decision whether to share information and the rationale

- If the request to share has been refused, the reason for refusal.
- If information has been shared:
  - Details of the legal provision under which the information has been shared.
  - What information has been shared, how, when and by whom.
  - Any reasons identified not to share information and how they have been considered.
- A record of consultation with a supervisor and/or approval given (if relevant).
- Any follow up actions required.

## Consider discussing the information request with the client

DCP staff should consider discussing the information request with the client, including what information has been shared, with who and for what purpose. This is particularly relevant where the information has been shared by DCP without first informing the client or obtaining their consent. DCP staff should consider any risks involved in informing the client about the information sharing and consult with a supervisor if they are unsure whether it is appropriate.

Under the [Charter of Rights for Children and Young People in Care](#), children and young people in care have a right to privacy which means that they should know what information is being shared about them, with whom and why.

## Information sharing within DCP

DCP staff can share information within DCP where required to carry out functions relating to children and young people. DCP staff should not share information within DCP unless there is a valid reason for sharing. DCP staff should be particularly mindful when sharing information that is sensitive including:



- child protection information relating to a DCP employee or their family
- cases that could attract media attention
- information relating to an adverse event.

## Information sharing with family based carers

Under section 81 of the CYPS Act, DCP staff must share with family based carers any information that they need to meet the care of the children and young people placed with them or ensure the safety of the carer and/or their household members.

Timely and transparent information sharing is fundamental to working in partnership with family based carers. DCP staff providing carers with the information they need allows the carer to:

- avoid the child or young person being unnecessarily exposed to trauma or behavioural triggers
- ensure they are able to meet the child or young person's needs
- manage any risks to the child or young person
- manage any risks to the carer or their household members
- obtain appropriate diagnoses (medical or disability) for children and young people and access support
- meet the child or young person's cultural needs
- access support available through Medicare or Centrelink
- provide the child or young person with information to understand their life story
- access any other support they need to be able to maintain the placement.

Carers not being provided with the required information can contribute to placement breakdowns and family based carers choosing to stop being carers. Carers having the required information also allows them to be best placed to make an informed decision about their willingness to care. DCP should share information in an honest and transparent way to ensure that carers have an appropriate understanding of any complexity associated with the care arrangement. Incomplete or inaccurate information can lead to carers committing to arrangements that are not sustainable and negatively impact the child or young person's attachment relationships, trauma healing and sense of stability.

Information shared with family based carers should be accurate and transparent. DCP staff should be proactive in sharing information that the carer may need and not wait for this to be requested by the carer. Carers may not know what information is relevant (for example, specific trauma history or medical condition) and will rely on DCP to inform them of this.

If DCP staff are unsure whether they can share information with a family based carer they should consult with a supervisor or [DCP Legal](#) before declining the request.

## Information sharing with children and young people

Sharing information with children and young people about their situation and the reasons for child protection involvement can help to build their understanding and form a consistent narrative. Under section 164(1)(c) DCP staff can share information with a child or young person that has been obtained under the CYPS Act for the purpose of fulfilling duties under the CYPS Act which can include:

- supporting them to understand the reasons why there has been child protection involvement
- helping them to be able to make safe decisions.



Under the [Charter of Rights for Children and Young People in Care](#), children and young people in care have a right to know about their family and why they are in care.

In certain situations, DCP staff may need to consider sharing personal client information about another client with a child or young person (for example, sharing details of child protection allegations relating to an adult that the child or young person is having contact with). The protection of children and young people from harm must be the paramount consideration when deciding whether to share information. If DCP staff are unsure whether to share information they should consult with a supervisor and/or [DCP Legal](#).

DCP staff should consult with a supervisor and/or [DCP Legal](#) before sharing any information that could impact on an ongoing criminal investigation or forensic interview process.

### Information sharing with protective people

DCP staff should consider whether information needs to be shared with family members or individuals within the support network to protect the child or young person. While it is important to be mindful of confidentiality when sharing personal client information, the child or young person's safety should be paramount. Some examples of situations when DCP staff may consider sharing information include (but are not limited to):

- sharing information about the child protection concerns so that the extended family members or support network individuals can take steps to prevent the child or young person needing to be taken into care
- sharing information to identify protective support for the child or young person and the family
- advising a notifier of the outcome of a notification or investigation where they have a relevant role in protecting the safety of the child or young person or supporting the family. They may otherwise assume that the family is receiving support that they are not
- advising a protective person of relevant child protection history relating to an individual who poses a risk to the child or young person (including Australian National Child Offender Register (ANCOR) registration or previous substantiated allegations).

If DCP staff are unsure whether to share information with family members or individuals within the support network they should consult with a supervisor and/or [DCP Legal](#).

### Information sharing within a care team

DCP staff are able to share information with the following care team members under section 152 CYPS Act:

- anyone working for the South Australian government
- education staff – government or non-government
- the child or young person's carers
- the carer's support service provider
- anyone that is providing a service for the child/young person or their family (this can include the carer) for or on behalf of DCP.



For any other care team members who are not included on the list above, the DCP case worker should seek consent from the child or young person to be able share information.

## 3. Consider whether it is appropriate to seek consent

Gathering and sharing information with informed consent supports relationship based practice. Refer to the [Relationship Based Practice Practice Paper](#) for further information. DCP staff can gather or share information without consent if permitted or required by law. However, DCP staff should always seek informed consent at the earliest possible point of engagement from the person if it is safe, appropriate and practical to do so.

DCP staff must record any consent provided in C3MS under the person providing consent and also any relevant children and young people.

Whenever possible DCP staff should use the [Consent to share information](#) form. Consent can also be provided verbally or be 'implied', which means information gathering and/or sharing is inherent in the nature of a discussion. Consent may be provided on an ongoing basis or for a single request. DCP staff should consider seeking informed consent again if the request differs from original examples discussed, a long period of time has passed or the circumstances have changed.

	<p><b>Aboriginal and Torres Strait Islander Child Placement Principle active effort prompt</b></p>
<p>Participation</p>	<p>To support Aboriginal or Torres Strait Islander infants, children or young people and families to participate in decision making about gathering information, explain the process using transparent communication and clear, accessible language.</p>
	<p>Consider consulting with a Principal Aboriginal Consultant to support culturally safe engagement when gathering information that relates to an Aboriginal or Torres Strait Islander infant, child or young person and/or their family. This includes, where applicable, when making decisions about when and how to seek consent to obtain information.</p>
<p>Partnership</p>	

## Consider if it is safe, appropriate or practical to seek consent

In some circumstances, it may not be safe, appropriate or practical for DCP to seek consent. DCP staff must use their professional judgement to carefully consider the circumstances. The safety of children and young people must always be the paramount consideration. Examples of situations where it may not be safe, appropriate or practical to seek consent include (but are not limited to):

- seeking consent may place someone at risk of harm (for example, harming themselves or others, abducting someone, absconding, or concealing harmful behaviour)
- it is not possible or practical to contact the person and a prompt response is required
- the client cannot provide informed consent (for example, due to age, intellectual or cognitive functioning or impaired capacity due to mental health or substance use)
- the information will be shared even if the person declines to provide consent (for example, mandatory sharing with SAPOL or requirement for a government agency to perform its official duties).

If there is a reasonable suspicion that a person poses a serious risk to themselves or others, DCP staff must consider if SAPOL (131 444) or Mental Health Triage Services (131 465) should be notified.

## Ensure that consent is informed

Informed consent means the client:

- understands the following before giving consent:
  - what information will be shared



- who the information will be shared with
- what purpose the information is being shared for
- how the information will be used
- what will happen if they do not give their consent
- gives consent voluntarily
- has the capacity to understand and communicate their consent.

A number of factors can impact on a person's ability to understand and communicate their consent including age, mental health issues, language barriers and substance use. The sections below provide further guidance regarding seeking consent from an Aboriginal and Torres Strait Islander person, a person from a culturally and linguistically diverse background or a person with a disability and/or developmental delay. DCP staff should consult with a supervisor if they are unsure whether a person can provide informed consent. Where a person is assessed as unable to provide consent, it is important to support them to understand the decision being made and provide input to the extent that they are able.



Participation

#### Aboriginal and Torres Strait Islander Child Placement Principle active effort prompt

Seeking consent to share information (where safe and appropriate) is best practice and supports family participation. When seeking consent to share information, ensure the family understands what they are consenting to. Talk with the family and provide information about why it is important to share the information, who it will be shared with, how it will be used, and the desired outcomes.

When seeking consent, consider whether an interpreter is required and/or a cultural support person to support decision making. Refer to the [South Australian Aboriginal Languages Interpreters and Translators Guide](#) for further information.

### Consent provided by a third party

DCP staff may be advised by a third party that the client has provided consent for the gathering or sharing of information. This could include a person requesting information stating that they have already obtained consent. DCP staff should consider the following when determining whether there is a need to verify the consent:

- sensitivity of the information
- the reliability of the third party
- whether the information gathering or sharing is legally allowed without consent
- any history of this client providing or declining consent for information gathering or sharing.

DCP staff should verify the consent if there are concerns by:

- written communication from the third party confirming that consent has been obtained (for example, by official email)
- the third party providing a copy of valid written consent obtained from the client
- DCP staff contacting the client directly to confirm that consent has been provided.



## Consider who needs to provide consent

Information may relate to more than one person and DCP staff should be mindful to ensure that consideration is given to seeking consent from all relevant people.

DCP staff should consider seeking consent from the parent or guardian when sharing or gathering information in relation to a child or young person who is not under the guardianship of the Chief Executive.

## Children and young people in care

DCP staff regularly need to gather and share information with other professionals and services (such as those providing health and education services) in relation to children and young people in care. DCP staff should consider seeking consent from the child or young person for gathering or sharing information. DCP staff should consider the nature of the decision and the age and development stage of the child or young person when determining whether it is necessary or appropriate to seek their consent. For example, routine information sharing (such as communication with a residential care facility, school or child care provider) may not require the DCP worker to specifically seek the child or young person's consent, whereas a significant decision involving information sharing (such as relating to the medical care of a young person aged 16 years or older) may require the child or young person's consent, where it is safe and practical to obtain.

## Seek consent from an Aboriginal and Torres Strait Islander person

When working with Aboriginal or Torres Strait Islander infants, children, young people and their families, DCP staff must be sensitive and responsive to the cultural factors that can influence communication and participation in the decision making process.



Partnership

### Aboriginal and Torres Strait Islander Child Placement Principle active effort prompt

DCP staff must have regard to the sensitivity of the information being sought or shared and the cultural safety of the infant, child, young person and/or their family. Where considering whether to gather or share information that relates to an Aboriginal or Torres Strait Islander infant, child, young person and/or their family, it is recommended that staff consult with a Principal Aboriginal Consultant as required.

DCP staff should also consider whether an interpreter is required. For information about Aboriginal languages interpreters, refer to the [South Australian Aboriginal Languages Interpreters and Translators Guide](#). Under section 164(4) of the CYPs Act and regulation 42(2) of the CYPs Regulations, personal information may be disclosed to an interpreter for the purpose of interpreting without breaching section 164 of the Act.

The [Information Sharing Guidelines](#) also provide guidance about sharing information in a culturally sensitive manner.

For additional information, refer to the [Aboriginal and Torres Strait Islander Child Placement Principle Practice Paper](#).

## Seek consent from a person from a culturally and linguistically diverse background

When working with children, young people and families from culturally and linguistically diverse (CALD) backgrounds, DCP staff must consider their cultural perspectives and beliefs and be sensitive and responsive



to barriers to effective engagement, which may include communication barriers, lack of accessible information, distrust of government authorities and/or structural barriers.

Refer to the [Working with cultural diversity Practice Paper](#) for further information about the key principles of working with people from CALD backgrounds.

When considering whether to gather or share information that relates to a child, young person or family from a CALD background, it is recommended that DCP staff refer to the [Service Delivery Model for DCP Multicultural Services](#) and consider consulting with [DCP Multicultural Services](#) as required.

If English is not the person's first language, additional time and/or a more flexible approach may be needed to support their participation in decision making processes. Assumptions about a person's cultural and linguistic background must not influence judgements about a person's capacity to be involved in decision making or to provide consent. Engage an interpreter as required (under section 164(4) of the CYPS Act and regulation 42(2) of the CYPS Regulations, personal information may be disclosed to an interpreter for the purpose of interpreting without breaching section 164 of the Act).

The [Information Sharing Guidelines](#) also provide guidance about sharing information in a culturally sensitive manner.

For information about interpreter services for culturally and linguistically diverse families, refer to the [Interpreting and Translating procedure for people from a culturally and linguistically diverse background](#).

### Seek consent from a person with a disability or developmental delay

When working with children, young people and families with a disability or developmental delay, DCP staff must consider the person's specific requirements and needs and tailor their engagement approach appropriately. This includes asking the child, young person or family member about their preferred method of communication and whether they would like to be supported by another person (such as an advocate, interpreter, communication assistant or other trusted person).

Care must be taken to communicate clearly with children, young people, parents and caregivers with intellectual disability, acquired brain injury, sensory or other disabilities that may impact their understanding of verbal and written information. Where a person has communication difficulties or diminished decision making capacity, it is important to consider who else needs to be included in communication, discussion and decision making. For example, an appropriately skilled support person may be required at key times when important information is being delivered or decision making is required.

If a parent or caregiver is unable to make informed decisions that involve information gathering or sharing and/or provide their consent, it is important to support them to understand the decision being made and to provide input to the extent that they are able.

Refer to the [Working with children and young people with disability Practice Paper](#) and [Working with caregivers with disability Practice Paper](#) for more information or contact DCP's [Disability and Development Program](#).

### Respond if a client declines to provide consent

There can be many reasons why a client declines to provide consent which can include:

- fear or mistrust of DCP and how the information will be used
- shame or embarrassment in having personal information shared.

Clients can also refuse to provide consent in an effort to conceal from DCP because the information may further the child protection. DCP staff should demonstrate professional curiosity and explore with the client



their reasons for not wanting to provide consent. DCP staff should be mindful that sharing information after consent has been declined can negatively impact the working relationship with the client. However, DCP staff should still consider gathering or sharing information even if consent has been refused if the information is required to ensure the safety of the child or young person and consult with a supervisor if necessary.

## Gather or share information without consent

DCP staff can gather or share information without consent if it is legally required or permitted. Even when information can or must be shared without consent, DCP staff should consider:

- what information may be able to be communicated with the child, young person, parent or caregiver about the process (where safe, appropriate and practicable) and/or
- how the views of the child, young person, parent or caregiver may be sought, considered and documented.
  - When determining whether to share information without consent, DCP staff must consider whether the client has an existing relationship with the person or organisation with whom information would be shared and the impact that this would have on the client's right to privacy. This is particularly relevant when considering sharing information about an Aboriginal or Torres Strait Islander person where there is an existing community connection.



Partnership

### Aboriginal and Torres Strait Islander Child Placement Principle active effort prompt

Consider consulting with a Principal Aboriginal Consultant (PAC) when making decisions about whether to gather or share information about Aboriginal or Torres Strait Islander infants, children and young people and their families without consent (where the disclosure is not required by law). Consulting with a PAC can enhance the DCP case worker's understanding of circumstances of the child or young person and their family and enables cultural views to be considered as part of the information sharing decision.



## Document control

<b>Reference No./ File No.</b>			
<b>Document Owner</b>		<b>Lead Writer (position)</b>	
Directorate/Unit: Operational Policy		Operational Policy	
Accountable Director: Director Quality and Practice			
<b>Commencement date</b>	28 August 2025	<b>Review date</b>	06 September 2027
<b>Risk rating</b> <a href="#">Risk Assessment Matrix</a>	<b>Consequence Rating</b>	<b>Likelihood</b>	<b>Risk Rating</b>
	Moderate	Possible	Moderate

REVISION RECORD		
Approval Date	Version	Revision description
01/04/2022	V1.0	Comprehensive review of the chapter to align with the policy review cycle process, including consolidation of practice guides and updated information sharing processes with interstate and commonwealth agencies.
03/02/2023	V1.1	Minor amendment to update hyperlinks, references to practice guidance on working with Aboriginal families, and insertion of references to the Information gathering and Information sharing flowcharts.
16/02/2023	V1.2	Minor amendment to update links to the Information sharing flowchart.
02/05/2023	V1.3	Minor amendment to Scope section to include reference to authorisations and delegations.
23/04/2024	V1.4	Minor amendments to include guidance regarding the new Multicultural Services Service Delivery Model.
13/05/2024	V1.5	Minor amendments made in response to recommendations of the Independent Inquiry into Foster and Kinship Care in South Australia to strengthen guidance about information sharing and record keeping.
20/08/2024	V1.6	Minor amendments made to update the recent change for all information requests to be undertaken by SIRT (previously undertaken by ILU).
06/09/2024	V2.0	Full chapter review as per the DCP policy review cycle.
15/04/2025	V2.1	Minor amendments made to gathering information in relation to unborn children.
27/08/2025	V2.2	Minor amendments to include additional guidance about requesting information from Commonwealth agencies.