

# Information Sharing Guideline (ISG) Procedure for promoting safety and wellbeing



## Statement and Purpose

**Statement** Access4u promotes the rights of individuals to freedom of expression, self-determination and decision making, supporting opportunities for meaningful participant and active inclusion in society and respects the privacy of all customers, volunteers and staff. Access4u recognises that the protection of privacy of individuals must be balance, responsible and transparent.

There are circumstances where staff and volunteers supporting customers are alerted situations where a customer, family or group of people may be experiencing difficulties that place them at risk of harm or that pose a risk to the health, safety or wellbeing of others. Where there is a reasonable concern, information may need to be sought from or provided to another organisation so that services can be effectively coordinated to minimise any threat to safety and wellbeing.

Access4u supports the SA Government Information Sharing Guidelines (ISG) to promote the safety and wellbeing of children and vulnerable people, in doing so Access4u will work closely with other organisations to coordinate the best support for our customers. Under the ISG, our customers informed consent will be sought and respected in all situations unless;

- It is unsafe or impossible to gain consent or consent has been refused; and
- Without information being shared, it is anticipated a child or vulnerable person will be at risk of serious harm, abuse or neglect or it will pose a risk to their own or public safety.

**The purpose** of this document is to provide clear and consistent steps to determine if information sharing is appropriate while maintaining a balance between the rights of the customer and the need to prevent harm.

## Responsibilities and delegations

This procedure applies to	This policy applies to: all staff, volunteers and contractors
Specific responsibilities	<i>All staff are required to be aware of this procedure.</i>
Policy approval	CEO

## Policy context – this policy relates to:

Standards	<i>NDIS Practice Standards</i>
Legislation	<i>Other than the Privacy Act 1988 (Privacy Act), there are a number of other Australian laws that relate to privacy of personal information including:</i> <ul style="list-style-type: none"> <li>• <i>Privacy Amendment (Private Sector) Act 2000 (Cth)</i></li> <li>• <i>Privacy Regulations 2013 (Cth)</i></li> <li>• <i>National Health Act 1953</i></li> <li>• <i>Health and Community Services Complaints Act 2004 (SA)</i></li> </ul>
Contractual obligations	<i>NDIS Provider Registration</i>
Organisation policies	<ul style="list-style-type: none"> <li>• Record Management Policy</li> <li>• Risk Management Policy &amp; Framework</li> <li>• Privacy &amp; Confidentiality Policy</li> </ul>
Forms, record keeping, other documents	<ul style="list-style-type: none"> <li>• <i>Request for access to personal information form</i></li> <li>• <i>Consent Forms</i></li> </ul>

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## Procedure

The procedure is based on the Information Sharing Guidelines (ISG) as issue by the SA Ombudsman, providing clear and consistent steps to determine if information sharing is appropriate while maintaining a balance between the rights of the customer and the need to prevent harm. Additionally, it supports early intervention where it is believed a child or vulnerable individual are at risk of harm (from others or as a result of their own actions) and where adverse outcomes might reasonably be expected unless appropriate services are provided.

**Gaining consent** from the customer before sharing information is an important step, except where to do so would place a person at increased risk of harm. When gaining informed consent, any Access4u staff member must ensure the customer, in each instance of information sharing, understands the purpose of the request and the likely outcomes.

When the information sharing relates to a child or young person, their consent should be sought (when appropriate) in addition to the consent of a parent or guardian.

All customers, new and existing, must be informed of the limits to privacy that Access4u staff can provide in relation the safety and wellbeing of children and vulnerable individuals and Access4u commitment to the ISG, completing the Consent Profile of Customers is an important step.

Decisions to share information without consent or refusal to share information must be approved by an appropriate line manager.

## The Process

**The government Information Sharing Guideline has a detailed process to follow when making a decision. The following flow chare and details outline the process to follow when making a decision about seeking or providing information (from 'A Guide to writing an ISG Appendix,' OmbudsmanSA).**

## Process for assessing the risk

Decisions to share information without consent or refusing a request to share information with another organisation must be based on sound risk assessment and approved by the CEO or their delegate

### Part 1 Nine simple steps of the Risk Assessment PROCESS

#### Step 1 Has the identity of the person seeking information been verified ?

Requests for information sharing may have a level of urgency and come via the phone. Unless there is an existing working relationship with the person making a request for information that ensures they are known and that they work for the organisation they claim, identity verification will be required.

To verify the identity of a caller, ask the person to hang up, look up their organisation phone number and ring the general number and ask to speak to that person.

Once the identity of the caller has been verified, ask them to make their request in writing using, for example, official letterhead, as an email attachment, or fax, information should be de-identified

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to protect the privacy of all parties, for example using initials. When information sharing takes place by telephone or face to face, appropriate documentation must be made, refer to step 9.

When making a request in writing on behalf of Access4u, official letterhead must be used. All documentation must be kept securely and confidentially in the Customer files. If it is believed someone has deliberately misrepresented themselves in seeking information, the SA Police must be contacted as it may represent a criminal offence.

## Step 2 Is there a legitimate purpose for sharing the information ?

The aim of sharing information under ISG is to help protect vulnerable customers, their families and members of the community from current or anticipated serious threats to their wellbeing or safety. The aim is to do so with the customers' consent, whenever it is safe and possible to do so. To help decide if the purpose is legitimate a staff member should ask themselves if it will help them:

- Divert a customer from offending or harming themselves?
- Protect groups of children or young people from potential harm?
- Protect service providers in situations of danger?
- Protect a child or young person or adult from being abused or neglected?
- Alert a provider to an individual's need for a service?
- Avoid duplication or compromising services?

If the answer is **yes** to any of the above questions, then the purpose can be seen to be legitimate.

## Step 3 Is the Information confidential / private ?

For the purpose of this process, the term 'confidential' refers to private information that is provided by an individual who believes it will not be shared with others. The assumption of privacy underpins all interactions with our customers and other stakeholders.

Customers must be informed of privacy limitations – this means it is explained to them when it may be necessary to share their information with or without their consent. The following should be used in discussion when advising customers of their right to privacy and explaining the duty of care incumbent on Access4u staff:

*"Access4u will work closely with other organisations to coordinate the best support for you and your family. Your informed consent for the sharing of information will be sought and respected in all situations unless:*

- *We are obliged to by law to disclose your information regardless of consent or otherwise;*
- *It is unreasonable or impracticable to gain consent or consent has been refused; and*
- *The disclosure is reasonably necessary to prevent or lessen a serious threat to the life, health or safety of a person or group of people."*

This statement is used on the Customer Privacy Information Brochure and Forms.

## Step 4 Has consent been given ?

Consent can be 'explicit' – meaning agreement is given verbally or in writing or it can be 'implied', which means information sharing is inherent in the nature of the services provided. The key elements to Consent are:

- Consent must be provided voluntarily, without threat, pressure or attempting to overpower someone's will, and

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- the person must be adequately informed of the implications of granting or refusing consent, and
- the person must have the capacity to understand, provide and communicate their consent.

Gaining a customer's informed consent for information sharing should occur at the earliest possible point in a customer's engagement in the services. Informed consent means that the individual understands the purpose of the request and the likely outcomes of giving consent. Ideally this will be in written form, using the Consent Profile Form. Respectful ways of gaining and monitoring informed consent aware where an effort is made to:

- help customers to understand why information sharing is important, whom it is designed to support and the desired outcomes;
- explain what circumstances may arise where information may be shared without customer's consent if there is reason to believe that sharing is necessary to present serious threats, to life, health and safety, and it will help to bring together better coordinated services to address safety and wellbeing concerns;
- be honest and explain that acting without consent is always to protect the customer or others from harm;
- revisit a customer's consent if the information sharing under consideration differs from the original examples discussed or if a significant amount of time has passed since consent was first given;
- tailor the approach for children, customers with compromised intellectual capacity and customers from culturally and linguistically diverse backgrounds.

Competence may not only be about age or intellectual capacity or mental health, it may be influenced by literacy or numeracy. Talk through information sharing at length; take the time to establish if the customer demonstrates their understanding of the implications of information sharing, such as the customer can tell you what it means for them.

Document all conversations, refer to Step 9.

## Step 5 Is it safe to seek consent ?

Consent to share information should always be sought, when reasonable and practicable to do so. Consent should not be sought if there is a possibility that it could place a child, young person, vulnerable adult or a worker at increased risk of harm.

Circumstances may arise where it is not possible to seek consent for information to be shared, this could occur if the customer cannot be located. If this occurs, the following information must be documented:

- Who approved the information sharing without consent;
- What information was shared
- With whom it was shared;
- For what purpose it was shared, and
- An potential follow-up action required.

## Step 6 Is there sufficient reason to share without consent ?

Conducting a risk assessment will help determine if there is a legitimate purpose for sharing information without consent. Sufficient reason will exist if the staff member believes, on reasonable grounds, that a child, young person, vulnerable adult or group are at risk of harm and information sharing is necessary to prevent or lessen serious threats to safety and wellbeing. Groups or

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individuals of any age may be considered at risk due to circumstances that include but are not limited to:

- Sexual vulnerability or exploitation
- Perpetrating or experiencing violence
- Risk of homelessness
- Disconnection from community
- Running away / missing / wandering / absconding behaviour
- Offending
- Substance abuse
- Suicidal discussions or behaviours
- Self-harming behaviour
- Mental illness

## Step 7 Is a notification to the Child Abuse Report Line (CARL) required ?

Any concerns / suspicions, made on reasonable grounds, that a child or young person has been or is being abused or neglected, must be reported to Access4u CEO, an incident report completed and submitted, and a report must be made to the Child Abuse Report Line (CARL) ON 131478, by the person who has the concern or suspicion. Information given to CALD should include what supports are being provided by Access4u and other providers and what supports are planned for the customer concerned. A record of any advice received must be documented, as per the Access4u policy, *Child Protection Policy Framework*.

Any concerns that a vulnerable adult poses a serious and / or imminent risk to themselves or others must be reported to the Access4u CEO, and consideration given to reporting to an appropriate services, such as SAPOL on 131444 or Mental Health Assessment and Crisis intervention Service on 131465.

## Step 8 Are information sharing processes appropriate ?

Best practice is to use the STAR principles:

**Secure** - Files, records, emails, faxes, transcripts and notes must be shared and stored securely according to Access4u Documentation Retention and Destruction Policy & Procedure. Email should not be used for disclosing information; instead consider ringing the other organisation first to establish the identity of the customer and then emailing unidentified information using initials only.

**Timely** – it is not appropriate to delay the sharing of information that has been sought with the purpose of preventing or limiting serious threats to customers’ wellbeing and or safety. Cultural barriers to information sharing need to be dealt with in a timely manner as per Access4u policies.

**Emergency requests for information** makes the sharing process a priority; this should be clearly stated to other organisations that are being dealt with. In emergency situations there will need to be a record of contact, with SAPOL and or CARL.

**Accurate** – accuracy of information is vital and is one of the ways Access4u shows respect for customers. All information shared must be up to date and accurate. It must be declared if up to date information is not available, and the limitations on the usefulness of historic information explained. This should be clearly documented so the limitations of the information are not lost over time.

**Relevant** – information that is shared should only be what is needed in order for the information sharing request to be met. Depending on the purpose of the information, this can be as simple as a yes / no response to whether someone is accessing a particular service, through to detailed verbal advice about how providers

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can complement their services for a common customer, and to receiving hard copies of personal confidential records.

Do not share more information than is necessary or requested and agreed to.

Communications need to be ongoing so that judgements can be made about whether the purpose for the information sharing has been achieved. If communication is not constant, then the purpose of the information sharing may not be met.

## Step 9 Documentation / Recording

Documentation of all information sharing decisions made with or without customer consent must be completed at all stages in the procedure.

Information sharing situation	What to record	Where to record
1. Information is shared <b>with consent</b>	Copies of written consent and file not of: <ul style="list-style-type: none"> <li>• Verbal consent recording</li> <li>• Who gave it, when and to whom</li> <li>• What the consent related to</li> <li>• Information sought, provided and received.</li> </ul>	Electronically in the Customer's file under Consents  <i>Note documentation needs to clearly provide appropriate justification for the decisions made.</i>
2. Information is shared <b>without consent</b> , by you or to you	Detail: <ul style="list-style-type: none"> <li>• Why consent was not obtained</li> <li>• Manager's approval</li> <li>• What is shared, when and by whom</li> <li>• The agency and the office or officer involved, receiving and or providing the information</li> <li>• Outcomes and follow up.</li> </ul>	
3. Information sharing request is refused, by you or to you	Detail: <ul style="list-style-type: none"> <li>• The pursue, immediate or anticipated risk the request was intended to address</li> <li>• Reason given for refusal</li> <li>• Notification to CEO</li> <li>• Outcome of any subsequent follow-up from the Manager.</li> </ul>	

Additional consideration when working with Aboriginal or culturally and linguistically diverse families and communities.

Lifestyles, family structures and child rearing patterns vary across different racial, ethnic and cultural groups. In order to respond appropriately to the needs of people from diverse backgrounds, it is important to seek advice about available resources and guidance to ensure information sharing is sensitive and responsive to culture. This will help identify alternative approaches that better meet the needs of our customers.

A good test for deciding how well you believe you understand a particular culture is to ask, 'In my dealings with this family, am I confident that I appreciate and know how to respect the cultural issues that might be important to them?' If the answer is 'no', seek advice from others.

There may be significant repercussions within a community and for staff from the same cultural background as a result of seeking consent or sharing information. The person with the authority to give consent may not be obvious and the community's understanding of the concept of confidentiality may be influenced by cultural traditions and beliefs and might not be understood at all. People who have escaped civil war or authoritarian regimes may be understandably concerned

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or fearful of information sharing. It is important that staff take the time with customers to ensure the reason for information sharing understood, that it is to help deal with problems, for example fighting, drinking and others being hurt, and that permission is being sought to talk to other staff who can help. Other family members may need to be consulted by the customer so consent may not be given immediately. It may be that the community has identified a person who is considered a safe person in whom they have sufficient trust to share information.

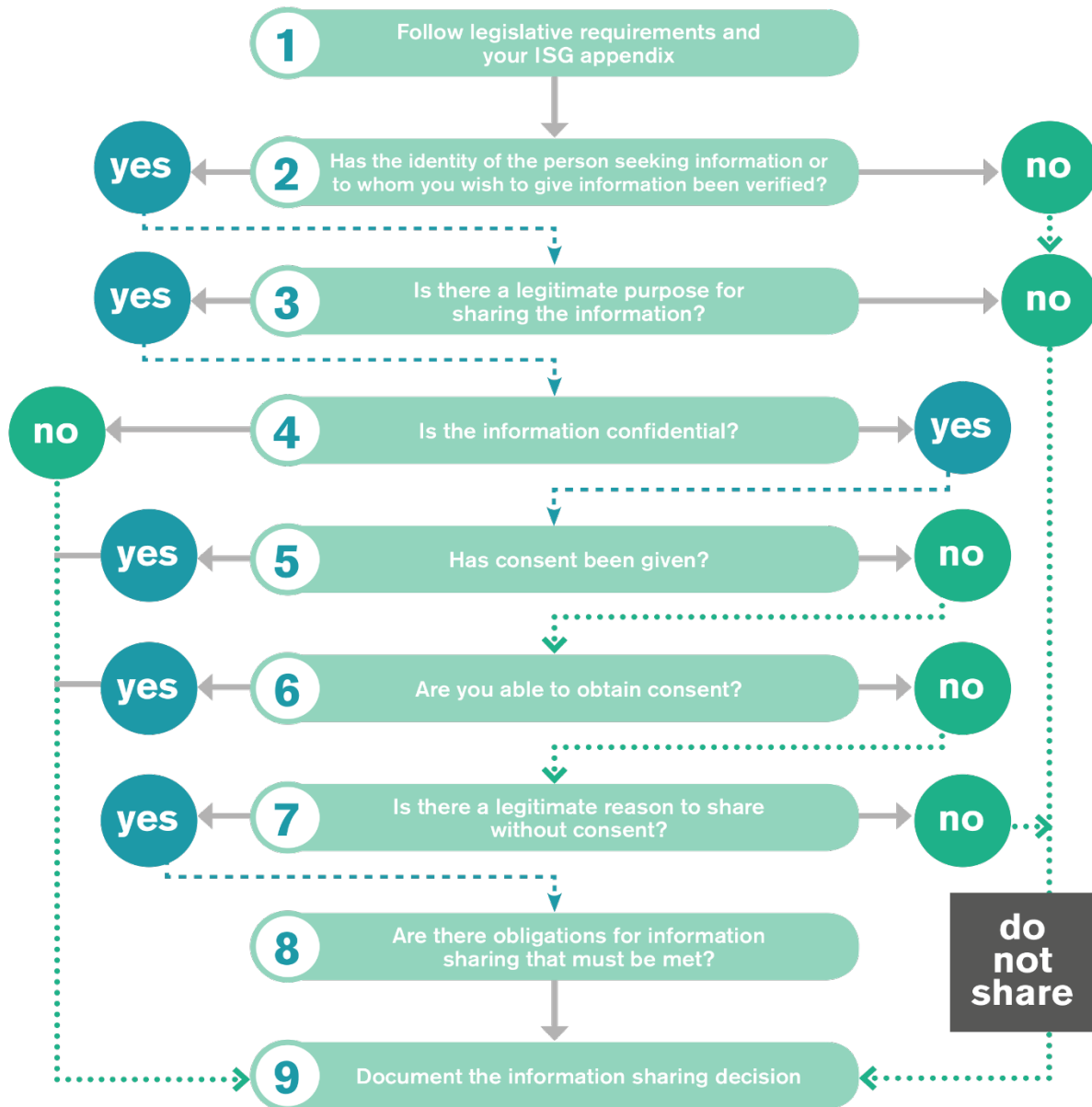
Staff should explain they may need to talk to other staff even if the customer doesn't give their permission. It is advisable to ask if there are any individual in particular they believe staff should not speak to. This is also relevant if selecting or using an interpreter or translator. Independent professional translators are often preferred to community members as they are likely to have a better understanding of confidentiality requirements and not be bound by cultural or family obligations. Once information is shared, it is important, where safe and appropriate, to give the customer or family feedback on what is planned or happening and who is involved.

In responding to the needs of people from Aboriginal and Torres Strait Islander backgrounds, staff should seek advice from a recognised Aboriginal or Torres Strait Islander organisation. The ISG rely on staff approaching family cultural contexts with sensitivity. When sharing information about individuals and their families, staff need to consider how this might be interpreted by others; they need to prevent situations being, or being seen as, the subject of 'gossip', and they need to recognize that by being helpful they can unintentionally make a person feel shamed.

Some cultural groups have been the subject of media coverage about violent and abusive situations. This means that some individuals and some groups may be highly sensitive about providers' work. It is essential that staff give clear indications of what information might be shared and with whom. The aims of information sharing are more likely to be achieved when staff talk about processes with the individual concerned in a culturally appropriate way that respect cultural repercussions. Cultural perspectives should be respected provided that the prevention of serious harm is not compromised.

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## ISG decision making steps



If you are unsure at any stage about what to do, consult your line manager/supervisor.  
If as a supervisor/line manager, you are unsure and need help or advice, you may need to seek legal advice or consult the SA Principal Advisor Information Sharing at Ombudsman SA on (08) 8226 8699 or 1800 182 150 (toll free outside metro area).