



Procedure

Information sharing under the *Child Protection Act 1999 (Qld)*

Audience

Department-wide

Implementation date: 29/10/2018

Version: 7.0

Purpose

Outlines the responsibilities of school staff members and other departmental staff in relation to sharing information about a child or family to:

- ensure a child or unborn child's safety and wellbeing; and
- enable a coordinated service response that meets the needs of students and their families.

Overview

The [Child Protection Act 1999 \(Qld\)](#) (CPA) enables the Director-General of the Department of Education (DoE), as a prescribed entity, to give information to, and receive information from, other prescribed entities and service providers who deliver services to children and their families.

The Director-General of DoE has delegated and authorised certain departmental officers to share information, whilst otherwise maintaining the confidentiality of the information, in order to contribute to a whole-of-government response to child protection issues.

Under section 159Q of the CPA, delegated and authorised officers are protected from liability when, acting honestly, they share information in compliance with Chapter 5A of the CPA.

Responsibilities

All staff

- Whenever safe, possible and practical, consent should be obtained from a child's family before sharing information about a child or family. However, the safety, wellbeing and best interests of the child are prioritised over privacy, and information about a child or family may be shared **without** consent in the circumstances described in this procedure.
- Information about an unborn child or pregnant woman may only be shared without consent in certain circumstances (refer to Part H of the [Student protection guidelines](#) (DoE employees only) for details).

- If requested to provide an affidavit/oaths acted statement for a court hearing, staff should:
 - not sign an affidavit/oaths acted statement unless completely satisfied that the content is accurate and truthful
 - be aware that they are under no legal obligation to provide an affidavit
 - remove any reference in an affidavit/statement to them providing a student protection report.
- If required to give evidence in court or tribunal hearings, staff should require a subpoena, summons or notice to attend to be served on them, and review the information contained in [Being a witness and court/tribunal etiquette information sheet](#) (DoE employees only).
- All documents relating to sharing information under the CPA must be stored in accordance with the [Information asset and recordkeeping](#) procedure.

For more information, refer to the [Student protection guidelines](#) Part H – Confidentiality and information sharing (DoE employees only).

Director-General and/or authorised officers under section 159K

Certain entities, including DoE's Director-General, are Suspected Child Abuse and Neglect (SCAN) system members under section 159K of the CPA. The Director-General has authorised certain officers to participate in the SCAN system on their behalf. Refer to the list of the [Director-General's authorisations](#) under section 159K of the *Child Protection Act 1999* (Qld) for further details.

Authorised officers must ensure that information is shared only in the following circumstances:

- For the purposes of agreeing on recommendations to give to the Department of Child Safety, Youth and Women (Child Safety) about assessing and responding to the protection needs of particular children and families; and
- With other members of the SCAN system (or their delegates), that is:
 - Child Safety
 - Queensland Health
 - the Queensland Police Service
 - other prescribed entities or service providers contributing to the operation of the system by invitation of the core members.

Director-General and/or delegated officers under sections 159MA-MD and 159N

Sections 159MA to 159MD and section 159N of the CPA specify the circumstances in which information can be shared between prescribed entities (such as DoE or Child Safety) and service providers (such as Family and Child Connect), and for what purpose the information can be shared.

The Director-General has delegated certain officers to share information under sections 159MA-MD and 159N on their behalf. A list of the Director-General's delegations under sections 159MA-MD and 159N of the CPA is available on the department's [Policy and Procedure Register](#).

Sharing information under section 159MA

Delegated officers may share information with prescribed entities and service providers if they reasonably believe the information may help the recipient to decide whether information about suspected harm or risk of harm to a child or unborn child who may need protection after birth should be given to Child Safety.

Delegated officers are **not required** to share information under section 159MA of the CPA.

Sharing information under section 159MB

Delegated officers may share information with Child Safety if they reasonably believe the information may help Child Safety investigate allegations of harm or risk of harm to a child, assess a child's need for protection, take action or decide whether a child is in need of protection.

NOTE: while delegated officers may share information under this provision, departmental staff have additional reporting obligations under the [Student protection procedure](#). All departmental staff must follow the [Student protection procedure](#) in responding to any suspicions of harm or risk of harm to a student.

Sharing information under section 159MC

Delegated officers may share information with Child Safety if they reasonably believe the information may help Child Safety:

- plan effectively for a child;
- assess or respond to the health, educational or care needs of a child;
- make plans or decisions or provide services to a child or the child's family; or
- offer help and support to a pregnant woman under s.21A of the CPA.

Delegated officers may share information with prescribed entities or service providers if they reasonably believe the information may help the recipient:

- participate in case planning, assess or respond to the health, educational or care needs of a child;
- make plans or decisions or provide services to a child or the child's family; or
- to help Child Safety to offer help and support to a pregnant woman under s.21A of the CPA.

Delegated officers are **not required** to share information under section 159MC of the CPA.

Sharing information under section 159MD

Delegated officers may share information with prescribed entities or service providers if they reasonably believe the information may help the recipient assess or respond to the health, educational or care needs of a child, make plans or decisions, or provide services or offer to provide services to a child or the child's family, to decrease the likelihood of a child becoming in need of protection.

Delegated officers are **not required** to share information under section 159MD of the CPA.

Sharing information under section 159N

Under section 159N of the CPA, delegated officers must share information when Child Safety requests specific information that is within the possession and control of DoE. DoE must comply with the request, unless giving the information:

- could prejudice an investigation of a contravention of a law or under the [Coroners Act 2003 \(Qld\)](#);
- reveals a confidential source in relation to the enforcement or administration of a law;
- will endanger a person's life or safety;
- is not in the public interest; or
- the information relates to an expunged charge or conviction, or a criminal conviction for which the rehabilitation period has expired.

Process

Sharing information with the SCAN system (section 159L of the CPA)

Authorised officers must use the approved SCAN forms on the [OnePortal Student Protection page](#) (DoE employees only) to share information. Refer to the [SCAN manual](#) (DoE employees only) for more information.

Sharing information under sections 159MA-MD or 159N of the CPA

Delegated officers only

Responding to a request for information

- Ensure that any request for information is made in writing using DoE's [Sharing information for child protection form](#) or Child Safety's Request for information form. The form must state:
 - the name, position, and organisation of the officer making the request, and
 - the relevant section of the CPA under which the request is made (e.g. s.159MB, s.159N).
- If satisfied that the request has been made by an authorised officer, falls within the circumstances outlined in the relevant section of the CPA, and is not subject to any limitations, provide the information in one of the following ways:
 - complete section B of DoE's Sharing information for child protection form
 - complete section D of Child Safety's Request for information form
 - provide written information attached to one of the above forms.
- If it is determined that information will not be provided, notify the requesting officer in writing and document justification for the decision.

- In an emergency situation, delegated officers may respond to a verbal request for information if satisfied the conditions outlined above have been met. Officers should also ensure:
 - a verbal request is followed by a written request; and
 - a record of the verbal exchange be retained and attached to the written request when received.

Requesting information

- DoE delegated officers are able to request information from prescribed entities or service providers under sections 159MA-MD of the CPA. Request information by completing section A of DoE's [Sharing information for child protection form](#).

Sharing information on own initiative

DoE delegated officers are able to provide information to prescribed entities or service providers on their own initiative if satisfied the disclosure falls under sections 159MA-MD of the CPA. Provide information by completing section B of DoE's [Sharing information for child protection form](#).

Other instances when schools may share information

There are other instances when it may be appropriate to share student personal information, including with other schools. For further details refer to the [Student protection procedure and guidelines](#) Part H – Confidentiality and information sharing (DoE employees only).

For protocols regarding disclosing student personal information to law enforcement agencies and prescribed ways in which principals may assist police and Child Safety officers during official interviews and searches on school premises, see the [Disclosing personal information to law enforcement agencies](#) procedure and the [Police and Child Safety Officer interviews and searches with students](#) guideline (DoE employees only).

Definitions

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| Child/ren | A person under 18 years of age. |
| Child in need of protection | A child who has suffered, is suffering or is at unacceptable risk of suffering significant harm and does not have a parent able and willing to protect the child from harm. |
| Child Safety | The Department of Child Safety, Youth and Women. When information is shared with Child Safety it should be provided to the chief executive or an authorised officer. |
| Independent Aboriginal or Torres Strait Islander entity | An individual who is an Aboriginal or Torres Strait Islander person, or an entity whose members include Aboriginal or Torres Strait Islander persons, who facilitates the participation of an Aboriginal or Torres Strait Islander child or the child's family in the decision-making process. |
| Information | Information about an individual, from which the identity of the individual can be ascertained. May be comprised of facts or opinions (s.159MF of the CPA). |
| Prescribed entity | Under s.159M of the CPA, this includes: <ul style="list-style-type: none"> • the chief executive of a department that is mainly responsible for adult |

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| | <p>corrective services, community services, disability services, education, housing services, public health</p> <ul style="list-style-type: none"> • the police commissioner • the chief executive officer of the Mater Misericordiae Health Services Brisbane • a health service chief executive within the meaning of the Hospital and Health Boards Act 2011 (Qld) • the principal of a school that is accredited, or provisionally accredited, under the Education (Accreditation of Non-State Schools) Act 2017 (Qld) • a specialist service provider • the chief executive of another entity, that provides a service to children or families, prescribed under a regulation (such as the Department of Child Safety, Youth and Women). |
| Relevant child | A child in need of protection or who may become in need of protection if support is not given to the child or their family. |
| SCAN system | Suspected Child Abuse and Neglect system. |
| School staff member | An individual who is employed by the department and normally performs their daily duties within a school or schools, whether on a temporary, permanent or contract basis. |
| Service provider | <p>Under s.159M of the CPA includes:</p> <ul style="list-style-type: none"> • a person providing a service to children or families • a licensee (an organisation licensed to provide care for children in Child Safety's custody or guardianship) • an independent Aboriginal or Torres Strait Islander entity for an Aboriginal or Torres Strait Islander child. |
| Specialist service provider | A non-government entity, other than a licensee or an independent Aboriginal or Torres Strait Islander entity, funded by the Queensland or Commonwealth Government to provide a service to a relevant child, or the family of a relevant child (section 159M of the CPA). Examples of specialist service providers include Family and Child Connect and Intensive Family Support services. |
| Student | Any person, regardless of age, who attends a state educational institution, established under section 13, 14, or 15 of the Education (General Provisions) Act 2006 (Qld) . For the purposes of this procedure only, the definition of 'student' includes a pre-preparatory age child being provided with a pre-preparatory learning program at a prescribed state school (see section 419A of the Education (General Provisions) Act 2006 (Qld)) and a child registered in a distance education pre-preparatory learning program provided by a state school (see section 419F of the Education (General Provisions) Act 2006 (Qld)). |

Legislation

- [Child Protection Act 1999 \(Qld\)](#) Chapter 5A - Sections 159C, 159D, 159K, 159L, 159MA-MD, 159N

Delegations/Authorisations

- [Director-General's authorisations under the Child Protection Act 1999 \(Qld\)](#)
- [Director-General's delegations under the Child Protection Act 1999 \(Qld\)](#)

Related policies

- Nil

Related procedures

- [Disclosing personal information to law enforcement agencies](#)
- [Student protection](#)

Guidelines

- [Student protection guidelines](#) (DoE employees only)
- [Police and Child Safety Officer interviews and searches with students](#) (DoE employees only)
- [Information sharing guideline](#)

Supporting information/websites

- [Sharing information for child protection form](#)
- [Suspected Child Abuse and Neglect \(SCAN\) manual](#) (DoE employees only)

Contact

For further information, please contact your nearest [regional office](#) or the Legal and Administrative Law Branch on (07) 3513 5870.

Review date

23/06/2019

Superseded versions

Previous seven years shown. Minor version updates not included.

- 2.0 SMS-PR-018: Information Sharing under Child Protection Act 1999
- 3.0 Information Sharing Under Child Protection Act 1999
- 4.0 Information Sharing Under Child Protection Act 1999
- 5.0 Information Sharing Under Child Protection Act 1999
- 6.0 Information Sharing Under Child Protection Act 1999

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