



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

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Audience

Department-wide

Purpose

This procedure outlines the responsibilities of the Director-General and delegated officers in relation to sharing information about a child or family in order 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

Chapter 5A of 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, the Department of Child Safety, Seniors and Disability Services (Child Safety), prescribed entities and service providers who deliver services to children and their families.

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

Information can be shared between Child Safety, prescribed entities (such as DoE, and specialist service providers such as [Family and Child Connect](#)) and service providers for specific purposes, as outlined in sections 159MA to 159MD and section 159N of the CPA. The Director-General has delegated powers to [certain officers](#) to share information on their behalf.

Note that while delegated officers may share information under section 159MB of the CPA, 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.

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

Supporting information regarding information sharing under the CPA can be found in the [Student protection guidelines](#) (DoE employees only) and in Child Safety's [Information sharing guidelines](#).

For distinct processes regarding disclosing personal information to law enforcement agencies and 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).

For distinct processes regarding sharing information under the Suspected Child Abuse and Neglect (SCAN) team system, operating under Chapter 5A - Part 3 of the CPA, refer to the [Suspected Child Abuse and Neglect \(SCAN\) team system OnePortal page](#) (DoE employees only).

Responsibilities

Director-General and all delegated officers under sections 159MA-MD and 159N of the CPA

- Obtain consent from a child's family to share the child or family's information whenever safe, possible and practical. 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 for the purposes described in this procedure.
- Only share information about an unborn child or pregnant woman without the pregnant woman's consent:
 - to help the recipient decide if they should report concerns about an unborn child to Child Safety; or
 - to help Child Safety offer help and support to the pregnant woman to reduce the likelihood that the child will need protection after they are born.
- Store documents relating to sharing information under the CPA in a secure location with appropriate access restrictions.

Director-General and officers delegated to share information under sections 159MA-MD and 159N of the CPA

Must share information in the following circumstances:

- when, under section 159N of the CPA, Child Safety requests specific information that is within the possession and control of DoE, unless there are limitations (see definition) on providing the information.

May share information in the following circumstances:

- 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 (section 159MA)
- with Child Safety if they reasonably believe the information may help Child Safety to:
 - investigate an allegation of harm or risk of harm to a child or assess a child's need for protection
 - take action, or decide whether the recipient reasonably suspects a child is in need of protection
 - investigate or assess the likelihood that an unborn child will need protection after they are born (section 159MB).

- 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 relevant child
 - make plans or decisions or provide services to a relevant child or the child's family
 - offer help and support to a pregnant woman to reduce the likelihood that the child will need protection after they are born (section 159MC (1)).
- 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 in need of protection
 - make plans or decisions or provide services to a child in need of protection or the child's family
 - help Child Safety to offer help and support to a pregnant woman to reduce the likelihood that the child will need protection after they are born (section 159MC (2))
 - assess or respond to the health, educational or care needs of a child to decrease the likelihood of a child becoming in need of protection
 - make plans or decisions, or provide services or offer to provide services to a child or the child's family, in order to decrease the likelihood of a child becoming in need of protection (section 159MD).

May request and/or receive information in the following circumstances:

- if the delegated DoE officer or the holder reasonably believes the information may help DoE 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 (section 159MA)
- if the delegated DoE officer or the holder reasonably believes the information may help DoE decide, to provide Child Safety information that will help Child Safety investigate, assess or take action on allegations of harm or risk of harm to a child or unborn child (section 159MB)
- if the delegated DoE officer or the holder reasonably believes the information may help DoE to:
 - participate in case planning
 - assess or respond to the health, educational or care needs of a child in need of protection
 - make plans or decisions or provide services to a child in need of protection or the child's family
 - help Child Safety to offer help and support to a pregnant woman to reduce the likelihood that the child will need protection after they are born (section 159MC (2) and (3))
 - assess or respond to the health, educational or care needs of a child to decrease the likelihood of a child becoming in need of protection
 - 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 (section 159MD).

Process

Sharing information with Child Safety, prescribed entities and service providers (sections 159MA-MD of the CPA) – Director-General and delegated officers only

Responding to a request for information from Child Safety, prescribed entities or service providers

1. Receive a request for information from Child Safety, a prescribed entity or service provider. This may be verbally or via DoE's [Sharing information for child protection form](#).
2. Officers who are not delegated to share information should refer the request to a delegated officer.
3. If the request relates to a student enrolled in a state school or their family, notify the student's principal that a request for information about the student or their family has been received and is being actioned.
4. If the request is not in writing, request that it be made in writing using DoE's [Sharing information for child protection form](#). In an urgent situation, delegated officers may respond to a verbal request for information if satisfied the requestor is a delegated and/or authorised officer. Officers must also ensure:
 - a verbal request is followed by a written request within 48 hours
 - a record of the verbal exchange be made and attached to the written request when received.
5. Check that the form states:
 - the name, position, and organisation of the officer making the request
 - the relevant section of the CPA under which the request is made (e.g. section 159MA)
 - the information sought, and reasons why the information is sought.

If the form does not include this information, return it to the requestor and ask that it be completed.

6. Check you are satisfied that:
 - the requestor has declared they are a delegated and/or authorised officer
 - information is being requested for one of the purposes outlined in this procedure.
7. If satisfied, provide the information to the requestor in one of the following ways:
 - complete section B of DoE's [Sharing information for child protection form](#)
 - provide written information attached to the form.
8. Prior to sharing copies of OneSchool records:
 - ensure the information is relevant to the officer's performance of functions under the CPA. If this is not clear from the information provided, seek further information from the requesting officer; and
 - review all documents and redact any information in relation to other students or families.
9. If not satisfied, notify the requestor in writing that information will not be provided, and document justification for the decision.
10. When possible, store completed information sharing forms in OneSchool under Record of Contacts, with access restricted to the principal, deputy principal and guidance officer.
11. If the request does not relate to a state school student or if the delegated officer does not have access to the student's Record of Contacts in OneSchool, store completed information sharing forms in a secure location.

Requesting information from Child Safety, a prescribed entity or service provider

DoE delegated officers are able to receive information from Child Safety, prescribed entities or service providers for the purposes outlined in this procedure. To request information:

1. Ensure that you are a delegated officer.
2. Notify the student's principal that you intend to request information about a student or their family from Child Safety, a prescribed entity or service provider.
3. Complete section A of DoE's [Sharing information for child protection form](#).
4. Send the form to the agency or service you wish to request information from. If you are not sure who to send the form to, address it to the chief executive.
5. When possible, store completed information sharing forms in OneSchool under Record of Contacts, with access restricted to the principal, deputy principal and guidance officer.
6. If the delegated officer does not have access to the student's Record of Contacts in OneSchool, store completed information sharing forms in a secure location.

Sharing information with Child Safety, prescribed entities or service providers on own initiative

DoE delegated officers are able to provide information to Child Safety, prescribed entities or service providers on their own initiative if satisfied the disclosure will assist with one of the purposes outlined in this procedure. To provide information on own initiative:

1. Ensure that you are a delegated officer.
2. Notify the student's principal that you intend to share information about the student or their family with Child Safety, a prescribed entity or service provider.
3. Complete section B of DoE's [Sharing information for child protection form](#).
4. Send the form to the agency or service you wish to share information with. If you are not sure who to send the form to, address it to the chief executive.
5. When possible, store completed information sharing forms in OneSchool under Record of Contacts, with access restricted to the principal, deputy principal and guidance officer.
6. If the delegated officer does not have access to the student's Record of Contacts in OneSchool, store completed information sharing forms in a secure location.

Sharing information when requested by Child Safety under section 159N of the CPA – Director-General and delegated officers only

1. Receive a request for information verbally or via Child Safety's section 159N information request form.
2. Officers who are not delegated to share information should refer the request to a delegated officer.
3. If the request relates to a student enrolled in a state school or their family, notify the student's principal that a request for information about the student or family has been received and is being actioned.
4. If the request is not in writing, request that it be made in writing using Child Safety's section 159N information request form. In an urgent situation, delegated officers may respond to a verbal request for information if satisfied the requestor is a delegated and/or authorised officer, and the request is not subject to any limitations (see definitions). Officers must also ensure:

- a verbal request is followed by a written request within 48 hours
 - a record of the verbal exchange be made and attached to the written request when received.
5. Check that the form states:
- the name, position, and organisation of the officer making the request
 - the information sought, and reasons why the information is sought.
- If the form does not include these items, return it to the requestor and ask that they be completed.
6. Check you are satisfied that:
- the requestor has declared that they are a delegated and/or authorised officer
 - the request is not subject to any limitations (see definitions).
7. If satisfied, provide the information by completing section D of Child Safety's section 159N information request form, or by providing written information attached to the form.
8. Prior to sharing copies of OneSchool records:
- ensure the information is relevant to the officer's performance of functions under the CPA. If this is not clear from the information provided, seek further information from the requesting officer; and
 - review all documents and redact any information in relation to other students or families.
9. If the request is subject to limitations, notify the requestor in writing that information will not be provided, and document justification for the decision.
10. When possible, store completed information sharing forms in OneSchool under Record of Contacts, with access restricted to the principal, deputy principal and guidance officer.
11. If the request does not relate to a state school student or if the delegated officer does not have access to the student's Record of Contacts in OneSchool, store completed information sharing forms in a secure location.

Definitions

Term	Definition
Child/ren	A person/s under 18 years of age (section 8 of the CPA).
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 (section 10 of the CPA).
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 about the child.
Information	Information about an individual, from which the identity of the individual can be ascertained. Information may be comprised of facts or opinions (section 159MF of the CPA).

Term	Definition
Limitations	<p>There are limitations on when information can be provided to Child Safety in response to a request for information under section 159N. They include:</p> <ul style="list-style-type: none"> • that giving the information could: <ul style="list-style-type: none"> ○ prejudice an investigation of a contravention of a law or under the Coroners Act 2003 (Qld); or ○ reveal a confidential source in relation to the enforcement or administration of a law; or ○ endanger a person's life or safety; or ○ 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.
Prescribed entity	<p>Under section 159M of the CPA, this includes:</p> <ul style="list-style-type: none"> • the chief executive of a department that is mainly responsible for adult corrective services, community services, disability services, education, housing services, public health • the police commissioner • the chief executive officer of the Mater Misericordiae Ltd (ACN 096 708 922) • 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 (refer to definition) • the chief executive of another entity, that provides a service to children or families and is prescribed by regulation.
Relevant child	<p>A child in need of protection or a child who may become in need of protection if preventative support is not given to the child or their family (section 159BA of the CPA).</p>
Service provider	<p>Under section 159M of the CPA, this 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.

Term	Definition
	Examples of service providers include General Practitioners, private counsellors and workers in Aboriginal and Torres Strait Islander health services.
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 , Intensive Family Support services and Aboriginal and Torres Strait Islander Family Wellbeing 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 children 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 children 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 159M-MF, 159N, 159Q
- [Coroners Act 2003 \(Qld\)](#)
- [Education \(Accreditation of Non-State Schools\) Act 2017 \(Qld\)](#)
- [Education \(General Provisions\) Act 2006 \(Qld\)](#)
- [Hospital and Health Boards Act 2011 \(Qld\)](#)

Delegations/Authorisations

- [Director-General's delegations under sections 159MA-MD and 159N of the Child Protection Act 1999](#)

Policies and procedures in this group

- [Child and student protection policy](#)
- [Disclosing personal information to law enforcement agencies procedure](#)
- [Allegations against employees in the area of student protection procedure](#)
- [Student protection procedure](#)
- [Working with children authority procedure](#)

Supporting information for this procedure

- [Sharing information for child protection form](#)

Other resources

- [Student protection guidelines](#) (DoE employees only)
- [Child Safety's Information sharing guidelines](#)
- [Family and Child Connect](#)
- [Police and Child Safety Officer interviews and searches with students](#) (DoE employees only)
- [Suspected Child Abuse and Neglect \(SCAN\) team system OnePortal page](#) (DoE employees only)

Contact

For further information, please contact your nearest [regional office](#) or the regional [Principal Advisor, Student Protection](#) (DoE employees only).

Review date

16/09/2022

Superseded versions

Previous seven years shown. Minor version updates not included.

- 5.0 Information Sharing Under *Child Protection Act 1999*
- 6.0 Information Sharing Under *Child Protection Act 1999*
- 7.0 Information sharing under the *Child Protection Act 1999* (Qld)
- 8.0 Information sharing under the *Child Protection Act 1999* (Qld)

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