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ISG Policy

Scope

This procedure applies to all Enhanced Lifestyles workers and customers.

Introduction

Enhanced Lifestyles promotes the safety and wellbeing of individuals, both adults and children. There may be times when Enhanced Lifestyles workers are alerted to circumstances where an individual, 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 suspicion of harm, information may need to be sought from or provided to another organization so that services can be effectively coordinated to minimise any threat to safety and wellbeing.

The use of organisational risk assessment tools, policies and procedures will help to determine the level of adversity being faced. It can also help to determine if it is reasonable and practicable to seek consent for information sharing.

Enhanced Lifestyles Statement

Enhanced Lifestyles supports the SA Government's Information Sharing Guidelines (ISG) to promote the safety and wellbeing of children and vulnerable adults. Enhanced Lifestyles 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 adult will be at risk of serious harm, abuse or neglect or it will pose a risk to their own or public safety.*

Procedures

These procedures are based on the *Information Sharing Guidelines* as issued by the SA Ombudsman. ISG 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. The Guidelines also support early intervention where it is believed a child or vulnerable adult 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.

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Gaining a customer's consent before sharing information is a recommended practice, except where to do so would place a person at increased risk of harm.

When gaining informed consent, any Enhanced Lifestyles 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.

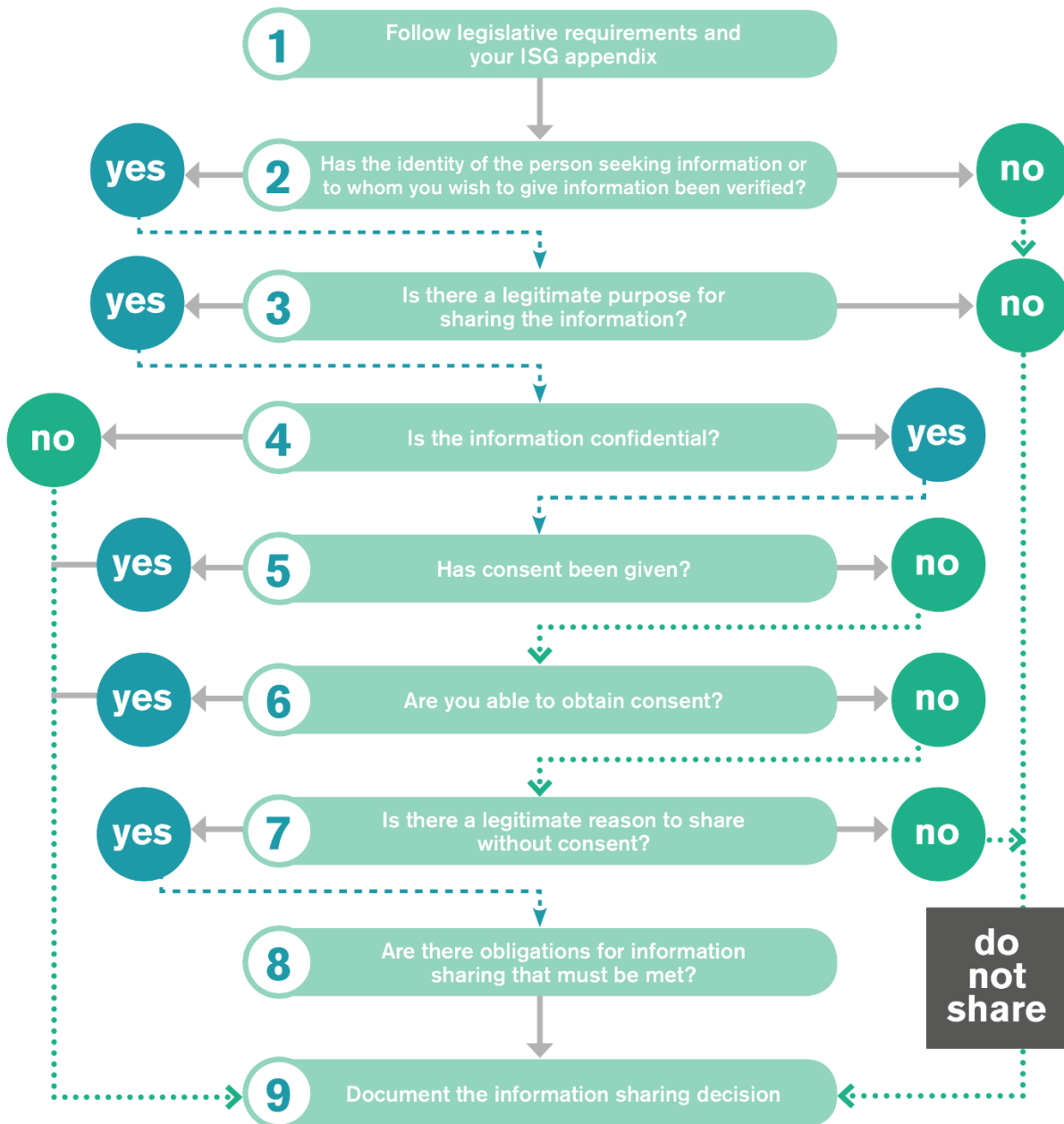
All customers, new and existing, must be informed of the limits to privacy that Enhanced Lifestyles workers can provide in relation to the safety and wellbeing of children and vulnerable adults and Enhanced Lifestyles' commitment to the ISG.

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ISG decision making steps

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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

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Part 1 - The Process

This flow chart and corresponding explanation outline the process to follow when making decisions about seeking or providing information.

("A guide to writing an ISG Appendix", *Ombudsman SA*)

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ISG practice guide

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1

Before proceeding, check your ISG appendix for guidance:

- share information in a manner that is consistent with legal obligations and organisational policies and procedures
- follow the ISG STAR principles to make information sharing Secure, Timely, Accurate and Relevant
- collaborate with other providers to coordinate services and manage/mitigate risk.

2

If you do not know the person seeking information or to whom you wish to provide information, you need to verify who they are and for whom they work before sharing information

3

You have a legitimate purpose for information sharing if you believe it is likely to:

- divert a person from offending or harming themselves
- protect a person or groups of people from potential harm, abuse or neglect
- protect service providers in situations of danger
- help service providers more effectively address risks to safety and wellbeing
- alert other service providers to an individual's need for assistance.

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Generally, information is considered confidential when the person providing it believes it won't be shared with others

Assume that people will consider most information about themselves and their families to be confidential unless they have indicated otherwise.

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Seeking informed consent is the first approach

This means the person understands the purpose for information sharing, with whom it will be shared, and what might happen as a result of sharing. If informed consent has been obtained, information can be shared.

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It may be unreasonable to obtain consent if you are concerned that in doing so, the person might:

- move themselves or their family out of the organisation's or agency's view
 - stop using a service seen to be necessary for the client or their children's safety or health
 - coach or coerce a person to 'cover up' harmful behaviour to themselves or others
 - abduct someone or abscond
 - harm or threaten to harm others
 - attempt suicide or self-harm
 - destroy incriminating material relevant to a person or group's safety.
- It may be impracticable to obtain consent if, for example, after reasonable attempts, you cannot locate the client. Discuss your concerns with a colleague/supervisor.

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There is a legitimate reason to share information without consent if it is believed that failure to share information will lead to risk of serious harm

Disclosure of information without consent is permitted if:

- (1) it is authorised or required by law, or
- (2) (a) it is unreasonable or impracticable to seek consent; or consent has been refused; and
(b) 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.

The decision to share without consent must be based on sound risk assessment and approved by the appropriate officer in your agency or organisation.

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Situations where you must share information:

- eg you hold a suspicion, on reasonable grounds, that a child or young person has or is being abused or neglected, you must report this to CARL (131 478).
- eg you believe a person poses a serious risk to themselves or others, consider if you should notify SA Police (131 444) or Mental Health Triage Services (131 465) (formerly known as ACIS).

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Keep records – particularly in relation to consent issues

As a minimum, document when sharing information is refused or occurs without consent. Follow your organisation's instructions about recording other significant steps.

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Assessing the Risk

Decisions to share information without consent or refuse a request to share information with another organisation must be based on sound risk assessment and approved by a Manager of Enhanced Lifestyles.

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 in 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 to protect the privacy of all parties (e.g. using initials). When information sharing takes place by telephone or face to face, appropriate documentation must be made (See Step 9).

When making a request in writing on behalf of Enhanced Lifestyles, official letterhead must be. All documentation must be kept securely and confidentially in 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 the ISG is to help protect vulnerable adults, children, young people, 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 customer's consent, wherever it is safe and possible to do so.

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To help decide if the purpose is legitimate, a worker should ask themselves if it will help them:

- Divert a child or young person or vulnerable adults from offending or harming themselves?
- Protect groups of children or young people from potential harm?
- Protect community members 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 these questions, then the purpose can be seen to be legitimate.

Step 3. *Is the information confidential/private?*

For the purpose of these guidelines, 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 Enhanced Lifestyles workers:

"Enhanced Lifestyles 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 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."*

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This statement is to be used on Customer Privacy Information Brochures 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 service sought.

The Key Elements to Consent are:

- Consent must be provided voluntarily – without threat, pressure or attempting to overpower someone's will.
- The person must be adequately informed of the implications of granting or refusing consent.
- 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 service. 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 a Customer Privacy Form. Respectful ways of gaining and monitoring informed consent are 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 the customer's consent if there is reason to believe that sharing is necessary to prevent 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.

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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, i.e. the customer can tell you what it means for them.

Document all conversations (refer to Step 9).

Step 5. */s 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 any potential follow-up action required.

Step 6. */s 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 worker 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 individuals of any age may be considered at risk due to circumstances that include but are not limited to:

- risk of homelessness
- disconnection from community
- running away/absconding behaviour
- offending
- substance abuse
- suicidal discussions or behaviour
- self-harming behaviour
- mental illness
- sexual vulnerability or exploitation
- perpetrating or experiencing violence.

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Step 7. Is a notification to the Child Abuse Report line required?

Any concerns/beliefs, made on reasonable grounds, that a child or young person has been or is being abused or neglected, **must** be reported to Enhanced Lifestyles and a report must be made to the Child Abuse Report Line (CARL) on 131478. Information given to CALO should include what supports are being provided by Enhanced Lifestyles and other providers and what supports are planned for the customer concerned. A record of any advice received must be documented, as per Enhanced Lifestyles policy, *Child Protection Policy and Procedures*.

A report to CARL does not mean that the planned information sharing should stop unless advice is given by CARL for workers to do so.

Any concerns that a vulnerable adult poses a serious and/or imminent risk to themselves or others must be reported to Enhanced Lifestyles and then consideration given to reporting to an appropriate service, e.g. SA Police (131444) or Mental Health Assessment and Crisis Intervention Service (131465).

Step 8. Are information sharing processes appropriate?

Best practice is to use the STAR principles;

- Secure – Files, records, e-mails, faxes, transcripts and notes must be shared and stored securely according to Enhanced Lifestyles *Documentation Retention and Destruction Policy and Procedures*. 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 or 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 Enhanced Lifestyles policies, *Child Protection Policy and Procedures and Vulnerable Adult Protection Policy and Procedure*.
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 be a record of contact with either SA Police and/or the CARL.

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- **Accurate** – Accuracy of information is vital and is one of the ways Enhanced Lifestyles 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 can complement their services for a common customer, and to receiving hard copies of personal confidential records. Whatever is shared must be proportionate to the purpose and relevance of the request. Do not share more information than is necessary or requested and agreed to.

Communications need to be ongoing so that judgments 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.

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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 with consent	<p>Copies of written consent and file note of:</p> <ul style="list-style-type: none"> • Verbal consent recording. • Who gave it, when and to whom? • What the consent related to. • Information sought, provided or received. 	<i>Electronically in the Customer File.</i>
2. Information is shared without consent (by you or to you)	<p>Detail:</p> <ul style="list-style-type: none"> • Why consent was not obtained. • Manager's approval, if required. • What is shared, when and by whom? • The agency and the office or officer involved (receiving and providing). • Outcomes and follow up. 	
3. Information sharing request is refused (by you or to you)	<p>Detail:</p> <ul style="list-style-type: none"> • The purpose (the immediate or anticipated risk the request was intended to address). • Reason given for refusal • Notification to/approval the Manager • Outcome of any subsequent follow up from the Manager. 	

*Note documentation needs to clearly provide appropriate justification for the decisions made.

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Part 2 - Lines of Approval and Supervision

Decisions to share information without consent or refusal to share information must be approved by an appropriate Manager or the Chief Executive Officer.

DOCUMENTATION

Documents related to this policy	
Related policies	<p>Q102 – Client Rights and Service Charter Policy</p> <p>Q108 – Privacy Policy</p> <p>Q201 - Code of Ethics and Conduct</p> <p>Q245 - Risk Management Policy</p> <p>Q245A – Risk Management Plan</p>