

# Northern Territory Multi Agency Community and Child Safety Teams

## Information Sharing Protocols

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Acronyms	Full form
MACCST	Multi Agency Community and Child Safety Teams
ISA	Information Sharing Authorities

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## 1. Background

Multi Agency Community and Child Safety Teams (MACCSTs) deliver timely, coordinated responses on two levels to:

1. Children and families who, in comparison to the other children and families in their community, have greater needs that significantly increase their risk of harm to themselves and/or others; and
2. Address thematic social issues affecting groups of children and their families in the local community where statutory responses may be required or where there is concern for a group of children or young people.

This is achieved through:

- a shared commitment to work collaboratively to provide for the safety of people from the risk of harm
- the sharing of agency's information and data to identify those children and families who are at the greatest risk of harm and combat emerging local community problems
- the proactive sharing of information to inform critical decision making
- a commitment to operate as a coalition with flexibility and responsivity in a problem solving framework
- the development of Community and Child Safety Response Plans to address thematic community issues.

## 2. Purpose

The purpose of these protocols are to describe the information sharing arrangements between MACCST members and assist members in ensuring information is shared consistent with the law.

## 3. Service Delivery Partners

The MACCSTs have the following membership:

The most senior delegate who works directly with children and their families in the community from each agency:

- Department of Territory Families, Housing and Communities
- Northern Territory Police
- Department of Health or Aboriginal Medical Service
- Department of Education or Non-Government Schools
- Department of the Chief Minister
- Manager Children and Families Centre
- Government Business Manager (Commonwealth)

It is acknowledged that not all agencies have permanent representatives at each community and the makeup of the MACCST may therefore vary from location to location dependent on local requirements.

Other representatives include at least two Aboriginal members of Aboriginal Community Controlled Organisations, local staff of the above agencies and /or members with cultural authority.

From time to time the local team may invite any other person with relevant expertise, resources or cultural authority to attend meetings or present agenda items.

The meeting will be chaired or co-chaired by the most suitable member selected by the MACCST members. The MACCST will also identify Secretariat resources.

MACCST meeting will be conducted in two parts. Shared Case Plan meetings and Community and Child Safety Response Plan meetings. Not all members will participate in both meetings and membership will be agreed between members and the Co-chairs and be determined on the members ability to contribute to either meeting and with respect to Shared Case Plan meetings a legal ability to participate in discussions involving sensitive information with respect to children and families.

## 4. Definitions

Under these Protocols the following meanings apply:

**Act** means the *Care and Protection of Children Act 2007*.

**Child** as defined by section 13 of the *Care and Protection of Children Act 2007* means:

- (a) a person less than 18 years of age; or
- (b) a person apparently less than 18 years of age if the person's age cannot be proved.

'Children' should be read as 'children and young people.'

**Shared Case Plan** means a plan developed in response to an identified need relating to significant risk to child safety, either in response to a MACCST investigation or in a prevention capacity responding to a pattern of concern of child harm or exploitation identified by any Agency who is a member of the relevant MACCST. The Plan details the actions parties of a MACCST and/or external stakeholders will take to respond to specific issues related to child harm or exploitation.

**Exploitation of child** as defined by section 16 of the *Care and Protection of Children Act 2007* means:

- (1) Exploitation of a child includes sexual and any other forms of exploitation of the child.
- (2) Without limiting subsection (1), sexual exploitation of a child includes:
  - a) sexual abuse of the child; and
  - b) involving the child as a participant or spectator in any of the following:

- (i) an act of a sexual nature;
- (ii) prostitution; and
- (iii) a pornographic performance.

**Harm to child** as defined by section 15 of the *Care and Protection of Children Act 2007* means:

(1) Harm to a child is any significant detrimental effect caused by any act, omission or circumstance on:

- a) the physical, psychological or emotional wellbeing of the child; or
- b) the physical, psychological or emotional development of the child.

(2) Without limiting subsection (1), harm can be caused by the following:

- a) physical, psychological or emotional abuse or neglect of the child;
- b) sexual abuse or other exploitation of the child; and
- c) exposure of the child to physical violence.

**Information sharing** means the sharing of information between agencies and services about a child or family to help them work together to provide for the safety and wellbeing of a child as outlined in Part 5.1A of the *Care and Protection of Children Act 2007*.

**Investigation** means an informed response to carefully examine a report of serious or complex child harm and / or exploitation.

## 5. Meeting Structure

MACCST meetings will be conducted in two parts:

### 5.1. Shared Case Plan Meetings

A Shared Case Plan will address concerns in relation to the harm or exploitation of a child, group of children or a family. Shared Case Plans are initiated by a member of MACCST through a referral by any members of a MACCST. The purpose of a referral and a Shared Case Plan is to allow for multi-agency case planning. Shared Case Plan meetings will generally involve participants from the following agencies:

- Department of Territory Families, Housing and Communities
- Northern Territory Police
- Department of Health or Aboriginal Medical Service
- Department of Education or Non-Government Schools
- Manager Children and Families Centre

Other agencies, organisations or individuals may participate in a Shared Case Plan meeting provided they are also an Authorised Information Sharing Authority.

Information will only be shared during Shared Case Plan meetings in a manner consistent with these protocols.

Upon being notified of a referral, MACCST members will attend a meeting prepared with information about a child or family's current or historical involvement with their service. If the MACCST member is not involved in providing (or representing others persons in the member's organisation who provide) a service or function in relation to the wellbeing of that child, the MACCST member will advise a Co-Chair to assist in planning the Agenda and ensuring information sharing protocols can be followed.

Shared Case Plans will be developed at meetings and agencies will be accountable for action their representative commit to, in the meeting. Shared Case Plans are reviewed until members agree that safety is in place and agree on the rationale for exit from the meetings. Further information on the process around Shared Case Plan process can be found in the MACCST Terms of Reference and Process Document.

Where possible, referrals will be considered in an order to allow members who do not have current involvement or likely future involvement with a child or others that that may affect the child's safety and wellbeing to excuse themselves from the meeting.

Shared Case Plan meetings will be held fortnightly and concluded before the commencement of Community and Child Safety Response Plan Meetings.

## 5.2. Community and Child Safety Response Plan Meetings

Community and Child Safety Response Plan meetings address thematic social issues affecting groups of children and their families in local communities and will be conducted following the conclusion of the Shared Case Plan Meetings. All MACCST members may participate in Community and Child Safety Response Plan meetings.

Community and Child Safety Response Plan meetings are informed from general themes arising from the Shared Case Plan meetings in addition to any trends and systemic issues identified by individual member agencies, organisations and individuals. Specific children and families are not discussed in the Community and Child Safety Response Plan meetings.

Some of the broad issues that may be addressed through a Community and Child Safety Response Plan include:

- Alcohol management
- Volatile substance abuse
- Health and wellbeing
- Attendance and engagement with schools sport and recreation
- Transport and road safety

- Domestic and family violence
- Law and Order
- Housing, homelessness, and risk of homelessness
- Community amenity

## 6. Sharing Information during Shared Case Plan Meetings

It is the responsibility of each participant in a MACCST to ensure that the information they share is able to be shared by law with the other MACCST participants.

### 6.1. All participants to be ISAs

Participation in Shared Case Plan Meetings will be restricted to persons who are an Information Sharing Authorities (ISA) under Part 5.1A of the Act.

Participants should consult s 293C of the Act to confirm whether they are an ISA. Generally speaking, an employee or officer of an Agency will be an ISA if **any** of the following apply:

- they are acting under a law of the Territory in relation to a child;
- their Agency provides a service or performs a function for or in connection with children, which includes services and functions which are not specific to children but involve a substantial number of children as clientele (eg. public housing or health services); or
- they hold a role listed in s 293C, such as a registered teacher, a registered health practitioner, a lawyer, or a police officer.

An employee of a non-government organisation that receives funding from the Commonwealth or Territory to provide a service for or in connection with children will be an ISA.

### 6.2. Information that can be shared between ISAs

It is intended that Part 5.1A of the Act will form the primary basis for sharing information in a Shared Case Plan Meeting in relation to children and families. Part 5.1A permits sharing information when:

- the information is about a specified child or specified group of children, rather than the protection of children generally (eg. information that a sex offender has entered a community is not about a specified group of children, and cannot be shared under Part 5.1A);
- the information is shared **only** with persons who are tasked with one or more of the following tasks in relation to the safety or wellbeing of **that** child / children that the information is about:
  - make a decision, assessment or plan;
  - initiate or conduct an investigation; or
  - provide a service or perform a function; and

- the decision and plan must be being made in the best interests of the child in question. For example, a plan to protect a child from harm or exploitation, or to improve school attendance, would likely be a plan where the best interests of the child are the paramount concern. A plan to target a youth offender to reduce offending would only be in the best interests of the child if the response focused on the youth's needs, as opposed to a punitive response.

Consideration will need to be given on a case by case basis where information is sought to be shared in relation to a deceased child and legal advice should be sought.

### 6.3. Protocol for excluding ISAs on particular Agenda items

The business of Shared Case Plan meetings will be structured so that a particular child or children are identified that the MACCST wishes to discuss and form a separate Agenda item. Care must be taken so that the identity of a child or children are not disclosed in the Agenda or meeting papers that will be circulated to people other than members of the Shared Case Plan meeting. For each such item, participants who are not authorised to receive information about that child under Part 5.1A must be provided with a de-identified version of the Agenda leave the meeting during the discussion of that Agenda item. Situations where MACCST participants should leave the Shared Case Plan Meeting include:

- the participant has no role in providing services and functions relevant to the plan for particular child/children (eg. a housing employee should leave if a child is not being provided with public housing); or
- the participant's role in relation to the child/children is not to act in the best interests of the child (eg. the participant may be tasked with investigating the child as an alleged offender); or
- the information under discussion cannot be de-identified; or
- the participant has a conflict of interest.

The minutes of the meeting will note who was present for the discussion of each child.

### 6.4. Protocol for receiving additional information

Shared Case Plan meetings may include discussions with persons who are not ISAs or who are ISAs but would be required to leave the meeting for a particular topic ('non-participants'). For example, the MACCST may find it useful to hear information about a child's recent interactions with police, or the seek views from the child's family or key members of the community.

The MACCST may invite non-participants to share information with the MACCST in a **one-way flow of information from the non-participant to the MACCST**. This will enable the MACCST to take relevant information into account even from persons who are legally restricted from participating in the round-table discussion. During these discussions, MACCST members should recognise that they cannot disclose identifiable information with non-participants under Part 5.1A of the Act.

In terms of what information can be collected, MACCST participants can collect information that is reasonably necessary to perform their functions.

## 6.5. Protocol for sharing information with law enforcement

There are numerous legal bases for sharing information with law enforcement authorities, and Part 5.1A of the Act will not necessarily be the most appropriate basis. Information sharing under Part 5.1A can only be used to protect the safety or wellbeing of a particular child or children and cannot be used for community protection generally. If information is shared inappropriately under Part 5.1A, it may not be legal to share, and any evidence gathered for a criminal investigation as a result is at risk of being excluded from prosecution proceedings.

When sharing information with law enforcement, the MACCST should first consider whether the information is being shared with law enforcement for purposes that are to improve the wellbeing of a particular child (eg. to assist police to obtain a domestic violence order to improve the wellbeing of a particular child). In this situation, sharing information under 5.1A of the Act is appropriate.

Where the information is being shared for more general law enforcement purposes, it may be appropriate to share the information under:

- mandatory reporting laws, where these are applicable;
- the domestic violence information sharing scheme at Part 5A of the *Domestic and Family Violence Act 2007*;
- IPP 2.1(d), (e), (f), or (g) of the *Information Act 2002*, provided this is not prohibited by a confidentiality offence. (IPP 2.1 enables information be shared with law enforcement agencies for general law enforcement purposes, as well as to prevent 'a serious threat to public health or public safety', 'a serious or imminent threat of harm to, or exploitation of, a child', or 'a serious or imminent threat to [an individual's] life, health or safety'. Information can also be shared when a participant suspects that unlawful activity has been or may be engaged in and reports its concerns to the relevant authorities.)

If the MACCST identifies information that should be shared with NT Police, the MACCST itself should not share the information with NT Police unless satisfied this is not a breach of s 293G of the Act. Instead, the participants who were the original source of the information should be advised to share the information with NT Police. When the information is shared, NT Police should be advised of the basis on which this is occurring, so that NT Police are in a position to assess the extent to which the information can be further used.

## 6.6. Consent to sharing information

Whilst consent is not a pre-requisite to the sharing of information under the Act, it is best practice for MACCST members to seek consent or inform a young person where the young person is of significant maturity or adult whose information is being shared for the purposes of the development or implementation of a Shared Case Plan. Circumstances where a MACCST member would not seek consent or inform a person that their information may be shared with other MACCST members may include:

- where a MACCST member believes obtaining consent could jeopardise the safety, or wellbeing of a person, including a child or a member of the child's family;

- where a MACCST member believes it may place them or another person in their organisation or workplace at risk of harm;
- where it is impractical to contact the the person or the matter is urgent; and
- where there are other reasons that it would not be in the best interests of the child of family for their consent to be obtained or for them to be informed that information about them may be shared. This may include a risk the child or their family may withdraw themselves from service providers.

If consent is obtained it is not necessary that it be in writing.

## 6.7. Using information obtained during a Shared Case Plan Meeting

Information shared during a MACCST Shared Case Plan Meeting under Part 5.1A of the Act to another ISA may be used for purposes beyond that of a Shared Case Plan provided the information relates to the safety and wellbeing of a child for whom the information relates (as per s 293G of the Act).

### 6.7.1. Providing information to the CCSRP Meeting

Personal and sensitive information shared for the purposes of the development and oversight of Shared Case Plans will not be discussed or otherwise shared during Community and Child Safety Response Plan meetings or in development of the plans. Community and Child Safety Response Plan meetings may be informed by general themes arising from member's involvement in Shared Case Plan Meetings.

CCSRP meetings will not rely on Part 5.1A of the Act to share information, as this will generally be inappropriate given the range of participants, the content of the information, and the purpose for which the information is shared.

## 7. Legal effect of these protocols

These protocols are written to promote a method of information sharing within the law, however they are not themselves legal authority to share information.

Sharing of information by MACCST members under these protocols does not limit a member's ability to share or provide information under any other law, such as the *Information Act 2002*, *Domestic and Family Violence Act 2007*, or a request for information from a body such as the Children's Commissioner or the Ombudsman.

## 8. Information Management

Personal information provided under the MACCST should be managed with sensitivity and discretion and stored generally in accordance with the operating procedures of each MACCST participant.

All referrals and Shared Case Plan documents will be stored in MACCST Microsoft Teams Community channel. The channel will be administered by the Secretariat. A referral will serve as a record of information sharing for the purposes of the Information Sharing Guidelines. Any information formally

shared in accordance with Part 5.1A of the Act during a Shared Case Plan meeting must be recorded by the Co-chairs.

In addition the exchange of information under the Information Sharing Framework during a Shared Case Plan Meeting will be recorded and provided to the Secretariat for storage.