

ACT Ombudsman Practice Guide No.8 Information Sharing and Reportable Conduct

This practice guide is to assist designated entities under the ACT Reportable Conduct Scheme to request information, respond to requests and to otherwise share information where it is relevant to the safety, welfare and wellbeing of children.

Why share information

The ability to implement strategies to effectively address risks for child safety is directly related to relevant information being gathered, analysed and shared appropriately.

The Royal Commission into Institutional Responses to Child Sexual Abuse heard many examples of relevant information not being shared or not being shared in a timely and effective manner.

This can have serious consequences—one of the most significant being that it can enable perpetrators to continue their involvement in an institution where they have access to children or to move between institutions and jurisdictions and pose ongoing risks to children. Inadequate information sharing within and between institutions, such as schools, about the harmful sexual behaviour of children can also compromise the safety of other children in those institutional settings¹.

The Royal Commission acknowledged the key role that information sharing provides in enabling regulators to protect children.

In particular, information sharing is an important aspect of the proper functioning of reportable conduct and Working with Children Check schemes. The effectiveness of information exchange schemes and mechanisms similarly relies on institutions having adequate recordkeeping policies and practices, and a ‘child safe information sharing culture’².

Entities should be mindful that it may hold some information that when put together with a number of sources, creates a more complete picture of conduct or risk of harm. Information sharing in a careful, co-ordinated and legally permissible way can seek to minimise these risks.

Summary

There are legislative provisions in the ACT which allow information sharing. These are relevant to all entities covered by the Reportable Conduct Scheme,³ as well as a range of oversight, regulatory and enforcement entities. The purpose of these provisions is for entities that provide services to children and young people to work together to promote and maintain the safety, welfare and wellbeing of children.

¹ Final Report: Volume 8, Recordkeeping and information sharing, p 138

² Final Report: Volume 8, Recordkeeping and information sharing, p 140

³ Division 2.2A of the *Ombudsman Act 1989*

The provisions establish:

- Information can be exchanged where it is relevant to the safety, welfare and wellbeing of children.
- An entity can request information from another entity. The other entity must provide the information it holds in most circumstances⁴. If the request is declined, the agency must provide a reason.
- An entity can provide information to another without a request.
- Consent of the people involved is not required for information to be shared. Neither privacy nor human rights prevent information from being shared, although it can impact on these rights under the *Human Rights Act 2004* (Human Rights Act) and therefore must be properly considered⁵. Protections exist for the entity releasing the information.
- Information may be given despite another Territory law which might otherwise prevent this.
- Information can only be used for the purpose for which it was shared.
- Records and information must be handled appropriately.

These information sharing provisions are from Division 25.3.3 of the *Children and Young People Act 2008* (the CYP Act).

The provisions,

‘recognise services and other entities interested in child welfare must have authority to request, provide and cooperatively share relevant information to support them to carry out their functions in a way that supports the safety, welfare and wellbeing of children and young people’⁶.

Principles

Entities

To request or provide information the entity must be a *designated entity*⁷ subject to the Reportable Conduct Scheme or a *child safety information sharing entity*⁸.

A request or provision of information can only be made between two of these entities. This includes:

- an entity who is subject to the scheme (including schools, early education, out of home care, health service providers and religious bodies)
- all ACT Government Directorates, including Child and Youth Protection Service, and Access Canberra (Working with Vulnerable People)
- ACT Ombudsman
- ACT Policing
- ACT statutory authorities (including the Teacher Quality Institute and Human Rights Commission).

These provisions do not apply to information sharing with:

- organisations or employers who are not subject to the scheme (not a designated entity)
- interstate or Commonwealth government agencies and non-government agencies (that are not a designated entity in the ACT)⁹
- other organisations or associations, such as Scouts and sporting clubs that are not subject to the scheme.

More detail about what information is held by these entities and how to contact them is at **Appendix A**.

⁴ Section 863C of the *Children and Young People Act 2008* sets out grounds for refusing to provide information to a requesting entity.

⁵ See Section 40B of the Human Rights Act. If the entity is a Public Authority under the Human Rights Act, this assessment of rights engaged should be documented.

⁶ Explanatory Statement, *Reportable Conduct And Information Sharing Legislation Amendment Bill 2016*

⁷ Section 17EA *Ombudsman Act 1989* (Ombudsman Act)

⁸ Section 34A *Ombudsman Act* and section 863A(1) *CYP Act*

⁹ Agencies like CYPs, TQI and Access Canberra have some provisions for interstate sharing

Grounds for sharing information

An entity is authorised to seek¹⁰ or provide¹¹ information when it is satisfied on reasonable grounds the information would be relevant to the consideration of the safety, welfare or wellbeing of children.

The purpose for sharing information includes in the course of planning or conducting an investigation and for making a decision or assessment. In most cases a request will be made by an entity in the course of its inquiry into an allegation of reportable conduct about an employee. The entity can make a request or provide information to deal with a risk to a child/children that may arise in the course of the entity's operation. The information does not have to be a reportable conduct report or relevant to an ongoing inquiry, it can extend to other information or evidence that relates to protecting a child from reportable conduct.

Where a request is made and the entity is satisfied that it holds relevant information, that information must be shared, unless there is a specified reason to refuse.

What information can be shared

*Reportable conduct information*¹² means any information that is relevant to the protection of children from reportable conduct. Despite the title of the definition, it is not a requirement that the information is subject of a reportable conduct matter or inquiry about an employee. As set out in this guide, it may also be for the entity's function or to deal with risk.

It is anticipated that information will relate to an adult who may or be alleged to pose risk to the safety, welfare and wellbeing of children in an institutional setting. The information could also be about a child or children. Information may be shared to reduce the burden on individuals where other inquiries have already taken place, such as interviews. This reduces the risk of having to interview witnesses or victims multiple times, of prior inconsistent statements and of re-traumatising child witnesses.

Information might include previous reports, records, interviews or a summary of records. Information also includes evidence, for example rosters, emails, electronic devices, computers or information from people with specialised knowledge in a specialised field, for example, a medical practitioner.

Information might be sought by an entity as evidence of whether or not an action occurred.

It is important that the matter for which the information is being sought or provided is relevant to the safety, welfare and wellbeing of children.

Co-ordination and co-operation

Entities subject to information sharing must take steps to co-ordinate and co-operate¹³ to share information under these provisions. Entities may:

- negotiate a realistic timeframe to provide information requested, taking into account the demands on the requested entity's resources and the urgency of the request, such as the potential level of risk
- have processes in place to respond to requests
- enter a memorandum of understanding or agreement describing commitments and arrangements between entities
- consider when they will provide information to another entity without a request.

¹⁰ Section 863B of the CYP Act

¹¹ Section 863C and s 863CA of the CYP Act

¹² Section 863A of the CYP Act

¹³ Section 863G of the CYP Act

Restrictions and protections

Generally, the safety, welfare and wellbeing of children and young people is treated as more important than protecting confidentiality of information and personal privacy for all entities, as reflected in these provisions.¹⁴ Information given by one entity to another under these provision must only be used for the purpose for which it was provided.¹⁵

Disclosure by an entity, consistent with these provisions does not breach any ACT Laws to the contrary.¹⁶ It is important that other restrictions such as secrecy, confidentiality and Privacy Law requirements are not a reason on their own to prevent information sharing.

A person or entity providing information in accordance with these provisions does not breach confidence or rules of professional conduct, and is not liable to disciplinary action, provided they have acted honestly and without recklessness.¹⁷

Entities can prepare employees by informing them of relevant policies or agreements about the possibility of information sharing with other entities and the circumstances in which they may consider disclosing this information.

Head of entity

The provisions require that the 'head of a designated entity'¹⁸ has responsibility for the requesting and provision of information. This is typically the person 'primarily in charge of the management', but can be formally delegated in writing to others.

Practices and procedures

The provisions recognise the sensitive nature of the information being shared. Entities must have practices and procedures for the receipt, handling and disclosure of information.¹⁹

Information must be handled and stored in a secure way. A written record of exchanges of information under these provisions should be developed and stored, consistent with the existing legislation (including the CYP Act, *Privacy Act 1988* and/or the *Information Privacy Act 2014* (ACT) and other record keeping obligations).

Other types of information sharing

The provisions do not change existing reporting or permissions, such as:

- reporting to entities or regulators where there is a requirement to do so
- information permitted or required to be provided under other provisions
- case conferences, where the information is known by all parties
- de-identified case examples
- information about process and procedures.

Feedback or complaints

If a person or entity has concern about the use of these provisions, or there has been an unreasonable breach of privacy or refusal to provide information, the entity should be advised of the concern or complaint. If the matter is not satisfactorily resolved the complaint can be escalated. The relevant oversight body is the ACT Ombudsman, who can investigate the release of information by an entity. An entity may also complain about the response by another entity to its request.

¹⁴ Explanatory Statement, *Reportable Conduct And Information Sharing Legislation Amendment Bill 2016*

¹⁵ Section 863D of the CYP Act

¹⁶ Section 863F of the CYP Act

¹⁷ Section 863E of the CYP Act

¹⁸ Section 17EAA(1) of the Ombudsman Act

¹⁹ Section 17EB(1)(d) of the Ombudsman Act

Requesting information²⁰

Who can you ask?

A request can only be sent to a designated entity or child safety information sharing entity.

A request for information will itself reveal information. Before making a formal request an entity may make contact with another entity to see if the person is known or information is held. This will assist the entity's request being well targeted.

The requesting entity is not required to have a belief that the other entity necessarily holds information. However, the provisions should not be used speculatively.

What do you need to do?

The request should be clear about the entity's purpose for making the request. The entity should include sufficient background and detail to enable the requested entity to understand what information is sought, the purpose and to make the decision to release or otherwise. The request may contain details of children, however, will most often relate to an individual who may be the subject of a reportable conduct allegation.

The request should be clear about the period of time that information is sought for, the type of information, an indication of the timeframe or any urgencies.

The request should be signed by the head of the entity or make clear that the authority of the person requesting the information has to make the request on behalf of the head of the entity.

Some entities have established forms or templates to make requests. These can be used to assist the receiving entity.

What can you ask for?

It is important the matter for which the information is being sought is relevant to the safety, welfare and wellbeing of children. However, it will typically be information or evidence relating to the conduct of an employee of an entity who is the subject of a reportable conduct allegation or investigation. Information that can be sought is not limited to previous reportable conduct reports or inquiries and should be relevant to the prevention of children from reportable conduct.

Information might include previous reports, records, interviews or a summary of records. Information might also include evidence, for example, rosters, emails, electronic devices, computers or information from people with specialised knowledge in a specialised field, for example a medical practitioner. Careful consideration should be given to obtaining only information relevant to the process being conducted or to deal with risk within the entity's functions.

A request should be in writing. An example request letter is attached at Appendix B

²⁰ Section 863B of the CYP Act

Responding to a request and providing information²¹

Entities must provide information that is relevant to the protection of children against reportable conduct, in response to a request made to it by another entity, unless it has a specified reason to refuse²².

What should you do first?

Check the entity making the request is a designated entity or child safety information sharing entity. Confirm that your entity is also such an entity. The entity making the request does not need to be the employer of a person about whom the request may relate.

Is the request valid?

Before providing the information, the requested entity must reasonably believe the information will assist the requesting entity for one of the purposes outlined. This means that to provide the information the requested entity has sound reasons that the information will be relevant to the requesting entity's matter. It also means the requesting entity seeking the information must have provided sufficient detail, to enable the requested entity to be satisfied it is appropriate to respond to the request.

The requested entity can seek clarification on the purpose of a request or the information being sought. If it declines the request it should provide this in writing and the reasons for doing so.

What should you provide?

Entities only have to consider providing information that already exists. There is not an obligation to collect information for the purposes of information exchange. Reasonable effort should be made to find relevant information.

Entities should provide information that is relevant to the entity that made the request. It may be sufficient to provide an extract or summary of the information held. Information that is not relevant can be redacted. If editing, care should be taken to ensure it remains accurate and can be sufficiently understood by the receiving entity.

In preparing the response to a request, further information may be identified that is not subject to the request, but may be considered relevant. The entity should actively consider providing this information on its own initiative (see below).

If the entity does not hold relevant information then it should tell the requesting entity.

Refusing to provide information

An entity may refuse to provide information in certain circumstances.²³ This is where providing the information would:

- prejudice an investigation, coronial inquest or inquiry
- contravene legal professional or client privilege
- enable the existence or identity of a confidential source to be revealed
- endanger a person's life or physical safety
- prejudice a proceeding in relation to a care and protection order
- not be in the public interest.

The entity must advise the requesting entity of the reasons for the refusal. Refusal cannot be based on privacy concerns or on concerns about potential breaches of other secrecy or confidentiality clauses in the entity's governing legislation—permission is given by these provisions.

²¹ Section 863C of the CYP Act

²² Section 863C(2) of the CYP Act

²³ Section 863C(2) of the CYP Act

What if the information is not ‘mine’?

Sometimes an entity will hold information that has been sourced from another agency through other mechanisms. The provisions do not distinguish the source of the information. If the entity holds the information requested and the request is in accordance with the provisions, then it must be shared (unless an exemption exists). Protected information is specifically permitted to be shared under these provisions.

Where there are valid reasons, information received under these provisions could be on shared to another entity—the same protections are maintained.

However, the entity should consider telling the requesting entity that it might seek more accurate or up to date information from another entity. The entity could also consult with or advise the other entity before providing the information to the requesting entity.

Some information, when released from the initial source, comes with particular duties and responsibilities that are attached to the person receiving the information. These will follow if it is ‘on-shared’.

A response should be in writing. An example response letter is attached at Appendix C

Initiating information sharing

The information sharing provisions permit entities²⁴ to share information with another entity proactively on its own initiative.²⁵ The tests for doing so are much the same as the other provisions.

Normal reporting obligations are unchanged, such as to ACT Policing, Child and Youth Protection Service or other regulators such as Access Canberra, Children's Education and Care Assurance and the ACT Teachers Quality Institute. This is not considered information sharing for these purposes.

Entities should be mindful about what they know and how this information might be relevant to another entities management of the safety, welfare and wellbeing of children.

Who can you tell?

The providing entity can provide information to another designated entity or child safety information sharing entity.

What can you tell?

Information can be provided where the providing entity forms the view that the information is relevant to another entity's consideration for the safety, welfare or wellbeing of children and protection from reportable conduct. In particular this includes making a decision, assessment or in the course of planning or conducting an investigation.

In most cases a request will be made in the course of a reportable conduct inquiry about an employee. However, the entity can also make a request or provide information for the purpose of providing a service in accordance with the receiving entity's functions or to deal with a risk to a child/children that may arise in the course of the requesting entity's operation. This is not limited to there being a reportable conduct enquiry or report, information can be exchanged where it is relevant to the safety, welfare and wellbeing of children.

Entities should consider whether the provision of its information to another entity may have the potential to create further risk, such as to children or another person, prejudice an investigation or not be in the public interest.

What are the protections?

Information provided does not breach privacy restrictions and consent is not required. Reportable conduct information may be given despite any territory law to the contrary.²⁶ This means that an entity does not breach other secrecy or confidentiality clauses in its own governing legislation—permission is given by these provisions. As noted above, protection of the information shared is passed on and it can only be used for the purposes for which it is provided.

A release of information template letter is attached at Appendix C

²⁴ If an ACT Directorate wishes to share information under this provision about an employee with an agency outside ACT Government, in the first instance please contact Policy and Cabinet Division, Social Policy Branch via the Government Directory or at childabuseroyalcommission@act.gov.au.

²⁵ Section 863CA of the CYP Act

²⁶ Section 863F of the CYP Act

ACT Ombudsman information sharing

As the oversight body for the reportable conduct scheme, the Office receives and holds information about alleged misconduct in entities subject to the scheme. The ACT Ombudsman is also an information sharing entity.

Under the Ombudsman Act the ACT Ombudsman can share information from reports with police and other regulators, such as the Teacher Quality Institute and Access Canberra.²⁷ The ACT Ombudsman can also share information with designated entities.²⁸

Generally the ACT Ombudsman will ask that entities report to these entities in the first instance. It is the Ombudsman's preference that the primary information holders share information with regulators. The Ombudsman may suggest that an entity consider sharing information to another entity.

The Ombudsman treats its information holdings seriously and is mindful that it may hold some information that when put together with a number of sources creates a more complete picture of alleged conduct or risk.

Key terms and acronyms

- Designated entity²⁹—an entity subject to the reportable scheme. It includes all ACT Directorates, schools, education and care services, certain health services and out of home care services.
- Child safety information sharing entity³⁰—includes police, the Teacher Quality Institute, the Human Rights Commission (these are not otherwise designated entities).
- Head of entity³¹—the person primarily in charge of the management of the entity.
- Reportable conduct information—is any information relevant to the protection of a child from reportable conduct. This is not limited to there being a reportable conduct enquiry or report, information can be exchanged where it is relevant to the safety, welfare and wellbeing of children.
- Reportable conduct—broadly covers child abuse or misconduct toward children (see [ACT Ombudsman Practice Guide 2 – Identifying reportable conduct](#)).
- Safety, welfare and wellbeing—protection from the risk of abuse or harm.
- Child/ren—child or young person under the age 18, including a class of children.
- CYP Act - Children and Young People Act 2008
- Ombudsman Act – Ombudsman Act 1989
- CECA - Children's Education and Care Assurance, ACT regulatory authority in Education Directorate
- TQI – ACT Teacher Quality Institute
- CYPS – Child and Youth Protection Services in the Community Services Directorate
- WWVP – working with vulnerable people registration, administered in Access Canberra WWVP registration

²⁷ Section 34A Ombudsman Act

²⁸ Section 863CA of the CYP Act

²⁹ Section 17EA of the Ombudsman Act

³⁰ Section 34A of the Ombudsman Act

³¹ Section 17EAA(1) of the Ombudsman Act

Examples

All the entities in these examples are assumed to be designated entities or child safety information sharing entities. It is also assumed the entity is satisfied there is a valid reason for the sharing and not a reason to refuse.

- A. *An entity receives an allegation that an employee has been investigated by CYPS for alleged abuse of their own children (reportable conduct in private life is subject of the scheme).*

Action: The entity could make a request to CYPS for information relevant to its consideration. CYPS would be required to provide a response that provided information that is relevant to the entity's consideration. Depending on the outcome of a report and/or investigation, this may mean information about the actions and findings of CYPS. It may also provide information that no report was made or no child protection investigation (known as an Appraisal) took place.

- B. *There is an incident in an early education and care service involving misconduct by an employee towards children. CECA undertakes an investigation and this is known to the service.*

Action: The entity could seek information from CECA. CECA could provide information including the outcome of its investigation, as it was relevant to the request.

- C. *An entity receives an allegation that an employee had assaulted a child in their previous workplace (also a designated entity), but the employee resigned soon after the alleged incident.*

Action: The entity could seek information from the previous employer about the alleged assault. The previous employer would be required to provide relevant information to the entity to facilitate the investigation into the allegation.

- D. *An entity receives a serious allegation of reportable conduct that resulted in an ACT Policing investigation. Police interview the employee, victims and witnesses but decide not to proceed with charges.*

Action: The entity should seek information from ACT Policing about its investigation. This would assist the entity's investigation and avoid potentially having to re-interview witnesses and the victim.

- E. *An entity receives an allegation that an employee had assaulted a child and the child required medical treatment in a hospital.*

Action: The entity could seek information from the hospital about whether treatment of the child did occur and the nature and extent of injuries.

- F. *An entity receives an allegation of reportable conduct that results in an employee being stood down. The entity knows the person works elsewhere with children and holds a WWVP registration.*

Action: The entity could provide information about the allegation to another designated entity so it can assess any risk to children in its care. The entity could also provide information to Access Canberra for it to consider the action in relation to the person's WWVP registration.

- G. *During the course of an investigation an entity becomes aware there was a previous allegation made against the employee when they were at another designated entity.*

Action: The employer could seek information from the previous entity about the allegation. The previous entity would be required to provide information to the employer to facilitate the investigation into the new allegation.

- H. *A school receives an allegation that a former teacher had assaulted a child during their time at the school. The school knows the teacher is now working at another school in the ACT.*

Action: The entity could provide the information to the new entity about the alleged assault. The new entity would consider risk to children in that workplace.

- I. *An early education and care service receives an allegation that an educator was a former teacher who had their teaching registration cancelled due to child abuse.*

Action: The entity could seek information from the Teacher Quality Institute and Access Canberra.

- J. *CYPS investigated concerns that a parent has physically abused their child. During the investigation, CYPS learns the parent is also employed as a teacher.*

Action: CYPS could provide the information to the entity about the incident in the report. The entity would consider risk to children in that workplace and may be required to notify the Ombudsman of an allegation of reportable conduct about their employee.

Contact

Contact the ACT Ombudsman using the details below:

Telephone: 02 5119 5520

Email: act@ombudsman.gov.au

More information is available at ombudsman.act.gov.au

Please note: This document is intended as a guide only. For this reason, the information should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases. To the maximum extent permitted by the law, the ACT Ombudsman is not liable to you for any loss or damage suffered as a result of reliance on this document. For the most up-to-date versions of cited Acts, please refer to legislation.act.gov.au.

Appendix A - Information holdings and contact points

Agency	Role / function (as relevant to scheme)	Information which might be provided	Information which might be sought from	Contact
ACT Policing* (link)	Investigation and enforcement of criminal laws. Response to concerns about community safety.	Reporting of any knowledge or suspicion of criminal activity. Provision of relevant evidence.	Interview records, investigation reports, accounts of inquiries.	Requests act-information-access@afp.gov.au
Child and Youth Protection Services (CYPS) —Community Services Directorate (CSD)# (link)	Child and Youth Protection Services is the child protection agency which services the ACT and is responsible for investigating the wellbeing of Canberra’s children who may be at risk of abuse or neglect by a family member or guardian.	Receives reports of concern relating to the safety and well-being of children and young people. Concerns may be related to: <ul style="list-style-type: none"> •physical abuse •emotional abuse (including exposure to family violence) •sexual Abuse •neglect. 	Records of child concern reports, appraisals, interview records, reports. Will more often hold information relating to private life conduct.	Requests form link . Inquiries reportableconductcsd@act.gov.au 02 6207 6956
Canberra Health Services # Including Child at Risk Health Unit (CARHU) (link)	Provides public hospital and community health services		Treatment information and injury reports	Requests CEOHealth@act.gov.au Inquiries 02 5124 9847

<p>WWVP at Access Canberra in CMTEDD#</p> <p>(link)</p>	<p>Conducts background checks and provides registration for individuals to work in regulated activities</p>	<p>Information relevant to consideration of risk to children</p>	<p>Investigation reports, accounts of inquiries, other information holdings.</p>	<p>Requests</p> <p>WWVP@act.gov.au</p>
<p>Children’s Education and Care Assurance (CECA) in the Education Directorate #</p> <p>(link)</p>	<p>Oversights compliance of approved education and care providers, services, managers, supervisors and educators with the National Framework, including investigation of complaints about services and notifiable incidents.</p>	<p>‘Approved Providers are obliged to notify CECA of incidents and complaints received by them, and complaints about approved providers, services and educators can also be made directly to CECA by the public.’.</p>	<p>‘Status of service and provider approvals within the ACT, evidence and/or intel in regard to CECA conducted investigations, monitoring and enquiries, and notification submissions by an approved provider’.</p>	<p>Requests</p> <p>CECA@act.gov.au</p> <p>Inquiries</p> <p>02 6207 1114</p>
<p>Teacher Quality Institute (TQI)*</p> <p>(link)</p>	<p>Provides professional registration for ACT teachers.</p>	<p>Reporting by employers of notification events, disciplinary action against teachers. As well as employer evidence that a teacher has become mentally or physically incapacitated, and the incapacity prevents them from performing the role of a teacher.</p>	<p>Investigation reports provided by the employer and any documents relating to the notification and outcome of TQIs consideration of the notification.</p>	<p>Requests</p> <p>TQINotifications@act.gov.au</p> <p>TQI@act.gov.au</p> <p>Inquiries</p> <p>02 6207 5005</p>
<p>ACT Ombudsman</p> <p>(link)</p>	<p>Oversights designated entity’s handling of reportable conduct allegations.</p>	<p>Designated entities have a duty to notify and report on allegations of reportable conduct for employees.</p>	<p>Information contained in reports and previous incidents of reportable conduct.</p>	<p>Requests:</p> <p>act@ombudsman.gov.au</p> <p>Inquiries: 02 5119 5520</p>

<p>ACT Human Rights Commission*</p> <p>Including - Children Young People Commissioner and Public Advocate</p> <p>And Health Services Commissioner</p> <p>(link)</p>	<p>Can receive and investigate complaints about the provision of services for children and young people.</p> <p>Receive s 507 reports from CSD – where child protection report occurs for a child in care.</p> <p>Can advocate on behalf of a child in care.</p>	<p>Complaints about services to children or discrimination.</p>		<p>Requests human.rights@act.gov.au</p> <p>Inquiries (02) 6205 2222</p>
<p>Another designated entity #</p>	<p>Schools, out-of-home care providers, early education and care services, health services and religious bodies.</p>	<p>Where there is knowledge of reportable conduct, one entity can provide information to another</p>	<p>Employment records</p> <p>Previous incident reports</p> <p>Other evidence</p>	<p>Via head of entity</p>

- is a designated entity

* - is a child safety information entity

Appendix B - Template letters —Request for information

Our ref: (case number)

Date (xx/xx/xxxx)

Name: <insert>

Title: <insert>

Entity: <insert>

Email: <insert>

Mailing Address: <insert>

Dear _____

Re: Request for reportable conduct information under s863B of the *Children and Young People Act 2008*

(Insert the name of the requesting entity) is a designated entity / child safety information sharing entity and is seeking provision of the information described within this letter, on the basis that there is a lawful reason to do so and in accordance with the provisions of s 863B.

Section 863B of the Act allows a designated entity to request information from another entity for the safety, welfare or wellbeing of a child, young person or class of child or young person.

- make a decision or assessment
- plan, begin or conduct an investigation
- provide any other service in accordance with the entity's functions
- Deal with a risk to a child, young person or class of child or young person that might arise in the course of the requesting entity's operation as a designated entity, including as an employer.

The information requested is in regard to: (name the child/ren or young person/people)

Gender: ()

DOB: (xx/xx/xxxx)

Address (if known)

Information is requested regarding the following persons:

Name	Gender	Relationship to child/young person	DOB	Other identifying information
<insert>	<(M/F)>	<insert>	<dob>	<insert>
<insert>	<(M/F)>	<insert>	<dob>	<insert>

This information is requested in relation to the following issues of concern held for the above mentioned child/young person or class of children or young persons:

(State concern generally)

Specific information is requested in regard to:

(Indicate information sought)

We acknowledge that information can only be shared on a confidential basis in accordance with the processes and principles of Division 25.3.3 of the Act which includes specifically s863D.

If you require further information or wish to discuss the matter, please contact.

Name: <insert>

Title: <insert>

Entity: <insert>

Phone: <insert>

Email: <insert>

Mailing Address: <insert>

Yours sincerely

{Signed}

Head of entity or delegate

Appendix C - Template letters—Letter for providing information

Our ref: (case number)

Date (xx/xx/xxxx)

Name: <insert>

Title: <insert>

Entity: <insert>

Phone: <insert>

Email: <insert>

Mailing Address: <insert>

Dear <name>

Re: Provision of reportable conduct information under Division 25.3.3 of the *Children and Young People Act 2008*

A. I refer to your request under section 863B, dated <insert>. Section 863C of the Act allows a designated entity / child safety information sharing entity to provide information of their own accord to another designated entity / child safety information sharing entity that relates to the safety, welfare or wellbeing of a child, young person or class of children or young persons.

OR

B. Section 863CA of the Act allows a designated entity / child safety information sharing entity to provide information of their own initiative to another designated entity / child safety information sharing entity when satisfied on reasonable grounds that it relates to the safety, welfare or wellbeing of a child, young person or class of children or young persons.

<Providing entity> is providing the information enclosed with this letter on the basis that there is a lawful reason to do so, in accordance with the provisions of Division 25.3.3

The information provided is in regard to: (name the child/ren or young person/people)

Gender: ()

DOB: (xx/xx/xxxx)

Address (if known)

Information is also provided regarding the following persons:

Name	Gender	Relationship to child/young person	DOB	Other identifying information
<insert>	<(M/F)>	<insert>	<dob>	<insert>
<insert>	<(M/F)>	<insert>	<dob>	<insert>

This information is provided in relation to the following issues of concern held for the above mentioned child/young person or class of children or young persons:

<insert details as to how the information is relevant to the safety, welfare or wellbeing of the Child/Class of Children/Young Person/Class of Young People>

This information is provided because the <providing entity> believes it relates to the safety, welfare or wellbeing of the child or young person (or class of children or young persons) and would assist you with:

- making a decision, assessment or plan
- initiating or conducting an investigation
- providing a service in accordance with your functions and/or
- managing a risk to a child or young person that might arise in your capacity as an employer or designated agency.

Should you decide, in accordance with **Division 25.3.3**, to provide some or all of this information, either on your own initiative or in response to a request from another entity, the information can only be shared on a confidential basis in accordance with the provisions of **Division 25.3.3**.

If the information is sought from you for any purpose other than those described in **Division 25.3.3**, you should refer the requesting entity to the original owner of the information.

If you require further information or wish to discuss the matter, please contact.

Name: <insert>

Title: <insert>

Entity: <insert>

Phone: <insert>

Email: <insert>

Mailing Address: <insert>

Yours sincerely

{Signed}

Head of entity or delegate