appendix

This appendix explains the use of the ISG in DECS. Specifically it provides advice on

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Background

Information sharing is central to the way education and care staff work with children, young people and their families. In DECS, information is shared within sites, between sites, across sectors, with parents/ caregivers and with other services, professionals and agencies. The ISG provides a structured way of doing this work that is consistent across all the agencies and organisations that play a part in supporting children, young people and families.

The principles of the ISG are reflected in the day-to-day work of DECS staff. In particular these principles are:

- when information is shared about people it is done so respectfully in both verbal and written communication
- children's and young people's right to safety overrides an individual's right to privacy
- gaining a client's consent for information sharing is the ideal and recommended practice, except where to do so would place a person at increased risk of harm
- when information is shared it should be – Secure, Timely, Accurate and Relevant (STAR).

The main purpose of the ISG is to assist agencies to coordinate their efforts to help children, young people and families when it is first identified that their wellbeing or safety is threatened.

All DECS staff play a critical role in this early intervention process. Classroom and preschool teachers, child care workers, OSHC/Vacation Care staff, Family Day Care providers, school support officers and volunteers see children and young people, and often their family members, every day. It is through their concerns about children and families that issues are brought to the attention of those whose job it is to help coordinate responses. Principals, deputy and assistant principals, directors, counsellors and regional support services teams have an important role in contributing to that coordination of interagency help.

In central and regional offices, staff involved in data management, support services, investigations, screening, legal advice, licensing and registration will also play a key role in ensuring that information sharing across agencies and organisations contributes to the safety of individuals and of site communities.

The ISG is one tool to assist DECS staff to meet their general duty of care to children and young people.

Cabinet approved the ISG in August 2008 for implementation across SA. Current information about its statewide implementation and the involvement of Government and non government agencies is available through the Office of the Guardian for Children and Young People at www.gcyp.sa.gov.au

Assumptions

In accessing this Appendix it is essential that the staff member

- has read the attached ISG document, and
- has undertaken the one day pre-service employee training, *Responding to Abuse and Neglect Education and Care Training* – previously titled Mandatory Notification Training – and the three yearly update training of the same title.

1. Consent and limited confidentiality

Seeking consent for the sharing of confidential information is the assumed and recommended practice with all parents, children and young people who are considered capable of giving informed consent.

However, in rare situations information may need to be shared without consent in order to prevent causing or escalating serious threats to an individual's or group's safety or wellbeing. This is the "limit" of the confidentiality we can provide to children, young people and parents and it is important that in obtaining consent for information sharing this limited confidentiality is made clear. In DECS, the process of explaining limited confidentiality and of seeking informed consent should involve the following:

Ensuring general understanding

When parents/caregivers first enroll their child with a DECS service they should receive advice about information sharing practice and limited confidentiality, for example, via the DECS student enrolment form.

Primary and secondary school students should receive information about limited confidentiality as part of their induction to the pastoral care/ counselling services at their site, for example via student pamphlets.

Obtaining individual informed consent

When staff wish to share or seek information about children and young people they obtain the informed consent of the parents/caregivers and, wherever appropriate, the children/young people themselves. (See p. 14 to 16 of the ISG.) In some cases, based on maturity and circumstance, the young person alone may provide consent.

Informed consent is best provided in writing – for example the consent form for a referral to regional support services – but it may also be given verbally.

Re-visiting consent

Staff should re-visit an individual's understanding of the consent they have given if the nature of the original consent alters, or if there has been a considerable lapse of time between gaining consent and taking action.

2. DECS positions involved in using the ISG and required approval if information is shared without consent

The following chart lists those positions that are expected to directly contribute to information sharing and the line manager/supervisor/coordinator positions from whom they may need to seek approval for information sharing when *consent has not been given*. (See third column below.)

It is important to recognise that

- Most information sharing occurs with the consent of the individuals concerned.
- Most supervision of information sharing decisions occurs through routine professional discussion and consultation between colleagues and line managers.

School / preschool / children's services positions	Line manager / Supervisor/ Coordinator	Is approval from line manager required if information sharing is to occur without consent?
Principals	Regional Directors/ Assistant Regional Directors	No
School Counsellors	Principals	Yes
Deputy/Assistant Principals Coordinators with student wellbeing focus ICAN /FLO Coordinators	Principals	Yes
Teacher mentors	Principals	Yes
Classroom teachers	Principals	Yes
Preschool directors	Regional Directors/ Assistant Regional Directors	No
Preschool teachers	Preschool Directors	Yes
Aboriginal Community Education Officers	Principals	Yes
Bilingual School Support Officers	Principals	Yes
Out Of School Hours Care/Vacation Care Directors	Principal or delegated line manager	Yes
Out Of School Hours Care /Vacation Care Children's Services Professionals	OSHC/Vacation Care Director	Yes
Community Development Coordinator Children's Centre	Policy and Program Officer Community Development	Yes

Regional Office Positions	Line Manager/Supervisor/ Coordinator	Is approval from line manager required if information sharing is to occur without consent?
Regional and Assistant Regional Directors	Director School and Regional Operations	No
Managers Regional Support Services	Regional Directors/ Assistant Regional Directors	No
Social workers	Manager Regional Support Services	Yes
Interagency Behaviour Support Coordinators	Manager Regional Support Services	Yes
Attendance Counsellors	Manager Regional Support Services	Yes
Disability Coordinators	Manager Regional Support Services	Yes
Hearing Services Coordinators	Manager Regional Support Services	Yes
Speech Pathologists	Manager Regional Support Services	Yes
Psychologists (Educational Services)	Manager Regional Support Services	Yes
Aboriginal Inclusion Officer	Manager Regional Support Services	Yes
Aboriginal Education Coordinator	Regional Director	Yes
Aboriginal Community Education Manager	Regional Director	Yes
Early Childhood Consultant	Regional Directors/Assistant Regional Director	Yes
Performance Analysis and Reporting Consultant	Regional Directors/Assistant Regional Director	Yes
Industry Skills Manager	Regional Directors/Assistant Regional Director	Yes
Regional ICAN Program Managers	ICAN State Manager	No
Local ICAN Program Managers	Regional ICAN Program Managers	Yes
Local ICAN Project Officers	Regional ICAN Program Managers	Yes

Resources Human Resources & Workforce Development	Line Manager/Supervisor/ Coordinator	Is approval from line manager required if information sharing is to occur without consent?
Manager Employee Relations and Conduct	Director Workforce Management	No
Manager Special Investigations Unit	Manager Employee Relations and Conduct	No
Investigation Officers Special Investigations Unit	Manager Special Investigations Unit	Yes
Superintendent Site HR Services	Director Workforce Management	No
Manager Recruitment and Improvements	Superintendent Site HR Services	No
Manager Teacher Quality	Director Workforce Development	No
Consultants Performance Management	Manager Teacher Quality	Yes
Manager Injury Management	Director Health and Safety	No
Manager Safety and Wellbeing Systems	Director Health and Safety	No
Resources Finance & Infrastructure	**Line Manager/Supervisor/ Coordinator**	**Is approval from line manager required if information sharing is to occur without consent?**
Manager Data Management and Reporting	Director Data Management	No
Senior Information Analysts	Manager Data Management and Reporting	No
Information Analysts	Manager Data Management and Reporting	No
Resources	**Line Manager/Supervisor/ Coordinator**	**Is approval from line manager required if information sharing is to occur without consent?**
Manager Legislation and Legal Services	Deputy Chief Executive, Resources	No
Policy Officers Legislation and Legal Services	Manager Legislation and Legal Services	No

Aboriginal Education and Employment Services	Line Manager/Supervisor/ Coordinator	Is approval from line manager required if information sharing is to occur without consent?
Aboriginal Community Education Development Coordinator	Executive Director AEES	Yes
Family and Community Coordinator	Executive Director AEES	Yes
Statewide Manager Community Education	Executive Director AEES	Yes
Aboriginal Education Coordinator Manager	Executive Director AEES	Yes
Early Childhood Services	**Line Manager/Supervisor/ Coordinator**	**Is approval from line manager required if information sharing is to occur without consent?**
State Manager Children's Services Regulation and Standards	Executive Director ECS	No
Project Coordinator Licensing and Standards	State Manager Children's Services Regulation and Standards	Yes
Manager Licensing and Standards	State Manager Children's Services Regulation and Standards	No
Senior Project Officers and Project Officers Licensing & Standards	Manager Licensing and Standards	Yes
Manager Standards and Investigations	State Manager Children's Services Regulation and Standards	No
Senior Project and Project Officers Standards & Investigations	Standards and Investigations Manager	Yes
Manager Family Day Care	Director Early Childhood Programs and Service Development	No
Policy Officers Family Day Care	Manager Family Day Care	Yes
Family Day Care Operations Coordinator	Manager Family Day Care Operations	No
Family Day Care Fieldworkers	Family Day Care Operations Coordinator	Yes
Family Day Care Provider	Family Day Care Operations Coordinator	Yes
Senior Policy Officer Out Of School Hours Care	Director Early Childhood Programs and Service Development	No
Advisor Out of School Hours Care	Senior Policy Officer Out Of School Hours Care	No
Manager Preschool and Centre Based Care	Director Early Childhood Programs and Service Development	No
Project Officer Preschool and Centre Based Care	Manager Preschool and Centre Based Care	Yes

Family Service Coordinator	Director Early Childhood Development Strategy	No
Community Development Coordinator	Director Early Childhood Development Strategy	No
Manager Children's Centers	Director Early Childhood Development Strategy	No
Learning Together Manager	Statewide Manager Learning Together & Learning Together @ Home	No
Learning Together @ Home Fieldworker	Learning Together Manager	Yes
Curriculum Services	Line Manager/Supervisor/ Coordinator	Is approval from line manager required if information sharing is to occur without consent?
Apprenticeship Broker	Manager Trade Schools for the Future	Yes
ICAN State Manager	Director ICAN and Mentoring	No
Mentoring State Manager	Director ICAN and Mentoring	No
Community Liaison Officer	ESL and NAP Curriculum Manager	Yes
ESL and NAP Curriculum Manager	ESL and NAP Program Manager	No
ESL and NAP Guidance Officer	ESL and NAP Program Manager	Yes
School and Regional Operations	Line Manager/Supervisor/ Coordinator	Is approval from line manager required if information sharing is to occur without consent?
School Care Manager	Director School Effectiveness and Support	No
Critical Incident Project Officer	School Care Manager	Yes
School and Regional Operations Officers	Director School and Regional Operations	Yes
Manager Criminal History Screening Unit	Director School and Regional Operations	Yes
Child and Student Wellbeing Officers	Assistant Director Child and Student Wellbeing	Yes
Disability and Statewide Programs Officers	Assistant Director Disability and Statewide Programs	Yes
International Education Services	Line Manager/Supervisor/ Coordinator	Is approval from line manager required if information sharing is to occur without consent?
Executive Manager International Student Services	Director International Education Services	No
Manager International Programs	Director International Education Services	No

3. Volunteers

Volunteers play a significant role in supporting a wide range of DECS programs. Some of these programs, such as mentoring, provide volunteers with important insights into the general wellbeing of children, young people and families. While volunteers are not authorised to share information with other agencies* or organisations they nevertheless make an important contribution to that process by advising staff when their insights cause them to be concerned about the safety or wellbeing of children, young people or families.

As part of their induction to a site, all volunteers must be made aware of the confidentiality of such concerns and be introduced to the staff member with whom their concerns should be raised.

* Except if making a mandatory notification through the site leader

4. Record keeping

The ISG do not require the use of separate record keeping files. Existing service related / child related information management systems are used to record details of information sharing decisions and actions. Records of all information sharing actions are important and will be an integral part of the follow up, referrals and interagency records of key staff.

Records of information sharing are essential

- when information is shared without consent, or
- when information sharing requests are refused by you, or to you.

Information sharing situation	What to record	Where to record
1. Information is shared <u>with consent</u>	Copies of written consents Verbal consent with recognised risk*, record • who gave it, when & to whom • what the consent related to • information provided or received	• Notes need to be kept in confidential child-related or service-related DECS file systems (as opposed to personal file systems) so that the information "follows" the child / young person. • Systems should be secure, for example, lockable hard files or limited access/ password protected electronic files. • Examples of appropriate record systems - Schools: EDSAS (Students Personal Notes Part 2) Regional Support Services: Single File Preschools: Child file OSHC/Vacation Care: Confidential section of the Child/Family File • If unsure where to store information sharing records in your work situation, ask your line manager
2. Information is shared <u>without consent</u> (by you or to you)	• why obtaining consent was not considered possible • your line manager's approval, if required • what is shared, when & by whom • the agency and the office or officer involved. (receiving and providing) • outcomes	
3. Information sharing <u>request is refused</u> (by you or to you)	• the purpose (the immediate or anticipated risk the request was intended to address) • reason given for refusal • notification to line manager • outcome of any subsequent follow up from line manager	

* Verbal consent with recognised risk – where the staff member considers that the circumstances of the verbal consent carry a degree of risk. For example the parent or child/young person may have a history of unpredictable behaviours or frequent changes of mind, or the informed consent relates to highly sensitive information, for example, offence history, serious mental health problems, financial or family circumstances.

Principles of good record keeping

- be factual and record only what is relevant (restrict yourself to answering the points in the record keeping chart provided above)
- identify the people whose actions or views you are recording, for example 'Sue Smith youth worker at Second Story, Hyde St, provided…'
- when recording opinion or hearsay identify it as such, for example, ' It was Sue Smith's view that …' or ' My judgment that seeking consent is unsafe is based on…'
- be respectful and specific in noting individual's problems, for example, "Mother demonstrates very concerning behaviours at the site including arriving in pyjamas, forgetting to collect child on 3 occasions , stating that she will kill herself" rather than, "most days she is either off with the fairies or suicidal."
- ensure notes are dated and signed (or able to be attributed to an employee)
- record decisions and actions when you are both providing and seeking information without consent.

5. Internal dispute resolution

The ISG describe a process for dispute resolution when agreement cannot be reached between agencies and organisations. The process outlined below should be followed if a staff member believes that appropriate information sharing is being impeded by the decisions of a colleague or line manager within DECS. This is most likely to occur when a staff member and line manager disagree about whether there are sufficient grounds for sharing information without consent.

- Address the issue directly with the staff member concerned, referring to the purposes for information sharing (p. 13–14 ISG) and/or the focussing questions for information sharing without consent (p. 16 ISG)
- If this approach is unsuccessful approach a third party to whom the issue could be referred for further consideration
- If the matter is unresolved such that the individual has remaining concerns about the impact on a child, young person or adult, they should contact their Regional Manager Support Services or Regional Director or Assistant Regional Director who will liaise, if necessary, with the appropriate director in central office.
- If each of the above processes has been explored but the individual remains concerned about the impact on a child, young person or adult, they should contact the Principal Advisor Information Sharing in the Office of the Guardian for Children and Young People on 8226 8570.

6. Cultural guidance on information sharing

The ISG is underpinned by the principle 'respecting cultural difference means having the same aims for people's wellbeing and safety but finding different ways to achieve them.' This does not mean that staff minimise their wellbeing and safety expectations for children and young people of particular cultural groups. Cultural factors do not excuse behaviour which disadvantages children and young people or places them at risk of harm, abuse or neglect. Instead, it means working with the strengths and support systems available within families, ethnic groups and communities to help safeguard children and young people and promote family wellbeing.

It is important to guard against cultural myths and stereotypes – both positive and negative. Anxiety about being accused of racist practice should not prevent the necessary action being taken to protect and promote the safety and wellbeing a child, young person or family.

When should staff seek guidance?

Staff should seek guidance whenever they are engaged in information sharing actions involving families whose culture is unfamiliar to them. A good test for staff in deciding how well they believe they understand a particular culture is to ask 'In my dealings with this family am I confident that I appreciate and know how to respect the cultural issues that might be important to them?' If the answer is 'no', seek the advice of others. If no one at your site can help, consider contacting the DECS personnel listed below or one of the organisations listed on the Support Resources (Indigenous and Multicultural Support Services) section of the DECS website at www.decs.sa.gov.au/speced2/pages/childprotection/.

When seeking advice about how to share information with cultural sensitivity it is vital to protect the privacy of the particular family by discussing your concern in a way that does not identify them.

Aboriginal children, young people & families	Advice
Schools (with Aboriginal student populations)	Aboriginal Community Education Officer
Regional Offices	Aboriginal Education Coordinator (or Regional /AR Director if AEC position is unallocated)
Central Office	Aboriginal Education and Employment Services
Culturally and linguistically diverse children, young people and families	**Advice**
Central office	Manager ESL Programs • New Arrivals Programs • Community Liaison Officers

7. Case studies

Case study 1 – Information is shared without an individual's consent or knowledge

A mental health professional employed in a large non government organisation has been working with a single mother who has a four year old daughter. The mother is very isolated socially and is estranged from her immediate family members who all live interstate. The worker has ongoing concerns about the mother's management of her illness, particularly in relation to maintaining her medication regime. In addition, the worker has become increasingly concerned at the mother's refusal to enroll her daughter in preschool, despite the worker taking a number of opportunities to talk with the mother about the value of preschool. The mother consistently expresses irrational fears about the daughter's safety outside the home. The daughter is due to start school in a month but the mother does not take up the worker's offers of help to get the enrolment organised and is agitated whenever the worker raises the topic.

The worker wants to contact a relevant DECS employee to discuss the serious parenting issues that she predicts will affect the girl's enrolment, attendance and engagement with school. In discussion with her supervisor, they agree that it is not safe to seek the mother's consent due to the high risk that she will, as a consequence, refuse to continue using the service and thus place herself and her daughter at increased risk.

The worker contacts the regional DECS office to discuss her concerns. The Manager RSS needs to verify the worker's identity and does so by locating the service in the phone book and speaking with a manager in the organisation. Having verified the worker's identity the Manager RSS allocates the issue to one of the region's social workers who makes contact with the mental health worker. They agree to a plan of action involving the reception teacher, principal, the DECS social worker and the mental health worker, so that proactive steps are taken to manage the mother's fears about her daughter being in the care of others and to support the daughter who has had limited social interactions and may be developmentally delayed. Both the social worker and the mental health worker record the fact that they are coordinating their efforts without the mother's consent and agree to regularly consider the value of informing the mother of their efforts.

Case study 2 – Information is shared with the individual's consent after the agencies clarify their respective processes

A Department of Correctional Services education coordinator makes an appointment with the principal of an adult senior secondary college to discuss the enrolment of a young man who is coming up for parole and is likely to be released into home detention. The education coordinator provides identity credentials which satisfy the principal. It is agreed that the young man's rehabilitation is likely to be greatly supported if he can participate in part -time study once any community risks have been identified and assessed. The education coordinator explains that a check has been made on the Victim Register to ensure that the young man's victim is not attending the college.

The principal explains that he will need the young man to consent to sharing information about the nature of his offences so that the principal can assess the risks his enrolment might represent for other students at the college. He explains that the college enrolls minors, some of whom are particularly vulnerable, for both day and night classes. The education coordinator indicates that while he can not breach his client's confidentiality by providing this information, the principal can ask the young man directly as part of the interview process.

The young man and the education coordinator attend an enrolment interview that has been arranged with the principal rather than the college's student services staff. The young man consents to his offences being declared. The principal, education coordinator and young man agree on an enrolment that includes an obligation on the part of the young man to inform the principal if he becomes aware that someone connected to with his victim is enrolled at the college. A new assessment of risks associated with his enrolment will be made in that event.

The principal explains to the young man that he will record the details of the enrolment risk assessment in a confidential file that will not be accessible to other staff at the site. He organises for the young man to have an appointment with one of the counsellors at the site so that he can access the full support available to him in returning to study.

He encourages the young man to share his parole situation with the counsellor but says this is the young man's choice.

Case study 3 – Information is shared about a mother without her consent but with her son's knowledge

Jason is an 11 year old boy who has begun to miss school. Jason's mum has an intellectual disability and receives a pension. She has had a de facto partner living with her since Jason enrolled in reception. This man has communicated with the school when necessary but otherwise has not been involved in Jason's schooling. When Jason is asked to provide an explanation for his absences he says that he needs to help his mum a bit. When his teacher suggests they talk with his mum's partner about how things are affecting his schooling he bursts into tears and says that his mum's partner has left and won't be living with them any more. He then describes the jobs he has been doing for his mother. When asked about other family members who could help he says his grandmother lives in Port Augusta and won't travel to Adelaide and his uncle is in gaol. He does not know of any other relatives. It does not appear that any support is given to Jason's mum by another agency.

When the teacher suggests they talk with the counsellor about visiting his mum at home Jason is extremely upset and says that his mother won't understand and that she will think he's done something wrong. He then completely breaks down saying he's scared that people will take him away from his mum. The teacher reassures Jason that she and the counsellor will do everything they can to organise the right kind of help so that he can keep coming to school and his mum will get the help she needs.

She and the counsellor agree that they need to see and speak with Jason's mum before making further decisions. They tell Jason they will make a home visit together with him after school that day and then make a plan with him. During the visit they ask Jason's mum if they can organise for someone to come and talk with her about getting help so that Jason won't miss school.

Jason's mum says she doesn't want the counsellor to talk to other people about her. She keeps asking if Jason has been naughty. Both the counsellor and teacher attempt to explain why they are worried about Jason's school attendance but she becomes very agitated and they decide to conclude the visit.

They reassure Jason outside the house that no one wants to take him away from his mum, that they will find another way to help and that they will talk again the next day at school.

In consultation with the principal they decide to go against the mother's wishes and speak with other agencies about the adult support they believe is required. They believe that, unless some form of coordinated support is put in place, Jason will be at increased risk of taking on unreasonable and inappropriate levels of responsibility for his mum and continuing to have his education compromised.

Through the DECS Regional Support Services, an interagency meeting is planned at which Jason's situation will be discussed and a plan developed. The counsellor lets Jason know that they are having the meeting, explains what they will be trying to do and why they are doing this against his mother's wishes. She asks Jason if he'd like to help her write down a list of the things his mum needs help with and the things that worry him about his situation, so the meeting can be as helpful as possible. Jason agrees to do this.

At the meeting all the agencies present are made aware that Jason's mother has not consented to her circumstances being discussed and this is recorded.

Disability SA is contacted through the interagency process and a service coordinator is appointed to support Jason's mother. The coordinator and school counsellor liaise with each other to ensure their combined efforts are supporting both family members.

Case study 4 – Information about a child is shared with the consent of her parents after their initial refusal

Samantha is in year 5 and has twice engaged in problem sexual behaviours that have been directed at younger children in the school. The second episode was very serious resulting in physical and emotional harm to the other child. The principal meets with Samantha's parents to formalise a plan for managing her behaviours. The plan includes getting their consent for the classroom teacher and counsellor to share information with the Child and Adolescent Mental Health Services worker who will be seeing Samantha on a weekly basis. The parents consent to this.

The principal then asks the parents to consent to her sharing information with the director of the Out of School Hours Care Service where Samantha attends three afternoons a week. Samantha's mother becomes very distressed and expresses her fear that her daughter will be labeled forever and be ostracized by other children. She says she won't consent to the information being shared and her husband backs her up.

The principal explains that Samantha would be most harmed if she engages in another incident of coercive sexual behaviour and that the best way for her to establish a positive reputation with her peers will be by ensuring she is protected from the opportunity to harm others. The principal explains that only information relevant to children's safety will be shared. Only the OSHC director would be told the detail of the incidents, the other staff would have instructions about where and with whom Samantha could play and how she would need to be monitored.

The principal suggests the parents go home to think further about things but explains that ultimately she will need to talk with the director and her preference is to do so with their consent. The parents give consent the next day by telephone. The principal records this information along with all the actions she has taken in supporting Samantha. She is aware that although the parents have consented there are still possibilities that the situation may become contentious.

Case study 5 – The safety of a child and other individuals is seriously compromised when information is not shared about the child

A Family Day Care provider collects Phuong, a 6 year old boy, from his primary school on four afternoons a week and has the care of the boy until 6.30 pm. When the provider arrives one afternoon, Phuong is in a state of high distress. He is crying and won't say what is wrong. The provider approaches the teacher who knows her quite well. She asks the teacher what is upsetting him. The teacher says she would like to tell her but she doesn't have the parents' permission and they are not able to be contacted. The provider attempts to gain a better understanding by asking what she can expect of Phuong's behaviour and whether there is anything she should be focusing on. The teacher apologises again but says she can't say more and suggests the provider just try to distract Phuong.

As the provider is opening her car door to let Phuong in, he pulls away from her hand and runs straight across the road into oncoming traffic. A non fatal but serious accident occurs involving Phuong, a female driver and her child passenger. During the critical incident review the following circumstances were revealed.

Phuong had been caught stealing lunch from another student's bag. During the discussion with his teacher about what had happened, the teacher told Phuong she would also talk with his parents. Shortly afterwards he was caught trying to run out of the school yard and had spent the rest of the afternoon under the principal's supervision.

The teacher had respected the privacy rights of the parents ahead of responding to the potential threat to Phuong's safety. The risk of Phuong running away could be anticipated. That threat should have been addressed as a priority and alerting the Family Day Care provider was essential in doing this, even though the parents' consent could not be gained beforehand.

The teacher did not have to advise the provider of all the details of Phuong's situation, only those that were relevant to any risks to him. Knowing he had run away would have allowed the provider to be especially vigilant in transporting him.

Case study 6 – An adolescent's confidential information is shared without his consent but with his knowledge

A 16 year old boy with a background of traumatic refugee experience has been seeing the school counsellor for two and a half years over issues ranging from problems with teachers or his subjects, other students, his supported accommodation, Centrelink, medical referrals etcetera. He no longer lives with his closest family member who is an older cousin.

He has established a very positive relationship with the counsellor who, through the boy's trust, has been able to help avert a number of potentially negative school or social situations "blowing up." The boy does not have particularly trusting relationships with other adults at the school but is determined at this stage to finish school.

Recently the boy has become attached to a group of youths from a similar cultural background to his own and he has developed a particularly close bond with one of the boys. He refers to him as his "brother" and says "he is my family."

This special friend has been targeted by another group of young males who have challenged him to fight them at an appointed time and place. This group have already been involved in weapon-based fights resulting in serious injury and police charges. The boy tells the counsellor that he will support his friend at this fight and that they will get their own weapons to take. All of the counsellor's suggestions and efforts to persuade the boy to take different actions are unsuccessful. Eventually he suggests to the boy that he will have to contact the police to avert the fight. The boy is angry and says he won't see the counsellor again and that he and his friend will just fight this group at a different time. The counsellor explains that his first responsibility is to protect him from harm and that he will do this in the best way he can. He says "it's more important for me to keep you alive than keep your secret." He says that he will always be there to help him no matter how angry he feels. He says he can't ignore violence and that he must do things to stop it. He alerts his principal to the actions he is taking and they contact the Operations Manager at their local Police station. The counsellor makes a record of the actions taken.

The counsellor is aware that a number of young males face serious threats to their safety if they meet to fight. He has no choice but to alert the police and hope that the policing approach will be to divert the young men from offending, from harming each other or general members of the community.

He knows he risks losing the boy's trust, temporarily or permanently, and that ultimately the boy's engagement with school and with himself as a protective adult is also in jeopardy. The counsellor had a choice to try to protect his relationship with the boy by alerting the police *without* seeking his consent and without his knowledge. However, on this issue he believed that if he wasn't open about what he was doing, the boy would not understand that he is committed to protecting him from harm and that the community opposes violence.

Case study 7 – Information about a young male is shared without the male's consent in order to avoid escalating his offences

Tyson is a 15 year old Aboriginal male who has an extensive history of involvement with the Juvenile Justice system. Tyson has been moving between regional communities and living between friends and family. He has moved from Georgetown, Jamestown, Gladstone and Port Pirie.

Tyson is located in the main street of Port Pirie at 1.45 p.m. on a week day. Local Police stop and speak with Tyson, knowing he is under the age of compulsion and is required to be at school or in a negotiated learning program.

Police conduct a bail check on Tyson and determine he has Court bail with the conditions that he is to attend school and is under the supervision of Families SA for the duration of his bail.

Knowing the options for Tyson given his bail conditions are to be arrested for breaching his bail resulting in a possible extended detention, the patrol arranges for phone calls to be made to the school and to Families SA to determine where he is supposed to be and under whose supervision, advising all parties he is in the company of police at that time.

Police explain to DECS and Families SA that they have not asked Tyson's consent to access this information about him because they think he is likely to abscond in fear of being found to be in breach of his bail. Both Families SA and DECS know the police officer making the enquiries so identity verification isn't required. All three agencies agree that the information should be quickly provided to help avert another arrest.

Police are advised that Tyson is an ICAN Flexible Learning Option (FLO) enrolled student and is supposed to be engaged in a community based program. This enables police to use their discretionary powers to return Tyson to the program rather than arrest him.

Tyson is protected from an arrest and diverted from further offending by the police placing him with the learning program in which he is enrolled.