



Shelter SA

Information Sharing Guidelines Appendix

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Introduction

Shelter SA is the peak body for housing in South Australia and advocates for improved housing outcomes for all citizens, including those who are living on low incomes. Access to affordable, appropriate and secure long-term housing is the key to overall social well-being, and is critical to improving health and education outcomes for everyone.

Shelter SA does not work directly with individual clients. However, from time to time staff may be alerted to circumstances where an individual, family or group of people may be experiencing difficulties that place them at risk of harm or that pose a risk to the health, safety or wellbeing of others. Where there is a reasonable suspicion of harm, information may need to be sought from or provided to another organisation so that services can be effectively advised to lessen threats to safety and wellbeing.

Due to the type of work and service that Shelter SA provides, there are very limited circumstances where staff become aware an individual, family or group of people are at risk of harm. However should these circumstances arise, Shelter SA staff will be required to share personal information by following this procedure to ensure services are coordinated to prevent risks to health, safety or wellbeing.

Generally, Shelter SA staff are only required to provide callers with service provider phone numbers including for the Homelessness Gateway to obtain further assistance. However, in the event that a caller shares information with a staff member raising concerns about safety and wellbeing, the Executive Director should be informed immediately and advice sought on the best action to take. In the unlikely event where there is a reasonable suspicion of harm or potential harm, information may need to be sought from or shared with another organisation so that services can be effectively coordinated to lessen threats to safety and wellbeing and again, the Executive Director must be advised and involved under these circumstances.

Context

The [Information Sharing Guidelines for Promoting Safety and Wellbeing](#) (ISG) are overarching principles and practices for information sharing for both government and non-government agencies in South Australia. The ISG defines a process for information sharing that promotes early and effective service coordination to respond to safety risks facing vulnerable people. The purpose of the ISG is to remove barriers to information exchange (such as misconceptions about legal constraints) so that agencies can work together in the most effective way to ensure the safety of all vulnerable people.

The ISG provide clear and consistent steps to determine if information sharing is appropriate while maintaining the balance between the right to safety and wellbeing and the right to privacy.

This document outlines a procedure for Shelter SA in order to guide and support staff and volunteers to follow the ISG and to share information appropriately. It may apply particularly to any activities within Shelter SA where staff are in direct contact with the community such as the Housing Connect EXPO, forums, consultations, housing advice and other associated activities which involve stakeholders, Shelter SA members, supporters and the general public.

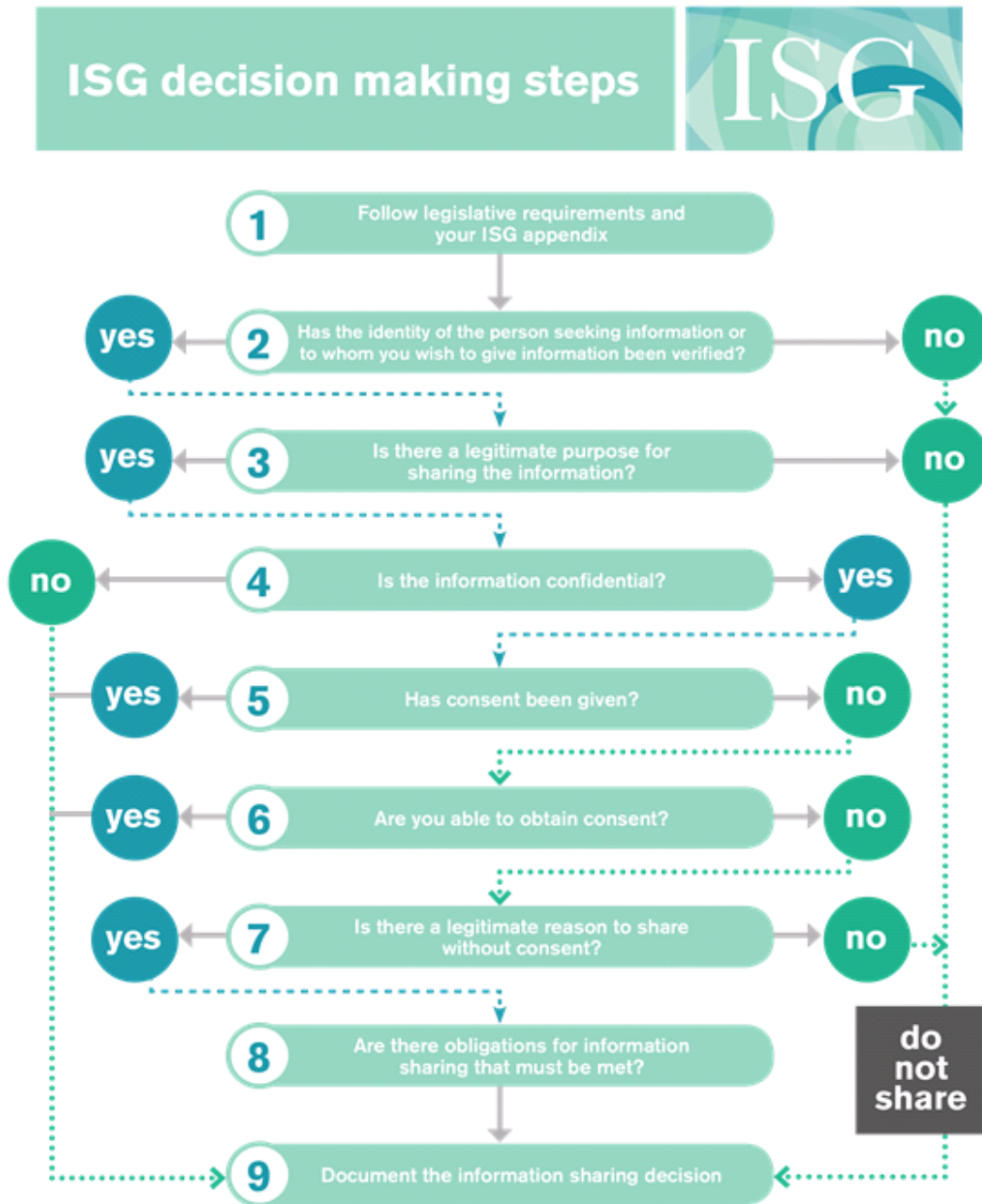
This document forms an appendix to and should be read in conjunction with the *Information Sharing Guidelines for Promoting Safety and Wellbeing* (ISG), and more information is available from <http://www.ombudsman.sa.gov.au/isg/>.

There are 6 components to this document:

Part	Component
1	Process and protocols to be followed when sharing or seeking information
2	Lines of approval and supervision
3	Documentation practice
4	Examples of Case Studies
5	Cultural Guidance
6	Relevant policy links – connecting the ISG to specific Shelter SA policies

Part 1: Process and protocols to be followed when sharing or seeking information

The flow chart below and corresponding explanations outline the process to follow when making decisions about seeking or providing personal information.



If you are unsure at any stage about what to do, consult your line manager/supervisor.
 If as a supervisor/line manager, you are unsure and need help or advice, you may need to seek legal advice or consult the SA Principal Advisor Information Sharing at Ombudsman SA on (08) 8226 8699 or 1800 182 150 (toll free outside metro area).



1 Before proceeding, check your ISG appendix for guidance:

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

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

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

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

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

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

5 Seeking informed consent is the first approach

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

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

- move themselves or their family out of the organisation's or agency's view
- stop using a service seen to be necessary for the client or their children's safety or health
- coach or coerce a person to 'cover up' harmful behaviour to themselves or others
- abduct someone or abscond
- harm or threaten to harm others
- attempt suicide or self-harm
- destroy incriminating material relevant to a person or group's safety.

It may be impracticable to obtain consent if, for example, after reasonable attempts, you cannot locate the client. Discuss your concerns with a colleague/supervisor.

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

Disclosure of information without consent is permitted if:

- (1) it is authorised or required by law, or
- (2) (a) it is unreasonable or impracticable to seek consent; or consent has been refused; and
(b) the disclosure is reasonably necessary to prevent or lessen a serious threat to the life, health or safety of a person or group of people.

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

8 Situations where you must share information:

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

9 Keep records – particularly in relation to consent issues

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

Step 1. (ISG page 12)

Before making a decision about information sharing, consider how the circumstances of the situation relate to Shelter SA's privacy policy and any other requirements.

Relevant Legislation

- [Commonwealth Privacy Act 1988](#)
- [Information Privacy Principles 1992 \(SA\)](#)

Most non-government organisations are covered by the Commonwealth Privacy Act and if not, can rely on the Information Privacy Principles (IPPs) set by the Department of Premier and Cabinet to guide decision making as to what is acceptable in terms of the collection, storage and disclosure of personal information.

Such principles include the following:

- Reasonable steps are taken to ensure that before personal information is collected, or as soon as practicable after it is collected, the person is told of the purpose for which the information is collected;
- Whether the information is authorised or required to be collected;
- Unless publicly available, personal information must be securely stored to protect against loss or misuse;
- Access must be given to a person's personal information that is stored in accordance with the Freedom of Information Act 1991;
- Personal information that is stored should be corrected where it is inaccurate, out of date, or would provide a misleading impression in accordance with the Freedom of Information Act 1991;
- Personal information should only be used for the purpose for which it was collected;
- Personal information should not be used for another purpose or disclosed to a third party for another purpose unless:
 - such release is reasonably expected;
 - the use and disclosure was consented to by the person;
 - it is believed that disclosure on reasonable grounds is necessary to prevent or lessen a serious threat to life or health or safety of the person;
 - the use is required by law;
 - the use is necessary for enforcement of criminal law;
 - the disclosure of personal information is part of an investigation into unlawful activity; and
 - it is believed the disclosure relates to information about an individual that suggests that the person has engaged in or may engage in illegal conduct or serious misconduct in relation to a person.

The mandatory notification requirements of the [Children's Protection Act 1993](#) do not apply to Shelter SA employees and volunteers. For the purpose of this ISG Appendix, the term 'Client' includes a person who participates in activities conducted by Shelter SA.

When sharing information use the STAR principles:

Secure

Information should be stored securely according to Shelter SA record keeping principles. Email should not be used for disclosing sensitive information unless it is de-identified. Staff should telephone the agency or organisation first to establish the identity of the client and then email either unidentifiable information or by using initials only.

Timely

It is not appropriate to delay information and staff must be clear when the information sharing request has an emergency status.

Accurate

Staff must make all efforts to ensure that the information they share is up to date and accurate. If up to date information cannot be provided this must be declared and staff must make clear the limitations of the information.

Relevant

“Relevant” information means that it is only what is needed in order for the purpose of the information sharing to be met. Whatever is shared must be proportionate to the purpose and not provide unnecessary detail.

Step 2 (ISG page 13)

Verify the identity of the person seeking the information

Requests for information sharing will possibly have a level of urgency and come via the phone. Unless you have an existing working relationship with the person making a request for information that ensures you know who they are and that they work in the organisation they claim to, you will need to verify their identity. Ask the person to hang up, look up their organisation phone number and ring the general number and ask to speak to that person.

Once the identity of the caller has been verified, you may wish to ask them to make a request for information in writing (for example) on official letterhead, or as an email attachment. Information should be de identified to protect the privacy of all parties (for example using initials). When information sharing takes place by telephone or face to face, appropriate file notes should be made (see [step 9](#)).

When making a request in writing on behalf of Shelter SA the official letterhead must be used and must be countersigned by the Executive Director or their delegate. All documentation must be kept securely and confidentially using Shelter SA’s official record keeping system.

If you believe someone has deliberately misrepresented themselves in seeking information, the SA Police must be contacted as it may represent an offence.

Step 3 (ISG page 13)

Is there a legitimate purpose for the sharing of information?

The aim of sharing information under these guidelines is to help protect children, young people, their families and members of the community from current or anticipated serious threats to their wellbeing or safety and to do so with the client’s consent, wherever it is safe and possible to do so. To help decide if the purpose is legitimate, the staff member should ask themselves if it will help to:

- Divert a person from offending or harming themselves

- Protect a person or groups of people from potential harm, abuse or neglect
- Protect service providers in situations of danger
- Help a service provider more effectively address risks to safety and wellbeing
- Alert another service provider to an individual's need for assistance

If the answer is 'yes' to any of these questions then the purpose for sharing information is legitimate.

Step 4 (ISG page 14)

Is the information confidential?

Generally the term confidential applies to information that is provided by an individual who believes it will not be shared with others. The assumption of confidentiality underpins all interactions with clients.

Shelter SA does not provide services directly to clients, so usual intake processes for advising clients about information sharing practice and discussions about consent or signing consent forms does not occur. Where it can be put into practice, clients must be informed of confidentiality limitations - this means it is explained to them when it may be necessary to share their information with or without their consent. The following wording should be used in discussion when advising clients of their right to privacy and explaining the duty of care incumbent on staff.

"Shelter SA will work closely with other agencies to coordinate the best support for you and your family. Your informed consent for the sharing of information will be sought and respected in all situations unless:

- *we are obliged by law to disclose your information regardless of consent, or*
- *it is unreasonable or impracticable to gain consent; or consent has been refused and the disclosure is reasonably necessary to prevent or lessen a serious threat to the life, health or safety of a person or group of people."*

Step 5 (ISG page 14)

Has consent been given?

Consent can be 'explicit' – meaning agreement is given verbally or in writing or it can be 'implied', which means information sharing is inherent in the nature of the service sought.

Gaining a client's informed consent for information sharing should occur at the earliest possible point in a client's engagement in the service. Informed consent means that the individual understands the purpose of the request and the likely outcomes of giving consent. Ideally, this will be in written form.

Respectful ways of gaining and monitoring informed consent are where an effort is made to:

- Help clients to understand why information sharing is important, whom it is designed to support and the desired outcomes;
- Explain what circumstances may arise where information may be shared without the client's consent;
- Be honest and explain that acting without consent is always to protect the client or others from harm;
- revisit a client's consent if the information sharing under consideration differs from the original examples discussed or if a significant amount of time has passed since consent was first given;
- Tailor the approach for children, clients with compromised intellectual capacity and clients from culturally and linguistically diverse backgrounds.

Step 6 (page 16)

Are you able to obtain consent?

Consent to share information should always be sought, when reasonable and practicable to do so.

Consent should not be sought if to do so will place a child, young person or adult client or a staff member at increased risk of harm.

Circumstances may arise where it is not possible to seek consent for information to be shared, for example when the client cannot be located. Where this occurs, a record should be made outlining the circumstances, who approved the information sharing without consent, the information that is shared, with whom, for what purpose and any potential follow-up action required, and taken.

Recognising that serious risks are present does not necessarily mean that the worker will feel comfortable about not seeking a client's consent to share their information. This dilemma for the worker is lessened if they have already discussed with their client the possibility that they may need to share information without consent for the protection of the client, children and young people or others (as outlined in [Step 3](#) above).

Step 7 (ISG page 17)

Is there sufficient reason to share without consent?

Conducting a risk assessment and discussing concerns with a supervisor or manager will help determine if there is a legitimate purpose for sharing information without consent. Generally speaking, sufficient reason will exist if the staff member believes on reasonable grounds that a child, young person, individual or group are at risk of harm and information sharing is necessary to prevent or lessen serious threats to safety and wellbeing (for more information refer ISG Pages 16 to 19).

Groups or individuals of any age may be considered at risk due to circumstances that include but are not limited to:

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

Staff should recognise the different thresholds for disclosure that apply to children and adults. As stated above, Shelter SA staff are not mandatory reporters of child abuse but if staff suspect on reasonable grounds that a child has been or is being abused or neglected, a notification to the Child Abuse Report Line (CARL) must be made. When working with adults, the threshold test for disclosure without consent is much higher; information should only be shared without consent if risk assessment indicates there is a serious risk of harm and adverse events can be anticipated if services are not coordinated.

Step 8 (ISG page 17)

Are there any obligations for information sharing that must be met?

Staff are to coordinate their work so that adverse outcomes for children, young people and their families are prevented or lessened. However, at any stage of information sharing and service coordination, a staff member's concern about a child or young person may change to a belief that a child or young person has been or is being abused or neglected and this must be reported to the Executive Director who will make a report to the Child Abuse Report Line (CARL) on 131478.

A report to CARL does not mean that the planned information sharing should stop unless advice is given by CARL staff to do so. Staff must make a report to CARL and record any advice received.

If you believe your adult client poses a serious and/or imminent risk to themselves or others, consider who you should notify, for example SA Police (131444), or Mental Health Assessment and Crisis Intervention Service (131465).

Step 9 (ISG page 18)

Recording the information sharing

You must record decisions to share without consent and refusal to share (either to you or by you).

It is important to record information sharing decisions at all significant steps in the process. This includes:

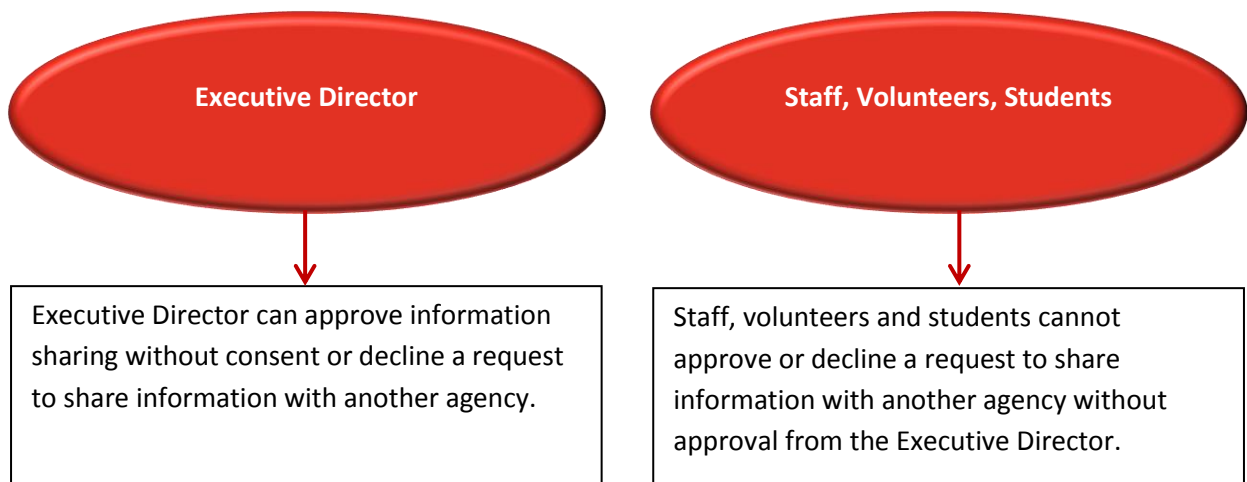
- Whether consent was sought
- Reasons for over-riding the client's wishes or for not seeking consent
- Who approved or refused sharing without consent or refusal
- Advice received from others (including staff at the Child Abuse Report Line)
- Reasons for not agreeing to an information sharing request
- What information was shared, with whom and for what purpose

All of the above must be fully recorded and stored securely through Shelter SA's record keeping processes.

See [Part 3](#) of this Appendix entitled "Documentation".

PART 2 – LINES OF APPROVAL AND SUPERVISION

Shelter SA decisions to share information without consent or refusal to share information must be approved by the Executive Director. Volunteers and student placements also follow the ISG however they cannot independently release information without approval and direct supervision of a relevant supervisor or manager.



PART 3 – DOCUMENTATION

Staff must record decisions to share without consent. Staff must also record where they refuse a request to share information or an organisation refuses to share with Shelter SA. Staff must record the details in all instances where they decide to share information without consent and where they refuse to share information (e.g. either to you or by you). Refer to the table below for further information. Use the consent form template ([Attachment 1](#)) in conjunction with the record guide below as these forms help record the decisions at all significant steps in the process. Please note, these records need to provide appropriate justification for the decisions made.

Information sharing situation		What to record	Where to record
1	Information is shared with consent	<p>Copies of written consent and file note of:</p> <ul style="list-style-type: none"> • Verbal consent recording • Who gave it, when and to whom • What the consent related to • Information sought, provided or received 	<p>Record information using the attached forms. (See Attachments 1 & 2). All recorded information will be maintained and kept by the Executive Director.</p>
2	Information is shared without consent (by you or to you)	<p>Detail:</p> <ul style="list-style-type: none"> • Why consent was not obtained • The Executive Director’s approval • What is shared, when and by whom • The agency and the office or officer involved (receiving and providing) • Outcomes and follow up 	
3	Information sharing request is refused (by you or to you)	<p>Detail:</p> <ul style="list-style-type: none"> • The purpose (the immediate or anticipated risk the request was intended to address) • Reason given for refusal • Notification to/approval from the Executive Director • Outcome of any subsequent follow up from manager or supervisor 	

Documentation Practice

Recording details about information sharing is required in all instances. Staff are responsible for recording the details in writing immediately after it occurs. The relevant Information Sharing Form ([Attachment 2](#)) is to be used to record the details. Appropriate documenting and storage of these records is necessary to comply with risk management practices, confidentiality and privacy principles.

What to Record

All steps of the information sharing must be recorded on the Information Sharing Form (Attachment 2) including:

- Whether consent was sought and received
- Reasons for overriding the client's wishes or for not seeking consent in such an instance
- Advice received from other staff
- Reasons for not agreeing to an information sharing request in such an instance
- What information was shared

To record details of information sharing without consent or declining a request to share information the following details must be recorded:

- Date
- Agency and name of the person making request
- Agency and name of the person receiving request
- Name of the client(s)
- Reason the information was sought
- Whether consent was sought
- Whether consent was given (verbally or written)
- Why a declined request for information sharing was overridden (if applicable)
- Name of the Manager who approved information sharing without consent or declined a request to share (if applicable)
- Details of the information shared
- Medium through which the information was provided
- Outcome of the information sharing
- Follow up actions

When recording file notes keep the information factual, note when you are stating your opinion and include your name.

Part 4 – Examples of Case Studies (for more information refer ISG page 27)

Case studies help staff understand, in the context of clients and services how the ISG are applied, including:

- When not to share
- When to share
- When to request information
- What processes to use (for example documentation)
- How to go about seeking consent
- Identify key contact people and resources

Case Study 1

A potential volunteer approached Shelter SA to enquire about volunteering opportunities. During a casual discussion she mentioned to the Shelter SA staff member that she had also volunteered at a neighbouring Council. The staff member observed the woman over a coffee and chat and was concerned about her shakiness and general body twitching. The woman also asked for a glass of water so that she could take her 'meds'.

After the woman left, the staff member rang the neighbouring Council's Volunteer Coordinator and enquired about the woman's health status and whether this affected her ability to work.

The actions undertaken are not consistent with the Information Sharing Guidelines as none of the risk factors identified in [Step 7](#) or other serious threats to safety and wellbeing are present. It is not appropriate to discuss health issues of a potential volunteer without their permission. An appropriate recruitment process should have been undertaken in accordance with Shelter SA human resources policies.

Case Study 2

A divorced mother with 2 children wrote a lengthy email, including her contact details, to Shelter SA explaining her situation with regard to hardship, her sub-standard housing situation, experiences of domestic violence against her, medical needs and about her risk of suicide. She stated that she was living in social housing through a housing provider and although she has a roof over her children's heads, the house is in a desperate state of disrepair. In her email, she explains that due to the condition of the house structurally, her children suffer from various health issues which she suspects are due to the state of the internal house.

The following actions were taken:

1. Shelter SA staff responded via email with appropriate service contact numbers to enable her to follow up her issue more specifically.
2. In response, the woman contacted Shelter SA again and staff (as required in the Shelter SA ISG appendix) referred the call to the Shelter SA Executive Director.
3. Upon discussing her specific issues and options further, the Executive Director sought her verbal consent to share her name and contact details with the specific housing provider who after being made aware of the situation, could assist her directly.
4. Verbal consent was given and the Executive Director shared the woman's contact details with the specific housing provider.
5. Verbal consent was documented and filed for future reference.

Part 5 – Cultural Guidance

The ISG is underpinned by the principle 'respecting cultural difference' and this means having the same aims for people's wellbeing and safety but finding different ways to achieve them. It is important for staff to be sensitive to different family structures and lifestyles and to child rearing patterns that vary across racial, ethnic and cultural groups. Cultural factors do not excuse acts or behaviour which places a child or young person at risk of harm, abuse or neglect. It is also important to guard against cultural myths and stereotypes – both positive and negative. In South Australia

there are a range of organisations and resources that may assist staff to make decisions and provide services that are culturally appropriate.

Interpreting and Translating Centre (ITC) 24 Flinders St, Adelaide, SA, 5000 Ph: 8226 1990; email: itc@sa.gov.au ; www.translate.sa.gov.au
Multicultural SA 24 Flinders St, Adelaide, SA, 5000 Ph: 8226 1944; email: multicultrualsa@sa.gov.au ; www.multicultural.sa.gov.au
Migrant Resource Centre of South Australia 59 King William Street, Adelaide, SA, 5000 Ph: 8217 9500; email: mrcsa@bigpond.com ; www.mrcsa.com.au
Multicultural Communities Council of SA 111 Woodville Road, Woodville, SA, 5011 Ph: 8345 5277; email: mccsa@mccsa.org.au ; www.mccsa.org.au
Aboriginal Health Council of SA 220 Franklin Street, Adelaide, SA, 5000 Ph: 8273 7200; email: ahcsa@ahcsa.org.au
Nunkuwarrin Yunti Inc 182-190 Wakefield Street, Adelaide, SA, 5000 Ph: 8223 5217; www.nunku.org.au

Multicultural SA offers an accredited translation service through the Interpreting and Translating Centre (ITC). When arranging a translator ITC will need to know any special requests in terms of:

- Age
- Preferred gender
- Language, including dialect
- Any possible conflict of interest
- If necessary, the nature of the matter to be discussed

Part 6 – Policy Links

The ISG relates to these Shelter SA policies:

- Privacy Policy
- Volunteer / work experience Policy
- Staff induction Policy
- Records management Policy

Summary

Shelter SA does not work directly or indirectly with clients however, for the purpose of the ISG, the term “client” has been applied.

Due to the type and nature of the primary function and work of Shelter SA, there are very limited circumstances where Shelter SA staff become aware that an individual, family or group of people are at risk of harm. However should a situation arise where staff become aware there are threats to safety and wellbeing, they will be required to share personal information according to this procedure. This ISG appendix also provides guidance should an agency, member or organisation seek information from us about a person.

Consent to Information Sharing Form

Shelter SA follows the S.A. Government Information Sharing Guidelines to promote the safety and wellbeing of children, young people and their families (see ISG). This means that Shelter SA will work closely with other agencies to coordinate the best support sought and respected in all situations unless:

- It is unsafe or impossible to gain consent or consent has been refused; and
- Without information being shared, it is anticipated a child, young person or member of their family will be at risk of serious harm, abuse or neglect, or pose a risk to their own or public safety.

I, _____
(print name)

Of _____
(print address)

Consent to Shelter SA sharing information about my contact with:

(print name of program or service)

Consent to information being released about me to:

(print name of program or service)

I understand the information will be shared to coordinate the best support for me and my family.

I agree to sign this Consent ____/____/____ Agree Disagree

(print name)

(signature)

Signature of parent or guardian if signee (minor) is under 18 years:

(print minor's name)

(print parent/guardian name)

(signature)

(street address)

(Suburb)

(postcode)

Recording of Information Sharing Form

This form is to be used to record the details of information shared with or without consent about a child, young person or adult or a refusal to share information with another agency under the Information Sharing Guidelines for Promoting Safety and Wellbeing. (Please refer to [Step 9](#), Recording the Information Sharing)

Responding to or making a request for information sharing with another agency			
Date of request			
Agency making request			
Name of person making request			
Phone, fax, email details			
Agency receiving request			
Person receiving request			
Phone, fax, email details			
Due date for response			
Client information:			
Surname		First Name	
Shelter SA program or service			
Information being sought:			
Reason information being sought:			

Recording of Information Sharing Form continued.

Action taken on the information sharing request:	
Has the decision making steps for information sharing flowchart been used to ensure information sharing is legitimate and there is sufficient reason to share (if doing so without client consent?)	Yes / No (circle one)
Was client consent sought? (if no provide explanation)	
Was client consent given? (if yes, how is the consent documented. If no provide explanation)	
Was information shared without consent? (if yes explain "sufficient reason" to do so)	
Was the request to share declined? (if yes provide explanation)	
Was the Child Abuse Report Line informed if required?	Yes / No (circle one)
What information was shared?	
Date information was shared	
Format information was provided in? e.g. phone, post, email, fax, face-to-face meeting	
Name and contact details of person providing information	
Name and contact details of person receiving information	
Follow up actions or services to be provided by other agency	
Information sharing without consent or refusal to share approved by Executive Director	
Name:	Signature: