



Title: Information Sharing Protocol

Responsible Officer: Registrar
Action Officer: Principal Case Manager

References:

Family Responsibilities Commission:

- Queensland Government Code of Conduct
- Complaints Management Policy
- Privacy Policy
- Procedures Manual
- Guideline for Implementing the Fundamental Principles of Justice for Victims of Crime
- Guideline 3/10 Service of Notice to Attend Conference
- Guideline 6/10 Service of Show Cause Notice
- Active Family Pathways Protocol
- Community Engagement Guidelines Mossman Gorge
- Community Engagement Guidelines Aurukun
- Community Engagement Guidelines Coen
- Community Engagement Guidelines Hope Vale
- Guideline 5/10 School Attendance

Relevant Legislation

- *Family Responsibilities Commission Act 2008*
- *Public Records Act 2002*
- *Right to Information Act 2009*
- *Criminal law (Rehabilitation of Offenders) Act 1986*
- *Information Privacy Act 2009*
- *Child Protection Act 1999*
- *Coroners Act 2003*

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1. Purpose

This protocol document allows for the secure exchange of information between:

- Government agencies;
- non-Government agencies;
- service providers; and
- Family Responsibilities Commission.

The secure exchange of information enables a streamlining of service provision to Family Responsibilities Commission clients. The protocol outlines the circumstances in which, and the means by which, relevant information may be exchanged between the Family Responsibilities Commission (the Commission), prescribed entities and other relevant entities under Part 8, 'Information Exchange', of the *Family Responsibilities Commission Act 2008* (the Act).

The purpose of Part 8 of the Act is to remove potential barriers to the exchange of relevant information in order to support the work of the Commission, whilst ensuring that personal information required to facilitate the delivery of Government services is responsibly and transparently collected and managed in accordance with the *Information Privacy Act 2009*.

While the public expect that personal information held by agencies will be appropriately protected, there is an expectation that information will be shared in partnership where it is appropriate to do so. Sharing information is pivotal to the delivery of high quality, cost effective and cohesive public services.

2. Background and Context

The Family Responsibilities Commission Act 2008 established the Family Responsibilities Commission which commenced operating on 1 July 2008. The Commission is an initiative of a partnership between the four Cape York communities of Aurukun, Coen, Hope Vale and Mossman Gorge, the Queensland and Australian Governments and the Cape York Institute for Policy and Leadership.

The purpose of the Commission is to support the restoration of socially responsible standards of behaviour and to assist community members to resume and maintain primary responsibility for the wellbeing of their community and the individuals and families of the community.

The major objectives of the reform process in the four welfare communities are to:

- rebuild norms;
- reform incentives;
- normalise housing; and
- normalise Government responsibilities.

The primary purpose of the welfare reforms is to encourage and empower individuals and families to take on normal responsibility and to break the cycle of apathy and passive welfare.

By establishing the Family Responsibilities Commission, the Queensland Government has demonstrated a clear commitment to trial innovative approaches in formulating and maintaining accountability mechanisms for communities. The objectives of the Commission (as an independent statutory authority assisting the rebuilding of communities) are therefore focused on the following social priorities:

- child safety (safeguarding the future generation);
- school attendance (safeguarding education);
- lawful behaviour (safeguarding the community); and
- responsible tenancy (restoring accountability).

The Commission places a focus on early intervention to address individual and family issues before they escalate and require serious remedial action. The Commission assists individuals to undertake actions to address issues which have been notified to the Commission by conferencing the individual and determining appropriate actions to address dysfunctional behaviour. Outcomes of conference often result in the Commission referring individuals to community support services. In some cases the Commission may issue an income management notice to redirect a percentage of income support and family payments to the purchase of priority goods such as food, housing, clothing, education and health care. The emphasis in conferencing is on a proactive and collaborative approach.

Primary to our support function is the strengthening of collaborative cross agency and Government partnerships.

3. Guiding Principles

The following principles are fundamental to fulfilling the spirit and intent of this Information Sharing Protocol.

Client-centred Service

Our agencies and organisations are committed to putting clients at the centre of case management planning and practice. That means supporting clients to identify and achieve their own goals, and direct their own lives to the greatest extent possible. This approach challenges case coordination team members to adapt services and network information to fit client needs, rather than to expect clients to adapt to administrative or service structures.

Building on Strengths

Far too frequently, in our efforts to improve the circumstances of our clients, we focus immediately on their problems and work to develop solutions. While well intended, this approach fails at the outset to identify the strengths and successes of the clients, which may often be the foundations for far more lasting changes in their lives. A positive approach to servicing the client's needs makes it far easier for the client to stay committed and the team to be collaborative.

Recognising Diversity and working in a Culturally Competent Framework

Our clients have diverse needs, backgrounds, and abilities. It is essential that we respect and respond to the social, cultural and economic factors that shape clients' perceptions, experiences and need for service. It is recognised that there is a need to develop services that better meet the needs of residents in the four Welfare Reform communities. On this basis a primary objective of the welfare reform initiatives is that cultural competency is embedded in all practice components and that professional development and systems reviews must support this objective.

Collaboration

In the case where multiple referrals are made for one client the Commission and service providers collectively bring together the varied disciplines, talents, perspectives, knowledge and experience of a broad range of people. This sharing of information enables a partnership to benefit from individual skills, knowledge and expertise which not only supports the best possible outcomes for clients, but also offers opportunities for increased growth and understanding for all agencies in collaborating to meet the client's needs.

Mutual Respect

It is essential that we show respect for clients. Likewise, we must show respect for one another's knowledge, skills, experience and perspective, regardless of age, level of training, position, job classification, particular discipline, or the service or agency represented.

Participation

Jointly and severally we need to participate fully in the activities of service provision. At the outset, full participation will involve the sharing of information and time spent networking in order to become familiar with one another and the process.

Accountability

Our agencies are committed to creating a system that is accountable to the people who use it. Clients must be informed to the greatest extent possible of all activities that might affect them. The appropriate sharing of information is vital to determining best strategy and for ensuring the client is well informed.

Planning for Transitions

The transparent sharing of information between agencies will assist in enabling a smooth transition for clients, their families and the community through the reform process. The sharing of information will facilitate and enable special care to anticipate and plan for necessary transitions in the lives of clients – for example, changes in family structure.

4. What Information will be Exchanged

This protocol sets out the standard processes for requesting information, specifies what supporting evidence is required to request information and addresses the following types of information exchange between The Commission and *prescribed/relevant entities*:

- agency notice information;
- post agency notice data clarification;
- confirmation of residency;
- request for additional information;
- advice about conferences;
- notifying agency attendance at conferences;
- notification of decisions;
- Case Plan liaison and monitoring with community service providers; and
- Information from agencies, service providers and organisations regarding the client.

5. Legislative Authority for the Sharing of Information

Part 8, sections 90 to 96, of the *Family Responsibilities Commission Act 2008* governs the exchange of *relevant and personal information* about Commission clients between the Commission and other *prescribed and relevant entities*.

5.1 Part 8 - Preliminary

Prescribed entities are defined in **section 90** of Part 8 as including:

- Department of Communities (Child Safety Services)
- Department of Education and Training
- Department of Communities (Housing and Homelessness Services)
- Department of Community Safety (Queensland Corrective Services)
- Department of Justice and Attorney-General/Magistrates Court
- Queensland Police Service
- Principals of Non-State Schools
- Community support service providers (State and Federal Government and non-Government organisations) to which a client has been referred
- School Attendance Case Managers

Relevant information is defined in **section 91** of Part 8 as facts or opinion (excluding information about a person's criminal history comprised of spent convictions) which will assist the Commission to:

- conclusively consider matters to which an agency notice relates;
- decide whether to hold a conference;
- decide whether a person is a community member;
- identify appropriate persons to attend a conference;
- make appropriate decisions at conference;
- prepare Case Plans; or
- assess the effectiveness of, and monitor compliance with a Case Plan.

Section 91 further defines the person/s to whom the *relevant information* applies as:

- a relevant person for an agency notice; or
- a student the subject of a school attendance notice; or
- a child the subject of a child safety notice; or
- the family of a relevant person, student or child mentioned above.

5.2 Part 8 – Provisions on Information Exchange

Pursuant to Division 2, **section 92(1)** the Commission may share **personal information** about a person with a prescribed entity if the Commission reasonably considers the information:

- may assist the entity to decide whether to provide the information requested to the Commission; or
- is necessary to assist the Commission and/or entity to coordinate support services.

Pursuant to Division 2, **section 92(2)** the Commission may share personal information of a person with the Centrelink Secretary in order to determine whether a person is a community member, and therefore within the Commission's jurisdiction, and/or to make appropriate decisions under the Act about the person.

Pursuant to Division 2, **section 92(3)** the Commission may share personal information of a person with **relevant entities** for the purpose of evaluating the effectiveness and operations of the Commission.

Personal information is defined by section 92 as information or an opinion, whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained from the information or opinion.

Relevant entities are defined by section 92 as:

- The Commissioner for Children and Young People and Child Guardian
- Department of Communities (Child Safety Services)
- Department of Education and Training
- Department of Communities (Housing and Homelessness Services)
- Department of Community Safety (Queensland Corrective Services)
- Department of Justice and Attorney-General/Magistrates Court
- The Centrelink Secretary

The Commission may ask a prescribed entity for relevant information which is in their control, however, such information may only be requested of an entity which provides a community support service *only if* the information is in relation to a person who has been directed by the Commission to attend a community support service under a Case Plan.

5.3 Part 8, Section 94 - Provisions on Information Exchange with Education Chief Executive

The Education Chief Executive may share personal information about a person with a relevant entity if the sharing of such information may assist in coordinating or providing educational programs or services for a school aged child.

Subsequently the relevant entity may record, disclose or use this personal information to coordinate or provide such educational programs, or use the information in evaluating the effectiveness of educational programs or services.

For the purpose of section 94, 'relevant entity' means an entity involved in the provision of educational programs or services in relation to school aged children

6. Responsibilities for the Sharing of Information under the Act

6.1 Commission responsibilities to the Information Sharing Protocol

It is the responsibility of the Commission to make every attempt to explain to the community member at a conference that there may be information exchange with service providers and other relevant/prescribed entities and, where possible, obtain their informed consent. Specifically the Commission will explain:

- the type of personal information to be exchanged;
- the reasons for exchanging the information; and
- the agencies and non-Government entities with whom information will be exchanged.

The absence of informed consent by a Commission client, however, does not preclude information exchange between prescribed/relevant entities and the Commission as provided by the Act.

Where the Commission has received an agency notification and the Commission has not yet made a decision to hold a conference with that person, or has made a decision not to hold a conference with that person, it is the responsibility of the Commission not to inform the community member of their notification to the Commission.

It is the responsibility of the Commission to ensure that the rights and interests of community members to privacy and confidentiality are protected to the extent possible and that only information necessary for the particular purpose as provided by the Act is exchanged (refer item '7. Confidentiality').

6.2 Prescribed/Relevant Entity Responsibilities to the Information Sharing Protocol

Under section 93(3) of the Act, if the Commission has requested relevant information from a prescribed entity, the entity must comply with the request except where the entity reasonably considers that the sharing of such information may:

- prejudice the investigation of a contravention or possible contravention of law; or
- prejudice an investigation under the Coroners Act 2003; or
- enable the existence of a confidential source in relation to the endorsement or administration of a law to be revealed;
- identify a person who has given the entity or someone else information about a matter mentioned in the Child Protection Act 1999, section 186(1); or
- endanger a person's life or physical safety; or
- prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of a law;

An entity may also withhold information where it is considered that the sharing of such information would not be in the public interest.

Where an entity has forwarded a notification to the Commission, and/or is aware of a notification to the Commission in regard to an individual, and the Commission has not yet made a decision to hold a conference with that person, or has made a decision not to hold a conference with that person, it is the responsibility of the entity not to inform the community member of their notification to the Commission.

It is the responsibility of prescribed/relevant entities to ensure that the rights and interests of community members to privacy and confidentiality are protected to the extent possible and that only information necessary for the particular purpose as provided by the Act is exchanged (refer item '7. Confidentiality').

This protocol does not prevent notifying agencies from informing their clients generally about their obligation to give notices to the Commission under the Act. The Commission is supportive of agency practices regarding the provision of information to new and existing clients about when and how information will be shared between the Commission and the Agency.

Agencies may come to an agreement with the Commission about informing agency clients of the provision of a notice to the Commission on a case by case basis.

6.3 Responsibilities of all parties to the Information Sharing Protocol

It is the responsibility of the Commission and all prescribed/relevant entities participating in the Cape York Welfare Reforms to ensure that information is exchanged:

- as legislated under the Act;
- by all parties in a timely manner (section 5(d) of the Act "the Commission should deal with agency notices in a timely way");
- in the spirit of collaboration and to provide consistent and coordinated service provision;
- in an ethical and professional manner; and
- maintaining confidentiality as required.

7. Confidentiality

Confidential information gained by Commission staff, Commission members or Commission board members in the administration of the *Family Responsibilities Commission Act 2008* will not be recorded, disclosed or used in any manner unless done so for the purpose of this Act, or when authorised under this Act, or with the consent of the person to whom the information relates, or in the event of a child, his/her parent/guardian's consent.

A person is not obliged to disclose confidential information, or produce a record containing confidential information to a court or tribunal unless required for the purpose of this Act.

Confidential information is defined under section 142 of the Act to include:

- (a) information or an opinion, whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion; and
- (b) information disclosed by an entity in an agency notice.

The Queensland Government developed the *Information Privacy Act 2009* to ensure that personal information held by Queensland Government agencies is collected lawfully and is protected from

unauthorised use, access and disclosure. It also recognises that people can gain access to their own personal information to check its accuracy and request changes if necessary.

The Commission respects and protects people's privacy and collects, stores, uses, and discloses personal information responsibly and transparently. Where legislation does not provide direction for the collection, management, use and disclosure of personal information, the Commission will operate in accordance with the 11 Information Privacy Principles (IPPs) set out in the *Information Privacy Act 2009*.

Information about the identity of anyone giving information to the Commission will be kept confidential unless the person consents to their identity being disclosed.

8. Protection provided by the Act in regard to Information Sharing

Pursuant to sections 95 and 96 of the Act, a person sharing information pursuant to and in the administration of the *Family Responsibilities Commission Act 2008* with the Commissioner, the Registrar, or other entity will not be subject to civil, criminal or administrative process. The sharing of such information (as authorised by the Act) will not be considered a breach of any code of professional conduct, etiquette or ethics.

For example, a health or other professional who provides information to the Commission under the Act on behalf of a service provider cannot be disciplined by a professional body, or incur any formal professional negative consequences for providing such information.

Additionally, a person who publishes information **gained honestly and pursuant to the Act** is protected by privilege for having so published the information and will not therefore be subject to defamation proceedings.

If a person has a confidentiality requirement conditional with their particular profession or employment, the person will not be held to have violated that confidentiality oath, Act or rule of law upon sharing information as authorised by the *Family Responsibilities Commission Act 2008*.

The *Family Responsibilities Commission Act 2008* governs the sharing of information as outlined above despite any other legislation which may appear to contradict what is stated in the Act.

9. Agency Notifications

Part 4 of the Act (refer hyperlink page 2) places obligations on notifying agencies to notify the Commission about a person if that person:

- has a child who is absent from school three times in a school term without reasonable excuse (**notifying agency: School**)
- has a child of school age who is not enrolled in school without lawful excuse (**notifying agency: School**)
- is the subject of a child safety report alleging harm or risk of harm to a child (**notifying agency: Department Communities (Child Safety Services)**)
- is convicted of an offence in the Magistrates Court (**notifying agency: Department of Justice and Attorney-General - Magistrates Courts**)
- breaches his/her tenancy agreement by using the premises for an illegal purpose, causing a nuisance or disturbance from the property, failing to remedy rental arrears or other breach as specified in the tenancy agreement (**notifying agency: Department of Communities (Housing and Homelessness Services) and social housing providers**)

All notices must be submitted to the Commission in the approved form.

10. Information requests generated by the Family Responsibilities Commission

10.1 Post agency notifications

The Commission may require clarification of the information contained in agency notifications, for example, clarification on the spelling of a person's name or whether they are known to the notifying agency by another name or alias.

In such cases, the Commission will seek and receive verbal clarification on any information relating to the initial agency notification. Such verbal clarification will be limited to information contained in the original notification and not amount to 'additional' or new information.

Requests to clarify information will be directed to the person who provided the notice to the Commission, or to the person specified as the 'responsible officer' on the notification.

10.2 Confirmation of residency

Pursuant to section 49 of the Act, the Commission may only hold a conference in relation to a notification received in regard to a person who is a community member. The process by which the facts are determined is referred to as 'confirming jurisdiction'.

Section 7 of the Act defines a community member as a welfare recipient, who since 1 July 2008 has usually resided in a welfare reform community area or has lived in a welfare reform community area for at least three months.

Section 48 of the Act provides examples of the matters to which the Commissioner may have regard when confirming jurisdiction, including, for example:

- the person's address, for Centrelink and other purposes;
- whether any children of the person are enrolled at a school in the community;
- whether the person is renting housing in the community;
- the person's usual place of residence, having regard to the person's family or kinship relationships;
- how often the person is outside the community and for what reasons; and
- any other matters considered necessary to inform the Commission of residency.

10.3 Request for additional information

Once an agency notification is received, and jurisdiction has been confirmed, it is the Commissioner's and Local Commissioners' responsibility to decide whether a conference is to be convened. To do this, the Commission may require credible sources of additional information in order to determine what is the best course of action to take.

Section 93 of the Act allows the Commission to approach notifying agencies or other prescribed entities to gather additional information (refer definition of prescribed entity 5.1).

The information required to make conference decisions may be sensitive and will vary in accordance with the specific nature of the individual case. The ability to ascertain further facts or opinions in relation to a person the subject of a notification is necessary to enable the Commission to carry out its function.

A request by a Commission officer for additional information should specify as clearly as possible why this information is required and for what purpose it is sought.

An agency is only expected to provide information to the Commission about a person that has been gained through the agency's interaction with the person and their family in the performance of the agency's functions.

Commission requests for additional information include (but are not limited to):

Clarification

- What interactions has the prescribed entity had with the person?
- What has been the person's pattern of behaviour during the prescribed entity's interaction?
- Is there a history or pattern of significant general concerns with this individual or particular family members?

Confirmation

- Who does the child normally reside with?
- Who has primary responsibility for the child/siblings?
- Who are the principal residents of this house?

Completeness

- What existing support or other services are being provided to the person or the person's family members by the prescribed entity?

The form of response by representatives of prescribed entities is at the discretion of each prescribed entity.

It is anticipated in most cases a verbal exchange of information will be held between Commission staff with relevant representatives (e.g. principal, police etc) to gather the additional information requested by the Commission.

It is the responsibility of the Commission staff requesting this additional information to maintain confidential case notes of only the key points received from such sharing of information.

11. Advice about Conferences

Notifying agencies will be advised by the Commission that a conference is to be held with an individual in the following circumstances:

11.1 Department of Communities (Child Safety Services)

- The Commission will advise Child Safety Services as timetables are scheduled and confirmed. The Commission will then discuss with the department matters which need to be raised at conference with clients as appropriate.
- Child Safety Services will provide advice to the Commission as to which individuals are current, and previous persons of interest to the department. A person of interest in this regard refers to a person who is under investigation by the department, or is subject to an existing Child Safety Services Case Plan.
- If an individual is subject to a Child Safety Services Case Plan, the department will provide to the Commission details of that Case Plan if it has not already been provided with the notification.

- If a client is under investigation by Child Safety Services, the department will provide advice in regard to the investigation and how the Commission may assist the family to work with Child Safety Services to provide a safe environment for the children.

11.2 Department of Communities (Housing and Homelessness Services)

The Commission will liaise with the department in regard to:

- all outstanding notifications;
- whether there has been any further action between when the notification was received by the Commission and the scheduled conference; and
- whether client files require updating in regard to their tenancy agreements and financial status.

11.3 Department of Education and Training and Independent Schools

The Commission will advise Attendance Case Managers and Transitional Support Services as timetables are scheduled and confirmed.

12. Advice Regarding Attendance at Conferences

The Commissioner may require a representative from the notifying agency to attend a conference under section 61(4) of the Act.

The Commission notice (Form 13 Notice of Conference - Relevant Person/Entity) requiring an agency's attendance at a conference will be in writing, stating the reasons why their presence is required and will be signed by the Commissioner or an officer with the appropriate delegation (i.e. Registrar).

Details regarding the time, date and relevant location of the conference will be advised via Form 13 Notice of Conference. This will be preceded with oral contact by the Commission with a relevant agency representative to negotiate preferred times.

Advice in regard to the name of the agency representative who will attend may be remitted verbally or via email.

13. Notification of Conference Decisions

Section 108 Part 10 of the Act specifies that if the Commissioner enters into an agreement with a client about income management, the Commission must as soon as practicable give the Centrelink secretary notice, in the approved form, of the agreement.

There is an obligation on each notifying agency to comply with the provisions of the *Information Privacy Act 2009* in regard to any such information received.

14. Liaison with Service Providers

14.1 Agreements and Orders

The Commission may come to an agreement with a client to take action to address the issues that have lead to their referral to the Family Responsibilities Commission (section 68 of the Act).

This is called a Family Responsibilities Agreement.

If the client is unwilling to come to an agreement with the Commission about the actions that are necessary to assist them to address their issues, the Commission may order the client to do so (section 69 of the Act). This is called a Family Responsibilities Order.

Actions agreed with the Commission under a Family Responsibilities Agreement may take the form of:

- personal responsibility actions;
- attendance at a specific community support service or multiple services under a Case Plan;
or
- conditional income management (CIM).

Actions ordered by the Commission under a Family Responsibilities Order may take the form of:

- attendance at a specific community support service or multiple services under a Case Plan,
or
- conditional income management (CIM).

Personal responsibility actions are practical and accessible things a client agrees to do to try to address their issues¹. They will usually be proposed when the Commission does not consider it necessary to refer the client to community support services, however, in some instances, personal responsibility actions may also be proposed in addition to a referral to a community support service.

If a client agrees to undertake a personal responsibility action, the action will be included in the person's Family Responsibilities Agreement. It **will not** form part of a Case Plan. If the personal responsibilities action involves attendance at a community service, the Family Responsibilities Agreement includes a consent by the client for the Commission to share information with the service provider to support me in achieving my goals.

14.2 Case Plan monitoring

When the Commission comes to an agreement with a client to attend a specific community support service or multiple services, or directs the client to attend a support service a specific Case Plan will be prepared by the Commission. The Case Plan will set goals for the client in relation to the issues that have brought the client before the Commission.

The Local Coordinator will maintain a list of service providers to whom a client may be referred by the Commission.

Section 92 of the Act specifies that the Commissioner may give personal information about a person to a prescribed entity if the Commissioner reasonably considers giving the information is necessary to help the Commissioner or the Commission and the entity to coordinate any support services for the person. Such information will include the conference decision and requisite details to provide support to the client.

The Commission will monitor the client's compliance with their Case Plan and progress towards meeting their set goals. The Family Responsibilities Agreement or Order and accompanying Case Plan will outline the duration of the Case Plan.

The Act (section 91) provides the legislative capacity to require service providers to disclose particular *relevant information* to the Commission to enable the Commission to properly

¹ A person cannot be directed by the Commission to undertake a personal responsibility action.

consider matters which have been referred to it.

The Commission will provide the service provider a copy of the Family Responsibilities Agreement or Order and Case Plan.

It will be the responsibility of the Principal Case Manager to monitor an individual's progress against their agreed Case Plan in consultation with the service provider and report back to the Commissioner.

When monitoring a person's compliance with a Case Plan, the Commission will have an interest in:

- the person's attendance at the service;
- the person's participation level in the identified services; and
- the person's progress in the treatment plan/program developed by the service provider.

It will be the *responsibility* of service providers to report to the Principal Case Manager on a monthly basis on each client, in relation to:

Attendance - has the client gone to the service provider?

- Has the client attended an assessment interview within 14 days of the conference? (This only relates to the first Monthly Report)
- Is the client attending the program?
- How regularly is the client attending?

Engagement - in the opinion of the service provider, is the client actively participating in the program?

- Has the individual made their best endeavours to agree to a program?
- Is the service provider observing engagement and motivation?

Progress - in the opinion of the service provider, is the client making progress in changing their behaviour?

- In the opinion and observation of the service provider, is the client confronting their behaviour?
- Is the client showing a willingness to change?
- Is the client demonstrating improved skills, for e.g. communication/anger management or relevant skills that they are attending program for?
- Has the client changed their behaviour?
- How is the client progressing with their goals stated in the FRC Case Plan?
- Has the client maintained their goals?
- If the service provider has made a secondary or tertiary referral (e.g. to a financial counsellor), has the client engaged with that secondary or tertiary referral?

A Monthly Progress Report is required to be provided to the Commission Principal Case Manager on or by the fifth day of each month for the duration of the Case Plan.

While monitoring of a Case Plan will occur with service providers, the decision as to whether an individual is complying with the Case Plan will remain with the Commission, on the advice of the Principal Case Manager. The Commissioners will take into consideration a range of known circumstances for the client in order to assess the level of their compliance with a Family Responsibilities Agreement or Order and Case Plan.

If the service provider report indicates that a client is not engaging in services, or is not making satisfactory progress toward meeting their goals, the Commission may make enquiries of Local

Commissioners and relevant/prescribed entities to determine whether there are mitigating factors, or whether the client is engaging in alternative actions to address their issues.

In most cases, a verbal exchange (direct, telephone) or email will occur between the Commission and relevant/prescribed entities to gather the additional information about mitigating factors.

It is the responsibility of the Principal Case Manager to maintain the confidentiality of the Monthly Progress Reports (MPRs) and any case notes made during further monitoring actions.

15. Conflict Resolution

Where possible and appropriate in the circumstances, relevant/prescribed entities are to attempt to resolve conflicts arising through the sharing of information with the Commission with the Principal Case Manager.

The Principal Case Manager will attempt to resolve all issues within five working days. If a matter cannot be resolved in that timeframe it will be referred to the Commission Registrar who will likewise make all possible endeavours to resolve the issue within five working days.

Any requests for variation to these protocols should be submitted in writing to the Commission Registrar. The Registrar, where possible, will respond to the requested variation within five working days of receipt of the proposal.

Compliance with the above timeframes will be dependent upon the complexity of issues, however, every endeavour will be made by the Commission to respond as promptly as possible.

16. Maintenance of Client Records

All case notes will contain only key points of information from relevant/prescribed entities and other providers of information. All paper record case notes of the Commission will be written in language that is concise, non-defamatory and avoids, where possible, criticism of individuals or families. All case files (paper records) holding personal data on individuals known to the Commission will be held securely and will be restricted to authorised personnel only.

The Commission will collect and manage personal information in accordance with the 11 IPPs contained in the *Information Privacy Act 2009*.

In addition, the Commission will comply with the requirements of the *Public Records Act 2002*, which governs the storage, transfer, management and disposal of Commission records. Under the *Public Records Act 2002* we are required to:

- store and dispose of our administrative records in accordance with the timeframes identified in the *General Retention and Disposal Schedule for Administrative Records* from the Queensland State Archives;
- store and dispose of our client and core business records only on approval from the State Archivist.

Section 141 of the *Family Responsibilities Commission Act 2008* requires the Commission to destroy copies of agency notices relating to persons whom the Commission confirms are not within its jurisdiction. The Commission policy is for such records to be destroyed as soon as practicable, if the person continues not to be within the Commission's jurisdiction.

For further Information and Assistance contact:

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