

NSW HOUSING AND HUMAN SERVICES ACCORD
Supporting social housing tenants through partnerships

Client Information
Sharing Schedule



**A Schedule to the NSW Housing
and Human Services Accord**

January 2010



Family &
Community Services
Housing NSW

Client Information Sharing Schedule

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Appendix I Information Sharing & Exchange:
Questions and Answers

Appendix II Client Consent Form

1. Introduction

The Client Information Sharing Schedule is an attachment to the NSW Housing and Human Services Accord (Accord). This schedule is made between the 9 signatory agencies of the NSW Housing and Human Services Accord ('the Accord') listed below.

- Attorney Generals
- Department of Corrective Services
- Department of Education and Training
- Department of Human Services [Aboriginal Housing Office, Ageing, Disability and Home Care, Community Services, Juvenile Justice, NSW Housing Corporation (including the Office of Community Housing)]
- NSW Health (including public health organisations in the NSW Health System).

This schedule:

- is governed by Commonwealth and NSW legislation¹
- is underpinned by principles adapted from privacy legislation and those articulated in the Accord²
- is informed by existing policy frameworks which seek to facilitate effective information sharing to improve client outcomes³
- does not seek to replace or replicate existing agency policies and protocols
- acknowledges that some agencies already operate under Codes of Practice, and/or privacy policies and procedures, mandated through specific legislation
- has been approved in accordance with Section 8 of the Accord.

Appendix I to this schedule comprises common questions and general responses to these questions on information sharing and exchange, to be used as a guide for practitioners.

Appendix II provides a standard client consent form as a useful tool for use under this Accord.

2. Statement of Intent

The Client Information Sharing Schedule provides an overarching framework, with principles to guide agencies in the ways that information in relation to clients or potential clients under the Accord is collected, used and disclosed. The schedule builds on the guide by the NSW Human Services CEOs Forum "*Information Sharing for Effective Human Service Delivery – A Guide for Practitioners*" (June 2006) through the provision of supplementary detail and tools to facilitate information sharing at a client service delivery level in the context of interagency work and the Accord.

This schedule aims to support the exchange of appropriate information relating to the client that will assist/link potential or existing Housing NSW clients to support services as well as identifying appropriate housing options for applicants of social housing where relevant. Whilst the schedule is to be used by Housing NSW staff and other support agencies, the schedule does not seek to provide detailed operational guidelines, as its application needs to be broad

¹ Refer section 4 – Policy and legal framework.

² Refer section 5 – Principles, Privacy and Consent.

³ E.g. Better Service Delivery Program Privacy Framework Information Sharing for Effective Human Service Delivery – Guide for Practitioners NSW Child Wellbeing and Child Protection Guidelines.

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and able to be applied to the varying circumstances of clients and social housing applicants. Use of this schedule and its related consent form will be tailored by Housing NSW staff and/or client support providers to meet the varying circumstances in which exchange of information might be required to assist clients who have, or potentially have, a complex housing need. It does not apply to any other exchanges arising from the normal day-to-day liaison between human service agencies – in this case individual agency policy directives apply.

The Accord provides an opportunity for formal partnerships, whereby support providers and housing providers agree on housing and support arrangements. These partnerships will assist clients with complex housing needs gain access to social housing and/or sustain tenancies. Therefore, the term 'clients' may include new clients, as well as existing social housing tenants.

In a multi-agency approach to working with clients information sharing contributes to good practice and service delivery. The success of this approach is reliant on many factors, including⁴:

- cross-agency collaboration
- strong relationships
- clear policies
- sound client screening and assessment
- matching services and support to client needs.

An information sharing approach that incorporates the above can:

- assist agency staff to make appropriate referrals
- assist with a comprehensive assessment process
- ensure client safety and improve their wellbeing
- reduce the number of times a client has to tell their story
- facilitate improved linkages between agencies which assist in effective, coordinated services
- highlight the importance of agencies working collaboratively to optimise clients outcomes
- assist agency staff to develop a holistic picture of the client and their needs
- assist in developing and maintaining solid agency relationships.

In order to provide effective, coordinated cross-agency services to clients, information sharing may need to occur at any or all stages of the client pathway, including:

- agency discussion on potential Accord clients
- client presentation
- allocation decision
- referral between agencies
- joint assessment and screening
- development of a client support plan
- case management, service delivery
- case monitoring and review
- case closure
- aftercare
- evaluation.

⁴ Information Sharing for Effective Human Service Delivery – Guide for Practitioners.

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Some human service agencies are reluctant to share information with others as they are unclear about what information can be disclosed, in what circumstances, and what will happen with the disclosed information.

This schedule:

- seeks to ensure that clients rights are promoted, whilst also ensuring that an appropriate and sustainable service can be provided
- seeks to assist in creating a culture that emphasises the value of appropriate cross agency information sharing
- acknowledges the challenges in establishing and maintaining partnerships and that factors such as trust, shared goals and transparency impact on the success of partnerships and
- recognises the different roles and responsibilities and the complexities confronting agencies.

The operating tools to this schedule will provide the flexibility to respond to agencies' varying business requirements.

All agency staff who work with clients under this Accord can (and should) instigate information exchange in line with good case practice.

3. Target Group

This schedule focuses on service delivery for clients **with the potential for, or who have been assessed as having**, a complex housing need (CHN). CHN describes households that require access to stable and affordable housing to facilitate the receipt and effectiveness of support and care they need to live independently in the community. Clients with a CHN often have formal and/or informal contact with numerous Government and non-government agencies.

4. Policy and Legal Framework

This schedule acknowledges and builds on existing policy and legislative frameworks and is bound by NSW and Commonwealth legislation in relation to privacy and information exchange⁵.

In NSW, Government agencies are bound by the following privacy legislation:⁶

- *Privacy and Personal Information Protection Act 1998 (NSW)*
 - *Privacy Code of Practice (General) 2003 (NSW)*
 - *Public Interest Direction for the Department of Ageing, Disability and Homecare & Associated Agencies*
- *Health Records and Information Privacy Act 2002 (NSW)*
 - *Health Records and Information Privacy Code of Practice 2005 (NSW)*
- *Privacy Act 1988 (Commonwealth)*
- *Children and Young Persons (Care and Protection) Act 1998*
- *The Guardianship Act (NSW) 1987*

⁵ Refer to Sections 11 and 13 for other agency legislation and references.

⁶ This list is not exclusive as there are other Codes of Practice, legislation as well as other public interest directions affecting certain organisations.

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Currently non-government service providers are generally not covered specifically by Commonwealth and State privacy legislation mentioned above⁷. However many non-government organisations who receive government funding are obliged to meet these privacy requirements as part of their contractual obligations outlined in their funding agreement or other relevant specifications. For those services that are not covered by these requirements, most, if not all, would be required to follow good practice guidelines in relation to privacy requirements as part of adhering to their organisations operational policies.

Where there is any unintended conflict between this schedule and individual agency policy directives, agency directives will apply.

5. Principles

Under the *Privacy and Personal Information Protection Act 1998* there are 12 information protection principles, which create legal obligations and describe what a NSW government agency must do when it collects, stores, uses and discloses personal information⁸.

In most circumstances, agencies are obligated to obtain client consent before they use or disclose personal information about the client. There are, however, circumstances when the client's consent to disclose personal information is not required.

These circumstances include where it relates to the safety, welfare and/or wellbeing of a child and/or young person (Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*), disclosing information to a law enforcement agency where an offence has been committed, or to help find a missing person. Disclosure without consent is also allowed where this is permitted or required under another law.⁹

Under recent amendments to the *Children and Young Persons (Care and Protection) Act 1998*, information exchange is permitted between certain government and non-government agencies where it would help to deliver services and supports to promote the safety, welfare and wellbeing of a child or young person.¹⁰

A key challenge in multi-agency case management and assessment is balancing client privacy rights with the need to ensure agencies have the relevant information to provide the best possible service. The following principles¹¹ are designed to ensure effective and appropriate information sharing, and should be read in conjunction with the principles outlined in the Accord and the obligations of the legislation in Section 4 of this schedule:

1. clients have a right to privacy
2. clients have a right to respect
3. client welfare is paramount in all decision-making about information sharing
4. client consent must be obtained, wherever possible, prior to sharing client personal information about them
5. clients should be made aware of, and have a right to decide, what information is intended to be shared
6. under this schedule, client information can only be shared between partner agencies in accordance with privacy legislation requirements
7. information collected, used and disclosed will be treated confidentially and used only for the

⁷ Both the Commonwealth and State privacy legislation is currently being reviewed to ensure its adequacy including the consideration of non-government organisations (NGO) in relation to privacy considerations. The listed Commonwealth and State privacy legislation generally does not cover an NGO unless it has an annual turnover of more than three million dollars and/or is health specific.

⁸ Some agencies operate under Codes of Practice which contain provisions to modify or waive a number of information protection principles in the *Privacy and Personal Protection Information Act 1998*.

⁹ For more information visit PrivacyNSW at www.lawlink.nsw.gov.au/lawlink/privacynsw

¹⁰ See Chapter 16A which was proclaimed on 30 October 2009

¹¹ See also – *Information Sharing for Effective Human Service Delivery – Guide for Practitioners*.

- purpose for which it was collected (or a directly related purpose)
8. information that is exchanged is relevant, accurate, up to date and not excessive
 9. the collection should not unreasonably intrude into a client's personal affairs
 10. gaining consent for information sharing will recognise the client's capacity for participation and decision making
 11. information shared must be directly related to the whole-of-government activities necessary for the purpose of providing services under this schedule
 12. processes for gaining information should be undertaken in a way that minimises the number of times a client has to repeat details previously given
 13. information should only be shared where there is a valid reason to do so
 14. collated de-identified data about social housing applicants can be used to inform planning processes of partner agencies
 15. agencies will ensure that information is stored securely, not kept any longer than necessary, disposed of appropriately and protected from unauthorised access, use or disclosure.

6. Evaluation

Evaluation and review of this schedule will occur in accordance with the Accord Evaluation Framework, which will adopt the Results Based Accountability Methodology. Evaluation criteria will include key performance indicators in relation to the effectiveness of this schedule. As with evaluation of other Accord schedules, this will require a participatory approach for signatory agencies in the selection of performance indicators and common agreement on outcome indicators.

Evaluation and review will be overseen by the Housing and Human Services Senior Officers' Group and will involve the participation of signatory agencies and key stakeholders including non-government organisations. The feedback received from key stakeholders during the development, implementation and review of this schedule will inform the development of the final schedule. The evaluation for this schedule will be completed as part of the Accord evaluation.

7. Effective Date

This schedule:

- will be effective from December 2009
- will be evaluated as part of the Accord evaluation (refer to section 6 Evaluation)
- may be terminated in writing by mutual agreement of each signatory agency. Any agency may withdraw from the schedule by giving 3 months written notice to all agencies under the schedule
- will continue until terminated under one of the conditions listed above or superseded by the development and commencement of the Client Information Sharing Schedule.

The schedule was presented to the Human Services Chief Executive Officers for their endorsement in December 2009.

8. Signatory Commitments

All signatory agencies to this schedule agree to participate in its development, implementation, review and evaluation in accordance with the schedule's intent (as outlined in Section 2) and to inform the development of the final Client Information Sharing Schedule.

9. Issues Management and Problem Solving

Issues in relation to this schedule will be reported to the Housing and Human Services Senior Officers' Group. Housing NSW will resource the Senior Officers' Group by:

- reporting on critical issues to the Senior Officers' Group through a standing agenda item
- providing an issues log, including actions and resolutions as part of a standing agenda item
- working with relevant signatory agencies to coordinate the resolution of emerging issues at both central and local levels
- recommending actions, as required, to the Senior Officers' Group, both within and outside meetings, if required.

Issues management and problem solving processes will be developed at the agency level for each of the Accord partnership agreements, through the Accord Checklist for Negotiating Operating Agreements, and for each client as appropriate and will be detailed within the negotiated Operating Agreement.

While the focus should be on cooperative problem solving, issues management will include an agreed escalation process through the local operational partners and their managers (from each agency and participating non-government agency), with the Housing Partnerships Team co-ordinating assistance for problem solving and reporting issues management approaches to the Senior Officers' Group, as required.

In developing processes at the project level some of the following steps could assist in co-operative problem solving:

- defining and describing the issue or barrier
- identifying potential benefits of removing the issue or barrier
- generating possible solutions to overcoming the issue or barrier
- offering practical and immediate assistance with a particular problem that contributes to addressing the issue or removing barrier
- seeking advice or resources that could assist in removing the issue or barrier
- agreeing how to move forward and making the changes necessary to resolve the issue.

10. Links to Accord Schedules and Agreements

This schedule is one of several to be developed as attachments to the Accord. This schedule has been developed in conjunction with the *Accord Assessment Framework*, the *Trial Shared Access Schedule*, *Building Stronger Communities* and the *Housing and Mental Health Schedule* (which incorporates the Joint Guarantee of Service and the Housing Accommodation Support Initiative). Both the Joint Guarantee of Service (JGOS) and the Housing and Accommodation Support Initiative (HASI) policy frameworks include some detail on information sharing which are consistent with this schedule.

11. Other Relevant Legislation and Guidelines

- *State Records Act (NSW) 1998*
- *Guardianship Act (NSW) 1987*
- *Freedom of Information Act (NSW) 1989*
- *Children and Young Persons (Care and Protection) Act 1998 (NSW)*
- *Housing Act (NSW) 2001*
- *Crimes (Administration of Sentences) Act 1999 (Section 257, sub section (a))*
- *Direction on Information Transfers Between Public Sector Agencies, signed by a/ Privacy Commissioner, 29 December 2006¹²*

12. Web links

- Better Service Delivery Program NSW <http://bsdip.hsnet.nsw.gov.au>
- NCOSS – re privacy and the non-government sector www.ncoss.org.au
- Office of the Federal Privacy Commissioner www.privacy.gov.au
- Privacy NSW www.lawlink.nsw.gov.au/lawlink/privacynsw
- Keep Them Safe – www.keepthemsafe.nsw.gov.au

13. References

- *Connecting Government: Whole of government responses to Australia's priority challenges, Australian Government, Australian Public Services Commission website August 2006*
- *Data Protection Principles, Privacy NSW – developed 1991, revised July 2002*
- *Direction for the Department of Ageing, Disability and Homecare & Associated Agencies*
- *Direction relating to the Case Coordination Partnership Project, Direction under s.41 (1) of the P&PIP Act (NSW) 1998*
- *Direction relating to the Anti-Social Behaviour Pilot Project (April 2007)*
- *Health Records and Information Privacy Act 2002 (NSW)*
- *Health Records and Information Privacy Code of Practice 2005 (NSW)*
- *HS Net, Better Service Delivery Program Policy Frameworks 2005*
- *Information Sharing for Effective Human Service Delivery – A Guide for Practitioners, Human Services CEOs Forum June 2006*
- *Mount Druitt/Blacktown Consent Form Project Final Report 2004*
- *NSW Child Wellbeing and Child Protection Guidelines*
- *Housing NSW – Privacy Code of Practice*
- *NSW Guardianship Act 1987*
- *NSW Housing and Human Services (Draft) Accord 2005*
- *NSW Housing and Human Services Accord – (Draft) Assessment Framework Principles*

¹² Paragraph 4 of the Direction provides that the Data Protection Principles adopted by the Privacy Commissioner in June 2002 should be used by agencies to guide the consideration to be taken into account when determining "reasonableness" of an exchange covered by the above direction.

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- *Privacy Act 1988 (Commonwealth)*
- *Privacy Amendment (Private Sector) Act 2000 (Commonwealth)*
- *Privacy and Personal Information Protection Act 1998 (NSW)*
- *Privacy Code of Practice (General) 2003 (NSW)*
- *State Record Act (NSW) 1998*

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