

The logo for TúsLA, featuring the word 'TúsLA' in a stylized font where 'Tús' is green and 'LA' is blue.

An Ghníomhaireacht um  
Leanaí agus an Teaghlach  
Child and Family Agency

A large, stylized graphic of a ship's wheel, rendered in shades of green and blue, centered on the page. The wheel has eight spokes and a dark blue center.

# INFORMED CONSENT: AFTERCARE

THIS IS A SUPPORTING GUIDANCE DOCUMENT FOR AFTERCARE, WHICH SHOULD BE READ  
IN CONJUNCTION WITH THE 'NATIONAL AFTERCARE POLICY FOR ALTERNATIVE CARE'



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| <b>Document Reference Number</b>           | PPPG 11/2017   |
| <b>Revision Number</b>                     | 1  |
| <b>Approval Date</b>                       | 13 September 2017  |
| <b>Next Revision Date</b>                  | 13 September 2019  |
| <b>Document Developed By</b>               | National Policy Review Group.<br>Chaired: National Policy Manager, Alternative Care, Tusla.  |
| <b>Document Approved By</b>                | National Policy Oversight Committee.   |
| <b>Responsibility for Implementation</b>   | National Implementation Lead for Aftercare, Tusla Area Managers, Aftercare Managers, Aftercare Workers, Social Workers - Children in Care, Child Protection and Welfare, Residential Care. |
| <b>Responsibility for Review and Audit</b> | National Policy Manager, Alternative Care, Tusla.  |

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## 1.0 Introduction

‘The National Aftercare Informed Consent Guidance’ document is developed to assist in support to aftercare service providers to have a fully informed and relevant reference on the issue of informed consent. The guidance document takes a young person/young adult centred approach to obtaining informed consent in relation to any decision which relates to the young person/young adult. Such an approach involves putting the interests and wellbeing of the young person/young adult at the centre of all decisions and ensuring the young person/young adult voice and opinions are heard and respected as far as possible in the decision-making and planning of the aftercare support service provided. This principle is in keeping with legal and international human rights standards and ethical guidance which provide that the young person/young adult wishes should be taken into account.

‘The National Aftercare Informed Consent Guidance’ document incorporates:

- General information on informed consent in the context of aftercare service provision to young people/young adults over 18 years of age.
- National aftercare informed consent form.
- Informed consent form completion guidance for aftercare workers.

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## 2.0 Overview

For the purposes of this document it is important to distinguish between a young person and a young adult.

**A young adult** is considered an individual over the age of 18 years of age who is capable of making independent decisions about their life.

**A young person** is considered someone under the age of 18 years. In the context of Aftercare a young person is deemed over 16 and less than 18 years of age.

The aim of this document is to help practitioners and managers in both the statutory and voluntary agencies make sound and consistent decisions in relation to obtaining informed consent and when they can and should share information with partner agencies;

what information should be shared; how it should be shared and when Tusla may reasonably expect partner agencies to share information with them.

The right to privacy is a constitutional right for all citizens. The aftercare service in acknowledging this right in working with the young person/adult and in the context of best practice will seek to obtain informed consent and share information appropriately. However, there are certain situations where practitioners need support and guidance to ensure they are compliant with legislation regarding informed consent and appropriate information sharing.

The information provided in this document and the associated national aftercare consent form/guidance has been formulated in consultation with a Tusla legal advisor and it is designed to assist aftercare staff in their work. Whilst the information contained within it is universally applicable, it should be noted where there is an individual case with particular challenges e.g. capacity of young people/adult to give consent, advice from legal services is recommended. This advice can be accessed through the Tusla aftercare manager via the Tusla legal advice protocol by the completion of the legal advice request form. Further details of the protocol and the form are available on the Tusla information hub.

Where the term aftercare worker (ACW) is referred to, it applies to Tusla staff and those aftercare workers of our grant funded and/or commissioned providers.

This document will provide guidance for obtaining informed consent and sharing information for both young people and young adults.

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### **3.0 Overview of the aftercare service**

Aftercare is a dedicated service provided within Tusla – Child and Family Agency in partnership with a wide range of non-statutory, voluntary and community agencies (internal and external) to young people who are preparing to leave or young adults who have left the care of Tusla (formally the HSE).

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## 4.0 Legislation

### CHILD CARE ACT 1991 PROVISION

Aftercare is a discretionary service provided under Section 45 of ‘The Child Care Act (1991)’ –

S.45 (1)(a) Where a child leaves the care of the health board, the health board **may**, in accordance with subsection (2), assist him for so long as the board is satisfied as to his need for assistance and, subject to paragraph 9(b), he has not attained the age of 21 years.

(b) Where a health board is assisting a person in accordance with subsection (2) (b), and that person attains the age of 21 years, the board may continue to provide such assistance until the completion of the course of education in which he is engaged.

### CHILD CARE (AMENDMENT) ACT 2015

Section 45 (a) of ‘The Child Care Amendment Act 2015’ places a statutory duty on the Child and Family Agency to form a view in relation to each person leaving care as to whether there is a ‘need for assistance’ and if it forms such a view to provide services in accordance with the section and subject to resources. The extent as to what service is provided will be based on an assessment of need, ages and length of time the young person was in care.

Section 6, Section 45(a) ‘Assessment of Need Child Care Amendment Act 2015’ provides that an assessment of need will be carried out in order to identify the support and services appropriate to an aftercare plan and sets out the domain to be considered in such an assessment. Other key legislation and reports that inform and guide aftercare provision include the National Review Panel Reports, the Ryan Report and the ‘National Standards for Foster Care’ and Residential Care. Aftercare is a continuum of care “throughcare” process, beginning from reception into care.

In collaboration with the young person/young adult, their families and/or carers, the aftercare service assists to identify and develop a wide network of support for the young person/young adult to achieve their full potential. On reaching 18 years the young adult is no longer in statutory care. With the agreement of the young adult,

the ACW has the primary supportive role to advocate on behalf of young adult to promote their development toward independence. The core eligible age range for aftercare is 18 years and up to 21 years. This can be extended to 23 years of age in order to complete an accredited 3rd level education programme. This work operates under ‘The Child and Family Agency National Aftercare Policy (2017)’. Aftercare provision incorporates advice, guidance, and practical support.

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## 5.0 Informed consent guidance

The need for consent is recognised in Irish common law and International law (National Consent Policy 2013). The principle of consent is a fundamental building block for service provision and also a core requirement during assessment, planning and delivery of a good quality service. There will be different requirements for young people and young adults who are eligible to apply/avail of an aftercare service. Some will be below the age of 18 and working with these young people is legislated for under the requirements of ‘The Child Care Act 1991’. Children in care have the right to freely express their views on all matters affecting them and their views should be given due consideration according to their age, capacity and maturity.

Where a young person is under 18 years of age or where a young adult over the age of 18 consents to have their information shared with other agencies, this sharing of information can bring several benefits:

1. Improved outcomes for children by providing a fuller picture of the needs, protective factors and risk associated with the young person and their family and a more coordinated response to those needs.
2. Improved organisational effectiveness through improved collaboration and coordination, reducing duplication and increasing opportunities for joint working.

3. Improved trust between agencies. On reaching 18 years of age, the young adult in partnership with the Aftercare Service engages in the process of informed consent in order for them to receive a responsive service in meeting their identified need. The nature of this engagement is explicit as opposed to implicit. It is important that these service users remain confident that their personal information is kept safe and secure and that aftercare staff maintain the privacy rights of the individual whilst sharing information appropriately and safely in the delivery of a quality service. It is equally important that staff understand when, why and how they should share information so that they can do so confidently and appropriately as part of their day-to-day practice.

This document focuses on how to obtain fully informed consent from young adults (over 18's) – both the process and in the written form – as it is applied in everyday interactions with service users in aftercare. This document will also provide guidance on the process of sharing information and draws from the legislative framework and other documents already in existence in order to ensure information is shared appropriately and safely.

There is very clear guidance for staff regarding working with young adults in the aftercare service who engage well with regards to working in partnership with them. However, there are challenges to the informed consent process where there can be a lack of consistency in approach to obtaining consent and the process of information sharing. In this regard, clarity is required for circumstances where the young adult is over 18 years and has not given consent or withdraws consent, and in circumstance of renewed consent.

In some circumstances information is shared via the occurrence of strategy meetings. Where a young adult (over 18 years of age) the following has been clarified by Tusla legal services that:

1. Where a young adult gives consent to the sharing of their information, external stakeholders can attend strategy meetings (e.g. voluntary aervice providers, An Garda Síochána, etc.).

All voluntary agencies (e.g. Focus Ireland and Don Bosco Care, Smileys, etc.) are external stakeholders.

2. Where the young adult does not give consent or subsequently withdraws consent internal meetings can ONLY occur. Internal refers to Tusla staff only.

Where a young adult does not give their consent or withdraws consent for their information to be shared with a third party (e.g. meetings with external agencies); to do so will constitute a breach of both data protection legislation and privacy rights under the Constitution.

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## 6.0 What is informed consent and how to obtain it?

Informed consent is an ethical and legal concept - in that all young adults understand and agree to the potential benefits/consequences of their information being shared. Consent must be informed which means that the young adult who has given consent understands:

- Why the information needs to be shared.
  - What information will be shared.
  - What will happen to the information.
  - Who will be told what.
  - Why people are being told the information.
  - The implications of it being shared.
  - The implications of not sharing the information.
  - The implications if consent is withheld.
- 

## 7.0 Capacity

Young adults (over 18 years) are able to give consent for information sharing where they have the capacity. Capacity relates broadly to decision making and a person's ability to do so. When we are discussing capacity we will look at two different ideas, legal capacity and mental or decision-making capacity. The concept of informed consent stems from the fundamental ethical principle of the right of self-determination (to choose freely whether or not to fully use the service). This principle recognises that individuals are autonomous (i.e. have the right to make decisions without external influence).

Therefore, they are independent agents with the right to make decisions regarding their well-being without coercion from others.

Informed consent is an ongoing process, rather than a one off event. This communication between a young adult and their ACW results in the young adult authorising or agreeing to a set of actions that will be undertaken with their consent (or not give consent as case may be) in certain circumstances/situations. At a minimum, consent should be reviewed in conjunction with the Aftercare Plan. From both a legal and ethical perspective the young adult must be given sufficient information and the time to be fully informed before deciding to agree to share their personal information. Informed consent must be documented in writing by way of completion of the aftercare services informed consent form (Appendix 1). Equally, young adults should be aware that they can choose to withdraw their consent at any time and the implications of this for them.

For informed consent to be valid both ethically and legally, the young adult must:

1. Have received sufficient information in a comprehensible manner about the nature, purpose, benefits and risks of an intervention/service.
2. Not be acting under duress, i.e. have given their consent voluntarily.
3. Be competent to take the particular decision (e.g. where a young adult has an intellectual disability it may be appropriate to contact legal services to seek advice around levels of competence).
4. The consent is accurately recorded and filed securely.

(Data Protection and Freedom of Information Legislation; Guidance for Health Service Staff)

## 7.1 How to ensure Informed Consent is given voluntarily

It is imperative that ACW's clearly present the voluntary nature of the giving consent during the consent process (Appendix 2).

The first rule of informed consent is: If it isn't documented it didn't happen. Although a piece of paper cannot prevent a legal challenge, documented evidence that a conversation between an aftercare worker and the service user occurred is critical. If the young person is unable to sign the aftercare services consent form, a mark X on the form to indicate consent is sufficient or alternatively the young adult can nominate somebody to sign on their behalf. The consent process for aftercare service provision includes completion of the aftercare services informed consent form which also evidences that form completion guidance was considered which is explicit in nature.

The function of the aftercare informed consent form (Appendix 1) is to record the young adult's decision in respect of each category on the form in relation to sharing information appropriately with the respective agency/service.

The function of the guidance notes in relation to completion of the aftercare informed consent form (Appendix 2) is to indicate that the process was conducted appropriately and with suitable discussion.

A signature on a consent form does not in itself make consent valid, but a combination of a signed form and adherence to the guidance discussion on the consent conversation for each element of the form, does.

*Sharing the right information where a young adult agrees to share their personal information.*

Where a young adult agrees to their information being shared, aftercare workers need to exercise their professional judgment (and be able to provide robust documented rationale for sharing information) about what information is shared with others, ensuring it is done both fairly and lawfully.

Data protection legislation (1998 & 2003) requires that information should be accurate, up to date, relevant, securely stored and shared only with those who need to know it. To guide aftercare staff, consideration should be given to the following:

- Is the information confidential?
- What is the purpose of sharing the information?
- Is the information under consideration for sharing relevant? Will it achieve the best outcome for the young adult?
- Is the information accurate and up to date?
- Is this new information?
- Can the information be shared safely and securely?
- What are the consequences if the information is not shared?

(See Appendix 3 for fuller description of the 8 Golden Rules of Information Sharing).

## 7.2 Proportionality

The concept of proportionality is applicable with regards to consent and although it is rather jargonistic, it explains a very helpful concept. It accepts that the decision about sharing information is not a simple 'yes' or 'no' decision but depends upon a number of factors. The benefits and costs of sharing information need to be evidenced that they have been assessed.

- How at risk is the young person/young adult?
- Is the risk imminent?
- How much safer will the young person be if the information is shared?
- Will the relationship between professionals and the young adult be so damaged by sharing information against their wishes that it may be better to not share?
- Does the information need to be shared now?

Sometimes you may not be able to answer the questions above. In this case you should discuss what information to share with your line manager who can liaise with Tusla legal services, if required.

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## 8.0 Refusing or withdrawal of consent

Aftercare Workers have reported in some instances/circumstances that young adults have declined to give consent or have subsequently withdrawn consent to access and/or to share their information.

A challenge that Aftercare Staff may encounter is that the young adult may withdraw consent. Practical examples of this is where a young adult may be experiencing an acute mental health episode (it is imperative for all professionals involved to liaise together to support the young adult) or a change in allocated aftercare worker (It is important to note, that consent is given to the agency and not the individual aftercare worker).

Where a young adult withdraws consent, it must be respected. A written record must be placed on file by ACW to evidence this withdrawal (please refer 'The National Aftercare Policy 2017', Case Closure). There are very few extenuating circumstances, covered by law, where other factors are taken cognisance of. One example of this is 'The Mental Health Act', and in these instances, advice from legal services should be sought.

Where it is deemed that there are capacity issues or the aftercare care worker is unsure whether capacity issues are applicable, advice should be sought from legal services.

Where a young adult does not give consent for their information to be shared the aftercare worker must explicitly explain and clearly document that they have advised the young person that by refusing consent, it limits the capacity and capability of the aftercare worker to provide a full service in support.

Equally, if a young adult gives only limited consent, this too will affect the overall quality of the service provided to them. In cases where the young adult withdraws or gives only limited consent, it is best practice that this is received in writing, however, verbal withdrawal of consent has to be respected (verbal withdrawal of consent is recognised by the court system).

Where a young adult consents for their information to be shared, the aftercare worker must ensure that the young adult has given fully informed consent. In order for informed consent to be considered valid, the young adult must be competent and the consent should be given voluntarily.

This implies a responsibility to explain fully and meaningfully what sharing their information means. Young adults should be made aware of their right to refuse their consent and should understand the implication of giving consent.

Once the information has been shared, best practice would advocate that the young adult is regularly advised on who information has been shared with, for what purpose and what has happened as a result of the information being shared. The requirements of ‘fully informed consent’ are outlined in the Guidance document (Appendix 2) associated with the national aftercare consent form (Appendix 1).

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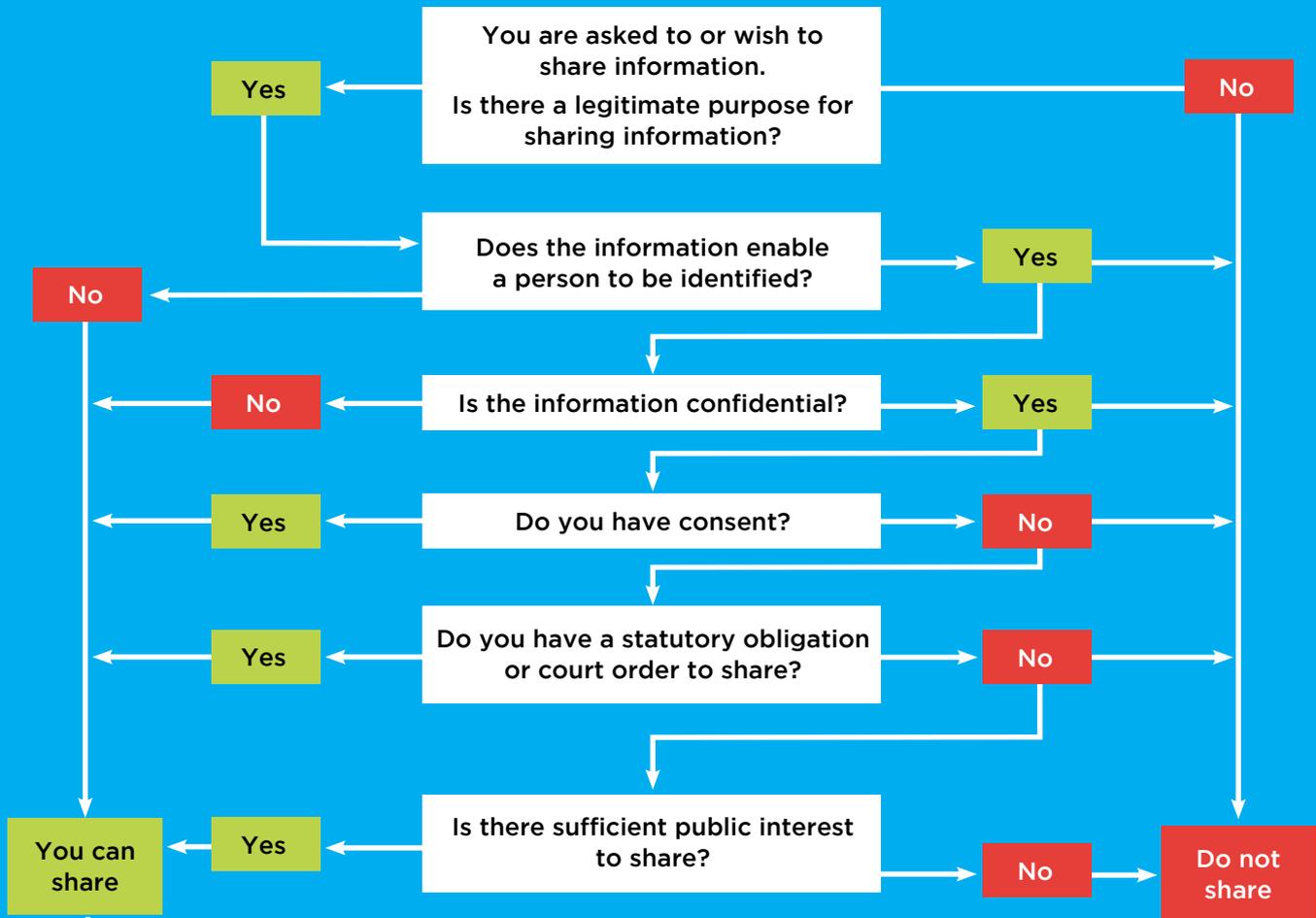
## 9.0 Sharing information without consent

To share information without the consent of the young adult is a violation of their legal and constitutional rights and could result in civil or criminal proceedings being taken, however, there is a general view that there is a limit to confidentiality. The decision to not seek consent or to dispense with refusal of consent can only occur in the following circumstances:

- There is a legal obligation to do so, e.g. a court order.
- If there are safety concerns for the young adult, i.e. a serious and imminent risk to their life.
- To aid An Garda Síochána in the prevention, apprehension and detection of crime.
- There are overriding public safety concerns.

If the circumstances above occur, in line with best practice, the young adult should be informed that you are sharing particular information, why you are doing so and with whom.

## DIAGRAM OF INFORMATION SHARING PROCESS



### Share information:

1. There is a legal obligation to do so, e.g. a court order.
2. If there are safety concerns for the young person, i.e. a serious and imminent risk to their life.
3. To aid the Gardaí in the prevention, apprehension and detection of crime.
4. There is overriding public safety concerns.

### When sharing information, ensure that you: -

- identify how much information to share.
- distinguish fact from opinion.
- ensure that the information is shared sensitively and securely.
- ensure that you are giving the information to the right person.
- inform the young adult that the information has been shared.

Adapted from Agreed Standards and Criteria for Information sharing for Agencies working with Families and Children in Northern Ireland (2009)

## 10.0 References

*Agreed Standards and Criteria for Information sharing for Agencies working with Families & Children in Northern Ireland* (2009)  
[www.dhsspsni.gov.uk/information\\_sharing\\_agreement\\_-\\_final\\_version](http://www.dhsspsni.gov.uk/information_sharing_agreement_-_final_version)

Child Care Act 1991

Child Care (Amendment) Act 2015

Child and Family Agency Act 2013

Constitution of Ireland, 1939, Department of the Taoiseach

Data Protection Act 1998

Data Protection (Amendment) Act 2003

Department of Children, Schools and Families, Communities and Local Government; Information sharing guidance for practitioners; [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/277834/information\\_sharing\\_guidance\\_for\\_practitioners\\_and\\_managers.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/277834/information_sharing_guidance_for_practitioners_and_managers.pdf)

Tusla Draft Record Management Policy (June 2015)

Inclusion Ireland (2015), Assisted Decision Making Act (2015)  
<http://www.inclusionireland.ie/capacity>

Draft Area Aftercare Interagency Steering Committees Terms of Reference (2016)

National Consent Policy (2013), HSE Quality and Patient Safety Directorate

Leaving and Aftercare National Policy and Procedure (2011)

South Dublin Children's Services Committee; *Sharing Information about Children and Families; Best Practice Guidelines for Practitioners, Managers and Agencies working in South Dublin* (2013).

Working Together for Children; *Sharing Information about Children and Families; Best Practice Guidelines for Practitioners, Managers and Agencies working in South Dublin County*, South Dublin Children's Services Committee, Interagency Case Working Sub-Committee, January 2011.

## Appendix 1

### National Aftercare Consent Form (18+)



I, \_\_\_\_\_ (insert name of young person) give my permission to share information where ticked ✓. I have discussed this form with my aftercare/outreach worker (named below) and understand its purpose. I am aware that I can withdraw consent (all or part) at any-time.

|   |                          |   |                          |
|---|--------------------------|---|--------------------------|
| Aftercare Support Service<br>(case file/aftercare register) | <input type="checkbox"/> | Garda   | <input type="checkbox"/> |
| Mental Health Services                                      | <input type="checkbox"/> | Medical (Acute and Primary Care)  | <input type="checkbox"/> |
| Education/Training<br><i>(insert)</i>                       | <input type="checkbox"/> | Adult Homeless Services/Refuges   | <input type="checkbox"/> |
| Family Members<br><i>(please specify)</i>                   | <input type="checkbox"/> | Advocacy Groups   | <input type="checkbox"/> |
| Housing   | <input type="checkbox"/> | Youth Services  | <input type="checkbox"/> |
| TUSLA   | <input type="checkbox"/> | Childcare Services (e.g. crèche)  | <input type="checkbox"/> |
| Area Aftercare Steering<br>Committee (18+)                  | <input type="checkbox"/> | External Educational Financial<br>Support, e.g. SUSI<br><i>(insert)</i> | <input type="checkbox"/> |
| Addiction Services  | <input type="checkbox"/> | Voluntary Community Services  | <input type="checkbox"/> |
| Finance Arrangements  | <input type="checkbox"/> | Private Agency<br><i>(insert)</i>                                       | <input type="checkbox"/> |
| Other Government Dept<br><i>(insert Department)</i>         | <input type="checkbox"/> | PPS Number  | <input type="checkbox"/> |
| Disability Services   | <input type="checkbox"/> | Other<br><i>(please state)</i>  | <input type="checkbox"/> |

Name: \_\_\_\_\_ (BLOCK LETTERS)      DOB: \_\_\_\_\_

Signature: \_\_\_\_\_      Date: \_\_\_\_\_

Aftercare Worker/Outreach Worker: \_\_\_\_\_ (BLOCK LETTERS)

Signature: \_\_\_\_\_      Date: \_\_\_\_\_

**Review Informed Consent Form on change of circumstance**

## Appendix 2

# Informed Consent Form Guidance

### AFTERCARE SUPPORT SERVICE

Following an introduction and explanation of the aftercare support service, i.e. benefits of availing of the service and the impact of not availing of the services offered, the young adult is asked if they wish to avail of an aftercare support service at this time. If declined, advise they will be contacted periodically in accordance with the policy (for 12 months post their 18th birthday) for the purpose of keeping them informed of supports available. (This contact is clearly documented by ACW and put on file).

A date for the next contact is agreed and recorded on the form which is evidenced by signatures on the form. If the young adult opts to avail of the aftercare support service, please tick form and continue completion of the aftercare services informed consent form. The young adult needs to be advised that active engagement with the Aftercare Service and full co-operation with the ACW is required in order to support them fully. The young adult needs to be advised that any information which is shared is done on a need to know basis only. The conversation in relation to the category areas below needs to be explicit based on openness, trust, good communication and given in a balanced way. Furthermore, it is crucial that the ACW elicits the young person's understanding of what has been said. This can be achieved by asking the young person to feedback to the worker what they understand has been said to them.

If the young adult expresses their wish that information is not to be shared, this decision is to be respected, however, it is incumbent on the ACW to highlight to the young adult that this will impact receipt of a full and comprehensive and supportive service.

### EDUCATION/TRAINING

It is necessary in this section to highlight to the young adult what this means for them in a manner in which they understand. It is emphasised that one of the most important requirements for a young person leaving care is support in further education, training and employment and is a core requirement in the delivery of aftercare support. On occasion it may be necessary to contact their

educational/training placements in order to support the young adult in achieving their educational potential. Equally, in the context of governance and the management of agreed financial packages, this means that they need to be advised that it permits the aftercare worker to confirm levels of attendance. Should there be a change of circumstances in this context, it is imperative that the young adult is made aware that the financial support package will be reviewed immediately and amended to reflect this change of circumstance. The young adult needs to be advised that information is shared, on a need to know basis only.

## **HOUSING**

It is necessary in this section to highlight to the young adult what this means for them in a manner in which they understand. It is widely accepted that secure, appropriate and stable suitable accommodation is the single most important element of support for young people who leave care and is prioritised as a core requirement in the delivery of aftercare support. In the pursuit of securing and maintaining housing accommodation, as the young adult progresses through the Aftercare Support Service, the ACW will contact relevant housing departments/agencies on the young adults' behalf. It needs to be explained that this is a partnership arrangement where their full cooperation and engagement is required. The young adult needs to be advised that information is shared, on a need to know basis only.

## **INTERAGENCY AFTERCARE STEERING COMMITTEE**

Where this is applicable, the referral process to the area aftercare steering committee needs to be explained to the young adult (in a manner they will understand) and in what circumstances this may occur. It is important that the young adult understands that this referral is completed in the context of a coordinated approach to meeting their individual assessed needs. The membership of the group and their respective roles should also be explained (e.g. housing) and the confidentiality arrangements around this. The young adult needs to be advised that information is shared on a need to know basis only.

## **FINANCE ARRANGEMENTS**

It is necessary in this section to highlight to the young adult what this means for them in a manner in which they understand. The young adult gives their consent to have an individualised financial support package developed where they intend to partake in education/training. Also, where required, other financial arrangements when the young adult is not in education. The ACW needs to explain what their role is in relation to the development of that package. The young adult needs to be advised that their full cooperation in its development is required. The young adult needs to be advised that information is shared, on a need to know basis only. It is important to note here that Tusla are now registered users for PPS numbers.

## **DISABILITY SERVICES**

Where this is applicable, the referral process to the Disability Service needs to be explained to the young adult (in a manner they will understand) and in what circumstances a referral will be made. It would be important that the young adult understands that this is completed in the context of meeting their individual assessed needs. The young adult needs to be advised that information is shared, on a need to know basis only.

## **MEDICAL (ACUTE & PRIMARY CARE)**

The young adult needs to be advised that consenting to this means that they are consenting to their information being shared post an acute medical issue/incident. The young adult needs to understand that this means sharing information on a need to know basis with personnel that can support them following such an issue/incident. The young adult needs to be advised that they can determine what information is to be shared. Equally, they need to be aware of the implications for them, of not sharing all information.

## **ADVOCACY GROUPS**

Where deemed appropriate, an ACW may suggest that the young adult contact an advocacy group for further support, e.g. EPIC; Traveller Advocacy Service; National Advocacy Service. The ACW may do this on the young adult's behalf, if requested. The young adult needs to be advised that information is shared, on a need to know basis only.

## **CHILDCARE SERVICES (E.G. CRÈCHE/MONTESSORI)**

It is necessary in this section to highlight to the young adult what this means for them in a manner in which they understand. The ACW will generally only be contacting childcare services to support a young adult who is in education to assist them with any childcare need they may have. The young adult needs to be advised that information is shared, on a need to know basis only.

## **VOLUNTARY COMMUNITY SERVICES**

It is necessary in this section to highlight to the young adult what this means for them in a manner in which they understand. Where deemed appropriate, an ACW may suggest that a young adult contact or be referred to voluntary community services for further support, e.g. St. Vincent de Paul; Lifestart Teen Parenting Programme. The young adult needs to be advised that information is shared, on a need to know basis only.

## **MENTAL HEALTH SERVICES**

From time to time, young adults may require/receive the assistance of mental health services which may require liaison between the ACW and the service. Where this is applicable, the ACW needs to explain to the young adult (in a manner they will understand) what this means and in what circumstances information may be shared. It is important that the young adult understands that this is completed in the context of a coordinated approach to meeting their individual assessed needs.

The young adult needs to be advised that information is shared on a need to know basis only. However, they also need to understand that if there are safety concerns for the young adult, i.e. a serious and imminent risk to their life, confidentiality can be dispensed with, and information can be shared. It is prudent to have conversations seeking consent to share information with the young adult during periods of stability in their lives to plan any possible acute episodes that may occur.

In the aftercare service, staff work in partnership with young adults, their families and significant others to support them in their adult life. It is important to note that in relation to completion of this section of the informed consent form, should a young adult not wish to share information with a family member(s) their name should be recorded clearly on the form. It is important to note that the ACW should not pro- actively seek out the family member to inform them that we cannot release information to them. It is advised that in this circumstance the ACW should wait until asked by the family member and then inform them we are not in a position to release information to them.

Where a young adult does consent to having their information shared with family members, they need to be advised that information is shared on a need to know basis only.

## **TUSLA**

When availing of the aftercare service, it is imperative that the young adult understands that their information can be shared within Tusla without their consent. However, they should be advised that this is on a need to know basis only. Examples of whom information will be shared with include, line managers, duty aftercare managers and the aftercare team.

Where there are child protection concerns, the ACW will follow national policy.

## **ADDICTION SERVICES**

From time to time, young adults may receive the assistance of Addiction Services which may require liaison between the ACW and the service. Where this is applicable, the aftercare worker needs to explain to the young adult (in a manner they will understand) in what circumstances information may be shared. It is important that the young adult understands that this is completed in the context of a coordinated approach to meeting their individual needs. The young adult needs to be advised that information is shared on a need to know basis only.

## **OTHER GOVERNMENT DEPTS**

The provision of aftercare services and support to the young adult often requires co-operation and liaison with inter-governmental departments, e.g. Department of Social Protection; Department of Environment. Where this is applicable, the aftercare worker needs to explain to the young adult (in a manner they will understand) what this entails and in what circumstances information may be shared. The young adult needs to be advised that information is shared on a need to know basis only.

## **GARDAÍ**

The young adult can refuse to have their information shared with the An Garda Síochána. In practice this means that An Garda Síochána cannot be invited to any meeting with regards to the young adult. However, there is a limit to confidentiality. The decision to not seek consent or to dispense with refusal of consent can only occur in the following circumstances:

1. There is a legal obligation to do so, e.g. a court order.
2. If there are safety concerns for the young adult, i.e. a serious and imminent risk to their life.
3. To aid An Garda Síochána in the prevention, apprehension and detection of crime.
4. There are overriding public safety concerns.

## **ADULT HOMELESS SERVICES/REFUGES**

From time to time, the young adult may receive the assistance of adult homeless services/refuges which may require liaison between the ACW and the service.

Where this is applicable, the ACW needs to explain to the young adult (in a manner they will understand) in what circumstances information may be shared. It should be important that the young adult understands that this is completed in the context of a coordinated approach to meeting their individual needs. The young adult needs to be advised that information is shared on a need to know basis only.

## **YOUTH SERVICES**

It is necessary in this section to highlight to the young adult what this means for them in a manner in which they understand. Where deemed appropriate, an ACW may suggest that a young adult contact or be referred to Youth Services for further support, e.g. Extern, Foroige. The young adult needs to be advised that information is shared, on a need to know basis only.

## **NON-TUSLA EDUCATION FINANCIAL SUPPORT (E.G. SUSI)**

In the interest of supporting young adults in further education, the ACW will as part of good practice, complete the application for educational support, e.g. SUSI, with the young adult and submit to the relevant organisation. Only information requested on the form will be shared.

## **PRIVATE AGENCIES (FOSTERING & RESIDENTIAL SERVICES FOR OVER 18'S)**

Where young adults remain in both private fostering and residential arrangements, they need to understand that this may require liaison between the ACW and those Services. Staff work in partnership with young adults, their carers and significant others to support them in their adult life. Where this is applicable, the Aftercare Worker needs to explain to the young adult (in a manner they will understand) in what circumstances information may be shared. It would be important that the young adult understands that this is completed in the context of a coordinated approach to meeting their individual needs. The young adult needs to be advised that information is shared on a need to know basis only.

## Appendix 3

### 8 golden rules for information sharing

1. Be open and honest with the young people from the outset about why, what, how and with whom the information will or could be shared and seek their agreement, unless it is unsafe or inappropriate to do so.
2. Always keep the safety and well-being of the young people and of other individuals central to your considerations.
3. Always be clear about the purpose for which you have received the information and the purpose you are using it for – they should be the same.
4. Know the relevant policies/procedures in relation to confidentiality and information sharing and consult them as necessary. Seek advice if you are in doubt, without disclosing the identity of the person.
5. Remember that the data protection Act is not a barrier for sharing information but provides a framework to ensure that personal information is shared appropriately.
6. Aim to share with consent except where it is not appropriate or it fulfils the criteria for breaking confidentiality (below). Respect the wishes of those who do not consent to you sharing their confidential information.
7. Necessary, proportionate, relevant, accurate, timely and secure: Ensure that the information you share is necessary, relevant for the purpose for which you are sharing it, is shared only with those people who need it, is accurate and up to date, is shared in a timely manner and is shared securely.
8. Keep a record of your decisions and the reasons for them – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.



