

This guidance is to help you as a Child Welfare & Protection Agency (CWPA) or Independent Person make a decision about requesting information from another CWPA or Independent Person under section 66C of the Oranga Tamariki Act 1989.

This guidance is about voluntary sharing of information about a tamaiti (child) where you have concerns about the safety or wellbeing of the tamaiti. The information sharing provisions of the Oranga Tamariki Act 1989 do not replace or override your obligations under the Education and Training Act 2020, your Child Protection Policy, or the sharing of information about tamariki (children) on a Learning Support Register.

If you have worked through this guidance and are unsure about whether you can request the information, talk to your manager, or email information.sharing@education.govt.nz for advice.

Remember: If you are concerned a tamaiti might be harmed, ill-treated, abused, neglected or deprived in any way you should call Oranga Tamariki on 0508 326 459 or the Police (if the risk of harm is immediate) to make a Report of Concern ([section 15 Oranga Tamariki Act 1989](#)).

MAKING A REQUEST

1 **PURPOSE: Do you require the information to achieve one of the purposes of section 66C?**

You can only make a request for information under section 66C if you are doing so for one of the specified purposes:

- » prevent or reduce the risk of harm, ill-treatment, abuse, neglect or deprivation
- » make or contribute to an assessment of risks or needs of tamariki
- » make, contribute or monitor an Oranga Tamariki support plan
- » prepare, implement or review an Oranga Tamariki prevention plan or strategy
- » arrange, provide or review services facilitated by Oranga Tamariki for tamariki and their whānau
- » carry out any function in relation to a Family Group Conference, for tamariki in care or anything else related to care and protection.

NOTE: Generally, the main purpose of section 66C in the education environment is when you require information to make or contribute to an assessment of risks and needs of a tamaiti (e.g a Serious Risk Assessment, a Learning Support Needs Assessment).

2 **RELEVANCY: Is the information you require relevant to the wellbeing or safety of the tamaiti?**

Determining what is relevant is a judgement call based on the circumstances. Relevant information includes information about: the tamaiti; a family member; any person in a domestic relationship with the tamaiti; or any person who is likely to reside with the tamaiti.

Different CWPAs and Independent Persons may have a different understanding of what is relevant. A health service provider's interpretation of wellbeing maybe slightly different from a school's or early childhood centre's interpretation. You should explain why you consider the information you are requesting is relevant to the wellbeing of the tamaiti in your environment.

NOTE:

- » The request for information must be about a tamaiti. Section 66C does not allow for sharing of information about a group of tamariki. If you need information on a number of tamariki you will need to make separate requests for each tamaiti.
- » If you are unsure of the purpose you are requesting the information for, or the relevancy of the information, contact the person you would like to request the information from and have a discussion with them.
- » You do not need to inform the tamariki or whānau that you are requesting information about them. However, you may have a kōrero with the tamariki or whānau if you think it is appropriate.

3 **SOURCE: Who is the most appropriate CPWA or Independent Person to request the information from?**

You can only request information from another CWPA or Independent Person.

Consider which CWPA or Independent Person is likely to hold the information you require. If you are unsure, contact the CWPA or Independent Person and talk to them about whether they might hold it. You shouldn't discuss any personal details about the tamaiti or whānau at this stage.

The Children's Act 2014 provides a list of agencies, persons and services covered by these sharing provisions ([see more here](#)). Generally any agency or person working with, or providing services to tamariki will be a CWPA or an Independent Person.

4 **FORMAT OF THE REQUEST: When making a request you need to provide the CPWA or Independent Person with:**

- » the legislative provision the request is being made under e.g. section 66C of the Act
- » the purpose that the information is required for (state the relevant purpose of the Act)
- » the information you require
- » why you consider the information requested is relevant to the wellbeing or safety of the tamaiti
- » whether there is urgency to the request
- » whether you require the information by a certain date
- » a contact phone number so the CWPA or Independent Person can contact you to discuss further, if needed.

5 **SENDING THE REQUEST:**

- » Requests should be made in writing.
- » Where it is not practical to make the request in writing (e.g. where there is urgency), we recommend that you follow up the verbal request in writing as soon as possible.
- » Where a request is made in writing ensure you send the request to the appropriate person, and to an appropriate email address (a workplace email address).
- » Record you have made the request, what information you are requesting and why, and to who it was made (saving a copy of the request in an appropriate secure location).