

APPENDIX D: Confidentiality and legal protection

The identity of the person making a report to the Department of Communities is protected and can only be released:

- for the purpose of Department of Communities assessment
- for investigative purposes by a WA Police officer
- with the written permission of the reporter
- purposes of court protection proceedings.
- by an application under the Freedom of Information Act 1992

Where there is suspected or alleged abuse or misconduct, allied professionals must not disclose or make use of the information in a manner that breaches confidentiality under Sections 23 and 129 of the Children and Community Services Act 2004 and s242 of the School Education Act 1999.

Professional confidentiality is protected when allied professionals provide information in the best interests of the child regarding possible child abuse to Department of Education staff or agencies who are directly involved in responding, investigating or supporting the child.

If information is disclosed, in good faith:

- no civil or criminal liability is incurred in respect of the disclosure
- the disclosure is not to be regarded as a breach of any duty of confidentiality or secrecy imposed by law; and
- the disclosure is not to be regarded as a breach of professional ethics, standards or any principles of conduct applicable to the person's employment, or as unprofessional conduct.

When there is concern for the safety of the reporter, it is important that the school has a risk management plan in place and the principal should contact the Regional Education Office for support.

Staff are entitled to seek counselling through the Employee Assistance Program (staff only).

An employee or third-party provider, engaged through a formal service agreement with the Department of Education who attempts to threaten, intimidate, coerce or take reprisal against an employee who has disclosed or intends to disclose unethical or unlawful behaviour may face disciplinary action (refer to the Staff Conduct and Discipline policy).