

Exchanging Information and Coordination of Services with Private Health Professionals

The *Children and Young Persons (Care and Protection) Act 1998* has been amended to allow certain private health professionals to share information relating to the safety, welfare and wellbeing of children and young people. This legislative change reflects the important role private health professionals play in identifying and responding to vulnerable families.

Specified private health professionals are now included in the scheme for information exchange and coordination of services under [Chapter 16A](#) of the [Children and Young Persons \(Care and Protection\) Act 1998](#) (the 'Care Act'). Under this scheme, 'prescribed bodies' are required to take reasonable steps to proactively exchange information, and co-ordinate the delivery of services with other prescribed bodies in NSW (e.g. NSW Health, Police, schools, non-government organisations) to promote the safety, welfare and wellbeing of vulnerable children, young people and their families.

Who has been included?

From 6 May 2016, the following private health professionals were included as prescribed bodies for the purposes of Chapter 16A:

- Nurses (enrolled and registered)
- Registered medical practitioners
- Registered midwives
- Registered psychologists
- Occupational therapists (other than students)
- Speech pathologists (eligible for membership of Speech Pathology Australia)

What type of information can be shared?

Information can be shared under Chapter 16A if it relates to the safety, welfare or wellbeing of a child or young person and pertains to:

- A parent or other family member
- A child or young person's history or circumstances
- Any person/s having a significant or relevant relationship with the child or young person
- Other agencies working with the child or young person, including past support or service arrangements

What about privacy and consent?

The legal framework for information exchange under the Care Act takes precedence over the protection of confidentiality or of an individual's privacy because the safety, welfare and wellbeing of children and young people is considered paramount. Providing you act in good faith when sharing information under Chapter 16A, you cannot be found liable to any civil or criminal action, or any disciplinary action for providing the information; or be held to have breached any code of professional etiquette or ethics, or departed from any accepted standards of professional conduct.

How is information exchanged?

Information can be exchanged verbally (over the phone or in person), or in writing (including email) provided it is done in a secure way. A written record of any exchange of information with another prescribed body should be kept on file, consistent with organisational policies and procedures.

Do I have to comply with a request for information?

You are obliged to comply in a timely manner with a request for information providing it satisfies the requirements under Chapter 16A. It is important to note that only information to address current child safety, welfare or wellbeing concerns should be shared, not entire files or medical records. If you choose to decline the request, you may be asked to demonstrate due cause for your decision.

If you have questions regarding exchanging information, contact your Department's Child Wellbeing Unit, your medico-legal advisor or refer to the Community Services website www.community.nsw.gov.au