

# Information Exchange

Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* (the Act) allows any organisation considered a prescribed body to exchange information that relates to a child or young person's safety, welfare and wellbeing.

The care and protection of children and young people is enhanced when agencies work collaboratively and share information to provide consistent care and assess risk. Chapter 16A of the Act enables such information exchange to occur between agencies that are 'prescribed bodies.'

All Voluntary out-of-home care (VOOHC) agencies are considered 'prescribed bodies'. Other prescribed bodies include agencies that provide statutory out-of-home care, NSW government agencies, schools, public health agencies and private hospitals, children's services (such as preschools) or police.

## What Information can be exchanged?

Prescribed bodies may exchange information to assist an agency to:

- Provide a service
- Manage any risk relate to a child or young person or group of children.
- Make a decision or undertake an assessment or plan relevant to the safety, welfare or wellbeing of a child or young person or a group of children.
- Initiate or conduct an investigation relevant to the safety, welfare or well being of a child or young person, or group of children.

## How is information exchanged?

Under Chapter 16A, information may be exchanged:

- In writing via letter
- By fax or email
- Or orally over the phone or in person

Where information is exchange orally, a written record of the information exchange must be made and retained on file. This written record must include details of the person information was exchanged with, the steps taken to confirm their identity, and the staff member who authorised the release of the information.

## Is consent required?

Consent is not necessary for the exchange of information under Chapter 16A. However, a child or young person (and/or their parent/s) should be given an opportunity to express views on personal matters and consent should be sought where possible.

## Requesting information

When requesting information, a VOOHC agency should:

- Identify the child or young person (or carer or relative)
- Explain how the information requested is relevant to the child, young person or group (class) of children.
- Explain why the information will assist the VOOHC agency to make a decision, assess or plan; identify and manage risk; or initiate an investigation.
- Provide sufficient detail to the agency receiving the request to assist that agency to understand the purpose of the request and to efficiently locate the relevant information.
- Advise the agency receiving the request whether the child, young person or parent/s have been advised that the information is being sought and, if not, why.
- Indicate the time period the information is requested (i.e. the last six months).
- Provide a realistic timeframe for the receiving agency to respond
- Contact the agency receiving the request prior to making the request in writing to discuss the requesting agency's needs and ensure the request is well targeted.

A copy of the request and any response to the request should be kept on file.

## Responding to requests for information

A VOOHC agency that receives a request for information under Chapter 16A must provide the requested information if it reasonably believes that providing the information may assist the agency in providing care and there is no reason identified to refuse the request. A VOOHC agency is only required to provide requested information that it holds and is not obliged to collect information to respond to a request. If the VOOHC agency holds information that was drafted by another agency (such as the Department of Communities and Justice), the VOOHC agency should request consent from that agency to release that information.

All responses to requests for information should be documented and approved by the principal officer (or delegate) in situations where consent has not been provided.

## Proactively releasing information

A VOOHC agency may also release information to another 'prescribed body' in the absence of a request for information where there are concerns for the safety, welfare and wellbeing of a child, young person or group (class) of children. All proactive releases of information should be documented and approved by the principal officer (or delegate) in situations where consent has not been provided.

## Declining a request for information

A VOOHC agency is not obliged to provide information if it reasonably believes this would:

- Endanger a person's life or physical safety
- Contravene any legal or professional or client legal privilege
- Prejudice an investigation related to the law, coronial inquest or care proceedings.
- Enable the identity of a confidential source of the information to be identified
- Not be in the public interest

If a VOOHC agency declines a request for information, it must advise the requesting agency in writing and the reasons for this decision. Where there is a dispute between agencies about the release of information, there should be a joint review of the request and refusal, escalating to the CEO if required. An independent body should be asked to mediate such a dispute if an agreement cannot be reached.