

KEEP THEM SAFE

A shared approach to child wellbeing

INFORMATION EXCHANGE

Keep Them Safe: A shared approach to child wellbeing is the NSW Government's response to the Report of the Special Commission of Inquiry into Child Protection Services in NSW. Keep Them Safe recognises the importance of the wellbeing of all children and young people, with the aim of providing appropriate support to families earlier, to prevent children and young people from requiring statutory child protection intervention. To achieve this, Keep Them Safe encourages families, communities, government agencies, and non-government organisations to work together to support children, young people, and families.

Why the changes?

Chapter 16A in the *Children and Young Persons (Care and Protection) Act 1998* allows freer exchange of information between "prescribed bodies" (government agencies and non-government organisations) relating to a child's or young person's safety, welfare or wellbeing.

What type of information can be shared?

The information must relate to the safety, welfare or wellbeing of a child or young person. Information may be shared if it relates to:

- a parent or other family member

- a child's or young person's history or circumstances
- people having a significant or relevant relationship with a child or young person
- other agencies' dealings with the child or young person, including past support or service arrangements.

What about privacy and client confidentiality?

While the new legislation permits information exchange between prescribed bodies, a prescribed body must not use or disclose the information for any purpose that is not associated with the safety, welfare or wellbeing of the child or young person.

An agency is not required to disclose information if it believes it would

young person, even if a report has been made to a Child Wellbeing Unit or directly to the Child Protection Helpline.

Is the consent of the child, young person, or family necessary to exchange information?

It is not essential to obtain this consent where it is likely to further jeopardise the child's or young person's safety, welfare or wellbeing. However, it is best practice to keep all parties informed throughout the process.

How is the information exchanged?

Written exchange is preferred, and standard forms, letters, e-mails and other forms of electronic communication can be used. In



prejudice a criminal investigation or coronial inquest, endanger a person's life, or is not in the public interest. The reporter's details cannot be exchanged without their permission unless it is required as part of the investigation of a serious offence alleged to have been committed against a child or

addition, information may be exchanged verbally, (e.g. where there is an established arrangement between agencies). However, a written record of the verbal exchange is required and should be stored securely on file, consistent with organisational policies and procedures.

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Further information

- *Children and Young Persons (Care and Protection) Act 1998 (Chapter 16A)*
- If you are unsure whether your agency is a prescribed body, contact your legal services branch
- Consult your Child Wellbeing Unit, if relevant
- Contact your manager/supervisor
- Visit the Keep Them Safe website: www.keepthemsafe.nsw.gov.au
- Non-government organisations can contact the KTS Support Line: 1800 772 479
- Consult the *Child Wellbeing and Child Protection NSW Interagency Guidelines*, Community Services: www.community.nsw.gov.au



What's new?

- New legislative provisions (Chapter 16A) to authorise agencies and NGOs to share information to assist with service delivery for the safety, welfare, and wellbeing of a child or young person (proclaimed on 30 October 2009).
- Prescribed bodies can exchange information that relates to a child's or young person's safety, welfare or wellbeing, whether or not the child or young person is known to Community Services.
- Direct information sharing will enable greater collaborative decision making between agencies.
- Chapter 16A allows for the exchange of information between prescribed bodies without any Community Services involvement. (Up until October 2009, information exchange has only been possible where a child or young person was known to Community Services and the information was sent to or received from Community Services).
- Disclosure of reporter details to a law enforcement agency for the purpose of an investigation into a serious offence alleged to have been committed against a child or young person (permitted in limited prescribed circumstances from late January 2010).

Who are prescribed bodies?

A prescribed body is any organisation specified in section 248 (6), *Children and Young Persons (Care and Protection) Act 1998* or in clause 7, *Children and Young Persons (Care and Protection) Regulation 2000*. "Prescribed bodies" under the legislation are:

- NSW Police Force
- a government department or a public authority
- a government school, a registered non-government school, or a TAFE
- a public health organisation or a private hospital
- a private fostering agency or a private adoption agency
- agencies that provide residential child care centre or child care services under the Act
- any other organisations that have direct responsibility for, or supervision of, the provision of healthcare, welfare, education, children's services, residential services, or law enforcement, to children
- the Family Court of Australia (for the purposes of section 248 but not Chapter 16A)
- Centrelink (for the purposes of section 248 but not Chapter 16A)
- Commonwealth Department of Immigration and Multicultural and Aboriginal Affairs (for the purposes of section 248 but not Chapter 16A).