

Policy Statement

We aim to ensure that the safety and wellbeing of all children is of paramount importance. Information about children will be exchanged with authorised professionals, if it is in the best interest of the child and supports their growth, development, wellbeing or their safety.

Considerations

- ✓ Education and Care Services National Law 2010
- ✓ Education and Care Services National Regulation (2018 Version)
- ✓ The Education and Care Services National Quality Standards (2018 Version)
- ✓ My Time Our Place
- ✓ Keep them Safe, Department of Education and Communities.
- ✓ Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009
- ✓ ACI Policies and Procedures

Background Information

- 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 requiring child protection intervention. To achieve this *Keep them Safe* encourages families, communities, government agencies and non-government agencies to work together to support children, young people and families.
- In order to provide effective support and referral it may be necessary to exchange information with other prescribed bodies including government agencies or non-government organisations and services.
- The NSW Children and Young Persons (Care and Protection) Act 1998 has been amended (2009) to include chapter 16A Information Exchange
- Chapter 16A requires “prescribed bodies” to take reasonable steps to coordinate decision making and the delivery of services regarding children and young people. Community services will continue to use section 248 for the purpose of exchanging information.
- Under Chapter 16A NSW Children and Young Persons (Care and Protection) Act 1998, Educators will exchange information that relates to a child or young person’s safety, welfare or wellbeing, whether or not the child or young person is known to Community Services and whether or not the child or young person consents to the information exchange.
- Chapter 16A allows information to be exchanged between organisations working with or providing services to children and young people (where there are concerns about their safety, welfare and wellbeing) and their families. It also overrides other laws that prohibit or restrict the disclosure of personal information such as the *Privacy and Personal Information Protection Act 1998*.
- The information requested or provided **must** relate to the safety, welfare or wellbeing of the child. Information includes:
 - A child or young person’s history or circumstances
 - A parent or other family member, significant or relevant relationship
 - The agency’s work now and in the past
- “Prescribed Body” under the legislation are:
 - NSW Police Force
 - A NSW government department or public authority
 - A government school or 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
 - A designated agency which is a department of the Public Service or an organisation that arranges out of home care.
 - Agencies that conduct residential child care or a child care service
 - Any other organisations that have direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children’s services, residential services, or law enforcement, wholly or partly to children.
 - The Family Court of Australia (for the purposes section 248, not Chapter 16A)
 - Centerlink (for the purposes section 248, not Chapter 16A)

- The Commonwealth Department of Immigration and Multicultural and Aboriginal Affairs. (for the purposes section 248, not Chapter 16A)
- Where information is provided in good faith and according to legal provisions, under section 29 & section 245G NSW Children and Young Persons (Care and Protection) Act 1998; reporters cannot be seen as breaching professional etiquette or ethics or as a breach of professional standards. There can be no liability for court action.

Procedures

- Activity Centres Inc (ACI) recognises that under this legislation we are a 'prescribed body' and that we can both make requests to other agencies or have requests made to us by other agencies for the welfare, safety or wellbeing of the children in our care.
- ACI prefers requests of information exchange be made in writing to Management.
- If, due to an urgent matter, a request is made verbally, ACI Staff must ensure that they document the conversation in full.
- If a request is made by an external agency, ACI Staff must confirm that the individual requesting the information has the authority to do so. It is essential that we confirm with the agency they claim to work for that the individual is in their employ and the role they hold, as well as how the information we provide will benefit the individual child's safety, welfare or wellbeing, and what the information is being used for, before providing the requested information.
- ACI Staff should comply with requests, once confirmation of the individual's authority is complete. Staff are not obliged to collect new information, but provide facts of information that is already on file.
- ACI Staff should also ensure that they identify the child they are providing information about is the same child that information is being sought about so that we are sure both parties are talking about the same individual.
- Only information that pertains to a child's wellbeing, welfare and safety and be in the best interests of the child, should be shared. Staff should not share personal opinion or 'Gossip'.
- ACI should establish if consent has been given by the family for the other organisation to request information from us.
- Wherever possible, families/guardian will be informed early on in the process that information about them may be provided, or is being provided, to other organisations. This is seen as best practice to help engage families in the process. However, consent of families is not necessary for the exchange of information under chapter 16A.
- Circumstances in which ACI Staff would not seek to gain consent from families/guardian's or the child, about information exchange would include:
 - Where Staff believe it is likely to jeopardise a child's safety, welfare or wellbeing.
 - Where Staff believe it will place themselves or others at risk.
 - Where you are unable to contact the family or guardian and the matter is urgent.
- Before ACI Staff make a request of another agency they should first discuss the reasoning behind wanting to make a request with Management so that we can ensure that the request is in the best interest of the child.
- Wherever possible, Staff should contact the providing agency by phone before making a formal request to discuss what we are seeking to find out, discuss if our request is targeted at the correct agency, and ask if they have specific procedures for how they would like information to be exchanged – to avoid confusion and ensure we receive relevant information in a timely manner.
- When making a request for information exchange ACI Staff should:
 - Identify who we are and our relationship with the child/family (provide information such as D.O.B, full name etc. so we can ensure that both parties are discussing the same child).
 - Explain how the request we are making for information relates to the safety, welfare or wellbeing of the children in our care. Also explain why the information is being sought (e.g.: contribute to a plan or assessment, manage a risk to a child, provide support etc.).

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- Provide some detail to assist the other agency in understanding the request, so they can provide and locate relevant information.
 - Provide some background to the request including if the family has been informed about the request that information has been sought and if not, why (e.g. Safety concerns).
 - Indicate a time period that we require information from, e.g. the last 6 months, 4 years etc.
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- Fact sheets, guidance and form letters to request and provide information are available at the *Keep them safe* website www.keepthemsafe.nsw.gov.au
 - The legislation can be found in Chapter 16A [Children Legislation Amendment \(Wood Inquiry Recommendations\) Act 2009](#).

Checklist for Staff

- When sharing information ensure you can confirm the person you are sharing with is an “authorised professional.”
- Ensure you can confirm the identity of the professional (you may need to get their contact details and contact them about the matter once you can confirm the identity).
- Information shared must be factual and not the personal opinion of any member of Staff.
- Information shared must be in the best interest of the child, to support the child’s wellbeing or safety.
- Information exchange requests should be made in writing. If an urgent matter arises and the request is verbal then this should be documented.
- Wherever possible, families and guardians should be informed about information exchange as soon as possible, however not required under legislation. Especially if concerns about child welfare, safety and wellbeing are a concern.

_____ end of policy _____

Policy is only endorsed if initialled by 2 members of the management committee

Endorsed by the Management Committee on the 20th May 2018

Information Exchange Policy is to be reviewed by the 20th May 2020