

## ACT Health Child Protection Fact Sheet

### Fact Sheet 1 - INFORMATION SHARING BETWEEN ACT HEALTH STAFF AND CARE AND PROTECTION SERVICES

Sharing information between Care and Protection Services (CPS) and the ACT Health is essential in order to protect children and young people from experiencing abuse and neglect. Information can also be shared before a child is born in order to reduce risks by supporting the pregnant woman and her family. Confidentiality and privacy are important considerations but should not override the safety of children or young people.

Chapter 25 of the *Children and Young People Act 2008* provides the legal framework for CPS to ask for, receive and give information to specified people and agencies including all ACT Health staff.

**When making a decision about sharing information the best interests of the child or young person is the paramount consideration.** The person who the information is about or the person with parental responsibility **is not** required to give their consent to the release of information under these laws. However obtaining the consent of the person is the first and preferred option.

#### What do you need to know?

- That CPS may contact you and request safety and wellbeing information about an unborn baby, child or young person, his or her family or someone else.
- That you are able to share this information with CPS when it is in the best interests of the child.
- That you are able to contact CPS and share information relevant to the safety and well being of unborn babies, children and young people.

#### What is the relevant legislation? (*Children and Young People Act 2008*)

- **Section 860(2) allows ACT Health staff to ask** CPS for safety and wellbeing information. CPS can only provide information if the legislation supports this in the best interest of the child or young person.
- **Section 861 allows ACT Health staff to give** safety and wellbeing information to CPS.
- **Section 862 allows CPS to ask** for safety and wellbeing about children and young people.
- **Section 362** allows for prenatal information sharing.

#### What do you do when CPS contacts you?

- Confirm who you are speaking to by obtaining their name, phone number and calling them back.
- Let your supervisor/manager know that CPS has contacted you.
- Ask for a written request for information to be faxed to you. This is known as Section 862 Form.

## **What do you need to know about a Section 862 request (written request for information from CPS)?**

Section 862 allows CPS to ask for safety and wellbeing information about children and young people. Information can be about any child or young person, their parents or anyone else. You must respond promptly to this request. If you are advised that it is an emergency, you must respond within 24 hours.

A Section 862 request does not authorise on-going sharing of information. As a request made under Section 862 is only for information held at the time the request was made, a Section 862 Request must be made for each additional request for information. The Section 862 Request should state what specific information CPS are requesting and from what dates.

In an emergency, where CPS requires information urgently (i.e. when information is required after hours), and despite reasonable efforts, a signed Section 862 is unable to be sent, you may supply the information verbally. The Section 862 must then be received in writing within two days of giving verbal advice. All Section 862 Forms must have been co-signed by a Team Leader or above from CPS and a copy placed on the child or young person's file.

## **How do you respond to a Section 862 request?**

Information can be given verbally after the request is received and may be shared with CPS verbally at meetings or via the phone, by email or by fax depending on the circumstances. Written reports or copies of records **should not be released** without speaking to your manager regarding the current policy in your area.

## **Information holder and confidentiality**

If CPS provides you with information in relation to a child or young person, you become an **information holder**. All information given to you by CPS in relation to a baby yet to be born, child or young person is **protected information**. It is an offence if an information holder recklessly divulges protected information.

Staff to document in the medical file of the child or adult family member of the child, any contacts with CPS and information that has been shared regarding the child or young person's safety and wellbeing.

Information that would **identify a reporter** or would allow the identity of a reporter of a child protection report to be worked out is **not** to be shared unless ordered by the Court.

**Refer to the detailed Information Sharing Policy and Procedures Guidelines for additional information ACT Health Child Protection Standard Operating Procedure (SOP) pages 16-20. See link [ACT Health Intranet - Child Protection](#)**

You can access additional child protection documents by clicking on the *child protection button* on the top right hand side of the ACT Health intranet homepage.

## **Support for ACT Health Workers:**

If you are unsure about sharing information you can discuss your concerns with:

- Your manager or supervisor
- Child Protection Liaison Officers 0439 415 820 (ACT Health) or 0434 603 702 (CPS)

ACT Health staff may seek debriefing opportunities following their involvement in child protection matters. You can ask your Line Manager for assistance, talk to a colleague or contact the Employee Assistance Program (EAP). EAP can provide counselling, critical incident support, face-to-face, online and phone based services. Call 1300 361 008 24 hours / 7 days.