



Office of the  
Children's Guardian



# VOOHC and exchanging information

# VOOHC and 16A

- All VOOHC agencies are prescribed bodies for the purposes of information exchange under Chapter 16A.
- VOOHC agencies are authorised to exchange information that helps deliver services and supports to promote the safety, welfare and wellbeing of children and young people.
- 16A permits and sometimes requires agencies to share information about children or young people irrespective of their clients consent, it takes precedence over the protection of confidentiality or privacy.

Safety, welfare and wellbeing of children and young people is paramount

# Chapter 16A

- Chapter 16A was introduced in NSW in 2009 in response to the Wood Special Commission of Inquiry into Child Protection Services in NSW
- Evidence indicated a reluctance, to share information due to concerns about privacy and confidentiality

Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998 (the Act)*

# The strength of Chapter 16A

- facilitates information sharing and collaborative practice within and across numerous sectors to support the functions including service provision, planning, decision-making, assessments, investigations and risk management
- requires prescribed bodies to provide relevant information on request from other prescribed bodies
- allows prescribed bodies to provide relevant information to other prescribed bodies without a request for that information ('proactive information sharing')
- explicitly prioritises the safety, welfare and wellbeing of children over confidentiality and an individual's right to privacy

# Protection for staff who disclose information in good faith

If a person acts in good faith when providing any information under Chapter 16A, he or she:

- is not liable to any civil or criminal action, or any disciplinary action, for providing the information
- cannot be held to have breached any code of professional etiquette or standards

Refer to FACS exchange of information templates for guidance

<http://www.community.nsw.gov.au/kts/guidelines/info-exchange/responding>

# Resources

- VOOHC Procedures - Section 9
  - Coordination of services and information exchange in a child wellbeing context
- OCG fact sheet - VOOHC Guidance on information exchange
  - <http://www.kidsguardian.nsw.gov.au/voluntary-out-of-home-care/fact-sheets>
- FACS NGO learning centre (module 7) 8 minutes
  - Information Exchange: information & resources for NGO's
  - <http://www.community.nsw.gov.au/parents,-carers-and-families/out-of-home-care-transition/policies,-procedures-and-tools/information-exchange>