



Checklist for providing information or responding to a Chapter 16A information request

This checklist is a ready reckoner for authorised workers in prescribed bodies¹ who want to provide information or respond to a request for information concerning the safety, welfare or wellbeing of children², young people³ and/or their families and details the main steps and key considerations.

More detailed information about sharing information can be found in the [Exchanging information chapter](#).

When can I provide information under Chapter 16A?

Are you and the requesting organisation prescribed bodies?

- YES ⇒ A prescribed body is any organisation specified in Section 248(6) of the *Children and Young Persons (Care and Protection) Act 1998* (the Act) or in Clause 7 of the *Children and Young Persons (Care and Protection) Regulation 2000*. Generally prescribed bodies include the NSW Police force; NSW Government departments and public authorities; organisations that arrange the provision of out-of-home care; government schools, registered non-government schools or TAFE; public health organisations or private hospitals; private fostering or adoption agencies; child care centres; designated agencies; registered agencies or any organisation responsible for the direct supervision or provision of health care, welfare, education, children's services, residential services, or law enforcement wholly or partly to children.
- NO ⇒ You cannot share information with an organisation under Chapter 16A.

Does the information relate to the safety, welfare or wellbeing of a child or young person?

- YES ⇒ Information can be shared with the prescribed body in accordance with Chapter 16A.
- NO ⇒ Information can only be shared as otherwise required or permitted by any law.

Do I “reasonably believe” that the information would assist the prescribed body to make a decision, assessment or plan; initiate or conduct an investigation; provide a service; or manage a risk that might arise in the recipient’s capacity as an employer or designated agency in relation to the safety, welfare or wellbeing of a child or young person?

- YES ⇒ That information can be shared under Chapter 16A.
- NO ⇒ You cannot share information with the prescribed body under Chapter 16A.

I have not received a request for information, but believe I have information that could assist another prescribed body to: make a decision, assessment or plan; initiate or conduct an investigation; or provide a service or manage any risk that might arise in the recipient’s capacity as an employer or designated agency in relation to the safety, welfare or wellbeing of a child or young person.

- YES ⇒ That information can be shared under Chapter 16A.

¹ Including the NSW Department of Family and Community Services, Community Services,

² All references to a child(ren) include an unborn child where a pre-natal report has been made to Department of Family and Community Services, Community Services under section 25 of the *Children and Young Persons (Care and Protection) Act 1998*.

³ All references to a child or young person include a class of children and young persons.

NO ⇒ You cannot share information under Chapter 16A.

When must information not be shared?

Do you reasonably believe that sharing the information would:

- prejudice an investigation of any breach (or possible breach) or any law
- prejudice a coronial inquest or inquiry
- prejudice any care proceedings
- contravene any legal professional or client legal privilege
- enable the existence or identity of a confidential source of information in relation to the enforcement or administration of a law to be ascertained
- endanger a person's life or physical safety
- prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a breach (or possible breach) or a law
- not be in the public interest.

YES ⇒ You are not required to provide any information you reasonably believe meets any of the above exemptions. Refer further to organisational policies regarding the exemptions or seek legal advice.

NO ⇒ Information can be shared under Chapter 16A.

In the event that an exemption does apply, the requesting agency must be notified in writing of the grounds for the refusal.

What do I need to do before releasing information?

Consent is not required as Chapter 16A authorises its exchange under law, however it is best practice to seek consent and/or inform a child, young person or their family that information about them is being disclosed, if practicable.

Has the child, young person or their family consented to or been informed that information will be released?

YES ⇒ The requesting/receiving prescribed body should be advised that the child/young person or family has consented or has been informed.

NO ⇒ The requesting/receiving prescribed body should be advised of the reasons why consent has not been obtained or the child, young person or family has not been informed including:

- it may further jeopardise a child or young person's safety, welfare or wellbeing
- it could place yourself or another person at risk of harm
- the parent/carer is uncontactable and the matter is urgent.

Has all identifying information about the reporter been removed?

YES ⇒ Information can be shared under Chapter 16A.

NO ⇒ Information cannot be provided unless one of the exemptions provided for in section 29 of the Act are met.

What protection do I have if I share the information?

Is the information provided in good faith, in accordance with the principles and procedures under Chapter 16A?

YES ⇒ A person is not liable for any civil or criminal action or any disciplinary action, and cannot be held to have breached any code of professional etiquette or ethics or departed from any accepted standards of professional conduct.



Important note: This information does not constitute legal advice. If more information is required, consult the relevant legislation or a legal advisor, as necessary.

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