

What about young carers?

Children and young people may be Carers and with the permission of the patient, also have a right to get information about the patient from health staff.

Health staff will need to consider whether the information they are giving is age appropriate for the young Carer and how to give that information to a child or young person in an appropriate way.

What if the patient has a mental illness?

The Mental Health Act (2007) provides special laws about patient privacy and providing information to Carers and family of people with a mental illness.

For more information about these laws, obtain a copy of the **Mental Health Act Information Sheet for Consumers and Carers** through the NSW Ministry of Health. See listing on back panel.

Who should carers ask for more help?

If a Carer is having difficulty giving or getting information about the person they care for, they should ask to speak to someone who can help such as the Nursing Unit Manager (NUM), Service Manager, Social Worker or Privacy Contact Officer.

Given the pressures on health services and staff, it is important for Carers to be patient but determined in their efforts to get help.



Where do carers find more about privacy?

Privacy Contact Officer at the facility you are visiting

Privacy Officer:

Phone:

Fax:

E-mail:

The Guardianship Tribunal
www.gt.nsw.gov.au

Public Guardian, Justice and Attorney General
www.lawlink.nsw.gov.au/opg

Health Care Complaints Commission
www.hccc.nsw.gov.au

The Capacity Tool Kit
www.lawlink.nsw.gov.au/diversityservices

The Privacy Leaflet for patients is available at the facility you are visiting and at:
www.health.nsw.gov.au/utilities/privacy/patient.asp

General information about privacy is available at this website

Mental Health Information Sheet for Consumers and Carers:
www.health.nsw.gov.au/resources/mhdao/pdf/MentalHealthAct2007consumerarerinformation-sheet.pdf or phone 02 9391 9278

NSW Health Privacy Manual:
http://www0.health.nsw.gov.au/policies/pd/2005/PD2005_593.html

Interpreters are available in Public Hospitals and Community Health Centres. If you would like to have an Interpreter please ask staff to arrange one for you. You have the right to have an Interpreter if you need one.

Patient Information and Privacy

A GUIDE FOR CARERS AND FAMILY

"Carers play a crucial role as care partners. They are often experts in the care of the person requiring care and can assist with care planning and delivery, with the agreement of the care recipient"

(NSW Carers' Action Plan 2007–2012)



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Health

Who is a Carer?

A Carer is a family member or friend who provides ongoing support to children or adults who have a disability, mental illness, a chronic condition, drug or alcohol dependencies, a terminal illness, or who are frail aged. The person providing the most care is often called the Primary or Main Carer.

When can Health staff share information?

Information the health service has about a patient's condition, care and treatment, is covered by strict privacy laws.

Health staff can give information to Carers about the patient **if the patient** (or someone authorised to act for them) **has given permission for this to happen**.

If a patient does not give permission, information cannot be given except in special circumstances e.g. in accordance with the Mental Health Act or where there is a serious threat to the patient's health or welfare.

A patient can tell health staff they have permission to speak with their Carer. **The staff member should also note this in the patient's medical record.**

Sometimes when a patient has more than one Carer, Local Health District staff may only be able to speak routinely with the primary (main) Carer.

While staff may do their best to give information to other Carers or family members, this normally only happens when they visit or accompany the patient and the patient is present to give permission. At other times, it is best for the primary (main) Carer only to receive information from health staff.

A patient's right to privacy is very important and is protected by law.

Why do health staff need permission to speak with a carer?

A patient's right to privacy is very important and is protected by law.

However, so that staff and Carers can work together to help the patient in hospital and when they return home, the patient will usually need to give permission for staff and Carers to talk to each other about their care and treatment.

It is important for Carers to talk about this with the person they care for so that the patient's wishes are clear and they understand why health staff and their Carer(s) may need to speak to each other.

Health staff may need to check with the **Privacy Contact Officer** if they have any concerns about sharing information with the Carer.

What if the patient can't give permission?

Some patients may be unable to give permission for staff to share information due to injury, illness or impairment e.g. if they are unconscious, have a severe intellectual disability or dementia. A parent or guardian must also give permission for information to be shared about children.

In these circumstances, staff may need to establish who the 'authorised representative' is for the patient. The 'authorised representative' can make decisions about sharing information on behalf of the patient. See NSW Health Privacy Manual, Section 5.6 – see listing on back panel.

In the short term, health staff can share information if it does not go against the known wishes of the patient. Carers may need help from a Social Worker, Privacy Contact Officer, or the NSW Guardianship Tribunal. The Tribunal can appoint a legal guardian (who may also be the Carer).

The legal guardian can make decisions about the patient's privacy and their care and treatment.

How can primary (main) carers help health staff?

Primary Carers can help by:

- making themselves known to health staff;
- providing their name and contact details and ensuring that it is noted in the patient's medical record;
- ensuring that the patient permission for the Carer to obtain information is noted in the medical record by staff;
- providing the name and contact details of the legal guardian, person responsible and/or authorised representative for the patient (where they are not the Carer) when the patient cannot provide these details.

What about children and young people?

Usually, the Carer of a child or young person under the age of 16 with a disability or chronic condition will be their parent or legal guardian. In most circumstances the health service will be able to share information with the parent or legal guardian.

Sometimes a young person aged 14 to 16 chooses not to share information with their Carer even if they are their parent or guardian. This is a sensitive matter and may need consultation with health staff and the Privacy Contact Officer. They may need to refer to the NSW Health Privacy Manual, Section 5.5.

