



24 April 2019

Our Ref: BC19-606

Oranga Tamariki National Office  
PO Box 546  
WELLINGTON

By email: [Alison.deLeon@ot.govt.nz](mailto:Alison.deLeon@ot.govt.nz)

Dear Alison

### **Oranga Tamariki Information Sharing Draft Guidance**

Thank you for giving The Royal New Zealand College of General Practitioners the opportunity to comment on the Oranga Tamariki Sharing Draft Guidance.

Our general view is that it is unclear how this document would specifically be used by general practitioners given there are already well-defined guidelines for disclosing confidential patient information.

If additional guidance is required for GPs to share information about their child patients, we would suggest Oranga Tamariki's guidance document follows a similar structure to the *Ministry of Justice Family Violence Sharing Guidance*, which presents each section as key questions. Using a similar structure would help GPs quickly identify the most relevant section for each potential information-sharing situation.

### **Legal requirement to share information**

It is unclear if there is a specific legal requirement to share information. If there is, we suggest the legal requirements are clearly set out and explained at the beginning of the document.

Where there is no legal requirement to share information, this too must be set out and clearly supported by well-defined guidance for those using the document. Our preference is that any guidance favours a systematic approach to voluntary information sharing rather than relying on individuals' personal judgement whether to share information or not.

### **Need to incorporate appropriate case studies**

As this guidance could be interpreted in numerous different ways, we would suggest including case studies to demonstrate when it is a legal requirement to share information and an example of best practice. We would also suggest using case studies for different ages, for example, sharing information of a three-year-old would involve a different process than that of a 17-year-old.

### **Feedback from members on consent to share information**

The College would suggest moving the section on consent earlier in the document and explaining in more detail the difference between *disclosure* and *sharing information*, and *consult* and *consent*.

*"For GPs, information given in the context of a consultation has always been sacrosanct and protected from disclosure except in very defined circumstances. The new rules seem to override this protection. As such there needs to be more detail in how confidentiality in a patient consult and the new guidance rules overlap. A case study would be useful here."* College member.

### **More information on requirements for storing information.**

The guidance does refer to the Privacy Act. However, a case study might be helpful on how information should be shared and stored, especially when sharing between non-Government organisations.

### **Appendix 1: Include a reference to general practitioners**

Under health services make it explicit that GPs are covered by this guidance. For example:

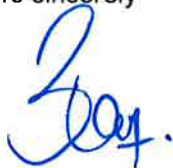
*Services provided through medical practices (including general practices, youth one-stop shops)*

We also note that there are a small number of medical practices that do not belong to a primary health organisation and that the sharing provisions do not apply to services provided in private or community trust hospitals.

It is the College's view that requests for information sharing should apply to all health, welfare, support and justice services for children, regardless of the funding or ownership model of the service being provided.

We hope you find our submission helpful. Should you require any further information or clarification please contact the College's policy team at [policy@rnzcgp.org.nz](mailto:policy@rnzcgp.org.nz).

Yours sincerely



**Bernadette Cornor**

Head of Governance and Policy

### ***About The Royal New Zealand College of General Practitioners***

General practice is the medical specialty that treats patients: with the widest variety of conditions; with the greatest range of severity (from minor to terminal); from the earliest presentation to the end; and with the most inseparable intertwining of the biomedical and the psychosocial. General practitioners (GPs) treat patients of all ages, from neonates to elderly, across the course of their lives.

GPs comprise almost 40 percent of New Zealand's specialist workforce and their professional body, The Royal New Zealand College of General Practitioners (the College), is the largest medical college in the country. The College provides training and ongoing professional development for GPs and rural hospital generalists, and sets standards for general practice. The College has a commitment to embed the three principles (participation, partnership and protection) of Te Tiriti o Waitangi (Treaty of Waitangi) across its work, and to achieving health equity in New Zealand.

Health equity is the absence of avoidable or remediable differences in health outcomes and access to health services among groups of people, whether those groups are defined socially, economically, demographically, or geographically (WHO). To achieve health equity, we advocate for:

- A greater focus on the social determinants of health (including labour, welfare, education, housing, and the environment).
- Funding and support to sustain the development of a GP workforce of sufficient capacity to meet population need for access to quality primary medical care, particularly in rural and high need areas.

- Sustained focus on measures to reduce smoking and to increase healthy food options for low-income families.
- Improved integration of primary, community, and secondary care health and social services which ensures the provision of high-quality services.
- Universally accessible free primary health care for children and low-income families, because health inequities begin early and compound over the life course.
- A review of the funding model for primary care to ensure that resourcing is allocated equitably across diverse populations with differing needs.