

CONSENT AND CONFIDENTIALITY

BACKGROUND

The law is clear on consent for medical treatment by a general practitioner (GP), as it relates to minors:

- Students who are not mature minors cannot give consent to their own medical treatment.
- Students who are mature minors can consent to their own medical treatment.
- Mature minors are students who are under the age of 18 years who have sufficient maturity and cognitive and emotional capacity to understand the nature and consequences of seeking and obtaining health care, as determined by the GP.

In the case of the Doctors in Secondary Schools Program, as in ordinary practice in the community, it will be the GP who will assess if a young person is a mature minor with respect to the issue for which they are seeking medical treatment.

For the purposes of this policy, confidentiality refers to the ability of young people to ensure information discussed with the GP within the Doctors in Secondary Schools Program is not shared with others unless it is with the consent of the young person or it is otherwise permitted by the law.

The following exceptions to the duty of confidentiality apply:

- The young person consents to the disclosure.
- The disclosure is necessary to lessen or prevent a serious and imminent threat to any person's life, health, safety or welfare.

Examples:

- The young person is at imminent risk of harming themselves.
- The young person is at imminent risk of harming others.
- The disclosure is necessary to prevent a serious threat to public health, safety or welfare. For example, the young person has a notifiable disease.
- There is another legal requirement for disclosure.

Examples:

- The student was, or is at risk, of being a victim of physical, sexual or emotional abuse, and it is

necessary to report to the relevant authorities in order to protect the student from that abuse.

- There is an emergency, and it is necessary to contact the Victoria Police or ambulance services to attend to the emergency.
- The GP has received a subpoena to produce documents in a Court proceeding, and the information and documents are disclosed in order to comply with this obligation.

Families with children at participating schools will be informed about the program at the start of the year, with detailed information sheets to be made available.

CONSENT POLICY

Under the Victorian Government's policy:

- All parents and carers who have a child at a school participating in the Doctors in Secondary Schools Program will be informed about the program at the beginning of the year with information sheets provided for parents/carers and students.
- Any student who wants to see the GP will be permitted to make an appointment. The GP will decide if the young person is mature enough to provide consent to any medical treatment for the presenting issue.
- In the case of students who are deemed not to be mature minors, the GP would then seek consent from the parent or carer prior to any treatment from the GP.
- In the case of students who are deemed to be mature minors, the student will be able to provide their own consent to the GP consultation and treatment.
- There are many situations where GPs would prefer parents and carers to be involved, and in these cases, the GP will work with the young person to encourage parent or carer involvement.
- If a parent or carer expressly states at the start of a school year or at any time during the school year that the GP in the school should not treat their child then the following procedure will be followed:
 - Generally, all secondary school aged students will be considered mature enough to make a decision to see the GP and the GP will then decide whether the student is a mature minor for the purposes of seeking medical treatment for the presenting issue.

- If the School Program Lead (**SPL**) decides that the student is not a mature minor, at that time, for the purposes of making an appointment with the GP, the SPL will inform the GP that the parent or carer of that student has not consented to the student attending the GP. If the student seeks to make an appointment with the GP at any future time, the SPL will reconsider whether the student is, at that time, a mature minor for the purposes of making an appointment and any other reasons that the parent or carer has communicated regarding the whether the student can see the GP. The SPL and principal can seek advice from the Legal Division if necessary.
- Where a SPL is in doubt about whether the student is a mature minor for the purposes of making an appointment to see the GP, they should consult with relevant school staff. They must also consult with the GP (without disclosing the student's identity, unless they have consent). In most cases, it will be in the best interests of the student to allow the student to make an appointment and the GP can then make an assessment about maturity for treatment.

CONFIDENTIALITY POLICY

Under the Victorian Government's policy, the right for a young person's health information to be kept confidential will be respected unless the disclosure is with the consent of the young person or it is otherwise permitted by the law.

In the case of mature minors, the following exceptions to the duty of confidentiality will apply:

- The young person consents to the disclosure.
- The disclosure is necessary to lessen or prevent a serious and imminent threat to any person's life, health, safety or welfare.
- The disclosure is necessary to prevent a serious threat to public health, safety or welfare. For example, the young person has a notifiable disease.
- There is another legal requirement for the disclosure.

In the case of students who are not considered mature minors, the following process will apply:

- Health information will be shared with a parent or carer.
- Health information may be disclosed to a third party if permitted by law or it is with the consent of the parent or carer.

It is also important to note that parents and carers will have access to their child's health information (including date of visit and medical practitioner's name) through Medicare for children under 14 years of age who are listed on their Medicare card, without the consent of the child.

For more information, please visit:

<http://www.education.vic.gov.au/about/programs/health/pages/doctors-secondary-schools.aspx> or

email Doctors in Secondary Schools at:

doctors.in.schools@edumail.vic.gov.au with any questions.