

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.

There is no legal requirement for a school to seek consent from the student's parents or carers prior to the student making an appointment with the GP at the school.

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 fact 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 factsheets 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 prevailing 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, and their child seeks an appointment with the GP, then the following procedure will be followed:
 - The student will be permitted to make an appointment with the GP.
 - If the GP deems the student to be a mature minor, the GP will treat the student.
 - If the GP deems that the student is not a mature minor, then the GP will not treat the student unless they have obtained consent from the parent or carer for that consultation and 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:

- The GP will share health information with a parent or carer.
- The GP may disclose the health information to a third party if permitted by law or it is with the consent of the parent or carer.

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.