



# CHILD AND FAMILY VIOLENCE INFORMATION SHARING SCHEMES

## POLICY

### Rationale

The Child Information Sharing Scheme (CISS) and Family Violence Information Sharing Scheme (FVISS) provide expanded ability for Victorian schools and other authorised organisations to share Confidential Information for the wellbeing and safety of children or to assess or manage family violence risk.

Sharing information under these schemes must meet a range of requirements and comply with existing Bayside Christian College (College) obligations and frameworks, such as Child Safe Standards, Mandatory Reporting, Privacy or Reportable Conduct.

All Victorian children under the age of 18 years are covered under the CISS and FVISS.

### Policy Statement

Victorian schools and authorised organisations are defined as Information Sharing Entities (ISEs) under the CISS and FVISS. ISEs must meet a range of requirements when requesting and sharing information under these schemes. ISEs:

- must acknowledge they have received a request for information,
- must respond to requests and provide all relevant information to other ISEs that meet the requirements of the scheme it was requested under and do so in a timely manner,
- must consider the information sharing legislative principles for the scheme,
- if declining to share all or part of a request for information, must advise the requesting ISE in writing,
- can request information from other ISEs,
- can proactively share information with other ISEs,
- must meet the record keeping requirements of the CISS and FVISS.

### Application

This policy applies to all College staff employed by the College.

Volunteers, contractors and visitors must not release any information about staff, students or the College. They are required to discuss requests for information with their College line manager, Deputy Principal or Business Manager.

### Definitions

Word/s	Definition
Confidential Information	For the purposes of the Information Sharing Schemes, the term 'Confidential Information' includes:

Word/s	Definition
	<ul style="list-style-type: none"> <li>health information and identifiers for the purposes of the Health Records Act 2001 (Vic)</li> <li>personal information for the purposes of the Privacy and Data Protection Act 2014 (Vic), including sensitive information (such as a criminal record), and unique identifiers</li> <li>personal information for the purposes of the Privacy Act 1988 (Cth), including sensitive information.</li> </ul>
Information Sharing Entities (ISEs)	<p>Only organisations or services that are prescribed as Information Sharing Entities can share information under the Information Sharing Schemes. Prescribed organisations are those that have been determined under the child wellbeing and safety regulations or family violence protection regulations to be authorised to request and share information and are required to respond to requests for information from other ISEs when relevant requirements for sharing are met.</p> <p>Examples of ISEs include:</p> <ul style="list-style-type: none"> <li>schools (government, independent and Catholic)</li> <li>long day care</li> <li>kindergartens</li> <li>before and after school hours care</li> <li>Child Protection</li> <li>out-of-home care</li> <li>Victoria Police</li> <li>Maternal and Child Health Services</li> <li>the Orange Door.</li> </ul> <p>A list of authorised organisations can be found at <a href="#">Information Sharing Entity List</a>.</p>
Risk Assessment Entities (RAE)	<p>An information sharing entity also prescribed to be a risk assessment entity (RAE). RAEs can request and receive information from any ISE for a family violence assessment or protection purpose, in response to, or from voluntary sharing by, another ISE. Examples of RAEs, include Victoria Policy, Family violence services, some Orange Door services, Child Protection, Child FIRST.</p>
Third Party	<p>Has the same meaning as a 'linked person' as defined in Section 144A of the FVPA, to mean any person whose confidential information is relevant to a family violence assessment purpose or family violence protection purpose other than a person who is a primary person (i.e. the victim survivor), a person of concern (i.e. the perpetrator) or is alleged to pose a risk of family violence (i.e. alleged perpetrator)</p>

## Who can share and request information?

Certain roles (Authorised Person) within the College can share relevant Confidential Information upon request and can request information under the CISS and FVISS.

An Authorised Person is the Principal, Deputy Principal, Business Manager, Head of Primary School, Head of Secondary School, Head of Learning Support and ELC Director.

The initial point of contact for information requests must go through the relevant Head of School, Head of Learning Support or ELC Director.

## Privacy

The use or disclosure of Confidential Information under the CISS and FVISS in good faith and with reasonable care does not constitute a contravention of any other Act.

The College must comply with the Australian Privacy Principles under the Privacy Act 1988 (Cth), disclosure under the schemes is permitted by APP 6.2(b) where it is authorised by law.

This means that where a disclosure is made in compliance with the CISS and FVISS, it is not a privacy breach. However, if the College does not meet the regulatory requirements of the CISS and FVISS, the disclosure may be a privacy breach.

## Consent

Any person's information can be shared without their consent only:

- to promote the wellbeing or safety of a child or group of children,
- if it is relevant to assessing or managing family violence risk to a child,
- if there is a serious risk to any person,
- if information is about a perpetrator, alleged perpetrator or adolescent using or at risk of using family violence,
- if sharing is not restricted by another law.

## What information cannot be shared?

The College is to avoid sharing information that is irrelevant, restricted from sharing by another law, is excluded information or does not meet the requirements under relevant scheme.

## CISS

### Legislative principles to information sharing

The legislative principles to guide the collection, use or disclosure of Confidential Information under the CISS:

- Give precedence to the wellbeing and safety of a child or group of children over the right to privacy.
- Seek to preserve and promote positive relationships between a child and a child's family members and people significant to the child.
- Seek to maintain constructive and respectful engagement with children and their families.

- Be respectful of and have regard to a child's social, individual and cultural identity, the child's strengths and abilities and any vulnerability relevant to the child's safety or wellbeing.
- Provide a child's cultural safety and recognise the cultural rights and familial and community connections of children who are Aboriginal, Torres Strait Islander or both.
- Seek and take into account the views of the child and the child's relevant family members, if it is appropriate, safe and reasonable to do so.
- Take all reasonable steps to plan for the safety of all family members believed to be at risk from family violence.
- Only share Confidential Information to the extent necessary to promote the wellbeing or safety of a child or group of children, consistent with the best interests of that child or those children.
- Work collaboratively in a manner that respects the functions and expertise of each ISE.

### **What information can be shared?**

The College can request or share any Confidential Information about any person.

When disclosing information, the College must reasonably believe that sharing the information may assist the receiving ISE to carry out one or more of the following activities:

- making a decision, an assessment or a plan relating to a child or group of children,
- initiating or conducting an investigation relating to a child or group of children,
- providing a service relating to a child or group of children,
- managing any risk to a child or group of children.

Information that can be shared includes case notes, observations, assessments, contact details, service engagement history, and any other information.

## **FVISS**

### **Legislative principles to information sharing**

ISEs should:

- work collaboratively to coordinate services in a manner that respects the functions and expertise of each Information Sharing Entity,
- give precedence to the right to be safe from family violence over the right to privacy,
- only collect, use or disclose a person's Confidential Information to the extent that the collection, use or disclosure of the information is necessary:
  - o to assess or manage risk to the safety of a person from family violence,
  - o to hold perpetrators of family violence accountable for their actions.
- collect, use or disclose the Confidential Information of a person who identifies as Aboriginal or Torres Strait Islander in a manner that:
  - o promotes the right to self-determination and is culturally sensitive,
  - o considers the person's familial and community connections.

- have regard for and be respectful of a person's cultural, sexual and gender identity and religious faith.

When sharing any person's information to assess or manage risk to a child, the College should:

- promote the agency of the child and other family members at risk of family violence by ensuring their views are taken into account (having regard for the appropriateness of doing so and the child's age and maturity).
- take all reasonable steps to ensure the information is shared in a way that:
  - o plans for the safety of all family members at risk of family violence,
  - o recognises the desirability of preserving and promoting positive relationships between those family members and the child.
- take into consideration the age and stage of the child, and their cultural, sexual and gender identity.

### **What information can be shared?**

If the information being requested is relevant to assessing or managing family violence risk, the College:

- can share proactively with other ISEs, including RAEs, for a family violence protection purpose,
- can share information relevant to a family violence assessment purpose with RAEs,
- can request information from other ISEs, including RAEs, that is relevant for a family violence protection purpose,
- must respond to information requests from other ISEs and RAEs and provide relevant information.

### **Excluded information**

Excluded information is any information that, if shared, could be reasonably expected to do the following:

- Endanger a person's life or result in physical injury:
  - o Under CISS, this includes risk to the child, the family or any other person. For example, if sharing the location of a child could be reasonably expected to pose a threat to the life or physical safety of the child for another person, this information should not be shared.
  - o Under FVISS, if sharing the address of the victim survivor could alert a person known to pose a threat to their whereabouts.
- Prejudice the investigation of a breach or possible breach of the law or prejudice the enforcement or proper administration of the law - including police investigations. For example, any information that could unfairly influence or reveal details of a police investigation or Commission for Children and Young People investigation.
- Prejudice a coronial inquest or inquiry or the fair trial of a person or the impartial adjudication of a particular case. For example, information that could unduly influence a witness expected to give evidence before a coronial inquest.
- Prejudice the fair trial of a person or the impartial adjudication of a particular case. For example, if information would unfairly influence the outcome of a proceeding.

- Disclose the contents of a document, or a communication, that is of such a nature that the contents of the document, or the communication, would be privileged from production in legal proceedings on the grounds of legal professional privilege or client legal privilege.
- Disclose, or enable a person to ascertain, the identity of a confidential source of information in relation to the enforcement or administration of the law. For example, that information could reveal or be used to reveal the name of a person who has confidentially provided information to police.
- Contravene a court order or a provision made by or under the Child Wellbeing and Safety Act or any other Act that:
  - prohibits or restricts, or authorises a court or tribunal to prohibit or restrict, the publication or other disclosure of information for, or in connection with any proceeding, or
  - requires or authorises a court or tribunal to close any proceeding to the public. For example, if information is part of a closed court proceeding.
- Be contrary to the public interest. For example, revealing information about covert investigation techniques.

## Related Documents

Child Safety Policy

Child and Family Violence Procedure

Privacy Policy

## Relevant Legislation and other Sources

Health Records Act 2001 (Vic)

Privacy Act 1988 (Cth)

Child, Youth and Families Act 2005 (Vic)

Child Wellbeing and Safety Act 2005

Child Wellbeing and Safety (Information Sharing) Amendment Regulations 2020

Family Violence Protection Act 2008

**Approver** College Executive

**Authoriser** College Board