

Child and Family Information Sharing Scheme Procedure – Template

(*Name of Organisation*) is committed to ensuring the safety and wellbeing of victim-survivors of family violence and perpetrators are visible and held accountable for their actions.

[*Name of Organisation*] is a prescribed under Part 5a of the Family Violence Protection Act 2008 and as a result must comply with the Child Information Sharing Scheme (CISS) and the Family Violence Information Sharing Scheme (FVISS). The Child and Family Violence Information Sharing Schemes allow the sharing of relevant information to assess or manage risk of family violence and support the safety and wellbeing of children.

Purpose

The objective of this procedure is to provide information about:

- responding to requests for information sharing,
- making requests information from another agency,
- proactively sharing information with another agency,
- the consent requirements in sharing information, and
- the information that is excluded from the Information Sharing Scheme.

Procedure scope

This procedure applies to all Client Services staff/ programs prescribed under the Child and Family Violence Information Sharing Schemes.

Information Sharing Entity

An Information Sharing Entity (ISE) is a state funded agency that holds information that is relevant to establishing, assessing or managing risk of family violence.

As a state funded Community Housing Organisation, [*Name of Organisation*] is an ISE.

This means that (*Name of Organisation*) mandated to comply with Part 5A of the Family Violence Protection Act, 2008, which allows any personal, health or sensitive information that is relevant to assessing and/or managing family violence risk to be shared, under the circumstances outlined in the Act.

Part 5A does not negate other privacy laws, but allows information sharing between ISEs related to perpetrators or where the information relates to a child; and allows information sharing related to victim survivors where serious risk is present.

The Child Information Sharing Scheme (CISS) authorises prescribed organisations to share information under Part 6A of the Child Wellbeing and Safety Act 2005 for the purpose of promoting child wellbeing and safety.

Information sharing

- Information relevant to assessing and/or managing family violence risk can be shared, provided:
 - the information is not excluded, (see **Excluded information** on page 3)
 - sharing information does not contravene another law, and
 - applicable consent requirements have been met.
- The information may relate to:
 - a victim survivor (adult or child),
 - an alleged perpetrator,
 - a perpetrator, or
 - a third party.

Note: Different consent requirements apply to each of these groups.

Consent to share information

There are times when consent must be obtained before sharing information, but this is not always the case. The table below outlines relevant consent thresholds.

Person	Consent threshold
Adult Victim	Consent is required from the victim prior to sharing information, unless there is a serious threat to their safety
Child Victim	No consent is required from any person if the information is relevant to establishing, assessing or managing risk of family violence
Perpetrator	No consent is required from the perpetrator prior to sharing information to establish or assess risk of family violence
Alleged Perpetrator	No consent is required from the alleged perpetrator prior to sharing information to establish or assess risk of family violence
Third Party	Consent is required from the third party prior to sharing information, unless there is a serious threat

Sharing information sharing (voluntarily or in response to a request)

(Name of Organisation) is permitted to voluntarily, or in response to a request, share information related to the assessment and management of family violence risk with prescribed Risk Assessment Entities (RAEs). Additionally *(Name of Organisation)* is permitted to share information relevant to the management of family violence risk, or related to the safety and wellbeing of children with prescribed ISEs.

When an external agency requests information under the Information Sharing Schemes,

(Name of Organisation) will take the following actions:

- Ensure the person requesting the information is from a prescribed ISE. <https://iselist.www.vic.gov.au/ise/list/>
- Make sure the request complies with legislative requirements - that the information is being collected for a family violence assessment or family violence protection purpose; or for the purpose of child safety and wellbeing.
- Ensure the information is not excluded information.
- Obtain consent from the relevant person/s, if required.
- Collate the requested information, from review of the file and discussion with relevant staff.
- Provide the collated information to the requesting ISE.

Declining a request for information sharing

If the information sharing request does not comply with the legislation, or is excluded information, *(Name of Organisation)* will inform the requesting ISE of the reason that they do not feel it complies, and record the request and the reason for declining on the Information Sharing Record Keeping Form.

If the ISE requesting the information disagrees, and feels the information is important for risk assessment of management, discuss with management.

Requesting information from an external ISE

For more information: [vic.gov.au/guides-templates-tools-for-information-sharing](https://www.vic.gov.au/guides-templates-tools-for-information-sharing)

Additionally, *(Name of Organisation)* can request information relevant to the management of family violence risk, or related to the safety and wellbeing of children with prescribed ISEs.

Refusal to share information

If the ISE believes that the request for information does not meet the requirements, and refuses to share the information, discuss with management.

If necessary, re-contact the ISE and explain why the information is essential for assessing or managing risk.

Record Keeping

(Name of Organisation) will follow record keeping requirements

- documented on the Information Sharing Provisions Record Keeping Form (See Appendix X),
- and/or record on a in the client's file

Exceptions to the Information Sharing Provisions

(Name of Organisation) is not permitted to share excluded information. This is because there is a range of circumstances where confidential information should not be permitted to be shared under Part 5A.

Excluded information

Information that is excluded and should not be shared is information could be reasonably expected to result in any of the following outcomes:

- Endanger a person's life or result in physical injury. *(e.g. the address of the victim-survivor could alert a person known to pose a threat to their whereabouts, then this info should not be shared.)*
- Prejudice the investigation of a breach or possible breach of the law, or the enforcement or proper administration of the law in a particular instance. *(e.g. information reveals the details of a police investigation.)*
- Prejudice a coronial inquest or inquiry, the fair trial of a person or the impartial adjudication of a particular case. *(e.g. information was cited as evidence in a closed session of the court.)*
- Disclose the contents of a document or a communication that would be privileged from production in legal proceedings on the ground 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. *(e.g. information is known only to a particular person, their identity as a confidential source could be ascertained if that information was shared.)*
- Contravene a court order or law that prohibits or restricts the publication or other disclosure of information in connection with any proceeding.

- Contravene the public interest (*e.g. information that could reveal covert investigative techniques.*).

Relevant legislation and standards

- Family Violence Protection Act (FVPA), 2008
- Family Violence Information Sharing Scheme Ministerial Guidelines
- Child Information Sharing Ministerial Guidelines

Related documents

- Family Violence Policy
- Family Violence Procedure
- Privacy and Confidentiality Policy
- Tenancy Management Policy

Document details

Document number	
Procedure name	
<i>Child and Family Violence Information Sharing Procedure</i>	
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Date approved	
Date Reviewed	
Specific responsibilities	