

# CHILD AND FAMILY VIOLENCE INFORMATION SHARING SCHEMES POLICY

## 1.0 INTRODUCTION

This Child and Family Violence Information Sharing Schemes Policy applies to all primary and secondary Catholic schools managed and operated by Diocese of Sale Catholic Education Limited (**DOSCEL**) in the State of Victoria (**Schools**). This Policy also applies to the DOSCEL Secretariat.

DOSCEL is a not for profit organisation that carries on and promotes the charitable activities of the Diocese of Sale in connection with education, in particular to support and advance Catholic education through its operation of Schools.

## 2.0 PURPOSE

The purpose of this Policy is to support DOSCEL and its Schools to request and share information under the Child Information Sharing Scheme (**CISS**) and Family Violence Information Sharing Scheme (**FVISS**) (together, **Information Sharing Schemes**).

## 3.0 BACKGROUND

The Information Sharing Schemes provide prescribed Information Sharing Entities (**ISEs**) with an expanded ability to share confidential information with other ISEs to promote the wellbeing or safety of children or to assess or manage family violence risk.

- DOSCEL and its Schools are prescribed ISEs for the purposes of the Information Sharing Schemes, and can therefore request and share information in accordance with those schemes.
- The Information Sharing Schemes complement existing obligations and frameworks.
- DOSCEL and its Schools must continue to comply with any existing obligations, such as obligations arising under the Child Safe Standards, mandatory reporting requirements, privacy or criminal law and the Reportable Conduct Scheme.
- ISEs must meet a range of requirements when using the Information Sharing Schemes to request and share information.
- This Policy is intended to assist DOSCEL and its Schools to comply with their obligations under the Information Sharing Schemes.

### 3.1 About the Information Sharing Schemes

The Information Sharing Schemes provide prescribed ISEs (including DOSCEL and its Schools), with an expanded ability to share confidential information with other ISEs in certain circumstances, in order to promote the wellbeing or safety of children or help to assess or manage family violence risk.

DOSCEL and its Schools should continue to share information where this is authorised or required in accordance with other laws and DOSCEL policies (such as when making a mandatory report or when sharing information with external services under existing arrangements and mechanisms). The Information Sharing Schemes do not alter or replace these existing arrangements and obligations.

The CISS enables prescribed ISEs to share confidential information about any person, at any time, to promote the wellbeing or safety of children, where the requirements for sharing under the scheme are met. All Victorian children **under the age of 18 years** are covered, as well as unborn children who are the subject of a report to Child FIRST or Child Protection.

The FVISS enables prescribed ISEs to share relevant information to assess or manage risk of family violence to children and adults. ISEs can share information in order to manage family violence risk. In addition, Risk Assessment Entities (**RAEs**) (a specialist subset of ISEs) can request and receive information to assess for family violence risk.

DOSCEL and its Schools should continue to use and share information using existing policies and information sharing mechanisms. However, there may be times when it is appropriate to use the Information Sharing Schemes to request and share confidential information with other ISEs.

### 3.2 Family Violence Multi-Agency Risk Assessment and Management Framework

DOSCEL and its Schools must also refer to and act in accordance with the Family Violence Multi-Agency Risk Assessment and Management Framework (**MARAM**) where there is any concern that family violence may be present.

The MARAM can be used by all services that come into contact with individuals and families experiencing family violence. It covers all aspects of service delivery from early identification, screening, risk assessment and management, to safety planning, collaborative practice, stabilisation and recovery.

The objectives of the MARAM are to:

1. Increase the safety of people experiencing family violence.
2. Ensure the broad range of experiences across the spectrum of seriousness and presentations of risk are represented, including for Australian Aboriginal and diverse communities, children, young people and older people, across identities, and family and relationships types.

3. Keep perpetrators in view and hold them accountable for their actions and behaviours.
4. Guide alignment with the Framework for use across a broader range of organisations and sectors who will have responsibilities to identify, assess and respond to family violence risk.
5. Ensure consistent use of the Framework across these organisations and sectors.

For more information about the MARAM, see: [Family Violence Multi-Agency Risk Assessment and Management Framework](#).

## **4.0 PRINCIPLES**

When using the Information Sharing Schemes, DOSCEL and its Schools must have regard to the guiding principles set out below.

### **4.1 Child Information Sharing Schemes: principles for sharing**

DOSCEL and its Schools must act in accordance with the following principles when using 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 the child's family 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.
- Promote the cultural safety and recognise the cultural rights and familial and community connections of children who are Australian Aboriginal, Australian 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.

## 4.2 Family Violence Information Sharing Scheme: principles for sharing

DOSCEL and its Schools must act in accordance with the following principles when using the FVISS:

- ISEs should:
  - work collaboratively to coordinate services in a manner that respects the functions and expertise of each ISE
  - 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:
    - to assess or manage risk to the safety of a person from family violence and/or
    - to hold perpetrators of family violence accountable for their actions
  - collect, use or disclose the confidential information of a person who identifies as Australian Aboriginal or Australian Torres Strait Islander in a manner that:
    - promotes the right to self-determination and is culturally sensitive and
    - 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, DOSCEL and its Schools 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 to 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:
    - plans for the safety of all family members at risk of family violence and
    - 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.

## 5.0 DEFINITIONS

Some key terms relevant to the Information Sharing Schemes are listed below.

### Adolescent who uses family violence

Under the FVISS, a young person between the ages of 10 and 17 who chooses to use coercive and controlling techniques and violence against family members, including intimate partners, is described as an adolescent who uses family violence. Adolescents who use family violence often coexist as victims of family violence and therapeutic responses should be explored.

### Alleged perpetrator

Alleged perpetrator is the term most commonly used in Victoria to describe a person where there is not sufficient information for an ISE to form a reasonable belief that a person poses a risk of family violence. Under the FVISS, information about alleged perpetrators can only be shared with RAEs for a family violence assessment purpose (see further reference to perpetrators below).

### Confidential information

For the purposes of the Information Sharing Schemes, the term 'confidential information' includes:

- health information and identifiers for the purposes of the *Health Records Act 2001* (Vic.);
- 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;
- personal information for the purposes of the *Privacy Act 1988* (Cth), including sensitive information.

### Family violence

Family violence is defined in the *Family Violence Protection Act 2008* (Vic.) as:

- behaviour by a person towards a family member that:
  - is physically or sexually abusive
  - is emotionally or psychologically abusive
  - is financially abusive
  - is threatening or coercive
  - in any other way, controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or that of another person

- behaviour that causes a child to hear, witness or otherwise be exposed to the effects of any behaviour referred to above.

Australian Aboriginal community definitions of family violence include extended family, kinship networks, elder abuse and exclusion or isolation from Australian Aboriginal culture and/or community by non-Aboriginal perpetrators.

### **Information Sharing Entities**

Only organisations or services that are prescribed as ISEs can share information under the Information Sharing Schemes. Prescribed ISEs 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.

Examples of ISEs include:

- schools (government, independent and Catholic)
- long day care
- kindergartens
- before and after school hours care
- Child Protection
- out-of-home care
- Victoria Police
- Maternal and Child Health Services
- the Orange Door.

A list of prescribed ISEs can be found at [www.vic.gov.au/information-sharing-entity-list](http://www.vic.gov.au/information-sharing-entity-list)

### **Perpetrator (FVISS)**

Under the FVISS, 'perpetrator' is the term most commonly used in Victoria to describe a person if it is reasonably believed that there is a risk they may commit family violence. Australian Aboriginal and Australian Torres Strait Islander peoples and communities may prefer to use the term 'person who uses family violence' over perpetrator. It is not an appropriate term to use to describe adolescents who use family violence, as they are described as 'adolescents who use family violence'.

### **Risk Assessment Entity (RAE)**

Under the FVISS, there is also a subset of specialist ISEs known as RAEs. Only RAEs can request and receive information for a family violence assessment purpose.

RAEs have specialised skills and authorisation to conduct family violence risk assessment. DOSCEL and its Schools are not RAEs under the FVISS.

Examples of RAEs include:

- Victoria Police
- Child Protection
- family violence services
- some Orange Door services.

A list of prescribed RAEs can be found online at [www.vic.gov.au/information-sharing-entity-list](http://www.vic.gov.au/information-sharing-entity-list)

### **Third party**

Any person other than the child or the child's family members when using the CISS, or any person other than the victim survivor or perpetrator when using the FVISS. Third parties include friends, neighbours, colleagues or workmates whose confidential information may be relevant to promoting the wellbeing or safety of the child or group of children (the CISS) or is relevant to assessing or managing risk of family violence (the FVISS).

### **Victim survivor (FVISS)**

Under the FVISS, the term 'victim survivor' is used to describe a person about whom it is reasonably believed that there is a risk the person may be subjected to family violence. This includes adults or children who have disclosed family violence or who have been identified as affected by family violence. Australian Aboriginal and Australian Torres Strait Islander peoples and communities may prefer to use the term 'person experiencing family violence' over victim survivor.

## **6.0 RELATED POLICIES**

- DOSCEL Child Protection and Safety Policy
- DOSCEL Duty of Care Policy
- DOSCEL Guide to Reporting Conduct under the Reportable Conduct Scheme
- DOSCEL Mandatory Reporting Policy
- DOSCEL Pastoral Care Policy
- DOSCEL Protection of Children - Anti-Grooming Policy
- DOSCEL Protection of Children - Failure to Disclose Policy
- DOSCEL Protection of Children - Failure to Protect Policy
- DOSCEL Protection of Children - Reporting Obligations Procedure

## 7.0 LEGISLATION AND RESOURCES

- Best Interests Framework for Vulnerable Children and Youth
- *Child Information Sharing Scheme Ministerial Guidelines*
- Child Safe Standards
- *Child Wellbeing and Safety (Information Sharing) Regulations 2018* (Vic.)
- *Children, Youth and Families Act 2005* (Vic.)
- *Family Violence Information Sharing Guidelines*
- *Family Violence Multi-Agency Risk Assessment and Management Framework*
- *Family Violence Protection Act 2008* (Vic.)
- *Family Violence Protection (Information Sharing and Risk Management) Regulations 2018* (Vic.)
- Framework for Improving Student Outcomes (FISO)
- *Health Records Act 2001* (Vic.)
- Information Sharing Entity (ISE) List
- *Information Sharing and Family Violence Reforms Contextualised Guidance*
- *Information Sharing and Family Violence Reforms Toolkit*
- *Information Sharing Guides, Templates and Tools*
- Mental Health Toolkit
- *Privacy Act 1988* (Cth)
- Victorian Early Years Learning and Development Framework (VEYLDF) for children from birth to eight

## 8.0 REVIEW

**Implementation Date:** August 2021

**Review Date:** August 2022