

Child and Family Violence

Information Sharing Scheme Policy

Preamble

This Child and Family Violence Information Sharing Scheme Policy has been developed in the light of the Mission and Values Statement of Whitefriars College, in which we seek to live by and teach those values which the Catholic Church upholds and to celebrate our Catholic identity in the Carmelite Tradition. The College seeks staff who will be supportive of our faith community and be involved in the celebration of that community. It promotes a spirit of mutual trust and respects the gifts of others. It honours the contributions which each individual makes to the enrichment of the community. The College also values a diverse community in which the contribution of each individual is encouraged, valued and respected. Whitefriars aims to develop and maintain a staff that is committed to the ethos of the College, professional in its approach to learning and teaching and diverse in the range and scope of the skills and experiences it provides.

Purpose

The purpose of this policy is to support Whitefriars College to request and share information under the Child Information Sharing Scheme and Family Violence Information Sharing Scheme (Information Sharing Schemes).

Scope

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

As a Victorian school, Whitefriars College (the College), together with other schools and a range of other Victorian services are prescribed Information Sharing Entities and can request and share information under the Information Sharing Schemes.

The Information Sharing Schemes complement existing obligations and frameworks and do not replace current authorisations (such as Child Safe Standards, Mandatory Reporting, Privacy or Criminal Law and Reportable Conduct) to share information.

Information Sharing Entities must meet a range of requirements when using the Information Sharing Schemes to request and share information.

The Information Sharing Schemes enable the College and other prescribed Information Sharing Entities (including all schools) to share confidential information about any student, at any time, to promote the wellbeing or safety of students where requirements for sharing are met. Any student's information can be shared without their consent (with exceptions as detailed below in this policy) to promote the wellbeing or safety of a child or group of children. Historical information can also be shared if it meets the relevant requirements for sharing.

By using the Child Information Sharing Scheme, the College can obtain a more complete picture of a student, to promote the student's wellbeing or safety.

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

Policy Statement

Under the Information Sharing Schemes, the College:

- must acknowledge they have received a request for information;
- must respond to requests for information and provide all relevant information to other Information Sharing Entities that meets 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 schemes;
- if declining to share all or part of a request for information, must advise the requesting information sharing entity in writing;
- can request information from other Information Sharing Entities;
- can proactively share information with other Information Sharing Entities;
- must meet the record keeping requirements of the Information Sharing Schemes.

The College should continue to share information as appropriate in accordance with other laws and Department 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 impact on these existing permissions and obligations.

However, there may be times when it is appropriate to use the Information Sharing Schemes to request and share confidential information with authorised services. For example, where the College determines that insufficient information is available to effectively support a student's wellbeing or safety, they can use the schemes to request and proactively share information with authorised services.

Any personal, health and sensitive information (that is not excluded information), such as observations and school records, that is relevant to promoting the wellbeing or safety of a child or group of children or assessing or managing family violence risk about a perpetrator, victim survivors (adult or child), or a third party can be shared to promote the wellbeing or safety of children or to assess or manage family violence risk when certain requirements for sharing are met.

If the request for information meets the requirements for sharing, to the extent necessary all relevant information held by the school must be shared in a timely manner. The College should work with the requesting Information Sharing Entities to determine the timing and urgency of the request.

Under the Information Sharing Schemes, schools and other Information Sharing Entities must:

- respond to requests for information to promote child wellbeing or safety or to assess or manage family violence risk and provide all requested information that meets the requirements for sharing;

and can:

- request information to promote child wellbeing or safety or to manage family violence risk;
- proactively share information to promote child wellbeing or safety or to assess or manage family violence risk.

Procedure and Requirements before Sharing

Data Sharing Scheme Point of Contact

The Principal has delegated the authority to share and or request information under the Information Sharing Schemes to the Deputy Principal-Students based on the following criteria:

- is employed or otherwise contracted (other than on a voluntary basis);
- is sufficiently competent in the use of the Information Sharing Schemes;
- has appropriate skills, understanding and experience in the identification and management of student wellbeing or safety, and the appropriate and sensitive management of confidential information;
- wherever possible, has regular engagement with students and families whose information may be shared or requested, and/or the children in whose interest information may be shared or requested.

In the absence of the Deputy Principal-Students, the delegation of authority to share and or request is with the Director of Middle or Senior Years.

Appropriate professionals the Principal may identify to make decisions under the Information Sharing Schemes and share confidential information on behalf of the school include (but are not limited to):

- Pastoral Care Teachers
- Other Teachers
- Psychologists employed by the school
- College Chaplain
- Risk and Compliance Manager

Child Information Sharing Scheme - Principles for sharing

The college must consider the following legislative principles when using the Child Information Sharing Scheme:

- 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, 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 Information Sharing Entity.

Family Violence Information Sharing Scheme - Principles for sharing

The College must consider the following legislative principles when using the Family Violence Information Sharing Scheme:

- The College 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:
 - to assess or manage risk to the safety of a person from family violence;
 - 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:
 - promotes the right to self-determination and is culturally sensitive;
 - 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:
 - plans for the safety of all family members at risk of family violence;
 - 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.

Requirements before sharing

Both Information Sharing Schemes have 3 requirements that must be met before relevant information can be shared between prescribed Information Sharing Entities. All information that meets the requirements:

- Must be shared on request;
- Can be proactively shared with another Information Sharing Entity;
- Must ensure the following three-part threshold test for sharing is met:
 1. The purpose of sharing is to promote the wellbeing or safety of a child or group of children (or assess family violence risk)

The College is expected to use its expertise and professional judgement to decide whether information sharing meets the threshold for promoting the wellbeing or safety of a student or group of students and what and how much information to share. In doing so, the College should seek and take into account the views of the student and relevant family members, if safe, appropriate and reasonable to do so.

2. Sharing information to assist another Information Sharing Entity to undertake their activities




As a disclosing Information Sharing Entity, the College must form a reasonable belief that sharing the confidential information may assist the receiving Information Sharing Entity to carry out one or more of the following professional activities:

- making a decision, an assessment or a plan relating to a child/children, such as an individualised learning plan or behavioural support plan for schools or a case management plan for tertiary services;
 - initiating or conducting an investigation relating to a child/children;
 - providing a service relating to a child/children;
 - managing any risk to a child/children.
3. The information is not excluded information

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

- endanger a person's life or result in physical injury;
- prejudice a police investigation or interfere with the enforcement or administration of the law;

- prejudice a coronial inquest or inquiry;
- prejudice a fair trial of a person or the impartial adjudication of a particular case
- disclose information that 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, such as revealing a confidential police source;
- contravene a court order;
- be contrary to the public interest;
- contravene another law.

<p>1 The purpose of sharing is to promote the wellbeing or safety of a child or group of children</p>  <p>How are 'wellbeing' and 'safety' defined?</p> <p>The terms wellbeing and safety are not defined in the legislation in order to leave room for professional judgement.</p> <p>A range of existing frameworks provide guidance about how to understand child wellbeing and safety.</p> <p>These include the:</p> <ul style="list-style-type: none"> • <i>Best Interest Framework for Vulnerable Children and Youth</i> • <i>Child Safe Standards.</i> 	<p>2 The ISE reasonably believes that sharing may assist the recipient to carry out one or more specified activities</p>  <p>What is a 'specified activity'?</p> <ul style="list-style-type: none"> • making a decision, an assessment or a plan relating to a child/children • initiating or conducting an investigation relating to a child/children • providing a service relating to a child/children • managing any risk to a child/children. 	<p>3 The information is not excluded information</p>  <p>What is 'excluded information'?</p> <p>Information that could:</p> <ul style="list-style-type: none"> • endanger a person's life or result in physical injury • prejudice a police investigation or interfere with the enforcement or administration of the law; prejudice a coronial inquest; prejudice a fair trial of a person • be legally privileged • reveal a confidential police source • contravene a court order • be contrary to the public interest • information sharing would contravene another law.
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If the above three-part threshold has been met, the College does not require consent from any person to share relevant information with other Information Sharing Entities under the Child Information Sharing Scheme. Under the Family Violence Sharing Scheme, consent is not required from any person to share information relevant to assessing or managing family violence when there is risk to a child. However, consent is required from adult victim survivors and/or third parties when no child is at risk unless the College can legally share under existing privacy laws.

Students and their families are often well-placed to understand their needs and risks. Before requesting and sharing information, whenever it is safe, appropriate, and reasonable to do, the College should:

- inform students and families (who do not pose a risk) of their obligation to share information and inform them each time their information is shared
- seek and take into account the views of the student or the relevant family members about sharing their confidential information.

Procedure and Requirements for Sharing Information

The College must respond to information sharing requests from other Information Sharing Entities. The College should respond to a request from another Information Sharing Entity in a timely manner and prioritise any requests that relate to safety concerns.

When responding to requests for information the College needs to meet the three-part threshold test for the parts of the information that is being shared to promote child wellbeing or safety, and/or to assess or manage family violence risk. If the requirements are not met, then the College cannot share.

The College will have a conversation with the requesting Information Sharing Entity before declining to share information. The Information Sharing Entity may be able to provide further details that would satisfy the College that the relevant requirements for sharing have been met.

When the College receives a request for information from an Information Sharing Entity, the following steps must be taken:

1. Verify the request has come from another Information Sharing Entity. If you are unsure if the requester is from a prescribed organisation, the College may ask them to send an email from their work email account.
2. Determine if the request meets the three-part threshold test. All items in the request that meet the threshold test must be confirmed.
3. Consider the Information Sharing Scheme legislative principles before sharing information.
4. Seek and take into account the views of the child and/or family member before sharing their information, if appropriate, safe and reasonable to do so. If it is not safe, appropriate and reasonable, information sharing should continue.
5. Respond to the request:
 - if all or parts of the information requested is going to be refused, the requesting Information Sharing Entity must be notified in writing why the information is not being shared;
 - if the information will be shared, collate the information and provide it to the Information Sharing Entity in the manner determined by the school. The College will consider any requests regarding the manner in which the Information Sharing Entity wishes to receive the information.
6. Document the following:
 - the Information Sharing Entity that requested the information;
 - date of request;



- the information that was requested;
 - if refusing a request, the request and the reason why it was refused;
 - the information that was shared;
 - the date information was shared;
 - who the information was shared with;
 - relevant risk assessments or safety plans that have been prepared for a person at risk of family violence.
7. For best practice, schools should also record:
- the scheme information was shared under;
 - who the information is being shared about;
 - how the threshold was met.
8. If sharing is about any child, a child's parent, or any third party, the College must also record:
- whether the College sought their views about sharing their information;
 - if their views were not sought, the reason why;
 - if they were informed that their information was shared.
9. Store the record securely. Take reasonable steps to ensure that records are kept secure and protected from misuse, loss and unauthorised disclosure.

The College may proactively share information with another Information Sharing Entity without a request from that Information Sharing Entity if the information meets the three-part threshold test.

Procedure and Requirements for Requesting information

As a prescribed Information Sharing Entity under the Information Sharing Schemes, the College can request information from any other Information Sharing Entity to promote the wellbeing or safety of a student or group of students, or to manage family violence risk.

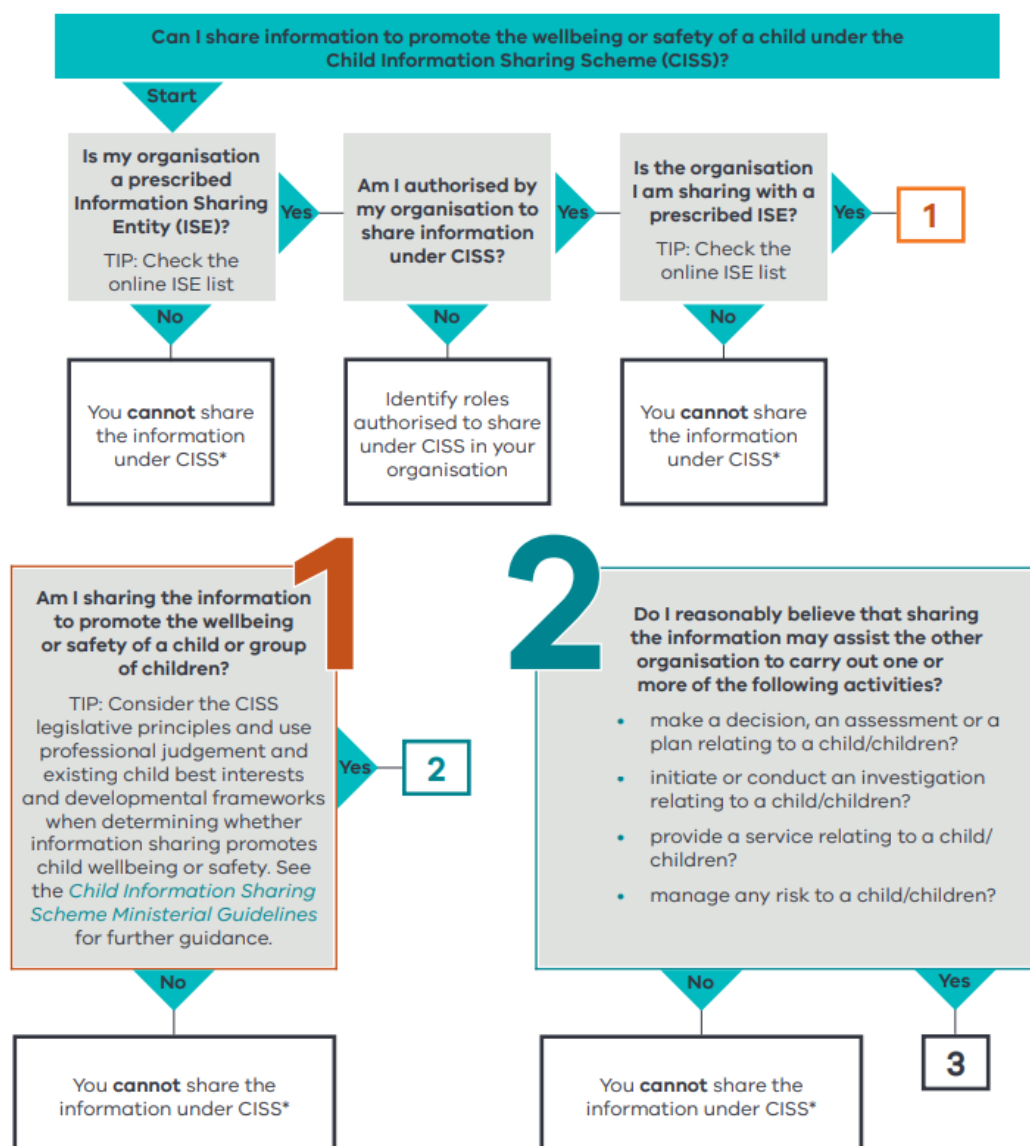
The College should submit sufficient details in their request to the Information Sharing Entity to feel satisfied the requirements for sharing are met. If a request for information under the Information Sharing Schemes is declined by another Information Sharing Entity, the College should have a conversation with the declining Information Sharing Entity about the reason for this decision. The school may be able to provide further details that would satisfy the other Information Sharing Entity that the threshold has been met.

When the College wants to request information from another Information Sharing Entity using the Information Sharing Schemes, the following steps must be taken:

1. Determine why the information is needed and how it will be used by the College to promote a student's wellbeing or safety;
2. Consider the Information Sharing Schemes legislative principles before requesting information, including to take into account the views of the child and/or family member before requesting the information if safe, appropriate and reasonable to do so.
3. Verify that the service they are requesting the information from is a prescribed Information Sharing Entity;

4. Contact the Information Sharing Entity and verify their specific requirements in lodging a request for information;
5. For best practice, schools should record:
 - the date request was made
 - the Information Sharing Entity the request was made to
 - how the three-part threshold was met
 - the requested information.
6. Store the record securely. Take reasonable steps to ensure that records are kept secure and protected from misuse, loss and unauthorised disclosure. The record must also be only accessible with those who have a requirement to access or manage

Procedure Summary





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Do I know if any of the information I want to share is excluded information?

TIP: Excluded information includes any information that could reasonably be expected to endanger a person's life or result in physical injury, prejudice legal proceedings or a coronial inquest or inquiry, or disclose privileged information. For a complete list of excluded information see the CISS Ministerial Guidelines. ISEs are not required to conduct extensive investigations to determine that information is not excluded information before sharing it.

Yes

You **cannot** share the information under CISS*

No

Have I sought and taken into account the views of the child and/or relevant family members?

TIP: Consent is not required from any person prior to sharing their relevant information. However, ISEs should seek and take into account the views of a child or relevant family members whenever it is safe, reasonable and appropriate, to do so.

YOU CAN SHARE THE INFORMATION USING THE CHILD INFORMATION SHARING SCHEME

***I can't share information under CISS. What should I do?**

There is a range of information sharing mechanisms outside CISS.

Organisations and services should share information and collaborate as permitted by law. Privacy, child safety reporting and information sharing obligations continue to apply, including: mandatory reporting obligations, reporting to Child Protection if there is a significant risk of harm, and information sharing with Child Protection.

Approved by: Principal Leadership Team

Date: 28 July 2021

Last update: -

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