



Catholic College Sale

CHILD AND FAMILY VIOLENCE INFORMATION SHARING SCHEMES POLICY

1.0 POLICY AUTHORITY

The Board of Catholic College Sale Limited ('the Board') governs the College. Based on the principle of subsidiarity and in keeping with the Board's Delegations Schedule, the Board delegates a broad range of duties, functions, powers and authority to the Principal of Catholic College Sale (CC Sale). This includes the effective implementation of this *Child and Family Violence Information Sharing Schemes Policy* and the compliance obligations outlined herein.

2.0 INTRODUCTION

The Victorian Child Information Sharing Scheme (**CISS**) and the Family Violence Information Sharing Scheme (**FVISS**) provide prescribed Information Sharing Entities (**ISEs**) with an expanded ability to share confidential information with other ISEs in order to promote the wellbeing or safety of children, or to assess or manage family violence risk. The schemes were introduced in response to Royal Commissions, coronial inquests and independent inquiries over the past decade that identified poor information sharing as a barrier to service collaboration, with detrimental outcomes for children and families.

Victorian schools and early childhood education services became prescribed ISEs for the schemes in April 2021. Both schemes enable schools to respond to information sharing requests, to make requests, and to proactively share information with authorised ISEs. ISEs must meet a range of requirements when using the schemes to request and share information.

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.

Both schemes complement existing obligations and frameworks, such as obligations arising under the Child Safe Standards (Ministerial Order No. 1359), mandatory reporting requirements, privacy, criminal law and the Reportable Conduct Scheme.

As a prescribed ISE, Catholic College Sale can therefore request and share information in accordance with these schemes.

3.0 PURPOSE AND SCOPE

This policy presents a broad overview of the key principles that inform and guide CC Sale's information sharing obligations under the FVISS and the CISS.

The policy applies to all CC Sale staff who are authorised to share or request information with/from ISEs and RAEs. It has particular relevance to the Deputy Principal – Learning & Wellbeing who holds a high level of accountability for the College's proper discharge of its responsibilities as an ISE.

4.0 TERMINOLOGY

Some key terms relevant to the Information Sharing Schemes are explained 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
- DFFH Child Protection
- out-of-home care
- Victoria Police
- Maternal and Child Health Services
- the Orange Door.

MARAM Framework. The Multi Agency Risk Assessment and Management (MARAM) Framework supports prescribed entities to recognise a wider range of risk indicators for children, older people and diverse communities, across identities, family and relationship types. The MARAM can be used by schools and 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.

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. Catholic College Sale is not a RAE under the FVISS. Examples of RAEs include:

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

5.0 PRINCIPLES

5.1 The College acts 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.

5.2 The College acts in accordance with the following principles when using the **FVISS**:

- 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.

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

- 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;
 - recognises the desirability of preserving and promoting positive relationships between those family members and the child;
 - takes into consideration the age and stage of the child, and their cultural, sexual and gender identity.

6.0 PROCEDURES

6.1 Delegated Responsibility

At CC Sale, the Deputy Principal Learning & Wellbeing is responsible for making decisions under the CISS or the FVISS about the sharing and requesting of confidential information on behalf of the College. The Deputy Principal Learning & Wellbeing is the initial point of contact to receive information sharing requests made by other ISEs.

The College ensures that that office staff responsible for answering telephone calls and managing emails to any generic email address are aware of this initial point of contact for information sharing requests under the schemes.

This delegation does not limit other staff from performing some functions under the schemes (for example, administration, or contributing relevant information to identified staff about students or their families, or having conversations with students and their family members about the sharing of their information).

6.2 Professional Training and Resource Support

The Deputy Principal Learning & Wellbeing undertakes professional training that covers the operation and application of the schemes. The training covers:

- legislative principles and obligations;
- the three-part threshold test for the CISS and the three requirements for information sharing under the FVISS
- record keeping for requests and responses
- use of the MARAM framework
- considerations when sharing information about diverse and at-risk communities
- excluded information under each scheme
- complaints handling under the schemes
- safeguards when using the schemes.

The Deputy Principal Learning & Wellbeing is trained and guided by resources that include:

- The Department of Education and Training (DET) online training modules – [Training for the information sharing and MARAM reforms | Victorian Government \(www.vic.gov.au\)](#);
- A toolkit training resource available to all Victorian schools on the DET [PROTECT](#) website;
- The DOSCEL resource, *Child and Family Violence Information Sharing Schemes Procedure*.

7.0 LEGISLATION

State

- Child Wellbeing and Safety Act 2005 (amended 2016)
- Children Youth and Families Act 2005
- Child Safe Standards 2016
- Data Sharing Act 2017
- Family Violence Protection Act 2008
- Family Violence Protection Amendment (Information Sharing) Act 2017
- Freedom of Information Act 2008
- Health Records Act 2001
- Ministerial Order No. 1359, Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises
- Privacy and Data Protection Act 2014
- Working with Children Act 2005

Federal

- Australian Privacy Principles 2014
- Family Law Act 1975
- Privacy Act 1988

8.0 RELATED COLLEGE POLICIES

- Child Safety and Student Wellbeing Policy
- Child Safety Record Keeping Policy
- Child Safety Risk Register
- Complaints Management Policy
- Privacy Policy
- Responding to and Reporting Child Safety Incidents and Concerns Policy (and accompanying Procedural Guidelines)

9.0 MONITORING AND REPORTING

The Board is responsible for monitoring the implementation of this policy and for providing reports as required to the members of the company, i.e., the Bishop of Sale and the Provincial of the Marist Brothers Australia Limited (MSA Ltd).

The Principal is responsible for:

- Ensuring compliance with the obligations outlined in this policy;
- Assigning authority, responsibility and accountability at appropriate levels within the College for policy implementation and compliance;
- Providing delegated staff with the direction, support and resources necessary to fulfil policy requirements;

- Ensuring cyclic reviews of the policy and recommending to the Board any revisions that may be required to accommodate changes in legislation and diocesan directives;
- Reporting and escalating concerns, issues and policy breaches to the Board and working collaboratively with the Board to resolve them.

10.0 APPROVAL

Approved by	CC Sale Ltd Board
Person(s) Responsible	Principal
Date(s) Reviewed or Updated	June 2022
Next Review Date	June 2024