

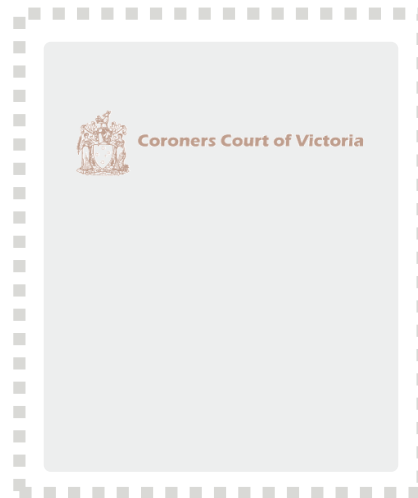
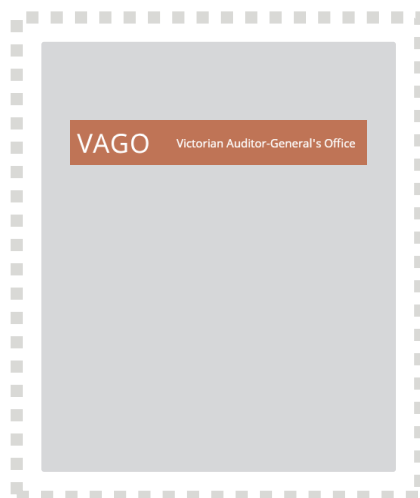
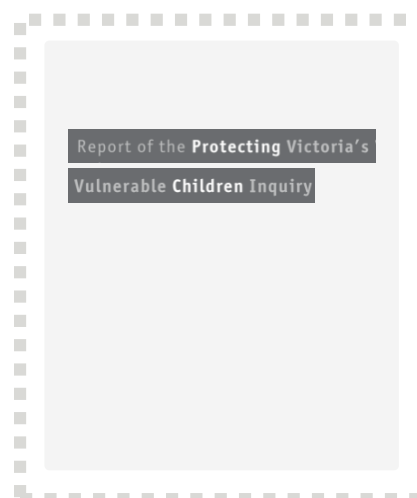
# Child and family violence information sharing

Erin Kirby

Principal Project Officer, Information Sharing and MARAM  
Implementation

Department of Health and Human Services

# Reviews and inquiries





*Even where information sharing is legally permitted or required, there may be reluctance to share.*

*Concerns about privacy, confidentiality and defamation, and confusion about the application of complex and inconsistent laws, can create anxiety and inhibit information sharing.*

*Institutional culture, poor leadership and weak or unclear governance arrangements may also inhibit information sharing and, as a result, undermine the safety of children.*

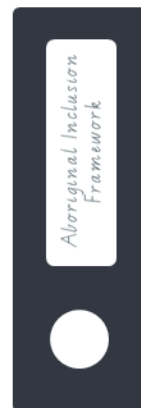


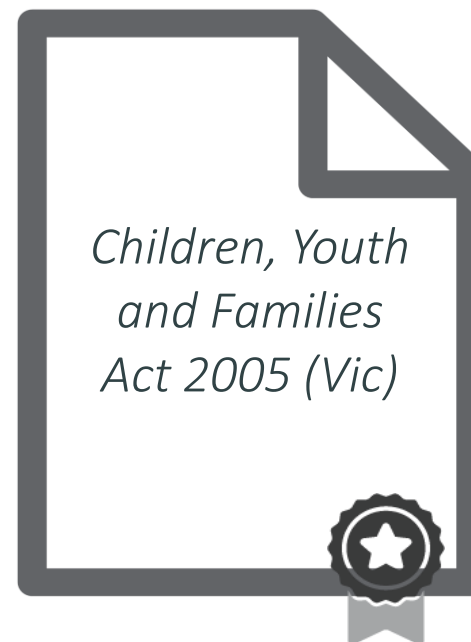


Roadmap for Reform



Ending Family Violence:  
Victoria's Plan for Change





INFORMATION FOR  
AGENCIES

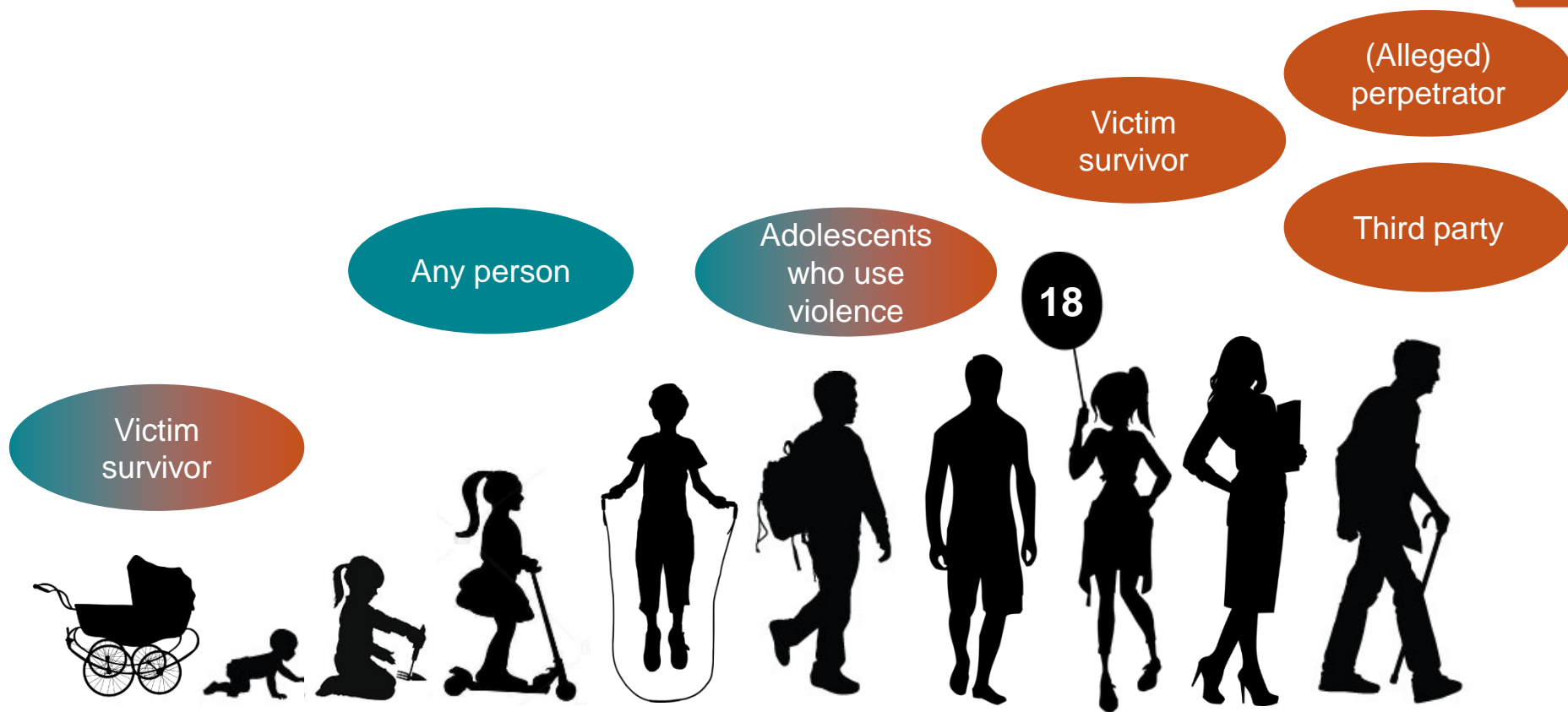
1300 00 6842 | [ovic.vic.gov.au](http://ovic.vic.gov.au)

## Removal of 'imminent' from the IPPs and HPPs

Guidance for Victorian public sector organisations

# Interrelated reforms

- Child Information Sharing Scheme (Part 6A *Child Wellbeing and Safety Act 2005*)
- Family Violence Information Sharing Scheme (Part 5A *Family Violence Protection Act 2008*)
- Multi Agency Risk Assessment and Management Framework (Part 11 *Family Violence Protection Act 2008*)



Promote the wellbeing or safety of a child or group of children

Assess or manage the risk of family violence

# Wellbeing or safety of children

Factors that may inform a professional's assessment of a child's wellbeing and safety include:

- Physical, psychological and emotional health, and access to and engagement with services to support a child's health and development.
- Engagement in supportive relationships, particularly supportive family relationships, involvement in activities that enable a child's personal, social and cultural development and connection to their culture and community.
- Participation in education and access to resources that support the child to learn and develop.
- Access to adequate, appropriate and safe accommodation, nourishment, protection from the elements and safe and stable environments in which to live, learn and grow.



# Family violence assessment and protection purposes



Assessment purpose

Protection purpose

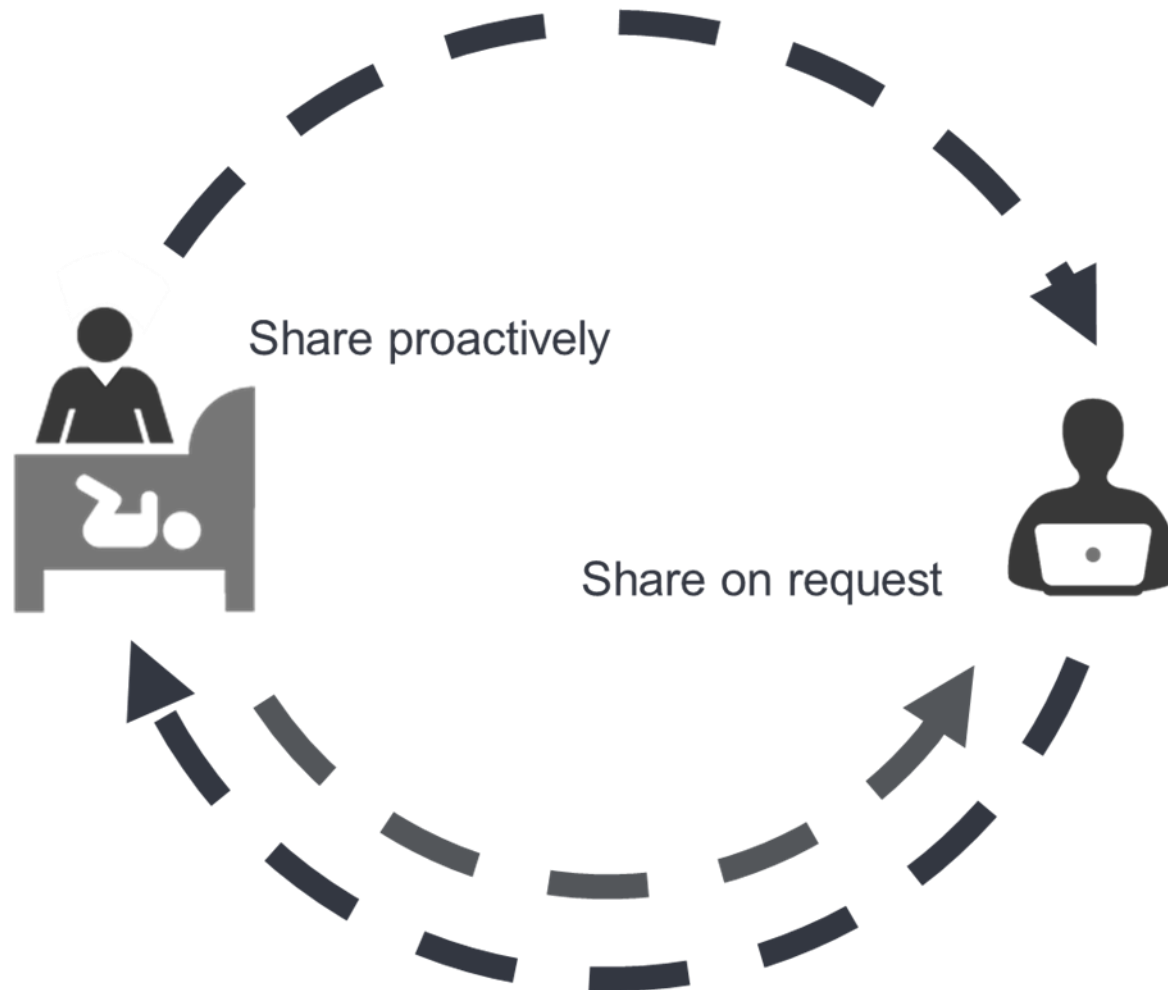
Reasonable belief - Is it family violence? Who is the perpetrator?

Level of risk assessment continues

# MARAM Pillars



# How can information be shared?



# Consent in the information sharing schemes

Consent is only required  
when sharing information  
about adult victim survivors  
or third parties...



Unless there are  
**children** involved.

# Children and victim survivor involved in decisions

Unless there are  
**children** involved.

Seeking the views of child (and non-perpetrator parent).

Informing the child (and non-perpetrator parent) or adult victim survivor of the serious threat and that their information is being shared to prevent or lessen the threat.

# Children and victim survivor involved in decisions

Unless the  
child

**Appropriate, safe and  
reasonable to do so**

informing the child (and non-perpetrator parent) or adult victim survivor of the serious threat and that their information is being shared to prevent or lessen the threat.

# Serious threat

*Privacy and  
Data Protection  
Act 2014 (Vic)*



*Health Records  
Act 2001 (Vic)*



# What is excluded information?

Excluded information includes information which, if shared, might:

- endanger a person's life or result in physical injury
- prejudice legal proceedings, a police investigation or coronial inquiry
- contravene a court order, or if the information is subject to legal professional privilege
- be contrary to public interest.



# What are the safeguards and protections



Only authorised organisations and services can share.



Organisations are bound by Ministerial Guidelines.



Professionals will be trained and have access to supporting resources.

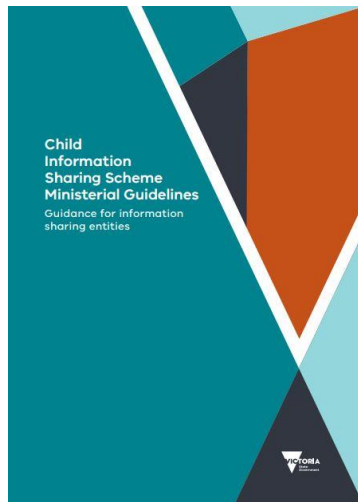


Good faith defence provides protection for professionals

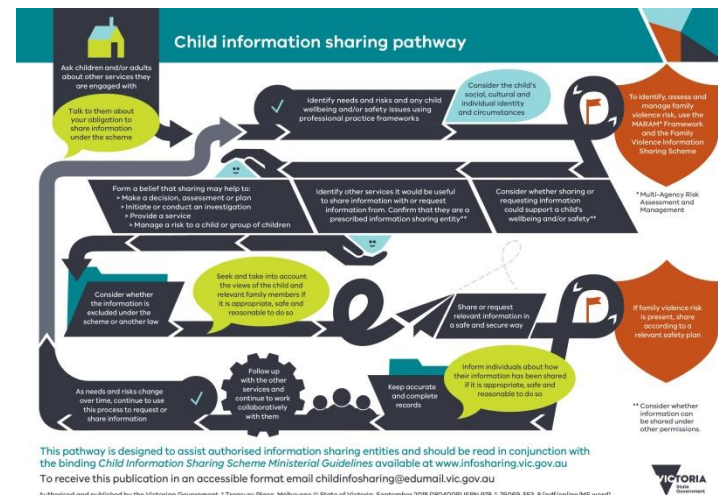


Offences and penalties for inappropriate use.

# Support and resources

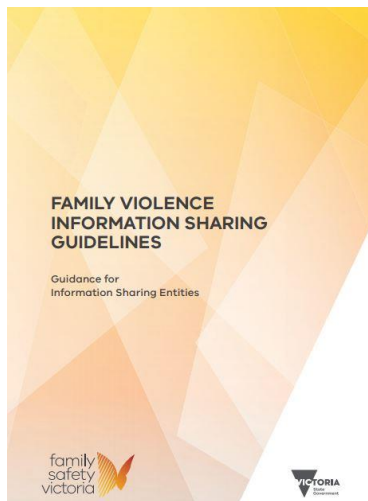


Child Information Sharing Scheme summary	
<b>Who</b>	<b>Who can share information</b> If the scheme is available, authorised information sharing entities can request and disclose confidential information about any person with each other*
<b>Why</b>	<b>Threshold part 1: Promoting child wellbeing or safety</b> An information sharing entity can request or disclose information about any person for the purpose of promoting the wellbeing or safety of a child or group of children.
<b>What</b>	<b>Threshold part 2: Sharing to assist another information sharing entity</b> In deciding whether information sharing entities must reasonably believe that sharing the information may assist the receiving information sharing entity to carry out one or more of the following activities: 1. identifying, assessing, or responding to risks relating to a child or group of children 2. identifying or conducting an investigation relating to a child or group of children 3. providing a service relating to a child or group of children 4. managing any risk to a child or group of children.
<b>When</b>	<b>Threshold part 3: Confidential information</b> The information being disclosed is requested is not known to be disclosed information under Part 8A of the Child Information Sharing Scheme Act 2015 and is not disclosed from sharing to another risk.
<b>Principles</b>	<b>When should information be shared</b> If the threshold of the scheme is met, an information sharing entity: 1. can share proactively with other information sharing entities 2. can request information from another information sharing entity 3. must request to request for information from another information sharing entity and provide relevant information.  <b>Legislative principles to guide sharing</b> 1. One person's views on the wellbeing and safety of a child or group of children over the right to privacy. 2. Seek to ensure a person's privacy is not unduly interfered with and that the child's best interests and safety are paramount. 3. Seek to ensure information is shared and requested in a way that is consistent with the child's best interests and safety. 4. Be respectful and have regard to a child's social, individual and cultural identity, their rights, strengths and abilities and any vulnerability relating to the child's safety or wellbeing. 5. Provide the child's views and requests the child's rights and best interests and safety are paramount. 6. Seek to ensure the child's views and requests the child's rights and best interests and safety are paramount. 7. Take all reasonable steps to ensure the safety of family members related to a child or group of children. 8. One who can share information in the scheme request to provide the wellbeing or safety of a child or group of children, consistent with the best interests of the child or group of children. 9. Work collaboratively in a manner that respects the functions and objectives of each information sharing entity.

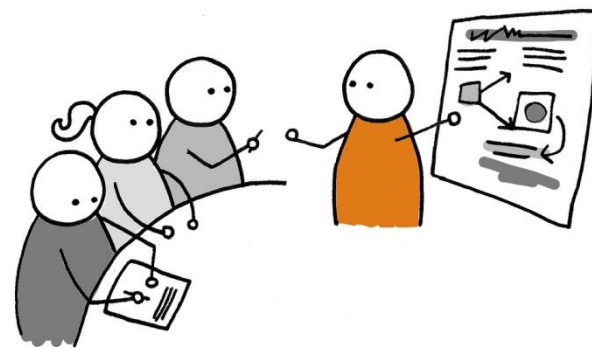


This pathway is designed to assist authorised information sharing entities and should be read in conjunction with the binding *Child Information Sharing Scheme Ministerial Guidelines* available at [www.infosharing.vic.gov.au](http://www.infosharing.vic.gov.au). To receive this publication in an accessible format email [childinfosharing@edumail.vic.gov.au](mailto:childinfosharing@edumail.vic.gov.au)

Authorised and published by the Victorian Government, Treasury Place, Melbourne 1 State of Victoria, September 2018 (840008) ISBN 978-1-76069-553-8 (pdf/online/MS word).



<b>WHO CAN SHARE</b> Information sharing entities (ISEs) are authorised to share information. These ISEs are: <b>Prescribed by regulators</b>	<b>Adult Victim Survivor</b> An ISE reasonably believes that there is a risk that the person may be subjected to family violence	<b>CONSENT REQUIRED</b> from the adult victim survivor prior to sharing their information unless there is a serious threat or the information relates to assessing or managing a risk to a child victim survivor (no consent - see below)
<b>WHY THEY CAN SHARE</b> Relevant information about a person (adult or child) who is a victim survivor, perpetrator or a third party can be shared for the purpose of: <b>Identifying and assessing risk</b> <b>Managing risk</b>	<b>Child Victim Survivor</b> An ISE reasonably believes that there is a risk that the person (under the age of 18 years) may be subjected to family violence	<b>NO CONSENT REQUIRED</b> from any person if their information is relevant to assessing or managing risk of family violence to a child victim survivor
<b>WHEN CAN THEY SHARE</b> ISEs can share information: <b>Voluntarily with other ISEs</b> <b>In response to a request from another ISE</b>	<b>Perpetrator</b> An ISE reasonably believes that there is a risk that the person may commit family violence	<b>NO CONSENT REQUIRED</b> prior to sharing their information to assess or manage risk of committing family violence
<b>WHAT CANNOT BE SHARED</b> Disclosed information (including but not limited to) if sharing the information might endanger a person's life or result in physical injury, prejudice to legal proceedings or a police investigation, compromise a court order, or is subject to legal professional privilege. ISEs cannot share information that would contravene another law that has not been respectfully overridden by the scheme.	<b>Alleged Perpetrator</b> A person who is alleged to pose a risk of family violence. If a person is alleged to pose a risk of family violence, their information about an alleged perpetrator can only be shared in the risk assessment phase.	<b>NO CONSENT REQUIRED</b> from the alleged perpetrator prior to sharing their information to establish or assess risk of committing family violence
	<b>Third Party</b> A person whose information is relevant to assessing or managing a risk of family violence.	<b>CONSENT REQUIRED</b> from the third party prior to sharing their information unless there is a serious threat or the information relates to assessing or managing a risk to a child victim survivor (no consent - see above).
All ISEs must respond to information requests unless an exemption applies.	A good faith defence protects individuals who share information in good faith and with reasonable care.	The scheme will be reviewed after 2 years, and then again after 5 years.
		Complaints about privacy breaches can be made to the Victorian Information Commissioner or the Health Complaints Commissioner.



## More information



Website: [www.infosharing.vic.gov.au](http://www.infosharing.vic.gov.au)



Department of Health and Human Services  
Email: [infosharing@dhhs.vic.gov.au](mailto:infosharing@dhhs.vic.gov.au)