

Information Sharing Scheme Policy

Purpose

Meet the minimum guidelines and legislation in relation to Child Information Sharing Scheme (CISS), the Family Violence Information Sharing Scheme (FVISS), and the Multi-Agency Risk Assessment and Management Framework (MARAM) which come into effect across Victoria on 19th April 2021.

The scheme is intended to facilitate services working together to identify needs and risks, promote earlier and more effective intervention and integrated service provision, and improve outcomes for children.

Scope

This policy applies to all ECMS staff including the Board, Executive, support services, students on placement, volunteers, parents/guardians, and others attending ECMS services.

Definitions

CISS - The Child Information Sharing Scheme (CISS), permits the requesting and disclosure of confidential information between prescribed organisations for the purpose of promoting the wellbeing or safety of a child or group of children.

FVISS - The Family Violence Information Sharing Scheme (FVISS) authorises a select group of prescribed Information Sharing Entities (Family Violence information sharing entities) to share information with one another for family violence risk assessment and risk management.

ISE - A person or body prescribed, or a class of person or body prescribed, to be an Information Sharing Entity (ISE) under the Child Information Sharing Scheme. They may also be described as 'prescribed organisations and services'.

MARAM - The Multi-Agency Risk Assessment and Management Framework is designed to guide services in assessing and managing the risk of family violence.

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Principles

Legislative principles to guide sharing

1. Give precedence to the wellbeing and safety of a child or group of children over the right to privacy.
2. Seek to preserve and promote positive relationships between a child and the child's family members and people significant in the child's life.
3. Seek to maintain constructive and respectful engagement with children and their families.
4. 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.
5. Promote the cultural safety and recognise the cultural rights and familial and community connections of children who are Aboriginal, Torres Strait Islander, or both.
6. 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.
7. Take all reasonable steps to plan for the safety of all family members believed to be at risk from family violence.
8. 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.
9. Work collaboratively in a manner that respects the functions and expertise of each ISE.

Excluded information

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

- a. Endanger a person's life or result in physical injury – this includes the child, their family, or any other person. For example, if sharing the location of a child could be reasonably expected to pose a threat to the life or physical safety of the child or another person, this information should not be shared.
- b. Prejudice the investigation of a breach or possible breach of the law or prejudice the enforcement or proper administration of the law – including police investigations. For example, if any information that could unfairly influence or reveal details of a police investigation or Commission for Children and Young People investigation.
- c. Prejudice a coronial inquest or inquiry. For example, information that could unduly influence a witness expected to give evidence before a coronial inquest.
- d. Prejudice the fair trial of a person or the impartial adjudication of a particular case. For example, if the information would unfairly influence the outcome of a proceeding.
- e. Disclose the contents of a document, or a communication, that is of such a nature that the contents of the document, or the communication, would be privileged from production in legal proceedings on the ground of legal professional privilege or client legal privilege. For example, if the information is legally privileged.

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- f. 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. For example, if that information could reveal or be used to reveal the name of a person who has confidentially provided information to police.
- g. Contravene a court order or a provision made by or under the Child Wellbeing and Safety Act or any other Act that:
 - prohibits or restricts, or authorises a court or tribunal to prohibit or restrict, the publication or other disclosure of information for or in connection with any proceeding
 - or
 - requires or authorises a court or tribunal to close any proceeding to the public. For example, if information is part of a closed court proceeding.
- h. Be contrary to the public interest. For example, revealing information about covert investigative techniques.

Working collaboratively with families

In accordance with the legislation, ECMS services should seek to maintain constructive and respectful engagement with children and their families. Engaging children and their families with appropriate support services is an important aspect of promoting children’s wellbeing and safety.

Ongoing engagement can be encouraged by being transparent about ECMS’s responsibilities under the Child Information Sharing Scheme, including the need to meet thresholds before information can be shared.

Discussions with families should include:

- the threshold that needs to be met before information can be shared
- who information can be shared with
- the professional will seek the views of the child or family member about information sharing whenever it is appropriate, safe, and reasonable to do so
- consent is not required to share information if the professional considers sharing would promote the wellbeing or safety of a child. However, where the views of the child and/or relevant family members have been sought, those views will be taken into account when determining whether sharing the information would promote the wellbeing or safety of the child, and what, when and how to share, with whom
- the benefits of information sharing and how information may be used to promote child wellbeing or safety.

When sharing information, ECMS staff should make reasonable efforts to notify the person as soon as practicable, provided this does not compromise the wellbeing or safety of a child or may pose a serious threat to a person’s life, health, safety, or welfare.

When appropriate and consent has been obtained, families will be requested to complete the *Child Information Sharing Scheme – Consent form* for documentation purposes. It is essential that it is documented if this consent has been written, verbal, or implied. Whilst implied consent is a part of the Information Sharing Schemes, ECMS would always seek to obtain written or verbal consent from families in relation to Information Sharing.

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Information Sharing Entities (ISE's)

Information can only be shared with organisations that are prescribed under the CISS and FVISS. Information **is not** able to be shared with organisations that do not sit within the legislation. [The Information Sharing Entity List](#) should be consulted on each occasion to ensure that the request meets these criteria.

Interplay between CISS, FVISS, and the MARAM

The CISS and FVISS share a similar model and are designed to complement each other to ensure that information can be shared to respond to the range of needs and risks facing children and families. The schemes are broadly consistent in relation to sharing of information and record-keeping requirements. In addition, they prioritise the children's safety over any individual's privacy.

The key difference between the two schemes is the purpose for sharing. The Family Violence Information Sharing Scheme permits sharing for the purpose of protecting victim-survivors (adults and children) from family violence risk or to assess family violence risk.

FVISS also encourages the active use of collaboration with families. Consent is not required from any person to share information relevant to assessing or managing family violence risk to a child. However, you should seek the views of the child and non-violent family members where it is safe, reasonable, and appropriate to do so. This places the child's safety over any individual's privacy.

The assessment of family violence is to be completed by Risk Assessment Entities (RAE's) who have the responsibility to establish and assess the level of risk. As such, only RAEs may request information for a family violence assessment purpose, if it concerns an alleged perpetrator. Examples of RAE's include Victoria Police, Orange Door, Child FIRST. These RAE's will work under the MARAM framework to assess risk.

Educators are not required to assess risk, however, to support RAE's with information sharing by:

- Respectfully, sensitively and safely engage with children and families
- Identify family violence concerns
- Seek secondary consultation for comprehensive risk assessment. Staff are to follow the ECMS Child Safety Policy and Procedure to ensure relevant parties are notified.
- Contribute to information sharing with other ISE's
- Contribute to the coordinated risk management (as directed by RAE's)
- Collaborate with ISE's for ongoing risk assessment and management

Impact on ongoing engagement

ECMS is a child-safe organisation and as such ensures that the safety and wellbeing of children is a priority. Some families may be unwilling to disclose information and unwilling to consent to the sharing of information which may impact on their continued engagement with the service. Should educators be concerned that consent or disclosure of information will result in withdrawal from the service, they should contact

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their Area Manager for further advice and support. Consultation with the Director of ECE may be advised.

Complaints about information sharing

Families who wish to make a complaint about the service and its use of the Child Information Sharing Scheme should contact the Area Manager (as detailed on the prescribed information board at each service). All complaints will be addressed and investigated as per the *ECMS Complaints and Feedback Policy*. All complaints must be documented and stored appropriately and must detail:

- The date the complaint was received
- The nature of the complaint
- Action taken to resolve the complaint
- Action taken to prevent or lessen the risk of similar complaints
- Time taken to resolve the complaint
- Any further action if unable to resolve the complaint

Complaints about the services' use of the Child Information Sharing Scheme will not impact on a child's ability to attend an ECMS service.

In addition, parents have the right to contact the following government agencies should they have a complaint about the service and its use of the Child Information Sharing Scheme:

- **Office of the Victorian Information Commissioner (OVIC)**
www.ovic.vic.gov.au
Telephone: 1300 666 444
- **The Health Complaints Commissioner (HCC)**
<https://hcc.vic.gov.au>
Telephone: 1300 582 113
- **Office of the Australian Information Commissioner (OAIC)**
www.oaic.gov.au
Telephone: 1300 363 992

Protections

Any ECMS staff member authorised to share information under the scheme, who acts in good faith and with reasonable care when sharing information will:

- not be held liable for any criminal, civil or disciplinary action for providing the information
- not be in breach of the ECMS Code of Conduct or considered to have departed from any accepted standards of professional conduct.

Good faith and reasonable care are demonstrated by:

- shared information in accordance with their obligations, functions, and authorisations

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- intended for the information to be shared for the purpose of promoting the wellbeing and safety of a child and not for another purpose
- did not act maliciously, recklessly, or negligently when exercising their power to share information
- Ensuring that accurate record keeping is maintained and secured effectively.

Child Link

Child Link is a web-based platform from DET which will display information about a child to authorised key professionals who have a responsibility for child wellbeing and safety. Child Link will show limited but critical information, such as a child’s participation in key early childhood and education services.

Child Link will help authorised key professionals to collaborate more effectively, identify needs and supports to prevent an escalation of harm, and make informed decisions on child wellbeing and safety.

Most users will be professionals who have regular contact with children and families and will be able to identify and intervene early where there is a wellbeing or safety concern. Authorised professionals may include key staff in Early Childhood Education settings. Child Link will become operational by December 2021, with authorised professionals progressively onboarded from 2021 onward.

Case Management

ECMS considers that Case Management of children and families is a particular skill set and is not an expectation of the ECMS educators working with children. Services experiencing challenges with multiple requests or complex cases should refer to their Area Manager for additional supports.

Roles & Responsibilities

Director of ECE	Responsible for: <ul style="list-style-type: none"> • Promoting awareness of this policy • Ensuring implementation and compliance with this policy • Providing access to professional development opportunities regarding Child information Sharing
Area Managers	Responsible for: <ul style="list-style-type: none"> • Ensuring that information sharing thresholds have been met and the request is from or to a prescribed ISE • Informing Centre Directors/Nominated Supervisors that thresholds have been met and that sharing is approved • Providing a formal letter of refusal to ISE when thresholds have not been met • Documenting and saving data appropriately and securely

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	<ul style="list-style-type: none"> • Contacting DET Child Information Sharing Support line 1800 549 646 available Monday to Friday (please leave a message if unattended) if further advice or support is needed • Support and assist educational teams to promote positive working environments and reduce workplace stress • Addressing any parental concerns about Child Information Sharing as per the ECMS Complaints and Feedback Policy and ensuring accurate documentation of such • Provide feedback to Director ECE of the level of engagement at services in relation to the Child Information Sharing Scheme.
Centre Director/Nominated Supervisors	<p>Responsible for:</p> <ul style="list-style-type: none"> • Ensuring that Child information Sharing training has been completed by themselves and one other person at the service each year • Ensuring that the Child Information Sharing Scheme complaints process is documented on the prescribed information board • Ensuring that any requests for information sharing are forwarded to the Area Manager for approval prior to sharing information • Documenting all information via relevant ECMS templates • Ensuring that family consent is obtained where appropriate and safe to do so, and that relevant documentation is completed • Forwarding copies to Area Manager via email for secure data storage • Ensure that the original copy is kept at the service in a secure locked location and disposed of appropriately as per the ECMS Archiving Policy • Contacting and informing Area Manager should staff be experiencing workplace stress as a result of information sharing.
Employees, Volunteers, Contractors, and Student Placement Workers	<p>Responsible for:</p> <ul style="list-style-type: none"> • Ensuring required DET training has been completed within the last 12 months before engaging in Information Sharing • Only share information after formal approval from Area Manager has been received • Documenting all information via relevant ECMS templates • Forwarding copies to Area Manager via email for secure data storage • Ensure that the original copy is kept at the service in a secure locked location and disposed of appropriately as per the ECMS Archiving Policy • Informing Centre Director/Nominated Supervisor if Information Sharing is contributing to workplace stress

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Parents/Guardians	<p>Responsible for:</p> <ul style="list-style-type: none"> Complying with the ECMS Code of Conduct and Parent Family Charter during attendance at ECMS services Reading and adhering to the conditions set out in the ECMS Parent and Family Handbook Understanding ECMS legislative responsibilities in regards to Child Safety Providing consent when agreeable and applicable to information Sharing to promote children’s wellbeing and safety Addressing any complaints about the Child Information Sharing Scheme to the Area Manager as per information provided on the prescribed information notice board
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Sources

Related Policy and Procedure	<p>Behaviours of Concern Policy and Procedure Child Safe Culture Policy Child Safe Policy and Procedure Code of Conduct Policy Complaints and Feedback Policy Confidentiality Policy Diversity and Equity Policy and Procedure Interactions with Children Policy and Procedure Parent Access and Involvement Policy and Procedure Privacy Policy Reportable Conduct Policy and Procedure</p>
Relevant Legislation	<p>Child Safe Standards Children, Youth, and Families Act 2005 (Vic) Child Wellbeing and Safety Act 2005 (Vic) Charter of Human Rights and Responsibilities Act 2006 (Vic) Education and Care Services National Law Act 2010 Education and Care Services National Regulations 2011 Education Training and Reform Act 2006 (Vic) Working with Children Act 2005 (Vic) Working with Children Regulations 2006 (Vic)</p>
Sources and Further Reading	<p>Child Protection in Early Childhood (PROTECT) Child Information Sharing Scheme https://www.vic.gov.au/child-information-sharing-scheme</p>

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