

Policy Number: 63

Policy Name: **Child Protection, Information Sharing & Family Violence**

Version No. 02

Established: 2019

Present Version Passed: 13/4/2021

Next Scheduled Review: 2023

PURPOSE

The Northern Geelong Rental Housing Co-operative (NGRHC) recognises that the protection and safety of children is of paramount importance and that children always have the right to be safe and protected.

This policy sets out the Co-op's commitment to protecting all children in every part of its operations to ensure this is a child-safe organisation.

SCOPE

This policy applies to all renter-members, non-member directors and staff of the NGRHC.

POLICY STATEMENT

NGRHC is strongly committed to the following guiding principles:

- to ensure that the 'best interests of the child' principle is always paramount, this includes the need to protect all children from harm, to protect their rights and to promote their individual development;
- to implement a range of strategies that minimise the risk of abuse to children participating in NGRHC activities;
- to provide a safe environment for children to actively engage in a range of activities that are inclusive, meaningful, educational and positively contribute to the development of sustainable communities;
- Effective and appropriate sharing of information is crucial in keeping victim survivors of family violence safe.

NGRHC will ensure its procedures are in accordance with the Co-op's contractual, legal, moral and regulatory obligations.

General obligations

NGRHC is a prescribed Information Sharing Entity (ISE) according to Homes Victoria. From 19th April 2021, NGRHC must comply with the legal obligations set out in Part 6A of the *Child Wellbeing and Safety Act (2005)* and Part 5A of the *Family Violence Protection Act (2008)*.

Therefore, staff members are required by law to make a report to DHHS (Child Protection Department) as soon as practicable after forming a belief on reasonable grounds (refer to Definitions) that a child or young person needs protection from significant harm as a result of abuse (refer to Definitions) and the child's parents/carers (refer to Definitions) are unable or unwilling to protect the child.

Reporting to authorities: as soon as immediate health and safety concerns are identified, staff must report all incidents, suspicions and disclosures of child abuse (refer to definitions); this includes any evidence or concerns relating to the possession of explicit material which could include child pornography and any other material that depicts a person under 18 years of age who appears to be engaged in sexual activity.

Failure to report physical and sexual abuse may constitute a criminal offence.

Information Sharing

On 19th April 2021 the Child Information Sharing Scheme, the Family Violence Information Sharing Scheme and Multi-Agency Risk Assessment and Management Framework (MARAM) was implemented which effectively included more organisations to participate in mandated information sharing.

The MARAM Framework is the policy framework describing best practice for Family Violence Risk Assessment and Management, based on current evidence and research. The Framework has been established in law under a new Part 11 of the Family Violence Protection Act 2008.

The aim of MARAM is to increase the safety and wellbeing of Victorians. It will do this by ensuring relevant services can effectively identify, assess, and manage family violence risk.

This means organisations that are authorised through regulations, as well as organisations providing funded services relevant to family violence risk assessment and management, must align their policies, procedures, practice guidance and tools to the MARAM Framework.

The MARAM Framework is also supported by operational practice guidance and risk identification, screening, and assessment tools. These can be found on the MARAM practice guides and resources page.

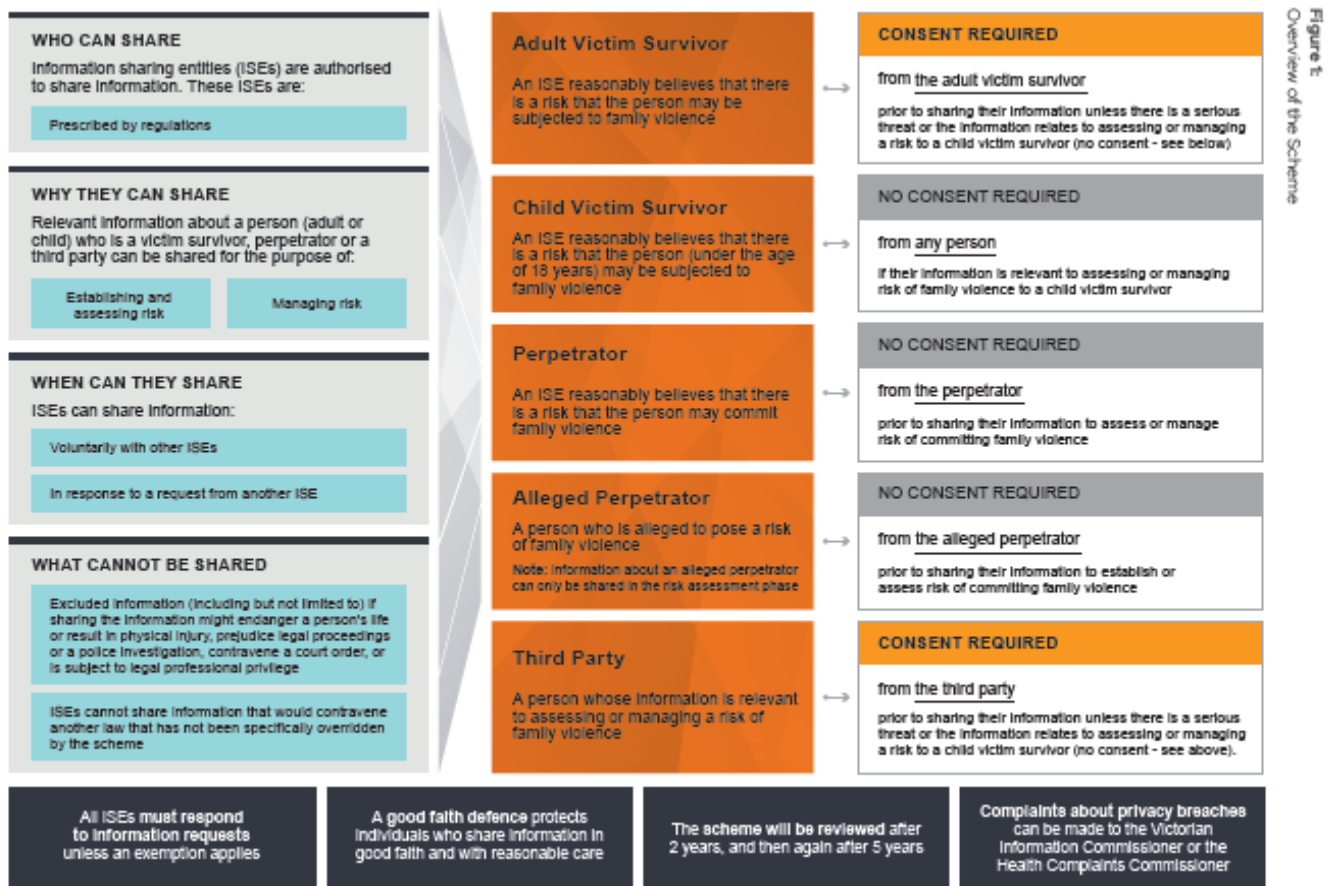
<https://www.vic.gov.au/maram-practice-guides-and-resources>

<https://www.vic.gov.au/family-violence-multi-agency-risk-assessment-and-management>

There are three possible scenarios to determine which scheme applies to information sharing.

1. Part 6A, proclaimed in September 2018, mandates the creation of the Child Information Sharing Scheme (CISS) to enable prescribed entities to share confidential information in a timely and effective manner to promote the wellbeing and safety of children. Where you wish to share information to promote a child/children's wellbeing or safety and family violence is not believed to be present, use the Child Information Sharing Scheme (CISS).
2. Where family violence is believed to be present and a child is at risk, use the Family Violence Information Sharing Scheme (FVISS) to assess and manage family violence risk to both children and adults (such as parents), as well as the CISS to share information to promote the child's wellbeing and/or other aspects of their safety. Part 5A defines the meaning of family violence according to the *Act*.
3. Where no children are at risk, use the FVISS to share information to assess or manage family violence risk to adults.

If there is any uncertainty regarding information to be shared contact the Information Sharing and MARAM Enquiry Line 1800 549 646 or 1800RESPECT (1800 737 732)



* Extract of Figure 1, Overview of the Scheme – Summary of the Family Violence Information Sharing Guidelines. Viewed 2/2/21 <https://www.vic.gov.au/family-violence-information-sharing-scheme>

The threshold for sharing

There are 3 different thresholds for sharing information. In the process of information sharing between ISE's it is important to ensure the thresholds for information sharing have been met. These thresholds form a protection barrier to ensure that only relevant information is shared for the required purposes.

Threshold part 1: Promoting child wellbeing or safety

Before requesting or sharing confidential information under the Child Information Sharing Scheme the first part of the threshold must be met. An information sharing entity must form a view that the request or disclosure is for the purpose of promoting the wellbeing or safety of a child or group of children.

Threshold part 2: Sharing information to assist another information sharing entity to undertake their activities

To meet the second part of the threshold, before disclosing information, any information sharing entity must form a reasonable belief that sharing the information may assist the receiving entity to carry out one or more professional activities.

Threshold part 3: Excluded information

Excluded information is information that cannot be collected used or disclosed under the Child Information Sharing Scheme, as set out in Section 41Q of the Child Wellbeing and Safety Act.

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.
- b. Prejudice the investigation of a breach or possible breach of the law.
- c. Prejudice a coronial inquest or inquiry.
- d. Prejudice the fair trial of a person.
- 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.
- f. Disclose or enable a person to ascertain the identity of a confidential source of information.
- g. Contravene a court order or a provision made by or under the Child Wellbeing and Safety Act.
- h. Be contrary to the public interest, for expel, revealing information about covert investigative techniques.

IF the threshold has been met, information sharing entities **do not require consent** from any person to share relevant information with other information sharing entities if there is a serious threat to safety or wellbeing. However, information sharing entities should seek and take into account the views of children and family members about information sharing if appropriate, safe and reasonable to do so. Accurate and complete records in accordance with the scheme must be kept. See summary below.

Child Information Sharing Scheme summary

Who
Who can share information
 If the scheme’s threshold is met, prescribed information sharing entities can request and disclose confidential information about any person with each other.*

Why
Threshold part 1: Promoting child wellbeing or safety
 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.

What
Threshold part 2: Sharing to assist another information sharing entity
 The **disclosing** information sharing entity must reasonably believe that sharing the information may assist the receiving information sharing entity to carry out one or more of the following activities:
 i. making a decision, an assessment or a plan relating to a child or group of children
 ii. initiating or conducting an investigation relating to a child or group of children
 iii. providing a service relating to a child or group of children
 iv. managing any risk to a child or group of children.
Threshold part 3: Excluded information
 The information being **disclosed** or **requested** is not known to be ‘excluded information’ under Part 6A of the *Child Wellbeing and Safety Act 2005* (and is not restricted from sharing by another law).

When
When should information be shared
 If the threshold of the scheme is met, an information sharing entity:
 • can **share proactively** with other information sharing entities
 • can **request information** from another information sharing entity
 • must **respond to requests for information** from another information sharing entity and provide relevant information.

! Information Sharing Entities can only share with other Information Sharing Entities, and the victim/survivor, the child or the non-offending parent of the child.

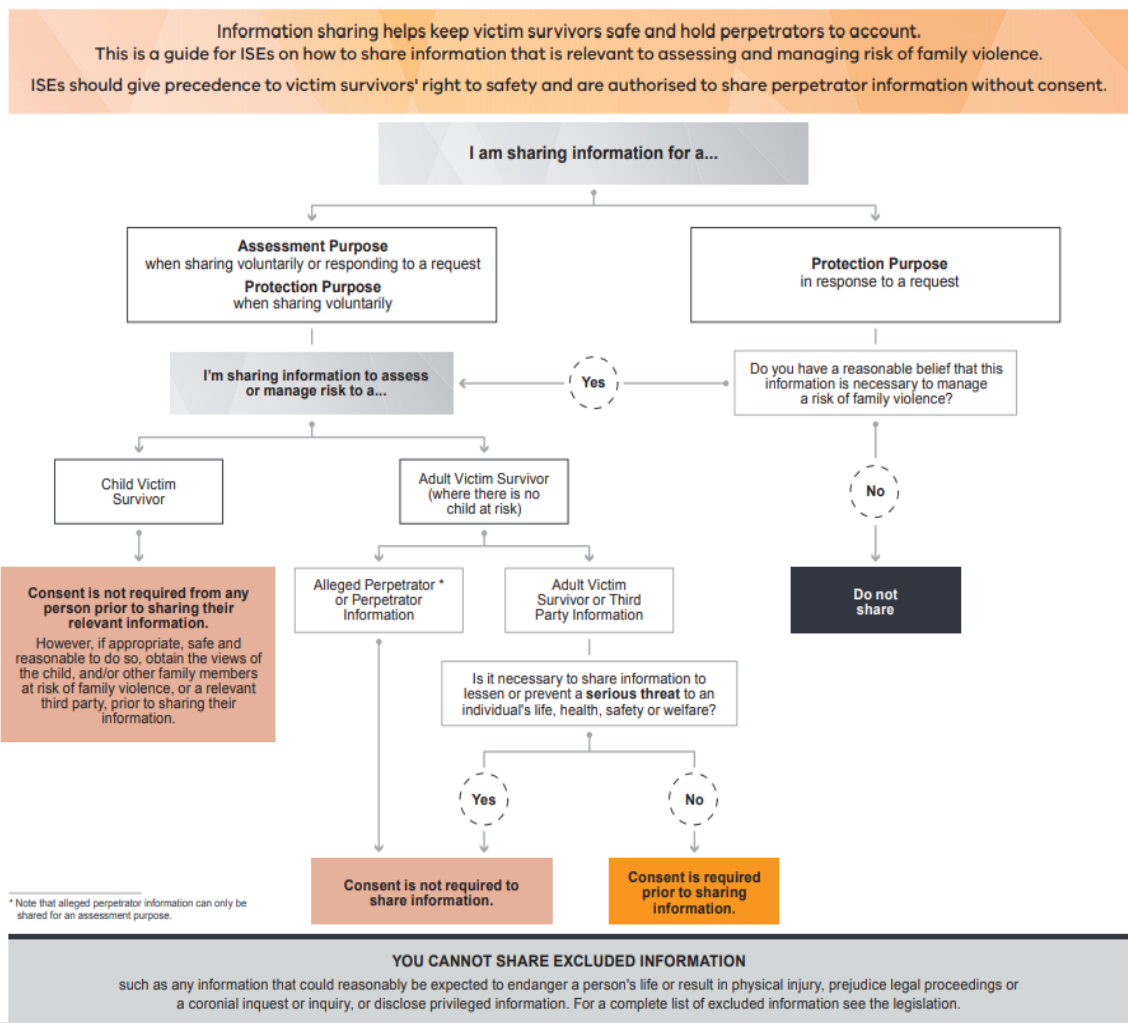


Figure 3: A guide for ISEs on how to share information that is relevant to assessing and managing risk of family violence and relevant consent requirements.

* Figure 3: A guide for ISEs on how to share information that is relevant to assessing and managing risk of family violence and relevant consent requirements. Page 64. Family Violence Information Sharing Guidelines. Viewed 6/4/21

<file:///C:/Users/Vicki/Downloads/Ministerial%20Guidelines%20-%20Family%20Violence%20Information%20Sharing%20Scheme.pdf>

Record Keeping

When sharing information about any individual under the Child Information Sharing Scheme, whether verbally or in writing, information sharing entities must keep records in accordance with the Child Wellbeing and Safety (Information Sharing) Regulations.

When a **request** has been received, the following must be recorded:

- the name of the information sharing entity that requested the information,
- the information that was requested,
- the date on which the information sharing entity made the request.

When **disclosing** information voluntarily or in response to a request, the following must be recorded:

- the name of the information sharing entity that received the information,
- the date the information was disclosed,
- a record of the information that was disclosed.

When a request for information sharing is **refused**

An ISE may refuse a request to share information if they do not form a reasonable belief that the information requested is necessary for a family violence **protection purpose**. Where an ISE refuses a request from another ISE to disclose information about any person, it must record the request and the **reason why** it was refused.

When a **complaint** is made, all of the following requirements must be met:

- the date the complaint was made and received,
- the nature of the complaint and relevant details,
- any action that was taken to resolve the complaint,
- any action that was taken to prevent or lessen the risk of further similar complaints,
- time taken to resolve the complaint,
- if any further action was taken.

Practical safeguards

Staff members shall be required to:

- have a current Working with Children Check;
- respond to an emergency by calling 000 for urgent medical and/or police assistance.

If the source of suspected abuse is from within NGRHC:

- Report to Victoria Police
- Report to Management

If the source of suspected abuse is from within a Co-op Member's family or community, you must:

- report to Department of Family Fairness and Housing (DFFH) Child Protection if a child is:
In need of protection from child abuse or at risk of being harmed (or has been harmed);
- Report to Management.
- **Contacting parents/Carers: You must consult with Victoria Police or DFFH Child Protection to determine what information can be shared with parents/carers.** These service providers must advise either:
 - **to not contact** the parents/carers (e.g. in circumstances where the parents are alleged to have perpetrated the abuse, or the child is a mature minor and has requested that their parent/carer not be contacted).
 - OR**
 - **to contact** the parents/carers and provide only agreed information as soon as possible (for licensed and approved services it is a requirement that parents/carers are notified within 24 hours if the suspected abuse occurred at the service).
- Providing on-going support:
 - NGRHC will take reasonable steps to make a child feel safe and supported whilst they have any contact involving NGRHC; and
 - While it is not the core business of NGRHC, the Co-op will consider making referrals to appropriate professionals for any children impacted by abuse.

Information sharing process checklist when making a request.

- Assess level of risk according to the MARAM Framework
<https://www.vic.gov.au/maram-practice-guides-and-resources>
- Ensure that you are dealing with another prescribed ISE. Refer to the Online ISE list database. <https://iselist.www.vic.gov.au/ise/list/>
- Ensure your information request is for a permitted purpose under Part 5A of the Family Violence Protection Act (FVPA).
- Ensure you provide sufficient information to the organisation you are requesting information from to help them identify what information they hold that might be relevant and whether they should disclose that information.
- An Information sharing request must be in writing.
- Responses to an Information sharing request must be in writing.
- Document the service you contacted and the worker you spoke with.
- Document the information that was disclosed.
- Document any risk assessment or safety plan that has been made as a result of the information sharing.
- Use only the information for a purpose permitted by law.
- Record your information request if refused.
- Specific guiding principles for sharing information about Aboriginal people is contained in Part 5A. Information should be shared in a manner that promotes the right to self-determination, is culturally sensitive and considers the person's family and community connections.
- Be aware that the Equal Opportunity Act 2010, Section 144J specifically requires ISE's to have regard to, and be respectful of, the person's cultural, sexual and gender identity and religious faith.

If there is any uncertainty regarding information to be shared contact the Information Sharing and MARAM Enquiry Line 1800 549 646 or 1800RESPECT

Page 139. Family Violence Information Sharing Guidelines. Viewed 6/4/21
APPENDIX A. Information sharing process checklist when making a request.
<file:///C:/Users/Vicki/Downloads/Ministerial%20Guidelines%20-%20Family%20Violence%20Information%20Sharing%20Scheme.pdf>

Information sharing process checklist when responding to a request.

- Assess level of risk according to the MARAM Framework
<https://www.vic.gov.au/maram-practice-guides-and-resources>
- Ensure that you are dealing with another prescribed ISE. Refer to the Online ISE list database. <https://iselist.www.vic.gov.au/ise/list/>
- Ensure your information request is for a permitted purpose under Part 5A of the FVPA.
- Prior to sharing the relevant information, make sure the information is not excluded information or that sharing would not contravene another law.
- Prior to sharing the relevant information, make sure you have obtained consent from the relevant person (if required by Part 5A of the FVPA).
- Document the entity that requested the information and the worker you spoke with
- Document the information that was shared, and any consent obtained, or the reason for sharing without consent.
- If you refuse to share the information because it was exempt or applicable consent thresholds were not met, set out reasons for refusal in writing and provide this to the requesting ISE.
- Document the method of sharing.
- Use Information sharing consent form (for adult victim survivors only) if applicable. Found on page 141 <https://www.vic.gov.au/sites/default/files/2019-01/Ministerial%20Guidelines%20-%20Family%20Violence%20Information%20Sharing%20Scheme.pdf>
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If there is any uncertainty regarding information to be shared contact the Information Sharing and MARAM Enquiry Line 1800 549 646 or 1800RESPECT

Page 140. Family Violence Information Sharing Guidelines. Viewed 6/4/21
APPENDIX B. Information sharing process checklist when responding to a request.
<file:///C:/Users/Vicki/Downloads/Ministerial%20Guidelines%20-%20Family%20Violence%20Information%20Sharing%20Scheme.pdf>

DEFINITIONS

In this policy:

<p>'Best interest of a child principle'</p>	<p>'Best interests-of the child' is a child rights principle, derived from Article 3 of the UN Convention on the Rights of the Child, stating that "in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration". Assessing the best interests of a child means to evaluate and balance "all the elements necessary to make a decision in a specific situation for a specific individual child or group of children".</p>
<p>Child abuse</p>	<p>Refers to one or more of the following: physical abuse, sexual abuse, emotional abuse, neglect, exposure to family violence.</p>
<p>DHHS</p>	<p>Victorian State Government's Department of Health and Human Services, which as of the 1st of February was split into two separate Departments: a. Department of Health (DoH) and b. Department of Families, Fairness and Housing and Homes Victoria.</p>
<p>Child Information Sharing Scheme (CISS)</p>	<p>The 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. This scheme must be used in conjunction with the Multi-Agency Risk Assessment and Management Framework (MARAM Framework). The CISS does not affect reporting obligations created under other legislation, such as mandatory reporting obligations under the <i>Children, Youth and Families Act 2005</i>.</p>
<p>Child Link</p>	<p>Child Link is a web-based platform that displays information about a child to authorised key professionals who have responsibility for child wellbeing and safety</p>
<p>Child's parents/carers</p>	<p>People responsible for the primary or temporary care of a child.</p>
<p>Children</p>	<p>Children are defined as persons who are under the age of 18 years and an unborn child that is the subject of a report made under section 29 of the <i>Children, Youth and Families Act 2005</i> or a referral under section 32 of that Act (</p>
<p>Duty of Care</p>	<p>A duty of care is the legal responsibility of a person or organization to avoid any behaviours or omissions that could reasonably be foreseen to cause harm to children, and if such behaviours or omissions have occurred, to report promptly through the appropriate channels.</p>
<p>Family Violence Information Sharing Scheme (FVISS)</p>	<p>As defined in Part 5A of the Family Violence Protection Act 2008. A Family Violence Information Sharing Entity also prescribed to be a Risk Assessment Entity. Risk Assessment Entities can request and receive information from any information sharing entity for a family violence assessment or protection purpose, in response to, or from voluntary sharing by, another information sharing entity. This scheme must be used in conjunction with the Multi-Agency Risk Assessment and Management Framework (MARAM Framework)</p>

Information Sharing Entity (ISE)	An entity which is authorised to: request confidential information from another ISE for the purpose of promoting the wellbeing or safety of a child or a group of children. Disclose confidential information (either voluntarily or in response to a request) to another ISE for the purpose of promoting the wellbeing or safety of a child or group of children, to assist the recipient to deliver services or to undertake certain activities .
Online ISE list	The online ISE list is a database that can be used to identify other organisations and services prescribed under the Family Violence Information Sharing Scheme and the Child Information Sharing Scheme. https://iselist.www.vic.gov.au/ise/list/
MARAM	The Multi-Agency Risk Assessment and Management Framework is designed to guide services in assessing and managing the risk of family violence.
Prescribed Organisation	An organisation prescribed by DHHS as legally obligated to share information with other approved ISE's
Reasonable Grounds	Showing reasonable or sound judgement
Social housing	The housing program of NGRHC described in further detail in the Allocations Framework.
Tenant-Member	Those eligible to vote according to the NGRHC Rules.
Victim Survivor	Adult or child if an ISE reasonably believes there is risk that a person may be subjected to family violence

RELATED DOCUMENTS

The Rules of the NGRHC
 Rental Agreement
 NGRHC Policy: Code of Conduct
 NGRHC Policy: Eligibility
 NGRHC Policy: Privacy and Information Sharing
 NGRHC Policy: Complaints

LEGISLATION AND STANDARDS

This policy implements NGRHC's obligations under:

Department of Health and Human Services Child Protection manual. Downloaded 14/1/19

<http://www.cpmanual.vic.gov.au/>

Children, Youth and Families Act 2005 Act No. 96/2005. Downloaded 14/1/19

http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/15A4CD9FB84C7196CA2570D00022769A/%24FILE/05-096a.pdf

Australian Government - Australian Institute of Family Studies. Downloaded 14/1/19

<https://aifs.gov.au/cfca/publications/australian-child-protection-legislation>

Regulatory Impact Statement – Child Wellbeing and Safety (Information Sharing) Amendment Regulations 2020

<https://www.vic.gov.au/regulatory-impact-statements-2019>

POLICIES & PROCEDURES OF THE NORTHERN GEELONG RENTAL HOUSING CO-OPERATIVE LTD

Housing Act 1983 (Vic) <https://www.legislation.vic.gov.au/in-force/acts/housing-act-1983/075>

Performance Standards for Registered Housing Agencies <https://www.vic.gov.au/performance-standards-and-evidence-guidelines>

DHHS Victorian Housing Register Operational Guidelines <https://providers.dhhs.vic.gov.au/public-housing-allocations-operational-guidelines>

Charter of Human Rights and Responsibilities Act 2006 Act No. 43/2006
<https://www.legislation.vic.gov.au/in-force/acts/charter-human-rights-and-responsibilities-act-2006/014>

Child Wellbeing and Safety Act 2005 (Vic) <https://www.legislation.vic.gov.au/in-force/acts/child-wellbeing-and-safety-act-2005/031>

Appendix 3: Screening and Identification tool for Adult Victim Survivor. MARAM practice guides and resources. <https://www.vic.gov.au/maram-practice-guides-and-resources>

Transparency and accessibility

This policy is available on the NGRHC website www.ngrhc.org.au/policy