



Education
and Training

Child Information Sharing and Family Violence Information Sharing Toolkit

Maternal and Child Health Services

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INTRODUCTION

This toolkit is a guide to help Maternal and Child Health (MCH) services meet new information sharing requirements that will promote the wellbeing and safety of children and reduce family violence.

On and from 27 September 2018, MCH services will be prescribed as information sharing entities (ISEs) under the new Child Information Sharing (CIS) Scheme, the Family Violence Information Sharing (FVIS) Scheme and the redeveloped Family Violence Multi-Agency Risk Assessment and Risk Management (MARAM) Framework.

ISEs will be allowed to share information to help assess or manage the wellbeing and safety of a child or group of children under the CIS Scheme or when responding to a request for information to assess or manage family violence risk under the FVIS Scheme.

Once services have updated their own local procedures and policies to meet requirements of the new legislation, they may wish to add these to this toolkit.

This document should be read in conjunction with other guides and resources relevant to the new information sharing Schemes and the MARAM Framework. You will find links to these resources throughout the toolkit.

LIST OF ABBREVIATIONS

Abbreviation	Meaning
CIS Scheme	Child Information Sharing (CIS) Scheme
CRAF	Common Risk Assessment Framework
DET	Department of Education and Training
FSV	Family Safety Victoria
FVIS Scheme	Family Violence Information Sharing Scheme
ISE	Information Sharing Entity
MCH services	Maternal and Child Health services
MARAM Framework	Multi-Agency Risk Assessment and Risk Management Framework
RAE	Risk Assessment Entity

VICTORIAN GOVERNMENT ENQUIRY LINE

If you have any queries regarding these reforms, you can call the Victorian Government Enquiry Line on: **1800 549 646**.

FREQUENTLY ASKED QUESTIONS

This section provides responses to Frequently Asked Questions, links to the relevant guidance and where to find more information or support.

How will the reforms affect MCH services?

A number of reforms are underway to promote wellbeing and safety for children and their families. These include the introduction of the CIS Scheme, the FVIS Scheme and the redeveloped MARAM Framework.

The FVIS Scheme, introduced on 26 February 2018, now enables information sharing between authorised and trained organisations and professionals specifically to assess and manage family violence risk to children and adults.

The new CIS Scheme that will start on 27 September 2018 will allow information sharing between authorised and trained organisations and professionals specifically to promote children's wellbeing and safety. All Victorian children and young people from 0 to under 18 years of age will be covered by the new Scheme.

The MARAM Framework is being redeveloped in line with recommendation one of the Royal Commission into Family Violence. The MARAM Framework will support prescribed organisations and services to assess and manage family violence risk to better protect victims and hold perpetrators to account. The Framework will also assist prescribed organisations and services to understand their roles and responsibilities in the system.

While these Schemes are created through separate pieces of legislation, they cover similar workforces and obligations. Given the substantial overlap in the organisations to be prescribed under the FVIS and CIS Schemes, and the MARAM Framework, an integrated approach to implementation is being undertaken.

An Information Sharing Entity (ISE) is an organisation prescribed to share information under the new reforms. Victorian MCH services (including Aboriginal Community Controlled Organisations delivering Victorian MCH services) will be prescribed as ISEs under the Schemes on and from 27 September 2018.

What does it mean for MCH services to be prescribed as an ISE?

MCH services will be required to share information that is relevant for family violence risk assessment and management or to promote child safety and wellbeing, upon request from other ISEs. MCH services will also be able to request information from other ISEs to more effectively protect victims of family violence or promote child safety and wellbeing.

These changes may mean that you need to communicate differently with your clients about the way in which the information you collect about them will be used – as consent requirements will change.

The FVIS Scheme:

In the following circumstances, consent is not required:

- from a perpetrator or alleged perpetrator of family violence, this includes an adolescent who uses violence
- from any person if there is a risk to a child victim survivor
- from any person if sharing is necessary to lessen or prevent a serious threat to a person's life, health, safety or welfare.

In the following circumstances, consent is required:

- from an adult victim survivor or third party (adult or child) when sharing information to assess or manage risk for an adult victim survivor unless any of the above exceptions apply.

The CIS Scheme:

Consent is not required from any person to collect or share information that may promote the wellbeing and safety of a child or group of children.

Further information:

Further information is available in the [Family Violence Information Sharing Guidelines](#) and the [Child Information Sharing Guidelines](#).

Which MCH Service employees are authorised to share information under the FVIS and CIS Schemes?

MCH services should determine which individuals within their organisation can request and share information under these Schemes (see 'Making a request for information' on page 11 for more information). The following are examples of individuals within the MCH Service who may be authorised to request information:

- MCH nurses, including a MCH Line nurses
- MCH coordinators or MCH Line managers
- allied health practitioners performing functions relating to the provision of a MCH program.

Not all MCH Service employees are authorised to share information under the FVIS and CIS Schemes. If you are unsure if you can share information, please speak with your supervisor or manager, or contact the Victorian Government Enquiry Line on 1800 549 646.

If you are not able to share information under the CIS Scheme, FVIS Scheme or other legislation, and you have concerns related to family violence or the wellbeing and safety of a child or group of children, please speak with your supervisor or manager.

What organisations are prescribed under the reforms in addition to MCH services?

On 27 September 2018, the next round of entities will begin under the FVIS Scheme, alongside the commencement of the CIS Scheme and MARAM Framework. A similar range of entities will be prescribed under all three reforms.

The aligned and phased rollout of all three reforms will allow for a coordinated approach and consistent knowledge and capability building within these workforces.

The following types of organisations are prescribed as ISEs under one or more of the reforms from 27 September:

Organisations prescribed under MARAM, the FVIS and CIS Schemes:

- Alcohol and Other Drug Services
- Child FIRST
- Child Protection
- Community-based child and family services
- Designated mental health services
- Family violence specialist services
- Family violence perpetrator intervention programs or services
- Homelessness services that provide access point, outreach or accommodation services
- Housing services (Department of Health and Human Services provided only)
- Justice Health services (for children and young people)
- Maternal and Child Health services
- Out-of-Home Care services
- Risk Assessment and Management Panels
- Sexual assault services
- Sexually abusive behaviour treatment services
- The Orange Door (Support and Safety Hubs)
- Victims of Crime Helpline
- Victims Assistance Programs
- Victoria Police
- Youth Justice and funded services
- Youth Parole Board secretariat

Organisations prescribed under the FVIS and CIS Schemes only:

- Commission for Children and Young People
- Disability Services Commissioner

- Multi-Agency Panels to Prevent Youth Offending

Organisations prescribed under the FVIS Scheme and MARAM only

- Adult Parole Board
- Children's Court officials.
- Court-ordered family violence counselling services
- Corrections Victoria and funded services
- Justice Health and funded services (for adults)
- Magistrates' Court officials
- Victims Support Agency
- Financial Counselling Program providers contracted by Consumer Affairs Victoria
- Tenancy Advice and Advocacy Program providers contracted by Consumer Affairs Victoria

Organisations prescribed under CIS Scheme only:

Registry of Births, Deaths and Marriages

ISEs that are also Risk Assessment Entities (RAEs):

RAEs are a subset of ISEs that have the power to request, collect and use information to establish and assess family violence risk. The following organisations are identified as RAEs:

- The Orange Door (Support and Safety Hubs)
- Specialist women's family violence services
- Specialist men's family violence services
- Sexual assault services
- Community-based child protection services co-located in The Orange Door (Support and Safety Hubs)
- Child FIRST services (excluding broader family services)
- Victims Support Agency (including Victims Assistance Program providers and the Victims of Crime Helpline)
- Victoria Police
- Risk Assessment and Management Panels.

Further information is available from:

[Family Safety Victoria Website](#)

[Ministerial Guidelines for Family Violence Information Sharing](#)

[Summary of The family Violence Information Sharing Guidelines: Guidance for Information Sharing Entities](#)

[Family Violence Information Sharing Scheme Fact Sheets](#)

How do the Schemes affect my existing ability to share information?

The intention of these Schemes is to promote information sharing, not create further barriers to sharing. Under the Schemes, you will have *additional* ability to share information with other ISEs for the purpose of family violence risk assessment and management or to promote the wellbeing and safety of a child or group of children.

Accordingly, nothing in the Schemes is intended to prevent you from collecting, using or disclosing information where it is allowed under other laws¹, including where it is already allowed under other legislation².

If you were able to lawfully disclose information prior to being prescribed under the Schemes, then you can continue to lawfully disclose that information under those laws after you are prescribed.

Mandatory reporting requirements for making reports to Child Protection, the Commission for Children and Young People and Victoria Police do not change under the new Schemes. The Schemes will complement and support the implementation of other recent reforms, including the Child Safe Standards and Reportable Conduct Scheme.

Recently, the *Privacy and Data Protection Act 2014* and *Health Records Act 2001* was amended to permit the sharing of information, including without consent, where sharing that information is necessary to lessen

¹ This includes the *Children Youth and Families Act 2005*, the *Privacy and Data Protection Act 2014*, the *Health Records Act 2001* or the *Privacy Act 1988* (Cth)

² This includes, but is not limited to, the *Children Youth and Families Act 2005*, the *Privacy and Data Protection Act 2014*, the *Health Records Act 2001* or the *Privacy Act 1988* (Cth).

or prevent a serious threat to a person's life, health, safety or welfare – the requirement for the threat to be 'imminent' has been removed. For more information, refer to the two pieces of guidance issued by the Office of the Victorian Information Commissioner on the [Removal of 'imminent' from the Information Privacy Principles and the Health Privacy Principles](#) and [The Family violence information sharing Scheme and privacy law in Victoria](#).

What do I do if I receive a request for information or would like to request information under the Schemes?

The FVIS and CIS Schemes allow ISEs to request information and share information proactively, and requires ISEs to respond to requests if they are prescribed under the Scheme(s).

ISEs are able to request information from another ISE if they are prescribed under the relevant Scheme. You are able to share information if the request meets the requirements of the relevant Scheme. An ISE must provide a reason in writing if the request to share information is refused.

For further information on the recommended process you should follow when responding to information sharing requests or requesting information from ISEs (including verification of the ISE and what kind of information you can or can't share) see the following resources:

- [Making a Request for Information to Manage Family Violence Checklist](#)
- [Responding to a Request for Information to Manage Family Violence Checklist](#)
- [Making a Request for Information to Manage Child Wellbeing and Safety Checklist](#)
- [Responding to a Request for Information to Manage Child Wellbeing and Safety Checklist](#)

Further information is also available in the [Family Violence Information Sharing Guidelines](#) and the [Child Information Sharing Guidelines](#).

What are my record keeping obligations?

You are required to keep accurate records of all information shared under Part 5A of the *Family Violence Protection Act 2008 (Vic)* and the *Family Violence Protection (Information Sharing and Risk Management) Regulations 2018*, as well as Part 6A of the *Child Wellbeing and Safety Act 2005 (Vic)* and the *Child Wellbeing and Safety (Information Sharing) Regulations 2018*, in accordance with the existing processes and systems of your MCH Service.

When requesting information from another organisation, you are not required to record any specific information, although it is good practice to do so and your Service may have specific processes in place, which you should follow.

Please refer to the [Record Keeping Checklist – When Sharing Information to Assess and Manage Family Violence Risk](#) and the [Record Keeping Checklist – When Sharing Information to Promote Child Wellbeing and Safety](#), which provides an overview of what information you need to record when sharing information with another ISE. MCH services should incorporate these requirements into existing organisational processes (e.g. recorded through your case notes).

Do I have to use the MARAM Framework on 27 September 2018?

No, MCH practitioners are not expected to use the MARAM Framework on 27 September 2018.

Practitioners should continue to use the CRAF until they have completed full training on the MARAM Framework (see more information about MARAM training below). The CRAF [online training module](#) is still available to practitioners.

A Practice Note and FAQ are available to support MCH practitioners undertaking the additional family violence consultation. This consultation provides greater support to families at risk of, or experiencing, family violence in a location that best suits their needs. For more information see the MCH practice and service guidelines [here](#) and the MCH Family Violence guidance [webpage](#).

Please speak with your supervisor or manager, or contact the Victorian Government Enquiry Line on 1800 549 646 if you are unsure.

TRAINING

When will training around the information sharing reforms be available?

Training will be delivered via two modes from October 2018: face-to-face and as an online e-learn module.

Face-to-face training for prescribed organisations will be available from 8 October 2018. This will be a two-day integrated training package covering the Information Sharing Schemes and foundational MARAM Framework content. To support the large number of staff who require training for the FVIS and CIS Schemes, a staged approach will provide priority training for MCH coordinators, local government managers, and a select number of MCH nurses.

Staff eligible for this training will be able to enrol in training in their local area at a time that suits them. Area-based training will facilitate collaboration across different sectors and services to support implementation of the reforms.

All other MCH staff, including MCH nurses and allied health practitioners, will be able to complete the e-learn version of training from October 2018. Additional tools, resources and guidance will be available to support MCH services and professionals to implement these reforms. MCH coordinators and key regional staff will act as key contacts for other MCH practitioners who have not received face-to-face training. A tailored session on the reforms will also be provided at the MCH Conference on 26 October 2018.

Please note: The e-learn module will offer the same training as the face-to-face training and MCH staff only need to undertake one or the other. DET will provide further information and guidance on enrolment and timing in September 2018.

Practitioners should continue to use the CRAF until they have completed the full training on the MARAM Framework. The CRAF [online training module](#) is still available to practitioners.

MCH Family Violence training

All MCH practitioners will receive comprehensive family violence training from 2019, tailored for MCH services and aligned to the new MARAM Framework and information sharing Schemes.

Training for coordinators and leaders will build their capacity to lead individual and team MCH family violence practices. By enhancing the confidence and capacity of MCH coordinators and leaders, they will be pivotal to sustained family violence practices, including system support to encourage more nurse reflective practice and opportunity for family violence team discussions and continuous quality improvement.

Foundation level family violence training will be available for all MCH practitioners, which will be aligned with the MARAM Framework. This training will include family violence screening, case finding and brief

responses to a diversity of mothers, infants and children experiencing violence at levels of readiness, self-care, and how to participate in a multi-agency integrated system.

ORGANISATIONAL READINESS

Organisations and services prescribed as ISEs should update their policies and procedures to reflect their responsibilities under the new Information Sharing Schemes. This includes communicating to staff about who is appropriately authorised to share information on behalf of the organisation or service. For further information, see the [Organisational Change Management Checklist – Information Sharing](#).

Further information is also available in [Family Violence Information Sharing Guidelines](#) and the [Child Information Sharing Guidelines](#).

Over time, organisations will be required to ensure that relevant policies, procedures, practice guidance and tools align with the MARAM Framework. The Municipal Association of Victoria and DET will be working with MCH services in the transition phase.

WHERE CAN I FIND MORE INFORMATION?

There is a range of FVIS Scheme resources including the [Family Violence Information Sharing Guidelines](#) already available on Family Safety Victoria’s website.

Regular updates on all three reforms will be provided in the lead up to implementation.

	Contact
CIS Scheme	DET: childinfosharing@edumail.vic.gov.au
FVIS Scheme and MARAM Framework	FSV: infosharing@familysafety.vic.gov.au
FVIS and CIS Schemes, and the MARAM Framework	Victorian Government Enquiry Line: 1800 549 646

MAKING A REQUEST FOR INFORMATION

This section includes checklists for making a request for information.

1. Making a request for information to assess or manage child wellbeing and safety checklist

When making a request for information to help you manage the wellbeing and safety of a child or group of children, you should make sure that:

<input type="checkbox"/> Your organisation is prescribed as an Information Sharing Entity (ISE)	<p>All Victorian MCH services are prescribed as ISEs. The following are examples of individuals within the MCH Service who may be authorised to request information:</p> <ul style="list-style-type: none"> • the MCH nurse, including MCH Line nurse • the MCH coordinator and MCH Line manager • an allied health practitioner performing functions relating to the provision of MCH programs. <p>The following are examples of individuals who may not be authorised to request information:</p> <ul style="list-style-type: none"> • a council, community health service or Aboriginal health service staff member who does not perform functions relating to the provision of MCH programs e.g. administration officer. <p>If you are unsure whether you or your organisation is prescribed, please speak with your team leader or manager, check the Child Information Sharing Guidelines (Appendix 2) or contact the Victorian Government Enquiry Line on 1800 549 646.</p>
<input type="checkbox"/> The information you are requesting is for the purpose of promoting the wellbeing or safety of a child or group of children	<p>You can only request and use the information for the purpose of promoting the wellbeing or safety of a child or group of children.</p> <p>Factors that may be relevant to a child’s wellbeing and safety include:</p> <ul style="list-style-type: none"> • 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, and 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. <p>Refer to the Child Information Sharing Guidelines for further guidance on promoting child wellbeing and safety.</p>
<input type="checkbox"/> You are requesting information from a prescribed ISE	<p>Check the Child Information Sharing Guidelines (Appendix 2) and make sure the organisation you are speaking to is also prescribed.</p> <p>If you do not have an existing relationship with the organisation, you may need to verify who you are (e.g. by sending an email from your</p>

	<p>organisational account or by having them call you back via your organisation's switchboard.</p> <p>You must provide sufficient information to the organisation to help them identify what information they hold that might be relevant and whether they should disclose that information.</p>
<p><input type="checkbox"/> You have considered the principles and specific requirements when sharing information about specific cohorts</p>	<p>Children's identities and circumstances are important when considering what may promote their wellbeing or safety.</p> <p>You should 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.</p> <p>Refer to the Child Information Sharing Guidelines for further guidance.</p>
<p><input type="checkbox"/> You have considered the co-occurring family violence risks to the child and family members and whether you need to request further information to address these</p>	<p>Refer to the MARAM Framework³ to guide your identification, assessment and management of family violence risk. If family violence is believed to be present, each child's needs and risks should be assessed individually and within their family context, including relevant issues affecting other family members such as parents or siblings.</p> <p>A child's needs and risks when experiencing family violence are significantly influenced by the needs and risks of their family members also experiencing family violence.</p> <p>You should take all reasonable steps to plan for the safety of all family members who are believed to be at risk from family violence and use the Making a Request for Information to Manage Family Violence Checklist if you also need to request information through the Family Violence Information Sharing Scheme.</p>

When requesting information, you may have to follow specific processes that are in place for that prescribed organisation.

You are not required to record any specific information when requesting information, although, it is good practice to do so and your organisation may have specific processes in place, which you should follow.

³ You should continue to use the CRAF if you have not yet received training in the MARAM Framework

2. Making a request for information to assess or manage family violence risk checklist

When making a request for information to help you manage family violence risk to a client or family member, you should make sure that:

<p><input type="checkbox"/> Your organisation is prescribed as an ISE</p>	<p>All Victorian MCH services are prescribed as ISEs. The following are examples of individuals within the MCH Service who may be authorised to request information:</p> <ul style="list-style-type: none"> • the MCH nurse, including MCH Line nurse • the MCH coordinator and MCH Line manager • an allied health practitioner performing functions relating to the provision of MCH programs. <p>The following are examples of individuals who may not be authorised to request information:</p> <ul style="list-style-type: none"> • a council, community health service or Aboriginal health service staff member who does not perform functions relating to the provision of MCH programs e.g. administration officer. <p>If you are unsure whether your organisation is prescribed, please speak with your team leader or manager, check the Family Violence Information Sharing Guidelines or contact the Victorian Government Enquiry Line on 1800 549 646.</p>
<p><input type="checkbox"/> The information you are requesting is for a family violence protection purpose</p>	<p>You can only request and use the information for a family violence protection purpose.</p> <p>A family violence protection purpose is managing the risk of the perpetrator committing family violence or the victim survivor (adult or child) being subjected to family violence. This could include information sharing as part of ongoing risk assessment. You will have established that family violence is present by either doing a risk assessment under the MARAM framework⁴ yourself, or by referring to a risk assessment done by another professional under the MARAM Framework. This risk assessment will assist you to identify the perpetrator and victim survivor/s.</p>
<p><input type="checkbox"/> You are requesting information from a prescribed ISE</p>	<p>Check the Family Violence Information Sharing Guidelines and make sure the organisation you are speaking to is also prescribed.</p> <p>If you do not have an existing relationship with the organisation, you may need to verify who you are (e.g. by sending an email from your work email account).</p> <p>You must provide sufficient information to the organisation to help them identify what information they hold that might be relevant and whether they should disclose that information.</p>
<p><input type="checkbox"/> You have considered the principles and specific requirements when sharing information about specific cohorts</p>	<p>Read the appropriate chapters of the Family Violence Information Sharing Guidelines:</p> <ul style="list-style-type: none"> • Chapter 7 if you are sharing information about an Aboriginal or Torres Strait Islander person • Chapter 8 if you are sharing information about people with disabilities, people from culturally and linguistically diverse backgrounds, older people, people from lesbian, gay, bi-sexual, trans, gender diverse and intersex communities or people from regional, rural and remote communities.

⁴ You should continue to use the CRAF if you have not yet received training in the MARAM Framework



You have considered the co-occurring safety and wellbeing needs of any child and whether you need to request further information to address these

You should use the [Making a Request for Information to Manage Child Wellbeing and Safety Checklist](#) if you also need to request information through the Child Information Sharing Scheme to promote the wellbeing and safety of a child or group of children, taking all reasonable steps to plan for the safety of all family members who are believed to be at risk from family violence.

When requesting information, you may have to follow specific processes that are in place for that prescribed organisation.

You are not required to record any specific information when requesting information; however, it is good practice to do so and your Service may have specific processes in place, which you should follow.

RESPONDING TO A REQUEST FOR INFORMATION

This section has checklists for responding to a request for information or sharing information proactively.

1. Responding to a request for information to assess or manage child wellbeing and safety checklist

When responding to a request for information or sharing information proactively to help you assess or manage the wellbeing and safety of a child or group of children under the CIS Scheme, you should make sure that:

<p><input type="checkbox"/> You consider whether you can already share that information under another law.</p>	<p>MCH services already have significant scope and obligations to share confidential information enshrined in other legislation.</p> <p>This includes:</p> <ul style="list-style-type: none"> • mandatory reporting obligations (<i>Children Youth and Families Act 2005</i>) • the obligation to report child sexual abuse (“failure to disclose” offence – <i>Crimes Act 1958</i>) and the obligation to protect children from a substantial risk of sexual abuse (“failure to protect” offence - <i>Crimes Act 1958</i>) • the ability to share information in line with other legislation including if: <ul style="list-style-type: none"> ○ the confidential information is being used or disclosed for the primary purpose for which it was collected, or a related secondary purpose ○ the disclosure is necessary to lessen or prevent a serious threat to an individual’s life, health, safety or welfare (e.g. <i>Privacy and Data Protection Act 2014</i> and <i>Health Records Act 2001</i>). <p>You may share information as permitted by law. The CIS Scheme expands the circumstances in which confidential information may be shared to promote child wellbeing and safety.</p>
<p><input type="checkbox"/> The person requesting information is from a prescribed ISE</p>	<p>Check the Child Information Sharing Guidelines and make sure the organisation is prescribed as an ISE. If your organisation does not have an existing relationship with the ISE requesting information, then you should take reasonable steps to verify their identity. This may include asking them to send an email from an organisational account or by calling them back via their organisation’s switchboard.</p> <p>If unsure, please speak with your team leader or manager, check the Family Violence Information Sharing Guidelines or contact the Victorian Government Enquiry Line on 1800 549 646.</p>

<p><input type="checkbox"/> The information that has been requested is for the purpose of promoting the wellbeing or safety of a child or group of children</p>	<p>ISEs can share information with other ISEs if:</p> <ul style="list-style-type: none"> • the ISE is disclosing information for the purpose of promoting the wellbeing or safety of a child or group of children • the disclosing ISE reasonably believes that sharing the confidential information may assist the receiving ISE to carry out one or more of the following activities: <ul style="list-style-type: none"> ○ making a decision, an assessment or a plan relating to a child or group of children ○ initiating or conducting an investigation relating to a child or group of children ○ providing a service relating to a child or group of children ○ managing any risk to a child or group of children. <p>You may ask the requesting ISE to provide further information about their request, so as to assist you in identifying the information that is being requested, or to form an opinion on whether the information may be disclosed (enabling you to establish whether the request meets the threshold).</p> <p>Confidential information about any person (including identifiers, unique identifiers, personal, sensitive and health information as defined under the <i>Privacy and Data Protection Act 2014</i> and <i>Health Records Act 2001</i>) can be shared if it meets the threshold for sharing.</p>
<p><input type="checkbox"/> The information is not excluded information or sharing</p>	<p>There is a range of limited circumstances in which confidential information should not be shared, including where sharing would endanger a person's life, prejudice an investigation or trial, or contravene a court order or other law. This is known as 'excluded information'.</p> <p>The Child Information Sharing Guidelines contain a full list of excluded information.</p> <p>If you are unsure whether your organisation is prescribed, please speak with your team leader or manager, or contact the Victorian Government Enquiry Line on 1800 549 646.</p>
<p><input type="checkbox"/> Seek to maintain constructive and respectful engagement with children and families</p>	<p>Consent is not required where the practitioner considers the sharing would promote the wellbeing or safety of a child.</p> <p>However, you are encouraged to take all reasonable steps to seek and obtain the views of the child⁵ and/or their parent/guardian and to take those views into account where it is safe, appropriate and reasonable to do so. You should document whether or not they have assessed that a child has the capacity to understand the impact of sharing their information and how you came to that assessment.</p> <p>You should also keep them informed, if safe to do so, when their information has been shared, including when you are required to act against their wishes, in order to promote a trusting relationship between the client and your MCH service. You should record this information in the case notes.</p> <p>Speak to your team leader or manager if you are unsure or you want to verify what information should not be shared.</p>

⁵ In a MCH context, MCH should use their professional judgement and consider the age and capacity of the child; their level of maturity; their ability to comprehend the proposed action; and the likely consequences. It is acknowledged that seeking the views of infants and young children may not be possible. If older children are present, you are encouraged to seek and obtain their views if safe, appropriate and reasonable to do so. (see page 18 & 19: [Child Information Sharing Guidelines](#))

<input type="checkbox"/> You respond in a timely manner	<p>The Child Information Sharing Guidelines list the factors that may form part of a professional's assessment of a child's wellbeing and safety. These include:</p> <ul style="list-style-type: none"> • 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, and 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.
<input type="checkbox"/> You have recorded the information appropriately	<p>Refer to the Record Keeping Checklist – When Sharing Information to Promote Child Wellbeing and Safety to ensure you keep accurate records as required by law.</p>

2. Responding to a request for information to assess or manage family violence risk checklist

When responding to a request for information to assess or manage family violence risk, you should make sure that:

<input type="checkbox"/>	<p>You consider whether you can already share that information under another law.</p>	<p>MCH services already have significant scope and obligations to share confidential information enshrined in other legislation.</p> <p>This includes:</p> <ul style="list-style-type: none"> • mandatory reporting obligations (<i>Children Youth and Families Act 2005</i>) • the obligation to report child sexual abuse (“failure to disclose” offence – <i>Crimes Act 1958</i>) and the obligation to protect children from a substantial risk of sexual abuse (“failure to protect” offence - <i>Crimes Act 1958</i>) • the ability to share information in line with other legislation including if: <ul style="list-style-type: none"> ○ the confidential information is being used or disclosed for the primary purpose for which it was collected, or a related secondary purpose ○ the disclosure is necessary to lessen or prevent a serious threat to an individual’s life, health, safety or welfare (e.g. <i>Privacy and Data Protection Act 2014</i> and <i>Health Records Act 2001</i>). <p>You may proactively share information as permitted by law. The Child Information Sharing Scheme expands the circumstances in which confidential information may be shared to promote child wellbeing and safety.</p>
<input type="checkbox"/>	<p>The person requesting information is from a prescribed ISE</p>	<p>Check the Family Violence Information Sharing Guidelines and make sure the organisation you are speaking to is prescribed as an ISE. If you do not have an existing relationship with the person requesting the information, you should verify that they are who they say (e.g. by asking them to send you an email from their official work email account with their signature block).</p> <p>Verifying the identity of the requester is important to ensure you do not share any information with a perpetrator of family violence.</p>

Only prescribed RAEs can request and receive information for a **family violence assessment purpose**.

A family violence assessment purpose is establishing or assessing the risk of a person committing family violence or a person being subjected to family violence. RAEs are permitted to request information even if family violence has not been established by a risk assessment under the MARAM Framework. This could include information sharing as part of ongoing risk assessment. You must:

- confirm that the person requesting information is from an organisation prescribed as an RAE. See a list of organisations prescribed as RAE's in the [FAQ](#) and the [Family Violence Protection \(Information Sharing\) Amendment \(Risk Management\) Regulations 2018](#)
- refer to the MARAM Framework to assess what information is relevant and share in line with your professional judgement
- ensure that you share information in a way that does not place the victim survivor at further risk of harm

The information requested is for:

- a family violence assessment purpose or
- a family violence protection purpose

All prescribed ISEs are permitted to request and receive information for a **family violence protection purpose**.

A family violence protection purpose is managing the risk of the perpetrator committing family violence or the victim survivor (adult or child) being subjected to family violence. This could include information sharing as part of ongoing risk assessment. Information can only be shared if risk has been established by a risk assessment under the MARAM Framework that identifies the perpetrator and victim survivors – this could be done by you or by the person requesting the information.

You must:

- reasonably believe that the disclosure of the relevant information is necessary for a family violence protection purpose
- refer to the MARAM Framework¹ to assess what information is relevant and share in line with your professional judgement
- ensure that you share information in a way that does not place the victim survivor/s at further risk of harm
- prioritise requests where a serious threat has been identified and respond without delay.

- The information is not excluded information

There is a range of limited circumstances in which confidential information should not be shared, including where sharing would endanger a person's life, prejudice an investigation or trial, or contravene a court order or other law.

The [Family Violence Information Sharing Guidelines](#) contain a full list of excluded information.

If you are unsure whether your organisation is prescribed, please speak with your team leader or manager, or contact the Victorian Government Enquiry Line 1800 549 646.

Consent is not required:

- from a perpetrator or alleged perpetrator of family violence including an adolescent who uses violence
- from any person if there is a risk to a child victim survivor
- from any person if sharing is necessary to lessen or prevent a serious threat to a person's life, health, safety or welfare.

Consent is required:

- from an adult victim survivor or third party (adult or child) when sharing information to assess or manage risk for an adult victim survivor unless any of the above exceptions apply.

Consider victim survivor agency

You are encouraged to take all reasonable steps to seek and obtain the views of the child⁶ and/or their parent/guardian who is not the perpetrator or alleged perpetrator and to take those views into account where it is safe, appropriate and reasonable to do so. Use your professional judgement and refer to the MARAM Framework.

You should also keep them informed, if safe to do so, when their information has been shared, including when you are required to act against their wishes, in order to promote a trusting relationship between the client and your service.

Speak to your team leader or manager if you are unsure or you want to verify what information should not be shared.

You have recorded the information appropriately

Refer to the [Record Keeping Checklist – When Sharing Information to Assess and Manage Family Violence Risk](#) to ensure you keep accurate records as required by law.

⁶ In a MCH context, it is acknowledged that seeking the views of infants and young children may not be possible. If older children are present, you are encouraged to seek and obtain their views if safe, appropriate and reasonable to do so.

RECORD KEEPING REQUIREMENTS

The following checklists provide an overview of what information you need to record when sharing information with another organisation.

1. Record keeping checklist when sharing information to promote child wellbeing and safety

You are required to keep accurate records of all information shared under **Part 6A of the *Child Wellbeing and Safety Act 2005 (Vic)***, in accordance with the existing processes and systems of your MCH service.

The following checklist provides an overview of what information you need to record **when sharing information with another organisation**. MCH services should incorporate these requirements into existing organisational processes (for example, recorded through your case notes).

When requesting information from another organisation, you are not required to record any specific information, although it is good practice to do so and your Service may have specific processes in place, which you should follow.

When you disclose confidential information under the Scheme you must record:

- The name of the person and organisation who requested information
 - What information was requested
 - The date the request was made
 - What information was shared
 - The name of person and organisation with whom the information was shared
 - The date the information was shared
 - If you have prepared a family violence risk assessment or a safety plan for a victim survivor (including a child) or perpetrator of family violence, or another member of the family. Keep a copy of that risk assessment or safety plan
 - Whether you sought the views of the child or their parent/guardian* and, if not, the reason why
 - Whether you informed the child or their parent/guardian* that their information was shared
- * Who is not the perpetrator or alleged perpetrator

*Remember, **consent is not required** from any person to share information under the Scheme. However, you are encouraged to take all reasonable steps to 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.*

When refusing a request to share information:

You must refuse a request to share information if you do not believe it satisfies the threshold for sharing, or if the information is excluded information or cannot be shared because of another law. Refer to the [Responding to a Request for Information to Manage Child Wellbeing and Safety Checklist](#) for more information.

When you refuse a request, you must record:

- What information was requested
- The reason why the request was refused

You must provide the requestor with a written reason for your refusal in a timely manner. The reason provided should be formulated with care and be appropriate to the situation so as not to increase any risks or inadvertently share excluded information.

For more information about your record keeping obligations, including recording complaints, providing access to records and correcting information, see the [Child Information Sharing Guidelines](#).

2. Record keeping checklist when sharing information to assess and manage family violence risk

You are required to keep accurate records of all information shared under **Part 5A of the Family Violence Protection Act 2008 (Vic)**, in accordance with the existing processes and systems of your MCH Service.

The following checklist provides an overview of what information you need to record **when sharing information with another prescribed organisation**. MCH services should incorporate these requirements into existing organisational processes (for example, recorded through your case notes).

When **requesting information from another organisation**, you are not required to record any specific information; however, it is good practice to do so and your Service may have specific processes in place, which you should follow.

When you disclose information under the Scheme you must record:

- The name of the person and organisation who requested information
- What information was requested
- The date the request was made
- What information was shared
- The name of the person and organisation with whom the information was shared
- The date the information was shared
- If you have prepared a family violence risk assessment or a safety plan for a victim survivor (including a child) or perpetrator of family violence, or another member of the family, record a copy of that risk assessment or safety plan.

When you disclose information about a child victim survivor of family violence you must also record:

- Whether you sought the views of the child or their parent/guardian (who is not the perpetrator or alleged perpetrator) and, if not, the reason why
- Whether you informed the child victim survivor or their parent/guardian (who is not the perpetrator or alleged perpetrator) that their information was shared

*Remember, **consent is not required** from any person if a child is at risk of family violence. However, you are encouraged to take all reasonable steps to seek and obtain the views of the child and/or their parent/guardian who is not the perpetrator or alleged perpetrator, and to take those views into account where it is safe, appropriate and reasonable to do so*

When you disclose information about an adult, or any person whose information is relevant to family violence risk assessment or risk management:

- If you disclose information with consent, you must record details of that consent, whether written, verbal or implied
- If you disclose information without consent, you must record –
 - the reason why consent was not obtained (i.e. there was a serious threat or the information was to assess or manage risk for a child victim survivor)
 - whether the person's views were sought and obtained and, if not, the reason why
 - whether the person was informed that their information will be shared without their consent

*Remember, **consent is not required from:***

- a perpetrator or alleged perpetrator of family violence, this includes an adolescent who uses violence
- any person if there is a risk to a child
- any person if sharing is necessary to lessen or prevent a serious threat to a person's life, health, safety or welfare.

Consent is required from an adult victim survivor or third party (adult or child) when sharing information to assess or manage risk for an adult victim survivor, unless any of the above exceptions apply.

Refusing a request to share information

You must refuse a request to share information if you do not form a reasonable belief that the information requested is necessary for assessing or managing the risk of family violence, or if the information is excluded information or cannot be shared because of another law.

When you refuse a request, you must record:

- What information was requested
- The reason why the request was refused

Where there are circumstances where it would be inappropriate to provide details of the specific ground for the exclusion (e.g. where it would prejudice a criminal investigation), it is sufficient to refuse on the grounds that the information is excluded.

For more information about your record keeping obligations, including recording complaints, providing access to records and correcting information, see the Chapter 10 of the [Family Violence Information Sharing Guidelines](#).

CHANGE MANAGEMENT CHECKLIST – INFORMATION SHARING AND MARAM FRAMEWORK

This section provides a change management checklist to support MCH services to align their policies, practices and procedures to the new FVIS and CIS information sharing Schemes and MARAM Framework over time.

Victorian MCH services will be prescribed under the Family Violence Information Sharing and Child Information Sharing Schemes from **27 September 2018**.

Over time, MCH services will need to align with the Family Violence MARAM Framework and update relevant policies, procedures, practice guidance and tools. The Municipal Association of Victoria in collaboration with DET will provide support to MCH services in the transition phase, including additional tools and resources.

Organisations delivering MCH services are responsible for ensuring that their organisational policies, practice guidance, tools, procedures and systems reflect the new legal obligations outlined in the:

- Family Violence Information Sharing Scheme under Part 5A of the *Family Violence Protection Act 2008 (Vic)* and the *Family Violence Protection (Information Sharing and Risk Management) Regulations 2018* as well as the *Family Violence Information Sharing Ministerial Guidelines*
- Child Information Sharing Scheme under Part 6A of the *Child Wellbeing and Safety Act 2005 (Vic)* and the *Child Wellbeing and Safety (Information Sharing) Regulations 2018*, as well as the *Child Information Sharing Scheme Ministerial Guidelines*.

Organisations should also communicate with their staff about who is appropriately authorised to share information on behalf of the MCH service and encourage participation in training.

Victorian MCH services are strongly recommended to prioritise the actions in bold below, so as to ensure professionals are supported to safely respond to requests on and from the 27 September 2018.

1. Identify and review MCH Service policies, procedures, guidelines and systems

Identify policies, procedures, guidelines and systems that will require updating to align with the new Schemes. Also identify if there is a need to develop new policies. This may include:

- Privacy and confidentiality policies and procedures.**
- Record-keeping policies, templates and databases to reflect the Scheme's record-keeping requirements*.**
- Organisational authorising processes for sharing information.**
- Forms and documents (e.g. new client intake and assessment processes, privacy information etc.).**
- Manuals (e.g. staff training manuals, induction manuals, service information, practice manuals)*.
- Internal operating processes and assess organisational and/or IT systems that support sharing or recording information and update as necessary.
- Existing referral pathways or procedures.
- Workplace support policies and procedures.

*legal requirement, or associated with a legal requirement.

2. Update MCH Service policies, procedures, guidelines and systems

Update identified MCH Service policies, procedures, guidelines and system to reflect the new legal obligations, including updating content relating to:

- The purposes for which the MCH Service collects, holds, uses, shares and discloses confidential information
- The types of information that will be collected, and when information will and will not be shared - see the following resources from the Department:
 - [Making a Request for Information to Manage Family Violence Checklist](#)
 - [Responding to a Request for Information to Manage Family Violence Checklist](#)
 - [Making a Request for Information to Manage Child Wellbeing and Safety Checklist](#)
 - [Responding to a Request for Information to Manage Child Wellbeing and Safety Checklist.](#)
- How family members and children will be notified about how their information may be used or shared.
- How to record information under the Schemes (See the *Record Keeping Checklist – When Sharing Information to Assess and Manage Family Violence Risk*, and the *Record Keeping Checklist – When Sharing information to Promote Child Wellbeing and Safety*).
- How your organisation will securely store and dispose of information in accordance with the legal requirements for that information.
- How an individual may access and/or correct their personal information.
- How your organisation will respond to breaches of privacy, including how clients can make complaints, how to document complaints and the resolution and timelines for managing complaints.
- How practitioners can respond to a request for information under the Scheme when the case is closed or the client is no longer engaged with your service.
- The protections in place for prescribed information sharing entities.
- How to identify and manage a conflict of interest.

3. Assess training needs and local partnerships/networks

- Identify priority staff to undertake organisational management training and encourage them to register.
- Identify priority staff to undertake professional training on the information sharing Schemes and encourage them to register.
- Identify and plan for remaining staff to attend training progressively from 2019 onwards. Ensure staff register for relevant face-to-face sessions accordingly.
- Identify other learning, development and training opportunities that already exist within your organisation that could be adapted to incorporate the new Schemes.
- Access support and advice from the Municipal Association of Victoria and your organisation's legal service (if applicable).
- Identify existing partnerships and networks across your local area for collaboration.
- Identify opportunities for new partnerships for greater collaboration with other agencies in your local area.