

INFORMATION SHARING UNDER THE FVISS & CISS Policy & Procedure

QA REFERENCE	CWG P&P No 06
INTRODUCED	22/03/2022
LAST REVIEWED	N/A
NEXT REVIEWED	21/03/2025
RESPONSIBILITY	The Operational Leadership Group (OLG) is responsible for the review and currency of this policy and associated procedures.
APPROVED	Approved by the A/Chief Executive Officer on 3 rd August 2021 <i>This policy and procedure is valid from the date of introduction and remains in force, as amended from time to time, until such time as formally revoked by resolution at a meeting of the Operational Leadership Group.</i>
ENDORSED	Endorsed by the Operational Leadership Group 3 rd August 2021
RATIFIED	Ratified by the Board of Directors by resolution at a meeting of the Board on 1 st March 2022 This policy is valid from the date of introduction and remains in force, as amended from time to time, until such time as formally revoked by resolution at a meeting of the Board of Directors.
REFERENCES	
Related Legislative Acts and other sources of Authority	<ul style="list-style-type: none"> • Family Violence Protection Act 2008 • Privacy and Data Protection Act Victoria 2014 • Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM)
Related Standards, Guidelines and other References	<ul style="list-style-type: none"> • Child Information Sharing Scheme (CISS) • Family Violence Information Scheme (FVISS) • Child Safe Standards: Victorian State Government • A Framework for Practice: The Best Interests Case Practice Model and Summary Guide. • Ending Family Violence: Victoria's 10 -Year Plan for Change. State of Victoria, Department of Families, Fairness and Housing. • Dhelk Dja: Safe Our Way – Strong Culture, Strong Peoples, Strong Families 2018-2028: A 10- year Agreement for Delivery of Family Violence Services for Aboriginal Victorians. State of Victoria, Department of Families, Fairness and Housing
Related MASP Policy and Procedure Documents	<ul style="list-style-type: none"> • Privacy and Confidentiality P&P • Clients Impacted by Domestic and Family Violence P&P • Staff Impacted by Domestic and Family Violence P&P
Related MASP Instructions and Guidelines	<ul style="list-style-type: none"> • This policy is to be used in addition to existing program documentation and guidelines
Related MASP Forms and Templates	<ul style="list-style-type: none"> • This policy is to be used in addition to existing program documentation and guidelines. • MASP information sharing letter

ACRONYMS/DEFINITIONS	
Alleged Perpetrator	A person who is alleged to pose a risk of committing family violence. Information about alleged perpetrators can only be shared with risk assessment entities for a family violence assessment purpose
Authorised Staff	Staff members who are authorised by MASP to make decisions relating to disclosures of information under the FVISS and CISS
Child Information Sharing Scheme (CISS)	The Child Information Sharing Scheme established under Part 6A, <i>Child Wellbeing and Safety Act 2005</i> (Vic).
Child	(a) a person who is under the age of 18 years; or (b) an unborn child that is the subject of a report made to Child Protection
Family Violence	The Family Violence Protection Act (2008) defines family violence as: 1) Behaviour that is: Physically, sexually, emotionally psychologically or economically abusive; Threatening or coercive; Controls or dominates the family member and causes that family member to feel fear for the safety or well-being of that family member or another person. 2) Behaviour that causes a child to hear, witness or otherwise be exposed to the effects of any behaviour referred to above
Aboriginal Definition of Family Violence	Dhelk Dja Safe Our Way – Strong Culture, Strong Peoples, Strong Families defines family violence as ‘an issue focused around a wide range of physical, emotional, sexual, social, spiritual, cultural, psychological and economic abuses that occur within families, intimate relationships, extended families, kinship networks and communities. It extends to one-on-one fighting, abuse of Indigenous community workers as well as self-harm, injury and suicide.’ Footnote: State of Victoria, Department of Health and Human Services, October 2018, p. 51
Family Violence Information Sharing Scheme (FVISS)	The Family Violence Information Sharing Scheme established under Part 5A, <i>Family Violence Protection Act 2008</i> (Vic)
Information Sharing Entity (ISE)	As defined in Section 144D of the FVPA to mean a person or body prescribed, or a class of person or body prescribed, to be an information sharing entity
Linked Person	Any person (except for a primary person or person of concern) whose confidential information is relevant to a family violence assessment or protection purpose
MARAM	Multi-Agency Risk Assessment and Management Framework established under Part 11, <i>Family Violence Protection Act 2008</i> (Vic)
Perpetrator	The same meaning as a ‘person of concern’ as defined in Section 144B of the FVPA. A person will therefore be a perpetrator if an information sharing entity reasonably believes that there is a risk that the person may commit family violence. This will have been identified through undertaking a MARAM Framework aligned or recognised family violence risk assessment
Person of Concern	A person that an ISE reasonably believes poses a risk of family violence
Reasonable belief	A reasonable belief requires the existence of facts that are sufficient to induce the belief in a reasonable person. Belief requires something more than suspicion

Risk Assessment Entity	An ISE that is also prescribed to be a Risk Assessment Entity (RAE). RAEs can request and receive information from any ISE for a family violence assessment or protection purpose, in response to, or from voluntary sharing by, another ISE. E.g. Specialist Family Violence Services
Serious Family Violence Risk	As established through indicators of family violence risk and assessment, guided by the family violence MARAM Framework based risk assessment
TRAM	Tools for Risk Assessment and Management. The TRAM is used to assess Family Violence Risk from a Victim Survivors perspective and is a document used to identify risk factors that increase the like hood of Family Violence escalating/ occurring
Third Party	Defined in Section 144A of the FVPA, to mean any person whose confidential information is relevant to a family violence assessment purpose or family violence protection purpose other than a person who is a primary person (i.e. the victim survivor), a person of concern (i.e. the perpetrator) or is alleged to pose a risk of family violence (i.e. alleged perpetrator).
Victim Survivor	The same meaning as a 'primary person' as defined in Section 144E of the FVPA. A person will be a victim survivor if an information sharing entity reasonably believes there is risk that the person may be subjected to family violence. For clarity, the term victim survivor refers to both adult and child victim survivors
Note on Terminology	In line with the Royal Commission, this document refers to victim survivor and perpetrator in recognition that these are the terms most widely used in the community. Some ISEs or professionals may identify with or use different terms as language depends on context, including the age of the person being spoken with or about, the service setting and who is present

1. PURPOSE

To ensure MASP facilitate Family Violence information sharing, reflecting the MASP Family Violence policies, the Victorian Governments Royal commission into Family Violence Recommendations 2018 and subsequent state legislative requirements. This policy is linked to the MASP strategic plan 2019-2022 under:

- Priority 1, Benefit 3: Our systems and processes enable and empower people from diverse communities
- Priority 2, Benefit 1: Services are delivered in line with trauma-informed relationally safe care and
- Priority 2, Benefit 2: Effective collaboration with other agencies to ensure positive outcomes for clients.

2. SCOPE

The purpose of this document is to ensure that all family violence and child information sharing requests received or initiated by MASP are processed in accordance with current Information Sharing Legislation.

This document provides guidance to MASP staff who work within areas that are authorised to request, share and respond to relevant requests for information pertaining to family violence and child safety and wellbeing under Victorian Family Violence Information Sharing Legislations including the **Family Violence Information Sharing Scheme (FVISS)** and **Child Information Sharing Scheme (CISS)**.

3. POLICY

- 3.1 Family violence is behaviour that controls or dominates a family member and causes them to fear for their own or another person's safety or wellbeing, and includes exposing a child to these behaviours. Family violence presents across a spectrum of risk severity, from subtle exploitation of power imbalances, isolated incidents or escalating patterns of abuse over time. Its impacts include death, disability, mental health issues, mental illness or other serious health issues, and housing and financial insecurity.
- 3.2 Family violence is defined in section 5 of the *Family Violence Protection Act 2008* (Vic) (FVPA) and includes physical, sexual, emotional, psychological and economic abuse, as well as coercive and threatening behaviour. Family violence can constitute criminal offences and behaviours that are unlawful.
- 3.3 All community members are entitled to safety, dignity and respect. In addition, if staff become aware of a child safety concern they **MUST** also act in accordance with Child Safe Guidelines and the Victorian Child Protection Legislation.
- 3.4 The Procedure section of this policy details information and procedures in relation to:
 1. Who can share information
 2. Who can request information
 3. Consent requirements under FVISS & CISS
 4. Receiving and making a request to share information
 5. Documentation
 6. Record management and reporting functions
 7. Protection for workers
 8. Complaints
 9. Websites and counselling services

4. PROCEDURE

4.1 Who can share information

- 4.1.1 Services that are prescribed ISE's have authority to share risk relevant information that complies with the applicable information sharing scheme.
- 4.1.2 The FVISS allows for the sharing of risk relevant information between authorised services in order to improve the safety of individuals experiencing family violence and to hold perpetrators to account. Similarly, the CISS allows for the sharing of relevant information to promote the safety and wellbeing of children who may be at risk of harm.

4.2 Who can request information

- 4.2.1 Under the FVISS, RAE's are authorised to request risk relevant information for a family violence *assessment* purpose. ISE's can request risk relevant information

from another ISE if the information is required for a family violence *protection* purpose, e.g. to help inform safety planning and risk management processes.

4.2.2 Under the CISS an ISE may request that another ISE provide information for the purpose of promoting the wellbeing or safety of a child or a group of children.

4.3 Consent requirements under the FVISS and CISS

4.3.1 The Family Violence Information Sharing Scheme prioritises:

- A child's safety over any individual's privacy
- Victim survivor safety over perpetrator privacy.

4.3.2 The Scheme promotes a timely whole of system response to holding perpetrators in view.

4.3.3 It is important that if you deem it to be safe, beneficial and in the best interest of the client to have an upfront conversation with clients about how their information is being shared under Part 5A of the Family Violence Protection Act 2008 (FPVA), irrespective of consent.

4.3.4 When sharing information to assess or manage risk for a child victim survivor of family violence, consent is not required from any person.

4.3.5 Consent is NOT required:

- From the alleged perpetrator/ perpetrator or person of concern: if there is reasonable belief that they will or are commit family violence
- From any person: if there is a child under 18 at risk
- From the alleged perpetrator/ perpetrator or person of concern: if the information is needed to assess the risk of committing family violence (RAE's only) *
- Where no child is at risk, information can be shared about an adult victim survivor or third party under the FVISS when it is necessary to lessen or prevent a serious threat to life, health, safety or welfare of an individual.

4.3.6 Consent IS required:

- From a Third party who is giving information (unless there is a child involved or there is a serious risk of harm)
- The adult victim survivor (unless there is a child involved or there is a serious risk of harm)

4.3.7 You CANNOT SHARE under any legislation if you are aware of any of the following circumstances:

- Information that if shared might endanger a person's life or result in physical injury
- If it would prejudice legal proceedings
- If it would prejudice a police investigation
- If it would prejudice a coronial enquiry
- If it contravenes a court order
- If it is contrary to the public interest

**If unsure, please consult with manager or team leader*

4.4 Receiving a request to share information

4.4.1 If you receive a request it is important to:

1. Make sure the request for information is for a permitted purpose under Part 5A of the Family Violence Protection Act 2008 (FVPA) and the information is being requested for a family violence assessment purpose or family violence protection
2. Confirm if the requestor is a prescribed entity; either an Information sharing Entity (ISE) and or a Risk Assessment Entity (RAE) Refer to appendix 1 or alternatively call the Information Sharing Enquiry Line (state-wide) on 1800 549 646 for further information.
3. Confirm the identity of the requestor. This is best achieved by:
4. Requesting they forward to you an email with their signature to which you can then attach a copy of the MASP information sharing letter.
5. Calling the general number of their organisation to verify their identity prior to completing the form over the phone.
6. Ensure ALL sections of the MASP information sharing letter have been completed and that that this information is recorded on the relevant client file.
7. Ascertain that the request is about a person who has received support through MASP.
8. You can ask that the ISE/RAE sends the request in writing if this is possible. However, requests for information can be made verbally or in writing under this legislation (you do not need a written request).

4.4.2 When responding to a request for information:

Always seek approval from your manager or line supervisor before responding to a request. All approved requests and responses must be forwarded to the Privacy Officer or their nominee, for recording and verification purposes.

1. **Ask** is the information being requested for a Family violence ASSESSMENT purpose?
 - **Answer:** Only specifically prescribed Risk Assessment Entities (RAEs) can request and receive information for the purpose of assessment (alleged perpetrator); it is essential to confirm that the person requesting information is specifically prescribed (See appendix 1 FVIS flowchart) <https://www.vic.gov.au/about-information-sharing-schemes-and-risk-management-framework>
2. **Ask** is this information being requested for a Family violence PROTECTION purpose?
 - **Answer:** Any prescribed ISE (See appendix 1) is permitted to request and receive information for the purpose of protection

3. Ensure that you share information in a way that does not place victim survivor at further risk of harm.
4. Refer to the MARAM Framework <https://www.vic.gov.au/maram-practice-guides-and-resources> to assess what information is relevant and share in line with your professional judgement.
5. Seek to promote the agency of the child and other family members at risk of family violence by considering their wishes where appropriate and plan for the safety of all family members at risk of family violence.

The MASP Staff member will then prepare the relevant information to be sent back to the RAE or ISE in consultation with their manager and provide the information back in writing or verbally.

4.4.3 When making a Request for Information:

When making a request for information, either verbally or in writing, under Part 5A of the Family Violence Protection Act 2008 (FVPA), you should make sure that:

1. You are requesting information from a prescribed ISE.
2. Your information request is for a permitted purpose under Part 5A of the FVPA, a family violence protection purpose. Any prescribed ISE is permitted to request and receive information for a family violence protection purpose. The focus at this stage is about managing the risk of the perpetrator committing family violence or the victim survivor being subjected to family violence. This could include information sharing as part of ongoing risk assessment.
3. 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.

4.5 Documentation

- 4.5.1 MASP staff who share information under the FVISS and CISS must record the details of this in the client file.
- 4.5.2 When sharing information under the FVISS and CISS, the MASP information sharing letter must be completed to ensure compliance with legislative and safety requirements.
- 4.5.3 ISS documentation **must** include:
 1. Who requested the information, what information was requested and the date of the request.
 2. What information was shared, who the information was shared with and the date the information was shared.
 3. If applicable, assessment of family violence risk and safety planning in respect of a victim survivor and/ or affected child(ren).

4. If sharing information about adult victim survivors and third parties, documentation of their consent is required (unless serious threat to life see consent section).
 5. If an ISE declines to share information for a protection purpose, this needs to be documented, along with the reasoning why the information was not shared.
- 4.5.4 MASP is obliged to ensure appropriate cautions are in place so that information disclosed to an ISE or RAE is not inadvertently disclosed to other persons. The confidential information contained in ISS documentation should be marked “FOI Exempt”.
 - 4.5.5 Under Section 35(1) (b) of the FOI Act a document may be considered exempt from release if disclosure would divulge information communicated in confidence; and disclosure would be reasonably likely to impair the ability of MASP obtaining similar information in the future. A full list of FOI exemptions can be found at the [Office of the Victorian Information Commissioners site](#).

4.6 Record management and reporting functions

- 4.6.1 ISEs are bound by record keeping provisions. The MASP Privacy Officer will maintain a record of all requests received from ISE’s/RAE’s, including requests that are received for individuals that are not a current client at MASP.
- 4.6.2 Any requests and/or outcomes will be documented on the client file by the allocated worker, their program manager or delegate.

4.7 Protection for workers

If an ISE that shares information acted in good faith and with reasonable care, they will not be held liable in relation to the use of or disclosure of information (see Chapter 12 on page 130 Family Violence Information Sharing Guidelines). If information is shared inappropriately, offences may apply, and penalties imposed. There are two offences under Part 5A — one for unauthorised use or disclosure of information and one for intentional or reckless unauthorised use and disclosure of information.

4.8 Complaints

- 4.8.1 Both the CISS and FVISS enable complaints to be made by a RAE/ISE regarding a request for information being declined. Additionally, clients are able to raise a complaint regarding potential breaches of privacy.
- 4.8.2 MASP is required to identify the complaints process and to document these complaints.
- 4.8.3 Complaints should be lodged according to the MASP Complaints Management Policy.

4.9 Websites, counselling and support services

The following is a suggested list of useful resources:

- **If a client is in immediate danger call 000**
- **A guide for organisations on how to share information** outlines how to share information that is relevant to assessing and managing risk of family violence.
- **Overview of the Family Violence Information Sharing Scheme on one page**
<https://www.vic.gov.au/sites/default/files/2019-09/Framework-on-a-page-2019%20pptx.pdf>
- **Orange Door Mildura (1800 290 943)** The Orange Door is a free service for adults, children and young people who are experiencing or have experienced family violence and families who need extra support with the care of children.
- **Mallee Sexual Assault Unit and Domestic Violence Service (03) 5021 2130** Confidential and client direct service. 24-hour crisis response for all victims of sexual assault and / or family violence. 24-hour crisis refuge accommodation.
- **Safe Steps Family Violence Response Centre (1800 015 188)** Safe Steps is Victoria's 24/7 Family Violence Response Centre. For 24/7 help, call us on 1800 015 188. Web chat support available Mon-Fri, 9am – 9pm. We are Victoria's state-wide access point for victim-survivors of domestic and family violence.
- **1800RESPECT (1800 737 732) – 1800RESPECT** is the national sexual assault, domestic and family violence counselling service. Providing free and confidential information and support to people in Australia 24 hours a day, every day of the year.
- **Daisy** – Daisy is a free app made by 1800RESPECT to connect women to support near them. Daisy can link to service phone numbers and websites, which you can access from within the app so they don't show in browser history. There is also information on what to expect when contacting a service.
- **Family Safety Victoria (www.vic.gov.au/family-safety-victoria)** Find latest updates on the progress of the family violence reforms, news across the family violence sector, including opportunities to get involved.
- **MARAM Practice Guides and Resources (www.vic.gov.au/maram-practice-guides-and-resources)** MARAM will support workers across the service system to better understand their responsibilities to undertake risk assessment and management, including information sharing and working collaboratively.