

Family Violence & Child Information Sharing Schemes

and

The Family Violence Risk Assessment and Risk Management Framework

Victorian AOD Service Providers Conference

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Health
and Human
Services

In 2016, the Victorian Royal Commission into Family Violence recommended that the government review and begin implementing a **revised Family Violence Risk Assessment and Risk Management Framework**. The *Family Violence Protection Act 2008 (Vic)* has been amended to require organisations to align to the redeveloped Framework. The first phase of organisations will be brought into alignment from 1 September 2018.



The redevelopment of the Framework is being led by Family Safety Victoria, in partnership with government agencies and stakeholders, to address the opportunities and gaps identified by the Royal Commission.



The redeveloped Framework is to be informed by research into the best available evidence on risk identification, assessment and management, current and best practice in Victoria and elsewhere, as well as extensive stakeholder consultation.



The Framework will be a critical enabler to support the delivery of an integrated response to family violence, by establishing a common and shared approach to family violence risk identification, assessment and management.

WHO CAN SHARE

Information sharing entities (ISEs) are authorised to share information. These ISEs are:

Prescribed by regulations

WHY THEY CAN SHARE

Relevant information about a person (adult or child) who is a victim survivor, perpetrator or a third party can be shared for the purpose of:

Establishing and assessing risk

Managing risk

WHEN CAN THEY SHARE

ISEs can share information:

Voluntarily with other ISEs

In response to a request from another ISE

WHAT CANNOT BE SHARED

Excluded information (including but not limited to) if sharing the information might endanger a person's life or result in physical injury, prejudice legal proceedings or a police investigation, contravene a court order, or is subject to legal professional privilege

ISEs cannot share information that would contravene another law that has not been specifically overridden by the scheme

Adult Victim Survivor

An ISE reasonably believes that there is a risk that the person may be subjected to family violence

Child Victim Survivor

An ISE reasonably believes that there is a risk that the person (under the age of 18 years) may be subjected to family violence

Perpetrator

An ISE reasonably believes that there is a risk that the person may commit family violence

Alleged Perpetrator

A person who is alleged to pose a risk of family violence

Note: information about an alleged perpetrator can only be shared in the risk assessment phase

Third Party

A person whose information is relevant to assessing or managing a risk of family violence

CONSENT REQUIRED

from the adult victim survivor

prior to sharing their information unless there is a serious threat or the information relates to assessing or managing a risk to a child victim survivor (no consent - see below)

NO CONSENT REQUIRED

from any person

if their information is relevant to assessing or managing risk of family violence to a child victim survivor

NO CONSENT REQUIRED

from the perpetrator

prior to sharing their information to assess or manage risk of committing family violence

NO CONSENT REQUIRED

from the alleged perpetrator

prior to sharing their information to establish or assess risk of committing family violence

CONSENT REQUIRED

from the third party

prior to sharing their information unless there is a serious threat or the information relates to assessing or managing a risk to a child victim survivor (no consent - see above).

All ISEs must respond to information requests unless an exemption applies

A good faith defence protects individuals who share information in good faith and with reasonable care

The scheme will be reviewed after 2 years, and then again after 5 years

Complaints about privacy breaches can be made to the Victorian Information Commissioner or the Health Complaints Commissioner

Child Information Sharing Scheme

Who can share information?

- Prescribed information sharing entities (ISEs) can request and share information under the Scheme.

What is the threshold for sharing?

ISEs can share information with other ISEs if:

1. The ISE is requesting or disclosing information for the purpose of promoting the wellbeing or safety of a child or group of children; and
2. 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:
 - 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; and
3. The disclosing ISE reasonably believes that the information being disclosed is not excluded (and it is not restricted from sharing by other legislation).

When can ISEs share information?

- ISEs may share **proactively** with other ISEs if sharing the information meets all three parts of the threshold.
- ISEs must **respond** to information requests and **provide** relevant information to another ISE if sharing the information meets all three parts of the threshold.
- ISEs may make **requests for information** to other ISEs if the request meets part one of the **threshold** (i.e. the request is for the purpose of promoting the wellbeing or safety of the child or group of children).

What information can be shared?

- Confidential information about any person, including personal and health information as defined under the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*, can be shared if it meets the threshold for sharing.

Legislative Principles to guide practice

When sharing information under the Scheme, all ISEs should:

- a. give precedence to the wellbeing and safety of a child or group of children over the right to privacy
- b. only share confidential information to the extent necessary to promote the wellbeing or safety of a child or group of children, consistent with the best interests of that child or those children
- c. work collaboratively in a manner that respects the functions and expertise of each ISE
- d. seek and take into account the views of a child and the child's relevant family members, if it is appropriate, safe and reasonable to do so
- e. seek to preserve and promote positive relationships between a child and the child's family members and persons of significance to the child
- f. 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
- g. take all reasonable steps to plan for the safety of all family members who are believed to be at risk from family violence
- h. promote the cultural safety and recognise the cultural rights and familial and community connections of children who are Aboriginal and Torres Strait Islander or both
- i. seek to maintain constructive and respectful engagement with children and their families.

Penalties apply for unauthorised use of information, or impersonating an ISE

Professionals are protected from liability when acting in good faith and with reasonable care

The regime will be reviewed after 2 years, and again after 5 years

Privacy complaints can be made to Victorian Information and Health Complaints Commissioners

Interface between the Information Sharing schemes and the Framework

Family Violence Framework

FV risk to adult

**USE FVIS
SCHEME**



FV risk to child and/or family
USE FVIS
to assess and manage
FV risk for children and
adults
& **USE CIS**
to promote the
wellbeing and/or safety
of children



Other child
wellbeing and safety
issues

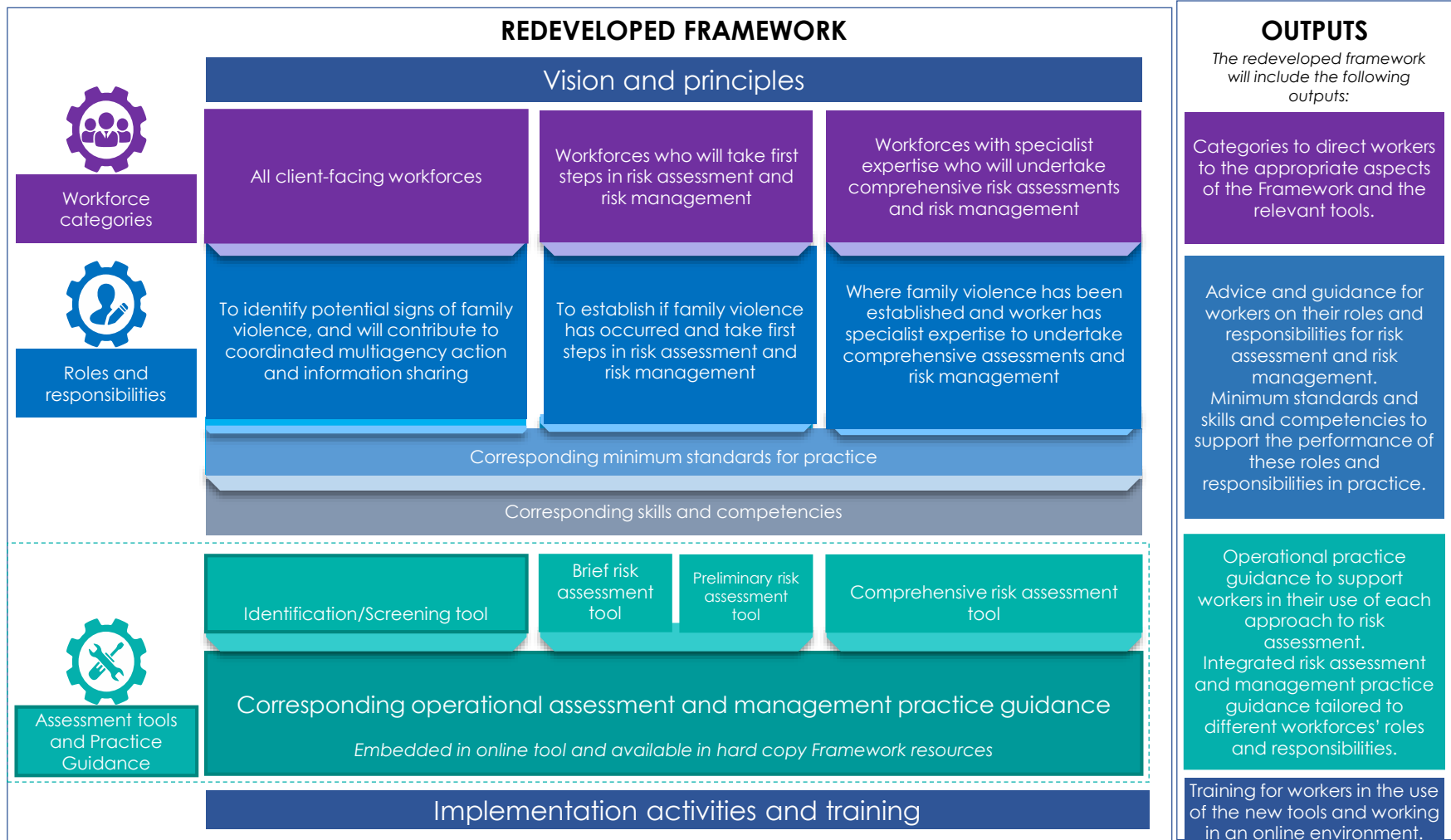
**USE CIS
SCHEME**



Child Best Interests and Developmental Frameworks

Key components of the redeveloped Family Violence Framework

Within the Framework there are supports and resources for departments, organisations and practitioners. The infographic below sets out the key components and outputs of the redeveloped Framework including the identification/screening and risk assessment tools.



In February 2018, the Victorian Government endorsed the aligned rollout of the FVIS Scheme, the CIS Scheme and the redeveloped Framework with two major implementation phases, one in September 2018 and the second in 2020.

The alignment and phased rollout of all three schemes will allow for efficient, coordinated and consistent knowledge and capability building within prescribed workforces.

FSV, DHHS and DET have worked closely together to develop an implementation approach including:

- Training – Face-to-Face, online and other modes, tailored to workforces
- Communications – via Departmental and Division newsletters, the DHHS Intranet and Internet, delivery of information sessions to Divisions
- Support materials – Including fact sheets, decision-trees, and Q&As
- Change management activities – Including support to peak bodies and sector ‘champions’, and to program areas to review and revise policies and practice guides (e.g. Child protection manual)
- Structures and support – Including a central information exchange and advice function

CIS Scheme - Regulations and Regulatory Impact Statement

16 May – 15 June 2018

Consultation closes 15 June 2018 (written submissions due 5pm)

CIS Scheme - Ministerial Guidelines

WC 28 May – WC 25 June 2018

Consultation commences in the week of 28 May and closes in the week of 25 June 2018

<https://engage.vic.gov.au/child-information-sharing-scheme>

FVIS Scheme & redeveloped Framework - Regulatory Impact Statement and Regulations

12 June - 10 July 2018

Consultation closes 10 July (written submissions due 5pm)

<https://www.vic.gov.au/familyviolence/family-safety-victoria/information-sharing-and-risk-management.html>

Public Consultation Site for CIS Scheme

<https://engage.vic.gov.au/child-information-sharing-scheme>

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DEPARTMENT OF EDUCATION AND TRAINING

Child Information Sharing Scheme

Help us shape this vital reform. Together we can create a more collaborative system to improve the wellbeing and safety for all Victorian children.

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Overview

A top priority of the Victorian Government is keeping children safe and supporting their wellbeing.

Over the last decade, many independent inquiries and reviews have recommended reform to Victoria's child information sharing laws, as a lack of information sharing has contributed to negative outcomes to the wellbeing and safety of Victorian children.

The Child Information Sharing (CIS) Scheme responds to these recommendations, including recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse.

Three interrelated reforms to improve information sharing and risk assessment are being progressed by the Victorian Government.

These schemes strengthen the ability of authorised and trained professionals and organisations to work better together to identify vulnerability and risk early to make sure children and families get the help they need as early as possible.

The Child Information Sharing (CIS) Scheme



The Family Violence Information Sharing (FVIS) Scheme



The Family Violence Risk Assessment and Risk Management



Timeline

- 
CIS Scheme Regulations and Regulatory Impact Statement
 16 May – 18 June 2018
 Consultation closes 18 June 2018 (written submissions due 4pm)
- 
CIS Scheme Ministerial Guidelines
 30 May – 29 June 2018
 Consultation closes 29 June 2018 (written submissions due 4pm)
- 
FVIS Scheme Regulatory Impact Statement and Regulations, and the redeveloped Framework
 12 June – 10 July 2018
 Consultation closes 10 July (written submissions due 5pm)

See less

To register to attend the public forums visit:

<https://www.eventbrite.com.au/o/victorian-governments-key-child-wellbeing-and-safety-and-family-violence-reforms-17307633254>

	Monday 11 June	Tuesday 12 June	Wednesday 13 June	Thursday 14 June	Friday 15 June
Week 1 Metropolitan	Public Holiday	--	METRO (1)	METRO (2)	--
	Monday 18 June	Tuesday 19 June	Wednesday 20 June	Thursday 21 June	Friday 22 June
Week 2 Regional	MILDURA	GEELONG	TRARALGON	SHEPPARTON	BENDIGO

Phase 1 Workforces – Prescribed for FVISS, CIS and FV Framework

- Child Protection
- ChildFIRST
- Integrated Family Services
- Out of Home Care
- Support and Safety Hubs
- Specialist Family Violence services
- Sexual Assault Services
- Risk Assessment and Management Panels
- Mental Health services
- Alcohol and Other Drugs services
- Homelessness services
- DHHS Housing
- Maternal and Child Health services
- Youth Justice
- Youth Parole Board
- Justice Health (children and young people only)
- Victoria Police
- Magistrates' Court
- Children's Court
- Victims Support Agency (Victims of Crime Helpline)
- Victims Assistance Programs

Phase 1 Workforces – Prescribed for FVISS, CIS or FV Framework

- Commission for Children and Young People
- Disability Services Commissioner
- Multi-Agency Panels to Prevent Youth Offending
- Court-ordered Family Violence counselling
- Corrections Victoria and Correctional Services (including Adult Parole Board)
- Financial Counselling Program
- Tenancy Advice and Advocacy Program
- Victoria Legal Aid
- Community Legal Centres

- **Practice Guidance**
 - Released with Guidelines in July (will inform training materials)
- **Development of training materials for integrated reforms – CIS, FVIS and Framework**
 - Training Advisory Group
 - Customised Phase 1 workforce modules
- **Delivery of training to Phase 1 Workforces**
 - e-learning introductory module from end July
 - 1-2 day face to face training mid-August to November
 - Customised workforce modules
 - Metro and regional locations
- **Tailored implementation materials**
 - Fact sheets, guidance, policy and procedures

- **Proposed Phase 2 prescribed workforces**
 - Universal services, including schools, early years services, hospitals
 - To commence January 2020

- **Phase 2 Regulatory Impact Statement and Regulations**
 - Formal targeted consultation from August/September 2018
 - Public consultation process early 2019

- **Phase 2 workforce training for CIS, FVIS and Framework**
 - From June 2019 in advance of January commencement
 - As per Phase 1, face to face training for organisational leaders/key information sharers
 - Tailored workforce specific modules will be developed and delivered
 - Supplemented by e-Learning materials for all prescribed staff

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