

# Consent

## What are the consent requirements?

The Family Violence Information Sharing Scheme (**FVISS**) and the Child Information Sharing Scheme (**CISS**) have different requirements for client consent.

Individual about whom you wish to share information	Info Sharing Scheme?	Consent required?
Perpetrator or alleged perpetrator	FVISS	No
Any person, if there is a risk to a child	FVISS	No
Any person, if sharing is necessary to lessen or prevent a serious threat to a person's life, health, safety or welfare	FVISS	No
Adult victim survivor, or third party	FVISS	Yes
Any person, if sharing information that may promote the wellbeing and safety of a child or children	CISS	No

## Informed consent to share information

It is essential that you discuss confidentiality – and the limits to it – with each client, prior to commencing treatment, as well as at any point you are considering sharing information.

There are five requirements to be satisfied for valid consent to be given when information sharing. In order to give consent, the client must:

### 1. Give consent voluntarily

The client must not be coerced into providing consent. Your client must be given time to consider the request and to obtain further advice if appropriate.

### 2. Be properly informed about what they are consenting to

The client must be aware of all relevant information, including the purpose of collecting information and who it will be shared with. Check if the client understands.

Provide examples of what types of things will be shared and with whom (e.g. significant drug use related to offending, risk to others etc.) and what won't be shared (e.g. family history, history of trauma etc.).

Adjust the conversation to the client's literacy. Check and confirm that the client understands what you said.

### **3. Have capacity to give consent**

Capacity may be affected by temporary impairment (e.g. intoxication, withdrawal psychosis, severe pain, etc.), or permanent factors, such as an intellectual, or mental disability, dementia or an acquired brain injury).

### **4. Be aware that consent relates to specific situations and people**

You may consider sharing a client's information on a number of occasions, when you follow up with additional information or to different stakeholders. Each single event of information sharing might involve specific situations and people. You will have to comply with the information sharing requirements for each occasion you share information. Discuss consent with your client every time information sharing is relevant and when safe and appropriate to do so.

### **5. Be aware that consent is not indefinite, and will expire after a certain period of time**

Ideally, the client's consent should be written (unless this is not possible) and documented in line with your organisation's practices and procedures.

## **Additional points for consideration**

When having a conversation with service users, consider the following points:

- Is it safe to have the conversation? If your client is a (alleged) perpetrator, consider your own safety and possible impact to the victim survivor.
- Does the person identify with using family violence or experiencing family violence?
- How will the conversation impact on service engagement?
- Is the client concerned about possible negative impact when information is shared with institutions, such as police, corrections or child protection?