



Victorian Aboriginal
Children & Young
People's Alliance



Child Information Sharing Scheme: [Requesting Information](#)

The **Child Information Sharing Scheme** (CISS) allows authorised organisations in Victoria called **Information Sharing Entities** (ISEs), to share information to support child wellbeing or safety. Aboriginal Community Controlled Organisations (ACCOs) which provide 'prescribed services' are ISEs under the *Child Wellbeing and Safety Act 2005* (CWS Act), which means they are authorised to share information under the CISS. So, if you work with children and family services in your ACCO, you can use CISS to share information with other ISEs such as schools, health services, housing services, out of home care services and maternal & child health services to **support child wellbeing or safety**. However, there is a three-part threshold test and other matters in the CISS **Ministerial Guidelines** which you need to know about when you are deciding whether to share information under CISS.

TIP: Become Familiar with the Ministerial Guidelines: The Ministerial Guidelines are rules under section 41ZA of the CWS Act that your ACCO and other ISEs must consider to safely and appropriately share confidential information. They explain how CISS works and they help you understand how to make decisions under CISS. They also explain how CISS works with other information sharing permissions such as the Family Violence Information Sharing Scheme (FVISS) and the MARAM Framework operate. The Guidelines include the legislative principles in the CWS Act, which provide guidance in applying the CISS threshold tests. They require that decision-makers prioritise child wellbeing & safety over privacy, preserve and promote positive relationships, are respectful and have regard to a child's identity, and promote cultural safety and recognise cultural rights and familial and community connections of Aboriginal and Torres Strait Islander children.

Madison's Story and the **Questions** which follow are designed to walk you through one of the 4 types of sharing under CISS which are **Proactive sharing**, **Requesting information**, **Responding to requests for information** and **Sharing information with a child, a parent or person the child lives with**. It might not reflect exactly what you do on a day-to-day basis, but the aim is to help you make decisions in a timely & safe way, in the best interests of the child. As you progress through the questions you will see Tips which provide information and links to help you make decisions. Once you have used all four Stories and Sharing Questions you will get a sense of when and how CISS can be used in your workplace to promote the best interests of children. There are also **Important Resources** at the end of each story which will help you gain a deeper understanding of CISS.

Madison's story: Requesting information

You are a social worker at your ACCO providing services to 14 year old Madison under the Social and Emotional Wellbeing (SEWB) program. Madison has made good progress under the program until now. Lately, Madison rarely attends the program and when she is there she refuses to join in the activities and doesn't respond to questions about what is making her unhappy.

You have spoken to her parents Linda and Rob, but they tell you that Madison seems very happy at home on the weekends and interacts happily with her siblings and cousins. However, Linda tells you that she thinks there might be a problem at Madison's new school, because she often sleeps in on schooldays and frequently misses the school bus. When Madison gets home from school, she is very withdrawn and is sometimes angry. Madison was bullied in her previous school by a group of students who made racist comments and this was one of the reasons Linda and Rob changed her school.

You are very concerned about the possibility that Madison's is being bullied at school and the impact that it might be having on her mental health and her cultural safety, so you consider asking the school to share information about reports of any recent incidents involving Madison, her teachers or other students at the school.

You have done CISS training but you aren't confident about whether you are permitted to request the information about Madison from her school under CISS and you don't know what steps to take next, so you decide to use the **Questions** below to guide you.

Questions

1. From your CISS training you know that only Information Sharing Entities (ISE) can share information under CISS. You know that your ACCO is an ISE, so it is permitted to receive and request information. You also know from your training that Victorian schools are ISEs so you proceed to the next question. (**TIP: [ISE list](#)**)
2. Because this is the first time that you have used CISS since your training, you aren't certain whether you are authorised by your ACCO to request information from an ISE or whether someone else in your team should make the request.

TIP: Are you working in an appropriate role?: At page p 9 the [Ministerial Guidelines](#) state "...information sharing entities should identify those roles in the organisation or service that are appropriate to use the scheme to make or respond to requests and voluntarily share information, on behalf of the information sharing entity."

3. You clarify this with your Team Leader, and she tells you that because you have had CISS training and because you are working in an appropriate role, you can make the information

sharing request to the school if you are satisfied the three-part threshold test and other considerations in the CWS Act have been met.

4. You remember from your training that you also need to check that the type of confidential information you want to request is permitted under the CWS Act. You aren't sure, so you check with the [Ministerial Guidelines](#).

TIP: Type of information: ISEs may share confidential information including professional judgements, plans and assessments and information obtained from other sources. For more information see page 18 of the [Ministerial Guidelines](#).

You believe that any reports of incidents at the school which might have negatively affected Madison's mood and behaviour meets the criteria for the type of information that may be shared under CISS.

5. You also remember from your CISS training that ISEs must be satisfied that sharing confidential information must meet the **three-part threshold test** in the CWS Act. The first part of the threshold test that you consider is whether you are requesting the information to carry out a **professional activity**. You decide to review the [Ministerial Guidelines](#) to help you decide whether your reasons for requesting the information will meet this requirement.

TIP: The [Ministerial Guidelines](#) state that professional activities include making a decision, an assessment or a plan in relation to a child or children, initiating or conducting an investigation relating to a child or children, providing a service in relation to a child or children or managing any risk to a child or children. See page 14 for more information.

You believe that the information from the school could enable you to adjust SEWB plan for Madison to support her mental health and cultural safety if it indicates that she has been or is still experiencing bullying at school, which would satisfy this part of the threshold test.

6. The next part of the threshold test you need to consider is whether the information about Madison is **excluded information** as defined in the CWS Act or that **sharing might contravene another law**.

TIP: Excluded information is information which if shared, could result in injury to a child, their family or another person, could prejudice an investigation, a coronial inquiry or inquest, could reveal the identity of a confidential source of information, could prejudice a fair trial or be subject to legal privilege, could contravene a court order or be contrary to the public interest. It also includes circumstances where sharing might contravene another law. See page 16 of the [Ministerial Guidelines](#) for further information about excluded information.

You believe that the information you want to request is not excluded information, and to the best of your knowledge, sharing it would not be restricted by another law. You remember from your training that the school will also need to be satisfied that the information is not excluded information.

7. Now you need to consider whether sharing the information will meet the third part of the threshold test, which is whether it will promote a child's **wellbeing or safety**. You decide to revisit the Ministerial Guidelines for assistance.

TIP: Assessing wellbeing & safety: Wellbeing or safety is a professional judgement which also takes into account the child's human rights. At page 11 the Ministerial Guidelines say that 'promoting safety means protecting children from risks of harm.' Promoting wellbeing includes helping a child to feel safe, be protected from harm and support good health and positive relationships with adults, other children and the community. The Ministerial Guidelines also state that ISEs 'should actively value and respect a child's Aboriginal or Torres Strait Islander identity as a core aspect of their wellbeing (page 13). Legislative principle 5 says that ISEs are required to promote the cultural safety of children who are Aboriginal or Torres Strait Islander or both. Cultural safety is a component of wellbeing and safety, so as a member of an ACCO child & family service team you should give consideration to whether sharing is likely to support the child's cultural safety.

Reports about incidents at school such as bullying or harassment by students or teachers would mean that Madison's wellbeing and safety is potentially compromised, not only at school but also outside school. You wonder whether Madison was targeted because she is an Aboriginal child. You note that on page 13 the Ministerial Guidelines say that ISEs should 'actively value and respect a child's Aboriginal or Torres Strait Islander status as a core aspect of their wellbeing and safety.' Because you work for an ACCO you are acutely aware of the importance of cultural safety to your clients but you realise that you don't know whether the reports about possible bullying or harassment are racist in nature.

The SEWB services that you provide to Madison after school could potentially support Madison with strategies to cope with what is happening at school. You might also need to support her parents to raise their concerns with the school, or assist them in deciding what steps, if any, might need to be taken in future regarding the school. It appears to you that all these measures this would promote Madison's wellbeing and safety.

8. Next you remember from your training, that legislative principle 2 requires that ISEs 'preserve and promote family relationships between a child and the child's family'. You consider

organising a meeting with Madison and her parents, however, you are concerned about Madison's reaction given her previous experiences, her age, and her current withdrawal from the program activities. You wonder whether it is advisable to tell her of your intention to request information from the school so you review the [Ministerial Guidelines](#) again.

TIP: Transparency: [Legislative principle 3](#) says that ISEs should 'seek to maintain constructive and respectful engagement' with children and their families. So, unless notification would be contrary to the promotion of the wellbeing or safety of a child or may pose a serious threat to a person's life, health, safety or welfare, it is important to inform children and their families about your intention to share information, why information may be disclosed, who it may be shared with and seek their views about the information sharing. For further guidance about this see page 21 of the [Ministerial Guidelines](#).

You think that telling Madison about the request for the information could pose a risk to her mental health, which would be contrary to her wellbeing, so you decide not to tell her about your intention to request the information. However, you think that you should advise her parents, Linda and Rob and ask for more information about what happened at Madison's previous school and whether they see a similar pattern in her behaviour. So, you decide to invite them to a meeting.

9. At the meeting with Rob and Linda, you share your concerns about Madison given what they told you earlier about the bullying at her previous school. You mention that you would like to request any information about negative incidents from her school. You explain how CISS works to promote the wellbeing and safety of children. You explain how the threshold tests and legislative principles work and you explain that while consent is not required to request information under CISS, you will take their views will be taken into consideration.

TIP: Seeking views: Consent is not required from any person prior to sharing relevant information under CISS. However, [legislative principle 6](#) provides that you should seek and take into account the views of a child or relevant family member whenever it is **safe, reasonable and appropriate** to do so. You must record whether the child and/or the parent or relevant family member were asked for their views and whether they gave their views. See pages 21-29 of the [Ministerial Guidelines](#).

You tell Linda and Rob that you have not advised Madison about the possible request because of her vulnerability and you think it could pose a risk to her mental health. You ask Rob & Linda for their views. They have also noticed a change in Madison's behaviour and they agree

with your decision to not discuss the information sharing with Madison as she is likely to withdraw further. They both understand your concerns and believe that an approach to the school from another professional will help to understand what is happening. They support the information sharing request to the school.

10. Now that you have sought and recorded Linda and Rob's views and because you are satisfied that the information meets all three parts of the threshold test, you decide to send the request for information about Madison being bullied or harassed to her school. In your email you explain how the information will be used to support Madison's cultural safety and wellbeing. This will assist the school in deciding whether sharing the information will meet the professional activities part of the threshold test.
11. So, you after you send the request to the school you remember from your CISS training that you must record certain information about the request and your response. However, you can't remember exactly what the requirements are for keeping records when ISEs requests information under CISS, so you review the [Ministerial Guidelines](#) once again.

TIP: Record Keeping: ISEs must keep and manage records in accordance with the *Child Wellbeing and Safety (Information Sharing) Regulations 2018*. For more information about record-keeping see pp 45-47 of the [Ministerial Guidelines](#).

Following the advice in the Ministerial Guidelines, you record the following in Madison's file:

- name of the school,
- date you made the request,
- the information that you requested, and
- the reasons why you requested the information,

You also decide to record the following as a good practice measure:

- how the request for information met the parts of the threshold test,
- how you intend to use the information,
- whether there was a safety plan or family violence assessment in relation to the family,
- the fact that you informed Madison's parents about the request, and
- the fact that you sought their views and what those views were.

12. The school responds to your request the next day and provides a copy of a report detailing an incident in which another un-named student from the school took Madison's diary and read it aloud on the bus home from school. It was witnessed by other students who reported it to the school and the student who took and read the diary was disciplined. Madison refused to talk to her teachers or the Principal about the matter.

13. You inform Rob and Linda about the contents of the report and you arrange a meeting with the Principal so that they can discuss the incident. Rob and Linda talk to Madison before that meeting, assuring her that she is not in trouble and that because they know about what happened to her, they are able provide her with support. You tell her that you will continue to provide her with support through the emotional wellbeing and support program. Madison talks to you about the incident and how she felt humiliated by the other student but that she feels relieved that she can now talk about it. You amend her SEWB plan to include regular sessions about how to deal with bullies and you invite her to join with other students in a Connection to Country camp in the school holidays.
14. You are satisfied that you have put your CISS training into action and you think you will be ready for the next situation where you might use CISS to promote the safety and wellbeing of the children in the SEWB program.

Important Resources

If you need to clarify any matter related to information sharing you can contact the Victorian Government Inquiry line on 1800 549 646 (operating hours 9am-5pm Monday to Friday) or email CISandFVIS@education.vic.gov.au. Below are other links which may be of use to you in making decisions about sharing information under CISS.

- [CWS Act](#)
- [Ministerial Guidelines](#)
- [ISE list](#)
- [Victorian Government Child Information Sharing Scheme](#)
- [Victorian Government Information Sharing Training](#)
- [Victorian Government Family Violence Information Sharing Guidelines](#)
- [Victorian Government CISS & FVISS decision tree](#)
- [Victorian Government Guidance on Child Wellbeing](#)

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