



Victorian Aboriginal  
Children & Young  
People's Alliance



## Child Information Sharing Scheme: **Responding to a Request**

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 promote **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. The Guidelines include the legislative principles in the CWS Act, which provide guidance in applying the CISS threshold tests. They require that decision-makers in ISEs prioritise child wellbeing & safety over privacy, preserve and promote positive relationships, are respectful and have regard to a child's identity, promote cultural safety and recognise cultural rights and familial and community connections of Aboriginal and Torres Strait Islander children.

**Ethan'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.

## Ethan's story: Responding to a Request

You are a case worker at your ACCO and you provide services to the family of Ethan a thirteen year old boy. Ethan and his family were homeless for a few months this year while his mother Lena was out of work. You assisted his family to find accommodation and the family are settled now. Ethan's family have enrolled him in a local high school. Before the school year commences you receive a request for information from the school for information about Ethan and his family. The email you receive states that the request is made under CISS and it asks for information about Ethan's living conditions for the last year and whether he identifies as Aboriginal or Torres Strait Islander. The email does not provide reasons for requesting the information.

You feel uncomfortable about the request because you have heard reports of other recent cases where some schools in the area have declined to accept students for undisclosed reasons. While you know that it would be unlawful for the school to openly discriminate against Ethan, you are concerned about the school's reasons for the request. However, you are aware that he would be entitled to certain extra support as an Aboriginal student. You know that CISS requires that you respond to requests 'in a timely manner', but you want to make sure that you make the best decision to support his safety & wellbeing, so you decide to use the **Questions** below to guide you.

### Questions

1. From your CISS training you know that all Victorian schools are **ISEs**, but if the request had come from a different type of organisation you would need to check that it was an ISE.  
(**TIP: ISE list**)
2. You remember that before you respond to a request for information about a child or children you should ensure that you are **authorised by your ACCO** to share the information with the school under CISS.

**TIP:** Are you working in an appropriate role?: At page 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."

So, you clarify this with your Team Leader, Annette who tells you that because you have had CISS training and because you are in an appropriate role, you can deal with the information sharing request from the school.

3. You also remember from your CISS training that once you are satisfied that the request has come from an ISE, you need to decide whether the type of information being requested can be shared. You aren't sure, so you check with the [Ministerial Guidelines](#).

**TIP: Types 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 read that ISEs can share confidential information including professional judgements, plans and assessments and information from other sources. You believe that information about Aboriginal or Torres Strait Islander status and information about your client's previous living arrangements would potentially meet the criteria for the type of information that may be shared under CISS depending on how the school intends to use the information.

4. You remember that sharing under CISS must satisfy the [three-part threshold test](#) which requires that:
  - that the information is requested **to promote wellbeing or safety of a child or children.**
  - the information will be used to carry out **permitted activities,**
  - the information is **not 'excluded information'**, and that
5. You first consider whether the school will use the information about Ethan for its **professional activities.** You decide to review the [Ministerial Guidelines](#) to help you decide whether the school has met this part of threshold test in its request.

**TIP: ISE's activities:** On page 14 the [Ministerial Guidelines](#) explain that professional activities include:

- making a decision,
- assessment or plan relating to a child or group of children,
- initiating or conducting an investigation in relation to a child or group of children,
- providing a service to a child or group of children, or
- managing a risk to a child or group of children.

The school's email request is silent on how it intends to use the information, so you realise that you will need to ask the school how the requested information will be used for its professional activities before you can share it under CISS.

6. Next you consider if sharing the information will **promote the wellbeing of a child or group of children**. You have a general idea about what this means because your work is centred on children and families and their best interests, but you check the Ministerial Guidelines again 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 state that ISEs 'should actively value and respect a child's Aboriginal or Torres Strait Islander identity as a core aspect of their wellbeing (at page 13).

You notice that the request for information doesn't explain why the information is being requested, or how the information might be used by the school to promote Ethan's wellbeing or safety. So, you realise you need to also ask the school for this information.

7. You decide to contact the person at the school who sent the request and ask them about the reasons why the information was requested and how it will be used by the school. You receive an email reply from the school which states that the information about Ethan's possible Aboriginal and/or Torres Strait status will determine whether the school needs to provide him with extra supports, such as an Individual Education Plan (IEP) and a Koorie Education Support Officer (KESO). The school advises that it also has a sport scholarship program for Aboriginal and Torres Strait Islander students to assist with the cost of sporting equipment & travel to intervarsity competitions.

It appears to you from this new information that the request for information about Ethan being Aboriginal would be used for the school's professional activity of providing him with educational support. You conclude that this would satisfy the 'activities' part of the threshold test.

**TIP: Cultural Safety:** 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 consider whether sharing is likely to support the child's cultural safety.

You appreciate that if the school is aware that Ethan is an Aboriginal student, it could provide him with support through KESO and it could work with Ethan and his parents to develop an IEP. The sports scholarship would take financial pressure off Lena. In addition, Ethan's participation in school sport could help lessen the trauma of him being 'the new kid' at school. Overall, you think that sharing the information about Ethan being Aboriginal with the school would be likely to promote his cultural safety, to recognise his cultural rights, to enhance his learning and therefore promote his wellbeing and safety overall.

8. However, you note that there is nothing in the response from the school which addresses your follow-up questions about the request about Ethan's previous living arrangements. So, in your reply to the school, you acknowledge their explanation about why the Aboriginal or Torres Strait Islander information has been requested, but you ask the school again to provide more detail about the request for information about Ethan's previous living arrangements. You explain that without this detail you may not be able to provide the information under CISS.

You do not receive a reply to that email and you are unable to make phone contact with the person at the school who you have been communicating with. You are aware that you need to provide a response to the school as soon as possible so you decide to continue to the next part of the CISS threshold test regarding the request for information about Aboriginal or Torres Strait Islander status.

9. You then consider whether sharing the information about Ethan being Aboriginal **excluded information** again you decide to review the Ministerial Guidelines.

**TIP: Excluded information:** 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**, so See page 16 of the Ministerial Guidelines for further information about excluded information.

After a conversation with your Team Leader Annette, you are satisfied that information about Ethan being Aboriginal would be not 'excluded information' in this context and that to your knowledge, sharing that information would not contravene another law. However, you are unable to decide whether the information about Ethan's previous living conditions might be 'excluded information' because the school still has not provided you with any reasons why it has requested the information or how it would be used.

10. The next step you consider is whether you should inform Ethan and his mother Lena about the request from the school. You decide to 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 have a very good relationship with Ethan and Lena, and you want to maintain the trust they both have in you. You do not believe that notifying them about the request from the school would be contrary to Ethan’s wellbeing or safety or that it would pose a serious threat, so you decide that you will call and let them both know you have received a request for information from the school.

11. Before you call Lena, you remember something in your training about seeking the views of children and their family about information sharing. You decide to review the Ministerial Guidelines again to see whether you should seek Ethan and Lena’s views about sharing the information.

**TIP: Seeking views:** Consent is not required from any person prior to sharing relevant information under CISS. However, legislative principle 6 provides that ISEs 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. For more information about this see pages 21-29 of the Ministerial Guidelines.

So, while it is not a requirement under CISS to seek the consent of a child or relevant family member to share the information, you believe from your interactions with Ethan and Lena, that is **appropriate, safe and reasonable** to ask them how they feel about the request from the school and whether they would be comfortable with you sharing information with the school.

12. You meet with Ethan and Lena in the afternoon and after a chat about Ethan's progress, you let them know about the request from the school. You explain why CISS operates and the benefits of information sharing and you assure them that you will only share the information if you are satisfied that the request meets the requirements of the CWS Act.

You let them know what the school has told you about the KESO, IEP and the scholarship program. You also let them know that in your opinion, if school knows that Ethan is Aboriginal it could be beneficial for his wellbeing and safety, especially because of the academic and sporting opportunities it could offer him. You also let them know that the school has not provided an explanation about the request for information about their previous living arrangements has been requested.

You ask Ethan and Lena how they feel about the request from the school. They say they are both surprised about the request, but Lena thinks that the extra assistance would help the school support Ethan academically. Ethan is very pleased to know about the sporting scholarship because he loves playing football and he would like to be able to play other sports, but he knows that it would mean extra expenses for his Mum.

Lena says she is very uncomfortable about the request for information about their previous living arrangements. She asks you not to share that information because she can't see how it would be relevant to Ethan's schooling. Ethan is really concerned that he might be treated differently if his teachers or other students find out he was homeless at that time.

13. You know that you should 'seek to maintain constructive and respectful engagement with children and families' when sharing information so review the Ministerial Guidelines again about how to do that.

**Tip:** On page 29 the [Ministerial Guidelines](#) advise that sharing information respectfully and maintaining engagement can be achieved in a number of ways including acknowledging the strengths and capabilities of children, working to build their trust by being open transparent about information sharing, acknowledging their individuality, identity & experiences and reflecting on your own personal biases.

So, having considered these matters, you advise Ethan and Lena that you will take their views into consideration and record them, and you gently note that the decision about sharing will be made by your ACCO, because as an ISE under the CWS Act, it is obliged to share information where it is permitted for child wellbeing and safety. At the end of the meeting Lena and Ethan seem satisfied that you have talked to them about the request.

14. Now that you have considered Ethan & Lena's views about sharing the information with the school, you are satisfied that the school has met the three parts of the threshold test

regarding the request for information about Ethan being Aboriginal or Torres Strait Islander because;

- the information has been requested to **provide a service** to him at the school,
- the information is **not 'excluded information'**, and
- because sharing the information with the school is likely to **promote Ethan's wellbeing and cultural safety**.

So, you decide that you will inform the school that Ethan is an Aboriginal child.

15. Because the school still hasn't addressed your questions about why the information about Ethan's previous living conditions has been requested, you cannot be satisfied that:

- the information would be for a permitted professional activity, or
- that it would promote Ethan's wellbeing or safety.

In fact, you believe that Ethan might be treated differently if that information became known at the school. From your conversation with him, he fears being treated differently because he and his Mum have previously been homeless. So, even if the request satisfied the other two parts of the threshold test (for professional activities and not being excluded information), it appears to you that sharing the information about the family's homelessness could be contrary to Ethan's wellbeing and safety.

If the school addresses this question, you realise that the request would need to meet all three parts of the threshold tests under the CWS Act. However, at this point, you decide not to provide the information about Ethan's previous living conditions to the school because it has not met the threshold test.

16. In an email to the school, you acknowledge the request for Ethan's information under CISS and you advise that you have reviewed the request in accordance with the three-part threshold test in the CWS Act and the legislative principles. You advise that you believe that the information about Aboriginal or Torres Strait Islander status meets the threshold test and you notify the school that Ethan is an Aboriginal child.

**Tip:** The Ministerial Guidelines state that ISEs must provide reasons to the requesting ISE if they refuse a request to share information. See page 18 for more information.

You also advise the school that you have refused to provide the information about Ethan's previous living arrangements because you are not satisfied that the school has met any parts of the threshold test for sharing information under CISS. However, you add that if the school were to provide this information you would review your decision.



17. So now that you have responded to the request from 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 where ISEs respond to requests under CISS, so you review the [Ministerial Guidelines](#) 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](#).

18. Following the advice in the [Ministerial Guidelines](#), you record the following in Ethan's file:

- name of the school,
- date of the request & the date that the information was shared with the school,
- the information that the school requested,
- the information that was shared,
- the information which was not shared and the reasons why you refused to share that information,
- if there was a safety plan or family violence assessment in relation to the family,
- the fact that you informed Ethan and his Mum's about the request, and
- the fact that you sought their views about sharing the information.

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

- the school's advice about the reasons for requesting information,
- how the request for information about Ethan's Aboriginality met the three threshold tests, and
- that you considered the legislative principles, particularly cultural safety and familial and cultural rights, and the importance of maintaining constructive and respectful engagement in assessing whether sharing the information would be likely to promote Ethan's wellbeing or safety.

19. From this experience, you are satisfied that you understand how CISS works and you think you will be more confident in making a decision the next time you receive a request for information about a child or children under CISS.

## 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](mailto: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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