



Victorian Aboriginal
Children & Young
People's Alliance



Child Information Sharing Scheme: **Sharing with an individual**

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) 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, kinship care 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. 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.

Nye'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 like the one above, 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 should be used in your workplace. There are also **Important Resources** at the end of each story which will help you gain a deeper understanding of CISS.

Nye's story: Sharing with an Individual

You are a healthcare worker working in an ACCO Outpatients Clinic. You have been providing follow-up care to Nye, a 5 year old boy. Nye had an asthma attack for the first time a few weeks back. Nye's symptoms progressively worsened, requiring emergency care. As part of the treatment he received, the doctor did allergy scratch tests to find out what might have caused Nye's asthma attack. When Nye and his mother Katie return to the Clinic for the results of the allergy test you tell them that the test results show that Nye is highly allergic to cats.

Katie tells you that her brother Andy has recently moved into their house and he brought 3 cats with him when he arrived. Katie is worried that if she tells Andy that Nye is allergic to cats that he will just think that she has made this up as an excuse to ask him to leave. Katie has only recently resolved a long-term conflict she had with Andy. She and Andy now get on well, and Katie is really pleased to have Andy in Nye's life. Andy has started to teach Nye language and they do painting on Country together. Katie tells you that she only moved into the area six months ago and while Nye and Katie have made some friends, they have no other family in the area.

You are aware that if Andy leaves town, Katie and Nye could lose a significant connection to family and culture and they could both become isolated. However, you realise that if Andy continues to keep the 3 cats in the house, they could pose a serious risk to Nye's health. You are aware that Katie and Nye are concerned about upsetting Andy if they tell him about Nye's allergy and that he could become resentful about re-homing his cats and leave them. You think that this could be a situation under CISS where you could share information with a person who lives with a child to promote their safety. However, you are still undecided whether you should share the information with Andy so you go through the **Questions** below to guide you.

Questions

1. You remember from your CISS training that, Information Sharing Entities (ISEs) like your ACCO can share information with other ISEs but you also remember that ISEs can share information with:
 - a child,
 - a person with parental responsibility for the child, or
 - a person who lives with the child.

TIP: Sharing with individuals: The Ministerial Guidelines permit the sharing of information with a child, a person with parental responsibility for the child or a person with whom the child is living for the more limited purpose of managing a risk to the child's safety. For further information see p19 of the Guidelines.

2. You remember from your CISS training that you need to be **authorised by your ACCO** to share the information with the school under CISS.

TIP: Are you working in an appropriate role? The [Ministerial Guidelines](#) state at page 9 that “...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 seek advice about this from your Team Leader, Joe who says that because you have done CISS training and because you are Nye’s Case Manager at the Health Clinic, you can share information under CISS, as long as you meet the requirements in the CWS Act.

3. To make sure that sharing information about Nye’s allergy with Andy is permitted under CISS you review the Ministerial Guidelines about sharing information with a child or family member.

TIP: Managing risk: The [Ministerial Guidelines](#) state that information can be shared with a child, a person with parental responsibility or a person with whom the child is living if it is to **manage a risk to the safety of a child**. On page 19 Guidelines provide guidance to assessing risks to safety.

You note that before you can share the information, you have to consider:

- the **nature and significance of the risk to Nye’s safety**,
 - whether the information will help Andy **manage the risk** to Nye’s safety, and what information will help him manage that risk most effectively, and
 - whether any of the information is ‘**excluded information**’ under the CWS Act or if sharing is restricted under another law.
4. When you consider the **nature and significance of the risk**, it is clear to you that Nye’s exposure to cats is a risk to his health, and therefore to his safety. This is a significant risk. Also given the past conflict between Katie and Andy, it is possible that Andy might think that Katie was telling him about Nye’s allergy as a way of asking him to leave. If he did leave, this could be a risk to Nye’s cultural and family connections, and therefore could be a risk to Nye’s cultural safety.
 5. You believe that sharing the information about Nye’s allergy to cats and the fact that this allergy causes Nye to have asthma attacks would assist Andy to **manage the risk** to Nye’s health because the information would be coming from Nye’s health provider, not Katie and therefore avoid a misunderstanding.

6. To consider whether sharing would manage the risk to Nye’s cultural safety, you decide to review your CISS training notes about the legislative principles in the CWS Act. You remember that the legislative principles guide information sharing. So, you review the Ministerial Guidelines for how to apply them in this situation.

TIP: Legislative principles: There are nine legislative principles in the CWS Act which require ISEs to consider certain matters before they make decisions about sharing - Page 6 of the Ministerial Guidelines provides an explanation about how to apply the principles when you share information. For instance, they guide ISEs about when to inform children or family members about information sharing or when to seek their views about sharing.

Because you work in an ACCO you especially remember legislative principle 5, which advises that for Aboriginal and Torres Strait Islander children, sharing information should promote their ‘cultural safety’ and recognise their ‘cultural rights and familial and community connections’. You believe that by sharing the information about Nye with Andy you can help avoid a conflict between Andy and Katie about the cause of Nye’s allergy. As long as they can work out a way to minimise Nye’s exposure to Andy’s cats, Andy will not have to leave and Nye will continue to have another family member in his life and this will promote his cultural connections.

7. Next, you need to consider whether the information is excluded information or whether **sharing might contravene another law**.

TIP: Excluded Information: Excluded information includes 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. See page 16 of the Ministerial Guidelines for further information.

To the best of your knowledge the information you want to share with Andy is not ‘excluded information’ and sharing does not appear to be restricted by other legislation, but you check this with your Team Leader Joe, who agrees with you.

8. You are now satisfied that sharing Nye’s information will manage the significant risk to Nye’s physical and cultural safety and it appears that the information is not ‘excluded information’. Before you go further, you realise that you might need to let Katie know before you share the

information. You aren't sure whether to do this, so you review the Ministerial Guidelines about informing children and families about information sharing.

Tip: Transparency: The Ministerial Guidelines refer to legislative principle 3 which states that ISEs should maintain 'constructive and respectful engagement with children and their families'. The Guidelines advise that this can be achieved by being transparent and accountable about your obligations under CISS. So, unless notification about sharing 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 that children and their families should be informed about your intention to share information, why information may be disclosed, who it may be shared with. see page 21 for further information.

9. You believe that notifying Katie about your intention to share the information would not be contrary to Nye's wellbeing or safety or that it would be a threat to any person. In fact, you believe that it would help manage the risk to Nye's cultural safety if you let Katie know that you will intend to share the information with Andy.
10. You also review the Ministerial Guidelines advice about seeking the views of children and their families about sharing information.

TIP 6: Seeking views: Consent is not required from any person prior to sharing relevant information under CISS. However, legislative principle 6 says that ISEs should seek and take into account the views of a child or relevant family member whenever it is **appropriate, safe & reasonable** 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.

You believe that it would be appropriate, safe and reasonable to take Katie's views about you sharing the information with Andy. In fact, you believe it is important to seek Katie's views given that there has been a history of conflict and you believe that sharing the information directly with Andy will manage the risk to Nye.

So, you arrange a meeting with Katie at which you let her know you intend to meet with Andy to share the information about Nye's allergies because you are aware that there are cats in the house and that the presence of cats are likely to pose a risk to Nye's safety. You tell her that you want Andy to know because you are aware that he is an important person in Nye's life and that you are hoping that he can help minimise Nye's exposure to the cats. Katie tells

you she is happy for this to happen and she realises that under CISS you don't need her consent because you are acting to manage a risk to Nye's safety.

11. Before you meet with Andy you remember from your CISS training, that you need to tell him that he must not share the information about Nye's allergy with anyone else unless that sharing will be to manage further risks to Nye's safety or if it is permitted by law.

TIP: Avoid risk from disclosing: At page 19 of [Ministerial Guidelines](#) say that information shared with a child or their family member cannot be further used or disclosed by that person, unless it is to manage a risk to the child's safety or it is permitted by law. You should also note that Information sharing with family members and children in a **family violence** context presents particular and complex risks. When considering sharing information safely in such cases you should see Chapter 1 of the [Family Violence Information Sharing Scheme \(FVISS\) Ministerial Guidelines](#).

12. You arrange the meeting with Andy, and you tell him about Nye's allergy and the fact that cats appear to be the cause of his asthma episodes. You explain how such a severe allergy could pose a serious risk to Nye's safety. You tell Andy that you are sharing this information because Katie mentioned that there were cats living in the house. You say that you think that Katie was very hesitant to tell him about the cause of Nye's allergy because she didn't want him to leave. You also tell him that you know that Katie and Nye love having him there because they have been much happier and connected to culture since he arrived. Andy says is really concerned about the information about Nye's allergy and says he loves living with Katie and Nye. As his Uncle, he feels very close to and protective of Nye. He says that while likes his cats he realises that they are a risk to Nye's physical safety and he plans to re-home them with friends in another town.
13. Katie contacts you a few days later to tell you that Andy has found a home for his cats and that she had a really good yarn with him about the situation. Nye is extremely happy that Uncle Andy is there to stay, though he misses the cats.
14. After the meeting you remember that you must comply with the CISS record keeping rules in the CWS Act.

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](#).

So, you make a record of your decision to share the information with Andy, including:

- Andy's name and contact details,
- the date you shared the information,
- the information that you shared,
- the fact that you informed Katie,
- Katie's views about sharing the information, and
- whether there was a family violence risk plan or safety assessment

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

- the reasons that you shared the information,
- how you believe that sharing the information managed Nye's physical and cultural safety,
- that the information was not 'excluded information' or restricted by another law to the best of your knowledge, and
- that you advised Andy that he must not share the information with anyone else unless it was to manage a risk to Nye's safety or permitted by law.

15. You see Nye and Katie a few weeks later and they tell you that the cats are living with Andy's friends and that Andy visits them from time to time. Nye's health has improved so much that all they plan to go camping so that Andy can teach Nye bushcraft and do painting together.

You are pleased that CISS has helped you resolve their problems and you feel more comfortable about sharing information now.

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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