

Family Violence Safety Policy

NQS

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| QA2 | 2.2.3 | Child Protection - Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect. |
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National Regulations

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| Regs | 84 | Awareness of child protection law |
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Aim

The safety, health and wellbeing of children is our number one priority. We have zero tolerance for child abuse and are committed to acting in children's best interests. We will ensure our environment and practices are always safe, consistent with best practice and legislative requirements including the Family Violence Information Sharing Scheme.

Related Policies

Child Protection Policy
 Child Safe Policy
 Educator and Management Policy
 Incident, Injury, Trauma and Illness Policy
 Record Keeping and Retention Policy

Implementation

The Royal Commission into Family Violence found that effective and appropriate information sharing is crucial in keeping family members safe. As a result the Victorian Government has implemented the Family Violence Information Sharing Scheme (the Scheme) to support the effective assessment

and management of family violence risk. This Scheme and the Child Information Sharing Scheme complement each other.

Family violence includes physical or sexual violence, emotional or psychological abuse, threatening or coercive behaviour that controls or dominates a family member and makes them fearful for their safety or wellbeing or that of someone else. It also includes behaviour that causes a child to hear, witness or otherwise be exposed to this behaviour.

In this Policy we use the following terms:

- perpetrator – there is a *reasonable belief* the person may commit family violence (eg they've been identified through family violence risk assessment)
- alleged perpetrator – a person who is alleged to pose a risk of family violence
- third party – a person whose confidential information is relevant to assessing or managing family violence
- victim survivor – there's a *reasonable belief* the adult or child may be at risk of family violence.

The Approved Provider or Nominated Supervisor are responsible for ensuring compliance with the Scheme. They are protected from liability if they share information in good faith and with reasonable care. If in doubt about their obligations or Scheme requirements, they will refer to the Family Violence Information Sharing Guidelines or other resources supporting the MARAM Framework. They will never use information obtained under the Scheme to prevent a child enrolling or continuing at the service.

As our Service is an 'Information Sharing Entity (ISE) under the Scheme, the Approved Provider or Nominated Supervisor will voluntarily share information with other ISEs about a perpetrator, victim survivor or third party, or respond in a timely way to requests from ISEs to share information, if the information sharing meets the legal requirements of the Scheme. ISE's may share any personal information (including opinions) for protection purposes ie they *reasonably believe this will help manage an established risk* of a perpetrator committing family violence, or an established risk of a victim survivor being subjected to family violence. Some ISE's, including our service, are also Risk Assessment Entities (RAEs) who can voluntarily share information with, or request information from, other RAEs about a perpetrator, alleged perpetrator, victim survivor or third party, to *establish and assess the risk* of family violence.

The Approved Provider or Nominated Supervisor will confirm a person or organisation requesting information is an ISE or RAE before sharing, for example by asking for an official work email or calling an organisation's switchboard. They will also be aware of local service providers and professionals who can support children and their families. They will also ensure information to be shared is not excluded and consent to share information is first obtained where required.

Information cannot be shared if it's excluded, or consent requirements have not been met.

Excluded information includes information that might endanger a person's life or result in physical injury, prejudice legal proceedings or police investigation, contravene a court order, or is subject to legal professional privilege.

Consent must be obtained from adults victim survivors and third parties to share their information *unless we reasonably believe sharing the information is necessary to lessen or prevent a serious threat to the person's life, health, safety or welfare*. Consent is not required from a perpetrator or alleged perpetrator. Consent is also not required to share anyone's personal information, including that of a victim survivor or third party, where a child is at risk of family violence. However, the Approved Provider or Nominated Supervisor will consider the child's views and/or those of a parent who is not a perpetrator about sharing the information *where it's safe, appropriate and reasonable to do so*.

Where consent is required, it must be given freely and the person fully informed about what information will be collected, who it might be shared with, how it might be used, the consequences of giving or not giving consent, how long their consent is valid for, that they may withdraw their consent any time, and may decline or receive services without their information being shared.

Collect and Sharing Information

If collecting or sharing the information of *victim survivors or third parties* (other than a perpetrator or alleged perpetrator), the Approved Provider or Nominated Supervisor will notify them about the information collected, who it will be shared with and why, how they can access it, who it might be further shared with, when it might be shared without their consent, and the potential outcomes of sharing the information *unless doing so would pose a serious threat to their life or health*. They will also advise the information sharing is allowed under the Scheme, and that complaints about the sharing of personal information may be made to the Victorian Information Commissioner. The Approved Provider or Nominated Supervisor may refuse perpetrators access to their confidential information if they reasonably believe doing so would increase the family violence risk.

When sharing information the Approved Provider and Nominated Supervisor will ensure:

- only information relevant to assessing or managing the risk of family violence is shared
- information shared about an alleged perpetrator, or to assess a risk of family violence, is only shared with another RAE
- information is shared in a way which protects a person's anonymity if personal details are not needed to assess or manage family violence risks
- the ISE requesting information does not have a conflict of interest eg there is no personal/family relationship with another person involved in an assessment
- sharing information will not increase the threat to a victim survivor or any other person (it will not be shared in this case)

- information is shared where possible in a way that preserves and promotes positive relationships between a child and family members
- any discussions about collecting, using or sharing information is done in an accessible, inclusive and culturally sensitive way (eg provided in home languages), and for Aboriginal people in a way that considers their family and community connections.

The Approved Provider or Nominated Supervisor may share non-excluded information about a perpetrator with a victim survivor where they believe this will help manage a risk to the victim survivor's safety. The perpetrator's consent is not required. (Information will never be shared with a perpetrator or alleged perpetrator.) However, where there is not an immediate threat to the victim survivor's safety, the Approved Provider or Nominated Supervisor may refer them to an ISE with expertise in this area, including expertise from a culturally sensitive perspective.

Record Keeping

The Approved Provider or Nominated Supervisor will ensure appropriate records are kept securely and confidentially when information is requested and shared including where relevant:

- if the service received a request for information, who this was from, what was requested and the date of the request
- if the service disclosed information voluntarily, who the information was shared with, what was disclosed and the date disclosed
- if the service requested information, who this was made to and the date, what was requested and the date of the request
- how a disclosure was consistent with the Scheme
- reasons any information sharing request is declined (these will also be provided to the ISE)
- copies of any copies of a family violence risk assessment and/or safety plan made as a result of the information sharing
- any consent provided by an adult victim survivor or third party, or why information was shared without their consent
- the views of a parent who is not a perpetrator in relation to sharing a child victim survivor's information, or why their views were not considered, and if they were advised the information would be shared
- details of any complaint received including what it's about, date made, action taken to resolve the complaint and prevent similar complaints and time taken to resolve.

Source

Education and Care Services National Regulations

Family Violence Protection (Information Sharing and Risk Management) Regulations 2018

(includes ISEs in Schedule 1 and RAEs in Schedule 2)

Family Violence Protection Act 2008 (includes Part 5A Family Violence Information Sharing Scheme)



**Family Violence Information Sharing Guidelines: VIC Govt
*National Quality Standard***

Review

The policy will be reviewed annually by Management, Employees, Families and Interested Parties.

- **Reviewed: 21st June 2021 Date for next review: 1st June 2022**