

Family Violence and Child Information Sharing Schemes: Respond to an Incoming Request for Information

Justice Health Business Processes

Justice Health

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Document purpose

The purpose of this document is to outline the high-level business process for how Justice Health contracted providers participate in the Family Violence Information Sharing Scheme (FVISS) and the Child Information Sharing Scheme (CIS).

This document is to be used in conjunction with the Ministerial Guidelines for the FVISS and CIS schemes.

Responding to an incoming request for information

Under the preferred approach, all incoming requests for information will be managed by the Health Information & Policy (HIP) team within Justice Health.

Where agreed, incoming requests for information received by a contracted provider should be sent to Justice Health via jh.legal@justice.vic.gov.au. Justice Health may seek information and an assessment of exclusion factors, including if there is a danger to the life or safety of an individual, from contracted providers, before determining if information should be released. However, contracted providers have equal status as Information Sharing Entities (ISEs) under the schemes and may respond to requests in their own right.

An ISE **must** comply with a request for information from another ISE (or Risk Assessment Entity (RAE)) in the case of FVISS) where the request meets all requirements or thresholds identified under the schemes.

Incoming requests will be processed and responded to within **five business days** with urgent requests prioritised as appropriate.

Sharing information outside of the schemes

The schemes do not limit current information sharing powers and obligations under other legislation such as the *Health Records Act 2001*. If you can share under existing legislation, then you should use these powers. The FVISS and CIS schemes are designed to fill a gap where information cannot already be shared under existing legislation.

Trigger

A Justice Health contracted provider receives a request for information.

1 Receive

Send request to Justice Health

Ideally, requests should be received on the *Request for Information Form (for FVISS and CIS)* form found on the Justice Health website.¹ However, where required, requests will be processed without the form. If a request is made verbally, the form may be used by to support the collection of all relevant information required to process the request.

Send any incoming requests to Justice Health via jh.legal@justice.vic.gov.au. If a contracted provider determines they will manage an incoming request, this step is not required. However, they will be responsible for managing the request, including recording requirements and the scheme and reporting this activity to Justice Health via the activity log.

2 Validate

Verify requestor

Information can only be shared with organisations who are ISEs (or RAE if sharing under the FVISS).

Note: The identified organisation **MUST** be verified against the ISE list², (the list of prescribed entities in the schemes), before sharing any information, irrespective of any existing relationship with the identified organisation.

As the list is subject to change, always refer to the secure ISE list to verify the identity of the requestor.

¹ This form will be available on the Justice Health website from 27 September 2018.

² The operation of the ISE for FVISS and CIS, including the responsible party for maintaining the list, has not yet been confirmed.

If the recipient organisation is not listed as an ISE then the share cannot proceed via this process. Consider alternative mechanisms to legally share the information, such as under the *Health Records Act 2001 (Vic)* or the *Corrections Act 1986 (Vic)*.

Verify status of the individual to whom the information relates

Verifying the status of the individual informs the requirements for sharing in response to incoming requests under the schemes. Based on the information provided in the request, an individual may be identified as; a perpetrator, alleged perpetrator, adult victim survivor, third party, child, non-perpetrator parent, ect.

Confirm Act

Confirm which Act (and therefore which scheme) applies. This will inform the threshold for sharing.

Confirm threshold (CIS)

When sharing information under the CIS, ensure all three parts of the threshold are met before sharing.

This includes:

- Meets the purpose of promoting the wellbeing or safety of a child or group of children
- Reasonable belief that the information may assist the receiving ISE to undertake one of the specified professional activities
- Information is not excluded (refer to exclusion factors in the Ministerial Guidelines).

Confirm purpose (FVISS)

Under the FVISS scheme, information can be shared for an assessment purpose (with an RAE) or for a risk management (protection) purpose (ISE). Determine whether you are sharing with an RAE or ISE.

3 Search

Justice Health may utilise the professional judgement of its contracted providers by approaching them for information/advice to support the response to a request.

Where possible, confirm that the information is current and up to date.

4 Assess

Consider if any exclusion factors exist in relation to the information identified for release, such as if there is a danger to the life or safety of an individual. The Ministerial Guidelines for both schemes contain the list of exclusion factors.

If an exclusion factor is identified then the information should not be shared.

In some instances it may be necessary to redact documents that contain information deemed not relevant.

5 Consent

Review the consent provisions contained in the Ministerial Guidelines for each scheme.

Determine if consent must be obtained, noting that it is required to share information about an adult victim survivor, or a third party under the FVISS unless there is a serious threat or a child is involved.

While the Ministerial Guidelines place the onus of obtaining consent on the ISE releasing the information, providing the consent alongside the request for information, will facilitate this process.

The *Justice Health Consent form (FVIS)* should be used by staff when seeking consent to share an individual's information under this scheme. **Note:** Consent is not required for children (under 18 years) under either scheme.

As best practice, the views of a young person under 18 years or parent that is not a perpetrator should be sought and taken into consideration when voluntarily sharing if it is safe, reasonable and appropriate to do so.

Information cannot be shared unless the requirements for consent are met.

6 Respond

Approve release

Once a decision is made to share, and that no exclusions apply, information may be released, using the *Voluntary Share of Information – FVISS and CIS Schemes* form, via a secure method.

Note: The ministerial guidelines for both schemes state that ISE's should only share information to the extent necessary to assess and manage family violence or to promote the wellbeing or safety of a child or group of children.

Under the CIS and FVIS schemes ISE's are advised to seek and take into account the views of the child, non-perpetrator family members, adult victim survivors or third parties about sharing their confidential information where consent is not required and if it is appropriate, safe and reasonable to do so (noting that this applies to requesting and disclosing information). In most cases the requesting ISE will have a primary relationship with these individuals and will have advised them about the request to obtain their information. However, the contracted provider should consider whether the views of the individual should be sought on a case by case basis.

Decline release

If the decision is not to release information, this must be recorded in the relevant document management system (such as JCare) along with the reason for refusal.

Prepare the refusal response, ensuring the reason for refusal is included unless it is inappropriate to provide details of the specific grounds for refusal. For further information, refer to the Ministerial Guidelines.

Send the response via a secure method.

7 Report

Contracted providers must report to Justice Health when responding to a request for information via the activity log.³

³ Although reporting is not required under the FVISS, Justice Health will require its contracted providers to report upon information sharing activities.

Appendix 1: Respond to incoming request for information

