

# Child Safe Policy – Victoria

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## Executive Summary:

The purpose of this Policy is to assist principals, teachers and other school staff to deal appropriately with the issue of child protection, and by doing so support a consistent approach by all Anglican Schools Commission (ASC) schools and the ASC's committed to child safety.

## Key Actions:

- Ensure there are robust human resources and recruitment practices for all staff and volunteers including a Working with Child Check (WWC Check) and a Nationally Coordinated Criminal History Check (NCCHC).
- Ensure Board members, School Council members and staff, including regular volunteers receive annual professional learning (mandatory reporting of child sexual abuse and school policies).
- Develop a Child Safe Code of Conduct that is publicly available.
- Ensure all new staff attend an induction covering Child Safe Code of Conduct, Staff obligations to report objectively observable behaviours, School policies and procedures, mandatory reporting obligations.
- Develop a Code of Conduct for students and provide parents and guardians with information about the Student Code of Conduct.
- Implement age and developmentally appropriate protective behaviours and sexual abuse prevention education.
- Develop and implement an annual training plan for all Board members, School Council members, staff and regular volunteers.

**NB:** The list above is not exhaustive, and the Policy should be read in full to understand all obligations.

## 1. Purpose

The Anglican Schools Commission (ASC) is committed to child safety and has developed this Policy to assist principals, teachers and other school staff to deal appropriately with the issue of child protection, and by doing so is supporting a consistent approach by all ASC schools to this important issue.

## 2. Scope

This Policy applies to the ASC and its schools in Victoria. This includes ASC Board members, School Council members, all staff, practicum students, volunteers and boarding staff (if relevant).

## 3. Principles

The ASC acknowledges the serious consequences of child abuse and neglect, both in the short term and the long term. Within its schools the protection strategies and procedures to be followed are based on the following principles and values:

- 3.1 The ASC Core Values: Faith, Excellence, Justice, Respect, Integrity and Diversity guide the ASC in the development of its Child Safe Policy (VIC).
- 3.2 The ASC is committed to complying with The Child Safe Standards per the Royal Commission into Institutional Responses to Child Sexual Abuse recommendations; (Appendix 1) and implementing the National Principles for Child Safe Organisations (Appendix 2).
- 3.3 **All adults have a responsibility to care for children**, to positively promote their welfare and to protect them from any kind of abuse.
- 3.4 All children have the right to a thorough and systematic education about personal safety, including safety in relationships.
- 3.5 The ASC and its schools are committed to child safety and have a zero tolerance of child abuse.
- 3.6 The ASC is committed to preventing child abuse and identifying risks early and removing and reducing these risks.
- 3.7 The ASC and its schools are committed to fulfilling our legal responsibilities in the area of child abuse.
- 3.8 The ASC and its schools are committed to monitoring adherence to the Child Safe Policy (VIC).
- 3.9 All ASC schools will ensure there are robust human resources and recruitment practices for all staff and volunteers.
- 3.10 All ASC schools will ensure there are robust human resources and recruitment practices for all staff and volunteers.
- 3.11 All ASC schools will enable school staff, parents and children to understand, identify, discuss and report child safety matters.
- 3.12 All students should know that they are valued as persons from the time they enter the school community. This pastoral dimension should influence every aspect of the school's life.
- 3.13 The ASC promotes the cultural safety of Aboriginal and Torres Strait Islander children at all ASC schools.
- 3.14 The ASC promotes the cultural safety of children from culturally and/or linguistically diverse backgrounds at all ASC schools.
- 3.15 The ASC promotes the safety of children with a disability and children who are vulnerable.

- 3.16 The value of the family unit is to be respected but this should not be to the detriment of the wellbeing of a child.
- 3.17 All persons involved in situations where abuse is suspected or disclosed must be treated with sensitivity, dignity and respect.
- 3.18 The Principal is responsible for all aspects of school management including the management of suspected or disclosed incidents of child abuse, in line with legislation and Department of Families, Fairness and Housing (DFFH), Commission for Children and Young People (CCYP) and Victoria Police requirements. With the assistance of the appropriate Pastoral Care Staff (such as the School Chaplain, Pastoral Dean, Psychologist, Nurse, Child Safe Officer or Counsellor), the Principal must ensure that the school's pastoral care structures address the issue of child abuse, and make appropriate provisions for the assistance of affected children, families and staff.
- 3.19 All school staff have a duty of care to students during school hours and at other times when staff/student relationships exist.
- 3.20 All schools will take precautions to prevent abuse of a child by an individual associated with the school while the child is under the care, supervision or authority of the school.
- 3.21 The ASC and its schools will ensure Board members, School Council members and staff, including regular volunteers receive annual professional learning on:
- the recognition of grooming and child abuse, appropriate prevention practices and strategies and mandatory reporting obligations; and
  - school policies, procedures and practices that aim to ensure students' safety and wellbeing at school, during school-related activities and child-safe physical and online environments.
- NB:** ensure people who may be absent during scheduled sessions attend a rescheduled session.
- 3.22 The ASC and its schools abide by the legal and moral obligations to report all forms of abuse.
- 3.23 School staff who have access to information regarding suspected or disclosed child abuse or neglect have a clear obligation to observe appropriate confidentiality in relation to the entire matter, and an obligation to ensure that this information is secure.

#### **4. Relevant Policies, Procedures and Legislation**

- 4.1 This Policy must be read in conjunction with the following ASC policies and procedures:
- Mandatory Reporting of Child Sexual Abuse Policy and Procedures – Victoria
  - Reporting of Abuse and Neglect Policy and Procedures – Victoria
  - Dispute and Complaint Resolution Policy and Procedures – ASC Schools
- 4.2 Relevant legislation:
- Children, Youth and Families Act 2005 (Vic)
  - Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015
  - Education and Training Reform Act 2006
  - Child Safe Standards – Managing the Risk of Child Abuse in Schools, Ministerial Order No. 870
  - Crimes Act 1958 (Vic)
  - Crimes Amendment (grooming) Act 2014
  - Wrongs Amend (Organisational Child Abuse) Act 2017
  - Working with Children Act 2005

#### 4.3 Other:

- The Child Safe Standards (Royal Commission into Institutional Responses to Child Sexual Abuse recommendations).
- The National Principles for Child Safe Organisations.

4.4 Once endorsed, the Child Safe Policy (VIC) must be made available within the school community (e.g., school website, newsletters, posted in prominent locations, included in staff and family handbooks, included in staff, volunteer and contractor induction processes).

4.5 The ASC will review and update this Policy and associated policies on an as needs basis (e.g., change to legislation or following an incident). As a minimum the Policy will be reviewed every three years.

## 5. Definitions

**Child:** is defined as a person who is under the age of 17 years or, in the absence of positive evidence of age, as a person who is apparently under 17 years of age. **Child abuse** includes:

- Any act committed against a child involving (i) a sexual offence or (ii) an offence under section 49B (2) of the Crimes Act 1958 (grooming); and
- The infliction, on a child, of (i) physical violence; or (ii) serious emotional or psychological harm; and
- Serious neglect of a child.

**Child-connected work:** means work authorised by the school governing authority and performed by an adult in a school environment while children are present or reasonably expected to be present.

**Child Information Sharing Scheme (CIS Scheme):** The CIS Scheme is set up by Part 6A of the Child Wellbeing and Safety Act 2005 (Vic) (CWS Act) and the Child Wellbeing and Safety (Information Sharing) Regulations 2018 (Vic) (Child Information Sharing Regulations). It is the result of numerous independent reviews and inquiries in Victoria and Australia more generally. The CIS Scheme also complements the Reportable Conduct Scheme and the Victorian Child Safe Standards.

The CIS Scheme enables the sharing of confidential information, where it is relevant to the safety and wellbeing of children, between certain organisations and people to promote the wellbeing or safety of a child, or of a group of children. It is intended to facilitate all of the services that may be involved with a child, or a group of children, to work together to identify needs and risks, promote early intervention and integrated service provision, and improve outcomes for children and their families.

The CIS Scheme prioritises the sharing of information to ensure the protection and wellbeing of children over the protection of an individual's privacy.

**Child Safety:** encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.

**The Family Violence Information Sharing Scheme:** (FVIS Scheme) is set up under Part 5A of the Family Violence Protection Act 2008 (Vic) (FVP Act) and the Family Violence Protection (Information Sharing and Risk Management) Regulations 2018 (Vic) (FV Information Sharing Regulations).

The FVIS Scheme enables the sharing of confidential information, where it is relevant to assessing or managing family violence risks, between certain organisations and people to

ensure the safety and protection of those experiencing family violence and to hold perpetrators to account. It was recommendation 5 of Victoria's Royal Commission into Family Violence.

The FVIS Scheme prioritises the sharing of information to keep perpetrators of family violence in view and to promote the safety of victim survivors of family violence over the confidentiality and privacy of a perpetrator/alleged perpetrator. It also prioritises the safety of child victim survivors over the privacy and confidentiality of any adult.

**School staff:** an individual working in a school environment who is:

- directly engaged or employed by a school governing authority;
- a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary) and including a chaplain or minister or religion. A school lead for child safety should have sufficient status and authority, including leadership support and the ability to direct other staff (where appropriate), to undertake the role effectively.

**Student Aged 17 and Over:** a student aged 17 and over that attends school are legally considered adults and as such the DFFH Child Protection does not have a child protection mandate for them. They can be considered potentially vulnerable, however, and in need of specialist services and schools owe a duty of care towards them. Schools should contact the Police when aware of any assault or crime against a young adult.

**Sexual Abuse:** is when any person uses their authority or power over a child or young person to engage in sexual activity. Examples include sexual penetration, inappropriate touching, and exposure to sexual acts or pornographic materials.

**Physical Abuse:** consists of any non-accidental form of injury or serious physical harm inflicted on a child or young person by any person. Physical abuse does not mean reasonable discipline, though it may result from excessive or inappropriate discipline. Physical abuse can include beating shaking, burning and assault with implements.

Physical injury and significant harm to a child or young person may also result from a failure of a parent or caregiver to adequately ensure the safety of a child, exposing the child to extremely dangerous or life-threatening situations. Physical abuse also includes fabricated illness syndrome and female genital mutilation.

**Reportable Conduct:** includes -

- (a) sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded; or
- (b) sexual misconduct, committed against, with or in the presence of, a child; or
- (c) physical violence committed against, with or in the presence of, a child; or
- (d) any behaviour that causes significant emotional or psychological harm to a child; or
- (e) significant neglect of a child;

## **6. Child Safe Code of Conduct**

6.1 The ASC and its schools are required to develop a Child Safe Code of Conduct for the ASC Board, School Councils, staff, practicum students and volunteers, and boarding staff (if relevant) that:

- is publicly available;
- states as its objective the promotion of child safety in the school environment;

- sets standards about the ways in which school staff are expected to behave with children. It should set a high standard of conduct for the protection and wellbeing of children and young people;
- covers conduct in both the physical and online environments;
- takes into account the interests of school staff (including other professional or occupational codes of conduct that regulate particular school staff), and the needs of all children; and
- is consistent with the school's child safety strategies, policies and procedures as revised from time to time.

## **7. Student Code of Conduct**

- 7.1 Schools must have a Code of Conduct for students, which sets out the minimum standards of conduct, prohibits bullying, harassment and other forms of peer-to-peer abuse and requires respect for the privacy and human dignity of other students and boarders where relevant.
- 7.2 Parents and guardians must receive information about the Student Code of Conduct and when, how and whom to tell when they have concerns about grooming, child abuse or other behaviour.

## **8. Child Empowerment and Participation Education**

- 8.1 All ASC schools must have in place developmentally appropriate protective behaviours curriculum covering what the boundaries are between appropriate and inappropriate interactions and when, how and who to tell when a boundary is crossed. This must be readily available, easy to understand and user-friendly for children.
- 8.2 Appropriate education must also be delivered about:
- Standards of behaviour for students attending the school;
  - Healthy and respectful relationships (including sexuality);
  - Resilience; and
  - Child abuse awareness and prevention.

## **9. School Staff Recruitment Practices**

- 9.1 All ASC schools must develop recruitment practices which:
- Are robust to help ensure the best applicants are employed with each step of process done consistently and thoroughly;
  - Engage only those who are suitable to work with students;
  - Make every attempt to assess commitment to the Child Safe Code of Conduct on the part of the applicants;
  - Include induction to the school's policies and procedures for the prevention, detection and reporting of suspected and actual grooming, and abuse and mandatory reporting obligations.
- 9.2 Each job or category of jobs for school staff that involves child-related work must have a clear statement that sets out:
- The job's requirements, duties and responsibilities regarding child safety; and
  - The job occupant's essential or relevant qualifications, experience and attributes in relation to child safety.
- 9.3 All applicants for jobs that involve child-related work for the school must be informed about the school's child safety practices (including the Child Safe Code of Conduct).
- 9.4 In accordance with any applicable legal requirement (e.g. Working with Children Check (WWC Check), Nationally Coordinated Criminal History Checks (NCCHC) or school policy, the school

must make reasonable efforts to gather, verify and record the following information about a person whom it proposes to engage to perform child-related work:

- WWC Check status, or similar check;
- Proof of personal identity and any professional or other qualifications;
- The person's history of work involving children; and
- References that address the person's suitability for the job and working with children.

Refer to the ASC Recruitment and Selection Policy and Procedures which provides effective and robust procedures to ensure that the ASC and its schools adopt appropriate recruitment and selection methods.

## **10. School Staff and Volunteer supervision practices**

10.1 All ASC schools must develop supervision practices for staff and volunteers to:

- Develop their skills to protect children from abuse;
- Promote the cultural safety of Aboriginal children;
- Promote the cultural safety of children from linguistically and/or diverse backgrounds;
- Promote the cultural safety of children with a disability.

10.2 All schools will ensure that new employees and volunteers are supervised regularly to ensure they understand the commitment to child safety and that everyone has a role to play in protecting children from abuse, as well as checking that their behaviour towards children is safe and appropriate (as per the Staff and Volunteer Code of Conduct). Any inappropriate behaviour will be reported through the appropriate channels, including the relevant child protection agencies, depending on the severity and urgency of the matter.

## **11. School Staff and Volunteer Education and Training**

All ASC schools must have in place annual training for staff and volunteers that identifies, assesses and minimises the risks of child abuse, and detects potential signs of child abuse.

## **12. Mandatory Reporters**

All obligations for mandatory reporters are covered in the policies listed in Section 4.

## **13. Non-mandatory reporters**

Everybody has a duty to report concerns that involve the safety of children and young people. All reporting obligations for non-mandatory reporters is covered in the policies listed in Section 4.

## **14. Risk Management**

14.1 Each school must manage child abuse risks and evaluate annually the effectiveness of child safe management strategies adopted. The following steps must be considered:

- Identify the school's child safety risks across the range of school environments (including excursions, camps, online).
- Identify any existing risk mitigation measures or internal controls.
- Assess and rate the school's child safety risks given the existing controls in place, taking into account the likelihood of risk, and the likely consequence of the risk.

14.2 If the risk rating is more than the 'acceptable level', identify further risk management strategies through additional controls or other prevention, detection or mitigation strategies and then re-assess the risk.

Refer to Appendix 3 for a sample risk register. This section is designed to be read in conjunction with the Risk and Compliance Policy, Framework and Strategy.

## **15. Procedures: Roles and Responsibilities**

### **15.1 The Anglican Schools Commission**

If formal notification is to be made to the appropriate child protection authority or service, the Principal should inform the ASC Chief Executive Officer (CEO) as the official representative of the School Authority.

The ASC Office will:

- Ensure ASC Board members participate in professional learning covering the Child Safe Code of Conduct (specific to their role), their mandatory reporting obligations and all ASC policies and procedures at least annually.
- Assist Principals in arranging appropriate professional development for designated staff in the principles, policy and procedures in child protection.
- Ensure that duty statements/position descriptions clearly address child safety requirements.
- Assist Principals in arranging professional development for designated staff in a protective behaviours curriculum.
- If necessary assist the Principal or their delegate when a case of child abuse or neglect is disclosed, or where there is a belief, based on reasonable grounds that abuse or neglect has occurred, to follow the procedures on notification of abuse to the appropriate child protection authority or service.
- Assist the Principal in ensuring that members of staff of the school making the referral are offered appropriate support to adjust to any consequences of the referral.
- Assist the Principal to cooperate in the CIS Scheme and FVIS Scheme for any such young person enrolled at the school. Appendix 4
- Provide any other assistance to the Principal or their delegate to ensure other aspects of the ASC Child Safe Policy (VIC) are met.

### **15.2 The Principal**

- The Principal is responsible for all aspects of school management including assisting the teacher, child and relevant specialist authorities, if requested.
- The Principal must ensure that the school's pastoral care and/or curriculum structures address the issue of child abuse and neglect and protective behaviours.
- The Principal must ensure that duty statements/position descriptions clearly address child safety requirements.
- The Principal must ensure that all staff members participate in professional learning covering the Child Safe Code of Conduct, their mandatory reporting obligations and all school policies and procedures at least biennially. Further information on the detection and reporting of child abuse is provided in the policies listed in Section 4.
- In the case of sexual or physical abuse, it is the mandatory reporter who is required to make the report to DFFH Child Protection.
- In the case of an allegation made against a staff member or volunteer it is the principal who is required to make the report to the CCYP or the Chair of the School Council if the allegation is made against the Principal. The CCYP must be advised of the outcome of the investigation.
- Any staff member who is a mandatory reporter must advise the Principal in regard to any report they make to DFFH Child Protection as soon as is practicable to do so.



- Advice must be sought from DFFH Child Protection, Child FIRST or the Police in regard to providing any information to others, including the parents/guardians, about the report or the child concerned. Mandatory reporters are able to share information with DFFH Child Protection and Child FIRST without legal or professional consequences, as long as it is done in good faith.
- Should any disclosure or concern of sexual abuse relate to the behaviour of a staff member, the Principal must report the matter to the Victorian Institute of Teaching (VIT), the Chair of the School Council and to the CEO of the ASC. The identity of the reporter must be protected at all times, in line with the Children, Youth and Families Act 2005.
- The Principal, assisted by the mandatory reporter, must retain records of all communication with DFFH Child Protection, Child FIRST, the Police, the VIT, the Chair of the School Council and the CEO of the ASC and the subsequent actions, of which they are privy. All records must be stored in a secure place to ensure confidentiality and kept separate from any other file on the student. There should be an indication on the student's general file that other confidential records are being kept separately without revealing the nature of those records. Appendix 5
- The Principal, with the appropriate assistance, must undertake ongoing support for the teacher, the student and anyone else affected by this process or its outcomes. Confidentiality must be maintained.
- When providing ongoing support for affected children, the Principal should consider utilising strategies such as:
  - Pastoral care programs - structured with the wellbeing of students at its core;
  - The development of a Student Support Plan;
  - The inclusion of 'child safe' as an agenda item at Executive meetings where the ongoing support of the child is reviewed; and
  - The use of a Child Psychologist and other wellbeing professionals as and when required.
- Cooperate in the CIS Scheme and FVIS Scheme for any such young person enrolled at the school. Appendix 4

### 15.3 The Department of Families, Fairness and Housing – Child Protection

- The DFFH focus on child protection, housing, disability, the prevention of family violence, multicultural affairs, LGBTIQ+ equality, veterans, women and youth in Victoria.
- In the case of sexual or physical abuse, the mandatory reporter must provide a written report to DFFH Child Protection.
- DFFH Child Protection and Child FIRST can be used initially in a consultative role if either the Principal or the teacher is concerned about a child and unsure of what action to take.
- The role of the DFFH Child Protection is to:
  - Receive reports from people who believe a child needs protection from abuse or neglect.
  - Provide advice to people who report cases of abuse or neglect.
  - Investigate when a child is believed to have been abused or is at risk of abuse or

neglect.

- Refer children and families to services in the community for ongoing support and harm prevention.
  - Take matters to the Children's Court if the child's safety within the family cannot be guaranteed.
  - Supervise children on legal orders granted by the Children's Court.
- DFFH Child Protection may conduct interviews of children without parental knowledge or consent of the parent/guardian, although this will only occur in exceptional circumstances and if it is in the child's best interests to proceed in this manner.

#### 15.4 **Victoria Police**

- Victoria Police may play a role in responding to allegations of child sexual or physical abuse when informed by DFFH Child Protection.
- In all cases of physical abuse, sexual abuse and serious neglect where Child Protection is investigating, Victoria Police must work with DFFH Child Protection for the duration of the Child Protection investigation. This means that Victoria Police and DFFH Child Protection will conduct joint interviews with the child, alleged non-offending and offending parents and any other persons relevant to the investigation to determine whether criminal charges will be laid.

#### 15.5 **Commission for Children and Young People (CCYP)**

- The CCYP is an independent statutory body who promotes the safety and wellbeing of children, provides oversight of services provided to vulnerable children and plays an important role in improving the lives of Victorian children.
- The role of the CCYP is to:
  - Receive allegations, investigation outcomes and findings of reportable conduct from organisations within scope of the scheme.
  - Monitor the systems or organisations' to investigate abuse or misconduct, and undertake its own investigations in certain circumstances.
  - Refer findings to certain professional registration bodies and the Working with Children Unit for assessment or reassessment of a person's eligibility to hold a WWC Check.
  - Scrutinise organisations' systems for reporting and responding to allegations of child abuse or misconduct involving children.
- To improve oversight of how organisations prevent and respond to allegations of child abuse, the reportable conduct scheme was introduced.
- The reportable conduct scheme requires reporting to the CCYP concerning allegations of child abuse or child-related misconduct by staff and volunteers of a school.

#### 15.6 **The Professional Standards Unit of the Diocese of Wangaratta**

- The Professional Standards Unit (PSU) investigates reports of sexual misconduct and child abuse made against an employee of the Anglican Church and its incorporated bodies and unincorporated organisations.

- School Principals must refer to the PSU any disclosures or strong concerns relating to the behaviour of staff members. The identity of the reporter must be protected at all times, in line with the Children, Youth and Families Act 2005. The Chair of the School Council and the ASC CEO is to be advised of such reports.
- The PSU will investigate the matter and make a recommendation to the school and the ASC.

#### 15.7 **The Victorian Institute of Teaching (VIT)**

- School Principals must notify the VIT straight away if they become aware that a registered teacher you employ is charged with, committed for trial for or convicted or found guilty of a sexual offence.
- The VIT will gather relevant information about concerns in relation to a teacher and determine appropriate disciplinary responses.

**Royal Commission Child Safe Standards**  
**What makes institutions safer for children**

The Child Safe Standards are:

1. Child safety is embedded in institutional leadership, governance and culture.
  2. Children participate in decisions affecting them and are taken seriously.
  3. Families and communities are informed and involved.
  4. Equity is upheld and diverse needs are taken into account.
  5. People working with children are suitable and supported.
  6. Processes to respond to complaints of child sexual abuse are child focused.
  7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
  8. Physical and online environments minimise the opportunity for abuse to occur.
  9. Implementation of the Child Safe Standards is continuously reviewed and improved.
  10. Policies and procedures document how the institution is child safe.
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**National Principles for Child Safe Organisations**

1. Child safety and wellbeing is embedded in organisational leadership, governance and culture.
2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved in promoting child safety and wellbeing.
4. Equity is upheld and diverse needs respected in policy and practice.
5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
6. Processes for complaints and concerns are child focused.
7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
9. Implementation of the national child safe principles is regularly reviewed and improved.
10. Policies and procedures document how the organisation is safe for children and young people.

**EXAMPLE: Risk Register Template**

Risk ID	Risk Description	Contributing Factors (Cause)	Consequence	Risk Analysis (Inherent)			Existing Controls	Risk Analysis (Residual)			Date of Review	Treatment Required (Yes/No)
				Likelihood	Consequence	Risk Rating		Likelihood	Consequence	Risk Rating		



**Child Information Sharing Scheme (CISS) summary**

The Child Information Sharing Scheme Ministerial Guidelines detail the legal obligations of prescribed Information Sharing Entities (ISEs). Ministerial guidelines and additional resources are available at [infosharing.vic.gov.au](http://infosharing.vic.gov.au)

**Who can share and request information?**

- Whenever the scheme's threshold is met, nominated professionals in ISEs must disclose relevant confidential information upon request, and they can request and voluntarily disclose information under the scheme.

**Who can they share information with?**

- Information can be shared with any organisation that is a prescribed ISE. An online ISE list is available at [iselist.www.vic.gov.au/ise/list/](http://iselist.www.vic.gov.au/ise/list/)
- ISEs can also share 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.

**Whose information can be shared?**

- Information can be shared about any person, whenever the scheme's threshold is met.

**What are the reasons that information can be shared?**Threshold part 1: Promoting child wellbeing or safety

An ISE can request or disclose information about any person for the purpose of promoting the wellbeing or safety of a child or group of children.

Threshold part 2: Sharing to assist another ISE

The disclosing ISE must reasonably believe that sharing the information may assist the receiving ISE to carry out one or more of the following activities:

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

**What information can be shared?**

- ISEs can share any confidential information about any person, which includes sensitive, personal and health information. This can include case notes, observations, assessments, contact details, service engagement history, and any other information relevant to promoting the wellbeing or safety of a child or group of children.

### **What information cannot be shared?**

- ISEs should not share information that does not meet the threshold of promoting the wellbeing or safety of the child or children in the particular circumstances. For example, irrelevant parts of a case file or health record should not be shared.
- ISEs must not share or request excluded information (see the Child Information Sharing Ministerial Guidelines for more information).
- ISEs must not share information that is restricted from sharing by another law.

### **When can information be shared or requested?**

- Information can be shared or requested any time that the threshold of the scheme is met.
- ISEs can share proactively and request information whenever, in their professional judgement, the threshold of the scheme is met.
- ISEs must share information in response to a request whenever, in their professional judgement, the threshold of the scheme is met.
- ISEs must respond to requests for information in a timely manner (including when a request is refused).

### **How should information be shared or requested?**

- Professionals must follow all data security requirements that apply to their organisation.
- The Victorian Information Privacy Principles (including data security requirements) apply to all organisations in relation to the handling of information that is collected under the scheme.

### **Legislative principles to guide sharing.**

1. Give precedence to the wellbeing and safety of a child or group of children over the right to privacy.
2. Seek to preserve and promote positive relationships between a child and the child's family members and people significant in the child's life.
3. Seek to maintain constructive and respectful engagement with children and their families.
4. Be respectful of and have regard to a child's social, individual and cultural identity, the child's strengths and abilities and any vulnerability relevant to the child's safety or wellbeing.
5. Promote the cultural safety and recognise the cultural rights and familial and community connections of children who are Aboriginal, Torres Strait Islander or both.
6. Seek and take into account the views of the child and the child's relevant family members, if it is appropriate, safe and reasonable to do so.
7. Take all reasonable steps to plan for the safety of all family members believed to be at risk from family violence.
8. Only share confidential information to the extent necessary to promote the wellbeing or safety of a child or group of children, consistent with the best interests of that child or those children.
9. Work collaboratively in a manner that respects the functions and expertise of each ISE.



## **Records and recordkeeping - Records and recordkeeping principles**

Accurate records and the exercise of good recordkeeping practices are critical to identifying, preventing and responding to child sexual abuse. Records are also important in alleviating the impact of child sexual abuse for survivors. To improve records and recordkeeping practices consideration should be given to the following Principles.

### **Principle 1: Creating and keeping full and accurate records relevant to child safety and wellbeing, including child sexual abuse, is in the best interests of children and should be an integral part of institutional leadership, governance and culture.**

- Keep the best interests of the child uppermost in all aspects of their conduct, including recordkeeping.
- Foster a culture in which the creation and management of accurate records are integral parts of the operations and governance.

### **Principle 2: Full and accurate records should be created about all incidents, responses and decisions affecting child safety and wellbeing, including child sexual abuse.**

- Ensure that records are created to document any identified incidents of grooming, inappropriate behaviour (including breaches of institutional codes of conduct) or child sexual abuse and all responses to such incidents.
- Records created should be clear, objective and thorough and created at, or as close as possible to, the time the incidents occurred, and clearly show the author and the date created.

### **Principle 3: Records relevant to child safety and wellbeing, including child sexual abuse, should be maintained appropriately.**

- Records should be maintained in an indexed, logical and secure manner. Associated records should be collocated or cross-referenced to ensure that people using those records are aware of all relevant information.

### **Principle 4: Records relevant to child safety and wellbeing, including child sexual abuse, should only be disposed of in accordance with law or policy.**

- Records relevant to child safety and wellbeing, including child sexual abuse, must only be destroyed in accordance with records disposal schedules or policies.
- Records relevant to child sexual abuse should be subject to minimum retention periods that allow for delayed disclosure of abuse by victims, and take account of limitation periods for civil actions for child sexual abuse.

### **Principle 5: Individuals' existing rights to access, amend or annotate records about themselves should be recognised to the fullest extent.**

- Individuals should have a right to access records made about them. Full access should be given unless contrary to law. Specific, not generic, explanations should be provided in any case where a record, or part of a record, is withheld or redacted.
- Individuals should be made aware of, and assisted to assert, their existing rights to request that records containing their personal information be amended or annotated, and to seek review or appeal of decisions refusing access, amendment or annotation.

**NB:** Extract from Royal Commission into Institutional Responses to Child Sexual Abuse

### Version Control

Version	Date	Summary of Changes
1	Oct-16	New Policy
2	May-17	Updated to reflect 'reportable conduct scheme'.
3	Aug-17	Updated to reflect ongoing strategies - VRQA feedback.
4	Aug-18	Annual policy review, updates relating to the Education and Training Reform Regulations 2017 and to align the Victoria policies with the NSW and WA policies.
5	Apr-19	Annual review, includes reference to RC Recommendations, ASC Recruitment Policy, Mandatory Reporting spreadsheet.
6	May-20	Annual review
7	Apr-21	Annual review Department of Health and Human Services (DHHS) changed to Department of Families, Fairness and Housing (DFFH) Reference to the Child Information Sharing Scheme (CIS Scheme) Reference to the Family Violence Information Sharing Scheme (FVIS) New Policy format
8	Oct-21	Remove detailed reference to Code of Conduct and Appendix C. <b>NB:</b> New Policy developed specifically for the Child Safe Code of Conduct. Include requirement for schools to have a Student Code of Conduct