



Geelong Lutheran College is committed to providing a safe environment for all students when they are in the care of the College.

Definitions

The College: Geelong Lutheran College St John's Newtown and Armstrong Creek

Parents: Parents, Guardians, Caregivers

Staff: Staff including Direct Contact Volunteers, Direct Contact Contractors

STAR: Secure, timely, accurate, relevant

Rationale

This Policy applies to all Staff, including, Volunteers, Parents and Contractors (together, known as Staff for the purposes of this Policy only).

Geelong Lutheran College is committed to appropriate Information sharing to promote the safety, welfare and wellbeing of children and young people. This commitment is demonstrated through:

- the establishment, implementation and maintenance of this Policy
- the appointment of an Executive Principal to oversee this Policy
- training of all Staff, and Direct Contact Volunteers and Direct Contact Contractors about our Information sharing procedures
- ensuring that our Information sharing guidelines are understood by all parents and students
- keeping records of all Information sharing requests and how they have been resolved.

This Policy sets out the overarching principles that apply when the College is considering sharing information about a student's safety, welfare or wellbeing (Information):

- with anyone, where there is informed consent
- with parents
- with the wider College community
- under a statutory regime or court order
- when sharing the information is not pursuant to a statutory regime or court order, but where there is no consent.

This Policy must be read in conjunction with:

- Reporting a Child Safety Incident or Concern Internally
- Mandatory Reporting to Child Protection Policy 2.12 CS
- Non-Mandatory Reporting to Child Protection
- Reporting to Police
- Reportable Conduct
- Reporting Teacher Misconduct to the Victorian Institute of Teaching
- Information Sharing Under Part 6A of the Child Wellbeing and Safety Act 2005 (Vic) Policy 2.21 CS
- Information Sharing Under Part 5A of the Family Violence Protection Act 2008 (Vic) Policy 2.20 CS
- Complying with Court Orders (Information Sharing) Policy 2.20 CS and 2.21 CS

which detail procedures by which Information must be shared within the College and, in specific circumstances, with other external authorities and agencies.



The Principles of Information Sharing

This Information Sharing Policy is based on the following principles:

- the safety, welfare and wellbeing of children and young people are the primary consideration when making Information sharing decisions
- Information sharing decisions are made on a case-by-case basis using best interest principles, and are supported by sound risk assessment
- the informed consent of the child or young person, and/or that of their parents, is sought and obtained before sharing Information about a child or young person or their parents, except where to do so would put the child at an increased risk of harm to their safety, welfare or wellbeing
- when Information is shared under this Policy, it is done so respectfully in both verbal and written communication and using STAR best practice
- an adult's wellbeing needs should not compromise a child's safety and wellbeing
- a child or young person's right to privacy must also be managed while sharing Information

Who Manages Information Sharing at the College?

Where Information is requested or proposed to be shared under this Policy only an authorised information sharer may respond. At the College, the College authorised information sharers are listed below.

Where a request for Information exchange is made by or to a prescribed entity under Part 6A of the Child Wellbeing and Safety Act 2005 (Vic) or Part 5A of the Family Violence Protection Act 2008 (Vic), only the Executive Principal can make or respond to this request. For more information, refer to Information Sharing Under Part 6A of the Child Wellbeing and Safety Act 2005 (Vic) and Information Sharing Under Part 5A of the Family Violence Protection Act 2008 (Vic).

Authorised Information Sharer

The following are authorised information sharers for the purposes of this Policy: the Executive Principal or their delegate, in their absence.

The Executive Principal is responsible for:

- ensuring that all Staff, Direct Contact Volunteers and Direct Contact Contractors are educated about our Information Sharing Policy
- authorising staff members to share Information and approving Information sharing under this Policy
- investigating any Information sharing complaints or incidents
- supervising volunteer involvement with Information sharing
- maintaining accurate records about what Information has been shared and the reasons for sharing the Information
- monitoring the effectiveness of our Information Sharing Policy.

If an Information sharing request is received about the Executive Principal, the GLC Board Chair is to act as the alternate with respect to that Information sharing request or proposal.

Information Sharing and Volunteers at the College

Volunteers make substantial contributions at College and are also responsible for maintaining the safety, welfare and wellbeing of children and young people in their care.



The observations of Volunteers in their roles working with children and young people can be highly valuable to Information sharing discussions.

A Volunteer's participation in Information sharing under this Policy must be conducted under the direct supervision of the Executive Principal and never undertaken alone.

Who Can Information Be Shared With?

The College can share Information with anyone and for any purpose, with the informed consent of the student or their parent. For more information, refer to Information Sharing with Consent in this Policy.

In all other cases, the College can share Information with anyone who has a legitimate purpose for having the Information, but only if:

- there is a legitimate reason for sharing the Information without consent;
- all steps to Information sharing are satisfied; and
- approval has been gained from the Executive Principal.

For more information, refer to Information Sharing Without Consent.

Information Sharing with Parents

While it is important to involve parents in any issues which affect the safety, welfare and wellbeing of their children and young people, Information provided through a confidential Information sharing agreement must not be revealed to a parent without the informed consent of the child or young person involved.

If a child or young person is unable to give informed consent due to insufficient capacity, it is the College's policy to share Information with the parents.

Refer to Communicating with Parents About Internal and External Reports for guidance on when Information might not be shared with parents.

Information Sharing Under a Statutory Regime or Court Order

The College can share Information without the consent of a student or their parent if we are required or otherwise permitted to give the Information through a statutory obligation or court order.

With respect to Information sharing under a statutory regime, it is the College's policy that, wherever possible, informed consent to the sharing of Information about a student between prescribed entities is sought from the student and/or their parents.

Where the Information is to be shared under a statutory regime without consent, the College will follow the procedures for Information Sharing Without Consent, below.

For more information, refer to Information Sharing Under Part 6A of the Child Wellbeing and Safety Act 2005 (Vic) Policy 2.21 CS, Information Sharing Under Part 5A of the Family Violence Protection Act 2008 (Vic) Policy 2.20 CS and Complying with Court Orders (Information Sharing).



Information Sharing with the Wider College Community

The College takes great care to assess the relevance and appropriateness of sharing Information about a child safety incident or concern before providing any information about it to the College community. While the wider College community may have an interest in child safety incidents or concerns, particularly those that involve College events or Staff, Volunteers or Contractors, it is possible that even the confirmation of an incident or allegation can lead to the identification of a victim without their consent.

Only the Executive Principal an authorised representative of LEVNT can disclose Information about a child safety incident or concern to the wider College community.

When considering the appropriateness of sharing Information, the advice of any investigating agency (such as Police, Child Protection or the Social Services Regulator) should be followed.

Information that may identify the victim of the incident or concern must not be shared with the wider College community without the consent of the victim and/or their parent.

How Information Sharing Relates to External Reporting

This Information Sharing Policy supports prevention and early intervention in situations where the safety, welfare and wellbeing of children are at risk or suspected to be at risk. Under this Policy, Information may be shared for Non- Mandatory Reporting to Child Protection and for Responding to Other Concerns About the Wellbeing of a Student.

When Information is shared with external agencies under Mandatory Reporting to Child Protection, Reporting to Police and Reportable Conduct, the sharing of that Information should not be viewed as an alternative to Information sharing under this Policy, but rather this Policy provides an additional avenue of Information sharing once the relevant threshold has been reached. Information about any external report's underlying allegations or concerns can still be shared with other people under this Policy.

For more information, refer to procedures for Responding to and Reporting Child Safety Incidents Policy 2.29 CS.

When Information Can and Cannot be Shared

Information about a child or student aged 18 or over, or about a person associated with a student at the College **can** be shared:

- if there is informed consent; or
- if there is no consent, if:
 - the person or organisation receiving the information has a legitimate purpose for having it (defined below);
 - there is a legitimate reason for sharing the Information without consent (defined below);
 - the steps to Information sharing have been followed; and
 - there is approval from the Executive Principal.



Information **cannot** be shared by College Staff, whether with or without consent, in any situation which would:

- interfere with current court proceedings including coronial inquests and care proceedings
- contravene any legal, professional or client legal privilege
- enable the existence or identity of a confidential source of information in relation to enforcement of a law to be determined
- endanger a child or young person's safety, welfare or wellbeing
- prejudice the effectiveness of a lawful method for dealing with an offence.

Information Sharing with Consent

Information can be shared with anyone and for any purpose, with the informed consent of the student or their parent.

It is the College's Policy to seek the informed consent of the child or young person and/or that of their parents, before sharing Information about a child, young person or their parents, except where to do so would put the child or young person at an increased risk of harm to their safety, welfare or wellbeing.

What is Consent?

In this Policy, the College adopts the definition of consent as free and voluntary agreement. For consent to be 'informed consent' certain principles must be fulfilled:

- the person must have the capacity to consent
- the consent must be voluntary: there should be no coercion and the person is free to give or refuse consent
- the person must be given adequate information on the issue at hand and the options available, on which to base their decision
- the information is provided in a form appropriate to the person's circumstances, personality, expectations, fears, beliefs, values and cultural background
- there is a frank and honest information exchange from both parties
- the person has sufficient time to consider and clarify the issues in order to make an informed decision
- the information provided and the consent given relate to the specific Information sought to be shared.
- Consent may be explicit, meaning agreement is given verbally or in writing. Consent can also be implied, meaning Information sharing is inherent to the nature of the service sought.

As a general principle, a child or young person under the age of 18 has capacity to give informed consent when they have sufficient understanding and maturity to understand what is being proposed.

Sufficient understanding and maturity in children and young people is assessed on a case-by-case basis.

If it is not practicable or reasonable for the College to assess the capacity of children or young people under the age of 18 on a case-by-case basis, the College's Policy is to presume

- a child/young person aged 15 years or over has capacity to consent, unless there is something to suggest otherwise
- a child aged under 15 years does not have capacity to give informed consent.



In circumstances where the child or young person lacks the capacity to give informed consent, it may be appropriate for a parent to consent on their behalf.

Protocols for Gaining Informed Consent

Informed consent in relation to Information sharing means that the child or young person and/or their parent understands the purpose of the Information sharing request and the likely outcomes of them giving consent.

Gaining consent can be done using one or more of the following protocols:

- Explain to the child or young person and/or their parent, why Information sharing is important, who is it designed to support and the intended outcomes.
- Explain what circumstances may arise where Information may be shared without the consent – refer to Step 6 of the Steps to Information Sharing, Information Sharing Under Part 6A of the Child Wellbeing and Safety Act 2005 (Vic) and Information Sharing Under Part 5A of the Family Violence Protection Act 2008 (Vic) for more information.
- Revisit a child or young person's, and/or their parent's, consent if the Information sharing being considered is significantly different to the original consent or a significant amount of time has passed since consent was first given.
- Tailor the explanation approach to take account of children or young people, and parents, from culturally and linguistically diverse backgrounds or with different cognitive capabilities and communication needs.
- Ask the child or young person, or their parent, to explain the request in their own words and why they have given or withheld their consent.
- Gain explicit written consent if possible.

Information Sharing without Consent

The College may share Information without consent if:

- the receiving person or body has a legitimate purpose for having the Information;
- there is a legitimate reason for sharing the Information without consent;
- all steps to Information sharing are satisfied; and
- the Executive Principal approves the sharing of the Information.

What is a Legitimate Purpose?

A legitimate purpose for having the Information may include, but is not limited to:

- where Information is being shared pursuant to a statutory regime, any purpose that is set out in the relevant legislation**
- where Information is being shared pursuant to a court order, any purpose that is related to the relevant court proceedings
- in any other case, to lessen or prevent a serious or imminent threat to an individual's life, health, safety or welfare, including but not limited to:
- alerting a person or organisation to a child or young person's urgent need for a service (e.g. counselling)
- diverting a child or young person from harming themselves
- protecting a child or young person from being abused or otherwise harmed or from being at risk of abuse or other harm



- protecting groups of children or young people from serious or imminent harm
- protecting College community members from serious or imminent harm
- protecting other organisations from situations of serious or imminent harm to children or young people.

For more information about the purposes for which Information may be shared under the Child Information Sharing Scheme refer to Information Sharing Under Part 6A of the Child Wellbeing and Safety Act 2005 (Vic). For more information about the purposes for which Information may be shared under the Family Violence Information Sharing Scheme, refer to Information Sharing Under Part 5A of the Family Violence Protection Act 2008 (Vic). These are all a legitimate purpose under this Policy.

What is a Legitimate Reason?

A legitimate reason for sharing Information without consent may include, but is not limited to situations in which *either*:

- the student, or their parent, clearly does not have the capacity to give informed consent; or
- it would put the child or young person at risk of harm to their safety, welfare or wellbeing by seeking that consent; and
- the sharing of the Information will enable the provision of assistance to or the protection of a child, young person or their family, or a group of children or young people.

Whose Information Can I Share Without Consent?

Provided that the above requirements are met, the College may share Information about the following people *without* their consent:

- children and young people aged under 18 years who are considered to face immediate or anticipated serious threat to their safety, welfare or wellbeing, as well as:
- any siblings of the child or young person under threat
- any family member of the child or young person under threat
- any other person who is a close associate of the child or young person under threat
- teachers who are transferring to another school (irrespective of jurisdiction) who may pose a threat to the safety, welfare or wellbeing of children or young people
- non-teaching Staff, including Direct Contact and Regular Volunteers and Direct Contact or Regular Contractors, who may be transferring to or working at another school (irrespective of jurisdiction) or another organisation, and who may pose a threat to the safety, welfare or wellbeing of children or young people
- students transferring to another school who:
 - may have engaged in harmful sexual behaviours that may pose a threat to the safety, welfare or wellbeing of other children or young people; or
 - may have particular educational or support needs for their safety, welfare and wellbeing.

Procedure for Making Decisions About Information Sharing

Deciding whether to share Information can be difficult. If you are in an Information sharing situation and are still unsure of whether the Information can be shared, the College may seek professional legal advice to assist.



Steps to Information Sharing

When an authorised information sharer, whether pursuant to a request or at their own instigation, shares Information on behalf of the College, it is important to follow these steps to Information sharing and to use STAR best practice when sharing Information.

1. Verify the Identity of the Person Receiving Information

If a person makes an Information sharing request to the College or with whom it is proposed to share Information and is not known to the College, an authorised information sharer must verify the person's identity by:

- calling the individual back at the organisation's number; or
- calling a more senior person in the organisation to verify the identity of the individual.
- Verification of the person's identity should be recorded in the Information sharing records.
- If an authorised information sharer believes that a person has misrepresented themselves when making an Information sharing request or receiving Information from the College, this may represent an offence of fraud.

2. Determine the Reasons for Sharing Information

Information can be shared for any reason, at the request of or with the informed consent of the student or their parent.

In all other cases, the College may share Information with anyone who has a legitimate purpose for having the Information.

The reasons for sharing information could therefore include:

- the student and/or their parent has requested that the Information be shared and has given informed consent
- the Information is being shared pursuant to a court order (refer to Complying with Court Orders (Information Sharing))
- the Information is being shared pursuant to a statutory regime (noting that, if the Information is to be shared without consent, it must be for a legitimate purpose that is set out in the relevant legislation and there must be a legitimate reason for sharing the information without consent) (refer to Information Sharing Under Part 6A of the Child Wellbeing and Safety Act 2005 (Vic) and Information Sharing Under Part 5A of the Family Violence Protection Act 2008 (Vic))
- in all other cases, Information may only be shared to lessen or prevent a serious or imminent threat to an individual's life, health, safety or welfare, including but not limited to:
 - alerting a person or organisation to a child's urgent need for a service (e.g. counselling)
 - diverting a child from harming themselves
 - protecting a child from being abused or otherwise harmed or from being at risk of abuse or other harm
 - protecting groups of children from serious or imminent harm
 - protecting College community members from serious or imminent harm
 - protecting other organisations from situations of serious or imminent harm to children.



3. Confidential Information

Confidential information cannot be shared by the College in any situation which would:

- interfere with current court proceedings including coronial inquests and care proceedings
- contravene any legal, professional or client legal privilege
- enable the existence or identity of a confidential source of information in relation to enforcement of a law to be determined
- endanger a child or young person's safety, welfare or wellbeing
- prejudice the effectiveness of a lawful method for dealing with an offence.

Authorised information sharers must determine whether there is any confidential information involved in the Information sharing request.

4. Gaining Consent

Authorised information sharers at the College should follow the Protocols for Gaining Consent with the child and, where appropriate, their parent.

If they cannot or should not seek or obtain consent, authorised information sharers should follow Step 5 and Step 6.

5. Safety and Consent

Authorised information sharers at the College should not seek consent from the child or young person, or their parent, if:

- the child or young person, or their parent, clearly does not have the capacity to give informed consent; or
- it would put the child or young person at risk of harm to their safety, welfare or wellbeing by seeking that consent.

Examples of situations which may place the child at risk if consent is sought could include when the child or young person may:

- be moved out of reach of the College
- be coached or coerced by other people to cover up harmful behaviour, incidents or evidence
- be at risk of significant harm as a result of having provided consent
- assault or threaten to assault others
- engage in self-harming behaviours.

If an authorised information sharer believes that they are unable to seek consent, whether from a child or young person who otherwise would have the capacity to give informed consent or from a parent, they should also consider whether it is appropriate to make a Mandatory Report to Child Protection or other external report in line with Step 7.

6. Sharing Without Consent

Authorised information sharers at the College should only share Information without consent if the person receiving the Information has a legitimate purpose for having it, there is a legitimate reason for sharing the Information without consent, all steps to Information sharing are satisfied and approval has been gained from the Executive Principal.



7. External Reporting

All Staff, including authorised information sharers, must comply with their external reporting obligations under Mandatory Reporting to Child Protection, Non-Mandatory Reporting to Child Protection, Reportable Conduct, Reporting to Police as outlined in this Program.

8. Information Sharing Process

Staff should seek approval from the Insert Information Sharing Manager before responding to an Information sharing request, or before providing Information on their own initiative.

The Executive Principal must then document the Information sharing request or proposal and their approval on the appropriate Form, which enters the data in an Information Sharing Register in CompliSpace Assurance before any Information is supplied. to record Steps 1-6 (if appropriate) and sending it to the Executive Principal for consideration.

9. Record Management Procedures

CompliSpace Assurance is designed to capture the key data with respect to any individual Information sharing request and track the resolution process.

Completing the required Form enters the data in an Information Sharing Register in CompliSpace Assurance. The Information Sharing Register, which is the responsibility of the Executive Principal, provides a summary of key data about all information sharing requests that are in the system at any particular point in time.

The Information Sharing Register is reviewed in Senior Leadership meetings and key information is provided as necessary to the College Board.

STAR Best Practice When Sharing Information

STAR best practice should be used when sharing Information:

(S) SECURE

Email should not be used for disclosing sensitive Information.

Instead, Staff should establish the identity of the child or young person via phone or in person, then de-identified documents can be sent via email.

(T) TIMELY

It is not appropriate to delay sharing Information, as sharing the Information may prevent risks associated with the safety, welfare or wellbeing of a child or young person.

All Information sharing requests will be dealt with within 14 business days from receiving the request. However, when an organisation contacts the College to request Information, the staff member dealing with the Information sharing request should ask if the request has emergency status, in which case, the requests must be completed within three business days or as soon as possible.

(A) ACCURATE

Accurate and up-to-date Information is essential to any Information sharing request that affects the safety, welfare and wellbeing of a child or young person.



Staff who respond to an Information sharing request should clearly identify any limitations of the Information in writing to the other party.

(R) RELEVANT

Staff should only share Information that is relevant for the Information sharing request to be met. The Information that is shared must be proportionate to the purpose and Staff must not provide unnecessary detail.

Evaluation

This Policy will be reviewed as part of the College's five-year review cycle.

Policy Administration

Responsible Person/s	Approver	Date Approved	Next Review
Executive Principal	College Board	March 2026	March 2028