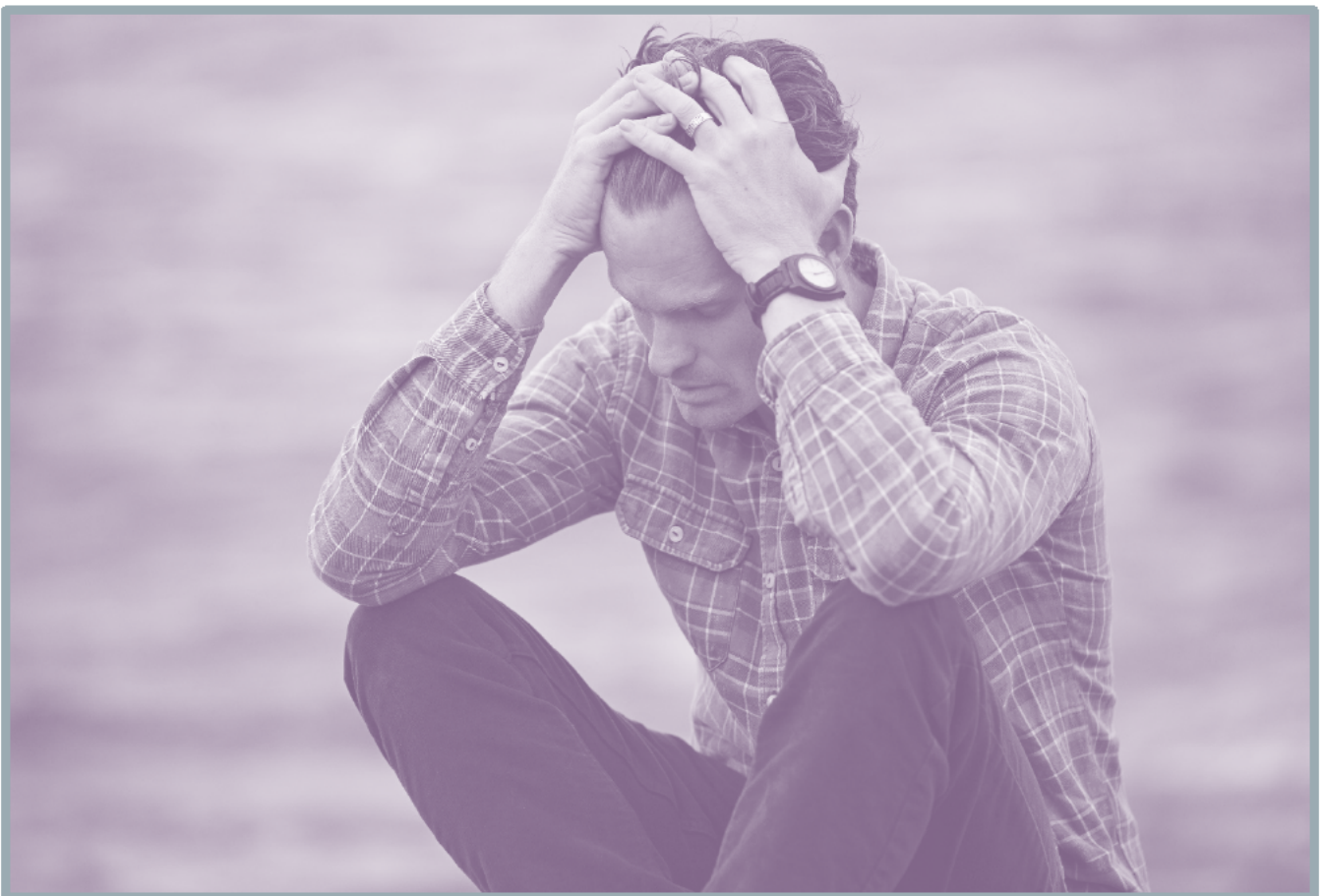


Submission to: The Family Violence Reform Implementation Monitor

*Review of family violence information sharing and risk
assessment and management frameworks*



Authorised by:

[REDACTED]

Chief Executive Officer

Prepared by:

[REDACTED]

MARAM

Practice Development Lead

[REDACTED]

Sector Development Advisor

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About No to Violence

No to Violence is the national peak body for organisations and individuals working with men to end family violence. We are guided by the values of accountability, gender equity, leadership, and change.

No to Violence provides support and advocacy for the work of specialist men's family violence interventions carried out by organisations and individuals. The work undertaken by specialist men's family violence services is diverse and includes but is not limited to Men's Behaviour Change Programs (MBCP), case management, individual counselling, policy development and advocacy, research and evaluation, and workforce development and capability building.

No to Violence also provides a range of training for the specialist men's family violence workforce including in Victoria, a graduate certificate which No to Violence provides in partnership with Swinburne University. Across Australia, No to Violence provides professional development for all workforces who come into contact, directly and indirectly, with men using family violence.

No to Violence is a leading national voice and plays a central role in the development of evidence, policy, and advocacy to support the work of specialist men's family violence nationally. No to Violence operates the national Men's Referral Service (1300 766 491) which supports all men seeking help with their use of violence. In Victoria, New South Wales, South Australia, and Tasmania we provide contracted services and work closely with police to enhance referrals for men.

About Our Members

No to Violence represents more than 200 members Australia-wide. Our membership structure is inclusive of individuals and organisations who provide specialist services to individuals and groups who have an interest in preventing and responding to men's family violence.

About this submission

No to Violence (NTV) welcomes the opportunity to provide feedback to the Family Violence Reform Implementation Monitor in its review of the legal provisions supporting the Family Violence Information Sharing Scheme (FVISS) and Multi-Agency Risk Assessment and Risk Management Framework (MARAM).

NTV offers these insights and recommendations based on the experience of our member practitioners.

Section 1: Family Violence Information Sharing Scheme and Central Information Point

Question 1: Are the legal requirements in the act sufficiently clear?

If no, how do you think they could be made clearer?

NTV notes several areas of concern regarding the clarity of the Act:

- NTV members have raised concerns about the intersection of FVISS with the *Health Records Act*, including record keeping and disclosures of information through subpoenas and *Freedom of Information Act*. Without standardised and clear legal guidance, health settings face challenges in consistent and safe practice.
- Providers reported that for some Men's Behaviour Change Programs, receiving referral information only includes the man's details, not those of affected family members. To access this information as part of family safety contact work, there have been inconsistent processes in being able to request victim survivor contact details from other services, including The Orange Door, without the consent of the victim survivor.

Question 2: The Act outlines principles, and requires the Minister to issue guidelines, to guide decision-making in relation to the collection, use or disclosure of confidential information.

- a) To what extent are the principles reflected in your organisation's policies, procedures, practice guidance and tools? How can this be improved?*
- b) Do the principles and guidelines support you to make decisions under the act?*

NTV acknowledges the principles and guidelines provide support for organisations in embedding into organisational guidance and tools, however notes that capacity and resource limitations across the service system can make consistent implementation challenging:

- While some organisations have the capacity to employ staff who can take on a designated role of embedding principles into policies and procedures, other organisations – particularly those of a smaller scale – are unable to resource this. This may be despite having specialist family violence services and multi-disciplinary complexities to navigate between their programs, this limits the appropriate implementation and alignment to the legislations and frameworks.
- Workforce capacity issues may result in inconsistently applied policies and procedures. The effect of staff turnover (particularly impactful in regional areas), along with existing high workloads and COVID impacts, has meant upskilling and retaining staff knowledge and experience has been challenging across the sector. Staff relying heavily on procedure can sometimes miss the nuance of practice. This requires induction training and ongoing practice discussions as well as regular audits to ensure processes are not only in place but well known and utilised.

In terms of how the principles and guidelines support staff to make decisions under the Act:

- It is noted in the practice guides, that ‘consent is not required to share information as part of secondary consultation about a person using violence’. There is concern that the intersection of secondary consultation within the FVISS guidelines is not clear and could be supported with further guidance.
- NTV acknowledges that while written policies and procedures may be in place in organisations, a more informal process stems from practice. It has been noted that an intersecting factor in information sharing has been the interpersonal professional relationships existing between staff. Particularly in regional areas where communities are small, the informality of relationships facilitates information sharing under the FVISS. This can have a positive effect in encouraging use of the schemes, it also presents a risk in information being inappropriately shared without appropriate oversight.
- The specialist family violence workforce has grown significantly in recent years, particularly with initiatives such as the The Orange Door. With early career professionals, there is less experience in the skill of drawing together and interpreting risk relevant information to provide FVISS or CIP requests, as opposed to a greater reliance on ‘tick box’ forms of information. Consideration for guidance to support practice leads/Advanced practitioners in delivering practice advice to support new staff through secondary consultation could be of assistance in the ongoing consolidation work.

Question 3: Does the act provide sufficient scope and authority for you to collect, request, use or disclose all information you feel is needed to effectively establish, assess, and manage risks of family violence?

Where are the gaps?

NTV notes several key gaps in accessing information to effectively establish, assess, and manage risks of family violence:

- While the information being received from key agencies such as Victoria Police and the Magistrate’s Court are appropriate, there are concerns about the timeliness of receiving responses. NTV acknowledges the significant volume of requests and strain on these key agencies and would support further resourcing of their teams.
- As the Act is Victoria-specific, a key source of missing information is from those services operating Victorian programs but receiving Commonwealth funding. This increases the risk of not sharing risk relevant information across services and programs and likelihood of not keeping the person using violence in view and accountable increases.
- Another key area of missing information is that obtained by private practitioners, who are not subject to the FVISS. Perpetrators who can afford private services (such as for presenting needs like mental health or AOD use) risk falling out of view of the service system.
- For organisations in border areas of Victoria, NTV notes the difficulty of working with clients who access services across state borders, but who are legislatively bound by different State’s acts regarding information sharing and family violence practice. This is a unique

challenge in being able to manage these differing regulations within a single service delivery.

Question 4: Have you been able to obtain consolidated and up-to-date information from the CIP about perpetrators of family violence to support your organisation to assess and manage risks of family violence?

As access to the CIP is currently limited, NTV would support extended access to this service.

NTV acknowledges the volume of CIP requests that can put pressure on responding teams. The delay in response can sometimes impact a timely risk assessment and management approach.

Question 5: Have you observed an increase in the level of information sharing, including:

- a) *Information being disclosed voluntarily?*
- b) *Information being disclosed on request?*

Overall, NTV notes an observed level of increased information sharing. Predominantly, specialist perpetrator intervention services are observing an increase in requesting information from others, rather than having requests made of them. The anticipation of the roll out and implementation of the Adult Person Using Violence practice guides, this may change

The shift to proactive sharing of information through FVISS, is still developing. Usually, the focus of proactive sharing has been on high-risk clients, where there are multiple victim survivors experiencing family violence from a perpetrator, or where there needs to be a determination of the predominant aggressor.

To continue to improve proactive information sharing about perpetrators:

- Secondary consults need to be properly resourced to promote collaborative practice and information sharing. For perpetrator intervention services, there is some concern that this role will be insufficiently met due to limited workforce capacity.
- Some degree of hesitancy exists around individual worker liability, including recording or sharing 'too much' information, and having records subpoenaed. Greater support in reducing these anxieties and standardising practice through improving the guidelines would likely encourage increased confidence for the workforce and improve quality and timelines of the information shared.

Question 6: Have you observed an increase in the level of collaboration between organisations to support the delivery of coordinated services?

Yes, although as with information sharing, it is varied across pockets of the service system. It has been suggested that regional and rural areas have increased coordinated collaborative practice due to the nature of their set up, with a lot of family violence agencies are integrated in the same building, increasing rapport building across teams and increase in likelihood of sharing information at a more frequent rate.

Question 7: Have you experienced any legal barriers or challenges in:

- a) *Collecting, requesting, using, or disclosing information?*
- b) *Collaborating with other organisations to deliver coordinated services?*
- c) *Complying with the Act's requirements?*

Several legal barriers have been identified

- The intersection of the FVISS and Spent Convictions Act has been brought to NTV's attention, concerning difficulty in accessing recent risk-relevant information about perpetrators' interaction with the courts, such as bail outcomes. NTV understands this is under review between FSV and Department of Justice and Community Safety and encourages a swift resolution.
- Multiple victim survivors may have experienced violence from a single perpetrator. In some settings, such as family safety contact work, information collected may be risk-relevant to share with several victim survivors. However, complexities exist where these victim survivors might be known to one another (such as through voluntary contact they've made or living in a small community) and thus there is concern about how to effectively balance the safety of victim survivors without jeopardising another's right to privacy.

Question 8: Are you aware of any instances of the unauthorised use or disclosures of confidential information under the FVISS or CIP provisions?

While NTV is not aware of specific instances of unauthorised disclosures of confidential information, we are aware of the risk of unauthorised disclosure. It has been noted that the FVISS is being bypassed by some settings (notably child protection) to informally request information from practitioners, including broad 'fishing' requests that do not identify the risk relevant information being sought. This has been identified as an area of concern that risks undermining the integrity of the Act.

While not specific to the Act – and acknowledging this is a concern more generally around information sharing – it is noted that some settings including regional areas can hold more complexity in the likelihood of conflicts of interest through interpersonal relationships (whether between clients, service professionals, and/or police). This can raise concern about the amount of information being disclosed and whether an appropriate response will be initiated.

Section 2: Family Violence Risk Assessment and Risk Management Framework

Please reflect on your experience in aligning your organisations policies, procedures, practice guidance, and tools with the MARAM Framework when responding to the following questions:

Question 9: Are the legal requirements under the Act sufficiently clear, including in relation to the meaning of framework organisation and section 191 agency?

NTV is not aware of concerns raised around this question.

Question 10: Have you observed greater consistency in organisations' approaches to family violence risk identification, assessment, and management?

It is difficult to make a judgement across the service system, as there are inconsistencies within different areas. Overall, though, it is noted that family violence is being more consistently addressed and has a far higher visibility across the broader sector.

In terms of notable inconsistencies and their impacts, some issues raised include:

- Correct and appropriate identification of the predominant aggressor. This was noted particularly about women who are incarcerated or have a criminal history, or who do not present as 'perfect victims' in police interactions. NTV looks forward to further improvement in this area with the recent release of the Predominant Aggressor tool as part of the release of the Adult Using Family Violence Practice Guides.
- Some practitioners note concerns about sharing information with other professionals as they are not confident that the information will be appropriately used or that the other professional/service has a sufficiently deep understanding of the context of family violence. This can mean that information may be withheld, and information sharing is done in a more cautious way.

Section 3: General Questions

Question 11: Have you observed any adverse effects of the provisions for groups, such as children and young people, adolescents who use violence in the home, or members of the Aboriginal Community?

What type of adverse effects have you observed?

As noted earlier, private professionals (such as counsellors) are exempt from the Act. While they may have the same role in addressing presenting needs of a perpetrator, they are not subject to the same legislation. It is important to consider that their clients are more likely to be comprised by those with higher incomes. When considering the principles of the Act in holding perpetrators accountable and in view of the service system, a risk exists that we are disproportionately monitoring those perpetrators with lower incomes (or with court mandated requirements through contact with the criminal justice system) while others with greater access to resources can keep themselves 'out of view'. When we consider the intersections of economic class and other communities, it is important to consider how we don't replicate existing oppressive structures.

Question 12: Do the provisions sufficiently provide for the needs and characteristics of diverse communities?

NTV acknowledges the focus on diverse communities highlighted in the MARAM practice guides. In terms of the Act, there are several points that raise concerns for providing appropriate responses to diverse communities:

- The National Disability Insurance Scheme is outside the scope of the Act. Given the intersection of women with disabilities and higher rates of their experience of family

violence, this raises a significant gap for information sharing and MARAM practice. Especially in what can be a very casualised workforce, there is little mandate to be focused on upskilling in family violence practice. It would be recommended that there should be family violence training/upskilling for all staff within the NDIS sector.

- To adequately meet the requirements of the Act, interpreters are a key support for professionals working with linguistically diverse clients. The availability of interpreters (particularly in regional areas or for more newly arrived communities) can be inadequate and their access to family violence practice limited. This presents a risk that non-English speaking people are not being fully served by the Act.
- As noted earlier, concerns have been raised about criminalised women not having their risk appropriately identified and assessed. This can lead to their misidentification as [perpetrators not victim-survivors, the risk of inappropriate information sharing, and their continued stigmatisation and ongoing criminalisation.