



September 2022

Submission to the Review of family violence information sharing and risk management

Introduction

inTouch welcomes the opportunity to provide a submission to the FVRIM review of family violence information sharing and risk management. As we hope to reflect through our responses to the consultation questions, the MARAM and information sharing provisions have been incredibly useful in enhancing collaboration and building efficiency across the sector. We believe there is still some work to be done, to improve consistency and our understanding of the full capacity of these new systems.

In preparing this submission, it has become evident that, as is appropriate, inTouch case managers continue to seek client consent when sharing information with other agencies – and that most times this consent is granted. Case managers continue to uphold client confidentiality very seriously and use robust systems and processes when there is a requirement to share information with other agencies or workers, and where seeking client consent is not appropriate or possible.

About inTouch

inTouch provides person-centred, integrated and culturally responsive family violence services to people from migrant and refugee communities across Victoria. We have assisted over 20,000 women and children experiencing family violence throughout our 37 years of operation, providing a holistic service that centres the experiences of victim-survivors in everything we do.

inTouch works across the family violence continuum, providing culturally-informed early intervention, case management, perpetrator programs, legal advice, crisis recovery and enhanced capacity-building across the sector and community. We are proud to provide high-level leadership and guidance to all levels of government with our evidence-based, victim-survivor informed advocacy and policy work.

Our services include:

- An accredited community legal centre working at the intersection of Family Law and Migration Law
- Learning and development programs for family violence providers and multicultural organisations to build their knowledge and skills when supporting women from refugee and migrant communities
- Case management that encompasses a first-hand understanding of the migration journey and unique cultural barriers women may face when seeking assistance
- Post-recovery initiatives for victim-survivors, focusing on economic independence, social and family connection and emotional wellbeing
- Prevention projects and resource development for migrant and refugee communities
- Programs focusing on trauma and culturally-informed perpetrator intervention.



inTouch is a critical piece in Victoria’s family violence response system and an organisation that is growing in size, scope and capacity. We are a unique and vital service, with specialist expertise working with people of migrant and refugee backgrounds. This is reflected in our workforce, which is comprised primarily of people who are migrants and refugees themselves – the inTouch team is from over 20 different countries and communities globally.

This paper has been informed directly through ongoing discussions with our client-facing case management team, and staff from Motivation for Change – our perpetrator intervention program.

Consultation questions

1. Are the legal requirements in the Act sufficiently clear?

In responding to this question, please consider whether you feel the Act is sufficiently clear in relation to the meanings of key terms (such as person of concern, primary person, confidential information and excluded information), the circumstances in which confidential information can be requested or disclosed, record-keeping requirements and any other matter

- Yes N Unsure

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

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?

- Fully Mostly Somewhat Not at all Unsure

How could this be improved??

inTouch has embedded the principles of the Act throughout our practice. We have policies, guidelines and procedures, as well as forms and record-keeping processes to ensure that we are fulfilling our obligations whilst also maintain our obligations of confidentiality.

b) Do the principles and guidelines support you to make decisions under the Act?

- Yes N Unsure

If no, what changes to the principles and guidelines would improve that?



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?

- Yes N Unsure

Where are the gaps?

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?

- Yes N Unsure

If no, what were the barriers or challenges?

The CIP is only available to The Orange Doors. I believe it has been an invaluable source of information, but it is not generally available. inTouch practitioners are not able to access this.

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

a) information being disclosed voluntarily?

- Yes N Unsure

If no, what were the barriers or challenges?

b) information being disclosed on request?

- Yes N Unsure

Please make any additional comments.

In our experience, in most circumstances, information that is being disclosed is done so via request, with also the consent of the client.

While our case managers are skilled at responding to information sharing requests, there is scope to strengthen practice around proactively providing or seeking information that is relevant to family violence risk.

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

- Yes N Unsure

Please make any additional comments.

The landscape of the family violence services sector has changed drastically since the Royal Commission into Family Violence and the implementation of the MARAM and information sharing guidelines. There is a much better level of collaboration between organisations. This includes increased appropriate referrals, co-case



management, as well as the critical family contact workers for perpetrator intervention programs such as Men’s Behaviour Change Programs.

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

a) collecting, requesting, using or disclosing information?

Yes *N* *Unsure*

If yes, what were the legal barriers or challenges?

The legislation and the guidelines provide sufficient access to information sharing.

b) collaborating with other organisations to deliver coordinated services?

Yes *N* *Unsure*

If yes, what were the legal barriers or challenges?

c) complying with the Act’s requirements?

Yes *N* *Unsure*

If yes, what were the legal barriers or challenges?

8. Are you aware of any instances of the unauthorised use or disclosure of confidential information under the FVISS or CIP provisions?

Yes *N* *Unsure*

Please make any additional comments.

There is still significant adjusting to the new provisions that are occurring across the sector. We are aware of some instances in which practitioners outside inTouch have shared confidential information that has actually heightened risk to the victim-survivor.

There have also been instances in which an inappropriate requests came through to our service from another organisation. Our robust systems have correctly identified these issues and the associated risk immediately, and we have not shared the information.

Family Violence Risk Assessment and Risk Management Framework

Please reflect on your experience in aligning your organisation’s policies, procedures, practice guidance and tools with the MARAM Framework when responding to the following questions.

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

Yes *N* *Unsure*

If no, how could they be made clearer?



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

- Yes No *Unsure*

Please make any additional comments.

Whilst there is some consistency, the quality of MARAMs inTouch receives from referring organisations vary significantly. There are some instances in which our staff have had to consult with the victim-survivor for additional information in order to accurately assess risk. We have also noticed that some services do not complete the MARAM risk assessment if they are not accepting a client, and will instead ask the client to contact inTouch directly.

Furthermore, there continue to be significant gaps in MARAM risk assessments in relation to information on clients from migrant and refugee backgrounds. Questions relating to culturally and linguistically diverse clients, including visa status, cultural and ethnic identity are often not filled out by mainstream service providers. The collection, recording, and ability to interpret and use this information is crucial not only for the purposes of data collection, but also to assist clients from migrant and refugee backgrounds.

General questions

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

- Yes *N* *Unsure*

What types of adverse effects have you observed?

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

- Yes *N* *Unsure*

If no, please indicate why.

The new provisions and guidelines establish greater cooperation, efficiency, and collaboration across the family violence sector, for better outcomes for clients and the safety of women and children. As mentioned above in question 10 however, sections of the MARAM pertaining to the demographic characteristics and migration status of culturally and linguistically diverse communities are often not recorded by mainstream services. Anecdotal information and conversations with our colleagues in mainstream services have reflected a lack of confidence in addressing these questions with clients. This is a major barrier to the appropriate provision of services for diverse clients.

It is also important to ensure that these questions are not only asked by service providers, but that they know how to interpret and respond to the information. As one example, if a service provider asks about visa status and is informed the client is on a temporary migration visa do they know how this information relates to the client's risk, safety, and ability to access support services?

Another important issue to note is the amount of time the MARAM takes to complete for clients from migrant and refugee backgrounds. The questions that are listed on the MARAM, require nuance and care in delivery depending on the cultural and faith background of the client. Perceptions and discussions of safety, family



relationships, sexual relationships and consent, can vary depending on the client's cultural background. Furthermore, where a client also requires an interpreter present for the risk assessment, the length of time for the completion of the MARAM can be quite extensive.

13. Do you have any other comments about the operation of the provisions, including any suggestions for improvement?

As a specialist family violence service, inTouch has worked extensively to ensure that the MARAM and the information sharing provisions are embedded in ways that adhere to the laws and also maintain client confidentiality and safety. Our staff are strongly committed to the guidelines of their profession, and the obligations they work under in terms of client confidentiality and duty of care. The implementation of the MARAM and the information sharing framework, have required a shift in practice. In most situations, this shift has been beneficial and straightforward.

Lack of repetition

The information sharing provisions and the MARAM have improved efficiency and collaboration across agencies and has also been useful for clients. Where a robust risk assessment has been conducted, clients no longer have to repeat their story to a new worker. Upon referral, clients are often relieved that they don't have to retell their story, with the risk of retraumatizing them or taking up more valuable time. Again, this highlights the importance of greater consistency between organisations of completing MARAM assessments as those with little detail mean at times we are required to have this conversation with the victim/survivor again. It is also important the wider sector are skilled and confident in using interpreters as we have noticed some MARAM risk assessments are completed with the assumption the victim/survivor is able to understand the questions without asking whether they would like to communicate in language.

Family contact workers

As mentioned earlier, the MARAM and information sharing provisions have been invaluable in the context of Men's Behaviour Change Programs and the family contact programs. Having the ability to share relevant information in this context has undoubtedly mitigated the risk of harm for victim-survivors.

Case study

Jonny is a perpetrator of family violence and a participant of inTouch's Motivation for Change program. His ex-partner Larissa has been connected to inTouch's main case management program. A staff member acts as the family contact worker.

Jonny's case manager became concerned about his behaviour after some outbursts in one of the group sessions. He contacted the family contact worker to ensure that any risks to his Larissa were mitigated.

Thorough, detailed and effective



The MARAM is a thorough and detailed tool. Although it takes longer to conduct risk assessments, it collects information relating to a client and their situation that is useful and detailed. When filled out properly and with care, it can be used as a fully customised tool to ensure that the person's situation is thoroughly recorded.

Despite these benefits and the potential for benefit of the MARAM and the information sharing provisions, there are a number of ways these systems and processes can be improved.

Lack of relevant and nuanced training

The sector requires ongoing training in best practice ways to use the MARAM and information sharing provisions. Although most organisations and practitioners have attended and participated in training, it is critical that this training is regular to ensure that all those working in the family violence sector are consistent in the way they use the provisions. In preparing this submission, we were advised by case managers and practitioners that the training that was provided earlier on during the implementation of these systems, were very theoretical as even the trainers weren't completely sure of how these tools will be used.

Ongoing and developed training should be available to ensure that both experienced and staff that are new to the sector are using these processes as effectively and safely as possible.

Lack of information and not using the MARAM to its potential

The development of nuanced training may also assist practitioners across the sector to better use the MARAM when working with clients from migrant and refugee backgrounds. inTouch frequently receives risk assessments for clients from other organisations, where all details relating to the cultural and linguistic identify of the client has not been filled out. These critical questions that all practitioners should confidently ask and understand in order to be able to make an accurate judgement of current level of risk.

Risks associated with breaching confidentiality

There continue to be risks associated with breaching confidentiality and the information sharing guidelines. As mentioned earlier, inTouch has received requests for the sharing of information that is irrelevant or unnecessary. The robust inhouse policies and procedures that we have embedded have allowed our staff to identify and question these requests.

Case study

Petros is a perpetrator of family violence, and is engaged with the Motivation for Change program. His partner Chloe's case manager and the family contact worker are at a different organisation. In the fourth week of the program, the family contact worker shared information with both Petros and Chloe. The information was confidential and should not have been shared with Petros.

The family contact member used their professional discretion to share the information with both parties. This had a detrimental effect on Petros's engagement with the Motivation for Change program and impacted the rapport he had with his case manager at inTouch.



The detrimental impacts of information sharing with child protection services

There is some concern among clients and our case managers – across our victim-survivor and perpetrator programs – about records of information that are shared and kept by child protection services. Clients and their case managers feel that the discretionary powers of some of the practitioners to share information – some of which potentially does not need to be shared – can have widespread and detrimental impacts on their access to their children. Our case managers have articulated that this can have damaging effects on their relationship with their clients.

Conclusion

The MARAM and information sharing provisions have changed the way in which family violence services work together. These changes have required practitioners to reconsider competing obligations between confidentiality and duty of care. Our service understands the intent of these provisions and processes, and we believe that having a standard process to assess risk and share information is essential to mitigate risk and keep women and their children safe.

Whilst we acknowledge the great value of the MARAM and information sharing provisions, we believe that there is still significant work to be done. The sector requires ongoing training and capacity building to ensure that all agencies are fulfilling their obligations by consistently and thoroughly using the MARAM and other tools they have access to. Practitioners should have the skills to conduct a MARAM for all clients who need one. Whilst some risk assessments may take considerably longer than others, it is crucial that all relevant information is captured, understood, and shared if necessary.

For further information, contact Ela Stewart