



# Legislative review of the Family Violence Information Sharing Scheme and risk assessment and management framework

Victorian Aboriginal Child Care Agency

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VACCA

PO Box 494, Northcote Plaza

Northcote

Victoria, 3070

Email: [vacca@vacca.org](mailto:vacca@vacca.org)



## Introduction

The Victorian Aboriginal Child Care Agency (VACCA) is the lead Aboriginal child welfare organisation and the largest provider of Aboriginal family violence services in Victoria. We work holistically with women, men, young people and children affected by family violence, providing support in prevention, early intervention, intervention and crisis family violence programs.

VACCA welcomes the opportunity to provide feedback on the Legislative Review of the Family Violence Information Sharing Scheme and risk assessment and management framework.

VACCA's feedback is based on our unique position as a Victorian ACCO providing a suite of services across the state supporting children, young people, families and community members. We have protected and promoted the rights of Aboriginal children and families for over 40 years. VACCA believes that all children have a right to feel and be safe and live in an environment that is free from abuse, neglect and violence. We are committed to promoting and upholding the rights of Aboriginal children to maintain and celebrate their identity and culture, recognising that connection to culture is critical for children's emotional, physical and spiritual wellbeing. VACCA is the largest provider of family violence programs in Victoria, our family violence support services help Aboriginal, men, women, adolescents, and children to heal and move forward with their lives, as well as advocate for change.

Information sharing is not a new concept for the child welfare sector, provisions to support the safety and wellbeing of children are already included for in *Child Youth and Family Act 2005 (CYFA)*, so many of VACCA's programs involving caring for children had already implemented mechanisms to support information sharing including out of home care and kinship care.

While VACCA appreciates the focus of this inquiry is the legislative review of the *Family Violence Protection Act 2008*, our responses look to the practice implications of how the legislation has been applied and adopted. We have sought to keep in mind the policy and legislative intent in providing our feedback.

## Responses on questions posed

### 1. How do you understand the obligation to align to MARAM? Have you experienced any challenges with alignment?

VACCA has advocated for and supported the implementation of MARAM, it is a critical reform that we have aligned our practice with. We have developed resources and tools to support cultural safety while screening, assessing and managing family violence risk. We know that most families who seek the support of our services have experienced, or are experiencing family violence, so all VACCA programs play a role in ensuring up-to-date risk assessments and safety plans are in place.

VACCA supports the aim of MARAM in moving towards a system where family violence is identified earlier, assess level of risk and enable interventions of safety rather than statutory authorities to identify when a family is in crisis. Noting the high prevalence of family violence in the Aboriginal community, VACCA supports new approaches that can reduce the prevalence and severity of family violence.



### ***Challenges with MARAM***

There are key issues with the implementation of the MARAM framework which have resulted in a fragmented and uncoordinated response, including the following:

- The four distinct practice guides and accompanying tools developed and under development; (people impacted by family violence, people using family violence, adolescents using force, and children and young people). These tools are designed to be used separately but in reality, when you work with the family as a whole, which is VACCA's preferred approach, this becomes quite an arduous process and risks disengagement and inability to assess risk and implement a safety plan. There needs to be more flexibility and a more nuanced approach to practice.
- Short term funding cycles create significant challenges which hinders implementation and genuine embedment of MARAM as a whole of organisation.
- The inconsistency in approach and application across all resources including tools, guides and training has resulted in significant barriers to implementing MARAM, with eLearning packages only coming out this year.
- The phased rollout of the four MARAM Practice Guides, two of which are still under development, presented barriers to the smooth implementation and embedment of MARAM.
- Implementation of MARAM at an intermediate level among a workforce whose primary role is not family violence has presented its own challenges. More tailored support and better training opportunities in working with people impacted by family violence should have preceded MARAM training which talks to utilising tools and assumes a baseline competency in working with people impacted by family violence.

Initially MARAM alignment was overwhelming in terms of implementation. VACCA received funding to support the knowledge transfer of the legislative requirements into practice and identify the impact on all VACCA staff, so now there is a deeper understanding of MARAM within VACCA. This is due to the significant investment in resources and training that VACCA has implemented, through Dhelk Dja funding, to support this important reform. Every staff member across VACCA has a mandated tier of responsibility under the framework, and training has been rolled across the organisation, to ensure every employee knows their responsibility to identify risk and how to respond to family violence. MARAM's aims and objectives are clear<sup>1</sup>, and when properly implemented should see an increased safety for people experiencing family violence, but we acknowledge the significant amount of work left to do to ensure alignment with the Framework across organisations and sectors who have responsibility to identify, assess and respond to family violence risk. VACCA considers MARAM alignment to be a five-year journey of organisational change, there must be long term investment in resources and training to support this work

### ***Challenges with Information Sharing***

VACCA advises that there are challenges with information sharing on a systems level. The government's implementation process for FVISS and CISS hasn't allowed for enough engagement with the sectors. Across the service system, there is insufficient education and knowledge around information sharing, including what it means, the tools that exist, how it should be applied and the

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<sup>1</sup> Victorian Government 2018, MARAM Framework, p5



purpose of information sharing. Some services including Child Protection must also apply information sharing legislation under CYFA into their practice which has led to misunderstanding about their differing obligations to share information. The government needs to further invest in raising awareness on the scheme, making clear the legislative obligations that the sector must abide to.

Some challenges result from FVISS/CISS implementation being handled by the Department of Education and Training and MARAM implementation being handled by Department of Families Fairness and Housing.

Delays, limited scope and an uncoordinated approach to implementation have resulted in complexities which may not have been anticipated, and VACCA encourages the FVRIM to consider how these approaches can be a seamless streamlined approach in the future so to better achieve the policy and legislative intent of increasing safety of people experiencing family violence through a consistent use of the Framework<sup>2</sup>. In particular we raise the following:

- VACCA raises concern that the Victorian Police web portal was only established 12 months ago, this delay has impacted the implementation of FVISS. This portal has improved information sharing, however it also creates different systems for practitioners to navigate when utilising the scheme.
- We note that the implementation of Information Sharing, and the Children's Information Sharing weren't staged together and therefore resulted in an un-coordinated response. This is compounded by these schemes sitting with different departments (DDFH and DET respectively)

## **2. Have you observed greater consistency in organisations' approaches to family violence risk identification, assessment and management, including for Aboriginal communities?**

It is VACCA's experience that there are still institutions not using Family Violence Information Sharing Scheme and MARAM, there remains confusion about it and their responsibilities associated with the Framework and their legislated responsibilities. For example – Child Protection not providing a MARAM when referring the woman and her children impacted by FV. There needs to be more clarity as there continues to be confusion of MARAMIS and delegated responsibilities.

We note that the initial messaging regarding the FVISS during the rollout presented a risk; the messaging resulted in workers across the sector feeling they could freely share information without following protocols. It is VACCA's experience that MARAM and FVISS, is still underutilised outside of the FV sector so there needs to be much more concerted communications strategy from the department to speak to the necessity that this reform enables. **VACCA strongly encourages the FVRIM to consider implementing ongoing communications to support the ongoing development of the sector and their understanding around these reforms.**

## **3. What has been your experience of requesting or disclosing confidential information under the information sharing provisions, particularly over the past 2-3 years?**

It has been VACCA's experience that at times this has been challenging particularly with government institutions such as Child Protection. We believe that this is due to lack of training and understanding

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<sup>2</sup> Victorian Government 2018, MARAM Framework, p5



and the systems in place to request the information under Information Sharing Schemes, and the legislated obligations to do so. A coordinated approach is imperative to be able to protect vulnerable women and children at risk of or experiencing family violence.

**4. Have you had any challenges in practice in using the information sharing provisions, including determining whether you're able to request or share information with another organisation?**

As already detailed, some of the challenges continue to be systemic along with staff in the sectors not understanding the processes or obligations.

**5. Have you experienced any increased reluctance on the part of victim survivors (or other related people) sharing information with you over the past 2-3 years?**

In VACCA's experience concerns around how information will be used by VACCA within the Aboriginal community stems from the ongoing impact of colonisation with systems which imposed discrimination and resulted in entrenched intergenerational trauma. It is difficult to estimate whether there have been increased reluctance to share information given the remarkable circumstances we have faced throughout the pandemic. We do know that VACCA has always maintained practices as mandatory reporters to advise community members about the limitations of confidentiality when we have formed a view that a child or young person's safety is compromised, so the FVISS and CISS has not dramatically changed our way of working collaboratively.

The historic and ongoing systemic racism and discrimination experienced by Aboriginal people perpetuates a deep distrust across all service systems. There remains a significant fear that seeking support may whether it be in family services or family violence may result in children being removed by Child Protection. One of the underlying assumptions of MARAM is that people, including Aboriginal people, experiencing family violence want help and support. In VACCA's experience, while many people do want to access services, there are also those families who do not want to talk about or engage with family violence services. MARAM doesn't capture this resistance and complexity well.

More broadly we understand that for Aboriginal people who do not want to engage with ACCOs, this can be due to the fact they don't want people knowing their business, this is particularly true in a regional areas. There remains significant lack of trust for Aboriginal people to want to engage with mainstream or government services due to lack of trust and experiences of racism and discrimination and lack of cultural safety.

It is VACCA's understanding that services are becoming more familiar with the legislation and understanding the purpose for which requests can be made rather than seeking broad information. The fear or concern around information sharing has lessened with greater information clarity, but it's still there.

**6. What has been your experience of the principles in the Act and the Ministerial Guidelines, particularly as they relate to Aboriginal communities?**

There is still work to do to ensure that all the is a collaborative and coordinated effort to protect women and children experiencing family violence. Further, and ongoing education and training is needed.



In relation to the principles of the Act (s144J(2)(d)), there remains significant work to ensure that these provisions, and the tools and modules developed are culturally safe. VACCA has led and informed some of this work, but we are aware that there is more work to be done.

**7. How do you keep records of information requests and disclosures?**

It is VACCA's practice approach that information sharing requests can either be sent through direct to team leaders in regions, or centrally through an inbox managed by our CQI team and triaged to the most appropriate person to respond. These requests are stored securely against a client file where we hold the information, or in the case of requests where we don't hold information kept securely within the general inbox. Disclosures are documented securely within client files on various databases per program, with controls around who sees information within the organisation.

**8. Are you aware of any concerns or complaints around privacy breaches?**

Following on from question five which outlines the impacts of colonisation and systems abuse, trust within the service system for Aboriginal people is understandably low. As an Aboriginal Community Controlled Organisation who employs Aboriginal people to work within community, VACCA has had to do significant community engagement and awareness raising work around MARAM, which we believe has been more onerous than for our mainstream counterparts, to assure service users that their confidential information will be treated with respect and in accordance with the Privacy Act. Externally, we always seek to obtain consent from community members when commencing support to speak with other professionals working with them, and let them know about the limitations of confidentiality when safety is compromised. Understandably, there is a real fear within the community about information shared with Child Protection which could lead to the removal of children. Inherent for an ACCO working in this space is carrying the cultural knowledge and load, there are Aboriginal way of knowing and doing that are in addition to mainstream practices, and this is often not understood or respected. At the time of writing, VACCA is not aware of any complaints around privacy breaches at this time.

**9. Have you observed a culture change or increase in the willingness of organisations to share confidential information, or the level of collaboration and service coordination?**

Overall, not enough due to lack of understanding across sectors. VACCA strongly encourages the FVRIM to include recommendations that will see an increasing in resources, particularly training across sectors to better embed understanding and practice.

**10. Have you observed any adverse effects of the provisions for Aboriginal community members?**

As detailed in question 5, there is still such caution around MARAM and the FVISS in community, about why the information is being gathered and how it is going to be used. This requires greater strategy around communications, from both a departmental perspective, alongside ACCOs as a collective to undertake a concerted awareness raising effort. If this is not done, then the policy and legislative intent will not be met, and those experiencing family violence will be put at greater risk.

**11. Do the provisions sufficiently provide for the needs and characteristics of Aboriginal communities?**

We speak in more detail about the cultural safety elements required for the success of MARAM and FVISS below, but VACCA is concerned that Aboriginal Community members and ACCOs remain cautious due to not being clear on what is the purpose and how is it going be used from and by organisations or institutions.





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

Currently CIP (Central Information Place) sits at Orange Door, given the purpose is to receive and respond to CIP requests, this function needs to be centralised, and is currently not meeting legislative intent as per s144OA. VACCA contends that CIP should be made available to all specialist family violence services. Where a family is not engaged with TOD, it's difficult to obtain historical information to identify patterns of behaviour of the person using violence. Although VACCA may receive some information from The Orange Door, it is limited and does not help us to understand the person's entire history. For example, knowing that a person has been listed as responsible for family violence on a Child Protection file will assist the VACCA worker in working with the family to address that behaviour. VACCA is concerned about the circumstances around, and impacts of misidentification of the person using violence. We also note that the current rate, as reported by Victoria Police, of asking the Standard Indigenous Questions (SIQ) for L17s is sitting around 80-90 per cent. Fundamentally there are issues due to the lack of consistent data collection, which will impact our ability to meet Closing the Gap targets and reporting associated with the Victorian implementation plan.

**13. Do you have any policies, practice guidance, data or other materials around information sharing or MARAM which you would be able to share with us?**

VACCA is currently updating guides and practice templates we have developed tools for comprehensive risk, intermediate risk and further screening and identification risk tools. They are available to all staff via our Intranet. VACCA has further enhanced the MARAM training with a cultural lens, this was due to feedback from staff that they remained unsure about what MARAM meant for their role at VACCA. This took significant resourcing to be able to deliver this. VACCA contends there is still more work needed in the development of culturally safe practice guides that are developed by ACCOs.

If FVRIM would like to see any of these guides, practice template and tools, we would be willing to share this. We have also attached VACCA's most recent data snapshot (May/June).

**Embedding cultural safety within MARAM and the FVISS.**

VACCA has done further work to deepen the cultural lens of mainstream MARAM tools and guidance to contextualise for both the Aboriginal community members we work with as well as Aboriginal staff. Our experience and learnings through this process compliments the work, and opportunities to share this back with FSV and DFFH as well as the broader Aboriginal community should be valued. MARAM materials should be working documents that can be developed so our experience and learnings from MARAM and FVISS can be incorporated into them. While we acknowledge that Dhelk Dja have endorsed the mainstream materials, there is always opportunity to further improve tools to meet the needs of staff and community.

The Aboriginal voice is now included at the beginning of resources/materials. VACCA was pleased to see the language change in the new guides, including the change to 'person/men using violence' rather than 'perpetrator.' VACCA would like to see a shift towards using 'person experiencing violence' rather than 'victim/survivor'.



In VACCA's experience mainstream services are rarely requesting information from VACCA or seeking a consultation on how best to work with an Aboriginal women, children and young people experiencing violence. VACCA is concerned that mainstream services are not thinking about information sharing and MARAM in the context of how they can better support Aboriginal communities.

VACCA has been involved in several projects on strengthening cultural safety in mainstream family violence agencies, including a 3-year project on embedding cultural safe practices in mainstream services (one of the recommendations from the Royal Commission). VACCA has also undertaken a 12-month project on strengthening cultural safety at TODs, which was commissioned after the findings of the VAGO audit report. However, this work requires more time as it's about changing people's views, reflections, and values. It's unclear what impact the projects will/have had and whether services will continue to work to embed culturally safe practices. It is up to mainstream services – not Aboriginal services – to think about how to change.

VACCA contends that performance indicators must be contextualised for the Aboriginal community to help in building an Aboriginal evidence base, for example to obtain better data around the number of Aboriginal women who experience family violence by a non-Aboriginal man. This can assist in myth-busting and shine a lens on issues of cultural abuse. To this effect, FSV have agreed to have separate performance indicators for Aboriginal people in The Orange Door.

## Recommendations

VACCA recommends the FVIRM consider the following recommendations:

1. For CIP reports to be made available to all specialist family violence services.
2. FVIRM better coordinate with other jurisdictions to ensure there is consistency in practice and improve National information sharing practices, this is particularly important for services working in border towns.
3. For performance indicators to be contextualised for the Aboriginal community to support building an Aboriginal evidence base
4. VACCA strongly encourages the FVRIM to consider implementing ongoing communications strategy and training to support the ongoing development of the sector and their understanding around these reforms and the legislated responsibilities. There must be greater communication and integration between DET and DFFH.
5. VACCA strongly encourages a commitment from government for further funding to enable the legislation, the frameworks, guides and tools (MARAMIS) to be embedded as a whole organisation. For this reform to be effective it will require significant commitment and resourcing.

For more information, please get in touch with [REDACTED], Director, Office of the CEO on [REDACTED].