

Submission to Family Safety Victoria: Family Violence Information Sharing Reforms

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Authorised by:

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Introduction

About safe steps Family Violence Response Centre

safe steps Family Violence Response Centre (“**safe steps**”) is Victoria’s state-wide first response service for women, young people and children experiencing family violence. We are committed to ensuring all women and children are able to live free from abuse, and our ultimate goal is the elimination of family violence. We work towards this through a respond-recover-prevent framework, which is underpinned by our three strategic pillars of empowerment, influence and sustainability as outlined in our strategic plan).

RESPOND: We empower women, young people and children experiencing family violence and secure their safety through our 24/7 phone response and specialist support services

PREVENT: We work towards a community free from family violence through education, system reforms and by fostering social change initiatives

RECOVER: We support survivors to overcome trauma so they can thrive in their communities and continue to live free from violence.

As with all of **safe steps’** work, our policy and advocacy efforts respond to the three elements of Respond. Prevent. Recover. We are firmly grounded in a feminist framework, and recognise that family violence is inherently gendered, perpetrated in the vast majority of instances by men, against women. However we also recognise the intersectional ways in which power, control and privilege impact across diverse cohorts which result in increased levels of family violence.

safe steps also has a national reach through our membership of SafeNET Australia, the network of state-wide domestic and family violence crisis services across Australia. SafeNET Australia’s aim is to increase the efficiency and validity of services provided to all Australian women and children experiencing domestic and family violence.

From October 2017, **safe steps** will partner with fellow statewide providers DV Connect Queensland and Women’s Safety Services South Australia as the new providers of specialist trauma counselling for the national sexual assault, domestic and family violence counselling service, 1800 RESPECT.

About this Submission

safe steps is committed to preventing family violence through collaborative leadership and integrated system reform that connects, protects and informs women, young people and children. This includes supporting the successful implementation of the Recommendations of the Victorian Royal Commission into Family Violence.

safe steps is pleased to have the opportunity to provide feedback on the draft *Family Violence Information Sharing Guidelines: Guidance for Information Sharing Entities*. **safe steps** is supportive of the move to establish family violence information sharing reforms in Victoria. We have long been advocates for an outcome which results in the linking and sharing of information across the State, in ways that will empower specialist family violence services and practitioners to respond to the safety needs of their women and children as efficiently and effectively as possible.

We are, however, concerned that the pace of these reforms is too rapid to give due consideration to how they will be implemented and align with the many other systems and reforms underway. Specifically, these include:

- the passage of Child Information Sharing reforms through the Victorian Parliament, which have only recently concluded initial consultation with the public
- the development of the new Multi-Agency Risk Assessment and Management framework to replace the Common Risk Assessment Framework, scheduled for delivery in mid- to late-2018
- a Victoria Police trial of a triaged approach to risk assessment and risk management which is expected to conclude in mid-2019.

It is our position that all of these reforms should ideally take place in tandem, and with due consideration to the interdependencies between them.

Various inquiries, including both the Royal Commission itself, and the Inquest into the death of Luke Batty have highlighted the importance of ensuring that systems and processes surrounding family violence link up in clear and navigable ways. We understand that there is eagerness to deliver on the key reforms of the Royal Commission into Family Violence in a timely manner, which we support. However, addressing implementation and training needs surrounding large-scale reforms is vital to ensuring that the safety of women and children who experience family violence underlies everything that we do. Likewise, strategically timing reforms which are intrinsically interconnected is vital to avoid information overload, unnecessary re-training of practitioners and the potential of creating systems which do not speak to one another.

Summary of Recommendations

1. That the Guidelines include a sub-chapter which addresses the interaction between the Family Violence Information Sharing Scheme and the Child Information Sharing Scheme, including the interface between the Central Information Point and the ChildLink platform.
2. That the options presented in Chapter 8 of the Guidelines to empower the agency of child victim-survivors and to engage with protective parents where it is safe and relevant to do so, are incorporated into Fact Sheets and other “short hand” versions of the Guidelines so that ISEs are better aware of these options.
3. That in addition to the Fact Sheet provided for victim-survivors, an additional Fact Sheet be produced and included in the Appendices to the Guidelines with its intended audience being Perpetrators and Third Parties.
4. That the Guidelines pay specific attention to the Victoria Police risk assessment and risk management model and the current triage trial, and how this will intersect with the information sharing reforms.
5. That a centralised third-party advice line be established through Family Safety Victoria in order to address concerns and queries with the application of the Family Violence Information Sharing Guidelines as they arise. This may also provide on-the-spot mediation, where required, where there is disagreement around the sharing of information. It will have the potential to record and measure systemic issues that may require further training or response, and to feed into future reviews of the Information Sharing Scheme.
6. That greater clarity and restriction be provided around how information will be accessed and corrected in the event that an ISE believes a perpetrator has been misidentified.
7. In regard to training:
 - a. That the Guidelines include a sub-chapter which outlines expected minimum training and education by groups who will be prescribed under the Act
 - b. That the development and delivery of any training must be aligned with Child Safety and Wellbeing Information Sharing Guidelines yet to be developed

- c. That the development and delivery of training is likewise aligned with the introduction of the new Multi-Agency Risk Assessment and Management framework and that the Guidelines consider the interface between these two reforms
 - d. That the initial investment by Government around training is not a once off, up-front, investment. Training must be linked to the implementation review, informed by the proposed 'hotline' (see Recommendation 3) and occur at the end of year one, rather than after two years
 - e. That the Government engage a communications expert with knowledge of the sector to advise on the development of support materials, which should be tested with practitioners. This should include practitioner advice on how to best respond to client expectations of confidentiality
 - f. That there is provision for an online training component.
8. That the Guidelines reiterate the expectation that all ISEs will have in place Cultural Safety Reviews and Action Plans and that this will inform culturally appropriate practice toward Aboriginal and Torres Strait Islander clients.
 9. That collaboration between ISEs be facilitated to promote a shared approach to updating policy, procedures and systems where this will be of benefit to the organisations involved.
 10. That further attempts are made within the Guidelines and Regulatory Impact Statement to create a more equal distribution of responsibility between information-requesting and information-providing ISEs.

Draft Ministerial Guidelines

Intersection with Child Wellbeing and Safety Information Sharing scheme

The Guidelines currently articulate how Part 5A will interface with the *Child, Youth and Families Act*. However, they do not discuss how Family Violence Information Sharing will interface with the Child Wellbeing and Safety Information Sharing reforms which were only recently released in draft form by the Department of Health and Human Services (DHHS) for public consultation. **safe steps** was a signatory to the Domestic Violence Victoria submission in response to this consultation, which included the following statement:

“We believe that our recommendation to refine the purpose under the Child Information Sharing regime will provide better alignment with the purpose of the Family Violence Information Sharing regime within a risk management and rights-based framework. Without making this refinement, the currently broad and undefined purpose of the CIS regime essentially trumps the FVIS regime which directs organisations and practitioners to only share information about children for a risk assessment and risk management purpose.

We recommend that the CIS regime is informed by the FVIS regime in this regard, as the latter was the result of extensive cross-sector consultation and collaboration over many months to settle on thresholds which recognise the importance and power of information-sharing to respond to risks to children’s safety and to reinforce collaboration and engagement with appropriate support services. We understand the desire for a CIS regime which covers situations where no family violence has been disclosed, but we are concerned that the proposed CIS regime risks undermining the FVIS regime by effectively overriding it in every case where children are involved (the majority of cases).”¹

The lack of fulsome definition for the terms “Wellbeing and Safety” in the context of the Child Wellbeing and Safety Information Sharing regime, in particular leads to a level of doubt around how the two regimes will complement or build off one another. Ultimately, the objective of both systems is complementary, in that to protect children from family violence is core to maintaining their safety and wellbeing. Therefore it seems unclear as to why there would be two separate systems with no clearly articulated overlay, whose purpose – at least in regard to children and young people - is the same.

Given that many of the prescribed information sharing entities (ISEs) under the Family Violence Information Sharing scheme will also be prescribed entities under the proposed Child Wellbeing and Safety Information Sharing regime, we recommend that the Draft Ministerial Guidelines (‘the Guidelines’) include a section which addresses the interaction

between the two schemes. This is particularly important given that it seems the proposed Child Wellbeing and Safety Information Sharing scheme would, as it stands, effectively override the operation of the Family Violence Information Sharing scheme in every case where children are involved, and staff of ISEs will need clear and specific guidance on how to manage areas of crossover.

Further, we agree with DV Vic that not enough consultation has taken place around the introduction of the ChildLink platform for a strong case to have been made as to its merits. It is not clear how the information retained within the ChildLink platform will complement or work alongside the information collected by the Central Information Point, and yet it makes no sense for these two programs to be siloed from one another.

Recommendation 1

That the Guidelines include a sub-chapter which addresses the interaction between the Family Violence Information Sharing Scheme and the Child Information Sharing Scheme, including the interface between the Central Information Point and the ChildLink platform.

Consent and Use of Information

safe steps agrees that in regard to sharing of information around child victim survivors, the safety and wellbeing of the child must take precedent, however we also feel strongly about empowering the agency of child victim-survivors. We also believe from experience that many ISEs will prioritise working with 'protective parents' to obtain the best information and to empower the parent to be involved in keeping their child/ren safe, and that this approach is strongly informed by the Royal Commission and its prioritisation of strengthening relationships between the protective parent (most often the mother) and child. It is also in keeping with the statement on page 44 of the Guidelines:

A victim survivor must be free to exercise genuine choice. Consent must be given without coercion or threat and with sufficient time to understand the request and, if appropriate, obtain advice.

We feel that these areas of concern are addressed well in Chapter 8, and that this Chapter sets out strongly the opportunities present within the Scheme and its Guidelines to seek a child's views or the protective parent's views where it is safe to do so and where it strengthens the relationship of trust. However, the options presented in Chapter 8 are not well incorporated throughout the document or various supplementary documents which explain the Family Violence Information Sharing reforms in condensed form. For many frontline workers, the Fact Sheets and summary documents will be their primary interface with the reforms. Better expressing the opportunity to engage with child victim-survivors

and protective parents and to promote their agency, within these documents would be desirable.

Recommendation 2

That the options presented in Chapter 8 of the Guidelines to empower the agency of child victim-survivors and to engage with protective parents where it is safe and relevant to do so, are incorporated into Fact Sheets and other “short hand” versions of the Guidelines so that ISEs are better aware of these options.

We would also suggest the inclusion of an additional Fact Sheet as an Appendix to the Guidelines, which can provide information to perpetrators and third parties around how information can be used under the Family Violence Information Sharing scheme. Where, for example, a perpetrator of family violence voluntarily attends a Men’s Behaviour Change program, there should be transparent information available around how information collected may be used.

Recommendation 3

That in addition to the Fact Sheet provided for victim-survivors, an additional Fact Sheet be produced and included in the Appendices to the Guidelines with its intended audience being Perpetrators and Third Parties.

Victoria Police Risk Assessment and Risk Management – Intersection with the Guidelines

In this section, we discuss various other reforms taking place within the family violence risk assessment and risk management space, which intersect and overlap with the introduction of the Family Violence Information Sharing regime, but which we feel have not been clearly considered within the Draft Guidelines.

Historically, Victoria Police has utilised its own internal police risk management and risk assessment process which is described as consistent with conducting a CRAF preliminary assessment². The information collected through this risk assessment process is recorded in a family violence risk assessment and risk management report (referred to as an L17 form)³.

Whilst it is agreed that the L17 tool used by Victoria Police to conduct risk assessment is equivalent to the CRAF in terms of the information that it collects, it has been the feeling of many in the sector that the training provided in applying the tool and understanding its broad context, is not necessarily equivalent. The training developed

by Domestic Violence Resource Centre Victoria, Swinburne University and No to Violence, which staff within the sector undertake as an introduction to the CRAF, is felt by many to be unique in its provision of additional layers of understanding around gender-based violence and the feminist framework. From time to time, specialist police family violence teams have been sent to external CRAF training however, this has been on a somewhat ad hoc basis, by region⁴. These concerns were discussed in the Monash University Review of the Family Violence Risk Assessment:

Victoria Police interviewees expressed concern that the L17 Form, and the CRAF more generally, is inadequate for police assessment and management of risk: in practice the form is used as a risk identification and referral tool only. It was said that general duty police often lack the education to use the form appropriately.⁵

As explored in the Monash Review, Victoria Police has been trialling a tiered tool for screening family violence incidents. This involves the use of a “screening tool” in recognition of the time constraints that police experience when responding to family violence incidents in the field. The trial was scheduled to begin around one year ago in conjunction with Women’s Health West and is a three-year project⁶. In line with this, the Monash Review recommended the following:

Victoria Police is currently trialing a family violence screening tool. A redeveloped CRAF should:

- Recognise the need for a rapid risk assessment screening tool for police;
- Take into account how the screening tool currently being trialed by Victoria Police (assuming it or a version of it is adopted) will fit within the redeveloped CRAF;
- Provide updated guidance on police risk assessment practices (assuming that the screening tool, or a version of it, is adopted).⁷

The redeveloped CRAF – the Multi-Agency Risk Assessment and Management (MARAM) system – is not anticipated to be rolled out until mid-late 2018⁸, and the three-year trial of the tiered screening tool has a further two years until completion. This makes it difficult to assess at this time the level of success of the tiered model and the degree to which the the tiered model will potentially fit alongside the redeveloped MARAM. This level of uncertainty around critical players and systems will create significant challenges around the implementation of the Information Sharing Guidelines.

This is demonstrated at various points in the Guidelines where the CRAF is referenced, for example in this floating box on page seven:

“It is a minimum expectation that any individual working for an ISE that wishes to request or share information under Part 5A of the FVPA must have undertaken training in the Family Violence Risk Assessment and Risk Management Framework

(the Framework or family violence risk assessment tool or program that has been aligned to it).”

As many police officers do not complete formalised training in the standard CRAF but rather complete internal training in a CRAF-equivalent tool and a tiered approach to applying it – but simultaneously all “Victoria Police including sworn officers and VPS staff, but excluding PSOs and reservists” are considered prescribed information sharing entities (ISEs) under the proposed guidelines – this needs to be clarified.

Later in this submission we discuss the level of training and resourcing which will be required as part of the implementation of the Family Violence Information Sharing scheme. It appears that to train practitioners in a scheme as it applies to the existing CRAF (with accompanying material resources), only to have to retrain when the MARAM is introduced shortly thereafter – and in the case of Police, to once again revisit when the trial of the tiered approach to risk assessment is concluded – would be an infinitely more resource-intensive exercise than simply timing the reforms to line up together.

Recommendation 4

That the Guidelines pay specific attention to the Victoria Police risk assessment and risk management model and the current triage trial, and how this will intersect with the information sharing reforms.

Incorrect Identification of the Primary or Predominant Aggressor

Elsewhere in the Report of the Royal Commission into Family Violence, the impact of inconsistent application of family violence risk assessment and risk management is discussed in relation to incorrect identification of the primary, or predominant aggressor:

“These inconsistencies are particularly evident in the way police use the L17 (the family violence risk assessment and risk management report). This section discusses the difficulties and issues around identifying the primary aggressor in cases involving intimate partner violence, and notes that incorrectly identifying the primary aggressor can have serious consequences for a victim.”⁹

In their submission to the Royal Commission, Women’s Health West noted:

“In June we received 57 referrals from police identifying the woman as the respondent. After assessment and conversations with the women, we identified six of those as perpetrators of family violence.”¹⁰

Recommendation 41 of the Royal Commission addressed to this concern:

“Victoria Police amend the Victoria Police Code of Practice for the Investigation of Family Violence to ensure that it provides suitable guidance on identifying family violence primary aggressors [within 12 months]. This includes:

- procedures for amending the Law Enforcement Assistance Program (LEAP) when a service provider or a Support and Safety Hub subsequently informs Victoria Police that a person is not the primary aggressor
- provision of details of specialist support available to assist in identifying the primary aggressor.

Victoria Police should provide training at all appropriate levels on the amended requirements relating to identifying primary aggressors.”¹¹

Victoria Police can be commended for the scale of reform they are currently undertaking to improve practice around family violence. An updated Code of Practice for the Investigation of Family Violence which responds to Recommendation 41 in clarifying the nuance involved in correctly identifying the primary aggressor was published in August 2017.

Whilst these are positive initial steps, they are still very early processes which require ongoing implementation through training and review before we will start to see an improvement in the data around correct identification of the primary or predominant aggressor. A report to the Family Violence Steering Committee based on June 2017 data demonstrated that of a snapshot of respondents to L17s in the Victorian North East Metro region:

- 22% of all L17 respondents were female (this is significantly higher than the usual rate of female perpetrators based on averages)
- of those, 68.5% had been recorded as the Affected Family Member (AFM) in the past, with some having recorded up to 6 incidents as the AFM
- At least 48% of female L17 respondents had been incorrectly identified.

Similarly a pilot project undertaken by Men’s Referral Service in New South Wales identified that of 466 of the referrals that were made to NTV/MRS for men assessed to be victims, 134 (29%) of the men had also been assessed one or more times as a perpetrator of violence in an incident attended by police.

As Victoria Police continues to implement, review and develop methods of accurately identifying the predominant aggressor, there are aspects of the proposed Family Violence Information Sharing Guidelines that, in our opinion, make the threat of incorrect identification of the primary or predominant aggressor very risky. This is especially so given that the Guidelines:

- make the sharing of information with an ISE obligatory where another law is not contravened and applicant consent requirements have been met (Draft Guidelines, p15)
- provide additional permissions to share information about an alleged perpetrator for a family violence risk assessment purpose prior to the risk being established (Draft Guidelines, p33)
- permit ISEs to share information with an identified victim-survivor (Draft Guidelines, p18)
- do not require consent to be provided by the identified perpetrator (Draft Guidelines, p20).

We appreciate that Chapter 4 of the Draft Guidelines provides instruction on what to do in the event that there is disagreement between ISEs around who is the primary or predominant aggressor. This Chapter establishes that consent is required where one ISE believes that the identified perpetrator, is actually the victim-survivor. However, there is apparent conflict here as on the one hand, Chapter 1 establishes obligatory sharing while Chapter 4, somewhat in contradiction to this establishes the right to decline to provide information where there is disagreement around the identification of the primary aggressor. Mediating this conflicting advice has the potential to place strain on information sharing relationships.

We feel that Chapter 4 does not go far enough to outline how disputes will be resolved or can be escalated in these cases. Significant onus is placed on the responding ISE to justify their refusal and to act as the primary record keeper in order to defend their refusal in future, should it be escalated. In the event that a requesting ISE is insistent, and given the timeframes under which family violence responders operate, workers may feel pressured to provide information. Our workers will strongly defend our right to refuse to provide information on a client where we believe that that information will put our client or her family at risk. It would be valuable for workers to have the opportunity to seek an independent second opinion or verification for such decisions.

Currently, the Guidelines establish that after two years an independent review will be conducted to consider any adverse effects of the legislation and to provide advice on ongoing implementation (Regulatory Impact Statement, p39), with complaints to be directed to the Privacy Commissioner. Whilst this will give the Government an opportunity to understand the continued impact of the Scheme at a higher level, it does not give support to practitioners applying the Scheme on a day-to-day basis. Both are required.

Recommendation 5

That a centralised third-party advice line be established through Family Safety Victoria in order to address concerns and queries with the application of the Family Violence Information Sharing Guidelines as they arise. This may also provide on-the-spot mediation, where required, where there is disagreement around the sharing of information. It will

have the potential to record and measure systemic issues that may require further training or response, and to feed into future reviews of the Information Sharing Scheme.

The Guidelines also establish that:

If the ISE determines that a person has been incorrectly identified as a perpetrator of family violence and that the person is not in fact believed to present a risk of committing family violence, that person should have the same right to access and correct their information as any other person.

This aspect of the Guidelines presents a double-bind. On the one hand, a victim-survivor who has been incorrectly identified as a perpetrator certainly should be able to correct the record. On the other hand however, this provision could be left very open to abuse where a perpetrator has managed to successfully (but untruthfully) convince an ISE that they have been incorrectly identified as a perpetrator. There needs to be a much higher standard applied to the implementation of this measure than allowing a client to access and correct their own file, for example sign-off by a third party from within Family Safety Victoria/the Central Information Point.

Recommendation 6

That greater clarity and restriction be provided around how information will be accessed and corrected in the event that an ISE believes a perpetrator has been misidentified.

Regulatory Impact Statement

The following recommendations relate to the proposed implementation of the scheme as described in the Regulatory Impact Statement (RIS).

Resourcing of the Transition to Information Sharing – including Change Management, Training, Education and Communication Materials

safe steps welcomes that there will be a phased approach to implementing the FVIS reforms and that it will include a “combined training package across a broad range of impacted workforces”. Comprehensive, considered and ongoing training of ISEs under the scheme will be crucial to appropriate and consistent information sharing.

Both the Guidelines and the Regulatory Impact Statement set a number of expectations around how organisations will implement the Information Sharing reforms. Whilst we note that Family Safety Victoria has been allocated funding in the Budget to “establish an internal coordination unit that will oversee the implementation of the family violence

information sharing regime, including the rollout of cultural change initiatives and the development of training materials” (Regulatory Impact Statement p31), this kind of work does not happen in isolation. Reviewing and updating practice manuals, briefing boards, providing guidance to staff on documentation in the case management system is a significant project for any organisation.

Family Safety Victoria may wish to consider and promote the notion of “super users” or “change champions” in and between organisations who could progress and strategies, and encourage these individuals to report back on areas where further support is required, either directly to Family Safety Victoria’s implementation group or via the proposed hotline (see Recommendation 3). These individuals could consider practically how to manage the response to information sharing requests based on an informed measurement of likely volume. For example, should all requests come via one person, or is a decentralised model of managing requests more manageable? How will urgent after-hours requests for information be facilitated based on staff knowledge and availability?

Training is a business imperative, but also a significant cost for an organisation to bear as staff must be taken offline from service delivery whilst training is completed. As we have discussed previously, the complexity of this and other reforms imply that a one-off training schedule will likely not be sufficient. Family Safety Victoria must be prepared to fund a second round of training if a review at the conclusion of the first year of the Scheme indicates that the sector is not adopting the reforms – either ‘under’ or ‘over’ sharing. Operationalisation of ongoing training may involve establishing a training partnership with a provider organisation, much in the same way that DVRCV is currently contracted to deliver training in the CRAF.

We note that Family Safety Victoria recently sought a response to tender from the sector to deliver, in consortia, the training approach and materials to support the implementation of this Family Violence Information Sharing reform. In the tender it proposed that training materials would be developed by December 2017. This timeline will not enable the training to be developed and delivered alongside the Child Safety and Wellbeing Information Sharing reforms, nor the adoption of the MARAM. This is in expressed opposition to statements made by Family Safety Victoria around the need to align the implementation of these two reforms. As we have already articulated throughout this Submission, it is our strong position that development and delivery of training must ideally be for both reforms together. This will avoid multiple instances of training over a short period of time and the resulting confusion, and resource drain.

Training and support materials must be designed by communication experts and co-designed and tested with those who will use them, such as practitioners. Training support materials could include phone based scripts, words based cheat sheets and process flows.

There is strong sensitivity around an expectation of confidentiality which clients often establish prior to contacting family violence response services. The Guidelines set out that when a client first engages with a service, it will be necessary to explain to that client how their information might be shared under part 5A and for what purpose. Through the co-design process, practitioners should inform communications materials and any associated scripts and fact sheets which explain the impact of the Information Sharing scheme on the expectation of confidentiality. Materials must be phrased in such a way that victim-survivors understand the need for the Scheme, whilst still maintaining utmost confidence in the ability of services to meet their support and safety needs in as confidential an environment as possible.

We would also recommend the inclusion of an online course component to accommodate diverse needs across the State and the 24/7 family violence workforce.

Recommendation 7

- a. That the Guidelines include a sub-chapter which outlines expected minimum training and education by groups who will be prescribed under the Act*
- b. That the development and delivery of any training must be aligned with Child Safety and Wellbeing Information Sharing Guidelines yet to be developed*
- c. That the development and delivery of training is likewise aligned with the introduction of the new Multi-Agency Risk Assessment and Management framework and that the Guidelines consider the interface between these two reforms*
- d. That the initial investment by Government around training is not a once off, up-front, investment. Training must be linked to the implementation review, informed by the proposed 'hotline' (see Recommendation 3) and occur at the end of year one, rather than after two years*
- e. That the Government engage a communications expert with knowledge of the sector to advise on the development of support materials, which should be tested with practitioners. This should include practitioner advice on how to best respond to client expectations of confidentiality*

e. *That there is provision for an online training component.*

We also note that Chapter 9 of the Guidelines (p72) does not state explicitly that ISEs will be required to complete Cultural Safety training to ensure they have an understanding of the particular issues facing Aboriginal and Torres Strait Islander clients. This is a requirement of the Royal Commission under Recommendation 148.

Recommendation 8

That the Guidelines reiterate the expectation that all ISEs will have in place Cultural Safety Reviews and Action Plans and that this will inform culturally appropriate practice toward Aboriginal and Torres Strait Islander clients.

Policies, procedures and systems

In addition to the training needs outlined above, we note that ISEs will also be responsible for updating existing policy, procedures and systems to ensure they meet recording obligations under the scheme. We believe that where possible, it would be optimal to facilitate the collaborative adoption of these changes by ISEs, to promote consistency and allow organisations to more easily review and correct information shared, and produce basic reporting about the number and type of requests that will be required by government at the two and five year reviews of the scheme. Collaboration would also prevent this aspect of the scheme being too onerous for ISEs.

Recommendation 9

That collaboration between ISEs be facilitated to promote a shared approach to updating policy, procedures and systems where this will be of benefit to the organisations involved.

Onus of Protection and Record Keeping is Imbalanced Toward the Sharing Entity

The introduction of both the Family Violence Information Sharing reforms and the Child Safety and Wellbeing Information Sharing reforms will result in increased reporting and non-client contact for family violence specialist agencies, which must in turn be resourced. We are concerned that the responsibility appears to be particularly weighted toward the ISE who is responding to requests for information. That ISE will need to:

- request proof of identity/eligibility from the individual who is requesting information (Draft Guidelines, p100)
- document the entity that requested the information and the worker you spoke with (Draft Guidelines, p101)
- document the information that was shared and either consent was obtained or the reason for sharing without consent (Draft Guidelines, p101)
- document the method of sharing, and if sent through email, whether encryption was used (Draft Guidelines, p101)
- provide in writing the basis on which any refusal to share has been reached (Draft Guidelines, p41)
- seek consent from the client whose information is being shared, where applicable (Draft Guidelines, Chapter 6).

All of this information may be relied upon in future to determine whether the ISE has shared information inappropriately, committed an offence or to respond to a complaint (Draft Guidelines, Chapter 14).

In addition the responding ISE is required to put more weight into assessing the veracity of requests and whether they are appropriate when the requesting ISE has not been required to meet the “reasonable belief threshold”:

An ISE is not required to meet the reasonable belief threshold when requesting or sharing information for family violence risk assessment purposes, as the very purpose of the assessment itself is to ensure access to the widest range of information in order to establish whether a risk does in fact exist (including who the actual perpetrator and victim survivor are) (Draft Guidelines, p33).

This places significant onus on the responding ISE and requires additional resourcing. It is reasonable to assume that there may be some ISEs who are primarily recipients and others who are primarily requesting information, depending on the nature and scale of the organisation’s work. This will create an unequal distribution of demand which will impact on expenditure of time and staff resources for those organisations who receive more requests for information.

Recommendation 10

That further attempts are made within the Guidelines and Regulatory Impact Statement to create a more equal distribution of responsibility between information-requesting and information-providing ISEs.

Conclusion

We welcome the opportunity to provide comment to Family Safety Victoria's Family Violence Information Sharing Reforms. We believe that the recommendations made in this submission will support the delivery of a stronger and more considered information sharing, risk assessment and risk management system which aligns across the various reforms taking place in this space within a similar timeframe. This will both recognise the demand of reforms on the sector, and ultimately improve outcomes for women and children experiencing family violence.

safe steps looks forward to working with the Victorian Government to realise these initiatives and to work towards a world where violence against women no longer exists.

For further information, please contact Annette Gillespie, **safe steps** CEO at Annette.g@safesteps.org.au or ring (03) 9928 9622.

References

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- ⁸ Northern Integrated Family Violence Services (2017) 'CRAF Redevelopment Update', <http://www.nifvs.org.au/craf-redevelopment/>
- ⁹ State of Victoria, Royal Commission into Family Violence: Report and recommendations, Vol III, Parl Paper No 132 (2014–16), p1
- ¹⁰ Jacky Tucker (3 August 2015) 'Police Response to Family Violence', <http://whwest.org.au/police-response-to-family-violence/>
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