

# **VICTORIAN GOVERNMENT RESPONSE TO REVIEW OF THE FAMILY VIOLENCE INFORMATION SHARING LEGISLATIVE SCHEME**



### **Acknowledgment of Aboriginal people and communities in Victoria**

The Victorian Government proudly acknowledges Aboriginal people as Australia's First Peoples and as the Traditional Owners and custodians of the land and waterways upon which we depend. We acknowledge Victoria's Aboriginal communities and culture and pay respect to their Elders past and present.

Aboriginal culture is founded on a strong social and cultural order that has sustained up to 60,000 years of existence. Victorian Aboriginal communities and peoples are culturally diverse, with rich and varied heritages and histories pre- and post-invasion. The impacts of colonisation — while having devastating effects on the traditional life of Aboriginal Nations — have not diminished Aboriginal people's connection to country, culture or community.

The Victorian Government recognises the long-standing leadership of Aboriginal communities in Victoria to prevent and respond to family violence, supported through self-determination and self-management, to improve outcomes for Aboriginal people and families, whilst also acknowledging the devastating impacts and accumulation of trauma across generations as a result of colonisation and the dispossession of land and children.

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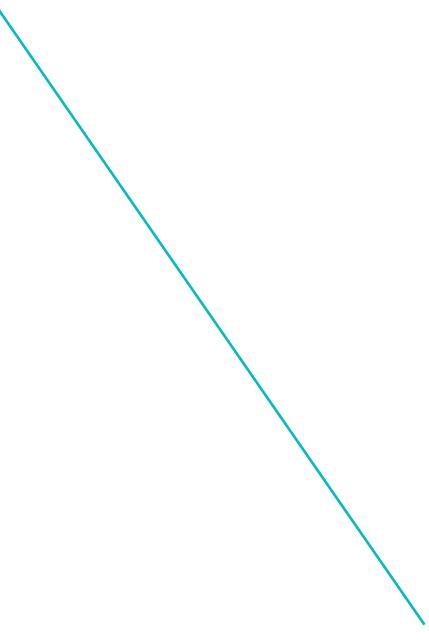
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In this document, 'Aboriginal' refers to both Aboriginal and Torres Strait Islander people.



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# PRIVACY

## Recommendation 1

Privacy policy updates related to family violence information sharing are in development or have been developed by all relevant sectors in the Initial Tranche and Phase One. Phase Two sectors and organisations should update privacy policies to address family violence information sharing prior to prescription. Organisations should be encouraged to communicate these policies to victim/survivors to ensure they are informed about relevant privacy protections.

### **RESPONSE: SUPPORT IN FULL**

The *Family Violence Information Sharing Guidelines* were developed to ensure entities internal policies and practices are consistent with the Family Violence Information Sharing Scheme. The Guidelines state that information sharing entities must update their privacy and other organisational policies accordingly. The Guidelines also clarify that information sharing entities are obliged to follow privacy laws, which include communicating to clients how their information may be used or disclosed.

In addition to the information provided in the Guidelines, the Victorian Government will endeavour to ensure that Phase Two organisations and services are made aware of this requirement through additional communications by early 2021 prior to commencement of Phase Two of the reforms.

# IMPACT ON ABORIGINAL VICTORIANS

## Recommendation 2

Monitoring of the interaction and impacts of the Family Violence Information Sharing Scheme and the Child Information Sharing Scheme on Aboriginal people, especially mothers experiencing family violence, should be undertaken centrally to produce robust specific datasets of these interactions and outcomes. The development of these datasets is critical to ensure any adverse effects on First Nations peoples and communities are addressed.

### **RESPONSE:** **SUPPORT IN PRINCIPLE**

The Dhelk Dja Partnership Forum meets three times per year to address the impacts of family violence and drive action to deliver Dhelk Dja within the principles of self-determination and is the appropriate forum to consider how to monitor any adverse impacts of the Family Violence Information Sharing Scheme. The Victorian Government will consult with the Dhelk Dja Partnership Forum on the Scheme by the end of 2020.

Implementation of the Victorian Family Violence Data Collection Framework will standardise the way Aboriginal identification is recorded in client records across government, further supporting government and organisations understanding of the involvement of Aboriginal people in the family violence system.

Victoria Police supports opportunities to improve any adverse effects of the Family Violence Information Sharing Scheme and Child Information Sharing Scheme on First Nations people. The Australian Bureau of Statistics Standard Indigenous Question is captured under the Victorian Family Violence Data Collection Framework. Victoria Police is required to ask the Standard Indigenous Question at every family violence incident attended by police. Though it should be noted that this record is attached to each incident and not recorded as the 'status' of a person, in recognition of a person's willingness to self-identify as being of Aboriginal or Torres Strait Islander origin to police may change over time. The new Family Violence Report (L17) also asks whether a person of interest prefers a mainstream or Aboriginal-specific service response.

Collection of Victoria Police datasets will need to be requested directly from the Crime Statistics Agency as the body responsible for processing, analysing and publishing Victorian crime statistics.

Aboriginal Justice in the Department of Justice and Community Safety and the Aboriginal Justice Caucus will ensure to partake in robust discussions with Dhelk Dja on the impacts of the Family Violence Information Sharing Scheme and Child Information Sharing Scheme on Aboriginal people and the development of datasets.

The Victorian Government is currently developing monitoring and outcomes measurement frameworks for the Child Information Sharing reforms and these frameworks will inform continuous improvement of reform implementation and embedding change.

## Recommendation 3

The strategies that Family Safety Victoria has put in place to ensure that Aboriginal perspectives are included in the Family Violence Information Sharing Scheme and MARAM (Multi-Agency Risk Assessment and Management) reforms, including sector grants, working groups, the Dhelk Dja partnership forum, regional coordinators and Aboriginal Practice Leaders at Orange Door sites should continue to be funded and resourced.

### **RESPONSE:** **SUPPORT IN PRINCIPLE**

The Victorian Government recognises the importance of initiatives to ensure that Aboriginal perspectives are included in the Family Violence Information Sharing and MARAM reforms.

In addition to, and more broadly than funded initiatives, we are ensuring that Aboriginal perspectives and self-determination is incorporated in the MARAM Framework through consultation with Aboriginal practitioners and organisations at key stages.

Aboriginal perspectives gathered through consultation are embedded as a core principle in the MARAM Framework (principle 7), as well as in practice guidance, tools and training. For example, the approach to practice stresses application of an intersectional lens as a component of Structured Professional Judgment to address potential barriers and adopt culturally sensitive and safe practices when undertaking risk assessment and management. The prevalence and manifestations of family violence towards Aboriginal communities are addressed, including through tailored comprehensive risk assessment questions and suggested approaches to secondary consultation, referral, risk management and safety planning stressing collaboration and close engagement with Aboriginal organisations. The Dhelk Dja Partnership Forum, regional coordinators and Aboriginal Practice Leaders at The Orange Door all have ongoing funding. Continued funding for other initiatives will be considered as part of the Victorian State Budget process.

## **Recommendation 4**

In order to ensure best practice support for Aboriginal people experiencing family violence, increased funding should be provided to Aboriginal Community Controlled Organisations (ACCOs) to address existing and emerging service needs associated with family violence reforms generally and the Family Violence Information Sharing Scheme in particular.

### **RESPONSE: SUPPORT IN PRINCIPLE**

The Dhelk Dja Partnership Forum has long advocated for appropriate resourcing to meet the needs of Aboriginal Community Controlled Organisations to address existing and emerging service needs. Increased funding for specific initiatives will be considered as part of the Victorian State Budget process.

## **Recommendation 5**

ACCOs need more resources to contribute to the development and delivery of training on Family Violence Information Sharing so all training builds cultural safety and competence across all mainstream services in order to better support good outcomes for Aboriginal women and children experiencing family violence.

### **RESPONSE: SUPPORT IN FULL**

The Victorian Government has provided funding to six Aboriginal Controlled Community Organisations (ACCOs) under the MARAMIS Sector Grants program. Priorities for 2020-21 include further development of information sharing training on cultural safety and competence for all mainstream organisations.

Under the Aboriginal Workforce Development Initiative, the Victorian Government will work with ACCOs to provide training opportunities for mainstream organisations through the Dhelk Dja Family Violence fund.

## Recommendation 6

In order to ensure that Aboriginal people receive culturally safe and appropriate services when they disclose family violence the continuing shortage of Aboriginal workers in the family violence sector should be addressed urgently.

### **RESPONSE: SUPPORT IN FULL**

Under the Aboriginal Workforce Development Initiative, the Victorian Government will work with the Aboriginal Community Controlled family violence sector to build the Aboriginal family violence workforce.

Implementation of mandatory minimum qualifications for family violence specialist practitioners will include a pathway through which individuals who bring significant lived or cultural knowledge and expertise will be able to commence work under the supervision of an appropriately skilled and experienced practitioner. These practitioners will be able to work towards the achievement of a minimum qualification while also working in the sector.

*Building from Strength: 10 Year Industry Plan for Family Violence Prevention and Response* articulated many of the challenges for the specialist family violence and primary prevention sectors in attracting and retaining suitably qualified staff. To address this, Family Safety Victoria has worked in close partnership with sector partners to develop an attraction and recruitment campaign which includes specific advertising for Aboriginal audiences to help grow the family violence workforce. This campaign has been informed by research over several months involving potential candidates, existing family violence workers and key stakeholders.

The campaign aims to promote awareness of the sector and its values, the types of jobs that currently exist and provide links to a dedicated recruitment website and jobs portal. The Centre for Workforce Excellence has commenced a range of advertising strategies focusing on digital platforms, such as Facebook, LinkedIn, Probono Australia, YouTube, NITV and Google search. Advertisements will also be placed in regional newspapers.

Such initiatives will be critical to support the delivery of *Dhelk Dja: Safe Our Way – Strong Culture, Strong Peoples, Strong Families* (Dhelk Dja) which was released in October 2018 and is a 10-year Victorian Agreement that commits Aboriginal communities, Aboriginal services and the Victorian government to work together and be accountable for ensuring that Aboriginal people, families and communities are stronger, safer, thriving and living free from family violence.

## Recommendation 7

In consultation with Aboriginal organisations, Family Safety Victoria should ensure that there is an annual forum or other opportunity where key stakeholders consider any adverse impacts of the Scheme on Aboriginal people. This forum or other opportunity should specifically consider the impacts of the Scheme on mothering and any issues related to Child Protection.

### **RESPONSE: SUPPORT IN FULL**

Dhelk Dja: *Safe Our Way – Strong Culture, Strong People, Strong Families* is the key Aboriginal-led Victorian Agreement that commits the signatories – Aboriginal communities, Aboriginal services and government – to work together and be accountable for ensuring that Aboriginal people, families and communities are stronger, safer, thriving and living free from family violence.

The Dhelk Dja Partnership Forum meets three times per year to address the impacts of family violence and drive action to deliver Dhelk Dja within the principles of self-determination and would be the appropriate forum to consider how to monitor any adverse impacts of the Family Violence Information Sharing Scheme. The Victorian Government will consult with the Dhelk Dja Partnership Forum by the end of 2020 to consider the Forum's views.

In addition, the Aboriginal Children's Forum will consider issues that relate to Child Protection and information sharing.

Aboriginal Justice hold two Aboriginal Justice Forums per calendar year. The forum brings together leaders in the Aboriginal community and the most senior representatives of the Justice, Health and Human Services, and Education government departments and Aboriginal Victoria (within the Department of the Premier and Cabinet). Aboriginal community representation at the Forum includes each of the nine Regional Aboriginal Justice Advisory Committees (RAJAC) chairs as well as senior representatives from a number of key Aboriginal community organisations and peak bodies.

Aboriginal Justice have strong relationships with Djirra and Dardi Munwurro who both operate in the Aboriginal Justice and Health space. Aboriginal Justice will consult with both organisations as well as other Victorian Government departments to ensure their voices are heard at the forum.

# IMPLEMENTATION

## Recommendation 8

Timing and sequencing issues must be addressed before the prescription of Phase Two organisations in order to allow for the development of quality training content, including quality accompanying materials. Adjustments from piloted training need to be made prior to prescription. Training timelines will need to take into account the limited number of family violence expert trainers.

### **RESPONSE: SUPPORT IN FULL**

The Victorian Government is committed to providing high quality training and implementation support to workforces proposed for Phase Two prescription, delivered both through current training programs and programs planned for delivery closer to the time of prescription.

Online training on the information sharing schemes has been available since late 2018 and is available to any person, including those within Phase Two organisations who are wanting to prepare for the reforms in advance. As distinct from the period before Phase 1 commenced, specific MARAM training is now available across all levels of responsibility for various workforces and provides a model for more tailored delivery to these groups. Additionally, online delivery modes are being trialled in response to the COVID-19 pandemic and may provide further training options for Phase Two workforces.

The first accredited course in MARAM has commenced delivery, and this course is targeted at the level of MARAM responsibilities held by the majority of Phase Two workforces. This is being supported by targeted professional development for TAFE trainers delivered through the Vocational Education and Training (VET) Development Centre.

More broadly, the Victorian Government is working to enhance Victoria's training architecture to grow the supply of high-quality and expert-led family violence training, as detailed in response to recommendation 9.

## Recommendation 9

Those engaged to deliver training should be both expert trainers and experts in family violence. A distinct training pipeline for expert family violence trainers will need to be established to serve the training needs of Phase Two.

### **RESPONSE:** **SUPPORT IN PRINCIPLE**

The Victorian Government agrees that there needs to be a pipeline developed to ensure there are a sufficient number of skilled family violence trainers. Family violence trainer capability is a high priority for the Victorian Government reform program, as articulated through *Strengthening the Foundations: First Rolling Action Plan 2019-22* under *Building from Strength: 10 Year Industry Plan for Family Violence Prevention and Response*.

The Victorian Government is considering training solutions that balance the increasing need for qualified, front-line response workers and for specialist trainers. This includes the development of expert-led family violence training resources and professional development for trainers through the Vocational Education and Training Development Centre, to ensure the appropriate level of specialist family violence technical knowledge. The Victorian Government will also develop a new education model for family violence training that ensures it is appropriately delivered with relevant family violence specific expertise. This education model will be the first of its kind for family violence training and will underpin the approach to mainstream family violence training.

Government will continue to explore other options with regard to supply, such as the use of expertise from trainers in like jurisdictions, and ways in which training can be offered more flexibly to make better use of this expertise. It is noted that such options will be subject to future budget considerations.

## Recommendation 10

In order to be effective cross sector training needs to be more oriented towards experiential learning based on best practice adult education strategies, such as case studies and practice specific exercises.

### **RESPONSE:** **SUPPORT IN FULL**

The Victorian Government is committed to providing a tailored workforce training program for workforces proposed for Phase Two prescription under the information sharing schemes, including experiential training, both online and face to face. In addition, the Victorian Government will provide trainer resources to enable information sharing entities leaders and managers to provide more localised staff training where appropriate and desirable. The move to accredited Vocational Education and Training will mean that training participants will be required to prove their competency to undertake the family violence skills within the courses. This will include the use of learning-based case studies and scenarios, such as the use of workplace or simulated environments that reflect real workplace conditions.

## Recommendation 11

All training and training materials need to emphasise the circumstances in which it is appropriate to use either the Family Violence Information Sharing Scheme or the Child Information Sharing Scheme and that both schemes have the same consent requirements. In particular the Ministerial Guidelines on this issue should be highlighted and practical exercises and case studies developed focused on this aspect.

### **RESPONSE:** **ACQUITTED**

The *Family Violence Information Sharing Guidelines*, *Child Information Sharing Ministerial Guidelines*, resources and training provide that consent is not required from any person in relation to risk to a child under both schemes but that a child should be consulted where safe, appropriate and reasonable to do so. The *Family Violence Information Sharing Guidelines* further provides case studies and advice on preserving the agency of children and adult victim survivors in this context.

The enabling legislation of both schemes was designed to ensure that sharing in relation to children would be consistent. This approach is further emphasised by joint online training modules for the schemes. The *Child Information Sharing Guidelines* includes a chapter on the interaction of the schemes, which is cross-referenced in the *Family Violence Information Sharing Guidelines*. Further communications on this topic will be considered as part of any future development of training products focused on the information sharing schemes.

## **Recommendation 12**

In the prescription of Phase Two organisations, Family Safety Victoria and other relevant departments should communicate the training strategy, plan, content and timing clearly and well in advance of the scheduled training.

### **RESPONSE: SUPPORT IN FULL**

The Victorian Government is working closely with relevant stakeholders including peak bodies on Phase Two implementation. This involves an approach to change management support and training, with Family Safety Victoria providing centralised products and guidance which can then be tailored to sectors by departments and other relevant stakeholders.

## **Recommendation 13**

Consideration should be given to extending the operating hours of the telephone aspect of the Enquiry Line to business hours. Where there is the need for expert legal advice, an appropriate referral to obtain such advice should be provided to the enquiring organisation, where that organisation does not otherwise have ready access to such advice. The Enquiry Line should be fully resourced for at least two years after the prescription of Phase Two organisations.

### **RESPONSE: SUPPORT IN PRINCIPLE**

The Victorian Government agrees that Phase Two services and organisations need to be supported appropriately to implement the MARAM and information sharing reforms. We are considering how to appropriately support these services, including the potential continuation of an Enquiry Line and its operating hours, by May 2021.

While the Victorian Government is not able to provide commercial advice to prescribed services and organisations about the legal services they should engage, the Victorian Government will continue to support information sharing entities to use their professional judgement to make practice-based decisions about risk relevance and consent requirements through an understanding of the Ministerial Guidelines and the MARAM Framework's training, support and resources.

## **Recommendation 14**

The on-line list of ISEs should be completed and made available to all ISEs prior to the prescription of Phase Two.

### **RESPONSE: ACQUITTED**

The Victorian Government launched a new database of Information Sharing Entities and Risk Assessment Entities prescribed under the Family Violence Information Sharing Scheme and Child Information Sharing Scheme in May 2020. The database is accessible online for all information sharing entities and contains a list of organisations prescribed. This database makes it quicker and easier for frontline practitioners to obtain up-to-date, relevant information to assess and manage family violence risk, and support the safety and wellbeing of Victorian children and young people.

## **Recommendation 15**

The sector grants need to be continued for the Initial Tranche and Phase One organisations until at least June 2023 to continue the process of embedding the Scheme. These grants will be critical for Phase Two. The level of these grants should recognise the scale of the organisational work and cultural change required, particularly for organisations that have not previously been directly engaged in family violence work.

### **RESPONSE: SUPPORT IN PRINCIPLE**

The Sector Grants program is currently funded to June 2021 and this will be extended to June 2023. The continuation of this funding beyond that point will be considered as part of the legislated Five-Year Review of the Family Violence Information Sharing Scheme planned for the second half of 2022.

Additional funding for Phase 2 implementation support will be considered as part of the Victorian State Budget process.

## Recommendation 16

Timing and sequencing for Phase Two needs to ensure the training of a sufficient number of Phase Two workers prior to prescription.

### **RESPONSE:** **SUPPORT IN PRINCIPLE**

The Victorian Government is committed to providing early access to training materials and implementation support to workforces proposed for prescription under Phase Two of the information sharing Schemes. This includes current programs of training already available to workforces as well as training programs planned for delivery closer to the time of prescription.

In response to the coronavirus (COVID-19) pandemic, the commencement of Phase Two has been delayed from 2020 to 2021. This delay will continue to support the critical role educators and universal health services play in Victoria. This will allow additional time for workers to receive training and access support prior to prescription.

## Recommendation 17

Consideration should be given to how the perpetrator aspect of risk assessment will be incorporated into Phase Two training. The sequencing and timing of the implementation of Phase Two, particularly in relation to the perpetrator aspects of MARAM, and the rationale for this, should be communicated clearly to key stakeholders.

### **RESPONSE:** **SUPPORT IN FULL**

The Victorian Government aims to provide content from the perpetrator-focussed MARAM practice guides, currently in development, for release in late 2020. This will allow the content to be incorporated into training and other implementation support for Phase Two workforces.

Communication on release of the new perpetrator-focused guides and assessment tools will clarify how these fit within the broader MARAM and existing victim survivor focussed guides and the rationale for their development and timing.

## Recommendation 18

Prior to the implementation of Phase Two, resources and policies should be in place in all prescribed and all soon to be prescribed organisations to support workers who disclose family violence.

### **RESPONSE: SUPPORT IN FULL**

The Victorian Government will support organisations to meet their MARAM obligation to support employees who disclose family violence by developing specific guidance by December 2020 (prior to commencement of Phase Two) to make this obligation clearer. This will include guidance on how MARAM obligations apply to supporting employees who disclose family violence, encompassing information and principles on providing a safe environment to support disclosure.

## Recommendation 19

In the lead up to Phase Two, a thorough audit of existing schemes promoting family violence literacy in Phase Two organisations should be undertaken. Careful consideration should be given to extending existing government initiatives such as the Strengthening Hospitals Response to Family Violence Initiative so they remain in place as Phase Two organisations are prescribed and in the process of embedding the Scheme.

### **RESPONSE: SUPPORT IN PRINCIPLE**

The Victorian Government will support the provision of family violence literacy to the diverse range of Phase Two organisations and services. A range of training products and guidance to support cross-sectoral family violence literacy are now available, with more in development.

Family Safety Victoria is working with the Strengthening Hospital Responses to Family Violence team to align their products to MARAM.

The Victorian Government is committed to implementing the Royal Commission recommendation that all Victorian Government schools sign on to a whole school approach to Respectful Relationships by March 2021. The initiative supports leaders, educators and school communities to promote and model respect and equality and teaches children how to build healthy relationships, resilience and confidence.

## **Recommendation 20**

Case studies which demonstrate positive outcomes of the Scheme should be used to illustrate the value of family violence information sharing in meeting its aims of enhancing women and children's safety and keeping perpetrators in view. These case studies will be useful for enhancing practitioner understanding of the responsibilities of information sharing and the benefits of risk relevant sharing.

### **RESPONSE: SUPPORT IN FULL**

The Victorian Government is continually refining its approach to supporting implementation, including using case studies to reflect emerging practice, highlight successes and drawing lessons with broader applicability.

# INTERSECTIONS

## Recommendation 21

Prior to Phase Two specific practice guidance on and templates for family violence data security standards should be developed by FSV. These should reinforce existing legislative privacy obligations and create clear expectations on data security standards for family violence information and information sharing. These standards and associated processes should form part of the induction of Phase Two organisations into the Family Violence Information Sharing Scheme. Measures should be put in place to ensure these standards are transparent to victim/survivors.

### **RESPONSE:** **SUPPORT IN PRINCIPLE**

The *Family Violence Information Sharing Guidelines* make clear that the reforms do not replace or override existing laws and standards in relation to data security and that organisations must continue to comply with any requirements that already apply to their organisation. Family Safety Victoria does not have the power to establish new standards. However, to assist information sharing entities with understanding their existing data security requirements, Victorian Government agencies are discussing the development of tailored advice to information sharing entities about these standards. Victoria Police abides by the *Privacy and Data Protection Act 2014* (PDP Act) and the Victorian Protective Data Security Standards (VPDSS) that are authorised by this legislation. Victoria Police has developed a *Guide for Handling and Securing Victoria Police Information received under the CIS and the FVIS* for information sharing entities. Victoria Police provides this two-page document with every Family Violence Information Sharing Scheme and Child Information Sharing Scheme response.

## **Recommendation 22**

The Victorian Government should work with the Mental Health Tribunal to ensure that victim/survivor safety is prioritised as part of its processes and to avoid the risk of any adverse consequences arising from the Scheme. In particular it should communicate with the Mental Health Tribunal about the family violence risks associated with disclosing to perpetrator/applicants any part of their file which indicates that family violence risk information has been shared without their knowledge under the Scheme.

### **RESPONSE: SUPPORT IN FULL**

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The Victorian Government aims to commence working with the Mental Health Tribunal to determine how to prioritise victim survivor safety in the context of the work of the Tribunal by December 2020.