

Response to the Family Violence Reform Implementation Monitor's call for submissions: Review of family violence information sharing and risk management – June to September 2022

Submission #1 – Individual – Specialist family violence practitioner

The Family Violence Information Sharing Scheme and Central Information Point

Please reflect on your experience in collecting, requesting, using or disclosing confidential information in the past 3 years when responding to the following questions.

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

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

Yes

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

a) To what extent are the principles reflected in your organisation's policies, procedures, practice guidance and tools?

Mostly

How could this be improved?

There could be a very simple plain language guide or statement available for use within ALL organisations for placement on walls and common areas. This would assist new employees. I understand as my background is legal but I collaborate with agencies who have not registered as ISEs and RAEs even though they legally fit this definition. Also, some agency representatives do not know what information to provide. This would assist them.

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

Yes

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

Yes

4. Have you been able to obtain consolidated and up-to-date information from the Central Information Point (CIP) about perpetrators of family violence to support your organisation to assess and manage risks of family violence?

Yes

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

a) information being disclosed voluntarily?

No

Please make any additional comments.

I have found it a lengthy process educating and explaining the legislation to some RAE and ISEs who are not familiar with the legislation, particularly NDIS support providers who are For Profit.

b) information being disclosed on request?

No

Please make any additional comments

The same amount of information is provided as usual.

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

No

Please make any additional comments.

The same amount of collaboration as usual

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

a) collecting, requesting, using or disclosing information?

Yes

If yes, what were the legal barriers or challenges?

Agencies have initially refused to give information, believing they are doing the right thing by clients as they are unfamiliar with legislation and as noted above, have not registered themselves as ISEs and RAEs. I have had to educate them. Other challenges include not receiving information either at all or not in a timely manner from organisations such as [REDACTED] and some agencies have no clear direction for enquiry re FVISS and CISS enquiries. [REDACTED] has been one I dealt with. The Person on the general enquiries line didn't even know what this legislation was, nor did she understand what an FOI request was.

b) collaborating with other organisations to deliver coordinated services?

No

c) complying with the Act's requirements?

No

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

No

Please make any additional comments.

I have found organisations hold information tightly and are less likely to disclose information due to privacy.

Family Violence Risk Assessment and Risk Management Framework

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

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

Yes

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

No

Please make any additional comments.

The MARAM is not used consistently where it should be. I have observed Child Protection not to use or request a comprehensive MARAM, nor do they always conduct one with me when I report family violence or sexual assault to them at the point of intake. I have had to get into the habit of offering a completed MARAM due to information sharing. Their intake process needs to involve conducting a full comprehensive MARAM with all intake callers voicing concerns.

General

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

No

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

Yes

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

In conjunction with detailed legislation and procedural guidelines, a plain language statement would benefit practitioners who do not understand this.