

## Family Violence Information Sharing Ministerial Guidelines Submission to Family Safety Victoria

The Centre for Excellence in Family Welfare (the Centre) welcomes an opportunity to provide feedback on the draft Family Violence Information Sharing Ministerial guidelines. The Centre is the peak body for child and family services in Victoria. For over 100 years we have advocated for the rights of children and young people to be heard, to be safe, to access education and to remain connected to family, community and culture. We represent over 150 community service organisations, students and individuals throughout Victoria working across the continuum of child and family services, from prevention and early intervention to the provision of out-of-home care. Many of our member organisations work with Aboriginal children and families and Aboriginal Community Controlled Organisations (ACCOs). Our members have an excellent understanding of the need for improved information sharing between and among relevant parties to keep children safe and support their wellbeing.

The Centre supports the family violence information sharing reforms and their potential to increase the safety of women, and the safety and wellbeing of children and young people. We welcome the inclusion of transparency and promotion of agency in the guidelines. We support the model of no-consent required when sharing information relating to the safety and wellbeing of children and young people.

### Areas for strengthening

The Centre has also identified several areas where the Guidelines could be strengthened.

#### *Best Interests Framework*

The Centre strongly supports the use of the Best Interests Framework to support the development of a shared understanding about why appropriate information sharing is so critical for children. This is particularly important to highlight in the guidelines given the diverse organisations able to more freely share information about children as part of the reforms.

#### *Integrated Family Services*

The Centre is concerned that Integrated Family Services (IFS) are not included as either a risk assessment or protection entity in the list of Information Sharing Entities (ISEs). This is despite the significant amount of work done by IFS providers with children, young people and women who experience family violence; their training in the Common Risk Assessment Framework (CRAF); and role in safety planning.

The work of IFS could be significantly enhanced if, as ISEs, they could request information from other ISEs to inform their risk assessment and for protection purposes, and were empowered to proactively share information to assess and manage risk. Although this already happens in some instances,

enshrining the role of IFS agencies as ISEs would enable a more systematic and consistent approach to information sharing.

#### *Cultural safety*

Historical and ongoing control and use of the personal data of Aboriginal and Torres Strait Islander peoples means that the information sharing reforms could discourage Aboriginal people from using services. This issue has been raised by member organisations in consultations. This is a significant issue given the overrepresentation of Aboriginal families in tertiary systems and their underrepresentation in universal and secondary services. Appropriate cultural awareness and safety training should be a prerequisite for all workers who will be able to share information under Part 5A.

#### *Transparency*

To minimise the risk of families experiencing vulnerability deciding not to engage with services because of apprehension or mistrust in relation to the sharing of their information, the guidelines need to highlight the importance of transparency as a principle. Transparency is critical to make sure children and families are aware, from the outset, of how their information can be shared, with whom, when, and for what purposes.

#### *Identification of perpetrators and victim survivors*

The sector has raised concerns regarding the misidentification of the perpetrator or victim survivor and subsequent incorrect application of the consent model when sharing information. Given the risks inherent in situations of misidentification, the guidelines need to stress the importance of the information sharing reforms in supporting ISEs to correctly identify a perpetrator during the risk assessment/establishment phase – based on access to more information and the creation of a more holistic picture of risk.

The guidelines also state the when it is clear a person has been incorrectly identified as a perpetrator, the ISE should ‘make their best effort to correct the information that has already been disclosed, and update relevant records’. How will the guidelines or practice ensure that records are updated correctly and in a timely manner? This is critical for future and ongoing risk assessment and planning across organisations.

In the section ‘determining whether a person is a perpetrator or victim survivor’, the guidelines propose a list of considerations for ISEs. However, these considerations should also include the experiences of children and any patterns of violent behaviour towards children. As currently written, adults are presumed to be the victim survivors. It is not enough to have a subsequent chapter in the guidelines focusing on children; they also need to be included in ISE decision making based on the recommended considerations.

#### *‘Risk-relevant information’*

The guidelines do not clearly identify what constitutes ‘risk-relevant information’ and relies on professional judgement to determine the appropriate information to be shared. While the Centre supports the need for professional judgement to inform decisions about risk-relevant information, the guidelines assume that all persons able to share information under Part 5A will be trained in the CRAF. The Centre questions the validity of this assumption, and of the CRAF in supporting decisions to

be made in the best interests of children and young people, at least until the revised CRAF/MARAM is completed. The Centre supports the need for professionals who come under Part 5A to be trained in the CRAF and the Best Interests principles for children and young people.

#### *Adolescents who commit violence*

The Centre welcomes recognition in the guidelines that ‘violence in the home committed by adolescents requires a different response to family violence by adults’. We also welcome the recommendation that information sharing about adolescents who use violence is done in a way that supports the therapeutic needs of the young person. We strongly support an implementation approach for the guidelines that focuses on translating this concept to practitioners. We are concerned that young people might be viewed as ‘perpetrators’ who require a punitive rather than a therapeutic response.

#### *Maintaining agency*

The reforms provide an opportunity to promote good information-sharing protocols and practice in relation to all clients. This includes guidance around parental and perpetrator consent in situations of family violence. A key element of good practice in promoting children’s agency – any client’s agency – is to be clear from the outset about how any information about them will be used, where it is appropriate, safe and reasonable to do so, and the paramountcy of children’s safety and wellbeing.

Our consultations have raised the challenge of maintaining agency while being able to share information without consent. However, agency can still occur if clients are appropriately informed about the purpose of gathering information and how it will be used to protect and support them. This kind of transparency – taking into account the age, maturity and cognition of the child – promotes awareness of the importance of their role in maintaining safety and wellbeing. It is important that children’s agency does not become a barrier to the sharing of information but, through clear guidelines and protocols, can be embedded through children understanding that they are agents in their own protection.