



Regulatory Impact Statement

Family Violence Protection (Information Sharing and Risk Management) Amendment Regulations 2018

Final Report 8 June 2018

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Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

© State of Victoria, Australia, Family Safety Victoria June 2018.

ISBN 978-1-76069-441-8 (pdf/online/MS word)

Available at [Family Safety Victoria](http://www.vic.gov.au/familyviolence/family-safety-victoria) <www.vic.gov.au/familyviolence/family-safety-victoria>

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Executive Summary

The Victorian Government has committed to a significant reform program in order to achieve its vision of a Victoria free from family violence. This includes the introduction of two key reforms:

- the family violence information sharing scheme (the Scheme); and
- the redevelopment of the Family Violence Risk Assessment and Risk Management Framework (the Framework).

These reforms are focussed on responding to the risk of family violence for those who are experiencing family violence in all forms and at all stages. Whilst these reforms will contribute to primary prevention efforts (i.e. building family violence understanding to stop it before it starts), they are foremost aimed at building capability across the system to identify and better respond to family violence when it is present.

The Scheme

Comprehensive family violence risk assessment is heavily dependent on the information available. A general risk-averse culture of information sharing and the limited scope of authorised Information Sharing Entities (ISEs) under the current Scheme both contribute to an application of the existing Framework that is inconsistent and incomprehensive in many cases. This can lead to an inadequate understanding of the level of risk posed by perpetrators, poor safety planning and ultimately reduced safety of victim survivors¹ and their children, with serious consequences in some cases.

The intent of prescribing additional ISEs under the Scheme is to remove existing legislative and regulatory barriers to information sharing by expanding the group of entities that can lawfully share information pertaining to family violence risk under the Scheme. The majority of ISEs will also be prescribed as Framework organisations and required to align with the proposed Framework under the *Family Violence Protection Act 2008* (the Act). This will ensure that services are aware of their requirement to align with the Framework. The requirement to align with the Framework ensures that there is system-wide accountability for risk, that an appropriate response is provided to support victim survivors across the spectrum of forms of family violence and seriousness of risk, and to hold perpetrators in view and to account.

Given the significant impact these two reforms are expected to have on service providers' operations and the broad scope of entities proposed to be prescribed, a staged implementation is planned. The Initial Tranche of the Scheme commenced in February 2018. The next tranche of reform, titled "Phase One", will expand on the Initial Tranche and it is proposed that most ISEs that form part of this next tranche of reform will be prescribed as Framework organisations and expected to align with the Framework. In addition, a child information sharing scheme will commence at the same time and operate alongside the family violence information sharing scheme. The child information sharing scheme is described in the *Regulatory Impact Statement: Child Wellbeing and Safety (Information Sharing) Regulations 2018*².

The redeveloped Framework

At present, there is a lack of a consistent and coordinated approach to family violence risk assessment and management. The Family Violence Risk Assessment and Risk Management Framework – often referred to as the common risk assessment framework or CRAF – was originally introduced in 2007 to

¹ 'Victim survivor' has the same meaning as a 'primary person' in the *Family Violence Protection Act*. A person will be a victim survivor if an Information Sharing Entity reasonably believes there is a risk that the person may be subjected to family violence. The term victim survivor refers to both adult and child victim survivors. See *Family Violence Information Sharing Guidelines: Guidance for Information Sharing Entities* p 15.

² Department of Education and Training (2018) *Regulatory Impact Statement: Child Wellbeing and Safety (Information Sharing) Regulations 2018*.

assist in the development of an integrated family violence system in Victoria, but varied use and uptake of the Framework over time has led to inconsistencies in practice. Due to a lack of consistent and coordinated practice among service providers – and limited cross-sector alignment with the Framework – risk is not well identified, assessed and managed at a system-wide level.

The Royal Commission into Family Violence (the Royal Commission) recommended that the Victorian Government review and begin implementing a revised Framework that sets minimum standards and roles and responsibilities for screening, risk assessment, risk management, information sharing and referral throughout Victorian agencies³. The Royal Commission also identified opportunities to enhance the Framework by addressing a range of gaps and limitations in the existing Framework's content.

The proposed Framework will require organisations to align their risk assessment and risk management tools, practice guidance and procedures to the four pillars of the Framework, including the risk indicators. Pillar 1 requires that workforces in Framework organisations have a shared understanding of family violence, including the risk indicators under the Framework. Pillar 2 requires organisations to have a shared approach to the spectrum of activities covered by the Framework including identification, screening, assessment and management of family violence risk and share relevant information. Pillar 3 allows organisations to determine the roles and responsibilities for risk assessment and risk management that are relevant to their organisation. Pillar 4 relates to outcomes and continuous improvement.

The Act provides for a purpose-built family violence information sharing scheme under a new Part 5A, authorising a select group of prescribed ISEs to share information with one another for family violence risk assessment and risk management purposes. The Act also empowers the relevant Minister to approve the redeveloped Framework and require alignment with it by key organisations and funded agencies so they can better identify, assess and manage family violence, including in multi-agency environments.

The proposed Family Violence Protection (Information Sharing and Risk Management) Amendment Regulations 2018 (the Regulations) expand on the operation of the Scheme and enable the operation of the Framework by prescribing:

- additional ISEs that will be authorised under the Act to request, collect, use and disclose relevant information for the purposes of assessing and managing family violence risk once it has been established; and
- Framework organisations who will be required to align with the Framework.

In accordance with the requirements of the *Subordinate Legislation Act 1994* and the Victorian Guide to Regulation, this Regulatory Impact Statement (RIS) will assess the impact of the:

- proposed Regulations; and
- proposed Family Violence Risk Assessment and Risk Management Framework Legislative Instrument (the Framework).

Objectives

The objectives of the Regulations are to ensure that the prescribed entities will have access to as much relevant information as possible in order to comprehensively assess and manage the risk of family violence, that they use their powers appropriately and that they entrench broader and more consistent use of the Framework.

The Framework describes the foundations of the service system response to family violence risk assessment and management and supports an understanding of the roles and responsibilities of

³ Royal Commission into Family Violence (2016) *Volume I Report and Recommendations*, 138.

organisations within that service system. It also supports system-wide continuous improvement and the building of a future evidence base through evaluation and validation. This is intended to establish a shared understanding of family violence across the service system, in order to facilitate consistent and collaborative practice, including multi-agency risk assessment and management.

Reform options

This RIS considers a range of options for giving effect to the objectives of the Regulations and Framework, specifically in relation to who will be affected by the Regulations, and how prescribed Framework organisations will align with the Framework.

Who will be affected by the Regulations?

A number of reform options were considered in relation to which entities will be prescribed as ISEs under the Regulations:

- **Option 1** – prescription of Initial Tranche ISEs is amended to prescribe organisations, as opposed to individuals⁴
- **Option 2** – Option 1, plus prescribe a limited group of additional entities as ISEs
- **Option 3** – Option 1, plus prescribe a range of universal services, beyond those under Option 2, as ISEs.

How will prescribed organisations align with the Framework?

Three reform options were considered in relation to how prescribed organisations will be required to align with the Framework:

- **Option 1** – Framework organisations are required to align their relevant policies, procedures, practice guidance and tools to the four pillars of the Framework
- **Option 2** – Framework organisations are mandated to use the Framework tools and practice guides for risk assessment and risk management activities
- **Option 3** – Framework organisations are mandated to use the Framework tools and are also required to report annually on risk assessment and risk management practice.

Preferred options

The above options were assessed and the preferred option was selected using multi-criteria analysis (MCA). This included consideration of the effectiveness of each option, the risk of inappropriate practice under each option and the cost of implementation under each option. This method was chosen in place of full cost-benefit analysis given the difficulty involved in estimating benefits, noting that the RIS still includes an indicative guide to the potential cost impacts under the preferred option.

Based on the results of the MCA, the preferred options are as follows:

- **Who will be affected by the Regulations** – Option 2, a limited group of additional entities who typically hold information relevant to assessing or managing family violence risk, beyond the Initial Tranche ISEs, are prescribed as ISEs

⁴ Under the existing regulations, individuals who perform specific functions in key organisations are prescribed as ISEs as opposed to organisations themselves being prescribed. However, stakeholder feedback suggests that this approach has resulted in some confusion about who within the specified categories of services information can be shared with. It is therefore proposed to amend the existing regulations to prescribe organisations rather than individuals, noting that this will not be possible in all cases due to the nature of some of the organisations.

- **How will prescribed organisations align with the Framework** – Option 1, Framework organisations are required to align their relevant policies, procedures, practice guidance and tools to the four pillars of the Framework.

Costs of the proposed reforms

The total cost of the proposed reforms is estimated to be \$86.8 million over three years (2017-18 to 2019-20) in upfront costs and \$38.5 million in 2018-19 ramping up to \$75.3 million in 2020-21 and thereafter in ongoing costs. A breakdown of these results is provided in Table ES.1 and Table ES.2.

In net present value terms, the total cost of the Scheme and Framework is estimated to be \$647 million over ten years⁵.

Table ES.1 – Estimated overall *upfront* costs under the proposed reforms (\$ million)¹

	No. orgs	2017-18	2018-19	2019-20
Reform development	1	\$7.7	\$0.9	\$0.0
Change management	5	\$0.0	\$5.0	\$0.0
Development and delivery of training	1	\$0.0	\$10.9	\$7.3
<i>Family Violence Information Sharing Scheme</i>				
Training attendance (existing staff)				
Government agencies	26	\$0.0	\$6.4	\$4.3
Funded organisations	582	\$0.0	\$4.9	\$3.3
Updating policies, procedures and systems				
Government agencies	26	\$0.0	\$1.2	\$0.8
Funded organisations	582	\$0.0	\$1.9	\$1.3
Correction for cost overlap with CIS RIS ²	N/A	\$0.0	-\$1.2	-\$0.8
<i>Family Violence Risk Assessment and Risk Management Framework</i>				
Training attendance (existing staff)				
Government agencies	29	\$0.0	\$7.5	\$5.0
Funded organisations	826	\$0.0	\$5.5	\$3.7
Updating policies, procedures and internal practice guidance				
Government agencies	29	\$0.0	\$1.4	\$0.9
Funded organisations	826	\$0.0	\$5.4	\$3.6
Total		\$7.7	\$49.8	\$29.3

Notes: ¹These estimates are based on costings outlined in Table 12, Table 13, Table 14, and Table 16 in the body of this report that were subsequently scaled based on the volume of agencies and organisations. Estimates of the number of agencies and organisations are based on the figures provided in Appendix A.

²The *Regulatory Impact Statement: Child Wellbeing and Safety (Information Sharing) Regulations 2018* includes an estimate of the upfront cost of updating policies, procedures and systems across all ISEs and, for organisations prescribed under both schemes at the same time, counts 50 per cent of the cost towards the total. This is in recognition that this cost will not be duplicated between

⁵ In calculating the net present value a discount rate of 4 per cent was used.

both schemes and should therefore be shared across both. To account for this, this RIS and the previous *Regulatory Impact Statement: Family Violence Protection (Information Sharing) Regulations 2017* collectively count the full upfront cost of updating policies, procedures and systems across all ISEs under Phase One and then this RIS subtracts out the family violence-related information sharing cost estimated in the *Regulatory Impact Statement: Child Wellbeing and Safety (Information Sharing) Regulations 2018* to avoid any duplication.

Table ES.2 – Estimated overall ongoing costs under the proposed reforms (\$ million)¹

	No. orgs / reported incidents	2017-18	2018-19	2019-20 & thereafter
Coordination unit²	1	\$0.6	\$0.6	\$0.6
Online tools tech support	1	\$0.2	\$0.2	\$0.2
Delivery of ongoing training	1	\$0.0	\$0.0	\$3.6
Family Violence Information Sharing Scheme				
Training attendance (new staff)				
Government agencies	26	\$0.0	\$0.0	\$2.1
Funded organisations	582	\$0.0	\$0.0	\$1.6
Information sharing exchanges³				
All orgs / agencies	78,000	\$9.1	\$15.2	\$15.2
Record keeping⁴				
All orgs / agencies (as a result of new info sharing activity)	78,000	\$3.8	\$6.3	\$6.3
All orgs / agencies (as a result of existing info sharing activity)	390,000	\$3.5	\$5.9	\$5.9
Family Violence Risk Assessment and Risk Management Framework				
Training attendance (new staff)				
Government agencies	29	\$0.0	\$0.0	\$2.5
Funded organisations	826	\$0.0	\$0.0	\$1.8
Risk assessment and management activity				
All orgs / agencies	78,000	\$21.2	\$35.4	\$35.4
Total		\$38.5	\$63.6	\$75.3

Notes: ¹These estimates are based on costings outlined in Table 15 and Table 17 in the body of this report that were subsequently scaled based on the volume of agencies and organisations and the number of reported incidents of family violence. Estimates of the number of agencies and organisations are based on the figures provided in Appendix A. Estimates of the number of reported instances of family violence per year (78,000) are based on 2015-16 data quoted in Department of Premier and Cabinet (2017) *Ending Family Violence: Victoria's Plan for Change*.

²These costs are in addition to ongoing reform coordination costs outlined in the previous RIS.

³The term information sharing 'exchanges' is used to capture both the requesting of information by one party and the response to that request by another. It is assumed that, as a result of these reforms, there will be approximately one additional information sharing exchange, on average, for every reported incident of family violence – approximately 78,000 per year. This is in line with data gathered from stakeholders for the *Regulatory Impact Statement: Child Wellbeing and Safety (Information Sharing) Regulations 2018* on the volume of family violence related information sharing exchanges (52,000 and 104,000 per year).

⁴Record keeping costs associated with the additional information sharing activity that will arise as a result of these reforms are also scaled based on the reported incidents of family violence as record keeping is required for every exchange. Additional record keeping costs that apply to all existing information sharing activity are scaled based on an estimate of the volume of pre-existing information sharing exchanges (including those from the Initial Tranche of the Scheme and those that existed prior to the

information sharing reforms) of which it is assumed there are five for every reported incident of family violence, or 390,000 per year in total. This is in line with data gathered by Monash University from Initial Tranche ISEs as part of its Review of the Family Violence Information Sharing Legislative Scheme, which suggests these organisations exchange information from anywhere between once per fortnight to 50 times per week. When scaled up across all 227 Initial Tranche ISEs, this is 12,000 to 590,000 depending on the size and type of the organisation.

To put these costs in perspective, the key benefit of the reforms will be a reduction over the longer term in the number and severity of incidents of family violence, including those that escalate to major injury, trauma or death of a family member. That is, bearing in mind that the number of reported incidents of family violence will likely increase over the short to medium term as workers across the service system will be better equipped to identify and respond to family violence and this will lead to greater number of disclosures by victim survivors and associated reports to Victoria Police.

These benefits are difficult to quantify given the inability to draw a clear causal link between information shared as a result of the Scheme and more coordinated risk assessment and management activity across all sectors as a result of the Framework and associated reductions in the rate and escalation of family violence. However, it is reasonable to assume that, together, the Scheme and the Framework are critical reform planks required to reduce the number and severity of cases over the longer term and will, therefore, reduce the costs of family violence to the Victorian community, estimated to be \$5.3 billion in 2015-16⁶. The costs of the proposed reforms represent a small proportion of this cost to the Victorian community and are therefore regarded as reasonable when considered within this broader context.

The reforms will also improve responses to victim survivors at all levels of risk, not just those at the highest risk. Prescribing Framework organisations will facilitate whole-of-system accountability by ensuring not just those at the specialist end are responsible for identifying, assessing or managing family violence risk. This message of system accountability will be supported by the improvement in the culture of shared understanding and increased information sharing between a broader group of entities, as well as strengthened coordination or risk management responses.

Training in the Scheme and Framework will increase the capability and capacity of prescribed entities, and will result in an improved service experience and more effective outcomes. The reforms will also increase capacity and coordination of workforces to keep perpetrators in view and hold them to account.

Family Safety Victoria believes that the benefits of enabling the reforms through the proposed Regulations and Framework will exceed the cost on the basis of the qualitative benefits of information sharing and risk assessment and risk management that were described by the Royal Commission. In particular, these reforms will make it easier for a range of organisations dealing with family violence to consistently identify, assess and manage risks, and to share relevant information to support this, and will therefore help to intervene earlier and to more effectively respond to incidents of family violence.

It is important to note that this RIS provides only an indicative guide to the potential impacts of broadening authorised information sharing under the Scheme and requiring organisations to align with the Framework. Costs could be higher or lower depending on:

- the timing and approach taken across services, organisations and sectors to align their policies, procedures, practice guidance and tools, and the utilisation of these in practice, i.e. the effectiveness of culture and practice change; and
- concurrent investment in other interrelated reforms, including workforce capability and integrated systems (e.g. state-wide expansion of the Orange Door (Support and Safety Hubs)), and agency specific reforms (e.g. investment in data systems).

Further, some costs can not currently be quantified, including IT, system change and associated project management costs that will apply to some government agencies in order for them to effectively operate

⁶ KPMG (2017) *The cost of family violence in Victoria: Summary report*.

under the new reforms. Given uncertainty over these costs, the nature and extent of them will be the subject of future evaluation (see below for a discussion of the proposed evaluation approach).

Implementation

In order to ensure workforce readiness and sector capacity, and thereby minimise risks of inappropriate information sharing and provide sufficient time to train and change family violence risk assessment and management practice, Family Safety Victoria has adopted a phased approach to the roll-out of these reforms. The first phase (i.e. Initial Tranche) involving initial rollout of the information sharing reforms has been implemented, and this next phase (“Phase One”) will permit a wider group of entities to share information and support the Framework rollout. It is anticipated that there will be another phase in 2020 that will capture a very broad set of additional workforces in the Scheme and the Framework, including some universal services. A separate RIS will be developed to assess the impact of prescribing further entities in future amended regulations relating to these reforms.

An implementation strategy has been developed to ensure sectors that engage with family violence victim survivors and perpetrators are well prepared to implement the Scheme and align with the Framework, and to minimise implementation risks. Implementation will be informed through the ongoing evaluation of the operation of the Scheme and the Framework.

As part of this strategy, Framework organisations will be required to amend their policies, procedures, tools and practice guidance gradually over time as per a maturity model of alignment that recognises the variability in starting points across different sectors. It will provide flexibility by allowing prescribed entities to commence the alignment process at different levels of maturity, and to be supported to progress towards higher levels over time.

Consultation

Family Safety Victoria has engaged with a wide range of stakeholders in the development of the proposed information sharing and Framework reforms and associated implementation strategies, including as follows:

- public consultation on the Family Violence Protection (Information Sharing) Regulations 2017, associated Regulatory Impact Statement⁷ and the Family Violence Information Sharing Guidelines⁸;
- a series of sector readiness workshops across Victoria on the preparedness of relevant workforces for the Framework reforms; and
- a series of one-day workshops seeking input from stakeholders on proposed risk assessment tools, practice guidance and training strategies under the proposed Framework reforms.

In relation to the latter two, over 900 stakeholders were engaged and representation was across the full spectrum of workforces impacted by the proposed Framework reforms.

In addition, as part of the collection of baseline data for the Review of the Family Violence Information Sharing Legislative Scheme, Monash University conducted a series of interviews on the existing costs of family violence information sharing and risk assessment and risk management⁹. The Department of Education and Training also consulted with a range of stakeholders on the costs of information sharing in the child wellbeing and family violence context in the preparation of the *Regulatory Impact Statement*:

⁷ State of Victoria (2017) *Regulatory Impact Statement: Family Violence Protection (Information Sharing) Regulations 2018*.

⁸ State of Victoria (2017) *Family Violence Information Sharing Guidelines: Guidance for Information Sharing Entities*.

⁹ Monash University (2018) *Review of the family violence information sharing legislative scheme – Baseline Data Report*, Unpublished.

*Child Wellbeing and Safety (Information Sharing) Regulations 2018*¹⁰. Data from both of these reports was used in the preparation of this RIS, the details of which are outlined in the body of this report.

Releasing this RIS begins a further phase of public consultation through which interested members of the community, service providers and other stakeholders can provide input into the development of the Regulations and Framework. For a minimum of 28 days, Family Safety Victoria will invite public comments or submissions to consider before it finalises the proposed Regulations and Framework. Information on how to lodge submissions can be found on Family Safety Victoria's website at: [Family Safety Victoria](http://www.vic.gov.au/familyviolence/family-safety-victoria/information-sharing-and-risk-management) <www.vic.gov.au/familyviolence/family-safety-victoria/information-sharing-and-risk-management>.

Submissions on this RIS are to be received by Family Safety Victoria no later than 5pm Tuesday 10 July 2018.

Review

The Act requires that the Scheme be reviewed within two and five years of its commencement. These reviews must be independent and must consider any adverse effects of the legislation. The reviews must be tabled in Parliament within six months of the two year and five year periods. Monash University is currently conducting the two year review, which is evaluating the effectiveness, cost and impact of the Scheme. The five year review will consider the appropriateness of the legislative model and make recommendations for reform.

The Act also requires a review of the operation of the approved Framework within five years after commencement. The Framework is then required to be reviewed periodically every five years after the date on which a review of the Framework is completed.

Interaction of information sharing under the family violence and child information sharing schemes and associated costs

The family violence and child information sharing reforms will use a similar model for sharing information, and it is expected similar organisations will be prescribed under both schemes.

If an ISE is prescribed under both schemes, they will be required to consider whether sharing needs to occur in relation to family violence risk, and to promote the child's safety and wellbeing more generally.

As outlined in the *Regulatory Impact Statement: Child Wellbeing and Safety (Information Sharing) Regulations 2018*¹¹, when an ISE prescribed under both schemes in Phase One is sharing information which pertains to family violence with another ISE, they must use the family violence scheme because family violence is present. While they may also decide to share information to promote wellbeing or other (non-family violence related) safety issues, it would be inappropriate to count the requesting, disclosing and recording activity twice (i.e. under both schemes), as the information sharing has occurred in one transaction.

This is the rationale for the approach taken in the *Regulatory Impact Statement: Child Wellbeing and Safety (Information Sharing) Regulations 2018* that only the non-family violence child wellbeing related information sharing activity should be counted towards the *ongoing* cost of the child information sharing scheme – assumed to be 30 per cent of cases of information sharing between Phase One ISEs.

Accordingly, this RIS counts the full ongoing cost of all information sharing activity involving children and families where family violence is present. This RIS also counts the full cost of other non-child related

¹⁰ Department of Education and Training (2018) *Regulatory Impact Statement: Child Wellbeing and Safety (Information Sharing) Regulations 2018*.

¹¹ Department of Education and Training (2018) *Regulatory Impact Statement: Child Wellbeing and Safety (Information Sharing) Regulations 2018*.

family violence information sharing activity, such as from cases of intimate partner violence between couples without children.

The *Regulatory Impact Statement: Child Wellbeing and Safety (Information Sharing) Regulations 2018* also includes an estimate of the *upfront* cost of updating policies, procedures and systems across all ISEs and, for organisations prescribed under both schemes at the same time, counts 50 per cent of the cost towards the total. This is in recognition that this upfront cost will not be duplicated between both schemes and should therefore be shared across both.

To account for this, this RIS and the previous *Regulatory Impact Statement: Family Violence Protection (Information Sharing) Regulations 2017* collectively count the full *upfront* cost of updating policies, procedures and systems across all ISEs under Phase One and then this RIS subtracts out the family violence-related information sharing cost estimated in the *Regulatory Impact Statement: Child Wellbeing and Safety (Information Sharing) Regulations 2018* to avoid any duplication.

Background

The Royal Commission identified family violence as a pervasive problem in society with devastating impacts. Family violence inflicts physical injury, psychological trauma and emotional suffering that can impact victim survivors¹² for the rest of their lives¹³. Family violence also has a significant economic cost to Victorian society.

KPMG estimates that over 160,000 people experienced family violence in Victoria in 2015-16¹⁴. In terms of reported cases, 78,012 family violence incidents were reported to Victoria Police in 2015-16, which represented a 45.3 per cent increase since 2012¹⁵. The total cost to Victoria of this family violence was \$5.3 billion in 2015-16, including \$1.8 billion in costs to government for service delivery, \$2.6 billion in costs to individuals and families and \$918 million in costs to the community and economy¹⁶.

Family violence has a number of other negative impacts on the community. KPMG has estimated the costs associated with the long-term health impacts of family violence and associated increased risk of mental ill-health to have been \$2.2 billion in 2015-16¹⁷. Each year, 40 per cent of all deaths attributed to homicide in Victoria occur between parties in an intimate or familial relationship, which is approximately 25 deaths per year¹⁸. In 2015-16, family violence concerns were indicated in 47.5 per cent of reports to Child Protection, and 68.7 per cent of substantiated reports to Child Protection¹⁹. Intimate partner violence contributes to more death, disability and illness in women aged 18 to 44 than any other preventable risk factor²⁰. Family violence is also the single largest cause of homelessness for women, exposing victim survivors to unemployment and a cycle of poverty²¹.

Family violence also has impacts for businesses and employers. KPMG has estimated that, in 2015-16, the cost of lost economies of scale²² due to family violence was \$403 million and the cost to employers for staff absences or replacements was \$60 million²³.

The Royal Commission put forward 227 recommendations that provide the starting point for significant changes across health, justice and social service systems to ensure a coordinated, integrated and effective response to family violence in Victoria. *Ending Family Violence: Victoria's Plan for Change* outlines the Victorian Government's plan to achieve its vision of a Victoria free from family violence by implementing all 227 of the Royal Commission's recommendations.

A key component of the reform program to address family violence is ensuring that family violence risk assessment and risk management practices are as effective as they can be across all relevant

¹² 'Victim survivor' has the same meaning as a 'primary person' in the *Family Violence Protection Act*. A person will be a victim survivor if an Information Sharing Entity reasonably believes there is a risk that the person may be subjected to family violence. The term victim survivor refers to both adult and child victim survivors. See *Family Violence Information Sharing Guidelines: Guidance for Information Sharing Entities* p 15.

¹³ Department of Premier and Cabinet (2017) *Ending Family Violence: Victoria's Plan for Change*.

¹⁴ KPMG (2017) *The cost of family violence in Victoria: Summary report*.

¹⁵ Department of Premier and Cabinet (2017) *Ending Family Violence: Victoria's Plan for Change*, 2.

¹⁶ KPMG (2017) *The cost of family violence in Victoria: Summary report*.

¹⁷ KPMG (2017) *The cost of family violence in Victoria: Summary report*.

¹⁸ Royal Commission into Family Violence (2016) *Volume I Report and Recommendations*, 41.

¹⁹ Department of Premier and Cabinet (2017) *Ending Family Violence: Victoria's Plan for Change*, 2.

²⁰ Department of Premier and Cabinet (2017) *Ending Family Violence: Victoria's Plan for Change*, 2.

²¹ Department of Premier and Cabinet (2017) *Ending Family Violence: Victoria's Plan for Change*, 2.

²² According to the associated KPMG report, 'family violence can force victim survivors to relocate if they reside with the perpetrator, causing a loss of economies of scale and increased individual costs that may, in turn, affect consumption spending patterns. This can substantially affect a victim survivor's economic opportunities.' See KPMG (2017) *The cost of family violence in Victoria: Summary report*.

²³ KPMG (2017) *The cost of family violence in Victoria: Summary report*.

workforces that work with victim survivors and perpetrators, and that practitioners have timely access to the widest variety of information to assess and manage risk. The Royal Commission made a number of recommendations in this area, including the review and redevelopment of the Framework, and the creation of a Scheme.

In response to the Royal Commission’s findings and recommendations, the current Framework (often referred to as the common risk assessment framework or CRAF) is being redeveloped with the intention of further embedding it into practice and to address a number of gaps that have been identified. The proposed new Framework sets out the Framework requirements, roles and responsibilities for prescribed framework organisations and government funded services (i.e. section 191 agencies) and evidence based risk indicators to support a shared understanding of family violence risk. Further operational guidance is to be provided to entities on their roles and responsibilities for screening, risk identification, risk assessment and management, information sharing and referral, including child-specific risk indicators and practice that reflects the needs of the diverse range of family violence victim survivors, including Aboriginal Victorians and other diverse communities.

In addition, the Scheme has been created by Part 5A of the Act. The Scheme commenced on 26 February 2018, with an Initial Tranche of prescribed information sharing entities (ISEs) who are authorised to share information with one another for family violence risk assessment and risk management purposes.

The Initial Tranche of prescribed ISEs are individuals who perform specific functions in key organisations that play a core role in assessing and managing family violence risks, have a good understanding of family violence or can be trained quickly and operate in a well-regulated rule-based environment, as outlined in Table 1.

Table 1 – Summary of Initial Tranche of the family violence information sharing scheme

List of prescribed Initial Tranche Information Sharing Entities
<p>ISEs that are also Risk Assessment Entities (RAEs)</p> <ul style="list-style-type: none"> • Workers in state-funded specialist women’s family violence case management services (including refuge staff) • Workers in state-funded specialist men’s family violence services (including Men’s Behavioural Change Programs) • Workers in state-funded sexual assault services • Community-based Child Protection workers co-located in a Support and Safety Hub and their manager or supervisor • Child FIRST workers (excluding broader family services) • Victims Support Agency workers • Select Victim Assistance Program providers and Victims of Crime Helpline staff • Victoria Police including sworn officers and VPS staff, but excluding Protective Services Officers and reservists • Support and Safety Hub workers
<p>Information Sharing Entities (ISEs)</p> <ul style="list-style-type: none"> • Magistrates’ Court of Victoria officials including, Family Violence Registrars, Family Violence Applicant and Respondent Practitioners, Koori Court Family Violence and Victim Support Practitioners and Court Integrated Services Program workers • Children’s court of Victoria officials including: Registry Manager, Family Violence Registrar, Manager – Alternative Dispute Resolution • Risk Assessment and Management Panel (RAMP) members (including Child Protection workers and those working for other services but only when participating in a RAMP) • Corrections Victoria and privately operated prisons staff

- Adult Parole Board staff
- Staff at select Corrections funded services

The Victorian Government is also developing a child information sharing scheme that aims to authorise a select group of prescribed services and practitioners to share confidential information for the purpose of promoting the wellbeing or safety of a child or group of children.

The proposed child information sharing scheme will complement the Scheme by enabling prescribed organisations to share information to promote children’s wellbeing and safety, including but not limited to situations where family violence is suspected or established as being present. The two reforms will use a similar model for sharing information, and it is expected similar organisations will be prescribed under both schemes. Neither scheme requires consent before sharing information relating to a child, although guidelines will require prescribed organisations to promote children’s agency and the agency of other affected family members by seeking their views where appropriate.

Further detail on the child information sharing scheme can be found in the *Regulatory Impact Statement: Child Wellbeing and Safety (Information Sharing) Regulations 2018*²⁴.

This RIS assesses the impact of the proposed Family Violence Protection (Risk Management and Information Sharing) Amendment Regulations 2018, as well as the proposed Framework.

Identifying the problem

The current Framework, often referred to as the common risk assessment framework or the CRAF, was introduced in 2007 as part of the Victorian Government’s work to develop an integrated family violence system. Before 2007, there was no common risk assessment and management approach for the family violence system in Victoria.

A number of reviews have since identified that there are continued limitations in family violence risk assessment and risk management practices that prevent services from addressing the risks of family violence to victim survivors, or to holding perpetrators in view and to account, through timely and effective interventions. There are also a number of limitations with the CRAF itself.

In addition to problems with the existing Framework, the Royal Commission identified barriers that prevent information from being shared as effectively as it could be, and found that the failure to share crucial information with frontline workers can have catastrophic consequences.

These problems are discussed below.

Inconsistent use and uptake of the Framework

At present, risk assessment and risk management practices among the wide variety of organisations that have contact with victim survivors and perpetrators of family violence, and their use of the Framework, are inconsistent or insufficient. The use and uptake of the Framework is also varied across organisations. While there has been a range of initiatives to date to support use and uptake of the Framework, there has been variable success which has diminished over time. This has been through provision of state-wide and targeted workforce training, primarily to specialist family violence service workers, and individuals across a range of other health, human services, justice and educational workforces. Inconsistent training within and across services and organisations in family violence risk assessment and management practice, and failure to embed the Framework into organisations’ systems, has resulted in attrition of skill and confidence to undertake risk assessment and management over time.

²⁴ Department of Education and Training (2018) *Regulatory Impact Statement: Child Wellbeing and Safety (Information Sharing) Regulations 2018*.

Absence of a strong authorising environment for the Framework

A core issue identified across a range of review mechanisms has been a lack of a strong authorising environment for the Framework. The Royal Commission found that although the purpose of the Framework was to provide a shared understanding of risk and family violence across all service providers, services and sectors had adopted their own versions of the Framework or family violence risk assessment practice frameworks more generally and as such, women with similar risk levels received different service responses depending on where they live²⁵.

Limited service responses across the spectrum of risk

Due to inconsistencies in understanding and practice, risk is not well identified, assessed and managed at a system-wide level. The elements of good risk management are the same at all levels of risk. However, comprehensive guidelines, policies and resources to support effective risk management strategies are only available for those at highest risk, but are lacking for clients across the full spectrum of risk²⁶.

The Royal Commission emphasised that the Framework's original intent as a framework for the entire system needs to be re-established and embedded in practice. All services – not just the family violence system – have a role in identifying and responding to family violence, and this message should be reinforced through legislative and regulatory mechanisms, policy, service agreements, and investment in workforce capability and capacity²⁷. This requires strengthening the identification and assessment of family violence risk by professionals in universal and secondary services (such as maternal and child health, family services, health services and homelessness services), and providing risk management interventions as appropriate to organisations' roles and responsibilities across the service system, that aim to prevent violence from escalating.

In his findings for the Coronial Inquest into the Death of Luke Geoffrey Batty, the former State Coroner Judge Gray recommended that the Victorian Government ensure that all agencies operating within the integrated family violence system use the CRAF, including risk assessments aligned to the CRAF and undertake risk assessments that are reduced to writing, shared with, and accessible to all elements within the integrated family violence system²⁸.

Limited organisational and workforce capabilities, including organisational leadership, to address family violence risk

The Royal Commission also stated that, despite valuable efforts to increase professionals' competency and to standardise practice through a state-wide training program and targeted workforce-wide training, at present, an effective response relies on the skill level and motivation of individuals²⁹. Where not required by employing organisations, professionals usually self-nominate to attend training, and following training there is limited organisational capability or support to embed the Framework into their policies, practices and procedures. The Royal Commission recommended stronger workforce development across the range of professionals who use the Framework, to develop or strengthen core skills appropriate to their particular roles³⁰.

²⁵ Royal Commission into Family Violence (2016), *Volume I Report and Recommendations*, 122.

²⁶ Royal Commission into Family Violence (2016) *Volume I Report and Recommendations*, 124.

²⁷ Royal Commission into Family Violence (2016) *Volume I Report and Recommendations*, 135.

²⁸ Victorian State Coroner (2015) *Finding Inquest Into the Death of Luke Geoffrey Batty*, 104.

²⁹ Royal Commission into Family Violence (2016) *Volume I Report and Recommendations*, 123.

³⁰ Royal Commission into Family Violence (2016) *Volume I Report and Recommendations*, 123.

Limitations with the Framework itself

Since 2015, the efficacy of the current Framework, or CRAF, has been examined by:

- the Royal Commission;
- the Coronial Inquest into the Death of Luke Geoffrey Batty, as well as other coronial family violence inquests; and
- Monash University's *Review of the Family Violence Risk Assessment and Risk Management Framework in Victoria* (the Monash Review).

Each review identified limitations in the scope and use of the Framework, and recommended improvements to strengthen the Framework and ensure that it is embedded in practice across services and sectors that have a role in identifying, assessing and managing family violence risk.

As a result, the Royal Commission recommended that the Victorian Government review and begin implementing a revised Framework that sets minimum standards and roles and responsibilities for screening, risk assessment, risk management, information sharing and referral throughout Victorian agencies³¹.

The Royal Commission also identified opportunities to enhance the Framework by addressing a range of gaps and limitations in the existing Framework's content, including:

- developing an actuarial or tiered risk assessment tool to provide guidance on understanding risk at low, medium or high levels;
- recognition of specific risks for children;
- greater focus on risk assessment of perpetrators through development of a perpetrator dangerousness risk assessment tool(s);
- improved responsiveness to the needs of the diverse range of family violence victims and perpetrators, among them older people, people with disabilities, and people from Aboriginal and Torres Strait Islander, culturally and linguistically diverse and lesbian, gay, bisexual, transgender and intersex communities;
- improving responses to victims and perpetrators across the spectrum of risk (including multi-agency risk assessment and management); and
- improving referral pathways and more coordinated management of risk across the system.

Consistent with the Royal Commission's findings, and to support ongoing currency of the redeveloped Framework, the Monash Review also found that the redevelopment and implementation of the Framework will need to be supported by regular review to monitor the use and useability of the Framework, and map the rationale for updates over time to make sure it maintains currency as best practice³².

Legal and administrative impediments to information sharing

At present, information pertaining to family violence risk assessment and risk management would generally have to be shared in accordance with Victoria's privacy legislation, unless the information is shared between prescribed ISEs who are participating in the Initial Tranche of the Scheme. The Initial Tranche of the Scheme was prescribed based on entities' criticality, family violence literacy and ability to operate in a regulatory environment. However, there is a broader cross-section of agencies that may hold information relevant to assessing or managing risk of family violence. These entities include those whose core business is not directly related to family violence but who spend a significant proportion of

³¹ Royal Commission into Family Violence (2016) *Volume I Report and Recommendations*, 138.

³² Monash University (2017) *Review of the Family Violence Risk Assessment and Risk Management Framework in Victoria*, 118.

their time responding to victim survivors or perpetrators, as well as some universal services and non-family violence specific support or intervention agencies.

Entities that are not prescribed in the Initial Tranche would therefore need to rely heavily on information provided by the victim survivor because seeking consent from the perpetrator, as required under privacy laws, to access relevant information about them is often unsafe (as it may result in the escalation of risk to the victim survivor). As a result, family violence agencies conducting risk assessments are typically not in a position to obtain the consent to enable them to access relevant information, such as a perpetrator's history of use of violence, to form a more comprehensive and informed view of the level of risk. A victim survivor may also not be aware of, or have complete information about, the perpetrator's current actions and behaviours or history of use of family violence. Further, the information provided by the victim survivor may be limited by the level of trust and confidence the victim survivor has in the worker or agency when disclosing information during a risk assessment.

Under current privacy legislation, it is also not permissible to share information in relation to children unless there is a serious threat, consent has been provided by the child (or parents if the child does not have the capacity to consent), or the information is being used for the primary or secondary purpose for which it was collected. The *Children, Youth and Families Act 2005* also allows individuals the power to make reports to Child Protection and Child FIRST³³ if there are significant concerns for the wellbeing of the child. For example, Victoria Police may make such referrals following a family violence incident using a Victoria Police Risk Assessment Management Report (L17). However, there are significant constraints in the ability of Child Protection and Child FIRST to share information outwards to other relevant organisations.

The information that the proposed additional ISEs hold regarding perpetrators may be critical in providing a full picture of the level of risk. The ISE may also need this information to support a victim survivor, particularly if the victim survivor is not engaged directly with a family violence service. Further, the information can hold perpetrators in view and to account for their actions and behaviours.

A risk-averse culture to information sharing

Barriers to information sharing still apply for organisations that are currently not prescribed under the Scheme. Complex, confusing and restrictive legislation and policy pose real barriers to information sharing in family violence cases, creating confusion and a risk-averse culture to information sharing, which means that the perceptions of privacy barriers are often deeply entrenched³⁴.

Importance of family violence risk assessment, risk management and information sharing

Risk assessment is the process of identifying the presence of a risk factor and determining the likelihood of an adverse event occurring, its consequence and its timing. Risk management refers to the collection of responses that help to reduce risk and harm³⁵. In essence, every intervention that an individual or service makes to keep victims safe is a form of risk management. Risk assessment, risk management and information sharing are key elements of a fully coordinated family violence response. Information sharing is a necessary precursor to interventions that promote safety and save lives. Managing risk involves removing, reducing or preventing the escalation of risk. As risk is dynamic and can change over time, information may be required for the purposes of ongoing risk assessment.

³³ Child FIRST (Child and family information, referral and support teams) is an easily accessible, community-based point of entry for children, young people and families needing support.

³⁴ KPMG (2016) *Review of legislative and policy impediments to sharing relevant information between agencies in relation to a person at risk or family violence*.

³⁵ Victorian Government (2011) *Family Violence Risk Assessment and Risk Management Framework*, 18.

The Royal Commission noted that a systems approach is required to keep victims of family violence safe and perpetrators accountable. All agencies inside and outside the family violence system must have a shared understanding of risk assessment and management, as well as of family violence itself. A systems approach also demands that agencies share information in a timely and proactive way and have a common approach to multi-agency risk management.

The Risk Assessment and Management Panels (RAMPs) demonstrate the benefit of improved multi-agency approaches to information sharing, risk assessment and risk management between different agencies working across the family violence service system. A RAMP is a formally convened meeting, held at a local level, of core agencies and organisations that may have particular knowledge of a case to share information relevant to the safety of those experiencing serious threat from family violence. Across Victoria, there are now 18 RAMPs that each meet once a month to share information and take action to keep people at the highest risk of family violence safe.

The Royal Commission heard that the elements of good risk management are the same at all levels of risk. Comprehensive guidelines, policies and resources to support effective risk management strategies are required to support an integrated and effective system response for all, not just those at highest risk supported by RAMPs and intensive case management³⁶.

Improved multi-agency coordination of risk assessment and management for people at all levels of risk can contribute to increased accountability of perpetrators by keeping those who use violence firmly in view.

Broader policy context

The Victorian Government has committed to a significant reform program in order to achieve its vision of a Victoria free from family violence. The introduction of new information sharing laws and the redevelopment of the Framework are core components of this reform program, as is the creation of a Central Information Point (CIP). The CIP allows representatives from Court Services Victoria, Victoria Police, Corrections and the Department of Health and Human Services (DHHS) to consolidate critical information about perpetrators of family violence into a single report for frontline workers located in Orange Door sites (Support and Safety Hubs). Together, these changes are key enablers of broader reforms taking place across the family violence system, including the creation of the Orange Door.

The Orange Door is central to Victoria's approach to addressing both family violence and child wellbeing and vulnerability (which may or may not be related to family violence) and form a critical part of the broader service system response. The Orange Door will be accessible, safe and welcoming to people, providing quick and simple access to the support and safety they need. The Orange Door will also focus on perpetrators of family violence, to keep them in view and play a role in holding them accountable for their actions and changing their behaviour.

In addition, the *Roadmap for Reform: strong families, safe children* (the Roadmap) is one of the key platforms established by the government to respond to the Royal Commission, and forms part of the longer-term response. The Roadmap provides a blueprint for transforming the child and family system from a crisis response to early intervention and prevention. The 2018 update of the Roadmap focuses on a 'pathways approach', looking at how all parts of the child and family system (The Orange Door, child and family services, Child Protection, care services, including Aboriginal Children in Aboriginal Care) connect to work with vulnerable children and families, as well as how the system links to other service platforms.

³⁶ Royal Commission into Family Violence (2016) *Volume I Report and Recommendations*, 113.

Interface between the proposed Regulations and the child information sharing scheme

The Victorian government is establishing two key reforms in the area of information sharing. One is a child information sharing scheme designed to protect the wellbeing and safety of children. The other is the family violence information sharing scheme designed to keep victims safe and perpetrators in view. These two schemes are related and are being implemented in a consistent manner. The proposed Regulations and the child information sharing scheme that is being implemented by the Department of Education and Training (DET) and DHHS have complementary purposes. It is intended that together the reforms will be applied in an integrated way to respond to a range of wellbeing and safety needs and risks for children, including family violence. For more information refer to *Regulatory Impact Statement: Child Wellbeing and Safety (Information Sharing) Regulations 2018*³⁷.

Legislative and regulatory basis for family violence risk assessment, risk management and information sharing

The Act:

- provides for a purpose-built family violence information sharing scheme under Part 5A, authorising a select group of prescribed information sharing entities (ISEs) to share information with one another for family violence risk assessment and risk management purposes;
- establishes the Central Information Point to be an effective and timely conduit of information sharing for core agencies; and
- empowers the relevant Minister to approve the Framework under Part 11 and require alignment by key organisations and funded agencies with it by prescribing them as Framework organisations, so they can better identify, assess and manage family violence, including in coordinated multi-agency environments.

The family violence information sharing scheme

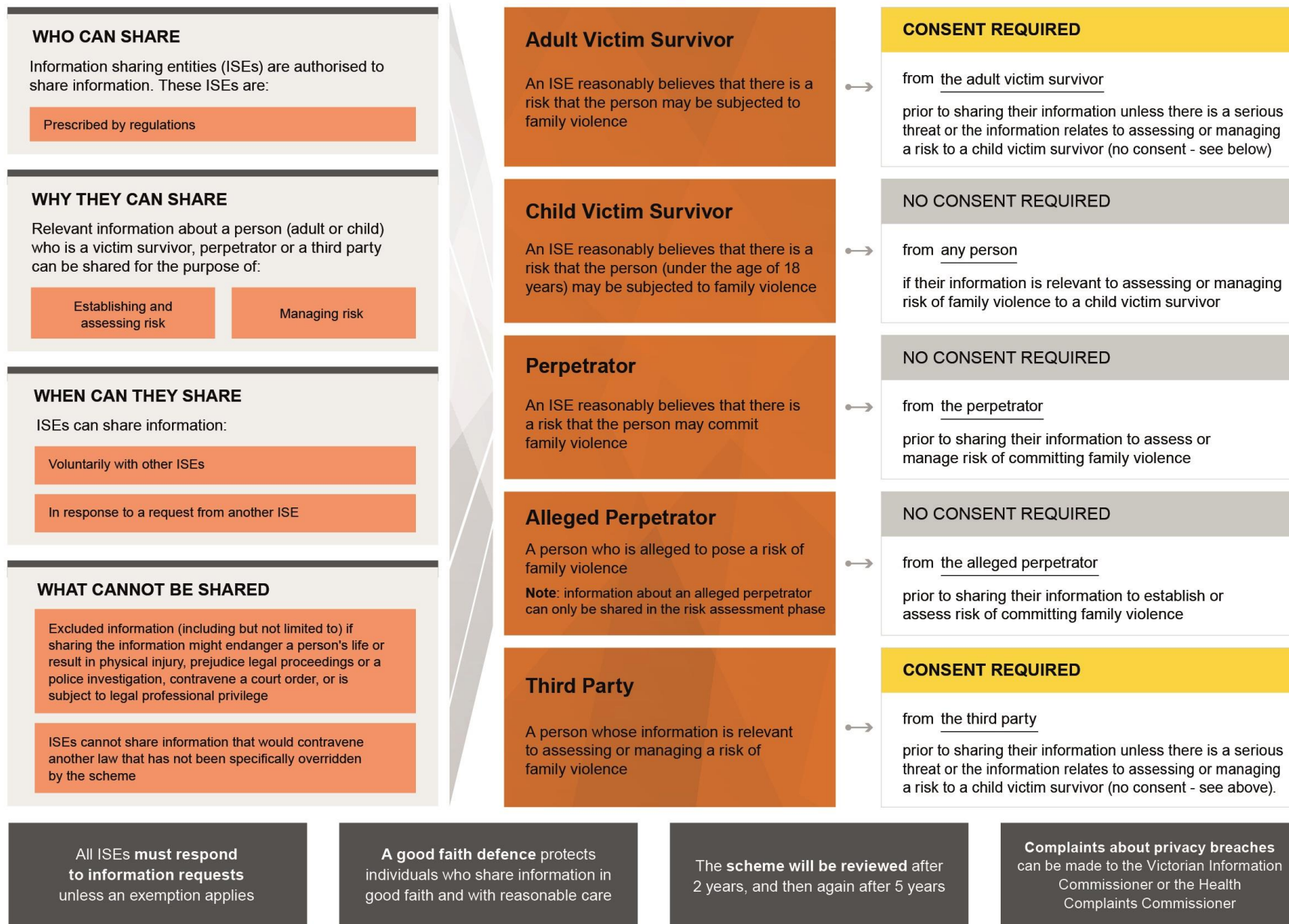
Under Part 5A of the Act, relevant information can be shared between a select group of prescribed ISEs for the purposes of assessing and managing risk of family violence. The ISEs that are currently authorised to share information under the Scheme are prescribed in the Family Violence Protection (Information Sharing) Regulations 2018.

The Scheme is intended to:

- increase consistency and efficiency in assessing and managing family violence risk; and
- enable a more tailored service response through the increased sharing of information.

The diagram below provides an overview of the current Scheme. Note that an alleged perpetrator is a person that is alleged to pose a risk of family violence but about whom there is not yet enough information to form a reasonable belief. A perpetrator is a person that an ISE reasonably believes there is a risk that the person may commit family violence. There is no need for a criminal conviction, intervention order or other justice system involvement for a person to be considered a perpetrator under the Scheme. Information can only be shared about an alleged perpetrator in the risk assessment phase, in order to determine if the person does actually pose a risk of committing family violence.

³⁷ Department of Education and Training (2018) *Regulatory Impact Statement: Child Wellbeing and Safety (Information Sharing) Regulations 2018*.



The Family Violence Risk Assessment and Risk Management Framework

Part 11 of the Act provides that the relevant Minister can approve a Framework for assessing and managing family violence risk, and require prescribed Framework organisations to align with the approved Framework.

Under Part 11 of the Act, the Framework is a legislative instrument within the meaning of the *Subordinate Legislation Act 1994*.

Family Violence Protection (Information Sharing and Risk Management) Amendment Regulations 2018 (the Regulations)

The proposed Family Violence Protection (Information Sharing and Risk Management) Amendment Regulations 2018 (the Regulations) will amend the Family Violence Protection (Information Sharing) Regulations 2018 to:

- prescribe additional ISEs that will be authorised to handle relevant information for the purposes of assessing and managing family violence risks once they have been established;
- prescribe organisations that are required under the Act to align their relevant policies, procedures, practice guidance and tools with the Framework; and
- prescribe matters that must be reported on by relevant Ministers in an annual report for the purposes of Part 11 of the Act.

Objectives

The Scheme created under Part 5A of the Act has two main objectives: to ensure the safety and protection of those experiencing family violence; and to hold perpetrators to account³⁸. By broadening the authorised information sharing environment, the Scheme aims to create a cultural shift in information sharing practice and support effective and enhanced assessment and management of family violence risk through information sharing between prescribed entities.

The intent of the Regulations in prescribing additional ISEs is to ensure that prescribed entities have access to as much relevant information as possible in order to comprehensively assess and manage the risk of family violence, and that they use their powers appropriately.

Part 11 of the Act aims to establish a shared understanding of family violence across the service system, in order to facilitate consistent and collaborative practice, including multi-agency risk assessment and management. This is to ensure that all parts of the service system, including universal services, can identify family violence and risk and provide timely and appropriate responses in order to prevent the escalation of risk or harm.

The proposed Framework describes the foundations of the service system response to family violence risk assessment and management and supports an understanding of the roles and responsibilities of organisations within that service system. It also supports system-wide continuous improvement and the building of a future evidence base through evaluation and validation. This is intended to establish a shared understanding of family violence across the service system, in order to facilitate consistent and collaborative practice, including multi-agency risk assessment and management.

³⁸ Victorian Government (2018) *Family Violence Information Sharing Guidelines – Guidance for Information Sharing Entities*, 8.

Reform options

This RIS assesses a range of options for the proposed Regulations and Framework. These are discussed separately below, along with a brief outline of other elements of the proposed Regulations for which options are not considered.

Options for the Family Violence Information Sharing Scheme

A number of reform options are assessed in relation to who will be prescribed in the Regulations as ISEs under Part 5A of the Act.

In developing these options, entities were categorised according to the following three principles:

- role – extent that entities play (or are expected to play) a critical or core role in responding to family violence;
- family violence literacy – extent that entities have a family violence risk literate workforce or that can be trained quickly to develop family violence risk literacy, considering the size of the workforce; and
- rule based – extent that entities have a strong rule based or regulatory operating environment to ensure information is handled appropriately and record keeping requirements are met.

For example, the Initial Tranche of the Scheme involved prescribing entities that were regarded as playing a critical role in family violence, had a high level of family violence literacy and had a strong ability to operate in a rule based environment. Beyond this group, however, there is a broader cross-section of agencies that may hold information relevant to assessing or managing risk of family violence. These entities include those whose core business is not directly related to family violence but who spend a significant proportion of their time responding to victim survivors or perpetrators, as well as some universal services and non-family violence specific support or intervention agencies.

It should also be noted that, under the existing regulations, individuals who perform specific functions in key organisations are prescribed as ISEs as opposed to organisations themselves being prescribed. However, stakeholder feedback suggests that this approach has resulted in some confusion about who within the specified categories of services information can be shared with. It is therefore proposed to amend the existing regulations to prescribe organisations rather than individuals, noting that this will not be possible in all cases due to the nature of some of the organisations.

The options considered are summarised as follows and discussed in more detail, as follows:

- Base case: Current ISEs remain prescribed
- Option 1: Prescription of Initial Tranche ISEs is amended to prescribe organisations as opposed to individuals
- Option 2: Option 1, plus prescribe a limited group of additional entities as ISEs
- Option 3: Option 1, plus prescribe a range of universal services beyond those under Option 2 as ISEs.

Base case

In the absence of the proposed Regulations, information would still be able to be shared by all workforces to assess and manage the risk of family violence, provided it meets the requirements of the *Privacy and Data Protection Act 2014*, the *Health Records Act 2001* or *Privacy Act 1988* (Cth). Under these laws, information is permitted to be shared about any person (including a perpetrator or other person whose information is relevant for assessing or managing family violence risk) for a primary purpose it was collected for, for a limited range of secondary purposes, to lessen or prevent a serious threat to a person, or with consent, unless certain conditions apply.

Information relevant to assessing or managing a risk of family violence could also be shared by the limited number of existing ISEs prescribed by the Family Violence Protection (Information Sharing) Regulations 2018 under the Initial Tranche of the Scheme. These entities have previously been assessed as central, based on the criteria of role, family violence literacy and operating in a rule based environment. Any personal, health or sensitive information that is relevant to assessing and/or managing family violence risk can be shared between these ISEs, provided:

- the information is not excluded;
- sharing the information does not contravene another law; and
- applicable consent requirements have been met³⁹.

Consistent with the discussion above, under the base case, ISEs would continue to be prescribed as individuals as opposed to organisations.

Option 1 – Prescription of Initial Tranche ISEs is amended to prescribe organisations as opposed to individuals

At present, individuals with specific functions within particular categories of services are prescribed as ISEs. However, stakeholder feedback suggests that this approach has resulted in some confusion about who within the specified categories of services information relevant to family violence risk assessment and management can be shared with.

One option to address this issue is to prescribe ISEs at the organisational level where possible, to remain congruent with the approach to prescribing entities under both the Framework and the proposed child information sharing scheme and who is authorised to share information under privacy legislation. This would ensure that services are clear that they are authorised to share information with other services, even when they do not know what function a particular person has within an organisation.

Changing the method of prescription will not impact the costings outlined in the *Regulatory Impact Statement: Family Violence Protection (Information Sharing) Regulations 2018* (September 2017) as the specified categories of services will still be able to share the same information.

Option 2 – Option 1, plus prescribe a limited group of additional entities as ISEs

Another option is to prescribe additional entities that typically hold information relevant to assessing risk or managing family violence, beyond the ISEs prescribed in the Initial Tranche of the Scheme in addition to amending how existing ISEs are prescribed.

Prescribing additional ISEs under the Regulations would enable a broader group of entities to share information. As a result, it will facilitate more comprehensive family violence risk assessment and management, including keeping perpetrators in view and accountable. This option focuses on prescribing additional ISEs that have moderate to high levels of family violence literacy and ability to increase this capacity. For example, workers from many of these entities have participated in CRAF training since 2008 in some capacity.

Under this option, the role of the additional entities includes a combination of:

- universal services and non-family violence specific agencies that regularly respond to the impacts of family violence, and/or are in a position to note early signs of people experiencing, or perpetrating, family violence. Examples include maternal and child health, housing, alcohol and other drugs services, mental health services, tenancy, financial counselling, youth justice and justice health services; and
- entities that are key support or intervention agencies who work with many families who may be experiencing or are at risk of family violence, but were not Initial Tranche ISEs due to the magnitude

³⁹ Victorian Government (2018) *Family Violence Information Sharing Guidelines – Guidance for Information Sharing Entities*, 20.

of their workforces and change management lead time required, such as Child Protection and Integrated Family Services.

Further prescription of additional ISEs could be considered in future regulations.

These entities operate in a rule based environment, enabling them to adapt their policies and procedures and comply with the record keeping obligations of the Scheme. These entities have also been assessed as having capacity to train their workforces and conduct other activities within the required timelines for implementation.

Option 3 – Option 1, plus prescribe a range of universal services beyond those under Option 2 as ISEs

The third option considered is to prescribe a broad group of entities, including a wide range of generalist and universal services, such as education and health providers, including school teachers and general practitioners. These workforces interact with children and families on a day-to-day basis, and are likely to have regular and extended contact with victim survivors or perpetrators of violence. However, these services are likely to have lower levels of family violence literacy and less direct engagement in family violence risk assessment and management. Training on the Scheme and family violence risk would therefore need to be provided to large workforces to ensure that information would be shared safely and appropriately.

These workforces have the potential to play an important role in identifying family violence risk due to their regular and extended contact with victim survivors and perpetrators of family violence and could also play an important role in risk management. However these entities are less likely to have a role in providing a response to family violence. These workforces have more variable levels of family violence literacy and are less likely to have a significant number of workers who have already undertaken CRAF training. The large size of many of these workforces means that they have a limited ability to conduct training and other implementation activities in time for commencement of the reforms. These workforces are also less likely to be conducting relevant risk assessment processes and have the associated record keeping systems in place to comply with the requirements of the Scheme. Generalist and universal services would therefore require more preparation time prior to commencement.

Options for the Framework

Options for the Framework under s189(4) of the Act were considered in relation to the legislative obligation under the Act for prescribed Framework organisations to align with the Framework.

Under Part 11 of the Act, Framework organisations (which must be prescribed in Regulations) and section 191 agencies (which are organisations that provide services relevant to family violence risk assessment and management under a State contract that has been amended in accordance with section 191 of the Act) are required to align their policies, procedures, practice guidance and tools with the Framework⁴⁰. Consequently, services that are funded under a State contract that are proposed as Framework organisations in the Regulations would, in any event, be required to align with the Framework as section 191 agencies under the Act. However, the prescription of departments and public entities as Framework organisations will impose a requirement on these entities to align with the Framework.

What will organisations be required to do?

Options for the Framework under section 189(4) of the Act were considered in relation to the legislative obligation under the Act for prescribed Framework organisations to align their risk assessment and risk management tools, practice guidance and procedures to the Framework, as follows:

⁴⁰ Note that, to date, no organisations have had their State contract amended for this purpose. The proposed Regulations are the mechanism for prescribing Framework organisations, while the Act is the mechanism for requiring that section 191 agencies align with the Framework.

- Base case: No Framework is approved and there is therefore no requirement to align
- Option 1: Framework organisations are required to align their relevant policies, procedures, practice guidance and tools to the four pillars of the Framework
- Option 2: Framework organisations are mandated to use the Framework tools and practice guides for risk assessment and risk management activities
- Option 3: Framework organisations are mandated to use the Framework tools and are also required to report annually on risk assessment and risk management practice.

Base case – no approved Framework

A Framework is not approved and there is therefore no requirement to align. The *Family Violence Protection Act 2008 (Vic)* requires organisations to align their practices to the Framework approved by the Minister. In the absence of an approved Framework, issues with the existing Framework would continue, including problems with inconsistent risk assessment and inadequate consideration of the risk posed to children and diverse communities.

Option 1 – Framework organisations are required to align their relevant policies, procedures, practice guidance and tools to the four pillars of the Framework

Under this option, the Framework would include four pillars for organisations to align to, including: 1) demonstrating a shared understanding of family violence across the community and evidence-based indicators of risk, including spectrum of forms of family violence, different risk levels determining seriousness and complexity of experiences; 2) a shared approach to identification, screening, risk assessment and management; 3) determination of roles and responsibilities in risk assessment and management practice; 4) establishing or using existing governance and advisory structures to implement the Framework and collect consistent data on indicators of risk.

This option requires alignment to the pillars of the Framework, including the risk indicators included in the Framework, but does not mandate the use of the Framework tools. It therefore allows organisations to adapt the substance of the Framework in to existing tools, policies and procedures. It also allows organisations to continue to use existing validated family violence risk assessment tools as these have informed the risk indicators in the Framework. Organisations are able to determine the responsibilities that apply to different types of workers within their organisation.

Option 2 – Framework organisations are mandated to use the Framework tools and practice guides for risk assessment and risk management activities

Under this option, organisations would be mandated to use the Framework tools and practice guides when conducting family violence risk assessment and risk management activities, in addition to alignment with the four pillars. The roles and responsibilities would be set out in the Framework in the same way as Option 1. However organisations would not be able to adapt tools and practice guides to suit their own organisation's context. This would mean that, for some organisations that already complete a risk assessment, two separate assessments would need to be conducted. It would also mean that family violence risk assessment and risk management would form a separate policy and procedure of the organisation. Organisations would be required to collect data on practice as in Option 1.

Option 3 – Framework organisations are mandated to use the Framework tools and are also required to report annually on risk assessment and risk management practice

Under this option, organisations would be mandated to use the Framework tools and practice guides when conducting family violence risk assessment and risk management activities in the same way as Option 2. Framework organisations would have an obligation to collect data on practice as in Option 2. In addition, Framework organisations would have an obligation to report annually on the data collected on risk assessment and risk management practice. This would include a requirement to collate data on risk indicators.

Other elements of the proposed Regulations for which options are not considered

There are three areas relevant to the proposed Regulations where options are not considered, as follows:

- **Ministerial reporting obligations:** Sections 192 and 193 of the Act enable the matters to be reported on in an annual report by relevant Ministers to be prescribed. The Regulations will set out the matters these annual reports must report on. While information obtained from Framework organisations can be used to inform these annual reports, the Regulations do not impose obligations on Framework organisations, other than in a small number of cases where departments themselves are Framework organisations.
- **Record keeping obligations:** Options for record keeping obligations for ISEs prescribed under the Scheme were considered and finalised in the previous *Regulatory Impact Statement: Family Violence Protection (Information Sharing) Regulations 2018* (September 2017). These obligations will not be changed in the proposed amended Regulations. The preferred option under the previous RIS was to require ISEs to record certain information in case notes, with no requirement to record aggregated data nor report on it. This was considered to meet minimum requirements necessary to reduce the risk of inappropriate sharing while also keeping record keeping costs to a minimum. Despite the fact that options for record keeping obligations are not considered in this RIS, it does include an assessment of the impact of these costs on ISEs under the proposed Scheme.
- **Prescription of Framework organisations:** The purpose of this RIS is to assess the impact of the proposed Regulations. Organisations funded under State contracts for the provision of services relevant to family violence risk assessment or risk management would be required to align with the Framework under section 191 of the Act, regardless of whether they are prescribed as Framework organisations in the Regulations. A decision was made to prescribe some State funded services for transparency and clarity. In light of this, options for prescribing these services as Framework organisations are not considered in this RIS as there is no additional regulatory burden imposed on them, beyond that imposed by the Act. All other proposed prescribed Framework organisations are public entities.

Determining the preferred option

Approach

Given the difficulty involved in estimating benefits, this RIS does not include a full cost benefit analysis. Rather, the preferred options is selected using Multi-Criteria Analysis (MCA) and costs are estimated in relation to the preferred option only – consistent with the approach taken for the previous *Regulatory Impact Statement: Family Violence Protection (Information Sharing) Regulations 2018* (September 2017). The MCA criteria, weighting and scale applied in this RIS are outlined below.

Criteria

The criteria used to assess each option are as follows:

- **Effectiveness of the reforms** – assesses the degree to which the option would be effective in meeting the intended objectives, including improved levels of family violence information sharing and consistent and collaborative family violence risk assessment and risk management practice;
- **Risk of inappropriate practice** – assesses the degree to which the option increases the risk of inappropriate or poor family violence information sharing⁴¹, risk assessment and risk management practice⁴²; and
- **Costs to prescribed entities** – assesses the degree to which the option imposes costs on the sector, including both upfront and ongoing costs.

Weightings

Consistent with standard practice, the above criteria are weighted such that considerations over benefits (effectiveness of the reforms) were treated with equal importance to considerations over costs (cost to prescribed entities and risks of inappropriate or inconsistent practice), with the two cost-related criteria being considered as having equal importance and therefore equal weighting, as follows:

- Effectiveness of the reforms – 50 per cent;
- Risk of inappropriate practice – 25 per cent; and
- Costs to prescribed entities – 25 per cent.

Scale

The criterion rating scale ranges from -10 to +10, with a score of zero representing no change from the base case. Using this scale allows for greater understanding of the proposed options. The scale is shown in Table 2.

⁴¹ In this context, inappropriate information sharing refers to disclosures of information that are for purposes other than to assess or manage family violence risk, and/or could potentially have harmful consequences for a victim survivor's safety and the safety of others. For more information see *Family Violence Information Sharing Guidelines: Guidance for Information Sharing Entities*.

⁴² In this context, inappropriate or poor risk assessment and management practice refers to undertaking family violence risk assessment or management activities that do not reflect a shared understanding of family violence and consistent and collaborative practice.

Table 2 – MCA scale

Score	Description
-10	Much worse than the base case
-5	Somewhat worse than the base case
0	No change from the base case
+5	Somewhat better than the base case
+10	Much better than the base case

Assessing the options

Options for the scope of the proposed Regulations are assessed below, separately in relation to:

- the entities prescribed to be ISEs; and
- how Framework organisations will be required to align with the Framework.

The outcomes of the MCA indicate that, in relation to the entities to be prescribed as ISEs, Option 2 is the preferred option.

In relation to what Framework organisations will be required to do, Option 1 is the preferred option. The results are summarised in Table 3 and Table 4 below.

Table 3 – Outcomes of the MCA – Who will be affected by the Regulations?

Criterion	Option 1 – prescribe Initial Tranche as organisations		Option 2 – limited group of additional entities		Option 3 – full scope of possible organisations	
	<i>Raw</i>	<i>Weighted</i>	<i>Raw</i>	<i>Weighted</i>	<i>Raw</i>	<i>Weighted</i>
Effectiveness score	1.0	0.5	8.0	4.0	4.0	2.0
Risk score	0	0	-4.0	-1.0	-10.0	-2.5
Costs score	0	0	-4.0	-1.0	-10.0	-2.5
Total		0.5		2.0		-3.0

Table 4 – Outcomes of the MCA – What will Framework organisations be required to do?

Criterion	Option 1 – requirement to align		Option 2 – mandated use of tools		Option 3 – mandated use of tools and reporting	
	<i>Raw</i>	<i>Weighted</i>	<i>Raw</i>	<i>Weighted</i>	<i>Raw</i>	<i>Weighted</i>
Effectiveness score	8.0	4.0	4.0	2.0	5.0	2.5
Risk score	5.0	1.25	4.0	1.0	4.0	1.0
Costs score	-7.0	-1.75	-8.0	-2.0	-10	-2.5
Total		3.5		1.0		1.0

Who will be affected by the Regulations?

Each of the options for the scope of entities prescribed as ISEs are assessed in Table 5, Table 6 and Table 7.

Table 5 - Option 1: Prescription of Initial Tranche ISEs is amended to prescribe organisations as opposed to individuals

Criterion	Comments	Score	Weighted score
Effectiveness	Under this option, the same workforces are able to share family violence information as under the base case. However, this option will make it clearer to those considering requesting or sharing information as to who else is prescribed. This offers a slight improvement on the base case.	1.0	0.5
Risk	The risk of inappropriate information sharing under this option would be the same as under the base case, as these organisations are already prescribed in the Initial Tranche.	0	0
Cost	Under this option, there would be no additional cost impact over and above the base case.	0	0
Total			0.5

Table 6 – Option 2: Option 1, plus prescribe a limited group of additional entities as ISEs

Criterion	Comments	Score	Weighted score
Effectiveness	<p>This option would allow relevant information from a broader range of entities to be used in the assessment and management of family violence risk.</p> <p>Information sharing would enable a more comprehensive picture of risk to be developed compared to the base case, due to the key role that additional entities have in assessing and managing family violence risk.</p>	8.0	4.0
Risk	<p>Under this option, the risk of inappropriate information sharing would be higher than the base case, due to authorised information sharing occurring between a broader range of entities and, therefore, a larger number of people and a greater volume of information shared.</p> <p>Despite this, these risks would be moderated by the fact that the additional prescribed organisations under this option have a moderate to high level of family violence literacy.</p>	-4.0	-1.0
Cost	<p>To effectively operationalise the reforms under this option, the proposed prescribed entities would need to train their relevant workforce and adapt their existing policies, procedures and systems in relation to information sharing.</p> <p>Prescribed entities would also face an ongoing cost associated with increased information sharing activity.</p> <p>Despite the existence of these costs, the overall cost impact would be moderated by the fact that the workforces prescribed under this option are still relatively small compared to inclusion of universal services.</p>	-4.0	-1.0
Total			2.0

Table 7 – Option 3: Option 1, plus prescribe a range of universal services beyond those under Option 2 as ISEs

Criterion	Comments	Score	Weighted score
Effectiveness	<p>This option would significantly broaden the scope of information available to inform risk assessment and risk management to facilitate the development of a more comprehensive and accurate picture of risk.</p> <p>However, under the implementation timeframe, this option would not necessarily improve the effectiveness of the Scheme given the constraints involved in training such large workforces (including school teachers and universal health professionals) over such a short time period. As a result, these constraints would limit many entities from effectively participating in the Scheme, not only in the short run but also in the long run as the pace of change may cause reform fatigue across the service system, thus moderating the effectiveness of the reforms.</p>	4.0	2.0
Risk	<p>A broad range of information would be accessible for assessing and managing family violence risk under this option, due to the relative magnitude of the full scope of organisations prescribed (such as universal services).</p> <p>However, the relevant organisations and workforces would not have the capacity to update their policies and procedures and participate in the necessary training under the implementation timeframe.</p> <p>Entities participating in the Scheme with inadequately trained staff would pose a significant risk of information being shared inappropriately and potentially compromise victim survivor safety.</p>	-10.0	-2.5
Cost	<p>This option would require significant investments over a very short time period to train large workforces and ensure that prescribed entities are prepared for the Scheme. The costs incurred would be higher than usual due to the short timeframes. There may also be excessive costs as a result of demand pressures on training organisations.</p>	-10.0	-2.5
Total			-3.0

How will Framework organisations be required to align with the Framework?

Each of the options for what Framework organisations will be required to do are assessed in Table 8, Table 9 and Table 10.

Table 8 – Option 1: Framework organisations are required to align their relevant policies, procedures, practice guidance and tools to the four pillars of the Framework

Criterion	Comments	Score	Weighted score
Effectiveness	<p>Under this option, Framework organisations would receive training in family violence, risk assessment and risk management. This would result in a better understanding of risk and risk indicators across the service system.</p> <p>Framework organisations would be required to align their relevant policies, procedures, practice guidance and tools with the Framework, resulting in increased safety for victim survivors and increased accountability for perpetrators. Roles and responsibilities included in the Framework would result in many services conducting identification, screening and initial assessment of risk. This would lead to earlier identification of family violence, providing improved and more coordinated responses to victim survivors and perpetrators.</p> <p>Framework organisations would be required and supported to align their existing tools and practice guidance to the Framework and this would increase use of the Framework and its integration in different types of service delivery.</p> <p>The system would be able to continuously improve due to data collection requirements, which would be restricted to the collection (and not consolidation) of family violence risk assessments undertaken, assuming these would be aligned with the Framework indicators of risk. This requirement would mean data is available for monitoring and evaluation activities.</p>	8.0	4.0
Risk	<p>All Framework organisations would be provided with support to understand their roles and responsibilities under this option and would have a role in risk assessment and risk management, meaning that family violence would be identified earlier and a more appropriate response provided.</p> <p>Aligning existing tools, policies and practice guidance to the Framework would improve consistency of practice. The Framework’s maturity model of alignment as well as the data collection requirements would allow for continuous improvement in practice. Data would be used by evaluators to assess risk assessment and risk management practices. Overall, the risk of inappropriate or poor practice would be reduced under this option relative to the base case.</p>	5.0	1.25
Cost	<p>This option involves a significant training cost compared to the base case, as all Framework organisations would require training on the nature of family violence, risk assessment and risk management. There would also be costs associated with aligning tools, updating policies and procedures and data collection. However the overall cost would be moderated by the fact that this option allows adaption with an organisation’s existing tools and organisational procedures.</p>	-7.0	-1.75
Total			3.5

Table 9 – Option 2: Framework organisations are mandated to use the Framework tools and practice guides for risk assessment and risk management activities

Criterion	Comments	Score	Weighted score
Effectiveness	<p>Under this option, Framework organisations would receive training in family violence, risk assessment and risk management. This would result in a better understanding of risk and risk indicators across the service system. Data collection requirements would also allow system improvements via evaluation and monitoring activities.</p> <p>However, the mandated use of Framework tools and practice guides would lead to a lack of uptake across services. Many services would not have the capacity to undertake an additional separate risk assessment or to adopt separate policies and procedures specific to family violence. Therefore effectiveness would be significantly limited due to the existence of barriers for many organisations in adopting the Framework.</p> <p>Lack of use of the Framework would also lead to reduced effectiveness for non-specialist organisations in screening and identifying family violence risk. This would mean that victim survivors would not be provided with relevant services and perpetrators would not be held accountable. Opportunities for early intervention would be missed.</p>	4.0	2.0
Risk	<p>Mandating use of the tools and practice guides could be expected to result in reduced risk of inappropriate or poor practice. However, if this option leads to a lack of uptake across services due to a lack of capacity to respond, the positive effect on practice under this option would be moderated.</p> <p>Accordingly, this option would likely reduce the risk of inappropriate or poor practice, but not to a significant extent due to a lack of uptake.</p>	4.0	1.0
Cost	<p>This option involves a significant training cost compared to the base case, as all Framework organisations would require training on the nature of family violence, risk assessment and risk management.</p> <p>There would also be a significant cost in mandating the use of Framework tools and practice guides. This would involve cost to change IT and/or other systems to add an additional tool, as well as significant time costs in completing more than one risk assessment (where used).</p> <p>There would also be costs associated with data collection.</p>	-8	-2.0
Total			1.0

Table 10 – Option 3: Framework organisations are mandated to use the Framework tools and are also required to report annually on risk assessment and risk management practice

Criterion	Comments	Score	Weighted score
Effectiveness	<p>Under this option, Framework organisations would receive training in family violence, risk assessment and risk management, as in Options 1 and 2. This would result in a better understanding of risk and risk indicators across the service system. Data collection and collation requirements would also allow system improvements.</p> <p>However, as with Option 2, the mandated use of Framework tools and practice guides would lead to a lack of uptake of the Framework across services.</p> <p>Annual reporting requirements have the potential to improve effectiveness to a greater extent than Option 2. However, these requirements would result in an additional impact on uptake across services. Many services would not have the capacity to comply with the reporting requirements. Therefore effectiveness would be significantly limited due to the existence of barriers for many organisations in adopting the Framework.</p>	5.0	2.5
Risk	<p>Mandating use of the tools and practice guides could be expected to result in reduced risk of inappropriate or poor practice. However, if this option leads to a lack of uptake across services due to a lack of capacity to respond, the positive effect on practice under this option would be moderated.</p> <p>Accordingly, this option would likely reduce the risk of inappropriate or poor practice, but not to a significant extent due to a lack of uptake.</p>	4.0	1.0
Cost	<p>This option involves a significant training cost compared to the base case, as all Framework organisations would require training on the nature of family violence, risk assessment and risk management.</p> <p>There would also be a significant cost in mandating the use of Framework tools and practice guides. This would involve cost to change IT and/or other systems to add an additional tool, as well as significant time costs in completing more than one risk assessment (where used).</p> <p>In addition to the costs under Options 1 and 2, there would be additional cost involved in collating data and providing this in an annual report. The annual report would be used by departments to inform their annual reporting requirements on Framework alignment. This requirement would involve aggregating data on risk indicators across completed risk assessments, which many Framework organisations would not have existing IT capacity to do. It would involve extensive manual processing of data for some organisations. This would be a significant time burden, particularly on smaller organisations with inadequate IT systems (for example, family violence services, family services, emergency accommodation services and sexual assault services).</p>	-10	-2.5
Total			1.0

Preferred option and its impacts

On the basis of the analysis outlined in the previous chapter, the preferred option for the scope of the Regulations is as follows:

- **Who will be affected by the Regulations** – Option 2, a limited group of additional entities who typically hold information relevant to assessing or managing family violence risk, beyond the Initial Tranche ISEs, are prescribed as ISEs.
- **How will prescribed organisations align with the Framework** – Option 1, Framework organisations are required to align their relevant policies, procedures, practice guidance and tools to the four pillars of the Framework.

Key features of the preferred option and its impacts are summarised below.

Summary of preferred option

Who will be affected?

Under the proposed Regulations, entities will be selected as ISEs based on the following characteristics:

- mainstream services and non-family violence specific agencies that respond to the impacts of family violence; and
- key support or intervention agencies which were not considered in the Initial Tranche of the Scheme due to the scale of their workforces and lead-in time required.

The government and State-funded non-government entities that will be prescribed as ISEs are listed in Table 11.

The preferred option allows for information sharing between a broader range of entities, among which there will also be a consistent and coordinated family violence risk assessment and risk management approach. This option balances victim survivor safety with the need to effectively operationalise the reforms by considering workforce readiness and sector capacity. This option also limits the risk of inappropriate practice. Implementation of the reforms is discussed further in the Implementation chapter.

The majority of ISEs will also be required to comply with the Framework (refer to Table 11 for a comparison). Examples of workforces who are outside of the preferred option and beyond the present scope of the Scheme and Framework include school teachers and universal health professionals, given the constraints involved in training these large workforces who may be less family violence literate and require longer lead-in times to train.

Table 11 – List of prescribed Information Sharing Entities and Framework organisations

Entity type	Information Sharing Entity	Framework organisation
Risk Assessment and Management Panels	Already prescribed	✓
Support and Safety Hubs	Already prescribed	✓
Community Based Child Protection (Hubs)	Already prescribed	✓
Specialist Women’s Family Violence service	Already prescribed	✓
Refuges	Already prescribed	✓
Specialist Men’s Family Violence service	Already prescribed	✓
Child FIRST	Already prescribed	✓
Sexual Assault Services	Already prescribed	✓
Victoria Police	Already prescribed	✓
Magistrates’ Court¹	Already prescribed	TBD
Children’s Court¹	Already prescribed	TBD
Victims Support Agency	Already prescribed	✓
Victims Assistance Program funded services	Already prescribed	✓
Corrections Victoria, private prisons, Corrections-funded services and Adult Parole Board	Already prescribed	✓
Court-mandated Family Violence counselling	Already prescribed	✓
Additional Family Violence services (including Family Violence counselling)	✓	✓
Sexually Abusive Behaviours Treatment Services	✓	✓
Integrated Family Services	✓	✓
Homelessness services (providing homelessness accommodation or homelessness support)	✓	✓
Out of home care	✓	✓
Youth Justice VPS and select funded services	✓	✓
Child Protection	✓	✓
Maternal and Child Health services	✓	✓
DHHS Housing	✓	✓
Mental Health	✓	✓
Alcohol and Other Drugs	✓	✓
Secretariat to Youth Parole Board	✓	✓
Justice Health and funded programs	✓	✓
Financial Counselling Program	✓	✓
Tenancy Assistance and Advocacy Program	✓	✓
Commission for Children and Young People	✓	x
Disability Services Commissioner	✓	x

Notes: ¹The Children’s and Magistrates’ Courts are provisionally prescribed as Framework organisations in the Regulations, subject to further consultation and decision by the Courts.

What will Framework organisations be required to do?

The Act requires prescribed Framework organisations to align their policies, tools, practices and procedures to the Framework. The Framework is made up of the following four pillars, including the risk indicators:

- Pillar 1: Shared understanding of family violence
- Pillar 2: Consistent and collaborative practice
- Pillar 3: Roles and responsibilities
- Pillar 4: Outcomes and continuous improvement.

Pillar 1 requires that workforces in Framework organisations have a shared understanding of family violence, including the evidence-based risk indicators⁴³ under Schedule 1 of the Framework legislative instrument.

Pillar 2 requires organisations, services and service providers to have a shared approach to identification, screening, assessment and management of family violence risk and share information relevant to family violence risk assessment and management. Organisations need to align to the risk indicators of the Framework but are not mandated to use the Framework risk assessment tool. This allows organisations to adapt the substance of the Framework to existing tools, policies and procedures and to use existing validated family violence risk assessment tools as these align with the Framework.

Pillar 3 allows organisations to determine the roles and responsibilities that are relevant to their organisation. Roles and responsibilities may vary within services as well as between organisations. Defining roles and responsibilities within and across organisations supports consistency of practice across the service system, and expectations between organisations, professionals and service users. Roles and responsibilities for family violence risk assessment and risk management are set out in Schedule 2 to the Framework legislative instrument. According to the schedule, six responsibilities are common to all workforces, including responsibilities to identify family violence, refer to appropriate agencies, contribute to multi-agency action and information sharing and contribute to ongoing assessment and management of risk. There are also some specific responsibilities for initial risk assessment, management and safety planning workforces and workforces with specialist expertise to undertake comprehensive assessments and risk management. Individual organisations are able to determine the appropriate responsibilities for different roles within their organisation.

Pillar 4 relates to outcomes and continuous improvement. It requires organisations to implement the Framework through relevant governance and advisory structures. Organisations need to contribute to building evidence-based best practice and promote continuous improvement through organisational culture and practice change.

In the initial years of the Framework's operation, the Victorian Government will develop a maturity model of alignment. The maturity model will recognise the variability in starting points and stages of family violence literacy across different sectors. It will provide flexibility by allowing prescribed entities to commence the alignment process at different levels of maturity, and to be supported to progress towards higher levels over time. The ongoing development of the evidence base, and the understanding of what constitutes good practice, mean that alignment should be seen as an ongoing process of improvement for all organisations. A matrix demonstrating what is expected at each level of performance against a range of identified dimensions, such as capability, systems and culture will be developed. The matrix will support services to understand the process of alignment and self-assess their progress.

⁴³ Risk indicators are evidence-based factors that are associated with the likelihood of family violence occurring or the severity of the risk of family violence.

Impacts of preferred option

The proposed Regulations are anticipated to result in a range of impacts including:

- costs to government of prescribing additional ISEs;
- costs to government of prescribing Framework organisations;
- upfront costs to additional ISEs of transitioning to the Scheme;
- upfront costs of Framework organisations to align with the Framework; and
- ongoing costs to ISEs and Framework organisations associated with family violence information sharing and risk assessment and management activity.

The burden imposed by the Scheme on additional ISEs will depend on the volume of requests, the specifics of each request and the systems in place at each ISE to respond to requests. The burden imposed by the reforms on Framework organisations will depend on the variability in starting points across workforces – for example, the specialist family violence workforce will be able to align more quickly than the out-of-home care workforce. This is because the specialist family violence workforce already has high levels of family violence literacy and plays a core role in family violence risk assessment and management. On the other hand, family violence is not core business for the out-of-home care workforce, who may, for example, need more time to improve their family violence literacy through training and update their policies, procedures and practice guidance.

Given uncertainty about these aspects, this RIS provides only an indicative guide to the potential impacts of broadening authorised information sharing under the Scheme and requiring organisations to align with the Framework.

The approach taken to determining the impacts to government and funded organisations involved a mapping exercise to scope out the key upfront and ongoing activities required under the Scheme and Framework, the various tasks associated with those activities and impacts in terms of staff time and other costs such as training. This mapping was undertaken with consideration as to how the impacts may differ across different types of prescribed entities, including through information sharing, the potential volume of requests, the capacity of existing IT and other systems, and the forms of risk assessment and management activity.

The mapping was then used as the basis for quantifying the potential impacts, including through valuing staff time, the cost of training and the cost of system upgrades, and then scaling this up according to the size of the relevant workforces, the number of organisations impacted, the potential volume of information requests under the Scheme, and the potential increase in family violence risk assessment and/or risk management activity.

Costs included in the RIS analysis are costs to government of prescribing additional ISEs and embedding the Framework in legislation, upfront costs to prescribed entities associated with time spent training, updating policies, procedures, and systems, and ongoing costs to prescribed entities for training, staff time spent sharing information and undertaking family violence risk assessment and/or risk management activity appropriate to their role and responsibility.

In developing these costs, efforts were made to align the approach, inputs and key assumptions with those adopted for the *Regulatory Impact Statement: Child Wellbeing and Safety (Information Sharing) Regulations 2018*. That is, given that the costs associated with the family violence scheme and the child information sharing scheme will be equivalent in many cases.

Costs to government

Upfront reform development costs

To ensure that the reforms are effectively designed and successfully implemented, Family Safety Victoria has been funded to undertake a range of activities, including to:

- establish an internal coordination unit that will oversee the implementation of the Scheme and the Framework, including the rollout of cultural change initiatives, development of online family violence risk assessment tools and the development of training;
- undertake an implementation review of the Scheme (already underway) and Framework; and
- fund the cost of responding to complaints made to the Office of the Victorian Information Commissioner and the Health Complaints Commissioner (in relation to sharing of health information) under the Scheme and as a result of changes to privacy legislation.

Funding for these activities was allocated as part of the 2017-18 State Budget, and a proportion of this funding as it relates to the Scheme was reflected in the Family Violence Protection (Information Sharing) Regulations 2018 RIS (September 2017). However, the costs captured in the previous RIS were focussed on the impacts of the Initial Tranche of the Scheme, so did not necessarily reflect all of the reform development and implementation costs, particularly costs relating to the Framework.

As this RIS captures the impact of the next stage of the Scheme and its joint implementation with the Framework, there are additional reform development costs that reflect the wider range of workforces to be prescribed, and the wider scope of the prescription (i.e. not only Scheme but also Framework). These costs consist of Framework redevelopment costs (including research on risk assessment tools, development of practice guidance and development of a training strategy) and Framework implementation and review activities (including the development of online risk screening and risk assessment tools). These costs have been funded through the Framework redevelopment and implementation allocations received as part of the 2016-17 and 2017-18 State Budgets, including \$30 million over two years received as part of the 2017-18 State Budget Risk Assessment and Risk Management initiative, which also covers the upfront cost of training (see below). These reform development costs are summarised in Table 12.

Table 12 – Reform development costs (\$ million)

2017-18	2018-19
\$7.7	\$0.9

Upfront change management costs

In addition to the above implementation activities undertaken by Family Safety Victoria, relevant departments will need to review and amend all contracts with prescribed entities, establish sector-specific guidelines, training, communications materials and information sharing agreements, and engage in capacity building programs. This will require change management resources within DHHS, DJR, Court Services Victoria, Victoria Police and DET to provide support, training and advice to frontline service staff and oversee the delivery of internal workforce training.

These resources will vary depending on the size and speciality of the relevant workforces and other preparatory work required to establish and implement the reforms. Estimates developed as a part of the cost mapping exercise suggest a total cost of \$5 million in 2018-19 as outlined in Table 13.

These costs have, in part, been funded through the Risk Assessment and Risk Management allocation received as part of the 2017-18 State Budget, and in part by the relevant departments.

These costs are in addition to the change management costs for the Initial Tranche of the Scheme in 2017-18, which are captured in the previous RIS.

Table 13 – Estimated change management costs to departments (2018-19, \$ million)

Department	Impact	Cost ¹
DHHS	12 FTE	\$1.9
DJR	6 FTE	\$0.9
CSV	4 FTE	\$0.6
Victoria Police	4 FTE	\$0.6
DET	6 FTE	\$0.9
Total	32 FTE	\$5.0

Notes: Assumes an average cost per FTE of \$155,742, including both direct and indirect staff costs. The average cost of a staff member is assumed to be equivalent to the mid-point of the VPS 5 salary range. The salary estimate is based on 2018-19 VPS salary rates and internal DTF approved guidance regarding on-costs, staff operational costs and overheads.

Upfront training costs

Another key cost to government in implementing the reforms is the cost of training workforces prescribed under Phase One of the Scheme and Framework. These costs will be covered by the Government and are in addition to the costs of training Initial Tranche workforces in 2017-18, which are captured in the previous RIS.

These costs have been funded through the Framework implementation allocation received as part of the 2017-18 State Budget – funding for which covers the cost of training additional workforces brought into the Scheme under Phase One and all Phase One workforces in relation to the Framework. These costs include the development of training content, the development of e-learning modules and a hosting platform and the delivery of the training sessions themselves.

The training strategy is currently under development, but it is envisaged that each worker participating in the Scheme under Phase One will require one day of training, on average (noting that some will require more and some less), and this will be required in order for a worker to actively share information and respond to requests for information under the Scheme. In addition, it is envisaged that each worker undertaking risk assessment and risk management activities under the proposed Framework will require one day of training, on average, and this will be required prior to adopting the Framework tools and practice guidance etc. Training for both the Scheme and Framework will be available in both face-to-face and online formats. The rollout of the training will have an initial focus on upskilling priority workers, prior to a wider scale rollout across broader workers and workforces. It is estimated that up to 32,700 workers will be eligible for upfront training in the Scheme and up to 37,500 workers will be eligible for upfront training in the Framework (see Appendix A).

The training development and delivery costs are summarised in Table 14.

Table 14 – Training development and delivery costs (\$ million)

2018-19	2019-20
\$10.9	\$7.3

Ongoing costs

Key ongoing costs to government include the cost of the Framework coordination unit within Family Safety Victoria, the cost of IT support for the online risk assessment and risk management tools and the cost of training new workers. In relation to training, this will be the same training as outlined above for upfront training of existing staff and the cost estimates assume a 20 per cent workforce turnover rate per year. These ongoing costs to government are summarised in Table 15.

Table 15 – Ongoing costs to government (\$ million)

	Cost per year
Coordination unit (2018-19 onwards)	\$0.6
IT support (2018-19 onwards)	\$0.2
Training new staff (2020-21 onwards)	\$3.6

Upfront costs to ISEs and Framework organisations

It is anticipated that prescribed entities will respond to the proposed reforms within the context of their existing systems and policy frameworks and that costly policy redesigns or system rebuilds will not be necessary in most cases. However, prescribed entities will still be required to train key staff in the Scheme and the Framework, and adapt existing policies, procedures and systems to ensure information can be retrieved and the details recorded, and to ensure alignment with the Framework.

On that basis, it is anticipated that the additional prescribed entities under Phase One of the Scheme (i.e. excluding the Initial Tranche of the Scheme) will face the following costs as they transition to the Framework:

- Cost of staff time to train them in how to effectively handle sensitive information and their obligations when disclosing information under the Scheme. Training will be necessary for all staff within an ISE who has responsibility for sharing information under the Scheme. The cost associated with this for organisations is the cost of staff resources being diverted whilst attending training.
- Updating existing policies, procedures and systems to effectively respond to the Scheme. This will include aligning existing policies and procedures to the specific requirements of the Scheme. It will also include adapting existing systems so that information can be retrieved and the details of instances of information sharing recorded. This may include changes to adapt electronic systems, such as the setting of standards for recording information in case notes and the insertion of flags to assist with searching, or changes to adapt paper-based systems, such as the setting of standards for keeping written records and/or changes to filing processes.

All prescribed entities that are classified as Framework organisations (i.e. including the Initial Tranche of the Scheme and the additional prescribed entities under Phase One) will face the following costs as they align with the Framework:

- Cost of staff time to train them in family violence risk assessment and management. Training is necessary for all staff to adopt a level of family violence literacy that is appropriate to their role in the service system. This may include both client-facing staff as well as staff who do not interact with clients as part of their role. The cost associated with this for organisations is the cost of staff resources being diverted whilst attending training.
- Updating existing policies, procedures and practice guidance to align with the Framework. Framework organisations will be required to align with the Framework, and this includes updating their policies, procedures and practice guidance as relevant.

Estimates of these costs were quantified as part of the cost mapping exercise, which approximated these costs at six months of a full time equivalent (FTE) staff member's time for government agencies under both the Scheme and Framework reforms and two weeks of an FTE staff member's time for funded organisations under the Scheme and four weeks of an FTE staff member's time under the Framework. These results are summarised in Table 16.

It is important to note that these estimates exclude IT, system change and associated project management costs that will apply to some government agencies in order for them to effectively operate under the Scheme and Framework. This includes any changes that may be required among some prescribed organisations in order for them to store information in compliance with the Standards for

Victoria Police Law Enforcement Data Security. These costs will vary across agencies and are likely to be substantial in some cases. As part of the collection of baseline data for the Monash University Review of the Family Violence Information Sharing Legislative Scheme, organisations were asked about whether they use IT for information sharing purposes and what the associated costs are⁴⁴. All organisations interviewed reported using IT on occasions for information sharing, but were mostly unable to estimate the cost. The nature and extent of these costs will be the subject of future evaluation.

Table 16 – Estimated upfront costs to ISEs/Framework organisations¹

	Expected average impact	Cost per entity
Family Violence Information Sharing Scheme		
Training existing staff²		
Government agencies	1 day of staff time per worker	\$409,836
Funded organisations	1 day of staff time per worker	\$14,025
Updating policies, procedures and systems		
Government agencies	6 months per organisation	\$77,871
Funded organisations	2 weeks per organisation	\$5,494
Family Violence Risk Assessment and Risk Management Framework		
Training existing staff²		
Government agencies	1 day of staff time per worker	\$429,200
Funded organisations	1 day of staff time per worker	\$11,120
Updating policies, procedures and internal practice guidance		
Government agencies	6 months per organisation	\$77,871
Funded organisations	4 weeks per organisation	\$10,987

Notes: ¹In estimating costs, the value of staff time is based on average weekly earnings (\$2,747) for internal staff within funded organisations and \$155,742 per annum for staff within government agencies. The estimate of average weekly earnings includes an assumed 75 per cent for on-costs, staff operational costs and overheads and is based on Australian Bureau of Statistics data (ABS (2018) Average Weekly Earnings, Australia, Nov 2017, cat. No. 6302.1). The value of government staff time assumes the mid-point of the VPS 5 salary range and is based on 2018-19 VPS salary rates and internal DTF approved guidance regarding on-costs, staff operational costs and overheads.

²The time spent per staff member at training is calculated from the top down based on Family Safety Victoria's available budget for training Phase One workforces and assumes that all workers under the Phase One rollout will receive training. This will cost \$250 per day per worker (based on recent costs to Family Safety Victoria for the delivery of this sort of training and includes facilitation, printing, venue and catering costs), suggesting the available budget will be sufficient to provide an average of one day's training in the Scheme to the extra workers coming online as part of the Phase One roll-out and one day's training in the Framework to all workers participating in the Phase One roll-out. The cost per entity was back-calculated from the aggregated figures. The training cost per entity differs slightly between information sharing reforms and the Framework reforms. This is driven by the fact that the average size (no. of workers) of organisations applicable to the Framework reforms is different to the average size of the organisations applicable to the information sharing reforms.

Ongoing costs to ISEs and Framework organisations

ISEs and Framework organisations will also face a number of ongoing costs as a result of the reforms, namely:

⁴⁴ Monash University (2018), *Review of the family violence information sharing legislative scheme – Baseline Data Report*, Unpublished.

- Training new staff in how to effectively handle sensitive information and their obligations when disclosing information under the Scheme, and training new staff on the Framework. It is not anticipated that this training will be able to be absorbed into entities' existing induction training, thus necessitating an additional ongoing cost to train new staff in how to effectively share information under the Scheme. This will include requirements and procedures specific to an organisation or agency, and how to use the Framework as appropriate to an entity's role in the service system.
- Staff time spent requesting information under the Scheme. This will involve identifying the required information, going through the process of requesting the information and recording the details in the relevant system.
- Staff time spent responding to an information request under the Scheme. This will involve receiving the initial information request, confirming the identity of the person requesting the information, determining whether the sharing of the requested information is permitted under the Scheme, retrieving the information, providing it to the requesting entity and recording the details in the relevant system.
- Staff time spent undertaking family violence risk assessment and/or risk management activity as appropriate to the service's response to the family violence service system and other requirements of that service under the Framework.

Estimates of the cost of information sharing activity are based on data collected from stakeholders in the development of the *Regulatory Impact Statement: Child Wellbeing and Safety (Information Sharing) Regulations 2018*, specifically in relation to the average time spent requesting information, the average time spent responding to information requests and the average time spent keeping records. It should be noted that these estimates should be considered an initial indication of the cost, rather than anything more definitive as they were derived from a small sample size of representatives from entities likely to be impacted by the Child Wellbeing and Safety (Information Sharing) Regulations 2018.

Estimates of the cost of risk assessment and risk management activity were quantified as part of the cost mapping exercise and are based on an estimate of the average additional time likely to be spent by organisations on risk assessment and risk management activity under the new Framework. This has been assessed as involving four additional risk assessments (average completion time of 60 minutes each) per reported family violence incident and an additional 120 minutes spent on risk management activities by a range of organisations that come into contact with the client(s) in question. The estimate of the average completion time for a risk assessment is based on data gathered by Monash University as part of its Review of the Family Violence Information Sharing Legislative Scheme, which included the collection of some baseline data on the Framework⁴⁵.

These costs are summarised in Table 17.

⁴⁵ Monash University (2018) *Review of the family violence information sharing legislative scheme – Baseline Data Report*, Unpublished.

Table 17 – Estimated ongoing costs to prescribed organisations¹

	Expected average impact	Cost per entity / exchange / incident
Family Violence Information Sharing Scheme		
Training new staff²		
Government agencies	1 day of staff time per worker	\$81,967 per entity per yr
Funded organisations	1 day of staff time per worker	\$2,805 per entity per yr
Information sharing exchanges³		
All orgs / agencies	50 mins for requestor and 105 mins for responder	\$195 per info exchange
Record keeping⁴		
All orgs / agencies (as a result of new info sharing activity)	32 mins each for responder and requestor	\$81 per info exchange
All orgs / agencies (as a result of existing info sharing activity)	6 mins each for responder and requestor	\$15 per info exchange
Family Violence Risk Assessment and Risk Management Framework		
Training new staff²		
Government agencies	1 day of staff time per worker	\$85,844 per entity per yr
Funded organisations	1 day of staff time per worker	\$2,224 per entity per yr
Risk assessment and management activity⁵		
All orgs / agencies	6 hours per reported incident	\$453 per reported incident

Notes: ¹In estimating costs, the value of staff time is based on average weekly earnings (\$2,747) for internal staff within funded organisations and \$155,742 per annum for staff within government agencies. The estimate of average weekly earnings includes an assumed 75 per cent for on-costs, staff operational costs and overheads and is based on Australian Bureau of Statistics data (ABS (2018) Average Weekly Earnings, Australia, Nov 2017, cat. No. 6302.1). The value of government staff time assumes the mid-point of the VPS 5 salary range and is based on 2018-19 VPS salary rates and internal DTF approved guidance regarding on-costs, staff operational costs and overheads. When estimating costs across all organisations as a group, an average of the hourly rates for staff in funded organisations and government agencies (\$75.55 per hour) was used.

²Estimates of the number of new workers requiring training each year are based on the number of existing workers requiring training and an assumed turnover rate of 20 per cent per year.

³The term information sharing 'exchanges' is used to capture both the requesting of information by one party and the response to that request by another. Estimates of the average time spent per request and response to a request are based on data collected from stakeholders for the *Regulatory Impact Statement: Child Wellbeing and Safety (Information Sharing) Regulations 2018*.

⁴Estimates of the average time spent record keeping are based on data collected from stakeholders for the *Regulatory Impact Statement: Child Wellbeing and Safety (Information Sharing) Regulations 2018*. These estimates include the cost of record keeping for the additional information sharing activity that will arise as a result of the reforms and the cost of additional time spent on record keeping for all existing information sharing activity, noting that stakeholder feedback indicates that, in order to comply with the record keeping requirements, organisations will need to spend an extra six minutes keeping records over and above current practice.

⁵Estimates of the additional time spent on risk assessment and management activity as a result of the reforms assume each reported incident of family violence will involve four additional risk assessments at one hour each and two hours of related risk management activity across a range of organisations that come into contact with the client(s) in question.

Overall costs of the reforms

When factoring in the number of entities and associated workforces impacted, and the potential number of information exchanges under the Scheme and reported incidents involving risk assessment and risk

management, the total cost of the proposed reforms is estimated to be \$86.8 million over three years (2017-18 to 2019-20) in upfront costs and \$38.5 million in 2018-19 ramping up to \$75.3 million in 2020-21 and thereafter in ongoing costs. A breakdown of these results is provided in Table 18 and Table 19.

In net present value terms, the total cost of the Scheme and Framework is estimated to be \$647 million over ten years⁴⁶.

To put these costs in perspective, the key benefit of the reforms will be a reduction over the longer term in the number and severity of incidents of family violence, including those that escalate to major injury, trauma or death of a family member. That is, bearing in mind that the number of reported incidents of family violence will likely increase over the short to medium term as workers across the service system will be better equipped to identify and respond to family violence and this will lead to greater number of disclosures by victim survivors and associated reports to Victoria Police.

These benefits are difficult to quantify given the inability to draw a clear causal link between information shared as a result of the Scheme and more coordinated risk assessment and management activity across all sectors as a result of the Framework and associated reductions in the rate and escalation of family violence. However, it is reasonable to assume that, together, the Scheme and the Framework are critical reform planks required to reduce the number and severity of cases over the longer term and will, therefore, reduce the costs of family violence to the Victorian community, estimated to be \$5.3 billion in 2015-16⁴⁷. The costs of the proposed reforms represent a small proportion of this cost to the Victorian community and are therefore regarded as reasonable when considered within this broader context.

The reforms will also improve responses to victim survivors at all levels of risk, not just those at the highest risk. Prescribing Framework organisations will facilitate whole-of-system accountability by ensuring not just those at the specialist end are responsible for identifying, assessing or managing family violence risk. This message of system accountability will be supported by the improvement in the culture of shared understanding and increased information sharing between a broader group of entities, as well as strengthened coordination or risk management responses.

Training in the Scheme and Framework will increase the capability and capacity of prescribed entities, and will result in an improved service experience and more effective outcomes. The reforms will also increase capacity and coordination of workforces to keep perpetrators in view and hold them to account.

⁴⁶ In calculating the net present value a discount rate of 4 per cent was used.

⁴⁷ KPMG (2017) *The cost of family violence in Victoria: Summary report*.

Table 18 – Estimated overall *upfront* costs under the proposed reforms (\$ million)¹

	No orgs.	2017-18	2018-19	2019-20
Reform development	1	\$7.7	\$0.9	\$0.0
Change management	5	\$0.0	\$5.0	\$0.0
Development and delivery of training	1	\$0.0	\$10.9	\$7.3
<i>Family Violence Information Sharing Scheme</i>				
Training attendance (existing staff)				
Government agencies	26	\$0.0	\$6.4	\$4.3
Funded organisations	582	\$0.0	\$4.9	\$3.3
Updating policies, procedures and systems				
Government agencies	26	\$0.0	\$1.2	\$0.8
Funded organisations	582	\$0.0	\$1.9	\$1.3
Correction for cost overlap with CIS RIS ²	N/A	\$0.0	-\$1.2	-\$0.8
<i>Family Violence Risk Assessment and Risk Management Framework</i>				
Training attendance (existing staff)				
Government agencies	29	\$0.0	\$7.5	\$5.0
Funded organisations	826	\$0.0	\$5.5	\$3.7
Updating policies, procedures and internal practice guidance				
Government agencies	29	\$0.0	\$1.4	\$0.9
Funded organisations	826	\$0.0	\$5.4	\$3.6
Total		\$7.7	\$49.8	\$29.3

Notes: ¹These estimates are based on costings outlined in Table 12, Table 13, Table 14 and Table 16 above that were subsequently scaled based on the volume of agencies and organisations. Estimates of the number of agencies and organisations are based on the figures provided in Appendix A.

²The *Regulatory Impact Statement: Child Wellbeing and Safety (Information Sharing) Regulations 2018* includes an estimate of the upfront cost of updating policies, procedures and systems across all ISEs and, for organisations prescribed under both schemes at the same time, counts 50 per cent of the cost towards the total. This is in recognition that this cost will not be duplicated between both schemes and should therefore be shared across both. To account for this, this RIS and the previous *Regulatory Impact Statement: Family Violence Protection (Information Sharing) Regulations 2017* collectively count the full upfront cost of updating policies, procedures and systems across all ISEs under Phase One and then this RIS subtracts out the family violence-related information sharing cost estimated in the *Regulatory Impact Statement: Child Wellbeing and Safety (Information Sharing) Regulations 2018* to avoid any duplication.

Table 19 – Estimated overall ongoing costs under the proposed reforms (\$ million)¹

	No. orgs / reported incidents	2017-18	2018-19	2019-20 & thereafter
Coordination unit²	1	\$0.6	\$0.6	\$0.6
Online tools tech support	1	\$0.2	\$0.2	\$0.2
Delivery of ongoing training	1	\$0.0	\$0.0	\$3.6
Family Violence Information Sharing Scheme				
Training attendance (new staff)				
Government agencies	26	\$0.0	\$0.0	\$2.1
Funded organisations	582	\$0.0	\$0.0	\$1.6
Information sharing exchanges³				
All orgs / agencies	78,000	\$9.1	\$15.2	\$15.2
Record keeping⁴				
All orgs / agencies (as a result of new info sharing activity)	78,000	\$3.8	\$6.3	\$6.3
All orgs / agencies (as a result of existing info sharing activity)	390,000	\$3.5	\$5.9	\$5.9
Family Violence Risk Assessment and Risk Management Framework				
Training attendance (new staff)				
Government agencies	29	\$0.0	\$0.0	\$2.5
Funded organisations	826	\$0.0	\$0.0	\$1.8
Risk assessment and management activity				
All orgs / agencies	78,000	\$21.2	\$35.4	\$35.4
Total		\$38.5	\$63.6	\$75.3

Notes: ¹These estimates are based on costings outlined in Table 15 and Table 17 above that were subsequently scaled based on the volume of agencies and organisations and the number of reported incidents of family violence. Estimates of the number of agencies and organisations are based on the figures provided in Appendix A. Estimates of the number of reported instances of family violence per year (78,000) are based on 2015-16 data quoted in Department of Premier and Cabinet (2017) *Ending Family Violence: Victoria's Plan for Change*.

²These costs are in addition to ongoing reform coordination costs outlined in the previous RIS.

³The term information sharing 'exchanges' is used to capture both the requesting of information by one party and the response to that request by another. It is assumed that, as a result of these reforms, there will be approximately one additional information sharing exchange, on average, for every reported incident of family violence – approximately 78,000 per year. This is in line with data gathered from stakeholders for the *Regulatory Impact Statement: Child Wellbeing and Safety (Information Sharing) Regulations 2018* on the volume of family violence related information sharing exchanges (52,000 and 104,000 per year).

⁴Record keeping costs associated with the additional information sharing activity that will arise as a result of these reforms are also scaled based on the reported incidents of family violence as record keeping is required for every exchange. Additional record keeping costs that apply to all existing information sharing activity are scaled on an estimate of the volume of pre-existing information sharing exchanges (including those from the Initial Tranche of the Scheme and those that existed prior to the information sharing reforms) of which it is assumed there are five for every reported incident of family violence, or 390,000 per year in total. This is in line with data gathered by Monash University from Initial Tranche ISEs as part of its Review of the Family Violence Information Sharing Legislative Scheme, which suggests these organisations exchange information from anywhere between once per fortnight to 50 times per week. When scaled up across all 227 Initial Tranche ISEs, this is 12,000 to 590,000 depending on the size and type of the organisation.

Implementation

A phased approach to roll-out

In order to ensure workforce readiness and sector capacity (thereby minimising risks of inappropriate information sharing and inconsistent family violence risk assessment and management practice), Family Safety Victoria has adopted a phased approach to the roll-out of these reforms. The Initial Tranche has been implemented, with two additional tranches ('phases') to come. The approach is as follows:

- **26 February 2018 (completed):** prescription of an Initial Tranche of ISEs under the Scheme. Initial Tranche ISEs are prescribed positions within organisations that play a core role in assessing and managing family violence risk, have a good understanding of family violence or can be trained quickly and operate in a well-regulated, rule-based environment.
- **Commencement in September 2018 (the subject of this RIS):** prescription of additional ISEs under the Scheme, jointly with the prescription of entities as Framework organisations as part of the proposed Regulations. The prescription and implementation of this second tranche, termed as "Phase One", is intended to align with implementation of the child information sharing scheme.
- **Mid-2020:** prescription of a broader group of entities, targeting mainstream and universal services with larger workforces that require longer lead-in times in terms of sector readiness. This may be due to a combination of reasons such as: the magnitude of the workforce, their existing level of family violence literacy, their current role in providing support to core services assessing or managing family violence risk, and their capacity to operate in a regulated environment. This potential future round of prescription is referred to as "Phase Two". A separate RIS will be developed to assess the impact of prescribing further entities in future amended regulations relating to these reforms.

Progressive roll-out of Framework reforms

Framework organisations will be required to amend their policies, procedures, tools and practice guidance gradually over time as per a maturity model of alignment that recognises the variability in starting points across different sectors. This is outlined in more detail in the 'Preferred option and its impacts' chapter.

Joint implementation with the child information sharing scheme

Together the Scheme, the child safety and wellbeing information sharing scheme and the Framework will facilitate the early identification and management of risks to child wellbeing or safety in a wide range of contexts, enabling services to respond to the multiple, complex needs of families and children.

A joint approach to implementation is proposed given the interdependencies between the three reforms, and there is a need to coordinate training, communications and change management activities for the workforces affected. Considerations guiding the implementation approach include understanding sector readiness, timeliness of reform commencement, and promoting victim survivor safety.

A joint implementation approach will:

- mitigate the risk of confusion about workforce obligations and overlap of reforms;
- reduce change fatigue; and
- allow for efficiencies and cost savings in communications, change management and training activities.

Training and change management

A joint implementation approach of the Scheme, the Framework and the child information sharing scheme will allow for efficient, coordinated and consistent knowledge and capability building within prescribed workforces, including integrated training, communications and change management activities.

More specifically, support will include:

- joint communication and key messaging on the rollout of all three reforms;
- a cross-sector change management strategy, and tailored, workforce-specific implementation approaches;
- sector grants for tailored workforce support to assist with the implementation of the Scheme;
- cross-sector training across the Scheme, the Framework and the child information sharing scheme, including face-to-face training materials and e-learning content;
- practice guidance;
- factsheets, checklists and other materials to support the implementation of the two schemes and the Framework, including tailored materials; and
- policy templates and further guidance materials to support organisations to identify and update relevant policies and procedures to meet new obligations under each of the related reforms.

Managing complaints under the Scheme

The Office of the Victorian Information Commissioner (OVIC) and the Health Complaints Commissioner (HCC) currently receive complaints for privacy breaches in relation to personal information and health information respectively. Complaints about breaches of privacy under the Scheme can also be made to these Commissioners.

Given the information sharing reforms displace a number of existing privacy protections, the Act ensures that individuals whose privacy is breached under the Scheme are able to make complaints to the OVIC. This could occur if they believe that information has been shared about them other than in accordance with the legislation. Complaints may also be made to the HCC in relation to privacy breaches when sharing health information under the Scheme.

The complaints mechanism is crucial to the Scheme as workers are protected from all liability in relation to any damage caused by the sharing of information in good faith and in reasonable care. Consequently, the complaints mechanism is for holding organisations to account for damage to individuals as a result of privacy breaches.

Ongoing funding is provided to the OVIC and HCC to support this function.

Consultation

Family Safety Victoria has engaged with a wide range of stakeholders in the development of the proposed information sharing and Framework reforms and associated implementation strategies, including as follows:

- public consultation on the Family Violence Protection (Information Sharing) Regulations 2017, associated Regulatory Impact Statement and the Family Violence Information Sharing Guidelines;
- a series of sector readiness workshops across Victoria on the preparedness of relevant workforces for the Framework reforms; and
- a series of one-day workshops seeking input from stakeholders on proposed risk assessment tools, practice guidance and training strategies under the proposed Framework reforms.

In relation to the latter two, over 900 stakeholders were engaged and representation was across the full spectrum of workforces impacted by the proposed Framework reforms.

In addition, as part of the collection of baseline data for the Review of the Family Violence Information Sharing Legislative Scheme, Monash University conducted a series of interviews on the existing costs of family violence information sharing and risk assessment and risk management. The Department of Education and Training also consulted with a range of stakeholders on the costs of information sharing in the child wellbeing and family violence context in the preparation of the *Regulatory Impact Statement: Child Wellbeing and Safety (Information Sharing) Regulations 2018*. Data from both of these reports was used in the preparation of this RIS, the details of which are outlined in the body of this report.

Releasing this RIS begins a further phase of public consultation through which interested members of the public can provide input into the development of the Regulations and Framework. For a minimum of 28 days, Family Safety Victoria will invite public comments or submissions to consider before it finalises the proposed Regulations and Framework.

Information on how to lodge submissions can be found on Family Safety Victoria's website at: [Family Safety Victoria](http://www.vic.gov.au/familyviolence/family-safety-victoria/information-sharing-and-risk-management) <www.vic.gov.au/familyviolence/family-safety-victoria/information-sharing-and-risk-management>. Submissions on this RIS are to be received by Family Safety Victoria no later than 5pm Tuesday 10 July 2018.

While consultation has taken place with the affected sectors on which entities should be prescribed in the Regulations, consultation has not taken place on the impact of the reforms. Feedback on this is welcome as part of the 28 day consultation period on the RIS.

Review

Two year and five year implementation review of the Scheme

The Act requires an independent review on the implementation of the Scheme to be conducted within two years of commencement and to be tabled in Parliament. Monash University was appointed as an independent reviewer prior to commencement of the Scheme, and is currently conducting this two year review. The review will evaluate the effectiveness, cost and impact of the Scheme. It will also consider any adverse impacts or unintended consequences of the scheme and make recommendations to improve its operation. Data collection includes surveys, focus groups, and interviews with:

- stakeholders;
- service providers;
- experts;
- victim survivors; and
- perpetrators.

An independent legislative review of the Scheme is also required to be undertaken five years after commencement of the legislation. This review will consider the appropriateness of the legislative model, consider any adverse effects of the legislation and make recommendations for reform.

These reviews must be tabled in Parliament within six months of the two year and five year periods.

Five year review of the Framework

Part 11 of the Act requires the relevant Minister to cause a review of the operation of the approved Framework to be conducted within five years of commencement. The Minister must cause a further review of the operation of the approved Framework to be conducted periodically every five years after the date on which a review of the Framework is completed.

Family Safety Victoria will work with the Office of the Commissioner for Better Regulation on refining the evaluation strategy for the Scheme and developing an evaluation strategy for the Framework.

Appendix A – Impacted workforces and entities

For the purposes of this RIS, the number of organisations/agencies and associated workers requiring training was estimated. These figures are based on internal data on the total number of workers/entities for each service. A breakdown of these results is provided in Table A.1.

Table A.1 – Estimated number of workers and entities impacted by the reforms¹

Entity type	Information Sharing Entity	Framework organisation	No. workers requiring training (approx.)	No. orgs and agencies
Risk Assessment and Management Panels ²	Already prescribed	✓	180	1
Support and Safety Hubs ³	Already prescribed	✓	119	17
Community Based Child Protection (Hubs)	Already prescribed	✓	66	1
Specialist Women’s Family Violence service	Already prescribed	✓	770	72
Refuges	Already prescribed	✓	230	23
Specialist Men’s Family Violence service	Already prescribed	✓	100	33
Child FIRST	Already prescribed	✓	110	16
Sexual Assault Services	Already prescribed	✓	300	18
Victoria Police ⁴	Already prescribed	✓	15,358	1
Magistrates’ Court ⁵	Already prescribed	✓	400	1
Children’s Court ⁶	Already prescribed	✓	13	1
Victims Support Agency	Already prescribed	✓	30	1
Victims Assistance Program funded services	Already prescribed	✓	200	6
Corrections Victoria, private prisons, Corrections-funded services and Adult Parole Board ⁷	Already prescribed	✓	1,332	77

¹ Unless otherwise stated, figures of workers and entities are based on internal data on the total number of workers/entities for each service type.

² Assumes 10 RAMPS members per RAMP, of which there are 18. Also assumes the updating of policies, procedures and practice guidance would be done centrally, rather than separately by each individual RAMP.

³ Hubs are to be rolled out by 2021. In the Hubs co-located model, most Hubs workers are employed by funded organisations (or DHHS Child Protection) who are prescribed under their service type, except for those Hubs workers who are staff employed by Family Safety Victoria. Only these staff members are reported in the above.

⁴ Assumes training will be provided to Senior Sergeants, Sergeants, Senior Constables, Constables, Record Services VPS staff, VPS staff proposed for future centralised info sharing model, and new VPS Family Violence Analysts.

⁵ The Children’s Court is provisionally prescribed as a Framework organisation in the Regulations, subject to further consultation and decision by the Courts.

⁶ The Magistrates’ Court is provisionally prescribed as a Framework organisation in the Regulations, subject to further consultation and decision by the Courts.

Entity type	Information Sharing Entity	Framework organisation	No. workers requiring training (approx.)	No. orgs and agencies
Court-mandated Family Violence Counselling ⁸	Already prescribed	✓	-	-
Additional Family Violence services (incl. Family Violence counselling) ⁹	✓	✓	170	26
Sexually Abusive Behaviours Treatment Services	✓	✓	100	11
Integrated Family Services	✓	✓	1,300	92
Homelessness services (providing homelessness accommodation or homelessness support) ¹⁰	✓	✓	2,200	128
Out of home care	✓	✓	465	74
Youth Justice VPS and some funded services	✓	✓	1,080	36
Child Protection (additional in Phase 1)	✓	✓	1,784	0
Maternal and Child Health services	✓	✓	1,514	86
DHHS Housing	✓	✓	500	1
Mental Health	✓	✓	7,000	36
Alcohol and Other Drugs	✓	✓	1,800	62
Secretariat to Youth Parole Board	✓	✓	18	1
Justice Health and funded services	✓	✓	215	8
Financial Counselling Program	✓	✓	100	14
Tenancy Assistance and Advocacy Program	✓	✓	46	12
Commission for Children and Young People	✓	✗	50	1
Disability Services Commissioner	✓	✗	28	1
Total ISEs - Initial Tranche¹¹			4,931	249
Total ISEs - Additional from Phase 1			32,647	608
Total Framework organisations			37,500	855

⁷ Assumes training will be provided to targeted staff within these workforces.

⁸ Assuming workers and entities providing Court-mandated Family Violence counselling services would be provided by Specialist Family Violence Services.

⁹ Additional family violence services prescribed in Phase One include Therapeutic Responses.

¹⁰ A limited number of Homelessness services will be prescribed in Phase One, with the remainder of the workers and entities to be prescribed in Phase Two.

¹¹ Assumed to include approximately 1,200 Victoria Police workers actively participating in the Initial Tranche of the Scheme.