

## Research Brief

### *Family Violence Information Sharing Schemes*

#### Introduction

Appropriate and timely sharing of family violence risk relevant information between agencies is increasingly recognised as critical to changing family violence outcomes by ensuring timely responses, particularly to escalating risk. Internationally, jurisdictions such as the United Kingdom, British Columbia, New Zealand and the United States have introduced legislative mechanisms that support the disclosure of information otherwise considered private in the context of family violence risk. Numerous high-profile Australian inquiries into domestic and family violence, have recommended specific legislation be introduced to improve information sharing arrangements between relevant entities. These recommendations have resulted in many Australian jurisdictions adopting family violence information sharing legislation. In this research brief, we outline existing Australian legislation and examine existing evidence about the efficacy of such schemes.

#### Existing Australian Legislation

As of January 2020, the following states and territories currently have legislative provisions enabling family violence risk information sharing: Victoria (2017), QLD (2016), NSW (2014), Tasmania (since approximately 2004), ACT (since 1992, and 2005), NT (2019) and WA (Restraining Orders Act 1997). In South Australia information sharing protocols are developed by the SA ombudsman. Legislative provisions enabling information sharing for children's safety and wellbeing related to family violence concerns currently exist in: ACT (2016), WA (2011, amended to include family violence provisions in 2016), NSW (2009), Tasmania (2004/2009), QLD (2004) and Victoria (2019).

#### Aims and Objectives

Information sharing schemes aim to enhance multiagency coordination and collaboration around the sharing of family violence risk relevant information. The impetus is to support a proactive landscape for different agencies to better secure the safety of those experiencing family violence, with a focus on risks to women and children (Glanfield 2016, McCulloch et al. 2020). Existing evidence identifies three categories vital to effective information sharing: political and legal, technological/operational and organisational (Gil-Garcia & Sayogo 2016; Keeley et al. 2015; Yang & Maxwell 2011). These were reaffirmed in the recommendations of the Royal Commission into Family Violence (RCFV). In the next section, we outline barriers and enablers in these three key domains: political and legal, technological/operational and organisational.

#### Political and Legal Factors

Legislation and policy enable information sharing by providing clear authority for appropriate disclosure, particularly where disclosures are mandated rather than permitted and the legislation explicitly defines when information can be shared (Adams & Lee-Jones 2016; Yang & Maxwell 2011). This framework is recognised as vital to support and enhance agencies' confidence in sharing protocols (Parliament of Western Australia 2012). Legislative and policy frameworks can also enhance public trust in government's handling of information by creating standards for protecting and storing data (Gil-Garcia & Sayogo 2016; Yang & Maxwell 2011), critical in the family violence context, noting ongoing concerns about confidentiality and privacy.

Legislation and policy can inhibit information sharing, either by directly prohibiting disclosure of personal information or through complex and confusing regulatory frameworks (Keeley et al. 2015; DVPC 2016). According to Adams and Lee-Jones (2017, p. 1351), 'the legal framework for decision making can become a problem if it does not find, or does not clearly articulate, the appropriate balance between competing rights'. Notably, confusion about the

regulatory authority for sharing information is more likely to inhibit information sharing than legislation itself; broader restrictive policy factors identified include the prioritisation of certain programs, institutional/professional politics, privatisation and competitiveness (Adams & Lee-Jones 2016; Keeley et al. 2015). While introducing information sharing schemes clearly reduces the hesitation of agencies to exchange information, '[m]ost barriers occurred in the interpretation of the legal and policy constraints rather than in the actual legal or policy provisions' (Keeley et al. 2015, p. 3). Adequate guidance is critical to supplement legislation (Home Office (UK) 2014).

#### Technology and IT Systems

IT systems can hinder effective information sharing in multi-agency collaborations (Home Office (UK) 2013; Keeley et al. 2015; McCulloch et al 2020; Privacy Commissioner (NZ) 2017; State of Victoria 2016a). In particular, the RCFV found that: 'almost all submissions and witnesses who gave evidence about IT in the context of family violence acknowledged that the current arrangements present major barriers to information sharing' (State of Victoria 2016a, p.176).

Technological issues include incompatible databases or multiple IT systems, difficulties storing and accessing databases, inability for automation, difficulties tracking individuals whose information has been shared and those who are sharing or accessing that information, and difficulties identifying which agencies may collect, hold and store relevant information.

Previous research underscores the importance of adequate security for recording and storing information in the context of family violence because unsecured information can put victim/survivors at risk and undermine their confidence in reporting family violence and sharing personal information (Adams & Lee-Jones 2016; Stanley & Humphreys 2014; Taylor et al. 2015). Recent information sharing evaluations highlight the need for technology to be relevant, up to date and to reflect the needs of users (ACT Government 2016; Keeley et al. 2015; McCulloch et al. 2020). Staff also need to be trained to use IT and data systems, including records management.

Shared databases or other shared information collection systems of information are frequently cited as key enablers for information sharing (Doyle 2015; Home Office (UK) 2014; Taylor et al. 2015). Consistent recording and communication of information assists 'all referral agencies and the multi-agency team to convey clear and sufficient information' (Home Office (UK) 2014, p. 11) and minimise duplication of services (Taylor et al. 2015).

#### Organisational Factors

A key enabler of integrated responses including information sharing is a shared understanding of family violence (Laing et al 2018; McCulloch et al. 2020; O'Leary et al. 2018). Previous research demonstrates information sharing is hampered by diverse discourses on family violence and the lack of a strong, shared problem definition (Laing et al. 2018). Savic et al. (2017) found that developing a shared professional language improves processes.

Much of the research literature indicates that cultivating positive interagency relationships is a necessary pre-cursor to effective interagency work (Savic et al. 2017). Workers in Australian family and sexual violence sectors reported that having time to build interagency relationships and including interagency collaboration into service agreements would help effective collaborate (Cortis et al. 2018). McCulloch et al. (2020) found emerging collaborative relationships were vital to effective information sharing practices.

Cornford (2019) found competing institutional logics frame information sharing as either a (socio-technical) design problem, an (information) governance problem or as an (organisational) culture change problem. These key differences in institutional approaches and obligations can be created by:

- Different professional cultures and values, with professions imbued with high commitment to client confidentiality being

- less likely to share than family/community practitioners;
- Mistrust between different types of agencies including between public and private sector entities;
- Differing agency approaches to information gathering and record keeping;
- Ambiguous or unclear regulatory frameworks creating worker uncertainty and reluctance.

Key strategies to creating collaborative cultures of information sharing have been identified as:

- Inter-agency and mixed sector training sessions (Glanfield 2016; Home Office (UK) 2014; McCulloch et al. 2020);
- improving different organisations' understandings of how information will be used by other organisations, and standardising the scope of consent (Adams & Lee-Jones 2016);
- clear schedules to improve the timeliness of sharing information and implementing protocols and memoranda of understanding (HM Inspectorate of Probation et al. 2017; Taylor et al. 2015).

#### Workforce Training

The need for training to support legislative schemes is a key factor in building organisational cultures and workforce confidence to share information (ACT Government 2016; Family Safety Victoria 2017a; Glanfield 2016; Keeley et al. 2015; McCulloch et al. 2020; Taylor et al. 2017). Specific types of training identified include:

- conflicts relating to consent and how to discuss information sharing with victim/survivors (Behavioural Insights Unit (Vic) 2017);
- proactively sharing information, particularly for early intervention (Keeley et al. 2015);
- ongoing training, including in practice settings (not just online) (Keeley et al. 2015);
- and risk assessment, to facilitate timely information sharing (HM Inspectorate of Probation et al. 2017).

Recent Australian and international studies indicate workforces need to be adequately resourced to cope with the administrative demands of information sharing arrangements (Home Office (UK) 2014; Jones 2016; Keeley et al. 2015; McCulloch et al. 2020).

#### Balancing Privacy and Safety

A common undercurrent of existing research into family violence information sharing schemes is the need to balance concerns about client privacy and confidentiality with the protection of clients from potential risks (Adams & Lee-Jones 2017; Keeley et al. 2015; McCulloch et al. 2020). Addressing concerns about privacy and confidentiality are critical in the context of family violence as a lack of confidence in how information is shared can result in victim/survivors' reluctance to report family violence or seek support. This reluctance may be intensified for First Nations women (McCulloch et al. 2020) and for women from refugee and immigrant backgrounds (McCulloch et al. 2016). Even where consent is not required by legislation, seeking consent is still recognised as best practice, as this facilitates trust between the client and information sharer (Keeley et al. 2015; Special Taskforce on Domestic and Family Violence in Queensland 2015). As such, the tensions in balancing privacy and safety are a persistent challenge in effectively implementing information sharing arrangements.

#### Conclusion

There are a wide range of factors that influence the effectiveness of family violence information sharing (Keeley et al. 2015; Yang & Maxwell 2011; McCulloch et al. 2020). In relation to legal or policy factors, regulatory frameworks enable information sharing when they provide a clear authority for when and how information can be shared. However, it is important that legislation is partnered with adequate training and guidance to be effective and ensure effective action once information is shared.

Work on family violence information sharing schemes indicates that organisational factors hold the most weight in terms of effective information sharing (Keeley et al. 2015). Factors such as trust, interagency relationships, shared understandings and cultures of sharing information are key determinants of successful information sharing (Keeley et al. 2015; McCulloch et al. 2020; Yang & Maxwell 2011). These factors interact, facilitating and/or inhibiting effective sharing of family violence information,

particularly in relations to tensions about confidentiality and privacy. Finally, introducing information sharing arrangements is not a substitute for effective family violence risk assessment and management (Jones 2016; Keeley et al. 2015). Information sharing is only one aspect of successful multi-agency collaboration necessary to support the safety of family violence victim/survivors (Healey et al. 2013).

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