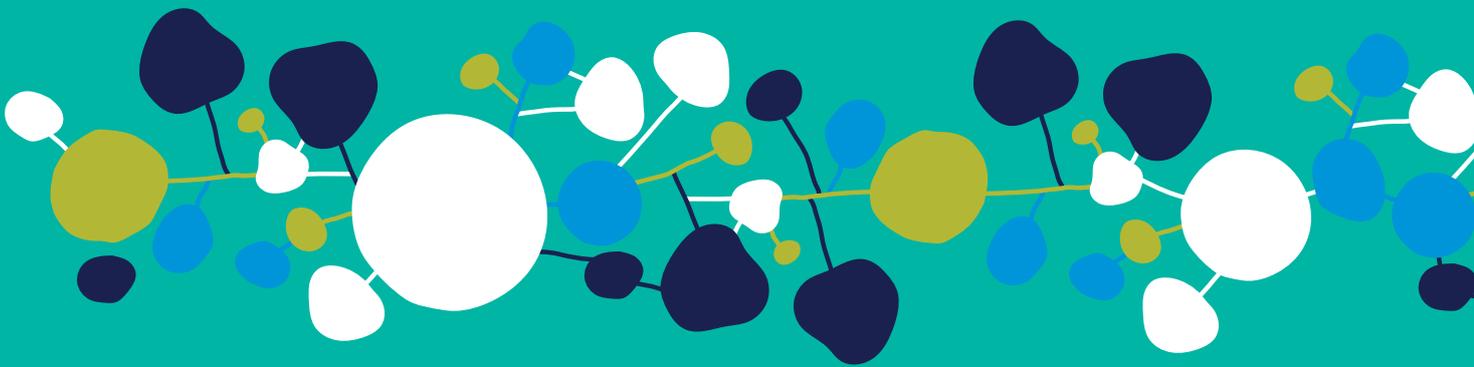


PRACTICE GUIDE 4: SHARED LEGAL RESPONSIBILITIES



PRACTICE GUIDE 4: SHARED LEGAL RESPONSIBILITIES

This practice guide provides information, resources, tools and practice tips about information sharing and mandatory reporting of domestic and family violence, and child abuse and neglect, including what it is, why it is required, when it should be used, who should do it and how it should be done safely and effectively.

Shared legal responsibilities apply to universal, and specialist or trained workers.

What is information sharing?

Information sharing refers to workers and services sharing relevant information about a victim survivor's DFV risk factors and management strategies, and about the whereabouts and behaviour of the person committing the DFV.

Relevant information can be shared with the informed consent of the client.

Information sharing without consent may be authorised (or required) under a range of legal frameworks, such as mandatory reporting, the [DFV Information Sharing Scheme](#), Part 5.1A of the [Care and Protection of Children Act 2007](#), and the [Information Privacy Principles](#).

Under the *Domestic and Family Violence Act*, information sharing entities must align their policies, procedures and practice guidance with the RAMF.

What is mandatory reporting?

Mandatory reporting refers to the obligation to report DFV and child abuse, harm or exploitation to police under NT laws. A failure to report to police (or to NT Government in relation to children) can be considered an offence. The following mandatory reporting obligations in relation to DFV apply to all adults in the NT:

- all adults must report DFV to police as soon as practical, if they reasonably believe that serious DFV related physical harm has or is likely to occur, or if someone's life or safety is under serious or imminent threat from DFV (Section 124A of the [Domestic and Family Violence Act](#));
- physical harm can be temporary or permanent and it can include unconsciousness, pain, disfigurement, infection with a disease, any physical contact that a person might object to (whether or not they are aware of it at the time). 'Serious physical harm' is any physical harm that endangers or is likely to endanger a person's life or where the effects are longstanding;
- all adults must report their concerns if they reasonably believe a child is at risk of harm, abuse or exploitation. Harm to a child includes a child witnessing violence (Sections 15 and 26 of the [Care and Protection of Children Act](#)).

The responsibility to mandatorily report lies with the individual. In the workplace, line managers can provide advice but cannot direct staff not to make a report.

Why are information sharing and mandatory reporting important?

The benefits of timely and appropriate **information sharing** in assessing and managing DFV risk can include:

- a more comprehensive picture of the DFV situation which can save lives and prevent serious harm, as well as hold to account people who commit DFV;
- multiple types of safety needs responded to simultaneously and more efficiently;
- a consistent approach that is better understood by the client and better implemented by multiple services; and
- victim survivors not having to repeat their story to each new service they come into contact with.

Many different services such as police, specialist DFV services, child protection, youth justice, and health services can become involved in an individual case, and each service may hold different information about the relevant risks. Effective sharing of this information brings together information that would otherwise be unknown, to gain a more comprehensive picture of the DFV situation, the risk, and the risk management needed.

Sharing information also enables effective, coordinated responses and collaborative practice between services, in order to manage DFV risk.

Mandatory reporting of DFV and child abuse, harm or exploitation is a legal obligation that acknowledges the prevalence, seriousness and often hidden nature of DFV, child abuse and neglect, and enables early detection of cases that otherwise may not come to the attention of agencies. Mandatory reporting requirements reinforce the moral responsibility of all adult community members to report, and help to create a culture of shared responsibility.

Who should do information sharing and mandatory reporting?

All services are responsible for safely sharing relevant information about DFV risk assessment and management. Information may be shared with the consent of the client, or under legislation.

Under the DFV Information Sharing Scheme, certain agencies are designated as Information Sharing Entities (ISEs). ISEs can share information with other ISEs, without the consent of the client, in order to assess, lessen or prevent a serious threat to a person's life, health, safety or welfare because of DFV.

All relevant government agencies and non-government schools are prescribed as ISEs. Other government and non-government organisations may apply to become ISEs in order to participate in the scheme. The application form as well as a full list of ISEs is provided on the NT Government DFV [Information Sharing website](#).

Under Part 5.1A of the *Care and Protection of Children Act 2007*, information about children may be shared by authorised information sharers.

Mandatory reporting obligations in relation to DFV and child harm, abuse or exploitation, apply to all adults in the NT. Certain professionals (such as health practitioners) have additional reporting obligations.

Services covered by the Information Privacy Principles (under the *NT Information Act 2002*) may share information if they reasonably believe that the use or disclosure is necessary to lessen or prevent a serious or imminent threat to an individual's life, health or safety, or of harm to, or exploitation of a child.

<p>When should information sharing and mandatory reporting occur?</p>	<p>Relevant information may need to be shared at any point in the risk assessment and management process, including during screening, risk assessment, and risk management (including when safety planning and referring to the FSF).</p> <p>A mandatory report for DFV should be made as soon as possible. If you are involved in providing an immediate response with the client, reporting may be delayed until it is practical or safe to do so.</p>
<p>How does serious risk in the CRAT relate to serious threat in DFV information sharing?</p>	<p>The determination of 'serious risk' correlates to the 'serious threat' threshold for sharing information under the DFV Information Sharing Scheme. If a serious risk has been identified through assessment using the CRAT, this is considered akin to a determination of 'serious threat' for the purposes of sharing information without consent to lessen or prevent a serious threat under this Scheme.</p> <p>(Note that an ISE may give information to another ISE if it may help lessen or prevent a serious threat to a person's life, health, safety or welfare because of DFV, including by providing or arranging a DFV related service to or for a person).</p>
<p>How should information sharing be done?</p>	<ul style="list-style-type: none"> • Information sharing, where safe, possible and practical, should be done with the informed consent and participation of the client. • Sharing information without consent is permitted in certain circumstances under DFV Information Sharing Scheme and other laws. Consider information sharing without consent in situations where the risk of not sharing information outweighs the risk of sharing information. • Due to the complex nature of this decision, consultation with a colleague, senior staff member or where the client resides in a small community, a staff member with strong local knowledge, is advised when considering information sharing. • Professional judgement and service policies should be used to determine whether it is safe, possible and practical to obtain the consent of the client. • If you are an ISE you must follow the DFV Information Sharing guidelines. • In some situations information sharing can increase risk, and consideration should be given to where the information will go once it has been shared, and whether there may be a chance of the information becoming available to people who will use it to increase violence or control. Particular consideration should be given to this occurring in smaller communities.
<p>Information sharing about person who has committed DFV</p>	<p>In relation to the person who commits DFV, it is unlikely to be safe to obtain their consent to share information. This is because asking their consent to share information may increase the risk of further violence and harassment to the victim survivor, other partners, or other family members, including children.</p>

<p>How to make a mandatory report</p>	<p>It is best practice to inform the client of your responsibility to report DFV, and child abuse and neglect, as early as possible in the interaction, where possible and where this does not compromise safety.</p> <p>It is best practice to involve the client in the mandatory report (if this is safe), including supporting them to make the report themselves.</p> <ul style="list-style-type: none"> • Emergency reporting of DFV can be made directly to police on 000. • If it is not an emergency, call police on 131 444 or contact your local police station. • Emergency reporting of child abuse and neglect can be made directly to police on 000, reported to the child abuse hotline on 1800 700 250 or Crime Stoppers on 1800 333 000. • If you are an NT Government worker, you can submit a report online. • You are not civilly or criminally liable or in breach of any professional code of conduct for making a mandatory report. • Make sure mandatory reporting is done away from the person who has committed the DFV or people who may inform that person.
<p>What needs to happen after information sharing and mandatory reporting?</p>	<ul style="list-style-type: none"> • Keep accurate and secure records – see Practice Guide 6 – Record Keeping. Include why decisions were made to share or not share information. • Communicate with the client about any actions, decisions or outcomes in response to the information shared and or mandatory report.
<p>Related resources</p>	<p>Information and resources about the DFV Information Sharing Scheme are available on the NT Government website, including templates for information sharing requests and disclosures and record keeping forms. There is also online training available.</p> <p>Information and resources about Information Sharing in relation to children are available on the NT Government website, including templates for information sharing requests and disclosures and record keeping forms. There is also online training available.</p>