

The MARAM Framework and the legal assistance sector

Outcomes Report



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Eastern Community Legal Centre acknowledges the Wurundjeri people of the Kulin Nation, the traditional custodians of the land across ECLC's region. We pay our deep respects to the Elders, both past and present.

Executive summary

Background

The Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM Framework) was developed for use by all services in contact with individuals and families experiencing family violence.

In collaboration with Family Safety Victoria and Domestic Violence Victoria, Eastern Community Legal Centre adapted the MARAM Comprehensive Risk Assessment and Risk Management training to meet the specific needs of the legal assistance sector.

This was identified as a key gap in strengthening our whole-of-community response to family violence.

This brief report summarises this work and our findings and recommendations to ensure a shared understanding and MARAM Framework principles are extended throughout the legal assistance sector.

Outcomes

Participants in the post-training survey reported:

- Increase from 30% to 77% in high awareness of professional responsibilities
- Increase from zero to 62% in high knowledge of MARAM within legal assistance sector
- Increase from 8% to 85% in high ability to identify and assess family violence
- Increase from 38% to 62% in high in ability to support child-focused practice
- Overall increase in their ability to lead collaborative, coordinated multi agency risk management plans using the MARAM Framework

Key findings

- As non-prescribed services, legal assistance services are still an important component of the family violence service system and should be included in the MARAM Framework/training
- Legal assistance services play a critical role in intervening and responding to family violence and commonly identify risk assessment and management as an integral part of their role

- Legal assistance services commonly employ a range of community service professionals in roles that identify, assess and manage risk, but who are not eligible for MARAM training
- By adapting training to the multidisciplinary needs of legal assistance services, there are opportunities to improve child focused practice
- Community Legal Centres present unique opportunities and challenges in aligning their practice to the MARAM Framework

Summary of recommendations

1. The State Government and Family Safety Victoria recognise and prioritise the MARAM training needs of legal services who employ a range of professionals in relevant roles and ensure they have access to appropriate MARAM training.
2. The State Government and Family Safety Victoria recognise the critical role of the legal assistance sector as part of the system-wide family violence reforms and prioritise working with legal services to implement the MARAM Framework (even as non-prescribed entities).
3. The State Government and Family Safety Victoria support and fund initiatives that enable MARAM training to be adapted to the multidisciplinary needs of the legal assistance sector.
4. The State Government and Family Safety Victoria work with DVRCV and the legal assistance sector to support and fund initiatives to ensure that all levels of the MARAM Training are adapted and made available to the legal assistance sector.
5. That Family Safety Victoria collaborate with the legal assistance sector to ensure that MARAM Training is delivered by professionals that can effectively support participants in how to apply the MARAM Framework within their settings.
6. The State Government and Family Safety Victoria draw upon the legal assistance sector to share knowledge and practice on how the legal assistance sector can align with the MARAM Framework whilst working within the Legal Practice Framework.

Overview

In June 2020, Eastern Community Legal Centre was successful in receiving project funding from the Eastern Metropolitan Region Regional Family Violence Partnership (EMR RFVP) to adapt and deliver MARAM Training to community service professionals (including Family Violence Advocates, Social Workers and Support Workers) employed in the Victorian legal assistance sector, particularly community legal centres and Aboriginal legal services.

This project fits within the EMR RFVP's broader strategic priorities for:

- workforce development - which is important to ensure family violence is prevented, identified early and given an effective response at any entry point where a service user presents in the system; and,
- family violence service system integration within the Eastern Metropolitan Region.

Project Aims and Objectives

1. That ECLC (in collaboration with DVRCV and in consultation with Family Safety Victoria and the EMR RFVP and other relevant stakeholders) adapt and deliver MARAM Training that has been tailored to the requirements of community service professionals (including Family Violence Advocates, Social Workers and Support Workers) employed in the Victorian legal assistance sector (including Community Legal Centres, Aboriginal Legal Services and Victoria Legal Aid).
2. That ECLC (in collaboration with DVRCV and in consultation with Family Safety Victoria and the EMR RFVP) fill the current gap in workforce development within the Victorian legal assistance sector due to legal services not being prescribed organisations, and encourage collaboration and integration even in the absence of Information Sharing.
3. That ECLC, DVRCV and the EMR RFVP review and evaluate the training and share the lessons learned through this project to inform the broader roll-out of the MARAM framework to the state-wide legal sector in the future.
4. That ECLC and the EMR RFVP use the outcomes of the project to further advocate for the EMR RFVP's strategic priorities, including:
 - workforce development - ensure family violence is prevented, identified early and given an effective response at any entry point where a service user presents in the system; and,
 - family violence service system integration within the Eastern Metropolitan Region.

Key deliverables

In order to achieve the project aims and objectives, ECLC in collaboration with DVRCV, the support of the EMR RFVP and in consultation with FSV, will adapt, deliver and evaluate MARAM Training content and resources, including:

- 2 x training session for 25 people of the Comprehensive Risk Assessment and Risk Management Online Training Module – adapted for the legal assistance sector; and
- a report that shares the lessons from the development and delivery of the MARAM training for the Victorian legal assistance sector to inform the state-wide implementation of the MARAM to the legal sector.

Outcomes

1. Adaptation of the Training Package

After thorough consultation with DVRCV and FSV it was identified that the ‘MARAM Comprehensive Risk Assessment and Risk Management - Online Training Module’ was the most appropriate training package to be adapted for the purposes of this project. This was because:

- it was the most appropriate training package for practitioners (ie. family violence advocates, social workers, mental health professionals) who are working within legal services, and who come into contact with individuals and families experiencing family violence within roles that require them to identify, assess and manage risk;
- that without this training, a number of practitioners were employed within roles that required them to identify, assess and manage risk, without the necessary training; and
- it provided the most value to adapt the most comprehensive MARAM training option as the adaptations made could be more easily applied to other training options in the future without the same requirement for re-development.

In collaboration with DVRCV and FSV a number of adjustments were made to the ‘MARAM Comprehensive Risk Assessment and Risk Management - Online Training Module’ and the associated resources to develop the ‘MARAM Comprehensive Risk Assessment and Risk Management Online Training Module - adapted for the legal assistance sector’. The changes allowed for the training to be tailored for the legal assistance sector, without compromising the integrity of the training being provided. At a high level, these changes included:

- Adjusting the learning outcomes to include:
 - Specialist knowledge of key legislation, policy, practice and theory informing the MARAM Framework and how this intersects with the Legal Practice Framework;
 - Develop an awareness of comprehensive responsibilities under MARAM and how this can be applied within the legal assistance sector;
 - Ability to engage effectively with the Victorian family violence service system whilst working within the Victorian legal assistance sector; and
 - Ability to utilise the MARAM Framework to promote child focused practice in instances of family violence.
- Adding content in relation to the legal practice framework and its intersection with the MARAM framework.
- Providing opportunities for discussion and conversation throughout the training to identify how legal services, even though not prescribed under the MARAM Framework, may still:
 - align their practice with the principles of the MARAM Framework;
 - have a shared understanding of risk assessment and risk management (particularly with prescribed organisations);
 - understand their roles and responsibility in implementing safety and accountability; and,
 - proactively share information that could increase safety and accountability.

2. Delivery of MARAM Training

There were two courses of the ‘MARAM Comprehensive Risk Assessment and Risk Management Online Training Module – adapted for the legal assistance sector’ delivered. Each course involved 4 three-hour virtual sessions, presented over 2 days:

1. March 30 and 31 - 17 participants attended
2. June 16 and 17 - 23 participants attended

The training was co-delivered by ECLC and DVRCV, with DVRCV as the lead trainer and content expert on the MARAM Training and ECLC as the content expert for the adaptation and considerations of MARAM within the legal assistance sector.

In total, across the two courses there were 40 participants who completed the training.

The participants came from a wide variety of community legal centres including:

- Eastern Community Legal Centre
- knowmore
- Youthlaw
- Victorian Aboriginal Legal Service
- Law and Advocacy Centre for Women
- Seniors Rights Victoria
- Justice Connect
- Mental Health Legal Centre Inc.
- Flemington & Kensington Community Legal Centre
- WEstJustice
- Hume Riverina Community Legal Service
- Monash University
- Springvale Monash Legal Service

Breakdown of participant occupation



In total, 74 professionals within the legal assistance sector registered their interest, with some of those individuals registering the interest of their organisations.

As part of the registration process, people were asked, “How the MARAM training would assist them in their current role”. Of the 62 people who responded to this question:

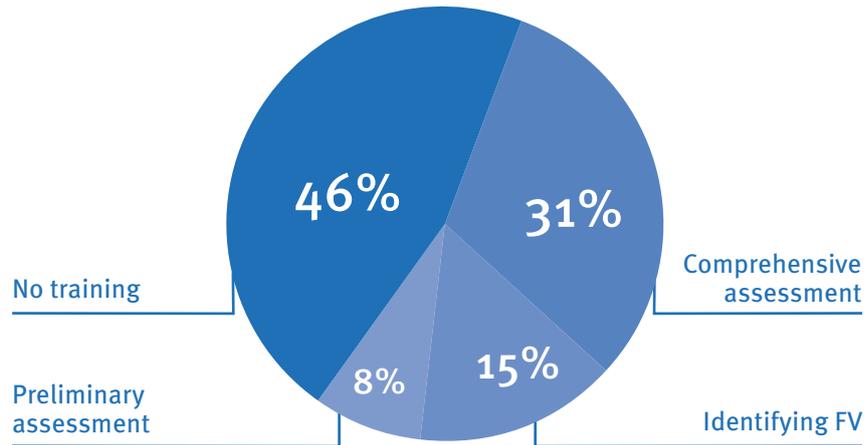


3. Feedback and Evaluation

All participants were provided with the opportunity to provide feedback through an online survey. Below are some of the responses:

Previous Training

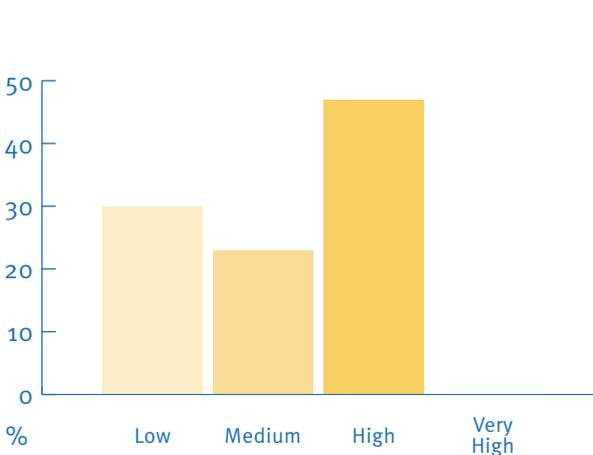
62% of participants had not attended CRAF Training in the past or had completed the Level 1 training in identifying family violence.



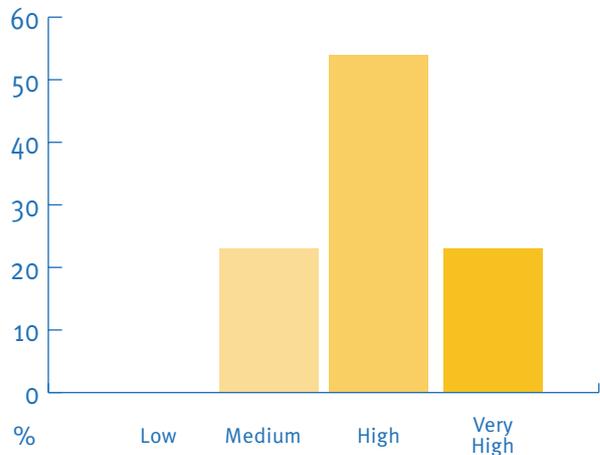
Awareness of your professional responsibilities under MARAM

Before the training 70% of participants rated their awareness of their professional responsibilities as low or medium, whereas after the training 77% of participants rated this as high or very high.

Before MARAM



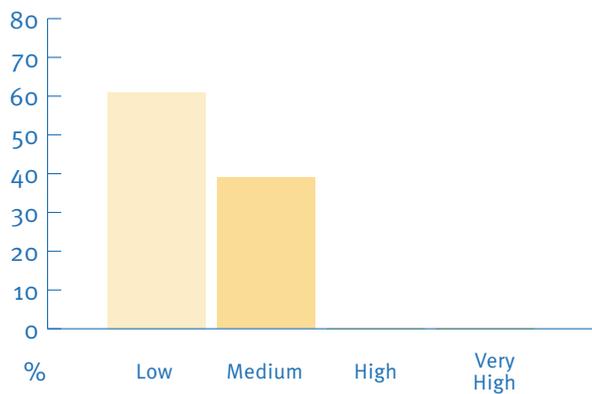
After MARAM



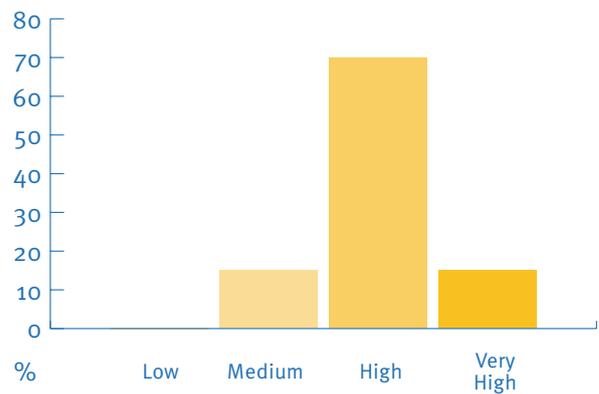
Knowledge of applying MARAM within your role in the legal assistance sector

Before the training 70% of participants rated their awareness of their professional responsibilities as low or medium, whereas after the training 77% of participants rated this as high or very high.

Before MARAM



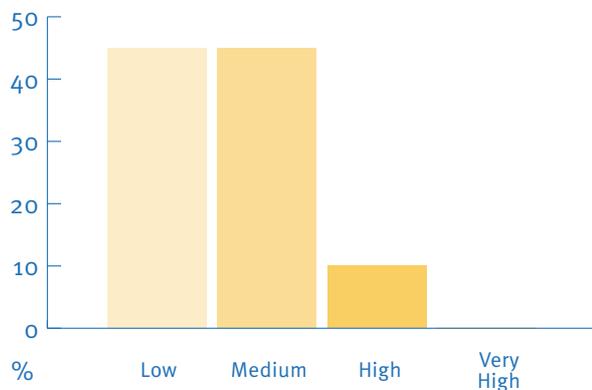
After MARAM



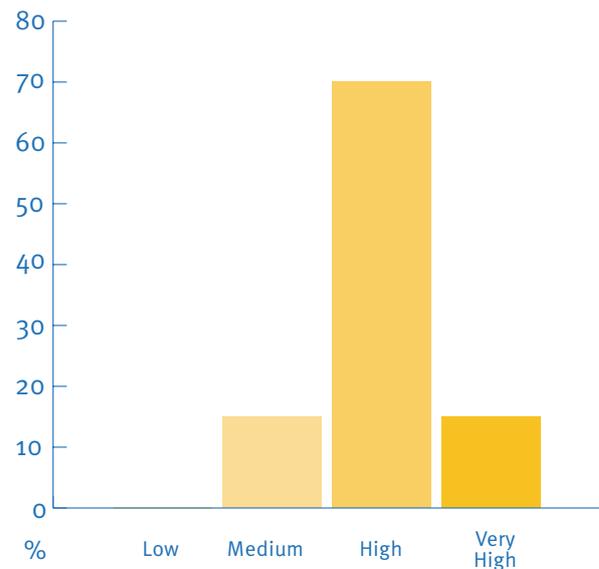
Your ability to identify and assess family violence risk utilising the MARAM Framework

Similarly there was a notable difference between how participants rated their ability to identify and assess family violence before and after the training, with 92% rating their ability as low or medium before the training and 85% rating their ability as high or very high after the training.

Before MARAM



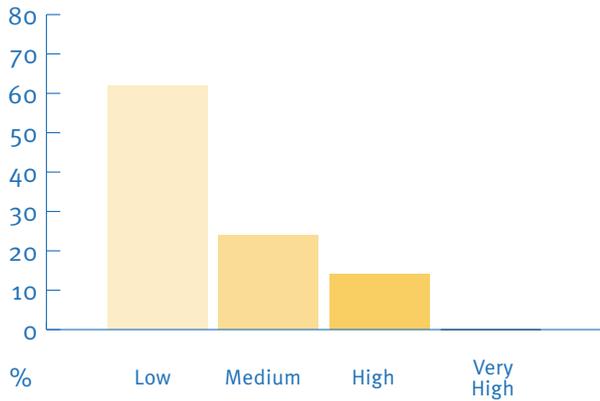
After MARAM



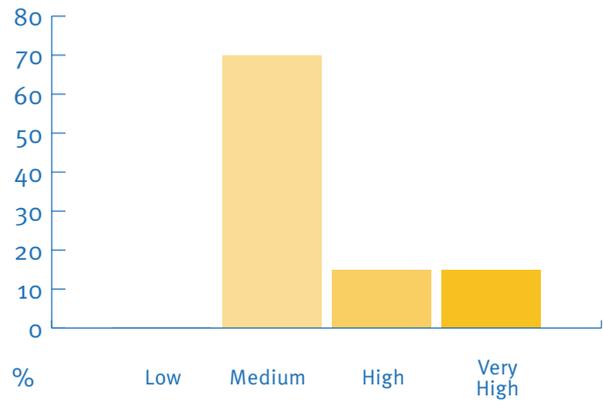
Ability to lead collaborative, coordinated multi agency risk management plans utilising the MARAM Framework

All participants reported an increase in their ability to lead collaborative, coordinated multi agency risk management plans using the MARAM Framework, with no participants rating their ability as low after the training.

Before MARAM



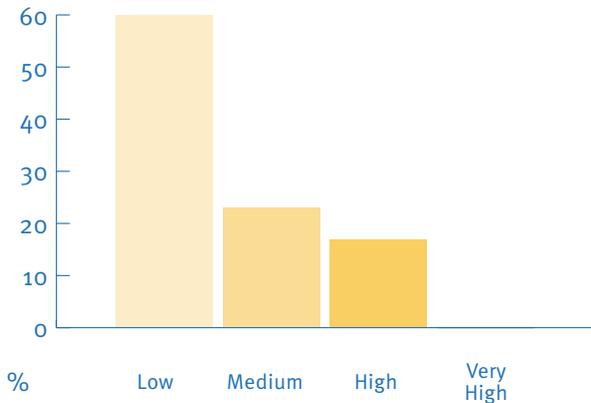
After MARAM



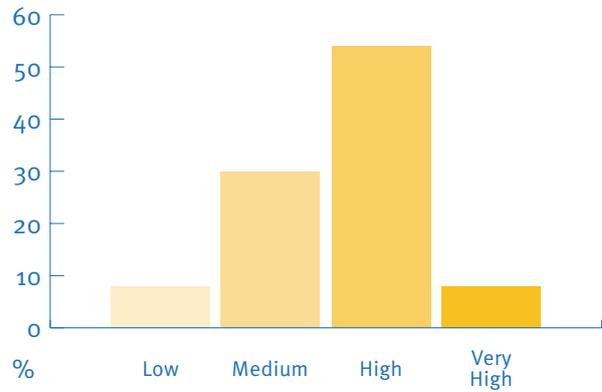
Ability to utilise the MARAM Framework to support child focused practice in instances of family violence

Possibly of greatest importance was the increased rating that participants reported in their ability to utilise the MARAM Framework to support child focused practice in instances of family violence, with 84% of participants rating their ability as medium or high after their training, compared to 62% of participants rating it as low before the training.

Before MARAM



After MARAM



When asked to comment on the training overall, some common participant responses included:

- how valuable it was to have the training adapted for the legal assistance sector;
- appreciating the opportunities for reflection and discussion;
- that it included the right balance of information and the practical skills;
- that it was a great opportunity to learn from practitioners with lots of experience;
- that the training was well prepared and organised and set clear expectations from the outset;
- that the facilitators were able to facilitate good conversations that built on the significant existing experience of participants;
- that the skill and knowledge of the presenters assisted the content to be presented in a manner that could be understood whilst also allowing for collaborative learning; and,
- that the *'Renewing Practice from CRAF to MARAM'* training would have been more appropriate and conversely that the *'Intermediate MARAM'* training would have been more appropriate or that the *'Leading Alignment'* training adapted for the legal assistance sector needs to be prioritised.

In regards to how participants felt that the training would change their practice, some common responses included:

- that the training increased their confidence in conducting a Family Violence Risk Assessment;
- that they would be able to ensure that their practice was consistent with other professionals within the family violence service system;
- that they would implement risk assessment tools within their service;
- that they would be seeking opportunities to align with the principles of the MARAM;
- that they were able to think more broadly about how their service uses the information to inform their policies and the impact it could have for clients; and,
- ensuring that they could implement processes that decreased the responsibility for a woman to have to re-tell her story and her children's story.

When asked about the *'number one challenge or barrier'* that participants identified in using the MARAM Framework in their workplace it was not surprising that:

- *'client legal professional privilege'* was the main challenge/barrier identified;
- the conflict between professional obligations and responsibilities was identified;
- community service professionals did not feel that their responsibility to assess and manage risk was understood by their legal centre;
- there was confusion in how to implement the MARAM Framework within the legal setting;
- there was concern about the limitations in *'Information Sharing'* and how this affected the information they had access to, and could share;
- participants reported that they did not have the time they needed to spend with the client to conduct the comprehensive assessment; and,
- some participants reported no barriers to using MARAM in their workplace.

4. Findings

Finding 1

As non-prescribed services legal assistance services are still an important component of the family violence service system and should be included in the MARAM Framework and associated training.

With a strengthened community, police and legal response to family violence, women and children are increasingly coming into contact with the legal system. In Victoria, both the Royal Commission into Family Violence (2015) and the Access to Justice Review (2016) identified the importance of integrating different sectors and service systems in order to provide an effective response to women and children experiencing family violence. Unfortunately, even with the recent reforms through the MARAM there remains a gap between the family violence service system and the legal service system.

Legal assistance services are not prescribed (and are unlikely to be proposed for future prescription) under MARAM and therefore are not Information Sharing Entities under the Family Violence Information Sharing Scheme or the Child Information Sharing Schemes. Furthermore, any information that is protected by legal professional privilege (or client legal privilege) or any information that may prejudice legal proceedings is excluded and should not be shared under the Schemes. Although it is important for legal assistance services not to be prescribed under the MARAM, it is undeniable that they often play a significant role as part of the family violence service system. It is therefore integral that legal services are included as part of the system-wide approach and supported to align, where possible with the four pillars of MARAM.

One way that this can be supported is by providing legal services with training about the MARAM Framework and Information Sharing legislation. This will ensure that they are informed about the system-wide reforms and the responsibilities and requirements of the broader family violence service system and the organisation.

Finding 2

Legal assistance services play a critical role in intervening and responding to family violence and commonly identify risk assessment and management as an integral part of their role.

Legal assistance services play a critical role in intervening and responding to family violence, often at a time where there is elevated risk for people experiencing family violence and their children. They are often involved in cases where many of the evidence-based risk factors documented in the MARAM are prevalent.

This includes (but is not limited to) providing information, advice and/or representation to people:

- who are planning to separate or have recently separated from an abusive partner;
- who have perpetrated violence against their partner and where their partner is seeking to separate or has recently left the relationship;
- where there has been an experience of family violence, to establish and negotiate parenting arrangements in situations where there are often behaviours indicating non-return of children and undermining the child-parent relationship;
- where there has been a history of professional involvement and/or statutory intervention;
- where child protection has removed children from their care because of family violence;
- who have been a victim of violence where the violence has been at a level that has constituted criminal charges;
- who have perpetrated violence where the violence has been at a level that has constituted criminal charges; and
- for a range of legal matters including breaches of Intervention Orders, stalking and sexual assault.

his is especially true for Aboriginal people who experience systemic and structural barriers, such as racism and social and economic disadvantage, that can lead to over-representation in the justice system.

Most of the participants that registered their interest for the 'MARAM Comprehensive Risk Assessment and Risk Management Online Training Module - adapted for the legal assistance sector' reported that they identified 'risk assessment and risk management' as an integral part of their role, with 44% of those respondents being community lawyers. However, 62% reported no, or very limited training in risk assessment and risk management.

Finding 3

Legal assistance services are more commonly employing a range of community service professionals within roles that require them to identify, assess and manage risk, but who are not eligible to undertake MARAM Training.

Community legal centres and Aboriginal legal services have a long history of embedding their services within broader community services in order to provide access to justice to people who are most in need of legal assistance. This often takes different forms and can involve a legal service being part of a broader community or health service, formal partnership approaches such as health justice partnerships or integrated services and more recently legal services providing a multidisciplinary approach in order to deliver more effective services. This means that community legal centres are increasingly employing a range of community service professionals including family violence advocates, social workers and mental health professionals who come into contact with individuals and families experiencing family violence within roles that require them to identify, assess and manage risk.

As legal services are not eligible to undertake MARAM Training, and as the current training is not tailored for professionals who are working within the legal practice framework, practitioners employed in roles that require them to identify, assess and manage risk do not have access to essential training.

Finding 4

By adapting the MARAM Training to the multidisciplinary needs of legal assistance services, there are opportunities to support child focused practice within the boundaries of the Legal Practice Framework.

The Legal Practice Framework can often be restrictive in the manner in which legal services are able to respond to the safety needs of children, when the parent or guardian is considered the client. This can occasionally cause the need for legal services and legal professionals to consider their ethical obligations in regards to children, but only in cases where there is imminent or serious risk of harm.

In guiding practice in family violence, the MARAM Framework centres children as victim survivors in their own right. It does this through the inclusion of risk factors specific to children, the development of separate tools for identifying and assessing risk to children and makes it clear that at a comprehensive level it is expected there will be a comprehensive assessment completed for each child.

By employing a broader range of professionals who hold different professional and ethical obligations in regards to the wellbeing and safety of children, community legal centres and Aboriginal legal services are more often in a position where they are being challenged to work through the conflict of professional responsibilities that arise in practice. Although on face value this indicates a clash between the Legal Practice Framework and the MARAM Framework, it does provide opportunities where multidisciplinary practice has the potential to support legal services in improving their practice in responding to the wellbeing and safety of children.

The 'MARAM Comprehensive Risk Assessment and Risk Management Online Training Module - adapted for the legal assistance sector' was able to provide opportunities for the participants to discuss how they may be able to support child focused practice within the boundaries of the Legal Practice Framework.

It was very promising that 84% of participants rated their ability to support child focused practice in instances of family violence as medium or high, compared to 62% of participants rating it as low before the training.

Finding 5

Community legal centres and Aboriginal legal services present unique opportunities and challenges in how they are able to align their practice to the principles of the MARAM Framework.

Community legal centres have a strong commitment to providing services that prevent, intervene early and respond to family violence and have often worked in close partnership with family violence services. This has been enhanced more recently with many services adopting a multidisciplinary approach as they seek to better address the intersecting legal and social support needs of people experiencing, or perpetrating family violence and their children.

These Centres are working through the challenges in working within the Legal Practice Framework (including the Legal Profession Uniform Act, Legal Profession Uniform Rules, case law & other relevant legislation (eg. Evidence Act, Privacy legislation) and the CLCs Australia Risk Management Guide, whilst also complying with the relevant industry codes of ethics that apply to other qualified professionals employed by the Centre.

This has allowed some Centres to develop the expertise, knowledge and skills that are essential in navigating how they are able to work within and respect the importance of the Legal Practice Framework, whilst also exploring the opportunities for improving practice by aligning with the MARAM Framework (where possible).

It is essential that future opportunities for providing MARAM training to the legal assistance sector are able to incorporate this expertise, knowledge and skills so that participants are supported to work through the barriers that may prevent them from applying the MARAM Framework in their practice and their workplace.

5. Recommendations

Recommendation 1

That the State Government and Family Safety Victoria recognise and prioritise the MARAM training needs of legal services who employ a range of professionals in roles that require them to identify, assess and manage risk and ensure that they have access to appropriate MARAM training.

Recommendation 2

That the State Government and Family Safety Victoria recognise the critical role of the legal assistance sector in identifying, assessing and managing risk as part of the system-wide family violence reforms and prioritise the need to work with the legal assistance sector to implement the MARAM Framework (even as non-prescribed entities).

Recommendation 3

That the State Government and Family Safety Victoria support and fund future initiatives that enable the MARAM training to be adapted to the multidisciplinary needs of the legal assistance sector so that legal services can design policies and provide guidance to practitioners with different professional obligations within different jurisdictions.

Recommendation 4

That the State Government and Family Safety Victoria work with DVRCV and the legal assistance sector to support and fund future initiatives to ensure that all levels of the MARAM Training are adapted and made available to the legal assistance sector, including the MARAM Intermediate and Comprehensive Risk Assessment Training and the Information Sharing eLearning courses.

Recommendation 5

That Family Safety Victoria collaborate with the legal assistance sector to ensure that MARAM Training is delivered by professionals that have the expertise, knowledge and skills to support participants in how they may apply the MARAM Framework within their specific settings.

Recommendation 6

That the State Government and Family Safety Victoria, in collaboration with the Federation of Community Legal Centres, Victoria Legal Aid and DVRCV, draw upon the expertise of the legal assistance sector through a range of forums to share knowledge and practice on how the legal assistance sector can align with the MARAM Framework whilst working within the Legal Practice Framework.

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