



**Women's Domestic Violence  
Court Advocacy Service NSW Inc**

# **Policy Position Paper on the NSW Government Domestic and Family Violence Framework for Reform**

**25 June 2014**

## **INTRODUCTION**

This paper was prepared by Women's Domestic Violence Court Advocacy Service NSW Inc (WDVCAS NSW) to provide information to WDVCAS NSW members and other stakeholders on the operational implications of our position in relation to the final draft of the NSW Government Domestic and Family Violence Framework for Reform (the Reforms). The scope of the paper is focused on the new service delivery model which is one element of the NSW DFV Reforms Framework. It also provides information on our position in relation to the NSW Government Domestic Violence Justice Strategy.

The paper's development has been a collaborative effort involving a series of consultations with WDVCAS members, a review of relevant documentation, and advice on NSW Government policy from Legal Aid NSW. It has also been informed by the experience of South Australia in implementing that state's integrated domestic and family violence framework and attendance by the Executive Officer of WDVCAS NSW and two WDVCAS Coordinators (Central West and Sydney) at a Family Safety Meeting in Adelaide – this being the equivalent of the NSW Safety Action Meeting.

Any opinions expressed in the paper reflect the views of the WDVCAS membership and the WDVCAS NSW Board.

The document is presented in four parts:

- I. Background and Context
- II. Domestic and Family Violence Reforms Framework
  - Central Referral Point and Local Coordination Points
  - Informed consent/information sharing
  - Safety Action Meetings
- III. Domestic Violence Justice Strategy
- IV. Monitoring and evaluation

As the peak body for the 28 individual Women's Domestic Violence Court Advocacy Services in this state, WDVCAS NSW supports better outcomes for women and children by identifying and advocating on domestic violence issues within social, political and legal contexts, at both state and national levels.

While we receive funding through Legal Aid's Women's Domestic Violence Court Advocacy Program (WDVCAP), we operate as an independent, incorporated association. As such, and in consultation with our WDVCAS NSW members, we undertake independent research and consultation, and formulate objective policy positions across the full range of domestic and family violence (DFV) issues affecting women and children.

## I. BACKGROUND AND CONTEXT

### **Launch of *It Stops Here* – Domestic and Family Violence Framework for Reform**

On 16 February 2014 the Hon Pru Goward MP, Minister for Women, launched the final draft of *It Stops Here* – The NSW Government's Domestic and Family Violence Framework for Reform (the Reforms).

*The five aims of the Reforms are:*

1. Domestic and family violence is prevented
2. Domestic and family violence is identified early
3. Victims are safe and supported to recover
4. Perpetrators stop using violence
5. A supported, professional and effective sector is developed

The Reforms represent a whole of government strategy and involve the Justice Cluster, Ministry of Health, Family and Community Services (Community Services and Housing), and Education and Communities. Women NSW, part of the Department of Family and Community Services, has overall responsibility for the Reforms, but the Department of Police and Justice has been given the task of implementing the service delivery components. The Reforms also involve a wide range of service providers from the NGO sector, who will be working collaboratively with government agencies to protect, support and empower victims of domestic and family violence.

While the involvement of criminal justice agencies is crucial to ensuring victims' safety, it is but one aspect of a broad based, inter-agency approach to protection, early intervention and prevention. WDVCS NSW supports an integrated response to domestic and family violence and welcomes the increased focus on primary prevention, early intervention and response.

### ***A new service system response***

A key feature of the Reforms is a new service delivery model which is intended to improve the consistency and effectiveness of the response to domestic violence in NSW. In principle, the new model will provide a single pathway for all DFV victims.

It has been decided that the 28 WDVCSs in NSW will operate as the service delivery model's Local Coordination Points. The Local Coordination Points are integral to the success of the new service delivery model in that they will coordinate local support for DFV victims and facilitate urgent action for those at serious threat of further harm through the coordination of regular Safety Action Meetings. The use of a Central Referral Point linking domestic violence victims to Local Coordination Points means that a woman should only have to tell her story once to receive whatever range of supports she needs to be safe, supported and empowered to rebuild her life.

The launch sites chosen for implementation of the new service delivery model are Waverley and Orange. They are expected to commence operation as LCPs during 2014 and will be evaluated by the Government.

WDVCAS NSW welcomes the Government's decision that the 28 WDVCSs will host the Local Coordination Points around NSW. We see it as an acknowledgement of the value placed on our collaborative work with others in supporting women and children who have experienced violence in the home and within the family environment. We also see it as an acknowledgement of our close relationships with the police, courts, and service providers in the areas where we operate.

### **NSW Domestic Violence Justice Strategy (2013-2017)**

The Domestic Violence Justice Strategy (DVJS) was launched by the Department of Police and Justice in 2012 to strengthen the criminal justice system response to domestic violence.

As was the case with the development of the Reforms, the DVJS was created on the basis that an effective response to violence in homes and families relies on a shared commitment from a range of relevant agencies and services.

Given that domestic and family violence is a crime, the important role of criminal justice agencies in stopping it and providing protection for victims is crucial to the Government's stated whole of government DFV focus.

The Strategy's identified outcomes for victims and perpetrators are:

1. Victims' safety is secured immediately and the risk of further violence is reduced
2. Victims have confidence in the justice system and are empowered to participate
3. Victims have the support they need
4. The court process for domestic violence matters is efficient, fair and accessible
5. Abusive behaviour is stopped and perpetrators are held to account
6. Perpetrators change their behaviour and re-offending is reduced or eliminated

The outcomes have obvious synergies with the Reforms' five aims, which will be key to the success of the intended interagency / inter-sector collaboration.

The DVJS will have a significant impact on WDVCSs, not only in terms of being a key partner in responding effectively to domestic violence, but also in terms of the workload the DVJS will generate for WDVCSs. Under the DVJS and the Reforms, after Police have attended a DFV incident, they will be required to provide victims' details either to the Central Referral Point for referral to the relevant Local Coordination Point, or if a Local Coordination Point has yet to be established, directly to the relevant WDVCS. For further information on this, see the section in this paper headed *Domestic Violence Justice Strategy*.

### ***In Summary***

WDVCAS NSW acknowledges that the proposed integrated, whole of government / whole of sector Reforms require goodwill and hard work to succeed. WDVCS NSW also accepts that there will be issues and challenges. However, we are committed to embracing the opportunities for enhanced DFV victim safety and support offered by the new service delivery model, both in our capacity as a service provider and as host of the Local Coordination Points.

We believe the new service model has the potential to ensure that government agencies and non-government services are held accountable to prioritise and coordinate support for women who are at serious risk of harm. If the new model is implemented with this intent, WDVCS NSW supports the roll-out of the service delivery model. In fact, it is our view that such an integrated model is long overdue in NSW.

WDVCAS NSW will monitor its own operational and policy constraints if and when they arise, while ensuring the new service delivery model is implemented collaboratively with our government and non-government partners in a positive, outcomes focussed manner.

Ultimately the WDVCS NSW position is to focus on doing the best work we can to support and empower those who experience domestic and family violence and to prevent its continuation. The success of our members' work ultimately depends on the relationships WDVCSs develop with their clients, the police, the courts, legal practitioners and a range of service providers at the local level.

We further recognise that the new service new service delivery model is part of a broader framework which encompasses early intervention and primary prevention. The full range of interventions need to be simultaneously implemented if we are to truly break the DFV pattern and intergenerational cycles of abuse.

**Key operational issues are discussed in the Question and Answer section below:**

## II. DOMESTIC AND FAMILY VIOLENCE REFORMS FRAMEWORK

### CENTRAL REFERRAL POINT AND LOCAL COORDINATION POINTS

#### 1. What is the Central Referral Point?

The Central Referral Point will be managed by and located within Victims Services NSW, which is part of the Department of Police and Justice. It will receive and allocate referrals 24 hours a day and seven days a week.

The Central Referral Point is an electronic platform system which accepts referrals of DFV victims' details from Police and other service organisations. The details received from Police will have a mandatory risk assessment attached, while the completion of risk assessments by other organisations will be voluntary, but certainly encouraged.

The Central Referral Point system allocates victims to the closest Local Coordination Point. Until the Reforms are fully implemented, the Police will refer details of all DFV incidents which occur in a Local Area Command where there is no established Local Coordination Point directly to the relevant WDV CAS.

Local Coordination Points will be established over the next five years. However if there is no Local Coordination Point in the woman's area after the rollout is completed, Victims Services itself will coordinate a service response. Victims Services will also be responsible for providing support to all male DFV victims referred to the Central Referral Point.

One of the advantages of an electronic system is its capacity to track the timeliness of support responses provided to DFV victims. We understand that the Central Referral Point system will track referrals and monitor time standards – for example, the time between receiving a referral at the Local Coordination Point and the first attempted contact with the victim; and the time between contact and case closure.

Timely responses are a key component of both the Domestic Violence Justice Strategy and the Domestic and Family Violence Framework for Reform. For example, where the Reforms have rolled out it will be mandatory for Police Officers to refer DFV incident details to the Central Referral Point by the end of their shift.

It may take time, but we understand that eventually the NSW Government hopes that all NSW government agencies and community organisations will be aware of the Central Referral Point. Instead of each having their own fragmented ways of dealing with clients who are DFV victims it is hoped they will refer their clients to the Central Referral Point for coordinated support, being mindful of whichever consent protocol applies.

WDV CAS NSW supports this type of integrated, coordinated response because it should mean that a victim only has to tell her story once and it should reduce duplication of service provision.

#### 2. What is a Local Coordination Point?

Subject to evaluation, all 28 Women's WDV CASs will eventually host the Local Coordination Points for the new service delivery model and therefore the Local Coordination Points will be located wherever the WDV CASs are situated. The Local Coordination Points will be phased in over five years, beginning with two launch sites at Waverley and Orange – the responsibility of Sydney and Central West WDV CAS respectively.

The Local Coordination Point will perform the following functions:

- offer a physical contact point to provide information to DFV victims about the services and support available to them

- provide case coordination for women and children, unless this is already being done by another agency
- maintain existing relationships and build positive new relationships with workers in NGOs and government agencies, to create a network of support for women being referred to the Local Coordination Point
- conduct a comprehensive threat assessment, taking into account any threat assessment completed by the referring agency or service. Based on local knowledge or more recent information, the Local Coordination Point can *upgrade* an assessment to reflect a more serious threat level, but cannot *downgrade* it
- coordinate local integration with other specialist services available to DFV victims and their children - welfare, housing, family support, financial assistance, youth services etc
- facilitate access to Victims Services for counselling and /or financial assistance
- act as a referral and secretariat / coordination point for regular local Safety Action Meetings (SAMs). Most referrals to SAMs will come from Police but they can come from any service provider
- provide a local interface with the Central Referral Point, receive Central Referral Point referrals which originated from Police / service providers and provide information updates to the Central Referral Point, including the outcomes of SAMs. The information updates will provide vital data on the timeliness and effectiveness of the support provided to women.

The WDVCS Coordinator will be responsible for managing staff undertaking Local Coordination Point responsibilities, including threat assessment, case coordination and Safety Action Meeting secretariat support. Every DFV victim supported by a Local Coordination Point will remain the Local Coordination Point's client until such time as she is referred to other appropriate service provider(s) for ongoing support.

WDVCAS NSW (in cooperation with Legal Aid NSW) will be monitoring the two launch sites closely to assess whether the staffing and financial resources allocated are adequate to meet the enhanced responsibilities of hosting the Local Coordination Point.

### **3. What will WDVCSs bring to their role as Local Coordination Points?**

WDVCASs are a logical choice to host the Local Coordination Points given they operate in a unique state-wide service framework. The productive working relationships already established between WDVCSs, the NSW Police Force and the Courts mean the groundwork has already been laid for enhanced safety and protection outcomes for women and children receiving support through the Local Coordination Points.

While a core focus of the WDVCSs is to provide court advocacy, they also provide non-court related generalist assistance. They provide information on a range of matters, including avenues of self empowerment for women. Two WDVCSs (Macarthur and Wagga Wagga) also provide case management to women and children who have experienced domestic and family violence.

82% (23 of 28) of Services are funded to employ specialist Aboriginal workers and 46% (13) receive funding to employ specialist CALD workers. Both specialist worker groups participate in network meetings and activities and share their expertise and knowledge with other workers at their respective WDVCS.

They participate in well established networks in their regions to ensure appropriate referrals can be made for counselling and support groups, or for legal, health, financial, housing, education or employment issues.

While WDVCSs currently receive most referrals from NSW Police Force or NSW Local Courts, they also accept referrals from other service providers and self referrals from women experiencing violence. The case study included below demonstrates how effective WDVCS is in supporting women who have not come to them via court proceedings.

Being responsible for the Local Coordination Point means that the non-court related support already delivered by WDVCS will not only continue, but will be further enhanced and expanded.

#### **CASE STUDY**

*Ms Y, a previous client of our WDVCS, sought our assistance with advocacy to Housing NSW. It turned out she had a number of matters requiring assistance and advocacy, including Centrelink, Child Support, and financial assistance with moving.*

*Ms Y's literacy and health issues (heart condition) meant the required effort to resolve these issues was overwhelming for her.*

*We firstly referred her to a sympathetic private solicitor to assist with property settlement on the matrimonial home, attending with her on occasion because of her confusion about the legal issues involved. Once the settlement was finalised Ms Y was effectively homeless, so we assisted with her application to Housing NSW for a house for her and her 4 children. Within a week she was allocated a house in the area where her children attended school. There has been ongoing advocacy to Housing NSW from our WDVCS and the local Tenants' Advice & Advocacy Service to whom we referred Ms Y, in terms of property maintenance issues.*

*Once Ms Y's housing application was approved, we then approached another DFV service to obtain brokerage for her to engage a removalist at no cost.*

*We referred Ms Y to the local Community Legal Centre for advocacy to Centrelink regarding Child Support and now that she is aware of their existence she has independently sought their advice on other matters.*

*Finally, we referred Ms Y to a family support service where she continues to receive ongoing support.*

WDVCAS represents a stable, well established and effective service delivery model which has received continuous funding for 18 years. WDVCS workers are required to undertake mandatory training, including participating in refresher courses every three years. The training is trauma informed and the workers are well placed to provide professional, effective referrals for ongoing support.

While WDVCS workers do not provide legal advice, they do provide direct referrals to another Legal Aid NSW funded program, *the Domestic Violence Practitioner Service*, which operates at 32 metropolitan and regional local courts. Under this scheme, private solicitors work on a sessional basis to assist women and children who are experiencing domestic violence and are in need of legal protection through an ADVO. The solicitors give free, independent advice to clients on ADVOs, family law, care and protection issues, and victims' compensation matters. In private ADVO applications, the solicitors may prepare a client's matter and represent them in court through a grant of Legal Aid.

There is a requirement under the Domestic Violence Justice Strategy, which forms a key element of the Reforms, that all women victims of domestic violence incidents which result in a charge and / or an ADVO will be referred to a WDVCS by Police by the end of their daily shift. This makes WDVCSs a logical choice as Local Coordination Points. For further information on this, see section III of this paper.

The role of the Local Coordination Point is absolutely crucial to the success of the Reforms – it is pivotal in ensuring that responsive, timely and well coordinated support is provided to women (and their children) who have been subjected to domestic and family violence. WDVCS NSW and its members take this role very seriously and will apply themselves to ensuring that the Local Coordination Points work effectively in reviewing, referring, coordinating, supporting and empowering women at the local level.

A potential barrier to this effectiveness is whether sufficient resources have been allocated to the WDVCS / Local Coordination Points and the launch sites will be monitored very closely to establish the impact of this expanded role on staff / financial / time resources.

**4. Why were Waverley and Orange chosen as the Local Coordination Point launch sites? Does WDVCS NSW think these areas are representative?**

We understand that the two launch sites have been chosen because they offer the chance to test the service delivery model in different circumstances. One site is in a metropolitan area while the other is in a regional area. The sites also have different demographics and cover a different number of NSW Police Force Local Area Commands.

We believe that identifying the challenges the launch sites experience can then inform the development of workable policies and procedures for Local Coordination Point sites in higher volume areas. Resource needs can also be identified, including the types of resources needed for areas with high CALD and Aboriginal populations.

Both Waverley and Orange support sizeable numbers of Aboriginal clients and both employ Aboriginal Specialist Workers. Waverley's catchment includes La Perouse and Malabar, both areas which significant numbers of Aboriginal people call home. Waverley also has a CALD Specialist Worker to cater for substantial numbers of migrant and refugee clients.

WDVCAS NSW will monitor the experiences of the launch sites closely, to identify any issues which may arise so that future sites will be best placed to operate successfully as Local Coordination Points.

We understand that selection criteria will be used to identify future sites and these sites will be phased in over five years.

**5. What will be happening at the other 26 WDVCSs in terms of implementing the Reforms during the launch period?**

It will be 'business as usual', and all WDVCSs will be monitoring and learning from the experience of their co-workers at the two launch sites. Other DFV services will also obviously be closely monitoring their counterparts in the Orange and Waverley areas to assess the operational implications of working with a Local Coordination Point and the effectiveness of the new service delivery model in delivering personal safety and timely, meaningful support to DFV victims.

**6. In terms of benefiting from the integrated support offered by the Reforms, what happens to DFV victims whose local court is not supported by a WDVCS?**

The majority of NSW courts are serviced by a WDVCS and even when not, WDVCS workers may on occasion attend non-participating courts to provide women with support.

Therefore most areas will be covered by a Local Coordination Point. Even where this is not the case, the Central Referral Point will coordinate a support response from the nearest available services using their own service information resources and those available on HSNet. In addition, the nearest WDVCS or Local Coordination Point may seek approval to offer temporary outreach support, as currently happens on occasion.

**7. Will there be any additional funding for WDVCSs to undertake the role of Local Coordination Points?**

Additional funding will be provided to WDVCSs to enable them to undertake the Local Coordination Point role. Hosting a Local Coordination Point will mean a significant increase in the responsibilities and workload of WDVCSs and the increase cannot be adequately met with current resource levels.

WDVCAS NSW and Legal Aid NSW will closely monitor the launch sites to assess funding requirements for the Local Coordination Point sites that follow.

**8. What happens in rural and remote regions where appropriate services may not be available to take referrals from the Local Coordination Point or where there is no Local Coordination Point?**

Regrettably, a lack of available specialised DV services, particularly in smaller population centres, has always been a problem. WDVCAS NSW is concerned that this could become more of a problem following the announcement of the *Going Home Staying Home* tender process on 13 June 2014 (refer to question 9 below for more information).

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*It Stops Here* – The NSW Government’s Domestic and Family Violence Framework for Reform acknowledges the issue of fewer resources going to areas of lower population:

*“...as with many services, DFV funding is often skewed to places of high population. This means that although many locations in regional and remote areas of NSW experience high rates of recorded domestic violence assaults, some of them have fewer resources in comparison.”<sup>1</sup>*

Given the NSW Government has acknowledged this disparity in available DFV resources, WDVCAS NSW hopes that any evaluation which finds the new service delivery model did not benefit all DFV victims in rural and remote areas will result in the allocation of resources to remedy the situation.

**9. What impact could *Going Home Staying Home* have on the operation of WDVCAS / Local Coordination Points?**

There is a concern that the *Going Home Staying Home* program may potentially result in fewer specialist women’s domestic violence services being available to accept referrals from the Local Coordination Point. WDVCAS NSW is currently working with our partners to assess the program’s impact on women and their children.

WDVCAS NSW has significant concerns about the potential impact on the quality of support to victims if there is to be a reduction in the number of specialised women’s refuges, where women have previously been able to access domestic violence specific counselling and group work etc. The *Going Home Staying Home* reforms are accommodation focused and provided limited attention to trauma recovery, healing, support and other therapeutic components. These aspects are of vital importance since they serve to promote healthy relationships and support women to break the cycle of abuse. In addition, child support workers have not been mentioned in any of the GSHH tender documentation.

If this proves to be the case, WDVCAS members, like many others in the domestic violence sector, would be extremely concerned. As a logical consequence of anticipated increases in the number of DFV victims being supported under the new service delivery model, there will obviously be a parallel increase in referrals to specialised DFV services.

The success of the Reforms depends on women and children receiving meaningful support from all in the service network. This includes access to experienced and trained workers in the DFV field. In NSW this role is largely undertaken by a range of community based refuges which target the specific

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<sup>1</sup> *It Stops Here* – The NSW Government’s Domestic and Family Violence Framework for Reform – page 24

needs of women in their communities. Their DFV expertise and years of accumulated experience cannot be replaced by generalist homelessness services, as valuable as these services are for people who have no home to go to.

Overall, WDV CAS NSW is concerned that the *Going Home Staying Home* reforms could have a significant impact on the options for women and children affected by DFV, and in turn WDV CAS / Local Coordination Point referrals and our existing close working relationships with women's refugees.

**10. What will happen if a WDV CAS Local Coordination Point is located within a Community Legal Centre and a potential conflict of interest arises?**

Any conflict will be dealt with at the earliest possible point in the process and handled professionally, as happens now. In line with current Community Legal Centre policies and procedures, no woman will miss out on obtaining the support she needs. She would be referred to another WDV CAS or a seconded worker service. While there are fewer options available to do this in rural and remote regions, a conflict of interest would never be ignored in a Community Legal Centre and neither would the duty of care to a client.

**11. What happens to a Local Coordination Point if it is auspiced by an organisation that is de-funded?**

If this were to happen, an appropriate new service provider would be identified to auspice the WDV CAS / Local Coordination Point as a matter of priority. Importantly, there would always be continuity of client service. The service provider would be bound by contractual obligations to give Legal Aid NSW notice, allowing sufficient time to advertise for a new service provider. If there were delays, Legal Aid could appoint an interim service provider while a permanent 'home' was being organised.

## **INFORMED CONSENT / INFORMATION SHARING**

**12. How will 'informed consent' be obtained from a victim for the sharing of her personal information? What is WDV CAS NSW's position on this?**

We understand that the Department of Police and Justice is currently developing a set of protocols to provide guidance on information sharing under the new legislation, including at Safety Action Meetings. The Department of Police and Justice<sup>2</sup> has indicated the protocols are based on the following principles:

- The safety of victims and their children is paramount
- Informed consent to share information must be sought and obtained from victims, unless unreasonable and impracticable
- Victims can choose which agencies and organisations they engage with
- Victims have the right to receive domestic violence support services without consenting to information sharing
- Victims have access to information held about them by agencies and organisations, and are able to correct that information
- Perpetrators are held accountable for their actions
- Any escalation of violence by the perpetrator is identified and responded to
- Information sharing must be secure, timely, accurate and relevant

WDV CAS NSW understands that the Government's position is that when a Local Coordination Point is sharing information about women at high risk of further harm with Safety Action Meeting members *consent is not essential*. While consent will not be necessary in these instances, we believe it will be necessary to involve these women at every other step of the process to ensure they have an

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<sup>2</sup> Victims of Crime Interagency Forum Minutes, Department of Police and Justice, 4 March 2013 (draft only)

understanding of and confidence in the process. High risk victims will feel far more confident about their information being shared at a Safety Action Meeting if they have been involved in the process.

High-risk victims whose information is shared at Safety Action Meetings will need re-assurance that their information will not be shared beyond the Meetings, and that the only information exchanged at the Meetings is that which is necessary to secure their safety.

We expect that the sharing of information between services (where appropriate) should further ensure victim safety and reduce the need for victims to re-tell their stories. Safety Action Meetings will require a genuine commitment from partner agencies to respond to the needs of high risk victims, and this can only be done through information sharing and co-operative action.

WDVCAS NSW appreciates that information sharing is a complex issue and one which must be handled with the utmost care. We note and support the following recommendation made by the NSW Legislative Council Standing Committee on Social Issue's 2012 *Inquiry into Domestic Violence Trends and Issues in NSW*.

*Recommendation 16: "That the Department of Attorney General and Justice monitor the impact of new provisions to enable the sharing of information between agencies in respect of domestic violence in terms of any adverse impact on individuals' privacy."*<sup>3</sup>

We note that there are a number of existing precedents for non-consent referrals in NSW, including those where agencies and services already have obligations under the Children and Young Persons (Care and Protection) Act 1998 (article 16A), and Safety Action Meetings do not change or replace these obligations. Other existing models that allow for non-consent referrals from the police in NSW is the Domestic Violence Intervention Court Model in Campbelltown and Wagga Wagga. The Family Safety Meetings in South Australia and MARAC model in the United Kingdom also allow for non-consent referrals.

We believe it is crucial that all agencies and organisations are on the same page when participating in information sharing under the new service delivery model. We look forward to reviewing the protocols when they are available.

**13. What is being done to develop procedures and protocols which specifically address the particular fears of Indigenous women in relation to government agencies sharing information about them?**

The impact of previous negative experiences with law enforcement / welfare agencies on Aboriginal families is acknowledged and these often devastating experiences will be considered when protocols are developed in consultation with representatives of Indigenous communities in NSW.

The South Australian experience has been that once confidence in the aims of their reform framework increased and trust was built, the focus shifted from initial concerns about information sharing to ensuring that all parties' duty of care to protect women and children from harm was being honoured.

The minutes of SAM meetings will merely reflect the dot pointed safety actions agreed by the SAM members, the actual discussion leading to the agreed actions will not be minuted. Every SAM participant will be required to sign a confidentiality agreement and a conflict of interest declaration at each meeting.

The Reforms Framework document *It Stops Here* refers to the NSW Government's plans to develop a specific whole of government approach to healing in Aboriginal communities, including dealing with domestic and family violence.

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<sup>3</sup> NSW Legislative Council Standing Committee on Social Issue's 2012 *Inquiry into Domestic Violence Trends and Issues in NSW* - List of recommendations – page x1ix

Our view is that all women and children should receive culturally sensitive access to the protection and support offered by the Reforms, irrespective of any culturally specific strategies which may ultimately be developed by the NSW Government.

The role of WDV CAS Aboriginal Specialist Workers in facilitating this access and providing culturally appropriate support will be a key element in allaying the fears of those whose past information sharing may have had tragic results.

**14. What safeguards will be implemented to ensure a woman's information does not remain accessible after she declines the support which is on offer?**

The Central Referral Point system must protect victims' information and prevent unauthorised access. WDV CAS NSW considers that this is an issue of high importance and one which should be monitored and tested. If women lose faith in the security of information held about them, there is a risk they will be reluctant to cooperate with those wishing to support them, even when it is in their safety interest to do so.

## **SAFETY ACTION MEETINGS**

**15. What is the rationale for the Safety Action Meetings? And does WDV CAS NSW support them?**

Developing a model for Safety Action Meetings (SAMs) in NSW has taken place within the context of the findings of the 2011 Auditor General's *Report Responding to Domestic and Family Violence*, the NSW Legislative Council Standing Committee on Social Issue's 2012 *Inquiry into Domestic Violence Trends and Issues in NSW*, and the findings of the NSW Domestic Violence Death Review Team. All highlighted the need to effectively identify women at high risk of further harm and to deliver a coordinated response to them.

Each SAM will be chaired by a senior police officer whose Local Area Command is in the Local Coordination Point's area. The same local representatives of government agencies will attend each SAM, along with key NGO representatives who will be or have been involved with the DFV victim and can provide useful information about her particular circumstances.

Any NGO or government service provider can refer a woman to a SAM, not only the Police Force – the referring agency must be of the belief that the woman faces a serious threat of harm.

It has been the experience of South Australia that initially the main referral sources were Police and refuges, but as the existence of their Family Safety Meetings became more widely known, other agencies began making referrals, particularly hospitals.

The government representatives will have sufficient seniority to make decisions at the table – for example, putting a victim on a priority housing list. Having the same government representatives for whom attendance is mandatory, means that they can build a strong, client focussed rapport with each other and their respective agencies and thus work more effectively.

The sole purpose of the SAM is to provide for a woman's safety. Safety Action Meeting members develop a Safety Action Plan for each victim on the agenda – a list of actions they can take to reduce the threat to her safety. Safety Action Plans do not list actions that victims must take. Victims will never be directed to do something as a result of a SAM. WDV CAS, in their capacity as coordinators of Safety Action Meetings, will ensure that safety remains the centre of all discussions and decisions made at meetings.

Unless it would increase the risk to a woman's safety, she will always be advised of the contents of the Safety Action Plan developed at the Meeting.

Family Safety Meetings (on which the SAMs have been modelled) have been commended by the South Australian Coroner's Office as a means of preventing DV homicides by facilitating information sharing between agencies and services. Experience from the UK also supports the introduction of a collaborative information sharing mechanism for DV victims as a means of preventing DV related homicides.

Ultimately we believe the SAM is an accountability mechanism. It has the potential to ensure that government agencies and non-government services are held accountable to prioritise and coordinate support for women who are at serious threat of harm. If the new model is implemented with this intent, WDVCAS NSW supports the roll-out of the SAM. As previously stated, it is our view that such an integrated model is long overdue in NSW.

**16. Victims of domestic and family violence will not be attending the Safety Action Meeting relating to them. What is WDVCAS NSW's position on this?**

WDVCAS NSW believes that the more DFV victims feel empowered, the more likely they are to achieve positive outcomes in their future, post DFV life. We also believe that for a woman to take ownership of her life, it is important that she is treated as an active participant rather than a bystander in each step of the DFV support process.

We understand that the government's rationale for non-attendance by women is that the purpose of each SAM is for service providers to urgently develop an effective interagency Safety Action Plan for those women who are assessed as being at serious risk of further harm. The meeting is about what the participants must do to protect her, *not* what the woman must do.

The Safety Action Meetings are based on similar successful models used in the UK and South Australia, neither of which involve the participation of DFV victims.

The Local Coordination Point will be the conduit between a woman and the SAM, so the Local Coordination Point representative will be tasked with ensuring that the woman's wishes are known and respected by SAM participants. It is also the case that the Local Coordination Point would have already ensured that support is being provided to the woman, even before the SAM occurs.

From their own knowledge of the victim's circumstances, many SAM attendees will already have information about a woman's specific preferences and circumstances (e.g. she wishes to be located near her children's school) to guide the development of safety actions which provide for her safety while meeting her requirements. As noted above, the sole purpose of the SAM is to provide for a woman's safety. Women will not be directed to do anything as a result of a Safety Action Meeting.

The minutes of SAM meetings will reflect the safety actions agreed by the SAM members, the actual discussion leading to the agreed actions will not be minuted. Every SAM participant will be required to sign a confidentiality agreement and a conflict of interest declaration at each meeting.

Given that the SAMs are modelled on others which have been deemed successful and while expressing reservations about the non-participation of the woman whose safety is at stake, WDVCAS NSW believes at this stage we should wait and see how well the SAMs at the launch sites meet the needs of their clients. Any feedback from these women about the effectiveness of their Safety Action Plan should be heeded and noted as a useful guide for future Local Coordination Points and SAMs.

If the Local Coordination Points observe that the Safety Action Plan would have been more effective if the woman had personally participated in its development, this will certainly be raised as an important issue with the NSW Government.

## **17. Will a service provider be able to attend the SAM on a woman's behalf?**

If the Local Coordination Point believes that a service provider can provide a unique perspective which could potentially enhance a woman's Safety Action Plan, it is our understanding that the Local Coordination Point could invite a representative from that organisation to attend the SAM. In South Australia for example, if a victim is referred by a service provider which is not a permanent member of the SAM then a representative from that organisation is automatically invited to participate in the meeting when that particular case is discussed.

The purpose of each SAM is to urgently develop an effective Plan for women who are at serious risk of further harm. Those who are SAM attendees have senior level experience and resources at their disposal to do this in a timely manner.

The Local Coordination Point will be the conduit between a woman and the SAM and so the Local Coordination Point representative will ensure that the woman's wishes are known and respected. While not present as official victims' advocates, all present around the SAM table are nonetheless there to advocate for the safety of the woman and her children.

Policies and protocols are currently being developed by Legal Aid NSW for the launch site Local Coordination Points to use in coordinating their SAMs, and the effectiveness of these will be reviewed as part of the post launch evaluation. We understand that a training module on the operation of SAMs is also in development.

## **18. What happens when a woman refuses the safety action plan devised by the SAM?**

We understand the very purpose of the SAM is all about providing for a woman's safety. Safety Action Meetings result in actions for agencies and services, not victims. Women will never be directed to do anything as a result of a Safety Action Meeting. WDVCAS, in its capacity as host of the Local Coordination Point, will do their best to ensure that safety remains the centre of all discussions and decisions made at the SAM meetings.

WDVCAS NSW believes that the SAMs adopt a proactive approach to women assessed as being at high risk. It is important to note that although there will be recommendations made by the stakeholders attending the SAM, the woman ultimately still has the right to engage with services herself. The woman is not told what she must do, she is offered the support of stakeholders within that meeting in their various capacities e.g. Housing, Police, education.

The aim of a SAM is to prevent or reduce serious threats to the life, health or safety of domestic violence victims. Experience from other jurisdictions has shown that such meetings are an effective method of achieving this by sharing information in a targeted and appropriate manner. This enables a comprehensive picture of a victim's situation to be developed and actions to be taken by agencies and services in a timely fashion based on the victim's particular situation.

Again – victims will never be directed to do anything as a result of the Meeting.

## **19. Can the SAM be used as a vehicle for the removal of children?**

The impact of previous negative experiences with law enforcement / welfare agencies, particularly on Aboriginal families, is acknowledged and WDVCAS NSW expects these often devastating experiences will be considered when protocols are developed in consultation with representatives of Indigenous communities in NSW.

The information shared at a Safety Action Meeting is shared for the sole purpose of developing a Safety Action Plan for the protection of women and their children, and that is the focus of SAM members.

Nonetheless, if a child is deemed to be at risk, the usual legal and moral obligations apply to everyone working and living in the child's community to notify the relevant authorities as mandatory reporters.

Agencies and services already have obligations under the *Children and Young Persons (Care and Protection) Act 1998* (Part 16A). SAM meetings do not change or replace these obligations. If notification is recommended as a result of information shared at a SAM, the same legal / moral obligations apply. Notification reports should be discussed with the child's mother *prior to any action being taken* where it is safe to do so.

Interestingly, we understand that the South Australian experience is that the information shared by those at the meeting often *reduces* the likelihood that a child will be viewed as at risk, and removal of a child as a result of a decision taken at a SAM rarely happens. A SAM member may have previously held concerns about the welfare of a child but once the details of each agency's / service's intended support response for the child's family are discussed at the meeting, that member is then more confident that the child and their mother will receive a level of support which negates any need for notification. We hope that the SAM offers a platform for increased awareness among child protection and DV specialists about the complex intersect between child protection and domestic violence issues.

## **20. What types of actions will be included in a woman's Safety Action Plan?**

As a result of the discussions held during a SAM, a Safety Action Plan may include a wide range of recommended actions to ensure a woman's safety – all of them specific to her unique situation.

Some examples include:

- Providing information to the woman about addiction treatment services where there are existing drug and/or alcohol issues
- Providing additional Police support (e.g. additional drive bys or checks on the presence of the perpetrator) when a woman wishes to remain in her current area
- Expediting priority housing for a woman and her children, particularly in cases where she fears a return of the perpetrator, for example on release from jail
- Notification of ADVO conditions to new school in victim's area of choice, to ensure the safety of her children and their access to appropriate counselling

## **21. How will the Local Coordination Points address the specific needs of Aboriginal women and CALD women?**

The Reforms document *It Stops Here* refers to the NSW Government's plans to develop a specific whole of government a strategy to healing in Aboriginal communities, including dealing with domestic and family violence. At the time of writing we understand this strategy has not progressed.

It is our view that all Aboriginal and CALD women and children deserve culturally sensitive access to the protection and support offered by the new service delivery model proposed in the Reforms, irrespective of any culturally specific strategies which may ultimately be developed by the NSW Government.

The unique barriers that face women and children from CALD and Aboriginal backgrounds will be closely monitored by WDVCS workers, guided by the local WDVCS Aboriginal and CALD Specialist Workers. Where a CALD or Aboriginal Specialist Worker is not available locally, support can be accessed through the CALD and Aboriginal Specialist Workers Networks. The Specialist Workers will monitor the victims' particular needs, such as language barriers, immigration issues, cultural pressure or religious views, and advocate on their behalf. Significant attention will be given to these issues as they will be pivotal to ensuring the most appropriate support is provided to these women.

In addition to seeking advice and support from either WDVCS Aboriginal or CALD Specialist Workers, the Local Coordination Point's SAM Co-ordinator will make every effort to locate local service representatives, including those nominated by the woman herself, to attend the SAM and provide ongoing support in partnership with other SAM participants.

The role of WDVCS Specialist Aboriginal and CALD Workers in facilitating this access and providing culturally appropriate support will be a key element in ensuring the needs of these women are met.

**22. What avenues are there for other service providers to engage in this new service model?**

Local DV and other specialist support services will play a profoundly important role in the new service delivery model, either as members of the SAM and/or as a referral option for the Local Coordination Point.

Local Coordination Points will *not* provide case management. Instead they will make warm referrals to a range of other services for a victim's ongoing needs. If a victim is already being provided with case coordination or case management by another service, this will obviously continue.

One of the roles of a WDVCS as the host of the Local Coordination Point is to ensure that the victim is referred to the most appropriate, professional service providers in her area. The WDVCS will already have her information through initial contact and can then refer that information on to the relevant service organisation.

### **III. DOMESTIC VIOLENCE JUSTICE STRATEGY (2013-2017)**

**23. (a) What impact will the Domestic Violence Justice Strategy have on the operation of WDVCSs?**

As already noted, under the Domestic Violence Justice Strategy (DVJS) Police will be required to provide victims' details to the Central Referral Point for referral to the relevant Local Coordination Points, or if a Local Coordination Point has yet to be established, directly to the relevant WDVCS.

WDVCS NSW supports this change as it offers a single pathway for all victims, regardless of their geographical location, cultural background, age or disability, could reduce the stress imposed upon victims, and should ensure more consistent and safer outcomes. It will also mean women are less likely to 'fall through the cracks'.

The extent to which this will impact on the operations of WDVCSs will vary. Some WDVCSs already receive all referrals from their Local Area Command and so this change in policy merely formalises current arrangements. This will not come into effect until sometime in the first quarter of 2015, once referral arrangements between the NSW Police Force and WDVCSs have been finalised.

**(b) What are the DVJS standards and how do they affect WDVCS?**

Additional requirements of the DVJS which will impact on WDVCSs will be a set of service standards, again to come into force in 2015, when new referral protocols between NSW Police Force and WDVCSs are finalised.

One of the key standards will be that WDVCSs will contact every victim referred to them by Police within *one business day of receiving the referral*. This requirement applies to all victims referred to a WDVCS anywhere, whether the victims are assessed as at threat or at serious threat, whether or not there is an ADVO and/or a criminal charge involved, and whether or not the WDVCS is undertaking Local Coordination Point functions.

Other DVJS standards and benchmarks which will apply to normal WDVCS work include:

- Standard: WDVCS clients will be given information about court before 1<sup>st</sup> mention
- Standard: WDVCS clients will be given support and advocacy at mention
- Standard: WDVCS clients will be prepared before a hearing
- Standard: WDVCS clients will be supported at hearings

It is intended that specific standards and benchmarks will also be developed for Local Coordination Point functions in the future, to build upon those that relate to standard WDVCS work under the DVJS. This work is currently underway.

#### **24. What function will Victims Services provide under the DFV Reforms?**

Victims Services, which is part of the Department of Police and Justice, will provide the Central Referral Point from which all DFV cases will ultimately be referred, so plays a key role in facilitating timely responses and ensuring women's safety.

In addition, Victims Services will coordinate a service response in cases where a DFV victim is male and also for female victims in areas where there is no Local Coordination Point (the latter will only occur once the Reforms are fully implemented and all 28 LCPs are established).

The new Victims Support Scheme, launched in 2013 and developed in response to client feedback, provides a greater emphasis on counselling as well as financial assistance for immediate needs, for economic loss and for recognition of trauma suffered. Counselling is available from counsellors, specialist counsellors and psychiatrists.

#### **25. How will the DFV Reform Framework operate in supporting and protecting women and children following the release of jailed perpetrators?**

If a woman is nervous about the impending release of an inmate who has been jailed in relation to violence committed against her, but is unsure of the inmate's release date, her case worker / WDVCS worker can check with Police or Corrective Services on the woman's behalf. Unfortunately, the exact date is often unknown and/or details are not always appropriately communicated between Corrective Services / Probation and Parole / Police.

If information regarding the perpetrator's release is known at a Safety Action Meeting, an appropriate Safety Action Plan will be developed to provide the necessary protection for the woman and her children.

While we know some seriously violent offenders show no respect for release conditions, release is usually conditional on them maintaining a certain distance from their former victims / not making contact and these requirements act as a deterrent for most.

## **IV. MONITORING AND EVALUATION**

#### **26. Who will be evaluating the launch sites?**

Given the Department of Family and Community Services has overall responsibility for the Reforms, we understand that FACS will be undertaking a process review of the launch sites six months after they commence operation. At a later date a further impact evaluation will be undertaken to gauge the effectiveness of the Reforms more broadly.

WDVCS NSW believes that several years is a long time to wait an impact evaluation needs to be undertaken at the earliest possible stage, to see if the service delivery model is achieving their aims of securing women's safety, and we have urged the Government to commission an independent

qualitative review of the two launch sites, to see if the service delivery model are working for their intended beneficiaries – women and children who are victims of domestic violence. It will be easier to implement changes in the early stages of such a significant reform program rather than wait until it is more widely implemented.

While Legal Aid NSW will monitor the impact of receiving all NSW Police Force referrals in the launch sites, we understand that there will not be a formal evaluation of the referral commitments in the launch sites of the DVJS.

**27. Will WDVCS NSW be monitoring the launch sites?**

WDVCAS NSW will be closely monitoring the impact of the enhanced Local Coordination Point role on the two launch sites and analysing potential workload and resourcing consequences for the remainder of the WDVCSs / Local Coordination Points of both the Reforms and the Justice Strategy. In close coordination with Legal Aid NSW, we will assess whether the staffing and financial resources allocated to WDVCSs are adequate to meet the enhanced responsibilities of hosting the Local Coordination Point.

We will be also seeking feedback from women who use the new service response to gauge its effectiveness and responsiveness to their needs.

For more information please contact:

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