

Safer Pathway FAQs

General

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1. General Questions

1.1 What is domestic and family violence?

Domestic and family violence is any behaviour in an intimate or family relationship, which is violent, threatening, coercive or controlling, causing a person to live in fear.

It takes many forms and involves violent, abusive or intimidating behaviour carried out by a partner, carer or family member to control, dominate, humiliate or instil fear.

Domestic and family violence is a violation of human rights and is a crime. It affects people from all backgrounds and age groups.

Some individuals and groups may be more vulnerable to domestic and family violence. These include, but are not limited to:

- Aboriginal people
- women with disability
- women from culturally and linguistically diverse backgrounds
- lesbian, gay, bisexual, transgender, intersex or queer people
- younger women
- older women
- pregnant women
- people living in remote or rural communities
- women with mental health and/or drug and alcohol issues, and
- children living in a family where violence occurs.

It Stops Here contains a policy definition of domestic and family violence. For the full definition, refer to the [*It Stops Here*](#) document.

1.2 How prevalent is domestic and family violence in NSW?

Domestic and family violence is the most prevalent form of violence that women experience in Australia. Approximately one woman is killed each week by her current or former partner in Australia and it is the leading cause of death for women under the age of 45.

Current data suggests the scale of domestic violence offending and reoffending in NSW is significant:

- It is estimated that only half of domestic violence victims report their most recent incident to the Police.
- In 2013/14, there were 140,861 domestic violence related incidents reported to NSWPF (including events resulting in a charge and/or ADVO, and other incidents not requiring legal action).
- Of matters reported to Police in 2013/14, there were:
 - 26,268 ADVOs granted in NSW Local Courts
 - 42,399 charges for domestic violence related offences proceeded to court, and 22,416 defendants charged for domestic violence offences.

1.3 Why are domestic and family violence reforms needed?

- **To improve outcomes for women and in particular Aboriginal women**
In NSW, women are more than twice as likely to experience domestic and family violence as males, and domestic violence-related assault rates for Aboriginal women are six times higher than for non-Aboriginal women.
- **To improve the response to domestic and family violence**
The response to domestic and family violence has often been fragmented and inconsistent in NSW, with victims having to negotiate complex service pathways and receiving variable standards of response.
- **To address the need for system-wide reform**
Several key reports have identified the need for significant reform of the response to domestic and family violence in NSW. They include the Auditor-General's 2011 report, *Responding to Domestic and Family Violence*, and the 2012 Legislative Council inquiry *Domestic violence trends and issues in NSW*. *It Stops Here* represents a comprehensive response to most recommendations from these inquiries.
- **To increase service coordination**
Better coordination between agencies and services through targeted information sharing allowable under law and streamlined referrals will provide victims with the support they need, prevent victims from having to retell their story multiple times, and prevent and reduce serious threats victims' life, health and safety.
- **To improve community outcomes and reduce costs**
Domestic and family violence causes ongoing physical, emotional and psychological harm to victims and children living with the violence, and can lead to the break-up of families. It is estimated to cost the NSW economy more than \$4.5 billion each year.

1.4 What is the NSW Government doing about domestic and family violence?

The NSW Government provides many services for people experiencing domestic and family violence, from providing victims a safe place to live to supporting victims at court

It Stops Here – The NSW Government's Domestic and Family Violence Framework for Reform – is a framework to address domestic and family violence in NSW. It has five key elements:

1. A strategic approach to prevention and early intervention.
2. *Safer Pathway*: streamlined referral pathways to secure victims' safety and support their recovery from violence
3. Accessible, flexible, person-centered service responses that make the best use of resources.
4. A strong, skilled and capable workforce.
5. A strengthened criminal justice system response.

Key outcomes of *It Stops Here* are:

- domestic and family violence is prevented
- domestic and family violence is identified early
- victims are safe and supported to recover

- perpetrators stop using violence
- a supported, professional and effective sector is developed.

1.5 What is Safer Pathway?

It Stops Here: Safer Pathway (Safer Pathway) puts the safety of victims and their children at the centre of the response. Rather than the victim having to navigate their way through the service system and contact each agency they require to stay safe from the violence, Safer Pathway creates a coordinated response where agencies work proactively to provide victims with the support they need to be safer from domestic violence. Safer Pathway includes new ways to:

- assess the level of threat to victims' safety
- provide victims with consistent, specialist support
- coordinate a targeted response to victims at serious threat or injury or death.

The key components of Safer Pathway are:

- a **Domestic Violence Safety Assessment Tool (DVSAT)** to better and consistently identify the level of threat to victims
- a **Central Referral Point** to electronically manage and monitor referrals
- a state-wide network of **Local Coordination Points** staffed by specialist workers to provide victims with case coordination and referral to a Safety Action Meeting if necessary
- **Safety Action Meetings (SAMs)** where agencies and services share relevant information in order to lessen or prevent serious threats to the safety of victims and their children
- Legislation that allows service providers to share information about victims and perpetrators to facilitate victims' access to support services and to prevent and reduce serious threats.

1.6 How is It Stops Here governed?

The governance structure supporting It Stops Here includes:

- A Ministerial Group, comprised of key portfolios (Family and Community Services, Women NSW, Police and Emergency Services, Health, Justice and Aboriginal Affairs) to provide high-level leadership
- A Domestic and Family Violence Council, with expert government and non-government representation
- A Domestic and Family Violence Reforms Delivery Board, comprised of senior government representatives to provide overall governance
- An Implementation Working Group.

1.7 What about child protection concerns?

Safer Pathway does not replace child protection processes or practices. The *Safety Action Meeting Manual* outlines meeting procedures and sets out child protection obligations. The *Domestic Violence Information Sharing Protocol* (the Protocol) provides guidance about sharing information in cases of a serious domestic violence threat, including at SAMs.

Certain service providers are mandatory reporters under the *Children and Young Persons (Care and Protection) Act 1998* (CYPCP Act) and their mandatory reporting obligations continue in respect of any information shared under Part 13A of the Protocol. Where these service providers have concerns for the safety, welfare or wellbeing of a child or a young person in the context of domestic violence, they must complete the online *Mandatory Reporter Guide* (MRG). The MRG includes a decision tree – Carer Concern: domestic violence. The outcome of the guide will direct the service provider to make a report to the Child Protection Helpline or to the Child Wellbeing Unit where available, or to take any other action as required under the CYPCP Act.

2. Consultation and Funding

2.1 Who was consulted in developing *It Stops Here*?

Between 2012 and 2013, government agencies, non-government service providers and victims were closely consulted in the development of *It Stops Here*.

2.2 Are there any links between the *Going Home Staying Home* and *It Stops Here* reforms?

Recent reforms to homelessness services and domestic violence services aim to create better links between support and accommodation for victims. The *Going Home Staying Home* (GSH) reforms aim to make Specialist Homelessness Services (SHS) easier to access and deliver a better balance between crisis responses, prevention and early intervention and post-crisis support for people who are homeless or at risk including those escaping domestic and family violence.

It Stops Here also aims to make it easier for people experiencing domestic and family violence to access the services they need in order to be safe. SHS providers, like other providers, will make and receive referrals through the Safer Pathway referral processes.

Detailed information on the *Going Home Staying Home* reforms is available on the [*Going Home Staying Home* website](#).

2.3 How is Safer Pathway funded?

In 2012, a \$9.8 million three year Domestic and Family Violence Funding Program was announced. This program is making strategic investments to address critical gaps in prevention and early intervention and to build innovative and effective violence prevention practices in NSW.

Safer Pathway is being implemented across NSW in stages. Funding is provided to Local Coordination Points to connect victims with the support they need and provide secretariat support for Safety Action Meetings.

3. Victims and the Referral Process

3.1 What is the new approach to assessing victim safety?

The Domestic Violence Safety Assessment Tool (DVSAT) is the new standard assessment tool to accurately and consistently assess the level of threat to victims.

It is publicly available on the NSW Government's domestic violence website.

NSW Police Force officers are mandated to use the tool across the state whenever they attend a domestic violence incident or receive a report of domestic violence. All other agencies and services are encouraged to use the tool for consistency.

Part A of the DVSAT contains 25 questions relating to known indicators of harm in domestic violence situations, such as physical violence, threats to harm pets and attempted strangulation. Part B relates to the professional judgement of the person completing the tool.

Using the tool, a victim can be identified by police officers as either at threat or at serious threat. An assessment of serious threat is based on:

- 12 or more 'yes' answers to the 25 questions in Part A
- Professional judgement in Part B
- Repeat victimisation (NSW Police Force only).

The DVSAT is designed for victims aged 16 and over. In addition, Part A is designed specifically for victims of intimate partner violence. Only Part B should be used for other victims of family violence.

The DVSAT and a comprehensive guide to its use can be found at www.domesticviolence.nsw.gov.au

3.2 How do referrals work in the new system?

The **Central Referral Point** is the new automated online platform that receives and allocates victims' referrals, hosted by Victims Services NSW in the Department of Justice.

NSW Police Force must refer all domestic violence victims to the Central Referral Point. The Police attach the completed DVSAT to each referral and include the victim's contact details (including a safe time to call).

The Central Referral Point automatically allocates referrals to a **Local Coordination Point** on the basis of victims' gender and postcode.

Women's Domestic Violence Court Advocacy Services (WDVCASs) host Local Coordination Points for female victims. Victims Services hosts a Local Coordination Point for male victims.

3.3 What about victims who don't speak English? (Translation of DVSAT)

The 25 risk identification questions that make up Part A of the DVSAT have been translated into the following languages:

- Arabic
- Chinese
- Greek
- Hindi
- Portuguese
- Russian
- Spanish

- Vietnamese

If a demand for additional languages arises as the reforms are implemented across the state over the coming 3 – 5 years then consideration will be given to further translations of the DVSAT.

If a victim does not have the language or literacy skills to read and understand the DVSAT questions then police officers will need to access the Telephone Interpreter Service for assistance.

3.4 What if the offender is a NSW Police officer?

Police offenders are treated the same as other offenders and police officers will apply NSWPF standard operating procedures for dealing with police officers who are involved in domestic violence incidents.

3.5 Victims identified as both offender and perpetrator

On most occasions there is only one victim and one offender at a domestic and family violence incident. Sometimes investigating police may be encouraged by both parties to commence proceedings against the other. On these occasions where it may be suspected or believed by investigating police that both parties have actually committed a domestic violence offence, police have a legislated responsibility under the *Crimes (Domestic and Personal Violence) Act 2007* to make an application for an AVO against both parties unless there is a good reason not to. If under these circumstances police have a suspicion or belief that there is a good reason not to apply for an AVO against both parties then they are required to record their reasons as to why no application was applied for.

To make an informed decision the process will involve looking at all the circumstances of the incident, the history of domestic violence between the parties and forming an opinion on the basis of the information at hand.

In the exceptional circumstance that police are unable to identify a victim and where both parties are identified as being mutual aggressors then police will not be required to complete a DVSAT as it will not serve any purpose.

3.6 What happens to offenders who are under the age of 16? How are they dealt with?

The DVSAT is victim focussed and does not change the way police will respond to perpetrators under the age of 16. Depending on the type of offence young offenders may be subject to the *Young Offenders Act 1997* or the *Crimes (Domestic and Personal Violence) Act 2007*. They may also be referred to FACS for assessment as to whether there are child protection concerns that have contributed to their offending behaviour.

4. Local Coordination Points and Safety Action Meetings

4.1 What are Local Coordination Points?

Local Coordination Points provide victims with threat assessment, case coordination and referral to a Safety Action Meeting if necessary.

Local Coordination Points conduct a threat assessment with victims (using the DVSAT), and provide safety planning and warm referrals to a range of service providers for a victim's ongoing needs. Local Coordination Points also connect victims at serious threat with a Safety Action Meeting, and provide secretariat support to the meetings, such as compiling agendas and recording actions arising.

Local Coordination Points are not case management services – they will work with victims on a short-term basis to refer them to the services they need. If a victim is already being provided with case coordination or case management by another service, this will continue.

Local Coordination Points explore support options for each victim and make appropriate referrals as needed, regardless of whether the victim is going through the courts and/or engaging with Police.

Safer Pathway builds on, but does not replace, existing services. Local, well-established services are likely to receive referrals from Local Coordination Points. They are not being replaced by Local Coordination Points.

4.1.1 Why were Women's Domestic Violence Court Advocacy Services (WDVCAS) chosen as host of the LCPs?

WDVCASs are locally-based, independent services funded by the NSW Government that assist women and children experiencing domestic violence to obtain legal protection. There are 28 WDVCASs across NSW providing support at 114 local courts.

The services were selected to host the Local Coordination Points due to:

- specialist expertise in supporting women experiencing domestic violence;
- availability throughout the state;
- effective governance structure; and
- comprehensive local networks and positive relationships with key services and agencies.

Having one agency deliver the state-wide network of Local Coordination Points enables effective monitoring and adequate oversight.

The Local Coordination Point role is not an extension of the WDVCASs' current role. They are being separately resourced for this new and entirely different function.

4.1.2 What happens in areas where there is no LCP?

Until all Local Coordination Points are rolled out across NSW, if an incident happens in a Local Area Command (LAC) where there is no established Local Coordination Point, female victims will be referred to the closest WDVCAS and male victims will be referred to Victims Services NSW.

4.2 What are Safety Action Meetings?

Safety Action Meetings are regular meetings of key government and non-government service providers aimed at reducing serious threats to victims' life, health or safety through targeted information sharing.

Through sharing relevant information, members develop a comprehensive picture of each victim's particular situation and develop a list of actions, or Safety Action Plan, designed to reduce the threat to their safety.

The focus of Safety Action Meetings is *reducing the immediate threat to a victim's safety*. They are not case management meetings.

4.3 Who attends the Safety Action Meeting?

Safety Action Meetings are chaired by a senior police officer and organised by the Local Coordination Point. Meetings must be attended by senior representatives from each agency or service with the authority to make decisions at the table.

The core government members of Safety Action Meetings are:

- NSW Police Force
- NSW Health
- Department of Family and Community Services (housing and child protection)
- Department of Education and Communities
- Corrective Services

Non-government members are decided locally by the Chair and the Local Coordination Point. For consistency, the same local representatives from each service provider are expected to attend each Safety Action Meeting and they will have authority to make decisions – for example, applying for priority status with a social housing provider.

4.4 Do victims attend Safety Action Meetings?

Neither victims nor perpetrators attend Safety Action Meetings. The meetings focus on what agencies and services can do to protect the victim, not what the victim must do.

The agency or service working most closely with a victim will communicate with the victim about the Safety Action Meeting, and bring their concerns and wishes to the table. This role will often be performed by the Local Coordination Point as they will have had recent contact with the victim.

4.5 What is a Safety Action Plan?

A Safety Action Plan is a list of actions aimed at reducing the threat to a victim's safety. The actions are for members, not victims. Victims can never be compelled to do something as a result of a Safety Action Meeting.

Actions must be targeted and time-specific. Examples include:

- Contacting the victim to offer support;
- Police investigating domestic violence offences or obtaining/varying an Apprehended
- Domestic Violence Order (ADVO);
- Flagging the victim as at serious threat in relevant files and databases;
- Notifying children's schools of relevant ADVO conditions; and
- Supporting or expediting a priority housing application for a victim.

4.6 What if a victim refuses the recommendations of the SAM?

Victims are never obliged to do anything as a result of a Safety Action Meeting. Although the Safety Action Meeting may make recommendations, the victim still has the right to use or not use support services.

4.7 What happens when a victim moves or relocates from an LCP/SAM location?

If a victim moves to a Safer Pathway area, they will be referred to the relevant Local Coordination Point for support and referral to a Safety Action Meeting if necessary.

If a victim moves to an area in which Safer Pathway has not yet been established, they will be referred to the local Women's Domestic Violence Court Advocacy Service (WDVCAS).

4.8 Can a specialist service working with a victim attend a SAM?

Yes. If a victim is working closely with a particular service and has information relevant to the victim's safety, they may be invited to attend the Safety Action Meeting.

4.9 What about male victims of domestic and family violence?

Under Safer Pathway, all victims will receive support, regardless of gender. Although domestic and family violence is predominately perpetrated by men against women, men can also be victims. Domestic and family violence also occurs in same sex relationships and within other family and intimate relationships.

Victims Services NSW is currently coordinating responses to male victims referred under Safer Pathway.

5. Information Sharing Legislation and Consent

5.1 What about consent?

It is best practice to seek a victim's consent, where possible, before sharing information.

But there are certain circumstances where it may be unreasonable or impractical to seek a victim's consent, and there are limited circumstances where a victim's refusal to consent may be overridden, for example, where there is a serious threat to the safety of the victim or where there are child protection concerns. Specifically, if a victim is at serious threat, service providers can share relevant information without a victim's consent in order to lessen or prevent the threat to their life, health or safety.

Perpetrators' consent is never sought. Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* (CYPCP Act) overrides other laws that prohibit or restrict the disclosure of personal information such as the *PIPP Act* and the *HRIP Act*. The focus of the exchange of information is on the safety, welfare and wellbeing of children, and facilitating the provision of services to these children and their families.

Service providers who are prescribed bodies under the CYPCP Act may exchange information that relates to a child or young person's safety, welfare or wellbeing, whether or not the child or young person is known to the FACS. A prescribed body may request information held by another prescribed body that relates to the safety,

welfare or wellbeing of a child or young person, where that information assists the service provider to do any of the following in relation to the child or young person's wellbeing:

- make a decision or undertake an assessment or safety plan
- initiate or conduct an investigation
- provide a service
- manage any risk to the child or young person.

Chapter 16A allows information to be shared even where children fall below the statutory reporting threshold. In other words, exchange of information can occur irrespective of whether a child protection report has been made to the Child Protection Helpline or not. The threshold for sharing information under Chapter 16A is not as rigorous as that imposed by Part 13A; consent is not a requirement to exchange information, but it is best practice that service providers inform the adult victim that information about them and their children may be shared.

5.2 What about cases where it is impractical to seek consent?

There are certain circumstances when it may be unreasonable or impractical to seek consent, for example if a victim is in a coma or still lives with the perpetrator and seeking consent would increase the threat to their safety.

In these circumstances, Part 13A allows service providers to share relevant information if the threat is serious and it is necessary to share information in order for agencies to take action to reduce or prevent this threat.

Ultimately, the safety of the victim, any children or other persons, is paramount and must always guide decision-making.

5.3 Can information in relation to the perpetrator and perpetrators' history be shared with the victim?

No, the only legitimate purpose for sharing information under Part 13A is to facilitate access to domestic violence support services or to prevent or reduce a serious threat.