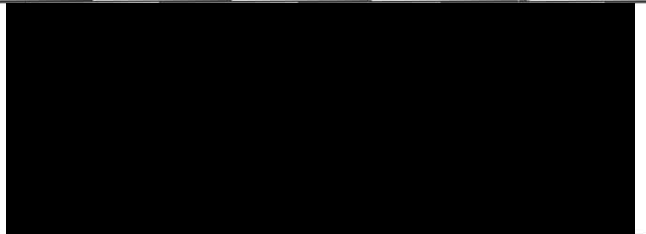


**IN THE MATTER OF THE ROYAL COMMISSION
INTO FAMILY VIOLENCE**

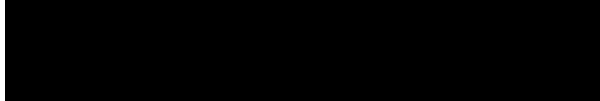
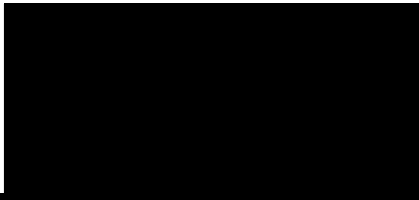
ATTACHMENT WS-6 TO STATEMENT OF WENDY MAREE STEENDAM

Date of document: 9 July 2015
Filed on behalf of: State of Victoria
Prepared by:
Victorian Government Solicitor's Office
Level 33
80 Collins Street
Melbourne VIC 3000



This is the attachment marked **'WS-6'** produced and shown to **WENDY MAREE STEENDAM** at the time of signing her Statement on 9 July 2015.

Before me:



**An Australian Legal Practitioner within
the meaning of the Legal Profession Uniform Law (Victoria)**

A new approach to family violence



VICTORIA POLICE



Department of
Human Services

Formal protocol between
Department of Human Services
and
Victoria Police
Family Violence Referral Pathways
2006-2008

July 2006

A new approach to family violence

Family violence has serious economic and social consequences for families, communities and society. Family violence affects all communities and is a profound cause of disadvantage. Responding to family violence more effectively is a key component of the Government's social policy action plan released in 2005: *A Fairer Victoria: Creating opportunity and addressing disadvantage*.

To initiate a new approach to family violence in Victoria, the Government has provided an additional \$35.1 million over four years. The Victorian Government statement, *Changing Lives: A new approach to family violence in Victoria* sets out in detail the commitment to respond more effectively to family violence.

The new approach to family violence in Victoria will establish a new system that will better protect women and children and reduce family violence over time. A key aspect of this new approach involves the police, justice and human services working together to develop an integrated system to respond to family violence.

In line with the *new approach*, Victoria Police and the Department of Human Services (specifically the Office of Housing and the Office for Children) agree that cooperation between both agencies (and organisations funded by either of those agencies to provide family violence services) on family violence will accord with the *Referral Guidelines for Victoria Police and Family Violence Services* (the "Guidelines") that form the Annex to this protocol.

In particular, Victoria Police agrees to make formal and informal referrals for adults to the Department of Human Services funded agencies. The Department of Human Services and its funded agencies agree to support referrals to Victoria Police where appropriate. Details of these agreements are outlined in the Guidelines. Any other details to be agreed between Victoria Police and the Department of Human Services (and or DHS funded family violence services) in relation to cooperation on family violence incidents will be determined at the local level.

In relation to the resolution of statewide issues, the relevant point of contact for Victoria Police is the Family Violence Unit, Sexual Offences and Coordination Office, Community and Cultural Division. For DHS the relevant points of contact are the Office of Housing and the Office for Children. The main mechanism through which statewide issues will be resolved will be through the Interdepartmental Committee on Family Violence chaired by the Deputy Secretary, Department for Victorian Communities or delegate committees.

In relation to the resolution of local issues, the relevant local points of contact for Victoria Police will be the Family Violence Advisors and the relevant Family Violence Liaison Officers for each area. For the Department of Human Services, the relevant local contacts are the DHS Regional Family Violence Managers and the Managers of the funded family violence services. The main mechanism for the resolution of local issues

A new approach to family violence



will be through the established Regional Service Integration and Planning Committees.

The implementation of this protocol provides a framework for a collaborative approach to referrals between Victoria Police and family violence support agencies. The protocol will enhance the working relationship between Victoria Police and local organisations' management and workers.



Leigh Gassner
Assistant
Commissioner



Dr Owen Donald
Director of Housing &
Executive Director
Housing & Community
Building



Gill Callister
Executive Director
Office for Children

On behalf of Victoria
Police

On behalf of DHS

On behalf of DHS

20 /07/2006

29 /07/2006

31 /07/2006

A new approach to family violence



Annex to the Formal Protocol between Department of Human Services and Victoria Police - Family Violence Referral Pathways 2006-2008
Referral Guidelines for Victoria Police and Family Violence Services

Police Formal Referrals (Police Code of Practice)		
Criteria for Formal Referral via Telephone (Immediate response required)	Service Response	Police Response
<p>Police intend to apply for an intervention order AND/OR</p> <p>Police intend to lay charges or are investigating an alleged crime AND/OR</p> <p>Police fear for the safety and wellbeing of the aggrieved family member, property and/or children AND</p> <p>Police assess that the woman is in need of immediate assistance.</p>	<p><u>Business Hours</u></p> <p>Telephone referral to local support services as per local protocols for assessment and immediate assistance, i.e. safe accommodation, transport, material aid and emotional support.</p> <p>Action by service:</p> <ul style="list-style-type: none"> • risk and needs assessment undertaken • safety plan developed and implemented <p><u>After Hours</u></p> <p>Telephone referral to Women's Domestic Violence Crisis Service (WDVCS) for assessment and immediate assistance, i.e. safe accommodation, transport, material aid and emotional support.</p> <p>The assessment undertaken by WDVCS will consider the following elements:</p> <ul style="list-style-type: none"> • The availability of immediate FV Outreach support if requested by the woman at a safe location, i.e. local police station. • The availability of and need for safe accommodation, i.e. refuge. • Referral to local FV Outreach service for on-going response if immediate support and accommodation are not required. 	<p><u>Police attend premises or victim presents at police station.</u></p> <p>Risk assessment is carried out (L17)</p> <p>Police take action based on risk assessment and according to the Code of Practice for the Investigation of Family Violence and any prescribed legislation (e.g. application for an intervention order and/or laying charges)</p> <p>Police must make a telephone referral</p> <p><u>Consent for Referral</u></p> <p><u>NO CONSENT IS REQUIRED FOR POLICE TO MAKE A REFERRAL IN THIS CASE</u></p>

A new approach to family violence



Criteria for Referral and Referral (and immediate response)	Service Response	Police Response
<p>Police intend to apply for an intervention order AND/OR</p> <p>Police intend to lay charges or are investigating an alleged crime AND/OR</p> <p>Police fear for the safety and wellbeing of the aggrieved family member, property and/or children AND</p> <p>Police assess that the woman is not in need of immediate assistance.</p>	<p><u>Business Hours</u></p> <p>Faxback referral to local outreach services as per local protocols.</p> <p><u>After Hours</u></p> <ul style="list-style-type: none"> • Faxback to local outreach services as per local protocols. <p>Safe and appropriate contact times are established between the family violence service and the woman.</p> <p><u>Service Actions</u></p> <p>Services will contact the woman. If she chooses not to engage with services immediately, information, referral and emotional support will be provided over the phone as necessary, and a follow up appointment will be negotiated with the woman.</p> <p>Information provided to all prospective clients includes:</p> <ul style="list-style-type: none"> • Details of the organisation • Its on-going role with the police • The support services available • Confidentiality requirements, i.e. adherence to the Privacy Act • The availability of risk assessment and safety plans. <p>Further action may include all or any of the following elements:</p> <ul style="list-style-type: none"> • Risk and needs assessment <p>Appropriate service system response, e.g. intensive case management, court support, linking to other agencies and services, including housing and counselling support.</p>	<p><u>Police Actions</u></p> <p>Risk assessment is carried out (L17).</p> <p>Police take action based on risk assessment and according to the Code of Practice for the Investigation of Family Violence and any prescribed legislation (e.g. application for an intervention order and/or laying charges).</p> <p>Police must make a faxback referral.</p> <p>Note for Police: Where the victim of violence is a male, referrals must be made to the Victims Assistance and Counselling Programs (Victims of Crime) in each region.</p> <p><u>Consent for Referral</u></p> <p>NO CONSENT IS REQUIRED FOR POLICE TO MAKE A REFERRAL IN THIS CASE</p>

A new approach to family violence



Police Informal Referral (Police Code of Practice)		
Criteria for Informal Referral	Service Response	Police Response
<p>No available evidence for intervention order OR Charges to be laid OR Concerns for the victim's safety</p>	<p>If a woman contacts the service but chooses not to engage with services immediately, information, referral and emotional support will be provided over the phone as necessary and a follow up appointment will be negotiated with the woman.</p> <p>Information provided to all prospective clients includes:</p> <ul style="list-style-type: none"> • Details of the organisation • Its on-going role with the police • The support services available, and links to other appropriate support services • Confidentiality requirements, i.e. adherence to the Privacy Act • The availability of risk assessment and safety plans. 	<p>For all family violence incidents that police attend:</p> <p>Information (pamphlet or card) is provided to the woman with contact details for local FV women's support services and other relevant services.</p>
Police Referral for Perpetrators		
Criteria for referral to Men's Behaviour Change Programs	Service Response	Police Response
<p>Police intend to apply for an intervention order AND/OR</p> <p>Police intend to lay charges or are investigating an alleged crime AND/OR</p> <p>Police fear for the safety and wellbeing of the aggrieved family member, property and/or children AND</p>	<p>Service will attempt to engage the man and act in accordance with the <i>Men's Behaviour Change Group Work: Minimum Standards and Quality Practice 2005</i>.</p>	<p>Police take action based on risk assessment and according to the Code of Practice for the Investigation of Family Violence and any prescribed legislation (e.g. application for an intervention order and/or laying charges).</p> <p><u>Consent for Referral</u></p> <p><u>NO CONSENT IS REQUIRED FOR POLICE TO MAKE A REFERRAL IN THIS CASE</u></p>

A new approach to family violence



<p>Police believe that the perpetrator should be referred to a men's behaviour change program.</p>		
<p>Criteria for referral to Men's Emergency Accommodation Services</p>	<p>Service Response</p>	<p>Police Response</p>
<p>Police are granted an intervention order excluding the perpetrator from the home.</p> <p>Emergency accommodation is only to be used if the perpetrator has nowhere else to go or does not wish to be placed with any friends or family.</p>	<p>Services develop a process whereby Police have access to emergency accommodation and are provided with the relevant details of the location for accommodation.</p>	<p>Police escort the perpetrator to the emergency accommodation.</p>
<p>Family Violence Services Referral for Police Assistance</p>		
<p>Woman's / Victim's presenting situation</p>	<p>Service Response</p>	<p>Police Response</p>
<p>Woman at immediate risk of violence or further violence and unable to leave current location safely without police assistance.</p> <p>The perpetrator is: still at the location OR in the vicinity OR likely to return</p> <p>OR</p> <p>Woman presents with injuries and other evidence of crime committed against her</p>	<p>Risk assessment completed.</p> <p>Ring 000 on behalf of client.</p> <p>Provide the following information to 000: Victim name Perpetrator name Brief description of incident Address Offender's location Children present Weapons/Firearms Drug & alcohol Other issues</p> <p>Ring 000 or contact local police contacts (in consultation with the woman and anticipating her possible fear of reporting to police)</p>	<p>Police attend Family Violence incident.</p> <p>Risk assessment is carried out (L17).</p> <p>Police take action based on risk assessment and according to the Code of Practice for the Investigation of Family Violence and any prescribed legislation (e.g. application for an intervention order and/or laying charges).</p>

A new approach to family violence



Women s/ Victim s presenting situation Case Coordination	Service Response	Police Response
<p>Women and women with children where there are ongoing safety concerns for the family and where there is a formal case plan in place with a local support service and there is or has been police involvement.</p>	<p>The appropriate agency support worker will establish case coordination which will include:</p> <ul style="list-style-type: none"> • A consistent and coordinated response through appropriate and relevant case planning • Liaison with appropriate services, i.e., police, courts, housing services and health services. <p>Provide on going management of case coordination to monitor issues which may impact on re- attendance or multiple attendances by police.</p>	<p>Family Violence Liaison Officer (24 hr Stations) or if unavailable, a Sergeant at the local police station.</p> <p>Provide a consistent and coordinated response Monitor and report Act as station contact point Establish relationships between police and other agencies Coordinate further responses to victims where issues of re attendance or multiple attendances exist.</p>
Women s/ Victim Presenting Situation Intensive Case Management	Service Response	Police Response
<p>Women who have complex and multiple needs and where the threat to safety is such that issues cannot be addressed through normal case coordination processes.</p> <p>Women for whom a high level of risk has been identified in assessment.</p> <p>Women who have been the subject of multiple repeat attendances by police.</p> <p>Women who have limited other supports (formal and/or informal) AND/OR</p> <p>Women where multiple agencies are likely to be involved owing to the complexity of the issues.</p>	<p>The family violence support service will assess women for intensive case management response.</p> <p>The service will coordinate further responses to women where issues of re-attendance or multiple attendances exist.</p> <p>The service will participate in case conferences.</p> <p>These may be convened by the police investigating officer or their supervisor, the family violence support agency or the woman.</p> <p>The service will develop case plan in partnership with the woman.</p>	<p>Family Violence Liaison Officer (24 hr Stations) or if unavailable, a Sergeant at the local police station.</p> <p>Coordinate further responses to victims where issues of re-attendance or multiple attendances exist.</p> <p>Police will participate in case conferences as appropriate.</p> <p>Case conference may be convened by police investigating officer or their supervisor, family violence support agency or victim.</p>

**Family violence referral protocol
between the Department of Human
Services and Victoria Police 2012-2014**

Published by
Children Youth and Families Division
Housing and Community Building Division
Victorian Government Department of Human Services
Melbourne, Australia

September 2012

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Foreword

Family violence is a serious problem that has profound effects on women children, families and communities. Children who are exposed to family violence can experience trauma that may affect their development and well-being. Women can fear for their safety and may become homeless. Providing integrated, effective responses to cease family violence is a key priority for the Department of Human Services and for Victoria Police.

This document – the *Family violence referral protocol between the Department of Human Services and Victoria police 2012-14* – provides guidance on how Victoria Police, the Department of Human Services and the service agencies it funds can work together to strengthen the collective response to family violence.

Family violence is primarily perpetrated by men against women and children and it is known to be a cyclical problem. Effective strategies must account for this, with systems for monitoring, feedback, prevention and timely intervention. The *Family violence referral protocol* sets out effective referral pathways for Victoria Police and family violence services along with clear and consistent referral practices. It reflects recent improvements to the service system including important improvements to referral pathways for men who use violence and control, to help them change their behaviours. And it also specifies procedures for service agencies to notify Victoria Police of safety concerns and to provide feedback on the outcomes of referrals.

The *Family violence referral protocol* is an important part of the overall, state-wide effort to build an integrated system to respond to family violence and it will strengthen existing agreements in this area. Importantly, it requires collaborative arrangements between Victoria Police, the Department and service agencies at the front line to cease family violence, to protect those affected by it, and to bring greater accountability and service options to men who use violence.

Gill Callister
Secretary
Department of Human Services

Ken Lay
Chief Commissioner
Victoria Police

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1. Introduction

The following protocol has been developed to support the legislative context and the reform agenda of building an integrated system to respond to family violence. This protocol is to be read in conjunction with, and performed in accordance with, the principles detailed in the Overarching Relationship Principles Memorandum of Understanding to which both the Department of Human Services and Victoria Police are signatories.

A key aspect of family violence reforms involves the police, justice and human services working together to develop an integrated system to respond to family violence.

The protocol is strengthened when read in conjunction with The Victoria Police Code of Practice for the Investigation of Family Violence.

The *Family Violence Protection Act 2008* is the main legislative instrument covering family violence in Victoria. In addition, related Victorian Acts are the *Children, Youth and Families Act 2005* and the *Child Wellbeing and Safety Act 2005*.

In regard to the *Children, Youth and Families Act 2005*, section 10 provides a unifying set of best interests principles and the concept of 'cumulative harm', which recognises the trauma and impact on the development and safety of children who witness family violence over time.

1.1 Objectives of the protocol

The aim of this protocol is to document effective referral pathways *between* Victoria Police and family violence services funded by the Department of Human Services so women and children are better protected and family violence is reduced over time.

It outlines the approaches for:

- formal and informal *referrals by police for victims of family violence to family violence services*
- *assessing the risk to any child or children or young person present at a family violence incident, and referring that child to appropriate support services*
- formal and informal *referrals by police of perpetrators of family violence to services and emergency accommodation if required*
- *referral by family violence support agencies for police assistance,*

1.2 Definition of family violence

For the purpose of this protocol the definition of family violence is located within s.5 of the *Family Violence Protection Act 2008*.

1.3 Risk and threats assessment

The Victoria Police *Code of Practice for the Investigation of Family Violence* states that police will respond to and take action on any family violence incident reported to them. The action taken is based on an assessment of the risks and threats, regardless of whether the affected family member makes a verbal complaint or written statement.

The risk assessment tool used by police is compatible with the Common Risk Assessment and Risk Management Framework (CRAF), used by all agencies involved in family violence incidents.

2. Procedures for referrals by police and DHS funded services to each other

2.1 Referrals by police of victims to family violence services

For victims of family violence, referral by police to family violence services for necessary support and assistance will follow in all cases. Options of criminal charges or civil complaint will be made against perpetrators of family violence where warranted.

Flow chart one indicates the assessment criteria and pathways for:

- formal referral for immediate assistance for female victims to family violence services
- formal referral for non-immediate assistance for female victims to family violence services
- informal referral to family violence services (where the client is provided with contact details and encouraged to seek support from services).

Where a victim of family violence is male, referrals to support services/ or victim assistance counseling can be made at a local level of through the Victims of Crime Helpline via telephone on 1800 819 817.

Flow chart one: Police referral of victims of female family violence to family violence services

Police assessment

Police attend a family violence incident or a woman attends the station.

Police assess the situation taking into account:

- risk assessment L17
- code of practice for family violence
- police concerns for the safety and wellbeing of the affected family member, children and/or property.

1. Formal referral immediate assistance by service

Criteria: If one or more of the following apply:

- Police intend to or have applied for an intervention order (including a safety notice)
 - Police intend to lay charges or are investigating an alleged crime
 - Police assess that the woman is in need of immediate assistance.
 - To address recidivism
 - To enable co-case management

No consent is required for referral in this case



2. Formal referral non-immediate assistance

Formal referral is appropriate but immediate assistance is not required? No consent required.



3. Informal referral

Police provide information brochure or card to woman with contact details for local FV women's support services and other relevant services.

Action/contact

After hours

Police initiate referral to Women's Domestic Violence Crisis Service (WDVCS), or per local referral arrangements where they exist for assessment and immediate assistance.

VIC Police to call 1300 739 282

Business hours
Telephone referral to local support services as per local protocols.

Referral (Fax back) to local outreach services as per local protocols and arrangements.

Referral (Fax back) to local outreach services as per local protocols and local arrangements.

Woman contacts service

Service/response

WDVCS conducts assessment and provides required immediate assistance taking into account client need and resource availability.

If immediate support and accommodation is not required WDVCS refers to local FV outreach services. WDVCS to inform police of any safety concerns for a woman.

Local support service

- Conducts risks and needs assessment
- Develops and implements safety plan
- Provides ongoing support and liaison as required

Service can contact woman and if she chooses not to engage immediately, information and support will be provided by phone as necessary and follow-up appointment negotiated.

Expectation that FV service provider will provide feedback to police on outcomes of referral and contact police regarding any immediate safety concerns. No consent required.

Service provides client with information and support

- Information provided includes:
- details of the organisation
 - on-going role with the police
 - support services available
 - confidentiality provisions
 - availability of risk assessment and safety plans.

Further action may include risk and needs assessment; appropriate service system response, e.g. intensive case management; court support; links to other agencies and services, including housing and counselling.

Where child/children are present at an incident the procedures in flow chart two must also be followed. At the time of referral police must advise family violence services about any children, and whether a referral to Child Protection or Child FIRST has been made. Local and statewide protocols must be adhered to when assisting Indigenous families.

2.2 Where children and young people are present

Police members must make an independent (from the affected family member and perpetrator) assessment of risk for any child or young person who is present or has been affected by an incident of family violence. A child or young person is defined in the context of the *Children, Youth and Families Act 2005*. Under this protocol children may also be unborn. Action taken may include a combination of applying for an intervention order, laying criminal charges, reports to child protection or formal referrals to other service providers. Flow chart two outlines the referral and contact pathways.

If police believe that a child or young person is in **need of protection** due to sexual or physical abuse, or concerns of harm or neglect, they must report these concerns to child protection as soon as possible; always before the end of a shift.

Also where a report is not made to child protection, but significant concerns for the **wellbeing** of a child or young person remain, a referral to a community-based child and family support agency (Child FIRST) may be appropriate. There are two pathways for this referral:

1. When police do refer a female victim to a family violence service provider they must provide details of any children who were present at this incident. The family violence service provider will consider the need for any children involved to be referred to Child FIRST and make the referral if appropriate.
2. If police are not referring a female victim to a family violence service provider, but have concerns about a child, children or young person, they may refer the child to the relevant Child FIRST provider.

This protocol must be read in conjunction with any existing protocols between Victoria Police and child protection services. The protocol *Protecting Children: Collaborative Responses between the Department of Human Services (child protection) and Victoria Police* can be located at http://www.dhs.vic.gov.au/__data/assets/pdf_file/0019/442603/Protecting-Children-CP-and-VicPol-protocol-2012.pdf

Note: Protecting children: Protocol between the Department of Human Services Child Protection and Victoria Police can be located at the following site: www.dhs.vic.gov.au

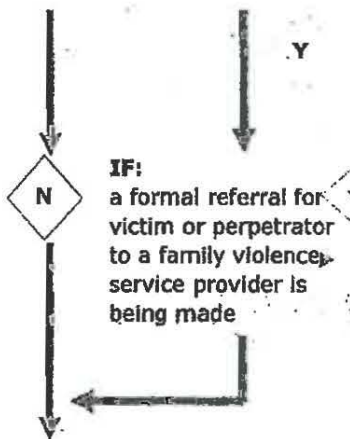
Flow chart two: Where a child (including unborn) or young person is present or a witness to a family violence incident

Police assessment

IF:

- police have a **reasonable belief** that a child (including unborn) or young person is in **need of protection**
- concerns of sexual or physical abuse OR
- concerns of significant harm or neglect, including emotional and intellectual development

CYFA s. 62(1) a-f and s.184



IF:

police assess that a referral or report to child protection or family violence services is not required but **significant concerns for the wellbeing** (s.27 CYF Act) of the child remain

Action/contact

In all cases, report to child protection before end of shift.

Urgent cases: (where immediate intervention is required) phone, then fax VP Form 17 and L8

Business hours: Telephone local DHS child protection intake unit

After hours: Contact after hours child protection on 131 278 or the priority access line number

Non-urgent: Fax VP Form 17 and L8 to local DHS child protection unit

Attending police must also notify the relevant SOCAU for CYFA s.162(1)(c) and (d) sexual abuse cases

Referral process as per flowchart one and three, including details of referrals made for children

Fax form L17 to the relevant Child FIRST fax number

Service/response

Department of Human Services child protection service
Investigates and takes action to protect the child.

Child protection will follow protocols as outlined in the CYFA for Indigenous children who are reported.

Family violence services

Undertake risk assessment for child/children
Develop safety plan

Child is in need of protection?
Significant concerns for the wellbeing of a child?

Child FIRST/Family Services

Assess family needs and risks
Connect family with local service network

Child is in need of protection?

Each of the parties in this flowchart may contact the other to gain additional and background information to assist in the assessment of risk to the child. When contacted, parties should provide relevant information as requested. A disclosure of information acting in good faith and if being shared for the primary purpose for which it is collected is protected by section 37 of the Children, Youth and Families Act 2005 and the Information Privacy Act 2000.

2.3 Police referral of perpetrators to DHS funded services

Police will lay criminal charges or seek civil compliance against perpetrators of violence where warranted. This is consistent with the Victoria Police *Code of Practice for the Investigation of Family Violence*.

Police may also refer male perpetrators of family violence to men's emergency housing assistance and/or to a men's case management (MCM) or men's behavior change program (MBCP).

Flow chart three outlines the criteria for referral and contact pathways.

Flow chart three: Police referral for male perpetrators of family violence

Police assessment

Action/contact

Service/response

Police attend a family violence incident or a man/woman attends the station. Police assess the situation taking into account:

- risk assessment L17
- code of practice for family violence
- Police concerns for the safety and wellbeing of the affected family member, children, or property.

Criteria: If one or more of the following apply:

- Police intend to or have applied for an intervention order (including a safety notice)
 - Police intend to lay charges or are investigating an alleged crime
 - Police assess that the woman is in need of immediate assistance.
 - To address recidivism
 - To enable co-case management

No consent is required for referral in this case

- AND IF the perpetrator is removed from the home by an exclusion condition of a family violence safety notice, exclusion order, intervention order or other legal process

2. Informal referral; Men's referral service or local men's behaviour change program

Police provide details of service to man

MRS After Hours and Regional Intake Service

Fax referral to statewide number

MRS and/or Regional Intake will attempt to engage with men.

After Hours service will on refer to Regional Intake

Regional Intake will refer to appropriate service and provide feedback to police

Regional Intake will develop communication protocols with women's and children's services

Referral to men's emergency accommodation assistance

Man makes contact with service

Men's behaviour change

Service will be provided in accordance with *Men's behaviour change group work: minimum standards and quality practice 2005*

Referral to men's case management

Criteria

Men who use family violence against family members and are subject to a safety notice, exclusion order, intervention order or other legal processes

Case management service available in four mainstream and five Indigenous sites

Local MoUs will have processes for feedback to police and women and children's services

Men's Emergency Accommodation

Service provides police with relevant details of local accommodation

Service determines if referral to case management service is required

Where possible police escort the perpetrator to the emergency accommodation

Where child/children are present at an incident the procedures in flow chart two must be followed. At the time of referral police must advise family violence services about any children, and whether a referral to Child Protection or Child FIRST has been made. Local and statewide protocols must be adhered to when assisting Indigenous families.

2.4 Family violence services referrals to police for assistance and ongoing involvement

Family violence services refer to police for immediate assistance where a person is at immediate risk of violence or further violence.

Flow chart four: Family violence service referrals for police assistance

Family violence provider assessment

IF:

• A woman is at risk of violence and unable to leave the location safely without police assistance

OR

• The perpetrator is still at the location, in the vicinity or likely to return

OR

• A woman presents with injuries and other evidence of a crime committed against her
 • A child is at immediate risk of harm

OR

• A men's service believes their client poses a risk or makes a threat against their partner, children or others.

Action/contact

Immediate assistance required

Risk assessment completed
 Ring 000 or contact local police (depending on urgency)
 Provide the following information to 000 operator:

- Victim name and location
- Perpetrator name
- Brief description of incident
- Address
- Perpetrator location
- Children present
- Weapons/firearms
- Drugs and alcohol
- Other issues

Action should be taken in consultation with the woman and anticipating her possible fear of reporting to the police

Police service/response

Police attend
 Risk assessment carried out
 Police action based on risk assessment and according to code of practice for the investigation of family violence and any prescribed legislation

3. Review date

Either party may terminate this schedule by giving 30 days written notice to the other party.

The next joint review of this document will be conducted by June 2014.

4. Document owners

There shall be no changes to this document unless approved by:

- Executive Director, Children Youth and Families and Executive Director Housing and Community Building, Department of Human Services
- Assistant Commissioner, Crime Department, Victoria Police.

Requests for amendment will be coordinated by:

- Director, Child Protection, Placement and Family Services, Department of Human Services
- Inspector, Violence Against Women and Children Strategy Group, Victoria Police.

5. Dispute resolution

Local Issues should initially be raised with:

- managers of the Department of Human Services-funded family violence services
- family violence advisors, Victoria Police/Regional Police Management
- Regional Integrated Family Violence Committee
- Department of Human Services family violence program and service advisors/manager/regional director

Statewide Issues should be resolved through the process below:

- Issues to be raised with central office of Department of Human Services (Family Violence and Sexual Assault Unit, Children, Youth and Families and the family violence program area in Housing and Community Building) and Victoria Police (Violence Against Women and Children Strategy Group).
- If unresolved, issues will be taken to the Family Violence Interdepartmental Committee for discussion.

An organisation claiming that a dispute has arisen under this schedule will immediately inform the other organisation. Upon being informed of a dispute, the organisations will enter good faith discussions and use all reasonable endeavors to resolve the dispute through negotiations.

If the organisations are unable to resolve the dispute within a reasonable time then the dispute shall be referred for resolution to:

- Department of Human Services' Executive Directors, Children Youth and Families and Housing and Community Building
- Assistant Commissioner, Crime Department, Victoria Police.

If the organisations are still unable to resolve the dispute within a reasonable time, the dispute shall be referred to the:

- Secretary, Department of Human Services
- Chief Commissioner, Victoria Police

as per the final dispute resolution procedures under the overarching Memorandum of Understanding.

6. Disclaimer

This schedule is not intended to represent comprehensive analysis of the law, and should not replace the exercise of professional judgment on a case-by-case basis.

Nothing in this schedule should replace the seeking of appropriate legal advice by services where this is considered appropriate.

Nothing in this schedule is intended, or does, create any legally binding obligation on any party.

7. Definitions

The definition of **family violence** is consistent with the definition as outlined in the *Family Violence Protection Act 2008* S5 (1) – (3)

The definition of child and young person is consistent with the definition as outlined in the *Children, Youth and Families Act 2005* S. 3(1).

Victims and perpetrators: for the purpose of this document it is recognised that in the majority of cases victims of family violence are women and children, and that those who perpetrate violence against victims are men. This language is consistent with the Victoria Police Code of Practice for the Investigation of Family Violence. This will not preclude other local and statewide services using alternative language to represent this gender difference (for example, men who use violence).

8. Contact details

For further information please contact your local:

- Victoria Police Family Violence Liaison Officers
- Department of Human Services Program and Support Advisor
- Family Violence Regional Integration Coordinators

9. Internal guidelines

Family Violence Risk Assessment and Risk Management Framework, 2007

Domestic Violence Victoria: Code of practice for specialist family violence services for women and children 2006

Practice guidelines: Women and children's family violence counselling and support programs 2008

Homelessness Assistance Service Standards, 2006

Men's behavior change group work: minimum standards and quality practice 2005

Victoria Police Code of Practice for the Investigation of Family Violence , Second Edition 2010

Protecting children: Protocol between the Department of Human Services - Child Protection and Victoria Police

10. Execution of this schedule

Signed by the organisations this 29th day of November 2010.

Signed for and on behalf of the **Department of Human Services**



Secretary, Department of Human Services

Signed for and on behalf of **Victoria Police**


Chief Commissioner, Victoria Police

**Family violence referral protocol
between the Department of Health & Human Services
and Victoria Police**

2015

If you would like to receive this publication in another format, please email family.violence@dhs.vic.gov.au

This document is also available on the internet at <http://www.dhs.vic.gov.au/for-service-providers/children,-youth-and-families/family-violence>

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Authorised by the Victorian Government, 50 Lonsdale Street, Melbourne

Foreword

Family violence is a serious problem that has profound effects on women children, families and communities. Children who are exposed to family violence can experience trauma that may affect their development and well being. Women can fear for their safety and may become homeless. Providing integrated, effective responses to cease family violence is a key priority for the Department of Health & Human Services and for Victoria Police.

This document – the *Family violence referral protocol between the Department of Health & Human Services and Victoria Police 2015* – provides guidance on how Victoria Police, the Department of Health & Human Services and the service agencies it funds can work together to strengthen the collective response to family violence.

Family violence is primarily perpetrated by men against women and children and it is known to be a cyclical problem. Effective strategies must account for this, with systems for monitoring, feedback, prevention and timely intervention. The *Family violence referral protocol* sets out effective referral pathways for Victoria Police and family violence services along with clear and consistent referral practices. It reflects recent improvements to the service system including important improvements to referral pathways for men who use violence and control, to help them change their behaviours. It also specifies procedures for service agencies to notify Victoria Police of safety concerns and to provide feedback on the outcomes of referrals.

The *Family violence referral protocol* is an important part of the overall, state-wide effort to build an integrated system to respond to family violence and it will strengthen existing agreements in this area. Importantly, it requires collaborative arrangements between Victoria Police, the Department and service agencies at the front line to cease family violence, to protect those affected by it, and to bring greater accountability and service options to men who use violence.

Dr Pradeep Philip
Secretary
Department of Health & Human Services

Tim Cartwright
Acting Chief Commissioner
Victoria Police

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1. Introduction

The following protocol has been developed to support the legislative context and the reform agenda of building an integrated system to respond to family violence. This protocol is to be read in conjunction with, and performed in accordance with, the principles detailed in the Overarching Relationship Principles Memorandum of Understanding (dated November , 2014) to which both the Department of Health & Human Services and Victoria Police are signatories.

A key aspect of family violence reforms involves the police, justice and human services working together to develop an integrated system to respond to family violence.

The protocol is strengthened when read in conjunction with The Victoria Police *Code of Practice for the Investigation of Family Violence*.

The *Family Violence Protection Act 2008* is the main legislative instrument covering family violence in Victoria. In addition, related Victorian Acts are the *Children, Youth and Families Act 2005* and the *Child Wellbeing and Safety Act 2005*.

In regard to the *Children, Youth and Families Act 2005*, section 10 provides a unifying set of best interests principles and the concept of 'cumulative harm', which recognises the trauma and impact on the development and safety of children who witness family violence over time.

1.1 Objectives of the protocol

The aim of this protocol is to document effective referral pathways *between* Victoria Police and family violence services funded by the Department of Health & Human Services so women and children are better protected and family violence is reduced over time.

It outlines the approaches for:

- formal and informal *referrals by police for victims of family violence to family violence services*
- *assessing the risk to any child or children or young person present at a family violence incident, and referring that child to appropriate support services*
- formal and informal *referrals by police of perpetrators of family violence to services and emergency accommodation if required*
- referral by family violence support agencies for police assistance.

1.2 Definition of family violence

For the purpose of this protocol the definition of family violence is located within s.5 of the *Family Violence Protection Act 2008*.

1.3 Risk and threats assessment

The Victoria Police Code of Practice for the Investigation of Family Violence states that police will respond to and take action on any family violence incident reported to them. The action taken is based on an assessment of the risks and threats, regardless of whether the affected family member makes a verbal complaint or written statement.

The risk assessment tool used by police is compatible with the Common Risk Assessment and Risk Management Framework (CRAF), used by family violence services funded by DHHS.

2. Procedures for referrals by police and DHHS funded services to each other

2.1 Referrals by police of victims to family violence services

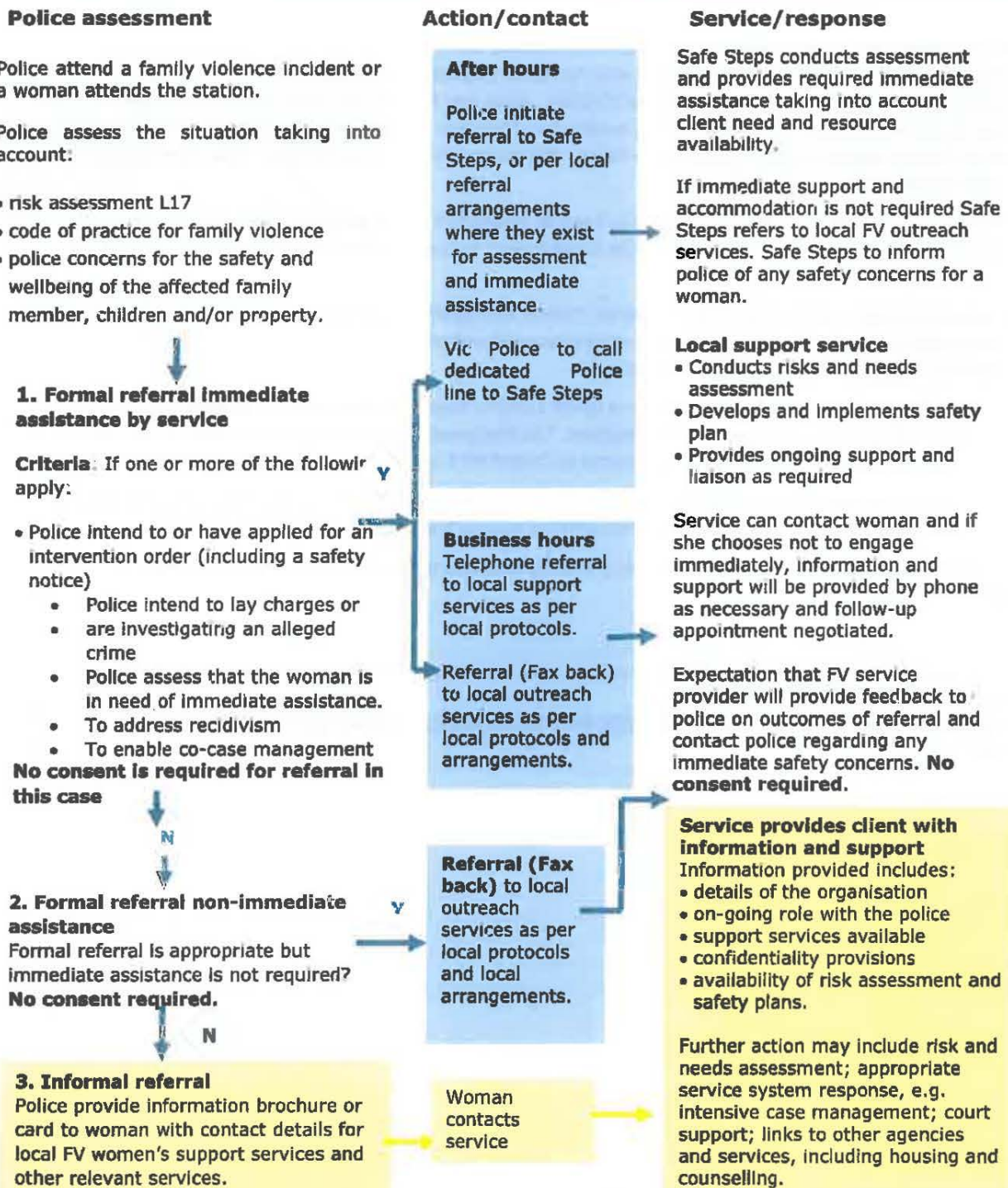
For victims of family violence, referral by police to family violence services for necessary support and assistance will follow in all cases. Options of criminal charges or civil complaint will be made against perpetrators of family violence where warranted.

Flow chart one indicates the assessment criteria and pathways for:

- formal referral for immediate assistance for female victims to family violence services
- formal referral for non-immediate assistance for female victims to family violence services
- informal referral to family violence services (where the client is provided with contact details and encouraged to seek support from services).

Where a victim of family violence is male, referrals to support services/ or victim assistance counselling can be made at a local level of through the Victims of Crime Helpline via telephone on 1800 819 817.

Flow chart one: Police referral of female victims of family violence to family violence services



Where child/children are present at an incident the procedures in flow chart two must also be followed. At the time of referral police must advise family violence services about any children, and whether a referral to Child Protection or Child FIRST has been made. **Local and statewide protocols must be adhered to when assisting Indigenous families.**

2.2 Where children and young people are present

Police members must make an independent (from the affected family member and perpetrator) assessment of risk for any child or young person who is present or has been affected by an incident of family violence. A child or young person is defined in the context of the *Children, Youth and Families Act 2005*. This protocol also applies to unborn children. . Action taken may include a combination of applying for an intervention order, laying criminal charges, reports to Child Protection or formal referrals to other service providers. Flow chart two outlines the referral and contact pathways.

If police believe that a child or young person is in **need of protection** due to **actual or likely** sexual or physical abuse, or concerns of harm or neglect, they must report these concerns to Child Protection, DHHS, as soon as possible; always before the end of a shift.

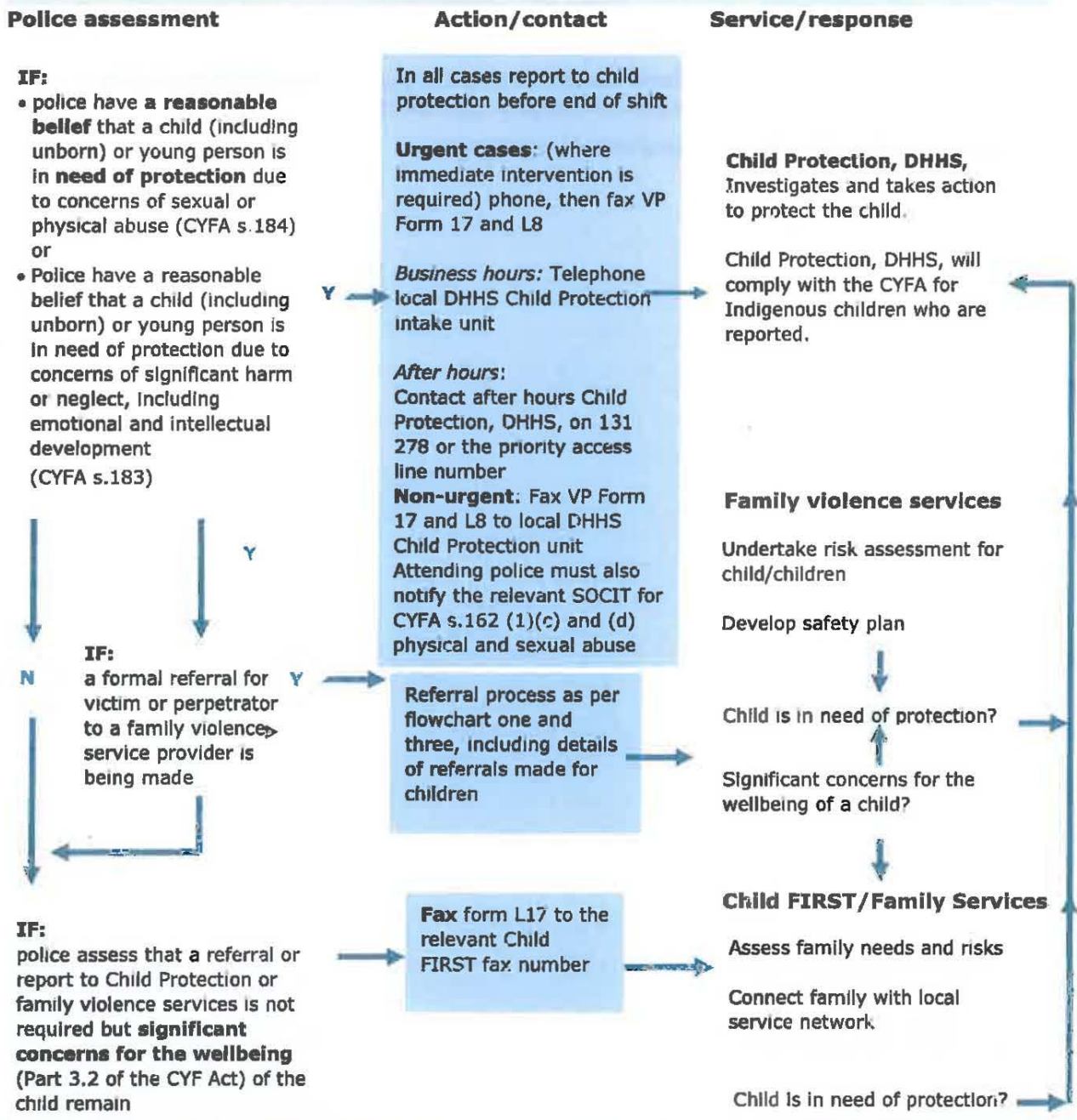
Also where a report is not made to Child Protection, DHHS, but significant concerns for the **wellbeing** of a child or young person remain, a referral to a community-based child and family support agency (Child FIRST) may be appropriate. There are two pathways for this referral:

1. When police do refer a female victim to a family violence service provider they must provide details of any children who were present at this incident. The family violence service provider will consider the need for any children involved to be referred to Child FIRST and make the referral if appropriate.
2. If police are not referring a female victim to a family violence service provider, but have concerns about a child, children or young person, they may refer the child to the relevant Child FIRST provider.

This protocol must be read in conjunction with any existing protocols between Victoria Police and Child Protection, DHHS.

Note: The protocol *Protecting Children: Protocol between the Department of Human Services - Child Protection and Victoria Police 2012* can be located at http://www.dhs.vic.gov.au/data/assets/pdf_file/0019/442603/Protecting-Children-CP-and-VicPol-protocol-2012.pdf

Flow chart two: Where a child (including unborn) or young person is present or a witness to a family violence incident



Each of the parties in this flowchart may contact the other to gain additional and background information to assist in the assessment of risk to the child. When contacted, parties should provide relevant information as requested. Communications must comply with all laws including the *Children, Youth and Families Act 2005* and the *Privacy and Data Protection Act 2014*.

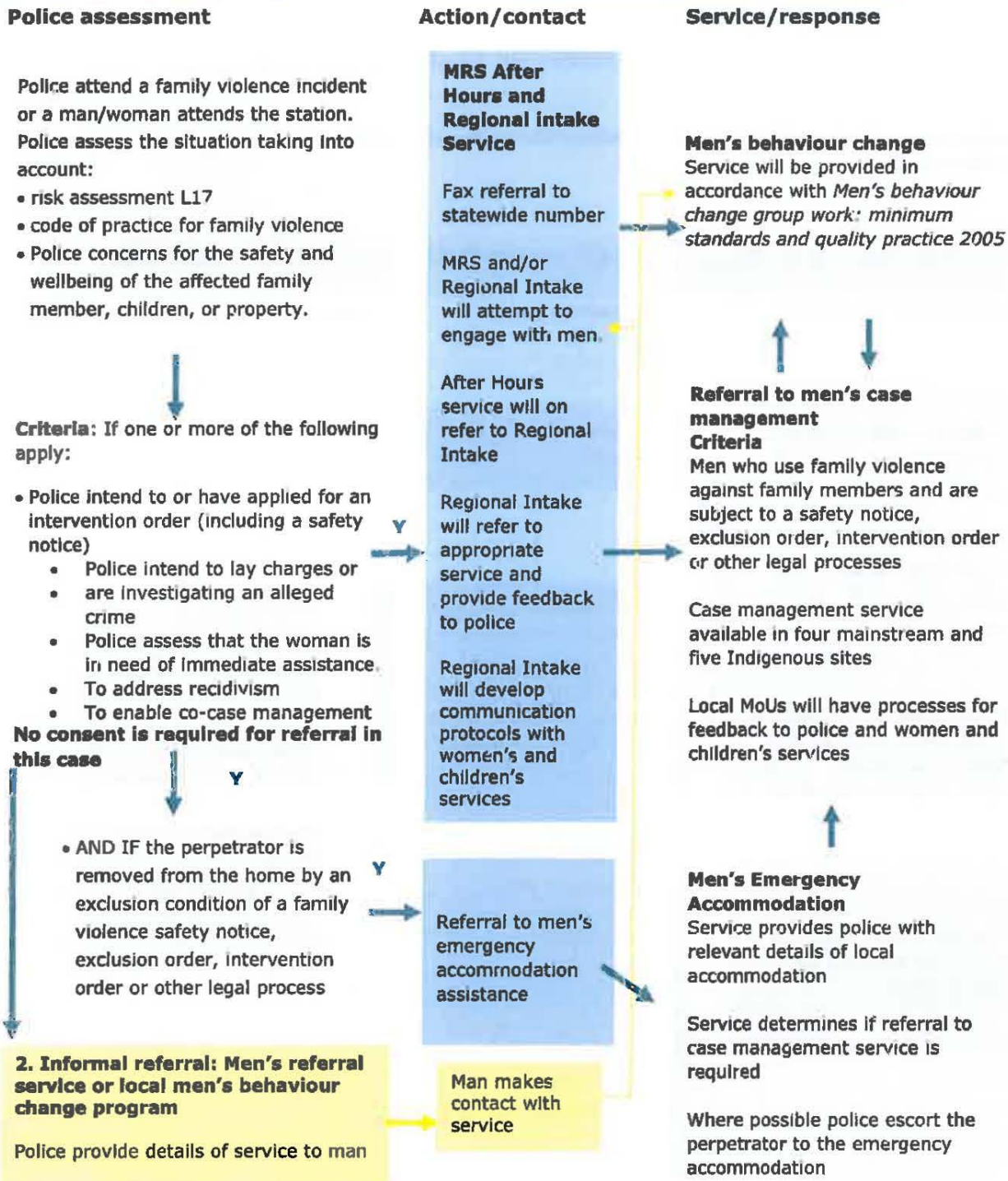
2.3 Police referral of perpetrators to DHHS funded services

Police will lay criminal charges or seek civil compliance against perpetrators of violence where warranted. This is consistent with the *Victoria Police Code of Practice for the Investigation of Family Violence*.

Police may also refer male perpetrators of family violence to men's emergency housing assistance and/or to a men's case management (MCM) or men's behaviour change program (MBCP).

Flow chart three outlines the criteria for referral and contact pathways.

Flow chart three: Police referral for male perpetrators of family violence

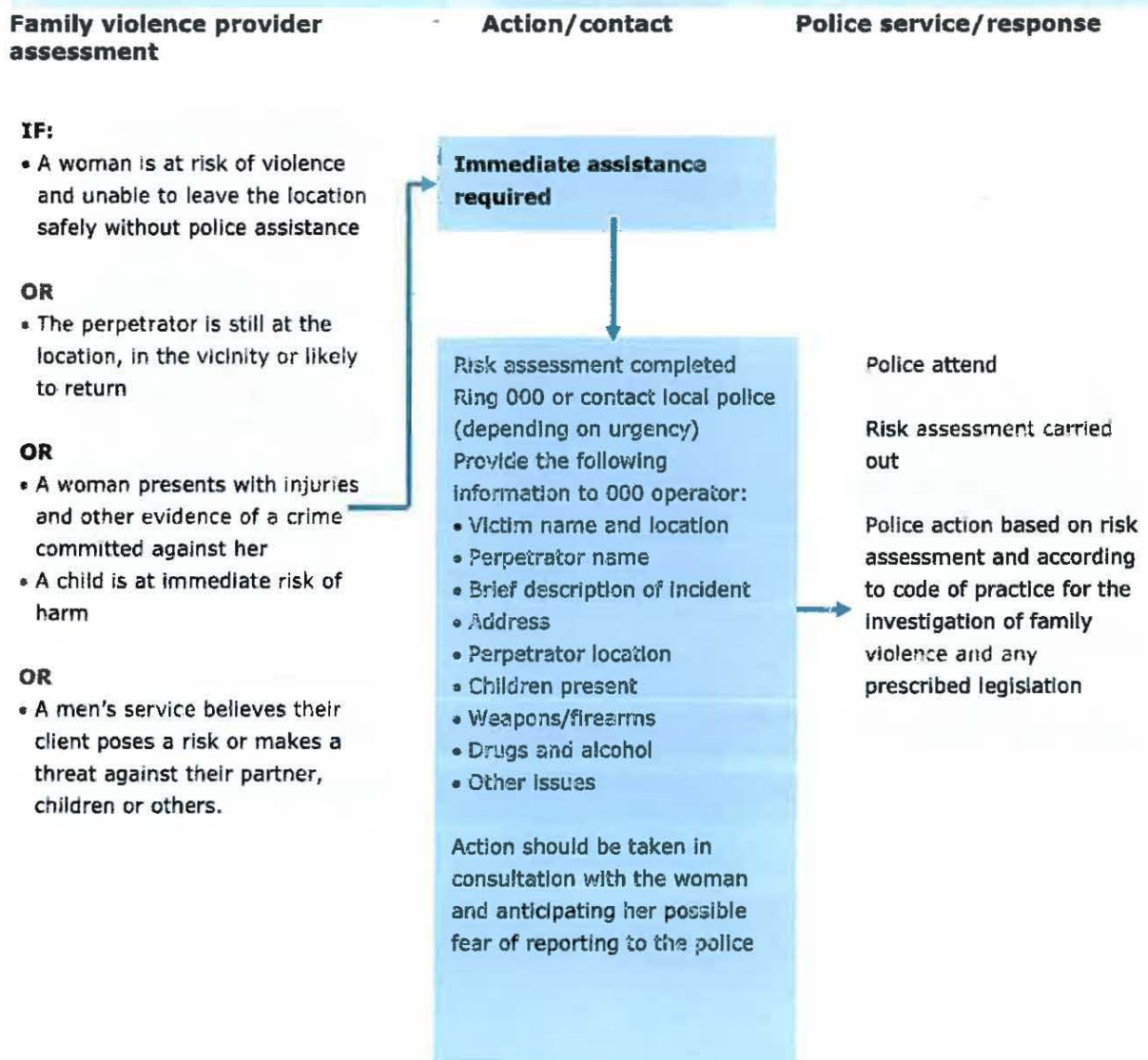


Where child/children are present at an incident the procedures in flow chart two must be followed. At the time of referral police must advise family violence services about any children, and whether a referral to Child Protection, DHHS, or Child FIRST has been made. **Local and statewide protocols must be adhered to when assisting Indigenous families.**

2.4 Family violence services referrals to police for assistance and ongoing involvement

Family violence services refer to police for immediate assistance where a person is at immediate risk of violence or further violence.

Flow chart four: Family violence service referrals for police assistance



3. Review date

Either party may terminate this Protocol by giving 30 (thirty) days' written notice to the other party.

The next joint review of this document will be conducted by December 2015.

4. Document owners

There shall be no changes to this document unless approved in writing by:

- Deputy Secretary, Service Design & Operations Department of Health & Human Services
- Assistant Commissioner, Family Violence Command, Victoria Police.

Requests for amendment will be coordinated by:

- Director, Service Development & Operations, Department of Health & Human Services
- Manager, Family Violence Policy and Projects, Family Violence Command, Victoria Police.

5. Dispute resolution

Local issues should initially be raised with:

- Managers of the Department of Health & Human Services-funded family violence services
- Family Violence Advisors, Victoria Police/Regional Police Management
- Regional Integrated Family Violence Committee
- Department of Health & Human Services Local Engagement Officers/Local Connection Manager/ Area Director

Statewide issues should be resolved through the process below:

- Issues to be raised with central office of Department of Health & Human Services (Across System Responses Unit) and Victoria Police (Family Violence Command).).
- If unresolved, issues will be taken to the Violence Against Women and Children Interdepartmental Committee for discussion.

A party to this protocol claiming that a dispute has arisen under this protocol will immediately inform the other party. Upon being informed of a dispute, the parties will enter good faith discussions and use all reasonable endeavours to resolve the dispute through negotiations. The relevant persons to notify of a dispute are:

- Director, Human Services Design and Development, Department of Health & Human Services (for DHHS); and
- Manager Policy and Projects, Family Violence Command , Victoria Police (for Victoria Police)

If the parties are unable to resolve the dispute within a reasonable time then the dispute shall be referred for resolution to:

- Deputy Secretary, Service Design and Operations, Department of Health & Human Services' Director, Service Development & Operations; and
- Assistant Commissioner, Family Violence Command, Victoria Police.

If the parties are still unable to resolve the dispute within a reasonable time, the dispute shall be referred to the:

- Secretary, Department of Health & Human Services; and
- Chief Commissioner, Victoria Police

as per the final dispute resolution procedures under the overarching Memorandum of Understanding (dated November 2014).

6. Disclaimer

This protocol is neither intended to represent a comprehensive analysis of the law nor replace the exercise of professional judgment on a case-by-case basis.

Nothing in this protocol should replace the seeking of appropriate legal advice by the parties where it is considered appropriate.

Nothing in this protocol creates, nor is intended to create, any legally binding obligation on any party.

7. Definitions

The definition of **family violence** is consistent with the definition as outlined in the *Family Violence Protection Act 2008* s. 50 (1) – (3)

The definition of **child** is consistent with the definition as outlined in the *Children, Youth and Families Act 2005* s. 3(1)

Victims and perpetrators: for the purpose of this protocol it is recognised that in the majority of cases victims of family violence are women and children, and that those who perpetrate violence against victims are men. This language is consistent with the Victoria Police Code of Practice for the Investigation of Family Violence. This will not preclude other local and statewide services using alternative language to represent this gender difference (for example, men who use violence).

8. Contact details

For further information please contact your local:

- Victoria Police Family Violence Advisors
- Department of Health & Human Services Agency Connection Officers
- Family Violence Regional Integration Coordinators

9. Internal guidelines

[Family Violence Risk Assessment and Risk Management Framework, 2012](#)

[Domestic Violence Victoria: Code of practice for specialist family violence services for women and children 2006](#)

[Practice guidelines: Women and children's family violence counselling and support programs 2008](#)

Homelessness Assistance Service Standards, 2006

Men's behaviour change group work: minimum standards and quality practice 2005

Victoria Police Code of Practice for the Investigation of Family Violence, Third Edition 2014

Protecting Children: Protocol between the Department of Human Services - Child Protection and Victoria Police 2012

Assessing children and young people experiencing family violence practice guide, 2013

10. Signing of this Protocol

Signed for and on behalf of the **Department of Health & Human Services**



by the Secretary, Department of Health & Human Services

Date: 01 June, 2015

Signed for and on behalf of **Victoria Police**



by the Acting Chief Commissioner, Victoria Police

Date: 19/5/15