

**Safe at Home**

**Internal  
Performance  
Review Report  
2014**

April 2015

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## **I. Acronyms**

CAB – Challenging Abusive Behaviours

CHYPP – Children and Young Persons Program

CPS – Child Protection Service

CRIMES – Criminal Registration Information Management and Enquiry System

CSL – Community Support Levy

CSLO – Court Support and Liaison Officer

CSLS – Court Support and Liaison Service

DHHS – Department of Health and Human Services

DHLS – Defendant Health Liaison Service

DOE – Department of Education

DOJ – Department of Justice

DPAC – Department of Premier and Cabinet

DPEM – Department of Police and Emergency Management

FTE – Full Time Equivalent

FVCSS – Family Violence Counselling and Support Service

FVMS – Family Violence Management System

FVO – Family Violence Order

FVOIP – Family Violence Offender Intervention Program

FVRRLL – Family Violence Response and Referral Line

ICC – Integrated Case Coordination

IDC – Interdepartmental Committee

PFVO – Police Family Violence Order

RAST – Risk Assessment Screening Tool

RCC – Regional Coordinating Committee

SIMS – Safe at Home Information Management System

TILES – Tasmanian Institute of Law Enforcement Studies

VSRT – Victim Safety Response Team

## 2. Introduction

### 2.1 Objectives of Safe at Home

Safe at Home is the Tasmanian Government's integrated criminal justice response to family violence. The Safe at Home service system is underpinned by the *Family Violence Act 2004*. Operated in partnership by the departments of Police and Emergency Management; Justice; Health and Human Services; Education; and Premier and Cabinet, its objectives are to:

- a. improve the safety and security for adult and child victims of family violence in the short and long term;
- b. ensure that offenders are held accountable for family violence as a public crime [and change their offending behaviour];
- c. reduce the incidence and severity of family violence in the longer term; and
- d. minimise the negative impacts of contact with the criminal justice system on adult and child victims.

It is founded on the principle of the 'primacy of the safety of the victim' and uses a pro-arrest, pro-prosecution strategy to realise this principle.

### 2.2 External Reviews of Safe at Home

Adopting a criminal justice paradigm in 2004, Tasmania became one of the first jurisdictions in Australia to develop an integrated whole-of-government response to family violence. The Australian Domestic and Family Violence Clearinghouse<sup>1</sup> assessed Safe at Home in 2007 and found that Safe at Home demonstrated good practice for the following reasons:

- based on good practice principles and definitions;
- represents innovation or a benchmark;
- demonstrates potential adaptability;
- based on a clear conceptual or evidence-based framework;
- aims to reduce violence or enhance safety;
- has skilled and supervised workers;
- includes good governance, planning and policy making;
- includes monitoring and meaningful evaluation;
- represents multi-agency service integration; and
- has high-level support and coordinated management.

Since then, two external reviews of Safe at Home have been undertaken. The first review, required under section 43 of the Family Violence Act, was undertaken by Urbis in 2008.

The Urbis review found some evidence of improved safety for adult victims of family violence.

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<sup>1</sup> Australian and Domestic & Family Violence Clearinghouse, Good Practice Database, [http://www.adfvc.unsw.edu.au/good\\_practice.html](http://www.adfvc.unsw.edu.au/good_practice.html) accessed 4 August 2014

It also identified cultural and practice changes within Tasmania Police to be the most significant change resulting from the introduction of Safe at Home.

The second review, focussing specifically on the Safe at Home response system, was undertaken by Success Works in 2009.

This review found the following were all positive outcomes of the Safe at Home response system:

- increasing interagency cooperation;
- extensive training of staff involved in the response system;
- increased public awareness of family violence as a crime;
- improved legal recognition of family violence;
- an improved police response to family violence; and,
- the integrated case coordination process.

### 2.3 Safe at Home Internal Performance Review 2014

Safe at Home has now been operational for 10 years. In September 2013, the Safe at Home Steering Committee requested an internal performance review (the Review) be undertaken to ensure that the Program continues to meet the original four objectives and be based on evidence-based best practice.

The Terms of Reference for the Review were:

1. Review the progress of the recommendations from the Review of the Integrated Response to Family Violence – Success Works (2009) and prepare a report on the status of outstanding recommendations.
2. Examine the performance measures; service delivery models; and, financial allocation to Safe at Home services, to determine if the Program is operating at optimal levels to achieve the four outcomes, and make recommendations as required.
3. Draw on the findings of the current internal reviews by DPEM of the Victim Safety Response Teams and DHHS of the Family Violence Counselling and Support Service (Adult and Children) to assist with (2).
4. Review the supporting structures of Safe at Home to ensure the Program is operating as an integrated and coordinated response to family violence as envisaged in the original Business Plan, and make recommendations for change as required.
5. Develop a Safe at Home Strategic Plan 2014-2017 to ensure long-term accountability and sustainability.

### 2.4 A Criminal Justice Response to Family Violence

As the Success Works Review found, there are two paradigms in operation within Safe at Home.<sup>2</sup> The dominant paradigm sees family violence as a criminal act deserving of a criminal justice response the

Through Safe at Home, the State has adopted the principle that it has a responsibility to ensure all people are safe in our community, and that responsibility does not stop at the front door of homes.

*External Stakeholder*

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<sup>2</sup> Success Works, *Review of the Integrated Response to Family Violence*, 2009, p.33

same as any other act of violence. This paradigm understands that family violence is a crime and that the state has a role in the prosecution of crimes. This paradigm is underpinned by the *Family Violence Act 2004*, a pro-arrest, pro-prosecution policy, and is gender neutral.

Service providers, such as the FVCSS, operate from a paradigm that recognises family violence as a gendered crime and the result of unequal power within the family supported by an unequal and patriarchal society. This second, legitimate, paradigm does not necessarily conflict with the criminal justice paradigm but does cause some tensions between services that have seen an increase in women presenting as offenders in the past decade.

A range of research has been undertaken on the efficacy of a criminal justice response to family violence. A key finding has been the heterogeneous nature of family violence offenders, which precludes a 'one size fits all' response system. The research into family violence offenders identifies three distinct typologies in offending behaviour<sup>3</sup>:

1. The severity of the physical violence and related issues such as the frequency of the violence and the extent of psychological and sexual abuse.
2. The generality of the violence (ie family only or extra-familial violence and related variables such as criminal behaviour and involvement with the criminal justice system).
3. The offender's psychopathology or personality disorders.

From this, three major subtypes of offenders have been identified:

- family only;
- dysphoric / borderline; and
- generally violent and antisocial.

The family only offenders engage in the least severe and least frequent family violence and are the least likely to engage in psychological or sexual abuse. The violence of this group is generally restricted to family members and this group are least likely to engage in violence outside of the home or to have related problems with the criminal justice system. This group also evidence little psychopathology and either no personality disorder or a passive-dependent personality disorder.

The dysphoric / borderline group engages in moderate to severe violence, including psychological and sexual abuse. The violence of this group is primarily confined within the family although some extra-familial violence and criminal behaviour may be evident. These offenders are the most dysphoric (mood disordered), psychologically distressed and emotionally volatile. They frequently evidence borderline and schizoid personality characteristics and have problems with alcohol and drug abuse.

The generally violent and anti-social offenders also frequently engage in moderate to severe family violence, including psychological and sexual abuse. In addition, this group engage in high levels of extra-familial aggression and have the most extensive history of related criminal behaviour and confrontations with the law. They are the most likely to have problems with alcohol and drug abuse and are most likely to have an antisocial personality or psychopathic disorder.

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<sup>3</sup> Stewart, A., 'Policing Domestic Violence: An Overview of Emerging Issues' published in *Police Practice and Research: An International Journal* (2001)

As with offenders, the victims of family violence are a heterogeneous group that have different expectations of the response they will receive when they call the police:

1. Victims will call the police for immediate protection – to have the offender removed for a period of time to allow the offender to ‘sober up’, ‘cool down’ or ‘come to their senses’ (seeing police as managing the violence in their lives but not culminating in an end to the relationship). These victims do not want to proceed with arrest and prosecution; they want the immediate violence to stop and to receive advice and/or information about their short and long-term needs; and, they want to retain some influence on what will happen after reporting to police.
2. Victims who have considered separating from violent partners, have separated, or are in the process of separating, are more likely to use the criminal justice system as a strategy for assisting in violence episodes and securing their longer-term safety. These victims are more likely to proceed to prosecution with arrest and incarceration a desirable outcome.

### **3. Methodology for the Review**

This internal performance review has consisted of five components:

- Analysis of the findings and progress of the recommendations of the review undertaken by Success Works in 2009.
- Analysis of Safe at Home historical documents held by DOJ to inform reporting on the Safe at Home service delivery model.
- Consultation with key internal stakeholders through targeted interviews and a questionnaire.
- Consultation with key external stakeholders, identified by the Safe at Home IDC, through an invitation to participate in an online survey available through Survey Monkey.
- Analysis of comments and preparation of a final report for the consideration of the Safe at Home Steering Committee.

### **4. Consultation Process**

#### **Internal Stakeholders**

Key internal stakeholders were identified and interviewed by the Senior Consultant, Safe at Home Coordination Unit. The interviews were based on a questionnaire about how Safe at Home has met its original objectives (see Appendix I).

The Managers of each of the following Safe at Home services were interviewed. Most services included senior members of their teams in the interviews.

Court Support and Liaison Service

Legal Aid Commission of Tasmania

Community Corrections – Family Violence Offender Intervention Program

Magistrates Court

Victim Safety Response Teams

Police Prosecutions

Family Violence Counselling and Support Service (Adult)

Family Violence Counselling and Support Service (Children and Young Persons Program)

Child Protection Service

Defendant Health Liaison Service

Department of Education

Office of Aboriginal Affairs, Department of Premier and Cabinet

In addition, former Safe at Home staff members were interviewed.

The Safe at Home RCCs were made aware of the online survey and five individual RCC members elected to complete the survey in their own right.

In addition, Safe at Home services were asked to provide information on their:

- Performance Measures
- Service Delivery Model
- Issues for the Service
- Financial Allocation

### **External Stakeholders**

Consultation was undertaken with key external stakeholders identified by the Safe at Home IDC.

External stakeholders were contacted via email and invited to complete an online survey with the same questions posed to internal stakeholders. The survey was open from 23 July until 27 August 2014.

Twelve completed surveys were received, with a further 14 commenced but not completed. A reminder was sent to those who had begun the survey encouraging them to complete it.



## 5. Executive Summary and Recommendations

The primary purpose of this review has been to determine if Safe at Home is achieving the four outcomes expected when the program was introduced, which are:

- a. improving safety and security for adult and child victims of family violence in the short and long term;
- b. ensuring that offenders are held accountable for family violence as a public crime [and change their offending behaviour];
- c. reducing the incidence and severity of family violence in the longer term;
- d. minimising the negative impacts of contact with the criminal justice system on adult and child victims.

Through the consultation process it became clear that the majority of internal and external stakeholders believe Safe at Home has been successful in improving the safety and security of adult and child victims short-term. Two external stakeholders (6.5 per cent of those consulted) did not agree that the safety and security of adult and child victims has been improved and one internal stakeholder was unsure.

The lack of offender interventions aimed at changing behaviours was clearly identified by 58 per cent of stakeholders as the major barrier to achieving the long-term safety of adult and child victims. The adoption of a therapeutic jurisprudence model for low to medium risk offenders who are deemed suitable was mooted as a future option by a number of stakeholders.

In addition, the gaps in services for children who have experienced family violence was cited as an issue by 42 per cent of internal and external stakeholders. The needs of children must be met to break the cycle of intergenerational violence.

The pro-arrest, pro-prosecution policy is seen as one of the greatest strengths, ensuring offenders are held accountable for family violence.

There were mixed views as to whether the incidence and severity of family violence has reduced in the longer term. Lack of consistent analysis of data to track trends in family violence was noted as a failure of the Safe at Home system.

Internal and external stakeholders agreed that increased illicit drug use (and the different types of drugs now available), alcohol abuse and mental health issues were key factors in the severity of family violence incidents.

Internal and external stakeholders agreed that the increased range of support services for victims had helped minimise the negative impacts of contact with the criminal justice system. The reduction of the number of VSRTs was raised as an issue in relation to the level of front-end services delivered to victims.

Overall, the submissions received from both internal and external stakeholders were positive about the effectiveness of Safe at Home as an immediate response system to family violence. The lack of primary prevention and early intervention programs to reduce family violence is seen as a major contributing factor to the continuing problem of family violence in Tasmania.

Many of the internal stakeholders submissions raised day to day operational issues within the Safe at Home system that have not been included in this report. A report on the issues raised will be prepared by the Senior Consultant, Safe at Home Coordination Unit, and presented to the IDC for consideration.

In relation to the Safe at Home service system operating at optimal levels, inadequate funding was cited as the main issue for most services.

There has been some drift from the service delivery system outlined in the original Business Case. This has occurred as services became established and have adjusted their service model to meet the reality of demand. The services that were established before Safe at Home have, at times, been resistant to change in their service model to meet the approach of the whole Safe at Home system.

Safe at Home is designed to function as a single whole-of-government response to family violence supported by participating agencies rather than a series of related projects in each agency. Strong governance is needed to drive Safe at Home forward so that it continues to deliver an integrated evidenced-based best practice criminal justice response to family violence.

### Recommendations

The Review has identified a total of 17 recommendations which are listed below and addressed in more detail throughout the report.

|   |   |
|---|---|
| 1 | That Tasmania Police invite external specialists in family violence dynamics and family violence legal proceedings to deliver specialist training to frontline police officers, including recruits, on an annual basis.   |
| 2 | That Tasmania Police consider the practice of issuing 12 month PFVOs and develop a more tailored approach to PFVOs to suit each family violence case.   |
| 3 | That Tasmania Police review its practice of seeking court issued orders to ensure a consistent approach across the State so that serious offenders are put before the court, rather than issuing a PFVO.  |
| 4 | That the Safe at Home Steering Committee (the Steering Committee) request the Safe at Home IDC (the IDC) to undertake research into contemporary evidence-based best practice responses to, and interventions for, family violence offenders and make recommendations for models that might be adopted in Tasmania. |
| 5 | That the Steering Committee be advised of steps to improve service provision for children and young people affected by family violence.   |
| 6 | That the IDC investigate and assess if there are unintended effects of mandatory reporting of children in family violence situations and report on the findings to the Steering Committee.  |
| 7 | That the Steering Committee request the IDC undertake research into family violence offenders who have had multiple victims and provide a report on the interventions and outcomes that have resulted for these offenders and their victims. The report should make   |

|    |   |
|----|---|
|    | recommendations on targeted interventions that could be implemented for this group of offenders.  |
| 8  | That the Department of Justice commence discussions with the Chief Magistrate on the feasibility of a Family Violence Court with dedicated Magistrates who understand the dynamics of family violence and family violence offender typology, as mooted in the original Business Case.         |
| 9  | That the feasibility of a family safety framework for responding to family violence in Tasmania be examined by the IDC, and the findings reported to the Steering Committee.  |
| 10 | That the Department of Justice commence discussions with the Chief Magistrate on the use of remote witness facilities in the Magistrates Courts for those family violence victims (including children) who do not want to appear in the same court as the offender.                           |
| 11 | That a data collection and reporting framework be developed to allow reporting on the progress of Safe at Home. A set of Performance Indicators should be developed for the Safe at Home response. The Performance Indicators should align with the objectives of Safe at Home.               |
| 12 | That the Steering Committee meet annually with the IDC to reinforce the Steering Committee's role as the decision making body for Safe at Home.   |
| 13 | That Community Corrections becomes a member of the ICCs for a trial period of three months to gauge the usefulness of participation for both Safe at Home and Community Corrections.  |
| 14 | That funding options be explored to cover the cost of phase two of the SIMS development.  |
| 15 | That funding options for the updating of Safe at Home information collateral (brochure and translating fees for the brochure to be produced in a minimum of three languages other than English) be explored. The effects of family violence on children should be included in any collateral. |
| 16 | That statewide RCC meetings be held annually, or bi-annually at a minimum, to provide standard information and training for Safe at Home service providers.   |
| 17 | That funding options be explored for an independent financial audit of the Safe at Home response system to ensure financial resources are appropriately allocated. This will provide the Minister with advice that may lead to further review of the family violence sector in Tasmania.      |

## 6. Findings – Meeting the Objectives of Safe at Home

### 6.1 Objective 1: To improve the safety and security for adult and child victims of family violence in the short and long term

#### Findings for this Objective:

- The majority of internal and external stakeholders believe Safe at Home provides an effective short-term response to family violence.
- The VSRTs are viewed as integral to the Safe at Home response system. Both internal and external stakeholders expressed concern at the cut to the number of the VSRTs and staffing levels.
- The suite of coordinated support services for victims, and information sharing between services, has resulted in a victim not having to tell their story multiple times.
- Removing the onus on the victim to proceed with arrest and prosecution and placing the decision with police has had both positive and negative results.
- The integrated case coordination model, which allows for the sharing of information between services, increases the ability to address the immediate risk and safety issues faced by victims, and is viewed as a key success of the Safe at Home model.
- Both internal and external stakeholders expressed the view that Safe at Home cannot meet the long term safety and security of adult and child victims without more offender interventions.
- A number of internal stakeholders expressed concern that the needs of children who have witnessed, or been subjected to, family violence are not being adequately met in the current Safe at Home response.
- One external service provider expressed a view that the Family Violence Act should be expanded to include other abusive family relationships such as parents who are abused by their children or grandchildren in their care.
- Both internal and external stakeholders acknowledged that Safe at Home has been responsible for an attitudinal shift in the community, which now recognises family violence as a crime and not a 'private' matter.

The police response to family violence incidents, which addresses immediate risk and safety issues, is viewed as a key success of the Safe at Home response. The following were all viewed as strengths of the system:

- increased powers to enter premises;
- risk assessment;
- ability to detain an alleged offender;
- presumption against bail;

- the ability to issue a PFVO to secure the immediate safety of victims; and,
- follow up by the VSRTs, including safety audits.

However, both internal and external stakeholders reinforced the need for frontline police to receive training from external specialists on:

- the dynamics of family violence;
- family violence victim typology;
- offender typology;
- child victim impacts; and
- the Safe at Home response system

**Recommendation:**

- I. That Tasmania Police invite external specialists in family violence dynamics and family violence legal proceedings to deliver specialist training to frontline police officers, including recruits, on an annual basis.

Safe at Home is founded on the principle of ‘primacy of safety of the victim’ and uses a pro-arrest, pro-prosecution strategy to realise this principle. Where evidence exists, prosecution will proceed, regardless of the willingness of the victim. Removing the onus on the victim to proceed with arrest and prosecution has had both positive and negative results.

The positive results were cited as:

- securing the immediate risk and safety needs of victims through the use of PFVOs;
- ongoing management of risk and safety;
- the victim does not have to take the lead in proceedings, the State has taken on that responsibility;
- a range of coordinated counselling and support services are available to victims; and
- Magistrates have the prospect of rehabilitating offenders.

The negative results were cited as:

- some victims just want the violence to stop and to have the ability to maintain the family unit. The issuing of 12 month PFVOs which can exclude the offender from the home for that period does not contribute to maintaining the family unit. The ability to go to court to have a PFVO varied or revoked helps overcome these long term exclusions, but may lead to a victim not engaging with the system again if future violence occurs.
- victims fear of having the partner arrested and retaliation from the partner as a consequence;

- some victims may be reluctant to call government family violence services because of their relationship with police. Victims are concerned that the matter will be reported to police without their consent;<sup>4</sup>
- Aboriginal children are being removed unnecessarily from their families if the non-offending partner (predominately the mother) is seen as not doing enough to protect children from witnessing family violence.<sup>5</sup> This also applies to the non-Aboriginal community; and
- breaches of PFVOs and FVOs are being incited by victims who are being bullied and harassed by offenders, particularly if children are involved and the offender wants access to the children. The victim is then held accountable by the legal system and may face charges for inciting a breach of an Order. These victims are less likely to engage in the system if future violence occurs.<sup>6</sup>

The ability to issue on the spot PFVOs to secure the immediate safety of victims is viewed positively by both internal and external stakeholders. The issuing of PFVOs by frontline police comes with the safeguard of review by a VSRT sergeant within 24 hours. Whilst the issue of a 12 month PFVO may be highly appropriate in some cases, there are other cases where it has had an unintended and detrimental effect on the life of a victim.

In relation to deciding whether a PFVO or FVO is more appropriate in family violence cases, the DPEM Family Violence Manual 2013<sup>7</sup> states:

Members may consider making application for a FVO where:

- the circumstances warrant an application for an FVO as the offender is held for court on substantive matters involving the victim of a family violence incident (ie assault, wounding, etc);
- there is a current Family Court Order in relation to the parties and conditions exist which present a risk to the victim or affected children;
- member wish to include conditions on the Order which are not available to police on a PFVO; or
- the affected person or offender reside or will be relocating interstate (a PFVO is not recognised outside of Tasmania).

Recommendations:

2. That Tasmania Police consider the practice of issuing 12 month PFVOs and develop a more tailored approach to PFVOs to suit each family violence case.
3. That Tasmania Police review its practice of seeking court issued orders to ensure a consistent approach across the State so that serious offenders are put before the court, rather than issuing a PFVO.

<sup>4</sup> External family violence counselling support service comment

<sup>5</sup> Aboriginal service provider comment

<sup>6</sup> External family violence counselling support service comment

<sup>7</sup> DPEM Family Violence Manual, p.16

Both internal and external stakeholders viewed the integrated case coordination process as a key component of ensuring the immediate risk and safety needs of victims are being met.

### Offender Interventions

Internal and external stakeholders expressed concern that the long term safety and security of adult and child victims of family violence is not being adequately met due to a lack of offender interventions aimed at changing behaviours.

While arrest and the issuing of protective orders against offenders is an intervention that may serve as a deterrent to future family violence, targeted therapeutic/rehabilitative interventions are limited in Tasmania.

There are currently two offender services being delivered through Safe at Home:

- Family Violence Offender Intervention Program (FVOIP)

High risk offenders presenting to the courts for family violence matters may be referred to Community Corrections for an eligibility assessment for the FVOIP. If deemed eligible, offenders may be sentenced to attend the Program as part of a community based order (ie probation/community service or suspended sentence).

In the 2013-14 financial year 47 offenders commenced the FVOIP, the highest number to date. Of those, 39 completed the Program.

- Defendant Health Liaison Service (DHLS)

The DHLS is delivered through the Forensic Mental Health Service of the DHHS. Two Defendant Health Liaison Officers are employed statewide to assess the criminogenic needs of family violence offenders and make appropriate referrals to a range of government and non-government services. These referral pathways include Centacare's Challenging Abusive Behaviours (CAB) program. The CAB program is the only non-court mandated men's behaviour change program operating in Tasmania.

Safe at Home continues to tackle half of the issue of family violence by not addressing offenders' behaviour more comprehensively.

*Internal Stakeholder*

#### Recommendation:

4. That the Safe at Home Steering Committee (the Steering Committee) request the Safe at Home IDC (the IDC) to undertake research into contemporary evidence-based best practice responses to, and interventions for, family violence offenders and make recommendations for models that might be adopted in Tasmania.

### Children

A number of internal stakeholders also expressed concern that the needs of children exposed to family violence are not being adequately met.

Through section 14 of the *Children, Young Persons and Their Families Act 1997* the reporting of children being affected by family violence is mandatory for prescribed persons. When police attend a family violence incident where

Through Safe at Home, family violence is now a core component of risk and safety planning in the CPS.

*Internal Stakeholder*

children are present, or known to reside, a notification to the Child Protection Service (CPS) is generated.

At the point of notification the CPS will determine what services are already linked to the family. CPS Intake will also refer to:

- FVCSS
- CHYPP
- School Social Workers
- Counsellors or private psychologists through a Mental Health Plan
- Australian Childhood Foundation for those children who are subject to a Care and Protection Order and have a trauma history.

CPS workers attend each ICC meeting and contribute to the ongoing risk and safety agenda of those meetings. However, Safe at Home ICC members expressed frustration at not having more information on the progress of children in the Safe at Home system brought to the weekly ICC meetings.

The CHYPP is the specialist children and young persons therapeutic service of the FVCSS. Finite resources and eligibility criteria which preclude many children from accessing the full service have led to long waiting lists. The eligibility criterion for the CHYPP has caused tension with Safe at Home partners, including the CPS.

The CHYPP eligibility criterion was the subject of a review by the Australian Childhood Foundation in 2013. The review, commissioned by DHHS, found that CHYPP provided an effective therapeutic response to children and young people affected by family violence. However, the review was critical of the decision of CHYPP to not accept children who have ongoing contact with family violence offenders where risk and safety issues still exist.

The CHYPP staff rationale for the eligibility criteria is that the ability to engage in, and benefit from, counselling will be compromised when a child is still being exposed to the trauma of violence. The safety response for children is the first step in this process and is provided through services within Safe at Home including the police, CPS, and Adult FVCSS.

CHYPP counsellors work with children who have ongoing contact with the perpetrator of family violence, as long as the minimum requirements for safety and stability have been met.

The other issue that was raised in relation to children was the fear of having children removed from the primary caregiver (usually the mother) if they are viewed as not taking sufficient action to protect their children from the effects of family violence. Through the mandatory reporting requirements of the *Children, Young Persons and Their Families Act 1997*, attending police must generate a notification to CPS if children are present at family violence incidents. CPS workers then assess the case and may make the decision to remove the child from the home if there are not enough protective supports around the child. External stakeholders who made comment to the

The legislation and policy is removing Aboriginal children unnecessarily... mothers are being punished twice – second time by having their children removed if they decline to do what the State considers they should to protect them from witnessing DV.

*External Stakeholder*



Review expressed concern that family violence victims are less likely to report family violence if they fear losing their children.

Recommendations:

5. That the Steering Committee be advised of steps to improve service provision for children and young people affected by family violence.
6. That the IDC investigate and assess the unintended effects of mandatory reporting of children in family violence situations and report the findings to the Safe at Home Steering Committee.

## 6.2 Objective 2: To ensure that offenders are held accountable for family violence as a public crime and change their offending behaviour

### Findings for this Objective:

- The pro-arrest, pro-prosecution policy is seen as one of the greatest strengths for ensuring offenders are held accountable for family violence.
- Issues arise when the victim does not want to proceed with prosecution. Some regional differences were cited around proceeding to prosecution with a hostile witness. The need for attending police to be methodical in their collection of evidence was reinforced by internal stakeholders in case a witness does not want to proceed with prosecution.
- Internal and external stakeholders expressed concern that offenders scoring a high RAST score were being issued with 12 month PFVOs, rather than issuing shorter term PFVOs to address immediate risk and safety concerns, and to defuse the situation. The offender should then be put before the court for the issue of a FVO and referral to the FVOIP for assessment.
- Internal and external stakeholders noted that some offenders have reconsidered their behaviour as a consequence of a court appearance – being held accountable and the immediacy of potential arrest can be a strong deterrent for some categories of offenders.
- The adoption of a therapeutic jurisprudence model for low to medium risk offenders who are deemed suitable was mooted by a number of stakeholders.
- Internal and external stakeholders expressed concern about the number of repeat offenders. The lack of offender interventions for low and medium risk offenders is seen as a barrier to offenders changing their offending behaviour.
- Internal and external stakeholders expressed concern at the courts' interpretation of the *Family Violence Act 2004* when sentencing for family violence cases. Most frequently cited was the lack of penalties being applied for breaches of Protective Orders and the leniency of custodial sentences.
- External stakeholders reported that they were seeing fewer victims of physical violence but increased numbers of victims experiencing psychological, emotional and financial abuse.

Under Safe at Home there is greater likelihood that offenders obtain the information and support they need to:

- understand that family violence is wrong;
- understand that it can have serious impacts on their relationships and for their children;
- be compelled or motivated to remain engaged with services;
- be informed of proper avenues (i.e. options other than further family violence) to address issues causing frustration (property, children etc.)

- understand what the processes are, and commit to following them through; and
- make better decisions about their own and their children's safety in future.<sup>8</sup>

As discussed in section 1.4, the heterogeneous nature of family violence offenders and victims limits what a 'one size fits all' response system can achieve in changing offending behaviours. A range of service providers discussed extending the range of offender interventions to include a therapeutic jurisprudence model for low – medium risk offenders similar to the Court Mandated Drug Diversion program delivered by Community Corrections. This would enable parties to continue in a relationship if that is their stated preference and if it is reasonably safe for the victim.

The number of repeat offenders who are moving from one victim to another was raised as a serious issue by stakeholders. A targeted intervention for these offenders' is desirable given the number of victims and their children who are being affected by the offender's behaviour. A recent search of the SIMS database revealed 10 offenders who had recorded incidents with six or more victims, the highest having nine separate victims.

Recommendation:

7. That the Safe at Home Steering Committee request the IDC to undertake research into family violence offenders who have had multiple victims and provide a report on the interventions and outcomes that have resulted for these offenders and their victims. The report should make recommendations on targeted interventions that could be implemented for this group of offenders.

Sentencing outcomes for family violence offenders received considerable criticism from both internal and external stakeholders. Magistrates assess a range of factors when making a sentencing deliberation, not the least of which is what is in the best interest of the family unit. For example, there are offences for which the usual penalty would be a fine, however, if the parties are in an ongoing relationship the fine for the offender further disadvantages the victim.

In addition, despite a pro-prosecution policy and presumption against bail, many stakeholders felt the judicial system still favours the offender.

Of particular concern to both internal and external stakeholders was the lack of penalties for multiple breaches of FVOs and PFVOs.

Section 35 of the *Family Violence Act 2004*, Contravention of FVO or PFVO, states the following:

*(1) A person who contravenes an FVO, PFVO or interim FVO, as made, varied or extended, is guilty of an offence and is liable on summary conviction to –*

*(a) in the case of a first offence, a fine not exceeding 20 penalty units or to imprisonment for a term not exceeding 12 months; or*

*(b) in the case of a second offence, a fine not exceeding 30 penalty units or to imprisonment for a term not exceeding 18 months; or*

<sup>8</sup> Legal Aid Commission of Tasmania submission

*(c) in the case of a third offence, a fine not exceeding 40 penalty units or to imprisonment for a term not exceeding 2 years; or*

*(d) in the case of a fourth or subsequent offence, to imprisonment for a term not exceeding 5 years.*

*(2) For the purposes of this section, a previous offence means any contravention of an FVO, PFVO or interim FVO, regardless of whether the order was made for the protection of the same affected person.*

*(3) In any proceedings for an offence under this section, an allegation in the complaint is evidence that –*

*(a) an FVO, PFVO or interim FVO has been made against the person charged with the offence; and*

*(b) the order was in force at the time of the alleged contravention; and*

*(c) the requirement or condition alleged to have been contravened formed part of that FVO, PFVO or interim FVO.*

*(4) For the purposes of this section, an FVO includes an external family violence order registered under section 27.*

*(5) If a person who is fined under this section was a party to proceedings in which an order under section 32 was made, the court imposing the fine must advise the Director, MPES of that order at the time of referring the order imposing the fine to the Director, MPES for collection.*

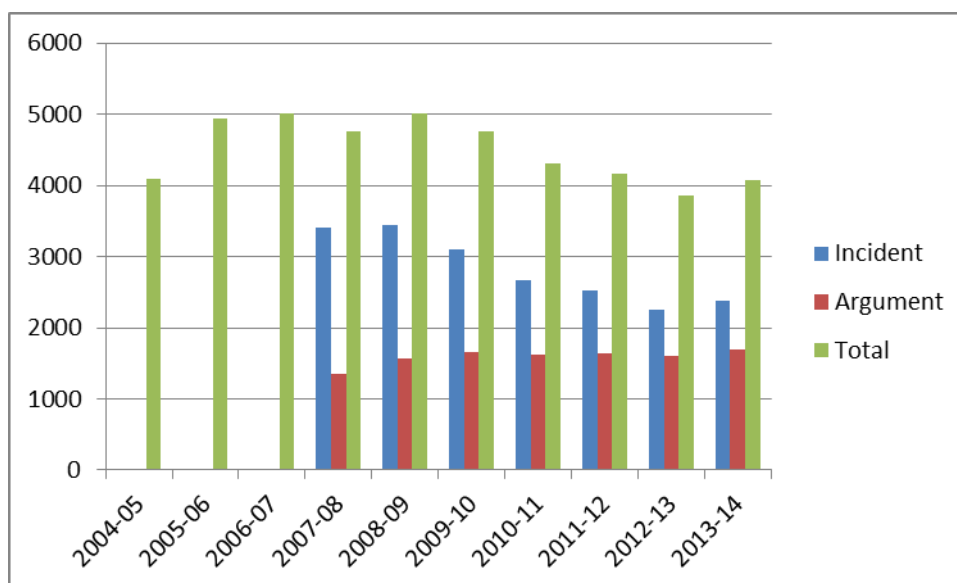
Currently, many family violence offenders are having multiple breaches recorded without the intended penalties being enforced, particularly if the breach is considered minor.

**Recommendation:**

8. That the Department of Justice commence discussions with the Chief Magistrates on the feasibility of a Family Violence Court with dedicated Magistrates who understand the dynamics of family violence and family violence offender typology, as mooted in the original Business Case.

### 6.3 Objective 3: Reduce the incidence and severity of family violence in the longer term

#### Family Violence Trend



| Year         | Incident | Argument | Total                     |
|--------------|----------|----------|---------------------------|
| 2004-05      |          |          | 4095                      |
| 2005-06      |          |          | 4932                      |
| 2006-07      |          |          | 5012                      |
| 2007-08      | 3404     | 1358     | 4762                      |
| 2008-09      | 3443     | 1562     | 5005                      |
| 2009-10      | 3105     | 1652     | 4757                      |
| 2010-11      | 2675     | 1628     | 4303                      |
| 2011-12      | 2527     | 1645     | 4172                      |
| 2012-13      | 2248     | 1612     | 3860                      |
| 2013-14      | 2380     | 1691     | 4071                      |
| <b>Total</b> |          |          | <b>44 969<sup>9</sup></b> |

#### Family Argument

A dispute between two persons, in a family relationship, where family violence as defined in Section 7 of the *Family Violence Act 2004* has not, and is not likely, to be committed.

#### Family Violence Incident

Defined in Section 7 of the *Family Violence Act 2004* as:

- assault, including sexual assault;
- threats, coercion, intimidation or verbal abuse;
- abduction;

<sup>9</sup> Figures have been obtained from Tasmania Police, Corporate Performance Reports. In October 2012, Tasmania Police began recording incidents with multiple offenders on a single report.

- stalking;
- attempting or threatening to commit any of the above;
- economic abuse;
- emotional abuse or intimidation; and
- contravening an external Family Violence Order (FVO), an interim FVO, an FVO or a Police Family Violence Order (PFVO).

Findings for this Objective:

- Internal and external stakeholders agreed that increased illicit drug use (and the different types of drugs now available), alcohol abuse and mental health issues were key factors in the severity of family violence incidents.
- The pro-arrest, pro-prosecution policy was viewed as having a deterrent effect for some family violence offenders and is also viewed as being an effective mechanism in reducing the severity of family violence.
- Internal stakeholders commented that while victims are in the Safe at Home system the incidence and severity of family violence can be controlled.
- Some internal stakeholders commented that there is a need for a research component in Safe at Home to map trends which will inform improvements in the system, particularly around repeat offenders and victims.
- The lack of offender interventions was also raised by internal and external stakeholders in relation to this Objective.
- Internal and external stakeholders expressed the view that Safe at Home is a response system, not a system for changing family violence. Primary prevention and early intervention strategies working in tandem with Safe at Home are viewed as the most efficacious means to reduce the incidence of family violence and to break the intergenerational cycle of violence.

Drug and alcohol abuse and mental health issues are contributing factors to the severity of family violence.

While internal and external stakeholders expressed the view that the severity of physical violence has decreased, some commented that there has been an increase in the incidence of emotional abuse, control pattern behaviour and financial abuse.

Some external stakeholders expressed concern that reporting of family violence by victims may have decreased if the victim did not receive the desired result from earlier interactions with Safe at Home.

Societal attitudes and norms play a significant role in the incidence of family violence. While the Safe at Home response does have an effect on the behaviour of some family violence offenders (ie those most likely to suffer significant impacts on their status through arrest) it cannot, and should not be expected to, be the whole response to family violence in Tasmania.

There are a range of government and non-government services that are funded either specifically, or indirectly, to respond to family violence. The Success Works *Review of the Integrated Response to Family Violence* recommended the development of a family safety framework to unite the family violence, child protection and family support systems in Tasmania. The development of a continuum of service provision for children and young people affected by family violence could form part of a broader project to realise this Success Works recommendation.

**Recommendation:**

9. That the feasibility of a family safety framework for responding to family violence in Tasmania be examined by the IDC and the findings reported to the Safe at Home Steering Committee.

#### 6.4 Objective 4: Minimise the negative impacts of contact with the criminal justice system on adult and child victims

##### Findings for this Objective:

- Internal and external stakeholders agreed that the increased range of support services for victims had helped minimise the negative impacts of contact with the criminal justice system. The reduction of numbers in the VSRTs was raised in relation to the level of front-end services delivered to victims.
- Internal and external stakeholders agreed the creation of the CSLS and the assistance offered before, during and after court is more likely to keep victims engaged in the court process.
- Internal stakeholders expressed the view that the remote witness facilities should be utilised more for family violence cases, particularly where children are called to give evidence. The lack of specialist support for child witnesses was noted.
- Multiple orders attached to children was raised as an issue by an internal stakeholder – some children may have a Child Protection Order with an FVO attached and this can be difficult for CPS to manage.
- The lack of sentencing options for offenders was again noted for this Objective.
- The efficacy of the RAST was raised by some internal stakeholders.
- The desirability of a specialist Family Violence Court was raised again for this Objective.

A key principle for Safe at Home has been that the victim does not determine the response of the justice system. Police Prosecutors noted that they are often faced with the dilemma of trying to present evidence in court, without the cooperation of the victim. As outlined in section 1.4, the victims of family violence are a heterogeneous group that have different expectations of the response they will receive when they call the police.

Keeping people safe outweighs any negative impact with the criminal justice system.

*External Stakeholder*

Those victims that fall into the category of wanting the violence to stop, but not wanting their partner to be incarcerated, are the most likely to disengage with the Safe at Home system. This reinforces the need for a range of sentencing options for family violence offenders.

In relation to the remote witness facilities, the purchase of an additional roll-about video conferencing unit for each registry from Safe at Home funding in 2004<sup>10</sup> means that any courtroom can quickly be converted to a video link courtroom. This facility could be utilised for victims of family violence (and in particular child witnesses) who do not want to be in the same court as the offender.

The RAST is an actuarial assessment tool, used by Tasmania Police in family violence situations to classify offenders according to the score they receive (which is based on the type and number of

<sup>10</sup> Magistrates Court of Tasmania Annual Report 2004-2005, p.17



characteristics they exhibit), to assess the likelihood of an individual reoffending. The validity of the RAST as a screening tool was analysed in both 2005 and 2009 by the Tasmanian Institute of Law Enforcement Studies (TILES).

In 2005, TILES concluded that 'the instrument [RAST] is as robust as similar instruments employed nationally and internationally. It has the strengths of being developed on the basis of a thorough review of on-scene assessments in other jurisdictions, is informed by an analysis of cases of family violence in Tasmania, and it has been designed specifically for the Tasmanian context'.

However, TILES also noted that the validity and reliability of the RAST could not be determined on the basis of the data available at the time of that earlier review.

The 2009 TILES analysis determined that the RAST:

...reflects good predictive utility in that it is correct in predicting repeat offending in nearly 75% of cases (i.e. in approximately 3 out of 4 cases). It should be noted that this compares favourably with other risk assessment tools used across a variety of behaviours.<sup>11</sup>

Recommendations:

10. That the Department of Justice commence discussions with the Chief Magistrate on the use of remote witness facilities in the Magistrates Courts for those family violence victims (including children) who do not want to appear in the same court as the offender.

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<sup>11</sup> TILES, *Analysis of the Tasmania Police Risk Assessment Screening Tool*, 2009

## 7. Findings – Safe at Home Service System

### 7.1 Overview of whole-of-government response

The Safe at Home Service System is delivered by the following agencies which work together to provide the integrated criminal justice response to family violence in Tasmania.

#### Department of Justice

- Safe at Home Coordination Unit

- Court Support and Liaison Service

- Legal Aid Commission of Tasmania

- Community Corrections – Family Violence Offender Intervention Program

- Magistrates Court

*Note: the Department of Justice has responsibility for the implementation of Safe at Home*

#### Department of Police and Emergency Management

- Operational police

- Victim Safety Response Teams

- Police Prosecutions

#### Department of Health and Human Services

- Family Violence Counselling and Support Service (Adult)

- Family Violence Counselling and Support Service (Children and Young Persons Program)

- Child Protection Service

- Defendant Health Liaison Service

#### Department of Education

- Notification of Orders where children are named to schools to alert them to conditions of contact

- School Social Workers

#### Department of Premier and Cabinet

- Office of Aboriginal Affairs

## Service Delivery Model

Safe at Home is an integrated response that relies on the cooperation of a range of services located within multiple Tasmanian Government agencies to provide a seamless service delivery system.

A key component of the Safe at Home system is the ICC process. ICC is a systematic and holistic approach to coordinating interventions to address the risk and safety needs of Safe at Home clients across professional and agency boundaries. Information sharing between Safe at Home partners is enabled through s.37 of the *Family Violence Act 2004*.

Integrated Case Coordination meetings are held weekly in the four Tasmania Police districts: Western; Northern; Southern; and Eastern.

Integrated Case Coordination is supported by SIMS, a web-based case coordination database which enables the availability of comprehensive, comparable, accurate and timely case data essential to the effective management of risk and safety. SIMS is accessed by all ICC partners.

## Safe at Home services for adult and child victims of family violence

24 Hour Family Violence Response & Referral Line *Operated by Tasmania Police*  
Family Violence Management System (FVMS) Report: Available to all Integrated Case Coordination (ICC) members

### Victim Safety Response Team (Tasmania Police)

- Rigorous oversight of family violence incidents.
- Undertake safety audits, prepare safety plans and implement security upgrades.
- Management of high-risk family violence incidents.
- Monitoring of family violence incidents involving repeat victims/offenders.

### Family Violence Counselling and Support Service – Adult (DHHS)

- Information, counselling and support to adult victims.
- Assistance to adult victims to manage risk and safety.
- Advocacy and liaison.
- Assistance to non-offending parents and care-givers to support children impacted by the experience of family violence.

### Family Violence Counselling and Support Service – Children (CHYPP)

- Provision of therapeutic counselling services, age range 0-18 years.
- Work with parent and child (0-5 years); one-on-one counselling (5-17 years); group sessions of parents and children (5+ years)

### Legal Aid Commission of Tasmania

- Dedicated Legal Aid Safe at Home lawyers.
- Advice, assistance and representation for family violence victims; family law children's issues; criminal law matters; and, child protection matters.

### Child Protection Service (DHHS)

- Notification follow up:
    - History check (Child Protection and Family Violence);
    - Determination if there are external service providers engaged with the family;
    - Assessment of level of safety present for the child at point of Notification.
- The level of risk assessed and protective factors already in place determines whether further investigation is required or the notification closes at Intake.

### Court Support and Liaison Service (DOJ)

- Personal and practical support to adult and child victims before, during and after the court process, including accompanying victims through court proceedings.
- Assistance with family violence orders, including variation and extension.
- Provide victims with information on the progress of offenders undertaking the FVOIP program.
- Provision of information about accessing, and referral to, legal advice.

### Department of Education

- School social workers play a key role in supporting children who may be experiencing family violence.
- In 2013, the Department commenced forwarding family violence orders, (PFVOs and FVOs), to schools so that school staff are aware if an Offender is prohibited from approaching the child/ren.

### Police Prosecutions (Tasmania Police)

- Specialist prosecutors support victims of family violence, provide information to the court (including patterns of violence that exist in certain families), enabling the court to assess the risk and safety aspects of family violence matters.

## Family Violence Incident – Safe at Home services responding to offenders

### Family Violence Offender Intervention Program (FVOIP) – (DOJ)

- Court mandated, eligible offenders referred by Magistrates.
- 50 hour group program for males.
- Individual programs available for eligible individuals. Assists offenders in accessing appropriate health and welfare services in the government and non-government sector.
- Targets those presenting with high-risk family violence behaviours.
- Facilitated by probation officers (Community Corrections) who specialise in family violence – undertake regular intensive training and supervision.
- Aims to promote cognitive and behavioural change in relation to abusive behaviour.
- Program includes pre and post assessments and case management.
- Program modules include:
  - Safe relationships;
  - Challenging abusive behaviour;
  - Sexual respect; and
  - Communication.

### Defendant Health Liaison Service (DHHS)

- Two Defendant Health Liaison Officers – one North/North-West one South assist offenders in accessing appropriate health and welfare services in the government and non-government sector.

### Magistrates Court (DOJ)

- Hears matters relating to family violence crimes.
- Applications for Family Violence Orders.
- Applications to vary or revoke Orders (FVOs and PFVOs).
- Registration of interstate Orders.
- Referral of appropriate offenders to Family Violence Offender Intervention Program.

### Supreme Court (DOJ)

- Hear most serious family violence matters.

## Performance Measures

The vision stated in the original Safe at Home Business Case was:

To introduce a whole-of-government integrated justice response to family violence that will reinforce its criminal nature and enhance the safety of the victim and children.

Further,

The goal of an integrated response to family violence is to place family violence firmly in the criminal justice system so that it is viewed as a public crime, rather than a 'private' matter. The key principle around which the framework has been developed is primacy of safety of child and adult victims. In line with this the strategy provides for risk assessment of the offender and rehabilitation programs (for offenders deemed suitable) which should result in a decline in recidivism rates. Further, the integrated response will provide more comprehensive support mechanisms for child and adult victims of family violence.<sup>12</sup>

While the original Safe at Home Business Case had clearly stated objectives, Performance Indicators to measure the progress in meeting the objectives of Safe at Home were not developed.

Data on Safe at Home has been predominately collected by the Department of Police and Emergency Management and reported through Tasmania Police Corporate Performance Reports.

The implementation of SIMS as the case management tool for Safe at Home in 2012 has greatly enhanced the ability to capture a range of information on each case. A reporting module for SIMS is being developed in the later part of 2014 which will allow increased reporting capability.

### Recommendations:

11. That a data collection and reporting framework be developed to allow reporting on the progress of Safe at Home. A set of Performance Indicators should be developed for the Safe at Home response. The Performance Indicators should align with the objectives of Safe at Home.

## Financial Allocation

In 2004, Safe at Home was allocated \$17.7 million over four years to combat family violence.<sup>13</sup>

The yearly allocation became a recurrent figure of \$4 765 000 from 2008. The modelling to arrive at this figure was based on an educated assumption that there would be 1 800 households affected by family violence each year. The recurrent allocation is distributed directly to each agency's general revenue for the following services:

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<sup>12</sup> Safe at Home Business Case 2003, p.11

<sup>13</sup> Parliament of Tasmania, Treasurer's 2004-05 Budget Speech

| <b>Service</b>  | <b>Recurrent funding \$</b>                | <b>Agency</b> |
|---|--|---------------|
| 24/7 Phone line for reporting family violence                         | Nil  | DPEM          |
| Police prosecution – an additional 6 police prosecutors               | 406 000                                    | DPEM          |
| Victim Safety Response Teams  | 1 482 000                                  | DPEM          |
| Detention costs – rural police stations                               | 50 000                                     | DPEM          |
|   | <b>1 938 000</b>                           | <b>DPEM</b>   |
| Additional court activity   | 370 000                                    | DOJ           |
| Court Support and Victim Liaison Service                              | 286 000                                    | DOJ           |
| Child Witness Support Program   | 150 000                                    | DOJ           |
| Perpetrator Program   | 242 000                                    | DOJ           |
| Legal Aid   | 240 000                                    | DOJ           |
|   | <b>1 288 000</b>                           | <b>DOJ</b>    |
| Perpetrator accommodation brokerage                                   | 50 000                                     | DHHS          |
| Family Violence Counselling and Support Service - Adult <sup>14</sup> | 1 072 000                                  | DHHS          |
| Family Violence Counselling and Support Service – Children            | 593 000                                    | DHHS          |
| Child Protection Service (increased activity)                         | 548 000                                    | DHHS          |
| Support for special needs offenders                                   | 209 000                                    | DHHS          |
|   | <b>2 472 000</b>                           | <b>DHHS</b>   |
| Aboriginal Family Violence Working Group – ya pulingina kani          | 20 000                                     | DPAC          |
| <b>TOTAL</b>  | 5 718 000<br>-953 000*<br><b>4 765 000</b> |               |

\* The existing Domestic Violence Crisis Service had a recurrent budget allocation of \$953 000. This allocation was rolled into the allocation for the Family Violence Counselling and Support Service, that is, the budget allocation of \$1 665 000 for that service only included additional new funding of \$712 000.

<sup>14</sup> Included the transfer of the existing funding from the Domestic Violence Crisis Service of \$953 000. In addition, the DHHS has increased funding for both the adult and children's service taking the total funding in the 2012-2013 financial year to \$3 132 690

## 7.2 Department of Police and Emergency Management

### Service Delivery Model

The original Business Case outlined the expectations of the services DPEM would provide with the funding allocated, which included \$50 000 for rural detention costs. There has been some adjustment to the original model to meet the reality of demand.

### Family Violence Response and Referral Line

A 24/7 1800 telephone contact service for family violence was established in 2004 by Tasmania Police for non-critical family violence matters. Prior to 2004, the Domestic Violence Crisis Service was the main contact point for people requiring non-urgent assistance with family violence.

#### **Service Delivery 2014**

As at 2014, the Tasmania Police 1800 Family Violence Response and Referral Line (FVRRL) is still in operation, but has been incorporated into the Tasmania Police Radio Room.

#### Issues:

The establishment of the FVRRL 1800 number as the only point of entry into the Safe at Home system did not occur.

The Family Violence Counselling and Support service established a 1800 number in 2004, which operates as an extended hours counselling and support service. This line is not funded through Safe at Home and allows the FVRRL to be bypassed if a victim does not want to make contact with Tasmania Police in the first instance.

### Police Prosecutions

Funding for an additional six Police Prosecutors was allocated to manage the increased justice response to family violence.

#### **Service Delivery 2014**

There are six Police Prosecutors who specialise in supporting family violence victims and managing their presentation of evidence to the courts. One position is currently unfilled as the incumbent is on maternity leave. These specialist Prosecutors are also allocated other prosecution cases and generalist Police Prosecutors may be called on to present family violence cases in court.

#### **Staff Profile**

- South: Three Prosecutors (one on maternity leave not backfilled)
- North: Two Prosecutors
- North-West: One Prosecutor



## Victim Safety Response Teams

The VSRTs were introduced as a new service by Tasmania Police. Originally, it was envisaged that six teams of two specialist police officers would provide a range of crisis and safety services to the victims of family violence and would provide coverage 16 hours per day, seven days per week. Two teams were to be based in the South, and the North and one each in Devonport and Burnie. The role of the VSRTs was to:

- conduct investigations of the crime scene when the offender is removed from the home;
- gather evidence and supporting information for prosecution and a FVO if appropriate;
- assist in the preparation of the FVO;
- complete a safety assessment for risk of the adult and child victims and initiate support action or relocation to a place of safety if appropriate;
- notify the CPS of any children present or at risk;
- undertake a safety audit of the home and, if necessary, arrange a security upgrade including changing locks;
- develop a safety plan with the victims;
- arrange alternative accommodation where necessary and provide transport to accommodation;
- inform the victim about available options and resources, including referral to court support and counselling services;
- investigate breaches of FVOs; and
- organise additional security patrols as necessary.

In 2011, the VSRTs were reduced from four teams to three as part of DPEM's response to the whole-of-government budget efficiency dividend strategy.

### **Service Delivery 2014**

The three VSRTs cover the South, North and North-West regions of the State.

The most significant change from the original model has been devolving attendance and investigation at initial family violence incidents to operational police. All Tasmania Police officers receive some training in the dynamics of family violence.

Operational police attend the initial incident and carry out the following:

- issue Orders, PFVO's or make application for an FVO;
- conduct an investigation into the family violence incident;
- arrest offenders and charge with relevant crimes and offences;

- take offender into custody if needed;
- administer the RAST and undertake a Safety Audit;
- take a Statutory Declaration from victim;
- generate a CPS notification if children are present; and
- engage the services of specialist police resources where appropriate such as Criminal Investigation Branch and Forensic Services

The primary focus of the VSRTs is to enhance victim safety after operational police have attended by:

- implementing strategies to minimise risk and maximise safety for victims and affected children;
- providing quality assurance and review mechanisms in relation to the actions of operational police;
- providing case coordination of families where there is an ongoing risk of violence;
- liaising with other Safe at Home partners and attending ICC meetings;
- assessing applications to vary PFVOs;
- conducting safety audits, preparing safety plans and implementing security upgrades where appropriate;
- managing offenders at large (ensuring enquiries are conducted to locate offenders and ensure the safety of the victim until this is achieved);
- investigating breaches of protective orders;
- overseeing the use and application of the initial risk assessment process ie RAST;
- ensuring the development of a safety plan which may include strategies to enable the victim to remain in their own home; and
- gathering evidence to support the prosecution of offenders.

The Tasmania Police *Family Violence Manual 2013* provides direction and policy to guide and assist frontline officers, VSRTs and Police Prosecutions when attending and managing family violence incidents and investigations.

#### **Staff Profile**

- South: One Sergeant and six constables
- North: One Sergeant and two constables
- North-West: One Sergeant and two constables
- Statewide: One Sergeant

#### **Issues:**

High expectations have been placed on the VSRTs as the specialist family violence police response, however, the low number of VSRT personnel can limit the capacity of the teams to respond.

The ability of the VSRTs to pursue issues raised by other services in contact with the victim can be compromised by a lack of evidence or if the victim is unwilling to engage with police. This can create tension between services.

The officers in the VSRTs are also able to be pulled off duty to attend to operational matters outside of family violence.

## **Performance Measures**

Tasmania Police (including VSRTs) are subject to operational performance measures, including:

- Clear up rate for offences.
- Timeframes for outstanding offenders.
- Investigation is timely particularly where offenders are at large.

No specific performance measures exist for the VSRTs outside of the broader operational performance measures.

## DPEM Financial Expenditure 2013-14 (Actual)

|  |                    |
|--|--------------------|
| <b>Allocation</b>  | <b>\$1 938 140</b> |
| VSRT Southern – Employee benefits                              | 633 977            |
| VSRT Southern – Supplies and consumables                       | 33 790             |
| VSRT Southern – Other expenses                                 | 345                |
| <b>VSRT Southern - Total</b>                                   | <b>668 112</b>     |
| VSRT Northern – Employee benefits                              | 307 106            |
| VSRT Northern – Supplies and consumables                       | 20 804             |
| VSRT Northern – Other expenses                                 | 255                |
| <b>VSRT Northern - Total</b>                                   | <b>328 165</b>     |
| VSRT Western – Employee benefits                               | 315 994            |
| VSRT Western – Supplies and consumables                        | 17 739             |
| VSRT Western – Other expenses                                  | 1 539              |
| <b>VSRT Western - Total</b>                                    | <b>335 272</b>     |
| <b>VSRT Total</b>  | <b>\$1 331 549</b> |
| Prosecution SaH - Southern                                     | 235 441            |
| Prosecution SaH - Northern                                     | 99 063             |
| Prosecution SaH - Western                                      | 66 449             |
| <b>Prosecution Total</b>                                       | <b>\$400 953</b>   |
| Grants (ANROWS)  | 8 775              |
| Other SaH Activity Areas – Employee benefits                   | 251 898            |
| Other SaH Activity Areas – Supplies and consumables            | 1 968              |
| <b>Expenditure</b>   | <b>\$1 995 143</b> |
| The above includes the following practical assistance funding: |                    |
| VSRT Southern – Emergency accommodation funds                  | 1 204              |
| VSRT Southern – Client relocation                              |                    |
| VSRT Southern – FVO in rural areas - Accommodation             | 82                 |
| VSRT Southern – Crisis assistance                              |                    |
| VSRT Southern – Property security                              | 3 300              |
| VSRT Northern – Emergency accommodation funds                  | 1 845              |
| VSRT Northern – Client relocation                              | 162                |
| VSRT Northern – FVO in rural areas - Accommodation             |                    |
| VSRT Northern – Crisis assistance                              | 255                |
| VSRT Northern – Property security                              |                    |
| VSRT Western – Emergency accommodation funds                   | 629                |
| VSRT Western – Client relocation                               | 360                |
| VSRT Western – FVO in rural areas - Accommodation              |                    |
| VSRT Western – Crisis assistance                               | 1 539              |
| VSRT Western – Property security                               | 1 639              |
| Other  | 60                 |
| <b>Total</b>   | <b>11 075</b>      |

## 7.3 Department of Justice Service Delivery

### Safe at Home Policy and Executive Support

The whole-of-system policy and administrative support for Safe at Home is delivered by DOJ. Through the development and initial implementation phase two Senior Consultants and a range of policy, project and administrative staff working on Safe at Home were located in the Strategic Legislation and Policy Branch in the Office of the Secretary.

#### **Service Delivery 2014**

The Safe at Home Coordination Unit has ongoing responsibility for managing the policy and administrative support for Safe at Home. This includes:

- Providing executive support to the Safe at Home Steering Committee.
- Chairing the Safe at Home IDC and providing executive support to the IDC.
- Providing executive support to the three RCCs and progressing the operational issues raised by the RCCs.
- Providing executive support to the ICC meetings which are held weekly in four regions.
- Providing strategic policy development and oversight of the whole-of-government integrated Safe at Home program.
- Oversight and continued development of the SIMS.
- Providing technical support to all Safe at Home SIMS users.

#### **Staff Profile**

- Statewide: One Senior Consultant
- South: Executive Officer (1 FTE)
- North: Administrative Assistant (.4 FTE)
- North-West: Administrative Assistant (.43 FTE)

#### **Issues:**

In 2013, the Safe at Home Coordination Unit was placed under the management of Community Corrections. Of particular concern is that the policy and administrative functions undertaken by the Safe at Home Coordination Unit were not funded through the original Business Case but through the Office of the Secretary.

Since inception, a range of projects have been commenced but have not been completed. While project officers have been engaged, the projects have not been implemented, primarily due to a lack of funding. These include:

- In 2006, a Safe at Home Culturally and Linguistically Diverse Liaison Project aimed at ensuring that culturally and linguistically diverse (CALD) communities have access to Safe at Home information and services was undertaken. A range of recommendations were made from the project, which have not been fully implemented.

- In 2006, an Aboriginal Family Violence Offender Intervention Project was commenced with an Aboriginal project officer appointed. The project does not appear to have been completed and there are no clear outcomes from the project.
- In 2009, the East Coast Initiative Project was undertaken. The aim was to implement a six month comprehensive intervention trial in the East Coast policing region (encompassing St Helen's, St Mary's and Fingal). While the trial was undertaken in 2009 no follow-up on the efficacy of the model and potential implementation in other regions was undertaken.

### Performance Measures

Performance measures for the Unit are predominately in relation to the efficient running of the ICC meetings:

- New incident agenda's distributed by 11 am business day prior to the meeting day.
- Minutes and ongoing agenda – distributed by COB the next business day following the meeting.
- CMD report – by COB the day this request is received.
- MPES report – by COB the day this request is received.
- Prison list – wherever possible within one hour of receipt of email by administrative staff.

### Safe at Home Coordination Unit Financial Expenditure 2013-14 (Actual)

|                              |                  |
|------------------------------|------------------|
| <b>Allocation</b>            | <b>\$178 663</b> |
| Salaries and wages           | 168 705          |
| IT hosting services          | 8 632            |
| Office costs                 | 7 129            |
| Rent                         | 21 327           |
| Workers Compensation Premium | 3 558            |
| <b>Expenditure</b>           | <b>\$209 351</b> |

Note: the Senior Consultant position was funded at .6 FTE from July 2013-December 2013. In January 2014, the position reverted to 1 FTE.

### Magistrates Court of Tasmania

It was anticipated that the introduction of FVOs and PFVOs would lead to an increase in disputes relating to Orders, thereby creating additional court activity.

Financial reports from the period indicate that most of the initial expenditure (2004-05) was in relation to the employment of a project officer to establish new procedures and processes within the Court. Other expenditure was in the form of a contribution to the cost of video conferencing equipment in the four registries and increasing awareness in relation to family violence.

In addition, extra security costs were incurred in relation to more after hours court sittings and the establishment of new family violence courts [note: these courts have not been implemented to date].

The majority of the funding to the courts is based on the requirement to process a larger number of applications for Restraint Orders, FVOs and PFVOs and applications to vary or revoke these Orders.

### Service Delivery 2014

The Magistrates Court is the primary court for hearing family violence related matters which include:

- hearing family violence offences as determined by the *Family Violence Act 2004* including breaches of Orders;
- applications for FVOs;
- applications to vary or revoke FVOs;
- applications to vary or revoke PFVOs;

The Supreme Court hears more serious family violence charges.

### Performance Measures

N/A

### Magistrates Court Financial Expenditure 2013-14 (Actual)

| Allocation  | \$290 000      |
|---|----------------|
| Band 3 (Court Clerk x 4 Registries)                   | 59 871         |
| Band 2 (Counter Clerk x 4 Registries)                 | 53 038         |
| Band 2 (Data Entry Clerk x 4 Registries)              | 53 038         |
| Security – After Hours Courts                         | 58 000         |
| Security – Working Hours                              | 61 000         |
| Miscellaneous Costs (Photocopying, Telephone Service) | 10 000         |
| Mediation Services                                    | 5 000          |
| <b>Total</b>  | <b>299 947</b> |

### Court Support and Liaison Service

The Court Support and Victim Liaison Service was a new service established in 2004 as a pathway for victims to access the criminal justice system. The service was designed to assist adult victims through the legal and court processes and provide information about, and referral to, services for family violence victims including access to Legal Aid.

The Service also took responsibility for providing victims with information on offenders' progress through the criminal justice system, including the offenders' entry and progress through the FVOIP.

A designated statewide support worker for Aboriginal victims of family violence was also appointed. This is the only Safe at Home service to have an Aboriginal worker allocated.

## Child Witness Program

A Child Witness Program, attached to the Court Support and Victim Liaison Service, was also funded as a new service as it was recognised that the increased use of the justice system to manage family violence would result in more children being required to provide evidence in court and/or be parties to FVOs.

The current (CSLS, located within Victim Support Services, has evolved to meet the reality of demand as Safe at Home was implemented.

In 2007, the service models for the Court Support and Victim Liaison Service and the Child Witness Program were amended establishing one service to meet the needs of both adult and child victims.

The rationale for the change was:

- low demand for the children's service whilst the adult service struggled to cope with the number of clients;
- having two separate services consumed more resources; and
- adult clients did not want their children separated from them in the court process.

In 2007, a Court Support and Liaison Officer (CSLO) was trained to deal with children's issues. However, that CSLO has left and there is no longer a specialist children's worker in the CSLS.

### Service Delivery 2014

- The CSLS provides support to adult and child victims of family violence. Support is available for male and female victims regardless of age or cultural background.
- Dedicated CSLOs are available statewide to assist Safe at Home clients with the following:
  - how to take out a FVO;
  - how to vary or extend an existing Order;
  - Victim Impact Statements;
  - provide advice on legal and court processes; and
  - provide ongoing updates on progress of a matter through the courts.

Further assistance can be provided by the CSLOs as matters proceed through the courts including:

- providing court orientation in the form of a court tour to explain court layout and facilities and the roles of people in the court;
- accompanying the victim to court and providing support throughout the court process;
- debriefing following court and discussing the impact of a magistrate/judge's decisions; and
- follow-up through referral to other services.



The CSLS Service *Policy Manual 2014* provides direction and policy to guide and assist CSLOs.

### Staff Profile

- South: Coordinator Policy and Procedures (1 FTE)  
Aboriginal Court Support Officer (1 FTE)
- North: Team Leader (1 FTE)  
Court Support Officer (0.53 FTE)
- North-West: Court Support Officer (0.6 FTE)  
Court Support Officer (0.6 FTE)

### Issues:

The financial allocation does not meet the demand on the service.

The lack of a specialist children's worker in the CSLS is problematic.

### Performance Measures

No specific performance measures exist for the CSLS. However, the CSLS reports on throughput figures to the Safe at Home Coordination Unit for incorporation in the Safe at Home Annual Report.

### Court Support and Liaison Service Financial Expenditure 2013-14 (Actual)

|                                   |                  |
|-----------------------------------|------------------|
| <b>Allocation</b>                 | <b>\$537 528</b> |
| Salary expenditure                | 450 968          |
| Other employment related expenses | 221              |
| Information technology            | 14 136           |
| Materials, supplies and equipment | 3 033            |
| Travel and transport              | 5 318            |
| Property expenses                 | 68 869           |
| Finance expenses                  | 495              |
| Operating expenses                | 17 645           |
| <b>Expenditure</b>                | <b>\$560 685</b> |

### Legal Aid Commission of Tasmania

The original Business Case identified that a number of family violence victims had difficulty in obtaining legal representation and were, on occasion, representing themselves. As a result, resources were allocated to the Legal Aid Commission of Tasmania (LACT) to provide legal assistance and representation to a larger number of family violence victims.

### Service Delivery 2014

The LACT Safe at Home lawyers:

- advocate change in the application of the legislation to ensure that full use is made of its advances in protectiveness for adult and child victims;

- assist in ensuring that information pertaining to risk and safety is brought to the attention of the Courts in a format which can be applied in individual cases;
- provide clients with legal advice and assistance;
- provide clients with appropriate support and referrals;
- engage in community education about the law relating to family violence; and
- ensure that people at risk of family violence are identified to the ICC and promote the sharing of information pertaining to risk and safety within that system.

#### **Staff Profile**

- South: Legal Practitioner (1 FTE)
- North/North-West: Legal Practitioner (.6 FTE)
- Policy and administrative support as needed through LACT

#### **Issues:**

Reduction in LACT funding by the Australian Government.

Workplace Health and Safety:

- threats made by offenders towards LACT lawyers because of the support provided to victims; and
- trauma for LACT lawyers arising from dealing with both difficult people and distressing disclosures.

#### **Performance Measures**

The LACT provides a monthly report to the Safe at Home Coordination Unit, reporting on throughput figures as were identified as measurable by DOJ. This is a quantitative measure only.

The LACT is considering surveying clients to gauge their satisfaction with services received as a qualitative measure.

## LACT Financial Expenditure 2013-14 (Actual)

|                        |                     |
|------------------------|---------------------|
| <b>Allocation</b>      | <b>\$236 000</b>    |
| Salaries               | 222 381.35          |
| Accommodation          | 20 633.03           |
| Information systems    | 6 867.64            |
| Communications         | 6 786.98            |
| Materials and supplies | 6 288.88            |
| Travel                 | 1 957.68            |
| Other                  | 1 017.86            |
| Training               | 842.94              |
| <b>Expenditure</b>     | <b>\$266 776.36</b> |

### Family Violence Offender Intervention Program – Community Corrections

The original Business Case envisaged police screening of offenders at risk of committing further violence in order to determine the most appropriate intervention and management strategy. Those assessed as being suitable would be referred to an offender program. In 2003, it was anticipated that the Duluth Domestic Violence Perpetrator Program would be adapted in Tasmania and it was estimated that between 120 and 150 offenders would be able to participate in the program.

The funding was allocated to cover a program manager to undertake the assessment of offenders, management of the program, administrative assistance and program facilitators to deliver the program.

In 2004, DOJ made the decision to adapt the New Zealand Department of Corrections violent offenders program, rather than the Duluth model, and contracted Ken McMaster to provide training. The program was initially implemented as a 100 hour program (later reduced to 75 hours) run over 10 weeks for male offenders who had been convicted of a family violence offence, assessed as at high risk of reoffending and mandated to attend the program through a rehabilitation or probation order. The FVOIP was a stand-alone program until July 2007, when it was transferred to Community Corrections.

#### Service Delivery 2014

Offenders presenting to the courts for family violence matters may be referred to Community Corrections for an eligibility assessment for the FVOIP. If deemed eligible, offenders may be sentenced to attend the Program as part of a community based order (ie probation/community service or suspended sentence). The Program is 50 hours in duration, and offenders are case managed by a Probation Order during their participation in the Program. Both group and individual programs are available.

The Program is facilitated by two trained Probation Officers. Refresher training for facilitators is offered on an annual basis. Specialist supervision is also provided to all FVOIP facilitators to ensure a high standard of facilitation and offender management.

The Program is run in the three regions of the State and outreach individual programs are available

for those in remote areas.

In 2014, the Tasmania Prison Service introduced an adapted version of the FVOIP for prisoners who have a family violence history. Participation in this program is voluntary.

**Staff Profile**

- Statewide Programs Manager (.5 FTE)
- Trained Probation Officers facilitate programs as needed

**Issues:**

Ability to meet the number of referrals to the FVOIP in a timely manner.

**Performance Measures**

A review of the efficacy of the FVOIP is currently being undertaken. Results to date indicate significant decreases in attitudes (minimising, denial etc) and behaviours (assaults, verbal assault) that support partner abuse.

**FVOIP Financial Expenditure 2013-14 (Actual)**

Community Corrections receives a \$250 000 grant per annum to deliver the FVOIP. In 2013-14, the cost associated with the delivery of FVOIP was dispersed within the Community Corrections global budget, rather than as a discrete expenditure. The funding covered:

- Probation Officer salaries to deliver FVOIP (three regions);
- learning resources;
- materials;
- venue hire; and
- transport.

Community Corrections is absorbing any overspend on the delivery of the FVOIP.

## 7.4 Department of Health and Human Services Service Delivery

### Family Violence Counselling and Support Service - Adult

The FVCSS was established in 2004 and replaced the existing Domestic Violence Crisis Service. The Domestic Violence Crisis Service had been the point of contact for all family violence calls that did not go to the police 000 number prior to the implementation of Safe at Home.

It was envisaged that the service would provide a 9 am to 5 pm weekday telephone information, counselling and support service for victims of family violence. Out of hours calls were intended to be diverted to the then 24 hour Victim of Crime Service. A solution focussed therapy program for adults was outlined in the original Business Case with an average of six hours of service per client.

Since the introduction of Safe at Home, the FVCSS has maintained an extended hours telephone service for clients across the State. This service is not funded through Safe at Home but is a commitment by DHHS in relation to its primary health care principles and obligations regarding best practice principles.<sup>15</sup> This extended hours service is operated from 9 am until midnight except on weekends and public holidays when it operates from 4 pm until midnight. The service provides counselling and immediate support for clients 365 days a year.

The FVCSS was independently reviewed by 3P Consulting in 2011. The Review found that the model of service as envisaged in the original Business Case had not been adopted.

#### **Service Delivery 2014**

The FVCSS adult service provides a counselling and support service to people identified as victims of family violence. The service assists victims to establish and maintain safety and stability for themselves and their children. The service is provided to female and male adult victims predominately by telephone, but also face to face at specified sites in urban and non-urban centres.

Community education on the impact of family violence and on supporting people who report family violence is delivered to non Safe at Home services and agencies by FVCSS. Respectful relationships programs are delivered to children in Tasmanian schools.

#### **Staff Profile**

- A/Area Managers – 1.5 FTE
- Team Leaders – 4 FTE
- Family Violence Workers – 10.5 FTE
- Administrative Officer – 1 FTE

#### **Issues:**

Since the release of the 3P Consulting Review Report there has been a greater emphasis on therapeutic counselling in the FVCSS. However, the service continues to place a strong emphasis on the advocacy and physical support services to family violence victims.

<sup>15</sup> FVCSS Correspondence to Tasmania Police 17 July 2012

## Performance Measures

As of 2014, the FVCSS provides throughput data for both the adult and children's services to the Safe at Home Coordination Unit for incorporation in the Safe at Home Annual Report.

### Family Violence Counselling and Support Service – Children and Young Persons Program

The CHYPP was a new service established in 2004, at which time there were no existing counselling services for children experiencing family violence.

#### Service Delivery 2014

The CHYPP is a specialised counselling service for children which is part of the FVCSS.

CHYPP provides a strong therapeutic response for children who have been victims of, or witnesses to, family violence. Parents and/or caregivers who identify that the experience of family violence in the home has impacted on the child significantly, impacting on behaviour or emotional connectedness, can access therapeutic counselling and support through CHYPP. The CHYPP workers can provide the service in differing localities, based on individual client circumstances.

In circumstances where CHYPP is not able to provide an immediate response to a child due to high demand, they are able to offer support and information to parents to address the identified behaviours.

CHYPP workers undertake an assessment of all children referred to the service. When they are unable to accept a referral, they are able to seek out options for support for the child, in the broader service sector (such options may include the Australian Childhood Foundation and Psychologists through the Medicare Rebate).

#### Staff Profile

- A/Area Managers – .5 FTE
- Team Leaders – 2.2 FTE
- Psychologist – 2.5 FTE
- Counsellor – 4.8 FTE

#### Issues:

Many internal stakeholders expressed concern at the long waiting lists for the CHYPP service. In addition, concern was expressed about the eligibility criteria of CHYPP, particularly the policy of not accepting children who are still living in homes where family violence is occurring.

**Family Violence Counselling and Support Service Financial Expenditure 2013-14  
(Actual)**

|   |  |                    |
|---|--|--------------------|
| <b>Allocation (from SaH 2003 Business Case)</b> |  | <b>\$1 665 000</b> |
| Salaries  |  | 2 521 787          |
| Non-salaries                                    |  | 1 080 974          |
| <b>Expenditure</b>                              |  | <b>\$3 602 761</b> |

**Child Protection Service**

The original Business Case recognised that the mandatory reporting of children at risk through family violence would significantly increase the demand for the assessment of the risk factors for children and the protection services required.

The CPS received \$548 000 recurrent funding to cover the anticipated increase in demand for the service. This allocation went towards the employment of additional child protection workers.

While CPS officers attend the ICCs, the CPS is a service working collaboratively alongside, rather than within, Safe at Home.

|   |  |                  |
|---|--|------------------|
| <b>Allocation (from SaH 2003 Business Case)</b> |  | <b>\$548 000</b> |
| Salaries SaH Notification Intake                |  | 482 646          |
| Non-salaries                                    |  | 405 471          |
| <b>Expenditure</b>                              |  | <b>\$988 117</b> |

**Defendant Health Liaison Service**

The original Business Case allocated \$209 000 recurrent for the provision of Forensic Mental Health Officers who would identify and support offenders with special needs such as:

- mental health issues;
- intellectual and cognitive disabilities;
- problems with substance abuse;
- homelessness.

Several iterations of the service were trialled before the current model, established in 2011, was adopted.

**Service Delivery 2014**

The DHLS assists offenders to access appropriate services for assistance, assessment and/or treatment through active referral and provides information and consultation to Safe at Home and other services to enhance service delivery to offenders with special needs with the overall aim of reducing the risk of reoffending. This is achieved through:

- early identification of offenders with special needs and referral to services;
- health screening, and risk and safety assessment;
- advocacy; and
- development of clinical pathways and protocols to support clients' access to services.

The service objectives of the DHLS are:

- to provide a comprehensive and informative assessment of offenders determining their individual risk/need profile, eligibility, suitability and motivation for change;
- to deliver a case coordination service that provides offenders with the opportunity for rehabilitation; and
- to work in partnership with other Safe at Home providers to manage the ongoing safety of victims through the case coordination process.

#### **Staff Profile**

- 2 x Defendant Health Liaison Officers (DHLOs) (1 South, 1 North/North-West)

#### **Issues:**

The DHLS is the smallest of the Safe at Home services and sits within DHHS' Forensic Mental Health Services. The professional support and clinical governance that would assist the DHLOs is not available through the Forensic Mental Health Service as it is a service that sits outside the usual clinical practices of the FMHS.

With only two workers available, the service is limited in the work it can undertake. However, it is viewed within Safe at Home as the service with the most potential to provide early intervention to offenders to assist them to change their behaviour, thereby reducing recidivism.

A substantial increase in funding will be necessary for the DHLS to expand the service it provides.

### **Defendant Health Liaison Service Financial Expenditure 2013-14 (Actual)**

The financial allocation of \$236 800 funds the two Defendant Health Liaison Officers and their operational costs, including one car. The allocation does not contribute to the salary of the Manager, Forensic Mental Health Service, or administrative support.

#### **7.5 Department of Education**

In January 2013, the Magistrates Court began sending FVOs and PFVOs which have children and the school they attend named on the Orders, to the Department of Education. DOE then forward the Orders to the named schools so that school staff become aware of any restrictions placed on offenders' contact with children attending the school.

DOE also provides advice on the needs of children to the Safe at Home Steering Committee and IDC.

School Social Workers play an important role in providing support to children and young people affected by family violence and are a key referral point for both CPS and CHYPP.

#### **7.6 Department of Premier and Cabinet**

The original Business Case recognised that the number of incidents involving Aboriginal people would not support a statewide specialist service. It was decided that it would be more appropriate to ensure that all family violence services were culturally appropriate to meet the needs of adult and



child Aboriginal victims and offenders. To facilitate this, the Office of Aboriginal Affairs in DPAC was allocated \$20 000 recurrent funding.

Initially, the ya pulingina kani Aboriginal Advisory Group was established to provide ongoing advice to Safe At Home service providers on the most culturally appropriate ways to manage Aboriginal offenders and provide support to Aboriginal adult and child victims. Funding was provided for up to six meetings per year. The original working party was made up of representatives from the Aboriginal community throughout Tasmania, however this group voted to disband in late 2010.

In 2011, the Office of Aboriginal Affairs returned unexpended funds to the Department of Justice who used the \$20 000 allocation to fund cultural awareness training for Safe at Home and Community Corrections staff.

The Office of Aboriginal Affairs had the \$20 000 reinstated in 2012-13 to develop a model for responding to Aboriginal victims and offenders of family violence.

## 8 Supporting Structures

### 8.1 Legislation

#### *Family Violence Act 2004*

Section 43 of the Family Violence Act states:

A review into the provisions of this Act including an investigation of the effectiveness of its mechanisms will be conducted by the Minister and tabled in Parliament within three years of the commencement of the Act.

An external review was undertaken by Urbis in 2008. The full report is available at [www.safeathome.tas.gov.au](http://www.safeathome.tas.gov.au)

The Safe at Home IDC has maintained a register of amendments that have been identified as necessary to meet the operational needs of the Safe at Home system and has taken into consideration the amendments suggested in the Urbis review. The first round of proposed amendments will be presented to Cabinet for consideration in late 2014. These amendments are:

- (a) approve the drafting of a Bill to amend the *Family Violence Act 2004* (FVA), the *Justices Act 1959* and the *Residential Tenancy Act 1997* to:
  - i. amend section 7(b) of the FVA to include “property damage”;
  - ii. insert a new provision into the FVA to make the limitation period for commencement of proceedings for an offence under sections 8 or 9 twelve months;
  - iii. insert a new provision into the FVA to provide that if an application for a family violence order is adjourned, a justice may remand the respondent in custody or admit him or her to bail to appear at a later date;
  - iv. amend section 10 of the FVA to provide that a police officer may obtain assistance and may detain a person for the purpose of search;
  - v. amend section 12 of the FVA by deleting paragraph (2)(c);
  - vi. amend section 13 of the FVA to allow a victim to provide a victim impact statement;
  - vii. amend either section 14 or section 23 to clarify that the Court to make an Interim Family Violence Order where an application to vary or extend or revoke a Police Family Violence Order has been made to the Court;
  - viii. amend sections 26 and 27 of the FVA to allow a Clerk of Petty Sessions to perform the required functions;
  - ix. amend section 32 of the FVA to provide for an automatic ban on publication of any material that may disclose the identity of an affected child;
  - x. amend section 106B (Restraint Orders) of the *Justices Act 1959* to allow a Magistrate to make a Family Violence Order (FVO) following a Restraint Order (RO) application; and
  - xi. amend new section 57(2B) of the *Residential Tenancies Act* to include a reference to a police family violence order.

Continual monitoring of issues that arise in the operation of the Act will likely result in further amendments being required in future.

*Children, Young Persons and Their Families Act 1997*

The second piece of legislation that impacts significantly on the Safe at Home system is the *Children, Young Persons and Their Families Act 1997*. In particular, s.14 - Informing of concern about abuse or neglect or certain behaviour:

(1) In this section,

**prescribed person** means –

- (a) a medical practitioner; and
- (b) a registered nurse or enrolled nurse; and
- (ba) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the midwifery profession; and
- (c) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the dental profession as a dentist, dental therapist, dental hygienist or oral health therapist; and
- (d) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the psychology profession; and
- (e) a police officer; and
- (f) . . . . .
- (g) a probation officer appointed or employed under section 5 of the *Corrections Act 1997*;

and

- (h) a principal and a teacher in any educational institution (including a kindergarten); and
- (i) a person who provides child care, or a child care service, for fee or reward; and
- (j) a person concerned in the management of an approved education and care service, within the meaning of the Education and Care Services National Law (Tasmania), or a child care service licensed under the *Child Care Act 2001*; and
- (k) any other person who is employed or engaged as an employee for, of or in, or who is a volunteer in –
  - (i) a Government Agency that provides health, welfare, education, child care or residential services wholly or partly for children; and
  - (ii) an organisation that receives any funding from the Crown for the provision of such services; and

(l) any other person of a class determined by the Minister by notice in the *Gazette* to be prescribed persons.

(2) If a prescribed person, in carrying out official duties or in the course of his or her work (whether paid or voluntary), believes, or suspects, on reasonable grounds, or knows –

- (a) that a child has been or is being abused or neglected or is an affected child within the meaning of the *Family Violence Act 2004*; or
- (b) that there is a reasonable likelihood of a child being killed or abused or neglected by a person with whom the child resides; or
- (c) while a woman is pregnant, that there is a reasonable likelihood that after the birth of

the child –

- (i) the child will suffer abuse or neglect, or may be killed by a person with whom the child is likely to reside; or

(ii) the child will require medical treatment or other intervention as a result of the behaviour of the woman, or another person with whom the woman resides or is likely to reside, before the birth of the child –

the prescribed person must inform the Secretary or a Community-Based Intake Service of that belief, suspicion or knowledge as soon as practicable after he or she forms the belief or suspicion or gains the knowledge.

The original Business Case included a recurrent financial allocation of \$548 000 to the CPS in recognition that mandatory reporting of children who are being affected by family violence would significantly increase the demand for the assessment of risk to children by CPS.

While CPS attends the ICC meetings, they do so in the capacity of consultants where children are involved in cases, but do not hold case coordinator responsibilities. This has caused tensions within the service system, with Safe at Home service providers viewing CPS as best placed to take on case coordination for children and CPS not having the capacity to take on the case coordination role.

As discussed previously, a number of internal stakeholders expressed concern that the needs of children who have witnessed, or been subjected to, family violence are not being adequately met in the current Safe at Home response.

In addition, since the introduction of Safe at Home there have been new services contracted through DHHS to provide services for children including:

- Pathways Home (Anglicare)

This service is for children and young people who have been in Out-of-Home Care. It provides assistance and support to allow children to return to their family home. The service is for children and young people who have been in Out-of-Home Care. The service is available in North and North West Tasmania and:

- Supports families;
- Provides assistance to ensure a stable environment; and
- Provides support that is tailored to the needs of the child.

- Gateway Integrated Family Support Services (IFSS)

Major reform for family support services was implemented in September 2009 with \$31.5M over four years provided to establish a new community based common access service (the Gateways) funded to \$2M per year and new Integrated Family Support Services funded to - \$4M per year.

An Integrated Child and Family Support Service in each of the four areas coordinates a range of service responses to vulnerable children, young people and families in a coordinated and integrated manner.

## 8.2 Safe at Home Steering Committee

The Steering Committee has responsibility for the strategic direction of Safe at Home, overall resource distribution and resolving operational matters that cannot be agreed at the IDC level. Members are senior officials from the departments of Justice (Chair); Police and Emergency Management; Health and Human Services; Premier and Cabinet; and Education. The Steering

Committee meets twice yearly and in 2014 held the first combined Safe at Home Steering Committee and IDC meeting.

Between 2005 and 2010, the Steering Committee rarely met. This resulted in a lack of strategic direction for Safe at Home.

Recommendations:

12. That the Safe at Home Steering Committee meet annually with the IDC to reinforce the Steering Committee's role as the decision making body for Safe at Home.

### **8.3 Safe at Home Interdepartmental Committee**

The operational planning and development of Safe at Home has been undertaken by an IDC, which is chaired by the Department of Justice. The IDC has a broad based membership including representatives from the departments of Health and Human Services, Justice, Police and Emergency Services, Premier and Cabinet, Education, the Magistrates Court, Legal Aid Commission of Tasmania and the Tasmanian Prison Service. The IDC is responsible for service system design and ongoing system monitoring and improvement, under the direction of the Steering Committee.

The IDC meets on a monthly basis to ensure any issues that arise in operational matters are dealt with promptly.

Should the Steering Committee endorse the recommendations of this Review, the IDC will take on a more consolidated policy and development role.

### **8.4 Regional Coordinating Committee**

The IDC is supported by RCC's which have a role in coordinating activities in each region and reporting any unresolved policy or system design matters to the IDC. The RCC's include similar membership as the IDC with the addition of other agencies such as those responsible for housing or mental health (note that there are regional differences in the attendance of these agencies). The RCC's also have a charter to develop and foster ongoing relationships with relevant non-government services in their region in order to achieve improved information flow and better coordinated services for victims and offenders at the local level.

The RCCs meet quarterly. In addition, there have been occasional statewide RCC meetings to ensure uniformity of service provision across the State. The statewide RCC is also an opportunity for service providers to receive consistent education and training.

### **8.5 Integrated Case Coordination Meetings**

The aim of the ICC approach is to contribute to the safety of adult and child victims of family violence and mitigate against the risk that an offender will repeat or escalate their violence by coordinating an integrated service response that is proactive, timely, holistic and effective. More specifically, case coordination involves developing a series of agreed goals, interventions and responsibilities that provide a cohesive and integrated approach to address the identified risk and safety needs of a case.

ICC's are attended by representatives from the DPEM VSRTs, Police Prosecution, FVCSS, CSLS, CPS and DHLS.

The meeting considers all new and 'active' family violence 'cases' in the region. The servicing of these meetings is undertaken by the Safe at Home Coordination Unit of the Department of Justice.

ICCs determine an appropriate course of action for each case and assign a Case Coordinator. Generally the Case Coordinator is the service provider who is most likely to have ongoing contact with the victim. Where the level of risk to the victim remains high, case coordination remains with the VSRT.

ICCs can close cases if all matters associated with the case have been finalised, and there has been no reported family violence related activity for a period of three months and all risk and safety issues have been addressed. The unanimous agreement by all ICC members is required before a case can be closed.

VSRT Sergeants are responsible for determining the 'initial' risk status of each case and are the Case Coordinator for all cases with a "New" Incident. Cases remain with VSRT until ICC members are satisfied that all known immediate/outstanding risk and safety concerns have been addressed. When ICC members are satisfied that initial risk and safety issues have stabilised for a given case the responsibility for case coordination is transferred to another service:

CSLS is appointed as the conduit for information to and from the ICC meetings for:

- Family Violence Offender Intervention Program;
- Court Mandated Diversion Program; and
- Legal Aid

FVCSS is appointed as the conduit for information to and from ICC meetings for:

- CHYPP (FVCSS – DHHS)

DHLS is appointed as the conduit for information to and from the ICC meetings for:

- Forensic Mental Health Service

In 2014, it was identified that Community Corrections in the DOJ shared many common clients with Safe at Home. Further, Community Corrections staff are in a position to contribute information that will add to the risk and safety management of Safe at Home clients, while being able to access information that will inform their own case management of clients.

Recommendation:

13. That Community Corrections becomes a member of the ICCs for a trial period of three months to gauge the usefulness of participation for both Safe at Home and Community Corrections.

## 8.6 Case Conferencing

Case conferences may be called in addition to case discussion at ICC meetings when:

- an imminent threat is detected and immediate action is required;
- ICC members believe that management of the case would benefit from the input of other agencies or services;
- a range of external service providers are already involved in the case and an extended and coordinated service system response is warranted; or
- ICC members believe that a case conference is warranted for other reasons.

The ICC member calling the case conference is responsible for determining which external agencies, if any, should be included in the case conference and for obtaining a confidentiality agreement from them. External agencies may include:

- other state government agencies;
- Australian government agencies; and
- non-Government service providers.

A case conference is generally a one-off event about an individual case. Case Conferencing does not replace the ICC process.

## 8.7 Safe at Home Coordination Unit

The Safe at Home Coordination Unit has ongoing responsibility for managing the policy and administrative support for Safe at Home. This includes:

- Providing executive support to the Safe at Home Steering Committee.
- Chairing the Safe at Home IDC and providing executive support to the IDC.
- Providing executive support to the three RCCs and progressing the operational issues raised by the RCCs.
- Providing executive support to the ICC Committees which are held weekly in four regions.
- Providing strategic policy development and oversight of the whole-of-government integrated Safe at Home program.
- Oversight and continued development of SIMS.
- Providing technical support to all Safe at Home SIMS users.

## 8.8 Safe at Home Information Management System (SIMS)

A key achievement for Safe at Home in 2012-13 was the establishment of the SIMS database as the case management system for the integrated case coordination of Safe at Home clients. Phase one of the SIMS database development builds on police family violence incident reports from the Police FVMS by undertaking a relational search for victims and offenders in order to link incidents into a case record. SIMS also links data from the FVMS with data manually obtained from Department of Justice databases.

Phase two of the SIMS database development will involve:

- resolution of issues identified in the current version of SIMS;
- automation of the importation of data from other DOJ databases including CRIMES and CIS; and,
- the development of reporting cubes.

The financial allocation for SIMS development has covered phase one but will not be sufficient for the development of phase two.

Recommendation:

14. That funding options be explored to cover the cost of phase two of SIMS development.

### 8.9 Data Collection

As discussed at 7.1, data on Safe at Home has been predominately collected through the DPEM and reported through Tasmania Police Corporate Performance Reports.

A range of data in relation to Magistrates Court outcomes is able to be sourced from the DOJ's CRIMES database.

The FVCSS also maintains a case management database and the CHYPP is able to access the CPS database.

The implementation of SIMS as the case management tool for Safe at Home in 2012 has greatly enhanced the ability to capture a range of information on each case. A reporting module for SIMS is being developed in the later part of 2014 which will allow increased reporting capability.

### 8.10 Information Sharing

The ICC meetings rely on the sharing of relevant information from each participating agency to ensure the risk and safety needs of clients are able to be met.

A key strength of Safe at Home has been the ability to share information across agencies. This has been enabled by s.37 of the *Family Violence Act 2004*:

A personal information custodian, within the meaning of the *Personal Information Protection Act 2004*, acting in good faith, does not commit a breach of that Act by reason only of collecting, using, disclosing or otherwise dealing with personal information for the purpose of furthering the objects of this Act.

### 8.11 Communication and Community Engagement

#### Communication

The Safe at Home pamphlet is one of the few hard copy resources available to educate the public on the Safe at Home integrated criminal justice response. There are now limited numbers of the Safe at Home pamphlet still available and the pamphlet is not available in any language other than English.



Recommendations:

15. That funding options for the updating of Safe at Home information collateral (brochure and translating fees for the brochure to be produced in a minimum of three languages other than English) be explored. The effects of family violence on children should be included in any collateral.

The following Safe at Home information sheets are updated on the Safe at Home website regularly:

- About family violence
- Controlling Family Violence
- Family Violence - Children and Young People
- Family Violence Offenders
- Information for Adult Victims
- Information on Registering External Family Violence Orders
- Legal Aid for Victims of Family Violence
- The Law Relating to Family Violence

CALD Information Sheets

- Information for Adult Victims (Chin)
- Information for Adult Victims (Sudanese)
- The Law Relating to Family Violence (Chin)
- The Law Relating to Family Violence (Sudanese)

**Advocate/Spokesperson for Safe at Home**

When Safe at Home was implemented the then Attorney-General, Judy Jackson, was an advocate and highly visible spokesperson for the Program.

The identification of an appropriate advocate/spokesperson to engage with the media is highly desirable.

**Community Education**

Community education sessions for professionals and community groups who may come in contact with family violence victims or offenders are a crucial element in reinforcing family violence as a public crime and raising awareness of the Safe at Home response. Safe at Home service providers have actively sought opportunities to provide this education component.

In 2014, the following community education sessions were delivered collaboratively by Safe at Home service providers:

- Humanitarian Settlement Group (July)
- GP Women's and Children's Reference Group Training (August)

- Southern Information Session for Government Employees (August)
- CHAPs Nurses (August (South) and September (North))
- RHH Social Workers (August)
- Culturally and linguistically diverse information session (September)

### 8.12 Safe at Home Service Provider Training

In 2004, cross-agency training in relation to Safe at Home was undertaken. Since then, whole-of-system training opportunities and information sharing have been limited. As a result, regional variations in service delivery have occurred.

In 2014, a Sentencing Workshop delivered by Chief Magistrate Michael Hill in Hobart was well attended by Safe at Home service providers from both the North and South of the State.

A statewide RCC was held in November 2014 and included an information/training component.

Recommendation:

16. That statewide RCC meetings be held annually, or bi-annually at a minimum, to provide standard information and training for Safe at Home service providers.

## 9. Success Works Safe at Home Review 2009 : Recommendations Progress Report

In 2009, Success Works was commissioned by the Department of Justice to review the integrated whole-of-government response to family violence. The purpose of the Success Works review was to examine:

- The achievements or otherwise of Safe at Home to date, including the strengths of the approaches used by the Safe at Home system.
- Whether the available resources are being appropriately aligned to achieve the objectives of the response to family violence.
- Whether the current programs and activities provided under Safe at Home are delivering the intended results.
- Whether there are any gaps or inefficiencies in the current system.
- How effective the current statewide, regional and local governance structure in the delivery and coordination of services and in addressing ongoing service delivery issues and improvements.
- Opportunities for the further integration and better coordination of Safe at Home services.
- Relationships which should be developed between Safe at Home and other service providers to assist in the development of the response.

The findings of the Success Works Review are available at [http://www.safeathome.tas.gov.au/review\\_of\\_safe\\_at\\_home\\_services](http://www.safeathome.tas.gov.au/review_of_safe_at_home_services)

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**<Name of Organisation>: Safe at Home Internal Performance Review 2014 Submission**

**Outcome 1: Improving the safety and security for adult and child victims of family violence in the short and long term.**

**Do you consider that Safe at Home has improved the safety and security of adult and child victims? Yes / No**

**If yes, what do you consider are the key elements of Safe at Home that improve the safety of adult and child victims?**

**If no, how has the safety and security of adult and child victims not been improved? Please provide examples.**

**Do you have any further comment on how Safe at Home can better achieve this Outcome?**

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**<Name of Organisation>: Safe at Home Internal Performance Review**

**Outcome 2: Ensuring that offenders are held accountable for family violence as a public crime and change their offending behaviour.**

**Do you consider Safe at Home ensures that offenders are held accountable for family violence? Yes / No**

**If yes, what have been the most successful elements of Safe at Home in holding offenders accountable?**

**If no, how has Safe at Home not held offenders accountable?**

**Do you think Safe at Home has led to a change in offending behaviour? Yes / No**

**If yes, what have been the most successful aspects of Safe at Home in changing offending behaviour?**

**If no, how do you think the Safe at Home intervention can better achieve this Outcome?**

**Do you have any further comment on how Safe at Home can better achieve this Outcome?**

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**<Name of Organisation>**: Safe at Home Internal Performance Review

**Outcome 3: Reducing the incidence and severity of family violence in the longer term.**

Do you consider Safe at Home has reduced the incidence and severity of family violence in the longer term? **Yes / No**

If yes, what have been the key features of Safe at Home that have proven effective in reducing the incidence and severity of family violence in the longer term?

If no, what have been the impediments to Safe at Home achieving a reduction in the incidence and severity of family violence in the longer term?

Do you have any further comment on how Safe at Home can better achieve this Outcome?

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**<Name of Organisation>**: Safe at Home Internal Performance Review

**Outcome 4: Minimising the negative impacts of contact with the criminal justice system on adult and child victims.**

Do you consider Safe at Home has been able to minimise the negative impacts of contact with the criminal justice system on adult and child victims? **Yes / No**

If yes, what are the key elements of Safe at Home that have made this possible?

If no, how do you think the Safe at Home response can be improved to better meet the needs of adult and child victims who have contact with the criminal justice system?

Do you have any further comment on how Safe at Home can better achieve this Outcome?

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**<Name of Organisation>**: Safe at Home Internal Performance Review

**Do you have any further comment you would like to make on the performance of Safe at Home?**

**Comments:**

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