

Wyndham Community and Education Centre Inc

Policy & Procedure

Policy Name	Responding to Disclosures of Family Violence Policy & Procedure
Responsible Person	CEO
Staff Involved	Community Strengthening Manager, all staff
Review Dates	2023
Related Documents	<p>Legislation: Family Violence Protection Act 2008 (Vic), Family Violence Protection (Information Sharing and Risk Management) Regulations 2018, Child, Youth & Families Act 2005 (Vic), Child Wellbeing and Safety Amendment Act (Child Safe Standards) Act 2015, Worker Screening Act 2020 (Vic), Occupational Health & Safety Act 2004 (Vic), Charter of Human Rights and Responsibilities Act 2006, Crimes Act 1958 (Vic), Wrongs Act 1958 (Vic), Privacy & Data Protection Act 2014 (Vic).</p> <p>Policies: Mandatory Reporting & Failure to Disclose Policy & Procedure, Child Safe Policy & Procedure, OHS Policy & Procedure, Privacy Policy & Procedure (students/clients & staff/volunteers), Mandatory Reporting Policy & Procedure, Staff Recruitment Policy & Procedure, Critical Incident & Emergency Management Policy & Procedure, Risk Identification & Management Policy & Procedure.</p> <p>Other: Child Safe Code of Conduct, Code of Conduct for Staff and volunteers, Reportable Conduct Scheme, <i>Identifying Family Violence and Responding to Women and Children</i> publication, Northwest Metropolitan Region Primary Care Partnerships, April 2016, Department of health and Human Services (DHHS) Child safe Standards - https://dhhs.vic.gov.au/publications/child-safe-standards, Elder Abuse toolkit - https://toolkit.seniorsrights.org.au/toolkit/what-is-elder-abuse/, National Plan to reduce Violence against Women and their Children 2010 – 2022 - https://www.dss.gov.au/sites/default/files/documents/10_2016/third_action_plan.pdf, There's no Excuse for Abuse - https://www.ourwatch.org.au/no-excuse/home PROTECT - https://www.education.vic.gov.au/about/programs/health/protect/Pages/default.aspx, Respect Victoria, Child Victim Survivor Assessment Tool, Adult Victim Survivor Brief Risk Assessment Tool, Adult Victim Survivor Intermediate Assessment Tool</p>

Policy context

Community awareness of the severity and impacts of violence against women and their children has never been higher. Given the nature of programs and services offered by Wyndham Community & Education Centre Inc (Wyndham CEC), the Centre could be a contact point for people who have, or who are experiencing family violence.

Students, clients, staff and volunteers may disclose to any member of Wyndham CEC staff that they are experiencing family violence. The initial response to such a disclosure may impact on future disclosures or willingness to seek further support. This policy and procedure provides guidance to all members of staff on how to respond to such disclosures.

Version: 2020v1 This document was created and accepted by the Board of Governance of the Wyndham Community and Education centre Inc on 29/04/2022 and supersedes all previous versions.

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Wyndham CEC is committed to the principle that freedom from violence is everyone's right and everyone's responsibility.¹

The **Victorian Parliament** enacted the Family Violence Protection Act 2008 ('FVPA') in recognition of the features of family violence and harmful effects on victims of abuse. The preamble to the FVPA emphasises that family violence is a "fundamental violation of human rights and is unacceptable in any form".

Australia's first Royal Commission into Family Violence was completed in 2015. The Commission made 227 recommendations to reduce the impact of family violence in our community. The commission provided the basis for The Family Violence Outcomes framework

The Family Violence Outcomes Framework (FVOF) translates Victoria's vision to end family violence, outlined in our 10-Year Plan, into a set of outcomes, indicators and measures. The 10-year plan helps to communicate key priorities, why they matter and what reform success looks like.

The 4 FVOF domains reflect the long-term outcomes to be achieved through the reform:

1. Family violence and gender inequality are not tolerated.
2. Victim survivors, vulnerable children and families, are safe and supported to recover and thrive.
3. Perpetrators are held accountable, connected and take responsibility for stopping their violence.
4. Preventing and responding to family violence is systemic and enduring.

The Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM) consist of 10 responsibilities, and these are divided into 3 areas; General, medium and specialist. All staff in organizations prescribed under MARAM must follow the responsibilities that applies to them. Every professional service is prescribed under general responsibility, case work, case management, broader needs assessment and management services are prescribed under medium responsibility, and family Violence services are prescribed under specialist responsibilities

Definitions

Family violence

The term 'family violence' will be used throughout this policy & procedure as per the definition in the Act. The term 'family violence' captures a wide range of abusive behaviours that occur in the context of intimate and family relationships.

The Family Violence Protection Act (2008) defines family violence as:

1. Behaviour that is
 - a. Physically, sexually, emotionally or economically abusive;
 - b. Threatening or coercive;
 - c. Controls or dominates the family member and causes that family member to **feel fear** for the safety or well-being of that family member or another person. Or,
2. Behaviour that causes a child to hear, witness or be otherwise exposed to the effects of any behaviour referred to above.

¹ National Plan to reduce Violence against Women and their Children 2010 – 2022, Commonwealth of Australia (Department of Social Services)

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Family member is a broad term and may involve or include:

- Spouse or de facto partner including same-sex partner
- Ex-partners
- Children
- Siblings
- Parents
- Caregivers
- Relatives
- Kinship structures

Forms of family violence include (but are not limited to):

- **Physical** – kicking, pushing, punching, slapping, hitting, including using actual weapons or using other implements as weapons;
- **Psychological** – threats (directed at the individual him/her self, or threats made to the individual but directed at someone else or at family pets etc.), gaslighting (psychological intimidation that causes an individual to doubt their own sanity), intimidation, standing over;
- **Social** – isolation, not allowing family member to see or contact friends or family members;
- **Sexual** – rape, sexual assault or making someone unwillingly perform a sex act;
- **Financial** – not letting someone work or taking control over their money;
- **Emotional** – name calling, put downs, humiliating or degrading;
- **Cultural / Spiritual** – not allowing someone to practice their beliefs, or mocking their beliefs.
- **Stalking** - following, harassing the victim at home, work or places of leisure, physically following or virtually through social media.

Gendered family violence

Family violence is a gendered crime. Evidence indicates that family violence is overwhelmingly perpetrated by men against women and children.² Women are at much greater risk of serious injury or death when they are planning to leave a relationship or following separation.³

Situational circumstances or structural policies and systems can put women at greater risk of family violence such as:

- Pregnant women or new mothers
- Women with disabilities
- Aboriginal and Torres Strait Islander women and women from refugee background

Children and family violence – children have their own experience of family violence even if not the direct victim. Children are exposed to family violence when:

- They hear threats
- See or hear an assault
- Provide comfort to a victim
- Witness property damage
- Are present when police attend an incident
- Experience impacts of family violence such as homelessness, poverty, death or injury

² Quoted in *Identifying Family Violence and Responding to Women and Children*, Northwest Metropolitan Region Primary Care Partnerships, April 2016, p. 7.

³ Ibid

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Elder abuse is any act that causes harm to an older person carried out by someone they know and usually trust. Abusers can include:

- A son or daughter
- A grandchild
- A partner
- Other family member
- A friend or a neighbour

Adolescent violence is an emerging issue where violence against a parent or guardian/ carer (predominantly a mother), is perpetrated by a child or adolescent.

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Wyndham CEC recognises that family violence is predominantly a gender based crime. As part of a whole of community approach to tackling family violence, this policy and its procedures outline Wyndham CEC's expectations and processes for responding to disclosures of family violence.

Students, clients, children or young people, as well as staff or volunteers may disclose information about their personal experience of violence, perpetration of violence or their family situation to a person that they trust. This person may not necessarily be a trained staff member such as the Child Safety Officer or Family Violence Officer so it is imperative that all staff have an understanding of how to respond to a disclosure from a colleague, a young person, a student or client.

Procedures - Responding to Disclosures of Family Violence

Wyndham CEC has appointed a Family Violence Officer (FVO) to assist staff who receive disclosures.

The role of the Family Violence Officer (FVO)

- The FVO will provide assistance and guidance to staff where there are concerns that an individual (student, client or staff) may be subject to family violence following a disclosure.
- The FVO will support Case work staff comply with the prescribed responsibilities under MARAM to assess the risk to adults and children, (complete a brief or intermediate risk assessment tool) make appropriate referrals, develop safety plans, and review progress
- The FVO will keep detailed notes regarding advice given to staff members and/ or following conversations with victims of family violence. These must be kept in a secure and private location so that no other person can gain access.
- The FVO will provide guidance and support to staff members who seek advice to take appropriate action in support of victims of family violence, or to undertake the actions needed to support the affected person. The FVO will provide this advice according to training already undertaken, in line with relevant legislation, and/ or advice from external family violence support agencies.
- The FVO should discuss cases that could become Reportable Conduct or other reportable or legal matters with the CEO. (Part 5A of the Family Violence Protection Act 2008(FVPA) establishes the Family Violence Information Sharing Scheme (the Scheme). The Scheme authorises the sharing of information to assess or manage risk of family violence)
- The FVO may provide support or debrief to a staff member who has had a disclosure or refer them to external support.

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Family violence involving or affecting children

- If the person disclosing that they are the victim of family violence is under the age of 18, or if the person includes in their disclosure that a person under 18 is a victim of family violence or witness to family violence or the effects of family violence then:
 - a. If you are a mandatory reporter, refer immediately to the Wyndham CEC's *Mandatory Reporting & Failure to Disclose Policy & Procedure*.
 - b. If you are not a mandatory reporter follow the *Child Safe Policy and Procedure*.
 - c. In either case above, if the person under 18 is a student at Wyndham CEC, report the disclosure to the Child Safe Officer who will assist with advice and/ or reporting.
 - d. In either a or b above, follow the steps described below in this procedure to respond appropriately to the disclosure.
 - e. Complete the MARAM child victim survivor assessment tool
 - f. Be clear about the limits (if any) of confidentiality and your legal responsibilities when responding.

How to respond to a family violence disclosure (over-18)

- As a staff member, you can make a real difference by responding appropriately at the outset when another person discloses that they are experiencing or witnessing family violence. See the **DOs and DON'Ts** for general staff in Appendix A for some general advice.
- Communicate your concern over the safety of the individual or others in the family and make sure you ask the question "**Is it safe for you to go home tonight?**" If the answer is no, then immediate action and referral to the Family Violence Officer is essential to discuss a **safety plan** or encourage the person to think about their own safety.
- If there is no immediate concern for the person from the conversation you have with the discloser, strongly encourage them to allow you to involve the Family Violence Officer who has relevant training and contacts with local agencies and/or provide information about referral pathways or external agencies yourself.
- You should make detailed notes of any relevant discussions with the individual and provide these to the Family Violence Officer for secure storage and future reference.
- Be clear about the limits (if any) of confidentiality when responding.

How to initiate a conversation with a person you suspect may be a victim of family violence

Many victims of family violence do not voluntarily disclose their situation. If you suspect an individual could be experiencing family violence then it is recommended that you initiate a private discussion with the individual. Set signs that may indicate a woman is in this situation are included in Appendix B of this policy and procedure.

If you are not confident to initiate a discussion you should discuss your suspicions with the Family Violence Officer (FVO) as early as possible.

Broader community education about family violence

Wyndham CEC will include information about this policy and procedure in the following ways:

- Employee handbook
- Website
- Induction processes
- Promotion of FVO

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Wyndham CEC noticeboards will include posters describing family violence red flags and advice on how to seek help.

Information Privacy

Wyndham CEC takes the protection of privacy of its students, staff and volunteers very seriously. Records made of staff concerns, conversations, actions taken and other communications relating to disclosure of family violence will be maintained securely and privately.

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APPENDIX A – DOs and DON'Ts for staff when responding to family violence disclosures

What to DO

- **Actively listen**, without interrupting, giving the discloser time to share their experience
- **Believe** what the victim is telling you. People are much more likely to cover up or downplay the abuse, rather than to make it up or exaggerate. You might find it hard to imagine someone you know could behave abusively. But the person who is abusive will probably show you a very different side to the side the victim sees.
- **Affirm** the discloser by stating they have done the right thing in telling you.
- **Take the violence/fear seriously**. Abuse can be damaging both physically and emotionally. Don't underestimate the danger the discloser may be in.
- **Emphasise** that the discloser is not to blame. For example, '*No-one has the right to abuse you*'
- **Be clear** about the limits of confidentiality (if any) and about your legal responsibilities depending on situation.
- **Provide** information about what you will do in response to the disclosure.
- **Provide** information about referral pathways and external services.

DON'T

- **Talk** about your own experiences of violence
- **Ask** a lot of questions to find out details - Don't try to work out the 'reasons' for the abuse. Concentrate on listening and supporting the person who is disclosing.
- **Judge** or criticise their choices - like 'what did you do?' or 'why do you put up with it?' Don't criticise the perpetrator – focus on the behaviour. For example, 'no-one has the right to do that'.
- **Make comments** that imply they are in some way to blame.
- **Tell** them what to do or try to fix the problem. Don't pressure the person to leave or try to make decisions on their behalf. Focus on listening and supporting the discloser.
- **Give advice**. This will only reduce the person's confidence to make their own decisions. **Listen** and **give information**, not advice.
- **Get angry or frustrated**.
- **Promise** you will keep the disclosure confidential. You may not be able to if a mandated reporter.

The **top three most important** things to remember

1. Listen without interruption or judgement
2. Believe and validate the experiences
3. Provide information that will support the discloser to make their own choices - as much as possible – with what happens next.

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Remember, you are not a trained Family Violence worker and so you should refer individuals (with their permission) as early as possible to the Wyndham CEC Family Violence Officer who has undertaken specialist training and is well connected with Family Violence support agencies in the Wyndham region.

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APPENDIX B – Some signs of family violence in adults (not exhaustive).

Indicators can be: physical; behavioural; and/ or psychological.

- FEAR of a partner
- Social isolation – stopped seeing friends or family, or conversations cut short when partner is in the room.
- Partner criticises or humiliates in front of other people – seems anxious in presence of partner.
- Partner does most of the talking/ insists on interpreting/ frequently checking up.
- Excessive texts or calls throughout the day (eg. to student in class)
- Insecure visa and fear of police or authorities.
- Frequent absences from work or study.
- Misses appointments.
- Evasion about injuries including bruising, broken bones, bites.
- Self-harm or suicidal thoughts or attempts.
- Pressure from partner – financial, legal or sexual.
- Symptoms of anxiety and depression.
- Observed alcohol and drug abuse.
- Submissive behaviour/ withdrawn.
- Talk of partner's 'jealousy', 'bad temper' or 'possessiveness'.
- Reluctance to leave children with partner.
- After she has left the relationship, her partner is constantly calling her, harassing her, following her, coming to her house or waiting outside.

In the event that you witness a woman exhibiting any of the above, or other indicators not listed, you are encouraged to ask if family violence is occurring. A good way to start is "I'm concerned about you. Is everything ok at home?" This should only be attempted in a safe, confidential/ private space.

Alternatively, if you are reluctant to enter into this conversation you can report your suspicions to the Family Violence Officer (FVO).

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APPENDIX C – Referral and support services

Some Western Melbourne or Statewide support/ referral agencies include (but are not limited to):

- **1800 RESPECT National Sexual Assault, Family & Domestic Violence Counselling Service**
 *1800 737 732 24 hours/7 days a week*
- **Safe Steps Family Violence Response Centre**
 *1800 015 188 24 hours/7 days a week*
- **Women's Health West**
 *9689 9588 Business Hours*
- **Centre Against Sexual Assault (CASA)**
 *1800 806 292 - 24 hours/7 days a week*
- **inTouch Multicultural Agency Against Family Violence**
 *1800 755 988 Business Hours*
- **Relationships Australia**
 *1800 817 569 Business Hours*
- **Domestic Violence Victoria**
 *9921 0828 Business Hours (In an emergency contact 1800RESPECT see below)*
- **Our Watch**
<https://www.ourwatch.org.au>
- **Men's Referral Service**
 *1300 766 491- 24 hours/7 days a week*
- **Victorian Aboriginal Child Care Agency (VACCA)**
 *9742 8300 Business Hours*
- **Women's Information Referral Exchange (WIRE)**
 *1300 134 130 Business Hours Telephone Interpreter Service available*
- **WEstjustice**
 *9749 7720 Business Hours (closed between 1 & 2)*
- **Seniors Rights Australia**
 *1300 368 821 Business Hours*
- **Elder Rights Advocacy**
 *1800 700 600 Business Hours*

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