

Australian Capital Territory

Corrections Management (Custodial Case Management – Working with Victim Survivors of Domestic and Family Violence) Operating Procedure 2023

Notifiable instrument NI2023–110

made under the

Corrections Management Act 2007, s14 (Corrections policies and operating procedures)

1 Name of instrument

This instrument is the *Corrections Management (Custodial Case Management – Working with Victim Survivors of Domestic and Family Violence) Operating Procedure 2023*.

2 Commencement

This instrument commences on the day after its notification day.

3 Operating Procedure

I make this operating procedure to facilitate the effective and efficient management of corrections services.

Narelle Pamplin
A/g Commissioner
ACT Corrective Services
22 February 2023



OPERATING PROCEDURE	Custodial Case Management – working with victim survivors of Domestic and Family Violence
OPERATING PROCEDURE NO.	CM1.7
SCOPE	Alexander Maconochie Centre

STATEMENT OF PURPOSE

The [National Plan to End Violence against Women and Children 2022-2032](#) identified that:

The majority of women in prison are victims of domestic and family violence, with evidence suggesting 70% to 90% of incarcerated women have been physically, sexually or emotionally abused as children or adults. This form of violence is often compounded by intergenerational trauma and entrenched in intersectional discrimination. Further, women in prison are widely considered to be at particular risk of ongoing victimisation after they are released. Their support needs often go unrecognised and it is likely that barriers exist that prevent ex-prisoners from accessing services.

AMC and Reintegration Case Managers must understand the likelihood that women offenders have experienced trauma and take steps to inform their practice by building trust, safety, and healing relationships. AMC and Reintegration Case Managers must ensure a working knowledge of the *Working with Trauma Using Gender Informed Principles – A Practice Guide* and ensure they engage in trauma informed practice by promoting safety, trust, choice, and collaboration.

This operating procedure is to provide instructions to staff on working with victim survivors of Domestic and Family Violence (DFV) when they are also women in custody in the AMC.

1. Defining Domestic and Family Violence (DFV)

1.1. DFV is defined by the *Family Violence Act 2016* as any of the following behaviours by a person in relation to a family member of the person:

- a. physical violence or abuse
- b. sexual violence or abuse
- c. emotional or psychological abuse
- d. economic abuse
- e. threatening behaviour
- f. coercion or any other behaviour that:
 - i. controls or dominates the family member, and
 - ii. causes the family member to feel fear for the safety or wellbeing of the family member or another person
- g. behaviour that causes a child to hear, witness or otherwise be exposed to the behaviour mentioned above or the effects of the behaviour.

1.2. DFV can include the following behaviours:

- a. sexually coercive behaviour
 - b. damaging property
 - c. harming an animal
 - d. stalking
 - e. deprivation of liberty
 - f. harmful use of, or interference with, technology.
- 1.3. DFV can affect anyone. However, it is a gendered issue, and is most commonly perpetrated by men against women.
 - 1.4. The causes of DFV are complex and include individual, environmental, cultural, and social factors, such as gender inequality and community attitudes towards women.
 - 1.5. When working with a victim-survivor, the Women’s Reintegration Case Manager must ensure they consider the intersectionality of DFV with other factors such as race, culture, disability, sexuality, substance misuse, mental health, economic status, and insecure housing and how women can face multiple and compounding levels of discrimination.

2. Working with Aboriginal and Torres Strait Islander Victim Survivors

- 2.1. The [National Plan to End Violence against Women and Children 2022-2032](#) identified that Aboriginal and Torres Strait Islander people experience higher rates of DFV and Aboriginal and Torres Strait Islander women are less likely to seek help or report violence due to past government practices, mistrust of police and mainstream services, misidentification of victim survivors as perpetrators and child removal.
- 2.2. The key findings from the ANU’s report [The answers were there before white man come in – Stories of strength and resilience for responding to violence in Aboriginal and Torres Strait Islander communities](#) showed that *“community members overwhelmingly described DFV in relation to its historical context and viewed contemporary violence as stemming from colonisation and the related violence enacted on Aboriginal and Torres Strait Islander peoples and communities, perpetuated by intergenerational trauma and the undermining of traditional gender structures.”* It also described a set of interrelated factors as the catalysts of violence, including housing problems, racism, financial stress, alcohol and drug use, poor physical health and loss of social and emotional wellbeing.
- 2.3. AMC and Reintegration Case Managers must *“acknowledge the connections between, and impact of, social and economic disadvantage as a result of intergenerational and ongoing experiences of trauma, including racism, dispossession and violence and the ongoing impacts of these experiences on Aboriginal and Torres Strait Islander peoples and communities”* [National Plan to End Violence against Women and Children 2022-2032](#).
- 2.4. AMC and Reintegration Case Managers must regularly liaise with the Aboriginal Liaison Office when working with Aboriginal and Torres Strait Islander victim survivors where the victim survivor has consented to this engagement.
- 2.5. AMC and Reintegration Case Managers must ensure the victim survivor is being supported in a culturally responsive way and where possible, is being referred to Aboriginal and Torres Strait Islander led health and support services.

PROCEDURES

3. Identification

- 3.1. The Women's Reintegration Case Manager must work with all women offenders in the Alexander Maconochie Centre (AMC) to identify and support victim survivors of DFV regardless of whether they are allocated to the Woman's Reintegration Case Manager.
- 3.2. The victim survivor may be on remand or sentenced. However, the focus will be on those victim survivors who are within six months of release or who are on remand and whose release date is unknown. It is essential to triage and provide support to those at highest risk of DFV upon release
- 3.3. To help identify victim-survivors of DFV, the Women's Reintegration Case Manager may:
 - a. ask questions during engagement with a woman offender
 - b. speak with the allocated AMC Case Manager and/or other ACTCS staff as part of a standing agenda item on the Women's Care Centre monthly meetings
 - c. review CORIS records.
- 3.4. Where a woman offender is identified as a victim survivor, the Women's Reintegration Case Manager is to contact the victim survivor within five working days of this identification to seek the victim survivor's consent to participate in the FVSAP risk assessment and referral process.

4. Risk Assessment

- 4.1. All risk assessments related to DFV completed by the Women's Reintegration Case Manager must be undertaken in a trauma informed manner. The Women's Reintegration Case Manager must respect the victim survivor's personal boundaries, wishes and views and engage with them in line with the *Working with Trauma Using Gender Informed Principles – A Practice Guide*.
- 4.2. When the Women's Reintegration Case Manager first meets with the victim survivor, the Women's Reintegration Case Manager must seek the victim survivor's consent to engage in the assessment and any subsequent referrals to DFV services. This will minimise the need for the victim survivor to retell their story by seeking consent to exchange information with other services. It is best practice to advise the victim survivor of whom with and why the information will be shared. It is essential to ensure that the victim survivor feels in control and empowered with their options and decisions.
- 4.3. If the victim survivor does not consent, the Women's Reintegration Case Manager is unable to complete a risk assessment relating to DFV. However, in line with the *Information Privacy Act 2014*, if the Women's Reintegration Case Manager determines the victim survivor will be at serious risk on their release from the AMC, the Women's Reintegration Case Manager must refer the victim survivor to the ACT Victim's Support Family Violence Safety Action Program (FVSAP) without their consent. This is only to occur in situations where it is necessary to prevent or lessen a serious risk to the life, health, or safety of an individual. The Women's Reintegration Case Manager must keep a record of any actions taken to reduce the risk to a victim survivor.

- 4.4. Once consent is obtained from the victim survivor, the Women's Reintegration Case Manager must complete the *FVSAP Risk Assessment Tool* within 15 business days of the first meeting with the victim survivor, unless the victim survivor is unexpectedly released.
- 4.5. This *FVSAP Risk assessment tool* identifies that the assessment of risk to DFV victim-survivors must include consideration of three factors:
 - a. evidence based risk factors using a risk indicator tool which for the Women's Reintegration Case Manager is the *FVSAP Risk Assessment tool*
 - b. victim's own assessment of their level of risk
 - c. the Women's Reintegration Case Manager's professional judgement.

All three of these factors are included in the *FVSAP Risk Assessment Tool*.

- 4.6. Using the scoring outlined in the *FVSAP Risk Assessment Tool*, the Women's Reintegration Case Manager must provide an overall assessed level of risk of either low, medium, or high.
- 4.7. The Women's Reintegration Case Manager may override a low or medium risk score through the exercise of professional judgement if they believe the victim may be at a higher level of risk. A rationale in the 'Victims own assessment of safety' and/or 'Professional judgement' sections of the *FVSAP Risk Assessment tool* must be provided to support any override.
- 4.8. The Woman's Reintegration Case Manager must record the *FVSAP Risk Assessment Tool* on CORIS using a case note classified as 'secure information' and attaching the assessment as an external document.
- 4.9. The Women's Reintegration Case Manager must refer any victim survivor that consents and has been assessed as high risk using the *FVSP Risk Assessment tool* to the FVSAP using the *FVSAP Client Referral form* and emailing it to: FVSAP@act.gov.au.
- 4.10. The FVSAP may work collaboratively with the victim survivor and the Women's Reintegration Case Manager to devise a response plan to reduce or mitigate the risk or escalation of violence on their release from custody. In some cases, the women's reintegration case manager may be invited to attend the FVSAP multidisciplinary meeting where individual cases are discussed.
- 4.11. Risk analysis and response planning by the Women's Reintegration Case Manager and FVSAP must be informed by a 'follow her lead' approach to the victim survivor and a perpetrator pattern-based response.
- 4.12. The Women's Reintegration Case Manager must complete a warm referral for any victim survivor that consents and has been assessed as a low or medium risk using the *FVSP Risk Assessment tool* to a specialised DFV service, such as DVCS by email at crisis@dvcs.org.au or to one of the other services identified in section 9 of this Operating Procedure. The Women's Reintegration Case Manager is to request contact is made with the victim survivor prior to release either in person or by AVL.
- 4.13. The Women's Reintegration Case Manager must give victim survivors the choice of service which meets their needs where possible.
- 4.14. The Women's Reintegration Case Manager must follow up on any referrals made within 10 working days to ensure the referral has been received and obtain feedback on what support will be provided.

- 4.15. The Women's Reintegration Case Manager may also undertake targeted follow up phone calls with FVSAP after a referral for a victim survivor for guidance on a case by basis regardless of risk rating.
- 4.16. The Women's Reintegration Case Manager must develop and maintain links, points of access and referral pathways with specialist DFV services to allow victim survivors the choice about which service to access to suit their needs.

5. Ongoing case management in the AMC

- 5.1. While the victim survivor is in custody, the Women's Reintegration Case Manager is the primary case manager in relation to DFV.
- 5.2. The Women's Reintegration Case Manager must provide ongoing case management in a trauma informed manner and support the physical, psychological, and emotional safety of the victim survivor.
- 5.3. The aim of ongoing case management in relation to DFV is to ensure the risks to the safety of the victim survivor are identified and responded to effectively. It is not the role of the Women's Reintegration Case Manager to direct a victim survivor to leave a relationship.
- 5.4. Where a victim survivor chooses to stay in or return to a violent relationship this may be for many complex reasons and it is important the Women's Reintegration Case Manager understands this and resists any judgement associated with this. It is important to support their dignity of risk choices to support ongoing engagement.
- 5.5. The Women's Reintegration Case Manager may assist in drafting a Family Violence Order (FVO) application and forwarding it to the Courts Protection Unit at protection@courts.act.gov.au if requested by the victim survivor. The Women's Reintegration Case Manager may also assist in arranging AVL booking and coordinating this if the matter is urgent.
- 5.6. Where possible, support must be sought from the DFV unit at Legal Aid to ensure that the victim survivor is fully informed with their options. This is essential if the victim survivor has children. A referral can be made to DV@legalaidact.org.au.
- 5.7. The Women's Reintegration Case Manager must work from the perspective of the victim survivor and ongoing case management will assist the victim survivor to explore options in a non-judgemental atmosphere and make their own informed choices about their circumstances. This will help create and nurture opportunities for victim survivors to rebuild a sense of control and empowerment and take control of their own healing by being strengths-based and focusing on the capabilities the victim survivor brings.
- 5.8. The Woman's Reintegration Case Manager must:
 - a. assist the victim survivor to recognise the risk in their individual circumstance and enhance their personal resources
 - b. draft and implement Safety Plans (SP)
 - c. consult with ACT Victim's Support and the ACT Director of Public Prosecutions and help the victim survivor complete a Victim Impact Statement (VIS) in line with the *ACT Department of Public Prosecutions Victim Impact Statements Guide*

- d. assist with applications for additional supports through the ACT Victims of Crime – ACT Financial Assistance Scheme (if applicable)
 - e. provide appropriate support either directly or through making referrals to other DFV services
 - f. coordinate services relating to DFV
 - g. support victim survivors to navigate through the service system, including accessing the Affected Persons Register through Victims Support ACT
 - h. resource and support access to appropriate DFV information
 - i. provide legal information and support to access legal services relating to DFV
 - j. provide practical support for the development of strategies that increase their safety and wellbeing
 - k. attend client meetings with FVSAP as required
 - l. support an integrated model of care for the victim survivor by facilitating case conferences in line with the *Offender Reintegration Case Conference guideline* for those victim survivors who are medium or high risk and where FVSAP has not organised a client meeting
 - m. advocate to other internal and external services in relation to how trauma impacts that individual victim survivor’s ability to make decisions or respond appropriately.
- 5.9. When victim survivors are vulnerable and/or in unsafe situations their capacity for decision making may be reduced, but this does not entitle the Women’s Reintegration Case Manager to make decisions for them. The Women’s Reintegration Case Manager must promote and uphold the victim-survivor’s rights and their rights to self-determination and decision-making.
- 5.10. For victim survivors not allocated to the Women’s Reintegration Case Manager, the Women’s Reintegration Case Manager will stop working with a victim survivor assessed as:
- a. **high risk:** once the FVSAP risk assessment, referral and Safety Plan is endorsed and the threat to their safety is reduced.
 - b. **low and medium risk:** once they have discussed risk with the victim survivor and provided them with the contact details for DVCS once released.

If the threat increases in the future, the victim-survivor may be re-referred to the Women’s Reintegration Case Manager.

- 5.11. Risk to safety is dynamic and should only be considered at a lower level where there has been a significant change in the victim survivor’s circumstances that has reduced the risk, or where actions taken by service providers have successfully reduced the risk.
- 5.12. For any victim survivors who have returned to custody and have been referred to the FVSAP in the previous custodial period, the Women’s Reintegration Case Manager must contact FVSAP to seek guidance and direction for the upcoming release. To inform safety planning, the Women’s Reintegration Case Manager must complete the *DFV Safety and Pre-Release Checklist* a subsequent time should there be a time lapse of six months, or there is a significant change in circumstances, or a different perpetrator is identified.

6. Ongoing case management on release

- 6.1. If the victim survivor is released from custody onto a supervised order, the Women's Reintegration Case Manager must liaise with the victim survivor's Community Corrections Officer (CCO) to advise them of what work has occurred in custody and what needs to be followed up by the CCO now the victim survivor has been released.
- 6.2. For those victim survivors assessed as medium or high risk, the Women's Reintegration Case Manager must also liaise with the Reintegration Officers to organise outreach support on the victim survivor's release from custody.
- 6.3. The Reintegration Officer must support the victim survivor in the following ways:
 - a. remain visible when in the community
 - b. provide support with referrals to appropriate specialised DFV and general services
 - c. advocate for the victim survivor where needed.

The Reintegration Officer is not responsible for the development or implementation of the victim survivor's Safety Plan.

- 6.4. Prior to conducting outreach support, the Reintegration Officer must make reasonable attempts to identify any potential risks by reviewing the offender's records, speaking with the offender, and completing a Google Maps search of the area to determine if the locations exists and where it is and its proximity to schools and/or other points of interest.
- 6.5. The Reintegration Officer must ensure they follow the safety precautions for home and field visits in accordance with the *Home and Field Visit Community Instruction*, as well as conduct a risk assessment with a DFV focus, such as identifying:
 - a. whether the perpetrator will be present and if so, what can and cannot be discussed
 - b. the potential risk for the victim survivor and/or Reintegration Officer if the perpetrator becomes aware of the visit
 - c. the risk of DFV escalating after the visit because of what was discussed or what the perpetrator perceives was discussed

Ideally, a staff member from the Reintegration Unit must discuss with the victim survivor prior to release, what would be the best way for ACTCS to meet with them in the community, including any barriers to this and whether the perpetrator impacts her ability to undertake this.

- 6.6. On completion of the outreach support, the Reintegration Officer must provide feedback to the Reintegration Unit Team Leader about anything that has arisen during the outreach which needs addressing. This may include speaking with the allocated CCO so that DFV service supports could be initiated or completing a report to the ACTCS Intelligence Unit, or another agency as required by relevant legislation.

7. DFV Safety and Pre-Release Checklist

- 7.1. Any victim survivor who has been assessed as medium or high risk using the *FVSAP Risk Assessment Tool* must have a safety plan developed for them using the *DFV Safety Plan and Pre-Release Checklist*.

- 7.2. The Women's Reintegration Case Manager must complete the DFV Safety Plan and Pre-Release Checklist and attaching the approved form to CORIS.
- 7.3. The DFV Safety Plan and Pre-Release Checklist must be implemented one month prior to a victim survivor's release for a sentenced victim survivor or for those victim survivors without a known release date, within 28 working days of the DFVSAP Risk Assessment tool being completed.
- 7.4. When completing the DFV Safety Plan and Pre-Release Checklist, the Women's Reintegration Case Manager should understand the victim survivor's experience and ask, 'What can we do to reduce the risk to this victim survivor's safety?'
- 7.5. When completing the DFV Safety Plan and Pre-Release Checklist, the Women's Reintegration Case Manager must conduct background checks with the Courts Protection Unit, Intelligence Unit, Child and Youth Protection Service and the Victim Liaison Officer to gather adequate information to fully inform risk and safety planning strategies.
- 7.6. A DFV Safety Plan and Pre-Release Checklist is developed to reduce the risk to a victim survivor's safety. Victim survivors cannot be directed to do anything, and it is not a case plan or agreement which a victim survivor must comply with.
- 7.7. Examples of actions which may be recorded in a DFV Safety Plan and Pre-Release Checklist include:
 - a. warm referrals for victim survivors to a DFV specific support service such as one identified in section 9 of this Operating Procedure, which may include a request for a home safety audit (e.g. security screens, duress alarms)
 - b. identification of appropriate housing options and complete referrals
 - c. ascertaining the perpetrator's current location and if in custody their release date or next in court date
 - d. monitoring contact between victim and perpetrator in custody
 - e. assistance in the application for a Domestic Violence Order/Personal Protection Order
 - f. outlining strategies to support the victim survivor's safety if she chooses to remain with the perpetrator built on the strategies the victim survivor has previously used and deemed successful. This may include not leaving her phone unattended, having a code word if unable to talk or a code word if she requires urgent assistance and strategies to assist her to leave a violent situation and/or travel to safety. establish preferred times or means of contact and explore what it would mean if the victim survivor does not answer phone calls. This may include the Reintegration Unit contacting the victim survivor's next of kin or a service that could complete a welfare check.
- 7.8. The Women's Reintegration Case Manager must ensure actions outlined in the DFV Safety Plan and Pre-Release Checklist are implemented by agreed dates.
- 7.9. The DFV Safety Plan and Pre-Release Checklist should be reviewed regularly as in many cases issues will arise closer to a victim survivor's release date that further informs safety and risk planning.
- 7.10. The Women's Reintegration Case Manager must regularly update the DFV Safety Plan and Pre-Release Checklist to reflect any changes in risk and circumstance. However, where possible the

DFV Safety Plan and Pre-Release Checklist must be reviewed in the five working days prior to a woman's release from custody (if release date known).

8. DFV Safety and Pre-Release Checklist approval

- 8.1. A DFV Safety Plan and Pre-Release Checklist is not approved until it has been endorsed by the Reintegration Unit Team Leader, or following escalation, the Director Reintegration.
- 8.2. When reviewing a DFV Safety Plan and Pre-Release Checklist, the Reintegration Unit Team Leader and/or Director Reintegration must consider the following – that the DFV Safety Plan and Pre-Release Checklist is:
 - a. completed in full
 - b. targeted
 - c. time specific
 - d. reduces the risk to the victim survivor's safety.
- 8.3. For victim survivors assessed as **high** risk using the FVSAP Risk Assessment Tool, the Women's Reintegration Case Manager must provide a copy of the approved DFV Safety Plan and Pre-Release Checklist to the FVSAP for their review and comment.

9. Staff support

- 9.1. Working with victim survivors may result in the Women's Reintegration Case Manager (and other relevant staff) being exposed to challenging material that may result in vicarious trauma.
- 9.2. The Women's Reintegration Officer must participate in minimum monthly supervision sessions with the Reintegration Unit Team Leader in line with the Supervision Framework once implemented.
- 9.3. The Women's Reintegration Case Manager may request support to engage in DFV specific external supervision through a service such as FVSAP on an ad hoc and/or monthly basis. This must be approved by the Assistant Commissioner, Offender Reintegration.
- 9.4. Any affected staff may also access the Employee Assistance Program (EAP) offered by ACTCS as required.
- 9.5. The Women's Reintegration Case Manager is also supported by the approval process of the DFV Safety Plan and Pre-Release Checklist where their work is reviewed and approved by the Reintegration Unit Team Leader or Director Reintegration to ensure the risk is not carried by one individual person.

10. Services

- 10.1. The following DFV services may be accessed by victim survivors while in the AMC:
 - a. Toora Domestic Violence and Homelessness Service
 - b. Women's Health Services for 1:1 counselling and support
 - c. Yeddung Murra for Aboriginal and Torres Strait Islander offenders
 - d. FVSAP

e. DVCS

10.2. The following DFV services may be accessed by victim survivors when back in the community:

- a. Relationships Australia– Family Violence Services
- b. Rape Crisis Service
- c. Beryl Women Inc
- d. Molonglo Support Services (Queanbeyan based)
- e. Louisa Domestic Violence Service (Queanbeyan based)
- f. 1800 RESPECT (1800 737 732)
- g. Aurura App - provides information, support and referral advice for people experiencing DFV or for those worried about their relationship. This app can send out messages and make phone calls for the victim survivor.

RELATED DOCUMENTS

- Custodial Case Management Reintegration Operating Procedure
- Custodial Case Management Case Planning Procedure
- Working with Trauma Using Gender Informed Principles – A Practice Guide
- ACT Department of Public Prosecutions Victim Impact Statements
- Home and Field Visit Community Instruction
- FVSAP Risk Assessment Tool
- DFV Safety Plan and Pre-Release Checklist

Narelle Pamplin
Assistant Commissioner Offender Reintegration
ACT Corrective Services
22 February 2022

Document details

Criteria	Details
Document title:	Custodial Case Management – working with victim survivors of Domestic and Family Violence
Document owner/approver:	Assistant Commissioner Offender Reintegration, ACT Corrective Services
Date effective:	The day after the notification date

Criteria	Details
Review date:	3 years after the notification date
Responsible Officer:	Senior Director, Offender Reintegration
Compliance:	This operating procedure reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2022</i>

Version Control			
Version no.	Date	Description	Author
V1	February-23	First Issued	L Spulak