



Victims Services NSW –  
Feedback on six months of service changes  
July 2020-December 2021

Domestic Violence NSW

March 2021

## About Domestic Violence NSW

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Domestic Violence NSW (DVNSW) is the **peak body for specialist domestic and family violence services in NSW**. We have over 80 member organisations across NSW. We work to improve policy, legislative and program responses to DFV (DFV) and to eliminate DFV through advocacy, partnerships and promoting good practice.

DVNSW members represent the diversity of specialist services working in NSW to support women, families and communities impacted by DFV. They are non-government-funded organisations. Our member organisations include: crisis and refuge services, transitional accommodation and community housing providers, family support services, Aboriginal controlled organisations and specialist CALD organisations, specialist homelessness service providers, men's behaviour change programs and networks, community organisations working with high risk communities, specialist women's legal support services, women and children's support services, and Safe at Home programs.

DVNSW acknowledges the Gadigal people of the Eora Nation upon whose lands DVNSW works. We pay respects to elders, past, present and emerging.

**DVNSW gives Victims Services NSW permission to publish this submission publicly, and for our submission to be provided to those undertaking the upcoming statutory review of the Victims Support Act.**

**This submission is endorsed by No To Violence, the Older Women's Network, and the Muslim Women Association, and is representative of DVNSW's 80+ member services.**

## Recommendations

DVNSW seeks a response from Victims Services NSW to the following recommendations:

1. Immediately review the *NSW Victim Support Act*.
2. Pilot implementation of a Flexible Victim Support Package which specialist domestic and family violence services are resourced to assess and implement.
3. Implement measures to reduce the burden of work to complete applications from victim-survivors and the organisations supporting them.
4. Develop a training and implementation plan for future changes to Victims Services NSW processes.
5. Increase the time limit for providing evidence to recognition payment claims by at least double.
6. Urgently consult with service providers and victim-survivors to implement a trauma and violence informed, practical mechanism for the selection of counsellors that is up-to-date. Review, monitor and evaluate the mechanism.
7. Remove the requirement for Government issued identification documents to be lodged with an application form, and consider flexible options for people with limited access to identity documents.
8. Implement the recommendations of Women's Legal Services NSW regarding the provision of identity for victim-survivors in custody, or those who have been in custody.
9. Address any outstanding recommendations from *A Safe State*:
  - a. Commit to improve the victim support scheme by strengthening the Victims' Rights and Support Act and Scheme to introduce:
    - i. better recognition of sexual assault through higher recognition payments,
    - ii. better recognition of physical and psychological forms of domestic violence through higher recognition payments, including for a series of related acts,
    - iii. removing upper time limits for recognition payments for victims of domestic violence, sexual assault and child abuse; and
    - iv. removing the two year time limit for all forms of financial assistance for victims of domestic violence, sexual assault, child sexual assault and child abuse.

- b. Commit to enable specialist domestic and family violence services to flexibly dispense Victims Services Support Packages for immediate needs to people experiencing domestic and family violence to increase their safety and wellbeing.

## Overview

DVNSW are extremely concerned that the changes which were implemented to Victims Services NSW in June 2020 were not trauma and violence informed. DVNSW is disappointed in the lack of consultation regarding the changes and the lack of implementation planning and training. Further, DVNSW is concerned that although Victims Services NSW performance indicators regarding speed of applications may have improved, this has been to the detriment of non-government services supporting clients to fill applications, and of victim-survivors themselves.

*“People need to be able to be given easy, supportive access to support. We continue to compromise victim’s safety by making things harder and timeframes so complex that we make this harder and worse for people when we need to be rewarding the strength it takes to speak up and seek help.”*

DVNSW member

In preparing this submission, DVNSW held an online forum with 24 members, and shared an online survey that was completed by 23 DVNSW member services.

DVNSW believes that there should be options for DFV services to offer Immediate Needs Support Packages, similar to the Victorian flexible support packages, which were initialised as a recommendation from the Victorian Royal Commission into Family Violence (2016). This would streamline the provision of immediate needs supports to people in crisis due to being a victim of crime.

DVNSW are also concerned that the review of these changes is being conducted internally despite continued concerns raised by peak bodies and non-government victim-support organisations. We believe that an external review should be conducted as part of the statutory review of the *Victim’s Support Act*.

## Issues to be addressed by Victims Services NSW

### 1. Burden on DFV specialist services

DVNSW are concerned that the 2020 reforms to Victims Services NSW have created an additional burden upon specialist domestic and family violence services, which are already under-resourced.

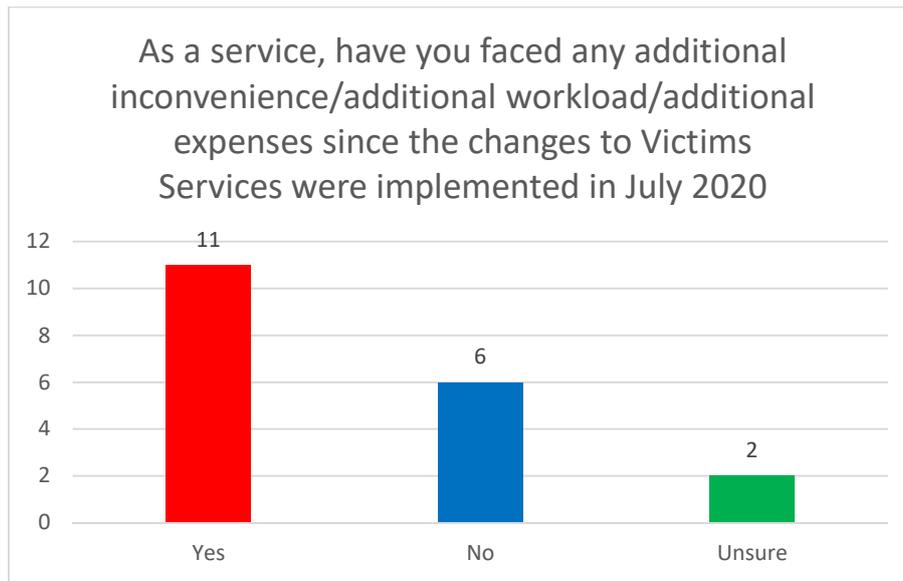
While some member organisations of DVNSW find that applications are more efficient since the changes were implemented, the majority of DVNSW members stated that applications were more time-consuming to complete, and that the burden of providing identification, bank details and evidence fell unfairly to specialist DFV services and victims themselves, where this work should be shouldered by Victims Services NSW. Although DVNSW acknowledges it is the work of specialist DFV services to support clients to complete applications to Victims Services NSW, we believe that the majority of the burden of obtaining evidence and supporting victims with their claims should be the responsibility of Victims Services NSW, who are wholly funded to this purpose. Alternatively, DVNSW suggests funding third party contract positions who are tasked with providing this level of support.

DVNSW members noted a lack of information in the transition to the application process implemented in July 2021. DVNSW is of the belief that any large-scale systemic change should occur alongside a training and implementation plan, which can support users to understand updates to Victims Services NSW processes.

On average, from the 23 member services who completed the DVNSW survey, participants said that Victims Services applications took DFV specialist organisations 15% longer to complete than previously. Some members, who complete Victims Services applications frequently, said that applications took significantly longer to complete.

*“Limited funding already places caseworkers under enormous stress due to lack of availabilities to employ enough workers to meet the vital needs of the clients. This new application process demands more time support per client.”* DVNSW member

In our survey DVNSW asked if services faced additional inconvenience, workload or expenses since the changes to Victims Services NSW were implemented. 19 DVNSW member services responded, with the majority noting that the claims are now more time consuming.



DVNSW members raised the following concerns regarding the most time consuming elements of the updated Victims Services application process.

- *Having to gather evidence for claims. When clients do not have capacity or are too overwhelmed, I have spent hours making phone calls to counsellors to try and locate one who is available.*
- *More resources required to assist in online applications follow up and working with the victims to ensure they understand the process*
- *Yes, the primary victim application isn't designed to easily facilitate use with the Immediate Needs Support Package (INSP). Many are finding it difficult to understand this process.*
- *It is time consuming to do INSP forms. I do a digital form, print it, get the client to sign it and then scan the document to attach to the primary victim claim. It is tedious. Clients were struggling to find ways to digitally sign the form during COVID when they were in lockdown. Having a physical signature wasted the client's time and resources. Clients are struggling financially and often reliant on public transport so visiting to sign a form cost them money and time when they could least afford it.*
- *Additional workload. Clients feel overwhelmed with the process and all are requiring support to complete.*
- *Yes, the application is more time consuming as the support required to access receipts/documents has increased the time required to support the client.*
- *It is a more cumbersome process, which adds to the workload. Client also has to produce the necessary documentation. We then have to advocate on their behalf, often without success, which again takes up time and requires multiple unnecessary appointments for clients.*

## 2. Evidence requirements

DVNSW believes that the 12-month requirement is prohibitive and should be extended. There are practical, as well as systemic barriers which make it challenging to provide evidence in the required timeframe. Consultation with members demonstrated that there is confusion in some services as to which payments the amended 12-month time limit applies to, which also raises the concern that victim-survivors face a similar misunderstanding. Concerns that short time frames will create a barrier to access should be urgently considered and changes made to ensure equity of access.

*“The clients I work with have typically just had police involvement in either a new ADVO application or breach of ADVO. The victims are very emotional & overwhelmed by the court process that is happening. They have often just separated and are trying to re-locate, deal with court and organise their finances. They are not in a stable situation to engage in counselling. However, the client needs a report from a counsellor who has worked with them long enough to give evidence of a psychological injury. In terms of physical injuries from assaults, the court cases aren’t typically finalised in the 12 months.”*

DVNSW member

*“One client in particular wanted to submit an application for loss of income and both she and I were told by Victim Services staff on numerous occasions’, different processes to make the application. The client had to seek legal advice and support to complete the application- because it was so unclear as to the procedure.”*

DVNSW member

20 DVNSW member services responded to the question regarding the 12-month requirement for evidence for recognition payments.



DVNSW member concerns regarding the 12-month requirement to providing evidence included:

- *Sometimes they are unable to gather the required evidence, as they have not yet been able to leave.*
- *It takes time to re-establish identity post being in an abusive relationship. New address, bank account, Centrelink requirements, court and then another system that is meant to be supportive.*
- *Clients may not be capable of gathering this evidence themselves.*
- *Clients that do not have the ability to use technology or access documents that are needed [are impacted negatively]. Fear of requesting documents from police.*
- *Client's trying to escape violence are now disadvantaged. They cannot provide evidence of the violence until they have safely left. However, require the assistance to be able to escape!*
- *This is currently creating barriers to clients. When we support clients it is often closely following crisis (leaving, assault) and clients are not in a capacity to remember to do these things, or confident in contacting the relevant services for support.*
- *Totally unrealistic anything that makes it more difficult or unsafe for victims will mean they do not get the support to survive and recover. Victims are normally dealing with multiple urgent things at the same time and this could create more complexities and complications for being able to move forward.*
- *Some clients are unable to access these documents e.g. hospital reports without applying for them and at times there is a cost they are unable to meet. Often victims may not report crimes*

to police until later if at all. The time frame makes it especially difficult and prevents them accessing this support.

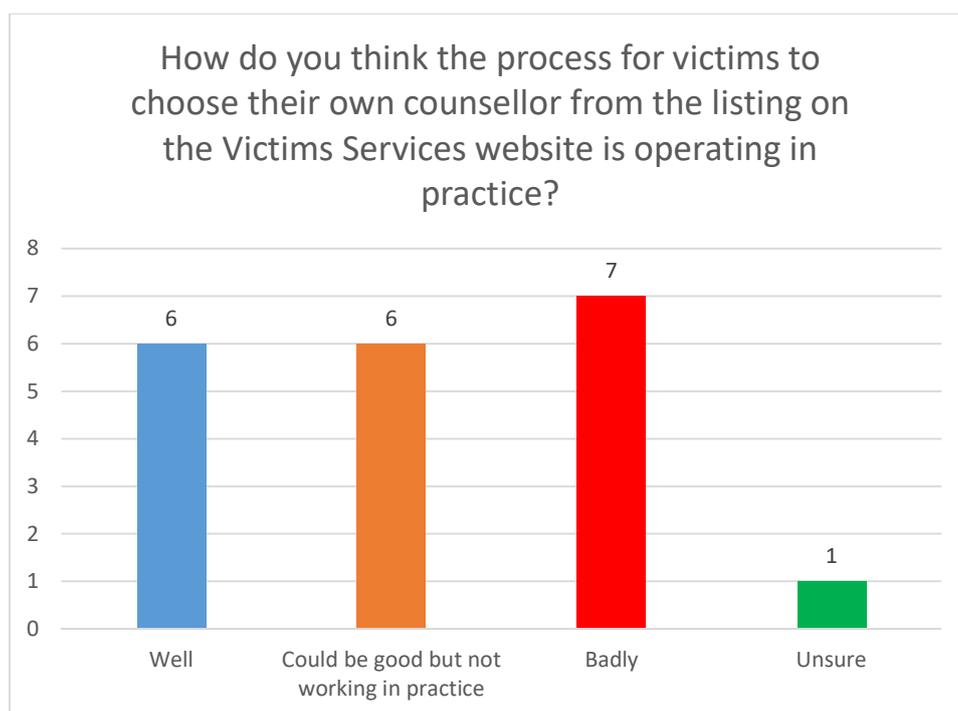
- Yes - very difficult to access evidence even for English speaking women, next to impossible for CALD, Aboriginal, and women with a disability. Within 12 months, women are still often traumatised by their experiences and in no headspace to even consider applying.

### 3. Selecting counsellors online

The online portal has potential; however, it is not working effectively. Many DVNSW member services continue to refer clients to preferred providers who have experience in working with complex trauma and bypass the online portal. For those who do use it, there are mixed experiences, with many stating it is a positive improvement in theory, however, the practicalities of restricted provider availability and minimal information about specialisation prevents the site from providing the necessary benefits. Additionally, members raised concerns that the online portal is not trauma-informed or suited to people with complex trauma.

*“It is good to have it as an option for victims to be able to select their own counsellor, however the list is ALWAYS inaccurate and only a very small amount of counsellors listed actually have capacity to see new clients, and if they do, the wait time is often long.”* DVNSW member

20 DVNSW members responded to the following question regarding selecting counsellors online from the Victims Services portal.



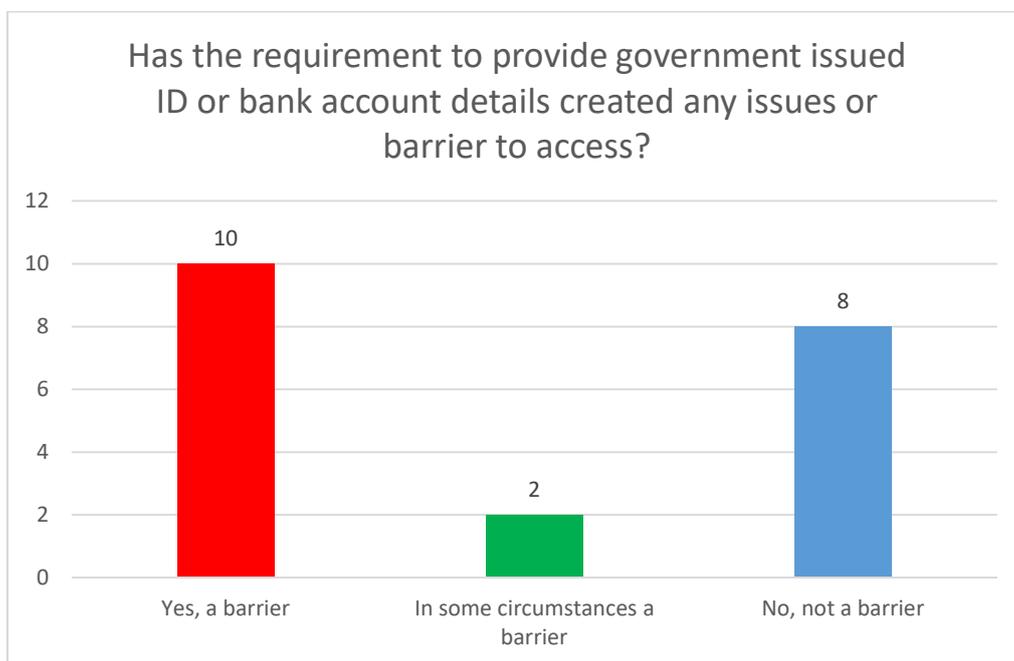
DVNSW members provided the following feedback regarding selection of counsellors:

- *It is good to have it as an option for victims to be able to select their own counsellor, however the list is ALWAYS inaccurate and only a very small amount of counsellors listed actually have capacity to see new clients, and if they do, the wait time is often longer than two weeks.*
- *I think it would be good if the register were actually updated regularly with counsellor capacity. I have personally called through the list on multiple occasions, and found that less than 1/4 of those listed as available were actually taking on new clients.*
- *Clients have stated it is confusing and they have just given up.*
- *I think this is an improvement.*
- *Good but it has created a wait list so maybe broaden the list or indicate if the counsellor is at capacity. Would benefit from more non English speaking counsellors.*
- *Some clients are finding choosing their own counsellor more convenient however, many get too busy to contact a counsellor or the counsellor has a long wait list so the client gives up.*
- *I think this is a great idea in theory, however, we are still noticing a lack of availability in local counsellors (Maitland and Hunter) and this is not always reflected on the website.*
- *The options are limited to metro services. Regionally based services are in demand.*
- *At times, the victims are not in a place to make a decision of who they should choose as a counsellor.*
- *Lack of victim services counsellors for children.*
- *Counsellor list never being up to date.*
- *Almost impossible. They need to have recommendations from people that know them or services that understand their needs. They cannot just navigate finding someone with the many complexities that victims face.*
- *I assist the client to find a counsellor from the list as many clients don't have access to the internet and many more are in trauma and can't face looking for anything.*
- *It is an additional barrier for many clients who are possibly in crisis or are not au fait with technology. Additionally they have to spend time trying to identify and locate a counsellor with vacancies. The prior system meant VCS could allocate on their behalf thus removing one of the barriers.*
- *No choice for women who may not have a services support - it is a lottery. For a service to be able to provide a preferred provider we know the reliable counsellors who have a good understanding of DFV.*

#### 4. Requirement to provide identification

Collating identification can be an extremely time consuming process for people who do not have identification documents. DVNSW members spoke to us about the time-consuming nature of this support for services, which could span over weeks or months. Victim-survivors with complex situations face additional barriers, including women who have been in custody, women who have experienced identity theft, women who have been in controlling relationships and women who have fled abusive relationships with nothing.

20 DVNSW members completed the following question regarding issues with the provision of identity documents.



Some DVNSW members do not perceive an issue regarding government issued identification:

- *No, most of my clients have been able to provide their ID and obtain their bank details using a mobile device.*

However, the majority of DVNSW members believe that the provision of identification does create a barrier for access to Victims Services NSW supports. DVNSW member feedback regarding compulsory identification highlighted the following concerns:

- *ID requirement can be a barrier to clients who have left everything behind, or when POI has stolen the client's wallet. It is also a barrier to many who are homeless. I have not found it to be a large barrier; however, I have heard colleagues mention it as a barrier (particularly for our homelessness team).*

- *No, but I can see how it would for clients who have fled with nothing.*
- *Yes, as all these documentational requirements need to be completed first, this might take months in itself.*
- *The problem remains that if a person leaves their house without any documentation the challenge of tracking down that documentation is challenging.*
- *Accessing and replacing lost or destroyed identification documents is a lengthy and often costly process for a victim to undertake.*
- *Yes due to safety reasons. Also they may not have these with them or accessible. Also accessing these could trigger the perpetrator to know where they are or how to find them.*
- *Only when victims have fled without these documents especially if they were held by the perpetrator which is the case for many CALD clients.*
- *Yes - if a woman has fled she often has no ID with her. It takes time to gather these items again.*

#### **5. Barriers to access for victim-survivors from marginalised backgrounds**

DVNSW does not believe that the changes made in July 2020 were trauma and violence informed, and are concerned that they have created a barrier. The online access can be particularly challenging for people with limited access to technology, including people from lower-socio economic backgrounds, older women and people in regional and rural backgrounds.

DVNSW members noted concerns regarding equity of access for the following client groups:

- homeless women
- refugees
- Culturally and Linguistically Diverse people
- people with disabilities
- criminalised women
- Aboriginal and Torres Strait Islander women
- older women
- clients who are in crisis.

Additionally, DVNSW members noted the following concerns:

- *The changes and application process is very confusing, particularly so for those with intellectual disability or those whose memory/comprehension is being impacted by trauma.*

- *Victim Services INSP and Victim Services counselling I have not had much trouble with. I have noticed barriers for clients seeking support with economic loss, loss of income and recognition payments. I often find that this is due to a miscommunication by Victim Services staff.*
- *Only those who [have] not made reports to police or attended medical, and especially those women who police have taken out an AVO against them instead of the POI. This is happening a lot.*
- *Definitely those living with no or limited visas, First Nations people. People who doesn't have the documentation that is needed due to homelessness etc.*
- *I always assist my clients with the Victim Services forms so they are not disadvantaged but if any person had to navigate the system without help, I think it would be overwhelming as most DV clients are experiencing trauma and many do not have internet access.*

## **6. Case examples**

- *Currently working with an elderly client to try to get security installed at her unit. 12 months' worth of abuse from a neighbour including; power being turned off of a night, standing outside her window, harassment, blocking her door with bins and destruction of property/theft. She has been rejected, as it is not intimate partner violence. She is paying rent on a house she has not stayed at for over a month due to fear. She is not in a position to move. How is that ok?*
- *A client declined counselling after seeking approval. As not one of the counselling services listed had an appointment time to provide to the client. The client became very frustrated, and felt unsupported.*
- *Client S spent four hours in Centrelink in the initial consultation with two follow ups visits where she witnessed a Centrelink staff member be threatened by knife point. It took a further three months to have her supported over the phone and access financial assistance she gave up on the Victim Services application as it was "all too hard."*
- *Numerous clients who had either lost documentation due to continued episodes of DV and the ensuing relocations and/or clients with substantial trauma unable to keep a record or decreased functional capacity of record keeping due to limited emotional/mental/physical ability.*
- *I have a client that didn't end up accessing Victim Services and ended up homeless and with further disabilities and living in poverty because the obstacles placed in their way were impossible for them and compromised their safety. Which instead of proving support meant in a tailored way were traumatised further and eventually needed much more support that they would have required in the first place.*

## 7. Additional feedback for Victims Services NSW

- *The response from Victim Services is quicker for INSP claims but too many question on the Primary application and INSP forms are the same. I think the INSP forms could be revised.*
- *Reimbursement of damages: each claim I have made for a client to be reimbursed for out of pocket expenses due to violence has been rejected, even though we are told that it can be done. The process for a claim is becoming more complex and time consuming.*
- *Counselling forms should be simplified to include young children.*
- *I believe the INSP forms need revising. There are several questions that cannot be answered accurately and some questions that have already been asked on the Primary application.*
- *Constant ongoing technical issues with Victim Services applications we are trying to lodge, e.g.; can never successfully save an application to go back to later (password is never recognised), issues uploading documents. When we call Victim Services to discuss we are told they know there are issues & it's being addressed, months later same issues are still prevalent & ongoing. When we lodge applications, we either get absolutely no response or get a response stating we have claimed for something we haven't, ringing Victim Services to speak to a worker is to no avail as no useful assistance is given to resolve the issues.*
- *There are not a lot of counsellors taking new clients in our area - please on board more! (Hunter/Hunter Valley area).*
- *They needs to be interagency collaboration a workflow pathway so that efforts are not duplicated.*
- *Lack of meaningful victim/service driven consultation and creation of policies and changes and constant way things are pushed through at the detriment to the services and the people they are helping.*
- *My main points are a) that the Victim Services INSP and Primary Victims forms have a number of questions that are the same. b) the INSP form asks questions that are hard to answer e.g. where are you moving to, how much are the items needed, invoices and dates etc. Often when we are applying for these items the client doesn't know these details and in the case of removals cost we are applying in readiness to move them. In most cases, our clients do not have money to spend up front with the hope of reimbursement.*
- *Overall, the time frames for clients receiving a decision has been much improved. The issue is getting to the point where they are able to provide the relevant information necessary to get the decision.*
- *Victim Services is a beneficial service. Just needs to be more accessible without having to jump through too many hoops.*

- *Create digital signature options to verify identity.*
- *The implementation of both applications in the primary victim application I have found beneficial and I find it easier.*

## **8. A Safe State NSW recommendations**

In 2019, DVNSW and member organisations of the NSW Women’s Alliance made two key recommendations regarding Victims Services NSW in its policy platform *A Safe State*. DVNSW stands behind these recommendations, and seeks a response from Victims Services NSW. Many of the *A Safe State* recommendations were once again raised during the DVNSW consultation for this submission.

Excerpt from *A Safe State, Priority 4. Ensure people experiencing violence can access justice safely* (pp. 30-31):<sup>1</sup>

- d. Improve access to recognition payments and financial support for people who have experienced sexual, domestic and family violence

In NSW, primary victims of an act of violence are eligible to apply for a ‘recognition payment’ from Victims Services NSW that acknowledges the trauma they suffered. There are different categories of recognition payments that relate to homicide, sexual assault, grievous bodily harm, child abuse, assault and robbery. There is no specific category relating to domestic and family violence. The most common category for domestic violence is assault that provides the lowest recognition payment of \$1,500.

To be eligible for financial assistance, people who have experienced violence must make an application within two years of the act of violence or two years after the day of turning 18 years. There is an exception for child sexual abuse, though only limited financial support is available if the person who has experienced child sexual abuse applies after the two year time limit. If they apply after two years they are not eligible for medical and dental expenses.

For a recognition payment, people who have experienced domestic violence, sexual assault and child abuse must make an application within 10 years from the act of violence (or 10 years after the day of

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<sup>1</sup> NSW Women’s Alliance (2019) *A Safe State: Acting to End Sexual, Domestic and Family Violence Policy Platform*, [https://d3n8a8pro7vhmx.cloudfront.net/safensw/pages/41/attachments/original/1540514938/A\\_Safe\\_State\\_-\\_Final\\_Policy\\_Platform\\_%28Oct\\_2018-Mar\\_2019%29.pdf?1540514938](https://d3n8a8pro7vhmx.cloudfront.net/safensw/pages/41/attachments/original/1540514938/A_Safe_State_-_Final_Policy_Platform_%28Oct_2018-Mar_2019%29.pdf?1540514938)

turning 18 years). There is no time limit for a recognition payment for child sexual abuse. Of the 759 recognition payment applications that were dismissed in 2016-17, the application being 'out of time' accounted for 18 per cent of the dismissals.

People who have experienced violence may not disclose their experiences nor seek support for many years due to fear and stigma, not identifying what has happened is a crime, and family and social pressures. A person should receive recognition of their trauma and be financially supported to recover no matter how many years have passed since they experienced violence, and often the trauma is ongoing.

We're calling on parties to:

Commit to improve the victim support scheme by strengthening the Victims' Rights and Support Act and Scheme to introduce:

- better recognition of sexual assault through higher recognition payments,
- better recognition of physical and psychological forms of domestic violence through higher recognition payments, including for a series of related acts,
- removing upper time limits for recognition payments for victims of domestic violence, sexual assault and child abuse; and
- removing the two year time limit for all forms of financial assistance for victims of domestic violence, sexual assault, child sexual assault and child abuse.

e. Ensure ready and easy access to brokerage funding for all people experiencing domestic and family violence

There is a great need for people experiencing domestic and family violence to have immediate access to financial supports in order to increase their safety and wellbeing. Research indicates that the time following a violent incident can be particularly unsafe for women. Research also indicates that a lack of access to money can be a key factor for women staying in violent relationships.

In NSW, Victims Services packages for immediate needs are difficult to access due to the large amount of paperwork involved and a long wait time. The 2016-17 Victims Services' data profiles show that the average time for immediate needs payments for Domestic Violence are 8.6 weeks (shortest time is the same day and longest time is 3 years). The average processing time for immediate needs payments for sexual assault is 10.2 weeks (shortest time is the same day and longest time 3.1 years).

We're calling on parties to:

Commit to enable specialist domestic and family violence services to flexibly dispense Victim Services Support Packages for immediate needs to people experiencing domestic and family violence to increase their safety and wellbeing.

The *A Safe State* recommendations remain priority asks of the NSW Women's Alliance, and should be considered accordingly.