

# DVSAT Redesign

DVNSW Feedback Submission

**February 2022**



**D O M E S T I C**  
**V I O L E N C E**  
**N S W**

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## Acknowledgement

This report was written on the stolen and unceded lands of the Gadigal People of the Eora Nation. We pay respects to the Gadigal Elders past, present and emerging.

DVNSW would like to acknowledge Aboriginal and Torres Strait Islander people across the breadth and depth of Australia. We recognise that Aboriginal and Torres Strait Islander people have lived and cared for Country for over 65,000 years and continue to do so, honouring ancestors and knowledge holders within community, and observing ancient cultural practices.

We would like to recognise the impacts of colonisation and the ongoing systemic racism and oppression that is still present within institutions and the broader community.

We acknowledge the strength and resilience of Aboriginal and Torres Strait Islander people and hold their stories with great care.

We concede that Aboriginal and Torres Strait Islander women are at the highest risk of sexual, family and domestic violence compared with other women in Australia. We acknowledge that sexual, domestic and family violence are not part of Aboriginal culture.

DVNSW work to position ourselves as allies, to walk alongside, to listen, to give our voice and strength, to respect, to never forget and to learn from past mistakes.



## About Domestic Violence NSW

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Domestic Violence NSW (DVNSW) is the **peak body for specialist domestic and family violence (DFV) services in NSW**. We have over 130 member organisations across NSW. We work to improve policy, legislative and program responses to domestic and family violence 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 domestic and family violence. 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's health centres, women and children's support services, and Safe at Home programs.

We would like to thank the DVNSW members and organisations who gave their time and expertise to our interviews and participated in our survey.

**DVNSW gives permission to publicly publish this submission. DVNSW invites Legal Aid to contact us for further consultation or comment regarding our recommendations if required.**

This submission is endorsed by:  
Full Stop Australia  
No to Violence

## Summary of DVNSW feedback

1. The new DVSAT received a positive overall assessment. The majority of feedback was directed towards the Intimate Partner Violence (IPV) tool unless otherwise specified.
2. The feedback on the structure is positive. The new structure of parts A, B, and C is largely seen as appropriate and easy to follow.
3. Significant concerns were raised that, if questions are not required on the DVSAT, the information will not be obtained, and investigations on particular offences may not occur. As such, numerous recommendations were made to move questions from part B to part A:
  - a. This submission strongly recommends not starting with a question on physical violence, and instead suggests adding a question on coercive control or non-physical violence to part A and asking it first.
  - b. This submission strongly recommends that questions regarding alcohol and other drug use (AOD), as well as mental health (MH), be included in Part A. The questions used in the non-IPV tool are considered appropriate.
  - c. Consider moving question 4 in part B to part A, as this overt control over resources that, when withheld, can be life-threatening.
  - d. Consider moving question 19 re: harm to animals in part B to part A due to being a known indicator of lethality and future violence. This is acknowledged already in the non-IPV tool.
  - e. Consider a question in part A around criminal associations or gangs for both tools, with participants suggesting that this squarely is the domain of police.
  - f. Consider moving question 15 in part B to part A to capture the criminal offence of assault within police questions. While this is partially covered in question 1, it may not be enough to prompt a victim.
  - g. Consider changing “Threw things at you” in question 1 in part A to “Threw things at or near you” in both tools.
  - h. This submission agrees with stalking being included in part A but would also recommend adding technology facilitated abuse to part A as a separate question directly following stalking.
  - i. Consider moving question 16 in part B to part A to capture the criminal offence of intimidation within police questions.
  - j. Consider moving question 25 in part B to part A to capture the criminal offence of malicious damage within police questions.
4. Children
  - a. This submission strongly recommends moving questions 37 and 39 in part B in relation to children to part A to allow for consideration of section 38 of the Crimes (Domestic and Personal Violence) Act 2007.
  - b. Consider moving remaining questions regarding children much higher in part B.
  - c. More explicit questions need to be asked around risk of children being removed from the country, as well as fears the children themselves have expressed, and coercive control involving children.

- d. In the non-IPV tool, consider adding a question to part A, similar to question 37 of the IPV tool, “Are there any (other) children/young people who usually live or visit the home?”
  - e. In the non-IPV tool, consider adding questions to part B, similar to questions 38-41 to assess children being used in other forms of family violence, such as at risk of violence from siblings etc.
5. Weightings in part A
    - a. Overall, feedback on weightings as a concept was positive.
    - b. Strongly consider a higher weighting for question 7 re: separation, with many respondents commenting about how this is such a high-risk time for women. This was communicated frequently by respondents.
    - c. Consider increasing weighting for access to firearms to a 3, particularly if taking on the recommendation that this question include criminal associations.
    - d. Consider increasing the weighting of question 11 re: escalation.
    - e. There was significant debate around the automatic serious threat rating of the self-assessment, but most respondents disagreed. Suggestions were also provided about adding a follow up question about what their fear entailed.
    - f. Despite the reasoning behind the lack of timeframes provided by the discussion paper, DVNSW would recommend introducing timeframes to at least some questions, or a lower rating for incidents that occurred historically.
  6. There are significant concerns around the workload the new format will add to SAM Coordinator workloads, and SAMs and SAM Coordinator admin becoming unmanageable.
  7. Part B is unworkable if not supported by technology. Even when not mandatory to ask all questions, the length of part B makes scrolling through all questions to find sections unmanageable. As such, technological support such as a drop-down feature or additional questions populating after answering an initial question is required. Other services such as refuges raised that it is important that the tool remains portable, and that a PDF copy with questions only (no examples) also be accessible.
  8. Language used, order of questions, and additional questions
    - a. Consider changing question 4 to include other weapons such as knives, with respondents detailing weapons such as samurai swords.
    - b. Consider adding a question under financial abuse that asks about threats to not pay child support as a form of coercive control.
    - c. Consider reordering question 2 in part A.
    - d. Consider adding a question similar to question 4 of part B of the non-IPV tool that focuses more on systems abuse, for example, vexatious litigation in criminal or family court, reporting to Immigration or child protection, or police welfare checks.
  9. The examples provided are appropriate, sufficient, and helpful, particularly when using interpreters. Many respondents noted that the examples will help new workers learn.
    - a. Consider adding an example under question 10 regarding money problems related to gambling.
    - b. Examples requested for the Sexual Abuse questions in the non-IPV tool, much like the examples in the IPV tool.
  10. The new sexual violence question is appropriately worded and should remain in part A.

- a. The examples listed also received a positive response, broadening the typical understanding of sexual violence.
  - b. Respondents also indicated that it is important to ensure 'declined to answer' (not refused) remains an option.
11. Non-IPV tool- feedback overwhelmingly positive, particularly in relation to elder abuse
- a. Consider changing "Threw things at you" in question 1 in part A to "Threw things at or near you", also consider adding an example of "punching walls".
  - b. Consider moving coercive control questions much higher in part B.
  - c. Consider changing the name of the tool to "Family Violence tool" or similar.
  - d. Consider a question that clarifies the familial relationship, including if the victim-survivor depends on the abuser for caring needs.
12. Overwhelmingly strong support shown for the Priority Population sections
- a. More explicit questions need to be asked for people from migrant and refugee backgrounds to include forced marriage, female genital mutilation, pressure from community leaders, and risk of children being removed from the country.
13. Significant support for professional judgement to remain, recognising the specialisation of services and worker expertise.
- a. Important there is space to make additional comments and assessments, including child protection report numbers.

## Introduction

Legal Aid NSW is co-leading the redesign of the Domestic Violence Safety Assessment Tool (DVSAT), in partnership with the NSW Police Force, following a recommendation from the evaluation of Safer Pathway in 2019. This recommendation has also been echoed by the NSW Government's Joint Select Committee's report on Coercive Control in Relationships (Parliament of New South Wales, 2021) and the NSW Domestic Violence Death Review Team (DVDRT) (2020)<sup>1</sup>. A discussion paper and draft of the revised DVSAT was released in November 2021. DVNSW, alongside other specialist DFV services, was invited to provide feedback on key questions in relation to the revised tool. In response, DVNSW facilitated a WDVCSA sector meeting on Wed 15<sup>th</sup> Dec 2021 to discuss the revised tool and surveyed members.

The current DVSAT, originally developed in 2014 by the NSW Government as a part of the Safer Pathway program, has two parts. Part A consists of 25 questions, all of which carry the same weighting of one point, to which respondents can reply 'yes', 'no', 'unknown', or 'refuse/unable to answer'. Part B allows for the professional judgment of the professional completing the tool, allowing for the inclusion of additional factors, or adding weight to already acknowledged factors. It is at this point that a victim-survivor's risk rating can be changed between threat and serious threat, based on the professional's assessment.

The majority of respondents to the DVNSW survey agreed that the DVSAT required review, citing numerous issues with the current wording of the questions and the lack of focus on key areas of domestic violence risk assessment such as coercive control.

*"Incident-based assessment; some double-barrelled questions; insufficient focus on coercive control."*

*"Double-barrelled questions that conflate more and less serious behaviours - clients focus on more serious behaviours and say "no", lack of weighting to different items, lack of evidence base behind items, Police not using the tool."*

*"Immigration concerns not ascertained, coercive control elements not sufficiently reflected."*

*"Outdated language, doesn't include all types of violence."*

*"Not enough emphasis on the link between abuse of animals and DV."*

*"It does not capture all forms of abuse, particularly psychological abuse."*

*"It also does not adequately cover matters such as MH and AOD."*

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<sup>1</sup> It is noted that both reports specifically suggested adopting the Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM), in line with Victoria. This suggestion will be addressed later in this submission, along with an explanation as to why DVNSW suggests that the revised DVSAT is more appropriate.

*“The current DVSAT's questions can be quite obscure.”*

*“Currently very broad however does not consider lethality of questions (e.g. weighted questions would provide a clear risk rating).”*

*“Please include Cyber/online/social media stalking directly or through mutual friends.”*

*“The current DVSAT does not consider coercive control. The current DVSAT is used by Police and then the LCP (WDVCAS) before referring the client to a support service. This information is not shared with the support service and then we need to ask this information for a third time. The client's get tired of sharing this information with multiple services in a short space of time.”*

There was also acknowledgment that the tool is largely redundant for any forms of non-intimate domestic violence, priority populations, and the lack of time frames on questions reducing the efficacy of the tool as being able to assess risk.

*“Doesn't capture coercive methods of control, nor non-intimate DFV e.g. elder abuse.”*

*“It does not accommodate non intimate relationships.”*

*“Not applicable to all relationships i.e. FV.”*

*“Lack of diversity regarding Indigenous and LGBTQ populations.”*

*“Current DVSAT does not look at time frames of abuse which is important to look at when assessing risk.”*

*“There is no time period with the DVSAT and doesn't really address what risk level they are as the violence could be historical and the whole idea of serious threat is at serious risk of harm, imminent.”*

Further, concerns were raised around police not executing the tool appropriately, and also asking questions of the victim-survivor that police are better placed to answer.

*“That police do not complete it.”*

*“That police do not use it appropriately, if at all.”*

*“Questions about the current/ex-partner being arrested, charged, on bail or parole should not be asked of victim-survivors, rather they be flagged and documented by police.”*

As such, there is overwhelming agreement that the DVSAT requires revision, and DVNSW applauds Legal Aid on the work done to date in revising this tool. This submission will provide feedback on the new DVSAT tools, largely guided by the discussion paper questions.

# 1. Overview

## a. Survey

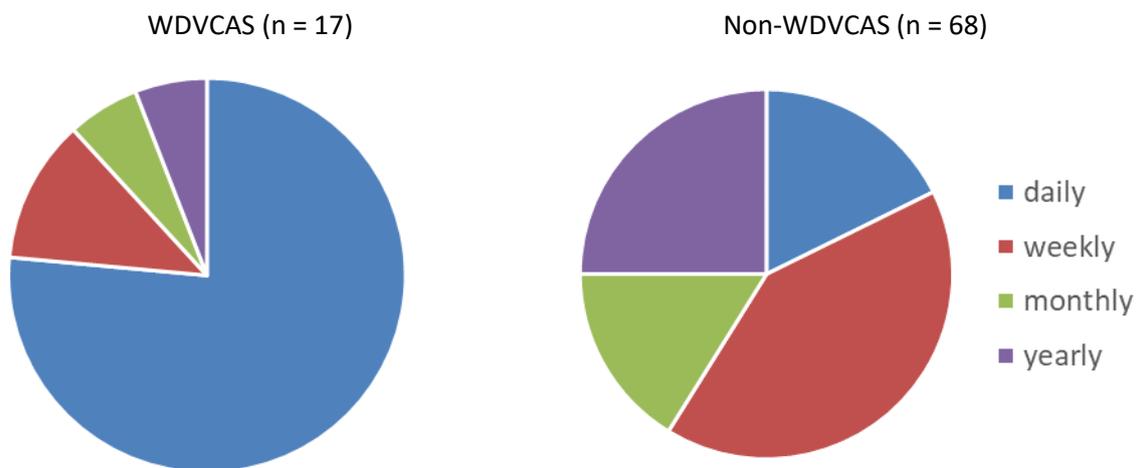
DVNSW designed and distributed a survey, which was open to all members from 22 December 2021 to January 2022. The survey consisted of 15 questions, primarily multiple choice with the option to expand upon answers in a free text box. Quantitative data was analysed primarily through cross-tabulation and qualitative data was analysed primarily through thematic analysis. This submission details the results of the survey, supplemented by feedback received during consultation with the sector.

The survey received 85 responses, 17 of which were from workers at a WDVCAS. This is a high response rate, particularly considering the survey was conducted over the holiday break, when services are either closed or have significantly reduced staffing numbers, and during the peak of the third wave of Covid infections in NSW. The average time spent completing the survey was 21 minutes, reflecting the importance of this tool to specialist domestic and family violence workers.

In parts of this submission, feedback has been divided into responses from WDVCAS workers and responses from other specialist DFV workers. This has been done to provide context where a difference of opinion is evident, with the WDVCAS workers being the main users of the tool. This is evident in Figure 1, which demonstrates that 75% of WDVCAS workers use the tool daily compared with 18% of other specialist DFV workers.

Non-WDVCAS workers mainly worked at housing/refuge services (44%) or unspecified specialist DFV services (37%). Two-thirds of these respondents used the DVSAT at least weekly. Conversely, the ten respondents (15%) who worked in women’s health or counselling services tended to use the DVSAT far less frequently than other respondents, however showed lower support overall for the revised tool.

**Figure 1: How frequently do you administer the DVSAT?**



## b. A note on terminology

In the specialist domestic and family violence sector, the preferred term is *victim-survivor*. DVNSW notes that the justice sector, including the NSW Police Force, use the term *victim*. In this submission, although used interchangeably, the emphasis has been placed on the term *victim-survivor*, with *victim* used at times particularly when discussing the justice system.

# 1. Core considerations and sector consultations

The primary focus of this submission is the voices of frontline workers, particularly those who use the DVSAT as a part of their daily practice. However, it is important for us to first preface the context in which these workers practice. DVNSW supports the National Risk Assessment Principles for domestic and family violence (Toivonen and Backhouse, 2018, p. 5), and in particular references principle 1:

**Survivors' safety is the core priority of all risk assessment frameworks and tools.**

The safety and wellbeing of adult and child survivors of domestic and family violence (DFV) is the first priority of any response. Risk must be identified, comprehensively assessed, and appropriately responded to by holding the perpetrator responsible and accountable for their behaviour and actions.

It is with victim-survivors' safety at front of mind that this feedback is provided. Additional to the survey conducted with DVNSW members, DVNSW conducted additional consultations with stakeholders throughout the sector. In particular, we focused on the comparison of the DVSAT with the Victorian Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM), due to the recommendations made by the NSW Government's Joint Select Committee's report on Coercive Control in Relationship's (Parliament of New South Wales, 2021) and the NSW DVDRT (2020).

Through these consultations, it was found that, while the MARAM is incredibly thorough and covers an extremely broad scope of domestic violence, these are the exact features that make it incredibly challenging and time consuming, both in terms of training and execution. There was overwhelming feedback provided by survey respondents that the new DVSAT part B is too long, however is an incredibly short tool when compared with the MARAM.

Support for a shorter tool is also supported by BOCSAR (2021), who found that a tool with 5 questions is equally accurate at predicting risk of re-offending and highlight the need to keep the initial screening as simple as possible. The 5 predictors identified were: the two measures of history of family and domestic violence; pregnancy and new birth; the victim's self-perception of risk; and misuse of drugs or excessive alcohol consumption<sup>2</sup>. However, we also highlight that the conclusion of the BOCSAR report is based on a very statistical assessment of risk and does not capture the complexities or nuances of DFV. We agree with the analysis of the CRAF review (McCulloch et al., 2016), that the tool needs to do more than just identify risk, and add that none of the respondents could identify any items of the tool that could be removed. Similar tools used in other states are much longer than the revised DVSAT, and we believe it is important to strike a balance between brevity for practical considerations and comprehensiveness to capture all relevant considerations for a holistic response. We applaud the efforts to restrict the questions included for first responders, and believe the revised DVSAT strikes this balance well. However, it is important to note that in making any changes to the DVSAT, additional training is essential, particularly for NSW Police. Further, any increase in the number of questions

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<sup>2</sup> The latter of these five supports our members' call to include a question about AOD and MH in Part A of the tool. It should be noted that the question was about *misuse* of alcohol and other drugs. Similarly, any question about mental health should be framed in terms of uncontrolled mental health issues to avoid stigmatisation.

asked by workers is going to increase the amount of time taken to deliver the tool. This also needs to be considered in regards to capacity and funding, particularly for WDVCS workers.

A key issue that was raised by survey respondents, and will be detailed below, is that of information sharing across services, and the need to share completed DVSA Ts with services that clients are being referred to. Further to this point, consultations led to a suggestion that, while there is significant focus on the NSW provisions to share information on victims and children, particularly under 16A of the *Crimes (Domestic and Family Violence) Act 2007 (NSW)*, there is far less emphasis on the sharing provisions of 13A, allowing information sharing on perpetrators. In Victoria, far more emphasis is placed on sharing information on the perpetrator for example, requesting the treatment plan of the perpetrator from an AOD clinic, or the relevant criminal history from Vic Police. While not within the scope of this project, DVNSW would suggest keeping this aspect in mind, and exploring increased focus on information sharing capabilities for information on the perpetrator. This assists in assessing the risk the perpetrator themselves will *pose*, as opposed to the risk the victim is *at*, and subsequently also shifts the focus of responsibility.

## 2. Overall satisfaction with the redesigned tool

Eleven out of 17 WDVCAS workers agreed that the updated tool is an improvement on the current tool. Three WDVCAS workers were unsure, and the remaining three preferred the current tool due to its simplicity, noting that professional judgment can always be used to upgrade the matter. Non-WDVCAS workers had similar rates of support for the revised tool, with 62% agreeing that the new DVSAT will better enable identification of risk for DFV.

While this submission will go on to highlight suggested changes for consideration while the tool is still under development, we wish to acknowledge the overall support for the updated tool from the sector.

*“I look forward to being able to use this tool, I think it will be much more helpful.”*

*“I welcome the change.”*

*“I think this tool should be used in all services in the assessment of clients. Our service sees clients at early arrival and having a tool like this for case managers can promote early intervention and education.”*

Of the 85 survey respondents, 52 replied ‘yes’ or ‘very much’ to the question ‘Do you think that the new DVSAT will better enable identification of risk for DFV?’ Only three respondents answered ‘no’ or ‘absolutely not’, with the remainder being unsure or opting to only leave comments. Interestingly, those who used the tool more than once a day were supportive of the new tool, those who used it only once a day were not so supportive, but those who used it 2-3 times per week were very supportive. This perhaps reflects that the WDVCAS workers who frequently utilise the DVSAT can see the benefit in the change, as well as those who have more time to conduct an extensive interview and build a relationship with individual clients.

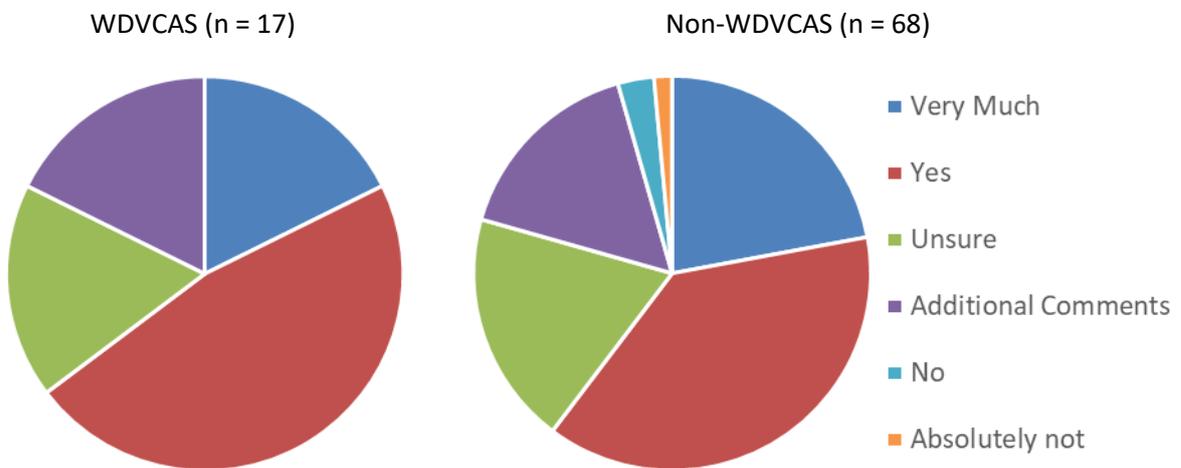
### a. Points of Feedback

1. The new DVSAT received a positive overall assessment. The majority of feedback was directed towards the Intimate Partner Violence (IPV) tool unless otherwise specified.

**Table 1: Do you think that the new DVSA will better enable identification of risk?**

Frequency of use	Absolutely not	No	Unsure	Comment - too long	Yes	Very Much	% support
> Once a day				3	4	3	70
Daily			6	2	6	1	47
2-3 days/week		1	1	1	8	4	80
Weekly			3	2	5	5	67
Monthly		1	2		7	2	75
< Once per month	1		6	1	7	3	56

**Figure 2: Do you think that the new DVSA will better enable identification of risk for DFV?**



### 3. Structure

The structure of the revised tool was well received, with over 50% of WDVCS workers agreeing that the structure of the redesigned tool was appropriate and easy to follow. Support from non-WDVCS workers was even higher, with 62% of respondents agreeing that the structure was appropriate and easy to follow. The main concerns raised were regarding the length of the tool and integration/timing between Part A and B.

*“I think the idea of police doing part A is a great idea and then allowing further services to dig deeper would be a great idea, maybe would need to be broken up over a few sessions rather than being done in one sitting. I also wonder what impact it has having the part B questions later down the track for police taking out ADVO's for the victim-survivor. **Much of the information in Part B I think would add to the weight of getting an ADVO in place in a timely manner** - which again comes back to timing to see how quick WDVCS does the follow up questions.”*

The **need for training** in the use of the new tool, particularly for those services who may not specialise in DFV, and for clarity about who should be using each part of the tool, were also commonly raised.

*How does this work for services that are working with people impacted by DV, but are neither WDVCS nor police? Will there be guidance for people who are experienced, trained, and working with people impacted by DV, such as DV case management? **Will this guidance be different for people who have irregular contact with people impacted by DV and do not have the same level of training and experience, such as healthcare workers?***

#### a. Points of Feedback

1. The feedback on the structure is positive. The new structure of parts A, B, and C is largely seen as appropriate and easy to follow.

## 4. Questions in Part A

The questions that workers believed should be in part A was one of the most impassioned discussions throughout the survey, primarily due to this being the part that is also asked by police. The majority (70%) of WDVCS workers believed additional questions should be in Part A. Below the submission will break down the questions survey respondents most commonly believed should be moved from part B to part A.

### a. Alcohol and Other Drugs and Mental Health

The most popular questions suggested for inclusion were questions about **alcohol and other drugs (AOD) and mental health (MH)**. Respondents believed that these aspects were imperative to assessing risk, which is also supported by the Bureau of Crime Statistics and Research (BOCSAR, 2022).

*“Agree with Drugs and Mental health being asked by police, this can ensure the appropriate AVO conditions are sought by Police. How can they add condition 4<sup>3</sup> if police do not ask about alcohol and or drugs?”*

*“I think the drug or alcohol should definitely be included in part A as this is a high-risk indicator. If the **POI is using ice daily** this puts the client at a much higher risk of violence than someone who used no drugs.”*

Support was shown for the AOD and MH dual questions in the non-IPV tool that reduce the stigmatisation of MH and AOD use, with answers pointing towards MH issues where the other party is not seeking, or not complying, with treatment, and abuse of AOD.

*“Unsure of the reasoning behind having MH and DOA questions in part A of non-IPV, but part B of IPV. would be good to have it consistent.”*

### b. Coercive Control

There was strong agreement that a question around coercive control should not only be included in part A, but be the first question asked. The reasoning given for this was partially due to the NSW Government’s Joint Select Committee’s report on Coercive Control in Relationships (Parliament of New South Wales, 2020) and the forthcoming criminalisation of coercive control (Parliament of New South Wales, 2020). DVNSW note that the DVSAT will become quickly obsolete if coercive control is criminalised and this is not factored in. It is also a key risk factor as demonstrated by the NSW DVDRT (2020).

*“There should be some reference to coercive control in Part A. As we know it is a big issue that police are not picking up and they need to be prompted about it.”*

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<sup>3</sup> Condition 4 is an optional condition that can be placed on an ADVO, stating “You must not approach or be in the company of the protected person for at least 12 hours after drinking alcohol or taking illicit drugs.”

*“With coercive control being such a big aspect of DV, it should be in part A.”*

*“I feel part A should have something that includes coercive control.”*

*“Given the research on coercive control behaviours and intimate partner homicide, I believe that questions in PART B on controlling behaviours should be asked by police. Or, at a minimum, police ask questions if the POI is jealous, controlling or is financially or systems abusive. These questions should be weighted to give a more comprehensive assessment of risk rating.”*

We suggest a question similar to the first question asked by Vic Police.

**“Do they act in ways that are jealous or controlling of you?”**

This effectively combines questions 1 and 2 in part B, with the examples listed for those questions in part B appropriate for this question in part A.

*“Question 1 goes straight to physical violence and then may leave a victim feeling that only physical is important. It is also very blunt question 1.”*

On a similar vein, respondents suggested moving question 4 in Part B to Part A:

**“Have they ever done anything that stopped you from having something you need to live?”**

**For example:**

- **Locked you out of the house**
- **Took away your medication, money or mobility aids**
- **Didn’t let you have food”**

*“I think Q 4 should be in part A.”*

*“I think Question 4 re; refusing vital supports should be in Part A.”*

Not only could this require immediate, emergency action, such as securing medication, but also demonstrates severe coercive control.

### **c. Animal abuse**

Another suggested move from part B to part A is question 19.

**“Have they ever harmed any animal or a family pet, or threatened to do so?”**

This would be in line with the amendments to the AVO legislation and associated research suggesting that harm to animals is a key lethality indicator (Arkow, 2014). Animal abuse is already included in part A of the non-IPV tool.

*“I think that it the police should ask about harm or threats to harm animals. This would be in line with the new ADVO conditions that acknowledge threats to harm to animals as an element of DFV, the ability of the police to potentially charge for animal harm and that many victims don't see this as DFV. This is in addition to the link between psychopathy where perpetrators injure animals before injuring people.”*

*“Also with animals at risk, police have attended and by the time we've been able to follow up the animal has faced being put at greater risk of harm. With the new clauses in the ADVO - police are in a better position to get help at the time of attending.”*

*“Threats to kill, harm or withhold pets/animals.” [in answer to the question “Are there any questions you think should be in the opposing part”]*

#### d. Criminal Associations

Other suggested additions to Part A primarily revolved around questions that would reveal criminal offences, and thus should be canvassed by police when speaking with the victim-survivor. Not only is this important to ensure that criminal offences are being investigated and charged by police, but is also supported by Principle 2 of the National Risk Assessment Principles for domestic and family violence (Toivonen and Backhouse, 2018, p. 6).

##### **A perpetrator’s current and past actions and behaviours bear significant weight in determining risk.**

Perpetrators must be kept “in view” across all aspects of risk assessment and safety management. While workers must always prioritise the safety of adult and child survivors, they must also keep the focus on the behaviour of the perpetrator, rather than only on the protective strategies of survivors. Perpetrator interventions must include assessing, monitoring and responding to the perpetrator’s violence, including patterns of coercive control. To support this, systems (including the justice system, and the broader community) must be in place to ensure perpetrators are both held accountable and have access to culturally appropriate and evidence-based supports to stop their violence.

The first of these questions were questions 35 and 36 criminal associations, noting that this is firmly the domain of the police, and may even be police who are in a better position than the victim-survivor to answer this question.

**“35. Do they have any criminal associations? For example, gangs.**

**36. If answered “yes” to question 35, ask”**

**Do their criminal associations make you feel unsafe?”**

This could perhaps be placed with, or after, the firearms question, and was one of the few questions that was suggested to be included in both tools.

*“Criminal associations, drugs, alcohol and mental health should be addressed by the police.”*

*“Gangs should be also covered by police as they have access to databases etc we do not have access to and if this was included in a police DVSAT it would greatly assist us in assisting the client. With many gang related matters we’ve needed to refer back to police and then it is investigated and regraded at serious threat.”*

*“Gangs need to be asked in both DVSATs and should be asked by police.”*

Perpetrators with criminal associations, particularly as members of outlaw motorcycle gangs (OMGs), have been found to participate in significantly higher rates of violent crime than those not affiliated with criminal associations, including domestic violence offences (Morgan, Dowling, and Voce, 2020).

## e. Assault and intimidation

*“The 'Threats and Other Violence' should be asked by Police, they are crimes.”*

While assault is partially covered in question 1 of part A, many respondents believe question 15 of part B should also be included. Question 15 asks about assaults that may have occurred with a weapon or object.

**“Have they ever hurt you with a weapon or other objects?”**

**For example:**

- **Furniture or household items e.g., lamp, knives, plates and bowls**
- **Clothing, e.g., belt**
- **Garden/shed tools e.g., shovel, rope**
- **Something that could burn you, e.g., petrol, boiling water, cigarette lighter”**

*“Part B Q 15 should be in Part A.”*

A suggestion was also made that the wording of the example question 1 of part A stating that “threw things at you” should be expanded to “threw things at *or near* you”.

*“Perpetrators do this to illicit the same threat level with less consequence for their actions. It is a controlled choice).”*

Respondents also felt intimidation was not appropriately canvassed in part A. The criminal offence of intimidation is quite broad, is an incredibly common DV offence, and can be encompassed by many questions in part B of the revised DVSAT. However, there are no questions in part A that canvas intimidation in order for police to explore any criminal charges that may be required. It was suggested by respondents that question 16 could be moved to part A to encompass this offence.

**“Have they ever threatened to physically hurt you?”**

## f. Technological- facilitated abuse

While stalking is included in part A of the revised DVSAT in question 5, and technological-facilitated abuse is noted in the examples, there was strong belief by respondents that a separate question on technological-facilitated abuse is required in part A, due to the elevated risks surrounding experiences of this type of abuse. This is supported by Toivonen and Backhouse (2018, p. 5), who explain that stalking behaviours, including technology-facilitated surveillance, GPS tracking, interferences with property, persistent phoning/texting and contact against court order conditions, increases risk of male-perpetrated homicide”.

*“The issue we have about the stalking question, is that it doesn’t properly canvass the stalking/tracking/threatening that occurs through technology which is a big red flag. So, you could add the tech-facilitated abuse questions to Part A or, as an alternative, you could just add some more examples to highlight that stalking can be done via technology (for example, “They showed up unexpectedly where you are, they used technology to track you”).”*

*“I think there should be questions in Part A around tech abuse, mainly around excessive contacts or accessing social media accounts etc. This is a vital part of women applying for ADVO’s and usually the main form of evidence they may have. This would be important for police to understand and unpack with women further.”*

It is also important to note that many forms of technological-facilitated abuse, such as sharing intimate images without consent, are criminal charges and, again, firmly the domain of police.

## g. Malicious Damage

Finally, it was suggested by respondents that question 25 in part B be moved to part A to capture the criminal offence of malicious damage.

**“Have they damaged your property?**

**For example**

- **Your personal things**
- **Your phone**
- **The house you live in**
- **Your car”**

*“Could add in...damaging items or property.” [in answer to the question “Are there any questions you think should be in the opposing part”]*

It is noted that many of the suggested question movements are around including questions in part A that may already be being asked by police through another mechanism. As the Domestic Violence Standard Operating Procedures (DVSOPs) are not publicly available, it is not known if there is another mechanism by which the answers to these questions are already being recorded, and thus recording the answers on the DVSAT requires ‘doubling up’. If this is the case, then discussions are encouraged

around providing WDVCSs with this information to reduce victims being asked the same questions repeatedly. However, concerns were raised that there is not an alternative mechanism, and if these questions are not a part of the DVSAT, then they will not be canvassed appropriately by police. This again reinforces the need to ensure that frontline police are being provided with the capacity, training, and resources to complete the DVSAT appropriately.

## h. Points of Feedback

1. Significant concerns were raised that, if questions are not required on the DVSAT, the information will not be obtained, and investigations on particular offences may not occur. As such, numerous recommendations were made to move questions from part B to part A:
  - a. This submission strongly recommends not starting with a question on physical violence, and instead suggests adding a question on coercive control or non-physical violence to part A and asking it first.
  - b. This submission strongly recommends that questions regarding alcohol and other drug use (AOD), as well as mental health (MH), be included in Part A. The questions used in the non-IPV tool are considered appropriate.
  - c. Consider moving question 4 in part B to part A, as this overt control over resources that, when withheld, can be life-threatening.
  - d. Consider moving question 19 re: harm to animals in part B to part A due to being a known indicator of lethality and future violence. This is acknowledged already in the non-IPV tool.
  - e. Consider a question in part A around criminal associations or gangs for both tools, with participants suggesting that this squarely the domain of police.
  - f. Consider moving question 15 in part B to part A to capture the criminal offence of assault within police questions. While this is partially covered in question 1, it may not be enough to prompt a victim.
  - g. Consider changing “Threw things at you” in question 1 in part A to “Threw things at or near you” in both tools.
  - h. This submission agrees with stalking being included in part A but would also recommend adding technology facilitated abuse to part A as a separate question directly following stalking.
  - i. Consider moving question 16 in part B to part A to capture the criminal offence of intimidation within police questions.
  - j. Consider moving question 25 in part B to part A to capture the criminal offence of malicious damage within police questions.

## 5. Children

A common concern raised by survey respondents was around the absence of children in part A. This was considered a significant gap, as the immediate safety of children needs to be assessed and responded to by police. The safety of children is also often the primary concern of the client, and

needs to be assessed by police for safety, as well as to adhere to section 38 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) in ADVO matters.

*“I think the questions relating to children should be added to the police section so that more informed decisions around adding children to AVO's can be made based on the children being involved in the violence.”*

*“The safety of children isn't canvassed at all in Part A. Appreciate that the tool is intended to assess the risk to harm of adults, but the two issues are intimately connected and is a big red flag the police should be considering in relation to the adult survivor. They should, at the very least, include question 39 in Part A.”*

*“I would like to see a question regarding children asked in Part A of the IPV version. It makes me uncomfortable not to ask of the children in the context of IPV and child abuse overlap.”*

*“I feel that harming pets and children should carry more weight.”*

As such, this submission recommends moving question 39 in part B into part A, but also moving the remaining questions around children higher in part B, with some respondents suggesting these questions should come first in part B.

*“Questions regarding children & impacts in children should come first.”*

Some respondents were particularly frustrated by the lack of focus on children as victims of domestic violence in their own right.

*“There seems to be little or nil consideration given to child victims. If for example a mother is unable or unwilling to speak with WDVCAS and has children who have clearly witnessed/ experienced the violence the matter is closed by WDVCAS and no referrals are made if nil consent is obtained. What a missed opportunity. Once again privacy takes priority over safety and no referral is made in relation to those children. If the mother is unable / unwilling to enforce an ADVO where is the professional judgement in relation to the risk this poses to the children who well may be named PINOPS? The reality is very few meet the ROSH threshold, as the findings of the CDR show.”*

More explicit questions were also suggested around the risk of children being removed from the country, as well as fears the children themselves have expressed, and coercive control involving children.

*“Can we include ...are there any risk[s] of children being taken overseas?”*

*“Could the children questions be expanded to ask whether the children have expressed fears for their safety or negative comments about spending time with perp?”*

*“I would like to see more questions around psychological abuse and using children as tools to manipulate and control women, eg: taking children or having them removed by FACS.”*

While this could be added to the priority population questions for people from migrant and refugee backgrounds, it could also be added to the child questions in part B. This is because a woman who is not from a migrant and/or refugee backgrounds may have a partner who is, and thus there is still a significant risk of children being taken overseas without her consent.

Concerns were raised in the non-IPV tool around the lack of questions in part B around children.

*“I would like to see more questions in relation to child protection.”*

While focus on children was not seen to be as urgent in the cases where the non-IPV tool is used, there were concerns raised by respondents that children are not canvassed at all in the tool. For example, if a young person is listed by police as the person of interest (POI), the safety of the siblings of that young person need to be taken into account. As such, this submissions recommends adding a question to part A of the non-IPV tool similar to question 37 of the IPV tool.

**“Are there any children/young people who usually live or visit the home?”**

**For example:**

- **Your own children from this relationship**
- **Children from a previous relationships**
- **Other children you care for, e.g., grandchildren/kinship care”**

The submission would further recommend adding questions 38-41 to part B of the non-IPV tool, to address the involvement of children in other forms of family violence, such as violence within kinship.

**“38. Has the child/ren or young person ever tried to stop the violence?”**

**For example:**

- **Telephoned for emergency assistance**
- **Intervened in physical violence”**

**“39. Have they ever hurt the child/ren or young person?”**

**“40. Do you think they will carry out their threats to hurt the child/ren or young person?”**

**“41. Do they regularly question the child about where you have been and who you speak to?”**

## **a. Points of Feedback**

### **1. Children**

- a. This submission strongly recommends moving questions 37 and 39 in part B in relation to children to part A to allow for consideration of section 38 of the Crimes (Domestic and Personal Violence) Act 2007.
- b. Consider moving remaining questions regarding children much higher in part B.
- c. More explicit questions need to be asked around risk of children being removed from the country, as well as fears the children themselves have expressed, and coercive control involving children.
- d. In the non-IPV tool, consider adding a question to part A, similar to question 37 of the IPV tool, “Are there any (other) children/young people who usually live or visit the home?”
- e. In the non-IPV tool, consider adding questions to part B, similar to questions 38-41 to assess children being used in other forms of family violence, such as at risk of violence from siblings etc.

## 6. Weightings in Part A

Overall, feedback on weightings as a concept was positive, with many respondents simply stating “yes” or “agree” when asked the question “Do you agree with the weighting of the questions in Part A? Are there any changes you suggest?”

*“I think weighted questions are a good idea.”*

*“Yes agree, weighting is good.”*

*“I agree with the weighting.”*

*“I like the different score for each question, but I think harming pets should also be included.”*

However, WDVCS workers had mixed opinions about the weighting of responses in Part A. Seven agreed with the weighting, three were unsure, and seven recommended changes. Non-WDVCS workers had fewer concerns about the weighting of questions, with over 50% agreeing the weightings will help to establish a correct picture of a person’s risk rating.

There were also concerns raised around context, severity, and professional judgment.

*“If professional judgement can be used I think the weighting is good. Because being punched in the face multiple times and thrown by your hair on many occasions would hold more weight than being grabbed on the arm too hard on one occasion.”*

Below we will discuss the most commonly raised suggested changes to weightings.

### a. Separation

Survey recipients offered some suggestions for the weightings themselves. The question that was most clearly suggested to be increased in weighting was question 7 on separation.

**For examples:**

- **You recently split up**
- **One of you moved out**
- **You are separated but are still living together”**

Respondents frequently raised this as an incredibly dangerous time for women, citing research that states this is a common time for escalation of violence due to loss of control. Both Toivonen and Backhouse (2018) and the DVDRT (2020) clearly state that separation is the time that women are most likely to be killed or seriously harmed.

*“Query the low rating for separation.”*

*“A higher weighting for separation.”*

*“I think the question re separation needs to have more weight. This is a time of high risk for the woman. The POI will be feeling less control over the woman and probably be more impulsive in trying to get control back.”*

*“Leaving the relationship is only rated a 1. That is a critical factor for violence escalation and should be a 2 at least in my view.”*

## **b. Access to Firearms**

Access to firearms was also raised as a concern, with some suggesting it be raised slightly. This could be considered in line with another suggestion of this submission, being including a recommendation to include a question on criminal associations.

*“Access to firearms should be weighted as a 3.”*

*“Consider whether access to firearms and threats of suicide need to have higher ratings.”*

## **c. Escalation**

The final question that was commonly suggested to be increased in weighting was escalation, with respondents identifying this as a significant indicator of heightened danger for the client (Toivonen and Backhouse, 2018).

**“11. Is there abusive behaviour getting worse or happening more often?”**

*“Escalation could increase in weighting.”*

While question 11 is already weighted as a 3, it was pointed out that there is a sharp increase from 3 to 9, with no weightings in the middle. This submission recommends considering escalation being weighted as a 4.

*“Note there appears to be a big jump in the weightings, rather than a sliding scale i.e., You have lots of low rated questions and then you jump straight to 9 – not sure if that was intentional.”*

## d. Self-Assessment

The importance of self-assessment is acknowledged in Principle 3 of the National Risk Assessment Principles for domestic and family violence (Toivonen and Backhouse, 2018, pp. 6-7).

### **A survivor's knowledge of their own risk is central to any risk assessment.**

A survivor's assessments of their own risk should be considered one of the primary elements of a risk assessment, providing intimate knowledge of their lived experience of violence and patterns of coercive control. Service providers need to approach risk assessment and safety management with adult and child survivors through a collaborative process which respects and builds on their own assessment of their safety. Survivor-led approaches can help ensure that responses will meet their needs rather than override their decision-making (Humphreys, Healey & Diemer, 2015). A survivor's own assessment of risk should be collected as one component of the process. It should be complemented with:

- victim statements and narratives, particularly in relation to level of fear and self-assessment of risk;
- use of a well-tested actuarial risk assessment tool, which is appropriate to the expertise of workers expected to use the tool;
- professional judgement and practice wisdom drawn from workers' specialist knowledge of DFV to inform the process; and
- information gathered from other organisations, such as criminal records. Typically, this process is referred to as a "structured professional judgement approach". It is guided by common tools and templates for collecting information in risk assessment frameworks.

This submission suggests that, while the revised DVSAT prioritises victim-survivor self-assessment, it does not acknowledge the other facets of Principle 3, with the principle suggesting that self-assessment be collected as *one component* of the process. Instead, we would suggest adding components to this question, such as adding a follow up question about what their fear entailed.

There was significant debate around question 12, specifically pertaining to weightings and self-assessment as an automatic serious threat.

### **"12. Are you afraid that they might seriously hurt or kill you?"**

There was some support for this from non-WDVCAS services.

*"Agree with all the questions rated 9."*

However, among WDVCAS workers, most respondents disagreed with the self-assessment question resulting in an automatic serious threat rating. Respondents spoke to the heightened emotional state of their clients, and how this can often be a poor indicator of whether danger is present.

*"Also in relation to the personal assessment, again I've had contact with client's that are extremely fearful from an SMS or phone call with no other matts and POI ends contact after that contact that did not require ST. I've also had contact with woman that have had fear*

*that is not in line with the matter and I've contacted them a few days later when the intensity has resolved and the woman reports no fear now. I've also had contact with ST clients who are at that rating who have no fear of harm. This is not an accurate assessment for the matter to be placed on the SAM via a client's own assessment."*

*"12 - self assessment, I don't believe that should be an automatic ST."*

*"I do not agree with the 3x auto ST ratings...self-assessment **without further parameters.**"*

However, this submission does note BOCSAR's (2021) findings that the victim's self-perception of risk is one of the five questions that, together, were found to accurately predict the risk of re-offending. Suggestions were also provided that perhaps follow up questions could be added to ascertain what their fear entailed, with the weighting being left to professional judgment.

*"When asking number 45 around victim self-assessment, if they state they have fears, to ask "What do you think/fear might happen?" As the question is a bit vague as it stands."*

## **e. Automatic serious threats**

Additional to the concerns raised around the self-assessment question itself, the main concern raised by the WDVCSs was the three questions that resulted in automatic escalation to serious threat, particularly given no timeframes are included in the question.

**"9. Have they ever put their hands around your throat or tried to stop you breathing in any way?"**

**For example:**

- **Put anything over or in your mouth**
- **Pushed your face into a pillow or mattress**
- **Grabbed your neck"**

**"10. Have you ever had to do anything sexually that you did not want to do?"**

**For example:**

- **Anything that made you feel humiliated or ashamed**
- **Forced you to take intimate photos or videos**
- **Forcing you to watch pornography"**

The two main concerns raised around automatic serious threats were inappropriate SAM referrals and disclosure of sexual assault.

The automatic serious threat questions and lack of timeframes on these questions will mean that a number of matters will become serious threat that otherwise would not have been. For example, many WDVCSs have clients that they're very familiar with, and who they may have been contacting for many years. Perhaps they were in a very violent relationship a number of years ago that did involve sexual assault and strangulation. They have since been separated, are currently safe, and have been through family court and have parenting orders. The perpetrator will frequently breach the AVO by

sending the client harassing messages about their children. She is not afraid, but also knows that the AVO is only effective if she reports, and as a result, often reports these breaches to police. When police ask the DVSA questions, without timeframes, the correct answers to the questions about strangulation and sexual assault are 'yes'. This places the matter at serious threat, causing more than one issue.

First, for consistency and rapport building, most WDVCSs work hard to have the same worker call clients each time. This means that all of these clients who are not at imminent threat, but know the best thing they can do is report, will be placed on the SAM Coordinator's workload. Rather, these are calls that should be made, case coordination that should be performed, and rapport that should be built by the DFV Specialist Workers.

Second, while the matters will be able to be regraded off the SAM before the meeting, the SAM coordinator will still be responsible for the administration work that comes with each client to create the file, data enter, and regrade the matter, as well as the phone contact and case coordination. This is then going to be compounded by external services, such as case management services, referring clients who otherwise will not have required WDVCS or SAM intervention. This is because there is nothing a SAM can do in the above situation; all of the safety measures are in place, the victim-survivor is simply executing her safety plan. As a result, significant concerns have been raised around SAMs and SAM Coordinator admin becoming unmanageable.

*"Especially without timeframes or specifications. E.g a historic choke assault that will keep coming up at ST, sexual abuse that is historic or that may not necessarily be ST."*

*"A note around timing particularly for referrals where safety strategies are already reducing risk – e.g. a client is in a refuge and reports a history of strangulation, sexual assault etc 10 years ago in the relationship."*

*"I believe a lot of people with risk rate at serious threat and SAM's will become unmanageable."*

The second concern raised was around the disclosure of sexual assault to WDVCS workers automatically raising the matter to serious threat. Some workers have raised that this may not be trauma-informed, as it is something the client may have chosen not to disclose to police, and does not wish to have disclosed further. However, by making this question an automatic serious threat, it places the onus on the WDVCS worker to downgrade the matter to protect this privacy, which could still be in jeopardy, due to the requirement to liaise with DVLOs around reasons for downgrades. Some respondents also indicated a hesitancy around liability in these matters.

*"I fear this takes away agency and control for survivors to disclose to Police, if and when they are ready to, as Police would have to be approached to consider the upgrade to the SAM. Many survivors don't ever want Police to be involved and many would recoil and be traumatised by the breach of trust and confidentiality to then automatically disclose SA to Police for inclusion on the SAM."*

*"Yes but we need to consider time frames. If Strangulation occurred 5 years ago should that be ST? and with SA- often women will answer that they agreed to sex even though they*

*didn't want to, just to appease the POI. They often answer this question with yes as they didn't want to have sex but they did it anyway. Under this new grading, it will take them to ST which may not be an accurate risk grading"*

We suggest that questions 9 (Strangulation) and 10 (Sexual abuse), which currently both have a score of 9, have a follow up question 'did this occur in the last 12 months?'. An historical event could then be weighted at 3, with only recent events triggering an automatic serious threat. While we acknowledge the reasoning provided by the discussion paper as to why timeframes have not been added to the tool up until this point, this submission argues that the volume of unnecessary work this will add to the WDVCS's daily workload is disproportionate when other solutions are appropriate.

## f. Points of Feedback

1. Weightings in part A
  - a. Overall, feedback on weightings as a concept was positive.
  - b. Strongly consider a higher weighting for question 7 re: separation, with many respondents commenting about how this is such a high-risk time for women. This was communicated frequently by respondents.
  - c. Consider increasing weighting for access to firearms to a 3, particularly if taking on the recommendation that this question include criminal associations.
  - d. Consider increasing the weighting of question 11 re: escalation.
  - e. There was significant debate around the automatic serious threat rating of the self-assessment, but most respondents disagreed. Suggestions were also provided about adding a follow up question about what their fear entailed.
  - f. Despite the reasoning behind the lack of timeframes provided by the discussion paper, DVNSW would recommend introducing timeframes to at least some questions, or a lower rating for incidents that occurred historically.
2. There are significant concerns around the workload the new format will add to SAM Coordinator workloads, and SAMs and SAM Coordinator admin becoming unmanageable.

## 7. Questions in Part B

### a. Length

As predicted by the discussion paper, over half of WDVCS respondents raised concerns about the length of Part B. The main concern raised by WDVCS workers around part B being the length and complexity of the redesigned tool, which was considered a barrier for both workers and clients.

*"There looks like there will be a lot of additional work which could be both re-traumatising for our clients as well as time consuming"*

*"I understand that these questions are important, however, as a CAS that is severely underfunded with only 5 staff who have 9 courts and two SAMs to attend, we will experience*

*more difficulties by having to ask so many questions and with little resources and services to support clients issues raised in Part B.”*

*“Concerned about the length of Part B and not just that it is onerous for workers but also onerous for women we contact. I understand that not all questions are mandatory but there are still a lot of questions.”*

Despite this, there were very few suggestions as to which question could be removed. During the sector chat, the possibility of background technology auto-populating questions based on previous answers was raised. This idea had strong, although not universal, support.

*“We do have some concerns about the length of the tool but on the other hand, the kinds of questions being asked are really appropriate and the kinds of issues being raised are necessary to get a holistic understanding of the whole picture of the DV. We think it is also important that workers are prompted to ask the right questions. Just because someone has the knowledge about all the factors of DV, doesn’t mean they will necessarily remember to ask all the right questions in the moment. Hence why prompting is always useful.”*

*“It’s so tricky, because when reading all of that I thought it is way too long. Then I tried looking at what I would cull, however it is all relevant.”*

*“The technology is very important. There are ad hoc systems in place at the moment (ie: some WDVCS will fill out the DVSA’s on the CRP system) and others will only tick yes/no and then put information on paper files. We need to be moved to an electronic system so that our time on paperwork and different record keeping systems is reduced. The flow of conversations with client needs to remain fluid so the DVSA needs to also allow for fluidity. Will it be easy to locate the questions to fill out the response? Will there be search function ability? What if you are at q3 but the client answers question 55, will you be expected to scroll up and down?”*

*“The length of the tool is certainly a concern, but I don’t really like the idea of having questions automatically populate as this may lead to errors and something being missed.”*

*“Tool is lengthy, however, a caseworker in a refuge will have more time and potentially have built a rapport with the client. I can see why it might be a concern for a WDVCS as they are essentially cold calling clients. Agree with comments about having proper tech support as PDF could be problematic.”*

Other WDVCS workers felt that, although the tool was long, that all questions were necessary, demonstrating the impossible complexity of domestic violence. Workers also started thinking about alternative ways to complete the DVSA, such as through narrative and conversational styles.

*“Part B is extremely long, however over time these questions will become a part of the narrative when speaking with clients”*

Non-WDVCAS workers were less concerned about the length of the tool (34%), noting that several of the services felt they had the space and relationship to facilitate asking so many questions, but that perhaps it was not so realistic for WDVCASs. **An important consideration raised by non-WDVCAS workers was the sharing of information.** Particularly given the length of the tool, it is considered re-traumatising for the client to have to repeatedly answer all questions.

*“As a SHLV worker, the client/victim may have already spoken with 2 to 3 different workers before being referred to SHLV. Having been asked these questions multiple times can be retraumatizing for the victim and could cause the victim to not engage”*

*“How would services access information and would there be a charge?”*

*“Is there going to be a centralised way to store this information? Has information sharing between services and Police being covered (looking at this as an NGO that uses the tool).”*

*“The tool is very lengthy and asks many intrusive questions, it appears quite invasive to discuss the information with a WDVCAS worker who may not be providing ongoing support to the client.”*

Non-WDVCAS workers had more concerns about using technology to auto-populate questions, mainly due to lack of portability. Concerns were also raised about being able to pick and choose which questions to ask.

*“It would be helpful if the document could be printed to take to a park/ outside safe place etc to complete with a client if needed.”*

*“It is important that the document remains “portable” and can be used in paper form.”*

*“I am concerned if the individual conducting the DVSAT has the discretion to pick and choose the answers, that means its not really standardised.”*

*“I suggest that the tool be developed as an app which will assess the risk dependant on choices made. It should not be left to the worker to assess and this would standardise the process across all sectors using the tool.”*

As a result, this submission recommends that Part B risks being unworkable if not supported by technology. Even when not mandatory to ask all questions, the length of part B makes scrolling through all questions to find sections unmanageable. As such, technological support such as a drop-down feature or additional questions populating after answering an initial question is required. However, a PDF copy with questions only (no examples) is also required to be accessible to ensure portability.

## b. Points of Feedback

1. Part B is unworkable if not supported by technology. Even when not mandatory to ask all questions, the length of part B makes scrolling through all questions to find sections unmanageable. As such, technological support such as a drop-down feature or additional questions populating after answering an initial question is required. Other services such as refuges raised that it is important that the tool remains portable, and that a PDF copy with questions only (no examples) also be accessible.

## 8. Language used, order of questions, and additional questions

WDVCAS workers were generally supportive of the order and wording of questions, with few concerns raised.

*"I think the order is great and the wording is also very good. I like that it is much about how the victim-survivor FEELS regarding their safety."*

There were some suggestions made, however, to make slight changes to language used and order of questions. First, participants acknowledged that only asking about firearms in question four of part A may not be accurately assessing the threat and recommended asking about weapons.

**"4. Do they have access to guns?"**

*"Number 4 - they should be asked about all weapons, many of my clients report knives (such as samurai)."*

A suggestion was also made around the intersection of financial abuse and systems abuse.

*"Financial abuse [section] could include a question around child support ie "has he ever threatened not to pay child support if you leave him"."*

Similarly, suggestions were made to add a question to the IPV tool similar to question 4 of part B of the non-IPV tool that focuses more on systems abuse, for example, vexatious litigation in criminal or family court, reporting to immigration or child protection, or police welfare checks.

**"4. Have they made threats to call services or other people and tell lies about you?"**

**For example:**

- **The police**
  - **They threaten to tell the police you are hurting them [note: perhaps change this to 'they threaten to tell police you are hurting your children']**
- **Corrective services/parole**
- **Your work**
- **Centrelink**
- **Child Protection**
- **Immigration"**

*“The DVSAT could more adequately address systems abuse. At the moment it just asks if there are family law proceedings. There aren’t any other questions on systems abuse in general, not just with legal proceedings but with systems like Centrelink. I note that systems abuse is dealt with in the priority population sections in relation to visas, but the issue is broader than that.”*

Several other amendments were also suggested around wording of questions, predominantly to expand the scope of the questions.

*“Threats to Kill you ‘Said they are going to kill you’ should say ‘Said or signalled they are going to kill you or someone you know or care about?’”*

*“‘Are you afraid they might seriously hurt or kill you?’ should say ‘Are you afraid they might seriously hurt or kill you, your children or someone you care about, or have other people kill them?’”*

While acknowledging the need to capture further information, such as the possibility of the perpetrator threatening to kill a new partner, this submission also acknowledges that the focus needs to remain on the victim-survivor who is answering the DVSAT and are cautious of suggesting overcomplicating questions.

Finally, it was suggested that questions two should be moved to the end of part A.

**“2. Have they ever breached an AVO, even if this was not reported to police?”**

*“Q2 would be better at the end of the other questions.”*

Much like the question on criminal associations, this submission suggests that police would be best placed to at least canvass this question first. For example, if the perpetrator has not even had an AVO taken out against them before, then they are unlikely to have breached one, unless it in interstate.

A note of caution was also pointed out by one respondent for victim-survivors on particular visas, raising concerns around DVSAT answers potentially being used against clients in immigration matters.

*“Unsure: B9 - about joint bank account: The Dept of Home Affairs has put the joint bank account as one of the types of evidence for genuine relationship for those accessing the Family Violence Provisions (FVP) of the Migrations Regulations.”*

## **a. Points of Feedback**

### **1. Wording**

- a. Consider changing question 4 to include other weapons such as knives, with respondents detailing weapons such as samurai swords.

- b. Consider adding a question under financial abuse that asks about threats to not pay child support as a form of coercive control.
- c. Consider reordering question 2 in part A.
- d. Consider adding a question similar to question 4 of part B of the non-IPV tool that focuses more on systems abuse, for example, vexatious litigation in criminal or family court, reporting to Immigration or child protection, or police welfare checks.

## 9. Examples

There was general support (>80%) for the provision of examples throughout the tool from both WDVCAS and non-WDVCAS workers, as long as it is clear that workers can use discretion in when they are used. Positives identified were that the use of examples helps to promote consistency among workers, can help the conversation to be less intimidating, assists newer workers, and that examples are especially important when working with interpreters.

*“I think examples are great for the worker and also the client. There are situations where we may explain some of these and women have stated they never thought of it being Domestic Violence especially around sexual assault.”*

However, some workers commented that there was too much detail, adding to the complexity of the tool, and that people may think the examples are the only thing they are answering to. One suggestion was to include pictures with examples, which may be particularly helpful when working with people who do not speak English as a first language.

*“I think we should add some pictures of abuse that women can identify, words and questions are not enough. I had some experience before that if you show women some pictures, it's easier. They don't have to go through explaining it all, which is hard and re-traumatising.”*

A suggestion was also made to include an example under the financial abuse question 10 related to gambling.

**“10. Have they ever done something that made you have money problems?”**

**For example:**

- **They took out a loan in your name without you knowing**
- **They made you take out a loan in your name that you didn't want**
- **Ruined your credit rating**
- **They made you lie to Centrelink”**

*“10) add as an example They made it to difficult to keep your job, they gambled your money.”*

It was suggested that examples were required for the sexual assault questions in the non-IPV tool, similar to those in the IPV tool.

*“Would be good to have examples for Q25 of Part B non-IPV. Along the same lines as the IPV version. May be misconstrued as only sexual contact, and not photos, pornography, etc.”*

### a. Points of Feedback

1. The examples provided are appropriate, sufficient, and helpful, particularly when using interpreters. Many respondents noted that the examples will help new workers learn.
  - a. Consider adding an example under question 10 regarding money problems related to gambling.
  - b. Examples requested for the Sexual Abuse questions in the non-IPV tool, much like the examples in the IPV tool.

## 10. Sexual Violence question

The inclusion of the sexual violence question in part A generated significant discussion. Overall, 52.94% of respondents believed the wording was appropriate and agreed that it should be asked in part A, with 14.12% unsure and 22.35% electing to make other comments instead. Many of the comments suggested that this is firmly a police matter, and sexual offences require investigation. This also aligns with Toivonen and Backhouse’s (2018, p. 10) research, who found that “survivors who are sexually abused by their partners are at a much higher risk of being killed, particularly if they are also being physically assaulted”.

*“Because it is important to establish sexual violence or control so that police can establish if there has been a sexual assault. I agree with the wording.”*

Only 10.59% found the wording appropriate, but did not agree with the question being in part A. There was more disagreement among WDVCS workers as to whether a question about sexual violence should be included in Part A than non-WDVCS workers.

*“It is an appropriate question as we know, however the victim survivor may not feel comfortable answering this honestly to Police as they may fear additional charges will be pressed against POI.”*

However, as previously examined, there was significant concern about the sexual violence question automatically escalating the matter to serious threat. This may account for some of this hesitancy, with WDVCS workers suggesting professional judgement should be used to assess the severity of the threat.

*“SV should fall into part A as additional police support could be needed via a detective and hospital support for the client. It should not immediately fall into ST and should be weighted again on the severity or risk to client and or children and other family members.”*

Other concerns raised around police asking the question were around trauma-informed training.

*“I think it is important to ask, however with it being in the Police section I think that Police do need to have better training around these sensitive matters as we get a lot of feedback about negative experiences, and women may be less inclined to answer truthfully if they don't feel safe.”*

This submission would suggest that, as per Toivonen and Backhouse (2018, p. 10), training must include “guidance on “how to ask” sensitively and building trust”. These concerns may also account for some respondents’ hesitancy to have the question in part A.

Non-WDVCAS workers were in stronger agreement that the Sexual Abuse question should be included in Part A, with 75% of respondents agreeing that the question was appropriate and should be in Part A.

*“Strongly agree with sexual violence being in Part A. The evidence base clearly shows that it is a high-risk factor and issues with victim-survivors being comfortable and willing to answer questions about sexual violence can be addressed in other ways, like through adequate police training, co-responder model etc. Sexual violence being silenced and minimized is already a big problem and moving this question to Part B arguably only compounds this issue, by tacitly allowing police to ignore it.”*

However, it was acknowledged that people may feel uncomfortable disclosing a sexual assault to police, and it was important to have an option to decline to answer. One respondent suggested that failure to disclose should have a weighting.

*“Needs to be asked and wording is OK, but needs to be clear when asked that they do not have to answer and then a weighting being assigned if not answered.”*

*“This is where it is important to still have the box that says “refuse to answer” so then the power is in the hands of the victim to disclose or not.”*

It was also suggested that coercive behaviours need to be considered.

*“Question is okay but it's also too general. Some abusive partners are so clever. When they can't get sex from their partners they will do all sorts of coercive control to get what they want, such as controlling the money, they will control access to transport especially with women who can't drive, controlling communications with friends and family. Coercive behaviours need to be more specific in regard to sexual interactions.”*

The examples under the sexual assault question were largely met with a positive response.

*“I like the examples because they extend the typical definition of sexual violence.”*

However, there were also suggestions that further examples could be added that are more explicit, to assist victim-survivors in identifying the abuse.

*“Other Examples could include: Forced themselves on you in your sleep (rates in the UK are 50%) Forced you to do sexualised things to them, yourself or others against your will.”*

Along with the majority support for the sexual violence question to remain in part A, this submission also references the National Risk Assessment Principles for domestic and family violence principle 8 (Toivonen and Backhouse, 2018, p. 10).

### **Intimate partner sexual violence must be specifically considered in all risk assessment processes**

Intimate partner sexual violence (IPSV) is a uniquely dangerous form of DFV which must be specifically considered in all risk assessment and safety management processes and practices. Survivors who are sexually abused by their partners are at a much higher risk of being killed, particularly if they are also being physically assaulted. IPSV is a significant indicator of escalating frequency and severity of DFV. More so than other factors, IPSV is under-reported and often not disclosed.

Training on IPSV for all workers conducting DFV risk assessment is essential. Training should include:

- details on the myths and dynamics of sexual violence within relationships;
- guidance on “how to ask” sensitively and building trust;
- the specific effects and health consequences of IPSV;
- how best to manage victim-survivors’ safety;
- cultural considerations; and
- legal options and evidence requirements.

#### **a. Points of Feedback**

1. The new sexual violence question is appropriately worded and should remain in part A.
  - a. The examples listed also received a positive response, broadening the typical understanding of sexual violence.
  - b. Respondents also indicated that it is important to ensure ‘declined to answer’ (not refused) remains an option.

## **11. Non-IPV tool**

There was widespread support among both WDVCAS and non-WDVCAS workers for the separate non-IPV tool, noting that a common issue raised with the current tool was the lack of suitability for non-IPV incidents.

*“I think this is a brilliant tool. I can see this being very helpful with elder abuse etc.”*

*“I like it and it's easy to follow. It's also more detailed.”*

*“I am impressed with the non-IPV tool and grateful that our elderly and disabled in particular are being considered.”*

*“I like the Non-IPV tool as a practitioner as the way the questions are asked seem very person centred”*

*“I think the new non IPV tool is helpful.”*

*“Examples are very helpful to assess risk.”*

Some concerns were again raised about the length of the tool.

*“We have needed a non IPV DVSAT, I have used the current one asking only suitable questions. The non IPV tool is a good idea, but it is too long.”*

Some suggestions for amendments of the questions were also raised.

*““Near miss” violence is missing – intimidation and throwing things near you or punching walls.”*

*“I think its if you are talking about family violence, then it should be called family violence tool, not IVP tool. There needs to be a question verifying what family it is, is mum, dad, uncle, cousin etc or community and extended for Aboriginal families.”*

*“Questions to understand if there is a care arrangement in place. eg. If abuser is their carer.”*

### a. Points of Feedback

1. Non-IPV tool- feedback overwhelmingly positive, particularly in relation to elder abuse
  - a. Consider changing “Threw things at you” in question 1 in part A to “Threw things at or near you”, also consider adding an example of “punching walls”.
  - b. Consider moving coercive control questions much higher in part B.
  - c. Consider changing the name of the tool to “Family Violence tool” or similar.
  - d. Consider a question that clarifies the familial relationship, including if the victim-survivor depends on the abuser for caring needs.

## 12. Priority populations

There was strong support among WDVCAS workers (88%) and non-WDVCAS workers (82%) for the inclusion of priority population sections. Overall, only 2.35% of respondents found the questions to be ‘unhelpful’, and no respondents finding the questions to be ‘very unhelpful’.

*“The questions are helpful for identifying additional risk but are seem more relevant to support services trying to identify the abuse that people are experiencing.”*

*“Helpful, speaking as Multicultural focus worker.”*

Additional issues were suggested to be added, particularly for people from migrant and refugee backgrounds.

*“The only issue I see is the dowry, is dowry the only thing that people can be pressed about?”*

*“Would benefit from consideration to honour based family violence and forced marriage/divorce. Also given there is a lot more violence towards elderly by children/ grandchildren this may be another area to include.”*

The latter comment was also made in relation to the main non-IPV tool, however, if utilised correctly, this submission believes inclusion in the priority populations section is sufficient.

#### a. Points of Feedback

1. Overwhelmingly strong support shown for the Priority Population sections
  1. More explicit questions need to be asked for people from migrant and refugee backgrounds to include forced marriage, female genital mutilation, pressure from community leaders, and risk of children being removed from the country.

### 13. Professional judgement

All respondents also agreed that the section for professional judgement was an important part of the DVSAT.

*“It is important to keep the professional judgment section in there. Important to give police/WDVCAS the opportunity to tie things together, add other factors in, make comments etc. While tick a box is useful for prompting, there also needs to be an opportunity to make substantive, qualitative comments, assessments and judgments.”*

*“It is important part of the DVSAT.”*

It was suggested that the professional judgement section should be used to assess serious threat (rather than weightings).

*“To recover automatic police DVSAT if client is concerned POI will harm or kill them and this should be based on merit for each matter. Also, immediate ST for SV as again this should be based on merit.”*

Several respondents commented on the need for free text boxes to be able to note other concerns or context to answers.

*“Just checking there will still be a comments box for us to note any other concerns (I am assuming so if this section isn't changing) - just thinking of this as similar to a child protection report. Might be useful to include anything about previous or current child protection involvement for this family or a previous family for the perpetrator.”*

*“I would also suggest that there is a box for comments/details beside each question, as I always find I write little notes about how long ago or how frequently the act of violence happened, whether it was a threat or an actual action, etc. I think any tool should have scope to write freely as well as tick yes or no.”*

#### a. Points of Feedback

1. Significant support for professional judgement to remain, recognising the specialisation of services and worker expertise.
  - a. Important there is space to make additional comments and assessments, including child protection report numbers.

## 14. Implementation

Despite not being specifically asked about in the survey questions, respondents raised issues of implementation throughout the survey. One suggestion made was that the tool be trialled in a pilot program to identify and resolve issues before general release.

*“Please consider a trial basis for select WDV CAS and then look at rolling out the final version. Kinks need to be worked out prior to release and use.”*

Many respondents also commented on the need for training to be implemented along with the revised tool, for both workers completing part B, and police. **Importantly, it is essential this training is appropriately resourced, and includes practical training on how to administer the tool in a trauma-informed manner.**

*“I would like to reiterate that the police should be trained in all aspects of these tools and have their understanding scrutinised as part of their role in the force. Their response is absolutely crucial to victim-survivors' ongoing wellbeing.”*

*“I think the success of this is all going to be determined by the way it is delivered and the timing and also the way police respond with the limited questions in being able to contain and make the victim-survivor feel safer.”*

*“I think it is a big improvement, and allows for more specific and helpful information to be gathered. As with any assessment tool, the experience of the victim while doing this depends on the skills of the worker administering it. It is possible to ask hard questions in a way that supports a sense of safety and understanding for the victim.”*

*“It is very important Police are well trained in asking these Part A questions appropriately, and ALWAYS administer the tool. Too often we see situations where the Police have not used the DV SAT with both parties and have decided the male perp is actually the victim, when if they*

*had asked the female the DVSAT questions the real pattern of violence in the relationship would have been clear.”*

A common concern raised was that limiting the scope of questions asked in Part A may contribute to a lack of appreciation and understanding of the complexities of DFV by police. While we agree that it is not feasible or logistically possible for police to ask questions about all of the areas covered in Part B, we think that it will be important for police to receive training in both Parts A and B of the tool, including an explanation of the research and reasons for why all the information collected is important to accurately assess risk. However, it is important to note, however, as per Nancarrow et al.’s (2020) research, that to call for more training of police, we must also ensure that resourcing is being directed appropriately. This means ensuring the general duties police who are responding to the domestic violence incidents are receiving this training and support through appropriate modes of delivery and at appropriate intervals, as well as being appropriately resourced on a daily basis. DVNSW also acknowledges that, by recommending moving multiple questions from part B to part A, the workload for general duties officers will be increased in performing the DVSAT, which will also require increased resourcing.

Further, a lack of access to the DVSOPs means that it is unknown at what point of the event process police ask the DVSAT questions. If asked at the end of the event, after statements have already been taken and the event is almost completed, it is understood that officers would be reluctant to ask questions that may result in opening further lines of investigation being opened. Therefore, this submission would recommend that the DVSAT questions be asked earlier in the event, to ensure lines of investigation are followed, and further charges are not missed.

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