Magistrates' Court of Victoria

Office of the Chief Executive

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Our Ref: CD/12/81367
Your Ref: 359/08

5 March 2012

Judge Jennifer Coate
State Coroner of Victoria
Coroners Court of Victoria
Level 11, 22 Exhibition Street
Melbourne VIC 3000

Sent by post and email: cpuresponses@coronerscourt.vic.gov.au

Dear Judge Coate

Court Reference 359/08: Inquest into the death of James Thomas Smith

I refer to your letter dated 2 December 2011, enclosing a copy of the inquest finding into the death of James Thomas Smith.

In accordance with section 72(3) and 72(4) of the *Coroners Act 2008* (Vic), I attach to this letter the Magistrates' Court of Victoria's response to the recommendations set out on page 13 of the finding, namely:

> **"Magistrates' Court of Victoria**
>
> 4. That the Chief Executive Officer of the Magistrates' Court of Victoria review the current applicant support worker system of recording information to ensure that the system meets with the requirements of the role in respect to maintaining appropriate records of contact with affected family members at court.
>
> 5. To ensure quality and consistency in the applicant support worker program, that the Chief Executive Officer of the Magistrates' Court of Victoria give consideration to including the following components into the current applicant support worker program:
>
> a) The development of a training standard and internal supervision process for applicant support workers in the areas of risk assessment, safety planning and service referral;
>
> b) The development of written materials regarding the nature and dynamics of family violence and contacts for local family violence and associated support services for distribution to affected family members by applicant support workers at Magistrates' Courts;
>
> c) To ensure continual improvement of the applicant support worker program, a system by developed of ongoing program evaluation incorporating feedback from the applicant support workers.

I also note that our attached response will be available on the Coroners Court website and a copy may be provided to any person who has advised the Principal Registrar of an interest, or whom the Principal Registrar considers to have a sufficient interest in the subject of the recommendations (ss72(5)(a) and 72(5)(b) of the Act).

If you require any further information, please contact Mereana White, Manager, Family Violence Programs and Initiatives Unit on 9032 0955 or mereana.white@magistratescourt.vic.gov.au.

Yours sincerely,

Rudy Monteleone
Chief Executive Officer

Court Reference 359/08: Inquest into the death of James Thomas Smith
Magistrates' Court of Victoria Response dated 5 March 2012

1. The Coroner's inquest finding into the death of James Thomas Smith, delivered 2 November 2011 (Court Reference: 359/08), contains several recommendations directed at the Magistrates' Court of Victoria. Pursuant to Sections 72(3) and 72(4) of the *Coroners Act 2008* (Vic) (the Act), the Magistrates' Court of Victoria provides the following written response to each of the recommendations.

Recommendation One: Maintaining appropriate records of contact with affected family members at court

2. The first recommendation directed at the Magistrates' Court of Victoria states:

> "4. That the Chief Executive Officer of the Magistrates' Court of Victoria review the current applicant support worker system of recording information to ensure that the system meets with the requirements of the role in respect to maintaining appropriate records of contact with affected family members at court."

3. The above recommendation was implemented during late 2008 / early 2009 through the introduction of a standardised applicant support worker intake and risk assessment form and the Lizard support worker database. Specific details of how this recommendation was implemented are outlined below.

Intake and assessment form

4. Family violence applicant support workers are employees of the Magistrates' Court of Victoria and are located at each of the Family Violence Court Division and Specialist Family Violence Service courts. The Family Violence Court Division operates at Heidelberg and Ballarat Magistrates' Courts. The Specialist Family Violence Service operates at Melbourne, Frankston and Sunshine Magistrates' Courts (with a circuit to Werribee Magistrates' Court). Family violence respondent support workers are located at the Family Violence Court Division Courts only.

5. When an affected family member attends court to make or attend the hearing of a family violence intervention order application, they will be referred to the applicant support worker for assistance and support. Because of the number of family violence intervention orders initiated in the Specialist Courts and Division it is not possible for the applicant support worker to see all affected family members. Affected family members can also choose not to see the applicant support worker.

6. The initial contact between the applicant support worker and the affected family member is recorded on the intake and risk assessment form (**Attachment A**). This form was developed in line with *Practice guide No. 3: Comprehensive assessment* (Comprehensive assessment) set out at page 81 of the Victorian Government's *Family violence risk assessment and risk management framework* (the Framework) (State of Victoria 2007). The intake and risk assessment form contains all details identified on

page 68 of the Framework as being necessary to support a safety and risk management response.

7. According to the Framework, the Comprehensive assessment has been designed to assist specialist family violence professionals working with women and children who are victims of family violence. Comprehensive assessment requires enhanced client engagement skills and detailed safety planning and case management responses. Such professionals will generally be qualified in welfare, social work, psychology, counselling or family therapy, or have significant experience in the family violence field including expertise in conducting complex assessments (State of Victoria 2007, p 65).

8. In late 2008, extensive consultation took place between the then Manager of the Magistrates' Court's Family Violence Programs and Initiatives Unit (FVPIU) and the applicant support workers to reach agreement on the form and the content of the intake and assessment form. The final version of the intake and risk assessment form was distributed to all applicant support workers in late 2008 along with a directive from the Manager that this form is to be completed for all new referrals and kept on the relevant affected family member's file.

9. During the course of 2012, the FVPIU will consult with all applicant support workers to ensure that the intake and risk assessment form contains all information and fields that they require when conducting their assessments. The form will also be cross-referenced with the revised Framework documentation, which is due to be released in late March 2012.

10. In terms of training, applicant support workers will be encouraged to attend the revised common risk assessment framework (CRAF) training run through Department of Human Services and RMIT during 2012.

Lizard database

11. In addition to the intake and risk assessment form, family violence support workers enter all client details into the Lizard database. For example, for every client contact entered into Lizard, it is possible to identify among other things, the client, the type of contact (e.g. in person), address, cultural identity, age, disability, referral source, service the client was referred to, and whether there are any children involved.

12. The FVPIU compiles information from the Lizard database on a quarterly basis to measure workload demands and client demographics. Case-by-case information can also be extracted from Lizard in regard to particular clients or applications. The Lizard database can be modified on an as-needs-basis to suit the particular requirements of the family violence support workers and the Court.

Subsequent contacts

13. Applicant support workers will often see an affected family member on more than one occasion, for example, when they first come into court to make the application and then on the first return date or subsequent hearing date. On these occasions, applicant support workers will take case notes and keep these on file. During 2012, the FVPIU will be working with the applicant support workers to examine the processes they follow on subsequent contacts and to determine whether consistent forms should be developed for these contacts. Consideration will also be given to

whether review of case notes and files should be incorporated into the supervision process (see Recommendation Two) or the support workers performance review sessions.

Recommendation Two: The development of a training standard and internal supervision process for applicant support workers

14. The second recommendation directed at the Magistrates' Court of Victoria states:

> "5. To ensure quality and consistency in the applicant support worker program, that the Chief Executive Officer of the Magistrates' Court of Victoria give consideration to including the following components into the current applicant support worker program:
>
> 1) the development of a training standard and internal supervision process for applicant support workers in the areas of risk assessment, safety planning and service referral;"

15. An alternative to this recommendation will be implemented in June 2012 through the commencement of the new contract for the provision of clinical supervision services (Supervision Services Contract). The Supervision Services Contract covers program staff in the Assessment and Referral Court List, the Court Integrated Services Program, the CREDIT/Bail Support Program, Drug Court of Victoria and Family Violence Services and Programs.

16. Under the Supervision Services Contract, the service provider will provide clinical supervision to staff, critical incident support services, group supervision sessions and attend supervisees' professional development meetings as required. It is a requirement of the Supervision services contract tender that the service provider must have, among other things, experience providing high quality clinical supervision services, clinical supervisors with appropriate qualifications, and an understanding of the criminal justice system.

17. Under the Supervision Services Contract, individual supervision will be provided for one-hour on a fortnightly basis or two-hourly on a monthly basis. The service provider will also be available to provide group supervision and debriefing sessions as requested. Issues and trends identified during supervision sessions will be communicated to program managers, in a de-identified format, on a quarterly basis.

18. In addition, the service provider will be required to participate in and contribute to the supervisees' performance development plan and review meetings (conducted bi-annually). These meetings will involve the supervisee, supervisee's manager/team leader and the clinical supervision discussing professional development issues identified during clinical supervision sessions.

19. Currently, family violence support workers receive monthly supervision sessions from external clinical providers; however, there is no requirement for the supervisors to provide reports to the Court. From June 2012, family violence support workers will be given the option of receiving supervision under the new Supervision Services Contract and having their professional development needs identified and responded to in a coordinated manner.

Recommendation Three: The development of a written materials and contacts for local family violence support services

20. The second recommendation directed at the Magistrates' Court of Victoria states:

> "5. To ensure quality and consistency in the applicant support worker program, that the Chief Executive Officer of the Magistrates' Court of Victoria give consideration to including the following components into the current applicant support worker program:
>
> 2) the development of written materials regarding the nature and dynamics of family violence and contacts for local family violence and associated support services for distribution to affected family members by applicant support workers at Magistrates' Courts;"

21. An alternative to this recommendation has been implemented through providing applicant support workers with links to the Judicial College of Victoria's Family Violence Bench Book and the Commonwealth Government's AVERT Family Violence resources. The development of further, Magistrates' Court specific, materials is under consideration pending the availability of resources within the Family Violence Programs and Initiatives Unit.

22. The Family Violence Bench Book contains a comprehensive chapter of the social context of family violence. This Bench Book is accessible to all applicant support workers through the Judicial Officers Information Network (JOIN) or through the Judicial College of Victoria's website. The external URL link for the Family Violence Bench Book is http://www.justice.vic.gov.au/emanuals/FamilyViolenceBBWeb/SocialContext.htm

23. The Family Violence Bench Book also contains a number of links to the AVERT Family Violence website, which is an Australian Government produced multi-disciplinary family violence training package. The URL link for the AVERT website is http://www.avertfamilyviolence.com.au/. Materials from this website, which are freely available for download and distribution, include:

- dimensions, dynamics and impact of family violence
- responding to diversity
- prevention strategies: involving and engaging perpetrators
- screening, risk assessment and safety planning
- impact of family violence on adult victims
- impact of family violence on children
- Duluth wheel of violence
- myths and facts about family violence

24. The FVPIU is also currently working on a project to map the different family violence services available at all Magistrates' Court of Victoria headquarter courts. This information will include contact and referral details of family violence legal services and support services available at each court. It is intended that this information will be available on the new Magistrates' Court of Victoria website (currently in development) by the end of the 2012.

25. In respect to a list of local family violence and associated support services, applicant support workers have access to the Domestic Violence Resource Centre Victoria *Referral Options Booklet*. The *Referral Options Booklet* has been developed as a training resource for workers in the domestic and family violence sector. The URL link for this resource is http://www.dvrcv.org.au/prevention/referrals/. Because service details change so regularly, it is preferable for support workers to rely on this resource rather than a court-updated list.

Recommendation Four: The development of ongoing program evaluation incorporating feedback from the applicant support workers

26. The fourth recommendation directed at the Magistrates' Court of Victoria states:

> "5. To ensure quality and consistency in the applicant support worker program, that the Chief Executive Officer of the Magistrates' Court of Victoria give consideration to including the following components into the current applicant support worker program:
>
> 3) to ensure continual improvement of the applicant support worker program, a system be developed of ongoing program evaluation incorporating feedback from the applicant support workers;"

27. The above recommendation was implemented through the completion of the Family Violence Court Division and Specialist Family Violence Service evaluations. These evaluations were completed in 2008 and made a number of internal recommendations to the Magistrates' Court of Victoria in respect to the applicant support worker, including role expectations, workload, interactions between applicant support workers and outreach workers and professional development and support.

28. The FVPIU is currently addressing the recommendations from the evaluations through the introduction of the new Supervision Services Contract and by clarifying roles and responsibilities of the applicant support workers and the family violence outreach workers who also support family violence clients at court. Work is underway to identify an appropriate number of affected family members that applicant support workers should see in any one day, with consideration currently being given to introducing a daily cap on interviews.

29. The FVPIU have planned bi-annual seminar days for all family violence support workers commencing March 2012. These seminar days will provide an opportunity for support workers to come together and reflect on practice issues and to communicate any concerns that they may have with the operation of the program. Support workers also get the opportunity through their bi-annual performance review sessions to raise any concerns with their line managers (the Senior Registrar for that court region).

30. Family violence support workers who opt to receive supervision and support through the new Supervision services contract will have the opportunity of raising any issues about the program with their supervisor. The supervisor is required to report significant issues and themes raised in supervision, in a de-identified format, to the Manager of the Specialist Courts and Court Support Services, who is a member of the Court's Executive Group, on a quarterly basis. This process and the senior level reporting involved will assist in the timely and coordinated identification of issues.

Rudy Monteleone
A/Chief Executive Officer
Magistrates' Court of Victoria
5 March 2012

APPLICANT SUPPORT WORKER – INTAKE AND RISK ASSESSMENT

The Magistrates' Court of Victoria is committed to providing a consistent approach to family violence risk assessment across all key service partners to ensure increased safety for victims and accountability of perpetrators. This consistent approach forms part of the overall Victorian Family Violence Reform objectives.

This document assists Applicant Support Workers to record information gathered during the interview.

Date:		**Worker:**	
Case No:		**Intervention Order:**	☐ Yes ☐ No ☐ Not Determined
Referred by:	☐ VPOL ☐ Registrar ☐ Magistrate ☐ Self		
Length of contact:	☐ < 15 min ☐ 15-30 min ☐ 30-1 hr ☐ > 1 hour ☐ > 90 min		
Date of Order:		**Next Court Date:**	
Children on Order:	☐ Yes ☐ No	**Exclusion Order:**	☐ Yes ☐ No ☐ N/A

Applicant

Name			
Address			
Gender	☐ Male ☐ Female	**DOB**	
Phone		**Safe to contact?**	☐ Yes ☐ No
Phone		**Safe to contact?**	☐ Yes ☐ No
Details			
Cultural Identity		**First Language**	
Interpreter	☐ Yes ☐ No	**ATSI**	☐ Yes ☐ No
Income Source	☐ Employed	☐ FT ☐ PT	
	☐ Self Employed	☐ FT ☐ PT	
	☐ Supported by partner		
	☐ None		
	☐ Centrelink	Details	
	☐ Other		
	☐ Crisis Payment	☐ Yes ☐ No	☐ Information provided
Accommodation	☐ Own Home	☐ Other:	
	☐ Share		
	☐ Public Housing		
	☐ Refuge		
	☐ Private Rental	☐ Name on lease:	
	☐ Staying with friends		

Respondent

Name			
Address			
Gender	☐ Male ☐ Female	**DOB**	
Where is respondent now?			
Relationship to AFM			
Length of relationship			
Length of separation			

Children

Name

Address ☐ Same as AFM

☐ Other:

Gender ☐ Male ☐ Female **DOB** **AGE**

Relationship to Respondent ☐ Son ☐ Daughter ☐ Other (specify):

☐ Stepson ☐ Stepdaughter

Name

Address ☐ Same as AFM

☐ Other:

Gender ☐ Male ☐ Female **DOB** **AGE**

Relationship to Respondent ☐ Son ☐ Daughter ☐ Other (specify):

☐ Stepson ☐ Stepdaughter

Name

Address ☐ Same as AFM

☐ Other:

Gender ☐ Male ☐ Female **DOB** **AGE**

Relationship to Respondent ☐ Son ☐ Daughter ☐ Other (specify):

☐ Stepson ☐ Stepdaughter

Name

Address ☐ Same as AFM

☐ Other:

Gender ☐ Male ☐ Female **DOB** **AGE**

Relationship to Respondent ☐ Son ☐ Daughter ☐ Other (specify):

☐ Stepson ☐ Stepdaughter

Have the children witnessed the violence? ☐ Yes ☐ No

Have the children had violence perpetrated against them? ☐ Yes ☐ No

Details:

Risk and Safety Assessment

Background:

Immediate Situation:

Violence Experienced

- ☐ Verbal
- ☐ Psychological/Emotional
- ☐ Financial/Economic
- ☐ Social
- ☐ Stalking
- ☐ Spiritual
- ☐ Ritual
- ☐ Property Damage
- ☐ Sexual
- ☐ Physical

Have you required medical attention? ☐ Yes ☐ No

If yes, provide details:

Has a crime been committed? ☐ Yes ☐ No

If yes, provide details:

Case Classification Code Table - consistent with the Classification Table used by Victoria Police in the Family Violence Risk Assessment and Management Report [L17]

Criminal Abuse

Assaults		**Property**	**Stalking**	**Breaching IVO**
☐ **1** Serious (physical)	☐ **4** Threats	☐ **7** Serious (Damage)	☐ **10** < 2 weeks	☐ **13** Only
☐ **2** Minor (physical)	☐ **5** Pet Abuse	☐ **8** Minor (Damage)	☐ **11** 2-4 weeks	
☐ **3** Sexual	☐ **6** Other types of assault	☐ **9** Theft	☐ **12** > 4 weeks	☐ **14** Plus other charges

Non-Criminal Abuse

☐ **15** Emotional ☐ **16** Verbal ☐ **17** Social ☐ **18** Financial ☐ **19** Spiritual

Non-Abusive and Non-Criminal Behaviour

☐ **20** Conflict — Non-violent, non-abusive, non-criminal dispute between family members characterised by the absence of controlling or coercive behaviour

AFM's own assessment of safety (1 = no fear 10 = extreme fear)

For self:

For children:

Police involvement

☐ Police involved ☐ Evidence gathered by police

Police Member Station

Risk Assessment	Yes/No	Comment
Applicant		
Pregnancy/new birth		
Depression/mental health issue		
Drug and/or alcohol misuse/abuse		
Has ever verbalised or had suicidal ideas or tried to commit suicide		
Isolation		
Respondent		
Use of weapon in most recent event		
Access to weapons		
Has ever harmed or threatened to harm victim		
Has ever tried to choke victim		
Has ever threatened to kill victim		
Has ever harmed or threatened to harm or kill children		
Has ever harmed or threatened to harm or kill other family members		
Has ever harmed or threatened to harm or kill pets or other animals		
Has ever threatened or tried to commit suicide		
Stalking of victim		
Sexual assault of victim		
Previous or current breach of intervention order		
Drug and/or alcohol misuse/abuse		
Obsession/jealous behaviour toward victim		
Controlling behaviour		
Unemployed		
Depression/mental health issue		
History of violent behaviour (not family violence)		
Relationship		
Recent separation		
Escalation - increase in severity and/or frequency of violence		
Financial difficulties		

Protective Factors/Other information:

Risk Level assessment and rationale:

☐ Requires immediate protection ☐ Elevated Risk ☐ At Risk

Rationale:

Risk Management Plan:

Safety Plan:

☐ Safety Plan ☐ Safety Planning written information provided ☐ Specific Crisis Plan

Where to stay

Who to phone

Emergency Phone Nos

Nearest Police Station

Domestic Violence Service

Type of accommodation

Plan:

Are there physical health issues in family? ☐ Yes ☐ No

Disabilities? ☐ Yes ☐ No

Immediate needs:

Next contact with ASW: at on

Or reason for no further contact:

Agencies already involved:

Organisation	Contact Person and Number	Type of Involvement

Referrals Made:

Organisation	Contact Person and Number	Date of referral

Case Notes:

AUTHORISATION FOR FAMILY VIOLENCE APPLICANT WORKER TO RELEASE/OBTAIN INFORMATION

Name: **Case No:**

Confidentiality and privacy

The *Family Violence Applicant Support Worker* is bound by the Commonwealth and Victorian Privacy laws. This means that the *Family Violence Applicant Support Worker* can only share information for the primary purpose of their role (to support you) and is not allowed to disclose any information gained during their interview with you beyond that purpose to anyone who is not legally entitled to have access to that information without your consent, except in carrying out their **Duty of Care** where a person's safety is at immediate risk of harm.

Authorisation:

I authorise the following agencies (or a representative of that agency)/persons to:

☐ Provide information about me to the *Family Violence Applicant Support Worker* at the Magistrates' Court of Victoria

At

☐ Obtain information about me from the *Family Violence Applicant Support Worker* at the Magistrates' Court of Victoria

At

Agency/Person	Purpose for accessing information

I will let the Applicant Worker know if I no longer want them to share information with these agencies.

(Affected Family Member - signature) Date

(Family Violence Applicant Support Worker – name and signature) Date