

Policy	Obligations to recognise and respond to a client experiencing domestic and family violence	
Approved by:	Public Guardian	Name: Natalie Siegel-Brown
Date Effective	November 2017	Version 1
Application	All Office of the Public Guardian (OPG) staff	
Related	<p>Public Guardian’s statement of commitment to supporting staff experiencing domestic and family violence and some resources for assistance (<i>Upcoming</i>) Practice Directions of each service delivery area that implements this policy</p> <p>Recognise, Respond, Refer: Domestic violence and the workplace training by DJAG</p> <p>Policy: Mandatory reporting of significant harm to a child or young person</p>	

A. Key Messages of this Policy

- A1. It is the responsibility of staff to remain vigilant as to whether a client may be in a relationship of domestic and family violence.
- A2. A client may be impacted in different ways by domestic and family violence, whether as a person experiencing violence, a person using violence or as someone affected by violence. It is also possible that a client may fit more than one of these descriptions.
- A3. When you suspect that a client is affected by domestic and family violence, it is your responsibility to conduct your work in a way that aims to alleviate them from continuing in a relationship of domestic and family violence. It is also critical that you ensure the client is provided the critical domestic and family violence counselling and support services that support them to make decisions to support their freedom from domestic and family violence. Resources and support service contacts are provided within this Policy.
- A4. There are occasions when failing to recognise domestic and family violence in the life of a client may lead to decisions or actions by us that could unintentionally leave the client in an unsafe situation. This highlights the need to be vigilant on the indicators and warning signs of domestic and family violence that are contained within this Policy.
- A5. Staff should also identify whether the client is a victim of crime and ensure they are engaged in accessing the services of Victim Assist Queensland, which may include financial assistance.
- A6. Of course this requires training to support implementation and to support you personally. Concentrated training will be made available by OPG and is also available [here](#) at the 1800Respect website, and for managers and supervisors through DJAG online [here](#).
- A7. Importantly, the content of this Policy, and indeed the identification of domestic and family violence in a client’s life may trigger or highlight your own personal experiences or trauma—this is completely normal. The OPG is dedicated to supporting staff through these experiences (see: *Public Guardian’s statement of commitment to supporting staff experiencing domestic and family violence and some resources for assistance*).

B. Purpose

- B1. This Policy is intended to support staff to identify the indicators and warning signs that a client is affected by domestic and family violence and emphasizes the importance of staying vigilant to these warning signs.

eDocs ref: 4047341

- B2. It is further intended to guide staff on what to do where they suspect a client, whether child or adult, may be affected by domestic and family violence. **'Affected' in this policy 'affected' means that the client may be a person experiencing, using or witnessing domestic and family violence and its effects.** It is also possible that a client may fit more than one of these descriptions.
- B3. The Practice Direction also notes the impact this work may have upon staff and reminds them of the advice and support available if these matters personally impact them.

C. What is Domestic and Family Violence? What behaviours constitute Domestic and family Violence?

(Note: Parts C and D have been adapted from:

www.qld.gov.au/community/getting-support-health-social-issue/about-domestic-family-violence)

- C1. **Domestic and family violence happens when one person in a relationship uses violence or abuse, or the threat of violence or abuse, to control the other person. Domestic and family violence is usually an ongoing pattern of behaviour aimed at controlling a partner through fear.**
Some common myths are: that domestic and family violence
- is only 'physical' abuse
 - only occurs in the context of 'anger' or 'uncontrolled outbursts'
 - only happens in the context of alcohol, drugs or mental illness.
 - only happens in the context of spousal relationships
- None of the above statements are true.** Power and control over another is the underpinning feature of a range of either non-physical or physical forms of domestic and family violence. Some people will not even identify the power and control behaviours they are experiencing as domestic and family violence.
- C2. **Abuse can include:**
- emotional abuse (e.g. criticising someone's personality, looks or parenting skills)
 - verbal abuse (e.g. yelling, shouting and swearing at someone)
 - stalking and harassment (e.g. constantly following or phoning someone, cyberstalking or tracking them through social media or Global Positioning Systems (GPS)).
 - financial abuse (e.g. not giving someone enough money to survive, or forcing them to hand over your money)
 - physical abuse (e.g. slapping, hitting or pushing)
 - damaging property to frighten someone (e.g. punching holes in walls or breaking furniture)
 - social abuse (e.g. not letting someone see their friends or family, isolating them from people they care about)
 - image based abuse: Image-based abuse is when someone shares, or threatens to share, intimate images without the consent of the person in the photo
 - spiritual abuse (e.g. forcing them to attend religious activities or stopping them from taking part in their own religious or cultural practices)
 - sexual abuse (e.g. forcing or coercing someone to have sex)
 - depriving someone of the necessities of life such as food, shelter and medical care.
- C3. **Abusive behaviour can also be threats, including threats to:**
- hurt someone, their children, pets, relatives, friends or work colleagues
 - damage someone's personal items to frighten and intimidate them
 - take away someone's freedom of movement (e.g. locking them in the house)
 - stop taking care of someone (if the person relies on the other to take care of them)
 - disclose someone's sexual orientation to other people against their wishes
 - commit suicide or harm themselves to intimidate and control someone.

D. What are the sign-posts that a client may be experiencing domestic and family violence?

- D1. Someone experiencing domestic and family violence may:
- seem afraid of someone close to them
 - try to hide bruises (e.g. by wearing long sleeves in summer months, or give unlikely explanations for injuries)
 - have little or no say about how money is spent
 - stop seeing friends and family and become isolated
 - become depressed, unusually quiet or lose confidence
 - show signs of neglect if they are older or have a disability
 - have a partner who frequently accuses them of cheating or continually checks up on them
 - be reluctant to leave their children with their partner
 - suspect they are being stalked or followed.
- D2. They may be in greater danger if:
- there is a history of domestic and family violence
 - violence has escalated within the relationship
 - they have experienced strangulation at the hands of their partner (research evidences a strong link between experiences of strangulation and attempted strangulation, and homicide)
 - their partner is stalking or monitoring their movements
 - they separate or plan to separate from their partner
 - they start a new relationship or their ex-partner believes they have
 - there is conflict within the broader family
 - there are issues about child custody or access to children
 - they are pregnant
 - there is financial hardship or the partner becomes unemployed
 - the partner has a history of physical violence, mental illness or access to weapons.

E. What relationships are classified as falling within 'domestic and family violence'?

(Note: *this section has been adapted from the Queensland Domestic and Family Violence Prevention Strategy 2016–26*)

- E1. Under the *Domestic and Family Violence Protection Act 2012* (Qld), relationships in which it is legally regarded the above behaviours will classify specifically as *domestic and family violence* (as opposed to other forms of violence) are:
- intimate personal relationships. These include married and de facto spouses; parents of a child; people who are, or were engaged; and people in couple relationships, including same-sex couples.
 - Family relationships. These are defined as relationships that exist between two people who are related by either blood or marriage, including extended or kinship relationships where a person is regarded as a relative (such as in Aboriginal and Torres Strait Islander cultures).
 - Informal care relationships. These are defined as existing where one person is or was dependent on another person for help with essential daily tasks, such as dressing or grooming, meal preparation, grocery shopping or arranging medical care, where care is provided other than on a commercial basis.

F. Our obligation to recognise domestic and family violence.

- F1. The exceptionally high incidence and prevalence of Domestic and Family Violence in the general population is now well reported (at least as many as one in three women have experienced domestic and family violence since the age of 15, and this is higher again for Aboriginal and Torres Strait Islander women). The prevalence and vulnerability of people with disability to domestic and family violence is far greater again. Evidence also clearly shows that the vulnerability of children and young people in the child protection system and also people with mental illness are affected by domestic and family violence at rates well in excess of the general population. **It stands to reason then, that domestic and family violence is likely to be more highly prevalent amongst OPG clients than the general population.**
- F2. **Domestic and Family Violence will not always be disclosed by those who are experiencing it. In fact, we know that a great deal of domestic and family violence occurs undisclosed, which is why we have an obligation to be apprised of its indicators and warning signs. Our clients encounter more barriers than the general population to disclosure.** We work with many clients who may not have the communication mechanisms to disclose this, who may be too young to do so, or who fear they will lose the source of their care as a result of disclosure.
- F3. Due to the fact the person experiencing domestic and family violence may feel like they have little choice in their life, or be coerced into making decisions that are either undesirable to them or against their best interests, **it is possible that their actions as someone under the duress of another, will be confused as part of their 'impaired decision-making capacity'**. This possibility is elevated by the multiply higher likelihood that person with disability is a victim of domestic and family violence. It is therefore imperative that where some of the signs of domestic and family violence are present for adults under guardianship, further exploration is undertaken sensitively to determine whether the person is subject to domestic and family violence. This in turn must influence the decisions we make together with that person and the advocacy we undertake on their behalf.
- F4. **As OPG staff, we have a primary obligation to identify, as far as possible indicators that a client may be a victim, witness or even perpetrator of domestic and family violence. This identification is fundamental to our role as guardians, investigators, community visitors and advocates. If we identify a client is affected by domestic and family violence, this should directly inform decisions that we make and/or actions that we take on their behalf, or together with them. Given the criticality of the existence of domestic and family violence to making these decisions, this places on us the need to remain vigilant, as to whether they dynamics of domestic and family violence are present within the client's life.**

G. What should you do if you identify a client is experiencing domestic and family violence? Your Roles and Responsibilities.

- G1. Observations as to whether domestic and family violence exists must inform the decisions we make and/or the actions we take on behalf of, or together with a client.
- G2. **Staff of the OPG must be guided by six principles in advocating or making decisions either together with, or on behalf of a client:**
- i. the immediate and long-term safety of people experiencing violence is our greatest priority
 - ii. a personal account of domestic and family violence, including the person's understanding of its impact and associated safety risks, will be accepted
 - iii. the views and wishes of women, children and anyone experiencing or witnessing violence will be sought and incorporated into our responses and decision making
 - iv. housing security for women and children will be prioritised, primarily supporting women to remain in their current housing if they wish
 - v. the best interests of the child will be maintained

- vi. the responsibility for violence always rests with the person using violence
- G3. In the context of guardianship:
 - i. we need to be careful that we don't make decisions that could entrench imbalances of power and control, or cause a person to remain accommodated with someone that is a perpetrator of domestic and family violence.
 - ii. Given our focus on supported decision-making, we need to ensure that we are making decisions about the client's access to other parties in the relationship that may put the client in danger of further experiences of domestic and family violence. Ideally we will make decisions that support the client to recover from domestic and family violence.
- G4. Therefore our role across OPG is two-fold:
 - i. To make decisions and/or take actions that put the paramount focus on the safety and right of the client to live free from domestic and family violence, and
 - ii. To simultaneously support the client to recover from the trauma and other impacts of domestic violence where they feel empowered to make their own choices. This will often involve the need to advocate for their linkage with counselling and support as soon as possible.
- G5. You should always consider whether:
 - i. The client is a potential Victim of Crime who may be eligible for the victim-supports made available by the Queensland Government. You should consult your supervisor and Victim Assist Queensland (VAQ).
 - ii. You need to make a mandatory harm notification as per the relevant OPG Policy

H. Resources and Services for you to refer to or use.

SERVICES:

- H1. Queensland provides a number of free domestic and family violence support services. Services are generally funded by the government to provide any or all of the following: victim counselling and support, child witness counselling and support, legal assistance and behavioural change programs for people who use domestic and family violence.
- H2. The following link will allow you to identify **the closest and most appropriate free domestic and family violence counselling service in Queensland to you or your client:** [click here](#)
- H3. If you or a client are in **immediate danger**, phone the police on Triple Zero (000). For immediate assistance with **locating refuge accommodation and direct advice and support call: DVConnect Womensline: 1800 811 811.** This service operates 24 hours, 7 days a week.
- H4. **WWILD** is a service that specifically supports people with **intellectual of learning disabilities** who have been the victim of sexual assault. They are well renowned for their specialised service that is tailored for many of our adult clients. WWILD can be contacted on (07) 3262 9877
- H5. Advice and support for men is also provided through **DVConnect Mensline: 1800 600 636.** This service operates 9.00am to 12 midnight, 7 days a week
- H6. The **Sexual Assault Helpline** can be reached on 1800 010 120. It is open from 7.30am to 11.30pm, 7 days a week. **Sexual Assault counselling and support services in your region can be found [here](#).** Note this includes specialist support services such as those for women with intellectual disabilities and women from Culturally and Linguistically Diverse backgrounds.
- H7. The **Elder Abuse Helpline** can be reached on: 1300 651 192. It is open from 9.00am to 5.00pm, Monday to Friday.

RESOURCES:

- H8. **For Adults:** A wonderful simple English (pictorial-based) resource to use with adults (particularly those with intellectual impairments) is a booklet produced by WWILD called ‘You Deserve To Be Safe’: A Simple English Booklet About Domestic and Family Violence. This could be a really useful to translate to an adult when supporting them to make accommodation or personal decisions, and indeed to help them understand why you might be making these decision as their guardian. [Here](#) is the link to the booklet.
- H9. **For Children and Young People:**The ideal first port of call to help you identify the feelings that a child or young person might be experiencing that might suggest to you they are experiencing domestic and family violence is [here](#). The most well known website in Australia specifically designed for young people to access themselves, is the ‘Bursting the Bubble’ website: [here](#).

I. This can be really tough and personally impact you too. What to do if it raises issues for you.

- I1. Many people are affected by domestic and family violence, including the immediate person experiencing violence and the person using violence, their extended family and friends. Given the prevalence of reported domestic and family violence, it is understandable that OPG employees may have a personal experience with this. For those of you who have experienced it, you are not alone. Please know that this Office supports you – and we will do everything we can to support the choices you personally want to make, including providing leave and other mechanisms to empower your freedom from domestic and family violence.
- I2. If you, or someone you know is experiencing any behaviours like those described in this Policy, there are a couple of places you can go to start even a conversation. These services aren’t just for people experiencing violence, but for friends and families of someone experiencing violence as well. *Please also see:* ‘Public Guardian’s statement of commitment to supporting staff experiencing domestic and family violence and some resources for assistance’ which provides details on where you can go for help.

J. Training regarding Domestic and Family Violence.

- J1. Training about domestic and family violence generally is available through EVOLVE on the OPG intranet.
- J2. The OPG can provide sessional training on request. As at 2017, it is proposed that the Department of Communities, Child Safety and Disability Services will also make training on domestic and family violence available for Queensland Government agencies.
- J3. Training regarding the impacts of domestic and family violence upon people with intellectual disability: wwildtraining.org.au . There is a cost associated with the training which will be approved by your manager.

Version #	Approved By and Role	Date	Changes from Last Version	E-docs #
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