

Domestic Violence Safety Assessment Tool Guide



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Foreword

This document provides a short guide to the Domestic Violence Safety Assessment Tool (DVSAT) for service providers other than NSW Police Force working with victims of domestic violence. Police should refer to their internal DVSAT procedures and guidelines.

This document is one of a suite of five reference documents developed as part of the NSW Government Domestic and Family Violence Framework for Reform (the Reforms). Service providers are encouraged to read the guide in conjunction with the other documents, which include:

Domestic and Family Violence Reforms Overview

The Domestic and Family Violence Reforms Overview (the overview) explains the development of the Reforms. The overview gives a summary of the critical findings and recommendations of three parliamentary inquiries that made it clear NSW had to change the way it responded to domestic and family violence. The overview also includes the common definition of domestic and family violence.

Domestic Violence Information Sharing Protocol

The Domestic Violence Information Sharing Protocol (the Protocol) explains information sharing allowed under Part 13A of the *Crimes (Domestic and Personal Violence) Act 2007*. It sets out the procedures for service providers to share information, including consent and referral practices, and outlines their information management obligations. It also outlines procedures for access and amendment, the management of complaints, and a compliance framework.

Safety Action Meeting Manual

The Safety Action Meeting manual (the manual) outlines the purpose and operation of Safety Action Meetings, the roles and responsibilities of members and the development of Safety Action Plans for victims *at serious threat*.

Domestic Violence and Child Protection Intersection Guidelines

The Domestic Violence and Child Protection Intersection Guidelines (the guidelines) clarify the intersection between the domestic violence response system and the child protection system in the context of information sharing.

1. What is the DVSAT?

The DVSAT has been developed to help service providers consistently and accurately identify the level of threat to domestic violence victims.

Consistent identification of threat through use of a common tool by service providers across NSW promotes a shared understanding of domestic violence, its indicators, dynamics and consequences. Effective identification of threat allows service providers to offer victims appropriate, tailored support; prioritise victims at greater risk of harm; and take action to prevent violence from escalating.

The DVSAT is only for use in cases of a domestic violence threat. A domestic violence threat is a threat to the life, health or safety of a person that occurs because of the commission or possible commission of a domestic violence offence. The DVSAT is not an investigative tool. It is designed solely to assess the level of threat to victims.

The DVSAT has two components:

- Part A: Risk identification checklist; and
- Part B: Professional judgement.

A victim may be identified as either *at threat* or *at serious threat* due to domestic violence through completion of the DVSAT. In some cases there may not be enough evidence to identify the level of threat to a victim.

Terminology

This guide refers to people who have allegedly perpetrated domestic violence as perpetrators. Use of this term does not necessarily mean that these persons have been convicted of a criminal offence or are subject to an Apprehended Domestic Violence Order (ADVO).

The DVSAT uses the term 'partner' to refer to the perpetrator. This is because a trial of the DVSAT demonstrated that some victims objected to terms such as 'offender' and 'perpetrator' and disengaged from the DVSAT process if these terms were used.

The DVSAT uses the term 'client' to refer to the victim in recognition of the fact that the tool will generally be completed with the victim in the course of providing them with a service, whether it is specialist domestic violence support or a mainstream service.

2. What does *at threat* mean?

At threat means there is evidence of a threat to a victim's life, health or safety due to domestic violence.

A victim is identified as *at threat* if:

- they answer **'yes' to one or more questions in Part A** of the DVSAT; and/or
- the service provider completing the tool assesses them as *at threat* based on their **professional judgement in Part B**. Professional judgement includes consideration of the victim's own perception of the threat to their safety where available.

3. What does *at serious threat* mean?

At serious threat means there is evidence of a serious threat to a victim's life, health or safety due to domestic violence, and urgent action is necessary to prevent or lessen this threat.

A victim is identified as *at serious threat* if:

- they answer **'yes' to 12 or more questions in Part A** of the DVSAT; and/or
- the service provider completing the tool assesses them as *at serious threat* based on their **professional judgement in Part B**. Professional judgement includes consideration of the victim's own perception of the threat to their safety where available.

A threat does not have to be imminent to be considered serious, as it is often hard to determine whether something is going to happen within a certain timeframe. For example, a victim whose partner will be released from custody in two months' time may disclose extreme physical violence that occurred in the past. A service provider completing the DVSAT with the victim may determine that the threat to their safety is serious, due to the perpetrator's history of repeat offending, but is not imminent because the perpetrator will not be released for another two months.

At threat

- One or more 'yes' answers in Part A; and/or
- Professional judgement of service provider completing the DVSAT in Part B, including the victim's own perception of the threat where available; and
- The threat is a domestic violence threat.

At serious threat

- 12 or more 'yes' answers in Part A; and/or
- Professional judgement of service provider completing the DVSAT in Part B, including the victim's own perception of the threat where available; and
- The threat is a domestic violence threat.

4. What is Part A of the DVSAT?

Part A consists of 25 questions regarding recognised risk indicators for domestic violence victims. Based on their answers to these questions, Part A provides a score of the seriousness of the threat to victims. The threshold for an assessment of *at serious threat* is 12 or more 'yes' answers.

The questions relate to known indicators of serious and/or escalating threat, such as strangulation, pregnancy and recent separation. These indicators have been selected following a thorough review of available Australian and international evidence, including research regarding common factors in domestic violence homicides.

The questions are grouped into broad categories:

- violence toward the victim;
- relationship between the perpetrator and the victim;
- background of the perpetrator;
- children; and
- sexual assault.

Examples – Threat assessment based on risk identification checklist

- Maria is assaulted regularly by her partner Eric, and recently lost her part-time job because she is often absent from work due to her injuries. Maria attends a family support service for emergency relief and discloses the domestic violence to a worker. The worker completes the DVSAT with Maria, and she answers 'yes' to 12 questions in Part A. Maria is identified as *at serious threat*.
- Anh is being harassed by her ex-partner John. Anh attends a court support service to ask for information about her options. The court support worker completes the DVSAT with Anh, who answers 'yes' to five questions in Part A. The worker is not aware of any specific factors that would increase the threat in Part B so Anh is identified as *at threat*.

5. What is Part B of the DVSAT?

Part B relates to the professional judgement of the service provider completing the DVSAT with a victim. Professional judgement is an assessment based on information gathered with a victim, and the knowledge, skills and experience of the service provider completing the DVSAT.

In some circumstances the questions in Part A may not elicit an accurate assessment of the threat to a victim. This may be because the victim is unable or unwilling to answer the questions fully due to:

- the presence of the perpetrator or other people;
- fear of reprisal from the perpetrator;
- language difficulties or poor ability to comprehend the questions;
- immigration or cultural issues; and/or
- mistrust of the service provider with whom they are speaking.

In other cases a service provider completing the DVSAT with a victim may be aware of other factors that make the victim more vulnerable and increase the threat to their safety, such as:

- substance misuse;
- mental health issues;
- disability;
- social or geographical isolation;
- cultural or language barriers;
- immigration issues;
- unwillingness to engage with support services;
- perpetrator's access to weapons; and/or
- involvement with the Department of Family and Community Services (FACS).

Part B allows service providers to note any relevant factors and consider whether these factors increase the overall threat to victims. If the service provider forms the professional opinion that the threat is greater than indicated by the victim's responses to Part A, the service provider can make a threat assessment based on professional judgement.

Part B also allows service providers to note victims' own perception of the threat to their safety. In many cases victims themselves are the best judge of the level of threat as they are the most familiar with the perpetrator's patterns of behaviour, and have usually been taking informal steps to avoid escalation of the violence for some time. It is therefore important to consider the victim's own perception of their safety when deciding whether to upgrade the victim's threat level.

The presence of some risk indicators may reflect a greater threat to a victim than others. For example, when considering whether to identify a victim as *at serious threat* on the basis of professional judgement, a history of extreme physical violence, such as attempted strangulation or sexual assault, should be given significant weight.

It is important to note that an assessment of threat can be based on professional judgement alone.

Although professional judgement can be used to upgrade the threat level indicated by a victim's answers to the questions in Part A, it can never be used to downgrade the threat level indicated by a victim's answers.

Examples – Threat assessment based on professional judgement

- Julie visits her local GP, Dr Cabello, for a badly sprained elbow. Julie reports that her partner Craig has been violent towards her and caused her to fall over during an argument. Julie tells the doctor that her fear of Craig is increasing and that she is considering moving out with a friend. Dr Cabello asks enough questions to confirm that there is a current domestic violence threat and notes Julie's perception is that the threat to her safety is increasing. Although no formal threat assessment is completed, Dr Cabello uses her professional judgement to identify Julie as *at threat*.
- Fatima is estranged from her husband Ahmed but he keeps harassing her. One day Ahmed comes to Fatima's house and assaults her in front of their two children, saying he will kill her if she doesn't come back to him. The next day Fatima visits a nurse at the local community health centre. She tells the nurse about the assault, but refuses to answer any other questions on the DVSAT for fear that Ahmed will find out and hurt her again. Although Fatima has not answered 'yes' to 12 or more questions, the nurse considers the gravity of Fatima's injuries and her extreme fear of the perpetrator, and identifies Fatima as *at serious threat* using professional judgement.
- Joanna separated from her boyfriend Tom, who was controlling and verbally abusive, a year ago. Joanna has since moved to a new town and sees a specialist domestic violence support service for counselling. Joanna has an intellectual disability. A worker at the service asks to complete the DVSAT with Joanna, but Joanna doesn't want to answer any questions because it will bring back painful memories. The worker uses her professional judgement to identify Joanna as *at threat* because of her disability and because Joanna says that Tom is still in contact with her.
- Peter and Karl have been together for two years. Karl has a serious drug addiction and sometimes assaults Peter when he is high. The worst incident occurred last year, when Karl tried to strangle Peter and threatened to kill their dog. Peter seeks help from a support service for young gay, lesbian, bisexual, transgender and intersex people. A worker from the service completes the DVSAT with Peter. Peter answers 'yes' to fewer than 12 questions in Part A.

However, due to Karl's drug addiction and the gravity of the violence Peter has experienced previously the worker assesses Peter as *at serious threat* using professional judgement. Even though the recent violence has not been as bad, the worker gives significant weight to the fact that Karl has demonstrated behaviours that indicate a very high level of threat in the past, including attempted strangulation and threats to harm a pet.

6. When should I complete the DVSAT?

Both government and non-government service providers are strongly encouraged to complete the DVSAT for any victim of intimate partner violence with whom they are working. Service providers should complete a DVSAT when they first start working with a victim, or when they first become aware that a victim is experiencing domestic violence.

It is common for the level of threat to fluctuate or escalate rapidly in domestic violence situations. Service providers should complete a new DVSAT if they become aware of a change in circumstances that may affect a victim's safety, while taking care not to make the victim re-tell their story unnecessarily.

A change in a victim's circumstances, a victim's own assessment of the threat to their safety, or professional judgement may indicate that a further assessment is required. As a guide, circumstances in which it may be appropriate to complete a new DVSAT with a victim include where:

- the victim has separated from the perpetrator;
- the victim has a new partner;
- the perpetrator is about to be released from custody;
- family court matters have commenced;
- the victim or perpetrator loses employment;
- the victim is pregnant or gives birth;
- the victim terminates engagement with support services;
- the perpetrator has returned to the victim's residence;
- the perpetrator becomes aware the victim is engaged with support services;
- the perpetrator's substance abuse has escalated; or
- the perpetrator is experiencing increased mental health symptoms.

Examples – Conducting a second DVSAT

- The Police complete their DVSAT with Margaret, a victim of long-term violence at the hands of her husband Ryan. The DVSAT identifies Margaret as *at threat* and the Police refer her to the local Women's Domestic Violence Court Advocacy Service (WDVCAS) for support.

When the WDVCAS speaks to Margaret, she reports her distrust of police and that she did not want to answer the questions on the DVSAT fully because Ryan was present at the time. The WDVCAS undertakes a second DVSAT with Margaret. Margaret answers the questions fully, and this time she is identified as *at serious threat*.

- Chris suffers from obsessive-compulsive disorder and attends a Men's Behaviour Change Program (MBCP) because he has been violent toward his wife Janet in the past. A support service is working with Janet, who has been identified as *at threat*.

At a MBCP session, Chris reveals to a number of people that he believes Janet is having an affair and that he has threatened to harm her as a result. The manager of the MBCP uses his professional judgement to identify an increased level of threat to Janet and shares this information with Janet's support service.

In light of Chris' recent threats, the support service completes a new DVSAT with Janet. The DVSAT identifies that Janet is *at serious threat* and the service undertakes immediate safety planning with her.

The DVSAT has primarily been designed for use with victims of intimate partner violence, and some of the questions in Part A specifically relate to intimate partner relationships and/or victims who are female (e.g. one question asks whether the victim is pregnant).

Intimate partner violence

An intimate relationship refers to people who are (or have been) in an intimate partnership whether or not the relationship involves or has involved a sexual relationship, i.e. married or engaged to be married, separated, divorced, de facto partners (whether of the same or different sex), couples promised to each other under cultural or religious tradition, or who are dating.

Service providers who decide to use the DVSAT in other situations should be mindful that some of the questions in Part A might not be relevant for other kinds of relationship (e.g. siblings, parents and adult children). Service providers should use their professional judgement about the appropriateness of individual questions.

Example – Using the DVSAT for non-intimate partner relationships

Anastasia is an elderly woman who lives with her adult grandson Dimitri. Dimitri has been diagnosed with schizophrenia and can become violent when he refuses to take his medication. When completing the DVSAT with Anastasia, a worker from a domestic violence support service asks Anastasia about the violence she is experiencing at the hands of her grandson (rather than her partner), and does not ask her the questions regarding children because they are not relevant.

7. How do I complete the DVSAT?

Service providers should complete the DVSAT during or after discussion with a victim. Service providers must not get the victim to complete the DVSAT.

Answering the questions on the DVSAT may be confronting or upsetting for a victim. It is therefore important to complete the DVSAT with a victim through a skilled, empathetic conversation. It is also important to be aware that the victim may have already completed the Police DVSAT or the DVSAT with another service provider.

Before completing the DVSAT with a victim, service providers should advise the victim of their child protection obligations so that victims are aware of these obligations before answering the DVSAT questions.

Tips for completing the DVSAT with a victim

- Familiarise yourself with the DVSAT so you can 'talk' through the threat assessment process in appropriate, accessible language.
- Create a space in which the victim feels safe and there is privacy.
- If the victim has children, explain your responsibilities to make a report to Community Services where you believe a child or children in their care are at risk of significant harm.
- Conduct the DVSAT as part of a safe and understanding conversation. Make the victim feel supported and explain that you are asking for information because you are concerned for their safety.
- Wherever possible, ensure that all questions on the DVSAT are asked. Acknowledge that completing the DVSAT may take some time, and proceed at a pace that is comfortable for the victim.
- Understand that some of the questions may be intrusive or difficult for the victim to answer.
- Always listen and validate a victim when they are discussing their situation.
- Establish the level of fear that a victim is experiencing and their own prediction of what the perpetrator might do. Ask for more detail if the victim is very fearful for their or their children's safety.
- Emphasise the unacceptability of domestic violence in any circumstances and the assistance that is available to those experiencing domestic violence.
- Ask whether the victim needs an interpreter.
- Use appropriate language when speaking with a victim from an Aboriginal or culturally and linguistically diverse (CALD) community.

- Consider information your service provider holds that may negate the need to ask certain questions that the victim has answered previously.
- If completing the DVSAT with a victim over the phone, remember that the victim cannot see your non-verbal cues and pay particular attention to the tone of your voice.

Examples – Completing the DVSAT with a victim

- Frankie is brought to a refuge late one night by the Police after being seriously assaulted by her partner Paul. The refuge worker on duty notes how distressed Frankie is and waits until an appropriate moment the next morning to complete the DVSAT with Frankie.
- Veronica visits a family support service with her abusive partner Simon and their two young children, Amy and Jayden. Although the family first come to the service for parenting classes, a worker at the service recognises that domestic violence is occurring and makes arrangements to speak with Veronica alone while the children attend playgroup and Simon is at work. Before she completes the DVSAT with Veronica, the worker explains that she has an obligation to report any child protection concerns about Amy and Jayden.

8. What about child protection?

The DVSAT does not replace existing child protection tools and procedures, including the Mandatory Reporter Guide for service providers required to take action regarding child protection concerns.

Under the *Children and Young Persons (Care and Protection) Act 1998*, domestic violence is a ground upon which a child or young person may be suspected to be at risk of significant harm, and therefore upon which a mandatory report may be required.

Service providers should continue to use the Mandatory Reporter Guide or other appropriate professional resource to help guide their decision making about whether a report to FACS, or some other action is warranted to support children and young people under 18 who have been exposed to or experienced domestic violence. The Mandatory Reporter Guide and other child protection resources can be found at www.keepthemsafe.nsw.gov.au.

Part B of the DVSAT asks service providers to note any child protection concerns and the action taken to address these concerns. Before completing the DVSAT with a victim, service providers should advise the victim of their child protection obligations so that victims are aware of these obligations before answering the DVSAT questions. The only exception is where doing so will increase the threat to a victim or her children.

9. What should I do once I have completed the DVSAT?

If a victim is identified as *at threat*, service providers should provide appropriate support to the victim, either directly or through making relevant referrals.

If a victim is identified as *at serious threat*, service providers should provide appropriate support to the victim and ensure that their immediate safety needs are addressed wherever possible. Victims *at serious threat* should be prioritised, and service providers should do everything they can to prevent or lessen the threat to these victims' safety.

The *It Stops Here: Safer Pathway* service delivery model, including Local Coordination Points and Safety Action Meetings, is being rolled out across NSW in stages. It is currently only operational in Orange, Waverley, Bankstown, Parramatta, Tweed Heads and Broken Hill.

Where available, service providers should consider referring the victim to a Local Coordination Point for support. This is especially important for victims *at serious threat*, who should be referred to a Local Coordination Point for consideration at a Safety Action Meeting. For more information about Safety Action Meetings, refer to the Safety Action Meeting manual.

It is best practice to seek consent before sharing a victim's information with another service provider (e.g. for the purpose of making a referral). When seeking consent, service providers should advise victims of why and with whom their information will be shared.

However, in limited circumstances information may be shared about a victim *at serious threat* without their consent if it is necessary to prevent or lessen that threat.

Information about a victim *at threat* may never be shared without their consent.

All information sharing in domestic violence cases must comply with the Domestic Violence Information Sharing Protocol (the Protocol) and Part 13A of the *Crimes (Domestic and Personal Violence) Act 2007*.

In cases involving a child or young person, information can also be shared under Part 16A of the *Children and Young Persons (Care and Protection) Act 1998*, whether the victim is assessed as *at threat* or *at serious threat*.

Service providers should keep a record of any actions taken to reduce the threat to a victim. Victims should only be considered to be at a lower level of threat where there has been a significant change in their circumstances that has reduced the threat, or where actions taken by service providers have successfully reduced the threat.

10. Use of the DVSAT in court proceedings

If it is deemed relevant, the Police may be required to provide a completed DVSAT to the court in some domestic violence proceedings. A completed DVSAT may also be the subject of a subpoena. A subpoena is an order to produce a document to the court.

Releasing a DVSAT may have serious consequences for a victim's safety. It may also negatively impact upon a victim's capacity to give effective evidence, as the perpetrator's legal representative may use the DVSAT to challenge the victim's credibility or ability to recall events accurately. This may especially occur where multiple DVSATs have been completed with a victim, and the victim's answers to the questions in Part A differ over time.

Such variations in a victim's response may be due to proximity of the perpetrator at the time the DVSAT was completed, fear of retribution from the perpetrator, underestimation of their own level of threat, and/or the specific circumstances of a recent incident. A reminder about this issue is included at the bottom of the DVSAT form itself.

Before responding to a subpoena, service providers should consider the possible consequences for the victim of releasing the DVSAT, and should seek legal advice. For more information, refer to the Protocol.

