



VICTIM SUPPORT
PROMOTING RIGHTS & RECOVERY



Victim Support ACT

Policy and Standard Operating Procedure (SOP) – Justice Advocacy

Purpose

The purpose of this Policy and Standard Operating procedure is to:

- Articulate Victim Support ACT's (VS ACT) policy in relation to the provision of justice advocacy services;
- Describe justice advocacy in the context of VS ACT; and
- Provide clear procedures for conducting justice advocacy.

Policy Statement

Justice advocacy is embodied in the legislation that governs the Victims of Crime Commissioner (the Commissioner), Victim Support ACT (VS ACT), and the Victim Services Scheme. Under the governing legislation,¹ the Commissioner has the following functions in relation to justice advocacy:

- Advocate for the interests of victims of crime;
- Monitor and promote compliance with the governing principles;
- Ensure that victims receive information and assistance they need in connection with their involvement in the administration of justice;
- To encourage and facilitate cooperation between agencies involved in the administration of justice with respect to victims;
- As appropriate, to refer victims to other entities who provide other assistance and support to victims; and
- To provide victims with information and assistance about the criminal justice system, the operation of the victims services scheme, and complaint procedures.

Whilst the Commissioner retains responsibility for these functions, all staff of VS ACT, whether they are permanent, temporary, casual or a volunteer, are expected to engage in justice advocacy on behalf of victims as appropriate within their role and in accordance with the procedures below. It is particularly important to note that justice advocacy is an integral aspect of case management.

¹ Section 11, *Victims of Crime Act 1994* and the Victims of Crime Regulation 2000.

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Scope

This SOP applies to the Victims of Crime Commissioner and all VS ACT staff, whether they are permanent, temporary, casual or a volunteer. It is noted that different procedures apply to different work areas as outlined below.

For the purposes of this Policy and SOP the word “staff” denotes both paid employees, whether casual, temporary or permanent, and volunteers.

Addressing justice related priorities may sometimes involve engaging in the process for managing concerns and complaints in relation to non-compliance with the Governing Principles of the *Victims of Crime Act 1994*. As such, while engaging in justice advocacy as outlined in this procedure, staff should also consider the applicability of the VS ACT SOP *Concerns and complaints regarding non-compliance with Governing Principles*.

Background

What is justice advocacy?

Advocacy in all its forms seeks to ensure that people, particularly those who are most vulnerable in society are able to have their voice heard, promote their rights, and have their views and wishes genuinely considered when decisions are being made that will affect their lives.

To be a justice advocate means to ensure that victims know about and have access to their rights and entitlements, to support and enable victims to participate in the justice system, and to advocate for their interests on an individual and systemic level. Justice advocacy in the context of VS ACT’s operations can be broken down into two main components: individual justice advocacy, and systemic justice advocacy.

Individual justice advocacy

Individual justice advocacy relates to empowering individual clients to achieve positive justice outcomes on a case by case basis. This might include, but is not limited to, the following activities:

- informing victims of their rights and entitlements as victims of crime;
- providing general information about justice processes—including police investigation, prosecution, the court system, mental health tribunals, sentence administration, victims registers and other processes;
- referrals to support specialists;
- liaising with other justice agencies on victims’ behalf where they are unable to do so for themselves;
- providing court support;
- assistance in drafting victim impact statements;
- assistance in applying for financial assistance; and

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- assistance in safety planning and information about crime prevention.

It is important to note that individual justice advocacy does not include the provision of legal advice. Where clients require legal advice they should be referred to an appropriate service. This should not however, obstruct the provision of general information on justice processes and other support where required.

It is also important to note that victims should be encouraged to seek information and make connections on their own behalf in order to maintain their own strength, agency and independence. It is where there are obstacles to obtaining information or making contact that staff are expected to advocate on their behalf.

Systemic justice advocacy

Systemic justice advocacy involves advocating for changes in the justice system that would have a positive impact for multiple victims of crime. This might include, but is not limited to, the following activities:

- consulting with victims of crime to identify key issues of concern in relation to their experience of the justice system;
- drawing on the service provision experiences of VS ACT staff to identify key systemic justice issues;
- identifying policies that may benefit victims of crime through analysis of current literature and the practices of other jurisdictions;
- advocating for the interests of victims of crime with individual agencies;
- advocating for the interests of victims of crime with the ACT and Commonwealth governments; and
- representing the interests of victims of crime in policy development at both the ACT and Commonwealth levels.

Overlap between individual and systemic advocacy

Cases that require individual advocacy can often be indicative of a need for systemic change. For example, there may be certain barriers victims are facing on a frequent basis, or a victim may face an issue that requires a change in law, policy or practice in order to be addressed. In these cases, both individual and systemic advocacy is required. Individual advocacy will address that particular victims' needs as far as possible, while systemic advocacy will draw on that victim's experience to achieve better outcomes for victims of crime more broadly.

Standard Operating Procedure

Intake and Assessment Team

1. The preliminary plan developed by the VS ACT Intake and Assessment team should identify any *individual justice advocacy issues*, such as information and assistance in relation to reporting to the police, attending court, obtaining a protection order or making an application under the Financial Assistance Scheme.
2. Any immediate *individual justice advocacy issues* will be addressed by the Intake and Assessment Team. For example, a client may require some information on justice processes, how to obtain a Domestic Violence Order, or how to access legal representation, as well as a range of other immediate needs.
3. If the client is allocated to a Case Manager, all remaining *individual justice advocacy issues* will be addressed by the Case Manager in accordance with the below procedure.
4. If the client *is not* allocated to a Case Manager, the Intake and Assessment Team will address all remaining *individual justice advocacy issues*.
5. Where clients require court support or assistance in applying for financial assistance, they should be referred to the Volunteer Coordinator via the database (court support) or the Outlook calendar (financial assistance applications).
6. Where the Intake and Assessment Team is unable to address an *individual advocacy issue* and the client is not allocated to a Case Manager, they must refer the issue to the Team Leader or Director.
7. However, where an issue involves a serious breach of the Governing Principles or a client's safety is at serious risk, they should immediately refer the issue to the Commissioner.
8. Where the Intake and Assessment Team identifies what could be a potential *systemic justice advocacy issue*, they must raise the issue with the Executive Officer or Commissioner.

Case Managers

1. During the assessment process, Case Managers will identify any additional individual justice advocacy priorities not already identified in the preliminary plan developed by the Intake and Assessment team.
2. The Recovery Care Plan developed should include strategies to address these needs, and Case Managers must implement the strategies accordingly.
3. Where clients require court support or assistance in making an application for Financial Assistance, they should be referred to the Volunteer Coordinator via the database (court support) or the Outlook calendar (financial assistance applications).
4. Where Case Managers are unable to address an *individual justice advocacy issue* they must refer the issue to the Team Leader or Director.
5. However, where an issue involves a serious breach of the Governing Principles or a client's safety is at serious risk, they should immediately refer the issue to the Commissioner.

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6. Where a Case Manager identifies what could be a potential *systemic issue*, they must raise the issue with the Executive Officer or the Commissioner.

Volunteers and Volunteer Coordinator

1. The Volunteer Coordinator will arrange court support for clients referred by the Intake and Assessment Team or Case Managers.
2. The Volunteer Coordinator will arrange assistance for clients applying to the Financial Assistance Scheme.
3. Volunteers may provide justice advocacy assistance through the provision of court support, or assistance in applying to the Financial Assistance Scheme.
4. Volunteers may also engage in individual justice advocacy insofar as it is relevant for the provision of court support, or assistance in applying to the Financial Assistance Scheme.
5. Where volunteers are unable to address an individual justice advocacy issue that is relevant for the provision of court support or assistance in applying to the Financial Assistance Scheme, they will relay those concerns to the Volunteer Coordinator who will address the issue or escalate as appropriate.
6. Where volunteers become concerned that there are other individual or systemic justice advocacy issues that need to be addressed they will raise their concerns with the Volunteer Coordinator.
7. The Volunteer Coordinator will relay any *individual justice advocacy issues* to the Intake and Assessment Team or the relevant Case Manager as appropriate.
8. However, where an issue involves a serious breach of the Governing Principles or a client's safety is at serious risk, they should immediately refer the issue to the Commissioner.
9. The Volunteer Coordinator will relay any *systemic justice advocacy issues* to the Executive Officer or the Commissioner.

Team Leader/ Director

1. The Team Leader or Director may be referred individual justice advocacy issues from Case Managers and the Intake and Assessment Team.
2. If they are unable to resolve an issue that is referred to them, it should be referred to the Executive Officer or the Commissioner as appropriate.
3. However, if the issue involves a serious breach of the Governing Principles or a client's safety is at serious risk, they should immediately refer the issue to the Commissioner.
4. The Team Leader and Director should remain alert to any common trends in *individual justice advocacy issues* which may be indicative of systemic justice advocacy issues and raise these with the Executive Officer or the Commissioner.

Financial Assistance Scheme

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1. Financial Assistance Assessors will facilitate access to victims' entitlements under the Financial Assistance Scheme, and provide assistance for victims to access financial support through other avenues. Financial Assistance Assessors may engage in *individual justice advocacy* insofar as it is related to these activities.
2. Where a Financial Assistance Assessor becomes aware of an *individual justice advocacy issue* beyond the provision of financial assistance, they will refer the matter to the Case Manager or the Intake and Assessment Team as appropriate.
3. However, where an issue involves a serious breach of the Governing Principles or a client's safety is at serious risk, they should immediately refer the issue to the Commissioner.
4. Where a Financial Assistance Assessor identifies what could be a potential *systemic justice advocacy issue*, they must raise the issue with the Executive Officer or the Commissioner.

Executive Officer and Policy Unit

1. Policy Unit staff will be alert to systemic issues facing victims of crime as identified through government and non-government literature, consultations, the policies and practices of other jurisdictions and anecdotal evidence obtained by Case Managers and the Intake and Assessment team.
2. Policy Unit staff will develop, in consultation with the Victims of Crime Commissioner, strategies to advocate for systemic change to advance the interests of victims of crime in the justice system.
3. Policy Unit staff will maintain a spreadsheet recording systemic issues raised with the Commissioner.
4. Policy Unit staff will also engage in individual justice advocacy as directed by the Victims of Crime Commissioner.
5. Policy Unit staff will support the Commissioner in relation to the Commissioner's other justice advocacy roles, including:
 - performing the statutory functions of the Domestic Violence Project Coordinator;
 - chairing the ACT Family Violence Intervention Program Coordinating Committee
 - assisting the Domestic Violence Prevention Council as advised;
 - contributing to the Victims Advisory Board; and
 - contributing to the Sexual Assault Reform Program.

Victims of Crime Commissioner

1. The Victims of Crime Commissioner retains responsibility for the justice advocacy functions outlined in the governing legislation as described above, as well as responsibility for administering the Financial Assistance Scheme.
2. The Commissioner will address *systemic justice advocacy issues*, as well as *individual justice advocacy issues* where these cannot be resolved by other staff.

Evaluation

The following measures will be used to evaluate the justice advocacy activities of VS ACT:

- The degree to which clients are accessing individual justice advocacy support from VS ACT, and which team within VS ACT has provided that support;
- Client satisfaction with the provision of individual justice advocacy support;
- The number of *systemic justice advocacy issues* brought to the attention of the Commissioner;
- The number of consultations conducted with victims of crime;
- The number of positive outcomes achieved for victims of crime at a systemic level.

Data for assessing these measures will be collected through client satisfaction surveys, as well as information gathered by the Policy Unit. Evaluation against these measures will be conducted on an annual basis.

Related Legislation and Policies

Legislation

Victims of Crime Act 1994

Victims of Crime Regulation 2001

Victims of Crime (Financial Assistance) Act 2016

Domestic Violence Agencies Act 1986

Policies

Case Management Policy

Case Management SOP

Concerns and complaints regarding non-compliance with Governing Principles SOP

Initial Intake, Assessment and Registration of VS ACT Clients SOP

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