



POLICY/PROCEDURE: Domestic & Family Violence

Policy Statement

CatholicCare NT (CCNT), through the provision of professional services, upholds the Catholic Church's commitment to the intrinsic value of the individual and acts to increase the wellbeing of people in their communities. The organisation recognises the right of the individual to be safe at all times. The rights of the family unit do not take precedence over the right of the individual.

CCNT believes that everyone has the right to be safe at all times and in all places including one's own home. Assault in the home or on the street is a criminal offence. Domestic & Family Violence is largely a hidden crime, and women or men who seek services often present with other issues. CCNT believes it is important that all workers in contact with clients are skilled in the detection of violence and can provide an immediate and appropriate response, which respects the client's privacy, dignity and cultural differences.

CCNT has a commitment to work both with victims and perpetrators of Domestic & Family Violence. The human costs of abuse are enormous. All parties are hurt through violence: those subjected to violent assault, those observing violent assaults and those perpetrating the violence. Children in violent environments experience violation of basic safety needs.

All services offered by CCNT will endeavour to positively and proactively address the problem of Domestic & Family Violence in our society through preventative education, counselling, children's socialisation and social skills groups.

The organisation is committed to helping break the conspiracy of silence around Domestic & Family Violence, by having programs that educate the community about Domestic & Family Violence, and offering programs to help its victims and perpetrators.

In this document, victims will be referred to as "women" and perpetrators as "men"; however Domestic & Family Violence on men by women does occur. It occurs in all age groups, income levels, nationalities and ethnic groups.

Definition of Domestic & Family Violence

Domestic & Family Violence takes a number of forms, which can be identified under the following five broad based categories:

- **Physical assault** encompasses a wide range of behaviour, including pushing and kicking, punching, use of weapon or implement to inflict injury, strangulation, cigarette burns, all of which may lead to death. All acts of physical assault and threats of assault are criminal offences.

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- **Psychological/emotional/verbal abuse** is the use of words, language and other strategies to issue orders, threaten, insult, abuse, denigrate and degrade another person. The impact is extremely powerful as it destroys self-esteem, undermines self-concept and challenges the victim's perceptions of reality. Threats to children's safety and well-being are also used.
- **Sexual assault and abuse** includes the range of sexually abusive and exploitative behaviours including violent rape with use of and threats of other violence being inflicted, forced compliance in degrading sexual acts and intercourse, indecent assaults, forced viewing of pornography and sexual harassment. Sexual assault is a criminal offence.
- **Financial or economic abuse** means the controlling and withholding access to the family's economic resources, including money, the car, the purchase and ownership of goods and property.
- **Social abuse** refers to the social isolation inflicted upon a person through geographic location or through conduct, which causes contact with family and friends to be curtailed or to cease. This also includes smothering, from regularly "keeping in touch" to insisting they do everything together so the woman has no life of her own.
- **Spiritual abuse** refers to using something such as religious text to justify violence. Alienating a woman from her cultural and religious beliefs. Denying access to a faith community and using ideas about God and church as a means of control (Dallas Colley, Domestic & Family Violence Consulting & Training)

1. Principles of Intervention

The following principles are crucial when dealing with Domestic & Family Violence:

- 1.1 The present and ongoing safety of women and children is paramount. This implies their physical safety, provision of information about the nature of Domestic & Family Violence and the resources available, and ongoing support.
- 1.2 It is the woman's right to make her own choices about what is realistic and appropriate for her at both the point of crisis and at later stages. Her empowerment is crucial. Her right to choose must be respected.
- 1.3 In adult relationships, violence is always the primary issue to be addressed. Other factors that may appear to underlie the violence can only be dealt with when the violence and its concomitant attitudes are being addressed.
- 1.4 Perpetrators are responsible for stopping their violence and need to be held accountable for their violent behaviour.
- 1.5 However we are mandated reporters and will be the voice of the child in this process.
- 1.6 Staff members, whether in administration or direct service, need ongoing support and training to deal with the issue effectively.

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2. Mandatory Reporting

CCNT has a number of duty of care obligations. Under the Domestic and Family Violence Amendment Act 2008, workers are obliged to report to Police any threat or occurrence of serious harm – see Flowchart Appendix .1.

- 2.1 If a worker believes on reasonable grounds that either or both of the following circumstances exist:
- another person has caused, or is likely to cause, harm to someone else with whom the other person is in a domestic relationship
 - the life or safety of another person is under serious or imminent threat because Domestic & Family Violence has been, is being or is about to be committed
- 2.2 The worker, as soon as practicable after forming the belief, is obligated to report:
- the belief
 - and any knowledge forming the grounds for the belief
 - and any factual circumstances on which that knowledge is based

Workers are expected to inform and consult with line management about the circumstances and concerns i.e., to their Team Leader or Manager before reporting the matter to Police. However, if the situation warrants a 000 response, ensure that line management is informed of your action as soon as possible.

- 2.3 Workers have legal protection under the Act. Section 125 (1) of the Act states that when you make a report you are not civilly or criminally liable or in breach of any professional code of conduct for making the report, or for disclosing any information in the report.

There is a penalty for not reporting serious harm with the maximum amount being \$22,000.

- 2.4 The following information is provided to assist workers and line management in their decision making process.

A domestic relationship is defined in the Domestic and Family Violence Act as:

“A person is in a domestic relationship with another person if the person -

- is or has been in a family relationship with the other person
- has or had the custody or guardianship of, or right of access to, the other person
- is or has been subject to the custody or guardianship of the other person or the other person has or has had a right of access to the person
- ordinarily or regularly lives, or has lived with the other person
- someone else who is in a family relationship with the other person
- is or has been in a family relationship with a child of the other person
- is or has been in an intimate personal relationship with the other person
- is or has been in a carer’s relationship with the other person

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- 2.5 According to the Act, physical harm is the type of harm that needs to be reported and serious harm is the severity or threshold it needs to fit within for mandatory reporting obligations to apply.

“Physical harm includes unconsciousness, pain, disfigurement, infection with a disease and any physical contact with a person that a person might reasonably object to in circumstances, whether or not that person was aware of it at the time”

- Section 1A of the Criminal Code

Serious harm means any harm (including the cumulative effect of more than one harm):

- that endangers, or is likely to endanger, a person’s life
- that is or is likely to be significant and longstanding

- 2.6 The Act takes into account concerns that workers may have if they believe that the safety of clients, colleagues, themselves or others may be compromised by making a report to the Police. There are three instances that allow reasonable excuses for not reporting serious physical harm to Police, these are outlined in section 124A (3) of the Act and are noted below.

- 2.7 It is a reasonable excuse if you establish one or more of the following:

- you reasonably believed someone else already reported the same belief about the circumstances
- you are engaged in planning for the removal of the victim and intended to report your belief as soon as practicable after the removal.
- you reasonably believe that if you make a report as soon as practicable, a serious or imminent threat to the life or safety of any person may result (for example, this includes any threat to your own safety, your colleagues or to the client)

To make a report contact Police on 131 444 in instances where you think you need to report but where an emergency response is not required. Ring Police on 000 only in the event of emergencies. Police will assess the call and decide how they will respond.

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References

Legislation

- Domestic and Family Violence Amendment Act 2009

Associated Documents

This document should be read in conjunction with these forms and procedures:

- CCNT Policy/Procedure: Duty of Care (ORG/SP/P003)
- CCNT Policy/Procedure: Code of Conduct (ORG/HR/G001)
- CCNT Organisation Form: SP Welcome to CatholicCare NT (ORG/SP/F001)
- CCNT Organisation Form: SP Client Assessment (ORG/SP/F004)
- CCNT Organisation Form: SP Client Risk Management (ORG/SP/F005)
- CCNT Organisation Form: SP Client Risk Alert Sheet (ORG/SP/F006)

Links

Domestic and Family Violence Amendment Act 2009

http://www.austlii.edu.au/au/legis/nt/num_act/dafvaa20092o2009380/

NT Police Contacts

<http://www.pfes.nt.gov.au/Contact-Us.aspx>

Stop Family Violence

<http://www.stopfamilyviolence.nt.gov.au/>

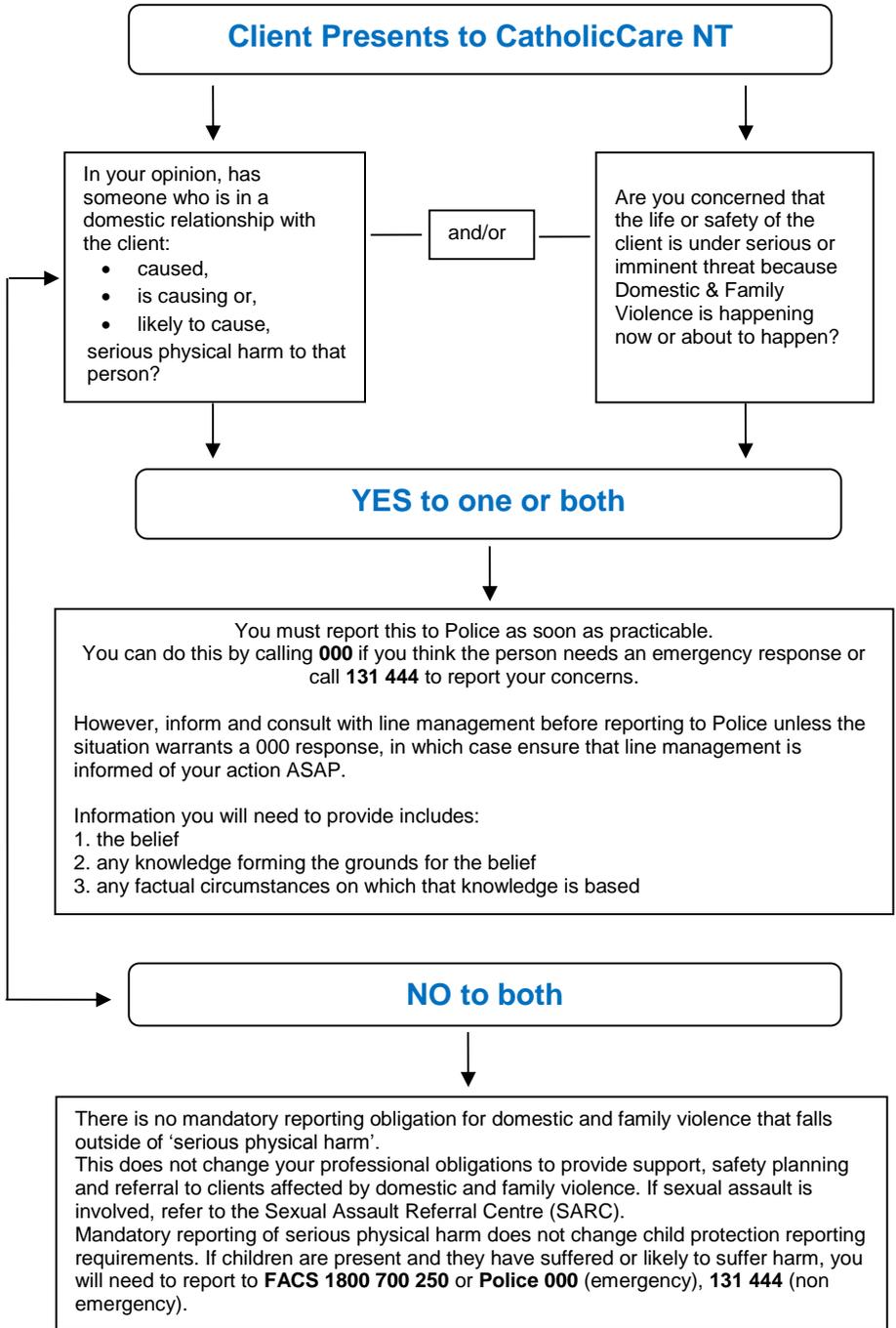
Domesticviolence.nt.gov

<http://www.domesticviolence.nt.gov.au/>

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Appendix .1.

DOMESTIC AND FAMILY VIOLENCE
MANDATORY REPORTING FLOWCHART



Mandatory reporting covers serious physical harm. Section 1A of the Criminal Code defines physical harm as unconsciousness, pain, disfigurement, infection with a disease and any physical contact that a person might reasonably object to in the circumstances, whether or not the person was aware of it at the time. Section 1 of the Criminal Code defines serious harm (including the cumulative effect of more than one harm) that endangers, or is likely to endanger, a person's life, or that is or is likely to be significant and longstanding. You will need to make a professional decision to determine if the injury or circumstances fit within the definition of serious physical harm.

Case management of clients affected by domestic and family violence that falls outside 'serious physical harm': Consider: Encouraging the client to report the matter to police themselves. Offering to report the matter to police on the client's behalf. Assisting the client/children with immediate safety/accommodation needs. Referring the client to other services and offering to make the appointments (medical, financial etc.) Developing a safety plan with the client, arranging a time to follow up.