

Summary of Families SA Roles in Victims of Crime Applications.

These procedures have been structured to enable case workers, Senior Practitioners, Supervisors, location Managers and the Manager, Customer Relations Unit to determine their respective roles in relation to an application for a child/young person for Victims of Crime compensation. They are presented in successive steps.

Worker's role

Assessment	The assessment of files prior to an application being made
Application	Steps necessary to process an application
Ongoing Contact	The role of the worker whilst the application is in progress
Settlement	VIC process
Finalisation of CIC	The outcome of the application

Assessment

1. Assess all client files, with Care and Protection orders, in relation to eligibility for Victims of Crime VIC compensation. The "Victims of Crime New Intake" form is a convenient tool to assemble information from the file. Recent incidents should be found on C3MS.
2. Consult with Supervisor in relation to recommendation for proceeding with an application, deferring an application, or making no application.
3. If necessary, consult with Manager Customer Relations for procedural advice about what information should be included in the Application Memo. If necessary you may be referred to a duty solicitor from the Care and Protection section at the Crown Solicitors Office on 82071510 in relation to clarity of legal issues.
4. Where an assessment clearly reveals the child/young person meets the eligibility criteria of the VIC Act, liaison with Customer Relations may be beneficial in determining what evidence from the 85 file should accompany the application.
5. Obtain the views of child/young person, where appropriate, and give their view serious consideration.
6. Where appropriate discuss a proposed application with family and/or caregivers, and obtain their views.
7. When the child/young person is an Aboriginal or Torres Strait Islander, consultation must occur with relevant persons/agencies prior to any application being made.

8. Complete “**Victims of Crime: Long Term Team Assessment Form**” and place in a sleeve in the centre of the 85 file. Assessments must be recorded on the 85 file and regularly reviewed, particularly in cases of ‘deferment’. **This form must remain in the current file until an application is made and determined.**

Application

1. Incorporate the Victims of Crime application into the case plan.
2. Complete “**Victims of Crime Compensation Application Memo**” pro forma for Manager, Customer Relations Unit, nominating the caseworker as ‘next friend’
3. Retrieve relevant reports (ie psych, medical, school) from the 85 file and make two copies. **Ensure the information to be released is relevant only to the offence and the child’s/young person’s injury.**
4. Forward to the Manager, Customer Relations Unit two copies of relevant reports and two copies of the completed “Victims of Crime Compensation Application Memo”.
5. Customer Relations will create a VIC/CIC sub-file (only in cases where the application is proceeding, not where it is deferred) This is the **Type 44 Criminal Injuries Compensation file.**

A Type 44 CIC sub-file containing one copy of the reports and brief will be returned to the caseworker following completion of the Manager Customer Relations Unit referral of the matter to an approved legal practitioner for assessment of the merits of the proposed claim. The sub-file remains with the 85 file until the application is finalised.

6. Record application on CIS as a new intake.

Presenting problem - CI
Assessment - CIC

Or make a notation on C3MS.

As the VIC Assessment Long Term Team form should be a concise statement of the offence against the victim, the effect on the victim and the identity of the solicitor who will be handling the application, this information may be cut and pasted to be the CIS text. This information need only be pasted on the first page of the CIS text screen.

7. Await further instructions from the Solicitor.

Ongoing Contact

1. Liaise with solicitor where necessary.

2. Provide further relevant documents directly to solicitor upon request from solicitor.
3. Provide child/young person with information in relation to the progress of the application, where appropriate.
4. Arrange/attend appointments (ie Psych) with child/young person where necessary.
5. Place all correspondence (including case notes on conversations with the solicitor) in relation to the application in the Type 44 CIC sub-file and a copy on the 85 file.
6. Provide payment for disbursements (ie FOI fees, or new medical or psych reports) where necessary through Children's Payments budget line The Natural Account code for **Victims of Crime/Criminal Injuries Compensation** is **76227** under Children's Payment Incidentals.
Location Cost Centre. Activity M747 Children's Payments. 76227
7. Outline application in **annual review** process.

Settlement of Claim

The majority of Victims of Crime applications are settled prior to proceeding to the District Court.

The process involves the following:

- Crown makes a settlement offer to the child's/young person's solicitor
 - The solicitor seeks an "opinion on compromise" from a Barrister in relation to the settlement
1. As "next friend" the child/young person's worker will receive information from the solicitor about the offer and advice in relation to the amount offered.
 2. Advise Supervisor of the offer. Supervisor must arrange consultation with Families SA location Manager and Manager Customer Relations Unit.
 3. Discuss offer with young person, where appropriate.
 4. In accordance with the outcome of consultation with Supervisor, Families SA location Manager and Manager Customer Relations Unit authorise solicitor to accept or reject settlement offer.

Where Families SA / young person accepts settlement:

- Solicitor provides the District Court with settlement details.
- Award deposited in child's name with Public Trustee

Where Families SA rejects settlement:

- Crown **may** increase their offer; or
- Matter proceeds to Court where the outcome may be a lesser/same/greater amount of compensation awarded.

Where young person rejects settlement:

An assessment of the situation will need to be made where a young person rejects an offer. That is, is the offer they are rejecting a reasonable one? If so, a decision will need to be made by Families SA whether to proceed to District Court. It is important the young person be guided by the solicitor's advice.

Where young person is an offender liable to pay a VIC judgement.

A young person eligible to make a claim, who is found guilty by a Court of an offence in which injury was caused to another person who then makes a VIC claim citing the young person as the offender, will have any amount awarded to him/her reduced by the amount awarded to the young person's victim.

NB. This only applies to matters dealt with by the Youth Court. If the offence was dealt with by way of a Family Conference convened to hear the matter, then the Crown is unable to recover any VIC compensation it pays to a victim of that offence.

Finalisation of Victims of Crime claim.

1. Record outcome on CIS by modifying the CIC intake. Outcome to be recorded in text and to include the following information:
 - The amount of the award
 - The date of the award
 - How the award was determined - ex-gratia/settlement/trial
2. Record settlement in Type 44 CIC-sub-file
3. Merge contents of Type 44 CIC-sub-file with Type 85 Client file.
4. Close Type 44 CIC-sub-file.
5. Ensure future letters from Public Trustee are placed on Type 85 Client file.

Leaving Care plans

Young people may not behave responsibly when placed in possession of the accumulated proceeds of a VIC/CIC award at age 18.

- The Public Trustee will provide an active advisory service to the young person during the year prior to young person's 18th birthday. This will include ensuring that the young person has the opportunity to receive advice from a financial advisor about the management of the money.
- If the young person has demonstrable behaviour which would qualify them for an administration order from the Guardianship Board, then application for such an order should be considered

Senior Practitioner's Role

1. Assist workers with quality Victims of Crime assessments, where necessary
2. Ensure VIC assessment has been recorded on the file with a rationale. Assessment is to be included in the next annual review.
3. Where an application has been deferred, ensure a rationale for continued deferment is included at each annual review.

Supervisor's Role

1. Ensure all GOM (and custody files where appropriate) are assessed for VIC in accordance with the VIC assessment steps for workers.
2. Discuss with workers individual assessments of VIC compensation, especially in relation to the timing of an application.
3. Co-sign "**Victims of Crime Compensation Application Memo**" form.
4. Ensure location Manager is informed of all VIC compensation applications prior to forwarding to the Manager, Customer Relations Unit.
5. Discuss settlement offers with Manager, Customer Relations Unit and location Manager.
6. Ensure that the "next friend" social worker is kept informed about discussions concerning the case.
7. Ensure worker has recorded the outcome of the application on CIS and/or C3MS prior to closure of the Type 44 CIC sub-file
8. Ensure that the young person has received appropriate financial management advice about the VIC/CIC award prior to leaving care.

Families SA Location Manager's Role

1. Keep informed of any applications for VIC compensation forwarded to the Manager, Customer Relations Unit.
2. Discuss settlement offers with Supervisors and Manager Customer Relations Unit.

Manager, Customer Relations Unit Role

1. Review the Application Memo and supporting reports and be satisfied that the documents satisfy the criteria for Victims of Crime compensation.
2. Create VIC/CIC sub-file (only in cases where the application is proceeding, not where it is deferred) this is the **Type 44 Criminal Injuries Compensation file**.
3. Ensure Type 44 CIC sub-file contains contents as specified in the Application Memo for VIC Compensation.
4. Forward one copy of the Application Memo for VIC Compensation and reports to the nominated solicitor with a standard letter:
 - requesting the solicitor to act on behalf of the Minister;
 - requesting an assessment of the matter in relation to its chance of success;
 - nominating the child's worker as 'next friend'; and
 - outlining Families SA responsibilities in relation to payment of disbursements.
5. Receive advice from the Solicitor in relation to the likely success of application and issue further instructions to the solicitor in accordance with that advice..
6. Return Type 44 sub-file to the worker
5. Periodically review the progress of all cases sent to District Locations from Manager, Customer Relations Unit.
6. Provide further instructions to the solicitor where necessary.
7. Liaise with Supervisors/Managers in relation to settlement offers.
8. Keep central database of VIC compensation claims.