

# Safety Action Meeting Manual



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## Definitions

<b>ADVO</b>	Apprehended Domestic Violence Order
<b>CALD</b>	Culturally and linguistically diverse
<b>Central Referral Point</b>	An electronic platform hosted by Victims Services NSW that facilitates referral of domestic violence victims to support services
<b>DCJ</b>	NSW Department of Communities and Justice (formerly known as FACS – Department of Family and Community Services) <ul style="list-style-type: none"> <li>• DCJ – Child Protection</li> <li>• DCJ – Housing</li> </ul>
<b>Delivery Board</b>	Domestic and Family Violence Reforms Delivery Board, the executive body responsible for overseeing implementation of the NSW Government Domestic and Family Violence Framework for Reform
<b>DFV</b>	Domestic and Family Violence
<b>DVLO</b>	Domestic Violence Liaison Officer, NSW Police Force
<b>DVSAT</b>	Domestic Violence Safety Assessment Tool. The DVSAT has been developed to help service providers consistently and accurately identify the level of threat to domestic violence victims. There are two versions of the DVSAT – one for NSW Police Force and one for all other service providers (non-Police DVSAT).
<b>Domestic violence*</b>	Domestic and family violence includes any behaviour, in an intimate or family relationship, which is violent, threatening, coercive or controlling, causing a person to live in fear. It is usually manifested as part of a pattern of controlling or coercive behaviour. Domestic and family violence can include physical and sexual violence. It can also include verbal, emotional, social, psychological, and financial abuse, and other behaviours that limit a person’s freedom to think and act.
<b>Domestic relationship</b>	<p>The definition of “domestic relationship” pursuant to section 5 of the <i>Crimes (Domestic and Personal Violence) Act 2007</i> (NSW) is broad. It includes relationships where two people are, or have been, married or in a de facto relationship, regardless of whether there has been an intimate personal relationship between them.</p> <p>“Domestic relationship” also includes people living in the same household or in the same long-term residential facility at the same time and people in a relationship involving ongoing paid or unpaid care.</p> <p>A person who is or has been a relative of the other person is also considered to be in a “domestic relationship”, and relatives can refer to parents and step-parents, parents-in-law, siblings, uncles and aunts, nephews and nieces, cousins and grandparents.</p> <p>In the case of an Aboriginal and/or Torres Strait Islander peoples, a “domestic relationship” also includes the extended family or kin of the person according to the Indigenous kinships system of the person’s culture.</p>

<b>Family relationship</b>	<p>People who are related to one another through blood, marriage or de facto partnerships, adoption and fostering relationships, sibling and extended family relationships. Family relationships include the full range of kinship ties in Aboriginal communities, extended family relationships, and constructs of family within lesbian, gay, bisexual, transgender, intersex or queer communities</p> <p>People living in the same house, people living in the same residential care facility and people reliant on care may also be considered to be in a domestic relationship if their relationships exhibit family-like dynamics</p>
<b>Intimate relationship</b>	<p>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</p>
<b>Safer Pathway</b>	<p>An integrated model of service delivery for domestic violence victims developed as part of the NSW Government Domestic and Family Violence Framework for Reform, including the Central Referral Point, LCPs and SAMs</p>
<b>LGBTIQ</b>	<p>Lesbian, gay, bisexual, transgender, intersex and queer</p>
<b>LCP / LSS**</b>	<p>Local Coordination Point. One of a network of local services providing female victims of domestic violence with threat assessment, case coordination and referral to a SAM if necessary. Women's Domestic Violence Court Advocacy Services (WDVCASs) host LCPs</p> <p>Local Support Service. One of a network of local services providing male victims of domestic violence with threat assessment, case coordination and referral to a SAM if necessary</p>
<b>Non-regular SAM attendee</b>	<p>A service provider that attends a SAM on an occasional basis, for the discussion of a particular victim only</p>
<b>PAC</b>	<p>Police Area Command</p>
<b>PD</b>	<p>Police District</p>
<b>Police</b>	<p>NSW Police Force</p>
<b>Protocol</b>	<p>Domestic Violence Information Sharing Protocol</p>
<b>Reforms</b>	<p>NSW Government Domestic and Family Violence Framework for Reform</p>
<b>RDVC</b>	<p>Regional Domestic Violence Coordinator, NSW Police Force</p>
<b>Regional domestic and family violence forums</b>	<p>Regional bodies comprising representatives of key government and non-government service providers established to monitor and support all elements of the Reforms</p>
<b>SACP</b>	<p>Sexual Assault Communication Privilege</p>
<b>Safer Pathway Steering Group</b>	<p>The group of key government agencies responsible for implementing the <i>Safer Pathway</i> service delivery model</p>

<b>SAM</b>	A regular meeting of local government and non-government service providers that aims to prevent or lessen serious threats to the safety of domestic violence victims through targeted information sharing and responsive, timely and targeted actions.
<b>SAM Coordinator</b>	The LCP worker responsible for organising SAMs in the local area, including circulating agendas and recording actions arising from meetings
<b>SAM member</b>	A regular attendee of SAMs in a local area
<b>Safety Action Plan</b>	A list of targeted, time-specific actions developed at a SAM to prevent or lessen a serious threat to the life, health or safety of a domestic violence victim and their children. Safety Action Plans include actions for service providers, not victims
<b>Service provider</b>	A government agency or non-government organisation that provides a service to domestic violence victims or perpetrators. Service providers include specialist domestic violence services (e.g. a domestic violence case management service) and generalist services (e.g. a medical centre or school)
<b>Victim/s</b>	This refers to adult victims and their children
<b>Warm referral</b>	A referral made by a service provider on behalf of a victim. Warm referrals involve contacting a service provider for a victim, rather than providing the victim with information and recommending that they contact the service provider directly. This initial referrer should follow up to check if the client has engaged with the service provider
<b>WDVCAP Unit</b>	Women's Domestic Violence Court Advocacy Program Unit within Legal Aid NSW. The WDVCAP Unit provides contract management, training and mentoring for WDVCSs and LCPs. The WDVCAP Unit is also responsible for SAM training and mentoring across NSW
<b>WDVCAS</b>	Women's Domestic Violence Court Advocacy Service

\*Where the term 'domestic violence' is used throughout this manual, this may mean both domestic and/or family violence.

\*\*Where the term LCP is used, for operational reasons this also includes the LSS unless explicitly stated otherwise.

# Foreword

Safety Action Meetings (SAMs) are held across the state as part of the NSW Government Safer Pathway initiative.

Domestic violence affects people from all backgrounds and communities. It requires an integrated, collaborative response from government and non-government service providers.

Research has shown that a lack of information sharing between service providers can prevent victims from receiving effective and timely support and is a contributing factor in domestic violence-related deaths.

SAMs aim to address this by facilitating information sharing between service providers in order to prevent or lessen serious threats to the life, health or safety of domestic violence victims and their children.

This manual provides a guide for the purpose and operation of SAMs, and the roles and responsibilities of SAM members.

Service providers should read the manual in conjunction with the Domestic Violence Information Sharing Protocol (the Protocol). The Protocol provides guidance about sharing information in domestic violence cases under Part 13A of the *Crimes (Domestic and Personal Violence) Act 2007*. Service providers may also refer to *Chapter 16A of the Children and Young People (Care and Protection) Act 1998*.

The manual is maintained by Legal Aid NSW in collaboration with key government agencies, including the Department of Communities and Justice, NSW Police Force and Women NSW.

Legal Aid NSW extends its thanks to partner agencies and the other members of the Domestic and Family Violence Reforms Delivery Board.

The manual reflects a shared commitment to improving the response to domestic violence in NSW through increased information sharing and collaborative service provision.

Legal Aid NSW gratefully acknowledges the Office for Women, South Australia, as the original source of much of the material that has been adapted for this manual.

## SAMs at a glance

### Before a SAM

- Service providers assess threat to a victim using the Domestic Violence Safety Assessment Tool.
- Victims 'at serious threat' are referred to a Local Coordination Point (LCP) and contact is attempted.
- LCP circulates the SAM agenda to members at least 3 days before a meeting.
- SAM members search internal databases for relevant information about victims, their children and/or perpetrators.



### At a SAM

- Members sign a confidentiality agreement and disclose any conflicts of interest.
- Members share information to develop targeted Safety Action Plans to reduce the threat to victim safety.



### After a SAM

- LCP contacts the victim about SAM outcomes.
- Members implement actions. Members communicate outside of meetings (business as usual) where necessary, and advise the SAM Coordinator when actions are completed.
- Victims remain on the agenda until the next SAM.



### Case closure

- Victims are removed from the agenda when actions are implemented, the threat to their safety has been reduced or there is no further action for the SAM to take.
- Victims can be re-referred in future if needed.



# 1. Introduction

## 1.1 Overview

SAMs are regular meetings of local service providers that aim to prevent or lessen serious threats to the safety of domestic violence victims and their children through targeted information sharing. Members share information to develop tailored, time-specific Safety Action Plans to reduce threat.

SAMs are chaired by a senior police officer and attended by key government and non-government service providers working with domestic violence victims and perpetrators in the local area.

This manual is designed to provide a clear guide to the purpose and operation of SAMs, and the roles and responsibilities of SAM members. The manual will be reviewed and updated as required.

The manual is an operational document designed to assist service providers in practice. It is not a legal document. SAMs do not result in legally binding orders or documents. However, the manual reflects legal requirements regarding information sharing in domestic violence cases set out in the [Domestic Violence Information Sharing Protocol](#) (the Protocol).

The examples provided in this manual are for illustration purposes only and are not an exhaustive representation of domestic violence situations or actions arising from SAMs.

## 1.2 Terminology

Both women and men can be victims of domestic violence and both women and men can be perpetrators of domestic violence. However, the majority of victims are women and the majority of perpetrators are men. This manual uses gendered language in recognition of the fact that women will form the majority of victims considered at SAMs.

The term 'client' is used throughout this document wherever possible to refer to people experiencing domestic and/or family violence. Legal Aid NSW acknowledges the strength and survival of people who have experienced, or who are experiencing, domestic and family violence. Use of the term 'victim' in some instances is not intended to imply disempowerment of people experiencing domestic and family violence.

The manual 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).

## 1.3 Aim and objectives

SAMs aim to prevent or lessen serious threats to the life, health or safety of domestic violence victims and their children. By sharing information, members put together a comprehensive picture of each victim's situation and develop a Safety Action Plan based on this picture.

A Safety Action Plan is a list of actions that service providers can take to reduce the threat to a victim's safety. Safety Action Plans only include actions for service providers, not victims. The guiding idea behind SAMs is that, generally, no single service provider has a complete picture of a victim's situation, but all may have information or insights that are crucial to determining the victim's safety. By sharing information to build a comprehensive understanding of each victim's situation, SAMs enable service providers to take more effective action.

The objectives of SAMs are to:

- reduce the incidence of domestic violence-related deaths, illness, injury and disability;
- prioritise responses to victims assessed 'at serious threat' and their children;
- reduce repeat victimisation;
- reduce re-offending by perpetrators;
- manage threats collaboratively across relevant service providers;
- improve service provider accountability for their response to victims, children and perpetrators; and
- increase the safety of staff working with victims and perpetrators.

Victims do not attend SAMs; nor do perpetrators. This is because the meetings are designed for service providers to commit to actions to support victims and reduce the threat to their safety. The meetings are not case management meetings; they do not result in a plan or document with which a victim must comply. Information about victims is never disclosed to perpetrators.

SAMs do not follow a case management framework. The actions arising from the meeting are generally short-term actions aimed at reducing the threat to the victim and their family **right now**.

### Benefits of SAMs

- A comprehensive picture of a victim's situation including, threats or foreseeable risks to their safety and support required for them.
- Responses to victims at serious threat are prioritised and provided in a coordinated way.
- An integrated response to domestic violence is promoted, where all service providers are 'at the table', instead of a fragmented, 'siloes' approach.
- Service providers working with victims or perpetrators are held to account for completing any specific actions agreed at SAMs.
- Collaborative and trusting working relationships between service providers are fostered and maintained, with benefits for victims of domestic violence generally.
- A shared understanding of domestic violence and indicators of threat is developed.

## 1.4 Background

SAMs are based on successful initiatives in the United Kingdom and South Australia. Evidence from these and other jurisdictions has shown that information sharing is vital to providing coordinated support to victims and to preventing domestic violence-related deaths.

As of 1 November 2018, SAMs are operational across NSW as part of the whole-of-government Reforms that aim to improve the NSW response to domestic violence.

A key component of the Reforms is a new model of service delivery for domestic violence victims, Safer Pathway. SAMs are one element of this model. The other elements are:

- a standardised tool for assessing the level of threat to victims, the Domestic Violence Safety Assessment Tool (DVSAT);
- a streamlined referral pathway for all victims via the Central Referral Point (CRP), an electronic platform that receives referrals for victims from the NSW Police Force and allocates them to a Local Coordination Point (LCP) based on their gender and postcode;
- consistent access to coordinated support via a network of LCPs, which are local services that provide victims with threat assessment, case coordination, safety planning and referral to a SAM if necessary.

For more information about the DVSAT, refer to the [DVSAT Guide](#).

## 2. Information sharing

### 2.1 Legal framework

Part 13A of the *Crimes (Domestic and Personal Violence) Act 2007* allows service providers to share information for the purpose of providing victims with domestic violence support services, and for the purpose of preventing or lessening a serious threat to a persons' life, health or safety. This includes information about a victim or her children, the perpetrator or another person.

Information related to a child or young person can also be shared in accordance with Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* (Chapter 16A).

#### Practice tip

Information shared at a SAM relating to a child or young person is considered to have been shared under Chapter 16A for legal purposes.

The Protocol explains when and how information may be shared under Part 13A. SAM members must comply with the Protocol at SAMs and in regard to any matter relating to a meeting.

For more information, refer to the Protocol.

### 2.2 Consent

It is best practice to seek a victim's consent before sharing their information with another service provider, including at or in relation to a SAM.

However, in certain limited circumstances Part 13A allows service providers to share information without a victim's consent where it is necessary to prevent or lessen a serious threat to their safety, or the safety of their children or other persons.

For more information refer to Section 3.3 and the Protocol.

### 2.3 Information sharing at SAMs

Information sharing at SAMs is restricted to that which is necessary to prevent or lessen a serious threat to the life, health or safety of victims, their children or other persons.

SAM members may only share accurate information that is relevant to the current issue of the safety of a victim and her children, and the actions needed to prevent or lessen that threat.

For example, information relating to an individual's medical condition, past criminal history, or past medical history should not be shared unless it is directly relevant to the current threat posed to a victim's safety and the actions necessary to prevent or lessen that threat.

Each member is responsible for decisions about what information they consider reasonably relevant and necessary to share. Information shared may include, but is not limited to, details of the victim, perpetrator, children and/or other persons; a service provider's interaction with the victim, perpetrator and/or children; previous incidents of domestic violence; relevant court or child protection proceedings; and any recognised domestic violence risk indicators.

### **Example – Only sharing information that is relevant to the current threat to a victim's safety**

Shannon is a repeat victim of domestic violence, first perpetrated by her father and then later by two abusive partners. Anna is a manager who attends the local SAM on behalf of a family support service that has worked with Shannon over a number of years.

Recently, Shannon was hospitalised following a serious assault at the hands of her current partner Barry and referred to the SAM. At the meeting, Anna advises the other members about her service's recent engagement with Shannon and actions they can take to reduce the current threat to her safety. Anna mentions that Shannon is a long-term victim of domestic violence but does not go into detail about her past abusive relationships or medical history.

### **Example – Only using information gained at a meeting for the purpose of reducing a serious threat to a victim's safety**

Tracy is a social worker who attends the local SAM on behalf of Community Mental Health (CMH). Georgina is listed on the agenda as 'at serious threat' as she is experiencing domestic violence from a previous partner. Tracy learns at the SAM that Georgina's ex-partner is withholding her medication required for the treatment of her schizophrenia. Tracy identified that Georgina has been a previous client of her service for the treatment of Schizophrenia.

As CMH had a positive relationship with Georgina, Tracy offers an action for attempting to re-engage with Georgina considering the current safety concerns raised. Considering the information shared about her ex-partner withholding her medication, Tracy proposes a safety plan for Georgina's medication. Tracy attends the next handover at the local mental health clinic Georgina has attended in the past.

At the following SAM Tracy advises that Georgina has positively re-engaged with the clinic. The safety plan for Georgina's medication is now in place and measures to reduce her social isolation have been taken.

## 3. Before a SAM

### 3.1 Threat assessment

*At serious threat* means there is information or 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 can be identified as 'at serious threat' using the DVSAT, another recognised threat assessment tool, or professional judgement.

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.

For more information about the DVSAT, refer to the DVSAT Guide.

### 3.2 Referral to a SAM

#### 3.2.1 Overview

All domestic violence victims, whether female or male, identified as "at serious threat" aged 16 or above in New South Wales should be referred to a SAM.

To be included on the agenda for a SAM, victims must be referred to the LCP. The LCP provides secretariat support for the meetings.

If Police assess a victim as 'at threat' or 'at serious threat' due to domestic violence, they automatically refer them to the relevant LCP or Local Support Service (LSS) via the Central Referral Point, an electronic platform that allocates victims on the basis of gender and postcode.

If another government agency or non-government service provider assesses a victim as 'at serious threat', they should refer the victim directly to the relevant LCP by telephone or email. Service providers are encouraged to use the SAM Referral Form (Appendix A). These referrals are sometimes known as 'community referrals'.

The LCP/SAM Coordinator is responsible for ensuring that all victims 'at serious threat' are placed on the agenda for the next SAM.

**Remember – Any government or non-government service provider can refer a victim at serious threat to a SAM, not just Police. Non-Police referrals should be sent directly to the SAM Coordinator.**

If you wish to refer a victim to a SAM, it is important to consider whether they are currently 'at serious threat'. There may be victims with a long history of experiencing domestic violence who have complex needs, but who are not currently at serious threat due to domestic violence. For example, a person who is experiencing homelessness due to issues unrelated to a domestic violence incident should not be referred to a SAM. It is vital that SAMs remain focused on those victims who are currently at serious threat due to domestic violence. If you are unsure about making a SAM referral, you should call the SAM Coordinator to discuss the matter.

### 3.2.2 Local Coordination Point threat assessment and re-grading

The LCP completes a threat assessment using the DVSAT with every victim referred to it when possible. The only exception is where a victim is referred to the LCP by another service provider solely for the purposes of being added to the SAM agenda. In these cases, the LCP will not contact the victim to redo the DVSAT, as the victim is already engaged with the other service provider who has completed the tool / made the 'serious threat' assessment.

However, the SAM Coordinator will assess the referral in collaboration with the DVLO or the referring agency as appropriate, to ensure that the 'at serious threat' assessment is accurate.

Where a victim has been referred by Police, this second DVSAT allows the LCP to determine if there is any information that the victim did not disclose to Police at the time of an incident, or if anything has changed since the time the Police DVSAT was completed. The second DVSAT may indicate a lower or higher level of threat.

If the victim was assessed as 'at threat' on the incoming referral but is now assessed as 'at serious threat', the LCP can upgrade the victim's matter and place it on the SAM agenda. The LCP should advise the relevant DVLO so that they can prepare for discussion of the matter at the SAM.

If the victim was assessed as "at serious threat" on the incoming referral, but is now assessed as "at threat", the LCP should:

- call the relevant DVLO to discuss re-grading the matter to 'at threat'. Matters can only be downgraded if the victim is no longer 'at serious threat' (e.g. the perpetrator is in custody) or the SAM can offer no further benefit (e.g. the matter has been discussed at the SAM multiple times and there is no further collective action the SAM can offer).
- if the DVLO agrees to the re-grade, the victim should be listed on the SAM agenda in the 'Re-grade' section so that all SAM members are aware of the matter. This ensures transparency about 're-grade' decisions and allows members to raise concerns if needed. For example, a member could see a victim on the list about whom they have serious safety concerns and ask that the victim be re-added to the main agenda.

- Ensure the victim is connected with support for their ongoing needs.

SAM referrals from service providers other than Police may be re-graded to 'at threat' by the SAM Coordinator and DVLO if the victim is not determined to be 'at serious threat' at the present time. Where this occurs, the SAM Coordinator will liaise with the referring service provider prior to the SAM.

A decision to re-grade a matter prior to a SAM is not taken lightly. However, there are complex cases in which the SAM can offer no further benefit. It is important to remember that SAMs are not a case management forum, and that agencies and services must continue to provide support to victims taken off the SAM agenda as part of their business as usual practice.

### **Issues to consider if re-grading a referral to 'at threat' prior to a SAM**

A referral may only be re-graded to 'at threat' prior to a SAM if the LCP and DVLO agree. Discussions about potential re-grades should be held by telephone. It is not necessary for DVLOs and SAM Coordinators to meet in person regarding potential re-grade matters or hold 'pre-SAM meetings'.

Things to consider when deciding whether or not to re-grade a matter include:

- Has the LCP been able to make contact with the victim?
- Is the victim willing to engage with services?
- Is there a current ADVO in place? When does it expire?
- What are the conditions of the ADVO? Are they the most appropriate conditions for the victim given the current situation?
- Is the perpetrator on bail? What are the bail conditions? Are they suitable in the circumstances?
- Is the perpetrator in custody? If so, for how long?
- Is the perpetrator currently wanted by Police? Is there a warrant in existence for the perpetrator's arrest?
- Is the perpetrator currently being supervised by Community Corrections?
- Is there a safety plan in place for the victim and her children?
- What are the current living arrangements for the victim, children and perpetrator? Are the victim and/or her children homeless?
- Is security adequate at the victim's residence?
- Do the victim and her children have support? Are children attending school/childcare?
- Is the victim willing and able to contact police in case of a further domestic violence incident?
- Are there any issues preventing the victim from leaving the perpetrator – e.g. care arrangements for children?



It is not appropriate to 'automatically' re-grade matters to 'at threat' without considering the specific circumstances of each case. For example, it would not be appropriate to automatically re-grade all matters in which the perpetrator is refused bail. Although there are cases where the threat to a victim's safety has been significantly reduced by the perpetrator being in custody, there are also cases in which the threat level still remains high, or in which the perpetrator will only be in custody for a very short period of time.

LCPs cannot re-grade matters for male victims. This is the role of the LSS. Refer to section 7.7.2 for more information.

### 3.2.3 Re-graded matters

Any matter re-graded to 'at threat' prior to a SAM must be listed on the SAM agenda for noting. This is to ensure transparency regarding re-grade decisions, and to enable SAM members to raise concerns if they believe a re-graded victim is in fact still 'at serious threat' in a re-graded matter.

Re-graded matters must be listed on the SAM agenda after existing and new 'serious threat' referrals and discussed by exception. This means that the Chair should note the matters for the group's consideration and ask if anyone has any concerns about the matters. If a member believes that a matter involves a victim who is still 'at serious threat', the matter should be discussed fully (as a new matter would be discussed).

### 3.2.4 Information searches for re-graded matters

SAM members are encouraged to conduct information searches for re-graded matters on the SAM agenda wherever possible. This practice is consistent with Part 13A of the *Crimes (Domestic and Personal Violence) Act 2007*.

SAM members can and should share information about re-graded matters where it is relevant to reducing a serious threat to someone's safety. Although re-graded matters may no longer be considered 'at serious threat' by the LCP and DVLO, the purpose of listing them on the SAM agenda is to ensure that other members have an opportunity to share information if they think the victim is still 'at serious threat'.

### 3.2.5 SAM matters involving a young person using violence

In order to be referred to a SAM, a matter must involve a victim aged at least 16 years or older and a 'perpetrator' or 'other party' aged at least 10 years or older. (Please note: where a young 'person of interest (POI)' is under the age of 10 years, they should not be listed on the SAM agenda.) This is because Police complete the DVSAT with all domestic violence victims aged 16 or older, where the 'POI' is aged 10 or older. As such, there may be matters on a SAM agenda involving a young person between the ages of 10 and 15 using violence.

Such matters are likely to involve children with complex needs, such as children with behavioural, mental health or drug and alcohol issues, or children with a cognitive impairment. For this reason, the dynamics of the violence and power relationships involved will be very different to matters involving abuse by an adult, especially an intimate partner or ex-partner.

Given this, SAM members should use the term ‘young person’ rather than ‘POI’ or ‘perpetrator’ in these cases. In addition, while members should remain focused on the victim’s safety in such matters, members should also consider actions that seek to address the young person’s underlying needs. The nature of these matters means that a strict focus on ‘perpetrator accountability’ is not appropriate and responses should be based on the ‘young persons’ needs and that agencies should work together to respond to these needs.

### Practice tip for SAM Coordinators

If you receive an ‘at serious threat’ referral involving a young person using violence, you should:

- liaise with the relevant DVLO to see if the Police Child Well-being Unit has made any referrals for the family or young person;
- make appropriate referrals for both the victim and the young person; and
- where available, refer the matter to a child-focused or youth-focused interagency meeting. If the matter is referred to a youth-focused interagency, you can consult with the DVLO to consider re-grading it to ‘at threat’ prior to the SAM.

If the matter is listed on the SAM agenda, you should consider inviting Youth Justice to attend the meeting for the matter if they have any involvement with the young person.

### 3.2.6 Cases in which a SAM member is listed as a victim or perpetrator on an agenda

There may be cases in which a SAM member is identified as ‘at serious threat’ and referred to a meeting. Similarly, there may be cases in which a SAM member is identified as the alleged perpetrator in relation to a matter on the SAM agenda. These cases are complex and must be dealt with sensitively.

If a member is identified as a victim ‘at serious threat’, the LCP should speak with them about whether they want the matter listed on the SAM agenda. If the member is not comfortable with this, the LCP should liaise with the Police out of session instead in order to address safety issues. The LCP should also liaise with other key SAM members to facilitate any actions needed to reduce the threat to the victim’s safety (e.g. alternative accommodation). This approach should ensure that safety concerns are addressed while the victim’s confidentiality is maintained as far as possible.

If a member is identified as an alleged perpetrator in relation to a victim ‘at serious threat’, the LCP should deal with the matter out of session by liaising with Police and key SAM members as needed. In order to reduce the threat to the victim’s safety, it may be necessary to liaise with the agency or service for which the alleged perpetrator works. For example, the alleged perpetrator may work for the only housing provider in the local area, and the victim may require accommodation. In these cases, the LCP should deal with the agency or service’s executive, rather than the member. Please note all efforts should be taken to ensure victims’ discussions are not shared with perpetrators.

Where a member is identified as a perpetrator of domestic violence, the SAM Chair should consider whether the member should continue attending the SAM. It is highly unlikely that a person who uses violence in their personal life fully recognises the fundamental unacceptability of all domestic violence and acknowledges its impact upon victims. All SAM members must possess this understanding in order to participate. As stated in section 3.1.5, the SAM Chair may terminate a person's role as a SAM member. If this decision is taken, the SAM Chair should make a written record and liaise with the SAM Coordinator to seek a suitable replacement for the member. If a SAM Chair is identified as a perpetrator, the SAM Coordinator should notify Legal Aid NSW and seek assistance from the Commander of the relevant Police PD or PAC.

### Referrals to a SAM - Examples

1. Police are called to an incident at Kaylee and Brandon's house. Using the DVSAT, the Police assess Kaylee as 'at serious threat' and refer her to the Central Referral Point. The Police also apply for an ADVO on her behalf and charge Brandon with assault.
2. The Central Referral Point allocates Kaylee to the LCP that services her town, Orange. The LCP undertakes a comprehensive threat assessment with Kaylee and confirms the initial assessment of 'at serious threat'. Kaylee is placed on the agenda for the next SAM.
3. Due to reports by teachers at school, DCJ has opened a case file for Jenny and her family. The teachers state that Jenny's son Connor and daughter Amelia sometimes come to school with minor bruises and are often absent. A caseworker talks to Jenny, who discloses that her husband Terry, who has a substance use disorder involving alcohol, physically abuses her in front of the children.
4. While continuing to work with Jenny regarding her children, the caseworker seeks Jenny's consent to refer her to the LCP for support. Jenny accepts the offer of assistance. When an LCP worker speaks to Jenny, Jenny says that the family is experiencing intense stress due to Terry losing his job, and that his drinking is increasing and he is becoming more violent. The worker assesses Jenny as 'at serious threat' and places her on the agenda for the next SAM.
5. Belinda brings her three young sons to playgroup at the local family support service. The workers there suspect that Belinda is being abused by her partner Tim. They ask Belinda if she will let them refer her to the LCP for help and she agrees. The LCP assesses Belinda as 'at serious threat' and places her on the agenda for the next SAM.

### 3.2.7 Wrongly identified perpetrators

Sometimes the primary perpetrator and primary victim in a domestic violence situation can be wrongly identified. If the LCP suspects that this has occurred, it should contact the referring service provider for more information. Where a primary perpetrator has been incorrectly identified as a 'victim' 'at serious threat' they do not need to be placed on the SAM agenda. The LCP should close the matter on the

CRP and record that the reason for closure was that the victim was wrongly identified, that the referring service provider has been notified and if appropriate, that the correct referral has been received.

### Examples – Wrongly identified perpetrators

- Mike receives a call from a male victim service provider following a Police referral. Mike states that he has left the family home after an “altercation” with his wife, Rebecca. Mike reports that his wife has a substance abuse problem and raises concerns about her parenting, stating that she is often unable to care for the children due to intoxication. More generally, Mike says Rebecca frequently throws things around the house and has attacked him using household implements.

Upon questioning by the worker from the service, Mike indicates that he has successfully “disarmed” and “restrained” Rebecca in the past, but only “when necessary”. Mike states that he keeps a gun in the house and has been feeling depressed lately. Mike also blames Rebecca for losing his job.

The worker completes the DVSAT with Mike and establishes that he is safe. Given the concerns raised about Mike and Rebecca’s children, the worker makes a report to the Child Protection Helpline. Using professional judgement, the worker assesses Rebecca as ‘at serious threat’. As there is no safe way to contact her to seek consent, the worker refers Rebecca to a LCP for support without consent. The LCP contacts Rebecca and confirms the assessment of ‘at serious threat’. Rebecca is placed on the agenda for the next SAM.

- Police are called to an incident at Lucy and Julie’s house. On arrival, they find that both sisters have serious injuries – Julie has stab wounds to the leg and Lucy has serious bruising to her face and neck. Lucy and Julie appear heavily intoxicated, and neither will speak to Police. Given the nature of the incident, Police use their professional judgement to assess Julie as ‘at serious threat’ and Lucy as ‘at threat’ and refers them both to the Central Referral Point.

The Central Referral Point refers Julie and Lucy to an LCP. When the LCP speaks with Lucy, she discloses Julie’s long history of extreme violence towards her. Lucy states that she thought Julie was going to kill her that night before the Police arrived and only stabbed her in self-defence. The LCP identifies Lucy ‘at serious threat’ and places her on the agenda for the next SAM. The LCP also contacts the Police to discuss regrading Julie’s matter or discussing the two referrals as one matter at the SAM.

### 3.3 Consent to referral

It is best practice to seek a victim's consent before sharing their information with another service provider, including for the purpose of making a referral to a SAM.

However, in certain limited circumstances the Protocol allows service providers to share information without a victim's consent where it is necessary to prevent or lessen a serious threat to her safety, or the safety of her children.

If a service provider assesses a victim 'at serious threat' and it is necessary to make a referral for them to a SAM, the service provider must seek the victim's consent unless it is unreasonable or impractical to do so. For example, it is not necessary to seek consent if doing so would increase the threat to the victim's safety or if the victim is in hospital and cannot communicate due to serious injuries.

If a victim refuses consent for referral to a SAM, a service provider may make the referral without consent if the matter is assessed as 'at serious threat' and sharing information at the SAM is necessary to prevent or lessen the threat. The service provider should explain this to the client and must record this decision and the reasons why it was made.

Where a victim is assessed as 'at serious threat' and is reluctant to give consent, the LCP should try to build rapport and provide helpful information about a SAM. For example, the LCP worker could explain the purpose of the SAM, who will attend and possible outcomes from the meeting. The SAM Coordinator notes whether each victim on the agenda for a SAM has consented to the referral. Members should take a victim's decision about consent into account when developing a Safety Action Plan for them.

Where victims 'at serious threat' have children in their care, service providers who are prescribed bodies may share information under Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*.

The perpetrator's consent is **never sought** and is **not required** for information sharing at a SAM. For more information, refer to the Protocol.

#### Example – Consent granted for referral to a SAM

Danielle has recently left her abusive partner Hugh and is currently accommodated in a women's refuge. A caseworker at the refuge completes the DVSAT with Danielle on admission and assesses her as 'at serious threat'. Danielle consents to being referred to the LCP.

Because Danielle is already working closely with the refuge caseworker, the LCP does not provide Danielle with case coordination, but does seek Danielle's consent for referral to the next SAM. Danielle agrees and is placed on the agenda.

### Example – Consent declined for referral to a SAM

The LCP has been working closely with Thani for several weeks, making warm referrals to a range of service providers for her ongoing needs. The LCP is about to close their file on Thani, as she has been successfully referred to a case management service, when her ex-boyfriend Leon is released from prison and begins to harass and threaten her again.

The LCP reassesses the level of threat to Thani's safety and identifies her as 'at serious threat'. A worker seeks Thani's consent for referral to a SAM but she refuses, saying it will cause more trouble with Leon. After discussing the situation carefully with Thani, the worker explains that she will still be referred to the SAM because the LCP has grave concerns for her safety. Thani is placed on the agenda for the next SAM.

## 3.4 Preparing the SAM agenda

### 3.4.1 Overview

The SAM Coordinator collates the names of victims identified as 'at serious threat' and places them on the agenda for the next SAM. The SAM agenda is created in an electronic format via the CRP by the SAM Coordinator.

The SAM Coordinator circulates the agenda from a secure work email address to all members at least three business days prior to the meeting so that members can conduct information searches regarding matters on the agenda. The SAM Coordinator provides the name, date of birth and address of the victim, any children and the perpetrator to enable members to conduct information searches. The agenda also notes whether each victim has consented to their matter being considered at the meeting.

### Practice tip – Who receives the SAM agenda?

The SAM Coordinator will maintain an email list of all standing SAM members, and use this list to circulate the agenda and record each fortnight. Members must have an individual, secure email address, such as `firstname.lastname@organisation.org.au`. It is not appropriate for members to use a generic address such as `intake@organisation.org.au` due to the sensitivity of SAM information.

In addition, generally there is no need for proxies or occasional attendees to be on the email list. Members are responsible for providing their proxies with SAM information when they cannot attend a meeting. It is also not appropriate for services to be on the list solely for the purpose of checking whether they are currently working with any of the people listed on the agenda. It is important that SAM agendas and records are only circulated to standing members so that sensitive information is not distributed unnecessarily.

Members should establish what information is held by their service provider about each victim, any children and associated perpetrators and bring all relevant information to the SAM. Members are not required to bring comprehensive case notes or files to meetings unless these are directly relevant.

Members should not wait until the SAM to take appropriate action if they have sufficient information to reduce the threat to the victim independently once the agenda has been circulated.

#### **Practice tip – How far back should I search?**

SAM members may have records relating to a victim, perpetrator or child on a SAM agenda that span many years. Searching all of these records for each matter on a SAM agenda would be very time consuming. Therefore, it is recommended that members search for relevant information from at least the **last twelve months** in their records. However, some issues such as mental health issues, may require searches of older information.

### **3.4.2 Information relating to children**

Information relating to children, such as names and dates of birth, must be included on the SAM agenda so that members can search their systems for any relevant information regarding victims and their children.

In many instances the LCP does not receive information relating to a victim's children with an initial referral. Where this is the case, the LCP should liaise with the relevant Police DVLO to obtain children's information prior to circulating the agenda. It is the shared responsibility of all SAM members to proactively share information about children where SAM members realise it is missing from SAM agendas, and email relevant information to the SAM Coordinator prior to the next SAM.

There may be cases in which a SAM member receives the agenda for a forthcoming SAM and notices that they have information regarding children that are not currently listed on the agenda (the names of a victim's children). If possible, the member should advise the SAM Coordinator so that the agenda can be updated and re-circulated. This may enable other members to search their records under the children's names prior to the SAM (e.g. DCJ and Education).

### **3.4.3 Communication with victims prior to a meeting**

Unless it is unreasonable or impractical to do so (e.g. it will increase the threat to victims' safety), victims 'at serious threat' must be informed about a forthcoming SAM.

Communication with a victim about a meeting is generally undertaken by the LCP, unless another service provider is already working closely with a victim, in which case that service provider may communicate with the victim about the meeting.

### Examples – How the SAM process differs depending on whether the victim is already working with a service

- Matilda regularly attends the local neighbourhood centre with her two children and has developed a strong rapport with a caseworker connected to the centre. The Police attend an incident at the home of Matilda and her husband Mohammed. They assess Matilda as ‘at serious threat’ due to Mohammed’s violent behaviour, and refer her to the LCP.

When the LCP speaks with Matilda it is clear that she is working closely with the neighbourhood centre and does not require case coordination from the LCP. The LCP speaks with Matilda’s caseworker and the caseworker agrees to attend the SAM to provide the most up-to-date information about Matilda’s situation, and liaises with Matilda about the meeting. After the meeting, the caseworker explains the outcomes to Matilda.

- Sally lives on a remote property with her abusive father Duncan and her young daughter Bonnie. Sally has not told anyone about the violence she is experiencing. One day Duncan drinks heavily and threatens to shoot Sally and Bonnie. Sally and Bonnie lock themselves in a room and Sally calls the Police. In addition to undertaking their other standard procedures, when the Police arrive they assess Sally as ‘at serious threat’. Sally is referred to the LCP.

When a LCP worker contacts Sally, Sally explains that she hasn’t spoken to anyone else. The worker undertakes a threat assessment with Sally and provides case coordination. The LCP worker communicates information about the SAM to Sally before and after it has occurred.

Wherever possible, victims should be given a copy of the SAM Information Sheet (Appendix B). Service providers communicating with a victim should explain that:

- there are serious concerns for her safety, and that her consent is being sought for referral to a SAM;
- the purpose of the meeting, who will attend and what the outcomes of the meeting may be;
- if the victim has children, that service providers have certain child protection obligations they must meet;
- that she will not be directed to do anything as a result of the meeting; and
- if the victim refuses to give consent, the referral may still be made due to continuing concerns about the serious threat to her and her children’s safety.

If the LCP is communicating with a victim about a forthcoming meeting, they should ask the victim if they are working closely with a particular service provider.

If this is the case, they should consider whether it would be beneficial to ask the service provider to attend the meeting for the discussion of that particular victim.



The LCP should also consider whether any other service provider should be invited to attend a meeting for the discussion of a particular victim, or whether another service provider should be asked for information prior to a meeting.

For example, if a victim has children who attend a non-government school, a request for information could be sent to the school in line with the Protocol, as the Department of Education representative will not be able to advise the meeting in relation to those children.

## 4. At a SAM

### 4.1 Meeting Overview

SAMs are conducted by the Chair in accordance with the agenda. In general, meetings take the following form:

- Welcome, Acknowledgement of Country and introductions;
- Reading of the confidentiality agreement and signature by all members and observers;
- Disclosure of conflicts by members;
- Discussion of matters kept on the agenda from the previous meeting – Have outstanding actions been completed? Can the matter be removed from the agenda?
- Discussion of new matters –
  - Go around the table to ask each member if they have relevant information about the matter, and then go around the table a second time to ask if each member has any actions to offer;
  - Ask the SAM Coordinator to re-cap actions agreed for the matter; and
  - Ask whether members think the matter should be kept on the agenda for the next meeting; and
- Any other business and close.

The final decision to remove or retain a matter on the SAM agenda rests with the Chair. However, the Chair should seek members' views on each matter before making a decision and strive for consensus wherever possible.

#### **When can matters be removed from a SAM agenda?**

Matters can be removed if:

- (1) All actions have been completed and the threat to the victim's safety has been reduced;
- (2) All actions have been completed but the threat to the victim's safety has not reduced, however there is no further action that the SAM can offer collectively; or
- (3) Circumstances have changed and the victim is no longer 'at serious threat' (e.g. the perpetrator is in custody for a sufficient period of time).

### 4.1.1 Confidentiality

The Chair must read out the standard confidentiality agreement at the beginning of every SAM (Appendix C). All attendees present must sign the agreement. This is to ensure that attendees understand and abide by their obligations under the Protocol at all times.

Where attendees attend a SAM remotely, the Chair is permitted to obtain verbal agreement / consent at the beginning of the SAM. The SAM Coordinator should note this in the record.

### 4.1.2 Disclosure of conflicts

The Chair must ask members to disclose any conflicts at the beginning of each meeting. All members present must declare that no conflict of interest exists between themselves, their service and any of the victims on the agenda or disclose a conflict if one exists. Conflicts are **not** conflicts of interest in the legal sense. The term refers instead to anything that may prevent a member from maintaining a victim's confidentiality or participating in the development of a Safety Action Plan for a victim in an appropriate, unbiased manner.

Conflicts may include where a member is related to, is or has been in a relationship with, or is a friend of the victim, perpetrator or any other person directly involved in a matter.

If a member discloses a conflict, they must excuse themselves from the meeting for any discussion regarding the victim in question or nominate a proxy to attend the meeting on their behalf.

#### Examples – Disclosure of conflicts

- Marieke works for a local community health centre and regularly represents the centre at SAMs. One day Marieke receives the agenda for the next meeting and realises that her brother's partner Vicki is listed as a victim. When the Chair asks members to disclose any conflicts at the beginning of the meeting, Marieke explains the situation and leaves the room while Vicki's matter is being discussed.
- Janelle attends the local SAM on behalf of a family support service. It is the only family support service in the rural area in which the meeting is located. Janelle receives the agenda for the next meeting and notes that one of the victims, Ida, is the partner of a current family support service client, Nadine.

Janelle discusses the situation with her manager and advises the SAM Coordinator that she will not attend the meeting while Ida remains on the agenda. Instead, another worker from the service with no knowledge of Ida or Nadine will attend to ensure that Ida does not miss out on the support they can offer her. The service arranges for all files and documentation relating to the two people to be kept separate and secure.

### 4.1.3 How information shared at a SAM may be used

Information obtained at a SAM may only be used for the purpose of preventing or lessening a serious domestic violence threat to a victim, her children or other persons.

A service provider may receive information at a SAM about a victim or a perpetrator that potentially impacts upon a service it is providing to that victim or perpetrator, unrelated to domestic violence. The service provider cannot use the information received as evidence in respect of the unrelated matter. This is because the information was received by the service provider under the Protocol for a specific purpose only. Any service provider who shares information for an unrelated purpose is in breach of the Protocol.

There are two limited exceptions in which information shared at a SAM may be used for other purposes:

1. The Police have a legal obligation to protect persons and prevent offending, and to take action where a crime has been or is about to be committed. For this reason, the Police may on occasion be required to take action as a result of information shared at a SAM (e.g. to investigate an alleged breach of an ADVO). However, any action taken will consider the overall situation, the victim's needs, and the threat to her life, health or safety.
2. Service providers who are mandatory reporters under the *Children and Young Persons (Care and Protection) Act 1998* have obligations under that Act.

Where information shared at a SAM indicates that a child or young person is at risk of significant harm due to abuse or neglect, the [Mandatory Reporter Guide](#) should be completed. If the Mandatory Reporter Guide indicates that it is necessary, a report to the Child Protection Helpline must be made.

SAMs do not replace or change these obligations. For more information about child protection refer to Chapter 8.

Similarly, if DCJ forms the opinion, on reasonable grounds, that a child or young person is in need of care and protection, it may take whatever action is necessary to safeguard or promote the safety, welfare and well-being of that child or young person.

It is important to note that SAMs enable members to build a comprehensive understanding of each victim's situation, her needs and the threats to her safety. If a service provider, such as DCJ, needs to take action in regard to child protection, the information shared at a SAM will help the agency to do so in an appropriate way.

In some cases, information may come to light at a SAM regarding potential threats to staff working with a victim or perpetrator on the agenda. SAM members can share information gained at a SAM in such situations if it is necessary to lessen or prevent a serious threat to a person's safety due to the commission, or possible commission, of a domestic violence offence. For example, a SAM member from an agency that conducts home visits with a victim may learn that the victim's violent ex-partner has returned to the victim's residence.

The SAM member can advise the relevant caseworker of this before they attend the next home visit.

### **Example – Only using information gained at a meeting for the purpose of reducing a serious threat to a victim’s safety**

Peter is a manager who attends the local SAM on behalf of a registered community housing provider contracted by the Department of Family and Community Services. One of the victims on the meeting agenda, Polly, lives in a social housing property managed by Peter’s community housing provider. Under her lease agreement Polly is not allowed to have anyone residing with her, but at the meeting Peter learns that Polly’s ex-partner and his brother have returned to the house. After the meeting Peter does not take action to penalise Polly for breaching the terms of her lease or for not declaring additional household income. Peter acknowledges Polly’s complicated situation and knows that he became aware of the information for one purpose only – to prevent or lessen the serious threat to her safety.

## **4.2 SAM Membership**

Service providers (government and non-government) nominate representatives as their SAM members. Members must be in a senior role with authority to commit to actions, prioritise matters and allocate resources on behalf of their service provider. Members must be able to contribute to the development of a Safety Action Plan at the meeting without having to take decisions or proposals back to their service provider for discussion and/or approval. This ensures that Safety Action Plans can be developed and implemented quickly to prevent or lessen serious threats to victims’ safety.

SAM members must have a sound understanding of domestic and family violence and its disproportionate impact upon women. Domestic and family violence is usually a pattern of abusive, coercive and controlling behaviour. It is common for victims to remain in, or return to, violent relationships. Members should be mindful of these complexities when discussing matters respectfully and collaboratively at SAMs.

### **4.2.1 Government members**

The following government agencies are mandated to regularly attend SAMs in each local area:

- NSW Police Force (Crime Managers - Chair, Domestic Violence Liaison Officers);
- NSW Health, including Local Health Districts and specialist networks;
- Department of Communities and Justice, including officers able to speak about child protection and housing assistance;
- Corrective Services NSW; and
- Department of Education is required to attend except during school holidays.

## 4.2.2 Non-government members

Non-government members are decided locally. The SAM Chair and the SAM Coordinator identify these members in consultation with relevant stakeholders. The Chair, in consultation with the SAM Coordinator, has final decision-making authority regarding non-government membership of the SAM in their area.

The criteria for non-government service providers' membership are:

- capacity to contribute relevant information regarding a broad range of victims' safety and current circumstances; and
- capacity to contribute relevant actions to Safety Action Plans for a broad range of victims.

Non-government services that may be identified as SAM members include specialist domestic violence support, accommodation, family support, case management, counselling and community health service providers.

If a male victim is listed on the SAM agenda, the relevant LSS **must** attend the SAM for that victim's matter. The LSS is not required to attend the SAM if there are no male victims on the agenda or stay for the duration of the meeting once all male victim matters have been discussed. The LSS is **encouraged** to attend when a male victim previously assessed as being 'at serious threat' has been re-graded prior to a SAM.

The LSS is responsible for attempting to contact male victims identified by Police and providing them with case coordination and safety planning. The LSS is also responsible for applying the DVSAT and referring male victims 'at serious threat' to the SAM Coordinator so that they can be added to the SAM agenda. The LSS and SAM Coordinator in each area should agree on a set deadline each fortnight for the submission of male victim referrals, and exchange of relevant information about those matters. Refer to Section 7.7.2 for more information on the male service provider role.

### Example – Identifying non-government SAM members

Trisha is the SAM Coordinator in a particular town. When determining which local non-government service providers to ask to join the SAM as members, Trisha consults with the Chair and government members of the meeting. She also speaks to a range of local services in the town.

After consultation, Trisha and the Chair ask the local women's crisis accommodation service and a case management service to become SAM members. This is because the two services work with the majority of domestic violence victims in the town and will therefore be able to bring relevant information to meetings and commit to useful actions at meetings.

## 4.2.3 Attendance

Government agencies and identified non-government service providers form the regular membership of SAMs.

It is important that all members attend every SAM in their area. This enables effective and trusting working relationships to develop between members and ensures that a shared understanding of the purpose of the meetings is maintained. Experience in other jurisdictions has shown that the actions developed at meetings become more collaborative over time, as members grow to understand each other's roles and responsibilities.

All attendees must sign a confidentiality agreement and disclose any conflicts at the beginning of each SAM (see also 4.1.1). Where a community housing provider has taken over management of all public housing properties in a particular area, they should attend every SAM in lieu of DCJ Housing.

#### 4.2.4 Non-regular attendees

Other service providers may be invited to attend a SAM on an occasional basis to assist with the development of a Safety Action Plan for a particular victim.

For instance, where a victim is known to be working closely with a service that is not a member of a SAM and the victim is not engaged with any of the SAM members, that service may be invited to attend a meeting solely for the discussion of that victim. The LCP should ask each victim if they are working closely with any particular service provider. If this is the case, the SAM Coordinator should consider whether it would be beneficial to ask the service provider to attend the meeting for the discussion of that particular victim.

Similarly, if a service provider that is not a regular member refers a victim to a SAM, the SAM Coordinator should consider inviting the service provider to attend the meeting on a one-off basis, as they may have the most up-to-date information about the victim.

When deciding whether to invite a Men's Behavior Change Program (MBCP) provider to attend a SAM, SAM Coordinators should be mindful of the risk of a real or perceived conflict of interest. MBCPs should only attend SAMs if and when they can contribute to reducing the current threat to a victim's safety. For example, if MBCP providers become aware that the POI has breached parole conditions.

Non-regular attendees must also sign a confidentiality agreement and disclose any conflicts before participating in a SAM.

Occasional attendees should only stay at a SAM for the duration of the matter/s in which they are involved. This is to ensure that only relevant members are present for the discussion of each matter. If possible, the SAM Coordinator should list the matter/s in which the occasional attendee is involved at the beginning of the agenda, so that the attendee can leave directly after their conclusion.

#### **Example – Non-regular SAM attendees**

A Sydney suburb has a small Sudanese community. The SAM in the area does not often have Sudanese victims on the agenda, and no specific Sudanese service provider attends the meeting regularly.

If a Sudanese victim is listed on the agenda, the SAM Coordinator invites a local Sudanese women's service to attend the meeting for the discussion of the Sudanese victim, after first consulting with the victim about whether this would be appropriate.

#### 4.2.5 Proxies and changes to membership

If a member cannot attend a SAM, they must send a trained proxy with the authority to make decisions and commit to actions on behalf of their service provider. A proxy member must be fully apprised of the matters on the agenda and have access to the relevant papers in order to prepare for the meeting.

Where a service provider changes its nominated SAM representative, it is responsible for ensuring that the new member is aware of their SAM responsibilities and briefing the new member regarding current matters. New members should attend general SAM Training facilitated by Legal Aid NSW as soon as possible.

If a member advises that their service provider can no longer attend SAMs on a regular basis, the SAM Chair and SAM Coordinator will identify an appropriate replacement service provider in consultation with relevant stakeholders.

If a member consistently fails to comply with this manual, the SAM Chair may terminate that member's participation in meetings. The Chair may either request that the service provider in question identifies another member to attend the meetings or identify an appropriate replacement service provider in consultation with relevant stakeholders.

If a member cannot attend a meeting, they must advise the SAM Coordinator by email as soon as possible, and advise whether a proxy will attend on their behalf.

Whilst there is no specific limit to the number of proxies, it is best practice to limit this to two proxies per SAM member. Consistency of attendance is vital to ensure that SAM participation is as effective as possible.

#### 4.2.6 Observers

If a non-member wishes to observe a SAM, they must make a request in writing to the SAM Coordinator. SAM members wishing to bring observers must also submit a request to the SAM Coordinator, e.g. NSW Police or the Department of Health. This is to ensure that the confidentiality of meetings is maintained and to ensure that there are not too many observers at any one meeting.

Observers must have a clear reason for attending a meeting, such as a forthcoming membership role. New members of management committees or boards of a WDV CAS may attend to understand SAM functions. It is not appropriate for people such as lawyers, social work students or volunteers to observe meetings due to general interest. WDV CAP Unit representatives who are responsible for SAM implementation and training will attend SAMs from time to time to ensure consistent practice across NSW and answer any questions members may have.

Observers must sign a confidentiality agreement and disclose any conflicts at the beginning of the meeting.



## 4.3 Roles and responsibilities

### 4.3.1 NSW Police Force

SAMs are chaired by a senior police officer, usually the Crime Manager of the relevant PAC/PD. Where more than one PAC/PD feeds into a SAM, the Crime Managers of the PACs/PDs involved may rotate the Chairperson role.

Currently the role should be undertaken by the same person for a minimum of four months at a time to ensure continuity.

The Chair:

- attends each meeting;
- chairs the meeting in accordance with the agenda;
- reads out the confidentiality agreement at the beginning of each meeting and ensures all members sign the agreement, including the Chair and also ensure the noting of verbal agreement by those attending remotely;
- ensures all members disclose any relevant conflicts at the beginning of each meeting, including the Chair;
- contributes to the development of a Safety Action Plan for each victim on the agenda, whether or not Police have previously been involved with the victim, her children or the perpetrator;
- directs each meeting to ensure that discussion is respectful, targeted and focused on safety;
- actively encourages each member to identify possible actions for victims;
- asks members for their views regarding whether each matter should remain on the agenda or be removed, and then decides as to the best course of action; and
- adjusts chairing style accordingly when there are SAM members attending remotely. When you apply the “twice around the table” approach, always ensure you ask for their input on each matter at the same time as other members.

An example of an aide memoire for Chairs is provided in Appendix E.

SAMs are also attended by the relevant NSW Police Force Domestic Violence Liaison Officer (DVLO). The DVLO:

- Attends each meeting;
- Brings all relevant Police information about matters on the agenda. This includes a summary of the incident which precipitated the referral to SAM;
- Contributes to the development of a Safety Action Plan for each victim on the agenda, whether or not Police have previously been involved with the victim, her children or the perpetrator; and

- Ensuring completion of any Police actions arising from the meeting.

When a new victim is listed on a SAM agenda, the DVLO should provide a brief overview of the basis for the victim's 'at serious threat' assessment (i.e. DVSAT score or professional judgement) and the most recent incident of domestic violence.

Generally, there is no need for the DVLO to read the entire WebCOPS incident narrative relating to a new matter on the agenda. While it is important for SAM members to understand the incident that led to a SAM referral, WebCOPS narratives often contain detailed information that is not necessary for SAM members. It is necessary however, for members to fully understand the seriousness of the incident if they are to offer the most appropriate action for their agency/service. DVLOs should provide an appropriate summary of the incident based on the WebCOPS narrative that provides the relevant information as indicated above.

Each Police region has a Regional Domestic Violence Coordinator (RDVC). RDVCs have a coordinating role in linking local Police with domestic violence services and initiatives across their respective regions. RDVCs may attend SAMs in their region twice a year to provide support to Police. If the RDVC identifies a need for mentoring or practice advice for the SAM, they should contact the WDVCA Unit. RDVCs must provide written notice to SAM Coordinators when they wish to attend.

### 4.3.2 Local Coordination Point

SAMs are organised by the SAM Coordinator, who works for the LCP. The SAM Coordinator:

- Collates referrals for victims 'at serious threat' sent to the LCP and places them on the agenda for the next meeting;
- Distributes the agenda to all members at least **three business days** prior to the meeting via secure email so that members can carry out information searches within their service;
- Liaises with female victims before a SAM, so that they can advise the SAM of the victim's views;
- Attends each meeting;
- Brings all relevant information about matters on the agenda held by the LCP to the meeting;
- Advises members about whether victims on the agenda have consented to being considered at the meeting;
- Signs a confidentiality agreement at the beginning of each meeting;
- Declares any conflicts at the beginning of each meeting;
- Contributes to the development of a Safety Action Plan for each victim, whether or not the LCP has previously been involved with the victim or her children;

- Records actions agreed and at the end of each matter, reads the information back to the meeting for clarification, then distributes these records to members within **one business day** of the meeting;
- Completes any actions arising from a SAM that relate to the LCP; and
- Liaises with female victims following a SAM to advise them of the outcome where appropriate and to ensure that victims are receiving adequate support.

The SAM Coordinator may bring another LCP worker to the SAM to help record and summarise actions arising if needed. This allows the SAM Coordinator to fully participate in the discussion. Alternatively, the SAM Coordinator may record actions and the LCP worker may participate in the discussion, for example if they have been working with clients on the agenda and can speak to their matters directly.

### 4.3.3 Local Support Service (male victims)

The LSS representative:

- Liaises with male victims before a SAM, so that they can advise the SAM of the victim's views;
- Refers male victims 'at serious threat' to the SAM Coordinator for inclusion on the SAM agenda;
- Attends each meeting;
- Brings all relevant information about matters on the agenda held by the LSS to the meeting;
- Advises members about whether victims on the agenda have consented to being considered at the meeting;
- Signs a confidentiality agreement at the beginning of each meeting;
- Declares any conflicts at the beginning of each meeting;
- Contributes to the development of a Safety Action Plan for each victim, whether or not the LSS has previously been involved with the victim or his children;
- Completes any actions arising from a SAM that relate to the LSS; and
- Liaises with male victims following a SAM to advise them of the outcome where appropriate and to ensure that victims are receiving adequate support.

### 4.3.4 Other regular members

SAMs are also attended by senior representatives from service providers that work with domestic violence victims, their children and/or perpetrators. The members:

- Keep their respective service providers advised of the purpose and progress of SAMs;
- Coordinate and conduct a relevant information search for all persons involved in matters assessed 'at serious threat' or re-graded matters upon receiving the

agenda for a forthcoming SAM;

- Attend each SAM (or provide a proxy as required), whether or not the service provider they represent has a prior history of involvement with some or all of the victims on the agenda;
- Bring all relevant information about victims on the agenda, their children and/or perpetrators held by their service provider to each SAM (including information held by a Child Wellbeing Unit if relevant);
- Sign a confidentiality agreement at the beginning of each SAM;
- Disclose any conflicts at the beginning of each SAM;
- Contribute to the development of a Safety Action Plan for each victim on the agenda, whether or not their service provider has previously been involved with the victim, her children and/or perpetrators; and
- Ensure completion of any actions arising from a SAM that relate to their service provider.

#### 4.3.5 Code of conduct

All SAM members must:

- Possess a sound understanding of the dynamics of domestic violence and its disproportionate impact upon women. If training is required it should be provided by the member's employer/agency;
- Acknowledge that the safety of victims and their children is paramount;
- Commit to the shared goal of preventing or reducing serious threats to the safety of victims and participate proactively at SAMs;
- Participate in discussion in a respectful and collaborative manner;
- Understand and comply with Part 13A of the *Crimes (Domestic and Personal Violence) Act 2007*;
- Understand and comply with the Domestic Violence Information Sharing Protocol;
- Understand and comply with the Charter of Victims' Rights (*Victims' Rights and Support Act 2013*); and
- Understand and comply with the *Children and Young Persons (Care and Protection) Act 1998*.

Discussion at meetings must respect victims' dignity and agency over their own lives. Members should recognise the impact of domestic violence upon victims and avoid making judgements about victims' choices. All members are responsible for ensuring that communication at SAMs is respectful.

Members should also acknowledge that disagreement is a healthy part of working collaboratively and strive to resolve differences of opinion appropriately.

### 4.3.6 Responsibility for actions arising from a SAM

The responsibility to progress an action arising from a SAM rests with the relevant service provider; it does not become the responsibility of the SAM group, the SAM Coordinator or the Chair.

SAM members cannot be directed to commit to a certain action by other members, the Chair or the SAM Coordinator. Members are responsible for committing to and undertaking actions in regard to their own service providers only.

SAMs do not replace or change service providers' normal functions and responsibilities in relation to domestic violence victims and perpetrators. The meetings are designed to complement and support these functions.

### 4.3.7 Support for SAM members

Discussion at SAMs can include information about violence and threats of violence to adults, children and pets. SAM members may be privy to distressing information at times.

SAM members are encouraged to access supervision, counselling or debriefing on a regular basis to avoid the risk of vicarious trauma. It is the responsibility of each SAM member's manager or executive to provide options for support. SAM members from government agencies can access their agency's Employee Assistance Program (EAP).

In addition, members are encouraged to create a team culture and celebrate positive outcomes achieved by the SAM wherever possible. For example, SAM members could share 'good news stories' about victims at the end of the SAM every few meetings; or celebrate holidays and anniversaries, such as a SAM's 'birthday'. Actions such as this help to build strong and supportive bonds between members, and recognise the positive outcomes that are achieved through members' ongoing efforts.

SAM members are encouraged to discuss the above issues with the SAM Coordinator if they need further assistance.

## 4.4 Meeting frequency and location

### 4.4.1 Frequency

SAMs are held fortnightly in each local area. SAMs are generally around two hours in duration. The number of victims on the agenda varies depending on the volume of 'serious threat' referrals in each site.

Experience has shown that fortnightly meetings are the most effective in providing a timely response to victims 'at serious threat' without exceeding the capacity of service providers to attend on a regular basis.

SAMs do not replace or change service providers' normal functions and responsibilities in relation to domestic violence victims and perpetrators.

Service providers that participate in SAMs should provide victims and perpetrators with an appropriate response as soon as they engage with them and should not wait until a SAM to take action independently if possible. This includes obligations

regarding children and young people under the *Children and Young Persons (Care and Protection) Act 1998*.

If a SAM falls on a public holiday, the meeting **must** be rescheduled for the closest available day within a week of the original date. Over the Christmas and New Year period, there can only be **one** period of **up to three weeks** between SAMs due to the number of public holidays and staff leave.

In exceptional circumstances an emergency SAM may be held. These are only called if a victim is at serious and *imminent* threat, and it is critical that service providers share information immediately in order to prevent or lessen this threat. Any SAM member can request an emergency meeting. Requests should be sent to the SAM Coordinator.

#### 4.4.2 Cancelling SAMs

A SAM may only be cancelled if there are no new referrals to discuss, and all actions arising in regard to previous matters on the agenda have been completed (or are being progressed out of session with no need for further discussion). The SAM Coordinator must notify the manager of the WDV CAP Unit at Legal Aid NSW as soon as possible if a SAM is to be cancelled for any reason.

#### 4.4.3 Location

SAMs may be held in any suitable venue in the local area, such as the Police Station or the office of another SAM member. The venue must be safe and private to ensure confidentiality. The SAM Chair and SAM Coordinator determine the venue in consultation with members.

SAMs should be held in person wherever possible. Face-to-face meetings better facilitate information sharing and foster collaborative working relationships.

However, in rural and remote areas meetings may be conducted via teleconference or audio-visual link (AVL). For example, in a remote area, meetings may alternate between being held face-to-face and via teleconference every fortnight.

#### 4.4.4 Attending via AVL or teleconference

In regional and remote areas, it may be necessary for some members to attend SAMs via AVL or teleconference on a regular basis.

Where a member needs to attend via AVL or teleconference and is experiencing difficulties with remote attendance arrangements (e.g. poor internet connection), they should discuss the issue with the SAM Coordinator. The SAM Coordinator is responsible for ensuring that all members are supported to attend in person or via AVL or teleconference. SAM Coordinators should liaise with members and other stakeholders in the area to identify and access suitable AVL or teleconference facilities ensuring members have connectivity information.

At a minimum, SAM members must be able to attend via teleconference. This means that a teleconference phone is available in the SAM meeting room, not a normal landline or mobile phone on 'speaker'. The teleconference phone must allow multiple SAM members to call in at once if needed. If the current SAM venue does not have a teleconference phone, and one cannot be arranged, you may need to

consider moving your SAM to another venue.

The availability of AVL facilities may determine the best venue for a particular SAM. For example, if two members need to attend via AVL from a neighbouring town, the SAM Coordinator should liaise with members to identify a main venue for the SAM with AVL capability, which connects with a location in the neighbouring town that the two members can access.

Members who will be attending SAMs remotely on a regular basis are encouraged to attend every third SAM in person. This will assist them to build trusting relationships with other members and understand the SAM process.

When attending remotely, SAM members should:

- Follow the same guidelines as if attending in person i.e. sign the confidentiality agreement and be in a private room for confidentiality reasons;
- Inform the SAM Chair when they cannot hear other participants clearly;
- State their name and agency when contributing in the SAM when there are multiple remote attendees; and
- Mute themselves when not speaking to minimise background noise.

#### 4.4.5 Safety Action Plans

Experience in SAM sites has shown that the ‘twice around the table’ approach keeps meetings on track and focused on safety and saves time. Following this approach, for each new matter the Chair goes once around the table to ask **each member** if they have any relevant information, and then around the table a second time to ask **each member** for potential actions. If a member does not have any information or actions to offer, they state “nothing from me”. It is important that all current information is shared first so that members have a comprehensive picture of the matter before actions are developed. Information shared by another member may inform or suggest an action you could offer.

Based on the comprehensive picture of a victim’s situation put together through sharing information, SAM members develop a list of actions, known as a Safety Action Plan, for each victim on the agenda.

A Safety Action Plan is a targeted, time-specific list of practical steps that service providers can take to prevent or lessen serious threats to victims and their children.

Safety Action Plans do not change or replace safety or other case plans developed with a victim by other service providers. However, members should advise a SAM regarding any other relevant safety planning that has been undertaken with a victim. **Safety Action Plans only list actions for members, not victims.** Victims cannot be directed to do anything as a result of a SAM, and Safety Action Plans are not case plans or agreements with which victims must comply. When developing a Safety Action Plan, members should ask themselves ‘What can my service provider do now to reduce the serious threat to this person’s safety?’

Safety Action Plans are recorded by the SAM Coordinator at each meeting. The SAM Coordinator should note the member responsible for completing each action

and the timeframe for doing so. This information should be included with 'existing matters' on the agenda for the next meeting. Members should advise the SAM Coordinator before next the SAM if they have completed their actions arising from the previous meeting.

Members can only commit to actions on behalf of their own service provider. Members cannot be directed to commit to any particular action by another member, the SAM Coordinator or Chair, or the group as a whole. However, SAM members may draw from their practice experience to suggest actions where appropriate. Decision-making authority rests with each member for their own area of responsibility.

### **Examples of items on a Safety Action Plan**

- Members to flag a victim, child or perpetrator on client systems and records.
- LCP or another domestic violence support service to contact a victim and offer assistance and support.
- Police to advise a victim regarding a perpetrator's location, warrants, bail conditions, court outcomes and dates.
- Police to apply for or seek to vary an ADVO.
- Police to investigate and/or charge a perpetrator for an offence, e.g. breach of an existing ADVO.
- Members to conduct joint visits to provide support to a victim, e.g. Police and a domestic violence support service.
- Department of Education to liaise with school staff regarding a child's safety and ongoing needs. Police to provide a copy of the ADVO to the school.
- Corrective Services NSW to monitor a perpetrator's contact/attempted contact with a victim while in custody.
- Corrective Services NSW to advise a victim of a perpetrator's upcoming release from custody.
- DCJ to conduct a home visit with a victim and complete a safety assessment for any children involved.
- DCJ to carry out a Housing Pathways assessment to identify appropriate housing options (e.g. Rent Start Bond Loan, Start Safely subsidy or social housing).
- Members to organise for a home safety audit, security screens and/or duress alarms for a victim's residence.
- NSW Health to undertake a mental health assessment and referral for a victim, and provide support for the victim's medical needs.
- Members to liaise with NSW Local Courts as appropriate regarding any current or upcoming court proceedings, e.g. arrange for a victim to attend a pre-hearing clinic with a Police Prosecutor, arrange for an interpreter, and/or arrange for a victim to use a remote witness facility when attending court/giving evidence.
- Members to make warm referrals for a victim to other services.



## 5. Following a SAM

SAM members are responsible for the completion of actions for their agency/service within the agreed timeframe. Members should advise the SAM Coordinator of the status of those actions before the next SAM. The SAM Coordinator will retain existing matters on the agenda where actions have not been completed. The Chair will mention those matters so members can provide further information before a decision is made to remove or retain on the agenda. If consensus is not reached by the members the Chair will make the final decision. If it is safe to do so victims should be advised of the actions that will be taken to reduce the threat to their safety. In the majority of cases, the LCP will be able to do this. Where another service provider is already working closely with the victim, they should be tasked with liaising with the victim where possible.

Information shared at a SAM and actions pertaining to a victim and her children must never be shared with a perpetrator.

Victims may not be advised of certain Police actions arising from a SAM, such as an offender being placed on a Suspect Target Management Plan (STMP).

### 5.1 Case closure

#### 5.1.1 When can matters be removed from a SAM agenda?

The final decision to remove or retain a matter on the SAM agenda rests with the Chair. However, the Chair should seek members' views on each matter before making a decision and strive for consensus wherever possible.

Matters can be removed if:

1. All actions have been completed and the threat to the victim's safety has been reduced;
2. All actions have been completed but the threat to the victim's safety has not reduced, however there is no further action that the SAM can offer collectively. Please refer to 5.1.4 for detailed information; or
3. Circumstances have changed and the victim is no longer 'at serious threat' (e.g. the perpetrator is in custody for a sufficient period of time).

#### 5.1.2 Length of time a victim remains on a SAM agenda

SAMs are not case management or case tracking meetings. Victims do not remain on the agenda for an extended period of time. The purpose of the meetings is to reduce the serious threat to a victim and her children by developing and implementing a targeted and time-specific Safety Action Plan. Once this objective has been achieved, and the level of threat to a victim is no longer assessed as serious, the victim should be removed from the agenda. For this reason, victims are usually only on the agenda for two to three meetings.

If a victim is removed from the agenda, but the threat to her safety later escalates and she is again assessed as being 'at serious threat', another referral for the victim should be made to the SAM. The victim will then be added to the agenda and a new Safety Action Plan will be developed for her.

### 5.1.3 Repeat victims

There may be a number of victims 'at serious threat' who are referred to a SAM multiple times. These victims usually have complex needs and may be at grave risk of serious injury or death.

If a victim has been referred to a SAM on three or more separate occasions in a twelve-month period, members should consider organising a specific strategy meeting between key service providers about the victim directly following the next SAM (e.g. an extra half-hour could be added to the meeting for this purpose). Such a meeting would offer an opportunity to work intensively together on a comprehensive Safety Action Plan for the victim that is focused on jointly preventing the victim from needing to return to the SAM agenda. Members may consider involving executive representatives from their service providers in these meetings.

Service providers should focus particular effort on engaging with repeat victims before any specific strategy meeting is held to ensure that their circumstances, needs and wishes can be taken into account.

### 5.1.4 Cases in which no further action is possible

In some cases, a victim may remain 'at serious threat' despite SAM members having fully implemented a Safety Action Plan and taken all possible steps to reduce the threat to her safety.

In these circumstances, it is important to make the distinction between SAMs and case management. The purpose of a SAM is to develop a targeted, time-specific Safety Action Plan to directly reduce the serious threat to a victim's safety. SAMs cannot undertake longer-term case management of victims with complex needs.

If members can take no further action collaboratively, and members have been unable to identify any new actions at two SAMs, the victim should be removed from the agenda. The SAM Coordinator should record that this has been done and the reasons why. Members should continue to either provide their usual assistance to the victim or attempt to engage the victim and should flag the victim in their internal systems for consistent monitoring.

It is important to note that although a victim may no longer be on the agenda for a SAM, service providers are required to meet their ongoing, regular obligations in regard to that victim. It may be useful to identify a SAM member as the lead agency for case management of the victim to ensure ongoing coordination.

Wherever possible, victims should only be removed from the SAM agenda if all SAM members agree. However, if an agreement cannot be reached, the SAM Chair will make the final decision about keeping or removing victims from the agenda.

### 5.1.5 SAM transfers

Victims 'at serious threat' should be considered at the SAM closest to where they live so that the meeting is attended by local service providers able to assist them.

If a victim relocates, her matter should be transferred to the SAM in the area in which she now lives.

The SAM Coordinator should have the victim re-allocated to the appropriate LCP using the current CRP referral re-allocation process. The SAM Coordinator should also directly provide the LCP in question with all relevant information, including any Safety Action Plan previously developed for the victim, via the WDV CAS/LCP generic email list.

Information sharing necessitated by the transfer of a victim from one SAM to another must comply with the Protocol. Unless it is unreasonable or impractical to do so, a victim's consent must be sought for the transfer of her matter to another area.

#### Examples – Case closure

- Nerida is referred to a SAM due to her partner Joseph's violence against her. At the meeting, members develop a Safety Action Plan to reduce the threat to Nerida's safety, including finding safe accommodation for her. At the next meeting, DCJ advises that a specialist homeless service specialising in domestic violence is working with Nerida and that she has been provided with transitional accommodation while the service supports her into a longer-term housing option. The Police advise that they have charged Joseph with breaching an ADVO. The members agree that the threat to Nerida's safety has been reduced and she is removed from the agenda.
- Rosanna is a long-term victim of domestic violence. She has left her abusive husband Doug multiple times, but always returns to live with him. Rosanna has been referred to the local SAM on three separate occasions in the last year, twice by the Police and once by the local women's refuge. Members decide to hold a special meeting regarding Rosanna to develop a comprehensive Safety Action Plan to reduce the threat to her safety. A specific strategy is for the family support service to take on case management.
- Trudy is also a long-term victim of domestic violence and has been diagnosed with a mental illness. Trudy is referred to the local SAM due to the serious threat posed by her partner Kevin. The members develop and implement a Safety Action Plan for Trudy, including securing safe accommodation, obtaining a new ADVO for her, and offering her specialist support and medical assistance.

However Trudy rejects all offers of assistance and refuses to move into the safe accommodation offered to her. The threat to her safety remains serious. After two meetings at which no new action can be identified to reduce the threat to Trudy, she is removed from the agenda. Members agree to flag Trudy in their internal files and systems, and continue to attempt to engage with her wherever possible.

## 6. Record management

### 6.1 Information management

Information and records relating to SAMs must be managed and stored in accordance with relevant legislation and the Protocol.

The SAM Coordinator is responsible for ensuring that SAM agendas, records and any relevant documentation are securely stored with other LCP records in accordance with the Protocol.

The SAM Coordinator should take into account any conflicts disclosed by members when circulating SAM documents (see section 4.4 for more detail).

It is important to note that SAM notes, agendas and records may be subpoenaed. For more information, refer to the Protocol.

#### **Practice tip – SAM members must treat SAM agendas, records and associated notes as highly confidential at all times**

You should take care to ensure that SAM documents are stored securely at your workplace (e.g. in a locked filing cabinet; on password-protected, secure data systems) and that they are only removed from this location for the purpose of attending a SAM. Members must never leave SAM documents elsewhere.

### 6.2 SAM record-keeping

#### 6.2.1 SAM Coordinator responsibilities

**SAMs are not minuted – only actions are recorded.**

The SAM Coordinator is responsible for recording all actions arising from SAMs. The SAM Coordinator should take care to briefly note the reason for each action to assist discussion of the action at future meetings.

The SAM Coordinator should distribute the record of the meeting to members within one business day via secure email.

The SAM Coordinator is also responsible for ensuring that SAM agendas, records and any relevant documentation are securely stored with other LCP records in accordance with the Protocol.

The SAM Coordinator should take into account any conflicts disclosed by members when circulating SAM documents.

#### 6.2.2 Action tracking

Responsibility for actions arising from a SAM rests with the relevant member. The SAM Coordinator is responsible for recording actions arising at each meeting.

It is vital that actions arising from a meeting are followed up. This ensures accountability of all SAM members and ensures that decisions to remove a victim from the agenda are made in full knowledge of actions taken.

### Example – Action tracking

- Bridget is listed on the local SAM agenda in a small town. At the meeting, the Police agree to investigate an alleged breach of Bridget's ADVO by her ex-boyfriend William, the Department of Education agrees to advise the local school that Bridget's children cannot have any contact with William under the conditions of the ADVO (Police will provide a copy of the ADVO), and the local counselling service agrees to phone Bridget to offer support. At the next meeting, the Chair asks these members whether they have completed the actions. The SAM Coordinator records the members' responses.

### 6.2.3 Member record keeping responsibilities

SAM members may take brief notes during a SAM to assist them to carry out actions agreed after the meeting. The notes should be limited to actions arising and information relevant to a victim's safety.

In addition, members should take particular care in regard to **sexual assault** information. If such information is shared at a SAM, members should only make a note of it if absolutely necessary to help them reduce the threat to the victim's safety. The notes should be flagged as 'Confidential and potentially privileged' in the member's records.

## 6.3 Subpoenas and privileges at law

### 6.3.1 What to do if you receive a subpoena

SAM documents may be the subject of a subpoena. A subpoena is a court order requiring a person to come to court to give evidence and/or to hand over ('produce') material to the court so that parties can look at it ('inspection' or 'access'). Some subpoenaed material may be protected by a privilege that shields some information from being disclosed in court. The Sexual Assault Communications Privilege (SACP) is one such privilege. It protects counselling communications about a person who has ever been the victim of a sexual assault, even where the counselling is not about the assault, from being subpoenaed by a court. The SACP applies to legal proceedings started at any time, including criminal, AVO and some other civil proceedings.

If a member receives a subpoena regarding SAM-related information, the member should always obtain legal advice before responding. SAM members should carefully consider the potential adverse consequences for clients if information is released and oppose requests when there are valid grounds to do so.

Refer to the [Subpoena Survival Guide](#) and your agency's policies and guidelines on responding to subpoena's, for more information.

### 6.3.2 What sexual assault information should you share at SAM?

Previously, sharing information about a sexual assault at a SAM may have meant that any related counselling communications may not have been considered “confidential” and therefore were no longer protected by the SACP.

In November 2019, the *Crimes (Personal and Domestic Violence) Act 2007* (NSW) was amended to include section 98KA. This section was introduced to ensure that information shared under Part 13A, that would normally constitute a protected confidence under the existing SACP, does not amount to a waiver of that privilege.

Information shared in accordance with Part 13A, for example in the course of developing a Safety Action Plan for a victim, may include information provided to a counsellor in relation to sexual assault. Sharing this information does not mean the information loses the protection of SACP.

Despite the provisions in section 98KA, if a member holds sexual assault information about a victim on the SAM agenda, they should still think carefully before deciding whether or not to share it at a SAM. Information may still be subpoenaed and it is important to balance victim confidentiality with the risk to their safety which may be increased (or fail to be reduced) if the information is not shared at the SAM.

The usual rules for information sharing will still apply, that is, members must only share information that is relevant to the current domestic violence threat, and it must be necessary to share that information in order to reduce the threat.

The Sexual Assault Communications Privilege Service at Legal Aid NSW can be contacted for information and advice at [SACP@legalaid.nsw.gov.au](mailto:SACP@legalaid.nsw.gov.au) or on (02) 9219 5888.

#### **Practice tip: Should I share sexual assault information?**

- Only share sexual assault information if it is necessary to reduce the current serious threat to a victim’s safety.
- Only take notes regarding sexual assault information shared by another SAM member if it is necessary to reduce the current serious threat to a victim’s safety.
- Seek legal advice if needed, especially if you receive a subpoena. Legal Aid NSW’s SACP Service can be contacted on (02) 9219 5888.

### Example

A health service regularly attends a local SAM. One day, a client of the health service, Bonnie, is referred to the SAM due to the violence she experiences at the hands of her brother Ben. Bonnie has previously disclosed to the service that she was sexually assaulted by her ex-partner Jayden. The service does not share this information at the meeting because it is not relevant to the serious threat posed by Ben, and they know that Jayden is now in custody. The service continues to provide counselling to Bonnie in relation to the sexual assault.

Information shared at or in relation to a SAM may be the subject of other privileges at law. For more information, refer to the Protocol.

## 7. Victims with diverse needs

### 7.1 Overview

It is important that Safety Action Plans are culturally appropriate and responsive to victims' specific needs.

If a victim from a certain community or with a particular need is listed on the agenda for a SAM and none of the members represents a service provider working specifically with that community, the SAM Coordinator should consider, in consultation with the victim, inviting a representative of an appropriate service provider to attend the meeting. In locations where the LCP has an Aboriginal Specialist Worker (ASW) or Multicultural Specialist Worker (MSW), it may be appropriate for them to attend SAMs.

Safety Action Plans should take into account a victim's individual needs, such as for an interpreter or support person, and the role a victim's family and/or carers may play in securing their safety.

### 7.2 Aboriginal people

*Legal Aid NSW recognises the diverse language groups, kinship structures and customs of Aboriginal and Torres Strait Islander peoples and communities throughout metropolitan, rural, remote and regional locations in NSW. While reference is made in this document in general terms to Aboriginal people, this in no way diminishes this diversity of Aboriginal, Torres Strait Islander and Indigenous peoples.*

Aboriginal women are far more likely to be victims of domestic and family violence than non-Aboriginal women. A range of factors contribute to increased rates of domestic violence in Aboriginal communities, including historical trauma experienced by Aboriginal people, which has eroded family and social structures and created a distrust of authority. For example, Aboriginal women may be less likely to report incidents of violence to Police because of previous negative experiences. This should be taken into account by service providers working with Aboriginal victims.

Aboriginal victims who have had negative experiences with service providers in the past may be reluctant to engage in the SAM process if these service providers participate in meetings. In particular, some Aboriginal community members may be concerned that engaging with service providers involved in SAMs will lead to negative outcomes for their families, based on past experience of government policies. For example, communities may fear removal of their children.

SAM members need to consider these specific concerns and the associated risk that victims will disengage from support when developing Safety Action Plans for Aboriginal victims. Members should consider how best to provide Aboriginal victims with targeted support.



### 7.3 People from culturally and linguistically diverse (CALD) communities

Victims from CALD communities, including newly arrived migrants, asylum seekers and refugees, experience specific barriers to accessing support and assistance.

These barriers include cultural and family expectations and norms, social isolation, immigration issues, financial dependence, and language and communication difficulties.

Victims on spousal visas often hesitate to engage with service providers due to fear that they will not be able to remain in Australia if they leave a violent relationship, and experience difficulty accessing support due to the impact of immigration status on service eligibility in some instances. Refugees may have had torture and trauma experiences prior to arriving in Australia and may need special assistance with treatment and rehabilitation.

SAM members need to consider these specific issues when developing Safety Action Plans for victims from CALD communities.

### 7.4 People with disability or mental illness

Victims with disability experience domestic violence at higher rates, of greater severity and over longer periods than other people. Attitudes towards disability, dependence on the perpetrator for personal care and power dynamics all contribute to the incidence of domestic violence amongst people with disability.

Victims with disability and mental illness experience difficulties in accessing services due to dependence, incapacity, prejudice, stigma and social or geographical isolation.

SAM members need to consider these specific issues when developing Safety Action Plans for victims with disability or mental illness. For example, it may be useful for the LCP or the LSS working with a victim living with disability to liaise with the victim's National Disability Insurance Scheme (NDIS) support worker to ensure relevant information is brought to the SAM table.

### 7.5 Lesbian, gay, bisexual, transgender, intersex and queer (LGBTQI) people

LGBTQI people experience domestic violence at similar rates to that of the wider community but are less likely to identify the experience as abuse, report violence to the Police, or seek assistance from a support service for fear of prejudice and discrimination. Sometimes services may not understand the needs of a LGBTQI person or the nature of their relationship; support workers may have preconceived ideas about the diversity of sex, sexuality, gender or family; or LGBTQI people may be hesitant to engage with services for fear of being 'outed' in their community.

SAM members need to consider these specific issues when developing Safety Action Plans for LGBTQI victims.

## 7.6 Older people

In NSW, available data indicates that the most common forms of elder abuse are psychological and financial abuse, which is most commonly perpetrated by the victim's child or children.

Older people do not always know their rights or where to find help. They may not recognize the abuse as domestic and family violence. Victims of elder abuse can be hard to reach, or reluctant to seek help for various reasons.

SAM members need to consider these specific issues when developing Safety Action Plans for older victims.

### Example – Safety Action Plan

Clara is 21, has spina bifida and uses a wheelchair. She lives with her father, who is verbally and physically abusive. He tells her that she is worthless and no one would care for her if she moved out. A nurse from the local community health clinic visits Clara every couple of months. Clara's father always sits in on her visits. One day the nurse notices severe bruises on Clara's back. Clara is withdrawn and won't say how she got the bruises. The nurse strongly suspects that Clara's father is violent. The nurse uses her professional judgement to assess Clara as 'at serious threat' and makes a referral for her to the LCP, noting when it would be safe to call Clara.

The LCP contacts Clara and she discloses the violence. The LCP undertakes a comprehensive threat assessment with Clara and makes warm referrals for her to a range of services, including a specialist support service for people with disabilities. The LCP also places Clara on the agenda for the next SAM and asks the support service to attend.

At the meeting, members discuss Clara's situation. Corrective Services advises that her father has spent time in prison for assault and may be in breach of his parole conditions. The following actions are agreed to reduce the threat to Clara's safety:

- Police to undertake a welfare check; investigate the alleged assault and apply for an ADVO for Clara;
- Corrective Services to check the father's parole conditions;
- Disability support service to continue working closely with Clara and to provide her with specialist counselling; and
- Crisis accommodation service and DCJ to investigate accessible accommodation options for Clara if she chooses to leave her father's house.

### Example – Safety Action Plan

Merren is a 25 year-old Aboriginal woman with four children under the age of six. She lives in a social housing property with her boyfriend Jai, who is the father of her two youngest children. Jai uses illegal drugs regularly and is becoming increasingly violent. He has stopped letting Merren leave the house. Jai beats Merren's older children and often accuses her of loving them more than him and the children they have together.

One day Merren calls the Police after an especially violent attack. The Police come to the house. They charge Jai with assault and apply for an ADVO for Merren and her children which includes an exclusion order. The Police also complete the DVSAT with Merren. Although she refuses to answer several of the questions, the Police assess her as 'at serious threat' based on professional judgement. Merren is referred to the LCP.

When a worker from the LCP contacts Merren, she says she doesn't want any help. The worker explains that there is a specialist Aboriginal service in the area and asks if it would be okay with Merren if that service called her. Merren agrees. The service develops a rapport with Merren and provides her with counselling.

The specialist service puts Merren in touch with the local WDV CAS Aboriginal Specialist Worker, who provides Merren with support and advocacy regarding her ADVO and arranges to meet her at court for the first mention.

At the meeting, members discuss Jai's history of violence and recent child protection reports regarding Merren's children. The specialist service states that Merren is working closely with them and says she does not want Jai to return to the property. The Police advise the meeting that Jai has been bailed to his mother's address but has not reported to the police station as required. His assault charge has been set down for mention next week. None of the members know where Jai is currently living. The following actions are agreed to reduce the threat to Merren and her children's safety:

- Police to locate Jai and advise other members on the progress of the assault charge;
- Corrective Services to flag Jai in their system and notify Merren of any relevant information about Jai when available. For example, if and when released from custody (if apprehended);
- DCJ to follow up child protection issues to ensure Merren's children receive appropriate support, noting that Jai is now out of the house and Merren is engaging with services;
- Staying Home Leaving Violence to assess security at Merren's home to see if any upgrades are required;
- Education to contact the relevant schools to ensure Merren's children receive available support (Police will provide a copy of the ADVO to the schools); and
- Specialist Aboriginal service to continue to work with Merren and her children.

### Example – Safety Action Plan

Thilak immigrated to Australia from Sri Lanka two years ago. Last year his wife Amanthi came out to join him on a spousal visa. Thilak is extremely violent and controlling, and often threatens to cancel Amanthi's visa and send her back to Sri Lanka if she speaks to anyone outside the home. Amanthi doesn't speak much English and has no other family in Australia. The Police are called to the house one night when neighbours hear the couple fighting. Amanthi doesn't speak much English so the Police call a telephone interpreter to help complete the DVSA, and assess her as 'at threat'. Amanthi is referred to the LCP. The Police also apply for an ADVO for Amanthi.

The LCP contacts Amanthi using a telephone interpreter while Thilak is at work. Amanthi discloses Thilak's violence and coercion. The LCP assesses Amanthi as 'at serious threat' and places her on the agenda for the next SAM. The LCP also makes a range of warm referrals for her, including to an immigration law advice clinic for assistance with her visa. The LCP invites a migrant support service to attend the meeting.

At the meeting, members discuss Amanthi's situation. The following actions are agreed to reduce the threat to her safety:

- Police to conduct a welfare check;
- LCP to refer Amanthi to Centrelink for assistance with income support;
- LCP to discuss with Amanthi about whether she can safely stay at home with Thilak;
- Local women's refuge undertakes to accommodate Amanthi if she chooses to leave Thilak; and
- Migrant support service to work with Amanthi, including arranging English classes and connecting her with a Sri Lankan women's community group.

### Example – Safety Action Plan

Meleni is an elderly Tongan woman who lives with her son Folau. Folau has recently separated from his wife Kristy and is fighting her for custody of their three children. Folau has always been controlling and violent towards his mother, but the violence has got worse since he broke up with Kristy. Last week Folau pushed Meleni down the stairs and she broke her arm. When she goes to the hospital, a doctor asks Meleni how she injured herself and she begins to cry. The doctor arranges for the hospital social worker to talk with Meleni. Meleni discloses the violence she is experiencing and the social worker refers her to a domestic violence support service.

While working with Meleni, the service assesses her as 'at serious threat' using the DVSAT and contacts the LCP to ensure she is put on the SAM agenda. At the meeting, the Police state that Kristy has had multiple ADVOs against Folau and detail his extensive history of violence. DCJ explains that child protection reports have been made in relation to Folau and Kristy's children. The domestic violence support service states that it has previously worked with Kristy. The following actions are agreed to reduce the threat to Meleni's safety:

- Police to apply for an ADVO for Meleni, investigate alleged assault and conduct a welfare check;
- Police to check on current ADVO for Kristy and ensure appropriate conditions are in place regarding the children;
- Support service to continue working with Meleni and to connect her with an older women's support group;
- DCJ to note concerns regarding Folau in case files for his children so that they are considered in any future action regarding child protection; and

### Example – Safety Action Plan

Jim was previously on a community treatment order for a mental illness. The order provided for compulsory medication and attendance at specialist consultations. The order has now lapsed and Jim attends a community health centre. The centre is aware of a history of serious domestic violence assaults by Jim against his wife Karen.

Jim reports to the doctor at the centre that he has stopped taking his medication and is hearing voices. Karen is also present with their newborn baby but appears withdrawn and subdued. The doctor considers that in his professional judgment, Karen is 'at serious threat'. In addition to meeting his mandatory child protection obligations, the doctor refers Karen to the LCP for support. The LCP places Karen on the agenda for the next SAM.

At the SAM, information shared by members reveals Jim's significant mental illness and prior attempts at suicide, a long history of domestic violence incidents between Jim and Karen, threats by Jim to kill Karen and other family members, and previous ADVOs taken out against Jim by Karen. The following actions are agreed to reduce the threat to Karen's safety:

- Police to apply for a new ADVO for Karen, including an exclusion order if she wants one so that Jim can no longer live with her;
- If Karen wants an exclusion order, Victims Services to offer brokerage for immediate installation of a duress alarm;
- If Karen wants to move, DCJ to assess her eligibility for housing assistance, including temporary accommodation, private rental assistance or priority housing;
- DCJ to re-assess the child's safety and take appropriate action; and
- Police to involuntarily commit Jim into a community treatment facility if necessary.

## 7.7 Male victims

### 7.7.1 Overview

The majority of domestic violence victims are women. However, some victims are men. Male victims assessed 'at serious threat' should be referred to a SAM.

Any male victim assessed as being 'at serious threat' should be referred to the relevant Local Support Service (LSS). The LSS should then liaise with the SAM Coordinator to ensure they are listed on the SAM agenda.

### Example – Male victims

Josh is being abused by his partner Patrick. One night the neighbours hear Patrick assaulting Josh at their house and call the Police. When the Police arrive, Josh has extensive injuries. The Police assess Josh as 'at serious threat' and refer him via the Central Referral Point to the Local Support Service for support. The service works with Josh and attends the SAM in regard to his matter.

## 7.7.2 Male service provider role

Police refer male victims 'at serious threat' to relevant service providers known as the LSS. LSSs must liaise with the SAM Coordinator to ensure male victims are listed on the SAM agenda. The role of the LSS is to:

- Contact male victims, seeking consent and then applying the DVSAT;
- Offer male victims safety planning, case coordination and other support as needed;
- Refer male victims 'at serious threat' to the SAM Coordinator for inclusion on the SAM agenda;
- Liaise with the relevant DVLO as needed in relation to male victims 'at serious threat';
- Follow processes outlined in Section 3.2.2 regarding re-grading matters;
- Liaise with male victims 'at serious threat' in relation to SAMs; and
- Attend the SAM for discussion of male victim matters.

The LSS and SAM Coordinator in each location should agree on a set 'cut-off point' for male victim referrals each fortnight. For example, if the SAM Coordinator needs to circulate the complete agenda to all members by close of business every second Wednesday, the LSS must send any male victim referrals to the SAM Coordinator by 12pm that day, including any relevant information about those matters.

Other service providers can refer a male victim 'at serious threat' to a SAM by contacting the SAM Coordinator. The SAM Coordinator will contact the LSS to review the referral first.

## 8. Child wellbeing and protection

### 8.1 Intersection between domestic violence and child abuse and neglect

There is a considerable intersection between domestic violence and child abuse and neglect. Children and young people who live with domestic violence and are subjected to or witness domestic violence experience significant trauma and are more likely to experience or perpetrate domestic violence as adults. Perpetrators may harm or threaten to harm children as a means of controlling or coercing their primary victim, usually the children's mother. Pregnant women are at heightened risk of physical and psychological harm, as are their unborn child/ren.

A significant number of victims referred to SAMs will have children in their care or may be pregnant and SAM members must always consider child wellbeing and protection issues.

Given that the aim of SAMs is to prevent or lessen serious threats to the safety of domestic violence victims and any children in their care, it is vital that actions arising from SAMs address the needs of both victims and their children.

### 8.2 Legal obligations

Service providers have obligations under the *Children and Young Persons (Care and Protection) Act 1998*. SAMs do not replace or change these obligations.

Under Chapter 16A of the Care Act, agencies that have responsibilities relating to the safety, welfare or wellbeing of children and young persons are required to collaborate with interagency partners and comply with information exchange provisions to promote the safety, welfare and wellbeing of children and young people. This includes taking reasonable steps to coordinate the provision of services with other agencies

In addition, under Section 27 of the Care Act, certain professionals are required to report suspected child abuse and neglect to the Child Protection Helpline – phone 132 111 (24/7). The reporting threshold is 'suspected risk of significant harm'. The legislation includes that a child or young person may be a risk of significant physical or psychological harm where they are 'living in a household where there have been incidents of domestic violence,

Services providers may also make reports in relation to unborn children where it is suspected they may be at risk of significant harm upon birth.

In addition, if DCJ forms the opinion, on reasonable grounds, that a child or young person is in need of care and protection, they may take whatever action is necessary to safeguard or promote the safety, welfare and well-being of that child or young person. For child protection purposes, the definition of a child means, (except in Chapter 13 of the Act), a person who is under the age of 16 years. A young person means a person who is aged 16 years or above but who is under the age of 18 years.



### 8.3 Child wellbeing and protection concerns arising from a SAM

If information shared at a SAM leads one or more member to form the view that a child or young person may be at risk of significant harm, the [Mandatory Reporter Guide \(MRG\)](#) should be completed in relation to that child or young person.

The Mandatory Reporter Guide should be completed by the SAM member that is best placed to do so, for example the member that holds the most relevant information regarding the child or young person at risk or has the capacity to complete the Mandatory Reporter Guide in a timely manner. Completion of the Mandatory Reporter Guide in a timely manner should be clearly listed as an action for that member on the victim's Safety Action Plan.

If the Mandatory Reporter Guide indicates that it is necessary, a report to the Child Protection Helpline must be made. The only exception to this is where a report has already been made by one of the members about the child or young person in question, and the SAM can provide no new information to add to this report.

Reports to the Child Protection Helpline should be made in consultation with the victim wherever possible. The reporting service provider should discuss the report thoroughly with the victim and explain why a report is being made regarding her child or children. The only exception is where doing so will increase the threat to the victim or her children, is impracticable, or will seriously compromise a relationship with the victim or her children that is crucial to ongoing support. It is important that the adult victim understands the nature of the concerns raised at the SAM, including the aim of ensuring future safety of children.

If the Mandatory Reporter Guide indicates that another course of action is necessary or recommended, such as contact with a Child Well-being Unit or other service provider, this course of action must be taken in a timely manner and in consultation with the victim wherever possible. Again, the only exception is where doing so will increase the threat to the victim or her children, is impracticable, or will seriously compromise a relationship with the victim or her children that is crucial to ongoing support.

Similarly, if DCJ forms the opinion, on reasonable grounds, that a child or young person is in need of care and protection, they may take whatever action is necessary to safeguard or promote the safety, welfare and well-being of that child or young person following a SAM.

It is important to note that SAMs allow service providers to meet their child protection obligations more effectively by providing more complete information about all relevant circumstances.

SAMs enable members to build a comprehensive picture of each victim's situation, her needs and the threats to her safety. If a member, such as DCJ, needs to take action in regard to child protection, the information shared at a SAM will help them to do so in an appropriate way.

### Cumulative harm

There may be cases in which no individual piece of information comes to light at a SAM which has not already been the subject of an MRG or Child Protection report but, when taken together, the information shared indicates a cumulative risk of significant harm. In such instances, the SAM Coordinator or another LCP worker should complete the MRG following the SAM to ensure that the cumulative risk is properly considered.

## 8.4 Community concern

Victims with children who have had negative experiences with service providers in the past may be reluctant to engage in the SAM process if these service providers participate in the meetings.

In particular, victims from diverse communities may be concerned that engaging with service providers involved in SAMs will lead to negative outcomes for their families, based on previous experience of government policies. For example, Aboriginal communities may fear removal of their children. Asylum seekers may fear being returned to immigration detention.

Members should consider these concerns and the associated risk that victims will disengage from support when developing Safety Action Plans for victims with children. Actions developed as a result of a meeting must have as their aim the prevention or reduction of a serious threat to victims and their children.

In addition, SAM members and other workers employed by their service providers should be appropriately trained in having skilled discussions with victims about child protection issues and processes.

## 9. Governance, compliance and review

### 9.1 Governance

#### 9.1.1 Local problem-solving

If an issue arises regarding the operation of a SAM or the conduct of a member, members should seek to resolve the issue locally wherever possible.

For example, if a member disagrees with an action that another member proposes to take, the members should discuss the merit and potential consequences of

the action as a group. If a member takes an action that is not supported by other members and which does not align with this manual and the purpose of SAMs, the SAM Coordinator and/or Chair should in the first instance discuss the matter with the member in question, and their executive if necessary.

If an issue cannot be resolved locally or it relates to a systemic matter concerning the operation of SAMs across NSW, the Chair or relevant member should escalate the matter to their agency (or funding body) for consideration by the Safer Pathway Steering Group. Members can also raise issues with the WDV CAP Unit within Legal Aid NSW.

#### 9.1.2 Executive governance

The operation of SAMs is overseen by the Safer Pathway Steering Group. The group comprises representatives of the key government agencies responsible for Safer Pathway; including the NSW Police Force, the Department of Communities and Justice, Department of Education, Victims Services NSW, NSW Health and Legal Aid NSW.

In regard to SAMs, the Safer Pathway Steering Group:

- provides a forum for cross-agency problem-solving;
- proactively identifies and manages risks to the ongoing implementation of SAMs;
- facilitates cooperation with the child protection system at agency level;
- monitors government agency attendance at SAMs;
- escalates systemic issues and provides advice to the Reforms Delivery Board where necessary.

The Domestic and Family Violence Reforms Delivery Board is the high-level cross-agency body responsible for overseeing all elements of the DFV Reforms. The Delivery Board considers issues relating to SAMs as necessary.

## 9.2 Compliance & Review

### 9.2.1 Overview

SAMs must be conducted in accordance with this manual and the Protocol. SAM members must comply with the manual at SAMs and in relation to all matters concerning SAMs.

If a member fails to comply with the manual, the SAM Coordinator and/or Chair should seek to resolve the matter with the member and their service provider directly.

If a member consistently fails to comply with this manual, the SAM Chair may, in consultation with other members, terminate that member's participation in the meetings. The Chair may request that the service provider in question identifies another member to attend the meetings or identify an appropriate replacement service provider in consultation with relevant stakeholders.

If a member consistently fails to comply with the Protocol, the SAM Chair should follow the compliance procedures set out in the Protocol.

If an issue cannot be resolved locally or it relates to a systemic matter concerning the operation of SAMs across NSW, it should be escalated to the relevant agency or with the WDV CAP Unit within Legal Aid NSW.

### 9.2.2 Complaints by victims

A victim considered at a SAM may wish to make a complaint about the meeting process or a member. Complaints should be handled in a timely and appropriate manner to resolve issues where they exist and to ensure victims' concerns are addressed. Victims should be assisted to make complaints in writing wherever possible.

Complaints relating to information sharing should be handled in accordance with the Protocol. Complaints relating to a SAM member should be referred to the SAM Chair. Complaints relating to a member in their general capacity as employees of their service provider should be directed to that service provider and handled in accordance with internal policies and procedures.

If a complaint raises a systemic issue that may affect SAMs across NSW, the SAM Coordinator or Chair should refer the matter to the relevant agency or with the WDV CAP Unit within Legal Aid NSW.

### 9.2.3 Complaints by members

A member may wish to make a complaint about another member. For example, a member may feel that another member has spoken inappropriately about a victim or breached confidentiality, or taken an action that is inappropriate, unethical or unsafe.

In the case of a dispute:

- Members should first raise the issue at a SAM and attempt to resolve it through discussion;
- If the issue remains unresolved, members should meet with the Chair and/or SAM Coordinator, as appropriate, separately; and

- If the issue still remains unresolved, members should make a formal complaint in writing to the Chair.

In such cases the Chair should seek the views of all parties involved if appropriate and convene a meeting to resolve the matter.

If a complaint cannot be resolved locally or raises a systemic issue that may affect SAMs across NSW, the SAM Coordinator or Chair should refer the matter to the relevant agency or with the WDV CAP Unit within Legal Aid NSW.

#### **9.2.4 Review**

This manual will be reviewed and updated as required in consultation with the Safer Pathway Steering Group.

## 10. Other domestic and family violence programs

### 10.1 Local Coordinated Multiagency Offender Management (LCM)

LCM brings together four agencies, DCJ, Health, Police and Corrective Services, to work in partnership to manage individuals residing in the community who have a history of persistent reoffending or domestic violence offences. LCM aims to coordinate services and interventions that may reduce these offenders' risk of reoffending. LCM currently operates in Liverpool, Parramatta, Dubbo, Campbelltown, Wollongong, Mt Druitt, Newcastle, Moree, Taree and Wagga Wagga.

At any LCM site, there may be cases where the individual being managed is the offender of a victim on a SAM agenda. In these cases, it is important that information is shared between the two forums to avoid duplication or contradictory actions. In LCM sites, when the Corrective Services representative receives the SAM agenda, they must send it to the LCM Coordinator. The LCM Coordinator will then review the agenda to determine if any offender on LCM is involved in a SAM matter. Where an offender on LCM is involved, the LCM Coordinator will liaise with the SAM Coordinator directly.

### 10.2 Domestic Violence Electronic Monitoring (DVEM) Program

The Domestic Violence Electronic Monitoring (DVEM) Program involves electronic monitoring of high-risk domestic violence offenders to deter re-offending. Offenders are fitted with ankle bracelets which send an alarm to Corrective Services if they approach or enter an exclusion zone.

When an offender is first placed on the DVEM Program, the LCP should list the victim on the SAM agenda. This provides an opportunity to liaise with Community Corrections and ensure all factors impacting upon the victim's safety are fully understood. Similarly, LSSs will list male victims on the SAM agenda.

# Appendices

- A SAM Referral Form
- B SAM Information Sheet
- C SAM Confidentiality Agreement
- D SAM Chair Aide Memoire

# Appendix A

## Safety Action Meeting Referral Form

For use by non-government service providers and government agencies other than Police

<b>Victim 'at serious threat'</b>	
<b>Date of birth</b>	
<b>Address and contact number</b>	
<b>Safe time to contact</b>	
<b>Perpetrator (name, date of birth, address)</b>	
<b>Children (name, date of birth)</b>	

1. Victim identified as **'at serious threat'** based on (select one)

<input type="checkbox"/>	Domestic Violence Safety Assessment Tool (DVSAT);
<input type="checkbox"/>	Other risk identification tool; or
<input type="checkbox"/>	Professional judgement.

Please provide the completed DVSAT or other risk identification tool if available.

2. Background information/ major risk indicators:

.....

.....

3. Has the victim consented to the referral?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

If not, why not?

.....



#### 4. Referrer

<b>Name</b>	
<b>Service provider</b>	
<b>Contact number</b>	
<b>Email address</b>	
<b>Date</b>	

## Appendix B

### Safety Action Meeting Information Sheet

#### 1. We have serious concerns about your safety

Your safety is very important to us. We want to work with you to reduce the threat to you and your family.

If you have been identified as **'at serious threat'** because of domestic violence, you may be referred to a SAM.

Domestic violence is a crime. It means any behaviour, in an intimate or family relationship, which is violent, threatening, or controlling, and causes you to live in fear. It can include physical, verbal, sexual, emotional or financial abuse.

#### 2. What is a Safety Action Meeting?

A SAM is a targeted response to serious cases of domestic violence. SAMs are held regularly and bring together relevant service providers in the local area. At the meetings, service providers develop ways to reduce the threat to you and your family's safety e.g. come up with options to help you.

It is important to know that information shared at a SAM is confidential and will never be shared with the person who has hurt you.

#### 3. Why am I being referred to a Safety Action Meeting?

You may be referred to a SAM so that service providers can discuss the threat to you and your family's safety and work together to reduce this threat.

#### 4. Who attends the Safety Action Meeting?

Representatives from the following service providers regularly attend SAMs:

- Police
- Community Services
- Housing
- Health
- Corrective Services
- Education

#### 5. Do I have to attend the SAM?

No. You and your family do not attend the meeting. It is for workers only.

## **6. What will happen at the Safety Action Meeting?**

Service providers will discuss your situation and the threat to you and your family's safety in order to develop a Safety Action Plan. The Safety Action Plan is a list of actions that service providers can take to protect you from further harm.

It is important to understand that the Safety Action Plan includes actions for service providers only, not for you. You can never be made to do anything as a result of a SAM.

Wherever possible, you will be advised about what happens at the SAM.

## **7. What if I don't want to be referred to a Safety Action Meeting?**

You may not want your case referred to a SAM. You can let workers know if you do not agree to being referred.

However, if your situation is highly dangerous there may be times when we need to make a referral for you to a SAM without your consent. In this case, we may need to share information to protect your life, health or safety or that of your family.

## Appendix C

### Safety Action Meeting Confidentiality Agreement

<b>Safety Action Meeting</b>	
<b>Date</b>	
<b>Location</b>	
<b>Chair</b>	

The Chair reminds all attendees that:

- Information shared at SAMs is strictly confidential and must not be disclosed elsewhere except in accordance with legislation;
- SAMs are based on a fundamental commitment to reducing serious threats to domestic violence victims and their children;
- Discussion at SAMs is conducted in a respectful manner that treats all individuals with dignity; and
- SAM records should be kept secure.

By signing this document, I agree to abide by the above.

<b>Name</b>	<b>Service provider</b>	<b>Signature</b>	<b>Date</b>

## Appendix D

### Safety Action Meeting Chair aide memoire

#### 1. Welcome and introductions

- Introduce yourself and do an Acknowledgement of Country.
- Ask members and observers to introduce themselves.
- Remind members that the focus of the meeting is developing actions to reduce serious threats to victims' safety right now.
- Direct each meeting to ensure that discussion is respectful, targeted and focused on safety.

#### 2. Confidentiality agreement and conflicts of interest

- Read out the confidentiality agreement and ask members and observers to sign it.
- Ask if anyone has a conflict of interest they need to disclose and discuss how to address it (e.g. member will leave the room for that matter).

#### 3. Existing referrals

- Confirm whether actions arising from previous meetings for each existing referral has been completed.
- If all actions have been completed for a referral, discuss whether it should be kept on the agenda or removed. You should consider members' views, but the final decision is yours.

#### 4. New referrals

- For each new matter, go around the table to ask members to provide any information they have relating to the victim's current safety information, starting with the DVLO.
- Go around the table a second time to ask members to offer actions where they can, to reduce the threat to the victim's safety.
- Ask the SAM Coordinator to read out the actions agreed to by SAM members.
- Discuss whether the referral should be kept on the agenda or removed.
- Generally, referrals should **not** be removed after **only one** meeting.

#### 5. Referrals re-graded to 'at threat' prior to the meeting

- Ask members to note the referrals re-graded prior to the meeting and ask if they have any issues to raise.
- This discussion is by exception only – You do not need to go around the table and ask members to endorse the re-grades.

## 6. Any other business and close

- Ask if anyone has other business to raise.
- Thank members for attending and confirm next meeting date.

### Key roles of SAM Chair

- Conduct the meeting in accordance with the agenda to keep members on track
- Ensure discussion is respectful and encourage members to stay focused on current safety issues – not case management
- Encourage members to actively think of practical actions their agency can offer

## 7. Chairing meetings with SAM members attending remotely

Chairing a SAM effectively when SAM members are attending remotely require these additional considerations:

- At the beginning of the meeting, ensure each remote attendee has sent a signed Confidentiality Agreement to the SAM Coordinator already or ask for their verbal agreement for the SAM Coordinator to record.
- Ask remote attendees if they can hear people at the table speaking clearly and remind them to mute themselves when they're not speaking to prevent background noise.
- When you apply the "twice around the table" approach, always ensure you ask for their input on each matter and check in with the remote attendees by name.
- Explicitly address the remote SAM attendee if the meeting is going for a break.
- Explicitly address the remote SAM attendee at the end of the meeting to ask if they have anything further to add.
- Remember to announce any changes, i.e. technical issues or interruptions, for the benefit of people attending remotely.

