

## Frequently Asked Questions—November 2023

This is a working document prepared by the Victims of Crime Commissioner's Office (VOCC Office) to provide information and guidance to prescribed agencies and other stakeholders, consistent with the objectives of the *Victims of Crime Commissioner's Act 2015* (VOCC Act) to promote recognition, inclusion and participation of victims of crime in the justice system.

### **Does the Victim of Crime Commissioner deliver victim services?**

No, victim services are provided by multiple agencies (government and non-government) and include:

- the Victims of Crime Helpline
- the Victims Register
- the Child Witness Service
- the Intermediary Program.
- the Victims Assistance Program delivered by community service organisations
- specialist family violence services
- sexual assault services
- Community Legal Services

The Victims of Crime Commissioner (the Commissioner) is a statutory officer that is independent of government, the justice system and victims' service agencies. The role was established to promote issues that regularly affect victims of crime in the justice system and to advocate to government on ways in which the justice and victim support systems can be improved for victims' benefit.

The Commissioner is also responsible for investigating complaints about the way victims have been treated by Victoria Police, prosecutions or victims' services and monitoring and reporting on the extent to which agencies are interacting with people who are victims of crime, in line with their obligations under the Victims Charter Act.

The Commissioner can also conduct systemic inquiries into matters that negatively affect victims of crime and provide recommendations to government on how things can be improved.

### **Will the Commissioner be providing further guidance and support materials on compliance with the Victims Charter?**

The Commissioner has released Victims' Charter Guidelines that provide good practice indicators to assist agencies to meet their obligations under the Victims' Charter and explain the role of the Commissioner. The Guidelines are currently available on the VOCC website <https://victimsofcrimecommissioner.vic.gov.au/>.

The VOCC office is also delivering a series of information sessions to support agencies to understand their obligations under the Charter.

The Commissioner is committed to being responsive to emerging issues raised by both agencies and victims and as we continue to develop our regulatory approach, the website will be updated with additional tools and resources. Other information tools, such as this frequently asked questions (FAQs) document, will be developed as required.

The VOCC Office will develop materials such as pamphlets and fliers for agencies to distribute and display at their premises or on their website, for example on Victims' rights under the Victims' Charter and the role of the Commissioner. These will be shared as soon as they become available.

Additionally, the VOCC office is exploring the development of a series of short educational videos for agencies to use as a guide when training staff on their obligations under the Charter.

### **How does the Victims Charter intersect with other regulatory schemes?**

The Commissioner is committed to minimising the burden of reporting so that agencies can commit a minimum amount of time and resources while still providing the Commissioner with the information she needs to meet her reporting requirements.

While the Commissioner is committed to avoiding duplication, complying with multiple other frameworks will not mean that agencies are meeting their obligations under the Victims' Charter. It is likely that there are elements of the Victims' Charter that are captured in other regulatory requirements and legislation. However, it is unlikely that all obligations under the Victims' Charter are captured in these other obligations.

Over time the Commissioner hopes to work with peak bodies and agencies to understand what compliance with other standards looks like, and to gain an understanding of what agencies are required to achieve to be deemed compliant.

### **Who is responsible for providing training on the Victims charter?**

The Commissioner is committed to providing tools and resources to ensure agencies understand their obligations. Agencies will need to determine themselves how they use these resources and undertake awareness training within their own organisation.

The VOCC Office is planning a series of information sessions to raise awareness of requirements under the Victims' Charter. It also has released the Victims' Charter Guidelines which can assist agencies in developing their own in-house training.

The VOCC Office plans to develop a series of short educational videos that agencies can access and use in their in-house training.

Agencies are expected to ensure the Victims' Charter principles are reflected in their policies and processes and ensure that their staff are aware of the Victims' Charter and have training to enable them to comply with the Victims' Charter obligations.

### **I have not been receiving any emails regarding, reporting requests, news or information sessions, why is this?**

We understand that staff changes are a normal part of a busy business, and we annually review our contact list.

We don't always get this right and to help us get the right information to the right person, you can let us know of any changes to key points of contact by emailing [chartercompliance@vocc.vic.gov.au](mailto:chartercompliance@vocc.vic.gov.au). This way, when we call or reach out with any updates or requests for information, we can be sure that we're addressing the right person.

### **When should complaints be referred to the Ombudsman not the VOCC?**

The Victorian Ombudsman may investigate the administrative actions of an authority, which includes Victorian state government departments, statutory authorities, local councils and public organisations. The Ombudsman does not investigate Victoria Police, courts of law, judges or magistrates.

If a victim of crime feels their rights under the Victims' Charter have not been upheld, they should express their dissatisfaction with the agency in the first instance. If they are not satisfied with the agency's response to their concerns, victims of crime can make a complaint to the VOCC Office.

## **Compliance with the Victims' Charter**

### **My organisation is new. What can I put in place quickly to comply?**

A good starting point would be to have a robust complaints policy in place.

The Victims' Charter contains 17 principles. In addition, it requires agencies to have a complaints system so people affected by crime can raise concerns if the principles have not been met.

Additionally, under the Victims' Charter, one of the primary objectives is to reduce the harms of secondary victimisation. The VOCC guidelines propose four pillars to inform how agencies interact with people adversely affected by crime to reduce secondary victimisation. These pillars are:

- being trauma-informed
- being victim centred
- recognising intersectionality
- recognising self-determination and cultural safety for Aboriginal communities.

Feedback from victims of crime and agencies that support victims highlights the importance of these pillars in reducing harm to victims. Many victims' service agencies embed these concepts in their operational codes and cultures.

### **What tools are available to assist my organisation to comply with the Victims' Charter?**

This link to the [Victims' Charter Guidelines](#) provides further information on good practice under the Victims' Charter.

Further tools and guidance to assist agencies are planned for 2024 and will be published on the website.

### **What will happen if my agency is not compliant with the Victims' Charter?**

The Commissioner's regulatory approach and related reporting on compliance with the Victims' Charter aims to:

- show how the justice and victim support systems are and are not working for victims
- identify compliance challenges with the Victims' Charter and where the experience of victims could be improved
- support agencies to improve compliance with the Victims' Charter by identifying and sharing good practice
- enable victims to better understand their right to complain about their treatment and seek appropriate remedies
- prioritise victims who face systemic barriers to accessing justice and victim support services.

The Commissioner's goal is to change behaviour rather than a focus on enforcing compliance. In this context, the Commissioner is developing an approach for addressing non-compliance with the Victims' Charter that will include the Commissioner informing agencies of areas identified for improvement in the first instance.

The Commissioner intends to identify and report on examples of good practice and areas where agencies are improving their processes. The Commissioner may also identify and report on areas where she thinks there is scope for improvement across particular types of agencies, or where there are patterns of non-compliance.

If the Commissioner has a view that an agency is a prescribed agency and has repeatedly not provided information on its compliance with the Victims' Charter or has significant failings in its treatment of victims of crime, she will report this publicly in her Annual Report.

At this stage, while developing our regulatory approach, the Commissioner's intention is to reserve naming particular agencies as non-compliant for cases of extreme disregard for victims' rights and the requirements of the Victims' Charter.

## **Peak bodies**

### **How are we engaging with peak bodies to support knowledge sharing?**

Peak bodies have an important role in representing members in their sector and sharing industry knowledge. Engaging with peak bodies to share news and updates (and as we roll out the Victims' Charter regulatory approach) will assist the Commissioner to raise the profile of the Victims' Charter.

Feedback from peak bodies will focus our attention on the most impactful ways to continue to drive improvements in the justice system for victims of crime.

## **Annual compliance reporting**

### **Why has my agency been asked to respond to the annual reporting request?**

If your agency is requested to provide information on how it complies with the Victims' Charter, then it will have been assessed as a prescribed agency. It will have been classified as either:

- an investigatory agency
- a prosecution agency
- a victims' services agency.

If any agency has questions or concerns about why they have been asked to report, they should contact the Office of the Commissioner as soon as possible to discuss these issues. Most issues should be able to be resolved through constructive discussion.

### **I don't think my agency is a prescribed agency, what should I do?**

The Commissioner expects agencies to be proactive in considering how the Victims' Charter applies to their organisation and any functions that include the provision of victims' services.

The Commissioner is, however, willing to work with agencies if they have questions about how the Victims' Charter applies to their organisation or the activities it undertakes.

You should contact staff in the Commissioner's office as soon as possible if you are unsure whether your organisation is a prescribed agency.

If the issue cannot be resolved quickly, the Commissioner may ask an agency to put their concerns in writing. The Commissioner intends to report in her Annual Report instances where prescribed agencies have not reported as requested. In cases where the agency disagrees that they are covered by the reporting obligation this will also be noted in the Annual Report.

### **When do the annual reporting periods start and end?**

The reporting period for 2022–23 has now closed (August 2023).

The VOCC office will be in regular contact in 2024 in the lead up to the reporting period to ensure agencies are prepared.

### **Our organisation is no longer providing services to victims of crime—do I still need to report?**

Yes. If your agency was still providing services for victims of crime during a period in the reporting year, then it is still obligated to comply with the Victims' Charter during that time and as such the Commissioner would be required to report on your compliance.

### **Our organisation has minimal contact with victims, do we still need to comply with the Victims' Charter?**

Yes. The legislation does not quantify to what degree an agency should interact with victims of crime in order to have obligations to comply with the Victims' Charter. As such, the same reporting obligations for the Commissioner apply and you will be requested to provide reporting information annually.

## **Agencies in scope for reporting**

The *Victims of Crime Commissioner Regulations 2020* (the Regulations) sets out which agencies are prescribed and therefore the organisations the Commissioner is required to report on compliance with the Victims' Charter.

Under the Regulations, Victoria Police and the Office of Public Prosecutions are agencies with no limits on the activities that are covered.

The Department of Justice and Community Safety is an agency to the extent that the Secretary manages or delivers services to victims of crime.

The following organisations or categories of services are prescribed agencies to the extent they provide services to victims of crime:

- Victoria Legal Aid

- Community Legal Service
- Authorised Hub Entity (which includes Family Safety Victoria)
- Victorian WorkCover Authority (WorkSafe)

The following categories of services are prescribed agencies if they receive funding under a contract with the Victorian Government to the extent they provide services to victims of crime:

- specialist victims' services (such as those provided through the Victims Assistance Program)
- specialist family violence services
- services to victim survivors of sexual assault.

In 2023–24, the Commissioner intends to undertake a review of the categories of prescribed agencies in the Regulations to determine the individual agencies covered for the purposes of reporting on compliance with the Victims' Charter.

You should contact staff in the Commissioner's office as soon as possible if you are unsure if your organisation is a prescribed agency.

**My organisation is funded for therapeutic interventions, but we are a brokerage service. Are we in scope of the reporting requirements?**

As brokerage services do not provide direct support to victims of crime, they would not be required to report on compliance with the Victims Charter in this context.

**My organisation receives funding under a family violence program but provides services only to people using violence (perpetrators). Do we still need to report?**

No, the Commissioner is only required to report on services that provide services to victims of crime, this would exclude services that support people who use violence in this context.

**All of our clients are likely to be victims. Do the Victims Charter principles only apply if we are assisting in a victim of crime related capacity, i.e. a VOCAT matter?**

Yes, in relation to support with VOCAT, victims have come to the service because of their status as a victim of crime.

Many organisations that offer services for victims of crime also offer a wide range of other services such as drug and alcohol-related services and other community health and wellbeing services. These services, while they are often held to very similar standards, are not regulated by the Victims' Charter, and are not reported on by the Commissioner.

**If we provide a range of services and see a victim for unrelated, non-victim related support, what are the implications for the broader business?**

Similar to the example above, many agencies provide services that are accessed by victims of crime for reasons other than the impact of their experiences of crime. While many of the people accessing these services may be victims of crime, a significant portion will not be, and the reason that these people access this service is not related to the fact that they are or have been a victim of a crime. Therefore, these activities are considered to be outside the Charter.

**I am not sure what my agency funding covers and if I am a prescribed agency?**

If you have been contacted by the VOCC office with a request for information during a reporting period, it is because you have been identified as receiving funding under a category that identifies your agency as providing a service to victims of crime and fall into one of the categories listed above for prescribed agencies.

If you are unsure, your funding provider will be able to clarify what services you are funded for.

If after clarifying with your funding agency, you believe you have been incorrectly identified as a prescribed agency, please write to the Commissioner explaining why you think you are not a prescribed agency. The Commissioner will consider the information you provide in determining whether to request reporting information from you.