



Information Session 2

# The Victims' Charter and complaints

March 2024

# Welcome

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# Housekeeping

- Please type your details into the chat
  - Name
  - Email address
  - Your position and organisation name
- Please turn your camera off and mute your microphone
- Please type any questions into the chat

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# The Victims of Crime Commissioner

**"My job is to be informed about the experiences of victims of crime. This means to listen to, respect and learn from a diverse range of victims about how they have been treated by various agencies and services within the justice system."**

Fiona McCormack  
Victims of Crime Commissioner

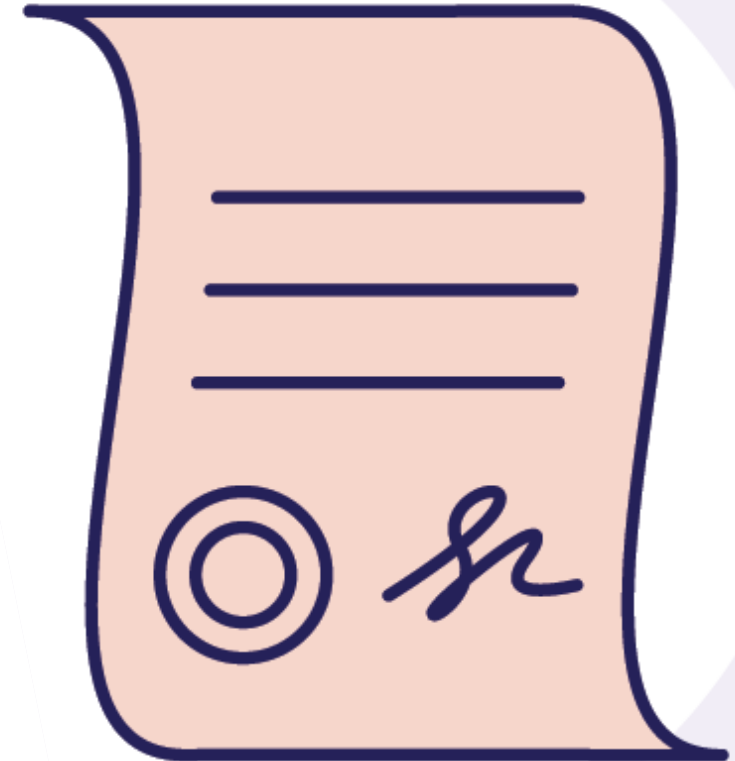


# Organisational Chart - Teams



# Terminology

- In Victoria, the term 'victim' or 'victim of crime' and "person affected by crime" is used in legislation to describe someone who has experienced crime.
- It includes all people who have experienced any type of crime.



# The guidelines

- Focus on good practice guidance
- NOT regulatory compliance documents
- Do not explain reporting requirements or obligations
- High level
- Intended to be evolving

The image shows the cover of the 'Victims' Charter Guidelines' document. It features a woman with her back to the camera, standing on a dirt path in a hazy, outdoor setting. The text on the cover is white and semi-transparent. The title 'Victims' Charter Guidelines' is prominently displayed in a large font. Below it, a subtitle reads 'A guide to assist agencies to comply with the Victims' Charter'. A horizontal line separates the subtitle from the version information, 'VERSION 1, MAY 2023'. At the bottom right of the cover is the logo for the Victims of Crime Commissioner, which consists of three stylized shapes (a triangle, a circle, and a square) in shades of purple and blue, followed by the text 'Victims of Crime Commissioner'.

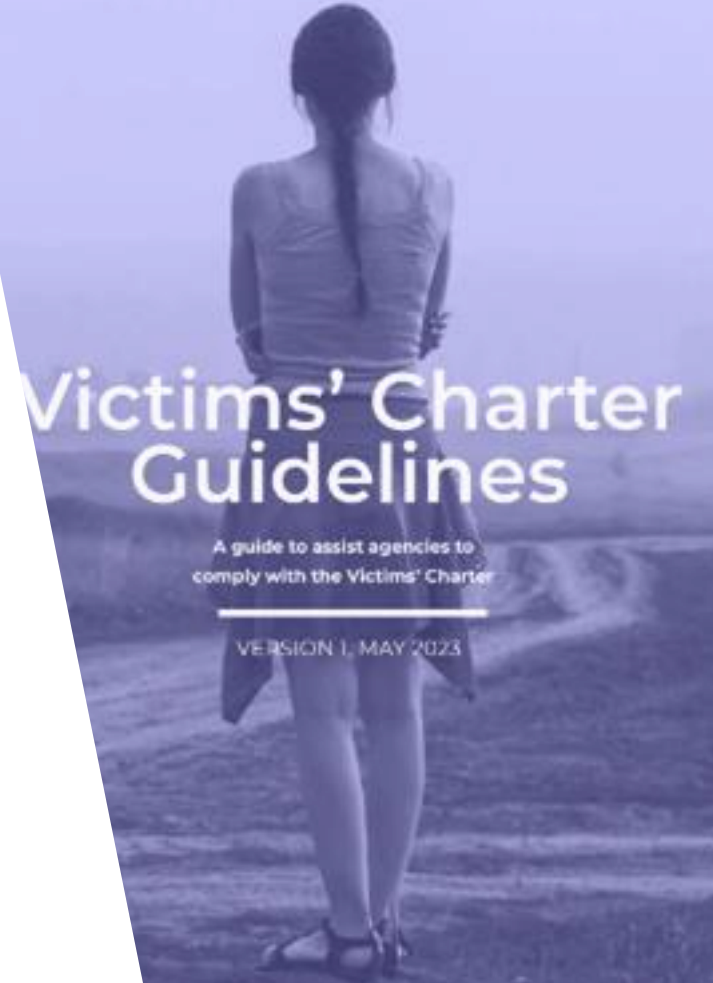
## Victims' Charter Guidelines

A guide to assist agencies to  
comply with the Victims' Charter

VERSION 1, MAY 2023

# The guidelines

- 1** Trauma Informed
- 2** Victim Centred
- 3** Intersectionality
- 4** Cultural Safety & Self Determination





# Reviewing Charter compliance

Charter requirements	Requirement details
Information regarding complaints process	Should inform a <b>person adversely</b> affected by crime about the processes available for making a complaint
Complaint system	Must have an accessible and transparent system to receive and resolve <b>victims</b> complaints relating to the Charter principles. <b>Victims</b> must be advised of the complaint system and their right to refer the complaint to the Victims of Crime Commissioner as soon as is reasonably practicable after commencing to deal with that client.
Making a complaint	<b>Victims</b> may complain to an agency if they believe the agency has not upheld a Charter Principle and seek a review from the Victims of Crime Commissioner of the agency's response to that complaint

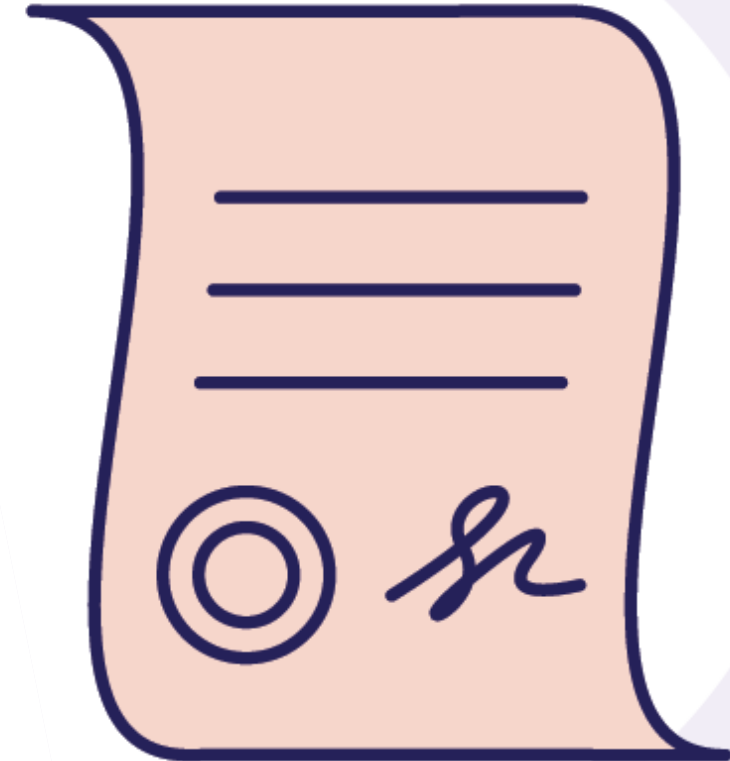
# How well are complaints processes working in prescribed agencies?

- Accessible and transparent
  - Majority accepted complaints multiple ways
  - Most explained who handles complaints
  - Most gave time undertakings
  - Informed at intake
  - Assistance provided
- More work needs to be done in ensuring Victims are informed about the right to complain to the Commissioner



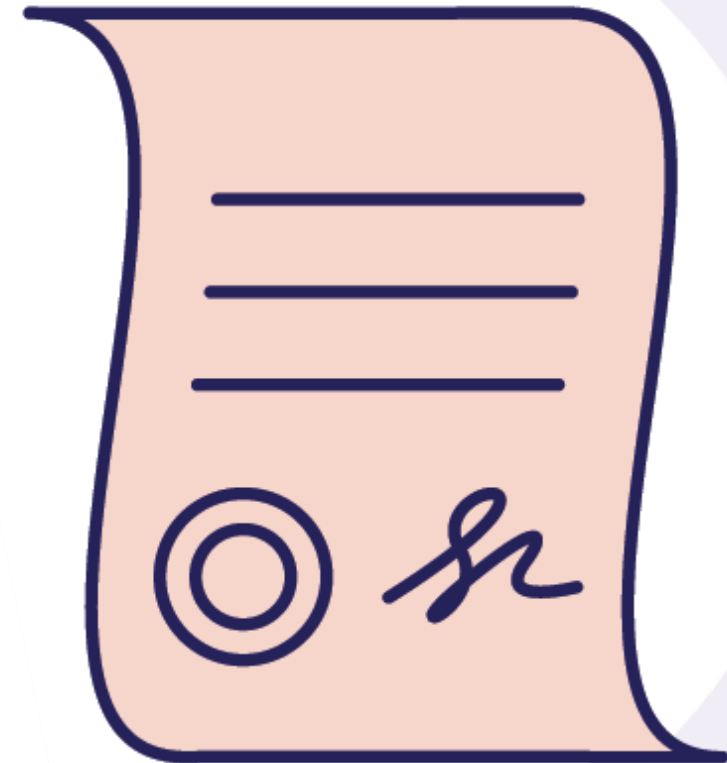
# Victims of Crime Commissioner Act 2015

- Empowers the Commissioner to:
  - Advocate for the recognition, inclusion, participation and respect of victims of crime
  - Carry out inquiries on systemic victim of crime matters
  - Investigate complaints - sections 25A – 25K
  - Report to the Attorney-General on the extent to which justice and victims' services agencies comply with the Victims' Charter



# Victim and person adversely affected by crime

- Under the Victims' Charter a victim is:
  - A natural person who has suffered injury as a direct result of a criminal offence
  - A family member if the natural person has died as a result of the criminal offence, or is under 18, or is incapable of managing their affairs due to mental impairment
- A person adversely affected by crime includes:
  - Victim
  - Family member
  - Witness



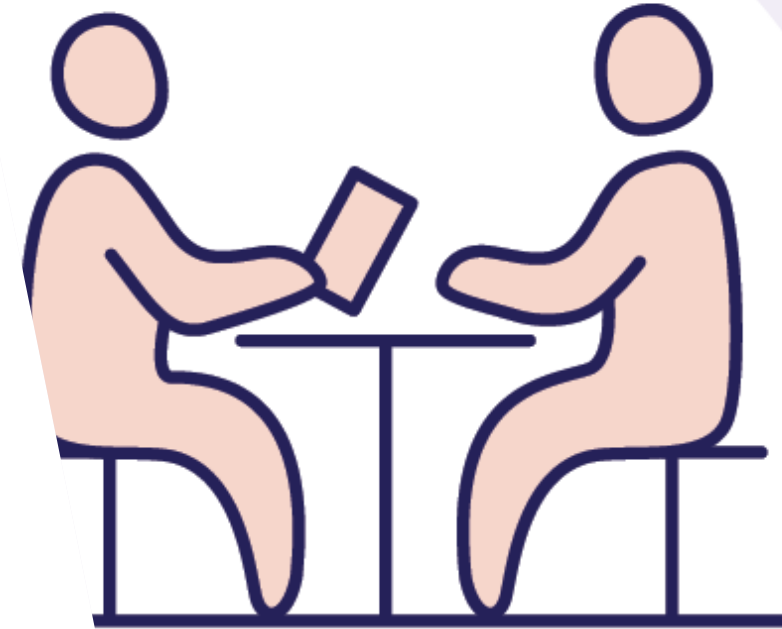
# Investigatory and Prosecuting Agencies

- An investigatory agency means
  - A police officer; or
  - A person authorised by an enactment to investigate a criminal offence
- A prosecuting agency means
  - The DPP
  - A police officer; or
  - A person authorised to bring proceedings for a criminal offence against an enactment



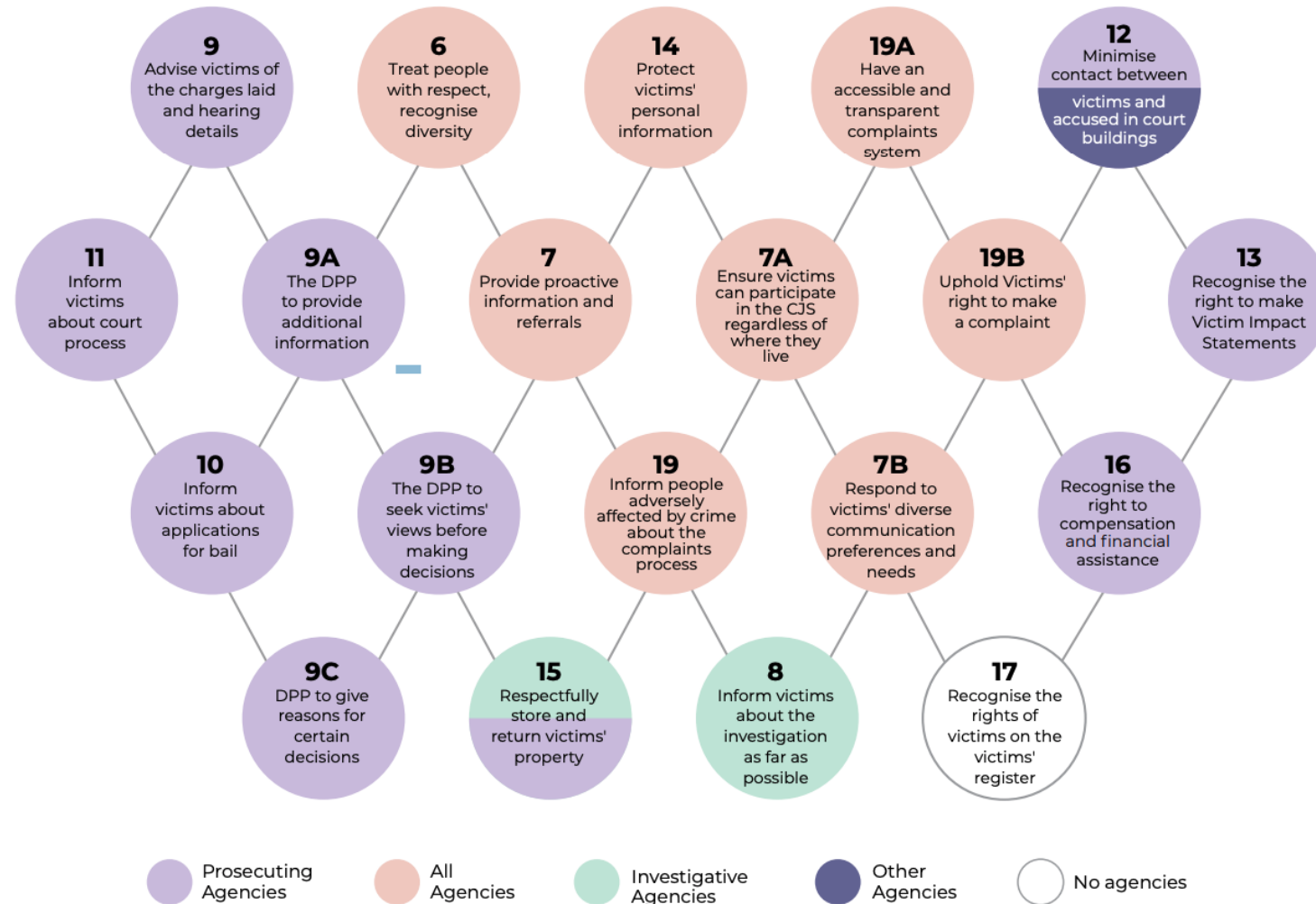
## Victims Service Agency

- an entity established under an enactment that is responsible for the provision of services to persons adversely affected by crime; or
- a public official within the meaning of the Public Administration Act 2004 who is responsible for the provision of services to persons adversely affected by crime; or
- **an entity that is publicly funded to provide services to persons adversely affected by crime.**



# Charter principles as they apply to different types of agencies – what a victim can complain about

## Victims' Charter principles



# How they apply to victims and persons adversely affected by crime

<b>Principle</b>	<b>Victims</b>	<b>Persons adversely affected by crime</b>
Treatment of persons adversely affected by crime	✓	✓
Information to be given to persons adversely affected by crime	✓	✓
Special treatment of victims	✓	✗
Communication with victims	✓	✗
Information about investigation	✓	✗
Information about prosecution	✓	✗
Specific requirements for DPP to provide information and communicate with victims	✓	✗
Other specific entitlements	✓	✗



# Complaints

- Complaints do not always mean bad service
- Complaints can be valuable
  - Improve service
- No complaints can mean there are problems
  - Unable to locate or understand policy
  - Unable to submit in writing
  - Frightened of negative consequences



## Requirements to submit a complaint



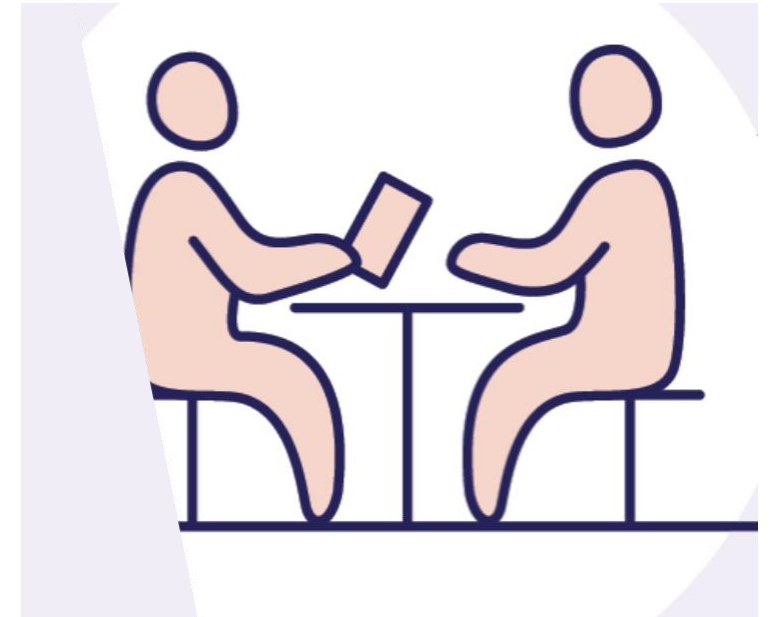
### Who can submit a complaint?

- A victim
- A family member/guardian of a victim who is under 18 or has an impairment
- Persons adversely affected by crime are not able to submit a complaint



### What can a victim complaint about?

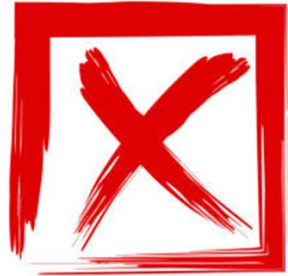
- Breaches of principles of the Victims' Charter
- The Commissioner will review compliance with the Victims' Charter more broadly if the complaint is investigated



### Who a victim can complain about?

- An investigatory agency
- A prosecuting agency
- A victim service agency
- No need to be a prescribed agency under the Regs

## Examples of a complaint



### In scope

Victim alleges that a case worker was rude to them and implied that they should be over it already

### Out of scope

Victim alleges that the agency should have provided them with cognitive behavioural therapy instead of the counselling they were provided

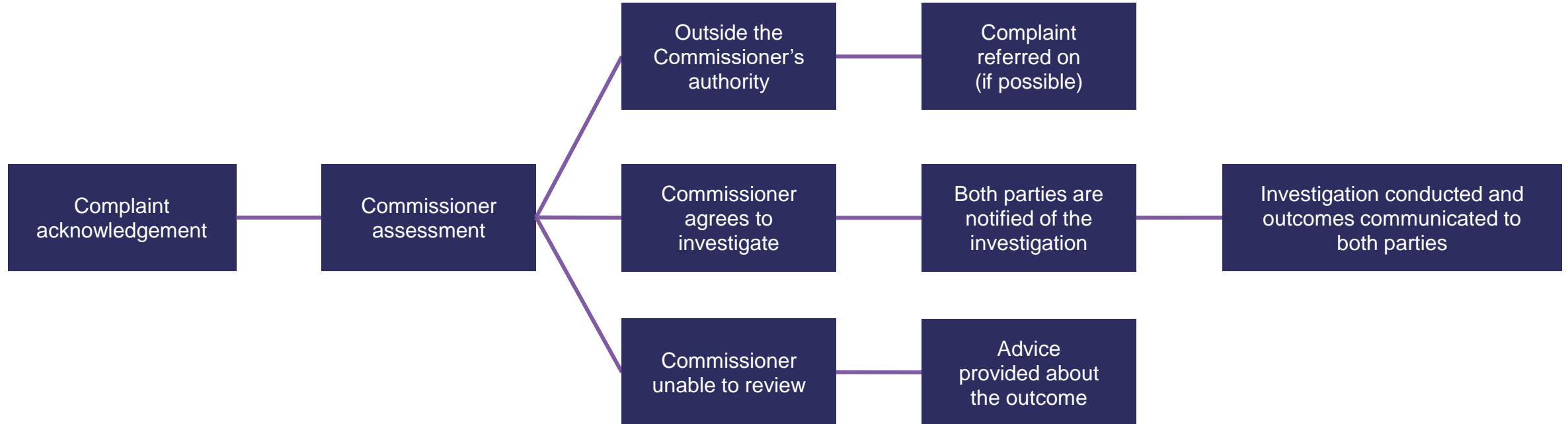
### In scope

Victim alleges that the agency didn't speak with them about their care plan and closed their case without telling them

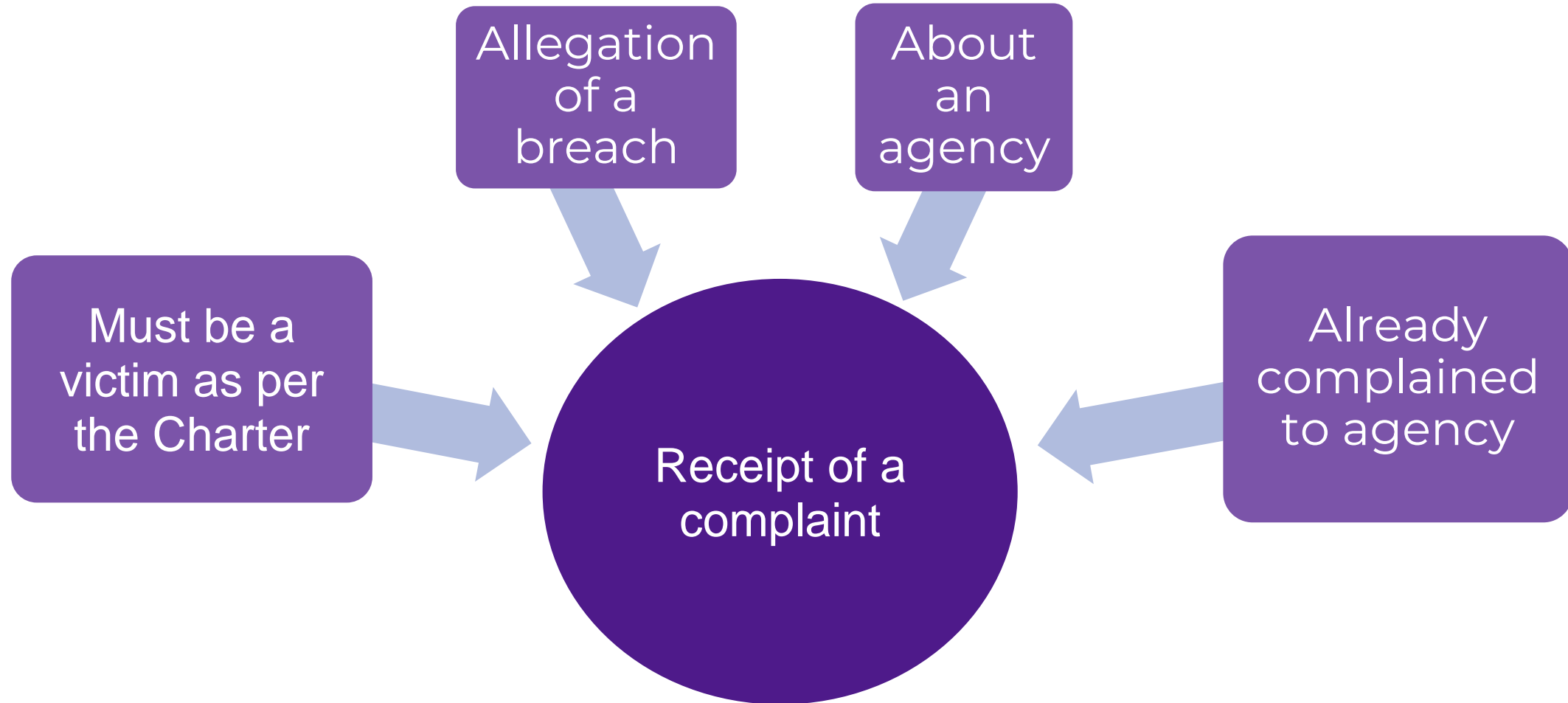
### Out of scope

Victim stated that the support that the agency gave was not appropriate for her circumstances and should have included infrared night vision cameras

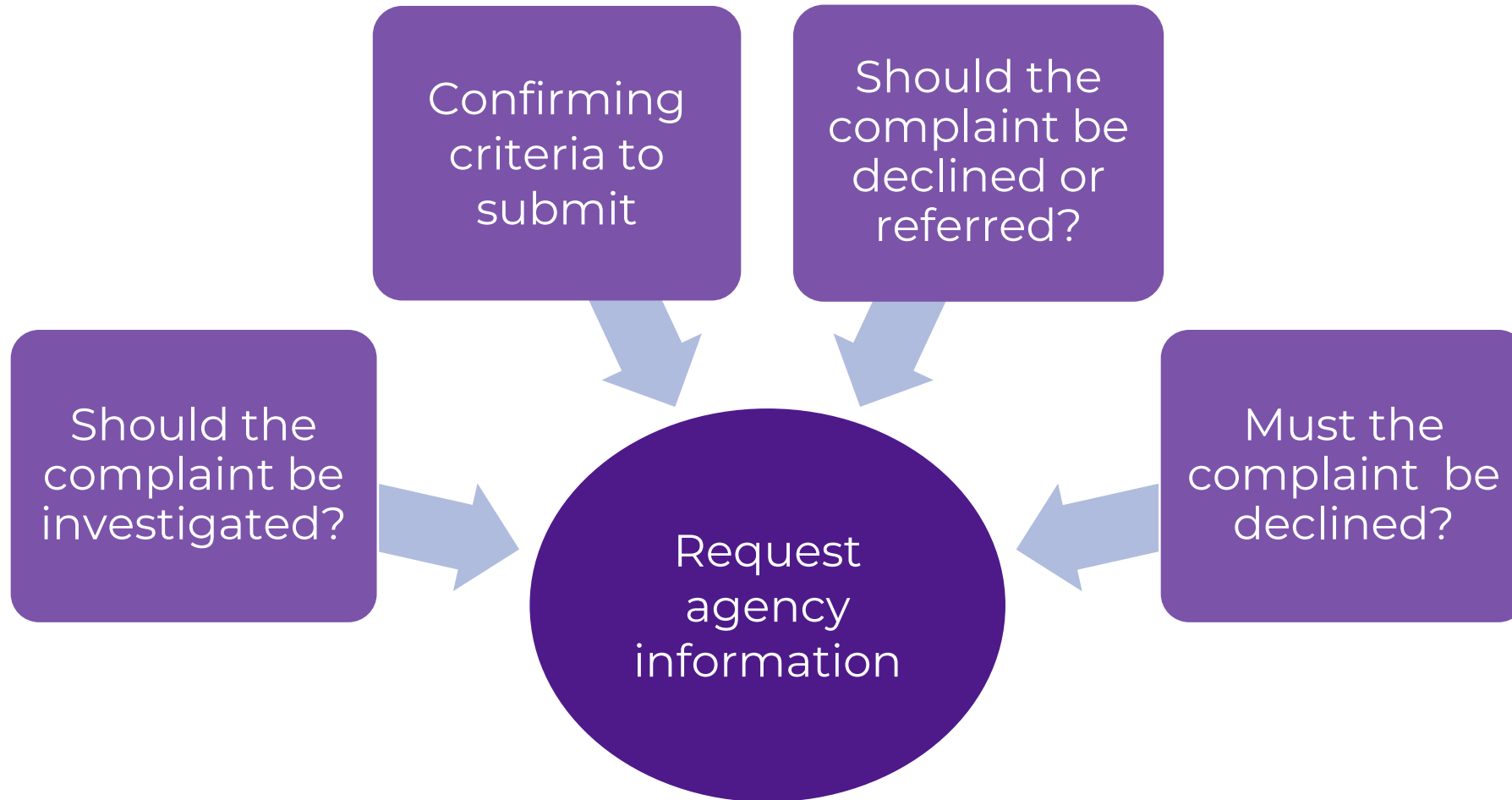
# A summary of the VOCC complaints process



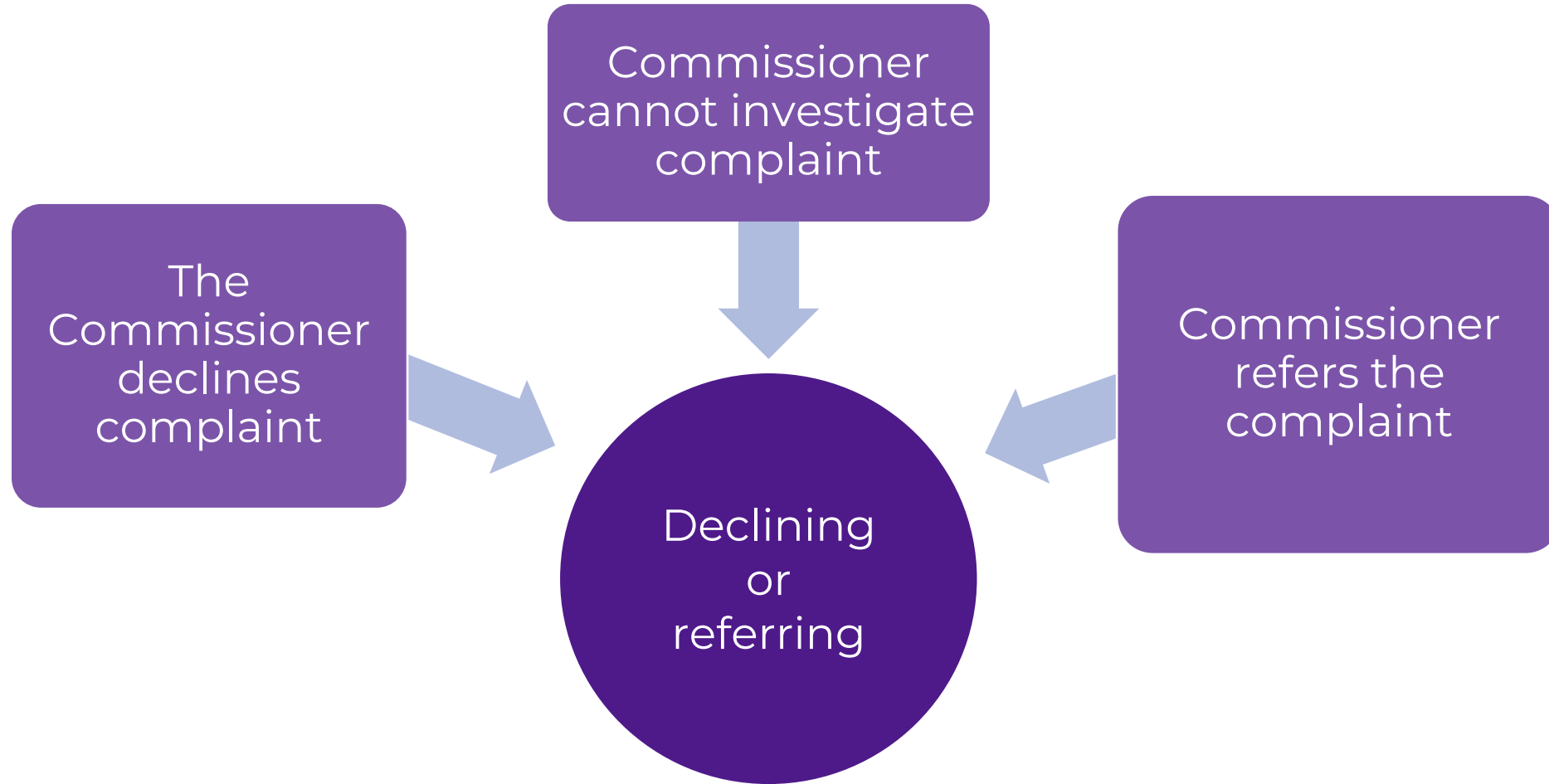
## Receipt of complaint – First Stage VOCC Act



## Assessment – VOCC Act



# Should the complaint be declined or referred?



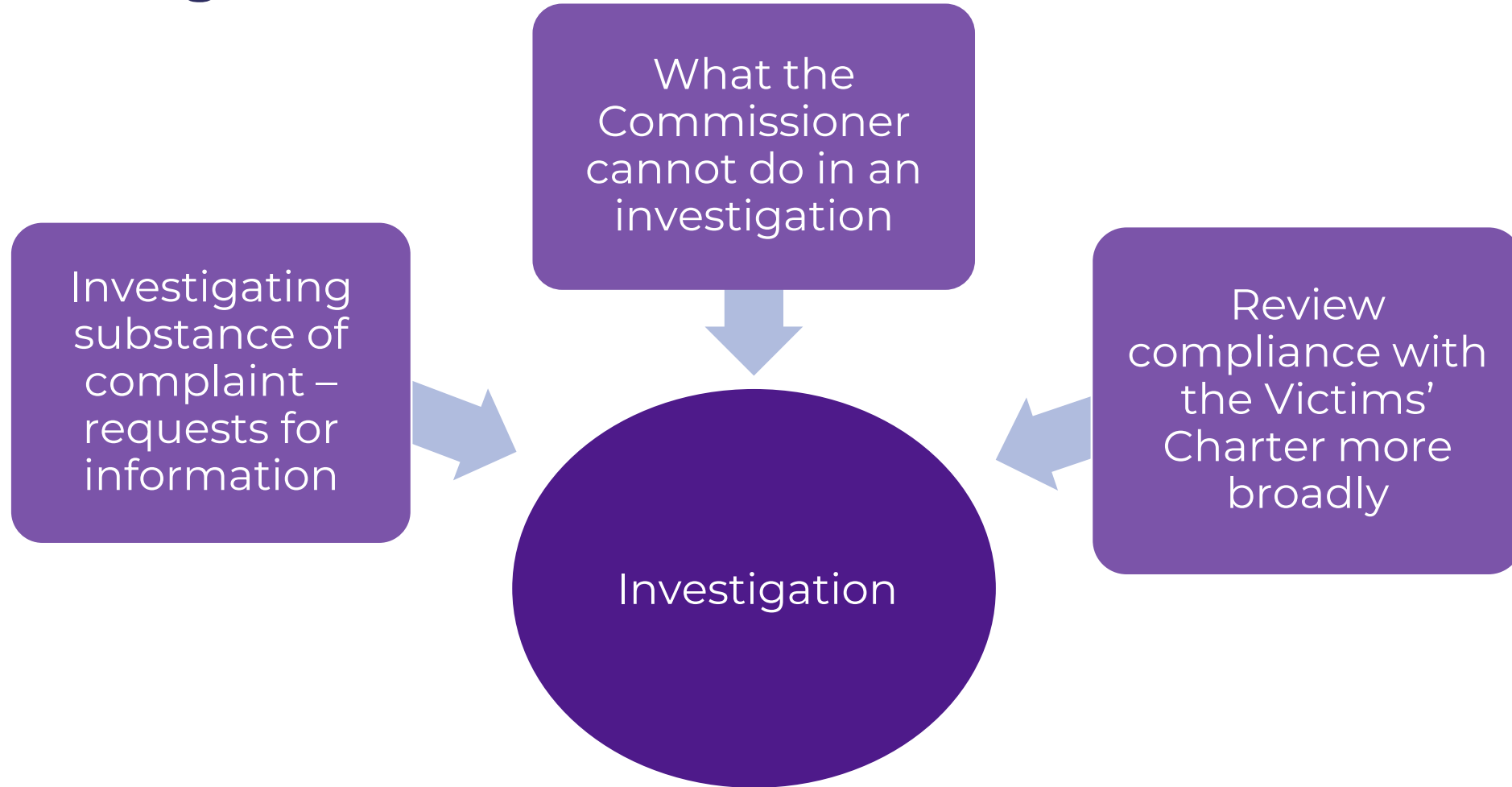
# What is a complaint under the VOCC Act?

- An expression of dissatisfaction by a victim about an investigatory, prosecuting or victims' service agency
- No need for victim to mention the Victims' Charter to an agency
- No need for the complaint to be a formal complaint
- Can be a verbal complaint or expression of dissatisfaction



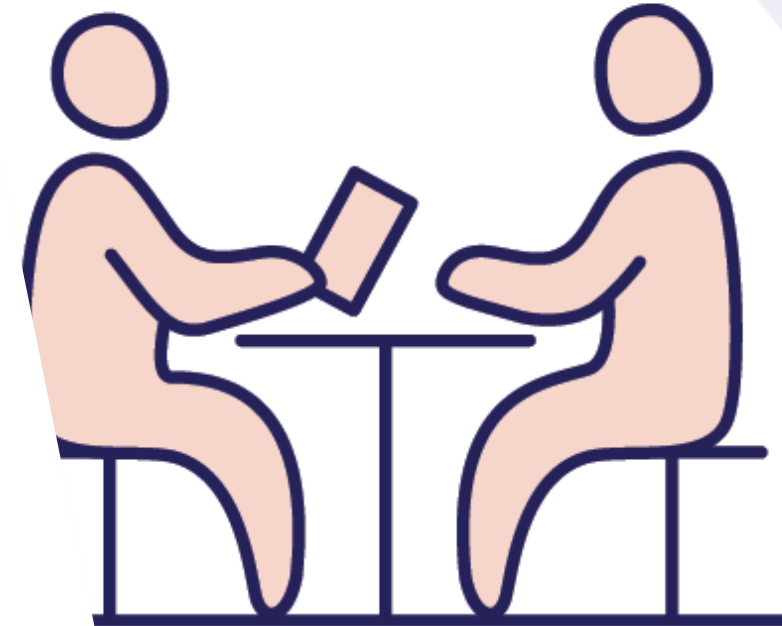


# The investigation

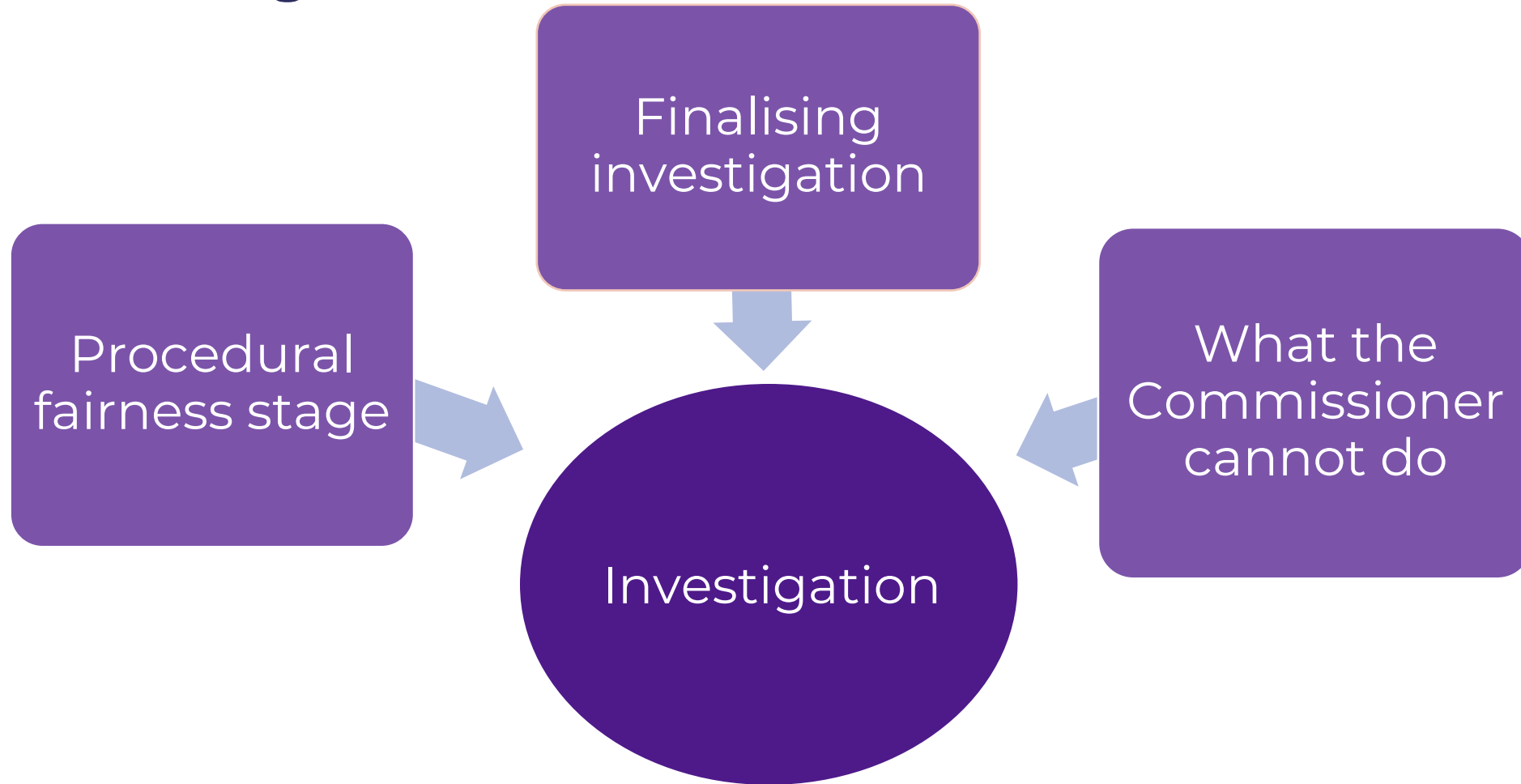


## What the Commissioner will review during an investigation

- the agency must have regard to the Charter principles when dealing with the person.
- informing victim about process for making a complaint
- complaint system:
  - accessible and transparent
  - fair and reasonable remedies



## End of investigation



# Recommendations

- **Aimed at improving the treatment of victims**
  - Apology, explanation, facilitated meeting
  - Additional training
  - Change of policy
  - Provision of information
- **Following up with agency after an investigation**
  - Implementing a system to follow-up with agencies on actions in response to recommendations made in a complaint review
  - Ensuring improvement of the treatment of victims



# Complaints - areas for improvement

- As soon as is reasonably practicable
  - Not only when they complain
- Must complain to the agency first
  - Commissioner's power of review
- Accessible and transparent
  - Victim must be able to access
  - Victims must be able to understand



# Q&A

- **Any Questions?**
- Please use the hand up function or type into the chat
- Survey in chat
- Any further questions or suggestions please email using the **Charter Compliance contact email**

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