



# Best Practice Guidelines Framework

*Working with clients who have been affected by domestic violence*



**Legal Aid**  
QUEENSLAND



## Foreward

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I am pleased to present the second edition of Legal Aid Queensland's Best Practice Guidelines Framework for working with clients who have been affected by domestic and family violence.



The guidelines were developed by Women's Legal Aid in 2000, as part of the Violence Against Women Strategy, to assist lawyers, conference chairs, family report writers and client information officers to provide a high quality and consistent service to clients who have been affected by domestic and family violence.

It is concerning to see the number of people before our courts whose lives have been affected by violence. Legal Aid Queensland takes this issue seriously and recognises that clients have different needs and will require a variety of responses.

The guidelines have been updated to reflect current best practice and are provided in a practical, easy-to-use format.

I encourage everyone who assists people who have been affected by violence to make these guidelines part of their every-day work practices.

A handwritten signature in black ink, appearing to be 'Jenny Hardy'.

Jenny Hardy  
Chief Executive Officer  
Legal Aid Queensland

## Background

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In March 1999, Women's Legal Aid proposed that Legal Aid Queensland endorse and implement an integrated, collaborative and consistent response to clients who have been affected by domestic and family violence. This followed concerns of community organisations about the way the legal system treats people who have been affected by violence.

As a result, the Violence Against Women Strategy was developed and coordinated by a group of in-house lawyers and Women's Legal Aid staff. The strategy was endorsed by Legal Aid Queensland and included in the Strategic Plan 1999–2000.

At a conference held in October 1999, legal practitioners and community organisations recommended best practice standards be developed to guide the way services are provided to clients affected by domestic and family violence. Draft practice standards were subsequently developed by Legal Aid Queensland and circulated for feedback and consultation. Further feedback was provided at a Violence Against Women forum in November 2000.

This feedback was collated and included in the practice standards. The standards are being referred to as Best Practice Guidelines, because Legal Aid Queensland does not intend to enforce the standards, but rather, endorses them as guidelines for practitioners to use to ensure the highest quality service to clients. In addition, the guidelines ensure if the highest standard of service is not achieved, clients are aware of the steps they can take to register their dissatisfaction.

The guidelines were updated in 2008 to reflect the changes made to the *Family Law Amendment (Shared Parental Responsibility) Act 2006*.

# How to use the guidelines

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The Best Practice Guidelines have been developed for :

- family report writers
- lawyers
- conference chairs and primary dispute resolution practitioners
- child representatives and independent children’s lawyers
- client information officers.

The Best Practice Guidelines are intended to inform Legal Aid Queensland practitioners, and preferred suppliers, in their work with clients who have been affected by domestic or family violence.

## Format

The Best Practice Guidelines are formatted using the following terms:

<b>Principle</b>	A broad best practice statement.
<b>Guidelines</b>	Clarifies and explains more specifically what is meant by the principle.
<b>Practice points</b>	Gives general tips for the guidelines — serve as examples, suggestions, recommendations and reminders of issues to consider.
<b>Refer</b>	A reference to any specific legislation.
<b>Note</b>	Provides guidance for a specific professional group.

## Definitions

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### Domestic and family violence

*Note: This is a sociological definition only.*

Domestic and family violence can take many forms and includes:

- sexual violence (including sexual assault, childhood sexual abuse and sexual harassment)
- psychological and emotional abuse
- intimidation or harassment
- physical violence
- stalking
- social abuse
- financial abuse
- family violence.

Some people, particularly Indigenous Australians, prefer to use the term ‘family violence’, as this term encompasses the diversity of abuse that may occur, and recognises other victims of abuse within the extended family.

### Partner

Two people (either of the same or opposite sex) who live together in an intimate relationship or who have a child/ren together.

### Former partner

Two people (either of the same or opposite sex) no longer in an intimate relationship, who have either lived together before or have a child/ren together.

### Client

Any person accessing Legal Aid Queensland’s services. If Legal Aid Queensland is not acting, the client refers to the people involved in the dispute.

### Indigenous Australian

Anyone who identifies as an Aborigine or Torres Strait Islander.

### People from a non-English-speaking background

Any person from a diverse cultural background or a non-English-speaking country.

## Making a compliment or complaint

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If a client would like to provide feedback about a service they received from Legal Aid Queensland, there is a compliments and complaints process in place.

The client, or an advocate on their behalf, can call Legal Aid Queensland on 1300 65 11 88. Staff can process the compliment or complaint over the phone, and will forward the feedback to a senior staff member in the appropriate area for action and response.

Feedback can be given anonymously. If the client would prefer a response to their feedback, and/or to be notified of the outcome, contact details can also be given.

Legal Aid Queensland encourages feedback to ensure business excellence and best practice for their clients.

## Working with clients who have experienced domestic or family violence

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### Principles

#### An understanding of domestic and family violence

#### **1. An analysis that takes into account gender and power issues is fundamental for an understanding of violence**

While violence may occur in various contexts (in partner relationships, in the family, in the community or in institutions) the common base is the unequal power relationship between the perpetrator and the victim, and more specifically, between men and women in society.

It is important that this analysis of the social context is taken into account when working with clients who have experienced violence for the following reasons:

- It acknowledges women are disproportionately the victims of violence in families and/or relationships.
- It acknowledges intimate violence is not just a personal or relationship issue but reflects broader social patterns of power and gender relations.
- It helps clients to understand they are not alone in experiencing violence and are not to blame.
- It places responsibility for the violence with the offender.

This analysis acknowledges the real differences between violence by men to women, and the violence by women to men, which include:

- Women are socialised to be passive in the face of aggression.
- Women usually have less physical strength.
- Women are more likely to experience fear and intimidation.
- Women are less likely to use sexual assault within a relationship.
- Women are more likely to be socially isolated.
- While mutual violence may have occurred between the parties, the effect of the violence on the woman is likely to be greater than the effect of the violence on the man.

- A small percentage of men may fear for their lives at the hands of a small percentage of women, and conversely, a higher percentage of women may fear for their lives at the hands of a higher percentage of men.

While both men and women are affected by domestic and family violence, statistics show the overwhelming majority of victims continue to be women.

The Australian Bureau of Statistics' *Personal Safety Survey (ABS 2005)* showed that since the age of 15, 0.9 percent of men and 2.1 percent of women reported they suffered violence at the hands of their current partner, while 4.9 percent of men and 15 percent of women reported violence from a previous partner. This means women are three to seven times more likely to be victims of domestic and family violence than men.

## Empowerment

### 2. We must work in a way that empowers clients who have experienced violence

Empowerment is associated with encouraging clients to make their own choices and identify their own goals. This way of working is important because:

- it is essential clients do not feel further disempowered or further abused by the legal process
- it acknowledges clients can make their own choices if given information and options in language they can understand
- it acknowledges clients' support needs
- it acknowledges women's support needs are different to the needs of men, especially if there is domestic and family violence within the relationship.

## Client and worker safety

### 3. Safety must be prioritised

Client and worker safety is paramount. All factors must be taken into account when assessing risk and planning for safety. This safety assessment should consider emotional and psychological safety. Prioritising safety is important because:

- the fear clients feel in these situations is real and should be taken seriously
- it acknowledges the often life-threatening aspects of domestic and family violence
- society, and sometimes clients themselves, can minimise the seriousness of the violence
- the above are more likely to apply to women than to men.

## Violence is a crime

### 4. We must acknowledge violence is against the law

When working with clients who have experienced violence it is crucial they are aware that violence is against the law. This perspective is important because:

- there is a lack of equal access to a criminal justice response to violence against women and children
- it challenges the idea that violence in a family or relationship context is a 'private' affair and therefore acceptable.

## Access and equity

### 5. Cultural differences are recognised and respected in all aspects of service delivery

It is important when working with clients from non-English-speaking backgrounds to adapt work processes to best meet their needs. This respect for diversity is important because:

- it acknowledges the importance of access and equity principles
- it acknowledges clients from different cultural backgrounds will have different needs
- it challenges the notion that all clients have the same experience of violence.

Cultural diversity is not an excuse for violence or abuse in intimate relationships.

## Collaboration and coordination

### 6. Collaboration and coordination of services should be encouraged in the response to issues of violence

Collaboration is important to ensure clients receive the best possible service. It requires various units or services that offer a response to coordinate their efforts. It may involve internal and external services and should reflect the range of needs clients have when they have experienced violence — legal advice (in all appropriate areas), personal support, housing, information etc. A collaborative approach is important because:

- it acknowledges women and children who have experienced violence may not present to a legal service with violence as their primary ‘legal’ problem
- it acknowledges men are more likely to have access to financial resources
- it acknowledges that responses to violence need to encompass more than a legal response
- it encourages legal officers to develop relationships with other professionals who also respond to violence, which enhances their knowledge and the service they can offer clients.

## Respect

### 7. It is important to treat clients who have been affected by domestic and family violence with respect and sensitivity

It is important to use appropriate interpersonal skills when working with clients who have been subjected to domestic and family violence to foster trust and empowerment. We work with clients in this way to:

- encourage a non-judgmental approach
- validate clients’ experiences
- encourage clients to make their own choices, and ensure respect for those choices
- encourage women to take their safety and their children’s safety seriously, by believing their report of their experience
- encourage men to take responsibility for their behaviour to ensure they do not put the safety of their partner or children at risk.

