

Sexual and Domestic Violence Protocol for Social Workers and Counsellors

Content

1.00 Objective

2.00 Guiding Principles

3.00 Role of Social Workers and Counsellors

4.00 Intervention guidelines

Determine whether client is a victim

Assess immediate needs of victim

Make a record

Intervene

5.00 What is Domestic Violence

Physical abuse

Psychological abuse

Verbal Abuse

Financial control or restriction (economic abuse)

Intimidation

Harassment

Passive abuse

6.00 What is Sexual Violence

Violation of body and person

Touching body parts for sensual pleasure

Use of physical force to coerce

Sex act with person unable to object

Forced marriage, abortion, prostitution, refusal of contraception

Abusive sexual contact – pornography, voyeurism, unauthorised photographs

7.00 Privacy

8.00 Confidentiality

9.00 Importance of sensitivity

10.00 Ascertaining the existence of violence

Physical indicators

Emotional indicators

Behavioural indicators

Questions about relationship

Questions about finances

Questions about emotional abuse and safety

11.00 Assessing needs of victim

Asses the immediate safety needs of victim

Assess the pattern and history of abuse

Assess the victim's current access to advocacy and support groups

Assess the victim's safety: future risk of death or significant injury

12.00 Record keeping

13.00 Goal of intervention and intervention techniques

14.00 Ensure safety

15.00 Respect the wishes of the victim

16.00 Referrals

17.00 Explain relevant processes

18.00 Orders the Court can make

Protection Order

Occupation Order

Tenancy Order

Ancillary Orders

Interim Orders

Ex parte protection order

19.00 Staff training

20.00 Complaints procedure

1.00 OBJECTIVE

- 1.1 The objective of this protocol is to **assist** social workers and counsellors in **responding to victims** of sexual and domestic violence.
- 1.2 On account of the **peculiar vulnerability of victims** of sexual and domestic violence, this protocol provides general guidance on approaches to responding victims and information available. The protocol aims to provide basic information in outline which should be adapted and modified to suit the institutional structure of your organisation.
- 1.3 Sexual and domestic violence raise sensitive issues. All agencies and communities need to work in harmony to break the cycle of domestic violence, help the victims take control of their lives and to help perpetrators understand the consequences of their abusive conduct, discontinue their abusive behaviour and reform their approaches to dealing with conflict in domestic relationships.

2.00 GUIDING PRINCIPLE

- 2.1 Every individual has the basic right to a life free from fear and violence. **All forms of violence and intimidation constitute a violation** of the individual's basic human rights. Women and girls are the predominant victims of sexual and domestic violence. Men, boys, the elderly, persons with disabilities and persons of different sexual orientations are also victims of sexual and domestic violence.
- 2.2 Sexual and domestic violence committed against women and girls in particular is a hindrance to the achievement of the objectives of equality, development and peace, and must be condemned in all its forms.
- 2.3 Combating sexual and domestic violence is not the responsibility of any one sector, but a collective responsibility. Each individual, community and organisation must play an active role in assisting victims and reducing the prevalence of sexual and domestic violence.

3.00 ***ROLE OF SOCIAL WORKERS AND COUNSELLORS***

Social workers and counsellors can provide invaluable support and assistance to victims of sexual and domestic violence. The role of the social worker and counsellor is to **assist the victim in understanding** what is happening, **coping** with in **recovering** from the trauma experienced, **explain the options available** to the victim so that the victim can make an informed decision about what s/he would like to do in the circumstances. It is not the social worker or counsellor's role to get the victim out of the abusive environment. That decision must be made by the victim. Whatever decision the victim makes, staying in the abusive environment/relationship or leaving, the role of the social worker and counsellor is to **support the victim in that choice** and assist him/her in dealing with the consequences that flow from that choice.

4.00 ***INTERVENTION GUIDELINES***

In dealing with victims of sexual and domestic violence the following steps should be taken –

- 4.01 **Determine whether the client is a victim of sexual and/or domestic violence.** The questions indicated at **10.00 below** *“Ascertaining the existence of violence”* may be helpful in determining whether the client is subject to any form of violence. Domestic violence does not entail physical violence. See **5.00** above *“What is Domestic Violence”* below for description of the types of conduct that constitute domestic violence and **6.00** above *“What is Sexual Violence”* for a description of types of sexual violence.
- 4.02 **Assess the circumstances and immediate needs of the victim.** This entails **ascertaining the type of violence** to which the victim has been subjected, the **severity** of the violence and the degree of threat to the victim's physical, emotional and psychological well being, as well as an assessment of increased danger resulting from the victim having sought assistance in relation to the violence. See **11.00** below *“Assessing needs of victim”*.
- 4.03 **Make a record of abuse complained of.** The victim's responses to questions asked to determine the nature and severity of the abuse suffered should be made. The record should include details of the **date** on which the incidents occurred, the **place** where the violence occurred, a **detailed description** of what transpired, the **effect that the violence had on the victim**, ie how it made the victim feel and any lasting physical, emotional and psychological effects. With the victim's permission take photographs of injuries sustained. The foregoing information would be invaluable should the victim decide to take legal proceeding, even if proceedings are not anticipated in the near future. For further guidance see **12.00** below *“Record keeping”*.
- 4.04 **Intervene as appropriate.** Any intervention must be based on the **wishes**, first and foremost, the circumstances and **needs of the victim**. The role of the social worker/counsellor her is not to stop the violence or take the victim out of the abusive environment of to guide, support and assist the victim in his/her circumstances. It is important to bear in mind that not all victims are prepared to leave the violent environment and there may be a multiplicity of factors influencing the victim's action, inaction, decision or indecision. The role of the counsellor is

to **assist the victim** in analysing those factors so that the victim can **make an informed choice** for him/herself. See **13.00** below “*Goal of Intervention and intervention techniques*” for goals and nature of intervention.

5.00 **WHAT IS DOMESTIC VIOLENCE?**

5.1 Domestic violence occurs when a family member intimate partner or former intimate partner attempts to physically or psychologically dominate another. It is **intended to control, overpower or dominate** the victim and includes any kind of abusive behaviour that occurs in the home, for example in the following types of relationships (see section 3 Domestic Violence Act):

- parent and child
- siblings, e.g. brother and sister
- relatives or family members, e.g. cousins, aunt, uncle, niece, nephew, grandparent, grandchild
- sexual relationships, including boyfriend/girlfriend, visiting relationships, former intimate partners and persons in same sex relationships. It includes physical, sexual, psychological and verbal abuse, financial control and/or financial restriction, as well intimidation and harassment.

5.2 Types of abuse that give rise to domestic violence include:

5.2.1 **Physical abuse** – the **intentional use of bodily or actual force** with the potential for causing injury, harm, disability, or death, e.g. hitting, shoving, biting, restraint, kicking, or use of a weapon. It includes indirect physical abuse, which may include destruction of objects, striking or throwing objects near the victim, or harm to the victim. See section 2(o) and 2(h)(i)(B) and (D) Domestic Violence Act.

5.2.2 **Psychological abuse** – also called emotional abuse. See section 2(q) Domestic Violence Act. This is a form of abuse characterized by a person subjecting or exposing another to behaviour that is **mentally harmful**. Psychological abuse involves the wilful infliction of mental or **emotional anguish** by **threat, humiliation**, or other verbal (see 5.2.3 below) and non-verbal conduct. It is often associated with situations of power imbalance and includes preventing the victim from seeing friends and relatives, actively sabotaging the victim’s social relationships, and isolating the victim from social contacts.

5.2.3 **Verbal abuse** – a form of abusive behaviour involving the use of language. It is a form of **profanity** in that it can occur with or without the use of expletives. It includes **name calling**, spoken words as well as abusive words in written form that **cause annoyance**. See section 2(h)(i)(A) and 2(h)(vi) Domestic Violence Act.

5.2.4 **Financial control or restriction**, also referred to as **economic abuse** – This occurs when the abuser has **control over the victim's money** and other economic resources. Usually, this involves putting the victim on a strict "allowance," withholding money at will and **forcing the victim to beg** for the money until the abuser gives them some money and **demanding money from the victim**. It is common for the victim to receive less money as the abuse continues.

This also includes (but is not limited to) preventing the victim from finishing education or obtaining employment, or intentionally squandering or misusing communal resources. See section 2(q) Domestic Violence Act.

5.2.5 **Intimidation** – Intimidation entails intentional behaviour "which would cause a person of ordinary sensibilities" **fear of injury or harm**. It is not necessary to prove that the behaviour was so violent as to cause terror or that the victim was actually frightened. It is sufficient to show that the violence, conduct or threat was **calculated to coerce the victim into submission** to the perpetrator. See section 2(k) Domestic Violence Act.

5.2.6 **Harassment** – This refers to a wide spectrum of offensive behaviour. The term commonly refers to **behaviour intended to disturb or upset**. Generally, it refers to behaviours which *are* found threatening or disturbing. See section 2(h) Domestic Violence Act.

5.2.7 **Passive abuse** – This is a form of **covert, subtle and veiled abuse** that often leads to physical violence. It includes victimisation,¹ procrastination,² forgetfulness,³ ambiguity, neglect, spiritual and intellectual abuse. See section 2(k) and (q) Domestic Violence Act.

5.3 Under the *Domestic Violence Act*, cap 11:09 domestic violence includes, but is not limited to, the following types of conduct (see section 5(1) Domestic Violence Act):

- (a) Following the victim;
- (b) Stalking places that the victim visits often (e.g. home, school, work, the gym);
- (c) Taking away or hiding the victim's clothes or personal effects;
- (d) Threatening the life or safety of the victim or a person the victim cares for;
- (e) Threatening to destroy the victim's property, belittling and demeaning the victim;
- (f) Name calling; and
- (g) Making unwelcome phone calls sending unwelcome email or letters to the victim.

5.4 In many cases victims may be subjected daily to non-physical forms of abuse, with physical abuse occurring only occasionally. **Non-physical** forms of abuse are just as, or even **more, painful and destructive than physical** abuse and are often a forerunner to physical abuse.

5.5 Women and children are the most common victims of domestic violence. However men, elderly persons and persons in same sex relationships can also be victims of domestic violence (See *Guiding Principles* at 2.00 above).

6.00 WHAT IS SEXUAL VIOLENCE?

6.1 Sexual violence entails all forms of violence that include an element of **erotic and sensual pleasure, stimulation or arousal**. It constitutes a profound **violation of the body and person**

¹ Punishing or taking revenge on the victim for doing something that displeases the perpetrator/abuser.

² Taking an inordinately long time to do something that the victim asks or provide something that the victim needs, with the intention of keeping the victim dependent on the perpetrator.

³ This entails the perpetrator pretending that s/he has forgotten to do something that would benefit the victim, again with the intention of keeping the victim dependent on the perpetrator.

and is usually perpetrated to exert control and dominance over the victim and to degrade and demean the victim.

6.2 Sexual abuse includes the following types of conduct:

6.2.1 **Rape, incest, buggery, bestiality and sexual intercourse**, including rape within a marriage.

6.2.2 **Touching the genitals, breast, buttocks and other body parts of another to derive sensual pleasure.**

6.2.3 **Use of physical force to compel** a person to engage in a sexual act against his or her will, whether or not the act is completed; forcing a person to touch the perpetrator or another person in a sexual manner, forcing another person to perform sexual acts on the perpetrator on other persons, and any other form of coerced or unwanted sexual contact or conduct.

6.2.4 Attempted or completed sex act involving a **person who is unable to understand** the nature or condition of the act, unable to decline participation or **unable to communicate unwillingness** to engage in the sexual act, e.g., because of underage immaturity, illness, disability, or the influence of alcohol or other drugs, or because of intimidation or pressure. This includes the sexual abuse of children.

6.2.5 **Forced marriage** or cohabitation, **forced abortion, denial** of the right to use **contraception** or to adopt other measures to protect from sexually transmitted diseases or pregnancy and **forced prostitution.**

6.2.6 **Abusive sexual contact.** This includes taking photographs without the knowledge and/or consent of the victim, exposure to pornographic material, voyeurism – the practice of spying, on people engaged intimate behaviors, such as undressing, sexual activity, or other private activities, disseminating unauthorized intimate photographs of another.

7.00 PRIVACY

7.1 In all cases of reported or suspected sexual and/or domestic violence, privacy and confidentiality are of the utmost importance. **Victims** of sexual and domestic violence may be **embarrassed** by the fact that they have been abused or violated and may **not want anyone to know**. More important, privacy and confidentiality are **essential to the safety** of the victim. Abuse may escalate if the perpetrator discovers that the victim has spoken to someone about the abuse or sought assistance.

7.2 Information should be taken and **interviews** conducted in a space that does **not allow other persons to hear** the conversation. The presence of the perpetrator during the report may scare, worry and/or upset the victim and may adversely affect the victim's willingness to seek assistance, or if the assistance of a social worker is sought, the information provided may be incomplete or insufficient to facilitate adequate and appropriate assistance. If the perpetrator is present, the victim may be less inclined to disclose the details of the abuse and may be discouraged from making a report.

- 7.3 The **victim should be interviewed alone** because at the commencement of the interview or the taking of information the person taking the report may not know identity of the perpetrator. No other person, including relatives and close friends, should be present during the initial interview.

8.00 CONFIDENTIALITY

- 8.1 Confidentiality is critical when dealing with actual or suspected cases of sexual and domestic violence. **Disclosure** of the fact that a report has been made or of the suspicion that a person has suffered sexual or domestic violence is **potentially harmful to victims** of sexual and domestic violence. Many victims of sexual and domestic violence are embarrassed because they have been abused. If victims believe that the fact that they have made a report and the contents of that report will be disclosed, they may be less inclined to report occurrences of sexual and domestic violence. Additionally, the **safety and wellbeing of the victim may be jeopardised if the perpetrator becomes aware** that the victim has made a report.
- 8.2 Reports of sexual and/or domestic violence should **not be discussed with anyone**, save to the extent that it is necessary to seek advice on dealing with the report or directly assisting the victim. In every case where the identity of the victim will be disclosed, the **prior consent of the victim** should be obtained.
- 8.3 Except in the circumstances indicated above, information discovered during professional interaction with victims of sexual and domestic violence should not be disclosed at any time, including after the prosecution of the perpetrator or elimination of the threat otherwise.
- 8.4 The **victim** should be **told that any information** that s/he provides is **confidential** and will be disclosed only with his/her permission or if necessary to seek further assistance or ensure his/her safety.

9.00 IMPORTANCE OF SENSITIVITY

- 9.1 **Victims** of sexual and domestic violence often suffer extreme physical and psychological trauma. They may **feel trapped, powerless and vulnerable** as a result of the abuse that they have suffered. Therefore, when dealing with victims of sexual and domestic abuse one must **be sensitive to the abuse** that they have endured and the likely **effects of that abuse**.
- 9.2 One should always be mindful of the impact that abuse may have on the self-esteem and confidence of victims of sexual and domestic violence. Be careful to act in a manner that does **not** further damage and **undermine their self-esteem and confidence**.
- 9.3 Accept and **believe** what the **victim** tells you. **Do not underestimate the abuse** that the perpetrator is capable of inflicting or that the victim has endured. **Do not be judgmental** as this may alienate the victim and discourage him/her from seeking further assistance. There may be things that a victim may not freely disclose which influence the victim's decision, indecision or inaction. For example –

- Fear of reprisals if they leave;
- Social isolation limited support systems – feeling that there is no one who can help;
- Financial dependence on the perpetrator;
- Unwillingness to cause upheaval in the lives of children;
- Wanting the violence to stop but not wanting the relationship to end;
- Low self-esteem – feeling of powerlessness and doubting their ability to manage on their own;
- Self-blame for the abuse and shame in revealing injuries;
- Feeling that it may be safer to stay in the relationship because violence may escalate if they attempt to leave.

9.4 Always **speak in a non-intimidating manner** and be as helpful and considerate as possible. Your attitude towards the victim can affect the victim's decision whether or not to avail him/her of the assistance available.

10.00 ASCERTAINING THE EXISTENCE OF VIOLENCE

10.1 Many victims of sexual and domestic violence feel ashamed because of the abuse that they have suffered and may not be open about the abuse that they have and may still be suffering. You may encounter many victims without knowing that they are victims. Following are some signs of abuse:

- 10.1.1 **Physical** – **unexplained marks, bruises, burns, multiple injuries** in various stages of healing, **in appropriate clothing** for the time of year and weather, e.g. sunglasses at night, high neck tops, scarves, etc., injuries to face and neck, frequent use of pain medications, injuries to breast, chest and abdomen or back of head;
- 10.1.2 **Emotional** – Panic attacks, **anxiety, depression, alcohol and drug abuse**, post traumatic stress disorders, frequent use of minor tranquilisers, suicide attempts or feelings;
- 10.1.3 **Behavioural** - **Frightened, evasive, ashamed, embarrassed**, women **reluctant to speak or disagree**, women always asking for your feelings and thoughts not initiating any of her own, denial or minimisation of situation by partner or woman.

10.2 Where domestic violence appears to be occurring and has not been disclosed, take the initiative to uncover domestic violence. **Be cautious, considerate and sensitive** in introducing the topic. Do not be overbearing or insistent against the victim's wishes. Engage the victim in direct questioning about domestic violence, especially if there are physical and emotional and/or behavioural manifestations. Ask open ended questions concerning emotional and physical safety, relationship and finance, for example:

10.2.1 **Relationship** –

- How are things with your partner/relatives/at home? How do you get along?
- How do you resolve difference between you? Is it always your partner's decision or are you expected to make all the decisions?

- What are your partner's expectation of a woman's role as housekeeper, mother, sexual partner?
- Does your partner/relative become angry about small things, e.g. the house being untidy, dinner not being ready exactly on time or children speaking when silence is expected?
- What interests do you have apart from your home and relationships? For example, do you have the freedom to see your own family and friends and have your own activities and go out alone?

10.2.2 **Finances** – questions about how money is handled can be very revealing.

- Do you have any say in how money is spent in the family?
- Do you have any money of your own?
- If you work, where does your money go (i.e. all on housekeeping and maintaining yourself and children)?
- Do you know how much your partner earns?
- Does your partner keep money separate and not allow you access to it?

10.2.3 **Emotional and physical abuse or safety**

- How does your partner/relative treat you when you are with other people?
- Does your partner/relative put you down or humiliate you in front of others?
- In private is your partner/relative critical and/or verbally abusive?
- Does your partner/relative push or hit you?
- Has your partner/relative threatened to hit you or raised his/her hand to you?
- Has your partner/relative behaved in an aggressive way, smashing his/her fists on the table, into walls, standing over you demanding you sit still, be quite?
- Are you afraid at home?
- Do you get enough housekeeping money?
- Has your partner/relative threatened to harm you?
- Has your partner/relative threatened to kill you?
- Are you able to say no to sex if you don't feel like it?
- Have you been forced to have sex?
- Have you been forced to participate in a sexual act?
- Have you been emotionally blackmailed into having sex (e.g. it's your duty, if you don't something bad will happen to you or another person)?
- Have you had sex or sexual contact in ways that you did not wish to, performing acts that you did not wish to participate in?

11.00 ASSESSING NEEDS OF VICTIM

11.1 The following points should be borne in mind in assessing circumstances, including the nature, duration and severity of the abuse:

11.1.1 **Assess the immediate safety needs of the victim** – Is the victim in **immediate danger**? Where is the perpetrator now? Where will the victim be spending the night? ...

- 11.1.2 **Assess the pattern and history of the abuse** – Does the perpetrator use **physical, sexual, or psychological** tactics, as well as economic control? **How long** has the abuse been going on? Has the perpetrator harmed or **threatened to harm** your friends or relatives? Does the perpetrator follow and spy on you? Does the perpetrator try to limit or control your contact with friends and/or family? How does the abuse affect your physical health? For example do you have headaches, stomach ulcers, frequent diarrhoea, constipation or eating disorders? How does the abuse affect your mental health? For example do you feel depressed, have suicidal thoughts, feel stressed, or have substance abuse problems?
- 11.1.3 **Assess the victim’s current access to advocacy and support groups** – What support or assistance to victims of sexual and domestic violence is the victim aware of? What support and assistance has the victim sought in the past? How did the victim find it? Would the victim like legal representation?
- 11.1.4 **Assess the victim’s safety: Is there future risk of death or significant injury or harm due to the domestic violence?** – Ask about the perpetrator’s tactics: **escalation in frequency or severity of the violence**, homicide or suicide **threats**, use of drugs or alcohol, as well as the health consequences of past abuse. For example has the perpetrator used or **threatened to use weapons** against you or your friends and/or relatives? Has the perpetrator **choked or attempted to strangle** you? Has the perpetrator ever taken you and/or your friends and/or relatives **hostage** to get what s/he wants? Has the perpetrator ever **stalked** you? Has the perpetrator hurt or threatened to hurt you and/or your relatives and friends? Has the abuse been getting worse? Are you afraid for your life? Does the perpetrator use alcohol or drugs? Do you have suicidal thoughts?

12.00 RECORD KEEPING

- 12.1 **Each time you meet with a victim** or suspected victim of sexual or domestic violence, a **detailed record of observations** and the details of the abuse or assault complained of must be made.
- 12.2 If there are **visible marks** of abuse, **photographs should be taken**, where possible, to document the severity of the abuse. In each case the **consent of the victim** must be obtained before photographs are taken and before the photographs are disclosed to anyone.
- 12.3 A record should be made regardless of whether the victim wishes to avail him/herself of the assistance available at the relevant agency or to victims of sexual and domestic violence generally. Should the victim at a later time decide to take legal or other action a record could provide valuable details of the abuse or assault and some corroboration of the occurrence of the abuse or assault.

13.00 GOAL OF INTERVENTION AND INTERVENTION TECHNIQUES

- 13.1 In order to maximise the effectiveness of any assistance or support offered to victims of sexual and domestic violence, it is important to bear in mind the primary objective of any intervention. The **goal is not** to get victims to leave their abusers, or to **“fix” the problem** for

the victim, but to **provide support and information**. In this regard the social worker and counsellor should strive to –

13.1.1 **Increase the victim’s safety and support victims** in protecting themselves and their relatives and friends by validating their experiences, providing support, and providing information about resources and options.

13.1.2 **Inform victims about confidentiality** of any information disclosed.

13.2 The following guidelines may be helpful in effectively responding to victims of sexual and domestic violence:

13.2.1 **Listen to the victim and provide validating messages** –

- “You don’t deserve this. There is no excuse for domestic violence. You deserve better.”
- “I am concerned. This is harmful to you and can be harmful to your children.”
- “This is complicated. Sometimes it takes time to figure this out.”
- “You are not alone in figuring this out. There may be some options. I will support your choices.”
- “I care. I am glad you told me. I want to work together to keep you as safe and healthy as possible.”
- “Stopping the abuse is the responsibility of the perpetrator, not yours.”

13.2.2 **Provide the victim with information about domestic violence** –

- Domestic violence is common and happens in all kinds of relationships.
- Most violence continues and often become more frequent and more severe.
- Violence in the home can hurt children.
- Domestic violence affects the victim’s health.
- Stopping domestic violence is the responsibility of the perpetrator, not the victim.

13.2.3 **Listen and respond safety issues** –

- Show the patient a brochures about domestic violence and the assistance available to victims.
- Review ideas about how to keep information private and safe from the abuser.
- Offer the victim immediate access to counselling. Help and Shelter provides a 24 hour counselling hotline.
- Offer to discuss safety then or at a later date.
- If the victim says that s/he feels s/he is in danger, take this very seriously.
- If the victim is at high risk and is planning to leave the abusive environment, explain that leaving without telling the perpetrator is the safest alternative.
- Ensure that the victim has a safe place to go and encourage her/him to discuss this.
- Reinforce the victim’s choice in deciding what to do.

13.2.4 **Make referrals to other agencies as relevant and appropriate** –

- Explain what assistance is available to victims of sexual and domestic violence. See Appendix ... for a list of the organisations that offer assistance to victims and a description of the services that they offer.
- Refer the victim to the relevant organisations that can best assist in his/her circumstances.
- Sexual and domestic violence can have lasting adverse effects on the victim and other member of the household. Offer counselling to assist the victim and/or perpetrator in coping with the effects of sexual and domestic violence.

14.00 ENSURE SAFETY

- 14.1 The **safety of the victim is crucial**. Ask the victim if s/he fears for his/her safety or for the safety of others. **Take all threats seriously**. Respect the victim's requests not to see the perpetrator. If the victim or others are in danger or feel unsafe secure safe alternative accommodation, if possible. **Help and Shelter provides shelter for battered women**. Contact the Police if appropriate.
- 14.2 Always **be mindful of your own safety**. The perpetrator may be enraged by your attempts to assist the victim and may pose a threat to your own safety. In situations where you feel threatened, contact the police immediately and seek the assistance of your internal security, if available.
- 14.3 Each organisation should **develop safety procedures to protect its staff** when dealing with irate and violent perpetrators of sexual and domestic violence. Staff should be informed and occasionally reminded of safety procedures and follow them. A preventative approach is the safest way to avoid a confrontation and/or injury to staff or the victim.
- 14.4 If for any reason the victim and perpetrator have to be at the same location at the same time, take precautions to reduce intimidation of and/or abuse of the victim. **Do not leave the victim and perpetrator alone or together**. If possible, keep them in separate areas. When the victim and perpetrator are leaving, allow the victim to leave some time before the perpetrator to reduce the possibility of a confrontation immediately after they leave, and also the possibility of the perpetrator following and further abusing the victim.
- 14.5 Remember, in domestic violence the power between the parties is not equal and cannot be negotiated. **Avoid attempts to mediate or explain the violence**.

15.00 RESPECT THE WISHES OF VICTIMS

- 15.1 The wishes of the victim are of the utmost importance when dealing with reports or suspected cases of sexual or domestic violence. The **circumstances of each victim** are **different** and may **require a different approach or response**.

- 15.2 **Listen to the victim.** Find out what are his/her **expectations** flowing from the making of a report. Provide all assistance that your agency can to enable the victim or complainant to achieve his/her desired objective. Do not attempt to coerce a victim or complainant to seek further assistance or take more action than s/he wishes. However, advise him/her on the options and assistance available and the likely consequences of any decision that the victim does take. It is important that the victim understands that the abuse is unlikely to cease with if the perpetrator is merely warned and that in some cases the only way that the victim can be safe is by getting out of and away from the abusive environment. **Provide all information** that may be necessary or helpful **to enable the victim to make a decision.**
- 15.3 Explain the **difference between civil and criminal actions.** Proceedings under the *Domestic Violence Act* are **not** of a **criminal** nature and **do not result in a conviction or jail sentence.** If a criminal offence has been committed criminal proceedings may be instituted in addition to proceedings under the *Domestic Violence Act.* **Custody, division of property and maintenance proceedings** may be instituted depending on the circumstances of the victim. In addition to legal proceedings, **financial assistance** may be obtained from the **Ministry of Human Services** to enable the victim acquire alternative accommodation or to start a small business. **Counselling for victim and perpetrator** as well as emergency shelter for the victim may be obtained through **Help and Shelter.** Advise the victim accordingly but **allow the victim to make the final choice and respect his/her wishes.**

16.00 INTER AGENCY COLLABORATION

- 16.1 Every agency that interacts with victims or suspected victims of sexual or domestic violence has an obligation to inform and advise the victim of the protection provided by law for victims of sexual and domestic violence and the assistance available at other agencies to victims of sexual and domestic violence.
- 16.2 All agencies interacting with victims of sexual and domestic violence should work with each other to reduce duplication and delay in dealing with victims referred from one agency to the other. Agencies should exchange information on their procedures and eligibility requirements, if any, for accessing the services of the relevant agencies.

17.00 EXPLAIN RELEVANT PROCESSES

- 17.1 After advising the victim on the available options, be sure to explain **clearly the process** for obtaining an occupation or protection order, making a report to the police, instituting criminal charges, applying for custody, maintenance and/or division of property, obtaining assistance from the Ministry of Human Services and Social Security, and obtaining counselling and shelter from Help and Shelter. It is important to explain the relevant procedures so that the **victim knows what s/he should expect** and is therefore in a position to make an informed choice.
- 17.2 Initially, give the victim a concise and accurate summary of the relevant processes. The summary of the procedure should contain sufficient information for the victim to have an idea

of what each option entails so that s/he can make an informed choice. Try to **avoid overwhelming or confusing** the victim by giving **too much information** at once. Remember that s/he has suffered a traumatic experience. If the victim requests further information then give greater details. It may be helpful to have information available in written form so that the victim can take it away with him/her. However not all victims may be able to read and understand written information so this should not be a substitute for a clear and concise explanation of the relevant processes.

- 17.3 When explaining the processes be careful to **avoid legal terminology** as many victims may not understand legal terms and may be confused by them. Give all information and explanations in a manner and format appropriate to the victim's age, education, culture and level of composure at the time. Always ensure (**verify by asking the victim questions**) that the **victim understands the information** provided.

18.00 ORDERS THE COURT CAN MAKE

- 18.1 Applications under the *Domestic Violence Act* are made to the Magistrate's Court. The Act empowers the Magistrate to make three types of orders – protection orders, occupation orders, tenancy orders and ancillary orders.

- 18.1.1 **Protection orders** can be made under section 5 of the *Domestic Violence Act*. The Magistrate can make a protection order when satisfied that the perpetrator has engaged in physical, sexual, verbal or psychological abuse. Protection orders **prohibit the perpetrator from engaging in specified conduct** or **compel the perpetrator to do specified things**. Section 6 of the *Domestic Violence Act* stipulates the conditions that can be attached to a protection order, including –

- Ordering the perpetrator to contribute towards the victim's or a child's **maintenance**
- Granting the victim **custody of children**
- Ordering the perpetrator to stay **away from the victim's or a child's** home, school, work or other place that the victim or child goes
- **Preventing** the perpetrator from **following or contacting the victim**
- Ordering the perpetrator to **return property** to the victim
- Ordering the perpetrator to undergo counselling and therapy

- 18.1.2 **Occupation orders** are authorised by section 8 of the *Domestic Violence Act*. Occupation orders direct the **perpetrator to remove** from the home and gives the **victim the right to live in the home**, regardless of who owns the home (including instances where the home is owned by the perpetrator) (see also section 9 *Domestic Violence Act*). Occupation orders can be made only where a protection order is also made.

- 18.1.3 **Tenancy orders** are made when the home that the victim and perpetrator live in is rented in the name of the perpetrator. See section 11 of the *Domestic Violence Act*. The tenancy order **transfers the tenancy from the perpetrator to the victim**. Even after the tenancy is transferred to the victim, the court can order the **perpetrator to contribute to the payment of the rent**. Tenancy orders can be made only when a protection order is also made.

- 18.1.4 **Ancillary orders** can be made along with occupation or tenancy orders under section 15 of the *Domestic Violence Act*. Ancillary orders empower the magistrate to provision for the **use by the victim of furniture, household appliances and household effects**.
- 18.2 The court can also make **interim orders** (Section 27 *Domestic Violence Act*) that **protect the victim while the Magistrate is hearing the matter** up to the moment when the Magistrate makes a final decision. The court can make interim protection, interim occupation and interim tenancy orders where it is satisfied that the orders are necessary to ensure the safety of the victim while the court is hearing the matter. Interim orders are **effective for 14 days and can be renewed** by the Magistrate each time the parties appear before the Court.
- 18.3 In addition to interim orders, the Magistrate can make an **ex parte interim protection order** under section 5(3) of the *Domestic Violence Act*. This provision allows the Magistrate to make an **interim protection order** as soon as the application is filed, even **before the perpetrator is served** with the notice of the proceedings.

19.00 STAFF TRAINING

- 19.1 All staff members and/or volunteers (whether new employees/volunteers or persons employed or volunteering for some time) who are likely to interact with victims of sexual and domestic violence should receive **training to sensitise** them to the needs, vulnerabilities, difficulties and issues affecting victims of sexual and domestic violence in particular.
- 19.2 Annually, or more frequently if possible, all staff members and/or volunteers should undergo continuous **training/sensitisation on dealing with victims** of sexual and domestic violence, **record keeping** and **disclosure of information**.

20.00 COMPLAINTS PROCEDURE

- 20.1 All organisations interacting with victims of sexual and domestic violence should have a complaints procedure to provide redress for dissatisfied patrons.
- 20.2 Patrons should be notified of the existence of the complaints procedure and the procedure should be explained in language appropriate to the level of understanding of the victim.