

# Submission to Statutory Review of the Victims Rights and Support Act 2013(NSW)

Department of Justice

JULY 2022



**AASW**

Australian Association  
of Social Workers

## About the Australian Association of Social Workers

The Australian Association of Social Workers (AASW) is the national professional body representing more than 16,000 social workers throughout Australia. The AASW works to promote the profession of social work including setting the benchmark for professional education and practice in social work, while also advocating on matters of human rights to advance social justice.

## Acknowledgements

This submission has been developed in consultation with our members in New South Wales (NSW) who are generalist counsellor under Victim Support Services.

For further information or questions relating to this submission, please contact:

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## EXECUTIVE SUMMARY

The AASW welcomes the opportunity to contribute to the statutory review of *Victims Rights and Support Act 2013* (NSW) (the Act) and acknowledged the recent expansion of initial limit of approved counselling services for family violence victims from 20 to 22 hours under Victim Support Services (VSS) since the last statutory review in 2018. Through interviews with AASW members who are approved counsellors under VSS, we have identified the following challenges under the current scheme which can undermine the outcome for victim-survivors in NSW:

- The initial 22 hours provided by VSS is not sufficient address the impact of a traumatic event and a trauma-informed approach should be adopted in the provision of counselling services
- The amount of payment for generalist counsellor tiers 1 & 2 have not been updated to the level of other comparable schemes
- The scheme has established a framework which incorrectly stratified skill levels and capabilities in relation to social workers.
- Their eligibility criteria for Recognised Payment do not recognise psychological injuries and cumulative harms inflicted upon victim-survivors.

## RECOMMENDATIONS

The AASW recommends that Department of Communities and Justice (the Department) make the following amendments to the Act and relevant legal instruments under the Act:

- Introduce an Integrated Trauma Recovery Service Model to the provision of victim counselling service so that the recovery needs of victim-survivors determine the counselling hours they have access to
- Recognises AMHSWs, in addition to AASW members with a master degree in a relevant discipline, as Tier 2 Generalist Counsellor.
- Align the amount of payment for social workers with the AASW Service Recommendation Fee in order to attract highly skilled qualified social workers to become approved counsellor under VSS.
- The eligibility criteria for Recognised Payment be broadened to include psychological harm..

## OUR RESPONSES

### Initial limit of approved counselling services for victims-survivors

While AASW welcomes the expansion of initial limit of approved counselling services for family violence victims from 20 to 22 hours, this is not sufficient for meet the recovery needs of the victim-survivors of a violent crime. AASW members reported that applying for an extension beyond the initial 22 hours is an arduous task as they must either attribute the clinical presentations of their clients to a new crime, or the nature of crime meets 'exceptional circumstances' where no clarity is provided under the Act. Having an arbitrary cap on counselling hours is neither a trauma-informed practice, nor an evidence-based one. The report of the Inquiry into Domestic Violence in Australia highlights the long-term and ongoing impacts of family violence on women<sup>1</sup>,

*'Women (who are victim-survivors of family violence) describe the long-term psychological impacts of emotional, verbal, social and economic abuse as being more devastating. Women who have experienced partner violence are also more likely to suffer mental health issues including post-traumatic stress disorder, depression, anxiety, self-harm tendencies and suicidal thoughts' (Chapter 2, p.8)*

*'It also affects communities, disrupting community and intra-familial relationships, isolating people from social networks, encouraging negative norms and perpetuating social exclusion.'* (Chapter 2, p.1)

The report aligns with our members' experience that most of their clients have experienced chronic, co-morbidity and complex forms of trauma which requires long term, intensive and specialised support. As the responses to a traumatic event often vary across individuals, the system needs to be agile and flexible to accommodate the diverse needs of victim-survivors. The AASW refers the Department to the Victorian Foundation for Survivors of Torture's (Foundation House's) Integrated Trauma Recovery Service Model. In the Model, the assessment of trauma and its impact on victim-survivors are based upon the following domains:

- trauma-specific psychological and social sequelae
- family functioning physical health and torture-related injuries
- daily functioning
- learning abilities
- social networks
- material circumstances
- personal goals

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<sup>1</sup> The Senate Finance and Public Administration References Committee 2015. *Domestic violence in Australia*. Parliament House; Canberra ACT 2600

**The AASW recommends that the limit of approved counselling services should be assessed upon the progress for the victim-survivor to meet their recovery needs across all domains.**

The AASW welcomes the opportunity to work with the Department to reform the provision of counselling services under the Act.

#### **Recognition of Accredited Mental Health Social Workers (AMHSWs) under the Act**

The AASW is concerned that Clause 4 of Victims Rights and Support Regulation 2019 (the Regulation), where the qualifications of generalist counsellors tier 1 & 2 are defined has established a framework which incorrectly stratified skill levels and capabilities in relation to social workers. AASW members (Tier 1) and AASW members who hold a Master degree in a relevant discipline (Tier 2) can both be counsellors under the scheme and the latter attracts a higher amount of payment (see Table 2). More commonly in Australia, the Master of Social Work is a qualifying degree, and is designed for people who have often completed a Bachelor degree which is not social work but a similar field. Both the Master and the Bachelor of Social Work provide graduate a social worker with essential skills to provide counselling and psychosocial interventions.

The AASW provides adequately experienced social workers to undertake accreditation in fields of specialisation. The largest credential the Association has is the Accredited Mental Health Social Work credential. This requires at the minimum of 2 years professional experience working in a mental health setting and 30 hours of continuing professional developing relevant to mental health interventions (see Table 1). AMHSWs are one of the few designated allied health professional groups eligible to provide private mental health services to people with diagnosable mental health conditions or people 'at risk' of developing mental health conditions under the Commonwealth Medicare initiative. As a group of providers, AMHSWs are the second largest after the combined group of Clinical Psychologists and Registered Psychologists. The AASW is responsible for the accreditation of AMHSWs and is committed to maintaining the high standard of practice of the profession in this sector. The following table highlights the key differences between AMHSWs and people who only have a general AASW membership.

**It is our recommendation that Tier 2 Generalist Counsellors should include AMHSWs, in addition to AASW Master of Social Work, in recognition of their credential in providing mental health treatment.**

**Table 1: Comparison between AMHSWs and General AASW members**

	AMHSWs	General AASW membership
Requirement for Continuing Professional Development	Yes, mandated 30 hours per financial year, including:  20 hours relevant to Mental Health practice, and 10 hours relevant to Focussed Psychological Strategies (FPS)	No
Qualification requirement	An AASW accredited tertiary Social Work (Qualifying) Degree	An AASW accredited tertiary Social Work (Qualifying) Degree
Professional experience	at least 2 years' full-time equivalent (FTE) post-qualifying supervision in a mental health setting/field within the last 5 years.	No requirement
Additional requirement	<ul style="list-style-type: none"> <li>• Demonstrated the use of Focused Psychological Strategies (FPS) in case examples from previous mental health practice/ position</li> <li>• Demonstrated ability and knowledge of clinical Mental Health social work practice via 2 written case studies</li> </ul>	N/A

**The amount of payment for social workers to provide services under VSS**

Most of AASW members providing victim support counselling services are AMHSWs who are able to provide services under multiple national and state service schemes, such as the Better Access Initiative, National Disability Insurance Scheme (NDIS), and State Insurance Regulatory Authority

(SIRA) NSW. The current amount of payment for social workers, as per Clause 8 of the Regulation, is comparatively lower to other comparable schemes where AMHSWs work with people living with complex trauma (see Table 1).

**Table 1: Fee schedules for AMHSWs across Federal and state schemes**

Schemes	Service item	Set fee (per hour)
Victim Support Services NSW	Victim Support Counselling – Generalist Counsellor Tier 1	\$120
	Victim Support Counselling – Generalist Counsellor Tier 2	\$144
Victim of Crime Assistance Victoria <sup>2</sup>	Counselling – Accredited Mental Health Social Workers	\$165
NDIS <sup>3</sup>	Assessment Recommendation Therapy or Training Supports – Social Worker	\$193.99 (Metropolitan NSW)
		\$271.59 (Remote NSW)
		\$290.99 (very remote NSW)
SIRA NSW <sup>4</sup>	Initial consultation and treatment – Social Workers	\$167.6
	Subsequent consultation and treatment – Social Workers	\$158.8

With the amount of payment lower than other mainstream schemes, some of our members have already capped the number of victims they see or choose not to apply to become a counsellor under VSS. The AASW is concerned that this has created a barrier for victim-survivors, in particular those who live in regional and remote areas, to access timely and geographically convenient services. In order to address this issue of access, we refer the Department to AASW Service

<sup>2</sup> Victims of Crime Assistance Tribunal 2022, *Session and Report Fees*, <https://www.vocat.vic.gov.au/assistance-available/financial-assistance-available/counselling-expenses/session-and-report-fees>, accessed 7 July 2022

<sup>3</sup> National Disability Insurance Agency 2022, *NDIS Pricing Arrangements and Price Limits*, <https://www.ndis.gov.au/providers/pricing-arrangements>, accessed 7 July 2022.

<sup>4</sup> State Insurance Regulatory Authority 2022, *Psychology and Counselling Fees and Practice Requirements*, [https://www.sira.nsw.gov.au/\\_data/assets/pdf\\_file/0003/1037163/Psychology-and-Counselling-fees-and-practice-requirements-1-January-2022.pdf](https://www.sira.nsw.gov.au/_data/assets/pdf_file/0003/1037163/Psychology-and-Counselling-fees-and-practice-requirements-1-January-2022.pdf), accessed 7 July 2022

Recommended Fee in which an hour of casework/individual therapeutic work should be priced at **AUD\$240.**<sup>5</sup>

**The AASW recommends that the amount of payment for social workers should be aligned with the AASW Service Recommendation fee in order to incentivise more social workers to become service providers under VSS.**

### Criteria for recognised payment

As per s36 of the Act, the amount of recognised payment is determined by its physical impacts on victim-survivors. However, there is minimal recognition of psychological damage and cumulative harm inflicted upon victim-survivors, in particular, women and children victimised by family violence. Family violence is not just physical or sexual violence, but can also include or manifest in other ways involving power and control tactics, including psychological, emotional, financial, spiritual, legal, social, technology-facilitated and, visa abuse; neglect; stalking; and, reproductive violence. occur over a period of time and the psychological damage inflicted upon victim-survivors and their children are culminative in nature. The definition to have physical harm being a criteria to access Recognised Payment is very narrow in our current understanding of what constitutes violence and is arbitrary in terms of the impact on a victim-survivor.

**The AASW recommends the eligibility criteria for Recognised Payment be broadened to include psychological harm.**

## Conclusion

The AASW welcomes the opportunity to contribute to the statutory review of Victims Rights and Support Act 2013 (NSW), which governs the administration and the operation of Victim Support Services in NSW. While the last statutory review has resulted in the expansion of counselling hours available to victim-survivors, improvements to the scheme are still required. The overhaul of the counselling service provision, as well as the recognition of social workers who are providing services under the scheme, should be immediately achieved to promote better outcomes for victim-survivors and mitigate barriers for victim-survivors to access the scheme. The AASW welcome the opportunity to work with the Department to work on the amendments required to optimise the outcomes for victim-survivors.

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<sup>5</sup> Australian Association of Social Workers, Schedule of Recommended Fee for Accredited Social Workers in Private Practice, <https://www.aasw.asn.au/document/item/8385>, accessed 7 July 2022





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