

Family Violence and Remote Legal Service Delivery



From the research about family violence in emergency and natural disaster situations and from reports of what is currently happening across the world, it is reasonable to expect that the COVID-19 pandemic and the associated restrictions will lead to an increase of family violence in local communities. It is inevitable that community legal centres and other legal assistance services will need to respond to this.

With legal assistance in most cases being provided remotely, it has become essential to consider how service delivery can continue to provide accessibility to those experiencing family violence whilst also ensuring their safety. The purpose of this resource and the webinar is to share some of the thinking, knowledge and experience of ECLC as a guide for the policies and processes that services may establish for providing remote service delivery to those experiencing family violence.

Step 1 – Accessing information and support

Depending on the skill and knowledge available within your Centre you may also want to consult with external services with specialised knowledge in identifying and responding to the risk of family violence.

- Consult or partner with your local family violence service
- Access resources available through :
 - WESNET – <https://wesnet.org.au/>
 - [Using Technology to Communicate with Survivors During a Public Health Crisis](#)
 - [Best practices when using Mobile Devices for service delivery](#)
 - [How to operate as a remote workplace during a public health crisis](#)
 - eSafety Commissioner – <https://www.esafety.gov.au>

Step 2 - Review intake policies and processes

You may want to start by reflecting on who might be accessing your service and the current processes you have in place in determining how legal appointments are made.

- How are you identifying family violence?
- How are you prioritising appointments?
- What information are you receiving that may suggest a risk of providing remote service delivery?
 - ie. Has the client disclosed family violence as (or as an element of) their legal issue
- What extra information could you be asking to identify a risk in providing remote service delivery?
 - Are you asking about family violence?
 - Is the client still in a relationship with the person they are seeking legal advice about?
 - Does the client think it is safe for them to receive legal advice over the phone?
- What training or support mechanisms are you able to provide to intake staff?

Step 3 – Assessing risk

It is important to be clear in what risk you are assessing as a legal service and to refer to specialist agencies for more comprehensive risk assessment where appropriate, in order to not be working outside of your professional boundaries.

- Do you need to consult or partner with other services to develop a risk assessment tool or for staff training?
- Who is best placed/skilled/available to assess risk?
- What is the risk you are assessing?
 - You may decide that your risk assessment will be focused on whether it is safe to provide legal assistance over the phone to somebody who is at risk, or experiencing family violence, rather than assessing on whether the person is experiencing technology facilitated abuse.
- What questions do you need to ask?
 - Is there a likelihood that the person they are seeking legal advice about will be present at the time of the scheduled appointment?
 - Is there a possibility of the person they are seeking legal advice about having physical access to their phone?
 - Is there a possibility of the person they are seeking legal advice about having remote access to their phone?
- Trust the client's assessment of their safety!

Step 4 – Managing risk

Similarly it is important to be clear in what risk you are managing as a legal service and to refer to specialist agencies for more comprehensive safety planning where appropriate. You may want to have a standard process at the beginning of all legal appointments being provided over the phone that you check whether it is safe to proceed.

- Do you need to provide legal advice at the time that the client is contacting your service rather than scheduling an appointment for a later date?
- Creating a safety plan:
 - Is there a safer location the client could access at the time of the scheduled appointment?
 - Is there a safer phone the client could use?
 - What is the plan for how the phone call will take place?
 - Will they call you or will you call them?
 - Should the phone caller ID be turned on or off?
 - How you might identify yourself at the time of the call?
 - Is there a code word they could use to tell you that they are not safe?
- What is the plan if the call does not go to plan?
 - What should you do if another person answers the phone?
 - Do you have their consent to call the police if you ascertain that they are in danger at the time of the phone appointment?
- Continuously review and further develop the resources based on your learning.

[Webinar: Family Violence and Remote Legal Service Delivery \(webpage link\)](#) - April 2020