



VICTIM SUPPORT
ACT Human Rights Commission

Approved Service Provider Guidelines 2019-2022

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1. SCOPE

This document outlines the operational guidelines for Service Providers working with clients referred by the Victims Services Scheme (VSS), which is administered by Victim Support ACT (VS ACT).

The operating guidelines provide guidance on processes and issues which are unique to delivering services under the VSS

2. PURPOSE

The operating guidelines aim to promote quality and consistency in the delivery of counselling services to clients of the VSS. The Operating Guidelines apply to all Service Providers.

3. DEFINITIONS

Approved Service Provider Means a person approved as a service provider under section 40 *Victims of Crime Regulation 2000*.

Client means a victim of crime who receives a service under the VSS.

Victim is defined in *Victims of Crime Act 1994* section 6 (1):

Victim means a person who suffers harm because of an offence and includes –

- (a) a person (the primary victim) who suffers harm-
 - (i) in the course of, or as a result of, the commission of an offence; or
 - (ii) as a result of witnessing an offence; and
- (b) a family member, of the primary victim, who suffers harm because of the harm to the primary victim; and
- (c) a person who is financially or psychologically dependent on the primary victim and who suffers harm because of the harm to the primary victim; and
- (d) the following people under the *Victims of Crime (Financial Assistance) Act 2016*:
 - (i) a primary victim;
 - (ii) a related victim;
 - (iii) a homicide witness; and
- (e) if a person mentioned for this definition is a child or legally incompetent person – a guardian of the child or legally incompetent person.

The *Victims of Crime Regulation 2000* section 24(2) states:

An *eligible victim* is a victim other than a victim-

- (a) who suffers harm caused by, or arising out of the use of, a motor vehicle; or
- (b) who suffers harm (directly or indirectly) as a result of committing an offence.

Clinical Supervisor means a registered psychologist, qualified social worker, clinical psychologist or other therapist, where applicable, who is accredited by the appropriate Australian professional body or registration body who engages in ongoing supervision of the Approved Service Provider.

Commissioner means the Victims of Crime Commissioner who is the head of VS ACT

Confidential Information means any information whether existing before, on or after commencement of the appointment, that:

- a) is any documentation, information or material supplied by the Commissioner or VS ACT to the Approved Service Provider by whatever means; or
- b) is by its nature confidential; or
- c) the other party knows or ought to know is confidential.

Counselling Services means counselling delivered under VSS.

Professional Association refers to the relevant association the Approved Service Provider must retain membership of for the duration of their appointment which may include but is not limited to The Psychology Board of Australia, The Australian Association of Social Workers, the Australian Counselling Association or the Psychotherapy and Counselling Federation of Australia.

Report means the written reports which Approved Service Providers are required to write and submit in their provision of the Services and in accordance with the form, requirements and timeframes specified in this document.

4. VICTIM SERVICES SCHEME

The Victim Services Scheme (VSS) provides services to individuals who have experienced crime in the ACT with the aim of assisting them to recover from the effects of crime, and access their rights as victims. This may include counselling, psychological services, and justice advocacy.

The multidisciplinary VSS team includes Social Workers and Counsellors. Service Providers are contracted to provide services to VSS clients in the form of contact hours.

The VSS is governed by the *Victims of Crime Act 1994*, and the *Victims of Crime Regulation 2000*.

The criteria for accessing services through the VSS are set out in section 6 of the *Victims of Crime Act 1994* and regulation 24 of the *Victims of Crime Regulation 2000*. In summary, services are available to all eligible victims of crime in the ACT, except for victims who suffer harm as a result of motor vehicle accidents, or as a result of committing an offence.

4.1 LEVELS OF SERVICE

The *Victims of Crime Regulation 2000* outlines the availability of three levels of service under the Victims Services Scheme. Service levels determine the number of contact hours a victim of crime is eligible to access, through VS ACT staff or Service Providers. The eligibility for each of the levels is described below.

Level 1

All eligible victims (see above) are entitled to receive Level 1 service under the VSS. Level 1 consists of no more than **2 contact hours**.

Level 2

An eligible victim is entitled to receive Level 2 service if they have completed level 1 service for the crime concerned and the victim:

- is a *primary victim*; or
- is a *related victim*; or
- would have been a related victim if the primary victim had died; or
- is a witness to a violent crime in circumstances in which it is probable that the witness would suffer harm.

Level 2 service consists of not more than 6 contact hours. A recovery care plan will be developed by VS ACT in collaboration with the eligible victim and will be sent to you.

Level 3

An eligible victim entitled to receive Level 2 service is entitled to receive Level 3 service if –

- the victim has completed Level 2 service for the crime; and
- VS ACT has decided that the victim would receive therapeutic benefit from receiving Level 3 service.

Level 3 service consists of not more than **12 contact hours** in addition to the Level 1 and Level 2 contact hours. VS ACT will develop a revised care plan for level 3 service contact hours in consultation with the eligible victim and this revised care plan will be sent to you prior to Level 3 service commencing.

5. OPERATING GUIDELINES

5.1 VSS SERVICE PROVIDER REQUIREMENTS.

ABN

You must have an ABN (Australian Business Number) registration at the time of providing any services.

Insurance requirements

You must have professional indemnity insurance of \$10,000,000 (in respect of each claim) and \$10,000,000 (in the annual aggregate).

You must have public liability insurance of \$10,000,000 (in respect of each claim).

You must have workers compensation insurance (if required) to the extent as required by law of the Commonwealth or Territory.

5.2 PROFESSIONAL REQUIREMENTS

Statutory obligations

You must comply with all applicable legislation, regulations and all relevant Australian standards (or equivalent standards in your state or territory) applicable to the delivery of approved services.

This may include but is not limited to:

- *Victims of Crime Regulation 2000*
- *Health Records (Privacy and Access) Act 1997*
- *Health Professionals Act 2004*
- *ACT Human Rights Act 2004*
- *Children and Young People Act 2008; and*
- *Standards of Practice for ACT Allied Health Professionals ACT Health 2016*

Professional Association's code of conduct, standards and ethics

You must:

at your own cost maintain registration or accredited membership to professional associations, where available;

comply with all codes of conduct, professional standards and ethics of your professional association;

consult codes of conduct, professional standards and ethics of your professional association to inform practices relating to ethical conduct, matters of clinical and professional competence, and guidance on working with vulnerable people; and

notify VS ACT immediately should you be the subject of a complaint or suspended or cancelled Professional Association registration.

Professional competence and continued professional development

You must maintain records about professional development.

Upon request you must provide VS ACT information to demonstrate continuing professional development training as required to maintain professional registration or membership to professional association; and participate in VS ACT information sessions as required.

In addition to service provision you must:

- undertake a minimum of 10 hours of trauma-specific and/or applicable professional training per year; and
- undertake the minimum requirement of professional competence and continuing professional development training required to maintain your registration and/or accreditation as a professional.

Notice of specialisation

You must advise the Commissioner if your professional specialties expand or change.

Criminal status

You must notify VS ACT immediately if you have been charged with a criminal offence in the ACT or in another Australian or International jurisdiction.

5.3 CLINICAL SUPERVISION (RELEVANT TO ALL COUNSELLING SERVICE PROVISION)

Clinical supervision

You must:

engage the services of a qualified Clinical Supervisor;

access a minimum of one hour of one-on-one clinical supervision every four to six weeks;

where possible, increase the frequency of clinical supervision with increased workloads or with more complex cases: and

maintain records of clinical supervision.

Notify of changes in clinical supervision arrangement

You must advise VS ACT immediately if a clinical supervision arrangement ceases; and

provide VS ACT with the details of the new clinical supervision arrangement, no later than 10 days following the change.

5.4 SERVICE PROVISION SESSIONS

All referrals to an Approved Service Provider are at the discretion of the Commissioner.

There is no guarantee that the Commissioner will approve the referral or allocation of a victim to an Approved Service Provider.

The Commissioner may cease allocation of victims to Approved Service Providers or transfer any allocated client from the Approved Service Provider.

The Commissioner may at any time, upon written notice vary, or revoke any condition of approval, or impose any new or additional conditions in relation to the approval of services to be provided by the Approved Service Provider.

The Approved Service Provider agrees that immediately following receipt of such written notice, they will not be entitled to make any claim for the payment of any fee, expense or other form of payment arising in connection with the provision of services, or lack thereof.

VS ACT reserves the right to refuse payment, partially or in full, for services, which are delivered outside of the operating guidelines, unless otherwise approved in writing prior to the delivery of the service.

Accepting referrals

You must respond to clients' appointment requests within two working days. In addition, prior to commencing service delivery to a client, you must ensure that:

- VS ACT has provided you with approval to see the client, including checking that the client has sufficient hours of service approved;
- confirm that you have no actual or potential conflict of interest in relation to the client (see Section 5.6, below); and
- advise VS ACT if you do not have the appropriate skills and experience to work with the referred client.

Initial appointment

You must offer clients their initial appointment within 21 working days of the client's request unless another timeframe is agreed with VS ACT.

Change of practice details or availability

You must advise VS ACT if your practice or contact details have changed. Further, please advise VS ACT immediately if you are unable to provide counselling to a referred client. It is also important that you advise VS ACT immediately if your availability to provide counselling services changes, for example where you:

- are at capacity and cannot take new referrals;
- have relocated;
- are taking leave; and/or
- are unable to provide new clients who require urgent counselling with appointments within five working days of their request.

VS ACT is happy to amend our provider database to reflect a period of unavailability.

Delivery of Approved Service Provision

All service provision should observe the principles of:

- accessibility;
- confidentiality and privacy;

- safety;
- professionalism; and
- professional boundaries.

Service provision should not occur in a public place or a client's home unless otherwise approved by VS ACT.

You must seek written approval from the Commissioner and the client to allow any other person to observe, or be present at, a session with a client.

Should the focus of the service you are providing shift significantly from the initial presenting issues, you must consult with VS ACT to determine an appropriate plan of action or further referral. Approval for services that are beyond the terms of the Care Plan may be provided VS ACT in exceptional circumstances.

Disclosure of confidential information

This is only permitted with the informed consent of the relevant client.

Approval for Additional Hours

Where a client is approved for Level 2 service and you believe they would benefit from additional sessions, you may make a request to VS ACT for Level 3 service to be granted, so that the client can access up to 12 further contact hours. Requests for Level 3 service should be accompanied by a report indicating the progress made in attaining clinical goals, the interventions used and the plan for case finalisation. VS ACT will not authorise extra hours retrospectively.

A request for additional services under 'exceptional circumstances' may be made where clients have completed Level 3 service, and require further service to reach their therapeutic goals. Requests are made using the 'Request for Exceptional Circumstances Approval Form' which can be obtained from VS ACT. You should state the intervention to date, what is envisioned to be achieved in the additional hours, and what arrangements have been made with the client for future care on conclusion of these hours.

It is expected that in the majority of cases, a client's goals will be finalised either in the Level 2 or Level 3 allocated hours.

Shared counselling appointments

You must seek prior approval from the Commissioner before delivering family or shared counselling sessions.

The Commissioner will only consider family or shared counselling sessions where each client participant is an eligible victim.

Counselling via telephone and/or video conferencing

Approved counselling should primarily be delivered face-to-face.

However, phone and online counselling can be provided with the approval of the Commissioner, based on client needs.

Before delivering phone or online counselling, you must ensure:

- expectations and risks associated with delivering counselling over the telephone or video conference have been identified and discussed with the client, this includes ensuring they are in a safe, private and appropriate environment for counselling;
- a risk management plan is in place to manage risks around not being able to read behavioural or visual cues whilst providing this mode of counselling;
- provisions of a dedicated work phone and/or video conference ID for all counselling delivered by these modes - personal devices must not be used;
- reliable and fast internet connections are required to minimise disruption; and
- you should be in a location and place that is private and conducive to phone counselling. This includes a place where there is minimal distraction, low noise, and access to a means of documenting the counselling session.

Subcontracting

You must not subcontract any part of the approved services to another person, including another Approved Service Provider, trainee, supervisee, colleague, provisional psychologist, student or volunteer. You must not subcontract the writing of reports to another person, including another Approved Service Provider, trainee, supervisee, colleague, provisional psychologist, student or volunteer.

Referrals to another Approved Provider

You must not refer clients to another service provider, approved or otherwise, unless prior approval has been granted by VS ACT.

Transparency and information

At the earliest opportunity, you must provide the client with clear, accurate information about:

- how many sessions have been approved; and
- the missed appointment policy for clients receiving Approved Services.

Inform the client about the limitations of client confidentiality, including the Approved Service Provider's obligations to:

- respond to lawful subpoenas;
- report child protection concerns if a mandated reporter; and
- report any imminent threats of suicide or harm to self or others.

You must advise the client in a timely manner of any planned absences, holidays or any other break that may interrupt therapeutic work.

Missed appointments

A missed appointment is defined as a client's failure to attend an appointment, or a cancellation within 24 hours of the scheduled appointment time.

In the event of a missed appointment you should attempt to contact the client within one week to initiate or continue sessions.

If a client has missed two appointments, you must notify VS ACT promptly to discuss future appointments.

See 5.10 Payment below for further information in relation to invoicing missed appointments.

Duration of counselling sessions

You must seek approval from the Commissioner before undertaking a single service provision session that will exceed two hours.

Interpreter services

You must contact VS ACT to arrange the services of an interpreter when required. The request should specify the date, time and address of the counselling session, as well as the language and preferred gender of the interpreter. Where translating and interpreting services are required, VS ACT will meet the costs, provided the use of such services have been approved by VS ACT.

Please advise VS ACT immediately if you have any concerns about the services provided by the interpreter.

Public Sector Approved Service Providers

If you are a public servant you must:

- abide by all relevant government department guidelines and requirements in relation to undertaking secondary employment or private employment whilst in paid public sector employment in a government department; and
- not use your place of paid public sector employment to conduct a private practice as an Approved Service Provider including not using your workplace telephone contact number.

5.5 LEGAL CONTEXT

You can deliver Approved Services to clients who are undergoing court processes or other legal processes as a victim or witness of crime.

However, in some circumstances therapeutic approaches, specifically, Eye Movement Desensitisation and Reprocessing (EMDR) and Hypnosis can impact on court evidence and outcomes. Approval is required by VS ACT prior to commencing either of these treatments with a referred client.

Subpoenas

You must maintain accurate notes during counselling and other service provision sessions and consider that files and reports may be subject to a subpoena in relation to a court matter.

Mandatory reporting

You must fulfil obligations for mandatory reporting under the *Children and Young Persons Act 2008* or equivalent legislation in relevant state or territory and comply with mandatory reporting requirements of your Professional Association.

Children

You must:

assess the family context of a client when the client is a child or young person;

ensure accused parents or caregivers do not attend the child's counselling session;

obtain relevant information about any court orders that may be in place about the responsibility of the parent(s) and/or guardian(s) of a child client. This may include conditions of any court order that might be relevant to the service provision and parental consent; and

seek independent legal advice if uncertain about legal obligations. Your professional registration body may be able to assist with advice or please contact VS ACT for assistance.

5.6 SERVICE PROVISION RELATIONSHIP

Declaration of existing relationship and conflict of interest

You must notify VS ACT immediately and await approval to proceed with a referral if:

- a current or former relationship exists between you and the referred client; or
- a conflict of interest may arise if you deliver a service to the referred client.

Where, in the Commissioner's view, the conflict of interest cannot be managed, the Commissioner may change the Approved Service Provider for that client.

Maintaining professional boundaries.

You must maintain professional boundaries and comply with all codes of conduct, professional standards and ethics of your professional association.

Do not engage in any financial, intimate, personal or inappropriate relationship with referred clients during or after service provision.

External Research

Do not recruit clients to participate in, or be the subject of, any research activity or case study.

Safety concerns for the Approved Service Provider

You must immediately report any aggressive behaviour from clients or other safety concerns to VS ACT. VS ACT will liaise with you to discuss whether or not the service provision should continue or if conditions can be put in place to ensure your safety.

Change of Approved Service Provider

You must advise VS ACT in writing if you or your client wish to change Approved Service Providers. The advice should include:

- the reason for the request;
- the number of approved service hours remaining; and
- how many appointments the client has missed (if relevant).

You will be informed in writing of the outcome of any request for a change of Approved Service Provider.

VS ACT may also initiate a change of Approved Service Provider in the event of a complaint.

5.7 SUPPORT, REFERRALS AND CONTINUITY OF CARE

Assistance with Financial Assistance Scheme Applications

Clients may contact VS ACT for assistance in completing an application to the ACT Victims of Crime Financial Assistance Scheme.

Other supports

When a client needs court support, you should refer the client to VS ACT for assistance.

Crisis referrals

You must refer clients in crisis to an appropriate service such as Access Mental Health or equivalent crisis services in other States or Territory and inform VS ACT immediately if a client has been referred to crisis care.

5.8 RECORDS MANAGEMENT

Professional development undertaken

You must maintain accurate and up-to-date records about professional development undertaken for the purpose of retaining your approval as a Service Provider.

Clinical supervision sessions undertaken (relevant to counselling service provision)

You must maintain accurate and up-to-date records about clinical supervision received for the purpose of Approved Service Provision, including:

- a copy of the clinical supervision contract;
- the date and duration of each clinical supervision session; and
- brief notes on the agenda, discussion points and actions arising out of each clinical supervision session.

Approved service provision hours

You must maintain:

- accurate and up-to-date records regarding delivery of service provision; and
- evidence of the client's attendance at appointments by completing the Attendance Record Template provided by VS ACT.

Service provision sessions

You may commence service provision after receiving the VS ACT letter confirming the relevant level of service and number of approved hours.

Client contact

You must maintain accurate and up-to-date records of all communications with the referred client, including:

- telephone calls;
- emails;
- text messages; and
- invoices.

Storage of records

You must ensure records relating to clients are held securely and in accordance with relevant Privacy legislation in your State or Territory.

5.9 REPORTING

Progress Report

If, at any point, the client will be transitioning to a different Service Provider, you should provide a progress report to VS ACT. A progress report template is included in the referral package.

Case Closure

Following case closure, you must provide a closure report to VS ACT. The closure report template is included in the referral package and should include:

- the number of contact hours you have provided;

- the extent to which the goals of the care plan were achieved; and
- your views in relation to any future support needs of the client.

5.10 PAYMENT

VS ACT will only pay for hours approved in writing, as detailed in the referral letter or subsequent approvals.

You have discretion in how you wish to use the approved hours of service. For example, if 4 hours are approved you may have 8 sessions of 30 minutes each or 4 sessions of one hour each. You must seek approval from VS ACT before undertaking individual service provision sessions exceeding two hours.

Telephone counselling hours must be approved in advance by VS ACT. Telephone sessions undertaken without prior approval will not generally be paid for other than in exceptional circumstances approved by the Commissioner.

VS ACT will make a payment of 60 minutes for the first time a client does not attend a scheduled appointment without providing advance notice. Please notify VS ACT promptly if a client has missed more than two appointments.

You must not charge clients a missed appointment fee under any circumstances.

A missed appointment will not be paid by VS ACT where you have been able to conduct a session with an alternative client.

In accordance with the *Victims of Crime Regulation 2000*, VS ACT cannot pay for:

- any hours exceeding those approved in writing;
- appointments made in anticipation of referral and without written approval;
- preparation of medico-legal reports. If clients request a report for medico-legal purposes this must be negotiated with the person(s) requiring that report;
- time spent in court as an expert-witness;
- preparation of progress reports;
- preparation of closure reports;
- filing;
- arranging appointments with clients; or
- other administrative tasks.

Invoices

Invoices can only be submitted for clients registered and referred by VS ACT in relation to approved contact hours. Invoices are to be provided on a regular basis with a maximum of five service sessions on one invoice. Please note, all invoices need to be submitted within a three month period of service delivery.

Invoices should be forwarded to:

*ATTN: Corporate Team
Victim Support ACT
ACT Human Rights Commission
GPO Box 158
Canberra City ACT 2601
Email: VictimSupport@act.gov.au*

Invoices will be processed within 28 days as per the ACT Government Credit Policy.

Invoices should be accompanied by attendance records signed by the client

The attendance record template is included in the referral package. If translating and interpreting services have been used, the booking details and invoice must also be attached.

Invoices must not have client names or other personal details recorded on them

The client Unique Identifier (UI) number should be clearly documented on the invoice.

5.11 MEDIA ENQUIRIES

You must obtain written approval from the Commissioner prior to any media engagement regarding your role as an Approved Service Provider.

5.12 COMPLAINTS

If a client has made a complaint about you to VS ACT, you will be given the opportunity to consider and respond to the content of that complaint, other than in exceptional circumstances where to do so would, for example, impact the client's safety and well-being. If upon the Commissioner's consideration of the matter the complaint requires further action, the following options are available to the Commissioner under the regulation:

Victims of Crime Regulation 2000

Section 42 Suspension of approval

The commissioner may suspend the approval of a service provider if—

- (a) the commissioner is no longer satisfied on reasonable grounds of the matters mentioned in section 41; or
- (b) the service provider is a suspect in an investigation of an indictable offence; or
- (c) the service provider has been the subject of a complaint to the human rights commission and the complaint has not been decided or has been upheld.

Section 43 Cancellation of approval

The commissioner must cancel the approval of an approved service provider if:

- (a) on at least 3 occasions, a ground existed on which the commissioner would have been entitled to suspend the approval of the provider; or

- (b) if the ground for suspension of the approval of the provider is a state of affairs that has existed for 3 months or longer; or
 - (c) the approved service provider has been convicted or found guilty of an indictable offence; or
 - (d) for an approved service provider who provides a health practitioners service—the provider has ceased to be registered as a health practitioner.
-