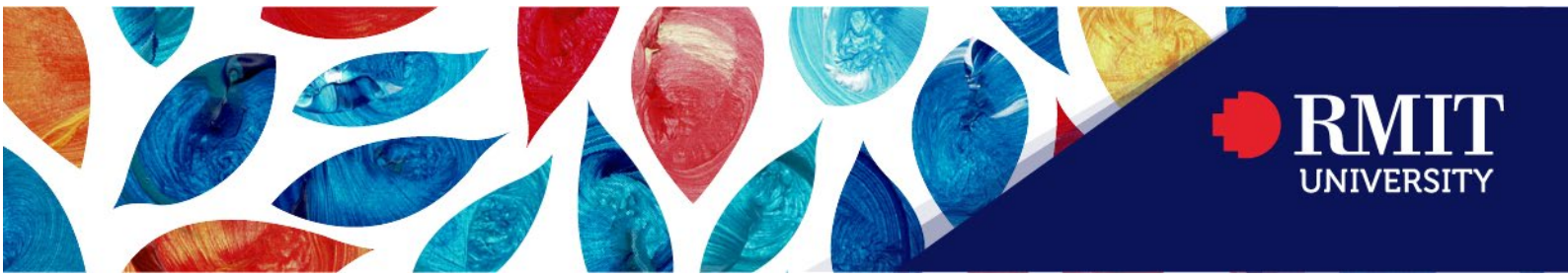


Evaluation of the Remote Hearing Support Service Expansion Project

Executive Summary

Centre for Innovative Justice in partnership with
Clear Horizon

July 2023



Executive summary

Introduction

The Remote Hearing Support Service (RHSS) is a program that supports Affected Family Members (AFMs) in their Family Violence Intervention Order (FVIO) matter. The RHSS provides support to AFMs before, during and after their FVIO remote hearings through a dedicated team of remote hearing practitioners and enabling AFMs to appear remotely in their FVIO matter from safe locations.

The program exists in large part because of a recommendation made by the Victorian Government's Royal Commission into Family Violence (RCFV) in 2016. Responding to evidence that victim-survivors who were AFMs in FVIO hearings often experienced attending court as 'terrifying' and 'going through hell' (due to the expectation that they be physically present in court and therefore in proximity to the respondent), the RCFV identified the need for AFMs to be able to participate in their hearing via remote technology.¹

After a positively evaluated Pilot (which found that the Pilot provided AFMs with an improved court experience), a strengthened and expanded RHSS was reintroduced at the Geelong Pilot site and rolled out to ten other court locations. The strengthened RHSS has seven dedicated RHSS practitioners, with referrals to the service supported by MCV's Family Violence Contact Centre and wider Pre-Court Engagement (PCE) team. Due to the impacts of the COVID-19 pandemic, the option for AFMs to participate in a supported remote hearing from home or a community-based service was facilitated, in addition to the original option provided in the Pilot for AFMs to join from a dedicated remote location.

This evaluation

While the expansion was being planned, MCV commissioned the Centre for Innovative Justice (CIJ) and Clear Horizon (CH) to commence a multi-stage evaluation over the course of 12 months (from June 2022 to June 2023, to align with the timeline of RHSS expansion). The objectives of the evaluation were to assess the implementation, effectiveness and appropriateness of the model, as well as to identify key learnings relating to the model and its expansion to inform improvement and future directions.

There were two major stages to the evaluation. The first stage involved a process evaluation which explored initial indications of the model's benefits and focused on the process of implementation. The second stage involved a summative evaluation. This stage was more focused on drawing definitive conclusions about model's value, as well as on outcomes that the RHSS was achieving.

The process evaluation was based on an analysis of MCV quantitative data by CH, ten stakeholder consultations and 15 practitioner case studies (which reported on activity conducted by RHSS practitioners and feedback from AFMs). In December 2023, CIJ and CH delivered an interim report to MCV which examined implementation of the program and early indications of success or otherwise of the program.

¹ Erin Mackay et al, 'Perpetrator Interventions in Australia: Part One – Literature Review' (Landscapes: State of Knowledge Paper 01, Part One, Australian National Research Organisation into Women's Safety, November 2015) 10; State of Victoria, Royal Commission into Family Violence: Report and recommendations, Vol III, Parl Paper No 132 (2014-16), 130-133.

This final report builds on the data collected in the process evaluation and findings of the interim report, drawing on a range of activities from the summative evaluation stage. This includes a literature scan, an analysis of MCV quantitative data by CH, 14 stakeholder focus groups and interviews, and 20 practitioner case studies. Importantly the final report reflects the voices of AFMs provided through 12 interviews and 46 surveys.

The engagement with people who have lived experience of family violence provided a critical foundation for the evaluation team to understand how the RHSS is experienced by its users and the outcomes it is achieving. The level of engagement and quality of the responses that AFMs provided also indicated that – managed with an appropriately sensitive and trauma-informed approach – AFMs are eager to have input into processes which impact them. It similarly indicated that AFMs value the feeling of being heard and empowered when their input into service improvement is sought, particularly in the context of an experience which has otherwise reduced or removed their broader sense of agency or control.

Findings

The evaluation team found strong evidence of a program that is **universally well regarded and valued by AFMs and those supporting the delivery of the program alike**. The program **aligns with leading practice in responding to family violence** and, more broadly, with international best practice in victim support and online hearing ‘access to justice’ initiatives. Importantly, **the program ‘works’ to improve outcomes for victim-survivors** by removing barriers to accessing the legal system and supporting their informed and meaningful participation in the legal process. AFMs described the program as a ‘a really good experience’, ‘validating’ and ‘life saving’.

Evaluation findings strongly demonstrate that **the need for the program is evident** and that its continued operation should remain a central feature of Victoria’s improved family violence system response.

Implementation of the RHSS has progressed well

Despite the challenges that the COVID-19 pandemic caused, **implementation has progressed well**. All evaluation sites are in operation. The evaluation team found that all sites were launched within scope and budget, as well as on time. Overall implementation appears to have been delivered in line with relevant governance and risk management practice. The program has been characterised by efficient delivery and a culture of continuous improvement. In particular, a constrained allocation of resources was directed in a way that has maximised the reach of the program and which leverages other existing initiatives, rather than duplicating them. The program has been adapted throughout its implementation to apply learnings generated through the evaluation and other processes. For example, in line with recommendations made in the interim report, the project team strengthened its local engagement with courts to build awareness of the program through in-person visits, communications and the development of resources. This focus on building awareness and capability should continue.

The RHSS is supported by a number of important referral pathways. RHSS practitioners provide strong support before, during and after the hearing, including information and practical support, risk assessments, safety plans, referrals to other services, and importantly, emotional support. The court experience is generally secure, well-coordinated and supported by remote technology.

The RHSS is effective at achieving its intended outcomes

There is strong evidence that the RHSS is meeting its intended outcomes. The evaluation revealed **numerous examples of the RHSS reducing barriers to accessing and engaging with the court process**, including physical, logistical, technology and psychological barriers. This finding is consistent with international literature on the value of remote hearings for victim-survivors. Importantly, the RHSS reduced barriers to accessing the legal process by correcting assumptions that were made by other court stakeholders about the need for AFMs to attend court in person or not to attend their hearing at all.

'I don't think I would have made it if it wasn't for [my RHSS practitioner]. There's no way in hell.'

– Interview participant 3

The **trauma-informed support** that RHSS practitioners provide before, during and after court is especially valued by AFMs, as well as the choice that the RHSS provides in how AFMs participated in the court process. RHSS practitioners actively identify family violence-related trauma responses in AFMs and tailor their support to minimise further traumatisation from the family violence-focused court process. These features are **consistent with best practice responses to family violence reflected in international research**. International literature highlights that receiving independent and professional support pre, during and after the remote hearing, such as the kind that the RHSS provides, is important for victim-survivors.

The **majority of AFMs who participated in the evaluation felt very well-informed and supported** in the lead up to their hearing, including 76 per cent of AFMs who responded to the survey. **The quality of information provided by RHSS practitioners – including how easily it is understood – appears to surpass that provided by other sources** within the court system.

'Some of the best, clearest information was that which I received from [the RHSS practitioner].'

– Survey participant

Importantly, observable, positive impacts of the information and support provided on AFM participation emerged – notably, that **AFMs felt that they were better able to advocate for themselves** in their hearing, which in turn shaped the direction of the court outcome. Similar observations were made by judicial officers and court staff who noted that AFMs who had received RHSS support appeared to be able to understand the hearing more than AFMs who had not received RHSS support. AFMs also had a **greater understanding of their FVIO** – a finding that has the potential to have a profound effect on AFM safety as such understanding can support the effectiveness of such orders. This is consistent with international research which indicates that a model like the RHSS has the potential to improve participation and continued engagement in the legal process.

'It made it easier for me to have support and know what I could ask for. I understand the order more and how to extend it'.

– Survey participant

The RHSS also appeared to **reduce the emotional stress of going through the court process**. Some AFMs attributed their ability to participate in the hearing to the influence that RHSS support had on their emotional or mental state. This included helping AFMs to feel less anxious or stressed, which in turn helped them to participate in the process and make decisions. Other ways in which the RHSS appeared to reduce the emotional stress of the court process was by removing the need for the AFM to be in close proximity with the respondent; by 'translating' the court process in a way that was readily understood; as well as by addressing the burden of help-seeking (for example, by ensuring that they were able to meet the needs of their children on the hearing day).

AFMs reported increased feelings of safety and being heard and empowered – a sense of justice in itself. Survey responses outlined the importance for AFMs of being 'believed and reassured'.

'... feeling validated. Someone believes you. Because all this time you just keep hearing "alleged, alleged, alleged" ... So having someone with the experience talk to you about "I see this every day" and just reassuring you.'

– Interview participant 10

Generally, AFMs experienced the court event as smooth and secure, but lapses in coordination; not knowing when the hearing would start; and seeing the respondent on a large screen can be stressful and distressing.

For the Court, the evaluation found that **the RHSS appears to assist judicial decision-making** by ensuring that decisions are being made based on quality information. RHSS support also gives judicial officers the confidence that the AFM had support before the hearing and therefore confidence in the information that the AFM is providing. The evaluation team heard of several examples of the RHSS supporting an improved management of cases in court.

The RHSS appropriately responds to the diverse needs of AFMs

The support provided by the RHSS is **particularly suited for people from marginalised groups or with additional support needs**, which supports MCV's efforts to ensure that the court process is accessible and inclusive for these cohorts. This is because the support before, during and following a hearing facilitates greater understanding of the process; reduces the stress and intimidating nature of the process; and mitigates the complexities of 'joining' a hearing via remote technology (which AFMs with disabilities, complex mental health needs or from culturally and linguistically diverse cohorts may find challenging). The RHSS is also in line with a growing body of literature that recognises that online hearings can create their own barriers to justice, such as the 'digital divide' caused by court users having unequal access to, or capability with, technology.

One of the reasons that AFMs with children chose to engage with the RHSS was because of the support that it provided to address their child-related needs. Responding to these needs was mostly achieved by the AFM joining the hearing from home with the support of the RHSS or through the provision of a child-friendly area in the dedicated remote location. One challenge highlighted in focus groups was the lack of formal and coordinated support in relation to AFMs' children when they came to a dedicated remote location, despite individual practitioners often taking on this role in an informal capacity.

Learnings about the RHSS

The RHSS model provides a genuine option for AFMs to participate in their FVIO matter. Without it, some AFMs would not pursue an application for a FVIO. In this regard, the **RHSS model acts as a critical turning point in the lives of victim-survivors**, at which they could either remain in a violent situation or can be empowered to take an initial step towards safety.

In addition, the opportunity to participate in a court hearing while avoiding the Court building itself enabled AFMs to avoid being in the presence of the respondent (and the respondent's family and supporters), which was viewed **as increasing their physical safety, as well as their psychological and emotional safety. This feeling of safety is reinforced by the RHSS throughout the legal process. This is because the RHSS enables more effective participation with the process and increases understanding of the FVIO**, including about what to do if the FVIO is breached.

The support provided through the RHSS is the most important and unique element of the model. It is more intensive than the support available through most other avenues and therefore more impactful. The importance of this support is recognised in research that stresses that remote hearings are only effective in enabling victim-survivors to have a voice if they are resourced by staff. Importantly, the **support provided is trauma-informed, which enhances participation and also minimises further traumatisation through the legal process.** RHSS practitioners also often play a proactive role, actively removing barriers for AFMs in engaging with the court processes or taking steps to secure their safety.

Concerns expressed about the RHSS often stemmed from challenges that existed in the broader court environment, such as wait times, a lack of legal representation, the number of adjournments, as well as how the AFM was treated by other stakeholders at court. Given the important role that the broader court environment plays in the delivery of the RHSS and the impacts that the environment has on AFMs, it will be important for the program to influence this broader environment so that it reinforces, rather than detracts from, the effectiveness of the program.

More broadly, the evaluation highlighted that genuine access to justice requires that court users are offered a meaningful opportunity to participate in the legal process. In addition, such participation should be informed and meaningful, taking into account the particular systemic barriers that court users face to accessing justice and their diverse needs and experiences. The evaluation highlighted that understanding the experiences of court users, as articulated by them directly, is critical to informing ongoing program improvement efforts. The depth of insights generated through court user feedback in the evaluation could not have been achieved if it were not for their direct input. These lessons can be taken to improving the specialist family violence response and wider improvements to strengthen court user experience within MCV.

The program has been strengthened during the course of this evaluation. In particular, the project team implemented a series of improvements based on recommendations from the interim report. This included sharing learnings about hybrid hearing coordination with MCV operations to support both RHSS and general online hearings, as well as more clearly articulating the distinctive service model that the RHSS provides to support wider awareness.

Strengthening the RHSS

The evaluation points to a successful program that only requires small, pragmatic adaptations to increase awareness; improve referrals; strengthen coordination and capability; and improve the quality of support provided. Addressing these areas will ensure that the intended benefits referred to above are fully realised in practice.

Overall, however, the expansion of the RHSS has already gone a long way to meeting its objectives and to demonstrating that, as the RCFV envisaged, genuine and meaningful access to the formal protection of an FVIO can be experienced in a way that is positive, supported and therapeutic.

Raising awareness about the RHSS

Awareness of the RHSS amongst stakeholders appears to be building but there continue to be gaps in knowledge and understanding. To support the RHSS in achieving its aim of supporting AFM participation in the court process, efforts to raise awareness about the program should continue. To ensure that these efforts are effective, engagement around the model should be conducted in person where possible, as well as ongoing (Recommendation 1).

There is a need for education efforts and relationship building to focus specifically on Victoria Police, given that this stakeholder group seems to have low awareness of the RHSS (Recommendation 2).

Lawyers and police may sometimes tell AFMs that they must come to court for their hearing or that they need not attend their hearing at all. A key message that should be highlighted in education efforts is the legislative requirement that the Court provide an option to give evidence under an alternative remote arrangement (Recommendation 3).

Improving referrals

Late referrals into the program can cause challenges, including limiting the ability of RHSS practitioners to provide support. The program is most effective when a referral is made early, ideally during pre-court engagement, given that late referrals do not result in the RHSS being used in an optimal way. Efforts to improve referrals should target avenues that would most likely lead to early referrals (Recommendation 4).

Improving data

There are some gaps and challenges related to the data collected by the MCV in relation to the RHSS program. These issues should be addressed through improvements to data collection, consolidation and understanding (Recommendation 5). For example, more data could be collected on the demographics and needs of AFMs who engage with the RHSS and opportunities to integrate various datasets could be strengthened to enable the generation of deeper insights.

Further, relevant staff could be supported to strengthen their understanding of when data needs to be collected and how to collect quality data about the RHSS. Taking these steps will help to tell a fuller story relating to the AFM experience with the RHSS to help inform development of the program in the future.

Improving coordination

There continue to be lapses in identifying and coordinating RHSS matters at court. Lapses in coordination can have serious negative impacts on AFM experiences of the court process, including AFMs missing the hearing or needing to join the hearing through their phone. It is important to resolve these lapses to support the effective delivery of the program. Good practices and problem-solving strategies relating to the identification and coordination of RHSS matters could be shared between different registries (Recommendations 6 and 7).

The issue of dedicated remote locations not being able to ascertain the identity or risks associated with male individuals who attend the location with the AFM should be addressed. This would prevent challenges that dedicated remote locations have been experiencing in identifying whether a person who arrives with the AFM at the location on the hearing day is a safe person for the AFM. This can be achieved by developing a consistent approach to ensuring that AFMs identify any support people who will attend the dedicated remote location with them in advance of the hearing day (Recommendation 8).

Supporting community-based agencies in their interactions with court

Supporting community-based agencies are less able to communicate with the court or address court-related issues on the hearing day. They should be supported by the program to strengthen their ability to interact with the court through more comprehensive operational guidance (Recommendation 9).

Improving the experience of AFMs

It is critical that the AFM's need for childcare on the hearing day is recognised as a distinct and important need that the RHSS should address, in the same way that other AFM needs around participation are addressed by the program. This is particularly important, given that a significant proportion of AFMs engage with the RHSS because of their child-related needs. MCV should develop a consistent approach to responding to the needs of AFMs with children by leveraging specialised programs that are already in existence and/or seeking funding for a dedicated role that focuses on engaging with children on the hearing day (Recommendation 10).

Practical steps could be taken to improve the AFM experience by making the remote hearing less distressing. In particular, the experience of seeing the respondent at close quarters on a large screen can be distressing for AFMs who attend their hearing at dedicated remote locations. Such situations should be avoided. In addition, providing AFMs with a sense of the layout of the courtroom can be reassuring and is a simple, practical step that should be put in place (Recommendation 11).

The future of the RHSS

The effectiveness and need for the RHSS is palpably clear – this is strongly supported by AFM and stakeholder feedback expressed in this evaluation and is the primary finding of the evaluation team overall. Ongoing funding should be directed at the core elements of the program, at a minimum, which include: skilled practitioners who apply trauma-informed practice and provide individualised support; information provision that is easily understood and comprehensive before and after the court hearing; multiple location options for RHSS hearings; and fit-for-purpose remote witness technology. Consideration should be given to expanding the program to further sites to extend the benefits of the program to a wider range of AFMs. Areas in which the RHSS has the potential to make the most difference include courts that are not Specialist Family Violence Court sites; courts that do not have safe or separate waiting areas; courts in smaller communities, such as regional or rural courts; and areas where there might be greater populations of newly arrived or migrant communities, which would benefit from the individualised and tailored support (Recommendation 12).



‘Safe and supported access to justice’ Evaluation of the Remote Hearing Support Service Expansion Project

MAGISTRATES' COURT OF VICTORIA RESPONSE

September 2024



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Acknowledgements

Acknowledgement of Country

The Magistrates' Court of Victoria (MCV) acknowledges Aboriginal and Torres Strait Islander peoples as the First Peoples, Traditional Owners and Custodians of the land and waterways upon which we depend.

MCV acknowledges and pays respect to Elders, knowledge holders and leaders – past present and emerging – and extends this respect to all Aboriginal and Torres Strait Islander peoples.

Acknowledgement of evaluation participants

MCV expresses its sincere thanks to the people affected by family violence who agreed to participate in this evaluation and for providing insight into the court user experience. The lived experiences of those affected by family violence has informed the ongoing improvement of Victoria's justice system and will continue to be held at the centre of the Court's specialist family violence response.

Introduction

The Centre for Innovative Justice (CIJ), RMIT University - together with Clear Horizon (CH) - were engaged by the Magistrates' Court of Victoria (MCV) to undertake a 13-month evaluation of the Remote Hearing Support Service (RHSS) Expansion Project across 2022-23. The Executive Summary of that evaluation is attached to this document. The full report has not been released to protect the security of the RHSS and the safety of existing and future RHSS participants.

This document outlines MCV's response to the key findings and recommendations from the evaluation, with further information about the RHSS.

A changing court experience

For many people affected by family violence, the court will play a central role in their experience of the broader family violence system. It can be an empowering process for those affected by violence. For many people, appearing in court proceedings can also be very challenging.

Parties are often attending court in a time of crisis. Affected Family Members (AFMs) – the person or people seeking the protection of a family violence intervention order (FVIO) – are often distressed, fearful and hyper-vigilant. They may fear that the violence will escalate as a consequence of a formal report, or from initiating court proceedings. They are likely still at risk. Coupled with court processes that can be complex and technical, being in the same physical environment as the respondent can become overwhelming – reducing the capacity of an AFM to meaningfully engage.

The 2016 Royal Commission into Family Violence observed the significant impact of the court experience on an AFM, noting *'concern about the safety and wellbeing of applicants and witnesses in court ... were among the most prominent themes in submissions the Commission received.'*¹

In submissions to the Royal Commission, AFMs outlined the impact of attending court to give evidence in person, *'after years of abuse, just being in the same room as the perpetrator, irrespective of how many Police Officers are in the same room, it is a terrifying experience ... when certain words or phrases have been instilled into the victim's mind, the perpetrator only has to make sure that is said to the victim and they feel intimidate[d], harassed, terrified out of their minds.'*²

Some people in family violence proceedings may also experience compounding barriers to accessing justice including language, disability, complex trauma conditions, care responsibilities, a location distant from court, and housing insecurity.

MCV has been developing, testing and implementing a range of measures to enhance the safety of AFMs at court and support access to justice over the last decade. However, the Royal Commission's wide-ranging recommendations for reform, together with necessary resourcing, marked a significant shift in momentum.

The Royal Commission concluded that, to mitigate against some of the distress caused by appearing in person, the use of remote facilities and associated technology should be explored. It recommended that all Specialist Family Violence Courts (SFVCs) be equipped with remote witness facilities for applicants, and the Victorian Government amend the *Family Violence Protection Act 2008 (Vic)* and *Criminal Procedure Act 2009 (Vic)* to specify that the court must permit AFMs to give evidence remotely, unless they wish to give evidence from the courtroom.

The Justice Legislation Amendment (Criminal Procedure Disclosure and Other Matters) Bill 2022

¹ State of Victoria, Royal Commission into Family Violence: Summary and recommendations, Parl Paper No 132 (2014–16), p 130.

² Ibid, p 132.

and Chief Magistrate Practice Direction 3 of 2022 gave effect to these changes and facilitated greater flexibility in how AFMs could appear before the court.

The legal remit and technological capability were important enablers for assisting AFMs to appear on their own terms. Support was also needed to be available to facilitate this, particularly if an AFM would otherwise not be able to do so independently.

Enabling safer court participation

The RHSS first commenced in 2019 with a pilot in Geelong to provide support to AFMs who sought to participate in their hearing from a remote location. Following a successful evaluation, and a temporary suspension of operations as a result of the coronavirus pandemic, a strengthened and expanded RHSS was re-established at Geelong and extended to 10 additional sites across Victoria in June 2022.

The RHSS supports AFMs to appear in their FVIO hearing from a safe and confidential remote location. The service model was designed prior to the pandemic on the assumption that AFMs would attend a dedicated remote location and appear from there, accompanied in person by a RHSS practitioner. With reduced availability of dedicated remote hearing locations during the pandemic, the RHSS expanded to also provide support to AFMs through the online presence of a RHSS practitioner. AFMs are now supported to determine the most appropriate option for their attendance – either from a dedicated remote hearing location or another safe place such as their own home, community service agency or a family violence refuge. This has promoted greater AFM agency and expanded the flexibility of the service – which will enable further availability of the RHSS moving forward.

RHSS practitioners provide support before, during and after the hearing – enabling AFMs to participate more safely in the court process, understand what is happening at each stage, and receive technological assistance. Prior to court, the RHSS practitioner engages in proactive contact with the AFM to understand any specific support needs, including dependent children, disability or language requirements, and assist in pre-court coordination. They can undertake risk assessments and safety planning, provide information about the hearing process and outline what to expect.

On the hearing day, they will check in with the AFM, ensure any concerns are addressed, attend the hearing with them (online or in person at a remote hearing location) and facilitate ongoing trauma-informed support – including through referrals to community-based services. After the hearing, the RHSS practitioner will meet with the AFM and discuss next steps, make further referrals and work to ensure post court needs are met, including a review of safety plans and arrange for provision of the orders.

The RHSS has marked a significant shift in supporting AFMs to exercise greater choice in how they may take part in their FVIO hearing and enabling them to feel safer through the court experience.

The evaluation process

In developing this model and further expanding access to trauma-informed support, independent evaluation plays a critical role. It enables the Court to monitor progress, identify success and determine opportunities for improvement. Evaluation ensures MCV is delivering efficient and effective court services and achieving its vision of a safer, more supported court experience for people affected by family violence.

The multi-stage evaluation undertaken by the CIJ and CH was conducted over 13 months to align with the expansion project period. The evaluation objectives were to assess the implementation, effectiveness and appropriateness of the RHSS model, and identify key learnings from the service model and its expansion to inform improvement and future directions.

The high-quality evaluation process is evidenced by the comprehensive analysis and findings. The engagement between the evaluators and MCV staff, AFMs and family violence sector is reflected in the willingness to participate, and the candour and vulnerability in the responses received. It was clear that there is a strong belief in the importance of the RHSS and a desire to see it continue. This emphasised the need for a robust evaluation process which would objectively identify the strengths of the model and examine improvement opportunities to underpin a sustainable RHSS model into the future. There was, throughout the evaluation, mutual commitment to the pursuit of service excellence – to make a meaningful difference in the lives of people seeking protection from family violence.

Elevating the voices of lived experience

From commencement of the evaluation, the voices of AFMs who used the RHSS were prioritised. In expanding the service, the voices of those who had accessed the service were captured to assess the effectiveness of that support, and in turn, the outcomes of the service model. Through the Court's commitment to court excellence, MCV recognises the importance of listening to court users to improve the court experience. The evaluators adopted a strong user-centric, trauma-informed approach to engagement with AFMs from the outset and throughout the project. The RHSS practitioners provided support to the evaluators to safely and ethically engage AFMs to participate in this evaluation, utilising a clear ethical procedure which gave AFMs a genuine and informed choice about participating. The respectful, trauma-informed approach to the engagement of vulnerable court users adopted by the CIJ was appreciated.

AFMs participated in the evaluation through both surveys and interviews. The depth and quality of engagement provided by the AFMs demonstrated that – when managed with an appropriately respectful and trauma-informed approach – court users are able to have input into processes which impact them and are motivated to participate in processes which will improve service provision for those who follow. The evaluation found that AFMs valued being heard and are empowered when their input into service improvement is sought.

Enhancing access to justice, improving outcomes

The evaluation found that the RHSS is achieving its intended objectives – to improve outcomes and the court user experience for AFMs. Improved outcomes include:

- reduced barriers to accessing justice,
- better engagement of court users,
- improved access to relevant information,
- enhanced understanding of court processes,
- more meaningful AFM engagement in FVIO hearings,
- psychologically and physically safer court experiences for AFMs, and
- improved safety through more appropriately tailored and better understood FVIOs.

AFMs reported feeling a greater sense of agency and control in the court process, including a greater sense of procedural fairness and minimisation of further trauma.

MCV understands that an effective family violence response relies on high-quality, accessible and inclusive support for all Victorians affected by family violence. The Court also acknowledges that people from diverse communities and backgrounds, and Victorians with complex needs, have historically faced a range of challenges in accessing the legal system.

The evaluation found that the RHSS is 'a strong example of a program that helps to promote access to justice and court user participation'³. It identified the 'expert, trauma-informed support'

³ The Centre for Innovative Justice in partnership with Clear Horizon, Evaluation of the Remote Hearing Support Service Expansion Project: Final Report, RMIT University for Magistrates' Court of Victoria, Melbourne, July 2023, p 107.

provided through the RHSS is particularly important for AFMs from marginalised or disadvantaged communities⁴ who may otherwise face compounding barriers in accessing the court. AFMs with dependent children and limited options for care, with disability, with complex mental health needs, from small remote communities, and from culturally and linguistically diverse backgrounds found particular benefit in accessing the service.

Following early insights from this evaluation, the RHSS noted a need to actively identify AFMs most in need of support and were able to develop a Prioritisation Framework which provides guidelines to direct support toward the most vulnerable AFMs.

The evaluation found the model aligns with leading practice in supporting the emotional, psychological and physical safety of AFMs⁵ which helps to facilitate meaningful participation in their court hearing. The individualised, tailored support provided throughout the process enables an enhanced understanding of court processes, reduces stress and mitigates against the complexity inherent in participating in legal proceedings.

The evaluation also noted that the RHSS is particularly appropriate for AFMs with dependent children, noting two in three RHSS participants had children. The Royal Commission identified challenges of attending court for parties with children and that bringing children to court can expose them to unnecessary trauma or fear. Equally, requirements to appear without children can heighten existing anxiety about attending court. The realities of being a parent, particularly a primary carer, single or sole parent (childcare, school pick-up, small children at home) and safety concerns are additional stressors which can conflict with attending court and interfere with participation in proceedings. Attending court in person compounds existing pressures already facing AFMs in a time of high anxiety, which can reduce capacity to engage.

MCV acknowledges AFMs are often not only experiencing the trauma of family violence themselves, but that the impact of this violence, trauma and fear is felt by their children.

Some AFMs saw the RHSS as a way to protect their children from exposure to further trauma or fear by avoiding contact with the court environment. The service mitigated against concern for the welfare of children associated with attending court and enabled the AFM to focus on the hearing process. The preference is always that children do not attend court or court-related proceedings, to minimise any potential negative impacts. However, it is accepted that this is sometimes unavoidable, or that AFMs may be managing a court appearance with care responsibilities such as school pick-up. The RHSS engages with AFMs prior to the hearing day to understand where children will be, if care is available, and assist the AFM to determine where the safest and most appropriate location is for participation in the remote hearing – noting that some dedicated remote hearing locations have child friendly facilities. It is observed in the evaluation that the care of children during remote hearings remains a challenge. While co-ordination of this support is facilitated by the RHSS, the care of children is out of the scope of the practitioners' role on the day. MCV is committed to working with community services to develop more consistent approaches for the care of children during remote hearings. This will also be aided by earlier engagement with AFMs to understand whether children are likely to attend, and whether care will be provided.

The RHSS highlights that access to justice requires court users to be offered a genuine opportunity to participate in the process, and this participation must be informed and effective. Online hearings are certainly a way of enhancing accessibility, but measures must be in place to ensure the psychological, emotional and informational challenges which can exist for AFMs are not extended to the online environment, or further amplified by online participation. Support is also critical for those who experience barriers in using technology, to facilitate effective and

⁴ The Centre for Innovative Justice in partnership with Clear Horizon, Evaluation of the Remote Hearing Support Service Expansion Project: Final Report, RMIT University for Magistrates' Court of Victoria, Melbourne, July 2023, p 10.

⁵ The Centre for Innovative Justice in partnership with Clear Horizon, Evaluation of the Remote Hearing Support Service Expansion Project: Final Report, RMIT University for Magistrates' Court of Victoria, Melbourne, July 2023, p 107.

confident participation.

It is clear the RHSS model provides a genuine option for AFMs to participate in their FVIO proceedings. Without the RHSS, some AFMs seeking an FVIO indicated they may not have continued engagement with or pursued the FVIO process, which is a key indicator of its success.

Effective, efficient implementation

The evaluation found that MCV demonstrated strong and successful implementation and delivery of the expanded RHSS. All sites were launched within budget, scope and on time – and with the key activities of the RHSS model implemented. The model has been delivered in line with appropriate governance and risk management practices.

MCV has been able to maximise the reach of the program through the restrained allocation of resources by leveraging existing processes and programs effectively – both at court and with community service providers – to ensure the program complemented and did not duplicate or impede existing work and structures.

Improving court outcomes

The evaluation has found that the RHSS is contributing to improved court outcomes.

In family violence proceedings, where parties are often self-represented or appearing with minimal legal support, it is important that parties are able to participate fully and understand the implications of any orders made. It was found that the support provided by the RHSS assisted AFMs to engage more effectively in the legal process and to provide relevant information to the court, which then improved AFM understanding of orders made and rationale for decisions made. This can have a profound impact on safety, as AFMs have a greater understanding of what constitutes a breach, may feel more able to report breaches, and understand their rights to apply to extend or vary the FVIO in the future.

It was also suggested that the RHSS supports more effective management of cases, with fewer disruptions from case co-ordination challenges. Judicial decision-making is also supported with more accurate and relevant information, as AFMs are less compromised in their ability to communicate.

A commitment to continuous improvement: MCV's response to evaluation recommendations

In the pursuit of court excellence, MCV is committed to ongoing and continuous improvement of court-based services and support. The evaluation finds that the RHSS is overwhelmingly a successful program which only requires some small improvements for service enhancement.

The evaluation outlines 12 recommendations for expansion and improvement of the RHSS.

Raising awareness about the RHSS

Recommendation 1: To support the RHSS in achieving its aim of supporting AFM participation in the court process, efforts to raise awareness about the program should continue. To ensure that these efforts are effective, engagement around the model should be conducted in person where possible, as well as ongoing.

MCV continues to support initiatives to enhance the understanding of the RHSS among stakeholders. This support is delivered through locally based workshops and engagement initiatives led by the Family Violence Division. Training and education initiatives are delivered in person where possible, however given the spread of regional court locations, some need to be

delivered online.

Recommendation 2: Victoria Police members should be a key target group of the education efforts and relationship building detailed in Recommendation 1. These efforts and relationship building should in addition to the matters in Recommendation 1 target a wider range of Victoria Police members including Family Violence Court Liaison Officers (FVCLOs).

MCV has commenced more intensive engagement with Victoria Police to enhance understanding of the RHSS and increase referrals in Victoria Police initiated FVIO applications.

Recommendation 3: Lawyers and police may sometimes tell AFMs that they must come to court for their hearing or that they need not attend their hearing at all. A key message that should be highlighted in education efforts is the legislative requirement that the Court provide an option to give evidence under an alternative remote arrangement.

MCV will continue to work, both internally and externally, to promote the strengths of the RHSS and appearing online independently through engagement with relevant stakeholders and court-based staff.

Improving referrals

Recommendation 4: The program is most effective when a referral is made early, ideally during pre-court engagement, given that late referrals do not result in the RHSS being used in an optimal way. Efforts to improve referrals should target avenues that would most likely lead to early referrals.

MCV is continuing to promote the RHSS among court-based staff and stakeholders to support early identification of suitable AFMs and referrals to the RHSS at the earliest available opportunity, including through practitioner triaging processes. MCV notes that early engagement to identify support needs can be challenging where there is limited time between application and first hearing.

Improving data

Recommendation 5: Improve data by improving collection, consolidation and understanding, for example on the demographics and needs of AFMs who engage with the RHSS.

Improved data collection regarding the background and demography of court users remains an ongoing priority for MCV. Work continues through the development and implementation of the Case Management System (CMS) to improve data collection and capability to better understand the needs of court users.

Improving co-ordination

Recommendation 6: The project team should continue to engage with each RHSS site's court registry to explore feasible and effective ways to ensure that RHSS matters are identified, managed and responded to appropriately at each site. The project team should consider holding a session that brings together registry staff from all court locations at which the RHSS is delivered to allow for the sharing of ideas, good practices and problem-solving approaches in relation to the delivery of the RHSS.

MCV is engaging with different RHSS locations through site visits and continuing to explore opportunities to promote good practice examples through established internal and external stakeholder forums.

Recommendation 7: The project team should continue to work with court staff on the provision of links and adjournments for RHSS matters. A correct and timely link should be provided both to the AFM and the RHSS practitioner and a check conducted to ensure that they have been let into this link before the hearing. RHSS matters should be adjourned to an RHSS hearing day, unless otherwise specified by the AFM or the court determines that it is not appropriate to do so. Again, development of an appropriate and feasible approach may require the project team to conduct in-person visits to participating court sites.

MCV is continuing to work with local courts to improve operational and coordination processes in relation to RHSS matters, including hearing day coordination and connection to online hearings.

Recommendation 8: Develop a consistent approach to ensuring that AFMs identify any support people who will attend the dedicated remote location with them in advance of the hearing day.

A consistent approach to identifying support persons attending the dedicated remote hearing locations, and ensuring early notification of these support persons, is now in place. This supports the safety of AFMs and the security of the dedicated remote hearing locations by ensuring close visibility of who is attending RHSS locations.

Supporting community-based agencies in their interactions with the court

Recommendation 9: Strengthen the ability of community-based organisations to interact with the court through more comprehensive operational guidance.

MCV agrees there is a valuable role for community-based organisations to support their clients during family violence related court proceedings and will continue to seek feedback on information needs and identify opportunities to develop resources which assist organisations in this role.

Improving the experience of AFMs

Recommendation 10: Develop a consistent approach to responding to the needs of AFMs with children by leveraging specialised programs that are already in existence and/or seeking funding for a dedicated role that focuses on engaging with children on the hearing day.

The RHSS was found to provide important flexibility for parents with dependent children to participate in their court hearing without bringing children to court. While the care of children is out of scope of the RHSS, the RHSS enables AFMs to participate in their hearing from safe, child friendly facilities or from a location such as home which may more easily allow for child-related responsibilities such as drop-off and pick-up from childcare or school. MCV will continue to promote early engagement with AFMs to support co-ordination of care arrangements.

Recommendation 11: Explore practical steps to improve the AFM experience by making the remote hearing less distressing, by:

- where appropriate, preventing situations where AFMs see the respondent at close quarters on a large screen during their hearing; and
- work with RHSS practitioners to develop a consistent practice of providing information to AFMs about the layout of the courtroom (such as a basic visual guide that is available as a physical and online resource, as well as provided orally by the RHSS practitioner during their pre-court engagement with the AFM).

RHSS practitioners have a range of strategies and resources to support the AFM to prepare for the hearing to reduce distress and trauma, including through the provision of information about court rooms and layout. This support is tailored to the individual.

The future of the RHSS

Recommendation 12: MCV should seek ongoing funding for the RHSS program and its progressive expansion to further sites. Ongoing funding should be directed at the core elements of the program, at a minimum, which include:

- skilled practitioners who apply trauma-informed practice and provide individualised support, including emotional and practical support;
- information provision that can be understood easily and is comprehensive before and after the court hearing;
- multiple location options for RHSS hearings, particularly dedicated remote locations and alternative remote locations given the strong take up of these locations;
- fit-for-purpose remote witness technology, given this is essential to having a positive experience with the RHSS.

MCV received a further two years of funding for the RHSS in the Victorian State Budget 2023-24. This funding will maintain service delivery in the existing 11 locations and retain the core elements of the program – including specialist practitioners delivering trauma-informed and individualised support, dedicated remote locations with fit-for-purpose technology and information and support resources.

MCV has been exploring opportunities to increase service reach within current resourcing capacity, ensuring that the RHSS is fully utilised at existing sites.

Additional geographical expansion and operations beyond current resourcing will be subject to future government budget decisions.

Looking forward

The evaluation has made it clear that the RHSS is facilitating safe and supported access to justice and effective participation in the legal process to improve outcomes for AFMs.

This success is also facilitated by the collective support of the judiciary, registry staff and the broader, specialist practitioner workforce. MCV will continue to actively monitor and reflect on the RHSS, informed by the court user experience of AFMs.

The RHSS is one feature of the significant work undertaken by MCV to ensure all people seeking court support for family violence have access to the trauma-informed, specialist assistance they need. Significant progress has been made, and this work is continuing.