



# Evaluation of the Magistrates' Court of Victoria Family Violence Response

EXECUTIVE SUMMARY AND MAGISTRATES' COURT OF VICTORIA RESPONSE

[Published: September 2024 ]



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## The Magistrates' Court's specialist family violence response

For many people affected by family violence, the courts will play a key role in their experience of the family violence system. The Magistrates' Court of Victoria (MCV) has been developing, testing and refining specialist responses to family violence for over 20 years. The Royal Commission into Family Violence brought this work into sharp public focus and necessitated a more integrated family violence system through extensive reform and importantly, additional resources.

MCV has undertaken a significant reform agenda to deliver better outcomes for people affected by family violence. At the centre of the Court's work is the establishment of the Specialist Family Violence Courts (SFVCs). In 2005, the Magistrates' Court established a separate court division to respond to family violence by establishing the Family Violence Court Division (FV Division) at Ballarat and Heidelberg Magistrates' Courts. Both sites became leading examples of multi-disciplinary courts in Australia and met many internationally accepted benchmarks of best practice.

The Royal Commission recognised the value in this therapeutic approach, noting these innovations provided important support to affected family members (AFMs) and enabled better engagement with respondents. The Royal Commission found that this specialist response should be more widely available and recommended that all family violence intervention order (FVIO) matters should be heard in courts with the features of the FV Division (subject to exceptions), and that all headquarter court locations should be SFVCs with the functions of the FV Division.

The proposed new approach was to extend beyond the availability of support services at court to more active court case management and more sophisticated listing processes – helping to ensure matters are appropriately triaged and prepared for hearing (for example, with interpreters, legal and specialist support services engaged where appropriate) and bringing together related matters and cross FVIO applications. The new approach required significant infrastructure upgrades, trained SFVC staff and magistrates, more structured information-sharing, risk management and significant technology upgrades.

MCV established a model which ensured that the court experience could be trauma-informed, led by the principles in the *Family Violence Protection Act 2008* with the fundamental principles of fair and equal access to justice unchanged.

The Royal Commission acknowledged that a new specialist family violence approach would only be possible with sufficient government resourcing. Twenty-six of the 227 recommendations were subsequently directed to MCV. With these recommendations now acquitted, MCV is at an important stage – reviewing progress, identifying and implementing improvement opportunities and driving new strategic directions.

Thirteen SFVCs are now operating in Victoria, hearing approximately 70% of family violence related matters across the state, and marking a significant milestone in the Court's reform journey.

### About the evaluation

Independent evaluation plays an important role in developing the model and expanding access to specialist responses across MCV. It enables the Court to monitor progress, identify success and determine opportunities for improvement in line with the Court's vision.

The Centre for Forensic Behavioural Science at Swinburne University of Technology was engaged to undertake an evaluation of the family violence reforms implemented by MCV between 2019 and 2021.

The evaluation sought to assess the effectiveness of the reforms in addressing identified needs, implementation progress, and success in achieving outcomes. In particular, it was to examine the extent to which MCV's family violence reforms were contributing to improved safety for court users experiencing family violence, greater accountability for people using violence, and a more accessible and inclusive response for court users in family violence matters.

The evaluation principally focused on the SFVC model as it was being implemented in the first five gazetted court locations. However, the evaluation was also intended to take a global view of the efficacy of MCV's reform program. As such, it considered other initiatives which both supported and extended beyond the SFVCs, including the provision of specialist family violence practitioners, the implementation of risk and information sharing frameworks, specialist training for magistrates and court staff, and infrastructure and processes designed to improve information provision and support to court users before hearings.

The evaluation compared SFVCs with headquarter courts which were not SFVCs at the time, to examine differences in implementation and effectiveness of the family violence response between the two kinds of courts – observing the collective work happening across SFVCs and non-SFVCs but acknowledging the distinctives in the SFVC model.

The extended period over which this evaluation was intended to take place allowed for substantial development and growth of SFVCs over time. At the beginning of the evaluation, the only court locations in the new SFVC Division were Ballarat and Shepparton. Now, the Court is operating thirteen SFVCs statewide.

A key characteristic of the evaluation period is that it came to be dominated by the COVID-19 pandemic and lockdown periods in Victoria. The pandemic prompted major shifts in court operations and adaptations to the family violence reform program, disrupted plans for how the evaluation was conducted and had unforeseeable impacts on data available to the evaluators.

Nevertheless, the evaluation continued and both Swinburne and MCV were able to adapt to a substantially different operating environment to the one which the evaluation was originally designed for. This included necessary frequent and dynamic shifts to court operations to ensure continuity of service.

The core principles and objectives of the family violence reform agenda had been largely achieved in the first tranche of SFVCs by the end of 2021. Consequently, it was expected that non-SFVCs would be less advanced in their family violence response than the courts that were SFVCs. In fact, the majority of intended reforms were implemented across *both* SFVC and non-SFVC court locations. The Court is proud of this significant achievement, particularly given the backdrop of a global pandemic and the unprecedented demand for family violence related court services.

The Executive Summary provides an overview of the findings of the Swinburne evaluation, and insight into the substantial progress made in delivering these reforms. It also illustrates some of the challenges the Court has encountered in its ongoing efforts to improve its response to family violence. Since the conclusion of the evaluation period, substantial work has continued within MCV, and many of the challenges identified in the evaluation have been addressed.

MCV has continued to progress the roll-out of SFVCs. All headquarter courts are now gazetted as SFVCs, with additional specialist staff, utilising the SFVC Operating Model and applying the model's policies and procedures. Capital upgrades to Dandenong Magistrates' Court were completed and operational in February 2024, with upgrades to a further six SFVCs in progress and due to be completed over the next 2 years. . This will provide all SFVCs with additional safety features and enhanced facilities for court users.

This evaluation has provided important support for the SFVC Operating Model and highlights the positive outcomes it delivers when implemented to its full capacity. It has highlighted the importance of this work and the need for ongoing monitoring, evaluation and resourcing to support effective implementation.

## Executive Summary

### Context for this evaluation

The past five years have seen dramatic change in how the Magistrates' Court of Victoria (MCV) responds to family violence. Following the 2016 recommendations of the Royal Commission into Family Violence (RCFV), MCV designed and implemented a wide-ranging program of reform. The most visible element of these reforms is the creation of the Specialist Family Violence Court (SFVC) Division. In SFVCs, the principles underpinning a specialist response to family violence are reflected in the Court's interactions with affected family members (AFMs) and respondents, in physical changes to courts, and in strengthened relationships and engagement with stakeholder agencies. All of this contributes to an integrated response to family violence. The SFVCs put additional effort into improving responses to the diversity of court users, including provision of LGBTIQ+ family violence practitioners, and the introduction of Umalek Balit (UB), a specialist response tailored to Aboriginal and Torres Strait Islander court users affected by family violence. UB was implemented across six headquarter courts between 2018 and 2021 while court staff engaged in learning and development (L&D) to improve cultural competence and cultural safety. The wider program of reform has changed MCV's responses to family violence across every aspect of the Court: digital transformations, additional specialist staff, a workforce L&D program, introduction of the Multi-Agency Risk Assessment and Management (MARAM) framework, the Family Violence Contact Centre (FVCC), and formal teams and processes for information sharing.

Through this program of reform, MCV has sought to achieve four overarching objectives:

1. placing safety at the heart of the Court's response to family violence
2. providing an integrated and cohesive court response
3. improving respondent accountability
4. ensuring that every Victorian is able to access and engage with the Court for help with family violence.

The period of this evaluation intersected with the COVID-19 pandemic. The adaptations to court practice necessitated by pandemic restrictions disrupted the planned reform agenda, but it also presented opportunities to accelerate some parts of the reforms, for example, the use of Online Magistrates' Court.

While much has been achieved, and the RCFV recommendations were formally acquitted as of 2023, reform of MCV's response to family violence continues. In 2022 seven additional SFVCs were gazetted (including some of the sites that we examined as non-specialist courts for this report), with two more SFVCs due to commence in 2023 and 2025. Across the Court there is an increasing effort to embrace more flexible and digitally driven approaches for family violence service delivery, while specialist L&D for court staff and magistrates continues. Innovations in response to COVID-19 restrictions have been integrated more broadly into court processes, including a centralised Pre-court Engagement Program (PCEP), remote participation for AFMs, and online family violence intervention order (FVIO) applications. In coming months and years, MCV aims to embed a specialist response to family violence across all courts in Victoria.



## Evaluation purpose and scope

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This report is part of a broader evaluation by the Centre for Forensic Behavioural Science of the family violence reforms implemented by MCV between 2019 and 2021, including a significant focus on the first tranche of SFVCs (five courts in total). The overall evaluation commissioned by the Family Violence Branch of MCV aims to assess the appropriateness, efficiency and effectiveness of the reforms to inform future planning and improvements to the Court's response to family violence. A secondary aim of the evaluation was to help address limitations in the evidence base that informs ongoing policy development in court responses to family violence.

This report, the fourth in the larger project, evaluates the short-term outcomes of the reforms that had been implemented as of 2021 against the reform objectives. It also evaluates the process of reform implementation to the end of 2021. Previous reports investigated implementation in 2020, including the views of external agency stakeholders.

The reform objectives are: to centre safety in the Court's response to family violence; to provide integrated and timely service delivery; to improve accountability and links to interventions for respondents; and to improve accessibility, inclusivity and safety for court users, including through technological innovation. We specifically investigated what facilitated achievement of these objectives and identified any barriers and threats to their achievement. In particular, we focused on comparing SFVCs with specific headquarter Courts which, at the time, were not gazetted as SFVCs, to examine differences in the implementation and effectiveness of reforms.

As effective integration is central to the functioning of the Victorian SFVCs, the question of whether the SFVCs are operating in an integrated and cohesive way received particular attention in this report.

Our findings are drawn from interviews and focus groups with court users, court staff (particularly registrars and family violence practitioners) and magistrates. Participants were recruited between August 2021 and May 2022 from eight Courts (four SFVCs and four magistrates' courts that were not gazetted as SFVCs at the time of the evaluation and which, in this report, are referred to as 'non-SFVCs'). Where available, quantitative data from court databases was used to contextualise the qualitative findings. To assist in interpreting the results, we also held six meetings between July and September 2022 with representatives from MCV in which we sought feedback on the results of initial analyses.

## Key findings of the evaluation

### **The reforms have largely produced the intended short-term change in the Court's response to family violence**

We judged that the key objectives of the reform agenda had been largely achieved by the end of 2021 in the SFVCs and to a lesser degree in the non-SFVCs. We concluded that disparities in achievement between the SFVCs and non-SFVCs were due to presence of the SFVC Operating Model, which provided necessary structure and support to achieve the objectives. However, even in the SFVCs, there remain areas for improvement before full achievement can be claimed.

The table below summarises our findings in relation to each of the specific reform objectives, and the conditions and strategies that facilitated achievement. We identified two elements within the Court that were vital if the principles of a specialist response were to be translated into practice. Where these elements were present, the other changes necessary to achieve the reform objectives occurred:

- First, courts that were able to achieve the objectives more successfully had a culture that was supportive of change and staff who were knowledgeable about family violence and the need for reform. This kind of culture relied on senior court personnel, particularly magistrates, demonstrating leadership in the way they approached family violence and the reform agenda. It also rested on court staff engaging with L&D, which allowed for shared understanding, intent and language around family violence. A good culture was supported and enabled by wellbeing initiatives accessible to all court staff.

- The second vital element was the presence of formal processes, structures and resourcing that facilitated integration within each court and with partner agencies (e.g., physical collocation, MARAM framework, pre-hearing engagement and communication). These kinds of processes could develop locally through the initiative of staff, but good integration of service delivery was more sustainable when formal policies and resourcing supported these kinds of structures and processes.

### **The SFVC model allowed the reform objectives to be achieved in the most efficient and effective way**

All courts were able to implement and achieve the objectives of the reform agenda to some degree, but it was clear that SFVCs were more able to achieve the objectives of the reforms than non-SFVCs. Our analysis suggested that this is because of the presence of the SFVC Operating model, which does four things to bring together specific reform initiatives:

- It creates a culture within which staff have shared knowledge and expectations about the specialist response to FV, guided by the leadership of specialist magistrates
- It comes with rules and requirements that justify change, rather than relying on individual preference or knowledge to produce change
- It comes with the additional resources necessary to support a specialist response
- It demands integration and partnership, leading to greater collaboration and coordination with stakeholder agencies.

**Short-term outcomes in relation to the four reform objectives identified by the Family Violence Branch when commissioning the evaluation**

Reform objective	Status of short-term outcomes	Necessary conditions for achieving the objective identified in this evaluation
Safety	Achieved	<ul style="list-style-type: none"> <li>Improved integration to facilitate court users' access to supports</li> <li>Additional training for court staff to enhance specialist knowledge about family violence that supports a victim-centred, therapeutic approach</li> <li>Additional emphasis on the assessment and management of risk</li> </ul>
Integration	Partially achieved	<ul style="list-style-type: none"> <li>Effective processes and systems that support collaboration and communication</li> <li>Adequate specialist L&amp;D for all involved staff</li> <li>A cohesive team culture that stretched beyond the Court to include staff from partner agencies</li> <li>Circumstances outside the Court's control, i.e., adequate and consistent staffing of key stakeholder agencies.</li> </ul>
Accountability	Partially achieved	<ul style="list-style-type: none"> <li>Sufficient time for the Court to engage therapeutically with respondents</li> <li>Increased opportunities to engage with FV respondent practitioners and CMCOP (in the SFVCs)</li> <li>An inclusive family violence response for respondents from diverse communities</li> <li>Formal structures that promote communication and collaboration</li> </ul>
Accessibility and inclusivity	Partially achieved	<ul style="list-style-type: none"> <li>A range of services and processes (including technological innovations) that make it easier for people to access the Court</li> <li>Court staff have sufficient knowledge about the diverse communities represented among court users</li> </ul>



The presence of the SFVC model and associated policies and resources made it easier for people working in the SFVCs to achieve cultural change and the level of integration that is needed for an effective specialist family violence response. Without the framework of the SFVC Operating Model, staff in non-SFVCs struggled to be as person-centred and integrated in their practice, though they were still trying to achieve these things.

It is important to recognise that despite some quite specific differences between SFVCs and non-SFVCs, the majority of family violence reforms were implemented across both types of court. These reforms included measures like: specialist workforces, digital transitions, the Family Violence Information Sharing Scheme

(FVISS), reforms associated with diversity, accessibility and inclusivity, and the MARAM Framework. Many of the costs associated with the reform agenda are therefore incurred across the entire court system, regardless of whether they are expended in an SFVC or not.

It was clear that when the reforms were implemented within the framework of the SFVC Operating Model, the broader reform objectives were achieved to a greater extent and in a more efficient and sustainable way. The systemic change associated with implementation of the SFVC Operating Model appears to be a more effective way of achieving the Court's objectives than relying on the initiative of individual staff members and teams within existing court frameworks.

## Implications for the expansion of a specialist family violence response across MCV

Our findings reflect the operations of the Court during a period that was unusual due to the effects of COVID-19 restrictions on court practice. Nonetheless, they provide a snapshot of what worked and what didn't in the first tranche of family violence reform implementation. As the Court returns to more normal practice, these findings contain important and useful information that can be integrated into the continued expansion of the specialist family violence response. Equally importantly, they highlight risks to a future specialist response, and how these might be mitigated. Key implications of the findings are outlined below and elaborated in the body of the report.

### **Prioritise culture, policy and formal structures to achieve the reform objectives as the specialist family violence response expands**

Our findings suggest that practice changes will have the greatest effect if they are implemented within a culture that prioritises the principles enunciated by the SFVC Operating Model.

These principles need to be prioritised as the Court's specialist family violence response continues to develop and expands beyond the first tranche of gazetted SFVCs into other Courts. This involves moving from a process-driven to a person-centred approach to family violence matters. Challenges in creating this kind of culture are likely, especially in courts that are not gazetted as SFVCs and in a statewide context

characterised by ongoing high demand for family violence court services. Achieving change of such a significant nature will require judicial leadership that influences cultural change beyond the specialist boundaries of individual magistrates or courts, and leadership within each court by senior personnel.

The importance of ongoing family violence professional development for court staff cannot be overlooked when seeking cultural change. Such professional development needs to be targeted towards different levels of knowledge and experience and should prioritise case-based learning that can be easily translated into practice. We found that the existing L&D approach in SFVCs led to a shared understanding and language around family violence, which is essential to creating a culture where it is prioritised. Ideally, L&D should be accompanied by specific policy targets for staff wellbeing initiatives that are accessible to all court staff. This reduces staff turnover and the consequent loss of corporate knowledge and skill. Several specific initiatives were identified as beneficial in this evaluation; details are in the report recommendations.

It might be assumed that staff with particular interest in family violence have been drawn towards the specialist courts, making cultural change more difficult in other courts. It was clear from this evaluation, however, that this is not the case. Many staff in non-specialist courts are highly motivated to improve outcomes for families affected by violence, and they worked hard to implement reforms similar to those in the SFVCs, despite having fewer resources and fewer formal structures to assist them. There is enormous opportunity to create the requisite court culture in non-specialist and newly-gazetted

specialist courts but it will require sustained attention, and support for local court leaders, who in many ways face an even more significant challenge than was present in the SFVCs in 2019.

Court leaders will need a clear set of principles and an associated policy framework to support their efforts to create cultural and practice change. Even if it does not reflect the entire SFVC Operating Model, adapting the model into a set of principles and a policy framework for a wider specialist response will be essential to ensuring it achieves its objectives in the most efficient way. In this evaluation, we observed that a policy framework that provides guidance on how a specialist response should be implemented, and which also imposes expectations and rules appeared essential to the success of the SFVCs. For example, SFVC listing policies impose expectations that make it easier for court staff to provide a person-centred response to family violence. It will be necessary to consider whether and how such policies are to be implemented outside of gazetted SFVCs.

The policy framework must be accompanied by specific procedures, structures and resourcing that enable the level of integration that underpins a specialist family violence response. The Court has already moved towards this with the implementation of centralised pre-court engagement and by expanding initiatives such as the Remote Hearing Support Service (RHSS), a centralised practitioner service and the Family Violence Coordination Tool. In addition to these statewide initiatives, it will also be essential to integrate structures and procedures into local court practice if a specialist response is to succeed. This means incorporating procedures such as listing practices and the daily coordination and triage meetings that are

used in the SFVCs. If a central goal of a specialist family violence response is a fully integrated service delivery system, it will be essential to establish structures and policies that facilitate collaboration rather than relying on the individual efforts of court staff to implement and sustain change.

This evaluation made clear that there are two key elements that must exist side-by-side for a specialist response to family violence within MCV to work well:

- a person-centred court culture in which family violence is well understood
- well established and appropriate structures, processes and roles within each Court.

As the specialist family violence response expands across the State, these two elements that underpin the model should be a focus of monitoring. Without knowledge of how these two elements of the Court are functioning, the Court will not have sufficient information to engage in targeted continuous improvement activities. Recommendations for how to monitor these elements are included in the report recommendations.

#### **Plan to respond to the threat posed by continually increasing demand for family violence court services**

A major finding of this evaluation is that the ever-increasing demand for family violence court services presents a significant threat to the specialist family violence response over time. It is inevitable that increased demand will eventually affect the ability of the Court to provide a specialist response unless the Court is able to resource a specialist family violence response in a manner that can meet both the demand

and complexity of need. This already appeared to be having an impact on the proportion of respondents that FV practitioners were able to engage with during the period of this evaluation. More cases will also place increasing time pressure on lists. This will affect the Courts' ability to maintain a therapeutic person-centred response, which demands additional time within and outside the courtroom to engage with parties and to coordinate with external stakeholders. Endlessly increasing demand without additional resourcing also risks the loss of highly trained specialised staff due to workload pressures and burnout. Given the centrality of such staff to an effective specialist response (per the above findings), high staff turnover and recruitment challenges would likely have an outsized effect on the Court's ability to maintain a specialist response over time.

The evaluation identifies efficiencies that can mitigate against increasing demand. As outlined above, the SFVC Operating Model appears to be the most effective way of achieving the objectives of a specialist family violence response, and elements of the model, such as different listing policies and formal structures for collaboration, seem to create efficiencies that could help the Court respond to increasing demand. Centralisation of some functions (e.g., the PCEP, the FVCC and specific specialist practitioner teams) is another way to reduce replication and manage costs. However, given trends in court data, it is reasonable to be concerned that the sheer number of listings will overwhelm the therapeutic goals of the specialist response without year-on-year increases in resourcing for infrastructure, staff and specialist services that keep up with demand. It must be recognised that the SFVC Operating Model (and any adaptations that are implemented outside of the SFVCs) may



not be sustainable in the face of continuously increasing demand.

**Consider how structural changes can be achieved within existing resources and where additional resources can be best used**

It was clear from our findings that structural changes to the physical environment of the Court were effective in improving the safety of AFMs and other family members. Separate entrances and waiting rooms were appreciated by those AFMs who used them, and they were associated with increased feelings of safety. There were, however, several less substantial changes to court practice that were also useful in this regard and could be implemented more quickly and at less cost to the Court. In both SFVCs and non-SFVCs, strategies such as deployment of PSOs to monitor AFM safety, use of physical screens in the court, and online or remote participation for AFMs were all identified as being very useful strategies to improve safety. Remote participation by AFMs also has the benefit of managing risks outside the court precinct, an issue that was identified as a particular challenge by several AFMs. The Court has moved to support more remote participation by AFMs, including providing necessary support to those who do not physically attend the court by expanding the RHSS.

Although moving to online service delivery for AFMs and implementing lower cost building modifications at courts will provide significant improvements in safety for many AFMs, some courts will still need major building transformations, given current physical limitations. This evaluation suggests that these might be able to be targeted to buildings where

other safety strategies are not possible, allowing some budgetary discretion and possible cost benefits to the Court.

The intent of the structural transformations at SFVCs was to maximise safety and security for court users. However, this evaluation found that other kinds of changes to the physical environment of the Court also helped to achieve the reform objectives. Physical collocation of court staff and partner agencies had marked benefits for achieving a cohesive court culture and integrated service delivery. Future decisions about structural transformation budgets might consider how funding can be used to achieve these vital elements that underpin an effective specialist response to family violence, in addition to addressing the essential safety targets.

**Current strategies to improve accessibility and inclusivity within the Court are not always meeting identified need**

A major finding of this report is that while accessibility has clearly improved during the period of the evaluation, achieving an inclusive response to family violence has proven to be a greater challenge for the Court.

Accessibility was dramatically improved during the evaluation period due to the rapid implementation of digital and technological solutions in the context of COVID-19 restrictions (e.g., online court, online FVIO applications, online interpreter and practitioner services). Other reforms also aided accessibility, including the FVCC, pre-hearing engagement processes, family violence-related L&D for court staff, multi-language digital information, and the presence of Court Network staff.

However, it was clear that not everyone could use online systems due to a range of intersectional needs (e.g., language or ability barriers, age, technological familiarity and access). The Court is already working to overcome these kinds of challenges through initiatives such as the RHSS and centralised pre-court engagement. In the RHSS, an AFM may participate in their FVIO proceedings from a dedicated non-court location (typically a family violence service) or from their home or other location, with support from remote hearing practitioners prior to, during and after the court hearing. As the Court continues its transition to increasingly online services AFMs will be afforded the opportunity to engage in their FVIO proceedings online but independently from the RHSS. In such instances the Court will need to focus its attention on the needs of those who find it more difficult to engage in an online environment.

The other accessibility consideration for online court is the way it is conducted. Some AFMs identified feelings of disempowerment when appearing online, expressing concern that they were not being included and that their input was not sought. While this was not the experience of the majority of court users in this evaluation, this finding does highlight the need to ensure that the quality of online court is monitored and maintained. Consideration of how online court practice adheres to the underlying principles of the specialist family violence response is essential as part of continuous improvement activities.

Although accessibility was improved, we found that there continue to be substantial challenges in improving inclusivity within the Court. There were positives in this area. Efforts to improve the knowledge of court staff were perceived as beneficial, as was the availability of specialist

family violence practitioners with knowledge of specific communities or cultural groups (e.g., LGBTIQ+ practitioners). Integration with culturally focused agencies in some locations was also beneficial. Umalek Balit (UB) was viewed as a substantial improvement in the Court's ability to respond to the needs of Aboriginal and Torres Strait Islander court users, where it was available. UB facilitated a central goal of the SFVC Model, which is to provide an integrated and cohesive response to family violence. UB and the SFVC Operating Model appear to be mutually reinforcing: the SFVC model derives diversity and inclusion benefits from UB, and UB likely works best for court users when it is able to draw from the full breadth and range of the SFVC Operating Model (including access to specialist family violence supports which may not be specific to Aboriginal or Torres Strait Islander people). At present, UB is available in only a limited number of courts and there is limited funding for expansion. Given the benefits demonstrated by UB in facilitating an integrated, cohesive and inclusive court response, it is recommended that additional funding for expansion be sought.

Despite these positives, overall, inclusivity is an area where the specialist family violence response principles are yet to be fully realised in practice. Staff continued to feel under-prepared and lacking in the specialist knowledge they needed to provide the most appropriate service to all court users. Specialist practitioners for groups with different cultural backgrounds or other areas of speciality need are limited in number, and often difficult to recruit, which led to vacancies during the period of the evaluation. Some of these issues could potentially be overcome through access to centralised expertise for court staff to draw on as needed (see report recommendations).



Challenges to providing an inclusive response can be broadly put into two categories (that sometimes intersect). The first arises from the diversity of backgrounds of court users that can affect their experience of family violence and their interactions with the Court (e.g., diverse cultural backgrounds or diverse genders and sexualities, or both). The second arises from the diverse needs of court users, such as those related to: disability (physical or mental health-related), problematic substance use, housing, and/or social support.

The first category of challenge includes court user needs associated with speaking English as an additional language, which presents particular issues with engaging in pre-hearing processes and at Court. It also concerns a lack of awareness among court staff of culturally specific practices, and culturally specific characteristics of family violence in people from diverse backgrounds and among LGBTIQ+ court users. The need to provide an inclusive response across Victoria presents a significant challenge as it is not logistically possible to provide on-the-ground specialist services in every court in the State for all Victorians with needs arising from diversity. How to achieve an inclusive response that reflects intersectionality and can be provided in an integrated way statewide is a significant gap that is yet to be filled. Recommendations on possible ways to overcome this challenge are provided in the body of the report.

Meeting the second challenge, responding to the diverse needs of court users, is problematic because the current specialist family violence response both within the Court and externally is often insufficiently nuanced to cope with the complex needs of court users. This presents in numerous ways, from the lack of respondent

services for those with significant mental health or substance use issues, to difficulties providing services to people who are transient or don't have access to telecommunications.

Developing effective responses to this kind of diversity is essential to an effective and inclusive response to family violence and will require further engagement with services outside the Court in future. Again, some recommendations to address this issue are contained in the body of the report.

Compounding these issues is the lack of adequate data on the needs that the Court is facing in this area. Data on cultural background, mental or other health needs, sexuality or gender identification, or even the need for an interpreter (as opposed to use of an interpreter) are not available to the Court at present. With the move to an electronic Notice of Address form (now called the Pre-Court Information form) and the introduction of the Family Violence Coordination Tool, there may be new opportunities to collect such information (with appropriate consent and privacy procedures in place). Recommendations for how to address this data issue are included in the report recommendations.

## Conclusion

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The family violence reforms implemented across MCV in the past five years have largely achieved their objectives, most evidently in the new SFVC Division. This evaluation has shown that an effective MCV family violence response that prioritises safety, integration, accountability and accessibility is possible. The findings demonstrate that successful family violence reform requires focus, clear policy guidance and resourcing. Most importantly, it needs people who see the value and importance of cultural change. When these things are present, changes in court practice can and have occurred, making a real difference to Victorians affected by family violence.

The evaluation also highlights areas where more work will be needed over coming years to continue and expand on the success of the reforms to date. It was clear that further policy and practice reform is required if the Court is to respond in an inclusive way to all members of the Victorian community. The evaluation also highlighted the central role of cultural transformation in achieving the objectives of a specialist family violence response. As noted above, developing this culture across the entire Court presents significant challenges simply because of the scope and nature of the change required. This cultural transformation must also take place within the wider context of potentially reduced attention on family violence, from within the Court and outside it, following the acquittal of the recommendations of the Royal Commission into Family Violence. Maintaining and expanding a specialist response to family violence as other policy priorities arise will require ongoing leadership at all levels of the Court. Without this, the weight of existing court culture, increasing demand, and policy changes in other aspects of the Court's operations could take the focus off the need for cultural change. This would undermine the goals of MCV to expand, embed and continuously improve an effective specialist family violence response across Victoria.

## Building on strong foundations: expansion of MCV's specialist family violence response

The evaluation demonstrates the strength of the SFVC Operating Model – highlighting that a person-centred, integrated, and inclusive approach sets a critical foundation for an effective specialist family violence response. The model takes a holistic approach to the court experience, establishing an operating environment which enables an approach focused on safety, prevention of harm and management of family violence risk.

One of the key features is fit-for-purpose infrastructure to ensure parties can attend court safely and separately, in safe waiting areas, through separate entrances or via remote witness facilities to allow parties to participate in a safe way. The model also includes applicant and respondent practitioners – who provide referrals to social, legal and specialist support at court and beyond – specialist training for court staff, and magistrates with powers to order respondents to attend court-approved counselling which promotes accountability and encourages behaviour change.

Beyond these visible changes, the model establishes a sophisticated set of formal policies and procedures to streamline FVIO application processes, improve list management strategies, enable co-ordination and triage of matters through daily triage and meetings, ensure consistency across court locations and across matters, and enable clarity among court staff and parties. By promoting a culture of shared specialist knowledge, the model supports integration, collaboration and coordination. Guided by the leadership of specialist magistrates and supported by dedicated resourcing, it establishes the authorising environment for progress with clear roles, expectations and outcomes.

At the time of publication, SFVCs are now operating at all headquarter court locations and specialist expertise is continuing to expand through ongoing implementation of the Multi-Agency Risk Assessment and Management (MARAM) framework, training for court staff, specialist training for magistrates, and support from functions such as the former Family Violence Contact Centre (FVCC) now integrated into the MCV Service Centre, FVIO online form, online hearings, and Remote Hearing Support Service (RHSS), with pre court practices embedded into daily operations..

### Strong culture and clear leadership critical to success

The evaluation confirmed that it was in the strength of court culture, and a united vision of success, that enabled the effective implementation of the first five SFVCs. It also emphasised that ongoing investment in this culture, leadership and collective commitment is critical to the success of this reform in the long-term.

MCV acknowledges that the success of this reform is dependent on those charged with leading and delivering it.

There has been significant resourcing, capital upgrades, a public commitment to drive change, improve process and improve outcomes, uniting and empowering staff in their commitment to the model. Staff provided valuable contributions to operations and infrastructure design and development. They received intensive induction training to equip them with the skills, capabilities and wellbeing supports they needed to succeed – with collective focus on delivering a better experience for court users affected by family violence. The additional resourcing meant staff had the support and capacity they needed to do their work effectively.

As a judicial-led organisation, change and reform of this size would not be possible without judicial leadership. SFVC staff noted the critical role that an engaged and supportive judiciary played in implementation of the SFVCs. The Court's family violence reform will continue to be led and driven by the Chief Magistrate, supported by the Supervising Magistrates and Lead Family Violence Magistrates, to collectively support further progress and drive continuous improvement.

The evaluation acknowledges the contribution and commitment of MCV staff across Victoria in the response to family violence every day. The Court will continue to take a people-focused approach, support staff with streamlined processes, specialist expertise, professional development and training opportunities to support their SFVC work.

### Delivering an efficient and effective therapeutic response against rising demand

The evaluation highlights the challenge of an increasing number of listings and the consequent demand for infrastructure, staff and specialist services to maintain the pace and integrity of the specialised family violence response. With social, legal and policy changes all driving an increase in awareness and reporting in relation to family violence, the demand for integrated, specialist court-based responses has never been greater.

People who have experienced family violence are seen across all jurisdictions within MCV. An efficient and effective court response is needed to mitigate against harm to parties. The evaluation found that, when properly resourced, the SFVC Operating Model is an efficient and effective means of promptly providing a court-based response, and ensuring parties are connected with appropriate services. The evaluation confirmed that without appropriate resourcing, the ability to deliver a consistent, timely and therapeutic response is not possible.

MCV continues to monitor data, trends and case clearance rates to ensure there is a strong understanding of the demand pressures faced by SFVCs and subsequent impacts on the Court's ability to deliver a therapeutic response.

MCV is continuing to recruit and train specialist staff and is engaged with the collective work under *Building from Strength: 10-Year Industry Plan for Family Violence Prevention and Response* to build the strength and capability of the Court's specialist workforce.

### A safer court environment and experience

The evaluation found that infrastructure upgrades were universally reported to promote safety and support a therapeutic and person-centred specialist family violence response.

Structural changes to the physical environment of the court are effective in improving the safety of parties at SFVCs – reducing the need for parties to engage with each other, enabling privacy in meetings with court and support staff, and a calmer, more supportive court experience. These capital works are continuing at seven SFVC locations over the next two years.

The evaluation found that other changes to the physical environment of the court also helped to achieve the reform objectives. Co-location of court staff, social services agencies and legal support facilitated cohesive court culture and more seamless service delivery for court users.

Further, technological infrastructure upgrades such as remote hearing capability, online FVIO applications and streamlined registry processes have culminated to enhance court operations and improve accessibility. AFMs now have greater choices about where and how they participate in court proceedings – with support available for those appearing remotely – increasing agency, accessibility and mitigating some of the stressors previously associated with attending court, including physical proximity to respondents. However, the evaluation noted that these capabilities do not eliminate all the stressors inherent in appearing in court and that there are continued opportunities for improvement. The evaluation noted the importance of ensuring that advancements in technological capability must consider the court user experience and continue to evolve to be accessible and inclusive – particularly for court users with limited technology and literacy skills, those living with disability and court users from culturally and linguistically diverse backgrounds. MCV will continue to keep the user experience front of mind when developing options for parties affected by family violence to appear in their matters safely and with support.

More comprehensive information-sharing infrastructure has enabled the Court and agencies involved in family violence matters to take a holistic view of an individual, their history and family dynamics to make informed referrals, and provide appropriate support to manage risk.

The evaluation found that early engagement with parties enabled court staff and magistrates to better understand the history and background of the respondent and AFM, practitioners are more informed to assess future risk, and court appearance-related needs, such as interpreters or accessibility supports, are identified early. The evaluation confirmed that pre-hearing processes are important in not only making court processes more efficient but also assisting magistrates to make timely and informed decisions when finalising family violence matters.

### Promoting respondent accountability

Respondents are being supported at court with referrals and access to community service agencies to enable them to address family violence and any co-occurring needs such as housing, mental health or drug and alcohol support. The evaluation found that options for respondents were limited, in part due to the limited availability of Court Mandated Counselling Orders Program (CMCOP). CMCOP is one of a number of tools available to the Court to promote respondent accountability and support behaviour change.

MCV continues to consider strategies to effectively engage with respondents throughout the court process – noting the evaluation found that respondents can feel uninformed and disenfranchised by the court process. While the reforms have had a strong focus on improving the court experience of AFMs, the Court knows that effective engagement with respondents is vital to fair, robust and effective court outcomes. Adherence to court orders relies on parties understanding them. Empowering respondents with relevant information to support them to engage effectively in the court process and engage with supporting agencies and programs remains a key priority for MCV.

It is acknowledged in the evaluation, and more widely understood, that the availability of effective interventions for people using violence or alleged to be doing so is limited, particularly interventions tailored to the individual, their needs and background. Internationally, work is continuing to build a robust evidence base for best practice in effectively intervening and stopping the use of family violence.

The new CMCOP grants program will contribute to this evidence base through the availability of a range of innovative, inclusive and sustainable court-based interventions, which address and reduce previous barriers to accessing support. The program aims to establish a new model of CMCOP which better reflects the diversity of respondents coming before the court. Through a greater diversity of programs, MCV is aiming to increase the number of respondents who complete CMCOP and in turn, keep more families safe.

MCV recognises the important role of the courts in promoting accountability, encouraging behaviour change and helping to connect respondents with services. We will continue to engage with and contribute to the emerging evidence base.

### Improving accessibility and inclusion

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

The evaluation found that MCV has made progress in improving the accessibility of the court to the broad diversity of court users. Specifically, the evaluation highlights the success of Umalek Balit as ‘a substantial improvement in the Court’s ability to respond to the needs of Aboriginal and Torres Strait Islander court users’ and together with the SFVC Operating Model, is providing a mutually reinforcing integrated and cohesive family violence response.



Umalek Balit has continued to expand across Victoria with increased online access to Aboriginal and Torres Strait Islander court users now available where Koori practitioners are not available on site. This work continues.

MCV understands that people from migrant and refugee communities experiencing family violence face additional barriers that may prevent appropriate, timely and culturally safe support. The evaluation found that work to improve inclusive practice with court staff was improving outcomes at court. The availability of specialist family violence practitioners with expertise or lived experience of specific communities or cultural groups and integration with culturally-specific community agencies was producing positive outcomes for court users. Various initiatives are supporting earlier and easier access to interpreters and culturally safe family violence support, as well as support for those from the LGBTQI+ community. In addition, the Court-Integrated Services Program (CISP) provides individualised case management prior to sentencing for court users with complex needs.

MCV is committed to providing a safe, inclusive and accessible court experience for all court users.

The evaluation acknowledges that achieving a wholly inclusive response across the state is a complex and challenging task. MCV will continue to build its inclusive practice, look at opportunities to enhance specialisation, build expertise and respond effectively to Victoria's diverse community.

## Looking forward

Every day across Victoria, courts respond to family violence and observe the impacts it has on the safety and wellbeing of individuals, families and the community. In recent years, MCV has made substantial progress in transforming the Court's operating model.

The acquittal of the Royal Commission recommendations does not signify the end of this reform for MCV. Work has continued to progress since this evaluation and will continue over the coming years – led by evidence and experience.

A key element of the SFVC Operating Model is continuous improvement. As MCV continues to reform its leading practice model, the Court's approach will continue to evolve and develop.