

EVALUATION OF THE WDVCAS HEARING SUPPORT PILOT

Jane Wangmann, Miranda Kaye
and Kate Thomas



Final Report – March 2024

Prepared for Legal Aid NSW

I honestly couldn't have done it without [her]

(Ellen – speaking to the Evaluation Team
about her Hearing Support Worker)

Suggested citation:

Jane Wangmann, Miranda Kaye, and Kate Thomas, *Evaluation of the WDVCS Hearing Support Pilot* (Final Report, March 2024).

Cover image:

Photo by Toa Heftiba on Unsplash: <https://unsplash.com/photos/two-woman-sits-on-sofa-chairs-inside-house-4xe-yVFJCvw>

EVALUATION TEAM

Jane Wangmann, Miranda Kaye with Kate Thomas as Research Associate. Jane Wangmann (ORCID [0000-0002-0812-4214](https://orcid.org/0000-0002-0812-4214)) and Miranda Kaye (ORCID [0000-0003-4484-1904](https://orcid.org/0000-0003-4484-1904)) are members of the UTS Law Health Justice Research Centre.



ACKNOWLEDGEMENT OF COUNTRY

This Evaluation was written on the unceded lands of the Gadigal People of the Eora Nation. We pay our respects to Gadigal Elders past and present. Fieldwork was carried out on the unceded lands of many First Nations peoples across New South Wales.

ACKNOWLEDGEMENTS

This independent evaluation was commissioned and funded by Legal Aid NSW. The authors thank the women who were assisted by the Hearing Support Pilot and who gave up their time to be interviewed. It is critical to hear and learn from the experiences of people who used the service, and we thank them for sharing their stories. We thank Legal Aid NSW for assisting us to engage with key stakeholders. We thank all the WDVCS managers and staff for participating in interviews, facilitating our access to their workplace and court sites, and for assisting with recruitment of women who had used the Pilot service. We extend our thanks to the NSW Police Force for agreeing to allow Police Prosecutors to be involved in the Evaluation through a survey and interviews, and thank the prosecutors for their time in completing these.

The findings of this Evaluation are the views of the Evaluation Team.

A NOTE ON TERMINOLOGY

This report refers to the women supported by the Hearing Support Pilot interchangeably as *victims* and *women*. We use *victims* because at the point of engagement with the criminal legal system, women may still be experiencing violence and are still in the process of obtaining responses to violence. Victim is also the language frequently used by the criminal legal system. The term captures the way many victims experience that system as a site of further abuse.

We use *women* because the Hearing Support Pilot evaluated in this report works with women victims of domestic and family violence who have experienced that violence from male or female intimate partners or relatives. Additionally, a wide variety of data sources evidence that women comprise the vast majority of victims of domestic and family violence. The use of gendered language does not mean that the Evaluation Team does not recognise that men may also be victims and women perpetrators of violence in heterosexual and same-sex relationships – they can and are. The Team also recognises the high rates of violence perpetrated against trans women and men and those who do not identify with the gender binary who are particularly vulnerable to gender-based violence.

CONTENTS

EXECUTIVE SUMMARY	1
Background.....	1
Objectives.....	1
Approach of Evaluation	2
Findings	2
Important concluding comments	4
INTRODUCTION.....	5
EVALUATION FRAMEWORK	6
METHODOLOGY.....	7
In-depth interviews with victim-survivors	7
The Hearing Support Pilot sites.....	7
Non-Pilot site staff.....	8
Police Prosecutors.....	8
Limitations	8
THE HEARING SUPPORT PILOT.....	9
Before the Pilot.....	9
Implementation of the Pilot	10
What does a Hearing Support Worker do?.....	11
Hearing Clinics.....	14
Snapshot of the Pilot over the first 12 months.....	15
DOES THE PILOT MEET ITS PRIMARY OBJECTIVES?	17
Reducing the stress and trauma for victims associated with the court process.....	17
Positive overall impacts on stress and trauma	17
Just being there and spending time with victims assists them to remain calm	18
Practical supports and ensuring safety at court	19
Breaking down the fear of the unknown – removing power imbalances.....	20
Bridging the gaps in the system	21
Improving victims’ engagement with the court process	21
Positive overall impacts on improving victims’ engagement	22
Providing information and agency	22
Managing expectations	23
Reducing the likelihood that victims may disengage from the court process, either by failing to attend the hearing date or becoming an unfavourable witness	23
Positive overall impacts on reducing likelihood of victims disengaging	24
Encouraging and supporting women to turn up and stay at court.....	26
Women are less likely to be an unfavourable witness if provided with support	27
Help victims give better quality evidence when their matter goes to hearing	29
Positive overall impacts on evidence-giving: Quality rather than merely accuracy	29
Assisting victims to remain calm while giving evidence	30
Explaining the role of the defence lawyer and what to expect in cross-examination	32
Emphasising the importance of telling the truth.....	32
Helping women to focus on the incident that is the subject of the charge	33
Providing practical information in relation to giving evidence	33
Providing support after the evidence has been completed.....	34
Helping victims obtain ADVOs with appropriate conditions to ensure their safety .	35
Working with women from the beginning	35

Ensuring that victims' voices are heard	36
Conveying information from the woman to the Police Prosecutor	36
Explaining ADVO hearing outcomes and safety-planning post hearing	37
SECONDARY OBJECTIVES	38
Increasing successful prosecutions of domestic and family-violence related criminal offences.....	38
Outcomes beyond just successful prosecutions.....	41
Managing expectations of outcomes	41
Carefully communicating the outcome with a focus on safety planning	42
Reducing the negative impacts of the current hearing backlog in the Local Court on victims	43
Ensuring the efficient and effective administration of justice	45
WHETHER THE PILOT SHOULD BE CONTINUED AND EXPANDED	47
FUTURE CONSIDERATIONS IF THE PILOT IS CONTINUED	49
Increased staffing levels and funding	49
Increased staffing that fully takes account of workload and geography	49
Need for more Aboriginal-specified positions.....	50
Other funding needs	50
Training.....	51
Wellbeing of Hearing Support Workers.....	51
Recognition that the Pilot generates an increased workload.....	52
Importance of relationships and clarity of roles	52
Information sharing about upcoming hearings.....	53
CONCLUDING COMMENTS.....	54
APPENDICES.....	55
Appendix A: Original 14 Pilot Sites.....	55
Appendix B: Non-Pilot Sites	56
Appendix C: Detailed Methodology	57
Victim-survivors who accessed the Pilot	57
The Hearing Support Pilot sites.....	58
Administrative data	59
Non-Pilot site staff.....	60
Police Prosecutors.....	60
Analysis of Interviews	61
Limitations	62
Appendix D: Responsibilities of the Hearing Support Worker	64
REFERENCES	65

Table of figures

Figure 1: Do you agree the Pilot has reduced the stress and trauma for victims associated with the court process?	18
Figure 2: Do you agree the Pilot has improved victims' engagement with the court process?	22
Figure 3: Do you agree the Pilot has reduced the likelihood that victims may disengage from the court process by failing to attend their hearing date?	24
Figure 4: Do you agree the Pilot has reduced the likelihood that victims may disengage from the court process by becoming an unfavourable witness?	27
Figure 5: Do you agree the Pilot has helped victims obtain ADVOs with appropriate conditions to ensure their safety?	35
Figure 6: Do you agree the Pilot has increased successful prosecutions of DFV-related criminal offences?	39
Figure 7: Do you agree the Pilot has reduced the negative impacts of the current hearing backlog in the Local Court on victims?)	43
Figure 8: Overall, do you think the Hearing Support Pilot has been helpful to your work?	45
Figure 9: Percentage of surveyed Prosecutors who think the Hearing Support Pilot should continue	48

Case studies

Case study 1: What does a Hearing Support Worker do?	13
Case study 2: Encouraging and supporting women to turn up at court	25
Case study 3: Reducing the likelihood that victims may disengage	28
Case study 4: Assisting victims to remain calm while giving evidence	31
Case study 5: Ensuring victims' voices are heard in the ADVO process	37
Case study 6: Outcomes beyond just successful prosecutions	40

GLOSSARY

ADVO	Apprehended Domestic Violence Order commonly referred to as an Apprehended Violence Order (AVO)
AVL	Audio visual link
DFV	Domestic and family violence
DVEC	Recorded Domestic Violence Evidence-in-Chief
DVO	Domestic Violence Officer (NSW Police) previously known as the Domestic Violence Liaison Officer (DVLO)
FTE	Full-time equivalent
HREC	Human Research Ethics Committee (UTS)
OIC	Officer in Charge (NSW Police)
Pilot	Hearing Support Pilot Program
PINOP	Person in need of protection (usually in context of an ADVO)
UTS	University of Technology Sydney
WDVCAP	Women's Domestic Violence Court Advocacy Program
WDVCAS	Women's Domestic Violence Court Advocacy Service

EXECUTIVE SUMMARY

I'd recommend the Hearing Support person, 110%, every time' (Marie).

It completes the system ... It's like having a missing leg or something. Because this is the critical crunch point for women, and for the police who have worked so hard to get it to this point. So in terms of the justice journey, it's where the rubber hits the road (HS10).

The more assistance we can provide victims in a system that in many ways operates against their best interests, the better (Prosecutor survey).

Background

This report sets out the findings of the independent evaluation of the Women's Domestic Violence Court Advocacy Service (WDVCAS) Hearing Support Pilot Program (the 'Pilot'). In August 2022 the NSW and Commonwealth governments announced funding under the *National Partnership Agreement on Family, Domestic and Sexual Violence Responses 2021-23*, for a 12-month pilot to provide non-legal court support for women who are victims in domestic and family violence (DFV) matters that proceed to a defended hearing in the Local Court of NSW. This includes hearings for criminal charges and/or Apprehended Domestic Violence Order (ADVO) matters. The funding for the Pilot is administered by Legal Aid NSW through the Women's Domestic Violence Court Advocacy Program (WDVCAP). The Pilot commenced in November 2022 and initially funded 14 of the 27 WDVCASs covering 73 courts. After the Evaluation commenced, the Pilot was extended for a further 12 months and expanded to every WDVCAS (from November 2023). The Evaluation focuses on the original 14 Pilot sites, with the remaining 13 sites referred to as 'non-Pilot sites' in this report.

The Evaluation was commissioned by Legal Aid NSW to assess whether the Pilot was implemented as intended, whether and to what extent it achieved its objectives, and provide advice on whether the Pilot should be continued and/or expanded.

Objectives

The **primary objectives of the Pilot** were to:

- improve victims' engagement with the court process;
- reduce the stress and trauma for victims associated with the court process;
- reduce the likelihood that victims may disengage from the court process, either by failing to attend their hearing date or becoming an unfavourable witness;
- help victims give accurate evidence when their matter goes to hearing; and
- help victims obtain ADVOs with appropriate conditions to ensure their safety.

The Pilot was also designed to assist in (**secondary objectives**):

- increasing successful prosecutions of DFV-related criminal offences;
- reducing the withdrawal rate for DFV-related matters;
- reducing the negative impacts of the current hearing backlog in the Local Court on victims; and
- ensuring the efficient and effective administration of justice.

Approach of Evaluation

The Evaluation involved a literature review, and employed a **mixed methods approach** combining observations, surveys, in-depth interviews, focus groups and administrative data to evaluate the Pilot against its stated objectives.



The data gathered has a number of limitations, including: small sample sizes for some groups, the possibility of selection bias, various gaps and inconsistencies in the administrative data, and the inability to compare the Pilot to control sites.

Findings

The work of the Pilot over the first 12 months has been extensive. Based on administrative data collected by WDVCSs,¹ across the 14 Pilot sites it is estimated that 3069 women were assisted. For those women for whom data was available most were aged between 30-49 years of age; engaged in proceedings against their former intimate partner; and had dependent children. The women supported were diverse: 562 identified as Aboriginal and/or Torres Strait Islander, 282 were from culturally and linguistically diverse backgrounds, 163 had a disability and 59 identified as LGBTIQ+.²

Almost all the women supported were involved in DFV related criminal charge/s and ADVO proceedings. Not all women who were assisted by the Pilot ended up being supported on the hearing date.³ It is estimated that the Pilot supported 1810 women on the date of the hearing, with 568 attending a Hearing Clinic. It is estimated that 2305 women were also provided with other support and referrals including for counselling, housing, financial assistance, health, legal and general safety measures.

Hearing Support Workers perform a highly skilled role and provide a trauma-informed service in a system that is otherwise experienced by many victims as compounding their trauma. They provide critical information to victims about the nature of the criminal process, prepare women for what to expect at court particularly in relation

¹ The administrative data has several limitations (see detailed discussion in Appendix C). It should not be relied on as a definitive indication of the work done by the Pilot, but rather as a broad-brush illustration of the scale and nature of work performed.

² Not all women supported might have been asked, or felt comfortable disclosing, how they identified.

³ This could be because the matter did not proceed to a hearing, some women may not have wanted support if they were connected with another service or had family and friends to support them, or the Pilot might not have had capacity to provide support.

to cross-examination and manage their expectations about the likely outcome. The role provides a bridge between victims, the police, and the prosecutor. It is a service that the women interviewed for the Evaluation valued highly. The Pilot assisted these women to be informed about their case, safe at court, and able to give evidence in a more effective manner. The Pilot was also highly valued by the Police Prosecutors who saw Hearing Support Workers as filling critical gaps by providing support and information from someone who is not a police officer.

The Key Finding of the Evaluation is that the Pilot is achieving its objectives.

1 The Evaluation finds that **the Pilot is clearly meeting the objective of reducing the stress and trauma** that victims may experience as part of the court process. It did this by providing dedicated workers that:

- Have time and space to spend with victims
- Provide information and break down the fear of the unknown
- Provide practical supports and ensure safety at court
- Bridge gaps in the system
- Provide trauma-informed services

2 The Evaluation finds that **the Pilot is clearly meeting the objective of improving victims' engagement with the court process.** It did this by providing dedicated workers that:

- Provide information and support victim's agency
- Manage expectations

3 The Evaluation finds that **the Pilot plays an important role in reducing the likelihood that victims may disengage from the court process.** It did this by providing dedicated workers that:

- Encourage and support victims to turn up to court

However, the issue of being classified as an 'unfavourable witness' is more complex.

4 Overwhelmingly all the people interviewed for the Evaluation agreed that **the Pilot assists victims to give better quality evidence in a defended hearing.** It did this by providing dedicated workers that:

- Assist victims to remain calm while giving evidence
- Assist victims to be better prepared for a hearing
- Explain the role of the defence lawyer and the process of cross-examination
- Emphasise the importance of telling the truth
- Help victims to focus on the incident the subject of the charge
- Provide practical information about giving evidence
- Provide support after the hearing

5 The Evaluation found widespread agreement that **the Pilot assisted victims to obtain ADVOs with appropriate conditions** to ensure their safety. It did this by providing dedicated workers that:

- Work with victims from the beginning
- Ensure victims' voices are heard
- Convey information from the victim to the prosecutor
- Explain ADVO outcomes and safety-planning post-hearing

Assessing whether the secondary objectives of the Pilot were met is more complex.

Whether the Pilot increased successful prosecutions, reduced withdrawals, reduced the negative impact of court delays, and increased the efficient and effective administration of justice are broad aims that necessarily involved multiple intersecting components, individual and institutional. This means that assessing whether and how the Pilot assisted in these areas is fraught.

While some stakeholders were strongly of the view that the Pilot had increased successful prosecutions this was generally because it supports women to turn up at court which often led to guilty pleas. Many Hearing Support Workers also drew attention to the range of other outcomes that are achieved for women that cannot be measured through the narrow frame of a successful prosecution.

Many courts continue to experience significant delays, and this has an impact on the extent to which victims engage and continue to engage in the court process.

The Pilot clearly provides several efficiency benefits in helping the police and Prosecutors, and in assisting in matters to progress when they might not otherwise.

Important concluding comments

The Evaluation documents **multiple key benefits of the Pilot** that illustrate the valuable role that Hearing Support Workers perform within the legal system's handling of DFV-related charges and ADVO matters. Support for continuation of the Pilot was overwhelming across all stakeholder groups. Stakeholders also discussed the detrimental impacts if funding were to cease, including upon women needing support in the future, on other services and upon community relationships.

The Evaluation found that there were certain matters that should be further considered if the Pilot continues. These were:

- increased funding for additional staff, including Aboriginal-focused positions;
- additional funding for brokerage including assistance with childcare;
- training and resources for Hearing Support Workers;
- support for the wellbeing of staff employed in these unique roles;
- recognition that the Pilot increases the overall workload of WDVCSs;
- consideration of the relationship with the NSW Police Force and clarification of roles;
- addressing the ongoing problem of receiving information about upcoming hearings.

It is essential to note that even excellent hearing support can only go so far in ameliorating the trauma many women experience when engaged with the legal system about the DFV they have experienced.

CONCLUSION

The Pilot should continue to operate and should cease to be a Pilot **and be funded on a continuing and permanent basis.**

INTRODUCTION

This report documents the evaluation of the Women's Domestic Violence Court Advocacy Services (WDVCASs) Hearing Support Pilot Program.

In August 2022 the NSW and Commonwealth governments announced funding under the *National Partnership Agreement on Family, Domestic and Sexual Violence Responses 2021-23*. The Pilot provides non-legal court support to domestic and family violence (DFV) victims whose matter, whether a criminal charge and/or an Apprehended Domestic Violence Order (ADVO) proceeds to a defended hearing in the Local Court of NSW.

The Pilot funding was provided to Legal Aid NSW to administer through the Women's Domestic Violence Court Advocacy Program (WDVCAP) which funds a network of WDVCASs. WDVCASs are auspiced by a range of non-government organisations. They provide women experiencing DFV with support at court on list days for ADVOs and related criminal charges; assistance with safety planning; referrals to various services; case management involving longer-term support for clients with complex needs; and connection to Safety Action Meetings for women at serious threat of injury from DFV. Some WDVCASs are involved in a Co-Location Pilot with the NSW Police Force.⁴

Prior to the Pilot, WDVCASs were only funded to provide court support to women on mention or list days. Dedicated funding was not available if matters went to defended hearings; this absence has been a concern for some time.⁵

The Pilot commenced in November 2022 and initially funded 14 of the 27 WDVCASs that operate in NSW. The 14 pilot sites cover 73 Local Courts (see **Appendix A**). The Pilot funded the employment of dedicated Hearing Support Workers to assist women victims of DFV who are complainants in defended criminal and/or ADVO hearings in the Local Court.

In November 2022 the UTS Evaluation Team was commissioned by Legal Aid NSW to provide an independent evaluation of the Pilot (the Evaluation). After the Evaluation commenced the NSW Government announced an extension of the Pilot for a further 12 months and to cover every WDVCAS and Local Court in NSW (commencing November 2023).⁶ This Evaluation focuses on the original 14 pilot sites, with the remaining 13 sites funded from November 2023 referred to as 'non-Pilot sites' in this report (see **Appendix B**).

⁴ The Co-location Pilot involves a WDVCAS worker being present to provide support when a victim attends a police station to make a report. It commenced in October 2022 at five locations for 12 months and has been extended to more locations and for another 12 months. See The Premier et al, 'Minns Government Invests \$7.5 Million to Expand Help to Victim-Survivors of Domestic Violence' (Media Release, 18 April 2023).

⁵ For example, Allwood & Associates Training and Consulting Group, *Women's Domestic Violence Court Advocacy Program Evaluation Report* (Final Report, 25 July 2018) 31, 61.

⁶ The Premier et al (n 4).

EVALUATION FRAMEWORK

The Evaluation was sought to assess:

- Whether the Pilot was implemented as intended;
- Whether and to what extent the Pilot achieved its objectives;
- Any differences in key measures between Pilot and control sites; and
- Whether the Pilot should be continued and/or expanded.

The primary objectives of the Pilot were to:

- Improve victims' engagement with the court process;
- Reduce the stress and trauma for victims associated with the court process;
- Reduce the likelihood that victims may disengage from the court process, either by failing to attend their hearing date or becoming an unfavourable witness;
- Help victims give accurate evidence when their matter goes to hearing; and
- Help victims obtain ADVOs with appropriate conditions to ensure their safety.

The Pilot was also expected to assist in:

- Increasing successful prosecutions of DFV-related criminal offences;
- Reducing the withdrawal rate for DFV-related matters;
- Reducing the negative impacts of the current hearing backlog in the Local Court on victims; and
- Ensuring the efficient and effective administration of justice.

The Evaluation refers to these additional matters as **secondary objectives** in this report.

METHODOLOGY

The Evaluation used a mixed methods approach involving:⁷

- Seven **interviews with victims** who were provided with hearing support;
- 19 interviews with 44 WDVCS staff from 12 of the Pilot sites;
- **Visits** to four Pilot sites which involved visits to their main office, observations of Hearing Clinics and of the support provided at court on a hearing day;
- One **focus group with six WDVCS staff** based in the **non-Pilot sites**;
- A **survey of Police Prosecutors** (n= 22 full completions) following which six Police Prosecutors participated in a **follow-up interview**; and
- **Administrative data** from the Pilot sites.

In this section of the report, we briefly outline the methodology, data sources and limitations for this Evaluation. For a more comprehensive discussion of the methodology and its limitations, see **Appendix C**.

In-depth interviews with victim-survivors

Seven victim-survivors assisted by the Pilot were interviewed. These interviews were conducted over the phone and lasted 30-60 minutes. The women were recruited via Hearing Support Workers in the Pilot sites and had been supported by four different Pilot sites. All women have been given a pseudonym in this report.

Six women had been in a current/former intimate partner relationship with the defendant at the time of the incident that led to the hearing. The relationships ranged in duration from one to nine years, all had separated by the time of interview, and three had children with the defendant. The remaining woman was a grandparent to the defendant. All women were born in Australia and spoke English as their first language. Three women identified as Aboriginal and/or Torres Strait Islander.

Most were involved in criminal and ADVO proceedings and had attended court multiple times for these matters. Outcomes in their cases varied: from the defendant being convicted and sent to prison, to all charges and the ADVO being dropped.

The Hearing Support Pilot sites

The Evaluation team gathered a wide range of data from the Pilot sites:

- **Interviews with 44 staff from 12 Pilot sites.**⁸ These interviews were conducted individually or in groups, some in person and others by phone or online technology. Nineteen interviews were completed with 44 staff; comprising 28 Hearing Support Workers; 14 staff in managerial roles, and 2 workers employed in other WDVCS roles. Interviews lasted approximately 60-90 minutes. These

⁷ The project was approved by the UTS Human Research Ethics Committee (HREC): ETH23-7899 (for the interviews with victims, the interviews/focus groups with Pilot and non-Pilot site staff, and the site visits/observations), and ETH23-8308 (for the survey of, and interviews with, Police Prosecutors).

⁸ All Pilot sites were contacted and invited to participate, but it was not possible to find a convenient time for all sites.

interviews were de-identified and a code assigned to each participant (HS for Hearing Support Workers, MG for managers, and OT for other staff).

- **Visits to four Pilot locations.** Two sites were in Sydney, and two were in regional centres. These site visits included visiting office spaces (4), observing Hearing Clinics (5) and observing workers providing support on a hearing day (3).
- **12 months of administrative data.** Legal Aid NSW and the Evaluation Team developed an Excel spreadsheet for the Pilot sites to complete to provide an overview of the work of the Pilot over 12 months. All but one site completed this spreadsheet.

Non-Pilot site staff

Managers and staff from the WDVCSs in the 13 non-Pilot site locations were invited to participate in a focus group. One online focus group was conducted via Microsoft Teams with six participants working across five sites. Four participants were in managerial roles and two were Hearing Support Workers. This focus group has been de-identified and a code assigned to each participant (NP).

Police Prosecutors

Police Prosecutors working in the Pilot sites were invited to complete a survey (constructed in Qualtrics). This survey was pilot tested and distributed by email by the Police Prosecutions Command. The email provided a unique link, and each prosecutor completed it anonymously. Thirty prosecutors started the survey, with 22 completing all parts (see **Appendix C**). The total number of responses for each survey question are noted in this report where applicable.

At the end of the survey, respondents were invited to participate in a follow-up interview. Six prosecutors from six different pilot sites took up this invitation. The interviews, conducted via Microsoft Teams, lasted approximately 30 minutes. The interviews were de-identified and participants were assigned a code (PP).

Limitations

This evaluation, like all evaluations, has some limitations. These are addressed in detail in **Appendix C** and include:

- the fact that victims were recruited with the assistance of the Pilot sites and that the site visit locations were identified by Legal Aid NSW may mean that there was selection bias.
- The small sample size for some cohorts (victims and prosecutors) means that they are not representative, and their views cannot be generalised.
- Potential response bias from Pilot staff and Prosecutors who have a stake in the Evaluation findings and whether the Pilot continues.
- The administrative data required manual entry, and as result a number of fields were incomplete or missing. The Excel spreadsheet was also limited in its ability to capture the extent of assistance provided to a single woman over time.
- The inability to have a control site (this requirement was therefore removed from the Evaluation Brief).

THE HEARING SUPPORT PILOT

The Pilot involved the provision of funding to 14 WDVCSAs to employ dedicated Hearing Support Worker/s to assist women who are victims in criminal and/or ADVO matters that proceed to a defended hearing. The 'aim of the role is to empower clients to safely participate in the court process and attend hearings'.⁹

This section of the Evaluation report details the situation before the Pilot, how the Pilot was implemented at different sites, the role of the Hearing Support Worker, and information about the Domestic Violence Hearing Clinics that Hearing Support Workers facilitate with Police Prosecutors ('Hearing Clinics'). This information provides useful context for understanding whether and how the Pilot met its objectives.

Before the Pilot

Prior to the Pilot, funding was not available for WDVCSAs to support women who are victims of DFV in criminal and/or ADVO proceedings that went to a defended hearing. This meant that ad-hoc and inconsistent hearing support was the norm in NSW, often leaving victims on their own to navigate a legal process that did not address their interests or needs. Lesley Laing's research on women's experiences of obtaining an ADVO in the NSW Local Courts provided evidence of how damaging inadequate court support is, leaving women with incredibly high anxiety levels, feeling unprotected and vulnerable in the court building, and feeling unsupported compared to the defendant, who is often supported by his legal representation.¹⁰

One woman interviewed for this Evaluation whose case started before the Pilot explained that she did not have access to the safe room 'they made me sit out there and sit next to him' (Kristy). This changed after the Pilot started and she was put in contact with the Hearing Support Worker. Another woman who had been involved in legal proceedings before the Pilot commented, 'I wish [the Pilot] was around when I needed it 30 years ago' (Marie).

Hearing Support Workers described various ways that they tried to provide hearing support before the Pilot. This involved 'jiggling and juggling' (NP1), 'an ad hoc approach' (MG6) which 'just depended' on where the matter was listed and who was available (HS2), and only being able to provide support 'if we had the capacity and ... it was in [a] location where our office sits' (MG12). If they didn't have 'that ability, [we] just gave the information, invited [women] to the Hearing Clinic and then you're on your own' (MG9). MG13 commented:

So, we weren't funded for [Hearing Support] obviously, but where we could facilitate hearings, we definitely did ... And it was always tricky and has been the whole WDVCSA time up until the Hearing Pilot, because we're a Domestic Violence Court Advocacy

⁹ Legal Aid NSW, *Hearing Support Guidelines* (n.d.) [Supplied to Evaluation Team] (Hearing Support Guidelines).

¹⁰ Lesley Laing, *It's like This Maze That You Have to Make Your Way through': Women's Experiences of Seeking a Domestic Violence Protection Order in NSW* (Law and Justice Foundation of New South Wales, 2013). The administrative data collected for this Evaluation supports Laing's finding that defendants often have legal representation: for 1903 clients, the defendant had legal representation on the hearing date; compared to 280 where the defendant did not have legal representation, 449 where this was unknown, and 195 blank entries.

Service, but then, it was weird saying we're a court service, but we step out, after those initial AVO list days and the mentions, and that was always really tricky to justify.

A Police Prosecutor explained that if there was no WDV CAS capacity, women were left with the support of the OIC which could be very limited:

[Before the Pilot] It was really just the Officer in Charge who was the only person really who could provide them with support and sometimes there might be animosity between that officer and the victim for whatever reason ... So having an independent person not from a policing background, it was a challenge not having that before the Pilot. I think it led to a lot of complainants disengaging with the process or not picking up phone calls from the police, not turning up to court (PP2).

With the Pilot funding, services are generally able to support women from the first mention day up to, and including, the final hearing:

The difference is, now, if someone rings in and says, 'will you be there?', 'Yes, we will be there'. That has been a game-changer to be able to do that (MG6).

Implementation of the Pilot

Each of the 14 Pilot sites were provided with funding for Hearing Support Worker/s that was based on the number of hearings pending at the Local Courts serviced by those sites as of March 2022. This allocation method meant that each of the Pilot sites were provided with funding for 1-4 full-time equivalent (FTE) workers (see **Appendix A**).

WDV CAS providers were given a large amount of autonomy in relation to how the Pilot was implemented in their area. NP6 commented that it was 'good to have that autonomy, to use it best to suit your area and your service'. Similarly, MG13 explained that 'every single police district operates very differently [and having] that flexibility to tailor, make it to what we needed to fit' was important. This autonomy meant that different approaches to implementation are evidenced across the Pilot sites.

Most Pilot sites adopted a dedicated Hearing Support Worker model, but other sites took a different approach, opting to increase the number of generalist court advocacy staff who were all able to provide support at a defended hearing. The Evaluation is not able to assess which approach is best – both have advantages and disadvantages. The advantage of the dedicated position model is in its clarity around workload responsibility, the recognition of this skilled role and the continuity of support that can be provided to a victim. The clear advantage of the approach that disperses hearing support across the existing (but increased) team is that all team members are upskilled in this role, it ensures that there are no gaps if a dedicated worker is sick or takes leave, and services are less vulnerable to loss of knowledge and skills if a worker decides to leave. A disadvantage of the dispersed model is that there is less clarity around workload, with staff still performing list day work, as well as the workload that comes with a hearing. The Evaluation Team is concerned that this could mean that some workers feel that they are doing more work, despite the additional funding. There is also a mixed approach emerging as the Pilot continues, with several Pilot sites employing a dedicated worker as well as ensuring that generalist WDV CAS staff are trained in defended hearings so that they can assist when required.

All Pilot sites reported that they had successfully managed the transition to providing hearing support. However, there were some challenges and not all were foreseen. Many services chose to recruit the Hearing Support Worker positions internally and then backfilled those positions.

It was easier to put existing staff into the hearing support role because they already had court knowledge and experience. I think when you're hiring into WDV CAS, most workers haven't had court experience unless they've worked for another DVCAS or something, or they've done seconded work with us (MG3).

This meant that filling the dedicated position was relatively easy, but some WDV CASs experienced difficulties recruiting for the now vacant generalist WDV CAS positions.

Relying on existing staff acknowledged that the Hearing Support Worker role is highly skilled, requiring detailed knowledge of the court system, and well-developed skills in interacting with a wide range of different people. Many of the workers and managers emphasised their ability to work with women from a wide range of different backgrounds, with different needs and responses to the violence and trauma they had experienced. Workers provided lengthy accounts of their ability to assist women who might be aggressive and angry, and to calm them down so that they are able to engage in the court proceeding. This was intrinsically connected to these workers being trauma-informed.

The WDV CAS providers were responsible for the training of the Hearing Support Workers. While the absence of dedicated training was considered reasonable for many of the experienced workers, others may have benefited from specific hearing-focused training or resources. The issue of training is addressed further in the section 'Future considerations if the Pilot is continued'.

A challenge for implementation has been ensuring that the Hearing Support Workers are provided with updated and accurate information about hearings from the police and/or the Local Court. Many WDV CAS staff interviewed for the Evaluation commented on this challenge which can mean the worker is unaware there is an upcoming hearing for that woman, the hearing details may have changed, or the woman's contact details have changed. Each Pilot site has implemented different methods to try to address this challenge. Any absence of timely court list information can be particularly critical in regional areas where planning is required to attend courts that are some distance away from the central office. The need to address this issue is highlighted below in the section 'Future considerations if the Pilot is continued'.

What does a Hearing Support Worker do?

Documentation provided by Legal Aid NSW sets out the key duties of the Hearing Support Worker as being responsible for:

- Assisting with Hearing Clinics at all Local Courts within the WDV CAS area, in partnership with the NSW Police Force;
- Supporting clients to use the safe room on hearing days wherever possible;
- Supporting clients to access remote witness facilities/Audio visual link (AVL), qualified interpreters and other supports as needed for hearings;
- Attending hearings with clients where needed and as capacity allows; and

- Arranging assistance with transport and childcare for clients to enable attendance at hearing.¹¹

Hearing support is designed to address some of the barriers that women might experience in attending court for a hearing. These include the possibilities of pressure and threats from the defendant to not attend court or to change their statement, the fact that many victims 'find the court process intimidating and even traumatising', and the stress of having to recount events in a courtroom in the presence of the defendant.¹² As Legal Aid NSW noted:

Specialist hearing support for victims can help to address these barriers to court attendance and reduce the stress and trauma associated with the court process for victims, including giving evidence as a complainant.¹³

The literature review conducted for this Evaluation confirmed that court support services can improve victims' wellbeing, minimise trauma and stress, and support their meaningful engagement with the legal process. Court support workers, such as Hearing Support Workers funded under the Pilot, play a significant role in undertaking safety planning and assisting women to access services to meet their non-legal needs, which supports their safety, quality of life, and feelings of empowerment. Court support workers also playing an important role in communicating relevant information and facilitating collaboration across the legal and service system, and offer critical support assisting women to navigate that system to achieve the best outcomes for them and access all relevant services available.

In the Hearing Support Workers interviews, they were asked to describe their role. They all mentioned the above tasks, but also provided greater information about what is involved. HS1, at various points in her interview, described the nature of her role:

I think the one-to-one support that you're giving them is not just on that day, it's prior to that day as well. I have a number of conversations with the clients beforehand. Hopefully I meet them at the clinic as well ...

I call the client ... so wanting to know if they'd like to access the safe room. Are they going to need an interpreter, are they bringing a support person with them ... Coming to the safe room now, if it's a hearing matter, it's encouraged that they meet the Officer in Charge at the police station and then be escorted across ... So, I'll touch base a number of times and SMS if I can't make contact. They're invited here and then on the day, you know, I'll be waiting in the safe room. Obviously, I hope to have had contact the day before as well, to just confirm again. It doesn't always happen ...

I will keep in contact afterwards as well. I'll always follow up with them ... They might not on that day feel that they need any further referrals or support but when I've called them afterwards, they've had a think about it, so maybe I can link them in. So, yes, I think that's the difference, that we're able to give them more time.

¹¹ 'Hearing Support Guidelines' (n 9) 2. For a more detailed list of the duties of the Hearing Support Worker see **Appendix D**.

¹² Ibid.

¹³ Ibid.

This worker emphasised that:

Gone are the days where the ladies in the safe room were about giving cups of tea and biscuits. We are a service. We are there for the client, not just for that but to liaise about their conditions, about their safety.

Many of the workers described the wide range of referrals they provide including trauma counselling and support, crisis and longer-term housing, financial counselling, other case management, migration services, parenting skills, and safety enhancements for their accommodation. PP5 noted that it made a difference that these referrals came from a civilian who has built rapport with the woman. For example Tonia emphasised the amount of information she was provided with:

There was lots of information [available in the safe room]. And then just talking, even when we were there on the court day, [being informed] that he wasn't showing up, and then just all the different support networks that you can actually utilise.

Case study 1: What does a Hearing Support Worker do?

- HS6 We've got our list of matters that are going to hearing, that we know of ... we'll call them up to remind them that they've got the hearing, check that they've got the subpoena, go through the process of what to expect ... If they're needing some legal advice beforehand, we'll make those referrals as well.
- HS7 There's often liaising with the DVOs as well. You can then pass things on to the Officer in Charge of subpoenas, 'have they been served?'. Interpreter. If there's any issues ... like they've got questions about evidence and process and stuff that we might not know about. All that back and forth happens as well.
- HS6 And we also do the Hearing Clinic, so that's additional work on top. Because we're calling all the people that the police gave us the list for, to invite them to the Hearing Clinic. So then after we'll pick up clients through the actually hearing ... It's a lot of work that gets generated. Then we assist them on the day at the hearing, make sure the prosecutor knows that they're in the safe room with us. Similar, go through the same chats about what to expect in terms of giving evidence ... And we just stay with them through the whole day, make sure that they understand what's happening and what their rights are.

Hearing Clinics

A key part of the role of the Hearing Support Worker is assisting with the organisation of the Hearing Clinics that workers facilitate with Police Prosecutors. Victims with an upcoming hearing are contacted by the Hearing Support Worker and invited to attend a clinic, the purpose of which is to 'help explain the hearing process to clients, going through what happens on the day of the hearing, including giving evidence'.¹⁴

Hearing Clinics operated in many areas prior to the Pilot, but the Pilot provided impetus for them to be set up in additional locations. The holding of Clinics was impacted by COVID-19 which is still felt in some areas. In remote court locations it is usually not possible to hold clinics. In the survey most Prosecutors indicated that a clinic was held in their area (n= 22/30). Some women are simply unable to attend a clinic due to work and childcare. If it is not possible to hold a formal Hearing Clinic, then Hearing Support Workers endeavour to provide the information in a telephone call, or arrange for the prosecutor to do so prior to the day at court.

It is not the task of this Evaluation to assess the role and effectiveness of the Hearing Clinics, but they are discussed here given all stakeholders highlighted them as an important component of the work of the Pilot. Tonia described attending the Hearing Clinic and its impact on her:

[At the Hearing Clinic, I] got to go into the courtroom and sit, and then they said if you wanted to go up and sit in the stand, you could, and ask any questions that you wanted as well. It was really, really helpful ... I've never had to do anything like this ever in my life, so it was a massive thing. And how it would proceed, and what would be happening ... and certain questions that might be asked, and yes, so it was really good.

Similarly, Philippa said, she found the Hearing Clinic, 'fantastic ... very helpful ... Everyone was lovely ... They explained everything very well'. HS2 commented that the 'women 'who do turn up [to the Clinics], have all said that it alleviated a lot of their anxiety ... they felt more prepared'. She explained how she encourages attendance:

And one way that I sell it to women is, the police come over specifically for these clinics. It's not like a court day where you might catch them in between jobs, and they can give you 30 seconds ... If you have any questions regarding your matter or concerns or you're not sure about your AVO or, you just want to make sure that they've got all the evidence, perfect opportunity to do it. Because the prosecutors are quite good at taking that time and they tend to bring the files over. So, they can sit there with these women and explain everything to them so when they walk into court, they know the lay of the land.

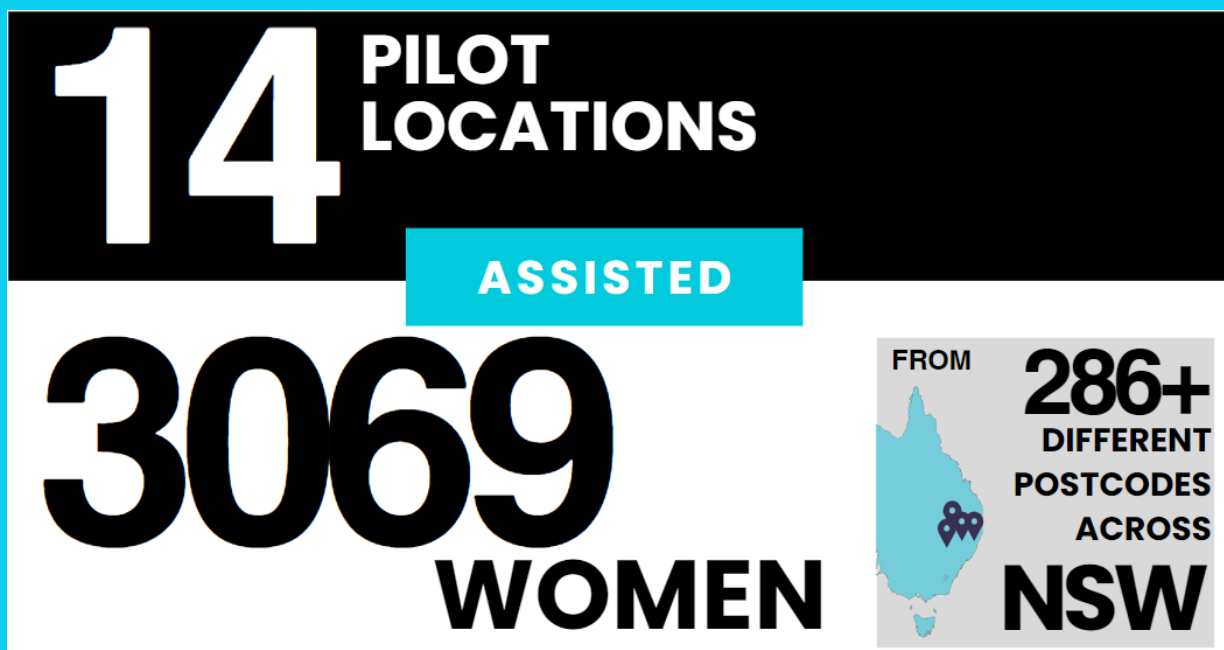
Some of the Hearing Clinics take place at a court whilst others are held at WDV CAS offices or another location. One of the WDV CAS's visited has constructed a mock courtroom at their office; this space is used for the Hearing Clinics and replicates the setting of the court while also providing a more relaxed environment. There are benefits in Hearing Clinics being held at a court or court like environment, particularly for victims who have not attended court on earlier occasions.

¹⁴ Legal Aid NSW, *Project Brief: Evaluation of WDV CAS Hearing Support Pilot* (n.d.) [Supplied to Evaluation Team] 2 (the Evaluation Brief). The conduct of Hearing Clinics is covered by a Memorandum of Understanding between the NSW Police Force and the WDV CAS.

Snapshot of the Pilot over the first 12 months

The successful implementation of the Pilot is demonstrated in the administrative data collected by the Pilot sites for the Evaluation.¹⁵

While not all women assisted by the Pilot ended up being supported at a defended hearing (maybe because the defendant pleaded guilty or the charge was withdrawn) the administrative data provides insight into the range of work performed by the Hearing Support Workers under the Pilot and the diversity of clients who have been assisted.



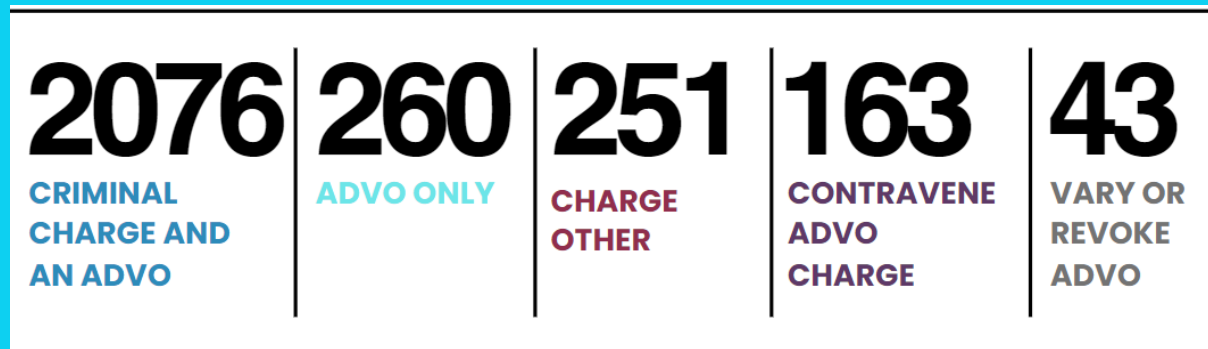
Of these 3069 women, the following identified as:¹⁶



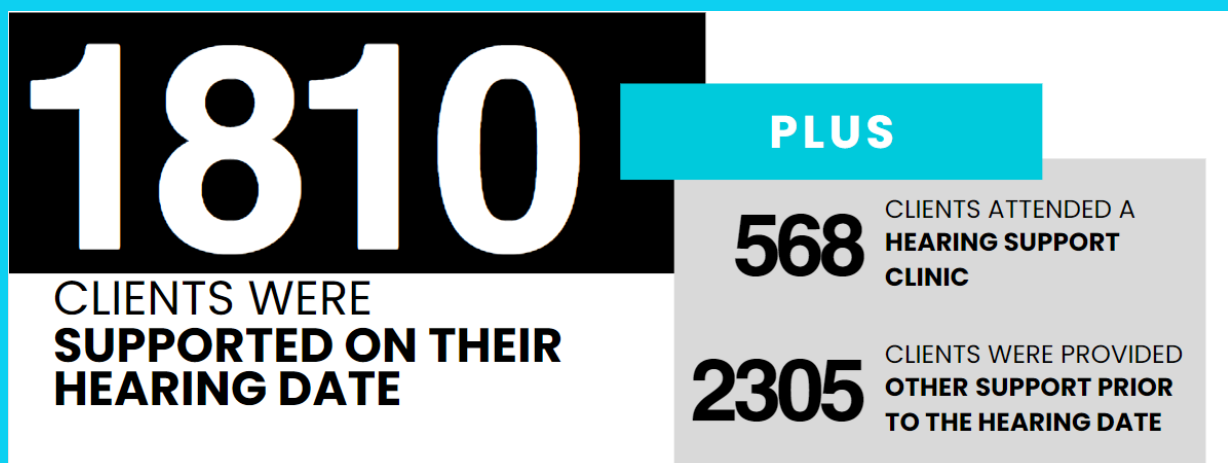
¹⁵ This data has a number of limitations. See detailed discussion of the Methodology in Appendix C.

¹⁶ Not all clients would have been asked this question or felt comfortable disclosing how they identified, so this is likely to be an under-representation of the diversity of women supported.

Most of the women assisted by the Pilot were involved in criminal AND civil ADVO proceedings. The following numbers of clients were recorded as being involved in the following matters:



Not all these proceedings continued: some resolved without the necessity of a hearing or were withdrawn or discontinued for a wide range of reasons. In addition, not all the women provided with initial support may have wanted the Hearing Support Worker to assist them on the day of the hearing. However, many clients were provided with hearing support on the date of their hearing:



For many women who were assisted on the date of the hearing, their matter resolved that morning prior to the hearing starting.

DOES THE PILOT MEET ITS PRIMARY OBJECTIVES?

EVALUATION FINDING

The Evaluation finds **the Pilot meets its primary objectives.**

The primary objectives of the Pilot overlap and intersect. They are not discrete. For example, the provision of information by a Hearing Support Worker about what to do at court can reduce the stress experienced by a victim, is likely to improve their engagement with the court process, prevent the possibility that they may disengage, and may assist them to give better evidence.

The Evaluation addresses the objective of reducing stress and trauma for victims first, because it the most significant objective in terms of the support provided to victims. It is central to victims' experiences of the court process and influences all the other objectives. If stress and trauma are reduced, it is more likely that women will be less harmed by the process and potentially more empowered to engage with the legal system in the present case, and in the future if needed.

Reducing the stress and trauma for victims associated with the court process

It's still a traumatic and stressful experience because, no matter how much support people have, it will still be traumatic and stressful, but [the Pilot] has reduced it (PP2).

EVALUATION FINDING

The Evaluation finds that **the Pilot is clearly meeting the objective of reducing the stress and trauma** that victims may experience as part of the court process.

Positive overall impacts on stress and trauma

The stress and trauma of criminal and civil proceedings for victims of DFV are well-documented.¹⁷

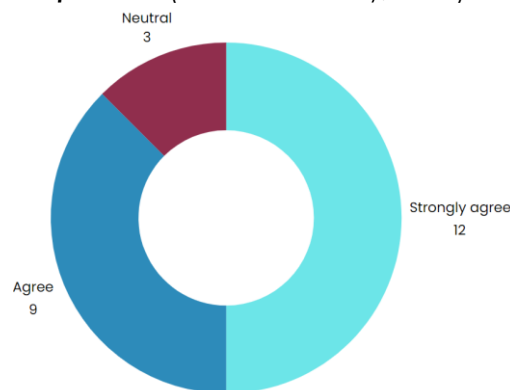
All the women interviewed for this Evaluation indicated that the Pilot had reduced the stress and trauma they would otherwise have experienced in the court proceedings.

¹⁷ See references in Heather Douglas and Hannah Ehler, *National Domestic and Family Violence Bench Book* (AIJA, 2023). See also: Negar Katirai, 'Retraumatized in Court' (2020) 62 *Arizona Law Review* 81; Louise Ellison and Vanessa Munro, 'Taking Trauma Seriously: Critical Reflections on the Criminal Justice Process' (2017) 21(3) *The International Journal of Evidence & Proof* 183; Lucinda Jordan and Lydia Phillips, *Women's Experiences of Surviving Family Violence and Accessing the Magistrates' Court in Geelong, Victoria* (Centre for Rural

When asked 'What was the best thing that the Hearing Support Worker did for you?' Anthea answered, 'Making me feel comfortable and taking the anxiety away'.

Overwhelmingly the Hearing Support Workers answered 'yes' when asked whether they thought that the Pilot was achieving the objective of reducing victims' stress and trauma when a matter proceeds to a defended hearing. As HS18 recognised, this is one of the most 'stressful days of their lives' and the Pilot assists women to cope. Police Prosecutors generally agreed, commenting that victims appeared to have 'more confidence' in what to expect (PP1); that the Pilot 'provides obviously, a level of support, not just emotionally, but also from an educational point of view' (PP6); and that the Pilot 'has reduced' stress (PP2). The Prosecutor surveys concurred; 21 of 24 Prosecutors agreed or strongly agreed that the Pilot reduced the stress and trauma for victims associated with the court process (**Figure 1**).

Figure 1: Do you agree the Pilot has reduced the stress and trauma for victims associated with the court process? (Prosecutor survey, n= 24)



MG1 noted that the process of reducing stress and trauma starts well before the hearing:

It starts when the worker first contacts them and says, 'I see you have a hearing next month, do you want to come to a [Hearing] Clinic?' ... So, it actually starts a long time before they actually go to court, and so that lessens the anxiety.

Just being there and spending time with victims assists them to remain calm

I think [the women] get comfort knowing that we're going to be there from the start to the finish. That we'll be with them the whole way through the process. The other day a woman, we supported her ... And she said, 'all I remember is you ladies just sat beside me'. She said, 'you just sat with me through that whole thing'. That's just so powerful (HS27).

During court visits the Evaluation Team observed women who had no family or friends who could attend court with them, who greatly relied on the Hearing Support Worker. This was particularly acute for women who had migrated to Australia and do not have close family or friends here. Even where family is available, a trained Hearing Support Worker provides specialist support that family and friends are unable to provide:

My sister was there with me waiting. Mainly she spent time on her phone, telling me that I was an idiot, and I didn't need to panic. But the [Hearing Support Worker] was the

Regional Law and Justice, 2013); and Judith Herman, 'The Mental Health of Crime Victims: Impact of Legal Intervention' (2003) 16(2) *Journal of Traumatic Stress* 159.

complete opposite. She understood why I was panicking and just talking to me nice and calmly. It was a very calming experience, although I was very heightened emotionally, she did very well to try and calm me down (Ellen).

During site visits, workers were observed adeptly managing multiple emotions by different women in the same room; some women can be very angry, others quiet, and some traverse multiple emotions whilst waiting for their hearing. It is a highly skilled role. Workers described employing a variety of strategies to keep women calm:

Sometimes what she needs ... is to talk about something completely different ... but some ladies, they haven't got that support elsewhere and so they do want to talk about it again ... so just gauging it really by each and every lady (MG12).

PP5 commented that this emotional support has many positive impacts for victims' court experiences:

[Victims] turn up by themselves if they don't have the court support ... They might not even recognise [the police officer] or remember what they look like. It could be ... two years later ... There's the defendant there with his family ... So, I think it makes such a difference if they walk into that environment with somebody, they've got that rapport and trust with. They're then taken straight to a [safe] room and then they appear via AVL. And remembering that victims or survivors that come to court, if their experience is good then they will trust the system to report again.

Being able to provide continuity of workers – where possible – was identified as important to 'develop that relationship of trust' (HS2).

Practical supports and ensuring safety at court

In addition to emotional support, Hearing Support Workers provide invaluable practical supports that can reduce victims' stress, such as explaining options for giving evidence, accessing AVL, accessing the safe room, and offering safe ways to attend court. As HS25 commented:

Once they're in that door [of the safe room], they're safe. And we'll say that, 'you're safe, just breathe'. And then we'll work through what's going to happen today.

The women interviewed all discussed practical supports provided by the Hearing Support Workers that reduced the trauma of attending their hearings. Kristy, Sharna and Anthea all described different practical ways in which workers put them at ease:

The [second] courthouse ... it's so small, there's only one courtroom. We kind of had to sit out the front. But [Hearing Support Worker] sat us somewhere where we couldn't see him. So I felt a bit more at ease and comfortable (Kristy).

[The Worker] made sure that we were there early so that we could go into the safe room straightaway. She also made sure that the police found me before the matter ran, just to talk with me. The police Officer in Charge ... didn't come and find me ... And, after the AVO, after that was all done, and it didn't end up running, she waited with me for a while afterwards so that I could make sure that I didn't leave at the same time as him (Sharna).

She wouldn't let me walk into the courthouse by myself. She would always walk me to my car or on lunch breaks, in the morning tea breaks if I was still there. We would go get lunch or morning tea together (Anthea).

Breaking down the fear of the unknown – removing power imbalances

Workers highlighted that victims' stress and trauma at court was reduced through the provision of information. As HS18 remarked, 'Receiving information ... can really help with decreasing the impacts of trauma on the day'. HS2 elaborated on this:

[Court] can be quite an isolating experience for [victims]. They're in a system that they don't understand. They're most likely still dealing with some form of control or abuse from their ex or his family. And there's just a lot of fear of the unknown ... And just being available to them whenever they've got any questions and explain AVOs and standard court procedure it makes them feel like they've got a bit of their power back.

The Team observed Hearing Support Workers in the safe room breaking down the fear of the unknown in numerous ways. This included explaining the roles of key legal actors; managing expectations about waiting times, adjournments, part-hearings, and outcomes; and providing referrals to other services. Kristy described the positive impact the information provided by her Hearing Support Worker had on her:

She actually did a lot and she kept me up to date ... I was like, 'I had no idea you could do that' ... So, she referred me to counselling, she gave me all the information ... When I have questions, because I had a mobile number, I would message her and she'd answer back, tell me everything. She was very helpful and straightforward and clear with things.

The Evaluation identified that a critical opportunity for Hearing Support Workers to assist victims in these ways was at Hearing Clinics.¹⁸

Hearing Clinics

For many victims of DFV assisted by the Pilot this was the first time that they had been to court. This 'first time' experience means that information about the court processes and assistance navigating that process was extremely important. A number of women interviewed commented on how the Hearing Clinics had assisted them. For example, Tonia said that the most helpful service provided by the Hearing Support Worker was ensuring she attended a Hearing Clinic:

I think for me personally, I think not having had any experience at all in that world at all, I think being able to go in, listen to how they were going to do it. They had a Police Prosecutor there stating what would happen within the courtroom, how it would proceed, going into the courtroom as well. Showing how we'd be sitting, where you'd be sitting, and all of those sorts of things, I think was really, really important, for me.

Sharna, who had never been to court before, commented that the clinic 'was so helpful knowing what to expect, what time I'll arrive, all that sort of information'. MG3 noted that the clinics 'alleviate a lot of anxiety' as women 'have a better idea of what to expect when going to court'. The observations of the Hearing Clinics confirmed the extent to which women obtain general information about the court process, as well as information individually tailored to their cases. Hearing Support Workers were observed checking whether the woman had been subpoenaed and whether AVL and/or an interpreter had been booked. The Hearing Clinics can also be useful to 'build some rapport with the police' if the woman is 'lacking trust in the police' (MG3).

¹⁸ Described earlier, under 'What does a Hearing Support Worker do?'.

Bridging the gaps in the system

Hearing Support Workers have the skill and time to explain everything to the women that other professionals in the system do not have. As Ellen described:

The [worker] that was with me on the day, she repeated herself multiple times and ... it was very useful. She just was very patient with me because obviously I was panicking ... I just wanted more communication ... [because] the [Constable] that I gave my statement to ... [would] tell me the date, and then I wouldn't hear from anyone for months.

HS2 remarked upon this role in reducing stress, saying:

The way I view the hearing support, we bridge that gap between victim and police as best we can. So, a lot of the time you will ring these women, they're like 'I haven't heard anything from the police'. And it's not that [police] don't care. I mean, some may not, but I think it's just they're so busy that these women are falling through the cracks. So, you bridge that gap, and you facilitate that relationship ... that communication.

Several of the Police Prosecutors reflected on the limited time the police have to spend with victims. For example:

As a Police Prosecutor there are many matters, many witnesses that you may be dealing with ... The [Pilot] allows the victim a solid, dedicated point of reference and safety. The worker can act as a liaison so that the victim can remain in the safe room. Otherwise, they are just another person in a crowded foyer (Prosecutor survey).

It is unsurprising that the Pilot reduces victims' stress and trauma, as it aligns with many best practice features for assisting people experiencing trauma.¹⁹ MG10 remarked that the Pilot is 'probably the only part of that process that's providing a trauma-informed service'. The success of the Pilot in meeting this primary objective was highlighted by HS28, who commented:

It's really significant sometimes, the benefits to women who participate in being supported by someone in that role and it being about things like having a positive experience of trauma-informed support. Perhaps something they have never encountered until that time in the safe room with someone.

Improving victims' engagement with the court process

In the past, if they were keen to engage, they really did not know where to go or what to do. [The Pilot] has been really good, as now they know, as soon as they engage, then they are well-informed throughout the whole process until the end of the hearing (PP1).

EVALUATION FINDING

The Evaluation finds that the Pilot is **clearly meeting the objective of improving victims' engagement with the court process.**

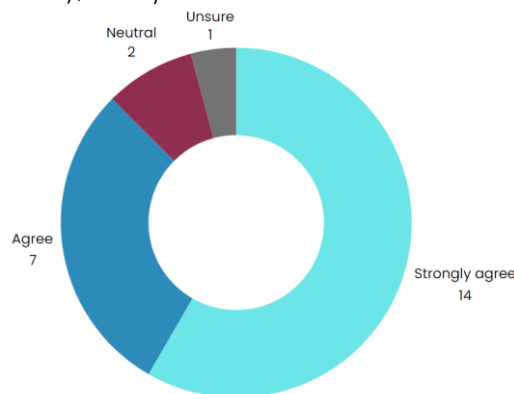
¹⁹ Michael Salter, et al, "A Deep Wound under My Heart": *Constructions of Complex Trauma and Implications for Women's Wellbeing and Safety from Violence* (ANROWS Research Report No 12/2020, May 2020) 9–10.

Positive overall impacts on improving victims' engagement

The Evaluation Team has interpreted this objective as the improvement of women's experiences in the court system or the enhancement of their participation in the system rather than simply ensuring that women turn up at court. That is addressed below under the objective of reducing the likelihood that victims may disengage from the court process. However, there is clearly an overlap in these objectives.

Overwhelmingly all stakeholders interviewed were of the view that the Pilot increased the engagement of women in the system. Twenty-one of 24 Police Prosecutors surveyed agreed or strongly agreed the Pilot achieved this objective (**Figure 2**).

Figure 2: Do you agree the Pilot has improved victims' engagement with the court process? (Prosecutor survey, n= 24)



Providing information and agency

One of the critical ways in which Hearing Support improves victims' engagement is through the provision of information which increases their agency. As Kristy explains:

[The Hearing Support Worker] was such a help. Before I ever met her, I'd have to figure it out on my own. The police wouldn't tell me anything. The courthouse wasn't telling me anything. I just felt like I was left completely in the dark the whole time.

Providing information to women 'keeps them more engaged' (HS19). This starts from the first conversation with the client. As HS27 explained:

You know that when somebody picks up the phone and hears another person on the end of the phone that they can connect with, I guess, in some way, it takes away some of the barriers to further engagement ... it just starts that process.

Breaking down the fear of the unknown and facilitating women's choices is important in a system in which the choices women have are constrained. The workers all stressed that it was important to set out the various options available to women, so that they are the ones 'calling the shots' (HS15), 'and to let them know that they're not alone and that they do have options' (HS2). HS2 went on:

One thing I like to say to women is that you do have more power in this situation than you think you do just by turning up and telling the truth.

On the day of the hearing, if a woman has a worker supporting them, Police Prosecutors can provide an overview of the various options and then leave the woman to consider them and make choices with the assistance of the worker:

I can say, 'okay, I've given you a lot to think about. I'll leave you with whoever the worker is' and know that they're just going to work through the options with them (PP3).

The prosecutor will often come in, and they're always rushed, they'll be 'blah-blah-blah' ... And then when they leave ... I'll interpret what he said and explain it in simple terms without the legal jargon, so they understand what's happening on the day (HS4).

Increased engagement does not mean that the outcomes achieved are always what the woman wanted. However, as HS2 explained:

[Clients] just appreciate being informed. Even if it's not good news, it doesn't matter. At least they're being told. I have women ... [who don't] know anything about the hearing ... [and weren't] given any information ... from police ... So, it's keeping them engaged, I find is just best to give them everything as much as I can. And also, if they can see that I'm supporting them to the best of my ability they're going to keep asking me questions.

Managing expectations

Police Prosecutors mentioned that expectation management by the Hearing Support Workers helps keep victims engaged in the process. Delays can be long, and adjournments frequent, so explaining this to victims gives them 'confidence in the system' when it could easily be lost (PP1). HS2 also commented that this means women 'are a bit more mentally prepared' for the setbacks. Numerous interviewees commented that the Hearing Clinics are particularly helpful in achieving this objective, not only because of the positive impact they have on victim's stress and trauma, but because they assist in managing expectations:

Just about every person that comes says, 'this was amazing', because it just gives them so much more information. I just wish everyone would come, whether they are favourable or unfavourable witnesses. We just provide them with the information, so they are not stuck in a vacuum or just don't know what to expect. Everyone who comes just gets so much out of it because they are just aware of the process, so we just try to educate them (PP2).

Reducing the likelihood that victims may disengage from the court process, either by failing to attend the hearing date or becoming an unfavourable witness

'He thought I would never come today'²⁰

EVALUATION FINDING

The Evaluation finds that **the Pilot plays an important role in reducing the likelihood that victims may disengage from the court process.**

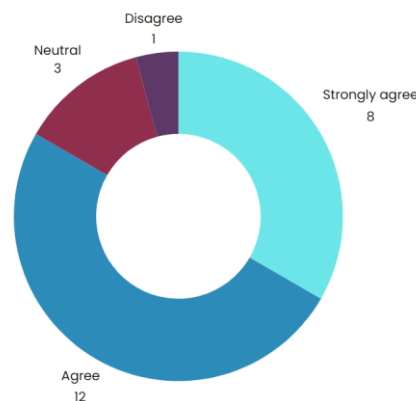
However, the issue of being classified as an 'unfavourable witness' is more complex.

²⁰ Comment made by a woman at court after learning that the defendant plead guilty: Court Observation, July 2023.

Positive overall impacts on reducing likelihood of victims disengaging

There are a wide range of reasons why a victim might disengage from the criminal process, and while the Pilot is designed to ameliorate some of these, it is only one component operating within a complex system. Therefore, it is difficult to measure how much impact the Pilot has on preventing disengagement.²¹ Taking this into account, most stakeholders agreed that the Pilot had a positive impact in reducing the likelihood that victims may disengage from the court process. For example, most of the Prosecutors surveyed agreed or strongly agreed that the Pilot had reduced the likelihood that victims may disengage by failing to attend the hearing (**Figure 3**).

Figure 3: Do you agree the Pilot has reduced the likelihood that victims may disengage from the court process by failing to attend their hearing date? (Prosecutor survey, n= 24)



However, views about this objective were not uniform. In relation to supporting Indigenous women, some Hearing Support Workers recognised that more work and time is needed before there will be a reduction in disengagement given the historical and continuing distrust of the police and the criminal legal system. Several workers noted the need for more Indigenous workers to be employed in the Pilot.

Some of the Prosecutors remarked that there would always be some victims who disengage from the criminal process regardless of the support provided. Despite this, one of these Prosecutors was of the view that they had 'noticed an increase of engagement since the programme started' (PP2). Another Prosecutor expanded:

We get a significant amount of people who just don't come [to court] ... A lot of the time it's just that they got what they wanted on a day, and they don't want any further issues ... [For others,] knowing that they're going to say certain things in the presence of their partner or ex-partner can be scary. But I think with support, they're much more likely to come ... I think those that are sitting on the fence a little bit, maybe thinking about it, I think with that support, I think you're more likely to tip them to the 'yes, I will come' (PP4).

²¹ Reducing withdrawals was also identified as a secondary objective of the Pilot. The evaluation is unable to assess this given the inability to have control data as explained in the detailed discussion of methodology limitations in Appendix C. The factors that impact on withdrawals are also multiple and extend beyond the intervention of the Pilot. Disengagement of victims is however a key reason why matters are withdrawn (see Louise Ellison, 'Prosecuting Domestic Violence without Victim Participation' (2002) 65(6) *Modern Law Review* 834) and in that respect this matter is dealt with in this section.

Case study 2: Encouraging and supporting women to turn up at court

She was so reluctant and didn't want to give evidence because he's the father of her new-born child. She had him in the court, this [new-born] baby.

And I talked to her at length about giving evidence and being questioned by the defence solicitor. And her evidence at the end was so credible and so believable, I had tears in my eyes at court, when she was giving evidence ... The things that happened to her ... when she was ... pregnant, ... [severe physical violence] with no one, no help.

It was confronting for me. But I was just thinking about her and what she'd been through. And what a big day that was for her. She was there to tell her story that day. And we talked at length about that as well and about that safe environment for her and her children. Yes, and the AVO conditions as well, they were increased to a five-year AVO from a two year. And all through my advocacy with the police officer and the police prosecutor.

[She hadn't turned up for earlier court cases], she didn't turn up to the [Hearing] Clinic. And a very long-known, well-known history with her mother coming through on CRP [Central Referral Point, a computer system via which the WDVCSs receive referrals from the police] as well with her partners. So she's grown up in a family of violence and, yes, she was just not engaging. Didn't engage with services. So for me, to get her to court was a big thing, let alone for her to give evidence. She was in the safe room going, 'nah-nah, no way'. And I'm like, 'okay, let's talk about this. Let's unpack this'.

So I go through the process and, you know, it's all about telling your story here. You're here for justice today. This is about you and your story. You're here to tell the truth and to put that forth in front of the magistrate. We talked about then your children growing up in that safe environment and having that safe space.

And we talked about supports, which she's now linked in with ... getting financial support, as well as rent assistance and things like that. She's also got counselling. So there's really good outcomes with her and she's now making some really good relationships with them. So I know now she will re-report and, yes, if anything else comes along, I feel that we've made enough of a relationship with her.

(HS14)

Encouraging and supporting women to turn up and stay at court

The Pilot was viewed as particularly successful in encouraging women to turn up at court and stay at court for the duration of the hearing. Some women were simply unaware of any hearing until the Hearing Support Worker contacted them:

One [woman] said at the [Hearing] Clinic ... 'I wouldn't even know that I had a hearing if it wasn't for [worker] ... The police had not contacted me whatsoever.' And I was like 'oh my God' ... She wouldn't have known, or she would have been subpoenaed a few days before ... But because I made that contact, we were able to get her into a [Hearing] Clinic, get her really well prepared ... her OIC unfortunately, just was not very engaged with her at all (HS2).

Others explained the Pilot's success achieving this objective centred on the worker 'being there' and working through the woman's concerns. HS14 commented:

I had one woman that walked out of the room five times, and I think if it wasn't for me being there, she wouldn't have come back and she wouldn't have followed through.

Having a dedicated worker able to stay and support a woman at court all day, 'it's that literal holding their hand through the whole thing and guiding them' that is significant (HS9). This is echoed in this comment by a Police Prosecutor:

The support person is there, 'look, we're here, don't worry, you're not alone in this journey' kind of thing ... And they're with them in the room ... whilst they're giving evidence. Because [the worker is] independent, they have got nothing to do with the matter. So it just helps and it has resulted in better outcomes where the victims, maybe if they were having second thoughts, they've gone, 'no, look, I should go through this' (PP1).

The encouragement to engage starts well before the hearing. For example, a number of Hearing Support Workers spoke about the way that making contact in advance of the hearing provides an opportunity to build trust and to have conversations about how they are feeling about coming to court:

By making contact at least a few weeks before helps [reduce the likelihood of disengaging], and having that chat about what's going to happen on the day. And I often say to them too, 'how do you feel about it?' And they'll say, 'look I don't want to be there' ... And then you have that chat about, 'well okay you don't want to be there, but if you aren't there, what do you think's going to happen?', and they'll say, 'well he'll get [away with it]' ... And I'll say, 'well do you really want that? Because this is a way for you to get a bit of ownership of your life back' (HS3).

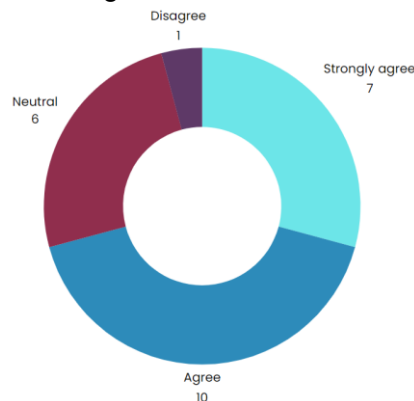
Several Hearing Support Workers noted systemic problems that work against engagement including lack of information from OICs and late serving of subpoenas. But Hearing Support Workers bridging the gap between victims and police and working with the police, prevent victims' disengagement. A worker shared feedback she had received following a 'really complex case', where the Prosecutor said:

If it wasn't for the DVCAS and the prosecutor and everyone else involved in the [Hearing] Clinic, she wouldn't have gone there and gone through the process (MG7).

Women are less likely to be an unfavourable witness if provided with support

Whether the Pilot reduced the likelihood of a victim being classed as an 'unfavourable witness' is more complex than reducing disengagement generally. In response to the survey question whether they thought the Pilot had reduced the likelihood that victims may disengage from the court process by becoming an unfavourable witness, 17 out of 24 Police Prosecutors agreed or strongly agreed with this statement (**Figure 4**).

Figure 4: Do you agree the Pilot has reduced the likelihood that victims may disengage from the court process by becoming an unfavourable witness? (Prosecutor survey, n= 24)



However, in the Police Prosecutor interviews a more mixed assessment emerged. Two prosecutors agreed that the Pilot had a positive impact on reducing the prospect a witness will become unfavourable, with one noting that the use of recorded Domestic Violence Evidence in Chief (DVEC) had also had a positive impact in this area:

[the possibility of unfavourable witnesses] has really remarkably improved, in my experience ... They understand the process, they understand what we're trying to achieve ... [and that] we're not persecutors, we're prosecutors (PP1).

Two other prosecutors, however, felt that some witnesses will be unfavourable regardless of how much support and information is provided to them:

If they're going to be unfavourable, they're going to be unfavourable. And sometimes WDVCS [workers] go, 'look, I tried, and they're not interested in hearing what I've got to say' (PP4).

In such matters, the Hearing Support Worker can ensure that the Prosecutor is aware that a victim is likely to be unfavourable. And the worker can explain to the woman what 'will happen potentially if they decide to give evidence that's contrary to what they've already told the police' (PP6) so that the woman understands the potential implications of her decision.

Case study 3: Reducing the likelihood that victims may disengage

There was one woman in particular, she wasn't going to come to court. She was facing a lot of pressure from his family. And I think I spoke to her for nearly three hours on the phone and I worked out that it wasn't that she didn't want the AVO. She knew she needed protection ... It was sort of more, better the devil you know. And so, she felt like if she complied with what he wanted, which was her not to go to court, she would be able to control his aggression ... And I just gently, it was really, really hard and she did test me, just spoke with her ...

I just said 'look, his behaviour, what this is teaching him though, is that if he applies the right amount of pressure, you're going to give in. It's not going to stop. He is who he is. He's not a nice man'. He's obviously an abusive man. Lots of mental health problems. Threatened her with firearms, things like that. Through this conversation I managed to get her to agree to come to a [Hearing] Clinic and she only had a condition one [on her ADVO application] and ... she was like I'm happy with that. But after hearing everything that she'd gone through, 'I'm like you need a one, a six, a nine, preferably a two' – which is no contact whatsoever – but they had children. I mean, 'you have the weakest AVO'. But she wasn't reporting anything. And I said 'you need more safety than this. You need more conditions on your AVO, but you need to report' ...

She came, and she spoke with the Prosecutor for maybe close to an hour. And then she turned up on the hearing date and [the defendant] actually wanted her to go down to the river at 12 o'clock [the night before] so they could talk about it. Thank God she didn't go ... She actually ended up making two statements to the police. She turned up on her hearing date. He pled guilty. He was charged. They also laid a further charge of attempt to pervert the course of justice because of what happened with the 'come down to the river'. And she got a one, six, and a nine on her AVO.

And I said [to her], 'you know none of this would have happened if you hadn't engaged with the police. I'm so glad that you did that because your safety and the safety of your children, you wouldn't have this protection if you hadn't have done that'. So that's a credit to her.

But at the start, she was like, 'no, I'm not doing it'. So, I worked with her for probably three or four months pretty consistently to get her to that point because she was pretty hell bent on not engaging with anyone. So, I was really happy that she got ... And she hasn't come back through again. That was over a year ago now.

(HS2)

Help victims give better quality evidence when their matter goes to hearing

Just being there, helping them prepare and being relaxed ... [I'm] certain that their quality of evidence is better with hearing support, without a doubt (HS28).

EVALUATION FINDING

Overwhelmingly all the people interviewed for the Evaluation agreed that **the Pilot assists victims to give better quality evidence** in a defended hearing.

Positive overall impacts on evidence-giving: Quality rather than merely accuracy

The original Legal Aid NSW Evaluation Brief expressed this objective as: 'Help victims give *accurate* evidence when their matter goes to hearing'. However, the Evaluation Team consider that increasing 'accuracy' is a limited view of how Hearing Support Workers assist victims to give evidence. The term 'accurate' may imply that the main concern is with victims who do not tell the truth or become unfavourable witnesses. The impact of the Pilot is less on whether evidence is accurate – as PP1 said, 'evidence is evidence' – and rather on the **quality** of evidence victims give at court:

[The impact of hearing support is] not about the evidence, because you can't change your evidence. What happens is basically because [the victims] have prepared and then kind of know what to expect, they are more prepared in terms of how they respond in the witness box ... especially in cross-examination (PP1).

The Evaluation Team has determined that this objective is better expressed as 'Giving better quality evidence'.

The Evaluation found that the Pilot had overall positive impacts on victims giving better quality evidence. The reasons for this were multiple and extended beyond just the support provided at court. The Hearing Support Workers and the Police Prosecutors all commented that better preparation leads to a victim being calmer when giving evidence. This is interrelated with the role workers undertake in providing information and managing victims' expectations discussed above. PP1 emphasised that victims who are supported 'know what to expect and they're more relaxed, that means they're more calm, they're clear-headed' when giving evidence.

One prosecutor summarised the impacts of the Pilot in relation to victims giving better quality evidence:

For some people, just the way in which they give their evidence would probably be a little bit more cohesive [with hearing support]. Again, because it's a very emotionally charged environment and often the worst day for people in their lives. It can provide them just a better way of answering something, especially if you've got quite an aggressive or stern talking defence solicitor. So just really simple things like how they can go about explaining something, and also understanding the court process of when a prosecutor is asking you questions versus a defence solicitor asking you a question (PP6).

Several of the Hearing Support Workers emphasised that most women had never attended a court before, and indeed a majority of the victims interviewed (Kristy, Ellen, Tonia and Philippa) spoke about the hearing being their first time in a criminal court. A key part of the role of the Hearing Support Workers was to provide information about what to expect, the roles of the key legal actors, and the victim's role as a witness within the case. The difference this makes to victims was described as 'a light bulb moment where it makes sense' (HS13).

Assisting victims to remain calm while giving evidence

A key component of a witness being able to provide better quality evidence is to be able to remain calm while giving evidence and in cross-examination. One worker from a non-Pilot site noted that victims 'sometimes can't even give evidence because they're so, so completely terrorised by the system' and that the worker plays an important role in reducing that terror so that victims are more prepared to give evidence in court (NP6). The women we spoke to echoed this. As Kristy shared, '[the worker said to me] "just stay calm, breathe", small stuff like that. I probably would have panicked when I got in there'.

Kristy explained that she gave her evidence in the court room, because she wanted to show her former partner that she was not intimidated by him. The Hearing Support Worker accompanied her into the court room and provided her with support:

It made me feel more comfortable [having the Hearing Support Worker there] because I couldn't talk to my mum that day. Because she was a witness, and I couldn't go near her. My boyfriend wasn't allowed in the courthouse. It was just me, [the defendant], defence lawyers, the judge, and all that other stuff. Having her in there, someone that I at least know and like and feel comfortable around, it made me feel more at ease. And I didn't feel as nervous. I was a little nervous when I first sat down because I didn't know what to expect. But after the first few questions, and I think [the Hearing Support Worker] sitting there at the back just watching me. It was kind of like an encouragement not to feel scared and just to stay calm. Just tell your story, and just be certain about the things you say. I just remembered everything she told me, and it made me feel so much better.

For women who gave their evidence via AVL, the physical presence of the worker in the AVL room was identified as important in assisting victims to be calm.²² Workers described their presence as like a 'security blanket' (MG13), as a 'grounding person' (HS20) meaning victims are 'less likely to emotionally crash' (MG13). The nature of this support was captured by HS24 who said 'I've had the living life squashed out of my hands in those AVL rooms. We are not allowed to talk but I might give them my hand. I always have a hair band and I might give them that to flick as a distraction'.

Ellen described the worker helping her with 'breathing techniques to try and help me slow my heart rate down', 'to get me to meditate and do just different things' and allowing her to play her own music in the safe room. She said the Hearing Support

²² Practices vary across courts, and while at most courts the Hearing Support Worker is permitted to sit in the AVL room with the witness while she gives evidence, this is not always allowed. At least one WDVCS has an AVL in its office location. This has a number of benefits for women: they do not have to attend the court where they might encounter the defendant, and it is possible to bring their children along if they cannot arrange childcare. This is a more comfortable and less intimidating environment for women and their children.

Worker was 'just so accommodating, and it was freeing'. Many workers mentioned, and the Evaluation team observed, such techniques to keep women calm.

The important role of the Hearing Support Worker in assisting victims to remain calm is particularly pronounced for those victims whose evidence is part-heard because they are unable to speak to anyone about their evidence during the period of the adjournment (whether that is for a lunch break or a lengthier adjournment).

Case study 4: Assisting victims to remain calm while giving evidence

We had a ... [young woman] attend the [Hearing] Clinic, really strong within herself. She was supporting the other girls at the Clinic ... it was beautiful to watch. We were like, 'oh, she's going to be great at the hearing. She's just got it all together' ... I said to her, 'I'll be there on the day'. It was great that I'd already met her at the clinic. She walked out. She had a really big support group with her. I was like, 'oh, she might not even want to be in the safe room'.

[But on the day of the hearing at court] as she was walking towards me, I was like, 'are you okay?' Boom, she [fainted]. For someone who was so strong in the Clinic and strong about what she wanted and [she] wanted to see this through.

She's probably been my hardest one to deal with on a hearing day. She just completely lost it and had a panic attack, which was completely understandable ... [When] the prosecutor started just running through things [with her on the day], she got really defensive. She thought the prosecutor was against her ... She said she wanted 'to give evidence and I'm going to go into the courtroom'. The prosecutor and I looked at each other and we were like, 'how is she going to go in there? She can't, she was just a mess'. As we were about to walk in [to the court room], she grabbed a hold of my hand, she's like ... 'I can't'. And I said, 'well, you don't have to. We can go into the video room'. She said, 'wait, no, I can'. And she was about to walk in, the prosecutor turned around and said, you have to go in with her. So, then, I sat in, and she just kept eye contact with me the whole time. And I was just there going like ... 'Relax. Relax'. And we eventually got through and she got the outcome.

So, to be able to walk her through that [Hearing] Clinic to the hearing, manage all her emotions on the day, I feel is a pretty good overview of what the Hearing Pilot is. And being able to do that and be with her through all those steps to the very end and managing all that with her.

(HS9)

Explaining the role of the defence lawyer and what to expect in cross-examination

Hearing Support Workers all emphasised that a key part of their role is to explain to victims the role of the defence lawyer and what to expect in cross-examination:

I explain the burden of proof and beyond reasonable doubt. And [the defence] job is to come in and cast just enough shadow of doubt over it that it doesn't meet that burden of proof, and it gets dismissed. So, part of the way they do that is to try and make you feel like you're lying. And some of them will say to you, 'I put it to you that you're lying. You're making this whole thing up'. And when you're in that moment and you're being questioned it can feel really unpleasant because it feels like a personal attack (HS2).

Explaining that the role of defence lawyers is to test the evidence was seen as key to assisting women to remain calm during cross-examination. HS1 explains to her clients:

To really just stay calm. Not to get angry or riled up, because that's the defence, their role is to turn it around even though it's not fair that that happens, but that is what will possibly happen. Just stay calm and not to give too much information. Obviously, just state what's happened and, obviously, be truthful and honest on the incident.

This information assisted the victims we interviewed to know the types of questions that might be asked, the purpose of them, and how best to respond:

[The worker explained] 'they're going to try and confuse you. Just explaining the point of him defending himself is they're probably going to try and paint you in a bad light' ... She said, 'don't get angry, because if you start getting angry, they're going to try and use that against you. Just be calm and just tell them your version of the events' (Kristy).

Several workers spoke about how they provided victims with information about 'how to answer questions' in terms of the style of answer – 'keep your answers short and sharp' (HS16) – and on who is questioning them:

We talk them through the process of, if the Police Prosecutor's asking you questions, he's trying to get more information from you. That's okay, give it to him. If the defence solicitor is asking you questions, short sharp answers, don't give them anything... They're going to take you off on a tangent and try to trip you up, because that's their job (HS26).

One of the Police Prosecutors explained the positive impact of victims being more prepared for the nature of cross-examination:

That's where we have seen really good gains [through the Pilot], where they're more confident in answering questions, they understand the defence solicitor is just doing their job, not to take it personally, not to get carried away (PP1).

Emphasising the importance of telling the truth

A key message conveyed to women by Hearing Support Workers is the importance of telling the truth, or admitting if they cannot remember something, even when they think it might be viewed negatively. One worker described what she says to women:

I need you to tell the truth. Because the moment you lie, it's over ... And all [the defence have] got to do is prove, for example, 'oh, so you only had one drink that night?' ... 'Oh, your Honour, Exhibit A, this is a picture of the victim on the bottom of the floor with vomit round her mouth' ... [so I tell women] to be honest, because it actually paints you as an honest and reliable witness ... At the end of the hearing there's no greater joy than to hear the magistrate do her observations, where she'll say 'I found the victim to be credible

when giving evidence ... upon cross-examination, when asked about ... the night in question with regards to the alcohol, she was very honest and forthright' (HS13).

The importance of this was appreciated by the victims that we interviewed:

Interviewer: How did the support worker prepare you for the hearing, that prospect of giving evidence? What kinds of things did they help you with?

Tonia: I would say just telling the truth, like don't try and make anything up, or try and exaggerate. Keep it just to the facts.

Helping women to focus on the incident that is the subject of the charge

Hearing Support Workers also assist women to focus on the incident that is the subject of the charge, not the full range of violence and abuse that they might have experienced in the relationship. As MG5 explained, 'there's usually lots of incidents. So, it's very easy for someone who's been in that space to go back to other episodes' and the role of the worker is to get the woman to focus on the incident that the magistrate wants to hear about today. Tonia spoke about the importance of the worker clarifying this. Although the behaviour had occurred 'many, many times before', so it 'blurs together', because of the advice her worker gave her, she knew that she had to focus on the charged incident when giving evidence, and:

Try and keep it to the facts of that incident alone, because as soon as you start to try and bring other aspects in, or something like that, then they can open the case up, I guess. And so, just keeping with what had happened on the day, and only talking about what's happening on the day, and not getting emotional about other aspects of what has happened in the past. And I think that was really important as well, because I think you can easily get side-tracked, but what you're there for, is for that particular reason.

Providing practical information in relation to giving evidence

The Hearing Support Worker performs a crucial role in providing victims with practical tips about giving evidence. For example, information about court room etiquette such as turning off mobile phones, not speaking while the magistrate is speaking, only speaking when spoken to, and standing when the magistrate enters and leaves the court room. This was particularly important for women who had never attended court before, such as Kristy:

I'd never even walked into a courthouse prior to the incident that happened ... So, I had no idea what to do, what to say. And she just said to me, even just small stuff, like, when you walk into the courtroom, you do want to bow. I had no idea you even had to do that.

Other practical tips included advice that women can ask for a question to be rephrased if they do not understand it, and where to look when giving evidence:

I'll say, 'if you want, just focus on me. Look at me or look at the magistrate. You don't have to look at the person who's asking the question. You can look at me.' And I've had people say in the past that that really helped (HS1).

Workers also explained to women that it is understandable to be emotional when giving their evidence and provided advice that they could ask for a break if needed:

Interviewer: Can I ask, how did you know that you could ask for a break?

Ellen: I was told by the lady that was with me ... The Hearing Support Worker ...I wouldn't have known anything, had it not been for her.

Importantly, the Hearing Support Worker stays with the woman if they take a break:

I've had women having to take a five-minute break and vomit. And I'm just there for them ... And I reinforce that [they're] doing really well. And this is tough (HS13).

Other Hearing Support Workers mentioned that they have interrupted proceedings when they have observed the woman becoming overwhelmed, or have let clients know to indicate that they would like the worker to request a break:

Sometimes in that moment too you can see that it's all too much for the client, and the magistrate and the Police Prosecutor [won't] always say, 'do you need a break' ... I've actually said to a client before, because we cannot [speak in the AVL room] ... So, I'll say, 'look you've got the tissues there, just slide them over, if you can't say it, slide them over to me, and I know you want a break' (HS17).

HS2 explained the multiple times a witness may need a break when giving evidence:

If you feel yourself getting really angry or even if you feel yourself, you're going to cry uncontrollably you're entitled to breaks. You can take as many as you need. This is one of those situations where you have some power, take a break ... [T]he defence solicitor is never going to step in when you're getting angry and they're never going to step in when you're going off on a tangent because that's what they want ... So, if you feel yourself getting agitated and angry ... That's when we need to take a break.

Workers also gave examples of advising women to view their DVEC or re-read their written statement prior to the hearing, and facilitating access to it. This is important because in many cases the incident will have taken place some time ago. The worker will sometimes sit with the woman while she reads or views the statement.

Providing support after the evidence has been completed

The Evaluation found a key role played by the Hearing Support Worker is providing positive and supportive feedback to the victim while she is giving evidence, during any breaks in that evidence but also after the evidence has been completed:

We are able to reassure [the woman] at the end of the day too when we say 'that's good. You did really well, you know'. And weirdly, it sounds nothing, but it makes a massive difference (HS20).

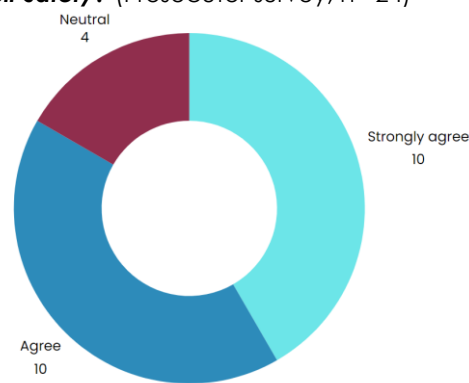
Helping victims obtain ADVOs with appropriate conditions to ensure their safety

EVALUATION FINDING

The Evaluation found widespread agreement that **the Pilot assisted victims to obtain ADVOs with appropriate conditions to ensure their safety.**

Overwhelmingly stakeholders agreed that the Pilot assisted victims to obtain better tailored ADVOs. 20 out of the 24 Prosecutor survey respondents agreed or strongly agreed the Pilot had achieved this objective (**Figure 5**).

Figure 5: Do you agree the Pilot has helped victims obtain ADVOs with appropriate conditions to ensure their safety? (Prosecutor survey, n= 24)



Working with women from the beginning

One of the core functions of WDVCSAs generally is to assist victims to obtain more appropriate ADVO conditions. In recognition of this, some of the Hearing Support Workers commented that their work in this area starts from the first client contact and continues up to and beyond the hearing date. This means that workers have multiple opportunities to explore women's safety needs to ensure that ADVOs are tailored to their circumstances and take account of changes over time.

Hearing Support Workers regarded the time that they have available to work with women, their skills in obtaining information about women's circumstances and the simple fact that they are not police as factors that assist in ensuring that victims obtain ADVOS with more appropriate conditions. As HS13 explained:

Sometimes when you're sitting with a victim, it just comes out of the blue ... Then you go, 'yes, that's a problem. And maybe condition 11 we can tweak that to help you', where the victim wouldn't have said anything beforehand ... by talking, you get a sense of who and what they've endured. And stuff they wouldn't even disclose to police.

Prosecutors also noted that the time workers have available, the workers' skills and the fact that they engage in these conversations earlier means that:

At the end of the matter when it's time to discuss what AVO conditions they want, [the worker has] already had that conversation and [can say] "this is what she wants." ... That's done behind the scenes, and I don't even have to worry about it (PP4).

Ensuring that victims' voices are heard

The Hearing Support Workers' advocacy ensures that women's views about what will enhance their safety are conveyed to the police. Many Hearing Support Workers emphasised that without the information that they provide to women, many would be unaware of the possible orders that they can seek or that they can have input. As HS14 and HS15 noted, obtaining appropriate conditions 'would not happen' without their intervention because victims simply lacked knowledge about what was possible. As Tonia said, 'I had no clue about different [orders]'. MG5 explained:

[Without support women] can be bamboozled into agreeing to things they may not ... want. So, just making sure that their voices are heard, and that they understand their own rights and their roles in the process, I think is really, really important.

Some women may not want stricter conditions, or any ADVO, and the hearing support role involves ensuring these views are heard. Tonia did not want additional conditions on her ADVO, because 'I had already created protection for myself'. Marie similarly explained she was happy that no final ADVO was made because she had not wanted one. These women appreciated that their Hearing Support Worker supported them to obtain the outcome that worked best for them.

The relationships that Hearing Support Workers build empowers women to ask for what they need, 'Whereas if you didn't have that worker in the middle, the victim may not feel she can ask for that, she may not feel she can say that, but having that person in the middle is vital' (MG2). Sharna noted that she didn't think the police would have listened to her without the Hearing Support Worker's advocacy:

[The Hearing Support Worker] said that it would be better to have those extra conditions put in place just for your own safety and peace of mind ... [And] she's the one that pushed for them [with the prosecutor]. Because I think if it had just been me on my own, they would have just disregarded what I'd said, basically, and done what they wanted. I think it was only because they had the third party there that they stopped and listened.

Conveying information from the woman to the Police Prosecutor

The Police Prosecutors were particularly positive about the way in which Hearing Support Workers can obtain relevant information from victims and pass that on to them to inform the ADVO conditions:

[The Hearing Support Worker] will provide other information in relation to the AVO conditions. They might say they've moved address ... They're having trouble with one of the conditions in relation to the children. For example, the agreement in writing isn't working and we can work through those types of things for a condition six on an AVO. They just give me lots more information about how to help the victim (PP2).

PP3 noted that the police may prefer talking to women in the presence of a worker:

So, the outcomes for AVOs I've found it a lot easier to talk through suitable conditions when there's a worker there ... I think more appropriate outcomes that we're all more comfortable with. And it's not just us telling them what to do. It's someone on their side.

Explaining ADVO hearing outcomes and safety-planning post hearing

Regardless of whether the ADVO is made in the terms the woman wanted, or not at all, a key function of the Hearing Support Worker is to manage their expectations about the likely outcome, explain the outcome, and to assist the woman with any ongoing safety concerns. While explaining outcomes is something that police or prosecutors should be doing, Hearing Support Workers and women noted this does not always happen and when it does, workers may deliver news more empathetically:

What the OIC might put across to a client in their ... not at all trauma-informed, not in a DV space, type of lingo ... it can come across as quite blunt and uncaring. Like, 'oh, sorry you didn't get the AVO, if anything happens give us a call'. Like 'gee thanks' (HS16).

Safety planning, regardless of the ADVO outcome, was also critical:

[When] we provide them with the court outcome, we make sure that they get what they need. If there's safety concerns, we make sure that we link them with service providers ... depending on their AVO conditions, if there's no contact or anything like that, obviously it's going to impact their financial situation and the perpetrator is no longer able to live in that property, and they have to pay the rent [on their own]. So, we make sure that they are well-supported after so they don't go back to that relationship (HS4).

Case study 5: Ensuring victims' voices are heard in the ADVO process

Whilst we can't guarantee that the magistrate is going to rule in their favour, we can be that advocate for them to say, if this doesn't make you comfortable, if this isn't what you want, then you can say, 'this isn't what I want'. And with that, I'm talking about things like changing AVO conditions ...

I had a situation where ... [the prosecutor] was really trying to push for the hearing not to run. So, [the prosecution] were willing to concede, I think, the charge, and then have the AVO withdrawn. And I could see on the client's face she wasn't sure, and he was very clever with how he was doing it, and trying to paint that it would be better for her if it all just went away. And then I said to him, 'can we maybe have five minutes just to have a chat and let the client have some time to think about this before she makes a decision?'

And I feel that if we weren't there to do that, she may have been pressured into going, 'okay, well, I don't really need this anyway, there hasn't really been much happening'. Because he's saying, 'well, nothing really happened, so you're okay at the moment, aren't you?' And I say, 'okay, what if the AVO wasn't in place? Then how would you feel?' So, just giving her time to reflect on what was actually happening and what the result could mean for her, because she might say 'okay', then go home and go, 'okay, well, now I'm really [stuffed], because I don't have an AVO anymore'. So, just making sure that their voices are heard, and that they understand their own rights and their roles in the process, I think is really important.

(MG5)

SECONDARY OBJECTIVES

The Evaluation Brief identified four other matters that the Pilot program was expected to assist in, in addition to its primary objectives. These secondary objectives were:

1. Increasing successful prosecutions of DFV-related criminal offences;
2. Reducing the withdrawal rate for DFV-related matters;
3. Reducing the negative impacts of the current hearing backlog in the Local Court on victims; and
4. Ensuring the efficient and effective administration of justice.

In this section of the report, we address three of these secondary objectives. 'Reducing the withdrawal rate' has been addressed briefly above under the primary objective to reduce the likelihood that victims may disengage from the court process. While withdrawal of matters may result from a wide range of factors, it is more practical to include reducing withdrawals within that discussion given that victim disengagement will often result in the withdrawal of a matter.²³

Increasing successful prosecutions of domestic and family-violence related criminal offences

I was told by everyone [the Hearing Support Worker, the Police Prosecutor and the OIC] 'hope for the best, but expect the worst', because mine was a very rare case: I had eight years of abuse, no [independent] evidence, so it's my word against his. And I hoped for something, for guilty on some things. I was not expecting guilty on everything ... we were ecstatic, and then the same thing with the sentencing. I honestly thought he was going to get a slap on the wrist and some community service, but he got two years (Ellen).

Reasons for any increase in successful prosecutions for criminal offences is complex to assess. There are multiple components, individual and institutional, that mean that measuring what 'assists' in this area is multifaceted, and even if support provided by a Hearing Support Worker 'assists', it does not necessarily mean that a conviction or finding of guilt will follow. The Pilot has been introduced in an environment in which there have been improvements and innovations²⁴ that also have an impact on successful prosecutions. It is also an environment which continues to experience court delays due to the COVID-19 pandemic. For these reasons mixed views were expressed about whether the Pilot assisted in increasing successful prosecutions.

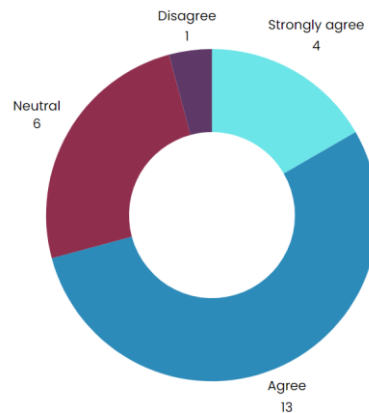
Some workers were of the view that the Pilot has had 'a huge impact on outcomes' (HS10), often because victims 'turned up at court. There's a lot that wouldn't even turn up' without the Pilot (HS3).

²³ Ellison (n 21).

²⁴ For example, the introduction of DVEC in 2015, and the closure of the courtroom for victims' evidence from November 2020. Although it is important to note that a number of measures designed to assist victims of DFV do not apply in standalone ADVO proceedings – a gap that was highlighted by some Hearing Support workers in their interviews.

Seventeen of the 24 Prosecutors surveyed also agreed or strongly agreed that the Pilot had assisted in this area (**Figure 6**):

Figure 6: Do you agree the Pilot has increased successful prosecutions of DFV-related criminal offences? (Prosecutor survey, n= 24)



A major reason why the Pilot was seen as having a positive impact in this area was that more victims are attending court and this means that negotiations are more likely, there are 'less failed prosecutions', women were 'more aware and effective in giving their evidence' (HS10), and as a result an increased likelihood of guilty pleas:

The early pleas and add-on pleas on the day of court now have increased because we're getting the client to court. And once the Police Prosecutor speaks to the defence, just by that woman showing up, the other party might go, 'oh, I plead guilty, she came' (HS15).

One of the Police Prosecutors agreed with this assessment:

I'd say probably 80% of matters where the victim turns up to court the offender pleads guilty. Most offenders because they know the victim is pretty much the only witness and there's no other evidence, that if the victim doesn't come, then the matter will be dismissed. What we just try to do is get people to turn up because eight out of ten times I think the offender pleads guilty. Getting victims to court is the best thing we can do (PP2).

Another aspect of the Pilot that may assist in more successful prosecutions is that Hearing Support Workers work with women to ensure that all relevant evidence has been provided to the police:

I've definitely worked [with] a lot of women to make sure that if they've got any evidence that they give it to the police. One of the things I do say to women when I first make contact is, 'are there any text messages or any forms of evidence that the police haven't been made aware of that relate to this matter that you think they should have?' And sometimes they go 'oh, yes'. I'm like, 'okay, so let's get that to them and make sure they have it and it's in the brief on the day' (HS2).

Case study 6: Outcomes beyond just successful prosecutions

It's happened [at regional court] last week ... Police asked us to [attend court], and [the young woman] was petrified of this man. The incident that she reported to the police, he pulled a gun on her and threatened to shoot her, and then he actually fired a shot in the air. So, it was quite serious, but [the woman had] never engaged with our service. It was the police that asked us to come and support her at court.

And so, I'm sitting with her and she's bawling her eyes out and she said, 'I'm going to be the next ten o'clock. That'll be me. I'll be on the news. He's going to kill me' ... [There is a Staying Home Leaving Violence Program (SHLV) in this area] ... So they'll work with victims. [The victim] just has to be happy to have police involvement and be willing to end the relationship with this man. But they'll work with security upgrades and things. I could tell by the way this woman was talking because she said 'I haven't heard from anyone' - very rarely do you get to the hearing process and a woman hasn't heard from anyone. Services will have tried to make contact they just haven't engaged. And I thought the moment you leave here today you're going to put a line through this and you're going to be out in the wind again. But your safety risk is still going to be quite significant. That's not going to change.

So, I rang the SHLV worker, and I said, 'can you come down to the courthouse and meet with this woman? She needs something. She can't leave here today with nothing'. And so, [the SHLV worker] came down and they had a face-to-face consult, and it turned out that they had tried to make contact with her. She just didn't answer calls. By the end of the day, [the victim] had a duress alarm, she had security cameras, dash cams, all that kind of stuff put in place for her safety moving forward for her and her kids.

So, in that sense it's really helpful because you can identify the areas where ... her safety was at risk. This man is unhinged. Very extensive criminal history. He actually got let off on time served that day. So, if he wasn't bail refused for other matters he would have been straight back out to her house. So, to be able to identify that at court with women who don't engage with anyone, and to get that put in place, that was pretty amazing.

I think that's one area where hearing support really works because you can have these conversations with these women while they're waiting. There's usually a lot of time to have these chats and identify those risk areas and those concerns and put things in place for them moving forward ... [Now] she's with SHLV now who are going to work with her on safety planning and things like that. And she didn't have that before.

(HS2)

Outcomes beyond just successful prosecutions

Other Hearing Support Workers and prosecutors were more circumspect about whether the Pilot has increased successful prosecutions, noting how difficult it can be to prove DFV charges beyond reasonable doubt. There are numerous other ways to consider and frame 'success' in a system in which gaining a conviction remains challenging.²⁵ A key role played by Hearing Support Workers was assisting women to identify these other outcomes:

Even when an outcome might not go the way you would hope for the PINOP, explaining to them, well, the psychology of it is that 'you've held that guy to account now for his behaviour. And even though you may not have got what you want, he knows now that you're prepared to go to police, so hopefully, that has some impact on him'. I mean, it's not the same as you saying, 'yes, you've got an AVO and he was convicted'. But I think that's part of hearing support as well in a way (MG11).

Critically important was workers conveying to the woman the strength that she has shown in giving evidence; it may be the first time her voice has been heard:

Throughout your relationship with this man obviously you were being abused. You couldn't voice your needs. You couldn't voice your concerns ... He would have stood over you, gaslit you, intimidated you every time you tried to stick up for yourself ... For the first time throughout your relationship, this is your time to stand up in a courtroom full of people, tell your version of events, and for the first time ever he can't do anything to you. He's sitting in the courtroom. He has to listen, but he can't say anything to you ... So regardless of the outcome this is your opportunity to finally speak up in front of him and he can't do a thing ... Reframing it like that I find helps. And then they're not as attached to the disappointment [if a finding of guilt does not result], if that makes sense (HS2).

Hearing Support Workers would also point out that an acquittal does not mean that the woman was not believed:

We say to them, we can't control the outcome ... It's in the hands of the magistrate ... But just reiterating the importance of them being able to speak their truth and have their side of the story heard, I think that a lot of women, from my experience, find that really empowering to know that although it might not go in their favour on the day, it doesn't mean that it didn't happen and that we don't believe them (MG5).

Managing expectations of outcomes

As reported earlier, a common theme throughout the interviews with the Hearing Support Workers was how they manage women's expectations. The Evaluation found this is a particularly important in relation to potential outcomes of the court proceedings. As HS7 explained, their role involves:

A lot of expectation management ... I guess [I] talk to them about what the most likely outcomes could be, really ... That doesn't make it better, but at least with all that information, we're preparing them for, 'I know you want this [a conviction on all charges], it may not happen and it may look like A, B, C or D'. They take it a little bit better when they've at least had a bit of time to process.

²⁵ Heather Douglas, 'Battered Women's Experiences of the Criminal Justice System: Decentering the Law' (2012) 20(2) *Feminist Legal Studies* 121, 132.

A few workers noted that some women assume that the defendant will go to gaol if convicted, and how they needed to explain that if the defendant has no criminal record this is unlikely.

Negotiations around charges and the content of charge fact sheets and ADVOs are often a part of the prosecution process 'that's a bit of a shock to many people' (HS10). Hearing Support Workers prepare women for this possibility:

So often those negotiations take place, and they require a woman to accept amended facts, that sort of thing, the whole plea bargaining that goes on there in the safe room. And I think that's another area that's really potentially positive or negative for women because I've seen women get really upset at the idea of removing, 'let's just cross out the bit where you said he choked you'. And I think that's huge because they're thinking, 'well don't you believe me that that happened'. And having to be faced with the option of essentially saying it didn't happen or having him walk out without a conviction ... And it feels like a compromise that shouldn't have to happen (HS28).

Successful results achieved through negotiations can be a relief for many victims who do not have to give evidence or be cross-examined. There can be an interplay between managing expectations in relation to the criminal charge and any associated ADVO to ensure that women make an informed decision and achieve the best possible outcome for their safety:

I've had a couple where ... It's not going to get up in a hearing but it's going to a hearing. And the Officer in Charge has come in and said, 'we're looking to withdraw the charges. If we withdraw the charges, he's going to accept an AVO'. So, it's explaining to the women that, 'yes, we believe you, but you are going to walk out of here with a two-year AVO. That's got your protection, the right conditions for you'. If we weren't there, that all that could just be withdrawn (MG7).

Carefully communicating the outcome with a focus on safety planning

The way in which the outcome is conveyed to victims is important. This is powerfully conveyed by Kristy describing the Hearing Support Worker informing her of the result:

I just had a feeling that when I saw [the worker's] name pop up on my phone ... Just intuition, I knew it wasn't good news to begin with. And when I picked up the phone, she said, 'hello ... are you back in [town]?'. Just trying to have a little friendly conversation to ease me into it a little bit. She said, 'I haven't got good news, I'm really sorry'. She was very sympathetic and apologetic about it. She was obviously very disappointed herself which made me feel better. Not like she's just breaking cold, hard news and not caring. It seemed like she actually cared.

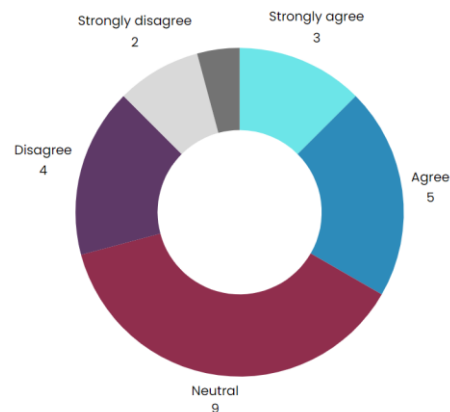
The Hearing Support Worker is not merely focused on the hearing outcome, but also on future safety and referral needs, knowing that they can reach out to the worker in the future and continue reporting offences and breaches to the police:

You've just got to tell them [the likely outcome] ... but also knowing that you have to offer future advice as well ... to offer future safety planning. Like that one I had yesterday, it wasn't as strong as she wanted. I knew he was going to get a corrections order, but it was just a lot weaker and now they've got family law stuff going. But to be able to go to her, I know this is not 100% what you want today but here is what we can do for the next few months. Here's how we're going to support you ... You can see when it registers with them and they're like, 'okay'. Just saying, 'I know it's hard, but we'll get through it' (HS9).

Reducing the negative impacts of the current hearing backlog in the Local Court on victims

This secondary objective is beyond the scope of the provision of hearing support and is an outcome that is difficult to measure or assess. This was clearly reflected in the mixed views expressed by Prosecutors in the Prosecutor survey when asked whether the Pilot had reduced the negative impact of court delays (Figure 7).

Figure 7: Do you agree the Pilot has reduced the negative impacts of the current hearing backlog in the Local Court on victims? (Prosecutor survey, n= 24)



The *Local Court Practice Note Crim 1* provides that summary offences for DFV offences should 'be listed for hearing within 6 months of the charges being laid'.²⁶ However the COVID-19 pandemic had a negative impact on the ability of the NSW Local Courts to hear and finalise matters in a timely fashion, and the courts are continuing to experience significant delays. In December 2022 the NSW Bureau of Crime Statistics and Research (BOCSAR) reported that delays in the Local Court had increased 'significantly over the last four years due to COVID-19--related disruptions to court operations'²⁷ and that:

Domestic violence cases have been particularly affected by the increase as a third of defended hearings involve a DV charge. Last year, a typical contested domestic violence matter took 271 days to finalise in the Local Court, more than 100 days longer than in 2018/29 (160 days).²⁸

More recent data from BOCSAR continues to show substantial delays for defended hearings (not confined to DFV-related charges) with 296 days being the median time between arrest and finalisation of a defended hearing in the Local Courts in 2022/2023.²⁹

The experience of court delays is not shared evenly across NSW Local Courts; some Hearing Support Workers reported that hearings in their area were being listed within

²⁶ Local Court of NSW, *Practice Note Crim 1: Case Management of Criminal Proceedings in the Local Court*, 18 December 2020, para 10.2.

²⁷ BOCSAR, '[COVID hangover causes jump in court delay](#) – NSW Criminal Court Statistics Jul 2017-Jun 2022' (Media Release, 15 December 2022).

²⁸ Ibid.

²⁹ BOCSAR, *NSW Criminal Courts Statistics Jul 2018 - Jun 2023* (NSW Criminal Courts Statistics, December 2023), '[Table 6: NSW Higher, Local and Children's Courts July 2018-June 2023: Number and Median Court Delay \(Days\) for Finalisation by Defended Hearing/Trial or Guilty Pleas, by Bail Status and Court Level](#)'.

3-6 months from the first mention, however other workers commented that the wait was 'a year or more' (MG12). These delays were further compounded when matters did not commence on the designated date, or were part-heard, necessitating a lengthy adjournment. For example, the Evaluation Team observed one case where the woman had waited all day for her matter to be heard only to be told at 4.00pm that it would not commence that day. This case was then re-listed nine months later (Observation August 2023). The incident that was the subject of the charge had taken place in 2022. One worker eloquently described the impact of this on the victim, the worker and other key professionals:

That can be terrible [when a case gets adjourned] because you've sat there all day. And [being told] 'it's happening'. 'It's happening' ... there comes a point where, I think especially around lunchtime, if you don't know what's going on ... by the afternoon [the victim is] so worn out from nothing ... I [even] see the police slouching out. And especially when they go, 'oh, they put it over for two months'. And I've had victims actually where there's a few who lose it. And do you know what, some of the support workers get upset. And I go, 'you've just got to let her [the victim] vent', because I mean it's awful. And it's out of our control ... I thought, a victim that's victimised again, just harrowing (HS13).

Even in courts without significant delays, cases may be adjourned multiple times adding significant time from the date of the incident to the hearing. One worker spoke about a woman she had assisted whose matter had already been adjourned 'six or seven' times when she was first put in touch with her (HS2).

Relating to primary objectives, these delays impact on whether women remain engaged in the process, or start to disengage, and also on the quality of evidence that victims provide given the passage of time. As MG10 explained:

Even at the beginning of this year [2023], they were still doing some matters that were from 2020, you know because things just got pushed back and pushed back [because of the impact of COVID-19]. So I think sometimes what I'm seeing is there's strong engagement [from victims] when we make that initial call and they're wanting that support and ... they're ready to proceed and then you ... give them that news of, 'the hearing won't be now until [much later]' ... And sometimes they're OK with that [and at other] times it's very stressful.

This worker went on to explain that 'a lot can ... happen in a year' which may determine whether a victim continues to engage in the matter or withdraws, including recommencing the relationship, and continuing pressures from the defendant. Lengthy delays between the incident and the final hearing mean that women have 'this ongoing thing that's hanging around their neck and it's very hard for them to understand' why they should revisit a traumatic incident (HS16).

Ensuring the efficient and effective administration of justice

There are many dimensions to what might be considered the efficient and effective administration of justice that makes this objective difficult to assess. It is clear that the Pilot provides a number of efficiency benefits in helping the police and prosecutors, and in assisting matters progressing when they might not have otherwise done so.

Many interviewees were of the view that the Pilot does contribute to efficiencies in the criminal legal system. For example:

The police do all this amazing work, they arrest people, they do stuff and then no one turns up for court, so that's all gone and then they have to start again. So, if you're looking at just how much it costs the system, if we were to do an evaluation on that, it costs a lot to go through all that policing, all our stuff that we do, and then it all falls over (HS9).

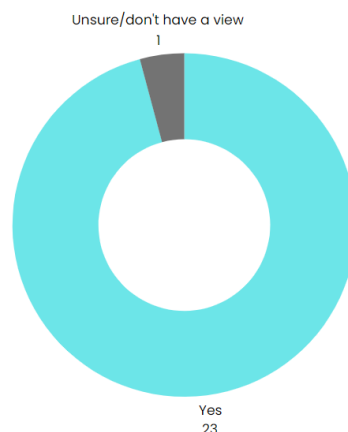
I think from the court's point of view, surely having more PINOPs turn up for hearings and being encouraged to turn up for hearings is going to save an awful lot of time and effort. And I guess, money in the long run as well (HS11).

The Hearing Support Workers can fill in gaps in the system and save time for other actors such as court staff, but particularly for members of the police such as Police Prosecutors, OICs and DVOs. HS6 remarked that the regular contact of the workers with the victim between hearings, reduces 'the DVLO's workload, because we're the ones that are getting on those phones and calling'. The Evaluation Team note that some of the apparent efficiencies provided by the Pilot involve Hearing Support Workers conducting work that would otherwise be undertaken by police:

I also think we take a lot of work off the police ... we explain a lot of the stuff that they don't seem to have time for. And keep [women] updated with the court result. If they didn't have the result that day, we can keep closely in touch with them and get them the result and go over it and talk to them about it ... I think we actually do quite a lot of police work, where they can't, they don't have time to do, which is not a judgement on them, really ... So I think we take a lot of work off them in a way (HS19).

Indeed, the vast bulk of Police Prosecutors agreed that the Pilot had helped them in their work (**Figure 8**).

Figure 8: Overall, do you think the Hearing Support Pilot has been helpful to your work?
(Prosecutor survey, n= 24)



The Hearing Support Workers' regular contact with victims might also mean that Prosecutors receive information about the victim that they would otherwise be unaware of. This means that the Police Prosecutor 'at least knows what to expect' in advance of the hearing day and can decide how to proceed (HS9). Police Prosecutors shared these views:

The Hearing Support Workers at the various courts have been instrumental in maintaining contact between mention dates and defended hearing days and often give invaluable information in regard to the current state of the relationship, whether the victim is in fact engaging with support and whether and why they will be unfavourable. Hearing Support Workers in our area seem to have a keen knowledge of what information will assist prosecutors do their jobs and make the court process streamlined (Prosecutor survey).

A number of the prosecutors mentioned that the Hearing Support Workers save them time on the hearing day which they might otherwise spend liaising with the victim:

The complainant will want something from the AVO or want to change it, ... and they will want to give the five, ten-minute background ... the worker distils that into five, ten, 15 words and can then approach you at the bar table with a note saying this is what they're seeking ... They give you the highlights ... I could not speak highly enough of that service that they provide (PP3).

MG3 described that from their perspective, being a bridge between the police and victim improves the situation for victims who might otherwise be provided less information in a very rushed manner:

I think police are really not good at giving information in a gentle way. And I think that DVCAS workers do it so much better in a more caring manner and considerate, and they give the time ... I think it helps the prosecutor at court because we're giving information to the client, it saves them having to do it, and because they are always rushed, we can relay the information slowly, so the client understands.

On the hearing day, the Hearing Support Workers' involvement was identified by some Police Prosecutors as invaluable:

Often, I need the police officer in court with me once they've given their evidence helping out with other witnesses and other evidence and things. So, it definitely makes it much easier for me ... Even just arrangements like with whether or not they want to do AVL. Or sometimes people need to leave at a certain time because they've got to pick up kids or maybe they need a break, because they've just got a newborn baby and need to breastfeed. All those little niggly things that we often don't get time to knot out, they generally will get all that information (PP6).

WHETHER THE PILOT SHOULD BE CONTINUED AND EXPANDED

Court is horrible, soulless, designed to provide appropriate justice to the accused. Foyers are full of defence lawyers and offenders. The odds are stacked against DV complainants by the very nature of the offending as well as the law being against convicting with only one witness. Not only do they [Hearing Support] provide complainants with someone else on their side, they are invaluable in assisting Prosecutors explaining what's happening and negotiating suitable orders for ADVOs (Prosecutor survey).

EVALUATION FINDING

The Evaluation Team concludes that **the Pilot should continue to operate** and, indeed, the Hearing Support program should cease to be a Pilot **and be funded on a continuing and permanent basis.**

The Evaluation has found that the Pilot met all its primary and secondary objectives (to the extent that these could be measured or assessed). The Evaluation has also documented multiple key benefits of the Pilot that illustrate the valuable role that Hearing Support Workers perform within the criminal legal system's handling of DFV-related charges and ADVO matters. While the Evaluation was in progress the Pilot was geographically expanded to all 27 WDVCSs operating across NSW and for a further 12 months. The Evaluation concludes that the expansion was sensible and now the Pilot should be permanently continued.

Support for the continuation of the Pilot was overwhelming across all stakeholder groups:

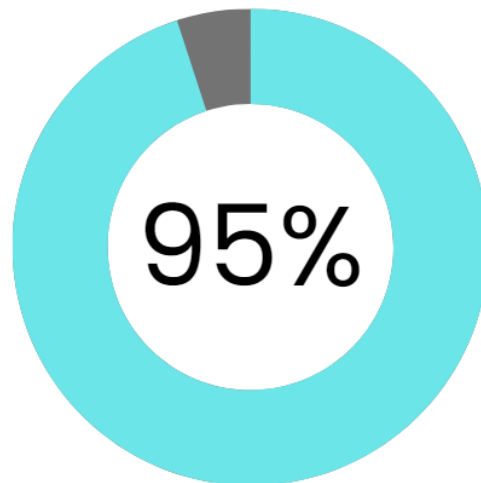
I 100% recommend the support system to anyone in a similar situation, because it was really good (Kristy).

I think it should be not a pilot programme. I think it should be permanently in place forever ... [it] is invaluable. I think they need to ... fund the hell out of it (PP4; emphasis in original).

I think it just makes sense that we provide hearing support. It's hard to think that we never did. Or not that we never did, but ... it wasn't the priority for us. Because I think if we're 'the court support service', why wouldn't we be [providing support at a hearing]? ... I think the benefit for clients, but also workers is seeing clients through to the end [of the] process ... I think it is the most important time to be there for the hearing (MG3).

The response of Police Prosecutors to the survey question whether they thought the Pilot should be 'continue to be funded' was similarly positive: of the 22 Prosecutors who answered this question, 21 responded 'yes' (**Figure 9**).

Figure 9: Percentage of surveyed Prosecutors who think the Hearing Support Pilot should continue (Prosecutor survey, n= 22)



Stakeholders not only talked about how funding should continue, but importantly about the **detrimental impacts if funding were to cease**. These negative impacts were on women who will need support in the future, and on other services, police and communities who now rely on and expect this support. Hearing Support Workers noted that women would again fall 'through the cracks for support' (MG2), and that while some WDVCSs would attempt to stretch their capacity and provide some hearing support, it would simply not be possible within ordinary WDVCS funding. Some workers noted that women would not be able to be referred to an alternative service for court support because such services do not exist. Many Hearing Support Workers commented that relationships have been built or augmented between services over the duration of the Pilot, and that if the Pilot was discontinued this would damage those relationships and have reputational implications, particularly in regional and remote areas.

I think once you've established it, the communities will have that expectation that that service is still available. It's almost impossible to stop something once it's out there ... It would harm our other services ... Particularly in the regional and remote communities, a constant issue that they have is ... services come on board, they only just managed to get a footprint in the community and then the service gets retendered and a different service wins ... So yeah, to not continue it after the Pilot I think would just be another sort of kick in the teeth for those communities and make it even more difficult to rebuild with them because obviously we'd ... still be offering WDVCS like court advocacy on list days ... I think that would really severely damage their trust in us as a service if we were seen to be the ones withdrawing that support after 12 months (NP1).

FUTURE CONSIDERATIONS IF THE PILOT IS CONTINUED

Increased staffing levels and funding

There are a number of matters that should be considered that would improve the Pilot if it is continued as recommended. These require increased funding.

Increased staffing that fully takes account of workload and geography

The number of Hearing Support Workers funded at each of the Pilot sites was determined by the number of hearings that were pending at each Local Court as at March 2022. In some locations, this meant that the WDVCSs were able to support all women who wanted support at a defended hearing and that a worker was able to 'drop-in' at court each day to check whether there were any additional women requiring assistance. This was not possible in other locations where Hearing Support Workers and managers feel that there are still gaps because they are juggling multiple courts that list hearings at the same time, or because of geographical distances. In rural and regional areas, it is impossible for a worker based in one location to travel two or more hours to 'drop-in' to see whether someone requires last minute assistance.

Some managers spoke about the benefit that would be gained by having an additional 0.5 to 2 FTE Hearing Support Workers at their site to 'cover all the gaps' (MG6).

In some metropolitan locations which have larger WDVCSs it is possible for additional staff to attend to assist when more than one hearing is listed on the same day. However, in many areas this stretches capacity and requires additional resourcing. This was a particular issue raised by numerous Police Prosecutors:

Resourcing is a big issue, because ... we have multiple hearings. And when there are multiple complainants, one person, I think it's too much. I don't suggest that we need one support person for every complainant. But I think one can share two, but then after that it becomes very problematic ... to provide proper balanced and fair emotional and physical wellbeing support ... Technically we're running seven, eight, ten matters for one person. We're already under the pump. And when we see that the support person is under pump as well, that becomes really hard (PP1).

There are usually multiple DV victims at court on a given day for hearing and sometimes that can be time consuming and hectic for the Hearing Support Worker to manage multiple victims (Prosecutor survey).

One Prosecutor recommended in the survey that there should be 'at least 2 Hearing Support Workers in court on occasions where there are multiple DV victims to support and manage'.

As discussed below, the provision of hearing support has itself generated additional work that might not have been anticipated when the Pilot commenced:

I probably do need another part-time worker, but I can't fund that to happen. We are picking up clients that we typically wouldn't have before ... If the Hearing Support Worker

is [at court] supporting hearings, then all the paperwork and extra support ... If she's away then someone else picks it up. If she's on leave, we have to let client know that. There's too much put into one role, one person (MG13).

Hearing Support Workers also reflected on the workload not being confined to the day of the hearing, or in the lead up to that day, but involving much more once rapport has been built. The worker becomes the 'default person to ring' when an issue arises (MG13). As HS24 remarked, 'I am a Hearing Support Worker slash case manager'. MG13 expanded on this:

I think that's probably been the biggest thing. It hasn't simply been we walk them into a hearing and support them at the hearing and leave them after. I think I wasn't expecting it to be more case management.

Need for more Aboriginal-specified positions

In many Pilot locations, if an Aboriginal woman requiring support preferred to be assisted by an Aboriginal worker, the WDVCS referred her to their Aboriginal-focused staff. Despite this, in some rural and regional areas the managers noted the need for designated Aboriginal Hearing Support Workers to be employed in addition to other hearing support staff or WDVCS staff. Whilst acknowledging that some Aboriginal women may prefer a non-Aboriginal worker who does not have close ties to the community, one manager commented that:

If I had a wish list, I would have one full-time Aboriginal worker who could work in the hearing ... it would be a designated worker for our area. And I'm sure there's probably a lot out in the country in different other rural areas ... Because you need that developing of trust. That's the big thing that we're not getting out there (MG6).

The pilot status of the program meant that some WDVCSs were hesitant to do extensive work establishing the Hearing Support program in the Aboriginal community given the possibility that the Pilot might be discontinued. Such a discontinuation would have a negative impact on relationships that had been built.

I think I'd hate to promise and not be able to deliver. It's a real fear, it's not just an emotional one, it's a real fear. Especially in our outlying communities. If we do that out in the communities of [names three small country towns], we could lose the whole trust that WDVCS has had with any of those [women and communities]. It's a big risk to take (MG2)

Other funding needs

Brokerage (funding to assist with a client's immediate needs) was included in Pilot only after it was expanded in November 2023. This explains the existence of confusion in some interviews with workers and managers as to whether access to brokerage was included in the Pilot. The availability of brokerage should be clearly publicised to all WDVCS staff.

Courts do not provide childcare which means that women with young children and without other supports may have to bring their children to court, adding to the stress of the experience for themselves and maybe others in the safe room.³⁰ The 'support

³⁰ Denise Lynch and Lesley Laing, *Women Get Lost in the Gaps' – Service Providers' Perspectives on Women's Access to Legal Protection from Domestic Violence* (2013).

workers are not babysitters' (PP1), and we observed that it can be very hard when there is only one support worker in the safe room and their mother leaves the room to give evidence. The use of brokerage or other funding to meet the costs of childcare, if a relevant service is available, may assist in such circumstances.

Training

The Pilot's success relies upon highly committed staff, with specialist knowledge about DFV and court processes. Under the Pilot, WDV CAS providers were responsible for training Hearing Support Workers.³¹ Many of the Pilot sites employed experienced workers from other roles in the service to fill the Hearing Support Worker role. As the program continues, and potentially expands, this might not always be possible. Most of the Hearing Support Workers who were not previously employed in court services or policing mentioned that they had 'learned on the job' and had sometimes 'shadowed' experienced workers.

Support at a defended hearing requires greater in-depth knowledge about court processes, charge negotiations and outcomes, than is required at the mention level, with which WDV CAS staff are more familiar. While some Hearing Support Workers did not feel that they needed additional training, others felt it would have been helpful.

Consideration should be given to more formalised training of workers. Training not only means a training package (face-to-face or online), but includes the development of resources. Such training and resources should be tailored to local areas but might include sharing of generic documents about court procedure, etiquette, the roles of the various court actors, lists of court jargon and acronyms. It may be useful to work with the various agencies (police and courts) to provide some of this training about roles and processes. Training resources should also include consideration of vicarious trauma as discussed below.

Wellbeing of Hearing Support Workers

The WDV CAS providers are experienced in ensuring that staff who provide court advocacy are well supported and debriefed in their work. The risks of vicarious trauma are well recognised in the sector,³² and much has changed over recent decades to ensure the wellbeing of staff.

Assisting victims may have many positive effects for Hearing Support Workers including huge job satisfaction and vicarious resilience. Indeed, several workers commented about how much they enjoyed their work:

You know, it's a joy of my job is to say we had a day together that we shared. And the joy was watching you in court. You just brought it home. You did well (HS13).

³¹ 'Hearing Support Guidelines' (n 9).

³² Jonathon Louth et al, *Understanding Vicarious Trauma: Exploring Cumulative Stress, fatigue and Trauma in Frontline Community Services Setting* (the Australian Alliance for Social Enterprise, University of South Australia, 2019); Kristina Massey et al, 'Staff Experiences of Working in a Sexual Assault Referral Centre: The Impacts and Emotional Tolls of Working with Traumatised People' (2019) 30(4) *Journal of Forensic Psychiatry and Psychology* 686; Delanie Woodlock et al, "'If I'm not Real, I'm not Having an Impact": Relationality and Vicarious Resistance in Complex Trauma Care' (2022) 52(7) *British Journal of Social Work* 4401.

However, the role of the Hearing Support Worker involves aspects that could impact negatively on physical and psychological wellbeing. Unlike the work of general WDVCS staff on mention days, many Hearing Support Workers work in isolation, particularly on the hearing day. These can be long days, when even the possibility to have a break from the client or to eat lunch is difficult. Hearing Support Workers employed in rural and regional areas travel long distances which can mean that time in the office to debrief is limited. The managers in rural areas spoke about ensuring that they telephone workers after court if they are unable to return to the office.

Hearing Support Workers are with victims throughout the hearing day; a day of intensity for victims where they experience multiple emotions. Workers often have had extended contact with women by the date of the hearing, which means that the worker 'actually become[s] a person in that person's life and you become really, really important, you've got to be careful with that too' (HS3). Workers might experience inherent tensions in their role due to knowing that a charge is unlikely to succeed whilst supporting and encouraging women to participate in the hearing.

Given the potential impacts of the Hearing Support role, it is important that the WDVCS providers and Legal Aid NSW are proactive in ensuring the wellbeing of Hearing Support Workers and do not wait for individuals to seek assistance.

Recognition that the Pilot generates an increased workload

The Pilot has led to a greater workload for WDVCSs; more contact with women leads to more referrals to other WDVCS staff. As MG5 commented, 'the more that we're at the court and present there, the more clients we're actually picking up'. MG13 also commented:

[The Pilot] has achieved more work! Something in their lives might suddenly change – it might be a financial aspect, it might be a housing aspect, something along those lines will change, and then ... 'Well, here's a referral'.

Empowering women through the provision of hearing support has also meant that some women are more likely to report future breaches of an ADVO:

There's a flow from the workload supporting to report those breaches ... the process begins all over again. The hearing support is fabulous, but you know a bit of extra funding taking into account the extra stuff that happens after the hearing, would be great (NP5).

This increased WDVCS workload should be factored into general WDVCS funding.

Importance of relationships and clarity of roles

The effectiveness of the hearing support role depends on the development and maintenance of strong relationships with police and court staff. HS10 commented that good relationships are 'fundamental to the work'. Some Pilot locations had excellent working relationships with police staff, whilst others had challenges. A clear theme through the stakeholder interviews and the Prosecutor survey was how relationships were valued even where they could be improved. Indeed, when asked about unexpected outcomes arising from the Pilot, several workers pointed to the improvement in their relations with police and court staff. A good relationship in this context involves more than just 'getting along'. Several Hearing Support Workers

emphasised the need for 'mutual respect' and an appreciation of the different roles that each actor performs (MG5 and MG6).

It may be useful, particularly for new Hearing Support staff and Police Prosecutors to have meetings to explain their respective roles and how they are complementary. Hearing Support Staff may benefit from a discussion about the process of charge and plea negotiations, why they happen and how this can be best communicated to victims. They may also benefit from a discussion about some of the resourcing constraints experienced by police so they can understand and explain any delays in police responses to women they support.

OICs and Police Prosecutors may benefit from discussions about the role of the Hearing Support Worker and that the central function of this role is to advocate on behalf of the victim. This advocacy may include drawing attention to gaps in policing practices and to advocate for stronger ADVOC conditions. Such dialogue could also convey how women sometimes feel about negotiations about charges and charge fact sheets so that these might be better communicated. One Police Prosecutor explained the benefits that can be gained from meeting together:

Now we have strong relationships, initially there were some hiccups, however, after meeting with Prosecutors and [the] WDVCS where roles and responsibilities were explained, relationships improved (Prosecutor survey).

There is an imbalance of power between the institution of the police and an individual Hearing Support Worker that may mean that some workers feel unable to raise complaints. HS28 spoke about the complexity of what makes a good relationship, which means being clear that the hearing support role is 'independent' of the police and that care needs to be taken to ensure that [relationships] do not get too 'cosy' as this 'risk[s] not fulfilling the role that we need to as an advocate for the client'. The ability to advocate and raise complaints is a relationship strength. The police should also be able to raise with Hearing Support Workers any gaps in their knowledge about processes and outcomes.

Information sharing about upcoming hearings

Pilot sites have problems obtaining information about upcoming hearings and associated matters. Some sites obtain this information from the police and some court registries assist more than others. The absence of complete information about upcoming hearings means that some women cannot be contacted prior to the hearing date because the WDVCS is simply unaware that there is a hearing. Managers have developed time-consuming methods of trying to track hearing information to ensure that there are as few gaps as possible in identifying women who might need support. A more streamlined system of providing this information to WDVCSs needs to be navigated, whether it involves the police or the courts.³³

³³ Legal Aid NSW investigated the possibility of WDVCSs having access to the state courts' computer system, JusticeLink, but decided that this was currently not a viable option.

CONCLUDING COMMENTS

The Evaluation found that the Pilot has met all its measurable objectives and that it should be continued.

Many of the primary and secondary objectives of the Pilot are focussed on improving legal system outcomes rather than focusing squarely on benefits to supported victims. This report has attempted to highlight those benefits whilst determining whether the Pilot met its stated objectives. These benefits include believing and validating women, supporting and enhancing their agency within the constraints of the legal system, assisting women to have a voice, and ensuring that they are kept informed.

The provision of hearing support was highly valued by the victims interviewed for this Evaluation. All seven women spoke positively about the support, and all said that they would recommend the Hearing Support Worker and the Hearing Clinics (if they attended one) to friends or family in the same circumstances. Indeed, Kristy had already done so and said she 'wouldn't recommend going through the court system without it'. Similarly, Sharna said that 'for any women that need it, it's such a great thing'.

Despite this very positive feedback, hearing support can only go so far in ameliorating the trauma many women experience when engaged with the legal system about the DFV they have experienced. When asked whether they would do this again, the responses from the women interviewed were telling. Whilst Tonia, who obtained an ex parte ADVO, said she definitely would 'do it again' and Ellen said she would 'do it again ... if it meant that I was free [from him]', the responses from the other women interviewed are more conflicted. Their responses capture the fact that the criminal legal system is 'at best ambivalent, and at worst, destructive'.³⁴ While hearing support improves the process, it is unable to address the more negative aspects of the system.

Kristy emphatically stated 'no [I wouldn't do it again]'. She explained that this was because of how long and drawn out the process was, that she was made to feel that she 'was the one in trouble', and 'the fact that I couldn't really move on, knowing that I was still attached to my ex-partner in that way ... I would never want to go through the court system ever again.' Philippa said, 'I'd choose not to [do it again], definitely not.' Sharna said she would not engage the criminal legal system with the same defendant as she felt he was able to manipulate the negotiation process around charges and the ADVO conditions. She did leave open the possibility of engaging with the legal system if needed in relation to another intimate partner.

This report ends with a quote from Anthea who captures the negative experience of being involved in the criminal legal system whilst recognising the positive support provided by the Hearing Support Worker under the Pilot.

[I'd] rather not [do it again] ... Literally, the only good thing about this whole experience was my support worker ... So, you are feeling that extra bit comfortable, but the rest is not good.

³⁴ Douglas (n 25) 121.

APPENDICES

Appendix A: Original 14 Pilot Sites

WDVCAS PILOT LOCATIONS	LOCAL COURTS COVERED	NUMBER OF FTE WORKERS EMPLOYED AT LOCATION
1 Burwood	Burwood	2.5
2 Central Coast	Gosford, Wyong	2.5
3 Far West	Broken Hill, Wilcannia, Wentworth	1
4 Hunter Valley	Cessnock, Kurri Kurri, Maitland, Muswellbrook, Raymond Terrace, Dungog, Scone, Singleton	2
5 Mid-Coast	Port Macquarie, Taree, Gloucester, Forster, Wauchope, Kempsey, Macksville	2
6 Monaro-Hume	Queanbeyan, Cooma, Goulburn, Yass, Moss Vale, Young, Bombala, Grenfell, Crookwell	1
7 Newcastle	Newcastle, Belmont, Toronto	2.5
8 North West Sydney	Blacktown, Mount Druitt	2
9 Northern Rivers	Tweed Heads, Byron Bay, Murwillumbah, Lismore, Casino, Kyogle, Ballina, Mullumbimby	2.5
10 Oxley	Tamworth, Walcha, Gunnedah, Quirindi, Narrabri, Wee Waa	1
11 Riverina	Wagga Wagga, Cootamundra, Gundagai, Junee, Tumut, Temora, Tumbarumba	1
12 South West Sydney	Liverpool, Bankstown, Fairfield	4
13 Sydney	Downing Centre, Newtown, Waverley	3
14 Western	Dubbo, Narromine, Gilgandra, Warren, Coonabarabran, Wellington, Coonamble, Mudgee, Rylstone, Gulgong, Dunedoo	2
Total courts covered	73	29

Appendix B: Non-Pilot Sites

Note that the 'non-Pilot' sites refers to the 13 WDVCS sites that were not provided with Hearing Support Pilot funding in the original funding round. These sites were provided with funding from November 2023.

WDVCAS NON-PILOT SITES	LOCAL COURTS COVERED
1 Central North-West	Walgett, Lightning Ridge, Bourke, Brewarrina, Cobar, Nyngan
2 Central West	Orange, Parkes, Forbes, Cowra, Lake Cargelligo, Bathurst, Lithgow, Oberon, Peak Hill, Blayney, Condobolin
3 Cumberland	Parramatta
4 Coffs-Clarence	Coffs Harbour, Grafton, Bellingen, Maclean
5 Illawarra	Wollongong, Port Kembla, Albion Park, Kiama
6 Macarthur	Campbelltown, Camden, Picton
7 Murray River	Albury, Deniliquin, Holbrook, Corowa, Finley, Moama
8 Murrumbidgee	Griffith, Leeton, Hillston, Hay, Narrandera, West Wyalong
9 Nepean-Blue Mountains	Penrith, Katoomba, Windsor
10 New England	Armidale, Glen Innes, Moree, Inverell, Mungindi, Boggabilla, Wyalda, Tenterfield
11 Northern Sydney	Manly, Hornsby
12 South Coast	Nowra, Milton, Batemans Bay, Moruya, Narooma, Bega, Eden
13 Southern Sydney	Sutherland
Total courts covered	61

Appendix C: Detailed Methodology

This evaluation employed a mixed-methods combining observations, surveys, in-depth interviews, focus groups and administrative data to evaluate the Pilot against its stated objectives.

Ethics approval for the study was approved by the UTS Human Research Ethics Committee (HREC): ETH23-7899 (for the interviews with victims, the interviews/focus groups with Pilot and non-Pilot site staff, and the site visits/observations), and ETH23-8308 (for the survey of, and interviews with, Police Prosecutors).

Victim-survivors who accessed the Pilot

The Evaluation Team interviewed seven women who had accessed support under the Pilot. All seven interviews were conducted by telephone. The Evaluation Team had hoped to interview more women, but recruitment proved challenging. Despite the smaller number than anticipated, these interviews, together with interviews with other stakeholders and observations of victims at court engaging with the Hearing Support Worker, provided valuable insights into the impact of the Pilot from the perspective of the women supported by the Pilot.

Recruitment

The women were recruited via Hearing Support Workers in the Pilot sites. While this might raise concern about bias (the worker only identifying victims who might provide positive feedback) and possible pressures (victims might have felt pressured to participate or provide positive feedback for a service they might rely on in the future), there was no other safe way to identify and contact victims supported by the Pilot.

The Pilot sites asked women they assisted whether they consented to the Evaluation Team contacting them, and if so, the worker provided the woman's contact details to the Evaluation Team. Some Pilot sites also emailed victims with information about the Evaluation, inviting them to contact the Evaluation Team directly if they were interested in participating.

Many victims declined to participate; they did not want to revisit the hearing. Even where victims initially agreed to be contacted, many later declined to participate. Several women interviewed found the interviews distressing, reinforcing how difficult these interviews are to conduct close to the finalisation of a defended hearing.

Overview of the women who participated

The seven women were supported by four different Pilot sites. The interview schedule included questions about hearing support they received, whether and how it assisted, and other questions about their experiences in the hearing. All the women have been assigned a pseudonym.

All except one participant (Marie) had been in a current/former intimate partner relationship with the defendant at the time of the incident related to the hearing. The length of these relationships ranged from one to nine years. All six of these women were separated from the defendant at the time of interview. Some had separated recently while others had been separated for up to seven years. Marie was a grandparent to the defendant.

Of the six women who had been in intimate partner relationships with the defendant, three had children of the relationship who ranged from one to 11 years of age. All seven women were born in Australia and spoke English as a first language. Three women identified as Aboriginal and/or Torres Strait Islander.

Many of the women were unsure about the exact offence/s that the police had charged the defendant with (if there was a charge), and the sequence of court events. Most appeared to have attended hearings involving both criminal charges and ADVOs and had experienced multiple adjournments and/or an extended length of time between the initial court mention and the final hearing. The outcomes from these court events varied greatly, including: the defendant being found guilty of all charges and sentenced to prison; the defendant being acquitted and no ADVO being made; an ADVO being made ex parte; and an ADVO being made against the defendant but the associated charges being dropped.

Each victim-survivor participant was provided with a small honorarium to thank them for their time in participating in the interview and for sharing their experience.

The Hearing Support Pilot sites

The data gathered from the Pilot sites included interviews with staff at all but two of the Pilot sites (n=12),³⁵ visits to four Pilot locations, and 12 months of administrative data.

Semi-structured interviews

The Evaluation Team interviewed 44 staff from 12 Pilot sites. These interviews were conducted individually or in groups. Interviews were a mixture of face-to-face, by Zoom or Microsoft Teams, or by telephone. A total of 19 interviews were completed with 44 staff. These included: 28 Hearing Support Workers; 14 staff in managerial roles, and 2 workers employed in other WDVCS roles. This breakdown of 'roles' is somewhat artificial given that in almost all cases, all staff, including managers, provide hearing support to fill gaps in service delivery, or to cover staff leave.

The interview schedule included questions about the Pilot site location and a broad overview of the clients assisted; the court environment; the situation prior to the Pilot; the role of the Hearing Support Worker; the objectives of the Pilot; any unexpected outcomes; implementation of the Pilot; key benefits of the Pilot; and any recommended changes. Interviews lasted approximately 60-90 minutes. These interviews were de-identified and a code assigned to each participant. Hearing Support Workers are coded as HS1 to HS28; managerial staff as MG1 to MG14, and other WDVCS staff as OT1 to OT2.

Site visits

Visits were conducted to four Pilot sites. These locations were identified by Legal Aid NSW to represent an overview of the diverse locations in which the WDVCSs operate. Two sites were in the Sydney metropolitan area, and two were regional centres with one of these servicing a large rural area. At some of the sites the Team visited the

³⁵ All Pilot sites were contacted and invited to participate, but it was not possible to find a convenient time for all sites.

Local Courts accompanied by a Hearing Support Worker to view the court facilities. Otherwise, site visits involved:

- visiting the office space used by the Hearing Support Worker/s (n= 4);
- observing Hearing Clinics (n= 5); and
- observing Hearing Support Worker/s providing hearing support at court (n= 3).

Legal Aid NSW selecting the sites to be visited is a limitation of the Evaluation given that it is possible they identified sites where the Pilot was working well. However, the sites selected provided a picture of geographical and population diversity that was useful to considering the broad range of contexts in which the Pilot operates.

The Evaluation Team also attended one other Pilot site location to conduct interviews with Hearing Support Workers and managers. This necessarily involved visiting that WDVCS office space.

The Evaluation Team obtained permission from the Chief Magistrate's Office and relevant presiding magistrates to observe any hearings that coincided with our scheduled site visits. The Evaluation Team did not, in the end, observe any hearings during those court site visits. This was because the defendant plead guilty on the day, or the matter was adjourned for a variety of reasons frequently after being at court for most of the day. The Evaluation Team observed one sentencing decision which followed a day of negotiations between the police and the defendant's solicitor about the agreed fact sheet for the charge and the final conditions for the ADVO. It is common for matters to resolve prior to the actual hearing: according to the administrative data collect by the Pilot sites for the Evaluation (discussed below), at least 1014 of the 2827 recorded matters resolved on the morning of the hearing, before the hearing started. This is compared to 1561 matters that proceeded to a hearing, and 252 entries that were blank or entered as 'not applicable'.

Despite not observing any hearings, the observations of the work of the Hearing Support Worker at court provided valuable information for the Evaluation. Indeed, it reinforced that the vast bulk of the work and support provided by the Hearing Support Worker takes place outside the courtroom and workers often remain in the safe room for the entire day before matters are resolved or adjourned.

Administrative data

At the commencement of the Pilot, Legal Aid NSW and the Evaluation Team developed an Excel spreadsheet for the Pilot sites to complete that would provide an overview of the work of the Pilot over the 12-month period. This included demographic information about the women assisted; the nature of the matter (criminal and/or ADVO); the range of supports provided by the Hearing Support Worker; whether the woman attended a Hearing Clinic; whether support was provided on the date of the hearing; and the outcome of the proceeding. All but one of the Pilot sites completed this Excel spreadsheet, with the remaining site constructing its own spreadsheet which recorded some, but not all, of the same matters. This data provides an important insight into the work performed by the Pilot in its first 12 months, it does however have a number of significant limitations discussed below.

Non-Pilot site staff

Managers and staff from the WDVCSs in the 13 non-Pilot site locations were invited to participate in a focus group. The timing, just after they received funding for the expanded Pilot, was intended to provide information about the situation that existed prior to the Pilot funding, and to gather additional data about any challenges experienced around implementation. All non-Pilot sites were invited to participate with alternative dates suggested. One online focus group was conducted via Microsoft Teams with six participants working across five sites. Four participants were in managerial roles and two were Hearing Support Workers.

Police Prosecutors

The views of Police Prosecutors were gathered via a survey (Prosecutor survey), which included an invitation to participate in an interview at the end. Both the survey and interview were designed to gather information about Police Prosecutors' knowledge of the Pilot, involvement in Hearing Clinics, views about whether the Pilot had met its objectives, views about its strengths and weaknesses, and whether they thought the Pilot should be continued. Permission to survey and interview Police Prosecutors was provided by the NSW Police Force following receipt of UTS Ethics approval.

The survey of Police Prosecutors

The survey was constructed in Qualtrics, and pilot tested with four prosecutors in non-Pilot sites before being finalised for distribution. The survey was distributed by email by the NSW Police Force's Police Prosecutions Command to all Prosecutors working in Pilot sites ('in excess of 100 Prosecutors'³⁶). The email provided a unique link to each Prosecutor who could then complete the survey anonymously at a convenient time. It was designed to be brief while gathering relevant information about the Pilot. It included open and closed questions.³⁷

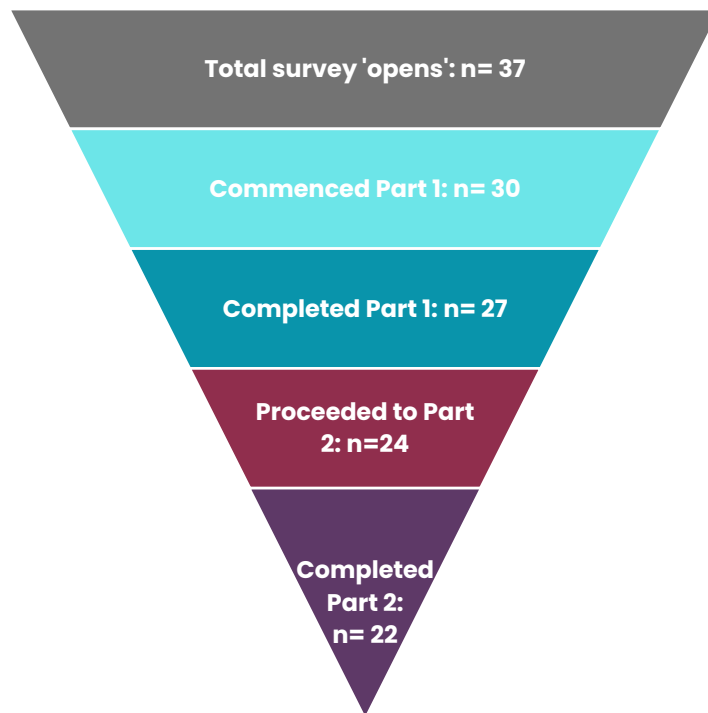
The Prosecutor survey included two parts: **Part One** established respondents' experience working on DFV-related matters and awareness of the WDVCS in their location, the operation of Hearing Clinics in their location, and whether the respondent was aware of the Pilot having been implemented in their court location. For those who indicated they were **not** aware of the Pilot being implemented in their location, they were asked if they thought hearing support would assist them in their work, and then the survey ended.

Those who **were aware** of the Pilot being implemented in their location proceeded to **Part Two** of the survey, which asked them 11 multiple choice and open-text questions about the implementation of the Pilot and whether it had met its aims and objectives.

The survey received 37 'opens', however only 27 proceeded to complete all of Part One of the survey. Twenty-four (24) of the 27 respondents proceeded to Part Two of the survey. Twenty-two (22) of these respondents completed all questions in Part Two. The remaining two (2) respondents completed some but not all of Part Two; their responses to the survey fields they completed have been included for analysis.

³⁶ Email communication from the NSW Police Prosecutions Command to Jane Wangmann, 31 October 2023.

³⁷ The Prosecutor survey was live between 9 October 2023 to 19 December 2023.



The Police Prosecutors surveyed were well-placed to speak to the implementation of the Pilot and its impact on their work: almost all Prosecutors had been in this role for more than one year (n= 28/30) with 19 of these having been in this role for five or more years, and a majority indicated that 50% or more of their work involved DFV matters (n= 28/30), with most involved in at least one DFV hearing a week (n= 22/30).

Interviews with Police Prosecutors

Following completion of Part Two of the survey, respondents were invited to provide email contact details if interested in participating in a follow-up interview. Seven Prosecutors indicated that they were happy to be interviewed, but only six replied to the follow-up email invitation and participated in the interview. Interviews were approximately 30 minutes in duration, conducted via Microsoft Teams, and were designed to explore the main themes that emerged from the survey in more depth.

These six Prosecutors worked in six different Pilot sites. The interviews were de-identified and participants were assigned a code (PP1 to PP6). Their experience as a Prosecutor ranged from: less than 1 year to 20 years. Three worked primarily in one court location; three worked across multiple courts. Two were based in metropolitan areas; four were based regionally. All estimated that 50% or more of their work related to DFV. Four estimated they were involved in DFV hearings 2-3 days per week; another indicated these hearings occurred every day, while the other indicated only 1-2 days per month.

Analysis of Interviews

All interviews were audio-recorded and transcribed, then de-identified. Participants were provided with the transcript if requested. All interviews were coded in NVivo except the Police Prosecutor interviewees (a small discrete subset) which were manually coded in Word. For all cohorts the Evaluation Team developed initial coding themes drawn from the primary and secondary objectives of the Pilot. Additional themes that emerged from the data were added. Each member of the Evaluation

Team was allocated one or more cohorts of transcripts to code; this was then cross-checked by another member to ensure consistency and rigour in qualitative analysis.

Limitations

This evaluation, like all evaluations, has some limitations. As detailed above, the fact that victims were recruited with the assistance of the Pilot sites and that the site visit locations were identified by Legal Aid NSW may mean that there was selection bias.

Small sample sizes

The small number of victims interviewed in this Evaluation means that they are not representative, and their views cannot be generalised. As is evident from the administrative data gathered in this Evaluation, a wide range of diverse clients have been supported through the Pilot. Further insight into the experiences of victims supported by the Pilot has been gathered through the court observations and in-depth interviews with the Hearing Support Workers and other stakeholders.

Only a small number of Police Prosecutors participated in an interview. The Police Prosecutors who self-selected to participate may be more supportive of the Pilot and interested in its continuation, compared to those who chose not to participate. This interview data is, however, supported by the survey data and court observations which reinforce many of the views expressed by the Prosecutors in their interviews.

Potential response bias of participants

Apart from the victims who were interviewed, the Hearing Support Workers, the WDVCAS managers, and the Police Prosecutors all have a stake in the Evaluation findings and whether the Pilot continues. For some their employment depends upon the funding, whilst others are very conscious of the funding and the benefits that this service provides to their workload. This may mean that these participants may present biased views about the Pilot's success. The fact that many interviews were conducted as a group may also have inhibited some participants from expressing contrary views. The addition of the administrative data, which provides insight into the work of the Pilot, and the observations by the Team, however, supplements and evidences the views that emerged through the interviews and survey. The fact that the Hearing Support Workers and Police Prosecutors agreed on many aspects of the Pilot – including its benefits and areas where it could be improved – also lends strength to the findings of the Evaluation.

Administrative data limitations

The administrative data collected by the Pilot sites has several important limitations. It required manual entry, there may have been different understandings about the content of each field, and workload pressures may have meant that it was not always completed. For those sites that used the provided Excel spreadsheet, some or all the requested data fields were missing or unavailable for some entries. Entries with no data were removed from the analysis, leaving n= 3069 entries including the Pilot site which constructed its own spreadsheet. Data provided by the site which constructed its own spreadsheet was limited and therefore excluded from further analysis. Entries from the remaining data (n= 2827 entries), which had some incomplete data fields were included in analysis where relevant. This means that the 'total' used to calculate

percentages reported in this report may differ depending on the data field being reported.

These gaps in the data means that care needs to be taken in relying on this data. At the same time, it does provide an important snapshot summary of the work and achievements of the first 12 months of the Pilot and is presented on p 20.

The administrative data was also limited in its inability to capture the extent to which a woman may have been assisted in relation to a single hearing (where it has been adjourned multiple times) or where the woman has been involved in more than one hearing over the course of the Pilot. This means that the administrative data likely represents an under count of the support provided for some clients over the 12-month period in relation to a single hearing, and in relation to additional hearings.

Absence of a control site or measure

While the Evaluation Brief originally required an assessment of 'any differences in key measures between pilot and control sites',³⁸ this requirement was removed during finalisation of the Evaluation Framework between the Evaluation Team and Legal Aid NSW. The notion of a 'control site' in this context is difficult. The nature of DFV and how victims experience the legal system mean that there are multiple variables in play that make it difficult to compare the Pilot to other sites. Research indicates that the reasons for attrition in DFV matters are extensive and varied. They include the relationship between the parties, the nature of the charge, pressure or threats from the offender or their family,³⁹ the extent of support, 'welfare concerns for themselves and their children, frustration or confusion regarding the court process, or a desire not to see the perpetrator face criminal justice sanctions',⁴⁰ and other structural and intersectional factors that the victim might experience. All these factors would make any data from a 'control' site difficult to compare for a small pilot project.

Other factors make it hard to make comparisons. The impact of the COVID-19 pandemic on court processes means that comparing prosecution data before and after the Pilot, or between Pilot and non-Pilot sites, is fraught and potentially inaccurate. Additionally, prosecution and handling of DFV matters is in constant flux which makes it difficult to pinpoint any one factor which made a difference.⁴¹

To gather some limited comparative data, the Evaluation Team asked WDVCS staff and police participants about the extent of court support before the Pilot. In addition, some data was gathered from victims interviewed who had experiences of attending court both with and without the Pilot.

³⁸ The Evaluation Brief (n 14).

³⁹ Lillian Artz, 'Fear or Failure: Why Victims of Domestic Violence Retract from the Criminal Justice Process' (2016) 37 *South African Crime Quarterly* 3.

⁴⁰ Duncan McPhee et al, 'Criminal Justice Responses to Domestic Violence and Abuse in England: An Analysis of Case Attrition and Inequalities Using Police Data' (2022) 32(8) *Policing and Society* 963, 967.

⁴¹ Jude McCulloch et al, *Victoria Police Trial of Digitally Recorded Evidence in Chief – Family Violence* (Final Evaluation Report, 14 February 2020) 22.

Appendix D: Responsibilities of the Hearing Support Worker

Documentation provided by Legal Aid NSW, *Hearing Support Guidelines* (no date) states that the work of the Hearing Support Worker includes, 'but is not limited to, the following responsibilities:

- Contacting clients in a timely manner, assessing risk and undertaking safety planning in relation to clients' attendance at court for hearing
- Explaining the court process and accompanying clients to court for hearing
- Liaising with Police and court staff to ensure clients have access to remote witness facilities/AVL, safe rooms, qualified interpreters and other supports as needed
- Liaising with Police, Sheriff's officers and court staff to support clients' safety at court (e.g., to prevent harassment or intimidation by defendants)
- Where the accused is self-represented, working with Police and court staff to arrange a Court Appointed Questioner where available to ask questions on behalf of the accused
- Arranging assistance with transport and childcare for clients to enable attendance at hearing
- Assisting with the organisation of Police Prosecutor Clinics⁴² and attending the clinics each month
- Liaising with the SAM (Safety Action Meeting) Coordinator about clients at 'serious threat'
- Providing relevant information and making referrals to assist clients with their ongoing needs
- Developing and maintaining strong working relationships with key partners including Police, Local Courts, legal representatives and referral agencies, in order to facilitate client access to those agencies and services
- Complying with the WDV CAP Policy and Procedure Manual, the Domestic Violence Information Sharing Protocol and other relevant documents
- Fulfilling reporting requirements as needed.'

⁴² Referred to as Hearing Clinics in this Evaluation Report.

REFERENCES

- Allwood & Associates Training and Consulting Group, *Women's Domestic Violence Court Advocacy Program Evaluation Report* (Final Report, 25 July 2018).
- Artz, Lillian, 'Fear or Failure: Why Victims of Domestic Violence Retract from the Criminal Justice Process' (2016) 37 *South African Crime Quarterly* 3.
- BOCSAR, '[COVID hangover causes jump in court delay](#) – NSW Criminal Court Statistics Jul 2017-Jun 2022' (Media Release, 15 December 2022).
- BOCSAR, *NSW Criminal Courts Statistics Jul 2018 - Jun 2023* (NSW Criminal Courts Statistics, December 2023), '[Table 6: NSW Higher, Local and Children's Courts July 2018-June 2023: Number and Median Court Delay \(Days\) for Finalisation by Defended Hearing/Trial or Guilty Pleas, by Bail Status and Court Level](#)'.
- Douglas, Heather, 'Battered Women's Experiences of the Criminal Justice System: Decentring the Law' (2012) 20(2) *Feminist Legal Studies* 121.
- Douglas, Heather and Hannah Ehler, *National Domestic and Family Violence Bench Book* (AIJA, 2023) <<https://dfvbenchbook.aija.org.au/contents>>.
- Ellison, Louise, 'Prosecuting Domestic Violence without Victim Participation' (2002) 65(6) *Modern Law Review* 834.
- Ellison, Louise and Vanessa E Munro, 'Taking Trauma Seriously: Critical Reflections on the Criminal Justice Process' (2017) 21(3) *The International Journal of Evidence & Proof* 183.
- Herman, Judith Lewis, 'The Mental Health of Crime Victims: Impact of Legal Intervention' (2003) 16(2) *Journal of Traumatic Stress* 159.
- Legal Aid NSW, *Hearing Support Guidelines* (n.d.) [Supplied to the Evaluation Team].
- Legal Aid NSW, *Project Brief: Evaluation of WDVCS Hearing Support Pilot* (n.d.) [Supplied to the Evaluation Team].
- Local Court of NSW, *Practice Note Crim 1: Case Management of Criminal Proceedings in the Local Court*, 18 December 2020.
- Louth, Jonathon, Tanya McKay, George Karpetsis and Ian Goodwin-Smith, *Understanding Vicarious Trauma: Exploring Cumulative Stress, fatigue and Trauma in Frontline Community Services Setting* (The Australian Alliance for Social Enterprise, University of South Australia, 2019).
- Jordan, Lucinda and Lydia Phillips, *Women's Experiences of Surviving Family Violence and Accessing the Magistrates' Court in Geelong, Victoria* (Centre for Rural Regional Law and Justice, 2013).
- Katirai, Negar, 'Retraumatized in Court' (2020) 62 *Arizona Law Review* 81.
- Laing, Lesley, '*It's like This Maze That You Have to Make Your Way through*': *Women's Experiences of Seeking a Domestic Violence Protection Order in NSW* (Law and Justice Foundation of New South Wales, 2013).
- Lynch, Denise and Lesley Laing, '*Women Get Lost in the Gaps*' – *Service Providers' Perspectives on Women's Access to Legal Protection from Domestic Violence* (2013).
- Massey, Kristina, Miranda Horvath, Shanaz Essafi and Rabiya Majeed-Ariss, 'Staff Experiences of Working in a Sexual Assault Referral Centre: The Impacts and Emotional Tolls of Working with Traumatised People' (2019) 30(4) *Journal of Forensic Psychiatry and Psychology* 686.
- McCulloch, Jude, Naomi Pfitzner, JaneMaree Maher, Kate Fitz-Gibbon and Marie Segrave, *Victoria Police Trial of Digitally Recorded Evidence in Chief – Family Violence* (Final Evaluation Report, 14 February 2020).
- McPhee, Duncan, Marianne Hester, Lis bates, Sarah-Jane Walker and Demi Patsios, 'Criminal Justice Responses to Domestic Violence and Abuse in England: An Analysis of Case Attrition and Inequalities Using Police Data' (2022) 32(8) *Policing and Society* 963.
- The Premier, Attorney General, Minister for Police and Counter-terrorism, Minister for the Prevention of Domestic Violence and Sexual Assault, '[Minns Government Invests \\$7.5 Million to Expand Help to Victim-Survivors of Domestic Violence](#)' (Media Release, 18 April 2023).
- Salter, Michael, Elizabeth Conroy, Molly Dragiewicz, Jackie Burke, Jane Ussher, Warwick Middleton, Sheryle Vilenica, Beatriz Martin Monzon, and Kyja Noack-Lundberg, '*A Deep Wound under My Heart*': *Constructions of Complex Trauma and Implications for Women's Wellbeing and Safety from Violence* (ANROWS Research Report No 12/2020, May 2020).
- Woodlock, Delanie, Michael Salter, Elizabeth Conroy, Jackie Burke and Molly Dragiewicz, '"If I'm not Real, I'm not Having an Impact": Relationality and Vicarious Resistance in Complex Trauma Care' (2022) 52(7) *British Journal of Social Work* 4401.