Family violence policy

**Acknowledgement**

The Victorian Curriculum and Assessment Authority proudly acknowledges and pays respect to Victoria’s Aboriginal and Torres Strait Islander communities and their rich and enduring cultures.

We acknowledge Aboriginal and Torres Strait Islander people as Australia’s first peoples and as the Traditional Owners and custodians of the lands and waters on which we rely. We pay respect to Elders past and present of the lands where we conduct our work and recognise their ongoing contributions as the first educators on the land now known as Victoria.

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1. Overview

The Victorian Curriculum and Assessment Authority (VCAA) acknowledges that employees may face family violence in their personal lives which impacts their work attendance and performance. The VCAA is committed to supporting these employees and promoting safe and respectful workplaces.

The VCAA maintains a firm commitment to human rights, occupational health and safety and the privacy of its employees, however acknowledges that there may be instances that require external reporting of family violence threats for legal and/or health and safety reasons.

This policy applies to all employees within the Victorian Curriculum and Assessment Authority (VCAA). For the purposes of this policy, the term 'employees' encompasses VCAA employees of the direct workforce, as well as any individuals or groups undertaking an activity for or on behalf of the VCAA, including:

* all employees (fixed term, casual, sessional) employed under Ministerial Order No. 1451 – Victorian Curriculum and Assessment Authority employees (Employment Conditions, Salaries, Allowances, Selection and Conduct) Order 2023 (referred to as ‘The MO’)
* Board members.
1. Objectives

The objectives of this policy are:

* **supportive environment:** foster a workplace culture that prioritises safety, support, and respect for employees affected by family violence
* **comprehensive assistance:** provide accessible resources and support mechanisms for affected employees, including paid special leave and access to assistance programs
* **clear reporting procedures:** establish confidential reporting channels and procedures that safeguard affected employees and prevent any form of retaliation
* **awareness and education:** conduct training programs and awareness campaigns to educate employees and managers on recognising signs of family violence and responding effectively
* **legal compliance:** ensure the policy aligns with relevant laws, regulations, and human rights principles, safeguarding employee rights and privacy.
1. Principles
	1. Safety first

Prioritise the safety and well-being of employees affected by family violence, ensuring a workplace that offers security and support.

* 1. Confidentiality and privacy

Maintain strict confidentiality protocols to protect the privacy of those impacted by family violence, fostering a safe environment for disclosure.

* 1. Supportive culture

Create an atmosphere where employees feel empowered to report incidents without fear of retaliation, while fostering a supportive and empathetic workplace culture.

* 1. Legal compliance and human rights

Ensure alignment with legal requirements and uphold human rights values, respecting the rights and dignity of all employees affected by family violence.

1. Roles and responsibilities

4.1 The employer

The responsibilities of the employer are:

* participating in relevant training to best support employees experiencing family violence
* maintaining confidentiality and providing guidance to affected employees
* offering information regarding available support services
* assisting in developing Workplace Support Plans
* managing work-related impacts and ensuring a safe workplace
* assisting employees in accessing medical and legal aid, flexible working arrangements, and family violence leave
* considering the impact of family violence on an employee's performance
* notifying authorities in case of criminal acts or threats
* utilising available VCAA support materials and training for managers on family violence issues.
	1. Employees

Employees must:

* comply with and understanding the policy
* ensure workplace safety for themselves and others
* create a supportive environment for colleagues affected by family violence
* respect privacy and maintain confidentiality for colleagues experiencing family violence, acknowledging that there may be instances that require external reporting of family violence threats for legal and/or health and safety reasons.
1. Expectations
	1. Definition of family violence

The VCAA recognises that family violence can take many forms and includes coercive control and/or physical, sexual, financial, verbal or emotional abuse by a member of a person's household, close relative or current or former intimate partner.

A close relative is:

* an employee’s:
	+ spouse or former spouse
	+ [de facto partner](https://www.fairwork.gov.au/taxonomy/term/526) or former de facto partner
	+ child
	+ parent
	+ grandparent
	+ grandchild
	+ sibling
* an employee's current or former spouse or de facto partner's child, parent, grandparent, grandchild or sibling, or
* a person related according to Aboriginal and Torres Strait Islander kinship rules, or in a family-like setting.

* 1. Support available to employees experiencing family violence

The following supports are available to any employee experiencing family violence:

* access to the Employee Assistance Program (EAP)
* alterations to work hours or duties, workplace relocation, secure parking, or changes to contact details for safety
* flexible working arrangements
* access to paid special leave up to 20 days per year.

These arrangements, as documented in a workplace support plan, must be regularly reviewed by the employee and their manager to ensure they meet the employee's evolving needs.

Employees can address family violence concerns with their manager, authorised delegate, or workplace contact, who can provide guidance on accessing VCAA support. Confidentiality is crucial, and employees experiencing family violence will not face adverse actions in their work performance or attendance due to these circumstances. Employees are encouraged to voice safety concerns and collaborate with their manager or designated contact to ensure workplace safety for themselves and colleagues.

If an employee is no longer experiencing family violence, the terms and conditions of employment may revert back to the terms and conditions applicable to the employee’s substantive position.

* 1. Leave entitlements

Paid family violence leave is available to all employees who are experiencing family violence to allow them to be absent from the workplace to attend counselling appointments, legal proceedings and other activities related to, and as a consequence of, family violence.

An employee experiencing family violence will have access to a total of 20 days per year in paid special leave for medical appointments, legal proceedings and other activities related to family violence.

To avoid any doubt, the entitlement for paid family violence leave:

* is in addition to an employee's annual and personal leave entitlements (for non-casual employees)
* is available in full each year from the date of the employee's start date at the VCAA
* does not accumulate year to year
* can be taken as 20 consecutive days, as single days or as a fraction of a day, and
* is not intended to be available for employees who may be perpetrating family violence.
	1. Leave applications

Applications for family violence leave made because an employee is experiencing family violence will be treated with understanding, sensitivity and confidentiality. Leave may be taken as consecutive or single days or as a fraction of a day and can be taken without prior approval.

Provision of any relevant information held by an employee can assist the VCAA in providing the most appropriate support available. Where possible, the intention to take leave should be included in the workplace support plan developed with an employee. Where the employee cannot provide prior notice of the leave, they must advise their manager as soon as possible and submit their leave application via eduPay immediately on return to duty, together with the required documentation supporting the absence.

If the employee is uncomfortable speaking to their manager about their reasons for applying for leave, advice and assistance can be sought from workplace contact officers.

If an employee who is experiencing family violence exhausts their paid family violence leave, the VCAA will give consideration to providing additional leave.

1. Evidence

Where an employee is disclosing experience of family violence and is seeking to take leave, the employee may be required to provide suitable evidence. This may take the form of a statutory declaration or a document indicating the employee is experiencing family violence, issued by one of the following:

* Victoria Police or another police service
* a court
* a general practitioner, nurse, a district nurse or other registered health practitioner
* a family violence support service
* a maternal and child health nurse
* a lawyer.

Evidence may be required for each family violence leave application.

* 1. How paid leave will be handled

Employees with a paid entitlement will be paid at their full rate of pay for the hours they were rostered to work in the period they took leave.

Employees with a paid leave entitlement who are engaged in rostered shifts among two separate roles of different classification levels will be paid the higher of the two rates for rostered shifts, for the hours they were rostered to work in the period they took leave.

* 1. Privacy and confidentiality

The VCAA prioritises safety for employees and their families and places a high value on privacy and confidentiality in family violence cases. Personal details will not be stored in an employee's file without explicit written consent, and any permitted information will be securely sealed and accessible only to authorised employees. All information regarding family violence matters is handled in accordance with the *Privacy and Data Protection Act 2014* (Vic), the *Family Violence Protection Act 2008* (Vic) and the *Health Records Act 2001* (Vic),and used solely for its intended purpose unless otherwise required by law.

Employees disclosing family violence are assured strict confidentiality, except when disclosure is mandated by law, such as in cases of serious workplace incidents or criminal acts or there is an imminent threat to the health and safety of VCAA employees. While liaising with the employee's manager might be necessary to facilitate support or leave, the VCAA seeks to always ensure that confidentiality remains a priority and that information is only on a 'need-to-know' basis.

Employees involved must respect privacy and limit disclosure, although certain workplace safety situations might necessitate sharing information to maintain a secure environment and support the affected employee.

* 1. Further assistance
* **workplace contact officer (WCO) network** comprises a dedicated team of trained volunteers who provide valuable support across the VCAA. The WCO network stand ready to support employees facing various challenges, including family violence.
	+ **employee assistance program (EAP)** is offered to employees experiencing family violence. The EAP includes professionals trained specifically in family violence. Employees can also access local support resources including:
* **Safe Steps** is a 24/7 family violence response center in Victoria, Australia, offering confidential assistance, including safety planning, risk assessment, counseling, and access to safe accommodation. Visit the Safe Steps website [link].
* **the Orange Door** offers integrated support, bringing together professionals from various agencies to provide tailored assistance, advice, and referrals visit the Orange Door website [link].
* **1800RESPECT** is the national domestic, family and sexual violence counselling, information and support service. If you or someone you know is experiencing, or at risk of experiencing, domestic, family or sexual violence, call 1800RESPECT on 1800 737 732 or visit the 1800RESPECT website [link].
* **no to violence – men’s referral service** (or 1300 766 491) works with men who use family violence to change their abusive and violent behaviour.

If you are in immediate danger and need protection straight away, contact Victoria Police on 000 (triple zero) for assistance.

1. Managing this policy

##### Authorisation

This policy is issued under the authority of the Chief Executive Officer.

##### Accountability for the policy

The owner for this policy is VCAA Human Resources. The owner reports to the Chief Executive Officer on the management of this policy.

The owner is responsible for:

* development and regular review of this policy
* development of protocols, processes and guidelines to support implementation
* monitoring compliance of applicable employees, organisational units, and/or locations.

##### Important dates

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| Date of adoption:  | July 2024  |
| Date of last amendment:  | July 2024  |
| Date of next review:  | July 2026  |