

30 August 2017

The Hon Christian Porter MP
Minister for Social Services
Parliament House
Canberra ACT 2600

Dear Minister Porter,

Re: Offer of Contract to Rape & Domestic Violence Services Australia to be a provider of the 1800RESPECT telephone trauma counselling service.

The Board of Rape & Domestic Violence Services Australia thanks you for your continued support of the National Plan to Reduce Violence against Women and their Children and, as part of that support, your continuation of the 1800RESPECT service, which is a stage 1 program of the National Plan.

As you are aware, the National Plan called for an evaluation of the 1800RESPECT program in 2016. The evaluation was to inform the subsequent tender process. Rape & Domestic Violence Services Australia was committed to and actively engaged in that evaluation and looks forward to the release of its findings.

The 2017 retender of the telephone trauma counselling component of the 1800RESPECT service resulted in an offer on the 19 May 2017 to Rape & Domestic Violence Services Australia by Medibank Health Solutions Telehealth (MHS). The offer was that Rape & Domestic Violence Services Australia was a preferred provider. Included in the offer was a contract and a two-staged process for finalising the agreement.

Rape & Domestic Violence Services Australia reached agreement with MHS in relation to the sub contract and submitted the additional documentation required by MHS in stage 1 on the 23 June 2017. Subsequently MHS requested that Rape & Domestic Violence Services Australia attend a meeting on the 10 August 2017. At this meeting, MHS informed Rape & Domestic Violence Services Australia that the tender process had been 'cancelled without award' and that MHS was now 'establishing a new model of service delivery' for the 1800RESPECT Trauma Counselling Service. A sub contract was offered and a response was requested by the 17 August 2017. The Board of Rape & Domestic Violence Services Australia has reviewed the sub contract and holds the following concerns:

Handover of existing client files

The MHS 1800RESPECT Specialist Trauma Counselling sub contract to Rape & Domestic Violence Services Australia requires the organisation to hand over all client files notes resulting from the past six years of counselling in relation to the 1800RESPECT service. It is the firmly held view of Rape & Domestic Violence Services Australia that this would breach client confidentiality and contradict Australian privacy legislation.

Further this requirement is concerning in relation to MHS's position that they will not evoke communications privilege to protect client confidence. Upon request, MHS provided limited guarantees for the protection of counselling notes if MHS were to be sold.

It is the view of Rape & Domestic Violence Services Australia that this requirement of the sub contract cannot be met legally or ethically.

Recording of client files under the new contract

The 1800RESPECT Specialist Trauma Counselling sub contract requires all client file notes created to be recorded on the MHS system.

In 2010, when Rape & Domestic Violence Services Australia became the clinical services provider of 1800RESPECT, a detailed review of the MHS client record system, Aladdin, was undertaken by both organisations with reference to the needs of a specialist trauma counselling service. The aim was to identify if the MHS system could support a Trauma Counseling Service. Rape & Domestic Violence Services Australia provided a list of enhancements that would be required. The result was an agreement by MHS that the existing Rape & Domestic Violence Services Australia client file system would be used. Enhancements included capacity to attach file notes, reports, notifications, therapeutic plans, and clinical care networks to a client intake sheet.

The new 1800RESPECT Trauma Counselling Service sub contract requires that counsellors do not keep client file notes. This directly conflicts with the practice requirements of the professional associations with whom counsellors hold membership.

Counselling Models and Interventions

The 1800RESPECT Trauma Counselling Service sub contract requires Rape & Domestic Violence Services Australia to agree that staff will provide the trauma specialist counselling service within the MHS counselling manual. A copy of this manual for review has been requested, but it has not been provided. Communication in relation to the manual has stated that it will be provided once the contract is signed and on another occasion that the manual will be developed by the providers.

Rape & Domestic Violence Services Australia has an evidence based and best practice counselling manual. The first edition was prepared over a two-year period and included national and international reviews of evidence in relation to sexual assault domestic and family violence trauma, consultation with Australian practitioners, and stakeholder reviews. The two subsequent reviews of the manual were completed over two 12-month periods in 2009 and 2014. It is the view of Rape & Domestic Violence Services Australia that a counselling manual that reflects evidence and best practice cannot be developed in the time frame described or if it has been developed has not undergone the rigorous practitioner and stakeholder review required of such an important document.

Supervision, Coaching, Orientation

The 1800RESPECT Specialist Trauma Counselling sub contract states that MHS will provide staff coaching. Coaching is not a recommended clinical practice. The Professional Association (APS, AASWA, CAPA) all require clinical supervision. This is currently provided by Rape & Domestic Violence Services Australia in house by qualified supervisors for all Rape & Domestic Violence Services Australia counsellors. It is of considerable concern that any down grading and outsourcing of this practice, critical to quality service provision, may considerably reduce the current excellence in service provision provided.

The requirement that orientation will be outsourced is also concerning from many aspects including from a WH&S perspective.

The required outsourcing of 'coaching', orientation and professional development would lead to a two-tiered counselling service at Rape & Domestic Violence Services Australia and dramatically impact on the employer employee relationship between Rape & Domestic Violence Services Australia and the 1800RESPECT counsellors.

It is noted that there is no reference to quality assurance practices in the contract, which of course in a quality framework is also a concern.

Multiple Provider Model of Service Delivery

The 1800RESPECT Specialist Trauma Counselling sub contract directs that there will be up to four trauma counselling service providers.

Rape & Domestic Violence Services Australia holds considerable respect for the service providers nominated and the work that they undertake. There will however be significant difficulties in maintaining any form of consistent counselling service delivery under this model. MHS has stated that calls will be referred to the trauma counselling service based on counsellor availability. The current two service system of 1800RESPECT has resulted in substantial challenges in meeting client needs in a respectful and coordinated way with many of those challenges continuing 12 months post introduction of the model. Rape & Domestic Violence Services Australia holds significant concerns for the capacity of five providers to ensure consistency, quality

and continuity of counselling service to clients. It is the view of Rape & Domestic Violence Services Australia that the five service model proposed creates a substantial risk that the 1800RESPECT Trauma Counselling service will become a one off information and referral intervention. For clients who ring multiple times there is a considerable risk that consistency in service provision may be adversely impacted.

Loss of the Re-contact Service

As with all trauma counselling services that work with those who have experienced sexual assault, domestic and/or family violence, there are clients who are experiencing trauma impacts and those who are experiencing complex trauma. Many from both groups will also present with co-morbidities.

For those experiencing complex trauma the impacts are generally considerable as are the co- morbidities. Typically, this group of clients has experienced sexual assault in childhood and then experienced further violence, both sexual and domestic, in adolescence and adulthood. For these clients their stage of recovery at the time of contact means that accessing face-to-face counselling services is not currently within their capacity. Rape & Domestic Violence Services Australia, in recognition of the specific needs of this client group, established the re-contacts line. Where a client is assessed to be experiencing complex trauma they are referred to the re-contacts service. As a re-contact client, the counselling service is further tailored to their specific needs. It is noted that many of these clients often hold active suicidal ideation, have regular engagement with mental health services, and emergency services. Currently there are six hundred clients engaged in the re-contacts service with approximately 200 of those being current regular callers.

The new contract eliminates this service, a service to some of Australia's most violently treated and vulnerable citizens.

Calls to be recorded

It is considerably concerning that the 1800RESPECT Specialist Trauma Counselling sub contract requires counsellors to sign an agreement with a body, which is not their employer, for their counselling calls to be recorded. As stated earlier MHS holds a position that it will not engage in communications privilege actions when client files are subpoenaed.

Sexual assault and domestic violence services have worked over many years with government to establish communications privilege to protect client's therapeutic records from being misused in legal proceedings. Callers to 1800RESPECT may now experience not only the written documentation being provided to the Courts but they may also experience release of the voice recording.

It is well documented that the underreporting of sexual assault and domestic violence is higher than for any other crime. It is also well documented that withdrawal of complaint during the criminal justice process is high. The spectra of

the Defence, at committal, playing a recording of that first call, by a highly distressed complainant, to a counselling service will overwhelmingly result in considerable re-triggering of the trauma impacts that the complainant has worked hard to manage. It is undeniable that this will result in an increase in withdrawal of complaint.

Alignment of Values with the National Plan to Reduce Violence against Women and their Children, the findings of Our Watch, the values of sexual assault and domestic violence services in Australia, and the international evidenced position of organisations such as the United Nations and the World Health Organisation.

The 1800RESPECT Specialist Trauma Counselling sub contract and engagement with MHS over recent years has repeatedly highlighted a de-gendered analysis of the crimes, which the clients of the 1800RESPECT services have experienced. This reduction in analysis has also resulted in a loss of the response to the power and control dynamics of the crimes, the importance of understanding and working with clients to recover from the impact of those dynamics, and the necessity of empowerment in the recovery process.

As Rape & Domestic Violence Services Australia was able to provide the trauma counselling services within its evidence based counselling practices, which fully incorporates such concepts, the impact of the increasing de-gendering of the service by the lead agency has been somewhat contained.

Rape & Domestic Violence Services Australia seeks to state that it recognises and affirms that the other provider services adhere to and will seek to provide the trauma counselling service within a gendered, evidence based, power and control framework.

The concern held by Rape & Domestic Violence Services Australia is that the lead agency, does not hold or operate with reference to these fundamental concepts. This lack of commitment to a gendered analysis and the national and international position in relation to violence against women will impact on the service. Recent communications by MHS and in the sub contract negotiation has already evidenced the move by MHS to the priority service outcomes of quality being a numerical measure of calls answered with no reference to quality therapeutic interventions for clients.

Shift Arrangements

The 1800RESPECT Trauma Counselling contract states that on a three monthly basis MHS will provide Rape & Domestic Violence Services Australia, along with the other providers the roster they will be required to fill for the coming three months. This means that staff cannot be offered permanent shifts or in fact any guarantee of regular work.

It is noted that Rape & Domestic Violence Services Australia employs in its clinical service people who hold a four year Social Work or Psychology degree, who have

considerable counselling experience, and have participated in further professional development beyond their degrees. Most have family and financial responsibilities. The casualisation of their employment through lack of predictability of work times and hours as proposed in the sub contract, will make continuing employment and recruitment difficult. The sub contract proposes a disrespectful way to treat highly skilled and committed staff.

It is well recognised that in all areas of endeavor, skilled and committed staff are critical to quality outcomes and the success of the entity. It is the view of Rape & Domestic Violence Services Australia that the proposed treatment of staff is not a precursor to a respectful employer employee relationship or to the achievement of quality in service provision.

Redundancies

As you are aware the contract will result in Rape & Domestic Violence Services Australia being required to make between fifty and seventy staff redundant. This includes Counsellors, Clinical Supervisors, HR, IT and Administration staff. NGO funding guidelines specifically direct that NGO's cannot accrue for redundancy. Rape & Domestic Violence Services Australia has adequate accruals to pay the leave entitlements of all staff made redundant. Rape & Domestic Violence Services Australia does not, as would be expected of any NGO, have the approximately \$1 million dollars that will be required to pay staff the redundancy payments required by law under the National Employment Standards.

Rape & Domestic Violence Services Australia requests an urgent meeting to discuss with you how the redundancies can be funded. It is noted that failure to fund the redundancies will result in the liquidation of Rape & Domestic Violence Services Australia which will also mean the loss of services such as the NSW Government funded NSW Rape Crisis Service.

Cash flow

In considering the 1800RESPECT Specialist Trauma Counselling sub contract the Rape & Domestic Violence Services Australia Board also reviewed the funding offer.

In the first instance in 2012 MHS worked with Rape & Domestic Violence Services Australia to establish the service cost per counsellor FTE. With pay equity and CPI accruals since that time the cost in the 2016/17 year is \$250,000 per FTE. The 1800RESPECT Trauma Counselling Service contract offers \$160,000 per FTE.

Further, the contract is unclear on payment of invoices and can be read as payment being from 30 to 60 days post provision of the service. Rape & Domestic Violence Services Australia does not hold the cash reserves required cover payments in arrears of up to \$320,000.

In addition, to accept the 1800RESPECT Trauma Counselling Service sub contract Rape & Domestic Violence Services Australia would need to undertake considerable fund raising to subsidise participation in the national service.

It is the view of Rape & Domestic Violence Services Australia that the 1800RESPECT Trauma Counselling Service sub contract describes an unacceptable degrading of the quality of counselling that is to be offered, unethical service practice and employer employee engagement, and poor financial practices.

It is therefore with great reluctance and despair and after intensive review that the Board of Rape & Domestic Violence Services Australia has concluded that it has no option other than to reject the offer and withdraw from a service that the organisation has been highly committed to for the past six years and beyond. This decision is in line with the MHS stated option, in their letter dated 28 August 2017, 'that MHS may have no other option but to bring negotiations to a close'.

Again thank you for your government's commitment to the National Plan and the work of 1800RESPECT.

Yours sincerely,



Jane Gold

Chairperson Rape and Domestic Violence Services Australia's Board

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