

Providing family violence support

Exploring ways energy retailers can provide family violence assistance that is safe and effective

31 October 2018



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A message from the Chairperson

Earlier this year I was proud to help launch our work program on family violence for the retail energy sector. At the launch, I spoke about how much I have learned since the 2016 Victorian Royal Commission into Family Violence handed down its findings and recommended that the Essential Services Commission take action on family violence by amending our codes and guidelines. Since 2016, we have worked closely with Victorian water businesses to design family violence initiatives that all Victorians can now access.

In undertaking this work, one of the most challenging lessons has been to understand how to make sure we are part of the solution. When it comes to family violence and economic abuse, the usual tools of our trade — thinking about markets and competition, incentives and resource allocation — were not appropriate to guide us forward. Instead, we must act simply, and only, because it is the right thing to do. When it comes to something as catastrophic as family violence we all have a responsibility to act. We all have a responsibility to do whatever we can within whatever spheres of influence we have.

In coming to better understand the realities of family violence, we've realised it's not just about paying a bill. As such, the regulatory and business response needs to extend across the entirety of the relationship between service providers and their customers, including privacy and information security. Most importantly, it's about ensuring customer support systems extend beyond the traditional reach of the hardship team. It's far too simplistic to assume that family violence and economic abuse are simply matters of financial hardship and that family violence measures can be delegated to that team.

This paper is one resource of many we will share as we work hand-in-hand with the retail energy and community sectors to understand how business systems, policies and processes might affect people facing family violence and economic abuse. The best outcomes can be achieved when we work collaboratively to arrive at a solution that is effective and can be implemented safely for companies, customers and staff. I look forward to working with all interested parties on this vitally important project.

Dr Ben-David

Chairperson

Our role in supporting effective change

In response to the 2016 Royal Commission into Family Violence, the government has asked us to provide guidance on the policies and practices energy companies should adopt to assist them engage with survivors, victims and perpetrators of family violence.

Since July 2018, we have consulted with family violence experts and the broader energy sector to understand how we could provide effective and meaningful guidance to energy retailers on family violence processes and policies. This has included a series of workshops aimed at sharing experiences and insights from experts and organisations that have already started this work.

Based on this consultation, we have identified principles and actions that we consider demonstrate best practice as it applies to the energy sector. This paper outlines these principles and actions including:

- the issue as it relates to the energy sector
- where other organisations have contributed to our understanding of the issue
- the intended outcome of each principle and action.

We will continue to hold workshops for the retail energy sector. These workshops aim to provide retailers with practical assistance on how to apply these principles in the context of their business and best practice approaches on specific topics raised in earlier consultations.

Integrating these principles and our framework

We are seeking feedback on the relevance to the energy sector of these principles and actions, and how they might apply in the context of a specific organisation. Based on the feedback we receive, we will finalise the set of principles and actions and these will form the backbone of changes to our regulatory framework.

We anticipate integrating the final set of principles and actions into the better practice manual that was first developed for the water sector in 2017. We will continue to host workshops aimed at sharing experiences in the energy sector, reviewing other sectors' family violence resources as well as learning from water businesses that have already implemented family violence processes and policies. We will incorporate the lessons from this engagement into the manual to promote better practice that is accessible to all our regulated service sectors.

We intend to make some changes to the Energy Retail Code as part of this program of work. We will continue to hold workshops with industry and meet with stakeholders during 2018. Early in 2019 we will consult on a draft code amendment. We will finalise a code change in March 2019; by the third anniversary of the Victorian Royal Commission into Family Violence.

Multiple organisations contributed to this work

In developing this paper we consulted widely with the community sector, utilities providers such as water and financial services, and any energy retailers that were already actively involved in this area. We found that the energy sector takes the issue seriously and is keen to build on the work that is already taking place.

We have responded to this consultation with principles drawn from existing resources by family violence experts on best practice responses, as well as the experiences of other industries. We particularly note the involvement of the water sector which generously shared its lessons from developing and implementing family violence policies.



Multiple organisations contributed to this work

Essential Services Commission **Providing family violence support**

How principles guide better practice

This paper explores principles and actions for family violence assistance that is safe and effective for customers and staff. When it comes to implementing these principles, advice from family violence specialists indicates that it is not a linear process, but a cycle of learning and iteration, with the key component being: making a start.¹



¹ Economic Abuse Reference Group, 2018, Addressing the Financial Impacts of Family Violence – Good Practice Industry Guideline, April 2018, p.1.

Each proposed principle includes actions relating to business activities or customer outcomes

Principles	Actions
Develop an informed approach that works for the organisation	<ul style="list-style-type: none"> • Seek expert advice to inform the approach • Apply an approach that is tailored to the organisation's needs • Learn from others and share experiences
Lead from the top and demonstrate accountability	<ul style="list-style-type: none"> • Develop a family violence strategy for the whole organisation • Consider appropriate responses to perpetrators • Show commitment by embedding cultural and systems changes • Take responsibility and show accountability with ongoing monitoring and evaluation
Prioritise safety and choice for victims/survivors	<ul style="list-style-type: none"> • Show empathy to victims/survivors • Support victims'/survivors' agency by sharing the burden and showing the way • Reduce trauma by minimising repeat disclosure • Keep victims/survivors safe by protecting private and confidential information • Respond to the financial impacts of family violence
Build a culture of awareness, internally and externally	<ul style="list-style-type: none"> • Educate, train and support employees to understand and to show empathy • Tailor training for customer-focused and senior roles • Support staff to understand their role
Acknowledge and address barriers to access	<ul style="list-style-type: none"> • Understand the gendered nature of family violence • Provide support that is inclusive for all Victorians • Provide referrals to expert support services



How principles guide better practice

Next steps



We will host further workshops with the energy and community sectors

We will continue to work closely with energy retailers and the community sector to build capacity within the sector and to understand how these principles may be applied. If you are interested in hearing more about this work please email energy.enquiries@esc.vic.gov.au

Updates are also available on our website www.esc.vic.gov.au/family-violence

We invite feedback from stakeholders

We will consult on this paper until **7 December 2018**. We are interested to hear your views on:

- whether the principles we identified are sufficient to deliver change that is safe and effective
- how relevant and applicable these principles are to the energy sector
- how the commission can facilitate these principles through our regulatory framework, including what can, and what should be included in the Energy Retail Code.

Provide written comments or submissions

We prefer to receive written feedback via our website: www.esc.vic.gov.au/family-violence.

Alternatively, send them by mail to:

Family Violence Resources review 2018
Essential Services Commission
Level 37, 2 Lonsdale Street Melbourne VIC 3000

We usually make all comments and submissions publicly available in the interests of transparency. If you wish part or all of your submission to be private, please let us know.

Case study

System gaps and processes can place lives at risk, and can be costly and damaging to a retailer's reputation. The following case study, taken from the Energy and Water Ombudsman (Victoria)'s (EWOV) 2018 annual report, highlights the impact a business' system error can have on a customer and why further action on family violence is timely and critical for the energy sector.²

A residential customer, single parent with one child

Even though Ms W had a family violence order against her former partner, her electricity retailer sent him an SMS about her new account and address. Ms W was forced to move and wanted help to cover her costs. Because the circumstances of the complaint reflected EWOV's Vulnerable and Disadvantaged Customer Policy and Procedure, EWOV moved directly to an investigation.

The retailer offered to cover Ms W's emergency accommodation costs while it investigated, and made a \$500 deposit to her bank account. It found that information meant for Ms W was sent to her former partner after she applied online for electricity connection. Her information had been matched to an old customer profile. The retailer apologised and assured Ms W that the other person's details were no longer associated with hers in its system.

After EWOV checked her documentation the retailer paid Ms W \$8,547.30 for relocation, storage, bond, rent, cleaning, accommodation and incidentals. It agreed to pay a further \$2,736.60, being the difference in her rent for 12 months, and rent and advertising for her property until it was tenanted. It also offered a customer service payment of \$500 in recognition of its poor service.

Ms W considered \$500 inadequate, requesting \$10,000 each for her and her son. The retailer offered \$7,000, in addition to the \$11,283.90 already provided. It also waived the balance of her gas account. Ms W accepted this outcome. The complaint was closed.

² Energy and Water Ombudsman, 2018, EWOV 2018 Annual Report, p.43.

1. Develop an informed approach that works for the organisation



Seek expert advice to inform the approach

We do not expect energy retailers to be experts in providing family violence support and services. In the August and September workshops, participants said they wanted a better understanding of what is required of them and what the extent of their response should be.

Community sector organisations can provide expert support in how organisations respond to family violence according to international best-practice. Using the knowledge and experience of specialist family violence organisations, and the victims/survivors they work with, ensures the strategy and policy incorporates their experiences and perspectives.

An effective strategy can be developed through collaboration with internal and external partners, bringing together people from multiple disciplines to consider how it should be implemented.

Apply an approach that is tailored to the organisation's needs

Developing a strategy and implementing family violence policies can be complex and an ongoing process that requires commitment from across the organisation.³ Industry responses to family violence are somewhat new, and companies should not be restricted by the context of the industry or capacity of the business in how to begin or continue this work. By tailoring a strategy to the organisation's needs (while maintaining a focus on safety, support and empowerment) its implementation is more likely to have a positive impact.

Gendered Violence Research Network

The Gendered Violence Research Network at the University of New South Wales has a Gendered Violence & Organisation project aimed at supporting organisations that are building strategies to address gendered violence. They have an implementation framework that outlines five areas for organisations to consider in effectively mitigating risk and fulfilling their duty of care to their staff.⁴

³ Economic Abuse Reference Group, op. cit., p.1.

⁴ Gendered Violence Research Network, 2018, Organisational Strategies, <https://www.arts.unsw.edu.au/research/gendered-violence-research-network/gendered-violence-organisations/organisational-strategies/>, accessed 22 October 2018.

Learn from others and share experiences

Industry and business responses to family violence are an area of work that is somewhat new. As the field grows, companies have the opportunity to learn from each other's experiences and build a shared understanding of best practice responses. In feedback from the August and September workshops, attendees said a key learning was that the subject matter is new to many in the energy industry and it is important to own mistakes and learn from them. Attendees found it useful to hear from others in the energy and water sectors about what they had learned in developing responses to family violence.

In developing its own family violence policies, we encourage organisations to draw on the experiences of those who have gone through similar work as well as resources from experts. We would also encourage it to share its own organisation's experiences to support continued learning and development of best practice along the way. Thriving Communities Partnership (see below) is a platform for learning, research and projects that advance organisational contributions to combatting customer vulnerability and hardship, including family violence. It provides a knowledge hub for organisations to access resources and insight from the experiences of others.

Thriving Communities Partnership

The Thriving Communities Partnership is a central platform for collaboration, learning, research and projects that advance organisational contributions to combatting customer vulnerability and hardship. Bringing together thinking and practice from leading Australian organisations, the partnership hosts resources and information about initiatives addressing vulnerability and building inclusion (including initiatives responding to customers who have experienced family violence). The partnership also organises regular workshops and events and an online platform to drive collective insight and action.

See <https://www.thriving.org.au/> for more information, including how to join the network.

2. Lead from the top and demonstrate accountability



Develop a family violence strategy for the whole organisation

It is important to develop a whole of organisation approach that is led from the top. Leadership and support by the executive and senior managers demonstrates a commitment to the family violence support policies. Leadership is also critical to effective implementation that will embed lasting systems.⁵ The Economic Abuse Reference Group has a good practice guide with ten recommendations for businesses considering their responses to family violence. They also produce guides for specific topics, including making a start, staff training and referral options.

Economic Abuse Reference Group

The Economic Abuse Reference Group is a group of community organisations that aims to influence government and industry responses to the financial impact of family violence. Its members include family violence services, community legal service and financial counselling services. The group's work is focused primarily in Victoria but also extends to some national issues. They have provided input into issues including banking, insurance, utilities, tenancy and infringements.

Consider all relevant functions of the business

A family violence response should take into account all relevant functions of the business that could impact on customers experiencing family violence. The Economic Abuse Reference Group recommends that businesses analyse their products and processes to identify where their services and activities, including outsourced services (e.g. offshore call centres), could potentially increase risk for victims/survivors.⁶ This review should involve all relevant divisions of an organisation (e.g. IT division) so they can assess whether a system change or upgrade may have any unforeseen impacts on customers.

⁵ Economic Abuse Reference Group, op. cit., p.1.

⁶ Economic Abuse Reference Group, op. cit., p.1.

EnergyAustralia

In their presentation at our project launch, EnergyAustralia noted that developing robust policies and procedures was important for them to be able to effectively respond to family violence. This included looking at how risk can be 'engineered out' of policies and procedures, and making data and privacy protection as foolproof as possible.

Policies for staff as well as customers

Developing a family violence response for the whole organisation should include internal family violence support for staff. Statistically it's likely there will be victims/survivors or perpetrators of family violence in an organisation. One in six women has experienced physical or sexual violence by a current or previous partner.⁷ One in four women has experienced emotional abuse by a current or previous partner.⁸ It's important to note these employees may also be customers of the business and may benefit from support in both capacities.

The Economic Abuse Reference Group recommends overlapping internal policies with customer policies because it further demonstrates the business' commitment and support.⁹ A family violence policy for staff needs to outline the support available and how to access it. This might include:

- family violence leave provisions
- confidentiality and security measures
- levels of flexibility in working arrangements available
- debriefing support and referral to counselling.¹⁰

Providing appropriate support for employees is important because staff members may find talking about family violence challenging. They may experience vicarious trauma in speaking directly to victims/survivors, or it may trigger trauma for those who are victims/survivors themselves. Supporting staff will also enable them to better support customers.

⁷ Australian Institute of Health and Welfare, 2018, Family, domestic and sexual violence in Australia 2018, p.ix.

⁸ Australian Institute of Health and Welfare, op. cit., p.ix.

⁹ Economic Abuse Reference Group, op. cit., p.1.

¹⁰ UN Women, 2017, Taking the first step: Workplace responses to domestic and family violence, p.6.

2. Lead from the top and demonstrate accountability

AGL

Through its financial inclusion action plan, AGL is an example of an energy retailer supporting its staff through internal family violence policies. AGL staff affected by family violence are offered additional leave provisions and continued employment while working through their experience.¹¹

Consider appropriate responses to perpetrators

Organisations need to consider developing a response to perpetrators. This response will depend on where it is up to in its overarching response to family violence, as responding to perpetrators is a complex matter. That said, all organisations can take action to support a safe work environment where family violence and violence against women is challenged.

Feedback following our workshop indicated participants were interested in further information about the experiences of perpetrators and how to respond appropriately to them. There are a range of specialist services that develop this information and provide support services.

Our Watch – Workplace Equality and Respect Project

Our Watch is the national foundation to prevent violence against women and their children. The Victorian Government funded Our Watch to undertake the Workplace Equality and Respect Project which builds on existing initiatives to develop evidence-based standards and tools that support workplaces taking action to prevent violence against women.

Workplace responses to perpetrators of violence against women

As part of this project Our Watch worked in partnership with **No To Violence (Men's Referral Service)** – the peak body for working with men to end family violence in Victoria and New South Wales – to look at the issues in managing perpetrators of family violence in the workplace. The report has 33 recommendations to inform appropriate workplace management of perpetrators. It suggests employers use a graduated model that enables them to take appropriate action while also taking into account factors for the individual organisation.

¹¹ AGL, 2018. Financial Inclusion Action Plan, <https://www.agl.com.au/-/media/aglmedia/documents/about-agl/who-we-are/our-committments/fiap-2018-v7.pdf?la=en&hash=DD5BC570B860FB803F23E86BE010140B2505A1B6>, accessed on 04 October 2018.

Responding to staff and customers who are perpetrators

Our Watch and No To Violence recommend that policies and procedures for responding to perpetrators are carefully considered so that they:

- are appropriate and safe
- send clear messages to highlight perpetrator accountability and the prevention of violence against women
- respect the rights of perpetrators to confidentiality and a fair process.¹²

The North West Metropolitan Regional Primary Care Partnership recommends that organisations have a whole-of-organisation response to victims/survivors of family violence **before** they consider responding to perpetrators.¹³

Directly engaging with perpetrators of family violence in ways that work towards the safety of women and children is highly difficult. Unskilled or misguided attempts can significantly compromise family member safety.¹⁴

Due to the high risk and complex nature of such procedures and the change management required for implementation, organisations should consult with specialist services in developing their response, for example No To Violence or a local men's behaviour change program.¹⁵ In addition to seeking advice from family violence experts, organisations should seek advice from legal experts. It's important that individuals' rights to fair processes and confidentiality are respected.¹⁶

Show commitment by embedding cultural and systems changes

Through our consultation we heard that some energy retailers have taken initiatives and demonstrated a commitment to supporting customers and staff affected by family violence. For a family violence policy to be effective in the long-term it must embed cultural and systems changes, which requires buy-in from across the organisation. Policies may be championed by senior management or staff from a specific division, but without training and support for all staff, they may not understand the relevance and importance of such policies. On the other hand, some staff in an organisation may champion the need to develop and adopt policies, but without support from

¹² Our Watch and No To Violence Men's Referral Service, 2017, Workplace responses to perpetrators of violence against women, September 2017, p.4.

¹³ North West Metropolitan Region Primary Care Partnerships, 2018, Guidelines for Identifying and Responding to People Who Cause Family Violence Harm, April 2018, p.5.

¹⁴ North West Metropolitan Region Primary Care Partnerships, op. cit., p.4.

¹⁵ North West Metropolitan Region Primary Care Partnerships, op. cit., p.5.

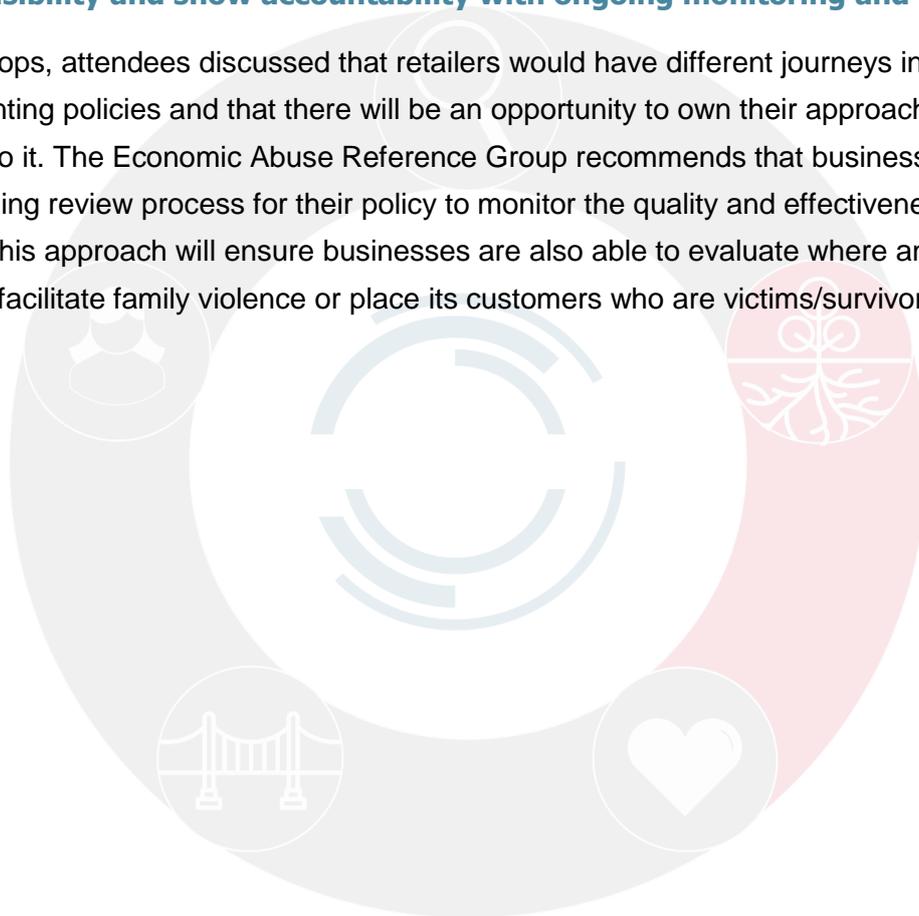
¹⁶ Our Watch and No To Violence Men's Referral Service, op. cit., p.5.

senior management and the executive, changes are unlikely to be embedded into the organisation's culture and values.

In their research WEstjustice, a Victorian community legal service, found that in some instances even though policies were championed by senior management and staff involved in developing the policy, casework demonstrated not all staff in those companies understood, or followed their organisation's family violence expectations, training or processes.¹⁷ Best practice suggests that a strategy needs to include embedding lasting systems so that policies are not reliant on the knowledge and championing by select members of the organisation.

Take responsibility and show accountability with ongoing monitoring and evaluation

In the workshops, attendees discussed that retailers would have different journeys in developing and implementing policies and that there will be an opportunity to own their approach and be accountable to it. The Economic Abuse Reference Group recommends that businesses should have an ongoing review process for their policy to monitor the quality and effectiveness of their response.¹⁸ This approach will ensure businesses are also able to evaluate where any processes inadvertently facilitate family violence or place its customers who are victims/survivors at further risk.



¹⁷ WEstjustice, 2018, Restoring Financial Safety: collaborating on responses to economic abuse. Project report describing WEstjustice's work and reflections on economic abuse, July 2018, p.33.

¹⁸ Economic Abuse Reference Group, op. cit., p.3.

3. Prioritise safety and choice for victims/survivors



Show empathy to victims/survivors

The Economic Abuse Reference Group recommends designing policies around an understanding of the nature and causes of family violence, and the experiences of victims/survivors.¹⁹ In our workshops, attendees gained an understanding of the size of the issue of family violence in the community, how it affects different demographics and debunking the common myths about what family violence looks like.

In its report, *Voices of Hope*, Family Safety Victoria outlines experience principles, informed by listening to victim-survivors²⁰, which represent how victim-survivors want to feel in any experience they have with a support system. One of these principles is to show empathy.

Family Safety Victoria

When victims/survivors are shown empathy right from the first point of contact they can build a sense of hope and confidence with each interaction. Feeling believed and heard by staff is a powerful antidote to the lack of power and control they have been experiencing in their relationship. If the experience is too difficult, or there's a lack of empathy and understanding, a victim or survivor may be reluctant to disclose their family violence experience and seek further support. It may also lead to them considering they have no choice but to return to the perpetrator for financial help.²¹

It is essential to build trust by listening to victims/survivors and building their confidence that the organisation can help or transfer them to someone who can. Supporting staff to feel confident in how to approach these conversations with victims/survivors is a critical part of their training. Customers should feel they are taken at their word when they ask for help and are listened to without judgement.

¹⁹ Economic Abuse Reference Group, op. cit., p.2.

²⁰ Family Safety Victoria refers to people who have experienced family violence as 'victim-survivors'. They were guided on the use of this term by persons who identify as such. We use the term victims/survivors because energy retailers may come in contact with persons who are still in an abusive relationship and may not yet be at a stage where they can identify as survivors or have sought support elsewhere.

²¹ Family Safety Victoria, 2017, *Voices of Hope*, March 2017, p.41.

Support victims'/survivors' agency by sharing the burden and showing the way

Family Safety Victoria also promotes the need to help the victim/survivor engage with the process and guide them through it so they are not taking it on alone. Victims/survivors should be empowered to play an active role so they can reclaim the power, sense of control, and confidence that may have been lost from the family violence experience.²² It is important to focus on an individual's specific needs and circumstances – tailor the assistance to them, give them agency and help them understand the processes and systems so they have confidence to make informed choices and move on with their lives.

This requires staff to be open and honest with victims/survivors, to be clear about what the organisation can do for them and what will happen next. It requires staff to understand, anticipate, and manage the complexities of the internal process and guide the victim/survivor through the steps involved.²³ In this way, customers will feel supported to make informed choices.

Reduce trauma by minimising repeat disclosure

When victims/survivors have to repeat their story of family violence to different staff it can be traumatising. It can lead them to stop seeking support or may place them at greater risk if the perpetrator monitors their calls.²⁴ Repeated disclosure may occur if there are no dedicated family violence support staff, if staff members aren't adequately trained to identify signs of family violence, or if staff lack empathy or are cynical of customers seeking support. A lack of understanding and empathy can make it difficult for victims/survivors to access payment difficulty assistance if they are required to justify their need for assistance by repeating their experience.

Internal processes should create a system that provides continuity of service, which means that repeat disclosures are minimised and staff and customers are able to further build on this trust. The victim/survivor could be transferred to the same team member each time they call, or at least, directly to a member of the family violence support team. Offering a direct point of contact also helps in minimising repeat disclosure. It means staff members are experienced and readily able to assess the needs of the customer and tailor support to their experience. Again, this gives customers greater levels of trust that they won't have to keep repeating their story.

²² Family Safety Victoria, op. cit., p.42.

²³ Family Safety Victoria, op. cit., p.41-42.

²⁴ Domestic Violence Victoria, <http://dvvic.org.au/understand/about-family-violence/>, accessed 12 October 2018.

Consider a single entry point

WEstjustice's experience found that reaching the right person in an organisation plays a big role in the victim's/survivor's experience and leads to a better outcome for them. WEstjustice urges a single entry point, such as a direct telephone number or email address. This ensures that the victim/survivor can reach a person in the organisation who has the authority to provide support and find a solution tailored to the case safely and appropriately.²⁵ Although a single entry point is important, there will be instances where other staff members are the first point of contact. It's important that all customer-facing staff feel confident in what is expected of them if they are speaking to a customer who has experienced family violence.

Keep victims/survivors safe by protecting private and confidential information

Family Safety Victoria highlights the importance of ensuring safety.²⁶ An effective policy needs to make the victim's/survivor's safety and protection a priority from beginning to end. Perpetrators may use knowledge of their former partner's personal information to pass standard account privacy protection methods in order to get their new contact details. Protecting confidential information is particularly important when the perpetrator is, or has been, a joint account holder.

This links back to developing a family violence strategy for the whole organisation. Without an organisation-wide strategy and cohesive policy, there is a risk of unintentionally or deliberately disclosing private information to a perpetrator and thereby putting the victim/survivor at risk of harm. By engaging all staff in the organisation's strategy, staff can help identify risks posed by current systems and processes – particularly where they could lead to unintentional sharing of private and confidential information. Such an approach allows an organisation to implement practical solutions and create safeguards to ensure sensitive information can only be accessed by authorised staff. Having processes and systems that protect information means customers will have confidence that they are able to safely share confidential information, including disclosing their experience of family violence.

Respond to the financial impacts of family violence

Financial difficulty is common for someone who is experiencing family violence. The royal commission recognised a role for utilities to do more in assisting customers affected by family violence to regain control of their finances. Many industries are considering approaches to this work, including sensitive and constructive ways to recover joint debts, identifying circumstances where debt will be waived or suspended, and providing payment difficulty assistance.

²⁵ WEstjustice, op. cit., p. 11.

²⁶ Family Safety Victoria, op. cit., p.42.

Economic abuse – a form of family violence

Economic abuse is a particular form of family violence where perpetrators control their partners through their finances. For example, a perpetrator may limit their partner's access to money or avoid responsibility for debts, deliberately leaving the burden with the victim/survivor. This can continue when the relationship has ended where the victim/survivor is left with financial arrangements entered into with their former partner. A perpetrator may fraudulently create a new account under the victim's/survivor's name and intentionally accumulate debt.

Financial impacts of family violence

Family violence can have significant financial impacts for victims/survivors, even where economic abuse is not part of the abuse. Women and children may need to leave possessions behind if they leave in a crisis situation, and will have many ongoing legal and financial issues to navigate. Family violence is the most common cause of homelessness for women in Victoria.²⁷

Debt management and joint accounts

Debt is a significant issue for victims/survivors of family violence, whether or not economic abuse is part of the abuse. A common form of economic abuse is accumulating debt and disconnecting, or threatening to disconnect, utilities.²⁸ If victims/survivors are forced to leave their homes because of family violence, their perpetrator may also threaten to not pay the bills, jeopardising the victim's/survivor's credit record. A bad credit rating can impact on a victim's/survivor's ability to establish financial independence or access housing and other services.

Water businesses are now required to provide greater transparency about how they may recover debt from joint accounts or suspend or waive debt. Many businesses have adopted processes to ensure victims/survivors of family violence with joint debts are not disadvantaged after separation. They have also established processes for managing, suspending or waiving debt for customers experiencing family violence.

Energy retailers should provide clear information on the options for debt recovery for customers and avoid requiring victims/survivors to take sole responsibility for joint debt. In particular, retailers will need to consider joint accounts and terminating contracts in the context of family violence circumstances. The Consumer Utilities Advocacy Centre (now the Consumer Policy Research Centre) found that some utility providers require victims/survivors to seek consent from their

²⁷ Australian Institute of Health and Welfare, 2017, Specialist homelessness services annual report 2016-17, Cat. No: WEB 217, Data tables: Vic

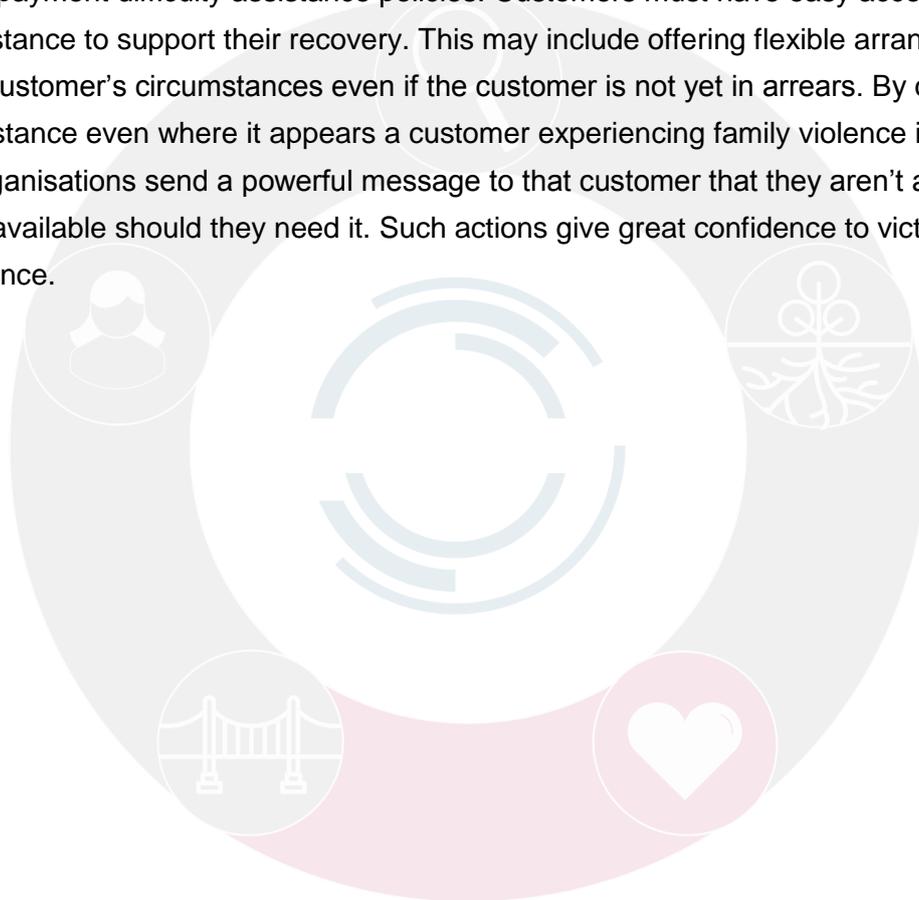
²⁸ Good Shepherd and Wyndham Legal Service, 2015, Restoring Financial Safety: Legal Responses to Economic Abuse, p.60.

perpetrator (the other account holder) to terminate a joint account, putting them at significant risk of further violence.²⁹

Payment difficulty assistance

WEstjustice reports that in many instances, staff struggle to recognise family violence as a reason for payment difficulty assistance; thereby limiting the options provided to a customer.³⁰ It is helpful not to be caught up in terminology or stereotypes of a person facing payment difficulty, and instead focus on customer outcomes.

Energy retailers can support customers affected by family violence by extending support under their existing payment difficulty assistance policies. Customers must have easy access to payment difficulty assistance to support their recovery. This may include offering flexible arrangements tailored to a customer's circumstances even if the customer is not yet in arrears. By offering financial assistance even where it appears a customer experiencing family violence is not yet in dire need, organisations send a powerful message to that customer that they aren't alone, and there is help available should they need it. Such actions give great confidence to victims/survivors of family violence.



²⁹ Consumer Action Law Centre, 2014, Helping Not Hindering: Uncovering Domestic Violence & Utility Debt, p.42-44.

³⁰ WEstjustice, op. cit., p.9.

4. Build a culture of awareness, internally and externally



Information about the organisation's response to family violence must be clear to customers and employees, and it needs to go beyond publishing a policy on a website. Communications must include publishing contact details of external specialist support services and informing and educating customers. By understanding their options and what will happen once they seek support, victims/survivors can feel empowered – an important part of supporting them to manage and overcome the effects of family violence.³¹

Training staff is the cornerstone of better practice principles. Employees may at first be wary of a family violence policy and question how it would be relevant to their work. By taking a whole of organisation approach to training and promoting a culture of awareness, organisations can reduce cynicism among employees, enable early detection of family violence warning signs and support employees to respond safely and appropriately.

Educate, train and support employees to understand and to show empathy

High-quality training should be provided to all staff. It will help them understand what family violence is and how it occurs; why it is relevant to the organisation and what the organisation's response is. Extending training to all staff also helps them to consider possible issues in relation to their own areas of work. For example, the IT team may consider risks in system processes and upgrades, creating solutions to prevent unintentional disclosure of confidential information and safeguards to ensure sensitive information can only be accessed by authorised staff.

Family violence specialists³², and water businesses who have already implemented training³³, say that businesses starting out on family violence training need to involve specialist training providers. This is because family violence is still not well understood. It is expected that over time, organisations and individual staff will build up the capacity to design their own training that ensures it is developed safely and its staff develop the right capability to provide support to its customers. With appropriately trained staff, customers will feel safe to disclose what's happening to them and seek support.

³¹ Family Safety Victoria, op. cit., p.26.

³² Good Shepherd Australia and New Zealand.

³³ City West Water, South East Water, Yarra Valley Water.

Tailor training for customer-focused and senior roles

Tailored training for staff members interacting directly with customers will help develop their capacity to identify signs of family violence at an early stage and how to respond according to the organisation's policy. The Economic Abuse Reference Group recommends that in addition to providing all staff with general awareness training, staff who have any customer contact, respond to vulnerable customers or hold management roles, should also receive targeted training.³⁴

All staff engaging with customers, across every level, should receive high-quality training on:

- early recognition of signs of family violence
- ensuring customer safety and confidentiality
- making flexible and tailored decisions appropriate to the context
- making effective referrals to support services (this can be transferring them directly to the appropriate team within the organisation or, if the customer is talking to the specialised team member, external referrals to support service organisations).³⁵

Customers will receive more consistent responses when staff members are clear about what is expected of them in their role.

Support staff to understand family violence

All staff members should be aware about the issue of family violence, the organisation's family violence policies and what their responsibilities are as relevant to their individual role. Legal caseworkers report encountering some of the following issues when engaging with staff who did not understand issues arising from family violence:

- Proof of family violence is requested. This is concerning because it indicates cynicism. In addition, obtaining proof, such as an intervention order, is not a simple request for a victim who is trying to leave an abusive relationship or has already left. It may also place them at higher risk if a perpetrator feels provoked. Or, if a perpetrator has been imprisoned, the order may no longer be obtained.
- They did not recognise warning signs or understand how to respond when family violence was disclosed.
- They interpreted warning signs such as inconsistent or unexplained stories, failure to answer calls or the inability to provide evidence as indicators of fraudulent behaviour.
- They did not recognise family violence as necessitating or being eligible for payment difficulty assistance.

³⁴ Economic Abuse Reference Group, op. cit. p.2.

³⁵ WEstjustice, op. cit., p. 11.

- They failed to understand the risks in family violence cases and disclosed confidential contact details of the victim/survivor after separation, or in cases of joint account holders, they required the victim/survivor to obtain consent or a signature from the perpetrator.³⁶

Research demonstrates that economic abuse is cited as one of the main reasons a victim remains in, or returns to, an abusive relationship.³⁷ WEstjustice recommends service industry organisations continue training to support their staff, cross-sector consultation and review of processes to embed a culture of identifying and responding to family violence and economic abuse.³⁸ Customers feel respected and believed when staff understand what family violence looks like, and how they can help them.

WEstjustice - a case study

WEstjustice has used its casework experience assisting people affected by economic abuse to change the way industry understands and responds to family violence. WEstjustice led a project where it developed and shared ideas that resulted in, or contributed to, family violence protocols being adopted by industry project champions, including tier one retailers. The project sought to improve understanding of family violence, and develop, pilot, and refine programs and responses to economic abuse through cross-sector collaboration.

Initially, staff from the cross-sector pilot had expressed doubts about the relevance of having a family violence policy, questioning whether instances would arise often in their work, and if it did, stating they would need proof of the family violence in the form of medical evidence or an intervention order.

Following training provided to staff, including hardship teams, WEstjustice noted that industry staff understood the relevance and need for family violence awareness, the impacts and ongoing implications of family violence and the importance of flexible decision-making.³⁹

³⁶ WEstjustice, op. cit., p.9.

³⁷ WEstjustice, op. cit., p.5.

³⁸ WEstjustice, op. cit., p.7.

³⁹ WEstjustice op. cit., p.15.

5. Acknowledge and address barriers to access



Understand the gendered nature of family violence

The Royal Commission into Family Violence found that:

The strategy to address family violence must continue to recognise that most family violence incidents occur in the context of intimate partner relationships. The significant majority of perpetrators are men, and the significant majority of victims are women and their children.⁴⁰

Research demonstrates that Australian women are nearly three times more likely than men to experience violence from an intimate partner.⁴¹ As noted by Our Watch and No To Violence, recognising the gendered patterns of violence does not dismiss the experiences of male victims. Instead it recognises that the most prevalent pattern of family violence in Australia is male violence against women.⁴² This prevalence highlights the need for an approach that accounts for and addresses the gendered nature of family violence.⁴³

For businesses this means victims/survivors will predominantly be women and perpetrators will predominantly be men. Businesses will need to consider this as they develop or build on their approach to responding to family violence. Organisations can help to prevent violence by developing systems that promote safe, respectful work environments that embrace gender equity. Given that family violence is a gendered issue, this is an important part of a family violence response. There are resources available to support workplaces in preventing violence against women, for example:

- Women's Health Victoria's Everyone's business: A guide to developing workplace programs for the primary prevention of violence against women (2012).
- RMIT University: Practices in Workplace and Organisational Approaches for the Prevention of Violence Against Women (2015).

⁴⁰ State of Victoria, Royal Commission into Family Violence: Summary and recommendations, Parl Paper No 132 (2014-16), p.2.

⁴¹ Our Watch, referencing Australian Bureau of Statistics, 2017, Personal Safety, Australia, ABS cat. no. 4906.0, <https://www.ourwatch.org.au/Understanding-Violence/Facts-and-figures>, accessed on 04 October 2018.

⁴² Our Watch and No To Violence Men's Referral Service, op. cit., p.7.

⁴³ Our Watch, <https://www.ourwatch.org.au/Understanding-Violence/Facts-and-figures>, accessed on 04 October 2018.

Delivering clear messages to staff about the gendered nature of family violence will support female employees to feel believed and respected if they disclose experiences of family violence. It's also an opportunity to highlight that men can have an active role in preventing all forms of violence against women by challenging sexist attitudes and behaviours.

Provide support that is inclusive for all Victorians

Understanding how people from different communities experience family violence should be an important part of a family violence policy. Family violence affects members of all communities, and can be more likely to occur for people who experience other forms of discrimination (including people from Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, people with disabilities, people who identify as LGBTIQ).

Family Safety Victoria highlights the importance of leading with diversity by creating policies and services that are inclusive, without judgement, and support the diverse needs of different people and communities.⁴⁴ Acknowledging the gendered nature of family violence, it is important to understand that family violence is not experienced the same way by everyone. Therefore there can't be a one-size-fits-all approach to family violence.

Understanding intersectionality

Intersectionality refers to the ways in which people can be impacted by overlapping forms of discrimination and marginalisation due to different aspects of their identity.⁴⁵ This approach recognises that many factors shape how people from different communities experience family violence. Understanding family violence this way enables the design of policies that are accessible, inclusive, and non-discriminatory. It means that all customers will receive a response that recognises and acknowledges their experience.

In its family violence and social services reforms, the Victorian Government has committed to designing its reforms for diversity and intersectionality from the outset.⁴⁶

A number of organisations have expertise on understanding and preventing family violence in an inclusive way. Useful resources include:

⁴⁴ Family Safety Victoria, op. cit., p.42.

⁴⁵ State Government of Victoria, Diversity and Intersectionality Framework, version 2.0, <https://www.vic.gov.au/familyviolence/designing-for-diversity-and-intersectionality/diversity-and-intersectionality-framework.html>, accessed on 05 October 2018.

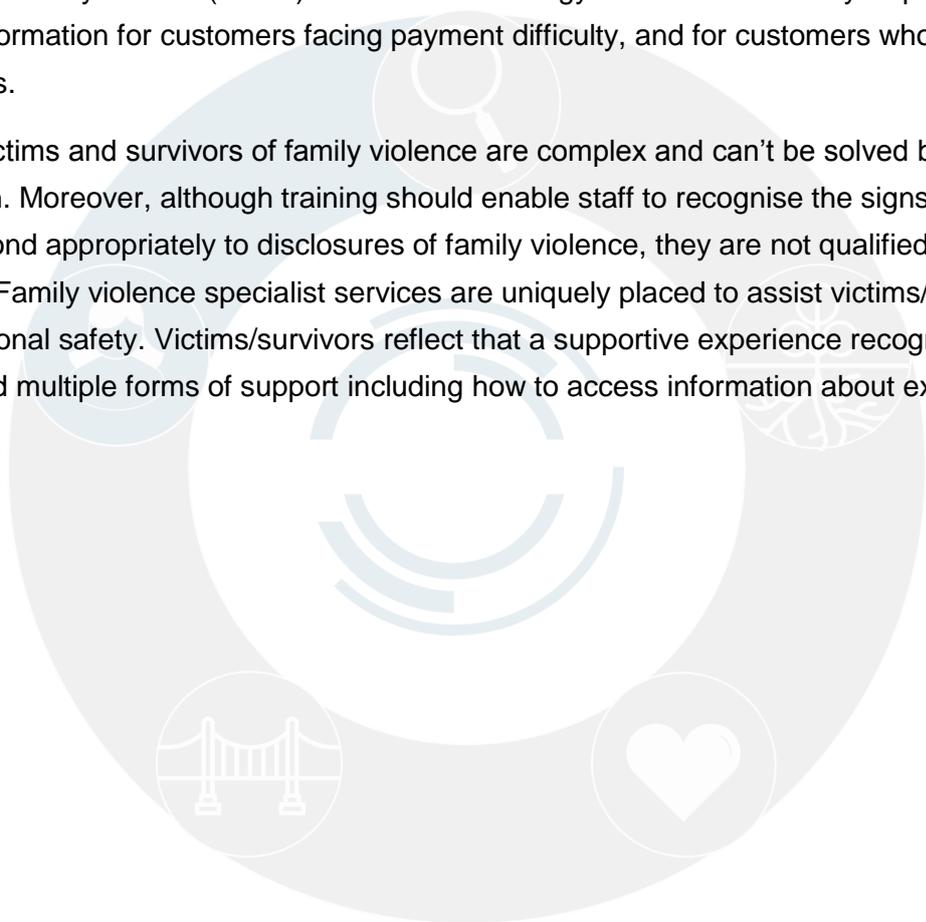
⁴⁶ State Government of Victoria, op. cit., <https://www.vic.gov.au/familyviolence/designing-for-diversity-and-intersectionality/diversity-and-intersectionality-framework.html>, accessed on 05 October 2018.

- Multicultural Centre for Women’s Health’s Intersectionality Matters: A guide to engaging immigrant and refugee communities in Australia, 2017.
- inTouch, an organisation that provides services, programs, and responses to issues of family violence in migrant and refugee communities.
- Women with Disabilities Victoria’s Voices Against Violence Research Project.

Provide referrals to expert support services

Retailers are not expected to be experts on family violence risk or to provide counselling. However, retailers are well placed to refer customers to support services available, including specialist family violence services and specialist services for Aboriginal and Torres Strait Islander communities, and culturally and linguistically diverse (CALD) communities. Energy retailers are already required to provide referral information for customers facing payment difficulty, and for customers who require interpreter services.

Issues faced by victims and survivors of family violence are complex and can’t be solved by a single organisation. Moreover, although training should enable staff to recognise the signs of family violence and respond appropriately to disclosures of family violence, they are not qualified family violence workers. Family violence specialist services are uniquely placed to assist victims/survivors manage their personal safety. Victims/survivors reflect that a supportive experience recognises that they may need multiple forms of support including how to access information about expert support services.⁴⁷



⁴⁷ Family Safety Victoria, op. cit., p.26.

6. Our approach to regulation

In our recent final decision amending the Energy Retail Code we established a series of new consumer entitlements.⁴⁸ Each entitlement is expressed as the assistance a customer can expect to receive from an energy retailer as well as the outcome the customer can expect from having received that assistance. These entitlements are then supported by minimum standards of conduct with which all retailers must comply.

The new entitlements were all placed in a new Part 2A which has the express purpose of assisting customers to engage confidently with the energy market. A similar approach was adopted when we reformed Part 3 of the code last year to establish a new payment difficulties framework.

Our approach in Parts 2A and 3 means that retailers can no longer adopt a tick-the-box approach to compliance. A retailer must instead turn its mind to how best to achieve the outcomes articulated in the entitlements while meeting its compliance obligations. We refer to this new approach as ‘responsibility based’ regulation. Retailers are responsible for helping customers get good outcomes out of the energy market. Our work on family violence will continue this approach.

We anticipate that next year we will amend the Energy Retail Code to create a customer entitlement to respect, assistance and confidentiality when a customer is involved in a family violence situation. How that entitlement is expressed, and the extent to which we define minimum standards of conduct in support of that entitlement, remains subject to consultation with many interested parties over the next few months.

Our consultation on this paper will include multiple opportunities to discuss the commission’s approach. In early 2019, we will prepare a draft decision outlining any proposed changes to our regulatory framework — including the establishment of a new customer entitlement. We intend to finalise any code amendments by March 2019 which will coincide with the third anniversary of the report released by the Royal Commission into Family Violence.

Later in 2019, we will update the better practice manual we prepared for the water sector in 2017.⁴⁹ This manual highlights the range of business and customer focussed actions that various service sectors are adopting to successfully support their customers and staff who are experiencing family violence. The manual has proved invaluable in promoting better practice in the Victorian water industry and we are confident of its benefit for the energy sector.

⁴⁸ Essential Services Commission, 2018, Building trust through new customer entitlements in the retail energy market, October 2018.

⁴⁹ Essential Services Commission, 2017, Moving towards better practice—implementing family violence policies in the Victorian water sector, May 2018.

Appendix A – Victoria’s Royal Commission into Family Violence – recommendation 109

In March 2016, the Royal Commission into Family Violence tabled its report after a year of inquiry on Victoria’s response to family violence. Its 227 recommendations aimed at improving the community’s response to the scale and risks of family violence. The Victorian Government committed to implementing all recommendations made by the royal commission.

The royal commission highlighted that family violence includes a broad range of behaviour that is not limited to physical violence.⁵⁰ It found that many parties have a role to play, including essential service providers, in addressing family violence. Utilities deliver essential services for every household. Due to the critical function these essential services play in daily life, the royal commission found that perpetrators can use control over essential services as a form of family violence called economic abuse, including by:

- insisting an account is in a victim’s name and refusing to contribute to the cost
- putting a service in the sole name of the victim without their knowledge or consent
- holding an account jointly and refusing to contribute to the cost
- holding the account in their own name and not paying bills, resulting in disconnection, and
- holding the account in their own name and threatening to have the service cut off or having it cut off when they leave the family home.⁵¹

The royal commission found that these actions can result in family violence victims facing financial difficulties and the loss of access to essential household services. Noting the role of the Essential Services Commission as the economic regulator of Victoria’s energy and water sectors, the royal commission recommended that we amend our customer service codes to help address these issues.

⁵⁰ State of Victoria, 2016, Royal Commission into Family Violence: Report and recommendations, Vol I, Parl Paper No 132 (2014–16), March, p 15.

⁵¹ State of Victoria, 2016, op. cit., p.104.

Royal Commission – Recommendation 109

The Victorian Government work with the Essential Services Commission [within 12 months] to:

- amend the Energy Retail Code and Customer Service Code — Urban Water Businesses to:
 - list minimum eligibility criteria for access to hardship programs
 - include family violence as an explicit eligibility criterion
- develop industry guidelines for energy and water retailers to require comprehensive and ongoing training of customer service staff to help them identify customers experiencing family violence and financial hardship
- publicise the availability of dispute resolution mechanisms for people affected by family violence.⁵²

Our codes place obligations on the businesses we regulate in terms of the conditions and standards they must meet in their delivery of services to customers.

In 2017 the commission implemented a code change that required all water businesses to develop and implement a family violence policy. This change was developed following engagement with water businesses, family violence specialists and other stakeholders, and recognised the roles and responsibilities of water businesses in responding to family violence.

The commission also released a better practice manual to highlight and promote innovative solutions that water businesses, and those in others service sectors, already had in place to address family violence.

⁵² State of Victoria, 2016, op. cit., p. 120.

Appendix B – Organisations and resources that informed our approach

We have also consulted with multiple sectors and sources to better understand the role service sectors play in supporting their customers and staff.

We held two workshops with stakeholders (August and September 2018), which included presentations by family violence experts, and organisations which have already commenced their work to address family violence. Energy retailers used these workshops to discuss how provisions used in these sectors would apply in an energy context and in their own organisation.

In addition to the resources referenced in this paper, we were also informed by the following:

Organisations which informed our approach	
2016 Royal Commission into Family Violence	
Victorian Government - Family Violence Reform	Department of Treasury and Finance Family Safety Victoria
Ombudsman	EWOV EWON
Energy sector	Small retailers Medium retailers Large retailers Industry (peak) bodies
Other service sectors	Water businesses Financial services <ul style="list-style-type: none"> • Banking • Insurance Telecommunications
Advocates	Lisa McAdams Pty Ltd
Community sector	Victorian Council of Social Services
Family violence specialist services	Economic Abuse Reference Group Domestic Violence Victoria WEstjustice Women's Legal Services Victoria Our Watch No To Violence Women's Information and Referral Exchange
Training providers	Good Shepherd Australia and New Zealand Uniting Kildonan
Financial counsellors	Financial and Consumer Rights Council

Appendix C – Industry case study: AGL

At our family violence project launch, Melissa Reynolds, AGL's Chief Customer Officer, spoke about why AGL took the initiative to develop a family violence policy, and what that policy seeks to achieve. We have taken excerpts, and paraphrased Melissa's presentation in order to demonstrate the relevance of family violence policies for energy retailers.

“At AGL we understand the profound impact family and domestic violence has on women, men and children and recognised industry had an important role to play.

As stories started to present during the Royal Commission, as an essential service provider we realised we had a role to play in protecting our customers who were experiencing family violence.

In addition to safety, we also recognised the potential affordability issues that may present for victims so set about developing our Domestic Violence Policy. The policy, which now forms part of our broader Vulnerable Customer (policy), outlines the recognition of economic abuse as a part of family violence and details the measures AGL will take in circumstances of known and unknown family violence situations.”

AGL's domestic violence policy outlines the strategies and steps its call centre staff should take in different scenarios and includes an emergency procedure. AGL has more experienced and trained staff to manage these calls. AGL has also developed increased privacy provisions to ensure the security of its customers is not compromised.

In March of this year, AGL introduced family and domestic violence training for its entire staff, in conjunction with its employee assistance provider. Training seeks to build awareness about the impact of family and domestic violence, teach staff how to recognise signs of someone who may need support, and provide staff the capacity to know how to confidently respond in a caring and inclusive way. As of July 2018, almost 1,400 of AGL's leaders and team members have attended training.

AGL has also recognised “that the health, safety, wellbeing and productivity of our workforce is impacted by situations of family and domestic violence... The training helps our people recognise the signs and supports our colleagues who may be victims of violence ...

Importantly as well, training equips our people with tools to identify unhealthy behaviours in themselves and other perpetrators of violence – encouraging them to seek help and break the cycle. Statistically, we recognise that both victims and perpetrators of violence come to work for us every day.”

AGL's family and domestic violence support policy for its employees includes a range of support, such as access to special leave and support plans.

AGL has launched internal resources to support and educate its employees. An important part of the training provided to staff includes ensuring that employees are looking after themselves too. Employees are not expected to become experts in supporting victims of family and domestic violence, rather, to understand the resources and expert support available.

"We recognise we have a lot more to do and we are continuing to work hard to progress this issue."

Appendix D – Industry case study: EnergyAustralia

David Ackland, Executive – Customer Experience at EnergyAustralia, also spoke at our family violence project launch. He outlined EnergyAustralia’s Hardship Referral Program and approach to supporting customers and staff experiencing family violence.

We have developed this case study using excerpts of David’s presentation to demonstrate an energy retailer’s approach to responding to family violence.

The Hardship Referral Program aims to make it less stressful for vulnerable customers seeking broader support when in hardship. The one thing I want to make clear is that there’s no shame in suffering family violence. None.

Imagine having to tell your story of family violence over and over and over again to your utilities, banks and other service providers as you ask for more time to pay your bills, or for establishment of critical services or short-term help.

Our goal working with Yarra Valley Water was to make obtaining these essential services easy and painless. Our partnership with Yarra Valley Water empowers vulnerable customers who need help to join our program and if they choose, for either of us to share their information with Yarra Valley Water, and vice versa.

It means that based on what the customer needs and wants, they only have to explain their circumstances once. It saves time and it saves stress. We are talking with other partners including banks and water companies and are getting a tremendous amount of interest to join.

We are constantly testing the other half of the equation: what do our customers and employees need from us?

The work we’ve done with WEstjustice has led us to more efficient ways of supporting vulnerable customers. More recently you would have seen the WEstjustice Restoring Financial Safety report. EnergyAustralia were proud to be champions of this project and our vulnerability team became the ‘single entry point’ for caseworkers working with victims of family violence and economic abuse.

Our team has benefited from training provided by WEstjustice. That program concentrates on helping customers, but we also have initiatives that support employees experiencing family violence.

Through our Diversity and Inclusion Program at EnergyAustralia, we implemented two support initiatives:

The CareRing Family Violence support program, run by our community partner **UnitingCare**, provides external and confidential support to our staff who are experiencing family violence.

For our people leaders, we conducted family violence training that will assist them to:

- understand family violence prevalence and dynamics
- the impact of family violence on workplaces
- state and federal legislation governing workplaces
- workplace policies and responses
- skills and strategies to support a colleague.

Appendix E – Feedback from our consultation

We held workshops on 30 August 2018, and 18 September 2018, where we gathered comments from participants and invited feedback on priority issues. We have included some of the key learnings and matters raised by participants.

Learnings

- Gaining an understanding of the scope of the issue in the community; that it affects many people from different socio-economic demographics and it is not obvious that people may be victims/survivors or perpetrators.
- Realising that this subject matter is new for most of the industry and that it is important to own mistakes and learn from them.
- Understanding the importance of collaboration within the industry, and among different industries and the community sector.
- It was useful to hear from, and meet experts in family violence support services.
- We received positive feedback on the presentations about what others in the energy industry, and other service industries such as the water sector are doing and how they are changing their processes and policies to better support their customers and employees.
- Understanding that everyone will have a different experience and journey in developing and implementing policies. As such, whatever a particular business chooses to do, it will be their journey and they can own it and be accountable for it.
- Understanding that an organisation needs to know its limits and seek expert advice.
- Understanding the importance of buy-in from the top (executive and senior managers).
- Learning about common myths relating to family violence; having those myths debunked was very useful.

Retailers' suggestions for next steps

- Some retailers want to develop a better substantive understanding of what is required of them and what the extent of their response should be.
- Some retailers want clear directions on what this project is trying to achieve in the energy industry. Although the insight from other sectors was considered useful, some retailers are still unclear about how this process would work for the energy industry and what outputs they can expect from it.
- Ensuring that male victims of family violence are discussed rather than focusing solely on women; hearing the perspective of a perpetrator in order to understand what type of assistance they need to help stop the cycle.

- Some retailers want more information on practical changes that will be required, and discussions that focus on outcomes.
- More discussions and information on the following topics:
 - handling debt and third party collection
 - supporting higher risk people
 - how to develop a family violence policy
 - training and off-shore call centres
 - workshops with water businesses who have already completed their process
 - working with financial counsellors of family violence victims/survivors
 - case studies
 - examples of family violence policies
 - examples of current better practice
 - a clearer indication of what will appear in an amended Energy Retail Code.

This feedback will also inform the content of future workshops.