



Water Industry Standards Family Violence Provisions Review

Findings Paper

20 July 2023



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Acknowledgements

Acknowledgement of Country

We acknowledge the Traditional Owners of the lands and waterways on which we work and live.

We acknowledge all Aboriginal and Torres Strait Islander communities, and pay our respects to Elders past and present.

As the First Peoples of this land, belonging to the world's oldest living cultures, we recognise and value their knowledge, and ongoing role in shaping and enriching the story of Victoria.

Victim-survivor acknowledgement

We would like to acknowledge the contribution of the panel of family violence survivor advocates who shared their expertise and time to provide guidance and feedback throughout this review. The contribution of this group helped shape the outputs of this review.

We would also like to acknowledge the contribution from participants with lived experience of family violence who shared information about their experiences with water businesses through their conversations with the team at Uniting.

Message from our chairperson

Protecting customers who are affected by family violence is an enduring priority for the commission.

Since the Royal Commission into Family Violence handed down its recommendations in 2016, we have been committed to creating better outcomes for consumers affected by family violence. Seven years since our work first started in the water sector, this report highlights all the sector has achieved to date as well as areas for future focus.



As highlighted in this report, responding to family violence is an ongoing learning process. We have seen businesses try new approaches in implementing or improving family violence responses, which is exciting to see. We've also seen businesses recognise opportunities to strengthen their current work to promote customer safety and build the capacity of their staff.

The voices and experiences of family violence victim survivors have guided this work

For the commission, a key part of our work in family violence is building our capacity to hear directly from family violence victim survivors. For this review we consulted an expert group of survivor advocates at key stages in the process, with support from Safe and Equal, and heard directly from victim-survivors who had interacted with their water business. I attended the final meeting with the expert advisory panel late last year to hear their insights and recommendations. I was reminded of how valuable it is to hear directly from people with lived experience to understand the role we play and the impact we can have.

Working together we will continue to improve outcomes for customers

As we move into the next phase of our work on family violence, we encourage businesses to continue to find innovative ways to support customers. There are many suggestions throughout the report for how this might be done. We are committed to continuing to work with our regulated sectors to improve outcomes for customers affected by family violence.

We also want to make sure that customers affected by family violence are assured of consistency in the outcomes they can expect from their water business. As we heard from the expert advisory

Message from our chairperson

panel, building trust is critical when consumers affected by family violence have lost trust in many other parts of their lives.

Our leadership role in promoting safe and flexible responses to family violence across sectors is a key area of work for the commission. We look forward to more opportunities to innovate and collaborate together.

Kate Symons, Chairperson

Message from our chairperson

Preface

This report presents the findings of the review of the family violence provisions in the Water Industry Standards.

Structure of this report

Introduction

An overview of work by the commission and water sector to improve responses to family violence and our approach to the review.

Review findings

Our findings based on our stakeholder consultation and research.

Improving implementation of the family violence provisions

A discussion of priorities and actions to improve implementation of the family violence provisions.

Conclusion and next steps

How we will act on the review findings.

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Executive summary

Following the Royal Commission into Family Violence in March 2016, the Essential Services Commission was assigned responsibility for implementing [recommendation 109](#), which related to updating the water customer service codes (now Water Industry Standards) and the Energy Retail Code (now the Energy Retail Code of Practice) to include family violence hardship provisions.¹

The commission undertook extensive consultation to develop changes to the water customer service codes (now known as the [Water Industry Standards](#)) in 2017.² These changes created an obligation on water businesses to develop a family violence policy and provide assistance to customers and staff affected by family violence. These changes came into effect on 1 July 2017.

The commission's regulatory approach has focused on encouraging better practice through sector engagement. We also use water industry regulatory audits and our compliance and enforcement program to regulate the sector. Family violence is an enduring priority for the commission.

The Essential Services Commission reviewed the implementation of the Water Industry Standards family violence provisions in 2022. This report presents the review findings.

The purpose of this review was to understand how family violence provisions in the Water Industry Standards are being implemented by water businesses and what this means for customers who are affected by family violence.

The review findings and identified improvements relate to Victorian water businesses. However, the learnings have relevance to the implementation of family violence provisions in the commission's other regulated sectors.

Review approach

The review was initiated to assess the implementation of the Water Industry Standards family violence provisions five years after they took effect on 1 July 2017. The review aim was to understand:

- how the family violence provisions are being implemented

¹ On 1 December 2021, the *Water Industry Act 1994* was updated by the *Essential Services Commission (Compliance and Enforcement Powers) Amendment Act 2021*. The amendments had the effect that the water customer codes are to be known as the Water Industry Standard.

² Water Industry Standards refers collectively to the Water Industry Standard – Urban Customer Service and Water Industry Standard – Rural Customer Service.

- whether the provisions are minimising the risk of harm to customers
- whether the provisions remain appropriate and enable better practice responses by water businesses.

The review was guided and informed by an Expert Advisory Panel of people with lived experience of family violence. We consulted widely to build a broad understanding of how the provisions are being implemented by businesses and experienced by customers. This included engaging with water businesses, community organisations, financial counsellors and people with lived experience of family violence.

Review findings

The feedback received during this review was mostly positive. Stakeholders shared many examples of good customer experiences, and reflections on the positive and supportive responses from water business staff when responding to customers experiencing family violence.

Our review found that the family violence provisions in the Water Industry Standards continue to set an appropriate and consistent minimum standard of protection for all customers and encourage businesses to develop their own flexible responses to meet individual customer needs. As written, the provisions do enable businesses to provide better practice responses. Water businesses have many successful approaches in place to support customers affected by family violence. However, we identified areas where variations in business practice may be negatively impacting some customers, and some barriers that are limiting or preventing access to support.

Our review made three findings:

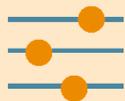
1. The provisions are working well to support most customers



- The water sector has a good understanding of family violence.
- The family violence provisions remain appropriate.

Through our consultation we heard that overall, the water sector implementation of the family violence provisions is working well to support most customers. Flexible and individualised responses reflect the water sector's mature understanding of family violence, evidenced by the variety of tools and approaches used to manage different customer needs. The provisions as written remain appropriate, setting a minimum standard which allows businesses to adapt their response to meet customer needs.

2. Variations in business practice are negatively impacting some customers



- Approaches to staff training differ between businesses, which can impact on the customer experience.
- Variations in access to and eligibility for payment support options are contributing to inconsistent customer experiences.
- Customer safety protections are not always appropriately applied.
- Incomplete and inconsistent notifications to the commission of problems or issues faced by businesses in applying protections to customers that may be experiencing family violence limits our ability to address any inconsistent business practice and detect non-compliance.

The Water Industry Standards are not prescriptive. They are intended to provide scope for businesses to develop their own approach, while meeting, or exceeding, the minimum requirements. However, differences in approaches to staff training, access and eligibility for payment support options, and the consistent application of customer safety protections emerged as key areas of variation that can influence the quality of the customer experience or outcome. We also identified gaps in our monitoring and reporting approach that are limiting our ability to identify and address inconsistent business practice and detect non-compliance.

3. There are barriers limiting or preventing access to support



- Businesses provide limited or no customer safety protections when family violence is not disclosed.
- Not all water businesses are effective in identifying and adapting to the unique needs of customers.
- Low customer awareness limits access to support.
- The administration and design of government supports can create a barrier to access.

The review highlighted four key barriers that may be limiting or preventing customer access to support. Some of these barriers can be addressed to some extent by water businesses. For example:

- Improving customer safety protections for customers who are affected by family violence but not identified to the business.
- Addressing the unique barriers experienced by culturally and linguistically diverse (CALD) and rural and regional customers.
- Improving communication about available support.

There is also opportunity for collaboration to increase awareness of available support and in advocating for improvements to administrative processes to access government support.

Improving implementation of the family violence provisions

The review findings demonstrate that while the provisions are working well for most customers, variations in business practice and barriers to access are limiting customer access to support. In response to the review findings, we identified four areas for improvement:

- Learning and collaboration
- Increasing access to support
- Setting clear expectations
- Understanding impact.

These areas for improvement represent opportunities to build on the existing strengths of the water sector response and emphasise continuous improvement, rather than making significant changes to the family violence provisions and how they are being implemented by businesses. We expect the sector will continue to provide flexible and individualised responses to customers.

We have identified eight actions the commission will take that respond to the review findings and identified areas for improvement. We have also suggested some example actions businesses might take in response to this review. These are presented in the tables below.

Learning and collaboration was identified as an area for improvement that will enable the sector to build on existing strengths and learn from each other.



Learning and collaboration

Commission actions

- The commission will update the 2019 *Better Practice in Responding to Family Violence* publication.
- Collaborate to promote better industry practice.

Example business actions

- Establish a water sector family violence community of practice to regularly share approaches and challenges. For example, sharing how businesses are aligning their family violence response with their obligations under the *Gender Equality Act 2020*.
- Explore opportunities for joint initiatives, including across sectors, for example the Thriving Communities Partnership One Stop One Story Hub.³

³ “The OSOS Hub enables frontline workers in corporate and community organisations to connect and refer their clients to a range of supports through a single access point. This process aims to make it simpler for people in need to access support, reducing the burden and complexity involved in contacting each individual support program... The initial pilot is focusing on supporting members of the community experiencing financial distress who are impacted by Family and Domestic Violence and has been co-designed with community partners and people with lived experience.”
<https://thriving.org.au/what-we-do/the-one-stop-one-story-hub> accessed 28 October 2022.

Increasing access to support was identified as an area for improvement that will enable greater numbers of customers affected by family violence to access support from their water business.



Increasing access to support

Commission actions

- Deliver a sector workshop to improve customer safety protections when family violence is not disclosed.
- Increase awareness of support available to customers experiencing family violence.
- Advocate for improvements to the administration and design of government grants and concessions.

Example business actions

- Engage experts (for example, family violence survivor advocates) to ensure processes and procedures are appropriate and do not risk causing additional harm. The information in the [Better Practice Responses to Family Violence reports](#) can be applied and adapted to support business engagement with survivor advocates.
- Review family violence policy to ensure it is not limiting access to support to those identified as affected by family violence.
- Review the existing approach to communicating family violence support to customers and local support agencies and update if required. Consider special communication and information needs of culturally and linguistically diverse, and regional and rural customers.
- Review referral pathways and consider how to improve these. For example, through building relationships with local family violence service providers.

Setting clear expectations was identified as an area for improvement that will target improved consistency in interpretation of the family violence provisions and water business obligations regarding reporting of non-compliance or potential non-compliance.



Setting clear expectations

Commission actions

- Develop guiding materials to support greater consistency across water businesses.
- Develop reporting requirements that strengthen water business obligations to self-report non-compliance or potential non-compliance to the commission.

Example business actions

- Investigate opportunities to provide increased training and coaching opportunities for staff.
- Review internal processes for managing and reporting non-compliance with the family violence policy, ensuring this includes internal processes to escalate potential non-compliance to senior management and Board.

Understanding impact was identified as an area for improvement that will ensure there is a clear and consistent approach to monitoring and reporting on the family violence provisions.



Understanding impact

Commission actions

- Review and formalise the commission's monitoring and reporting on the family violence provisions.

Example business actions

- Ensure family violence policies for customers and staff, and associated processes and procedures, are up to date and scheduled for regular review.
- Review internal monitoring and reporting processes that are in place for the family violence policy.

Conclusion and next steps

The *Water Industry Standards Family Violence Provisions Review* has found that the water sector approach to implementing these provisions is largely appropriate and based on a strong foundational understanding of family violence.

The review findings and actions present opportunities for improvement rather than making significant changes to the family violence provisions and their implementation. The findings will be used by the commission to continue to support better practice approaches by water businesses and our other regulated sectors.

Eight actions for improvement

We have identified eight actions that respond to the review findings and implementation priorities. In delivering these actions we will consult widely, including with the water and community sector and other stakeholders with an interest in consumer protection and family violence. We will ensure the voices of people with lived experience of family violence are included in our approach.

Businesses may also use the information in this report as a basis for reviewing and improving their approach to supporting customers affected by family violence.

Introduction

This chapter sets out the history of the commission’s involvement in family violence protection in Victoria, explains the approach we use to regulate the water sector response to customers affected by family violence, and outlines our approach to the review.

Following the Royal Commission into Family Violence in March 2016, the Essential Services Commission was assigned responsibility for implementing [recommendation 109](#), which related to updating the water customer service codes (now [Water Industry Standards](#))⁴ and the Energy Retail Code (now the [Energy Retail Code of Practice](#)) to include family violence hardship provisions. Since 2016 the commission has worked in collaboration with family violence experts, water businesses and energy retailers on how to provide safe and flexible assistance to customers affected by family violence.

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.

From 1 July 2017, Victorian water businesses have been required to have a family violence policy and provide assistance to customers and staff experiencing family violence. The Water Industry Standards family violence provisions outline the minimum requirements of the policy. Water businesses must have processes in place to help minimise the risk of harm in their interactions

⁴ On 1 December 2021, the *Water Industry Act 1994* was updated by the *Essential Services Commission (Compliance and Enforcement Powers) Amendment Act 2021*. The amendments had the effect that the water customer codes are to be known as the Water Industry Standard.

with customers, and provide timely, consistent, and targeted support to customers affected by family violence.

The Essential Services Commission undertook a review of the implementation of the Water Industry Standards family violence provisions in 2022. This report presents the review findings.

The purpose of this review was to understand how the family violence provisions in the Water Industry Standards are being implemented by water businesses and what this means for customers who are affected by family violence.

The review findings and identified improvements relate to Victorian water businesses. However, the learnings have relevance to the implementation of family violence provisions in the commission's other regulated sectors.

Key steps in developing the family violence response in the water sector

The commission undertook extensive consultation to develop changes to the water customer service codes (now known as the [Water Industry Standards](#)) in 2017.⁵ These changes created an obligation on water businesses to develop a family violence policy that included minimum requirements that were outlined in the codes. A copy of this clause of the Water Industry Standards is provided in Appendix 1.

In May 2017 we published [Moving towards better practice – implementing family violence policies in the Victorian Water sector](#) to show options for first steps for businesses to take towards family violence assistance.

The family violence changes took effect on 1 July 2017 and family violence policies and training were required to be fully implemented across Victorian water businesses from 1 July 2018.

In 2018 we audited water businesses for compliance with the water customer service code, and in 2019 we released the [Water Code Outcomes Review 2019: Family Violence Changes Research Report](#), a report on outcomes for customers informed by interviews with financial counsellors, customer advocates and frontline family violence service providers across Victoria. The outcomes report found that as a result of the introduction of the family violence obligations:

- customers feel believed and say water business staff respond more sensitively to their needs
- accessing assistance is now quicker, easier and less stressful

⁵ Water Industry Standards refers collectively to the Water Industry Standard – Urban Customer Service and Water Industry Standard – Rural Customer Service.

- customers' financial hardship is better understood and they are provided with effective solutions to manage debt.

The report also identified some key lessons:

- customers are not aware of the assistance available to them
- trust in water businesses to keep personal information safe varies
- a broad range of people experience family violence.

Embedding a cross-sectoral approach

Building on our learnings with the water sector, in 2018 the commission began work to understand how energy retailers can provide safe and effective family violence assistance. In mid-2019, after extensive consultation with the energy and community sector, we introduced changes to the energy retail code (now known as the [Energy Retail Code of Practice](#)), which came into effect on 1 January 2020.

These changes were supported by the 2019 publication of [Better practice in responding to family violence](#), an update of the 2017 *Moving towards better practice* guide. This update aimed to support water and energy businesses to implement safe and effective family violence responses. The guide included practical advice and in-depth case studies demonstrating better practice approaches to family violence support.

More information about our family violence work in the water and energy sectors can be found [on our website](#).

The commission continues to work to ensure our approach to family violence is evidence informed and reflects current better practice.

In 2021 the commission released our [Getting to fair](#) strategy. This is our three-year roadmap to addressing consumer vulnerability and breaking down barriers to essential services. In the strategy we committed to 'reviewing the effectiveness of family violence provisions currently in place across our regulated sectors, and working in collaboration with community and government stakeholders to promote better industry practice'. This review forms part of this work.

In 2022 we [released three reports](#) that provide practical guidance on how to engage with survivors of family violence.⁶ Developed in partnership with [Safe and Equal](#), and in collaboration with the

⁶ The three reports were released in 2022 can be found on the [commission's website](#):

1. *The Family Violence Experts by Experience Framework Implementation Plan and Guidelines for the Essential Services Commission and essential services providers: Project Report.*

[University of Melbourne's Safer Families Centre](#), these reports included assessment of gaps and areas for improvement in responses to customers affected by family violence. The information in the reports can be applied and adapted by essential service providers, regulators and other businesses to enable safe and appropriate responses to consumers experiencing family violence and to support better practice engagement with survivor advocates. These reports guided our approach to this review.

Regulating the water sector response to family violence

Following introduction of the family violence provisions in 2017, the commission's ongoing regulatory approach has focused on encouraging better practice through sector engagement. We also use our annual audit program and more recently our compliance and enforcement powers to regulate the sector.

Water sector engagement

Regular engagement with the sector has underpinned our better practice approach to this work. In addition to the extensive consultation undertaken to design and implement the family violence provisions and supporting better practice materials, our broader work around consumer vulnerability also encompasses family violence. Our engagement approach also encourages cross-sector learning by bringing together representatives from the water, energy, and community sectors.

Water industry regulatory audits

Under section 19 of the Water Industry Regulatory Order 2014, the commission may carry out audits in relation to the compliance of a regulated water business with the Water Industry Standards and conditions of service and supply specified by the commission in any code or set out in the business's price submission, and the systems and processes established by the regulated water business to ensure such compliance. Water businesses were audited on the family violence provisions in 2018 and 2022. In 2018 the audits included implementation of family violence provisions for urban and rural businesses, and in 2022 the audits included family violence provisions for urban water businesses.

2. *Guidelines for Better Practice Responses to Family Violence for the Essential Services Commission and essential service providers.*

3. *The Family Violence Experts by Experience Framework.*

Family violence is a priority for the commission

We consider the family violence obligations to be amongst the most critical we administer across the water and energy sectors. Protecting customers experiencing vulnerability, especially those affected by family violence is an enduring priority for the commission. Our compliance and enforcement activities are shaped by our [Compliance and Enforcement Policy](#). An investigation by the commission into a water business' compliance with the water industry standards concluded in June 2023.

In June 2023, the commission accepted a court enforceable undertaking from South East Water over allegations it failed to uphold critical protections in place to support customers affected by family violence. Initiated by a referral from the Energy and Water Ombudsman, the investigation substantiated non-compliance with numerous clauses of the Water Industry Standards, including clause 11 on family violence. More information on this case can be found [on our website](#).

External drivers influencing family violence responses

There are some recent and significant external factors that are shaping broader community understanding and response to family violence.

- From early 2020, the coronavirus pandemic reframed consumer vulnerability and many businesses adapted their approach to debt to provide improved support for customers affected by the pandemic.
- Also in 2020, the Victorian *Gender Equality Act 2020* was enacted. Aimed at promoting gender equality, the Act creates obligations on the public sector entities, including water businesses, relating to gender equality. Gender inequality is one of the drivers of family violence.
- There is a renewed national focus on domestic and family violence, with the release of the [National Plan to end Violence against Women and Children 2022-2032](#) in October 2022 and the establishment of the national [Domestic, Family and Sexual Violence Commission](#).
- Under the [National Employment Standards](#), from 2023⁷ all employees are entitled to paid family and domestic violence leave each year. This includes full-time, part-time and casual employees.

⁷ From 1 February 2023, employees of non-small business employers (employers with 15 or more employees on 1 February 2023) can access 10 days of paid family domestic violence leave. This includes part-time and casual employees. Employees employed by small business employers (employers with less than 15 employees on 1 February 2023) can access paid leave from 1 August 2023.

These present both a learning opportunity for the water sector and opportunity to align the sector response with the broader community response to family violence.

Our review approach

The review builds on the consultative approach we've taken with all our family violence work. We engaged early to help shape our review approach and have ensured the voices of people with lived experience of family violence informed the review. We consulted widely using a variety of methods to develop a broad understanding of how the family violence provisions are being implemented.

Purpose of our review

The purpose of this review was to understand how the family violence provisions in the Water Industry Standards are being implemented, and what this means for customers who are affected by family violence. The review sought to understand:

- how the family violence provisions are being implemented
- whether the provisions are minimising the risk of harm to customers
- whether the provisions remain appropriate and enable better practice responses by water businesses.

Review timing

This review was initiated to assess the implementation of the family violence provisions five years after they took effect on 1 July 2017. We committed to this review as one of the actions in our *Getting to fair* strategy.

Consultation approach

The voices of people with lived experience of family violence guided and informed this work. We drew on guiding materials developed for us by Safe and Equal, and worked with experts to ensure our planned engagement was appropriate and safe.⁸ Through Safe and Equal we engaged an Expert Advisory Panel of family violence survivor advocates to guide us throughout the review.

We consulted widely to ensure we built a broad understanding of how the provisions are being implemented by businesses and experienced by customers. This included engaging with water businesses, community organisations, and exploring the specific experiences of financial

⁸ Safe and Equal is the peak body for specialist family violence services in Victoria. We commissioned Safe and Equal to develop a guidance document to provide practical guidance for the commission in the way it engages with survivor advocates and customers experiencing family violence, as well as provide practical guidance to organisations the commission works with. The three reports were released in 2022 can be found on the [commission's website](https://www.esc.vic.gov.au/electricity-and-gas/codes-guidelines-and-policies/family-violence-resources-businesses) (<https://www.esc.vic.gov.au/electricity-and-gas/codes-guidelines-and-policies/family-violence-resources-businesses>).

counsellors and people with lived experience of family violence in their interactions with water businesses.

Review process

The Expert Advisory Panel provided advice about the key questions and themes to explore in the review. From July until November 2022, we engaged with key stakeholders to build a broad understanding of how the family violence provisions in the Water Industry Standards were being implemented by water businesses.

We also undertook a key document review. This included:

- looking at water businesses family violence policies to identify variation and better practice examples
- the 2022 water business audits
- reviewing de-identified case material supplied to us by the Energy and Water Ombudsman (Victoria).

The review was also informed by the [investigation taken by the commission against South East Water](#), which resulted in an enforceable undertaking being accepted by the commission in June 2023.

Figure 1 shows how we undertook the review. Each activity is described in more detail below.

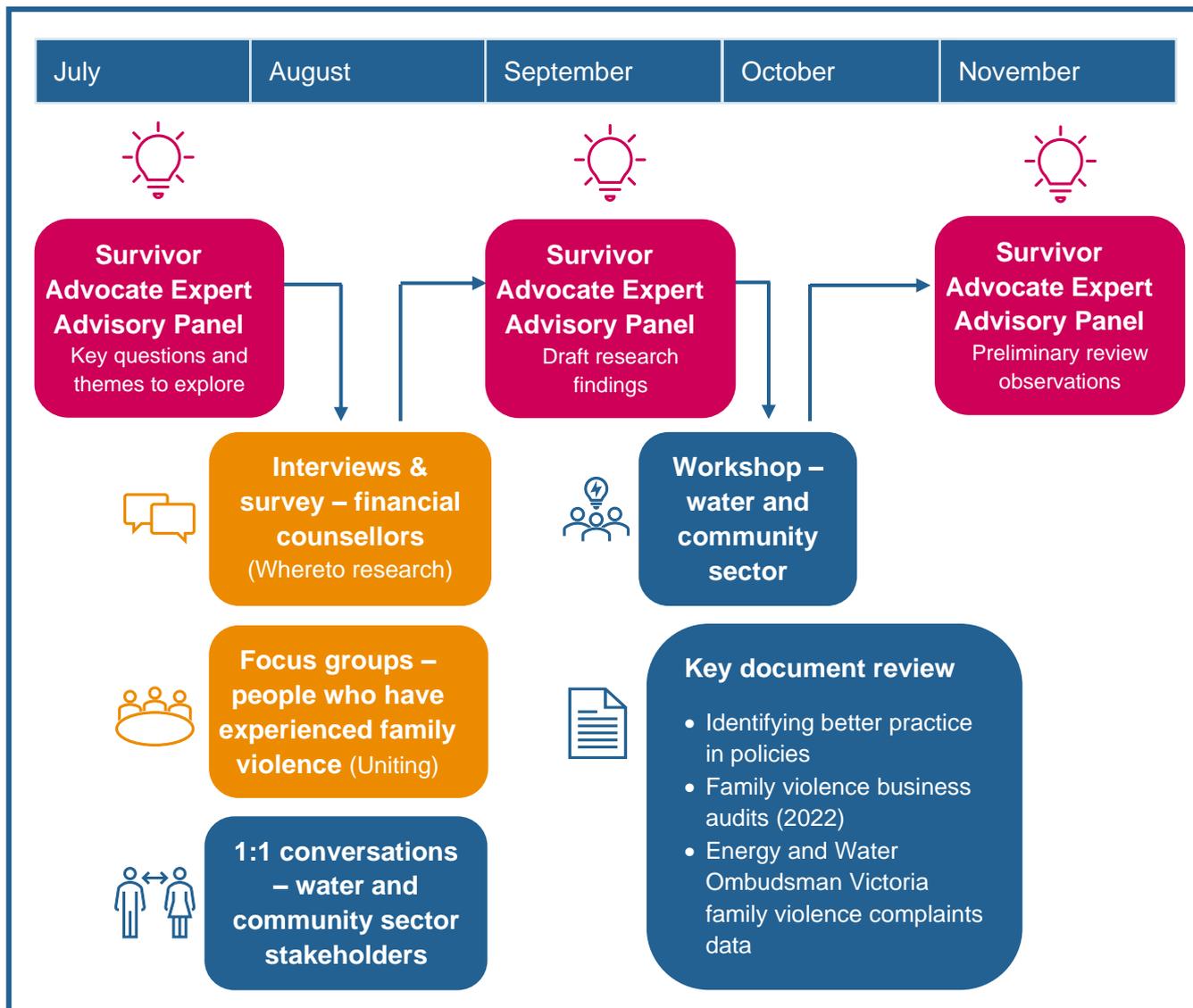


Figure 1: Our review approach



Survivor Advocate Expert Advisory Panel

The six-member Expert Advisory Panel of family violence survivor advocates met three times and provided advice and feedback on:

- proposed engagement questions and issues to be explored with stakeholders
- early research findings from the stakeholder engagement program
- preliminary review observations.



Focus groups with people who have experienced family violence (Uniting)

Nineteen people who identified as having a lived experience of family violence took part in focus groups or individual phone sessions in August 2022. Conducted by Uniting on our behalf, these conversations invited participants to share their experience with water businesses and other utilities during the period of their lived experience of family violence.

The Uniting report, *People with lived experience of family violence focus groups – final report*, is [available on our website](#).



Interviews with financial counsellors (Where to Research)

Thirty-three financial counsellors were interviewed or completed an online survey in August 2022. Conducted by Where to Research on our behalf, the interviews explored the perspective of financial counsellors who support clients with the experience of family violence to engage with water businesses.

The Where to Research report, *Research with financial counsellors exploring the effectiveness of family violence provision in the Victorian water customer codes*, is [available on our website](#).



1:1 conversations with water and community sector stakeholders

Commission staff held conversations with representatives from water businesses and the community sector to explore how the family violence provisions are being implemented, what was being done well or could be improved, to identify any new or emerging issues, and collect examples of better practice. We spoke to 43 staff from 17 water businesses and ten representatives from seven community organisations.



Online workshop with water and community sector stakeholders

An online stakeholder workshop was held on 15 September 2022 to seek insight on the early findings from the research with people with lived experience (Uniting) and financial counsellors (Where to Research). The workshop was attended by 61 people from the water and community sector.



Key document review

We reviewed the following materials:

- Water businesses' family violence policies to understand variations in approach and to capture better practice examples. (A summary of this information is provided in Appendix 2.)
- 2021–22 annual audit reports from water businesses.⁹
- Energy and Water Ombudsman Victoria (EWOV) de-identified complaints data where family violence was flagged or mentioned.¹⁰

Observations about the review process

- Recruitment for the research with people with lived experience and financial counsellors was delivered in short timeframes, which may have limited the number of people who were available to participate.
- The invitation to water businesses to be interviewed did not specify which staff should attend. The information shared in interviews was therefore shaped by the experiences and job roles of the interviewees and may not have captured the full extent of the businesses approach.
- We sought input from a number of specialist family violence service providers who support specific groups, including Aboriginal and Torres Strait Islanders and culturally and linguistically diverse people, to ensure we captured an intersectional perspective. A number of these groups declined to participate in the review as they were unaware of their clients experiencing specific issues with their water business.

⁹ Under the Water Industry Regulatory Order 2003, the commission has the function of carrying out audits of certain defined matters related to water businesses regulated under the *Water Industry Act 1994*. In 2022 the audit scope included Family Violence (clause 14 of the urban customer service code). For more information see the published guideline on our website: [Regulatory Audit Framework to Apply for Victorian Water Businesses: Guideline](https://www.esc.vic.gov.au/water/water-industry-standards-codes-and-guidelines) (<https://www.esc.vic.gov.au/water/water-industry-standards-codes-and-guidelines>)

¹⁰ EWOV provided de-identified information about water complaints registered between 1 July 2019 to 30 June 2022, where family violence had been flagged or mentioned in the summary of the complaint.

Review findings

This chapter presents our review findings. Beginning with an overview, we then explore the three review findings which tell us what is working well, identify variations in practice that are impacting customer experience and, identify barriers that are impacting access to support.

A great deal of the feedback received during this review was positive. Stakeholders shared many examples of good customer experiences, and reflections on the positive and supportive responses from water business staff when responding to customers experiencing family violence.

In addition to this overall positive feedback, we heard suggestions for nuanced improvements to business practices which are explored throughout this report. Stakeholders also stressed the importance of water businesses continuing to identify and address new and emerging issues to ensure the sector continues to contribute to positive and consistent customer outcomes.

Overview of findings

The purpose of this review was to understand how the family violence provisions in the Water Industry Standards are being implemented, and what this means for customers. The review sought to understand:

- how the family violence provisions are being implemented
- whether the provisions are minimising the risk of harm to customers
- whether the provisions remain appropriate and enable better practice responses by water businesses.

Our review made three findings (see Table 1). The findings tell us what is working well, identify variations in practice that are impacting customer experience, and identify barriers that are impacting access to support.

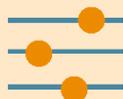
Review findings

1. The provisions are working well to support most customers



- The water sector has a good understanding of family violence.
- The family violence provisions remain appropriate.

2. Variations in business practice are negatively impacting some customers



- Approaches to staff training differ between businesses, which can impact on the customer experience.
- Variations in access to and eligibility for payment support options are contributing to inconsistent customer experiences.
- Customer safety protections are not always appropriately applied.
- Incomplete and inconsistent notifications to the commission of problems or issues faced by businesses in applying protections to customers that may be experiencing family violence limits our ability to address any inconsistent business practice and detect non-compliance.

3. There are barriers limiting or preventing access to support



- Businesses provide limited or no customer safety protections when family violence is not disclosed.
- Not all water businesses are effective in identifying and adapting to the unique needs of customers.
- Low customer awareness limits access to support.
- The administration and design of government supports can create a barrier to access.

Our review found that the provisions continue to set an appropriate and consistent minimum standard of protection for all customers and encourage businesses to develop their own flexible responses to meet individual customer needs. This flexibility is essential to provide customers with options that suit their individual circumstances.

As written, the provisions do enable businesses to provide better practice responses. Businesses have many successful approaches in place to support customers affected by family violence. There is also strong interest from businesses in further opportunities to learn from others to continue to improve business practice.

The provisions provide appropriate protections for customers, but variations in some aspects of business responses may be contributing to risk of harm for some customers. Variation in business practice is not necessarily cause for concern unless it negatively impacts or excludes customers. Variations in staff training, consistent access to payment support options and the consistent application of customer safety protections emerged as key areas of variation that can influence the quality of the customer experience or outcome.

A number of barriers were identified that are limiting or preventing access to support. The lack of customer safety protections for customers who have not disclosed family violence, the specific issues experienced by culturally and linguistically diverse (CALD) and regional and rural customers, low customer awareness and administrative process to access government grants and concessions are all to some extent limiting access to family violence support.

In addition to the variations and barriers identified in the business response, we identified gaps in our monitoring and reporting approach. We also identified some areas where clarity around expectations would assist to improve consistent responses from businesses, including staff training requirements, expectations around customer safety protections for customers affected by family violence (but not necessarily identified) and clear expectations around business actions in response to potential non-compliance.

Finding 1: The provisions are working well to support most customers

Through our consultation we heard that overall, the family violence provisions are working well to support most customers. The water sector demonstrates good understanding of family violence, most notably through their flexible and individualised responses to customers affected by family violence. Stakeholders told us that the family violence provisions remain appropriate.

1. The provisions are working well to support most customers



- The water sector has a good understanding of family violence.
- The family violence provisions remain appropriate.

The water sector has a good understanding of family violence

During consultation we heard a lot of positive feedback about water business responses to customers affected by family violence, including:

- overall approach
- flexible and appropriate payment support options
- approaches to managing joint accounts
- options for supporting privacy and confidentiality when family violence is disclosed

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- strategies to reduce to the need for customers to retell their story.

Stakeholders reflected positively on the culture within water businesses, which were largely seen to have a good understanding of family violence. Focus group participants indicated they had positive experiences with their water business, reporting that staff demonstrated good understanding of family violence and their situation (Uniting, 2022, p. 8). One community sector stakeholder noted that overwhelmingly the water sector is seen as one of the first responders to implementing good practice when it comes to family violence, and that many other sectors are still catching up to the water sector.

'they took it to the nth degree to actually make sure every time you communicated with them from the first time they understood the story.'
Focus group participant (Uniting, 2022, p. 8)

Many water businesses felt their strength was in their flexible and individualised response to customers. They had well established and tested processes, trained staff and organisational support to deliver these appropriate responses. This was supported by financial counsellors, who observed that water businesses key strength was their willingness to offer tailored solutions, their flexibility and responsiveness to customers (Where to Research, 2022, pp. 8, 15).

Business representatives shared examples that demonstrated their nuanced understanding of family violence. One talked about the needs of customers at different stages and the different ways a business might support them, comparing the different supports required by someone who is fleeing family violence who may want their accounts locked down, with someone who is still in a situation of family violence who may have different needs. Another acknowledged that customers affected by family violence are managing competing needs and navigating other systems, including debt, finances, legal, wellbeing of children, and criminal action. Another observed that water debt was often seen as a lower priority for customers compared with energy and credit cards, as their customers knew their water would not be restricted.

There are low rates of customer disclosure compared with known rates of family violence in the community

A recurring observation during the consultation was the low rates of family violence disclosure from customers, compared with known rates in the community. A representative from a smaller business was surprised at how few family violence customers they have, remarking that it can be months between family violence calls. Being aware that so much goes unreported, they wondered how much more they could help if they knew customers were affected. All agreed that this was not an indicator of a successful business response, but rather an indicator that there are low rates of disclosure to businesses. The Expert Advisory Panel noted that this was a positive reflection on the sector's understanding of family violence.

Water businesses are able to provide flexible and appropriate support options

Businesses talked about their individualised approach to customer support, and the variety of options customers can choose that suit their circumstances, both in terms of payment support and account security.

Payment support options are valued by customers. Focus group participants appreciated that options were provided by their water business as they were unsure what to ask for. Supports appreciated by focus group participants included:

- matching payment schemes
- proactive offering of payment plans
- frequent and flexible reviews of plans
- receiving bill credits or gift vouchers unexpectedly. (Uniting, 2022, p. 4)

Financial counsellors were generally satisfied with the suite of payment support options available to meet client needs (Where to Research, 2022, p. 11). However, financial counsellors felt the range of options meant customers may need support to interpret the options and select the best for their situation (Where to Research, 2022, p. 16). According to financial counsellors, the most frequently accessed options included Utility Relief Grants (URGs), payment plans, extensions and payment matching, with debt waivers and maintenance being less common (Where to Research, 2022, p. 11).¹¹

Options for supporting privacy and confidentiality are effective when customers disclose they are affected by family violence

Businesses provide a range of options that customers identified as affected by family violence can select to meet their individual preferences and needs to support information privacy and confidentiality. A common option is using a flag or alert in the customer management system. Calls from flagged accounts are put directly through to the appropriate team or staff member. Some businesses limit the number of staff who can access flagged account information. This option is used slightly differently at each business. Some customers may choose not to have their account flagged, as for some this may add safety risks. Other options offered by some businesses include:

- adding an account password
- secret questions
- locking online accounts

¹¹ The Utility Relief Grant (URG) is a common tool used by water businesses to support customers having trouble paying their bills. An URG provides government assistance to pay mains electricity, gas or water bill that is overdue due to a temporary crisis. Applicants must meet one of four criteria, one of which is that the applicant or someone in their house has experienced family violence.

- cancellation of eBills
- SMS or email verification
- phone call back to a pre-agreed number.

Other approaches used by some businesses to protect private and confidential customer information include:

- Keeping case notes general to avoid identifying private circumstances.
- Putting additional notes on a customer account.
- Keeping a separate secure register of customer information related to family violence (so this can be deleted if a secure account is no longer required).

Protecting privacy and keeping information secure is valued by customers. The focus group participants shared positive experiences with water businesses keeping their information secure:

- The initial process to setup the password was onerous, but it offered a sense of security once this had been done.
- Having a password generated a greater level of trust in their water business, compared with their energy provider, as the energy company did not use a password.
- Their water business helped counter tactics by their ex-partner to access account information, by setting up an account password and contacting the customer when they noticed unusual activity on her account. (Uniting, 2022, p. 7)

Financial counsellors observed that water businesses are generally quick to offer options to protect information privacy and mostly follow good practice when it comes to offering these options (Whereto Research, 2022). However, the report noted that financial counsellors generally didn't have deep insight into how privacy protections were being offered and privacy upheld by water businesses.

The difficulties of managing joint account holders is well understood

Managing joint accounts is particularly important in situations of family violence. Clause 11 (d) specifically addresses the requirements for businesses in relation to recovery of debt from joint accounts. Customer safety was also raised in relation to joint accounts after separation, and the importance of having protections in place to ensure perpetrators are not sent something with the victim-survivors new address on it.

As one community sector stakeholder observed, it can take years to resolve property matters. At times it may look like nothing is happening from the water business perspective as lawyers try to negotiate an agreement. Additionally, the victim-survivor may be living elsewhere and paying a water bill in this other property. It is not uncommon for this to take 2–3 years, so it remains important for businesses to have systems in place to protect customers and ensure the debt remains dormant until the property matter is resolved.

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'When I first rang up the water company, they put me straight away onto XXX...my issue was that my ex was trying to cut my water off...XXX assured me that they have that special unit, well I call it a special unit...she was really great to deal with, she put things in place straight away, she wrote out emails of how the division was going to happen cos we had to put the water into two separate bills.'

Focus group participant (Uniting, 2022, p. 4)

Water businesses use a range of tools to support their approach to recovery of debt from joint accounts when a customer is affected by family violence. Common approaches include:

- not engaging in legal action
- exemption from water restrictions
- exemption from debt recovery processes
- recalling accounts from any in-house or third-party debt collection activity
- managing joint accounts on a case-by-case basis to provide tailored solutions.

Some businesses shared their approach to ensure information relating to joint accounts is kept private, including:

- putting additional notes on a customer account (for example, about permissions for other party access in the case of joint accounts)
- creating a new account to remove link to a joint account
- nominating a preferred contact for accounts to manage communication to customers with joint accounts who are waiting for property title to be updated.

Businesses use a variety of effective approaches to reduce the need for customers to repeat their story

The importance of not having to re-tell their story to multiple people from one company, and to be believed, was highlighted by focus group participants (Uniting, 2022, p. 4). However, participants were mindful that while they don't want to divulge too much of their experience, they may need to divulge some information to get the support they need (Uniting, 2022, p. 6).

'like I really don't feel that I should have to repeat this whole story again cause a there's a reason why I've reached out again, common sense. All these details could be triggering.'

Focus group participant (Uniting, 2022, p. 4)

Financial counsellors reported that water business staff were mostly following good practice when engaging with clients who disclosed family violence. The report noted positive practice examples such as not pressing for details, demanding proof, or handballing between departments, and the person taking the call following through until the matter is resolved (Whereto Research, 2022, p. 15).

Businesses shared examples of approaches they use to reduce the need for customers to repeat their story, including:

- a focus on first call resolution
- warm referrals to other staff members (so customer doesn't need to repeat information)
- putting notes on customer records so if they call back the situation doesn't need to be explained again
- securing accounts so calls are transferred to appropriate staff when a customer calls
- providing a direct contact number to reach the specialist team (so they don't need to call through main number)
- providing the option of case management so a customer can choose to speak with just one staff member.

Many businesses have a specialist team to take calls from customers experiencing family violence. While not considered essential to provide good support, financial counsellors regarded this as a good option. A specialist team can save a customer a lot of trauma by not having to repeat their story, reduce inconsistent responses from water businesses, and can be a way to provide tailored support as the water business representative is familiar with the case (Wherefo Research, 2022, p. 7). One business with a specialist team commented that they had a 'no wrong decision' approach to putting calls through to their specialist team.

Businesses did identify some areas for improvement to reduce the need for customers to repeat their story, with one noting that the situation wasn't managed well if a customer needed to call back. Another noted it was an ongoing challenge to improve intake and referrals and balance this with privacy.

Support is available to staff affected by family violence

The provisions require that the family violence policy identify support that will be provided to staff affected by family violence. All water businesses provide support to staff affected by family violence. Many water businesses have separate staff-focused policies or procedures that outline this support. We did not review these separate staff-focused policies or procedures as part of this review. Commonly provided supports for staff include:

- family violence leave and access to counselling through the employee assistance program
- flexible work options, safety plans, or workplace support plans
- access to training (for example, general family violence training, training about vicarious trauma, mental health and wellbeing training)
- referrals
- family violence contact officers (or similar).

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Some businesses talked about how they promote available family violence related support to staff, others promote broader support for staff, which includes family violence related support. One business highlighted that their approach to supporting staff mirrored their support for customers and that this was done in a meaningful way to influence cultural change, not just a tick a box.

The Expert Advisory Panel was interested in understanding more about how businesses measure the effectiveness of the supports available to staff.

The family violence provisions remain appropriate

In the business interviews we heard that the family violence provisions enable businesses to provide flexible support for customers and respond to individual customer needs. This is demonstrated by stakeholder feedback throughout this report. Some interviewees highlighted that the Water Industry Standards set the minimum standard, which enables them to improve and adapt their responses as needed, provided they don't do less than the minimum.

No businesses made suggestions for changes or improvements to the Water Industry Standards. However, some did suggest opportunities for sector engagement or information to provide clarity and improve consistency around interpreting some aspects of the Water Industry Standards (for example, staff training).

While most financial counsellors interviewed were not familiar with the details of the Water Industry Standards (they were more likely to focus on individual water business policies), the research with financial counsellors found that water businesses are mostly following good practice when working with financial counsellors supporting customers, and the toolkit of options provides flexibility to address the needs of most customers (Whereo Research, 2022, p. 21).

Similarly, the experience of focus group participants with their water business was largely positive, indicating the Water Industry Standards as written set an appropriate minimum standard for businesses to adhere to.

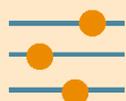
Conclusion

Overall, the Water Industry Standards family violence provisions are working well to support most customers. Flexible and individualised responses reflect the sector's mature understanding of family violence, evidenced by the variety of tools and approaches used to manage the different customer needs. The provisions as written remain appropriate, setting a minimum standard which allows businesses to adapt their response to meet customer needs.

Finding 2: Variations in business practice are negatively impacting some customers

This review identified some areas where variations in business practice are negatively impacting some customers. Differences in approaches to staff training, access and eligibility for payment support options, and the consistent application of customer safety protections emerged as key areas of variation that can influence the quality of the customer experience or outcome. We also identified gaps in our monitoring and reporting approach that are limiting our ability to identify and address inconsistent business practice and detect non-compliance.

2. Variations in business practice are negatively impacting some customers

- 
- Approaches to staff training differ between businesses, which can impact on the customer experience.
 - Variations in access to and eligibility for payment support options are contributing to inconsistent customer experiences.
 - Customer safety protections are not always appropriately applied.
 - Incomplete and inconsistent notifications to the commission of problems or issues faced by businesses in applying protections to customers that may be experiencing family violence limits our ability to address any inconsistent business practice and detect non-compliance.

Approaches to staff training differ between businesses, which can impact on the customer experience

All businesses provide training to staff, and there is widespread recognition of the importance of staff training. Financial counsellors reported most customer service staff in water businesses seem to have had some training around hardship and family violence and were family violence informed (Whereto Research, 2022, p. 14).

The delivery of family violence training varied among businesses. Common training approaches included targeted training for customer facing staff, with more general awareness-based training incorporated into corporate induction programs. Some family violence training was incorporated into overall hardship training. Some businesses also use internal coaching and debriefing to develop and support staff who have regular interactions with customers experiencing family violence. The Expert Advisory Panel noted that skills in responding to family violence were important for all staff answering calls, not just the specialist team.

There was a mix of internal and external training providers used. Most training is delivered in person, with only some opting for online training. Some businesses felt that online delivery was not appropriate because the content could be difficult.

Family violence training frequency (including refresher training) varied from every six months, annually, every 18–24 months or every two years. Participants at the stakeholder workshop acknowledged that continuous staff training is required, especially due to staff turnover.

We also heard throughout the consultation how the coronavirus pandemic impacted on staff training. Some businesses acknowledged they had not completed training during this period. Four businesses had an audit finding in relation to incomplete training, and the Whereto report also recognised that training had not been delivered consistently during this period (Whereto Research, 2022, p. 19).

In addition to training customer facing staff, some businesses discussed the benefits of also providing training to staff who design systems, produce materials for customers, or are out in the field. One business reflected that outdoor staff should be trained to identify signs of family violence, but that they currently weren't.

Some businesses talked about their experience with training through their supply chain, such as requiring contractors to undertake family violence training. Others noted this was an area to explore further. Two water business family violence policies refer to the provision of training to contractors, but it is unclear whether this is general customer training or family violence specific.

Responses from staff can vary

While acknowledging that overall water businesses are considered to respond well to customers affected by family violence, a number of focus group participants did share examples of their negative experiences.

'And I was like, uh, I've just been diagnosed with severe depression anxiety disorder. And he was like, OK, so how long do you expect that to go for?... That's awful... Like they can obviously do damage, but it's also a bit of common sense, like I understand their position, they are ticking off boxes.'

Focus group participant (Uniting, 2022, p. 5)

The following customer experiences are described in the Uniting report:

- 'feeling judged, patronised, or re-traumatised by their experience with water authorities'
- feeling 'too much shame and humiliation to even call'
- feeling that 'some contact centre staff are just there to tick boxes or come across as just doing their job'
- 'being interrupted by a staff member when she was crying amidst feeling helpless and judged'

- ‘receiving a letter from a debt collector, without any consideration that she may be going through a difficult situation’
- feeling staff ‘demonstrated no understanding of family violence at the start of her engaging with them...she felt staff were trained to provide ‘robotic, scripted responses’ to show sympathy.

(Uniting, 2022, pp. 5, 8)

To further illustrate what this inconsistency looks like from a customer perspective, the Uniting report described the varying experiences of focus group participants regarding referrals from their water business. A number of focus group participants had received support from specialised family violence services, yet others only became aware such services were available when referred by their water business (Uniting, 2022, p. 5). Of those who were offered a referral, one declined as they preferred to deal with the team at the water business who had already setup a payment plan and helped with an URG. Another accepted a referral noting that they would otherwise not have known about financial counsellors or specialist family violence services. A third participant did not receive any referral from their water business (Uniting, 2022, p. 7). The Uniting report recommends water businesses reinforce to staff that customers can be referred to a Financial Counsellor (Uniting, 2022, p. 10).

‘if it wasn’t for the sake of the representative at the XXX Water, I wouldn’t have known where to turn, never knew about a Financial Counsellor and never knew about Orange Door or any of the other. And it just opened up from there and that was you know, like I said, forever grateful.’
Focus group participant (Uniting, 2022, p. 8)

We also heard from financial counsellors that responses from staff can vary, which can impact on the experience and outcome for the customer. Financial counsellors indicated there was variation in levels of service within and between businesses, including in relation to customer service staff interacting empathetically and respectfully with clients (Whereto Research, 2022, p. 16).

Consistent responses from staff are important for good customer outcomes

Achieving consistent responses from staff doesn’t mean always speaking to the same person, it is about a consistent response regardless of whether a customer is dealing with an individual or members of a team.

‘But reliability is actually maybe the most important thing of all, because I actually knew what to expect. I knew even if I got a different name, I’d get the same level of support.’
Focus group participant (Uniting, 2022, p. 6)

Financial counsellors valued having a relationship of trust with a water business customer service team and noted that a specialist team was not essential for them to achieve good access to decision-makers in water businesses (Whereto Research, 2022, p. 5). Focus group participants favoured having a specialist case manager or team that deals with family violence, but felt

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reliability was the most important thing, so they know what to expect when they call. A number shared positive examples of interactions with their water business, including:

- being put straight through to a special unit
- being offered a variety of payment support options
- having debt cleared
- receiving a follow up call from their business to review their situation (Uniting, 2022, p. 4).

Soft skills for staff are very important

Feedback from focus group participants and the Expert Advisory Panel emphasised the importance of soft skills for staff, such as empathy. Focus group participants shared their experiences of feeling of shame, embarrassment and guilt when first engaging with their water business, and how much it mattered for staff to respond with empathy to these feelings. Others talked about wanting to be heard and believed when they contact their water business (Uniting, 2022, p. 6). The Expert Advisory Panel reflected on the importance of in-depth training that goes beyond statistics to train people to know how to make customers feel comfortable.

'I was asked if it was a safe time to talk? Being asked, that matters a lot.'
Focus group participant (Uniting, 2022, p. 7)

The Uniting report included a recommendation focused on training staff in 'soft skills', "i.e. using appropriate language and dealing with customers with compassion, empathy and humanity" (Uniting, 2022, p. 10). They suggest testing for empathy skills at interviews and training staff to develop an understanding and awareness of family violence, including the non-physical types and associated privacy considerations.

'When you find someone who tries to reduce your hurt, it makes you feel good.'
Focus group participant (Uniting, 2022, p. 4)

Addressing the risk of staff experiencing vicarious trauma

We heard during the consultation that family violence training for staff must also address risks to staff, such as experiencing vicarious trauma. Three water business policies provide reference to training for staff who may need to support staff who are at risk of being affected by vicarious trauma.

The Expert Advisory Panel reflected on the importance of nuanced training that also teaches people how to separate themselves from their job. They wanted to ensure that staff were careful about the language they used, sharing an example where using the words 'I understand' can put responsibility on the person calling to become the carer for the person taking the call. This concern was also reflected by a community sector stakeholder who acknowledged that customers don't

want to cause harm to the operator by telling them their story and appropriate staff training can support this.

Variations in access to and eligibility for payment support options are contributing to inconsistent customer experiences

While overall water businesses were considered to be providing appropriate payment support options, concerns were raised throughout consultation about how these were provided, and particularly around consistent access to these options.

Note: the new [Water Industry Standards](#) came into effect on 1 March 2023. The Standards clearly outline the payment support options businesses must or may provide in clause 10 (Payment assistance). This requirement was not included in the Customer Service Codes that were in place when this review was undertaken.

Concerns raised by stakeholders about customers having consistent access to appropriate payment support options included:

- inconsistent decision making around the provision of payment support options, where it is hard to know why decisions are made at times
- inconsistent access to options within and across businesses was considered a barrier to accessing options such as debt waivers and payment plans (Where to Research, 2022, p. 19)
- financial counsellors were unsure whether the full range of debt resolution and privacy protection options was made readily available to all customers, a reflection of variation in levels of service within and across businesses (Where to Research, 2022, p. 16)
- financial counsellors observed that clients were rarely offered maintenance/appliance repair or replacement (Where to Research, 2022, p. 13)
- financial counsellors felt that their knowledge was shaped by their interactions with individual water business, and so may not reflect all available options. (Where to Research, 2022, p. 8).

Access to debt waiver or suspension is inconsistent

Clause 11 (d) of the Water Industry Standards requires the business policy to specify “the circumstances in which debt will be suspended or waived”. The South East Water investigation found evidence that the South East Water policy failed to specify the circumstances in which debt will be waived. Our better practice policy review found that other policies may not fully comply with this clause. For example, most water business policies list debt waiver as an ‘option’ only, without specifying the circumstances in which a debt will be waived. Generally, businesses will make a decision on debt suspension or waiver on a case-by-case basis. Some businesses shared examples and observations:

- using internal delegation processes which gives staff the ability to write off debt up to a certain amount, empowering them to work with customers to meet their needs

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- offering debt waivers to customers experiencing family violence up front (rather than after other options as occurs in their general hardship program)
- one observed that it was easy to clear tenant debts as once they move out of the property it is closed off
- another business observed that some customers may prefer to pay down debt rather than seek debt forgiveness.

Inconsistent access to debt waivers was also raised as an issue by financial counsellors. One had been unaware that debt waiver was an option as the business they dealt with most frequently didn't offer this (Where to Research, 2022, p. 9). Another reported they would often opt for an URG over seeking a debt waiver, as this was seen as an easier option to negotiate (Where to Research, 2022, p. 12). There was a concerning attitude described in the Where to report about water business staff perceptions of who benefited from the debt influencing whether or not debt waivers were offered: "in instances where both perpetrator and victim survivor have benefited from water use, businesses may be less likely to waive debt, without taking into account the role family violence may have played" (Where to Research, 2022, p. 10).

Payment support options are less effective when the cause of debt is ongoing

Businesses and financial counsellors were both interested in appropriate responses to situations where the cause of debt is ongoing. This may occur when:

- people are experiencing ongoing abuse
- outgoings exceed income (as may exist in situations of ongoing financial coercion)
- people's living circumstances and sources of income are uncertain (for instance, immediately after leaving a violent relationship (Where to Research, 2022, p. 16).

Financial counsellors raised concerns about balancing the water business desire to resolve debt and manage business sustainability with the needs of customers where the cause of debt was ongoing (Where to Research, 2022, p. 16). The Where to report also noted that finalising debt may not be in the customers best interests and offering other options such as maintenance should be considered (Where to Research, 2022, p. 19).

Merging debt into new accounts

One community sector stakeholder raised concerns about the practice of merging of debts, when arrears from a previous property are added to a customer's new account. They shared an example of debt from three properties being merged into one bill. If businesses continue to merge debt into new accounts there is effectively no end to this for a customer. This can impact the ability of customers to commit to an affordable payment plan, as covering arrears from multiple properties and ongoing usage may not be affordable. They noted this has particular implications for customers fleeing family violence, because debts may be related to a property they lived in with the

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perpetrator. It is unclear whether this is a common practice, nonetheless it raises several questions about how water businesses deal with time limitations. The Water Industry Standards do not address time limits on debts.

Customer safety protections are not always appropriately applied

During the consultation we heard of some instances where customer safety protections had not been appropriately applied by water businesses. One focus group participant reported that their water business had divulged sensitive information to the owner of the property she was living in (Uniting, 2022, p. 7), and a financial counsellor shared an example of a perpetrator's friend working in a water business, which they believe led to the client's account being closed and the client without access to water (Wherefo Research, 2022, p. 8).

Five of eleven water complaints to the Energy and Water Ombudsman of Victoria (EWOV) assessed for this review included concerns about information privacy:¹²

- Two cases concerned water business sending mail containing the victim-survivors address to the perpetrator.
- Two cases concerned unauthorised information being provided to a third party.
- One case concerned unauthorised changing of account details by the perpetrator, who was no longer living at property.

Protecting customers affected by family violence is an enduring priority for the commission. We sought, but were unable to obtain, further information about some of these anecdotal reports of potential non-compliance. We recognise customers affected by family violence and their advocates may have concerns about confidentiality when reporting problems they have experienced with their water business. We treat the information shared with us in these matters with sensitivity and confidentiality and we are committed to ensuring that our processes and actions do not cause further harm.

Incomplete and inconsistent notifications to the commission of problems or issues faced by businesses in applying protections to customers that may be experiencing family violence limits our ability to address any inconsistent business practice and detect non-compliance

The commission's annual water audit program and our compliance powers are used to understand how water businesses are meeting their obligations under clause 11 of the Water Industry

¹² EWOV provided deidentified information about water complaints registered between 1 July 2019 to 30 June 2022, where family violence had been flagged or mentioned in the summary of the complaint.

Standards. Our review included the results of these activities as they relate to family violence and revealed significant information gaps that impact our ability to proactively detect potential non-compliance.

2022 water industry regulatory audits

In 2022 water businesses were audited for compliance with clause 14¹³, the family violence obligations in the Urban Water Industry Standard. The audit specified that the audit of compliance with the obligations should address the policies, practices, systems and procedures in place at the time of audit.

Overall, the 2022 audits found businesses were compliant with their family violence obligations in the Water Industry Standard. Eight audits identified no issues. Some audits did identify low-risk non-compliances or improvements:

- three identified updates were required to family violence policies and/or procedures
- four identified improvements relating to staff training
- one identified improvement in the management of family violence customer information between internal systems
- one recommended developing a structured process for the business to identify and address non-compliances.

Business actions in response to non-compliance

As part of the 2022 audit, businesses were asked whether they had identified any non-compliances under clause 14 obligations, and to outline how they do or would deal with non-compliance. Two audit reports included examples of what the business would consider a non-compliance: 'giving out customer information, breaches of privacy, e.g. giving out phone number or address details, or not providing the support it is required to make available'.

Responses to deal with non-compliance varied. Most businesses referred to managing this internally using established processes and systems, such as risk assessments and actions to rectify the non-compliance. Only one business specifically noted they would 'work with experts working in the family violence support space', in addition to conducting internal risk assessment, review and developing actions to rectify. Some responses referred to established compliance monitoring and quality control processes and regular internal audits. Some did not specify their approach.

¹³ At the time of the 2022 audit the family violence provisions were in clause 14 of the Water Customer Codes. From 1 March 2023 the family violence provisions have been in clause 11 of the Water Industry Standards.

While individual businesses may have internal reporting in place to respond to non-compliance, no businesses identified notifying the commission as an action they would take if they did identify potential non-compliance. Water businesses do not currently have a formal obligation to notify the commission if they identify (through internal processes or customer complaints) a potential non-compliance with the family violence provisions.

The commission's compliance and enforcement activity

An [investigation by the commission](#) into a water business' compliance with the water industry standards concluded in June 2023. The investigation led to an enforceable undertaking being offered by South East Water and accepted by the commission over allegations it failed to comply with family violence customer protections. More information on this case can be found on our website.

This investigation was the result of a referral by the Energy and Water Ombudsman Victoria, an arrangement that is facilitated as part of our Memorandum of Understanding with EWOV. Customer details were de-identified as part of this referral.

The South East Water investigation highlighted the valuable role played by external parties like EWOV, financial counsellors and customers in identifying potential breaches of the Water Industry Standards.

Measuring impact

Under the commission's existing [performance reporting](#) requirements, water businesses are not required to report on any aspects of the family violence provisions.

While contemplated as part of our final decision on the water family violence provisions in 2017, building sector capability and supporting better practice was prioritised in the early stages of implementation, until such a time that the commission could engage with stakeholders to develop an approach to reporting on family violence that would not lead to behaviours that might inadvertently harm customers who are seeking or accessing family violence support.

We heard in this review that businesses have established their own approaches internally to measuring the number of family violence affected customers they support. One business noted they don't report on the number of flagged family violence customers, but every six months or so will do an account check of these customers. Another noted that the number of accounts with safety flags is not the same as the number of conversations held with customers. They felt there is more to be done to measure and track impact of the family violence response.

Conclusion

The Water Industry Standards are not prescriptive. They are intended to provide scope for businesses to develop their own approach, while meeting, or exceeding, the minimum

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requirements. This review has identified some variations in business practice that may be influencing the quality of the customer experience or outcome. This is evident in approaches to staff training, access and eligibility for payment support options and the consistent application of customer safety protections. We also identified gaps that are limiting our ability to understand the impact of the family violence provisions. This includes the absence of an obligation on water businesses to notify the commission of any potential non-compliance, and the lack of reporting on the family violence response.

Finding 3: There are barriers limiting or preventing access to support

The review highlighted four key barriers that are impacting customer access to support. The lack of customer safety protections for customers who have not disclosed family violence, the specific issues experienced by culturally and linguistically diverse (CALD) and regional and rural customers, low customer awareness, and administrative process are all to some extent limiting access to family violence support.

3. There are barriers limiting or preventing access to support



- Businesses provide limited or no customer safety protections when family violence is not disclosed.
- Not all water businesses are effective in identifying and adapting to the unique needs of customers.
- Low customer awareness limits access to support.
- The administration and design of government supports can create a barrier to access.

Businesses provide limited or no customer safety protections when family violence is not disclosed

One of the challenges identified during consultation concerned situations where family violence is not disclosed to the business. Clause 11 (c) requires business policies to “promote customer safety by providing for the secure handling of information about those who are affected by family violence”. The South East Water investigation considered that the evidence substantiated a contravention of this clause as the South East Water policy unduly limited the customers who receive protection. While South East Water has good protections for customers who have been identified as being affected by family violence, we know that many customers don’t reach out for help. Under the family violence provisions, businesses must consider this in their family violence policy and ensure they have procedures in place to provide for the secure handling of information about customers who cannot or don’t ask for help, or don’t know what help is available.

Financial counsellors also noted that businesses may not offer additional privacy and account protections if they are unaware of the family violence (Where to Research, 2022, p. 9). Yet the Expert Advisory Panel advised that the person experiencing family violence is often the last person to realise they are experiencing family violence. For example, a customer may not identify or realise they are experiencing family violence but might think it is a good idea to keep their information safe from their partner.

One business highlighted their cautious approach if they had concerns about family violence, but the customer hadn’t identified. They put a note on the account that stated that the customer hadn’t

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identified but to be careful, which moved them to the customer care program and stopped it going to debt collection. However, this relies on appropriate staff training, and variations among business approaches to staff training were identified in finding 2.

Proactive risk identification can support customers who haven't disclosed

We heard during consultation that a proactive approach to risk identification can support customers who have not been identified as affected by family violence. While staff training remains very important, considering how risks may be heightened or reduced through the design of policies, processes and systems can create a layer of protection for customers who do not disclose family violence. Other sectors refer to this approach as 'safety by design'.¹⁴ Another option suggested by a community sector stakeholder to support a risk-based approach was the practice guides and resources developed for the Family Violence Multi-Agency Risk Assessment and Management Framework.¹⁵

A community sector stakeholder suggested businesses should be thinking about how their services could be used as a weapon, and how they could be mitigating this, citing banks as a sector that proactively identifies and addresses risks. Businesses should have processes in place to ensure regular review to ensure their systems aren't being misused.

One business shared a positive example of how broad staff training had resulted in identification of risks in internal systems. After training all staff in family violence awareness a staff member identified that there was not a process to ensure customer flags were updated in the different internal business systems. Following this feedback changes were made to the relevant systems to ensure customer flags were identified across all systems.

Identifying safety risks in systems and new technologies

Businesses are mindful of their ongoing challenge to ensure customer safety is protected. Considerations such as how to manage the different ways people might try to access account information and ensuring new systems are developed with family violence and safety in front of mind were noted. Sources of potential risk to customer safety and privacy identified by businesses included:

¹⁴ The [e-Safety commissioner](#) has developed a range of resources and tools to support technology companies to minimise online threats by anticipating, detecting and eliminating online harms before they occur.

[Designed to disrupt](#), a 2022 discussion paper released by the Centre for Women's Economic Safety, explores how the banking sector can adopt safety by design principles into the design of its products and services.

¹⁵ The aim of [Multi-Agency Risk Assessment and Management Framework \(MARAM\)](#) is to increase the safety and wellbeing of Victorians by ensuring prescribed services, such as health and education services, can effectively identify, assess and manage family violence risk. The framework has developed evidence-informed practice guides and resources: <https://www.vic.gov.au/maram-practice-guides-and-resources>.

- digital meters
- eBills
- automated mailouts
- online customer registration
- bulk text messaging.

The safety by design approach can support the safe adoption of new technologies and processes.

Addressing risks of impersonation

Also related to customer privacy were concerns about how businesses are addressing the risks of impersonation, where a perpetrator (or colluder) calls a business pretending to be the victim. While acknowledging this is a complex issue that raises tensions between customer service and protecting identity, it was thought this may be an opportunity for businesses to work together on a common approach to address this. It was noted that financial services manage this well.

Not all water businesses are effective in identifying and adapting to the unique needs of customers

Throughout the consultation a number of issues were raised specific to the experience of culturally and linguistically diverse customers and regional and rural customers who have experienced family violence.

Safety and privacy concerns for culturally and linguistically diverse customers

The Expert Advisory Panel raised concerns about cultural safety and emphasised that a person needs to feel culturally safe to disclose family violence to a service provider. This was seen to be a particular issue for people living in regional areas where it is harder to access services. It was also noted that customers who require an interpreter may have additional privacy and safety concerns if the interpreter lives in the same community.

Financial counsellors felt that customers who spoke English as a second language were less likely to feel that engaging directly with a water business was a good option for them (Whereto Research, 2022, p. 6).

During consultation we also heard about the experience of a case worker from a non-English speaking background who supported people from a multicultural background. Her experience was that it was harder to engage with businesses compared with her Australian-born colleagues. In her role supporting people experiencing family violence, she felt that businesses “don’t think I know what I’m talking about”. Her experiences included staff not remembering her name and having to work harder to engage staff to help her clients.

Safety and privacy concerns for regional and rural customers

Throughout the consultation we heard about additional safety concerns of customers in regional and rural areas. This was seen as a barrier to customers accessing support. Financial counsellors reported concerns about perpetrators or their connections working in water businesses accessing information or controlling accounts (Where to Research, 2022, p. 17). For some customers, privacy remains an issue even after having left a situation of family violence, especially for those remaining with the same water provider.

Businesses were mindful of the additional concerns that might be held by customers in regional areas. One highlighted the importance of internal systems in managing who can access family violence flagged accounts, with another noting they use 'customer support' flags rather than 'family violence' flags, to ensure other staff won't be aware of the individual's situation. One small water business emphasised the importance of reassuring customers that their information is kept confidential, knowing that customers may feel uncomfortable identifying their situation to the water business.

Supporting new communities

An additional issue was raised in relation to newer communities, who may have different information needs to more established communities who have been living in Australia for longer. An example shared by a water business was of a newer community needing foundational information, such as where water in Australia comes from and what the water business does, before being able to have conversations about support for family violence affected customers.

Low customer awareness limits access to support

Consultation participants felt improving awareness of family violence related support was important. Stakeholders observed that awareness of the availability of support from water businesses varied among individual customers, financial counsellors and the broader family violence service sector.

'Like maybe if I knew, like if there was something that said. Have you been affected by family violence or domestic violence? If so, this is the number to call. If you're having trouble paying your water bill, then I might do it.'

Focus group participant (Uniting, 2022, p. 6)

Businesses suggested that the coronavirus pandemic had a negative impact on customer awareness, with some reporting their regular in person community and customer engagements had stopped during the coronavirus pandemic. Some are in the process of bringing back these activities, such as town visits, shopping centre stands, bring your bill days, and attending regional networks.

Feedback from the focus groups highlighted one of the main barriers to accessing support was lack of awareness and promotion of the specialist team within the water business – a number of focus group participants had not been aware they could access support from their water business (Uniting, 2022, p. 6). Most became aware of support options after contacting their water business and one found out through an external agency (Uniting, 2022, p. 5). Similarly, financial counsellors reported that accessing specialist family violence supports relies on customers knowing that support is available, and customers being willing to disclose their circumstances (Whereeto Research, 2022, p. 15).

Communicating the benefits of disclosing to their water business

The Expert Advisory Panel spoke about the importance of customers feeling safe to disclose their experience of family violence to their water business, as well as feeling safe enough to disclose they were unable to pay their bills.

Businesses were aware that the number of customers who do disclose family violence and access support is far lower than the known rates in the community. There was awareness that businesses need to communicate to customers the benefits of disclosing to their water business, and what is available to support customers. This information should ‘provide reassurance to customers that contact points are family violence informed, and are quick and easy to access’ (Whereeto Research, 2022, p. 18). Businesses also need to be careful not to assume that customers know to ask for this support.

More self-identification options could increase access to support

Throughout the consultation we heard suggestions for how businesses could provide more options for customers to self-identify as a person with a lived experience of family violence. We heard through the focus groups that providing options for self-identification “may alleviate feelings of shame, guilt and embarrassment” (Uniting, 2022, p. 6) and may lessen feelings of discomfort when having to share experiences with strangers on the other end of the phone. Telephone menu options, online forms, information on bills, and providing a direct number for specialist teams were commonly suggested options.

Some limitations to self-identification options were also noted during the consultation. Firstly, businesses need to be resourced and prepared for the number of responses they may receive if they develop a new self-identification tool, such as a direct phone number. And secondly, as noted by the Expert Advisory Panel, businesses can’t always rely on customers to self-identify as some may not realise they are in a family violence situation.

Suggestions to improve customer awareness

The consultation highlighted increasing awareness of supports among customers as one of the most important factors to improve access to support. Not all customers are supported by a financial

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counsellor so there needs to be direct communication with customers to inform them of available supports.

Several suggestions focused on **what** information should be communicated, for example:

- the benefits to customers of disclosing to the water business
- options to access supports without disclosing to general customer service team (e.g. promoting a direct phone line)
- that contact points within the business are family violence informed and are quick and easy to access, highlighting that trained teams with an understanding of family violence are available (Where to Research, 2022, p. 18)
- how businesses can help and that they are part of the community
- the types of assistance that are available
- the available support is broader than just financial assistance, and can include security and privacy protections.

Other suggestions focused on **how** this should be communicated, for example:

- using appropriate language that makes customers feel comfortable about contacting their water business for help. For example, 'we want to help'
- communications should address other barriers to access, including cultural safety, lack of access to communication technology, disability and not speaking English (Where to Research, 2022, p. 18)
- promoting contact options on existing communications, such as bills, websites, and other branded materials
- promoting through the general community sector as well as specialist family violence services (Where to Research, 2022, p. 10)
- communications approaches could be informed by family violence data to target areas of high prevalence.

While individual businesses may already be implementing approaches to increase customer awareness, consultation feedback highlighted the importance of building broad customer awareness. One community sector stakeholder saw an opportunity for an industry wide campaign about support available for customers experiencing family violence.

Financial counsellor awareness

Some financial counsellors were familiar with the Water Industry Standards but were more likely to refer to individual water business policies (Where to Research, 2022, p. 14). These were considered a useful resource if they needed to raise an issue or hold a business to account. There was mixed feedback as to how well support options were communicated (Where to Research, 2022, p. 10). It seems that financial counsellors' understanding of what was available was shaped

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by their interactions with individual water businesses and therefore not necessarily a reflection of the full range of available options. Those newer to the industry reported it can be difficult to build up knowledge of all policies and options as they deal with so many different businesses across different sectors (Where to Research, 2022, p. 14).

The Where to report suggests improved awareness among financial counsellors would help them advocate for clients. Easily accessible information on hardship provisions would help address this (Where to Research, 2022, p. 10). Water businesses could provide easy ways to get a full understanding of options offered by each water business, such as promoting the Energy and Water Ombudsman 'cheat sheet' or other online options (Where to Research, 2022, p. 18).¹⁶ Communication could also inform financial counsellors of appropriate avenues to report code breaches (Where to Research, 2022, p. 14).

Relationships with local services can support awareness

Relationships with local services were seen as a way to improve access and awareness for customers. Financial counsellors found having a 'go to' person in a water business meant they could engage quickly and with trust. They were clear that not having a relationship did not prevent them from achieving good outcomes, it was just a bit more difficult and less efficient (Where to Research, 2022, p. 6). The Uniting report recommended that all water businesses be linked in with the local Orange Door support hub or local specialist family violence service so they can refer customers with a lived experience of family violence (Uniting, 2022, p. 10).¹⁷

Businesses were also aware of the value of relationships with local support agencies. From their perspective, relationships provide opportunity to make warm referrals, share knowledge with customers about other services they could access locally, and build staff understanding of need in their community and different types of family violence. It was acknowledged that staff working in these agencies are very busy and overworked, and relationships could help build referral pathways. This is an ongoing task, as one business participant observed, changes in staff at community agencies (and water businesses) means there is an ongoing need to nurture and build relationships as one avenue to ensure continued awareness.

In the stakeholder workshop participants noted good relationships with local agencies would improve outcomes for customers. While some businesses already have good relationships with local services, others talked about their intention to build or revive these. Covid had a negative

¹⁶ EWOV has water fact sheets available on their website: <https://www.ewov.com.au/fact-sheets/high-water-bills>; <https://www.ewov.com.au/fact-sheets/water-payment-difficulties> accessed 3 November 2022.

¹⁷ The Orange Door is a free service for adults, children and young people who are experiencing or have experienced family violence and families who need extra support with the care of children. Services can be accessed in person in locations across Victoria or over the phone. <https://www.orangedoor.vic.gov.au/> accessed 28 October 2022.

impact on some existing relationships as face-to-face networking opportunities were paused. Another commented that while they thought their local agencies were aware of the support they provided to water customers, staff turnover means that connection meetings and relationship building are ongoing tasks.

The administration and design of government supports can create a barrier to access

We heard specific feedback about the negative impact of administrative processes to access government support, specifically the Utility Relief Grant and concessions.

Reducing barriers to access the Utility Relief Grant

The Utility Relief Grant (URG) is a common tool used by water businesses to support customers having trouble paying their bills. An URG provides government assistance to pay a mains electricity, gas or water bill that is overdue due to a temporary crisis. Applicants must meet one of four criteria, one of which is that the applicant or someone in their house has experienced family violence.

Consultation feedback highlighted some key areas where water businesses can improve access to URGs. Some feedback focused on how to provide a more consistent approach within and across businesses, for example:

- offering the option to complete over the phone or via email. Financial counsellors reported that this choice wasn't always available (Where to Research, 2022, p. 12). One business noted if customers are supported to complete over the phone they are sent a link to upload their documents, and some do not realise they need to complete this final step in the application process. This additional step may lead to the customer disengaging
- proactively asking customers about URGs
- inform customers that they are eligible for URGs for other utilities
- there may be a misunderstanding that customers need to meet multiple criteria and family violence alone is not enough.

Consultation also highlighted issues with URGs that are outside the direct control of water businesses:

- the form is complex, especially for people with literacy issues (Where to Research, 2022, p. 17)
- the allocated \$650 across two years goes very quickly, and more economic options would be beneficial (Where to Research, 2022, p. 17)
- timeframes for receiving an outcome are too long (can be up to eight weeks) (Where to Research, 2022, p. 11)
- two years between applications is too long (Uniting, 2022, p. 10)

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- URGs cannot be accessed by customers who no longer reside in a property even if the debt is in their name and the person who is living in the property isn't paying
- applications using family violence as the eligibility criteria require evidence of family violence (Whereto Research, 2022, p. 11). It was noted in the consultation that asking for evidence to support an URG application can result in customers disengaging and not calling back. Financial counsellors reported it was sometimes easier to apply on financial hardship rather than family violence grounds as it was easier to get evidence of financial hardship (Whereto Research, 2022, p. 11).

Provision of evidence by customers affected by family violence

Requiring evidence for an URGs application is in contradiction to common practice in water businesses not to require evidence of family violence. The Water Industry Standards do not require businesses to collect evidence of family violence from customers. In the stakeholder workshop, consensus was that asking for evidence can cause distress to customers and staff and makes the customer feel they are not believed. Three businesses explicitly state in their policy that they do not require evidence from customers. Only one business refers to providing evidence in their family violence policy.

Reducing barriers to access concessions

According to Department of Families, Fairness and Housing (DFFH) concessions data, in 2020-21, 27 per cent (724,882) of residential customers have a concession applied to their water bill, an increase of 7 per cent (45,976) from the previous year (Essential Services Commission, February 2022). Yet analysis in a report outlining gaps in customers accessing entitlements estimated 22 per cent of concession card households do not receive their concession on their water bill (Consumer Policy Research Centre, November 2022).

Community sector stakeholders raised concerns about whether concessions were being applied consistently to customers, for example, when customer circumstances change but a customer hasn't changed address. A customer may change from having a joint income and not being eligible for a concession to being on a single income and eligible, but if the customer doesn't move house the water business may not be aware of this.

Third-party connection services and concession entitlements

An emerging issue regarding concessions is the use of third-party companies to sign a customer up for all their utilities when moving to a new property. This review didn't explore business practice when using these providers, but a community sector stakeholder representative noted water businesses should be checking concession eligibility and any other entitlements when signing up customers through these services. It is unknown whether these companies collect information about concession eligibility as part of their sign up process.

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Administrative processes for customers with joint accounts limit flexibility

An additional issue raised by businesses relates to information and communication from water businesses about debt and joint account holders. Businesses noted that the name on the account is related to the property title and can't be changed. Options such as separate bills and preferred account contacts were used to meet customer communication preferences. One business identified that the notice of acquisition form for setting up new accounts has space for two names, but only one email address, raising concerns that only one account holder may be accessing the email address and receiving information about the account.

Conclusion

Our consultation highlighted a number of barriers that may be limiting or preventing customer access to support. Some of these barriers can be addressed to some extent by water businesses, such as improving customer safety protections for customers who are affected by family violence but not identified to the business, addressing the unique barriers experienced by CALD and rural/regional customers and improving communication about available supports. However, there is also opportunity for collaboration, such as increasing awareness of available support and advocating for improvements to administrative processes to access government support.

Improving implementation of the family violence provisions

This chapter presents the four identified areas for improvement, the actions the commission will take and some example actions businesses might consider.

The review findings demonstrate that while the provisions are working well for most customers, variations in business practice and barriers to access are limiting customer access to support.

We have identified four areas for improvement, which represent opportunities to build on the existing strengths of the water sector response. These areas emphasise consistency and continuous improvement within and across business to improve support for customers. We expect the sector will continue to provide flexible and individualised responses to customers.

The areas for improvement are outlined in Table 2.

Table 2: Areas for improvement

Areas for improvement	
 Learning and collaboration	 Setting clear expectations
 Increasing access to support	 Understanding impact

The following discussion addresses each of the four areas for improvement, sets out the actions the commission will deliver, and suggests some example actions water businesses might consider.

Learning and collaboration

Learning and collaboration was identified as an area of focus which would enable the sector to build on existing strengths and learn from each other. The Expert Advisory Panel were clear that even though businesses are doing well overall there is a need for continuous learning so that all customers receive an appropriate response.

While a lot is being done well, we also know that there are some areas that need to be improved, or greater consistency achieved between business approaches. A focus on learning and collaboration will ensure that better practice approaches, mistakes and lessons learned are shared.

Improving implementation of the family violence provisions

This will provide opportunity to build on what is working well, and address inconsistencies and barriers across the sector.

Through the consultation we heard about what water businesses could learn from other sectors including:

- Safety by design approaches in the technology and banking sectors.¹⁸
- The Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM) tools may be adaptable to support the response of water businesses.¹⁹

We also heard about the opportunity for businesses to align their work to support customers affected by family violence with the businesses gender equality work. Gender inequality is one of the key drivers of family violence. Water businesses, as defined entities under the *Gender Equality Act 2020*, are required to have a gender equality plan and undertake gender impact assessments of policies, programs and services that are new or up for review and have a direct and significant impact on the public. Some businesses have included actions relating to family violence in their Gender Equality Action Plans.

Some businesses expressed interest in opportunities for collaboration and engagement, such as industry-wide training or a community of practice and the Where to report also recommended finding ways to share ideas, such as a community of practice to learn and workshop solutions to common problems. (Where to Research, 2022, p. 18)

In addition to improving business practice, improved collaboration could reduce the need for customer to repeat their story. Businesses were conscious that interactions with water businesses are only one part of the experience for victim-survivors, and that many customers are retelling their story when they talk to other service providers. A number of businesses referenced the Thriving Communities Partnership One Stop One Story Hub program as an excellent example of how collaboration can reduce the need for victim-survivors to retell their story.²⁰ The One Stop One

¹⁸ The [e-Safety commissioner](#) has developed a range of resources and tools to support technology companies to minimise online threats by anticipating, detecting and eliminating online harms before they occur.

[Designed to disrupt](#), a 2022 discussion paper released by the Centre for Women's Economic Safety, explores how the banking sector can adopt safety by design principles into the design of its products and services.

¹⁹ MARAM was established to ensure that prescribed services, such as health and education services, can effectively identify, assess and manage family violence risk. The framework has developed evidence-informed practice guides and resources that could be adapted by businesses to support their family violence risk lens.

²⁰ "The OSOS Hub enables frontline workers in corporate and community organisations to connect and refer their clients to a range of supports through a single access point. This process aims to make it simpler for people in need to access support, reducing the burden and complexity involved in contacting each individual support program... The initial pilot is focusing on supporting members of the community experiencing financial distress who are impacted by Family and Domestic Violence and has been co-designed with community partners and people with lived experience." <https://thriving.org.au/what-we-do/the-one-stop-one-story-hub> accessed 28 October 2022.

Improving implementation of the family violence provisions

Story Hub is a cross-sector digital platform helping people experiencing financial vulnerability to access multiple avenues of support in one place without having to repeat their story. Four Victorian water businesses are currently participating service providers in this program.

The actions the commission will take to facilitate learning and collaboration are outlined in Table 3. This table also includes some suggested actions water businesses might take.

Table 3: Actions to facilitate learning and collaboration

 Learning and collaboration
Commission actions <ul style="list-style-type: none">• The commission will update the 2019 <i>Better Practice in Responding to Family Violence</i> publication.<p>This publication outlines better practice principles and actions businesses can take in implementing their family violence response and shares better practice examples from a range of sectors.</p>• Collaborate to promote better industry practice.<p>Collaborate with organisations with an interest in consumer protection and family violence, such as the Energy and Water Ombudsman Victoria. This may include sharing insights and identifying and raising awareness of better practice approaches, to improve outcomes for victim-survivors of family violence.</p>
Example business actions <ul style="list-style-type: none">• Establish a water sector family violence community of practice to regularly share approaches and challenges. For example, sharing how businesses are aligning their family violence response with their obligations under the <i>Gender Equality Act 2020</i>.• Explore opportunities for joint initiatives, including across sectors, for example the Thriving Communities Partnership One Stop One Story Hub.

Increasing access to support

Increasing access to support was identified as an area for improvement that will enable greater numbers of customers affected by family violence to access support from their water business. We heard consistently throughout the review that the number of customers accessing family violence support from water businesses was far lower than the known rates of family violence in the community. Our key findings also identified barriers that are limiting or preventing access to support, including lack of customer safety protections where family violence is not disclosed, low

Improving implementation of the family violence provisions

customer awareness of support, meeting the unique needs of some customers, and administrative process to access grants and concessions.

At present, there is inconsistency among business policies where some provide for the secure handling of information only for customers who are 'identified' or 'advise' they are affected by family violence. Updating policies to remove this limitation would increase access to customer safety protections. To meet this requirement, a proactive risk identification approach would include consideration of how business processes and systems can be adapted to protect customer safety and confidentiality for who do not disclose family violence. All water business policies, systems and processes should be looked at through a family violence risk lens, and be designed, or retrospectively adapted to ensure these risks are considered. This work could be aligned with business obligations under the *Gender Equality Act 2020*. The Safety by Design principles developed by the e-Safety commissioner, and adapted by the Centre for Women's Economic Safety (CWES) for the banking sector may be an informative approach to inform how the water sector addresses this issue.

We know that individual water businesses do promote their support options for customers affected by family violence, for example through their website, on bills and other customer communications, and through in person engagements in the local community. However, throughout the consultation, participants observed that awareness of the availability of support from water businesses varied among individual customers, financial counsellors and the broader family violence service sector. We heard that awareness could be improved among all these groups, and some suggested there was opportunity for an industry-wide campaign to raise awareness of support for customers experiencing family violence. More also needs to be done by businesses to raise customer awareness of safety and privacy options for all customers, not just those identified as being affected by family violence. Particular attention must be paid to the unique communication, information and access needs of CALD and regional and rural customers.

We also heard about the administrative and design barriers that can limit customer access to government grants and concessions. Some improvements to business practice were suggested to increase access to these supports, alongside suggestions to improve the administration and design of these supports.

The actions the commission will take to increase access to support are outlined in Table 4. This table also includes some suggested actions water businesses might take.

Table 4: Actions to increase access to support



Increasing access to support

Commission actions

- **Deliver a sector workshop to improve customer safety protections when family violence is not disclosed.**

This may include exploration of safety by design principles and approaches across other essential services. This action offers opportunity for multisector and jurisdiction collaboration, including with key stakeholders such as the Energy and Water Ombudsman Victoria. This aligns with our focus on learning and collaboration.

- **Increase awareness of support available to customers experiencing family violence.**

This may include promoting and cross-promoting information about family violence assistance, to raise awareness among customers, financial counsellors and specialist family violence agencies. This presents opportunity for collaboration.

- **Advocate for improvements to the administration and design of government grants and concessions.**

This may include working with stakeholders to share insights and data among government bodies and other regulators to advocate for system improvements. This aligns with our focus on learning and collaboration.

Example business actions

- Engage experts (for example, family violence survivor advocates) to ensure processes and procedures are appropriate and do not risk causing additional harm. The information in the [Better Practice Responses to Family Violence reports](#) can be applied and adapted to support business engagement with survivor advocates.
- Review family violence policy to ensure it is not limiting access to support to those identified as affected by family violence.
- Review the existing approach to communicating family violence support to customers and local support agencies and update if required. Consider special communication and information needs of culturally and linguistically diverse, and regional and rural customers.
- Review referral pathways and consider how to improve these. For example, through building relationships with local family violence service providers.

Setting clear expectations

Setting clear expectations was identified as an area for improvement that will target improved consistency in interpretation of the family violence provisions and water business obligations regarding reporting of non-compliance or potential non-compliance.

We heard clearly through the review that some businesses would like greater clarity around the expectations relating to staff training. Specifically, what is meant by the requirement that ‘relevant staff have ongoing training’ and what is best practice around renewal dates for family violence training. As one business noted, ongoing means different things to different entities.

One community sector stakeholder suggested the Water Industry Standards could be more specific about which staff require training, making comparison to the Victorian Energy Retail Code of Practice, which requires family violence training to be provided to employees, agents and contractors acting on its behalf.²¹

A number of water businesses expressed interest in learning more about how other water businesses were delivering training, whether there were opportunities to collaborate on training, or access industry-wide training and learning about processes other businesses use for onboarding and training. One water business suggested a community of practice to support staff to share and support each other, suggesting this could be for water businesses or even utility providers more broadly.

The family violence obligations in water and energy are amongst the most critical that the commission administers across the water and energy sectors. The review identified gaps in our knowledge of potential non-compliance with clause 11 of the Water Industry Standards. We learnt from the 2022 audits that businesses have different understandings of what non-compliance with the family violence provisions might entail. We also learnt that the actions businesses take in response to an identified non-compliance varies, and that not all businesses were clear on when and how they notify the commission. Given the potential for harm resulting from family violence breaches, businesses should also have clear internal processes to escalate potential non-compliance to senior management and Board audit committees.

²¹ Energy Retail Code of Practice <https://www.esc.vic.gov.au/electricity-and-gas/codes-guidelines-and-policies/energy-retail-code-practice> accessed 3 November 2022.

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(1) A retailer must ensure that training is provided to any person (including employees, agents and contractors) acting on its behalf who:

(a) may engage with affected customers by any means of communication;

(b) is a manager of a person identified in subclause (1)(a); or

(c) is responsible for systems and processes that guide interactions with small customers.

Improving implementation of the family violence provisions

The recently concluded South East Water investigation highlighted the valuable role external parties currently play in referring potential non-compliance to the commission, but also highlighted the potential for non-compliance to not be detected as there is no obligation on water businesses to notify the commission of potential non-compliance.

In combination, these gaps highlight the importance of our ongoing focus on family violence, and opportunity for the commission to provide greater clarity to water businesses on our expectations on their activities in detecting, reporting and rectifying potential non-compliance.

The actions the commission will take to set clear expectations are outlined in Table 5. This table also includes some suggested actions water businesses might take.

Table 5: Actions to set clear expectations



Setting clear expectations

Commission actions

- **Develop guiding materials to support greater consistency across water businesses.**

This will include staff training and clarity around the application of secure handling of information protections to those who are affected by family violence but not identified as such.

- **Develop reporting requirements that strengthen water business obligations to self-report non-compliance or potential non-compliance to the commission.**

This addresses an identified gap in our ability to detect potential non-compliance and will clearly outline our expectations about when and how this should be communicated to the commission.

Example business actions

- Investigate opportunities to provide increased training and coaching opportunities for staff.
- Review internal processes for managing and reporting non-compliance with the family violence policy, and ensuring this includes internal processes to escalate potential non-compliance to senior management and Board.

Understanding impact

Understanding impact was identified as an area for improvement that will ensure there is a clear and consistent approach to monitoring and reporting on the family violence provisions.

The family violence provisions have been in place in the water sector for five years. In this time the sector has advanced in its knowledge and practice. The commission undertook an outcomes review in 2019 to understand how the provisions affected customer experiences, and audits in 2018 and 2022. The ongoing monitoring and compliance approach should reflect this level of sector maturity.

The Wheretō report identified opportunities for greater learning and suggested there would be benefit in developing “a means of benchmarking water business performance and developing ways to share experiences and good ideas”, for example, self-assessment tools for self-audit and to get a sense of the relative maturity of their business (Wheretō Research, 2022, p. 18).

The Expert Advisory Panel were also interested in understanding more about how businesses are measuring and evaluating their responses to customers affected by family violence.

Our approach to understanding impact must evolve as the sector matures and refines its approach to responding to customers affected by family violence.

The actions the commission will take to understand the impact of the family violence provisions are outlined in Table 6. This table also includes some suggested actions water businesses might take.

Table 6: Actions to understand impact

 Understanding impact
Commission actions <ul style="list-style-type: none">• Review and formalise the commission’s monitoring and reporting on the family violence provisions.<p>This will help us learn what tools and approaches will be most effective in supporting positive consumer outcomes. Our approach may include learning from how we regulate other aspects of the Water Industry Standards and approaches taken in other sectors.</p>
Example business actions <ul style="list-style-type: none">• Ensure family violence policies for customers and staff, and associated processes and procedures, are up to date and scheduled for regular review.• Review internal monitoring and reporting processes that are in place for the family violence policy.

Improving implementation of the family violence provisions

Conclusion and next steps

This review of the Water Industry Standards family violence provisions has found that the water sector approach to implementing these provisions is largely appropriate and based on a strong foundational understanding of family violence.

We heard suggestions for nuanced improvements to business practices, as well as an emphasis on the importance of continuing to identify and address new and emerging issues to ensure the sector continues to contribute to positive and consistent customer outcomes.

The review findings and actions present opportunities for improvement rather than making significant changes to the family violence provisions and how they are being implemented by businesses. The findings will be used by the commission to improve our approach to encourage and support better practice by water businesses and in our other regulated sectors.

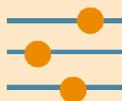
Our review has three key findings:

1. The provisions are working well to support most customers



- The water sector has a good understanding of family violence.
- The family violence provisions remain appropriate.

2. Variations in business practice are negatively impacting some customers



- Approaches to staff training differ between businesses, which can impact on the customer experience.
- Variations in access to and eligibility for payment support options are contributing to inconsistent customer experiences.
- Customer safety protections are not always appropriately applied.
- Incomplete and inconsistent notifications to the commission of problems or issues faced by businesses in applying protections to customers that may be experiencing family violence limits our ability to address any inconsistent business practice and detect non-compliance.

3. There are barriers limiting or preventing access to support



- Businesses provide limited or no customer safety protections when family violence is not disclosed.
- Not all water businesses are effective in identifying and adapting to the unique needs of customers.

- Low customer awareness limits access to support.
- The administration and design of government supports can create a barrier to access.

Drawing on these findings, we identified four areas for improvement that will build on the existing strengths of the sector and address the variations and barriers identified in the findings. We have nominated eight actions that we will deliver in response to these areas for improvement, which are outlined in Table 7.

Table 7: Commission actions to address identified areas of improvement

Area of improvement	Commission actions
Learning and collaboration 	<ul style="list-style-type: none"> • The commission will update the 2019 <i>Better Practice in Responding to Family Violence</i> publication. • Collaborate to promote better industry practice.
Increasing access to support 	<ul style="list-style-type: none"> • Deliver a sector workshop to improve customer safety protections when family violence is not disclosed. • Increase awareness of support available to customers experiencing family violence. • Advocate for improvements to the administration and design of government grants and concessions.
Setting clear expectations 	<ul style="list-style-type: none"> • Develop guiding materials to support greater consistency across water businesses. • Develop reporting requirements that strengthen water business obligations to self-report non-compliance or potential non-compliance to the commission.
Understanding impact 	<ul style="list-style-type: none"> • Review and formalise the commission's monitoring and reporting on the family violence provisions.

In delivering these actions we will consult with the water and community sector and other stakeholders with an interest in consumer protection and family violence, and we will ensure the voices of people with lived experience of family violence are included.

Businesses may also use the information in this report and the example business actions as a basis for reviewing and improving their approach to supporting customers affected by family violence.

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Appendix 1

Clause 11 Water Industry Standard – Urban Customer Service²²

11. FAMILY VIOLENCE

A water business must have and implement a family violence²³ policy.

As a minimum, the policy must:

- (a) provide that all relevant staff have ongoing training to:
 - (1) identify customers affected by family violence;
 - (2) deal appropriately with customers affected by family violence; and
 - (3) apply the water business's family violence policy and related policies and procedures to customers affected by family violence;
- (b) identify the support the water business will provide to staff affected by family violence, including any training, leave, external referrals and counselling available;
- (c) promote customer safety by providing for the secure handling of information about those who are affected by family violence, including in a manner that maintains confidentiality;
- (d) specify the water business's approach to debt management and recovery where a customer is affected by family violence, including but not limited to:
 - (1) the recovery of debt from customers with joint accounts; and
 - (2) the circumstances in which debt will be suspended or waived;
- (e) recognise family violence as a potential cause of payment difficulties and as an eligibility criterion for access to the water business's hardship policy under clause 5.3 and 5.4, and address what payment support will apply to customers affected by family violence;
- (f) provides for a process that avoids customers having to repeat disclosure of their family violence, and provides for continuity of service; and
- (g) provide a means for referring customers who may be affected by family violence to specialist family violence services.

A water business must:

- (h) publish on its website, and keep up to date, the assistance and referrals available to customers affected by family violence and how customers may access such assistance;
- (i) provide a copy of the family violence policy to a customer upon request; and

²² In the Water Industry Standard – Rural Customer Service the family violence provisions are in clause 10.

²³ "Family violence" has the meaning given in section 5 of the *Family Violence Protection Act 2008* (Vic).

- (j) provide for a periodic review mechanism of the policy and its associated procedures.

Appendix 2

Identifying better practice in policies

We looked at the family violence policies of the 15 urban and regional water businesses to identify variations and better practice examples among the business approaches. This was not a compliance review.

Our approach included policy documents that were publicly available on the water business website. The policies were accessed in January 2023. Business may have since updated their policies. We also looked at referral information on business websites. All businesses also have internal procedures and processes that support the implementation of their policy, which were not considered.

11(a) - staff training

The relevant clause of the Water Industry Standards states that the water businesses family violence policy, as a minimum, must:

(a) provide that all relevant staff have ongoing training to:

- (i) identify customers affected by family violence;
- (ii) deal appropriately with customers affected by family violence; and
- (iii) apply the water business's family violence policy and related policies and procedures to customers affected by family violence;

We identified that there is variation in how staff training is described in business policies in the following areas:

- the level of detail about which staff receive training
- the level of detail about the type of training provided
- training frequency and whether it is ongoing or recurring.

Highlighting better practice

- Seven businesses provide family violence awareness training to all staff.
- Three businesses include reference to training that specifically targets support for staff who may experience vicarious trauma relating to the calls or contacts where family violence has been disclosed.
- Two policies refer to the provision of training to contractors (but it is unclear whether this is general customer training or family violence specific).

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- One business specifies that their training program is reviewed regularly, and updated as required, and that advice is sought from the financial counselling industry on the content and delivery of training programs.

11(b) – support available for staff affected

The relevant clause of the Water Industry Standard states that the water businesses family violence policy, as a minimum, must:

(b) identify the support the water business will provide to staff affected by family violence, including any training, leave, external referrals and counselling available;

We only looked at publicly available policies on water business websites. Many of these did refer to support for staff and some policies referred to separate policies or processes for staff. We know from 2021/22 audit that many businesses have separate policies that outline staff support, which were not considered in this review. For this reason we have not done a detailed analysis for this clause of the Water Industry Standards.

11(c)- secure handling of information

The relevant clause of the code states that the water businesses family violence policy, as a minimum, must:

(c) promote customer safety by providing for the secure handling of information about those who are affected by family violence, including in a manner that maintains confidentiality;

We identified that there is variation in how secure handling of information is described in business policies. The key difference between policies in relation to this clause lies in the use of the terms ‘affected’ and ‘identified’. Many policies limit this to customers who are identified (either through self-disclosure or staff identification) as affected by family violence.

Highlighting better practice

- One policy clearly provides for customer choice, stating customers ‘will be offered the opportunity to have their account managed by our Customer Care program’.
- One policy clearly states that ‘we will not require proof of family violence’.

11(d) - approach to debt management

The relevant clause of the Water Industry Standard states that the water businesses family violence policy, as a minimum, must:

(d) specify the water business’s approach to debt management and recovery where a customer is affected by family violence, including but not limited to:

(i) the recovery of debt from customers with joint accounts; and

Appendix 2

(ii) the circumstances in which the debt will be suspended or waived;

We identified that most policies include debt waiver or deferment as a payment support option but none specify the circumstances in which debt will be waived by the business.

Highlighting better practice

- Seven policies indicate that decisions regarding debt management are individualised or dealt with on a case-by-case basis.
- One policy indicates that charges linked to a joint account with another customer will be 'managed in a considerate manner'.

11(e) - family violence is recognised as a potential cause of payment difficulties, eligibility, payment support options

The relevant clause of the Water Industry Standard states that the water businesses family violence policy, as a minimum, must:

(e) recognise family violence as a potential cause of payment difficulties and as an eligibility criterion for access to the water business's hardship policy under clause 5.3 and 5.4, and address what payment support will apply to customers affected by family violence;

We identified that there is variation in the level of detail available in policies about family violence as a potential cause of payment difficulty and the business response.

Highlighting better practice

One policy 'recognises that family violence can sometimes lead to or enhance financial challenges'. This policy stipulates that a support program will be designed to suit individual customers' needs, which may include access to a range of supports including: affordable payment arrangements, debt relief and referrals to support networks.

11(f) - avoids repeat disclosure and provides continuity of service

The relevant clause of the Water Industry Standard states that the water businesses family violence policy, as a minimum, must:

(f) provides for a process that avoids customers having to repeat disclosure of their family violence, and provides for continuity of service;

Highlighting better practice

- One policy clearly sets out the rights of customers experiencing family violence to tell their story once and request one point of contact.

- One policy highlights how by having a dedicated team which handles customers affected by family violence, the water business avoids customer repeat disclosures and provides service continuity.
- One policy demonstrates how the water business seeks consent of affected customers to communicate with other utilities or agencies on the customer's behalf to avoid the customer having to repeatedly disclose.

11(g) - means for referring customers

The relevant clause of the Water Industry Standard states that the water businesses family violence policy, as a minimum, must:

(g) provide a means for referring customers who may be affected by family violence to specialist family violence services.

We identified that there is variation in how businesses provide a means for referring customers to specialist family violence services. Variation was identified in whether they provide a means for referring customers, the level of detail of external referrals provided on the website, and information about how the water business provides customers with access to this referral information.

Highlighting better practice

- Two policies describe patterns of relationship-building and partnerships with various external support agencies.
- Three indicate that their staff family violence training includes familiarising staff with relevant referral pathways so customers can be connected to external services when needed.

11(h)(i)(j) - website referrals, copy of policy, periodic review process

Clause 11(h) of the Water Industry Standard states that a water businesses must:

(h) publish on its website, and keep up to date, the assistance and referrals available to customers affected by family violence and how customers may access such assistance

We identified there is variation in the provision of referral information on business websites. The number of referrals and detail provided varies between water businesses.

Highlighting better practice

- Websites which include referral names, contact details and some information about the agency including services provided. This enables customers affected by family violence to more easily decide which (if any) listed services might be able to support them.

- In addition to generalist family violence support services, all water businesses whose websites list referral information included at least one referral for an agency supporting a particularly underserved demographic.
 - Ten water businesses include a referral specifically catering to CALD customers.
 - Ten water businesses include a referral pathway specifically for First Nations customers.
 - Nine water businesses include a referral which may better support customers belonging to gender diverse communities.
 - One water business website includes a referral service which explicitly provides support to people affected by family violence who also experience a disability.

Clause 11(i) of the Water Industry Standard states that a water businesses must:

(i) provide a copy of the family violence policy to a customer on request

We identified there is variation in whether policies specify that they provide a copy of the family violence policy to a customer on request, with some policies not specifying this.

Clause 11(j) of the Water Industry Standard states that a water businesses must:

(j) provide for a periodic review mechanism of the policy and its associated procedures.

We identified variation in what 'periodic review' looks like in practice. The review timeframes outlined in policies ranged from one to three years. Some policy review dates had also passed. It is unclear whether the scheduled review did not take place, or whether the review has taken place and the review date has simply not been updated.