



VICTIMS OF CRIME ASSISTANCE TRIBUNAL

Chief Magistrate's Chambers
Melbourne Magistrates' Court

PRACTICE DIRECTION

NO. 9/2003

COUNSELLING AND ASSESSMENT

PRACTICE DIRECTION ISSUED PURSUANT TO SECTION 58
OF THE VICTIMS OF CRIME ASSISTANCE ACT 1996

From **1 July 2003** the Victims of Crime Assistance Tribunal (VOCAT) will implement new procedures in relation to awards for counselling and in relation to psychological and psychiatric assessment.

The new procedures are set out on the following pages.

This Practice Direction has effect from 1 July 2003

IAN LESLIE GRAY
CHIEF MAGISTRATE

16 May 2003

1. COUNSELLING

The following information is designed to assist counsellors in providing the most relevant information to the Tribunal with respect to a claim for assistance by a victim of crime.

A REPORTS

Counsellors who write reports in support of an application for assistance to the Tribunal with respect to a person to whom they are or are proposing to provide counselling services should prepare their reports in accordance with the **Guidelines - preparation of counselling reports - treating counsellors**.

The guidelines provide for a number of different report styles as follows:

1. **First report - up to five hours -**
Where the counsellor recommends that the applicant should have five hours or less counselling hours.
2. **First report - more than five hours -**
Where the counsellor recommends that the applicant should have more than five hours counselling hours.
3. **Further counselling report -**
Where the applicant requests further counselling; that is, after an initial application for counselling has already been approved.

All reports must be accompanied by:

1. the applicant's signed request for counselling and information acknowledgement form; and
2. Particulars of the academic qualifications and experience of the counsellor including particulars, if any, of VRAS accreditation.; and
3. If a charge is made for the report, a completed counselling and report fee invoice form.

These guidelines are not to be used for assessment reports and are only designed to be used by treating practitioners.

Guidelines for assessment reports can be found at point 2. ASSESSMENT below.

GUIDELINES - PREPARATION OF COUNSELLING REPORTS

TREATING COUNSELLOR - FIRST REPORT - UP TO FIVE HOURS

If the counsellor recommends that the applicant should have **five hours or less** counselling hours, these guidelines provide the suggested format for a counselling report to be filed with the Tribunal in support of the applicant's initial request for counselling.

The report must be accompanied by:

1. The applicant's signed request for counselling and information acknowledgement form; and
2. Particulars of the academic qualifications and experience of the counsellor including particulars, if any, of VRAS accreditation; and
3. If a charge is made for the report, a completed counselling and report fee invoice form.

The report should generally be 1 or 2 pages and no longer than 3 pages unless exceptional circumstances exist. It should include the following:

1. A brief outline of the alleged act of violence.
2. A brief outline of the presenting psychological/psychiatric problems.
3. An opinion as to the link, if any, between the applicant's psychological/psychiatric problems and the alleged act of violence.
4. The applicant's diagnosis, if a diagnosis can be made.
5. **A brief description of the proposed counselling plan describing:**
 - a) **approaches to be used;**
 - b) **goals of the counselling plan; and**
 - c) **the desired outcomes.**
6. A recommendation for a specific number of counselling hours, the period of time over which it is proposed that the counselling take place, and the estimated cost of the counselling proposed;
7. Any other relevant information.

RETROSPECTIVE PAYMENT FOR COUNSELLING AFTER THE FIRST 5 HOURS WILL NOT USUALLY BE MADE BY THE TRIBUNAL.

PRIOR APPROVAL MUST BE OBTAINED FROM THE TRIBUNAL FOR PAYMENT FOR FURTHER/ADDITIONAL COUNSELLING.

TREATING COUNSELLOR - FIRST REPORT - MORE THAN FIVE HOURS

If the counsellor recommends that the applicant should have **more than five** counselling hours, these guidelines provide the suggested format for a counselling report to be filed with the Tribunal in support of the applicant's request.

The report must be accompanied by:

1. The applicant's signed request for counselling and information acknowledgement form; and
2. Particulars of the academic qualifications and experience of the counsellor including particulars, if any, of VRAS accreditation; and
3. If a charge is made for the report, a completed counselling and report fee invoice form.

The report should include the following:

1. Particulars of all material considered including police statements and other reports.
2. The length of time spent in consultation with the applicant and details of tests, if any, undertaken.
3. An outline of the alleged act of violence.
4. An outline of the presenting psychological/psychiatric problems.
5. An outline of any relevant psychological/psychiatric history including details of any previous counselling.
6. An opinion as to the link, if any, between the applicant's psychological/psychiatric problems and the alleged act of violence.
7. The applicant's diagnosis, if a diagnosis can be made.
8. The applicant's prognosis.
9. If the applicant has a relevant prior psychological/psychiatric history, an opinion as to how that affects the applicant's prognosis.
10. **The proposed counselling plan including:**
 - a) **approaches to be used;**
 - b) **goals of the counselling plan; and**
 - c) **the desired outcomes.**
11. A recommendation for a specific number of counselling hours, the period of time over which it is proposed that the counselling take place, and the estimated cost of the counselling proposed.
12. Any other relevant information.

RETROSPECTIVE PAYMENT FOR COUNSELLING AFTER THE FIRST 5 SESSIONS WILL NOT USUALLY BE MADE BY THE TRIBUNAL UNLESS SPECIAL CIRCUMSTANCES EXIST.

PRIOR APPROVAL MUST BE OBTAINED FROM THE TRIBUNAL FOR PAYMENT FOR FURTHER/ADDITIONAL COUNSELLING.

TREATING COUNSELLOR - FURTHER COUNSELLING REPORT

These guidelines provide the suggested format for a counselling report to be filed with the Tribunal in support of the applicant's request for **further** counselling; that is, after an initial application for counselling has already been approved.

The report must be accompanied by:

1. The applicant's signed request for counselling and information acknowledgement form; and
2. Particulars of the academic qualifications and experience of the counsellor including particulars, if any, of VRAS accreditation; and
3. If a charge is made for the report, a completed counselling and report fee invoice form.

The report should include the following:

1. An outline of current progress.
2. An outline of the outstanding psychological/psychiatric issues.
3. An outline of any relevant psychological/psychiatric history.
4. The applicant's diagnosis, if a diagnosis can be made.
5. The applicant's prognosis.
6. If the applicant has a relevant prior psychological/psychiatric history, an opinion as to how that affects the applicant's prognosis.
7. An opinion as to the link, if any, between the applicant's continuing psychological/psychiatric problems and the alleged act of violence.
8. **The proposed counselling plan including:**
 - a) **the approaches to be used;**
 - b) **goals of the counselling plan; and**
 - c) **the desired outcomes.**
9. A recommendation for a specific number of counselling hours, the period of time over which it is proposed that the counselling take place, and the estimated cost of the counselling proposed;
10. Any other relevant information.

RETROSPECTIVE PAYMENT FOR COUNSELLING AFTER THE FIRST 5 SESSIONS WILL NOT USUALLY BE MADE BY THE TRIBUNAL UNLESS SPECIAL CIRCUMSTANCES EXIST.

PRIOR APPROVAL MUST BE OBTAINED FROM THE TRIBUNAL FOR PAYMENT FOR FURTHER/ADDITIONAL COUNSELLING.



Victims of Crime Assistance Tribunal

COUNSELLING REQUEST AND INFORMATION ACKNOWLEDGEMENT FORM

Claim No.

I (*Applicant's name*)

of (*Applicant's address*)

REQUEST that the Tribunal make an award for \$ (*total value of proposed counselling*)

to meet the cost of (*no. of sessions*) counselling sessions

(*duration of each counselling session*)

to be used over a period of not less than (*period of time over which the counselling sessions are proposed to take place*)

with (*Counsellor's name*)

of (*Counsellor's address*)

I ACKNOWLEDGE THAT:

1. This counselling request is made to assist me to recover from the adverse effects of the act of violence which is detailed in my application for assistance.
2. **I agree with the counselling plan set out in the counsellor's report filed in support of this request.**
- 3.^ I have already attended counselling with the counsellor as follows:
(*name of counsellor and date and duration of counselling already attended*).
4. I am aware that after the first 5 hours of counselling, the Tribunal will usually only approve further counselling prior to that counselling taking place and will not usually make an award for retrospective counselling after the first 5 hours.
5. If, after the first five hours of counselling, I have further counselling before the Tribunal's approval is obtained; the counsellor has advised me that if the Tribunal does not approve the counselling request:
 - a) I will be charged for the counselling as a private client. *
 - b) I will not be charged for the counselling. *

^ Only to be completed if the applicant has previously received counselling.

* delete as appropriate.

Applicant's signature

Date

Counsellor's signature

Date



Victims of Crime Assistance Tribunal

**PARTICULARS OF COUNSELLOR'S ACADEMIC QUALIFICATIONS,
EXPERIENCE AND VRAS* ACCREDITATION**

Claim No.

(APPLICANT'S NAME)

I (COUNSELLOR'S NAME)

OF (COUNSELLOR'S ADDRESS)

(Counsellor's occupation/job description eg. Psychologist, Social worker etc.)

CERTIFY that the following particulars are true and correct:

1. My academic qualifications are:

2. My counselling and other relevant experience is:

3. My VRAS accreditation particulars are:

4. I have attached the following documents which are, to the best of my knowledge, true and correct:

5. The following additional information is relevant:

Counsellor's signature

Date

*Victims Referral and Assistance Service

B FEES

Claims for payment by the Tribunal of fees for counselling reports and for counselling sessions must be made by filing with the Tribunal a completed "**counselling and report fee invoice**" form - as set out on next page.



Victims of Crime Assistance Tribunal

COUNSELLING AND REPORT FEE INVOICE

Claim for payment of counselling sessions/counselling report/assessment report.

To: Finance Section
Victims of Crime Assistance Tribunal
.....
.....

- 1. Business/payment name** _____
(The name that will appear on the cheque)
- 2. A.B.N. number** _____
- 3. Postal/payment address** _____
- 4. Your reference number** _____
- 5. Name of applicant** _____
- 6. VOCAT Claim number** _____

Date of service	Duration Hrs:Min	Signature of applicant on completion of session	Session fee/ Report fee charged
			Total : \$

- 1. The filing of this claim form with the Tribunal does not guarantee payment of all or part of the amount claimed. All fees are at the discretion of the Tribunal.
- 2. Approved VOCAT sessions are usually payable on an hourly basis. Treatment exceeding this timeframe will usually result in partial and/or additional sessions being utilised.
- 3. Report fees should be inclusive of GST with the amount of GST claimed separately identified.

I hereby declare that the above services were provided by _____
(Print counsellor name)

The counselling sessions claimed in this invoice:

a) Were previously authorised by the Tribunal by letter dated _____*
(Date of letter)

b) Were not previously authorised by the Tribunal.*

(* delete as appropriate)

Counsellor's signature _____

Counsellor's occupation _____

Date: _____

Failure to complete this form correctly may result in delays with processing and/or the claim form returned for completion.

2. ASSESSMENT

Psychologists and/or psychiatrists who assess and report to the Tribunal as to the psychological/psychiatric condition of and treatment/counselling needs of the applicant in accordance with the provisions of the *Victims of Crime Assistance Act 1996*. should prepare their reports in accordance with the **Guidelines - preparation of assessment reports**.

These guidelines should be used when the request for assessment and report is made by:

- The Applicant or the applicant's solicitors; or
- The Tribunal pursuant to S39(1)(b) of the *Victims of Crime Assistance Act 1996*

The procedure for referral of the applicant pursuant to S39(1)(b) of the *Victims of Crime Assistance Act 1996* is set out below.

GUIDELINES - PREPARATION OF ASSESSMENT REPORT

PSYCHOLOGIST/PSYCHIATRIST - ASSESSMENT REPORT

These guidelines provide the suggested format for an assessment report prepared by a psychologist or psychiatrist.

The report must be accompanied by:

1. Particulars of the academic qualifications and experience of the psychologist/psychiatrist including particulars, if any, of VRAS accreditation; and
2. A completed counselling and report fee invoice form.

The report must be accompanied by a statement particularizing the academic qualifications and experience of the psychologist/psychiatrist including particulars, if any, of VRAS accreditation.

The report to the Tribunal should include the following:

1. Particulars of all material considered including police statements and other reports.
2. The length of time spent in consultation with the applicant and details of tests, if any, undertaken.
3. An outline of the alleged act of violence.
4. An outline of the presenting psychological/psychiatric problems.
5. An outline of any relevant psychological/psychiatric history including details of any previous counselling.
6. An opinion as to the link, if any, between the applicant's psychological/psychiatric problems and the alleged act of violence.
7. The applicant's diagnosis, if a diagnosis can be made.
8. The applicant's prognosis.
9. If the applicant has a relevant prior psychological/psychiatric history, an opinion as to how that affects the applicant's prognosis.
10. If the applicant has already received psychological/psychiatric treatment or counselling, an opinion as to what if any benefit and/or detriment has been achieved by the treatment.
11. The proposed counselling plan including:
 - a) approaches to be used;
 - b) goals of the counselling plan; and
 - c) the desired outcomes.
12. If counselling is necessary; a recommendation for a specific number of counselling hours, the period of time over which it is proposed that the counselling take place, and the estimated cost of the counselling proposed.
13. Any other relevant information.

3. REFERRAL PROCEDURES

PROCEDURE WHEN A REFERRAL IS MADE TO THE PANEL OF PSYCHOLOGISTS OR PSYCHIATRISTS PURSUANT TO SECTION 39(1)(b) OF THE *VICTIMS OF CRIME ASSISTANCE ACT 1996*

- (1) A Tribunal Member may select the panel member to whom the applicant is to be referred. If no selection is made by the Tribunal member, the Registrar should select a member from the appropriate panel of psychologists or psychiatrists.
- (2) An appointment for examination should be made by telephone and confirmed in writing. (*See draft letter to psychologist/psychiatrist*)
- (3) The following should be forwarded with the letter of confirmation:
 - (a) A copy of the “Guidelines - preparation of reports - psychological/psychiatric assessment report”, and
 - (b) Copies of any of the following documents:
 - i) Application
 - ii) Applicant’s police statement
 - iii) Any statutory declaration made by the applicant
 - iv) Any relevant reports
 - v) Such other material as is directed by the Tribunal member
 - vi) A counselling and report fee invoice form.
- (4) The applicant is to be notified by mail. (*See draft letter to applicant*).

**DRAFT LETTER TO PSYCHOLOGIST/PSYCHIATRIST
(Section 39(1)(b) referral)**

(Date)

(psychologist/psychiatrist's name and address)

Dear Sir/Madam,

RE: *(Applicant's name and Application No.)*

The Victims of Crime Assistance Tribunal has arranged for you to examine *(Applicant's name)* at your rooms on the *(date)*. After you have examined the Applicant you are requested to report to the Tribunal in the terms set out as per attached guidelines. In addition, would you also report upon the following matters *(Tribunal member to consider and advise as to what other matters should be reported upon.)*

In order to assist you in the preparation of your report to the Tribunal I enclose the following documentation :

- (a) Application
- (b) Statement made to the Police by the Applicant
- (c) Statutory Declaration made by the applicant
- (d) Medical reports relating to the Applicant, being _____
- (e) Report by Psychiatrist, Dr *(name)* dated the _____
- (f) Report by Psychologist *(name)* date the _____
- (g) Report of Sexual Assault Counsellor (if applicable) dated the _____
- (h) such other documents as are directed by the Tribunal member.

In order to facilitate payment of your report, I also enclose a counselling and report fee invoice form for completion and return with your report.

Should you require any further information, please contact *(name and telephone number of Deputy registrar)*.

Yours faithfully

Deputy Registrar
Victims of Crime Assistance Tribunal

**DRAFT LETTER TO APPLICANT
(Section 39(1)(b) referral)**

(Date)

(Applicant's name and address)

Dear Sir/Madam

RE: APPLICATION FOR ASSISTANCE (Claim No)

The Victims of Crime Assistance Tribunal has made an appointment for you to be examined by *(psychologist/psychiatrist's name)* at *(his/her)* rooms at *(address)* on the *(date)* at *(time)*.

The Tribunal is seeking a review of your condition by *(psychologist/psychiatrist's name)*. I advise that pursuant to Section 39(1)(b) of the *Victims Crime Assistance Act* the Tribunal shall not make an award of assistance/payments incurred for counselling services if you fail without reasonable cause to attend the arranged appointment and examination.

Yours faithfully

Deputy Registrar
Victims of Crime Assistance Tribunal.