

Approved Counselling Service

Operating Guidelines for Approved Counsellors

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Commissioner's Foreword

Welcome to the Approved Counselling Service (ACS), an essential service which provides free trauma counselling to victims of violent crimes that have occurred in NSW.

Counselling is delivered by Approved Counsellors who are approved under section 31 of the *Victims Rights and Support Act 2013* to deliver approved counselling services. Approved Counsellors are private practitioners who meet the eligibility requirements in the *Victims Rights and Support Regulation 2013* and have a minimum of three years' experience as a registered provider in their profession (or are otherwise Approved Counsellors under Clause 4A of those regulations). They have a strong understanding of trauma and experience in delivering therapeutic, trauma-informed services to victims of crime.

Clients who access approved counselling services are victims who have suffered harm as a direct result of an act committed, or allegedly committed, by another person in the course of a criminal offence in NSW. This may include homicide, domestic or family violence, sexual assault, physical assault, an armed robbery or a home invasion.

Becoming a victim of crime is a stressful and traumatic experience. As an Approved Counsellor, you are integral in providing invaluable support to vulnerable victims of crime at a time when they need it most. This will include assisting victims of crime to cope with adverse symptoms that arise as a result of an act of violence and reducing the impact of the crime on their lives.

The enclosed Operating Guidelines for Approved Counsellors (the Operating Guidelines) are designed to support you to understand your role as an Approved Counsellor. It outlines the mandatory operating requirements for Approved Counsellors and Interim Approved Counsellors who deliver counselling under the ACS. The Operating Guidelines replace the *Victims Services Practice Standards for Approved Counsellors* (the Practice Standards).

As an Approved Counsellor, you must comply with the Charter of Victims Rights (the Charter). The Charter is enshrined in the *Victims Rights and Support Act 2013* and includes 18 rights which describe how victims of crime must be treated and assisted by government service providers and any person or non-government agency funded by the state to deliver services to victims of crime, including Approved Counsellors. [The NSW Code of Practice for the Charter of Victims Rights](#) will assist you to understand your obligations under the Charter.

I oversee and manage the ACS and multiple teams within Victims Services in the management of the ACS (see **section 5**). We are all here to work together to ensure we provide the best services to our clients.



Mahashini Krishna

Commissioner of Victims Rights

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1 Scope

This document outlines the mandatory operating requirements for Approved Counsellors and Interim Approved Counsellors who deliver counselling services under the Approved Counselling Service (ACS).

The Operating Guidelines provide guidance on processes and issues which are unique to delivering counselling services under the ACS. The Operating Guidelines do not seek to replace any statutory obligations, codes of conduct or professional standards that an Approved Counsellor is otherwise obliged to comply with.

An Approved Counsellor is responsible for the professional and efficient provision of counselling services consistent with the terms of this document and the Letter of Appointment.

An Approved Counsellor must also consult and practice in accordance with the relevant legislation, regulations, codes of conduct and professional standards. They must also seek, as appropriate, the expertise of their Professional Association or Clinical Supervisor to guide their delivery of counselling services.

2 Purpose

The Operating Guidelines aim to promote quality and consistency in the delivery of counselling services to clients of the ACS and uphold the integrity of the ACS and the Victims Support Scheme of which the ACS is a part.

The Operating Guidelines apply to all Approved Counsellors and Interim Approved Counsellors.

The Operating Guidelines replace any previous versions of the Victims Services' Practice Standards for Approved Counsellors (Practice Standards).

3 Definitions

Approved Counsellor means a private practitioner approved under section 31 of the *Victims Rights and Support Act 2013* to deliver approved counselling services. For the avoidance of doubt, an Approved Counsellor is not an employee of Victims Services. An Approved Counsellor is classified as a Generalist counsellor tier 1 or Generalist counsellor tier 2 for the purposes of payment at the appropriate rate.

Approved Counselling Services means the counselling services generally described as "approved counselling services" in Part 4 of VRS Act which are to be provided by the Approved Counsellor to a client as part of the Victims Support Scheme and in accordance with the Practice Standards.

Client means a victim of crime whose application to receive Approved Counselling Services has been approved by Victims Services.

Clinical Supervisor means a registered psychologist, qualified social worker, clinical psychologist or psychiatrist who is accredited by the appropriate Australian professional body or registration body who engages in ongoing supervision of the Approved Counsellor.

Confidential Information means any information whether existing before, on or after the commencement of the appointment, that:

- a. is any documentation, information or material supplied by the Commissioner of Victims Rights or Victims Services to the Approved Counsellor by whatever means; or
- b. is by its nature confidential; or
- c. the other party knows or ought to know is confidential.

Counselling services means counselling delivered under the ACS.

Generalist counsellor tier 1 is an Approved Counsellor who is registered as a psychologist or is eligible for membership of the Australian Association of Social Workers (other than a student member).

Generalist counsellor tier 2 is an Approved Counsellor who:

- (a) is registered as a psychologist or is eligible for membership of the Australian Association of Social Workers (other than as a student member), and
- (b) has provided Approved Counselling Services for more than 3 consecutive years, and
- (c) holds a Masters degree (or higher level qualification) in social work, clinical psychology, clinical neuropsychology, counselling psychology or forensic psychology, and
- (d) in the opinion of the Commissioner of Victims Rights, has specialist counselling skills.

Interim Approved Counsellors means a private practitioner who meets the eligibility requirements to become an Approved Counsellor, but is approved to deliver approved counselling services to a specific client or client group for a limited duration of time.

Practice Standards means the repealed *Victims Services Practice Standards for Approved Counsellors*. The Operating Guidelines replace the Practice Standards.

Professional Advisory Panel means the panel that provides advice and recommendations to the Commissioner about the Approved Counselling Services.

Professional Association refers to the relevant association the Approved Counsellor must retain membership of for the duration of their appointment, which may include, but is not limited to, the Royal Australian and New Zealand College of Psychiatrists, the Psychology Board of Australia, the Australian Association of Social Workers, the Australian Counselling Association or the Psychotherapy and Counselling Federation of Australia.

Report means the written reports which Approved Counsellors are required to write and submit in their provision of the Services and in accordance with the form, requirements and timeframes specified in this document.

4 Operating Guidelines

4.1 ACS requirements

Heading	Guideline
(a) Must have an ABN	<ul style="list-style-type: none">You must have an ABN (Australian Business Number) registration under the <i>A new Tax System (Australian Business Number) Act 1999</i> at the time of providing any services.
(b) Promotion of Approved Counsellor	<ul style="list-style-type: none">The Commissioner may advertise and promote the name, practice location and specialties of the Approved Counsellor.
(c) Insurance requirements	<ul style="list-style-type: none">You must have professional indemnity insurance – insured amount of at least \$2M.You must have Workers Compensation insurance.You must have Public Liability insurance.
(d) Not an employee	<ul style="list-style-type: none">You are not an employee, agent, partner, officer or representative of the Commissioner or Victims Services. Approved Counsellors are not constituted as members of staff of the Commissioner or as a public servant for the purposes of the <i>Government Sector Employment Act (2013)</i> or any other law.

4.2 Professional requirements

Heading	Guideline
(a) Statutory obligations	<p>Comply with all applicable legislation, regulations and all relevant Australian standards (or equivalent standards in the Approved Counsellor's state or territory) applicable to the delivery of Approved Counselling Services.</p> <p>This may include, but it is not limited to:</p> <ul style="list-style-type: none">the <i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW)the <i>Child Protection (Working with Children) Act 2012</i> (NSW)the <i>Criminal Procedure Act 1986</i> (NSW)the <i>Privacy and Personal Information Protection Act 1998</i> (NSW)the <i>Health Records and Information Privacy Act 2002</i> (NSW)the <i>Disability Inclusion Act 2014</i> (NSW); andthe <i>Victims Rights and Support Act 2013</i> (NSW), including the Charter of Victims Rights.

<p>(b) Professional Association's code of conduct, standards and ethics</p>	<ul style="list-style-type: none"> ▪ At own cost, maintain registration or accredited membership to professional associations. ▪ Comply with all codes of conduct, professional standards and ethics of your professional association. ▪ Consult codes of conduct, professional standards and ethics of your professional association to inform practices relating to ethical conduct, matters of clinical and professional competence, and guidance on working with vulnerable groups.
<p>(c) Professional competence and continued professional development</p>	<ul style="list-style-type: none"> ▪ Undertake a minimum of 10 hours of trauma-specific and/or applicable professional development training per year. ▪ Undertake the minimum requirement of professional competence and continuing professional development training required to maintain the Approved Counsellor's registration and/or accreditation as a counselling professional. ▪ Refer to section 4.8 (a) for operating guidelines about the maintenance of records about professional development. ▪ Upon request, and within 14 days of receiving such a request, provide Victims Services information to demonstrate continuing professional development training as required to maintain professional registration.
<p>(d) Notice of specialisation</p>	<ul style="list-style-type: none"> ▪ Advise the Commissioner if your specialties expand or change. This will assist Victims Services make appropriate referrals.
<p>(e) Other</p>	<ul style="list-style-type: none"> ▪ Notify Victims Services if you have been convicted of a criminal offence in NSW or elsewhere. ▪ The Commissioner has the discretion to suspend or terminate an Approved Counsellor in the event the Approved Counsellor is convicted of a criminal offence.

4.3 Clinical supervision

Heading	Guideline
(a) Clinical supervision	<ul style="list-style-type: none"> ▪ Engage the services of a qualified Clinical Supervisor. ▪ Access a minimum of 1 hour of one-on-one clinical supervision every 4 to 6 weeks. ▪ Where possible, increase the frequency of clinical supervision with increased workloads or with more complex cases. ▪ Refer to section 4.8 (b) for operating guidelines about the maintenance of records on clinical supervision.
(b) Notice of change in clinical supervision arrangement	<ul style="list-style-type: none"> ▪ Advise Victims Services immediately in the event that a clinical supervision arrangement ends or changes. ▪ Provide Victims Services with the details of the new clinical supervision arrangement, no later than 10 days following the change.

4.4 Counselling sessions

The delivery of counselling sessions under the ACS is subject to strict operating requirements. All referrals are at the absolute discretion of the Commissioner and:

- there is no guarantee the Commissioner will approve the referral or allocation of a victim, or any victims to an Approved Counsellor
- the Commissioner may cease allocation of victims to Approved Counsellors or transfer any allocated client from the Approved Counsellor; and
- the Commissioner may at any time, upon written notice vary, or revoke any condition of approval, or impose any new or additional conditions in relation to the approval of services to be provided to the Approved Counsellor.

In such cases, the Approved Counsellor agrees that he/she will not be entitled to make any claim for the payment of any fee, expense or other form of payment arising in connection with the provision of the Services, or lack thereof.

In addition, Victims Services reserves the right to refuse payment, partially or in full, for counselling services, which are delivered outside of the operating guidelines for counselling sessions, unless otherwise approved in writing prior to the delivery of the counselling session.

Heading	Guideline
(a) Accepting referrals	<ul style="list-style-type: none"> ▪ Accept all reasonable referrals by Victims Services to provide counselling services. Refer to section 4.4 (c) for operating guidelines about availability. ▪ Respond to clients' appointment requests within 3 working days

	<ul style="list-style-type: none"> ▪ Prior to commencing counselling services with a client, ensure that: <ul style="list-style-type: none"> ○ Victims Services has provided you with approval to see the client ○ there is no existing relationship with the client or a conflict of interest (see section 4.6 (a)); and ○ the client has sufficient hours of counselling approved¹. ▪ Advise Victims Services if you do not have the appropriate skills and experience to work with the referred client.
<p>(b) Initial appointment</p>	<ul style="list-style-type: none"> ▪ Offer clients their initial counselling appointment within 21 working days of the client's request. ▪ Offer clients who are in crisis and require urgent counselling an appointment within 5 working days of the client's request. ▪ Allocate up to 2 hours for the initial assessment. This should include 90 minutes (can be two 45 minute sessions) with the client and 30 minutes for report writing. ▪ Refer to section 4.9 (a) for operating guidelines about the preparation of the initial report and section 4.10 (c) for operating guidelines about invoicing for the preparation of reports.
<p>(c) Change in practice details or availability</p>	<ul style="list-style-type: none"> ▪ Advise Victims Services immediately if your practice or contact details have changed. ▪ Advise Victims Services immediately if you are unable to provide counselling to a referred client. ▪ Advise Victims Services immediately if your availability to provide counselling services changes, for example where you: <ul style="list-style-type: none"> ○ are at capacity and cannot take new referrals ○ have relocated ○ are taking leave; and/or ○ are unable to provide new clients who require urgent counselling with appointments within five working days of their request. <p>Victims Services will temporarily cease referrals whilst you are unavailable.</p>

¹ **Note:** Some clients may be a victim of multiple acts of violence and may have more than one approval with hours allocated for each separate application

(d) Delivery of counselling

- Deliver all counselling sessions with strict observance of principles of:
 - accessibility
 - confidentiality and privacy
 - safety
 - professionalism; and
 - professional boundaries.
- Do not deliver counselling services in a public place, in a home-office, or the client's home, unless otherwise approved by Victims Services
- Seek prior approval from the Commissioner to deliver counselling sessions from a home office.
- Seek written approval from the Commissioner and the client to allow any other person to observe, or be present at, a session with a client.
- Disclosure of confidential information is only allowed:
 - to the Approved Counsellor's Personnel, if the disclosure is necessary for the purpose of this document or Letter of Appointment;
 - to that particular client; or with their consent of the particular client, their legal representative; and
 - as necessary to providing counselling services for that particular client and/or for the purposes of disclosure of the report to the Commissioner.

(e) Shared appointments

- Seek prior approval from the Commissioner before delivering family or shared counselling sessions.

The Commissioner will only consider family or shared counselling sessions where each client has a valid approval to receive approved counselling services.

(f) Group counselling

- Seek prior approval from Victims Services before delivering group counselling programs.

(g) Telephone and video conferencing

- Approved Counselling should primarily be delivered face-to-face to clients.
- Phone and online counselling can be provided at the request of the client where:
 - the client has relocated and has an established relationship with the Approved Counsellor

- the client has a psychological disorder that prevents them from leaving the house
 - the client cannot access transport to attend the session
 - the client lives remotely or is on holidays
 - the client is experiencing medical or mobility issues
 - there are emergency or safety concerns for the client.
 - or in other circumstances when approved by the Commissioner.
- Before delivering phone or online counselling, ensure:
 - expectations and risks associated with delivering counselling over telephone or video conference have been identified and discussed with the client, including ensuring they are located in a safe, private and appropriate environment for counselling
 - a risk management plan is in place to manage risks around not being able to read behavioural or visual cues whilst providing this mode of counselling
 - provide a dedicated work phone number and/or video conference ID for all counselling delivered over telephone or video conference. Personal devices must not be used for the delivery of counselling over telephone or video conference
 - reliable and fast internet connections are required to minimise disruption; and
 - you should be in a location and place that is private and conducive to phone counselling. This includes a place where there is minimal distraction, low noise, and access to a means of documenting the phone call.
 - The initial appointment is to be delivered face-to-face wherever possible.

The use of telephone and online counselling will be regularly audited. Please ensure records are maintained.

(h) Travel

- Up to 50km (round trip) of travel may be invoiced without approval in the below circumstances:
 - the client has a psychological disorder that prevents them from leaving the house
 - the client cannot access transport to attend the session
 - the client is experiencing medical or mobility issues; and/or
 - carer responsibilities.
- Requests for travel over 50km round trip will need to be

	<p>considered and approved/declined by Approved Counselling Programs Team (ACPT) prior to travel occurring.</p> <ul style="list-style-type: none"> ▪ Only use vehicles that are comprehensively insured when travelling to see Victims Services' clients. ▪ Please see section 4.10 (f) for invoicing information. ▪ When considering travel the Approved Counsellor must consider: <ul style="list-style-type: none"> ○ whether the environment is private and conducive to counselling ○ their safety prior to agreeing to travel; and ○ phone counselling as an alternative - should be considered after the initial appointment. <p>The use of travel will be regularly audited. Please ensure adequate records are maintained.</p>
(i) Subcontracting	<ul style="list-style-type: none"> ▪ Do not subcontract any part of the counselling services to another person, including other Approved Counsellors or any trainee, supervisee or colleague, provisional psychologist, student or volunteer. ▪ Do not subcontract the writing of reports to another person, including other Approved Counsellors or any trainee, colleague, provisional psychologist, student or volunteer.
(j) Referrals to other counsellors	<ul style="list-style-type: none"> ▪ Do not refer clients to any other counsellor, approved or otherwise, unless prior approval has been granted by Victims Services. ▪ Refer to section 4.6 (f) for operating guidelines about requesting a change of counsellors.
(k) Transparency and information	<ul style="list-style-type: none"> ▪ At the earliest opportunity, provide the client with clear and accurate information about: <ul style="list-style-type: none"> ○ how many sessions have been approved; and ○ the missed appointment policy for clients receiving Approved Counselling Services. ▪ Inform the client about the limitations of client confidentiality, including the Approved Counsellor's obligations to: <ul style="list-style-type: none"> ○ respond to lawful subpoenas ○ report child protection concerns; and ○ report any imminent threats of suicide or harm to others. ▪ Advise the client of absences, holidays or any other breaks that may interrupt therapeutic work.

<p>(l) Missed appointments</p>	<ul style="list-style-type: none"> ▪ Do not charge clients a missed appointment fee under any circumstances. <p>Refer to section 4.10 (e) for operating guidelines about invoicing for missed appointments.</p> <ul style="list-style-type: none"> ▪ In the event that a client has missed two appointments, the Approved Counsellor must elect whether to continue counselling at their own risk and expense, or decline further counselling. An Approved Counsellor may contact Victims Services to request a change of counsellor. <p>Refer to section 4.6 (f) for operating guidelines about requesting a change of counsellors or section 4.6 (e) for operating guidelines about terminating a counselling relationship.</p>
<p>(m) Duration of counselling sessions</p>	<ul style="list-style-type: none"> ▪ Seek approval from the Commissioner before undertaking individual counselling sessions exceeding two hours. <p>Approval will be considered in limited circumstances, for example, where a client is required to travel a significant distance to attend counselling.</p>
<p>(n) Interpreter services</p>	<ul style="list-style-type: none"> ▪ Contact Victims Services at least five working days prior to a counselling appointment to arrange the services of an interpreter, where required. The request should specify the date, time and address of the counselling session, as well as the language and preferred gender of the interpreter. ▪ Advise Victims Services in the event that there are any concerns about the services of an interpreter.
<p>(o) Public Sector Approved Counsellors</p>	<ul style="list-style-type: none"> ▪ If an Approved Counsellor is a public servant (including an employee within the public sector service), for the purposes of the <i>Government Sector Employment Act 2013</i> (NSW), the Approved Counsellor must: <ul style="list-style-type: none"> ○ abide by all relevant government department guidelines and requirements in relation to undertaking secondary employment or private employment whilst in paid public sector employment in a government department; and ○ not use his/her place of paid public sector employment to conduct a private practice as an Approved Counsellor including not using his/her workplace telephone contact number.

4.5 Legal context

You can deliver counselling services to clients who are undergoing court processes or other legal processes as a victim or witness of crime.

You must adhere to the following guidelines to ensure that they do not create adverse outcomes for clients engaged in the criminal justice system, or in some circumstances, the family law system.

Heading	Guideline
(a) Prohibited counselling approaches	<ul style="list-style-type: none"> ▪ Therapies that do not have a strong evidence base must not be used with Approved Counselling clients, i.e. <ul style="list-style-type: none"> ○ Emotional Freedom Technique (EFT); and ○ Thought Field Therapy.
(b) Limited counselling approaches	<ul style="list-style-type: none"> ▪ Eye Movement Desensitisation and Reprocessing (EMDR) and Hypnosis can impact court evidence and outcomes. As such you must adhere to Office of the Director of Public Prosecutions (ODPP) Guideline 27 on Evidence and the use of EMDR and Hypnosis when considering the use of these techniques.
(c) Subpoenas	<ul style="list-style-type: none"> ▪ Maintain accurate notes during counselling sessions and consider that counselling files and reports may be subject to a subpoena in relation to a court matter. Refer to section 4.8 for further operating guidelines on records management. ▪ In responding to subpoenas, be aware of your obligations under the Sexual Assault Communications provisions of the <i>Criminal Procedure Act 1986</i> (NSW) and <i>Evidence Act 1995</i> and, act in accordance with the guidelines of your professional association. ▪ Note that Victims Services does not provide legal advice. ▪ Seek independent legal advice² if uncertain about legal obligations. <ul style="list-style-type: none"> ○ Call LawAccess NSW on 1300 888 529 Monday to Friday between 9am and 5pm (excluding public holidays) for legal help. ○ Your professional registration body may be able to assist with advice.
(d) Sexual Assault Communications Privilege (SACP)	<ul style="list-style-type: none"> ▪ If a request is received to release information about a client who is a victim of sexual assault: <ul style="list-style-type: none"> ○ inform the client of their privilege under the SACP³

² LawAccess NSW is a free government telephone service that provides legal information, referrals and in some cases, advice for people who have a legal problem in NSW. LawAccess NSW can be contacted on **1300 888 529** between 9am to 5pm, Monday to Friday (excluding public holidays).

	<ul style="list-style-type: none"> ○ refer the client to NSW Legal Aid Sexual Assault Communications Privilege Services: sacps@legalaid.nsw.gov.au. Phone: 9219 5888; and ○ obtain consent in writing where the client consents to the production of the subpoenaed document. <p>Refer to the Sexual Assault Communications Privilege Service booklet “Subpoena Survival Guide” for more information about what to do when a court seeks confidential client information.</p>
(e) Mandatory reporting	<ul style="list-style-type: none"> ▪ Fulfil obligations for mandatory reporting under the <i>Children and Young Persons (Care and Protection) Act 1998</i>. ▪ Comply with the mandatory reporting requirements of the Approved Counsellor’s Professional Association. ▪ Document child protection concerns in reports submitted to Victims Services, including information relating to the client’s contact with alleged offenders. Refer to section 4.9 for further operating guidelines on reporting.
(f) Children	<ul style="list-style-type: none"> ▪ Assess the family context of a client when the client is a child or young person. ▪ Accused parents or caregivers must not attend the child’s counselling session. ▪ Obtain relevant information about any court orders that may be in place about the responsibility of the parent(s) and/or guardian(s) of child clients. This may include any conditions of the court order that might be relevant to the service provision and parental consent. ▪ Victims Services does not provide legal advice. ▪ Seek independent legal advice⁴ if uncertain about legal obligations: <ul style="list-style-type: none"> ○ call LawAccess NSW on 1300 888 529 Monday to Friday between 9am and 5pm (excluding public holidays) for legal help; and ○ your professional registration body may be able to assist with advice.

³ The Sexual Assault Communications Privilege (SACP) is a statutory privilege that applies to a “protected confidence” defined in the *Criminal Procedure Act 1986*. The SACP limits the disclosure of counselling, health and other therapeutic information about a victim of sexual assault. For more information, visit: <https://www.legalaid.nsw.gov.au/what-we-do/civil-law/sexual-assault-communications-privilege-service>

⁴ LawAccess NSW is a free government telephone service that provides legal information, referrals and in some cases, advice for people who have a legal problem in NSW. LawAccess NSW can be contacted on **1300 888 529** between 9am to 5pm, Monday to Friday (excluding public holidays).

4.6 Counselling relationship

Heading	Guideline
(a) Declaration of existing relationship and conflicts of interest	<ul style="list-style-type: none"> ▪ Notify Victims Services immediately and await approval to proceed with a referral if: <ul style="list-style-type: none"> ○ a current or former relationship exists between the Approved Counsellor and the referred client; or ○ a conflict of interest may arise if the Approved Counsellor delivers counselling to the referred client. <p>Where, in the Commissioner's view the conflict of interest cannot be appropriately managed, the Commissioner may change the counsellor for that client.</p>
(b) Maintaining professional boundaries	<ul style="list-style-type: none"> ▪ Maintain professional boundaries and comply with all codes of conduct, professional standards and ethics of your professional association. ▪ Do not engage in any financial, intimate, personal or inappropriate relationship with ACS clients during or after counselling.
(c) External research	<ul style="list-style-type: none"> ▪ Do not recruit Approved Counselling clients to participate in, or be the subject of, any research activity or case study.
(d) Safety concerns for the Approved Counsellor	<ul style="list-style-type: none"> ▪ Report any aggressive behaviour from clients or safety concerns to Victims Services immediately. <p>Victims Services will liaise with the Approved Counsellor to discuss whether or not the counselling relationship should continue or if conditions can be put in place to ensure the Approved Counsellor's safety.</p>
(e) Termination of counselling relationship	<ul style="list-style-type: none"> ▪ Advise the client if a decision has been made to terminate a counselling relationship. ▪ Advise Victims Services in writing in the event that a counselling relationship has been terminated. ▪ Refer to section 4.7 for operating guidelines about support, referrals and continuity of care in the event that a counselling relationship ends. ▪ Refer to section 4.9 (b) for operating guidelines about the preparation of a final report in the event that a counselling relationship ends.
(f) Change of counsellor	<ul style="list-style-type: none"> ▪ Advise Victims Services in writing if you or your client wishes to request a change of counsellor. The advice should include: <ul style="list-style-type: none"> ○ the reason for the request ○ the number of counselling hours remaining; and ○ how many appointments the client has missed.

Approval will be considered in circumstances, such as:

- relocation of the client or Approved Counsellor
- a lack of rapport between the client and Approved Counsellor
- a conflict of interest
- an inability to meet a client's needs due to a disability
- a preference of the client, for example, a preference relating to gender or discipline
- challenges to maintain professional boundaries; and
- the need for specialist experience.

Victims Services may initiate a change of Counsellor in the event of a complaint.

You will be informed in writing of the outcome of the request for a change of counsellor.

4.7 Support, referrals and continuity of care

Heading	Guideline
(a) Assistance with applications under the Victim Support Scheme	<ul style="list-style-type: none">▪ Clients may contact Victims Services on 1800 633 063 for assistance in completing an application.
(b) Other supports	<ul style="list-style-type: none">▪ Counselling sessions may be used to assist in the preparation of a Victim Impact Statement.▪ When a client needs court support you should refer the client to specialised court support providers, such as:<ul style="list-style-type: none">○ the Director of Public Prosecutions Witness Assistance Service (WAS); or○ Local Court support services, such as Victims and Witnesses of Crime Court Support, and Mission Australia.▪ Court support will only be approved if there are no alternative court support providers in the Court▪ These additional supports should be clearly identified as case management when submitting invoices. The use of case management hours will be regularly audited. Please ensure adequate records are maintained.

(c) Crisis referrals

- Refer clients in crisis to appropriate clinical services where required, such as Community Mental Health services and hospitals.
- Inform Victims Services immediately if a client has been referred to crisis care.

Refer to **section 4.9 (b)** for operating guidelines about the preparation of a final report.

4.8 Records management

Effective records management is critical to the professional delivery of counselling services and is important for administrative, legal and clinical purposes. The Commissioner may request documents at any time.

Proper records management will assist you in the event that a complaint is made against you, there is a concern about your competency, or there is a lawful request for information.

Heading	Guideline
(a) Professional development undertaken	<ul style="list-style-type: none">▪ Maintain accurate and up to date records about professional development undertaken for the purpose of the ACS.
(b) Clinical supervision sessions undertaken	<ul style="list-style-type: none">▪ Maintain accurate and up to date records about clinical supervision received for the purpose of the ACS, including:<ul style="list-style-type: none">○ a copy of the clinical supervision contract○ the date and duration of each clinical supervision session; and○ brief notes on the agenda, discussion points and actions arising out of each clinical supervision session.
(c) Approved counselling hours	<ul style="list-style-type: none">▪ Maintain accurate and up to date records about the delivery of Approved Counselling hours.▪ Maintain evidence of clients' attendance at appointment, such as a signed attendance sheet.
(d) Counselling sessions	<ul style="list-style-type: none">▪ Retain Victims Services referral letters securely.▪ Maintain accurate and up to date records about the structure of counselling sessions.▪ Refer to section 4.9 for operating guidelines about providing reports on counselling sessions.
(e) Client contact	<ul style="list-style-type: none">▪ Maintain accurate and up to date records of all communications with an Approved Counselling client, including:

	<ul style="list-style-type: none"> ○ telephone calls ○ emails ○ text messages; and ○ invoices.
(f) Storage of records	<ul style="list-style-type: none"> ▪ Ensure records relating to an Approved Counselling client are held securely and in accordance with relevant the Privacy legislation in the Approved Counsellor's jurisdiction.

4.9 Reporting

You must provide quality and detailed reports that will inform Victims Services about a client's presentation, treatment and progress. Payment for the delivery of counselling services under the ACS is subject to the submission of these reports (see **section 4.10**).

Your reports may be relied upon by a client to verify that they have sustained injury as a result of an act of violence. These reports cannot be relied upon by a client to prove that an act of violence occurred. Approved Counsellors should provide appropriate therapeutic interventions based on the client's own account of their experience and provide their reports according to the requirements set out below.

Heading	Guideline
(a) Initial report	<ul style="list-style-type: none"> ▪ Submit an initial report to Victims Services within four weeks of completing the initial assessment. ▪ Allocate a maximum of 30 minutes to report writing for the preparation of the initial report. Refer to section 4.10 (c) for operating guidelines about submitting invoices for the preparation of reports. ▪ Use the reporting template at Appendix 2 to complete the initial report. ▪ The initial report must reflect: <ul style="list-style-type: none"> ○ presenting issues ○ any child protection and safety concerns ○ therapeutic approaches/interventions; and ○ goals for the client. <p>Invoices will not be paid unless lodged with an initial report.</p>
(b) Final report	<ul style="list-style-type: none"> ▪ Submit a final report to Victims Services when the client has completed counselling. A final report must be completed when: <ul style="list-style-type: none"> ○ 21 hours of counselling have been used and no further hours have been requested ○ the client has not attended an appointment in over 6

	<p>months and there has been no client contact</p> <ul style="list-style-type: none"> ○ the Approved Counsellor or the client indicate that counselling is no longer required; and ○ the Approved Counsellor cannot continue with the client, for example, when there is a breakdown in the therapeutic relationship or the client requires a specialist referral⁵. <ul style="list-style-type: none"> ▪ Ensure the client has at least 30 minutes remaining in their approval hours so the Approved Counsellor can claim up to 30 minutes report writing time for the completion of the final report. Refer to section 4.10 (c) for operating guidelines about submitting invoices for the preparation of reports. ▪ Use the reporting template at Appendix 3 to complete the final report.
<p>(c) Over 22 hours report</p>	<p>More than 22 hours of counselling may only be approved in exceptional circumstances</p> <ul style="list-style-type: none"> ▪ Where the Approved Counsellor determines that the client requires further counselling and the client consents to further counselling, submit an over 22 hours report to Victims Services for approval, setting out the exceptional circumstances of the client. ▪ When considering a request for more than 22 hours of counselling, childhood sexual abuse and child abuse are taken to be exceptional circumstances. ▪ Use the reporting template at Appendix 4 to complete the over 22 hours report. ▪ Ensure the client has at least 30 minutes remaining of their approved hours so the you can claim up to 30 minutes report writing time for the completion of the over 22 hours report. ▪ Allow 10 working days for consideration and approval of additional hours. Do not commence additional sessions unless approved by Victims Services. • In the event that additional hours are approved, prepare a final report (see section 4.9 (b)) when the additional hours have been used.
<p>(e) Access to reports</p>	<ul style="list-style-type: none"> ▪ On request of the client, provide the client with a copy of any reports made in relation to the counselling they have received under the ACS.

⁵ **Note:** A client who has not used all of their Approved Counselling hours may choose to access counselling at a later date.

4.10 Payment

Payment for Approved Counselling Services provided will be made in accordance with the rate specified in the *Victims Rights and Support Regulations 2013*.

The amount of payment to be made or reimbursed for each hour of the Services provided to a victim who is resident in Australia will be as provided in the table below:

Category Approved Counsellor	Fees per hour
Generalist Counsellor Tier 1	\$120 (plus GST if applicable)
Generalist Counsellor Tier 2	\$144 (plus GST if applicable)
Psychiatrist	\$256 (plus GST if applicable)

Payment cannot be authorised for services provided to clients outside of Approved Counselling Services.

Approved Counsellors must not directly charge clients any fees for services.

Payment will not be made until an initial report has been submitted (as per section 4.9 above), and an invoice has been submitted to Victims Services (please see section 4.11).

Goods and Services Tax (GST) will be added to the above amounts for Approved Counsellors registered for GST with the Australian taxation Office (ATO).

4.11 Invoicing

The submission of accurate and valid invoices is critical to ensure the timely payment for services delivered under the ACS. You may contact Victims Services' Accounts Team to discuss any issues relating to invoices (see **section 4.11 (i)** below).

Ongoing or recurring problems with invoicing may lead to suspension of new referrals under the ACS.

Heading	Guideline
(a) Submission of invoices	<ul style="list-style-type: none"> ▪ Submit valid invoices within <u>four weeks</u> of completed counselling sessions. ▪ Submit invoices to Victims Services via the online invoicing portal for processing. <ul style="list-style-type: none"> Online portal http://www.victimsservices.justice.nsw.gov.au/Pages/vss/vs_approvedclaim/Approved-Claims.aspxDetails to be announced. <p>The Accounts Team will endeavour to process valid invoices within 28 working days.</p>
(b) Content of invoices	<ul style="list-style-type: none"> ▪ For auditing purposes, maintain signed evidence of attendance at appointments.

(c) Report preparation	<ul style="list-style-type: none"> A maximum of 30 mins can be claimed for preparing the report. 				
(d) Shared appointments	<ul style="list-style-type: none"> Where shared appointments occur, split invoicing evenly between family members. For example, if two siblings attend a shared one-hour appointment, invoice 30 minutes for each client. <p>Shared invoices will only be processed where each family member has a valid approval to receive approved counselling services.</p>				
(e) Missed appointments	<ul style="list-style-type: none"> Claim only two missed appointments per client. Invoices for missed appointments are to be charged at 30 minutes per missed appointment. Inform Victims Services in writing in the event that a client misses an appointment. Refer to section 4.4 (l) for operating guidelines about missed appointments. 				
(f) Travel invoices	<ul style="list-style-type: none"> Only use vehicles that are comprehensively insured when travelling to see Victims Services' clients. Complete the Travel Invoice form at Appendix 5 to claim travel expenses. Payment will be calculated per kilometre in line with the current Australian Tax Office (ATO). Mileage costs take into account the use of petrol and wear and tear on the vehicle. Approved Counsellors will not be reimbursed for fuel or travel time. See section 4.4 (h) for travel conditions. 				
(g) Invalid or inaccurate invoices	<ul style="list-style-type: none"> If an invalid invoice is submitted to Victims Services, the Accounts Team will provide the Approved Counsellor with clear direction on what information is needed and how to submit a new invoice. The Approved Counsellor must comply with any directions from the Accounts Team. The invalid invoice will be voided. Ongoing or recurring problems with invoicing may lead to suspension of new referrals. 				
(h) Payment details	<ul style="list-style-type: none"> Advise Victims Services immediately if there are any changes to your payment details. 				
(i) Enquiries	<ul style="list-style-type: none"> All enquiries about invoices or accounts should be made by phone or email to the Victims Services Accounts Team. <table border="1" data-bbox="544 1921 1358 2060"> <tr> <td data-bbox="544 1921 794 1995">Phone:</td> <td data-bbox="794 1921 1358 1995">Accounts 1800 633 063</td> </tr> <tr> <td data-bbox="544 1995 794 2060">Email:</td> <td data-bbox="794 1995 1358 2060">vs@justice.nsw.gov.au Subject line: 'Accounts'</td> </tr> </table>	Phone:	Accounts 1800 633 063	Email:	vs@justice.nsw.gov.au Subject line: 'Accounts'
Phone:	Accounts 1800 633 063				
Email:	vs@justice.nsw.gov.au Subject line: 'Accounts'				

- All enquiries about remittance advices should be made to the Department of Justice Business Support Centre.

Phone:	Business Support Centre 02 8688 1111
Email:	Business-Support- Centre@justice.nsw.gov.au

4.12 Media enquiries

Heading	Guideline
(a) Media enquiries	<ul style="list-style-type: none"> ▪ Obtain written approval from the Commissioner prior to any media engagement regarding your role as an Approved Counsellor and the ACS.
(b) Supporting clients with the media	<ul style="list-style-type: none"> ▪ Assist victims to understand their rights and the risks associated with speaking to the media. <p>Refer to the Victims Services booklet “A guide to the media for victims of crime”.</p>

4.13 Complaints and audits

Heading	Guideline
(a) Complaints procedure	<ul style="list-style-type: none"> ▪ Comply with the Approved Counselling Service Complaints Handling Guidelines at Appendix 6. ▪ Inform Victims Services immediately upon becoming the subject of a formal complaint to and/or being deregistered by the Approved Counsellor’s Professional Association. ▪ Respond in writing to Victims Services to any notice of complaint within the timeframe specified in the notice. ▪ Provide further information or supporting documents as requested by Victims Services or the Professional Advisory Panel in the event that the Approved Counsellor is subject to a complaint. ▪ Comply with any directions given in a termination letter. <p>Victims Services will not reimburse counselling services delivered to a client following a notice of termination.</p>
(b) Complaints about other Approved Counsellors	<ul style="list-style-type: none"> ▪ Inform Victims Services immediately in writing if there are concerns about another Approved Counsellor’s professional conduct.

(c) Auditing

- Comply with the Approved Counselling Service Internal Audit Plan at **Appendix 7**.
- In the event that you are audited, provide further information or supporting documents as requested by the Commissioner within the timeframe specified in the request.

4.14 Termination, resignation or retirement

Heading	Guideline
(a) Resignation or retirement	<ul style="list-style-type: none">▪ Advise Victims Services in writing of your intention to leave the ACS.
(b) Termination	<ul style="list-style-type: none">▪ The Commissioner may, by giving you notice and an opportunity to respond, revoke your appointment for any breach of these Operating Guidelines or as a result of the complaints, or audit process.

For the avoidance of doubt, if the Commissioner is of the opinion that there has been a consistent, repeated, or significant failure to abide by the terms of this document or the Letter of Appointment, the Commissioner may suspend or terminate the Approved Counsellor from providing counselling services.

5 Governance

The ACS is overseen by the Commissioner of Victims Rights (the Commissioner) and administered by Victims Services within the NSW Department of Justice.

5.1 The Commissioner of Victims Rights

The Commissioner provides executive oversight of the ACS. The Commissioner is responsible for:

- approving professional counsellors to provide Approved Counselling Services under section 31 of the *Victims Rights and Support Act 2013*; and
- providing final approval of all matters relating to the ACS, including, but not limited to, policies and procedures, suspensions and terminations.

5.2 The Professional Advisory Panel

The Professional Advisory Panel (PAP) is a panel of experts established to provide clinical advice and guidance to the Commissioner about the ACS.

PAP representatives are selected for their experience and affiliation with a relevant professional body.

The PAP includes representatives from the:

- NSW Branch of the Psychology Board of Australia
- Australian Psychological Society
- Royal Australian and New Zealand College of Psychiatrists
- Mental Health Branch, NSW Department of Health

- Australian Association of Social Workers; and
- ACPT staff.

The PAP's functions include, but are not limited to:

- recommending suitably qualified professionals to be appointed as Approved Counsellors under the ACS
- recommending Approved Counsellors to be appointed as Generalist Counsellors Tier 2.
- reviewing and making recommendations about complaints received about Approved Counsellors
- providing advice on quality assurance matters for the ACS, as required; and
- reviewing and endorsing resources, materials and initiatives developed by Victims Services.

5.3 Victims Services

Victims Services within the NSW Department of Justice oversees the administration and the policy and regulatory framework for the operation of the ACS.

Multiple teams within Victims Services support the delivery of the ACS.

The Senior Manager Policy and Programs:

- manages and leads policy development and service delivery for the ACS
- escalates complaints and issues relating to the delivery of ACS; and
- oversees key programs including group work and the delivery of pilots under the ACS.

The Approved Counselling Programs Team:

- oversees the administration of the ACS
- receives and conducts an initial assessment of applications to become an Approved Counsellor
- monitors the delivery of counselling for quality assurance; and
- manages complaints made against Approved Counsellors.

The Client and Legal Services Team:

- triages general enquiries about the ACS
- processes applications for counselling
- prepares letters of advice about the outcome of applications for counselling under the Victims Support Scheme
- processes requests for a change in counsellor; and
- processes initial interpreter bookings.

The Accounts Team:

- processes invoices made for the ACS, including payments for counselling hours, travel and/or other expenses.

6 Commissioner's Obligations

The Commissioner undertakes to use his/her best endeavours to notify the Approved Counsellor of amendments to the Operating Guidelines and Complaints Handling Guidelines in advance of those amendments taking effect.

7 Document information

Title:	Operating Guidelines for Approved Counsellors
Business Centre:	Victims Services, NSW Department of Justice
Author:	Coordinator Approved Counselling Programs Team
Approver:	Commissioner of Victims Rights
Date of Effect:	November 2018
Next Review Date:	November 2019
File Reference:	
Key Words:	

8 Document History

Version	Date	Reason for Amendment
1	05/11/18	Repeal of the <i>Victims Services Practice Standards for Approved Counsellors</i> .
2	14/1/2019	Alterations pursuant to commencement of the <i>Victims Rights and Support Amendment (Statutory Review) Act 2018</i> .

9 Appendices

Appendix 1 - [The NSW Code of Practice for the Charter of Victims Rights](#)

Appendix 2 - [Initial report template](#)

Appendix 3 - [Final report template](#)

Appendix 4 - [Over 22 hours report template](#)

Appendix 5 - [Travel invoice form](#)

Appendix 6 - [Approved Counselling Service Complaints Handling Guidelines](#)

Appendix 7 - [Approved Counsellor Audit Plan](#)