



Guide to helping customers affected by family violence

To support the Insurance Council of Australia's
General Insurance Code of Practice



*Code of Practice Logo™ Insurance
Council of Australia.*

About this guide

1. This guide is for organisations that agree to be bound by the General Insurance Code of Practice (the Code). The Code requires them to have internal policies and training to understand and decide how best to support customers and others who are experiencing vulnerability — including people affected by family violence. The Code also requires that members have a publicly available policy about how they will support customers affected by family violence.
2. This guide sets out how insurers can identify and support people affected by family violence.
3. The objectives of this document are for insurers to implement processes that help minimise the risk of harm in their interactions with vulnerable customers, and to help ensure they provide timely, consistent and targeted assistance to those affected by family violence.
4. For the purposes of this guide, ‘customer’ means an individual insured, a third party beneficiary, a potential customer or an individual an insurer is seeking to recover money from.
5. This guide does not bind insurers. Nor does it have legal force. Complying with the guide is voluntary. Even so, the Insurance Council of Australia — having developed the document with input from members and other stakeholders — encourages insurers to use the document to help develop internal processes, procedures and policies.
7. In most states and territories, the law recognises economic abuse as a form of family violence. Indeed, around Australia, laws are changing to reflect the broader issues confronting people who are experiencing family violence. To reflect the community’s evolving concerns, insurers should evolve in the way they treat people who are experiencing family violence.
8. At the time of publication, examples of changes to state laws include:
 - a. in Victoria, a tenant who is experiencing family violence can:
 - i. change their locks at their own cost; and
 - ii. leave a fixed term lease, or start a new lease for the remaining period of that lease¹; and
 - b. in New South Wales, a tenant who is experiencing family violence:
 - i. is not liable for damage the perpetrator of family violence causes to the property — instead the perpetrator is liable; and
 - ii. can terminate the tenancy immediately without penalty — if they do so and provide a domestic violence termination notice, then they cannot be listed as a bad tenant on a residential tenancy data list.²

Overview

6. In Australian law, ‘family violence’ is defined as:

“violent, threatening or other behaviour by a person that coerces or controls a member of the person’s family... or causes the family member to be fearful.”

*Family Law Act 1975 (Cth),
section 4AB*

9. Similarly, the governments of Queensland and Western Australia are reviewing their relevant legislation.
10. In summary, family violence means much more than physical violence. It includes:
 - a. emotional abuse, psychological abuse, sexual abuse, financial or economic abuse; and
 - b. damage to property.

Requirements of the policy

11. Insurers should have an effective family violence policy that provides for:

1 See www.tuv.org.au/family-violence-protection/

2 www.tenants.org.au/factsheet-12-domestic-violence

- a. training to assist employees to help identify, support and avoid harm to customers affected by family violence;
 - b. protecting private and confidential, and personal information of customers affected by family violence;
 - c. minimising the number of times customers affected by family violence need to disclose information about family violence;
 - d. helping claimants who are affected by family violence — including those suffering Financial Hardship;
 - e. referring customers to specialist family violence services, where appropriate; and
 - f. supporting employees who are affected by family violence or who experience vicarious trauma after dealing with customers affected by family violence.
- 12.** The Code requires insurers to have internal policies and training appropriate to employees' roles to help them:
- a. understand if a customer may be vulnerable;
 - b. decide about how best, and to what extent, they can support a vulnerable customer;
 - c. take account of a customer's particular needs or vulnerability; and
 - d. engage with a vulnerable customer with sensitivity, dignity, respect and compassion — this may include arranging additional support, for example, referring the customer to people or services with specialist training and experience.³
- 13.** Insurers need to regularly review and improve the policy, its associated procedures, and how they work in practice.
- 14.** The Insurance Council of Australia will seek to update this guide to reflect learnings from stakeholders' and insurers' experiences of family violence matters.
- 15.** The Code's requirements are designed

to be high-level and enabling, providing insurers with flexibility to decide on their specific approach while also allowing them to adapt their policies over time.

- 16.** The paramount priority of the requirements is that whenever family violence is identified or suspected, the safety of the customer affected by family violence and their family is protected.

Content of the policy

- 17.** Each insurer should develop and implement a family violence policy that covers the following areas:
- a. making sure that safety is paramount for anyone affected by family violence;
 - b. early recognition of family violence;
 - c. training to improve employees' responses to someone affected by family violence;
 - d. protecting private and confidential information of customers affected by family violence;
 - e. minimising the number of times a customer affected by family violence needs to disclose information about family violence;
 - f. ensuring appropriate and sensitive claims handling processes for claimants affected by family violence;
 - g. ensuring collection arrangements are handled sensitively;
 - h. arranging access to Financial Hardship help;
 - i. informing customers, employees, distributors and service suppliers about information and assistance available to people experiencing family violence;
 - j. referring customers, employees and distributors to specialist services; and
 - k. supporting employees and distributors who:
 - i. are affected by family violence; or
 - ii. experience vicarious trauma after serving affected customers.

³ See paragraph 96 of the Code

Training

18. Each insurer should make sure all employees and distributors have ongoing training so that they:
 - a. are aware of the organisation's policies and procedures when they are engaging with someone experiencing family violence;
 - b. identify customers affected by family violence;
 - c. deal appropriately and sensitively with customers affected by family violence; and
 - d. apply the family violence policy — and related policies and procedures — relevant to their role in dealing with customers affected by family violence.
19. As customers affected by family violence may be reluctant or unable to disclose their circumstances, the insurer's employees need skills to help them identify signs that may indicate a customer is affected by family violence. Those signs are, for example, when someone:
 - a. appears, or sounds, distressed or scared;
 - b. is seen, or heard, to be taking instructions from their partner;
 - c. remains silent while another party does all the talking;
 - d. does not understand, or is not aware, that cover has been taken out in their name or covering their property;
 - e. asks questions about a joint policyholder's behaviour or activities;
 - f. has concerns about protecting their personal privacy or safety, or the security of their policies;
 - g. is reluctant to involve the other joint policyholder when making changes to the policy, making a claim or seeking Financial Hardship help;
 - h. changes their address frequently;
 - i. does not want their physical address recorded;
 - j. is consistently late with premium payments; or
 - k. discloses the existence of any past or present family violence, or an intervention order or its equivalent.
20. The way employees deal with customers who may be affected by family violence should facilitate, rather than act as a barrier to identifying family violence and improve the experience of those affected by family violence.
21. In particular, employees must not require evidence of an intervention order to trigger the requirements of the family violence policy. Instead, an employee should treat a customer as the policy requires them to be treated if:
 - a. the customer self-identifies to the employee as being affected by family violence; or
 - b. the employee identifies — through the sorts of signs listed in paragraph 19 — that the customer may be affected by family violence.
22. Employees are not expected to be social workers or experts in family violence. However, training can help employees to reduce the impact of family violence on customers.
23. Training should be tailored to an employee's role within the business and the amount of contact they have with customers affected by family violence. It should focus on developing their knowledge, skills, competencies and information.
24. Training can help employees:
 - a. be more aware of the prevalence and practical effects of family violence;
 - b. recognise potential or early signs of violence that may lead to future violence;
 - c. have careful and sensitive conversations with a customer affected by family violence — without disclosing to the perpetrator of such violence that the employee is aware of the family violence;

- d. appropriately triage matters involving family violence — this may require the employee to:
 - i. decide — as a matter of priority — on a claim or whether to provide Financial Hardship help; or
 - ii. promptly escalate an issue to a more senior person;
 - e. refer the customer affected by family violence to specialist services that can give further guidance;
 - f. understand the impact of trauma on a customer affected by family violence — in particular, how trauma may affect the way they appear and present;
 - g. enable employees to engage with customers in a supportive manner;
 - h. understand the potential impact — sometimes positive and sometimes negative — that an insurer's actions can have on a customer experiencing family violence;
 - i. understand the need for strict confidentiality and privacy in relation to a customer affected by family violence;
 - j. understand the significant and heightened safety risks for women and children during and after a relationship separation;
 - k. understand that perpetrators of family violence:
 - i. are customers whose needs have to be managed appropriately; and
 - ii. may attempt to convince the employee to disbelieve or dismiss someone affected by family violence;
 - l. understand the need for flexible arrangements for, and responses to, customers affected by family violence;
 - m. understand the legal and procedural implications of court-issued family and domestic violence orders to the extent that these impact a claim or the customer experience;
 - n. know about local referral pathways and contacts for local support services; and
 - o. understand, and keep in mind, that a female customer affected by family violence may prefer to speak to a female employee.
25. Insurers need to make sure that their service suppliers who deal directly with customers — such as loss assessors, investigators and claims management services — are trained to the same level as employees. That training needs to happen before the service supplier comes into contact with a customer who has been identified as being affected by family violence.
 26. Any service supplier engaged to contact someone who has been affected by family violence must handle the situation with appropriate sensitivity.
- ### Protecting private and confidential information
27. An insurer should provide for the secure and confidential handling of private and confidential, and personal information about customers affected by family violence in order to protect their safety. These customers need to have confidence that such information — particularly their physical address — is secure and not at risk of deliberate or inadvertent disclosure.
 28. For customers experiencing family violence, the risk with disclosure of personal information is that abusive partners — particularly if there is a joint policy — can use their current or ex-partner's personal information to pass privacy screening questions to then obtain that person's new contact details and continue the abusive behaviour.
 29. To make sure that an insurer does not enable a family violence perpetrator to find out the physical address of a customer they may abuse, the insurer can have only the customer's email address accessible to employees and have their physical address password protected.
 30. Customers affected by family violence need confidence that the information about their family violence that they share with their insurer is not disclosed to any perpetrator and is accessible only to authorised employees.

31. The Code requires insurers to protect the right to privacy of vulnerable customers who have notified the insurer of their need for additional support from someone else (for example, a lawyer, consumer representative, interpreter or friend).
 32. One way insurers can achieve this is by establishing a flag in their system for a customer affected by family violence — the flag alerts any other employees who may have to interact with the customer that they may be affected by family violence.
 33. To make sure that an insurer addresses privacy and confidentiality concerns for a customer affected by family violence, the insurer should consider the following:
 - a. ensuring it has systems in place to keep the customer’s contact information secure and confidential;
 - b. treating all information about the customer as sensitive information;
 - c. ensuring that any protection put in place applies across all the policies the customer holds by — in particular:
 - i. asking the customer if they have more than one policy or account that needs to be amended due to family violence; and
 - ii. proactively searching for other policies in the customer’s name;
 - d. giving the customer access to personal information held about them within a reasonable timeframe;
 - e. giving the customer control over how their personal information is shared with third parties;
 - f. discussing safe ways to communicate with the customer and recording the plan on their file — for example: asking them:
 - i. whether it is a good time to talk; or
 - ii. if it’s safe to leave phone messages;
 - g. supporting the customer to set up new insurance policies;
 - h. agreeing to requests from joint policyholders who ask for policy communication and information to be sent to 2 different addresses — whether physical or email;
 - i. understanding the legal requirements and internal processes if the customer affected by family violence and the perpetrator are joint policyholders;
 - j. ensuring the customer is informed about the circumstances and nature of information that has to be shared with the perpetrator so that they can make arrangements accordingly;
 - k. understanding legal reporting requirements in relation to children; and
 - l. protecting the details of employees in situations where they may have to contact the perpetrator.
- Minimising the need for customers to repeat disclosure**
34. It is important to minimise the number of times a customer has to repeat the disclosure of their family violence situation because:
 - a. doing so can have a traumatising effect through them reliving their experiences; and
 - b. they may not always be in a position to talk about their circumstances — for example, because the perpetrator may be:
 - i. present;
 - ii. monitoring their call; or
 - iii. monitoring their web and mobile phone access.
 35. To make sure that an insurer minimises the need for a customer experiencing family violence to have to repeatedly disclose it, the insurer should consider the following when developing their family violence policies:
 - a. minimising the information that the customer is required to provide and the number of times they are required to disclose the same information — given that the customer may not have access to records and documents that the insurer would normally require;

- b. if possible, enabling the customer to deal with the same employee each time, or to have a single pathway to an appropriately trained team;
- c. providing copies of documents to the customer without charge to help resolve matters, or for legal purposes;
- d. working with the customer's agent or representative — for example, a professional financial counsellor, lawyer, community services or social worker, legal aid officer or family violence specialist;
- e. making it as simple as possible for the customer to appoint an agent or representative while recognising privacy obligations; and
- f. if required, referring the customer to a qualified, independent interpreter to assist with communication.

Early recognition of family violence

- 36. Employees can play a role in first identifying that a customer is experiencing family violence. This can help reduce the impact of the violence. Sometimes the insurer may identify the person experiencing the violence and sometimes the perpetrator — either of whom may be a customer or an employee.
- 37. Insurers and their service suppliers can be involved in circumstances when indicators of family violence may first become apparent — for example, at claim time and after a major disaster. So employees and service suppliers should be trained in identifying family violence and to respond accordingly.
- 38. As an example of best practice, after a major disaster, insurers may wish to consider whether they are sufficiently resourced to have appropriately experienced and qualified counsellors to go with claims employees to recovery centres to interact with customers affected by the event. Those counsellors can help identify issues of violence, Financial Hardship and mental health.

Sensitive claims handling

- 39. If a customer affected by family violence makes an insurance claim, then employees need to handle the claim with sensitivity, flexibility and care. This is particularly important if:
 - a. the customer and the perpetrator are joint policyholders; or
 - b. the perpetrator has caused the claim — for example, by damaging the customer's property.
- 40. To make sure that employees handle the claims with flexibility and care, the insurer should consider the following when developing their family violence policies:
 - a. the need to clearly and transparently explain to the customer the claims process and what is required of them;
 - b. having specialist employees with adequate authority to make decisions in family violence-related claims — this is useful due to the complexity of the issues raised;
 - c. that a survivor of violence may come across as incoherent or scattered — this does not necessarily indicate that their claim is invalid;
 - d. that traumatic events — such as catastrophes — that result in claims can trigger violence;
 - e. that the claims process may trigger violence — particularly if the perpetrator caused the damage the claim relates to;
 - f. take into account that if the claimant does not reply to communications, it may be because they do not have access to a telephone or email — it does not necessarily:
 - i. indicate fraud; or
 - ii. mean they have given up on their claim;
 - g. that requests for information from the customer need to take into account that they may not have access to their personal or financial records, or their other documents;

- h. not require the customer to do either of the following (unless they are comfortable doing so):
 - i. make direct contact with the perpetrator; or
 - ii. make a police report about the perpetrator;
- i. ensure that anyone interviewing or investigating a customer who may be affected by family violence (or going to their home) needs:
 - i. to be aware that they may be putting themselves in danger; and
 - ii. to be appropriately trained under the investigation standards of the Code; and
- j. before the insurer pays a claim, it should try to make sure it is paying the appropriate party or parties — this can be a particularly complex area in cases of family violence and family law property disputes.
 - iii. pausing premium payments, without cancelling the policy;
- c. ensure policies about assessing Financial Hardship involving joint policyholders are appropriate — for example, the insurer should consider an application from a joint policyholder who is affected by family violence without requiring the consent of the other policyholder;
- d. be aware that the customer’s reluctance to obtain consent from a joint policyholder in relation to Financial Hardship help may be the first indication of financial abuse — the insurer needs to take this into account when responding to any customer seeking that help;
- e. where possible, minimise the information and documents that customers are required to provide; and
- f. when assessing a Financial Hardship application, not require an intervention order as evidence of family violence — instead, if the insurer identifies that the customer is affected by family violence or the customer discloses this information, that should trigger a referral to the appropriate team.

Access to Financial Hardship help

41. Family violence is relevant to Financial Hardship help because it is a potential cause of payment difficulties and it is an eligibility criterion for access to Financial Hardship support.
42. If a customer identifies to an employee that they are being affected by family violence, then the employee should ask about the customer’s financial situation to determine if they are experiencing Financial Hardship.
43. In addition to the Code’s existing requirements about Financial Hardship, if the customer is experiencing family violence, then insurers should:
 - a. fast-track the Financial Hardship request;
 - b. provide options for the customer to retain their policy if they say they cannot pay their premium — options include:
 - i. changing the benefit structure or the sum insured;
 - ii. reducing the benefits, or removing, or altering, benefit options; and

Collection arrangements

44. If an insurer is aware that a customer’s debt involves a situation of family violence, then the insurer may not refer or sell the debt onto third-party debt collection agencies.
45. If an insurer becomes aware that family violence is involved in a debt after it has referred or sold that debt to a third-party collection agency, then the insurer must work with the collection agency to provide the best outcome for the customer. The insurer must assess the options on a case by case basis. The options may include:
 - a. repurchasing an existing debt; or
 - b. taking back a referred debt from a collection agency.
46. Insurers must consider the risks involved in attempting to recover debts in situations involving family violence —

whether from a customer experiencing family violence or from the perpetrator.

47. The Code requires collection agents to comply with the *Debt collection guideline: for collectors and creditors* published by the Australian Competition and Consumer Commission and the Australian Securities and Investments Commission.

Making customers affected by family violence aware of information and help available

48. Customers affected by family violence need to be able to quickly access information about the policies they hold and the support available to them. They are more likely to be comfortable disclosing family violence to their insurer if they are aware of the support systems the insurer has in place and the existence of organisations offering specialist services.
49. Insurers should prominently publish on their website and in any branches an up-to-date list of assistance and referrals (internal or external) available to customers affected by family violence and how customers may access such assistance. They should also provide a copy of their family violence policy to any customer who asks for it.
50. Similarly, an insurer should promote their family violence policy and Financial Hardship support policy to its employees, customers, financial counsellors, community legal services, legal aid commissions, refuges and violence support services.

Referring customers affected by family violence to specialist services

51. An insurer's employees are not well-placed to help with family violence outside the scope of insurance or financial matters — this is because they are not professional social workers or experts in identifying family violence. Also for some people, the issue can be complicated by the fact that they do not realise they are experiencing family violence.
52. Even so, employees can play an important role by suggesting to the customer that

they contact an external legal or support organisation.

53. To enable employees to refer customers to organisations that can help with family violence issues, the insurer should:
 - a. keep an up-to-date list of recognised external specialist services — to make the choice of referral simpler it is best if this list is not too long (a sample list is in paragraph 54);
 - b. publish that information on their website;
 - c. have employees provide this information to customers; and
 - d. add other referral options if they have:
 - i. an established relationship with particular services; or
 - ii. specialised employees with a higher level of training who can refer the customer to the appropriate service.
54. Sample list of referral bodies:

Australia-wide

- Kildonan UnitingCare
- 1800 RESPECT
- Domestic and Family Violence Response Training

Australian Capital Territory

- Legal Aid ACT

New South Wales

- NSW Health Education Centre Against Violence
- Women's Domestic Violence Court Advocacy Service
- Gendered Violence Research Network, UNSW
- Ask LOIS (Women's Legal Service NSW)
- LawAccess NSW
- Legal Aid NSW

Northern Territory

- Northern Territory Legal Aid Commission

Queensland

- Queensland Centre for Domestic and Family Violence Research
- Legal Aid Queensland

South Australia

- Legal Services Commission of South Australia

Tasmania

- Legal Aid Commission of Tasmania

Victoria

- Domestic Violence Resource Centre Victoria
- Victoria Legal Aid

Western Australia

- Women's Council for Domestic and Family Violence Services
- Legal Aid WA

Support for employees

55. Employees of insurers may also be affected by family violence and require support in the same way that others do. Employees may be adversely affected either by the impact of the customer's issues or when their interactions with a customer cause them to relive their own experiences of family violence.
56. Employees also may be perpetrators of family violence and need support to deal with that.
57. Insurers should set policies and programs about how they support employees who are impacted by family and domestic violence and manage known perpetrators of violence.
58. The support provided can involve any of:
 - a. training;
 - b. leave;
 - c. additional security measures;
 - d. external referrals; and
 - e. counselling.
59. An insurer's employee assistance program should ensure that support is provided to employees affected by family and domestic violence. The support arrangements should reflect the specific needs of the employee and take into account the nature of their role and the workplace environment.

Insurance Council of Australia

The Insurance Council of Australia is the representative body of the general insurance industry in Australia. Its members represent about 95 per cent of total premium income written by private sector general insurers.

PO Box R1832
Royal Exchange
Sydney
NSW 1225

ABN 50 005 617 318

General enquiries:

8.30am to 5pm Monday to Friday
02 9253 5100 or 1300 728 228

www.insurancecouncil.com.au

Published 1 January, 2020

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