

Submission

No 19

INQUIRY INTO CHILDREN AND YOUNG PEOPLE 9-14 YEARS IN NSW

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The NSW Women's Refuge Movement Child Support Submission
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YEARS IN NSW

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RECOMMENDATIONS.

SAFETY AND THE LAW – pages 7 – 8 - 9

1. That police receive comprehensive training on the effects of domestic violence on children.
2. That police are obligated to develop policy and good practice for the investigation of domestic violence.
3. That any investigation into an incident of domestic violence must include the impact of such violence on children.
4. That part of the investigation carries a serious effort to establish the primary perpetrator of the violence.
5. That the police take a proactive approach to breaches of safety orders and consider the history of the perpetrators violent behavior.
6. That the local courts take into consideration in cases of breaches of orders the history of the perpetrators violence.
7. That the Department of Community Service local offices takes all notifications on children who have experienced domestic violence and investigate before assuming such notifications are Family Court matters (whether or not they are accommodated in a crisis service).
8. That the Family Court is required to seek information from the Department of Community Services independently of whether or not the opposing parties have presented such information.
9. Those magistrates who take children off their mother's protection orders be compelled to give written reasons for the decision.

SAFETY AND HOUSING. pages 9-10

1. That the Department of Housing reviews current practice in regard to housing victims of domestic violence
2. That the Department of Housing reviews its policy in regard to the housing needs of children who have experience domestic violence and sexual abuse.
3. That the Department of Housing secures more stock to be made available for women and children escaping domestic violence.
4. That the Department of Housing continues to regard domestic violence as a priority for housing regardless of what new initiatives are put in place for new target groups such as men leaving prison.
5. That real estate agents offer properties to women escaping domestic violence when women can show that rental arrears and damage are a consequence of domestic violence.

6. That the NSW government seriously considers legislation to prevent auction style methods being used for rental properties.
7. That TICA is to clear the bad rental history of women seeking private rental if it is established that the history is the result of domestic violence.
8. That the NSW government assists the community based housing to access more housing stock.

SAFETY AND HEALTH pages 10 - 11

1. That the Department of Health provides individual counseling for the age group 9-14 that have experienced domestic violence.
2. That the Department of Health provides training in the area of domestic violence and sexual abuse to school counselors.
3. That the Department of Health develop partnerships with the Department of Education that link health services and school counselors in their support for children who have experienced domestic violence and sexual abuse
4. That the Department of Health provide strategies and support to school counselors to address the areas of youth suicide, drug and alcohol use, mental health that may be experienced by the age group 9-17.
5. That the Department of Health explores the accessibility and use of Community Health Centres for the age group 9-14 who have experience domestic violence or sexual abuse.

SAFETY AND EDUCATION. pages 11 - 12

1. That the Department of Education gives a high priority to engaging two or more counselors for each school in NSW.
2. That the Department of Education expands the scope of school counselors to include a focus on children's experience of domestic violence and sexual abuse when disclosed.
3. That the Department of Education provides support that is recommended by the Health Department in the development of the school counselor's role in regard to domestic violence and sexual assault.
4. That the Department of Education develop partnerships with the Department of Health and provide after school groups for children in the 9-14 age group that will enhance self esteem, living skills, safety issues, gender issues and drug and alcohol issues.
5. That the Department of Education develop after school supports that include utilizing the skills of teacher trainees and or engage professional tutors in a pro bono program to provide homework and remedial work with children, particularly the age group 9-14 who have experienced domestic violence.
6. That the Department of Education considers the viability of providing space to appropriate services, free or for a nominal cost, to provide after school care and support for the age group 9-14.

7. That the Department of Education considers seriously the value of the knowledge on the impact of domestic violence held by the child support workers in refuges in NSW and utilizes this expertise to develop programs that will enhance the well being and education of children who have experienced domestic violence.

SAFETY AND GOVERNMENT. pages 12 - 13

1. That all government departments are mandated to consider the needs of children when developing policy and new services.
2. That all relevant government departments develop policy that addresses the needs of children who have experienced domestic violence
3. That all government departments that provide direct services to children develop partnerships to provide support services for children, particularly children of the age group 9-14 who have experienced domestic violence or sexual abuse.
4. That the Department of Education considers the use of some school property for after school hours educational and support needs of children.
5. That all government departments are required to develop policies and contemplate changes to law with due regard to consistency so that individual department's do not conflict with another and affect service delivery, particularly for children.

The NSW Women's Refuge Movement Child Support workers take this opportunity to submit our concerns and hopes for the children aged 9-14 who have experienced domestic violence or sexual abuse. This submission is primarily concerned with the lack of real support for children of the age group 9-14 years that addresses the needs, individually and separately, to that of their mother's experience of domestic violence. This is the age group where their life long experience of domestic violence manifests and begins to be demonstrated in behaviors that are destructive for the individual child, the family and the community.

The NSW Women's Refuge Movement Child Support workers have worked with children experiencing domestic violence and facing homelessness since 1975. It could be said that we are the first of the human service groups in Australia to focus on the needs of children experiencing domestic violence. Addressing the needs of our target group has, in our role as advocates, seen the knowledge of the community and professional groups raised, not only in the area of intimate partner abuse, but also we connected the effects of such on the children as damaging in all areas of their development.

We have also constantly approached both Federal and State governments to place the needs children who have experienced domestic violence before relevant Ministers and committees. Some initiatives have developed due to that advocacy beginning with Senator Margaret Guildfoyle granting \$10,000.00 to each state in 1978 as a one off grant to address the needs of children in women's refuges. In NSW this gave existing services \$370.37 each to meet the innumerable needs of children. The choice of the NSW refuges was to produce a report 'Child Care Needs in Women's Refuges, NSW'. This report undertaken by Betty Hounslow, Heather Saville and Annie Stephenson and was completed in 1979. The Report highlighted the needs of children experiencing domestic violence, the lack of service provision and the lack of funds available for children's needs.

Though the report did not produce funding for children accommodated in refuges it certainly alerted workers of the need to continue to focus on lack of service provision. It became an imperative for a service provision to be developed that recognized the individual experience and needs of all children using our services. This service provision also recognized the need for other services to exist in the wider community that would effectively raise the profile of children in both the areas of domestic violence and child sexual abuse. This led to the NSW Women's Refuge Movement Child Support Workers taking an ongoing, proactive role in their communities and such continues to-day.

We also altered the title of Child Care in our services to that of Child Support with the aim to highlight that children require more than pre-school and baby sitting services to meet their needs. We worked tirelessly with other concerned women

in our communities to address these issues and an example of the results of this work saw the establishment of the NSW Child Protection Council and community based sexual assault services for children.

We developed our own training modules because there was nothing in that area that remotely covered the issues of children, of all ages, who experienced domestic violence. This training remained in place until The Supported Accommodation Program (SAAP) established a training unit in the 90s to meet the training needs of all SAAP workers.

There continues to be areas that require attention if we are going to continue to develop initiatives that will allow children who experience domestic violence to access the supports they require to remain safe and develop their full potential. An example of a current initiative that will help the likelihood of children remaining safe is the NSW government's proactive action of making it possible for children experiencing domestic violence to be individually named on their mother's protection orders.

This age group is particularly vulnerable to the negative outcomes of their earlier childhood experiences of domestic violence. There are many children who have been denied a stable home life or consistent educational opportunities throughout their lives without any genuine recognition of the real cause of their disadvantage. Many of these children lack networks either from their extended families or their communities as the ability of support systems to intervene in the lives of children who experience domestic violence is limited. This lack of support, in some cases, locks out any likelihood of other significant people in their lives, particularly the extended family. One of the dynamics of this crime is that it isolates families and in many cases makes it unsafe for other family members to remain engaged on any meaningful level.

In some ways the needs of this target group have been neglected to the point that some may never recover from their experience of domestic violence and some will remain dysfunctional to a greater or lesser degree than is satisfying for themselves in their adult lives or for the community. Their rights to safety, a secure, safe home, health and an education has been disrupted and denied so that it is essential that any supports must address these vital areas before we can give a new view other than a day to day existence for children who experience domestic violence. We want children to have a worthwhile future but children themselves need to believe there is a tomorrow that is not without hope. Not all children are resilient and many need substantial support to flourish. Those children who do have a measure of resilience should not be left to depend on their own resources.

Aboriginal children's need should be a high priority given the current statistics that show the great prevalence of domestic violence experienced in many of their communities. Supports should be established in cities and regional towns as well as rural and remote areas.

Training and study opportunities should be offered to young aboriginal people to equip them for future participation in the any initiatives that are established to work with and support Aboriginal children in the 9-16 age groups.

The individual needs and differences for culturally diverse children need to be taken into account at all times and the provision of training should encompass the different needs and the sensitivity required to work effectively with children from many different backgrounds.

Some serious regard should be placed on the urgent provision of appropriate services for young people, particularly young people who have experienced domestic violence and sexual assault, in rural and remote areas. As health issues are currently causing concern in isolated communities and regional towns any initiatives that address the adult population's health needs should be matched with services for children who have been victims of domestic violence or child sexual assault.

WE NEED TO CONSIDER:

Law and Safety

We must challenge the dangerous urban myth that women seek AVO protection for some advantage in Family Court matters. This myth is upheld by many levels of society and such denies children's real experience of violence and the reality of such violence continuing long after Family Court matters are dealt with. Both the Family Court and the local courts are continually being accessed by women seeking safety for themselves and their children years after separation. In the local courts this is demonstrated by the need to vary orders after further violence or intimidation or the renewing the lapsed AVOs regularly to continue the protection required. The Family Court is being utilized with similar aims by women trying to modify initial orders to protect themselves and their children.

A new issue appears to be raising another negative dynamic within courts and though antidotal it is common enough to raise concerns. It appears that fear alone is no longer a legitimate reason to seek AVO protection. If this is so many children are going to continue to live in fear and have no recourse to legal protection. The area of intimidation needs to be validated and acted upon as children carry this fear and continue to be stressed by the perpetrators behavior.

The Department of Community services need to be accountable for withdrawing support when Family Court procedures have commenced. It also appears that in most areas of NSW there is a prevailing custom in The Department of Community Services to withdraw completely from its child protection responsibility when it is indicated that women and children are accommodated in refuges. There are assumptions that there will be Family Law procedures in the future and notifications are grievances rather than child protection issues. It is the view of The NSW Women's Refuge Movement Child Support workers that it cannot be assumed that the Family Court will address issues of child protection nor does the Department of Community Services recognize that the Family Court does not use the same investigative skills or use the same authority to establish whether or not children are safe.

We need to have real consequences for men who are violent not just for crimes of violence against the community but for those who are violent in their own homes. Currently one could not be blamed for believing the average perpetrator, his legal representatives and the courts are of the opinion that an AVO is just a bit of paper rather than a consequence for unacceptable behavior towards and intimate partner. There is little to discourage a perpetrator from breaching orders because the reality is that few breaches are acted upon.

Most police are willing to arrest and charge when serious injury has been inflicted and a hospital can supply concrete evidence. Police are reluctant to arrest when the evidence required for criminal matters cannot be substantiated by other than the victim's statement. This leaves countless women and children unsafe and without any recourse that will give the protection they are seeking. Breaches of orders need to be less dependant on absolute proof and more reliant on the history of domestic violence.

Police training needs to focus on the area of domestic violence as a vital and non arguable part of curriculum that every trainee participates in. Serious thought needs to be put into who provides domestic violence training. Experts who are able to challenge attitudes as well as addressing the knowledge required to provide effective policing and outcomes in this area need to be utilized. A strong component on children is required in any training provided.

Irrelevant issues such as "she hit him" need to be challenged within a feminist framework along with the question 'when does a woman have permission to protect herself and her children'. This area is very grey and women are appearing as defendants in our courts because they have attempted to protect themselves. This is currently reflected in the statistics as a huge jump in the numbers of violent women before the courts. This outside threat to women is having an impact on women pursuing AVO protection for themselves and their children when they are told by police "If we charge him we will have to charge you".

These issues demonstrate that domestic violence regardless of advertising campaigns have not had the desired impact on the community even at the policing and legal level. No child can feel secure when he or she is continually wondering will the police come and will the court make dad stop.

Safety and Housing

We are in a time of housing stress that further impacts on families made homeless because of domestic violence. Domestic violence is not a path into secure housing with the Department of Housing which currently views families who have experienced domestic violence as able to meet their own housing needs. No matter what the written policy, in NSW the practice of the Department, is that it does not consider accommodation for families made homeless due to domestic violence unless there are other issues – usually serious disability or very serious physical or mental illness.

Women who have a stake in the family home are rarely considered by the Department of Housing unless the circumstances are so severe that to deny accommodation would be risky. There needs to be leases available from the Department of Housing that allows for evaluation of circumstances after property matters are finalized and they need to be used in all cases where domestic violence is the primary factor when approaching the Department for accommodation.

Community based housing schemes are invaluable to families escaping domestic violence but the current waiting lists are of such that they extend out often many months to years beyond the parameters of crisis accommodation that families may use in the initial time of crisis.

Long term supported housing schemes are not appropriate as such resources should be used for those in the community that cannot live unsupervised or unsupported for a lengthy period of time.

Private rental is not generally a sustainable choice for most families escaping domestic violence. TICA is usually an issue for most families entering a refuge. This black banning usually includes rent arrears and damage to properties which automatically leave most real estate agents unsympathetic to a families needs. The majority of real estates are not prepared to rent a property by accepting that the perpetrator has caused the arrears or damage. No rental history is another hurdle along with inability to pay. Nor are women currently in crisis able to compete in what appears to be an auction process when trying to secure accommodation thin this area.

Families escaping domestic violence are without money, no furniture and rely on the Supporting Parent benefit to provide, not just day to day needs, but for all the items most families take for granted. As most children enter a refuge in what they

stand up in all necessities need to be purchased for children including their school lunch box right up to a bed to sleep in. They also face future trauma from Family Court proceedings that will see their experience of homelessness a bigger issue than the domestic violence that made them homeless and without the necessities of day to day life.

The Department of Housing need to be required to see domestic violence as a serious and damaging dynamic in families lives. It needs to understand what hides behind the term domestic violence and recognize that this experience not only means that they are at risk of homelessness. It means families are likely to have very poor physical and mental health whether or not it is diagnosed. They need to know they are likely to have no personal belongings or necessities to establish a new home. That they are likely to have severe disruption to education as children may have been to 8 or more schools in the past as their situation proved unsafe or unaffordable. That they have little or no family support due to the violence they experience being a risk for extended families if they remain involved. That they have no long term links into any community and often this prevents children from being involved in sports or activities that assist their well being and development. Those women who have no links into a particular community rarely take advantage of the resources available or even learn what is available to assist them or their children.

Most women entering crisis accommodation are better accommodated after the refuge with independent, secure, safe housing in the community. This can be complemented by out reach support from the refuge or an appropriate organisation until they have the confidence to disengage with community based services. This would see children not only feeling safe in their own home but knowing that they will stay in one school and not have to face moving again.

Safety and Health

This age group may have nutritional needs and the life long effects of poor nutrition are an issue for many children using refuges. They have behavioral problems that include wetting the bed as they enter adolescence, displays of uncontrolled anger and disregard for others. Many run away for periods of increasing lengths of time and may ultimately decide not to return and settle for a life on the streets if they do not access a youth service. They are at risk of drug or alcohol abuse. They are at risk of pregnancy and STD diseases.

They have emotional issues such as withdrawal, inability to empathies with those around them including siblings who have experienced domestic violence similarly to themselves. It affects their relationship with their mother. It can manifest in attempting to control her movements and decisions. They may be in a stage of development where they begin to blame their mother as they have learned blaming the perpetrator has not changed their experience. They may be trying to control and have the right to be the decision makers for the family. They may

also be very anxious if the mother is not available. They do not trust their mother can keep them safe or believe she wants to remain away from the perpetrator.

There needs to be a health focus on this age group that has serious regard to the damage that may have been done by experiencing domestic violence since birth. A priority should be placed on the area of disruption to emotional development as well as current inappropriate behavior. Any such support will require a gender focus and it is particularly required in the area of female - male relationships. The NSW Women's Refuge Child Support would support and expect that in viewing gender issues in children who have experienced domestic violence that a feminist perspective is included in any programs that support this age group.

Youth suicide is a growing concern and needs to be addressed fully and it is a major concern in all areas of human services. The NSW Women's Refuge Child Support workers believe that addressing the experience of domestic violence and child sexual assault in the age group 9-14 will ultimately see a reduction in the youth suicide rates we currently see. We also believe that it is disgraceful that these children have to resort to their own solutions to end the despair they experience and nothing substantial is in place to prevent the disastrous choices some children have made and will continue to make.

Currently it is virtually impossible to secure counseling for this age group unless the parent has the means to pay for it. It is a major oversight by the Department of Health that children do not have counseling available for the trauma that is due to their experience of domestic violence. The Department of Health is more likely to send mothers to groups that are expected to assist her to modify her children's unacceptable behavior and ignore the fact that children want to be heard. The Department of Health should be required to provide gender appropriate individual counseling for children in this age group in all community based health services in NSW. Where there is no community based health service an appropriate service should be located and utilized to provide counseling.

Safety and Education

The majority of children who experience or witness domestic violence do poorly at school and a significant number have few reading or writing skills. They also often lack any social skills both with their peers and in the wider community in which they live. Their attendance at school can be poor whether related to truancy that arises from the need to stay at home because of violence or that, in their view, school does not offer anything tangible for them. Many resort to using bullying behavior to achieve what they desire and the growth of bully programs flourishing in schools certainly lend a sad credibility to the experience of child support workers in NSW.

The NSW Women's Refuge Child Support put it simply this way – if you are sitting in class traumatized by the events at home the previous night, or you are

worried about how your mum is through the day and then perhaps also be worried about what will happen when you go home, you are unlikely to learn too much from the teacher in front. This is not a statement that condemns schools or teachers as many refugees will attest to the support that many schools provide for children living in unsafe circumstances. Child support workers also know that, for some children, school is the only safe place. But schools have to know what a child's situation is and have the resources and appropriate referral points to assist children. The area of domestic violence can be difficult for schools as they may be unaware of a child's experience due to the high level of family secrecy. Also schools are too busy engaged in trying to educate and cannot meet all the safety needs of children particularly in the area of domestic violence other than by notifying the Department of Community Services.

There needs to be more counselors available to children and promoted as a resource for children to access. Such counselors should be appropriately trained in the domestic violence and child sexual abuse. These counselors should be encouraged to liaise with other supports that children access to enable a consistent plan to be adopted to support them.

There should also be available, in every school, provision of time and space for homework and tutoring. This should not be seen as another role for teachers but rather, engaging professionals through negotiation with the business world or engaging teachers in their final year of training. Such a scheme would need to ensure that such tutors are trained to work with children who have or are experiencing trauma. There may be different approaches required and different achievement levels for children who experience domestic violence. It must also be a requirement that any person working with children must have a police check.

Some consideration needs to be given to the impact on children by the requirement for single mothers to enter the workplace. This has huge implications on her ability to supervise and care for the age group 9-14 after school hours. Children of this age group are demanding independence but require supervision that allows for them to engage with the community in a safe way. Their experience of domestic violence leaves them in a position where unwise choices can see them participating in anti social behavior or even criminal behavior if they are left to fend for themselves.

Safety and Government Departments

It would be the view of the NSW Women's Refuge Child Support that there should be no strategies or decisions considered by any department without having measured what impact any policy or practice will have on children. This should not be seen as an extreme but rather the inclusion of children in the aims and objectives of everyone in Australia. Where policy and provision of service directly or indirectly impact on children's well being there should be

funds to ensure that children do not remain invisible and separate from the parent's requirements particularly when domestic violence is a factor.

An example is if a woman approaches a health service for counseling for her it should be mandatory to enquire about her children and have, in her community, an accredited young person's service to provide support and assistance with any issues for that child, as an individual, as well as looking at the family as a whole. Preferably such complementary services would be attached to the health service. At present there are some services provided for young people but they are not across the board and some offer little more than a place to hang out. Currently they are often accessed as a last resort and a result of petty crime rather than addressing the cause before it manifests in unacceptable behavior. Also those services currently offering support have long waiting lists so this has to be rectified if they are to have any real impact. These resources should be gender focused with perhaps some linking with each other for different activities. The programs should be developed together so that each is working with gender issues but with similar aims and outcomes - particularly in the area of relationships and self esteem.

If a woman calls or visits a police station in regard to a domestic violence incident it is mandatory that the children take equal priority with that of their mother. The police training should address the importance of thorough investigation into the situation as it is vital for a safe outcome in the future. It is also vital that police do not arbitrarily decide whether or not a woman requires and interpreter in a time of crisis or when taking statements. The neglect of appropriate methods of investigation not only leave women unsafe but leave children unsafe and without confidence in the law. Also they should not view a statement of the situation from a child, a young person or a young adult in preference to the mother as the credible relater of the woman's experience of domestic violence. Children should not be placed in a situation of saving the families honour or choosing what they think is the safest option when giving information. Children should only be asked what happened in terms of their own experience.