

**Standing Committee on Social Issues
Inquiry into domestic violence trends and issues in NSW**

**SUPPLEMENTARY QUESTIONS FOR WITNESSES
The Benevolent Society**

1. What do you see as the priority issues that should be addressed in domestic violence policy in NSW?

The Benevolent Society believes government, community and business all have a responsibility to address domestic violence. Government has a particular role to play. It must take a leadership role by giving high priority to developing and implementing policy responses, and doing so on an integrated, sustained and whole-of-government basis.

The following should be priorities for domestic violence policy in NSW:

a) Prevention & early intervention initiatives

There needs to be a stronger focus on prevention and early intervention initiatives in order to help families before domestic violence escalates. Key to the success of such initiatives is to provide 'soft entry points' to women who may not seek out help or formal services. Examples of soft entry points include early years centres, mobile playhubs (playgroups with the additional supports of nurses and family support workers), Communities for Children programs, locally-based and outreach community activities, community events, and family days such as those we run in the Macarthur area through our Centre for Women's Health.

Characteristic of each of these are that they are open to everyone in the local area and do not require women to go through a prior assessment or referral process. Women may then seek out support for domestic violence (or accept a suggestion) from the service providers of these initiatives once enough trust has been built up between the women who are involved in these activities and the service providers.

Soft entry points to these sorts of services and activities are also helpful in reducing social isolation, which is often experienced by victims of domestic violence.

b) Changing attitudes

Government and communities must communicate a clear and unequivocal message that domestic violence is not acceptable and will not be tolerated.

For example, community leaders should be encouraged to take a stand and say 'we do not accept domestic violence'. NGOs can play a role in supporting community leaders to do this.

c) Better coordination and integration between agencies, services and frontline workers

Domestic violence and child abuse are frequently interrelated. Our experience is that in families where there is child abuse there is often also domestic violence. Similarly,

those affected by domestic violence are often affected by other issues such as mental illness and/or substance misuse.

Better coordination between all those involved in responding to domestic violence is therefore absolutely essential, so that there is integrated, joined up service delivery between child protection, family, specialist domestic violence, mental health and drug and alcohol services.

d) *Greater consistency of police and judicial responses to domestic violence*

Allegations of domestic violence offences should always be taken seriously and appropriate penalties applied consistently, including penalties for breaches of ADVOs.

e) *Professional development and worker supervision*

As mentioned above, domestic violence in families often occurs alongside other issues such as mental illness and substance abuse.

Ongoing, shared cross-agency professional development in the dynamics and impact of, and appropriate responses to, domestic violence is essential to ensure that frontline professionals are equipped with the skills to respond appropriately. This should include skills in identifying the primary aggressor and in safely engaging with perpetrators. This should apply to police and the judiciary, child and family workers, health workers, mental health workers, drug and alcohol counsellors, and child protection workers. Learning together also creates opportunities to work together more cohesively. On a day-to-day basis, frontline professionals need to be supported to deal with this very complex area of work through regular supervision.

f) *Responses should both protect women and children and hold perpetrators accountable for their use of violence*

As discussed in our submission, it is essential that responses to domestic violence both protect women and children *and* hold perpetrators accountable for their violence. For example, there should be greater use of exclusion orders (which remove perpetrators from the home of victims). These allow women the manifold benefits of being able to stay in their home and avoiding homelessness. They also help avoid the situation whereby victims – rather than perpetrators – end up being held responsible for keeping their children safe from the violence of the perpetrator in child protection investigations.

g) *Services for perpetrators*

There should be additional services for perpetrators beyond those mandated as a condition of probation and parole. Services should encourage perpetrators to acknowledge responsibility for their violence, and to understand that behaviour that is not technically a criminal offence - such as controlling and intimidating behaviour - still constitutes domestic violence.

h) *Research & evaluation*

There should be more investment in research to assist governments and non-profit organisations develop *evidence-informed* practice to respond to and prevent domestic and family violence.

We need to know more about what works, for whom and when. To ascertain this, a comprehensive analysis of the existing evidence base about effective interventions should be undertaken. Secondly, to help create a stronger evidence base, all domestic violence initiatives and programs should be evaluated.

2. What lessons do you consider NSW could learn from other jurisdictions in terms of domestic and family violence policy?

Victoria

As discussed at the hearing, The Benevolent Society believes that the Victorian approach to domestic violence is a more integrated, whole-of-government and NGO one and should be considered for NSW.

United Kingdom

We understand that, throughout the UK, local police constabularies must refer all reports of domestic violence in which children aged 0 to 16 years are present to the relevant child protection authority. In cases where there have been three notifications of domestic violence where a child is present regarding the same family within a specified period, it is mandatory for the child protection authority to undertake an assessment of risk of harm for child protection purposes¹.

This may be an effective strategy as it would capture families who are currently falling through the cracks and not receiving any services. This can occur when perpetrators are not charged for offences, and child protection authorities are not involved because the child is not considered to be at 'risk of significant harm'.

3. Have you any further suggestions for improvements to the non-government service system?

Covered under Questions 1 and 2.

4. Your submission (page 7) states that “the rate of breaches and non-compliance with ADVOs is unacceptably high. In the twelve months to September 2009, there were 12,211 breaches of AVOs in New South Wales”. What recommendations would you make to reduce the rate of breaches and non-compliance with ADVOs?

It is our experience that there is a general community perception that domestic violence is not taken seriously by police and the courts, and that penalties for non-compliance with ADVOs are too lenient and inconsistently applied.

We recommend that police and judicial staff, including magistrates, undergo additional professional development and training to increase their understanding of the nature and dynamics of domestic violence so that their responses are more appropriate and consistent. It should focus in particular on:

¹ Ashton, Leigh & Wigan Community Healthcare (2011), Safeguarding Children Policy, <http://www.alwch.nhs.uk/pdf/Safeguarding%20Children%20Policy%20Ratified%20Version%201.pdf> and Safeguarding Children Guidelines, <http://www.alwch.nhs.uk/pdf/Safeguarding%20Children%20Guidelines%20Ratified%20Copy%20Version%201.pdf>

- the importance of timeliness, in relation to attending callouts for breaches of ADVOs;
- the importance of taking all allegations of breaches of ADVOs seriously and investigating them;
- understanding the terror induced in victims by actions such as the perpetrator driving up and down the street or sending a constant stream of seemingly benign text messages;
- holding perpetrators accountable for breaches, rather than suggesting that actions of the victim were responsible for the perpetrator breaching the ADVO; and
- magistrates giving greater consideration during sentencing to the future safety of victims rather than to the interests of the perpetrators. For example, magistrates should give higher priority to the safety of a family than to whether the penalty imposed means the perpetrator will lose his job.

5. Have you any further suggestions for how the police system could improve in its responses to domestic and family violence?

The Benevolent Society recommends that there be Domestic Violence Liaison Officers in every Local Area Command of NSW Police.

We also recommend that there be better resourcing for the Police Child Wellbeing Unit. We have anecdotal evidence that in cases where children do not meet the 'risk of significant harm' threshold the Police Child Wellbeing Unit does not always refer families experiencing domestic violence to appropriate support services. These families are consequently falling through the cracks and not receiving any assistance.

6. What are your views on the Domestic Violence Court Intervention Model and the plan for Department of Attorney General and Justice to expand elements of it across the state?

The Benevolent Society supports the principles of the Domestic Violence Court Intervention Model (DVCIM). The model prioritises victim safety and perpetrator accountability. It focuses on integrated and coordinated responses to domestic and family violence, with collaboration between key government stakeholders - the judiciary, police, and corrective services - and includes a victims' service.

However, there are limitations to the model, some of which were highlighted by the Australian Law Reform Commission's and NSW Law Reform Commission's final report of the Inquiry into family violence in 2010. Consultation during the Inquiry indicated a need for more resources, training, high level coordination and information sharing². The final report recommended regular training on family violence issues for professionals involved in specialised domestic violence courts.

We support the plan to expand elements of the DVCIM model across the state, and support the Commissions' recommendation regarding regular training.

² Australian Law Reform Commission and NSW Law Reform Commission (2010) *Family Violence – A National Legal Response*, Final Report, ALRC Report 114, NSWLRC Report 128

We also recommend greater inclusion of NGOs in the model. For example, local NGOs who provide support services to victims / offenders could be invited to case coordination meetings so that all services are clear about their involvement with the victim/offender. This may go some way to reducing duplication of services and be less confusing for clients.

- 7. Your submission (p 19) recommends that the NSW Department of Education and Communities incorporates age appropriate education about respectful relationships in school curricula. In this regard, we have heard a lot about the LoveBites program which operates in high schools for students aged 14-18 across 35 communities in NSW. Is this program enough? If not, what other education on domestic violence should we provide to school children and from what age?**

Background to the LOVE BiTES program

The *LOVE BiTES* program was originally developed in NSW by the North Coast Area Health Women's Health and Sexual Assault Service in 2004 to educate young people about respectful relationships and reduce the incidence of relationship violence in the community.

The *LOVE BiTES* program includes a one-day workshop that is usually run in a school-setting with students 14-16 years of age. A group of service providers who have been trained in the program team up with teachers to run the workshop. The program is delivered in an interactive manner with workers engaging the young people through activities in every session. The workshop ends with a creative afternoon session to consolidate the material learnt during the day. Respectful relationships between males and females are consistently modelled in *LOVE BiTES*.

The program has won several awards and appears to be well-regarded for its content and style of delivery.

Evaluation

LOVE BiTES was evaluated by TAFE mid-north coast in 2007. However, the evaluation report is not publicly available. Summary information on the evaluation available on the NAPCAN website reports positive results but does not provide adequate details about the methodology³. It appears that the methodology consisted of participants completing interviews or questionnaires 6 and 18 months after completion of the program, but there is no indication of how many participants were interviewed, nor if it only evaluated the program run in the local area. It is therefore difficult to draw conclusions about the program's effectiveness from this.

Limitations - Is LOVE BiTES enough?

LOVE BiTES is a positive start, but it is not enough. The *LOVE BiTES* program is a one-day workshop. The Benevolent Society does not believe that a one-day workshop is adequate to provide an in-depth understanding of respectful relationships and the dynamics of domestic violence.

³ NAPCAN (2011) <http://www.napcan.org.au/programs/love-bites/evaluation>

Other opportunities for education on domestic violence within the NSW Education curriculum

The Personal Development, Health and Physical Education (PDHPE) course operates from K-12 in public schools in NSW and is mandatory⁴.

At the primary school level (years K-6), the PDHPE course places an emphasis on the importance of family, healthy interpersonal relationships, safe living, and a specific mention of 'abuse, bullying and harassment'. However, there does not appear to be any content addressing violence and abuse *within a family context*.

At high school level, there is a module in Stage 5 of the PDHPE course for Yrs 9-10 on Teaching Sexual Health and this module includes a section called 'Recognising and responding to abuse and violence'. However, while the PDHPE course is mandatory, the Teaching Sexual Health module falls under the "Controversial Issues in Schools Policy", which directs that parents be informed of the course content prior to the course being delivered so that they may withhold their child from particular sessions⁵.

In Yrs 11-12, domestic violence is covered a module of the PDHPE course called *The Health of Young People*. However, this module is optional only.

There is a mandatory course for Yr 11-12 students called *Crossroads: A personal development and health education course for Stage 6*, in which two key focus areas and eight themes must be addressed. One of the key focus areas, *Working At Relationships*, includes some suggested content on violence, but this is a suggestion only and teachers are advised to 'adapt or select content which best meets the needs of their students'⁶.

The Benevolent Society recommends that:

- more in-depth and ongoing, age-appropriate education with consistent messaging about domestic and family violence should be integrated into the PDHPE course, beginning in primary school. This is likely to be much more effective than the one-off workshop approach;
- elements of the PDHPE course which address domestic and family violence should be mandatory;
- at the high school level, the PDHPE course should encourage reflective thinking, for example, by requiring students to consider different scenarios and reflect on how the knowledge presented could apply or be relevant to them;

⁴ NSW Department of Education and Communities (2011) PDHPE Home Page, <http://www.curriculumsupport.education.nsw.gov.au/secondary/pdhpe/index.htm>

⁵ NSW Department of Education and Communities (2011) 'Teaching Sexual Health' Curriculum Support, http://www.curriculumsupport.education.nsw.gov.au/sexual_health/assets/pdfs/recrespondavtnotes.pdf

⁶ NSW Department of Education and Communities (2011) *Crossroads* Course Structure, http://www.curriculumsupport.education.nsw.gov.au/secondary/pdhpe/assets/pdf/crsrd_005.pdf

- professional development for teachers in recognising the signs of the impact of domestic violence on children in order to allow them to respond appropriately (rather than simply respond to poor or changed behaviour).

8. What recommendations would you like to see come out of this inquiry?

As per our submission and above.