

## **INQUIRY INTO DOMESTIC VIOLENCE TRENDS AND ISSUES IN NSW**

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## ***Submission***

***SOCIAL JUSTICE UNIT***

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# Inquiry into domestic violence trends and issues in NSW

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Submission to the NSW  
Legislative Council Standing  
Committee on Social Issues

We would like to thank UnitingCare Children, Young People and Families staff who participated in consultations and made other contributions as part of the preparation of this submission.



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## CONTENTS

About UnitingCare Children, Young People and Families	1
About UnitingCare Burnside	1
About UnitingCare Unifam	3
<u>1. Executive Summary</u>	<u>4</u>
Summary of recommendations	6
<u>2. Background</u>	<u>8</u>
<u>3. NSW Domestic and Family Violence Action Plan and Keep Them Safe</u>	<u>9</u>
Recommendation 1	10
<u>4. Early intervention strategies to prevent domestic violence</u>	<u>11</u>
4.1 Early intervention for women and children affected by domestic violence	11
4.2.1 Kids Can and Women for Life	13
Recommendation 2	14
4.2 Preventing homelessness of women and children who are victims of domestic and family violence	15
Recommendation 3	16
4.3 Behaviour change programs for perpetrators	17
Recommendation 4	19
4.4 A common risk assessment and management framework	19
Recommendation 5	21
Recommendation 6	22
<u>5. Strengthening cross-jurisdictional coordination</u>	<u>22</u>

**This submission is also supported by the following attached papers:**

- **Briefing paper on *NSW Health Sustaining NSW Families Program***
- **Research Brief 1, *The Landscape of Domestic Violence***
- **Research Brief 2, *Children & Young People Affected by Domestic Violence: A Background Paper***
- **Research Brief 3, *Impact of Domestic Violence on Brain Development***

# About UnitingCare Children, Young People and Families

UnitingCare Children, Young People and Families is a service group of UnitingCare NSW.ACT and part of the Uniting Church in Australia. Our concern for social justice and the needs of children, young people and families who are disadvantaged informs the way we serve and represent people and communities. The Service Group is comprised of:

- UnitingCare Burnside
- UnitingCare Unifam Counselling and Mediation
- UnitingCare Children's Services
- UnitingCare Disability
- The Institute of Family Practice, a registered training organisation.

Together these organisations form one of the largest providers of services to support children and families in NSW. In 2009/2010 UnitingCare Children, Young People and Families provided services to over 30,000 children, young people and their families. This submission draws primarily on the experience of UnitingCare Burnside.

## About UnitingCare Burnside

UnitingCare Burnside (Burnside) is a leading child and family organisation in New South Wales, with over 80 programs across metropolitan, regional and rural communities. Our purpose is to provide innovative and quality programs and advocacy to break the cycle of disadvantage that affects vulnerable children, young people and families.

We provide services across the continuum, ranging from preventative programs such as supported playgroups; early intervention programs such as Brighter Futures; intensive family support programs; out-of-home care and aftercare programs.

Preliminary internal data collection indicates that domestic and family violence is one of the primary factors leading to child protection reports amongst mandatory reporters in UCCYPF. Our services rely on strong local referral

systems and a prompt response by NSW Police and other government agencies in order to ensure that any family that presents with domestic and family violence issues is safe. A large number of families with whom Burnside works are involved with both the family law and the child protection systems.

Burnside is a Lead Agency for *Brighter Futures* in four regions and is also a contracted service provider for *Brighter Futures* in Western Sydney. The *Brighter Futures* program is funded by the NSW Department of Family and Community Services to provide targeted support to prevent escalation of emerging child protection issues. Eligibility for *Brighter Futures* is dependent on the identification of risk factors for child protection such as domestic violence, parental drug and alcohol misuse and parental mental health issues. Families in *Brighter Futures* are often dealing with several of these issues and therefore require a high level of support.

The evaluation of the *Brighter Futures* program found that a large proportion of participant families entered the program with acute issues including parental domestic violence, drug and alcohol, and/or mental health issues.<sup>1</sup> These families were often referred to other specialist services. However, these services were generally external to the *Brighter Futures* program, and long waiting lists or lack of a 'facilitating infrastructure' made it difficult for vulnerable families to access or benefit from external services. The evaluation highlighted the importance of a coordinated response across multiple government agencies and the NGO sector in addressing the needs of families with complex issues. The evaluation also noted the need for a greater emphasis on engaging fathers as well as mothers in *Brighter Futures*, including fathers who are perpetrators of domestic violence.

Burnside is currently undertaking a research project which is examining the evidence base for programs or approaches that work with: children and young people who have experienced domestic and family violence; women who are victims of domestic and family violence; and perpetrators. The research findings will inform the development of practice resources and tools to assist our staff in *Brighter Futures* and other programs in responding to domestic and family violence. This submission also draws on the research findings. We have attached to this submission copies of the completed papers and will provide additional forthcoming papers as supplementary material.

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<sup>1</sup> Social Policy Research Centre, 2010, *The Evaluation of Brighter Futures, NSW Community Services' Early Intervention Program*, Final Report.

## About UnitingCare Unifam

UnitingCare Unifam Counselling and Mediation (Unifam) is funded by the Federal Attorney-General's Department and the Department of Families, Housing, Community Services and Indigenous Affairs to provide family counselling and Family Dispute Resolution (FDR) under the *Family Law Act* in NSW. UnitingCare Unifam programs often address the impact of domestic and family violence issues on parent survivors, and on children and young people who have experienced violence in the family home.

Unifam operates three Family Relationship Centres at Fairfield, Campbelltown and Wollongong which provide FDR in parenting disputes. If allegations of domestic and family violence are made during a Family Court proceeding, it may be ruled that alternative dispute resolution services such as *The Parenting Orders Program (POP)* are more appropriate for that family. POP provides intensive therapeutic services post Court, for parents in high conflict, most of which also have presenting issues of violence.

Unifam is also currently delivering the *Coordinated Family Dispute Resolution* (CFDR) pilot program in Western Sydney. The CFDR pilot was developed by the Australian Attorney General's Department together with Women's Legal Services in Brisbane, to provide a unique model of Family Dispute Resolution (FDR) in cases where families have experienced family violence and would like to participate in FDR to negotiate parenting and children's arrangements. The pilot has been implemented in 5 regions across Australia.

Unifam is working in partnership with two Community Legal Centres and their domestic violence services to deliver the pilot program in Western Sydney. The CFDR program provides a collaborative, coordinated model of FDR, where practitioners and lawyers work together to ensure the safety and support of clients as they proceed through an FDR process. This includes a Family Dispute Resolution practitioner, a Consultant to support each parent (from domestic violence and men's services), and a lawyer for each parent. The program is a unique model of FDR because it incorporates an initial specialised risk and safety assessment by the Consultants to identify the level of violence and risk for clients, some of whom may need to be screened out of the pilot.

# 1. Executive Summary

UnitingCare Children, Young People and Families (UCCYPF) welcomes the Standing Committee on Social Issues *Inquiry into domestic violence trends and issues in NSW*.

Domestic and family violence issues are commonly raised by clients across our services for children, young people and families. This is consistent with a growing body of international research which confirms that domestic and family violence and child abuse frequently co-occur within the same families. Recent consultations with managers and staff highlighted domestic and family violence as one of three key challenges facing the clients that they seek to support, together with housing and mental health issues. Accordingly, UCCYPF has prioritised domestic and family violence as a key strategic priority.

Burnside is currently undertaking a research project which is examining the evidence base for effective approaches that work with: children and young people who have experienced domestic and family violence; women who are victims of domestic and family violence; and perpetrators. The research will inform the development of practice resources to assist our staff in *Brighter Futures* and other programs in responding to domestic and family violence. This submission also draws on the research findings.

UCCYPF supports the overall directions and principles set out in the *NSW Domestic and Family Violence Action Plan*, which emphasise the importance of prevention and early intervention, and development of a more integrated service system.<sup>2</sup> As the first annual report on the Action Plan has not yet been published, UCCYPF suggests that the Standing Committee on Social Issues seeks a progress report from the NSW Department of Premier and Cabinet on the Action Plan to inform its inquiry. For example, the *NSW Domestic and Family Violence Action Plan*<sup>3</sup> states that the Government is trialling a cross-agency risk assessment and management framework, led by NSW Health. However, it is not clear what progress has been made on the development of this framework.

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<sup>2</sup> NSW Department of Premier and Cabinet, 2010, *Stop the Violence End the Silence: NSW Domestic and Family Violence Action Plan*, NSW Government.

<sup>3</sup> NSW Department of Premier and Cabinet, op cit, p 35.



UCCYPF also suggests that the Committee requests information on progress in implementing relevant recommendations of the *Report of the Special Commission of Inquiry into Child Protection Services in NSW*. For example, Commissioner Wood recommended that if a child protection report does not meet the statutory threshold of risk of significant harm, greater use should be made of the Department of Families and Communities Domestic Violence Line, including referrals by the Police and NGOs.<sup>4</sup> This was an important aspect of Commissioner Wood's recommendations to develop a more integrated service system and ensure timely and effective support is provided in cases which do not meet the statutory threshold. However, it is unclear what action has occurred on this recommendation.

Currently there is a gap in early intervention strategies for children and young people who have experienced domestic and family violence. Exposure to domestic and family violence poses a serious threat to any child's emotional, cognitive and emotional and social development. However, there are a number of protective factors which have been identified as enabling children to overcome the impacts of living with domestic and family violence. Early intervention programs can help to promote children's resilience, for example, by teaching communication and problem solving skills, and encouraging and establishing strong support networks.

UCCYPF welcomes the NSW Government's current work on introducing minimum standards for behaviour change programs for perpetrators, which is being led by the NSW Department of Attorney General and Justice. However, it is also important to increase the availability of behaviour change programs for perpetrators, particularly in rural and regional areas of NSW. Priority should also be given to working in collaboration with Aboriginal communities to develop and fund culturally appropriate perpetrator programs.

Issues of family violence often require a cross-jurisdictional response between statutory child protection agencies, state and territory legal frameworks for family violence and other services at the state level and the family law system including the family courts. UCCYPF supports the reforms proposed in the final report of the joint inquiry by the Australian Law Reform Commission (ALRC) and NSW Law Reform Commission (NSWLRC) – *Family Violence – A National Legal Response*. In particular, we support provisions that will assist

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<sup>4</sup> Wood, J., 2008, *Special Commission of Inquiry into Child Protection Services in NSW*, rec 10.1, p 383.

in keeping children and young people safe by improving information available for decision-making and developing more integrated responses to domestic and family violence.

## Summary of recommendations

1. The NSW Government increase funding for the NSW Domestic Line to increase its capacity to respond to referrals from the NSW Police and NGOs, in line with the recommendation of the *Report on the Special Commission of Inquiry on Child Protection Services in NSW*.
2. The NSW Government identify and expand early intervention initiatives targeting children and young people who have experienced domestic and family violence, such as *Kids Can* and *Women and Life*. This should include initiatives that target children across the early years, middle years, and adolescents.
3. The NSW Government continue to expand the *Staying Home Leaving Violence* program so that it is available to women and children in all areas of the State.
4. The NSW Government invest in the development of behaviour change programs for perpetrators which meet the minimum standards and reflect evidence on good practice. All behaviour change programs funded by the NSW Government include education of perpetrators on how violence impacts on children.

Priority should be given to the development of:

- culturally appropriate programs for Aboriginal communities
- programs in rural and regional areas.

5. The NSW Government develop a common risk assessment and management framework for domestic and family violence that applies to all service providers. The process for developing the framework should include broad consultation across agencies working in the domestic and family violence and child protection sectors. The framework should include a focus on the needs of victims from Aboriginal and other culturally and linguistically diverse backgrounds.

6. The NSW Government implement a state-wide cross-sector training program to build shared understanding and ensure that all service providers understand the requirements of the common risk assessment and risk management framework.

## 2. Background

UnitingCare Children, Young People and Families (UCCYPF) welcomes the opportunity to respond to the Standing Committee on Social Issues *Inquiry into domestic violence trends and issues in NSW*.

Our staff report that domestic and family violence issues are commonly raised by clients across our services for children, young people and families. Recent consultations with managers and staff highlighted domestic and family violence as one of three key challenges facing the clients that they seek to support, together with housing and mental health issues. Accordingly, UCCYPF has prioritised domestic and family violence as a key strategic priority across our practice, research and policy work.

A growing body of international research confirms that domestic and family violence and child abuse frequently co-occur within the same families. The *Report on the Special Commission of Inquiry into Child Protection* notes that evidence is emerging that cases where both domestic and family violence and child abuse occur represent the greatest risk to children's safety.<sup>5</sup>

This submission focuses primarily on strategies to prevent domestic and family violence and to intervene early to prevent the escalation and reoccurrence of violence (Terms of Reference No. 2). It discusses four areas of prevention and early intervention that require a continuing and strengthened focus:

- early intervention strategies for children and young people affected by domestic and family violence
- preventing homelessness of women and children affected by domestic and family violence through further expansion of the Staying Home Leaving Violence program
- strengthening the provision of behaviour change programs for perpetrators
- development of a common risk assessment and management framework to be used by all services.

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<sup>5</sup> Wood, J., 2008, op cit., rec 10.1, p 701.

### 3. NSW Domestic and Family Violence Action Plan and Keep Them Safe

The *Stop the Violence End the Silence: NSW Domestic and Family Violence Action Plan*<sup>6</sup> was released in 2010, following broad consultation with government and non-government agencies across the State.

Prevention and early intervention is one of five strategic directions identified in the Action Plan. The principles underpinning the Action Plan emphasise a whole-of-Government, integrated response and ensuring linkages with other NSW and Commonwealth policy initiatives including *Keep Them Safe: A Shared Approach to Child Wellbeing* and the *NSW Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities*.

The principles also emphasise the importance of working with Aboriginal communities to close the gap on violence. The Action Plan includes a range of commitments on this issue, including working with Aboriginal community leaders to promote good practice anti-violence messages and develop violence prevention strategies.

UCCYPF supports the overall strategic directions and principles set out in the Action Plan. Together, they provide a coherent framework to guide improvements in the service system for women and children affected by domestic and family violence.

The Action Plan states that an annual public report will be produced to show progress on implementation of the actions. However, as the first annual report has not yet been published, UCCYPF suggests that the Standing Committee on Social Issues seeks a progress report from the NSW Department of Premier and Cabinet on the Action Plan to inform its inquiry.

UCCYPF also suggests that the Committee requests information on progress in implementing relevant recommendations of the *Report of the Special Commission of Inquiry into Child Protection Services in NSW*. For example, Commissioner Wood recommended that if a child protection report does not meet the statutory threshold of risk of significant harm, greater use should be made of the Department of Families and Communities Domestic Violence

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<sup>6</sup> NSW Department of Premier and Cabinet, op cit.

Line, including referrals by the Police and NGOs.<sup>7</sup> Commissioner Wood noted that this may require additional resources at the Domestic Violence Line as the number of staff has remained static despite an increasing volume of calls. This was an important aspect of Commissioner Wood's overall recommendations to develop a more integrated service system and ensure timely and effective support is provided in cases which do not meet the statutory threshold. However, it is unclear what, if any, action has occurred on this recommendation.<sup>8</sup>

As the NSW Ombudsman commented in his Annual Report 2009/2010, the recommended changes of the *Special Commission of Inquiry into Child Protection* presumed adequate provision of an array of universal and targeted services, working together to ensure the provision of timely and appropriate support to children and their families.<sup>9</sup> However, the introduction of new services is taking place differentially. For example, Family Referral Services are being trialled on a pilot basis in a limited number of locations. Implementing the new system in this way means that the service system does not have the capacity to respond to concerns about children wherever they may be and to either directly provide or arrange for adequate support to vulnerable children across all areas of the state.

## **Recommendation 1**

The NSW Government increase funding for the NSW Domestic Line to increase its capacity to respond to referrals from the NSW Police and NGOs, in line with the recommendation of the *Report on the Special Commission of Inquiry on Child Protection Services in NSW*.

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<sup>7</sup> Wood, J., 2008, op cit., rec 10.1, p 383.

<sup>8</sup> *Keep Them Safe: A Shared Approach to Child Wellbeing* does not specifically address this aspect of Commissioner Wood's recommendation. Consultations for the *NSW Domestic and Family Violence Action Plan* also identified the importance of further support for existing integrated government measures including the Domestic Violence Line. However, there is no specific action included in the Action Plan on the Domestic Violence Line.

<sup>9</sup> NSW Ombudsman, 2010, *Annual Report, 2009-2010*, p46.

## 4. Early intervention strategies to prevent domestic violence

### 4.1 Early intervention for women and children affected by domestic violence

In discussing prevention and early intervention, the *NSW Domestic and Family Violence Action Plan: Stop the Violence End the Silence* states that (alongside prevention):

It is equally important to have a range of actions targeting individuals or groups who show early signs of either experiencing or using violence. We have categorised these as **early intervention** strategies.<sup>10</sup>

However, currently there is a gap in early intervention strategies for children and young people who have experienced domestic and family violence. The *Report of the Special Commission of Inquiry into Child Protection Services in NSW* noted that fewer interventions designed for children and young persons experiencing domestic and family violence exist than for women experiencing domestic and family violence.<sup>11</sup>

In the context of domestic and family violence, early intervention for children and young people includes:

- intervening in the earlier stage of a child's life – services for women, babies and infants
- identifying domestic violence at an earlier stage, and intervening early to address children's emotional and behavioural issues
- intervening earlier with young people who use violence against their girlfriends or mothers.<sup>12</sup>

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<sup>10</sup> NSW Department of Premier and Cabinet, op cit, p 27.

<sup>11</sup> Wood, J., 2008, op cit., p720.

<sup>12</sup> Humphreys, C., Houghton, C., and Ellis, J., 2008, *Literature Review: Better Outcomes for Children and Young People Experiencing Domestic Abuse – Directions for Good Practice*, The Scottish Government, Edinburgh, chapter 5.

In relation to early intervention for babies and infants and their mothers, the *Special Commission of Inquiry into Child Protection in NSW* identified sustained health home visiting as an important component of the service system required to support children and families.<sup>13</sup> NSW Health's *Sustaining NSW Families* program provides home visiting by a child and family health nurse during pregnancy and the first two years of birth. The program targets women in socio-economically disadvantaged areas with a focus on women with antenatal distress. However, the program specifically excludes women who have active domestic violence issues, women with psychotic illness, and families with child protection issues. This decision was based on systemic reviews which indicate that sustained home visiting programs that target families with multiple, significant problems such as domestic and family violence are unlikely to be successful. However, it means that there is a gap in services for families with complex needs such as domestic violence. We have attached a briefing paper which provides further information on this issue.

The impacts on children and young people who have experienced or witnessed domestic and family violence have been increasingly recognised in the research literature. Exposure to domestic and family violence has been associated with:

- issues related to cognitive, emotional and social functioning and development
- increased risk of mental health issues
- difficulties with education
- involvement in violent relationships with peers and conflicts with authority
- increased risk of becoming a perpetrator or victim of domestic violence
- impacts of future capacity to parent.<sup>14</sup>

However, there are a number of protective factors which have been identified as enabling children to overcome the impacts of living with domestic and

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<sup>13</sup> NSW Department of Health, 2009, *Maternal and Child Health Primary Health Care Policy*, [www.health.nsw.gov.au/policies/pd/2010/PD2010\\_017.html](http://www.health.nsw.gov.au/policies/pd/2010/PD2010_017.html)

<sup>14</sup> Morgan & Chadwick, 2009, cited in Scerra, N., 2011a, op cit.



family violence. Early intervention programs can help to promote children's resilience by:

- teaching communication and problem solving skills
- showing children how to handle negative thoughts
- supporting a strong relationship to a caring adult such as the (non-violent) mother or grandparents
- encouraging and establishing strong peer support networks.<sup>15</sup>

#### **4.2.1 Kids Can and Women for Life**

*Kids Can* and *Women for Life* is an example of an innovative early intervention strategy for children who have experienced domestic violence and their mothers.

*Kids Can* and *Women for Life* were formed through the local Domestic Violence Committee, an interagency forum which works to improve local domestic and family violence service provision. The partnership comprises:

- UnitingCare Burnside Family Support Service Coffs Harbour
- Warrina Women and Children's Refuge
- Prevention of Abuse and Neglect of Children (PANOC) team, NSW Health
- Child and Family Team, NSW Health.

*Kids Can* is an eight-week groupwork program for children aged 8-12 years who have experienced domestic and family violence. (Children who are currently experiencing domestic and family violence have different service provision requirements and are not the target group for this program.) Children who attend the program must be engaged in case management with a local service, as issues often arise in the group that require follow up.

Children who take part in *Kids Can* engage in a range of therapeutic activities, which address the impacts of violence and build children's self esteem confidence and resilience. The course also educates children on appropriate protective behaviours and safety strategies. This can help to break cycles of

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<sup>15</sup> Scerra, N., 2011b, *Children & Young People Affected by Domestic Violence: A Background Paper*, Research & Practice Issues in Domestic Violence #2, Research Brief Social Justice Unit, UnitingCare Children Young People & Families.

intergenerational abuse by exploring appropriate ways to express anger or frustration.

When children are referred to *Kids Can*, the non-offending parent is asked to attend an information session and joins the group on the last week to celebrate completion of the training. Mothers are also advised to attend the *Women and Life* support group. The approach reflects research evidence which indicates that support programs for children who are affected by domestic and family violence are more likely to be effective when they work concurrently with children and their mothers.<sup>16</sup>

The Women and Life group runs at the same time as the Kids Can program, and covers:

- the cycle of violence
- the effects of violence on women and children
- how to move towards choosing more positive pathways
- building positive relationships
- alleviating stress and relaxation techniques
- developing self esteem and assertiveness.

*Kids Can* and *Women and Life* are now also being run in the Taree area by Burnside, in collaboration with partner agencies. Burnside has received a grant from the Premier's Department to further develop and implement *Kids Can* and *Women for Life* in 2001-2012. This will include the development of a trainer-the-trainer manual.

## **Recommendation 2**

The NSW Government identify and expand early intervention initiatives targeting children and young people who have experienced domestic and family violence, such as *Kids Can* and *Women and Life*. This should include initiatives that target children across the early years, middle years, and adolescents.

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<sup>16</sup> Wilcox, K., 2007, *Supporting Children Living with Violence at Home – the Need for Nationwide 'Good Practice'*, Australian Domestic & Family Violence Clearinghouse, Newsletter No 28; Humphreys, C et al, op cit.

## 4.2 Preventing homelessness of women and children who are victims of domestic and family violence

For women and children, domestic and family violence is the most common factor contributing to homelessness.<sup>17</sup>

The *Staying Home Leaving Violence* (SHLV) program Staying Home Leaving Violence (SHLV) is a specialised domestic violence program aimed at preventing clients from becoming homeless. It seeks to remove the violent partner from the home and ensure immediate and longer term safety for a woman and her children.<sup>18</sup>

The SHLV service model is based on early intervention and prevention principles. Case management activities focus on the prevention of homelessness for clients of SHLV. Supporting women and children to stay in their homes safely means that there is less disruption to their lives. Children can attend the same schools and maintain their after school activities, social connections and friendships.<sup>19</sup>

The prevention of homelessness requires the projects receive referrals as soon as possible following a domestic violence incident. Referral pathways are established through collaborative networks and referral pathways developed in partnership with NSW Police Force and other service providers.

SHLV has a strong focus on education and awareness of the Police, other Government agencies, and NGOs of the options available to women escaping violence, particularly the option of staying safely within her home and having the violent perpetrator removed.

The evaluation of the South East Sydney SHLV pilot found that the project was achieving its aim of expanding the choices available to women who are victims of domestic violence.<sup>20</sup> 63% of SHLV clients were able to remain living in their home without the perpetrator of violence, while a further 17% made planned relocations to another home, enabling them to minimise the disruption to their family, while still improving their safety. 80% of clients

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<sup>17</sup> Bartels, 2010 and Morgan & Chadwick, 2009, cited in Scerra, N., op cit.

<sup>18</sup> Family and Community Services, 2011, *Staying Home Leaving Violence program overview*, NSW Government.

<sup>19</sup> Australian Government, 2008, *The Road Home, A National Approach to Reducing Homelessness*, Canberra.

<sup>20</sup> RPR Consulting, 2007, cited in Department of Premier and Cabinet, 2008, op cit.

experienced no further violence, 91% of women employed at the time of referral were able to keep their jobs and 88% of children remained in their schools or child care arrangements.<sup>21</sup>

The evaluation confirmed that the response of the police and legal system is critical to the effectiveness of the model, in particular the need to ensure high level support within the LAC of each SHLV site, and the need for a continued focus on training of general duty police officers in relation to domestic violence.

Currently there are 18 SHLV sites across the State. The NSW Government recently announced that SHLV will be expanded to a further five sites over three years beginning in 2011-2012 (taking the total number of sites to 23 in 2013-14).<sup>22</sup> UCCYPF welcomes the Government's continuing support for the SHLV model. However, further investment in SHLV is needed so that it is available to women and children in all areas of the State.

As noted in Commonwealth Government's White Paper on homelessness titled *The Road Home: A National Approach to Reducing Homelessness*, the SHLV model is only appropriate for women and children where a comprehensive professional risk assessment indicates this is a safe option.<sup>23</sup> Also some women will not choose the option of remaining in their own home and prefer to re-locate.<sup>24</sup> Therefore, a continued focus on improving the availability of crisis, transitional and long-term housing for women and children affected by domestic and family violence is also needed. Our staff continue to report that there is a lack of suitable accommodation options for women who are victims of domestic or family violence.

### **Recommendation 3**

The NSW Government continue to expand the *Staying Home Leaving Violence* program so that it is available to women and children in all areas of the State.

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<sup>21</sup> NSW Government, 2008, Media Release, [www.community.nsw.gov.au/docswr/\\_assets/main/lib100039/stayinghome\\_leavingviolence.pdf](http://www.community.nsw.gov.au/docswr/_assets/main/lib100039/stayinghome_leavingviolence.pdf)

<sup>22</sup> NSW Government, 2011, *Budget Paper No 3, Family and Community Services*, [www.budget.nsw.gov.au/\\_data/assets/pdf\\_file/0017/18251/bp3\\_04family\\_and\\_commserv.pdf](http://www.budget.nsw.gov.au/_data/assets/pdf_file/0017/18251/bp3_04family_and_commserv.pdf) (accessed 14/9/2011)

<sup>23</sup> Australian Government, 2008, op cit, p34.

<sup>24</sup> Edwards, R., 2011, *Staying Home Leaving Violence: Listening to women's experiences*, Social Policy Research Centre, University of New South Wales.

### 4.3 Behaviour change programs for perpetrators

In recent years there has been growing recognition by researchers of the need to engage perpetrators of domestic and family violence to prevent further offending. The *Report on the Special Commission of Inquiry into Child Protection* notes that, historically, child protection intervention has tended to focus on women (mothers). Interventions have focused on women, even when their violent male partners are known to have committed the abuse of children and young persons.<sup>25</sup>

Educating perpetrators about the consequences of their actions, challenging them to accept responsibility, and assisting them to change their behaviour, are important strategies to prevent reoffending.<sup>26</sup>

Research evidence regarding the effectiveness of perpetrator programs is inconclusive. However, this partly reflects the diversity in program approaches being used by providers, with large variations in content, duration, practices, therapeutic frameworks and training levels of facilitators.<sup>27</sup>

UCCYPF welcomes the NSW Government's current work on introducing minimum standards for domestic violence behaviour change programs for perpetrators, which is being led by the Department of Attorney General and Justice. This is an important starting point for strengthening how the NSW service system engages and responds to perpetrators.

The *Special Commission of Inquiry on Child Protection Report* observed that little attention has been given in behaviour change programs to the relationship of perpetrators with their children and their role as a parent.<sup>28</sup> It is therefore important to ensure that all behaviour change programs funded by the NSW Government include education of perpetrators on how violence impacts on children.

Research has identified that perpetrator programs are more likely to be effective when they operate as part of systemic, integrated response to domestic and family violence which gives priority to ensuring the safety of

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<sup>25</sup> Wood, J., op cit., p 701.

<sup>26</sup> Ibid.

<sup>27</sup> National Council to Reduce Violence against Women and their Children, op cit.

<sup>28</sup> Wood, J., 2008, *Special Commission of Inquiry into Child Protection Services in NSW*, p 706.

victims.<sup>29</sup> This includes establishing programs with an equivalent victim service operating in parallel and building strong connections to other victim services.<sup>30</sup>

The Men and Family Centre in the Northern Rivers area of NSW, for example, offers a range of group programs and counselling for men who are troubled by their violence. *MEND* (Men Exploring Family Violence) is a comprehensive program for men and their partners or ex-partners who are trying to stop abusive behaviour within their relationships.<sup>31</sup> Partners or ex-partners are contacted as a condition of a man's entry to the *MEND* program. These women are offered ongoing support by telephone and entry to a women's support group. Notably, the Men and Family Centre has found that over ninety percent of the women contacted through the *MEND* partner support have had no previous connection with any domestic violence agencies.<sup>32</sup>

Alongside the development of minimum standards, it is also important to increase the availability of behaviour change programs for perpetrators. UCCYPF staff report that there is a lack of referral options for child and family services working with men who are motivated to change their behaviour. This is particularly noticeable in rural and regional communities of NSW.

The NSW Action Plan acknowledges the need to work with Aboriginal communities to develop culturally appropriate perpetrator programs. However, the Plan states only that the Government will 'consider' developing such programs as a long term action (substantially started within 3-5 years). UCCYPF considers that greater priority and urgency should be given to working in collaboration with Aboriginal communities to develop and fund culturally appropriate perpetrator programs. The Men and Family Centre runs a *MEND* group for Aboriginal men which focuses on healthy relationships and

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<sup>29</sup> AVERT, op cit; 2010, *Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009-2021*, [www.fahcsia.gov.au/sa/women/pubs/violence/np\\_time\\_for\\_action/national\\_plan/Pages/default.aspx](http://www.fahcsia.gov.au/sa/women/pubs/violence/np_time_for_action/national_plan/Pages/default.aspx), (accessed 9/09/2011)

<sup>30</sup> Time for Action, op cit.

<sup>31</sup> See [www.menandfamily.org.au/programs](http://www.menandfamily.org.au/programs) (accessed 9/09/2011)

<sup>32</sup> Men & Family Centre Inc., *Report on the 2005 survey results of the Men Exploring New Directions program*, [www.menandfamily.org.au/anderson/Survey%20report%2005.pdf](http://www.menandfamily.org.au/anderson/Survey%20report%2005.pdf) (accessed 9/09/2011).

stopping violence. Queensland, the Northern Territory and Western Australia have also developed Indigenous-specific perpetrator programs.<sup>33</sup>

## **Recommendation 4**

The NSW Government invest in the development of behaviour change programs for perpetrators which meet the minimum standards and reflect evidence on good practice. All behaviour change programs funded by the NSW Government include education of perpetrators on how violence impacts on children.

Priority should be given to the development of:

- culturally appropriate programs for Aboriginal communities
- programs in rural and regional areas.

### **4.4 A common risk assessment and management framework**

There is now widespread recognition among researchers and practitioners of the importance of strong multi-agency coordination to support victims of domestic violence and hold perpetrators accountable for their violence.

The development of a shared risk assessment, risk management and safety planning framework can provide a starting point to assist in the development of high levels of multi-agency cooperation.<sup>34</sup> In other jurisdictions, the development of a common risk assessment framework has been used as the basis for finding a common language and approach to domestic and family violence within multi-agency collaboration. For example, the development of the Cardiff and South Wales *Multi-Agency Risk Assessment Conferences* (MARAC) showed evidence of high level multi-agency working, drawn together through the risk assessment and risk management tool. The child protection workers in that evaluation commented that it had improved protection for children in these families.<sup>35</sup>

The development of a common risk assessment framework helps to ensure that all professionals involved in responding to domestic and family violence are approaching their clients' safety and needs consistently, and that victims

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<sup>33</sup> Bartels, L., 2010, 'Emerging issues in domestic/family violence research', *Research in Practice No 10*, Australian Institute of Criminology, Canberra.

<sup>34</sup> Humphreys, C et al, op cit.

<sup>35</sup> Robinson, 2004, cited in Humphreys et al, op cit, chapter 4.



receive an appropriate response. This requires specific tools that bring both adult and child risk assessment and management together.<sup>36</sup>

UCCYPF places a strong emphasis on working collaboratively with other agencies involved in supporting our clients. Our staff report that a common risk assessment and management framework for domestic and family violence would assist this process by developing a shared language and understanding about levels of risk, including with Community Services. This is particularly important in the light of the emphasis in Keep Them Safe on developing a more integrated service system to support the safety and wellbeing of vulnerable children.

The *NSW Domestic and Family Violence Action Plan* states that the Government is trialling a cross-agency risk assessment and management framework, led by NSW Health.<sup>37</sup> However, it is not clear what progress has been made on the development of this framework. The *Special Commission of Inquiry on Child Protection Report* notes that an evaluation report of the trial was anticipated by April 2009.<sup>38</sup> UCCYPF suggests that the Standing Committee on Social Issues requests a copy of the evaluation report, as well as a report on progress since the trial.

The Victorian Government has developed a state-wide risk assessment and management framework that applies to all service providers.<sup>39</sup> By incorporating common language, definitions of family violence and risk assessment and management procedures, the Victorian framework is intended to '*significantly increase the ability of the service system to respond in an integrated and coordinated way*' to family violence.

The *Common Risk Assessment Framework* (CRAF) includes three practice guides directed towards different levels of risk assessment for different categories of service providers. The first practice guide deals with identifying family violence and assists mainstream service providers who may encounter people who are victims of family violence, such as medical practitioners or teachers (screening for family violence). The second practice guide, regarding preliminary assessment, assists professionals who work with victims of family

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<sup>36</sup> Ibid.

<sup>37</sup> NSW Department of Premier and Cabinet, op cit, p 35.

<sup>38</sup> Wood, J., 2008, op cit., p 345.

<sup>39</sup> Department of Human Services (Vic), *Family Violence Risk Assessment and Risk Management Framework* (2007).



violence but for whom it is not their only core business, such as police, court staff and community legal centres. The third practice guide involves a comprehensive assessment for specialist family violence professionals working with victims of family violence.

The CRAF also includes appropriate referral pathways and information sharing between service providers; data collection and analysis; and quality assurance strategies. The framework also has a focus on the needs of victims from Aboriginal and other culturally and linguistically diverse backgrounds.

An extensive state-wide cross-sectoral training program in the use of the CRAF was integral to the process of building common understanding and consistency in risk assessment and management processes across service providers. The evaluation of the training process found that participants reported significant improvements in organisational practice following the training including:

- incorporation of the CRAF material into intake, assessment and case management
- development of formal links or agreements with other services in relation to referrals and/or information sharing
- implementation of activities or processes targeted at population groups associated with increased risk vulnerability
- use of elements of the CRAF for data collection and monitoring.<sup>40</sup>

The Domestic Violence Resource Centre Victoria is currently working to strengthen the risk indicators for children in the CRAF, for example, incorporating indicators from children's behaviour and conversations.<sup>41</sup>

## **Recommendation 5**

The NSW Government develop a common risk assessment and management framework for domestic and family violence that applies to all service

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<sup>40</sup> Victorian Government, circa 2010, *The Victorian Family Violence Risk Assessment and Risk Management Framework, Summary of the Evaluation Report of the Statewide Training Program*.

<sup>41</sup> Karen Webb, 2011, *Victorian Common Risk Assessment and Risk Management Framework (CRAF)*, Domestic Violence Resource Centre, presentation to Burnside Brighter Futures Conference.

providers. The process for developing the framework should include broad consultation across agencies working in the domestic and family violence and child protection sectors. The framework should include a focus on the needs of victims from Aboriginal and other culturally and linguistically diverse backgrounds.

### **Recommendation 6**

The NSW Government implement a state-wide cross-sector training program to build shared understanding and ensure that all service providers understand the requirements of the common risk assessment and risk management framework.

## **5. Strengthening cross-jurisdictional coordination**

Issues of domestic and family violence often require a cross-jurisdictional response between statutory child protection agencies, state and territory legal frameworks for family violence and other services at the state level and the family law system including the family courts.

The Australian Law Reform Commission (ALRC) and NSW Law Reform Commission (NSWLRC) recently conducted a joint inquiry into family violence laws. UCCYPF supports many of the recommendations made in the *Family Violence – A National Legal Response*.<sup>42</sup> Specifically, we support the proposed reforms to protection orders and how they impact on the making of parenting orders; training of key stakeholders on working with family violence issues; information sharing within and across jurisdictions; and integrated responses to family violence.

We also support the establishment of a comprehensive definition of domestic and family violence shared across state and territory family violence legislation and in the *Family Law Act 1974*. A shared definition of family violence should make clear that exposure of children to family violence is a category of violence in itself.

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<sup>42</sup> Australian Law Reform Commission (ALRC) & NSW Law Reform Commission, 2010, *Family Violence – A National Legal Response Final Report*, Commonwealth of Australia.