

DV Vic Submission to the Protecting Victoria's Vulnerable Children Inquiry

"Children who grow up in a violent home are more likely to be victims of child abuse. Those who are not direct victims have some of the same behavioural and psychological problems as children who are themselves physically abused¹"

"Early experiences have an effect on emotional development, the organisation of behaviour and personality. Experience shapes brain functions, and early experiences shape the foundations of life's behavioural responses. Just because children cannot talk about their experiences does not mean that they cannot remember. Early intervention in trauma is not just for the child, or the parent: it is for the future too²".

"From the women's descriptions of the abuse and violence that they and their children experienced, it was clear that this abuse was intertwined – children were exposed to violence against their mothers; mothers were exposed to violence against their children; and many forms of abuse were directed simultaneously to both women and children³"

In 2007-08 there were 2,367 children recorded as victims of family violence by police in Victoria and a further 21,846 children reported present at family violence incidents. In 65% of family violence incidents recorded by police in each of the years 1999-2000 and 2003-2004, there were records of at least one child present⁴.

Efforts to reduce child abuse need to acknowledge and reflect the pervasiveness of family violence in our community. Violence within families underpins many social ills, injustices and harms that occur in Australian communities; it can be considered a 'rock in the pond' issue that ripples out and is prevalent in all human service systems. Until, we as a community deal with the initial 'rock' - violence predominantly perpetrated against women and children in their own homes by partners, husbands and fathers - then family violence will continue to be one of the major risks to the safety and wellbeing of vulnerable children.

All children and young people who experience family violence are affected by it in some way and the effects compound with each experience. Childhood experiences of family violence present a clear and serious risk to the safety and wellbeing of children of all ages. An extensive body of research now clearly demonstrates the co-occurrence of family violence and child abuse and the impact of violence on the developmental needs and safety of children and young people⁵. One in four children has witnessed violence against a parent and we know that family violence and child abuse occur frequently

¹ World Health Organisation (2002), *'World Report on Violence and Health'*, ed by Krug, Etienne G. et al., Geneva

² Hewitt, S., 1999, *Assessing Allegations of Sexual Abuse in Preschool Children*, Sage Publications, California.

³ Dr Lesley Laing, Faculty of Education and Social Work, University of Sydney. (2010). *No way to live: Women's experiences of negotiating the family law system in the context of domestic violence*.

⁴ Victorian Family Violence Database Volume 4 Nine year trend analysis (1999-2008)

⁵ Holt, S., et al, *The impact of exposure to domestic violence on children and young people: A review of the literature*, Child Abuse and Neglect 32 (2008) 797-810

within the same families⁶. Edleston estimates that between 30 and 60 percent of children whose mothers are subjected to family violence are also being abused⁷.

We know that the impact of family violence on the development of children, and even infants in utero, can lead to maladaptive changes in brain development⁸. Other effects of family violence may include physical injuries, post traumatic stress disorder and/or symptoms including anxiety, trauma, developmental delay, depression and grief related issues. Furthermore, there is ample evidence that demonstrates that directly or indirectly undermining the mother-child relationship is a tactic of abuse with severe consequences for mothers and their children⁹.

We know that family violence is one of the most frequent reasons for notification to statutory child protection services, particularly via Victoria Police notifications. While many children living with family violence do not meet the threshold for a child protection investigation, professionals may nonetheless have serious concerns for their safety and well-being and it is critical that these children and young people do not fall through systemic gaps.

Despite the wealth of evidence to demonstrate the interlinked relationship between family violence and child abuse, DV Vic frequently hears anecdotal evidence of a distinct disconnection and significant challenges to effective integration across child protection, family services and family violence systems. A body of evidence documents the historically divergent philosophical and practice responses of the family violence and child protection sectors which have developed quite independently of each other and have created barriers for collaboration¹⁰. Potito et al¹¹ explain this situation as the difference between a child-focussed, statutory and inherently involuntary system versus a woman-centred, empowerment-focussed and voluntary system. Marianne Hester in the UK has commented on this issue and noted that child protection approaches can tend to see mothers as failing to protect their children rather than as the victims of domestic violence, while violent perpetrators are often ignored. 'Best interests of the child' practice approaches that assume that the interests of women and children can be disaggregated from each other present significant challenges to cross-sectoral collaboration, and therefore to supporting families experiencing family violence.

These different practice approaches have created a tension characterised by distrust, poor communication and poor collaboration that can undermine what should be the mutual goal of meeting both mother and children's safety and wellbeing. The lived experience of family violence and child abuse indicates the urgent need for complementary and cross-sectoral ways of working that strengthen the maternal relationship and protect children living in vulnerable situations.

The Victorian Ombudsman's Own Motion Investigation into the DHS Child Protection Program in 2009 pointed to a child protection system at the limits of capacity. The Ombudsman's report identified that there is significant overlap between child protection and other sectors such as domestic violence, mental health, disability and drug and alcohol and that *"there is further scope for a more collaborative approach between these systems and for other agencies to share responsibility for protecting*

⁶ Grealy, C., Humphreys, C., Milward, K., and Power, J. (2008) *Urbis, Practice guidelines: women and children's family violence counselling and support program*, Department of Human Services, Victoria.

⁷ Edleson, J. (2004). Should childhood exposure to domestic violence be defined as child maltreatment under the law? In P. Jaffe, P. L. Baker & A. Cunningham (Eds.), *Protecting Children from Domestic Violence: Strategies for Community Intervention* (pp. 1-17). New York: Guilford Press

⁸ Commonwealth of Australia (2003) *Towards Collaboration—A resource guide for child protection and family violence services*, Melbourne

⁹ Humphreys, C., Mullender, A., Thiara, R.K. and Skamballis (2006), 'A. *Talking to my Mum: Developing Communication Between Mothers and Children in the Aftermath of Domestic Violence*',

¹⁰ Tomison AM (2000), *Exploring family violence: Links between child maltreatment and domestic violence* (Issues Paper 13). Melbourne: National Child Protection Clearinghouse, AIFS; Waugh, F. & Bonner, M. (2002), *Domestic Violence and Child Protection: Issues in Safety Planning*, Child Abuse Review Vol 11, pp282-295; Potito, C. Day, A. Carson, E. O'Leary, P. (2009) *Domestic Violence and Child Protection: Partnerships and Collaboration* Australian Social Work Vol 62, pp. 369-387; Hester, M. (2010), Commentary on H Douglas and T Walsh, *Mothers, Domestic Violence and Child Protection* (2010) 16 *Violence Against Women* pp. 516-517.

¹¹ *Ibid*

*children*¹². The Child FIRST initiatives of the Children, Youth and Families reform along with the integrated family violence reforms in Victoria have gone some way to bridging this divide, however they have not gone far enough and there remains a huge practice gulf. Notwithstanding the differences that exist between statutory and non-statutory systems, there is widespread concern within the family violence sector that the child protection system is 'turned in on itself'; that the child protection sector does not willingly work in partnership with other sectors. Closer connections between family violence, child protection and Child FIRST sectors could lead to significant improvements in the quality and effectiveness of responses from each sector. The potential to deliver coordinated and more holistic responses to families would improve early identification and intervention and circumvent 'churning' through multiple service systems. This submission will principally focus on means of facilitating this cross-sectoral effort and will respond broadly to Terms of Reference Two and Four.

A majority of the recent high profile child deaths in Victoria occurred post-separation; this speaks to the urgent need for law reform to protect children from harm in Family Law proceedings. The complex intersection of Family Law with child protection and family violence issues is a further issue that DV Vic urges the Protecting Victoria's Vulnerable Children Inquiry Panel to consider the findings of the Australian Law Reform and NSW Law Reform Commissions *Family Violence – A National Legal Response* (2010) report in the course of its Inquiry.

A Vulnerable Children's Strategy

In the lead up to the 2010 State election DV Vic joined the Centre for Excellence in Child and Family Welfare, Berry Street, the Victorian Aboriginal Child Care Agency, and Community Child Care Victoria in calling for the Victorian Government to establish a Vulnerable Children's Strategy (see Appendix A).

The development of a Vulnerable Children's Strategy would help break the cycle of family violence, child abuse and child neglect by providing a mechanism to integrate and escalate reform priorities in relation to;

- prevention of family violence, child abuse and child neglect,
- improving child protection and Out-of Home Care (OOHC),
- resourcing Aboriginal agencies to assist families raise children well, and
- ensuring families with vulnerable young children access and participate in quality early learning and care services and child development support programs.

Implementation

As important as identifying which strategies should be included in a Vulnerable Children's Strategy, is ensuring there is extensive planning on how such a framework would be implemented. A comprehensive Implementation Plan is critical for ensuring a range of diverse and implicated stakeholders understand, and can be accountable to, their roles and responsibilities for ensuring the framework successfully delivers on its objectives. Factors critical to successful implementation includes:

Ensuring a common understanding. Investing in ongoing training for relevant stakeholders, to build capacity across sectors for responding appropriately to children identified as at risk, would ensure investment in workforce development that could translate to meaningful outcomes for children

Ensuring a common language. One of the factors which impeded the successful implementation of the Statewide Children's Protocol (discussed further below) communication was the lack of common

¹² Recommendation 8, pg 65.

language. Communication and information sharing related to the protocol was virtually impossible because of the different language used in different regions to describe governance arrangements and roles. Common terms for issues affecting children and commensurate responses were also diverse.

Ensuring common ground. Intersecting Codes of Practice for relevant sectors, which detail respective responsibilities in responding to vulnerable children, are important for a common understanding of each sector's role in responding to children, which can support systems accountability. By informing regional protocols, Codes of Practice can facilitate consistent responses across regions.

Governance. A whole of government approach is required to compel relevant departments and services to work collaboratively. Under the previous Victorian government, five Ministers shared responsibility for the Family Violence portfolio and met on a quarterly basis to review progress. These Ministers were responsible for portfolios relevant to departments of human services, including Children and Housing, and also Police and Departments of Justice and Planning and Community Development. In this way, governance of the reforms reflected the breadth of responsibility required to develop comprehensive and complementary responses to the issue. It also provided Victoria with the high level leadership required to create extensive systems and cultural change.

The Family Violence Statewide Advisory Committee has high level representation from these departments and from non-government agencies, also across a range of sectors including women's, men's, children's, homelessness and community legal sectors. This committee has been critical for the development of relationships and collaboration across departments and between sectors, and across government and non-government stakeholders. In the early days of the Family Violence reform particularly, the committee thrashed out a common vision for family violence responses in Victoria and common agreement on the key planks of the reform; criteria which has guided decisions and directions throughout the reform and supported a common understanding. Importantly, participants developed an understanding of dilemmas their respective responses could create for clients, from the experience and perspective of other developments or services.

Particularly when compared to the family violence response, the response to children in Victoria can be seen as very fragmented and, particularly in relation to Child Protection crisis responses to children, very turned-in on itself. Taking into account the statutory responsibilities of Child Protection, we would argue there are still many ways in which Family Violence, Child Protection and Family Services could work collaboratively in ways that could support holistic responses to families.

Accountability. Defining and ensuring a mechanism for accountability between the relevant sectors is critical to an effective whole of government reform strategy. The strategy should articulate accountability at the individual, community and system level. There are extensive learnings from the family violence reforms that we urge should inform the development of a Vulnerable Children's Strategy.

Communication. A communication strategy is required to detail responsibilities for distributing information between state and regions (back and forth) and across regions (back and forth)

The public health model of child welfare (with the added level of responsive regulation) provides us with a useful theory for framing a Vulnerable Children's Strategy; that is conceptualising interventions along

a continuum from primary to secondary and tertiary responses. This model can be extrapolated to the family violence service system interaction with the child welfare system.

Recommendation

A Vulnerable Children's Strategy is developed for Victoria that articulates a continuum of responses for children; joins up a range of interventions; and provides a road map and accountability tool for meeting the needs of vulnerable children.

The Strategy must include an outcomes accountability framework that is reported on annually.

The Strategy is led by a committee modelled upon the Statewide Family Violence Advisory Committee and comprising high-level government, community sector and other cross sectoral portfolios relating to children's development, education, health, safety and wellbeing.

Primary Prevention

This submission will not comprehensively respond to Term of Reference 1.1.1 – inquiring into key preventive strategies for reducing risk factors at a whole of community or population level, other than to urge the importance of implementation of an adequately resourced plan for the primary prevention of violence against women as a key strategy in reducing child abuse. Violence against women and children is far too prevalent in Victorian communities to limit efforts to post-violence interventions alone. Government needs to invest in prevention activities in earnest. Despite the much-needed resourcing that has gone into family violence reform over the past decade, none of this has made any difference whatsoever to the rates at which Victorian women and their children experience violence. A long-term, strategic framework for the primary prevention of violence against women and their children would have positive flow ons to a wide range of complex social issues. The impact of violence on women and their children is extensive; leading to homelessness, mental health issues, drug and alcohol misuse among other problems. We also know violence against women and their children costs the Australian economy \$13.6billion per annum and the Victorian economy \$3.4billion¹³, investment in primary prevention is a powerful economic argument as well as preventing the devastation to families.

A Right to Respect: Victoria's Plan to Prevent Violence against Women 2010 – 2020, the first primary prevention plan of its kind in Australia, recognises the need for a broad spectrum of prevention responses, considering the structural, cultural and societal contexts in which violence occurs and looking at broad strategies that address some of the contributing factors towards violence against women such as poverty and gender inequality. VicHealth, who developed a framework to guide the primary prevention of violence against women¹⁴, recognise that prevention of violence against women and children is best guided by the three interrelated themes: promoting equal relationships between women and men; promoting non-violent social norms and reducing the effects of prior exposure to violence (especially on children); and improving access to resources and systems of support¹⁵.

Prevention initiatives, including work with young people in schools is essential to bring about cultural change that leads to respectful intimate partner and family relationships. A number of promising

¹³ National Council to Reduce Violence against Women and their Children (2009) *The Cost of Violence against Women and their Children*, Commonwealth of Australia, Canberra

¹⁴ Victorian Health Promotion Foundation (2005) *A Public Health Model for the Prevention of Violence Against Women*, Melbourne

¹⁵ "One-quarter (26 percent) disagree that 'women rarely make false claims of being raped'. Such beliefs are at odds with the evidence, which documents that rates of false allegations of sexual and physical assault remain low and compare with rates found for other person-related offences". National Survey on Community Attitudes to Violence Against Women 2009 *Changing cultures, changing attitudes – preventing violence against women A summary of findings*

practice programs are underway in Victoria to address the underlying causes of violence. Attitudinal change is the key to preventing intimate partner violence, and is fundamental to protecting children from the effects of family violence.

Recommendation

DV Vic urges the Victorian Government in partnership with the Commonwealth Government to further invest in the primary prevention of violence against women and their children

Gendered Analysis of Family Violence

The Victorian integrated family violence system reforms are premised on a gendered understanding of family violence; that is, an understanding that while women and men can commit - and be victims of family violence - that women and children are overwhelming the victims of family violence and that men are predominately the perpetrators of family violence. This is symptomatic of entrenched gender inequality and sex-role stereotyping in our society. In the words of the National Council to Reduce Violence against Women and their Children “the biggest risk factor for becoming a victim of sexual assault and/or domestic/family violence is being a woman”¹⁶. This is reflected in Victoria’s *Family Violence Protection Act 2008* which states in its preamble that “while anyone can be a victim or perpetrator of family violence, family violence is predominantly committed by men against women, children and other vulnerable persons”.

VicHealth found that the top eight risk factors contributing to the disease burden in Victorian women aged 15-44 years attributable to intimate partner violence were depression (33%); anxiety (26%); suicide (13%); tobacco (10%); illicit drug use (6%); alcohol (6%); femicide (2%); sexually transmitted diseases (1%); eating disorders (1%); cervical cancer (1%); and physical injuries (0.6%)¹⁷. Such health impacts for women by extension have flow on effects to their relationship with their children; and on their capacity to act protectively for themselves and their children.

¹⁶ The National Council to Reduce Violence against Women and their children (2009) *Time for Action: The National Council’s plan for Australia to Reduce Violence against Women and their children, 2009- 2021*, The Commonwealth of Australia, Canberra.

¹⁷ Victorian Health Promotion Foundation (2004), *The health costs of violence- Measuring the burden of disease caused by intimate partner violence A summary of findings*

It is critical that any service response to families in which family violence is present understands the importance of a gendered analysis and the disproportionate impact of family violence on women and children. Myths about the causes, nature and impacts of family violence are pervasive in our community, can put women and children at risk, put the focus of change on victims as opposed to perpetrators and can stymie the path to recovery. We also know that violence against women has particular impact on women from marginalised groups; understanding the intersections of family violence with Aboriginality, culturally and linguistically diverse backgrounds, disability, and other forms of social disadvantage is an essential skill. This speaks to the need for basic family violence competency for practitioners working with families experiencing family violence and abuse. Understanding the dynamics of power, hierarchy and gender within families is critical for appropriate identification of violence and abuse, risk assessment and ongoing management of that risk; it can also mitigate against a tendency towards 'mother-blaming'.

The specialist family violence sector holds the expertise in the practical application of a gendered analysis to women and children experiencing family violence which is particularly relevant to effective early intervention strategies, risk assessment and risk management. A best practice model of collaboration between the sectors would see family violence services working with Child FIRST and the statutory child protection system to advocate on behalf of clients with child protection involvement. This would enable clear understandings of the situations they face and lead to improved decision making, higher quality responses and better outcomes for women and children¹⁸. This would also improve understandings across relevant agencies of the role of the statutory system and the imperatives of working from within the Best Interests of the Child perspective.

Facts on Violence against Women

While most men are not violent and do not accept violence against women, most violence of all forms is committed by males.

In Australia's largest survey on personal safety, 82 per cent of people who had been physically assaulted, and 99 per cent of people who had been sexually assaulted, were assaulted by a male perpetrator.¹

While men are usually assaulted by male strangers, violence against women is largely committed by males known to them, including family members and intimate partners.

Overall 31 per cent of women who experienced physical violence in the past 12 months were assaulted by a current or previous partner, compared to 4.4 per cent of men.¹

Recommendation

The Vulnerable Children's Strategy includes a gendered analysis of family violence.

Develop mechanisms for professional knowledge exchange between relevant sectors, such as practitioners undertaking placements in partner agencies.

¹⁸ Rivett, M. & Kelly, S. (2006) From Awareness to Practice: Children, domestic violence and child welfare. Child Abuse Review, Vol. 15 pp. 224-242

Working with Children in the Victorian Family Violence System

The family violence service system plays an integral role - along with statutory and other community-based sectors - in the state's response to protecting vulnerable children. Victorian family violence services see vulnerable children traumatised by family violence on a daily basis, yet despite the improved legal protections available to children and improved understandings of the intergenerational harms caused by childhood exposure to violence, appropriate responses to their needs are vastly under-resourced. The inadequate level of resourcing for family violence service responses to children impacts on the also over-burdened child protection and Child FIRST systems. DV Vic member services are reporting a 70% increase in demand for services since the 2006 introduction of the Victoria Police Code of Practice for the Investigation of Family Violence, with no commensurate increase in funding levels.

Some specialist family violence agencies offer services to meet the independent needs of children who accompany women accessing family violence services and treat accompanying children as clients in their own right; however this practice is inconsistent across the state. Family violence agencies funded through the specialist homelessness services funding stream¹⁹ are vastly underfunded for independent case management for children. This issue, coupled with chronic demand pressures on the family violence system, has long been recognised as a barrier to responding to the crisis and ongoing therapeutic needs of children and is widely recognised as a significant service gap across specialist family violence agencies. Recent national SAAP statistics tell us that two out of three children accessing supported accommodation programs across Australia - including family violence agencies - will be turned away due to incapacity to meet demand²⁰.

Family violence agencies also receive funding administered through the Office of Children, Youth and Families to provide women and children's counselling; however this is also a significantly under-funded program. Capturing the exact level of demand for counselling services is difficult as service providers cap their intake numbers and the data systems do not capture unmet demand²¹. In our 2010 Victorian election campaign, DV Vic called for significant investment in children's safety and wellbeing and called for the gap in service provision to children to be addressed through increased funding to agencies coming into contact with children experiencing family violence in order to minimise the impact and trauma of exposure to violence on children's long-term health and well-being. One of the strategies we proposed to achieve this was for the funding of dedicated intensive co-case management positions to support coordinated and integrated service responses to children. These positions would facilitate co-case management between family violence, child protection, family services, mental health, drug and alcohol services and schools to ensure intensive and coordinated responses to children identified as at risk or high risk.

Fostering collaborative approaches such as this requires dedication to building cross-sectoral relationships. In recognition of the importance of these collaborative, multi-agency approaches in meeting the needs of children and young people and the importance of a whole of community role and responsibility for improving outcomes for vulnerable children and young people DV Vic was funded in 2009 to facilitate the development of regional and sub-regional partnership agreements between family

¹⁹ formerly the Supported Accommodation Assistance Program (SAAP)

²⁰ Australian Institute for Health and Welfare (2009), *Demand for SAAP accommodation by homeless people 2007–08: summary report*

²¹ We do know for example that in one metro region two agencies receive funding for 1.7 full time equivalent women and children's counselling positions split across both agencies. One of these agencies works with approximately 30 children per year yet is typically contacted by 100 women every month who are unable to access their services. These women will on average have two to three accompanying children. Another specialist family violence agency in a regional part of Victoria is funded to work with approximately 30 children per year. We know from police data that there were 1,829 reports for the 2007/08 year of children present at family violence incidents in the region that the agency services. We understand that DHS is currently undertaking a study on the level of service availability for women and children's counselling programs across the state and quantifying waiting lists which will provide government with a much clearer picture of the level of unmet demand for specialist family violence recovery programs. We urge that this data is made available to stakeholders in the family violence field in order that we can better understand the critical situation we face.

violence services, Child FIRST/Family Services and DHS Child Protection. Known as the Statewide Children's Protocol (Think Child in some regions), the partnerships were the result of lobbying to bring the family violence reforms and the Child, Youth and Families reforms together as there was a strong feeling that these two ambitious reform agendas were being rolled out with little reference to each other. The project aimed to promote understanding and to build common practice approaches across the three sectors within regions.

The Children's Pathways project was funded for 12 months, after which the partnership agreement process was expected to have commenced and to carry on its own momentum with DHS support. The partnership development process has proved to be challenging work due to the inherent complexity of developing joint approaches across three sectors and the differences in philosophical and practice approaches. The partnership agreements address a number of common core issues with room for adaptation at regional and localised levels to meet the unique needs of each region, catchments or sub-catchments. The process has highlighted significant difference and lack of consistency between Victorian regions, with some having made good progress to date and others which have seriously faltered and stalled.

About the Partnership Agreements

The Partnership Agreements describes a set of core features that will be consistent statewide and are intended to govern the multi-agency approach involving Family Violence Services, Child FIRST/Family Services and Child Protection. The core features aim to identify and promote good practice, embed common language and principles and encourage opportunities for joint, place based training and linked governance arrangements. They set the template for local area agreements that are designed to be tailored to local conditions, working relationships and services.

The partnership development work was premised upon the following principles:

- The Safety and wellbeing of children who are exposed to Family Violence is the shared responsibility of all partners of this agreement, necessitating consideration of joint responses and opportunities for genuine collaborative work.
- There is a significant co-occurrence of family violence and child protection reports in Victoria.
- Family Violence impacts on the psychological, emotional, developmental and physical needs of children
- Family Violence is a significant characteristic for children who experience cumulative harm. The agreement incorporates a gendered analysis of violence to ensure safety and empowerment for those who experience family violence
- The agreement states that perpetrators must be held accountable and accept responsibility for their violence. The agreement will reflect a practice response that will seek responsibility and accountability of those who use violence.
- The hierarchy of children, women and men is a central concept of the agreement
- The majority of those who experience family violence are women and children.
- The majority of those who use violence against others are men.
- The responsibility for addressing violence is a community and service system response, not the responsibility of those who experience family violence.
- Building shared understanding and practice approaches between the three service sectors will promote best outcomes for children, young people and women.
- Best outcomes for women, children, and young people are achieved when services work together.

Recommendations

Significant investment in the family violence system to respond to vulnerable children's needs that reflects true costs of service delivery and that is based on outcomes as opposed to targets. The Price Review Framework developed by the Human Services Partnership Implementation Committee should be utilised as the price setting mechanism for:

- Any services and programs to be contracted to the community based sector by DHS
- The review of pricing for all existing services and programs contracted to the community based sector
- Indexation arrangements

Improved contract management linked to specific outcomes for children outlining responsibilities and which are consistent region to region.

The continued development of family violence/child FIRST/child protection partnership agreement is prioritised within the Vulnerable Children's Framework and resourced accordingly. Consideration is given to mechanisms for mandatory participation in the partnerships.

Risk assessment and Risk Management

Victoria has developed a common risk assessment and risk management framework, based on shared understandings of family violence and risk. The framework, like the whole Victorian approach, prioritises victim safety and accountability of perpetrators. It has been a key component in building a systems approach to responding to family violence, and has been supported by a program of training that has been rolled out across the state. It is a key strategy in the early identification of and intervention in family violence and will in time be rolled out to mainstream agencies coming into contact with clients including children experiencing family violence including health systems; schools; and other mainstream human service provider agencies.

Importantly, workers across a range of professional groups were trained to ask questions about family violence. An online participant survey that asked about intended changes to practice several months after the training had been undertaken, had a 40 percent response rate. The survey demonstrated significant changes to practice as a result of the training:

- *55% of participants had used the Common Risk Assessment Framework materials since their training, and;*
- *72% were asking questions about family violence;*
- *68% were incorporating risk assessment into their work;*
- *84% were doing safety plans;*
- *74% were referring clients to other services;*
- *47% were sharing information and making referrals to other services; and*
- *67% reported changes to practice that had occurred at a systems or organisational level²²*

Gaps have been identified in the following elements of the CRAF which require further development:

- asking about children
- information sharing guidelines (now developed)
- Risk management guidelines (under developments)
- Ongoing investment in family violence training required to ensure a common understanding of causes and dynamics of family violence and therefore better consistency in how the tool is used.

More recently there has been significant work undertaken through DHS to develop a Strengthening Risk Management framework and practice guide for services in managing family violence risk. A workshop that focused on children's safety will inform the final practice guide.

²² Family Violence Reform Coordination Unit, (2010) Office of Women's Policy Department of Planning and Community Development; Victorian Family Violence Risk Assessment and Risk Management Framework Evaluation of the Statewide Training Program

Recommendation

Continued investment in delivering risk assessment and risk management training for services systems coming into contact with vulnerable children affected by family violence

Referral Pathways and Information Sharing

Victoria Police are central to early identification of child abuse via their attendance at family violence incidents and are one of the principle referral pathways into the family violence and child protection systems. The Victoria Police Code of Practice for the Investigation of Family Violence has recently been revised and we are anticipating clarifications to the referral arrangements for police when children are present at family violence incidents giving greater direction to police about when to refer to child protection and when to refer into the ChildFIRST system. Current practice however is for police to make a referral to child protection when children are present at family violence incidents regardless of whether they will meet the threshold for child protection intervention or not. We know anecdotally that child protection is overwhelmed by the number of referrals coming into the statutory system via this route and its capacity to respond to police-made referrals is very limited.

Faxback referrals are made after-hours (the peak times for police attendance at family violence incidents). Police fax the 'L17' risk assessment form to family violence agencies with which they have a regional or sub-regional agreement²³. Family violence agencies receive the referrals and make telephone contact with the affected family member as early as possible. It is not uncommon practice for police to attend an incident where children are present and to send the L17 form to three different agencies: a women's family violence agency; a men's service (whose partner support service will also contact woman); and to child protection. While this represents a welcome shift in police practice from historic trends where referrals were not made into the service system, it may mean that the same client will receive three separate calls from the respective agencies. In some regions there exist protocols to share information about client contact between agencies; however it is more common for this to happen in an ad hoc and uncoordinated way. Cross-sector protocols for client follow up are not in place in most regions and are hampered by service capacity and concerns about privacy and consent²⁴.

Responding to police made referrals means that family violence agencies are contacting women and their children who may not otherwise be entering the service system, and this provides an opportunity for agencies to enquire about the safety needs of children. However, while many women willingly engage with family violence services via this contact, they are not obliged to engage and some choose not to. Where there are children involved and the family is not engaged with other support services this can mean that their safety and wellbeing is not being checked.

The Department of Human Services has contracted KPMG to work with the family violence and allied sectors in developing guidelines for strengthening family violence risk management. This project builds upon the significant work undertaken to date in developing a common family violence risk assessment

²³ Police are expected to request and record the details of those present (including Affected Family Member, Respondent/ Perpetrator, and number and ages of children present); information about formal referral advice given (the details of which police fax to the local DHS funded women's and men's service providers, Women's Domestic Violence Crisis Service or Men's Referral Service); if civil action taken (e.g. issuing a Safety Notice, an Interim Intervention Order, a Complaint and Warrant, Exclusion/Removal conditions applying to a notice/bail/order, etc); and an initial risk assessment including victim's level of fear, assessment of future risks, and most appropriate risk management strategy. We note that the L17 form has been revised to provide risk assessment information consistent with the Common Risk Assessment and Risk Management Framework and is currently being piloted in several police regions.

²⁴ In contrast, there are some examples of excellent practice whereby police receive a report about every referral made into FV agencies - in these this has contributed to greatly improved working relationships between police and family violence services.

framework for Victoria (discussed further below). One of the aims of developing the guidelines is to improve information sharing protocols and client follow up loops between service systems. Multi-agency high risk management demonstration projects will be trialled over the next couple of years – these models will work with women and children assessed as being at risk of lethality or significant harm and will be premised upon cross-sectoral collaboration and co-case management and will involve family violence services, police, courts, child protection, family support, schools and other stakeholders as necessary. The challenge will be to improve information sharing and to improve engagement of the child protection sector.

In addition to the risk management guide, clear and comprehensive information-sharing protocols between all agencies in our family violence systems are necessary to ensure protection. Protocols need to be developed in the context of, and based on:

- shared understandings of the nature and dynamics of family violence;
- shared principles and goals of intervention; mutual responsibilities in collaborative/integrated responses;
- shared language and understanding of risk indicators and risk assessment processes; and
- shared approaches to managing risk while promoting the agency of the victim/s.
- information sharing for the purposes of risk management and accountability.

Recommendations

Improve information sharing protocols within and across sectors

Improve consistency of referral and information sharing across Victorian regions

Increased training for Victoria Police in implementing the Code of Practice for the Investigation of Family Violence

Education and Training

The demand and need for family violence training has become much more apparent across a range of sectors in recent years, and subsequently there has been a surge in interest in providing this training from mainstream education providers and general family support agencies. While this can be seen as a positive development, the link to practice experience is critical, and women's domestic violence services and specialist training providers are the practice experts.

Workers across the range of human services need training to meet basic levels of competency in responding to family violence, and trauma interventions both at a pre-service level and as part of ongoing professional development. Education about the nature and dynamics of family violence, the interrelationship between violence against women and child abuse, and the impact of trauma is essential. The social determinants of health model provides a useful framework to improve understandings of the broader social, political and economic factors impacting on health and wellbeing outcomes for families.

Training in family violence must be prioritised. The importance of applying common understandings, frameworks and procedures across systems and agencies working with victims of family violence, including legal and non-legal services, cannot be underestimated. By early identification of family violence, assessment of risk, and structured planning to reduce risk, risks of harm to children can also be addressed.

The National Council to Reduce Violence against Women and their Children recommended the development of a national education and professional development framework as an important strategy for realising this goal. It recommended that this framework:

"be designed with... specific audiences in mind; be informed by research on the social context within which violence against women and children takes place; emphasise the diversity of experiences and needs of victim/survivors of violence in the community; and enhance understanding of the intent and operation of relevant legislation".²⁵

Recommendation

Pre-service and professional development training on working with children experiencing family violence and trauma is prioritised under the Vulnerable Children's Framework.

Family Violence and Women and Children's Homelessness

We urge the Inquiry to consider the critical intersection between homelessness and family violence and its impact on women and children. The connection between family violence and homelessness is well established; we know that the rate of homelessness across Australia is unequivocally linked to the high rates that women and children in Australia experience violence and abuse within their families and homes. When women escape violence, frequently with children in tow, their needs are many and varied. Nevertheless, at points of crisis they will more often than not identify the need for safe accommodation and refuge from violence as their immediate and highest priority. Immediate, safe and secure accommodation is absolutely critical to women and children establishing lives free of violence. It is this imperative that has long driven the crisis-focussed service delivery model.

Women and children can experience extensive trauma and are often physically, emotionally, psychologically and economically displaced when they are forced to leave their homes due to violence. For women with children these decisions may be more complex, with changes having to be made to school and childcare arrangements and loss of connection to local community and support networks. Disruption to children's education due to frequent movement is demonstrated to result in poor educational outcomes. Balancing the level of disruption to their lives can sometimes result in women staying in violent situations.

The impact of the lack of affordable housing in Victoria has further exacerbated the lack of options for women and children leaving violence. Women's refuges across Victoria are supporting clients for longer periods as exit points into long-term, stable and secure housing have become increasingly difficult to locate. Chronic shortages and increased waiting lists for public and community housing, together with a scarcity of affordable private rental properties, has created a bottlenecking of the supported accommodation system, where women and their children are unable to move on from supported accommodation, and others in turn are unable to gain entry. We know that women and children can currently spend up to four weeks in motel accommodation waiting for refuge spaces to become available. This is clearly an inappropriate response; however there can be no other accommodation options²⁶. We know that women and children return to violent relationships because of a lack of

²⁵ National Council to Reduce Violence Against Women and their Children, *Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009-2021* (2009) s6,p37

²⁶ There are some best practice models currently in place in Victoria that work at the point of crisis to circumvent women and children having to be placed in motel accommodation. For example, in one new response model women are accommodated in emergency accommodation and provided with comprehensive assessment of risk and need. They are then provided with intensive support whilst awaiting an appropriate vacancy for a targeted referral. This response is focused on providing best possible outcomes and ensuring the

alternative accommodation options; this clearly has serious implications for the protection of vulnerable children.

The onus has traditionally been on women to escape violent domestic situations & services have evolved to meet this practice, however recent initiatives are seeking to change that assumption. The importance of developing systems to support women and their children to stay safely in the family home following family violence is an emerging policy trend and Victorian family violence services are currently in the process of establishing safe at home programs funded under the National Partnership on Homelessness. The right of women and their children not to have to flee violence in the home represents an important shift in the state's response to violence against women which is consistent with the UN Special Rapporteur on Violence Against Women's 1996 recommendation that all States '*should provide for the removal of the abuser from the shared home and allow the victim-survivor to retain her present housing...*'²⁷. We know that the barriers to leaving a violent relationship are many and complex, however when a woman makes a decision to leave violence she should have a range of options available to her and this must include staying in her existing home with the perpetrator removed if that is her choice and it is safe to do so.

There is a scarcity of research into safe at home type models, but what evidence we do have of safe at home models²⁸ is that they need to be backed up by a service system that is well-coordinated, cooperative, and willing to work in partnership to ensure good outcomes for clients. As the state's role in dealing with perpetrator's violent behaviour gradually improves women will be able to have greater confidence in the option of staying in their homes. The most important elements, without which women will not be able to exercise their right to remain safely at home, are ensured legal and police protection, particularly in relation to the power to exclude perpetrators from the home. This includes prompt and uncomplicated access to intervention orders and to the legal system generally. Resources are stretched thin, but Victoria's new *Family Violence Protection Act 2008* and the legal system developments that sit around it are a fundamental part of streamlining this process for women seeking protection from violence and ensuring perpetrators' behaviour is appropriately held to account.

We have good anecdotal evidence that police responses to family violence are improving in Victoria, but there still remains some way to go in fostering cultural change in policing and judicial approaches to family violence. Once protection orders are in place, women utilising a safe at home program will need to have confidence in the strength of their safety notices and intervention orders - that police will act swiftly upon breeches and that the justice system will respond with appropriate penalties. Cooperation and partnership with police is essential to keeping women and children safe in their homes.

The role of specialist family violence agencies includes undertaking comprehensive risk assessments, establishing safety plans, collaboration and information-sharing with other agencies and authorities, and helping with the provision of practical and material supports. Ongoing case management that is tailored to her specific and unique needs for as long as a woman needs it, is a further critical element of the safe at home program. This is extremely important in the establishment of new programs; evidence from recent Victorian research into the needs of women who have experienced long-term family

most vulnerable and at risk women and children are not isolated in motel accommodation. This model has proven to be highly successful. Many women have advised that they would have returned to violent homes if accommodated in motels. Initially one unit was piloted, this is about to expand to four units. Another large agency is interested in duplicating the model in another region.

²⁷ Coomaraswamy R, (1996), Report of the Special Rapporteur on Violence against Women, its causes and Consequences, UN Doc E/CN.4/1996/53 paras 22-7

²⁸ McFerran L (2007) *Taking Back the Castle: how Australia is making the home safer for women and children*, Australian Domestic and Family Violence Clearinghouse, UNSW; Crinall, K & Hurley, J. *Responding to Family Violence and Preventing Homelessness: What Is Required for Effective Implementation of 'Safe at Home' Programs*, Parity, Vol. 22, No. 10, 2009: 40-41.

violence²⁹ found that women and their children experiencing family violence require a continuity of appropriate support over at least two years in order to foster recovery and independence. This includes flexibility in being able to allocate resources according to individual need and allowing for longer support periods to enable genuine recovery.

Recommendation

Ensure that the crisis, medium and long term housing budget for women and children escaping family violence is increased

Expand options for women and children escaping family violence to access public and social housing.

Increase investment in strategies to support women and children to remain safely in the home, with the perpetrator removed

The legal system and child protection

We know that families with family violence and child protection involvement will often have interactions with multiple courts operating in different jurisdictions. DV Vic urges the Protecting Victoria's Vulnerable Children Inquiry Panel to consider the Inquiry undertaken by the Australian Law Reform and NSW Law Reform Commissions and reported on in their extensive *Family Violence – A National Legal Response* (2010) report. The Commissions examined the intersection between Child Protection systems and Family Laws where violence is present in families across all Australian jurisdictions. The Inquiry found that where children are concerned there is a particularly fragmented system with unclear jurisdictional boundaries and siloed practice. In particular inadequate communication, coordination, or information sharing between courts and child protection agencies was identified as a critical problem³⁰. This in turn poses significant risk that matters involving family violence will fall through the gaps between systems. One of the Commissions' main recommendations on this issue is that the *Family Law Act* should be amended to provide in child protection proceedings one court can deal with all substantive matters and ensure the child's best interests and welfare are addressed³¹.

²⁹ Healy, L (2009) *Researching the Gaps: The needs of women who have experienced long term family violence*, Good Shepherd Youth and family Service, Mornington Peninsula

³⁰ ALRC/NSWLRC (2010) *Family Violence – A National Legal Response*, Volume 2 Chapter 19 pp. 899

³¹ Ibid.

Case Study

A recent case example highlighting this problem saw:

- an interim intervention order granted in a regional division of the Children's Court with the father as applicant and the mother as the respondent with the children listed on the order
- an interim intervention order granted in a Melbourne Magistrates court with the mother as applicant and the father as the respondent with the children listed on the order
- an application put before the Melbourne Children's Court by Child Protection re the children

All matters were scheduled to be heard separately, in separate courts within four days.

Without the intervention of the family violence service who co-ordinated the adjournment of the two intervention orders to the Melbourne Children's Court for all matters to be considered by one Magistrate, all courts would have ruled independently and quite possibly with contradictory rulings.

To complicate matters further both the mother and father required Auslan interpreters and the mother also required a deaf relay interpreter.

At the time of writing the *Family Law Amendment (Family Violence and other measures) Bill 2011* is before the House of Representatives. This Bill seeks to redress serious problems with the application of the *Family Law Act*, in particular shared parenting amendments adopted in 2006 that have been documented to have exposed children to violence and abuse. The Bill makes some welcome changes including broader definitions of family violence and child abuse, greater priority for safety and the removal of disincentives to reporting family violence. In our joint-submission to the Senate Inquiry on the Bill DV Vic, the Domestic Violence resource Centre, the Federation of Community Legal Centres, Women with Disabilities Victoria and the Victorian Women's Trust acknowledged that these are important amendments, but we are concerned that the Bill misses many opportunities for reform that were recommended by the ALRC and NSWLRC and note that there are further areas for change to ensure that the family law system is not jeopardising the safety of children and their carers affected by violence (see Appendix B).

Recommendation

The Victorian Government and the Victorian Attorney General work with other states and territories and the Commonwealth Government to fast track the recommendations in the ALRC/NSWLRC report.



Committee Secretary
Senate Standing Committees on Legal and Constitutional Affairs
PO Box 6100; Parliament House
Canberra ACT 2600
Australia
By email: legcon.sen@aph.gov.au

28th April 2011

Dear Committee Secretary,

Re: *Senate Inquiry into the Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011*

We welcome the opportunity to comment on the *Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011*. This response is the joint work of a number of family violence services and peak bodies in Victoria: Domestic Violence Victoria (DV Vic), the Domestic Violence Resource Centre Victoria (DVRCV), the Federation of Community Legal Centres Victoria (FCLC), Women with Disabilities Victoria (WDV), and the Victorian Women's Trust (VWT) (see below for details of our organisations).

We have also worked closely over many years with Women's Legal Service Victoria on systemic and legal reform to improve outcomes for women and children experiencing family violence. WLSV has joined with Women's Legal Services Australia (WLSA) in making a submission to this Senate Inquiry, and we endorse the issues raised and recommendations made in their background briefing and position papers, posted to their campaign website: www.safetyinfamilylaw.com.

Our services have been working collaboratively for many years on family violence systems reform in Victoria; as members of the first Statewide Steering Committee to Reduce Family Violence, established in 2002, we worked in partnership with government and other non-

government organisations, police, and courts to develop an integrated response to family violence.

This included developing the vision for family violence systems reform; and implementation of a range of policy, practice and governance initiatives. We lobbied for funding, and for a review of family violence legal responses in Victoria. We worked with the Victorian Law Reform Commission (VLRC) in its review of family violence laws and then campaigned for adoption of the whole package of recommendations made by the VLRC¹. Many of these are now part of legislation and practice in Victoria. More recently, our work alongside Government has involved advising and assisting with the development and roll-out of a common approach to family violence risk assessment and risk management across sectors and settings in Victoria.

DV Vic, DVRCV, FCLC and WDV also made an extensive joint submission to the Australian Law Reform Commission (ALRC) /New South Wales Law Reform Commission (NSWLRC) review, *Family Violence: Improving Legal Frameworks* in 2010². Many of our comments below draw on and make reference to our feedback to the ALRC/NSWLRC review, and to the ALRC/NSWLRC Final Report: *Family Violence- A National Legal Response*³.

In January 2011, DV Vic, DVRCV, FCLC, WDV and VWT also made a joint submission to the public consultation on the *Family Law Amendment (Family Violence) Bill 2010*. We would be happy to provide copies of these submissions to the Senate Inquiry upon request.

We support many of the changes proposed in the *Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011*, but believe further changes need to be made to ensure that children's emotional and physical safety and the safety of other family members is the first priority within the family law system.

Definition of family violence

We particularly commend the broadening of the definition of family violence to include elements of coercion and control, and a wider range of behaviour, consistent with recommendations made in the ALRC/NSWLRC Final Report. A common understanding of family violence will facilitate the effective operation of the proposed scheme for national registration of protection orders, and will result in more useful and comprehensive data to inform policy and practice.

As we submitted to the ALRC/NSWLRC review, achieving core consistencies in protection of family members from violence is necessary for Australia to honour its international human

¹ Victorian Law Reform Commission, *Review of Family Violence Laws Report* (2006)

² Australian Law Reform Commission Consultation Paper 1 /New South Wales Law Reform Commission Consultation Paper 9 (2010) *Family Violence – Improving Legal Frameworks*

³ Australian Law Reform Commission Report 114 /New South Wales Law Reform Commission Report 128 (2010) *Family Violence- A National Legal Response*

rights obligations to respect, protect, fulfil and promote women's and children's rights to be free from violence, and to uphold the right of all persons to equality before the law.

Removing the test of 'reasonableness'

We also strongly support removing the objective test of 'reasonableness' as to whether a person feels fear. This will ensure that family violence can be properly considered whenever the victim fears for their safety.

Definition of child abuse

We agree with the proposal to broaden the definition and understanding of child abuse to include exposure to violence. However, we also believe that children being exposed to family violence, including seeing, hearing or otherwise experiencing non-physical forms of family violence, should also be included in the definition of *family violence*, as recommended in the ALRC/NSWLRC report, and as defined in Victoria's *Family Violence Protection Act 2008*⁴.

We also agree with WLSA in their position paper that:

*The proposed definition of exposure should make it clear that it applies to exposure by the person who perpetrates family violence (to avoid unintended consequences that a victim of violence has exposed the child to violence). It must be clear in the Family Law Act that victims of violence must not be held responsible for not being able to remove children from the violence*⁵.

We particularly support WLSA's position that the caregiver must be protected:

*WLSA also argues that children's exposure to family violence and child abuse cannot be isolated from the experience of family violence on their caregivers... Protection of children's caregivers who are victims must also be a priority and not artificially treated as a distinct issue from protection of their children, with different outcomes.*⁶

Prioritising safety from family violence

We remain concerned that the Bill continues to enshrine two primary criteria within the *Family Law Act* guiding decisions in determining children's best interests: - that children should have a meaningful relationship with both parents; and that children should be protected from physical and psychological harm. We are aware that the present Act, in its emphasis on shared parenting, often leads to contact orders that are inconsistent with expert knowledge about child development.

Worse, where family violence is present, a child's right to safety can often come second. In practical effect, the Act currently tends to prioritise the first principle of meaningful

⁴ *Family Violence Protection Act 2008 (Vic)* s.5

⁵ Women's Legal Services Australia, *Updated Position Paper: Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011*, 12 April 2011, www.safetyinfamilylaw.com Sec 5.6.3.

⁶ *Ibid* Sec 5.6.9-10

involvement with each parent at the expense of children's and women's rights to safety. The framing of these criteria takes the focus away from the best interests of the child, and places the emphasis on parental rights. This is evidenced by the numerous cases that come to the attention of our respective agencies in which it is clear that children's safety and best interests have been compromised by Family Law orders.

We believe that there should only be one primary consideration where family violence is present, which is the need to protect the child from abuse, and urge that the *Family Law Act* be amended to ensure that the safety of children and their protection from physical and psychological harm is paramount.

We endorse the WLSA/ AWAVA recommendation, in their submission⁷ to the Attorney-General in January this year in relation to the Exposure Draft of the Bill, that:

- a. *there should be no primary considerations at all but one list of factors for consideration, where:*
 - i. *the safety of children should be listed as the first consideration and given priority;*
 - ii. *that 'meaningful relationship' be listed as one of many factors;*
 - iii. *that the courts should weigh up all of the factors in the list, depending on the circumstances of each individual case.*

Removing the 'facilitation' aspects of the 'friendly parent provision'

While we support the removal of aspects of the 'friendly parent' provision, we believe the original proposal contained in the Exposure Draft of the Bill offered better protection for children from family violence. The removal of this section in its entirety will allow women who are victims of family violence to act protectively when they have concerns for the safety of their children, rather than fearing negative consequences from the court in making such disclosures.

Repealing costs orders relating to false allegations or denials of violence

We support the removal of the mandatory costs provision in section 117AB of the *Family Law Act*, as it acted as an additional barrier to disclosure for women experiencing violence. Its removal, along with that of the friendly parent provision, goes some way to addressing many women's fears that the system is suspicious of those who allege violence.

Further changes required

While we support many changes proposed in the *Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011*, we believe that further changes need to be made to the Bill to ensure that the family law system prioritises the safety and protection of children and family members.

We note that the Exposure Draft of this Bill was released at the same time as the Final Report of the ALRC/ NSWLRC: *Family Violence – A National Legal Response*.

⁷ Women's Legal Services Australia & Australian Women Against Violence Alliance *Submission to Public Consultation: Family Violence Bill Family Law Legislation Amendment (Family Violence) Bill 2010*, 14th January 2011. Pp12-13

We remain concerned that the Bill misses many opportunities for reform that were recommended in the comprehensive ALRC/NSWLRC Report, and so see this Bill as the first step in improving safe outcomes for victims of family violence within the family law system, and not as the final step.

We urge that the Senate Committee consider the recommendations in that report relating to family law during this inquiry.

Please do not hesitate to contact us if you have further questions.

Yours sincerely,

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Who we are:

Domestic Violence Victoria (DVVic) –the peak body for over fifty family/domestic violence services in Victoria that provide support to women and children to live free from violence. The central tenet of DVVic is the safety and best interests of women and children and DVVic provides leadership to change and enhance systems that prevent and respond to family/domestic violence;

Domestic Violence Resource Centre Victoria (DVRCV) – a statewide service that provides information, training and resources to improve service and policy responses to family violence to a wide range of sectors and professional groups. DVRCV also provides commentary and advice on policy initiatives and law reform;

Federation of Community Legal Centres (Victoria)(FCLC Vic) – the peak body for over 50 Victorian Community Legal Centres (CLCs). CLCs are independent community organisations that provide free legal advice, information, assistance, representation and community legal education to more than 100,000 Victorians each year. CLC work against family violence includes the provision of duty lawyer services in Magistrates Courts for victims of family violence. The Federation also conducts strategic research, casework, policy development and social and law reform activities.

Women with Disabilities Victoria (WDV) - Victoria's peak body for women with disabilities. WDV membership and staff represent the diversity of women with disabilities, and supports women with disabilities to achieve their rights through community education, peer support, research and systemic advocacy. WDV speaks for the human rights of women with disabilities on many of Victoria's key violence prevention and violence response committees.

Victorian Women's Trust (VWT) –an independent body working to improve conditions for women and girls in practical and lasting ways, through: a funding program that invests in women and girls to effect social change; advocacy for women on key issues that affect their lives; special projects that deliver real outcomes for women; showcasing women's talents and fostering networks for the exchange of skills, ideas and solutions.

Vulnerable Children's Framework

Background

Berry Street, Domestic Violence Victoria, the Victorian Aboriginal Child Care Agency, Community Child Care Victoria and the Centre for Excellence in Child and Family Welfare propose that the next Victorian Government establish a Vulnerable Children's Framework and Office for Children. Community concerns in relation to violence, child abuse and child neglect remains high and has brought our organizations together. Too many children in Victoria are falling behind before they start school, too many children are being harmed and traumatised through family violence, abuse and neglect, too many are ending up in the child protection system and too many of those children are then being further harmed within that system.



The next Victorian Government can make significant progress in resolving this long standing problem by placing Victoria's most vulnerable children at the centre of reform priorities. Research evidence and practice wisdom in our sectors clearly demonstrate that carefully planned investment in promoting healthy child development and targeted services for our most vulnerable children will make the difference to break the cycle of abuse and neglect. This historic alliance of family violence, child welfare and early childhood services stands ready to support the next Victorian Government to deliver for Victoria's children.



Vulnerable Children's Framework

The development of a Vulnerable Children's Framework would help break the cycle of family violence, child abuse and child neglect by providing a mechanism to integrate and escalate reform priorities in relation to;

- prevention of family violence, child abuse and child neglect,
- improving child protection and Out-of Home Care (OOHC),
- resourcing Aboriginal agencies to assist families raise children well, and
- ensuring families with vulnerable young children access and participate in quality early learning and care services and child development support programs.



The Vulnerable Children's Framework should have two central elements:

1. **A Plan for Children's Success** - with a commitment to halve the gap in the developmental outcomes for vulnerable young children in Victoria

The Australian Early Development Index (AEDI) confirms that there are particular geographical areas, including a high number of rural communities, where children are far more likely to fall behind before they start school. The next Victorian Government should commit to halving the gap in developmental outcomes for children from Victoria's most disadvantaged communities within four years. Recognizing parents and families as a child's first teachers the plan for children's success should provide vulnerable children and families with access to the highest quality child development, family support and early learning and care services.



A commitment to facilitated service access, social inclusion, enhanced service quality and in-home family support will turn around the situation for vulnerable children in these communities and other vulnerable children across Victoria.

Specific initiatives should include:

- Funding early learning and care services to provide outreach family support and flexible child development programs that connect with vulnerable and isolated families.
- Establishment of a quality subsidy for excellence in social inclusion offered directly to children's services which demonstrate they are providing services to children in priority target groups.
- Innovative in-home family support and family day care programs that provide quality in-home care for vulnerable children whilst modeling positive parent-child interactions. Such a model would focus on enhancing the in-home environment and parent-child relationships.
- Utilising the ChildFIRST platform to connect with vulnerable families and provide priority access to in-home and centre based early year's programs and support.

2. ***A Child Safety and Wellbeing Guarantee*** - for all those children removed from their families because of violence, abuse or neglect.

More than 42,000 reports of suspected child abuse and neglect across Victoria are made each year and there are nearly 6,000 Victorian children in Out of Home Care (OOHC) with almost a quarter under the age of 9ⁱ. Over the past five years the number of Victorian children in OOHC has risen by over 30% whilst over the same period the numbers of families able to foster children has fallen rapidly. Adding to this system pressure there are over 14,000 families with children at risk that require targeted support to care for their children with more of these families being turned away from family support services due to resource limitations.

All too often children are the invisible victims of family violence, child abuse and child neglect. In 2007-08 there were 2,367 children recorded as victims of family violence and a further 21,846 reported as present at family violence incidentsⁱⁱ. Women's refuges and other family violence services are not funded to meet the overwhelming demand for support for children despite the fact that most women seeking access to these services have children in their care. Many Victorian children are not enjoying a good childhood.

We owe it to these children to guarantee that they will always;

- Have a safe, secure and caring place to live
- Have their culture, identity and family connections nurtured
- Have their needs professionally assessed and met
- Be engaged in education and training to support lifelong independence and wellbeing
- Get the help they need to recover

Specific initiatives to secure the safety and wellbeing of vulnerable children should include:

- A major investment to reform, enhance and expand OOHC care options
- Full implementation of provisions in the Victorian Children Youth and Families Act including that all children coming into care have a comprehensive health and psychosocial assessment, supporting the cultural safety of Aboriginal children and ensuring all young people leaving care are supported at least until age 21
- Additional funding and support for family violence services to respond to the needs of children through intensive support, co case management and assistance for children to heal from the traumatic impact of family violence

State Government Office for Children

Leading the development and implementation of the Vulnerable Children's Framework across all State government portfolios will require dedicated focus and energy. Children deserve no less. The framework should be developed by the Minister for Children with the support of a well resourced Office for Children preferably located within the Premiers Department. An Office for Children would provide the focus to drive cross portfolio reforms relating to children's development, education, health, safety and wellbeing.

Developing the Vulnerable Children's Framework should form an immediate priority for the Minister for Children within the next Government. Recognising the community wide responsibility for children's wellbeing the detail of the framework should be developed and monitored by a high level board with senior government, community sector and specialist expertise. This approach would enhance policy leadership and collaboration for the first time bringing together senior policy makers from the family violence, child development, early learning and care, Indigenous community and child welfare sectors.

October 2010



ⁱ Australian Institute of Health and Welfare. Child Protection Australia 2008-09. AIHW Canberra. 2010

ⁱⁱ Measuring Family Violence in Victoria - Victorian Family Violence Database. Department of Justice. Melbourne 2009