

Submission to

NSW Office for Women's Policy

NSW Domestic and Family
Violence Strategic Framework

March 2009

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

This submission was compiled in consultation with Warrina Women and Children's Refuge , which offers supported accommodation and outreach support services to women and children in Coffs Harbour and surrounding areas who experience domestic or family violence.

Prepared by Monica Bernacki, Policy Officer

Contact Person:
Monica Bernacki, Policy Officer
Social Policy and Research Program
Social Justice, Partnerships and Communication
UnitingCare Children, Young People and Families
PO Box W244, Parramatta NSW 2150
Phone 02 9407 3221, Fax: 02 9687 6349
Email: mbernacki@burnside.org.au

UnitingCare Children, Young People and Families submission to the NSW Office for Women’s Policy discussion paper *NSW Domestic and Family Violence Strategic Framework*

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Executive summary

Domestic and family violence have a devastating impact on children, young people and their families in the short and long term. UnitingCare Children, Young People and Families services have observed this impact across our spectrum of child centred, family-focused programs in NSW.

UnitingCare Children, Young People and Families is a service group of UnitingCare NSW.ACT and part of the Uniting Church of Australia. The UnitingCare Children, Young People and Families service group (the Service Group) includes UnitingCare Burnside, UnitingCare Unifam Counselling and Mediation and the Institute of Family Practice. Together these organisations form one of the largest service providers to support children, young people and families in NSW.

Domestic and family violence issues are commonly raised in our services. When these issues are identified, our staff rely on strong local referral systems and a prompt response by NSW Police and other government agencies in order to ensure that the family is safe. The safety and wellbeing of children and young people who experience violence in the family home is a key priority for the Service Group and we advocate for an increased focus on children's safety and wellbeing in adult services that work with assessment or support of families experiencing domestic or family violence.

A clear message from our services is that it is beneficial to apply a family focus to domestic and family violence service provision. Family-focused service provision as a Key Principle in the NSW Domestic and Family Violence Strategic Framework (the Strategic Framework) can provide shared outcomes for participating agencies because it offers an holistic perspective on the impacts of domestic and family violence.

Our services report that domestic and family violence issues are commonly raised in a range of services that are provided to children, young people and families who are experiencing disadvantage or crisis. Expertise in how to recognise and respond to domestic and family violence is best placed at a range of entry points in order to improve options for those whose experience of domestic or family violence is raised outside of a domestic violence-specific service.

The Service Group recommends addressing the current gaps in domestic and family violence service provision. An effective public health approach to domestic and family violence will:

- invest in local prevention and early intervention strategies for children, young people and families experiencing domestic or family violence
- increase options across the continuum of services for families who require support to address domestic or family violence including nurse home visiting, the Staying Home Leaving Violence program and Burnside's Newpin program
- offer targeted early intervention and tertiary services to perpetrators of domestic and family violence.

It is important that the Strategic Framework provide the overarching policy approach to assist the NSW Government to oversee these action plans and ensure that domestic and

family violence services are supported to implement them, with coordinated funding and accountability processes.

Specific comment has been offered on domestic and family violence service provision in NSW Police and the Family Court of Australia.

Staff acknowledged recent cultural shifts in NSW Police and improved responses to domestic and family violence by local police. In particular, Domestic Violence Liaison Officers (DVLOs) are highly regarded by these service providers.

However, staff also highlighted concerns about inconsistent and under-resourced police responses to domestic and family violence incidents, and that responses are at times out of step with the goals of local domestic violence support staff and service users.

We welcome the recent introduction of *Family Violence Best Practice Principles* in the Family Court of Australia and anticipate that any outcome measurement strategies will be publicly available for consideration by professionals who work alongside the Family Court in domestic and family violence service provision.

Further work is required to identify how recent changes in the *Family Law Act 1975* have impacted on decision making about residence and contact in situations where children are at risk.

Summary of recommendations

Key Principles – family focus, responding to domestic violence perpetrators, locally based expertise, prevention and early intervention

It is recommended that the Strategic Framework:

1. Include child-centred, family-focused service provision as a Key Principle and introduce this principle to cross-agency training and any common assessment tools.
2. Increase the number of tertiary intervention services in NSW that target perpetrators of domestic and family violence.
3. Oversee continued investment by the NSW Government in universal prevention strategies that aim to reduce the rate of domestic and family violence and support local prevention initiatives.
4. Coordinate domestic violence specific training to be undertaken by NSW DoCS, other relevant agencies and NGO workers as part of *Keep Them Safe: A Shared Approach to Child Wellbeing* (NSW Government 2009) action plan response to the *Final Report of the Special Commission of Inquiry into Child Protection Services in NSW* (Wood 2008).
5. Invest in further community education strategies on what constitutes domestic and family violence.
6. Identify and expand local prevention and early intervention innovations in domestic and family violence, such as the “Kids Can” program at Coffs Harbour.

Options for families

It is recommended that the Strategic Framework:

7. Expand Newpin services across NSW as an effective approach for addressing the impact of domestic and family violence on families and its impact on children’s safety and wellbeing.
8. Support implementation of the Nurse Family Partnerships model as an effective prevention and early intervention strategy for families who are at high risk of experiencing domestic or family violence.
9. Develop of a suite of targeted outreach programs to which the Nurse Family Partnerships program or similar outreach models may refer family members if domestic or family violence concerns are identified.

Interagency collaboration

It is recommended that the Strategic Framework:

10. Incorporate the actions proposed in *Keep Them Safe* and *The NSW Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities* in any forthcoming policy framework.

11. Consult on a regular basis with the National Council to Reduce Violence Against Women and Children with the aim of improving state-federal partnerships in domestic and family violence policy frameworks and service provision.

NSW Police Response and Domestic Violence Liaison Officers

It is recommended that the Strategic Framework:

12. Assist NSW Police with implementation of the NSW Ombudsman recommendations (2006) namely:
 - (i) NSW Police require the Domestic Violence Liaison Officer (DVLO) to be a full-time equivalent position in local area commands (LACs) identified by NSW Police as high-risk in relation to domestic violence.
 - (ii) NSW Police provide specific funding for designated DVLO positions in all high-risk LACs, including Level 3 LACs.
 - (iii) NSW Police ensure that at any given time, eight DVLOs in each region are accredited to deliver local training to general duties officers and, if necessary, training be outsourced
13. Improve local referral practices in NSW communities by providing locally based cross-agency training on strengths-based intake and referral strategies.

This training should incorporate local resources so that there is increased knowledge of local services in government agencies, and should be provided by Registered Training Organisations such as the UCCYPF Institute of Family Practice. Local Domestic Violence Committees are well placed to coordinate this training strategy.

14. Continue the current focus and investment in current NSW Police reform strategies including education and training.

The Family Court of Australia

It is recommended that the Strategic Framework:

15. Collaborate with the Family Court of Australia to improve support options for parents in matters where allegations of domestic or family violence are made. These support services should be accessible within the family court structure and via improved referral practices to external services.
16. Collaborate with the Family Court of Australia to offer training for caseworkers in NSW DoCS and other relevant services on provision of expert witness statements in family court matters in which allegations of domestic or family violence have been made.

Introduction

1.0 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 of Australia. The UnitingCare Children, Young People and Families service group (the Service Group) includes UnitingCare Burnside, UnitingCare Unifam Counselling and Mediation and the Institute of Family Practice. Together these organisations form one of the largest service providers to support children, young people and families in NSW.

1.1 UnitingCare Burnside

Burnside delivers child-centred, family-focused services that range from community based prevention and early intervention to intensive family support services and out-of-home care. We work in metropolitan and regional communities across NSW. Domestic and family violence issues are commonly raised in our services. Some services, such as the Newpin program in Western Sydney and the Intensive Family Based Service in South West Sydney, provide direct support on these issues because they are structured to work intensively with families for sustained periods of time.

All of 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 or family violence issues is safe.

Due to a close working relationship with local services, UnitingCare Children, Young People and Families consulted with Warrina Women and Children's Refuge at Coffs Harbour in the development of this submission. Warrina Women and Children's refuge provides supported accommodation to women, and women with children who have experienced domestic violence. Outreach services are provided through the Womens Resource and Information centre where the Womens Domestic Violence Advocacy service is also situated. CALD and Koori outreach staff provide culturally specific support weekly to women who are geographically isolated. Warrina Women & Children's Refuge is committed to collaborating and working in partnership with other service providers in our community.

1.2 UnitingCare Unifam

Funded under the *Family Law Act 1975* (the Family Law Act) UnitingCare Unifam offers a range of family relationship services including family counselling, Family Dispute Resolution and the Parenting Orders Program (POP). Unifam also operates three Family Relationship Centres at Fairfield, Campbelltown and Wollongong. POP is an alternative dispute resolution program that is compulsory for any family seeking contact and residency orders in the Family Court of Australia or the Federal Magistrates Court. If allegations of domestic or family violence are made during a Family Court proceeding, it may be ruled that alternative dispute resolution services such as POP are inappropriate for that family.

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.

1.3 Institute of Family Practice

The Institute of Family Practice (IFP) is known for innovative, high quality, leading edge training and education for professionals entering or working in child, family and relationship services (Institute of Family Practice 2009). IFP training can improve sector response to domestic and family violence because it teaches strengths-based and family-based service provision and offers training for all aspects of service provision from intake and referral to relationships education and family dispute resolution.

1.4 Domestic violence, family violence, and cultural impacts

This submission uses the term 'domestic and family violence' to refer to violence that is perpetrated by a family or kinship member against an intimate partner, sibling, elder, or other family member. The discussion paper's use of the term 'family violence' to refer only to violence that occurs within Aboriginal and Torres Strait Islander kinship groups does not allow for discussion of family violence that occurs in all parts of the community. This is particularly important to note because the discussion paper uses the term 'domestic violence' to refer only to violence against an intimate partner. Other state and federal bodies use the term 'family violence' more broadly and an assumption that the term specifically refers to Aboriginal and Torres Strait Islander kinship groups is not helpful in building shared language on the issue.

Broader use of the term 'family violence' can also evoke more clearly the link between violence in the family home and possible child abuse issues.

We note that the presence of entrenched family violence in some Aboriginal and Torres Strait Islander communities requires specialist service provision that engages with the unique contributing factors that are experienced by those communities. While it is important to build a strong foundation of universal domestic and family violence services in NSW, Aboriginal and Torres Strait Islander communities should be consulted in the development of specific and culturally appropriate family violence services.

2.0 Term of Reference 1

What are the key principles that should guide the Strategic Framework on Domestic and Family Violence in NSW?

UnitingCare Children, Young People and Families provides services for children, young people and their families across the continuum of primary, secondary and tertiary services. We have a strong commitment to the value of prevention and early intervention services as the foundation of public health based service provision. We support a strengthened response to domestic and family violence in NSW and advocate for coordinated domestic and family violence service provision that:

- collaborates with child protection services
- consults with Aboriginal and Torres Strait Islander families and communities
- is accessible for all people involved in domestic and family violence from a range of entry points.

Some key principles of domestic and family violence policy and service provision are:

- (i) a focus on prioritising the safety and wellbeing of children and young people in households where there is domestic or family violence
- (ii) a family-focused approach that includes family-based services across the continuum of domestic and family violence services (from early intervention to crisis accommodation)
- (iii) a focus on the responsibility of domestic violence perpetrators for their behaviour so that survivors of domestic violence are not solely answerable to child protection concerns and so that perpetrator behaviour may be holistically addressed
- (iv) building and utilising expertise that is local and easily accessible for children, young people and families so that regardless of which kind of service they are accessing at the time when domestic and family violence issues are present, they may access specific domestic and family violence support with promptness and sensitivity.

2.1 Family focus

UnitingCare Children, Young People and Families works with families in a way that is child-centred and family-focused. A family focus in domestic and family violence services provides an holistic approach that also makes the safety and wellbeing of children and young people the centre of the system.

Family-focused service provision is service provision that:

- centralises the family as the unit of attention
- emphasises maximising families' choices
- works from a strengths rather than a deficits perspective
- is culturally sensitive (Allen & Petr 1998 in Scott 2005).

Domestic and family violence is a crime that impacts on the family unit as a whole as well as impacting on the people involved individually. There is increasing recognition in

Australia of the broad range of relationships that can become abusive within a family. However this is not yet reflected in local service provision options and services broadly do not consider the importance of family connectedness as a protective factor that should be built into support strategies. A clear message from our services is that it is beneficial to apply a family focus to domestic and family violence service provision.

Application of a family focus to domestic violence service provision should be viewed as an approach that is separate from the application of a child protection focus to domestic violence service provision. While it is crucial that child protection considerations be built into response and referral mechanisms across the spectrum of domestic and family violence services, the inclusion of a family focus will ensure that child protection responses remain strengths-based and work to retain the family unit as a crucial protective factor for vulnerable children and young people.

Family-focused service provision as a Key Principle in the Strategic Framework can:

- provide a platform for interagency collaboration by bringing specialist service providers together under the shared outcome of family safety and preservation
- reduce the likelihood of children, young people and parents receiving separate services for a shared issue, which can in turn reduce the likelihood that children and young people will be overlooked in domestic violence service provision (see UnitingCare Burnside 2007 quoted in Wood 2008, para. 17.81)
- improve the Strategic Framework's capacity to build a shared approach with Indigenous family violence services.

It is recommended that the Strategic Framework:

1. Include child-centred, family-focused service provision as a Key Principle and introduce this principle to cross-agency training and any common assessment tools.

2.2 Responding to domestic and family violence perpetrators

If perpetrators receive minimal or no intervention in family and domestic violence, options for change and survivors' safety are compromised. This 'invisibility' in some current child protection responses to domestic violence (Irwin, Wilkinson & Waugh 2002) and the systemic lack of targeted prevention, early intervention and tertiary services, means that it is less likely that perpetrators will address their behaviour or acknowledge the impact of their behaviour on their partners or family members.

Response to perpetrators of domestic violence in NSW is two-tiered:

- (i) legal – the person's behaviour is criminal and requires a response by law enforcement agencies
- (ii) tertiary (counselling and psychology) intervention – aimed at ensuring that the person does not repeat the crime.

Staff at UCCYPF report that tertiary intervention services that target perpetrators of domestic and family violence are not sufficient in number. In some regions, there are no services to which perpetrators may be referred by NSW Police or other services. A worrying parallel to this is the small number of domestic or family violence survivors who pursue criminal proceedings against the perpetrator.

The policy implication of these two factors when they are considered together is that by focusing on reducing the rate of domestic and family violence through universal prevention strategies such as public awareness campaigns and schools-based education programs there is little focus on responding to violence and changing behaviours in families where this is currently occurring. Universal prevention strategies have outcomes that are inherently long term and work best when they are placed alongside a range of services that offer different levels of engagement with the target group. An effective public health approach to domestic and family violence will offer targeted early intervention and tertiary services to perpetrators of domestic and family violence.

It is recommended that the Strategic Framework:

2. Increase the number of tertiary intervention services in NSW that target perpetrators of domestic and family violence.
3. Oversee continued investment by the NSW Government in universal prevention strategies that aim to reduce the rate of domestic and family violence and support local prevention initiatives.

2.3 Expertise that is locally based and accessible to children, young people and families

Our services report that domestic and family violence issues are commonly raised in a range of services that are provided to children, young people and families who are experiencing disadvantage or crisis. These include government and non government child protection, family support, health, education and mental health and drug and alcohol services. It may be raised intentionally by one or more family members, or it may become apparent to staff when they follow up with service users who show indicators of experiencing domestic violence.

Expertise in how to recognise and respond to domestic and family violence is best placed at a range of entry points, to provide options for children, young people and families whose experience of violence is raised while they are receiving other services.

Increasing expertise among the human services workforce also improves the capacity of the sector to provide an interagency response to domestic and family violence. People who understand the impact of domestic and family violence issues are better placed to respond to the health, accommodation and support needs of children, young people and families who are experiencing domestic and family violence.

It is recommended that the Strategic Framework:

4. Coordinate domestic violence specific training to be undertaken by NSW DoCS, other relevant agencies and NGO workers as part of *Keep Them Safe: A Shared Approach to Child Wellbeing* (NSW Government 2009) action plan response to the *Final Report of the Special Commission of Inquiry into Child Protection Services in NSW* (Wood 2008).

2.4 Prevention and early intervention

Governments are beginning to invest in prevention and early intervention strategies to address a number of factors that contribute to disadvantage in Australia. From an early

age, people are being educated about healthy family, interpersonal and sexual relationships and about conflict management skills. The research on child abuse and neglect, for example, is conclusive on the long-term benefits of investment in early intervention and prevention.

There is a need for a continued and strengthened focus on prevention and early intervention as part of a continuum of responses to domestic and family violence. Our staff report that there is still a lack of knowledge at a community level about what can constitute abuse in a domestic or family relationship. Intake and referral workers report that some people minimise their experience of abuse by stating that “he doesn’t actually hit me” while identifying other behaviours such as verbal, psychological or financial abuse as present in the home.

There are some excellent examples of innovation in domestic and family violence prevention and early intervention that are occurring in local communities in NSW. These strategies are often developed in response to local needs and based on local relationships between community agencies and support services.

Case study – the ‘Kids Can’ program

‘Kids Can’ is an early intervention program offered by a partnership of local programs at Coffs Harbour comprising:

- UnitingCare Burnside Family Support Service
- 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 that is held once a week after school for children and young people who have experienced domestic or family violence and who are engaged in case management with a local service. (Children and young people who are currently experiencing domestic or family violence have different service provision requirements and are not the target group for this program.)

Children and young people (aged 8-12 years) who take part in ‘Kids Can’ engage in a range of therapeutic groupwork activities.

The course also educates children and young people on appropriate protective behaviours and safety strategies. As well as building participants’ self confidence and resilience, this education offers an early intervention strategy that can break cycles of intergenerational abuse by exploring appropriate ways to express anger or frustration.

This program was formed through the Local Domestic Violence Committee, which is an interagency forum for collaboration on improved local domestic and family violence service provision.

It is recommended that the Strategic Framework:

5. Invest in further community education strategies on what constitutes domestic and family violence.

6. Identify and expand local prevention and early intervention innovations in domestic and family violence, such as the “Kids Can” program at Coffs Harbour.

3.0 Terms of Reference 2 and 3

What are the key areas that need improvement or change in the current service response to domestic and family violence? How can these areas be improved?

What elements of the current service response are effective? What elements could be built upon or expanded?

These two terms of reference have been addressed together because staff often reported key areas for improvement in their analysis of the most effective service responses that are currently offered in NSW.

3.1 Options for families

A decision by a parent to exit an abusive relationship is often complicated by their need to protect their children and desire to keep the family together for the sake of the children. The reasons for this are complex and inter-related and may result in delayed or no action by the parent because of:

- perpetrator's use of the children in threats or actions of abuse to ensure that the non-perpetrating parent will stay
- insufficient communication and identification of shared goals between child protection services and parents experiencing domestic or family violence that results in a parent's fear that their children will be removed if they notify authorities of a domestic or family violence crisis
- parent's unwillingness to remove children from their local support network (eg. school, weekend sports, local friendships)
- broader cultural pressures from the extended family or community network
- lack of crisis accommodation and support options for families.

Increasing the support options that are available to families who plan to leave a domestic or family violence situation is a strategy that can address a number of the contributing factors outlined above.

3.1.1 Staying Home Leaving Violence

The NSW Government's support for the Staying Home Leaving Violence model is welcomed by UnitingCare Children, Young People and Families. All staff spoke highly of the model and its capacity to support families to stay together. The concept of exiting the perpetrator from the family home is supported by our staff. It was noted that this is appropriate only where it is sustainable because accommodation is available and the perpetrator is referred to counselling or another specific program.

This model is also put forward in the Commonwealth Government's White Paper on homelessness titled *The Road Home: A National Approach to Reducing Homelessness* as a homelessness prevention strategy that will be delivered "more widely across the country" (Commonwealth of Australia 2008).

3.1.2 Newpin

UnitingCare Burnside's Newpin program "provides training and support for vulnerable families so they may strengthen interpersonal relationships and bring about generational change" (Newpin 2006).

This service effectively addresses domestic and family violence issues with children, young people and parents who have survived violence in the family home through multi-layered support to vulnerable families. Newpin's therapeutic approach helps parents to address their personal experiences of abuse and acknowledge their own behaviour while parenting programs and supported playgroups assists participants to break intergenerational cycles of violence and exposure to violence by improving and repairing their relationships and building skills and self-confidence in parenting and parenting decisions.

Families are engaged with Newpin for a sustained period of time – around 12 to 18 months – and during this time the program can become a 'safe space' in which children and parents can begin to make changes.

It is recommended that the Strategic Framework:

7. Expand Newpin services across NSW as an effective approach for addressing the impact of domestic and family violence on families and its impact on children's safety and wellbeing.

3.1.3 Universal Nurse Home Visiting

The benefits of home visiting have been shown by the South Australian Government's Family Home Visiting program to be:

- increased capacity to identify issues in the home such as family violence, mental health issues and substance abuse that may place the child at risk of harm
- increased parental confidence
- increased links between family and other services (Scott 2006).

Additionally, nurse home visiting directly addresses a number of issues that either contribute to the risk of children and young people being exposed to domestic violence, or are an effect of domestic violence being present in the family home, such as:

- maternal depression, anxiety or other mental health concerns
- isolation from services such as health services
- drug and alcohol use.

The implementation of universal nurse home visiting programs would be an effective prevention and early intervention strategy for the prevention of violence against women and children. Its effectiveness in identifying early risk factors such as depression and mental illness in the family and its ability to increase young parents' links with support services can create protective factors for vulnerable children, young people and families. This is particularly important for families who are socially isolated or who live in communities that have high reported rates of domestic violence.

Professor David Olds of the University of Colorado and his colleagues (2007) have identified a reduced rate of domestic violence exposure as a secondary outcome of Olds Model nurse home visiting. The Olds Model of postnatal home visiting programs is unique because it sends registered nurses to the family home rather than social workers or volunteers. Evaluations of the program have found that a 'registered nurse' is most readily accepted into the family home in situations where the family may be experiencing conflict. Visits are also sustained over a period of time in that they continue from 18 weeks of pregnancy through until two years after the birth of the child.

Longitudinal evaluation of Olds Model nurse home visiting also identified a decrease in parental violence as a (medium to long term) secondary outcome of the program (Olds et al 2007).

We recognise and welcome the Federal Government's important decision to adapt the nurse home-visiting approach Nurse Family Partnerships for remote Indigenous communities to improve Aboriginal child health and well-being.

In NSW, home visits are provided by NSW Health and, under the *Keep Them Safe* action plan, the NSW Government intends to make this service available to every new parent by the end of 2010 (NSW Government 2009). Further supports are available to Aboriginal and Torres Strait Islander parents in some communities through the Aboriginal Maternal and Infant Health Strategy. While this is welcome, the introduction of a more sustained approach such as Nurse Family Partnerships would be appropriate to support families where there is domestic or family violence or risk of violence. The evidence from Nurse Family Partnerships is that this an effective approach for families who are at high risk of domestic and family violence. Current provision of nurse home visiting in NSW is a foundation for the provision of sustained home visiting to families who are vulnerable to indicators of disadvantage such as domestic and family violence.

At the same time that universal nurse home visiting is rolled out there must be strategies for strengthening the presence of support services and early childhood specialists 'on the ground' especially in regional and rural areas to ensure that nurse home visitors can confidently refer disadvantaged families to the help they need.

It is recommended that the Strategic Framework:

8. Support implementation of the Nurse Family Partnerships model as an effective prevention and early intervention strategy for families who are at high risk of experiencing domestic or family violence.
9. Develop of a suite of targeted outreach programs to which the Nurse Family Partnerships program or similar outreach models may refer family members if domestic or family violence concerns are identified.

3.2 Interagency collaboration

In 2008 the NSW Government restructured its response to domestic and family violence following the release of the government-led review of NSW domestic and family violence service provision (ARTD Consultants 2007). These changes mark a prioritisation of domestic and family violence in NSW Government human services and a shift towards interagency response strategies.

Actions for improved domestic and family violence service provision have been put forward by the NSW Government in:

- *Keep Them Safe* action plan (NSW Government 2009) developed in response to the *Final Report of the Special Commission of Inquiry into Child Protection Services in NSW* (Wood 2008)
- *NSW Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities* (2006) developed in response to the report titled *Breaking the Silence Creating the Future: Addressing child sexual assault in Aboriginal communities in NSW* (Aboriginal Child Sexual Assault Taskforce 2006)

It is important that the Strategic Framework provide the overarching policy approach to assist the NSW Government to oversee these action plans and ensure that domestic and family violence services are supported to implement them, with coordinated funding and accountability processes.

Domestic and family violence is an area that requires cooperation between the Commonwealth and state governments. For policy frameworks to be effective, cooperation and consistency are vital. The recently formed National Council to Reduce Violence Against Women and Children offers opportunities for collaboration.

It is recommended that the Strategic Framework:

10. Incorporate the actions proposed in *Keep Them Safe* and *The NSW Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities* in any forthcoming policy framework.
11. Consult on a regular basis with the National Council to Reduce Violence Against Women and Children with the aim of improving state-federal partnerships in domestic and family violence policy frameworks and service provision.

3.3 NSW Police response and Domestic Violence Liaison Officers

Staff in the Service Group and at Warrina Women and Children's Refuge acknowledged recent cultural shifts in NSW Police and improved responses to domestic and family violence by local police. In particular, Domestic Violence Liaison Officers (DVLOs) are highly regarded by these service providers.

However, staff also highlighted concerns about inconsistent and under-resourced police responses to domestic and family violence incidents, and that responses are at times out of step with the goals of local domestic violence support staff and service users.

Improving the capacity of NSW Police to respond to domestic and family violence incidents is essential to the framework. This includes:

- increasing the number of DVLOs in each Local Area Command
- continued focus on and investment in current NSW Police reform strategies including education and training and improved referrals, which builds on the proposed action plan for *Keep Them Safe* (NSW Government 2009).

DVLOs have an important role in assisting families who are experiencing domestic violence during times of crisis, often before they have commenced engagement with

community welfare services. This addresses a current gap in service provision in which families may be trapped for years at a time.

Recent inclusion of children under Apprehended Domestic Violence Orders (ADVOs) that are taken out by a parent is welcomed by the Service Group as an additional protection mechanism for these families.

In order for this reform to benefit more families, the Strategic Framework must address current rates of ADVO rescission. The NSW Ombudsman's recent report on improving police practice in domestic violence (NSW Ombudsman 2006) stated that 43% of ADVO applications are withdrawn (includes applications that are made by "persons in need of protection" and those that are made by police on their behalf). Staff from the Service Group and staff at Warrina Women and Children's Refuge report that ADVOs are less likely to be withdrawn if:

- the applicant is fully briefed of their legal rights and responsibilities, including the need for them to appear at court to provide evidence against the perpetrator (this is particularly important for those who have an interim order made on their behalf)
- the applicant is in contact with a support service, preferably before an application is made so that they can be assisted to fully engage with legal processes and develop strategies for appropriate communication with the perpetrator (particularly if the relationship had not ended at the time that an ADVO was applied for, or if the applicant and defendant share children).

The broader cultural and educational reforms in NSW Police that are discussed above will improve the rate of ADVOs that are formalised in court as families, support workers, and local police begin to share a common language and understanding of domestic and family violence.

It is recommended that the Strategic Framework:

12. Assist NSW Police with implementation of the NSW Ombudsman recommendations (2006) namely:
- (i) NSW Police require the Domestic Violence Liaison Officer (DVLO) to be a full-time equivalent position in local area commands (LACs) identified by NSW Police as high-risk in relation to domestic violence
 - (ii) NSW Police provide specific funding for designated DVLO positions in all high-risk LACs, including Level 3 LACs
 - (iii) NSW Police ensure that at any given time, eight DVLOs in each region are accredited to deliver local training to general duties officers and, if necessary, training be outsourced.

It is recommended that the Strategic Framework:

13. Improve local referral practices in NSW communities by providing locally based cross-agency training on strengths-based intake and referral strategies.
- This training should incorporate local resources so that there is increased knowledge of local services in government agencies, and should be provided by

Registered Training Organisations such as the UCCYPF Institute of Family Practice. Local Domestic Violence Committees are well placed to coordinate this training strategy.

14. Continue the current focus and investment in current NSW Police reform strategies including education and training.

3.4 The Family Court of Australia

UnitingCare Children, Young People and Families is concerned about the limitations faced by the Family Court in exploring allegations of domestic violence that are made during proceedings, which include a reliance on reports provided by expert witnesses to determine the possibility of children's exposure to domestic and family violence, and a lack of training in state child protection service on the provision of appropriate reports by caseworkers as expert witnesses (Higgins 2007). It also includes the lack of capacity of the Family Court to investigate allegations of domestic or family violence that are made in proceedings due to jurisdiction differences between the Family Court and state criminal courts. These limitations are an impediment to child safety and wellbeing in domestic violence situations.

We welcome the recent introduction of *Family Violence Best Practice Principles* in the Family Court of Australia and anticipate that any outcome measurement strategies will be publicly available for consideration by professionals who work alongside the Family Court in domestic and family violence service provision.

Further work is required to identify how recent changes in the *Family Law Act 1975* have impacted on decision making about residence and contact in situations where children are at risk. This may include increased support for parents via Family Consultant access and referral; improved provision of expert witness reports by NSW DoCS via interagency training opportunities; and increased support options for families that are available within the family courts structure.

It is recommended that the Strategic Framework:

15. Collaborate with the Family Court of Australia to improve support options for parents in matters where allegations of domestic or family violence are made. These support services should be accessible within the family court structure and via improved referral practices to external services.
16. Collaborate with the Family Court of Australia to offer training for caseworkers in NSW DoCS and other relevant services on provision of expert witness statements in family court matters in which allegations of domestic or family violence have been made.

4.0 References

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Legislation:

- *Crimes (Domestic and Personal Violence) Act 2007* (New South Wales)
- *Family Law Act 1975* (Commonwealth of Australia)