

Royal Commission into Family Violence
Wyndham Legal Service Inc. – Submission
May 2015



7 May 2015

Royal Commission into Family Violence
PO Box 535
Flinders Lane VIC 8009
Email: enquiries@rcfv.com.au

Dear Sir/Madam,

**WYNDHAM LEGAL SERVICE SUBMISSION TO THE ROYAL COMMISSION INTO FAMILY
VIOLENCE – SCHOOL LAWYER PROJECT**

The Wyndham Legal Service Inc. (WLS) welcomes the opportunity to make a formal submission to the Royal Commission into Family Violence in relation to its School Lawyer Project. We also note that a brief summary of the project was given on 24 April 2015 at the community consultation.

WLS is a non-profit, community managed incorporated association. WLS advocates for equitable justice by providing free legal advice and assistance, community education, law reform and advocacy to the people of the City of Wyndham and the greater western suburbs of Melbourne. WLS has extensive experience in delivering a range of legal services, particularly family violence services. The WLS is one of only a few community legal services in Victoria to receive specialist money for a Family Violence program and provides duty lawyer services at the Werribee Magistrates' Court Family Violence Division. In 2014, WLS assisted more than 350 victims of family violence at the Werribee Magistrates' Court and through general legal services.

This submission has been developed from the data and experiences of the casework of the WLS. Some of their recent work has been documented in the following publications:

- Restoring Financial Safety – Legal responses to economic abuse (April 2015, Wyndham Legal Service and Good Shepherd Australia New Zealand)
- *Outer Sight Out Of Justice: Finding pathways to justice for Melbourne's outer-metropolitan areas* (February 2014, Wyndham Legal Service); and
- November No Violence 2014 Report (March 2015, Wyndham Legal Service)

Royal Commission into Family Violence
Wyndham Legal Service Inc. – Submission
May 2015

- An Invisible Demographic – Youth and the Law in Melbourne’s West (June 2012, Wyndham Legal Service)

Summary of concerns

WLS has provided specialist YouthLaw services to young people, under the age of 25, for over 15 years, including targeted family violence education to secondary school students (See November NoViolence Report referred to above). Experience has highlighted the complexities of overcoming barriers faced by young people in both understanding and accessing legal assistance, the difficulties in reaching and engaging with young people and the implications this has for service delivery. This becomes critical when young people and children are victims of family violence.

Key recommendation – School Lawyer Project

In 2014, WLS obtained philanthropic funding to pilot the two year ‘School Lawyer Project’ in the Werribee area. The pilot project will operate in 2015 and 2016.

The School Lawyer Project uses a new and innovative gateway to address hidden problems within a public school community and aims to build the confidence of that community to effectively engage with the justice system in order to improve the stability of school families and the attendance and performance of the school students. The project has partnered with [REDACTED] and key public and community agencies in the western suburbs of Melbourne, creating an inclusive relationship with students, parents/guardians and teachers that goes beyond the traditional solicitor/client relationship.

The project involves employing a “School Lawyer” with a community development background and experience in the youth sector for the specific purpose of working closely with the school community at [REDACTED] [REDACTED], including students, parents/guardians, families and teachers, to enable them to engage more effectively with the justice system. In particular, the project seeks to assist vulnerable secondary school students who are experiencing issues with family violence, homelessness and non participation in school.

Background – School Lawyer Pilot Project

Between 2013 and 2014, WLS provided a weekly outreach drop-in clinic at [REDACTED] for secondary school students, working closely with the School Wellbeing Coordinator and team. [REDACTED] is located in Hoppers Crossing in the outer western suburbs of Melbourne. [REDACTED] has a large student population from diverse backgrounds, including many young people from Pacific Islander communities, culturally and linguistically

Royal Commission into Family Violence
Wyndham Legal Service Inc. – Submission
May 2015

diverse backgrounds, refugee backgrounds and the Middle East. The school also has the largest population of Koori students enrolled in the Wyndham network.

Apart from mainstream schooling and VCE, [REDACTED] offers VCAL, VET, Connections and has entered into a Memorandum of Understanding with [REDACTED] School. [REDACTED] School is a specialist school located [REDACTED] and caters for students aged 15 to 18 years who have a diagnosed intellectual disability. Almost 35% of students enrolled in the school have Autism Spectrum Disorder.

The outreach clinic found that many of the students at [REDACTED] are from low socio-economic backgrounds, geographically and electronically isolated, are not engaged in the wider community, have very low levels of literacy and high level of engagement with the justice system. The school administration has also highlighted that many of its young students are experiencing family violence and therefore couch surfing between friend's houses and are at risk of homelessness.

The outreach clinic also found that many of the students and their families (particularly mothers) were experiencing family violence, however they did not know where to go for help and struggled to attend appointments with lawyers due to poor public transport and an overarching distrust of lawyers and authority. The Wellbeing team at the school have also said that students are frightened to go anywhere 'unfamiliar' and are more likely to engage with a lawyer in a 'safe' environment such as their school.

Description – School Lawyer Project

Case Study 1

[REDACTED] Story

[REDACTED] is [REDACTED] and is in year [REDACTED] at [REDACTED]. [REDACTED] is a high achiever and hopes to study commerce at [REDACTED] University after high school.

[REDACTED] lives with her mother, father and younger brother. Her father is an alcoholic and has significant mental health issues. He has been physically and emotionally abusive towards [REDACTED] since she can remember. He mostly leaves her brother alone because he fights back. Her mother suffers from Bi-polar and anxiety and has been a victim of the abuse for 20 years.

[REDACTED] often couch surfs at her friend's house however her friend's mother is getting sick of her staying all the time. She spends some nights at her grandfather's house but he lives far away and therefore has difficulty getting to school due to the poor public transport. She has

Royal Commission into Family Violence
 Wyndham Legal Service Inc. – Submission
 May 2015

also found herself a job at the local plaza and asks for the night shift so she doesn't have to be in the house when her father is drunk.

■■■■■ has chosen to endure the violence at home so that she can continue attending school and get the requisite marks to get into university.

■■■■■ business management teacher noticed her attendance was low and that when she was at school she was very quiet and not herself. She gave her a slip to see the School Wellbeing Coordinator, who then referred her to see the Wyndham Legal Service (WLS) lawyer at the school.

■■■■■ spoke to the WLS lawyer about the violence at home and that she was the only one wanting to do something about it. She also spoke of an incident that had occurred between her and her father that morning, when he came into her room drunk and took a swing at her while she was in bed. She was concerned as she had a SAC the next day and her laptop and text books were at home - she was scared to go home. She said she didn't know where to go after school.

The WLS lawyer advised her about family violence and Intervention orders, child protection, Youth Allowance and housing options. The Wellbeing Coordinator was then invited into the office and the three of them discussed strategies to remove ■■■■■ from the house while her father is still living there. The WLS lawyer and Wellbeing Coordinator also organized for her to have her SAC the following term and advised her teachers that she may have trouble attending and/or participating in school during the term.

WLS helped ■■■■■ obtain a family violence intervention order against her father for ■■■ years. Her father left the family home and ■■■■■ and her mother are now receiving counselling.

The School Lawyer Project offers an onsite school lawyer at ■■■■■ 4 days per week (1 day at the legal service) for 2 years, who provides legal advice and referral services, during the school day and after-school hours, to students and parents/guardians. The School Lawyer is available to the school community across all three campuses (including ■■■■■ School), however, will focus primarily on the secondary school campus (grades 7-12).

The School Lawyer provides ongoing weekly education sessions and workshops to students on campus at ■■■■■ based on common legal issues identified from the school and after-school legal clinics (i.e. family violence, child protection, family law and homelessness). Furthermore, the School Lawyer will focus student's attention on early intervention and preventative strategies to assist them in dealings with the justice system, such as family violence, child protection and homelessness.

Royal Commission into Family Violence
Wyndham Legal Service Inc. – Submission
May 2015

The School Lawyer will also deliver no less than 10 Legal education sessions to parents, families and teachers during school and or after-school hours. Sessions may also target established parent groups such as the 'Coffee and Chat' mothers who meet weekly at [REDACTED] primary campus. The education sessions will target mothers who may be experiencing family violence by their husband/partner.

The School Lawyer will also prepare submissions to Government, Regulators and Inquiries on issues of significance to students and the broader school community. This might include a written submission to the Department of Human Services regarding child protection.

We will seek to have a written evaluation of the project at the end of the two years that will document the effectiveness, strengths and weaknesses of the project, this will include data analysis.

IN CONCLUSION

WLS is confident that the School Lawyer project will result in improved access to justice for children and young people who are victims of family violence. WLS would be pleased to discuss these issues in greater depth or provide further detail upon request.

Yours sincerely,

[REDACTED]

Shorna Moore
Senior Policy Lawyer

Wyndham Legal Service Inc.

[REDACTED]