

Royal Commission into Family Violence – Victoria

Submission by Dr Angela Spinney, Research Fellow, Swinburne Institute for Social Research, Swinburne University of Technology, Melbourne.

Thank you, both for the opportunity to attend the academic round table on 4th May and to make this submission to the Royal Commission into Family Violence - Victoria. I would like to table for your consideration two Australian research reports which address the very important issues of homelessness prevention and housing and domestic and family violence in Australia. Some of the findings and recommendations of these reports were discussed at the academic round table:

1. Spinney, A. (2012) *Home and safe? Policy and practice innovations to prevent women and children who have experienced domestic and family violence from becoming homeless*, AHURI Final Report No.196. Melbourne: Australian Housing and Urban Research Institute.
<http://www.ahuri.edu.au/publications/p50602/>

This report sets out the findings of a research project investigating the opportunities and challenges of preventing women and children who have experienced domestic and family violence from becoming homeless.

2. Spinney, Angela. Australian Homelessness Clearinghouse, Department of Families, Housing, Community Services and Indigenous Affairs and Swinburne University of Technology; 2012. Reducing the need for women and children to make repeated use of refuge and other crisis accommodation.
<http://homelessnessclearinghouse.govspace.gov.au/whats-new-3/research-release-reducing-the-need-for-women-and-children-to-make-repeated-use-of-refuge-and-other-crisis-accommodation-2012/>

This report sets out the findings of a research project investigating *Early Intervention Strategies to Reduce the Need for Women and Children to Make Repeated Use of Refuge and Other Crisis Accommodation*. The project is intended to bring forward knowledge of the reasons for the decisions made by women who have been subject to domestic and family violence regarding whether to leave the family home for a refuge in order to escape the abuse, whether to return to the perpetrator and whether to leave again.

If you would like any further information or discussion please do not hesitate to contact me.



Final Report

Home and safe? Policy and practice innovations to prevent women and children who have experienced domestic and family violence from becoming homeless

authored by
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for the
**Australian Housing and Urban
Research Institute**
Swinburne Research Centre

November 2012

AHURI Final Report No. 196

ISSN: 1834-7223

ISBN: 978-1-922075-14-7

The logo for the Australian Housing and Urban Research Institute (AHURI). It features the acronym "AHURI" in a bold, black, sans-serif font. A red curved line arches over the letters "H" and "U". The letter "i" is lowercase and has a red dot. Below the acronym, the full name "Australian Housing and Urban Research Institute" is written in a smaller, black, sans-serif font.

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and Urban Research Institute

Author	Spinney, Angela	Swinburne University
Title	Home and safe? Policy and practice innovations to prevent women and children who have experienced domestic and family violence from becoming homeless	
ISBN	978-1-922075-14-7	
Format	PDF	
Key words	Homelessness prevention, women and children, domestic and family violence	
Editor	Anne Badenhorst	AHURI National Office
Publisher	Australian Housing and Urban Research Institute Melbourne, Australia	
Series	AHURI Final Report; no.196	
ISSN	1834-7223	
Preferred citation	Spinney, A. (2012) <i>Home and safe? Policy and practice innovations to prevent women and children who have experienced domestic and family violence from becoming homeless</i> , AHURI Final Report No.196. Melbourne: Australian Housing and Urban Research Institute.	

ACKNOWLEDGEMENTS

This material was produced with funding from the Australian Government and the Australian states and territory governments. AHURI Limited gratefully acknowledges the financial and other support it has received from these governments, without which this work would not have been possible.

AHURI comprises a network of universities clustered into Research Centres across Australia. Research Centre contributions, both financial and in-kind, have made the completion of this report possible.

The author wishes to acknowledge and thank the key informants in Australia and England, both those who were interviewed individually in New South Wales, Tasmania and Victoria (Australia) and in Hull, London, Norfolk and Sheffield (England), and those who participated in the facilitated workshops held in New South Wales, Queensland, South Australia, Tasmania and Victoria. A list of non-anonymous participants is given in Appendix 3.

The author would like to wholeheartedly thank the two research assistants who worked on this project; Yee Man Louie, Swinburne Institute for Social Research, who assisted with the literature review and organised the research workshops; Alan Harper, final year law student at The University of Adelaide, who also assisted with the literature review and compiled the legislative comparison tables in Chapter 4 and Appendices 1–2.

The author would also like to thank Professor Kath Hulse for her advice on the conceptual development and academic quality of the project; Professor Sarah Blandy, Sheffield University, England (formally Senior Law Lecturer at Leeds University, England) for her contribution to the first stage of the project and as co-author of the Positioning Paper; David Hudson from the Swinburne Institute for Social Research for editing this Final Report.

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ACRONYMS

ACT	Australian Capital Territory
AFM	Affected Family Members
AHURI	Australian Housing and Urban Research Institute Limited
COAG	Council of Australian Governments
DCLG	Department for Communities and Local Government (UK)
DVLO	Domestic Violence Liaison Officers
DHHS	Department for Health and Human Services (Tasmania)
EDVOS	Eastern Domestic Violence Crisis Service
FaHCSIA	Families, Housing, Community Services and Indigenous Affairs
IDC	Inter-Department Committee
MARAC	Multi-agency risk assessment committee
NSW	New South Wales
NT	Northern Territory
PILCH	Public Interest Law Clearing House
Qld	Queensland
SA	South Australia
SHLV	Staying Home Leaving Violence
Tas	Tasmania
UK	United Kingdom
Vic	Victoria
WA	Western Australia
WDVCS	Women's Domestic Violence Crisis Service Victoria
WLSV	Women's Legal Service Victoria

EXECUTIVE SUMMARY

This report sets out the findings of a research project investigating the opportunities and challenges of preventing women and children who have experienced domestic and family violence from becoming homeless.

The project responded to the AHURI Strategic Research Issue 1: Housing and related systems that prevent homelessness and promote wellbeing and stable housing outcomes, and the challenges outlined in the White Paper, *The road home: a national approach to reducing homelessness* (Commonwealth of Australia 2008). The White Paper highlights prevention and early intervention as the most efficient and effective ways to reduce homelessness, and they are also embodied within National Affordable Housing Agreement objectives.

This is the second and Final Report from AHURI Research Project 50602–*Homelessness prevention for women and children who have experienced domestic and family violence: innovations in policy and practice*. The aim is to explore the value and implementation challenges of innovative staying at home homelessness prevention measures, such as Staying Home Leaving Violence schemes in Australia and Sanctuary Schemes in England.

The two broad research questions are:

- How and to what extent have innovative homelessness prevention measures introduced in Australia and England since the mid-1990s been successful in enabling women and children to remain in their homes and localities?
- What are the implications of these findings for policy on housing and homelessness in Australia and for improvements to practice?

Research approach

Stage one consisted of a desk-based literature review. The Positioning Paper (Spinney & Blandy 2011) <http://www.ahuri.edu.au/publications/download/50602_pp> is based on this stage and contains an international and national academic and policy review of the literature and details the conceptual framework developed for the study.

In stage two a comparative methodology using two case studies, England and Australia, allowed investigation of 'joined up' approaches to homelessness prevention for women and children who have experienced domestic and family violence. These consist of housing, judicial and support systems and services working together to enable the women and children to remain within their homes.

The English case study involved visiting three Sanctuary homelessness prevention schemes in order to ascertain how they work and whether there are transferable policies and practices that could work effectively in Australia.

In the Australian case study, the three embedded units of analysis were New South Wales, Tasmania and Victoria. Homelessness prevention schemes were visited in each of these states and 45 semi-structured interviews were conducted. These sought to determine the scope and effectiveness of projects, with a focus on their objectives and how they work. The author was keen to hear the views of key policy-makers and providers, including any implementation difficulties they had encountered. Documentary evidence was collected when appropriate, including policy documents and promotional materials.

Following thematic analysis of the interview findings, a series of workshops was facilitated in five state capitals with 47 policy-makers, practitioners and researchers attending presentations on the interim findings. Facilitated discussions deepened

understanding of the policy implications for successful implementation of homelessness prevention practices for women and children in each of these five states. These additional findings were analysed and incorporated into this Final Report. The workshops led to inclusion of details of the differing legislation in each state and territory in the report, because it became clear that attendees would find this information useful in assessing their future policy.

The report has been compiled based on the learning from the following:

- critical review of the literature
- primary research in the case study locales
- information obtained from workshops.

The data is reported by analytical theme in order to create a useful document for policy-makers. The report provides good practice examples and includes issues raised by the research participants concerning applicability and relevance in the Australian context. Guidance on policies implemented at home and in England and advice on how they could be implemented in Australian states is provided.

Companion study

A companion study has been funded by the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) through the Homelessness Research Partnership Agreement, *Early intervention strategies to reduce the need for women and children to make repeated use of refuge and other crisis accommodation*. This research was conducted in conjunction with this AHURI project by the same researcher.

The two projects have been designed to dovetail together and, in order to aid the reader, where relevant some of the information has been replicated in the Final Reports of each project. The FaHCSIA project is intended to bring forward our knowledge more widely of the issues concerning the reasons for the decisions women who have been subject to domestic and family violence make regarding whether to leave the family home for a refuge in order to escape the abuse, whether to return to the perpetrator, and whether to leave again. It also explores the efficacy of early intervention schemes, including perpetrator behaviour change programs, in reducing women's and children's multiple experiences of refuge and other emergency accommodation. The project explores what best practice and service standards would be needed if Staying Home Leaving Violence (SHLV) models were to be implemented more widely in Australia. It is recommended that those with a particular interest in these issues should read the Final Reports of both projects.

Key learning

The literature review established that the most effective homelessness prevention measures for women and children who have experienced domestic and family violence often combine legal/judicial, housing and welfare policy and practices in an integrated manner in order to improve their safety. These include:

- Legal/judicial: improving police responses to breaches of court orders, providing court-based family violence advocacy services, domestic violence courts, law reform.
- Housing: private rental brokerage programs for women who have experienced family violence, 24-hour response services by housing agencies, Staying Home Leaving Violence (SHLV) type schemes, perpetrator accommodation.

- Welfare: outreach services, 'sanctuary' type schemes, emergency support, personal development and confidence-building assistance.

Sanctuary Schemes in England and SHLV schemes in New South Wales explored for this research involve a degree of collaboration and integration between police, courts and other welfare and housing support services that are effective in enabling women and children who have experienced domestic and family violence to remain in their homes.

The key findings are as follows:

- Integrative approaches such as SHLV-type schemes have an important role to play in preventing homelessness for women and children who have experienced domestic and family violence, and that this is true for women living in very different situations in very different areas of Australia, including those previously thought not to be suitable.
- Australia should move to the provision of homelessness prevention schemes that are as extensive as the current provision of refuge and crisis accommodation.
- Schemes should use non-restrictive eligibility practices, should include an element of social marketing, and should provide both practical and emotional support for clients.

The detailed findings within the report identify how legislation, legal and judicial practices, practical and emotional support services, affordability issues, and integrated domestic and family violence programs can influence women's decisions to remain in their home following the removal of a violent partner, their confidence in their ability to do so safely, and their actual safety.

1 INTRODUCTION

1.1 Context

This Final Report sets out the opportunities and challenges of preventing women and children who have experienced domestic and family violence from having to leave their homes. The project has responded to AHURI's Strategic Research Issue No. 1: Housing and related systems that prevent homelessness and promote wellbeing and stable housing outcomes, and the challenges outlined in the White Paper, *The Road Home: A National Approach to Reducing Homelessness* (Commonwealth of Australia 2008), which highlights prevention and early intervention as the most efficient and effective ways to reduce homelessness, and which are also embodied within National Affordable Housing Agreement objectives. The White Paper altered the policy context in Australia by specifically identifying and promoting the need to expand programs that allow women and children to remain in the home once the perpetrator has been removed. It sets a specific interim target to increase by 2013 the number of families that have experienced domestic and family violence who maintain or secure safe and sustainable housing by 20 per cent.

The Positioning Paper for this project (Spinney & Blandy 2011) explored the international and Australian policy context for the prevention of homelessness for women and children who have experienced domestic and family violence. Chung et al. (2000) made explicit links between homelessness and domestic and family violence and argued that in order to live without domestic or family violence women are forced, or encouraged, to leave their homes and seek alternative accommodation. Domestic and family violence is currently the major reason for women seeking assistance from homelessness support services in Australia (Tually et al. 2008, p.13). There is, however, an emerging new orthodoxy that women and children should not be made homeless as a result of experiencing the crime of domestic and family violence, and this project seeks to fill the gaps in knowledge regarding policy and practice in this area.

The findings from the literature review conducted for the Positioning Paper for this research include:

- Staying Home/Leaving Violence homelessness prevention schemes have started to be developed in a piecemeal fashion in Australia in recent years, while Sanctuary Schemes in the UK have become mainstream policy.
- Women and children who have experienced domestic and family violence have few options: to remain in the family home with the perpetrator, to remain in the home with the perpetrator removed, to leave the home until the perpetrator is removed, or to leave the home permanently (ODPM 2004).
- Women who are undergoing the stress of a relationship break-up following domestic and family violence need to have a choice as to whether it is best for them and their children to remain in the family home or to start again somewhere else.
- Women cannot easily exercise their right to remain in their homes unless there is an understanding in the community and from professionals and policy-makers about what constitutes domestic and family violence and how it can impact on women and children, and that the historical and current links between domestic and family violence and women's and children's homelessness and the reasons for them are accepted and understood.

This Final Report goes on to identify how legislation, judicial practices, practical and emotional support services, affordability issues, and integrated domestic and family violence programs can influence women's decisions to remain in their homes following the removal of a violent partner, their confidence in their ability to do so safely, and their actual safety. It provides guidance on policies implemented here and in England and provides advice on how they could be implemented Australia-wide. The report is based on analysis from the critical review of the literature, the primary research in the England and Australia case study locales, and the information obtained from the research workshops in five states.

2 RESEARCH APPROACH AND METHODS

2.1 Introduction and research questions

This chapter explains how the research approach and methods chosen were designed to fill the gap in existing knowledge about homelessness prevention for women and children who have experienced domestic and family violence by answering the two research questions:

- How and to what extent have innovative homelessness prevention measures introduced in Australia and England since the mid-1990s been successful in enabling women and children to remain in their homes and localities?
- What are the implications of these findings for policy on housing and homelessness in Australia and for improvements to practice?

This project is specifically about exploring the value and implementation challenges of innovative staying at home homelessness prevention measures and the fieldwork was designed to achieve this. The focus was selective, and involved international collaboration between Swinburne University of Technology, Melbourne and Leeds University, UK. A comparative methodology used two case studies: England, and Australia. The latter included three embedded units of analysis, New South Wales, Tasmania and Victoria, which the literature revealed have made substantial steps towards 'joined up' approaches by housing, legal and support services in order to enable some women and children who have experienced domestic and family violence from becoming homeless as a result. The research methods used the advantages of comparative studies but were careful to avoid potential pitfalls, including not enough background information, which can threaten the validity of the research findings (Bourne 1981; Jacobs, Kemeny & Manzi 2004).

2.2 Methodology

The research project comprised five stages, as follows.

Literature review and conceptual framework

Stage one consisted of a very specific desk-based update review of the literature regarding homelessness prevention for women with children who have experienced domestic and family violence, in order to develop a conceptual framework (discussed in Chapter 3) for the study. International and national academic and policy literature were reviewed, with particular attention to that from the case study locales of Australia and England. AHURI Positioning Paper no. 140 *Homelessness prevention for women and children who have experienced domestic and family violence: innovations in policy and practice* (Spinney & Blandy) was based on this stage.

Case studies

The research received ethics clearance from Swinburne University of Technology where the Chief Investigator, who undertook all the fieldwork, is based. The English case study involved visiting three very different Sanctuary homelessness prevention schemes at Breckland (Norfolk), Hull and Sheffield. An international comparative approach was used in order to ascertain what transferable lessons regarding integrative homelessness prevention schemes for women and children might be useful to Australian policy-makers, particularly as such schemes are more established in England than in Australia.

This project is therefore centred on the policy context of Australia, but the use of a comparative methodology and an international case study has allowed learning from

the longer experience in England to add to our knowledge in this area. Twelve semi-structured interviews were held in England in January 2011 with practitioners, advocates and policy-makers working and involved with these schemes, with three academics and with John Bentham, a senior officer at the national Homelessness Strategy Unit at the Department for Communities and Local Government (DCLG) in central London who has been instrumental in the establishment of Sanctuary schemes at a national level.

The three embedded units of analysis in the Australian case study were New South Wales, Tasmania and Victoria. It was originally envisaged that only New South Wales and Victoria would be included, but the early stages of the research revealed that Tasmania, as the Australian originator of a jurisdiction-wide integrated justice-led approach to domestic and family violence, offered valuable learning opportunities. Tasmania was therefore incorporated into the data collection and analysis process. Each state was visited for the research.

In New South Wales, three very different Staying Home Leaving Violence (SHLV) schemes were visited at Bega, Mt Druitt and Newcastle. Fourteen semi-structured interviews were conducted, with some interviewees giving a national perspective and others speaking from their extensive experience with state-based projects. These consisted of representatives of the three SHLV schemes, officers of the New South Wales' Women's Refuge Movement, academics at the Australian Domestic and Family Violence Clearing House, officers at the Housing Assistance Unit of Housing NSW and officers at Staying Home Leaving Violence at the Department of Family and Community Services, New South Wales.

In Tasmania, nine semi-structured interviews took place, with directors of two women's refuges, a court support officer, a police domestic violence liaison sergeant, the chair of the Safe at Home Inter-Department Committee (IDC), manager and staff of the Family Violence Counselling and Support Services, DHHS, and domestic violence workers at Centacare Tasmania.

Ten semi-structured interviews were conducted in Victoria. These were with the chief executive of the Women's Legal Service Victoria (WLSV), a policy officer at Domestic Violence Victoria (DV Vic), a court support officer, the chief executive of the Women's Domestic Violence Crisis Service Victoria (WDVCS), a senior manager at the Public Interest Law Clearing House (PILCH), the project officer of Bsafe, the project officer of Tools for Change, the Loddon Campaspe regional integration coordinator, and the chief executive and a senior member of staff at the Eastern Domestic Violence Service (EDVOS).

Forty-five interviews were conducted for the research. Most interviewees are acknowledged in Appendix 3, but some preferred to remain anonymous. The interviews sought to determine the scope and effectiveness of each visited project, with a focus on their objectives and how they work, and to learn from the experiences of policies designed to address homelessness prevention for women and children. The author was keen to hear the views of key policy-makers and providers, including any implementation difficulties they had encountered. Documentary evidence was collected, including policy documents and promotional materials. Some interviews were with academics who contributed their knowledge and findings.

Workshops

Following thematic analysis of the interview findings, a series of workshops was facilitated in each capital city of the three states that made up the Australian case study: Hobart, Melbourne and Sydney, and also in Adelaide and Brisbane, with 47 policy-makers, practitioners and researchers attending presentations on the interim

findings. Facilitated discussions deepened understanding of the policy implications for successful implementation of homelessness prevention practices for women and children in each of these five states. The information elicited concerning context, applicability and relevance of homelessness prevention schemes for women and children who have experienced domestic and family violence to a spread of Australian locations was then used to add to and amend the previously analysed data. The workshops led to the detailed inclusion in this Final Report of the differing legislation in each state and territory, because it became clear during the workshops that attendees would find this information useful in assessing their future policy.

Final Report

This Final Report has been produced using information obtained from the analysis of both the case studies and the workshops. The data is reported by analytical theme (rather than juxtaposing the case studies), in order to create a more useful document for policy-makers. The report provides good practice examples and includes the issues raised by the participants concerning applicability and relevance in the Australian context. Guidance on policies implemented at home and in England and advice on how they could be implemented in Australian states is provided.

Synthesis, reporting and dissemination

The final findings will be disseminated through academic papers and presentations to an AHURI seminar, User Group, National Homelessness Conference, Australasian Housing Researchers Conference, Australian Social Policy Conference and Australian Sociological Association conference.

2.3 Companion study

A companion study has been funded by the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) through the Homelessness Research Partnership Agreement, *Early intervention strategies to reduce the need for women and children to make repeated use of refuge and other crisis accommodation*. The research was conducted in conjunction with this AHURI project by the same researcher. The research questions for the FaHCSIA project are:

- Why is it that women and children often leave home and return several times before an abusive situation of domestic and family violence ends?
- What Australian evidence is there about the number of incidents of violence and abuse experienced by a woman, and the number of separate occasions a woman may access homelessness accommodation services, prior to resolution of her domestic violence situation?
- How and to what extent have innovative early intervention schemes introduced in Australia since the mid-1990s been successful in enabling women and children to reduce their multiple experiences of violence and multiple use of refuge and other emergency accommodation?
- What best practice risk assessment processes and service standards and arrangements are needed if Safe At Home/Staying Home Leaving Violence models are to be implemented more widely?
- Do these findings have other implications for Australian policy and practice?

The two projects have been designed to dovetail together, and in order to aid the reader where relevant some of the information has been replicated in the Final Reports of each project. The FaHCSIA project is intended to bring forward our knowledge more widely of the issues concerning the reasons for the decisions women

who have been subject to domestic and family violence make regarding whether to leave the family home for a refuge in order to escape the abuse, whether to return to the perpetrator, and whether to leave again. It also explores the efficacy of early intervention schemes, including perpetrator behaviour change programs, in reducing women's and children's multiple experiences of refuge and other emergency accommodation. Finally, the project explores what best practice and service standards would be needed if Staying Home Leaving Violence models were to be implemented more widely in Australia. It is recommended that those with a particular interest in these issues should read the Final Reports of each project.

2.4 Conclusion

This chapter has explained the research questions, approach and methods used for this international project. Chapter 3 goes on to explore the policy context and conceptual framework by defining domestic and family violence and exploring their links to homelessness. This is followed by an interpretation of what homelessness prevention embodies and an explanation of the conceptual framework developed for this study.

3 POLICY CONTEXT AND CONCEPTUAL FRAMEWORK

The Positioning Paper for this report explored the historical policy context of domestic and family violence and their links to homelessness. We identified this context as having both shaped, and been shaped by, attitudes concerning whether women and children who have experienced domestic and family violence have the right to remain in the family home. We identified this as an important issue because homeless families in Australia are mostly made up of this group of women and children and they are one of the most overlooked and marginalised groups in society (Hulse & Spinney 2010).

Both the Positioning Paper and this report take the stance that it is in no-one's interest for women and children to either live with violence or to have no other option than to become homeless, because both are damaging to them. This chapter explores the policy context by defining domestic and family violence and exploring their links to homelessness. This is followed by an interpretation of what homelessness prevention embodies and an explanation of the conceptual framework developed for this study. This is done in order to 'set the scene' before Chapters 4–7 map the judicial, housing and welfare and support issues concerning homelessness prevention, and discuss innovative homelessness prevention approaches that address these issues in an integrated manner.

3.1 Domestic and family violence

As discussed in the Positioning Paper, the international literature reveals that domestic and family violence occurs in all cultures, races and religions. It is found in all communities and across all demographics including age, gender, socio-economic status and educational attainment. Domestic and family violence is made up of many controlling and intimidating behaviours, often much wider than physical violence alone. In some cases these behaviours can be controlled by the relationship being brought to an end and by having in place a strong judicial system that removes the perpetrator from the family home and prevents him contacting or approaching the victim of these crimes. This does not mean that homelessness prevention is the best option for all women and children, but it does mean that, for many, if the correct justice and welfare systems are in place, the abuse can be brought to an end without the women and children having to leave their current homes.

In both the Positioning Paper and this report, the following definition is used to explain what is meant for this research by the term domestic and family violence:

A pattern of coercive behaviour used to maintain control over a partner, through a combination of physical, emotional, sexual or financial abuse, enforced social isolation and intimidation. (Cunningham & Baker 2004)

In the Positioning Paper, we stated that domestic or family violence occurs when a family member, partner or ex-partner attempts to physically or psychologically control or dominate another. The term can refer to violence between spouses, but also between co-habitants and non-married intimate partners. Women who suffer such violence can experience abuse in many forms: being killed, seriously hurt, raped, isolated, frightened, depressed and kept in poverty. We explained that the term 'family violence' is preferred by many Indigenous communities because it includes all forms of violence in intimate relationships, covering a broad range of family relationships. Perpetrators and victims can include extended family such as aunts, uncles, cousins, and children of previous relationships, as the term 'family' covers a diverse range of

reciprocal ties of obligation and mutual support (Victorian Government 2004). For this reason, the term 'domestic and family violence' is used throughout the research reports from this project. We know that living with domestic and family violence, in whatever form it takes, has an extremely negative impact on women and their children. Being in a situation of fear, intimidation, isolation and subjugation, of constant worry about 'keeping a lid on things' and of keeping themselves and their children safe, can mean that women and children lose a sense of having a home (in the sense of a safe place to be, where they can relax and be themselves), even before they leave their physical dwelling (Tomas & Dittmar 1995). It is important that women and children are given enhanced choices about whether or not they should remain in the family home. For some, staying will be an empowering decision; for others, it would mean remaining somewhere that they can never feel at home in.

3.2 Homelessness and domestic and family violence

The Positioning Paper explained that domestic and family violence is a reason why women and their children need to leave home (or why the perpetrator must be removed), rather than an actual cause of homelessness as these women and children do have a home. However, it is the major reason women seek assistance from homelessness support services in Australia. Since the 1970s domestic and family violence refuges have played a pivotal role in Australia in keeping women and children safe. However, an unintended impact of this has been to 'normalise' the situation where women and children were the ones who were expected to become homeless in order to leave a violent relationship. This has coloured how policy responses to domestic and family violence have been developed over the last 30 years, and it is only relatively recently that the 'inevitability' of leaving the home in order to leave a violent relationship has been questioned. Approximately half of the women and children who seek refuge or crisis accommodation are unable to obtain immediate assistance because there is insufficient accommodation available (Tually et al. 2008). The White Paper, *The Road Home: A National Approach to Reducing Homelessness* (Commonwealth of Australia 2008), acknowledges that domestic and family violence continues to be the major driver of homelessness and that escaping violence is the most common reason provided by people who seek help from specialist homelessness services (22% of all requests & 55% of women with children), and that many do not approach services for help at all.

3.3 Homelessness prevention

There are several ways that homelessness prevention can be interpreted, including rapid rehousing and a planned move to permanent accommodation. The research for this project focused on measures that actually prevent 'someone who is at risk of homelessness from becoming homeless' (AHURI 2009) by enabling them to remain in their own home. However, it became clear during the fieldwork that affordability factors can impact on just how long women can remain once they separate from their violent partner. It also became clear that homelessness prevention measures such as security upgrades to properties can usefully assist women who have experienced domestic and family violence to be safer in their new home, and in fact break a cycle of having to leave once the perpetrator discovers where they are living. The Positioning Paper confirmed that there are new and emerging groups of women who have experienced domestic and family violence who are in need of assistance from homelessness prevention services. These include home owners, women with male older children, those living in rural and remote and mining communities, those in same-sex relationships, and those who have a disability or who are elderly.

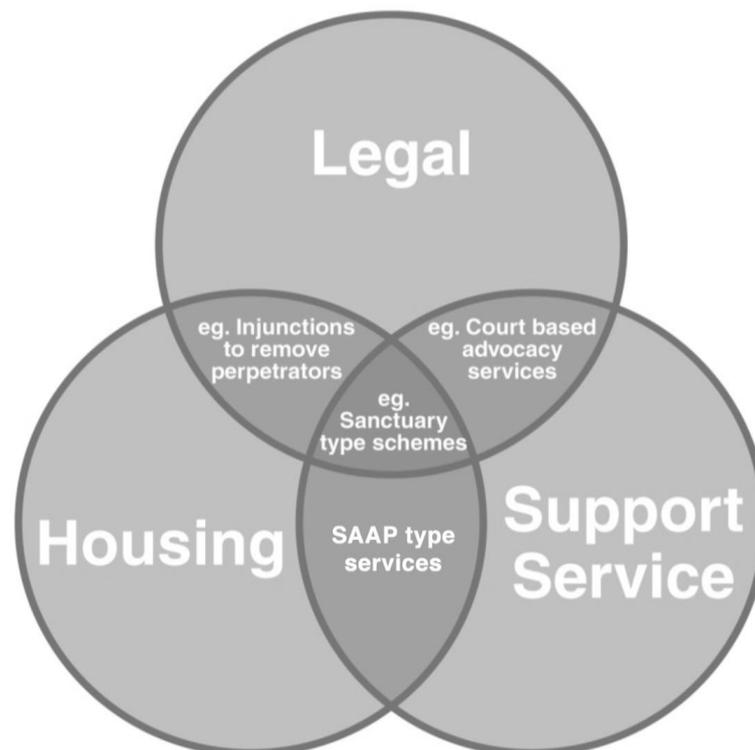
3.4 Conceptual framework

The Positioning Paper established that the most effective homelessness prevention measures for women and children who have experienced domestic and family violence often combine legal/judicial, housing and welfare policy and practices in an integrated manner in order to improve their safety. These include:

- Legal/judicial: improving police responses to breaches of court orders, providing court-based family violence advocacy services, domestic violence courts, law reform.
- Housing: private rental brokerage programs for women who have experienced family violence, 24-hour response services by housing agencies, Staying Home Leaving Violence (SHLV) type schemes, perpetrator accommodation.
- Welfare: outreach services, ‘Sanctuary’ type schemes, emergency support, personal development and confidence building assistance.

These factors were developed as a conceptual framework for this study and their interrelated approaches and relationships to each other are demonstrated in Figure 1.

Figure 1: Interrelated approaches to homelessness prevention for women and children who have experienced domestic and family violence



Source: Spinney & Blandy 2011, p.24

This report examines homelessness prevention issues regarding housing, judicial and welfare and support issues and innovations and developments in Australia and England that demonstrate coordination and integration of the three approaches illustrated in Figure 1 (as shown at the centre of the diagram), in order to enable women and their children who have experienced domestic and family violence to remain safely in their homes after the perpetrator has been removed. Chapters 4–6 critique contemporary legal, housing and support procedures and initiatives and how the way in which they are able to integrate and work effectively together impacts on

homelessness prevention for women and children before Chapter 7 considers the value of jurisdiction-wide integrated approaches, Sanctuary Schemes from England, and the Safe at Home program from Tasmania.

3.5 Conclusion

Australia has a history of normalising the ‘solving’ of domestic and family violence situations by removing the women and children from their home, and up to now policy-makers and practitioners have not had available to them large-scale research findings on the success of homelessness prevention schemes in enabling women and children to remain in their homes, and what this could mean for improvements to both policy and practice. The following chapter begins discussion of the findings of this research. Chapters 4–6 are each devoted to one of the issues detailed in the circles in Figure 1, and their interrelationship and integration with the other services. These are judicial and legal issues (Chapter 4), housing occupation issues (Chapter 5) and welfare and support issues (Chapter 6). Chapter 7 examines jurisdiction-wide integrated approaches to domestic and family violence in Tasmania and England.

4 JUDICIAL AND LEGAL ISSUES

4.1 Introduction

This chapter examines how judicial and legal issues have the potential to impact on preventing the homelessness of women and children who have experienced domestic and family violence. The Positioning Paper for this project introduced the concept that the attitude of the police and legislative and criminal justice responses can all impact on whether women feel able to safely remain in their home. This chapter reveals the research findings on these issues and also highlights relevant issues concerning family law and legal support including breaches of injunctions and orders, how courts can help or hinder women to remain in their homes, the role of magistrates and court welfare offices, the need for legal support and access to legal aid.

Before this, however, a detailed examination of two important areas of law takes place, which are very pertinent to issues of homelessness prevention for women and children and to those who are striving to create policy in this arena. The first of these is relevant Commonwealth and state/territory legislation that offers a response to homelessness attributed to domestic and family violence from a tenancy perspective. The second considers Australian legislation offering a response to domestic and family violence, and specifically their implications for homelessness prevention for affected women and children.

Bringing together these two issues in this report for the first time in this way enables the reader to compare the present differences among state and territories in these matters, and to evaluate the consequences of any differences. The English perspective on these matters is also considered in order to allow the reader to come to an understanding of the policy context in which Sanctuary Schemes, the innovative integrated homelessness prevention schemes for women and children detailed in Chapter 7 operate.

4.2 Australian legislation offering a response to homelessness prevention attributed to domestic and family violence from a tenancy perspective

Within Australia, the states and territories have responsibility for residential tenancy legislation, and consequently there are inconsistencies and differing approaches between them, with potential implications for the national rolling out of remaining in the home initiatives for women and children who have experienced domestic and family violence. For instance, most jurisdictions permit the changing of locks (in order to exclude the perpetrator of the violence) without the consent of the tenant and/or the landlord. However, in Western Australia and the Northern Territory there is no such provision offered in law. Furthermore, and as Table 1 illustrates, across the permitting jurisdictions both the procedures that enable lock changes, and the penalties for not observing the correct procedures, vary. Similarly, while most jurisdictions have legislation that allows respondents to be excluded from the family home, only some (SA, Tas, WA & the Commonwealth *Family Law Act 1975*) allow for a replacement tenancy agreement and any other restriction deemed necessary. It is important that policy-makers are aware of these differences when considering new homelessness prevention initiatives.

Table 1: Australian legislation offering a response to homelessness prevention from a tenancy perspective

Jurisdiction	Legislation and commencement date	Implications for homelessness prevention attributed to family/domestic violence	How it happens	Penalties	Comments	Other legislation	Effect
New South Wales	<i>Residential Tenancies Act</i> 2010, 31 January 2011	S71(2)(d) allows tenant/occupier to change locks without landlord's consent if partner has AVO S79(1) terminates tenancy of tenant with AVO S79(2) replaces tenant with victim occupier on tenancy S233A Replacement tenancy agreement	At tenant's discretion Automatic Tenant/occupier applies to tribunal Tenant/ occupier applies to tribunal when co-tenant is subject of a final FVIO	N/A		Crimes (Domestic and Personal Violence) Act 2007	Excludes respondent from family home
Australian Capital Territory	<i>Residential Tenancies Act</i> 1997, 25 May 1998	Both lessor and tenant may change the locks in the premises (at their own cost) with the consent of the other party—S54(3) (amended 2008)		N/A		<i>Domestic Violence and Protection Orders Act</i> 2008, 30 March 2009	Exclude respondent from family home Detain respondent
South Australia	<i>Residential Tenancies Act</i> 1995	Neither tenant nor landlord may add, remove or alter locks of the rented residential premises without consent of the other party unless they have a reasonable excuse—S66(1)(b) Tribunal can terminate the tenancy if the tenant has intentionally or recklessly caused, or is likely to cause, personal injury to a person in the	By application from the landlord	If either party changes the locks without consent or reasonable excuse they could face a maximum fine of \$1000 S66(2)		Intervention Orders (Prevention of Abuse) Act 2009, 9 December 2011	Exclude respondent from family home Any other restriction deemed necessary

Jurisdiction	Legislation and commencement date	Implications for homelessness prevention attributed to family/domestic violence	How it happens	Penalties	Comments	Other legislation	Effect
		vicinity of the premises—S87(20)(b)(ii)					
Queensland	<i>Residential Tenancies and Rooming Accommodation Act</i> 2008, 1 July 2009	S211 Tenant can change locks with a 'reasonable excuse' without consent of landlord	At tenant's discretion			Domestic and Family Violence Protection Act 1989	Exclude respondent from family home
		S213(c) Tribunal can authorise change of locks—may regard risk to tenant's personal safety	Tenant/ occupier applies to tribunal				
		S245(2) allows occupier to apply to tribunal to be recognised as co-tenant instead of their domestic associate because of domestic violence	Tenant/ occupier applies to tribunal				
		S321(1)(b) apply to terminate tenancy agreement because of DV and they want to leave the area	Tenant/ occupier applies to tribunal				
Tasmania	<i>Residential Tenancy Act</i> 1997, 1 July 1998	Neither party may change the locks without consent of the other party or a court order—S57 A court will grant the order if it is satisfied it is reasonable to do so—S57(4)	Tenant applies to tribunal	N/A	Only applies if the person is a tenant; if they are just an occupier they have no recourse to the courts to change the locks	<i>Family Violence Act</i> 2004, 30 March 2005	Exclude respondent from family home Replacement tenancy agreement

Jurisdiction	Legislation and commencement date	Implications for homelessness prevention attributed to family/domestic violence	How it happens	Penalties	Comments	Other legislation	Effect
Northern Territory	<i>Residential Tenancies Act</i> 1999, 1 March 2000	Neither party may change, add or alter locks without consent of the other party—S53(1) (tenant), S50(1) (landlord) (amended 2010)		N/A		<i>Domestic and Family Violence Act</i> 2007	Exclude respondent from family home Replacement tenancy agreement Any other restriction deemed necessary
Western Australia	<i>Residential Tenancies Act</i> 1987, 21 January 1988	Neither party may change the locks without consent of the other party given at or immediately before the change —S45(1)(b)		Breach without a reasonable excuse can lead to a maximum fine of \$4000—S45(2)		<i>Acts Amendment (Family and Domestic Violence) Act</i> 2004	Exclude respondent from family home Any other restriction deemed necessary
Commonwealth					No residential tenancy legislation	<i>Family Law Act</i> 1975 as amended 4 January 2012	Exclude respondent from family home Any other restriction that is necessary

Appendix 1 details and discusses the relevant sections of the legislation listed in Table 1. As discussed later, the research for this project revealed that, in the case study jurisdictions, schemes designed to promote women's ability to remain safely in their own home by means of risk assessment and subsequent security upgrading are limited (but not impossible) if they are not able to oversee the exclusion of the perpetrator and prevent his return by changing the locks. The differences and discrepancies in existing Australian legislation concerning both what is permitted and the relevant procedures and penalties have the potential to add confusion and complications to measures aimed at preventing homelessness. The creation of mirroring legislation on these matters would reduce confusion.

4.3 Australian legislation offering a response to domestic and family violence, and its implications for homelessness prevention for affected women and children

This section discusses the different Australian legislation regarding who can exclude perpetrators of domestic and family violence from their home, their immediacy of effect, the time span of exclusion and the penalties for breach by the respondent. As with the previous section, which looked at differing residential tenancy legislation, these matters are highly relevant to whether women feel safe to remain or deem it necessary to move out of their home, often into the homelessness system. As can be seen from Table 2, each state and territory again has its own legislation on this matter and these again have the potential to alter the ways in which women and their children can be prevented from becoming homeless.

Practitioners interviewed for this research repeatedly stressed the importance of women having immediate protection by the removal of the perpetrator. This is because if they have to leave while court procedures take place they can find it emotionally difficult to return. Appendix 2 details and discusses the relevant sections of the legislation listed in Table 2.

Table 2: Australian legislation offering a response to domestic and family violence and their implications for homelessness prevention

Jurisdiction	Legislation and commencement date	Name of order(s)	How issued / who by	Effects of order(s)	Duration of order(s)	Penalties for breach	Implications for homelessness prevention
Victoria	<i>Family Violence Protection Act</i> 2008, 1 October 2009	FV Safety Notices	Police officer	Exclude respondent from family home	Maximum of 72 hours or until the matter reaches Court	Fine of up to 200 penalty points, two years imprisonment or both	Immediate in effect
		FV Intervention Orders	Court		Time specified in order or until revoked		
Tasmania	<i>Family Violence Act</i> 2004, 30 March 2005	Police FV Order	Police officer	Exclude respondent from family home Replacement tenancy agreement	Up to 12 months until revoked or order replaced	Fine of up to 20 penalty points or 12 month imprisonment for first offence; up to five years imprisonment for fourth or subsequent offence	Immediate in effect
		FV Orders	Court		Specified in order		
New South Wales	<i>Crimes (Domestic and Personal Violence) Act</i> 2007	Provisional Orders	Applied for by police officer over telephone etc. to court	Exclude respondent from family home	28 days	Fine of up to 500 penalty units (\$50 000), five years imprisonment or both	Immediate in effect
		Interim court orders	Court		Up to two years		
		Final DV Orders	Court		Up to two years		

Jurisdiction	Legislation and commencement date	Name of order(s)	How issued / who by	Effects of order(s)	Duration of order(s)	Penalties for breach	Implications for homelessness prevention
South Australia	<i>Intervention Orders (Prevention of Abuse) Act 2009</i> , 9 December 2011	Interim Intervention Orders	Police officer or court	Exclude respondent from family home Any other restriction deemed necessary	Until Intervention order decision made or revoked	Two years imprisonment	Immediate in effect
		Intervention Orders	Court		Until revoked		
Northern Territory	<i>Domestic and Family Violence Act 2007</i>	Police DV Orders	Police officer	Exclude respondent from family home Replacement tenancy agreement Any other restriction deemed necessary	Until court confirms, substitutes or revokes order	Fine of up to 400 penalty units or two years imprisonment	Immediate in effect
		Court DV Orders	Court		As stated in order		
Western Australia	<i>Acts Amendment (Family and Domestic Violence) Act 2004</i>	Police Orders	Police officer	Exclude respondent from family home Any other restriction deemed necessary	24 or 72 hours	Fine of \$6000, two years imprisonment or both	Immediate in effect

Jurisdiction	Legislation and commencement date	Name of order(s)	How issued / who by	Effects of order(s)	Duration of order(s)	Penalties for breach	Implications for homelessness prevention
		Violence restraining orders	Court		As long as court specifies or two years if not specified		
Queensland	<i>Domestic and Family Violence Protection Act 1989</i>	Temporary Protection Orders	Court, possibly over the telephone.	Exclude respondent from family home.	Until Protection Order hearing, it is extended or is revoked	Two years imprisonment	Immediate in effect
		Protection Orders	Court		Two years, longer in special circumstances		
Australian Capital Territory	<i>Domestic Violence and Protection Orders Act 2008</i> , 30 March 2009	Emergency DV Orders	Judicial officer	Exclude respondent from family home Detain respondent	48 hours	Fine of 500 penalty points (\$50 000), five years imprisonment or both	Immediate in effect
		Interim DV Orders	Court		Up to two years		
		DV Orders	Court		Up to two years, longer in special circumstances		
Commonwealth	<i>Family Law Act 1975</i> as amended 4 January 2012	S68B injunctions	Court	Exclude respondent from family home Any other restriction deemed necessary	As long as necessary	Fine of \$6600 or one year imprisonment	
		S114 injunctions	Court				

Although most jurisdictions now permit at least temporary removal of the respondent by police officers without a court hearing, this can only occur if the police have been involved in the domestic and family violence incident. Interviewees from all the case study locations noted that the police are often not involved in domestic and family violence situations. In Sydney, for instance, research participants reported that only about 10 per cent of the cases seen by refuge and outreach services have police involvement.

At the Hobart and Sydney workshops, participants expressed the view that a strong justice-led crime response to domestic violence, such as the Tasmanian 'Safe at Home' model discussed in Chapter 7, can possibly deter women from contacting the police and so mean that the perpetrator is not ordered to leave the home, or that he is prosecuted. However, interviewees from all the case study locations indicated that while a strong legislative and justice approach does in most cases deter perpetrators from continuing to commit domestic and family violence crimes, some cannot be kept away from a victim if he is determined to cause harm regardless of the penalty to himself. Although the granting of an exclusion order may stop a perpetrator from legally re-entering a property (even if he is the sole or joint owner), it is still possible that he will choose to break the law and return.

Because of the low percentage of police involvement in domestic and family violence incidents, court (rather than police) issued injunctions therefore remain important tools of homelessness prevention. In these cases, the woman will usually have to apply herself for an order, ensuring that the magistrates have enough information to make a decision. The role of court support officers in this work is discussed a little later in this chapter. In Tasmania, one of the ways in which the state has taken responsibility for the crime of domestic violence is that the police have been granted the power to issue 12-month family violence orders to perpetrators. Some jurisdictions, such as Victoria, only allow short-term on-the-spot exclusion orders to be issued, which lapse if not confirmed by a court within 72 hours. Interviewees voiced concern at the implications of this for women's safety, particularly in rural areas where courts may not sit within this time span. Research participants reported that the immediacy and length of such orders does make a difference to whether women and children feel that they have no option other than to seek refuge away from their family home.

There are wide discrepancies not only in jurisdictions' legislation concerning how and when perpetrators can be removed, but also in practice. There can also be differences in how courts, magistrates and police officers implement the law. These factors greatly influence the prevention of women and children from becoming homeless and must be therefore acknowledged and understood. If women and children are to have the confidence to feel safe to remain in their home they must feel that they have the support of society, and this is demonstrated to them most markedly by the attitude of the judicial system.

At the Brisbane workshop, participants noted that in Queensland it is very rare that a Domestic Violence Order is linked to the removal of the perpetrator from the home. One participant had conducted court support for three years and had not come across one such order. The *Family Violence Protection Act 2008* states that affected family members (AFM) will be supported to remain in the home if safe to do so. The court welfare officer at Frankston reported that although some women choose not to do so, as they do not want to return there or do not want the perpetrator to be removed, this is their decision; at Frankston, if a victim requests that the perpetrator be removed then he invariably is. Other Victorian interviewees reported that magistrates at other courts are less willing to remove the perpetrator if the women and children have already left the home. The implications of such discrepancies and differences

regarding these civil law matters (and their criminal law implications in the case of breach) are discussed in Section 4.5. First, English tenancy and domestic violence legislation and their implications for homelessness prevention are examined.

4.4 English legislation as it relates to homelessness prevention concerning domestic and family violence

English policies to reduce homelessness for women and children such as Sanctuary Schemes are discussed in Chapter 7. In order to understand to what extent they would offer a solution to Australian homelessness prevention, it is important to understand the legal context in which they operate. Table 3 demonstrates that, as in Australia, residential, family and domestic violence laws there have implications for homelessness prevention.

Table 3: English legislation as it relates to homelessness prevention concerning domestic and family violence

Legislation and commencement date	Implications for homelessness prevention attributed to domestic violence	How it happens	Penalties	Other legislation	Effect
<i>Domestic Violence, Crime and Victims Act 2004</i>	<p>S1 changes part 4 of the <i>Family Law Act</i> to make a breach of a non-molestation order an offence</p> <p>Repealed S41 of the <i>Family Law Act</i> that forced the court to regard the marital status of the parties and instead instructs the court to look at the level of commitment of the relationship</p> <p>The Act also makes changes allowing same-sex couples to fall under its remit</p>	Through an amendment	Breach can lead to a conviction on indictment with a prison sentence of up to five years, a summary conviction leading to a prison sentence of up to one year, a fine or both	<i>Family Law Act 1996</i>	
<i>Family Law Act 1996</i>	<p>S42 Non-molestation orders—either an associated person (i.e. victim of DV) or a child (i.e. victim’s child)</p> <p>S33 Occupation Orders state who has right to occupy premises and to what extent. Can terminate and/or change rental agreements. The court must consider if any party is likely to suffer significant harm (i.e. DV) if an order is not made – S33(7)</p>	Order made by court, either on application, or if any family law proceedings are already taking place and the court feels an order is necessary it may make one at its discretion	Breach can lead to a prison sentence, fine or both (see above)	<i>Domestic Violence, Crime and Victims Act 2004</i>	Exclude respondent from family home
<i>Housing Act 1996</i>	<p>S177(1) states that it is not reasonable for a person to continue occupying accommodation if this is likely to lead to DV against either them or someone who usually resides with them</p> <p>S145 allows victims of DV to initiate proceedings to take possession of the</p>	Issued by court			This allows a perpetrator or victim to access homelessness support

Legislation and commencement date	Implications for homelessness prevention attributed to domestic violence	How it happens	Penalties	Other legislation	Effect
	<p>secured tenancy premises and terminate and change the tenancy agreement</p> <p>S149 allows for the same for assured tenancies with a social housing landlord</p>				
<i>Criminal Justice and Police Act 2001</i> , Protection from Harassment provisions	S42 allows a police officer at the scene to issue an order removing a perpetrator from the area if they are harassing a victim	Issued by police officer	Breach is an offence that can lead to a summary conviction with a maximum sentence of three months in prison, a fine up to level 4 of the standard scale or both		
<i>Homelessness Act 2002</i>	<p>Classified homelessness as one of the causes that lead to homeless people being vulnerable</p> <p>Extended the causes of unreasonableness to stay in accommodation to any violence or threat of violence</p>				<p>DV victims given priority in re-housing</p> <p>Allowed victims of non-physical DV to receive priority re-housing and homelessness support. Also meant that victims didn't have to wait until violence occurred to be able to move out—the threat of violence was enough</p> <p>Allowed for early intervention</p>

It is notable that there is a wide range of legislation, some of which explicitly allows for same-sex couples and non-traditional domestic violence (such as emotional & financial abuse) to be included within their remit. The legislation covers all of England and Wales. Scotland, which was not included in this research, is a different jurisdiction and has in many instances its own legislation on housing and homelessness matters.

The *Homelessness Act 2002* determines that women and children who have been made homeless because of domestic and family violence are to receive priority for rehousing and homelessness support. This is important because it means that homelessness prevention schemes work in England within a very different context to those in Australia where there are no such provisions. As local authorities there have a statutory duty to provide for some of the women and children in these circumstances, they can justify spending money on preventing them from becoming homeless by channeling monies that they would otherwise have spent on temporary and permanent accommodation for them. It also means that women in many instances choose to remain at home even though they would be eligible to be rehoused elsewhere. Importantly, there must therefore be other factors influencing their decision to remain in their homes other than the prospect of not being able to access alternative accommodation. In Chapter 5 the growth of SHLV schemes in New South Wales is discussed. These are similar to Sanctuary Schemes and very popular with women who wish to remain in their home.

4.5 Breaches of injunctions and orders

Both the police and the courts were named as areas that could be improved regarding practices over breaches of injunctions. In all three Australian case studies, interviewees were critical of the police and courts for not following through on breaches. This clearly has implications for keeping women and children feeling safe enough to remain in their home and thus preventing their homelessness. One court welfare officer in Victoria said that her clients constantly complained of a lack of response to breaches: 'It is like only half the system works'. In her experience, men who breach do so to test the resolve of their ex-partners and of the system, and need to be dealt with swiftly at first breach with the full extent of the law, if they are not to continue to feel confident that they can break the terms of their order and return to their ex-partner's home without penalty. She recommended that 'monitoring bracelets' be used to track family violence perpetrators, so that there is clear evidence when a breach has occurred. Police could also quickly warn women if the perpetrator had entered the exclusion zone. In north-west Tasmania, police have used cameras hidden in roof spaces to track breaches of orders. The recording of incidents by Vital Call emergency alarm systems control rooms (discussed in Chapter 6) has also been used for this purpose in northern Victoria. Some concern was raised that repeat perpetrators were now increasingly aware of how to intimidate women without creating a technical breach of the order, especially through contact arrangements with children and through friends and associates of the perpetrator coming to the home. These issues can lead to changes in the assessed risk to women to remaining in their home, but also impact on women who have left their home.

Victorian participants considered that one of the most negative facets of the Victorian Safe at Home system (discussed in Chapter 5) is the way that it falls down over breaches of injunctions. One participant noted: 'Orders are only a piece of paper unless you enforce'. It is dependent on women reporting breaches and some interviewees considered that judicial matters are not sufficiently integrated into the Victorian system. However, participants also commented that in areas where the police do charge perpetrators who breach their orders on every possible crime, not just the breach itself, perpetrators have been receiving more serious penalties from

the court. They recommended that this practice becomes more widespread. Injunctions and occupation orders are well established in the UK, but participants noted that the numbers of applications have decreased. It costs £2500 to get an injunction and can take some time to be obtained. Some homelessness prevention schemes require their clients to get an intervention order. Bega SHLV scheme does not, but encourages women to do so because it gives the police something to act on. In all the Australian case study areas, interviewees felt that the court system was more inconsistent in dealing with breaches than the police. The following section looks at court issues that can help or hinder women and children to remain safely in their home.

4.6 How courts can help or hinder women to remain in their homes

Several problems were identified that can deter women from using the present range of court systems as a mechanism to prevent them from having to leave their homes. These included the lack of separate places for men and women to wait at court (Vic), the need for increased prosecution rates (England), and the lack of interpreters for immigrant women who can find it difficult to both understand what is going on and to make themselves understood (Qld).

Not all Australian jurisdictions have established specialist family violence courts. This includes Tasmania, although the 2009 evaluation of the Safe at Home system, discussed in Chapter 7, recommended their development (SuccessWorks 2009). Interviewees from the English case studies considered that family violence courts have been over-hyped, but could generally be considered a positive service to victims of domestic and family violence. This is because specific training is provided for magistrates, and a greater consistency of outcomes is achieved because the bench becomes educated in domestic violence by being constantly exposed to cases. The conviction rate of perpetrators in these courts is 20 per cent higher than in general courts (Director, AVA Project). In the case study area in South Yorkshire, a fast-track domestic violence cluster court initiative has been established, with a target for cases to be heard in six weeks from first hearing to trial. Research participants considered this to be a positive step towards helping women to recover from their trauma as quickly as possible, and has led to more women prepared to attend court, which increases the number of guilty pleas by respondents.

In Victoria, two sites (Ballarat & Heidelberg) provide a full domestic violence service, with a court appointed respondent worker and a mandated counselling service for perpetrators. In three other court sites (Frankston, Melbourne & Sunshine) there is a lesser service with no respondent worker or mandated counselling, but with a specialist family violence worker and a specialist family violence registrar to assist victims, both funded through the court. Women who have not had any contact with family violence services or the police can be referred by the support worker. The value of court support workers to homelessness prevention of women and children is further discussed in the next section. In Victoria, legislation has been proclaimed to set up model specialist family violence courts. Elsewhere in Australia, specialist courts have been located within the magistrates' courts as adaptations of existing systems. Mirroring legislation for the provision of domestic and family courts would produce consistency, and mean that they could not easily be disbanded.

4.6.1 The role of court welfare officers

Several research participants spoke of the importance of court advocacy services and how necessary it is that local domestic violence services support this through such

means as assisting at court on a seconded rota. Sometimes advocacy workers can gain permission to speak in court on behalf of their clients. The Women's Legal Service Victoria explained that if the police have not been involved, the woman has to go to court to gain an interim exclusion order. If no police are involved she is assisted by the registrar through the initial process. The court appointed support worker talks to them about the implications of the safety order. If the woman is not linked into other support services then safety planning, especially for the next 24–48 hours, takes place. Police speak to the victim and ensure that she is safe before serving the order on the perpetrator. If he is at the family home when the order is served, they normally wait until he leaves. At Frankston domestic violence court, there are usually 25–28 hearings a day, but this can be as high as 50. The day before the court listing, the support worker receives the case files and screens them for high risk factors, in order to prioritise which women she will try to see. In New South Wales, there are 18 domestic court advisory services around the state. These include a safe room where no men are allowed. Interviewees explained that some women are terrified of being at court with the perpetrator, and that early contact with victims is very important in encouraging them to go through with the process and so maximise their safety by having the perpetrator removed from their home.

4.6.2 The role of magistrates

Interviewees from all the case study jurisdictions spoke repeatedly of how lack of support from the judiciary, including the inconsistency and unevenness in the way that magistrates deal with breaches of injunctions and related issues, can impact on women's confidence to engage in the system. In Tasmania, the issue of magistrates bypassing mandatory prison sentencing for those with more than five offences (by not recording a conviction) was raised as a real concern because if women are not convinced that legislation aimed at keeping victims of domestic violence safe in their own home will be enforced, they fear the perpetrator will keep returning:

Keeping the perpetrator away is key to making victims more comfortable about staying in the home. Orders are often breached, but then that breach is thrown out in court. (Tas interviewee)

However effective a model appears, it is the reality of how it is enacted in practice that makes the real difference to women's ability to feel confident about being safe to stay in their home.

A Victorian research participant noted that magistrates can favour women who have demonstrated their fear of the perpetrator through becoming homeless:

Some magistrates think that if she hasn't left the home she cannot really be that scared, but if she is in a refuge there is no question. (Vic interviewee)

This demonstrates an attitude that obviously acts against the philosophy of enabling and encouraging women not to become homeless by entering crisis accommodation. A Victorian service agency noted that in their experience if police are not involved and the women self-refer to the court then magistrates are less likely to exclude men from the family home, and more likely to treat the case differently than if the police are involved. Bearing in mind the low percentage of police involvement in domestic violence incidents discussed a little earlier, this can act against women's ability to remain in the family home. Indeed severe opposition to the principle of women and children remaining in the home was noted by some participants. A Victorian welfare agency labeled some magistrates as punitive and stated that they had to attempt to avoid hearings by these people in order to protect their clients' best interests. A New South Wales homelessness prevention service interviewee spoke of victims being sometimes re-victimised through the courts and of inequitable service where

perpetrators are bailed and released on parole in situations where they should not be, adding: 'So much depends on the quality of the magistrate'.

The need for magistrates to receive specialist training on domestic violence, and how the courts can assist or hinder with preventing women and children from becoming homeless, was repeatedly raised in all the case study locations. In the UK a national training program for magistrates run by Sheffield Women's Aid, 'DV: An Ordinary Crime?' was praised for its work in this area. The Queensland workshop also confirmed that it is a common experience to have magistrates who are unsympathetic to victims. A Tasmanian police officer acknowledged that some women do not get a good outcome from the courts, and that this is annoying for both the police and the victim. He considered that the courts are the weak link in the Safe at Home system. In Tasmania, approximately one-third of Safe at Home clients only use the service once, but approximately two-thirds are repeat victims. He believed there was a mistaken assumption that the higher-risk offenders would be caught by the criminal justice system and would be funneled into the mandated behaviour change program, but in fact the men who end up in the criminal justice system are the ones where there is sufficient evidence to bring charges, rather than the risk they pose or the severity of their offending. Consequently, some of the highest-risk offenders are only being managed by a family violence order that is insufficient to change their behaviour. Both women and the police can lose faith in a court system that is inconsistent. A standardised response not only in each state, but preferably across the country, is needed in order to avoid a postcode lottery concerning the approaches of the judicial system.

4.7 Police issues

Interviewees from both England and Australia repeatedly maintained that, however good police systems and procedures are (or are not), the quality of individual policing can also make a difference to whether or not women feel safe to remain in their home once the perpetrator has been removed. Examples were given by the Women's Legal Service Victoria of police officers saying to the perpetrator 'We'll take you to a friend's for the night', rather than taking criminal action, only to see him return the next day. Low charging rates because 'both were drunk and as bad as each other' were also criticised. Interviewees from Queensland and Tasmania also spoke of the problems of dual procedures, when both parties are seen as perpetrators and orders placed against them. This particularly happens when women fight back during assaults and abuse. They considered that the police need more training in assessing domestic and family violence situations to help with the extent of 'primary perpetrator and secondary perpetrator' decisions.

The relationship that agencies have with police Domestic Violence Liaison Officers (DVLOs) was considered very important by Newcastle agencies. This included having a client flagged on the police system as 'at risk', so that she will have priority if she makes an emergency call. Interviewees explained that this made women feel supported and that there was a wrap-around service taking care of her. This in turn made her feel more confident about remaining in her home. Local partnerships between welfare agencies and the police were considered to result in fewer instances of police taking women and children away from their home and into refuges.

Research participants from all the Australian jurisdictions expressed disappointment at the amount of training that the police have received on domestic violence issues. Queensland workshop participants stated that although domestic violence takes up a considerable amount of police time, the police receive very little training on the issue, and that sometimes their ability to assess incidents is impaired as a result.

Interviewees from Tasmania and Victoria suggested that there can be a level of difference in the service provided by frontline attending officers compared to the Safe at Home specialist DVLOs. The commencement of the Safe at Home model in Tasmania was accompanied by specialist training for the police, but this has not been maintained as new officers have been appointed.

Victoria Police Code of Practice for the Investigation of Family Violence (2010)

The 2010 Victoria Police Code of Practice for the Investigation of Family Violence (2nd edition) was widely praised for the specific procedural requirements it sets out. This edition reflects the changes in the Victorian integrated family violence system (discussed in Chapter 5) and specifically includes supporting affected family members to stay safely in their own homes where they wish to do so. Family Violence Safety Notices (FVSNs) can be issued by individual officers and are a means of placing temporary conditions (including exclusion from the home) on the respondent where a police member responding to an incident believes on reasonable grounds that, until an application for a Family Violence Intervention Order (FVIO) can be decided before the court, a FVSN is necessary to ensure the safety of the affected family member. In 2011, FVSNs were issued in 8 per cent of cases attended by police officers. Police can share information with specialist family services relating to such incidents.

Since the *Victoria Police Code* was first issued in 2003 the reporting of family violence to police has increased from 28 000 incidents in 2003–04 to 40 892 in 2010–11, an increase of 68 per cent. The number of intervention orders applied for by police on behalf of affected family members increased by 212 per cent, from 2627 in 2003–04 to 8203 in 2008–09 (Victoria Police 2009, pp.15–16). Interviewees from the Domestic Violence Clearing House considered that Victoria Police was a very good model because it has senior staff accountability, and is far more integrated than other police systems such as New South Wales. However, even within this improved system, interviewees still complained of disparities in terms of individual police officers' expertise, especially concerning a good understanding of the cycle of domestic violence and how it can impact on women's lives. Comprehensive training of officers not only in jurisdictional procedures but in what domestic violence entails and how it affects its victims has the potential to impact on whether women and children feel enabled to remain in their home:

Some police officers see attending domestic violence as a waste of their time because they do not feel that the hybrid system of criminalisation and civil law really works and that the justice system doesn't support police officers who act on breaches. There are no incentives to encourage police to go down the criminal route and they do not do this enough. (Victorian welfare agency interviewee)

Interviewees in all areas talked of a 'patchy' response by police, with geographical differences in the percentages of women who remain living in their home. The response in some areas, including the north-west of Tasmania, is making women feel safer and more enabled to remain than in other areas of the same jurisdiction, working to the same operational procedures. The reason given for this was that officers in the north-west are better resourced to deal with domestic violence.

What is clear is that women need to know before they make an informed decision whether to remain living in their home or to leave that police can evict perpetrators and keep them away. A variable service by individual police officers and courts has the potential to result in increased risk for women who choose to stay because they believe that the judicial system has the power and will to support their choice.

4.8 Family law issues

Several family law issues were linked to homelessness for women and children by participants. Some considered that the Family Law Court does not value the experience of women regarding domestic and family violence, and that this can increase their chances of becoming homeless or of having to remain in the relationship. The possibility of post-separation access to the children by the perpetrator without the mother being there to protect and intervene can deter some women from separating from the perpetrator.

These difficulties have recently been acknowledged in an amendment to family law legislation designed to improve the family law system and ensure the safety of children when parents separate. The *Family Law Legislation Amendment (Family Violence and Other Measures) Act 2011* was passed by Parliament on 24 November 2011, and the family violence measures commenced on 7 June 2012. The changes introduce a new broader definition of family violence, which now includes physical assault, emotional manipulation, economic abuse and threatening behaviour. The Family Violence amendments do not alter the presumption of shared parental responsibility but prioritise the safety of children in parenting matters by giving greater weight to protection from harm when determining what is in a child's best interests.

Other family law issues relating to homelessness for women and children raised by research participants included:

- Perpetrators controlling the terms of property settlement.
- Repeated forced moves in order to escape the perpetrator.
- The problem of small towns where there were few law firms. If the perpetrator has previously been a client (in whatever capacity), they are unable to act for the victim who then may have to access legal services in another town. This can heighten her chances of not receiving adequate advice and of losing her home.
- Legal aid restrictions caused by mean and merit tests on family law matters, including property settlement. Although the National Partnership Agreement on Legal Assistance Services does now give priority to family law matters relating to people who have experienced, or who are at risk of, domestic and family violence.

The risk to women engaged in the family law system were not in the main lessened by them leaving their home, as continued child contact with the perpetrator, for instance, can be mandated by the courts wherever they are living. For many women, including those affected by family law issues, risk of future assaults by the ex-partner is not heightened by remaining in the home.

4.9 Legal support

Women need legal advice in order to make informed decisions. The Women's Legal Service Victoria reported that being able to offer a duty lawyer at Magistrates Courts can help women with intervention orders to remove the perpetrator. Such services can also offer training to domestic violence workers and magistrates on legal education and reform. Since 2008 there has been no legal aid available for property law in Victoria, and this has had a direct impact on women's ability to remain in their owner-occupied home following a relationship breakdown caused by domestic and family violence. Early intervention measures such as phone legal advice services were seen as important, especially if the perpetrator is very controlling which reduces the victim's ability to research options.

The issue of debt and fines was raised by several participants. Victims of domestic violence are particularly susceptible to a partner taking out debt in their name, and this can impact on their ability to afford to remain in their home. It is possible for such women to nominate the perpetrator as responsible for the debt, but some are reluctant to do so for fear of retribution. Fines can be cancelled by the court if the applicant has experience of homelessness, and this can act as an incentive for women and children to leave their home and become homeless. It would appear from the interviews that most women access legal support through refuge and shelter networks. We know, however, that most women at risk of homelessness due to domestic violence do not approach crisis services for assistance and therefore are likely to suffer a lack of information about their legal options, particularly women from non-English-speaking backgrounds and Indigenous Australian women. This is further compounded by the lack of legal aid available to women who have experienced domestic violence.

Australian interviewees also considered that women at risk of homelessness need better access to post-crisis legal support than is generally available. Timely assistance to resolve legal and financial issues can reduce women's vulnerability to becoming, or remaining, homeless or returning to abusive relationships. The Homeless Persons Legal Clinic (2007) has identified six post-crisis legal issues facing women that, if left unresolved, may lead to homelessness. These are:

- housing (mortgage & tenancy issues)
- credit and debt (relationship debt)
- Centrelink access (eligibility, breach & debt)
- immigration
- fines infringement
- discrimination.

4.10 Access to legal aid

Both in England and Australia there has been reducing access to legal aid for domestic and family violence issues in recent years. In England, only proven physical abuse is eligible. Furthermore, if the perpetrator accepts a police caution (as in 55% of cases in London), the victim cannot access legal aid at all, including for residency, child contact and divorce issues. Until three years ago in Victoria there was no gap in legal aid funding for family law issues eligible for legal aid, but this now has to be covered by pro bono lawyers and volunteer agencies (if available). The Sydney Homelessness Legal Service confirmed that limits placed on family law legal aid are very strict. In the 2010–11 federal budget an additional \$154 million was promised to legal services, including prioritising women and children at risk of violence as clients.

4.11 Conclusion

This chapter has examined the legislative context within which homelessness prevention schemes operate throughout Australia and in England, in order to allow the reader to begin to ascertain to what extent these will impact on the rollout and success of new policy initiatives regarding integrated homelessness prevention measures in differing jurisdictions. The influence of court and police practices and the impact of family law issues and access to legal aid and legal support have also been demonstrated to be influential on the extent to which women and children are enabled to remain in their homes. Where relevant, items for consideration for policy change in these areas are discussed in Chapter 8 of this report.

Chapter 5 goes on to look at some specific housing provision issues. These include Staying Home Leaving Violence (SHLV) schemes in New South Wales which, where available, integrate practical homelessness prevention steps with welfare and emotional support. The important roles of effective risk management, safety planning and security upgrading of properties in making women safer in their homes and in the success of SHLV schemes are discussed, and issues of information sharing and confidentiality are highlighted. This is followed by a discussion on the new Safe at Home in Victoria protocols, and issues of accessing and sustaining accommodation in the private rental, owner-occupied and social housing tenures for women leaving violent relationships.

5 HOUSING PROVISION ISSUES

5.1 Introduction

The previous chapter examined how legislative, judicial and police issues can relate to the prevention of homelessness for women and children who have experienced domestic and family violence.

This chapter considers housing occupation issues that impact on enabling them to remain in their home or locality. These include the upgrading of security to properties so that women feel safe to remain, and considers the benefits of differing integrated schemes designed to promote safety and emotional support to women. The findings of the research at the three case-study Staying Home Leaving Violence (SHLV) schemes in New South Wales are detailed in order to allow the reader to understand what factors influence the effectiveness of schemes in Newcastle, Mt Druitt and Bega, and therefore provide learning on what factors are important in the setting up and running of such schemes. Likewise, analysis is made of the homelessness prevention protocols falling under the banner of Safe at Home in Victoria. Matters concerning effective safety planning and risk management, confidentiality and case management are discussed because these are important to the success of schemes that seek to prevent homelessness by enabling women and children to remain in their family home.

Access to, and sustainment of, public and private rental tenancies and mortgaged owner-occupied properties are also discussed, because these again impact on whether women are able to live independently without the perpetrator and to not have to enter the homelessness service system. This is followed by consideration of the benefits of provision of accommodation for perpetrators.

In Chapter 7 statewide integrated systems (Safe at Home in Tasmania & Sanctuary Schemes in England) relevant to homelessness prevention are discussed.

5.2 Staying Home Leaving Violence (SHLV) schemes: New South Wales

This section discusses the scope and effectiveness of Staying Home Leaving Violence (SHLV) schemes in New South Wales as enablers of homelessness prevention for women and children who have experienced domestic and family violence. As discussed in the Positioning Paper, these usually involve collaboration and a degree of integration between the police, courts and SHLV staff. The police role involves encouraging the victim and children to remain in the home unless there are immediate dangers preventing them from doing so, seeking exclusion orders and (in theory) offering accommodation to the perpetrator at nominated accommodation centres. The SHLV staff teams conduct risk assessments to assist the client in deciding whether to remain in the home, ensure necessary protection orders are in place and conduct safety audits (Bega Women's Refuge, 2007), as well as providing ongoing emotional support, sometimes for several years. There are now 21 of these schemes which increasingly form a network of agencies integrated into the New South Wales domestic violence service system. They are, however, not yet statewide, and many women leaving violent relationships cannot access their services.

SHLV commenced in 2007 with two pilots funded partly through federal crime prevention funding and later by the state government. The department contracts with SHLV agencies to provide their services and conducts SHLV training days in order to ensure a consistency of service standards. SHLV was not envisaged as a statewide

provision originally and has developed in a fairly ad hoc manner geographically. Participants in the Sydney workshop expressed regret at the lack of systemic development of SHLV in New South Wales, and that only recently has it become top-down state policy, coordinated into the support offered to clients through the *New South Wales Homelessness Action Plan*. The New South Wales Women's Refuge Movement has also been critical of how SHLV was developed in isolation from refuges, and that most contractors are not refuge providers. However, other interviewees were of the opinion that the skill and mindset for SHLV work can be quite different from that required to provide refuge for women in crisis accommodation.

The innovators of SHLV looked to Sanctuary Schemes in the UK, which are discussed in Chapter 7, and modified the ideas to work within an Australian setting and within the particular context of their individual location. For this AHURI research project, three Sanctuary Schemes and three very different SHLV schemes were visited. For SHLV these were Bega, one of the two pilot schemes, located in a small rural town; Mt Druitt, which is in a suburban area of Sydney; and SHLV covering the regional centre of Newcastle. The schemes each receive funding of \$150 000 per annum from the New South Wales Department of Community Services and are expected to manage around 30 clients during this period, although the schemes visited had many more clients on their books due to demand for their services. However, even at the contracted ratios, the cost per client only approximates \$5000 for the provision of security upgrading and for ongoing emotional support to enable women to remain in their homes or to move to new homes where they can feel safe.

McFerran (2007) found that the key features of good practice models to prevent homelessness for women and children by enabling them to remain in their home include:

- police removing the perpetrator
- courts granting exclusion orders
- support services providing information and resources
- risk assessment, security upgrades and safety planning
- assessment and assistance for violent partners
- leadership and legislation from government.

SHLV in New South Wales increasingly exhibits many of these criteria. The research for this project established from the interviews and workshop that what is lacking is a statewide approach so that there is no 'postcode lottery' of whether women can access SHLV services. Adequate funding so that referrals do not have to be put on hold, culturally appropriate services for Indigenous Australians and those from culturally and linguistically diverse communities, a consistency of approach regarding exclusion of the perpetrator from the home by the police and judicial services, and adequate funding so that women in private rental and owner-occupied homes can sustain their accommodation also need to be improved.

Each SHLV is different as they are auspiced by different agencies and work in different types of areas. This diversity is encouraged by the Department of Community Services which considers that different locations and types of clients need different forms of the service. Because SHLV has an objective of enabling women to live in the home of their choice, and because their target group of clients is women who are planning to separate, SHLV cannot always prevent women who become clients from becoming homeless—for example, if they are unable to afford to stay. SHLV is not a

homelessness service but, even in circumstances where women have to move, it may help to prevent them from becoming homeless in the future.

5.2.1 Newcastle SHLV

Depending on the needs of the client, Newcastle SHLV carries out between three and twelve visits in their homes. The minimum number is three: to conduct the safety audit, to attend while the security upgrading features are being installed, and for a final check-up. Interviewees reported that for some clients that is enough and all they want, but others need longer-term support. Further sessions assist the women to come to terms with what has happened and how they came to be in this situation. This can help with building resilience to lessen the likelihood of any future violent relationships, either with the ex-partner or a new one. The service reports that the first 48 hours back in their home following a domestic violence incident are crucial to whether women will gain the confidence to remain there in the longer term, and SHLV, the police and the court advocacy service work together to play an important role in building confidence and providing reassurance and support during this time.

What works well in Newcastle

Newcastle SHLV was in the second round of development of schemes and has been running for three years. Project workers reported that things that work really well are:

- Security upgrading, whatever the choice of house, not necessarily where the relationship was based.
- Relationship between SHLV staff and with the police DVLO—Officers of the Department of Community Services reported that senior police are supportive as they can see the advantages in breaking cycles of domestic and family violence. There is a standard protocol covering all SHLV areas, but also local partnership arrangements with police.
- Creation of a wrap-around service of support and partnership to help women to stay in their homes—for example, when a female public housing tenant fled her home as a result of a domestic violence incident, the perpetrator would not leave. SHLV contacted the police who informed the perpetrator in writing that he was trespassing. He then left and the woman returned to live in her security upgraded home.
- The fact that SHLV is an outreach service that goes to the women's homes.
- The effective co-relationship between the local refuge and SHLV staff. The refuge deals with women at the time of crisis and when appropriate then refers them onto the SHLV service. In Newcastle most clients are owner-occupiers.

What doesn't work so well in Newcastle

- Some police officers' attitudes of 'Here we go again' when dealing with repeat incidents, caused by a lack of understanding and training on the cycle of domestic violence.
- Magistrates delaying procedures because they need more evidence.
- Women refusing to make a statement or retracting it due to fear.
- Timeframe difficulties caused by only having part-time SHLV workers. Scheme officers do not feel that they are sufficiently staffed to do all the work necessary, especially as much time is spent driving to visit clients over a wide geographical area.

- Those living in their own home can be more isolated from good legal advice than those living in refuges. However, SHLV is the first service for homeowners who previously had found it very difficult to access services.
- Private landlords have to give permission for upgrades such as security doors, and it can be difficult for clients to explain to agents and landlords why these are needed.
- Implementation difficulties have been created by trying to 'shoehorn' SHLV into a service system that existed before the scheme became more widespread.

5.2.2 *Mt Druitt (Blacktown) SHLV*

Mt Druitt (Blacktown) SHLV started in 2007 and comprises the local police area command areas of Blacktown and Mt Druitt in Sydney. For the first two years it was federally funded through the Attorney General, for the Mt Druitt area only. The scheme still receives the same amount of funding as then but now covers the Blacktown area as well. A poster from the scheme is shown in Appendix 4. There are 1.6 FTE workers and the scheme is contracted to work with 30 client families a year. In 2010, the scheme worked with 86 clients because it was so over-subscribed, and had to close to new referrals for five months. Most referrals come from the police, and the scheme's work consists mostly of assessment of risk and liability, creation of a safety plan, ongoing case work, court support and advocacy and referral to other specialist agencies. The workers report that once women know they have the option to stay they are mostly keen to do so.

The collaborative referral protocol process at Mt Druitt works in the following way:

1. Referral (normally from police).
2. Phone contact with prospective client by SHLV agency.
3. Sometimes women are not ready for, and do not want, a SHLV service at that time, so they are sent information so that in the future when they do feel ready they know how to make contact.
4. New clients come in and visit the service for an initial assessment. This can take a couple of sessions.
5. Staff visit clients at home in order to conduct a risk assessment and safety planning. Mt Druitt gathered knowledge on safety planning by researching what was happening in the UK and Victoria, and by gaining experience on the ground of what works effectively, what is needed, and what is not so useful in their local area.
6. The client may not have an Apprehended Violence Order (AVO) at this stage. The service helps women with this and with family law regarding child custody etc. It is not a requirement in New South Wales that a client needs to have an AVO to receive SHLV services. The reason for this is that granting of an AVO by the courts is considered to be very patchy, and would not therefore be a fair requirement. It is preferred, however. As discussed in Chapter 4, AVOs are granted by the court but the police can issue interim orders which can be later ratified by the court. Interviewees considered the AVO process to be an important part of the integration between SHLV, the police and the courts. This is because SHLV staff gain detailed information on the history of the violence during the assessment process and are therefore able to communicate this back to the police who inform the courts, so making the case stronger.
7. Some clients choose to move out of their home. The Mt Druitt service continues to work with these women and regards 'planned moves' as a success, because they

do not tend to lead to the homelessness that is created by leaving at a time of crisis. Most clients do not enter refuge or other forms of crisis accommodation either before or after becoming SHLV clients.

5.2.3 Social marketing by SHLV schemes: Bega

Bega SHLV, one of the original pilot schemes, is located in rural New South Wales. In addition to carrying out similar risk assessment and security upgrading work to other schemes, it was designed to change the behaviour of perpetrators, to raise community awareness concerning the links between domestic violence and women's and children's homelessness, and to encourage women not to accept abusive behaviour.

Social marketing campaigns are an integral and important feature. Cinema advertising, posters in public toilets, doctors' surgeries and other public areas, wristbands, key fobs and banners across roads have all been used to highlight the message that women do not have to put up with violent relationships and that they do not have to leave their homes in order to end the relationship. A poster from the scheme is shown in Appendix 5.

In comparison, the Eastern Sydney SHLV pilot worked much more 'behind the scenes' and concentrated on building up relationships with the police and NGOs and developing risk assessment forms etc. Newer schemes such as Mt Druitt SHLV consider that they have had less capacity to socially market their advocacy messages compared to locations such as Bega. This is because they do not geographically cover one discrete community, with one newspaper, and central point. Instead service system change has been a priority here. In Tasmania the Safe at Home statewide integrated domestic violence system (discussed in Chapter 7) had an advertising budget for the first years, but no ongoing funding. Interviewees suggested that at that time more women were willing to become clients of Safe at Home services and this was considered to be because the scheme is now not so well known, and many potential clients are unaware of the services on offer.

It would seem therefore that for women to be encouraged to use homelessness prevention measures they must firstly have an understanding that such services are on offer, that women and children are not expected to leave their home, and to have confidence that these services will effectively deter perpetrators from returning. Social marketing can play an important part in this process.

5.2.4 Evaluation of SHLV

Evaluations of the pilot SHLV schemes had not been made public, but one of the original developers has published a qualitative report on their effectiveness to date (Edwards 2011). There were 18 services across New South Wales funded to provide practical and emotional support to women leaving domestic violence, with the aim to support them to remain safely in their home. In her research involving 17 clients, Edwards (2011) found that they are generally free from domestic violence in their home and remain so over time, and that they experience stability in their housing, income and education. More than half remained in their family home long-term, which suggests that they have been prevented from becoming homeless by becoming clients of a SHLV scheme. Fourteen of the women were living free from violence. Of the remaining three, one had ongoing family law issues (a situation discussed further in Chapter 4), one had mental health issues caused by having lived with violence, and one still had an ongoing fear of her ex-partner.

Most violent ex-partners of SHLV clients had not returned to the house in order to gain entry and cause further violence. Thirteen had an AVO with an exclusion condition,

and three had expired AVOs. Participants considered that the AVO had helped to keep them safe, but that the ways in which police respond to AVOs need to be improved (further discussed in Chapter 4). Most of the women felt safe with the back-up of the scheme's emotional and practical support, which included security upgrades and support with reporting breaches, and the support of neighbours etc.

Edwards concludes that SHLV schemes do prevent women from becoming homeless after leaving domestic violence through supporting them to remain in their home and assisting with re-location when this becomes necessary for whatever reason. As an outreach service, SHLV clients can continue to be supported if they move house within the locality. Edwards' research participants stated that the advantages of SHLV to them were the skills of the workers, the fact that support can be offered in the longer term rather than just at the time of crisis, and that it provides emotional as well as practical support. They also appreciated the respect and help given to them with their decision to remain or leave, and that SHLV makes up part of an integrated service network.

Officers at the Department of Community Services explained that the unpublished evaluation demonstrated that SHLV needs three things in order to be successful:

- intensive case management
- an integrated system with partnership with key agencies
- some elements of community awareness.

The department is in the process of setting up an evaluation system to systematically evaluate the 21 existing schemes.

The project has been successful because of compelling evidence that it prevents women from becoming homeless and lets them control their own future. (Senior Project Officer, SHLV)

5.2.5 Service integration and partnership with other agencies

As highlighted above, SHLV schemes normally combine case management with integrated partnership with other agencies and some elements of community awareness raising. The original SHLV were founded by a mixture of academics and local practitioners, without the support of state government. As the schemes have developed, the government has taken a lead coordination, funding and contracting role. The SHLV schemes themselves are provided by different agencies and the communities they operate in are very different. SHLV relies on a network of agencies working together such as the police, courts and Centrelink but it is not a statewide integrated scheme in the way of Safe at Home (Tas). Over-riding executive agreements and protocols have been established with the NSW police, NGOs and the Attorney-General, however, and SHLV can be considered a program that now both fits in with the service system and is reliant on the other parts of that system.

It has encountered some opposition from the Women's Refuge Movement because of a feeling that it impinged on their work and because of the longstanding narrative that women cannot be safe in their own home, and that SHLV only works for the low risk or the middle class (which does not appear to be the case). There has also been some opposition to the way the Department of Community Services procured SHLV agencies via an open competitive tender, which led to some disappointment from those that were unsuccessful in their bid. The interviews revealed that the program has in the main received positive support because of its ability to break cycles of violence and welfare dependency and allows the victim to have control again by remaining in their home.

Concern about SHLV has been raised by some Koori people because of fears that the scheme will lead to greater criminalisation and homelessness of Koori men. An anticipated Aboriginal SHLV scheme has yet to be developed due to a lack of suitable agencies to become the provider. Although the scheme may be considered culturally inappropriate, this is not to say that some Indigenous Australian women will not want to remain in their home following a relationship breakdown due to domestic violence. The Department of Community Services, however, acknowledges that the SHLV program may struggle at the moment because the scheme is an interdependent, integrated system and there is a lack of other suitable domestic violence agencies to cooperate with New South Wales' Indigenous communities.

5.3 Risk management and safety planning to facilitate the prevention of homelessness

If women and children are to be encouraged and enabled to remain in their own homes rather than become homeless, it is of paramount importance that their risk in staying, where the ex-partner knows where they are, is measured against the risks of moving. Walking into homelessness is an enormous step, and comes with its own risks of having to live in inappropriate (& perhaps unsafe) accommodation without security of tenure. When families do move out, as highlighted in Chapter 4, perpetrators are often aware of where they have moved to, especially if there are family law requirements for shared parenting arrangements.

The Positioning Paper for this project acknowledged that not all forms of domestic and family violence involve physical or sexual assault, and that emotional, financial and spiritual forms of control for instance are widespread. Even where physical and sexual assault has occurred, it can be that the breakdown of the relationship brings to an end these controlling behaviours. However, it can also bring about new extremes of behaviour, as the perpetrator now has 'nothing to lose' in terms of fearing that his actions may cause the woman to leave the relationship. These can be the times when women and their children are in the greatest physical danger, whether or not she remains in her home or seeks refuge elsewhere. For these reasons, SHLV schemes and other homelessness prevention services have been developed that involve both assessing and managing the risk to family members, and planning and implementing the security steps necessary to minimise this risk. Such procedures allow women to make more informed decisions about their choice of whether to remain or leave the family home.

Interviews in all four case study locations highlighted the importance of assessing the personal and individual risks to women and children in order to maximise their safety and to enable them to make informed and appropriate decisions about their next step. Several interviewees queried which the most appropriate agency to conduct risk assessments is. It can be difficult for police officers to take on a care role regarding domestic violence, especially deciding which security measures should be offered to women who wish to remain in their home. A Tasmanian DVLO argued that these decisions are often about making women feel safer rather than be safer, and that police are not trained to deal with emotional rather than practical issues. A dual assessment by police and service agencies would enable the emotional wellbeing of the women and children who wish to remain at home to be given improved consideration. At the moment in Tasmania, security upgrading is only being funded for those deemed to be at high risk.

In some Sanctuary Schemes in England further discussed in Chapter 7, risk assessments are carried out by the local authority housing department officers. Some advocacy organisations commented that this can be inappropriate in a situation where

if the woman chooses to leave her home, the local authority may have a statutory duty to house her and her children. In some Australian case study jurisdictions, assessments are conducted by police officers (Tas, Vic & some areas of NSW) and in others they are conducted by staff from domestic violence welfare organisations (parts of NSW). However, and by whom, risk assessments are conducted; several issues came to the fore during the data collection process.

For some services, assessing the financial viability of the client being able to afford to remain in their home, as well as their risk of harm, was considered important. Agencies report that conversation regarding financial risk prompts the client to think of how short-term remaining might be, and whether they need to be thinking about other options. At Bega SHLV, the answers to financial questions are not used to assess whether or not to fund security measures to the home, as they are not considered appropriate to the risk of harm assessment process. However, one of the visited English Sanctuary Schemes stated that financial and affordability considerations are an integral part of whether clients were considered suitable for the service.

5.3.1 Multi-agency risk assessment committees (MARACs)

MARACs were first developed in Wales and now operate throughout the UK. They are often chaired by a senior police officer and are made up of all the welfare agencies who are involved with a woman assessed as having a high risk of repeat domestic violence. This may be as many as 15–20 professionals who meet together to discuss the case and to allocate and share resources. Interviewees in England commented that although the committee meetings are very staff intensive they can work well as a risk assessment and safety planning mechanism, particularly in smaller areas where those attending are more likely to know each other.

At the meetings, agencies talk together about the risk of serious harm to individual women and make safety plans for them. Their aim is to increase safety and wellbeing of these high risk clients and reduce the risk of them being repeat victims. Independent Domestic Violence Advocates (IDVAs) are appointed to act as advocates on behalf of the women to provide independent advice about the best options for them and attend the MARAC meeting.

In Hull in Northern England, one of the areas visited for this research, the domestic abuse MARAC meets monthly to consider the needs of new referrals and to review the needs of those whose situations have changed. Women are welcome to attend the meeting with their IDVA, who is there to represent their views. The meetings can arrange for a police officer to check on their welfare, provide extra security, help with emergency social housing transfers, ensure schools do not allow children to leave with anyone but their mother, and arrange for a health visitor to check on the family's wellbeing.

In parts of Victoria, a similar scheme named the 'Strengthening Risk Assessment Demonstration Project', which uses Risk Assessment and Management Panels (RAMPs) has recently been introduced. As discussed earlier, SHLV takes an individual case management approach. A collaborative integrated case management project was trialled in the Bega Valley that could make joint decisions about brokerage fund distribution similar to the way that MARAC operates. However, it was found to be extremely labour intensive, and organisations did not receive additional funding to work in this way.

Risk assessments are not foolproof, and inaccurate decisions may be made as to the level of risk a woman is exposed to. Women assessed as at a low level of risk can still unfortunately be injured or even murdered by their ex-partner, but there is no evidence either from the UK or Australia that those who choose to remain in their

home with security measures installed are at any greater risk than those who feel the need to leave.

5.3.2 Client and staff safety

Several welfare organisations stressed the importance of involving the women closely in the risk assessment process, and of learning from them what is making them feel unsafe and what they feel needs to be done in order to make them safer in that property. SHLV Bega holds an initial meeting with the client, before going to the home to conduct the safety audit. They use the meeting to tease out issues and assess the risk to staff of conducting a home visit. This meeting can also include issues concerning who else might become involved in the situation, and how they are talking to their children about the issues. This is different from Tasmania where the police conduct the safety audit and make decisions on security upgrading (or 'target hardening' as it is also known in England). Their normally once-only visits take place for clients who are assessed as being at a relatively low level of risk.

In order to keep staff safe, welfare agencies generally have procedures in place whereby staff inform colleagues where they are going and leave an address. Some reported having an alarm installed in staff cars that is linked to a security firm and the office. Welfare agencies reported that they sometimes ask the police to accompany workers on home visits, but that this is not normally the case. Several organisations felt hindered from arranging for two staff to conduct the visit because of their workload. Some SHLV schemes in New South Wales, for example, have less than two FTE workers. In cases of extreme risk, where the advice is to leave and go to a refuge but the client chooses to remain, Mt Druitt SHLV continues to work with clients but workers do not go to their home. Although some perpetrators are generally violent or have mental health or drug and alcohol issues and so do pose a risk to staff, many are physically violent only to those they have control over, that is, their partners and sometimes their children.

5.3.3 Security upgrading and 'target hardening'

Workers from throughout the case study areas stressed that expenditure on relatively inexpensive items such as padlocks for manholes, meter cupboards and loft hatches, torches and rape alarms can go a long way to making women feel more secure, and that most women do not want their home to be turned into a 'fortress' with the provision of a panic, or safe, room.

The Bega SHLV scheme has been successful in enabling women to remain in their home even in isolated properties in the bush. While some clients have a sense of urgency and wish for both the assessment process and the security upgrades to be completed quickly, for others the risk assessment process is part of a more measured weighing up of what their next steps should be. Each individual case is different because it depends not only on the aggressiveness of the perpetrator and whether he is in custody, but also on the determination of the women not to have to leave their home. Agencies from all the researched jurisdictions tended to make few referrals from their outreach support services to refuges because the 'client group for remaining in the home schemes is very different from refuge clients'. This was not due to differences in socio-economic status, but rather because unlike some refuge clients, their clients realised that the relationship had come to a permanent end and that a new way of living was called for.

5.3.4 Take-up of safety planning and security upgrading

The court advocacy worker at Frankston in Victoria whose job is 'to enhance safety and to enhance access to the justice system' takes her clients through the 'scariest

scenario' with the perpetrator that they can imagine, and then gets them to plan what they would do in that instance as part of her safety planning procedure. Some clients may temporarily leave the family home while the locks are changed and other security upgrades carried out, but only a few choose not to remain living there. Most have not been to a refuge before approaching the court and do not wish to leave their home, work and support networks. Although it is rare for a woman not to take up that option at Frankston court, the same cannot be said for all of Victoria which, as discussed in Chapter 5, has an integrated domestic violence system, although not yet fully available to the same extent in all areas..The security upgrades work arranged through the Frankston court is paid for by South East Water and managed by the Salvation Army.

Most Mt Druitt SHLV client referrals come from the police. The SHLV workers carry out assessments and safety audits of homes, put the safety plan in place, install security features and, in many cases, carry out ongoing case management with their clients in order to maximise their success of remaining in their home. Organisations conducting assessment of security upgrade needs reported that they do not budget for a fixed amount for each property, as needs vary considerably. Agencies sometimes find that they cannot contact a referral in order to conduct a risk assessment because she has changed her phone number or given the police a false mobile number. In these instances they know that she is not yet ready to consider that her relationship is over and therefore not yet ready to become a client. Ashiana Asian women's domestic violence advocacy group based in Sheffield in the UK conduct safety planning with clients so that she 'knows what to do, and who to inform'. This can include schools and other agencies. They label the risk assessment process as 'keeping safe' rather than 'reducing risk' because their clients find this more confidence-building. Clients who remain in their home, and those who wish for security upgrades and support in their new home, receive the same level of service.

5.3.5 Removal of safety equipment

Agencies discussed when, and if security modifications should be removed from the home. Schemes that offer ongoing emotional support tend to leave the physical safety features in place even after they are no longer required. This is partly because the cost of removing features such as custom built security doors can outweigh any benefit from being able to potentially offer them to new clients. Even when women re-partner, the security devices are not automatically removed as ex-partners can still continue to cause trouble. It was most often when female clients were moving out of the area that security goods were reclaimed by agencies. In some cases, private landlords buy security doors off the scheme when the tenant for whom they were provided moves out. Safety upgrades to both current and new homes were almost universally regarded by interview and workshop participants as a positive and cost effective means to prevent homelessness and build confidence in women who have experienced domestic and family violence, provided the choice both to have them fitted and to remain in the home or locality rested with the victims themselves.

5.4 Information sharing and confidentiality issues

The ways in which agencies share information and get around confidentiality issues in the case study jurisdictions in order to work together varied depending on which state homelessness prevention system they are operating within and its degree of integration at a local or statewide level. New South Wales workshop attendees confirmed that a policy on privacy and information sharing from NGOs and agencies often restricts coordination and information sharing, although some agencies do have sharing information consent forms for clients. They felt that their system was not as

good as the Victorian Safe at Home model (further discussed in Chapter 5) in this respect. They reported widespread misunderstanding in the state on privacy legislation and what can and cannot be shared. New South Wales reforms were implemented by the *Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009*. This established a scheme for the exchange of information between government agencies and NGOs involved in the safety, welfare or wellbeing of children and young people. A staged approach was taken to implementation to ensure that sufficient training and support was in place before the legislation took effect. Conversely, research participants considered that there is an important gap in the Safe at Home in Victoria system because there is no data base that can be shared by organisations.

This section has looked at SHLV schemes designed to physically and emotionally enable women to choose to remain in their homes. The following sections discuss issues regarding both accessing and sustaining living in private rental, public housing and owner-occupied properties following relationship breakdown attributed to domestic and family violence. The next section discusses another form of multi-agency integrated approach that can assist with homelessness prevention of women and children: Safe at Home in Victoria.

5.5 Safe at Home in Victoria

Safe at Home in Victoria was established in its current format in May 2010. It is an integrated model of partnership through the police and welfare agencies working together, and its programs are now led in the main by the partnership NGOs with funding provided by the Victorian Department of Human Services. In comparison with SHLV, it is based on outreach services, which have been established for some time in Victoria.

Safe at Home in Victoria is different from the previous domestic violence work model in the state in that the responsibility for safety of women is held not only by their individual NGOs, but within the whole integrated system. This has brought about policy changes that have assisted in helping women to remain in their home post-separation. The changes in legislation and the *Police Code of Practice* which have assisted in the development and implementation of Safe at Home Victoria are discussed in Chapter 4. This section reviews the service integration elements of Safe at Home Victoria and assesses its role in preventing women and children who have experienced domestic and family violence from becoming homeless.

Most agency personnel interviewed for this research considered that Safe at Home in Victoria has brought about positive change. Some outreach services now receive brokerage funding for safety upgrading work, and can accept referrals from individuals or from agencies. Once police have issued a Safety Notice they make a referral to an appropriate agency. The referral includes the date of the court hearing, as police orders are only valid for up to 72 hours to allow the matter to reach Court (see Chapter 4). The agencies then normally endeavour to contact the women either prior to, or at, the court to explain their options about removing the perpetrator permanently.

Both interviewees and participants in the Victorian workshop considered that, although there have been some successes in local partnership programs; a program that runs consistently across all areas of the state is needed. They considered that there is too much reliance on service integration happening because of good relationships and goodwill between workers in organisations and that this needs to be formalised at a statewide level to ensure that women receive a uniform approach and do not get a different service depending on where they live.

Participants reported that homelessness prevention is a more dominant aspect of Safe at Home in Victoria than of the older Safe at Home (Tas), which are discussed in Chapter 7. This is partly because Safe at Home in Victoria was developed following the National Partnership Agreement on Homelessness, which places an emphasis on homelessness prevention of women and children following domestic and family violence. Outreach services run in tandem with homelessness prevention programs such as security upgrading, and tend to have a positive relationship with the court system. This matter was further explored in Chapter 4. At the time of the research fieldwork, Safe at Home in Victoria was newly established and therefore a full assessment of its role in preventing homelessness was not yet known. However, research participants appeared positive about the changes to date, but were uniformly concerned that agencies cannot access and share data on which individuals are in receipt of Safe at Home in Victoria services. This was considered to be to the detriment of their ability to keep women safely remaining in their family home post-separation.

5.6 Accessing and sustaining living in the private rental sector, public housing and owner-occupied properties

5.6.1 Private rental

Across Australia there are several schemes designed to enable women leaving violent relationships to both access and maintain private rental tenancies on their own, without their ex-partner. Women living in private rental accommodation can find this a most difficult tenure in which to remain. In New South Wales, the Start Safely rent subsidy homelessness prevention scheme is particularly designed to assist women who have experienced domestic violence by helping them to enter, or remain in, the private rental sector. Following a pilot project, private rental brokerage specialists were employed statewide in July 2010, and are now available in 24 locations. Housing and community welfare agencies can access these workers and their funding relatively speedily in order to prevent their clients from becoming homeless or at risk of homelessness. The scheme is intended to take pressure off the waiting list for public and community housing (recipients of the Start Safely funding must be eligible for NSW social housing) and to reduce the time that women spend in refuges. Applicants must also demonstrate that they can afford the property without the rent subsidy funding (although some have had to leave their home after the end of the 13-month subsidy period). Recipients must also be prepared to accept support from an appropriate service if this is deemed to be necessary. The money saved on rent can be spent on furniture, legal costs and other items and services that women leaving violent relationships need. The scheme also allows women to commence a rental history in their own name for the first time, and the private rental brokerage specialists can assist access to private rental housing through their relationships and networks with landlords. New South Wales interviewees familiar with the scheme reported that the take-up in some high rent areas has been quite low due to the necessity to prove that the rent can be afforded by the applicant without the subsidy payment.

SHLV schemes reported that Start Safely has proved useful in allowing clients to remain in their homes, at least for as long as the subsidy lasts. Teamed with security upgrading and the emotional support of SHLV schemes, a window of time for women to either find work well enough paid to be able to afford the rent themselves, or to plan to leave because they cannot afford the rent for the property, can be created.

5.6.2 *Public housing*

Female public housing tenants who have experienced domestic violence have good reasons to wish to remain in their homes, as often they have waited many years for their properties and have previously had experiences of homelessness or inadequate living conditions. As discussed in Chapter 4, some jurisdictions now have legislative provisions for both public housing and private rental tenancy agreements to enable joint tenancies to be converted to single tenancies in the women's names, with or without the perpetrators consent. At the Mount Druitt SHLV scheme, approximately 40 per cent of the clients are living in public housing when they make contact with the service. Housing New South Wales work with SHLV clients who are living in public housing to both fund and provide some aspects of security upgrades such as new locks and repairs to broken back fences, but as SHLV is not a statewide service this means that Housing New South Wales are not able to provide a consistency of service to all tenants.

5.6.3 *Owner occupation*

An equitable property settlement can be very important in determining whether women and children can remain in an owner-occupied home following domestic violence. The Women's Legal Service Victoria report that higher earning fathers will sometimes agree to pay the mortgage until the children have left school, but that the mother has to sell at that time unless she has increased her income so as to be able to afford to take over the mortgage payments. Practically it can be very difficult for women to raise a mortgage large enough to continue in the house as the sole owner-occupier. Whether or not a woman gets legal advice before she leaves a property can be crucial in maximising her chances of returning once the perpetrator has been excluded. Furthermore, women who go to a refuge at a time of crisis can find that exclusion orders forbid the perpetrator from coming near the refuge rather than the family home.

Although women living in private rental and community housing may be eligible for Commonwealth Rent Assistance once the perpetrator is removed, there is no similar assistance to those who are in need of mortgage support. As levels of owner occupation are very high in Australia and as domestic and family violence leads to relationship breakdown in all socio-economic backgrounds, educational levels and professional status, it is inequitable to have a subsidy scheme that assumes that all those in need of financial support are living in rented accommodation. Owner-occupiers who can no longer afford their mortgage are at risk of homelessness, and therefore should be eligible for some form of support if the ethos of homelessness prevention for women and children is to be a serious and sustained Australian policy direction. Schemes such as SHLV are not homelessness services, but are designed for women who already have a house of their choice to reside in. Low income women who are owner-occupiers but can no longer afford their accommodation can therefore find themselves more disadvantaged in sustaining their home in the long term than those in other tenures. In some SHLV schemes (such as Newcastle), a high percentage of clients are owner-occupiers, but sometimes their services can only be provided in the original family home for a short time because it has to be sold as a result of the court's property settlement. Interviewees stressed how important it is that these clients access good legal advice before signing an agreement that might disadvantage themselves and their children.

5.7 **Conclusion**

This chapter has sought to demonstrate that SHLV schemes in particular are at the frontier of providing homelessness prevention services to women and children who

have experienced domestic and family violence in Australia. In New South Wales they have become an important tool for enabling women and children to remain in their own home, and play a valuable role in changing attitudes and showing what can be achieved. The combination of individual emotional and risk management, safety planning and security upgrading support for clients, with integrated working with the justice system and other support agencies in SHLV schemes do fulfil an effective homelessness prevention role, especially those that are able to integrate more fully with other services. SHLV offer the best outcomes because they are a site for the integration of multi-sector efforts that enable women to stay at home effectively. What is missing is that the schemes are not as yet available to all, financial issues can make it difficult for women to remain in their homes in the long term, and the judicial and legal issues raised in Chapter 4 can cause some difficulties.

In Victoria the relatively new Safe at Home integrated partnership model is also leading good practice in inter-agency working and in outreach work, which together assist with keeping women and children in their own home. Later on, in Chapter 7, Sanctuary Schemes and Safe at Home Tasmania are evaluated as examples of more fully integrated and comprehensively available models. First though, Chapter 6 examines the additional support and welfare initiatives (including those designed to increase women's financial capability and those which provide a quick response if perpetrators do return to the home) in order to assess their role in homelessness prevention.

6 WELFARE AND SUPPORT ISSUES

6.1 Introduction

Until recently, integrated domestic violence services response systems have tended to focus on those in housing crisis, with resources for longer-term support being relatively scarce (Healey 2009). However, the provision of extended longer-term support and tailored group and individual interventions are particularly important for those women and children who have chosen to remain in their home as they may not have access to the alternative support mechanisms that those staying in a refuge or other form of crisis accommodation would have available.

This is important because long-term issues such as loneliness and lack of confidence can be reasons why women agree to re-partner with their perpetrators. This chapter considers those additional welfare and support-related issues that can affect women's ability and choice to remain in their own home after separating from a perpetrator. These include financial confidence mentoring, emotional and practical support, emergency support during perpetrator return incidents, support for Indigenous Australians, community education, support for children, and perpetrator support and accommodation provision.

6.2 Support to increase financial confidence and capability

It is known that economic dependence is a risk factor for domestic and family violence. It limits women's ability to either leave the relationship and the home, or have the perpetrator removed and remain. Financial, social and human capital issues are all important protective factors in encouraging women to feel able to live independently of their former abuser (Landvøgt 2011), whether they leave or remain in their home. As discussed in Chapter 5, low income makes it much more difficult for owner-occupiers and those living in private rented accommodation to afford to stay in their home long-term post-separation. For this reason, some financial counselling services for women leaving violent relationships have begun to attempt to ameliorate these difficulties and to help increase financial confidence and capability for women who may have had these skills eroded through being in an abusive relationship.

The Tools for Change program run by Women's Health Goulburn North East in the Shepparton and Wangaratta areas of Victoria is one example. Volunteer mentors offer long-term support to help women leaving violent relationships to regain financial confidence and capability, and lessen the risks of them feeling that they have no option but to allow the perpetrator to return. Their involvement includes helping with disentangling and separating finances from the former partner, explaining bills, setting up direct debits, dealing with credit card debts, and declaring bankruptcy when appropriate. In the United Kingdom, the advocacy organisation Refuge have also recognised that financial capability is an issue and have called for the government to put women's and children's economic development at the centre of any integrated domestic violence strategies (Hopkins & Sharp 2008). Refuge has published information for women on how they can afford to leave their violent relationship. It is recommended that similar information be made widely available in Australia.

6.3 Personal development support

If women and children are to successfully remain in their home, and not allow the perpetrator to return, they will not only need the financial ability to do so, but also to receive emotional and practical support. The fieldwork for this project revealed examples of good practice in providing non-residential support designed to assist

women with living independently successfully. One of these is EASE (Emergency Accommodation & Support Enterprise) based in Bendigo, Victoria, which provides a range of outreach domestic violence services. These include recovery and counselling programs, intensive case management and an Indigenous Women's Case Management Program in partnership with the Bendigo and District Aboriginal Co-operative. This work is done in close collaboration with the delivery of men's behaviour change programs that are designed to ensure that women remain safe.

Hobart Women's Shelter runs programs for residents of their safe houses and for women who remain in their own homes, plus those who are unable to access their supported accommodation because of over-subscription. These include KYSS (Keeping Yourself Safe & Sane) which is a weekly education and peer support group for women who are experiencing, or have experienced, domestic violence. They also run WISPP (Women's Integrated Support Pilot Project), an early intervention program providing one-on-one support and advocacy, and FLAVERS (Family Literacy, Adult Vocational Education Resources & Support), providing literacy and education programs, plus mother and child support groups.

Mount Druitt SHLV also provide group work and peer support opportunities as they recognise that building a network of support is an important element in enabling women to remain in their home. Newcastle SHLV provide up to 12 visits to clients' homes in order to counsel them on coming to terms with what has happened and to provide them with resilience and recognition skills to ensure that they do not re-enter an abusive relationship in the future.

6.4 Emergency support at times of perpetrator incidents

The Victorian Bsafe pilot project provided personal emergency response alarms (similar to those used by the elderly) to women assessed to be at high risk of violence from their ex-partner. The project was Commonwealth funded through the national Community Crime Prevention funding and ran from 2007–11 in the Hume region. This pilot initiative was led by Women's Health Goulburn North East and was designed to reduce the incidence of domestic and family violence, reduce fear of assault and abuse, and ensure that high risk victims have the option of remaining safely in their homes. Alongside the alarm system there was an integrated multi-agency response providing emotional and practical support.

The Final Report from the project (Taylor & Mackay 2011) found that nearly 70 per cent of clients (who were all at high risk of repeat victimisation, and many of whom had had to move house to escape post-separation violence in the past) were able to remain in their own home once the alarms were installed, and that a further 20 per cent moved house but were able to stay in the local community. Some chose to tell their ex-partner about the alarm and reported that this was successful in deterring some from breaching their injunctions and returning to the property. For other women, pressing the alarm at times of breach meant that the perpetrator could be quickly apprehended, and also that there was proof because the control room could record the sounds of the incident and so increase perpetrator accountability. The Bsafe project demonstrated that women at high risk of repeat victimisation can choose to remain safely in their own homes once the perpetrator has been removed, even in rural areas where police response times may be longer than in metropolitan areas, at much less cost than relocating them to another home.

The research revealed that four key elements were important to the success of Bsafe:

- Women had to have a Family Violence Order with exclusion clauses in place and did not want ongoing contact and a relationship with the perpetrator.

- Ongoing contact and risk assessment with clients, as many had long-term needs.
- Employment of Bsafe coordinator to oversee referral process, ensure timely kit installation, monitor activations and police response, and communicate with key stakeholders.
- Training workers (police, service providers' workers) in the use of Bsafe and also women using it whenever a breach occurred, however minor.

Two types of alarm systems were used: a home-based model that works with a landline and a unit designed to work with mobile phones. The latter proved particularly useful for use out of the home, and meant that women and children could resume a more normal life. Some women gave them to their children to use to allow their children to go out alone without fear that the children would be defenceless if the perpetrator approached them.

Interviews with the project officer revealed that approximately one-quarter of the female clients had occasion to use their alarm when a breach occurred. These clients reported several advantages to using the push button alarm rather than simply phoning 000:

- The alarm service operators know immediately who is contacting them and that it is a domestic violence situation. They also know how many children are living in the household.
- If the women are unable to speak, the operator can use the loudspeaker to talk to them and ask if there is something they wish to say. Some women had an agreed password with the alarm system operatives so that they could request emergency assistance without risking the perpetrator being enraged by their request.
- The alarm system is also easy for children to use.
- There have been cases where police have arrived and apprehended the perpetrator without him even knowing that the alarm system was installed or had been activated.
- Women could also activate the alarm and then escape out of the back of the house knowing that the incident was then being recorded. In one case, the alarm service operator spoke to the perpetrator to inform him that he was being recorded in an attempt to moderate his extreme behaviour.

Twenty per cent of the clients were under 25 and 143 children were living in the homes of Bsafe clients, of whom three-quarters were aged 8 or under. The project coordinator reported that clients' children had the pressure taken off them from feeling they had to protect their mother, and the alarm helped those suffering from hyper-vigilance to relax. Children's support issues are further discussed later in this chapter.

Bsafe operated in the following way:

- Potential clients were discussed at a multi-agency meeting, including women whose ex-partners were shortly to come out of prison for their domestic violence crime.
- Victoria Police made a referral to VitalCall.
- VitalCall installed the alarm unit and trained the women how to use them.
- The quarterly monitoring fee for each installed alarm was paid by Bsafe.
- The coordinator continued to emotionally support the women.

Despite the pilot taking place in a rural area, only one client referral was unable to be processed because there was no mobile phone coverage available. The Bsafe project

officer reported that it provided a valuable service to women with disabilities and to Aboriginal women, helping them to have more positive perceptions of the police. The project received the 2010 Australian Crime and Violence Prevention award.

During the research for this project, the following advice was given by the Bsafe project officer for agencies considering using alarm systems as a homelessness prevention strategy for women and children who have experienced domestic and family violence:

- In order to be effective in building confidence to remain in the home, a coordinated approach is needed, rather than just distributing the product with no ongoing support.
- A comprehensive risk assessment needs to be completed first, and police and domestic and family violence services need to be aware that there is a unit in place.
- The project highlighted the need for inter-agency partnership working. Many clients had ongoing support needs, and some had experienced ongoing abuse from their former partner for several years. They considered that without the project they would have no choice but to just disappear out of the community and their supports, or risk being seriously injured or murdered.

6.5 Support for Indigenous Australian women

Indigenous Australian women are 35 times more likely to experience domestic and family violence than non-Indigenous Australian women (Council of Australian Governments (COAG) 2010). They are also much more likely to suffer socio-economic deprivation. These two factors have convinced jurisdictions of the need to provide culturally appropriate initiatives to reduce the incidence of violent relationships and the incidence of homelessness attributed to domestic and family violence.

Research by Cripps (2010) and others has demonstrated that mainstream support services and justice responses are not suitable for all Indigenous people. Furthermore, how they define domestic and family violence may be different from mainstream explanations. Cripps has identified that Indigenous people may use language that minimises the violence, such as describing it as a frequent innocuous event, in order to protect their family from the intrusion of agencies, to protect people from looking bad and from the impact that full disclosure would have on their small community. Informal support from female relatives may be sought rather than accessing mainstream services, which can result in the family becoming separated with little perceived benefit. Intervention strategies need to take into account how Indigenous Australians define and feel about domestic and family violence, and about mainstream interventions, in order to be effective. The case studies revealed that this is not always the case, and as a result some homelessness prevention strategies have not been successful. Cripps' findings indicate that this is likely to be because they have not been designed to be culturally and community appropriate and have not had input from Indigenous organisations, elders and women at the design and implementation stages.

However, there have been examples of successful programs that can both directly and indirectly promote the prevention of homelessness for Indigenous women. These include Indigenous family violence prevention legal services, Indigenous night patrols, Indigenous women's refuges and safe houses, Indigenous men's groups and the Bsafe alarm system discussed above. Outside of the case study locations, Northern Territory community safety night patrols operate in 80 communities that move around and intervene in situations such as domestic and family violence and to maintain

social order without using the judicial system (Memmott et al. 2006). Their role is to enable clients to access support services and to persuade them towards a course of action, rather than order their behaviour (Australian National Audit Office 2011).

Improving the cultural competence of mainstream and specialist services, improving services for Indigenous women and children, and creating new opportunities to improve economic outcomes for Indigenous women needs to occur (COAG 2010) if homelessness attributed to domestic and family violence for Indigenous women and children is to be prevented. Chapter 4 of this report discussed the implications of legislation and judicial practice on preventing all women and children in Australia from becoming homeless. The implications of mainstream law, legal and judicial systems and the practices of welfare agencies for Indigenous Australian women in particular need to be specifically considered if they are to effectively tackle the issue of domestic and family violence and the homelessness this can cause within Indigenous communities.

6.6 Community support and education

Research participants in both the workshops and the interviews frequently considered that education of the general community about removing the perpetrator and enabling women and children to have the choice to remain is important. This is in order that women know that such an option exists and has become normalised, and for the community to support them in their wish to stay in the family home. As discussed in the previous chapter, social marketing of such messages has become an intrinsic part of some SHLV schemes, and has had the effect of normalising the ability of women to remain safely in their home. This is also true of the Bsafe campaign in rural northern Victoria. However, this can be contrasted with other similar rural areas such as in Tasmania where, as we shall see in Chapter 7, it is not yet the norm for women to feel that they have this option. The growth of Sanctuary Schemes in England to a national level, also covered in detail in Chapter 7, has been partly attributed to a central government education and awareness campaign to local government and other organisations that set up and operate the schemes. Positive work to change discourse surrounding women's rights, and abilities to remain in their own home appears therefore to be an important element of altering both the community's and individual women's views that this can be a viable option. It would appear that the deliberate creation of a new discourse concerning 'right to remain' (Spinney 2007), plus the creation of physical and emotional support mechanisms to sustain women at home, all play an equally important part in preventing homelessness attributed to domestic and family violence of women and children.

6.7 Support for children

During the last decade more has become known about the impact on children of all ages of living in a violent home, even if they do not actually witness an attack (Brainwave Trust 2006). Even hearing conflict in another room or witnessing the aftermath can have a negative effect. Furthermore, their mother can have her confidence in mothering taken away from her and experience depression as a result of the abuse she is suffering (Calder 2004). Both emotional and cognitive development of children can be affected, including their social functioning and ability to learn, resulting in long-lasting unfulfilled potential (Weinreb & McAlister Groves 2007). Children who experience domestic and family violence can suffer from separation anxiety, sleep dysregulation, temper tantrums and aggression, with one in four developing serious social and behavioural problems (Jaffe et al. 1990). We also know that children who become homeless, whether through domestic violence or other events, frequently suffer the trauma of disrupted schooling and friendships

(Commonwealth of Australia 2008) and that homeless families almost always experience financial disadvantage (Chung et al. 2000). Fifty-five per cent of women with children who seek assistance from specialist homelessness services do so to escape violence (Commonwealth of Australia 2008, p.3), but not all of them are able to receive help. Many more do not access support services. Homelessness prevention schemes for these families can play an important role in alleviating the damage done to children (by enabling the women to leave the violent relationship without becoming homeless as a result) and alleviating pressure on the homelessness system.

6.8 Perpetrator support and accommodation

Participants gave mixed responses to questions regarding the housing of perpetrators as a tool for preventing homelessness for women and children. Some agencies, including EASE in Victoria, reported that their provision of crisis and transitional perpetrator accommodation (funded by FaHCSIA) has been successful, partly because it is linked to participation in their men's behaviour change program. Through ongoing contact with the offender they can assess whether the women and children continue to be safe. For women whose ex-partner does not change their behaviour as a result of the program, this can be indicative that they should permanently leave the relationship. EASE always contact the female ex-partner and invite her to become a client of their services for women in her own right. Others were more negative about the impact of men's programs, especially if they centre on anger management (rather than behaviour change) and are court mandated rather than voluntary. For public housing authorities who remove perpetrators from their home in order to enable women and children to remain, the question of what to do with the now homeless male tenant has become an issue. New South Wales is looking at developing a program to address this.

In Victoria, police officers who issue a Family Violence Safety Notice must take reasonable steps to assist removed perpetrators to find somewhere to stay. They do this by contacting welfare organisations or by assisting them into motel accommodation. However, police interviewees confirmed that most perpetrators refuse offers of help and instead prefer to make their own arrangements, such as sofa surfing at friends. In Tasmania, the Safe at Home (detailed in Chapter 7) initiatives included funding for male perpetrator accommodation, although this has not been implemented. Several research participants were concerned about the limited support for offenders that is available, and that perpetrators often do not know how to access information and services. This was considered to be a pertinent issue because men who have nowhere else to go are more likely to attempt to return to the family home, often to the detriment of the women and children. Services spoke of the need for processes and systems to assist men to keep away in order for their ex-partner and children to re-establish themselves successfully.

In order to alleviate these problems, some jurisdictions (including Tas) have appointed defendant support workers to case manage those assessed as at high risk of re-offending. However, commentators generally considered that a major weakness of the Tasmanian Safe at Home system is the lack of spending on perpetrator rehabilitation projects. Safe at Home has an annual budget of over \$4.5m, but only \$250 000 of this is spent on perpetrator rehabilitation. Two-thirds of Safe at Home clients are repeat victims, highlighting the need for perpetrators to change their behaviour.

6.9 Conclusion

This chapter has examined some of the support issues which are important determinants for women's success in remaining in their home and which can impact

on their ability and choice to do so. These include financial, emotional and practical support, personal development support, emergency support during perpetrator incidents, support for Indigenous Australians, community support and education, support for children, and perpetrator support and accommodation. It is not just the provision of risk management, safety planning and security upgrading that enable women to remain successfully in their homes. They also need to be emotionally supported, to be financially capable, to have self-confidence in their ability to manage without the perpetrator, to feel reassured that if they need rescuing from the perpetrator, help is at hand, and to know that the community will support and respect their decision to remain. The schemes highlighted in this chapter are examples of the kind of additional support mechanisms that are needed if SHLV-type schemes are to work effectively and to become mainstream.

The trauma experienced by children through living in situations of domestic and family violence needs to be acknowledged, and where possible minimised by not having to leave their home. The potential role of homelessness prevention schemes in benefiting children as well as women should not be discounted.

If homelessness prevention initiatives are to work for Indigenous Australian women they must be culturally competent and must respond in a way that suits the communities. More work is needed in this area, and also on consideration of the implications of mainstream law and judicial systems for Indigenous Australian women, and how these impact on their views of separating from the perpetrator but remaining in the home.

Chapters 4–6 have examined three areas—law and justice, housing, and welfare and support—that are influential in determining whether women are effectively enabled to remain in their home. This research project has found that integrated multi-sector working between agencies working in these three areas greatly extends the capacity of women to avoid homelessness and to be able to stay successfully in their own home.

The following chapter pulls these pieces together by critiquing innovative approaches in Tasmania and England that are not only working in an integrated multi-sector and multi-agency manner, but that are also available throughout their respective jurisdictions. The learning from these adds to our knowledge of what the provision of homelessness prevention schemes for women and children throughout Australia might look like in the future.

7 JURISDICTION-WIDE INTEGRATED APPROACHES

7.1 Introduction

So far this report has detailed the research findings of how law and justice, housing, and welfare and support issues and initiatives are influential in determining whether women are effectively enabled to remain in their home and has found that integrated multi-sector working between agencies working in these three areas greatly extends the capacity of women to avoid homelessness and to be able to stay successfully in their own home.

There are, however, international and domestic examples of approaches that not only demonstrate domestic and family violence relevant multi-sector working, but are also available throughout their jurisdiction in a state-led approach. This chapter discusses these innovative approaches from Tasmania and England that further add to our learning and growing understanding of what we might want an effective Australia-wide stay at home policy for victims of domestic and family violence to include.

This chapter examines the impact and effectiveness of Sanctuary Schemes, from which SHLV schemes in New South Wales have evolved, and which has in the last decade become the mainstream homelessness prevention scheme policy throughout England for women and children who have experienced domestic and family violence. Three case-study Sanctuary Schemes were visited for this research and the learning from this fieldwork enhances and accelerates our growing evidence base of effective practice from within Australia.

To further aid comparison, the research findings of a jurisdiction-wide series of integrated domestic and family violence programs that fall under the Safe at Home (Tas) umbrella are revealed in order to further highlight how differing strategies can influence the extent to which homelessness prevention issues regarding domestic and family violence are brought to the fore and how this in turn impacts on perceptions of feasibility and practices.

7.2 Sanctuary Schemes–England

7.2.1 Introduction

The reasons for developing Sanctuary Schemes were very much the same as those for the similar SHLV schemes in New South Wales considered in Chapter 5, and include homelessness prevention, relieving pressure on housing and homelessness services, cost saving, providing more choice, and meeting the needs and preferences of households fleeing violence. Following the *Homelessness Act 2002* there was a policy shift towards preventing homelessness in England and Wales. Local governments were encouraged to develop interventions designed to enable women at risk of domestic violence to have the choice to remain in their own accommodation where it is safe for them to do so and where the perpetrator does not live (Jones et al. 2010a). The Positioning Paper for this project (Spinney & Blandy 2011) detailed how Sanctuary Schemes in England offer people who are experiencing domestic violence the prospect of staying safely in their own home through enhanced security (DCLG 2007). Our paper discussed the development, evaluations, good practice guidance, concerns and future of these schemes and found that:

There are a number of reasons why it is in the interests of local housing authorities to adopt Sanctuary Schemes, apart from the obvious one of

providing protection to vulnerable residents. Their cost is less than the cost of rehousing the same household as homeless. (Spinney & Blandy 2011, p.30)

We also stressed that the role of Sanctuary Schemes has to be understood in the context of the overlapping statutory options that are available to people at risk of domestic violence in England and Wales. The potential to transfer similar policies must be assessed in the context of the differing legislation within Australian jurisdictions that are discussed in Chapter 4 of this report.

This section reports the findings of the fieldwork carried out in England in 2011 from interviews with Sanctuary Scheme providers, policy-makers, funders and stakeholders. This is done in order to assess how these schemes compare with existing models of provision in Australia and what can be usefully learnt from their mode of operation.

A key feature of Sanctuary Schemes is that they now operate on a national basis in England and that they have been promoted by central government. In 2006, specialist domestic violence advisors were seconded to work with the Department of Community and Local Government for a year in order to help local authorities to develop their own schemes. This mode of promotion has been regarded as effective, and Sanctuary Schemes are now available in almost every local authority area. Although central government has not provided local authorities with any direct Sanctuary Scheme funding, it did provide funding for homelessness prevention measures generally which was frequently used to set up Sanctuary Schemes. Police forces, the National Health Service, registered social landlords (housing associations) and local authorities have also set up their own charities to establish and run the schemes, which (as with NSW SHLV schemes) are run by a variety of providers, and always involve multi-sector working and inter-agency cooperation.

7.2.2 Key findings on Sanctuary Schemes

The findings of the English case study research regarding Sanctuary Schemes from the interviews conducted for this project that are relevant and informative to the Australian situation are:

The implementation and promotion of Sanctuary Schemes through specialist advisors working on the ground with agencies to demonstrate how it can be done, and through presentations at practitioner seminars and conferences had a positive impact on increasing the number of schemes in operation in a relatively short time span.

The gaining of cross-departmental assistance and understanding from agencies, such as the police, about what is trying to be achieved is crucial. Agencies such as fire brigades, the police and social housing providers can work together on this issue, including co-funding schemes, in order to lessen their workload caused by domestic violence.

Communication is imperative in getting the message right. Sanctuary Schemes are about safe spaces for women and children, rather than installing 'panic rooms' that have proven to be unpopular and expensive to install.

Issuing guidance and practical advice at a national level on how such schemes can be set up is necessary. Do not leave too much of a gap between issuing the national guidance and promoting the schemes in local areas. This happened in England and in hindsight was regarded as detrimental to a faster roll-out of schemes. See current good practice guidance, *Sanctuary Schemes for Households at Risk of Domestic Violence: Practice Guide for Agencies Developing and Delivering Sanctuary Schemes* <http://www.communities.gov.uk/publications/housing/sancturyschemesguide>

Schemes should not insist that an injunction is in place before allowing applicants to join a homelessness prevention scheme such as Sanctuary or Staying Home Leaving Violence. They should be open to all, especially as there are individual and structural reasons why some women cannot gain an injunction (as discussed in Chapter 4) and because women and children can still be enabled to remain in their homes safely.

Sanctuary Schemes are not an immediate response. It typically can take six to eight weeks to have the perpetrator removed, conduct the risk assessments and security upgrading, and get emotional support packages in place for women choosing to remain in the home.

The schemes can quickly become popular once they are available to women. Some Sanctuary Schemes in England are now taking on 300 new cases a month and this involves providing a risk assessment, security upgrade, and ongoing support for each one. However, this high workload also means that these women and their children have not had to find new homes.

7.2.3 Key advice from English providers and policy-makers

1. The importance of women making their own informed decision about whether they stay or leave, and to where, so that they can begin to have some control over their lives as quickly as possible following the end of the abusive and controlling relationship.
2. It is not in the main clients staying in refuges who join Sanctuary Schemes; most referrals are from the women themselves or from other services.
3. These kinds of homelessness prevention schemes are not just about 'target hardening' (through installing security measures following a risk assessment). They are also about providing a means to a coordinated community response and providing emotional support.
4. Most women's advocacy groups in England now support Sanctuary Schemes, despite some initial reluctance, because it became clear that they have become popular with the women themselves.

These key findings and the advice above offer valuable insight into how SHLV-type schemes could be expanded throughout Australia. The following three sections each detail the findings from the three English Sanctuary Scheme locales that were visited for this research. Interviewees were generous in both their time and insight because they recognised that their learning experiences since commencement have much to offer the Australian situation where stay-at-home measures for women and children are more recent and not yet widespread. As with the SHLV schemes discussed in Chapter 5, comparative investigation of three very different Sanctuary schemes added to the value of the analysis of the data collected.

7.2.4 Norfolk Sanctuary Scheme: Breckland

Norfolk is a rural county on the east coast of England. Eight local authorities in the county have joined forces to operate one Sanctuary Scheme with the same modus operandi, in each of their jurisdictional areas, in partnership with Norfolk police force and specialist voluntary support agencies. The scheme visited for this research is operated by Breckland District Council which covers several small market towns and their rural hinterland.

The Norfolk Sanctuary Scheme provides security upgrading to clients' property at no cost to themselves in order to make them feel safer about remaining living in their home. Both tenants (of privately rented & of social housing) and home owners are included in the scheme. Unlike some other Sanctuary Schemes visited for this project,

it is only available to those who not only wish to remain in their own home where it is safe for them to do so, but also where it is likely that they will be able to afford to remain there for a 'reasonable time'. It is not open to those who wish to move, and have target hardening put in the new home, and as such can be regarded primarily as a mechanism designed to avoid women and children presenting as statutorily homeless, rather than as a means of extending the maximum degree of choice to those leaving violent relationships. In addition, tenants or owner occupiers must have either sole rights to the property (i.e. not be joint tenants or owners) or to have excluded the perpetrator by legal means such as an exclusion order. This is not the case for all Sanctuary Schemes. Although the Norfolk scheme started in 2006, at the time of the interview in 2011 only a few security upgrades had been completed in properties, possibly as a result of these restrictive practices. An information sheet about the scheme is provided in Appendix 6. Operational staff explained that many prospective clients dropped out because of the length of the application and assessment process, especially if another violent episode occurred.

Four organisations operate the Breckland scheme. The police conduct the risk assessments, and arrange for a community organisation to fit the new security equipment. The local authority fund and coordinate the work from their homelessness prevention budget. The police in this scheme generally require a large amount of security upgrading equipment as a result of the risk assessment process. This has included safe (panic) rooms, which cost £5000 each, and some clients have been turned away because of the prospective cost of the work deemed to be needed by the police risk assessment. Clients are also turned down for the Norfolk scheme if they are in rent arrears or if they have a court order against them, as the local authority does not want Sanctuary clients who might later be evicted. Most referrals come from refuges and are not emergency presentations. A local refuge provides outreach support to clients of the scheme. Apart from its restrictive practices, one of the reasons why this particular rural scheme has not become more widely used may be because there are alternative and quicker ways of finding accommodation in the private rented sector in the area. The scheme is fairly ponderous and has several bureaucratic stages, but accessing housing benefit that fully covers the cost of renting in this area, and local authority assistance with the deposit costs, ensures that women and children can access a new privately-rented home in this area. This scheme therefore demonstrates how both internal and external factors can influence how successful a scheme becomes and its take-up with clients.

7.2.5 Sheffield Sanctuary Scheme

Sheffield is a large inland city of 550 000 people in the centre of England. This Sanctuary Scheme receives an average of 10 new referrals per week from the police, domestic violence agencies and others. It is run by the local authority (Sheffield City Council) in partnership with South Yorkshire Homes and Sheffield Homes (the largest social housing providers in the area). An information sheet about the scheme is provided in Appendix 7.

As in other areas of England, the Sanctuary Scheme is just one of the options offered to women who can choose to be rehoused under the homelessness legislation if they are eligible and this is their preference. Upon referral, generic housing solution officers go through all the options available with each client. Officers reported that all forms of tenure are considered appropriate for target hardening, and that private landlords are normally receptive to having security upgrade work done on their property. Completing work on jointly-tenanted properties can be difficult as the perpetrator also has rights to the accommodation and cannot be excluded without an injunction. The Sheffield Sanctuary Scheme does not require an injunction against the perpetrator to

be in place. In such cases, unlike the Norfolk example, clients are not turned away, but similar measures to those used to deter burglars are installed, such as shock alarms to windows and motion sensitive external lighting, rather than changing the locks. Less than 10 per cent of clients have safe (panic) rooms installed as most do not consider them necessary. There is no limit on budget, and individual clients have become clients more than once following another violent relationship.

The largest social housing provider in the area, Sheffield Homes, cooperates by paying for materials and goods for the security upgrading of their tenanted properties (but not the labour costs, which the Sanctuary Scheme funds). Police domestic violence officers are also very involved. Most referrals progress very smoothly, as staff and agencies are well aware of their role in the system. Future plans to improve the scheme include developing an interview package to help to iron out the existing inconsistencies in police officers' approaches to informing women of the scheme. Once the physical work on the property is completed, the case is closed by the Sanctuary Scheme. Referrals are made to other agencies to provide ongoing support. Sheffield Sanctuary demonstrates that agencies can work together effectively to operate these kind of schemes. The research also revealed that measures designed to encourage inclusivity (such as not insisting that clients gain an injunction against the perpetrator) do not mean that no steps can be taken in order to lessen the risk of perpetrator incident in homes that remain jointly owned or rented.

7.2.6 Hull Sanctuary Scheme

Hull is a city of 250 000 people on the eastern side of England and has a low socio-economic status. The Sanctuary Scheme is coordinated by Humberside Police in conjunction with the Hull Domestic Abuse Partnership (DAP), consisting of:

- Hull Citysafe.
- Humberside Police.
- Hull City Council Children and Young People's Services.
- Hull Women's Aid.
- Hull Safeguarding Children Board.
- National Probation Service Trust.
- Crown Prosecution Service.
- National Health Service Hull.
- Children and Family Court Advisory and Support Service.
- Victim Support.
- Hull Women's Network.

Hull DAP professionals work together from the same office to provide a support service for women who have experienced domestic abuse. The team is made up of domestic abuse support workers, housing advisors, social workers, health practitioners and police domestic violence coordinators, and provides:

- emotional support
- telephone advice
- home visits
- housing advice
- legal advice and support

- support through the criminal justice system
- safety planning
- home security
- financial advice relating to pensions and benefits
- referrals to specialist health, drug and alcohol agencies and support agencies for children
- support to access emergency accommodation
- support to attend MARAC (discussed in Chapter 6) and other meetings.

This truly integrated service also includes a male perpetrator behaviour change program. Practical support to enable women to remain in their home includes free provision of a lifeline emergency alarm system, new mobile phone or SIM card, home safety repairs and provision of personal alarms, when appropriate. The multi-faceted and integrated approach within which Hull Sanctuary Scheme is embedded has demonstrated a high degree of commitment to tackle domestic violence and subsequent homelessness in an area where there is widespread domestic and family violence, and success in enabling women to remain in their own home following a decision to leave the violence.

7.2.7 Evaluation of Sanctuary Schemes

As detailed in the Positioning Paper, two evaluations have been carried out in England on Sanctuary Schemes (Quilgars & Pleace 2010; Jones et al. 2010b), both of which have been overwhelmingly positive.

As in this study, Jones et al. (2010b) interviewed national stakeholders and conducted local case studies (interviews with service providers, support providers, local stakeholders & service users). Their findings showed that overall Sanctuary Schemes were thought to have been successful in meeting their main aim of providing a safe alternative for households and preventing the disruption associated with homelessness. Most service users said that they felt much safer following the installation of Sanctuary measures although there was evidence that a few households had moved from their Sanctuary because they did not feel safe.

They found that, although there are issues of variation in the way schemes operate after the installation, such as follow up or linking households to other support services:

Nevertheless, respondents in all areas reported similar outcomes and, for the most part, service users reported positive experiences. (Jones et al. 2010b, p.8)

These findings concur with the positive feedback obtained from English Sanctuary Scheme policy-makers and practitioners. The following section examines some potential transferable lessons for Australia.

7.2.8 Potential transferable lessons from England

The information in this section has been gained from a review of the evaluation literature, and interviews with academics, policy-makers and practitioners in England:

1. Sanctuary Schemes can produce a reduction in homelessness attributed to domestic and family violence.
2. Sanctuary Schemes have the potential to reduce repeat victimisation of the crime of domestic and family violence both by helping women to consider that they have

- options other than to return to a relationship with their violent ex-partner, and by deterring him from returning to harm her.
3. There is a cost saving to the criminal justice system and other agencies through such schemes. Cost-saving by other agencies can effectively be funnelled into funding Sanctuary Schemes. Police forces, fire brigades, the National Health System and social housing providers have all been able to justify contributing to the funding of Sanctuary Schemes because of the cost savings to their core business.
 4. Children are less disrupted and the damage done to them by experiencing domestic and family violence is not worsened by having to lose their home. This can have long-term consequences for their wellbeing.
 5. In some circumstances, women and children also need to be made to feel safe outside their homes. Emergency alarm systems linked to mobile phones can greatly assist with this.
 6. Women generally benefit from contact with other survivors of domestic violence. Peer support and personal development groups can play an effective role in replacing the support that was traditionally found in Refuge settings.
 7. Multi-agency working (such as local councils & the police) and cooperation results in a better service.
 8. National good practice guidance has had a positive impact in England and it is likely that it would also in Australia.
 9. Although schemes can differ significantly from each other in their mode of operation, they generally provide a good option for women. They do not have to all be identical, but the more they are integrated into domestic and family violence systems, the more they will have to offer.
 10. Schemes that enable women to remain in their home can be regarded as emblematic that society deems domestic violence to be wrong. This is important because it shifts the power balance away from the perpetrator, and demonstrates to the children of the family what constitutes unacceptable behaviour. This can impact on their later ability to sustain relationships themselves.
 11. Women are empowered to stay away from the violent relationship and are not condemned to return to the perpetrator in order to maintain their children's home.
 12. Some refuges can be frightening places to stay, as they can be occupied by women with specialist support needs who have major problems, including but not restricted to domestic and family violence. Sanctuary Schemes can remove the need for some women to have to stay in refuges. This is one of the reasons why they have become so popular.
 13. Injunctions are not necessary in order for Sanctuary Schemes to work and in many schemes they are not a requirement for service. This is important for states such as Queensland where the level of granting such orders is much lower than the Australian national average. In such areas and where there is not yet a system of working in close liaison with the police by domestic violence agencies, Sanctuary/SHLV schemes can still effectively operate and open up positive choices for women leaving violent relationships.
 14. The more restrictive practices in place. For example, insisting on injunctions, requiring proof that the women can afford to remain in the property for a

reasonable time, the less likely women are to assess that remaining in the home is a viable option or to feel that society supports their wish to do so.

This section on England's Sanctuary Schemes has demonstrated that it is quite possible for attitudes concerning the rights of women to remain in their own home to become normalised in a relatively short time span. The schemes began being piloted nine years ago and are now mainstream practice. The popularity of such measures, even in a situation where many of the women would be entitled (and indeed have a statutory right) to alternative assistance in the form of the provision of another home, indicates that they play a vital role in meeting the hitherto unmet need and choice of many. Although women escaping domestic and family violence relationships are often prioritised for both temporary and permanent social housing in Australia, they do not have any rights to alternative accommodation and are frequently turned away and have to make their own arrangements with family and friends, stay in motels or boarding houses if they can afford it, sleep in the car, or return to the perpetrator as a result (Spinney 2012). It can be considered therefore that the widespread provision of homelessness prevention schemes in Australia is even more important than in England where the welfare safety net ensures that women and children who have experienced domestic and family violence are afforded a higher degree of protection.

The next section looks at a pioneering Australian integrated multi-sector statewide series of domestic and family violence programs, Safe at Home (Tas), in order to assess their capacity to prevent women and children from becoming homeless.

7.3 Safe at Home—Tasmania

Safe at Home (Tas) is a leading Australian example of an integrated statewide response to domestic and family violence across government departments. Its goals are to reduce the level of family violence in the medium to long term, to promote the safety of people affected by family violence, and to change the offending behaviour of those responsible. Reducing the rate of homelessness experienced by women and children is not the primary aim, but the objectives and principles do include that 'wherever possible, victims should be able to choose to remain in or return (as soon as possible) to their own homes' (Department of Justice 2009, p.10). This section evaluates to what extent and in what ways Safe at Home (Tas) aids and abets women and children to do so.

Safe at Home has three levels of governance—the Statewide Steering Committee, the Inter-departmental Committee (IDC) and regional coordinating committees. The first two are made up of representatives from the Departments of Justice, Police and Emergency Management, Health and Human Services, Premier and Cabinet, and Education. At the regional committee level there are representatives primarily from the Safe at Home welfare and support provider agencies themselves. Regional committees normally discuss every new incident of family violence in their area and how it has been dealt with, including whether children were involved and the notification of child protection services.

Safe at Home was implemented in 2005 completely from scratch and the Statewide Steering Committee was most active during the development phase. It now maintains fiscal oversight and overall responsibility, and responsibility to consider review recommendations. The role of the IDC is to establish standardised policies and procedures and involves senior management from the participating government agencies. The Department of Justice is the lead agency for Safe at Home and the chair of the IDC comes from this department.

Commentators interviewed for this research agreed that statewide integration has worked well at a service level. Latterly, however, budget cuts in the police and the Department of Health and Human Services have led to unilateral decision-making, to the detriment of the integration of the system. One of the main drivers of Safe at Home was to remove the responsibility for the justice response from the victim, given that they are not always in a position to make these decisions. Safe at Home was considered by the interview participants to have lost some momentum from when it commenced seven years ago, and there was some disappointment that it had not achieved everything initially hoped for. Government and non-government domestic violence related sectors have sometimes struggled to work well together in this very government-led system. Generally, however, the model was considered to have positively changed the discourse around domestic and family violence in Tasmania in terms of making clear its unacceptability and the willingness of the justice system to demonstrate this. There do, however, remain discrepancies in practice.

Risk assessments and security upgrading are carried out as part of Safe at Home, in order for women and children to have the choice to stay in their home if they wish. The budget for this is controlled by the police and, as with the Norfolk Sanctuary Scheme, eligibility criteria are quite stringent. As discussed in Chapter 4, there is variability in the way that the police operate in Tasmania. Often a Family Violence Protection Order is placed by the police rather than charging perpetrators with every crime they have committed, and this was criticised by practitioners interviewed for this research. Police attending domestic and family violence incidents immediately assist to relocate about 13 per cent of victims, most of whom are classified as being at high risk of experiencing another incident.

Tasmania has a 'five strikes and you're out policy' incorporating mandatory prison sentencing for perpetrators of domestic and family violence with five repeat offences. However, practitioners were critical that magistrates sometimes avoid this by not recording a conviction. This is a fundamental issue because Safe at Home uses a criminal justice approach to change perpetrator behaviour. It is different in this aspect to the community projects examined and means that the justice system has an even greater influence on discourse regarding homelessness prevention of women and children in Tasmania than elsewhere in Australia. Tasmanian domestic and family violence welfare agencies interviewed considered that Safe at Home does not create an environment where women feel safe to remain, and indeed to a much greater extent than in the other case study areas of New South Wales and Victoria argued that it was not appropriate in many cases for women and children to stay following removal of the perpetrator because:

- Women fear (as do welfare agencies) that the perpetrator will return.
- Fear that breaches of orders and injunctions barring the perpetrator from returning to the family home will not be dealt with effectively.
- Courts are reluctant to remove and bar the perpetrator if he is the owner-occupier, or if his business is attached to the property.
- Victims do not feel they can recover in the property where the assaults took place and need to move home in order to start anew.
- The perpetrator's friends and family keep coming round even though the perpetrator has been removed.
- They cannot afford to stay in their homes.

Some commentators did consider that Safe at Home had made a positive difference to women's ability to stay in their home because:

- Police Family Violence Orders can be issued on the spot by police officers to exclude perpetrators.
- Pro-arrest of perpetrator policies demonstrates that the state is taking responsibility for both the crime and for removing perpetrators rather than viewing this as the victims' role, putting domestic and family violence more in the same category as other violent crimes.
- Public awareness of family violence has increased.
- There is improved legal recognition, and court support officers are in place for both perpetrators and victims.
- State-funded family violence counselling for women and children is available.

Interviewees felt that some improvements to practice would, however, enhance women's and children's ability to remain living in their home. These include more organisations to be involved in the IDC meetings, including mental health, drug and alcohol agencies as these are significant factors in many cases. This was considered to be especially important when the IDC considers applications to alter barring conditions when the victim wishes to re-partner with the perpetrator.

They also recommended that it should not be the police alone who conduct the risk assessments for women and children remaining in their home and who hold the budget for practical assistance such as security upgrading and short-term temporary accommodation. This was because the police method of assessment does not take into consideration how women feel about remaining, or how security measures can increase their confidence to do so. Not enough security upgrading work is done on homes in Tasmania, and none at all on the homes of women assessed as being at less than high risk. Consequently those not in public housing (Housing Tasmania fund some physical security upgrades for tenants) find it difficult to get such work carried out. The police cannot, and do not, take into consideration that feeling safe to remain (through security lighting etc.) can be equally as important as being safe to remain in terms of giving women the confidence to stay in the property. This is an important insight into what makes SHLV (Chapter 5) and similar measures such as Bsafe (Chapter 6) successful in preventing homelessness compared to Safe at Home.

In Tasmania both the State Housing Authority and the police are very restrictive in what they will provide for added security, compared to Safe at Home Victoria and SHLV schemes in New South Wales. The discrepancies in what preventative measures welfare agencies and public housing landlords will provide in order to prevent the homelessness of women and children will have to be addressed (perhaps through national guidance) if effective measures are to be rolled out across Australia.

Interviewees and workshop participants stated that the following changes need to be made if more women and children are to be prevented from homelessness in Tasmania:

1. Increased move-on accommodation and programs for offenders because some have a lack of ability to manage on their own which makes them more likely to try to persuade their ex-partner to let them return. All too often this leads to repeat victimisation of the women and children.
2. More money for security upgrade work, to improve safety and to improve confidence in being safe to remain. Women are not made to feel safe enough in their own home at present. As one workshop participant noted: 'It's not what you do to the house to make it safe, but what you do to make the women feel safe that matters'.

3. Increased training for police about the cycle of domestic and family violence and that women can be enabled to remain safely in their homes.
4. Development of a mandatory perpetrator behaviour change program. This was originally envisaged but never implemented.
5. More integration of non-government agencies on the IDC, especially regarding decisions about whether family and domestic violence orders can be rescinded or altered to allow the perpetrator to return.
6. Risk assessments should be conducted by police in conjunction with another agency. Such joint assessments would help in the development of effective safety planning to enable women to remain in their homes.
7. The Risk Assessment Safety Tool (RAST) used is constantly being amended and quite prescriptive. Most of those assessed are scored at low to medium risk, making them ineligible for most security upgrading work. This is not effective in encouraging women to feel able to remain in their homes.
8. More multi-agency case conferencing is needed. Although this occurs, it was not considered to be fully utilised.
9. Legal Aid in Tasmania does not fund property issues which hinders women who are owner-occupiers from receiving good legal advice concerning property settlement following relationship breakdown.
10. Women on spousal visas are especially vulnerable and do not receive enough assistance.
11. Children are sometimes removed from the home if they have experienced domestic and family violence there. As a result, their mothers lose the Centrelink payments for them and cannot afford to remain in their home. As they cannot afford to rent accommodation large enough for the children to live in, Child Protection Services do not allow the children to return to their mother following the cessation of the violence. Answers to this situation need to be found if women are not to lose their homes and be unable to have their children returned.

Safe at Home has added a level of consistency to policy approaches in Tasmania, and research participants universally thought the situation for women and children who have experienced domestic and family violence is better now than they were before its commencement. One of the main strengths is the integrated response by agencies.

Participants considered that this was easier to achieve than with the more recent Safe at Home Victoria, because a new system was created in Tasmania from scratch rather than adjustments made to an existing system. South Australia is investigating the implementation of a similar statewide system. However, Safe at Home (Tas) was not designed primarily to be a homelessness prevention intervention and this has impacted on its effectiveness in this area when compared to Sanctuary Schemes in England and SHLV from New South Wales.

7.4 Conclusion

The key message of this chapter is that Sanctuary Schemes have become quickly established in the last ten years as a very effective national approach to preventing women and children who have experienced domestic and family violence in England from having to leave their homes. This is because their integrative approach has been welcomed by their clients, who have responded enthusiastically to coordinated multi-sector approaches to provide legal, emotional and physical support to remain in their

home. There are important transferrable lessons (regarding both positive & negative issues) from England's decade of experience with Sanctuary Schemes that can usefully aid policy-makers in Australia to consider how to respond to the Homeless White Paper's targets to improve and expand the policy and practice of stay-at-home homelessness prevention type initiatives.

The key findings from Chapters 4–7 demonstrated that legal, housing and welfare and support issues are all important in determining whether women will feel enabled to stay at home, and that their effectiveness is much enhanced when multi-sector approaches covering these issues are coordinated into an integrated service. The findings revealed that when such services are fully integrated and become available on a jurisdiction-wide basis to all who require them there is an enthusiastic uptake by clients, resulting in many being able to safely stay in their homes.

Chapter 8 takes the analysis a stage further by bringing the findings together and considering the implications for Australian policy and practice.

8 IMPLICATIONS FOR POLICY AUSTRALIA-WIDE AND FINAL CONCLUSIONS

8.1 Introduction

The findings Chapters 4–7 have identified how legislation, legal and judicial practices, practical and emotional support services, affordability issues, and multi-sector integrated domestic and family violence programs can influence women’s decisions as to whether to remain in their homes following the removal of a violent partner, their confidence in their ability to do so safely, and their actual safety. This has been done in order to seek answers to the projects research questions:

1. How and to what extent have innovative homelessness prevention measures introduced in Australia and England since the mid-1990s been successful in enabling women and children to remain in their homes and localities?
2. What are the implications of these findings for policy on housing and homelessness in Australia and for improvements to practice?

International and Australian inter-related legal/judicial, housing and welfare approaches to homelessness prevention for women and children who have experienced domestic and family violence have been examined, with special regard as to how these approaches can combine and work together to provide the most effective support. The findings of the research have been reported by analytical theme throughout this report, with a view to answering these two important questions. This chapter seeks to summarise and consolidate these findings, and to come to some important conclusions for the future development and roll out of homelessness prevention services for women and children who have experienced domestic and family violence.

8.2 Have innovative homelessness prevention measures been successful?

Answers to the first research question were sought by the review of the literature which was published in the Positioning Paper for this project in June 2011 (available on the AHURI website) and from fieldwork at the following case-study locales:

- Staying Home Leaving Violence (NSW).
- Safe at Home in Victoria.
- Bsafe (Victoria).
- Sanctuary Schemes (England).
- Safe at Home (Tasmania).

The research sought to come to an understanding of not only how these schemes operate but also how they coordinate their work with other multi-sector agencies, including the ways in which judicial and legal issues; including state and Commonwealth legislation, injunctions and orders and breaches, the role of the courts and police, and legal support can work to make homelessness prevention schemes such as these less or more effective.

The research has found that considerable importance must be attached to the provision of welfare and support for women and children who have experienced domestic and family violence and who seek to remain in their home following the exclusion of their perpetrator. There is a need for long-term emotional support for all

women who have experienced domestic and family violence if they are to live free from violence in the future (see the companion FaHCSIA research report for further information) SHLV schemes in New South Wales and Sanctuary Schemes in England have been able to provide a combination of emotional and physical support that has responded to the needs of women and children, and as a result has been well received by them. This report has also highlighted the need for additional programs that are designed to build confidence, increase financial capability, grow support from the community and assist perpetrators not to seek to return to the family home if the prevention of homelessness for women and children is to become effective mainstream policy in Australia.

Practical support such as risk management, safety planning and security upgrading are also important factors in enabling women to remain safely in their homes, but what has been revealed by this research is that they alone are not enough. It is the combination of physical and emotional support services that have made them so successful.

Interviewees and workshop participants in both England and Australia have been exceedingly generous in their support of this research project, and very open in sharing the advantages and disadvantages, opportunities and challenges, of schemes they have particular knowledge of. They have done this because they are aware that preventing homelessness for women and children is an important issue, and because they understand that the things that have both worked well and not so well for them can provide valuable and useful learning for others.

One of the most important findings of the research is that integrated schemes such as SHLV have an important role to play in preventing homelessness for women and children who have experienced domestic and family violence, and that this is true for women living in very different situations in very different areas of Australia, including those previously thought not to be suitable. Women living in metropolitan areas, rural isolated areas, in owner-occupied, privately-rented, public housing, jointly-owned, jointly-tenanted, with injunctions and police orders or without, have all been assisted to remain living safely in their homes through the five projects highlighted.

These types of projects can be established in areas of Australia where the use of injunctions is not yet widespread and in rural areas where police may take longer to attend an incident. It is important to note that there is no evidence to suggest that women and children are more at risk if they chose to remain in their home than if they chose to leave. It is the women who know their situation best and who must weigh up the risks of both options, ideally with the help and guidance of trained support workers. Separating from a perpetrator of domestic and family violence unfortunately carries an element of risk, whether women choose to remain or to leave their home.

Although the research has identified that greater consistency is needed in legal and judicial matters if uniform best practice is to be achieved throughout Australia, and that affordability issues for women (whether they stay or go) are real and pressing, it is clear that the time has come for women and children who have experienced domestic and family violence to always have the choice to remain living in their home with support, wherever they live in Australia and regardless of tenure. The evidence is clear that women want the opportunity to choose, and that schemes which are unrestrictive in their practices are popular and oversubscribed.

We also know that this is a cost effective approach and that providing crisis accommodation is often more expensive than providing support (AHURI 2009). At a time when women rightly expect equal opportunities in terms of education and work, it is untenable that they will continue to tolerate policy and practice arrangements that

assume that they are willing to become homeless as a result of experiencing the crime of domestic and family violence.

8.3 What are the implications of these findings for policy and practice?

The key finding of this research are that Australia should move to the provision of homelessness prevention SHLV-type schemes that are as extensive as the current provision of refuge and crisis accommodation across the country; that the schemes should use non-restrictive eligibility practices' that they should include an element of social marketing, and that they should provide both practical and emotional support for clients.

No existing models of SHLV-type schemes are specifically provided for Indigenous Australians and there is a need for further research regarding the provision of culturally appropriate homelessness provision schemes for these women and children. The findings do have implications for housing and homelessness policy and practice. These have been detailed within the findings chapters of this report, and are consolidated here:

1. Creation of mirroring (matching) legislation relating to all aspects of good practice homelessness prevention attributed to domestic and family violence throughout Australia. The states and territories need to be much more uniform in their approach if women are to consistently receive good practice regardless of where they live.
2. Provision of police powers throughout Australia to offer immediate protection to women by the removal of the perpetrator. The 12-month notice used in Tasmania is recommended as an example of good practice.
3. Further development of sharing of information throughout Australia between accredited agencies on domestic and family violence victims and perpetrators.
4. Development of a national training and instructions package for magistrates in order to provide a standardised response and consistency of service throughout Australia.
5. Perpetrators to be charged on every crime, not just the breach of injunction or order conditions, as national practice.
6. The use of 'monitoring bracelets' for high risk offenders to be considered, so that their location can be tracked.
7. The provision of specialist domestic and family courts to be legislated for, and provided, throughout Australia. These would include court support workers for victims and perpetrators.
8. Consistent police training on domestic and family violence.
9. Dual risk assessments to be conducted by police and support agencies.
10. Re-provision of legal aid for property matters in family law.
11. Free telephone legal support services throughout Australia for women considering separating from the perpetrator.
12. Court fines to be cancelled if women choose to remain in their home following domestic and family violence, not just if they become homeless.
13. Provision of Staying Home Leaving Violence type schemes, using non-restrictive eligibility practices, such as not insisting on an injunction or police order and not

- using long-term affordability as eligibility criteria, throughout Australia. These would include the existing services of practical and emotional support and also the provision of emergency alarm systems, peer support and personal development and financial confidence training, with social marketing as an integral part. The Commonwealth Government should take the lead in encouraging the normalisation of these schemes by providing advisors to 'teach' others how it can be done and by issuing national guidance on good practice.
14. Adequate funding for homelessness prevention schemes so that women are not turned away or kept on a waiting list.
 15. Provision of culturally appropriate schemes for Indigenous Australian women. The implications of mainstream law, legal and judicial systems and the practices of mainstream welfare agencies need to be specifically considered in each jurisdiction.
 16. Financial mortgage assistance for owner-occupiers, as well as those in private rented accommodation, to be available throughout Australia for low income earners who choose to remain in their home.
 17. Publication and distribution of information on how women can afford to leave their violent relationship.
 18. The Commonwealth Government to take the lead in negotiating with mortgage lenders on keeping owner-occupying women in their home through mortgage payment breaks, interest reductions, extending length of mortgage etc.

The fact that domestic and family violence crosses many policy domains can create barriers to changing practice regarding preventing women and children becoming homeless. However, we know that even in this environment successful schemes are operating throughout Australia. The time is right for the Commonwealth Government to take the lead in establishing national practice in order to continue the positive steps that have been achieved, and to ensure that effective homelessness prevention schemes are available throughout Australia.

8.4 Final conclusions

This research has explored the value and implementation challenges of innovative staying at home homelessness prevention measures. The aim was to investigate and assess some of these innovations in policy and practice to prevent homelessness among women and children who have experienced domestic and family violence. The overall findings are that:

- Integrative approaches such as SHLV-type schemes have an important role to play in preventing homelessness for women and children who have experienced domestic and family violence, and that this is true for women living in very different situations in very different areas.
- Australia should move to the provision of homelessness prevention schemes that are as extensive as the current provision of refuge and crisis accommodation.

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APPENDICES

Appendix 1: Australian residential tenancies legislation offering a response to homelessness attributed to domestic and family violence

New South Wales

The principal legislation dealing with residential tenancies in New South Wales is the Residential Tenancies Act 2010 which commenced on 31 January 2011. The Act has provisions and sections offering a response to domestic and family violence from a tenancy perspective.

S71 is concerned with the change of locks and other security devices on residential tenancy premises. S71(1) requires a landlord to consent to a lock change unless there is a reasonable excuse. S71(2)(d) specifically states that a tenant or occupier would have a reasonable excuse where a co-tenant or co-occupier has been prohibited from having access to the residential premises by an Apprehended Violence Order (AVO).

S72(1) states that if one party changes, removes or alters a lock on the premises they must give a copy of the new key to the other party within seven days, but S72(2) goes on to say that this does not require a copy of the key to be provided to a person who is prohibited from having access to the premises by an AVO.

S79 allows for the change of tenants after an AVO has been issued. S79(1) states that on the making of a final AVO that prohibits a co-tenant or a tenant from having access to the residential premises the tenancy of that co-tenant or tenant is terminated. This termination does not affect the tenancy of any other co-tenant not subject to the order.

S79(2) goes on to state that the Consumer, Trader and Tenancy Tribunal may then, on application by a remaining occupant or co-tenant, make an order recognising the remaining occupant as a tenant under the residential tenancy agreement if a tenant or former tenant or co-tenant has been issued with a final AVO.

S79(3) Allows for an order from the tribunal that grants the new tenant exactly the same tenancy agreement as before just with the perpetrator removed and possibly with the new tenant added in their place or as the tribunal sees fit.

S79(4) states that this can be applied for at the same time as other proceedings or independently of them.

However, S79(5) states that the tribunal cannot make this order in respect of a social housing tenancy agreement unless the remaining occupant meets any applicable eligibility requirements of the social housing provider for tenancy of the premises.

Victoria

The principal legislation dealing with residential tenancies in Victoria is the *Residential Tenancies Act 1997*.

The Act has provisions and sections offering a response to domestic and family violence from a tenancy perspective.

One key section is 70A which is concerned with the changing of locks and other security devices on rented premises which are subject to a Family Violence Intervention Order or Family Violence Safety Notice. This section is for when a tenant or co-tenant has been excluded from accessing the premises as part of the Order or Safety Notice and the protected person is also a tenant or has been residing in the

rented premises as their principal place of residence but is not a party to the tenancy agreement—S70A(1).

S70A(2) states that the protected person may change any external door or window lock, including a lock in a master key system, of the rented premises.

However, as soon as practicable, the protected person must provide a copy of the key and either a certified extract of the Family Violence Safety Notice or a copy of the Order to the landlord or the landlord's agent—S70A(3).

They must also provide a key to any other tenant, except the excluded tenant—S70A(3)(b).

The landlord, or the landlord's agent, must not give a key to the excluded tenant if he or she knows that the tenant has been excluded from the premises—S70A(5) They are taken to know the tenant is excluded if they have been provided with a certified extract or a copy of the notice or order—S70A(6).

The Act also provides for a replacement tenancy agreement excluding the tenant who is subject to a final Family Violence Intervention Order—S233A.

It applies where an exclusion condition has been included in the intervention order and the protected person is either a co-tenant or has been using the premises as their principal place of residence—S233A(2).

The protected person may apply to the tribunal (Victorian Civil and Administrative Tribunal) for an order to a) terminate the existing tenancy agreement and then to b) require the landlord to enter into a new tenancy agreement with the protected person—S233A(3). This is also the case where the protected person lives in a caravan park on a long-term site agreement—S317M(2).

When deciding the application, the tribunal would need to be satisfied that the protected person could reasonably be expected to comply with the duties of a tenant under any agreement and that the protected person or their dependent children would likely suffer severe hardship (i.e. homelessness) if they were compelled to leave the premises. The tribunal would also need to be satisfied that the hardship suffered by the protected person would be greater than any hardship the landlord would suffer if the order was made and that it is reasonable to do so given the length of the exclusion order and the length of the existing tenancy agreement—S233B(1).

The new tenancy agreement must be subject to the same rent and frequency of rent payments and on the same terms and conditions—S233B(2).

During proceedings the excluded tenant cannot cross-examine the protected person without leave of the court—S233D.

Queensland

The principal legislation dealing with residential tenancies in Queensland is the *Residential Tenancies and Rooming Accommodation Act 2008*.

The Act has provisions and sections offering help and respite from domestic and family violence in terms of residential tenancies.

S211 is concerned with the changing of locks on the rented premises and while it doesn't mention domestic violence it does state that the tenant can change the locks without consent of the lessor if they have a reasonable excuse—S211(2)(a) and S211(3) goes on to say that it is a reasonable excuse to change the locks in an emergency.

The Civil and Administrative Tribunal on application can authorise a change in the locks S213(1)(c) and one of the factors the tribunal may regard when making a decision is the likelihood of risk to the personal safety of the tenant.

In terms of provisions explicitly concerning domestic violence, S245(2) allows someone to apply to the tribunal for an order to be recognised as the tenant or co-tenant under the tenancy agreement instead of the person's domestic associate because the domestic associate has committed an act of Domestic Violence against them.

In deciding the application the tribunal must have regard to a) whether the person has applied for a Protection Order against the domestic associate, b) if an application was made, whether a Domestic Violence Order was made and c) if a Domestic Violence Order was made whether a condition was imposed prohibiting the domestic associate from entering or remaining on the premises—S245(4).

The party in whose favour the Order is made is then considered the tenant or co-tenant—S245(7).

The tenant can also apply to the tribunal for an order terminating the tenancy agreement because the domestic associate has committed an act of domestic violence against them and they want to leave the area—S321(1)(b).

S344 allows the tribunal to make an order of this nature. When making its decision the tribunal must have regard of the same domestic violence factors as it has to when deciding to change the name on the tenancy agreement in S245(4)—S344(2).

Tasmania

Legislation relevant to residential tenancies in Tasmania are the Residential Tenancy Act 1997 and the Family Violence Act 2004

Residential Tenancy Act 1997

In terms of changing or adding locks to a premises subject to a residential tenancy agreement no party to the agreement can do so without either the permission of the other party or a court order—S57(2) either party may apply to a court seeking such an order—S57(3) and a court can order it so if it is satisfied it is reasonable to do so—S57(4).

However, this only applies if the protected person is a tenant and therefore a party to the residential tenancy agreement. If they are just a resident with no tenant rights they can neither quickly change the locks nor apply for a court order to do so.

It also means that social housing bodies that act as landlords such as Housing Tasmania cannot get in quickly under this act and change the locks once a Domestic Violence incident has taken place and a Police Family Violence Order has been issued if the perpetrator is a tenant as they would need the perpetrator's permission to change the locks.

Family Violence Act 2004

Conditions can include orders to vacate premises, not to enter premises, or only enter under certain conditions, whether or not the subject has a legal or equitable interest in the premises —S16(3)(a).

If the subject is a tenant of a residential property with the affected person, the court can make an order to terminate the tenancy agreement and establish a new residential tenancy agreement for the benefit of the affected person—S17(1).

Western Australia

Legislation relevant to residential tenancies in Western Australia are the Residential Tenancy Act 1987 and the Acts Amendment (Family and Domestic Violence) Act 2004

Residential Tenancies Act 1987

Neither the landlord nor the tenant may change, alter or add any locks or other security devices without the other's consent given at or immediately before the change—S45(1)(b). If either party breaches this term without a reasonable excuse they are liable to a maximum fine of \$4,000—S45(2).

Acts Amendment (Family and Domestic Violence) Act 2004.

The court can impose such restrictions as necessary—S13(1), for example, excluding the respondent from the home.

A Police Order may restrain a person from entering or remaining in a place, or restrict their access to a place, even if the person has a legal or equitable right to be at the place—S30C(4), i.e. the family home.

Northern Territory

Legislation relevant to residential tenancies in the Northern Territory are the Residential Tenancies Act 1999 and the *Domestic and Family Violence Act 2007*

Residential Tenancies Act 1999

In terms of changing, altering or adding locks, neither party can do so without the permission of the other party—S53(1) (tenant), S50(1) (landlord).

If they do have permission, they must provide a copy of the key for any new locks or security devices to the other party within two business days—S53(2) (tenant), S50(2) (landlord).

Domestic and Family Violence Act 2007

The court can impose any restriction it feels is necessary or desirable, this may include a premise access order which requires the defendant to vacate premises or restrain from entering premises except on stated conditions—S22(1). This applies regardless of whether the defendant has a legal or equitable interest in the premises—S22(3).

If the defendant and the protected person live or previously lived together and one or both of them are tenants in rented accommodation and either the court DVO includes a premises order or the protected person no longer wishes to live there, then the DVO can order the tenancy agreement terminated and install a replacement tenancy agreement in its place. This can be for the benefit of the protected person and any other tenant on the lease except the defendant, or if the protected person consents, for the benefit of the defendant. This can only be done if the court is satisfied that the relationship between the parties has irrevocably broken down and there is no reasonable chance the parties could live together without domestic violence—S23.

There is a presumption in favour of a protected person with child remaining in the home which the court must take into consideration—S20(1)(a).

South Australia

Legislation relevant to residential tenancies in the South Australia are the *Residential Tenancies Act 1995* and the *Intervention Orders (Prevention of Abuse) Act 2009*

Residential Tenancies Act 1995

Neither the tenant nor the landlord may add, remove or alter the locks of the rented residential premises without consent of the other party unless they have a reasonable excuse—S66(1)(b). If either party change the locks without consent or a reasonable excuse they could face a maximum fine of \$1,000—S66(2).

The tribunal may, on application from the landlord, terminate the tenancy and make an order for immediate possession of the premises if the tenant has intentionally or recklessly caused or permitted, or is likely to cause or permit personal injury to a person in the vicinity of the premises (i.e. co-tenant, co-resident)—S87(20)(b)(ii).

Intervention Orders (Prevention of Abuse) Act 2009

An IO (Intervention Order) can prohibit the defendant from being on the premises at which a protected person resides, works or frequents and can prohibit the defendant from being in a specific locality (i.e. the protected person's neighbourhood)—S12(1)(a-c). It can also impose any other requirement on the defendant to take, or refrain from taking, a specified action—S12(1)(l).

An IO may be issued against the defendant in relation to premises or property despite the fact that the defendant has a legal or equitable interest in the premises or property—S12(5)(a). If it contains such a condition then the protected person may, despite any other law, change any external window or door lock on the premises—S12(6)(a).

If the defendant is a party to a tenancy agreement for the premises then they may not, despite any other law, take any action to terminate the tenancy agreement before the determination of the proceedings—S12(6)(b).

If the defendant is a party to a tenancy agreement for the premises then they may not, despite any other law, take any action to terminate the tenancy agreement before the determination of the proceedings—S12(6)(b).

If the court confirms an interim IO or issues a substitute IO that prohibits the defendant from being on a premises that a protected person resides and that the premises are subject to a tenancy agreement then the court can make a tenancy order that removes the defendant for the benefit of the protected person—S25(1). This can only be done, however, if the protected person consents, meets all the criteria for the residency and could reasonably be expected to comply with the obligations of the tenancy agreement—S25(2). The existing security deposit will act as the deposit for the new agreement, regardless of whether the defendant originally provided it—S25(4)(c).

The landlord is not to provide a key to the defendant or provide them with access into the premises and faces a maximum penalty of a \$10,000 fine if they do so.

Australian Capital Territory

Legislation relevant to residential tenancies in the Australian Capital Territory are the Residential Tenancies Act 1997 and the Domestic Violence and Protection Orders Act 2008.

Residential Tenancies Act 1997

Both the lessor and the tenant may change the locks (at their own cost) with the consent of the other party—S54(3).

Domestic Violence and Protection Orders Act 2008

Interim and final Domestic Violence Orders may prohibit the respondent from being on premises where the aggrieved person lives—S35(1) and S48(2)(a).

Commonwealth

The principal legislation dealing with residential tenancies under the Commonwealth jurisdiction is the Family Law Act 1975, injunctions - S114 and S68.

Family Law Act 1975

S114 injunctions

These only apply where there is a matrimonial relationship between the parties.

S114 gives a court the power to grant such injunctions as it considers proper with respect to the matter to which the proceedings relate, including an injunction for the personal protection of a party to the marriage; an injunction restraining a party to the marriage from entering or remaining in the matrimonial home or the premises in which the other party to the marriage resides. It can also restrain a party to the marriage from entering or remaining in a specified area, being in an area in which the matrimonial home is, an injunction in relation to the property of a party to the marriage; or an injunction relating to the use or occupancy of the matrimonial home.

S68 injunctions

S68B(c)(1) allows an injunction restraining a person from entering or remaining in a place of residence, employment or education of the child and S68B(d) allows an injunction restraining a person from entering or remaining in a place of residence, employment or education of a parent/guardian, i.e. the family home.

Appendix 2: Australian domestic violence legislation: provisions for homelessness prevention

Victoria

The main legislation in Victoria is the Family Violence Protection Act 2008 which has been in operation since 1 October 2009.

The Act contains two legislative instruments to combat family violence and homelessness of the victim(s) as a result:

- Family Violence Safety Notices
- Family Violence Intervention Orders.

Family Violence Safety Notices

These are immediate in effect and act as an interim measure until a Family Violence Intervention Order hearing can be held.

They serve as an application for a Family Violence Intervention Order—S31(a).

A police officer of rank sergeant or higher can issue a Safety Notice—S26.

A police officer who responds in person to an incident can apply for a Safety Notice either in person or via fax, email or other electronic device.

A Family Violence Intervention Order takes precedence over a Safety Notice and the hearing of first mention must occur within 72 hours of the respondent being summoned or on the next working day if the third day falls on a weekend or public holiday.

Safety Notices can contain any restrictions likely to be made in a Family Violence Intervention Order including excluding the respondent from the shared property

regardless of property legal and equitable rights and excluding the respondent from a specific place or a specific distance from the victim S29(1), S81(2)(a-f).

Family Violence Intervention Orders

Family Violence Intervention Orders can only be granted by the Magistrates Court or Children's Court.

The respondent and the affected family member, if they are not the applicant, must be informed as soon as practicable once an application has been made.

Application can be made by phone, fax or other electronic device if done outside of business hours.

Can be appealed to the County Court, or if original decision made in the Children's Court then the Supreme Court. No further appeal is then permissible.

Safety of affected person and children is paramount in deciding conditions—S80.

Respondent can be excluded from residence—S81(2)(b), S82.

The court must regard the desirability of the least disruption to the affected person's (victim's) life—S82(2)(a).

If a Family Violence Safety Notice or Family Violence Intervention order is breached, the punishment can be a fine not exceeding 200 penalty points or a prison sentence not exceeding two years.

Tasmania

The main legislation in Tasmania is the Family Violence Act 2004. The object of the Act is that in its administration the safety, psychological wellbeing and interests of people affected by family violence are the paramount considerations.

The Act contains two legislative instruments to combat family violence and homelessness of the victim(s) as a result:

- Police Family Violence Orders (PFVOs).
- Family Violence Orders (FVOs) and Interim Family Violence Orders.

Police Family Violence Orders

A police officer of the rank of sergeant or higher can issue a PFVO—S14(1).

Conditions may be included in the PFVO that requires the subject to vacate any premises, whether or not that person has a legal or equitable interest in the premises—S14(3)(a). They can also be required to not enter any premises, or only enter under certain conditions—S14(3)(b).

A PFVO, without extension or variation, operates from the date of service for a period not to exceed 12 months—S14(6).

A police officer of the rank of inspector or above may vary a PFVO where both parties consent and where it will not affect the victim's safety and interests—S17.

A PFVO is revoked by issue and service of an FVO or interim FVO.

Family Violence Orders

FVOs are issued by a court.

A police officer, an affected person or child, if the court is satisfied that the child is capable of understanding the nature of the proceedings or any other person to whom leave to apply is granted by a court can apply for a PVO—S15(2)(a-d).

Conditions can include orders to vacate premises, not to enter premises, or only enter under certain conditions, whether or not the subject has a legal or equitable interest in the premises—S16(3)(a).

If the subject is a tenant of a residential property with the affected person the court can make an order to (a) terminate the tenancy agreement and (b) establish a new residential tenancy agreement for the benefit of the affected person—S17(1).

The original safety deposit can then be used as the deposit for the new agreement, regardless of which party provided it—S17(3)(a).

An FVO lasts as long as the court sees it as necessary or until it is revoked—S19.

The court can make an interim FVO at any stage in the proceedings—S23(1).

An interim FVO is revoked when a regular FVO takes effect or on a date ordered by the court—S23(2)(a-b).

If the respondent is in court when the FVO is issued then it takes effect straight away, if not it only takes effect once it has been served on the respondent—S25(1)(a-b).

Punishment for contravention of an FVO or PFVO range from a fine of 20 penalty units or a prison sentence not exceeding 12 months for a first offence to a prison sentence of up to five years for a fourth or subsequent offence—S35(1)(a-d).

Western Australia

Western Australia has taken a slightly different approach, using the Acts Amendment (Family and Domestic Violence) Act 2004 to amend several other Acts to provide a legislative framework to combat Family Violence and resultant homelessness. The three Acts amended were the Restraining Orders Act 1997, the Bail Act 1982 and the Criminal Code. The main effect of the amendments was to tighten up definitions of abuse and relate them more centrally around family and domestic violence.

The overall effect, however, is very similar to other states with two legislative instruments to combat family violence and homelessness:

- Police Orders (POs).
- Violence Restraining Orders (VROs).

Police Orders

A police officer can issue a PO if, like a VRO, they reasonably believe an act of family and domestic violence has been committed and is likely to be again or they reasonably believe that a child has been exposed to an act of family and domestic violence and is likely to be again—S30a. Or the police officer reasonably fears, or reasonably believes that another person reasonably fears that a person will have an act of family and domestic violence committed against them in the immediate future or reasonably fears a child will be exposed to family and domestic violence in the immediate future and that making a PO is necessary to ensure the safety of a person—S30(1).

A police officer can make an order whether or not an application for an order has been made—S30(2).

Any appropriate restraints can be imposed to prevent family and domestic violence—S30C(1).

A PO may restrain a person from entering or remaining in a place, or restrict a person's access to a place, even if the person has a legal or equitable right to be at the place—S30C(4), i.e. the family home.

Police Orders can take two forms: 24-hour orders and 72-hour orders. 24-hour orders lapse after two hours if they have not been served on the respondent, and 72-hour orders (or less time if appropriate) lapse after 24 hours if not served—S30F(1).

72-hour orders require consent from the person to be protected or guardian, where appropriate—S30g(a-b).

POs cannot be extended or varied, nor can another one be issued arising from the same facts—S30H.

Violence Restraining Orders

Can only be issued by the Magistrates Court or Children's Court where appropriate.

Can be issued over the telephone by a magistrate if time, location, urgency or other factors necessitate it—S20(a-b).

They can be applied for by the person seeking protection or a police officer on behalf of the person seeking protection.

The court can impose such restrictions as necessary—S13(1), including excluding the respondent from the home.

Interim orders can be made at any point in the proceedings.

Interim orders end when a final order decision is made or at a time specified by the court.

Final Violence Restraining Orders last for as long as the court specifies or for two years. The maximum duration for a telephone order is three months.

A breach of a VRO or a PO can result in a \$6,000 fine, up to two years imprisonment or both.

One effect of the Act Amendments (Family and Domestic Violence) Act 2004 is that the Misconduct Restraining Order is no longer available to those in a family or domestic relationship—S35A.

Queensland

The principal legislation in Queensland is the Domestic and Family Violence Protection Act 1989. This provides two main tools to combat domestic and family violence and resultant homelessness:

- Temporary protection Orders (TPOs).
- Protection Orders (POs).

However, there are some key differences to how an aggrieved party or police officer can apply for these than in other states.

The first is that there is no provision for the police to issue Temporary Protection Orders; they have to be applied for to a magistrate.

Another key difference is that, although applications are usually heard in either the Magistrates Court or Children's Court, any court dealing with a case with a domestic and family violence element can make a Domestic Violence Order (as TPOs and POs are collectively known).

The only real differences between temporary and permanent Protection Orders are the length of their duration and the fact that, if the circumstances demand it, temporary Protection Orders can be applied for and issued over the phone or similar device—S54(1).

TPOs act as an application for a permanent Protection Order as they must state when the Order is returnable to court—S39(b)(2).

TPOs continue until the first of the following happen: a) the order is returnable before a court unless the court extends the Order or b) the order is revoked by the court—S34(b)(1).

Protection Orders, however, last for two years; in special circumstances, they can stay in effect for as long as ordered by the court unless revoked or varied—S34A.

A Domestic Violence Order can be applied for and issued even though the person against whom the order is made is a) not notified about the application, and b) does not appear in court—S13(4).

An aggrieved person, an authorised person or a police officer can apply for a Domestic Violence Order—S14(1).

A court can make a Domestic Violence Order if satisfied that the respondent has committed an act of domestic violence and a domestic relationship exists between themselves and the aggrieved, and that the respondent is likely to commit domestic violence again, or if the first act of domestic violence was a threat that they are likely to carry out—S20(1).

In terms of helping to prevent homelessness for the aggrieved party, the court can include conditions in the order prohibiting the respondent from remaining in the premises, entering or attempting to enter the premises or approaching within a stated distance of the premises even if the respondent has a legal or equitable interest in the premises—S25(3).

S25A (2) goes on to state that these premises can include the home where the respondent and aggrieved live or used to live or premises where the aggrieved lives works or frequents.

Domestic Violence orders can be appealed to the District Court—S63.

The penalties for breach of a Domestic Violence Order are two years imprisonment if the respondent has previously been convicted on at least two different occasions of this offence and at least two of these offences were in the last three years. Otherwise the penalty is a fine 40 penalty units, a year imprisonment or both.

Northern Territory

The principal Act in the Northern Territory to combat domestic and family violence and resultant homelessness is the Domestic and Family Violence Act 2007.

There are two main types of orders that can be issued to prevent family violence:

- Police Domestic Violence Orders (DVOs).
- Court Domestic Violence Orders.

Police DVOs

Can be issued by an authorised police officer if they are satisfied it is necessary to protect a person's safety either because of urgent circumstances or it is not otherwise practicable to apply for a Court of Summary Justice (CSJ) DVO and a CSJ DVO would have reasonably been issued had it been practicable to apply for one—S41.

Must state when the order is returnable to court and act as a summons to a hearing on a court DVO.

Court DVOs

These can be considered under three subheadings:

- CSJ DVO—S28 and consent DVOs—S38
- DVOs arising out of other court proceedings—S45
- Police DVOs that have been confirmed by the CSJ—S82.

DVOs can only be issued where the issuing authority is satisfied that the protected person has a reasonable fear of domestic violence being committed against them by the defendant—S18(1).

A DVO may include any restraint that the issuing authority considers are necessary or desirable to prevent Domestic Violence against the protected person—S21(1)(a).

This may include a premise access order which requires the defendant to vacate premises or restrain from entering premises except on stated conditions—S22(1). This applies regardless of whether the defendant has a legal or equitable interest in the premises—S22(3).

If the defendant and the protected person live or previously lived together and one or both of them are tenants in rented accommodation and either the court DVO includes a premises order or the protected person no longer wishes to live there, then the DVO can order the tenancy agreement terminated and install a replacement tenancy agreement in its place. This can be for the benefit of the protected person and any other tenant on the lease except the defendant, or if the protected person consents, for the benefit of the defendant. This can only be done if the court is satisfied that the relationship between the parties has irrevocably broken down and there is no reasonable chance the parties could live together without Domestic Violence—S23.

There is a presumption in favour of a protected person with child remaining in the home which the court must take into consideration—S20(1)(a).

A DVO (other than an interim DVO) has the duration stated in the order—S27.

An interim DVO can be made at any time in the application for a CSJ DVO—S35(1), and stays in effect until the defendant is in court or has received the CSJ DVO—S35(3), although the interim DVO can also be revoked at any time.

In terms of DVOs arising out of other court proceedings, a court before which a person pleads guilty to, or is found guilty of, an offence that involves domestic violence may make a domestic violence order against the person if it is satisfied that a CSJ DVO could be made against the person—S45(1).

The court may do this on its own initiative or via an application from the Prosecutor—S45(2).

Consent DVOs are where the DVO is consented to by both parties, even if the defendant denies the allegations and hasn't had an opportunity to refute the evidence—S38.

Penalties for breach of a DVO

An adult or young person found guilty of a breach of a DVO is liable to a fine of 400 penalty points or imprisonment for two years—S121(1), S122(1).

The court must record a conviction and sentence the person to imprisonment for at least seven days if they have previously been found guilty of a DVO contravention offence—S121(2), S122(2).

South Australia

The principal Act dealing with domestic and family violence in South Australia is the Intervention Orders (Prevention of Abuse) Act 2009. This Act only commenced on 9 December 2011.

It provides two main categories of Intervention Orders to protect people from domestic and family violence:

- Interim Intervention Orders—both police issued interim orders—S18 and court issued interim orders.
- Intervention Orders (IOs) always issued by a court.

The Act states that proceedings relating to IOs involving domestic violence must, as far as practicable, be dealt with as a matter of urgency—S9.

Interim IOs

Interim IOs by the police can be issued if it appears to the police officer that there are grounds for issuing the order and the defendant is present before the officer in custody—S18(1).

If the police officer is not of the rank of sergeant or above then they must receive authorisation (either verbally or written) before they can issue the order.

The interim order must specify when the defendant is to appear before court, it must be no later than eight days from the issuing of the order— S18(3)(d). The interim order acts as a summons for the hearing of a full Intervention order.

Intervention Orders

A police officer, the person seeking protection (including a child with special permission of the court and is above the age of 14—S20(2)(a)) or the legal guardian can apply to the court for an IO—S20(1)(a-c).

If an interim IO has not already been issued by the police then the court must schedule a preliminary hearing as soon as practicable and without summoning the defendant—S21(1). This can be done over the telephone or like device—S21(2)(a) if the court deems it appropriate in the circumstances, if they don't then the court may adjourn the hearing to a time and place more suitable—S21(2)(b).

At the preliminary hearing the court can either issue an interim IO or dismiss the application—S21(3).

In determining the outcome of the application the court can either confirm the interim IO into a full IO, issue an IO in substitution of the interim IO or dismiss the application and revoke the interim IO in place against the defendant—S23(1)(a-c).

An IO is ongoing and continues in force (subject to any variation or substitution of the order under the Act) until it is revoked—S11(1). Consequently an issuing authority (either a court or a police officer) may not fix a date for the expiry of an IO or otherwise limit the duration of an IO—S11(2).

An IO can prohibit the defendant from being on the premises at which a protected person resides, works or frequents and can prohibit the defendant from being in a specific locality (i.e. the protected person's neighbourhood)—S12(1)(a-c). It can also impose any other requirement on the defendant to take, or refrain from taking, a specified action—S12(1)(l).

An IO may be issued against the defendant in relation to premises or property despite the fact that the defendant has a legal or equitable interest in the premises or

property—S12(5)(a). If it contains such a condition then the protected person may, despite any other law, change any external window or door lock on the premises—S12(6)(a).

If the defendant is a party to a tenancy agreement for the premises then they may not, despite any other law, take any action to terminate the tenancy agreement before the determination of the proceedings—S12(6)(b).

If the court confirms an interim IO or issues a substitute IO that prohibits the defendant from being on a premises that a protected person resides and that premises are subject to a tenancy agreement then the court can make a tenancy order that removes the defendant for the benefit of the protected person—S25(1). This can only be done, however, if the protected person consents, meets all the criteria for the residency and could reasonably be expected to comply with the obligations of the tenancy agreement—S25(2). The existing security deposit will act as the deposit for the new agreement, regardless of whether the defendant originally provided it—S25(4)(c).

The landlord is not to provide a key to the defendant or provide them with access into the premises and faces a maximum penalty of a \$10,000 fine if they do so.

A court can revoke or vary an IO on application from a police officer, the protected person (or representative) or the defendant—S26(1).

Contravention of an IO has a maximum penalty of two years imprisonment.

Australian Capital Territory

The principal Act dealing with domestic violence and resultant homelessness in the ACT is the Domestic Violence and Protection Orders Act 2008. While this Act doesn't deal exclusively with domestic violence, it does provide protection to aggrieved people.

The Act states that its primary consideration when deciding a Domestic Violence application is the need to ensure that the aggrieved person and any children at risk of exposure to domestic violence are protected from domestic violence—S7(1)(a). However, it also states that the restrictions placed on the respondent must be the minimum they can be while still achieving the objects of the Act—S7(2).

The Act has three main legislative tools to combat domestic violence:

- Emergency Domestic Violence Orders.
- Interim domestic Violence Orders.
- (Final) Domestic Violence Orders (DVOs).

These are generally issued by the Magistrates Court or Children's Court where applicable.

Many features of all three categories are the same. These include the fact that the order can exclude the respondent from the premises of the aggrieved person.

Emergency Domestic Violence Orders

Only a police officer can apply for an emergency DVO—S68.

These can be issued by a Judicial officer where they are satisfied the respondent has behaved in such a way that it is reasonable to believe the respondent will cause physical injury to, or cause significant damage to property of the aggrieved person or child, that the aggrieved person is a relevant person to the respondent (i.e. they have

or had a domestic relationship) and that it is not practicable to arrest the respondent or there are no grounds to arrest the respondent—S69.

An application for an emergency DVO can be made and issued over the telephone—S70(1).

If it is proposed to apply for an emergency order a police officer may, if appropriate, remove the respondent to another place and detain them until the application for the order has been dealt with and a copy of any order given to the respondent—S75(1). However, no person must be detained in this way for more than four hours—S75(2).

An emergency order remains in force until the earliest of either a) the second day after the day when the order is made (ignoring any day where the Magistrates Court is not open for business), the order is revoked or a final DVO or interim DVO is made and served against the respondent—S77(1). An emergency DVO cannot be renewed or extended—S77(2). It can, however, be amended and revoked outside business hours by a judicial officer by an application from a police officer—S78(1).

Interim Orders

An aggrieved person or a police officer may apply to the court for an interim DVO.

The Magistrates Court may make an interim order if satisfied that it is necessary to make the interim order to either ensure the safety of the aggrieved person or a child of the aggrieved person and/or prevent substantial damage to the property of the aggrieved person or a child of the aggrieved person—S29.

Interim DVOs can only be issued on application for a final DVO—S30(1).

The court must consider if contact between the aggrieved person or the respondent and any child is relevant—S31(1).

The Magistrates Court may make an interim DVO even if a copy of the application and a notice about the proceeding stating the date for the application's return before the court have not been served on the respondent—S33.

Interim DVOs can be done by consent of both parties—S43(1), this applies whether or not one or both of the parties have attended the court hearing, whether or not a reason to issue the order has been made out and without proof or admission of guilt—S43(2).

Interim and final DVOs may prohibit the respondent from being on premises where the aggrieved person lives—S35(1) and S48(2)(a).

Interim DVOs (other than by consent) cannot be in place for longer than two years—S37. An interim DVO made by consent can be in force for up to 16 weeks—S45(1).

If the interim order would finish before the final DVO can be served on the respondent then the interim order is taken to continue until the final order is served.

Final DVOs

The registrar of the Magistrates Court must hold a preliminary conference on application for a DVO; if at any time they feel that mediation would be better for the parties than the hearing then they must recommend mediation, give information and adjourn the preliminary conference to allow mediation to take place.

A final DVO lasts for two years unless a shorter period is stated in the order. However, the court may make the order for longer if they are satisfied that there are special or exceptional circumstances that justify the longer period—S55(2).

A final DVO cannot be longer than two years if made by consent—S55(3).

DVOs cover conduct outside as well as inside the ACT—S12.

Breach of DVOs

Maximum fine of 500 penalty units (currently \$50,000) or five years imprisonment or both.

New South Wales

The principal Act dealing with Domestic and Family Violence and resultant homelessness in New South Wales is the Crimes (Domestic and Personal Violence) Act 2007. The Act provides for Apprehended Domestic Violence Orders (ADVOs) to be issued against the defendant for the protection of a specific person or persons.

There are three main categories of ADVOs:

- Provisional Orders.
- Interim Court Orders.
- Final ADVOs.

The three categories are largely the same, with the only differences being who can apply for them, how you can apply for them and how long they last.

All Orders require a domestic relationship between the parties.

Provisional Orders

These can only be applied for by a police officer—S27(2).

Can be applied for over the telephone, facsimile or other communication device to an authorised officer (including Court Registrar)—S25(1).

They may be made at the request of the person seeking protection or on the police officers own initiative—S25(3)(a).

Can be made when a Domestic Violence (DV) incident has taken place and a police officer has good reason to believe a provisional order needs to be made immediately to ensure the safety of the person or to prevent substantial damage to the person's property—S26(1).

Police officers are obliged to apply for a Provisional Order when they are investigating an incident and they suspect or believe a domestic violence offence has recently been or is being committed against the person needing protection or is imminent or likely to be committed—S27(1).

Or if proceedings have commenced against the defendant for a DV offence against the person seeking protection and the police officer has good reason to believe an order needs to be made immediately to ensure the safety of the person or to prevent significant damage to their property—S27(1)(iii).

They don't need to be made if the person intends to apply for a ADVO or there is a good reason not to apply but in that case the police officer must record the reasons.

Provisional Orders are taken to be an application for a final ADVO—S29(1) and they must contain a direction for the defendant to appear at a hearing specified by the court (must not be more than 28 days after issue of provisional Order)—S29(2).

They cannot be renewed or further provisional order granted unless as an interim Order by the court—S34(1), S34(2)(a).

Interim Court Orders

Must be issued on guilty plea to a DV offence (other than murder or manslaughter)—S39.

Interim Order ceases when final ADVO is made or served on the defendant—S24.

Courts can make interim orders pending a further hearing of the matter. An interim ADVO can be made, on application, if it appears to the court that it is necessary or appropriate to do so in the circumstances (S22(1)). Interim ADVOs can also be made by a court registrar, pending a further hearing of the matter by the court. An interim ADVO, while it remains in force, has the same effect as a final ADVO—S22(6).

A registrar can issue an interim order if both parties consent to the making of the order—S23(1) The order must require the defendant to face a further hearing before a court as soon as practicable—S23(3)(a). The court can then confirm, revoke or vary the Interim Order as it sees fit—S23(3)(b).

The person seeking protection or a police officer may apply for an Interim Order.

An Interim Order can contain any restriction or prohibition the court sees as necessary and desirable to ensure the safety of the person or to prevent significant damage to their property.

Final ADVOs

All ADVOs can restrict or prohibit the defendant from certain premises, including the family home.

In deciding whether or not to make an Apprehended Domestic Violence Order, the court must consider the safety and protection of the protected person and any child affected by the conduct of the defendant alleged in the application for the order—S17(1).

The issues the court has to take into consideration are as follows: in the case of an order that would prohibit or restrict access to the defendant's residence—the effects and consequences on the safety and protection of the protected person and any children living or ordinarily living at the residence if an order prohibiting or restricting access to the residence is not made, and any hardship that may be caused by making or not making the order, particularly to the protected person and any children. The accommodation needs of all parties, in particular, the protected person and any children, are also an important consideration along with any other relevant matter—S17(2).

When making an Apprehended Domestic Violence Order, the court is to ensure that the order imposes only those prohibitions and restrictions on the defendant that, in the opinion of the court, are necessary for the safety and protection of the protected person, and the protected person's property—S17(3).

If an application is made for an Apprehended Domestic Violence Order that prohibits or restricts access by the defendant to any premises (including the family home) or place and the court hearing proceedings in respect of the application decides to make an order without the prohibition or restriction sought, the court has to give reasons for that decision—S17(4).

Orders can be appealed to the District Court—S84(2).

If application made for a final ADVO an authorised officer may issue a warrant for the arrest of the defendant even if the defendant is not alleged to have committed an offence—S88(2).

Commonwealth

The principal legislation dealing with domestic and family violence at a Commonwealth level is the Family Law Act 1975 although this has recently been amended to fit more closely with family violence by the Family Law Legislation Amendment (Family Violence and other measures) Act 2011 which commenced on 4 January 2012.

The Act allows courts to impose injunctions where there is, or there is a reasonable risk, of domestic and family violence.

There are two categories of injunctions that can be obtained to prevent the respondent from remaining or entering the family home:

- S68B injunctions concerning children.
- S114 injunctions arising out of a matrimonial relationship.

S68B injunctions concerning children

The main aim of these injunctions is the protection of any children in family violence situations; however, they can also provide protection to the parent or guardian of the child.

S69C(2) provides that an application for an injunction in relation to a child under S68B may be made by a parent of a child, the child themselves, a grandparent of the child or any other person concerned with their care, welfare or development.

If proceedings are instituted in court for an injunction in relation to a child, the court may grant such injunction as it considers appropriate for their welfare (S68B). These include an injunction for the personal protection of the child or an injunction for the personal protection of a parent of the child or a person with whom the child is to live under a parenting order.

S68B(c)(1) allows an injunction restraining a person from entering or remaining in a place of residence, employment or education of the child and S68B(d) allows an injunction restraining a person from entering or remaining in a place of residence, employment or education of a parent/guardian, i.e. the family home.

S114 injunctions

These only apply where there is a matrimonial relationship between the parties. S114 gives a court the power to grant such injunctions as it considers proper with respect to the matter to which the proceedings relate, including an injunction for the personal protection of a party to the marriage; an injunction restraining a party to the marriage from entering or remaining in the matrimonial home or the premises in which the other party to the marriage resides. It can also restrain a party to the marriage from entering or remaining in a specified area, being in an area in which the matrimonial home is, an injunction in relation to the property of a party to the marriage; or an injunction relating to the use or occupancy of the matrimonial home.

Breach of injunctions

For breaches of S68B injunctions involving children, S70NFB(2) sets out the penalties which can range from the respondent having to pay a bond, a fine not exceeding 60 penalty units (currently \$6,600) or receiving a prison sentence of up to 12 months. S112AD(2) sets out very similar penalties for a breach of a S114 injunction.

The Act, in both cases allows a police officer to arrest the respondent without a warrant if they reasonably believe them to have breached an injunction—S68C(1),

S114AA(1). They can then be kept in custody until they are brought before the court and a decision is made or until the court adjourns for more than 24 hours.

Possible conflict with state and territory legislation

S114AB(1) states that S68B and S114 do not limit or exclude state or territory legislation. S114AB(2) states that an applicant cannot take proceedings under both jurisdictions.

Appendix 3: Research participants

The following people participated in this research project. The author would like to wholeheartedly thank those who are listed and also those who preferred to remain anonymous and/or unacknowledged.

UNITED KINGDOM

Interviewees

There were fourteen interviewees, all of whom agreed to be acknowledged:

- Andrea Dennis, Breckland District Council
- Darryl Smith, Breckland District Council
- John Bentham, Homelessness Strategy, CLG
- Davina James Hanman, Director, AVA Project
- Karen Ann Hockney, Sheffield Sanctuary Scheme
- Sanha Bokhury, Volunteer coordinator, Ashiana Network
- Maureen Storey, Director, Sheffield Domestic Abuse Forum
- Jane McCracken, Domestic Abuse Floating Support Service Manager
- Louise Robinson, Hull Primary Care Trust, NHS
- Professor Hal Pawson, Heriot-Watt University
- Professor Suzanne Fitzpatrick, Heriot-Watt University
- Cathy Sharp, Heriot-Watt University
- Hull Sanctuary Scheme personnel
- Clare and Team, Sheffield Sanctuary Scheme

NEW SOUTH WALES

Interviewees

There were fourteen interviewees, twelve of whom agreed to be acknowledged:

- Catharine White, The Wash House, Mt Druitt (and team)
- Caroline Long, Bega Women's Refuge
- Cat Gander, NSW Women's Refuge Movement
- Taryn Champion, NSW Women's Refuge Movement
- Ludo McFerran, Australian Domestic and Family Violence Clearing House
- Gaby Marcus, Director Australian Domestic and Family Violence Clearing House

- Racquel Smith, Acting Principal Policy Analyst, Housing NSW, Department of Family and Community Services
- Judith Atkinson, Housing Assistance Unit, Service Development Strategy Branch, Housing NSW, Department of Family and Community Services
- Catherine Dobbins, Principal Policy Analyst, Housing NSW, Department of Family and Community Services
- Janet Schoer, Director, Staying Home Leaving Violence, Department of Family and Community Services
- Maria Kissouri, Senior Project Officer, Staying Home Leaving Violence, Department of Family and Community Services
- Tracie Richards, Newcastle SHLV

Research Workshop

Twelve people attended the Research Workshop, all of whom agreed to be acknowledged:

- Maria Kissouri, SHLV, Family and community Services, NSW
- Mary Sullivan, Street Care Hunter
- Adrienne Lucey, Coordinator, Homelessness Health, Randwick, South Eastern Sydney Local Health District
- Karla Fritis, DV worker, Bondi Beach Cottage
- Madelaine Berry, Manager, Bondi Beach Cottage
- Tracy Howe, Manager, Domestic Violence Support, Western Sydney Service
- Gillian Cohen, Domestic Violence Support, Western Sydney Service
- Louis Schetzer, Homeless Persons Legal Service, NSW
- Dougie Wells, ICIS Project Officer, Homelessness NSW
- Susan Barnes, People with Disability Australia
- Baria Bodzak, Homelessness Unit, Housing NSW
- Anoop Johar, South Eastern Sydney Local Health District

TASMANIA

Interviewees

There were nine interviewees, seven of whom agreed to be acknowledged:

- Jenny Bertram, CEO Magnolia Place, Launceston Women's Shelter
- Sgt Darren Hill, VSRT Sergeant, Tasmania Police North
- Sabine Wagner, CEO, Hobart Women's Shelter
- Jane Fleming, Manager, Family Violence Counselling and Support Service North, North West, and the Family Violence Counselling and Support Service Team
- Ruth Bamford, Specialised Family Violence Coordinator, Centacare Tasmania Family Service

- Robin Yaxley, Senior Consultant, Strategic Policy and Projects Branch, Department of Justice
- Kathleen Kerr, Family Violence Counselling and Support Service, Team Leader, Adults and Children Team

Research Workshop

Seven people attended the Research Workshop, all of whom agreed to be acknowledged:

- Bev Marchant, Centacare, CTSS
- Debbie Dunn, Hobart Women's Shelter
- Lynette Sikkema, Jireh House
- Nancy Roldan, Hobart Women's Shelter
- Mary Paterson, Women's Legal Service Victoria
- Sabine Wagner, Hobart Women's Shelter
- Ruth Bamford, Centacare, CTSS

VICTORIA

Interviewees

There were fourteen interviewees, all of whom agreed to be acknowledged:

- Joanna Fletcher, Women's Legal Service Victoria and Family Law Legal Service
- James Farrell, Homeless Persons, Legal Clinic, PILCH
- Maryclare Machen, EDVOS
- Jill Faulkner, EDVOS
- Sandy King, Tools for Change Project Officer, Women's Health Goulburn North East
- Robyn Trainor, Loddon Campaspe Regional Integration Coordinator, Family Violence Court Welfare Officer, Department of Justice, Victoria
- Rose Soleman, CEO, WDVCS
- Sue Thomas, Acting Detective Inspector and Officer in Charge of Violence Against Women and Children Strategy Group (VAWC)
- Fiona Stubbs, Senior Policy Officer, VAWC
- Sergeant Charlie McIntyre, VAWC
- Sergeant Peter Benjamin, VAWC
- Detective Senior Sergeant Campbell Davis, VAWC
- Rachel McKay, Bsafe Project Officer, Women's Health Goulburn North East

Research Workshop

Seven people attended the Research Workshop, all of whom agreed to be acknowledged:

- Alison McDonald, Policy Officer, DV Vic
- Jacky Tucker, Women's Health West
- Marita Nyhuis, DH Project Leader, Family Violence Accommodation and Support Unit, Client Services and Programs, Housing and Community Building Division, Department of Human Services
- Yvonne James, DHS, Housing and Community Building
- Danny Blay, Executive Officer, No to Violence, Men's Referral Service
- Wendy Austin, Brenda House and Maroondah Halfway House
- Lahitha Nair, Australian Institute of Family Studies

SOUTH AUSTRALIA

Research Workshop

Eight people attended the Research Workshop, all of whom agreed to be acknowledged:

- Georgia Williams, Acting manager Offender Development, Adelaide Women's Prison, Dept for Correctional Services
- Maria Hagias (Executive Director) and Ginny Cisneros, Central Domestic Violence Service
- Ryan Harber, Principal Policy Officer Offender Development Directorate, Department for Correctional Services
- Dr Carole Zuffery, Program Director, School of Psychology, Social Work and Social Policy, University of South Australia
- Professor Donna Chung, University of WA
- Fiona Mort, Manager, Policy Office for Women SA
- Ingrid Sciclina, DFC Housing SA Homelessness Strategy
- Danielle Bament, Senior Project Officer, Homelessness Strategy Division, Housing SA, Department for Families and Communities, Housing SA Homelessness Strategy

QUEENSLAND

Research Workshop

Ten people attended the Research Workshop, eight of whom agreed to be acknowledged:

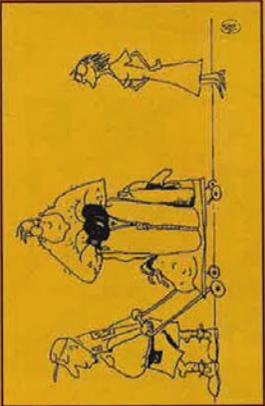
- Diane Mangan, CEO, DV Connect
- Yasmine Hassan, Practice Manager, DV Connect
- Chantal Eastweu, Gold Coast Domestic Violence Integrated Response
- Barb Crossing, Women's House

- Leanne Williams, Helping Out Families Program Coordinator, Senior Practitioner Domestic and Family Violence Team, Youth and Family Services (Logan City)
- Annette Fuller, Acting Principal Policy Officer, Domestic Violence Policy, Department of Communities
- Temi Oladapo, Manager Major Projects and Review, Strategic Policy and Performance, Department of Communities
- Cecilia Barassi-Rubio, Director, Immigrant Women's Support Service

Appendix 4: Poster–Mt DrUITT SHLV

DOMESTIC VIOLENCE IS A PATTERN OF ABUSE AND CONTROL THAT CAN INCLUDE:

- Physical violence
- Threats of violence
- Verbal/emotional abuse & put downs
- Social isolation
- Controlling your money
- Forcing you to have sex
- Stalking, including by phone, text and internet



Take him away officer, there's no room in my home for violence.

FAMILY VIOLENCE AFFECTS KIDS TOO

Children live in a small world made up of their family, friends, school and home.

Children are traumatised when they see someone they love being harmed. They are also at risk of becoming victims and/or perpetrators of violence themselves.

Children have the right to live in their own home safely.

For more Information Contact
WASH House
 Lot 5 Kelly Close
 Mt DrUITt NSW 2770
 Phone 9677 1962

Police/Ambulance.....	000
Domestic Violence Line.....	1800 65 64 63
NSW Rape Crisis Centre.....	1800 424 017
DoCS Help Line.....	132 111
Indigenous Women's	
Legal Contact Line.....	1800 639 784
Wirringa Baiya Aboriginal Women's	
Legal Centre.....	1800 686 587
Domestic Violence Advocacy Service	
Sydney.....	(02) 8745 6999
Outside Sydney.....	1800 810 784
Kids Helpline.....	1800 55 1800
Financial Assistance Centrelink.....	13 10 21
Mount DrUITt Local Court.....	9881 9100
Mount DrUITt Police Station.....	9675 0699
Blacktown Local Court.....	9672 2610
Blacktown Police Station.....	9671 9199

We would like to thank the
NSW Strategy to Reduce Violence Against Women and
The Australian Domestic and Family Violence Clearinghouse
for their contributions.

Artworks inspired by Maria Ponti.
Funded by Community Services NSW

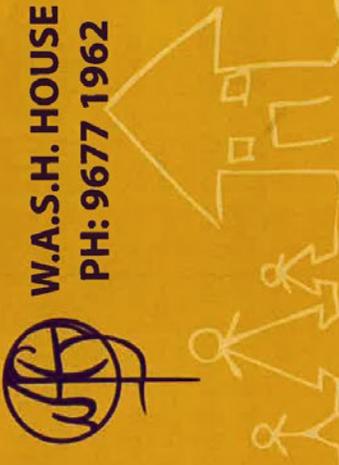
Supported by Family Violence Response and Support Strategy.



**STAYING HOME
LEAVING VIOLENCE**

**supporting women and children
to stay in their home safely
after ending a
violent relationship**

W.A.S.H. HOUSE
PH: 9677 1962



You HAVE THE RIGHT TO STAY AT HOME

If you have suffered from domestic/family violence why should you and your children suffer the trauma of leaving your home, your routine, your support networks and all that is familiar to you?

Do You Wish to Remain in Your Home WITHOUT THE PERPETRATOR OF VIOLENCE?

Do you need some support or assistance to be able to do so?

Has the perpetrator of violence left or been removed from the family home?



Why should I leave with my kids, and let him stay when he's committed the crime? It would be a lot easier for him to go.

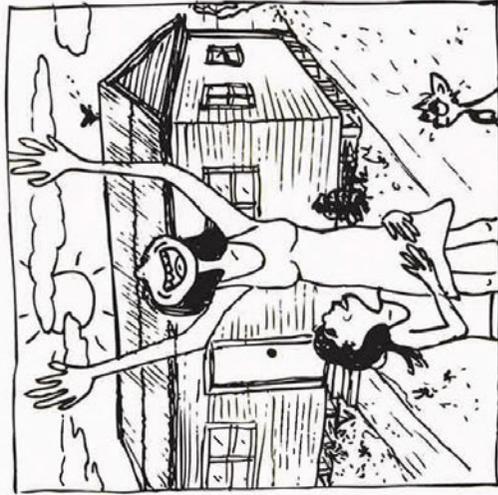
If you think we can help you, or you would like more information;

- Come in to the WASH House to see us,
- Call us

**Lot 5, Kelly Close
Mount Druitt 2770
Ph 9677 1962**



My child just pretends to smile, the violence has hurt her too.



YIPPEE! I've got my life back, my kids and I are living without violence!

THE STAYING HOME LEAVING VIOLENCE PROGRAM CAN ASSIST YOU AND YOUR CHILDREN IN THE FOLLOWING WAYS:

- Carry out safety assessment and help you to develop a safety plan,
- Provide security equipment such as monitored alarms, new locks and improved lighting to make your family home safer,
- Provide advice and support about Apprehended Violence Orders, including exclusion orders,
- Provide practical and emotional support so you can remain in your home.



THERE'S NO EXCUSE FOR ABUSE; EXPECT RESPECT

Appendix 5: Social marketing poster–Bega SHLV

**Staying Home
Leaving
violence**

**Whoever you are,
you have the right
to live safely in
your own home!**

Phone 6492 6239

Funded by NSW Department of Human Services, Community Services
Supported by the Bega Valley Domestic Violence Committee & BVSC

Appendix 6: Information sheet–Norfolk Sanctuary Scheme

NORFOLK SANCTUARY SCHEME

SANCTUARY

The organisations represented here have been involved in the development of, or are participating in, the Norfolk Sanctuary Scheme.



Se necessitar de ajuda relacionado com o abuso ou a violência doméstica, contacte um dos números de telefone neste folheto.

Potrzebna pomoc związana z przemocą w rodzinie; w takim wypadku, należy zadzwonić pod jeden z numerów w niniejszej ulotce.

Если вам нужна помощь в связи с тем, что вы стали жертвой насильственного преступления или жестокого обращения в семье, звоните нам по любому из телефонов, перечисленных в настоящем буклете.

Jei jums reikalinga pagalba dėl patiriamu buitinio smurto ar išnaudojimo namuose, skambinkite vienu iš šiame buklete nurodytų numerių.

NORFOLK SANCTUARY SCHEME

SANCTUARY

Are you a survivor of violence or domestic abuse? Do you want to stay living in your own home but don't feel safe?

The Norfolk Sanctuary Scheme can help to make your home more secure and provide ongoing support from specialist organisations

THE NORFOLK SANCTUARY SCHEME can provide additional security measures to your property at no cost to yourself to make you feel safer about staying there. You could be a tenant or homeowner.

The scheme is not means-tested, but will only be available to those who wish to remain in their own home, and where it would be safe for them to do so.

If you would like to speak to someone in confidence about the project please call one of the numbers shown here. You can choose which organisation you speak to initially but it is important you know that this a joint project between the local councils, Norfolk Constabulary and specialist voluntary support agencies.

'Sanctuary' is available as one of a range of options for survivors of violence or domestic abuse. If the project is not for you, any of the agencies shown here can help you look at other solutions.

LOCAL COUNCILS

Breckland District Council

Housing Advice and Homelessness Service
Elizabeth House, Walpole Loke, Dereham, Norfolk NR19 1EE
Tel: 01362 656870
Email: housingadvice@breckland.gov.uk

Broadland District Council

Housing Services, Thorpe Lodge, 1 Yarmouth Road
Thorpe St Andrew, Norwich, Norfolk NR7 0DU
Tel: 01603 431133
Email: housingadvice@broadland.gov.uk

Great Yarmouth Borough Council

Advice and Homelessness Service
Greyfriars House, Greyfriars Way, Great Yarmouth
Norfolk NR30 2QE
Tel: 01493 846476 / 846398
Email: tcc@great-yarmouth.gov.uk

Kings Lynn & West Norfolk Borough Council

Homelessness Service, Kings Court, Chapel Street
Kings Lynn, Norfolk PE30 1EX
Tel: 01553 616675
Email: homelessness-services@west-norfolk.gov.uk

North Norfolk District Council

Housing Advice Team
Holt Road, Cromer, Norfolk NR27 9EN
Tel: 08000 855889 (freephone)
Email: housing.options@north-norfolk.gov.uk

Norwich City Council

Homelessness Prevention Team, City Hall
Norwich, Norfolk NR2 1NH
Tel: 01603 212856
Email: housingneeds@norwich.gov.uk

South Norfolk District Council

Homeless and Housing Advice Section
South Norfolk House, Swan Lane, Long Stratton
Norfolk NR15 2XE
Tel: 01508 533633
Email: housingadvice@s-norfolk.gov.uk

POLICE DOMESTIC VIOLENCE UNITS

Call 0845 456 4567 and ask to be put through to the Domestic Violence Unit for your area

SPECIALIST SUPPORT AGENCIES

Leeway Women's Aid

(for Norwich, Broadland, Great Yarmouth and North Norfolk Council areas)
01603 623745

Olive Tree Project

(for Breckland and West Norfolk Council areas)
01760 722669

Haven Project

(for South Norfolk Council area)
01379 642300

Victim Support

(For male victims of domestic violence in Leeway area, and all victims of violence other than domestic abuse)
01603 629577

NORFOLK SANCTUARY SCHEME

SANCTUARY

Appendix 7: Information sheet–Sheffield Sanctuary Scheme

Contact Information



For further information about the Sanctuary Scheme, please call 0114 205 3114.

If you require emergency accommodation, either call into First Point at Howden House, 1 Union Street, or call housing solutions on 0114 27 35142 between 8.30am and 5.30pm, Monday to Friday. For emergency accommodation out of hours, or at weekends, call 0800 7311 689.

In an emergency, always telephone 999 (Police, Ambulance and Fire Service).

Translations

Copies of the wording of this leaflet can be made available on request in braille, large print and on audio tape and also in Arabic, Bengali, Chinese, Somali and Urdu. Please telephone 0114 205 3114.

0114 205 3114 حروف کثیرہ و علی شریعت کامیٹ

0114 205 3114 بریل، بڑے لکھنے والے نسخے اور آڈیو ٹیپ سے طلب کیا جاسکتا ہے۔

এই পত্রটির পাঠ্যটির সকল কথ্যগুলি আপনি অনুরোধ করে ফ্রিইল, বড় অক্ষরে লিখা, অডিও ট্রেসে এবং ইথর অনুলিন উর্দু, আরবী, বাংলা, সূমালি ও চহিনিজ ভাষায় পাতে পােনো।

দয়া করে 0114 205 3114 নম্বরে ফোন করুন।

如要索取本單張內容以盲人點字版、大字體版、錄音帶或阿拉伯文、孟加拉文、中文、索馬利文和高爾都文版的副本，請電 0114 205 3114

Erayantia koobiga waraaqdan waxa diyaarinya codsiga (Braille) iyada oo daabacan iyo iyadoo cejlalad duubanda. Waxaad kuheli luuqadahan kala, ah arabic (carabi), Bengali, Chinese, Somali (Soomaalii), iyo Urdu. Fadlan lasoo xidhiidh talefoonkan 0114 205 3114.

اس لطیف میں درج معلومات درخواست کرنے پر فری، بڑے لکھنے والے نسخے، آڈیو ٹیپ سے طلب کیا جاسکتا ہے۔

صومالی زبانوں میں دستیاب ہو سکتی ہے۔ براہ کرم ہوائی اس نمبر: 0114 205 3114 پر ٹیلیفون کریں۔

Sheffield Sanctuary Scheme

Helping domestic abuse survivors to live at home in safety.



Introduction

Sanctuary is a customer-centred scheme. It helps domestic abuse survivors to continue living in their own homes if they prefer, rather than move away.

The Scheme provides a range of safety measures to improve the security of survivors' homes.

Sanctuary is available free of charge to council tenants, housing association tenants, homeowners and private tenants alike.






DP4483A

Neighbourhoods & Community Care
Tel: 0114 2053114
www.sheffield.gov.uk

What is Sanctuary?

Sanctuary includes:

- 1) The creation of a Sanctuary room: a room is made secure by replacing the original door with a solid core door, which is reversed to open outwards. Steel hinges, bolts and a door viewer are fitted to the door. A mobile telephone is provided within the room, which can be used to contact the police. Calls made to the police from homes fitted with a Sanctuary are responded to as a priority.
- 2) Additional external security measures, such as reinforced door and window locks.
- 3) Support and ongoing review, to ensure that you are kept safe.



Can the Sanctuary Scheme help me?

If you live in Sheffield, and you are at risk of becoming homeless because you are experiencing or have experienced domestic abuse, you may be eligible for the scheme.

What happens if I apply?

If you make an application for the Sanctuary Scheme, we will carry out a risk assessment, and a security survey of your home. We will also require agreement from your landlord, if you do not own the property.

If the Sanctuary Scheme is suitable for you, the Council's contractor will install the Sanctuary security measures in your

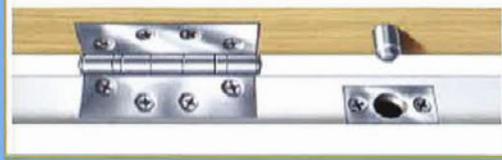
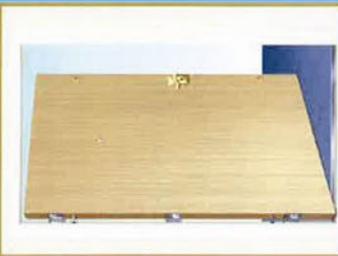
home. We will also work with you, to help you access any other assistance that you may require.

Installation should be completed within at least 14 working days, following your application. If necessary, the Council can organise temporary accommodation in the meantime.

The Police and Fire Service will be told that Sanctuary measures have been installed in your home, so they will know how best to help you if you call them in an emergency.

What will a Sanctuary be like?

The amendments will vary according to the property, however, measures may include:

	 <p>Mortice Bolt Fitted to the top and bottom of the door, providing a high level of security.</p>	
<p>Hinge Bolts Additional security for the hinge side of the door.</p>	 <p>Door Viewer Enables vision at the door without having to open it.</p>	

AHURI Research Centres

AHURI Queensland Research Centre

AHURI RMIT Research Centre

AHURI Southern Research Centre

AHURI Swinburne-Monash Research Centre

AHURI UNSW-UWS Research Centre

AHURI Western Australia Research Centre

Australian Housing and Urban Research Institute

Level 1, 114 Flinders Street, Melbourne Victoria 3000

Phone +61 3 9660 2300 Fax +61 3 9663 5488

Email information@ahuri.edu.au Web www.ahuri.edu.au



Reducing the Need for Women and Children to Make Repeated Use of Refuge and Other Crisis Accommodation

Angela Spinney

June 2012

Swinburne Institute for Social Research
Swinburne University of Technology

Under the National Homelessness Research Partnership with the Australian Government
Department of Families, Housing, Community Services and Indigenous Affairs

Contact details: Dr Angela Spinney, Swinburne Institute for Social Research,
Swinburne University of Technology, Melbourne

Email: [REDACTED]

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Acknowledgements

This project is supported by the Australian Government through the National Homelessness Research Agenda of the Department of Families, Housing, Community Services and Indigenous Affairs.

The author would like to wholeheartedly thank all those who participated in the research. A list of non-anonymous participants is given in appendix 1.

The author would also like to thank the two research assistants who worked on this project:

- Yee Man Louie, Swinburne Institute for Social Research, who assisted with the literature review and organised the research workshops;
- Alan Harper, final year law student at the University of Adelaide, who also assisted with the literature review.

The author also thanks David Hudson from the Swinburne Institute for Social Research for editing this report.

Executive summary

This report sets out the findings of a research project investigating *Early Intervention Strategies to Reduce the Need for Women and Children to Make Repeated Use of Refuge and Other Crisis Accommodation*. The project is intended to bring forward knowledge of the reasons for the decisions made by women who have been subject to domestic and family violence regarding whether to leave the family home for a refuge in order to escape the abuse, whether to return to the perpetrator and whether to leave again. It also explores the efficacy of primary prevention and early intervention schemes, including perpetrator behaviour change programs, in reducing women's and children's multiple experiences of refuge and other emergency accommodation. Finally, the project explores what best practice and service standards would be needed if Staying Home Leaving Violence (SHLV) models were to be implemented more widely in Australia.

The research has been funded by the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) under the National Homelessness Research Partnership.

The research questions are:

- Why is it that women and children often leave home and return several times before an abusive situation of domestic and family violence ends?
- What Australian evidence is there about the number of incidents of violence and abuse experienced by a woman, and the number of separate occasions a woman may access homelessness accommodation services, prior to resolution of her domestic violence situation?
- How and to what extent have innovative early intervention schemes introduced in Australia since the mid-1990s been successful in enabling women and children to reduce their multiple experiences of violence and multiple use of refuge and other emergency accommodation?
- What are the advantages and disadvantages of different responses in terms of service provision and from the point of view of the woman and her children?
- What best practice risk assessment processes and service standards and arrangements are needed if Safe at Home/SHLV models are to be implemented more widely?
- Do these findings have other implications for Australian policy and practice?

Research approach

The focus of the research was deliberately selective, and the research approach and methods were designed to achieve answers to these questions.

Stage one consisted of a desk-based literature review. The international and national academic and policy review of the literature is included in this report where relevant. In stage two a comparative methodology using two case studies, England and Australia, allowed investigation of 'joined up' approaches where housing, judicial and support services work together to enable the women and children to remain within their homes. The English case study involved visiting three Sanctuary homelessness prevention schemes and a male perpetrator behaviour change program. In the Australian case study, the three embedded units of analysis were New South Wales, Tasmania and Victoria. Homelessness prevention schemes were visited in each of these states and 45 semi-structured interviews were conducted. These sought to determine the scope and effectiveness of projects, with a focus on their objectives and how they work. The author was keen to hear the views of key policy makers and providers, including any implementation difficulties they had encountered. Documentary evidence was collected, including policy documents and promotional materials.

Following thematic analysis of the interview findings, a series of workshops was facilitated in each capital city of the states which made up the Australian case study: Hobart, Melbourne and Sydney, and also in Adelaide and Brisbane, with 47 policy makers, practitioners and researchers attending presentations on the interim findings. Facilitated discussions deepened understanding of the policy implications for successful implementation of early intervention strategies to reduce the need for women and children to make repeated use of refuge and other crisis accommodation. These additional findings were analysed and incorporated into this report.

The report has been compiled based on the learning from:

- The critical review of the literature;
- The primary research in the case study locales;
- The information obtained from the workshops.

A thematic analysis has been utilised, and the data are reported by analytical theme in order to create a useful document for policy makers. The report provides good practice examples and includes issues raised by the research participants concerning applicability and relevance in the Australian context, together with guidance on how they could be implemented.

Companion study

A companion study, *Homelessness Prevention for Women and Children Who Have Experienced Domestic and Family Violence: Innovations in Policy and Practice* (Project no. 50602), was funded by the Australian Housing and Urban Research Institute (AHURI). The two projects were designed to dovetail together, and this report for FaHCSIA builds on the AHURI research. The research questions for the AHURI project were:

- How and to what extent have innovative homelessness prevention measures introduced in Australia and England since the mid-1990s been successful in enabling women and children to remain in their homes and localities?
- What are the implications of these findings for policy on housing and homelessness in Australia and for improvements to practice?

The AHURI study investigated and assessed the value and implementation challenges of innovative staying at home homelessness prevention measures. The fieldwork for the two studies was carried out at the same time. In most instances, the semi-structured interviews also covered both projects. All the workshops covered both projects together.

The findings from the critical review of the literature published as a Positioning Paper for the AHURI project were that women cannot easily exercise their right to remain in their homes unless the following two factors are recognised:

- There is an understanding in the community and from professionals and policy makers about what constitutes domestic and family violence and how it can impact on women and children;
- The links between domestic and family violence and women's homelessness are accepted (Spinney and Blandy 2011, p. 41).

The overall findings of the AHURI study were:

- That integrated homelessness prevention schemes have an important role to play in preventing homelessness for women and children who have experienced domestic and family violence, and that this is true for women living in very different situations in very different areas;
- That Australia should move to the provision of homelessness prevention schemes that are at least as extensive as the current provision of refuge and crisis accommodation.

These findings contribute to the growing normalisation of expanded housing choices for women and children after their separation from the perpetrator (Spinney 2012b).

The Positioning Paper from the AHURI study is available on the AHURI website at http://www.ahuri.edu.au/publications/download/50602_pp and it is anticipated that the Final Report will also be available during the last quarter of 2012. Because the AHURI and FaHCSIA studies are closely related and the fieldwork was conducted together, there is some direct repeating of information in this report to FaHCSIA (especially in Chapters 5 and 6), and in the AHURI reports. This is particularly so regarding overlapping contextual matters and the risk assessment and management service standards required if Safe at Home/SHLV models are to be implemented more widely in Australia. However, because the projects do seek to answer different research questions, there is also information that is only in one or other of the reports. Although each report can be read alone, it is recommended that the reports from both studies are read and considered in order to gain a complete picture of the research findings of the two companion projects.

Key learning from the two studies

One of the most significant overall findings of the two companion studies is that integrated schemes, such as SHLV and Safe at Home, can play an important role in preventing homelessness for women and children who have experienced domestic and family violence, and that this is true for women living in very different situations in very different areas of Australia, including those not previously thought to be suitable.

The findings of the research are that Australia should move to the provision of SHLV type schemes that are as extensive as the current provision of refuge and crisis accommodation, and that a common risk assessment tool (based on the Victorian model) should be used throughout Australia. Common risk assessment should lead to common standards of risk management based on the models detailed in this report.

Some specific findings from the two studies have implications for early intervention strategies to reduce the need for women and children to make repeated use of refuge and other crisis accommodation and for improvements to practice. They are consolidated below as items for consideration:

1. Creation of mirroring legislation relating to all aspects of homelessness prevention attributed to domestic and family violence throughout Australia. States and territories need to be much more uniform in their approach if women are to consistently receive good practice;
2. Provision of police powers throughout Australia to offer immediate protection to women by the removal of the perpetrator. The 12 month notice used in Tasmania is recommended;

3. Development of common methods of risk assessment and risk management, and national sharing of information between accredited agencies on domestic and family violence victims and perpetrators;
4. Development of a national training and instructions package for magistrates in order to provide a standardised response and consistency of service throughout Australia;
5. Offending perpetrators to be charged on every crime, not just the breach of injunction or order conditions, as national practice;
6. The use of 'monitoring bracelets' for high risk offenders to be considered, so that their location can be tracked;
7. The provision of specialist domestic and family courts to be legislated for throughout Australia. These would include court support workers for victims and perpetrators, as detailed in the AHURI reports;
8. Consistent police training on domestic and family violence;
9. Dual risk assessments to be conducted by police and support agencies;
10. Re-provision of legal aid for property matters in family law, as detailed in the AHURI reports;
11. Free telephone legal support services throughout Australia for women considering separating from the perpetrator;
12. Court fines to be cancelled if women choose to remain in their home following domestic and family violence, not just if they become homeless;
13. Provision of SHLV type schemes, using non-restrictive eligibility practices (such as not insisting on an injunction or police order and not using long-term affordability as eligibility criteria) throughout Australia. The schemes would include the existing services of practical and emotional support and also the provision of emergency alarm systems, peer support provision and personal development and financial confidence training, with social marketing as an integral part of each scheme. The Commonwealth government should take the lead in encouraging the normalisation of these schemes by providing advisors to 'teach' agencies how it can be done and by issuing national guidance on good practice;
14. Adequate funding for homelessness prevention schemes, so that women are not turned away or kept on a waiting list;
15. Provision of culturally appropriate schemes for Indigenous women. The implications of mainstream law, legal and judicial systems and the practices of mainstream

welfare agencies on Indigenous Australians need to be specifically considered in each jurisdiction;

16. Financial mortgage assistance for owner occupiers, similar to Commonwealth Rent Assistance, to be available throughout Australia for low income earners who choose to remain in their home with the perpetrator removed following a violent relationship;
17. Publication of information for women on how they can afford to leave their violent relationship;
18. The Commonwealth government to take the lead in informing mortgage lenders of their expectations on keeping owner occupying women leaving a violent relationship in their home through mortgage payment breaks, interest reductions, extending length of mortgage etc.

The findings reveal that long-term support for women and children who have experienced domestic and family violence is very important in keeping them from becoming homeless on more than occasion. Without such support, women may not even recognise that they are in an abusive relationship and therefore will not have the skills to stop the situation happening again with a new partner. It can take a long time for women to make these changes and to become less reliant on others to make them feel good about themselves and their ability to manage as independent adults. At present, service providers often do not have sufficient resources to provide longer-term support and this will need to be addressed if women's and children's need to use refuge and crisis accommodation is to be reduced. The research revealed that those most likely to re-use such accommodation are also likely to have substance abuse and/or mental health problems as well as experiencing domestic and family violence. These needs too must be addressed effectively, alongside the domestic and family violence issues, if women are to have their vulnerability reduced and resilience heightened.

There are a great variety of social, demographic, economic and emotional reasons, both structural and personal, for women's decisions to stay with or return to the perpetrator, discussed in the report. All have implications for the design of effective early intervention strategies to reduce the need for women and children to make repeated use of refuge and crisis accommodation. Importantly, refuge and crisis accommodation services are not designed to solve permanent housing needs and their effectiveness to deal successfully with clients during a single intervention depends very much on clients' ability to move on to other housing options such as private rental, public housing or owner occupation after they have received temporary accommodation and services while in crisis. As a consequence, many clients, including women and children who have experienced domestic or family violence,

return to a homeless situation after receiving temporary assistance. This is likely to be a major reason why women may return to emergency accommodation at a later date.

Structure of the report

The report consists of seven chapters as follows:

- Chapter 1 provides a brief introduction.
- Chapter 2 explains the research approach and methods used in the study, and details the companion AHURI research and how some findings are shared between the reports of both projects.
- Chapter 3 introduces definitions and concepts relevant to early intervention strategies aimed at reducing the need for women and children to make repeated use of refuge and crisis accommodation. These are domestic and family violence, homelessness and domestic and family violence, refuge and crisis accommodation, the impact of domestic and family violence on children, early intervention and homelessness prevention.
- Chapter 4 explores issues concerning multiple experiences of domestic and family violence and of homelessness, including why women return to perpetrators on occasion and why women and children sometimes access homelessness accommodation more than once.
- Chapter 5 considers English and Australian examples of strategies to prevent multiple experiences of homelessness and of staying in refuge and crisis accommodation.
- Chapter 6 looks at risk assessment processes and service standards.
- Chapter 7 draws together the research findings' implications for policy Australia-wide and comes to some final conclusions.

1. Introduction

1.1 Introduction

This project, *Early Intervention Strategies to Reduce the Need for Women and Children to Make Repeated Use of Refuges and Other Crisis Accommodation*, focuses on those whose homelessness can be attributed to domestic and family violence. It looks at the period prior to final separation when women and their children may leave the perpetrator only to return to live with him a number of times, while making use of refuge and other crisis accommodation several times during this process. These attempts at reconciliation often ultimately lead to permanent separation but it can take some time, and several attempts, for the woman to come to a realisation that an end to the violence will only happen if the relationship permanently ends. The repeat incidents of violence and abuse and ‘churning’ through homelessness services (especially crisis services) at this stage can be extremely disruptive and stressful for both children and their mothers.

The study has been funded under the National Homelessness Research Partnership with the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) and brings forward knowledge of the reasons for the decisions made by women who have been subject to domestic and family violence regarding whether to leave the family home for a refuge in order to escape the abuse, whether to return to the perpetrator and whether to leave again. It considers ways to intervene early to reduce repeated reliance on homelessness services and explores the efficacy of early intervention schemes, including perpetrator behaviour change programs, in reducing women’s and children’s multiple experiences of refuge and other emergency accommodation. Finally, the report explores the best practice and service standards needed if Safe at Home/SHLV homelessness prevention models are to be implemented more widely in Australia.

This project has been designed to fill gaps in knowledge by complementing the work undertaken by the same chief investigator for the companion AHURI project (50602), *Homelessness Prevention for Women and Children Who Have Experienced Domestic and Family Violence*, as discussed in Chapter 2. This chapter introduces the research questions and context of the study and describes the structure of the report.

1.2 Research questions

The funder of this research (FaHCSIA) and the chief investigator agreed on the following research questions in order to complement the companion research for AHURI:

- Why is it that women and children often leave home and return several times before an abusive situation of domestic and family violence ends?

- What Australian evidence is there about the number of incidents of violence and abuse experienced by a woman, and the number of separate occasions a woman may access homelessness accommodation services, prior to resolution of her domestic violence situation?
- How and to what extent have innovative early intervention schemes introduced in Australia since the mid-1990s been successful in enabling women and children to reduce their multiple experiences of violence and multiple use of refuge and other emergency accommodation?
- What are the advantages and disadvantages of different responses in terms of service provision and from the point of view of the woman and her children?
- What best practice risk assessment processes and service standards and arrangements are needed if Safe at Home/SHLV models are to be implemented more widely?
- Do these findings have other implications for Australian policy and practice?

1.3 Context of the study

This research is set within the context that women and children who have experienced domestic and family violence have relatively few options:

- To remain in the family home with the perpetrator;
- To remain in the home with the perpetrator removed;
- To leave the home until the perpetrator is removed;
- To leave the home permanently (ODPM 2004).

All of these involve difficult and emotional decisions with the potential for less than perfect outcomes. In order to reduce multiple use of refuge and crisis accommodation, women must receive appropriate support that prevents them from having to return to the perpetrator and then leave again at a later date.

We know that both the number of support periods and numbers of days of support is increasing for refuge and crisis accommodation. In 2009-10 in South Australia, for instance, there were 23,200 Supported Accommodation and Assistance Program (SAAP) funded support periods, with an average length of 87 days (SA Department for Families and Communities 2011). Some clients and ex-clients of refuge services interviewed for this research confirmed that they had stayed in homelessness accommodation for many months.

Sometimes this was because they were in need of the support offered by the services, other times because they were waiting for the opportunity to access move-on accommodation.

The White Paper *The Road Home: A National Approach to Reducing Homelessness* (Commonwealth of Australia 2008) promoted the need to expand programs that allow women and children to remain in the home once the perpetrator has been removed. It identified expansion of SHLV type models and continuation of crisis accommodation as the main policy responses. It set an interim target to increase by 2013 the number of families that have experienced domestic and family violence who maintain or secure safe and sustainable housing by 20 per cent. The White Paper acknowledged that remaining in the family home with the perpetrator removed is not a viable option for all women and children and that there must also be a focus on transitioning them out of refuges into long-term safe and secure housing. However, it also notes that violence will continue to have a major association with homelessness unless rates of domestic violence fall significantly or new strategies are found to keep victims safer in their homes. This report seeks to tackle some of these issues and to highlight examples of projects that aim to circumvent or shorten the period in crisis accommodation and establish women and children back in their homes or in new independent housing back in their community as quickly as possible. The case studies examined the effectiveness of such measures.

1.4 Structure of the report

- Chapter 2 explains the research approach and methods used in the study, and details the companion AHURI research and how some findings are shared between the reports of both projects.
- Chapter 3 introduces definitions and concepts relevant to early intervention strategies to reduce the need for women and children to make repeated use of refuge and crisis accommodation. These are domestic and family violence, homelessness and domestic and family violence, refuge and crisis accommodation, the impact of domestic and family violence on children, early intervention and homelessness prevention.
- Chapter 4 explores issues concerning multiple experiences of domestic and family violence and of homelessness, including why women return to perpetrators on occasion and why women and children sometimes access homelessness accommodation more than once.
- Chapter 5 considers English and Australian examples of strategies to prevent multiple experiences of homelessness and of staying in refuge and crisis accommodation.
- Chapter 6 looks at risk assessment processes and service standards.

- Chapter 7 draws together the research findings' implications for policy Australia-wide and comes to some final conclusions.

2. Research approach and methods

2.1 Introduction

This chapter explains how the research approach and methods chosen were designed to fill the gap in existing knowledge about early intervention strategies to reduce the need for women and children to make repeated use of refuge and other crisis accommodation by answering the research questions presented in Chapter 1.

2.2 Methodology

The comparative methodology employed for the research involved two case studies: England and Australia. The latter included three embedded units of analysis, New South Wales, Tasmania and Victoria, which the literature revealed have made substantial steps towards intervention approaches enabling women and children who have experienced domestic and family violence to avoid multiple incidents of violence and multiple exposure to homelessness. The research methods used the advantages of comparative studies but were careful to avoid potential pitfalls, including insufficient background information, which can threaten the validity of the research findings (Bourne 1981; Jacobs et al. 2004).

The research project comprised five stages, as follows.

1) *Literature review*

Stage one consisted of a review of the relevant literature regarding:

- Domestic and family violence;
- Homelessness and domestic and family violence;
- Refuge and crisis accommodation;
- The impact of domestic and family violence on children;
- Early intervention;
- Homelessness prevention.

International and national academic, grey and policy literature were reviewed, with particular attention to that from the case study locales. This information is incorporated into this report.

2) *Case studies*

The research received ethics clearance from Swinburne University of Technology where the author, who undertook all the fieldwork, is based. The English case study included visiting Sanctuary Schemes at Breckland (Norfolk), Hull and Sheffield and the Strength to Change male perpetrator behaviour change program in Hull. Semi-structured interviews were held

with practitioners, advocates and policy makers involved with the schemes and with three academics. Also interviewed were John Bentham, a senior officer at the national Homelessness Strategy Unit at the Department for Communities and Local Government who was instrumental in the establishment of Sanctuary Schemes at a national level and Davina James-Hanman, director of AVA (Against Violence and Abuse), a UK second tier good practice advice and training agency.

The three embedded units of analysis in the Australian case study were New South Wales, Tasmania and Victoria. It was originally envisaged that only NSW and Victoria would be included, but the early stages of the research revealed that Tasmania, as the Australian originator of a jurisdiction-wide integrated justice-led *Safe at Home* approach to domestic and family violence, offered valuable learning opportunities, and it was therefore incorporated into the data collection and analysis process. Each state was visited for the research.

In NSW three very different SHLV schemes were visited at Bega, Mt Druitt and Newcastle. Some interviewees gave a national perspective and others spoke from their extensive experience with state based projects. These consisted of representatives of the three SHLV schemes, officers of the NSW Women's Refuge Movement, academics at the Australian Domestic and Family Violence Clearing House, officers at the Housing Assistance Unit of Housing NSW and officers at Staying Home Leaving Violence at the Department of Family and Community Services, NSW.

In Tasmania semi-structured interviews took place with directors of two women's refuges, a court support officer, a police domestic violence liaison sergeant, the chair of the Safe at Home Inter-Department Committee (IDC), manager and staff of the Family Violence Counselling and Support Services, DHHS, and domestic violence workers at Centacare Tasmania.

Interviews in Victoria were with the chief executive of the Women's Legal Service Victoria (WLSV), a policy officer at Domestic Violence Victoria (DV Vic), a court support officer, the chief executive of the Women's Domestic Violence Crisis Service Victoria (WDVCS), a senior manager at the Public Interest Law Clearing House (PILCH), the project officers for Tools for Change and Bsafe, the Loddon Campaspe regional integration coordinator, and the chief executive and two senior members of staff at the Eastern Domestic Violence Service (EDVOS).

Most interviewees are acknowledged in Appendix 1, but some preferred to remain anonymous. The interviews sought to determine the scope and effectiveness of each visited project, with a focus on their objectives and how they work, and to learn from their

experiences. The author was keen to hear the views of key policy makers and providers, including any implementation difficulties they had encountered. Documentary evidence was collected, including policy documents and promotional materials. Some interviews were with academics who contributed their knowledge and findings.

Where possible, clients of Australian services were also interviewed in order to gain their perspective of why women and children often leave home and return several times before an abusive situation of domestic and family violence ends, and to what extent early intervention schemes have been successful in enabling them to reduce their multiple experiences of violence and multiple use of refuge and other emergency accommodation.

3) *Workshops*

Following thematic analysis of the interview findings, a series of workshops was facilitated in each capital city of the three states which made up the Australian case study: Hobart, Melbourne and Sydney, and also in Adelaide and Brisbane, with 47 policy makers, practitioners and researchers attending presentations on the interim findings. Facilitated discussions deepened understanding of the policy implications for successful implementation of early intervention practices in each of these five states. The information elicited concerning the efficacy and portability of early intervention schemes for women and children who have experience domestic and family violence to a spread of Australian locations was then used to add to and amend the previously analysed data.

4) *Report*

This report has been produced using information obtained from the analysis of the literature review, the case studies and the workshops. The data are reported by analytical theme (rather than juxtapositioning the case studies), in order to create a more useful document for policy makers. The report provides good practice examples and includes issues raised by the research participants concerning applicability and relevance in the Australian context, together with guidance on how they could be implemented.

5) *Synthesis, reporting and dissemination*

The final findings will be disseminated through academic papers and presentations to the National Homelessness Conference, Australasian Housing Researchers Conference, Australian Social Policy Conference and TASA Conference.

2.3 Companion study

A companion study, *Homelessness Prevention for Women and Children Who Have Experienced Domestic and Family Violence: Innovations in Policy and Practice* (50602), was funded by the Australian Housing and Urban Research Institute (AHURI). The two projects

were designed to dovetail together, and this work for FaHCSIA; *Early Intervention Strategies to Reduce the Need for Women and Children to Make Repeated Use of Refuge and Other Crisis Accommodation*, builds on the AHURI research. The research questions for the AHURI project were:

- How and to what extent have innovative homelessness prevention measures introduced in Australia and England since the mid-1990s been successful in enabling women and children to remain in their homes and localities?
- What are the implications of these findings for policy on housing and homelessness in Australia and for improvements to practice?

The AHURI study explored the value and implementation challenges of innovative staying at home homelessness prevention measures. The aim was to investigate and assess some of these innovations in policy and practice. The fieldwork for the two studies was carried out at the same time. In most instances, the semi-structured interviews also covered both projects. All the workshops covered both projects together.

The findings from the critical review of the literature for the AHURI project were that women cannot easily exercise their right to remain in their homes unless the following two factors are recognised:

- There is an understanding in the community and from professionals and policy makers about what constitutes domestic and family violence and how it can impact on women and children;
- The links between domestic and family violence and women's homelessness are accepted (Spinney and Blandy 2011, p. 41).

The overall findings of the AHURI study were:

- That integrated homelessness prevention schemes have an important role to play in preventing homelessness for women and children who have experienced domestic and family violence, and that this is true for women living in very different situations in very different areas;
- That Australia should move to the provision of homelessness prevention schemes that are as extensive as the current provision of refuge and crisis accommodation

Those findings contribute to the growing normalisation of expanded housing choices for women and children after their separation from the perpetrator (Spinney 2012b).

The Positioning Paper from the AHURI study is available on the AHURI website at <http://www.ahuri.edu.au/publications/download/50602_pp> and it is anticipated that the

Final Report will also be available from the last quarter of 2012. Because the AHURI and FaHCSIA studies are closely related and the fieldwork was conducted together, there is some direct repeating of information in this report to FaHCSIA (especially in Chapters 5 and 6) and in the AHURI reports. This is particularly so regarding overlapping contextual matters and the risk assessment and management service standards required if SHLV and Safe at Home models are to be implemented more widely in Australia. However, because the projects do seek to answer different research questions there is also information that is only in one or other of the studies. Although the reports can be read alone it is recommended that the reports from both studies are read and considered in order to gain a complete picture of the research findings of the two companion projects.

2.4 Conclusion

This chapter has explained the research questions, approach and methods used for this international comparative project. Chapter 3 goes on to explore the relevant key definitions and concepts:

- Domestic and family violence;
- Homelessness and domestic and family violence;
- Refuge and crisis accommodation;
- The impact of domestic and family violence on children;
- Early intervention;
- Homelessness prevention.

3. Key definitions and concepts

3.1 Introduction

This chapter discusses some of the literature on the definitions and concepts on which the research is based; domestic and family violence, homelessness and domestic and family violence, refuge and crisis accommodation, the impact of domestic and family violence on children, early intervention and homelessness prevention.

3.2 Domestic and family violence

Domestic and family violence is made up of many controlling and intimidating coercive behaviours, often much wider than physical violence alone. These can include emotional, sexual, financial and spiritual abuse and enforced social isolation which are used by perpetrators to exert power and control in order to dominate another person, often within the context of an intimate relationship or ex-relationship. For Indigenous Australians, it can also include loss of cultural and religious connections to land, and can be wider than spousal abuse to include extended families and communities (Spinney and Blandy 2011; Spinney 2012b). The term 'domestic and family violence' is used in this report in order to encompass a term that all Australian communities can relate to and identify with. In 1993, Australia was one of the sponsors of the United Nations Declaration on the Elimination of Violence against Women:

Recognizing that violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men ...

This definition brings to the fore that domestic and family violence is an international phenomenon which occurs in all countries, amongst all races and cultures, and that it is one of the ways in which men exert power over women. In 1982 the Domestic Abuse Intervention Programs in Duluth, Minnesota devised a power and control wheel, <<http://www.theduluthmodel.org/pdf/PowerandControl.pdf>>, to illustrate some of the ways in which it is used to control and subordinate family members, usually women and their children (see Figure 1). In Chapter 4 these power and control factors are used to discuss the reasons why women return to perpetrators, and why women and children can have multiple experiences of refuge and crisis accommodation.



Figure 1: Power and Control Wheel

Source: Domestic Abuse Intervention Programs, Duluth (1984)

In 2011 amendments were made to the Commonwealth Family Law Act 1975 which included a new definition of family violence. Section 4AB defines family violence as:

- (1) For the purposes of this Act, family violence means violent, threatening or other behaviour by a person that coerces or controls a member of the person's family (the family member), or causes the family member to be fearful.
- (2) Examples of behaviour that may constitute family violence include (but are not limited to):
 - (a) an assault; or
 - (b) a sexual assault or other sexually abusive behaviour; or
 - (c) stalking; or
 - (d) repeated derogatory taunts; or
 - (e) intentionally damaging or destroying property; or

- (f) intentionally causing death or injury to an animal; or
- (g) unreasonably denying the family member the financial autonomy that he or she would otherwise have had; or
- (h) unreasonably withholding financial support needed to meet the reasonable living expenses of the family member, or his or her child, at a time when the family member is entirely or predominantly dependent on the person for financial support; or
- (i) preventing the family member from making or keeping connections with his or her family, friends or culture; or
- (j) unlawfully depriving the family member, or any member of the family member's family, of his or her liberty.

3.2.1 Domestic and family violence within an Indigenous Australian context

It is known that, for Indigenous Australians, domestic and family violence and homelessness can be different from that of white mainstream interpretations. This includes their incidence and severity as Indigenous Australian women may be up to 35 times more likely than non-Indigenous women to experience such violence (Council of Australian Governments 2010). In NSW in 2006, 20 per cent of Indigenous Australian women reported physical violence in the previous year, compared with 7 per cent of the general female population (Department of Aboriginal Affairs 2008).

The causes of family violence in Indigenous communities are now increasingly accepted as stemming from the history and impact of white settlement. These include dispossession of land, breakdown of community kinship systems, marginalisation, entrenched poverty, racism, alcohol, and the effects of institutionalism and removal policies (Office of Women's Policy 2001; Victorian Government 2004). Cripps (2010) has also identified that Aboriginal and Torres Strait Islander women are less likely to use phrases such as domestic and family violence, but more likely to use words that minimise the behaviour as an everyday or innocuous happening. This is done in order to protect the family from intrusion, and in order not to make the situation worse or to adversely affect their community. In an Indigenous community context, family violence is wider than spousal violence and can encompass a mix of harmful, violent and aggressive behaviours that can occur within families, extended families, kinship networks and communities (Victorian Government 2004).

3.3 Homelessness and domestic and family violence

Domestic and family violence is a major reason why women and children need to leave their homes in Australia. When they do so, they almost inevitably become poorer, and both their short-term and long-term housing conditions deteriorate as they struggle to access private

rental accommodation or public housing where in both cases demand is far greater than available supply. Domestic and family violence is one of the main reasons why women and children in Australia lose their homes. However, for the last decade, both nationally and internationally, there has been a growing discourse that this is both unjust to those concerned and costly to the public purse in terms of welfare and homelessness provision. This has led to a growing expectation that attempts should be made to break this link between being a victim of the crime of domestic and family violence and becoming homeless, and to innovations to prevent such homelessness by devising ways in which women and children can safely remain in the family home (Spinney and Blandy 2011; Spinney 2102b).

Women and children who experience domestic and family violence frequently lose a sense of having a 'home' even before the relationship comes to an end and while the family all still remain in their accommodation. This is because women's sense of safety and belonging is destroyed if they feel unsafe and are unable to conduct life normally at home. They may be unable to invite friends and family around, carry out hobbies or work, go to bed at the time they want, cook the food they like or have money to buy things for the home. Children will feel frightened and constrained, may not receive the attention they need, be able to get their toys out or have friends around to play or sleepover. This is important because homeless families in Australia are mostly made up of this group of women and children and they are one of the most overlooked and marginalised groups in society (Hulse and Spinney 2010). The impact of domestic and family violence on children is further discussed later in this chapter.

As Tually et al. (2008) confirm, a significant number of women who become homeless in order to leave situations of domestic and family violence are Indigenous Australians. The experience of homelessness for Indigenous Australians can also be different from mainstream definitions because it can include loss of cultural and religious connections to land, in addition to the stress factors that affect all homeless people (Berry et al. 2001). Domestic and family violence is the single biggest risk factor for homelessness in Australia, with women escaping such violence representing 30 per cent of all SAAP clients in South Australia, for instance (SA Department for Families and Communities 2011).

3.4 Refuge and crisis accommodation

Since the 1970s, domestic and family violence refuges have been the mainstream service provision in both Australia and England for women and children who have left these abusive situations. They play a pivotal role in keeping women and children safe and in helping them with the skills to restart their lives. Current refuge accommodation can range from high-

security models through to clustered and even dispersed units. A central feature of the refuge model is that it has always involved the relocation of women away from the situation of violence and therefore away from their homes, support systems and communities. Crisis accommodation is often a domestic violence refuge, but increasingly it is also motel rooms, caravan parks or boarding houses, which can be isolating and frightening (Hulse and Spinney 2010). Gradually over the last decade there has been a growing recognition that it is unjust and sometimes unnecessary for women and children to have to lose their homes in order to escape violence, and that it is the perpetrator who should be forced to leave and the women and children enabled to safely remain in their home.

The growing policy interest in the right of women and children to remain has led both nationally and internationally to the development of early intervention service responses designed to prevent their homelessness (Spinney 2012b). It is important to break the cycle of multi-generational use of refuge and crisis accommodation because, as discussed in the following section, experiencing domestic and family violence and homelessness are extremely negative experiences for children; 40 to 70 per cent of children entering women's refuges with their mothers as a result of domestic and family violence were themselves victims of abuse and neglect (Flatau et al. 2009). Indeed one of the refuge clients interviewed for this research confirmed that she had stayed at the very same refuge 15 years before, as a child accompanying her mother.

3.5 Impact of domestic and family violence and homelessness on children

For the purposes of the Family Law Legislation Amendment (Family Law and Other Measures) Act 2011, a child is exposed to domestic and family violence if the child sees or hears family violence, or otherwise experiences the effects of family violence. Examples of situations that may constitute a child being exposed to family violence include, but are not limited to:

- Overhearing threats of death or personal injury by a member of the child's family towards another member of the child's family, or
- Seeing or hearing an assault of a member of the child's family by another member of the child's family, or
- Comforting or providing assistance to a member of the child's family who has been assaulted by another member of the child's family; or
- Cleaning up a site after a member of the child's family has intentionally damaged property of another member of the child's family; or
- Being present when police or ambulance officers attend an incident involving the assault of a member of the child's family by another member of the child's family.

Research by the Joseph Rowntree Foundation in the UK recommends increased recognition of the childhood experiences that later lead to multiple experiences of homelessness, as problematic childhood experiences such as domestic and family violence and homelessness are very prevalent among adults with complex needs. McDonagh (2011) found that increased support needs to be given to families experiencing homelessness in order to help break the pattern of intergenerational homelessness. The effect of living in a situation of domestic and family violence can be devastating for both mothers and their children. Women may be killed, raped or seriously physically injured. They may become seriously mentally ill and, at the very least, will lose confidence and self-esteem if they are constantly belittled or controlled. Their children will be living with an aggressive perpetrator and a subdued mother, and this can impact on their emotional and cognitive development, with long-term consequences for their life chances and expectations (Spinney and Blandy 2011; Spinney 2012b). One in four children who have experienced domestic violence display serious social and behavioural problems (Weeks and Oberin 2004). Ways in which a child can be changed by experiencing such violence include:

- Children are denied a good father and positive male role model;
- Abuse can harm the mother/child bond;
- Children can develop negative core beliefs about themselves;
- Children can be isolated from helpful sources of support;
- Unhealthy family roles can evolve in homes;
- Abuse destroys a child's view of the world as a safe and predictable place;
- A child's style of coping and survival may become problematic;
- Children may adopt some of the rationalisations for abuse;
- Children can believe that domestic or family violence is inevitable or normal (Cunningham and Baker 2004);

Furthermore, the homelessness that is still so often associated with leaving situations of domestic and family violence can be a severe source of stress for children. They are more likely to exhibit significant psychological distress and health problems, including poor nutrition from lack of cooking facilities in motels, boarding houses and caravan parks etc., and the poverty that this type of high cost accommodation causes (Dockery et al. 2010, p. 18). Lower rates of immunisation have also been recorded as a result of the high rates of mobility leading to disruption in medical services (Hulse and Spinney 2010). These circumstances can lead to children being more likely to experience illness. Homeless

children commonly have to leave friends, familiar neighbourhoods, schools and extended family and, as a result, can become 'withdrawn, unsettled, angry even suicidal and suffer sleeping difficulties and bedwetting' (Kirkman et al. 2009, p. 11). The disruption in education caused by the trauma of becoming homeless makes succeeding at school more difficult, particularly perhaps if homeless families have to stay in a motel or boarding house with limited room to do homework in a quiet setting. The upset at moving school (sometimes several times as families move from the family home, to crisis accommodation, to transitional accommodation, to a permanent home) also accentuates the problem and can lead to children refusing to go to school, as their routines and friendships are disturbed. For children, then, domestic and family violence and homelessness can cause a 'double whammy' of disadvantage. As a result, families facing multiple problems such as domestic and family violence and homelessness do not just have an impact upon themselves, but also involve a high cost to society through support services, lost productivity and policing anti-social behaviour (Social Exclusion Task Force 2007).

When women and children have to leave the family home because of experiences of domestic and family violence, their housing conditions deteriorate significantly in terms of affordability, length of stay, physical condition of the housing, the neighbourhood, safety and the availability of maintenance (Champion et al. 2009, p. 3). Sometimes their new housing conditions, e.g. sleeping in cars, puts mothers at risk of having their children removed by child welfare agencies, and this is one of the reasons why this type of homelessness is so invisible. Whether or not families seek help from service providers, they often face multiple moves between motels, boarding houses and caravan parks (Hulse and Spinney 2010).

The research evidence base currently indicates that:

- More than half of all women with children seeking assistance through SAAP give domestic and family violence as their primary reason for doing so;
- The majority of those accommodated in domestic or family violence refuges and other crisis and transitional accommodation are children;
- Almost one in ten homeless Australians are aged under 12, with three-quarters of these being aged under 10;
- Homelessness affects children in quite profound ways, e.g. they are more likely to experience emotional and behavioural problems such as distress, depression, anger and aggression;
- Experiencing homelessness as a child makes adult homelessness more likely (Australian Institute of Health and Welfare 2007).

The White Paper on Homelessness (Commonwealth of Australia 2008) acknowledged the negative impacts of homelessness on children, stating that they face disrupted schooling and 'other important opportunities to build resilience' and are more likely to experience emotional and behavioural problems such as 'distress, depression, anger and aggression' that may lead them into a cycle of 'intergenerational disadvantage'. It is because of these factors that early intervention projects designed to ameliorate the damage done to young children and to educate parents and the community about the effects of domestic and family violence on children (Safe from the Start, Peek-a-Boo Club and BuBs on Board) are discussed in Chapter 5.

An advocacy organisation interviewee noted that one of the drivers behind policies designed to remove the perpetrator and enable the women and children to remain in their home are that otherwise we teach children that violence is how you get your own way, and that if you are a victim, running away or putting up with it is the only solution. The information which children receive about domestic and family violence from outside their homes is extremely influential and forms the context in which they make sense of their own experiences. As demonstrated in the 2011 Family Law amendments stance (detailed above) that a child is exposed to domestic and family violence if they see, hear or otherwise experience its effects, there is increasing recognition within Australia that exposing children to such violence is a form of child abuse,. There are correlations between domestic and family violence and child rearing, with 17 per cent of women who experience violence reporting that it started while they were pregnant, and the overwhelming majority of women with children in their care reporting that the violence has been witnessed by their children (Richards 2011).

3.6 Early intervention

In the context of this report, early intervention strategies to reduce the need for women and children to make repeated use of refuge and other crisis accommodation can involve several approaches:

- Preventing domestic or family violence from occurring at all;
- Preserving the relationship by stopping the violence;
- Improving effective choices and support for women so that they remain in a violent relationship for less time;
- Lessening the need to return to the perpetrator for economic, emotional and other reasons.

This report discusses all these types of approaches. Early intervention strategies involve building equal and respectful relationships between individuals within families and in

communities. They include such things as programs for young children, respectful relationship programs in schools for teenagers, and social marketing campaigns to discourage violence occurring. This study, however, mostly considers strategies designed to reduce the need to make repeated use of refuge and crisis accommodation for those who have already experienced domestic and family violence. They include homelessness prevention schemes discussed in the following section, and financial and housing initiatives to assist women and children to find new places to live. Social marketing strategies designed to influence women's tolerance to violent relationships and men's willingness to seek assistance to change their controlling behaviour are discussed in Chapter 5.

3.7 Homelessness prevention

For the purposes of this report, homelessness prevention for women and children who have experienced domestic and family violence can involve one or more strategies including:

- Rapid rehousing of women and children who have had to leave the family home;
- Preventing women and children at risk of homelessness from becoming homeless;
- Women and children leaving their home in a safe and planned way rather than leaving a time of crisis during a violent episode.

All three types of approach are considered in this report. Measures can include tenancy sustainment initiatives such as outreach and crisis intervention services and, for the client group of this research, SHLV and Safe at Home type schemes. SHLV and Sanctuary projects are designed to combine judicial, housing and welfare measures in a coordinated manner in order to enable women and children to remain in their homes safely, and for the perpetrator to be removed and deterred from returning. Legal and judicial measures can involve such things as improving police attitudes and responses to breaches of court orders, law reform and family violence courts. Housing and welfare policies can involve provision of outreach support, financial assistance, incentives for perpetrators to leave and assistance with provision of safety equipment within the home (such as stronger doors, bars on windows and direct telecommunications with the police). Safe at Home schemes such as those in Tasmania and Victoria involve integrated approaches by government and non-government agencies. Judicial and legal issues can have a major impact on whether women and children are prevented from becoming homeless. Residential tenancy and domestic and family violence legislation, the attitude and procedures of the police, courts and magistrates, and the availability of legal support can determine whether women are able to remain in their homes. These matters are covered in detail in *Home and Safe? Policy and Practice Innovations to Prevent Women and Children Who Have Experienced Domestic and Family Violence from Becoming Homeless* (Spinney 2012b).

3.8 Conclusion

This chapter has explored definitions and concepts relevant to early intervention and prevention strategies to reduce the need for women and children to make repeated use of refuge and crisis accommodation. The following chapter examines why women and children sometimes endure multiple experiences of domestic and family violence and subsequent homelessness.

4. Issues concerning multiple experiences of violence and of homelessness

4.1 Introduction

The information in this chapter comes from the literature review, interviews and workshops. Questions regarding why women remain with or return to the perpetrator of domestic and family violence and why women and children sometimes access homelessness accommodation on multiple occasions are explored in order to establish the efficacy of the early intervention and prevention schemes discussed in Chapter 5.

4.2 Why do women stay with or return to the perpetrator?

Many, perhaps half, of the women who leave an abusive relationship return to the perpetrator (Griffing et al. 2002). Interviewees were keen to stress that leaving a violent partner can be 'a process rather than an event', and that multiple attempts at leaving should not be regarded as only negative, as sometimes women need to go through this process in order to really know that the relationship cannot be 'mended' and must be ended. One Tasmanian interviewee stated that it frequently took five to seven times for her clients to permanently leave, partly because it took that long for them to understand that they could live independently of the perpetrator. Until that point it can seem easier to return than to permanently stay away, and several 'trial runs' are needed. An English interviewee pointed out that the question of whether to stay or leave any relationship is a difficult and complex one, irrespective of the presence of abuse, and it is unlikely to be a sudden decision. The resolve to stick with a course of action may waver, depending on external factors including the behaviour of the abuser and the responses she encounters from others. There are a variety of social, demographic, economic and emotional reasons, both structural and personal, for women's decisions to stay or return. These include:

- Fear of greater violence from the perpetrator to themselves and their children if they do not agree to return. There is statistical evidence that women and children are at greater risk of physical harm and murder post-separation (Griffing et al. 2002) and therefore, for women who do not consider that judicial processes will adequately protect them, this can be considered a sensible decision.
- Poverty resulting from erosion of financial resources and of opportunities to increase income through education and employment, long-term financial insecurity, reduced financial confidence, knowledge and skills due to limited experience (Landvogt 2011).

It is for this reason that self-confidence and financial mentoring schemes such as Tools for Change are discussed in Chapter 5.

- Difficulty in sustaining the break due to the wrong type of (or not enough) support being available. The initial response women receive during disclosure, whether they are believed, kept safe and helped to find somewhere to live can be a real predictor of whether they return to the perpetrator or not.
- Concerns about making herself and her children homeless due to not being able to return to the family home with the perpetrator removed or to access alternative suitable accommodation: 'Sometimes women who are faced with a decision to either leave the family home and enter the homelessness system, or remain with the perpetrator, have difficulty in ascertaining which of these will do less damage to their children' (Spinney and Blandy 2011, p. 18).
- The gains that women may achieve from leaving (such as self-respect and self-confidence, more control over their life and the chance of a new start) are intangible, whereas the losses are tangible and normally include home, possessions, status as a wife, a father for the children, a partner who she may still have feelings for, friends and family, pets, finances, garden, GP, dentist etc. The losses can seem so huge and the changes so overwhelming that, when the perpetrator begs for forgiveness and asks for another chance, it can be tempting to believe him.
- As discussed in Chapter 3, the losses for children can also be enormous as they lose their home, school, father figure, bedroom, friends, sports activities etc. and it can be hard for them to see advantages in their mother staying away. The losses for women and children are immediate, but any gains can take time to achieve after separation, including safety.
- Legal processes can involve repeated court appearances, visits to the solicitor and dealings with the police. The courts may order that the children still have a relationship with the father after the woman has ended the relationship with him. Women may consider that the process is too difficult, and that their children are safer if they do not put them in a situation where they have to spend time with their father without her being there.
- The humiliation and embarrassment of having to repeatedly tell their story in order to try to access assistance and support from agencies.
- Interviewees considered that approximately 30 per cent of women return to the perpetrator, with a higher percentage in rural areas. The reasons they gave include

schools, agency supports, finances, wanting children to be with their father, loneliness, Centrelink crisis payments, possessions, escalated risks, isolation, to protect the children, pets, shame, hope, love and nowhere else to go after their time in a refuge has come to an end.

- Inability to find somewhere else to live.
- Inability to access peer support from women who have been through similar experiences or intensive support from staff because of not being accommodated in a communal living refuge. Many domestic and family violence services are crisis focused but the journey to recovery can take many months if not years. Most focus only on the immediate crisis and it is notable that the time when services are withdrawn is the point at which women are especially vulnerable to returning to the violent partner.
- Inability to access refuge or crisis accommodation and having to stay with friends or relatives and keep moving around (Novac 2006) or having to stay in motels, boarding houses or caravan parks which are inappropriate for their needs (Hulse and Spinney 2010) so they feel they have no option but to return.
- Lack of self-awareness on the part of the victims as to what they want in life and what their values are. Victims often had male figures in their childhoods who were abusive and therefore these type of relationships have become normalised for them and they are not sufficiently aware that what they are enduring is wrong and that there are alternative ways of living.
- Young women aged 18-24 have fewer resources in terms of resilience, friends who can offer support and finances, for instance, to enable them to stay away.
- It is easy for women to underestimate how difficult staying away is going to be, and how vulnerable they are to returning to the perpetrator.
- Lack of money for practical things such as moving house. Women often leave with few of their belongings, and with very little money to buy replacement goods this can make it difficult to stay away from the perpetrator.

In terms of considering both repeat incidents of domestic and family violence and of homelessness attributed to the violence, interviewees stressed that it is not the woman's behaviour which is the problem, but the perpetrator's. It is therefore important that women should not be blamed or criticised for their actions. It is also important that interventions enabling them to leave the relationship do not result in the abuser being left unaccountable for his actions and free to form a new relationship with his values and beliefs about women

unchallenged and unchanged. It is for this reason that the perpetrator behaviour change program Strength to Change is discussed in the following chapter.

4.3 Why do women and children access homelessness accommodation more than once?

Refuge and crisis accommodation services are not designed to solve permanent housing needs and their effectiveness depends very much on clients' ability to move on to other housing options such as private rental, public housing or owner occupation after they have received temporary accommodation and services while in crisis. As a consequence, many clients, including women and children who have experienced domestic or family violence, return to a homeless situation after receiving temporary assistance. Women and children are in the top bracket of 'unmet demand' from homelessness services, as many more people try to access crisis and refuge accommodation than there is room for. This is likely to be a reason why women return to the perpetrator (Spinney 2012b).

Many of the women who leave a violent relationship more than once do not enter homelessness accommodation. This is because either they are unable to do so because of lack of availability, they do not meet the criteria (for instance, if their oldest son is over 12 years of age) or they do not wish to enter because they do not consider that it will meet their needs. Some interviewees stated that high-security refuges can be off putting to some women, including Indigenous Australians who are likely to wish to stay very connected to their community and not be removed from it. However, it is known that many users of refuge and crisis accommodation are repeat users, and the reasons for this revealed in the research (including and in addition to leaving the perpetrator on more than one occasion as discussed above) were:

- Women having a series of violent relationships with different perpetrators, each one necessitating a stay in crisis accommodation.
- Women still being at the stage of deciding on their options with the perpetrator and using refuges as a clear space to think things out, sometimes more than once.
- Women are advised by police to re-enter refuge accommodation, for instance, when the perpetrator is released from jail.
- Difficulties in accessing other forms of accommodation.
- The temporary nature of refuge and crisis accommodation means that women may not receive sufficient support in order to build the life skills they need in order to prevent them from having to enter such accommodation again.

- Indigenous women who stay in refuges generally already have had an unstable housing background and their housing arrangements are more likely to break down again.
- Inability to exercise the rights and responsibilities that other Australian citizens take for granted, such as being able to seek work or to feed their children in the way they wish while they are in homelessness accommodation (Hulse and Spinney 2010).
- Research participants noted that clients with mental health or alcohol or drug issues and those with children in their care are much more likely to re-use refuge and other forms of crisis accommodation on more than one occasion.
- Some women need to re-use crisis accommodation because the perpetrator ignores a police or court order intended to keep him away from the family home and the ex-partner.
- Some interviewees considered that there is a cycle of violence that can lead to a cycle of reusing refuge and other crisis accommodation. The perpetrator may be very remorseful, and pursue his partner to return to him with promises of a better life. Once she has returned there can be a 'honeymoon' phase where everything goes well at first until tension begins to build up again. This is followed by a stand-over phase where his behaviour becomes more controlling and fearful, leading to an explosion of violent behaviour. Other interviewees considered that the power and control wheel (see Figure 1) more accurately portrays situations where women may live with everyday violence and fear, rather than on a cyclical basis. There are certainly occasions when the violence from the perpetrator has escalated to a point where women must leave again, and those where the perpetrator promises to change his behaviour but this does not transpire in the long term.
- Failure of the service to provide sufficient support in order to stay away.
- Indigenous Australian women in particular may use refuges differently including for prevention before violence occurs, for instance, at a funeral when lots of people will be in the house and will be consuming alcohol. They do not wish or intend to leave the family home and extended family permanently.
- Women return to refuges because they need the support of others who have been in a similar situation.
- Lack of long-term housing options.

- Interviewees reported that women on lower incomes tend to return to refuge and crisis accommodation, having no other choice. Two-thirds of women who experience domestic and family violence are in work, but 87 per cent of those who stay in refuges are on a pension.
- Women sometimes go to refuges more than once because they are only offered a six week stay at a time, which is not long enough for an effective intervention. Interviewees reported that the longer the women stay in the refuge initially, the less likely it is that they will seek to return later, and that clients able to be supported for 12 months very rarely go back through the system, whether this support comes through staying in a refuge or through an outreach service.
- In the *Families on the Edge* Australian Research Council funded longitudinal study of family homelessness, many of the 50 Victorian female heads of household could trace their history back to a situation of domestic and family violence, even if it was not the immediate cause (Hulse and Spinney 2010).
- Interviewees reported that the nature of refuge clients has changed over time. In Tasmania, for instance, they are no longer used solely for women and children who have experienced domestic and family violence but also for other forms of family homelessness such as losing privately rented accommodation or being evicted from public housing for rent arrears. There are now many more women with mental health, drug or alcohol issues accessing refuge accommodation. Interviewees reported that some of these may continue to reappear as re-users of refuges for 15 years and blamed the lack of connection between specialist agencies and refuges for this.
- Those unable to remain in the family home in the long term with the perpetrator removed are more likely to re-use refuge and crisis accommodation in the future than those who are enabled (and can afford) to remain in their home.
- Child protection agencies sometimes place conditions on women that they must leave the perpetrator and enter a refuge in order to keep their children living with them.

4.4 Conclusion

This chapter has explored why women remain with or return to the perpetrator of domestic and family violence, and why women and children sometimes access homelessness accommodation on multiple occasions. Interviewees reported that so much is involved in leaving a violent relationship and that it is not a failure of women that they re-use refuges. However, they can be assisted in their process towards independence, and selected enabling strategies are discussed in the following chapter.

5. Strategies to prevent multiple experiences of homelessness and of staying in refuge and crisis accommodation

5.1 Introduction

This chapter looks at examples of early interventions which attempt, in various ways, to prevent and reduce multiple experiences of homelessness and of staying in refuge and crisis accommodation for women and children who have experienced domestic and family violence. They include:

- Community specific interventions, including those specifically designed to suit Indigenous communities and those which aim to alter societal attitudes to the acceptability of domestic and family violence, to women's right to remain in their home, and to men's willingness to seek help for their controlling behaviours;
- Household and family interventions, including those which attempt to reduce the poverty that women and children who experience domestic and family violence and subsequent homelessness so often face, and those which are designed to prevent homelessness by enabling women and children to remain in their own home;
- Individual interventions, including those which work with women to empower and develop their self-confidence or financial capability, those which work with children to ameliorate the damage caused to them by living in situations of domestic and family violence and homelessness, and male perpetrator behaviour change programs.

5.2 Community based interventions

5.2.1 Interventions to assist Indigenous Australians from experiencing domestic and family violence and multiple experiences of refuge and crisis accommodation

State and territory governments, as well as Indigenous communities themselves, have developed innovative responses to family violence and resultant homelessness for the victims and their children. As discussed in Chapter 2, Indigenous women are more likely to experience both domestic and family violence and homelessness. In order for intervention schemes to be effective they have to be culturally and community appropriate and involve Indigenous people in their design and implementation (Cripps 2010).

Memmott et al. (2006) note that the Canadian analysis of successful components of Indigenous family violence prevention schemes points to 13 project characteristics:

- Valuing Indigenous tradition and culture;

- Recognising the importance of ritual and ceremony;
- Valuing the wisdom of the elders who understand the dynamics of family violence and a recognition of their role as important carriers of knowledge;
- A strong sense of community and shared responsibility;
- An emphasis on connectedness – to land, family, extended family, clan, spouse's family – resulting in a view of the individual context;
- An objective of restoring balance;
- Placing value on nurturing and mutually respectful relationships;
- Honouring the central place of women;
- Acceptance of and respect for the client as a whole person;
- A sense of equality between service provider and service recipient;
- A central attitude of caring;
- A preference for forgiveness rather than judgement and punishment;
- A holistic connection of body mind spirit.

A report on Indigenous family violence by the Queensland Centre for Domestic and Family Violence Research (2008) stresses the need to:

- Consider implications of mainstream domestic and family violence law on Indigenous people;
- Improve training and education for Indigenous police officers;
- Develop community education on rights and responsibilities within the justice system;
- Address the lack of rehabilitation perpetrator programs while they are incarcerated;
- Address inconsistent departmental practices;
- Develop individuals to show leadership out of family violence.

In South Australia, the Domestic/Aboriginal Family Violence Gateway is a telephone based service for women and their children who are experiencing or escaping domestic or family violence (SA Department for Families and Communities 2011). It provides specialist information, counselling, intake assessment and supported referrals to crisis accommodation, regional domestic/Aboriginal family violence services and mainstream services. It is also developing Women's Safety Contact, a new service to provide support to improve women's safety following the issue of an intervention order on their behalf. A new

program called Staying Safe Staying Home in partnership with the Attorney General's Department and the Victim Support Service will deliver individual safety packages and risk assessments across the state to enable women and their children who are experiencing or escaping domestic/Aboriginal family violence to safely remain in or return to their homes.

The Northern Territory's night patrols are organised groups, often involving Indigenous elders or other respected leaders, who patrol town camps talking to residents and liaising with police with the aim of stopping trouble before it begins. The literature reveals that they are particularly effective in Indigenous Australian family violence situations as they can keep an eye on likely perpetrators and have the influence to stop the violence. They are also important as many Indigenous women and others in the community have a poor relationship and image of the police and criminal justice system and are unlikely to contact the police if a domestic or family violence incident takes place. Often Indigenous women do not want to have the perpetrator locked up or for themselves to leave the home; they want to stay with the perpetrator but to have the violence stop. Memmot et al. (2006) found that night patrols demonstrate good practice. They also display some of the elements of good practice for effective Indigenous family violence programs as identified by Aboriginal Affairs Victoria (2008):

- Cultural grounding of programs;
- Community grounding and development of programs;
- Holistic approaches;
- Engagement of men, women and children in programs;
- Ensuring the involvement of appropriate elders;
- Self-empowerment and self-esteem as capacity building by-products;
- Examining intergenerational family history and cultural experience as a healing element;
- Culturally competent responses;
- Capacity building through networking partnerships and interagency collaboration;
- Information collection and dissemination;
- Training and skills acquisition.

Some interviewees also stressed that Indigenous women do not want to be involved with lots of different support workers and can benefit from those who are able to look at the whole picture in an intensive case management approach.

Indigenous domestic and family violence intervention initiatives frequently focus on restorative justice techniques, defined by the Minnesota Department of Corrections as: 'A philosophical framework which has been proposed as an alternative to the current way of thinking about crime and criminal justice. [It] emphasises the ways in which crime harms relationships in the context of community' (Southwell 2003).

In such schemes, crime victims and community members have a more active involvement in the justice process than in conventional Australian justice systems, and offenders are held accountable directly to the people and community they have violated. As such, restorative justice can play a valuable role. This is partly due to fears of alienation from their community and concern over further disintegration of the community resulting from their abuser being imprisoned but also because, for many Indigenous women, 'family' is such a part of self-identify, responsibility and obligation, connection to country and culture that the concept of starting again as an individual in a new location can be totally alien (Southwell 2003).

There is no direct evidence that the schemes discussed here have had an impact on lessening domestic and family violence and consequential homelessness in Indigenous communities. What is clear is that unless these communities are strengthened, they will not be able to break the cycle of intergenerational violence and homelessness. Interviewees stressed that early education in all schools and communities on respectful relationships and boundaries before people enter abusive relationships is likely to play an important role in changing the discourses surrounding the acceptability of domestic and family violence. The next section discusses social marketing schemes which have set out to directly challenge attitudes of power and control of men over women.

5.2.2 Behaviour change social marketing interventions

Social marketing applies the principles and tools of commercial marketing to achieve socially desirable goals. It is characterised by a focus on behaviour change and normally includes:

- Education to inform and guide;
- Marketing to engage and motivate;
- Service provision to 'convert' the guidance and motivation into actual and sustained behaviour change (Robinson and Hunter 2010, p. 54).

The federal government has allocated \$17 million for behaviour change programs, including those targeting young people (Commonwealth of Australia, 2009). This section discusses two social marketing interventions designed to reduce domestic and family violence and homelessness.

5.2.2.1 *Bega SHLV (NSW)*

Bega SHLV is located in rural NSW. In addition to carrying out similar risk assessment and security upgrading work to other schemes, as discussed later in the chapter, it runs social marketing campaigns designed to change the behaviour of perpetrators, to raise community awareness concerning the links between domestic and family violence and women's and children's homelessness, and to encourage women not to accept abusive behaviour. Social marketing campaigns are an integral and important feature of Bega SHLV. Cinema advertising, posters in public toilets, doctors' surgeries and other public areas, wristbands, key fobs and banners across roads have all been used to highlight the message that women do not have to put up with violent relationships and that they do not have to leave their homes in order to end the relationship. An example of promotional material from the scheme is shown in Appendix 2. It would seem that for women to be encouraged to use homelessness prevention measures they must firstly have an understanding that such services are on offer, that women and children are not expected to leave their home, and to have confidence that these services will effectively deter perpetrators from returning. Social marketing can play an important part in this process (Spinney 2012b).

5.2.2.2 *Strength to Change (England)*

It is estimated that around 5 per cent of the Australian population will be victimised in any one year. Behaviour change programs for men began to emerge in the late 1970s, influenced by the understanding of domestic violence in the context of gender and power relationships, and were typically focused on changing attitudes towards women (Day et al. 2010).

Strength to Change was the UK's first health funded domestic and family violence perpetrator program, and the first social marketing campaign of its kind there. It consists of a therapeutic intervention accessed through a helpline, underpinned by a marketing campaign, and is designed for men who voluntarily decide that they want to change their behaviour towards their partners. An important part of the scheme is that men respond to the social marketing advertisements voluntarily to ask for help. Examples of promotional materials are given in Appendices 3, 4 and 5. The domestic violence prevention manager undertakes an assessment of the men who ask for assistance and works with them therapeutically in a group and individually over several months to help them recognise their responsibility for the abuse and take steps to stop it (Robinson and Hunter 2010).

Interviewees stated that although the work is with men, the primary goal is the safety of women and children and can make a real difference to the partners and children of the men who come forward for assistance. One of the reasons they consider it very important to

spend money on men's perpetrator services as well as women's support services is because one man can (and normally does) have several victims during his life. The scheme commenced in 2009 and works with men who are still living with their partner as well as those who have separated. After initial assessment, the perpetrator signs a participation agreement. If they refuse to sign, the program will not work with them. The agreement gives permission for the police, social services and partner or ex-partner to be contacted. A women's worker conducts group and one-on-one work with women who wish to participate, and this is considered a vital part of the work to protect women. Interviewees stated that they would not operate the program without a women's worker. A return on investment study conducted on the project in 2010 compared police call-outs for men engaged with the program, finding that they have been involved in 66 per cent fewer incidents. The average gross savings achieved in seven case studies were £63,937 per man and £35,058 per partner (or ex-partner) (Perfect Moment 2010).

Interviewees reported that women consider that men's behaviour programs make them safer because staff are in touch with women and make sure she is not being harassed. Also, if the perpetrator does not change his behaviour, the women know that it is time to permanently end the relationship. Some considered that if women's services run men's behaviour programs they can become much more integrated into domestic and family violence services than would otherwise be the case.

The growth of Sanctuary Schemes in England at a national level has also been partly attributed to an education and awareness campaign, by central government, to local governments and others who set up and operate the schemes. Positive work to change discourse surrounding women's rights and abilities to remain in their own home appears therefore to be an important element of altering both the community's and individual women's views that this can be a viable option. It would appear that the deliberate creation of new discourses concerning 'Right to Remain' (Spinney 2007), and on the responsibility of men to change their behaviour, plus physical and emotional support mechanisms to sustain women at home, all play an equally important part in early intervention and prevention strategies.

5.3 Family and household based interventions

This section looks at family and household based interventions, including those attempting to reduce poverty for women and children and those which are designed to prevent homelessness by enabling women and children to remain in their own home.

5.3.1 Interventions to reduce poverty for women and children

Interviewees noted that one of the major reasons why women and children enter and re-enter refuge and crisis accommodation is poverty. This is also recognised by the Council of Australian Governments (2010) which highlights improving women's economic participation and independence as key steps towards reducing domestic and family violence. We also know that experiencing domestic and family violence actually contributes to poverty for women and children, often in the long term. Decisions to stay or leave abusive relationships can be affected by financial considerations (Braaf and Meyering 2011; Landvogt 2011).

Interviewees repeatedly stressed that women need access to financial assistance to enable them both to stay in their own home, with the perpetrator removed, and to live successfully independently of the perpetrator. An example given was a SHLV client who was unable to afford a bus pass for her children. When it was explained that her ex-partner was threatening to pick the children up as they walked to or from school, the bus pass fee was waived so that she could go to work safe in the knowledge that the children were on the school bus.

5.3.1.1 Centrelink assistance

In Australia, women who are not working and who have experienced domestic and family violence are able in most instances to claim Centrelink assistance. In addition, crisis payments (equal to one week of the basic rate of Social Security payment which the victim would normally receive) can be paid to a person who remains in the home after a family member leaves or is removed because of domestic or family violence. To receive the payment, the victim must have been subjected to domestic or family violence by a family member who left or was removed from the home because of the violence.

Social workers are located in Centrelink customer service centres and call centres. Centrelink social workers are available to:

- Provide counselling and support to clients with difficult personal or family issues;
- Provide information about, or refer clients to, community support services;
- Help with claims for payments from Centrelink.

Interviewees identified two ways in which the Centrelink system can work against women being able to remain in their home following the removal of the perpetrator. The first is the inflexibility of crisis payments for women leaving violent relationships. They provide a relatively small amount of money to cover one week, and have to be applied for within seven days of the violent incident occurring. For women first attending a domestic and family violence service on a Friday, this can mean that they have to be rushed to a Centrelink office to make an application straight away. Some who are unaware of the crisis payment

regulations and time restrictions have to go to refuges or other temporary accommodation because they have no immediate access to money to remain in their home and feed their children. The second issue affects women whose children have been taken into the care system because of domestic or family violence. Their Centrelink payment is reduced which means that they can no longer afford to live in a family sized home. However, reunification of the children with their mother once the violent relationship has ended is not allowed unless there is family sized accommodation available where they can reside together.

Centrelink payments do not enable women and children to get out of poverty and therefore to sort out their housing issues following relationship breakdown attributed to domestic and family violence. If we are to see a reduction in refuge and crisis accommodation use in Australia, subsidies to these clients will need to be improved so that they can either remain in their own home following removal of the perpetrator or they can access new accommodation in the private rental or owner occupation tenures. As refuge and crisis accommodation is very expensive to provide, it is possible that such subsidies could be made available at no additional cost to the public purse.

5.3.1.2 Compensation for victims of violent crime

In Australia, as in other developed countries such as Canada, New Zealand and the United States, states and territories have compensation schemes for victims of violent crimes. To be eligible, victims normally have to be injured and to have sustained medical and related expenses or loss of earnings, or have had belongings damaged or destroyed. Such schemes have the potential to assist victims of domestic and family violence to make a fresh start, and therefore to be less likely to experience homelessness a number of times. However, compensation arrangements vary from state to state, and mirroring legislation for compensation for victims of violent crime is needed throughout Australia if women and children are to receive equitable assistance regardless of where they live.

5.3.2 Homelessness prevention interventions

This section discusses schemes designed either to prevent women from having to leave their home or enabling them to live safely in a new home of their choice by removing the perpetrator and keeping him away. These include SHLV schemes in New South Wales and Sanctuary Schemes which are now mainstream policy throughout England. In order to assist readers, much of the information in this section is taken directly from the companion AHURI Final Report (Spinney 2012b) because it is equally valid to concepts of homelessness prevention and to closely related early intervention and prevention strategies designed to prevent multiple use of refuge and crisis accommodation.

McFerran (2007) identified key features of good practice models to prevent homelessness for women and children by enabling them to remain in their home, including:

- Police removing the perpetrator;
- Courts granting exclusion orders;
- Support services providing information and resources;
- Risk assessment, security upgrades and safety planning;
- Assessment and assistance for violent partners;
- Leadership and legislation from government.

The following sections examine SHLV schemes from New South Wales and Sanctuary Schemes from England which exhibit most of these desired characteristics.

5.3.2.1 *Staying Home Leaving Violence (SHLV) schemes*

SHLV schemes involve collaboration and a degree of integration between police, courts and scheme staff. The police role involves encouraging the victim and children to remain in the home unless there are immediate dangers preventing them from doing so, seeking exclusion orders and (in theory) offering accommodation to the perpetrator at nominated accommodation centres. The SHLV staff teams conduct risk assessments and safety planning to assist the client in deciding whether to remain in the home, ensure necessary protection orders are in place and conduct safety audits (Bega Women's Refuge 2007). Importantly, they also provide ongoing emotional support, sometimes for several years. There are now over 20 of these schemes which began with two pilots in 2007. They form a network of agencies increasingly integrated into the NSW domestic and family violence service system. However, they are not yet statewide, and many women leaving violent relationships are unable to access their services.

The innovators of SHLV looked to Sanctuary Schemes in England, and modified those ideas to work within an Australian setting and within the particular context of their individual location. For the research, three Sanctuary Schemes and three SHLV schemes were visited. For SHLV these were Bega, one of the two pilot schemes, located in a small rural town; Mt Druitt, which is in a suburban area of Sydney; and a scheme covering the regional centre of Newcastle. The schemes each receive funding of \$150,000 per annum from the NSW Department of Community Services and are expected to manage around 30 clients during this period, although those visited had many more clients on their books due to demand for their services. However, even at the contracted ratios, the cost per client only approximates \$5,000 for the provision of risk assessment, security planning and upgrading and for ongoing

emotional support to enable women to remain in their homes or to move to new homes where they can feel safe.

The research established from the interviews and workshops that what is so far lacking in these popular and well regarded schemes is a statewide approach so that there is no 'postcode lottery' of whether women can access SHLV services. Adequate funding so that referrals do not have to be put on hold, culturally appropriate services for Indigenous Australians and those from culturally and linguistically diverse communities, consistency of approach regarding exclusion of the perpetrator from the home by the police and judicial services, and adequate funding so that women in private rental and owner occupied homes can sustain their accommodation also need to be improved. Each SHLV is different as they are auspiced by different agencies and work in different types of area. This diversity is encouraged by the Department of Community Services which considers that different locations and types of clients need different forms of the service. Because SHLV has an objective of enabling women to live in the home of their choice, and because their target group of clients is women who are planning to separate, SHLV cannot always prevent women who become clients from becoming homeless, for example, because they cannot afford to stay. SHLV's are not homelessness services but, even in circumstances where women have to move, they may help to prevent them from becoming homeless in the future (Spinney 2012b).

Newcastle SHLV

Depending on the needs of the client, Newcastle SHLV carries out between three and twelve visits in their homes. The minimum number is three: to conduct the safety audit, to attend while the security upgrading features are being installed, and a final check-up. Interviewees reported that for some clients that is enough and all they want, but many others need longer-term emotional as well as practical support. These further sessions assist the SHLV worker to help the women to come to terms with what has happened and how they came to be in this situation. This can help with building resilience to lessen the likelihood of any future violent relationships, either with the ex-partner or a new one. The service reports that the first 48 hours back in their home following a domestic or family violence incident are crucial to whether women will gain the confidence to remain there in the longer term, and SHLV, the police and the court advocacy service work together in Newcastle to play an important role in building confidence and providing reassurance and support during this time.

What works well in Newcastle

Newcastle SHLV was in the second round of development of schemes and has been running for three years. Project workers reported that things that work really well are:

- Security upgrading, whatever the choice of house, not necessarily where the relationship was based;
- Relationships between SHLV staff and with the police Domestic Violence Liaison Officers. According to officers of the Department of Community Services, senior police are supportive as they can see the advantages in breaking cycles of domestic and family violence. There is a standard protocol covering all SHLV areas, but also local partnership arrangements with police;
- Creation of a wrap-around service of support and partnership to help women to stay in their homes. For example, when a female public housing tenant fled her home as a result of a domestic or family violence incident, the perpetrator would not leave. SHLV contacted the police who informed the perpetrator in writing that he was trespassing. He then left and the woman returned to live in her security upgraded home;
- The fact that SHLV is an outreach service that goes to the women's homes;
- The effective co-relationship between the local refuge and SHLV staff. The refuge deals with women at the time of crisis and when appropriate then refers them onto the SHLV service. In Newcastle most SHLV clients are owner occupiers of their homes.

What doesn't work so well in Newcastle

- Some police officers' attitudes of 'Here we go again' when dealing with repeat incidents, caused by a lack of understanding and training on the cycle of domestic and family violence;
- Magistrates delaying procedures because they need more evidence;
- Women refusing to make a statement or retracting it due to fear;
- Timeframe difficulties caused by only having part-time SHLV workers. Scheme officers do not feel that they are sufficiently staffed to do all the work necessary, especially as much time is spent driving to visit clients over a wide geographical area;
- Those living in their own home can be more isolated from good legal advice than those staying in refuges. However, SHLV is the first service for home owners, a group who previously had found it very difficult to access services;
- Private landlords have to give permission for upgrades such as security doors, and it can be difficult for clients to explain to agents and landlords why these are needed;
- Implementation difficulties caused by trying to 'shoehorn' SHLV into a service system that existed before the scheme became more widespread (Spinney 2012b).

5.3.2.2 *Sanctuary Schemes*

England's Sanctuary Schemes were instigated before SHLV schemes in New South Wales and for very much the same reasons as discussed above. These include homelessness prevention, relieving pressure on housing and homelessness services, cost saving, providing more choice, and meeting the needs and preferences of households fleeing violence. There are a number of reasons why it is in the interests of English local housing authorities to adopt Sanctuary Schemes, apart from the obvious one of providing protection to vulnerable residents. One is that their cost is less than the cost of rehousing the same household as homeless (Spinney and Blandy 2011, p. 30).

This section reports the findings of the fieldwork carried out in England in 2011 from interviews with Sanctuary Scheme providers, policy makers, funders and stakeholders. This is done in order to assess how these schemes compare with existing models of provision in Australia and what can be usefully learnt from their mode of operation. A key feature of Sanctuary Schemes is that they now operate on a national basis in England and that they have been promoted by central government. In 2006 specialist domestic violence advisors were seconded to work with the Department of Community and Local Government for a year in order to help local authorities to develop their own schemes. This mode of promotion has been regarded as effective, and Sanctuary Schemes are now available in almost every local authority area. Although central government has not provided local authorities with any direct Sanctuary Scheme funding, it did provide funding for homelessness prevention measures generally which was frequently used to set up Sanctuary Schemes. Police, the National Health Service, registered social landlords (housing associations) and local authorities have also set up their own charities to establish and run the schemes, which (as with NSW SHLV schemes) are run by a variety of providers (Spinney 2012b).

Norfolk Sanctuary Scheme

Norfolk is a rural county on the east coast of England. Eight local authorities in the county have joined forces to operate one Sanctuary Scheme with the same *modus operandi*, in each of their jurisdictional areas, in partnership with Norfolk police force and specialist voluntary support agencies. The scheme visited for this research is operated by Breckland District Council which covers several small market towns and their rural hinterland. The Norfolk Sanctuary Scheme provides security upgrading to clients' property at no cost to themselves in order to make them feel safer about remaining living in their home. Both tenants (of privately rented and of social housing) and home owners are included in the scheme. Unlike some other Sanctuary Schemes visited, assistance is only available to those who not only wish to remain in their own home where it is safe for them to do so, but also

where it is likely that they will be able to afford to remain there for a 'reasonable time'. It is not open to those who wish to move and have target hardening put in the new home, and as such can be regarded primarily as a mechanism designed to avoid women and children presenting as statutorily homeless, rather than as a means of extending the maximum degree of choice to those leaving violent relationships. In addition, tenants or owner occupiers must have either sole rights to the property (i.e. not be joint tenants or owners) or to have excluded the perpetrator by legal means such as an exclusion order. This is not the case for all Sanctuary Schemes. Although the Norfolk scheme started in 2006, at the time of the interview in 2011 only a few security upgrades had been completed in properties, possibly as a result of these restrictive practices. Staff explained that many prospective clients dropped out because of the length of the application and assessment process, especially if another violent episode occurred.

Four organisations operate the Breckland scheme. The police conduct the risk assessments, and arrange for a community organisation to fit new security equipment. The local authority fund and coordinate the work from their homelessness prevention budget. The police generally require a large amount of security upgrading equipment as a result of the risk assessment process. This has included safe (panic) rooms which cost £5,000 each, and some clients have been turned away because of the prospective cost of the work deemed necessary by the police. Potential clients are also turned down if they are in rent arrears or if they have a court order against them, as the local authority does not want Sanctuary clients who might later be evicted. Most referrals come from refuges and are not emergency presentations. A local refuge provides outreach support to clients of the scheme. Apart from its restrictive practices, one of the reasons why this particular rural scheme has not become more widely used may be because there are alternative and quicker ways of finding accommodation in the private rental sector in the area. The scheme is fairly ponderous and has several bureaucratic stages, but accessing housing benefit that fully covers the cost of renting in this area, and local authority assistance with the deposit costs, ensures that women and children can access a new privately rented home in this area. This scheme therefore demonstrates how both internal and external factors can influence how successful a scheme becomes, and its take-up with clients.

Key findings on Sanctuary Schemes

The findings of the English case study research were:

- Implement and promote Sanctuary Schemes through specialist advisors working on the ground with agencies to demonstrate how it can be done, and through presentations at practitioner seminars and conferences. These two promotional

mechanisms had a positive impact on increasing the number of schemes in operation in a relatively short time span;

- Gain cross-departmental assistance and understanding from agencies, such as the police, about what is trying to be achieved. Agencies such as fire brigades, police and social housing providers can work together on this issue, including co-funding schemes. They can justify this because Sanctuary Schemes lessen their workload on domestic and family violence issues;
- Get the message right: Sanctuary Schemes are about safe spaces for women and children, rather than installing 'panic rooms' which have proven to be unpopular and expensive to install;
- Issue guidance and practical advice at a national level on how such schemes can be set up. Do not leave too much of a gap between issuing the national guidance and promoting the schemes in local areas. This happened in England and in hindsight was regarded as detrimental to a faster roll-out of schemes. See the current good practice guidance, *Sanctuary Schemes for Households at Risk of Domestic Violence: Practice Guide for Agencies Developing and Delivering Sanctuary Schemes*, <<http://www.communities.gov.uk/publications/housing/sancturyschemesguide>>;
- Schemes should not insist that an injunction is in place before allowing applicants to join a homelessness prevention scheme such as Sanctuary or SHLV. They should be open to all, especially as there are individual and structural reasons why some women cannot gain an injunction;
- Sanctuary Schemes are not an immediate response. It typically can take six to eight weeks to have the perpetrator removed, conduct the risk assessments and security upgrading, and get emotional support packages in place for women choosing to remain in the home;
- The schemes can quickly become popular once made available. Some schemes in England are taking on 300 new cases a month, providing a risk assessment, security upgrade and ongoing support for each one. However, this high workload also means that these women and their children have not had to find new homes.
- The potential to roll out similar schemes across Australia must be assessed in the context of the differing legislation within Australian jurisdictions, as discussed in detail in the AHURI reports.

Key advice from English providers and policy makers

- The importance of women making their own informed decisions about whether they stay or leave, and to where, so that they can begin to have some control over their lives as quickly as possible following the end of the abusive and controlling relationship;
- It is not, in the main, clients staying in refuges who join Sanctuary Schemes; most referrals are from the women themselves or from other services;
- These kinds of homelessness prevention schemes are not just about ‘target hardening’ (through installing security measures following a risk assessment), but also about providing a means to a coordinated community response and providing emotional support;
- Most women’s advocacy groups in England now support Sanctuary Schemes, despite some initial reluctance, because it became clear that they have become popular with the women themselves (Spinney 2012b).

Sheffield Sanctuary Scheme

Officers interviewed for this research reported that all forms of tenure are considered appropriate for target hardening, and that private landlords are normally receptive to having security upgrade work done on their property. Completing work on jointly tenanted properties can be difficult as the perpetrator also has rights to the accommodation and cannot be excluded without an injunction. The Sheffield Sanctuary Scheme does not require an injunction against the perpetrator to be in place. In such cases, clients are not turned away, but similar measures to those used to deter burglars are installed, such as shock alarms to windows and motion sensitive external lighting, rather than changing the locks. Less than 10 per cent of clients have safe (panic) rooms installed as most do not consider them necessary. There is no limit on budget, and individual clients have become clients more than once following another violent relationship.

The largest social housing provider in the area, Sheffield Homes, cooperates by paying for materials and goods for the security upgrading of their tenanted properties (but not the labour costs, which the Sanctuary Scheme funds). Police domestic violence officers are also very involved. Most referrals progress very smoothly, as staff and agencies are well aware of their role in the system. Future plans to improve the scheme include developing an interview package to help to iron out inconsistencies in police officers’ approaches to informing women of the scheme. Once the physical work on the property is completed, the case is closed by the Sanctuary Scheme. Referrals are made to other agencies to provide ongoing support.

Sheffield Sanctuary demonstrates that agencies can work together effectively to operate these kind of schemes. The research also revealed that measures designed to encourage inclusivity (such as not insisting that clients gain an injunction against the perpetrator) do not mean that no steps can be taken in order to lessen the risk of perpetrator incident in homes which remain jointly owned or rented (Spinney 2012b). Further potential transferable lessons from Sanctuary Schemes are to be found in Section 6.5.

5.3.2.3 *Safe at Home in Victoria*

Safe at Home in Victoria was established in its current format in May 2010 by the police. It is an integrated model of partnership through the police and welfare agencies working together, and its programs are now led in the main by the partnership NGOs with funding provided by the Victorian Department of Human Services. In comparison with SHLV, it is based on outreach services, which have been established for some time in Victoria. Safe at Home in Victoria is different from the previous domestic and family violence work model in the state in that the responsibility for safety of women is held not only by their individual NGOs, but within the whole integrated system. This has brought about policy changes which have assisted in helping women to remain in their home post-separation. The risk assessments used by the police are discussed in the following chapter.

Most agency personnel interviewed for this research considered that Safe at Home in Victoria has brought about positive change. Some outreach services now receive brokerage funding for safety upgrading work, and can accept referrals from individuals or from agencies. Once police have issued a Safety Notice they make a referral to an appropriate agency, if there is one operating in that area. The referral includes the date of the court hearing, as police orders are only valid for 72 hours. The agencies then normally endeavour to contact the women either prior to, or at, the court to explain their options about removing the perpetrator permanently.

Both interviewees and participants in the Victorian workshop considered that although there have been some successes in local partnership programs, a program which runs consistently across the state is needed. There is too much reliance on service integration happening because of good relationships and goodwill between workers in organisations, and this needs to be formalised at a statewide level to ensure that women receive a uniform approach and do not get a different service depending on where they live. The extent of partnership working even at state government level is also inconsistent, with the Department of Human Services having a partnership agreement with the Department of Education, regarding Safe at Home in Victoria, but not with the Department of Corrective Services. This was felt to be a negative aspect of the scheme. Participants reported that homelessness

prevention is a more dominant aspect of Safe at Home in Victoria than of the older Safe at Home (Tasmania) discussed below. Outreach services in Victoria run in tandem with homelessness prevention programs such as security upgrading, and tend to have a positive relationship with the court system. At the time of the research fieldwork, Safe at Home in Victoria was newly established and therefore a full assessment of its role in preventing homeless was not yet known. However, research participants appeared positive about the changes to date but were uniformly concerned that agencies cannot access and share data on which individuals are in receipt of its services. This was considered to be to the detriment of their ability to keep women safely remaining in their family home (Spinney 2012b).

5.3.2.4 *Safe at Home (Tasmania)*

Safe at Home (Tasmania) is a leading Australian example of an integrated statewide justice-led response to domestic and family violence across government departments. Its goals are to reduce the level of family violence in the medium to long term, to promote the safety of people affected and to change the offending behaviour of those responsible.

As detailed in the AHURI Final Report (Spinney 2012b), Safe at Home has three levels of governance: the Statewide Steering Committee, the Inter-departmental Committee (IDC) and regional coordinating committees. The first two comprise representatives from the Departments of Justice, Police and Emergency Management, Health and Human Services, Premier and Cabinet, and Education. At the regional committee level there are representatives primarily from the Safe at Home welfare and support provider agencies themselves. These normally discuss every new incident in their area and how it has been dealt with, including whether children were involved and the notification of child protection services.

Safe at Home was implemented in 2005 completely from scratch and the Statewide Steering Committee was most active during the development phase. It now maintains fiscal oversight and overall responsibility, with responsibility to consider review recommendations. The role of the IDC is to establish standardised policies and procedures and involves senior management from the participating government agencies. The Department of Justice is the lead agency, and the IDC chair comes from this department. Commentators interviewed for this research agreed that statewide integration has worked well at a service level. Latterly, however, budget cuts in the police and the Department of Health and Human Services have led to unilateral decision making, to the detriment of the integration of the system. One of the main drivers of Safe at Home was to remove the responsibility for the justice response from the victim, given that they are not always in a position to make these decisions. Safe at Home was considered by the interview participants to have lost some momentum since it

commenced seven years ago, and there was disappointment that it had not achieved everything initially hoped for. Government and non-government sectors have sometimes struggled to work well together in this very government-led system. Generally, however, the model was considered to have positively changed the discourse around domestic and family violence in Tasmania in terms of making clear its unacceptability and the willingness of the justice system to demonstrate this. There do, however, remain discrepancies in practice.

Some commentators did consider that Safe at Home had made a positive difference to women's ability to stay in their home because of:

- The immediacy of police family violence orders that can be issued on the spot by police officers to exclude perpetrators;
- Pro-arrest of perpetrator policies. This was viewed as a demonstration that the state is taking responsibility for both the crime and for removing perpetrators rather than seeing this as the victims' role, putting domestic and family violence more in the same category as other violent crimes;
- Public awareness of family violence has increased;
- There is improved legal recognition, and court support officers are in place for both perpetrators and victims;
- State funded family violence counselling for women and children is available.

Interviewees felt that some improvements to practice would enhance women's and children's ability to remain living in their home. These include more organisations being involved in IDC meetings, including mental health, drug and alcohol agencies. This was considered to be especially important when the IDC considers applications to alter barring conditions when the victim wishes to re-partner with the perpetrator.

Interviewees and workshop participants stated that the following changes need to be made if more women and children are to be prevented from homelessness in Tasmania:

- Increased move-on accommodation and programs for offenders, because some have a lack of ability to manage on their own which makes them more likely to try to persuade their ex-partner to let them return. All too often this leads to repeat victimisation of the women and children;
- More money is needed for security upgrade work, to improve safety and to improve confidence in being safe to remain. Women are not made to feel safe enough in their own home at present. As one workshop participant noted: 'It's not what you do to the house to make it safe, but what you do to make the women feel safe that matters';

- Increased training for police about the cycle of domestic and family violence and that women can be enabled to remain safely in their homes;
- Development of a mandatory perpetrator behaviour change program, as originally envisaged but never implemented;
- More integration of non-government agencies on the IDC, especially regarding decisions about whether domestic and family violence orders can be rescinded or altered to allow the perpetrator to return;
- More multi-agency case conferencing is needed. Although this occurs, it was not considered to be fully utilised;
- Legal Aid in Tasmania does not fund property issues which hinders women who are owner occupiers from receiving good legal advice concerning property settlement following relationship breakdown;
- Women on spousal visas are especially vulnerable and need more assistance;
- Children are sometimes removed from the home if they have experienced domestic and family violence there. As a result, their mothers lose the Centrelink payments for them and cannot afford to remain in their home. As they cannot afford to rent accommodation large enough for the children to live in, Child Protection Services do not allow the children to return to their mother following the cessation of the violence. Answers to this situation need to be found if women are not to lose their homes and be unable to have their children returned.

Safe at Home has added a level of consistency to policy approaches in Tasmania, and research participants universally thought the situation for women and children who have experienced domestic and family violence is better now than before its commencement. Although it has not stopped the need for some women and children to use refuge and crisis accommodation on multiple occasions, it has made clear that it is the perpetrator who is at fault rather than the victims. One of the main strengths is the integrated response by agencies. Participants considered that this was easier to achieve than with the more recent Safe at Home Victoria, because a new system was created in Tasmania from scratch rather than adjustments made to an existing system. South Australia is in the process of implementing a similar statewide system (Spinney 2012b). The potential impact of integrated schemes on reducing multiple exposure to homelessness is discussed below.

5.3.3 *Integrated interventions to reduce multiple exposure to homelessness attributed to domestic and family violence*

SHLV and Safe at Home type schemes are examples of interventions that can reduce women's and children's multiple exposure to homelessness attributed to domestic and family violence through agencies integrating their work in order to be more effective. The Domestic Abuse Partnership (DAP) visited for this research in Hull, England consists of nine organisations working together, in addition to the police and justice system.

5.3.3.1 *Hull Domestic Abuse Partnership*

Hull DAP professionals work together from the same office to provide a support service for women who have experienced domestic abuse. The team is made up of domestic abuse support workers, housing advisors, social workers, health practitioners and police domestic violence coordinators, and provides:

- Emotional support;
- Telephone advice;
- Home visits;
- Housing advice;
- Legal advice and support;
- Support through the criminal justice system;
- Safety planning;
- Home security;
- Financial advice relating to pensions and benefits;
- Referrals to specialist health, drug and alcohol, and children's support agencies;
- Support to access emergency accommodation;
- Support to attend MARAC (Multi Agency Risk Assessment Committees, further discussed in Chapter 6) and other meetings.

This truly integrated service also includes a male perpetrator behaviour change program. Practical support to enable women to remain in their home includes a free lifeline emergency alarm system, new mobile phone or SIM card, home safety repairs and provision of personal alarms, when appropriate. The multi-faceted and integrated approach within which the Hull Sanctuary scheme is embedded has demonstrated a high degree of commitment to tackle

domestic and family violence and subsequent homelessness in an area where it is widespread.

5.3.3.2 *Bsafe personal emergency alarms*

The Victorian Bsafe pilot project provided personal emergency response alarms (similar to those used by the elderly) to women assessed as being at high risk of violence from their ex-partner. The project was funded by the Commonwealth through Community Crime Prevention funding and ran from 2007-11 in the Hume region. This initiative by Victoria Police and Women's Health Goulburn North East aimed to reduce the incidence of domestic and family violence, reduce fear of assault and abuse, and ensure that high risk victims have the option of remaining safely in their homes. Alongside the alarm system there was an integrated multi-agency response providing emotional and practical support.

The Bsafe final report (Taylor and Mackay 2011) found that nearly 70 per cent of clients (who were all at high risk of repeat victimisation, and many of whom had had to move house to escape post-separation violence in the past) were able to remain in their own home once the alarms were installed, and that a further 20 per cent moved house but were able to stay in the local community. Some chose to tell their ex-partner about the alarm and reported that this was successful in deterring some from breaching their injunctions and returning to the property. For others, pressing the alarm at times of breach meant that the perpetrator could be quickly apprehended, and also that there was proof because the control room could record the sounds of the incident and so increase perpetrator accountability. The Bsafe project demonstrated that women at high risk of repeat victimisation can choose to remain safely in their own homes once the perpetrator has been removed, even in rural areas where police response times may be longer than in metropolitan areas, at much less cost than relocating them to another home.

Four key elements were identified as important to Bsafe's success:

- Women had to have a family violence order with exclusion clauses in place and did not want ongoing contact and a relationship with perpetrator;
- Ongoing contact and risk assessment with clients, as many had long-term needs;
- Employment of a Bsafe coordinator to oversee the referral process, ensure timely kit installation, monitor activations and police response, and communicate with key stakeholders;
- Training workers (police, service providers' workers) in the use of Bsafe and also women using it whenever a breach occurred, however minor.

Two types of alarm systems were used: a home based model that works with a landline, and a unit designed to work with mobile phones. The latter proved particularly useful for use out of the home, allowing women and children to resume a more normal life. Some women gave units to their children to use so that they could go out alone without fear that they would be defenceless if the perpetrator approached them.

Interviews with the project officer revealed that approximately a quarter of the female clients had occasion to use their alarm when a breach occurred. These clients reported several advantages to using the push button alarm rather than simply phoning 000:

- The alarm service operators know immediately who is contacting them and that it is a domestic or family violence situation, and how many children are living in the household;
- If the women are unable to speak, the operator can use the loudspeaker to talk to them and ask if there is something they wish to say. Some women had an agreed password with the alarm system operators so that they could request emergency assistance without risking the perpetrator being enraged by their request;
- The alarm system is easy for children to use;
- There have been cases where police have arrived and apprehended the perpetrator without him even knowing that the alarm system was installed or had been activated;
- Women could activate the alarm and then escape out of the back of the house, knowing that the incident was being recorded. In one case, the alarm service operator spoke to the perpetrator to inform him that he was being recorded in an attempt to moderate his extreme behaviour.

20 per cent of the clients were under 25, and 143 children were living in the homes of Bsafe clients, of whom three-quarters were aged eight or under. The project coordinator reported that children had the pressure taken off them from feeling they had to protect their mother, and the alarm helped those suffering from hyper-vigilance to relax.

Bsafe operated in the following way:

1. Potential clients, including women whose ex-partners were shortly to come out of prison for their domestic or family violence crime, were discussed at a multi-agency meeting;
2. Victoria Police made a referral to VitalCall;
3. VitalCall installed the alarm unit and trained the women how to use them;
4. The quarterly monitoring fee for each installed alarm was paid by Bsafe;

5. The coordinator continued to emotionally support the women.

Despite the pilot taking place in a rural area, only one client referral was unable to be processed because there was no mobile phone coverage available. The Bsafe project officer reported that it provided a valuable service to women with disabilities and to Indigenous Australian women, helping them to have more positive perceptions of the police. The project received the 2010 Australian Crime and Violence Prevention award.

The following advice was given by the project officer for agencies considering using alarm systems as a homelessness prevention strategy:

- In order to be effective in building confidence to remain in the home, a coordinated approach is needed, rather than just distributing the product with no ongoing support;
- A comprehensive risk assessment needs to be completed first, and police and domestic and family violence services have to be aware that there is a unit in place;
- The project highlighted the need for inter-agency partnership working. Many clients had ongoing support needs, and some had experienced ongoing abuse from their former partner for several years. They considered that without the project they would have no choice but to just disappear from the community and their supports, or risk being seriously injured or murdered (Spinney 2012b).

Bsafe clients interviewed for this research considered that the scheme had been fundamentally important in giving them the confidence to remain in their homes with the perpetrator removed.

5.4 Individual interventions

In this section, individual interventions including those which work with women to empower and develop their self-confidence or financial capability and those which work with children to ameliorate the damage caused to them by living in situations of domestic or family violence and homelessness are discussed.

5.4.1 Interventions designed to empower and develop women's confidence

The fieldwork revealed examples of good practice in providing non-residential support to assist women to successfully live independently. One of these is EASE (Emergency Accommodation and Support Enterprise) based in Bendigo, Victoria which provides a range of outreach domestic and family violence services. These include recovery and counselling programs, intensive case management and an Indigenous Women's Case Management Program in partnership with the Bendigo and District Aboriginal Co-operative. This work is done in close collaboration with the delivery of men's behaviour change programs.

Hobart Women's Shelter runs programs for residents of their safe houses and for women who remain in their own homes, plus those who are unable to access their supported accommodation because of over-subscription. These include KYSS (Keeping Yourself Safe and Sane), a weekly education and peer support group for women who are experiencing or have experienced domestic or family violence. They also run WISPP (Women's Integrated Support Pilot Project), an early intervention program providing one-on-one support and advocacy, and FLAVERS (Family Literacy, Adult Vocational Education Resources and Support), providing literacy and education programs, plus mother and child support groups.

Mt Druitt SHLV also provide group work and peer support opportunities as they recognise that building a network of support is an important element in enabling women to remain in their home. Newcastle SHLV provide up to 12 visits to clients' homes to counsel them on coming to terms with what has happened and to provide them with resilience and recognition skills to ensure that they do not re-enter an abusive relationship in the future (Spinney 2012b).

5.4.2 *Tools for Change financial capability project*

Women who have experienced domestic and family violence normally become poorer as a result, and this is true whether they remain in the family home, enter the homelessness system or access alternative accommodation. The Tools For Change women and financial capability project is trialling a new way to support women and children to regain financial confidence and capability and hence reduce the number who return to violent relationships. This project has received funding for three years from the William Buckland Foundation to work with women planning to exit or exiting violence in the Shepparton and Wangaratta areas. It provides volunteer financial mentors for women exiting violence with low financial confidence. Client interviewees stated that the scheme had given them confidence and support in an area of their lives which really needed building up. Mentors help with explaining bills, setting up direct debits, dealing with credit card debt, declaring bankruptcy and assisting with disentangling finances from those of the ex-partner.

5.4.3 *Early interventions for children*

As discussed in Chapter 3, our knowledge of the extent of damage done to children by experiencing domestic and family violence and homelessness has increased radically during the last 15 years. Many children stay in homelessness accommodation; in South Australia, for instance, children accounted for just under half of all residents in refuge and crisis accommodation in 2009-11 (Government of South Australia 2011). In Tasmania, interviewees reported that 30 per cent of boys who stay in refuges as children go on to become perpetrators, sometimes seeking out their victims in the refuges where they

themselves had stayed. Early intervention schemes to ameliorate some of this damage in the hope of preventing multiple experiences of domestic and family violence and of homelessness have been developed. Three examples are discussed below.

5.4.3.1 *Safe from the Start, Tasmania*

It is known that under extreme stress children use play, an activity normally done 'just for the fun of it', for very specific purposes. They often have an overwhelming need to play out crisis or trauma, and to use play 'to master their fear-provoking pasts and anticipated futures' (Webb 2007, Introduction). Play can therefore be used as a means of communicating with children, because through using toys the child can show how he or she feels. This can act as a prompt to a conversation about feelings that might not otherwise arise. Playing with a purpose in this way means that refuge workers and others involved with children who have experienced domestic and family violence can provide a 'first aid' role in allowing them to explore their experiences in a safe and supportive environment. The Salvation Army Tasmania Safe from the Start project aimed to identify and form a register of intervention activities and therapeutic play which children's workers and parents living in refuges could use for working with children aged up to six exposed to domestic and family violence. Materials and resources were sourced from around the English-speaking world and trialled with the children by their mothers and/or workers, who were then surveyed for their views on the effectiveness of the products. The final kit was put together from the books and toys that parents and workers felt to be the most effective, and 24 have been included in the kit: 16 books, four sticker and card sets, three tactile puppets and toys, and one action songs book. All were available individually on the open market before being assembled together; what was new was that they had been brought together for the specific purpose of assisting young children who had become homeless as a consequence of domestic and family violence to begin to come to terms with their situation. Projects such as this reveal that effective early intervention work need not be overly complicated or expensive. More than 500 kits have been distributed in Australia, and in October 2011 the project received the Australian Crime Prevention and Reduction Award (Spinney 2012a).

5.4.3.2 *Peek-a-Boo Club, Royal Children's Hospital, Melbourne*

This was developed in 2005 with the aim of creating a therapeutic arena for infants and mothers to build a healthy attachment. Exposure to domestic and family violence can prevent a mother's ability to focus on her infant's attachment needs. The club engages women and children early to challenge domestic and family violence and creates links into supports in order to disrupt intergenerational cycles of violence.

5.4.3.3 *BuBs on Board (Building up Bonds), Royal Children's Hospital, Melbourne*

This mother and infant group work early intervention in Tasmania was designed for children staying in refuge and crisis accommodation who have experienced domestic and family violence:

- To deliver an intervention which enhances the affectional bonds between infants and mothers where this has been compromised by their exposure to the trauma of severe family violence;
- To provide hands-on training, transferable skills and cultural change to refuge staff with regards to the mental health needs of infants affected by relational violence (Bunston 2008).

5.5 Conclusion

This chapter has revealed the findings on intervention measures which separately and together can improve women's and children's chances of not experiencing domestic and family violence on multiple occasions, and of not having to re-use refuge and crisis accommodation. A diverse range of approaches are being developed to try to protect women and children. These will need to be promoted and expanded if they are to make a difference throughout Australia to the numbers reusing such accommodation. The next chapter discusses the findings regarding best practice risk assessment process standards.

6. Risk assessment processes and service standards

6.1 Introduction

This chapter addresses the research question of which best practice risk assessment processes, service standards and arrangements are needed if Safe at Home/SHLV models are to be implemented more widely in Australia. The information was acquired through the fieldwork in the case study locales in Australia and England in 2011. Some of the relevant passages are also contained in the companion study AHURI Final Report (Spinney 2012b).

6.2 Risk management and safety planning

If women and children are to be encouraged and enabled to remain in their own homes through SHLV type schemes rather than become homeless, it is of paramount importance that the risk in staying, with the ex-partner knowing where they are, is measured against the risk in moving. Walking into homelessness is an enormous step, and comes with its own risks of having to live in inappropriate (and perhaps unsafe) accommodation without security of tenure. When families do move out, perpetrators are often aware of where they have moved to, especially if there are family law requirements for shared parenting arrangements. Not all forms of domestic and family violence involve physical or sexual assault, and emotional, financial and spiritual forms of control, for instance, are widespread. Even where physical or sexual assault has occurred, it can be that the breakdown of the relationship brings to an end these controlling behaviours. However, it can also bring about new extremes of behaviour as the perpetrator now has 'nothing to lose' in terms of fearing that his actions may cause the woman to leave the relationship. This can be when women and their children are in the greatest physical danger, whether or not she remains in her home or seeks refuge elsewhere. For these reasons, SHLV schemes have been developed that involve both assessing and managing the risk to family members, and planning and implementing security steps to minimise this risk. Such procedures allow women to make more informed decisions about their choice of whether to stay or leave (Spinney 2012b).

Interviews in all case study locations highlighted the importance of assessing the personal and individual risks to women and children in order to maximise their safety and to enable them to make informed and appropriate decisions. Several interviewees queried which is the most appropriate agency to conduct risk assessments. It can be difficult for police to take on a care role regarding domestic or family violence, especially deciding which security measures should be offered to women who wish to remain in their home. A Tasmanian

Police Domestic Violence Liaison Officer argued that these decisions are often about making women *feel* safer rather than *be* safer, and that police are not trained to deal with emotional rather than practical issues. A dual assessment by police and service agencies would enable the emotional wellbeing of the women and children who wish to remain at home to be given improved consideration. At the moment in Tasmania, security upgrading is only funded for those deemed to be at high risk (Spinney 2012b).

In some Sanctuary Schemes in England, risk assessments are carried out by local authority housing department officers. Some advocacy organisations commented that this can be inappropriate in a situation where if the woman chooses to leave her home, the local authority may have a statutory duty to house her and her children. In some Australian case study jurisdictions, assessments are conducted by police officers (Tasmania, Victoria and some parts of New South Wales) and in others by staff from domestic and family violence welfare organisations (parts of New South Wales). However, and by whom, risk assessments are conducted, several issues came to the fore during the data collection process. For some services, assessing the client's financial ability to remain in their home, as well as their risk of harm, was important. Agencies report that conversation regarding financial risk prompts the client to think of how short-term remaining might be, and whether they need to consider other options. At Bega SHLV, the answers to financial questions are not used to assess whether or not to fund security measures to the home, as they are not seen as appropriate to the risk of harm assessment process. However, one of the visited English Sanctuary Schemes stated that financial and affordability considerations are an integral part of whether clients were considered suitable for the service (Spinney 2012b).

6.2.1 Multi-agency risk assessment committees (MARACs)

MARACs (multi-agency risk assessment committees) were first developed in Wales and now operate throughout the UK. They are often chaired by a senior police officer and are made up of all the welfare agencies involved with a woman assessed as having a high risk of repeat domestic violence. This may be as many as 15 to 20 professionals who meet together to discuss the case and to allocate and share resources. Interviewees in England commented that although the meetings are very staff intensive they can work well as a risk assessment and safety planning mechanism, particularly in smaller areas where those attending are more likely to know each other. At the meetings, agencies talk together about the risk of serious harm to individual women and make safety plans for them. Their aim is to increase safety and wellbeing of these high risk clients and reduce the risk of them becoming repeat victims. Independent Domestic Violence Advocates (IDVAs) are appointed to act as advocates on behalf of the women to provide advice about the best options for them and attend the MARAC meeting. In Hull in northern England, one of the areas visited

for this research, the domestic abuse MARAC meets monthly to consider the needs of new referrals and to review the needs of those whose situations have changed. Women are welcome to attend the meeting with their IDVA who is there to represent their views. The meetings can arrange for a police officer to check on their welfare, provide extra security, help with emergency social housing transfers, ensure that schools do not allow children to leave with anyone except their mother, and arrange for a health visitor to check on the family's wellbeing. An information leaflet about the scheme is included in Appendix 6. In parts of Victoria, a similar scheme named the Risk Assessment and Management Panel (RAMP) has recently been introduced (Spinney 2012b). The DASH (Domestic Abuse, Stalking, Harassment and Honour Based Violence) model (Hull CitySpace) is used as a risk assessment checklist, and referral criteria to MARAC are included in Appendix 7.

Risk assessments are not foolproof, and inaccurate decisions may be made as to the level of risk a woman is exposed to. Women assessed as at a low level of risk can still unfortunately be injured or even murdered by their ex-partner, but there is no evidence either from the UK or Australia that those who choose to remain in their home with security measures installed are at any greater risk than those who feel the need to leave.

6.2.2 Victoria Police Code of Practice for the Investigation of Family Violence (2010)

The 2010 Victoria Police Code of Practice for the Investigation of Family Violence (2nd edition) was widely praised for the specific procedural requirements it sets out. This edition reflects the changes in the Victorian integrated family violence system and specifically includes supporting affected family members to stay safely in their own homes where they wish to do so. Family Violence Safety Notices (FVSNs) can be issued by individual officers as a means of placing temporary conditions (including exclusion from the home) on the respondent where a police member responding to an incident believes on reasonable grounds that, until an application for a Family Violence Intervention Order (FVIO) can be decided before the court, a FVSN is necessary to ensure the safety of the affected family member. FVSNs are now issued in 80 per cent of cases which police officers attend. Police can share information relating to such incidents with specialist family service services. Since the Victoria Police Code was first issued in 2003, police referrals to family violence service providers have increased by 15 per cent, and reporting of family violence to police increased by 22 per cent, from 28,000 incidents in 2003-04 to 34,000 in 2008-09. The number of intervention orders applied for by police on behalf of affected family members increased by 212 per cent, from 2,627 in 2003-04 to 8,203 in 2008-09. Interviewees from the Domestic Violence Clearing House considered that Victoria Police was a very good model because it has senior staff accountability and is far more integrated than other police systems such as NSW (Spinney 2012b).

The code states that risk assessment must always precede risk management. The primary purposes of the Family Violence Risk Assessment and Management Report are to:

- Identify and record the most relevant evidence-based risk factors and indicators;
- Ensure that decisions by police or others regarding the safety and welfare of affected family members are well informed;
- Make a structured assessment on the likelihood of future family violence;
- Determine the most appropriate risk management strategy.

The report includes information on:

- History of violence;
- Evidence-based risk and vulnerability indicators;
- Affected family members' own assessment of their level of fear;
- Professional judgement of the level of risk based on the evidence available.

However, even within this improved system, interviewees still complained of disparities in individual police officers' expertise, especially concerning a good understanding of the cycle of domestic and family violence and how it can impact on women's lives. Comprehensive training of officers not only in jurisdictional procedures but in what domestic and family violence entails and how it impacts on victims has the potential to impact on whether women and children are prevented from experiencing homelessness and the homeless system a number of times. In spite of these reservations, it is recommended that a common risk assessment tool (based on the Victorian model) should be used throughout Australia. Common risk assessment should lead to common standards of risk management based on the models detailed in this report.

6.2.3 Client and staff safety

Several welfare organisations stressed the importance of involving the women closely in the risk assessment process, and of learning from them what is making them feel unsafe and what they feel needs to be done in order to make them safer in that property. SHLV Bega hold an initial meeting with the client, before going to the home to conduct the safety audit. They use the meeting to tease out issues and assess the risk to staff of conducting a home visit. This meeting can also include issues concerning who else might become involved in the situation, and how they are talking to their children about the issues. This is different from Tasmania where police conduct the safety audit and make decisions on security upgrading. There normally once-only visits take place for clients who are assessed as being at a relatively low level of risk.

In order to keep staff safe, welfare agencies generally have procedures in place whereby staff inform colleagues where they are going and leave an address. Some staff cars have an alarm installed that is linked to a security firm and the office. Agencies sometimes ask the police to accompany workers on home visits, but this is not normally the case. Several felt hindered from arranging for two staff to conduct the visit because of their workload. Some SHLV schemes in NSW, for example, have less than two full-time equivalent workers. In cases of extreme risk where the advice is to leave and go to a refuge but the client chooses to remain, Mt Druitt SHLV continues to work with them but workers do not go to their home. Although some perpetrators are generally violent or have mental health or drug and alcohol issues and so do pose a risk to staff, many are physically violent only to those they have control over, that is, their partners and sometimes their children (Spinney 2012b).

6.2.4 Security upgrading and target hardening

Workers from throughout the case study areas stressed that expenditure on relatively inexpensive items such as padlocks for manholes, meter cupboards and loft hatches, torches and rape alarms can go a long way to making women feel more secure, and that most women do not want their home to be turned into a 'fortress' with the provision of a panic, or safe, room. Bega SHLV scheme has been successful in enabling women to remain in their home, even in isolated rural properties. While some clients have a sense of urgency and wish for both the assessment process and the security upgrades to be completed quickly, for others the risk assessment process is part of a more measured weighing up of what their next steps should be. Each individual case is different because it depends not only on the aggressiveness of the perpetrator and whether he is in custody, but also on the determination of the women not to have to leave their home. Agencies from all the case study jurisdictions tended to make few referrals from their outreach support services to refuges because the client group for remaining in the home schemes is very different from refuge clients. This was not due to differences in socio-economic status but because, unlike some refuge clients, their clients realised that the relationship had come to a permanent end and that a new way of living was called for (Spinney 2012b).

6.2.5 Take-up of safety planning and security upgrading

The court advocacy worker at Frankston in Victoria whose job is 'to enhance safety and to enhance access to the justice system' takes her clients through the 'scariest scenario' with the perpetrator that they can imagine, and then gets them to plan what they would do in that instance. Some clients may temporarily leave the family home while the locks are changed and other security upgrades carried out, but only a few choose not to remain living there. Most have not been to a refuge before approaching the court and do not wish to leave their

home, work and support networks. Although it is rare for a woman not to take up that option at Frankston court, the same cannot be said for all of Victoria which has an integrated, but not statewide, domestic and family violence system. The security upgrades arranged through the Frankston court are paid for by South East Water and managed by the Salvation Army.

In Western Australia as in Victoria, a common Family and Domestic Violence Risk Assessment and Risk Management Framework is used (Department for Child Protection 2011). The use of the same risk assessment process by all concerned agencies is recommended. Both models are based on the UK DASH tool discussed above. As these are already being used in at least two states, it is recommended that this Victorian model is rolled out across Australia in order to ensure a common understanding and effective screening by using a common tool.

Ashiana, an Asian women's domestic violence advocacy group in Sheffield in the UK, conduct safety planning with clients so that she 'knows what to do, and who to inform'. This can include schools and other agencies. They label the risk assessment process as 'keeping safe' rather than 'reducing risk' because their clients find this more confidence building. Clients who remain in their home, and those who wish for security upgrades and support in their new home, receive the same level of service. Interviewees stressed that memorandums of understanding between organisations are important to the use of common tools for risk assessments and for the risk management tasks that flow from this.

6.2.6 Information sharing and confidentiality issues

The ways in which agencies share information and get around confidentiality issues in the case study jurisdictions in order to work together varied depending on which state homelessness prevention system they are operating within and its degree of integration at a local or statewide level. NSW workshop attendees confirmed that a policy on privacy and information sharing from NGOs and agencies often restricts coordination, although some agencies do have sharing information consent forms for clients. They felt that their system was not as good as the Victorian Safe at Home model in this respect. They reported widespread misunderstanding on privacy legislation and what can and cannot be shared. NSW reforms were implemented by the Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009. This established a scheme for exchange of information between government agencies and NGOs involved in the safety, welfare or wellbeing of children and young people. A staged approach was taken to implementation to ensure that sufficient training and support was in place before it took effect. Conversely, research

participants considered that there is an important gap in the Safe at Home in Victoria system because there is no data base that can be shared by organisations (Spinney 2012b).

6.3 Mt Druitt (Blacktown) SHLV

Mt Druitt (Blacktown) SHLV started in 2007 and comprises the local police area command areas of Mt Druitt and Blacktown in Sydney. For the first two years it was federally funded through the Attorney General, for Mt Druitt only. The scheme still receives the same amount of funding as then but now covers Blacktown as well. A poster from the scheme is shown in Appendix 8. There are 1.6 full-time equivalent workers and the scheme is contracted to work with 30 client families a year. In 2010 it worked with 86 clients because it was so over-subscribed, and had to close to new referrals for five months. Most referrals come from the police, and the scheme's work consists mostly of assessment of risk and liability, creation of a safety plan, ongoing case work, court support and advocacy and referral to other specialist agencies. The workers report that once women know they have the option of staying, they are mostly keen to do so.

The collaborative referral protocol process at Mt Druitt works in the following way:

1. Referral (normally from police);
2. Phone contact with prospective client by SHLV agency;
3. Sometimes women are not ready for, and do not want, a SHLV service at that time, so they are sent information so that in the future when they do feel ready they know how to make contact;
4. New clients come in and visit the service for an initial assessment. This can take a couple of sessions;
5. Staff visit clients at home in order to conduct a risk assessment and safety planning. Mt Druitt gathered knowledge on safety planning by researching what was happening in the UK and Victoria, and by gaining experience on the ground of what works effectively, what is needed and what is not so useful in their local area;

The client may not have an apprehended violence order (AVO) at this stage. The service helps women with this and with family law regarding child custody etc. It is not a requirement in NSW that a client needs to have an AVO to receive SHLV services. The reason for this is that granting of AVO by the courts is considered to be very patchy and would not therefore be a fair requirement. It is preferred, however. AVOs are granted by the court but the police can issue interim orders which can be later ratified by the court. Interviewees considered the AVO process to be an important part of the integration between SHLV, the police and the courts. This is because SHLV staff gain detailed information on the history of the violence

during the assessment process and are therefore able to communicate this back to the police who inform the courts, so making the case stronger;

Some clients choose to move out of their home. The Mt Druitt service continues to work with these women and regards 'planned moves' as a success, because they do not tend to lead to the homelessness that is created by leaving at a time of crisis. Most clients do not enter refuge or other forms of crisis accommodation either before or after becoming SHLV clients (Spinney 2012b).

Most Mt Druitt SHLV client referrals come from the police. The SHLV workers carry out assessments and safety audits of homes, put the safety plan in place, install security features and, in many cases, carry out ongoing case management in order to maximise client's chances of success of remaining in their home. Organisations conducting assessment of security upgrade needs do not budget for a fixed amount for each property, as needs vary considerably. Agencies sometimes find that they cannot contact a referral in order to conduct a risk assessment because she has changed her phone number or given the police a false mobile number. In these instances they know that she is not yet ready to consider her relationship over, and therefore not yet ready to become a client (Spinney 2012b).

6.4 Safe at Home Tasmania risk assessments

Risk assessments and security upgrading are also carried out as part of Safe at Home Tasmania, in order for women and children to have the choice to stay in their home if they wish. The budget is controlled by the police and eligibility criteria are quite stringent. Police attending domestic and family violence incidents immediately assist to relocate about 13 per cent of victims, most of whom are classified as at high risk of experiencing another incident.

Interviewees recommended that it should not be the police alone who conduct the risk assessments and who hold the budget for practical assistance such as security upgrading and short-term temporary accommodation. This was because the police method of assessment does not take into consideration how women feel about remaining, or how security measures can increase their confidence to do so. Not enough security upgrading work is done on homes in Tasmania, and none at all on the homes of women assessed as being at less than high risk. Consequently, those not in public housing (Housing Tasmania fund some physical security upgrades for tenants) find it difficult to have such work carried out. The police cannot, and do not, take into consideration that *feeling* safe to remain (through security lighting etc.) can be equally as important as *being* safe to remain in terms of giving women the confidence to stay in the property. This is an important insight into what makes SHLV and similar measures such as Bsafe (Chapter 6) successful in preventing

homelessness compared to Safe at Home. In Tasmania both the State Housing Authority and the police are very restrictive in what they will provide for added security, compared to Safe at Home Victoria and SHLV schemes in NSW. The discrepancies in what preventative measures welfare agencies and public housing landlords will provide in order to prevent the homelessness of women and children will have to be addressed (perhaps through national guidance) if effective measures are to be rolled out across Australia. Advice from interviewees regarding risk assessments in Tasmania were:

- Risk assessments should be conducted by police in conjunction with another agency. Such joint assessments would help in the development of effective safety planning to enable women to remain in their homes;
- The Risk Assessment Safety Tool (RAST) used is constantly being amended and quite prescriptive. Most of those assessed are scored at low to medium risk, making them ineligible for most security upgrading work. This is not effective in encouraging women to feel able to remain in their homes (Spinney 2012b).

6.5 Potential transferable lessons from English Sanctuary Schemes regarding risk assessments and management and other relevant matters

As in this study, Jones et al. (2010) interviewed national stakeholders, local case studies (interviews with service providers, support providers, local stakeholders and service users). Their findings showed that overall Sanctuary Schemes were thought to have been successful in meeting their main aim of providing a safe alternative for households and preventing the disruption associated with homelessness. Most service users said they felt much safer following the installation of Sanctuary measures although there was evidence that a few households had moved from their Sanctuary because they did not feel safe.

They found that, although there are issues of variation in the way schemes operate after the installation such as follow up or linking households to other support services: 'Nevertheless, respondents in all areas reported similar outcomes and, for the most part, service users reported positive experiences' (Jones et al. 2010, p. 8).

These findings concur with the positive feedback obtained from English Sanctuary Scheme policy makers and practitioners. Some potential transferable lessons for Australia are examined below. The information has been gained from a review of the evaluation literature and from interviews with academics, policy makers and practitioners in England:

1. Sanctuary Schemes can produce a reduction in homelessness attributed to domestic and family violence;

2. Sanctuary Schemes have the potential to reduce repeat victimisation of the crime of domestic and family violence both by helping women to consider that they have options other than to return to a relationship with their violent ex-partner, and by deterring him from returning to harm her;
3. There is a cost saving to the criminal justice system and other agencies which can effectively be funnelled into funding Sanctuary Schemes. Police forces, fire brigades, the National Health System and social housing providers have all been able to justify contributing to such funding because of the cost savings to their core business;
4. Children are less disrupted and the damage done to them by experiencing domestic and family violence is not worsened by having to lose their home. This can have long-term consequences for their wellbeing;
5. In some circumstances, women and children also need to be made to feel safe outside their homes. Emergency alarm systems linked to mobile phones can greatly assist with this;
6. Women generally benefit from contact with other survivors of domestic or family violence. Peer support and personal development groups can play an effective role in replacing the support that was traditionally found in Refuge settings;
7. Multi-agency working (such as local councils and the police) and cooperation results in a better service;
8. National good practice guidance has had a positive impact in England and it is likely that this would occur also in Australia;
9. Although schemes can differ significantly from each other in their mode of operation, they generally provide a good option for women. They do not have to all be identical, but the more they are integrated into domestic and family violence systems, the more they will have to offer;
10. Homelessness prevention schemes that enable women to remain in their home can be regarded as emblematic that society deems domestic and family violence to be wrong. This is important because it shifts the power balance away from the perpetrator, and demonstrates to the children of the family what constitutes unacceptable behaviour. This can impact on their later ability to sustain relationships themselves;
11. Women are empowered to stay away from the violent relationship and are not condemned to return to the perpetrator in order to maintain their children's home;

12. Some refuges can be frightening places to stay, as they can be occupied by women with specialist support needs who have major problems, including but not restricted to domestic and family violence. Sanctuary Schemes can remove the need for some women to stay in refuges. This is one reason why they have become so popular;
13. Injunctions are not necessary in order for Sanctuary Schemes to work, and in many schemes are not a requirement for service. This is important for states such as Queensland where the level of granting such orders is much lower than the Australian national average. In such areas and where there is not yet a system of working in close liaison with the police by domestic and family violence agencies, Sanctuary/SHLV schemes can still effectively operate and open up positive choices for women leaving violent relationships;
14. The more restrictive practices in place (for example, insisting on injunctions, requiring proof that the women can afford to remain in the property for a reasonable time), the less likely women are to assess that remaining in the home is a viable option or to feel that society supports their wish to do so (Spinney 2012b).

6.6 Conclusion

In this chapter, tools used to assess risk and management have been examined. Common risk assessment tools used by multiple organisations have the potential to reduce risk and promote standards of good practice. It is recommended that a common model such as that used in Victoria is adopted throughout Australia in order to assist effective SHLV type schemes to be established across the country.

7. Implications for Australian policy

This report has detailed the findings of research into early intervention strategies to prevent multiple experiences of homelessness and of the use of homelessness accommodation for women and children who have experienced domestic and family violence. The comparative methodology employed for this research involved two case studies: England and Australia. The latter included three embedded units of analysis, New South Wales, Tasmania and Victoria, which the literature revealed have made substantial steps towards intervention approaches enabling women and children to avoid multiple incidents of violence and multiple exposure to homelessness.

This report has been produced using information obtained from the analysis of the literature review, the case studies and the workshops, and has been reported by analytical theme in order to create a useful document for policy makers. It provides good practice examples and includes issues raised by the research participants concerning applicability and relevance in the Australian context, together with guidance on how they could be implemented. When relevant, information from the companion study has been replicated in this report.

In terms of considering both repeat incidents of domestic and family violence and of homelessness attributed to the violence, interviewees stressed that it is not the woman's behaviour which is the problem, but the perpetrator's. It is therefore important that women should not be blamed or criticised for their actions. It is also important that interventions enabling them to successfully leave the relationship do not result in the abuser being left unaccountable for his actions and free to form a new relationship with his values and beliefs about women unchallenged and unchanged.

The innovations, interventions and projects investigated were:

- Staying Home Leaving Violence (NSW);
- Safe at Home in Victoria;
- Bsafe (Victoria);
- Sanctuary Schemes (England);
- Safe at Home (Tasmania);
- Strength to Change (England);
- Hull Domestic Abuse Partnership (England);
- Tools for Change (Victoria);

- Safe from the Start (Tasmania);
- BuBs on Board (Victoria);
- Peek-a-Boo Club (Victoria).

Interviewees and workshop participants in both England and Australia were exceedingly generous in their support of the two companion research projects, and very open in sharing the advantages and disadvantages, opportunities and challenges of schemes which they have particular knowledge of. They did this because they are aware that early intervention strategies to prevent homelessness for women and children are an important issue, and they understand that the things that have both worked well and not so well for them can provide valuable and useful learning for others.

One of the most significant overall findings of the two companion studies is that integrated schemes, such as SHLV and Safe at Home, can play an important role in preventing homelessness for women and children who have experienced domestic and family violence, and that this is true for women living in very different situations in very different areas of Australia, including those not previously thought to be suitable. Women living in metropolitan areas, rural isolated areas, in owner occupied, privately rented, public, jointly owned and jointly tenanted housing, with injunctions and police orders or without, have all been assisted to remain living safely in their homes, with no evidence that they are more at risk than if they had left. Separating from a perpetrator of domestic and family violence unfortunately carries an element of risk, whether women choose to remain or to leave their home (Spinney 2012b).

The findings of this research and of the companion study are that Australia should move to the provision of SHLV type schemes that are as extensive as the current provision of refuge and crisis accommodation, and that a common risk assessment tool (based on the Victorian model) should be used throughout Australia. Common risk assessment should lead to common standards of risk management based on the models detailed in this report.

Some specific findings have implications for early intervention strategies to reduce the need for women and children to make repeated use of refuge and other crisis accommodation and for improvements to practice. They are consolidated below as items for consideration:

1. Creation of mirroring legislation relating to all aspects of homelessness prevention attributed to domestic and family violence throughout Australia, as detailed in the AHURI report. States and territories need to be much more uniform in their approach if women are to consistently receive good practice;

2. Provision of police powers throughout Australia to offer immediate protection to women by the removal of the perpetrator. The 12 month notice used in Tasmania (and detailed in the AHURI reports) is recommended;
3. Development of common methods of risk assessment and risk management, and national sharing of information between accredited agencies on domestic and family violence victims and perpetrators;
4. Development of a national training and instructions package for magistrates in order to provide a standardised response and consistency of service throughout Australia;
5. Offending perpetrators to be charged on every crime, not just the breach of injunction or order conditions, as national practice;
6. The use of 'monitoring bracelets' for high risk offenders to be considered, so that their location can be tracked;
7. The provision of specialist domestic and family courts to be legislated for throughout Australia. These would include court support workers for victims and perpetrators, as detailed in the AHURI reports;
8. Consistent police training on domestic and family violence;
9. Dual risk assessments to be conducted by police and support agencies;
10. Re-provision of legal aid for property matters in family law, as detailed in the AHURI reports;
11. Free telephone legal support services throughout Australia for women considering separating from the perpetrator;
12. Court fines to be cancelled, as detailed in the AHURI reports, if women choose to remain in their home following domestic and family violence, not just if they become homeless;
13. Provision of SHLV type schemes, using non-restrictive eligibility practices (such as not insisting on an injunction or police order and not using long-term affordability as eligibility criteria) throughout Australia. The schemes would include the existing services of practical and emotional support and also the provision of emergency alarm systems, peer support provision and personal development and financial confidence training, with social marketing as an integral part of each scheme. The Commonwealth government should take the lead in encouraging the normalisation of these schemes by providing advisors to 'teach' agencies how it can be done and by issuing national guidance on good practice;

14. Adequate funding for homelessness prevention schemes, so that women are not turned away or kept on a waiting list;
15. Provision of culturally appropriate schemes for Indigenous women. The implications of mainstream law, legal and judicial systems and the practices of mainstream welfare agencies on Indigenous Australians need to be specifically considered in each jurisdiction;
16. Financial mortgage assistance for owner occupiers, similar to Commonwealth Rent Assistance, to be available throughout Australia for low income earners who choose to remain in their home with the perpetrator removed following a violent relationship;
17. Publication of information for women on how they can afford to leave their violent relationship;
18. The Commonwealth government to take the lead in negotiating with mortgage lenders their expectations on keeping owner occupying women leaving a violent relationship in their home through mortgage payment breaks, interest reductions, extending length of mortgage etc.

The popularity of England's Sanctuary Schemes, even in a legislative situation where many of the women there would be entitled (and indeed have a statutory right) to alternative assistance in the form of the provision of another home, indicates that they play a vital role in meeting the hitherto unmet need and choice of many. Although women escaping domestic and family violence relationships are often prioritised for both temporary and permanent social housing in Australia, they do not have any rights to alternative accommodation and are frequently turned away and have to make their own arrangements or return to the perpetrator as a result (Spinney 2012b). It can be considered therefore that the widespread provision of homelessness prevention and early intervention schemes in Australia is even more important than in England where the welfare safety net ensures that women and children who have experienced domestic and family violence are afforded a higher degree of statutory protection.

The findings reveal that long-term support for women and children who have experienced domestic and family violence is very important in keeping them from becoming homeless on more than occasion. Without such support, women may not even recognise that they are in an abusive relationship and therefore will not have the skills to stop the situation happening again with a new partner. It can take a long time for women to make these changes and to become less reliant on others to make them feel good about themselves and their ability to manage as independent adults. At present, service providers often do not have sufficient resources to provide longer-term support, and this will need to be addressed if women's and

children's need to use refuge and crisis accommodation is to be reduced. The research revealed that those most likely to re-use such accommodation are also likely to have substance abuse and/or mental health problems as well as experiencing domestic and family violence. These needs too must be addressed effectively, alongside the domestic and family violence issues, if women are to have their vulnerability reduced and resilience heightened.

7.1 Final conclusion

There are a great variety of social, demographic, economic and emotional reasons, both structural and personal, for women's decisions to stay with or return to the perpetrator, as discussed in this report. All have implications for the design of effective early intervention strategies to reduce the need for women and children to make repeated use of refuge and crisis accommodation. Importantly, refuge and crisis accommodation services are not designed to solve permanent housing needs, and their effectiveness to deal successfully with clients during a single intervention depends very much on the clients' ability to move on to other housing options such as private rental, public housing or owner occupation after they have received temporary accommodation and services while in crisis. As a consequence, many clients, including women and children who have experienced domestic or family violence, return to a homeless situation after receiving temporary assistance. This is likely to be a major reason why women may return to emergency accommodation at a later date.

Appendix 1: Research participants

The following people participated in this research project. The author would like to wholeheartedly thank those who are listed and also those who preferred to remain anonymous and/or unacknowledged.

UNITED KINGDOM

Interviewees

There were 15 interviewees, all of whom agreed to be acknowledged:

Andrea Dennis, Breckland District Council
 Darryl Smith, Breckland District Council
 John Bentham, Homelessness Strategy, CLG
 Davina James Hanman, Director, AVA Project
 Karen Ann Hockney, Sheffield Sanctuary Scheme
 Sanha Bokhury, Volunteer coordinator, Ashiana Network
 Maureen Storey, Director, Sheffield Domestic Abuse Forum
 Jane McCracken, Domestic Abuse Floating Support Service Manager
 Louise Robinson, Hull Primary Care Trust, NHS
 Professor Hal Pawson, Heriot-Watt University
 Professor Suzanne Fitzpatrick, Heriot-Watt University
 Cathy Sharp, Heriot-Watt University
 Hull Sanctuary Scheme personnel
 Clare and Team, Sheffield Sanctuary Scheme
 Mark Coulter, Project Officer, Strength to Change

NEW SOUTH WALES

Interviewees

There were 14 interviewees, twelve of whom agreed to be acknowledged:

Catharine White, The Wash House, Mt Druitt (and team)
 Caroline Long, Bega Women's Refuge
 Cat Gander, NSW Women's Refuge Movement
 Taryn Champion, NSW Women's Refuge Movement
 Ludo McFerran, Australian Domestic and Family Violence Clearing House
 Gaby Marcus, Director Australian Domestic and Family Violence Clearing House
 Racquel Smith, Acting Principal Policy Analyst, Housing NSW, Department of Family and Community Services
 Judith Atkinson, Housing Assistance Unit, Service Development Strategy Branch, Housing NSW, Department of Family and Community Services

Catherine Dobbins, Principal Policy Analyst, Housing NSW, Department of Family and Community Services

Janet Schoer, Director, Staying Home Leaving Violence, Department of Family and Community Services

Maria Kissouri, Senior Project Officer, Staying Home Leaving Violence, Department of Family and Community Services

Tracie Richards, Newcastle SHLV

Research Workshop

Twelve people attended the Research Workshop, all of whom agreed to be acknowledged:

Maria Kissouri, SHLV, Family and community Services, NSW

Mary Sullivan, Street Care Hunter

Adrienne Lucey, Coordinator, Homelessness Health, Randwick, South Eastern Sydney Local Health District

Karla Fritis, DV worker, Bondi Beach Cottage

Madelaine Berry, Manager, Bondi Beach Cottage

Tracy Howe, Manager, Domestic Violence Support, Western Sydney Service

Gillian Cohen, Domestic Violence Support, Western Sydney Service

Louis Schetzer, Homeless Persons Legal Service, NSW

Dougie Wells, ICIS Project Officer, Homelessness NSW

Susan Barnes, People with Disability Australia

Baria Bodzak, Homelessness Unit, Housing NSW

Anoop Johar, South Eastern Sydney Local Health District

TASMANIA

Interviewees

There were nine interviewees, seven of whom agreed to be acknowledged:

Jenny Bertram, CEO Magnolia Place, Launceston Women's Shelter

Sgt Darren Hill, VSRT Sergeant, Tasmania Police North

Sabine Wagner, CEO, Hobart Women's Shelter

Jane Fleming, Manager, Family Violence Counselling and Support Service North, North West, and the Family Violence Counselling and Support Service Team

Ruth Bamford, Specialised Family Violence Coordinator, Centacare Tasmania Family Service

Robin Yaxley, Senior Consultant, Strategic Policy and Projects Branch, Department of Justice

Kathleen Kerr, Family Violence Counselling and Support Service, Team Leader, Adults and Children Team

Research Workshop

Seven people attended the Research Workshop, all of whom agreed to be acknowledged:

Bev Marchant, Centacare, CTSS
 Debbie Dunn, Hobart Women's Shelter
 Lynette Sikkema, Jireh House
 Nancy Roldan, Hobart Women's Shelter
 Mary Paterson, Women's Legal Service Victoria
 Sabine Wagner, Hobart Women's Shelter
 Ruth Bamford, Centacare, CTSS

VICTORIA

Interviewees

There were 13 interviewees, all of whom agreed to be acknowledged:

Joanna Fletcher, Women's Legal Service Victoria and Family Law Legal Service
 James Farrell, Homeless Persons' Legal Clinic, PILCH
 Maryclare Machen, EDVOS
 Jill Faulkner, EDVOS
 Sandy King, Tools for Change Project Officer, Women's Health Goulburn North East
 Robyn Trainor, Loddon Campaspe Regional Integration Coordinator, Family Violence Court
 Welfare Officer, Justice, Vic
 Rose Soleman, CEO, WDVCS
 Sue Thomas, Acting Detective Inspector and Officer in Charge of Violence Against Women
 and Children Strategy Group (VAWC)
 Fiona Stubbs, Senior Policy Officer, VAWC
 Sergeant Charlie McIntyre, VAWC
 Sergeant Peter Benjamin, VAWC
 Detective Senior Sergeant Campbell Davis, VAWC
 Rachel McKay, Bsafe Project Officer, Women's Health Goulburn North East

Research Workshop

Seven people attended the Research Workshop, all of whom agreed to be acknowledged:

Alison McDonald, Policy Officer, DV Vic
 Jacky Tucker, Women's Health West
 Marita Nyhuis, DH Project Leader, Family Violence Accommodation and Support Unit, Client
 Services and Programs, Housing and Community Building Division, Department of
 Human Services
 Yvonne James, DHS, Housing and Community Building
 Danny Blay, Executive Officer, No to Violence, Men's Referral Service

Wendy Austin, Brenda House and Maroondah Halfway House
Lahitha Nair, Australian Institute of Family Studies

SOUTH AUSTRALIA

Research Workshop

Eight people attended the Research Workshop, all of whom agreed to be acknowledged:

Georgia Williams, Acting manager Offender Development, Adelaide Women's Prison,
Department for Correctional Services

Maria Hagias (Executive Director) and Ginny Cisneros, Central Domestic Violence Service

Ryan Harber, Principal Policy Officer Offender Development Directorate, Department for
Correctional Services

Dr Carole Zuffery, Program Director, School of Psychology, Social Work and Social Policy,
University of South Australia

Professor Donna Chung, University of WA

Fiona Mort, Manager, Policy Office for Women SA

Ingrid Sciclina, DFC Housing SA Homelessness Strategy

Danielle Bament, Senior Project Officer, Homelessness Strategy Division, Housing SA,
Department for Families and Communities, Housing SA Homelessness Strategy

QUEENSLAND

Research Workshop

Ten people attended the Research Workshop, eight of whom agreed to be acknowledged:

Diane Mangan, CEO, DV Connect

Yasmine Hassan, Practice Manager, DV Connect

Chantal Eastweu, Gold Coast Domestic Violence Integrated Response

Barb Crossing, Women's House

Leanne Williams, Helping Out Families Program Coordinator, Senior Practitioner Domestic
and Family Violence Team, Youth and Family Services (Logan City)

Annette Fuller, Acting Principal Policy Officer, Domestic Violence Policy, Department of
Communities

Temi Oladapo, Manager Major Projects and Review, Strategic Policy and Performance,
Department of Communities

Cecilia Barassi-Rubio, Director, Immigrant Women's Support Service

Appendix 2: Social marketing poster,
Bega SHLV

**Staying Home
Leaving
violence**

**Whoever you are,
you have the right
to live safely in
your own home!**

Phone 6492 6239

Funded by NSW Department of Human Services, Community Services
Supported by the Bega Valley Domestic Violence Committee & BVSC

Appendix 3: Social marketing poster 1,
Strength to Change



**DO YOU SCARE
YOURSELF
SOMETIMES?**

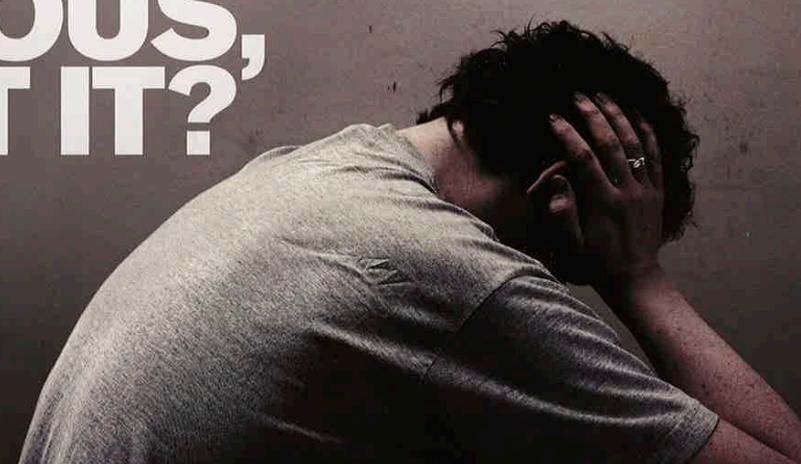
FIND THE STRENGTH TO STOP DOMESTIC VIOLENCE

CALL 01482 613 403 or visit strengthtochange.org

STRENGTH TO CHANGE

CONFIDENTIAL ADVICE FOR MEN IN HULL

Appendix 4: Social marketing poster 2,
Strength to Change



**DOMESTIC
VIOLENCE
LEADS
TO DESPAIR.**

**DESPAIR LEADS
TO DOMESTIC
VIOLENCE.**

**VICIOUS,
ISN'T IT?**

FIND THE STRENGTH TO STOP DOMESTIC VIOLENCE

CALL 01482 613 403
or visit strengthtochange.org

**STRENGTH TO
CHANGE**

CONFIDENTIAL ADVICE FOR MEN IN HULL

Appendix 5: Social marketing poster 3,
Strength to Change



**ARE YOU
AFRAID
YOUR
FAMILY IS
SCARED
OF YOU?**

**IMAGINE
HOW
THEY
FEEL.**

FIND THE STRENGTH TO STOP DOMESTIC VIOLENCE

CALL 01482 613 403 **STRENGTH TO**
or visit strengthtochange.org **CHANGE**

C O N F I D E N T I A L A D V I C E F O R M E N I N H U L L

Appendix 6: Information leaflet, Multi-Agency Risk Assessment Conference (MARAC), Hull DAP

Does the victim/survivor need to know they are being discussed at MARAC?

If you are the referring agency, it is good practice to discuss the referral with the victim/survivor if it is safe to do so. You will need to use your professional judgement to decide whether it is safe. The MARAC follows a consent-based approach and each victim/survivor is offered the opportunity to attend the initial part of the meeting. If consent is refused this may be overruled (Section 115 of the Crime & Disorder Act 1998 and Children Act 1989).

If you are not the referring agency, you should check with the referring agency before contacting your client to gather relevant information to ensure it is safe to do so.

What about the Common Assessment Framework, Children in Need, Child Protection and the Safeguarding of Adults?

The MARAC process does not replace the procedures for dealing with concerns about a child or a vulnerable adult. Those protocols must always be followed but in high-risk cases of domestic abuse you may need to follow both and make more than one referral.

What happens after a MARAC?

After a MARAC, the IDVA/support worker, or a practitioner in regular contact with the victim/survivor, will contact them to let them know about the risk management action plan developed and the support each agency is offering.

The case is reviewed at the next MARAC to ensure all the allocated actions have been completed and that there have not been any significant changes that have increased the risks.



How to contact
The Hull Domestic Abuse Partnership (Hull DAP)

Office Hours
 Monday–Thursday 9.00am–4.30pm
 Friday 9.00am–4.00pm

Tel: 01482 318759

Out-of-hours messages can be left on an answer phone

Out-of-hours
 For emergency accommodation contact the Emergency Duty Team

Tel: 01482 788080

Hull Domestic Abuse Partnership (Hull DAP)
 Tel: 01482 318759
 Fax: 01482 318763
 Email: hulldap@hullcc.gov.uk

This document can be made available in other formats (large print, audio, computer disk, British Sign Language and Braille as appropriate) and different community languages.
 Please phone (01482) 300300.
 Minicom users please phone (01482) 613839.

Domestic Violence & Abuse

Multi-Agency Risk Assessment Conference

MARAC

A Practitioner's Guide to the MARAC Process



HullDAP
working in partnership to tackle domestic violence

Domestic violence & abuse is a crime... there are NO EXCUSES

MARAC

Multi-Agency Risk Assessment Conference

What is a Multi-Agency Risk Assessment Conference (MARAC)?



The main aim of the MARAC is to reduce the risk of serious harm or homicide for a victim/survivor and to increase the safety, health and wellbeing of victims/survivors and any children. In a MARAC local agencies will meet to discuss cases in their area, where victims/survivors of domestic abuse are considered to be at high risk of serious harm.

Information about the risks faced by those victims/survivors, the actions needed to ensure safety and the resources available locally are shared and used to create a risk management plan involving all agencies.

What is the key element of MARAC?

The key element of MARAC is the CAADA (Coordinated Action Against Domestic Abuse) risk identification tool which will have been carried out by a practitioner from any agency supporting people affected by domestic violence and abuse. The CAADA risk identification model is used in Hull which is a consistent and nationally evaluated risk identification tool developed from analysis of previous domestic homicides.

The CAADA risk identification has three main objectives:

- To gather detailed and relevant information from victims/survivors, which can be shared with other agencies if the level of risk is high or becomes high
- To identify those that need more intensive support and multi agency action planning
- To make agencies aware of the risk posed by the most dangerous offenders



Why does a representative from my agency attend?

Matching the information you have about risks to a client with that known to other agencies will help to ensure that the action plan drawn up by the MARAC is more likely to succeed. Your representative will also be best placed to know what actions you can offer within the safety plan and what might need to be put in place to address client, child and staff safety.

Which cases are discussed?

The highest risk cases of domestic abuse are discussed in a MARAC. A practitioner from any agency using a CAADA risk identification tool will have identified these.

How do I refer a case to MARAC?

If you identify a case that you consider is high risk you should first discuss it with your manager. Clarify that the victim/survivor has given consent to refer to MARAC and if not, that there is legal authority to override consent (see over). Complete the CAADA risk identification and referral form and ensure that it is forwarded to the MARAC Coordinator at the Hull Domestic Abuse Partnership (Hull DAP). The case will then be listed and circulated to agencies who will be asked to complete a Research Form prior to the MARAC meeting. Meetings are held every four weeks in Hull. The responsibility for the case does not transfer to the MARAC, it is a forum to support you to develop a risk management plan with your client.

What information should my agency bring?

You or your agency representative should bring relevant and basic details about the client and the services they require that might relate to the domestic abuse. This could include, names, DOBs, dates of attendances at your agency, summary of injuries sustained, whether domestic abuse was disclosed, who attended and what relevant services have been accessed. This can highlight the severity of abuse and risks to other agencies.



What can the MARAC do?

Actions volunteered by your agency representative will frequently focus on ensuring that the response to the individual in the future reflects the fact that they are a high risk victim/survivor of domestic abuse and that further incidents may prompt an enquiry into their case and a possible referral to the appropriate person/agency. For example, it would be important to see the individual alone at appointments, to do this safely and where possible to "flag" files to highlight that the case has been referred to MARAC. The MARAC ensures that a risk management action plan is in place and that a coordinated approach is taken.

What are the legal grounds for sharing information?

Disclosures to MARAC are made under the Data Protection Act, Human Rights Act and Caldicott Guidelines. Relevant information can be shared when it is necessary to prevent crime, protect health and/or safety of the victim/survivor and/or the rights and freedoms of those who are victims/survivors of domestic abuse and/or their children. It must be proportionate to the level of risk of harm to a named individual or known households.

'The MARAC has huge benefits; we see things here all the time we are very concerned about. Previously we would have hesitated before calling the police. Now we can refer direct to MARAC' Professional

Appendix 7: DASH Risk Assessment Model 2009, Hull CitySafe

DASH RISK ASSESSMENT MODEL 2009 DOMESTIC ABUSE, STALKING, HARASSMENT & HONOUR BASED VIOLENCE

RISK ASSESSMENT CHECKLIST – DASH			
Victim Name: Perpetrator Name: Date Completed: Support Worker Signature:			
CURRENT SITUATION The context and detail of what is happening is very important. The questions highlighted in bold are high risk. Tick the relevant box and add comment where necessary to expand.		YES	NO
1	Has the current incident resulted in injury? (Please state what and whether this is the first injury)		
2	Are you very frightened? Comment:		
3	What are you afraid of? Is it further injury or violence? (Please give an indication of what you might think (name of abuser(s)) might do and to whom) Kill: <input type="checkbox"/> Self <input type="checkbox"/> Children <input type="checkbox"/> Other Further injury & violence: <input type="checkbox"/> Self <input type="checkbox"/> Children <input type="checkbox"/> Other Other (please clarify) <input type="checkbox"/> Self <input type="checkbox"/> Children <input type="checkbox"/> Other		
4	Do you feel isolated from family / friends i.e. does the (name of abuser(s))) try to stop you from seeing friends / family / Dr. or others?		
5	Are you feeling depressed or having suicidal thoughts?		
6	Have you separated or tried to separate from (name of abuser(s))) within the past year?		
7	Is there conflict over child contact? (Please state what)		
8	Does (name of abuser(s)) constantly text, call, contact, follow, stalk or harass you? (Please expand to identify what and whether you believe that this is done deliberately to intimidate you? Consider the context and behaviour of what is being done)		
CHILDREN / DEPENDENTS (if no children / dependents, please go to the next section)		YES	NO
9	Are you currently pregnant or have you recently had a baby (in the past 18 months)?		
10	Are there any children, step children that aren't () in the household? Or are there other dependants in the household (i.e. older relative)?		
11	Has (name of abuser(s)) ever hurt children / dependents?		
12	Has (name of abuser(s)) ever threatened to hurt or kill the children / dependents?		
DOMESTIC VIOLENCE HISTORY		YES	NO
13	Is the abuse happening more often?		
14	Is the abuse getting worse?		
15	Does (name of abuser(s)) try to control everything you do and / or are they excessively jealous? (In terms of relationships, who you see, being 'policed at home', telling you what to wear for example. Consider honour based violence and stalking and specify the behaviour.)		

DASH RISK ASSESSMENT MODEL 2009
DOMESTIC ABUSE, STALKING, HARASSMENT & HONOUR BASED VIOLENCE

16	Has (name of abuser(s) _____) ever used weapons or objects to hurt you?		
17	Has (name of abuser(s) _____) ever threatened to kill you or someone else and you believed them?		
18	Has (name of abuser(s) _____) ever attempted to strangle / choke / suffocate / drown you?		
19	Does (name of abuser(s) _____) do or say things of a sexual nature that makes you feel bad or that physically hurt you or someone else? (Please specify who and what)		
20	Is there any other person that has threatened you or that you are afraid of? (If yes, consider extended family if honour based violence. Please specify who)		
21	Do you know if (name of abuser(s) _____) has hurt anyone else? (children / siblings / elderly relatives / stranger for example). Consider HBV. Please specify who and what <input type="checkbox"/> Children <input type="checkbox"/> Another family member <input type="checkbox"/> Someone from a previous relationship <input type="checkbox"/> Other (please specify)		
22	Has (name of abuser(s) _____) ever mistreated an animal or the family pet?		
ABUSER(S)		YES	NO
23	Are there financial issues? For example, are you dependent on (name of abuser(s) _____) for money / have they recently lost their job / other financial issues?		
24	Has (name of abuser(s) _____) had problems in the past year with drugs (prescription or other), alcohol or mental health leading to problems in leading a normal life? (Please specify what) <input type="checkbox"/> Drugs <input type="checkbox"/> Alcohol <input type="checkbox"/> Mental Health		
25	Has (name of abuser(s) _____) ever threatened of attempted suicide?		
26	Has (name of abuser(s) _____) ever breached bail / an injunction and / or any agreement for when they can see you and / or the children? (Please specify what) <input type="checkbox"/> Bail conditions <input type="checkbox"/> Child contact arrangements <input type="checkbox"/> Non-molestation / Occupation Order <input type="checkbox"/> Forced Marriage Protection Order <input type="checkbox"/> Other		
27	Do you know if (name of abuser(s) _____) has ever been in trouble with the Police or has criminal history? (If yes, please specify) <input type="checkbox"/> DV <input type="checkbox"/> Other Violence <input type="checkbox"/> Sexual Violence <input type="checkbox"/> Other		

DASH RISK ASSESSMENT MODEL 2009
DOMESTIC ABUSE, STALKING, HARASSMENT & HONOUR BASED VIOLENCE

	Other relevant information (from victim and officer) which may alter risk
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Recommended Referral Criteria to MARAC

1. **Professional judgement:** if a professional has serious concerns about a victim's situation, they should refer the case to MARAC. There will be occasions where the particular context of a case gives rise to serious concerns even if the victim has been unable to disclose the information that might highlight their risk more clearly. **This could reflect extreme levels of fear, cultural barriers to disclosure, immigration issues or language barriers particularly in cases of 'honour'-based violence.** This judgement would be based on the professional's experience and/or the victim's perception of their risk even if they do not meet criteria 2 and/or 3 below.

2. **'Visible High Risk':** the number of 'ticks' on this checklist. If you have ticked 14 or more 'yes' boxes the case would normally meet the MARAC referral criteria.

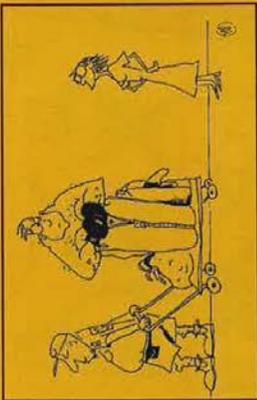
3. **Potential Escalation:** the number of police callouts to the victim as a result of domestic violence in the past 12 months. This criterion can be used to identify cases where there is not a positive identification of a majority of the risk factors on the list, but where abuse appears to be escalating and where it is appropriate to assess the situation more fully by sharing information at MARAC. It is common practice to start with 3 or more police callouts in a 12 month period but this will need to be reviewed depending on your local volume and your level of police reporting.

Please pay particular attention to a practitioner's professional judgement in all cases. The results from a checklist are not a definitive assessment of risk. They should provide you with a structure to inform your judgement and act as prompts to further questioning, analysis and risk management whether via a MARAC or in another way.

Appendix 8: Poster, Mt Druitt SHLV

DOMESTIC VIOLENCE IS A PATTERN OF ABUSE AND CONTROL THAT CAN INCLUDE:

- Physical violence
- Threats of violence
- Verbal/emotional abuse & put downs
- Social isolation
- Controlling your money
- Forcing you to have sex
- Stalking, including by phone, text and internet



Take him away officer, there's no room in my home for violence.

FAMILY VIOLENCE AFFECTS KIDS TOO

Children live in a small world made up of their family, friends, school and home.

Children are traumatised when they see someone they love being harmed. They are also at risk of becoming victims and/or perpetrators of violence themselves.

Children have the right to live in their own home safely.

For more information Contact
WASH House
 Lot 5 Kelly Close
 Mt Druitt NSW 2770
 Phone 9677 1962

Police/Ambulance.....	000
Domestic Violence Line.....	1800 65 64 63
NSW Rape Crisis Centre.....	1800 424 017
DoCS Help Line.....	132 111
Indigenous Women's	
Legal Contact Line.....	1800 639 784
Wurringa Baiya Aboriginal Women's	
Legal Centre.....	1800 686 587
Domestic Violence Advocacy Service	
Sydney.....	(02) 8745 6999
Outside Sydney.....	1800 810 784
Kids Helpline.....	1800 55 1800
Financial Assistance Centrelink.....	13 10 21
Mount Druitt Local Court.....	9881 9100
Mount Druitt Police Station.....	9675 0699
Blacktown Local Court.....	9672 2610
Blacktown Police Station.....	9671 9199

*We would like to thank the
 NSW Strategy to Reduce Violence Against Women and
 The Australian Domestic and Family Violence Clearinghouse
 for their contributions.*

*Artworks inspired by Maria Ponti.
 Funded by Community Services NSW*

Supported by Family Violence Response and Support Strategy.



**supporting women and children
 to stay in their home safely
 after ending a
 violent relationship**

**W.A.S.H. HOUSE
 PH: 9677 1962**



YOU HAVE THE RIGHT TO STAY AT HOME

If you have suffered from domestic/family violence why should you and your children suffer the trauma of leaving your home, your routine, your support networks and all that is familiar to you?

DO YOU WISH TO REMAIN IN YOUR HOME WITHOUT THE PERPETRATOR OF VIOLENCE?

Do you need some support or assistance to be able to do so?

Has the perpetrator of violence left or been removed from the family home?



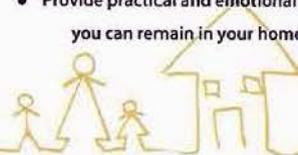
Why should I leave with my kids, and let him stay when he's committed the crime? It would be a lot easier for him to go.



YIPPEE! I've got my life back, my kids and I are living without violence!

THE STAYING HOME LEAVING VIOLENCE PROGRAM CAN ASSIST YOU AND YOUR CHILDREN IN THE FOLLOWING WAYS:

- Carry out safety assessment and help you to develop a safety plan,
- Provide security equipment such as monitored alarms, new locks and improved lighting to make your family home safer,
- Provide advice and support about Apprehended Violence Orders, including exclusion orders,
- Provide practical and emotional support so you can remain in your home.



If you think we can help you, or you would like more information;

- Come in to the WASH House to see us,
- Call us

**Lot 5, Kelly Close
Mount Druitt 2770**

Ph 9677 1962



My child just pretends to smile, the violence has hurt her too.

THERE'S NO EXCUSE FOR ABUSE; EXPECT RESPECT

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