

Submission to the Royal Commission in to Family violence.

INTRODUCTION

The following submission is the result of a collaboration between workers in the welfare sector who have direct experience working with families affected by family violence. All contributing workers have daily contact with the courts, police, justice department, child protection, agencies providing respite services to families, schools, family violence workers, Mental health services, Men's Behavioural Change program, community health services, hospitals and medical professionals. The content of the submission is a result of direct observations and not derived from any formal research project and therefore may be peculiar to individual incidents however it seems likely that it can highlight some of the inconsistencies in the response to family violence. All issues raised in this submission are current and have been experienced by workers in the previous 12 months.

CHILD PROTECTION

Case loads and child safety.

Collaboration between Child protection and other services often appears to be adversely affected by excessive case Loads. Caseloads are generally in excess of a worker's capacity to deal comprehensively with the complexity of each case. They also make it difficult to make regular contact with other community services engaged with the families. As a consequence it has been the experience of our staff that decisions that have a significant life impact are made by Child protection without critical additional information gathered by these services. These include returning children to circumstances where the child's welfare remains at risk and/or closing the case as a result of not being aware of the continuing risks identified by other services.

Emergency accommodation.

There has never been adequate out of home emergency respite, medium term or long term accommodation for children. This is particularly the case for older children. Concerns persist that decisions around how to best protect children from exposure to family violence are compromised due to the lack of suitable residential placements.

When an assessment done by a Psychologist that indicates that they are unable to provide therapeutic support to a child while that child continues to reside in an environment that is not conducive to the therapeutic process is deemed insufficient grounds for removal of the child or for more substantial intervention by child protection then there is little hope of changing the long term outcomes for that child.

Recommendations

- Increased investment in attracting suitable qualified staff to child protection.
- Staff should be trained specifically in dealing with trauma in children.
- Highly trained paid staff to run accommodation facilities.
- Establishment of regional accommodation facilities for larger family groups of children.

-Investment in a suite of out of home accommodation options across the state.

EDUCATION

Schools are often carrying the greatest burden of direct responsibility for the welfare of a child, providing core life and academic education as well as a safe environment where home life does not.

As a community we should not presume that the home environment will provide appropriate, adequate and effective nurturing of skills in conflict resolution, empathy, respect for others rights, gender equality, coping strategies, and the development of a healthy self esteem and sense of self worth. There is at present nothing to indicate that there is a universal policy or program across all schools to address bullying or the ramifications of exposure to family violence. Where there is bullying policies there appears to be inconsistency in training in, and implementation of, these policies.

Recommendations

Life skills program

-There should be a Uniform, structured, well resourced, evidence based life skills/personal development programs run from preschool to late secondary school are an imperative long term strategy for reducing family violence and should be adopted throughout all public and private schools. The establishment of Universal Life skills/Personal development programs within schools allows ongoing discussion around the issue of family violence and subsequently ongoing opportunities to disclose exposure to family violence by the young person.

-Prevention of family violence should underpin any comprehensive strategy rather than responding post family violence.

-Children should be aware of the nature and scope of family violence from an early age so as to ensure that a child can take informed appropriate action when necessary.

-Children should be made aware of resources to address family violence that will also be sensitive to the needs of the child.

LAW ENFORCEMENT

As the first responders to many of the Family violence incidents Police are critical to the overall outcome. It is the experience of the writers that some Police officers develop a series of responses to some families that is not helpful to establishing positive outcomes for families.

Recommendations

-All police should have minimum training in responding to family violence as well as specialist family violence teams.

-early intervention strategies should include case plans for all family members including safety plans

for family members affected by family violence and referral to men's behaviour change programs for perpetrators. Options for alternate accommodation should be explored for perpetrators in the first instance to allow affected family members the opportunity to deliberate on their current circumstances without perpetrator pressure.

- Police should have clear guidelines for appropriate use of language that does not minimise the severity of family violence or diminish perpetrators responsibility for their behaviour.

- Early intervention strategies should be based on the premise that perpetrators do not possess the requisite skills to avoid further incidents of family violence and preventative actions need to be established at the first incident and followed up to ensure they are enacted.

These should include;

- Removal of the perpetrator from the family home and a requirement that the perpetrator attend a Men's behaviour change program at the earliest possible opportunity.
- Intervention order taken out by Police.
- Unsupervised access to children should only occur after an assessment is done to determine that the perpetrator has insight in to triggers for violent behaviour, insight in to the effects of family violence on children and other family members.
- Further follow up action if perpetrator does not follow through with either an individual program or a Men's behaviour change program.
- Reassessment of perpetrators should occur after completion of Men's behaviour change program to determine, as much as is possible, if the necessary changes to abusive behaviour have occurred to ensure the safety of those around them.

- singles accommodation should be prearranged to accommodate perpetrators.

- Affected family members should receive consistent treatment and information that informs them of the inappropriateness of all forms of family violence, their rights and action options

- Clear protocols on protecting children from ongoing exposure to family violence.

- Monitoring of police to ensure that members are not adversely affected by exposure to family violence. Supports established to ensure members' health is not compromised.

- Monitoring to ensure members do not become desensitised to the impact of family violence and as a consequence respond to family violence less effectively.

Relationships – Service coordination/ collaboration/ communication

Gaps exist in the relationship between services and as a consequence service delivery is compromised. There is currently no formal and accountable, mechanism for the coordination of all services but rather an unfounded assumption that services will professionally collaborate to the benefit of victims of family violence. There are inconsistencies in the way different services deal with family violence.

VICTIMS ASSISTANCE PROGRAM

Access to victims assistance funding is dependent on the applicant's ability to follow through with an application. For those victims of family violence who have suffered significant trauma the process

can be quite daunting. If the applicant does not complete the application in a timely fashion the application can be closed and the services needed by the applicant to begin the process of recovery become inaccessible. Solicitors undertaking the ground work for Victims assistance applications are reticent to take on an applicant that has initiated an application previously but not followed through as the solicitor is not usually paid until the completion of the application.

Recommendation

-The victim's assistance worker should have the capacity to walk the applicant through the entire Victims of crime assistance Tribunal process until the applicant is fully engaged with the necessary support services.

COURTS

In the experience of the submission writers the courts reputation amongst victims of family violence is less than positive largely due to;

-Apparent inconsistencies in applying the law where similar breaches of intervention orders receive widely varied penalties.

-Inadequate penalties for intervention order breaches do not send a clear message to perpetrators particularly where there are multiple breaches.

-Family violence victims often feel their concerns regarding perpetrator behaviour is unheard by the courts.

SUMMARY

The above recommendations are based on the common systemic failings experienced through our collective, extensive time in the field. However none of the recommendations can be effective unless there is a high level of accountability for all services on the front line of addressing family violence. Enacting Legislation and funding front line services is the beginnings of addressing the prevalence of family violence. There also needs to be a mechanism to ensure that throughout the response there is a regular review process to determine the efficacy of the strategy. It is also imperative that the strategy is being implemented consistently and appropriately across all sectors.