

Royal Commission into Family Violence

Submission from Nexus Primary Health



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BACKGROUND TO THE SUBMISSION

Nexus Primary Health welcomes the opportunity to submit to this important Royal Commission. Our submission is informed by over 40 years of collective experience in the sector in our Specialised Family Violence Team and Management.

About the Nexus Primary Health Family Violence Service

Nexus Primary Health covers the Mitchell and Murrindindi Shires to the north which is approximately 6753 sq kms in size and a population of around 60,000. The population we service ranges from the typically young families moving to the rapidly expanding urban growth areas to the established farming families in relatively isolated rural areas.

- ***Our unique mix of truly integrated Children, Women and Men's services***

Nexus is unique insofar as our family violence services include Women's Outreach, Children's Counselling and Men's Behaviour Change. Our integrated approach puts these services together focusing on the safety of women and children experiencing family violence.

In practice this means that there is a built in capacity due to co-location and shared operational frameworks for real time information flow between the women and men's service. This means that safety is ACTUALLY able to be the focus of interventions. For example:

- *The Children's Workers identified a woman and her children as being 'high risk' of imminent danger from her ex-partner.*
- *An immediate discussion with the Men's Worker and Victoria Police was possible for risk and safety planning.*
- *The Men's Worker focussed on contact with the perpetrator to provide intervention.*
- *Accessible continual communication about progress occurred.*
- *This has assisted the Family Violence Team to reduce the risk to all parties by closely monitoring the case.*

- ***We are highly adaptable to meet sky-rocketing demand***

Nexus is a service system labouring under growing demand not matched by resourcing. As demonstrated in the table below the funding and associated targets that Nexus receives is not commensurate with the demand. As Family Violence is not a service system that can work of "wait lists" we have made significant changes to work flow to ensure a timely risk driven response. This has occurred at the expense of working with people for a longer term. For our highly committed staff however, the pressure of inadequate resourcing means a burnout risk of "when" not "if".

Funding targets Vs actual service delivery

Service Type	Staffing FTE	Annual Target	Services provided in 10 months
Women's Outreach	2	99	641
Men's Behaviour Change and Enhanced Intake	.7	67	548
Women and Children's Counselling	.6	64	163
TOTAL	3.3	230	1352*

*Responding to 6 times more cases than the funding provides for.

Area of Concern 1 – FAMILY VIOLENCE FUNDING AND RESOURCING

The current family violence response sector is still operating from a funding model that no longer reflects actual demand. There is still reform required for better integration and clarity of role within which the family violence area should be acknowledged as a specialist area for appropriately trained and supported staff.

Recommendation 1: Revise and increase the funding for an integrated Family Violence Service delivery system.

1.1 Family Violence Supports to remain as a Specialised Service integrated in to the mainstream service system.

- It is vital Family Violence services do not sit within an agency such as Child Protection or ChildFIRST. This will act as a barrier for women to access specific family violence supports, due to the stigma attached to these services. An example: Clients have stated they didn't want child protection involved, nor did they wish to attend a child protection setting, whereas the Nexus Primary Health setting provides for anonymity.
- Employment of more Specialised Family Violence Workers to meet the demand and provide short, medium and long term services to women, children and men. For Nexus we anticipate that the service requires double staffing and funding to meet the short, medium and long term service demands for good outcomes. Increased staffing would also enable a focus on prevention and education initiatives as well as the allocation of adequate time for system integration with Police, Courts and other services. The table below represents the staffing increase Nexus currently required.

Service Type	Additional Resources Required to meet current demand	
	FTE	\$
Women's Outreach	2.0	234,000
Men's Behaviour Change and Enhanced Intake	1.0	117
Women and Children's Counselling	0.4	47,00
TOTAL	3.4	398,000

1.2: Resourcing is necessary to assist women and children to escape from Family Violence

Women and children present at Nexus Primary Health after fleeing the family home. With *no brokerage attached* to our program, we cannot accommodate their immediate needs. This brokerage is beyond the HEF available from Housing Services.

1.3: Transport related resourcing is required

Funding is required to enable women and children from rural areas to access and attend services/appointments and in order to leave the family home.

1.4: Increased access to Legal Advice is required

It is essential for women to be provided with timely and free legal advice and representation to women who do not have access to legal services due to living in a rural area. This model would increase access to justice and empower disadvantaged women.

1.5: Extend access to the Family Violence Crisis Payment at Centrelink

Women escaping family violence have a limited window of opportunity to access the Family Violence Crisis Payment via Centrelink. Women may not have had contact or accessed a Specialised Family Violence Service within the seven day timeframe, therefore are unaware that such a payment exists.

Area of Concern 2 – LEGISLATION

The current legislative frameworks do not adequately support a focus on the safety of women and children or enable the service system to be responsive to the needs of all involved.

Recommendation 2: Legislation is required so that all forms of Family Violence are seen as criminal offences.

The Family Violence Protection Act 2008 states ‘family violence is a fundamental violation of human rights and is unacceptable in any form’. Yet, controlling behaviours, financial, emotional and psychological abuse are currently not acknowledged as criminal offences. It is vital perpetrators be held accountable for all forms of family violence.

2.1: Family Violence Intervention Orders

The perpetrator has the right to consent to a Family Violence Intervention Order without admissions; agreeing only to the restrictions imposed by the Intervention Order, but do not accept any wrongdoing. This needs to change in order for perpetrators to be held accountable within the legal system.

2.2: Consistent Sentencing

There must be consistent sentencing within the legal system, to hold those who have been violent accountable for their actions. Currently, sentences seem at the will and mood of the sitting Magistrate. Some Magistrates understand the complexity of and effects of family violence on women and children and rule accordingly. They need educating and up-skilling in all matters family violence.

2.3: Persistent Breaches

Request mandatory jail sentence to intervene and stop perpetrator’s behaviour. And mandatory support and education programs for men within the justice system. The focus is on rehabilitation.

2.4: Children named on Family Violence Intervention Order

Our service believes that women and all children need to be included on a Family Violence Intervention Order, as a matter of course. Our reasoning is based on the impacts of family violence both directly and vicariously on children.

2.5: Mandatory Notifications to Child Protection

Victoria Police need to make a report to Child Protection regardless of children not being present during the time of the family violence incident. Children are still at risk of experiencing ongoing family violence in the family home and this must be factored into Victoria Polices’ risk assessment. Statistics indicate one out of three children is present in family violence cases reported to Police. Currently the situation is such that the call to Child Protection by Victoria Police is discretionary.

2.6: Perpetrator Accountability

Legislate to make Men’s Behaviour Change Programs to be made a mandatory process.

Recommendation 3: Electronic Monitoring

Monitoring is required for identified ‘HIGH RISK’ perpetrators of family violence. The assessment would be based on the Common Risk Assessment Framework. The aim is to reduce the risk for women and children who have been identified as ‘high risk’.

Recommendation 4: Family Violence National Register for Perpetrators

Women and children continue to be placed at great risk by services operating in a silo framework. It is requested all service interactions with a perpetrator identified as ‘HIGH RISK’ be recorded and monitored. This will assist in reducing the risk to both women and children.

Recommendation 5: Amendment to Family Law Act 1975

The current Family Law Act needs to be amended to ensure the safety of all children. The pervasive myth that

“He would never hurt the kids” continues to place children at significant and high risk. Perpetrators of family violence should have no parental right until they have engaged in appropriate support services to address behaviour and which can be measured. Children should not be mandated to spend time with an abusive parent.

For example: A family of six children were being sent to their father. He had made suicide attempts, was chronically depressed and had an alcohol addiction. Their mother lived in terror that something would happen; ‘he might do something stupid.’ Police did one welfare check. Her children were left to monitor their father’s drinking habits and were placed in the untenable situation of ‘dobbing on him.’ They also received pressure from him to ‘not tell anyone (that he was drunk).’ The eldest children refused to go to his house. The younger four were placed at further high risk by having to attend by themselves without the care of the elder siblings. Children should not be placed in the situation of carrying and ensuring their own and their siblings’ safety. Another example: Two young children being sent to their father for weekend access. He is allegedly an ice addict and a drug dealer. The mother is terrified of what he will do if she calls authorities and stops access visits. ‘I know he’ll just go off. I don’t think he’d hurt them on purpose, but it might be accidental.’

Recommendation 6: Privacy

Safety for women and children must override legislation around privacy. For example: Victoria Police are unable to inform a woman that her current partner has a history of family violence against previous partners. This is important information for women to ensure she can assess her level of safety and for her children. High risk cases (especially involving drug or alcohol addiction/mental illness) must be flagged as high risk for women and children. They must be protected from the wrath of perpetrators who fall into these categories.

Recommendation 7: Paid Leave from Employment

Provide women with paid leave from employment to attend:

- Family violence/legal appointments
- Attend court hearings in relation to Family Violence Intervention Order’s or Family Law.
- Find new and secure housing
- Relocate

A support letter from the Family Violence Worker is sufficient to validate for the employee.

Recommendation 8: Children’s advocacy in Court

There is a problem regarding having children’s voices heard, respected and protected by Police and the Legal System. We must act to give children and adolescents the right to have their voices heard and acknowledged without prejudice in the legal system.

Area of Concern 3 – THE COURT SYSTEM

There is significant progress to be made to provide a consistent and safe Court approach to Family violence, Magistrates must take into account the history and pattern of behaviour of the perpetrator. Women are forced to prove the 'likelihood' of violence re-occurring. A Common Risk Assessment Framework needs to be presented to a Magistrate for all Family Violence Intervention Orders. The aim is to prevent the occurrence and escalation of family violence.

Recommendation 9: Family Violence Education for Magistrates and Registrars

All Magistrates and Court Registers must have up to date training in Family Violence. It is vital we increase awareness of the extent and the effects of family violence. The Family Violence Protection Act 2008 states 'In responding to family violence and promoting the safety of person who have experienced family violence, the justice system should treat the views of family violence with respect'. Both the Magistrate's and Registers have a responsibility to listen and validate women's experiences.

The aim is to ensure Magistrates can make an informed decision that will support and ensure the safety of women and children who have been affected by family violence.

Recommendation 10: Dedicated Family Violence time

Request an allocated day to hear matters only in relation to Family Violence Intervention Orders. Intervention within the legal system requires time; to allow Police Prosecutors and Legal Representatives to advocate for women and children's rights and safety.

10.1: Safety for Women and Children at Court

The Seymour Magistrate's Court, like many others, does not provide a safe space for women and children to wait whilst they attend court. This increases the risk towards women and children and can lead to women withdrawing their application. Women and children are vulnerable within a rural setting, as they are exposed to the perpetrator. A contributing factor to women not reporting is fear of further consequences from the perpetrator.

10.2: Court Advocacy for All Parties

10.2.1: Specialist Family Violence Workers for Children, Women and Men

All parties should be supported at court for all matters relating to Family Violence.

10.2.2: Allocated Duty Lawyers

Women need to have access with a dedicated duty solicitor at court who specialises in Family Violence. The lawyer can provide information, support and represent women.

10.2.3: Police Members

Police need training in the specific variety of forms of family violence and their long term effects on women and children. They need more staff in their family violence units. Rurally; this is a significant problem in many small towns where the perpetrator of family violence is a footy coach and a 'good bloke' so local police are reluctant to believe a woman's story and minimise by saying things such as: 'he's been under extra pressure/ was drinking/ has had a bad week.'

Area of Concern 4 - HOUSING

Family Violence is the leading cause of homelessness for women and children. Let us assist in alleviating and prevent homelessness. Whilst some of the current funding for family violence emanates from the housing sector the time has come for both to be resourced separately and appropriately.

Recommendation 11 Increase funding to the Housing sector for dedicated family violence response.

This includes:

- Long-term housing for women and children who have been affected by family violence in the past and remain at risk of family violence.
- Transitional Housing properties specifically for women and children experiencing family violence.
- Assisting women financially to secure housing such as private rental.
- Greater access to Crisis Accommodation for women in a rural setting requires attention. Women and children are put up in a Caravan Park until alternative accommodation is sought.
- Increase access to refuges for women and children across the state. Based on a rural model, women and children have limited access to transport to seek refuge that is 100kms away.
- Open up the use of independent portable housing that can be placed on property for women and children. Currently, transportable, independent living units can be housed on an existing property. These are used for elderly accommodation. There are examples of women and their children being welcome to live with other family members however, they must dwell in one room together.

11.1: *Separate Family Violence funding from housing funding to enable relevant data collection from family violence services.*

Currently the Women's Outreach service reports against housing criteria and this misrepresents both housing and family violence specific data.

Area of Concern 5: PARTNERSHIP APPROACH

Family Violence Services should receive funding that enables the vital work of partnership development and service delivery. For example, despite working with 6 times more clients than funded, Nexus staff ensure that they participate in the following activities to ensure an integrated systems approach with external agencies.

As one client said:

"I don't think there is a required level of sophistication, integration and cooperation between service providers to meet clients' individual needs and this has led to such mixed outcomes".

Recommendation 12: Ensure the capacity of the service system to function within a partnership.

Priority and resourcing should be sufficient to support:

- Monthly Recidivist/L17 Meetings involving Police and other agencies to focus on high Risk Clients
- Participation in the Regional Integration Meetings and Planning
- Weekly contact with members from the Victoria Police Family Violence Unit for information sharing and client monitoring
- Collaboration with Police Prosecutors.
- School based partnerships with the primary/secondary schools, kindergartens and childcare to provide:
 - Care plans and safety planning for children.
 - Assistance with managing the effects of trauma on children.
 - Providing support for staff working with clients.

CONCLUDING COMMENTS

Nexus Primary Health is a demonstration of an integrated Family Violence Service connecting Women, Children's, and Men's components. By working from a primary focus of safety for women and children. Nexus staff also make all efforts to ensure collaboration with the other parts of the service system, in particular Police, Courts, child protection, homelessness services and schools.

The Nexus service works with 6 times more clients than we are funded for. This is due to a commitment to servicing all people seeking assistance.

People seeking assistance for family violence issues simply cannot wait.

The result of the Nexus approach is only possible because Nexus has identified longer term support options that have a good understanding of family violence. Despite the practice changes such as on-referrals, the relentless and growing workload is unsustainable and additional funding is urgently required.