



Australian Children's Contact Service Association

*Advancing The CCS Sector*

**Submission**  
**To**  
**The Royal Commission**  
**Into Family Violence**  
**By**  
**The Australian Children's Contact Services**  
**Association**

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## **1. INTRODUCTION**

The Australian Children's Contact Services Association makes this submission to the Royal Commission into Family Violence regarding the provision of safe and qualified service delivery to families who have experienced family violence and have subsequently been referred to a Children's Contact Service.

The issue of family violence and the creation of a safe and secure environment for facets of some parenting arrangements are fundamental to the notion of Children's Contact Service delivery.

Government funded services are subject to the conditions of approval guidelines and funding agreements which outline baseline standards, including the environment and practices required to enhance safety of vulnerable family members. Complaints procedures for those using the funded services are also required to be provided and in place – this includes the right to complain to the relevant government department that provides funding.

Privately operated services operate under no regulation or accreditation. There are no baseline standards or qualification requirements. There are no regulatory controls over environment or practices. There is no requirement for accountability.

Some families who have experienced family violence and the ongoing potential for further violence are being referred, by court orders or parenting agreements, to privately operated services.

ACCSA contends that in order to protect vulnerable family members, ALL CCS services need to be regulated accredited and audited.



## 2. RECOMMENDATIONS

This submission recommends that:

- The federal government pass laws for the regulation of Children's Contact Services.
- That the federal government develops a set of regulations regarding provision of Children's Contact Services.
- That the aforementioned regulations include an accreditation process that incorporates the baseline standards outlined in the *Children's Contact Service Guiding Principles Framework for Good Practice* and incorporates regular review of a CCS's service provision.



### 3. RIGHTS AND BEST INTERESTS OF THE CHILD (AND VULNERABLE FAMILY MEMBERS)

The issue of family violence raises important issues in regard to the human rights and best interests of the child and vulnerable family members.

The United Nations Convention on the Rights of the Child article 19 articulates that, “*Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them.*”

The Family Law Act (1975) requires the Family Law Court to regard the best interests of the child as the most important consideration when making a parenting order. In deciding what is in the best interest of a child, the Act requires a Court to take into account the following primary considerations:

- *the benefit to children of having a meaningful relationship with both parents*
- *the need to protect the child from physical or psychological harm from being subjected to, or exposed to, abuse, neglect or family violence*
- *The Court is required to give greater weight to the consideration of the need to protect children from harm.*

The Terms of Reference for the Royal Commission includes it is to ensure the safety of people who are or may be affected by family violence, by:

- *facilitating early intervention before violence occurs*
- *providing fast, effective responses to those who report family violence*
- *providing effective protections to adults and children who have been affected by family violence in the past, and remain at risk of family violence*

ACCSA submits that the rights and best interests of the child and vulnerable family members are not currently being adhered to in some instances. This is a result of referrals being made to some Children’s Contact Services by the Family Law Courts and via post separation service and family law practitioner assisted parenting arrangements. ACCSA further submits that children and family members who have been exposed to and subject to family violence are in some instances being placed at further risk via the aforementioned referrals.



#### 4. CHILDREN'S CONTACT SERVICES

Children's Contact Services (CCSs) origins are to be found in the feminist lobby group that emerged post changes to the Family Law Act in 1975 – divorces were more easily obtained but there were no resources available to provide protection and safety from ongoing family violence in instances when changeover of children or the need for supervision of a parent was required. CCSs were lobbied for, piloted and rolled out across the country and are now a central part of the suite of government funded post-separation services now available to separating families.

The families that use CCSs are characterized by a range of significant problems, including entrenched parental conflict, instances of family violence or abuse directed at the child. For some families, economic disadvantage, parental drug and alcohol problems, mental health issues and physical disabilities further compound these problems and lead to a family using a CCS to provide a safe and reliable service for contact to take place.

National and international research has identified families using CCSs as particularly vulnerable, with a range of serious and complex support needs.

The Australian Government's Attorney-General's Department and The Department of Social Services currently fund 65 CCSs under the Families and Community Programs. Each of these CCSs is subject to a set of 15 Administrative Approval Guidelines and a five-year Funding Agreement. Each Funding Agreement refers the CCS to the *Children's Contact Service Guiding Principles Framework for Good Practice*, a Framework that aims to:

- Outline the policy context and provide the minimum operational requirements and practice principles expected for the delivery of the suite of services offered through a Children's Contact Service.
- Provide a structure that supports a systematic and consistent approach to service provision across individual service organisations.

The minimal operational requirements and practical principles outlined in this Framework include:

- Qualified staff with appropriate checks
- Safe and appropriately designed premises which include separate entrances for parents
- Safety equipment such as duress alarms and CCTV
- Thorough risk assessment intake procedures



- Thorough child familiarization and orientation procedure
- Processes that ensure the confidentiality of family members
- Critical incident management plans
- Complaints policies and procedures / including the option of client complaint to the government funding department

The performance and activities of funded services are monitored by the government and on-going funding is subject to compliance with the Approval Requirements and the Funding Agreement.

Privately operated Children's Contact Services also function in Australia. The number of these services has increased markedly in the past five years and whilst there is no exhaustive inventory of the how many such services are in operation, it is ACCSA's estimate that they may nearly equal the number of funded services.

Privately operated CCSs are subject to no regulation or accreditation. They may be operated by anyone who chooses to do so. There is no binding to Approval Requirements or Guiding Principles and those families referred to such services have no redress should they encounter issues or concerns with the quality of service provided.

The Family Courts are in some instances either directly, through specific reference to a privately operated service, or indirectly, through the use of terminology in orders such as "supervision at a Children's Contact Service" or "a professional supervisor" referring vulnerable families who have experienced family violence to services where there is no government regulation and oversight and where there may be no quality control. Family law practitioners and family dispute resolution practitioners are creating parenting arrangements that reflect the same outcomes.

ACCSA is receiving an increasing number of emails from those who have experienced family violence, have sought the protection of the courts or the post separation system and been referred to privately operated CCSs only to find that many of the baseline standards outlined in the aforementioned Guiding Principles are not being adhered to. These family members are also finding that there is objective authority to whom they can complain should they experience lack of safety or confidentiality when using a CCS. They are contending that they feel themselves placed at further risk and subject to further trauma due to the lack of relevant care afforded by the service provider.



## 5. THE ACCSA POSITION

The Australian Children's Contact Services Association has been lobbying the government for some time for the regulation and accreditation of all Children's Contact Services in Australia. There has been no indication provided as to when or whether this will occur.

ACCSA is of the view that family situations which include the prevalence of family violence, and the ongoing post separation threat of family violence, require a range of supports including the option of CCS service provision that is of a baseline standard, especially in regard to ensuring the emotional and physical safety of children and other vulnerable family members.

ACCSA is concerned that courts and post separation services are referring vulnerable family members to services where there is no assurance that baseline, safe service delivery is provided. That is, the best interests and fundamental rights of those family members are not being afforded primary consideration.

ACCSA notes that the emergence of privately operated CCSs is attached to the waiting periods to use a funded CCS and that this indicates that there is a need for better resourcing of funded services in areas where there are protracted waiting lists. ACCSA also notes that there may be a role for privately operated CCSs in some instances (e.g. low vigilance changeovers, matters assessed to being within the range of safe service provision) should a comprehensive accreditation system be implemented and should it be a requirement that courts and family dispute resolution practitioners only refer to accredited services.