

**Submission
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INQUIRY INTO CHILD PROTECTION

Organisation: Domestic Violence NSW

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Domestic Violence NSW submission July 2016



About Domestic Violence NSW (DVNSW)

Domestic Violence NSW Inc. is the peak body for specialist domestic and family violence services in NSW. DVNSW provides a representative and advocacy function for specialist services and the women, families and communities they support.

DVNSW's mission is to eliminate domestic and family violence through leadership in policy, advocacy, partnerships and the promotion of best practice. We work with our members, state and federal government and communities to create a safer NSW for all.

DVNSW member services represent the diversity of specialist services working in NSW to support women, families and communities impacted by domestic and family violence including:

- Crisis and refuge services
- Transitional accommodation and community housing providers
- Family support services
- Neighbourhood centres and drop in centres
- Specialist homelessness service providers
- Men's behaviour change programs and networks
- Community organisations working with high risk communities
- Specialist women's legal support services
- Women and children's support services
- Safe at Home programs

DVNSW members are all non-government organisations, some entirely government funded, others supported through philanthropic donations or partnerships with industry or the corporate sector. Many of our members have multiple government and non-government funding streams. DVNSW advocates for best practice, continuous system improvements and innovative policy responses to domestic and family violence including building workforce capacity and representation at all levels of government. We provide policy and practice advice to multiple departments in the NSW Government to improve prevention initiatives, early intervention and crisis responses. We work with communities and the media to increase awareness and represent the sector on a number of state and federal advisory bodies including the NSW Premier's Council on Homelessness, the NSW Domestic and Family Violence Council, the NSW Early Intervention Council, the NSW Reference Group for Men's Behaviour Change, the ANROWS Practitioner Engagement Group, AWAVA and the Sexual Violence Expert Group. We co-convene and provide a secretariat function for the NSW Women's Alliance with Rape and Domestic Violence Services Australia.

We acknowledge the work and practice wisdom of specialist women's services and domestic and family violence practitioners that underpins the recommendations in this submission. DVNSW thanks the specialist services that have developed best practice over decades of working with women and children and shared their expertise with us to make a submission to the NSW Child Protection Inquiry. We also pay tribute to those who have experienced domestic or family violence and to our advocates, colleagues and partners in government and non-government agencies.

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Introduction

Domestic Violence NSW welcomes the opportunity to make a formal written submission to the NSW Government's Inquiry into Child Protection in NSW. As the peak body for specialist domestic and family violence and women's services in our state, we work closely and collaboratively with DVNSW members, broader networks of specialist practitioners and government colleagues to encourage participation of service users, mainstream and specialist support providers, communities and stakeholders with an interest in improving responses to domestic and family violence in our state and to produce submissions that reflect the diversity of the sector and our communities.

The growing profile of survivor advocates such as Rosie Batty, mainstream media interest, increased reporting to police and political interest have all contributed to a much better understanding of the prevalence, nature and impacts of domestic and family violence (DFV) in Australia in recent years. An unprecedented spotlight has been focused on issues of sexual, domestic and family violence, particularly in the last two years.

Community awareness of domestic and family violence is now significant, widespread and more nuanced. It is timely therefore, to reflect on what works, and what barriers we face in the current child protection system and its proficiency in providing appropriate prevention, early intervention and crisis responses to domestic and family violence. This submission proposes that one of the most effective ways to improve NSW's rates of domestic and family violence is to closely examine the intersections between the largely silo-ed DFV and Child Protection systems and to find ways to improve the inherent conflicts between two interconnected response systems.

Given that the peak and our members' work encompasses interventions across multiple programs in the Departments of Family and Community Services (FaCS), Justice, Police, Health and Education we are able to offer an unique understanding of the intersectionality between child protection and domestic and family violence systems in NSW. We believe this inquiry represents an important opportunity to strengthen and improve the capacity of NSW frontline services and agencies in responding to children and young people who have been victim-survivors of domestic and family violence, intervening earlier to support families who are living with violence and improving work with those who use violence in the family and intimate partner context.

DVNSW recognises that there are no quick fixes when it comes to addressing system gaps or inconsistencies in service and agency responses to violence. Similarly, there is no "one size fits all" model solution for children and young people as victim-survivors, (including those who witness domestic and family violence) that will work for every community in NSW, even if limitless resourcing were to be available. International and Australian research unequivocally demonstrates that living with DFV has a profound effect upon children and young people, and in many cases constitutes a form of child abuse¹. We have a responsibility to better connect government and NGO systems to provide a more integrated system for our most vulnerable children and families.

"Once children and young people are the subject of reports of being at risk of harm, the challenge is to have adequate skills and tools with which to assess and identify those who need the full attention of the state... Importantly, children and young people need to be listened to and participate in decisions which affect them."

State of NSW through the Special Commission of Inquiry into Child Protection Services in NSW, 2008.

Child protection work is undeniably challenging, and most reviews and inquiries agree that the system needs to be more timely, sophisticated and reflexive. At the core of any improvement we believe there needs to be a long-term government commitment to bring child protection systems and domestic and family violence responses and expertise together, resulting in safer outcomes for children, young people, their families and communities. This way of working requires vision, resourcing, leadership from government and respect for leaders and Elders in community. With significant, commensurate investment in our mainstream and specialist services and a long-term collaborative vision shared between government, community and the sector, we can build a system that meets the immediate crisis needs of children, young people and families, supports ongoing recovery from trauma and effectively challenges the roots of violence supportive attitudes.

¹ NSW Domestic and Family Violence Action Plan, June 2010

The Australian Research Alliance for Children and Youth recently undertook a review of research² and practice in prevention and early intervention child and family service systems in Australia and identified a common set of systemic issues. It found:

- A fragmented and poorly coordinated system in which specific service sectors largely focus on particular issues or groups of vulnerable people without a whole of system view.
- A program focus instead of a client focus, where the onus is on people to make sense of services, navigate from door to door and 'fit' a program to qualify for support.
- Services which fail to consider the family circumstances of clients, in particular the existence and experience of children.
- A traditional welfare approach that focuses on crisis support and stabilisation, and that may encourage dependency.
- A focus on solving problems after they occur rather than anticipating and intervening to prevent them arising (Department of Human Services (DHS), 2011).

ARACY recommended:

- The development of a common approach to measuring outcomes to provide accountability and embed the measurement of effectiveness and building of evidence at all levels of the system.
- Data-driven local planning and commissioning, local approaches to needs assessment, service planning and resourcing,
- Building 'evidence ready' systems and using evidence to guide investment decisions and service provision,
- Developing shared values and a common approach to identifying needs and intervention thresholds, and processes and structures that enable and promote shared ways of working;
- Matching services to needs: assessment and planning processes that respond holistically to meeting the needs of children and families, and focus on building their capacity and working towards improved outcomes; and
- Key principles: grounding the system in the core principles of a holistic approach, strengths-based practice, working in partnership with families, and building capacity.

ARACY's review offers a clear vision for integrated systems that embrace the development of accountable, responsive, whole of family approaches to vulnerability and encourage government and NGO agency responses to wrap culturally-safe services around the client.

² ARACY, 2015 Better Systems, Better Chances: A Review of Research and Practice for Prevention and Early Intervention. P.15
http://www.facs.nsw.gov.au/__data/assets/pdf_file/0008/335168/better_systems_better_chances_review.pdf

Context

The NSW domestic and family violence system is struggling to cope with increasing demand in both the government and non-government response sectors. NSW Police report that DV-related assaults have increased by 2% over the last five years whilst most other crimes types are stable or dropping (BOSCAR, 2015). Police, the courts, criminal and justice systems (including the Family Law system), specialist domestic and family violence services, homelessness service providers, specialist legal services, child protection and housing and accommodation services are all regularly at, or over, capacity. Practitioners constantly have to make choices about which families they can support and to what degree they can provide assistance because of demand.

This is not a problem unique to New South Wales. Australian Institute of Health and Welfare data recently released shows that around 520,000 Australians accessed specialist homelessness services (SHS) between 2011 and 2014, with 187,000 (36%) being adults and children seeking assistance due to domestic and family violence. Of all client groups experiencing domestic and family violence, most were women with children (45,400), followed by young women presenting alone (23,800), and Indigenous women (19,600). Overall, there were almost 150,000 female clients and just over 40,000 male clients who indicated experiencing domestic and family violence. Males reported the greatest proportion of domestic and family violence clients in the 0–9 year age group (47%), followed by 10–14 years (13%).³

Victoria's proactive policing and integration of specialist homelessness service system resulted in the largest increase in the number of clients seeking SHS assistance in the 2012-2014 period and we expect these figures to increase in NSW as public awareness and NSW Police and criminal justice approaches to domestic and family violence improve with the introduction of Safer Pathway, automatic police referrals to the Women's Domestic Violence Court Advocacy Service and DFV suspect profiling and targeting. Advocates, mainstream and specialist domestic and family violence services largely agree that the most pressing and urgent next step is to design a system that is responsive to the growth in demand whilst resourcing and growing evidential practice in early intervention and prevention.⁴

The intersections between the Family Law system, domestic violence courts and support services and child protection are a major challenge for women and families impacted by violence as well as offering an opportunity for early risk assessment and referral. DVNSW members and survivors of violence commonly identify systems failures in both the service and criminal justice sectors many of which could be partially addressed through specialised workforce development and training for police, prosecutors, judicial officers, court staff, legal practitioners and other justice workers. There are substantial improvements in the justice system that could be made to improve the coordination of risk assessment and management, referrals and case management, taking into account the impacts and dynamics of domestic, family and sexual violence and trauma.

Current approaches to perpetrator intervention work (government and non-government) in NSW are also inconsistent. Coordination is urgently required between NGO-delivered Men's Behaviour Change Programs and government programs driven by the Department of Justice, particularly those relating to the Premier's Priority on reducing recidivism. Until 2015 NGO programs were not funded by the NSW government although the NSW Men's Behaviour Change Program Standards have governed the delivery of MBCPs since 2012. There are now 4 NGO-driven initiatives funded by government and a handful of accredited providers that are able to deliver interventions that meet the standards (which are under review).

Perpetrator intervention work is highly sophisticated and requires a skilled workforce in addition to close coordination with womens', domestic violence and family services. NGOs have substantial expertise in working with high risk families using evidence-based approaches and there is an appetite for the sector to codesign systems that ensure consistent perpetrator accountability and family safety. At present, there are few formalised structures for coordination between government and NGO perpetrator interventions resulting in differing understandings and definitions of risk and missed opportunities to increase the safety, well-being and welfare of

³ Australian Institute of Health and Welfare, 2015. <http://www.aihw.gov.au/homelessness/domestic-violence-and-homelessness/intersection/>

⁴ Analysis of 2016-2017 NSW Budget, NSW Women's Alliance.

[https://d3n8a8pro7vhmx.cloudfront.net/dvnswh/pages/141/attachments/original/1467871944/NSW_Women's_Alliance_NSW_Budget_Analysis_2016-2017_\(4\).pdf?1467871944](https://d3n8a8pro7vhmx.cloudfront.net/dvnswh/pages/141/attachments/original/1467871944/NSW_Women's_Alliance_NSW_Budget_Analysis_2016-2017_(4).pdf?1467871944)

children and young people impacted by violence. The shift in focus on perpetrator accountability, does however, offer new opportunities to share the lessons and best practice being developed by specialists within and outside the justice system.

In NSW, the NGO sector is now having a more sophisticated, nuanced conversation about the impacts of trauma and intergenerational exposure to domestic and family violence. We recognise now that successful trauma-specialist interventions are highly dependent on coordinated, structured, evidence-based approaches. Effective risk assessment processes, which are responsive to rapidly changing circumstances correlate to the strength of local or systemic partnerships developed between non-government community-based specialist DFV services and Police, Justice, Child Protection and other government agencies. DVNSW proposes that there are some basic principles that should underpin the development of all child protection approaches to domestic and family violence policy and practice:

- That all NSW citizens should be able to access timely, well-resourced, evidence-based domestic, family and sexual violence support responses located in their communities that are best practice, client-centred, trauma-specialist, culturally-safe and are based on the premise that DFV is a gendered crime and a violation of human rights.
- That significant long-term investment in NGO and government agency responses is required to develop a range of appropriate child protection interventions that interconnect and complement evidence based domestic, family and sexual violence prevention, early intervention and crisis initiatives and strategies including whole of school prevention and community-based behaviour change interventions which challenge entrenched gender inequality and violence-supportive attitudes whilst considering contributing factors such as homophobia, racism and discrimination.
- That any response developed to work with people who use violence must prioritise safety in the most meaningful sense for members of that family and their community. Risk and safety assessment for those impacted by the violence of an abusive family member is an ongoing, constantly evolving concept that must encompass analysis of a number of factors significantly broader than immediate physical security. This work is sophisticated and nuanced and requires specialists who have ongoing support, workforce development and supervision.
- That the “one size fits all”, programmatic approach has not worked. Victim-survivors of violence require a spectrum of interventions which are authentically client-centred and coordinated. Access to evidence-based interventions should not be postcode-dependent.
- All policies and practice relating to child protection must incorporate a nuanced understanding of the intersections between domestic, family and sexual violence and the impacts of trauma on families and communities, family law and recognise that access to long-term, safe and affordable housing is a key factor in recovery.
- There is a need to undertake ongoing collaborative design between FaCS, child protection services, diverse families, their advocates and experienced legal professionals including specialist DFV legal services, to ensure that FaCS' *Targeted Earlier Intervention Programs* are agile and responsive in meeting the needs of all vulnerable families in NSW and the early intervention elements of the 2014 Child Protection legislative reforms are implemented.
- That significant investment is urgently required to ensure appropriate workforce development on the impacts of domestic and family violence and complex trauma for frontline staff and management across all government departments but specifically in the child protection and justice systems.

Capacity and effectiveness regarding the risk of harm

"We want to be able to see families to regain their dignity and (in some cases) their lives and autonomy back."

DVNSW Member – Child Protection Inquiry Survey, 2016

Through online survey research undertaken with DVNSW members and qualitative interviews with domestic and family violence providers we have found that most domestic and family violence services identify that the current child protection system in NSW does not have the capacity to adequately investigate and assess many reports of children and young people at risk of significant harm (ROSH). We note that many of our services also identified that young people do not receive an adequate response in the current system.

"Soft entry points are crucial because of the isolating nature of DFV to women and children. However the current rules around mandatory reporting are often counter-intuitive with the health and well being of victims."

DVNSW Member – Child Protection Inquiry Survey, 2016

Members identified that the child protection system reflects a poor understanding of domestic and family violence, from programmatic planning approaches and under-investment through to inconsistent caseworker training and understanding of the impacts of violence and trauma and appropriate responses to families where violence is present. DVNSW notes there has been improvement in this area in the last few years and that coordination of major reviews such as the Child Death Review and Domestic Violence Death Review occur but that there is still much work to do. Child and family caseworkers are often under-resourced and systemic barriers prevent coordination of early intervention and prevention.

"Our general observation is that every effort is made by the helpline to respond appropriately but that case loads are often full and that unless immediately urgent, cases are not necessarily picked up by the department [FaCS]"

DVNSW Member – Child Protection Inquiry Survey, 2016

DVNSW members identified that the child protection system is solely crisis focused; reports of physical abuse are reported to receive a better response rate, however member services' submissions identify that FaCS cannot adequately prioritise or respond to other types of abuse such as emotional, psychological, parental alienation, all key factors in domestic and family violence and just as damaging to the development of children and young people.

"When we fax or phone our reports to [the] Helpline the response is timely, our concern is that there are some instances where no further action is taken and we don't have confidence that any cumulative build up of reports is undertaken. We are not confident that responses to DFV are trauma-informed in relation both to children and the non-offending parent. Especially with psychological harm, eg children witnessing DFV"

DVNSW Member – Child Protection Inquiry Survey, 2016

Practitioners were concerned FaCS is unlikely to be able to address or investigate a father's capacity to provide safety or be a safe person for the child to be around. For example, in cases where the father is an alleged perpetrator of domestic or family violence and has access visits, the focus is largely on the mother's capacity to provide a safe environment but there is little emphasis on the perpetrators responsibility for using violence or coercive control tactics. A perpetrator of violence doesn't have to show any ability that they can provide a safe environment or be a safe person for the child to be around. This reinforces a dangerous and unrealistic expectation that a victim can influence a perpetrator's behaviour⁵.

A number of member submissions noted that Chapter 16a and the flow of accurate and timely information is still poorly understood across the sector and therefore, there is inconsistent application. A further complication is that there is no formal or informal way to hold those who withhold information to account. Schools and FaCS were identified as being key institutional barriers to information being shared.

⁵ Lapierre, Simon, More Responsibilities, Less Control: Understanding the Challenges and Difficulties Involved in Mothering in the Context of Domestic Violence, Br J Soc Work (2010) 40 (5): 1434-1451

The child protection system's success in NSW relies on the core functionality of receiving, investigating and assessing reports; FaCS is the statutory body in NSW with key child protection responsibilities. A major concern of the current system is a well established one, while FaCS has raised the bar for those identified as being at ROSH in recent years and thereby has increased the number of those receiving a face-to-face response, there are still 70% of ROSH children and young people that are not receiving a face-to-face response, DVNSW believes that this is of grave concern.

DVNSW members articulated that the practice of mandatory reporting is a well established and frequently used procedure in the specialist DFV sector. We asked services to reflect upon the value of receiving responses to allocations and many articulated best practice to be the ability to provide ongoing support, information and referral for the child, young person, mother and/or family. From the number of responses provided that identified barriers to opportunities for this type of practice to consistently be applied DVNSW concludes that is frequently not the case.

"We use the Mandatory Reporters Guide but it does not always capture the seriousness of the situation. We also rarely receive feedback on reports"
DVNSW Member – Child Protection Inquiry Survey, 2016

We acknowledge the improvements made by FaCS to improve transparency of the Child Protection system however, when the majority of those reported cannot be followed up due to capacity issues we cannot just keep raising the bar to deal with the capacity of the system to work with the most high-risk families. We have seen a similar approach proposed for Safety Action Meeting referral for victim-survivors of DFV in *Safer Pathway* and we maintain that systems must be better resourced to deal with an increased number of families at risk rather adjusting a tool to capture a percentage that the system can process. While some matters may not trigger an immediate child protection response, there are still associated issues that have profound impacts upon children and young people that have life changing consequences to their normative development.

"[The] mandatory reporter's guide is not clear nor comprehensive i.e. a judgement needs to be made as to the impact of the circumstance in order to answer the criteria questions; or the circumstance needs reporting but falls outside of circumstances offered. FaCS child protection caseworkers can lack understanding of DV and in particular their use of power towards mandatory reporters."
DVNSW Member – Child Protection Inquiry Survey, 2016

The expectations of the child protection system and its ability to solve safety, welfare and wellbeing concerns for a child or young person if they have reported as at ROSH often do not match the reality; as noted in a number of member submissions. DVNSW draws to the attention of the Committee the siloed approaches in the child protection and domestic and family violence systems that has led to the development of two parallel systems that intersect poorly. A simple example of this is the multiple definitions of early intervention and crisis responses. A multitude of definitions and tools across different parts of the service system mean that there is a lack of understanding of basic understandings of key concepts such as collusion, the dynamics of intimate partner and family abuse, institutional grooming by perpetrators, risk and lethality assessment of the parent. The impacts of not having a common language across sectors means that there is often confusion between assessments and support systems leading to the disruption of timely, accurate and detailed information sharing and therefore a higher likelihood of a delayed and inadequate response.

"Information sharing continues to be fragmented and disjointed. Though legislation exists to obtain information under [the] 16a Care and Protection Act, it is decentralised by Area Health/Local Area Commands... [this is evidenced] even within Local CSCs and the Brighter Futures Unit. Often information is incorrect and poorly researched from handover from the local CSC and Brighter Futures. We still have to waste time chasing information. Child Wellbeing Unit information is never given and is only noted as an event number."
DVNSW Member – Child Protection Inquiry Survey, 2016

Our members shared case studies of a number of examples of systemic "victim blaming" within the child protection system in NSW. A particular disturbing case detailed exchanges of opinions by FaCS caseworkers of a mothers protective capacity, because she was deemed to be "too pretty" she was therefore judged more likely to get into another violent relationship. This directly delayed the return of two children living in Out of Home Care (OOHC) by a number of months, despite the specialist DFV service working with the mother, and the OOHC provider both recommending reunification after incredible strength, resilience and hard work to improve safety and well-being by the mother had been clearly documented.

The associated disempowerment and the impact that poor or biased judgement about victim-survivors of violence has in re-traumatising families is avoidable with proper training and coordination of systems. Research⁶ clearly demonstrates the potential impact of disempowerment for victims when they feel they are not believed. A lack of understanding risk and the complex dynamics of DFV can leave victims unprotected and children and young people languishing in OOHC when they do not need to be there.

“Women are often seen as the problem in not keeping their children safe when DV is identified as a child protection issue and are then poorly treated in the system in a punitive manner often with the removal of the children. This has a huge impact on the children, the already overloaded system and the women’s financial and housing status will be affected thereby minimising her chances of the return of her children. The system is overloaded at a local level.. [there is a] high turnover of staff, CP staff have little insight into available supports in the community.”

DVNSW Member – Child Protection Inquiry Survey, 2016

DVNSW recommendations:

- **FaCS should provide a suite of interventions that address DFV adequately and appropriate to diverse needs of families. Historically there has not been an appropriate way for FaCS to engage with the perpetrator of violence and hold them to account for their actions. There needs to be a consistent, integrated, systematic approach to improve the safety of a mother and her children while simultaneously working with a father to help him stop using violence.**
- **Access to best practice responses are inconsistent across NSW and dependent on many factors including geographical location, availability of coordinated referral pathways and the priority given to domestic and family violence in the district. Programs such as Staying Home Leaving Violence are a good example of consistent, integrated approaches to domestic and family violence for women and families but far more needs to be done to bring the DFV and child protection systems together harmoniously. Trauma-informed, evidence-based initiatives that hold perpetrators to account and support the ongoing safety of families must be accessible throughout NSW.**
- **Models for common assessment and outcome measurement need to be explored using peak and sector expertise with a focus on local models of service and integrated reform to ensure consistency in family safety across departmental reform processes.**
- **Government and domestic and family violence specialists must co-design strategies, tools and training around early identification of domestic and family violence, identification of the primary victim(s) and primary aggressor, using best practice to identify and manage ongoing risk to victim-survivors and their children as well as the perpetrator.**
- **That a taskforce with specialist legal experts, advocates and support services be set up to explore the diverse experiences of families impacted by domestic and family violence in the Family Court, Child Protection and legal and criminal justice systems in NSW with the purpose of improving responses to survivors of violence and vulnerable families.**
- **Investment in evidence-based appropriate soft entry points for victim-survivors and their children.**
- **An investment in appropriate workforce development on the impacts of domestic and family violence and complex trauma for frontline staff and management across all government departments but specifically in the child protection and justice systems.**
- **That the NSW Parliament make a long term, bipartisan government commitment and strategy to ensure a range of safe, affordable housing and support options are accessible to families impacted by DFV (as well as perpetrators of violence) including statewide expansion of Staying Home Leaving Violence, dedicated specialist DFV crisis accommodation, transitional, social and community housing and diverse private rental accommodation models.**

⁶ <http://anrows.org.au/publications/landscapes/domestic-and-family-violence-protection-orders-in-australia-investigation>

Adequacy and reliability of safety and risk tools

In our research and work identifying best practice with DVNSW members and local DFV networks across NSW over the last twelve months, a significant proportion of practitioners have identified the need for common risk assessment frameworks and tools to ensure that clients are getting a consistent support and referral approach. One example of this is the Domestic Violence Safety Assessment Tool (DVSAT). The DVSAT is now being used in a number of settings outside that which it was designed for⁷. The DVSAT should be evaluated for its usefulness and appropriateness of use in settings outside the Safer Pathways system.

A number of other risk and safety planning tools are in use by various agencies and support services in different community settings. NSW Health has significant expertise and well-evidenced evaluations of their use of routine screening tools with women in health settings. Other community-based organisations use visual tools and maps to work with women and children. Evidence-based practices and tools for risk assessment and safety management should be considered by a range of specialist services and government agencies as a matter of urgency to allow for consistency in application, method and response and culturally appropriate, client-friendly approaches to risk and safety.

“The concept of safety is complex and often a “safety intervention” results in collateral damage to families, and in particular, children. The time pressures and caseloads placed on workers do not allow for intensive and nuanced responses to high risk and complex issues that are necessary. Tools are one way of addressing risk. The most important element of safety is the capacity and freedom of a professional team to respond based on experience, complex thought and ethical decision-making, developed over time and in a safe working environment. Resources are lacking for this to take place.”

DVNSW Member – Child Protection Inquiry Survey, 2016

Services have also identified the need to assess perpetrator risk in addition to the risk to the woman and family. The MRG and DVSAT are the main safety and risk assessment tools our members use formally in their day-to-day work. DVNSW acknowledges that these tools are for use in the assessment of complex, rapidly changing situations. They consequently rely on a practitioner’s ability to easily access accurate information as well as having the skills to interpret and synthesise this information.

“I consider the tools inadequate in that they do not account for the individual and complexities that abound within the dynamic of DV”

DVNSW Member – Child Protection Inquiry Survey, 2016

We acknowledge that there is no perfect tool which can cover all situational and contextual risks but there are substantial opportunities to refine and update the current tools so the probability of conflict between tools and assessments is minimised. DVNSW note that the current tools are not necessarily reflective of safety, welfare and well-being for some high-risk groups such as Aboriginal, LGBTIQ and CALD communities or for people with disability and some family violence situations.

“The SDM tools utilised by FACS and Brighter Futures are cumbersome and overly prescribed - those of us who have many years experience find these assessment, tick box, processes interrupt practice - with corrections and the to-and-from upper management bites into time that could be spent with families and seeing children face to face. Though the Wood royal commission recommended more face to face time the ‘Structured Decision making tools’ procedures bit into more and more face to face time with children and families. Whilst DV is integrated into the assessment tools the definition of DV is not separated out from family conflict - which are not one and the same thing.”

DVNSW Member – Child Protection Inquiry Survey, 2016

DVNSW recommendations:

- **Practitioner experts from both the child protection and domestic and family violence sectors should be resourced to develop and co-design strategies and appropriate tools that acknowledge the intersectionality and conflicts between the MRG and DVSAT. The working group should be convened as a matter of urgency (preferably in time for the next MRG review).**

⁷ The DVSAT was developed in 2014 for common risk assessment by Police and referral through the Safer Pathway system to the Women’s Domestic Violence Court Advocacy Service system (WDVCAS).

Both systems should be complimentary and the MRG needs a more sophisticated integration of the most up to date best practice on DFV.

- Consistent standards and pathways for domestic and family violence risk assessment, referral and management should be implemented and supported by a well resourced, integrated DFV system that has specialist and mainstream services working with mutual respect for each other's expertise.
- That ARACY's principles for strengths-based practice, shared values and common approaches to risk assessment and early intervention be embedded in domestic and family violence and early intervention systems.

Resourcing the non-government sector

Non government services are underfunded to adequately respond to domestic and family violence in NSW. Our member services consistently report being at, or over, capacity and substantially exceeding client targets. With an increase in reporting and an increase in referrals for mainstream and specialist DFV services (including soft entry points) there are substantial service capacity issues across the state and relatively little investment in frontline service responses or flexible approaches to working with vulnerable families.

"We have really been able to identify the amazing success of our Break Free program for primary school aged children focusing on the impact of DV on the children; DV supported playgroup enhancing bond between mother and child. The luxury of flexible programming."

DVNSW Member – Child Protection Inquiry Survey, 2016

In 2015-2016 specialist DFV services and networks have identified gaps in:

- responses to children and young people as victims of DFV in their own right,
- appropriate responses for Aboriginal and Torres Strait Islander families and communities
- access to appropriate responses for diverse CALD communities,
- accessible service responses working with women, men and/or children with disability,
- specialist services supporting women and families with complex needs such as mental health issues, drug and alcohol dependency,
- services that can work appropriately with LGBTIQ people, couples, young people and families impacted by violence,
- perpetrators of violence
- and access to specialist DFV counselling for all victim-survivors

DVNSW members include a number of mainstream, youth and family support services delivering domestic and family violence services as part of their core work. Members have identified a number of key resourcing issues relating to the non-government family support and youth sector. The capacity of these services to work with vulnerable children, young people and families has also failed to increase with the correlated increase in demand as a result of stretched resourced. This particularly impacts on clients in rural, regional and remote areas where access to any type of support service can be extremely challenging.

Services identified:

- If they are in crisis, children and young people often have a clearer and faster pathway to safety. For those who do not meet the threshold of ROSH or where cumulative harm is not considered with a gendered and/or DFV lens, children and young people are substantially more likely to fall through gaps.
- Caseloads are reportedly increasing across the sector and investment does not reflect the increased risk NGOs are now officially carrying. We note that many services have always carried this risk but in

the past there has been an absence of an accountability framework attributing this risk. Staff turnover, vicarious trauma and burnout are concerns within the sector.

- There is no funding or current strategy for investment into evidence-based child and youth specific workers who specialise in DFV in NSW, leading to an inconsistent, under-resourced and often poorly informed response.
- Diminishing access and ability to refer and support victims who require safe and affordable short, medium and long-term housing options.
- Limited evidence-base, investment and specialised workforce for working with children and young people perpetrating violence.
- Lack of understanding outside specialist DFV services of the breadth of the effects that DFV and trauma have on children and young people and their normative development. This leads to a hit and miss culture of response often due to the sheer variety of organisations (with a lack of DFV understanding) that may be involved.
- Many specialist agencies and services can only respond to women and children who are leaving or will leave violence. Systems and funding structures make it difficult to appropriately support women and children who are still living in the violence.

As noted earlier in this submission, the responsibility of protection is often forced onto the mother as a protective caregiver. NGOs note their extreme frustration with a victim-blaming culture that makes mothers responsible for keeping a violent father away from her children and the associated consequence on the impact of the continuing trauma experienced by the mother and her children as individuals.

“When young children are involved with sexual abuse allegations and evidential material isn’t sufficient to prosecute, the child/ren are still provided with contact with dad and exposed to further risk. Mother and children are left with no option but to continue with Family Law arrangements and thus children are exposed to further risk and this creates further danger to the child. Child protection should override Family Law. Interview rooms and techniques are often not conducive to children who have experienced trauma feeling safe enough to disclose.” DVNSW Member – Child Protection Inquiry Survey, 2016

We have worked with a number of women who have experienced systemic barriers to keeping their children safe – through the child protection, health and family court systems. Systems commonly collude with the abusive partner because of a lack of understanding about the impacts of trauma and abuse on a mother and her children. There is still extensive lack of institutional understanding about the coercive control of perpetrators including using systems to further abuse and control an ex-partner through access to children.

“When the mother is assessed as non-protective and the children are removed, causing further trauma to mother and children. Removal of the perpetrator would have removed the problem and enabled the mother to access help for herself and the children.” DVNSW Member – Child Protection Inquiry Survey, 2016

“We see situations where violent partners are given access to children. This is often used as means to continue manipulating the ex-partner. Even if the perpetrator breaches parenting agreements there is no action taken. The courts do not see this in the context of DFV and a history of manipulation. We also see situations where the woman has the child but the ex-partner gets the payment. This arrangement exists because of threats to drag the women through the courts, and maybe have her lose the child if she objects.” DVNSW Member – Child Protection Inquiry Survey, 2016

NGOs are increasingly being relied upon to share a high level of risk in child protection and domestic and family violence matters. Whilst there are some examples of positive relationship building at a local level, the 2014 Going Home Staying Home/SHS sector reforms fractured many relationships crafted over a long period of time with an immeasurable impact. These reforms coupled with a substantial ongoing reform of the Department of Family and Community Services (and further reforms to come) mean that we have lost substantial historical and content knowledge, both within the department and the sector. This has had devastating impacts at a local level. Services report a strong correlation between the level of understanding of DFV in their local FaCS District office, the collaborative approach of their local district, the extent to which their local district shares up-to-date, relevant data to improve their local system and the prioritisation of early intervention and DFV responses.

"Loss of long term FaCS staff this has resulted in new people with limited knowledge of the local dynamics and needs. Large tenders are predominately awarded to large organisations with little or no local footprint and it takes years for the organisations to gain trust at a local level. Place based growth is important as well as reputations and integrity."

DVNSW Member – Child Protection Inquiry Survey, 2016

DVNSW recommendations:

- A. NSW Government to commit to developing a sustainable, well-resourced sector. This requires government to commit to long-term, dedicated funding for specialist family and domestic violence services for minimum 5 year contract periods. We note that domestic and family violence services identify the need for a simplified funding model and structure that:**
 - 1) is commensurate and responsive to the level of demand and range of services needed**
 - 2) is secure, sustainable, transparent and accountable**
 - 3) guarantees specialist DFV services can perform their core business, including crisis response, accommodation and outreach, specialist child support, post-crisis support, prevention and early intervention programs, client advocacy, case management and safety planning, telephone support including after hours, shelter for pets, assistance to find housing, employment, education and training, therapeutic work (group and individual), partner support for Men's Behaviour Change Programs, developing and building local networks, specialist support for women with disability, LGBTIQ, Aboriginal, CALD, older women, young women etc**
 - 4) enables specialist DFV services to attract and retain a specialised, skilled workforce with appropriate conditions, salary rates, and professional development and career progression opportunities, and**
 - 5) enables services to support a wrap-around service system, whereby specialist workers can be employed to work with children, Aboriginal women and families, people who identify as LGBTIQ, people with mental health issues, people with disability, and perpetrators where appropriate.**
- B. That an NGO domestic and family violence specialist regional coordinator position be established in each FaCS/Health district and resourced to grow and maintain connections between specialist and mainstream NGOs, government agencies and communities including regular mapping of the service system and gaps, identifying local emerging issues and supporting best practice responses to domestic and family violence.**
- C. That a working group be established to explore flexible models for access to brokerage, support periods, outreach and counselling in a range of specialist service environments (SHS, SHLV, refuge and crisis accommodation, outreach etc).**
- D. NSW Government should explore the success of established programs such as Breathing Space in Western Australia and consider options for short and medium term removal of perpetrators with wraparound behaviour change programs, trauma specialists and access to drug and alcohol programs in specialist perpetrator residential services.**

Aboriginal and Torres Strait Islander children and young people and high risk communities

Significant reform is needed to address the over-representation of Aboriginal children and families across the child protection system⁸. In 2014-15, Aboriginal and Torres Strait Islander children were seven times as likely as non-Indigenous children to be receiving child protection services in NSW, and ten times as likely to be in out-of-home care⁹.

DVNSW commend our colleagues at the NSW Aboriginal Child, Family and Community Care State Secretariat (AbSec) peak body for their work in partnership with FACS, culminating in the development a five year plan, known as *The Plan on a Page for Aboriginal children and young people*¹⁰. The plan outlines the actions needed to commence these reforms, improving outcomes for vulnerable Aboriginal children and families. *The Plan* calls for greater participation of Aboriginal communities in the design and delivery of child and family services, as well as the development of a statewide safety-net of Aboriginal community-controlled organisations delivering holistic Aboriginal child and family services that are tailored to the needs of families and communities. While *The Plan* outlines a succinct pathway for reform, DVNSW looks forward to working with our colleagues in government to ensure that the voices of survivors of violence further focus on the impacts of domestic and family violence and trauma as well as acknowledgment of the significant links between violence experienced in the family and community context and the removal of children and young people.

“While supports are deemed available, they are often not culturally appropriate or aware of the community at a local level. Inherited history is often overlooked and not always considered in working with ATSI communities.”

DVNSW Member – Child Protection Inquiry Survey, 2016

There is a considerable effort that needs to bring together the expertise of the DFV and sexual assault sector, the Aboriginal and Torres Strait Islander child and family sector as well as the child protection sector to develop a strategy to target the shameful overrepresentation of Aboriginal children, young people, families and communities impacted by violence. Choice of services responses and the ability to have autonomy and culturally safe and competent support is imperative for successful outcomes for children and young people.

“Some clients don't want to access ATSI specific services. Some services are too full. The workers of these services co-case manage and collaborate very well to address some of the capacity issues.”

DVNSW Member – Child Protection Inquiry Survey, 2016

Our Watch's¹¹ national prevention framework offers an unprecedented opportunity to develop specific, nuanced, community-based strategies for prevention work that are designed and engage local populations to lead their own prevention initiatives. NSW has significant gaps in strategies to address violence in high-risk populations and communities that experience barriers to accessing services. A number of proposals have been proposed to address the gaps in accessibility for Aboriginal and other high-risk communities who have barriers to service access – examples include People With Disabilities Australia's (PWDA) proposal for improving DFV service provision and tailored prevention work with women with disability, various proposals for work with women, young people and men in culturally and linguistically diverse communities, proposals for specific work with men and boys and the *Hey Sis* Aboriginal Women's peer support sexual violence network program.¹² Given that high risk communities are often significantly more at risk of being impacted by violence and are less likely to identify abuse or intersect with support services, we have a compelling and urgent need to concretely address their experiences through tailored community led prevention work and well resourced support networks.

In order to address these gaps systemically and with a long term shared vision, significant work must be undertaken engaging practitioners, policymakers and community leaders to design structures and programs that will work in local settings and build on existing practice wisdom. Minister Goward's 2014 *Violent Domestic Crimes*

⁸ Australian Institute of Family Studies (2015). Fact Sheet- Children in Care.

⁹ Australian Institute of Health and Welfare (2016) Child Protection Australia 2014/15

¹⁰ <http://www.absec.org.au/images/pdf/PlanforAboriginalChildrenandYoungPeople.pdf>

¹¹ [http://www.ourwatch.org.au/What-We-Do-\(1\)/Respectful-Relationships-Education-in-Schools-\(Vic](http://www.ourwatch.org.au/What-We-Do-(1)/Respectful-Relationships-Education-in-Schools-(Vic)

¹² NB at the time of writing, none of these initiatives have received government funding.

Taskforce hosted Aboriginal, CALD and legal roundtables to bring community together to discuss key issues. This type of commitment to co-design could be embedded into long term commitments and strategies for ongoing dialogue between community, practitioners, peaks and government to more effectively promote high risk population strategies.

"We need models that truly reflect community needs, are targeted and specific to the domestic violence needs of a community"

DVNSW member forum participant, 2015

DVNSW recommendations:

- **Government and community taskforces with diverse representation to co-design specific approaches to prevention, early intervention and best practice responses for high-risk populations including Aboriginal, culturally and linguistically diverse and LGBTIQ communities and people with disability.**
- **Tailored high-risk community approaches to prevention in collaboration with the Aboriginal community and Aboriginal led services.**
- **Implementation of a NSW Aboriginal Family Violence Strategy with a priority given to exploring the work undertaken in Aboriginal communities in relation to perpetration of violence. The *Aboriginal Family Violence Strategy* would intersect with a strong, well-resourced Aboriginal Family Violence Prevention Network to develop consistent and evidence-based best practice initiatives to supporting Aboriginal women, families, men and communities impacted by violence and trauma.**
- **A NSW Aboriginal Women's Advisory Group with members having expertise in sexual assault and DFV should be established and meet regularly with relevant Ministers and Departmental Secretaries to ensure Aboriginal people have ongoing opportunities to contribute to the development and implementation of the NSW Aboriginal Family Violence Strategy and any other strategies or policies relating to the women of NSW. Regional networks within Aboriginal communities also need to be established and resourced to ensure ongoing conversations about sexual assault and DFV which will feed through to the NSW Aboriginal Advisory Group.**
- **An ongoing investment and development strategy in capacity building of the Aboriginal sector to develop holistic Aboriginal child and family services, focusing on areas of current Aboriginal community controlled service gaps.**

Sector Development

There is a lack of coordination in relation to sector development across an increasingly diverse sector and it is challenging to develop coordinated responses when even government departments are unaware of the breadth of work being undertaken by practitioners and services across frontline crisis services, early intervention and prevention services, Child Protection, Justice, Health, Education and Police.

DVNSW's mission is to eliminate violence by supporting the sector and government to improve service and policy responses to women, families and communities impacted by domestic and family violence. Following major internal structural change in 2015 we now have more than fifty member organisations representing diverse specialist practice models and services working in communities throughout NSW. The NSW Women's Refuge Movement (WRM) had a strong history of developing client-centred practice and innovation through multiple sets of reforms whilst also managing a number of frontline services working with women and children. As an independent non-service delivery peak model this means that we are able to advocate for the best outcomes for women, families and communities impacted by domestic and family violence rather than a specific service model.

DVNSW has a key role in the NSW domestic and family violence system and in developing good policy and best practice. We are developing new governance and policy development structures so that a diverse range of practitioner perspectives from our membership can continually inform the policy work of the peak. We survey all organisational members regularly to create robust policy positions and provide advice to multiple government departments including NSW Department of Family and Community Services, Department of Justice, NSW Police, Women NSW and the Department of Premier and Cabinet as well as the Commonwealth.

In 2013 DVNSW and Rape and Domestic Violence Services Australia brought together a number of peaks and specialist statewide representative organisations working in sexual assault and domestic and family violence, which resulted in the creation of the NSW Women's Alliance. DVNSW co-convenes and provides secretariat functions for the NSW Women's Alliance. We have developed solid internal and external structures to assist us to act as a sounding board and critical friend to government and to provide advice on emerging grassroots issues in relation to domestic and family violence and child protection policy and practice.

DVNSW see its role as a peak body to bring together expertise from the DFV sector and assist with strategy and implementation of the recommendations contained within this submission. There must be a vision to bring consistency and convert the public interest and social awareness levels we now have surrounding DFV and the expertise of practitioners in diverse sectors to improve and shape a better child protection system in NSW.

DVNSW recommendations:

- **Minimum standards and accreditation for DFV specialist services– a number of DVNSW member services and services working with women and families are already delivering programs where adherence to minimum standards is required. Throughout our work with the sector in 2015 there has been a strong endorsement for the development of minimum standards and a statewide quality assurance framework for domestic and family violence service provision, which would include NGO and government services and practitioners.**
- **Outcomes measurement – development of a core set of measures that would align with multiple sets of national and state frameworks concerned with improving the safety of women, children, families and communities. DVNSW has worked with FaMS and RLG Australia to scope the potential for better client outcomes throughout specialist and mainstream service provision. The domestic and family violence sector has voiced its desire to develop common indicators to evaluate and measure the success of its work.**
- **Development of a DVNSW code of practice for service delivery – initial scoping work for a code of practice for domestic and family violence service delivery is being explored through our Industry Partnership Project. Implementation of a code of practice would require support for some services and the creation of tools, templates and model policies.**
- **DFV and child protection sector development and partnerships – DVNSW has a key role to play in the ongoing development of the sector, workforce development and strategies to encourage sector and business partnerships (including social impact investment opportunities). Increased interest in the issue of domestic and family violence from outside the service sector means that there are opportunities for educational institutions and the peak to work collaboratively to develop modules for sector workforce development, core units of competency for mainstream practitioners, government employees and basic understanding for non-DFV workers.**
- **Long term investment in sector development and opportunities to share practice wisdom across the domestic and family violence and child protection systems.**
- **Sector experts to be resourced to work with RTOs and training bodies to recognise, value and embed the expertise developed by practitioners and services working with vulnerable families.**