

Submission to the Department of Communities
10 Year Strategy for Reducing Family and Domestic Violence Consultation Paper
30 May 2019

The Western Australian Council of Social Service Inc. (WACOSS) welcomes the opportunity to make a written submission to inform the development of a 10-year strategy for reducing family and domestic violence.

WACOSS is the peak body of community service organisations and individuals in Western Australia. WACOSS stands for an inclusive, just and equitable society. We advocate for social and economic change to improve the wellbeing of Western Australians and to strengthen the community services sector that supports them. WACOSS is part of a national network consisting of ACOSS and the State and Territory Councils of Social Service, who assist people on low incomes and experiencing disadvantage Australia wide.

WACOSS welcomes the State Government's commitment to addressing family violence with the creation of a special Ministerial portfolio and co-design of a 10-Year Plan. The collaborative approach to the development of the 10-year plan gives WACOSS confidence that it should include the effective outreach, integrated service models and earlier intervention responses, as well as specific strategies that address the risks to women and children that are urgently required to cohesively address the intersectional issue of family and domestic violence in WA.

During development of this strategy, there is also a need for interim measures to ensure existing initiatives and momentum are not lost, given the time necessary for effective co-design of the plan.

Recommendations

- Greater investment in primary prevention initiatives and research to end family and domestic violence
- Support for Aboriginal women leaders to drive, design, develop and deliver solutions for their communities
- Increase refuge capacity and create a rapid rehousing initiative
- Court discretion to refer people subject to a Final Violence Restraining Order to participate in mandatory behaviour change programs
- Legislate outstanding recommendations from the Law Reform Commission inquiry into the WA Criminal Code
- Develop workforce capacity, including increased support for regional and remote teams as well as Aboriginal community-controlled services
- Engage in community education activities

- Establish a Family and Domestic Violence Consumer Advocate Group
- Continue the roll out of the Respectful Relationships program
- Provide support for women on temporary visas
- Ensure the Department of Justice’s Family Violence Service is responsive to need

Preventing family and domestic violence

Family and domestic violence is often interwoven with poverty. Poverty can be a trap that prevents women being able to leave an abusive partner, just as escaping an abusive relationship can see women fall into poverty. Further, the added stress on individuals and relationships of financial hardship, when difficult choices have to be made about what to go without, can heighten the risk of family conflict and physical harm.

The 100 Families WA collective action research project is engaged in a three-year longitudinal survey (including four survey waves in total) and fortnightly interviews for a year in order to support a deep understanding of the experiences of families facing entrenched disadvantage and hardship in WA. This project is a collaboration between the University of Western Australia, WACOSS and seven other not-for-profit community organisations.¹

The baseline longitudinal survey was completed with 400 families living in 115 suburbs of Perth conducted in late 2018 and early 2019. The median age of survey participants was 43.9 years, 33.3 per cent identified as Aboriginal, 42.5 per cent did not complete high school and 69 per cent were female.

The baseline survey found that 78 per cent of participants had experienced family and domestic violence in their lives. This included witnessing it in their home while growing up, having violence committed against them by a partner, or being violent towards their partner.

There is widespread agreement that a long-term approach is needed to prevent violence from occurring or re-occurring and ensure safety for victims. There is also recognition that the cross-cutting nature of family violence means that an effective strategy must integrate with other service systems and related plans, including child protection, financial hardship, housing and homelessness, mental health, and substance misuse.² A recent opportunity for such essential integration exists in the long-term State Women’s Plan under development.

There is also a need to address systemic factors within the judiciary and statutory systems that, despite a number of guidelines and sets of principles developed to inform best practice for family and domestic violence, still create barriers to women seeking assistance and safety. WACOSS is in frequent receipt of advice from the sector of instances where women have experienced barriers to safety and justice due to a culture that has not changed to align with best practice recommendations and plans, such as the *Family Violence Best Practice Principles (FVBPP)* or the *WA FDV Common Risk Assessment and Risk Management Framework (CRARMF)*.

¹ 100 Families WA <https://100familieswa.org.au/>

² Department of Social Services (2011), *National Plan to Reduce Violence against Women and their Children 2010-2022*.

As is recognised in the Discussion Paper, problematic and unacceptable attitudes to family and domestic violence in society have remained stubborn and pervasive, and our systems and institutions are not immune to harbouring these attitudes. Cultures of victim blaming and denial are still operating systemically, and regularly jeopardise the safety of victims seeking support and services.

For many experiencing or at risk of experiencing FDV, significant barriers still exist to them accessing the service system and the supports they require. These barriers arise from a culture still operating in the police, judiciary, and statutory systems, beginning at outset with subjective referrals from Police.

Despite the research showing that, if anything, women are more likely to minimise or underreport instances of FDV, WACOSS has been informed that a pervasive view that women fabricate accounts in Family Law hearings, including that they make false allegations of FDV, still exists. WACOSS is hearing reports of practice that is in contrast to CRARMF guidelines,³ such as police often listing both women and men as person of interests, rather than taking time to identify if there is a primary perpetrator. Police incident reports are crucial, often forming the only piece of independent evidence in violence restraining order cases and Family Court proceedings. In addition to the potential for these to misrepresent those seeking safety and justice, WACOSS has also been advised by legal practitioners working in FDV that there is then potential for further misrepresentation at the point of the judiciary, with incident reports often taken as factual record rather than the subjective account that they are.

For any new plans or initiatives to be truly effective, accountability for both police and judiciary to the CRARMF and FVBPP must be embedded, with investment in sufficient workforce development to understand and implement. WACOSS therefore welcomes the announcement of \$2.1 million of funding in the recent State Budget for the Western Australia Police Force to develop a Family Violence Code of Practice and training to frontline police officers, particularly the specific policies for investigations involving Indigenous victims.⁴

The state-wide Coordinated Response Service (CRS) triage model is currently over-subscribed in many regions. Further, there are a range of victim cohorts who are excluded from the CRS. The recent introduction of a three tiered threshold system means that some victims do not receive a response because risk is deemed low – where there are no children involved and there is no VRO or criminal charges pending – despite there being no investigation. Victims who do not have a Domestic Violence Incidence Response (DVIRs) referral to the CRS are also excluded, with at best CRS team informally alerted to these victim's circumstances on an *ad hoc* basis. The presence of child

³ Department for Child Protection and Family Support (2015) *Western Australian Family and Domestic Violence Common Risk Assessment and Risk Management Framework*

<http://www.dcp.wa.gov.au/CrisisAndEmergency/FDV/Documents/2015/CRARMFFinalPDFAug2015.pdf>

⁴ Hon Simone McGurk MLA and Hon Michelle Roberts MLA (2019) '\$30/0 million boost to tackle family and domestic violence' *Media Statements*, Government of Western Australia

<https://www.mediastatements.wa.gov.au/Pages/McGowan/2019/04/30-point-9-million-dollar-boost-to-tackle-family-and-domestic-violence.aspx>

protection and police personnel can act as another barrier for victims reluctant to become engaged in statutory systems because of earlier adverse or unhelpful experiences.

A range of community education activities is needed to raise awareness of domestic violence in our community. Early intervention initiatives are essential in effectively challenging and changing violence supporting attitudes in a society. The *WA Respectful Relationships Teaching Support Program* in education has been shown to be an effective primary prevention strategy to raise awareness that violence in families and intimate relationships is not acceptable, and universal embedding of it in school curriculums across the State would be an appropriate measure against the inter-generational perpetuation of family and domestic violence. The University of Technology Sydney 2019 evaluation of the *Breaking the Silence* primary prevention schools program highlighted the importance of realising a whole-school approach to develop a broad and comprehensive plan involving the executive, teacher, students and parents, while also extending into the local community.⁵

As the Discussion Paper recognises, preventing violence against Aboriginal women must be a priority, given their disproportionate rate of abuse.⁶ Aboriginal and Torres Strait Islander women are 2.2 times more likely than non-Aboriginal women to experience homelessness, 3 times more likely to experience sexual violence, 5 times more likely to experience physical violence, 35 times more likely to be hospitalised due to family and domestic violence, and twice as likely to die as an outcome of violence.⁷ WACOSS supports the recommendations of the Noongar Family Safety and Wellbeing Council – who highlight that these drastic and unacceptable gaps in outcomes for Aboriginal families will not be reduced effectively without greater self-determination for Aboriginal Community Controlled Organisations (ACCOs) delivering culturally relevant early intervention services, achieved through a transition of funding and decision making to ACCOs.

Supporting children and young people who witness and are victims of FDV is also imperative to breaking the cycle. This too requires a priority focus on preventive and early intervention measures for Aboriginal families and children, with Aboriginal children being over nine times as likely to be removed from their families,⁸ for which FDV is a major contributing factor.

There is a strong need for coordination, information sharing and cross-referral between child protection and family violence services, and for a more nuanced and supportive approach to be taken to women and children who are victims of family violence in child protection assessments. We are particularly concerned by the number of account where women and children fleeing family violence and seeking support find that the combination of their lack of secure housing and the exposure of their children to witnessing family violence become grounds for child removal (now the major factor noted under ‘emotional abuse’). Child removal often occurs after they have escaped

⁵ P Simoes dos Santos, S Duxson, N Burrridge, K Miller, A Chodkiewicz, A Ellinson (2019) *Evaluation of ‘Breaking the Silence’ Schools Program*, University of Technology Sydney

⁶ Our Watch (2018) *Changing the Picture: Preventing violence against Aboriginal and Torres Strait Islander Women*

⁷ Our Watch (2014) *Reporting on Family Violence in Aboriginal & Torres Strait Islander Communities*

https://www.ourwatch.org.au/MediaLibraries/OurWatch/Images/ourwatch_reporting_on_a-ts_family_violence_aa_v1.pdf

⁸ Ibid. Noting the removal rate for Aboriginal children in WA at **18 times** is twice as high as the national figure and represents the highest over-representation rate for first nations children in the world (WA Budget Papers 2020-21).

the threat of violence, and is not in the child's best interest. We need to encourage and support victims of family violence to seek safety and support services, not create additional barriers to keeping children (and women) safe.

A coordinated approach to supporting children and young people experiencing FDV will entail both therapeutic and educational activities in their plan. It will also involve advocacy on behalf of the child or young person when they are not well positioned to articulate their needs. Victoria has developed a practice guide aimed to support workers to assess the safety and needs of infants, children and young people affected by family violence and that could be adapted to guide practices in WA.⁹

Prevention and early intervention initiatives must also take into account that pregnant women, women with disabilities, those experiencing financial hardship, and those who have witnessed or experienced FDV as children are at an increased risk of experiencing FDV themselves,¹⁰ and ensure services are sufficiently targeted to these cohorts. Ensuring that the proposed plan integrates with other Government plans and initiatives will enable more effective integration of services across Government and community sectors, which can in turn enable those most at risk to be identified sooner and connected with preventative support and assistance.

Victim Safety

Funding is needed for case workers to support people experiencing family and domestic violence, in a flexible and mobile service model to uniquely tailor responses that enhance their safety, well-being and independence. Support must also be available in the longer term, after the initial crisis, but while the survivor is still socially, emotionally and economically vulnerable. These additional supports can be attached to current FDV support providers, including refuges, Coordinated Response Services and counselling services. A range will facilitate integration with other local providers and provide the victim with greater choice, thereby countering some of the barriers that different groups encounter.

It is also crucial that the State Government examines how it can address the needs of women on temporary visas escaping family violence. This group of women and children escaping family violence are ineligible for basic government services, such as Medicare, Centrelink and public housing. Without support many are forced to remain in or return to a violent relationship. As a result, workers in women's shelters are often reluctant to discharge them, creating bottlenecks in the system. WACOSS urges the Government to increase brokerage funds, possibly through the existing *Women Without Income* brokerage project.

During the development of the 10-year strategy, there is a need for interim measures to ensure existing initiatives and momentum are not lost, given the time necessary for effective co-design of the plan. For example, a multicultural women's service that established a culturally-secure service

⁹ Department of Human Services (2013) *Assessing children and young people experiencing family violence – A practice guide for family violence practitioners*, Victorian Government <https://providers.dhhs.vic.gov.au/assessing-children-and-young-people-experiencing-family-violence-practice-guide-word>

¹⁰ Australian Institute of Health and Welfare (2018) *Family, domestic and sexual violence in Australia*, Australian Government <http://www.5050foundation.edu.au/assets/reports/documents/aihw-fdv-02.pdf>

with interim funding, anticipated that funding would become available on completion of the plan. The service now expects to shut down, let staff go and leave existing clients unsupported only to have to rebuild the service once program administration is finally in place. Withdrawal of Federal funding from the *Safe at Home* program is having a significant impact at the community level.

Effective victim support also requires trained and experienced first responders and judicial staff, who are currently ill-equipped to provide appropriate support. Developing workforce capacity to ensure quality and consistency in responding to victims' needs trauma informed principles needs to be embedded in ongoing strategies and practice.

The Department of Justice's Family Violence Service provides court support, advocacy, information and referral, and assists victims develop a safety plan. The service model has recently been re-structured, relocating workers from the courts in Armadale, Joondalup, Fremantle, Rockingham and Midland to the Perth office on a part-time basis. This re-structuring was designed to spread resources to create a more responsive service, however an unintended consequence is that some victims now cannot access timely support. WACOSS has heard reports of women who, arriving at a local Court and finding it unstaffed, are reluctant to proceed with a Violence Restraining Order because it entails either travelling to Perth or waiting for a specially trained worker to be available a day or two later. WACOSS is aware that the government is currently reassessing the revised service model with relevant stakeholders to ensure that victim's safety is not compromised, and we urge that this issue continues to be addressed and monitored as needed.

Security for victims attending court to apply for restraining orders urgently needs improving, especially for survivors who do not have legal or court representation. This can happen by increasing the number of security staff in some courts as well as better training for existing security staff, who can be intimidating and discourage victims from attending. In some courts, especially regional ones, victims end up sharing a waiting room with the perpetrator and, while there can be an option of a remote room, there are often problems with how they work in practice. Many un-represented victims do not know about these rooms and therefore do not request them, the room may not be available, court staff can be reluctant to arrange access, or access is often refused in urgent applications because court staff claim there is not time to make arrangements. Victim security should be a fundamental right that is extended and easily accessible to all, regardless of location and circumstances.

Resources need to be allocated to increase the number of restraining order applications made by police. While police have the ability to apply for restraining orders on behalf of victims, they rarely do so. WA is out of line with other jurisdictions, where police routinely make applications on behalf of victims in order to take the onus off the victim.

Action to improve the amount of information provided by police in FOI requested incident reports to allow FDV victims to complete effective Criminal Injury Compensation applications can also be improved. Incident reports are frequently redacted to the point where they provide very little useful information without due cause. We note that WA Police have developed an expedited process based

on modified templates for the FOI release of traffic incident reports¹¹ to enable them to quickly and simply release them with confidence, rather than going through the time-consuming and expensive process of FOI redaction. We recommend similar processes are developed for FDV incident reporting templates and FOI processes.

Better FDV training for police officers and more robust and effective police FDV policies are needed. Transparency in police capacity building also needs to be elevated, with some inconsistencies in training and policy across different police stations and regions. This includes how breaches of restraining orders are dealt with, and whether victims are charged with offences that arise out of self-defence in FDV situations. Equally, we need to ensure that the judiciary, court staff and the legal profession receive regular and appropriate family and domestic violence training.

Perpetrator accountability and behaviour change

Holding perpetrators accountable is essential to promoting the safety of women and children and to delivering long-term change. Implementing and supporting behaviour change programs with a focus on accountability must form a key consideration of the Strategy.

WACOSS recommends providing the courts with the discretion to refer people who are subject to a Final Violence Restraining Order (VRO) to participate in mandatory behaviour change programs. The staged roll-out of mandatory court ordered Men's Behaviour Change programs, beginning in nominated metropolitan and regional sites, will allow learnings to be applied in subsequent locations.

Part of this response also involves a cultural shift in focus from the victims of family and domestic violence to the perpetrators. Often in our discussions of family and domestic violence, it is talked about only as something that people experience or is done to them, rather than actions that people commit that must be addressed. These programs must be culturally-appropriate and safe to ensure that behaviour change programs can reach as many people as possible.

Safe, accountable and collaborative service system

State-wide planning must be informed by consultation and engagement across sectors and communities. Lived experience plays a critical role in co-designing more effective responses, so we need to ensure the proactive inclusion of victim survivor voices. To this end, WACOSS recommends the establishment of a family and domestic violence consumer advocate group.

The proactive inclusion of the voices of people with lived experience can be critical in ensuring service systems are designed to be welcoming, supportive and responsive to the differing needs of survivors of family violence.

¹¹ Update to the Supporting Communities Forum Data Sharing Working Group, 20 May 2019.

Consumers should be recruited and supported through local services and networks, to create and act as a body that advises government about policy and service models. Supported by and working with the *Family and Domestic Violence Unit*, their perspectives should also feed into the *Supporting Communities Forum* and Cabinet sub-committee processes. There will need to be a framework of checks and supports to ensure the members ongoing safety and wellbeing.

Effective victim support also requires increased support for regional and remote teams, who often miss professional capacity building opportunities. An inclusive workforce development strategy that ensures staff are representative of and able to respond to the needs of people from diverse backgrounds is also important.

Community plays a crucial role in assisting individuals and families to address issues such as family and domestic violence. This is why place-based approaches are needed, as they empower communities to develop solutions that deliver meaningful outcomes to local issues using their respective strengths, knowledge and experiences as the foundations of the response to the problems. Families experiencing complex and entrenched disadvantage are already strong in important ways, but we need to get behind them to make them stronger. We need to recognise the critical role that stronger families and communities can play as the primary source of support for those facing significant life challenges.

As the underlying causes of social issues can become visible sooner, place based approaches can in turn lead to earlier intervention and prevention. Further, place based approaches are oriented towards designing strategies to address causes before they worsen, meaning they can become self-generating and lead to more sustainable and socially just change.

Effective community consultation in priority setting and service co-design is critical, but it must also be informed by cross-agency data on community need, local services and outcomes. There needs to be the capability and cooperation within local community service networks, consumer representation and lived experience to participate in co-design processes. Local public sector managers need the delegated authority to make decisions about joining up programs and budgets to enable joint commissioning. This is easier with a new service or area, and with new enabling funding (for example, as part of the local roll-out of the family violence strategy). Sufficient time needs to be committed to an inclusive process, driven by clear and consistent guidelines for co-design processes to ensure transparency of processes and clarity of expectations.

The Strategy must also incorporate an outcomes framework that directly aligns with the whole-of-sector Outcomes Framework being developed by WACOSS, the Department of Premier and Cabinet, and the Supporting Communities Forum.

An outcomes framework offers the opportunity to co-design innovative service delivery at population, agency, program and place-based levels. Because the efficacy of service delivery is at the forefront of an outcomes commissioning process, it ensures service flexibility and responsiveness in the service design process, and also indicates how we measure our collective impact. A shared framework for evaluating service outcomes is imperative to inform sector investment and facilitate a

more consistent whole-of-government and whole-of-sector approach. It is also essential to achievement of improved community outcomes.

This kind of service architecture is critical in supporting those who are experiencing complex need and entrenched disadvantage, areas where traditional service models and siloed funding programs have repeatedly failed to make inroads. In a period where our community sector faces the combined challenge of both increasing uncertainty in funding and escalating unmet needs, collaborative and targeted service delivery has become more important than ever.

It is also important, however, that this Strategy is connected to the biannual *Our Communities Report*, to be developed by the Supporting Communities Forum working group. Data collection across the life of the strategy must be linked to that of these two initiatives, not only to avoid inefficiency and unnecessary duplication, but also to ensure that data is comparable and compatible.

Thank you for the opportunity to provide this submission. We are happy for it to be published and would welcome the opportunity to discuss it.

If you would like to discuss this submission further, please contact the WACOSS Research and Policy Development Leader Chris Twomey at chris@wacoss.org.au or 9420 7222.

Yours sincerely,

A handwritten signature in black ink, reading "L. Giolitto". The signature is written in a cursive, flowing style.

Louise Giolitto
Chief Executive Officer
WACOSS