

CFV 140 AASW Qld Branch and Welfare Rights Centre

Full name: AASW Qld Branch and Welfare Rights Centre

Proposal 3-1:

Family violence is a complex issue manifesting itself through a variety of behaviours aimed at controlling one's partner through fear. Any definition of family violence needs to reflect the differing experiences of victims taking into account their specific circumstances of age, abilities, race, culture, lifestyles and gender. The proposal to adopt a broader definition of family, as articulated in the discussion paper Family Violence Commonwealth Laws 3-1, is consistent with Time for Action, the Report of the National Council to Reduce Violence Against Women and their Children (2009), which states that behaviours associated with domestic violence include, emotional, verbal, social, economic, psychological, spiritual, cultural, sexual and physical abuse.

Currently, there is no uniform definition of domestic or family violence across state jurisdictions, although work is currently in progress to address this. The Queensland Domestic & Family Violence Protection Bill 2011 has now been introduced into parliament, and when enacted, will provide similar definitions to both the family violence protection laws of New South Wales and Victoria.

The AASW Qld and WRC support the proposal outlined in 3.1 for development of an expanded definition of family violence and strongly recommend the articulation of a clear uniform definition of family violence that encompasses the continuum of violent behaviours that can manifest themselves within domestically violent relationships. These various forms of violence are part of a range of tactics used by the perpetrator to exercise power and control over their partner and children (AASW, 2010). The proposed definition of family violence as per Proposal 3-1 should be amended to include:

-Socially isolating a person

Social isolation is often a serious factor in family violence which may include the control of all social activity, deprivation of liberty, isolating their partner from family, friends and other supports or the deliberate creation of unreasonable dependence. Gurr (1996) states the risk and impact of violence is exacerbated when a woman is socially isolated.

-Denying cultural and/or religious autonomy

The experiences of women from CaLD backgrounds as well as Aboriginal and Torres Strait Islander women needs to be encompassed within a broad definition of family violence to ensure they are appropriately recognised within Commonwealth Laws and Regulations. We support the inclusion of cultural abuse in the definition, which is particularly relevant when Australian men or Australian permanent residents perpetrate abuse towards women from CaLD backgrounds. Anecdotal experiences from women's domestic violence services, identify situations such as: women not allowed to speak their own language at home with their children; not allowed to cook their own food; not allowed to practice their own rituals and/or spiritual beliefs or maintain contact with people from their own community. Such examples are particularly present in bi-cultural marriages where domestic and family violence occurs. Understanding the importance of the cultural dimensions that exist within domestic and family violent relationships are critical components to any comprehensive and inclusive definition of violence (AASW, 2010).

- Threats to commit any of the behaviours mentioned or the threat to commission others to do so

Fear is a key element in domestic violence and is often the most powerful way a perpetrator controls his victim. Violence does not need to occur to result in someone living in fear. Fear is created by threats of homicide /suicide, possession of weapons, (even if they are not used), destroying property, cruelty to pets - or any behaviour which can be used to intimidate and render the victim powerless. Many years of practice experience in this area of work has identified that psychological and emotional violence combined with threats can occur without any actual physical assaults being perpetrated leaving the victims often immobilised with fear. In addition, physical assault violence is used in conjunction with psychological and emotional violence and threats. Given the frequency of threats being used in domestically violence contexts it is critical any definitions incorporate this.

Recommendation:

The AASW Qld and WRC recommend that all Commonwealth Laws and Regulations be amended to provide a definition of family violence that includes all forms of violent or threatening behaviour, or any other form of behaviour, that coercively controls a family member, or causes that family member to be fearful. Such behaviour may include, but is not limited to:

- m) physical violence;
- n) sexual assault and other sexually abusive behaviour;
- o) economic abuse;
- p) emotional or psychological abuse;
- q) stalking;
- r) kidnapping or deprivation of liberty;
- s) damage to property, irrespective of whether the victim owns the property;
- t) causing injury or death to an animal irrespective of whether the victim owns the animal;
- u) Socially isolating a person;
- v) Denying cultural and/or religious autonomy; and
- w) threats to commit any of the above or threats to commission others to do so;
- x) behaviour by the person using violence that causes a child to be exposed to the effects of behaviour referred to in (a)-(k) above.

Proposal 3- 2 :

The AASW Qld and WRC recognise the importance of having a consistent definition of family violence across all Commonwealth Laws and Regulations.

Recommendation:

The AASW Qld and WRC support the above proposals using the amended definition of family violence incorporating points a) to l) and that this definition be articulated in all Commonwealth laws including:

- Child Support (Assessment) Act 1989
- Child Support (Registration and Collection) Act 1988
- A New Tax System (Family Assistance) (Administration) Act 1999
- Fair Work Act 2009

Proposal 3-3:

The AASW Qld and WRC recognise the importance of having a consistent definition of family violence across all Commonwealth Laws and Regulations.

Recommendation:

The AASW Qld and WRC support the above proposals using the amended definition of family violence incorporating points a) to l) and that this definition be articulated in all Commonwealth laws including:

- Child Support (Assessment) Act 1989
- Child Support (Registration and Collection) Act 1988
- A New Tax System (Family Assistance) (Administration) Act 1999
- Fair Work Act 2009

Proposal 3-4:

The AASW Qld and WRC recognise the importance of having a consistent definition of family violence across all Commonwealth Laws and Regulations.

Recommendation:

The AASW Qld and WRC support the above proposals using the amended definition of family violence incorporating points a) to l) and that this definition be articulated in all Commonwealth laws including:

- Child Support (Assessment) Act 1989
- Child Support (Registration and Collection) Act 1988
- A New Tax System (Family Assistance) (Administration) Act 1999
- Fair Work Act 2009

Proposal 3-5:

The AASW Qld and WRC recognise the importance of having a consistent definition of family violence across all Commonwealth Laws and Regulations.

Recommendation:

The AASW Qld and WRC support the above proposals using the amended definition of family violence incorporating points a) to l) and that this definition be articulated in all Commonwealth laws including:

- Child Support (Assessment) Act 1989
- Child Support (Registration and Collection) Act 1988
- A New Tax System (Family Assistance) (Administration) Act 1999
- Fair Work Act 2009

Proposal 3-6:

The AASW Qld and WRC support the above proposal and recognise the importance of ensuring that a consistent definition of family violence which is enshrined in legislation is also then carried through to provide the framework for various policies, protocols, training materials and other materials.

Proposal 3-7:

The AASW Qld and WRC support the proposals and recognise the importance of ensuring that a consistent definition of family violence which is enshrined in legislation is also then carried through to provide the framework for various regulations.

Proposal 3-8:

The AASW Qld and WRC support the proposals and recognise the importance of ensuring that a consistent definition of family violence which is enshrined in legislation is also then carried through to provide the framework for various regulations.

Proposal 3-9:

The AASW Qld and WRC support Proposal 3-9 to include specific examples of coercive and controlling behaviours for illustrative purposes in the Citizenship's Procedures Advice Manual.

The coercive control that can be exercised over someone within a family violence context can be pervasive often regulating all aspects of someone's life. For women from a CaLD

background this can be further exacerbated by issues of language barriers, isolation from family, friends and community supports, unfamiliarity with Australian laws and systems and limited knowledge of their right to legal protection.

They may not only be threatened with removal but may also have vital information about their legal status and rights withheld from them or denied access to passports and other informant documentation.

We suggest that 'the definition to be included in the Department of Immigration and Citizenship's Procedures Advice Manual include examples of:

- (a) the threat of removal;
- (b) the withholding of information on visa status, legal rights, passports and other important information;
- (c) violence perpetrated by a family member of the sponsor at the instigation, or through the coercion, of the sponsor.

Proposal 4-1:

The AASW Qld and WRC acknowledge the work already undertaken by the Australian Government to improve the efficiency and effectiveness of service delivery through the integration of the service systems of CSA, FAO and CRS Australia "Centrelink, and Medicare Australia, under the umbrella of Human Services. One of the key aims of this has been to provide seamlessness for customers and stakeholders who access services delivered by the Human Services portfolio (ALRC, 2011). Integration of service systems allows for a 'tell us once' approach for clients.

We believe the proposals outlined in Section 4 can build on the work of integration that has occurred and is of critical importance for victims of family violence. The manner in which domestic & family violence is identified, responded to and managed will have serious consequences for victims in terms of the risk and safety issues they are experiencing.

The AASW Qld and WRC have serious concerns regarding the Proposal 4-3 with specific regard to:

- a. Terminology "screening" • as applied to domestic & family violence
- b. The need to differentiate between 'screening' and 'risk assessment'
- c. Managing disclosures of family violence

a) Terminology

The terminology used for identifying domestic and family violence is problematic in a non-medical setting as the term 'screening' is derived from a biomedical model where screening is defined as the detection of a disease; treatment and resolution. It is our belief that such a relationship to domestic & family violence is not appropriate due to the work that has been done to shift the concepts surrounding domestic & family violence from a disease framework. In addition it assumes that once someone has screened negative to domestic & family violence that no other intervention is required. Taft (2002) argues eloquently against the use of screening tools and/or techniques with regard to domestic & family violence preferring the use of the term direct inquiry about domestic & family violence. We strongly recommend the ALRC rethink the use of the term 'screening' in preference to the use of the term 'direct inquiry' and/or 'asking directly'.

The use of direct inquiry about domestic & family violence could then be incorporated at

critical times during the assessment and review processes with a range of information available to all (including wall posters and other visual cues in waiting areas as suggested). Robinson & Maloney (2010) suggest that there are considerable dangers associated with the use of a screening instrument in isolation from empathic engagement with a worker. Furthermore, the decision to implement any screening process needs to be made in consideration of the costs versus the benefits. Training of staff is essential if they are to enquire about domestic and family violence effectively. This raises questions as to the appropriateness of expecting FAOs and CSOs to undertake routine direct inquiry. The outcomes from a disclosure as a result of a direct inquiry need to be made clear and be of potential benefit to the client. What are the implications for a client, should the direct inquiry outcome determine they are victims of domestic and family violence and the client does not agree? This needs to be worked through and a process in place that acknowledges for a range of reasons women do not identify with being a victim of domestic and family violence and sometimes this is a protective measure for her and the children.

b) Screening vs Risk Assessment

The ALRC discussion paper summary (p. 12) proposes that Centrelink adopts a 'multi-faceted' approach to screening and risk assessment for domestic violence. We are concerned that there is no clear distinction made between them. These processes are quite different with regards to purpose and outcomes. Braaf and Sneddon (2007) suggest that 'screening' is a process by which 'identification' of victims of family violence occurs. Risk Assessment refers to the ongoing identification and assessment of the degrees of harm or injury likely to occur as a result of past, present or future violence. Each process has a different purpose with differing outcomes.

The use of risk assessment within a family violence intervention is a relatively new science and it is important to be clear about 'what type of risk you are assessing for, and what change in intervention will occur as a result of the assessment. Abrams, Belknap & Melton (2000), argue that risk assessment should not be used to limit eligibility for services, but rather to identify when enhanced or expedited intervention is necessary.

Identifying family violence as a possible client concern can be achieved through 'direct enquiry' and this then should open internal pathways to appropriately qualified staff. Websdale (2000) cautions that a risk assessment tool should not be used as the sole basis for safety planning with women, but rather used in conjunction with other information.

We strongly supports the view that risk assessment and safety management should only conducted by professionally, trained staff who have the skills and experience to manage disclosures and undertake safety planning

c) Management of Disclosures

The AASW Qld and WRC believe the overarching practice framework for any family violence strategy must always have a strong focus on safety and harm minimisation. We believe the identification of and case management of risk indicators and safety management is best handled by social workers who have the expertise and experiencing of interviewing victims of family violence. Together with this, they would also need to have considerable knowledge of the dynamics of domestic & family violence. This then raises the issues associated with 'triage' as the identification of safety issues at the first point of contact can be of significant importance and the pathways for timely and appropriate responses and interventions need to be clear for all front line staff.

Campbell et al., (1999) caution on the secondary victimisation which can occur through responses to victims by individuals and institutions. The types of secondary victimisation that can occur include victim blaming, discounting or dismissing a victim's account of what has occurred, inappropriate behaviour or language and not taking all possible steps to ensure their safety. The reduction of secondary victimisation can be achieved through training, monitoring of responses, timely referral both internal and external to appropriately qualified people, and evaluation of the family violence strategy which seeks feedback from victims who have been clients.

There are many people working in the system that advise and assist families as they progress through the system. In many cases, judgements and assumptions are made by those providing assistance at numerous stages during the process. In this way, they act as gatekeepers to the information/issues that may form the basis of a final decision or agreement.

Routine direct inquiry is problematic and potentially risky for victims of family violence. We would advocate an approach that uses the provision of information at all aspects of client engagement which could include printed forms, brochures, posters and websites. This would serve to inform victims of family violence as well as provide them with options which may be open to them for support. Information provided to clients who are or have experienced family violence includes:

- 1) information on the nature and dynamics of family violence, the impact on themselves and children;
- 2) their universal right to safety and affirmation that abuse and violence is not their fault;
- 3) options they may consider for the safety of themselves and their children;
- 4) information in a clearly understandable format on their entitlements and how to access them;
- 5) support options either as referral to Centrelink social workers or external support agencies.

Proposal 4-2:

See response at 4-1

Proposal 4-3:

See response at 4-1

Proposal 4-4:

Information on family violence needs to be provided in ways that is reflective of a person's background including their specific circumstances of age, abilities, race, culture and lifestyles. The information provided to people as described under c) Management of Disclosure (points 1-5) should be provided in a variety of languages, formats and targeted focus. Training should be provided to staff on family violence and its impact of people from diverse backgrounds, cultures, ages and lifestyles. Given the overrepresentation of Aboriginal and Torres Strait Islander women in family violence statistics, specific strategies should address their issues including the development of specific family violence resources, case management approaches, training and community engagement aimed at achieving safer outcome for women and children.

Question 4-1:

Domestic and Family violence is complex and unpredictable. A single incident of abuse or violence is never a reliable indicator of what is occurring within the relationship. Laing (2004) emphasises that conducting a risk assessment should not be seen as a single, static event but rather as an ongoing process. Many victims of family violence may first become clients of Centrelink and the Child Support Agency following separation. Campbell et al., (2003) report that separation from an abusive partner after cohabiting is associated with

increased risk of homicide, particularly when the perpetrator is highly controlling, 'It is also clear that extremely controlling abusers are particularly dangerous under conditions of estrangement' (2003).

We note the planned Case Coordination approach developed within Centrelink to be piloted during 2011-2012 (Section 4.15). The Case Coordination pilot will aim to enable people, processes and systems 'to work in an integrated way and consistently identify customers with complex needs who will benefit from targeted or specialised services'. We support the establishment of a specialised family violence team within this Case Coordination Centrelink who could case manage the risk assessment and safety management process. The referral to the specialised family violence team should be at the discretion of the client who is provided with substantial information on the what this may mean for them in terms of support and safety. Once referred to this specialised team, they could case manage ongoing interactions between various sections of Centrelink and Child Support Agency and the client.

In response to 4-1 we recommend:

- 6) The establishment of specialised family violence case management teams within the Case Co-ordination pilots model;
- 7) The pilot models are in place for a duration of 2 years and are evaluated for effectiveness and capability to manage positive outcomes for victims of family violence;
- 8) that the specialised family violence case management teams include Aboriginal and Torres Strait Islander case workers;
- 9) that the specialised family violence case management teams include case worker from diverse community backgrounds; and
- 10) that intensive training on family violence is provide before the commencement of the case management model and regularly thereafter.

Proposal 4-5:

Further to the above, the AASW Qld and WRC recommend the training includes information on why and when victims made decision to stay or leave and why and when victims help seek. Information should also be provided during the training on helpful and unhelpful responses to disclosures. Training for staff involved in all aspects of the family violence strategy would be essential to achieving positive outcomes. This training could need to occur prior to the introduction of any new systems, procedures and process.

Training should to be compulsory for:

- All frontline staff
- Social Workers
- Family Violence Case Management Team
- Managers

The training would need to cover the topics as identified above as well providing people with a clear expectation of their role within the family violence strategy and the skills to provide the necessary responses expected of them.

We recommend the development and implementation of comprehensive training prior to the introduction of any new family violence strategy and after this that training on family violence be provided to staff on an ongoing basis.

Proposal 4-6:

Further to the above, the AASW Qld and WRC recommend the training includes information on why and when victims made decision to stay or leave and why and when victims help seek. Information should also be provided during the training on helpful and unhelpful responses to disclosures. Training for staff involved in all aspects of the family violence strategy would be essential to achieving positive outcomes. This training could need to occur prior to the introduction of any new systems, procedures and process.

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The training would need to cover the topics as identified above as well providing people with a clear expectation of their role within the family violence strategy and the skills to provide the necessary responses expected of them.

We recommend the development and implementation of comprehensive training prior to the introduction of any new family violence strategy and after this that training on family violence be provided to staff on an ongoing basis.

Proposal 4-7 :

The evaluation of family violence processes and responses is critical to ensure that positive outcomes are achieved for clients. We have already recommended the development of a pilot approach to the establishment of case management teams and would suggest this be then externally evaluated and the findings of the evaluation made public.

Proposal 4-8:

The provision of information relative to family violence can be both beneficial and empowering to those who experience such abuse. However the provision of information can never compromise safety. We would suggest that all printed materials provided to clients contain the phone number of the national toll free help line 1800 RESPECT.

Proposal 4-9 :

The safety of those experiencing family violence is paramount and the security of their information is critical to achieving this. The proposed development of a specialised family violence case management team would need to work within a case management framework that clearly articulates safety, confidentiality and client engagement and decision making.

Proposal 4-10:

We support the establishment of Family Violence Case Management Teams which would be the primary referral point for all identified family violence responses and interventions. This is outlined at 4-1.

Proposal 4-11:

The AASW Qld and WRC support in principle the proposal to have a 'safety concern flag' placed on a customer's file. We believe placement of a 'safety concern flag' on someone's file needs to be either at their request or with their consent. They should have the purpose of the safety flag explained and what may result if there is a notification that their safety has been compromised. We believe that it is paramount that victims of family violence are informed or updated on any ongoing actions or consequences arising from having the safety concern flag on their file and the process they need to follow to have the safety concern flag removed once this is no longer needed.

We believe important issues to be considered prior to the introduction of a safety flag system include but are not limited to;

- A broad definition of what might constitute a 'safety concern' so that it is reflective of the individual safety concerns of all victims of family violence and is not left to the discretion of individual workers;
- What might trigger a 'safety flag' request;
- The purpose of having a 'safety flag' on someone's file;
- The actions which follow if someone who has a 'safety flag' on their file has their safety compromised;
- How victims of family violence are kept informed of any actions arising out of having a 'safety flag' on their file;
- How victims of family violence can request to have 'safety flags' updated or removed;
- Training for staff on the broad issues of family violence risks and safety issues.

Proposal 4-12:

If a victim of family violence has been referred to the specialist family violence case management team for support, we believe that information should not be shared outside of this team without the expressed consent of the person. Their right to privacy, safety and autonomy should be upheld at all times.

Proposal 4-13:

We refer to 4-12

Proposal 4-14 :

We refer to 4-11

Proposal 4-15:

We believe that a common definition of both family violence and child abuse need to be clearly articulated within legislation, regulation and corresponding policies and statements to ensure there is consistency in understanding and service responses.

Other comments:

Upload supporting documents: