



**NSW Women's Refuge Movement
Working Party Inc.**
ABN: 51 326 110 595

**Submission by the NSW Women's Refuge
Movement Resource Centre on behalf of
NSW Women's Refuge Movement Working
Party Inc to the Special Commission of
Inquiry into Child Protective Services**

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About the NSW Women's Refuge Movement Resource Centre (WRM RC)

The WRM RC is the point of contact for the NSW Women's Refuge Movement (WRM): a network of 53 refuges for women and children escaping domestic violence across NSW. The WRM RC provides administrative support and policy development for the refuges as well as resources and information for the broader community about issues relating to domestic violence. To learn more about the structure of the NSW Women's Refuge Movement please see the appendix at the end of this document.

Refuges provide a range of support to women and children across the continuum of care. This includes case work, safety planning, follow up, brokerage, referrals, outreach, Court Support, transitional housing and group work for both women and children and assistance with securing and maintaining long term stable housing. Refuges also provide community development and education to the whole community on domestic violence issues. The provision of such support has allowed for a significant amount of expertise to be developed in relation to women and children experiencing or escaping domestic violence.

Submission Recommendations

- i. The NSW Department of Community Services work in partnership with the NSW WRM develop a system that, acknowledges the unique position and skill that refuge workers have in respect to assessing risk of harm, to ensure that children receive the appropriate level of intervention.
- ii. In recognition that DoCS workers do not have the capacity to attend court it was recommended that a template be developed to be completed by caseworkers that; outlines the women and children's experience of domestic violence and recommends the inclusion of children as protected persons in their own right on AVO's.
- iii. That a Specialist DV/Child Protection Advisory Support Team be established to assist child protection workers with training, resources and advice when assisting women and children living with or escaping domestic violence.
- iv. The 'Blitz audit' of services entrusted to protect children and their protective parent, post domestic violence disclosure, be replicated in NSW, to improve cohesive service response, by identifying systemic failure to fully provide protection to the victims and barriers to holding the perpetrator accountable. The 'Blitz Audit' was undertaken in Perth and involved a review of all case files, from one particular case from a range of key agencies to assess the ability of the broader service

system itself to protect women and children and as well as holding perpetrators accountable for their actions.

- v. After women and children are no longer living with violence policies and practices need to work towards supports that re-establish and build on the child/ren and mother's relationship. The supports should work towards identifying with the mother the strengths and strategies that child/ren have adopted to 'cope' with the violence to equip and empower the mother to parent after leaving violence.
- vi. Strategies are developed to integrate better use of the Child Protection Interagency Guidelines for all categories of mandatory reporters. Other projects such as the development Cross Agency DV Risk Assessment Tool could also assist mandatory reporters in assessing the current risk of harm to children and young people.
- vii. That DoCS open a file on the perpetrator as well as the mother and child, to make the perpetrator accountable under the Child Protection Act.
- viii. When Child Protection workers, assesses children to be at risk of harm and they advise the mother to leave the relationship, they should inform the mother of the option of taking out an AVO and support her to do so. When a child protection worker assesses the risk of harm to children requires the mother to leave the relationship they should inform the mother of the option of including the children on the AVO. Again this process could be simplified by the development of a template outlined in recommendation 2.
- ix. If Parenting Orders are already in place, the Child Protection worker is to advise the woman that the Local Court has the power to vary revise, discharge or suspend a Parenting Order while making and AVO, and should liaise with the Police in this regard.
- x. That NSW recommends that when a case comes before Family Law Court and Child Protection agencies have been involved, the Court require a full report from the Department of Community Services, outlining the reason for Child Protection involvement, so that vital information is provided to the Family Law Court when making decision as to the best interest of the child.
- xi. A program of clinical supervision that is valued resourced and of a high quality must be implemented for all professional staff. This would include acknowledgment of the emotional demands of the work as well as support for professional judgments and ongoing learning,

- xii. There must be ongoing analysis of staffing needs in relation to changes in laws regarding the protection of children including Family Law and Domestic Violence Laws.
- xiii. DoCS's current structure remain in place , however a review of the effectiveness of the centralised system of the Helpline be undertaken
- xiv. S248 of the Children and Young Person's (Care and Protection) 1998 should be strengthened to improve information exchange between agencies and ultimately the protection of children.
- xv. Strategies need to be implemented that can rebuild productive relationships between local CSC's and other agencies, these might include
 - a. Combined training opportunities across agencies to develop a shared understanding, knowledge, skills and protocols ;
 - b. Inclusion of visits to relevant local agencies during the training and probation period of employment for caseworkers and ongoing relationships
- xvi. To ensure that the Aboriginal and Torres Strait Islander principles contained in the Act are more consistently applied the WRM RC would be supportive of the development of framework similar to Victoria in which the Department of Human Services works closely with the Victorian Aboriginal Child Care Agency in relation to every Aboriginal child reported to the Department of Human Services.

Domestic Violence and Children

Children who witness and/or experience domestic violence can suffer severe trauma and have very specific needs. Workers in the NSW Women's Refuge Movement were among the first in NSW to identify this trauma. Child focused workers in refuges reflects the commitment to recognising children as clients in their own right. Refuge workers have a unique opportunity to be involved with children who have experienced domestic violence in a residential setting which has enabled the development of a high level of understanding of children's needs and their experiences with the child protection system. Despite women's refuges willingness to engage with Government on these issues and to share their expertise there continues to be no, equity in relationships between the non-Government and government sectors. This is an area that requires strengthening to ensure an effective child protection system.

Children who have experienced domestic violence frequently suffer from feelings of guilt, powerlessness, fear and uncertainty. The symptoms displayed by these children have been described by some as similar "to those of other severe traumas, such as witnessing a terrible accident or being caught in a war zone". The observations of refuge workers have been confirmed by research. It is now widely accepted that infants, children and adolescents who witness domestic violence can suffer severe psychological trauma, and that this trauma may have far reaching and long term implications. However, this trauma can be significantly reduced when appropriate supports are put in place early including child protection when needed.

The impact of domestic violence on children is now widely recognized and is embedded within statutory frameworks; including in the definition of 'at risk of harm' in the *Children and Young People (Care and Protection) Act 1998* (NSW) and more recently in the *Crimes (Domestic and Personal) Violence Act 2007* (NSW) which mandates the court to include children on Apprehended Violence Orders. Currently, however system responses tend to focus on the damage that the violence has caused the child, and the blame is often directed and felt by the mother, not the perpetrator.

Often, through living with violence, the child/ren's relationship with the protective parent has been compromised, and the child and mother both need support to re-establish and build their relationship outside of the violence. Support that works towards identifying with the mother the strengths and strategies that child/ren have adopted to 'cope' with the violence, builds understanding, strengthens their relationship with the child and empowers the mother. Support that assists the mother to protect and nurture her child/ren builds trust and confidence in the children's relationship with the mother. Such an approach can significantly reduce the long term effects of trauma.

This submission will focus on, how effectively the broader service system, not just DoCS, supports women and children who have experienced domestic violence.

Terms of Reference

WRMWP Response to ToR I,ii, & iii

- i. the system for reporting of child abuse and neglect, including mandatory reporting, reporting thresholds and feedback to reporters; &*
- ii. management of reports, including the adequacy and efficiency of systems and processes for intake, assessment, prioritisation, investigation and decision making;*
- iii. iii. management of cases requiring ongoing work, including referrals for services and monitoring and supervision of families;*

In the opening statement for the inquiry the Commissioner, the Hon. James Wood and Counsel Assisting, Ms Gail Furness posed numerous questions in relation to mandatory reporting. Including; “should there be mandatory reporting”; “if so, who should be obliged to report”; “is the threshold for reporting, namely, risk of harm, an appropriate one” ;“what systems can be employed to minimise duplicate reports being made about the same incident”; “what feedback should be required to those who report?”; “are there any unnecessary obstacles to the exchange of information between key agencies”¹.

The WRM RC recognises that mandatory reporting systems were developed with the best of intentions. Instead of answering whether there should be mandatory reporting we will reflect on whether the current mandatory reporting system has made children safer. The WRM experience of this is that is not currently the case.

These concerns are supported by research undertaken by the NSW WRM RC. In early 2006, refuges within the NSW Women’s Refuge Movement informed the Resource Centre of the number of reports made to DoCS within the previous 12 months (2005), as well as the outcomes of any further action that was taken. From the 23 refuges that provided this information 276 reports were made, of these refuges were only aware of 82 reports where further action was taken. The majority of further action taken by DoCS involved requests for further information and referrals to local DoCS Community Service Centres (CSCs) often the outcome of these referrals was not known to the refuges. The remaining 32 reports where further action was taken included the removal of the child, placements or ongoing involvement with the

¹

family. In a further 45 cases the refuges were aware that no action was taken, some of the children were not viewed as 'at risk' despite serious concerns of physical and sexual abuse.

The NSW Women's Refuge Movement is concerned that currently refuge reports can get lost in an over burdened child protection system. As the Commission is no doubt aware domestic violence is the single most commonly cited reason for 'risk of harm' reports². As already mentioned the intensive support provided by refuge workers to women and children places workers in a unique position to assess the current risk of harm to children who have experienced domestic violence. However, as the Act requires a diverse range of sectors to report children considered to be at risk of harm there are significantly varying degrees of expertise and therefore capacity to assess the current risk of harm to children.

The Child Protection Interagency Guidelines provide more detailed information on the indicators of 'risk of harm' than the Act³. They state that it is particularly important to consider the non-offending caregivers' capacity to act protectively toward the child or young person and also the presence of any protective factors for the child and family.⁴ These indicators, along with many others is at the forefront of refuge workers' minds when assessing whether or not a child is at risk of harm. The NSW WRM gives thorough and proper consideration of these indicators before reporting.

Therefore, when a report has been made by a refuge it should be assessed and investigated immediately.

Recommendation

1. The NSW Department of Community Services work in partnership with the NSW WRM develop a system that, acknowledges the unique position and skill that refuge workers have in respect to assessing risk of harm, to ensure that children receive the appropriate level of intervention.

In another clear example of short comings of the current mandatory reporting system and indeed the child protection system as a whole has been highlighted by another study undertaken by the WRM RC. In all of the cases in the study the mother was either accompanied by the refuge or was directed by the DoCS worker to go the refuge. The study involved 21 cases involving 34 children, in

² NSW Department of Community Services, 2007, NSW Department of Community Services Child Protection Quarterly Data, July 2005 - March 2007, p.9

³ NSW Department of Community Services, 2006, *NSW Interagency Guidelines for Child Protection Intervention*, NSW Government, Chapter 2.

⁴ *Ibid*, pp.13

17 instances the mother/guardian reported being told that if she did not move the children would be removed. Of the 17 cases only 5 women had been advised by DoCS to take out an Apprehended Violence Order (AVO) and none of these women were assisted through written documentation or other information that would have supported their case for an AVO. Eleven women did apply for an AVO and only 2 children were included on the AVO. In twelve cases the refuges reported where the children had not been included on the AVO the children and the mother continued to experience violence or threats of violence. In two cases DoCS had removed the children from the mothers care without using any early intervention strategies including the use of AVO to protect the mother and the children from the perpetrator of violence. Out of the 34 children that DoCS assessed as being in immediate danger of domestic violence and recommended an intervention whereby they would have to leave their home and reside in the safety of a refuge only 2 children received the protection of being included on the AVO. Whilst we looked specifically at DoCS we believe that a study of Police responses would also show similar outcomes.

As a result of this study we have worked closely with DoCS and the Department has responded by implementing the following changes:

1. DoCS have reviewed their Businesshelp topics on this issue to ensure that it does include children being on AVOs.
2. DoCS have also reviewed the CDC training module on DV re this issue (to ensure the issue re children being on AVO's was included)
3. Learning and Development has been advised to ensure businesshelp information is linked more closely with CDC.
4. Separate to this a Practical Solution Sessions (PSS) session was to be developed for roll out early this year to include issue of AVO's and children as well as how to use family court/federal court etc

However, there was an outstanding recommendation to the study which would significantly improve responses for women and children experiencing and escaping domestic violence:

Recommendation

2. In recognition that DoCS workers do not have the capacity to attend court it was recommended that a template be developed to be completed by caseworkers that; outlines the women and children's experience of domestic violence and recommends the inclusion of children as protected persons in their own right on AVO's.

We think such a simple administrative process could be shared across a range of agencies including DoCS, Police, Education, Health including Mental Health services, Centrelink social workers etc.

Fortunately the recent changes to the *Crimes (Domestic and Personal) Violence Act 2007* will provide more protection for women and children. The court must now include children as a protected person on the AVO of the care giver; unless the court is given good reasons for not doing so⁵. This legislation will undoubtedly increase the protection of the women and children that the WRM work with and positively impact on the outcomes for those women and children who need to seek safe living arrangements through the family law courts. The interpretation of Courts as to what is a sufficient reason for not including children on AVO's is, however unknown.

If these templates recommended above⁶ were used this would assist the courts in any clarification in counter claims (i.e where both partners apply for AVO's). The inclusion of children on the mother's/guardian's AVO would significantly improve the ability of schools and other agencies to keep children safe. It would also reduce the risk of child abduction and allow NSW Police to respond more quickly if the children have been abducted.

The findings of this study clearly demonstrate that child protection responses are more often than not geared towards holding the mother/ non-offending care giver responsible for the safety of their child/children instead of interventions that hold the perpetrator accountable and provide support to the children and the non-offending care giver to reduce the risk of further violence.

In 2006, our Executive Officer, Catherine Gander undertook a Churchill Fellowship and travelled to the UK, US, Canada and Austria. The study investigated policies, programs and interventions that reduced the short and long term effects of DV on children. Central to the findings and recommendations was the need to improve our child protection system in NSW. Many of the recommendations contained in this submission are a direct result of this study. The WRM RC study undertaken in 2006 supported the findings from the Churchill report. The findings from both studies indicate that shift in policy and practice across a range of agencies is required:

The responsibility to protect the child/ren should not continue to be burdened on the mother or the child, who are the victims. Instead police, courts and child protection agencies should focus on enforcing laws to make the perpetrator fully accountable. Currently the burden of protection in Australia is overly reliant on the victims. If the police, courts and the child protection agency have not exercised all of the powers available to them to protect the child and the child/ren still remains at risk, 'failing to protect' and 'neglect' should not be applied to the mother under the Child Protection Act. Instead,

⁵ NSW Parliament, *Crimes (Domestic and Personal Violence) Act 2007 No 80*, Part 9, Section 38, No.2

⁶ Recommendation 2

*enforcement of the laws should be directed to making the perpetrator accountable and protection for the victims increased.*⁷

In order to provide an integrated and coordinated response to women and children escaping or experiencing domestic violence there is a need to improve coordination between the NSW Government and the Commonwealth Government in relation to their shared responsibility for the safety and protection of children. It is our experience that there are gaps in the intersection of the Family Law Court and Child Protections systems, and that often children are put at risk due to the lack of coordination between the two jurisdictions.

Agencies involved in the protection of children including Courts, Police and DoCS and other human service agencies are often reluctant to intervene in cases where the children are entering into Family Law Court proceedings. Where domestic violence or other abuse is present a proactive approach is required to ensure safe long term parenting orders for children. The provision of a template as outlined in recommendation 2 would significantly address the length of time and stress involved in obtaining appropriate parenting orders. These templates would assist the Family Court to obtain a clear and comprehensive picture regarding the safety risks for children it is making Parenting Orders for.

The Every Picture Tells a story report states that:

“Often when the child protection authority is aware that matters are proceeding in the Family Court they will decide not to investigate, leaving the question to that court to decide on the issues. However, the Family Court is not resourced to investigate such matters. The children involved then fall through the jurisdictional gaps⁸.”

Ultimately, however the NSW WRM RC believes there needs to be a variety of factors present to ensure that mandatory reporting and the

⁷ Catherine Gander –Churchill Fellow, 2006, *Report to the Winston Churchill Memorial Trust of Australia*, pp.7-8

⁸ *Every picture tells a story Report on the inquiry into child custody arrangements in the event of family separation*, House of Representatives, Standing Committee on Family and Community affairs, Canberra 2003, page 71.

broader child protection system actually succeed in making children who have experienced domestic violence safer. These include;

- w A recognition that currently when a child or the protective parent calls for help to the police, to the courts, or the child protection system the mother and child/ren enter into a complex system, which often deals with cases based on institutional imperatives rather than on making victim's safety central.
- .
- v Protecting children should be the responsibility of the community and Government and not just one Government body. No doubt the introduction of mandatory reporting in NSW was based on this concept. Current practice of many mandatory reporters however is based on a 'tick box' system without giving any substantial thought as to whether or not a child is currently at risk of harm. Such practices are just resulting in a duplication of reports and in many cases a belief by reporters that they have done all that is required of them⁹. This has created a situation where no agency is taking responsibility for the safety of women and children experiencing or escaping domestic violence.
- v Mandatory reporting should take into account that the mother's choice to remain or return to a violent relationship could be due to her assessment of the risk of lethality of leaving at that time. All agencies working with a woman and children that are leaving a violent relationship should inform the woman and make provisions for the fact that violence escalates upon separation.
- t All mandatory reporters should give proper consideration to the risk of harm indicators contained in the Interagency Child Protection Guidelines. Including the non-offending care givers capacity to protect the child/ren and the presence of other protective factors.
- t To reduce the effects of violence on children, a non-neutral approach is important to reduce on-going violence or intimidation and to show children that the protective parent is supported and believed.
- c The role and responsibility of holding the perpetrator accountable should be the responsibility of DoCS, police and the judicial system and never reliant on or burdened on the mother and children who are the victims.

⁹ Currently, for example NSW Police are will report all children present at domestic violence incidents

- The terms and categories of ‘failure to protect’, and ‘neglect’, under the Child Protection Act, should not be applied to mothers who are escaping domestic violence where the state has not exercised all of its powers to stop the abuser, or the abuser has not been deterred by those powers.
- t Child protection responses should not work in an adversarial role with the mother or act as a deterrent to calling for assistance.
- t All work with women who have been through a domestic violence relationship needs to take into account, that it is highly likely that parenting skills have been compromised as a strategy to placate the perpetrator. For example, being overly disciplinary to please the perpetrator and protect the children or being overly permissive to make up to the children for the perpetrators behaviour.
- u Many women and children who have experienced domestic violence suffer from mental health issues, particularly depression, post traumatic stress disorder, self harm, attempted suicide and anxiety disorders. From the outset any intervention post- disclosure of a child living with domestic violence should acknowledge the effects the violence has had on the protective parent’s ability to parent within the adversity of navigating violent circumstances and trauma experienced as a result of this.
- a Interventions, whether crisis protection or therapeutic, should support and nurture the relationship between the protective parent and the child.

The NSW WRM RC has also been encouraged by the recent announcement by the Premier to relocate the Violence Against Women unit back to the Department of Premier’s and Cabinet and the establishment of the Premiers Council on Preventing Violence Against Women to allow for more consultation with NGO’s¹⁰. Such reform may facilitate the development of a more integrated and coordinated response from all agencies concerned. The WRM RC would urge the both the Commonwealth and State Governments to consider the factors listed above and adopt the recommendations below to improve responses for children experiencing domestic violence.

Recommendations

3. That a Specialist DV/Child Protection Advisory Support Team be established to assist child protection workers with training,

¹⁰ NSW Government, 2008, *A New Approach to Tackling Violence Against Women*

resources and advice when assisting women and children living with or escaping domestic violence.

4. The 'Blitz audit' of services entrusted to protect children and their protective parent, post domestic violence disclosure, be replicated in NSW, to improve cohesive service response, by identifying systemic failure to fully provide protection to the victims and barriers to holding the perpetrator accountable. The 'Blitz Audit' was undertaken in Perth and involved a review of all case files, from one particular case from a range of key agencies to assess the ability of the broader service system itself to protect women and children and as well as holding perpetrators accountable for their actions.
5. After women and children are no longer living with violence policies and practices need to work towards supports that re-establish and build on the child/ren and mother's relationship. The supports should work towards identifying with the mother the strengths and strategies that child/ren have adopted to 'cope' with the violence to equip and empower the mother to parent after leaving violence.
6. Strategies are developed to integrate better use of the Child Protection Interagency Guidelines for all categories of mandatory reporters. Other projects such as the development Cross Agency DV Risk Assessment Tool could also assist mandatory reporters in assessing the current risk of harm to children and young people.
7. That DoCS open a file on the perpetrator as well as the mother and child, to make the perpetrator accountable under the Child Protection Act.
8. When Child Protection workers assess children to be at risk of harm and they advise the mother to leave the relationship, they should inform the mother of the option of taking out an AVO and support her to do so. When a child protection worker assesses the risk of harm to children requires the mother to leave the relationship they should inform the mother of the option of including the children on the AVO. Again this process could be simplified by the development of a template outlined in recommendation 2.
9. If Parenting Orders are already in place, the Child Protection worker is to advise the woman that the Local Court has the power to vary, revise, discharge or suspend a Parenting Order while making and AVO, and should liaise with the Police in this regard.

10. That NSW recommends that when a case comes before Family Law Court and Child Protection agencies have been involved, the Court require a full report from the Department of Community Services, outlining the reason for Child Protection involvement, so that vital information is provided to the Family Law Court when making decision as to the best interest of the child.

v. professional capacity and professional supervision of the casework and allied staff

As already highlighted the Department of Community Services has implemented a number of recent changes to improve the response of DoCS staff to women and children escaping or experiencing domestic violence.

We would also like to make the following recommendations for improvements.

Recommendations

11. A program of clinical supervision that is valued resourced and of a high quality must be implemented for all professional staff. This would include acknowledgment of the emotional demands of the work as well as support for professional judgments and ongoing learning,
12. There must be ongoing analysis of staffing needs in relation to changes in laws regarding the protection of children including Family Law and Domestic Violence Laws.

vi. The adequacy of the current statutory framework for child protection including roles and responsibilities of mandatory reporters, DoCS, the courts and the oversight agencies; &

vii. The adequacy of arrangements for inter-agency cooperation in child protection cases;

The provision of appropriate responses to domestic violence and child protection is reliant on the strong interagency cooperation of Justice, Human Service Agencies and the non-Government sector. As stated throughout this submission the WRM RC does not believe that responses by varying agencies are currently well integrated.

The Police, DoCS and the Courts all have a role in supporting and protecting women and children experiencing domestic violence. Many other agencies, however also have a role in this including NGO's such as women's refuges. Currently the provision of such support by refuges is often made more difficult due to poor relationships with local DoCS CSC's.

Refuges report that the centralisation of DoCS has had significant negative impacts. The establishment of the Helpline, whilst having its advantages has played a significant role in the erosion of relationships between local DoCS

offices and other local agencies. Prior to the centralisation many refuges reported having regular contact and positive working relationships with DoCS caseworkers. The Helpline in effect has curtailed interagency linkages and participation in many local areas. Services working with vulnerable children report that the loss of this working relationship has directly affected appropriate child protection responses.

The erosion of good working relationships between local CSC's and other local agencies since the creation of the Helpline is a good example of the risks associated with dividing up the functions of DoCS. The WRM RC is therefore concerned to hear that some are suggesting that DoCS should only have a statutory child protection role, we believe such a move would only isolate the Department further from other agencies that have role in the protection and support of children and further remove the possibility of coordinated action for women and children escaping domestic violence. Currently DoCS acts as the funding body for a range of programs and services that deliver services across the continuum of care including women and children's refuges funded through the through the Supported Accommodation Assistance Program (SAAP). Some of Australia's most vulnerable families in SAAP services, it is therefore imperative that SAAP service remain with the DoCS structure.

The position of DoCS as a funding agency and direct service provider mean it is well placed to develop relationships with and between a diverse range of services across the continuum of service provision. The WRM RC has been encouraged by recent discussions with DoCS about the further development of partnerships between women's refuges and Brighter Futures programs. It is the development of partnerships like these that will provide an integrated and holistic response to children at risk of harm. Limiting DoCS's role to purely statutory intervention will just create another silo and send the wrong message that 'child protection is the responsibility of one Government agency'.

Recommendations

13. DoCS's current structure remain in place , however a review of the effectiveness of the centralised system of the Helpline be undertaken
14. S248 of the Children and Young Person's (Care and Protection) 1998 should be strengthened to improve information exchange between agencies and ultimately the protection of children
15. Strategies need to be implemented that can rebuild productive relationships between local CSC's and other agencies, these might include

- a. Combined training opportunities across agencies to develop a shared understanding, knowledge, skills and protocols ;
- b. DoCS caseworkers should regularly visit relevant local agencies during the course of their employment.

viii. The adequacy of arrangements for children in out of home care;

The out of home care system must be resourced to provide a range of flexible out of home care services that meet the needs of children and young people. The service system needs to focus on outcomes for children and young people in care which emphasizes stability of placement, continuity of care, school retention rates and successful and supported transition to independence.

ix. The adequacy of resources in the child protection system.

As stated throughout this submission increased capacity must be achieved in all parts of the care and protection system and stronger coordination and integration must occur.

Adequate resources must be in place to ensure a comprehensive suite of services for children and families, including prevention, early intervention, family support and crisis, support and accommodation services. The capacity of existing refuges and family support and other early intervention and prevention services needs to be increased.

Aboriginal Women and Children experiencing domestic and family violence

The NSW WRM recognises that for Aboriginal women many of the problems and barriers associated with escaping violence are compounded. These difficulties may arise from the complex issues and imposed disadvantage against which Aboriginal people have struggled. In recognition of the particular barriers and problems faced by Aboriginal women and children the NSW WRM established the Koori Support Group, Walan Jineras. The Walan Jineras is represented on the WRM Working Party and informs WRM policy, procedures and practices to help ensure that refuges meet the needs of Koori clients.

The NSW WRM RC supports the Aboriginal and Torres Strait Islander Principles contained in the Act, that is

- c The principle of self-determination of Aboriginal and Torres Strait Islander people in relation to the care and protection of their children and young people;
- a Aboriginal and Torres Strait Islander involvement in the decision making process;
- m And the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles

The WRM RC is concerned about the extent to which these principles are applied in practice. There have been many problems identified with service responses to Aboriginal women and their children. Aboriginal women state that service providers often lack understanding of Aboriginal communities and culture. Such a lack of awareness can lead to inaccurate assumptions about the woman's needs in domestic violence situations. As a result, the response in some situations has been perceived as racist, abusive and at the least inconsistent.

We have examples where there have been opportunities for DoCS to follow the kinship principles but such principles have not been followed. Recently the WRM RC was made aware of two cases, one involving a non-Aboriginal woman and children and one involving an Aboriginal woman and children, where the same DoCS CSC case workers intervened. They removed the Aboriginal woman's children and restored the non-Aboriginal woman's children. Both families were known to DoCS, police, courts and other human service agencies, the refuge involved were more concerned about the safety of the non-Aboriginal children returning home to reside with the perpetrator who was a drug dealer known to police. In the case of the Aboriginal mother there was comprehensive case planning with a range of agencies and the mother was complying with all parts of that case plan. These inconsistencies need to be addressed. The

Resource Centre would welcome the opportunity to discuss this case further with the Commission.

We believe that further action is required to ensure that the principles of the Act are more consistently applied in practice.

Recommendation

16. To ensure that the Aboriginal and Torres Strait Islander principles contained in the Act are more consistently applied the WRM RC would be supportive of the development of framework similar to Victoria in which the Department of Human Services works closely with the Victorian Aboriginal Child Care Agency in relation to every Aboriginal child reported to the Department of Human Services.

Appendix

WRM Structure

The NSW Women's Refuge Movement has been operating for over 30 years and is incorporated as the NSW Women's Refuge Movement Working Party Inc (WRM WP). This is a non-profit state-wide representative body consisting of 57 member refuges. Member refuges are women's services which aim to respond to community needs by providing a continuum of services in accordance with SAAP to women and children who are homeless or at imminent risk of homelessness particularly when this is due to domestic violence.

Working Party

The WRM WP management committee is called the Working Party. This consists of elected regional and specialist delegates to ensure that the WRM WP is inclusive and is informed of regional and specific needs and issues across NSW. There are 10 geographical regions (listed below) and 4 specialist delegates (Indigenous, NESB, Child Support and Lesbian Support).

Child Support Group

The WRM WP has a long standing focus on children experiencing domestic violence and has been pivotal in refuges recognising children as clients in their own right. Our members have developed a number of outstanding age and gender appropriate programs for children in their services and in the community. The WRM WP disseminates information and promotes awareness of good practice.

The WRM Child Support Group is very active and meets twice a year at a dedicated Child Support conference. The Group is represented on the WRM WP by the Child Support Delegate, ensuring that a focus on children is maintained. The Child Support Group is currently providing the Steering Committee for a Project by the WRM RC to develop an educational kit about the effect of domestic violence on children. This has a strong focus on opportunities for refuges to improve their practices in supporting children.

Koori Support Group - the Walan Jineras

The Koori Support Group which is called the Walan Jineras is also very active and has recently incorporated. The Walan Jineras is represented on the WRM WP and informs WRM policy, procedures and practices to help ensure that refuges meet the needs of Koori clients. The Group also provides a network for Koori workers within refuges including two face to face meetings each year and additional meetings by teleconference. The Group continues to play the leading role, within the WRM, in relation to the Orana Far West Women's Safe Houses.

NESB

Support

Group

The NESB Support group has been very active in the past but it is currently an ad hoc group which meets at state conferences or when particular issues arise.

The group provides support for CALD workers in women's refuges, promotes training and awareness raising to provide support to CALD clients, advocates about the needs of CALD women and children in accessing refuge services and ensuring issues affecting CALD women and children are represented in discussion, planning and policy making by the WRM and women's refuges.

Lesbian Advocacy and Peer Support Group

The Lesbian Support Group was established about 17 years ago to provide support for lesbian workers working in women's refuges, to raise awareness about violence in lesbian relationships and ensure issues affecting lesbian workers and clients are represented in discussion, planning and policy making by the WRM and women's refuges.

Women's Refuge Movement Resource Centre

With financial assistance from DoCS and from member refuges, the WRM WP provides the WRM Resource Centre (WRM RC).

The WRM RC:

- Acts as a secretariat and point of contact for the WRM
- Facilitates communication and networking for member refuges
- Facilitates interaction and networking between the WRM and other relevant services at the state and national levels
- Provides resources for WRM members in broader issues such as government policy, legislation and special projects
- Provides resources and information regarding women and children's homelessness, domestic violence and abuse and raises community awareness
- Advocates for effective responses to the needs of women and children escaping domestic violence or other abuse
- Liaises with the media on behalf of the WRM
- Undertakes research and special projects, and
- Coordinates to promote quality and consistency across a diverse range of service models.