



Our ref: 2015/7521

Ms Megan Mitchell
National Children's Commissioner
kids@humanrights.gov.au

Dear Ms Mitchell

EXAMINATION OF CHILDREN AFFECTED BY FAMILY AND DOMESTIC VIOLENCE

Thank you for the invitation to provide a written submission to your Examination of Children Affected by Family and Domestic Violence.

The Department for Child Protection and Family Support (the Department), through its Family and Domestic Violence Unit, is the lead agency responsible for strategic planning around family and domestic violence in Western Australia.

In this capacity, the Department has a central role in developing, implementing and monitoring a raft of strategies and initiatives across the state. This includes identifying, informing and monitoring policy development, coordinating across government and community sector responses, and facilitating community partnerships to address family and domestic violence.

The Department's written submission is enclosed, together with the Department's *Family and Domestic Violence Policy 2012*, *Family and Domestic Violence Background Paper 2012*, and the *Western Australia's Family and Domestic Violence Strategy to 2011 Achievement Report to 2013*.

Should you have any queries, please contact Ms Sherrilee Mitchell, Director, Family and Domestic Violence Unit on 08 9222 2977 or Sherrilee.Mitchell@cpfs.wa.gov.au.

I look forward to accessing your Report when it is tabled in parliament at the end of the year.

Yours sincerely

Emma White
DIRECTOR GENERAL

15th June 2015

Submission – Examination of Children Affected by Family and Domestic Violence

June 2015

Background

Family and domestic violence is a serious and pervasive issue impacting mainly on women and children as direct victims. It can be difficult to accurately determine the prevalence and incidence of family and domestic violence, particularly where children are involved, as its occurrence is often unreported.

The most reliable indicators of prevalence are available via population based surveys including the *Personal Safety Survey (2005; 2012)* and the *Australian Component of the International Violence Against Women Survey (2001)*.

A supplementary prevalence indicator is the number of families who contact the police seeking assistance for family and domestic violence. This is an indicative measure only as it is well established that only a small proportion of victims contact the police.

In Western Australia, the number of domestic violence incidents responded to by Western Australia Police (WA Police) increased by 42.8 per cent between 2008-09 and 2012-13¹. The increase is attributed to improved community education and awareness about family and domestic violence and increased confidence in the responses provided by WA Police.

Between January–June 2014, WA Police responded to 18,894 calls for assistance related to family and domestic violence. Each of these cases was referred to the local Family and Domestic Violence Response Team (FDVRT) where representatives from the Department, WA Police and non-government domestic violence services conducted a joint assessment and worked out who was best placed to respond.

Data collected from the FDVRTs between January-June 2014 demonstrated that 62% of the cases involved children (11, 647) and of these, the child/ren were present when police arrived in 67% of cases (7,825).

Of those cases, where there was a child present when police arrived, the following information is known:

- almost half involved at least one child who was aged five years or younger (3,762);
- almost half involved the present child witnessing an offence (3,732) including assault (2,056), breach of restraining order or bail (652 and 91 respectively) or damage offences (462); and
- in 714 cases the woman experiencing violence was pregnant.

Of the 18,894 cases of family and domestic violence assessed and triaged by the FDVRTs, half involved an offence being committed (9,465). The victim of the offence was recorded in 9,261 cases and the offender was recorded in 1,190 cases. Of all victims recorded, 78% were female. Of all offenders recorded, 83% were male.

¹ For further information refer to attachment three, the Department for Child Protection and Family Support (2013) *Western Australia's Family and Domestic Violence Prevention Strategy to 2022 – Achievement Report to 2013*.

Impacts on children

Children growing up in violent homes experience ongoing and pervasive fear, worry, confusion, self-blame and exposure to multiple insidious forms of violence and abuse.

The impact that family and domestic violence has on children can be devastating, affecting all aspects of health and wellbeing from conception through to adulthood. It includes (but is not limited to) insecure attachment to the primary care-giver, high rates of emotional distress, presence of trauma symptoms and social and behavioural issues (Osofsky, 1999; Perry, 2007).

Research demonstrates that there is no measurable difference in outcomes (emotional, social, and behavioural) between children who have been physically abused and children who have been exposed to family and domestic violence (Kitzmann, Gaylord, Holt & Kenny, 2003).

Witnessing family and domestic violence is increasingly recognised as a form of emotional abuse that can result in serious trauma to a child. Both emotional and psychological harm may occur as a consequence of seeing or hearing violent behaviour against a parent. This can cause as much, or greater, harm as any direct experience of physical abuse itself.

The impact of emotional harm can include:

- risk of disturbed attachment for infants with their mothers;
- poor health, poor sleeping habits, excessive crying, loss of self-esteem and extreme shyness, emotional distress, anxiety, social isolation, aggression and behavioural problems; and
- in adolescents; fear, depression, relationship problems, homelessness, health issues, and inter-generational transmission of violence.

The impacts of psychological harm include:

- trauma akin to post traumatic stress disorder;
- cognitive difficulties; and
- neuro-developmental impacts.

Over the last few years, increasing knowledge of early brain development and the impacts of extreme trauma on the developing brains of children has been widely recognised. International expert on childhood trauma, Bruce Perry, cites extensive examples of the lifelong cognitive and psychological impacts of impeded brain development as a result of trauma suffered through experiences such as witnessing family and domestic violence (Perry, 2008, pg: 93-182).

Children growing up in homes where there is family and domestic violence are also vulnerable to other forms of child abuse including physical and sexual abuse and neglect. For example:

- Physical abuse: Approximately 60 per cent of physical abuse occurs in homes where there is family and domestic violence (Moloney, et al., 2007). This includes children who are harmed during an assault against the non-abusive adult victim (e.g. if the child is being held or tries to intervene in the violence) and intentional harm of children as a means to punish the adult victim (scape-goating).
- Child sexual abuse: There is a high correlation between child sexual abuse and family and domestic violence. In these instances, the perpetrators use of violence against the non-abusive adult victim contributes to their ability to conceal the child

- sexual abuse (Brown et. Al., 1998; Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, 2007).
- Neglect: Examinations of child deaths associated with neglect in WA revealed that family and domestic violence was a significant contributing factor in over 80 per cent of the cases reviewed (Francis, Hutchins, Saggars & Gray, 2008). Neglect is commonly associated with family and domestic violence for a number of reasons including:
 - financial abuse – perpetrator control of household funds might limit access to adequate food and medical needs;
 - control and isolation – perpetrator may limit access to supportive friends or family and/or support services; and
 - jealousy – perpetrators of family and domestic violence can see their children as ‘competition’ for their partner’s time. This can lead to undermining the adult victims parenting, including actively stopping them from responding to the child’s needs through intimidation and violence.
 - Pregnancy is commonly associated with an escalation in family and domestic violence which can cause miscarriage, complications, low birth weight and injuries and/or trauma symptoms in-utero and after birth (Bogat, et al., 2006; Carrington & Philips, 2003).

It is important to note that there are individual and familial factors that moderate the impact of violence. For example, age of onset, frequency and severity of violence and the level of support outside of the family can influence the impact of the violence on the child. Similarly, the emotional health and wellbeing of the non-abusive parent is positively related to child outcomes.

Child protection responses to family and domestic violence

Children’s witnessing or exposure to family and domestic violence has been increasingly recognised as a form of child abuse, both in Australia and internationally. This recognition has influenced child protection agencies to develop policy and guidance to effectively respond to incidences of child abuse where family and domestic violence is present.

In Western Australia, the Department for Child Protection and Family Support (the Department) plays a central role in responding to family and domestic violence in the Western Australian community including through the provision of services to adult and child victims; funding community sector family and domestic violence services; and leading across government and community sector strategic planning to promote a safe, accountable and integrated service system.

All aspects of the Department’s work are guided by the following principles:

1. The safety of child and adult victims is paramount.
2. Increasing the safety of the adult victim is likely to improve the safety of the child.
3. To keep child and adult victims safe, perpetrators of family and domestic violence must be held accountable for their use of violence and be actively supported to cease their violent behaviour.
4. The safest and most effective responses to family and domestic violence involve collaboration and coordination between government agencies and community sector services (an integrated response).

The Department’s policy position is that exposing a child to family and domestic violence is a form of child abuse that can cause emotional harm. The person responsible for causing harm is the perpetrator of violence.

The best response to creating safety for the child is to work with government and community sector partner agencies, the adult victim, and child's safety network to manage the risk posed by the perpetrator. The framework for assessment and response used by the Department is the *Signs of Safety: Child Protection Practice Framework*.

Child protection workers are provided with practice guidance to support screening for family and domestic violence, assessing past harm and likely future danger to the adult and child victim, safety planning, engaging and responding to the perpetrator of violence and working collaboratively with partner agencies.

The primary piece of legislation guiding child protection practice in Western Australia is the *Children and Community Services Act 2004* (CCSA 2004). The CCSA 2004 does not specify family and domestic violence as a cause of harm to a child.

To rectify this issue, the proposed *Children and Community Services Legislation Amendment and Repeal Bill 2014* (the Repeal Bill) seeks to amend the CCSA 2004 to explicitly recognise that exposing a child to family and domestic violence is a type of emotional abuse. To do this, legislative definitions for 'act of family and domestic violence' and 'exposure' will be incorporated with:

- a definition of the '*act of family and domestic violence*' to refer to the definition provided in the *Restraining Orders Act 1997*; and
- a definition of 'exposure' to family and domestic violence as:
 - (a) to see or hear the act of family and domestic violence;
 - (b) to witness physical injuries resulting from the act of family and domestic violence.

Department practice, including the guiding policies and procedures, has long recognised family and domestic violence as a form of child abuse. The Department's operational definition of family and domestic violence, and the broad positioning and approaches for responding to family and domestic violence in child protection practice are outlined in attachment one, the *Family and Domestic Violence Policy 2012* and attachment two, the *Family and Domestic Violence Background Paper 2012*.

Service responses to family and domestic violence

Common across all jurisdictions is the recognition that services and programs must work in collaboration to provide effective and timely responses to women and children as victims of family and domestic violence and to hold perpetrators accountable for their violent behaviour.

In Western Australia, the Department is a key partner in the Family and Domestic Violence Response Teams (FDVRTs) which is an inter-agency program involving staff from the Department, Western Australia Police and non-government family and domestic violence services. The FDVRTs provide timely, coordinated and safety focused responses to families following a police call out for domestic violence.

The Department also provides a Men's Domestic Violence Helpline and Women's Domestic Violence Helpline which operate 24 hours a day, seven days a week and provide information, referrals, safety planning and brief counselling.

The Department provides funding for the following family and domestic violence services. The figures provided below are for the period 2014-15:

- Thirty eight accommodation and support services for women and children escaping family and domestic violence. These services are funded through the joint Commonwealth/State National Affordable Housing Agreement.
- Six Safe at Home and five Domestic Violence Outreach Services. These services are funded through the joint Commonwealth/State National Partnership Agreement on Homelessness.
- Twenty two Family and Domestic Violence Counselling, Advocacy and Support Services funded by the state government.
- Seventeen Family and Domestic Violence Coordinated Response Services (FDV CRS) funded by the state government. The FDV CRS is the community sector partner to the Family and Domestic Violence Response Teams.

In 2015-16 a new metropolitan crisis accommodation service in Ellenbrook will commence operation and a new integrated approach for metropolitan refuges will be implemented to respond to women and children who are in immediate danger and need urgent accommodation. Development of this new approach has been a partnership between the Department and Women's Council for Domestic and Family Violence Services.

Family and domestic violence strategic planning

Most states and territories across Australia have strategic policy frameworks for responding to family and domestic violence. In Western Australia, the Department is the lead agency responsible for family and domestic violence strategic planning, working with partner agencies and community sector services to plan, implement and monitor reforms that promote an integrated response.

'Integrated response' in this context refers to government agencies and community sector services working in a coordinated and collaborative approach to provide holistic, safe and accountable responses to victims (adult and child) and perpetrators of family and domestic violence.

The collaborative approach is characterised by: a shared responsibility for responding to family and domestic violence; no wrong door to a family and domestic violence service response; clear and seamless pathways for clients through the service system; common understanding and language about family and domestic violence and risk; collaborative case management to secure safety and manage risk; and collaborative interventions to aid adult and child victims in healing and recovery.

Some of the initiatives led by the Department to support this reform agenda include:

- Release of the Cabinet endorsed Western Australia's Family and Domestic Violence Prevention Strategy to 2022 which outlines a long term, across government framework for responding to family and domestic violence.
- Implementation of Western Australia's Family and Domestic Violence Common Risk Assessment and Risk Management Framework which establishes minimum standards of practice for identifying family and domestic violence, exchanging information, conducting referrals and assessing, managing and monitoring risk.
- Developing and implementing protocols for multi-agency case management of high risk cases including agreements regarding the exchange of information.
- Working with stakeholders to develop a targeted plan of action for responding to family and domestic violence in the Kimberley region. To be released in July 2015, this plan sets out a range of strategies for working alongside Aboriginal families,

community sector services and government agencies to promote increased safety and wellbeing across the Kimberley.

- Developing and implementing minimum standards of practice for interventions targeted at perpetrators of family and domestic violence including Men's Family and Domestic Violence Behaviour Change Programs.
- Promoting community awareness about family and domestic violence, including a guide for journalists to promote responsible reporting about family and domestic violence in the media, and a website and resources targeted at young people. The website includes resources for teachers to promote respectful relationships.

Building an evidence base

Collecting evidence to support policy development and identify priority areas for attention is key to providing effective responses to those experiencing family and domestic violence. This includes commissioning research and the establishment of key performance indicator to accurately represent the severity, nature and prevalence of family and domestic violence, particularly data to show the extent to which children are affected.

A major initiative under the National Plan to Reduce Violence against Women and their Children 2010-2022 is the establishment of Australia's National Research Organisation for Women's Safety (ANROWS). ANROWS research agenda is predominantly focused on assessing the outcomes for women and children who have experienced or been exposed to violence against women. Further information about the ANROWS research program can be found at the following link: <http://www.anrows.org.au/about/national-research-agenda>.

Longitudinal evaluations of the outcomes for children of family and domestic violence policy reforms have not been systematically conducted. However, research projects commissioned via ANROWS may assist in influencing policy development. The research currently underway includes:

- meta-evaluation of the Safe at Home program;
- examination of the intersection of family and domestic violence and child protection;
- examination of fathering and family violence, particularly in relation to men's domestic violence programs and parenting programs; and
- service provision in remote communities.

In Western Australia, the Telethon Kids Institute has undertaken a Developmental Pathways Program which supports and administers data linkage across state government agencies. This program enables longitudinal research about the experiences and outcomes of Western Australian children and families interacting with state government services. The Department is currently supporting a proposal for a linkage study that examines outcomes for children exposed to family and domestic violence.

The collection of meaningful and credible data in relation to children affected by family and domestic violence is important. It is the means by which evidence can be collected to identify needs and emerging issues that require attention. An example of current data gaps or issues includes:

- prevalence data for children from vulnerable groups affected by family and domestic violence for example, children with disability, children from culturally and linguistically diverse backgrounds, Aboriginal and Torres Strait Islander children, children residing in remote locations and children under the age of five years;
- data related to adolescents using violence towards a parent and adolescents experiencing violence within intimate relationships; and

- a consistent national data set related to the proportion of child protection cases that involve family and domestic violence.

References

- Bogat, G., et al. (2006). Trauma Symptoms among Infants Exposed to Intimate Partner Violence, *Child Abuse and Neglect*, 30, 109-125.
- Brown, T., Fredrico, M., Hewitt, L. & Sheehan, R. (1998). Violence in Families: The Management of Child Abuse Allegations in Custody and Access Disputes before the Family Court of Australia. *The Family Violence and Family Court Research Program*.
- Department for Child Protection and Family Support (2012) *Family and Domestic Violence Background Paper 2012*.
- Department for Child Protection and Family Support (2012) *Family and Domestic Violence Policy*.
- Department for Child Protection and Family Support (2013) *Western Australia's Family and Domestic Violence Prevention Strategy to 2022 – Achievement Report to 2013*.
- Francis, K., Hutchins, T., Saggors, S. & Gray, D. (2008). Group Analysis of Aboriginal Child Death Review Cases in which Chronic Neglect is Present, *National Drug Research Institute*.
- Kitzmann, K., Gaylord, N., Holt, A. & Kenny, E. (2003). Child Witness to Domestic Violence: A Meta-analytic Review, *Journal of Consulting and Clinical Psychology*, 71(2), 339-352.
- Moloney, et al. (2007). Allegations of Family Violence and Child Abuse in Family Law Children's Proceedings: A Pre-reform Exploratory Study. Research Report no. 15, *Australian Institute of Family Studies*.
- Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse (2007). *Little Children are Sacred: Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse*.
- Osofsky, J. (1999). The Impact of Violence on Children, *Domestic Violence and Children*, 9(3), 33-49.
- Perry B D, 'Child Maltreatment: The role of abuse and neglect in developmental psychopathology, *Textbook of Child and Adolescent Psychopathology*, 2008, 93-182.