



Ms Megan Mitchell
National Children's Commissioner
Australian Human Rights Commission
Email: kids@humanrights.gov.au

Re: Examination of children affected by family and domestic violence

Dear Ms Mitchell

I refer to the above and thank you for the opportunity for the Aboriginal Child, Family and Community Care State Secretariat (NSW) (AbSec) to provide input into the matter.

Background

The Aboriginal Child, Family and Community Care State Secretariat (AbSec) is an incorporated not-for-profit community organisation, and is recognised as the peak NSW Aboriginal body within the child protection and out of home care (OOHC) sector. In addition to supporting member organisations to provide accredited OOHC services to children and young people within their communities, we also provide policy advice to the government and non-government sector on issues affecting Aboriginal families involved in these systems.

While providing critical services and support to the OOHC sector, AbSec is committed to reducing the number of children and young people in need of care through both universal and targeted early intervention initiatives that seek to support Aboriginal families and communities to keep their children safe. We are responsible for two important projects under NSW *Keep Them Safe* reforms; Protecting Aboriginal Children Together, and Intensive Family Based Services. The safety of Aboriginal children in NSW is our key priority. Aboriginal children are safest when cared for in their own culture, by family or community, have a strong cultural identity, where communities are involved in decision making about them and keeping them safe, and where they and their families have equitable access to culturally appropriate services.

AbSec asserts the rights of all persons to be free from violence, and acknowledges family and domestic violence as a significant social challenge within Australia. In general, it is felt that effective responses to family and community violence will include interventions targeting both the offenders violent actions and broader community and social responses to keep individuals safe from violence. In general, this submission has used the terms "perpetrator" and "victim". AbSec acknowledges that while family and domestic violence can take many forms, it is most commonly reported as violence perpetrated by men against women. Further, AbSec wishes to respect the resistance of victims of violence (usually women), and the many often unnoticed ways that they try to resist violence.

1. What are the definitional issues in relation to family and domestic violence affecting children?

Nil response.

2. What do we know about the prevalence and incidence of family and domestic violence affecting children, including who is involved in family and domestic violence events?

AbSec defers to the published research literature regarding the prevalence and incidence of violence, including evidence that family and domestic violence often occurs in the presence of other maltreatment types, and has no specific data to add on this issue.

AbSec is concerned that family and domestic violence may be under-reported in Aboriginal families, arising from community distrust of Police and other services. For example, distrust of Police and fears around the response of Police to both victims and perpetrators of violence may result in communities trying to respond to domestic violence (including trying to ensure safety for victims) within the community, or otherwise feeling disempowered to provide effective assistance. Broad distrust of child protection agencies, and the tendency of these organisations to place responsibility for the violence on the victims and their families (“We will take your kids if you can’t keep them safe”) rather than working with families and communities to address violence (including developing safety for victims and their families addressing the perpetrators violence).

3. What are the impacts on children of family and domestic violence?

As with Question 2, this is a question of scientific enquiry, and AbSec defers to the extant literature regarding children’s immediate and longer term responses to family and domestic violence. In general, this literature outlines the neurobiological, cognitive and behavioural responses to unsafe and/or unpredictable early environments, such as those in which family and domestic violence occur. AbSec also acknowledges that such exposure to violence may also disrupt attachment relationships, particularly where children are isolated from broader social supports, including extended family and kinship networks.

4. What are the outcomes for children engaging with services, programs and support?

In representing the views expressed by AbSec member organisations. In general, Aboriginal practitioners in this area felt there was scope for effective outcomes for children and young people and their families, depending on the service and resourcing provided. However, it was noted that often child participation in programs is predicated on the support of a parent or other adult figure supporting the child’s engagement. Often, this means that a child’s engagement with services, programs and support in response to domestic violence is dependent on the quality of service provided to the family more broadly, in particular the non-offending parent. Geographic variations in service availability represent a significant challenge in many areas of NSW.

5. What are the outcomes for children of public policy approaches and educational campaigns targeting family and domestic violence?

As outlined previously, AbSec is concerned about the impact of child protection policy with respect to family violence. First, it should go without saying that AbSec understands the importance of protecting all members of the community, and particularly children, from violence, and asserts that the safety of children is the top priority in child protection matters. However, social work responses that hold the victims of violence responsible for this violence is seen to be unjust and ineffective. Rather, AbSec supports broader responses that engage broader social networks (families and communities) to develop plans to keep victims and their children safe. For example, Family Group Conferencing for Aboriginal families may be one effective method for developing broader protective social responses that help to empower victims to keep themselves and their children safe. Models

that work with families and communities to keep children safe with their non-offending parent are, in our opinion, preferable to those that separate children from their families. Effective interventions should also engage with perpetrators of violence to take responsibility for their violence and change their behaviour.

AbSec acknowledges the recent work of the NSW Family and Community Services (FACS) in placing more focus on working effectively with perpetrators and victims of violence, particularly the recently held seminar on the issue, and encourages further commitment in this area.

AbSec is currently exploring a range of domestic violence models, such as the services provided by the Calgary Women's Shelter, as examples of holistic responses to family and domestic violence. This will include their use of community education campaigns to address broader social themes around family and domestic violence. AbSec believes that such campaigns are central to community-wide responses to family and domestic violence, and that Aboriginal community-controlled organisations are best placed to tailor and deliver such campaigns within their local community.

6. What are the surveillance and data gaps/needs in relation to children affected by family and domestic violence?

As with many aspects of child welfare systems, there is in general insufficient data to assist the sector in developing and improving interventions to family and domestic violence. For example, the annual Child Protection Australia report subsumes domestic violence within the broader "emotional abuse" category. AbSec supports a sector wide collaborative approach to data and action research in child welfare more generally, including a specific focus on family and domestic violence. In particular, this would empower communities to identify those interventions that are likely to be most effective in their specific context, and support ongoing innovation and practice improvements.

AbSec acknowledges again recent changes in this area. For example, the Child Deaths 2012 Annual Report examined the practice of FACS staff in those cases of child deaths between 2007 and 2012 where family violence was a reported risk. Practice reviews such as this are essential to driving practice improvements that will ultimately benefit children and their families.

Regards



Tim Ireland
A/Chief Executive Officer