



The Hon. Yvette Berry, MLA  
Minister for the Prevention of Domestic and Family Violence  
ACT Legislative Assembly

Dear Minister Berry,

The Domestic Violence Prevention Council (DVPC) is pleased to provide you with a Report summarising the discussions from the second Extraordinary Meeting (EM) which was held on 4th April 2018.

The DVPC convened the EM to discuss the needs of children and young people affected by family and domestic violence including sexual violence in the ACT. We know that children and young people can be profoundly impacted by violence in the home even when the violence is not directed at them, and that children can be lost in the complex response to domestic and family violence (DFV) including sexual assault. Both the DVPC Extraordinary Meeting in 2015 and the DVPC Death Review report in 2016 identified that children witnessing and experiencing family and domestic violence have special needs, in addition to the needs of the adults around them.

Some DVPC members have wanted to focus on children for a numbers of years, because of the significant links between child sexual assault and adult victimisation in domestic violence and where the current system intervenes - much later in life - when a focus on even addressing child sexual assault would break a significant pattern for women particularly in reducing the victimisation they are vulnerable to as adults due to the specific impacts of child sexual assault.

The Council considered that there are still gaps in the ACT's response in this area, and the purpose of the EM was to bring together a wide range of experts in the community, Government officials with substantial accountabilities for ACT services and responses to children and young people, relevant professionals, and members of the Legislative Assembly to:

- discuss and better understand the key issues for children and young people who have been affected by domestic and family violence in the ACT;
- provide input and advice about the status of current work in this space;
- identify opportunities to develop and improve the ACT's responses in this space; and
- inform practical measures that the ACT could take to improve supports for children and young people inform ACT Government's next steps.

To inform the EM, preparatory meetings were held with people across the ACT community with expertise and accountabilities for policies, services and strategies to obtain their insights and ideas about practical things that the ACT could do to improve supports for children and young people. The key themes from those meetings were used to inform the discussions at the EM.

Our recommendations have been informed by the discussions at the EM that you and other MLAs attended. The ideas generated by Roundtable discussions at that Meeting were valuable in identifying action priorities that can enable the Government to build on the good progress made in recent years in addressing the risks and consequences of domestic and family violence - and the specific impacts of child sexual assault. The Council was encouraged by the strong appetite for further action that was evident on the day and in the preceding discussions among senior leaders from many sectors and organisations. It was evident that many of the participants were already identifying opportunities for change within their areas of influence, and the DVPC hopes that those changes continue to be worked on to support the work recommended from this Report.

The Council has identified the key areas that it heard warrant priority attention which will address the key risk that children and young people exposed to domestic and family violence are often invisible within ACT service systems, and that supports and services which provide crucial foundations do not adequately recognise children and young people as clients in their own right. Responses must address the real needs, and preferences, of children and young people at various life stages, as well as being adequately funded to enable sustainable delivery of quality supports.

The DVPC also recognises that Aboriginal and Torres Strait Islander (ATSI) children's experience of domestic and family violence causes trauma and may also precede their entry into the child protection system, and contribute to subsequent impacts including separation from their parents and family, and potential permanent separation from their community. There the Council considers that local responses must recognise this, and consider the recommendations from previous local reports such as the 2009 *We Don't Shoot Our Wounded* report, the report from the 2017 joint DVPC/Elected Body *Aboriginal and Torres Strait Islander Community Forum: Domestic and Family Violence* and the ACT Aboriginal and Torres Strait Islander Elected Body Report from their Community Consultation on *Solutions Focused care and protection and family violence (impact on children)* current processes underway such as the *Our Booris, Our Way* review.

The Council recognises that there are also opportunities for connections between these practical proposals and the strategic environment of existing national agreements to which the ACT Government is committed, notably, the *National Plan to Reduce Violence against Women and their Children 2010-2022*, the *National Framework for Protecting Australia's Children 2009-2020* and the ACT's response to the *Royal Commission into Institutional Responses to Child Sexual Abuse*, as well as work already underway in the ACT such as the work being done by human services Directors General in the *Early Intervention by Design* approach, the Family Safety Hub work, and the ACT Charter of Rights for Victims of Crime. By deliberately dovetailing efforts being made under those national agreements and local initiatives results could be accelerated across the ACT.

Our report has been enabled by the efforts of many people. In submitting it, the Council particularly wishes to thank those who were involved in the preparatory meetings to inform the EM, and two officials who contributed substantially to the Extraordinary Meeting process: the Coordinator-General for Family Safety, and the Children and Young People Commissioner.

The Council requests your consideration of this report in the context of future Budget deliberations.

Please do not hesitate to contact me if you require any further information regarding the Council's advice and recommendations.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marcia Williams', written in a cursive style.

Marcia Williams

Chairperson,

Domestic Violence Prevention Council

31 August 2018

## Background

The functions of the DVPC include promoting collaboration among government and non-government agencies and assisting and encouraging them to improve the provision of assistance to victims of domestic and family including sexual violence, *with particular regard to the needs of children and young people*. Attachment A depicts key elements of the Council's work and the links with national strategies. The Council's work to date, including its first and very successful Extraordinary Meeting which was held in 2015, has focused largely on the needs of adults, particularly women. However, the need now exists for the Council to focus on the needs of children and young people, to reduce their potential for being adults in a similar system.

More than half of women in Australia who experience violence from a partner during their lifetime will be caring for children when the violence occurs. One in 3 girls and one in 6 boys are sexually assaulted before the age of 18 in Australia. Since children and young people may be witnesses, bystanders and direct victims of family and domestic violence – including sexual violence – considering the needs of children and young people is important:

Many decades of research show that they experience serious negative psychological, emotional, social and developmental impacts to their wellbeing from the traumatic experiences of domestic and family violence. Research also shows that family and domestic violence affects unborn children.

Yet children and young people are often forgotten or do not have a voice in shaping the responses and supports that should be targeted at reducing their experience of violence and mitigating the impact of this experience.

That is why the DVPC convened the Extraordinary Meeting in April 2018 to obtain expert inputs, and to build shared cross-sectoral momentum for action, in relation to the needs of children and young people affected by domestic and family violence including sexual violence.

The Council chose this focus because the needs of children and young people have growing priority in a number of government plans and related strategic drivers, including the following.

- The *National Plan to Reduce Violence against Women and their Children 2010-2022* is Australia's overarching document, endorsed by the Council for Australian Governments. Its Current Action Priorities include "Responding to children living with violence", reflecting the mounting evidence that children are impacted by violence and abuse at home, even if they are not directly targeted for it. The ACT Government has also committed to implement Australia's COAG-agreed *National Framework for Protecting Australia's Children 2009-2020*. Issues of child safety and abuse, including sexual abuse, are among the priorities under the Framework.
- Major progress has been made in recent years across the ACT, in response to the Council's report from the 2015 Extraordinary Meeting. Crucial changes have included establishing an ACT Coordinator-General for Family Safety to lead whole-of-government work. Initiatives include a Family Safety Hub, to explore innovations to improve timeliness of responses for families with children at risk of experiencing violence, and to build pathways to safety that go beyond defaulting to statutory services, and that enable recovery from trauma as part of rebuilding young lives.

- Various other high-profile processes, such as Victoria's Royal Commission into Family Violence and relevant national reviews by the Australian Law Reform Commission, have drawn attention to the major risks to children and young people from domestic and family violence.
- The National Risk Assessment Principles for domestic and family violence were released by ANROWS on 25 July 2018. These Principles resulted from a commitment in the Third Action Plan made under the *National Plan* to develop and implement National Risk Assessment Principles for survivors and perpetrators of violence, based on evidence, including the risks that are present for children and other family members who experience or are exposed to violence (National Priority Area 3, Action Item 3.1).
- Initiatives including those outlined above reflect the growing evidence of risks to children and young people from domestic and family violence including sexual assault.
- Even in the few months since the Council held its second Extraordinary Meeting, further public attention has been drawn to the incidence of domestic and family violence affecting children and young people and its substantial impacts. For example, recent murders of children in WA and in NSW, allegedly by family members, have caused national concern. Such tragedies are adding impetus to cross-jurisdictional discussions about practical responses; for example, Attorneys-General are considering how to share information between police and courts.
- The Royal Commission into Child Sexual Abuse within Institutions.
- Local responses focussed on the issues for the ACT Aboriginal and Torres Strait Islander community including the ATIS Elected Body Report from their Community Consultation on *Solutions Focused care and protection and family violence (impact on children)* and the *Our Booris, Our Way* review.

### **The 2018 Extraordinary Meeting**

Our 2018 Extraordinary Meeting aimed to enable senior leaders from accountable organisations and influential experts from across ACT policy and service systems to:

- Share knowledge about what works to protect and restore children and young people who have experienced or witnessed domestic or family violence including sexual assault / child sexual assault;
- Identify key issues, unmet needs and barriers to providing accessible quality supports; and
- Explore opportunities to extend and improve supports for at risk young people in the ACT.

Invitations to the Extraordinary Meeting were deliberately targeted to senior people who have accountabilities and expertise that could enable meaningful action. There was substantial interest in attending including from Members of the Legislative Assembly and from across all sectors. The Council was delighted to be hosting an event that could enable a diverse group of influential people to develop relationships, as well as insights and ideas, which will be important to galvanise action.

In the lead-up to the Council worked with the ACT Coordinator-General for Family Safety to sponsor facilitated Preparatory Meetings – see Attachment B. These aimed to enable invited participants to first work inside their own organisations to glean information about what is already working, and to generate ideas about improvements which would support ACT children and young people for exploration at the Extraordinary Meeting. Preparatory Meetings were encouraged to consider questions such as:

- Whether children and young people at risk from exposure to domestic and family violence are visible, or hidden, within each organisation and/or service system – and why;
- What impacts on these children and young people are apparent – and how (e.g., data);
- Needs of children witnessing or experiencing violence (recognising that work was already underway in relation to Child and Youth Protection Services and Out of Home Care);
- Interventions for children exposed to domestic and family violence including sexual assault, at various ages and stages of their lives and to interrupt intergenerational patterns of violence;
- Prevention and intervention approaches, e.g., to develop respectful relationships, and for early intervention with young people who show sexualised behaviours and/or warning signs of becoming perpetrators or victims;
- What is working, and what practical changes, are needed within each part of ‘the system’;
- Child Sexual Assault- as part of domestic violence and as a stand alone crime within families.

Over 80 people with diverse senior roles in government, academia, courts, community and public sector agencies participated in the half-day discussion. It was indeed an “extraordinary” group, involving Directors-General, Justices of Federal as well as ACT Courts, CEOs of community organisations, members of other ACT Ministerial Advisory Councils, academics, statutory officers and other senior officials from ACT Directorates with substantial accountabilities for services for children and young people at risk from family violence and sexual assault, along with Ministers, other MLAs and Advisers. To ensure that the voices of children and young people with lived experience were part of the conversation, keynote speakers generously recounted lived experiences to inform the Meeting.

Most of the afternoon was spent in Roundtable discussions involving groups with a mix of backgrounds. Based on an analysis of recurring themes from Preparatory Meetings, eleven topics were chosen for discussion by Roundtables:

- Providing specific services and independent supports for children and young people;
- Ensuring the ACT’s service responses are informed by, and respond to, the voices of children and young people;

- Redesigning and funding mainstream services so they 'see' children and young people as individuals who are affected by domestic and family violence, and can service them as recognised clients – rather than working only with their families or parents;
- Responding early to support children and young people, and to prevent intergenerational patterns of family violence – not just waiting till an expensive crisis response is needed;
- Improving how ACT and Federal court systems and related services work together to assist children and young people affected by domestic and family violence matters;
- Establishing constructive relationship norms for children and young people to help challenge patterns of family violence and sexual assault in our communities;
- Responding to unmet demands for services for children and young people who are the subjects of, or who witness, sexual violence, and who are sexually assaulted themselves. in domestic and family violence contexts;
- Building on what works in the ACT's justice, police and court practices to protect, and better meet the support needs of, children and young people at risk from domestic and family violence including sexual violence in all of its forms;
- Taking a restorative approach to supporting children and young people who may be exposed to domestic and family violence;
- Making better use of people and places in our community – leveraging where children and young people feel comfortable and can access supports from skilled people who are trusted by children and young people at risk from domestic and family violence, and
- Ensuring the ACT's strategies and funded services for children and young people cater for the diverse circumstances of different groups across the ACT community.

Detailed notes were taken of Roundtable discussions, with Council members serving as scribes wherever possible. The Council subsequently reviewed transcripts of all Roundtables.

### **Key findings from the Extraordinary Meeting**

There was significant consistency in the conclusions and proposals made by Roundtables, which enabled the Council easily to distil the following key findings from the Extraordinary Meeting:

- Domestic and family violence including sexual assault does pose a significant risk for children and young people across the ACT. Harms can be life-long as well as immediate, including long-term consequences of trauma.
- However, the full extent and impacts of the problem are not yet clear, due to limitations in ACT approaches to identifying clients and capturing case data. The real incidence of family and domestic violence - including sexual assault - affecting ACT children and young people is significantly under-estimated, which contributes to there being substantial unmet need, particularly among vulnerable people.

- Many at risk children and young people are “invisible” in the ACT’s domestic and family violence system. This results from many factors, including:
  - Individuals may be afraid to report due to risks of retribution and/or stigma;
  - People who are potential ‘touch points’ and trusted by children and young people may lack the knowledge, confidence, capabilities, time or resources to be able to notice and/or respond particularly given the diversity of young people’s circumstances and needs;
  - There is a deficit in response capabilities (skills, time, infrastructure, information-sharing mechanisms, evaluated practice models, etc.) across the service system;
  - Resources are inadequate in multiple arenas – therapeutic, preventive, administrative, infrastructure, etc.);
  - The lack of data masks the true extent and nature of unmet need;
- Policy settings, including funding and performance frameworks, and consequently service delivery systems and evaluation practices are not attuned to recognise or respond to these needs. There is already significant research across the world relating to trauma, but that research is not reflected in the above.
- There are consequential issues for children and young people who are not visible in “the system” as distinct from others who are in, e.g., statutory care.
- Policy and practice need to recognise that some groups of children and young people (particularly from Indigenous families and non-English speaking backgrounds) face particular risks of domestic and family violence including sexual assault. Culturally appropriate responses are required at all ages and stages of life.
- Innovative interventions are needed to tackle intergenerational patterns of domestic and family violence including sexual assault.
- However, there are also strengths in an array of practices, processes and organisations. These offer ready opportunities to make immediate improvements, including by linking with people or processes that are already established. For example, there are existing mechanisms (e.g., Family Safety Hubs) and key officials (particularly, the ACT Commissioner for Children and Young People, and the Coordinator-General for Family Safety); and recommendations have been made by other expert reviews and advisory processes, e.g., Australian Law Reform Commission, Aboriginal and Torres Strait Islander Elected Body, Restorative City approaches.

There was also consensus that two systemic changes are crucial, to enable system-wide cultural change and to build the evidence base required for credible and accountable action.

- First, both policy makers and service delivery providers need to (be able to) deal with children and young people as clients in their own rights, not just as ‘add-ons’ to an adult (most commonly, their mother) who is recognised – and thus funded – as the client.
- Second, in developing practical strategies to respond, the Government needs to listen to the voices of children and young people.



## Recommendations from the Domestic Violence Prevention Council

The Council is optimistic that a manageable number of cost-effective actions could be taken that would make a material improvement in the ACT's capacity to understand and respond effectively to the needs of children and young people affected by domestic and family violence including sexual violence. The actions recommended below are consistent with the approaches that the Government has already committed to, for example, in the inaugural Safer Families Ministerial Statement to the Legislative Assembly, delivered last year, which emphasised that:

*"... funding alone is not the answer. Real change requires strong leadership. ...*

*[It is important to] "drive cultural change and lead reform in partnership with government agencies, non-government services and the Canberra community. ...*

*Our commitment is to build a system that is person and family centred, that builds confidence so that more people seek help, and that is able to identify and support families at risk much earlier before the violence escalates. That kind of change takes long term effort, and an approach to implementation that is focused on learning from what works and what doesn't, refining and adapting and trying again."*

That commitment, in the Council's view, provides a vital foundation for success.

Many of the recommended actions also align with the ACT Government response to the Royal Commission into Institutional Responses to Child Sexual Abuse.

Consequently, the Council has identified a small number of key recommendations that address needs for both immediate and longer-term actions. We believe there is scope to achieve some "quick wins" as well as a need for ongoing investments to achieve systemic change.

Our recommendations proceed from our shared view that two long term goals matter:

- Children and young people should be accorded equal status (with women and men) in consideration of domestic and family violence, and sexual assault. This includes listening to them about their impacts and needs, as well as ensuring that policies and programs are redesigned to cater specifically for the impacts of their trauma; and
- There must be dedicated funding to progress evidence-based, age-appropriate, person-focused services for vulnerable children and young people in the ACT.

The Council recommends action in the following priority areas:

1. Consulting children and young people to understand their needs and service preferences and design responses;
2. Therapeutic services for children;
3. The justice system;
4. Training for people who are probable 'touch points' for children and young people (children and young people); and
5. Gathering data as a basis for evaluation of what works and to inform targeting of future services/strategies.

These priority areas should also connect with the overarching national and ACT Plans and Frameworks that were summarised in paragraph 2.

These recommendations identify pieces of work that relate to early intervention and recovery which could in the long term reduce the costs borne by individual children and young people and their families, and future budgetary costs – including the costs associated with children's experience of family violence.

The Council recognises that some work is underway that is complementary to the recommendations, but that specific funding for inclusion of the needs for children and young people may be needed. For example, resourcing for the work regarding data and evidence to inform domestic and family violence strategies for children and young people will be crucial since the data can identify unmet need, creating data-driven KPIs for service agreements that require/measure attention to priority areas.

## RECOMMENDATIONS

### **1. Consulting with children and young people**

One of the strongest messages from the Extraordinary Meeting was the need to meaningfully engage children and young people in the development of responses to domestic and family violence. The DVPC heard that, as children are not recognised as service users in their own right, and their voices are absent within development processes and services. Even at the Extraordinary Meeting, we were reliant on adults speaking on behalf of their children. Every single Roundtable discussion raised the need to hear the experiences of children and young people as the central part of consideration of the issue at hand.

There are significant ethical issues which accompany consultation with children and young people on the issues of family and domestic violence and the protecting the safety of children and young people throughout consultation must be a paramount consideration.

The process of creating child-safe organisations require us to place children at the centre of all parts of service design, delivery and evaluation. Only by understanding children and young people in their own right will we be able to do this well. The DVPC's recommendations are designed to provide the ACT Government with ways to do this both in the immediate, as well as initiatives that will require longer-term support and implementation and create the base for a sustainable and sustained child-centred approach to DFV across the Territory.

**Recommendation:** The DVPC recommends that the ACT Government puts the voices of children and young people at the heart of service design and delivery so that they directly influence the development of child-centred service responses to family and domestic violence by:

- Prioritising and allocating funding for a Family Safety Hub co-design challenge with young adults with lived experience of DFV to inform the development of child-focused responses to support and services.
- Allocating specific funding to the Children and Young People Commissioner to undertake specific consultation and engagement with children and young people on their experiences of family and domestic violence, the effects on their lives, the supports and/or services they received and the supports and/or services that would best empower and support them to report and recover from DFV.
- Ensuring that the co-design of a service system response is child-centred from its origin. This could be achieved through the requirement for a child-impact assessment or similar tool to guide the design, procurement, implementation, review, reporting and evaluation of responses to DFV and DFV services that engage with children in any capacity. This tool should implement the National Statement of Principles for Child Safe Organisations, central to which is the need

for ongoing consultation and engagement with children and young people and their meaningful participation in decisions that affect them.

### **Context:**

The Royal Commission into Institutional Responses to Child Sexual Abuse was established in response to allegations of sexual abuse of children in institutional contexts. Central to the Commission's recommendations was the need to ensure all institutions and organisations that engage in any work related to children are Child-Safe. The 10 Child Safe Standards articulated in the Commission's report were used to develop a National Statement of Principles for Child Safe Organisations, which was endorsed by COAG in 2018. The National Statement of Principles defines a child safe organisation as "one that creates a culture, adopts strategies and takes action to promote child wellbeing and prevent harm to children and young people." Specifically, the Principles require institutions, organisations and services to consciously and systematically create an environment where children's safety and wellbeing is the centre of thought, values and actions and place emphasis on genuine engagement with and value children.<sup>1</sup> In its response to the Commission's recommendations, the ACT Government has committed to prioritising collaboration with other jurisdictions to progress a new National Framework on Child Safety, which will apply the standards articulated in the Commission's report in the development of child safe institutions and in the development of government policies, programs, services and interventions.

The ACT Government has further committed to the principles of Open Government, including participation by citizens and public collaboration in the process of governing and finding solutions to problems and the improved well-being of the community. Accordingly, the Government is committed to engaging effectively with its citizens in a meaningful, accountable, responsive and equitable way. (ACT Government, *Engaging Canberrans: A guide to community engagement* (2011)). This includes consultation with children and young people. The principles of restorative practice also support the principle that people should be involved in decision that affect them. A commitment to seeing Canberra as a restorative city also asks the ACT Government to ensure policy and service responses to DFV support, rather than fracture children's families.

The National Plan to Reduce Violence against Women and their Children 2010-2022 recognises that it is important to engage sensitively with children to hear how they are affected by family violence, what helps them to feel and be safe, and what can be done to help them recover.

Importantly, Action Area 3 of the report from the Advisory Panel on Reducing Violence against Women and their Children to COAG in April 2016 stated that '*children and young people should be recognised as victims of violence against women in their own right*' and recommended that '*the views and experiences of children and young people be taken into account during the scoping, design, and evaluation of services*'.<sup>2</sup>

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<sup>1</sup> Australian Human Rights Commission, *National Statement of Principles for Child Safe Organisations: Consultation Draft*, (2018).

<sup>2</sup> Department of the Prime Minister and Cabinet, Australian Government, COAG Advisory Panel on Reducing Violence against Women and their Children: Final Report, (2016) 61.

## **What would be involved**

Given the nature of the content, any consultation with children and young people on domestic and family violence must be designed to ensure the safety and wellbeing of children and young people during consultation process, including providing support if the need is identified. The DVPC recommends the ACT Government consult deeply with the office of the Children and Young People Commissioner to understand the time and resources required to address the ethical and safety issues likely to be raised through consultation.

The consultation should also be designed to use a range of methods that ensure we hear the experiences of children across age groups and children whose voices can best inform the design of responses. There are significant differences in the way children and young people can engage with consultation across ages. The consultation process needs to be resourced to include specific strategies to ensure the Commissioner is able to engage with and hear from young adults, teenagers, children, pre-schoolers, and where possible, toddlers and babies.

The Extraordinary Meeting also heard that if design processes are designed with the children who are least likely to be heard and/or the most likely to be affected, they stand the best chance of meeting the needs of all children. For this reason, the consultation process also needs to be resourced to ensure the Commissioner is able to engage with and hear from the following groups of children:

- Aboriginal and/or Torres Strait Islander children and young people;
- children and young people from refugee, migrant and other culturally and linguistically diverse backgrounds;
- children and young people who are engaged with the Care and Protection system;
- children and young people who live out of their family home, including children in youth justice facilities, mental health facilities, or out of home care facilities or are homeless;
- LGBTIQ children and young people; and
- Children and young people who care for a family member with an illness or disability.

## 2. Therapeutic Services for Children

The DVPC heard that children deserved access to a timely and appropriate response to their fear and trauma, but that there are very limited referral options for children and young people to support unless CYPS is involved, a lack of services in the ACT for young people with a history of or current trauma, and not enough therapeutic interventions. We also heard that there was a lack of both funding and adequate qualified staff to meet demand for therapeutic interventions in the ACT, and that existing programs had long waiting lists. Specific areas which needed responses were for children who engage in DFV, young people with behavioural issues as a result of DFV, and services for sexualised behaviours in children over 10 years.

There is a need to:

- increase the number/availability of services; and
- have clearer referral pathways and visibility of what services exist.

**Recommendations:** The DVPC recommends:

1. A mapping of what ACT organisations currently provide therapeutic services/programs to children exposed to DFV and how and what they are doing to ensure:
  - ***A child centred approach*** -This gives voice to the child's experience and recognises the child as the primary client. Research with children has shown that they experience and perceive challenges differently and that a 'one size fits all' service approach does not meet their individual needs (Moore et al., 2007).
  - ***Ensuring positive outcomes for children*** - Elements include the need to consider 'whole of family', therapeutic considerations, collaboration and partnerships, relationships, screening and assessment and skills raising for the sectors (Barker et al., 2013).
2. The ACT Government increase the availability and number of therapeutic responses and services available to assist children who experience or witness family violence, and who are sexually assaulted.

### **Context:**

Within the field of DFV there is sparse literature and research addressing interventions with children exposed to DFV. Across the service sector nationally and internationally there are a range of therapeutic interventions for children affected by DFV. The goals of the interventions may vary but most focus on addressing developmental delays, behavioural issues and treating trauma through interventions that target either the mother, the child, or the mother/child. (Graham-Bermann & Hughes, 2003; Graham-Bermann, Lynch, Banyard, DeVoe & Halabu, 2007; Onyskiw, 2003; Thompson, 2011).

In the local discussions there appeared to be little knowledge of what services were available specifically for children exposed to DFV and the service models and approaches that should be employed with children, as well as little discussion about which service sectors should deliver these responses. There was agreement that consideration should be given to increasing the availability and number of services and that these services should be utilising evidence based practices that are trauma-informed and restorative.

In the DVPC's Death Review report in 2016, it was identified that children witnessing and experiencing family and domestic violence have special needs, in addition to the needs of the adults around them, but support and assistance for the children who experience, witness and are exposed to domestic and family violence was identified by the review as a gap in services.

Services and programs should be available to children who have witnessed or experienced family violence. There currently appears to be limited services and programs for children as family violence victims and witnesses before crisis point, and for children and young people for whom Child and Youth Protection Services (CYPS) or statutory responses are not appropriate.

### **What would be involved**

1. Some agreement on general key principles underlining child-focused interventions across the sectors that provides services to children exposed to DFV is vital. Areas that require agreement include:
  - A definition of what child-centred practice entails,
  - Common terminology; instead of a range of labels used (for example child-focused, child aware, child-centred used),
  - Clarity about role, timing and content of trauma-informed practice,
  - Staff capacity and skills to deliver therapeutic responses, and
  - Clarity regarding the nature of involvement of parents/caregivers in child-focused work.
2. It is recommended that services incorporate the needs of both the children and the needs of parents. Scott (2009) has developed a spectrum that places services on a continuum incorporating elements with broad being the optimum approach: **Broad - the needs of families/children are an intrinsic part of core role.**
3. Therapeutic interventions for children and parents affected by DFV need to be based within an integrated care plan that addresses the diverse range of issues, including trauma, that children and families can face (Tischler, et al., 2009).
4. Children and families have various levels of need; some will require intensive support and services and some will not – a 'one size fits all' approach is therefore, not appropriate.

A strategy worth exploring might be to use a consultant model; the model provides a way to support existing services to build the capacity of organisations and develop ways of working with families and children. The expert consultant can support existing services to increase their capacity to respond to families and children generally, but also specifically to particular cases.

Another strategy may be increased collaboration between various services providers and 'bridges'. The 'bridges' include coaches, teachers and youth workers; an upskilling of this

group so that they are better able to respond to disclosures, offer support and appropriately refer.

5. Children and families experiencing DFV can fall out of the system due to high levels of mobility. This can make it very difficult to maintain contact with the family or mainstream services, particularly health and education (Kirkman et al., 2009).

Better screening, assessment and triage would ensure the service response is maximised to assist children and families in the best possible way:

- As children and families have diverse, complex and interlinked needs, which can rarely be met by one service, a comprehensive assessment of clients' needs is essential.
6. Research confirms that there is an uneven capacity of homelessness and other mainstream services to assess and respond to children's needs (Brown, 2006; Gibson, 2010):
    - Recommend training in observational skills and basic child and adolescent development
    - Recommend support and training and support from early childhood specialists in order to build confidence and skills working with children.

Stronger relationships will be needed between research and practice, for research to inform practice. There is a need for existing practices to have clearly articulated intervention goals, objectives, tasks and the selection of appropriate measures, which will allow for more rigorous evaluation and feedback on the effectiveness of the interventions over time. There is a clear need for future research and evaluations of programs that specifically address the needs of children who have experienced DFV.



### **3. The justice system**

The DVPC heard that there were opportunities in the ACT's justice system to build the momentum for children and young people affected by domestic and family violence by:

- realigning legal and court approaches to better meet the needs of, and protect, children and young people;
- reducing the impact of court processes on children and young people;
- building on and extending current approaches (such as simple extensions to current special evidence provisions, and extending pre-trial hearings for children already in the sexual offences space to family violence offenses); and
- Better use of the ACT resources invested in criminal law etc and Family Court resources by considering sharing of information in litigation.

**Recommendations:** The DVPC recommends:

1. The use of intermediaries in ACT courts to reduce trauma for children and young people.
2. The establishment of an ACT intermediary pilot with a view to long-term use of intermediaries in ACT courts.
3. That the existing special measures for vulnerable witnesses be extended to children and young people and their families in a broader range of circumstances. Such reform would minimise trauma for children and young people who are required to give evidence about family violence, including sexual violence perpetrated by family members.
4. That ACT Government consider legislative reform so that the Federal Circuit and Family Courts have appropriate access to 'Evidence in Chief' interviews recorded by ACT Policing in relation to ACT Family Violence offences.

#### **Context:**

##### Intermediaries

Participants at the Extraordinary Meeting recognised the significant stress and trauma experienced by children and young people who are required to give evidence about violence perpetrated by a parent or family member. A related issue is the fact that during police investigations and the adversarial cross-examination process, a child's communication difficulties can negatively impact the quality of their testimony.

#### **What would be involved**

Use of intermediaries has been recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse and accepted, in principle, in the ACT Government's response to the Royal Commission. The use of intermediaries in ACT courts would reduce trauma for children and young people and ensure that communication barriers do not inhibit a child or young person's ability to give accurate evidence in family violence matters.

Use of intermediaries would:

- reduce the stress and trauma experienced by children and vulnerable young persons who are victims and witnesses in relation to family violence offences, including sexual offences that occur in a family violence context; and
- improve processes for the collection of accurate, detailed evidence in relation to family violence and sexual offences.

As explained by the ACT Director of Public Prosecutions, Mr Jon White '*...intermediaries have professional qualifications to assist in communication with children and other witnesses with a communication difficulty. The intermediary assesses the witness's abilities, and - as a professional and impartial adviser - assists the court and the parties in how best to communicate with the witness. The intermediary can intervene in a court examination where they observe that a communication breakdown has occurred.*' As an impartial participant, intermediaries undertake a thorough assessment of a child's communication needs and can assist in the context of police investigations as well in a pre-trial 'ground rules' hearing where they report to the court and the parties on the witness's communication requirements. Ground rules hearings identify the questions that need to be put to the witness and how they can be asked in ways that meet the witness's communication needs. This process can also lead to a narrowing of the issues, creating trial efficiencies.

Intermediary Schemes have been in operation across England and Wales since 2008 and NSW are part-way through a 3-year Intermediary pilot for child witnesses in sexual offence matters, implemented by NSW Victims Services within the Department of Justice. Victoria has commenced an Intermediary pilot on 1 July 2018 which is available to children and to adults with a cognitive impairment in sexual offence and homicide matters.

Recommendation 59 in the Royal Commission's Criminal Justice Report recommends establishment of an intermediary scheme in child sexual abuse matters. The DVPC understand that the ACT Government Response indicates support for the intent of the recommendation and that the Government is undertaking consultation on this issue.

### **Context:**

#### Extension of Special Measures for Children and Young People and their families

Extraordinary Meeting attendees identified that there are still a number of gaps in the ACT's special measures framework when it comes to child complainants and witnesses.

The ACT has been a leading jurisdiction when it comes to the use of special measures by child witnesses, for example, allowing a child to give evidence remotely by Audio-Visual link, with a support person present and/or via a pre-trial hearing. All of these measures aim to minimise trauma for Children and Young People and to ensure their most accurate evidence is before the court.

### **What would be involved**

The DVPC would welcome an exploration by ACT Government of these gaps and consideration of the following steps towards minimising trauma for children and young people who are required to give evidence about domestic family violence:

- Extension of pre-trial hearings to children and young people giving evidence in homicide matters. This is particularly relevant where a child or young person has witnessed the killing of a parent or family member.
- Extension of pre-trial hearings to close family members of child sex-offence complaints. This would address the current situation where a child's parents or carers may have to wait many months to give their evidence, delaying the family's ability to talk openly about the incident and work constructively towards the child or young person's recovery.
- Record the evidence of child complainants and child witnesses in violent offence proceedings, including Family Violence matters, to ensure this evidence can be played at any re-trial. This would avoid the child or young person having to give evidence again, should the court order a re-trial.
- Require courts to be closed when children give evidence in sexual offences, which often occur in a family violence context. This includes where evidence given by a child at a pre-trial hearing is re-played at the actual trial.

### **Context:**

#### Improving access to Family Violence Evidence-In-Chief Recordings in Family Law disputes

In 2016, ACT Police began routinely collecting Evidence-In-Chief (EIC) interviews at the scene of family violence offences. These recordings are used as the complainant's evidence in chief. EIC recordings contain important evidence about family violence, which may be alleged by one or both parties in family law proceedings relating to arrangements for children and/or division of property.

At present, EIC interviews can be subpoenaed in limited circumstances for viewing by the Federal Circuit and Family Court. However, the Canberra Registry of the Family Court has identified that legislative amendments are required to ensure appropriate access to EIC recordings in family law proceedings. For example, at present EIC recordings may not be able to be viewed by expert witnesses who cannot attend the Canberra registry to view the recordings in person.

### **What would be involved**

The DVPC understands that the Court has already raised this issue with the ACT Attorney-General. The DVPC strongly supports progress on this issue to ensure that all relevant evidence relating to allegations of family violence is before the court in the context of disputes about children's safety and living arrangements.

The DVPC further notes that any change to the relevant legislative frameworks to broaden access to EIC recordings must be implemented in a way that prioritises the safety of victims and their children and the highly sensitive nature of such recordings.

#### **4. Training for people who work in roles/ places that are “touch points” for children and young people**

The DVPC heard that children feel more comfortable reaching out to people who they already know, who work in roles and places that they trust and who are not part of the traditional DFV or CYPS responses. Therefore, increasing the knowledge of these “touchpoints to recognise and respond to children and young people affected by DFV is important.

**Recommendations:** The DVPC recommends:

1. That ACT Government leverage off the current work being done by the Office of the Coordinator General for Family Safety to develop Domestic and Family Violence training, ensure this training covers the impacts and needs of children and young people affected by domestic and family violence and explore the opportunity to expand this beyond the current target group (ACT Government frontline staff) to support those who work in roles/places that are ‘touch points’ for children and young people.

#### **Context:**

The ACT Domestic and Family Violence Frontline Worker Strategy is designed to enable frontline workers in ACT Government to improve their understanding of, and capacity to, respond appropriately to domestic and family violence. Training will be made available through online staff training, manager training and face to face modules (for some specialist staff). Training resources are being developed to assist with both establishing shared and consistent language, and increasing understanding of domestic and family violence in the ACT, including the impacts of this violence on children and young people.

The Strategy recognises that different levels/tiers of training will be needed dependent on the roles and specialisation of workers, with a range from basic knowledge/content, through to detailed specialist knowledge/content for those workers who deal with domestic and family violence issues regularly in their professional practice. There is an opportunity to consider how the training and resources developed might be used/adapted to build the capacity of other non ACT Government touchpoints.

#### **What would be involved**

The Frontline Worker Strategy currently focuses on ACT Government staff, so the resources/ training materials within this strategy could be adapted for use by a broader audience beyond government staff.

It will be important to consult directly with young people to identify those touchpoints relevant to them.

## **5. Using data and evidence to inform domestic and family violence strategies for children and young people**

Collecting good data is important to determine who experiences family violence; how they experience family violence; what services they use; and what services are provided. The DVPC heard that children and young people often have low visibility in official data about domestic and family violence (DFV), particularly as they are often not the primary 'client' from the perspective of services being delivered.

**Recommendation:** The DVPC recommends:

That the ACT Government improve on the ACT's use of data to inform strategies for children and young people by:

- prioritising relevant datasets for inclusion in the Government's data lake to drive improved visibility and consistency across government;
- assessing opportunities to link data in the data lake to generate new insights about the extent and circumstances of children and young people who may be at risk of DFV in the ACT but are not currently visible in existing data; and
- the government, community sector and researchers collectively design a program of evaluations for DFV strategies and services in the ACT, including jointly scoping evaluations and sharing findings without prejudice.

### **Context:**

The lack of data about children and young people hampers the ACT's ability to accurately assess the level and nature of DFV responses and what services are needed in the community. It also restricts our ability to effectively evaluate whether past or current strategies and services have improved outcomes for children and young people either experiencing, witnessing or at risk of experiencing DFV. An

There is a need to address the gaps in the local data about children and young people in the ACT system, and to develop an evidence base using data to inform and improve ACT's strategies and responses for children and young people affected by DFV, and policy decisions in the ACT.

The DVPC's ACT Domestic and Family Violence Data Collection Project Report highlighted that domestic and family violence data collection in the ACT could not measure the effectiveness of interventions.

A focus on children and young people was also specifically outlined in Recommendation 3.1 of the report of the Advisory Panel on Reducing Violence against Women and their Children to COAG in April 2016<sup>3</sup>, which stated:

*'All Commonwealth, state and territory governments should, when collecting data and carrying out research on violence against women and their children, recognise that children and young people are victims of violence against women in their own right. Governments should:*

*ensure data collected on violence against women includes information on children and young people and their experiences as direct and indirect victims of violence;*

*where appropriate, specific data on diverse groups of children and young people should be collected.'*

The National Data Collection and Reporting Framework will not be operational until 2022 (*National Plan to Reduce Violence against Women and their Children 2010-2022*), but the ABS framework supporting this could provide a basis for informing the collection of data across the ACT.

## **What would be involved**

The ABS framework already provides a guide on the collection of DFV administrative data and a structure for data collection activities; guidelines for collecting data items to ensure consistency; and advice on implementing data collection, storage and reporting.

The ACT's human services agencies have developed a common dataset for human services in the ACT, which addresses many of the DVPC's earlier recommendations regarding collection of DFV data in the ACT. This includes establishing common standards for how demographic information should be recorded, guidance for how data collection should be implemented and how DFV-specific incidents and relationships should be recorded. The standards are not static and will continue to develop over time.

Having recently received funding to move into a 'production' phase, the Office of the Chief Digital Officer (OCDO) is currently preparing the data lake for use across ACT Government. Key targets for the OCDO include the addition of priority datasets into the data lake, as well as facilitating a number of flagship automation and analytics projects across government.

In the first instance, it may be possible to fill the gaps in the picture of children and young people at risk of DFV through the linkage and analysis of existing datasets.

OCDO is also currently scoping a project with the Coordinator-General for Family Safety that aims to improve the sharing of DFV information across multiple agencies.

This work could be leveraged to:

- identify and establish appropriate data collections related to children and young people at risk of DFV in conjunction with the office of the Chief Digital Officer; and

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<sup>3</sup> Department of the Prime Minister and Cabinet, Australian Government, COAG Advisory Panel on Reducing Violence against Women and their Children: Final Report, (2016) 61

- make use of the new data holdings to undertake proper evaluations of DFV strategies for children and young people.

**How action should be monitored/evaluated over time**

Indicators of implementation progress (for a given period of time) could include:

- The number of relevant datasets added to the ACT's data lake;
- Establishment of a baseline for those datasets' compliance with the human services common data standards and subsequent annual benchmarking of improvements;
- The increase in the number of children and young people at risk of DFV identified as a result of data linkage projects;
- Agreement via the DVPC on a program of evaluations for DFV strategies and services in the ACT, with those evaluations reflected in the ACT Government's Evaluation Program.

DVPC Strategic Plan 2017-2019 – table of National and ACT commitments related to children and young people

ACT Domestic Violence Prevention Council – Strategic Priorities	National Plan to Reduce Violence against Women and their Children 2010-2022 – Outcome Areas	Third Action Plan (2016-19) for National Plan – National Priorities	ACT Prevention of Violence Against Women and Children Strategy (2011–2017) – Objectives	National Framework for Protecting Australia's Children 2009-2020
<ol style="list-style-type: none"> <li>1. Generate a sense of community awareness of &amp; involvement in the prevention of all forms of violence within intimate &amp; family relationships.</li> <li>2. Encourage &amp; facilitate systematic early intervention strategies aimed at the prevention of domestic violence.</li> <li>3. Encourage &amp; facilitate a coordinated government, community &amp; criminal justice response to domestic violence.</li> <li>4. Encourage &amp; facilitate measures that reduce recidivism &amp; the opportunities for re-offending.</li> <li>5. Monitor developments within &amp; outside Australia of legislation, policy &amp; community views on domestic &amp; family violence (including sexual violence) &amp; the provision of health &amp; welfare services to victims &amp; perpetrators, &amp; gather relevant statistical &amp; other information.</li> </ol>	<ol style="list-style-type: none"> <li>1. Communities are safe &amp; free from violence.</li> <li>2. Relationships are respectful.</li> <li>3. Indigenous communities are strengthened.</li> <li>4. Services meet the needs of women &amp; their children experiencing violence</li> <li>5. Justice responses are effective</li> <li>6. Perpetrators stop their violence &amp; are held to account</li> </ol>	<ol style="list-style-type: none"> <li>1. Prevention &amp; early intervention.</li> <li>2. Aboriginal &amp; Torres Strait Islander women &amp; their children.</li> <li>3. Greater support &amp; choice.</li> <li>4. Sexual violence.</li> <li>5. Responding to children living with violence.</li> <li>6. Keeping perpetrators accountable across all systems.</li> </ol>	<ol style="list-style-type: none"> <li>1. Women &amp; children are safe because an anti-violence culture exists in the ACT.</li> <li>2. Aboriginal &amp; Torres Strait Islander women &amp; children are supported &amp; safe in their communities</li> <li>3. Women &amp; children's needs are met through joined up services &amp; systems</li> <li>4. Men who use violence are held accountable &amp; supported to change their behaviour.</li> </ol>	<ol style="list-style-type: none"> <li>1. Children live in safe &amp; supportive families &amp; communities.</li> <li>2. Children &amp; families access adequate support to promote safety &amp; intervene early.</li> <li>3. Risk factors for child abuse &amp; neglect are addressed.</li> <li>4. Children who have been abused or neglected receive the support &amp; care they need for their safety &amp; wellbeing.</li> <li>5. Indigenous children are supported &amp; safe in their families &amp; communities.</li> <li>6. Child sexual abuse &amp; exploitation is prevented &amp; survivors receive adequate support.</li> </ol>



## Attachment B

Preparatory Meetings held to inform the Extraordinary Meeting

Preparatory meetings to generate knowledge and ideas to contribute to the Extraordinary Meeting were convened by invited participants including:

- The ACT Human Rights Commission;
- Chief Minister, Treasury and Economic Development Directorate senior officials;
- Justice and Community Safety Directorate senior officials;
- Education Directorate officials and frontline staff;
- Community Services Directorate funded children's focussed services;
- Community Services Directorate funded FDV related services;
- ACT Health Directorate officials and practitioners – several meetings;
- Chief Magistrate Walker, ACT Magistrates Court and Children's Court;
- Justice Gill, Family Court of Australia, Canberra;
- ACT Policing;
- The ACT Director of Public Prosecutions;
- Legal Aid ACT;
- The Capital Health Network;
- Alcohol Tobacco and Other Drugs Association (ATODA) ACT;
- Families ACT;
- Youth Coalition of the ACT;
- Family Law Network/Women's Legal Centre;
- Canberra Rape Crisis Centre;
- Menslink.

