



## Targeted Earlier Intervention Reforms – WLS NSW survey response

4 November 2015

1. WLS NSW is a community legal centre that aims to achieve access to justice and a just legal system for women in NSW. We seek to promote women's human rights, redress inequalities experienced by women and to foster legal and social change through strategic legal services, community development, community legal education and law and policy reform work. We prioritise women who are disadvantaged by their cultural, social and economic circumstances. We provide specialist legal services relating to domestic and family violence, sexual assault, family law, discrimination, victims support, care and protection, human rights and access to justice.

### 1. *Service system design*

2. Some parents are unable to access services due to complexity of issues, including domestic and family violence (DFV).
3. While we support the importance of specialist DFV services in supporting parents<sup>1</sup> it is essential that all services have training in DFV and how to respond to DFV, including an understanding of trauma. A person should not be excluded from accessing a service because they are experiencing DFV.
4. Skill development of workers is required.
5. Current program guidelines can be inflexible preventing engagement with a service because, for example, of the age of children or engagement for a short period of time is all that is permitted. Services should be client centred, flexible and responsive to need rather than be driven by funding guidelines.
6. We recommend a holistic response for clients rather than clients being referred to a range of services or working with a service and then no longer meeting that services' program guidelines so being referred to another service. Continuity of service is important as clients have built a relationship of trust with that service.
7. There needs to be more access to intensive casework assistance.
8. If a victim of DFV needs access to safe housing, once housed, support should continue to ensure she has access to a range of services and support, including

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<sup>1</sup> Reference to parent includes primary caregiver.

counselling, employment where appropriate and child care.

9. Families need to be included in the design of services.
10. We participated in the FaCS led Child Protection and Domestic Violence Integration Working Group during 2014-2015. The principles and recommendations developed by the Working Group were presented to the Domestic Violence Delivery Board. Very little feedback about next steps has been provided to NGO participants. It is important that the recommendations are progressed and there be more engagement of NGOs in this important process.
11. FaCS is currently developing a DFV violence strategy. It is essential that this strategy is integrated across all of FaCS so that all staff have knowledge and understanding of this including those working in early intervention. It also needs to be integrated across other agencies that are a part of one FaCS such as Housing. Given DFV is identified in a significant proportion of child protection matters this is particularly important.
12. We also encourage FaCS and NGOs to refer clients for free legal advice early. Following the 2014 reforms FaCS funded early legal advice to parents. Legal Aid NSW, Community Legal Centres and the Aboriginal Legal Service provide such services. However, referrals have been slow.
13. The purpose of early legal advice is to help parents understand the reason for contact with child protection, identify issues that need to be addressed and discuss what the parent can reasonably do to address these issues – including ensuring service(s) are accessible, available and affordable.

## ***2. Service delivery***

14. Services need to be accessible: including being culturally responsive, parents having access to childcare, considering parents' transport needs; available when they are needed (rather than being placed on a waiting list); and affordable: free or low cost.
15. Services need to be trauma-informed, non-judgmental and strengths-based rather than punitive.
16. Workers need ongoing skills development training, including in cultural competency training. For example, placing western standards on Aboriginal and Torres Strait Islander community and family is not appropriate or helpful. There are many things to consider in determining what is best for the child including issues such as identity, belonging, community, country connection and wellbeing. Within the parameters of safety from harm essential for all children, a nuanced approach to judgment about child wellbeing should be applied. Care needs to be given around judging an established culture by a different culture's standard.
17. We commend the Research to Practice Seminar: Rethinking our response to Family Violence held in April 2015 and recommend further training opportunities for FaCS and NGOs on the issue of family violence where staff can reflect on their own practice.
18. FaCS and NGO staff should refer clients to legal assistance services: Community

Legal Centres (CLCs), Legal Aid or Aboriginal Legal Service for free legal advice as early in the identified problem as possible.

19. CLCs in NSW include geographically based legal centres as well as state-wide specialist legal centres, such as Women's Legal Services NSW, Warringa Baiya Aboriginal Women's Legal Centre and Intellectual Disability Rights Service.
20. The purpose of such legal advice is to help parents/primary caregivers understand the reason for the contact with the child protection service, identify issues that need to be addressed and discuss what the parent/primary caregiver can reasonably do to address these issues – including ensuring the service(s) with whom they engage are accessible, available and affordable.
21. Where it is safe and there is an appropriate carer, for example, a parent or family member, FaCS should provide evidence to support an application through the family law pathway as an early intervention strategy before the matter escalates to Children's Court proceedings as recommended in the 2010 Australian and NSW Law Reform Commissions 2010 Family Violence report.<sup>2</sup>
22. This evidence to be used in family law proceedings could be in the form of a letter addressed to an appropriate parent/carers which is prepared by Child Protection services (statutory and voluntary) which explains the child protection concerns and that the taking of family law proceedings is deemed sufficient by FaCS to address the child protection concerns. It is the experience of our clients that such evidence is not forthcoming.
23. Supporting evidence from child protection services is also important because despite the 2012 family violence amendments to the *Family Law Act 1975 (Cth)* which prioritises safety over a meaningful relationship with both parents, a meaningful relationship with a parent who uses DFV is still given more weight than in the child protection system.

### **3. Program Improvement**

24. Services need to respond to the complex needs of clients, including domestic and family violence, drug and alcohol and mental health issues. They also need to be cognisant of the needs of Aboriginal and Torres Strait Islander families, culturally and linguistically diverse families, and families with a child or parent with a disability. They need to be trauma-informed.
25. There needs to be more funding for drug and alcohol services as in some areas women need to travel many hundreds of kilometres to access a residential program.
26. Access to safe and secure housing is an ongoing issue of concern. Women experiencing domestic violence need access to intensive casework that can assist them in finding social housing. There needs to be continuity of support and caseworker once they are able to access social housing to assist with their ongoing needs.
27. It is important that services are available, accessible and affordable.

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<sup>2</sup> ALRC and NSWLRC, *Family Violence – A National Response*, 2010, Recommendation 19.3.

28. We also encourage FaCS and NGO workers to refer clients for free legal advice at the earliest opportunity as outlined in earlier questions.
29. We support the focus of Practice First on strengths-based and non-judgmental practice and recommend the roll out of this program to all districts.
30. We note that FaCS has developed a prenatal program in at least three local districts in NSW which engages and supports mothers during their pregnancy. We have had positive engagement with the programs and have found them to be both responsive and proactive in assisting our clients. We welcome supportive programs that are strength based. However, little is known about this program and there is a real fear, particularly within Aboriginal and Torres Strait Islander communities, that by engaging with services children will be removed from their parents' care. We recommend that there be better community education about these programs.

#### **4. Program support**

31. Women's Legal Services NSW (WLS NSW) supports improving the effectiveness of information technology systems to improve efficiencies.
32. However, if improving efficiencies in IT equates to improved information sharing we note that information sharing, particularly in the context of domestic violence, is a very complex issue and requires careful consideration.
33. We acknowledge information sharing takes place under Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* for the safety, welfare and wellbeing of children and facilitating the provision of services to these children and their families.
34. We note the recent amendments to the *Crimes (Domestic and Personal Violence) Act 2007* to facilitate information sharing. The requirement of imminence of threat has been removed.<sup>3</sup> The requirement is now only that the threat be serious.
35. It is important that information sharing is not seen as a panacea.
36. While it is effective in some cases, it is vital to consider the limitations to the quality of the information and to challenge assumptions that coordination automatically improves outcomes for victims.
37. There needs to be a clear delineation of roles and responsibilities to ensure that sharing information does not result in services assuming someone else is now responsible for assisting the parent.
38. Risk is not static so it is also important that risk is continually assessed, rather than relying upon another organisation's risk assessment.

#### **5. How FaCS manages the reform process**

39. We thank FaCS for the opportunity to respond to the survey.
40. We understand FaCS has provided both FaCS funded services and other

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<sup>3</sup> *Crimes (Domestic and Personal Violence) Act 2007* (NSW) s 98M

stakeholders the opportunity to respond via a survey.

41. We understand there have been forums primarily with peak bodies and FaCS funded services providers. It is important to include Community Legal Centres in NSW in your consultations, including the peak body for Community Legal Centres: Community Legal Centres NSW.
42. Women's Legal Services NSW attended the consultation in Bankstown on 2 October 2015 in which it was stated FaCS would be seeking input from clients as well. WLS NSW warmly welcomes this initiative. However, details of how this will be occurring are yet to be provided.
43. It is important that FaCS provides further information about how this will occur and an adequate timeframe to respond and that this be communicated to all FaCS' stakeholders, including Community Legal Centres as we may be able to assist in letting clients know about this opportunity.
44. There should be further forums and workshops that involve all stakeholders to provide a report back on the progress of the reforms and opportunity for further comment.
45. Regular emails should also be provided. The opportunity to be added to an email list should be provided on the Targeted Earlier Intervention Reforms section of the FaCS website and communicated through FaCS networks.