



# SUBMISSION TO THE FAMILY VIOLENCE REFORM IMPLEMENTATION MONITOR

20 July 2020



McAuley Community  
Services for Women  
A ministry of the Sisters of Mercy

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## About McAuley Community Services for Women

McAuley Community Services for Women (McAuley) supports women and children who have faced family violence and/or homelessness.

We provide safe crisis and refuge services, temporary and longer-term accommodation, as well as a respite bed for those needing a short period of intensive support. An essential feature of our model is the provision of intensive support 24/7, 365 days of the year. All our services are accessible to women across Victoria. We also provide direct support to children in their own right and help nurture the confidence of their mothers.

McAuley's integrated solutions mitigate the risk that family violence becomes a starting point for a cycle of homelessness. Features of our approach are:

- women have access to a full range of McAuley's broader services including nursing support and trauma-informed mental health support
- financial and legal help and employment support are directly available through our partnerships, addressing the financial pressures that accompany family violence
- children's wellbeing is addressed through specific children's programs and educational support
- Children and young people, up to the age of 18, including boys, are able to stay in crisis accommodation alongside their mothers. This keeps them safe from violence, reduces the risk of identification with the violent partner remaining in the house, but most importantly prevents them from, as teenagers, themselves becoming homeless.

## Our response to the Family Violence Monitor Reform Implementation Report

McAuley welcomes the opportunity to contribute to the work of the Monitor.

McAuley has been a leading voice in advocating for women and children who have experienced family violence. McAuley's Chief Executive Officer Jocelyn Bignold was an expert witness at the Royal Commission into Family Violence.

We recognise, and have welcomed, the significant and ambitious reforms embarked upon by the Victorian Government. We appreciate their strong commitment to implementing its recommendations.

We have concerns however that implementing and ticking off recommendations is not the same as achieving lasting and meaningful change. As the 2018 Family Violence Monitor report pointed out: ‘Sometimes the acquittal of the recommendations has been seen as an end in itself, rather than as a means to the desired outcomes that the recommendations and the government are seeking to achieve.’

We are also concerned that short-term or one-off funding boosts are being used to indicate that actions are complete, rather than measurement of outcomes and continued monitoring of new needs and performances.

In our submission we also raise the following concerns:

- Family violence rates are still unacceptably high.
- The link between family violence and homelessness continues to be strong.
- A ‘safe at home’ focus is disappearing in both policy and practice.
- The use of motels as an accommodation option for women and children leaving violence is often unsuitable; support at this critical time is vital.
- There are still silos between family violence and homelessness services and women and children are falling through the cracks.
- Children’s wellbeing and early intervention opportunities require greater focus.
- Failures in surrounding systems especially mental health and housing policies have undercut many of the progress that is being made since the Royal Commission.

## **Family violence rates are still unacceptably high**

With a complex issue such as family violence, data alone does not tell us everything about progress. However statistical indicators make it hard to conclude that Victoria is now a safer place for women and children since completion of the Royal Commission.

The continued rise in numbers and rates of family violence incidents is usually attributed to increased community awareness and improved police responsiveness. To our knowledge, however, there is no demonstrated proof that this is the reason. No ‘targets’ for reduced numbers have been set, but with the intense focus on family violence since the Royal Commission, it might be expected that all the preventative and early intervention steps would be starting to show a downward trend. Instead, since 2016:

- Family violence incidents have increased from 76524 to 85923 (a rise of 12.28 per cent) and per head of 100,000 population by 3.36 per cent<sup>1</sup>

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<sup>1</sup> Australian Institute of Health and Welfare Specialist Homelessness Services Annual Report 2018-2019

- Family violence related homicides were 39 in the year to March 2020 and were 38 in the same period in 2016.<sup>2</sup>

### *COVID-19 will create conditions likely to increase family violence rates*

While it is important to remember that rates of family violence were already high prior to the COVID-19 pandemic, associated factors such as social isolation and confinement to home will lead to increased incidences. The effect of the virus may continue for quite some time after the pandemic as it is likely to have made it more difficult for those needing help to reach out. Initial research from a survey of 166 Victorian family violence practitioners<sup>3</sup> is showing a concerning trend:

- An increase in the frequency and severity of violence against women
- 59% of respondents reported that COVID-19 has increased the frequency of violence against women and 50% reported it has increased the severity of violence
- An increase in the complexity of women's needs noted by 86% of respondents.
- An increase in first-time family violence reporting by women noted by 42% of respondents.<sup>4</sup>

## **Homelessness still strongly linked to the experience of family violence**

Information on the rate of homelessness associated with family violence in Victoria is another, and arguably more significant measure, of the effectiveness of Victorian family violence strategies as it portrays outcomes, not just incidents. In 2018-2019:

- Victoria recorded the highest number of people requesting homeless support because they were experiencing family and domestic violence (50,800), representing almost half (44%) of this client group in Australia<sup>5</sup>.
- Family and domestic violence was the cause of 44% of requests for homelessness support in Victoria, compared with 38% nationally.<sup>6</sup>

The fact that the numbers of women and their children becoming homeless because of family violence are increasing should be a red flag. It indicates, despite Victoria's record

<sup>2</sup> Crime Statistics Victoria: <https://www.crimestatistics.vic.gov.au/family-violence-data-portal>

<sup>3</sup> Pfitzner, N., Fitz-Gibbon, K. and True, J. (2020). Responding to the 'shadow pandemic': practitioner views on the nature of and responses to violence against women in Victoria, Australia during the COVID-19 restrictions. Monash Gender and Family Violence Prevention Centre, Monash University, Victoria, Australia.

<sup>4</sup> Pfitzner, N., Fitz-Gibbon, K. and True, J. (2020). Responding to the 'shadow pandemic': practitioner views on the nature of and responses to violence against women in Victoria, Australia during the COVID-19 restrictions. Monash Gender and Family Violence Prevention Centre, Monash University, Victoria, Australia

<sup>5</sup> Australian Institute of Health and Welfare Specialist Homelessness Services (AIHW) Annual Report 2018-2019 (p.40)

<sup>6</sup> AIHW, as cited

investment in spending and focus on family violence, continued failures in a whole raft of policy areas. This includes policing and the legal system, women's economic position and employment status, housing affordability, service integration, and perpetrator accountability.

### *The benefits of a 'safe at home' approach*

McAuley has been a strong advocate for a 'safe at home' approach and this was our number one recommendation to the Royal Commission. Such an approach recognises that women and children who are victims of family violence would be better off supported to live in their own home rather than being forced to 'flee' violence, with refuges used as places of last resort. McAuley is disappointed that there has been little progress towards this goal.

In 2016 the Council of Australian Governments (COAG) Agreement recommended that: 'All Commonwealth, state and territory governments should ensure that the preferred response to violence against women and their children is to keep victims safe at home, if they choose to remain in their home and if it is safe to do so. This should be supported by removal of the perpetrator, and through appropriate policy and legislative settings'.<sup>7</sup>

This approach would mitigate many consequences of family violence that deter women from leaving violence and make it much harder to rebuild a new life: disconnection from neighbourhoods, friends and families; poverty and social disadvantage; disruption to children's education and women's employment; and housing instability and homelessness.

The inherent risks of returning to the family home are also evident. Women living in their own home may be particularly disadvantaged; their abusive ex-partner knows where they live, the physical layout of the house, and their regular routine. It has been pointed out that:

*"Separating is the point of increased danger ...and ousting the man from "his" home may provide an excuse for escalation of his violence ... It is also clear that not all women would choose to stay in the home given that this has been the site of abuse and potentially, isolation)"<sup>8</sup>*

These are serious concerns and 'safe at home' cannot be an option for every woman and all circumstances. However it currently appears the scales are heavily weighted towards the opposite scenario where 'safety is secured by fleeing rather than perpetrators of

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<sup>7</sup> Commonwealth of Australia, Department of the Prime Minister and Cabinet, COAG Advisory Panel on Reducing Violence against Women and their Children – Final Report. (Recommendation 2.1 p.x)

<sup>8</sup> 'Safe at home? Housing decisions for women leaving family violence', K. Diemer, C.Humphreys, K. Crinall, Australian Journal of Social Issues, Vol. 52, Issue 1, March 2017

violence being excluded'.<sup>9</sup> Given the grave and far-reaching consequences of the present imbalance, we believe commitment to 'safe at home' should still be front of mind in Victoria's family violence strategies. Instead, we are concerned it has become invisible.

## **'Safe at home' focus disappearing**

We reviewed 17 Victorian Government family violence policy, funding and guideline documents and found a distinct lack of reference to 'safe at home'. The clearest statement that 'safe at home' was a Victorian priority was in the 2017 Support & Safety Hubs Statewide Concept Document<sup>10</sup>. This stated that 'practical support, like providing temporary accommodation to perpetrators' was 'critical to achieve our priority of enabling women and children to stay safe in their home wherever that is their choice and that it is safe to do so'.

Now, however, it appears that in Victoria we have written 'Safe at home' out of our key guiding documents and therefore out of our consciousness.

Victoria's default position continues to be the use of crisis accommodation through motels and refuges.

Even more disappointingly, Recommendation 13 of the Commission: '*Support women to remain safely remain in, or return to, their communities*' has been marked on the Victorian Government website as *Implemented*. The figures cited above on page three showing the continued strong association between family violence and homelessness in Victoria tell a far different story. This is a prime example where ticking off a series of actions to 'complete' a recommendation is nowhere near the same as the reality for women and children across Victoria.

The reality is that only fewer than six per cent of women who stayed in McAuley's family violence crisis accommodation over the past 12 months could return home safely. Instead they are going on to further unstable options – refuges, transitional housing, staying with families and friends, couch surfing and homelessness. Apart from the intolerable personal cost, this places an additional burden on the homelessness and mental health systems.

In marking Recommendation 13 as 'Implemented', the rollout of personal safety equipment and technology is relied upon by Family Safety Victoria as achieving the task

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<sup>9</sup> Breckenridge, J., Chung, D., Spinney, A. and Zufferey, C. (2015) National Mapping and Meta-Evaluation Outlining Key Features of Effective "Safe at Home" Programs that Enhance Safety and Prevent Homelessness for Women and their Children Who Have Experienced Domestic and Family Violence, Sydney, Australian National Research Organisation for Women's Safety (ANROWS)

<sup>10</sup> [https://www.vic.gov.au/sites/default/files/2019-05/Support%20and%20Safety%20Hub%20Statewide%20Concept\\_0.pdf](https://www.vic.gov.au/sites/default/files/2019-05/Support%20and%20Safety%20Hub%20Statewide%20Concept_0.pdf) (page 32)

of keeping women 'safe at home'. Whilst these are very important tools, like all community services interventions, they are highly rationed, with a range of eligibility and access criteria, restricting broad access.

In any case, safety alarms and home security upgrades on their own will not necessarily mean women are safe to return, or remain, home. The reasons that only a small minority can do so are complex including high rates of intervention order breaches, lack of confidence in policing, a bias towards perpetrators remaining in the home, women's relatively poor financial position, and higher likelihood of poor health leading to an inability to sustain housing.

### *1. High rates of intervention order breach*

In a Melbourne University study of 22 women who wished to stay in the family home, all but one reported that their male partner had breached an intervention order that was meant to keep him away from the home.

In comparison, women who had moved out of the home still had high rates of intervention order breaches at 67 per cent, but much lower than for the women who stayed. Women attempting to stay living at home were also more likely to report ongoing abuse through texting, stalking and harassment.<sup>11</sup>

The rate of intervention order breach is appalling and on the rise. In the 12 months prior to March 31, 2020, there were 47,776 family violence-related breaches. This was an increase of 6.1% or 2,740 offences over that time frame<sup>12</sup>.

Trust in the ability to stay or go home won't eventuate while such a sizeable proportion of perpetrators aren't taking intervention orders seriously. Knowing intervention orders are flouted so often and repeatedly leads to a tendency, even among support workers assisting in the development of a safety plan, to adopt a cautious and risk-averse approach.

### *2. Lack of confidence in policing*

Confidence in swift and effective police responses when breaches occur is necessary if women are to remain home safely. Unfortunately, women continue to tell us of instances

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<sup>11</sup> Diemer et al (op. cit.)

<sup>12</sup> <https://www.crimestatistics.vic.gov.au/media-centre/media-releases/media-release-family-violence-related-offences-contribute-to-increases>

where police have not taken their reports of violence seriously. One woman who had to move home 13 times because of harassment and violence told us the police wouldn't even view the footage taken on the phone by her teenage son. Another woman drove straight to a police station when being followed by her abuser, and when her concerns were dismissed, she actually wondered 'if they only take violence seriously when someone is killed.' Our workers have noted with concern, that when incidents such as these are followed up with the police, there is sometimes a lack of accountability.

The COVID-19 emergency has shown what can be done with the right will and commitment. Victoria Police announced Operation Ribbon, sending a strong message to offenders: 'Closed doors will not protect you from being held to account'. In this blitz, police contacted (in person) high risk perpetrators and family members.

While full data is not available, in its first week police had carried out 2500 proactive checks since April 13, recording almost 800 offences. More than 100 people charged and remanded in custody, and 98 were arrested to appear in court.<sup>13</sup>

This intense and proactive focus should be the norm rather than a one-off.

### 3. *A bias towards perpetrators remaining in the home*

Family violence responses are in the main predicated on women 'leaving', 'fleeing' and escaping' their homes; more than 50 per cent of women endangered by family violence report that they, and not their partner, move out of the home they share<sup>14</sup>.

We need to see it as normal — a community responsibility — to make that home safe, with the perpetrator excluded by whatever legal, security and policing protections are necessary. It must also be acknowledged that leaving and separation are the most dangerous actions a woman can take; but a change in community mindset and expectations, including among police, legal and community workers, of 'who should stay and who should leave' violence, is also needed.

Victoria's legal framework may be creating an unintended bias towards keeping the perpetrator in the home. The *Victorian Family Violence Protection Act* (2008) says that if a police officer serves a family violence safety notice on a respondent (perpetrator), that includes an exclusion order, that officer must consider that person's accommodation

<sup>13</sup> <https://www.theage.com.au/national/victoria/closed-doors-won-t-protect-you-police-ramp-up-response-to-family-violence-20200421-p54lqx.html>

<sup>14</sup> Australia's National Research Organisation for Women's Safety (ANROWS) (2019) *Domestic and family violence, housing insecurity and homelessness: Research synthesis* (2<sup>nd</sup>. Ed: ANROWS Insights, 07/2019) Sydney, NSW: ANROWS

needs<sup>15</sup>. As police know that they can use the refuge and crisis system to get those endangered by the violence into safety, the question needs to be asked: is it more likely that they will fulfil their obligation under the Act by allowing perpetrators to remain?

Measures put in place for the COVID-19 emergency shows us some potential ways to improve this situation by utilising cheaper motel accommodation.

More men than ever rang the Men's Referral Service on April 5, the day Stage 3 restrictions were announced, a 94 per cent increase on usual traffic. This is an encouraging sign that men had insight into the risks and wanted to take responsibility for their behaviours. However subsequent reports indicate that perpetrators are waiting as long as nine months to be admitted into family violence prevention programs as wait lists threaten to blow out due to COVID-19 lockdowns. No to Violence has stated: 'average wait time for behaviour change programs was almost three months, but some services in Victoria and NSW now have waiting lists that extend for 40 weeks'<sup>16</sup>. A denial of prompt support in that window of time when men reach out for assistance is not acceptable.

#### *4. Financial disadvantage and legal problems make it hard to sustain housing*

Financial abuse is present in more than 90 per cent of family violence situations, and frequently escalates after separation – creating pressures to return to violence and making it more difficult to sustain independent housing.

A focus on helping a woman develop economic security has been noted as a missing factor in many family violence supports. To our knowledge McAuley is unique in filling that gap, offering an employment support service, McAuley Works, as part of our overall suite of services. This program, funded through Jobs Victoria, recognises that employment can make a huge difference to women's confidence and self-esteem as well as their future independence. Being employed can also protect against homelessness.

McAuley Works supports highly disadvantaged female jobseekers that other employment services would not take on. Ninety-four per cent have experienced family violence, 14 per cent have been homeless, and 20 per cent have a mental illness. Yet McAuley Works faces challenges in measuring 'success' for this unique cohort.

Our contract with Jobs Victoria sets outcomes based on job placements and the number of weeks in employment. It takes no account of the reality that we frequently see women

<sup>15</sup> [http://www7.austlii.edu.au/cgi-bin/viewdb/au/legis/vic/consol\\_act/fvpa2008283/](http://www7.austlii.edu.au/cgi-bin/viewdb/au/legis/vic/consol_act/fvpa2008283/) (s.28)

<sup>16</sup> <https://www.theage.com.au/national/victoria/urgent-need-violent-men-facing-delays-in-getting-help-amid-pandemic-20200714-p55btz.html>

forced to leave jobs prematurely because they are found by the perpetrator and are no longer safe at work. This is then not counted as an 'outcome' though the failure of the placement in no way reflects the effectiveness of McAuley Works or the amount of effort that has been involved in supporting her into employment. Neither is the whole range of benefits associated with employment – its positive effects on mental health, reduced reliance on welfare, and the ability to sustain housing – measured in any sense.

These outcomes could all be seen as essential to the goal of enabling women to stay 'safe at home' but are not only invisible in this system but in danger of being discontinued because they don't fit the Jobs Victoria model and outcomes measures. Nor can we attend to early intervention opportunities such as assisting a woman to 'save' her job, as she is not eligible for the service if she has been working – yet having a job would go a long way to her being able to sustain her housing.

Another barrier to women being able to stay 'safe at home' is debt. Many women have no idea that they owe money because of an array of tactics by violent partners. Sometimes women end up owing money because of frauds committed by their partners; in other cases, they are coerced into signing agreements for contracts or loans they don't want or don't understand.

We have developed a partnership with the WEStjustice community legal centre has led to the waiver of a staggering \$400,000 of debt, accrued by women through economic abuse and family violence.

One woman alone ended up with \$86,000 worth of debt when her husband's family used her as a 'human line of credit.' WEStjustice's speedy work and expertise was vital in entangling these issues, and with the huge debt waived, she has been able to leave the violence and start afresh, planning for a new career with the help of McAuley Works.

## **Re-committing to a 'safe at home' approach**

A National Audit of 'safe at home' responses across Australia is underway as part of the 4th National Action Plan to Reduce Violence against Women and their Children 2010- 2022. Once the Audit has been completed, a national framework will be developed – due to be released mid-2021.

The findings of this audit should guide Victoria to move further toward Safe at Home as the preferred model in keeping women and children safe.

Responses to COVID – 19 have already demonstrated practice changes that could lead to better solutions:

- The proactive practices of Victorian Police's Operation Ribbon could be adopted as normal practice to support women and children attempting to remain in their homes – a report into the outcomes of this strategy would be useful to guide future thinking.
- Exploration of providing accommodation for perpetrators of family violence for the purposes of preventing them from re-offending as is being trialled or implemented by NSW, Sth Australia and Tasmania – the trial of the Maribyrnong Detention Centre as a supported accommodation site for men who are being released from prison who are homeless could be extended to include provision for men who are excluded from their homes
- A cost benefit analysis could be conducted to demonstrate the value for money of providing accommodation to perpetrators, whilst supporting women and children to remain in their home
- Expansion of effective cross sector partnerships that are working efficiently to address women's health, legal, financial and employment needs: a specific trial connecting these elements to a 'Safe at home' response.
- An exploration of the current enablers and barriers within State laws and policies could be commissioned (an example being the current requirement for police to consider the accommodation needs of the perpetrator of violence
- Create the policy and community 'space' to have a Safe At Home discussion in Victoria and address the lack of understanding of what Safe at Home is.

## **Unsupported crisis accommodation over-used and unsuitable**

Safe Steps is spending around \$4 million annually on 60 - 80 motel rooms and 31 refuges each night. This means most women and children who leave violent relationships end up living for weeks or sometimes months in motels, because of a lack of more suitable accommodation. Frequently, they move from motel to motel several times.

Many of these are of poor standard and unsafe. They have no cooking options and are particularly unsuitable for women and children.

The isolation and disconnection, at a potentially dangerous, emotional, and traumatic time, is equally damaging. Women tell us that in motels they are profoundly lonely; one said she had not spoken face-to-face to another human being in a week. Case management support from centralised services is via phone. In some instances, women report that days go past without contact, or with only a text message advising them to prepare to move on again. It frequently means children miss school, and there is no opportunity to address the trauma associated with the violence.

### **'Punished, controlled and jailed by the system'**

*'Having three young children (aged two, four and six) that all struggle with change, being shuffled around from hotel to hotel, no school or family, living on top of each other...*

*'I honestly felt like it was us still being punished for someone else's actions. From being controlled and walking on eggshells at home, to now feeling like I was the one being controlled and jailed by the system.'*

Jessica\* wrote this in the guest book at our crisis service. Her words painted a powerful image of how she experienced being forced to live in motels after leaving a violent relationship. She felt it conveyed an underlying, insulting message about the community's willingness to support her.

Families such as Jessica's are frequently confined to one claustrophobic room, with children who are bewildered, angry, confused and simply bored. Their routines and daily rhythms are completely upended.

Many women such as Jessica find being in this limbo situation, especially if they have young children, untenable, give up, and return home to an unsafe environment.

Every day spent unsupported in a motel is a missed opportunity for help and intervention with issues that will help women envisage a new and safer future: employment, mental health issues, children's wellbeing and legal help.

## **Falling through the cracks**

Homelessness and family violence policy both emphasise the principle of 'No Wrong Door', meaning that people who are homeless and/or experiencing family violence should be able to access help from any service; with 'Access Points' having a co-ordination function.

We frequently encounter situations where a woman has stayed in family violence crisis accommodation, an assessment may be made that she is no longer at 'high' or 'immediate' risk of family violence — her situation will then be classed as needing 'housing' rather than a 'family violence' response. Women then must enter and navigate this new service system with its own shortcomings and challenges.

McAuley routinely receives calls from or about women who 'do not fit' inflexible criteria and whose needs do not fit into neatly defined categories.

*Example one:*

Late one Friday afternoon, Victoria Police rang looking for accommodation for a woman who had been sexually assaulted by a person who was not known to her; she had additional risks related to her culture and had no money or supports. The police said that family violence services had denied her assistance because she was no longer in danger from the offender (and therefore not eligible for their service).

Homelessness services were only able to accommodate her in a motel, without support or financial or material aid, and offered her an appointment-based service on the following Monday. Our belief was that she should have been accommodated in a refuge for the weekend, with the appropriate physical and emotional supports. (This support was offered by McAuley).

*Example two:*

Victoria Police rang looking for accommodation for a woman and her two children who were driving around the city after their husband/father burnt down their family home.

Family violence services denied her accommodation because she was no longer in danger from the offender, as he had been remanded in custody.

Our belief was that this family should have been accommodated immediately, with the appropriate physical and emotional supports. (This support was provided by McAuley).

*Integration – what does it mean?*

McAuley is aware that the rollout of the Orange Door hub program has faced challenges in integrating services. Indeed, one of the biggest issues has been in defining what integration looks like.<sup>17</sup> McAuley's understanding of integration has always gone beyond simply improved collaboration between specialist family violence service agencies. We believe it involves partnerships with a wider range of services. Our own McAuley House hub hosts a specialist mental health practitioner, a Bolton-Clarke nurse, and legal and financial clinics conducted by WEstjustice legal centre.

As an example of the advantages of this sort of integration, our specialist mental health practitioner (provided via the North Western Melbourne Primary Health Network) – is based within the house though available to women across our services. Being based there she is a familiar presence, making her approachable to women who may otherwise be

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<sup>17</sup> Victorian Auditor-General report (May 2020): 'Managing support and safety hubs'

reluctant to seek formal help or who would shy away from seeing a 'mental health' service. It also simplifies the arduous process of having to locate and access mental health care.

Some of the strongest feedback from women we support has been their relief that every form of support is available in the one place and that they do not have to tell their story again and again, only to find they are not 'eligible' after this exhausting effort. McAuley would like to see this form of integration adopted by the Orange Door Hubs.

## Children's wellbeing

Early interventions to address the trauma of children's exposure to family violence are essential in reducing longer-term intergenerational impacts, yet significant gaps still exist in these responses.

Recommendation 23 of the Commission: *Prioritise funding for therapeutic interventions and counselling for children and young people* is also marked as 'Implemented.' However in Melbourne's west there is still a long wait (up to six months) for family violence-specific counsellors. We are also concerned that children reporting 'historic' sexual abuse are unable to be prioritised for urgent counselling as it is not regarded as a 'current issue'. This is another example where stating the goal has been met does not tally with what is happening on the ground.

Our workers also note that most mental health services for children are targeted at older children; however, 57% of children supported by McAuley, who have been exposed to the trauma and dislocation of family violence, are aged under five.

McAuley provides direct support to children who have experienced and witnessed family violence, recognising their own pain and trauma is unique and different in nature from that of their mothers and requires a specialist response. We have recently introduced a tutoring program which addresses the disruption to children's education due to family violence. We are currently exploring funding opportunities for this program, which has the benefits of being able to be rolled out online, and follow children through the multiple moves that they usually experience.

## Child protection

Mothers trying to leave violence to keep their children safe are often in an invidious position. If they remain with the perpetrator because of a lack of options or unacceptable alternatives, they may come to the attention of child protection agencies for exposing their children to violence. If they leave and are in unstable accommodation the children may also be perceived to be in danger.

Involvement with child protection services can, though, place children at risk of continuing the same cycle of violence and homelessness with which their mothers have lived.

McAuley has been part of a national pilot called STACY (Safe and Together Addressing Complexity). The project recognises that the behaviour of violent fathers needs to be kept in mind when considering risks to children: 'When services do not engage with fathers who use violence and control, more focus is placed on mothers. This can result in mothers being held to account for failure to protect their children, rather than fathers being held responsible for exposing their children to harm.'<sup>18</sup>

The Safe & Together approach on which STACY is built entails three core principles, of equal importance:

- keeping the child safe and together with the non-offending parent.
- partnering with the non-offending parent as the default position.
- Intervening with the perpetrator to reduce risk and harm to the child.<sup>19</sup>

Some parts of the Victorian child protection system have adopted the practice, which means they 'partner' with mothers to enhance their capability to protect their family. We have seen its benefit, with examples such as a shift in focus from punishing a mother who has failed to attend rehabilitation, attention being given to the fact that the violent perpetrator was refusing to let her leave home.

The 'Safe & Together' approach should be extended throughout the state to avoid the harm that can be done by separating children from their mothers.

## *Support at Court*

We currently operate children's programs in five Magistrates' Courts. Court Support 4 Kids was developed in response to the high number of women entering our refuge service who did not have Family Violence Intervention Orders in place, despite court attendances. These women explained that they had attended court at the direction of police after incidences of extreme violence, with traumatized children in their care, and without any personal support. The long waiting times in Court and the difficulties inherent in managing

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<sup>18</sup> Healey, L., Humphreys, C., Tsantefski, M., Heward-Belle, S., Chung, D., & Mandel, D. (2018). *Invisible practices: Intervention with fathers who use violence: Key finding and future directions* (Research to policy and practice, 04/2018). Sydney, NSW: ANROWS.

<sup>19</sup> Healey et al (ibid)

their own and their children's trauma meant that women often left without having their matter heard.

The service provides a specialist children's worker to engage with the children and/or young people onsite in age appropriate distractive play. This allows mothers to focus entirely on the court process and on the crucial decisions that will affect her and the children's futures. In addition, the distractive play prevents the children being further traumatized by hearing details of the violence as it is relayed to solicitors and the Magistrate. It also helps minimise the distress caused by the fact that court can be a frightening and intimidating environment for children.

Court Support 4 Kids program also uses a child-centred lens to ensure children are linked to their own specific support services such as family violence counselling, local school wellbeing officers and/or online resources. Individualised safety planning is also provided if deemed appropriate to ensure their safety when they return home.

The Royal Commission acknowledged in its final report that some Magistrates' Courts did not 'have adequate child-care facilities, which can expose children attending court with their parent or family members to fear and trauma.'<sup>13</sup>

They noted evidence that at Melbourne Magistrates' Court: 'Women are required to assemble on level 6 where the court room and legal services are located. There are people everywhere; the waiting area is completely insufficient for the number of people attending court. Women sit on the floor nursing their babies and toddlers'.<sup>14</sup>

They also stated: 'As a community we should not tolerate situations where emotionally stressed and fearful victims, who are often accompanied by young children, have to spend lengthy periods in court waiting areas in the vicinity of perpetrators and, sometimes, perpetrators' supporters'.<sup>15</sup>

McAuley has faced a long struggle to get the Court Support 4 Kids program funded since a pilot, funded by philanthropy, began at Sunshine Magistrates' Court in 2014. Its operations since then, as well as the cost of an independent evaluation by the Centre for Innovative Justice, were also met by philanthropy. This research confirmed that it was effective, responsible and accessible, and highly valued by those who needed it as well as court staff.<sup>20</sup> In 2019 we received a one-off grant from Court Services Victoria to enable its continuation in Geelong and Sunshine and expand it to Ballarat and the Melbourne Children's Court. We have now secured another one-off grant to enable it to continue in

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<sup>20</sup> Report is available on McAuley website [www.mcauleycsw.org.au](http://www.mcauleycsw.org.au)

Geelong, Sunshine and Ballarat, while currently awaiting information about whether the Children's Court funding can be expanded.

We believe this relatively low-cost program should be rolled out to all Magistrates' Courts.

While McAuley is appreciative of the funding commitment from Court Services Victoria, one-year contracts make it extremely difficult to plan and deliver quality services. The Productivity Commission has noted that in community services, contract lengths of three years or less are too short:

*Three-year contracts do not give service providers adequate funding stability. Short-term contracts can also be detrimental to service users because service providers spend too much time seeking short-term funding, which is a costly distraction from delivering and improving services. Short contracts can be an impediment to service providers developing stable relationships with service users, hindering service provision and the achievement of outcomes for users. The lack of certainty inhibits planning, collaboration between service providers, innovation and staff retention.<sup>21</sup>*

McAuley strongly supports the Commission's recommendation that: 'default terms for family and community services contracts be set to seven years, with scope for exceptions where shorter contracts would be appropriate, such as program trials.'

## Surrounding system failures

In the four years since the Royal Commission's report, efforts to implement the findings have been carried out against a backdrop of two other systems – our mental health and housing sectors - being chronically under-resourced and in crisis. These failures actively undermine attempts to address the issue of family violence.

The government's acknowledgement that our mental health system is 'broken'<sup>22</sup> has now led to a Royal Commission. By 2018 Victoria had the lowest per capita expenditure on mental health in the country, access to mental health services were 40 per cent below the national average, and community mental health services were disappearing (meant to be replaced by the NDIS, but this was by no means 'like-for-like')<sup>23</sup>. The chronic under-investment in mental health can only have led to poorer outcomes for all those affected by family violence including those who perpetrate it.

<sup>21</sup> Productivity Commission (2017) *Introducing Competition and Informed User Choice into Human Services: Reforms to Human Services, Report No. 85*, Canberra

<sup>22</sup> <https://www.theage.com.au/national/victoria/government-pledges-to-fix-broken-mental-health-system-as-hearings-begin-20190702-p5239i.html>

<sup>23</sup> Mental Health Victoria: Saving lives, saving money, June 2018

Housing policy has also become an area of critical failure.

Productivity Commission statistics for 2019 show every state in Australia except Victoria and South Australia has increased net spending on social housing since 2014-15. Since 2016 Victoria has transferred more public housing stock to the private sector than any other state. The state has fewer public housing dwellings today than ten years ago.<sup>24</sup>

In a critique of the management of public housing, the Victorian auditor-general was scathing about a lack of long-term vision. The report described the current approach as “disjointed, poorly communicated and lacking in a comprehensive understanding of asset performance”.<sup>25</sup>

As part of the COVID-19 response, the Victorian government has now announced a \$500 million expenditure package on social housing, and though this is welcomed only \$58 million will go on 168 new units, the rest being spent to upgrade 23,000 more with maintenance and upgrade works such as painting and roofing. It will make no significant inroads on Victoria’s social housing waitlist of more than 80,000.<sup>26</sup>

The fact that mental health and homelessness systems are in disarray at the same time as the family violence reforms are being carried out shows us the dangers of isolating complex issues and attempting to tackle them one by one. There is so much intersection between them that progress in one area is bound to slip or fail to reach its potential if one area lags behind.

If these connected systems and access points continue to be under-resourced, fragmented or missing, outcomes for women and children seeking to leave family violence will be compromised, and the ambitious reforms set out by the Royal Commission will not reach their full potential.

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<sup>24</sup> <https://www.pc.gov.au/research/ongoing/report-on-government-services/2019/housing-and-homelessness>

<sup>25</sup> <https://www.audit.vic.gov.au/sites/default/files/20170621-Public-Housing.pdf>

<sup>26</sup> <https://www.theage.com.au/national/victoria/victorian-government-undertakes-biggest-social-housing-spend-since-qfc-20200517-p54trk.html>