



INAUGURAL ASIA-PACIFIC CONFERENCE ON GENDERED VIOLENCE & VIOLATIONS

MASTER CLASS SUMMARY

Date: February 10, 2015

Session title: *Post-separation Violence – exploring the interface between domestic violence services and child protection in the family law and the ‘safe at home’ context*

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Summary:

Post-separation violence drives specific responses and challenges within the broader domestic and family violence intervention. This presentation explored two specific aspects of post-separation violence: the particular challenges for statutory child prevention services; and the developments in ‘safe at home’ approaches.

Child protection challenges

The presentation highlighted the lack of clear guidance for child protection workers in relation to post-separation violence. The public attention to the death of Luke Batty, the 12 year old boy killed by his father at a cricket practice highlighted the fact that many children (and their mothers) remain in danger post-separation and therefore they are a legitimate concern for statutory authorities.

Statutory work has tended to see separation as ‘an answer’ to safety, urging women and their children to leave violent and abusive fathers or boyfriends. The fact that up to 50% of domestic violence incidence are post-separation violence and referred back to child protection by police (Stanley, et al 2012) suggests that children are not necessarily safer through the ‘leaving’ strategy even when they have a protective parent.

However, the role of child protection in the post-separation violence space and the extent to which collaboration will be welcomed by specialist domestic and family violence services as well as women and their children living with domestic violence is dependent upon the development of trust that the child protection response will be sensitive, facilitative and effective. The ongoing struggle to create a sensitive response suggests that the issues are systemic rather than about individual workers. Some of these challenges include:

- Responding to both an adult and child victim; not only responding to the woman survivor as a mother but also addressing her needs as a victim
- An ability to focus intervention on the perpetrator of violence, usually, though not exclusively the child’s father or step-father
- Recognition of domestic violence as a primary issue and not only as background to other adult issues of substance use and mental health problems

- Management of a differential response which diverts most children and their families to community based services rather than into child protection intervention where most are never provided with a service
- The development of nuanced risk assessment and risk management tools which are agreed within the interagency and support a differential response
- The recognition that domestic violence represents an attack on the mother-child relationship and that it is not possible to be a good father but a poor (domestically violent) partner
- Training workers in the foundational concepts relevant to children living with domestic violence, including their important role in documentation of the abuse and violence
- Reaching out to minority ethnic families in ways which leave them with a sense of empowerment rather than fear.

The list of issues points to the ways in which the safeguarding intervention has not been well designed to respond to this particular social problem. Simply 'adding on' domestic violence to the work of children's social workers fails to grapple with the issues which need to be understood and addressed. Many jurisdictions are rising to the challenges, particularly when there are committed champions who are working persistently and diligently providing a more sensitive and appropriate response. However, the development is uneven and the challenge is to move from the exceptional to the general adoption of good practices.

Statutory child protection remains with a significant and important, though by no means exclusive role in domestic and post separation violence intervention, which includes:

- The ability to investigate
- Funded to focus on children (not just through pilot projects)
- Documentation of the harm to children
- A data repository to track repeat offending
- Greater leverage/authority with perpetrators, other organisations and courts.

These powers can be invaluable to women and their children seeking safety from domestic and post-separation violence.

Safe at Home strategies

Also emerging in the post-separation intervention arena are an increasing number of strategies to attempt to keep a larger group of women and their children safely at home with the domestic violence perpetrator excluded. To date, the evidence base in Australia has been limited to small-scale evaluations. This presentation reported some findings from a supported questionnaire which highlighted the use of intervention orders and their effectiveness in the post-separation context.

Initially, the presentation drew attention to the problems of definition in this area. Namely, whether Safe at Home strategies refer to:

- Programs that are tight and defined and have a ring-fenced group of clients and workers
- or
- An approach with a set of principles that may operate for all women and children experiencing D/FV.

A number of features characterise the latter approach to Safe at Home and could include several (though not necessarily all of the following):

- Human rights framework underpins the approach
- Definitions of 'home' are flexible
- Inclusive approaches which includes housing options for perpetrators
- Exclusion orders
- Sanction for breaches
- Flexible use of brokerage funds
- Integrated legal, housing and support services
- Specialist case worker and coordinator to bring the service system around the woman
- Common risk assessment and risk management
- An integrated system and tight intervention system
- Legislation and finance to support security of tenure
- A strong community message that women and children living with domestic violence are entitled to stay in their own homes (a man's home is **not his** castle).

A summary of research findings from the SAFER research team at University of Melbourne and Monash reported the following from the responses by 138 women using domestic violence specialist services:

- Intervention orders are viewed by women as important; more valued if breaches would be followed-up by police and held up in court.
- Intervention order must be accompanied by other safety supports as breaches are common and difficult to 'prove' – evidence collection is critical.
- Women are safer if accountability for breaches had a stronger impact on their (ex) partners. Fines and signed undertakings are having little impact.
- Only some men respond to Intervention Orders – those with something to lose.
- Very little indication that stronger penalties for breaches (other than fines or undertakings) are being imposed.
- Positive reports from women when Police do follow-up on a breach (e.g. phoning or visiting abuser). Women reported a positive impact in reducing the severity and frequency of breaching.

The development of Safe at Home strategies to support more women and their children living in their own homes with the perpetrator excluded is an area of developing practice and policy intervention. At this stage, there appears to be only a relatively small group of women and their children reporting that they can stay safely in their original home with the perpetrator excluded. However, with the shrinkage of social housing and parenting orders that demand on-going contact, the sector is challenged to develop more coherent and tighter safeguarding strategies which increase the choices for women and their children post-separation.

References:

Stanley, N., Miller, P., Richardson-Foster, H. and Thomson, G. (2011). 'Children's Experiences of Domestic Violence: Developing an Integrated Response from Police and Child Protection Services', *Journal of Interpersonal Violence*, 26, 12, 2372-2391