



AASW

**Australian Association
of Social Workers**

*Submission to the Royal
Commission into Family Violence
in Victoria*

May 2015

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Introduction

The Australian Association of Social Workers (AASW) welcomes the opportunity to make a submission to the Royal Commission into Family Violence in Victoria. The AASW has over 8500 members and regulates the profession by setting the standards for accreditation of university programs across Australia in regards to the entry-level professional training of social workers. These standards are set through the Australian Social Work Education and Accreditation Standards. During the upcoming review of these standards, the AASW will look to establish a 'working with family violence' subject as a component of the core curriculum in all social work education across Australia.

At the outset, the AASW wishes to acknowledge the effects of family violence on children. Every child whose mother is abused is affected in some way and if nothing is done with young children, then these can become the next generation of perpetrators.

Definitional issues

The AASW takes the view that family violence is a gendered crime and predominately perpetrated by men against women. Although acknowledging other forms of violence, the predominant societal issue is one of violence against women, which is rooted in the unequal place of women in society.

The phrase 'violence against women' can be understood as an overarching term that encompasses all forms of gender-based violence. It includes, but is not limited to:

*physical, sexual and psychological violence occurring in the family, such as assault, sexual abuse of female children..., marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere; trafficking in women and forced prostitution; and physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs.*¹

The role of social work

Professional social workers are employed in a broad range of roles and organisations and have the capacity to support the primary, secondary and tertiary prevention, early intervention and crisis response of family violence by working across many levels of society: individual, community, workplaces, institutions and the embedded structures in which we live. Social workers are ideally placed with their commitment to social justice and their knowledge and skills to contribute to the prevention, early intervention and crisis response of violence against women. This can occur via direct service, policy initiatives, research, and advocacy for the structural changes needed that otherwise maintain and reinforce the determinants of violence against women.

Social workers work at several levels when addressing family violence. These include the:

- Individual client level: attending to the needs of the client
- Organisational level: advocating for change in their own organisations
- Societal level: advocating for change at a government and policy level
- Personal level: ensuring that their practice is ethical, attending to factors of discrimination and not reproducing inequitable gender norms

¹ WHO, 1997, *Violence against women: Definition and scope of the problem*. Retrieved 5 August 2014, <http://www.who.int/gender/violence/v4.pdf>

Four main themes

There are four main themes in this submission that arise from the frustrations of social workers who work in the family violence sector.

Homelessness

The AASW is concerned about the strong relationship between domestic and family violence and homelessness. During 2011–12, 34% of clients seeking assistance from specialist homelessness agencies were escaping domestic or family violence: 28% of these clients were children aged less than 15 years.²

The AASW would like to see this addressed in the following ways (a) increased funding for homelessness services, and (b) a focus on removing the perpetrator and enabling women and children to remain in their homes and connected to their schools and communities. In the latter instance, this would mean a shift in focus for child protection workers, police and the court system. Child protection workers, police and the court systems would need to utilise exclusion notices as a regular procedure when working through processes to keep women and children safe. Breaches of intervention orders would need to be taken more seriously by the police for this to work, in order that perpetrators were aware that there are consequences that will be followed through.

Victorian child protection focus and response

When domestic violence issues are referred to the child protection system the responsibility for protecting the children from the perpetrator usually falls on the mother rather than on the system. Child protection systems often emphasise the behaviour of the mother as the issue that puts children at risk, rather than it being the abusive behaviour of the perpetrator that places the children at risk.^{3 4} Women victims of violence often bear the full force of official surveillance and judgement of their competence as a parent, with the perpetrator of that violence disappearing from public scrutiny.^{5 6 7} The perpetrator is not held accountable for his violence, escaping any scrutiny or accountability. Rather than taking this opportunity to engage with the perpetrator and hold him to account for his violence the system misses a unique window to intervene and force him to deal with his behaviour and return the family to safety. Therefore the AASW would like to see:

- an understanding that the best interests of the child are not served by removing a child from their non-offending parent and further disrupting the parent–child bond that has already been manipulated through the use of the perpetrator’s abuse.
- an increased focus on the ‘other’ protective behaviours displayed by non-offending parents, e.g., keeping children supported in their environments and ensuring that they continue to be loved, fed and involved in their own social and sporting networks.
- a focus on removing the perpetrator from the home. (There have been several cases in the Children’s Court where the Magistrate has awarded temporary custody to the perpetrator because the mother and children are homeless and he is residing in the family home). Removing the source of the abuse is the best way to protect children.

² Australia Institute of Health and Welfare, 2013, *Australia’s welfare 2013*, p. 302, <http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=60129544075>

³ Humphreys C, 2007, ‘Domestic violence and child protection: Challenging directions for practice’, *Australian Domestic Violence Clearinghouse Issues Paper 13*, Sydney, NSW: Australian Domestic Violence Clearinghouse UNSW.

⁴ Douglas H & Walsh T, 2010, ‘Mothers, domestic violence, and child protection’, *Violence Against Women*, 16(5), 489-508.

⁵ O’Hagan K, 1997, ‘The problem of engaging men in child protection work’, *British Journal of Social Work*, 27:25-42.

⁶ D’Cruz H, 2002, ‘Constructing the identities of responsible mothers, invisible men in child protection practice’, *Sociological Research Online*, Vol. 7, No. 1.

⁷ Laing L, 2003, ‘Domestic violence in the context of child abuse and neglect’, *Australian Domestic Violence Clearinghouse Topic Paper*, Sydney, NSW: Australian Domestic Violence Clearinghouse UNSW.

- increased training for child protection workers around family violence, especially around definitions, and understanding of myths and the roles they play and empowering principles of practice for non-offending parents.

Police/Legal response

Police. Time and time again social workers are frustrated with many levels of the police response to family violence and the trauma of the legal processes that a woman needs to negotiate in order to remain safe and bring a perpetrator to account. These frustrations often stem from the inability of police at the time of intervention. Police need to:

- have an increased understanding of who the primary aggressor is when they attend a call out to a home. Men's referral service workers complete a comprehensive primary aggressor training module. Police should have to do the same.
- increase their use of exclusion orders on the spot during call outs to homes, in order to increase the safety of non-offending parents and their children
- increase their efforts around attending and taking seriously, breaches of existing family violence safety notices, exclusion orders and intervention orders.

Police are not social workers, yet the system asks them to support victims when attending a home call out. The AASW would like to see a trial co-call out system as exists in some states in North America. Accredited social workers, trained in family violence need to be stationed at police stations where there is a high incidence of family violence call outs and one social worker should accompany two police officers for family violence callouts. This system works well when it is implemented correctly, with mothers and children getting support, referrals and treatment at their time of crisis.

Courts. The court processes involved in being able to take out an Intervention Order are long, traumatic and complicated. Family violence is the only abuse in Victoria, where the victim has to be abused more than once in order for the perpetrator to be charged in the criminal system. In order to make this a less traumatic process for the victim, we need to:

- increase the education and training around family violence for all court workers including magistrates (in both the Magistrates' Court and the Family Court) who continue to be unaware of the many ways in which perpetrators attempt to control their victims through the court processes. Through being unaware of these tactics, magistrates and judges are compliant in the continuing abuse.
- increase the numbers of professional social work family violence applicant workers at Victorian Magistrates' Courts. Although this has been addressed in some way in the past few months, it is still not enough to meet the demand. It is not unusual for 50 to 70 applications to come through in one morning sitting on any day in any Magistrates' Court throughout Victoria. One family violence applicant worker is able to support approximately 10 of these applicants in this time. The vast majority of applicants are left unsupported in our court system.

Public policy and primary prevention

The AASW understands that the key factor in family violence occurring is based on structural and normative domains of gender inequality that exist in our society. We understand that other factors such as discrimination, disadvantage, low socio-economic status, alcohol abuse etc., have an influence on the existence of family violence, but are greatly accentuated when they come into play with gender inequality. Therefore, primary prevention work must focus on addressing this gender inequity. This needs to be a multi-pronged approach working with schools, sporting clubs, organisations etc. More than just a few respectful relationship courses at schools, we need ethics and empathy classes from

kindergarten onwards to look at how we treat each other, construction of gender and gender roles. These types of classes should have priority over religious (Christian) education classes that are currently funded at three times that of family violence programs. Ethics programs need to be compulsory for all schools regardless of their religious affiliations.

In addition at the broader policy level we need:

- a zero tolerance position toward family violence taken by governments and policy makers that is bipartisan so that changes of governments did not interfere with its staged progress.
- laws changed over time that make family violence unacceptable behaviour and consistent messages from all government and policy makers.
- swift and immediate sanctions for breaches of the laws without fear or favour when implemented and sanctions that are meaningful and act as deterrents.
- a systematic media campaign reinforcing the messages about appropriate attitudes and behaviours.⁸
- a systematic media campaign about the unacceptability of the attitudes and behaviour that the community wanted.⁹
- ongoing media campaigns to remind the community once the attitude and behaviour change occurred for a significant proportion of the community.

Conclusion

The AASW shares the concern of the Royal Commission into Family Violence that the impacts of family violence are significant. The AASW further believes that this is an issue that must be addressed at a number of levels. At the highest level family violence is rooted in the unequal place of women in society. In particular, the AASW would like to see specific changes made in relation to state responses to homelessness, to child protection services and in relation to police and legal reactions. At a public policy level there is a need for leadership in regard to educational, behavioural and attitudinal change.

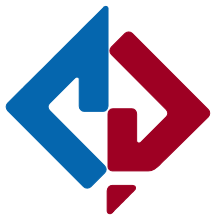
Submitted for and on behalf of the Australian Association of Social Workers Ltd



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⁸ An Australian example that could be greatly extended at <http://www.ourwatch.org.au/>

⁹ A Canadian example can be seen at <https://www.youtube.com/watch?v=tevkM-vPqLY>



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