



Ms Jan Shuard PSM
Family Violence Reform Implementation Monitor
GPO Box 4912
MELBOURNE VIC 3001

via: online submission through the Engage Victoria website

Dear Ms Shuard

Submission: Monitoring the Family Violence Reforms

The Commission for Children and Young People (the Commission) welcomes the opportunity to provide a brief submission to inform the fourth and final report to Parliament on the implementation of the reforms recommended by the Royal Commission into Family Violence (Royal Commission).

As you know, the Commission is an independent body charged with various functions, including oversight of services, policies and practices related to children and young people's safety and wellbeing.

The Commission has a strong interest in the family violence reforms arising from the Royal Commission and, in particular, the recommendations related to children and young people. We are very pleased that your report will include a 'deep dive' analysis of the implementation of reforms relating to children and young people¹ and reforms related to adolescent family violence in the home. We will separately provide additional information to inform these deep dives.

The Commission's inquiry into issues of family violence

As you are aware, in December 2016, the Commission tabled *Neither seen nor heard*, a systemic inquiry into issues of family violence in the deaths of children involved with Victoria's child protection system.² Our inquiry confirmed findings of the Royal Commission and revealed that further improvements were needed in additional areas, including Child Protection's response to family violence, responses to Aboriginal children and families affected by family violence, strengthening the identification of and response to child sexual abuse and preventing cumulative harm and intergenerational trauma.

The inquiry's 13 recommendations were accepted by the Victorian Government.³ While progress has been made on a number of recommendations, we have held long-term concerns about the limited progress made to implement an effective system-wide response that recognises children and young people who experience family violence as victims in their own right and that comprehensively identifies, prevents and responds to risks of family violence for children and young people.

Three of the inquiry's recommendations create formal linkages with the Royal Commission, namely:

- the Victorian Government consider and address the findings of the Inquiry when implementing the recommendations of the Royal Commission into Family Violence (recommendation 1)⁴
- the implementation of the Roadmap for Reform and reforms arising from the Royal Commission into Family Violence give greater prominence to child sexual abuse impacting children who are affected by family violence (recommendation 6).⁵
- reforms arising from the Royal Commission into Family Violence to improve responses to adolescents who use family violence include consideration of a state-wide trauma-informed model of treatment for young people with violent behaviours to ensure early intervention (recommendation 11).⁶

In monitoring the implementation of *Neither seen nor heard*, the Commission has been closely following the implementation of relevant Royal Commission recommendations. This has included working with the Department of Health and Human Services (DHHS) and Family Safety Victoria (FSV) to understand progress against the Royal Commission recommendations.⁷

Our assessment of progress of family violence reforms

We have welcomed the significant effort made in the wake of the Royal Commission to transform the response to family violence in Victoria. There is no question that the unprecedented investment in, and reform of, responses to family violence will benefit children and young people.

We acknowledge the work of FSV, including the development of risk assessment tools for children under the Family Violence Multi-Agency Risk Assessment and Management Framework.⁸ We also acknowledge the significant progress made by DHHS to address practice-based issues, including through strengthened Child Protection practice guidance, advice, training and investment in specialist family violence workers and senior family violence practitioners.

Notwithstanding this progress, as we have stated publicly⁹ and to your office, the Commission has been disappointed by the limited action in response to some of the Royal Commission recommendations. Much work remains to be done in critical areas affecting children and young people, including in areas where the government considers that implementation has been completed.

Limited recognition of the impacts of family violence on children and young people

Through our work, we continue to identify circumstances where the impact of family violence on children and young people is underestimated and the range of intervention services involved, from universal service providers to Child Protection services, have inadequately assessed risks.

Family violence continues to be a persistent and pervasive theme in the Commission's child death inquiries.¹⁰ Of the 32 cases we reviewed in 2018–19, 21 children experienced family violence. Poor practice by services was evident in the majority of these cases, including a failure to adequately consider the risk or impact of family violence on the child, a lack of

engagement with parents about protective concerns (including with the perpetrator of family violence) and a failure to evaluate support interventions.¹¹ Under-assessment of the risk of harm that family violence poses to a child by Child Protection has been a recurring issue.¹²

In our *Lost, not forgotten* inquiry, tabled in November 2019, we examined 35 cases where children known to Child Protection died by suicide between April 2007 and April 2019.¹³ Of the many risk factors present in the lives of the children reviewed, family violence was the most prominent. Family violence was a feature of nearly all cases, frequently in conjunction with parental mental illness and substance abuse issues.¹⁴ This inquiry showed that, despite repeated and often early reports to Child Protection, many cases were successively closed and critical opportunities for support missed. Where Child Protection referred these children's families for further support, they were lost through referral processes across a fragmented service system.

To further inform your review, the Commission is compiling observations we can share from recent child death inquiries and other areas of our work and will provide these separately.

Recognising the individual needs of children and young people

A fundamental issue we continue to see is that, despite the unprecedented attention on family violence in the years since the Royal Commission, children and young people who have experienced family violence continue to be overlooked as primary victims with their own independent needs. Children and young people are frequently left out of discussions about policy and service design and considered as secondary in adult-focused service responses.

Unfortunately, not enough has changed since the Royal Commission highlighted that children are often the silent, invisible victims of family violence.¹⁵ Too often, from our observations, children and young people who experience family violence continue to be neither seen, nor heard.

Therapeutic support

The Commission also has long-term concerns about gaps in therapeutic service responses for children and young people who have experienced family violence and who use family violence.

We have previously expressed concern about the relatively limited action in response to the Royal Commission recommendations to:

- improve the capacity of refuges and crisis accommodation services to meet children's needs (recommendation 21)
- increase counselling and therapeutic support for child victims of family violence (recommendation 23).

We are also deeply concerned by the lack of progress on recommendations to improve responses to adolescents who use violence in the home (including recommendations 123 and 124).

We have recently requested updated information from FSV to assess progress made against recommendations within their remit and will provide you with our updated analysis of progress when available.

Observations during COVID-19

The COVID-19 pandemic has created new risks for vulnerable children and young people living in environments of increased family stress and adversity. We know that family violence can become more frequent and severe during periods of emergency.¹⁶ Compounding this risk, the unprecedented restrictions put in place to contain the pandemic has meant drastically reduced visibility of children and young people. The line of sight is diminished in a range of domains of children and young people's lives, including their extended family, community and schools. It is also clear that the pandemic has posed new challenges for support services working with children and young people.

While it has been recognised that family violence incidents would increase as result of COVID-19, we are concerned that the pandemic has highlighted many existing service system problems, and that new gaps from COVID-19 restrictions and service system adaptations will leave family violence hidden and unaddressed for many vulnerable children and young people.

The Commission recently completed an intensive program of engagement, involving over 600 children and young people and approximately 170 service providers from 70 organisations who work with children and young people, to understand their experiences of the pandemic and its consequences. We are currently analysing these consultations and will share relevant findings with your office when this work is completed.

Our preliminary analysis shows that, while the majority of young people reported being in safe and supportive home environments, some young people talked about increased levels of conflict in the home combined with limited access to supports. Some young people indicated that they never felt safe at home and that restrictions have heightened existing safety concerns. Usual strategies children and young people use to manage risks at home, including leaving the house at times of conflict or leaving periodically to stay with friends, have not been available under more restrictive stages of the pandemic.

Schools play a critical role in supporting vulnerable children and young people. During the first phase of Stage 3 restrictions in Victoria, on-site learning was available to vulnerable students during Term 2, including those referred to schools by family violence services. However, we were concerned by extremely low on-site attendance numbers and through our consultations we heard of cases where vulnerable children and young people, including those living with violence at home, were turned away by schools from attending on-site.

In performing our oversight and monitoring functions during the state of emergency, we have examined COVID-19-driven changes to policy and practice by the child protection, out-of-home care, youth justice and education systems and closely monitored the impact of service changes on children and young people in the youth justice and out-of-home care systems. Responses to children and young people during COVID-19 has affirmed our view that the risks to children and young people, including risks associated with family violence, continue to be underestimated and ineffectively addressed across a raft of service systems.

Final comments

We look forward to contributing to your review in further detail. Ensuring that the family violence reforms fully address children and young people's distinct needs remains one of the Commission's highest priorities.

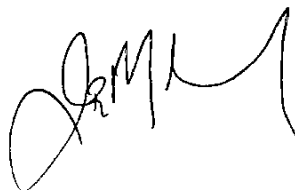
Please contact Lachlan Zangari, Team Leader, Analysis, if we can assist further at any stage (lachlan.zangari@ccyp.vic.gov.au or 0413 720 723).

Yours sincerely



Liana Buchanan
Principal Commissioner

26 July 2020



Justin Mohamed
Commissioner for Aboriginal
Children and Young People

27 July 2020

Encl. Att 1 Speech delivered at the 2018 STOP Domestic Violence Conference, QT Gold Coast, 3 December 2018

¹ Family Violence Reform Implementation Monitor communique, 28 April 2020, at <https://www.fvrim.vic.gov.au/family-violence-monitor-office-open-business>.

² Commission for Children and Young People, *Neither seen nor heard: inquiry into issues of family violence in child deaths*, 2016, <https://ccyp.vic.gov.au/assets/Publications-inquiries/Neither-seen-nor-heard-Inquiry-into-issues-of-family-violence-in-child-deaths.pdf>.

³ Ten recommendations were accepted in full and three in principle.

⁴ Commission for Children and Young People, *Neither seen nor heard: inquiry into issues of family violence in child deaths*, 2016, page 10.

⁵ *Ibid*, page 11.

⁶ *Ibid*, page 12.

⁷ See the Commission's 2018-19 Annual Report, page 32, at <https://ccyp.vic.gov.au/assets/corporate-documents/CCYP-Annual-Report-2018-19-WEB.pdf>.

⁸ The Commission's contribution to this work is summarised at page 54 of our 2018-19 Annual Report.

⁹ See the Commission's 2018-19 Annual Report, pages 32 and 54. See also Liana Buchanan, Principal Commissioner for Children and Young People, 'Neither seen nor heard: Elevating children in our response to family violence' (Speech delivered at the 2018 STOP Domestic Violence Conference, QT Gold Coast, 3 December 2018) **enclosed**.

¹⁰ The Commission conducts a child death inquiry in every case where a child died and they were known to Child Protection in the 12 months before they died. See the Commission's 2018-19 Annual Report, page 27.

¹¹ Commission's 2018-19 Annual Report, page 27. Also see page 8.

¹² See the Commission's 2018-19 Annual Report, page 23 and the 2017-18 Annual Report, page 45.

¹³ Commission for Children and Young People, *Lost, not forgotten: inquiry into children who died by suicide and were known to Child Protection*, 2019, <https://ccyp.vic.gov.au/assets/Publications-inquiries/CCYP-Lost-not-forgotten-web-final.PDF>.

¹⁴ *Ibid*, page 14. For details, see pages 39-47. Case study examples involving family violence are included in *Chapter 7: Findings related to the child and family system* and *Chapter 8: Findings related to the mental health system*.

¹⁵ Royal Commission into Family Violence, *Report and Recommendations, Volume 2*, pages 101, 129.

¹⁶ Royal Commission into Family Violence, *Report and Recommendations, Volume 1*, page 23.