



# ACT GOVERNMENT RESPONSE TO FAMILY VIOLENCE

## ADDRESSING THE FOLLOWING REPORTS:

*REPORT OF THE INQUIRY: REVIEW INTO THE SYSTEM  
LEVEL RESPONSES TO FAMILY VIOLENCE IN THE ACT*  
BY LAURIE GLANFIELD AM (APRIL 2016)

FINDINGS AND RECOMMENDATIONS FROM THE  
*REVIEW OF DOMESTIC AND FAMILY VIOLENCE DEATHS  
IN THE AUSTRALIAN CAPITAL TERRITORY* BY THE  
DOMESTIC VIOLENCE PREVENTION COUNCIL (MAY 2016)

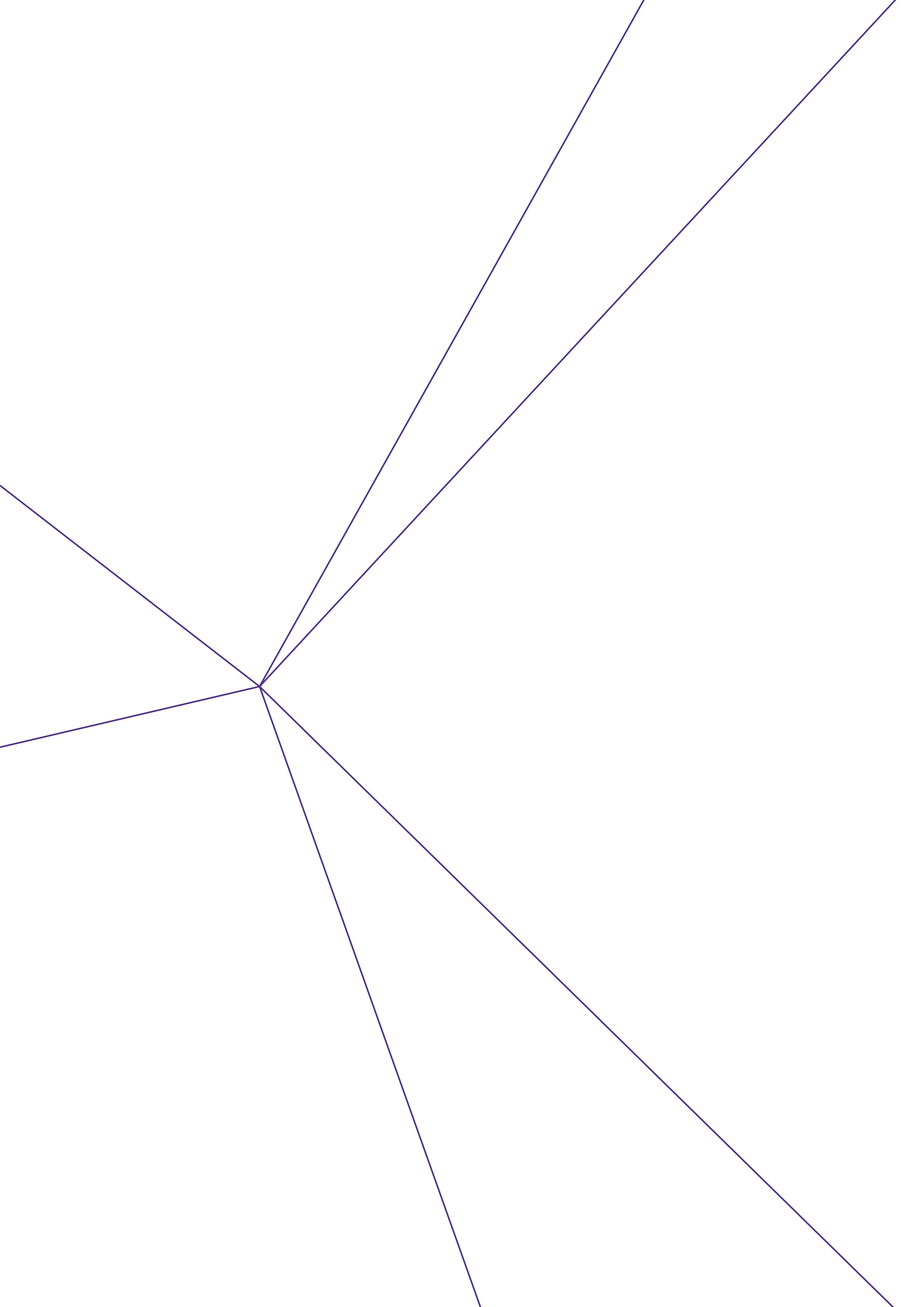
*ACT DOMESTIC VIOLENCE SERVICE SYSTEM FINAL  
GAP ANALYSIS REPORT* BY THE COMMUNITY SERVICES  
DIRECTORATE (MAY 2016)

JUNE 2016

THE LEGISLATIVE ASSEMBLY FOR  
THE AUSTRALIAN CAPITAL TERRITORY

Presented by

Simon Corbell MLA  
Attorney-General



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# INTRODUCTION

Tragic deaths as a result of family violence have forced us to re-focus government and community effort to address this wicked problem in all parts of society. The ACT Government remains absolutely committed to the prevention of family violence, including domestic violence and sexual assault. Governments across Australia are united in their commitment to action and this reflects the growing intolerance for family violence in the community.

The ACT Government has received two reports with recommendations for improving service responses to family violence:

- > *Report of the Inquiry: Review into the system level responses to family violence in the ACT* by Mr Laurie Glanfield AM (Glanfield Inquiry).
- > Findings and Recommendations from the *Review of Domestic and Family Violence Deaths in the ACT* by the Domestic Violence Prevention Council (Death Review).

The *ACT Domestic Violence Service System Final Gap Analysis Report* (Gap Analysis) undertaken by the Community Services Directorate identifies areas for improvement in service system responses to family violence and informs this response.

The three reports were made public on 20 May 2016 and are available on the Chief Minister, Treasury and Economic Development Directorate website. These reports add to the recommendations made in the Domestic Violence Prevention Council's report of its Extraordinary Meeting held in April 2015.

The Glanfield Inquiry makes findings and 31 recommendations about the service system, in particular child protection and family violence services. The Death Review covers issues that are relevant to mainstream and specialist services, and finds that community awareness of non-physical forms of family violence needs to improve. The Death Review makes 28 recommendations. The ACT Government accepts the recommendations of these reports and the need for changes to legislation, policy, practice and culture that they identify.

There are consistent themes across the reports that shape the next stage of reform. Given the consistency of the themes the ACT Government has prepared this one response to the three reports outlining the future directions for addressing family violence.

The themes represent the characteristics of a cohesive and integrated service system:

1. leadership and cultural change;
2. prevention and early intervention;
3. information sharing;
4. collaboration and integration; and
5. transparency and accountability.

The priority actions of the ACT Government's \$21.42 million response are:

- > appointing the first, full-time Coordinator-General for Family Safety to lead change and provide accountability across the service system;
- > implementing a collaborative and integrated approach to services through a dedicated Family Safety Hub;
- > authorising information sharing and collaborative practices via a new legislative framework; and
- > developing a skilled and educated workforce, especially frontline staff, responding to the needs of adults and children experiencing family violence.

Work has already commenced to deliver on these priority actions.

Family violence is a complex and challenging area of law, policy and service delivery. The ACT Government acknowledges the significant effort of people working in the family violence, child protection and service sector every day.

The investments in the 2016–17 ACT Budget will assist in funding the next phase of reform in whole of government, community-backed responses to family violence that are outlined in this response.

The Second Implementation Plan for the *ACT Prevention of Violence against Women and Children Strategy 2011–2017* articulates the ACT Government's commitment to leadership and cultural change. The first

priority of the strategy is driving whole of community and government action to prevent violence and create an anti-violence culture. The Strategy is the ACT Government's response to the *National Plan to Reduce Violence Against Women and their Children (2010–2022)*, which is a long-term commitment by all governments to achieve a significant and sustained reduction in violence against women and their children.

The ACT Government acknowledges the impact of family violence on Aboriginal and Torres Strait Islander people, their families and communities. The ACT Government is committed to a whole of community approach and working with Aboriginal and Torres Strait Islander people to address family violence. This response has a number of specific actions to address family violence in Aboriginal and Torres Strait Islander communities while recognising all actions are equally relevant to Aboriginal and Torres Strait Islander families. The ACT Government is committed to improving how statutory services, family support and other services work with Aboriginal and Torres Strait Islander families, including the need for service providers to be culturally proficient to improve service access and supports.

Addressing family violence is everyone's business and government cannot do this alone. A fundamental part of the ACT Government's response is working in partnership with non-government agencies and the community to address family violence. It is only through our collective efforts that real change can be achieved and that we break the vicious cycle of family violence.

## 1. LEADERSHIP AND CULTURAL CHANGE

The three reports into the family violence service system provide a map for reform in the ACT. Driving this change will require vision and leadership. The ACT Government takes its leadership role seriously in the response to family violence in the Canberra community and as a part of a united national response. The community also has a critical role to play by being aware of family violence and the devastating impacts it has on women, children and families. A new, full-time Coordinator-General for Family Safety will lead reform in the service system in partnership with government agencies, non-government services and the Canberra community.

### Coordinator-General for Family Safety

The appointment of the first Coordinator-General for Family and Domestic Violence in May 2015 was a significant step in ensuring ACT Government directorates and agencies worked together effectively to respond to family violence. The Glanfield Inquiry recommends

establishing a full-time position of Coordinator-General for Family Safety. The ACT Government has funded this position in the 2016–17 ACT Budget and the recruitment process has commenced. The current Coordinator-General for Domestic and Family Violence role will be subsumed into this new role.

The Coordinator-General for Family Safety will work closely with Directors-General of the Community Services, Health, Education and Justice and Community Safety Directorates. The Coordinator-General will be based in the Justice and Community Safety Directorate but have a whole of government mandate and accountability to the community and to the ACT Government for improvements to the service system.

The Coordinator-General for Family Safety will:

- > Coordinate and provide strategic policy advice to the ACT Government to continually refine the whole of government response to family violence.
- > Work with community sector agencies and service providers to co-design the Family Safety Hub and provide high level oversight of the Hub.
- > Coordinate across directorates regarding legislative changes required to specifically authorise information sharing, develop an information sharing awareness campaign and guidelines and drive an information sharing culture across directorates and service providers.
- > Assist all Directors-General and mainstream service providers to ensure an appropriate organisational culture towards victims of family violence and to ensure officers within their directorates and organisations understand family violence and are equipped to deal with it.
- > Report on implementation of:
  - the recommendations from reports on family violence;
  - the *National Plan to Reduce Violence Against Women and their Children 2010–2022*;
  - the *ACT Prevention of Violence Against Women and Children Strategy 2011–2017* and the Second Implementation Plan under that Strategy.
- > Develop and settle key family violence outcomes that will be incorporated into the performance agreements of relevant Directors-General and report to Cabinet on delivery of the key outcomes.

- > Work with directorates and service providers to shift current contractual arrangements to an outcomes focus and ensure future contracts include outcomes not outputs as performance indicators.
- > Liaise with relevant agencies to coordinate data collection and sharing for the purpose of informing future responses and to monitor overall performance.
- > Oversee scoping for an ICT system to support improved information sharing and oversight development of a common risk assessment tool.
- > Coordinate annual budget bids across directorates for measures relating to family violence and develop methodologies for reporting on family violence expenditure.

## Community awareness-raising about family violence

Despite the growing momentum for change in the community, the Death Review found that family violence was often not recognised by victims or the people around them, particularly in cases of non-physical abuse. This resulted in missed opportunities to intervene or inappropriate responses to disclosures. The Coordinator-General for Family Safety will have an important role in raising awareness about family violence in ACT communities, in particular the non-physical dimensions of family violence including economic, emotional and psychological abuse and coercion and controlling behaviours.

Through the Council of Australian Governments (COAG), the ACT Government has contributed \$246,000 to a joint Australian, state and territory government campaign to reduce violence against women and their children. This \$30 million campaign was launched on 20 April 2016 and encourages adults to think about their attitudes to gender equality and respectful relationships. The premise is that parents, family members, teachers, coaches, employers and role models can have a positive influence on young people and set the standard for what is and what is not acceptable behaviour in relationships. The aim is to 'stop violence at the start'.

## Training frontline staff and other professionals

Police and crisis services are not always the first point of contact in a family violence situation. The Glanfield Inquiry recommends that adequate resources should

be made available to deliver standard training on family violence for frontline workers. This is consistent with the findings of the Death Review, the Gap Analysis and the report of the Extraordinary Meeting of the Domestic Violence Prevention Council in April 2015. To support improved professional awareness and expertise about family violence, the ACT Government will provide \$770,000 over three years in the 2016–17 ACT Budget for training of ACT Government frontline staff, primarily key staff in health, education, community services and justice sectors.

The Death Review highlights professions in the private sector who can find themselves in the position of 'first responder'. The Coordinator-General for Family Safety will liaise with these professions to brief them on the findings of the family violence reports and request their support through similar training for frontline staff in the private sector. Engaging with private health providers is a priority. The ACT Government will partner with the Capital Health Network to develop a family violence pathway to guide GPs and other private health providers in their responses to individuals who present with experiences of family violence.

The ACT Public Service is actively building its competency to address family violence with the development of a Domestic and Family Violence Toolkit. The purpose of the Toolkit is to provide awareness raising and support materials for employees, managers and human resources practitioners to support employees who are experiencing family violence. The Toolkit builds on Leave for Domestic Violence Purposes which was negotiated for inclusion in the ACT Public Service enterprise agreements, effective from 2013, which meets a national best practice entitlement of up to 20 days/shifts paid leave in a calendar year.

In addition, Housing ACT in 2015 updated its Domestic and Family Violence Manual to better reflect contemporary approaches in responding to domestic and family violence, and to ensure support and assistance is timely and appropriate to the needs of the person who has been affected by the violence.

## Legislative reforms

The ACT Government will introduce a bill in the Legislative Assembly in June 2016 to re-define family violence and capture a broader range of behaviours within the family violence context. The *Family Violence Bill 2016* will include behaviours such as economic, emotional and psychological abuse, as well as coercion and control. The new legal definition of family violence

will better align with other legal frameworks and community norms about the range of behaviours that amount to domestic, family and intimate partner violence.

These changes are based on recommendations made by the Australian and NSW Law Reform Commission's report *Family Violence – A National Legal Response* (2010). The Family Violence Bill represents the first stage of measures to address these recommendations.

## Focus on outcomes

The ACT Government is committed to implementing a more holistic and family-centred service system. This includes appropriately considering all members of the family and their circumstances, including perpetrators in family violence matters. As identified in the Glanfield Inquiry, the service response must support women who are victims of family violence in a way that enables them to continue as the protecting parent of their children where possible. Effort must be focused on supporting families to provide nurturing and safe environments for their children in order to avoid escalation of circumstances which require statutory child protection intervention. The ACT Government accepts that more must be done to increase the transparency and build trust with the public in how Government, through the public service, works to meet the needs of adults and children who are victims of family violence. Increased transparency and the building of trust is particularly necessary in child protection cases.

The Glanfield Inquiry identified programs for vulnerable families in the ACT that are focused on outputs and activities rather than outcomes. This makes it difficult to determine strategic priorities, appropriate interventions and services. The Glanfield Inquiry recommends moving to an outcomes model for government funded programs. The ACT Government agrees with this recommendation and has work underway in a number of areas to develop an outcomes focus such as the ACT's Family Violence Intervention Program, the Human Services Outcomes Framework (a *Better Services* initiative) and *A Step Up for Our Kids* (Out of Home Care Strategy 2015–20).

The Coordinator-General for Family Safety will lead the development of an outcomes framework to address family violence, in partnership with non-government agencies and stakeholders. Future funding agreements for non-government agencies will incorporate appropriate outcome measures. The Coordinator-General will establish arrangements for service providers' reports to government be aligned to these outcomes.

## Strengthening service responses for Aboriginal and Torres Strait Islander families

The *ACT Aboriginal and Torres Strait Islander Agreement 2015–2018* sets out the commitment of the ACT Government, our service partners, the Aboriginal and Torres Strait Islander Elected Body, and most importantly the community, to work together to recognise and respond to the needs of Aboriginal and Torres Strait Islander people living in the ACT and surrounding region. The relationship principles set out in the Agreement include respectful interaction, continuously improving the level of service and information sharing to simplify the service experience for the community, align with the findings of the reports and this ACT Government response to addressing family violence.

The Justice Reinvestment Strategy is developing a smarter, more cost-effective approach to improving criminal justice outcomes through measures to reduce crime, improve public safety and strengthen communities. The Attorney-General has directed \$850,000 from the Confiscated Asset Trust Fund for a justice reinvestment trial that is being developed in partnership with the community sector. The trial will involve enhanced and targeted service support to Aboriginal and Torres Strait Islander families involved in the criminal justice system (approximately 8 families) drawing on the Strengthening Families Project. This includes Aboriginal and Torres Strait Islander families that experience family violence. The key aim is to identify what coordinated response could be developed for Aboriginal and Torres Strait Islander families to reduce or prevent contact with the justice system, while also improving life outcomes.

Concerted effort is also being made to build the cultural competency of the ACT Public Service. The ACT Public Service has shown leadership in this area with all Directors-General to have directorate-specific, annual diversity targets, which are incorporated in their Performance Agreements. The employment targets extend until the 2018–19 financial year and will support the ACT Public Service to meet, and improve upon, the original employment targets (407 Aboriginal and/or Torres Strait Islander Employees and 655 People with Disability). Combined with service-wide employment initiatives, the targets will support workforce diversity and cultural awareness within the ACT Public Service

Over-representation of Aboriginal and Torres Strait Islander children and young people in the care and protection system is a national problem. In the ACT,

Child and Youth Protection Services (CYPS) recognise that staff and systems have to increase their level of cultural proficiency in order to effectively engage with Aboriginal and Torres Strait Islander families. CYPS will fully implement the cultural competency package that was successfully piloted in 2015. Completion of this program will be compulsory for all new recruits and be part of the professional development program for existing case workers. Under *A Step Up for Our Kids*, the Jaanamili service of Uniting has added significant cultural competence to support strategies to engage with Aboriginal and Torres Strait Islander families.

Engagement with local Aboriginal and Torres Strait Islander service providers and work with the Elected Body will be undertaken to develop culturally safe children and family services. The Community Services Directorate will also review the CYPS Workforce Development Plan to bring greater focus to achieve a diverse and appropriately qualified workforce with a priority to recruit Aboriginal and Torres Strait Islander workers to undertake direct case work and supervisory roles.

## ACT Government commitments

- 1.1 A full-time Coordinator-General for Family Safety will be appointed and supported by a dedicated safer families team to drive cultural change and oversee the implementation of reforms to address family violence.
- 1.2 The Coordinator-General will lead the development of an outcomes framework for family violence services.
- 1.3 The ACT Government will invest \$770,000 over three years from 1 July 2016, for training frontline workers so that they can recognise family violence and respond effectively. The Coordinator-General will liaise with the private sector and request their support to provide similar training to frontline staff.
- 1.4 The ACT Government will introduce the *Family Violence Bill 2016* to amend the definition of domestic violence to capture a broader range of behaviours within the family violence context.
- 1.5 The ACT Government will continue to implement the Australian and NSW Law Reform Commission's recommendations relating to family violence in *Family Violence – A National Legal Response* (2010).
- 1.6 The ACT Government will fund \$850,000 for a justice reinvestment trial that will involve enhanced and targeted service support for Aboriginal and Torres Strait Islander families involved in the criminal justice system.

- 1.7 The Community Services Directorate will fully implement a cultural competency training package that will be compulsory for all new CYPS staff and be part of the professional development program for existing case workers.

## 2. PREVENTION AND EARLY INTERVENTION

The ACT Government's response to addressing family violence needs to shift from being largely crisis-driven to prevention and early intervention. There are challenges but the new Coordinator-General of Family Safety will make this a priority with government agencies and community partners.

### Strengthening services for people experiencing family violence

The Glanfield Inquiry, Death Review and Gap Analysis identified the need to shift the focus of the service system to prevention and early intervention. The reviews found there is a specific need for services for children and young people who have witnessed or experienced family violence as well as young people and young adults who use violence against their parents.

The ACT Government is focused on reorienting the service system to prevention and early intervention. The Coordinator-General for Family Safety will facilitate a co-design process for access and referral to services for children and young people who experience family violence. This will include appropriate and effective referral to services provided by the Child, Youth and Family Services Program and services delivered by the Child and Family Centres.

A valuable program for children and young people who experience family violence is the Trauma Understanding and Sensitive Teaching in Schools project (TRUST). TRUST was initiated in 2014 and aims to assist schools to increase their skills base in building relationships, creating safe and supportive environments and utilising positive responses to behaviour; increasing children's educational engagement and social and emotional wellbeing. In 2016 two additional primary schools have been included in the TRUST project.

The ACT has crucial services and supports for victims of domestic violence that provide a range of programs from prevention and education to crisis services. Most of these services and programs have experienced significant increase in demand in the last five years without commensurate resource increases to meet increased demand. For instance, Domestic Violence Crisis Service (DVCS) has seen a significant increase in emergency call outs and in crisis support telephone



sessions and emergency accommodation placements provision between 2011 and 2014–15. The Canberra Rape Crisis Centre (CRCC) has also seen an increase in demand across all areas of service provision between 2011 and 2014–15. The ACT Government will provide over \$1.2 million dollars over four years to DVCS and CRCC so women and children that have experienced or have been affected by domestic and family violence, including sexual assault, receive the support they need.

A new brokerage fund is to be established on 1 July 2016 to provide grants of up to \$2,000 to people who require financial assistance to leave a violent relationship. This is in addition to fast tracked access to the existing Housing ACT Bond loan scheme. The grant will assist victims of family violence to find rental accommodation and meet their short term needs after leaving a violent partner.

Investment has also been made in the 2015–16 ACT Budget to support Aboriginal and Torres Strait Islander families by expanding the Growing Healthy Families Program at the Gungahlin, West Belconnen and Tuggeranong Child and Family Centres. The program uses a community development approach to engage, support and link Aboriginal and Torres Strait Islander children and their families to services. Growing Healthy Families has an early intervention and strengths based approach focusing on health, education, parenting and family support.

### **Behaviour change program for men at risk of using violence**

As part of a focus on prevention, the ACT Government will provide \$964,000 over three years in the 2016–17 ACT Budget for a behavioural change program to be delivered by DVCS in partnership with Connections ACT. The program aims to reduce the likelihood of men using domestic and family violence, including sexual assault, against women and children and to enable women and children to remain in the family home. The program will provide a three-month therapeutic residential program for men who have used or are at risk of using violence in the home. Rehabilitation will involve intensive case coordination, case management, group work, individual counselling, development of living skills and referral. This will be an important intervention to address violence in the family, in particular providing supports to perpetrators of family violence.

The ACT Corrective Services Domestic Abuse Program targets men who are convicted of a domestic abuse offence against their current or recent ex-partner. The program aims to address issues within relationships, including whether the victim of the offence is a current

or past partner. It explores links between behaviours, thoughts and feelings in relation to offending, which leads to a model of accepting responsibility and victim safety.

### **Strengthening the capability of health services**

The Death Review identified a need for health services to improve their service response to people experiencing family violence. The ACT Government agrees and ACT Health has committed to increase the capability of specialist drug treatment services by up skilling staff and adapting and developing programs to integrate best practices responses to family violence into specialist drug treatment. It will also assist to implement regular alcohol and drug training and networking with domestic and family violence workers.

ACT Health Child and Adolescent Mental Health Services (CAMHS) has established a family violence screening program in perinatal mental health and will expand this program across all CAMHS services, to ensure that all young people who access their services are screened for exposure to family violence.

ACT Health will also work in partnership with the Capital Health Network to develop a family violence pathway to improve the capacity of private primary health care health providers to identify family violence, and to respond and refer appropriately.

### **Interpreter and translation services**

The Death Review highlights groups in the community who would benefit from targeted information including communities that are culturally and linguistically diverse. The 2016–17 ACT Budget will fund approximately \$1.2 million over four years for translation and interpreter services for people accessing the ACT Law Courts and Tribunal and specialist ACT family violence services, including community legal centres. It is essential for the administration of justice that courts and tribunal receive accurate interpretation of any evidence or material presented to them in languages other than English, including sign language.

### **Supporting ACT Policing responses to family violence**

ACT Policing has established two family violence and community safety teams made up of both sworn and unsworn officers, who operate alongside frontline police and detectives, and attend and investigate family violence offences. The Family Violence team has

a coordination role, ensuring the frontline response by ACT Policing to family violence is timely, consistent and comprehensive. Their activities involve working closely with external stakeholders to ensure the best outcomes are achieved. Further funding of \$1.18 million over four years will be provided in the 2016–17 ACT Budget for additional police officers to assist victims of family violence, in particular to apply for domestic violence protection orders on behalf of victims and to investigate family violence related offences.

### ACT Government commitments

- 2.1 The Coordinator-General for Family Safety will facilitate the co-design of better access and referral to early intervention services for children and young people who experience family violence.
- 2.2 The ACT Government will provide over \$1.2 million over four years to the Domestic Violence Crisis Service and the Canberra Rape Crisis Centre.
- 2.3 The ACT Government will fund \$964,000 over four years for an innovative residential behaviour change program for men who use or are at risk of using violence.
- 2.4 ACT Health will increase the capacity of specialist drug treatment services to deliver programs that integrate best practice in family violence prevention by investing \$500,000 annually to build staff capacity, to adapt or develop programs, and to implement regular alcohol and drug training and networking amongst domestic and family violence workers.
- 2.5 ACT Health will expand a family violence screening program in perinatal mental health across all Child and Adolescent Mental Health Services.
- 2.6 The ACT Government will fund approximately \$1.2 million over four years for translation and interpreter services for people accessing the ACT Law Courts and Tribunal and specialist ACT family and domestic violence services, including community legal centres, due to domestic and family violence.
- 2.7 The ACT Government will fund \$1.18 million over four years for additional police officers to assist victims of domestic violence, in particular to apply for domestic violence protection orders on behalf of victims and to investigate family violence related offences.
- 2.8 The Domestic Violence Prevention Council will lead the effort to identify areas for collaboration in prevention and intervention activities in relation to elder abuse.

## 3. INFORMATION SHARING

The reports identify that information sharing is an area for significant reform in the ACT service system. The ACT Government will put a legislative framework in place to clearly authorise information sharing and provide frontline workers with the confidence to gather information that will improve responses for adults and children experiencing family violence.

### Facilitating information sharing

The Glanfield Inquiry and Death Review identify the need to improve the sharing of information between government and non-government agencies. This is especially important when individuals or families are at risk of harm. The ACT Government acknowledges that improvements are required, in particular when children and young people are not engaged with schooling. The Education Directorate will work to share information with other jurisdictions to ensure that children at risk stay connected with the education system. The Education Directorate will also further strengthen supports for children to attend school and implement mechanisms with other agencies to support families where there are concerns with school attendance.

Information sharing reforms will support work already underway across the ACT Government. For example, the Community Services Directorate under Better Services has developed an Information Sharing Protocol focused on improving workforce practice in sharing information on common clients. The protocol provides practice principles aligned to the *Information Privacy Act 2014*, and guidelines for sharing information with and without consent when required. A training package has been developed to support the implementation of the protocols. Training is initially being provided to government and non-government service providers in the West Belconnen Local Services Network.

The legislative reforms previously outlined will create the necessary environment to share information. In light of these reforms, directorates and agencies will review existing information sharing protocols and memorandums of understanding to ensure they are fit for purpose.

### Legislative reforms

The Glanfield Inquiry, Death Review and Gap Analysis identified information sharing between family violence agencies as a critical mechanism for ensuring the safety of victims. The Glanfield Inquiry highlighted two key issues in relation to information sharing in family violence circumstances in the ACT: a lack of clarity

in legislation about when and what information can be shared in family violence cases; and a culture that did not support appropriate and timely sharing of information. The Glanfield Inquiry recommends that legislation be amended to clearly authorise information sharing in family violence situations with appropriate penalties if information is shared other than for the safety, welfare or wellbeing of a person.

The ACT Government recognises that appropriate legislative mechanisms to facilitate information sharing is critical to protecting women and children experiencing, or at risk of experiencing family violence. As such the ACT Government will introduce the *Reportable Conduct and Information Sharing Legislation Amendment Bill 2016* in the Legislative Assembly in June 2016. The amendment bill will amend the *Children and Young People Act 2008* to clarify the ability for government and non-government agencies to share information to promote the safety, welfare and wellbeing of a child or young person. Underpinning the provisions will be the principle that personal information should only be collected, used, or disclosed for its intended primary purpose. An additional principle makes clear the safety, welfare and wellbeing of a child or young person must generally be treated as more important than protecting the confidentiality of information and personal privacy.

Additional amendments in the bill will also support a more effective delivery of the working with vulnerable people scheme, by including improved information sharing provisions in the *Working with Vulnerable People (Background Checking) Act 2011* and Children and Young People Act. Information sharing amendments will enhance information disclosure between the Commissioner for Fair Trading and the Director-General responsible for the Children and Young People Act. The amendments seek to ensure all information relevant to these entities' functions is available to inform or assist in preventing risk of harm to children and young people.

These changes represent a first step in relation to children. The Government will also legislate to authorise information sharing for all family violence matters after further consultation with stakeholders. This will require consideration of a range of legislation including the *Information Privacy Act 2014*, *Health Records (Privacy and Access) Act 1997* and the Children and Young People Act. The ACT Government will also raise the issue of sharing family violence information and Commonwealth privacy legislation with the Office of the Australian Information Commissioner and the appropriate Ministerial body.

The Glanfield Inquiry found that in some circumstances, legislative requirements in the Children and Young People Act (e.g. requiring parents to consent to an appraisal) are intentionally being used by parents to constrain the ability of Child and Youth Protection Services (CYPS) to undertake appraisals. This can reduce the likelihood of a disclosure which in turn can affect whether ACT Policing will investigate. The right for a child to be free from abuse and neglect is paramount and outweighs the right of a parent to consent to an appraisal in circumstances when the parent is the alleged abuser. The ACT Government agrees with this recommendation and will consider how best to give effect to this recommendation.

The ACT is engaged in inter-jurisdictional information sharing projects, for instance, the national child protection information sharing project. Frontline services can experience difficulties sharing information between jurisdictions, especially when information needs to be shared outside of statutory child protection agencies. Key issues include no common legislative mechanisms between jurisdictions to facilitate information sharing; different understandings of privacy and child protection legislation; differing views on which agencies 'need to know'; and jurisdictional differences in what agencies are authorised to share, in particular sharing information with non-government service providers.

Jurisdictions are also continuing the national inter-jurisdictional carer information sharing system project. This project aims to make changes to systems, consent arrangements and legislative authority to improve the sharing of carer information. For instance, agencies with responsibility for the approval of kinship and foster carers should be able to access up-to-date information about the carer approval history of current and prospective carers in all jurisdictions.

## **Awareness-raising of information sharing**

The ACT Government recognises that addressing cultural issues will underpin the success of any legislative amendments authorising information sharing. To ensure that agencies are aware of and understand the legislative amendments, an awareness campaign and guideline document will be developed to support the new information sharing provisions. The ACT Government allocates \$15,000 to support this action in the 2016–17 ACT Budget. The Coordinator-General for Family Safety will drive an information sharing culture and facilitate discussion and awareness of information sharing arrangements.

## ICT support for information sharing

Effective information sharing is enhanced by ICT systems that support the timely and accurate provision of information between agencies. To support the new legislative provisions and to facilitate an information sharing culture, work will be undertaken to scope ICT support to facilitate accurate and appropriate information sharing between agencies. Funding has been allocated in the 2016–17 ACT Budget to undertake this scoping work.

This initiative builds on existing government investment to improve information systems such as supporting the development of the CYPs Integrated Management System (IMS). The IMS is a single information system for CYPs staff to access policies, procedures and tools to assist staff in complying with legislative and policy requirements and improve decision making. The IMS will include a practice framework, case management framework and risk assessment framework.

The ACT Government funded \$1.9 million in the 2015–16 ACT Budget to develop a new client management system for CYPs. The new system will replace the existing legacy systems and provide immediate access to information about children and young people at risk, assist case management functions and provide real time reports and data to support the work of CYPs. There will also be mechanisms to improve the automation of the exchange of information about children and young people between non-government out of home care agencies and the Community Services Directorate. The new system is expected to commence on 1 July 2017.

## Improving record keeping

The Death Review found that within some agencies, poor record keeping is also contributing to the inability to share information accurately and in a timely manner. The ACT Government acknowledges the importance of accurate and timely record keeping and record management. The Government also acknowledges that this is particularly important in relation to family violence as it affects an agency's ability to share accurate information and manage risks facing victims of family violence. To ensure ACT Government agencies are adhering to the Territory's record keeping obligations, family violence training of frontline staff will include a module on record keeping in line with the *Territory Records Act 2002*.

The Death Review recommended the Attorney-General request the Auditor-General to consider conducting an audit of Mental Health, Justice Health and Alcohol

& Drug Services (MHJHADS) files to identify where improvements can be made especially in relation to the administration and implementation of ACT Health Outcome Measures, other risk assessment tools and the associated risk management approaches. The ACT Government agrees to this recommendation and will request the Auditor-General consider undertaking an audit of MHJHADS files.

The Death Review highlighted the need for agencies to balance the voice of perpetrators with victims, finding that records and reports often only told the perpetrators story. In recent years ACT Corrective Services (ACTCS) has undertaken considerable policy work to improve pre-sentence reports so they are balanced, an accurate reflection of factual and verified information available to ACTCS, of benefit to the Court and to ensure offenders are managed in the most appropriate way within the criminal justice system.

A priority area in ACTCS has been to put in place quality assurance practices to ensure officers in community corrections are able to identify signs of family violence and accurately represent this in pre-sentence reports. In addition, all staff have undertaken two day training specifically on case management and 'Working with Domestic Violence Perpetrators'. ACTCS will continue to engage in the development and implementation of the National Standards for Perpetrator Interventions and developing a policy and practice framework that supports the implementation of these standards within ACTCS.

## Data collection

The ACT Government recognises that accurate and reliable data needs to inform future government decisions on responding to family violence. The ACT Domestic and Family Violence Data Project is laying the foundation for improving data collection in the ACT and ultimately the sharing of this information. This is in line with the *National Plan to Reduce Violence Against Women and their Children (2010–2022)* and informed by the ABS report *Foundation for a National Data Collection and Reporting Framework for Family Domestic and Sexual Violence*. Stage 1 of the ACT project commenced in March 2016 and involved consultation with stakeholders in ACT Government and the community sector to ascertain what data is currently being collected. Subsequent stages of the project will include a plan to improve data collection on domestic and family violence in the ACT. The project is being undertaken by the Domestic Violence Prevention Council and is funded from the Confiscated Assets Trust Fund.

## Family violence death review mechanism

The Death Review recommends that a legislative mechanism be provided for the Attorney-General to establish a family violence death review when appropriate including the power to consider deaths such as suicides of both family violence victims and perpetrators and the accidental deaths of family violence victims. The ACT Government agrees that a legislative mechanism for family violence death reviews should be introduced to ensure that future reviews have appropriate statutory based powers. The ACT Government will undertake further policy work in relation to this recommendation with a view to introducing legislation in 2017.

## ACT Government commitments

- 3.1 As a first stage response, the Government will amend the *Children and Young People Act 2008* to clarify the ability for government and non-government agencies to share information in relation to child safety and wellbeing.
- 3.2 As a second stage response, the Government will legislate to authorise information sharing in family violence matters more broadly after further consultation with stakeholders.
- 3.3 The ACT Government will remove legislative barriers to Child and Youth Protection Services being able to effectively undertake appraisals.
- 3.4 The ACT Government will fund the scoping of ICT support to facilitate accurate and appropriate information sharing between agencies.
- 3.5 The ACT Government family violence training for frontline staff will include a module on record keeping in relation to family violence to adhere to the *Territory Records Act 2002*.
- 3.6 ACT Corrective Services will develop a policy and practice framework that supports the implementation of the National Standards for Perpetrator Interventions.
- 3.7 The ACT Government will implement an awareness campaign and develop guideline documents to support new sharing information arrangements.
- 3.8 The ACT Government will request the Auditor-General consider undertaking an audit of MHJHADS files.
- 3.9 The ACT Government will legislate for the Attorney-General to order a future family violence death review and provide powers for those undertaking such a review.

## 4. COLLABORATION AND INTEGRATION

The ACT Government will establish a Family Safety Hub to be a focal point for family violence responses in the service system. The Hub will be supported by investment in the 2016–17 ACT Budget in case management and coordination and will, importantly, improve referral pathways for child concern reports that are assessed as not requiring formal statutory intervention.

### Family Safety Hub

The Glanfield Inquiry, the Death Review and the Gap Analysis all made findings about the critical importance of services working together to provide an effective response to family violence. The ACT Government accepts that some of its services and program funding are siloed and not as effective as they could be and that the focus should be on individual, family and community outcomes. The ACT Government recognises that Child and Youth Protection Services (CYPS), along with all services, need to engage and collaborate better with families, other government and non-government agencies and notifiers of child concern reports.

In recognition of the importance of service integration and the need for a focal point in the ACT service system for family violence response, the ACT Government will establish a Family Safety Hub. The Hub will facilitate the integration of services across government and the community sector to address family violence. The Hub will be a multi-agency service model to improve and build on the existing response to family violence in the ACT.

Specifically, the Hub will offer a range of services, including needs identification and assessment; safety risk assessments; referral pathways to appropriate services; case management and co-ordination, where required; and information management and sharing.

The Hub will work in close cooperation with the Human Services Gateway and the child protection intake service to improve referral pathways for children, young people and families that do not require a statutory child protection response. In addition, families will be offered appropriate support when they are actively involved in the statutory process.

CYPS will continue to be responsible for making assessments about whether child concern reports require further statutory intervention, but will work more closely with other service providers.

The Glanfield Inquiry found the number of child concern reports received by CYPS has increased over the past 10 years but many of these reports do not result in an

appraisal being undertaken or the report leading to substantiation. Further, dealing with this increasing volume of reports is resource intensive and may be diverting resources from focusing on higher risk cases. An important aim of the Family Safety Hub will be establishing appropriate mechanisms to deal with low risk cases that are reported to CYPS that only require referral to services and supports. This approach should reduce the number of child concern reports and enable CYPS to focus its statutory functions on high risk cases.

A priority for the Coordinator-General for Family Safety will be to facilitate a co-design process to develop the model for the Family Safety Hub involving all relevant government and community stakeholders, as well as people who have had a lived experience of family violence. The process will identify the operating model; resourcing; governance and reporting arrangements; and accountability and performance framework.

The *Humans Services Blueprint* and Better Services reforms are facilitating the development of the much needed and contemporary infrastructure that will improve the capacity of the human services system to do better. This will include enabling more effective and efficient sharing of information at key points across the system, designing alternative investment models to target integrated responses, and allocating and reallocating resources to achieve the best possible outcomes. The ACT Government will continue to lead a whole of government approach so that services are able to deploy their own expertise while recognising what else may be needed to respond to family violence and risks of homicide. Facilitating information sharing and the development of a common risk assessment tool will be important steps. The ACT Government will provide \$50,000 in the 2016–17 ACT Budget for a common risk assessment tool to be developed.

## **Integrated case management and case coordination**

The ACT Government will establish and fund a centralised and integrated case management and case coordination capability in the Family Safety Hub for victims of family violence. This \$2.6 million over four years' investment will be a core function of the Hub. In establishing the Hub it will be important for service responses to be culturally appropriate and for staff to be culturally competent.

For child protection matters, CYPS acknowledges the value of effective case conferencing in coordinating support for vulnerable families and will identify further

opportunities in existing current assessment, planning and case management processes to increase the use of case conferences where it will benefit the family.

## **Integrated health services**

In the public health sector, the ACT Government is building greater collaboration across healthcare services in the ACT and region and is working towards child-centred practices and facilities. ACT Health has established a *Child Youth Health Services Network for the ACT and Region* to provide strategic leadership and collaboration across ACT Health, Calvary Health Care, primary health care and the Southern NSW region. A key goal of the Network will be to build child and youth safe, friendly and aware culture, practices and facilities across healthcare services in the ACT and region. The Network has prioritised vulnerable children and young people, and health sector collaboration and integration as the highest priorities for action. This includes collaborating and integrating with the Family Safety Hub.

## **Engagement in national family law reform**

The ACT Government recognises the complex interaction in family violence matters between the criminal law, child protection and family law systems, as well as the involvement of other federal and territory agencies. Without collaboration between all these systems and agencies there is the possibility that they work against each other. The ACT Government is committed to remaining engaged in forums of the Council of Australian Governments and other mechanisms, such as the Family Law Council review, as recommended by the Glanfield Inquiry. The purpose of this engagement is to improve service system responses to families with complex needs within the family law system.

## **ACT Government commitments**

- 4.1 The ACT Government will establish a Family Safety Hub to facilitate integrated services to address family violence across government and the community sector. The Hub will be a multi-agency service model to improve and build on the existing response to family violence in the ACT. An aim of the Hub will be to triage child concern reports to enable CYPS to focus its statutory functions on high risk cases and to ensure families are referred to appropriate supports.
- 4.2 The Coordinator-General for Family Safety will facilitate a co-design process to develop the model for the Family Safety Hub involving all

relevant government and community stakeholders, as well as people who have had a lived experience of family violence.

- 4.3 The ACT Government will fund \$2.6 million over four years for a centralised and integrated case management and case coordination capability within the Hub for victims of family violence in the ACT.
- 4.4 The ACT Government will remain actively engaged in forums of the Council of Australian Governments and other mechanisms to improve responses to families with complex needs within the family law system.

## 5. TRANSPARENCY AND ACCOUNTABILITY

Transparency and accountability in the family violence service system will be improved in line with the Glanfield Inquiry's recommendations. The ACT Government will report annually on its investments and achievements in addressing family violence through a Family Violence Statement. The Government will also establish a Quality Assurance Improvement Committee to provide arms-length quality assurance and ensure compliance by statutory services and an independent case analysis team in Child and Youth Protection Services (CYPS).

### Strengthening culture of transparency and accountability

As part of its leadership role and commitment to accountability, the ACT Government will outline its investments and achievements through a dedicated Family Violence Statement that will be presented to the Legislative Assembly every year. This will be in addition to reporting by Government on the ACT Prevention of Violence Against Women and Children Strategy.

The ACT Government recognises the service challenges identified by the reports in particular the need to reorient the system to a families based approach with clear outcomes not just outputs. The Glanfield Inquiry's recommendations about the culture of CYPS are taken seriously by the ACT Government and it is accepted that CYPS must adopt a culture of transparency and engagement with clients, agencies and service providers. A key aspect of cultural change will be building trust, in particular with women who have children and are experiencing family violence and Aboriginal and Torres Strait Islander women. The aim is to improve CYPS decision making and outcomes for families who come into contact with CYPS. Improving outcomes means maintaining the protecting parent with the children, whenever possible.

The ACT Government's response as a whole is intended to address this issue. This includes appointing a Community Engagement Officer in CYPS to improve critical partnerships and implement a community engagement plan. This role will also support CYPS to specifically liaise regularly with schools and community sector organisations

### Strengthening decision making

To enhance quality assurance practices and support improved decision making in CYPS, the ACT Government will provide \$2.47 million over four years in the 2016–17 ACT Budget. The funding will be used to establish a Child and Youth Protection Quality Assurance and Improvement Committee and a specialised case analysis team. The Committee will provide arms-length quality assurance and ensure compliance by statutory services. The Committee will comprise the Director-General of the Community Services Directorate; the Coordinator-General for Family Safety; an independent Director-General from a relevant directorate; an independent senior practitioner with high-level experience in child protection; and the Executive Director of CYPS.

The Committee's work will be supported by two independent regulatory assessors that are based in the regulatory area of the Community Services Directorate. Regular quarterly reports will be provided to the Director-General of the Community Services Directorate and information will be included in the Directorate's Annual Report.

Additional resources will be available to establish a case analysis team to provide real time feedback on quality of service and decisions to improve and strengthen decision making. The case analysis team will be established to undertake additional case work on identified cases of children and young people with extensive involvement with statutory services, or those considered at high risk. The team will provide independent advice and support case workers to improve the quality of assessments and ensure impacts of cumulative harm are taken into account.

The Glanfield Inquiry recommends that ACT Policing policy should be modified to ensure that when considering whether or not to investigate a report of child abuse all circumstances of the individual case should be considered and discussed with CYPS. ACT Policing has reviewed its policy so that on receipt of a referral, it ensures that consideration is given to information that is provided from other agencies, including CYPS, that could be of relevance to its investigation and any decision to further investigate.

## Strengthening risk assessment

To improve the service response to family violence across the service system, the Death Review recommends the development of a screening, risk assessment and risk management framework across all ACT services, rather than a service by service approach. Timely access to and sharing of information is critical to ensuring the safety of people at risk of or experiencing family violence. The Gap Analysis conducted a survey and found 14 per cent of respondents reported using a specific domestic violence risk assessment tool, 42 per cent reported using a non-specific risk assessment tool and 44 per cent reported using no form of risk assessment. To strengthen risk assessment by service providers, the ACT Government will provide one-off funding of \$50,000 in 2016–17 through the 2016–17 ACT Budget to develop a common risk assessment tool for use by service providers in the ACT.

## Review of decisions

The Glanfield Inquiry identifies the need for improvement in the transparency and accountability in decision making by CYPS. The Glanfield Inquiry found that CYPS should adopt a more open and consultative approach to its work and that such an approach would better inform CYPS decisions. The ACT Government accepts that proper accountability enhances community confidence in public administration, especially in complex areas such as statutory child protection services. The legislative and policy framework, oversight bodies and Legislative Assembly committees provide a strong accountability system in the ACT.

The Glanfield Inquiry found that certain CYPS decisions have only a limited form of internal merits review and some important decisions are not subject to external review in the ACT while they are reviewable in other jurisdictions. The ACT Government will undertake a review of what decisions made by CYPS should be subject to either internal or external merits review. The review will be informed by other jurisdictions and be chaired by the Justice and Community Safety Directorate. Central access to information about review rights will be improved and will be provided specifically to individuals notified of a CYPS decision.

## Strengthening legal responses to family violence

The Glanfield Inquiry noted some CYPS decisions are judicially reviewable but the value of that review right may be undermined by a lack of legal representation. The Gap Analysis identified the need for greater

support for victims of family violence in navigating court processes. Access to justice is fundamentally important in promoting a just and inclusive society and the ACT Government accepts its responsibility for ensuring vulnerable and disadvantaged people receive the legal services they need to assert or defend their rights. The ACT Government does this by funding Legal Aid ACT and other legal services to provide legal representation and advice to vulnerable and disadvantaged people. The ACT Government will provide additional funding of \$1.2 million over four years to Legal Aid ACT to increase its capacity to represent victims of family violence from 1 July 2016.

In addition, the ACT Government will provide funding of over \$1.3 million over four years to the Director of Public Prosecutions (DPP) to meet an increased need for prosecution of alleged perpetrators of family violence. The funding will enable the DPP to provide a holistic approach to family violence victims including communication about the court process.

## Oversight bodies

To improve the oversight of how organisations respond to allegations of child abuse, the ACT Government will develop a reportable conduct scheme for the ACT, similar to an existing scheme in NSW. Under this scheme government and non government organisations with responsibility for children will be required to report child abuse allegations to the ACT Ombudsman. This scheme will allow guidance to be provided to assist organisations to have in place appropriate policies for protecting children.

The Glanfield Inquiry recommends a review of the resources of the Public Advocate and Children and Young People Commissioner to perform oversight functions. A review of the Community Services Directorate's resources to respond to oversight bodies was also recommended.

A reformed Human Rights Commission was established on 1 April 2016. The intent of the reforms was to reorient the Commission to core service delivery and position the Commission to be able to deliver more strategic, coherent and unified services as a key rights protection agency, rather than an administrative unit supporting the statutory functions of specific, individual commissioners. The aim of the new model was to future proof the Commission's ability to deliver its functions in a tight budgetary environment and to develop more productive relationships with other public service delivery agencies and community advocacy sector.



In light of the Glanfield Inquiry recommendation, the ACT Government will review the resources of the Public Advocate and Children and Young People Commissioner and resources in the Community Services Directorate that respond to any oversight, after the Human Rights Commission has been operating for a year.

5.10 The ACT Government will review the resources of the Public Advocate and Children and Young People Commissioner and resources in the Community Services Directorate that respond to any oversight after the Human Rights Commission has been operating for a year.

## **ACT Government commitments**

- 5.1 The ACT Government will present a Family Violence Statement to the Legislative Assembly every year.
- 5.2 The Community Services Directorate will appoint a Community Engagement Officer in CYPS to improve critical partnerships and implement a community engagement plan.
- 5.3 The ACT Government will provide \$2.47 million over four years to enhance quality assurance practices and support improved decision making in CYPS. This will include the establishment of a Child and Youth Protection Quality Assurance and Improvement Committee to provide arms-length quality assurance and ensure compliance by statutory services, and a case analysis team to undertake case analysis work on identified cases of children and young people with extensive involvement with statutory services.
- 5.4 The ACT Government will fund the development of a common risk assessment tool for use by agencies and service providers in the ACT.
- 5.5 The ACT Government will undertake a review of what decisions made by Child and Youth Protection Services should be subject to either internal or external merits review. The review will be informed by other jurisdictions and be chaired by the Justice and Community Safety Directorate.
- 5.6 The Community Services Directorate will make publicly available information about review rights and ensure this is provided to individuals notified of a CYPS decision.
- 5.7 The ACT Government will provide \$1.2 million over four years in additional funding to Legal Aid ACT to increase its capacity to represent victims of family violence.
- 5.8 The ACT Government will provide funding of over \$1.3 million over four years to the DPP to meet an increased need for prosecution of alleged perpetrators of family violence.
- 5.9 The ACT Government will develop a reportable conduct scheme for the ACT to improve the oversight of how organisations respond to allegations of child abuse.

