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Family Violence Standards Guidelines

A number of codes of practice, practice standards and guidelines have been developed to support the delivery of family violence services and guide respective agencies in responding to family violence. Some of these were developed in response to Victoria's New Approach to an integrated family violence response system. In that sense, they are to be read as complementary documents, expressing a shared understanding of family violence and fundamental principles that inform practice responses. The standards, codes and guidelines form the basis of what services are expected to provide and how the quality of a service is evaluated.

Most of the family violence sector documents have little to say about how best to support women and children with disabilities experiencing family violence. The Project Team have developed minimum standards for these family violence standards, codes and guidelines that support fundamental rights to equality before the law, non-discrimination, respect and human dignity.

We outline the method of analysis below, and provide a brief description of each document. Then, we explain what each criterion or minimum standard entails and give an assessment of the eight documents in relation to them. This provides a summary of the emerging patterns showing the extent to which the issues that face women (and children) experiencing violence are acknowledged in the key family violence sector codes, standards and practice guidelines. This summary is represented visually in Table I. It provides a snapshot assessment of each document against the criteria. A final section contains recommendations for future action.

6.1 Method of analysis

Eight Victorian standards, codes of practice and guidelines of relevance to supporting women (including their children) experiencing violence were identified and examined with a view to assessing what is – and what is not – in each document about women and children with disabilities. In order to do this, a number of criteria were developed against which each document was analysed. As will be clear from the recommendations at the end of this section, we consider most of the criteria as minimum standards that we would like to see incorporated into each standard, code and guideline when they are next reviewed.

6.2 The standards, codes of practice and guidelines

In this section, we provide a brief description of the documents. It must be noted that awareness of the issues facing women and children with disabilities experiencing violence is growing, as evidenced by the increasing partnerships between government, disability advocacy and family violence sector services. Although the documents analysed were all developed in the last five years, they do not necessarily reflect this more recent heightened awareness and understanding. It is anticipated that when the documents are next reviewed, consideration of the issues facing women and children with disabilities experiencing violence will be further addressed.

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Towards Collaboration: A resource guide for Child Protection and Family Violence Services (Family and Community Support Branch, DHS 2003)

The Resource Guide provides clear, helpful strategies to develop a common understanding of family violence as it impacts on children with a view to improving outcomes for children and their families who have lived with violence. The Guide is for Child Protection and Family Violence services.

Victoria Police Code of Practice for the Investigation of Family Violence (Victoria Police, August 2004)

The launch of the *Victoria Police Code of Practice for the Investigation of Family Violence* in 2004 pioneered the way for Codes of Practice relating to family violence. It was developed as a result of one of the recommendations of Victoria Police's 2001 *Violence Against Women Strategy*. The *Code of Practice* outlines how police are to respond to reports of family violence, introducing a response Options Model that involves criminal and civil responses and referral. The Code is both pro-arrest and pro-prosecution. It strengthens police procedures, and requires referrals and partnerships with specialist services, such as family violence services.

Men's Behaviour Change Group Work: Minimum Standards for Quality Practice (No To Violence, December 2005)

This document sets out standards of practice developed by No To Violence: the Male Family Violence Prevention Association (NTV), the statewide, peak organisation for men's behaviour change programs. Amongst other things, NTV runs the men's referral telephone service and coordinates training for telephone and men's behaviour change counsellors (providing a Graduate Certificate of Social Science (Male Family Violence)). NTV is a strong advocate *against* men's use of violence and *for* men being held accountable for their use of violence whilst placing the safety of women and children as paramount. The minimum standards thus reflect a strong feminist and social justice informed understanding of family violence. DHS expects providers of men's behaviour change groups to be members of NTV and adhere to their standards.

Code of Practice for Specialist Family Violence Services for Women and Children (DV Vic 2006)

The Code of Practice was developed by Domestic Violence Victoria (hereafter referred to as the DV Vic Code or the Code), the peak body for services providing a specialist response to women and children experiencing family violence in Victoria as part of the new integrated response for the delivery of quality services. Its development was partly in response to a number of key initiatives, including the work of the Statewide Steering Committee to Reduce Family Violence, relating to the integrated family violence response system and the members' recognition of the desirability for consistency, transparency and accountability across family violence services. It is comprised of 11 sections, which provide information about the implications for workers and services in implementing it as well as an overview of the specialist family violence service system. The Code outlines the principles and values that underpin best practice in the provision of specialist family violence services for women and children.

Domestic Violence Victoria intends to further develop the code in relation to supporting women and children with disabilities when it undergoes review in the future.

Homelessness Assistance Service Standards (HASS) (Office of Housing, DHS 2006)

HASS are the industry standards of good practice prepared by the State Government of Victoria (Department of Human Services, Office of Housing) in

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2006 for organisations delivering services in the homelessness assistance sector. The standards are intended to provide guidance rather than be understood as prescriptive of the practices that organisations maintain. Documents such as other standards and Acts of Parliament that further support each standard are included under each section.

Family violence specialist services are among these organisations, providing support to women and children through outreach, refuge, crisis support, target group specific support, private rental brokerage, after hours and intensive case management service models. They are (partly) funded under the Supported Accommodation Assistance Program or SAAP (the major government response to homelessness in Australia since 1985) as Homelessness Assistance Services by the Office of Housing.

DHS intends to address issues regarding people with disabilities when it next reviews the standards.

Family Violence Risk Assessment and Risk Management Framework: (Family Violence Coordination Unit, Department of Victorian Communities, 2007)

The Framework is part of the Victorian Government's reform intending to integrate family violence services with mainstream services (including disability services) and legal and statutory services across the state so that service providers will be aware of the prevalence of family violence and be prepared to respond, if necessary.

The framework outlines an understanding of risk and family violence, noting the particular experiences of women with disabilities (as well as other key population groups) throughout the document, where appropriate, as well as dedicating a sub-section to women with disabilities.

Code of Practice for Family Violence Applicant (Court Based Intervention Order) Programs (Federation of Community Legal Centres (Vic) Inc. July 2007)

The Federation (FCLC) is the peak body for over 50 community legal centres throughout Victoria, which delivers legal education, advice and representation to marginalised communities, and engages in law reform. The Code was developed by the Federation of Community Legal Centres (Vic.) Inc. to assist practising lawyers in their court-based practice for family violence applicant programs and Intervention Orders. It was developed in the context of the integrated service response to family violence in Victoria, including the establishment of a specialised court response (the Family Violence Divisions of the Heidelberg and Ballarat Magistrates' Courts and the Specialist Family Violence Service located in the Melbourne, Sunshine (with a circuit to Werribee) and Frankston Magistrates' Courts. The Code provides a framework for practice that informs partner agencies about family violence applicant programs and assists interagency liaison and response to family violence.

Practice Guidelines: Women and Children Family Violence Counselling and Support Programs (Children, Youth and Families Division, DHS 2008)

These guidelines have been developed in regard to counselling and support programs for women and children who have experienced or are at risk of experiencing family violence. They are not concerned with crisis responses or joint or couple counselling and they do not give details of how counselling and support is to be delivered to specific population groups (they refer users to DV Vic's *Code of Practice* for more details on this). They are intended to aid individual practitioners (counsellors) to reflect critically on their work and to assist in the

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process of organisational quality review and evaluation. They are to be used in conjunction with a number of other documents relevant to the sectors responding to family violence; most particularly: the *Family Violence Risk Assessment and Risk Management* (Department of Victorian Communities 2007); and the *Code of Practice for Specialist Family Violence Services for Women and Children (Domestic Violence Victoria 2006)*.

6.3 Analysis of standards, codes of practice and guidelines

For each standard, code of practice or guideline, we identify a minimum standard or criteria, discuss the rationale, and provide a summary analysis of the eight documents. The reference to the matrix and a number in brackets indicates which row in the following table is relevant to the discussion. We regard minimum standards as indicative of good practices relating to the support of women and children with disabilities experiencing violence. These family violence sector standards, codes and guidelines are not prescriptive but they need to articulate what minimum standards of best practice entail so that services can plan for future improvements in their service responses to women and children experiencing violence.

Definition of family violence

Minimum standard: That relevant family violence sector standards, codes and guidelines have a shared understanding of family violence that includes an acknowledgement of the diverse domestic arrangements in which it occurs and the potential for carers to be perpetrators of violence against women with disabilities.

Rationale: Our understanding of family violence is challenged when we think about it from the point of view of disability and in relation to women with disabilities' access to family violence services. As the literature on service provision shows, these women have been invisible, overlooked, in many instances of violence within families and domestic living situations and, as a result, in family violence response services. The principal carer of a woman with a disability – for example, a male partner – may also be her abuser. Furthermore, women have also been abused by carers in institutions, such as a nursing home, a residential facility or mental health hospital. Paradoxically, it makes it harder for a woman living in such circumstances to access family violence services than, for example, it would were she to be homeless and experiencing violence. The documents purport to aim at a shared understanding of family violence, but it is apparent that some fall short of the fuller understanding of family violence that recognises the diverse domestic arrangements of women with disabilities who may experience violence.

Summary: Analysis of the documents reveals that only four of them recognise this broader understanding of family violence, as it may pertain to women with disabilities (see Matrix Row 1).

The inclusion of information about women and children with disabilities

Minimum standard: That each standard, code and practice guideline includes information about supporting women and children with disabilities *throughout* the

document and also includes a *dedicated* section about supporting women and children with disabilities.

Rationale: Having a dedicated section about women and children with disabilities in each standard, code and guideline is important in making reference to the specific needs of a population group; however, its impact is limited if there are not examples that highlight those specific needs throughout the overall document. When documents contain a dedicated section about supporting other key population groups, such as Indigenous and CALD populations, they illustrate a gap to the extent that people with disabilities are a key population group (representing 20% of the Australian population) and, in the spirit of recognising full inclusion and diversity, their needs should be acknowledged.

Summary: Only two of the eight documents contained reference to women and children with disabilities throughout the document (see Matrix Row 2.a) and only four contained a dedicated section on this population group (Matrix Row 2.b). In contrast, seven of the eight of the documents had specific sections on other disadvantaged population groups (Matrix Row 2.c) and six were framed within a gender perspective (Matrix Row 9).

Data Collection

Minimum standards: There are two minimum standards that relate to the collection of disability data. These are that family violence sector standards, codes and guidelines discuss the collection of disability data, including recording the presence of disabilities in clients of services (as 'victims' and 'perpetrators' as appropriate) and recording the type of disabilities clients have. Secondly, that any disability support the agency needs to provide for the client to access their service be recorded: for example, accessible accommodation; supported accommodation; attendant care; Auslan interpreter; Independent Third Person; advocate; communication assistant; independent living; case management; brokerage; more time in which to communicate; or other support needs.

Rationale: There are many disabilities that are invisible and remain so unless services ask people to disclose. Leaving aside the fact that people cannot be forced to disclose (and often have very good reasons for not disclosing, particularly when they have previously experienced discrimination or negative responses), if we do not identify how many clients have disabilities and what their needs are, it makes it very difficult to develop Disability Action Plans, to monitor the inclusion of people with disabilities in the family violence response system and develop strategies for being more responsive to people with disabilities.

Summary: Only one of the eight documents indicates that data about a client's disability status is to be collected in a template form relating to the collection of general demographic data (Matrix Row 3.a). None of the standards, codes or guidelines requires the collection of data about the types of disabilities clients have or what their support needs in relation to the disabilities might be (Matrix Row 3.b).

Disability as a risk factor

Minimum standard: That family violence sector standards, guidelines and codes identify the 'presence of a disability' as part of the common risk assessment procedure.

Rationale: International and national research identifies the presence of disability in the victim as a risk factor for violence. This makes it important to

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identify in all risk assessments and, where appropriate, for documents to explain the nature and prevalence of violence against women and children with disabilities.

Summary: Two of the documents identify the presence of a disability as a risk factor that increases the likelihood of experiencing family violence and a further two refer readers to one or both of the preceding guides (Matrix Row 4).

Accessible information, communication and premises

Minimum standards: That family violence sector standards, guidelines and codes explicitly require provision of information in alternative formats, discuss inclusive communication practices (Matrix Row 5), and physical accessibility of services for clients with disabilities (Matrix Row 6). Further, that the principle of universal design underpins the acquisition or development of all future products, environments and communications to consider the needs of the widest possible array of users.

Rationale: Family violence sector standards, codes and guidelines need to raise awareness and understanding in relevant services about what is required to be inclusive of clients with disabilities and provide additional information about how to develop Disability Action Plans. This material needs to indicate that developing greater physical and informational access assists all clients regardless of (dis)ability.

Summary: Five of the family violence sector standards, guidelines and codes noted, in some form, the need for communication practice to be tailored to the individual women's communication needs such as utilising communication aides or Auslan interpreters (Matrix Row 5). Some note the importance of providing information in a diverse range of formats, such as plain English, accessible websites or audio tapes, to take account of diverse information needs. Only one document identified the need to provide physical access to premises (Matrix Row 6).

Cross-sector collaboration

Minimum standard: That family violence sector standards, codes and guidelines require cross-sector collaboration, partnerships, protocols etc. between family violence and disability sectors.

Rationale: In responding to complex and multi-layered service needs such as are often required to address the needs of women and children with disabilities, services need expertise in working with many different organisations across sectors. It is therefore important that family violence documents explicitly note the importance of working with local and regional disability services and advocacy groups.

Summary: Only one of the documents *explicitly* note the importance of working with local and regional disability services and advocacy groups (Matrix Row 7).

Awareness of relevant legislation

Minimum standard: That family violence sector standards, codes and guidelines provide a legislative context to supporting women and children with disabilities by demonstrating awareness of the relevant disability legislation. This includes legislation that makes it unlawful to discriminate against people with disabilities (the Commonwealth *Disability Discrimination Act 1992*, the Victorian *Equal*

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Opportunity Act 1995) and legislation that protects the rights and responsibilities of people with disabilities (Victoria's *The Disability Act 2006* and the *Charter of Human Rights and Responsibilities Act 2006*).

Rationale: The family violence sector system needs to have an understanding of the legislative responsibilities within which they are required to operate, insofar as they are government, public and statutory authorities. Awareness of the relevant legislation also provides an ethical and human rights framework within which services should operate and affirms and reinforces responsiveness to the needs of women and children with disabilities (and foregoing the principles of inclusiveness, equity and access for all).

Summary: Only two out of the eight documents note relevant legislation (Matrix Row 8).

Gender perspective

Minimum standard: That family violence sector standards, codes and guidelines are informed by a gender perspective on family violence and disability.

Rationale: The identification of violence against women developed from a shared understanding of family violence recognising gender inequality and the related abuse of power, usually by males using violence against their female partners and/or adults and children (with disabilities or without) in their care, in a range of domestic and residential settings. The recognition that women with disabilities are particularly vulnerable to family violence and its consequences is an important part of this understanding, as noted above. A human rights approach supports this rationale.

Summary: Six out of the eight documents are informed by a gender perspective on family violence and disability (Matrix Row 9).

Human rights/social justice perspective

Minimum standard: That family violence sector standards, codes and guidelines are informed by a human rights/social justice perspective on family violence and disability.

Rationale: Our fundamental need to live free from violence, including domestic and family violence, is enshrined in the system of universal human rights. The guiding principles are consistent with the *UN Convention on the Rights of Persons with Disabilities (2006)* and in Victoria's *State Disability Plan 2002-2012*.

Summary: Six of the eight documents explicitly state that their approach to family violence is informed by fundamental rights for all and while the remaining two make no explicit reference to what informs them they are implicitly informed by a human rights perspective (Matrix Row 10).

Workforce development

Minimum standard: That family violence sector standards, codes and guidelines require workforce development to include disability awareness training in relation to family violence.

Rationale: Family violence workers have identified the need to have access to greater skills and knowledge about the issues that face women and children with disabilities experiencing violence. Court staff, judges and lawyers, police,

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disability and other mainstream workers also need greater awareness about the issues facing women and children with disabilities experiencing violence.

Summary: None of the documents specifically require workers to have training in the needs of women and children with disabilities experiencing violence (Matrix Row 11).

6.4 Matrix of family violence sector documents

The following matrix should be read in conjunction with the preceding analysis of the documents. A 'tick' or a 'cross' is marked against each criteria or minimum standard indicating that it is *explicitly* discussed ('✓') or not ('x'). The presence of a 'tick' does not necessarily indicate that the criterion is sufficiently elaborated in the document. There are instances in which it has not seemed reasonable to assess a document against a particular criterion without a qualifying comment or citing a further reference, which has been duly inserted. It is important to understand that these documents are not directly comparable, given that a discursive document such as a code allows for discussion and nuance that cannot be accommodated in a document providing standards.



Matrix of Family Violence Sector Documents: supporting women and children with disabilities experiencing family violence

- ✓ = the document explicitly discusses the criterion
 x = the document does not explicitly discuss the criteria

Minimum standard or criterion	A resource guide for child protection and fv services 2003	Victoria Police Code of Practice 2004	Men's Behaviour Change Group Work 2005	DVVic Code 2006	Homelessness Assistance Service Standards 2006	FV Risk Assessment/ Management Framework 2007	Code of Practice for FV Applicant Programs 2007	Women and Children FV Counselling & Support 2008
Type of document	Resource guide	Code of practice	Minimum standards for quality practice	Code of practice	Standards	Framework	Code of practice	Practice guidelines
1. Definition of family violence	x	x	x	✓	x	✓	✓	✓
2.a. Information on women/children with disabilities throughout	x	x	x	✓	x	✓	x	x
2.b. Dedicated section about women/children with disabilities	x	✓	x	✓	x	✓	✓	x
2.c. Dedicated section about other population groups	✓	✓	✓	✓	✓	✓	✓	x
3. a. Disability data	x	x	x	x	x	✓	x	x
3.b. Disability 'needs' data	x	x	x	x	x	x	x	x
4. Presence of disability in risk assessment	x	x	x	✓	x	x/✓*	Refers to CRAF	Refers to DVVic and CRAF

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Minimum standard or criterion	A resource guide for child protection and fv services 2003	Victoria Police Code of Practice 2004	Men's Behaviour Change Group Work 2005	DVVic Code 2006	Homelessness Assistance Service Standards 2006	FV Risk Assessment/ Management Framework 2007	Code of Practice for FV Applicant Programs 2007	Women and Children FV Counselling & Support 2008
5. Inclusive communication/ information	x	limited	x	✓	x	✓	✓	✓
6. Physical accessibility	x	x	x	x	x	✓	x	✓
7. Cross sector collaboration	x	x	x	x	x	✓	x	x
8. Awareness of relevant legislation	x	x	x	✓	x	x	✓	x
9. Gender perspective	✓	x	✓	✓	x	✓	✓	✓
10. Human Rights/ social justice perspective	implicit	implicit	✓	✓	✓	✓	✓	✓
11. Workforce development to include disability	x	x	x	x	x	x	To be developed	x

* Discusses vulnerability of women with disabilities to violence in some detail but does not include disability as a risk/vulnerability factor in *aide memoire* guide.

6.5 Recommendations

Section 2 makes clear the human rights case that shows why documents that guide policies and practices of workers involved in family violence should make explicit reference to the particular difficulties faced by women and children with disabilities (across all social groups) experiencing violence and how best to support them.

The recommendations below relate to the minimum standards developed as part of this research.

1. That family violence sector standards, codes and guidelines include in their shared understanding of family violence an acknowledgement of the diverse domestic arrangements in which it occurs and recognise the potential for carers to be perpetrators of violence against women with disabilities.
 2. That family violence sector standards, codes and guidelines include information about supporting women and children with disabilities *throughout* the document and also include a *dedicated* section about supporting women and children with disabilities.
 3. That family violence sector standards, codes and guidelines discuss the importance of collecting disability data. This needs to include: information about 'victims', 'perpetrators', any children involved and the nature of the disability (including the presence of multiple disabilities).
 4. That family violence sector standards, codes and guidelines discuss the importance of collecting information about particular needs of clients with disabilities so that the agency can provide a service. This would include recording if a client requires: accessible accommodation; supported accommodation; attendant care; Auslan interpreter; Independent Third Person; an advocate; communication assistant; independent living; case management; brokerage; more time in which to communicate; or any other support needs in relation to the clients' disabilities.
 5. That family violence sector standards, codes and guidelines identify the 'presence of a disability' as part of the common risk assessment procedure.
 6. That family violence sector standards, codes and guidelines explicitly discuss the provision of information in accessible formats with procedures in place to ensure requests for information in alternate formats are provided in a timely manner and what inclusive communication practices entail. This means using a range of methods of communication (for example, in gaining and recording consent) including:
 - Clear standard print (Vision Australia's guidelines recommend at least 12 point font, preferably Arial or Univers) or large print (Large Print as recommended by the Round Table for the Print Disabled in 18 point, but users may have their own preferences)
 - Audio on CD (CDA or DAISY CDs), mp3 files on a website for downloading (Vision Australia can provide information regarding suitable audio formats)
 - Braille
 - Format accessible to people with cognitive disabilities, for example, Easy English and Plain English
 - TTY and SMS
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- Electronic text in CD in conjunction with access software, for example, Braille printer, voice synthesiser
 - Electronic text in email in conjunction with access software
 - Accessible websites (Vision Australia can provide guidelines).
7. That family violence sector standards, codes and guidelines explicitly highlight the issue of physical accessibility of services and programs for clients with disabilities. This should include an endorsement of the principles of universal design whereby all future products, environments and communications are designed to consider the needs of the widest possible array of users.
 8. That family violence sector standards, codes and guidelines discuss explicitly the development of cross-sectoral collaboration, partnerships and protocols between family violence and disability sectors at local and regional levels.
 9. That family violence sector standards, codes and guidelines provide a context to supporting women and children with disabilities by demonstrating awareness of the relevant disability legislation and other useful resources. This includes:
 - Legislation that makes it unlawful to discriminate against people with disabilities (the Commonwealth *Disability Discrimination Act 1992*, the Victorian *Equal Opportunity Act 1995*)
 - Legislation that protects the rights and responsibilities of people with disabilities (Victoria's *The Disability Act 2006* and the *Charter of Human Rights and Responsibilities Act 2006*)
 - The UN Convention on the Rights of Persons with Disabilities
 - WWDA's 2007 *More than just a ramp: a guide for women's refuges to develop Disability Act action plans*
 - The *Disability Discrimination Act (1992)*
 - VWDN AIS' online resource collection www.whv.org.au/vwdn/clearinghouse.htm
 - DVRCV's webpage on disability and family violence www.dvrcv.org.au
 10. That family violence sector standards, codes and guidelines are informed by a gender perspective on family violence and disability.
 11. That family violence sector standards, codes and guidelines are informed by a human rights/social justice perspective on family violence and disability.
 12. That family violence sector standards, codes and guidelines discuss the need for workforce development to include disability awareness training in relation to family violence.
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