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Department of Social Services

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Dear ██████████

Draft National Plan to End Violence against Women and Children 2022–2032

The Commission for Children and Young People (Commission) is pleased to provide feedback on the draft National Plan to End Violence against Women and Children 2022–2032, in addition to completing the consultation survey.

The Commission is an independent statutory body that promotes improvement in policies and practices affecting the safety and wellbeing of Victorian children and young people. Our statutory functions include:

- providing independent oversight of Victoria's child protection, out-of-home care and youth justice systems, including monitoring reports of serious incidents
- conducting inquiries into services provided to any child or young person who has died and who was involved with Child Protection in the 12 months before their death
- conducting individual, group and systemic inquiries into services provided to children and young people
- regulating and supporting organisations that work with children and young people to prevent abuse, respond appropriately to allegations of child abuse and make sure organisations have child-safe practices, including by administering the Child Safe Standards and Reportable Conduct Scheme.

The Commission has a strong interest in reforms and policies aimed at preventing and responding to family violence. Through our work, we continue to identify circumstances where the impact of family violence on children and young people has been underestimated and the range of intervention services involved, from universal service providers to Child Protection services, have inadequately assessed or addressed risks. We also see that children's independent experiences and needs as victims of family violence continue to be overlooked in many of the policy and service reform processes underway.

We consider it vital that the National Plan to End Violence against Women and Children 2022–2032 effectively and meaningfully incorporates a focus on children as victims of family violence in their own right.

The Commission's work on family violence

In December 2016, the Commission tabled *Neither seen nor heard*, a systemic inquiry into issues of family violence in the deaths of children involved with Victoria's child protection system.¹ Our inquiry confirmed findings of Victoria's Royal Commission into Family Violence.

Further our inquiry revealed additional areas where further improvements are needed, including Child Protection's response to family violence, responses to Aboriginal children, young people and families affected by family violence, strengthening the identification of and response to child sexual abuse, and preventing cumulative harm and intergenerational trauma.

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

In our *Lost, not forgotten* inquiry, tabled in November 2019, we examined 35 cases where children known to Child Protection died by suicide between April 2007 and April 2019.² Of the many risk factors present in the lives of the children whose cases were reviewed, family violence was the most prominent. Family violence was a feature of nearly all cases, frequently in conjunction with parental mental illness and substance abuse issues. This inquiry showed that, despite repeated and often early reports to Child Protection, many cases were successively closed and critical opportunities for support missed. Where Child Protection referred these children's families for further support, they were lost through referral processes across a fragmented service system.

Family violence continues to be a persistent and pervasive theme in the Commission's child death inquiries, particularly in relation to risk assessment. Of the 41 child death inquiry reports we completed in 2020–21, 17 made findings about inadequate risk assessment for children and young people.³ These included concerns about assessment of risks of family violence and sexual abuse, and assessments demonstrating poor understanding of the unique experiences and impacts of family violence on the child who had died. These issues contributed to children and young people not receiving interventions that responded to their needs and circumstances and the risks that the family violence posed to them, as opposed to other members of the family within which a risk of violence was present.

The Commission's child death inquiries have also highlighted a lack of meaningful engagement by Child Protection with children and young people to understand their experiences of family violence and inform decisions concerning them. If children and young people are not given the opportunity to express their needs and concerns, the risk of harm to them cannot be properly assessed, the impact of family violence on them cannot be fully understood, and many will be denied the support or safety response they require.

The Commission's feedback on the draft plan

Recognition of children and young people in their own right

The Commission commends the draft plan's reference to children as 'victims of gender-based violence in their own right', and its description of the impacts of family violence on children.⁴ However, recognition of children and young people's unique experiences of family violence and their distinct support needs is not embedded throughout the plan. Often the plan refers to children only in headings, or as part of the phrases 'women and children' or 'women and girls'.⁵ Where children are subsumed under the label 'victim survivor', there is a risk that service responses will continue to be adult-focused and children's needs will not be met.

The Commission appreciates that, in relation to violence against children and young people, the draft plan is intended to complement the *National Framework for Protecting Australia's Children 2021–2031* and the *National Strategy to Prevent and Respond to Child Sexual Abuse 2021–2030*. However, in our view, this does not obviate the need to ensure that the

experiences and needs of children and young people affected by family violence are fully reflected and addressed in the draft plan.

In view of the importance of recognising children and young people as victim survivors of family violence in their own right, the plan should include an additional, child-focused principle, for example, 'recognising the distinct needs of children and young people who experience family violence'. This principle should affirm that children have the right to live free from all forms of violence, consistent with Article 19 of the United Nations Convention on the Rights of the Child.

There are several other areas of the plan where the separate recognition of children and young people could be strengthened. For example:

- The plan would benefit from a clearer acknowledgment of the fact that historically, children have not been understood as victim survivors in their own right, which has resulted in significant gaps in targeted responses for children.⁶ As a consequence, the wellbeing and safety needs of children and young people have not been adequately identified or addressed.
- The section on 'Prevalence and patterns of violence against women and children'⁷ should include data on the prevalence of family violence against children and young people. If such data is not available nationally, the plan should identify this gap.
- The text under the heading 'Drivers of violence against women and children' describes the drivers of violence against women and its reinforcing factors.⁸ However, there is no discussion here of the overlap between intimate partner violence against women and violence against children.⁹
- The plan's discussion of the impacts of family violence on children is welcome.¹⁰ However, this discussion could include further detail on the impacts of family violence on children's physical, neurological and emotional development, their cognitive and behavioural functioning and their sense of security and attachment in relationships, which may make them more likely to require additional support to regulate their emotions, engage in education and sustain positive relationships.¹¹
- The section on the effects of COVID-19 on violence against women¹² should also refer to the increased risk of violence against children and young people brought about by family stress and adversity. In Victoria, this risk was compounded by lockdowns and other unprecedented restrictions, which resulted in drastically reduced visibility of children and young people in a range of domains, including extended family, community and schools.

Meeting the needs of children and young people

The Commission welcomes the draft plan's inclusion of several focus areas targeted specifically at children and young people. However, we make the following suggestions to strengthen the focus areas:

- Focus area four of the 'prevention' pillar refers to working with men and boys. This includes 'ensuring programs are available early to challenge behaviours and attitudes before they escalate.' We recommend the inclusion of a separate point here to focus on prevention programs for adolescents, in recognition of the need for distinct approaches for this age group.
- Focus area four of the 'early intervention' pillar is called 'Support women at points in their life where violence can escalate'. It includes an action to 'increase support for young people experiencing or at risk of violence'. It is unclear whether this is intended to refer to young women only, or children and young people more broadly.
- Focus area five of the 'early intervention' pillar should be expanded to include a specific focus on improving workforce competence in communicating and engaging with children and young people to improve identification and assessment of family violence risk.

- Focus area three of the 'response' pillar should include improving the capacity of refuge and crisis accommodation services to respond to the needs of children and young people.
- Focus area four of the 'response' pillar includes 'improv[ing] alternative civil justice and non-criminal pathways for holding perpetrators to account', but does not include any separate reference to processes or pathways for adolescents who use violence in the home. To align with focus area one of the 'early intervention' pillar, it would be preferable for the 'response' pillar to acknowledge that adolescents require distinct processes that encourage diversionary and therapeutic responses and avoid criminal justice processes, especially remand, wherever possible.
- The Commission welcomes focus area four of the 'recovery' pillar, which refers to the safety and recovery needs of children and young people. This focus area should refer to the importance of trauma-informed and therapeutic interventions for children and young people who have experienced family violence. In addition, in line with the 'intersectionality' foundation principle, recovery for children should also consider the specific needs of Aboriginal and Torres Strait Islander children and young people, children and young people with disability, gender diverse children and young people, and children and young people from CALD backgrounds.
- The importance of housing in children and young people's recovery should also be acknowledged.

Including the voices of children and young people

The Commission strongly supports drawing on the lived expertise of victim survivors (foundation principle two). We recommend that the discussion of this principle refer specifically to the importance of safely seeking the views of children and young people who have experienced family violence to inform the design of policies and services, and implementation of the plan, including the development of action plans and targets. Including the voices of children and young people is an important and powerful way to build knowledge and understanding in responding to family violence.

The importance of listening to the voices of children and young people is a consistent theme across the Commission's work, in its engagement with children and young people and in the systemic and individual inquiries that have been discussed above in the Commission's work on family violence. Specific reference to this in discussion of foundation principle two is necessary to properly recognise the ability and value of children and young people speaking to their own experiences and the importance of service systems listening and responding to children and young people when they voice concerns about their safety.

Final comments

We would be pleased to discuss this feedback. Please contact Lachlan Zangari, Team Leader, Analysis [REDACTED] at lachlan.zangari@ccyp.vic.gov.au if you would like to discuss any aspect of these comments.

Yours sincerely



Liana Buchanan
Principal Commissioner

24 February 2022

¹ Commission for Children and Young People, *Neither seen nor heard: inquiry into issues of family violence in child deaths*, 2016, <https://ccyp.vic.gov.au/assets/Publications-inquiries/Neither-seen-nor-heard-Inquiry-into-issues-of-family-violence-in-child-deaths.pdf>.

² Commission for Children and Young People, *Lost, not forgotten: inquiry into children who died by suicide and were known to Child Protection*, 2019, <https://ccyp.vic.gov.au/assets/Publications-inquiries/CCYP-Lost-not-forgotten-web-final.PDF>.

³ Commission for Children and Young People, *Annual report 2020–21*, 2021, page 41.

⁴ Draft National Plan to End Violence against Women and Children 2022–2032, pages 13–14.

⁵ See, for example, the sections on prevalence and drivers on pages 11 and 12, and the impact of COVID-19 on page 18.

⁶ Royal Commission into Family Violence, *Report and recommendations, Volume 2*, 2016, page 129.

⁷ Draft National Plan to End Violence against Women and Children 2022–2032, pages 11–12.

⁸ Draft National Plan to End Violence against Women and Children 2022–2032, page 12.

⁹ Royal Commission into Family Violence, *Report and recommendations, Volume 6*, 2016, page 3.

¹⁰ Draft National Plan to End Violence against Women and Children 2022–2032, page 14.

¹¹ Family Safety Victoria, *MARAM Practice Guides: Foundation Knowledge Guide*, 2021.

¹² Draft National Plan to End Violence against Women and Children 2022–2032, page 18.