

Committee Secretary
House of Representatives Standing Committee on Social Policy and Legal Affairs
PO Box 6021
Parliament House
Canberra ACT 2600

24 July 2020

Dear Committee Secretary

Re: Inquiry into family, domestic and sexual violence

CREATE appreciates the opportunity to provide a submission to the *Parliamentary Inquiry into family, domestic and sexual violence*. CREATE argues that children and young people with an out-of-home care experience are the unacknowledged silent victims in the current approach to addressing family, domestic and sexual violence.

This submission offers the House of Representatives Standing Committee on Social Policy and Legal Affairs an insight into children and young people with a care experience perspective on this issue and specifically addresses the following two items of the Terms of Reference:

(c) The level and impact of coordination, accountability for, and access to services and policy responses across the Commonwealth, state and territory governments, local governments, non-government and community organisations, and business.

(j) The views and experiences of frontline services, advocacy groups and others throughout this unprecedented time.

CREATE Foundation is the national peak consumer body for children and young people with an out-of-home care experience. We represent the voices of over 45,000 children and young people currently in care, and those who have transitioned from care up to the age of 25. Our vision is that all children and young people with a care experience reach their full potential. Our mission is to create a better life for children and young people in care.

To do this we:

- **CONNECT** children and young people to each other, CREATE and their community to
- **EMPOWER** children and young people to build self-confidence, self-esteem, and skills that enable them to have a voice and be heard to
- **CHANGE** the care system, in consultation with children and young people, through advocacy to improve policies, practices and services and increase community awareness.

We achieve our mission by providing a variety of activities and programs for children and young people in care, and conducting research and developing policy to help us advocate for a better care system.

CREATE supports Families Australia's submission (2020) and reinforces their views on recognising children and young people in their own right as victim of family, domestic, and sexual violence. In particular CREATE supports the Family Australia's recommendations:

Recommendation 1: That governments commit to strengthen coordination of effort under the successor plans for the National Plan and the National Framework through specific complementary actions and a coherent narrative that recognises the distinct but connected experiences of women and of children and young people.



Recommendation 2: That children and young people are consistently recognised as victims of family, domestic, and sexual violence **in their own right** in all policy, programs, service delivery and practice, with voices, views and agency of their own. This must be cross-sectoral, including family, domestic and sexual violence, maternal and child health, health and mental health, education, justice, disability, child protection, and family support.

Recommendation 6: That there is a specific focus in planning, policy, and programs on how to build cross-sectoral capacity and service collaboration that enables the delivery of holistic, child-focused, ongoing support to ameliorate trauma and help break intergenerational cycles of violence and associated disadvantage.

Recommendation 7: That the voices of children, young people, women, community elders, and those with lived experience of family, domestic, and sexual violence are included in the design and implementation of policy, program, service delivery, and practice development.

(Families Australia, 2020, p. 9)

CREATE's research with children and young people with a care experience, often highlights the shortfalls and gaps in the child protective services that they receive due to poor communication and lack of support provided by caseworkers because of increasing workload pressures and high staff turnover (McDowall, 2018). According to a recent study by Cahill, Stewart, and Higgins (2020), service reform that is collaborative across sectors, child-centred, and trauma-informed can better meet the needs of children and young people who come to the attention of a statutory child protection service. These findings are consistent with reports by the Australia's National Research Organisation for Women's Safety (2020) identifying a lack of child-focused services, and the need for children to be recognised as victims and survivors of family, domestic, and sexual violence in their own right (see Australian Human Rights Commission, 2015; Department of the Prime Minister and Cabinet [PMC], 2016).

Having an integrated cross-sector approach is best practice for working with children and young people, and families affected by domestic violence, as the safety of children is interlinked with the safety of the adult survivor (Cahill et al., 2020). Despite efforts of some reform for a more cohesive, multi-sectoral approach, there has been minimal success.

The safety and wellbeing of children and young people **in their own right**, particularly within the context of family and domestic violence policy, is the responsibility of all and must be recognised as an important priority in National policies.

Terms of reference item responses

(c) The level and impact of coordination, accountability for, and access to services and policy responses across the Commonwealth, state and territory governments, local governments, non-government and community organisations, and business.

Ensuring systems capture and address abuse experienced by children and young people in care

According to the Australian Institute of Health and Welfare (AIHW, 2020), emotional abuse occurs as a result of a child or young person suffering any kind of significant emotional deprivation or trauma, which includes exposure to family violence. Emotional abuse was also the most common type of substantiated abuse nationally. A review based on past AIHW's *Child Protection* reports clearly demonstrate an increasing trend of child protection substantiation based on emotional abuse from 36% in 2010-11 to 54% in 2018-19 (AIHW, 2012; 2020). Sadly, this trend is tracking in the wrong direction, and most likely underestimates the true extent of the problem.



Children and young people who experience family, domestic, and sexual violence present with poorer physical, mental health, social and economic functioning, and have higher mortality rates (Queensland Child Protection Commission of Inquiry; QCPCI, 2013). The consequences of this abuse may contribute to drug and alcohol abuse, involvement in crime and violence, lower educational attainment, poor employment outcomes and unstable housing (QCPCI, 2013). This poses a significant cost to the child, young person and their families and to the broader Australian community and economy.

Amending the systemic approach to capture the voices of children and young people will enable the system to address the trauma experienced earlier in the process, and allow care plans to be developed to take the additional and ongoing need for trauma informed support into account.

(j) The views and experiences of frontline services, advocacy groups and others throughout this unprecedented time.

Elevating the voices of children and young people and recognising them as victims and survivors of family, domestic, and sexual violence in their own right

As the national peak body for children and young people with a care experience, CREATE stands with Families Australia regarding the need to recognise children and young people (who also experience family, domestic, and sexual violence and may therefore be at risk of entering into the child protection system) as individuals **in their own right**. A separate focus on children and young people in the context of family, domestic, and sexual violence and within their relevant National policy agendas must be incorporated. Furthermore, it is important to recognise that children and young people may face two forms of violence: direct (where they are abused) and indirect (where they are collateral damage).

Australia is a signatory to the United Nation's Conventions on the Rights of the Child (1989), Article 12.1 states that children and young people have the right to be acknowledged and to have their say on these important matters of their lives. CREATE advocates for children and young people in care to be supported in exercising their right to be meaningfully and genuinely engaged in decision-making processes (CREATE, 2019). At present, children and young people are not being recognised as a separate focus within the conversation of family and domestic violence. Continuing to see children and young people as secondary within adult-focused systems and services means that their needs and issues are not captured, overlooked or assumed to be similar to their parent. It is important to recognise the rights of children and young people as individuals and ensure their voices and unique perspectives are heard and considered within successor policies for the *National Plan to Reduce Violence against Women and their Children 2010–2022* and the *National Framework for Protecting Australia's Children*.

The COAG Advisory Panel on Reducing Violence Against Women and their Children (PMC, 2016) also recommended in their Final Report that children and young people be recognised as victims of violence against women stating that:

“Research should also be carried out to improve trauma-informed responses to protect children and support them to build resilience, heal and rebuild relationships. Research, and the design and delivery of services specifically for children and young people, should actively involve children and young people.”

Children and young people cannot continue to be seen as appendages to their parent and separation is required to identify and address their particular issues and needs. CREATE agrees further research that directly engages with children and young people is essential.



CREATE is experienced in conducting independent research directly with children and young people with a care experience and our advocacy work aims to elevate their voices to various audiences within the community and at all government levels. CREATE would welcome future opportunities for engagement and collaboration in developing the National Policies.

CREATE urges governments to consider:

1. Viewing children and young people as victims of family, domestic, and sexual violence in their own right, and as a separate focus from parents within National policies, services, and sector practices.
2. Involving children and young people directly in research and service design to ensure their voices are heard.
3. Addressing the cycle of abuse by providing separate prevention and early intervention strategies and services that are child-centred, trauma-informed, and cater to the needs of children and young people.
4. Ensuring integrated approaches are used across sectors and services for better collaboration and outcomes.

Thank you for the opportunity to provide comment towards the Inquiry into Family, Domestic, and Sexual Violence. As previously mentioned, CREATE is experienced in conducting independent research directly with children and young people with a care experience and would welcome future opportunities for engagement and collaboration towards the National Policies.

For any questions or further information please contact Noelle Hudson, CREATE's National Influencing Manager at noelle.hudson@create.org.au if you require additional information.

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References

- Australian Human Rights Commission. (2015). *All I want is a life free from violence*. AHRC. https://humanrights.gov.au/sites/default/files/AHRC_Summary_Childrens_Rights_Report_2015.pdf .
- Australian Institute of Health and Welfare. (2012). *Child protection Australia 2010-11*. Child Welfare series no. 53. Cat. no. CWS 41. AIHW.
- Australian Institute of Health and Welfare. (2020). *Child protection Australia 2018-19*. Child Welfare series no. 72. Cat. no. CWS 74. AIHW.
- Australia's National Research Organisation for Women's Safety. (2020). *Violence prevention and early intervention for mothers and children with disability: Building promising practice: Key findings and future directions (Research to policy and practice, 16/2020)*. ANROWS. <https://d2rn9gno7zhxqg.cloudfront.net/wp-content/uploads/2020/06/25091746/ANROWS-RtPP-valentine-parentschildren-DFV.pdf>
- Cahill, A., Stewart, J., & Higgins, D. (2020). *Service system responses to children and young people in the statutory child protection system who have experienced or witnessed family violence*. Institute of Child Protection Studies: Australian Catholic University. DOI: 10.26199/5e2fc4dd37b96
- CREATE Foundation. (2019). *Participation*. (Position Paper). CREATE. <https://create.org.au/wp-content/uploads/2019/04/CREATE-Position-Paper-Participation.pdf>
- Department of the Prime Minister and Cabinet. (2016). *COAG Advisory Panel on Reducing Violence Against Women and their Children - Final Report*. Commonwealth of Australia. <https://www.coag.gov.au/sites/default/files/communique/COAGAdvisoryPanelonReducingViolenceagainstWomenandtheirChildren-FinalReport.pdf>
- Families Australia. (2020). *Inquiry into family, domestic and sexual violence*. (Submission letter). Families Australia.
- McDowall, J. J. (2018). *Out-of-Home Care in Australia: Children and young people's views after five years of National Standards*. CREATE Foundation. <https://create.org.au/wp-content/uploads/2019/03/CREATE-OOHC-In-Care-2018-Report.pdf>
- Queensland Child Protection Commission of Inquiry. (2013). *Taking responsibility: a roadmap for Queensland Child Protection*. QCPCI. http://www.childprotectioninquiry.qld.gov.au/_data/assets/pdf_file/0017/202625/qcpci-final-report-web-version.pdf
- United Nations. (1989). *Convention on the Rights of the Child*. <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>