

Family Violence Prevention Legal Services National Evaluation Report

Acknowledgements

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This evaluation was commissioned by the Indigenous Affairs Group of the Department of the Prime Minister of Cabinet. Due to Machinery of Government changes effective as of 1 July 2019, Indigenous Affairs Group was established as an Executive Agency, the National Indigenous Australians Agency (NIAA), under the Prime Minister's portfolio. All references to PM&C and recommendations directed to PM&C are now directed to NIAA.

Glossary, acronyms and abbreviations

A glossary and list of acronyms was developed to apply to all reports. Note that not all of these acronyms may appear in all reports.

Aboriginal	Typically refers to a member of Australian Aboriginal peoples, but in some cases may refer to a member of Torres Strait peoples, or who would identify as having linkages to both peoples. Local usage was followed in most cases.
ACCO	Aboriginal Community Controlled Organisation
ACNC	Australian Charities and Not-for-profits Commission
Agency	An organisation providing relevant services or functions. In this report (excluding the rubrics), FVPLSs are referred to as 'agencies' to avoid using 'FVPLS services' ('Family Violence Prevention Legal Services services'). The term 'services' is used to describe the particular services provided by those agencies: legal services, prevention services and so on.
AFLS	Aboriginal Family Law Services (a WA-based FVPLS)
AFLSSQ	Aboriginal Family Legal Services Southern Queensland
AGD	Commonwealth Attorney-General's Department
AGM	Annual General Meeting
AOD	Alcohol and Other Drugs
ATSILS	Aboriginal and Torres Strait Islander Legal Services
CAAFLU	Central Australian Family Legal Unit
CAALAS	Central Australian Aboriginal Legal Aid Service (now merged with NAAJA)
CAN	Child abuse and neglect
Case management	A coordination process ensuring that all required services are accessed and service delivery is coordinated
Case work	Provision of direct services (e.g. counselling, support and referral) to a client or family
CAWLS	Central Australian Women's Legal Service
CE/CS Staff	Client Engagement and Community Support Staff
Circle Sentencing	Circle sentencing takes Aboriginal adult offenders out of a traditional courtroom and before a circle of elders, members of the community, police and the judiciary, who decide on the sentence.
CLASS	Community Legal Assistance Services System
CLSIS	Community Legal Service Information System
CLE	Community legal education
Community Member	Used to indicate the category of some respondents in the evaluation: includes local Indigenous elders and FVPLS clients
Context	In realist evaluation, 'context' refers to specific features of population groups, cultures, settings, institutions, relationships or other factors that affect whether and which program mechanisms operate. (See also 'mechanism', below)
CMO	Case Management Officer
CMO	Context Mechanism Outcome: a form of program theory used in realist evaluation
CSB	Community Safety Branch of Prime Minister and Cabinet; funder of FVPLS
CSO	Community Support Officer
Cultural safety	In this context, cultural safety is a philosophy of practice where Indigenous people feel safe and draw strength in their identity, culture and community. In FVPLS, cultural safety creates a service environment in which Indigenous people – clients and staff – feel empowered (psychologically and/or through increased socio-political capital) to devise and implement solutions to problems of family violence. It focuses attention on the interactions between staff, and between staff and clients. This includes cultural safety during the initial intake process, taking instructions and in the ongoing service/client relationship.
Domestic Violence Order	See Restraining Order
DOCS	Department of Community Services (NSW), which is the previous nomenclature for FACS.
DPP	Department of the Public Prosecutor
DVO	Domestic Violence Order; see Restraining Order
FACS	Department of Family and Community Services (NSW)
FDV	Family and domestic violence
FVLSAC	Family Violence Legal Service Aboriginal Corporation
FVPLS	Family Violence Prevention Legal Service (plural: FVPLSs)

FWCLC	Far West Community Legal Centre
GEM	Growth and Empowerment measurement tool
IAS	Indigenous Advancement Strategy
Indigenous	A person or group of persons identifying as members of Australian Aboriginal peoples, of Torres Strait peoples, or as having linkages to both peoples
IT	Information Technology
KWILS	Katherine Women's Legal Service
Legal provider	Used to identify some respondents in the evaluation: includes those from other legal services, police officers and court officials. This category was often conflated with 'other providers' where legal respondents were so few that they could be identified
LGA	Local Government Area
Mechanism	An underlying causal process that results in an outcome. "Program mechanism" refers to an interaction between the resources and opportunities that programs provide, and people's 'reasoning' in response to those resources. That interaction results in changed decisions, leading to changed behaviours, which contribute to changed outcomes.
NAAFLS	Central Australian Family Legal Service
NATSILS	National Aboriginal and Torres Strait Islander Legal Services
NACLCLC	National Association of Community Legal Centres
NPY	NPY Women's Council: auspice agency for FVPLS operating in Ngaanyatjarra Pitjantjatjara Yankunytjatjara country
NPYWC DFVS	NPY Women's Council's Domestic and Family Violence Service
NSW	New South Wales
NT	Northern Territory
Other provider	Used to identify some respondents in the evaluation: includes all types of external stakeholders not otherwise identified
Outcome	Any change, at any stage of a program, which is at least partly caused by the program. Outcomes may be positive or negative, intended or unintended.
PLO	Principal Legal Officer
PMC	Department of Prime Minister and Cabinet, Government of Australia
QI	Quality Improvement
QIFVLS	Queensland Indigenous Family Violence Legal Service
Qld	Queensland
Restraining orders	A general term used in this report to describe a civil law court order that aims to protect a person by restricting or prohibiting another person's behaviour. Separate State and Territory legislation govern these orders, each with its own nomenclature and regulations, for application, issuance, and enforcement. The National Domestic Violence Order Scheme ensures that any jurisdiction's order can be enforced across Australia.
RFQ	Request for quote
RO	Abbreviation used for Restraining Order/Orders, Intervention Orders, Domestic Violence Order, and DVO
RQF	Request for quote
SA	South Australia
SAC	Southern Aboriginal Corporation (auspicing agency for FVPLS operating in southwest WA)
SAPOL	South Australian Police Service
SDO	Sisters Day Out®
SNAICC	Secretariat of Aboriginal and Islander Child Care
Staff member	Used to identify some respondents in the evaluation: includes: FVPLS staff members and members of their auspicing agencies, CEOs and Board members
Trauma-informed	A program, organisation or system that is trauma-informed realises the widespread impact of trauma and understands potential paths for recovery; recognises the signs and symptoms of trauma in clients, families, staff and others involved with the system and responds by fully integrating knowledge about trauma into policies, procedures and practices and seeks to actively resist retraumatisation (SAMHSA, 2014 quoted in Wall, Higgins and Hunter, 2016). Six principles for trauma informed care include Safety; Trustworthiness and transparency; Peer support; Collaboration and mutuality (levelling power differentials between staff and clients and amongst organisational staff to ensure a collaborative approach to healing); Empowerment, voice and choice (strengths-based approach); and Cultural, historical and gender responsiveness. Ten domains for implementation of trauma-informed care are governance and leadership; policy; physical environment; engagement and involvement; cross-sector collaboration; screening,

	assessment, and treatment services; training and workforce development; progress monitoring and quality assurance; financing; and evaluation. (SAMHSA, op cit).
VCC	Victims of Crime Compensation
VIC	Victoria
WA	Western Australia
WAWLS	Western Australian Women's Legal Service
WDVCAS	Women's Domestic Violence Court Advocacy Services (NSW)
WWLS	Warra-Warra Family Violence Legal Service

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Executive Summary

Background and methodology

This is the first impact evaluation of Family Violence Prevention Legal Services (FVPLS), funded by the Commonwealth Government of Australia through the Safety and Wellbeing Program of the Indigenous Advancement Strategy (IAS), Department of Prime Minister and Cabinet. There are 14 FVPLS providers across Australia, in all States and Territories except Tasmania and the ACT.

FVPLSs are funded to provide culturally safe legal assistance and support including casework, counselling and court support. FVPLSs also provide referrals, community legal education and early intervention and prevention services. The program aims to improve safety for victims/survivors of family violence, provide them with better access to justice, and to change attitudes and behaviours in relation to family violence. Some provide services through multiple sites. Individual sites tailor their programs to the needs of the communities they serve.

The most significant limitations affecting this evaluation arise from issues with the CLASS data system. It is not possible to identify the types of outcomes achieved or the proportions of victims for whom they are achieved. However, it is clear that outcomes are achieved in some cases. In this report we use the terminology “outcomes can include”, to identify that outcomes are achieved in some cases, but that we cannot quantify the extent. Tables are provided in each of Chapters 3 to 6 which summarise how and in what circumstances FVPLS legal and non-legal outcomes are achieved, and the circumstances that make them less likely to be achieved.

Contemporary contexts and their impacts

There is significant variation in services provided by FVPLSs, and models of service provision, nationally. Factors contributing to the variation in services include perceived priorities for the service; degree of success in obtaining additional funding; the availability of other services in the area; the ability to attract and retain appropriately qualified staff; and beliefs about the practical implications of providing both legal and counselling services through one agency.

Access to justice

FVPLSs provide assistance with applications for, and amendments to, restraining orders; support for victims in cases prosecuting offenders; applications and reviews of determinations for victims of crime compensation; child protection law; and family law. Some Services also provide legal assistance in areas of civil law areas such as wills, tenancy law, and applications to reparations tribunals.

Different FVPLSs do significantly different proportions of work in these areas. Factors affecting this include differences in legislation across jurisdictions, availability of other services, capacity to attract and retain qualified staff, the specialised skills of staff, and the philosophical stance of the organisation.

Outcomes for victims can include increased understanding of the justice system and its implications for their circumstances, increased capacity to effectively fulfil their legal and administrative obligations, and reduced rates of drop-out from legal processes by victims, meaning more cases can be seen through to completion.

In prosecutions of perpetrators, outcomes can include better prepared legal cases resulting in successful prosecutions and appropriate sentencing and cost reductions in other parts of the justice

system. Many victims still withdraw from criminal prosecution of FDV cases due to fears arising from contemporary and historical trauma, geographical isolation and complex, protracted legal processes.

For restraining orders, outcomes can include obtaining orders or variations to orders increasing the likelihood of offender and victim compliance, thereby contributing to increased safety in some (but not all) cases. Reductions in breaches of orders may reduce negative legal, social and economic consequences.

In victims of crime compensation, outcomes can include payments obtained and increases in payments over initial offers. Compensation can but does not always result in improvements in living conditions for victims.

Family Law and Child Protection

Most FVPLSs reported activity in family law and all reported involvement in child protection matters. FDV is a key driver of child protection concerns.

Outcomes in family law can include orders for where children reside; restoring children to parents after family members have absconded with them; placing at-risk children with extended family members to avoid out-of-family placements; and property settlements.

Roles in child protection include fact-finding, challenging child removal applications and determinations, representing clients in hearings, attending meetings and explaining requirements to clients, assisting development of safety plans, supporting clients to make life changes to enable reunification, and supporting families after reunification.

Outcomes in child protection cases can include withdrawal of applications for removal of children; conditions in child protection orders that protect both parents' rights and the safety of children; lifestyle changes made by clients; and reunification. In other cases, the only outcome is that the parent understands why the child protection agency has taken such serious action and feels that their voice has been heard in the process.

Late notification of FVPLSs about child protection matters impedes preventative and safety-building work, and effective preparation of cases. These factors can work against achieving the best interests of the child, as well as justice for parents.

Effects on wellbeing

The range of counselling and support services provided by FVPLSs varies markedly. Some sites only provide support directly related to legal work. Some provide extensive practical and emotional support; some provide case management; some counselling, and some group programs.

FVPLS services can improve wellbeing directly (e.g. by enabling access to housing or income, providing safety checks for houses) and indirectly (e.g. where legal services contribute to well-being). Emotional wellbeing outcomes were frequently reported by respondents. However, neither activities nor outcomes in relation to wellbeing are routinely recorded in data systems.

Some services do not provide internal counselling services because of perceived legal consequences (having to make child protection notifications; having counselling notes subpoenaed). These services refer clients to external counselling where it is available, but the issues still exist, just in relation to another agency. Perceptions about these problems were not shared across all FVPLSs. Some have adopted practices that overcome the perceived difficulties.

Safety and Prevention

The majority of FVPLS sites provide community legal education (CLE), and many provide broader violence prevention or reduction programs. CLE programs can act as a source of self-referral into FVPLS services, which may contribute to prevention of repeat victimisation. It is unlikely that legal education alone is effective as a primary prevention strategy.

Other community education or community development programs may contribute to prevention by building identity and self-esteem, building social capital, and changing norms about healthy relationships. Some therapeutic programs for victims may have preventative effects by supporting women to make decisions to protect their own safety and/or by supporting them to address their own violent behaviours. Neither the outcomes of these programs nor the mechanisms through which they work could be tested in this evaluation.

Therapeutic programs for men and boys were widely regarded by respondents as likely to contribute to prevention, if they were appropriate for the client group and the context. Some respondents recommended whole-of-family healing, meaning participation by the victim, the offender and their children, where this was a safe approach and the victim wanted it.

Given the scale of the problem, the normalisation of violence, the prevalence of contributing factors such as drug and alcohol abuse, and the underlying context of colonisation and victimisation, the minimum requirements specified in FVPLS funding contracts for education and early intervention services are not adequate to generate measurable outcomes in relation to prevention.

Good practice by FVPLSs

A rubric was developed to describe good practice in adapting services to local contexts. The rubric comprised nine elements: Models of service; Prevention and legal education programs; Community needs assessment and service planning; Expertise; Cultural safety; Service standards; Monitoring, evaluation and quality improvement; Collaboration between legal and non-legal staff; and Inter-agency collaboration. Each element was described at four levels: Inadequate (0 points), Adequate (2 points), Good (4 points) and Excellent (6 points). Mixed ratings (e.g. Adequate to Good, 3 points) were also possible. All services 'should' operate at an adequate level for every element, giving a minimum score of 18 points. No service should be expected to score at the 'excellent' level on all elements: the rubric is in that sense aspirational.

Two rating processes were used, giving 'initial' and 'adjudicated' ratings. Adjudicated ratings were usually a little lower than initial ratings.

Of the 14 agencies, nine scored at or above 27 points on both initial and adjudicated scores; a tenth did so on initial scores. None of these services scored below 'adequate' for any element. Three agencies scored between 18 and 27 points on both initial and adjudicated scores; and one did so on adjudicated scores. Two of these agencies received less than adequate ratings for one or two elements. Services should develop strategies to improve performance for any element assessed as less than adequate. Of the 14 agencies, nine scored above 27 points on both the initial and the adjudicated scores; a tenth did so on initial scores but not on adjudicated scores. None of these services scored below 'adequate' for any element.

Three agencies scored between 18 and 27 points on both initial and adjudicated scores. Two of these agencies received less than adequate ratings, one for one element and the other for two elements. Where any area is assessed as less than adequate, services should make it a priority to develop

strategies to improve performance. One agency scored below 18 points on both initial and adjudicated scores, and another scored below 18 after adjudication; both have significant issues to address.

On adjudicated assessments, Staff expertise, Collaboration with external services and Cultural safety were the highest-ranking elements nationally. Service standards, Models of service and Prevention and legal education rated in the middle. Collaboration between legal and non-legal staff within the service, Monitoring and evaluation and Needs assessment and planning were the lowest ranking elements nationally.

Summary of Recommendations

The following recommendations are addressed to separate groups: the Department of Prime Minister and Cabinet (PM&C) as the funding Department for the program; FVPLSs themselves, and the national FVPLS Forum. Recommendations to the Forum may be actioned by the Secretariat, but are addressed to the Forum as the appropriate policy, directions and decision-making body. A fourth category of recommendations comprises opportunities for systemic reform, where collaboration between any or all of these parties, and in some cases, the wider Commonwealth Government, will be required to address issues which currently affect access to justice, and/or outcomes from the work of FVPLSs. Each recommendation is labelled accordingly.

While the primary focus of this evaluation is on the effectiveness of FVPLSs, the Indigenous Advancement Strategy and other Commonwealth policies emphasise the importance of partnership between Government, communities and service providers for outcomes to be achieved. Funding is of course a significant element of context that affects what is implemented, to what extent, and how. We have therefore included discussion of funding and policy implications where we believe that they are relevant to improving the effectiveness of services, and particularly where additional resources may be required to implement recommendations.

Note that the order of recommendations follows the order in which they arise in the report, and not necessarily the order of importance.

The following recommendations are addressed to separate groups: the Department of Prime Minister and Cabinet (PM&C) as the funding Department for the program; FVPLSs themselves, and the national FVPLS Forum. Recommendations to the Forum may be actioned by the Secretariat, but are addressed to the Forum as the appropriate policy, directions and decision-making body. A fourth category of recommendations comprises opportunities for systemic reform, where collaboration between any or all of these parties, and in some cases, the wider Commonwealth Government, will be required to address issues which currently affect access to justice, and/or outcomes from the work of FVPLSs. Each recommendation is labelled accordingly.

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Note that the order of recommendations follows the order in which they arise in the report, and not necessarily the order of importance.

Recommendation 1: FVPLS Forum, FVPLSs and PM&C: The indicators for which data is required in the CLASS data system should be reviewed, with priority afforded to developing outcome indicators for the full range of FVPLS core activities (legal, counselling/wellbeing, community legal education, and prevention/early intervention).

Recommendation 2: PM&C, FVPLS Forum and AGD: That the outcomes identified in this evaluation be used as the basis for developing agreed outcomes indicators and data collection tools for FVPLSs.

Recommendation 3: FVPLS Forum and PM&C: Data entry processes for CLASS should be reviewed, taking into account technical difficulties for remote services, including adequate internet access. Consideration should be given to centralised support for some administrative functions, including data entry and reporting.

Recommendation 4: FVPLS Forum, Commonwealth Government: The technical barriers to producing data reports should, if not already resolved, be addressed. If resolved, all FVPLSs should be supported to produce reports that can inform quality improvement processes.

Recommendation 5: PM&C: Additional training should be provided to FVPLSs in use of CLASS, and should be available recurrently, both to build capacity over time and to address staff turnover.

Recommendation 6: PM&C and FVPLS Forum: Requirements for training should be investigated, and required training provided, on how to collect and use a variety of kinds of data for needs assessment, strategic planning, quality improvement and evaluation.

Recommendation 7: PM&C and FVPLS Forum: The Growth and Empowerment measure should be trialed for use as an empowerment and wellbeing measure for use across FVPLSs. Subject to acceptable performance, FVPLSs nationally should be trained in administration and use of GEM in evaluation of its work.

Recommendation 8. PM&C: FVPLSs can contribute to access to justice and wellbeing of victims/survivors of FDV. Services are largely in line with the *National Plan to Reduce Violence against Women and their Children 2010-2022*. Funding to FVPLSs should therefore be continued.

Recommendation 9. FVPLSs: Agencies currently operating a blanket exclusion for services to perpetrators should review their position to ensure that victims of FDV who have perpetrated violence are not unreasonably excluded from services.

Recommendation 10. FVPLS Forum, Systems Reform: A legal project should be instigated to investigate the impacts of legal conflict of interest in FDV and the potential to waive conflict of interest provisions in particular circumstances, including but not limited to enabling families to deal with legal issues together, or where there has been a substantial time period following previous representation, (for example, more than five years ago).

Recommendation 11: PM&C: The wording of the relevant clause in the funding contracts (Objective 1 c) for eligibility for counselling services should be updated. Funding contracts should also specify that agency accreditation status must be reported annually.

Recommendation 12: PM&C, FVPLSs: Where FVPLS agencies outsource 'core' functions, including legal or counselling services, they should be required to ensure the quality and acceptability of those services. This should include establishing formal contracts or Memoranda of Understanding with agencies which include processes for ensuring quality and acceptability of services. It should also include automatic follow-up and monitoring of clients referred to outsourced services.

Recommendation 13: FVPLSs, FVPLS Forum and PM&C: All FVPLSs should adopt data-based approaches to ongoing quality improvement and effectiveness of their services.

Recommendation 14: FVPLS Forum, FVPLSs and PM&C: A national project should be developed and funded to improve evaluation across FVPLSs.

Recommendation 15. FVPLSs and Systems Reform: FVPLSs should negotiate with State/Territory Police Departments to be included in automatic referral lists for victims of FDV.

Recommendation 16. FVPLSs: All FVPLSs should ensure that the basic range of legal services for victims of FDV (support for participation in prosecution of offenders, restraining orders and Victims of Crime compensation, family law and child protection law) – are accessible in the regions they service.

Recommendation 17. FVPLSs and PM&C: Active consideration should be given to practical strategies to facilitate engagement and retention of legal staff, including five-year funding contracts for FVPLS agencies with concomitant five-year contracts for staff; provision of accredited training options in specialisations such as family law, child protection or sitting on Legal Aid panels; and schemes to enable local paralegal and CSO staff to undertake legal education.

Recommendation 18. FVPLSs and FVPLS Forum: Strategies should be investigated to train and employ local people to provide support functions for legal processes (e.g. facilitating signing of documents) in remote/outlying communities serviced by FVPLSs.

Recommendation 19. FVPLSs, National Forum, Commonwealth government, Systems Reform: Recognising the background of colonisation, Stolen Generations and intergenerational trauma, further consideration should be given to development of therapeutic jurisprudence for Indigenous family violence. This is necessarily wider than FVPLS, but FVPLS should be resourced to participate in such considerations.

Recommendation 20. National Forum, Commonwealth government, Systems Reform. Recognising the turnover in magistrates and their varying levels of expertise, the development of a Bench Book for Indigenous FDV should be investigated.

Recommendation 21. FVPLS Forum and FVPLSs: The National Forum should develop a national initiative to identify FVPLS roles and responsibilities in relation to clients' children, who are themselves victims of family violence, with the aim of building on examples of good practice, and formulating guidelines on how legal and non-legal staff of FVPLS can each best engage with parents/carers and with child protection personnel to achieve the best outcomes for children and adult clients.

Recommendation 22. FVPLS Forum: The National Forum should maintain early referral from child protection agencies to FVPLSs as a high priority for its policy and advocacy work, seeking to create the greatest possible consistency across all jurisdictions.

Recommendation 23. FVPLSs and PM&C: Where possible, FVPLSs should provide counselling services for victims of FDV internally; they should be adequately resourced to do so; and agencies without existing capacity (staffing, skills and knowledge) should build their capacity to provide such services. Services which do not currently provide counselling services should review arrangements to determine a) whether to provide such services internally, or b) how to ensure access to high quality, culturally safe services. This may require investigation of reasons for low use of external services.

Recommendation 24. FVPLSs: In communities where no case management function exists, consultations should be undertaken to investigate whether case coordination services are required, and if so, the best model for them to be provided in the local context.

Recommendation 25. FVPLSs and FVPLS Forum: Clear program theory should be developed for all for prevention programs provided by FVPLSs, where it is not already in place. Recognising the difficulties inherent in good quality evaluation of prevention programs, FVPLS agencies should be supported, potentially through a national project, to introduce effective monitoring and evaluation of prevention programs.

Recommendation 26. FVPLSs, PM&C and FVPLS Forum: A project to investigate and develop, in consultation with Aboriginal communities and services, proposals and strategies for ‘the third way’ should be funded and undertaken through the National Forum. ‘The third way’ should seek to provide alternative services that enable families and communities to address violence without pursuing western legal action, where that is the wish of the victim and is supported by other family members. Options to investigate include adequate access to family healing; support for families ‘before it comes to violence’; development of family safety plans (as an alternative to ‘victim safety plans’); and additional support for families following reunification.

Recommendation 27. PM&C: The Department of Prime Minister and Cabinet should increase the priority afforded to prevention within FVPLS services. This requires integrated consideration across contract requirements, data collection and evaluation, and may have funding implications.

Recommendation 28. FVPLS Forum, PM&C and FVPLSs: A strategy should be developed to enable design of appropriate FDV prevention strategies for communities in which FVPLSs provide services.

Recommendation 29. PM&C and FVPLSs: Services which are rated as under-performing (at the time of this evaluation or in future) should be required to develop specific quality improvement plans and timeframes for their implementation.

Recommendation 30. PM&C and FVPLSs: All services should be required to provide evidence of needs assessment and clear plans demonstrating how service provision will respond to community needs.

Recommendation 31. FVPLS Forum and FVPLSs: The Forum rubric should be considered as a tool to support assessment of the Forum and Secretariat, including self-assessment, and findings should be used to identify areas for improvement.

Recommendation 32. PM&C and FVPLS Forum: The Department of Prime Minister and Cabinet should commission, in collaboration with the Forum, a structured, independent national consultation with FVPLSs about issues identified in the evaluation report, including the advantages and disadvantages of making the Secretariat independent of a single FVPLS, and clear strategies for addressing the disadvantages of the selected option. Other issues to be addressed should include transparency; how the forward program of work is developed and decided; and potential improvements to how disputes and complaints are handled.

Recommendation 33. FVPLS Forum: The National FVPLS Forum should use independent facilitators for all Forum face to face meetings and strategic discussions.

Recommendation 34. FVPLS Forum: The Forum should increase the proportion of Forum and Secretariat resources (time in meetings, budgets, staff time allocations and Forum member time allocations) allocated to quality improvement of member services and support for member services. This may be achieved by bringing in additional resources dedicated to quality improvement projects

or by reducing the proportion of resources allocated to policy and advocacy work, or some combination of the two.

Recommendation 35. FVPLS Forum: The Forum should investigate the development of further online resources for FVPLS practice, including nationally-accessible resources for areas of legal practice of relevance to FVPLS; resources for other areas of FVPLS work, such as child protection and case management; and resources for organisational issues such as governance. Consultation with FVPLSs should determine the nature and order of resources to be developed. Consideration should be given to development of resources in areas of relative weakness identified through the national FVPLS evaluation, including needs assessment and planning, and monitoring and evaluation.

Recommendation 36. FVPLS Forum: The Forum should consider how best practices developed by member agencies can best be identified and disseminated for potential adoption, or adaptation, by others. This should include development of a shared position in relation to ownership of intellectual property of tools and resources.

1 Background and methods

1.1 Background

This is the first impact evaluation of Family Violence Prevention Legal Services (FVPLS), funded by the Commonwealth Government of Australia through the Safety and Wellbeing Program of the Indigenous Advancement Strategy (IAS), Department of Prime Minister and Cabinet.

The program aims to improve safety for Aboriginal and Torres Strait Islander victims/survivors¹ of family violence and provide them with better access to justice and to change attitudes and behaviours in relation to family violence, including sexual assault. FVPLSs are funded to provide culturally safe legal assistance and support to victims/survivors, including legal assistance, casework, counselling and court support in relation to family violence restraining orders, child protection, victim's compensation, and family law. FVPLSs are also intended to provide referrals, community legal education and early intervention and prevention services to address family violence, its causes and effects.

There are 14 FVPLS providers across Australia, in all States and Territories except Tasmania and the ACT. Some provide services through multiple sites. Commonwealth funded services are based in rural and remote regions. Some services have State funding and operate in additional locations but this evaluation is limited to Commonwealth-funded functions. Individual services are expected to tailor their programs to the needs of the communities they serve. A brief history of the program is provided in Appendix 9.2.

There have been previous reviews of FVPLS (e.g. Allen Consulting Group, 2014), but no outcome or impact evaluations. The 2014 review recommended a greater focus on measuring both outputs and outcomes.

1.2 Purposes of the evaluation

This evaluation was commissioned by the Department of Prime Minister and Cabinet to inform decisions in relation to:

- the best arrangements for provision of legal services to Indigenous victims of domestic and family violence in communities currently served by FVPLS;
- the best arrangements for programs for prevention of domestic and family violence in Indigenous communities, in particular those communities currently served by the FVPLS;
- future development of the service model to best meet the specific needs of victims and survivors in the communities served.

The evaluation was required by the Department to assess:

- *“The impact and effectiveness of legal assistance activities provided by FVPLS organisations, including Community Legal Education (CLE) and early intervention and prevention activities by considering:*
 - *user experiences and whether FVPLS clients and communities believe their needs were met through the services provided;*

¹ The term ‘victims’ of violence has been used in this report, in keeping with the legal sense of the term, for ease of reference.

- *the extent to which FVPLS organisations interact with police, courts, child protection, housing authorities, and other key service providers and the effectiveness of these interactions in achieving outcomes for clients; and*
- *the extent to which FVPLS organisations' current practice aligns with the aforementioned best practice framework for legal assistance and victim support services.*
- *the differences and similarities across all 14 FVPLS organisations, and how each of them has adapted its service offering to meet local needs including identifying and assessing the impact of any innovative activities/services that individual FVPLSs are delivering;*
- *the effectiveness of the FVPLS National Forum and the role, structure and function of the Secretariat and Convenor in supporting the sector to share best practice and achieve forum objectives, including:*
 - *supporting and enhancing FVPLSs in their governance, operation, service delivery and programs; and*
 - *coordinating, implementing and continuing to improve communication between all FVPLS units.*
- *the extent to which the FVPLS services build on strengths, demonstrate cultural respect and involve collaboration to make a positive contribution to the lives of current and future generations of Aboriginal and Torres Strait Islander people.” (Request for Tender, p 10)*

That is, the impact evaluation of FVPLS was to determine whether FVPLS is improving access to justice; increasing safety outcomes; and empowering Aboriginal and Torres Strait Islander victims/survivors to manage the impact of family violence in their lives. The evaluation was also expected to determine whether FVPLS is delivering outcomes aligned with the Government's broader policy agenda, in particular the National Plan to Reduce Violence against Women and their Children 2010-2022 (the National Plan).²

The evaluation was also expected to assess performance of each service against 'best practice' standards. Rather than develop a single set of standards, it was agreed with the Commonwealth that a rubric would be developed. A rubric provides titles for agreed elements along with descriptions of performance at each level for each element. A rubric was developed for 'good practice principles' because:

- Rubrics provide a basis for self-assessment by services and therefore a tool for continuous quality improvement;
- Rubrics provide a transparent basis for evaluative judgements, enabling conversations (including between services and funding bodies), about areas of success and areas for improvement.

Each of the sites visited was assessed against those standards. A revised set of standards has now been developed and is provided in Appendix 9.6.

The evaluation will contribute to building the evidence base for effective interventions to reduce family violence against Aboriginal and Torres Strait Islander people. Some findings may also be portable to other communities and services.

² Alignment with the National Plan is addressed in Section 2.1.5.

1.3 Key evaluation questions

The key questions to be answered by this evaluation are as follows.

- What are the impacts of FVPLS services in relation to access to justice? In what ways, and why, do these impacts vary across localities, sub-groups of populations, the nature of legal services provided, or other contexts identified through the evaluation as significantly impacting justice outcomes?
- What are the impacts of FVPLS services in relation to safety and the prevention of domestic and family violence? In what ways, and why, do these impacts vary across localities, types of service provided or safety intervention, or other aspects of context identified through the evaluation as significantly impacting prevention and safety outcomes?
- What are the impacts of FVPLS services in relation to empowerment of victims/survivors to manage the impacts of violence in their lives? In what ways do these vary across contexts and population groups, and how might those variances be explained?
- What constitutes 'best practice' in legal services, and prevention services, for Indigenous victims/survivors of domestic and family violence? How do the 14 FVPLS services rate against best practice standards?
- What lessons can be learned about effective prevention of domestic and family violence in Indigenous contexts from previous research and evaluation, and what implications might those lessons hold for FVPLS services and the future provision of justice-related services for Indigenous victims/survivors of domestic and family violence?
- How effective is the FVPLS National Forum and the role, structure and function of the Secretariat and Convenor in supporting the sector to share best practice and achieve Forum objectives, including supporting and enhancing FVPLSs in their governance, operation, service delivery and programs; and coordinating, implementing and continuing to improve communication between all FVPLS units?
- How might the quality and effectiveness of FVPLS services be improved in future?

1.4 Methodology and methods

1.4.1 Methodology

This is a mixed method, realist, impact evaluation.

Realist evaluation assumes that programs do not directly cause outcomes. Rather, programs provide various kinds of resources, opportunities and constraints. These can affect decisions made by program clients and participants, staff and other stakeholders. Different decisions lead to changed behaviours which in turn contribute to different outcomes. This interaction between the 'resources' provided and the 'reasoning' of people making decisions is known as a program mechanism.

The same resources can trigger different responses by different people in different contexts. Realists describe this as different mechanisms operating in different contexts.

FVPLS provides multiple kinds of resources (for example, legal advice, legal representation, early intervention and prevention programs) which contribute to both opportunities (e.g to take legal action, or access other services) and constraints (e.g. restraining orders). These resources have the potential to affect decision-making by victims/survivors, offenders and potential offenders, police, courts and so on. These resources may contribute to prevention of family violence through

mechanisms including awareness raising, deterrence, disablement, community mobilisation and norm-changing, and empowerment of victim/survivors. Each may work differently in different contexts, leading to different patterns of outcomes in different areas. The overarching realist question is, therefore “For whom and in what contexts is this program working, in what respects, how and why?”.

A realist evaluation therefore aims to identify the *main mechanisms* through which FVPLS are expected to work and the main *unintended mechanisms* which may be triggered by the same resources; the principle *aspects of context* which are likely to affect whether and which mechanisms operate; and the outcomes that would be expected from each context-mechanism interaction. Program theory thus takes the form of ‘Context-Mechanism-Outcome’ (CMO) hypotheses. We refer to these hypotheses as “propositions”.

Once initial propositions are drafted, evaluation methods and questions are developed to test the theories. Data is collected to answer the questions and it is analysed against the theories. Theories may be supported, amended or rejected in the light of the evidence. Refined theory is then developed which best reflects the evidence. The refined theory aims to explain how, why, for whom and in what contexts interventions are most likely to be effective. The intent is to enable policy makers at the national level, and services at the local level, to tailor their interventions to maximise effectiveness and minimise harm.

1.4.2 Methods

The methods for the evaluation were described in detail in the evaluation design, which is available on request from the Department of Prime Minister and Cabinet. In summary, the methods included:

- Selection of the sites to be visited, in negotiation with services and the Commonwealth;
- A brief literature review, re-examining earlier evaluations of programs to prevent family and domestic violence in Indigenous communities from a realist perspective;
- Drafting a rubric to describe nine key features of local FVPLSs at four different levels (inadequate, adequate, good or excellent). An additional rubric to describe the work of the National Forum and Secretariat was developed after data had been collected from local services;
- An initial visit to each of the sites to provide information about the evaluation and consult about who should be involved, and how, in the collection of data at the local level;
- A second visit to each of the sites, to conduct interviews and collect data. Up to 16 interviews were conducted in each site, including the FVPLS site manager, legal staff, counsellor (or external counsellor), and Aboriginal Support Worker; police; prosecutors; other local service providers (e.g. health services, schools, community services and other legal services); community representatives or elders; and service clients. Where interviews could not be conducted during the visit, telephone interviews were conducted later;
- Review of six-monthly performance reports provided by FVPLS agencies to the Commonwealth, and other documents provided by services to the evaluators;
- Web-based research to understand the differing legal and legislative contexts affecting the operations of FVPLS in different states and territories;

- A third visit to each of the sites to present the draft findings and collect final verification data. This visit also enabled tailored feedback to each site about their areas of achievement and areas for development.

Across the evaluation nationally, 243 initial interviews were conducted with 274 participants. Most were one-to-one interviews but there were a few cases where participants chose not to be interviewed alone. The table below shows the categories of participants who were interviewed for the evaluation. Follow-up interviews, often conducted by phone to clarify points, have not been included in the table.

Table 1: Categories of Interview Respondents

Interview Respondents	
Participant category	Number interviewed
FVPLS managers and CEOs	27
FVPLS legal staff	45
FVPLS non-legal staff	37
External agencies – legal service personnel	36
External agencies – non-legal service personnel	66
Government staff	18
Community members and FVPLS clients	45
TOTAL	274

Note, in relation to this table:

- The first category included site and service managers as well as Chief Executive Officers.
- The 45 FVPLS legal staff included 14 Principal Legal Officers from the 15 services.
- Internal counsellors, together with support workers and occasionally administrative staff, were included in ‘FVPLS non-legal staff’.
- External counsellors were counted as ‘External – non-legal’ participants, a category that also included staff at local women’s shelters and allied service providers such as those involved in housing or family support.
- 18 Commonwealth government staff participated in two group interviews.
- Community members included 29 clients and 16 people identified as community elders. It would have been preferable if the number of clients participating had been higher, but a number of services were reluctant or found it difficult to facilitate access to clients. Some clients who had originally committed to participate were affected by illness or had to withdraw for other reasons.
- There were Aboriginal participants in every category, although only the ‘Community member and FVPLS clients’ category was 100% Aboriginal.

Research ethics approval was provided by the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) Research Ethics Committee, HREC reference number EO77-22032018. Originally permission was given to collect data until the end of 2018, but an extension was later provided to the end of February 2019.

1.5 Program Theory

The initial program theory was developed on the basis of program documentation and previous FVPLS evaluation reports. The theory was developed as a set of six modified ‘hierarchy of outcomes’

diagrams – that is, hierarchies representing key program activities at the bottom of the diagram, with the immediate, intermediate and medium- to long-term outcomes to which they are expected to contribute. The diagrams are provided in Appendix 9.1.

In addition to those diagrams, 23 initial propositions were developed³, based on FVPLS documentation and literature reports, the initial stages of the literature review and the expertise of the researchers. The propositions related to six types of activity: community education and prevention; legal representation; court support for victims; counselling/wrap-around services; coordination and liaison with other service providers; advocacy. They also dealt with four immediate outcomes related to legal service provision: restraining orders, victims' compensation, findings against offenders in criminal cases and determinations in family court. Each provided both a description of the causal process and the type of outcome expected from it. In some but not all cases, contexts in which the mechanism is most likely to operate were also included, indicated by the symbol 'C:'.

These propositions are presented in the relevant chapters of this report. Each proposition has been given both a number and a title, for ease of reference. Because very similar mechanisms may operate in relation to different program activities, they may share a title: where this is the case, initials from the set title are used to distinguish between them.

Refinements were made to the initial propositions on the basis of data collected during the evaluation; refined versions are presented in the relevant sub-sections of the report.

1.6 Limitations

Several limitations affect this evaluation. These are described below.

1.6.1 Sites and services

Some FVPLSs operate from a single site. Others operate from multiple sites. Where services operate from one or two sites, only one site was visited. Where services operate from three or more sites, two sites were visited. Appendix 9.7 provides a list of sites visited.

The evaluation reports for services are specific to the sites visited. FVPLS services will have to consider the extent to which findings may apply to other sites or to the service as a whole. This is less of a concern at the national level, because sites were selected to provide a sample of different types of sites: those in larger and smaller centres, more and less remote, single site services and multi-site services, and so on. It is likely therefore that findings generalise relatively well across the program as a whole.

1.6.2 Quantitative data for FVPLSs

The most significant limitations for this evaluation relate to access to outcomes data. FVPLS agencies are required to provide data on service activities through the CLASS (Community Legal Assistance Services System) reporting system. However, no outcomes data is collected or reported through CLASS. Neither do most FVPLSs systematically collect and record outcomes data outside of CLASS. For legal outcomes, this is in part because legal services should not, without prior consent from the client, recontact clients to find out what the outcomes of services have been. Where outcomes data is

³ Note that two propositions appear in two sections each, and one proposition deals with the advocacy work of the national secretariat.

collected, it is recorded in confidential case files of individual clients. Those case files were, quite rightly, not available to this evaluation.

CLASS was developed to operate across community legal services, and does not collect adequate or appropriate monitoring data for additional FVPLSs functions – wellbeing and support services, community legal education, and prevention and early intervention programs. Nor does it provide for collection of any outcomes data for these functions.

There was a transition from a previous reporting system (CLISIS) to CLASS in the first half of 2017. Data across the two systems was not comparable, meaning that trends in service activity over time could not be analysed even where CLASS data was available.

The evaluation team was provided with the six-monthly reports provided by the services to the funding body, and with the PMC assessments of those reports which were required to approve dispersal of funds. A number of attachments to the six-monthly reports were also provided. There were significant gaps in the data in those reports. This was particularly true for the final three reporting periods (Jan-Jun 2017, Jul-Dec 2017 and Jan-Jun 2018). There were also inconsistencies between the data provided by services and the data used in the assessment (reportedly sourced through Finrea, a national IT service provider).

The impacts of the transition to CLASS appear to have been different for different agencies. One organisation provided data for three of the six months in the transition period; others appeared to be able to provide data for the whole six months. There are also questions about whether all organisations reported data cumulatively over twelve-month periods, meaning that the data provided could not be collated across agencies.

These inadequacies in data had significant implications for the evaluation. Because CLASS does not collect outcomes data, there is no basis on which to quantify outcomes. Because service provision over the past 18 months could not be quantified, there was no basis to estimate the range of outcomes that might have been achieved. Taken together with shortfalls in the types of demographic and other data collected, it means that there is no possibility of estimating the groups for whom services are more or less effective. This significantly undermined the intended realist evaluation. Without outcomes data, it was not possible to say ‘what worked’ or ‘to what extent’. Without adequate demographic data, it was not possible to identify ‘for whom’ services were more or less effective.

Services also reported difficulties with inputting data to CLASS, which were more significant in remote areas with poor internet connections; and difficulties extracting reports for their own use. Given the importance of accurate data in quality improvement, it is likely that this impedes quality improvement activities, at least for some services. Training was reported to have been inadequate, and not to have been available for new staff.

The Attorney-General’s Department, which funded the development of CLASS, reported that technical issues in the establishment of CLASS had, in their view, now largely been resolved. The Department agreed that outcomes data should be collected in the long term but that developing “an outcomes framework for the entire sector is a long journey”. They further reported that their Data Standards Working Group had been ‘reinvigorated’ and that FVPLS was represented on that group.

While this suggests that further improvements may be expected over time, the CLASS data system is currently inadequate for the needs of FVPLS staff and agencies. The data system should be constructed to support both monitoring and evaluation and should therefore include, in addition to current indicators, data about client outcomes, support programs, and prevention programs/activities and

their outcomes. It is not clear that waiting for an outcomes framework that is appropriate to the whole community legal sector is indeed the best approach, when there are distinct data needs for FVPLS. The data and evaluation sub-committee of the Forum should feed into that process, and technical (IT) and monitoring and evaluation support should also be provided.

Action on CLASS will require collaboration across CSB, PM&C; AGD; the National Forum; and NACLIC (who were funded by AGD to develop and implement CLASS). However, action within the FVPLS sector (that is, CSB, PM&C, the National Forum and FVPLSs), does not have to wait on other sectors. This evaluation has clearly identified the types of outcomes that are achieved in at least some circumstances by FVPLSs and this is the first stage of developing indicators or tools for routine collection of data about those outcomes.

Recommendation 1: National Forum, FVPLSs and PM&C: The indicators for which data is required in the CLASS data system should be reviewed, with priority afforded to developing outcome indicators for the full range of FVPLS core activities (legal, counselling/wellbeing, community legal education, and prevention/early intervention).

Recommendation 2: PM&C, National Forum and AGD: The outcomes identified in this evaluation should be used as the basis for developing agreed outcomes indicators and data collection tools for FVPLSs.

Recommendation 3: National Forum and PM&C: Data entry processes for CLASS should be reviewed, taking into account technical difficulties for remote services, including adequate internet access. Consideration should be given to centralised support for some administrative functions, including data entry and reporting.

Recommendation 4: National Forum, Commonwealth Government: The technical barriers to producing data reports from CLASS should, if not already resolved, be addressed. If resolved, all FVPLSs should be supported to produce reports that can inform quality improvement processes.

Recommendation 5: PM&C: Additional training should be provided to FVPLSs in use of CLASS, and should be available recurrently, both to build capacity over time and to address staff turnover.

No matter how much CLASS is improved, it is unlikely that any data system will provide the variety of data that agencies should draw on for quality improvement and strategic planning processes.

Recommendation 6: PM&C and National Forum: Requirements for training should be investigated, and required training provided, on how to collect and use a variety of kinds of data for needs assessment, strategic planning, quality improvement and evaluation.

In addition, the literature review identified one evaluation tool – the Growth and Empowerment Measure – which was developed specifically for use with Australian Indigenous populations, and which could be used across a variety of FVPLS programs and services. (See Appendix 9.3 for a description of the instrument, and the ways that it could be used in FVPLS evaluations).

Recommendation 7: PM&C and National Forum: That the Growth and Empowerment (GEM) measure be trialed for use as an empowerment and wellbeing measure for use across FVPLSs. Subject to acceptable performance, FVPLSs nationally should be trained in administration and use of GEM in evaluation of its work.

1.6.3 Interview data

The primary sources of evidence available to the evaluation were interviews and the services' six-monthly performance reports to the Commonwealth. Interview participants were selected by FVPLS staff, using a list of informant types sent through to services and discussed with them at the initial visit. This may have introduced bias; the providers and clients selected to speak to the evaluation team were likely to be those that staff felt comfortable contacting. Further, clients may have been more willing to participate in the evaluation if they had a positive experience with the service.

For some FVPLSs, access to interview clients was restricted. One organisation advised the evaluation team that it would not facilitate access to clients, reportedly due to previous bad experiences with other research or evaluation. Alternative referral methods were used to access clients in this case. Another found it too difficult to facilitate access to clients due to their very remote locations and in this case no clients were interviewed.

The time available for individual interviews (usually around an hour) and the wide range of service types and issues in scope for the evaluation meant that interviews could not cover the entire scope of questions. In some sites, little or no data was collected for some topics.

While 274 interviews were conducted for the evaluation overall, relatively small numbers of interviews were conducted in each site (up to 16 per site, but in one site, as low as 8). Because of the specific roles of people interviewed, there is a high risk of identifying individuals if quotes are attributed to them (for example, there may only be one lawyer, school principal and so on in a particular community). Further, FVPLS services identified individuals to be interviewed in the local area and there is a high risk that staff of the services may be able to identify respondents, even where there is more than one person in a category. Respondents were promised confidentiality, and this is a requirement of the research ethics approval for the evaluation. To better ensure confidentiality, a final reading of reports was conducted to identify areas where confidentiality might be at threat before reports were finalised.

Consequently, only four categories at most are used to identify respondents in local service reports:

- 'Staff' refers to FVPLS staff but also includes Board members and CEOs of auspicing organisations, where they were interviewed;
- 'Legal service provider' refers to non-FVPLS lawyers, police, and court personnel;
- 'Other provider' refers to all other non-legal service providers, psychologists, and people from service networks; and
- 'Community member' includes FVPLS clients and elders or respected community members.

Where these four categories would make respondents too identifiable the term 'stakeholder' has been used for non-staff respondents. In most of this national report, quotations are also identified by the service or site from which the quote was drawn. However, quotes in Chapter 8 dealing with the FVPLS Forum and Secretariat are identified only as 'External Stakeholder', or 'Internal Stakeholder'. Individual services are not specified, as the number of people in each service who addressed this topic was limited.

1.6.4 Constraints on methods

Resource limitations prevented additional methods (such as process tracing or Outcomes Harvesting) being used to identify additional outcomes, including advocacy outcomes. It had originally been

intended that a realist adaptation of Outcomes Harvesting would be used, but circumstances beyond the control of the evaluation team prevented this. Instead, the team sought to interview staff from FVPLSs first, to identify the outcomes they believed to have been achieved, and then to verify claims where possible with later respondents.

1.6.5 Generalising findings

Given that outcomes could not be quantified or verified beyond triangulation across interviews, the report seeks to identify the nature of outcomes, both short and longer term, that are achieved by particular kinds of work, and the circumstances in which those outcomes are more and less likely to be achieved. We anticipate that this will allow services and the Department of Prime Minister and Cabinet to inform decisions to improve the quality of services and the quality of outcomes in future.

1.7 Overview of the report

The remainder of this report is set out as follows.

Chapter 2 provides an overview of a number of factors that appear to affect the nature of services provided by FVPLSs, which in turn will affect the nature of outcomes that can be achieved. This chapter draws heavily on the reflections of the evaluation team and might more usually be provided in the conclusions of a report. However, it provides context for understanding much of what follows, and reduces the need for repetition in subsequent chapters.

Chapter 3 deals with legal services provided by the FVPLS service in the site or sites visited, describing the legal services provided and the arrangements for their provision. It then considers client engagement with FVPLS legal services, the first level of outcome for the program. The remainder of the chapter is divided into sections dealing with different types of legal services: criminal court cases, restraining orders, and victims of crime compensation. Sections begin with the program theory propositions that were hypothesised at the beginning of the evaluation. Evidence is then presented in relation to those propositions. Revised propositions, in the form of Context-Mechanism-Outcome (CMO) statements, are then provided. Limited information is available about later or higher-level outcomes of legal services, but is provided where it is available. The chapter concludes with recommendations.

Chapter 4 deals with family law and child protection. Very little initial program theory had been developed in relation to children. The chapter examines the nature of services provided by the FVPLS in relation to family law and to child protection, with information about the outcomes of those services where available. New propositions were developed across the evaluation nationally, and are presented later in the chapter.

Chapter 5 deals with the effects of FVPLS services on client wellbeing and empowerment. It provides the program theory propositions developed initially, a description of the services provided, and evidence in relation to wellbeing and empowerment outcomes for clients, families and communities. The chapter also considers issues of coordination and collaboration with other services (except where these are specific to either prevention or legal services), on the basis that coordination and collaboration are also expected to contribute to client and community wellbeing.

Chapter 6 deals with safety and prevention, with a focus on community level activities. Services to individuals, be they legal or wellbeing oriented, may contribute to individual safety and prevention of repeat victimisation, but have been addressed in earlier chapters. This chapter focuses on community education and community development programs which are intended to reduce rates of FDV over time.

Chapter 7 provides an assessment of the standards at which FVPLS services are operating, assessed against the draft rubric developed for this evaluation. The rubric primarily assesses relevance and adaptation of services to community contexts, as well as appropriate use of professional standards. The draft rubric was revised on the basis of the evaluation and the existing standards used by some FVPLS services nationally. The revised rubric is provided in Appendix 9.6 as a tool for future use.

Chapter 8 provides responses to the key questions in relation to the National Forum and National Secretariat.

Chapter 9 contains appendices: initial and refined FVPLS program theory; a brief history of FVPLS, a realist literature review; a list showing how restraining order procedures vary in different FVPLS jurisdictions; copies of the interview guides used in fieldwork; original and refined rubrics; and list of evaluation sites.

2 Contemporary contexts and their impacts on services

As will be described in forthcoming chapters, there is significant variation in the range of services provided by FVPLS services, in all areas of their work: legal, counselling and support, and prevention. In turn, this affects the outcomes that agencies achieve. It appears that a number of factors contribute to this variation. Addressing some of these issues may improve outcomes from services in future. While some are not necessarily directly within the scope of work for the Community Safety Branch of PMC, or within the power of FVPLSs or the National Forum to address, we highlight them here as areas for collaborative action and planning. Some direct recommendations are also provided.

2.1.1 Policy and legal frameworks

As will be demonstrated in later sections of this report, FVPLSs can and do contribute to access to justice (Chapter 3 below) and to wellbeing for victims/survivors of FDV (Chapters 4 and 5 below). Their services are largely consistent with the *National Plan to Reduce Violence against Women and their Children 2010-2022* (Section 2.1.5 below).

Recommendation 8. PM&C: FVPLSs can contribute to access to justice and wellbeing of victims/survivors of FDV. Services are largely in line with the *National Plan to Reduce Violence against Women and their Children 2010-2022*. Funding to FVPLSs should therefore be continued.

The following subsections discuss three particular issues which we believe require action.

2.1.1.1 Services to perpetrators

The current PM&C Guidelines for the FVPLS program were issued when the program moved across to the Department of Prime Minister and Cabinet (PM&C) in 2010-11. Before the move to PM&C, FVPLSs operated under much more detailed guidelines issued by the Attorney-General's Department (AGD). The AGD guidelines required that FVPLS agencies should not provide services to perpetrators of FDV or sexual assault⁴. This requirement is not contained in the 2010-11 PMC guidelines. However, some services still expressly disallow provision of services to perpetrators.

This is reasonable where there is a single perpetrator of violence in a family. However, there are many families in which violence is perpetrated by different people. Violence may be bi-directional (two adult parties are violent to each other) or omni-directional (several family members use violence against other family members), and it may be cross-generational. Consequently, victims of FDV may be excluded from services because they have also perpetrated violence.

While FVPLSs still need to guard against conflict of interest (see next item), they are able under current guidelines to provide services to victims of FDV who have previously perpetrated violence.

Recommendation 9. FVPLSs: Agencies currently operating a blanket exclusion for services to perpetrators should review their position to ensure that victims of FDV who have perpetrated violence are not unreasonably excluded from services.

2.1.1.2 Legal conflict of interest.

⁴ The intent was presumably that FVPLS agencies should be safe places for victim-survivors; and that FVPLSs should not place themselves in a legal conflict of interest position by representing, or having represented, perpetrators for cases in which victims seek services.

All lawyers and legal services are prohibited from acting “where a conflict of interest exists, or where there is a perception of a conflict.”⁵ This can occur, for example, when the service is representing, or has previously represented another party involved in the current matter; has acted against the client in the past; or there is a close relationship between a staff member and a potential client. There is no time limit on conflict of interest: the lawyer or agency having acted for one family member even years previously can prevent acting for a current victim.

Arrangements for dealing with conflicts vary. Some FVPLSs reported informal arrangements between legal service providers in the region to ensure that all parties could be legally represented. Others seemed more constrained, reporting that they could not even tell a potential client why it was that they could not represent them: to admit that they were representing the other party would be to breach that party’s right to confidentiality. In one site, where the FVPLS is the only legal service in the community, the organisation does represent both parties, but erects ‘Chinese walls’ to ensure that there is no communication about the matter between the staff members working on the case.

Families may sometimes seek legal services together, particularly in relation to family law and child protection, despite experiencing FDV. These families do not necessarily want to separate; some want the violence to stop and family relationships to be repaired. Others have worked through violence issues and have reunited after a period – potentially years – of separation. Strict interpretation of the conflict of interest can prevent FVPLSs from acting in these cases. However, in many of the communities in which FVPLSs operate, there are no other culturally safe legal services available to represent victims. It may, thereby, militate against the best interests of families and children to refuse to act in these cases.

Recommendation 10. National Forum, Systems Reform: A legal project should be instigated to investigate the impacts of legal conflict of interest in FDV and the potential to waive conflict of interest provisions in particular circumstances, including but not limited to enabling families to deal with legal issues together, or where there has been a substantial time period following previous representation, (for example, more than five years ago).

2.1.1.3 *Contracts*

The current funding contracts for FVPLSs require that agencies provide “counselling for victims of sexual assault”, but not for other victims of FDV. Discussions with CSB, PM&C suggest that this is an oversight which can and should be corrected.

FVPLSs are expected to seek accreditation under the national system for community legal providers unless they receive an exemption, as accreditation under NACLIC is the primary vehicle for ensuring the overall quality of community based legal services. There is, however, no requirement in the existing contract for FVPLSs to report their accreditation status to the Department. This is an accountability issue.

Recommendation 11. PM&C: The wording of the relevant clause in the funding contracts (Objective 1 c) for eligibility for counselling services should be updated. Funding contracts should also specify that agency accreditation status must be reported annually.

⁵ Victorian Legal Services Board Factsheet, Does My Lawyer Have a Conflict of Interest?, accessed 15/3/19

2.1.2 Perceived role and core functions of the service

There appeared to be subtle differences in assumptions about the role of the program across FVPLSs – although this may also reflect other factors, including the levels of funding available in local sites and the availability of other services locally. Some FVPLS agencies clearly saw themselves as legal services; others more as community agencies that provide legal services.

The first group tended to be more narrowly focused, concentrating their resources on legal and para-legal staff, and focusing support on enabling clients to participate in the legal system. These services were unlikely to provide counselling and some had developed ‘legally-based’ rationales for not providing counselling services. We do not accept that the rationales offered to this evaluation are either legally necessary, or necessarily in the best interests of the clients (see Chapter 5 below).

The second group tended to be somewhat broader in their focus, were more likely to employ counsellors or case managers, and provided a more holistic approach to supporting victims of FDV. Legal services were still a priority, but other services were seen to be ‘equally necessary’ in order to achieve legal and prevention outcomes. In one case (the NPY FVPLS), legal representation was outsourced to other agencies (see Chapter 3 below).

We have taken the view that the core functions of FVPLSs are described in their funding contracts, and include legal advice, casework assistance, court support, counselling, child protection and support, information, support and referral services, community engagement, community legal education and early intervention and prevention. Further, we take the view that whether funded organisations choose to deliver the services directly or to outsource them, they remain accountable for the quality of those services.

Recommendation 12. PM&C, FVPLSs: Where FVPLS agencies outsource ‘core’ functions, including legal or counselling services, they should be required to ensure the quality and acceptability of those services. This should include establishing formal contracts or Memoranda of Understanding with agencies which include processes for ensuring quality and acceptability of services. It should also include automatic follow-up and monitoring of clients referred to outsourced services.

2.1.3 Availability of other services

Most FVPLS sites visited had to make decisions about which services they would provide, often reporting that they would like to do more but could not afford to do so. In several cases, staff reported taking into consideration the availability of other services as part of that decision-making process. The rationale offered by agencies differed slightly from case to case. One reported undertaking the work that they believed that they were ‘best suited’ to do, irrespective of whether other organisations might provide the same service. Another reported referring out simple cases but representing complex ones.

2.1.4 Philosophical assumptions

There appeared to be both commonalities and differences in the philosophical assumptions underpinning aspects of service delivery across FVPLS agencies.

A commonality related to the various causes to which violence is attributed. These included both ‘distal’ (distant) and ‘proximate’ (immediate) causes. (Note that these terms are drawn from crime prevention theory and will be revisited in Chapter 6.) Distal causes included the traumatic legacy of colonisation and Stolen Generation policies; contemporary traumatic experiences of violence and racism, and the breakdown of traditional cultural norms and roles. Most (perhaps all) services also

acknowledged the contribution of patriarchy. Proximate causes include ‘triggers’ such as alcohol abuse, other drugs (particularly ice, in some communities) and community conflicts.

A difference related to the relative priorities that seemed to be afforded to these different contributors to FDV, which may in part be related to the locations of services and therefore the communities and proximate cultures to which they respond. These differences in turn seemed to affect the way services predominantly define violence, which in turn shaped responses to it. More remote agencies appeared more oriented to ‘family’ violence, which includes violence between adult partners, other adults within families, elder abuse, child abuse, and violence of children to parents.

Some other agencies appeared more strongly grounded in feminist perspectives, and more likely to be oriented to intimate partner violence. They seemed more likely to concentrate on services to female victims of male violence. There is a risk that some victims of FDV (notably males, those who do not identify as either male or female, and perhaps women subjected to violence by family members other than their partners) would be less likely to approach such FVPLSs. The agencies argued that this was not the case, on the basis that they did see male victims and victims of family (non-intimate partner) violence, but some external stakeholders indicated that this was the case. Determining whether or to what extent it is in fact a problem would rely on comparisons of the proportions, in the wider population in the regions serviced and in fact seen by the service, of male, female and other-identifying victims affected by FDV and the proportions of FDV that are intimate partner violence and ‘other’ family violence. This data was not available to the evaluation (and is unlikely to be available to the services in the detail required). We acknowledge the gendered nature of family and domestic violence – the great majority of victims of FDV are women and children in both Indigenous and non-Indigenous communities. However, we remain of the view that unless other appropriate services are available, overtly focusing on female victims of intimate partner violence risks creating inequity in access to justice for other victims of FDV⁶.

Different philosophical assumptions may also underpin prevention and early intervention services. Some FVPLSs appear to believe that community legal education is in itself preventative; others explicitly did not believe that. We take the view that information provision is a necessary but not sufficient condition for prevention (see Chapter 6). Some agencies focused on healthy relationships education, often in schools. Others argued for action to address triggers of violence, in particular alcohol abuse and ice – although the services might not themselves be active in that work. One service (NPY) believed in community development and strengthening local actions to resist or counter violence. Wider prevention literature suggests that a combination of approaches is most likely to be effective. This is possibly because all perspectives are ‘right’, but each only works for certain causes or triggers of violence. Recommendations in relation to prevention are presented in Chapter 6.

2.1.5 Alignment with Government’s broader policy agenda

The *National Plan to Reduce Violence against Women and their Children 2010-2022* (National Plan) set out an action framework over 12 years, informed by research and consultation, in order to achieve six outcomes:

⁶ We anticipate that FVPLSs across the country may be less likely to be approached by non-binary gendered clients and by those experiencing same sex relationship violence, but data to establish this would be very difficult to find.

- 1) 'Communities are safe and free from violence', to be measured by community intolerance of violence against women and addressed through community involvement in addressing violence against women, primary prevention and gender equality initiatives.
- 2) 'Relationships are respectful', to be measured by young people's improved awareness of and skills in healthy relationships after interventions, and addressed through education and the influence of adult role models.
- 3) 'Indigenous communities are strengthened', to be measured by Indigenous women's responses on the National Aboriginal and Torres Strait Islander Social Survey, and addressed through fostering Indigenous women's leadership, building community capacity to implement local solutions to violence against women, and improving Indigenous access to services.
- 4) 'Services meet the needs of women and their children experiencing violence', to be measured by responses on a quadrennial Personal Safety Survey, and addressed through enhanced initial contact points, specialist services and responsive mainstream services.
- 5) 'Justice responses are effective', to be measured by the increase in the rate of women reporting domestic violence and sexual assault, and by responses to the quadrennial Personal Safety Survey, and to be addressed through improving women and their children's access to the civil and criminal justice systems, strengthening justice leadership and the interaction of justice with other systems and services.
- 6) 'Perpetrators stop their violence and are held to account', to be measured by decrease in repeat partner victimisation, and addressed by holding perpetrators accountable through providing early intervention for those identified as being at risk of committing violence, proactive policing and strong penalties for breaches and repeat offences, and initiatives to reduce recidivism.

(Commonwealth of Australia 2010)

FVPLS roles and activities align with many of these, although as community-based organisations, they play a different role from the Commonwealth and State/Territory government bodies whose commitments are laid out in the document.

FVPLS roles and activities related to primary prevention (part of the first aim) are discussed in Chapter 6 and Section 7.2.3.5.

Chapter 6 also addresses FVPLS activities in the National Plan's second aim of improving young people's knowledge of and skills in healthy relationships. Many – but not all – FVPLSs provided evidence that they were involved in such activities. More than one FVPLS provided evidence that they were addressing this issue by seeking to build self-esteem as a protective factor for young women at risk of entering into or staying in unhealthy relationships.

FVPLS roles and activities are of special relevance to the third aim of the National Plan. Building [Indigenous] community capacity to implement local solutions to violence against women is addressed in Chapter 6 and in the rubric section on 'prevention'. Steps that FVPLSs are taking to improve Indigenous access to legal services are discussed in 3.4.1.1 (with ongoing barriers to access discussed in 3.4.1.2), and steps to improve access to other services is discussed in many sections, but is a focus of 5.4, with degree of success noted in 7.2.3.1. (These sections also address activities related to the fourth aim of the National Plan.)

Some FVPLSs provide another outcome in relation to 'fostering Indigenous women' leadership', one of the strategies for achieving the National Plan's third aim. Many of the FVPLSs have female

Indigenous CEOs, managers and Board members. FVPLS staff positions such as community support officers and paralegal support workers also enable local women to use their initiative, learn new skills and share what they have learned with others. Where initiatives are developed with community, local women – including but not limited to elders – are able to use and/or develop leadership skills.

FVPLS roles and activities related to the fifth aim are the focus of Chapter 3 and 4; this is a core area of work for FVPLSs.

FVPLS activities are likely to have an impact on the sixth aim. Section 3.4.2 discusses how FVPLSs support victims in holding perpetrators accountable in court and 3.4.3 sets out FVPLS roles in restraining orders and improving reporting of breaches.

A number of sections in the report, including those that raise the potential of a ‘third way’ approach to violence and those that discuss community desires for more programs for males and/or perpetrators, address aspects of the sixth aim, as these initiatives are understood by FVPLS stakeholders as likely to provide early intervention and/or reduce repeat victimisation.

National Plan aims were to be addressed through a succession of three-year plans; the Third Action Plan had special relevance to FVPLSs, as it enabled a number of sites to hire new staff as case managers or counsellors. The outcomes of these hires are discussed in section 5.3.

2.1.6 Monitoring and evaluation

The review of performance against standards (see Chapter 7 below) found that most services operate at an adequate standard for monitoring of services, in so far as they meet the conditions set under their funding contracts. However, most performed relatively poorly on evaluation, and in particular, evaluation of the outcomes of their services and programs. Further, the external evidence base for most prevention and early intervention programs and approaches used is poor (see Chapter 6 below), making it more difficult for FVPLSs to select evidence-based approaches or to know whether or to what extent the approaches they use are likely to be effective.

In addition to the recommendations in relation to the CLASS data system, there are two clear directions which we would recommend be taken in monitoring and evaluation going forward. These are that all FVPLSs adopt data-based approaches to ongoing quality improvement. Data should include both qualitative and quantitative data, and monitoring or ‘process’ data (e.g. data from the CLASS system) and outcomes data. At least one service is currently investing in an evaluation framework. To the extent that common instruments and indicators can be developed, investments are likely to be more cost-effective and both collective data and comparative data could be generated. Collective data is likely to be useful for advocacy purposes as well as quality improvement. Comparative data can act as a spur to analysis and quality improvement. The second is that a national project be developed to support FVPLSs in improving evaluation – including skills in the use of a range of data types for quality improvement purposes, and potentially in selecting evaluation instruments, undertaking evaluation across multiple FVPLSs, and so on. This is because most FVPLSs are too small to undertake this work cost-effectively without support. However, operating collectively, the increase in scale would provide both critical mass and opportunities for peer learning.

Recommendation 13. FVPLSs, National Forum and PM&C: All FVPLSs adopt data-based approaches to ongoing quality improvement and effectiveness of their services.

Recommendation 14. National Forum, FVPLSs and PM&C: A national project should be developed and funded to improve evaluation across FVPLSs.

2.2 Literature Review

A very rapid, realist-informed literature review was undertaken for the evaluation. The literature review served three purposes:

- Informing the development of program theory;
- Drawing transferable lessons from existing evidence about how and in what contexts FDV prevention services may be effective in Australian Indigenous communities;
- Informing the development of the rubric for good practice.

Realist literature reviews seek to identify the contexts and mechanisms through which particular interventions have worked. The underlying idea is that by understanding ‘how and why’ interventions may be effective, and the contexts in which they are effective, services will be able to develop or adapt interventions that are appropriate to their own contexts.

This brief literature review addressed the following Key Evaluation Question:

What lessons can be learned about effective prevention of domestic and family violence in Indigenous contexts from previous research and evaluation, and what implications might those lessons hold for FVPLS services and the future provision of justice-related services for Indigenous victims/survivors of domestic and family violence?

The literature review is provided in Appendix 9.3. The main findings from the review may be summarised as follows.

1. There are significant shortfalls in evaluation of most types of programs which may contribute to reducing FDV for Indigenous people. Where evaluations do exist, they are often short-term, small scale, and do not provide outcomes data.

The implications for FVPLSs are that it is more difficult to draw on evidence to inform practice, because good quality evidence is scarce; and that it may be of value for FVPLSs to undertake evaluations of programs collaboratively (i.e. across multiple FVPLSs). Doing so could generate the scale necessary for a wider variety of evaluation types, and make it easier to attract the resources required to undertake good quality evaluation.

2. Awareness of legal rights and options may be a *necessary* condition for victim/survivors of FDV to act on their legal rights, but it is almost certainly not a *sufficient* condition for most victim/survivors to do so. It is unlikely that awareness raising programs in their own right contribute significantly to prevention.

The implication for FVPLSs is that they should continue to provide CLE, but that it should not be considered a significant prevention strategy in its own right. CLE can, however, be incorporated within other types of prevention programs.

3. There is consistent evidence internationally that Indigenous healing programs, properly run, can contribute to healing and that this can contribute to prevention of FDV. Healing programs work by releasing grief and anger; reducing alienation and strengthening relationships; building communication, conflict resolution, and problem-solving skills; strengthening pro-social cultural norms and informal social controls; and building cultural identity. There was insufficient evidence in this very brief review to identify ‘for whom, and for whom not’ such programs are effective, although a more in-depth review may be able to do so. Effective programs are long-term, holistic, culturally based, grounded in the local community,

strengths-based, adequately funded, Indigenous-led, provided by skilled and well-supported staff/leaders, well-coordinated and provide referrals to other programs and supports as required.

The implications for FVPLSs are that they may wish to develop and provide healing programs for victim/survivors; develop, provide or collaborate in family healing programs; and advocate for healing programs for perpetrators of FDV. (As used here this term includes perpetrators of all forms of family violence including sexual assault, abuse or neglect of children, elder abuse and intimate partner violence).

4. There is some evidence that school-based early intervention programs can contribute to respectful relationships and thus to the prevention of FDV. Programs work by building awareness of healthy relationships, building relationships skills including by modelling of respectful interactions, and changing attitudes to FDV. Indigenous-based programs may also work through building cultural identity, self-esteem and pro-social norms, although this could not be evidenced from the literature available. Effective programs are longer-term and use whole-school approaches. Programs may work differently for boys and girls and some programs – notably short-term programs - may generate backlash by boys.

The implications for FVPLSs are that school-based programs should be well integrated into wider school curricula and school systems, with support to teachers for incorporating and modelling principles and behaviours across the school. Short-term programs should be well evaluated, and follow-up evaluations should be conducted to ensure harmful effects are not generated.

5. There is evidence that some forms of family-support programs can contribute to the prevention of child abuse and neglect. Effective programs intervene early, provide consistent support and education for parents, and enable access to other supports. Home visiting programs may be more effective for young mothers and first-time mothers.

The implications for FVPLSs is that they may consider referral of families to appropriate early years support programs where they exist, and advocate for their provision where they do not.

6. The evidence for the effectiveness of alternative courts, perpetrator programs and situational methods in prevention of FDV is mixed. Alternative courts may not improve prevention outcomes but may achieve some other benefits with no negative impact on recidivism rates. Perpetrator programs are more likely to be effective for voluntary clients and presumably, more effective if using 'healing program' approaches. Situational methods need to be carefully designed, in collaboration with communities and other stakeholders/ services (including police).

The implication for FVPLSs is that they should be aware of the evidence in relation to these types of interventions in their advocacy for and collaboration with such programs.

3 Access to justice

Key findings

FVPLSs enable access to justice for some victims of FDV who may otherwise not engage with the western justice system. It is not possible to quantify what proportions of FDV victims become clients, or the proportions of clients for whom outcomes are positive.

FVPLSs provide access to restraining orders (known by different names across the country), victims of crime/criminal injuries compensation (VCC), and some civil & administrative law. They also support victims as witnesses in criminal cases for perpetrators of FDV, although this tends to be a small proportion of their work. Different agencies appear to focus on different services, meaning that access to particular aspects of justice varies across the country.

Outcomes from services can include:

- Increased understanding of the justice system;
- Increased capacity to effectively fulfil legal & administrative obligations;
- Reduced rates of drop-out from legal processes by victims;
- More successful prosecutions and more appropriate sentences;
- More appropriate restraining orders and/or reduced breaches;
- VCC payments received and, in some cases, payments increased over initial offers;
- Cost reductions to the criminal justice system (guilty pleas; reduced breaches).

The legal services provided by FVPLSs can contribute to safety, and to the prevention of repeat victimisation. Where criminal cases are brought against offenders and offenders are imprisoned, safety of the victim can be improved for at least the duration of the prison term. Where appropriate restraining orders are issued and are not breached, or where breaches are reported and there are consequences for the offender, safety of the victim can be improved for the duration of the order.

3.1 Introduction

This chapter addresses the first Key Evaluation Question (KEQ):

What are the impacts of FVPLS services in relation to access to justice? In what ways, and why, do these impacts vary across localities, sub-groups of populations, the nature of legal services provided, or other contexts identified through the evaluation as significantly impacting justice outcomes?

The chapter provides a brief description of the legal services provided and the arrangements for their provision. It then considers client engagement with FVPLS legal services, which can be considered the first level outcome for the program. The remainder of the chapter is divided into sections dealing with different categories of legal services: services related to criminal court cases, restraining orders, and victims of crime compensation. (Family law and child protection issues are discussed separately in the next chapter.) Each of these sections begins with the program theory propositions that were hypothesised at the beginning of the evaluation. Evidence is then presented in relation to those

propositions, and new or refined propositions are provided where appropriate. Limited information is available about later or higher-level outcomes of legal services, but is provided where it is available.

Concepts of ‘justice’ and ‘access to justice’ vary between Indigenous and mainstream communities, and between Indigenous communities themselves. FVPLS services are primarily concerned with access to the mainstream legal system. However, some community members and FVPLS service providers saw this as inadequate, arguing for a ‘third way’ to be developed. This issue is addressed in Chapter 6 below.

3.2 Program theory for access to justice

The overarching theory for ‘Integrated legal services for victims of FDV’ (see Diagram 1, Appendix 9.1) proposed that provision of integrated services increased the likelihood that all legal issues would be addressed. This would ensure that victims’ legal rights were enforced, resulting in an increase in their safety and physical and emotional wellbeing. Most of the propositions developed at the beginning of the evaluation relate to specific categories of legal services and are provided at the start of each subsection. No specific propositions about access per se were developed prior to fieldwork, but some emerged through the evaluation and are presented in 3.4.1.3.

3.3 Legal services provided

There is significant variation in the nature of legal services provided across FVPLS services, and the proportion of legal work in the different categories described below. No systematic data is available about the types of legal services provided by each service, but some services report concentrating on particular kinds of legal services while others provide a wider range.

There is also some variation in processes for ensuring that legal services are available to both victims and alleged perpetrators, given that the two parties cannot be represented by the same lawyer.

Both of these factors have implications for the aspects of justice to which victims of violence have access.

3.4 Main outcomes of legal services provided

The idea of ‘outcomes’ of legal services may at first glance be interpreted to mean outcomes of court cases or other legal actions, and their consequences for victims’ lives. However, for clients who are significantly disadvantaged, many of whom are alienated from the western justice system, many earlier stages must be considered. The term ‘outcomes’ is therefore used in this report to refer to a hierarchy of outcomes, from engagement with services and supporting clients to participate in required processes, through immediate outcomes of legal processes to longer term impacts for families and communities. This may be represented, in simplified form, as follows:



3.4.1 Engagement with FVPLS legal services

3.4.1.1 Strategies to support access

FVPLSs use a variety of strategies to support client access to, and engagement with, their services. Referrals into FVPLS services occurred through outreach to communities; referrals in from external

agencies, including local family violence coordination centres, child protection agencies, women's shelters, police and welfare organisations; referrals in from the auspicing agency and their services, where FVPLSs are hosted by an auspicing agency; outreach in court premises on court days; and personal networks of FVPLS staff.

The way in which referrals were provided was reported to be important.

So, a lot of it is very informal, ...I think there's a lot of fear in Aboriginal communities still with services and with removal of children and things, so word of mouth... It works better. ... I know a lot of this sort of stuff is judged on paperwork and proper referrals, but you just can't do that a lot of times because that's when you lose your clients and that's when they'll stay in that same pattern. (Kempsey, Other service provider).

Word of mouth can be particularly valuable when a visiting lawyer is conducting service outreach:

...when I've been onsite and a lawyer has been in place for the week, the word of mouth means that there's inundation through the door (FVLSAC, Staff)

Simply receiving a referral is not, however, sufficient for many victims of FDV to use FVPLS services. Services reported a range of more active engagement strategies:

- provision of community legal education, which enabled victims to identify their situations as being 'wrong', to become aware that there were services available to support them, and to make first contact with services; (See also Chapter 6, below);
- an 'open door, drop-in' facility, meaning that clients could develop trusting relationships with staff in which they were more likely to disclose significant information, and that they could receive advice and information for issues as they arose. This was not feasible for remote communities which were provided outreach services only when the court circuit was conducted, which may tend to lessen the effectiveness of services in those localities;
- maintaining open files, so that clients could resume cases after a gap in time, sometimes due to trauma, or return to the service after initial matters were finalised. Because of the recurrent cycle of FDV in many families and communities, and because victims' needs may change over time, needs for legal services may recur. Initial access to justice is not sufficient, rather ongoing access to justice is required;
- careful location of services. In some cases, FVPLSs were co-located with other services. This supported a 'one-stop-shop' approach and/or facilitated cross-agency referrals:

... so it was just, you know, more than one service that I could access in the one building... (SAC, Community member)

So ... there's a referral form that we fill out here ...but we can just contact [them] through our internal phone so it's easy just to call [them] and say we have someone in... (Marninwarntikura, Other provider)

Another service noted that their main street shop front enabled high visibility which increased access:

...we're very centrally located...in the main street... we get a huge amount of walk-ins... (Djirra, Staff)

- outreach services to remote communities:

...she's come out on a few trips and we've already noticed that physically having someone, you know, for the women being able to put a face to the service, has broken down a lot of barriers already. (NPYWC DFVS, Staff)

...I've taken [FVPLS lawyer] to a small community up the road, ... They weren't engaged with the program before but once we went in and started talking about what the service does, ... two young mothers...came forward straight away afterwards and spoke, had confidence with the lawyer (SAC, Staff)

- working 'informally':

I have a really informal relationship with a lot of the clients, I follow-up, I go to their homes, I have coffee with them. If we were strictly a legal practice, I wouldn't do those things, ... but you wouldn't achieve anything in the community. (Many Rivers, Staff)

One service noted that outreach services to remote communities can be difficult because confidential office space is not always available:

... we [were] using... a neighbourhood centre...up there. They lost their funding, so they closed down. Then we were using the Integrated Children and Family Centre ... It closed down... Then we're using at the moment, ... the Community Health Centre... I've had client appointments in the car a lot.... (AFLS, Staff)

Services work in particular ways to enable clients to engage, and stay engaged, with the service. Strategies included being holistic, client-focused, empowering and relationship based. These are significant aspects of providing culturally safe services.

... At times, sometimes flagging the lawyer as you go, you know, not a lot of eye contact and you know, back it off, just making sure ...the client is safe again, emotionally safe in that space... [if] the questioning starts too quick... It's not probably intentional but it's affrontal [sic]... and [it's important] having that more of an informal conversation before business starts... (SAC, Staff)

Once relationships with FVPLS are established, services support victims to engage, and stay engaged, with other stakeholders in the legal system. Legal processes can be very protracted. There are short bursts of very intense activity around case hearings, which can be overwhelming for clients and also provide challenges for FVPLS staff to find them and have them present at court when required. These are separated by long periods of waiting, which can be disheartening, and which can (where perpetrators are bailed to their home communities) provide time for further incidents to occur.

[3.4.1.2 Barriers to access](#)

Barriers to access to justice affect the extent to which FVPLSs can achieve intended outcomes, and the ways in which they go about their work. One initial barrier lay in community members identifying their experiences as being FDV, overcoming the shame of identifying it publicly, and seeking support.

... for some women I think even calling it that can be really difficult and there's a lot of shame attached to naming it. And then, you know, there is the flipside of actually identifying that it's not okay... I don't want to say it's normalised, but I think there is that sort of acceptance of it ... Because of the barriers to ever ... changing that situation. (NPYWC FDVS, staff)

Community education and community development services and programs were identified as strategies to address those barriers (see Chapter 5 below).

Geographical isolation, lack of transport and the distances between services and clients were reported as barriers for many clients. At least one service uses distance technologies to provide outreach access across its sites. Access in the remote site is supported by a local Community Support Worker.

Fear of retribution prevents some clients from proceeding with legal action. One example related to a woman who had been subjected to serious violence and who had received many threats from his family members. As a result of these threats the client to decided not to be a witness.

Fear of the legal system is another barrier. This may relate to the processes involved or to fear of judgemental attitudes by those in the legal system:

If they haven't had any experience with the legal system before or they've had a bad experience, they often say 'I don't want to go to court'. Which is fair enough. (FVLSAC, staff)

...when the Police turn up and criticise the women for getting drunk or staying with the abusive partner, the women become reluctant to make further reports. Indications where this happens is where police stations... have no DV incident reports. (SAC, Legal provider)

Some clients do not wish to pursue criminal cases, for fear that the family will be split up or for fear that the perpetrator will die in prison.

... they want that immediate help but then once that crisis is over, they don't want their partner in jail, we have a lot of people trying to pull charges... at the end of the day they just want them to be good to them and once the police come, that's generally settled down. (AFLSSQ, Legal provider)

Knowing that court orders may go against the wishes of the client may also operate as a barrier.

...that's something that we explain to them in going to court. The risk of going to court is the judge might order something that you don't like. (FVLSCAC, Staff)

For others, the issue was fear of losing the children, because family and domestic violence is an automatic trigger for child protection notifications in some jurisdictions, or because investigations of FDV may result in child notifications (see Chapter 4). This is of course exacerbated by the history of colonisation and the Stolen Generations.

3.4.1.3 Revised program theory for access and engagement

Table 2: CMOs: Access and Engagement

Service strategies/ activities	Context	Mechanism	Outcome
Physical locations that promote access (e.g. shopfront location, co-location with other services, outreach services.) Employment of Indigenous staff who build linkages to the service. Provision of CLE using locally appropriate outreach strategies and culturally safe methods.	Services are physically present in communities for sufficient time. Communities with little previous awareness of or access to legal services. Service provision can be confidential enough to maintain safety for victim/survivors. Victim/survivors have adequate self-esteem AND see the violence as significant enough, or	Victim/survivors have increased awareness a) of behaviours that constitute FDV; b) that culturally safe legal services and support are available. Initial relationships established between worker(s) and potential clients.	Victim/survivors are prepared to engage with FVPLS

	harmful enough to themselves or their children, to warrant action		
	Victim-blaming norms in communities OR in justice system Strong family preservation norms in communities Conflicts between families in communities	Shame in relation identifying FDV Shame in relation to taking action against perpetrators Fear of retribution from perpetrator and/or their family members	Victim/survivors are not prepared to engage with FVPLS OR Victim/survivors unwilling (initially or during case) to pursue or participate in legal action against perpetrator
	Fear of / lack of trust in justice system Victim goals (prevention of future violence) inconsistent with objectives of justice system (punishment of perpetrator) Automatic (or regular) notification of Child Protection system in relation to FDV	Fear of consequences for perpetrator (e.g. 'die in prison) Not wanting to split up the family Fear of children being removed through Child Protection system	
Presence in communities only during court circuit; multiple demands on worker time during circuit visits; reduced provision of CLE or contact with community members not already engaged in the legal process	Very large geographic areas and numbers of communities to service Budget constraints limit the number of workers travelling with the circuit	FVPLS prioritises cases already engaged in the legal process Awareness building and relationship establishment mechanisms either do not fire or are more limited in extent	Lower relative access to FVPLS for victims/survivors in the most isolated communities compared to those in less isolated communities
Provision of practical support (e.g. reminders of appointments, transport to appointments) Provision of emotional support	Relatively close proximity between agency and client OR established relationship between FVPLS staff and client AND access to good quality Information Technology and internet	Barriers to ongoing engagement in legal services are mitigated	Victim/survivors remain engaged in legal processes
Provision of information about legal processes in language victim/survivors understand. Explanation of legal processes as they proceed.	Low levels of understanding of Western legal processes Complex legal processes and legal language	Victim/survivors understand the implications of decisions they make in relation to legal processes. Increased confidence of victim/survivors re decision-making	Informed decision-making by victim/survivors in relation to legal processes: able to choose whether to proceed and to instruct solicitors
Trauma informed services Culturally safe services	Multi-faceted trauma for victim-survivors; multiple issues to	Victim/survivors feel able (and are able) to return to the service as required	Access to legal services is maintained over time

Maintaining open files	manage (e.g. FDV, health, mental health, D&A, homelessness) Repeated cycles of violence within relationships and across generations		
All FVPLS activities	Presence in communities only during court circuit AND/OR Inadequate staff skills, resources (e.g. interpreters) AND/OR Relatively high proportion of victims with limited English language fluency, cognitive challenges Cultural 'clash' between Western legal system assumptions and client values	Inadequate time to build effective relationships OR Staff unable OR client unwilling or unable to engage effectively	Lower relative access to FVPLS for victims/survivors with language, cultural, cognitive barriers

3.4.2 Criminal cases

3.4.2.1 Initial theory

Two sets of propositions were developed in relation to FDV being dealt with through criminal cases. The first related to support for victims of FDV who appear as witnesses in criminal court.

Court support for victims (CS)
"I'm not alone" : Provision of information, support and encouragement to victims during the court process reduces stress and the sense of isolation, which enables victims to remain present and be heard. Increased visibility of victims in the court system improves equity in outcomes.
"Victim empowerment (CS)" : Provision of support and encouragement to victims during the court process reduces the sense of isolation and stress, which contributes to improved wellbeing for victims, which contributes to victims' capacity to manage the effects of violence in their lives.

The second set related to safety and prevention outcomes, and focused on perpetrators of FDV, rather than victims of FDV. These propositions were not investigated directly because the focus of the evaluation is on victims' services and outcomes. However, they were developed because it was possible that data relating to these issues would arise during the evaluation.

Criminal court cases (CC)	
1.	"Offender disablement" : C1: Where alleged perpetrators are remanded in custody or C2: Where perpetrators are found guilty and sentenced to prison, offenders are unable to offend against the victim while incarcerated, which contributes to decreased offences during incarceration.
2.	"Shame and deterrence" : Where perpetrators are found guilty and sentenced, they are shamed and deterred from future offending, which contributes to prevention and increases safety for the victim.

3.	“Offender treatment” : Where offenders are mandatorily referred to treatment (e.g. anger management, drug and alcohol or mental health treatment), treatments contribute to reductions in situations which ‘catalyse’ FDV and/or increase the capacity of offenders to manage their behaviours, which contributes to prevention.
4.	“Retribution (CC)” : Finding a perpetrator guilty or sentencing them aggravates or contributes to a sense of injustice for the offender and/or offender’s family, which contributes to retribution by offenders/their families against the victim. This contributes either to repeat offences against the victim and their family or other negative outcomes (e.g. ostracism of victims, increased conflicts between families in communities)

3.4.2.2 Contextual factors affecting FVPLS work in criminal cases

Some FVPLS services undertake very little work in relation to criminal cases. Multiple factors can contribute to this, including the barriers to access identified above. Additional issues specific to criminal cases include:

- Where alleged perpetrators plead guilty, sentencing hearings can be heard relatively promptly. However, where they plead not guilty, there is often a significant delay until cases can be heard. For alleged offenders who are remanded in custody, this period of delay may mean that they are in custody longer than if they had pled guilty (the period of remand and then an additional period for the sentence). This can deter victims from pursuing prosecution.
- In one case, the site had been unable to attract a solicitor to work in the service.
- Where victims had to travel for hours to attend court and the matter was rescheduled, wasted time and frustration sometimes caused victims to withdraw from the case. The slow nature of criminal court processes, having hearings deferred or rescheduled multiple times could also demotivate victims to the point that they withdrew.
- There are circumstances where being client-centred means that FVPLS lawyers have to work, in effect, against the legal system to ensure that clients’ preferences are properly represented.

I think it’s just kind of sitting with the contradictions and the complexities of the legal system, and having our client’s agency ... central to the way that we operate – even if that sometimes means working in a way that gets prosecutors offside or the legal system offside, ... we sometimes have to be resisting. ...that’s been a sort of gradual realisation for me... (NPYWDC FDVS, Staff)

One service, in the NPY lands, does not employ any practising lawyers. A number of staff have a legal degree and one is a qualified lawyer who provides clients with legal education and court support, particularly during the Magistrates’ court circuits. However, this person does not provide legal advice or representation in court.

The Service facilitates client access to lawyers ‘if warranted’ by the circumstances. In Alice Springs, the Service refers clients to the Central Australian Women’s Legal Service (CAWLS), and services can be contracted in South Australia. In Western Australia, the Service has been subcontracting the Western Australian Women’s Legal Service (WAWLS) during a two-week Court circuit twice per year. An NPY FVPLS case worker travels with the WAWLS legal team. The Service acknowledges this arrangement is inadequate to the needs of remote Western Australian clients and is keen to increase the availability of legal advice and representation available to them.

The NPY FVPLS faces a greater challenge in providing legal services than other FVPLSs, because it operates across three jurisdictions. Developing and maintaining expertise and relationships across

three sets of legal, court and welfare systems is likely to be more demanding for staff, and potentially more expensive, than doing so for one. However, the decision to outsource legal services appears primarily to be a philosophical, rather than pragmatic one. Philosophically, the NPY Board is concerned with strengthening Anangu response and community agency to decrease FDV. However, the Board had previously recognised that western legal frameworks are an important part of FDV reduction and had advocated for ten years for the Cross-border Justice Scheme to be introduced, enabling some level of legal coordination across the three jurisdictions which overlap their clients' homelands.

3.4.2.3 Roles and outcomes of FVPLS services

There were significant differences in the extent to which FVPLSs were involved in criminal cases for FDV. Those FVPLSs which were significantly involved provided six main functions, of which five relate directly to victims of FDV:

- provide information to clients about the processes involved in criminal cases;
- provide practical support to enable victims to participate in those processes;
- collect and forward information from victims to prosecutors, enabling preparation of the case;
- provide emotional support to victims throughout the process, including during the trial;
- support clients in the preparation of victim impact statements.

The sixth function is indirect: some FVPLSs contribute to capacity building for magistrates in relation to FDV.

Providing information to clients about the processes involved in court cases was reported to increase understanding of those processes. This contributed to clients making informed choices about whether they wished to proceed with the case. Where they did so, improved understanding of the processes was reported to increase the likelihood of the client 'sticking with it' and seeing the case through.

Practical support such as reminders of appointments or transport assistance enabled participation of the victims in the process and thus contributed to cases proceeding.

I'm a good tracker; I can find people real quick. If there's a legal matter that needs addressing and we can't get them by phone ... I can jump in the car and get out there in the community and find them. (SAC, Staff)

Most often it's about getting there so in this case ... it may be there's no transport, there's no house, there's trauma, there's time management. There's children. So working together will get that person to be able to actually come on time ...and then we can help resolve ... some of their own issues or their family's issues. (SAC OP)

Paralegals and support staff also played an important role in collecting information from victims and providing it to the FVPLS lawyer, who was thus better positioned to talk with the client about aspects of the case. The information collected could where relevant be relayed through the FVPLS lawyer to the prosecutor, which was reported to strengthen evidence and thus contribute to the prospects of conviction. Police in some sites reported that cases in which FVPLS was involved proceeded better, because the evidence was better put together.

Case study: practical support for victims as witnesses in criminal cases.

An FVPLS client's partner was in prison, but was facing another criminal hearing for FDV in which he was planning to plead 'not guilty'. The Prosecutor served a summons for the client to be a witness in the hearing but the court was located approximately 1,000 kilometres from her home. According to the caseworker, the client was '*really scared ... she's never been to court before*' but '*[s]he wanted to come and give evidence because she hated the fact that he was lying to the court*'.

This caseworker drew a map of the court room on a piece of paper with stick figures. The client was shown who would be in the court room, their role, where they would be sitting and that there would be a television screen that the client would be talking to when giving evidence. The client was also shown where her partner would be sitting and that she would not be in any danger because there was an escape route if necessary. A general description of how the court hearing would proceed was also provided. Following this and other preparatory support work, the client agreed to travel by bus to the court with the case worker and be a witness in the hearing.

Her decision to attend prompted the Prosecutor to amend the statement of facts about the alleged offences in light of the supporting evidence that the client would provide. The caseworker travelled with the client to the court. On the day of the hearing, the client's partner pleaded guilty to the amended facts. The caseworker noted that the client's presence on the day of the hearing prompted the guilty plea:

Probably because his defence lawyer told him to. Because usually they plead not guilty until the woman rocks up, and then the woman rocks up and then the defence lawyer says, 'oh well, actually she's here, so it's going to happen, so you better plead guilty now'. (NPYWC FDVS)

Direct outcomes of the case include the perpetrator being punished for his offences, and reduction in court costs as a result of a guilty plea. (NPYWC FDVS)

Providing emotional support for victims during the trial was reported to support clients in dealing with the emotional stresses involved, thus contributing to client wellbeing. However, even where this support was provided, court processes could be a source of trauma for victims.

Case study: Emotional support for victims during trials

A young woman from the Northern Territory had been sexually assaulted by a family member. She was being threatened by other family members but reported the case, which was heard in Mt Isa, Queensland. A CSO from QIFLS attended the court to provide emotional support. The CSO's role

... turned into a much bigger role on that day because the grandmother was in the court with her and the grandmother was growling at her under her breath, "You shouldn't be doing this, you know what you're going to get, you're going to get bashed up ...".

The CSO tried to keep people calm during the case but was verbally abused by the grandmother. She documented the case in detail. QIFLS later used the documentation in advocacy for sexual assault services to be developed in Mt Isa.

3.4.2.4 Other outcomes of FVPLS work in legal cases

The NPYWC FDVS reported that the office of the South Australian Director of Public Prosecutions (DPP) was reviewing its policy of automatically seeking the maximum sentence possible. This was reported to be in part due to general advocacy by the service that the wishes of the victim should be taken into account, and in part due to a specific case. In that case, the court hearing proceeded with the FVPLS client as a prosecution witness. The perpetrator was given a hefty sentence to reflect the nature of the crime. However, the client later contacted the caseworker and advised that she no longer wanted the perpetrator to remain in prison:

She wants him to do community services in community. She doesn't want to be with him. She wants the no contact intervention order. She doesn't want him anywhere near her. She's scared that he will hurt other women. ... we had those conversations, but he has a home and she wants him to be at home. (NPYWDC FDVS)

3.4.2.5 Revised program theory – criminal cases

Table 3: Revised program theory: Criminal Cases

Criminal cases			
Service strategies/ activities	Context	Mechanism	Outcome
(Systems issues, not specific to FVPLS)	Delays in hearing cases	Victim does not want perpetrator in prison for extended period Victim frustration with legal processes	Victim deterred from pursuing legal action OR victim withdraws from legal proceedings
FVPLS develops supportive relationship with victim/survivor; provides practical and emotional support	Victim/survivor is actively engaged in legal case against perpetrator	Improved information to prosecutor via FVPLS staff	Higher likelihood of case proceeding Higher likelihood of successful prosecution Higher likelihood of perpetrator pleading guilty, with resulting cost savings to court system.

	FVPLS support for victims contributes to successful prosecution of offender, resulting in incarceration of offender. Lack of treatment programs for perpetrators and/or family wellbeing support programs	Perpetrator family prioritises protection of offender from the criminal justice system over protection of victim(s) from the offender Prolonged absence from family at significant geographical distance	Persecution or ostracism of victim of FDV Increased isolation/lack of support for victim Family relationships not repaired or further damaged
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3.4.3 Restraining orders

Restraining orders are known by different names in different jurisdictions: Apprehended Violence Orders (AVOs), Domestic Violence Orders (DVOs), Intervention Orders (IOs) and so on. For ease of reference we refer to all as ‘restraining orders’, but retain the language used by respondents in quotes from interviews.

In most jurisdictions, there are two broad types of restraining order: those issued by police, and those sought by victims themselves. Those issued by police are usually applicable for a short period and must then be reviewed by a magistrate. Appendix 9.4 provides a summary of the differences in the jurisdictions in which FVPLS programs are funded.

Three propositions relating to restraining orders were developed.

Restraining orders (RO)	
1.	“Offender deterrence (RO)” : Fear of the consequences of breaching a restraining order deters perpetrators from offending against the victim, which contributes to prevention and an increased sense of safety for victims.
2.	“Victim empowerment (RO)” : Inclusion of specific conditions in restraining orders at the request of the victim contributes to a sense of empowerment for victims. Restraining order conditions, together with knowledge of what to do in the case of a breach, contribute to a sense of safety for victims. An increased sense of safety and empowerment contributes to victims’ capacity to manage the effects of violence in their lives.
3.	“Retribution (RO)” : Granting of a restraining order aggravates or contributes to a sense of injustice for the offender and/or offender’s family, which contributes to retribution by offenders/their families against the victim. This contributes either to repeat offences against the victim and their family or other negative outcomes (e.g. ostracism of victims, increased conflicts between families in communities)

3.4.3.1 Contextual factors affecting restraining order work

Specific factors affecting the extent to which FVPLSs were engaged in restraining order work appeared to be:

- The nature of the legislation in the jurisdiction and of police practice in relation to seeking restraining orders. In at least one jurisdiction police are required to seek a restraining order in any instance of FDV (NSW); in some they appear to do so routinely (NT and SA); and in Victoria, since the Royal Commission into Family Violence (Victoria), police are being encouraged to pursue orders;

- The availability of other services to represent the interests of clients. In at least one site, the FVPLS refers 'simple' cases to other services but acts in relation to more complex cases.

The need to seek variations to restraining orders could arise for a variety of reasons:

- The victim did not want an order to be in place but the police had sought an order despite the victim's wishes;
- The victim did want an order, but wanted the conditions to be different (for example, allowing the perpetrator access to the children under controlled conditions, so that children would not be denied access to their father; specifying non-molestation rather than no contact, and so on);
- The circumstances of the relationship had changed – for example, after a reconciliation.

Services reported that clients were less likely to seek restraining orders where they feared retribution from either the perpetrator or their family; where the system to get an order was perceived to be too difficult; where the system required that – and/or the client believed that – a restraining order would automatically trigger a child protection notification, thereby increasing the risk of removal of children; or where the client wanted to maintain the relationship with the perpetrator.

There appeared to be some differences in the extent to which FVPLSs were guided by the wishes of the victim. For some services, the victim's wishes seemed to be their chief criterion. At least one, however, appeared to be guided by what they believed to be the best interests of the victim: if they believed that the victim would be unsafe without an order, they would have to advise them of that, and would not act for a victim who acted against their advice.

In some jurisdictions, police have 'automatic referral lists' of services to whom victims in cases of FDV should be referred. Where such referrals are automatic, victims not already in touch with the service gain the option to access legal advice and support – a significant immediate outcome. Some FVPLSs reported that they were not on the 'automatic referral list' and recommended that they should be. This would appear to be a matter for negotiation with police services at the jurisdictional level.

Recommendation 15. Systems Reform: FVPLSs should negotiate with State/Territory Police Departments to be included in automatic referral lists for victims of FDV.

3.4.3.2 Supporting clients to decide to seek a restraining order

The first step in client-initiated restraining orders is for clients themselves to decide that a restraining order is an appropriate response to their situation. Some clients are already aware of restraining orders and request them directly. Others may not be aware of the possibility or aware that their situation warrants an application. Here, FVPLSs play an educative role.

'I sat down with her and she was very anti-police, she didn't want the police to be involved. ...So, I sat down with her and I said, "Look let me show you something?" So, I got my iPad out with the cycle of violence and explained that. ... When I went through each characteristic of the unhealthy relationship, ... she started tearing up and crying. I said, "It doesn't have to be like this, this is a healthy relationship." ...So yeah, she ended up giving us enough information to make an application for a Domestic Violence Order'. (QIFLS, Staff)

3.4.3.3 Seeking restraining orders

FVPLSs play different roles in relation to the two types of orders. With restraining orders sought by victims, they support the victim in the preparation and may represent the client in court (or for some services, refer the case to another service to represent the victim).

...usually the police will appear on behalf of people making applications but if they don't, they say 'look I want to take one out', they come in here, we fill it out for them, we file it, we then arrange for the court to serve the other side and then it comes back to court... (Warra-Warra, Staff)

Some services identified that they had an extremely high success rate in having restraining orders granted (an outcome which should, in theory, contribute to client safety) and in having restraining orders tailored to the circumstances of the client and the perpetrator. This resulted in orders which were realistic and therefore had a lower chance of being breached.

At least one service believed that their success rate for obtaining restraining orders was higher than that of police because they always attended court for the hearing. If police did not attend for a police-initiated order, the magistrate would assume that the police did not prioritise the case and would not issue the order, potentially leaving the victim at risk of further violence. Another service believed that their success was due to the quality preparation they undertook: the details were right, the conditions that were included were supported by the victim and appropriate to the context, and therefore magistrates were more likely to grant the order.

FVPLS support services (as distinct from legal services) also contributed to success obtaining restraining orders, because they enable clients to attend court hearings. Without the victim's presence, it was more likely that the order would not be granted.

3.4.3.4 Seeking variations to restraining orders

With restraining orders issued or sought by police, the primary role of FVPLSs is seeking variations to the orders. At least one FVPLS site reported that this was 'the bulk of' their legal work. Another reported that they did not do much, but became involved in negotiating 'heavy' orders which were unrealistic in the context of the victim and the family.

One of the most common reasons for victims wanting variations was because orders were 'too extreme' and allowed no contact between the perpetrator and the victim or the children. In many cases, victims did not want the relationship to end; they simply wanted an order to prevent contact under particular conditions, such as when the perpetrator had been drinking or was drug-affected.

...she doesn't want him restricted from coming in to the premises but she doesn't want him there if he's alcohol affected and that's what most of them want. They don't want them there if they're drug or alcohol affected but otherwise, they want them back in the relationship. (Warra-Warra, staff)

Restraining orders can also be revoked, requiring agreement by both the victim and the perpetrator as well as by the court. At least one FVPLS will negotiate for perpetrators to enter into programs, for example in relation to drug and alcohol use or anger management, in an effort to meet the wishes of the client while still contributing to improved safety.

3.4.3.5 Educating clients

Some FVPLSs also reported playing an educative role with victims, because restraining orders were likely to have implications for the victim's behaviour as well as the perpetrator. This was argued to reduce the rate at which victims breached the conditions of the order, which in turn would contribute to the number of breaches to be dealt with through courts, which in turn would contribute to reduced costs to the legal system.

Some services are currently developing information resources about restraining orders, to help clients better understand them.

3.4.3.6 Outcomes of restraining orders

The contribution of restraining orders to victim safety is debated. Most services reported that restraining orders made a difference to safety in the short term, but do not contribute to overall prevention of FDV in the longer term. The short-term impact could allow a 'breathing space' for the client to get their life in order. Some services reported that they 'hoped' that this also contributed to victims' sense of safety for the duration of the order; others that it did:

...it can make the protected person feel safer because they know if they call the police, they'll come straight away and there's a higher penalty if they're breaching an order (CAAFLU, Staff)

Restraining orders were reported to be more effective in increasing safety where:

- the conditions imposed were realistic and were supported by the victim. The expertise of FVPLS staff in designing appropriate conditions to request in the application contributed significantly to this;
- perpetrators respected the orders;
- police were available to, and did, enforce the orders (in one site, it was reported that police 'did not respond to requests for help'; in another, that police were prioritising responses to breaches).
- there were high levels of collaboration between FVPLS services and police. At least one site had an arrangement with local police in which two-way communication enabled a rapid response to prevent violence and increase safety.

FVPLS staff played a role in responding to breaches:

There are a lot of perpetrators that don't obey a bit of paper from a court, but we then try to work with clients who do have an IVO, to then follow up after that case by enforcing the IVO, breaching him... that takes a lot of work, takes a lot of support to encourage women to do that because they're scared (Djirra, Staff)

...I fear what could be when he gets out [of prison] ... But I won't hesitate in getting him locked up again and that's something that the police and Djirra have taught me, "Ring, the more breaches you get him on, the more he'll go in". (Djirra, Community member)

However, victim reporting of breaches was only effective where police were committed and able to respond whenever breaches occurred; similarly, police response to breaches was possible only where victims were willing and able to report them. In sites where both of these conditions were not met, perpetrators could be less likely to respect the order, lessening the impact of orders on victim safety.

Restraining orders which were not realistic in the local circumstances, and/or not in keeping with the wishes of victims, were reported to be less effective because they were disempowering and because victims as well as perpetrators tended not to abide by them. Perhaps most importantly, they discouraged victims from reporting future violence, because such a report would provide evidence of a breach, resulting in penalties for the perpetrator (and potentially the victim).

However, even 'effective' restraining orders could at times have negative consequences. One service reported that having a restraining order in place was a criterion for refusing entry to the local family counselling program. This policy – no doubt intended to protect the safety of victims, other clients and

staff – effectively runs counter to the expressed wishes of many FVPLS clients. They wanted increased access to family counselling, because they wished to keep the family together, but wanted the violence to stop.

Another referred to backlash from families if a restraining order was achieved:

I think some of the women... the ones that are from the community, they take out their restraining order and then they want to get relocated or leave the community because they know it's with family as well, the partner's family, it becomes more harder to live in the community. (Marninwarntikura, Stakeholder)

The quality of a restraining order is, of course, only as good as the quality of the data on which it is based. Another service reported that an AVO had been in place for eight years, with serious mental health consequences for the perpetrator. However, the particular AVO was reported to be “without grounds”. The FVPLS worked with the client to have the order overturned, which was reported to result in improved mental health for both the perpetrator and the victim.

In some circumstances, restraining orders act as a first step into longer legal proceedings in the Family Court, or in child protection. The outcomes of those later processes of course depend on the circumstances of the case. In at least one jurisdiction, the Child Contact service will not facilitate access to children where FDV has been a factor in their removal unless a restraining order is in place. While there are circumstances where this is appropriate, there are others where it is unnecessary. FVPLSs need to be aware of the policies of the Child Contact Service (or its equivalent, in other jurisdictions) in order to take those policies into account in seeking variations.

In summary: the reported outcomes of FVPLS work in restraining orders include:

- Granting of victim-initiated restraining orders, as a result of FVPLS preparation of the file and representation of the client in court, potentially contributing to greater victim safety;
- Variations in orders to conditions that were more in keeping with the victim’s wishes, potentially contributing to victim’s sense of wellbeing and supporting families to stay together, or to stay in contact safely;
- Variations in orders to conditions which were more realistic for clients, perpetrators and families, potentially contributing to reductions in breaches of conditions and consequently in reductions to the sequelae of breaches for both victims and perpetrators, as well as to reduced costs of the legal system;
- Increased understanding of restraining orders and their conditions, potentially contributing to reductions in breaches and their consequences for victims, perpetrators and the legal system;
- Increased understanding of and willingness to report breaches.

Negative outcomes could include reductions in access to family counselling. Negative outcomes of ‘unrealistic’ orders included disempowerment, increased breaches of orders with all their potential consequences, and reductions in reporting of family violence.

3.4.3.7 Revised program theory – Restraining Orders

Table 4: Revised program theory: Restraining Orders

Restraining orders			
Service strategies/ activities	Context	Mechanism	Outcome

FVPLS supports victim to seek restraining order	States/Territory where victims can seek orders	High quality preparation of application with all necessary information supplied: magistrates are convinced by the application and supporting materials. Conditions are consistent with victim wishes and are appropriate to local context	Restraining order granted
FVPLS seeks variation to restraining order conditions	States/Territories where police seek orders (particularly where 'no contact' orders are normally sought)		Conditions of restraining order varied Lower rates of breaches of orders, with resulting reduced consequences for perpetrators and victims and reduced cost savings to legal system
FVPLS supports survivor in having appropriate conditions included in conditions FVPLS educates victim/survivors of the implications of seeking a restraining order, including for victim behaviour	Conditions imposed are realistic and supported by the victim/survivor Perpetrators and family members respect the orders Police enforce orders High levels of collaboration between FVPLS services and police	Increased compliance with orders, both by victims and by perpetrators	Increased safety for victims and families, at least during duration of order Reduction in breaches reduces costs to the legal system
(Systems and/or community issues, not specific to FVPLS)	Conflicts between families/strong protection of perpetrator by his/her family.	Victim/survivor fears retribution from perpetrator or their family	Victims do not seek, or withdraw from seeking, restraining orders
	Complicated processes for victims to seek orders or report breaches	Perception of 'It's too difficult' undermines victim motivation to proceed	
	Restraining orders trigger child protection notification	Fear of children being removed through Child Protection system	
	Victim/survivor wants to maintain relationship with perpetrator.	Fear of consequences for perpetrator or for relationship	

3.4.4 Victims of Crime Compensation

Four propositions were developed in relation to Victims of Crime Compensation, known as 'criminal injuries compensation' in Western Australia.

Victims of Crime Compensation (VCC)	
1.	"A new start" : Victims of crime compensation provides victims with the financial capacity to make a new start, which contributes to their capacity to manage the effects of violence in their lives.
2.	"Reporting rates" : Victims of crime compensation provides an incentive for other victims to pursue legal action against offenders, which contributes to increased reporting rates for FDV. Increased reporting rates increase pressure on the legal and social services system in the short term, but also contribute to social and political will to act to address and prevent FDV.

3.	“Humbugging” : Victims of crime compensation payments provide an incentive for increased humbugging and/or financial abuse.
4.	“Retribution (VCC)” : Victims of crime compensation payments aggravate, or contributes to a sense of injustice for, the offender and/or offender’s family, which contributes to retribution by offenders/their families against the victim. This contributes either to repeat offences against the victim and their family or other negative outcomes (e.g. ostracism of victims, increased conflicts between families in communities)

3.4.4.1 The legal context

The past decade has seen significant reforms in arrangements for Victims of Crime Compensation (VCC in this report, although not every jurisdiction uses the same term) in many, but not all, jurisdictions. In the Northern Territory, South Australia, NSW and Queensland, arrangements are now primarily administrative. The fact that a perpetrator has been found guilty in a previous criminal case is taken to mean that the victim’s case is proven: the issue to be resolved is simply the extent of compensation owing. There is a form to be completed; evidence of injury to be compiled; and a set range of payments for particular kinds of loss or injury, including psychological injury. In Western Australia, reform is being undertaken, but the process still requires a court hearing. The victim is required to attend court and provide evidence about what happened and the nature of the loss or injuries sustained – a more traumatic process for the victim, and one requiring significantly greater legal support. It is also slower, in some cases taking years.

It would appear to be largely in response to these differences in the legal system that FVPLSs play different roles and allocate different proportions of resources to VCC work. In the states with more administrative processes, support workers or paralegals assist clients to understand the requirements, compile their evidence and complete the forms. Legal support is most likely to be required if the offer of settlement is contested. Some FVPLSs in those states reported that VCC was the smallest proportion of their legal work. However, the VCC process could still be slow, creating additional work for FVPLS services as they maintain support for the claimant over the period.

...we do up the application and send it to Victims Assist and they have a big backlog so it’s like, I think it’s a 12 month wait now just to see if they’ve been accepted or not ... and we’ll tell them or ring them every so often, to let them know what we know. (QIFLS, Staff)

In states with court-based processes, lawyers are more likely to be required and the proportion of legal work is therefore higher.

At least one service that has allocated significant resources to compensation in the past (reportedly up to 90% of all legal work over the past five years) described the work as time-consuming, with outcomes that were not sustainable, and as making no contribution to prevention. The workload was reported to be due to community demand, driven largely by word-of-mouth and a reputation for success. However, a great deal of extra work was generated over the past two years by NSW Victim Services’ decision to overhaul its processes and functions, which resulted in reassessments of all outstanding claims. This created a significant demand on FVPLS legal resources and has negatively impacted on the Service’s capacity to take on new clients, resulting in prioritisation of current cases with high levels of risk for the client. That service was now looking to move out of, or do less of, VCC work. Their focus was changing to afford greater priority to family law and child protection matters.

3.4.4.2 Achieving compensation and compensation outcomes

The direct outcome of FVPLS work in VCC is the receipt (or not) of compensation monies.

I've seen some really good outcomes in terms of compensation monies. Money can be a really helpful tool from what I've seen to help people that have had a wide range of trauma but also just disadvantage and it all compounds. ... I've definitely seen on more than one occasion lawyers actually go back and push a point as to why someone might be on a higher scale than what their original offer from the state attorney general's department would be, and then that's obviously a better outcome for our clients in that sense. (FVLSAC, Staff)

In one state that has moved to an administrative process, the maximum payment level for psychological distress is capped at \$8,000. One FVPLS service was successful in negotiating an exception to that ceiling and negotiating a higher payment for one victim.

The indirect outcomes of compensation relate to the impacts that monies received have on victims' lives. As might be expected, reports of these impacts were mixed. Services noted that the slow nature of VCC processes means that monies are not received in time to support victims in the immediate aftermath of FDV. (In Victoria, which has undergone significant reform in the wake of their Royal Commission into Family Violence, a different fund has been established to support victims with immediate costs.) However, in the longer term, in some cases, receipt of compensation enabled victims to move house, set up a business, buy a car or in other ways establish independent living.

...a young lady ... went through the process probably a year later, got a good pay-out, used that money to help her and her children move to a different part of the state and now she's working, functionally going very, very well. She wouldn't have been able to do that without the compensation money... (AFLS, Other Service Provider)

Perhaps as a result of these practical outcomes, and perhaps as a result of a sense of validation that the victim had indeed been wronged, receipt of payments was also reported to increase victim confidence and support their engagement in community.

One client, however, reported that she was an ex-drug user, and her VCC payment had been paid to the Public Trustee as her financial guardian. FVPLS provided support to her in dealing with the trustee:

Actually having them controlling my money is making me feel like I'm being controlled again in that relationship. I'm finding it ...very stressed... It's good because I have [FVPLS] support so I'm not stuck, ...I've made my own queries with the public trustee but I find myself, I get a bit frustrated, I get a bit angry, working with people more on a professional level. They [FVPLS] send the emails and have that contact for me which does help... (SAC, Community member)

In other cases, payments appeared to be gambled away, or spent in otherwise 'unproductive' ways. In some jurisdictions, multiple interviewees noted that recipients most at risk of not being able to use payouts for longer term benefit were those with substance addictions. Factors contributing to 'productive' use of funds appeared to include the victim's personal preferences and their access to 'wraparound' support services: where support was available to address other issues, victims were more likely to be able to use the money productively.

There was some, but relatively little, evidence of either humbugging or use of funds by family and friends, when payments were received:

...then I know other family members who sit and wait for the pay-out and then the pay-out is gone within two days... (AFLS, Other service provider)

Some service providers warned victims not to tell anyone that they were receiving a payment:

... that's one thing I do tell family members, "Do not tell anyone that you're getting anything ever" and that's a really important thing I say to them, "Don't tell" because they line up for it, they know it's coming and then suddenly you've got family members everywhere. (AFLS, Other Service Provider)

The only report of the potential for retribution in relation to VCC came from Western Australia, where the law allows the State to seek to recoup compensation paid to victims from the offender. No examples of actual retribution were provided, but the concern was clear:

... the really tricky thing with criminal injuries compensation [VCC] claims is that the Office of Criminal Injuries assess what payout there should be and then they often will go and claim that amount off the offender. ...there is a section of the Act that you can argue that the offender not be notified which we always do, but I've had a few knocked back.... it sometimes feels like you might be opening a can of worms for them [the victims] if not only are they notifying that ex-partner but that ex-partner then has to repay back \$30,000 over the term of their natural lives at \$20 a fortnight. ... I do have concerns and most of my clients don't want the perpetrator notified. (AFLS, Staff)

A similar legal provision exists in South Australia.

3.4.4.3 Barriers to achieving compensation

A number of systemic barriers to achieving compensation outcomes were identified.

Firstly, VCC applications require a police report to have been filed. Some victims were unwilling to report to police and therefore could not claim for compensation. There was no evidence of VCC acting as a spur to reporting of FDV in any of the interviews conducted for the evaluation.

Secondly, applications require a psychological assessment to provide evidence of the psychological harm done. Some regions do not have adequate numbers of culturally aware psychologists available, and in some regions, costs of psychological assessments are very high. One service reported using staff without formal psychology qualifications to complete assessment forms. While undertaken to support victims, this is a breach of standards, because the assessments require qualified psychologists to undertake them and interpret the results. The service level report has identified this issue and recommended an immediate change of practice in this respect.

Thirdly, victims of FDV can be transient, making it difficult and time consuming for services to track them down to undertake the steps to progress their claim.

Fourthly, where systems have not yet been reformed, complex and unwieldy processes tended to retraumatise the victim and involved very significant time delays. Services reported that some victims dropped out of the process as a result.

For me, I think time factors that it takes... years of waiting for victims of support money to come through... That creates a lot angst ...for many clients and services because we're still supporting down the track of things that are happening and its years, years and years. (FVLSAC, Stakeholder)

... the tricky thing is sensitively getting someone to rehash every single incident of violence they've ever had with someone. ... you have to do a statement of effects which in depth goes into every single offence that they can remember. I understand why clients don't want to do that and they find it traumatic. (AFLS, Staff)

3.4.4.4 Revised theory: Victims of Crime Compensation

Table 5: CMOs - Victims of Crime Compensation

Victims of Crime Compensation			
FVPLS supports victim in applying for Victims of Crime compensation	Largely administrative VoC process Previous finding of guilt of perpetrator AND/OR Police report filed by victim in relation to FDV	Entitlements 'automatic'	VoC payments received
	Victim unwilling to report FDV to police OR Psychologist or other recognised personnel not available to provide report of psychological injury OR Psychologists and other recognised personnel available in region do not recognise dynamics of Aboriginal trauma Victim of FDV is transient and not accessible through communications	Procedural barrier to VoC process	VoC claim not lodged OR Claim does not proceed
	VoC process requires court hearing Legal/administrative delays in VoC processes	Re-traumatisation of victim OR Frustration with delayed processes	VoC claim not lodged OR VoC claim is withdrawn OR Claim is not resolved for years
FVPLS supports victim in challenging assessed offer of payment under VoC scheme	Strong claim for higher level of payment Appeal process exists within VoC system FVPLS legal staff with VoC expertise	Appeals authority is convinced by strength of case	Higher level of VoC payment received
(Longer term outcomes, not dependent on FVPLS processes)	VoC payments received 'Good enough' mental health of victim/survivor Appropriate community and service supports available	VoC payment enables practical action Receipt of payment validates victim	Increased wellbeing Increased client capacity to address effects of violence in their lives
	VoC payments received Addictions (e.g. Drug and alcohol, gambling) Pressure from family members to give money to them	Addiction or mental health issues or family pressures motivate/ determine client use of money	Capacity to address effects of violence is not enhanced

	Low access to appropriate community and service supports		
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3.5 The contributions of legal services to safety and prevention

The primary intended contributions of FVPLSs to prevention of FDV are made through community education, early intervention and community development programs. These are discussed in Chapter 6, below. However, as previous sections of this chapter have demonstrated, the legal services provided by FVPLSs can contribute to safety, and to the prevention of repeat victimisation, in particular ways. In summary, these are:

- Where criminal cases are brought against offenders and offenders are imprisoned, the safety of the victim can be improved for the duration of the prison term. There may be longer term safety outcomes if, during the prison term, the offender successfully undertakes programs which address problems which underlie their violent behaviour;
- Where appropriate restraining orders are issued and are not breached, the safety of the victim can be improved for the duration of the order. There may be longer term safety outcomes if, during the period of the order, other changes are also instituted (for example, the perpetrator attending a program or the victim moving to another location).

One site reported an alternative approach, where a warning letter could be sent by an FVPLS solicitor on behalf of the client to the perpetrator, warning that a restraining order would be sought if violence did not cease.

3.6 Conclusions and recommendations

There is significant diversity in the nature of legal services provided by FVPLSs. It is not clear that this diversity is a response to variation in local needs, although it may be to some extent. Two principles must be balanced. The first is a principle of equity, which implies ensuring that the same range of legal services are available to Indigenous victim-survivors of FDV nationally. This includes advice, representation and support of victim-survivors as witnesses in criminal FDV cases; in relation to restraining orders; and in relation to VCC. Family law and child protection law are addressed in Chapter 4, but equity considerations also require that these be available in or through all sites and so they have been included in this recommendation.

Recommendation 16. FVPLSs: All FVPLSs should ensure that the basic range of legal services for victims (support for participation in prosecution of offenders, restraining orders and Victims of Crime compensation, family law and child protection law) – are accessible in the regions they service.

The second is a principle of responsivity, which implies that services should respond to local community needs, taking into account the availability of other culturally safe services. Striking the appropriate balance implies needs assessment and service planning, an element of the good practice rubric for which few FVPLSs scored well. A recommendation in relation to service planning is provided in section 7.2.2.8 below.

Recognising the difficulties that some FVPLS sites face in attracting and retaining legal staff, and the costs or delays that can be experienced in relation to providing services for remote clients, it is recommended that:

Recommendation 17. FVPLSs and PM&C: Active consideration should be given to practical strategies to facilitate engagement and retention of legal staff, including five-year funding contracts for FVPLS agencies with concomitant five-year contracts for staff; provision of accredited training options in specialisations such as family law, child protection or sitting on Legal Aid panels; and schemes to enable local paralegal and CSO staff to undertake legal education.

Recommendation 18. FVPLSs and National Forum: Strategies should be investigated to train and employ local people to provide support functions for legal processes (e.g. facilitating signing of documents) in remote/outlying communities serviced by FVPLSs.

Two wider opportunities for systems reform which hold promise for improving outcomes from FVPLS services were also identified.

Recommendation 19. FVPLSs, National Forum, Commonwealth Government, Systems Reform: Recognising the background of colonisation, Stolen Generations and intergenerational trauma, further consideration should be given to development of therapeutic jurisprudence for Indigenous family violence. This is necessarily wider than FVPLS, but FVPLS should be resourced to participate in such considerations.

Recommendation 20. National Forum, Commonwealth Government, Systems Reform. Recognising the turnover in magistrates and their varying levels of expertise, the development of a Bench Book for Indigenous FDV should be investigated.

4 Family Law and Child protection

Key findings

Most FVPLSs reported activity in family law. All reported involvement in child protection matters, and most had significant involvement. FDV is a key driver of child protection concerns.

Outcomes in family law can include obtaining consent orders for contact with children; placing at-risk children with grandparents or extended family members to avoid out-of-family placements; restoring children to parents after family members have absconded with them; and other family law outcomes.

Roles in child protection include fact-finding, challenging child removal applications and determinations, representing clients in hearings, attending meetings and explaining requirements to clients, assisting development of safety plans, supporting clients to make life changes to enable reunification, and supporting families after reunification.

Outcomes in child protection cases can include withdrawal of applications for removal of children; conditions in child protection orders that protect both parents' rights and the safety of children; lifestyle changes made by clients; and reunification. In other cases, the only outcome is that the parent has a better understanding of why the child protection agency has taken such serious action and feels that their voice has been heard in the process.

Late notification of FVPLSs about child protection matters impedes preventative and safety-building work, effective preparation of cases and working in culturally appropriate ways. It also reduces opportunities for FVPLSs to work with clients to make lifestyle changes to prevent removal. These factors can work against achieving the best interests of the child, as well as justice for parents.

4.1 Introduction

No specific evaluation questions were developed in relation to child protection or family law. However, these are significant areas of work for many FVPLS services. Family breakdown affects living arrangements for children, and can be contested. These constitute a significant proportion of work undertaken by FVPLSs, and divorce and property settlement issues may also be addressed. Further, FDV is a common contributor to child protection concerns. Children may be direct targets of violence, or they may be harmed by witnessing violence, by living in an atmosphere of fear of violence, or by increased risk of neglect where parents or caregivers have reduced capacity to provide appropriate care because of FDV. The removal of children into foster care, and the damage that can inflict, is also a common sequel to FDV.

It could be hypothesised that, in so far as FVPLS services contribute to prevention of FDV, this may reduce child exposure to violence. Supporting appropriate child placements where family violence has occurred may minimise the impact of the violence and may also reduce their further exposure to violence. In these ways, FVPLSs may contribute to reducing child abuse and neglect, and/or to reducing the of FDV impact on children.

The most relevant KEQ for this work is:

What are the impacts of FVPLS services in relation to safety and the prevention of domestic and family violence? In what ways, and why, do these impacts vary across localities, types of

service provided or safety intervention, or other aspects of context identified through the evaluation as significantly impacting prevention and safety outcomes?

The question should be interpreted, however, in relation to family law more generally; and to impacts for children and child protection issues, including family reunification. The chapter begins by discussing family law. It then moves on to examine the nature of services provided by the FVPLS in relation to child protection and information about the outcomes of those services where available.

4.2 Family law

The propositions developed in relation to family law were originally titled ‘family court cases’, but not all family law matters are in fact heard in the Family Court, and matters may be settled out of court.

Family court cases	
1.	“Safety considerations”: Fair representation of victims in court ensures victim’s experiences (including FDV and CAN), needs and issues are taken into account, which contributes to more equitable outcomes and increased safety for victims and children.
2.	“Ground rules”: Family conflicts are adjudicated which creates ‘ground rules’ for living. Ground rules create a sense of certainty which reduces stress and increases wellbeing. Compliance with rulings by all parties contributes to increased safety.
3.	“Child safety”: Court decisions are made in relation to children’s living arrangements, taking account of victims’ and children’s perspectives, which include provisions to contribute to increased child safety.

4.2.1.1 The legal context

The court in which family matters are heard depends on the nature and complexity of the case. Western Australia has its own Family Court, which hears all matters of family law and deals with divorce, property of a marriage or de facto relationship, matters relating to children, maintenance, and adoptions. In all other States and Territories, matters about children can be dealt with by the Magistrates court if both parties agree, and with property matters under the value of \$20,000. If either party does not agree, or the property value is higher than \$20,000, the matter must be referred to a higher court. In rural and remote areas, where FVPLSs operate, family matters are often heard by the Magistrates Court, for reasons of cost and convenience. Divorce must be heard by the Federal Circuit Court of Australia, and less complex cases related to children, property and the like are normally heard by this court. Complex cases are heard by the Family Court of Australia, which has registries in each state and territory except WA. The Family Court hears:

Parenting cases including those that involve a child welfare agency and/or allegations of sexual abuse or serious physical abuse of a child (Magellan cases), family violence and/or mental health issues with other complexities, multiple parties, complex cases where orders sought having the effect of preventing a parent from communicating with or spending time with a child, multiple expert witnesses, complex questions of law and/or special jurisdictional issues, international child abduction under the Hague Convention, special medical procedures and international relocation.
 (<http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/about/>)

4.2.1.2 Roles of FVPLS services

Some FVPLS services represent victims of FDV in Family Law cases, but some do not (other than for child protection matters; see section 4.5 below). Often, the FVPLS is the only nearby option:

...if we weren't here, the people ... would only have the CLC at Armadale, who come to our local like library once a month. I think there'd be a big gap to be truthful. (Thiyama-Li, Staff)

One lawyer (Geraldton, WA) estimated that 60-70% of their legal work lay in family law issues, primarily in relation to living arrangements for children and child recovery cases. It appeared that the rate of a parent removing children without the consent of the other parent was high in that region. Another FVPLS conducts far fewer family law cases but reported having attended the Federal Circuit Court in six locations and two local courts for family law matters.

At least one FVPLS reported using family law processes to avoid child protection cases, for example by having grandparents apply to take custody of children rather than having them removed by child protection authorities. However, in some circumstances, families were likely to seek court orders in order to provide certainty and stability:

... mum was on crystal meth... kids had been in grandma's care for a couple of years, in school, so mum came, took the kids without consent and the grandma... definitely wanted to go the path of legally binding orders... she just felt that that was the right way to go and that that was going to provide the best durable outcome for the kids, to have orders that she could rely on... (AFLS, Staff)

Family law requires that mediation be attempted before matters proceed to court. At least one service noted that even suggesting mediation had to be undertaken in the right way.

One client came in on Monday and wanted us to start Family Law proceedings. ... I said, "You've got to try mediation first of all" and she went across to the mediation service and came straight back with a certificate saying it wasn't suitable for mediation. So, the mediator must take the view that fired up Indigenous parties will not talk, yeah. (Warra-Warra, Staff)

It may be that improving communication between the FVPLS and the mediation service may enable agreed processes to be put in place for individual families.

4.2.1.3 Outcomes in Family Law cases

Some services attempt to establish parenting agreements, and these agreements constitute a relatively common outcome. In at least one case, a property settlement was also negotiated. Where these are negotiated out of court, savings for the legal system may accrue.

So mediation was arranged and we were able to do a parenting plan, and there was a full property settlement done. So the parenting plan obviously didn't have to be made into orders, it was an agreement... And also with regards to the property there was an outcome decided that was put into orders by consent, and it was done in chambers... it was all done without one minute of court time taken up. So I thought that was a really great outcome. (Binaal Billa, Staff)

Another relatively common outcome was orders for the return of children who had been removed by parents or family members without authorisation.

...the father had had the child in the school holidays and decided in his wisdom that where he was living in [location deleted, 600 kms away] was better for the child and enrolled the child at school in that area ...so we made application to the local court, I'm very happy to say that Magistrate [name deleted] ... granted the recovery... and then was transferred to the federal circuit court at Dubbo. That's still a contested matter. (Thiyama-Li, Staff)

Safety of children may be improved either because care of children is awarded to a non-offending parent, or because children are recovered from an offending parent.

4.3 Contextual factors affecting family law cases

Practitioners in most jurisdictions noted difficulties in operating through the Federal Circuit Court, including low levels of awareness by judges of family violence and of Aboriginal communities.

... family law is the most formalistic, technical, gold standard, unintelligible court and area of law that we practise in. Some of the judges there ... shouldn't be judging in family law matters, it's because they're part of the Federal Circuit Court, so they quite possibly came in as corporate lawyers doing tax things and now they find themselves having to deal with family matters. The level of training in the family court around family violence or around the Koori community is poor even though they say they're getting better... (Djirra, Staff)

The issue of judicial awareness was also raised in relation to magistrates.

Certainly... locally we have had different magistrates that come to us with varying degrees of experience within this sector. So, that definitely has an impact on outcomes and successes, depending on how you rate that. (FVLSAC, Staff)

Difficulties with access were also noted, along with long delays in having cases heard.

Access for rural communities, a family law matter, if you want to get a family law matter heard in Gippsland, you have to wait about every three or four months until circuit comes to Morwell which is still two hours away from Bairnsdale, three hours if you live in Orbost (Djirra, staff)

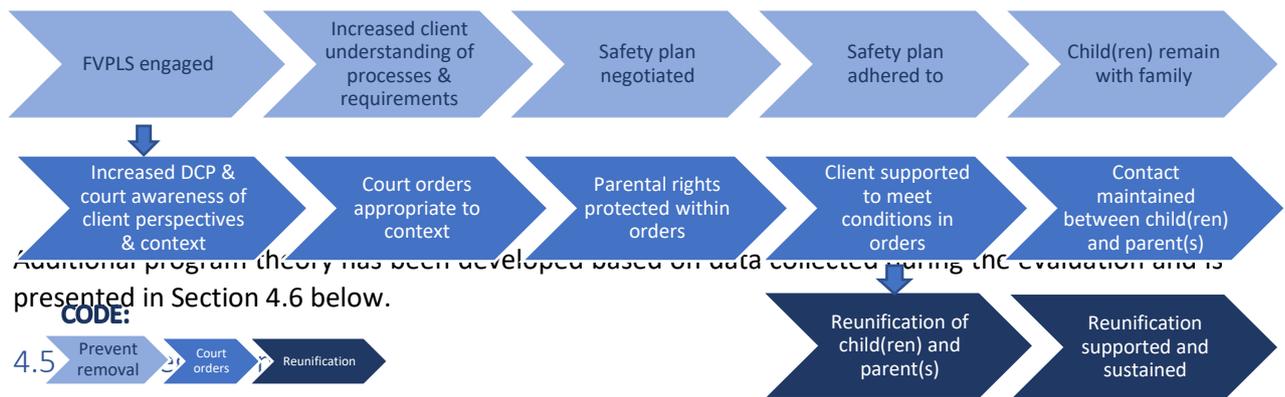
...if it's a sort of family law matter and all the hearings happen in Adelaide, the clients just don't get an appreciation for what's going on because inevitably they're not going to make it to there, we generally say they will just be available by phone and if we need to call you, we can do that. (FVLSAC, Other service provider)

4.4 Program theory for child protection

Almost no program theory was developed in relation to child protection prior to data collection commencing. One proposition suggested that the safety of children would be considered in family law cases, and was addressed in section 3.4.5 above.

In brief, the program theory that has emerged through the evaluation, structured as a hierarchy of outcomes and read from left to right, is represented in Figure 1 below. The top line, of palest blue boxes, represents the chain of intermediate outcomes where removal of children is prevented. The second row represents the chain of outcomes where children are removed, but parent rights are protected as well as child safety being protected. The third, darkest blue row assumes that children have been removed but that parents are supported to meet the conditions in orders such that reunification becomes possible, and is sustained.

Figure 1: Hierarchy of outcomes for FVPLS work in child protection



Child protection systems are broadly speaking common across jurisdictions in Australia. The primary principle is identified in legislation in all jurisdictions as ‘the best interests of the child’. There are some differences in the “defined threshold for intervention” across jurisdictions, which can lead to differences in responses to initial reports (AIFS, 2018, p1). All jurisdictions have signed up to the Aboriginal and Torres Strait Islander Child Placement Principle and developed guidelines for implementation. These give priority to placing children with kin where possible, Aboriginal families where not, non-Aboriginal families as third preference and group homes as the final option. Permanency planning is not yet reflected in legislation in all jurisdictions. Exposure to family violence is a legislated basis for mandatory reporting in the Northern Territory and NSW⁷ and under Commonwealth law. It is not mandated under State legislation in Queensland, Victoria, South Australia or Western Australia.

Over the past five years, the numbers of substantiations, children on care and protection orders, and children in out-of-home care have continued to rise (AIFS, p vii). Rates of increase were higher for Indigenous than for non-Indigenous children (ibid, p 16).

There are no national data on the reasons why children are placed in out-of-home care, other than the broad categories used by the Australian Institute of Health and Welfare of physical abuse, emotional abuse, sexual abuse, and neglect. Protection ‘during times of family conflict’ (AIFS, 2018, p3) is one of the triggers for placement. Children affected by exposure to family violence are counted in the category of ‘emotional abuse’ unless they themselves were also assaulted or abused.

⁷ Tasmania does, but the ACT does not, mandate reporting for exposure to domestic violence, but no FVPLS services are funded in those jurisdictions.

4.6 Roles played by FVPLS

All FVPLS services reported some work in child protection, and many were significantly involved, in

Case study: Steps to achieve child protection outcomes

Improving outcomes in one child protection case involved a combination of advocacy with the Child Protection service and counselling and education for the parent.

FACS were threatening to cancel visits with the children if she didn't do certain things and her and I talked quite extensively of how to talk to the children appropriately, like what language to use. How to interact with them. Then I think after about four weeks FACS called me to say that they'd really noticed a change in how she was interacting with the kids during those visits, so I think that's a positive advocacy thing. I rallied with them to say, "No, we need to give this person a chance." ... we spoke a lot about 'if the children say something that makes you angry, like it's okay to be angry but that's anger for later and you can come in and talk to me about it and we can talk about what's made you angry in that moment' rather than her saying something in the visit that was going to be written down as inappropriate.

many roles.

4.6.1.1 Client education

FVPLS staff in at least three jurisdictions reported that clients' understanding of care and protection law, processes and systems was poor, sometimes lower than their understanding of other legal processes. Consequently, significant work was required to assist parents to understand the processes in which they were involved. This was required at all stages of the process – from raising awareness that child protection is in fact a legal matter through to meetings with Departments, safety planning and court hearings.

For some clients that we see, probably a lot of clients actually that we see, wouldn't necessarily recognise child protection as a legal issue or that they're entitled to receive legal advice about those issues, so engagement with our service might initially be through a Sisters Day Out or something like that and then through that process, they become aware that they do actually have some legal rights and they can be represented, they don't have to just lose their children because child protection's become involved. (Djirra, Staff)

I'll support the client, when they go in for the ... safety meetings or their prevention planning ... I'm sort of like an interpreter in a way; you're breaking down language... their confidence isn't enough to say 'can you please stop?', 'I don't understand', 'Can you rephrase that?'. That's where I'll be looking at cues going 'yep', 'no, stop, let's break this down' ... (SAC, Staff)

I've noticed with child protection matters ...even though the client's in court and the judge will ask them, "Do you understand what's happening?" and they'll say "Yes", they'll call me straight afterwards and say, "[Name], I don't know what happened, can you explain it to me?" ... (FVLSAC, Staff)

4.6.1.2 Departmental meetings

In meetings with Child Protection Departments, FVPLS explained requirements and expectations and supported parents to understand what they needed to do to keep their children, for children to be returned to them, or for additional contact with children to be negotiated.

... we are still a very, very scary arm of the government. ... We often use the relationship that [FVPLS staff member] has with female victims and family ... she is able to get parents or get families to a point where they can actually walk into those buildings and sit down and have those meetings whereas so many of them just won't do it. They just won't even walk in there... (SAC, Other Service Provider)

They also provide strategies and support to enable clients to manage the difficult emotions involved in the process.

... never got to see the kids for three months ...and there was no guidance from DCP whatsoever... I got to the point where I was very angry as well so [FVPLS worker] helped me keep my composure in and around the meetings as well so that makes a big difference because if you go hot-headed, you're not going to get very far... [FVPLS staff member] getting me to write things down sort of opened up that dialogue and now I can sit there and have a full on backwards and forwards conversation with them without getting worked up... (SAC, Community Member)

4.6.1.3 Court hearings

FVPLS legal staff reported spending considerable time working with clients in ascertaining correct 'facts' in relation to Departmental claims as to why children had been removed, drafting responses and representing clients in court hearings.

Ensuring that parental rights were protected, including rights of access to children who have been removed, and that both magistrates and the Department consulted with parents in designing the conditions contained in child protection orders, were important aspects of FVPLS's legal work. For at least one service, this was in part so that magistrates – who make the orders – could hold child protection authorities accountable. They saw their role in part as providing oversight for a system capable of imposing significant penalties and believed that the Department was more careful about its role when it knew that clients had legal advice.

...child protection will ... usually push for a two-year order ... it means that the Department gets to call the shots as to where those kids are without having to justify it to a court anymore, so while you've got a magistrate looking over them, you usually try and ... get them to do the right things, consider the right things, engage with the parents ... That's a lot of what I'm doing with court and also basically holding the Department to make sure they follow the law... (SAC, staff)

The interests of adult FVPLS clients and those of their children, however, are not necessarily identical, and children can require their own representation. One service (QIFVLS) advised that they are about to bring on their first specialist children's lawyer.

4.6.1.4 Out of home placement

There are kinship care provisions in child protection legislation in all states and territories. However, staff in at least one FVPLS reported that the conditions or standards that need to be met to place a child in kinship care are too high and/or do not take into account cultural differences.

...the kinship care assessment process... it's too stringent. There are a lot of family members here wanting to look after children that are in a residential facility...(because) they don't meet the criteria. (CAAFLU, staff)

Staff have advocated for reform to these criteria in an effort to ensure that the 'kinship placement principle' can be better enacted.

4.6.1.5 Reunification

Many parents whose children have been removed want their children returned to them. FVPLS staff support parents to work towards this. One FVPLS created simple, one-page documents that can be understood by clients to enable them to demonstrate that the standards have been met for the return of children.

I want a one page Reunification Plan that the mother can understand... because [what] they give is these care plans that are very difficult for even myself to understand with really important bits buried in the information. (CAAFLU, staff)

Another FVPLS reported providing significant support to sustain reunification when it was achieved, because FVPLS was the only service that some clients – and sometimes their traumatised children – trusted to provide that support.

4.6.1.6 Client perspectives

Clients reported that reliability, a non-judgemental approach, and maintenance of confidentiality were important to their confidence in FVPLS services. This relationship underpinned their use of FVPLS services, and therefore the outcomes achieved.

4.7 Outcomes from child protection work

A wide variety of positive outcomes from child protection work were reported in interviews. These included:

- Instances when, through careful fact-finding, the application to remove child/ren had been withdrawn by the Child Protection service and the protection of children was instead incorporated into a safety plan:

...we challenged those applications and they withdrew all of them... they put those allegations to us and with the mother there, we were able to go through all of them. ...we opted for a Safety Plan, because there was an incident of domestic violence but the mother had done everything to make sure her children were safe'. (CAAFLU, Staff)

- Preventing the removal of children:

There was a two year order put in place by DCP, you know, but she has kept her [children due to work] we did around budgeting, around finances, around how to manage the home, getting the kids to school, ... because she never got that growing up... (SAC, Staff)

At the final hearing of this appeal, His Honour [Name] QC DCJ made comments to the effect that the Department were engaging in another example of the "Stolen Generation" and that the evidence before the Court was well below the standard required for the removal of children. In the end, the appeal was refused and QIFVLS was named as Legal representatives in a decision that now stands as a stake in the ground for the legal profession in the child protection arena. The Children were allowed to return to our Client's home and care (QIFVLS Case Study 2, 2019. Provided to the evaluation team, February 2019; p.2.)

- Increasing the parent’s understanding of the reasons for the removal of children and the steps that were necessary in order for children to be returned, which enabled parents to make informed choices about whether to take the actions required for children to be returned:

...if they don't have understanding it's totally terrifying, the Department swooping in and taking their kids, whereas if they understand the process, understand the options, they might still choose to stay with that partner or don't feel like they're able to go to a rehab, but at least it's a choice that they feel like they can make. And to know that there is the option of reunification even though it might be impossibly hard... (AFLS, Staff)

- Ensuring justice and providing support for a client with a disability:

...we'll be able to show that mum has engaged ... and the kids want to go home ... she's got difficulty comprehending what's going on, but once she gets a handle on it, she engages... all the things that you would say, "The family is in trouble", they're not. The kids are doing well at school and they're well behaved and they're well-mannered and all the rest of it. "Hello? She's been a good mum, give them back!" and I think, I'm really hopeful that's the outcome we'll get on that. (Warra-Warra, Staff)

- Supporting and sustaining reunification:

... They [FVPLS] worked with mum, the father moved out, she got a VRO against him. ... SAC's legal and their various staff worked really hard to advocate for the mum and then eventually, the magistrate ordered the children to return back to the family home... We've had it open a couple more times and every time, SAC has been involved ... they've supported mum and it's got back on track. (SAC, Other service provider)

However, services acknowledged that reunification was difficult to achieve, slow, and was an unusual outcome.

... generally, the outcome is the kid stays in care and it's going to be a 12 month work in progress to get to even have the court or FACS reconsider restoration. Sometimes it's just too hard. (Warra-Warra, Staff)

In summary, outcomes may include preventing inappropriate removal of children; increasing parent understanding of processes and requirements, thereby improving their capacity for informed decision-making; and enabling and supporting reunification where appropriate.

4.8 Contextual factors affecting outcomes from child protection work

Interviews identified a range of contextual factors that affected clients’ decisions and those of other stakeholders: these in turn impact on both the work required of FVPLSs and the outcomes achieved.

The most commonly mentioned was of course the history of colonisation, in particular the Stolen Generations, and the mistrust of western legal and child protection systems that result. Generations of trauma and loss have contributed to the collapse of cultural norms and the resultant increase of violence, drug and alcohol abuse, gambling and other problem behaviours. These circumstances both contribute to child abuse and neglect, and make it more difficult for families to be reunified if children are removed. This increases the demand on FVPLS services who act as ‘bridges’ between families and the legal and child protection systems.

Poverty – in itself correlated with the incidence of child abuse and neglect (AIFS, 2018) – and the living conditions in remote communities, make it difficult for many families to meet conditions stipulated by child protection systems.

Cultural differences in parenting practices and arrangements for the safety of children were identified in a number of communities. Whereas the western system expects nuclear families, with parents accepting sole (or at least primary) responsibility for the wellbeing of their biological children, some Aboriginal communities still have extended kinship and extended systems of care for children. Two examples were provided by one service: a client may need to leave a community to leave a violent relationship, and may, in the first instance, leave children behind; or a client may not try to have her children returned to her until she has stable accommodation. Those choices may have negative implications for how her relationship with the children her parenting capability is assessed by Child Protection staff.

In other circumstances, extended families may make arrangements for looking after children without those arrangements being formalised through western systems (e.g. family court). FVPLSs therefore work to inform child protection workers and courts of local parenting practices and the particular arrangements made for specific children in particular circumstances.

Late notification of FVPLS services of child protection matters was identified in at least two jurisdictions. This reduced the time available for services to prepare cases, and could undermine the capacity to work in culturally appropriate ways.

But we're trying to go about it ... under this ... trauma informed holistic framework. So, in an ideal world ... we'd try and do some sort of initial relationship connecting, but we'd need a little bit of time before we get them to, 'Right, tell us everything, tell us all your most personal stuff ...'. And yeah, the system does not provide for that. (FVLSAC, Staff)

This could be particularly difficult with – and concurrently important for – some clients:

Child protection clients often have a lot of trauma themselves, they often have sometimes undiagnosed mental illness or personality disorders, so it can be really hard to keep them engaged ... They're not coming willingly to see us, they're being dragged into that process (FVLSAC, Staff)

A system of immediate referral to FVPLS (or specialist Aboriginal child protection organisations who may then refer to an FVPLS) for Aboriginal families where child protection concerns are being investigated could help to ameliorate this. Although this could increase FVPLS agencies' workload and in some cases require a degree of additional resourcing and capacity building, it would increase the likelihood that families understood the requirements placed on them by Child Protection services and had the capacity to engage legal representation if required ⁸.

⁸ *The recent joint NATSILS-NFVPLS Redfern Statement Family Violence and Justice Workshop recommended a nationally consistent mandatory notification and referral system to refer Aboriginal and Torres Strait Islander families in contact with the child protection system to culturally appropriate supports and services, including independent legal advice, at the earliest possible opportunity... Specifically, the system should provide that, upon a Child Protection Notification concerning an Aboriginal or Torres Strait Islander child progressing to the investigation stage or issuing of Protection Application, whichever is the earliest, an FVPLS or ATSILS (as appropriate) and other relevant local Aboriginal and Torres Strait Islander preventive family support services must be immediately notified. The primary parent should also be immediately referred to the relevant legal assistance provider and informed of the importance of obtaining independent legal advice at the earliest opportunity.' **Strong Families, Safe Kids: Family violence response and prevention for Aboriginal and Torres Strait Islander children and families** SNAICC, FVPLS and NATSILS, pp 24-25*

Other examples of contextual factors included:

- tension between family or community pressure to protect perpetrators of abuse on the one hand, and the need to protect children on the other. Family members who sought orders to protect children could be ostracised by their local communities;
- new grief or trauma for parents, particularly those with previous drug or alcohol dependency, who may 'slip back' in response and whose care or protection of children may suffer as a result. This could result in a new 'round' of engagement with child protection systems and with FVPLS as a consequence;
- relationships between FVPLS staff and agencies and local child protection staff and agencies, with at least one service in WA receiving notification of clients' involvement in child protection and being invited to work collaboratively on such cases, as compared to other sites where relatively adversarial relationships were reported.

There appeared to be distinction, at least in some cases, between the relationships that FVPLS lawyers established with child protection authorities, and those established by counsellors and support staff. This may reflect the nature of their work functions. FVPLS lawyers typically ensured that regulations were applied scrupulously, and thus contributing to holding government Departments accountable for proper processes. Their relationships with Departments often appeared adversarial, perhaps reflecting the adversarial structure of western law and perhaps the 'high stakes' nature of the cases.

Counsellors and support staff generally undertook different roles: helping parents or carers to develop and implement a family reunification plan, and facilitating access to needed services such as substance abuse, parenting, or anger management programs. Their relationships with Departmental representatives appeared more likely to be collaborative. It was in these contexts that an FVPLS worker was able to explain the clients' circumstances in ways that enabled Departmental staff to recognise the need for changes in their own decisions and interactions.

4.9 Revised theory for family law and child protection

Table 6: CMOs for Family Law and Child Protection

Family Law and Child Protection			
Service strategies/ activities	Context	Mechanism	Outcome
FVPLS supports victim in negotiating out of court settlements in family law matters	Family Law requires mediation be attempted. Both parties are willing to attend Skilled facilitation	Both parties accept negotiation as a means of resolving differences Both parties are willing to negotiate	Parenting plans negotiated Property settlement negotiated Reductions in cost to court system
FVPLS seeks orders for return of child/ren	Child/children removed by a parent/family member without	Court is convinced that removal was not agreed	Court orders granted Child returned to parent/caregiver

	<p>consent of the caregiver/parent</p> <p>FVPLS staff with family law expertise</p> <p>Court authority to decide in best interests of the child</p> <p>Magistrates/Judges with appropriate understanding of FDV, Indigenous culture and parenting arrangements</p>	<p>and that the child should be returned</p> <p>Family members accept authority of court</p>	<p>Child safety improved</p>
<p>FVPLS supports extended family members to apply to care for children</p>	<p>Disputes between family members about best living arrangements for care and protection of the child</p> <p>OR Children living in out of home or out of community care</p> <p>Family members who can provide acceptable conditions willing to care for child</p> <p>FVPLS staff with family law expertise</p> <p>Court authority to decide in best interests of the child</p>	<p>Family members accept authority of court</p>	<p>Court orders granted</p> <p>Child safety improved</p> <p>Child cultural well-being maintained or improved</p>
<p>FVPLS supports extended family members to apply to care for children</p>	<p>Risk of removal of children under Child Protection laws</p> <p>Court authority to decide in best interests of the child</p> <p>Magistrates/Judges with appropriate understanding of FDV, Indigenous culture and parenting arrangements</p>	<p>Child protection system/court is convinced that conditions for care and protection of children are adequate</p>	<p>Removal of children prevented</p> <p>Reduction in costs to child protection system and/or court system</p>
<p>FVPLS provides education about behaviours that constitute FDV and Child Abuse and Neglect (CAN) and about the impacts of FDV and/or CAN on children</p>	<p>Low levels of understanding of the impacts of particular contexts and behaviours on children and their development</p> <p>Love for children</p>	<p>Recognition of potential harm to children</p> <p>Not wanting to harm children AND/OR allow circumstances in which children are harmed</p>	<p>Parents take action to protect children from harm, including taking action to address FDV</p>
<p>FVPLS provides education about child protection rights and issues, and about impacts of FDV and/or CAN on children</p>	<p>Colonisation, Stolen Generations, and fear of western child protection systems</p>	<p>Victim/survivors have increased understanding of rights, responsibilities, processes and requirements</p>	<p>Victim/survivors are enabled to participate in child protection processes</p>

FVPLS explains processes and requirements throughout FVPLS provides emotional support and strategies for coping	Complex child protection systems and legislation Low levels of understanding of child rights, parent rights, child protection systems and legislation	Victims feel supported and less isolated Victims learn strategies for managing stress responses in meetings	
FVPLS represents victim/survivors in child protection matters, ascertaining and representing facts and challenging allegations	Reliability, a non-judgemental approach, and maintenance of confidentiality by FVPLS Culturally informed practice	Increased confidence in FVPLS by victim/survivor Increased parenting self-efficacy	Victim/survivors provide information to FVPLSs which enables appropriate representation
	Differing cultural practices and expectations in child rearing not well understood by CP authorities CP cases ill-prepared by Child Protection authorities	Increased transparency: Child Protection authorities are held accountable for proper processes Court: Magistrates hear and understand 'both sides' of CP cases	Inappropriate applications for removal of children withdrawn by Department Findings in court favour FVPLS client where consistent with best interest of the child Parenting plans established for children contribute to improved child safety
	Positive working relationships between FVPLS and CP authorities	Improved understanding by CP authorities of factors affecting parenting decisions/behaviours and other relevant aspects of cases	Improved quality of decisions in relation to child protection applications
FVPLS supports victim/survivors to meet conditions to avoid removal of children OR to work towards reunification (explanation of conditions and expectations; referrals to support services; practical and emotional support)	Appropriate support services and conditions are available (e.g. adequate housing; parenting programs; A&D programs) AND/OR FVPLS provides consistent emotional and practical support to parents in less complex circumstances	Parents actively choose to work towards meeting conditions Parents develop competence to meet conditions Increased parenting self-efficacy ('If they believe I can do it, perhaps I can')	Informed choices by parents Children enabled to stay with parents OR Successful reunification OR Variations in orders to enable improved contact between parents and children
	Multiple experiences of trauma, complex life conditions, and/or unrealistic conditions in orders	Parents do not believe they can meet conditions	Informed choices by parents Children remain in out-of-home care

4.10 Recommendations

Positive working relationships between FVPLS staff and local child protection agencies are, generally speaking, likely to support positive outcomes for children and families. As noted above, the quality of

relationships varied across sites, and potentially across staff roles, but the evaluation was unable to investigate in depth the reasons for the variation. Where relationships are not strong, FVPLS sites may wish to consider strategies to strengthen these relationships.

Given variation in the focus, approach and outcomes of child protection work by FVPLSs nationally, there is an opportunity to build on the exemplary work done by some FVPLSs and the national advocacy work already undertaken by the National Forum, with a view to building consistently high standards of practice.

Recommendation 21. National Forum: The National Forum should develop a national initiative to identify FVPLS roles and responsibilities in relation to clients' children, who are themselves victims of family violence, with the aim of building on examples of good practice, and formulating guidelines on how legal and non-legal staff of FVPLS can each best engage with parents/carers and with child protection personnel to achieve the best outcomes for children and adult clients.

Recommendation 22. National Forum: The National Forum should maintain early referral from child protection agencies to FVPLSs as a high priority for its policy and advocacy work, seeking to create the greatest possible consistency across all jurisdictions.

5 Effects on wellbeing

Key findings

The range of counselling and support services provided by FVPLSs varies markedly, as do the models for provision. Some FVPLSs provide no support that is not directly related to legal work. Others provide referrals and informal emotional support. Some provide extensive practical, social and emotional support. Some provide case management but do not directly provide counselling services.

Multiple factors contribute to the variation in services provided, including: perceived priorities for the service (i.e. valuing legal service provision as the prime role of the agency); success in obtaining additional funding (or not); the availability (or not) of other services in the area; and the ability to attract and retain appropriately qualified staff.

Some services reported not providing counselling services because of perceived legal consequences of providing counselling and legal services through a single agency. These perceptions were not shared across all FVPLSs. Some have adopted practices that seem to overcome the perceived difficulties.

FVPLS services can improve wellbeing directly (e.g. by enabling access to housing or income, providing safety checks for houses) and indirectly (e.g. where legal services contribute to well-being, as well as to other outcomes).

Some FVPLSs provide group programs, which were reported to develop peer support for victims in addition to the effects of inputs by staff. Peer support can contribute to reduction in the sense of isolation experienced by many victims of FDV, and self-blame by victims.

Impacts on wellbeing are not routinely monitored or evaluated. The extent of impacts and/or variation in outcomes for different sub-groups could not be established in this evaluation.

5.1 Introduction

The Key Evaluation Question for this chapter is:

What are the impacts of FVPLS services in relation to empowerment of victims/survivors to manage the impacts of violence in their lives? In what ways do these vary across contexts and population groups, and how might those variances be explained?

Within this chapter, we use the following definitions:

Case management: a planning and coordination process that ensures all required services are accessed and that service delivery is appropriately coordinated. This is also sometimes referred to as case coordination;

Case work: delivery of services to individual clients or services

Counselling: Includes formal, therapeutic counselling and less formal supportive counselling, advice and support

While some services provide counselling and support services internally, others do not. Some of those which do not provide it may pay for a limited number of external counselling services; others simply provide referrals. For this reason, we have divided the relevant section of this chapter into ‘internally provided’ and ‘externally provided’ counselling and support.

The chapter provides the program theory propositions developed initially, a description of the services provided, and evidence in relation to wellbeing and empowerment outcomes for clients, families and communities. The chapter also considers issues of individual advocacy on behalf of clients, and coordination and collaboration with other services (except where these are specific to either prevention or legal services), on the basis that coordination and collaboration are also expected to contribute to client and community wellbeing. The chapter concludes with updated propositions about how FVPLS services generate wellbeing outcomes and recommendations.

5.2 Program theory for improving wellbeing

Two sets of propositions were developed for the ways in which wellbeing of victims may be improved. The first set related directly to the provision of services.

Counselling / Wrap-around services	
1.	“Therapeutic empowerment”: Provision of counselling and therapeutic interventions contribute to psychological wellbeing (the precise mechanisms depend on the nature of the therapy), which contribute to victims’ capacity to manage the effects of violence in their lives.
2.	“Practical needs”: Provision of practical support means that practical needs of the victim are addressed (e.g. housing, income support), which decreases stress for the victim and contributes to capacity to make or sustain ‘new starts’. Overall, this reduces the rate of victims’ returns to perpetrators, which contributes to reduced FDV

The second set related to coordination between FVPLS and other services.

Coordination between FVPLS and other legal and community services	
1.	“All needs met”: Coordinated casework and/or advocacy by FVPLS to other service providers ensures that the range of victims’ issues and needs are met, which contributes to victims’ capacity to manage the effects of violence in their lives.
2.	“The whole story”: Coordinated casework ensures that all service providers have access to information about all relevant aspects of a case, which contributes to risk management, which contributes to safety outcomes for victims.
3.	“System efficiency”: Coordinated systems build relationships between actors in the sector, which reduce transaction costs, reduce duplication, and reduce conflicting advice or strategies by service providers. Together these contribute to increased efficiency and effectiveness of the services sector, which contributes to safety and wellbeing outcomes for victims.
4.	“Reach”: Collaboration between services in community education and other preventative activities/events contributes to more comprehensive information and wider reach through more organisations’ networks, which contributes to increased impact.

5.3 Counselling and social support provided by FVPLS services

The models of counselling and support services provided directly by FVPLS services varied enormously, with different services providing:

- Referrals and practical support only;
- Safety planning;
- Referrals and the offer of payment for up to five counselling sessions (see section 5.4 below);
- Counselling for clients of the legal service, but not for other FDV victims not pursuing legal action;
- Formal and informal counselling available to any victim of FDV, regardless of whether they were a client of the legal service;
- Case management services, with referral to external services for counselling.

5.3.1 Referrals and practical support

Some staff noted that contributing to wellbeing begins the moment a client walks in the door.

I think as soon as people come in the door, making people feel welcome, it's just that homely kind of thing, just water or whatever it is. (Warra-Warra, Staff)

FVPLS staff across most services spent time in understanding local options; they attended networking meetings regularly to share information and learn about new options and community trends.

So, if they say, "I'm homeless at the moment" or, "I've got no food or money" so I can connect them with Catholic Care... If they've got no food, there's Havana House ... If they need drug and alcohol counselling... if they raise an issue that they want help with, I can go from there... (Binaal Billa, Staff)

One staff member noted that even some clients who could normally self-refer appreciated warm referrals on occasion:

There's one client of mine in particular, she's very up and down, ... she can just make her own appointments but sometimes because she's so overwhelmed, she'll call me and then I'll see that she's quite distressed ... and then I usually just say... "I can make that appointment for you if you like?" and she's like "Yes please...". (AFLS, Staff)

Practical support, including safety planning, was also reported to make a difference to clients' sense of wellbeing.

I can go out and do practical safety planning, so let's have a look at your doors, let's have a look at those sorts of things so I think women are feeling safer and a bit more empowered. (Marninwarantikura, staff)

5.3.2 Counselling

One service routinely offers distressed clients the opportunity to see the counsellor before meeting with the lawyer, because it improved the work that they were able to do with the lawyer.

Now, because we now have ...a counsellor on board, we can then say, "You seem to be stressed, before you talk through everything with the lawyer, did you want to go and have a chat with the counsellor?" ...they get sorted, they get calm ...they're more level headed when they come to see the lawyer. (AFLSSQ, Staff)

While relatively few clients spoke directly about use of counsellors, those who did were positive about its value.

I went off the radar for a bit because I was in major depression, had a lot of health issues, so I came back on and I was a bit wary that they would say, "... we're not helping you now," but

they didn't, they were very, very good and they understood ...and they started me off again. ... And that's given me hope, which has affected my depression big time, it's helped pull me out of it. (AFLSSQ, Community member)

I was even offered counselling ... and I'd never heard of that in a legal service, ... the little things that they take notice of with our people and how to handle to us and approach us. You feel like part of a family when you're sitting in there... (AFLSSQ, Community member)

One community member whose partner had been a previous victim of protracted abuse reported that being believed as a male victim and being supported to find evidence for his case had significantly contributed to his wellbeing.

Yeah, if it wasn't for your legal team, I don't know where my partner would be at, because he was quite suicidal, so it wasn't just me that I feel like I was getting help, they've saved a life nearly. (AFLSSQ, Community member)

Case study: Outcome from professional in-house therapist

Achieving outcomes in this case required the in-house therapist to have professional expertise in clinical psychology.

[The first person hired through Third Action Plan funding] ... only completed a three-month probationary period and then we found that we had to readvertise... we felt we needed someone that had a higher level of insight and experience in this area... It was only upon having the client see the clinical psychologist [hired after re-advertising the position] that the client was finally able to make headway in addressing the perpetual cycle of violence she was going through. The sessions with the psych and subsequent report identified that the client was suffering from PTSD. Once this was diagnosed and a treatment regime put in place, the client had the fortitude and insight to recognise that the relationship was bad for her and her child and that she needed to do something different. (Marninwarntikura, Staff)

Finding appropriately qualified counsellors willing to live in remote communities was often challenging but proved important, providing outcomes that other types of support might not have achieved:

...[case management] is fundamental to outcomes... before, we were really only a crisis support whereas now... we can provide that holistic support ... rather than just responding to the crisis at the time... (Marninwarntikura, Staff)

Case management

Some FVPLSs – including QIFLS, Marninwarntikura and AFLS (in Geraldton and Kalgoorlie, with only Geraldton discussed here) – have established case management approaches.

In Geraldton, a social worker was hired using pilot funding under the Federal Government's 'Third Action Plan' of the National Plan to Reduce Violence against Women and Children. The position was to 'provide intensive case management to our clients and complement the legal service and early intervention programs' (2018 Six Month Report). Unlike the Marninwarntikura position noted previously, this was not a 'counselling' position:

I'm not allowed to counsel in my role. I've always got to refer out... [What I do] ...on intake, finding out what their needs are, I work towards an action plan and then that action plan is usually refer to counselling, refer to rehab... and then it's just me really checking up on them just to see how they're going... most of mine are DCP clients, so I'm usually involved in the meetings, helping out with contact, just that sort of stuff. (AFLS, Staff)

Lawyers supported the position, and one noted that it had enabled them to increase their caseload:

... that pilot with the social support worker is brilliant, I think that for me that's been the missing link and I always felt like that's something that we needed ... because otherwise yeah, you just can't possibly run 32 active legal files plus be giving out support to clients that they need, and I think they do really need it. You can't, someone can't be focusing on being the best parent they can be if they're not safe or they haven't got a house... (AFLS, Staff)

In at least one service, differences between the primary drivers for legal work and personal support were identified. Legal services were necessarily driven, at least in part, by legal system requirements, while counselling and personal support could be driven by the client's needs.

I think it does work but obviously the legal framework is very different to the social work framework ...so sometimes meeting in the middle is very hard. They obviously have a job to do, we have a job to do and sometimes our views of what we want for that client is different and it's kind of a balancing. (Warra-Warra, Staff)

5.3.3 Factors supporting effectiveness

A range of factors were identified in contributing to the effectiveness of wellbeing and support services. For one staff member, the combination of being an Indigenous service, a specialist FDV service, and use of trauma informed approaches was seen to be important.

...there is quite a good understanding in this organisation of trauma and working under a trauma informed care framework. ...when women do come in and they get a bit angry at the organisation, for whatever reason, they leave and then when they choose to come back everyone seems to be quite open to giving them another opportunity. (Warra-Warra, Staff)

This service identified that it was important to be able to provide counselling and support across the range of circumstances in which they interacted with clients. Formal counselling services could be seen as too confronting.

...there are some people who access the [counselling] service and will come in and sit down but then there is a lot of people where that is quite confronting, so I think a lot of what we do is that really informal counselling, ... on the go, when we're in the car or waiting for an appointment I think I find you have very deep conversations with people... (Warra-Warra, Staff)

On the other hand, a staff member in another service noted the importance of formal counselling being available and the advantages if it were to be available internally:

... the real magic wand for me would be having a psychologist, therapist... in the building for that more intensive support... I'm a supportive counsellor ... life coach and mentor ... but when it comes to the moments of knowing that they need more intensive support and to be able to access it a lot quicker than the [external service] wait list... (SAC, Staff)

Although there were mentions of clients resisting invitations to see a qualified counsellor for therapy, preferring more informal emotional support, it was noted in one site that a qualified Aboriginal psychologist in the region had been effective previously, but was no longer working in the region. It

appeared that counsellors with appropriate expertise to provide culturally safe care could be an important component of FVPLS services, but such counsellors were not easy to find, to attract to remote communities, or to retain for a long period.

A number of services referred to using trauma-informed approaches, not just in counselling but in their everyday interactions with clients.

An understanding, having an understanding... that they've been impacted by trauma and that trauma can be all different levels to what's happened to them... one thing I do believe is one should educate them on trauma too... I think it helps them understand why they've probably reacted to certain things and... they're unsure of why they're feeling the way they are or the emotions they have behind it or why they're acting the way they do sometimes and when you start explaining that, all these sort of things are brought in to it, they get a bit of understanding and go, "Ah!" it's like a lightbulb, "Okay, I get it". (Binaal Billa, Staff)

One service that did not provide internal counselling had provided training to workers in how to deal with suicidal clients, as the issue arose so frequently, and it was often not possible to access a counsellor in time.

5.4 Counselling/social support provided through referrals

Some FVPLSs have made conscious decisions not to provide counselling services. At least one provides referrals and will pay for up to five counselling sessions to be provided by external providers. Others provide referrals to external providers. A variety of reasons for these decisions were reported. Lack of accessible, culturally appropriate services outside of the organisation was a rationale for one service to provide counselling internally but for another, a rationale not to, arguing that they would be swamped if they did. Another service was concerned that counselling notes could be subpoenaed for court or child protection cases, and that counsellors (but not lawyers) are mandatory reporters for child abuse and neglect. Either situation, it was argued, would undermine confidence in the service. Further, information exchange between lawyer and counsellor could be taken to have broken lawyer-client confidentiality, meaning that the lawyer could no longer claim privilege for those communications.

Some services which contract out counselling reported that clients either tended not to accept referrals, or only attended once. There was evidence in at least one site of an external counselling service not recognising the dynamics of Aboriginal trauma. At least two services identified that they followed up referrals to other agencies. One advised that they did so as a matter of course, to keep other agencies accountable. The other suggested that it happened occasionally, when the worker became aware through contact with a client that counselling had not been provided. Data was not available to determine whether, or the degree to which, use of external services affected the proportion of FVPLS clients accessing, or continuing with, counselling.

We believe that there is a good argument to be made for internal provision of counselling services by FVPLSs. Where counselling services are provided in-house, agencies can manage cultural safety and quality control; where counselling services are contracted out, FVPLSs cannot directly influence quality. Providing services in-house also provides the possibility of coordinating counselling and legal services and therefore the possibility of improved outcomes for both counselling and legal services.

We are not convinced by the arguments against providing counselling services in-house. Firstly, a wide range of agencies, Indigenous and otherwise, have learned to manage the issues related to mandatory reporting and could provide training to FVPLSs in how to do so. Secondly, whether the counsellor is employed by FVPLS or by another agency to which FVPLS referred them does not change the 'risk' to

the parent. In fact, it could be argued that providing counselling in-house could strengthen support for parents and children, by ensuring that they have access to both counselling and legal support during a difficult process. Thirdly, where children are in fact at significant risk, all services should act to protect them, whether they are mandatory reporters or not.

In relation to subpoenas of case notes by the defence in criminal FDV cases, FVPLSs could build on the successes of the sexual assault sector in advocating for – and in several jurisdictions achieving – legal protection of case notes. (None of the services interviewed in fact provided examples of this having happened; the only examples were in relation to child protection cases.)

The concern about breaching legal confidentiality is a real one, but it is not difficult to imagine guidelines and processes for enhancing coordination of services internally without the lawyer providing confidential information to the counsellor. The fact that other FVPLS services have developed strategies to manage the provision of both counselling and legal services suggests that it can be done.

Recommendation 23. FVPLSs and PM&C: Where possible, FVPLSs should provide counselling services for victims of FDV internally; they should be adequately resourced to do so; and agencies without existing capacity (staffing, skills and knowledge) should build their capacity to provide such services. Services which do not currently provide counselling services should review arrangements to determine a) whether to provide such services internally, or b) how to ensure access to access to high quality, culturally safe services. This may require investigation of reasons for low use of external services.

Some clients may of course prefer to use external counselling services and should of course be at liberty to do so. Free counselling is available (albeit limited in quantity), funded through Medicare, subject to a GP referral, although access and quality vary by region.

We recognise, however, that the provision of high-quality counselling requires leadership and organisational support. Where agencies strongly believe that they should not provide counselling, it may be better to continue to outsource the service. It is not, however, in the best interests of clients to continue a mode of delivery that was reported not to work well, at least for some clients. Consequently, agencies which choose this approach should be required to develop strategies to address quality of service. Quality of service should be assessed in relation to cultural safety; appropriate coordination between legal and counselling services; and quality of outcomes.

5.5 Empowerment of victims

The issue of empowerment was important to many FVPLS agencies, although it appeared that the underlying idea of what ‘empowerment’ is might vary across agencies. For some, it involved clients being in control of the service delivery agenda, combined with capacity building.

...overall how we see our role is to empower women to function within society after experiencing traumatic events... so it's about building their capacity, but working from their needs not what we think they need ... If someone says, "...I want to get a house," that will be where we start. (Warra-Warra, Staff)

Another service talked about the battle to overcome the sense of helplessness that evolves as a result of FDV, particularly when it piles on top of institutional racism, Stolen Generation experiences, and long-term experiences of abuse.

It's very hard to build capacity and empowerment with somebody who sees and feels and experiences nothing but helplessness and hopelessness ... If they're of Stolen Generation or if they've been removed and they've been children in care themselves, it's just a helplessness. (Marninwarntikura, Staff)

However, that same service reported that the combination of personal support and legal support, sustained over time, could lead to dramatic changes.

... I've met women who have now reported violence that's actually been happening for twenty years and they feel now that they've got the support to change that so I think that's, yeah, women are taking a bit more of a stand and saying, 'I've got some options'... (Marninwarntikura, Staff)

One service has developed a program and booklet that are intended to empower victims in their personal relationships. The counsellor has developed a short course that teaches clients about asserting their boundaries and another course that explores the impact of one's identity in family violence circumstances. The counsellor has also produced and published a small book called "Boundaries" to give to clients because it is such a recurring issue:

... I'm focusing on first explaining about boundaries and putting healthy boundaries in to relationships to help them let other people know what's right for them. Identity, because I've felt a lot of my clients have lost their identity through [FDV], and the same with the Stolen Generation and things like that. (Binaal Billa FVPLS, staff)

5.6 Advocacy

One hypothesis was developed in relation to advocacy at the local level.

1.	"Local relevance": Local advocacy is tailored to local circumstances and grounded in local evidence, which increases its relevance, which contributes to effectiveness resulting in changes at local level to the issues advocated upon (e.g. availability of local services, procedures, coordination)
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Much of the advocacy by local services related to supporting individual clients to access services.

...a woman I was working with wanted to relocate to a different area with a house in New South Wales and so we put in an application and then I wrote a support letter to say why I thought it should happen and why I thought she should be eligible for priority housing and she got a property in like 10 days or something. (Warra-Warra, staff)

There are constraints on the nature of advocacy that individual services are allowed to provide using Commonwealth funding. This is likely to constrain the effectiveness of local FVPLSs in contributing to the development of appropriate local service systems. Services may advocate on behalf of individuals where requested to do so; and they may provide evidence to government enquiries and commissions. No other advocacy is supposed to be provided using Commonwealth FVPLS funding.

5.7 Revised program theory for wellbeing

Table 7: CMOs: Client wellbeing

Client wellbeing			
Service strategies/ activities	Context	Mechanism	Outcome
FVPLS provides consistent, safe care and emotional support	Aboriginal community support workers or counsellors Positive relationships between clients and staff	Clients feel understood, emotionally supported, not judged	Increased wellbeing Increased client capacity to address effects of violence in their lives
FVPLS provides therapeutic counselling in-house	Qualified staff (e.g. psychologist, social worker) with suitable expertise and job role	Clients understand nature of their traumas, life challenges and how to address them Healing	Increased client capacity to address effects of violence in their lives and/or move on from violence
FVPLS provides referrals OR FVPLS provides case work or case management services FVPLS advocates on behalf of clients for access to services	Adequate resources in local communities (e.g. housing) Adequate, culturally safe services available (e.g. AOD services, therapeutic programs) Information sharing protocols between agencies	(Precise mechanisms depend on the nature of services provided)	Client practical and, where applicable, healing needs are met Increased capacity to address effects of violence and/or move on from violence
FVPLS provides healing programs for victim/survivors	Indigenous-led programs Appropriately skilled staff Culturally safe programming Trauma-informed practice	Healing Strengthened sense of identity or self-worth (See also literature review for detailed mechanisms)	Increased capacity to address effects of violence and/or move on from violence

5.8 Summary and Recommendations

FVPLS services operate in markedly different contexts, including huge variation in the availability of other services, and variation in the extent to which those services are coordinated. It is not appropriate, therefore, to recommend that all services should do the same things.

One of the distinguishing features of FVPLSs is that they can provide, not just culturally safe legal services, but a range of services to support victims of FDV to re-establish control over their lives. The range of services described in funding contracts appears largely appropriate, although it does not

currently include case management. The apparent effectiveness of using a case management approach, where it has been trialled, suggests that this could be included.⁹

Services are currently required to provide counselling. While it is the view of the evaluators that in-house counselling is preferable, there are circumstances (e.g. inability to recruit appropriately qualified staff, lack of support for the idea of providing counselling in house) in which it may not be appropriate. One option may be for services to nominate either to provide case management (which need not include providing therapeutic counselling, if other appropriate services are available to provide it) or to provide counselling in-house. Decisions about which model to offer should be based on needs analysis, which in turn should include consideration of the other services available in the region serviced. (See Chapter 7.) Contracts for individual services should be worded to reflect the choice made.

We believe that services should accept responsibility for ensuring that the services described in their funding contracts are available, accessible, culturally safe, trauma informed and of good quality, whether they provide those services directly or outsource them to other agencies. Monitoring the use of external services is important. Where use of external services is low (perhaps because the sessions are not required, but potentially because acceptance of referrals is low or because clients do not return after one or two sessions), services should investigate the reasons for that low level of use and determine strategies to address it. Recommendation 12 (quality control for outsourced services) applies to this issue.

Recommendation 24. FVPLSs: In communities where no case management function exists, consultations should be undertaken to investigate whether case coordination services are required, and if so, the best model for them to be provided in the local context

Recommendations 23 (provision of in-house counselling) and 30 (needs assessment as the basis for service planning) are also directly relevant to this section.

⁹ The terminology in the funding contracts could also be clarified to distinguish between legal casework (currently apparently intended in the phrase “legal advice and casework assistance”) and case management in the broader sense.

6 Safety and prevention

KEY FINDINGS

The majority of FVPLS sites undertake community education and/or community development programs which incorporate, but are not restricted to, education on legal rights and legal options and processes. These programs were reported to act as a source of self-referral into FVPLS services. Such programs may contribute to prevention of repeat victimisation.

Some kinds of community programs may contribute to building social capital between victims/survivors. Increased social capital may contribute to efforts to change social norms in relation to FDV, but this could not be tested in this evaluation.

Some therapeutic programs for victims may have preventative effects by supporting women to make decisions to protect their own safety and/or by supporting them to address their own violent behaviours.

Some services offer primary prevention programs (often described as early intervention), often with school students, which are intended to prevent violence by encouraging and supporting the establishment of healthy relationships. Some were offered only to girls. The programs have not been adequately evaluated to establish whether, to what extent or in what contexts they do contribute to prevention of violence.

One community in which there are multiple prevention and early intervention programs operating concurrently reported decreased violence between high school students. This could be a positive indication for later FDV, although the triggers for violence are to some extent different for violence between young people and FDV. This finding is consistent with other research into early intervention and prevention.

Therapeutic programs for males were widely regarded as both necessary in their own right, and more likely to contribute to prevention of FDV, on condition that they were appropriate for the client group and the context. Many communities believed that insufficient programs were available for men and boys and that increasing such programs was critical for prevention.

Given the scale of the problem, the normalisation of violence in many communities, the prevalence of contributing factors such as drug and alcohol abuse, and the underlying context of colonisation and victimisation, the minimum requirements specified in FVPLS funding contracts for education and early intervention services - two community legal education sessions and two prevention or early intervention programs per year - are not adequate to generate measurable outcomes in relation to prevention.

Increasing the availability of programs for males and/or perpetrators and increasing the frequency of multiple prevention initiatives operating concurrently within communities are recommended.

6.1 Introduction

This chapter addresses the following Key Evaluation Question:

What are the impacts of FVPLS services in relation to safety and the prevention of domestic and family violence? In what ways, and why, do these impacts vary across localities, types of service provided or safety intervention, or other aspects of context identified through the evaluation as significantly impacting prevention and safety outcomes?

The chapter focuses on community level activities. Services to individuals, be they legal or wellbeing oriented, may of course contribute to individual safety and prevention of repeat victimisation. Those issues have been addressed in earlier chapters. This chapter focuses on community education and community development programs which are intended to reduce rates of FDV over time. Three propositions for how community education and prevention programs may work are presented at the beginning of the chapter, with refined positions presented later in the chapter. The main activities of the service are described, and outcomes are identified where possible.

It is important to note that individual programs or interventions provided by FVPLSs could not be evaluated in this overarching evaluation.

Within this chapter, we use the following definitions:

- **Primary prevention** refers to activities or programs which are designed to prevent FDV before it occurs, and/or to create contexts in which FDV is less likely to occur.
- **Early intervention** refers to activities or programs which are designed to interrupt abusive or violent behaviours in their earliest stages, and to prevent escalation of violence.
- **Prevention of repeat victimisation** refers to activities or programs which are introduced after violence has occurred, but with a view to preventing any further incidents within the same family.

6.2 Program theory for safety and prevention

Most FVPLS services aim to contribute to reducing FDV by providing community legal education programs. Three propositions were developed in this area prior to the commencement of fieldwork.

Community education and prevention	
1.	“Right to safety” : Increased understanding of behaviours which constitute FDV and child abuse and neglect (CAN) combined with increased awareness of legal rights and legal service availability means that victims are aware that there are legal pathways to address perpetrators’ behaviours, which contributes to victims seeking services. (C: Most likely when behaviours have reached a tipping point of ‘unacceptable behaviour’)
2.	“Community responsibility” : Increased understanding of behaviours which constitute FDV and child abuse and neglect (CAN) and their effects on victims and communities increases motivation in communities to act to reduce FDV. Actions contribute to changing community norms in relation to FDV, which contributes to prevention.
3.	“Personal responsibility” : Increased understanding of behaviours which constitute FDV and child abuse and neglect (CAN) and their effects on victims and communities contributes to individual’s decisions to manage, moderate or address their own behaviours, which contributes to prevention.

In fact, the range of programs offered is wider than CLE and additional propositions have been developed through this evaluation to cover other program types.

6.3 Summary of prevention and early intervention activities

Table 2 below provides a brief summary of the prevention and early intervention programs reported as provided by FVPLS services recently: it does not purport to be a complete listing of all programs provided over the past five years. CLE in the table stands for Community Legal Education. The table also provides a brief summary of the programs that were identified as gaps in prevention programming in communities. It was not expected that FVPLS services would necessarily provide all of the programs identified as missing, and some did not identify gaps.

Table 8: Prevention and Early Intervention models

Service (Sites)	Prevention and Early Intervention Models	Identified gaps in prevention
AFLS (Geraldton, Kununurra)	Kununurra: CLE sessions; targeted programs for particular groups (school - cyber bullying, sexuality, legal issues; Love Bites; Sparkle and Grow; Wyndham Work Camp – perpetrator program for men); responsive programs on request; worker education. Geraldton: CLE; Solid Sistas; Strength and Empowerment Girls program; some sessions on family violence related topics in prison Schools – CLE and healthy relationships	Additional programs for boys and men (outside of the Work Camp) Family counselling programs
FVLSAC (Port Lincoln, Port Augusta)	Awareness raising/participation in community events Sista2Sista (Equivalent to Sisters Day Out) Love Colours (funded externally) Healing Arts CLE (schools) Healthy relationships (schools)	Earlier education in schools (from Year 3 forwards)
AFLSSQ (Roma)	CLE (understanding of FDV) Sessions provided in response to community requests	Information sessions not requiring attendees to identify as experiencing FDV, e.g. in Mums and Bubs groups
Blnaal Bill (Forbes)	‘Boundaries’ program and booklet ‘Identity’ program Love Bites (adapted program) Self-esteem ‘Breakaway’ program for girls at school ‘Out of the Dark’ program ‘Free to be me’ program ‘Mock trials’ with school children Peak Hill Mother’s Groups - mosaic and craft days	
Warra Warra (Broken Hill)	Family Violence Program; includes children’s activities. Participation in community events Previous programs: CLE for youth group; CLE for school. Held a Healing Day for Stolen Generations and produced a booklet of the day	

CAAFLU (Tennant Creek)	School sessions; responsive worker education sessions. Use animated video	Programs for parents (because children model behaviours on theirs)
Djirra (Bairnsdale, Mildura)	Sisters Day Out Sisters Day In (in prison – not run in evaluation sites) Dilly Bag Young Luv	
Marninwarntikura (Fitzroy Crossing)	CLE sessions in communities	Programs for men
NAAFLS (Katherine)	FDV education within cooking program; Some CLE sessions	Updating FVPLS CLE materials. Programs for men. FDV awareness for young people
NPYWC DFVS (Alice Springs)	Community development; individual education within service delivery	Information programs for men; safe places for women and men
QIFLS (Cairns, Rockhampton)	Participation in community events; CLE including sessions in response to requests; School based CLE; Love Bites; Strengths; Strong Fathers, Strong Families	
SAC (Albany)	CLE, Activities undertaken in collaboration with other local agencies	More regional activities when new staff member recruited
Thiyama-Li (Walgett, Moree)	Walgett: LoveBites Junior at school (adapted program) An information session about social media, cyber-bullying and family violence to adults Moree: Participated in NAIDOC Week and White Ribbon Day, and held a barbeque at the Court House for Ochre Ribbon Day	
Many Rivers (Kempsey)	'Being in Control' program Supports Triple P parenting program Separate fitness/self-esteem programs for young men and women in the on-site gymnasium CLE at a seasonal camp for Indigenous young people Developing a program for women aged between 15-35 years in collaboration with other Indigenous agencies in the town	

As the table identifies, gaps in prevention and early intervention programming were identified in many communities. Programs for perpetrators, programs for men and family counselling were the most commonly identified.

...it has to be the family. They are a family so I think you need to fix them as a whole, not just one or one because they're going back to a place that's just going to explode again. Working together makes everyone accountable. (AFLS, Staff)

I reckon there should be a male CLE preventive service... once a month I reckon. Go out there, sit out with all the men... Mix it in and just say, "Look, this is how you can stop it," and... how the cycle just keeps happening because the cycle is never broken. I reckon just simple things like, "Your child wets the bed because of the violence, the yelling. They're so scared." ...Because they love their children, the men, so they'll be like, "I didn't realise. Here I was yelling at that child for wetting the bed and it's my fault." (NAAFVLS, Staff)

Therapeutic programs for men were widely regarded as necessary in their own right, and more likely to contribute to prevention of FDV than working solely with female victims, on condition that they were appropriate for the client group and the context.

Another identified gap was for prevention programs for younger children (as one service suggested, "from Year 3 onwards").

I think that needs to be ... at a lower age level, ours aren't obviously aimed too low, ours are secondary/high school and a lot of your entrenched thoughts are probably already there by then, particularly in terms of gender inequality' (QIFLS, Staff)

6.4 Description of Program Models

6.4.1 Community awareness raising

Many FVPLS sites participate in a range of existing community events as a way of increasing awareness of their existence, showing solidarity with communities, and showing solidarity with issues. The range of events identified was widespread and included NAIDOC week events; White Ribbon campaign (men and boys working to reduce violence against women) events; Ochre Ribbon campaign (commemoration of Aboriginal and Torres Strait Islander survivors of FDV) events; Wear it Purple day (annual LGBTIQ+ awareness day for young people); Child Protection Week, Reconciliation Week, homelessness-related events, service expos and other local community events.

Participation in such events was sometimes reported to be a precursor to client engagement.

That kind of soft entry into, "Oh, you're down at Warra-Warra." I don't know if that's had any impact on our work. It's hard to tell, but I think we really took the approach that the community needed to know who we were before anyone would come in to see us. (Warra-Warra, Staff)

Where services had low participation in such events, other stakeholders were apt to criticise them for it. Conversely, where services had recommenced participation, it was recognised and praised:

...in the past ... you just don't even think of NAAFVLS because you never see them out and about because the crew at the moment is really participating a lot in Katherine communities at the NAIDOC march and at the homelessness day and we did a legal services breakfast, so I think that these guys are a lot more visible now and are doing a lot to build the profile... I think that that side of things is as important sometimes as the client, direct client contact. (NAAFVLS, Stakeholder)

6.4.2 Community legal education

The great majority of sites visited provide community legal education (CLE) sessions¹⁰. One service – NPYWC FDVS – has decided not to do so, and has a clear rationale for its position (see section 6.4.5 below). In two sites, it appeared that provision had recommenced after a gap in delivery.

CLE sessions usually involve information about what constitutes FDV, as well as information about legal rights, legal responses to violence including restraining orders, and where to go for services and support. FVPLS staff regularly reported that community education sessions enabled clients to identify aspects of family violence in their own lives, which could lead to self-referral into the service.

We do community education programs... and advise that ... domestic violence is not strictly physical violence, it can be mental, emotional, financial or physical and it's a control issue, ...but the control starts in different ways and it can escalate at different rates with different people, so ... the first time you get hit maybe the time you get killed. (AFLSSQ, Staff)

...So when we go through that, a lot of people wake up and say, "This is actually happening to me, I'm in the middle of this process" or "I'm at the end of the process" and they're encouraged to look at it differently. (AFLSSQ, Staff)

It was also seen as being an important strategy for developing initial relationships with potential clients, and for clarifying the nature of services that FVPLSs can provide.

...there's a lot more than meets the eye because you've got to form connections, you can't just rock up to their house and say, "do you need a DVO?" and the woman is going to sit down and disclose. (NAAFVLS, Staff)

...our counsellor has also gone out and given information and education sessions, ... and said, "I'm the domestic violence counsellor" and ... that is very important because the community needs to know we do not do mental health counselling, for instance, but we will do it for [any] situation that you're having in relation to family violence or domestic violence. (AFLSSQ, Staff)

An external service provider also suggested that increased community awareness linked to higher rates of reporting (although they did not directly link increased community awareness to the work of the FVPLS).

I think once upon a time neighbours minded their own business and I think now, with more of that information getting out into the community, we do get a lot of people who ring up (AFLSSQ, Legal Service Provider)

Some services provide CLE sessions in schools, in the hope that earlier understanding of what constitutes FDV may be preventative. Other services integrate some CLE information within other school-based prevention programs (see section 6.4.3 below).

In some cases, planning and provision of CLE sessions is proactive: services identify particular issues or particular population groups and develop sessions particularly for them. In other cases, it is responsive: services respond with sessions when requested.

...for instance we don't do wills and estates, however... we're asked to come out because...this is the first generation that has been able to leave assets to other family

¹⁰ Even where sites visited for the evaluation have low levels of activity, services as a whole may have higher levels.

members and there is now family violence arising out of the fact that those assets are being controlled and used by people who have power of attorney, people who are executors of the estate, people who are trustees and of course, most of the community doesn't understand the legal implications. So ...we're asked to go out and explain that to restrict the family violence arising out of the death of a loved one... (AFLSSQ, Staff)

So, we won't do an education on something that we can't actually provide to them. If we do it at the elder's home, we'll do an elder abuse session. (QIFLS, Staff)

Targeting of particular information to particular groups is likely to increase relevance, which may in turn increase retention and/or use of information. However, the effectiveness of this strategy has not been evaluated by services.

Some programs are also provided for workers in other services, which may support both referrals in to FVPLS and further distribution of information through those workers' own networks: again, whether the 'ripple effect' occurs is not monitored or evaluated. A ripple effect was, however, identified by at least one external service provider in this evaluation:

...the feedback I've had from the ladies is that it was absolutely fantastic because not only does it give them something to do, but they were provided with domestic violence information throughout the session and they found that fantastic, so they went home and talked to their families and kids about stuff that was spoken about, so the feedback has been sensational. (NAAFLS, Other provider)

Some services have developed resources to support CLE activities, including Super Law, an animated video with accompanying workbook developed by AFLS.

Another FVPLS service attributed out-of-date CLE materials and low provision of CLE to high staff turnover and low resourcing for CLE programs. The priority for lawyers was attending to client legal needs; community education programs took a back seat by comparison. Another service suggested that it was difficult to bring groups of potential clients together to address particular education issues because of client confidentiality concerns.

It's a bit difficult where we are, because we're trying to hold confidentiality between our clients, so we can't exactly bring them all together. (QIFLS, Staff)

6.4.3 School based prevention programs

School based prevention programs fell into four main categories: CLE programs (as described above); LoVE BiTES, an FDV prevention program; healthy relationships programs; and identity and self-esteem programs, usually targeting young women.

LoVE BiTES is an FDV and sexual assault prevention program developed in NSW and designed to be conducted with 15- to 17-year-old secondary students. It comprises two interactive workshops, facilitated by male and female facilitators, followed by creative workshops in which students produce materials to use in education and prevention programs in their local communities. The program was reported to be conducted through at least four FVPLS services: AFLS, Binaal Billa, Thiyama Li and QIFLS.

Some sites have added variations to the LoVE BiTES program, including addressing emerging issues such as sexting and cyber bullying¹¹. Another variation on the LoVE BiTES program for younger

¹¹ The Love Bites program is designed to be adapted to local contexts and variations in content are not necessarily problematic.

students was developed through the Walgett site of the Thiyama-Li service. None of the variations have been evaluated.

Healthy relationships programs took various forms. For example, Young Luv® is a half day workshop developed by Djirra for Aboriginal young women aged 13 to 18. It is facilitated by Aboriginal women and aims to engage participants in talking about and better understanding important issues in their lives, including promoting healthy relationships.

Sparkle and Grow is an example of an identity and self-esteem program. It is described in the AFLS annual report 2016-2017 as:

“...a combined community legal education and personal development program for high-school aged girls and young mothers. It was designed to raise awareness around family and domestic violence and legal issues while advocating for human rights in Aboriginal communities. Sparkle and Grow takes a strengths-based approach and its theme is one of empowerment. It was launched in Kununurra on October 8, 2015.”

The program was reported to run in multiple AFLS sites, but did not appear suitable for all sites:

... with regards to Sparkle & Grow, that’s suitable for Kununurra but it’s not suitable for [all] other regions ... for instance, Kalgoorlie tried to adapt it... It wasn’t suitable so they had to redo the program to suit, and they call it Ochre Mob... it’s adaptable in Broome... We did a [different, locally developed prevention] program in Geraldton... (AFLS, Staff)

Programs such as Sparkle & Grow are intended to work by raising self-esteem. In some cases, as in a Geraldton program developed by local stakeholders, self-esteem may be bolstered by mastering useful skills, involving literacy or handiwork. Increased self-esteem in turn is expected to contribute to Aboriginal women and girls believing that they deserve to be treated appropriately, and are allowed to be happy, which in turn contributes to them being willing to leave (or refrain from entering) violent relationships.

Particularly with our mob, it’s more about ... getting people to absolutely accept themselves ... When you get turned away and when you have racism at you all the time, it’s very hard... because ...[of] the amount of trauma that people have gone through, ... by at least starting and particularly with the schools and younger kids, you might be able to get them to have a bit more confidence in themselves and be able to stand up and say hey, that’s not right. I do know my rights ... I deserve better than that and I am worthy of who I am. (AFLS, Staff)

One community in which there are multiple prevention and early intervention programs operating concurrently reported decreased violence between high school students. This finding is consistent with other research into early intervention and prevention, where running multiple interventions concurrently has been found to be effective (Homel et al, 1999). It could be a positive indication for later FDV, although the triggers for violence are to some extent different for school students and adults.

6.4.3.1 Good practice in schools-based prevention

The LoVE BiTES information pack¹² reports that effective violence prevention and healthy relationships education requires five criteria:

¹² ([https://napcan.ismartsoftware.net/.../Love%20Bites%20New%20Info%20Pack%20\(1\)](https://napcan.ismartsoftware.net/.../Love%20Bites%20New%20Info%20Pack%20(1)))

According to emerging standards from the Victorian Department of Education and Early Childhood Development, there are five criteria that programs need to meet to be considered as good practice. These are:

- 1. A whole-school approach*
- 2. A program framework and logic*
- 3. Effective curriculum delivery*
- 4. Relevant, inclusive and culturally sensitive practice*
- 5. Impact evaluation (Love Bites New Information Pack, p 5)*

Clearly, FVPLS services cannot be responsible for whether or not schools do adopt a whole school approach, although they could (at least in theory) negotiate and/or collaborate with schools to develop one. It is likely that LoVE BiTES has its own program theory; any FVPLS service adapting the program should consider whether the adaptations are significant enough to require an adaptation of that theory. Other prevention-oriented programs being provided in schools should be required to develop their program theory carefully and to evaluate against it.

6.4.4 CLE and personal development programs

Several programs seek to combine CLE with personal development. For example, the Geraldton site of AFLS runs a program called Solid Sistas:

“...which aims to build strong and proud women of all ages in the Geraldton region. The program provides an opportunity for Aboriginal women to come together in a safe, comfortable environment and take part in positive social interactions and activities to build strength and wellbeing.” (AFLS Annual Report 2016-17, p 21).

In Kununurra, a program called Healing Hands provides similar opportunities, with a manicure and hand care as the self-care component. Personal development programs are intended to work on the same basic mechanism as self-esteem programs in schools: if women have high self-esteem and social support, they are more likely to leave violent relationships.

Therapeutic programs for victims may also have preventative effects by supporting women to make decisions to protect their own safety and/or by supporting them to address their own violent behaviours.

6.4.5 Community development approaches to prevention

Three other models for prevention and early intervention were identified. One is Sisters Day Out¹³ and similar programs modelled on it in other services (e.g. Sista2Sista in South Australia).

6.4.5.1 Sisters Day Out

Sisters Day Out (SDO) is run by Djirra in Victoria. It is promoted as a ‘wellbeing workshop, open to all Aboriginal women. It includes activities such as free hairdressing and beauty treatments. Local service providers are invited to set up booths, and there is a session on legal rights in relation to FDV. As of

¹³ Sisters Day Out was developed by Djirra. Other services are permitted to model programs on it, but not to use the title Sisters Day Out.

30 June 2017, SDO had been run 111 times, with 9,775 participants (Djirra Annual Report, 2017). Some clients reported attending the event over several years.

The format was reported to overcome the shame of identifying FDV:

...because it looks like, if you're just standing on the outside of it, it just looks like, come and have lunch! ... They're not dishonest but they're also saying...we're not just family violence, the women are not just victims of family violence, the women are part of a community and I think ... that's super powerful... the way they do that is very particular and very effective. (Djirra, OP)

It was also reported to act as a source of referrals in to the service. Attendance at multiple events could be required before women would seek help, and staff noted that the women most at risk might not be free to attend; their knowledge of the options FVPLS offered to them would come from friends or family members who attended and passed on information to them. An evaluation of the program (Karahasan, 2014) noted the number of referrals from SDO to FVPLS legal services was very low, at around 1.5% of attendances (albeit this proportion was reported by Djirra to be an under-estimate). Another evaluation is currently being designed using a program theory approach, and better evidence of outcomes is likely to be available in future.

Community programs may contribute to prevention either by encouraging self-referral into programs, or by building social capital between victims/survivors. Increased social capital may contribute to changing social norms in relation to FDV, but this could not be tested in this evaluation.

6.4.5.1 Survivor focused program: Dilly Bag

Fewer programs were identified that focused specifically on survivors of family violence, and on preventing recurrence of violence. Dilly Bag, run by Djirra, was a week-long residential healing program that was survivor-focused. Attendance was by invitation only, with a group of about ten female family violence survivors taking part. Some might know each other previously, but many would not. Therapeutic touch, revealing and talking about trauma, and reconnecting with cultural identity were important elements of the program. Those who had participated in it indicated it had been helpful for them, although longer term outcomes could not be determined.

Dilly Bag was noted as a potential pathway to legal services:

I'm invited to come out, have dinner or lunch ... with the women ... have a bit of a yarn ... answer any ... general questions they may have ... anyone that wants to see someone privately ... I'll go and talk to them ... it might be a legal task or one-off advice or an open case. Last time I did that... I did about five advices and several of them turned into cases ... there may have been about ten women there and I saw about, probably about half of them, I was there until 10pm at night writing, writing, advising... (Djirra, Staff)

An evaluation (Karahasan, 2014) reported positive feedback from participants, including the value of supportive friendships developed through the program, and cited two examples where women had made changes in their lives attributed to the program, one related to securing safer accommodation and the other to rebuilding connections with family.

6.4.5.2 NPYWC model

The NPYWC Family and Domestic Violence Service has a distinctive approach to prevention and early intervention. In fact, the Service does not use the term 'prevention', believing that it implies

prevention of all FDV – an impossible goal¹⁴. The model applies across the whole of the Women’s Council, and was described in a recent evaluation as follows:

It is based on a genuine and deeply held belief that resistance to violence is already occurring by those living and working in the communities of the NPY Lands. It seeks to honour even the smallest actions that people take to keep themselves and others safe in the face of violence.

The key to strengthening community capacity to end violence is the respectful and patient engagement of those living and working in that community in dialogue that seeks to understand the tactics of violence, names its effects in the lives of the individuals who live in the community, and validates the acts of resistance already being enacted in a community...

...The most effective strategies are those which can amplify, extend and resource acts of resistance to violence that are already being enacted by individuals in the community. ...Such acts of resistance for Aboriginal communities are sourced in their experiences of their culture and its expression in forms of ceremony, origin stories, healing practices, spiritual beliefs and values. It is the strength of connection to these community and cultural qualities that have been identified as pivotal to ending violence in the community. (Tucci, J. et al 2017, p. 10)

The model is represented as a set of stages or strategies, which are presented linearly but which in reality operate in an iterative fashion.

¹⁴ Most other services use the term ‘prevention’ to mean ‘reduction of’ FDV, as do we in this report.



The service does not run a formal educational program approach to education and prevention of FDV:

We used to, like the rest of the world/the country, run education programs – and we know they’re not going to do anything very useful. So, we will now take our lead from the people that we’re working with about what they ready to hear and what they want to hear. And it’s about creating a safe space and assessing their preparedness for having these conversations. (NPYWC, Staff)

The approach requires that when community members are ready to engage in conversations, the service must be ready to respond, both in terms of immediate responses for victims of violence, and in terms of a longer term, community development-based reduction strategy.

So... we’ll only now do that when we’re sure about what might then come next. So, it’s about if we’re going to have a conversation about violence, what are the supports? Who’s prepared to take this up next time? We’re not just going to leave this issue hanging, which is, I think, the assumption that education programs make. ‘We’ll come and tell you something that you’re doing wrong and then we’ll leave you with that.’ We’re actually wanting to come from a position of strength and readiness. It’s not easy to do. And the outcomes are longer term. (NPYWC, Staff)

Recording and reporting on the approach was described as difficult. The service argued that the CLASS system is inadequate to record either the nature of their activities or its outcomes. As evaluators, we

would argue both that it is possible to develop appropriate recording and reporting systems for community engagement and development strategies and that it is appropriate for such indicators to be incorporated in CLASS. However, in the interim, the service could (and we believe should) develop and use its own systems. This should include indicators for engagement, both of victims and of other community members: engaging those who are not current victims of violence is itself an important intermediate outcome. It should also include indicators for immediate and short-term outcomes, as well as medium term outcomes. It is only with careful data collection and monitoring that the service will be able to assess in which respects and in which circumstances the approach is effective.

Some evidence of effectiveness was provided to the evaluation. In two instances, the service worked collaboratively with another agency to provide holistic support to families seeking to address violence and prevent future violence. Long term consistent support was reported to be necessary to achieve positive outcomes. As an external service provider said:

I know there's some particular cases where we've started working with the offender and they've had the victim and then they've continued to work with the family as a whole after. ... I think it's completely changed for that particular family, I think it's helped them show others that trouble can happen but if you do the right thing and you have that additional support, things get better... it's a continuous thing that needs to be ongoing and having that consistency of that support I think was very helpful for that particular family. (NPYWC, Legal provider).

6.4.6 Early intervention

While some education and prevention programs may have early intervention outcomes, prevention outcomes were more likely to be identified where there was intensive support for individuals, either through collaboration with other services or through counselling:

...we've had some young mums ... where early in the piece they're trapped in a cycle of domestic violence and ... [FVPLS-Albany staff member] has been able to...get these young Aboriginal women aware of the cycle that they're in so they can get out early... extracting themselves from that relationship is a lot easier because ... there's not that physical commitment to the relationship that there is once you're pregnant or once you have a baby (SAC, Other provider)

6.5 Outcomes and evaluation of prevention and early intervention

The great majority of programs and approaches described above have not been evaluated. The variety of programs, their small scale and the absence of systematic data meant that the evaluation was unable to determine the reach or effectiveness of programs. Nor could independent evaluation of such programs be undertaken: at the bare minimum, this requires collection of pre- and post-program data, but programs were not necessarily being conducted during the data collection period for this evaluation.

Prevention of unwanted behaviours is notoriously difficult at the best of times, and the contexts tending to maintain Indigenous FDV are deeply embedded both historically and in current society. Evaluation of prevention and early intervention programs is also notoriously difficult and can be expensive. The difficulties in evaluation are multiple:

- assessing prevention means assessing 'what did not happen' and attributing that to an intervention. Attribution is extremely difficult because there are so many contributors both to FDV itself and to reduction in FDV;

- the intended outcomes are long term and it is by no means clear at what point in time outcomes in FDV should be evaluated (for how many years should reduction in FDV be monitored?);
- tracing participants to identify long term outcomes is often not feasible, financially or logistically;
- self-report data for FDV is often unreliable and official statistics are known to under-represent actual rates;
- increased awareness can contribute to increased reporting, making it look as though programs are not effective regardless of whether or not they are;
- programs are usually too small scale to influence official statistics (programs may be run in a local school, but FDV statistics are reported at larger geographic scales);
- immediate or intermediate term outcomes (e.g. increased awareness) are not necessarily correlated with actual reductions in violence.

FVPLSs are by no means alone in having, to date, inadequate evaluation of such programs; this is, in fact, the norm (see Appendix 9.3).

Qualitative evidence from staff and other stakeholders suggests that:

- Community engagement and participation in community events may contribute to awareness of FVPLSs and the services they provide;
- CLE may contribute to self-referral to FVPLSs;
- Some school-based programs may contribute to awareness of FDV;
- Some school-based and some adult personal development programs may contribute to improved self-esteem, which may encourage women to assert their right to be treated with respect;
- Some therapeutic services may contribute to FDV prevention for individuals or families directly involved;
- Community development approaches are intended to strengthen community capacity to prevent violence, although there is as yet no evidence to suggest whether or not this is the case.

It seems likely from the interviews that at least some, and possibly many of the programs provided are thoughtfully designed, culturally safe and well delivered. However, assessing outcomes requires clear immediate objectives, a theory that links those objectives to prevention outcomes, and an adequate evaluation strategy.

Given the national scale of the services, FVPLSs offer an unusual opportunity to develop evaluation approaches, an issue we pick up in the next section.

6.6 Future directions for CLE, prevention and early intervention programs

A number of observations are possible about the prevention and early intervention programs provided by FVPLSs.

The first is a contractual issue. Services are only required, under their current Commonwealth funding contracts, to provide two community legal education sessions and two prevention or early intervention programs per year. No maximum level of activity is specified, but the demands of their other roles set some natural limits on activity in this area. Given the scale of the problem, the normalisation of violence in many communities, the prevalence of contributing factors such as drug and alcohol abuse, and the underlying context of colonisation and victimisation, the *minimum* requirements specified in FVPLS funding contracts for education and early intervention services are not adequate to generate measurable outcomes in relation to prevention. Behaviour change research in a range of areas suggests that sustained and coordinated interventions are most likely to make significant contributions to prevention.

The second, related issue is the level of funding available. The services providing the widest range of early intervention and prevention programs generally had independent funding for those programs¹⁵. Larger services with more resources to allocate to developing funding submissions are more likely to attract independent funding. Smaller services and/or services that cover very large geographic regions can be less successful, meaning that they are constrained to the level of activity that is feasible under their core Commonwealth funding. Communities which receive services only when the court circuit is in the area are least likely to receive adequate prevention and early intervention programs, and this too is inequitable.

The third issue relates to the appropriate role for FVPLSs in the provision of prevention and early intervention programs. Here, we would make a number of observations:

1. FVPLS is clearly an appropriate provider of CLE programs. It is important to retain a victim perspective in CLE provision, to ensure that victims are aware of their rights and the services available to them. This role should therefore be retained by FVPLSs, and it should remain a contractual requirement for them to provide it.
2. The types of programs provided by FVPLSs are generally consistent with approaches used in other areas of prevention.
3. Evidence from prevention and early intervention programs in a range of related areas (for example, health promotion, crime prevention) have identified that multiple strategies operating concurrently within communities, and sustained over time, are necessary to affect levels of undesirable behaviour (see Appendix 9.3, literature review). It is highly likely that multiple agencies from different sectors will be required to play particular roles in prevention and this should include FVPLSs.
4. There are some communities in which FVPLS is a preferred provider for early intervention and prevention programs, perhaps because of the dearth of other services or because of their relationships with the community. The skills sets of staff may also contribute to being appropriate providers. For relationship education and early intervention programs, counselling and support staff are likely to be appropriate, and some FVPLS lawyers may well also have appropriate skills. For culturally safe provision, using Aboriginal staff and/or other staff with high levels of cultural knowledge and expertise is appropriate. FVPLSs should

¹⁵ Strictly speaking, programs funded through sources other than core Commonwealth funding were outside the scope of this evaluation. However, activities were often funded through multiple sources and the evaluation was not designed or resourced to undertake financial audits of services or their programs. Further, failing to identify the range of activities undertaken would be to do the agencies a disservice. We have therefore included information in relation to all programs, regardless of funding sources.

therefore retain the right and the capacity to provide services, either individually or in collaboration with other services, where this is the case.

5. It appears that many FVPLSs have not identified clearly how their programs are intended to work, and the range of outcomes that could be expected from them. This further undermines effective evaluation. There are many types of program theory, and different types have different strengths and weaknesses (Funnell and Rogers, 2011). We believe that program theory should explain not just what is to be done, but how and why it is expected to work. That program theory should then be used as a basis for evaluation design.

Recommendation 25. FVPLSs and National Forum. Clear program theory should be developed for all prevention programs provided by FVPLSs, where it is not already in place. Recognising the difficulties inherent in good quality evaluation of prevention programs, FVPLS agencies should be supported, potentially through a national project, to introduce effective monitoring and evaluation of prevention programs.

6. Multiple communities recommended that supports for families to address FDV without recourse to the western legal system are required. Such services are likely to ‘bridge’ healing (and therefore wellbeing) and prevention: in many cases, they were discussed as ‘prevention programs’. It is likely that FVPLSs will need to play a role in such services, but because of the involvement of perpetrators in the programs and issues of legal conflict of interest, they should not usually be the sole providers of them (although in some communities, they may be the preferred provider). It is recommended that:

Recommendation 26. FVPLSs, PM&C and National Forum. A project to investigate and develop, in consultation with Aboriginal communities and services, proposals and strategies for ‘the third way’ should be funded and undertaken through the National Forum. ‘The third way’ should seek to provide alternative services that enable families and communities to address violence without pursuing western legal action, where that is the wish of the victim and is supported by other family members. Options to investigate include adequate access to family healing; support for families ‘before it comes to violence’; development of family safety plans (as an alternative to ‘victim safety plans’); and additional support for families following reunification.

7. There are some regions and communities in which there are multiple service providers relevant to FDV, all of whom should play some role in prevention and early intervention. Prevention efforts are more likely to be effective if they are *multi-component*, with different services each providing their own appropriate component, and *coordinated*, so that there are no major gaps in strategies, so that messages are consistent, and so that resources are used efficiently. The precise nature and timing of programs should be planned and managed locally. This implies that a coordination role is required, but was currently not funded in most communities visited for this evaluation. FVPLSs should at least contribute to coordinated strategies, and in some circumstances may be the best placed service to undertake the coordination role: however, this requires at least a small staffing allocation and therefore both ‘permission’ within contracts and some resource allocation.
8. There are significant numbers of communities which are currently not receiving prevention and early intervention programs through FVPLS (and probably not through other services). However, it is not feasible for FVPLSs to provide programs in all the communities they service. Coordinated planning is required to ensure that priority communities can be identified and appropriate strategies developed for them.

9. There may be some debate about whether, or the extent to which, FVPLSs should be engaged in programs for perpetrators of FDV. (We note here that while most perpetrators are men and most victims are women, there are male victims and female perpetrators, as well as victims and perpetrators who do not identify as either male or female. There are also many instances of bi-directional violence within families where men and women may be both perpetrators and victims. Consequently, we are deliberately avoiding the label of ‘men’s programs’.) In the view of the evaluators, whether FVPLSs are appropriate agencies to deliver programs for perpetrators depends on the availability of other local services, the expertise sets of the staff, the relationship between the agency and the communities it services, and the service’s philosophical stance on its role in prevention. We note also that there are many ways for FVPLSs to contribute to programs: through direct provision of a program; through collaborating with other services to provide a program; by sitting on advisory committees for programs, and so on. We do not believe, therefore, that it is appropriate to either require or prevent FVPLSs from providing or contributing to programs for perpetrators, on condition that physical, social, emotional safety for victims is maintained. For example, we would suggest that perpetrator programs, if offered, should not be conducted from the same premises as FVPLS services for victims. As with other aspects of FVPLS service delivery, we believe that the services offered should be based on needs analysis for the communities serviced, including consideration of the range of other services provided.

10. Because the drivers of FDV and the range of services available to contribute to prevention vary across communities, no single strategy or specific role for FVPLSs is likely to be effective across all communities. Rather, planning processes are required to assess the best set of strategies and responses for regions. Local processes should require consultation or collaboration with local communities and collaboration with other services (e.g. health services, police, schools, shelters). Effective planning requires consideration of local FDV and child protection data, local drivers of FDV, and gaps in services, including but not limited to perpetrator programs. Plans should be required to prevent a ‘logic’ of intervention (for example, addressing underlying or proximate triggers for violence is a different approach from conducting healthy relationships programs and is underpinned by different ‘logic’.) Plans should also include elaboration of the best role(s) for FVPLS in prevention of FDV for their communities.

On the basis of these observations, it is recommended that:

Recommendation 27. PM&C: The Department of Prime Minister and Cabinet should increase the priority afforded to prevention within FVPLS services. This requires integrated consideration across contract requirements, data collection and evaluation, and may have funding implications.

Recommendation 28. National Forum, PM&C and FVPLSs: A strategy should be developed to enable design of appropriate FDV prevention strategies for communities in which FVPLSs provide services.

6.7 Revised program theory for safety and prevention

Table 9: CMOs: CLE, Early Intervention and Prevention

Community Legal Education, Early Intervention and Prevention Programs			
Service strategies/ activities	Context	Mechanism	Outcome
FVPLS provides CLE	Communities or situations where	Increased understanding of behaviours which	Some victims seek services

	<p>anonymity can be maintained</p> <p>Sufficient sense of self-worth for victim/survivors</p> <p>Initial relationships established between service providers and potential clients</p>	<p>constitute FDV and child abuse and neglect (CAN)</p> <p>Increased awareness of legal rights and legal service availability to help increase safety or address perpetrator behaviour</p> <p>Sufficient trust in service providers to initiate discussion</p>	
	<p>Small, inter-connected communities</p> <p>Community expectations to maintain family</p> <p>Past and/or current negative experiences of police and the criminal justice system</p>	<p>Anonymity cannot be maintained</p> <p>Shame experienced by, or shaming of, victims of FDV</p> <p>Fear and distrust of police, the criminal justice system; anxiety</p>	<p>Even though awareness may be increased, victims do not seek services.</p>
<p>FVPLS provides early intervention programs with Indigenous young people</p> <p>Indigenous-led programs</p> <p>Active learning strategies</p> <p>(Evidence primarily from literature review)</p>	<p>Collaboration with schools or other service providers</p> <p>Whole school approaches</p>	<p>Increased understanding of FDV</p> <p>Increased understanding of healthy relationships</p> <p>Skills for healthy relationships</p> <p>Strengthened sense of identity or self-worth: 'I won't stand for this'</p>	<p>Decreased tolerance of FDV behaviours (not evidenced in FVPLS programs as yet)</p>
	<p>Adequate and sustained funding</p> <p>Long term programs</p> <p>Positive relationships in community</p>	<p>Credibility of programs</p>	<p>Engagement of community members in programs</p>
	<p>Young women as program participants</p>	<p>Retention of learning</p>	<p>Potential for longer term outcomes</p>
	<p>Young men as program participants</p> <p>Short-term education/awareness-oriented programs</p>	<p>Lower retention of learning</p> <p>'Push back' by some young men (evidence from literature review for some types of programs)</p>	<p>Lower potential for behaviour change sustained over time.</p>
<p>FVPLS provides healing programs for victims/survivors of FDV, and/or contributes to healing programs for perpetrators of FDV</p> <p>(Evidence from literature review)</p>	<p>Stable, long term funding</p> <p>Stable organisation focused on healing whole community</p>	<p>Community trust in organisation and in efficacy of program</p>	<p>Community engagement in healing programs</p>
	<p>Long-term, multi-faceted programs grounded in Indigenous cultural practices</p>	<p>Healing (resolving grief, anger)</p> <p>Strengthening cultural norms</p> <p>Developing positive Indigenous identity</p> <p>Developing skills for conflict resolution</p>	<p>Stronger relationships</p> <p>Reintegration in communities</p> <p>Reduction in violence</p>

7 Good practice

KEY FINDINGS

An initial rubric was developed to identify areas of FVPLS good practice, including adaptation to local conditions. The rubric was developed as a tool for evaluation, which could remain available for self-assessment by sites and services and thus contribute to quality improvement over time. It could also potentially serve as a tool for reporting aspects of important FVPLS work not captured in CLASS and current reporting formats.

Local services were assessed against the standards using comments by interview respondents against the draft rubric, the interview data for sites within the service, and (for the monitoring, evaluation and quality improvement element), accountability reports to the Commonwealth. Assessments were then adjudicated by an evaluation team member who had not participated in the initial assessment process for any site. For most elements of the rubric for most services, the adjudication resulted in confirmation of the assessment standard reflected in the draft report. For most services, for some elements, it resulted in a different (usually lower) assessment. Both 'initial' and 'adjudicated' assessments are presented in local reports and this national report.

The great majority of sites evaluated were performing at or above adequate levels of service. Some were performing well above adequate levels. One site requires significant work to improve the quality and contextualisation of their services, and a handful of others to require improved performance in specific areas.

Across all services nationally the top four elements, which were (in order) *Collaboration with external services*, *Expertise*, *Cultural safety*, and *Service standards*, for both initial and adjudicated assessments. These are all critical components of service quality and services generally scored well on them. There was variation in the order for the remaining elements. There was some variation between initial and adjudicated scores in the order for the remaining elements. However, *Needs assessment and planning*, *Models of practice*, and *Monitoring and evaluation*, were in the bottom three elements for both initial and adjudicated assessments.

An updated rubric, developed with stakeholder input throughout the evaluation and proposed as a tool for future use, is provided in Appendix 9.6.

7.1 Introduction

The evaluation developed a rubric in relation to 'good practice principles' for FVPLS. The aim was not to replace existing professional standards that guide legal practitioners or social service professionals. Rather, the aim was to focus on principles which enable high quality service AND adaptation of services to local context. The underlying assumption was that services will only achieve good outcomes if they are both of high professional quality and relevant to local community needs, cultures and circumstances. This latter was a strong theme in the literature review for prevention (Appendix 9.3), but has also been identified in other Indigenous programs (e.g. Morley, 2015).

The rubric was designed to provide a transparent basis for assessment of quality of services in the evaluation, and to provide a tool for later self-assessment and quality improvement by sites and services.

The evaluation team developed a first draft of a rubric based on the literature review described in Chapter 2 above. The rubric was designed to support high quality adaptation to context, as well as high fidelity to the purposes and services required under the service's contract. Earlier evaluation research (Westhorp and Williams, 2017, unpublished) identified that this combination (high fidelity, high-quality adaptation to context) requires, amongst other things:

- a clear program model in which program elements are appropriate to achieve intended outcomes, and staff have both appropriate skills to implement them and a thorough understanding of 'how and why' program elements are expected to work. This ensures that implementation is effective and that adaptations do not inadvertently undermine achievement of outcomes. For FVPLSs, this includes legal services, counselling and support services, and prevention programs;
- good technical knowledge. For FVPLS, this includes legal knowledge and understanding of how legal processes work for legal practitioners, counselling knowledge for counsellors, and so on;
- deep understanding of local culture and power relationships, of the ways that local actors are likely to 'reason' in response to the resources the program provides; and of other contextual factors that affect the operation of the program;
- processes for consultation with community members, both to ensure that service delivery is culturally and contextually appropriate and to keep service providers up to date with changes in local contexts;
- supportive management processes, including authority to adapt services to local contexts and in response to monitoring and evaluation data;
- adequate time and resources;
- active use of monitoring and evaluation data to identify trends and issues and respond to them.

Some FVPLSs have their own good practice standards. In the interests of a fair evaluation, all services were assessed against the draft rubric developed by the evaluators, rather than against locally developed standards, which might vary from service to service.

7.1.1 Structure of the rubric

The initial rubric contained ten elements: Models of service; Prevention and legal education programs (two elements – one relating to appropriateness for context, the other to adaptation to context); Community needs assessment and service planning; Expertise; Cultural safety; Service standards; Monitoring, evaluation and quality improvement; Collaboration between legal and non-legal staff; and Inter-agency collaboration. Prior to its use in the evaluation, the two 'prevention' elements were rewritten and combined, reducing the number of elements overall from ten to nine. Each element was described in a brief sentence. For example, the description for the 'Models of service' element was "Models of service are adapted to local context and culture." Each element was then described

at four standards of performance: Inadequate, Adequate, Good and Excellent.¹⁶ All services should operate at the 'adequate' level for all elements: if doing so, they would meet funding requirements and provide appropriate services to local communities.

In order to meet 'good' or 'excellent' standards, services should also meet the standards for the preceding level. That is, to meet the 'good' standard, services should meet the criteria described for the 'adequate' level *and* the criteria for the 'good' level. This was indicated in the rubric by using the phrase 'Adequate plus:' at the top of the description of criteria for the 'good' level. Similarly, to meet the 'excellent' level, services should meet the standards for 'adequate', 'good' and 'excellent' levels. This was indicated using the phrase 'Good plus:' at the top of the description of the criteria for excellence.

In fact, a number of agencies partially met criteria at multiple levels; this was taken into account in analysis.

7.1.2 Analysis of rubric data

7.1.2.1 *Issues in assessment*

The process of applying this rubric across different services within a national evaluation created a number of dilemmas. Firstly, the structure and services provided by FVPLSs vary widely and there were some elements of the rubric that did not apply equally to all services (most notably, the element relating to collaboration between legal and non-legal staff in services). This made equitable application of the rubric difficult.

Secondly, the Commonwealth's Indigenous Advancement Strategy Evaluation Framework requires respectful collaboration with Indigenous peoples. Reflecting this principle, the evaluators provided FVPLSs with a draft of their assessments against the rubric. Some services then undertook internal consultation processes and many services provided additional evidence. This was taken into consideration by the evaluator with lead responsibility for writing the report for that service and assessments were refined, sometimes in discussion with the services. This process inevitably introduced some differences in assessments across services, both because different evaluators undertook the work, and because services responded differently to the process of assessment. These assessments and the evidence for them were incorporated in drafts of the updated local service reports.

Thirdly, however, principles of natural justice and ethical standards for evaluation require procedural fairness: that is, that assessments be applied fairly to all those assessed. To ensure that this was the case, the assessments of evidence presented in the local reports were then adjudicated by an evaluation team member who had not been involved in any of the local assessments. This identified some variation in the processes of making judgements against the criteria in the rubric, which in turn had the potential to portray some services more positively than others.

¹⁶ One FVPLS staff member suggested changing these labels to 'Inadequate, Progressing, Proficient and Exemplary' on the basis that this was more encouraging language. We have not accepted this suggestion because it changes the level that is 'good enough' from Level 2 to Level 3; because the rubric describes levels of achievement rather than effort (which we believe is the implication of 'progressing'); and because we have sought to keep the language as simple as possible, for use in communities.

7.1.2.2 Processes used

Local services were initially assessed against the standards using comments from respondents against the draft rubric, the interview data for sites within the service, and (for the monitoring, evaluation and quality improvement element), accountability reports to the Commonwealth. Assessments were agreed between the two researchers for each site, and where two sites were evaluated for the agency, amalgamated across those two sites. A meeting between lead authors for reports discussed the processes for assessment in an attempt to build consistency in assessments. The process of adjudication noted above was then undertaken.

It should be noted that for most elements of the rubric for most services, the adjudication resulted in confirmation of the assessment standard reflected in the draft report. For most services, for some elements, it resulted in a different (usually lower) assessment. While it would have been ideal to do so, neither time nor financial resources were available for an additional round of feedback to, or consultation with, services about these variations. In an attempt to be true to both principles – collaboration with services, and procedural fairness in assessments – both assessments have been presented in local reports. A system of colour coding was adopted, so that headings with a green background show the final assessment. Criteria under each heading that were well evidenced are in blue font and those with partial evidence in orange. Those not evidenced are left in black font. This colour coding was intended to increase the transparency of judgements and allow services to challenge assessments, should they disagree with them.

It should be noted here that assessments will not necessarily represent findings for whole services where not all sites were visited. Services could, however, use the standards to conduct their own internal assessments.

For the national level, a table was prepared, listing each element of the rubric down the rows and service across the columns. The overarching assessments of the standard achieved for each element (e.g. 'adequate', 'good') was entered for each service. Many services partially met standards for two levels, and so intermediate levels (e.g. 'adequate to good') were also included.

A points scoring system was then applied. No points were allocated for a rating of 'Inadequate'. A rating of 'Inadequate to Adequate' scored 1 point; 'Adequate' scored 2 points; 'Adequate to good', 3 points; 'Good', 4 points; 'Good to excellent', 5 points; and 'Excellent', 6 points. Points were totalled for each service across all elements; and for each element across all services. Average scores were then calculated for each element, allowing an overall assessment for all sites visited in this evaluation, and ranking of the elements for which the program is performing 'better' and 'worse'. This process was undertaken both for the assessments developed with services (referred to here as the initial assessment) and for the adjudicated assessment. The results are presented and compared below.

We also note that these assessments were undertaken against a *draft* rubric, which has since been updated and is provided in Appendix 9.6. The evaluation process was attempting to undertake two tasks concurrently: develop a rubric that would be useful to services for their ongoing quality improvement activities; and provide transparent feedback to services about aspects of their current performance. Services are of course at liberty to challenge the assessments made in local reports, or to consider additional internal evidence within their own discussions. They are also free to adapt the rubric to better reflect the nature of their services.

A number of services reported that they found the rubric and the assessments it generated useful: if this is a shared view, the Forum could facilitate further development of the rubric so that a consistent basis for assessment is maintained. We remain convinced that the primary value of the rubric lies not

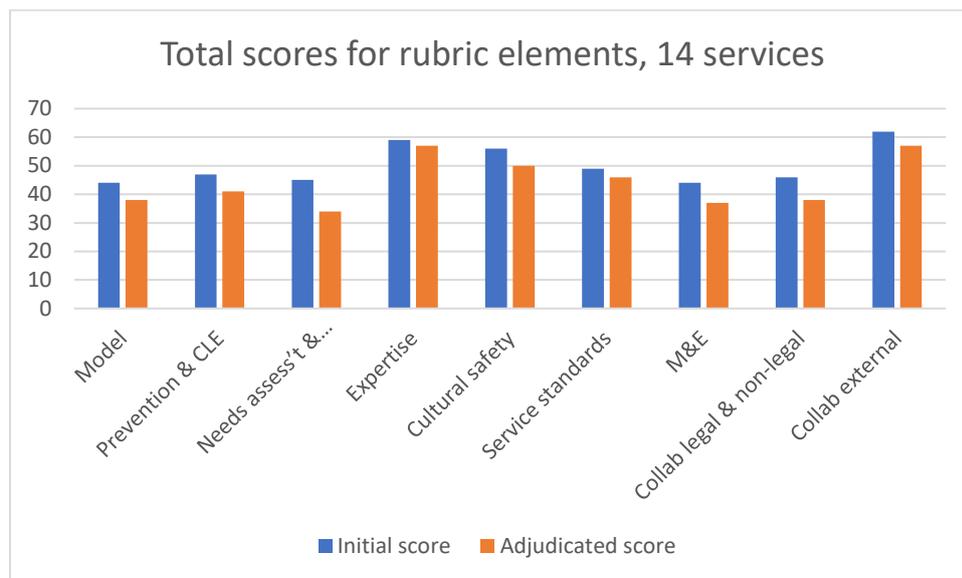
in the assessments made in this evaluation, but in its ongoing use as a basis for discussion and quality improvement within FVPLSs.

7.2 Performance against the standards

7.2.1 Performance for all services

Figure 2 below provides the totals for both the initial and the adjudicated assessments across all 14 services.

Figure 2: Initial and adjudicated rating scores, all services



The graph demonstrates two things.

1. Firstly, while adjudicated scores tended to be slightly lower than initial scores, the differences were not usually large.
2. Secondly, adjudication only slightly altered the order of assessments for elements. In the original assessment, Collaboration with external services was the highest scoring element, followed by Expertise. In the adjudicated version, these were equally high scoring. Cultural safety, Service standards, and Prevention and community legal education were respectively third, fourth and fifth highest in both the original and the adjudicated rubric scores. Collaboration between legal and non-legal staff scored slightly higher than Models of practice in the original version, but these were equal sixth in the adjudicated version. Monitoring and evaluation and Needs assessment and planning were in bottom positions in both initial and adjudicated versions, but swapped the order.

7.2.2 Performance by individual services

It was noted above that all services 'should' operate at an adequate level for each element, and that an 'adequate' rating attracted 2 points in the points scoring system. This means that services 'should' score a minimum of 18 points. It should be expected that most services would score well on some elements and less well on others, so a score of 18 might reflect inadequate performance on some elements and good on others. A very effective service might operate at the 'good' level on all elements: this would attract a score of 27 points. No service should be expected to score at the 'excellent' level on all elements: the rubric is in that sense aspirational. However, services should aim

for the ‘good’ level of functioning in most areas of the rubric and the ‘excellent’ level in their key priority areas.

Of the 14 agencies, nine scored above 27 points on both the initial and the adjudicated scores; a tenth did so on initial scores but not on adjudicated scores. None of these services scored below ‘adequate’ for any element.

Three agencies scored between 18 and 27 points on both initial and adjudicated scores. Two of these agencies received less than adequate ratings, one for one element and the other for two elements. Where any area is assessed as less than adequate, services should make it a priority to develop strategies to improve performance.

One agency scored below 18 points on both initial and adjudicated scores, and another scored below 18 after adjudication; both have significant issues to address.

Defunding poorer performing agencies may not, however, be the best option. It may reduce access to justice, and to other services, in localities which are acknowledged to have high rates of FDV. (This was the original rationale for the locations chosen for FVPLS services). Further, there are other sites which are currently operating well, but which were reported by respondents to have previously operated poorly. That is, some degree of cyclical fluctuation in performance of individual sites or services is normal in a national program, and therefore, services or sites which are underperforming at a particular point in time should be supported to improve. It is therefore recommended that:

Recommendation 29. PM&C and FVPLSs: Services which are rated as under-performing (at the time of this evaluation or in future) should be required to develop specific quality improvement plans and timeframes for their implementation.

One option may be to set timeframes for particular achievements: for example, four months for development and negotiation of a quality improvement plan which is agreed with the Commonwealth; with clear milestones for achievement by the end of a 12-month period; and continued quality improvement processes monitored for at least the subsequent 12-month period. Provision of additional support during this period may also be appropriate.

Given the importance of legal services for Aboriginal victims of FDV, under-performance in any site over a protracted period should not be permitted. Consequently, if agencies are unable to improve performance within a two year period, funding should be reallocated, either to another agency in the region, or to other regions with high rates of FDV.

7.2.3 Performance against elements.

There was (unsurprisingly) relatively little difference in average scores across the elements of the rubric. However, as might also be expected, there were significant differences in the patterns that made up those averages. Here we report on the elements of the rubric, in the order of scores achieved on the initial ratings, from highest to lowest. The original element of the rubric is presented in each sub-section, for ease of reference.

7.2.3.1 Inter-agency collaboration

Collaboration with external services	The service does not work collaboratively with other services, locally or at state or national levels.	Staff have accurate and up to date knowledge of other services and refer	Adequate plus: FVLPLS staff work cooperatively with external services to provide	Good plus: FVPLS, external services and communities work collaboratively on education and
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	Service staff are not aware of the availability of, or services provided by, external services.	clients appropriately. External services are taken into account in FVPLS service planning to avoid duplication and maximise effectiveness.	coordinated services to victims, at individual and community levels.	prevention initiatives, and advocate collaboratively for gaps in services to be addressed.
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The highest scoring element on both initial and adjudicated scores was ‘Collaboration with external services’. Most agencies were rated as ‘good’ or above, only one as ‘adequate’, and none as less than adequate. Collaboration was most commonly reported in relation to service delivery for individual clients; some services also reported collaboration in relation to community events and prevention and early intervention programs.

7.2.3.2 Expertise (in FDV, in culture & context, in profession/work role)

Elements	Inadequate	Adequate	Good	Excellent
Expertise (in FDV, in culture & context, in profession/work role)	Staff lack key skills in any of FDV, professional skills required for their work roles, or expertise in culture and context.	All staff have adequate skills (and where appropriate, qualifications) in FDV, their professional/work roles, and cultural competence. Staff understand and are able to implement work in accordance with professional service standards	Adequate plus: all staff understand how culture, context and relationships affect how community members access and respond to services provided. Staff are able to tailor service provision to achieve equitable outcomes from services.	Good plus: staff are able to resource others (e.g. other services with whom they collaborate) in tailoring collaborative / coordinated services to ensure equitable outcomes from services

The element ‘Expertise’ ranked second of the nine elements. Professional staff (lawyers and where appropriate social workers) were widely reported to have appropriate professional expertise; in some services, CSOs supported them in developing cultural expertise. The great majority of sites were reported to have high levels of cultural expertise. Some services reported difficulties recruiting staff with professional qualifications or appropriate expertise and deliberately adopted a strategy of employing local people and training them, most commonly for para-professional and support roles. Because of the wording of the rubric, this could result in a lower rating for expertise, because staff being trained did not necessarily have all the skills required for their positions. However, in the opinion of the evaluators, services should not be rated at a lower level for this approach and the wording of this element has been revised in the new version of the rubric to reflect this.

7.2.3.3 Cultural safety

Elements	Inadequate	Adequate	Good	Excellent
Cultural safety	Service provision undermines	All staff are familiar with cultural safety	Adequate plus: services reflect	Good plus: Services actively engage

	cultural identity of service users and/or the wider community	principles and work towards their implementation in all aspects of service delivery.	cultural safety principles in all aspects of the organisation (service delivery, management, governance and policies).	communities in supporting and advocating for cultural safety in the wider service network and legal system affecting FVPLS clients.
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The third-rated element on both initial and adjudicated scores was ‘Cultural Safety’. Most agencies rated highly on this item, although four rated as ‘adequate’. No agencies were ranked below ‘adequate’. This finding reflects, overall, the employment of Indigenous staff with high levels of cultural knowledge; willingness on the part of those staff to assist other staff to develop cultural expertise and to communicate in culturally appropriate ways; and investment of time in the development and maintenance of relationships with clients and communities. In some cases, it also reflects the support given to Indigenous staff so that they could be culturally safe themselves in FVPLS workplaces.

7.2.3.4 Service standards

Elements	Inadequate	Adequate	Good	Excellent
Service standards	Services are not aware of relevant standards AND/OR do not meet relevant standards AND/OR are not working to ensure relevant standards are met.	Services are aware of relevant standards in relation to the services they provide and are working towards accreditation under relevant standards.	Services are accredited to practice under relevant standards (e.g. Law 9000) Legal service provision complies with Family Court guidelines for service provision in relation to Family Violence.	Good plus: Services actively engage communities in reviewing how practices meeting relevant standards can be adapted to better reflect community needs and priorities, and/or to reflect principles of cultural safety.

The fourth-highest scoring element was ‘Service Standards’. This was an element on which it was relatively easy to be assessed at a ‘good’ level, the primary criterion for that level being NACLAC accreditation. However, only two services were rated as ‘good to excellent’ for this item, and none as ‘excellent’ (which would have required consultation with communities about ways to meet standards while tailoring to context).

As noted in Section 2.1.1.3, accreditation under NACLAC is the primary vehicle for ensuring the overall quality of community based legal services, and services are currently required under their funding contracts to be, or become, accredited. However, neither the existing funding contracts nor the accreditation system itself require services to disclose whether or not they are accredited. While we were able to ascertain accreditation status for this evaluation, the Commonwealth should monitor this on an ongoing basis. A recommendation to this effect was included in Section 2.1.

7.2.3.5 Prevention and legal education programs

There were initially two elements of the rubric deal with prevention and legal education programs. The first dealt with the extent to which services are **appropriate** to local needs, context and culture (this was intended to enable assessment of whether, for example, appropriate evidence-based programs were selected). The second dealt with whether and how programs or activities are **adapted to** local context and culture. In the version of the rubric used in the field, these two elements were melded into a single element.

<p>Prevention and legal education programs are appropriate to local needs, context and culture and are adapted to local context and culture.</p>	<p>Prevention and legal education programs are not conducted AND/OR prevention programs are ad hoc AND/OR prevention programs are not tailored to local contexts.</p>	<p>Staff and/or Board members are resourced to investigate evidence in relation to effective prevention and legal education approaches. A range of program types are investigated, including provision of information resources, peer education, community development, therapeutic approaches. Selected approaches protect the safety of current and past victims of FDV. Evidence based prevention programs and strategies are selected in consultation with communities. Communities are consulted in planning and implementation of programs. Programs take account of impacts of colonisation, and incorporate Indigenous knowledge, spiritual and community practices.</p>	<p>Adequate plus: Communities are informed about the range of options investigated and involved in the selection of appropriate models for the community. Prevention and legal education programs include information about and referral to services (local where available). Staff knowledge of local culture and context are used to refine prevention programs and strategies to increase effectiveness. Local communities are actively consulted to inform refinements to prevention programs. Refinements are tested and outcomes monitored. Refinements are documented and shared across the staff team. Programs and resources are provided in local languages</p>	<p>Good plus: Communities are actively engaged in planning, implementing and evaluating selected models. Where possible and appropriate, models are delivered in local language and by respected local people. Communities are empowered to design and implement a range of prevention strategies appropriate to local issues and needs. Other relevant services are engaged in collaborative design, provision and evaluation of prevention programs, under the direction of local communities.</p>
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‘Prevention and legal education programs’ rated fifth of nine elements on initial ratings and sixth using adjudicated ratings.

To achieve an Excellent rating, FVPLSs had to ensure that communities were actively engaged in developing, implementing and evaluating the success of interventions. This aligns with elements of the first and third aims of the National Plan and is consistent with findings from the literature review. However, this was an area where there was clear separation into services which did well and services which did not. Two services were rated as below adequate and another four as adequate. These latter services tended to offer primarily community legal education. Some other services, however, offered a range of prevention programs and appeared to do many of them well, as discussed in chapter 6 above.

7.2.3.6 *Collaboration between legal and non-legal staff/functions within the service*

<p>Collaboration between legal and non-legal staff/functions within the service</p>	<p>Legal and non-legal staff work independently, or compete, or conflict, or undermine the other functions</p>	<p>Client-focused collaboration between legal and non-legal staff</p>	<p>Adequate plus: Legal and non-legal staff collaboration also involves the client, and this increases the client’s capacity to self-manage the factors that lead to the violence experiences. FVPLS’ are aware of, and take into account, the institutional structural and cultural barriers that negatively impact the effectiveness of collaboration to achieve the program objectives.</p>	<p>Good plus: FVPLS’ research and develop innovative strategies to overcome the institutional structural and cultural barriers to the collaboration between legal and non-legal staff. FVPLS advocates for systems change (eg. to NACLIC standards or law reform) to support the community-development dimensions of a community legal centre (e.g. best organisational arrangements to ensure legal confidentiality; OR legal reform to ensure counselling notes in a legal advice setting carry legal privilege status (when a client meets with a lawyer and a counsellor simultaneously.)</p>
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The element ‘Collaboration between legal and non-legal staff’ ranked sixth of the nine elements on initial ratings and fifth on adjudicated ratings. This was a difficult element to apply for some services which do not provide either counselling or in one case, legal representation, internally. In these cases, the principle of collaboration between staff in the best interests of clients was assessed instead.

This element received diverse scores, with two services rated as below adequate, either overall or for particular staff relationships; three services rated as excellent on initial scores (one of which also rated as excellent on adjudicated scores); and the other services relatively evenly distributed in between these two extremes. In one service, this diversity was reflected internally, with relationships between legal and counselling services inadequate, but relationships between legal and CSO staff very positive. This appeared to reflect both geography (the counselling service was not based locally) and a set of philosophical assumptions about the implications of client confidentiality for collaboration between lawyers and counsellors. Other services, however, managed confidentiality issues without undermining cooperation between legal and non-legal staff.

One aspect of the ‘excellent’ standard in the original rubric required revision, in that the Commonwealth contract for funding of FVPLS clearly delimits use of Commonwealth funds for advocacy by local services. (The National Forum is expected to advocate on behalf of local services). This is, in the view of the evaluators, somewhat short-sighted: evidence-based feedback from services about issues at local level should be actively sought and used to inform future policy and program development, rather than being discouraged. However, until such time as guidelines are revised, it is unfair to assess services against something that the funding contract restricts.

7.2.3.7 Community needs assessment and service planning

Elements	Inadequate	Adequate	Good	Excellent
Needs assessment and service planning	Services and programs are run on an ad hoc basis AND/OR due to staff interest / expertise AND/OR because they have been effective elsewhere AND/OR because that is what has been run before.	Service provision levels are monitored to assess demand for services. Informal feedback from community members about issues and needs is collected and monitored. Community members and relevant services are consulted in service planning activities.	Adequate plus: Structured processes are conducted to monitor and identify changes in communities which may affect FV and/or needs for services. Needs-assessments for services are conducted/updated biennially. Services are planned in collaboration with local community and relevant services. Capacity building is provided for staff as required in culturally safe and appropriate ways of engaging community members in needs assessment and program planning.	Good plus: Capacity building is provided as required for local community members in needs assessment, service planning and adaptation of services to meet local needs in locally appropriate ways.

‘Community needs assessment and planning’ is central to contextualised service delivery. It rated seventh of nine elements on initial scores and last on the adjudicated scores. The difference for adjudicated scores reflected a focus on formal and regular assessment of community needs, as distinct from informal feedback processes. Even on initial scores however, only one service was rated as ‘good to excellent’ and none as excellent. One was rated as inadequate. Few agencies reported structured processes for assessing needs in the communities they service. There is some merit to the argument that demand for existing services is evidence of need for those services. However, demand for existing services does not demonstrate that there are not other – perhaps more pressing – needs for which there would also be demand.

We believe that all agencies should be required, as a component of their contracts, to undertake needs analysis and to be able to demonstrate how that assessment underpins their service provision. There are multiple ways that such assessment can be undertaken, and some FVPLSs demonstrated strategies for incorporating elements of needs analysis into existing services.

Recommendation 30. PM&C, FVPLSs: All services should be required to provide evidence of needs assessment and clear plans demonstrating how service provision responds to community needs.

7.2.3.8 Models of service

Element	Inadequate	Adequate	Good	Excellent
Models of service are adapted to local context and culture.	Models are not clearly described AND/OR Staff do not understand how and why models are expected to work.	Models are clearly described. All staff have an adequate understanding of all models of service to ensure consistency of practice, and mutually reinforcing practice, across the service. Staff have good understanding of what to do and how to do it, and appropriate skills and resourcing to do so, for their own areas of work.	Adequate plus: Staff knowledge of local culture and context are used to refine models of service to increase effectiveness. Local communities are actively consulted to inform refinements to models of practice. Refinements are tested and outcomes monitored. Refinements are documented and shared across the staff team.	Good plus: Local communities are actively engaged in refining / adapting models of practice to suit local context and culture. Tested, refined models are shared across the FVPLS network and more widely if appropriate.

‘Models of service’ rated eighth of nine elements on initial scores and seventh on adjudicated scores. The draft rubric element for models of service focused on adaptation to local context and culture. At the adequate level, FVPLS ways of working are clearly described, understood by staff and practice is mutually reinforcing across all elements of the service. At higher levels, there is greater contextualisation of services. Three agencies were rated as ‘good to excellent’ and a fourth on initial, but not adjudicated, scores. One was rated as ‘inadequate to adequate’, with a second receiving that rating on adjudication. Agencies that rated more highly used their understanding of local culture and context to adapt their ways of working to increase client engagement. It is possible that the nature of the core legal services provided and, in some cases, demand on existing services are experienced as constraining contextualisation, although this question was not explicitly asked during data collection.

7.2.3.9 Monitoring, evaluation and quality improvement

Elements	Inadequate	Adequate	Good	Excellent
Monitoring, evaluation and quality improvement	Performance monitoring data is not collected. AND/OR The performance monitoring data that is collected is not used for service planning or service improvement.	The service complies with data collection, recording and reporting requirements as set in the FVPLS contract.	Adequate plus: Service provision and service outcomes are monitored. Performance data and community needs data are collated and analysed to identify needs and service patterns. Staff and Board/Advisory Group members are actively engaged in developing an annual QI plan to address gaps or improve effectiveness.	Good plus: Local communities and other stakeholders are actively engaged in monitoring and evaluation processes. Evaluation activities are consistent with the principles and approaches in the Indigenous Advancement Strategy Evaluation Framework

Monitoring, Evaluation and Quality Improvement ranked lowest on initial ratings and second-lowest on adjudicated ratings.

The great majority of services were rated as ‘adequate’ in that they met reporting requirements under the funding contract but only a small handful undertook evaluation or clearly used data for quality improvement processes. This was an area for which the National Secretariat suggested an excellent rating should be described as ‘aspirational’, on the grounds that services are not adequately funded to undertake evaluation. It is, however, an area in which significant things could be achieved in collaborative projects, potentially hosted by the National Forum. This might include developing common tools for evaluating questions of significance across the program, and developing funding proposals for evaluative work. The Forum’s Data Working Group contributions to revision of the CLASS data system for FVPLSs could also contribute.

Shortfalls in the CLASS data system described in Section 1.6.2 above are a serious impediment to monitoring and evaluation for FVPLSs. However, even if the system were fully functional, it would be inadequate for evaluation purposes, because it does not record outcomes of either services to individuals or programs conducted. PM&C advised that services were at liberty to collect and analyse additional data; however, this risks creating inequities between services: larger and better resourced services are more likely to be able to do so; smaller and relatively lesser resourced services are less likely to be able to do so. Given that monitoring and evaluation are expected to contribute to quality improvement and to the effectiveness of services, this creates a subsequent risk; that is, that only some services will be able to use their own data to improve their services. This is, in the view of the evaluators, inadequate. The Commonwealth should require services to effectively monitor and evaluate their services, and to use internal data for quality improvement. It should also resource all services adequately to do so.

7.3 Revised rubric

A revised rubric, with instructions for its use, is provided in Appendix 9.36.

7.4 Conclusion

The great majority of sites evaluated are performing at or above adequate levels of service. Some are performing well above adequate levels. These sites tend to have additional funding, independent of the core FVPLS funding provided by the Commonwealth. There are, however, two sites which require significant work to improve the quality and contextualisation of their services, and a handful of others should seek to improve performance in specific areas.

It might be noted that some services were reported to be functioning well, or at least adequately, on some elements but stakeholders reported that they would not have been rated so well in the past. This is to be expected in programs of any size. Individual organisations, or services within organisations, may go through cycles of better and worse performance. Competent leadership and governance are required to lift the performance of services which are going through periods of poor performance. Planning directed specifically at improving performance is also required, and sometimes, either additional investment or redirection of resources may be required. It is recommended that the Commonwealth enter into negotiation with the services which have been identified as performing poorly either overall or on specific areas, with a view to resolving the underlying issues and establishing clear plans for quality improvement.

8 National Forum, Secretariat and Convenor

Key Findings

The National Forum, Convenor and Secretariat perform two primary functions, as a national representative of and advocate for the FVPLS service sector; and as a coordination and support structure for FVPLS services.

The two paths identified in the initial program theory for the Forum to achieve better quality services and better client outcomes were supported only in part.

There was evidence from both output and interview data that the Forum, particularly through the Convenor, was conducting substantial policy and advocacy activities. Concerns raised in this area included the perceived exclusion of some topics, regions or services from advocacy activities.

There was little consensus on the degree to which the Forum was supporting good practice in governance, operation, service delivery and programs. There was agreement that channels for communication between services had been developed, through written communication, meetings and working groups. Member priorities included Secretariat capacity to provide timely advice related to governance and service issues, productive committees or working groups that produced outcomes in area of greatest importance to FVPLS members, and greater support in gaining and sharing knowledge, including more resources available on line.

There were also some concerns about over-identification of the Forum with its auspicing FVPLS, although it was acknowledged that the Forum also benefited from the situation.

A rubric for the Forum, Secretariat and Convenor has been developed, reflecting FVPLS member input, to identify good practice in this area.

8.1 Introduction

The evaluation design specified that the evaluation team would review:

The effectiveness of the FVPLS National Forum and the role, structure and function of the Secretariat and Convenor in supporting the sector to share best practice and achieve forum objectives, including:

- *supporting and enhancing FVPLSs in their governance, operation, service delivery and programs; and*
- *coordinating, implementing and continuing to improve communication between all FVPLS units*

Both internal and external stakeholders were consulted on the effectiveness of the Forum. External stakeholders were those who worked with FVPLS on a national basis; internal stakeholders were primarily CEOs and Principal Legal Officers, although some other staff also contributed views. Due to the small number of potential respondents, in this section quotes are labelled as either Internal Stakeholder or External Stakeholder. Internal stakeholders are staff in any FVPLS or the Secretariat.

8.2 FVPLS National Forum – history and structure

The National Family Violence Prevention Legal Services Forum (FVPLS Forum) was formally initiated in May 2012. Regionalisation has since taken the original 31 services in the Forum to 14.

The Forum commenced at the request of its member services:

... we have always seen the need to have a body that brings us all together, because we were all working in isolation prior to that... way back when there were 31 FVPLSs. The Attorney General's Department, who was our funder at the time, used to bring us all together on an annual basis, and we developed our relationships from that. They would often contact each other by phone and that kind of stuff. But then we went to the Attorney General's Department and said, "Look we see real value in you funding a secretariat for our forum"... We wrote to the AGs as a collective, and I think we secured about \$50,000 at that point. Then from there we just built it and the government, our funders, saw value in what we were doing, being a collective and working together to build capacity within our individual organisations. [Funding now] ... is about \$244,000 annually... (Internal Stakeholder)

The Forum operates through a Charter. The purpose of the National Forum Charter is “to document the objectives of the National Forum and to include procedures to guide its operation.” (National FVPLS Forum 2018). The Charter was updated in May 2018, with changes approved by resolution of all Forum members.

In accordance with the Charter, expressions of interest for the positions of Convenor and Deputy Convenor are called from within the CEOs of Forum member organisations. A process for the nominations was agreed to by all Members, and included the following aspects to be included in an EOI:

- ability and experience
- organisational capacity to support the Secretariat
- key priorities for National Convenor/Deputy Convenor for the next two years

The Forum Charter specifies that meetings are to be held at least six times in any calendar year, most via teleconference, but with at least one national face to face meeting each year, and this appears to have been consistently met.

The Charter also outlines procedures for disputes and complaints. These sections could be improved with clarified text and more robust complaint procedures.

Section 11 of the Charter deals with disputes between Forum members and between Forum members and the Secretariat. Straightforward processes are described, with attempts to resolve the dispute between those involved first, mediation if a resolution is not reached, and ‘alternate legal pathways’ (not specified) to be used if mediation fails.

Section 12 deals with complaints; it is much shorter, and warrants attention and improvement in future. Currently, the distinction between complaints and disputes is not entirely clear. It may be that the dispute procedures are intended to address internal issues and the complaints procedures would address complaints brought by parties outside the Forum, such as service clients, contractors, or other stakeholders. It may also be that disputes require two parties, each considering themselves aggrieved, while complaints require only one. Because the distinction between disputes and complaints is not clarified, neither is it clear whether Section 11 or Section 12 should apply in a particular circumstance.

Section 12 allows for the National Convenor to attempt to resolve the complaint 'internally' in the first instance: what constitutes 'internal' here is not specified. Greater detail – for example, specifying whether 'internal' refers to the Executive positions, the Board, the Secretariat or those directly involved in or implicated by a complaint – would provide guidance for all involved. Specification that only those directly involved can be informed about the nature of the complaint would provide greater protection for complainants. We note also that there is no provision for complaints to be directed elsewhere should the National Convenor be the subject of the complaint. Providing alternate avenues for complaints is considered good practice.

Subsequent processes involve a complaints committee, preferably comprising Board members from at least three FVPLS 'to avoid conflicts of interest'; mediation if that is unsuccessful; and then: "If this still fails then the complaint will be forwarded on to the member organisation's board to go through their internal processes." This appears to assume that complaints can only come from a member organisation, which seems to be unnecessarily limiting; and to direct responsibility for resolution of a complaint about the national organisation to a single member, which seems inappropriate. It is the view of the evaluators that this section of the charter should be revised.

It is even possible that the Forum could play a role in providing a pathway where stakeholders, including clients, would be able to present cases that had not been satisfactorily resolved at the service level – or if a complainant felt that they would be at risk presenting the complaint to the local service. This role has been noted as important in ensuring 'downward accountability'¹⁷, that is, accountability not to funders (upward accountability) but to those whom the organisation is intended to serve. The role is more challenging, but also even more important, when those served face barriers such as literacy and remoteness that make it difficult for them to present complaints, as would be the case for many FVPLS clients. This would require significant policy consideration – for example, as to the circumstances in which the Commonwealth Ombudsman (which receives complaints about Commonwealth funded programs)¹⁸ or State/Territory Legal Services Commissions (for complaints about legal services) would be more appropriate; and whether and how the Forum could draw on its internal high levels of expertise (including legal expertise) without damaging relationships or causing conflicts within the Forum. Should the Forum decide to proceed down this pathway, there are guidelines available on dealing with complaints¹⁹, and it would be worthwhile to consider them when developing procedures.

The Secretariat provides support to the Forum. A Secretariat Executive Officer manages a full-time project officer and a part-time support officer. The Secretariat Executive Officer acts as the primary point of contact with Forum members, supports the National Convenor and Deputy Convenor, and supports capacity building and information sharing across members.

The Secretariat staff are co-located with an FVPLS, whose staff supplement the work of Secretariat staff. The same FVPLS has hosted the Secretariat since it was initiated.

The Forum has developed four working groups:

- a capacity building and governance working group;

¹⁷ See, for example, Ebrahim, A. (2003). Accountability in practice: Mechanisms for NGOs. *World development*, 31(5), 813-829.

¹⁸ <https://www.ombudsman.gov.au/what-we-do/indigenous>

¹⁹ See, for example: Commonwealth Ombudsman (2009) *Better practice guide to complaint handling*. Commonwealth of Australia, Canberra.

- an evaluation and data working group;
- a Principal Legal Officers' network; and
- a 'trauma champion' working group.

The 'capacity building and governance' working group, comprised of four FVPLS CEOs, was intended to focus on and the development of a strong community of practice through peer support and sharing of ideas. Also:

In line with the national Forum Charter Section 13. Powers of Working Groups, the Working Group will be assigned with developing relevant proposals for either endorsement by the Forum, or approval by National Convenor, as appropriate.

The Working Group has authority to determine the approval of Forum member applications for General Capacity Building Grant funds, in accordance with the NFVPLS General Capacity Building Grant Guidelines. (National FVPLS Forum Capacity Building Working Group Terms of Reference, undated, p. 1).

This working group had met six times between 2014 and late 2018, as well as holding out of session discussions to approve all rounds of Capacity Building Grant applications.

An additional previous activity was also noted:

... the capacity building and governance working group, they ... conducted a little mini exercise amongst the members called a process review... intended to encourage ... self-reflection on the activity of the service... (Internal Stakeholder)

The evaluation and data working group were focusing on CLASS, the new system for data collection:

...in terms of the evaluation and data working group specifically... in that working group we have quite a diverse range of delegates that attend. So, we have all the way from CEOs to coordinators down to admin support and everything in-between actually engage in that working group, which actually creates a really useful discussion... (Internal Stakeholder)

The Principal Legal Officers' network was intended to enable lawyers from each service to share experiences and learn from each other. Most meetings were by phone, but there was a face to face meeting, and PLOs sometimes had a session of their own at Forum face to face meetings.

I do attend when I can. We tried to organise something a bit more structured ... best practice, that kind of stuff, sharing experiences. A lot of it is just debriefing and saying oh I had this client, having the opportunity to hear someone else's experiences, because you learn ... this happened in that service, okay if we're ever confronted with that kind of situation I kind of can get some information, get some knowledge from what they've given us... At the moment we have a telephone hook-up, that's supposed to be once every month or two but it's really ad-hoc... (Internal Stakeholder)

Due to the request of PLO Network members who wanted to discuss sensitive service matters, the Network had held at least one meeting without a member of Secretariat participating, but the Network recently agreed to reconvene with the Secretariat present. A meeting was scheduled for 18 February 2019.

The 'trauma champion' working group is associated with the national training program that is being implemented in most FVPLS sites. Using resources allocated under the Third Plan, the Department of Prime Minister and Cabinet chose We Al-li to deliver:

...workshops to all of the 14 FVPLSs across Australia [in order to] ... to build the workforce capacity... operationalise ... culturally informed trauma integrated healing approach frameworks and ... ensure ... [the approach] starts to be integrated into procedures and policies and ...[the] community of practice across each of the services. (Internal Stakeholder)

Trauma champions were to be identified by each service, and materials (Atkinson et al 2017²⁰) were developed for the working group. The champions were to ensure that implementation of the trauma-informed approach continued after training was complete, and begin to build an FVPLS community of practice in trauma-informed approaches, addressing both client and staff trauma issues.

8.3 What the Forum, Secretariat and Convenor do

The Forum has provided a way for members to meet and share information, including good practice examples as well as concerns. Service representatives – the Chief Executive Officer /Co-ordinator or a delegate selected by them – attend meetings and activities, typically out of their own budgets.

An agenda for a Forum meeting was provided to the evaluation team, which detailed items for discussion but also provided space where services could highlight achievements and items for sharing.

While these meetings have enabled a degree of sharing, not all participants felt that they were as effective as they needed to be. A PLO noted:

...the only other time that we meet is at the Forum once a year and I think we have an hour or two just to ourselves to have a chat which is really not long enough. By the time we say hi, how are you, what's happening in each of our services, we don't get a chance to drill down and to actually look at best practice and stuff like that... that's still a work in progress... like we talked about having a portal on the system where we could all put up relevant cases or that kind of stuff, so that we had a resource that we could all go to that was relevant... (Internal Stakeholder)

The Forum has also enabled services to reflect together and provide a unified voice on key issues. For example, when IAS funding commenced, FVPLS organisations were moved from Commonwealth Attorney General's Department to Prime Minister and Cabinet, and provided with six months of funding:

...we didn't know what it meant for all of us individually, because our program, our identity as a program was gone. We were sitting as 14 individual organisations under Prime Minister and Cabinet, and subject to a competitive tender process that didn't have a discrete allocation of money to develop or to deliver a Family Violence Prevention and Legal Service... We landed in a tricky space because the guidelines of the Indigenous Advancement Strategy said that something around 'deliver any services except legal' ... that kind of injected fear in all of us because we provide legal services... so we were kind of working our way through that muddy territory... (Internal Stakeholder)

²⁰ Atkinson, C., Atkinson, J., Wrigley, B. & Collard, H. (2017). Aboriginal Family Violence Prevention Legal Services: Culturally Informed Trauma Integrated Healing Approach – A Guide for Action for Trauma Champions.

The Forum enabled issues to be discussed collectively:

We pulled together as a Forum and talked about these challenges and this uncertainty and yeah put our heads together and worked out what kind of questions do we need to ask to understand what this meant, what the Indigenous Advancement Strategy meant.... We were having conversations with PM&C, the Minister. (Internal Stakeholder)

Although early discussions had indicated that there was an opportunity with IAS to increase funding and expand services, such as provision in urban areas, in the end FVPLS funding was frozen at the 2013/14 level, with no CPI increases. Some FVPLS staff considered this a more positive outcome than might have occurred without the joined-up communication the Forum provided.

Not all external stakeholders agreed, suggesting that the IAS provided a great deal of flexibility. Had the Forum or services presented a new model, rather than lobbying for rollover of funding, even better funding outcomes may have been achieved.

Secretariat staff activities include arranging meetings and teleconferences for CEOs or their delegates. Secretariat staff have also resourced working group operations, such as facilitating PLO teleconferences. Written communications were also provided through the Secretariat, enabling all services to have a common and updated knowledge base:

I'm on the mailing list for all the communication that goes out. It's good because like with the Redfern Statement where they're going and with the national plan for reducing violence against women and children, there's always information coming through... (Internal Stakeholder)

Some noted how important this function of the Secretariat could be. One stakeholder, relatively new to FVPLS, noted how helpful the information provided through the Forum and the Secretariat had been in their early months. Another commented on appreciating the value of the information after being absent from the Forum for some time:

...I guess what I realised, because we [had missed a number of Forum meetings], that we had been left behind in so many things, the industry had moved on and we were sitting in the dark around things, so being back engaged with that, that source of information coming through, working with other services... I find it very useful... you've got to be part of it otherwise you get left out... (Internal Stakeholder)

However, the degree of appreciation for Forum activities appeared to depend in part on services' capacity to take advantage of them:

...we get asked to sit into teleconferences and I don't have additional staff to say, "you do this while I sit in on the conference", so I don't have time, so I cop a bit of flak for not engaging but my point is I don't have the staff to free me up to engage. (Internal Stakeholder)

The Convenor undertakes most advocacy activities, representing FVPLS interests with government and also participating in policy work related to violence against women and children. Policy papers and other communications are developed with the support of Secretariat and sometimes staff from the auspicing FVPLS, with other FVPLSs offered opportunities for input:

... They keep in contact regularly and if you're going to have someone leading on behalf of a number of agencies, I think they do it right. They keep us well-informed, they understand that we're all busy and they don't overload, well sometimes they send out a lot of emails but then those emails, often they draft and they just ask for comment. (Internal Stakeholder)

Much of the advocacy on issues related to family violence was undertaken in collaboration with other national bodies, so building and maintaining these relationships was also part of the Convenor's role.

One external stakeholder noted that FVPLS was one of the few organisations they worked with that fully understood primary prevention:

... most organisations out there are working at the crisis or response end, so there are relatively few that are doing what we would see as proper primary prevention work and so FVPLS would be one of those... (External Stakeholder)

Another remarked on FVPLS capacity to advocate on policy issues related to Indigenous women and children at a federal level, and other organisations noted the expertise of FVPLS in issues involving children, particularly in the relationship between family violence and child removal, and the further relationship with Aboriginal children's involvement in the justice system. A recent joint initiative with SNAICC and NATSILS had resulted in a publication on responses to and prevention of family violence, focusing on Aboriginal and Torres Strait Islander children and their families.

This was one of multiple publications produced since 2013. The Forum's outputs in publication and advocacy since 2013 are listed on the Forum's website, and include publications, policy submissions, and media releases

The Secretariat identified documents recently produced by the Forum which they considered to be of particular importance:

- *Submission to the ALRC Family Law Review Discussion Paper*
- *Submission to the merger of the Federal Circuit Court and Family Court* (The Secretariat noted that, in a welcome development, the Government has now not listed this legislation for debate)
- *Submission to Closing the Gap Refresh Process*

The Secretariat noted that the Forum is now a part of the Coalition of Aboriginal and Torres Strait Islander Peaks negotiating with the Federal Government and COAG on the process to determine future targets for Closing the Gap.

8.4 Forum outcomes

As noted in the methodology section, there was limited capacity for the evaluation to identify Forum and Secretariat outcomes, with advocacy outcomes particularly challenging to assess.

Forum outcomes identified by internal stakeholders included:

- strategic issues identified and addressed jointly, such as in the transition to IAS;
- members learning of potential areas of practice improvement from other members, or of new developments that could impact on their service; and
- government's awareness of the ongoing needs of FVPLS members.

One example provided of changing government awareness was ensuring that We Al Li training could be customised appropriately for each service.

Another was increased awareness in Prime Minister and Cabinet staff and in NACLCL about serious issues in CLASS design and implementation:

...this Forum in March ... PM&C came in and spoke to all of us and it was really enlightening, it was a great opportunity, and that was all organised by the Secretariat. They then understood the problems that we were having with CLASS. Up until that point PM&C didn't realise...how poor it was. (Internal Stakeholder)

Forum advocacy outcomes identified by the Secretariat included invitations by groups to participate in discussions, provided as evidence that the FVPLS Forum was recognised as having national credibility in issues related to family violence.

Three examples provided were participation in:

- Coalition of Aboriginal and Torres Strait Islander Peaks, as a part of developing a national partnership agreement with COAG for developing the Closing the Gap Refresh targets;
- Indigenous Incarceration Working Group, convened by the Law Council of Australia; and
- FaCtS Study Advisory Group, convened by the Aboriginal and Torres Strait Islander Health, National Centre for Epidemiology and Population Health Research, College of Health & Medicine, Australian National University.

However, there was concern from some external stakeholders that the advocacy was not as effective as it could be, as it was not sufficiently future-focused:

They are not catching up on the fact that things are changing significantly, exponentially at a faster rate... I think the national Secretariat isn't well-positioned to actually support the FVPLSs to make that change. For whatever reason, they take a particular view which is about, in many ways, promoting the status quo ... ideally, a national Secretariat would be able to be agile, be able to ... go 'Okay ... how do we position the sector in the best possible way to respond to not only government priorities but also the [demands] that are coming from our constituents, from our client base?' (External Stakeholder)

It was also challenging to determine the extent to which working group activities were producing outcomes, although some emerged from interviews and/or material provided by the Secretariat after the third visit discussion.

For example, it was noted that the trauma champion working group, working with the Secretariat, had:

- provided input to a submission to the Fourth National Action Plan under the National Plan to Reduce Violence Against Women and their Children;
- created a Clinical and Cultural Supervision Register, for use by FVPLSs across Australia, to track formal and informal mentoring and support FVPLS staff, not limited to staff who receive Clinical Supervision; and
- created an online resources folder, available to all FVPLSs, of trauma integrated resources in areas such as staff induction and “professional development, client information brochures, techniques for working directly with clients, self-care supports, and resources specifically designed for supporting children and young people”. (Personal communication, FVPLS Secretariat, December 2018).

8.5 Member feedback, concerns and priorities

Both positive and negative feedback was received about the operations of the Forum and Secretariat. It should be noted that it was not a matter of 'some stakeholders were positive and others were negative'. Both positive and negative feedback was often received from the same people, demonstrating willingness to be balanced and to contribute to efforts to improve the effectiveness of the Forum.

Positive feedback from internal stakeholders related to provision of information, maintaining communication and providing members with influence they could not otherwise achieve.

There's a lot of liaison ... they send out information all the time and let us know what the government is thinking and doing about family violence so there is that communication there. (Internal Stakeholder)

They do a lot of lobbying with the funders and do a lot of media releases and voiceover concerns, ...that helps us. If there are ... particular concerns with our contract agreement or in anything, ... they will look into that deeply. They help us with policy matters as well. (Internal Stakeholder)

Some services have less contact than others. I think ... even if there's less contact, we're getting the benefit of the broader work that's been done by the Secretariat ... the submissions and the lobbying that they do and the researching and the resourcing that they have that other smaller services don't have... I think we'd be lost without their skills... Because ... as little services on our own, I don't think we would get a look see... there's really no other channel [through] which we can be heard. (Internal Stakeholder)

A number of concerns were also identified by internal stakeholders, including perceived disparities in access to Forum resources, concerns about discord between members and how these were handled, and a desire by some to see a more equal balance between enabling good practice at the service level versus policy and advocacy work. These represent areas that the Forum could seek to address, to build its effectiveness in future.

Working in conditions very different than the site where the Secretariat was based and the perceived focus of meetings contributed to a concern for some.

I don't think they have an understanding of our actual local communities and what we have to work in... the vast expanse. Whenever we're at meetings, it's always about [the city in which the auspicing organisation is based]they do advocate on our behalf, but I think a lot of the time, it's more eastern-states centric... (Internal Stakeholder)

It is possible that this focus is also perceived by external stakeholders, some of whom conflated the FVPLS Forum and the auspicing FVPLS. One noted:

When I talk about FVPLS, I'm really talking about [the host organisation] ... (External Stakeholder)

Some internal stakeholders suggested that it might be useful to have the Convenor and the Secretariat not always auspiced by the same organisation.

...I think you would be better off having a National Secretariat that was completely separate to all the units, that was a central point that was advocating and lobbying for all the units, so they don't have their own agenda... Where ... everyone has a voice, I think you'd probably get a lot more involvement. I think a lot of people have stepped back from [active participation in the Forum] in the last 18 months. (Internal Stakeholder)

I would like to see the [Convenor position] rotated, rather than having one person doing that all the time. Maybe each State should get maybe two or three opportunities to do that role so that they get experience, they get to go to Canberra, meet with Ministers as well so it's empowering each unit, not just ...[one] doing it all the time because they are just empowering themselves. It isn't giving an opportunity for other units. (Internal Stakeholder)

At least one stakeholder seemed to believe that the location of the Secretariat was determined by the choice of Convenor (a belief not supported by the evaluators, who see no necessary relationship between the two).

It is very [host state]-centric but that would be the problem of wherever it was, ...I don't know, would they have to move [the Secretariat] if the new Convenor was in Darwin? ... I don't know how that would work ... (Internal Stakeholder)

However, not everyone saw problems. The advantages of this location were noted by some respondents:

... [The host organisation] actually add a lot to the Secretariat... a team of policy people that add value to what the Forum does... often it's ... [host organisation] staff that are drafting submissions to enquiries... (Internal Stakeholder)

A few stakeholders perceived exclusion of some regions or services from participation in aspects of Forum work such as advocacy.

Advocacy, lobbying ...sometimes we do get invitations to meet with some Ministers. That happened two years ago where we caught up with Indigenous Minister Nigel Scullion... and a few Ministers and the Opposition as well. I thought it was good but in-between, you know, there were some grey areas where we didn't get the invite, only a few groups used to get the invitation. Those who were in good circles with them, the inside circles... (Internal Stakeholder)

Feedback received on the draft report suggested that all Forum members are informed of meetings and can self-nominate to attend. It may be that not all members are aware of this option, or that other issues act as barriers to self-nomination. An active policy with clear strategies to ensure all services are enabled to participate over time may help to address the issue.

There were also concerns expressed about discord between members, sometimes openly expressed at Forum meetings. A number of incidents were described, one at least with substantial impact on staff, and repercussions including a threat from one service to leave the Forum²¹. One person suggested:

I'd like to see an independent person doing the facilitation because with having the Secretariat doing that, sometimes, you know, it could be biased ... A few people felt they have not been heard and a few people talked over another person. There were clashes between the principal solicitors and the CEOs; principal solicitors from other units to CEO of another unit. (Internal Stakeholder)

²¹ Handling of disputes and complaints is addressed in the Charter, as noted above, but it is not known if those procedures were used in this incident.

Feedback on the draft report suggested that independent facilitators are used for Forum meetings; it is not clear whether this is a recent introduction or whether facilitators are only used for some meetings.

Some respondents wanted a greater emphasis on enabling good practice at the service level. Member priorities included ensuring that advice was timely, with the Secretariat able to provide timely support in areas such as governance issues.

There was a desire for working groups to be productive, with outcomes reflecting the priorities of FVPLS members. One suggestion was for the data group working to ensure that reporting could focus on the FVPLS model, rather than more generic community legal services:

...because we are operating under the data standards manual of the Attorney General's Department, that data standards manual applies to all of the community legal services... there's so many variables with the way that a lawyer here [in an FVPLS context] will work with a client depending on their needs... (Internal Stakeholder)

Given the distances between services, and the need for cost-effective and timely learning, online resources such as those developed by other groups were a priority for some:

... a website with all the materials from all the FV units across the country, like a library... (Internal Stakeholder)

Legal resources were most often mentioned, but others were identified as useful, including resources addressing governance and case management issue. The introduction of online resources related to trauma informed service provision has already been noted above.

The opportunity for the Forum to operate more effectively as a forum for 'peer to peer' support was also raised. In the local evaluations, a number of FVPLSs were identified as having areas of particular expertise which could usefully be shared with others. Care will be necessary to address issues of ownership of intellectual property, to ensure that services are recognised for their leadership (for example, in acknowledgements in written resources), and to guard against imbalances where a few services support the many, without in turn benefiting from other services' specialist expertise.

Finally, a number of issues raised appeared to concern transparency, that is, members feeling that they were not receiving enough information to be sure that decisions were equitable and that benefits flowed to all services and their clients. Concerns were raised in relation to the level of detail provided about financial expenditure; how some decisions were made; and how members' investment in the Forum and Secretariat was providing benefits for each service.

8.6 Summary and recommendations

The two potential paths identified in the initial program theory for the Forum to achieve better quality services and better client outcomes were supported only in part.

There was evidence from both output and interview data that the Forum, particularly the Convenor, were conducting policy and advocacy activities, and some results of this activity have been noted. Concerns raised in this area included the perceived exclusion of some topics, regions or services from advocacy activities.

There was little consensus on the degree to which the Forum was supporting good practice in governance, operation, service delivery and programs, although channels for communication between services had been developed, through written communication, meetings and working groups.

Member priorities included productive committees or working groups that focused on issues of greatest importance to FVPLS members, a focus on timely advice related to governance and service issues, and resources available online. Examples of recent achievements in this area have been noted above.

Views were divided about the relationship between the auspicing organisation and the Forum. Concerns were expressed by some participants about over-identification of the Forum with the host organisation, although it was acknowledged that there were ways in which the Forum benefited from the situation.

The rubric was developed to identify and assess good practice as identified by FVPLS evaluation participants, and may serve to guide future quality improvement activities.

8.6.1 Recommendations

Recommendation 31. FVPLS Forum and FVPLSs: The Forum rubric should be considered as a tool to support assessment of the Forum and Secretariat, including self-assessment, and findings should be used to identify areas for improvement.

Recommendation 32. PM&C and FVPLS Forum: The Department of Prime Minister and Cabinet should commission, in collaboration with the Forum, a structured, independent national consultation with FVPLSs about issues identified in the evaluation report, including the advantages and disadvantages of making the Secretariat independent of a single FVPLS, and clear strategies for addressing the disadvantages of the selected option. Other issues to be addressed should include transparency; how the forward program of work is developed and decided; and potential improvements to how disputes and complaints are handled.

Recommendation 33. FVPLS Forum: The National FVPLS Forum should use independent facilitators for all Forum face to face meetings and strategic discussions.

Recommendation 34. FVPLS Forum: The Forum should increase the proportion of Forum and Secretariat resources (time in meetings, budgets, staff time allocations and Forum member time allocations) allocated to quality improvement of member services and support for member services. This may be achieved by bringing in additional resources dedicated to quality improvement projects or by reducing the proportion of resources allocated to policy and advocacy work, or some combination of the two.

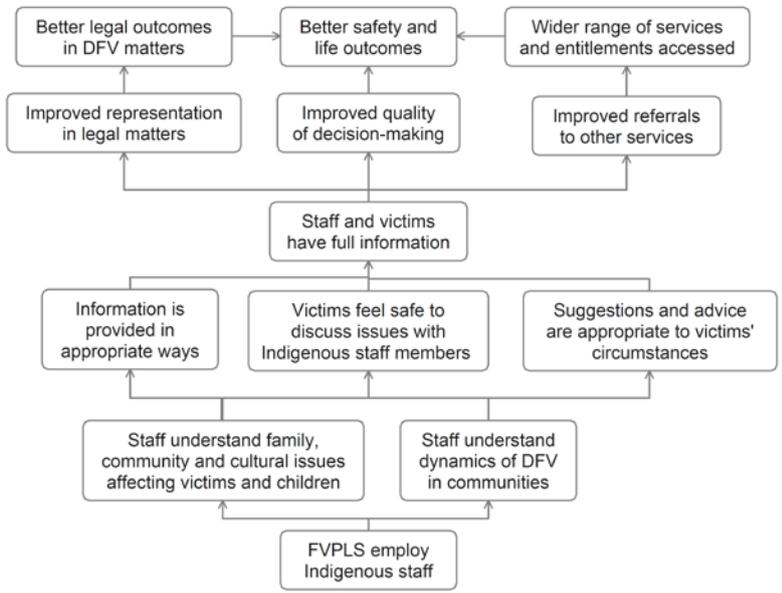
Recommendation 35. FVPLS Forum: The Forum should investigate the development of further online resources for FVPLS practice, including nationally-accessible resources for areas of legal practice of relevance to FVPLS; resources for other areas of FVPLS work, such as child protection and case management; and resources for organisational issues such as governance. Consultation with FVPLSs should determine the nature and order of resources to be developed. Consideration should be given to development of resources in areas of relative weakness identified through the national FVPLS evaluation, including needs assessment and planning, and monitoring and evaluation.

Recommendation 36. FVPLS Forum: The Forum should consider how best practices developed by member agencies can best be identified and disseminated for potential adoption, or adaptation, by others. This should include development of a shared position in relation to ownership of intellectual property of tools and resources.

Context

Cultural safety for victims of DFV

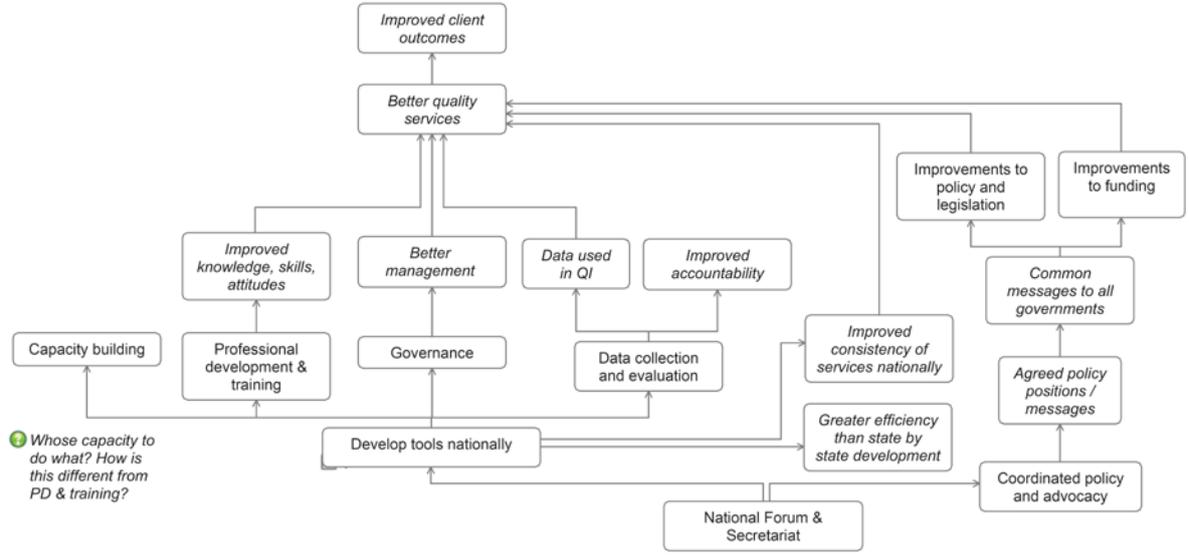
No cultural barriers to relationships with FVPLS staff



CODE

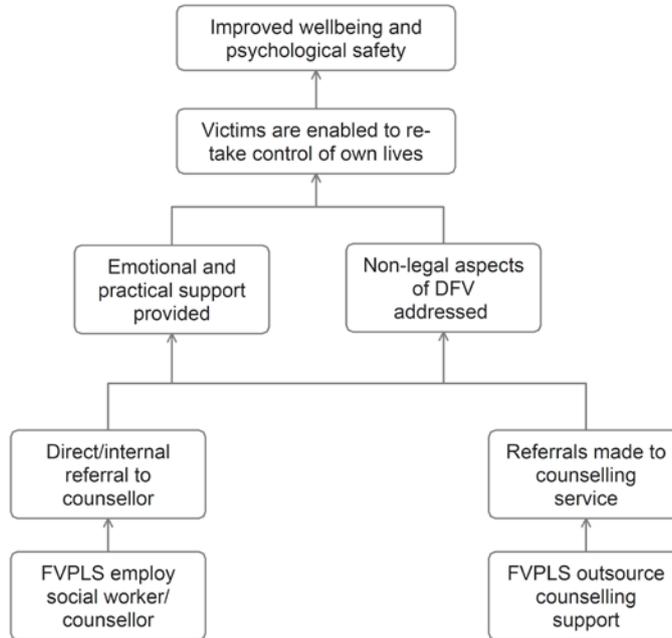
Italics - evaluator hypothesis

Indigenous controlled National Forum

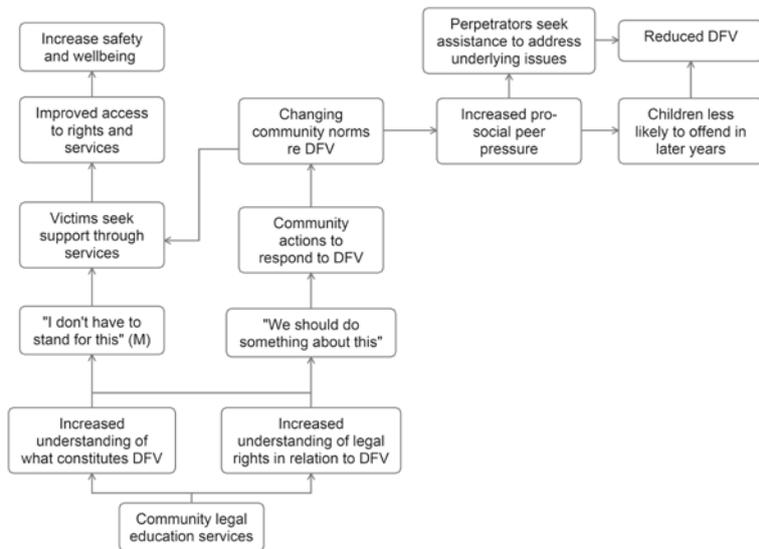


Whose capacity to do what? How is this different from PD & training?

Counselling / Case Work Services



COMMUNITY EDUCATION PROGRAMS



9.1.2 Initial propositions: full table

Initial hypotheses: Key mechanisms for FVPLS	
Community education and prevention	
1.	“Right to safety” : Increased understanding of behaviours which constitute FDV and child abuse and neglect (CAN) combined with increased awareness of legal rights and legal service availability means that victims are aware that there are legal pathways to address perpetrators’ behaviours, which contributes to victims seeking services. (C: Most likely when behaviours have reached a tipping point of ‘unacceptable behaviour’)
2.	“Community responsibility” : Increased understanding of behaviours which constitute FDV and child abuse and neglect (CAN) and their effects on victims and communities increases motivation in communities to act to reduce FDV. Actions contribute to changing community norms in relation to FDV, which contributes to prevention.
3.	“Personal responsibility” : Increased understanding of behaviours which constitute FDV and child abuse and neglect (CAN) and their effects on victims and communities contributes to individual’s decisions to manage, moderate or address their own behaviours, which contributes to prevention.
Restraining orders (RO)	
4.	“Offender deterrence (RO)” : Fear of the consequences of breaching a restraining order deters perpetrators from offending against the victim, which contributes to prevention and an increased sense of safety for victims.
5.	“Victim empowerment (RO)” : Inclusion of specific conditions in restraining orders at the request of the victim contributes to a sense of empowerment for victims. Restraining order conditions, together with knowledge of what to do in the case of a breach, contribute to a sense of safety for victims. An increased sense of safety and empowerment contributes to victims’ capacity to manage the effects of violence in their lives.
6.	“Retribution (RO)” : Granting of a restraining order aggravates or contributes to a sense of injustice for the offender and/or offender’s family, which contributes to retribution by offenders/their families against the victim. This contributes either to repeat offences against the victim and their family or other negative outcomes (e.g. ostracism of victims, increased conflicts between families in communities)
Criminal court cases (CC)	
7.	“Offender disablement” : C1: Where alleged perpetrators are remanded in custody or C2: Where perpetrators are found guilty and sentenced to prison, offenders are unable to offend against the victim while incarcerated, which contributes to decreased offences during incarceration.
8.	“Shame and deterrence” : Where perpetrators are found guilty and sentenced, they are shamed and deterred from future offending, which contributes to prevention and increases safety for the victim.
9.	“Offender treatment” : Where offenders are mandatorily referred to treatment (e.g. anger management, drug and alcohol or mental health treatment), treatments contribute to reductions in situations which ‘catalyse’ FDV and/or increase the capacity of offenders to manage their behaviours, which contributes to prevention.
10.	“Retribution (CC)” : Finding a perpetrator guilty or sentencing them aggravates or contributes to a sense of injustice for the offender and/or offender’s family, which contributes to retribution by offenders/their families against the victim. This contributes either to repeat offences against the victim and their family or other negative outcomes (e.g. ostracism of victims, increased conflicts between families in communities)
Family court cases	
11.	“Safety considerations” : Fair representation of victims in court ensures victim’s experiences (including FDV and CAN), needs and issues are taken into account, which contributes to more equitable outcomes and increased safety for victims and children.
12.	“Ground rules” : Family conflicts are adjudicated which creates ‘ground rules’ for living. Ground rules create a sense of certainty which reduces stress and increases wellbeing. Compliance with rulings by all parties contributes to increased safety.
13.	“Child safety” : Court decisions are made in relation to children’s living arrangements, taking account of victims’ and children’s perspectives, which include provisions to contribute to increased child safety.
Court support for victims (CS)	

14	"I'm not alone" : Provision of information, support and encouragement to victims during the court process reduces stress and the sense of isolation, which enables victims to remain present and be heard. Increased visibility of victims in the court system improves equity in outcomes.
15	"Victim empowerment (CS)" : Provision of support and encouragement to victims during the court process reduces the sense of isolation and stress, which contributes to improved wellbeing for victims, which contributes to victims' capacity to manage the effects of violence in their lives.
Victims of Crime Compensation (VCC)	
16	"A new start" : Victims of crime compensation provides victims with the financial capacity to make a new start, which contributes to their capacity to manage the effects of violence in their lives.
17	"Reporting rates" : Victims of crime compensation provides an incentive for other victims to pursue legal action against offenders, which contributes to increased reporting rates for FDV. Increased reporting rates increase pressure on the legal and social services system in the short term, but also contribute to social and political will to act to address and prevent FDV.
18	"Humbugging" : Victims of crime compensation payments provide an incentive for increased humbugging and/or financial abuse.
19	"Retribution (VCC)" : Victims of crime compensation payments aggravate, or contributes to a sense of injustice for, the offender and/or offender's family, which contributes to retribution by offenders/their families against the victim. This contributes either to repeat offences against the victim and their family or other negative outcomes (e.g. ostracism of victims, increased conflicts between families in communities)
Counselling / Wrap-around services	
20	"Therapeutic empowerment" : Provision of counselling and therapeutic interventions contribute to psychological wellbeing (the precise mechanisms depend on the nature of the therapy), which contribute to victims' capacity to manage the effects of violence in their lives.
21	"Practical needs" : Provision of practical support means that practical needs of the victim are addressed (e.g. housing, income support), which decreases stress for the victim and contributes to capacity to make or sustain 'new starts'. Overall, this reduces the rate of victims' returns to perpetrators, which contributes to reduced FDV
Coordination between FVPLS and other legal and community services	
22	"All needs met" : Coordinated casework and/or advocacy by FVPLS to other service providers ensures that the range of victims' issues and needs are met, which contributes to victims' capacity to manage the effects of violence in their lives.
23	"The whole story" : Coordinated casework ensures that all service providers have access to information about all relevant aspects of a case, which contributes to risk management, which contributes to safety outcomes for victims.
24	"System efficiency" : Coordinated systems build relationships between actors in the sector, which reduce transaction costs, reduce duplication, and reduce conflicting advice or strategies by service providers. Together these contribute to increased efficiency and effectiveness of the services sector, which contributes to safety and wellbeing outcomes for victims.
25	"Reach" : Collaboration between services in community education and other preventative activities/events contributes to more comprehensive information and wider reach through more organisations' networks, which contributes to increased impact.
Advocacy	
26	"Political pressure" : Coordination of advocacy at national level strengthens the evidence available which increases credibility of the case. Advocacy by multiple services to multiple policy personnel and politicians increases pressure. Increased credibility and increased pressure contribute to increased effectiveness, resulting in changes to the issues advocated upon (e.g. law, policies, service systems (legal, housing, wellbeing)
27	"Local relevance" : Local advocacy is tailored to local circumstances and grounded in local evidence, which increases its relevance, which contributes to effectiveness resulting in changes at local level to the issues advocated upon (e.g. availability of local services, procedures, coordination)

9.1.3 Revised propositions: full table

Access to justice			
Service strategies/activities	Context	Mechanism	Outcome
<p>Physical locations that promote access (e.g. shopfront location, co-location with other services, outreach services.)</p> <p>Employment of Indigenous staff who build linkages to the service.</p> <p>Provision of CLE using locally appropriate outreach strategies and culturally safe methods.</p>	<p>Services are physically present in communities for sufficient time.</p> <p>Communities with little previous awareness of or access to legal services.</p> <p>Service provision can be confidential enough to maintain safety for victim/survivors.</p> <p>Victim/survivors have adequate self-esteem AND see the violence as significant enough, or harmful enough to themselves or their children, to warrant action</p>	<p>Victim/survivors have increased awareness a) of behaviours that constitute FDV; b) that culturally safe legal services and support are available.</p> <p>Initial relationships established between worker(s) and potential clients.</p>	<p>Victim/survivors are prepared to engage with FVPLS</p>
	<p>Victim-blaming norms in communities OR in justice system</p> <p>Strong family preservation norms in communities</p> <p>Conflicts between families in communities</p>	<p>Shame in relation identifying FDV</p> <p>Shame in relation to taking action against perpetrators</p> <p>Fear of retribution from perpetrator and/or their family members</p>	<p>Victim/survivors are not prepared to engage with FVPLS</p> <p>OR</p> <p>Victim/survivors unwilling (initially or during case) to pursue or participate in legal action against perpetrator</p>
	<p>Fear of / lack of trust in justice system</p> <p>Victim goals (prevention of future violence) inconsistent with objectives of justice system (punishment of perpetrator)</p> <p>Automatic (or regular) notification of Child Protection system in relation to FDV</p>	<p>Fear of consequences for perpetrator (e.g. 'die in jail')</p> <p>Not wanting to split up the family</p> <p>Fear of children being removed through Child Protection system</p>	
<p>Presence in communities only during court circuit; multiple demands on worker time during circuit visits; reduced provision of CLE or contact with community members not</p>	<p>Very large geographic areas and numbers of communities to service</p> <p>Budget constraints limit the number of workers travelling with the circuit</p>	<p>FVPLS prioritises cases already engaged in the legal process</p> <p>Awareness building and relationship establishment mechanisms either do not</p>	<p>Lower relative access to FVPLS for victims/survivors in the most isolated communities compared to those in less isolated communities</p>

already engaged in the legal process		fire or are more limited in extent	
All FVPLS activities	Presence in communities only during court circuit AND/OR Inadequate staff skills, resources (e.g. interpreters) AND/OR Relatively high proportion of victims with limited English language fluency, cognitive challenges Cultural 'clash' between western legal system assumptions and client values	Inadequate time to build effective relationships OR Staff unable OR client unwilling or unable to engage effectively	Lower relative access to FVPLS for victims/survivors with language, cultural, cognitive barriers
Provision of practical support (e.g. reminders of appointments, transport to appointments) Provision of emotional support	Relatively close proximity between agency and client OR established relationship between FVPLS staff and client AND access to good quality Information Technology and internet	Barriers to ongoing engagement in legal services are mitigated	Victim/survivors remain engaged in legal processes
Provision of information about legal processes in language victim/survivors understand. Explanation of legal processes as they proceed.	Low levels of understanding of Western legal processes Complex legal processes and legal language	Victim/survivors understand the implications of decisions they make in relation to legal processes. Increased confidence of victim/survivors re decision-making	Informed decision-making by victim/survivors in relation to legal processes: able to choose whether to proceed and to instruct solicitors
Trauma informed services Culturally safe services Maintaining open files	Multi-faceted trauma for victim-survivors; multiple issues to manage (e.g. FDV, health, mental health, D&A, homelessness) Repeated cycles of violence within relationships and across generations	Victim/survivors feel able (and are able) to return to the service as required	Access to legal services is maintained over time

Criminal cases			
Service strategies/activities	Context	Mechanism	Outcome
FVPLS develops supportive relationship with victim/survivor; provides	Victim/survivor is actively engaged in legal case against perpetrator	Improved information to prosecutor via FVPLS staff	Higher likelihood of case proceeding Higher likelihood of successful prosecution

practical and emotional support			Higher likelihood of perpetrator pleading guilty, with resulting cost savings to court system.
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Restraining orders			
Service strategies/activities	Context	Mechanism	Outcome
FVPLS supports victim to seek restraining order	States/Territory where victims can seek orders	High quality preparation of application with all necessary information supplied: magistrates are convinced by the application and supporting materials. Conditions are consistent with victim wishes and are appropriate to local context	Restraining order granted
FVPLS seeks variation to restraining order conditions	States/Territories where police seek orders (particularly where 'no contact' orders are normally sought)		Conditions of restraining order varied Lower rates of breaches of orders, with resulting reduced consequences for perpetrators and victims and reduced cost savings to legal system
FVPLS supports survivor in having appropriate conditions included in conditions FVPLS educates victim/survivors of the implications of seeking a restraining order, including for victim behaviour	Conditions imposed are realistic and supported by the victim/survivor Perpetrators and family members respect the orders Police enforce orders High levels of collaboration between FVPLS services and police	Increased compliance with orders, both by victims and by perpetrators	Increased safety for victims and families, at least during duration of order Reduction in breaches reduces costs to the legal system
(Systems and/or community issues, not specific to FVPLS)	Conflicts between families/strong protection of perpetrator by his/her family.	Victim/survivor fears retribution from perpetrator or their family	Victims do not seek, or withdraw from seeking, restraining orders
	Complicated processes for victims to seek orders or report breaches	Perception of 'It's too difficult' undermines victim motivation to proceed	
	Restraining orders trigger child protection notification	Fear of children being removed through Child Protection system	
	Victim/survivor wants to maintain relationship with perpetrator.	Fear of consequences for perpetrator or for relationship	

Victims of Crime Compensation			
Service strategies/activities	Context	Mechanism	Outcome
FVPLS supports victim in applying for Victims of Crime compensation	Largely administrative VoC process Previous finding of guilt of perpetrator AND/OR Police report filed by victim in relation to FDV	Entitlements 'automatic'	VoC payments received
	Victim unwilling to report FDV to police OR Psychologist or other recognised personnel not available to provide report of psychological injury OR Psychologists and other recognised personnel available in region do not recognise dynamics of Aboriginal trauma Victim of FDV is transient and not accessible through communications	Procedural barrier to VoC process	VoC claim not lodged OR Claim does not proceed
	VoC process requires court hearing Legal/administrative delays in VoC processes	Re-traumatisation of victim OR Frustration with delayed processes	VoC claim not lodged OR VoC claim is withdrawn OR Claim is not resolved for years
FVPLS supports victim in challenging assessed offer of payment under VoC scheme	Strong claim for higher level of payment Appeal process exists within VoC system FVPLS legal staff with VoC expertise	Appeals authority is convinced by strength of case	Higher level of VoC payment received
(Longer term outcomes, not dependent on FVPLS processes)	VoC payments received 'Good enough' mental health of victim/survivor Appropriate community and service supports available	VoC payment enables practical action Receipt of payment validates victim	Increased wellbeing Increased client capacity to address effects of violence in their lives
	VoC payments received Addictions (e.g. Drug and alcohol, gambling) Pressure from family members to give money to them Low access to appropriate community and service supports	Addiction or mental health issues or family pressures motivate/ determine client use of money	Capacity to address effects of violence is not enhanced

Family Law and Child Protection			
Service strategies/activities	Context	Mechanism	Outcome
FVPLS supports victim in negotiating out of court settlements in family law matters	Family Law requires mediation be attempted. Both parties are willing to attend Skilled facilitation	Both parties accept negotiation as a means of resolving differences Both parties are willing to negotiate	Parenting plans negotiated Property settlement negotiated Reductions in cost to court system
FVPLS seeks orders for return of child/ren	Child/children removed by a parent/family member without consent of the caregiver/parent FVPLS staff with family law expertise Court authority to decide in best interests of the child Magistrates/Judges with appropriate understanding of FDV, Indigenous culture and parenting arrangements	Court is convinced that removal was not agreed and that the child should be returned Family members accept authority of court	Court orders granted Child returned to parent/caregiver Child safety improved
FVPLS supports extended family members to apply to care for children	Disputes between family members about best living arrangements for care and protection of the child OR Children living in out of home or out of community care Family members who can provide acceptable conditions willing to care for child FVPLS staff with family law expertise Court authority to decide in best interests of the child	Family members accept authority of court	Court orders granted Child safety improved Child cultural well-being maintained or improved
FVPLS supports extended family members to apply to care for children	Risk of removal of children under Child Protection laws Court authority to decide in best interests of the child Magistrates/Judges with appropriate understanding of FDV,	Child protection system/court is convinced that conditions for care and protection of children are adequate	Removal of children prevented Reduction in costs to child protection system and/or court system

	Indigenous culture and parenting arrangements		
FVPLS provides education about behaviours that constitute FDV and Child Abuse and Neglect (CAN) and about the impacts of FDV and/or CAN on children	Low levels of understanding of the impacts of particular contexts and behaviours on children and their development Love for children	Recognition of potential harm to children Not wanting to harm children AND/OR allow circumstances in which children are harmed	Parents take action to protect children from harm, including taking action to address FDV
FVPLS provides education about child protection rights and issues, and about impacts of FDV and/or CAN on children FVPLS explains processes and requirements throughout FVPLS provides emotional support and strategies for coping	Colonisation, Stolen Generations, and fear of western child protection systems Complex child protection systems and legislation Low levels of understanding of child rights, parent rights, child protection systems and legislation	Victim/survivors have increased understanding of rights, responsibilities, processes and requirements Victims feel supported and less isolated Victims learn strategies for managing stress responses in meetings	Victim/survivors are enabled to participate in child protection processes
FVPLS represents victim/survivors in child protection matters, ascertaining and representing facts and challenging allegations	Reliability, a non-judgemental approach, and maintenance of confidentiality by FVPLS Culturally informed practice	Increased confidence in FVPLS by victim/survivor Increased parenting self-efficacy	Victim/survivors provide information to FVPLSs which enables appropriate representation
	Differing cultural practices and expectations in child rearing not well understood by CP authorities CP cases ill-prepared by Child Protection authorities	Increased transparency: Child Protection authorities are held accountable for proper processes Court: Magistrates hear and understand 'both sides' of CP cases	Inappropriate applications for removal of children withdrawn by Department Findings in court favour FVPLS client where consistent with best interest of the child Parenting plans established for children contribute to improved child safety
	Positive working relationships between FVPLS and CP authorities	Improved understanding by CP authorities of factors affecting parenting decisions/behaviours and other relevant aspects of cases	Improved quality of decisions in relation to child protection applications
FVPLS supports victim/survivors to meet conditions to avoid removal of children OR to work towards reunification (explanation of conditions and expectations; referrals to support services;	Appropriate support services and conditions are available (e.g. adequate housing; parenting programs; A&D programs) AND/OR FVPLS provides consistent emotional and practical support to	Parents actively choose to work towards meeting conditions Parents develop competence to meet conditions	Informed choices by parents Children enabled to stay with parents OR Successful reunification OR Variations in orders to enable improved contact

practical and emotional support)	parents in less complex circumstances	Increased parenting self-efficacy ('If they believe I can do it, perhaps I can')	between parents and children
	Multiple experiences of trauma, complex life conditions, and/or unrealistic conditions in orders	Parents do not believe they can meet conditions	Informed choices by parents Children remain in out-of-home care

Client wellbeing			
Service strategies/activities	Context	Mechanism	Outcome
FVPLS provides consistent, safe care and emotional support	Aboriginal community support workers or counsellors Positive relationships between clients and staff	Clients feel understood, emotionally supported, not judged	Increased wellbeing Increased client capacity to address effects of violence in their lives
FVPLS provides therapeutic counselling in-house	Qualified staff (e.g. psychologist, social worker) with suitable expertise and job role	Clients understand nature of their traumas, life challenges and how to address them Healing	Increased client capacity to address effects of violence in their lives and/or move on from violence
FVPLS provides referrals OR FVPLS provides case work or case management services FVPLS advocates on behalf of clients for access to services	Adequate resources in local communities (e.g. housing) Adequate, culturally safe services available (e.g. AOD services, therapeutic programs) Information sharing protocols between agencies	(Precise mechanisms depend on the nature of services provided)	Client practical and where applicable, healing needs are met Increased capacity to address effects of violence and/or move on from violence
FVPLS provides healing programs for victim/survivors	Indigenous-led programs Appropriately skilled staff Culturally safe programming Trauma-informed practice	Healing Strengthened sense of identity or self-worth (see also literature review for detailed mechanisms)	Increased capacity to address effects of violence and/or move on from violence

Community Legal Education, Early Intervention and Prevention Programs			
Service strategies/activities	Context	Mechanism	Outcome
FVPLS provides CLE	Communities or situations where anonymity can be maintained	Increased understanding of behaviours which constitute FDV and child abuse and neglect (CAN) Increased awareness of legal rights and legal	Some victims seek services

	Sufficient sense of self-worth for victim/survivors Initial relationships established between service providers and potential clients	service availability to help increase safety or address perpetrator behaviour Sufficient trust in service providers to initiate discussion	
	Small, inter-connected communities Community expectations to maintain family Past and/or current negative experiences of police and the criminal justice system	Anonymity cannot be maintained Shame experienced by, or shaming of, victims of FDV Fear and distrust of police, the criminal justice system; anxiety	Even though awareness may be increased, victims do not seek services.
FVPLS provides early intervention programs with Indigenous young people Indigenous-led programs Active learning strategies (Evidence primarily from literature review)	Collaboration with schools or other service providers Whole school approaches	Increased understanding of FDV Increased understanding of healthy relationships Skills for healthy relationships Strengthened sense of identity or self-worth: 'I won't stand for this'	Decreased tolerance of FDV behaviours (not evidenced in FVPLS programs as yet)
	Adequate and sustained funding Long term programs Positive relationships in community	Credibility of programs	Engagement of community members in programs
	Young women as program participants	Retention of learning	Potential for longer term outcomes
	Young men as program participants Short-term education/awareness-oriented programs	Lower retention of learning 'Push back' by some young men	Lower potential for behaviour change sustained over time.
FVPLS provides healing programs for victims/survivors of FDV, and/or contributes to healing programs for perpetrators of FDV (Evidence from literature review)	Stable, long term funding Stable organisation focused on healing whole community	Community trust in organisation and in efficacy of program	Community engagement in healing programs
	Long-term, multi-faceted programs grounded in Indigenous cultural practices	Healing (resolving grief, anger) Strengthening cultural norms Developing positive Indigenous identity Developing skills for conflict resolution	Stronger relationships Reintegration in communities Reduction in violence

9.2 Appendix 2. Brief history of the FVPLS program

Indigenous family violence has long been the subject of Commonwealth Government attention. In 1991, the former Aboriginal and Torres Strait Islander Commission (ATSIC) established the first Aboriginal family violence intervention program. The extent of the problem became more apparent following the *1994 National Aboriginal and Torres Strait Islander Survey*, which reported that family violence was perceived by 45 per cent of respondents to be a common problem in their area. Another key driver for the establishment of the FVPLS program was that the well-established national network of Aboriginal and Torres Strait Islander legal services (ATSILS) were often first engaged by the perpetrator, in an effort to keep them out of custody. Under the legal ethics code, the ATSILS were required to avoid the perception of a conflict of interest by not representing both parties, and the ATSILS had to refer the women's representation to an external legal practitioner such as the Legal Aid Commission or to a private practitioner. This often resulted in the women and children in family violence circumstances not receiving equal access to legal services.

After five years of operation, ATSIC's family violence intervention program was terminated as a result of significant budget cuts by the then Commonwealth Government. Two years later, in 1998, ATSIC established the FVPLS program with an allocation of \$4.8 million. The program was piloted in Kempsey, and later a further 12 units were established in predominantly remote and rural areas of high need around Australia. Following the 1999 Queensland ATSI Women's Task Force on Violence report, the Commonwealth Government allocated \$50 million over a four-year period (1999-2003) to its Partnerships against Domestic Violence (PADV) initiative, including \$6 million for the FVPLS Program.

In 2001, the ATSIC Indigenous Women's Roundtable meeting endorsed a rights-based family policy to drive its national strategy for addressing family violence. The policy embraced the distinct cultural characteristics of Indigenous families in accordance with the right to self-determination; the importance of traditional authority structures and the role each family plays within community; and the need to redress issues with a detrimental effect on families through strategies related to women, men, children, youth, elders and people with a disability.

In 2003, the FVPLS program was transferred from ATSIC to the then newly created Aboriginal and Torres Strait Islander Service (ATSIS) and in 2004, it was transferred to the Commonwealth Attorney-General's Department. In 2004-05, the Australian Government allocated \$22.7 million over four years to fund an expansion of the FVPLS program from 13 to 26 units. The FVPLS program allocation was increased in 2006-07 by an additional \$23.6 million over four years to: i) expand the program from 26 to 31 units; ii) develop the Early Intervention and Prevention program; and iii) provide of a wider range of legal services in existing FVPLS units. In December 2009, the Department participated in the FAHCSIA common funding round moving from 1-year to 3-year funding agreements, for the period 2010-2013.

Funding of \$1.1 million for the Early Intervention and Prevention program was not renewed in the 2012-13 Budget. However, the Attorney-General approved a one-year extension of the FVPLS Program funding for 2013-14 to bring it into line with other legal assistance programs under the National Partnership Agreement (NPA). From 2010, steps were taken to support the regionalisation of service provision to create larger, more sustainable organisations working across multiple areas. This process resulted in the current delivery structure, with 14 organisations providing services in 31 high-need geographic areas.

In January 2014, the FVPLS program was transferred from the Commonwealth Attorney-General's Department to the Department of the Prime Minister and Cabinet. The Commonwealth Government

is providing an overall investment of \$121.2 million over five years (to 2020). This includes \$3.8 million allocated to six FVPLS organisations and the National FVPLS Secretariat under the *Third Action Plan 2016-2019* of the *National Plan to Reduce Violence against Women and their Children 2010-2022* to increase their capacity to deliver holistic, case-managed crisis support to Aboriginal and Torres Strait Islander women and children experiencing family violence. Total Commonwealth expenditure provided to the sector for 2017-18 was \$24.5 million, and for 2018-19 was \$25.37 million. The Minister has announced that funding is committed until 30 June 2020. The funding for the FVPLS program has been frequently cited by Australia in its reporting to the United Nations under the *Convention of the Rights of the Child* (CRC). The design of the FVPLS model has largely remained unchanged since its inception in 1998.

9.3 Appendix 3: Literature Review

9.3.1 Background

The RFQ for the evaluation referenced an earlier Australia's National Research Organisation for Women's Safety (ANROWS) report saying that "although individual programs have shown benefits for addressing family violence in Indigenous communities, it is not possible to generalise the effectiveness of these initiatives to the broader Indigenous population, given the variety of methods, study populations and outcome measures used." (RFQ, p. 7) This statement appears to assume a particular approach to generalisation – the 'aggregative' approach that underpins meta-analytic review. In that approach, commonality of intervention, target population and measures are all required, so that average effects can be calculated.

This approach to generalisation is not shared by realist literature review. Realist literature reviews identify the contexts and mechanisms through which particular interventions have worked, enabling generalisation on the basis of context-mechanism interactions. Realist review approach therefore provides an opportunity to re-examine existing evidence from a realist perspective, to determine whether it was possible to generalise findings about the mechanisms operating in effective interventions and the contexts in which those mechanisms operate.

The literature review was conducted for three purposes: to inform program theory for the evaluation as a whole (see Appendix 9.1); to inform the rubric for good practice in adaptation to context (see Chapter 7); and to provide evidence in relation to effective prevention of FDV in Indigenous communities. The key evaluation question guiding this third purpose was:

What lessons can be learned about effective prevention of domestic and family violence in Indigenous contexts from previous research and evaluation, and what implications might those lessons hold for FVPLS services and the future provision of justice-related services for Indigenous victims/survivors of domestic and family violence?

It is this question that we address in this chapter.

9.3.2 Methods

The initial pool of literature was drawn from the reference lists of recent credible research and evaluation reports in FDV in Indigenous communities in Australia. This resulted in an initial sample of 347 bibliographic references. A very rapid search was then undertaken for highly relevant texts from Canada and New Zealand. These two countries were selected because of the widely acknowledged similarity of contexts facing Indigenous communities there, and on the basis of the evaluation team's existing knowledge of some relevant programs in those countries. The search could not be extended more widely because of time and resource constraints.

The resulting references were then subjected to a process of selection and appraisal involving a series of judgements about the relevance and rigour of the data. 'Relevance' in realist review refers to relevance to program theory, rather than relating to a program 'of like type' (as is the case in some other forms of literature review). 'Rigour' refers to the adequacy of the evidence to support the particular inference being used in the review, rather than to the study as a whole (Pawson, 2006; Wong et al, 2013).

Inclusion criteria were relevance to the theory under investigation, that is, theory relating to any of the seven functions of FVPLS: Early intervention and prevention activities; Community legal education; Law reform and advocacy; Court support; Counselling; Casework; and Legal assistance, or relevance

to best practice standards for legal services to victims/survivors of FDV. Exclusion criteria were those references that were published earlier than 2003 (unless the reference included relevant information for which more recent sources are not available); providing statistical data only (this is not suitable for theory building and at the level for which most data is available, not appropriate for theory testing either); written in a language other than English; or the evidence provided to support the reported findings or inferences was of insufficient rigour. Papers providing argument alone (as distinct from evidence) were excluded unless they provided relevant theoretical frameworks, usually themselves grounded in previous research.

Relevance was assessed using document titles, abstracts or where necessary a rapid review of the abstract or Executive Summary. The application of a relevance test to the initial sample of 347 references resulted in a reduced sample of 170 references, which was then reviewed by the evaluation team's realist methodologist (GW) to distil 53 key references for the data extraction process. The same relevance criteria were applied, but somewhat more stringently (in particular, reducing the scope of interventions to those 'most like' FVPLS services), in an effort to reduce the literature pool to something that could be managed within the resources available.²² In accordance with recognised methods for rapid realist reviews (Saul et al 2013, p. 108), a further three references were added from expert advice from within the evaluation team and the evaluation commissioner.

The resulting list therefore included 56 key references from Australian literature. Six further references were added from international literature in the first instance (additional international references were added in later iterations of the search). Canadian Indigenous programs were seen as relevant to this review because the commonalities of history (invasion, colonisation and Stolen Generations) have resulted in common consequences – dispossession, loss of cultural norms and traditions, traumatisation, and their sequelae of mental health issues, violence, drug and alcohol abuse. Similar arguments apply in relation to Indigenous programs in New Zealand, although the history of colonisation is different there. These documents were then subjected to a data extraction process, which included consideration of rigor.

Briefing sessions and reading materials were provided to team members involved in data extraction. Team members who did not have previous experience in realist review each analysed a separate copy of one document and provided the trial copy to PI Westhorp for feedback. PI Westhorp also extracted data from the trial document and provided that, along with individual feedback on the researcher's extraction, to each individual. Team members were also invited to provide a second document for feedback if they wished.

The synthesis from the extractions proceeded in three analytic stages (albeit these were conducted iteratively).

The first was a further round of inclusion and exclusion relating specifically to the 'prevention' purpose of the review. Firstly, extracted data was excluded if:

- it only provided argument, as distinct from evidence to support an argument (as was the case, for example, in a number of policy documents);
- it provided evidence or argument about the causes of FDV without providing evidence of strategies or programs – effective or otherwise – to address or prevent FDV.

²² The resulting pool is still larger than could be managed within the time allocated in the budget. Some 'in kind' contribution was made by researchers and CDU, as a capacity building exercise for the evaluation team.

Extractions were automatically included if they provided evidence for prevention programs that would fall within the scope of FVPLS work. Some additional extractions were retained because they provided evidence in relation to the mechanisms through which effective programs work, even though the programs themselves would fall outside the scope of programs that FVPLS programs provide. Perpetrator programs, domestic violence courts and Indigenous courts were the most common examples in this category.

Very few high-quality evaluations of programs to prevent or reduce Indigenous FDV were identified. This is consistent with a number of previous reviews which have commented on the scarcity of good quality evaluations, in Australia and internationally (e.g. Kowanko et al., 2009 and McKendrick et al, undated, in relation to Indigenous healing programs; Arney and Westby, 2012, in relation to Indigenous men's programs; Grealy et al, undated, in relation to perpetrator programs; Blair, et al, 2014, in relation to programs to address violence in Aboriginal communities; Walden and Wall, 2014, in relation to prevention of DV; Cripps and Davis, 2012, in relation to justice sector reforms; AIFS (Australian Institute for Family Studies), 2016, in relation to family violence prevention in Indigenous communities; SNAICC (Secretariat of National Aboriginal and Islander Child Care), 2015, in relation to intensive Indigenous family support programs). Of the few primary evaluation documents reviewed, most were small scale and relied heavily on self-report data from practitioners and participants. Most considered only short-term outcomes, such as knowledge or an improved sense of wellbeing. These issues too were reiterated in many of the existing literature reviews. The scarcity of impact evaluations and follow-up studies means that evidence about medium to longer term outcomes is sadly lacking.

Given the limitations of the data pool, limited additional searching was then undertaken for key approaches – for example, crime prevention, health promotion, healing programs – in relation to prevention of FDV. Due to time constraints, priority was afforded to existing reviews that identified principles for effective programs, mechanisms in effective programs, or contexts in which particular approaches do or do not work.

In the final stages, the evidence was reviewed against the existing theoretical propositions for FVPLS. The great majority of those propositions had been drafted such that a) they related to services provided for victim/survivors of FDV, and b) the outcome of interest was prevention of, or reduction in, future FDV²³. The evidence identified through the review was aligned against those propositions to determine whether the evidence supported, refuted or refined the existing proposition. These 'literature-based' CMOs were then used alongside evidence from the FVPLS evaluation itself, to refine the existing propositions in relation to prevention (Chapter 6) and to a lesser extent, in relation to healing (see Chapter 5). The draft literature review chapter was then reviewed by the other PI and an editorial reviewer, and was updated in response to their input.

9.3.3 Findings

The findings below are organised as follows. The first section describes risk and protective factors for FDV, because most prevention approaches seek either to reduce risk factors or build protective factors. In the next section, various frameworks for prevention and early intervention programs, and provides descriptions or definitions of the ways some key terms are used. These frameworks provide a general way of organising approaches to FDV prevention, and highlight their different purposes and strategies. The third section describes general characteristics of effective Indigenous programs, whether FDV specific or not and whether prevention-oriented or not. These general characteristics

²³ The outcomes for a few propositions related to victim wellbeing, or to victim empowerment and their capacity to manage the effects of violence on their lives.

have been found to be related to effectiveness in a number of sectors and are highly likely to contribute to effectiveness in FDV prevention as well. The fourth section provides evidence in relation to specific prevention approaches. Where relevant, these sub-sections also provide updated CMOs for prevention programs which may be implemented by FVPLSs, or to which they may contribute. The final section provides brief commentary in relation to evaluation and evaluation instruments for Indigenous prevention programs.

9.3.4 Risk and protective factors for FDV in Indigenous communities.

Both crime prevention (e.g. Ekblom, 1994) and health promotion (e.g. Walden and Wall, 2014) approaches to prevention of FDV seek to reduce risk factors or build protective factors.

An international study of risk and protective factors associated with intimate partner violence (IPV) (Abramsky et al, 2011, p 14 of 17) identified the following risk factors as applying commonly across most of eleven countries, using a common survey:

... alcohol abuse, cohabitation, young age, attitudes supporting wife beating, outside sexual relationships, experiencing childhood abuse, growing up with domestic violence, and perpetrating or experiencing other forms of violence in adulthood, increasing the risk of IPV. We also found that the strength of the association was greater when both the woman and her partner had the risk or protective factor, suggesting the possibility of achieving greater prevention impact through targeting programs to couples most at risk.

Importantly, this latter suggestion is consistent with the request from Indigenous communities in the FVPLS evaluation for counselling programs that were available to whole families, rather than separately for victims or perpetrators.

While any of these internationally identified risk factors may apply in Indigenous communities, their significance and impact are shaped by other contextual factors. As Homel et al (1999) noted in relation to developmental crime prevention:

We have no wish to deny the importance of any of the traditional risk factors (such as prematurity, prenatal brain damage, substance abuse, family violence and long-term unemployment) or protective factors (such as social competence, supportive caring parents and a positive school climate). However, it is our contention that we cannot understand what these kinds of factors actually 'mean', nor the relevant developmental pathways in indigenous communities, unless we also appreciate the impact on indigenous people of such experiences as forced removals and institutionalised racism, as well as the ongoing protection provided by such features as strong social bonds to family. (p 184)

According to the Australian Institute for Family Studies (2016), risk factors for violence (including becoming a victim of FDV) in Indigenous communities include:

- *high levels of alcohol misuse and illicit drug use*
- *high levels of individual, family and community instability and additional social stressors such as: poor and overcrowded housing conditions, financial difficulties, low education, low income, and high unemployment*
- *remote location and poor access to services (such as police presence)*
- *childhood experience of violence and abuse*
- *younger age (14–15 years, reaching a peak during the mid 20s and early 30s)*

- *a relationship between the victim and the perpetrator*
- *for mothers, being a single parent and/or having been forcibly removed from her natural family*
- *poor physical and mental health*
- *disability. (AIFS, 2016 p6; drawing on AIHW 2006; Bartels 2010; Bryant & Willis 2008; Clapham et al. 2006; Cripps et al. 2009; Wundersitz 2010):*

The Australian Institute of Health and Welfare (AIHW) report 'Family, domestic and sexual violence in Australia 2018' provides relatively up-to-date data on many these risk factors from official sources, including surveys, police data and hospital data, for both Indigenous people and the total population.

Other authors have suggested that high levels of violence in Indigenous communities (particularly by men) have their roots in dispossession from the land and forced removals of children (Homel et al, 1999), dependence on the state for employment or income security, with resulting resentment and disempowerment (Homel et al, 1999); the breakdown of cultural structures and authority, acceptance of western patriarchy as a substitute form of power, loss of responsible roles for men, and experiences of rejection, loss and grief (e.g. Cull, 2009).

Others again have considered immediate 'triggers' or 'precipitating' causes, situations and underlying causes:

- *precipitating or impulsive causes such as jealousy, infidelity and concerns about relationship commitment, arguments about childrearing, payment of debts, payback;*
- *situational factors such as alcohol intoxication and substance misuse, money problems, unemployment, and communication breakdown between partners, disruptions to family functioning such as pregnancy/childbirth and sorry business, persons who encourage a person engaging in violence towards others to act, and conflicting differences between the antagonists; and*
- *underlying causes such as loss of self esteem, loss of masculinity/identity, loss of self-respect, loss of respect, and loss of responsibility. (Arney and Westby, 2012, p4, referencing Day & Doyle, 2010; McCalman, et al., p.43)*

This type of analysis is useful because it suggests a range of topics that might be addressed in awareness raising and capacity building; specific situations and points in time which might be targeted for prevention strategies; and a range of mechanisms which might be built through preventative intervention. We return to some of these in various sub-sections later in the chapter.

In international literature, protective factors for intimate partner violence include completing secondary education, high socio-economic status, and being legally married (Abramsky et al, 2011). It seems likely that the latter acts as a proxy for other attitudinal factors. Some protective factors can be seen as "*being unique to Indigenous people*" (Caruana, 2010, p 5):

...the continuing strength of kinship systems and the maintenance of connection to spiritual traditions, ancestry, country and community (ibid p 5)

9.3.5 Frameworks for prevention programs

There are multiple frameworks for prevention. These include public health / primary health promotion frameworks, including a socio-ecological model (Walden and Wall, 2014), crime prevention frameworks, and composite models.

9.3.5.1 *Primary, secondary and tertiary prevention*

Perhaps the most common framework for prevention categorises interventions as primary, secondary or tertiary prevention (e.g. Shea et al, 2010). A variant used specifically for Indigenous family violence categorises interventions as primary prevention, early intervention, and crisis intervention (Indigenous Family Violence Framework, Department of Human Services, 2012). These two models are equivalent to each other, although not quite identical.

In both models, primary prevention refers to preventing problems before they arise, and includes population-level strategies such as media campaigns.

‘Early intervention’ usually refers to addressing early signs of a problem while ‘secondary prevention’ refers to addressing identified risk factors for specific populations, whether or not there are signs of a problem. In practice, the program responses are much the same.

‘Crisis intervention’ refers to responding after violence, but may be something of a misnomer: many responses to FDV occur well after immediate crises have been resolved. Such interventions are not necessarily primarily intended to be preventative, although they may have preventative outcomes for those directly involved. ‘Tertiary prevention’ also refers to programs for people who have experienced violence, either as perpetrator or victim, but programs are specifically designed to prevent future violence.

FVPLSs legal services are a response after violence and therefore – in so far as they are preventative – could be categorised as tertiary prevention programs. However, the FVPLS contracts also require FVPLSs to work on ‘early intervention and prevention’, as well as providing community legal education. Community legal education itself may be provided at any of the three levels (primary, secondary or tertiary), although the formats it takes are likely to be different.

9.3.5.2 *Using the three-tiered framework to categorise violence prevention programs*

Shea et al (2010) undertook a systematic review of violence prevention programs for Aboriginal peoples in Canada. They identified 506 citations up to October 2009, did not limit studies by evaluation or research design, and included only studies which provided qualitative or quantitative estimates of prevention effects. 16 studies were included: two randomised controlled trials, and fourteen non-randomised studies.

They categorised interventions as primary, secondary or tertiary prevention and provided the following table of examples specific to prevention of family violence.

Primary Prevention: Reduce the Risk Factors for Family Violence

- **Identity programs** — designed to develop a secure sense of self-value or self-esteem; programs focus on culturally specific psychological or spiritual healing.
- **Education and awareness raising** — designed to raise awareness about family violence prevention; participatory self-education programs show promise.

- **Structural intervention** — designed to change the material position of women (for example, micro-credit).

Secondary Prevention: Reduce Breakout of Violence Where Risk Factors Exist

- **Education and awareness raising** — designed to develop skills within communities to resolve conflicts and identify the need for interventions with perpetrators.
- **Behavioural change** — men are frequently the subject of behaviour change strategies. Complementary preventive/intervention programs for youth.
- **Reducing substance exposure** — limit access to substances associated with violence and other antisocial behaviours. Examples include banning of alcohol (dry communities).
- **Night patrols** — night patrols, particularly in remote areas, can strengthen indigenous mechanisms for social control. They use traditional methods to control antisocial behaviour, minor infractions, and potentially serious incidents.

Tertiary Prevention: After Violence, Prevent Worst Consequences and Recurrence

- **Screening Programs** — these are usually implemented in health care settings that aim to improve the detection of domestic violence by primary care practitioners (doctors and nurses) dentists and faciomaxillary surgeons.
- **Early childhood visiting** — visits in the first two years of life enables detection of childhood injuries, and an opportunity to determine if the mother has been abused; it is an opportunity to provide counselling and advice.
- **Support programs** — these should be accessible and provide appropriate counselling and advocacy for family and community members who have been exposed to family violence.
- **Refuges and Shelters** — it is considered that refuges and shelters need to be coupled with proactive strategies targeted at the perpetrators of violence and other situational factors.
- **Justice programs** — typically, these are aimed at the perpetrators of violence, and the purpose is to mediate between people in conflict, designate culturally appropriate punishments, for example through “circle sentencing.”
- **Dispute resolution** — impartial members of the community act as facilitators and traditional dispute-resolution techniques are incorporated into mediation.
- **Composite programs** — these comprise elements of the above categories and target different forms of violence in the community, target different categories of offenders or victims, or employ different methods of combating or preventing violence.

Reproduced from Shea et al, 2010, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2970596/>, no page numbers, accessed 1/2/19

There are two other frameworks that can inform thinking about prevention programs. These are the Ottawa Charter for Health Promotion; and a categorisation of crime prevention strategies. These are included because they provide ‘clues’ for what to do, as distinct from when it is done (as the primary, secondary, tertiary frameworks do). The following section describes how each of them may be applied to the prevention of FDV, and then integrates the two into a framework for FDV prevention. This combined framework is then used to identify the types of early intervention and promotion interventions that FVPLSs are most likely to be able to provide or, where they are not direct providers, to support.

9.3.5.3 The Ottawa Charter for Health Promotion

The Ottawa Charter for Health Promotion (1986)²⁴ defines health promotion as “...the process of enabling people to increase control over, and to improve, their health.” Adapting this definition to the prevention of FDV and its contribution to the promotion of family wellbeing, one might propose that “The prevention of FDV in Indigenous communities is the process of enabling Indigenous people to increase control over the prevention of FDV and to improve the wellbeing of their families.”

The Charter provides ‘action areas’ for health promotion. These are listed below, with a brief discussion of their implications for prevention of FDV.

9.3.5.3.1 Build Healthy Public Policy

The Ottawa Charter says that “Health promotion ...puts health on the agenda of policy makers in all sectors and at all levels, directing them to be aware of the health consequences of their decisions and to accept their responsibilities for health.”

Similarly, prevention of domestic violence should be ‘on the agenda’ of policy makers and service managers in several sectors (at the very least, law, health, education, housing and social services) and at several levels (national, state and local). The primary role of FVPLSs would be in advocating for particular policy changes that could contribute to prevention of FDV.

9.3.5.3.2 Create Supportive Environments

Supportive environments in health ‘make the healthy choice the easy choice’. Supportive environments for family wellbeing and prevention of FDV would ‘make the safe choice the easy choice’. That is, environments are created that make it easy for people to seek services or support when required, to access treatment in relation to contributors to violence (e.g. drug and alcohol abuse), to access a safe house when required, and so on. FVPLSs contribute by making their own services as accessible as possible, and may also contribute by advocating for other services to be available.

9.3.5.3.3 Strengthen Community Actions

The Ottawa Charter is worth quoting at length in relation to community action, because much of this could form a basis for FVPLS action in prevention of FDV. In the quote that follows, we have inserted terms relevant to FDV in [square brackets], to demonstrate exactly how portable the key concepts are.

Community-based prevention of Health promotion [FDV] works through concrete and effective community action in setting priorities, making decisions, planning strategies and implementing them to achieve better health [safer families and reductions in family violence]. At the heart of this process is the empowerment of communities - their ownership and control of their own endeavours and destinies.

Community development draws on existing human and material resources in the community to enhance self-help and social support, and to develop flexible systems for strengthening public participation in and direction of health [violence prevention] matters. This requires full and continuous access to information, learning opportunities for health [prevention], as well as funding support.

²⁴ <https://www.who.int/healthpromotion/conferences/previous/ottawa/en/index1.html>

The best example of this to date in FVPLSs is probably the NPY Lands approach, which seeks to build onto community actions to counter FDV. Some other services demonstrate some aspects of the approach (see chapter 7).

9.3.5.3.4 Develop Personal Skills

The Charter notes that “providing information, education for health, and enhancing life skills... increases the options available to people to exercise more control over their own health and over their environments, and to make choices conducive to health.”

Applying the same constructs to FDV, programs which address understanding of FDV, anger management, self-efficacy and parenting may enable people to exercise more control over some issues in their own lives and to make choices more conducive to family safety and wellbeing. The majority of prevention programs currently offered by FVPLSs fall into this category, and some wellbeing programs conducted by FVPLSs may also contribute to prevention in this way.

Programs for perpetrators and family healing programs, not currently available in many communities but strongly supported by a number of respondents to this evaluation, would also fall into this category.

9.3.5.3.5 Reorient Health Services

The Charter says that “The role of the health sector must move increasingly in a health promotion direction, beyond its responsibility for providing clinical and curative services. Health services need to embrace an expanded mandate which is sensitive and respects cultural needs... Reorienting health services also requires stronger attention to health research as well as changes in professional education and training.”

The implication for FDV is that all service systems – notably the justice system, but also health and other systems – need to orient towards prevention, rather than just ‘response’ after an event. There are echoes of this call within the justice system, for example, towards Aboriginal Courts, restorative justice, therapeutic jurisprudence (treatment-oriented courts), sentencing circles, therapeutic programs for perpetrators in prison, and so on.

There are two primary implications of these initiatives for FVPLSs. Firstly, FVPLSs which operate in localities with Indigenous courts (and other relevant ‘alternative’ courts) must be able to support victims to participate in those processes. Secondly, FVPLSs themselves may in some cases consider ‘reorienting’ to place a greater emphasis on prevention.

9.3.5.3.6 Moving into the Future

There is a final component on the World Health Organisation’s ‘Health Promotion actions’ website page²⁵ that is less well-known (a number of health promotion publications refer to the ‘five’ action areas under the charter). Importantly, it acknowledges that:

Health is created and lived by people within the settings of their everyday life; ... Health is created by caring for oneself and others, by being able to take decisions and have control over one’s life circumstances, and by ensuring that the society one lives in creates conditions that allow the attainment of health by all its members.

²⁵ <https://www.who.int/healthpromotion/conferences/previous/ottawa/en/index1.html>

... in each phase of planning, implementation and evaluation of health promotion activities, women and men should become equal partners.

Again, these principles translate directly to the prevention of FDV and the promotion of family wellbeing. FVPLSs can enact the principles by empowering individuals and communities to act towards safer communities, and by working in partnership with other agencies to ensure that both men’s and women’s voices are heard in prevention planning and implementation.

The Charter also identified “fundamental conditions and resources” for health (left hand column in Table 10, below)²⁶. Examining the extent to which shortfalls in these areas may contribute to FDV in Indigenous communities is well beyond the scope of this review. However, it is not difficult to identify direct relationships between many of these resources and issues in FDV.

Table 10: Conditions for Healing

Fundamental conditions and resources for health	Issues in FDV in Indigenous Communities
Peace	Conflicts within communities can exacerbate FDV. Peace within families is undermined by FDV
Shelter	Inadequate access to alternative and appropriate shelter can prevent escape from FDV.
Education	Education about FDV and its effects, and legal rights in relation to FDV, can contribute to prevention
Income	Inappropriate control over partner’s or family income can be a form of FDV. Financial stress and fights over money can contribute to FDV. Dependence on the state for income has been argued to contribute to FDV
Sustainable resources	Sustainable resources are required both for families and for prevention programs
Social justice and equity	Injustice and inequity have been argued to contribute to FDV

Actions to address these issues may, therefore, contribute to prevention. However, evaluation would be necessary to demonstrate whether contributions were sufficient to make a difference to the prevalence and/or severity of FDV, and the circumstances in which interventions were or were not effective.

9.3.5.4 Crime Prevention Frameworks

The term ‘crime prevention’ usually refers attempts to prevent crime by means outside the criminal justice system itself. There is no single accepted framework for crime prevention programs. However, there are broad categories of prevention interventions. Some authors use two broad categories: situational crime prevention and social crime prevention. Social crime prevention then breaks down into a set of sub-categories, including developmental crime prevention, community crime prevention and wider social prevention strategies.

Crime prevention works by interrupting the mechanisms that cause or contribute to crime (Ekblom, 1994). Both proximal (close, or immediate) causes and distal (distant) causes are analysed and strategies are developed to address those causes.

²⁶ The resources for health listed in the Ottawa Charter include ‘Food’ and ‘A stable eco-system’, but these are less directly relevant to FDV.

Proximal mechanisms are directly linked to the event in question, and generally close in time and space. Distal ones are... more remote, and the causal chain is longer—e.g., in the case of a violent incident tracing back successively to a troubled contemporary relationship, an abused childhood, an abusing parent and the social conditions that contributed to that abuse—but. Inescapably, the chain connects up to influence the event only via the proximal causes. (ibid p 195)

Analysis of proximal causes includes analysing characteristics of the *situation*, including the times and places in which offences occur; the *offender*; common *steps* or stages of the offence (known as ‘scripts’ for the offence); and the *method* for offending (physical assault as compared to verbal, for example). Used in conjunction with analysis of ‘triggers’, precipitating causes and situations (section 1.4 above), they provide a framework for designing prevention strategies for specific contexts.

Situational crime prevention works by intervening in proximal causes. It seeks to alter specific aspects of a situation such that offences are less likely. This can include ‘target hardening’ (for example, changing the locks on a house to make it more difficult for a perpetrator to reach a victim). Planning situational prevention programs includes consideration of the patterning of offences over space and time: where and when offences happen, and “*how particular social and economic processes have led to the distribution and maintenance of commonly occurring ... situations*” (Ekblom, 1994, p 209).

Situational programs can also seek to change the actions of ‘capable bystanders’ – people who are in the vicinity and who may be able to intervene - or others who might influence the offender, the victim or the situation. These people have:

...varying capacity to act in relation to: their presence and opportunity to influence the crime situation; their motivation to do so; their perception (as to whether or not a criminal event is at risk of happening/ is happening now/has just happened); and their resources (e.g., strength, knowledge of how to respond, defuse or resolve conflicts, summon help, etc). All these characteristics have been used and augmented in various ways by preventive action. (ibid p 203)

Problem-oriented policing can operate as a sub-set of situational prevention. It engages police in analysing the nature of offending and developing targeted solutions for particular contexts. It can also support police in working collaboratively with other agencies to respond to, and seek to prevent, FDV (see e.g. <https://popcenter.asu.edu/content/domestic-violence-summary>).

Developmental crime prevention:

“...seeks to make permanent alterations in people's predisposition to offend. This may range from changing fundamental motives and values, to supplying skills needed to “go straight” to desensitizing people's reactions to specific trigger stimuli which lead to aggressive behavior. (ibid p 202).

Programs for perpetrators can fall into this category. Healing programs could also be considered a form of developmental crime prevention in that they seek to change how individuals are affected by experiences of trauma which then manifest in violence in some circumstances.

Early intervention programs can also be considered a sub-set of developmental crime prevention. Early intervention can refer to ‘early in the pathway to an offence’. Programs to support respectful relationships between young people are an obvious example. Early intervention can also refer to ‘early years’ programs. Programs which support appropriate parenting such that children develop self-regulation and social skills, and are less likely to be violent as adults, fall into this category.

Social crime prevention mechanisms involve relationships and “social processes such as reputation, stigmatization or labelling” (ibid p 207) which may affect people’s motivation to offend, or refrain from offending. In communities, they also include networks of roles and relationships. Capacity building and community development can contribute to crime prevention by strengthening positive social networks, strengthening social norms, and building the capacity of individuals to intervene effectively.

9.3.5.5 *An integrated framework for prevention of FDV*

Integrating the Ottawa Charter for Health Promotion with approaches for crime prevention provides the following matrix, with examples of the types of programs or approaches which might be used for prevention of FDV in Indigenous communities. The examples are not exhaustive and community-based variants of many program types could be developed in the ‘strengthening community actions’ category. Nor will all the variety of programs identified here be feasible in all communities. The aim of this table is not to suggest that all strategies be employed in all communities, but to highlight the range of prevention-oriented options that are available, and might be considered by FVPLSs and others engaged in prevention of FDV.

Crime Prevention (CP)	Situational CP	Developmental CP	Early intervention	Social CP
Ottawa Charter				
Build healthy public policy	E.G. Alcohol control/reduction	Public policies address alienation and Indigenous participation	Coordinated response pathways for FDV incidents	Media/social media campaigns targeting non-violence norms
Create supportive environments	Target hardening (e.g. modifying victims’ houses)	Restorative justice; Indigenous courts	Positive parenting programs	Community awareness programs
Strengthen community actions	Safety patrols/ night patrols Establish local Safe Houses	Identity/culture strengthening programs	Community programs for children and young people	Strengthening culture/community development
Develop personal skills	Personal safety plans for victims	Community Legal Education Perpetrator programs	Healthy relationships programs	Apps to support emotional wellbeing, stress, managing anger etc.
Reorient services to prevention	Problem-oriented policing for FDV	Healing programs	Treatment programs (e.g. D&A, mental health)	Collaborations across police, justice, health, education to prevent FDV

Of these types of programs, only a few are likely to be appropriate for FVPLSs to provide or contribute to directly. There are a few others with which they may collaborate, if other organisations were to provide them. Programs that FVPLSs may provide or participate in include:

- **Identity programs** — While there are clear areas of overlap in program content, we suggest that this category is best thought of as two types of programs: those developing a secure sense

of self-value or self-esteem; and those focusing on culturally-specific psychological or spiritual healing. FVPLSs may provide the former, particularly for young people, as a primary prevention strategy, and the latter for victims of FDV, as a tertiary prevention strategy. They may also collaborate with tertiary programs for perpetrators: some perpetrator treatment programs seek collaboration with victims' services, as a way of ensuring accountability to the victim's experience (Greal et al, undated). However, FVPLSs would be unlikely to provide perpetrator programs directly, unless family healing programs are introduced (see chapter 6 for discussion of this issue);

- **Education and awareness raising** — designed to raise awareness about family violence prevention. This includes 'healthy relationships' programs for young people;
- **Behavioural change** — for young people as a primary prevention strategy and for victims of violence (including victims who may themselves use violence) as a tertiary prevention strategy;
- **Support programs** — culturally appropriate counselling and advocacy for family and community members who have been exposed to family violence. This may include family healing programs;
- **Dispute resolution** — FVPLS lawyers already play this role to some extent, although without necessarily incorporating traditional Indigenous dispute-resolution techniques;
- **Composite programs** — comprising elements of the above categories and/or employ different methods of combating or preventing violence.

The Australian National Crime Prevention Strategy (AIC, undated) suggested that effective prevention of violence against women (including but not restricted to FDV):

“should be comprehensive and focus on a number of key areas. These areas include:

- *continuing efforts to improve community attitudes towards violence against women and address prevailing misconceptions regarding the prevalence, nature and acceptability of violence against women, through social marketing and communication and community development initiatives;*
- *implementing early intervention and education programs targeted at young people, including school-based programs that aim to shape appropriate attitudes towards women and violence;*
- *addressing alcohol and other substance use problems among both perpetrators and victims of domestic violence, including through the development of partnerships between treatment services and domestic violence programs;*
- *assisting agencies such as police to implement effective processes and risk assessment tools to identify early signs or risk factors for violence and implement secondary prevention programs that target families that have been identified as being at risk of domestic violence;*
- *continuing to build upon the considerable work undertaken to improve the criminal justice response to domestic violence and an integrated response from criminal justice agencies, such as better linkages between criminal justice processes, support services and prevention programs, introduction of pro-arrest police policies, specialist courts and support services for victims; and*

- *increasing the availability and awareness of services for victims (such as advocacy, support, accommodation, skill development and counselling) and perpetrators, enhancing referral mechanisms and improving collaboration between service providers.*

9.3.6 Characteristics of effective Indigenous programs

Several of the documents reviewed cited cultural and contextual differences, and the lesser effectiveness of mainstream interventions with Indigenous peoples, to argue that Indigenous prevention programs needed to be different from mainstream prevention programs, for example:

Assaultive men's counselling in the Aboriginal community is a lot different than in mainstream programs. This is because the dynamics and circumstances affecting the aboriginal population are quite different. [Kiyoshk, 2003, p3-4]

...the impact of mainstream programs and interventions that address family violence in Indigenous communities is generally limited, with levels of effectiveness depending on the specific community context. Cripps (2007, p.11)

Morgan and Lewis (2010) identified 'key characteristics' of Indigenous-specific programs to 'reduce reoffending' (that is, all kinds of offending, not just FDV).

- *meet the specific needs of Indigenous offenders, include Indigenous-specific content and where practical, be Indigenous-specific;*
- *implement a holistic approach to Indigenous health and wellbeing;*
- *involve Indigenous persons (particularly Elders) in the development and delivery of programs;*
- *involve family and community in programs and services;*
- *incorporate an understanding of Indigenous society and emphasise Indigenous heritage, culture and law;*
- *develop strategies to overcome language and literacy barriers;*
- *address alcohol and drug problems, including those that are most common among Indigenous populations (eg alcohol and inhalants), as well as mental health problems;*
- *review and amend eligibility criteria where possible to enable Indigenous people to access programs; and*
- *assist in establishing and strengthening relationships with Indigenous persons who are able to mentor others (CIRCA 2008; Cunneen 2001; Joudo 2008; Willis 2008)". pp. 7-8*

It is likely that all of these characteristics would also apply to appropriate programs for victims of FDV (with appropriate rewording of the first element to read 'victims', rather than 'offenders'), and to the great majority of FDV prevention programs.

It might be noted that some FVPLS programs already incorporate some of these elements, including an emphasis on Indigenous heritage and using strategies to overcome language and literacy barriers. A couple may (arguably) build mentor-style relationships, and if not mentoring, at least build peer support. However, respondents in the FVPLS evaluation also highlighted significant gaps from this list, including access to alcohol, drug and mental health treatments, and scarcity of programs that involve families as a whole (in particular, family counselling).

An earlier Canadian review of programs to reduce violence (Health Canada, 1997) went further, linking principles to particular practices that manifested in programs. The table has been reproduced in at least two later reviews (Memmott, et al., 2006; Arney and Westby, 2012) but is worth reproducing again here, because of the specificity it provides for service providers.

Table 11: Program Characteristics and practices reflecting culturally appropriate practices across Aboriginal Canada

Program Characteristics That Reflect Cultural Appropriateness	Resulting Practices (in projects funded)
Valuing of Aboriginal tradition and culture	Resources, approaches and the organisation of the services themselves are presented in a way that is deemed by the community to be compatible with Aboriginal culture.
Recognition of the importance of ritual and ceremony	Appropriate use of rituals and ceremonies within programs.
Valuing the wisdom of those Elders who understand the dynamics of family violence, and a recognition of their role as important carriers of knowledge	Involvement of such Elders in program planning and implementation.
Strong sense of community and shared responsibility	An attitude toward privacy and confidentiality in the context of service delivery that is different from mainstream services. Involvement of community in the initial awareness raising process Community wide commitment to healing as a community effort toward healing both the person engaging in violence towards others and persons experiencing violence at the same time. Support for and connection with abusers who have been convicted, given prison sentences and then been taken out of the community, as well as children who are removed from it.
An emphasis on connectedness (that is, to the land, the family, extended family, clan, family of spouse) resulting in a view of the individual in context	A progression through individually centred programs to those that are conjoint or group or community centred connection of concurrent programs (for example, a program for batterers, one for survivors and one for children). Recognition of the need to deal with related issues (for example, drug and alcohol abuse and co-dependency) Teaching of practical life skills together with more psycho-social therapeutic interventions. Recognition of the need to deal simultaneously with long term community education issues, especially the education of children.
An objective of restoring balance	The development of related programming that is positive and life enhancing (for example, family recreation in support of therapy).
Placing value on nurturing and mutually respectful relationships	A focus on rebuilding relationships. A recognition of the loss of the traditional male role and the unfortunate emergence of a role based on pervasive male dominance. A recognition of shame on the part of both the person who engages in violence and the person experiencing violence.

	<p>An importance on networking among staff of different programs, even over long distances.</p> <p>A collaboration between Aboriginal political leadership and service providers.</p>
An honouring of the central place of women	<p>A recognition that the role and position of women in Aboriginal communities is changing.</p> <p>A concern for the equality of women.</p> <p>Recognition of the need for women to be central to the decision-making process for program design and delivery.</p>
Acceptance of and respect for the client as a whole person	<p>Flexible rules and individualised programming where required.</p> <p>Acceptance of staff-client personal relationships that are supportive to therapeutic intervention (within an understanding of social work ethics).</p>
A sense of equality between service provider and service recipient	<p>Client direction in pacing of program.</p> <p>Importance placed on storytelling as part of therapeutic programming.</p> <p>Staff attendance at related program events.</p> <p>Predominance of staff of Aboriginal ancestry.</p> <p>Use of simple, everyday, jargon free language.</p> <p>Use of resource material (posters, pamphlets, etc) that depict Aboriginal people or symbols.</p> <p>Use of Aboriginal language.</p> <p>Staff client relationships characterised by openness and informality</p>
A central attitude of caring	<p>A recognition of the importance of worker wellness and self care</p> <p>A requirement for healthy, trained staff (that is, people committed to becoming healthy).</p> <p>A focus on support programs and healing strategies for the helper</p> <p>Programming that breaks down individual isolation and promotes sharing</p> <p>Limited and appropriate self disclosure of personal experience by staff.</p>
A preference for forgiveness rather than judgment and punishment	<p>A tendency to provide time and resources to all members of the family to consider the possibility of forgiveness of the abuser.</p> <p>An acceptance of personal responsibility by the abuser as a starting point</p> <p>A recognition of Aboriginal mechanisms for achieving justice (e.g. sentencing circles).</p> <p>Recognition of the potential of such justice system mechanisms as the first part of a therapeutic intervention for the abuser.</p>
A holistic connection of body mind spirit	<p>Program management that values client process as much as staff defined results.</p> <p>A focus on healing at all levels: individual, family, community, global.</p> <p>A view of program development as unfolding.</p> <p>A range of programming, including art therapy.</p> <p>Creation of opportunities for grief, anger and acceptance of the need for clientele to go through stages of 'denouncing, announcing and going beyond'</p>

	<p>Understanding of long term grieving issues.</p> <p>Use of the medicine wheel and similar symbols of holistic approaches both within programs and among different programs.</p>
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These principles and practices could serve in their own right as a check-list for self-assessment of good practice in prevention programming by FVPLSs.

From a realist perspective, these principles also give ‘clues’ about mechanisms through which programs are likely to operate, and which recur throughout the various approaches described below. These include:

- Healing for individuals – a therapeutic process which enables people to move through and beyond stages of grief and anger which may underlie violence;
- Healing for families and communities and strengthening relationships – which reduces individual alienation, isolation and helplessness, allows reintegration of perpetrators into families and communities, and allows help-seeking by both perpetrators and victim/survivors;
- Building cultural identity – which strengthens self-esteem, and concurrently allows for the acceptance and adoption of pro-social cultural norms and values, which in turn protect against violent behaviours and ‘unhelpful’ western norms or values (including male dominance over women) which may contribute to it;
- Strengthening norms of mutual care, forgiveness, responsibility and accountability, in ways that are inclusive of all family members and between families and community, which strengthens informal social controls;
- Building skills and capacities;
- Purposefully using holistic approaches which address inter-related issues in an integrated way; engage all members of families and engage communities at all levels; and nurture integration within and between people. This might be considered an antidote to the ‘atomisation’ and ‘siloed’ nature of western approaches, which tend to ‘treat’ (or punish) symptoms rather than ‘heal’ people; to provide services rather than strengthen communities; to provide those services to individuals rather than to relationships between individuals, families and communities), and which ‘treat’ issues separately (e.g. drug and alcohol abuse, mental health, violence) rather than as inter-related symptoms of deeper underlying causes.

9.3.7 Evidence in relation to prevention approaches

The following sections consider particular types of prevention approaches represented in the literature. Each section begins by locating the approach in relation to FVPLSs: for example, whether FVPLSs currently do, or may, undertake the approach directly or collaborate with other services which do so. It then briefly describes evidence for outcomes, and (where available) the contexts in which the approaches are more and less likely to be effective and the mechanisms through which they operate.

9.3.7.1 Awareness raising programs

FVPLS programs undertake significant work in raising awareness: of what constitutes FDV; of legal rights in relation to FDV; and of services available to victim/survivors of FDV. Awareness raising programs reflect what is known in communications theory as the Information Deficit Model: “if people just knew about ‘x’, they would do something about it” (Christiano and Neimand, 2017). Awareness

campaigns may also work through a variety of related mechanisms, including increasing awareness of risks, which is expected to prompt risk-minimising behaviours; changing beliefs and perceptions; increasing skills; and changing attitudes, motivations or social norms (HDA, 2004).

In FDV specifically, awareness raising with victim/survivors operates on the assumption that those who are aware of their rights and the options available to them are more likely to report violence and/or seek assistance.

There is some evidence that particular approaches in awareness raising can prompt help-seeking or behaviour change for some people²⁷.

An AFL club in far-north Queensland introduced strict sanctions (game or life bans) for players and leaders involved in domestic violence, alongside a community wide awareness campaign.

Police linked the campaign to a reduction in domestic violence incidents, including a 64% reduction in breaches of domestic violence orders. Success factors included: the program's targeted focus; its grassroots origins (initiated by and within the local Indigenous community); its combination of effective sanctions with community education; and the involvement of the football club as an important community leader in cultural change. (Walden and Wall, 2014, p 12)

In New Zealand, a program was conducted to raise awareness about the need to prevent violence (Brewin & Coggan 2004, reported in Cripps and Davis, 2012, p 4). *Wananga* (education sessions) used local language and situations relevant to Maori, and a *hui* (meeting) and concert were held. Using pre- and post- intervention surveys of 476 Maori community members, there was a small increase (27% to 31%) in those who would now 'walk away from a threatening situation at home' (op cit, p 4).

However, there is also significant evidence to suggest that raising awareness alone is not enough to create behaviour change (Walden and Wall, 2014), and can have unintended negative effects including creating backlash (Christiano and Neimand, 2017).

... it is important to note that while public education campaigns may be effective in increasing knowledge or community awareness, the deeper attitudinal and behaviour changes required to stop violence against women are likely to require more intensive, direct forms of intervention (Fanslow, 2005; Davies, Hammerton, Hassall, Fortune, & Moeller, 2003). (Walden and Wall, 2014, p 13).

Further, there are specific contexts in which reporting FDV or seeking help is less likely for Indigenous victims. Blagg et al (2018) noted women's fears that 'reporting their own violence and abuse would lead to their children being removed' (p 42). Phillips and Vanderbroek (2014) summarised earlier research to identify the following additional issues:

- *fear of repercussions and consequences, particularly in small, interconnected and isolated communities where anonymity cannot be maintained*
- *fear and distrust of police, the justice system and other government agencies. Many Indigenous people experience anxiety when they are compelled to engage with police and welfare agencies;*

²⁷ There was some evidence in the FVPLS evaluation of direct approaches to FVPLS services for assistance during and following CLE sessions.

- *cultural considerations and coercion—the interconnectedness of Indigenous society and the rules and obligations that are part of it may also operate against disclosure; factors such as shame and responsibility for maintaining families may lead to Indigenous women internalising their suffering;*
- *lack of awareness of or access to support services (Phillips and Vanderbroek, 2014, pp 9-10 of 25; summarising Willis, 2011).*

In relation to the last point, it is important to remember that awareness raising programs may increase awareness of services without necessarily overcoming difficulties in access to services, particularly for remote communities.

In realist terms, increased knowledge and confidence can be considered short-term outcomes in themselves, or as mechanisms if they then cause, or contribute to, a later outcome. Given that the outcome of interest is in fact reduction in FDV, it is appropriate to treat them as mechanisms. The fact that they were treated as outcomes in some studies may be in part an artefact of short-term evaluation of programs – a systemic problem that requires funder, as well as service, attention.

9.3.7.1.1 Review of hypothesised CMO

The “**Right to safety**” proposition developed for this review suggested that “Increased understanding of behaviours which constitute FDV and child abuse and neglect (CAN) combined with increased awareness of legal rights and legal service availability means that victims are aware that there are legal pathways to address perpetrators’ behaviours, which contributes to victims seeking services.”

In view of the evidence above, this CMO may be revised as follows. Note that CMO’s should be read ‘horizontally’ across the table: “In this specific context, this mechanism operates to generate this outcome.” Note also that CMOs operate as ‘sets’ where multiple features of context may be required to exist concurrently, and multiple mechanisms to operate concurrently, to achieve particular outcomes.

Context	Mechanism	Outcome
Communities or situations where anonymity can be maintained Initial relationships established between service providers and potential clients	Increased understanding of behaviours which constitute FDV and child abuse and neglect (CAN) Increased awareness of legal rights and legal service availability to help increase safety or address perpetrator behaviour Sufficient trust in service providers to initiate discussion	Victims seek services
Small, inter-connected communities Community expectations to maintain family	Anonymity cannot be maintained Shame experienced by, or shaming of, victims of FDV Fear and distrust of police, the criminal justice system; anxiety	Even though awareness may be increased (CMO 1), victims do not seek services.

Past and current negative experiences of police and the criminal justice system		
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The **‘Personal responsibility’** proposition suggested that “Increased understanding of behaviours which constitute FDV and child abuse and neglect (CAN) and their effects on victims and communities contributes to individual’s decisions to manage, moderate or address their own behaviours, which contributes to prevention.”

It might be noted here that the ‘personal responsibility’ hypothesis was drafted with perpetrators in mind (that is, perpetrators would be more likely to change their behaviour if they were aware of its effects on victims – perhaps particularly children²⁸). A mainstream Western Australian campaign to prevent DV drew in part on this belief, and resulted in significant increases in perpetrators seeking services (Wood and Leavy, 2006). However, there was no direct evidence for this proposition from Indigenous awareness campaigns or programs in this review. One evaluation found a small impact on behavioural intention (not demonstrated behaviour change) – that is, ‘walking away from a threatening situation at home’ – however, it is not clear whether this was on the part of perpetrators or victims.

There is insufficient evidence to support, refute or refine the proposition.

9.3.7.2 Capacity building in FDV prevention

Community development approaches in health promotion, and community crime prevention approaches, commonly involve a component of capacity building. Capacity building goes further than raising awareness: at the individual level, it seeks to build confidence, knowledge and skills and at the social level, it seeks to build social networks, norms and infrastructure to address issues of concern. FVPLS prevention programs to date have primarily operated in developing individual capacities (albeit sometimes using group processes to do so); only the NPY program appears purposefully structured to strengthen community capacity. However, FVPLSs could participate in – or in some localities, facilitate – networks designed to contribute to prevention of FDV, comprising community members, services, and state agencies as appropriate to the local context.

Cripps and Davis (2012) reported that the Aboriginal Women Against Violence Project in southwest Sydney aimed “to train Indigenous women to become trainers, mentors and advocates, to increase community understanding about the impacts of family violence on women and children, and to increase the capacity of participants to report violence.” (p 4). Five training programs were conducted. The evaluators of the program reported that participants developed “increased knowledge of the local service system, were more confident in accessing services, and had built networks to challenge violence against Aboriginal women.” (Rawthorne 2010, p.4). No longer term outcomes were reported.

Writing about capacity building for American native peoples, Chino and Debruyne (2006) described a model known as CIRCLE (Community Involvement to Renew Commitment, Leadership, and Effectiveness). The model is “a 4-step, cyclical, iterative process and philosophy for program design and community development for indigenous people” (p 597). It has been used to develop and evaluate

²⁸ Some respondents in the FVPLS evaluation believed that perpetrators may modify their behaviour in response to information about effects on children.

family violence programs in American Indian communities, but no evaluations of the model itself were found for this review.

At its core, the CIRCLE process posits that, as personal and professional relationships develop, they lead to the development of individual and group skills. These skills in turn lead to effective working partnerships, ultimately promoting a commitment to the issue, the group, and the process. This process creates an interest in new relationships, the need for new skills, and new opportunities for collaboration and a long-term commitment to positive change. Rooted in indigenous ideology, this model exemplifies the type of capacity-building framework that can work well in tribal communities. (p 597)

The four steps are building relationships, which focuses on “establishing open communication and identifying common ground and common goals” (ibid p 598); building skills at both individual and group levels; working together, which integrates the tradition of community and reinforces the idea that collaborative action strengthens groups; and promoting commitment, which underpins mentoring and advocacy by group members.

Claussen et al (2017) reported on a different aspect of capacity building: that is, capacity building for practitioners in relation to primary prevention of domestic violence. The strategy, described as ‘Communities of Practice’ (but primarily comprising a set of facilitated workshops on topics of interest to participants), was trialled in two districts in North America. The evaluation credited the program with increasing understanding of primary prevention strategies, establishing common language about prevention, strengthening relationships amongst stakeholders, and seeding ideas for longer term primary prevention work. An adaptation of such a program might be of interest to FVPLSs, should their role in prevention be strengthened.

Theoretical work based on earlier research into community capacity building for prevention of violence (Sabol et al, 2004) argued that building community capacity is not purely a matter of strengthening ‘strong ties’ in communities:

...in many poor neighborhoods, residents are tightly interconnected through personal networks of family and kin, but these network ties do not produce the collective resources that result in the control of disorderly behavior and violence. Wilson’s (1996) research suggests that in disadvantaged neighborhoods, there are strong networks of personal ties but that these networks may impede social organization because of their high degree of social isolation from other communities and social institutions. (p324)

Rather, building community capacity may involve:

- strengthening ‘weak ties’ to other groups. These weak ties may “be critical for establishing social resources, such as job referrals, because they integrate the community by bringing together otherwise disconnected groups.” (p 325);
- strengthening collective efficacy: a “...combination of a working trust and shared willingness of residents to engage in social control; it exists relative to specific tasks such as maintaining public order or preventing violence.” (p 325);
- developing strategies at the private (household), ‘parochial’ (local, local government) and state-agency level (p 330). Finding the right balance of state (e.g. police) intervention was argued to be important because too weak a presence is ineffective, but too strong a police presence can build fear, which tends to decrease community solidarity (p 330);
- incorporating economic development strategies as well as other policy tools, because “new jobs present more opportunities for legitimate work and attachments to mainstream social

institutions; the economic activity from new businesses can lead to increased social interactions among residents and strengthen social institutions.” (p 332);

- structuring prevention programs to build community capacity, including providing “mechanisms and opportunities for the people they serve to develop connections and linkages with mainstream social institutions” (p 332); strengthening both strong and weak ties in communities; and strengthening linkages between private, local and state interventions (p 333).

9.3.7.2.1 Review of hypothesised CMO

No direct mechanisms for capacity building were developed at the commencement of the evaluation. The mechanism that comes closest was related to community legal education, and hypothesised that a better understanding of FDV would motivate community action in relation to it: “**Community responsibility**”: Increased understanding of behaviours which constitute FDV and child abuse and neglect (CAN) and their effects on victims and communities increases motivation in communities to act to reduce FDV. Actions contribute to changing community norms in relation to FDV, which contributes to prevention.

While there is insufficient evidence in the material presented above to formally revise this hypothesis, we propose that its emphasis is incorrect. There was evidence in the FVPLS evaluation of some people becoming aware that particular behaviours constituted FDV as defined under Western law and that they could seek redress; however, that constitutes awareness raising rather than capacity building. There is also evidence from other sources that communities are all too aware of the negative effects of FDV. Where communities do not act, this is unlikely to be due to a failure of motivation: more likely, other resources and supports are unavailable. On this basis we propose that a more appropriate hypothesis for community capacity building may be:

Community capacity: Strengthening social capital (both strong and weak ties), knowledge and skills, and using approaches that involve collaboration across communities, services and state institutions builds collective efficacy to prevent FDV and strengthens positive social controls, which contribute to prevention of FDV.

This hypothesis remains to be tested.

9.3.7.3 Healing programs

While there are differences in perspectives across programs, healing programs are intended to support the “journey of individuals, families and communities dealing with the trauma caused by past policies and current disadvantage.” (Caruana, 2010, p5). There were a number of calls for healing programs, either for Aboriginal men or for whole families during the FVPLS evaluation. This is consistent with earlier research over many years (e.g. Blair, 2014; Keel, 2014; Blagg, 2000). Healing programs (at least for victim/survivors) could be provided directly by those FVPLSs that employed appropriate staff or FVPLSs could contribute to programs led by other appropriate agencies. Where appropriate programs exist, FVPLSs could also provide referrals to them.

Healing programs are not, however, restricted to victim/survivors: many of those reviewed below were provided for perpetrators, for men or for whole families.

Evaluations of healing programs are relatively limited. However, one review noted that there is important consistency in findings from those which are available.

Despite the debate about methodology of evaluation, the findings of evaluations using methods grounded in local Indigenous knowledge together with participatory action research

and other qualitative methods are remarkably consistent across programs, tribal groups and countries, making them difficult to reject. Similarly the factors found to be associated with successful healing programs are similarly consistent across contexts. (McKendrick et al, undated, p. 3)

A significant number of Indigenous healing programs are now offered in Australia. The review just quoted listed 47 programs (op cit, pp 81-85), albeit some of those could be classified in different ways in this review. Some examples include:

- The Aboriginal Family and Community Healing Program, developed in northern Adelaide to address family violence and comprising *“inter-related group activities for Indigenous women, men and youth”*, aiming to develop skills to communicate effectively and resolve conflict (Kowanko et al. 2009). While participants responded positively to the program, no FDV outcomes data is available (Closing the Gap Clearinghouse, 2016, p 9);
- Red Dust Healing – a program primarily for Indigenous men, described in more detail below;
- Marumali - a range of workshops for Aboriginal survivors of removal policies and their families: *“the workshops offer insight into: removal policies and their effects on individuals, families and communities; silence and the trans-generational effects of oppression; the spiritual dimensions of healing and the importance of identity and belonging.”* (Caruana, 2010, p 4)
- The Family Wellbeing Program - *“focuses on social and emotional wellbeing and the development of self-worth, communication and problem-solving skills, conflict resolution and other personal qualities that enable the individual to take greater control and responsibility for family, work and community life”* (McEwan & Tsey, 2009, p. 1). The program can be conducted with adults or children and adapted to the needs of specific communities
- Let’s Start – a 10-week program providing support for preschool children with emotional and behavioural problems and their families. *“The aim is to build positive behaviour and social skills in the children and support the role of the parent or caregivers”* (Caruana, op cit, p 4)
- We Al-Li – *“incorporates Indigenous cultural practices and therapeutic skills to assist recovery from trauma... By using traditional ceremonies of healing at sites of cultural significance, the program combines experiential and cognitive learning practices, reflection and emotional release to allow for the expression of anger and sorrow within a safe and supportive context.”* (ibid). We Al-li training was provided to FVPLS programs to underpin trauma informed practice, and also forms the basis for formal qualifications in Indigenous healing, from Certificate to Masters level.

In a limited review of Indigenous healing programs, Caruana (2010) drew on previous literature to identify “core characteristics” of Indigenous healing programs:

Indigenous ownership, design and evaluation of services (Aboriginal and Torres Strait Islander Healing Foundation Development Team, 2009)—Informed by an Indigenous, not a Western, worldview, and using culturally sensitive screening and assessment tools (Archibald, 2006b).

Holistic and multidisciplinary approach—That is, addressing mental, physical, emotional and spiritual needs, with a focus on familial and community interconnectedness, as well as connections to the environment and the spiritual realm (Aboriginal and Torres Strait Islander Healing Foundation Development Team, 2009; Archibald, 2006b; Quinn, 2007).

Centrality of culture and spirituality—Cultural renewal is seen by some as an essential precursor to healing (Aboriginal and Torres Strait Islander Social Justice Commissioner, 2008; Quinn, 2007). According to Phillips (2003), “culture is treatment” (p.142).

Informed by history—That is, being cognisant of the historical source of trauma, rather than focusing too strongly on the individual pathology.

Adopting a positive, strength-based approach—This recognises and promotes the resilience of Indigenous people (Kelly et al., 2009).

Preventative and therapeutic strategies—Rather than reactive responses that merely seek to reduce symptoms.

Commitment to healing—As a process that takes considerable time, rather than as an event.

Commitment to adaptability, flexibility and innovation— Programs must be inclusive to ensure they reach people who may not have strong cultural ties (Feeney, 2009; Wilczynski et al., 2007) and to incorporate localised practices (Archibald, 2006b).

Utilisation of particular approaches best suited to the Indigenous context—Such as narrative therapy (Archibald, 2006b; McCabe, 2008), group processes (Koolmatrie & Williams, 2000), and the combination of Western and traditional practices, such as the use of traditional healers, or ngangkari (Archibald, 2006a, 2006b; Milroy, 2008). (Caruana, 2010, p 7)

Similarly, McKendrick et al (undated) in a more comprehensive review undertaken for the Healing Foundation noted that to be effective:

...a healing program needs to be created within the local context; respond to needs identified by local community members and be supported by the local community. Sustainability needs to be multi-level and include development and transfer of knowledge and resources. This includes strong evaluation frameworks that are consistent with an Aboriginal and Torres Strait Islander world view. (p 3)

It should also be noted that engaging communities in healing processes is long-term work:

In its final report, the Canadian Aboriginal Healing Foundation estimated that it took a minimum of 36 months for organisations delivering healing services to identify needs and to engage a community in therapeutic healing, and an average of 10 years for a community to move beyond denial, create an environment of safety within which to deal with the trauma and initiate healing (Caruana, 2010, referencing Archibald, 2006).

A review of violence prevention healing programs (Memmott, Chambers et al. 2006) identified factors mitigating against success:

Factors mitigating against success of projects included inadequate resourcing; inadequate support; inadequate training and support for staff (staff can suffer burnout and can be vulnerable to violence themselves from clients); being reactive to violent incidents rather than proactive in violence prevention; lack of sectoral partnerships and lack of local level coordination; and fragmentation between state and Commonwealth governments with respect to the goals of the program. (quoted in McKendrick et al, undated, p 47)

McCalman, Tsey et al (2006) reviewing healing groups for Indigenous men found:

...there is evidence that programs that aim to enable Indigenous people to take charge of their own lives and those that result in enhanced sense of self-worth, resilience, problem-solving techniques and increased hope for the future do have an impact in terms of wellbeing and also in the prevention of crime. Where the underlying historical, social and economic issues involve return to country and have strong spiritual components, benefits have been shown for individuals and communities in the long term (10 to 15 years). However, if a program is to have ongoing benefits funding, resourcing and support are required. (quoted in McKendrick et al, undated, p 47)

9.3.7.3.1 Strategies in healing programs

Healing programs are by nature complex interventions. Here we examine just two, summarising the strategies described in their evaluations and their associated mechanisms.

A small evaluation of Red Dust Healing, a healing program primarily for Indigenous men, (Cull, 2009) identified the following:

- ‘Thinking from the heart, not the head’. According to the program founder, *“They (participants) really understand it in a cultural way, not a white way. Not on paper. The heart over the head.”* (p 36) While it is not explicit what ‘heart over head’ translates to in western theoretical terms, it is likely that the program appeals to emotion, norms and values, and this may relate to mechanisms of strengthening cultural norms.
- Structuring learning activities around individual experiences both as victim and as perpetrator, ensuring immediate relevance to the individual, while building understanding of the impacts of personal experience on behaviours (p 38). This provides individual therapy, structured as part of supportive group processes – *“Participants reported being empowered to process their own experiences of rejection and create avenues for lasting change”* (p 47);
- Contrasting two concepts: LORE and LAW. Strengthening understanding of LORE (Land, Origin, Respect, Elders) and of their existing dignity, power and freedom is intended to motivate participants to maintain their freedom and independence. As one past participant put it: *“You don’t want to give away your freedom and power away to the law, because if you do, they will make your choices for you.”* (p 42). It also strengthens traditional social controls: *“maintaining the respect of their community becomes paramount”*. (p 47) Following Indigenous lore prevents many behaviours classified as crimes under white law, including FDV;
- Interrupting generational transfer of unwelcome behaviours by building understanding of how behavioural patterns are passed down the generations, and prompting and enabling men to interrupt that by changing their own behaviours with their children (p 38-39);
- Teaching direct skills in problem-solving, enabling participants to respond differently to issues as they arise, including conflicts within families (p 42-43);
- Using simple exercises grounded in culturally appropriate symbols (a tree, fish and bird, kangaroo pouch and so on) to increase relevance and comprehension;
- Connection of participants to relevant support services on completion of the program, meaning healing can continue beyond the program.

Kiyoshk (2003) described **“Change of Seasons”**, a 28-session psycho-educational group counselling program for Canadian Aboriginal men who have been violent. The program integrated cultural ceremonies into each session of the program, with every third session devoted exclusively to the rituals. The rituals included a specific variant of a talking circle, a smudge ceremony, a pipe ceremony, and a sweatlodge ceremony. The intended mechanisms related to each of the ceremonies were also identified. For example, the sweatlodge ceremony is *“a rite of purification... used for physical, mental and spiritual cleansing”* [p15] and is *“an ideal place for releasing tension, shame and guilt, and an appropriate place to make or reaffirm commitments to positive change.”* [p16]. The smudge ceremony involves, amongst other things burning specific herbs and *“In the case of a men’s group, it is done to create a positive atmosphere and to ensure that one’s words are forthcoming and truthful.”* [p 13].

The herbs used are held to be sacred by those performing and/or participating in the ritual, and are considered to be gifts from the Creator. Each of these herbs has a special significance to the tribes in the territory to which they are indigenous. These gifts are from the plant

world, and are given so curing and healing of the mind, body and spirit may occur when respectfully used. The smoke signifies that one's prayers are being sent to the Creator. [p13]

While the ceremonies described are specific to Canadian Indigenous cultures, various of the aspects of the program's design and implementation are very likely to be portable to Australian Indigenous contexts. These include:

- the use of traditional ceremonies that are specific to the participants, which increases relevance and is therefore likely to support participation. *"Our model has been accepted by Aboriginal clients because it fits with their community's spiritual beliefs and worldviews."* [p3]
- provision of information about the ceremonies to participants which presumably acts to strengthen knowledge of traditional culture and may strengthen identity, cultural pride, and/or reinforce other healing mechanisms;
- leadership by people *"held in high regard"* (p 15) by the participants: in Australian contexts, particular elders have the authority to lead particular ceremonies.

9.3.7.3.2 Review of hypothesised CMO

There were two initial hypotheses for the FVPLS evaluation which related in some way to healing for victims, but none were developed for healing for perpetrators.

The **"Therapeutic empowerment"** hypothesis was that "Provision of counselling and therapeutic interventions contribute to psychological wellbeing (the precise mechanisms depend on the nature of the therapy), which contribute to victims' capacity to manage the effects of violence in their lives."

This hypothesis is much more limited in scope than the healing programs reviewed above warrant (reflecting the narrower scope of most programs offered by FVPLSs). For healing programs, at the individual level, the 'precise mechanisms' operating in healing programs appear to relate to processing grief and anger, building cultural identity (including new roles for men) and self-esteem, strengthening pro-social values and behavioural norms and developing new skills to manage tensions and difficulties within relationships.

It would appear that healing programs include 'therapeutic empowerment' on an individual level, but also operate through at least some of the range of mechanisms identified in Section 1.6 above: strengthening relationships, reducing alienation, strengthening culture and reintegration with communities.

The extent to which programs operated by most FVPLSs are in fact 'healing programs' in this sense is open to question, although some (for example, Dilly Bag, operated by Djirra) may be. The CMO tables below, therefore, relate to healing programs more generally and may only be relevant to a minority of FVPLS programs. Given that there is relatively strong support in the literature for the efficacy of well-designed and implemented healing programs, and the calls from communities in the FVPLS evaluation for healing programs to be extended, this is a possible future direction for FVPLS programming.

Context	Mechanism	Outcome
Stable, long term funding Stable organisation focused on healing whole community	Community trust in organisation and in efficacy of program	Community engagement in healing programs

Long-term, multi-faceted programs grounded in Indigenous cultural practices	Healing (resolving grief, anger) Strengthening cultural norms Developing positive Indigenous identity Developing skills for conflict resolution	Stronger relationships Reintegration in communities Reduction in violence
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9.3.7.4 Cultural Identity programs

A number of programs run by FVPLSs for victim/survivors reported working in part by rebuilding self-esteem and identity. There is considerable overlap between healing programs and cultural identity programs. Indeed, Arney and Westby (2012) categorised one sub-set of programs as “*identity programs (developing self-esteem or self-value) including therapeutic and spiritual healing programs*” (p v).

The history of colonisation, and in particular forced removal from the land and forced removals of children has undermined Indigenous identity, in part by breaking social relationships:

The consequent loss of identity contributes to social isolation and a sense of psychological defeat, as well as to the erosion of the authority of men who are not able to be initiated as 'adults' in their homelands. (Homel, 1999)

However, addressing these issues is the domain of healing programs, as distinct from programs which simply seek to improve self-esteem or self-worth. While much of the literature reviewed here referred to the centrality of loss of cultural identity in causing violence (e.g. SNAICC, FVPLS and NATSILS, 2017) and of building cultural identity as a strategy for reduction of FDV (most of the healing programs literature above), we were unable to identify evidence for the effectiveness of programs which worked primarily by building self-esteem. Consequently, no additional CMOs were developed.

9.3.7.5 Early intervention and school-based programs

Early intervention programs include programs for very young (usually pre-school aged) children and their families, on the one hand; and programs for adolescents and young adults on the other. We found no evidence that FVPLSs were involved in the provision of the former type, although one service reported visiting such a program to provide CLE to participating mothers in an informal setting.²⁹ Several FVPLSs, however, were involved in providing ‘respectful relationships’ type programs for young people, usually in high schools.

A meta-evaluation of Phase 1 of Partnerships Against Domestic Violence (Strategic Partners Pty Ltd, 2003) found that early intervention and prevention services were “the most under-developed forms of service”. It suggested that there was a need to “change both attitudes and behaviours in relation to violence amongst Indigenous young people”. It further suggested that campaigns targeting Indigenous young people and promoting non-violence “should be linked with other family healing strategies”.

A review of Respectful Relationships education in schools (Gleeson et al, 2015) defined the approach as follows:

²⁹ For guidelines on good practice in intensive family support programs – one type of early years early intervention, see ‘Prevention of child abuse and neglect’ in the next section.

Respectful Relationships Education is the holistic approach to school-based, primary prevention of gender-based violence. It uses the education system as a catalyst for generational and cultural change by engaging schools, as both education institutions and workplaces, to comprehensively address the drivers of gender-based violence and create a future free from such violence. (p3)

From its review of the literature to date, it identified and described seven core elements for good practice:

1. *Address drivers of gender-based violence*
2. *Have a long term vision, approach and funding*
3. *Take a whole school approach*
4. *Establish mechanisms for collaboration and coordinated effort*
5. *Ensure integrated evaluation and continual improvement*
6. *Provide resources and support for teachers*
7. *Use age-appropriate, interactive and participatory curriculum. (ibid, p 3)*

An evaluation of LOVE BiTES with Year 10 students in Sydney, using matched pre-post survey data (but no control group) found that the program:

...had a significant and positive effect on the students' attitudes towards domestic violence and gender relations, as well as skills in having respectful relationships. But it had no effect on students' attitudes towards aggression and alternatives to aggression (Flood & Kendrick 2012). (Closing the Gap Clearinghouse, 2016, p 9)

That is, the key mechanisms involved in healthy relationships programs are awareness of healthy relationships, developing skills in healthy relationships and changing attitudes to FDV. It is possible that Indigenous-based programs also work through building cultural identity, self-esteem and pro-social norms, although this had not been tested in any of the evaluations reviewed here.

The Closing the Gap Clearinghouse review of prevention programs for FDV in Indigenous communities reported no Indigenous-specific school-based programs that had been evaluated using control groups, but three non-Indigenous programs (one in America and two in Canada) which had demonstrated effectiveness.

Imbesi (2008) reported on a three-phase evaluation of a sexual assault program for secondary schools. The program was not Indigenous specific, nor tailored to Indigenous participants. Despite this, the evaluation had some findings that are potentially of relevance to FVPLS school-based programs.

The three phases of the evaluation were immediate, intermediate (at 6 months post-program) and longer-term (at 12 months to 2 years post program). Approximately 4% of participants at the immediate evaluation identified as Aboriginal or Torres Strait Islander; 2% of girls but no boys at the intermediate evaluation, and none at the longer-term evaluation³⁰. The evaluation found that the prevention program was most effective when:

- *Teaching and support staff are provided with specialised training and resources relating to sexual assault prevention;*

³⁰ The drop out rate for the evaluation does not necessarily reflect a drop-out rate for the program itself.

- Structures are in place in school to support reinforcement of the student program learnings and to encourage peer-based discussion and learning; and
- Respectful relationships and open communication are visibly modelled and rewarded throughout the school community.

The key aspects of the SAPPSS Program that strengthen its effectiveness are:

- The use of a whole-school approach, with a focus on resources, training and support for teaching and support staff;
- ‘Universal’ and ongoing student curriculum (offered to whole year levels rather than selected groups);
- Focus on sustainability, school ownership and internal delivery of student curriculum;
- Ongoing evaluation.

All of these features are likely to be relevant to wider FDV prevention programs as well.

There were also important findings in relation to ‘for whom’ the program was effective. Notably, there were differences in effects for boys and girls at the intermediate and longer-term evaluation. Girls tended to retain both enhanced knowledge and attitudes gained during the program; at least a proportion of boys did not. In relation to attitudes, there may have been a negative effect for some young men:

However there were some marked drops in correct knowledge amongst young men – relating to victim/ survivors’ rights in reporting to police; legitimacy of non-verbal ways of say no to unwanted sex; and recognition that most sexual assault happens in private rather than public areas – compared to post-program. ... in these three areas, young men non-program participants (NP) showed more accurate responses than young men program participants (P). This may suggest that program participation on its own does not sustain change and in fact may create backlash for young men in relation to these three important issues. ... young men respondents showed a 20% increase in acceptance of pressured sex from post-program to 6-month point. (Imbesi, 2008, pp 60-61)

The evaluation also noted, from its literature review, findings of attitudinal backlash from young men in some shorter (half day and one day) overseas sexual assault prevention programs (Winkel and de Kleuver, 1997, cited in Hilton, 1998; Meyer and Stein, 2004; Cornelius and Resseguie, 2006; *ibid* p 41).

Given that some of the underlying gender and power dynamics are similar for sexual assault and FDV more broadly, this is perhaps sufficient evidence to raise questions about whether short, single session programs are appropriate for FDV as well – and at least, to make the case for good quality, longitudinal evaluation of such programs. It also suggests that longer-term follow-up evaluation of LOVE BiTES is warranted, to check both the longevity of outcomes and for possibilities of backlash.

9.3.7.5.1 Review of hypothesised CMO

No hypotheses were developed for school-based or other early intervention programs prior to the evaluation. On the basis of the material above, we propose the following:

Context	Mechanism	Outcome
Stable, long term programs with secure funding and staffing	Increased awareness of what constitutes FDV	Reduced relationship-based risk factors for FDV

	Increased skills for respectful relationships	Reductions in rates of FDV in future
Whole school approach, including support for teachers Active role modelling of open, respectful communication	Consistency of messages Social learning	
Short-term, one-off, isolated programs (not whole school approach) Male participants	Ideas and messages not retained (by some boys) Backlash (by some boys)	No reduction in relationship-based risk factors No reduction in rates of FDV in future

9.3.7.6 Prevention of child abuse and neglect

FVPLSs provide some legal services in relation to child abuse and neglect (CAN). However, there appeared to be little focus, in FVPLS prevention programs, on prevention of CAN.

The Australian National Crime Prevention Framework (AIC, undated) found that there was “evidence for the effectiveness of” prevention programs that involved:

- *early intervention to address risk and protective factors for child abuse and neglect, particularly in at-risk communities that experience high levels of social and economic disadvantage;*
- *parental education focused on building existing skills and promoting positive interactions and behaviour toward children, combined with other programs to address factors which may be impacting on their parenting;*
- *providing support to parents and families and ensuring that important support services are available, such as through tailored home visitation programs delivered by skilled staff;*
- *personal safety programs that address a range of issues delivered in school settings and incorporate role play to encourage reporting and dealing with high risk situations; and*
- *improving coordination between criminal justice agencies, domestic violence and child protection services to assist in the prevention of children’s early exposure to domestic violence, deal with physical, emotional and sexual abuse and neglect, and prevent the intergenerational transmission of violent attitudes and behaviours and/or subsequent victimisation. (p 13)*

That is, prevention of CAN is in itself prevention of one form of family violence. Effective prevention of child abuse and neglect may also make long term contributions to prevention of other forms of FDV, by reducing inter-generational transmission of violence. International research has also suggested that:

...programming to support children exposed to marital violence, may help reduce their risk of violence in later life. (Abramsky et al, 2011, p 15 of 17)

Early years early intervention programs work by reducing risk and building protective factors in early life, a critical phase of cognitive development. Some focus on assisting parents with parenting; some focus on providing services directly to infants and children; and many are “two generation” programs that seek to improve outcomes for children directly and by improving situations for their parents. Early evaluations of a Nurse Home Visiting program in America found that it could reduce child abuse and neglect but did not appear to be effective in households where there was moderate to severe

domestic violence (Eckenrode et al, 2000). More recently, evaluation of adapted Nurse Family Partnership Program implemented in an Aboriginal community in Central Australia (the FPP) found that the program reduced child protection notifications and days in care for children of younger mothers (aged under 20) and first-time mothers (Segal et al, 2018).

There is also evidence, however, that early years early intervention programs are not always effective, and may be least effective (and sometimes harmful) for families facing multiple risk factors (for a review, see Westhorp, 2008).

SNAICC, in its 'Moving to Prevention' report (2015) identified guidelines for the effective provision of intensive support services for families identified as 'at risk' of CAN, relating to:

- *how services were matched to child and family needs*
- *how staff built trusting relationships and partnerships with family members*
- *the mix of practical, educational and therapeutic supports provided to children and families*
- *the intensity and duration of service provision*
- *how family members participated in decision making and case planning*
- *how services were provided in culturally-competent and respectful ways. (p 5).*

Further detail is not provided here, given that FVPLSs were not working in this area directly.

Extrapolating from this evidence base, FVPLSs may contribute to prevention of CAN by:

- Developing, or supporting the development of, 'whole of family' safety plans (as distinct from safety plans targeting adult victims alone);
- Including personal safety components for children and young people in school-based FDV programs;
- Participating in coordination strategies between criminal justice agencies, domestic violence and child protection services;
- Supporting or contributing to intensive family support programs for families at risk of CAN.

It is possible that the latter two strategies may also strengthen relationships between FVPLSs and child protection services, which may support earlier referrals to FVPLSs (see Chapter

9.3.7.6.1 [Review of hypothesised CMO](#)

No hypotheses were developed for prevention of child abuse and neglect prior to the evaluation. There is a substantial literature on prevention of CAN, which is well beyond the resources of this evaluation to review. Consequently, no CMOs have been developed from the literature review.

9.3.7.7 [Alternative Courts](#)

FVPLSs do not, of course, conduct alternative courts. They may, however, be required to operate within alternative courts where they exist.

There are at least two, and potentially three, types of alternative courts in which Indigenous FDV matters may be heard. These are Domestic Violence Courts, which are not Indigenous-specific but which may hear Indigenous FDV matters; Aboriginal Courts (for example, the Murri Courts in Queensland), which are not FDV specific but may hear FDV matters; and (if sentencing is treated as a separate type of court), Aboriginal sentencing courts (known in some literature as 'sentencing circles').

It is perpetrators of violence who appear before these courts; victims may or may not appear as witnesses, and/or to present Victim Impact Statements. The role of FVPLS services is therefore constrained (as it is with traditional western courts) to supporting victims and ensuring that their voices and concerns are heard, where that is possible within the court process. For this reason, only very limited review of evidence for alternative courts was undertaken.

Evidence as to the effectiveness of alternative courts in tertiary prevention is mixed. On the one hand, sentencing circles have been found to increase victim safety, increase understanding of sentencing for both perpetrator and victim, condemn violent behaviour and provide vindication for the victim (Faulkner, 2009). On the other:

Recidivism analyses have yet to find that these [therapeutic jurisprudence] courts are more likely to reduce reoffending than their mainstream counterparts. (Marchetti, 2014, p 341)

Other outcomes of sentencing courts have, however, been identified:

Most of the Australian Indigenous sentencing court evaluations found that the courts facilitate increased participation of the offender and the broader Indigenous community in the sentencing process. As a consequence, the courts increased dialogue and participation between everyone present, which was found to have a positive impact on developing understanding and accountability between participants (Morgan and Louis 2010; Aquilina et al. 2009; Marchetti 2009). The increased involvement of offenders was, according to interview participants, such as magistrates, Indigenous court workers, and elders, found to relate to the offenders' perceptions that the sentences they received were fair and appropriate (Cultural & Indigenous Research Centre Australia 2008; Harris 2006; Potas et al. 2003). Community involvement, particularly that of the elders and community representatives, was found to be a crucial aspect of the process since it strengthened the accountability of the offenders to their community and provided offenders with community support (Morgan and Louis 2010; Cultural & Indigenous Research Centre Australia 2008; Harris 2006; Parker and Pathe 2006; Potas et al. 2003). (Marchetti, 2014, p 350)

Again, however, these findings do not apply in all cases. An evaluation of the Queensland Murri Court (Morgan and Louis, 2010) found that:

...some offenders did not appear to respond to the Elders—an issue highlighted by the Elders themselves. Some of the Elders suggested that certain offenders did not appear, for a range of reasons, to respect their authority within the court. (p 123)

Further, in four of the five courts evaluated, “there were no formal processes for the development and presentation of victim impact statements.” (ibid p. 30). This has the potential to disempower victims relative to mainstream courts.

9.3.7.7.1 Review of hypothesised CMO

There were four hypotheses developed about the operations of criminal courts and how they might contribute to prevention of FDV. None of them were, however, specific to alternative courts.

“Offender disablement”: C1: Where alleged perpetrators are remanded in custody or C2: Where perpetrators are found guilty and sentenced to prison, offenders are unable to offend against the victim while incarcerated, which contributes to decreased offences during incarceration.

“Shame and deterrence”: Where perpetrators are found guilty and sentenced, they are shamed and deterred from future offending, which contributes to prevention and increases safety for the victim.

“Offender treatment”: Where offenders are mandatorily referred to treatment (e.g. anger management, drug and alcohol or mental health treatment), treatments contribute to reductions in situations which ‘catalyse’ FDV and/or increase the capacity of offenders to manage their behaviours, which contributes to prevention.

“Retribution (CC)”: Finding a perpetrator guilty or sentencing them aggravates or contributes to a sense of injustice for the offender and/or offender’s family, which contributes to retribution by offenders/their families against the victim. This contributes either to repeat offences against the victim and their family or other negative outcomes (e.g. ostracism of victims, increased conflicts between families in communities)

Any of these may also apply in relation to alternative courts but reviewing literature about them was beyond the scope of this evaluation. Summarising in realist terms and extending the implicit mechanisms identified for alternative courts in the literature above, it might be hypothesised that:

- Direct participation of those affected in processes promotes increased understanding of the effects of violence on victims (including children) and increased accountability to victims, elders, and the offender’s community, which deters offenders from future violence;
- Processes being seen to be fair promotes acceptance of outcomes, which reduces the likelihood of revenge attacks and of breaches of conditions which threaten the safety of victims.
- Involvement of elders both strengthens accountability to elders, which strengthens informal social control and deters offenders from future violence; and promotes support for participants, which enables offenders to address underlying issues which contribute to violence.

If they do operate, at least the first and third of these mechanisms could apply in other treatment programs for offenders, which could contribute to prevention outcomes. However, it should be emphasised that no evidence either of the later prevention outcomes or of whether these mechanisms in fact operate was available through these few studies. We have not, therefore, been able to develop CMOs for the contribution of alternative courts to prevention.

9.3.7.8 *FVPLS Programs*

Only one formal evaluation of FVPLS programs was found (Karasahan, 2014). It provided largely qualitative feedback on three Victorian programs: Sisters Day Out, Dilly Bag, and Dilly Bag: The Journey. Two of these programs are described briefly in Chapter 7.

No direct evidence of prevention outcomes was provided. The outcomes reported for Sisters Day Out were:

- *enhanced participant’s self-esteem and well-being*
- *strengthened friendships / relationships / connections within the community and increased community networks, and*
- *strengthened individual participant’s resilience and the community’s ability to address family violence*
- *increased participant’s knowledge and understanding of family violence*
- *increased participant’s awareness of support and legal services, both Aboriginal specific and mainstream. (p 11)*

However, the evidence for these outcomes was weak.

The report also found that:

88 participants were referred to the legal service from the program. Of these referrals, 24 participants received one off advice from a solicitor, 35 received ongoing legal assistance and advocacy, and 29 were referred elsewhere. FVPLS Victoria reports that the referral data is likely to be under-representative of the true number of clients referred to the legal service. (p. 16).

This (88 participants referred) represents less than 1.5% of those attending the Sisters Day Out. Access to legal services can act as a pathway to prevention of repeat victimisation, but the proportion of clients for whom this mechanism could potentially operate is extremely low (even if this data is a significant under-representation of referrals, the proportion will still be very low).

It is also likely that the other outcomes reported for the program apply only weakly and/or for small proportions of the participants, because single events do not generally have strong impacts. It is likely that the greatest contributions of the program lie in promoting awareness of the service, and contributing to creating a supportive environment in which to tackle FDV.

These programs are examples of healing programs (Dilly Bag) and awareness raising (Sisters Day Out). Revised CMOs for those program types have been presented earlier in this chapter.

9.3.7.9 Perpetrator programs

Perpetrator programs are preventative only in the sense that they may reduce repeat victimisation: by definition, they are only available to those who have already been found guilty of FDV. FVPLSs are, under current funding arrangements, all but prohibited from, and for many other reasons highly unlikely to, provide perpetrator programs themselves. However, they may collaborate with such programs in particular circumstances; and a number of respondents to the FVPLS evaluation argued that such programs should be provided, preferably in their locality.

An Australian review of perpetrator programs (Grealy et al, undated) found that:

Little is known about the effectiveness of domestic violence perpetrator intervention programs for Aboriginal and Torres Strait Islanders. A review of selected domestic and family violence intervention programs by Loxton, Hosking, Stewartwilliams, Brookes and Byles (2008) found that interventions programs for Aboriginal people are more likely to be successful when they have been developed in consultation with the community, involve interagency collaboration, and are multi-disciplinary and holistic. The need for culturally competent programs for Aboriginal and Torres Strait Islander perpetrators is highlighted by Day, Jones, Nakata and McDermott (2011).

The same review found that for all programs (i.e. programs were not Indigenous specific), there was mixed evidence for the effectiveness of programs. Voluntary programs were on the whole more effective than court-mandated programs, albeit still contributing only to small impacts on recidivism overall. Programs based on a well-established theoretical framework were more likely to be effective than those that were not.³¹

³¹ Greater effectiveness of behaviour-change interventions which are theory-based has also been found in other public health campaigns (HDA, 2004)

Court-mandated programs were more likely to be effective if offered promptly (“within two to two-and-a-half weeks of arrest”), compliance was monitored and courts responded promptly to those who did not comply (ibid, p 14, referencing Edleson, 2008). Court mandated programs were also more likely to be effective if:

- *... delivered to groups within an empowering and innovative learning framework that combines cognitive, behavioural and resocialisation approaches (that is, programs should not focus on models of support or therapy, but on complete behavioural and attitudinal changes in the offender);*
- *program topics for Indigenous offenders [were] culturally sensitive, flexible to be undertaken in a range of settings for Indigenous groups, and ... facilitated by Elders. Education sessions should be included on the problems of excessive alcohol consumption. (Arney and Westby, 2012, p 23)*

There was also differential evidence in relation to ‘for whom’ programs were effective:

[Programs] were more likely to be completed by, and produce attitudinal and behavioural changes, leading to reduced recidivism for, perpetrators who:

- *are more motivated or ready to change*
- *have no or fewer previous contacts with the criminal justice system*
- *have no comorbid (e.g., substance use or mental health) conditions*
- *are Caucasian, employed, married, older, and have a higher level of education (e.g., see Edleson, 2008; Jewell & Wormith, 2010; Kingsnorth, 2007; Olver, Stockdale & Wormith, 2011; Sartin et al., 2006). (p.20 of 37)*

This does not bode well for mainstream programs seeking to work with Indigenous perpetrators, given the higher levels of contact with the criminal justice system and co-morbid conditions and lower levels of education in Indigenous populations. More serious offenders also often have “more previous criminal offences, be less motivated to change, have comorbid conditions, and are more likely to drop out” (ibid p 13). Matching of programs to offender risk level, criminological, psychological, social and emotional need and ‘responsivity’ may improve effectiveness:

The responsivity principle postulates that effective treatment should be cognitive behavioural in nature (general responsivity) and tailored to the learning style, cognitive capabilities, motivations, personality and cultural background of the offender (specific responsivity). (ibid p 14)

Another review of Indigenous men’s programs in Australia found that “Men respond to strength based methods of communication” (p 30) and value trusted relationships, through which they may access other services (ibid). The review also suggested that:

Indigenous men have communicated on numerous occasions the need for a place specifically for men that offers a culturally safe space re-establishing connections with Aboriginal tradition and culture (Arney and Westby, 2012, p 30, referencing Misan & Sergeant, 2008).

‘Connecting with tradition and culture’ has the potential to trigger mechanisms of identity-building, strengthening pro-social cultural norms and strengthening informal social control, as discussed in earlier sections of this review. However, a formal evaluation of Ke Ala Lokahi, a culturally-based program for native Hawaiian perpetrators, found no difference in the recidivism rate compared to the

cognitive behaviour therapy based mainstream program (summarised in Cripps and Davis, 2012, p 2). This highlights the need for outcomes evaluation even for programs which are culturally-based.

The Cross Border Indigenous Family Violence Program is a four-week group-work program for perpetrators – both court-mandated and voluntary - in the remote cross-border region of Central Australia. A team of facilitators remain based in the communities during the Program and work with cultural brokers to deliver the program. Using linked criminal justice data, the 2014 evaluation found “some reduction in reoffending and recidivism, and that the program had been cost effective, given the costs of imprisonment and health care for victims.” (Closing the Gap Clearinghouse, 2016, p 2.) Completion rates in the program varied by community; where the program had been run five times or more, completion rates were ‘much better’ than communities where it was only run once or twice (ibid, p 10). This could be due to many factors: better tailoring to local context; increased credibility of the program and/or those providing it over time; improved relationships between those providing the program and community members, and so on. It is not clear from the summary materials reviewed here either what accounts for the differences in completion rates, or whether completion was positively correlated with reduction in offending.

9.3.7.9.1 Review of hypothesised CMO

No hypotheses were developed for perpetrator programs prior to the evaluation, primarily because FVPLSs are victim/survivor services and do not work with perpetrators. There is a substantial literature on perpetrator programs, which is well beyond the resources of this evaluation to review. Consequently, no CMOs have been developed from the literature review.

9.3.7.10 Situational crime prevention responses

FVPLSs are not in a position to implement situational crime prevention initiatives in their own right. Situational responses could, however, be developed by inter-agency collaborations in which FVPLSs could participate. A full review of the effectiveness of situational responses to FDV is beyond the scope of this review. However, there were a few ‘clues’ as to effectiveness of some strategies in the literature reviewed.

One of the more common situational issues raised during the FVPLS evaluation related to excessive alcohol and drug use as triggers for violence. This has long been recognised as a problem and the literature has recommended integrated responses for over 15 years.

Violence prevention interventions should, in some areas, be coupled with drug and alcohol rehabilitation services as both pressing problems are interlinked. (Strategic Partners Pty Ltd 2003, Ch 4.)

An evaluation of strategies to restrict use of alcohol in Fitzroy Crossing (Kinnane et al, 2010) found some impact on the severity of FDV:

At the two year mark, all respondents note that the liquor restriction has not stopped domestic violence, alcohol abuse, neglect of children and other anti-social and criminal behaviour. No respondents expected that a restriction alone would resolve these problems. However, there is good evidence the severity and number of these incidences has reduced. (p 11)

However, other authors have noted that ‘single strategy’ solutions, including alcohol restrictions, are inadequate and can backfire:

Alcohol restrictions from the indigenous perspective have therefore been identified in criminology as a situational crime prevention technique. It is argued that this is not

sustainable on its own, because it is not an underlying crime prevention technique. Situational methods can have a negative effect if there is not a regime of programs addressing the underlying issues. (ATSISJC, 2006, p. 125)

The UK Centre for Problem Oriented Policing has a resource page for situational responses to domestic violence (although not Indigenous FDV) (<https://popcenter.asu.edu/content/domestic-violence-page-4>); and the developed a resource on situational responses to child abuse and neglect (www.aifs.gov.au).

9.3.7.10.1 Review of hypothesised CMO

No hypotheses were developed for situational prevention prior to the evaluation. Given that FVPLSs play very limited roles in situational prevention, it was beyond the resources of this evaluation to review. Consequently, no CMOs have been developed from the literature review.

9.3.7.11 Co-ordinated or integrated responses

The multi-faceted nature of FDV calls for coordinated and/or integrated prevention strategies. This is a consistent theme throughout the literature. There were, however, very few integrated programs identified in the literature and almost none had been evaluated.

The exception was the Alice Springs Integrated Response to Family and Domestic Violence. The program “sought to address family and domestic violence (F&DV) through inter-agency collaboration across a spectrum of prevention, crisis intervention, justice responses and behavioural and social change.” (Putt et al, 2017, p 8). The evaluation found that only two of five intended strategies were fully implemented in the first three-year phase of the project, as the strategies were implemented successively. While it was likely that these contributed to ‘timely and effective responses’ to FDV, that was only the case for a limited number of perpetrators and victim/survivors (p 79). Impacts on rates of FDV were not evaluated.

9.3.8 Evaluation and evaluation instruments

As noted in the methods section of this chapter, there is a significant short-fall in evaluations of Indigenous FDV programs, whether they be primary or secondary prevention programs, or tertiary interventions. McKendrick et al (undated) note that many Australian Indigenous healing programs are not documented, let alone evaluated, and that this is in part due to inadequate and short-term funding (p 89).

A review of evaluation instruments was not commissioned as part of the FVPLS evaluation. However, some of the documents reviewed made particular findings in relation to evaluation and evaluation instruments. Some authors commented on particular types of shortages - for example, experimental or quasi-experimental designs, or other quantitative analysis of outcomes. Others suggested that such designs were not appropriate for some kinds of programs and advocated more consistent use of qualitative methods that were consistent with Indigenous epistemologies. A couple suggested that valid outcomes measures were yet to be developed:

There appear to be relatively few valid, reliable and culturally safe measures available to evaluators to monitor changes over time on key issues (such as perceptions of safety in the community, levels of social and emotional wellbeing, community engagement, personal sense of empowerment or efficacy, and family strength) (Day, Francisco, & Jones, 2013, p.16; quoted in Blair et al, 2014, p 60).

Further, some of the FVPLS evaluation team³² had undertaken a previous evaluation project for another client, which investigated the availability of appropriate instruments to assess wellbeing in Australian Indigenous populations. Some findings of that review have also been included here.

A 2007 evaluation of two FaCSIA Family Violence funding programs, the Family Violence Regional Activities Program and the Family Violence Partnership Program, was conducted by the Department of Finance and Deregulation. It developed and then compared rankings, on a range from ‘very likely to achieve intended objectives’ to ‘unlikely to do so’, for prevention programs and for tertiary intervention programs (i.e. those delivered to people who had experienced violence, either as perpetrators or victims). The range of rankings was wider for prevention programs. The report suggested that this:

“may indicate that prevention projects require more structure and support to be successful [compared to tertiary intervention programs], and are more likely to encounter difficulties without such structure and support.” (p55)

The report also found that “Only around 50% of projects sampled were felt to demonstrate a clear program logic that explained the intervention”, and that the funding programs themselves also lacked clear program logic. This latter was reported to be problematic on two levels:

In the absence of reasonable program logic it is difficult to know whether the programs are appropriately targeted in the terms of the mix of activities and their sequencing and also whether the projects themselves are appropriately targeted to have the greatest impact. (p55).

It is entirely possible that this concern may also apply to FVPLS at both individual agency and a funding program level. However, the program theories developed for this evaluation may provide a starting point for that work.

9.3.8.1 The Growth and Empowerment Measure (GEM)

The Growth and Empowerment Measure (GEM) (Haswell et al, 2010) is a freely available survey tool which was developed in collaboration with an Indigenous-developed program, the Family Wellbeing Program, and has been validated with Indigenous people in Australia. It is used by a growing number of Indigenous organisations for monitoring and evaluation. It takes about 30 minutes to complete and can be administered verbally where with clients with low written English literacy.

The constructs it measures – described in the validation study as “Self-capacity”, “Inner peace”, “Healing and enabling growth” and “Connection and purpose” – are relevant to some prevention programs conducted by FVPLSs and to a number of wellbeing programs. However, they could also be used as measures over time with clients of FVPLSs legal services (at least for those clients who remain engaged over a significant period).

GEM collects background information covering age, gender, community, having a partner and children, housing situation and occupation. It comprises two instruments which can be used separately or together. These are the Emotional Empowerment Scale (EES14) and 12 Empowerment Scenarios (12S). (Note that these are not scenarios in the usual sense of the word, but scales – see the example on the next page.) It can be also be used alongside the Kessler 6 Psychological Distress

³² The earlier evaluation was undertaken by RREALI, but with only some of the current evaluation team involved.

Scale, which in some evaluations have been modified to include two questions on happiness and anger, which are significant indicators of wellbeing in Indigenous populations (ibid).

The EES14 has indicators relating to holding anger inside, feeling calm and relaxed, feeling confident, feeling centred and focused, feeling happy with self and life, feeling safe, secure and able to face the future, feeling strong and full of energy, feeling skillful and able to do important things, being able to speak out, feeling satisfied with opportunities, feeling admired and valued, and being hopeful for the future. The 12S relates to being able to move forward, deal with judgements and criticism, understand and improve relationships, speak out and be heard, engage in learning, deal with safety of self and family, and respond to people who are not taking responsibility; and to the individual's perceived levels of respect in their workplace, knowing who they are, sense of own spirituality, thoughts and feelings about making changes, and their sense of how well their community is working together to make positive changes.

The GEM tool could be used in different ways in different types of evaluations. It could be used as an outcomes measure (answering the question 'Does this program build participants' emotional wellbeing and empowerment?' or, in a realist evaluation, 'What aspects of wellbeing and empowerment are built to what extent, for whom?'). To do so, it would need to be collected both pre- and post-program. In realist evaluations it could also be used as a context measure (answering the question 'Does this program work better for people with higher - or lower - levels of wellbeing and empowerment on entry to the program?'). To do this, it could be collected pre- and post-program. Alternatively, it could be collected before the program, with different outcomes measures used after the program (for example, obtaining stable accommodation, or completing other programs required by child protection authorities). It could also be used as an indicator of a mechanism (answering question such as: 'Do those who experience the greatest growth on the GEM scale also achieve other outcomes?' Finding this as a correlation would not provide that empowerment or improving wellbeing caused particular outcomes, but not finding it would prove that they didn't. This again would require pre- and post-program administration. If used routinely across FVPLS programs it could also potentially contribute to comparisons across programs (answering questions such as: 'Which support programs have the greatest impact on emotional wellbeing and empowerment?'). Finally, it could also be used with clients of FVPLS legal services: in that case, given the fact that many FVPLSs maintain open files, the instrument would need to be administered at intervals, rather than 'pre- and post-program'.

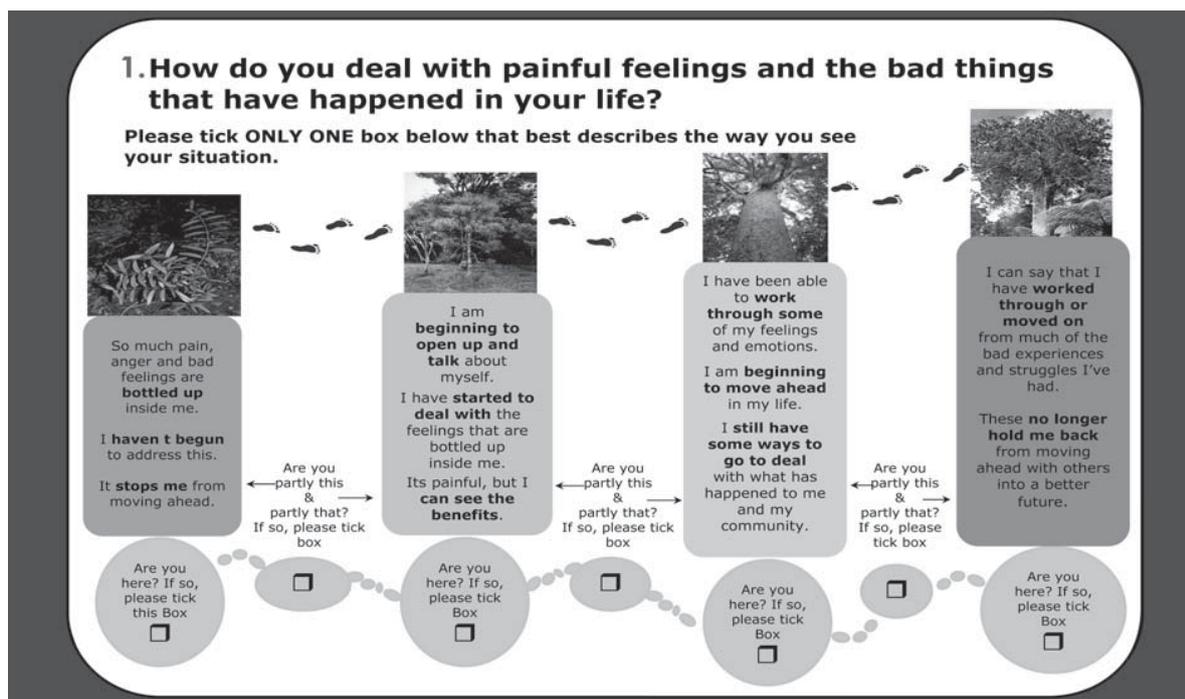


Figure 1. Scenario 1 on the 12 Scenarios (12S), reproduced from Haswell et al, 2010, p 793.

The use of GEM could be piloted in FVPLSs with two purposes: the first to test the feasibility of its use and identify any requirements within FVPLSs for its use (e.g. training of staff to administer it); and the second, to examine how useful the data collected is and the extent to which it can be used for analysis of contexts, mechanisms and outcomes. Assuming that the measure proves viable, consistent use across a number of prevention programs (some of which aim to work by empowering participants) and wellbeing programs would provide a data bank that could be re-analysed to answer questions which cannot be answered within a single evaluation. For example, answering the question 'In what circumstances do FVPLS programs have greatest impact on empowerment and wellbeing?' requires comparison across programs.

9.3.9 Summary of literature review findings

The main findings from this review may be summarised as follows.

1. There are significant shortfalls in evaluation of most types of programs which may contribute to reducing FDV for Indigenous people. Where evaluations do exist, they are often short-term, small scale, and do not provide outcomes data.
2. Awareness of legal rights and options may be a *necessary* condition for victim/survivors of FDV to act on their legal rights, but it is almost certainly not a *sufficient* condition for most victim/survivors to do so. It is unlikely that awareness raising programs in their own right contribute significantly to prevention.
3. There is consistent evidence internationally that Indigenous healing programs, properly run, can contribute to healing and that this can contribute to prevention of FDV. Healing programs work by releasing grief and anger; reducing alienation and strengthening relationships; building communication, conflict resolution, and problem-solving skills; strengthening pro-social cultural norms and informal social controls; and building cultural identity. There was insufficient evidence in this very brief review to identify 'for whom, and for whom not' such programs are effective, although a more in-depth review may be able to do so. Effective programs are long-term, holistic, culturally based, grounded in the local community, strengths-based, adequately funded, Indigenous-led, provided by skilled and well-supported

staff/leaders, well-coordinated and provide referrals to other programs and supports as required.

7. There is some evidence that school-based early intervention programs can contribute to respectful relationships. Programs work by building awareness of healthy relationships, building relationships skills including by modelling of respectful interactions, and changing attitudes to FDV. Indigenous-based programs may also work through building cultural identity, self-esteem and pro-social norms. Effective programs are longer-term and use whole-school approaches. Programs may work differently for boys and girls and some programs may generate backlash by boys.
8. There is evidence that some forms of family-support programs can contribute to the prevention of child abuse and neglect. Effective programs intervene early, provide consistent support and education for parents, and enable access to other supports. Home visiting programs may be more effective for young mothers and first-time mothers.
9. The evidence for the effectiveness of alternative courts, perpetrator programs and situational methods in prevention of FDV is mixed.

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9.4 Appendix 4. Restraining Orders in States and Territories with FVPLSs

State/Territory	Nature and period of protection
New South Wales	A police officer must apply for an AVO if they believe a domestic violence offence has recently been committed, or is being committed, or is likely to be committed. Police can also apply for a provisional apprehended domestic violence order, which can be granted by police officers of the rank of Sergeant or above. If a person needs urgent protection, police can apply for an urgent provisional AVO ('on the spot AVOs') to provide protection until the first court date. A provisional AVO is a temporary order, usually in force for a maximum of 28 days.
Northern Territory	A police-issued DVO is taken to be a summons to the defendant to appear at court and show cause as to why the order should not be confirmed. There is no specified time limit for the duration of a police issued DVO.
South Australia	Police can issue an <i>interim intervention order</i> on the spot. Once an intervention order is confirmed by the court, it remains in effect indefinitely unless a party makes an application for it to be varied or revoked. The defendant can only apply for a variation or revocation after 12 months of the order being in place.
Queensland	Police can issue a police protection notice, which includes an application for a protection order. The police protection notice provides immediate protection for persons affected by domestic violence.
Victoria	Police can issue a family violence safety notice at the time police attend an incident outside of court business hours. The Act also provides that police may apply to the court for a Family Violence Intervention Order.
Western Australia	Police can issue a temporary but instant Police Order for a period of up to 72 hours. Police can also apply for a restraining order.

Note: Tasmania and the ACT have been omitted from this table because no FVPLS services operate in those jurisdictions.

9.5 Appendix 5. Interview guides

9.5.1 Interview guide: FVPLS Manager

Service/site: Work role Gender: Indigenous status

- How long have you been working at the service? What made you decide to apply for the job here?
- Can you please describe your work role at the FVPLS? (*Different services may require slightly different things of their managers / managers may interpret their roles differently*).
- Can you please clarify whether, and if so what, services you provide directly to children?
 - How are issues of mandatory reporting handled within the service? Do you provide any services to clients in relation to mandatory reporting?
- We're interested in the outcomes of the different sorts of services that FVPLS provides, so we'd like to ask about each of those.
 - What are the main outcomes of FVPLS's legal services?
 - What are the main outcomes of FVPLS's counselling and support services? (*NB – some are provided in house; other FVPLSs contract them out*)
 - What are the main outcomes of FVPLS's community education and prevention services?
- What is it that matters about the way FVPLS does what it does? Why is it important that you do it that way?
 - Prompts: demonstrating cultural respect; strengths-based practice; collaboration; operating in keeping with legal requirements.
 - Can you give an example of how you go about that?
 - Do you have policies or guidelines to ensure staff work in those ways? How do you ensure that they do?
- Have you adapted the way you work to suit the local community context? In what ways and why?
 - How effective do you think that has been?
 - Would you like to see further changes?
- Which other organisations or workers, outside of FVPLS, do you in your role as manager liaise or coordinate with on a regular basis? What is the nature of your work with them? How, if at all, does that coordination contribute to outcomes for clients? Or other types of outcomes?
- If your service can't see a client, who do you refer them to? How far away is that service? What are the main reasons why you can't see clients? (e.g. representing another family member; waiting lists; legal issues not relevant to FDV; FDV issues but not legal issues). What difficulties if any do you have in referring clients? (e.g. procedural issues, the other services

are too busy, community faction issues, clients frustrated at being pushed around the system, clients have accessibility issues)

- What changes would you like to see to the system for provision of legal services to Aboriginal victims of FDV, and why?
 - If the change you've suggested were to be implemented, what issues would need to be managed?
 - Are separate legal services for victims of FDV really the best way to operate? Why / why not?
- In what ways has the National Forum supported your work or your effectiveness at a local level? How effective has that support been, and how could it be improved?
 - Prompts: e.g. improving governance and operation systems, sharing best practice,
- How effective do you think the Forum has been at a national level, and why?
 - Prompts, e.g. enabling communication between all FVPLS units, political advocacy
- What changes would you like to see to the system for provision of early intervention and prevention services for Aboriginal FDV? Why?
- Has this FVPLS been involved in any local advocacy work – e.g. suggesting changes to the ways other services operate, advocacy to local politicians? If so, please describe. What outcomes do you attribute to that work?
- Is there anything else you would like to tell us for this evaluation?
- **Rubric:** One of the requirements for this evaluation is that we assess each FVPLS service against a draft set of quality standards for good practice. We are collecting views from a wide range of people about different aspects of the draft standards. We would like to leave this copy of the rubric with you and collect it from you after the next interview. For each element of the rubric, please select the ONE level that you think comes closest to describing where the service sits at this point in time. Then add a comment about why you have selected that level, or anything you think we need to know about that particular element (e.g. current work in progress about that element).

9.5.2 Interview guide: FVPLS staff

Service/site: Work role Gender: Indigenous status

- How long have you been working at the service? What made you decide to apply for the job here?
- Can you please describe your work role at the FVPLS?
- What are the main outcomes for clients that you see from your own work role?
 - Taking the first of those, can you provide an example of a time that outcome was achieved? What were the circumstances?

- Can you provide an example where the same kind of service was provided, but the outcome wasn't achieved?
- If you think about the sorts of cases in which the outcomes are and are not achieved, what distinguishes between them?
- What is it that matters about the way you do what you do? Why is it important that you do it that way?
 - Prompts: demonstrating cultural respect; strengths-based practice; collaboration; operating in keeping with legal requirements.
 - Can you give an example of how you go about that?
- Have you adapted the way you, as an individual, work to suit the local community context? In what ways and why?
 - How effective do you think that has been?
 - Would you like to see further changes?
- Which other organisations or workers, outside of FVPLS, do you liaise or coordinate with on a regular basis? What is the nature of your work with them? How, if at all, does that coordination contribute to outcomes for clients?
 - Prompts: police, courts, child protection, housing authorities, and other key service providers
 - Which relationships with other service providers would you like to see strengthened? What are the barriers/constraints to those relationships?
- Where services are involved with case coordination for FVPLS clients:
 - In what circumstances would you say that case coordination ensures all client needs are met? In what circumstances are they not?
 - What do you see as the strengths and weakness of the way case coordination is managed or implemented? Does that have any implications for FVPLS's role in case coordination?
- If your service can't see a client, who do you refer them to? How far away is that service? What are the main reasons why you can't see clients? (e.g. representing another family member; waiting lists; legal issues not relevant to FDV; FDV issues but not legal issues).
- What changes would you like to see to the system for provision of legal services to Aboriginal victims of FDV, and why?
 - If the change you've suggested were to be implemented, what issues would need to be managed?
 - Are separate legal services for victims of FDV really the best way to operate? Why / why not?
- Has this FVPLS been involved in any local advocacy work – e.g. suggesting changes to the ways other services operate, advocacy to local politicians? If so, please describe. What outcomes do you attribute to that work?
- Is there anything else you would like to tell us for this evaluation?

- **Rubric:** One of the requirements for this evaluation is that we assess each FVPLS service against a draft set of quality standards for good practice. We are collecting views from a wide range of people about different aspects of the draft standards. We would like to leave this copy of the rubric with you and collect it from you after the next interview. For each element of the rubric, please select the ONE level that you think comes closest to describing where the service sits at this point in time. Then add a comment about why you have selected that level, or anything you think we need to know about that particular element (e.g. current work in progress about that element).

9.5.3 Interview guide: FVPLS Clients

Preamble: Introduction of interviewer; Thanks for agreeing to be interviewed; Consent (see ethics forms); consent to tape.

You don't have to tell me anything about your own story with FDV. We would just like you to talk to us about the FVPLS service and your experiences of that service.

Service/site: Client identifier: Client gender:

- How did you find out about the FVPLS? (If referral: from what kind of service. If community education event – if possible, identify the nature of the event – e.g. FVPLS workshop, FVPLS stand at a community event)
- So that we know which other questions to ask you, can you tell me whether you used the service in relation to violence from a partner, another family member, or protecting your children?
- Are you OK with telling me what kinds of services provided by FVPLS did you use?
 - Prompts: Representation in a criminal case; Court support in a criminal case; Restraining order; Victims of crime compensation; Family court case; General information about legal rights and options; Counselling; Referral to other services; Other
 - *Note – try to identify all the kinds of services the client has used.*
- Which of those would you say was/were your main kind of involvement with FVPLS?
- Did you get the legal outcome you were looking for in that work? (E.G. – was restraining order granted. Aim: identify immediate outcomes)
- Did anything change for you, as a result of that?
 - Prompts: 'Objective' changes; sense of safety; sense of power/control
 - Did anything bad happen as a result? (*Retribution hypothesis – offender or family were unhappy about the outcome and took it out on the victim.*)
- Did FVPLS refer you to any other services? If so, did you use that other service?
 - Prompts: accommodation, income support, counselling
- What would you say were the main outcomes for you from that service?
 - Prompts: 'Objective' changes; sense of safety; sense of power/control
- Have you ever attended a community education session run by FVPLS? Do you remember anything in particular about it? Did anything change as a result of it?
- Did FVPLS feel like a safe service for you to use? In what ways yes, in what ways no?
 - Prompts: physically, emotionally, culturally safe
- Would you say that FVPLS makes a worthwhile contribution to the community? In what ways yes, in what ways no?
- Were there other things that you wanted from FVPLS, that they did not provide?

- If FVPLS wasn't here, or hadn't been able to see you for some reason, what other legal service could you have used? Was there a reason why you chose FVPLS over that other service?
- Is there anything else you would like to tell us about FVPLS?
- Rubric: One of the requirements for this evaluation is that we assess each FVPLS service against a draft set of quality standards for good practice. We are collecting views from a wide range of people about different aspects of the draft standards. Could you please read the following, or I can read it to you if you prefer, and (for each element) mark which level you think comes closest to describing your experience of the service?
 - Can you please explain why you gave that rating? (*Respondent can write a comment OR interviewer record comment on the sheet*)

9.5.4 Interview guide: Community elders

Community:

Gender:

- Can you tell me a little about yourself and your role here in the community?
- What services or organisations do work in this community about FDV?
- Can you tell me what you know about the FVPLS service?
 - What contact have you had with them?
 - Prompts e.g. 'Formal contacts' – serve/previously served on the committee, involved in running some activities, attend/participate in education activities, have been a client in the past; 'Informal' contacts – know the staff, see them around
 - What sorts of things do they do?
 - Prompts – legal representation, court support, restraining orders, victims of crime compensation, community legal education, prevention
 - What do you hear about their relationships with community, the way they work with community?
- Do you think anything is different in this community because of their work?
 - If so, what is different, in what ways? How did that change come about?
 - Prompts: access to justice; awareness; prevention; sense of safety; sense of power/control.
- Would you say that FVPLS makes a worthwhile contribution to the community? In what ways yes, in what ways no?
- Do you think it is a good thing to have a separate legal service for victims of FDV? Why/why not?
- Have you ever attended a community education session run by FVPLS? Do you remember anything in particular about it? Did anything change as a result of it?
- What do you think would be the best way to go about preventing FDV here?
 - Should FVPLS be involved in that? In what ways?

- Who should be coordinating that prevention work? Why?
- What changes, if any, would you like to see to the work that they do? Why?
- Is there anything else you would like to say about the FVPLS for this evaluation?
- Rubric: One of the requirements for this evaluation is that we assess each FVPLS service against a draft set of quality standards for good practice. We are collecting views from a wide range of people about different aspects of the draft standards. Could you please read the following, or I can read it to you if you prefer, and (for each element) mark which level you think comes closest to describing your experience of the service?
 - Can you please explain why you gave that rating? (*Respondent can write a comment OR interviewer record comment on the sheet*)

9.5.5 Interview guide: Other services/stakeholders

FVPLS Service/site: Respondent's organisation Work role
.....

Gender: Indigenous status

- How long have you been working in your current organisation / service? How long at this site / community?
- Can you please describe your work role, and how it relates to FDV?
- What kinds of contact do you have with FVPLS?
- What are the main outcomes for clients that you see from FVPLS's work?
 - Taking the first of those, can you provide an example of a time that outcome was achieved? What were the circumstances?
 - Can you provide an example where the same kind of service was provided, but the outcome wasn't achieved?
 - If you think about the sorts of cases in which the outcomes are and are not achieved, what distinguishes between them?
- *Where services are involved with case coordination for FVPLS clients:*
 - In what circumstances would you say that case coordination ensures all client needs are met? In what circumstances are they not?
 - What do you see as the strengths and weakness of the way case coordination is managed or implemented? Does that have any implications for FVPLS's role in case coordination?
- What is it that matters about the way that FVPLS works? Why is it important that they do it that way?
 - Prompts: demonstrating cultural respect; strengths-based practice; collaboration; operating in keeping with legal requirements.
 - Can you give an example of how they go about that?
- Have you seen any ways in which FVPLS has adapted the way they work to suit the local community context? Please describe.
 - How effective do you think that has been?
 - Would you like to see further changes?
- How would you describe the working relationship between FVPLS and your own service? What do you see as the implications / impacts of the quality of that relationship?
- How would you describe the working relationship between FVPLS and other services for this community?
- What changes would you like to see to the system for provision of legal services to Aboriginal victims of FDV, and why?
 - If the change you've suggested were to be implemented, what issues would need to be managed?

- Are separate legal services for victims of FDV really the best way to operate? Why / why not?
- What changes would you like to see to the system for provision of early intervention and prevention services for Aboriginal FDV? Why?
- How would you describe the contribution that FVPLS makes to the community?
- Is there anything else you would like to say to contribute to this evaluation?
- Rubric: One of the requirements for this evaluation is that we assess each FVPLS service against a draft set of quality standards for good practice. We are collecting views from a wide range of people about different aspects of the draft standards. Could you please read the following, or I can read it to you if you prefer, and (for each element) mark which level you think comes closest to describing your experience of the service?
 - Can you please explain why you gave that rating? (*Respondent can write a comment OR interviewer record comment on the sheet*)

9.6 Appendix 6. Rubrics

9.6.1 Draft rubric (used during data collection)

Background to the rubric

The evaluation is developing **best practice principles** for FVPLS in ways that are consistent with a realist approach. It is inconsistent to start from an assumption that interventions work differently in different contexts and then to assume that the same activities should be applied in all contexts. We aim, through a realist review of selected literature and with input from FVPLS services to develop best practice principles *that are designed to support high quality adaptation to context*, as well as high fidelity to the intended program theory for FVPLS. Earlier evaluation research (Westhorp and Williams, 2017, unpublished) has identified that this combination (high fidelity, high-quality adaptation to context) requires, amongst other things:

- a clear program model in which program elements are appropriate to achieve intended outcomes, and staff have both appropriate skills to implement them and a thorough understanding of ‘how and why’ program elements are expected to work. This ensures that implementation is effective and that adaptations do not inadvertently undermine achievement of outcomes;
- good technical knowledge (for FVPLS, this would include legal knowledge and understanding of how legal processes work for legal practitioners, counselling knowledge for counsellors, and so on);
- deep understanding of local culture and power relationships, of the ways that local actors are likely to ‘reason’ in response to the resources the program provides; and of other contextual factors that affect the operation of the program;
- processes for consultation with community members, both to ensure that service delivery is culturally and contextually appropriate and to keep service providers up to date with changes in local contexts;
- supportive management processes, including authority to adapt services to local contexts and in response to monitoring and evaluation data;
- adequate time and resources;
- active use of monitoring and evaluation data to identify trends and issues and respond to them.

Elements	Inadequate	Adequate	Good	Excellent
Models of service are adapted to local context and culture.	Models are not clearly described AND/OR Staff do not understand how and why models are expected to work.	Models are clearly described. All staff have an adequate understanding of all models of service to ensure consistency of practice, and mutually reinforcing practice, across the service. Staff have good understanding of what to do and how to do it, and appropriate skills and resourcing to do so, for their own areas of work.	Adequate plus: Staff knowledge of local culture and context are used to refine models of service to increase effectiveness. Local communities are actively consulted to inform refinements to models of practice. Refinements are tested and outcomes monitored. Refinements are documented and shared across the staff team.	Good plus: Local communities are actively engaged in refining / adapting models of practice to suit local context and culture. Tested, refined models are shared across the FVPLS network and more widely if appropriate.
Prevention and legal education programs are appropriate to local needs, context and culture and are adapted to local context and culture.	Prevention and legal education programs are not conducted AND/OR prevention programs are ad hoc AND/OR prevention programs are not tailored to local contexts.	Staff and/or Board members are resourced to investigate evidence in relation to effective prevention and legal education approaches. A range of program types are investigated, including provision of information resources, peer education, community development, therapeutic approaches. Selected approaches protect the safety of current and past victims of FDV. Evidence based prevention programs and strategies are selected in consultation with communities. Communities are consulted in planning and implementation of programs. Programs take account of impacts of colonisation, and incorporate Indigenous knowledge, spiritual and community practices.	Adequate plus: Communities are informed about the range of options investigated and involved in the selection of appropriate models for the community. Prevention and legal education programs include information about and referral to services (local where available). Staff knowledge of local culture and context are used to refine prevention programs and strategies to increase effectiveness. Local communities are actively consulted to inform refinements to prevention programs. Refinements are tested and outcomes monitored. Refinements are documented and shared across the staff team.	Good plus: Communities are actively engaged in planning, implementing and evaluating selected models. Where possible and appropriate, models are delivered in local language and by respected local people. Communities are empowered to design and implement a range of prevention strategies appropriate to local issues and needs. Other relevant services are engaged in collaborative design, provision and evaluation of prevention programs, under the direction of local communities.

			Programs and resources are provided in local languages	
Community needs assessment and service planning	Services and programs are run on an ad hoc basis AND/OR due to staff interest / expertise AND/OR because they have been effective elsewhere AND/OR because that is what has been run before.	Service provision levels are monitored to assess demand for services. Informal feedback from community members about issues and needs is collected and monitored. Community members and relevant services are consulted in service planning activities.	Adequate plus: Structured processes are conducted to monitor and identify changes in communities which may affect FV and/or needs for services. Needs-assessments for services are conducted /updated biennially. Services are planned in collaboration with local community and relevant services. Capacity building is provided for staff as required in culturally safe and appropriate ways of engaging community members in needs assessment and program planning.	Good plus: Capacity building is provided as required for local community members in needs assessment, service planning and adaptation of services to meet local needs in locally appropriate ways.
Expertise (in FDV, in culture & context, in profession/work role)	Staff lack key skills in any of FDV, professional skills required for their work roles, or expertise in culture and context.	All staff have adequate skills (and where appropriate, qualifications) in FDV, their professional/work roles, and cultural competence. Staff understand and are able to implement work in accordance with professional service standards (e.g. .	Adequate plus: all staff understand how culture, context and relationships affect how community members access and respond to services provided. Staff are able to tailor service provision to achieve equitable outcomes from services.	Good plus: staff are able to resource others (e.g. other services with whom they collaborate) in tailoring collaborative / coordinated services to ensure equitable outcomes from services
Cultural safety	Service provision is not cognisant of, or undermines cultural identity of service users and/or the wider community	All staff are familiar with cultural safety principles and work towards their implementation in all aspects of service delivery.	Adequate plus: services reflect cultural safety principles in all aspects of the organisation (service delivery, management, governance, and policies) and are embedded in the organisational policies and procedures manual.	Good plus: Services actively engage communities in supporting and advocating for cultural safety in the wider service network and legal system affecting FVPLS clients.

Service standards	Services are not aware of relevant standards AND/OR do not meet relevant standards AND/OR are not working to ensure relevant standards are met.	Services are aware of relevant standards in relation to the services they provide and are working towards accreditation under relevant standards. Each Service has a locally-relevant Policies and Procedures Manual and it is updated regularly as a store of corporate knowledge.	Adequate plus: Services are accredited to practice under relevant standards (e.g. Law 9000) Legal service provision complies with Family Court guidelines for service provision in relation to Family Violence.	Good plus: Services actively engage communities in reviewing how practices meeting relevant standards can be adapted to better reflect community needs and priorities, and/or to reflect principles of cultural safety.
Monitoring, evaluation and quality improvement	Performance monitoring data is not collected. AND/OR The performance monitoring data that is collected is not used for service planning or service improvement.	The service complies with data collection, recording and reporting requirements as set in the FVPLS contract.	Adequate plus: Service provision and service outcomes are monitored. Performance data and community needs data are collated and analysed to identify needs and service patterns. Staff and Board/Advisory Group members are actively engaged in developing an annual QI plan to address gaps or improve effectiveness.	Good plus: Local communities and other stakeholders are actively engaged in monitoring and evaluation processes. Evaluation activities are consistent with the principles and approaches in the Indigenous Advancement Strategy Evaluation Framework
Collaboration between legal and non-legal staff/functions within the service	Legal and non-legal staff work independently, or compete, or conflict, or undermine the other functions	Client-focused collaboration between legal and non-legal staff	Adequate plus: Legal and non-legal staff collaboration also involves the client, and this increases the client's capacity to self-manage the factors that lead to the violence experiences. FVPLS' are aware of, and take into account, the institutional structural and cultural barriers that negatively impact the effectiveness of collaboration to achieve the program objectives.	Good plus: FVPLS' research and develop innovative strategies to overcome the institutional structural and cultural barriers to the collaboration between legal and non-legal staff. FVPLS advocates for systems change (e.g. to NACLIC standards or law reform) to support the community-development dimensions of a community legal centre (e.g. best organisational

				arrangements to ensure legal confidentiality; OR legal reform to ensure counselling notes in a legal advice setting carry legal privilege status (when a client meets with a lawyer and a counsellor simultaneously.)
Collaboration with external services	The service does not work collaboratively with other services, locally or at state or national levels. Service staff are not aware of the availability of, or services provided by, external services.	Staff have accurate and up to date knowledge of other services and refer clients appropriately. External services are taken into account in FVPLS service planning to avoid duplication and maximise effectiveness.	Adequate plus: FVLPLS staff work cooperatively with external services to provide coordinated services to victims, at individual and community levels.	Good plus: FVPLS, external services and communities work collaboratively on education and prevention initiatives, and advocate collaboratively for gaps in services to be addressed.

9.6.2 Revised service rubric

Background to the rubric

This rubric was developed during an evaluation of the FVPLS program conducted during 2018. It acknowledges that local FVPLS agencies adapt their services to the local context; but at the same time, that they are required to meet certain standards and to provide services and programs within a range. This rubric aims to describe good practice principles *that are designed to support high quality adaptation to context*, as well as high fidelity to the intended program theory for FVPLS. Earlier evaluation research (Westhorp and Williams, 2017, unpublished) identified that this combination (high fidelity, high-quality adaptation to context) requires, amongst other things:

- a clear program model in which program elements are appropriate to achieve intended outcomes, and staff have both appropriate skills to implement them and a thorough understanding of ‘how and why’ program elements are expected to work. This ensures that implementation is effective and that adaptations do not inadvertently undermine achievement of outcomes;
- good technical knowledge (for FVPLS, this includes legal knowledge and understanding of how legal processes work for legal practitioners, counselling knowledge for counsellors, and so on);
- deep understanding of local culture and power relationships, of the ways that local actors are likely to ‘reason’ in response to the resources the program provides; and of other contextual factors that affect the operation of the program;

- processes for consultation with community members, both to ensure that service delivery is culturally and contextually appropriate and to keep service providers up to date with changes in local contexts;
- supportive management processes, including authority to adapt services to local contexts and in response to monitoring and evaluation data;
- adequate time and resources;
- active use of monitoring and evaluation data to identify trends and issues and respond to them.

A note on terminology.

In this rubric, *consultation* means informing others and receiving feedback or perspectives from them. *Working co-operatively* means information is exchanged and agreements are reached about critical issues, but the FVPLS service maintains control of the process. *Working in partnership* means that agreed processes for shared decision-making, implementation and control have been developed and are implemented consistently. A hierarchy of terms in relation to participation (based on other existing hierarchies) therefore starts with stakeholders being ‘Informed’ at the lowest level; ‘Consulted’ at the next level; working cooperatively at the third level, collaborating at the fourth level, and working in partnership at the highest level. Different terms are used in different elements of the rubric, in order to reflect the levels of participation that are appropriate for different aspects of work.

At the ‘excellent’ level of this rubric, reference to ‘communities’ includes active involvement of victims of FDV and inclusion of marginalised sub-groups. To avoid undue repetition, this is mentioned only in the first element of the rubric. At the ‘good’ level, it is assumed that services understand power structures and the operation of power in the communities served, and in particular, the implications of those power structures for FDV and victims of FDV. Again, this is mentioned only in the first element of the rubric but applies throughout.

This rubric is intended to be used as a resource for quality improvement by FVPLS agencies and sites. All services should operate at the ‘Adequate’ level for all elements of the rubric. A high performing service should operate at the ‘Good level’ for the majority of elements. Services should aspire to the ‘Excellent’ level for their particular priorities or areas of expertise. It may be necessary for services to seek additional resources to operate at the excellent level.

FVPLS Service Level Rubric

Element	Inadequate	Adequate	Good	Excellent
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<p>Models of service are adapted to local context and culture.</p>	<p>Models are not clearly described AND/OR Staff do not understand how and why models are expected to work.</p>	<p>Models are clearly described and documented. Staff understanding of service models is adequate to ensure consistency of practice, and mutually reinforcing practice, across the service. Staff have good understanding of what to do and how to do it, and appropriate skills and resourcing to do so, for their own areas of work.</p>	<p><i>Adequate plus:</i> Staff knowledge of local culture and context, including power relationships and their implications for victims of FDV, are used to refine models of service where required to increase effectiveness. Local communities are actively consulted to inform refinements to models of practice. Implementation of refined models is monitored and feedback sought from clients and community. Refinements are documented and shared across the staff team.</p>	<p><i>Good plus:</i> Local communities, including victims of FDV and marginalised groups, are actively engaged in refining / adapting models of practice to suit local context and culture. Resources are sought to formally evaluate refined models of service. Tested, refined models are shared across the FVPLS network and more widely if appropriate.</p>
<p>Prevention and legal education programs are appropriate to local needs, context and culture and are adapted to local context and culture.</p>	<p>Prevention and legal education programs are not conducted AND/OR prevention programs are ad hoc AND/OR prevention programs are not tailored to local contexts.</p>	<p>Staff and/or Board members are resourced to investigate evidence in relation to effective prevention and legal education approaches. A range of program types are investigated, including provision of information resources, peer education, community development, therapeutic approaches. Prevention strategies are designed to minimise</p>	<p><i>Adequate plus:</i> Communities are informed about the range of options investigated and involved in the selection of appropriate models for the community. Prevention and legal education programs include information about and referral to services (local where available).</p>	<p><i>Good plus:</i> Communities are actively engaged in planning, implementing and evaluating selected models. Where appropriate, models are delivered in local language and by respected local people. Communities are empowered to design and implement a range of</p>

		<p>retraumatising clients or prompting further violence.</p> <p>Evidence based prevention programs and strategies are selected in consultation with communities.</p> <p>Communities are consulted in planning and implementation of programs.</p> <p>Programs take account of impacts of colonisation, and incorporate Indigenous knowledge, spiritual and community practices.</p>	<p>Staff knowledge of local culture and context are used to refine prevention programs and strategies to increase effectiveness.</p> <p>Local communities are actively consulted to inform refinements to prevention programs.</p> <p>Refinements are tested and short-term outcomes are monitored.</p> <p>Refinements are documented and shared across the staff team.</p> <p>Programs and resources are provided in local languages</p>	<p>prevention strategies appropriate to local issues and needs. Other relevant services are engaged in collaborative design, provision and evaluation of prevention programs.</p> <p>Longer term outcomes of prevention programs are evaluated.</p>
Needs assessment and service planning	<p>Services and programs are run on an ad hoc basis AND/OR due to staff interest / expertise AND/OR because they have been effective elsewhere AND/OR because that is what has been run before.</p>	<p>Service provision levels are monitored to assess demand for services.</p> <p>Informal feedback from community members about issues and needs is collected and monitored.</p> <p>Community members and relevant services are consulted in service planning activities.</p>	<p><i>Adequate plus:</i></p> <p>Structured processes are conducted to monitor and identify changes in communities which may affect FDV and/or needs for services. Needs-assessments for services are conducted /updated biennially.</p> <p>Services are planned in collaboration with local community and relevant services. Capacity building is provided for staff as required in engaging</p>	<p><i>Good plus:</i></p> <p>Capacity building is provided as required for local community members in needs assessment, service planning and adaptation of services to meet local needs in locally appropriate ways.</p> <p>Tools are shared across the FVPLS network and more widely if appropriate.</p>

			<p>community members in needs assessment and program planning in culturally safe ways.</p> <p>Capacity building is provided for Board members in needs assessment and program planning.</p>	
Expertise (in FDV, in culture & context, in profession/work role)	<p>Staff lack key skills in any of FDV, professional skills required for their work roles, or expertise in culture and context.</p> <p>AND</p> <p>The service does not have processes to identify and address gaps in competencies.</p>	<p>Staff have appropriate skills (and where required, qualifications) in FDV, their professional/work roles, and cultural competence.</p> <p>OR:</p> <p>Staff are employed with professional qualifications if required, and with the capacity to build necessary skills and supported to develop them to appropriate levels.</p> <p>Staff are supported to improve skills in critical areas.</p> <p>Staff understand and are able to implement work in accordance with professional service standards.</p>	<p><i>Adequate plus:</i></p> <p>All staff understand how culture, context and relationships affect how community members access and respond to services provided.</p> <p>Staff are able to tailor service provision to achieve equitable outcomes from services.</p> <p>There is ongoing professional development for career progression.</p>	<p><i>Good plus:</i></p> <p>Staff are able to resource others (e.g. other services with whom they collaborate) in tailoring collaborative / coordinated services to ensure equitable outcomes from services</p>
Cultural safety	Service provision undermines cultural identity of service users	The organisation develops an explicit policy statement on cultural safety.	<p><i>Adequate plus:</i></p> <p>Service reflect cultural safety principles in all aspects of the organisation</p>	<p><i>Good plus:</i></p> <p>Services actively engage communities in supporting, assessing and</p>

	<p>and/or the wider community</p> <p>Aboriginal staff do not experience the service as culturally safe.</p>	<p>Staff are familiar with the cultural safety policy and work towards their implementation in all aspects of service delivery, including receiving and acting on input from community members on cultural safety within the service.</p> <p>Aboriginal staff experience the service as culturally safe.</p>	<p>(service delivery, management, governance and policies). Structured processes are used to ensure community input in relation to cultural safety.</p> <p>The service has formal processes to support the cultural safety of Aboriginal staff.</p>	<p>advocating for cultural safety in the wider service network and legal system affecting FVPLS clients.</p> <p>Strategies that support the cultural safety of Aboriginal staff are shared with other FVPLSs and other external agencies as appropriate.</p>
Service standards	<p>Services are not aware of relevant standards AND/OR do not meet relevant standards AND/OR are not working to ensure relevant standards are met.</p>	<p>Services are aware of relevant standards in relation to the services they provide and are working towards accreditation under relevant standards.</p> <p>Eligible services comply with standards as regulated by the Office of Registrar of Indigenous Corporations.</p>	<p><i>Adequate plus:</i></p> <p>Services are accredited to practice under relevant standards (e.g. Law 9000, NALC accreditation)</p> <p>Legal service provision complies with Family Court Family Violence Best Practice Principles.</p>	<p><i>Good plus:</i></p> <p>Services actively engage communities in reviewing how practices meeting relevant standards can be adapted to better reflect community needs and priorities, and/or to reflect principles of cultural safety.</p>
Monitoring, evaluation and quality improvement	<p>Performance monitoring data is not collected. AND/OR</p> <p>The performance monitoring data that is collected is not used for service planning or service improvement.</p>	<p>The service complies with data collection, recording and reporting requirements as set in the FVPLS contract.</p> <p>Performance monitoring data is used for service improvement.</p>	<p><i>Adequate plus:</i></p> <p>Service provision, outputs, and service outcomes are monitored. Staff and Board/Advisory Group members are actively engaged in developing an annual QI plan to address</p>	<p>Local communities and other stakeholders are actively engaged in output and outcome monitoring and evaluation processes. Evaluation activities are consistent with the principles and approaches in the Indigenous Advancement Strategy</p>

			gaps or improve effectiveness.	Evaluation Framework. The service uses monitoring and evaluation findings to inform service improvements.
Collaboration between legal and non-legal staff/functions within the service	Legal and non-legal staff work independently, or compete, or conflict, or undermine the other functions	Client-focused collaboration between legal and non-legal staff is supported by service processes and practices.	<i>Adequate plus:</i> Legal and non-legal staff collaboration actively involves the client. FVPLS' are aware of, and take into account, the institutional structural and cultural barriers that negatively impact the effectiveness of collaboration to achieve the program objectives.	<i>Good plus:</i> FVPLS researches and develops innovative strategies to overcome the institutional structural and cultural barriers to effective collaboration. FVPLS submits factual data in support of systems change (eg. to NACLC standards or law reform) to support the community-development dimensions of FVPLSs.
Collaboration with external services	The service does not work collaboratively with other services, locally or at State/Territory or national levels. Service staff are not aware of the availability of, or services provided by, external services.	Staff have accurate and up to date knowledge of other services and refer clients appropriately. External services are taken into account in FVPLS service planning to avoid duplication and maximise effectiveness.	<i>Adequate plus:</i> FVPLS staff work cooperatively with external services to provide coordinated services to victims, at individual and community levels. FVPLS staff work cooperatively with external agencies and communities on community education and prevention initiatives.	<i>Good plus:</i> FVPLS, external services and communities work in partnership with external agencies and communities to address gaps in services to be addressed. Models of partnership with external services are shared with other FVPLSs nationally

9.6.3 National Forum and Secretariat rubric

Standards were not required to be developed for the national Forum and Secretariat, and a draft was not developed for consultation in the sector. The following has been developed by the evaluation team based on feedback received during the evaluation, and will be refined in the final stage of the evaluation.

Elements	Inadequate	Adequate	Good	Excellent
Consultation and communication with members	Meetings and communications to members are irregular.	Meetings are conducted regularly, as scheduled and agreed agendas are prepared for each meeting. Outcomes of Forum meetings are documented and disseminated to members in a timely manner. Consultations are conducted with members on significant issues, both internal to the operations of the forum and of relevance to FDV. Communications between meetings keep members up to date with important developments.	Adequate, plus: Structures and processes for consultation provide client voice in relation to legal and policy issues, and in relation to the priorities addressed by the Forum.	Good plus: Communications materials are provided for external stakeholders (e.g. users of FDV services, other stakeholders) and increase awareness of the work of the National Forum and Secretariat
Membership participation	Internal structures (e.g. Working Groups) are not convened OR are not representative OR are dominated by particular FVPLS agencies. Processes are not appropriate for smaller agencies to participate. A significant minority of members do not participate in Forum meetings or other activities. Charter guidelines are not always respected.	Working groups are established in areas identified by the membership as important. Working groups have clear Terms of Reference, aims, and work plans with timelines. Secretariat support is provided as agreed for Working Group meetings. Working Groups report regularly to Forum meetings. Outcomes of Working Groups are fed back to members for endorsement or revision.	Adequate, plus: The majority of services participate actively in at least one area of Forum activity. The Forum formally monitors the progress of Working Groups against their Terms of Reference. The Terms of Reference of Working Groups are reviewed annually. Completed working groups are formally disbanded.	Good, plus: Membership based structures (e.g. Working groups) carry forward the majority of the work of the Forum. The achievements of Working Groups are celebrated both internally and in appropriate communications materials (e.g. newsletters).

		Charter guidelines are implemented transparently.	The Forum Charter is formally reviewed every three years and updated as required.	
Advocacy	Advocacy is ineffective AND/OR topics of advocacy do not address the diversity of issues of concern to FVPLS members and/or contexts in which members work.	Priority topics and strategies for advocacy are determined by the Forum. Advocacy is undertaken in relation to priority issues. Advocacy is strategic, evidence based, and rights based.	Adequate, plus: The effectiveness of advocacy is monitored and strategies to improve effectiveness are developed. Advocacy utilises multiple strategies to reach multiple audiences. Advocacy is undertaken in collaboration with other stakeholder groups where appropriate.	Good, plus: Recognising restrictions on advocacy by individual services, the national forum undertakes regional advocacy on important legal and policy issues, in negotiation with the FVPLSs operating in those jurisdictions. Additional resourcing is sought for projects to enhance the quality of advocacy (e.g. research projects to improve the evidence base for policy positions).
FVPLSs are supported in governance, operation, service delivery and programs	Support is not provided to enhance the performance of local FVPLSs AND/OR Support is only provided in response to requests. Support is not available in relation to key areas (i.e. good governance, management, legal and prevention service delivery)	Timely support is provided to members in relation to good governance, management, legal and prevention service delivery. Forum members are assisted to share expertise and resources, both within and between forum meetings. Support includes development of policies or protocols which recognise the contributions of FVPLS agencies.	Adequate, plus: Consultations are conducted to identify priority development needs of local FVPLSs, and to identify particular areas of expertise in which local FVPLSs could contribute to development of the sector. Resources to support effective governance and operations of local FVPLSs are developed and/or made available on line.	Good, plus: The effectiveness of support provided to local FVPLSs is monitored. Feedback from local services is used to improve the quality of resources and support. Additional resourcing is sought for projects to enhance the quality of support (e.g. grants to develop resource materials).

9.7 Appendix 7. Evaluation Sites

At least one site from each service was evaluated. Two sites were visited only for services operating from three or more sites.

FVPLS	Evaluation sites
Aboriginal Family Law Service Western Australia (Perth HO, Broome, Carnarvon, Kununurra, Geraldton, Kalgoorlie, Port Hedland)	Geraldton, Kununurra
Aboriginal Family Legal Service Southern Queensland (Roma)	Roma
Binaal Billa Family Violence Prevention Legal Service (Forbes)	Forbes
Central Australian Aboriginal Family Legal Unit (Alice Springs HO, Tennant Creek)	Tennant Creek
Djirra (formerly Aboriginal Family Violence Prevention Legal Service Victoria) , (Melbourne HO, Mildura, Gippsland, Warrnambool)	Mildura, Bairnsdale
Family Violence Legal Service Aboriginal Corporation (Port Augusta HO, Ceduna, Pt Lincoln)	Port Augusta, Port Lincoln
Many Rivers Family Violence Prevention Legal Service (Kempsey)	Kempsey
Marninwarntikura Family Violence Prevention Unit (Fitzroy Crossing)	Fitzroy Crossing
North Australian Aboriginal Family Legal Service (Darwin HO, Katherine)	Katherine
Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council Domestic and Family Violence Service (Alice Springs)	Alice Springs
Queensland Indigenous Family Violence Legal Service (Cairns HO, Townsville, Rockhampton, Mount Isa, Brisbane)	Townsville, Rockhampton
Southern Aboriginal Corporation Family Violence Prevention Legal Service (Albany)	Albany
Thiyama-li Family Violence Service Inc. NSW (Moree HO, Bourke, Walgett)	Moree, Walgett
Warra-Warra Family Violence Prevention Legal Service (Broken Hill)	Broken Hill
National Family Violence Prevention Legal Services Secretariat (Melbourne)	Melbourne, all FVPLS evaluation sites, selected national organisations and Departments