

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Group: 2

Program: 1.5

Question No. BE15/107

Senator Waters asked the following written question from the 27 and 28 May 2015 hearing:

1. Women's Legal Services Australia have identified a concerning trend that sometimes "clients experiencing family violence often feel as though they are not listened to by family report writers and feel further traumatised and humiliated by the family assessment process. In part, people who have experienced, or are experiencing, family violence are hesitant to disclose the effect of the violence on them given concerns about conclusions being drawn by report writers about their capacity to parent" – Is this an issue that Family Court is taking action on?
2. What work is being done to address this identified need?
3. When did that work start?
4. What is the funding level at present? Please provide a breakdown by program and by year.
5. Are you aware of any recommendations from the PC's Access to Justice report which apply to this issue?
6. Is there a framework around any changes?
7. Has the Family Court costed a program of training for family report writers?
8. Has the Family Court costed a system of accreditation?
9. Has the Family Court ever discussed the possibility of accrediting family report writers?

The answer to the honourable senator's question is as follows:

1-4: The Family Court of Australia is not aware of this issue.

5: No.

6: The Family Court of Australia is not aware of this issue.

7: No.

8: No.

9: The Principal of the Court's Child Dispute Services is responsible for the quality and standard of reports provided to the Court, prepared by internally-employed family-consultant report writers. To support high quality and standards, the Court has established recruitment, induction, continuing professional development, evaluation processes, continual improvement approaches to practice and resource databases. These processes and procedures for family consultant report writers include family violence and associated risks to children and families in the context of the family law jurisdiction.

The following sets out those approaches which the Court maintains to ensure the quality of the internally-employed family-consultant report writers. Before setting out that detail, it is relevant to note that there are professional directions for Family Consultants regarding the assessment of violence risks. These directions outline a clear, stepwise, and prescriptive process that clinical staff must undertake when addressing family violence during assessments, which is further discussed below.

Additionally, the Chief Justice of the Family Court and the Chief Judges of the Federal Circuit Court and Family Court of Western Australia, have this year together released ‘*Australian Standards of Practice for Family Assessment and Reporting*,’ which sets out best practice.¹ As well, there are published ‘*Family Violence Best Practice Principles*’ designed to guide all those who work in the family law jurisdiction.²

Qualifications, training, and clinical experience

Family Consultants are employed by the Court under the provisions of the *Family Law Act 1975* (Cth) (the Act). They must be registered psychologists or social workers, having undertaken a degree in a social or behavioural sciences field, and have a minimum of five years’ experience in a related field. In many instances, they have undertaken extensive post-graduate studies via a masters or doctoral program. During their formal tertiary training, Family Consultants are invariably required to study family violence directly and via related themes such as child maltreatment, interpersonal aggression, sociology, psychopathology, emotional dysregulation (anger difficulties), and family dynamics/systems.

While there is considerable variation in the employment histories of the clinical staff, they have customarily held positions that involve working with families with complex presentations, often characterised by domestic violence and drug abuse. Family Consultants have generally worked in adult mental health/psychiatry/clinical psychology, prisons, child protection, mediation, family therapy, or with a family relationship service. In this context, Family Consultants will have had extensive experience in assessing and reporting on violence within the home prior to joining the Court, offering crucial practical exposure to ‘at risk’ families.

Clinical induction at the Court

All clinical staff that join the Court are required to undertake a formal clinical induction process. This process is designed to ensure that they are conversant with the central issues relevant to the Family Consultant role. Family violence is one of the core units covered in the induction program. New Family Consultants will therefore be provided with two 30-minute lectures on family violence within their first six months in the role, in addition to a summary of six academic papers relating to family violence. This latter component is provided to them with a reference point regarding the evolving scholarly literature in relation to family violence.

Continuing professional development in family violence

Following the substantial legislative amendments to the Act in 2012 in the area of family violence, all Family Consultants completed a full day of training. This training was designed to ensure that they were apprised of the legislative changes and in particular the definitional changes and afforded an opportunity to reflect on their clinical practice and the need to adapt in line with these amendments. This initiative was one of many intended to provide Family

¹ <http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/about/policies-and-procedures/asp-family-assessments-reporting>.

² <http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/about/policies-and-procedures/family-violence-best-practice-principles-april-2013>.

Consultants with continuing information and practical skills relating to the assessment and reporting of family violence. Other examples include:

In 2014/15, a series of three Family Violence Clinical Training Modules were delivered to all clinical staff. These modules focussed specifically on the types of personal and professional biases that can impact on clinical practice, with a particular emphasis on balanced, robust, and thorough examination/reporting of family violence. The aim was to ensure that Family Consultants have the opportunity to critically reflect on the manner in which they assess family violence, and the way in which they subsequently report on family violence in their written documents.

Family Consultants routinely attend an internal monthly seminar series, which involves an external expert presenting to staff on a topic relevant to their work. Within this context, clinical staff are provided with regular updates on the empirical trends and practice methods relating to the assessment and treatment of family violence. For example, recent topics of particular relevance have included '*Men's Behaviour Change Programs – Do They Work and Should We Refer?*' (Professor Thea Brown), '*Forensic Examination of Violence in a Family Law Context*' (Dr Chris Lennings), and '*Post-Separation Arrangements in High Conflict Families*' (Professor Matthew Sanders).

Resources

There are a number of libraries/resource repositories maintained within the service to ensure that Family Consultants can access the most up-to-date information and publications relating to family violence (and other topics). These resources include the Core Knowledge Database—an extensive collection of chapters and academic papers organised by topic—and the 'Connections' software package, which hosts video records of seminars and conferences, as well as slides, academic papers, and other information that may be appropriate. Of particular relevance in the area of family violence, was permission to host a series of four 70-minute videos of a conference delivered by international expert, Dr Phillip Stahl (the first of which focussed on domestic violence).

Clinical practice

Exploration of family violence risk factors is a key component of any assessment undertaken by Family Consultants employed by the Court. During brief (interim) interventions, Family Consultants must screen for risks across a series of eight risk domains, that are shown repeatedly in research to be linked to heightened risk (history of incidents/protection orders, threats/harassment/stalking, identification of aggressive behaviours, injuries, recent escalation, child abuse, psychological factors). This approach is known as guided clinical assessment, and it is considered best practice. During more in-depth interventions (full family assessments), clinicians are required to undertake an even deeper exploration of family violence concerns, in order to more comprehensively articulate areas of risk to the Court (noting that allegations of family violence have often not been tested prior to a consultation with a Family Consultant, and it is the province of the Court to determine the veracity of the risk issues conveyed by the clinician). Again, this process is governed by a set of comprehensive professional directions that Family Consultants must be conversant with when practising at the Court.

Evaluating practice

In order to ensure that family violence remains an area of clinical focus, Child Dispute Services has undertaken various reviews of Family Consultants' work. One example was a 2013 research project undertaken by The Office of the Principal (Child Dispute Services), which explored the

degree to which written reports and memoranda reflected the 2012 legislative amendments in relation to family violence. This research involved sampling 200 reports and memos, and coding them according to certain criteria (eg the type of family violence noted in the report). Results of this study yielded invaluable information about the practice of Family Consultants in relation to violence screening/reporting, and allowed subsequent training initiatives to become even more targeted. This research has been presented at various conferences by the Principal of Child Dispute Services.

Future initiatives

During 2014, Child Dispute Services worked with the American authors of the Mediator's Assessment of Safety Issues and Concerns (MASIC) tool to develop a Family Court specific family violence screening tool. Since April 2015, this tool has been piloted at the Melbourne and Brisbane registries, using a method in which parents complete and submit responses to a series of questions on family violence prior to their interview. Family Consultants can then use an individual's responses to better target their examination of family violence risks during clinical interview.