

15 Actions by DCPFS to engage with adult victims and perpetrators of family and domestic violence in order to protect children

DCPFS can best protect children from family and domestic violence through engaging with adult victims and perpetrators of family and domestic violence. This engagement can promote a safe environment for child victims while also promoting adult victim safety and perpetrator accountability.

15.1 Screening and assessing the risks of family and domestic violence

15.1.1 Legislative requirements

As identified at section 14.5.1, the *Children and Community Services Act*:

- requires that DCPFS gives paramount consideration to the best interests of the child (section 7);
- requires DCPFS to take into account a range of factors, including the need to protect the child from harm, in determining the best interests of the child (section 8);
- specifies measures which may be taken by DCPFS to safeguard or promote a child's wellbeing, including:
 - making inquiries for the purpose of determining whether action should be taken (section 31); and
 - taking action if it is determined that action should be taken to safeguard or promote a child's wellbeing (section 32).

15.1.2 Policy requirements

The Western Australian Family and Domestic Violence Common Risk Assessment and Risk Management Framework

The CRARMF was introduced in 2011 and sets out state-wide minimum standards for screening, risk assessment and responses to family and domestic violence. The Hon. Robyn McSweeney, the (then) Minister for Child Protection, in her foreword to the CRARMF stated that:

This Framework sets a minimum standard of screening, assessment and response for all services in WA, both specialist and mainstream. By setting a minimum standard, we can ensure that through risk assessment and risk management we are addressing the violence and offering greater protection to victims, including children.⁷³⁰

⁷³⁰ Department for Child Protection, *The Western Australian Family and Domestic Violence Common Risk Assessment and Risk Management Framework*, Department for Child Protection, Perth Western Australia, 2011, p. 35.

The CRARMF requires that:

All agencies, mainstream and specialist, are required to evaluate their existing family and domestic violence responses to ensure that they comply with the minimum standards outlined in this Framework.⁷³¹

In relation to the minimum standards of practice for screening for family and domestic violence, the CRARMF states that:

At a minimum, all mainstream services will be required to introduce family and domestic violence screening protocols into their standard intake procedures and ensure staff know appropriate referral pathways for clients identified as experiencing family and domestic violence.⁷³²

...

All agencies - government, non-government, mainstream or specialist - will screen for family and domestic violence as a part of their standard intake procedures. To do this, they will use a common tool (...the Common Screening Tool).⁷³³

...

These are the minimum standards of practice for screening.⁷³⁴
[Original emphasis]

The CRARMF specifies that, in relation to who should be screened:

It is intended that as many people as possible (particularly women) who present to a government or non-government agency for a service will routinely be asked family and domestic violence screening questions. Most will present for assistance in relation to a matter that is the core business of the service (a health or mental health issue, pregnancy, a parenting issue, a legal issue, a housing issue etc) and not primarily in relation to family and domestic violence. Without asking the screening questions, few of these women will be identified as victims.⁷³⁵

If the screening process identifies family and domestic violence, the CRARMF also sets out minimum standards of practice relating to risk assessments, requiring that:

⁷³¹ Department for Child Protection, *The Western Australian Family and Domestic Violence Common Risk Assessment and Risk Management Framework*, Department for Child Protection, Perth Western Australia, 2011, p. 35.

⁷³² Department for Child Protection, *The Western Australian Family and Domestic Violence Common Risk Assessment and Risk Management Framework*, Department for Child Protection, Perth Western Australia, 2011, p. 12.

⁷³³ Department for Child Protection, *The Western Australian Family and Domestic Violence Common Risk Assessment and Risk Management Framework*, Department for Child Protection, Perth Western Australia, 2011, p. 35.

⁷³⁴ Department for Child Protection, *The Western Australian Family and Domestic Violence Common Risk Assessment and Risk Management Framework*, Department for Child Protection, Perth Western Australia, 2011, p. 35.

⁷³⁵ Department for Child Protection, *The Western Australian Family and Domestic Violence Common Risk Assessment and Risk Management Framework*, Department for Child Protection, Perth Western Australia, 2011, p. 35.

... [i]f family and domestic violence is part of the agency's core business, they will conduct a risk assessment and depending on the outcome will make arrangements for safety planning, referral and case management as necessary.

...

Agencies that have a role in responding to family and domestic violence are required to use a common approach to risk assessment and ensure that key risk indicators are included in their risk assessment procedures.

...

The Key Risk Indicators ... must be incorporated into family and domestic violence risk assessments

...

These are the minimum practice standards for risk assessment.⁷³⁶

[Original emphasis]

DCPFS's Casework Practice Manual

Consistent with the CRARMF, DCPFS's Casework Practice Manual recognises the importance of screening for family and domestic violence, stating:

Family and domestic violence is often the underlying but hidden cause for client contact with the Department for Child Protection and Family Support ... particularly in requests associated with crisis accommodation, financial assistance and information and referral. Family and domestic violence also has a high co-occurrence with all forms of child abuse and maltreatment, in particular neglect and emotional abuse.

Where family and domestic violence is present but not identified in child protection work assessment of past harm and likely future danger to the child and adult victim is unlikely to be accurate and the effectiveness of safety planning may therefore be compromised.⁷³⁷

The Casework Practice Manual requirements for 'Family and Domestic Violence Screening and Assessment'⁷³⁸ also identify the CRARMF as one of the relevant 'Standards' and provide an electronic link for DCPFS officers to the CRARMF Common Screening Tool 'to support staff to undertake this process'.⁷³⁹

⁷³⁶ Department for Child Protection, *The Western Australian Family and Domestic Violence Common Risk Assessment and Risk Management Framework*, Department for Child Protection, Perth Western Australia, 2011, p. 36.

⁷³⁷ Government of Western Australia, Department for Child Protection and Family Support, *Casework Practice Manual*, '5.1. Family and Domestic Violence Screening and Assessment,' DCPFS, Perth, 2014, viewed 13 January 2015,

<<http://manuals.dcp.wa.gov.au/manuals/cpm/Pages/01FamilyandDomesticViolenceScreeningandAssessment.aspx>>.

⁷³⁸ *Family and Domestic Violence Screening and Assessment*, DCPFS, Perth, 2014, viewed 13 January 2015,

<<http://manuals.dcp.wa.gov.au/manuals/cpm/Pages/01FamilyandDomesticViolenceScreeningandAssessment.aspx>>.

⁷³⁹ Government of Western Australia, Department for Child Protection and Family Support, *Casework Practice Manual*, '5.1. Family and Domestic Violence Screening and Assessment,' DCPFS, Perth, 2014, viewed 13 January 2015,

<<http://manuals.dcp.wa.gov.au/manuals/cpm/Pages/01FamilyandDomesticViolenceScreeningandAssessment.aspx>>.

The Casework Practice Manual also sets out procedures for staff in undertaking family and domestic violence screening and risk assessment ‘to provide early identification and timely responses to cases involving family and domestic violence.’⁷⁴⁰ The Casework Practice Manual relevantly identifies the following ‘Practice Requirements’:

- Child protection workers must screen for family and domestic violence **where indicators are present.**
- Screening for family and domestic violence should, where possible, be undertaken when the client is alone.
- When family and domestic violence is identified child protection workers must respond to the immediate safety concerns for the child and the adult victim.
- When family and domestic violence is identified, child protection workers must undertake an assessment of the risks to the child and the adult victim.
- If the child protection worker determines that there are no child protection concerns and no role for the Department, a referral for risk assessment and support must be made to a domestic violence service. This may include the Women’s Domestic Violence Helpline if services are not locally available.⁷⁴¹ [Emphasis added]

As identified above, the Casework Practice Manual requires that screening be undertaken ‘where indicators are present’.⁷⁴² This is inconsistent with the requirements of the CRARMF, that otherwise requires that ‘as many people as possible (particularly women) who present to a government or non-government agency for a service will routinely be asked family and domestic violence screening questions ... [and w]ithout asking the screening questions, few of these women will be identified as victims.’⁷⁴³ In other words, the ‘Minimum Standard for Screening’⁷⁴⁴ set out in the CRARMF is intended to reveal indicators beyond those that may otherwise be present. In this way, indicators are identified through the screening process, which ‘can identify when family and domestic

⁷⁴⁰ Government of Western Australia, Department for Child Protection and Family Support, *Casework Practice Manual, ‘5.1. Family and Domestic Violence Screening and Assessment,’* DCPFS, Perth, 2014, viewed 13 January 2015, <<http://manuals.dcp.wa.gov.au/manuals/cpm/Pages/01FamilyandDomesticViolenceScreeningandAssessment.aspx>>.

⁷⁴¹ Government of Western Australia, Department for Child Protection and Family Support, *Casework Practice Manual, ‘5.1. Family and Domestic Violence Screening and Assessment,’* DCPFS, Perth, 2014, viewed 13 January 2015, <<http://manuals.dcp.wa.gov.au/manuals/cpm/Pages/01FamilyandDomesticViolenceScreeningandAssessment.aspx>>.

⁷⁴² Government of Western Australia, Department for Child Protection and Family Support, *Casework Practice Manual, ‘5.1. Family and Domestic Violence Screening and Assessment,’* DCPFS, Perth, 2014, viewed 13 January 2015, <<http://manuals.dcp.wa.gov.au/manuals/cpm/Pages/01FamilyandDomesticViolenceScreeningandAssessment.aspx>>.

⁷⁴³ Department for Child Protection, *The Western Australian Family and Domestic Violence Common Risk Assessment and Risk Management Framework*, Department for Child Protection, Perth Western Australia, 2011, p. 35.

⁷⁴⁴ Department for Child Protection, *The Western Australian Family and Domestic Violence Common Risk Assessment and Risk Management Framework*, Department for Child Protection, Perth Western Australia, 2011, p. 35.

violence is occurring in the absence of a positive or affirmative response to the screening questions.⁷⁴⁵

The Office also identified internal inconsistencies in the Casework Practice Manual's direction to staff about the requirement to undertake screening for family and domestic violence. Specifically, as identified above, the Casework Practice Manual identifies that DCPFS officers 'must screen for family and domestic violence where indicators are present.'⁷⁴⁶ However, elsewhere, the Casework Practice Manual identifies that the decision to undertake screening is informed by both the presence of indicators as well as the presenting issue, as follows:

When to screen for family and domestic violence

Professional Judgement

Child protection workers should make a professional judgement about when to screen for family and domestic violence – this judgement is informed by the presenting issue as well as the presence of indicators of family and domestic violence.⁷⁴⁷

Recommendation 48

DCPFS ensures that its Casework Practice Manual requirements for screening for family and domestic violence are both internally consistent and consistent with the 'Minimum Standards of Practice for Screening' in *The Western Australian Family and Domestic Violence Common Risk Assessment and Risk Management Framework*.

15.1.3 During the 290 duty interactions where DCPFS identified family and domestic violence, DCPFS did not use the Common Screening Tool to screen for family and domestic violence, or assess the risks posed by family and domestic violence against Key Risk Indicators identified in *The Western Australian Family and Domestic Violence Common Risk Assessment and Risk Management Framework*

The Office examined duty interactions and associated documentation for each of the 70 children in the VRO sample to determine whether DCPFS undertook, and recorded evidence of, family and domestic violence screening and risk assessment. As the screening and risk assessment process considers the family as a whole, the Office examined whether these tasks had been undertaken for each family at some point in time.

⁷⁴⁵ Department for Child Protection, *The Western Australian Family and Domestic Violence Common Risk Assessment and Risk Management Framework*, Department for Child Protection, Perth Western Australia, 2011, p. 35.

⁷⁴⁶ Government of Western Australia, Department for Child Protection and Family Support, *Casework Practice Manual*, '5.1. Family and Domestic Violence Screening and Assessment,' DCPFS, Perth, 2014, viewed 13 January 2015, <<http://manuals.dcp.wa.gov.au/manuals/cpm/Pages/01FamilyandDomesticViolenceScreeningandAssessment.aspx>>.

⁷⁴⁷ Government of Western Australia, Department for Child Protection and Family Support, *Casework Practice Manual*, '5.1. Family and Domestic Violence Screening and Assessment,' DCPFS, Perth, 2014, viewed 13 January 2015, <<http://manuals.dcp.wa.gov.au/manuals/cpm/Pages/01FamilyandDomesticViolenceScreeningandAssessment.aspx>>.

The 70 children in the VRO sample were a part of 46 families, with some families including multiple children.

The Office examined the information supplied to DCPFS as part of duty interactions associated with the 70 children in the VRO sample and found that, as discussed in section 14.5.5, DCPFS identified family and domestic violence as the 'presenting issue'⁷⁴⁸ in a total of 290 duty interactions, concerning children in 43 families.

The Office found that use of the Common Screening Tool, or of a risk assessment incorporating Key Risk Indicators as identified and required in the CRARMF, was not recorded for any children. The Office identified a reference to the CRARMF in one of the 290 duty interactions identifying family and domestic violence, where a matter was referred to a co-located Senior Family and Domestic Violence Officer 'in accordance with the Common Risk Assessment Framework.' No further details of this referral, or its outcome, were recorded.

For 30 families, the Office identified instances where DCPFS recorded that DCPFS staff appeared to have attempted to screen for family and domestic violence and assess risk, without utilising the Common Screening Tool or incorporating the Key Risk Indicators required by the CRARMF, as follows:

- instances where an incident had been triaged by a Family and Domestic Violence Response Team, but there was no evidence that screening or risk assessment took place by DCPFS (for children in 15 families);
- partial completion of an electronic 'Domestic Violence risk/behaviour factors' assessment form. The Office noted that in each of these instances, assessments were not finalised, with blank fields and single word responses populating the form (for children in 12 families);
- reference to the presence of risk factors in the assessment field of the duty interaction (for children in seven families); and
- instances where DCPFS assessed the impact of family and domestic violence upon children (not the adult victim) during intake or safety and wellbeing assessment (for children in six families).

Recommendation 49

Following the implementation of Recommendation 48, DCPFS complies with the requirements for family and domestic violence screening and risk assessment.

⁷⁴⁸ 'Domestic Violence' was identified in *Assist* as the 'Primary Issue' by DCPFS in 269 duty interactions. For children in a further 21 duty interactions, 'Child Protection' was recorded in *Assist* as the 'Primary Issue' by DCPFS, with 'Family and Domestic Violence' recorded in 'Issue Details'.

15.2 Undertaking safety planning with victims of family and domestic violence

15.2.1 Policy requirements

The CRARMF identifies that '[i]f risk is present, action (safety planning) is always required.'⁷⁴⁹ The Casework Practice Manual identifies procedures for undertaking safety planning, which 'should be considered and undertaken within the Signs of Safety assessment and planning process.' The Casework Practice Manual further identifies that, '[w]here family and domestic violence assessment has revealed likely future danger (risk) for the child and the adult victim, safety planning must occur', also stating:

- Safety planning must work towards managing the risks posed by the perpetrator and increasing the safety of the child and adult victim.
- Within the safety planning process, child protection workers should undertake personal safety planning with the adult victim and child (if age appropriate) and work in collaboration with other agencies to manage the identified risks.
- Child protection workers should use powers granted under the *Restraining Orders Act 1997* to apply, on behalf of the child, for a Violence Restraining Order (VRO) against the perpetrator if:
 - the violence is likely to escalate and the child is at risk of further abuse; and/or
 - it would decrease risk to the adult victim if the Department was the applicant for the VRO.
- If a case is identified as high risk to the child and adult victim, child protection workers should consider a multi-agency response...⁷⁵⁰

15.2.2 DCPFS did not undertake safety planning with any adult victims of family and domestic violence in relation to the 70 children in the VRO sample or the 30 fatalities

The Office reviewed all duty interactions and associated documents concerning the 70 children in the VRO sample to determine whether DCPFS undertook safety planning. The Office did not identify any instances where DCPFS undertook safety planning with adult victims of family and domestic violence associated with these 70 children.

The Office's further analysis identified references to safety planning for seven of the 46 families concerning the 70 children in the VRO sample. This included instances where:

- DCPFS assessment of a duty interaction indicated that safety planning was to be undertaken or had been undertaken by a Family and Domestic Violence Response Team but details of this safety plan were not recorded (in relation to three families);

⁷⁴⁹ Department for Child Protection, *The Western Australian Family and Domestic Violence Common Risk Assessment and Risk Management Framework*, Department for Child Protection, Perth Western Australia, 2011, p. 59.

⁷⁵⁰ Government of Western Australia, Department for Child Protection and Family Support, *Casework Practice Manual*, '5.2 Family and Domestic Violence Safety Planning,' DCPFS, Perth, 2014, viewed 20 January 2015, <<http://manuals.dcp.wa.gov.au/manuals/cpm/Pages/02FamilyandDomesticViolenceSafetyPlanning.aspx>>.

- a DCPFS officer had a telephone conversation with a victim of family and domestic violence, in which potential strategies were discussed (in relation to two families);
- DCPFS assessment identified an intention to undertake safety planning, or noted that safety planning had been undertaken, however details of a safety plan were not located in DCPFS records (in relation to two families);
- evidence of safety planning for the children was identified as part of proceedings to take the children into care, with the children in a family placement (in relation to one family).

The Office also reviewed the records of the 387 duty interactions in *Assist* and associated documents concerning the children involved in the 30 fatalities to determine whether DCPFS undertook safety planning with adult victims of family and domestic violence. The Office did not identify any instances where DCPFS undertook safety planning with adult victims of family and domestic violence associated with the children involved in the 30 fatalities.

The Office's analysis identified instances where DCPFS made reference to safety planning. This included instances where:

- DCPFS identified its intention to undertake safety planning with an adult victim, but evidence of safety planning was not identified or able to be located (in relation to two families);
- DCPFS referenced the adult victim's own safety plan (in relation to one family); and
- DCPFS referenced the term safety planning in relation to the informal placement of children, but evidence of safety planning was not identified or able to be located (in relation to one family).

Recommendation 50

Following the implementation of Recommendation 48, DCPFS undertakes safety planning in accordance with the Casework Practice Manual.

15.3 Engaging with perpetrators of family and domestic violence

15.3.1 Policy requirements

DCPFS's *Family and Domestic Violence Practice Guidance* states:

Perpetrators of family and domestic violence are very much in control of the behaviour and are ultimately the only ones that have the capacity to change the situation... Historically, responses to family and domestic violence have focused on securing the safety of the adult victim and child. It is now well established through research that a purely victim focus is not effective for achieving sustainable safety. Typically, the violence and abuse continue and/or the perpetrator forms a new relationship in which they continued to use violence, creating a new victim in need of protection... Good practice now advocates for an equal focus on securing the safety of the non-abusive adult victim and child and addressing the source of the harm – the perpetrator of the violence.

To improve the safety of the non-abusive parent and child and reduce the risk of re-offending, it is critical that the perpetrator is held accountable for their behaviour.⁷⁵¹

DCPFS's *Perpetrator Accountability resource materials* were published by DCPFS in 2013 and inform DCPFS officers about key issues and relevant practices concerning the importance of engaging with perpetrators of family and domestic violence, its impact on the safety of women and children, and how this can be achieved. This resource has been praised for its reflection of best practice, and its capacity for application in other jurisdictions.⁷⁵²

The *Perpetrator Accountability resource materials* identify the following forms of engagement that DCPFS should use in engaging with and holding perpetrators of family and domestic violence accountable for their behaviour:

Engagement by child protection workers takes many different forms, and will look different for each man. At minimum, it includes:

- assessment of the man and development of a case plan;
- seizing opportunities to talk with the man about his responsibility for his behaviour;
- supporting engagement and monitoring and managing risk via case management; and
- liaising with other professionals in the service and justice systems and taking an integrated approach to holding the man accountable for his violence.

It might also involve:

- talking with the man about the harm his behaviour causes his family members;
- referring the man to an MBCP (Men's Behaviour Change Program) and supporting his continued participation; and
- referring the man to other services that can assist him with issues that co-exist with the violence.⁷⁵³

The *Perpetrator Accountability resource materials* recognise that contact with perpetrators of family and domestic violence needs to be carefully managed, as it could pose a risk to adult victims, children, and DCPFS officers. The *Perpetrator Accountability resource materials* encourage DCPFS officers to assess whether interviewing the perpetrator presents any risk to themselves, and to '[c]onsider [their own] safety as well as that of the perpetrator's family members when deciding on avenue and format for the interview.'⁷⁵⁴

⁷⁵¹ Government of Western Australia, Department for Child Protection and Family Support, *Family and Domestic Violence Background Paper*, DCPFS, Perth, 2012, p. 5-6.

⁷⁵² Queensland Centre for Domestic and Family Violence Research, *CDF Re@der*, Queensland Central University, vol. 12, no. 1, December 2013, p. 17.

⁷⁵³ Government of Western Australia, Department for Child Protection and Family Support, *Perpetrator Accountability in Child Protection Practice*, DCPFS, Perth, 2013, p. 44-45.

⁷⁵⁴ Government of Western Australia, Department for Child Protection and Family Support, *Perpetrator Accountability in Child Protection Practice*, DCPFS, Perth, 2013, p. 54.

15.3.2 DCPFS did not use any forms of perpetrator engagement identified in its *Perpetrator Accountability resource materials* for anyone involved in the VRO sample or the 30 fatalities

The Office reviewed all of the duty interactions concerning the children involved in the 30 fatalities (387 duty interactions) and the VRO sample (686 duty interactions) to determine whether DCPFS engaged with perpetrators of family and domestic violence. The Office did not identify any instances where DCPFS utilised the minimum forms of engagement identified in the *Perpetrator Accountability resource materials* to engage with perpetrators of family and domestic violence, or to hold perpetrators accountable for their behaviour.

This finding is consistent with research undertaken into child protection agencies in the United Kingdom which indicates that, in intervening with families, '[s]ocial workers were less likely to engage with fathers or partners, who were usually the perpetrators of domestic violence, than they were with mothers and children.'⁷⁵⁵

In the absence of engaging with male perpetrators, social workers will focus on mothers' failures to protect children, and mothers are consequently allocated responsibility for controlling and managing male violence... Taking fathers/partners as a focus of intervention in their own right will also allow for more careful and complete assessments of the risks they pose to children and partners.⁷⁵⁶

Recommendation 51

DCPFS incorporates the minimum forms of engagement with perpetrators of family and domestic violence into the Casework Practice Manual, so that child protection workers are required to engage with perpetrators when it has been assessed as safe to do so.

Recommendation 52

DCPFS ensures that, following the implementation of Recommendation 51, DCPFS provides appropriate training in relation to the amended Casework Practice Manual.

15.4 DCPFS's policy framework for responding to Aboriginal family violence

15.4.1 Aboriginal children were overrepresented in the 30 fatalities and the VRO sample

Aboriginal children were overrepresented as children involved in the 30 fatalities, and in the VRO sample. They were also the subject of disproportionately more referrals to DCPFS than non-Aboriginal children.

⁷⁵⁵ Stanley, N, et al, *Children and families experiencing domestic violence: Police and children's social services' responses*, National Society for the Prevention of Cruelty to Children, London, 2010, p. 254.

⁷⁵⁶ Stanley, N, et al, *Children and families experiencing domestic violence: Police and children's social services' responses*, National Society for the Prevention of Cruelty to Children, London, 2010, p. 254.

As identified, 21 (70 per cent) of the children involved in the 30 fatalities were Aboriginal. Of the 387 duty interactions received by DCPFS about the 30 children involved in the fatalities, 349 (90 per cent) were about Aboriginal children.

Of the 70 children in the VRO sample, 12 (17 per cent) were Aboriginal. These Aboriginal children were the subject of 221 (32 per cent) of the 686 duty interactions received by DCPFS about children in the VRO sample, with DCPFS identifying family and domestic violence as an issue for each of the children. In examining the outcomes of duty interactions selected by DCPFS officers for these children, the Office identified that DCPFS assessed that duty interactions constituted a 'concern for child' on multiple occasions for 11 of the 12 Aboriginal children.

15.4.2 The CRARMF and *Perpetrator Accountability resource materials* address Aboriginal family violence

Policy documents, including the CRARMF (developed by DCPFS) and *Perpetrator Accountability resource materials*, specifically identify issues to consider when engaging with Aboriginal victims and perpetrators of family violence.

The CRARMF identifies that Aboriginal women and children are 'more vulnerable to experiencing violence,' and 'encounter unique barriers to disclosure and safety,'⁷⁵⁷ further examining some of the historical antecedents of family violence in Aboriginal communities. The CRARMF also identified a number of challenges that should be considered by practitioners '[w]hen considering safety for an Aboriginal woman experiencing family and domestic violence, particularly someone from a remote community'.⁷⁵⁸ As noted, the Office did not identify any instances where DCPFS implemented the CRARMF concerning children, including Aboriginal children, in the VRO sample.

DCPFS's *Perpetrator Accountability resource materials* also identify factors that should shape the work of DCPFS officers in their work 'to engage Aboriginal men,' and components of cultural safety 'that are particularly important in the context of child protection practice' when engaging with perpetrators of violence.⁷⁵⁹ As noted, the Office did not identify any instances in the 30 fatalities or the VRO sample where DCPFS utilised the minimum forms of engagement identified in the *Perpetrator Accountability resource materials* to engage with perpetrators of family and domestic violence, or to hold perpetrators accountable for their behaviour, including Aboriginal perpetrators.

⁷⁵⁷ Department for Child Protection, *The Western Australian Family and Domestic Violence Common Risk Assessment and Risk Management Framework*, Department for Child Protection, Perth Western Australia, 2011, p. 26.

⁷⁵⁸ Department for Child Protection, *The Western Australian Family and Domestic Violence Common Risk Assessment and Risk Management Framework*, Department for Child Protection, Perth Western Australia, 2011, p. 27.

⁷⁵⁹ Government of Western Australia, Department for Child Protection and Family Support, *Perpetrator Accountability in Child Protection Practice*, DCPFS, Perth, 2013, pp. 77-78.

15.4.3 The Casework Practice Manual, DCPFS's Family and Domestic Violence policy, and Family and Domestic Practice Guidance do not address Aboriginal family violence

In examining other components of the framework of policy requirements setting out how DCPFS should respond to family and domestic violence, the Office observed that the Casework Practice Manual, *DCPFS's Family and Domestic Violence Policy*, and *Family and Domestic Violence Practice Guidance* do not explicitly identify the issue of Aboriginal family violence, or how Aboriginal children may best be protected from harm in this context.

Recommendation 53

DCPFS sets out in the Casework Practice Manual, *Family and Domestic Violence Policy 2012*, and *Family and Domestic Violence Practice Guidance* how DCPFS responds to Aboriginal family violence and how Aboriginal children may best be protected from harm arising from family violence, within DCPFS frameworks developed to respond to Aboriginal families.

15.5 Implementation of DCPFS's policy framework will be critical to further improving DCPFS's response to family and domestic violence

The research literature observes that policy implementation issues are a common factor in child death and serious case reviews. For example, reviews similar to this investigation conducted in England⁷⁶⁰ have found that such failures are frequently due to a failure to utilise policies, guidelines and procedures, rather than the absence of such procedural guidance:

In spite of a raft of procedural guidance, practitioners and managers were often unclear about what they could or could not do, or should or should not do in these cases ... everyone seemed to be frozen into inactivity. In this context ... children remain unprotected.⁷⁶¹

Similarly, in South Australia, a review of child protection systems identified that significant efforts to develop policy and procedure were not resulting in improvements in responses to children:

Considerable work has been undertaken in the development of detailed frameworks, strategies, protocols and policies over recent years, many of which will bear similarity to recommendations made by this Review. However, many have been ignored, not implemented or partially implemented with no monitoring of implementation or outcomes. This has meant that the child

⁷⁶⁰ In England, 'serious case reviews' take place if abuse or neglect is known, or suspected, to have been involved and: a child has died; or a child has been significantly injured and there are serious concerns about how organisations worked together to safeguard the child; or the child dies in custody; or a child died by suspected suicide.

⁷⁶¹ Brandon, M, Bailey, S, Belderson, P, Gardner, R, Sidebotham, P, Dodsworth, J, Warren, C and Black, J, *Understanding serious case reviews and their impact: A biennial analysis of serious case reviews 2005-2007*, Department for Children, Schools and Families, London, 2008, p. 45.

protection system has not seen the incremental advancement that one would expect to see...⁷⁶²

This finding is consistent with the Office's finding that, while DCPFS has developed an extensive policy framework, this has not necessarily been fully implemented by DCPFS in its responses to family and domestic violence examined by the Office during this investigation.

Recommendation 54

Taking into account the findings of this investigation, DCPFS:

- conducts a review to identify barriers to the effective implementation of relevant family and domestic violence policies and practice guidance;
- develops an associated action plan to overcome identified barriers; and
- provides the resulting review report and action plan to this Office within 12 months of the tabling in the Western Australian Parliament of the report of this investigation.

⁷⁶² Government of South Australia, *A State Plan to Protect and Advance the Interests of Children*, Government of South Australia, Adelaide, 2003, p. 64.