



**A report on giving effect to the  
recommendations arising from the *Investigation  
into family and domestic violence and suicide***

**Ombudsman Western Australia**

## About this Report

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The office of the Ombudsman acknowledges Aboriginal and Torres Strait Islander people of Australia as the traditional custodians of Australia. We recognise and respect the exceptionally long history and ongoing cultural connection Aboriginal and Torres Strait Islander people have to Australia, recognise the strength, resilience and capacity of Aboriginal and Torres Strait Islander people and pay respect to Elders past, present and emerging.

## CONTENT WARNING

This report contains information about suicide, family and domestic violence and child abuse that may be distressing. We wish to advise Aboriginal and Torres Strait Islander readers that this report also includes information about Aboriginal and Torres Strait Islander women and children who died by suicide.

## The Institution of the Ombudsman

The institution of the Ombudsman is more than 200 years old. The institution of the Ombudsman promotes and protects human rights, good governance and the rule of law as recognised through the adoption in December 2020 by the United Nations General Assembly of Resolution 75/186, *The role of Ombudsman and mediator institutions in the promotion and protection of human rights, good governance and the rule of law*.

The International Ombudsman Institute, established in 1978, is the global organisation for the cooperation of 205 independent Ombudsman institutions from more than 100 countries worldwide. The IOI is organised in six regional chapters - Africa, Asia, Australasian and Pacific, Europe, the Caribbean and Latin America and North America.

## Ombudsman Western Australia



Ombudsman Western Australia is one of the oldest Ombudsman institutions in the world. The Ombudsman is an independent and impartial officer who reports directly to Parliament. The Ombudsman receives, investigates and resolves complaints about State Government agencies, local governments and universities, undertakes own motion investigations, reviews child deaths, reviews family and domestic violence fatalities and undertakes inspection, monitoring and other functions.

The Ombudsman concurrently holds the roles of Energy and Water Ombudsman and Chair, State Records Commission.

## Ombudsman Western Australia: Proud of Diversity

The office of the Western Australian Ombudsman takes pride in diversity and equal opportunity. The office stands with the LGBTQTIA+ community. The Ombudsman's pronouns are he/him/his.

## The Ombudsman Western Australia and Aboriginal Western Australians

Ombudsman Western Australia acknowledges Aboriginal and Torres Strait Islander people of Australia as the traditional custodians of this land. We recognise and respect the long history and ongoing cultural connection Aboriginal and Torres Strait Islander people have to Australia, recognise the strength, resilience and capacity of Aboriginal and Torres Strait Islander people and pay respect to Elders past, present and emerging.

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## Getting help and finding support

If a life is in danger, or someone you know is at immediate risk of harm, call 000.

If you, or someone you are with is highly distressed, feeling unsafe and thinks they are a risk to themselves, go to your nearest emergency department.

If you are worried about a person who refuses to go to an emergency department, and need urgent mental health assistance, please contact:

**Mental Health Emergency Response Line:** 1300 555 788 (Perth) or 1800 676 822 (Peel) rapid response for after-hours mental health emergencies in the Perth and Peel metro areas, or connection to your local mental health service during business hours

**Rurallink:** 1800 552 002 (regional Western Australia, free call)

specialist after hours mental health telephone service for people in rural communities, 4.30 pm to 8.30 am, Monday to Friday and 24 hours Saturday, Sunday and public holidays, and for connection to your local mental health service during business hours

**Suicide Call Back Service:** 1300 659 467 or [suicidecallbackservice.org.au](http://suicidecallbackservice.org.au)

free phone, video and online counselling for people at risk of suicide, concerned about someone at risk, bereaved by suicide and people experiencing emotional or mental health issues

**Child and Adolescent Mental Health Service Crisis Connect:** 1800 048 636

phone and online videocall support for children and young people experiencing a mental health crisis as well as support and advice to families and carers, available seven days a week available 24 hours a day, 7 days a week across the Perth metro area

### Australia-wide 24 hour mental health support lines

**Lifeline:** 13 11 14 or [lifeline.org.au](http://lifeline.org.au) or text 0477 13 11 14

24 hour telephone, text and online chat crisis support and suicide prevention service

**13 YARN** 13 92 76

the first national crisis support line for mob who are feeling overwhelmed or having difficulty coping, they offer a confidential one-on-one yarning opportunity with a Lifeline-trained Aboriginal and Torres Strait Islander Crisis Supporter who can provide crisis support 24 hours a day, 7 days a week

**Beyond Blue:** 1300 22 4636 or [beyondblue.org.au](http://beyondblue.org.au)

immediate support available 24 hours a day, 7 days a week through phone and online chat

**1800RESPECT:** 1800 737 732 or [1800respect.org.au](http://1800respect.org.au)

24 hour phone and web chat counselling for people impacted by sexual assault, domestic or family violence and abuse

**MensLine Australia:** 1300 78 99 78 or [mensline.org.au](http://mensline.org.au)

24 hour phone, video and web counselling for men who want to take responsibility for their violence and have healthy and respectful relationships

**StandBy Support After Suicide:** 1300 72 77 47

a program focused on supporting anyone who has been bereaved or impacted by suicide at any stage in their life

## Additional support services

**Women's Domestic Violence Helpline:** 1800 007 339

provides support for women, with or without children, who are experiencing family and domestic violence in Western Australia (including referrals to women's refuges)

**Men's Domestic Violence Helpline:** 1800 000 599

provides telephone information and referrals for men in Western Australia who are concerned about their violent and abusive behaviours

**Crisis Care:** 1800 199 008

provides Western Australia's after-hours response to reported concerns for a child's safety and wellbeing and information and referrals for people experiencing crisis

**Sexual Assault Resource Centre:** (08) 6458 1828 or freecall 1800 199 888

provides a range of free services to people aged 13 years and above affected by sexual violence

**Derbarl Yerrigan Health Service:** 1300 420 272 or [dhys.org.au](http://dhys.org.au)

health and medical support for Aboriginal people, including counselling, Mon-Fri 9 am to 5 pm

**SANE Australian Helpline:** 1800 18 SANE (7263) or [sane.org](http://sane.org)

phone, web chat or email counselling support for people affected by complex mental health issues, available from 10 am to 8 pm AEST

**GriefLine:** 1300 845 745 or [griefline.org.au](http://griefline.org.au)

free phone counselling and support for people experiencing grief, loss and trauma, Mon-Fri 8 am to 8 pm AEST, with booked calls available seven days a week

**Active Response Bereavement Outreach (ARBOR):** 1300 11 44 46 or [arbor.bereavement@anglicarewa.org.au](mailto:arbor.bereavement@anglicarewa.org.au)

a free service offering short-medium term grief counselling, practical and emotional support, appropriate referral support, volunteer lived-experience peer support, and support groups to people recently impacted by losing loved ones to suicide

**QLife:** 1800 184 527 or [qlife.org.au](http://qlife.org.au)

3 pm to midnight, 7 days per week, telephone and webchat peer support and referral service for LGBTIQ+ people

## Support services for children and young people

**Kids Helpline:** 1800 55 1800 or [kidshelpline.com.au](http://kidshelpline.com.au)

24 hour telephone and web chat support for kids, teens and young adults from 5 to 25 years and their parents, carers, teachers, and schools

**headspace:** [headspace.org.au/eheadspace](http://headspace.org.au/eheadspace)

free telephone and online support and counselling for children and young people 12 to 25 years, their families and friends

**Children and Young People Responsive Suicide Support (CYPRESS):** 1300 11 44 46 or [info@anglicarewa.org.au](mailto:info@anglicarewa.org.au)

support service for children and young people between the ages of 6 and 18 who have been bereaved by suicide



## Translating and interpreting

If you are assisting someone who does not speak English, first call the Translating and Interpreting Service (**TIS**) on 13 14 50 and they can connect you with the service of your choice and interpret for you.

If you, or the person you are assisting, has a hearing or speech impairment, contact the [National Relay Service online](#) or via their Helpdesk on 1800 555 660 and quote 08 9220 7555 to be connected with the Ombudsman's office.

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## Foreword

As Ombudsman, I undertake the important responsibility of reviewing family and domestic violence fatalities. Arising from this work, I undertook a major own motion investigation, *Investigation into family and domestic violence and suicide (the Investigation)* tabled in Parliament on 20 October 2022. My Office's investigation into this profoundly serious issue included an extensive literature review, stakeholder engagement and the collection and analysis of a comprehensive set of state-wide data relating to those who died by suicide in circumstances where family and domestic violence had previously been identified by one or more State government departments or authorities.

Arising from my findings in the Investigation, I made nine recommendations about ways to prevent or reduce family and domestic violence deaths by suicide. The Western Australia Police Force, the Department of Communities, the Department of Justice, the Department of Health and the Mental Health Commission each agreed to these recommendations.

In 2016-17, I gave a commitment to Parliament that, following the tabling of each major own motion investigation, my Office would undertake a comprehensive review of the steps taken by government agencies to give effect to our recommendations and then table the results of this review in Parliament twelve months after the tabling of the major own motion investigation. Accordingly, I am now pleased to provide Parliament with A report on giving effect to the recommendations arising from the *Investigation into family and domestic violence and suicide*, November 2023.

Overall, I have found that steps have been taken, or are proposed to be taken, to give effect to each of the recommendations. While it is noted that the Mental Health Commission has commenced work to give effect to Recommendation 8, this work commenced more than eight months after the tabling of the report of the Investigation in Parliament. Given the exceptionally serious, and extraordinarily egregious nature, of men's violence to women, including the very welcome public attention being in relation to this violence, the fact that an eight-month period elapsed prior to commencing this work is of concern. For this reason, I informed the Mental Health Commission that the Office will review this matter again on 31 December 2023, and it is expected that this work will be significantly advanced, and have a clear timeline for completion, in accordance with, and giving effect to, Recommendation 8. The Mental Health Commission has, pleasingly, now prioritised work to address this recommendation and has committed to providing the Office an update on their progress, including a clear timeline for completion, by 31 December 2023.

In recent months, there have been a number of horrifying deaths of women because of men's abhorrent violence. These fatalities are rightly at the centre of collective public consciousness. We must all commit to this ending. I commit to continuing to work to ending men's violence and making women and children safe, including that women never feel as though taking their own life is the only escape from a man's violence.



Chris Field PSM  
**OMBUDSMAN**

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# 1. About this report

## 1.1. The Ombudsman

### 1.1.1. The role of the Ombudsman

The Parliamentary Commissioner for Administrative Investigations – more commonly known as the Ombudsman – is an independent and impartial officer of the Western Australian Parliament. The Ombudsman is responsible to the Parliament rather than to the government of the day or a particular Minister. This allows the Ombudsman to be completely independent in undertaking the Ombudsman’s functions.

The office of the Western Australian Ombudsman (**the Office**) has six principal functions. The Office:

- receives, investigates and resolves complaints about State Government agencies, local governments and universities;
- reviews child deaths and family and domestic violence fatalities;
- undertakes own motion investigations;
- undertakes a range of additional functions, including statutory inspection and monitoring functions;
- undertakes the Reportable Conduct Scheme; and
- is the Western Australian Charitable Trusts Commission.

The Ombudsman can undertake investigations regarding the decision making of public agencies on reference by Parliament, arising from a complaint or on her or his own motion.

In undertaking an investigation, the Ombudsman has the rights, privileges and responsibilities prescribed in the *Parliamentary Commissioner Act 1971 (the Act)* and of a standing Royal Commission (in accordance with the *Royal Commissions Act 1968*).

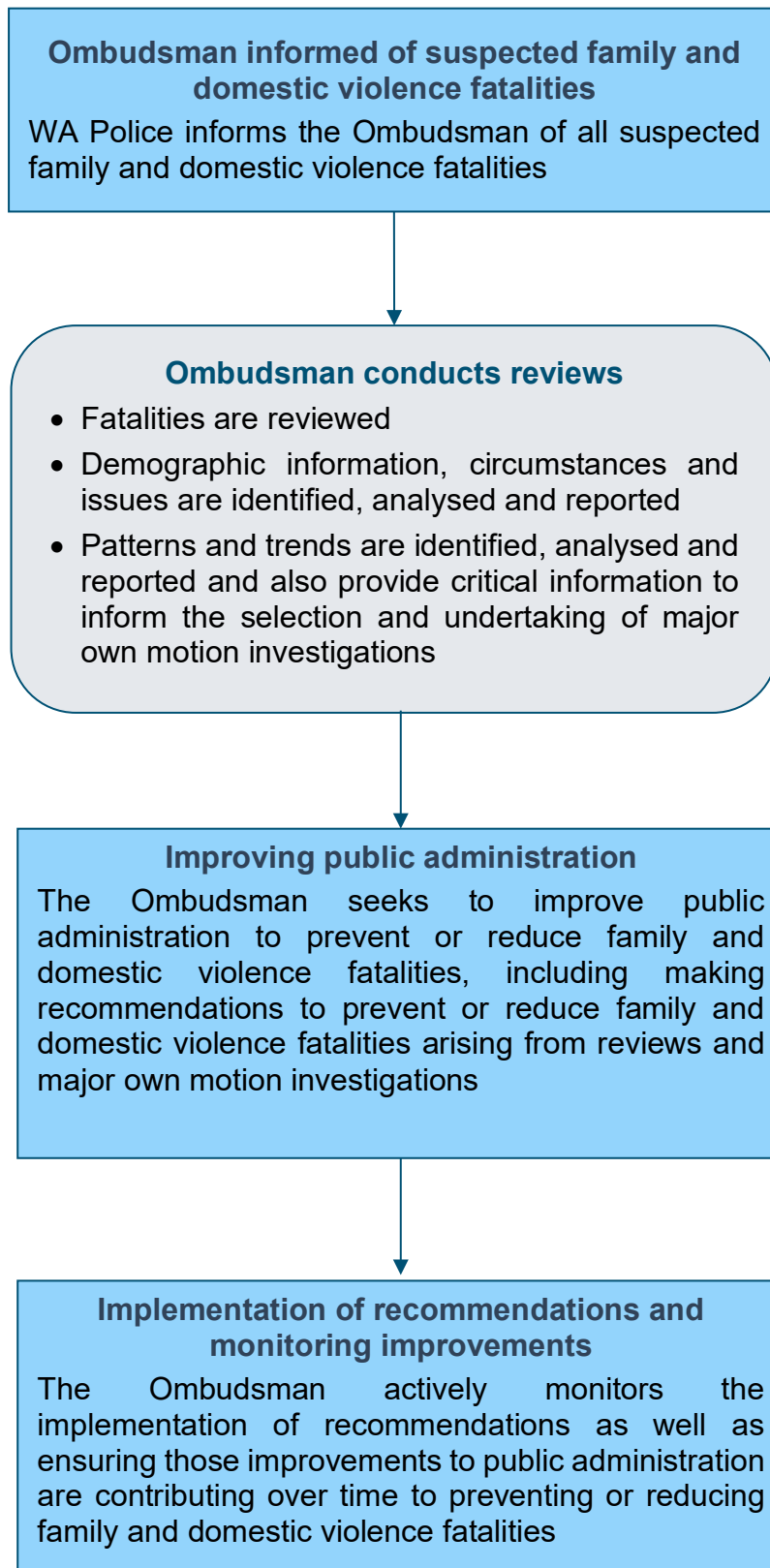
At the completion of an investigation, the Ombudsman can form opinions and make recommendations.

### 1.1.2. The Ombudsman’s family and domestic violence fatality review function

On 1 July 2012, the Office commenced an important new role to review family and domestic violence fatalities.

As outlined in Figure 1, the Western Australia Police Force (**WA Police**) informs the Office of all family and domestic violence fatalities and provides information about the circumstances of the death, together with any relevant information of prior WA Police contact with the person who died and the suspected perpetrator. A family and domestic violence fatality involves persons apparently in a ‘family relationship’ as defined by section 4 of the *Restraining Orders Act 1997 (the Restraining Orders Act)*.

**Figure 1: The Family and Domestic Violence Fatality Review Process**



Source: Ombudsman Western Australia

More specifically, the ‘family relationship’ between the person who was killed and the suspected perpetrator is a relationship between two persons:

- (a) who are, or were, married to each other; or
- (b) who are, or were, in a de facto relationship with each other; or
- (c) who are, or were, related to each other; or
- (d) one of whom is a child who —
  - (i) ordinarily resides, or resided, with the other person; or
  - (ii) regularly resides or stays, or resided or stayed, with the other person;or
- (e) one of whom is, or was, a child of whom the other person is a guardian; or
- (f) who have, or had, an intimate personal relationship, or other personal relationship, with each other; or
- (g) one of whom is the former spouse or former de facto partner of the other person’s current spouse or current de facto partner.<sup>1</sup>

‘Other personal relationship’ means a personal relationship of a domestic nature in which the lives of the persons are, or were, interrelated and the actions of one person affects, or affected the other person.

‘Related’, in relation to a person, means a person who:

- (a) is related to that person taking into consideration the cultural, social or religious backgrounds of the 2 persons; or
- (b) is related to the person’s —
  - (i) spouse or former spouse; or
  - (ii) de facto partner or former de facto partner.<sup>2</sup>

If the relationship meets these criteria, a review is undertaken.

The extent of a review depends on a number of factors, including the circumstances surrounding the death and the level of involvement of relevant public authorities in the life of the person who died or other relevant people in a family and domestic relationship with the person who died, including the suspected perpetrator. Confidentiality of all parties involved with the case is strictly observed.

The family and domestic violence fatality review process is intended to identify key learnings that will positively contribute to ways to prevent or reduce family and domestic violence fatalities. The review does not set out to establish the cause of death of the person who died; this is properly the role of the Coroner. Nor does the review seek to determine whether a suspected perpetrator has committed a criminal offence; this is only a role for a relevant court.

### **1.1.3. The Ombudsman’s child death review function**

On 30 June 2009, amendments to the Act commenced into effect, granting an important new child death review function to the Ombudsman. The child death review function enables the Ombudsman to review investigable deaths where the child, or their family, was known to the Department of Communities in the two years before the child’s death as defined in section 19A(3) of the Act.

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<sup>1</sup> *Restraining Orders Act 1997* (WA), s. 4(1).

<sup>2</sup> *Restraining Orders Act 1997* (WA), s. 4(2).

To facilitate the review of investigable deaths, the Department of Communities receives information from the State Coroner on reportable deaths of children and notifies the Ombudsman of these deaths. The notification provides the Ombudsman with a copy of the information provided to the Department of Communities by the Coroner about the circumstances of the child or young person's death together with a summary outlining the past involvement of the Department of Communities with the child and their family.

In 2018, the (then) Minister for Health requested that the Office of the Chief Medical Officer within the Department of Health consider the establishment of a Child Death Register and comprehensive review mechanism for all child deaths in Western Australia. The Office of the Chief Medical Officer facilitated a series of stakeholder meetings, and in late 2019 it was determined that this function would be provided by the Ombudsman.

From 1 July 2020, the Ombudsman has received notifications of all child deaths in Western Australia. Notification (and associated information) is provided by the Department of Communities, the Department of Health, and the Department of Justice, Registry of Births, Deaths and Marriages. The Ombudsman:

- considers all child deaths through the collection and analysis of state-wide data, including trend reporting (the WA Child Death Register); and
- ensures all child deaths in the state are reviewed by the Ombudsman, or where appropriate, by an existing medical death review mechanism.

In addition, the Ombudsman can undertake major own motion investigations relating to child death reviews under section 16(1) of the Act. Each recommendation arising from an own motion investigation is actively monitored by the Office to ensure its implementation and effectiveness, in accordance with sections 25(4) and (5) of the Act.

## **1.2. Own motion investigations**

Under section 16(1) of the Act, the Ombudsman can investigate, on her or his own motion, any administrative decision, recommendation or action by State government departments and authorities within his or her jurisdiction, as follows:

Without prejudice to the provisions of section 15 any investigation that the [Ombudsman] is authorised to conduct under this Act may be so conducted, either on [her or his] own motion or on a complaint ...

## **1.3. Giving effect to the recommendations of the Ombudsman**

### **1.3.1. Monitoring the implementation of recommendations**

The Ombudsman also actively monitors the implementation and effectiveness of recommendations arising from own motion investigations, in accordance with sections 25(4) and (5) of the Act, which state:

- (4) If under subsection (2) the [Ombudsman] makes recommendations to the principal officer of an authority he [or she] may request that officer to notify him [or her], within a specified time, of the steps that have been or are proposed to be taken to give effect to the recommendations, or, if no such steps have been, or are proposed to be taken, the reasons therefor.



- (5) Where it appears to the [Ombudsman] that no steps that seem to him [or her] to be appropriate have been taken within a reasonable time of his [or her] making any report or recommendations under subsection (2), the [Ombudsman], after considering the comments (if any) made by or on behalf of the principal officer to whom the report or recommendations were made, may, if he [or she] thinks fit, send to the Premier of the State a copy of the report and the recommendations together with a copy of any such comments.

## 1.4. Investigation into family and domestic violence and suicide

### 1.4.1. Background to the investigation

Arising from the review of family and domestic violence fatalities and child deaths, the Ombudsman identified the need to undertake a major own motion investigation into family and domestic violence and suicide.

The Ombudsman's investigation, *Investigation into family and domestic violence and suicide*, aimed to:

- examine the association between family and domestic violence and suicide as identified in the research literature, and among individuals who died by suicide;
- identify patterns and trends in the demographic characteristics and social circumstances of women and children who were victims of family and domestic violence and died by suicide and their contact with State government departments and authorities; and
- based upon this analysis, determine whether it may be appropriate to make recommendations to any State government department or authority.

To undertake this investigation, in addition to an extensive literature review and stakeholder engagement, the Office collected and analysed a comprehensive set of state-wide data relating to those who died by suicide in circumstances where family and domestic violence had previously been identified by one or more State government departments or authorities. This included an examination of 68 women and child victims of family and domestic violence who died by suicide in 2017 (**the investigation period**).

The report of the findings and recommendations arising from the Ombudsman's investigation, titled *Investigation into family and domestic violence and suicide (the Report)*, was tabled in the Parliament of Western Australia on 20 October 2022. The Report is available at [https://www.ombudsman.wa.gov.au/Improving\\_Admin/AI\\_Reports.htm#fdv-suicide-2022](https://www.ombudsman.wa.gov.au/Improving_Admin/AI_Reports.htm#fdv-suicide-2022).

## 1.5. A report on giving effect to the recommendations arising from the Report

### 1.5.1. Objectives

The Report made nine recommendations to five State government departments about ways to prevent or reduce family and domestic violence related deaths by suicide.

The objectives of this report were to consider, in accordance with sections 25(4) and (5) of the Act:

- the steps that have been taken to give effect to the recommendations;
- the steps that are proposed to be taken to give effect to the recommendations; or
- if no such steps have been, or are proposed to be taken, the reasons therefor.
- if relevant, whether it appeared to the Ombudsman that no steps that seem to him to be appropriate have been taken within a reasonable time of his making of the Report and recommendations.

### **1.5.2. Methodology**

On 28 June 2023, the Ombudsman wrote to the Mental Health Commissioner, the Director General of the Department of Communities, the Director General of the Department of Health, the Director General of the Department of Justice and the Commissioner of WA Police requesting a report on the steps that have been taken, or were proposed to be taken, to give effect to the recommendations of the Report.

Additionally, the Office:

- obtained further information from the relevant State government departments, in order to clarify or validate information provided in their reports to the Ombudsman;
- developed a preliminary view and provided it to relevant State government departments for their consideration and response; and
- developed a final report on whether steps have been taken to give effect to the recommendations.

## 2. Steps taken to give effect to the recommendations

### 2.1. Recommendation 1

**Recommendation 1:** That the Western Australia Police Force implement the recommended policy and practice reform proposed by Australia’s National Research Organisation for Women’s Safety (**ANROWS**) in its report on *Accurately identifying the “person most in need of protection” in domestic and family violence law*, including the development of guidance on:

- distinguishing between coercive controlling violence (physical and non-physical) and violence used in response to ongoing abuse;
- identifying patterns of coercive control;
- identifying the person most in need of protection in ambiguous circumstances; and
- determining whether a police order is necessary or desirable.

When responding to family and domestic violence, WA Police record what a responding police officer has seen and been told in a family violence incident report (**FVIR**).

For the Report, the Office obtained data from WA Police relating to FVIRs in which the 68 women and children who died by suicide were named as a victim or person of interest. Despite most family and domestic violence going unreported to government services, the Office’s analysis identified that 43 of the 68 women and children had family and domestic violence related contact with WA Police between the introduction of FVIRs in 2003 and their deaths in 2017.

The Office’s analysis further identified that 12 women among the 43 women and children known to have had family and domestic violence related contact with WA Police were also recorded as a suspected offender in FVIRs.

The Report observed that this finding was not unexpected and was consistent with the findings of previous Australian research.<sup>3</sup> Across Australia, the problem of misidentification of women as perpetrators of family and domestic violence is shown in the over-representation of women named as respondents in restraining order and equivalent legal proceedings (comprising between one fifth and one quarter of these applications), as compared to reliable data on experiences of family and domestic violence.<sup>4</sup> Further, women who do not present to police and other support services in the submissive, passive and cooperative ways depicted in popular culture, including women who use violence in self-defence and those who turn to alcohol or substances in response to the abuse, can be misidentified as suspected perpetrators of abuse, particularly when there are ‘mutual allegations of violence.’<sup>5</sup>

The Office also considered data on police orders issued by WA Police as recorded in FVIRs. A police order is an order made by a police officer under Part 2 Division 3A of the *Restraining Orders Act 1997*.

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<sup>3</sup> Australia’s National Research Organisation for Women’s Safety, *Accurately identifying the “person most in need of protection” in domestic and family violence law: Key findings and future directions (Research to policy and practice, 23/2020)*, 2020.

<sup>4</sup> Australia’s National Research Organisation for Women’s Safety, *Accurately identifying the “person most in need of protection” in domestic and family violence law: Key findings and future directions (Research to policy and practice, 23/2020)*, 2020, ANROWS.

<sup>5</sup> Australia’s National Research Organisation for Women’s Safety, *Accurately identifying the “person most in need of protection” in domestic and family violence law: Key findings and future directions (Research to policy and practice, 23/2020)*, 2020, p. 9.

Persons named in a police order are referred as the person:

- **Protected:** that is, ‘the person or persons for whose benefit the order is made’;<sup>6</sup> and
- **Bound:** that is, ‘the person on whose lawful activities and behaviour restraints are imposed by the order’.<sup>7</sup>

The Office’s analysis of police orders found that WA Police issued a total of 159 police orders in respect of 30 women and three children of the 43 women and children named as a victim in a FVIR. Thirteen women and one child were both protected and bound by police orders. Of these 119 police orders:

- 50 orders bound the 13 women and one child; and
- 69 orders protected the 13 women and one child.

The Report noted that research on accurately identifying the ‘person most in need of protection’ acknowledges that ‘[w]ithout knowledge of the history of the relationship, use of violence against someone who is perpetrating DFV may be misread, and the law will be inappropriately applied.’<sup>8</sup> The Report further noted that the Australia’s National Research Organisation for Women’s Safety Limited (**ANROWS**) recommended ‘clearer guidance and training’ and ‘changes to policing and investigation models’ are needed to assist police in better identifying the person most in need of protection:

... police need clearer guidance and training to assist them to distinguish between coercive controlling violence (physical and non-physical) and violence used in response to ongoing abuse. Explicit guidance on identifying patterns of coercive control would assist police in identifying the person most in need of protection in ambiguous circumstances, and in determining whether a protection order is necessary or desirable.

The changes to policing and investigation models most widely supported by participants were specialist DFV police units or co-responder models. These models see specialists with expertise in coercive control accompany police at investigations, or otherwise support police assessments. Co-responders were widely seen as potential enablers of good police practice in identifying the aggrieved and respondent, and the appropriate action to be taken. Police participants in particular expressed support for specialist and co-responder models as strategies to improve policing responses. ... There was widespread recognition that this would require significant resourcing. However, there may be other ways to achieve some of the benefits of a co-responder model. Police in this research suggested, for example, consultation with a specialist unit to support investigation and decision-making on whether an application is necessary or desirable.<sup>9</sup>

For these reasons, the Ombudsman made Recommendation 1.

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<sup>6</sup> *Restraining Orders Act 1997* (WA), section 30E(2)(a).

<sup>7</sup> *Restraining Orders Act 1997* (WA), section 30E(2)(b).

<sup>8</sup> Australia’s National Research Organisation for Women’s Safety, *Accurately identifying the “person most in need of protection” in domestic and family violence law: Key findings and future directions (Research to policy and practice, 23/2020)*, 2020.

<sup>9</sup> Nancarrow H, Thomas K, Ringland V & Modini T, *Accurately identifying the “person most in need of protection” in domestic and family violence law (Research report, 23/2020)*, 2020, ANROWS, Sydney, citing Larance LY, Goodmark L, Miller S L, & Dasgupta SD, ‘Understanding and addressing women’s use of force in intimate relationships: A retrospective,’ *Violence Against Women*, 2019, 25(1), 56–80, p. 57.

The Office requested that WA Police inform the Office of the steps taken to give effect to the recommendation. In response, WA Police provided the following information:

The WA Police Force diligently holds perpetrators to account by actively enforcing the law and conducting timely and quality investigations to solve crime. If an offence has been detected at a family violence incident, police will arrest and charge perpetrators that have been identified should sufficient evidence exist. Police will additionally facilitate referrals to relevant services and pursue applications including the declaration of repeat offenders as Serial Family Violence Offenders, issuance of Police Orders and Family Violence Restraining Orders.

It should be noted 'Coercion and Control' is not legislated in Western Australia.

WA Police provided additional evidence in support of its stated progress towards the implementation of Recommendation 1, specifically:

- a) Implementation of the Family Violence Training and Assessment Strategy 2023-2025.

...The recently developed training programs, Levels 1-5, encompass the numerous factors of coercion and control related to abusive situations.

- b) The introduction of the Family Violence History Assist Tool (FV HAT) to all officers. Providing officers access to the history of previous risk and behaviour indicators.

... All officers now have online access to PowerBI, enabling them to utilise the FV Hat. Additionally, officers will be able to access the newly launched Family Violence Incident Report Application on their police issued mobile phones. This grants them direct access to the Family Violence History database.

- c) Implementation of the Family Violence Training and Assessment Strategy 2023-2025.

- The revised Family Violence Health Checks conducted by Family Violence Division.
- The creation of a proof of concept – Shared Data Dashboard with Department of Communities.

...The recently designed training programs, Levels 1-5, encompass the investigation and identification of risks to victims.

The Family Violence Division has successfully conducted two out of the three annual District Family Violence Health Checks for the organisation.

The progression of the proof of concept – interagency collaboration to improve information sharing to protect victims.

- d) The launch of the new Family Violence Incident Report Application on all police issued mobile phones (27 July 2023).

...The new application includes built-in safeguards to aid officers in assessing the necessity of a Police Order. The policy of the WA Police Force is not to initiate Family Violence Restraining Order (FVRO) applications on behalf of victims, except in specific circumstances outlined in the s63 application or when the victim is unable to initiate it themselves. Police officers can apply for a FVRO on behalf of the Commissioner of Police if the victim is incapacitated, such as having physical or psychological impairments or limited access to court resources. However, police cannot apply for a FVRO if the victim does not seek protection. When police do apply on behalf of the victim, they are not obligated to support any future changes or cancellations of the order. The

decision to initiate an application involves consulting the victim regarding their situation, their likelihood of attending court, and their preference for gaining independence and control by applying for the order themselves.

The Office obtained further information from WA Police in order to clarify information and evidence provided in support of its stated progress towards the implementation of Recommendation 1. WA Police informed the Office:<sup>10</sup>

- Family Violence Health Checks are intended to promote a standardised approach to responses to family and domestic violence. Family Violence Health Checks are undertaken by the Family Violence Division of WA Police and involve the auditing of a random sample of FVIRs and computer aided dispatch reports for compliance with relevant policies, procedures and legislation. As part of the auditing process, matters relevant to Recommendation 1 are examined, including whether the police officer undertook sufficiently detailed questioning regarding methods of coercion being used; whether there were sufficient grounds to issue a police order; and whether the police order correctly identified the primary aggressor. Information to support decision making is further contained in the Family Violence Incident Report Application.
- a revised approach to undertaking Family Violence Health Checks was introduced in February 2023. As part of the revised approach, the Family Violence Division undertake more frequent and timely checks, with three checks per district intended to be undertaken each year. The results of the Family Violence Health Checks are circulated to each district and inform training to support continuous improvement.
- the Shared Data Dashboard proof of concept consists of an online PowerBI platform that is intended to facilitate the sharing of information between WA Police and the Department of Communities in order to better protect victims of family and domestic violence. This includes the sharing of information on offenders and victims and relevant statistical information (for example, offences in a particular region). Live information is not yet available and is subject to the development of information sharing arrangements.

**Having carefully considered the information provided by WA Police, I am of the view that steps have been taken and are proposed to be taken to give effect to Recommendation 1.<sup>11</sup>**

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<sup>10</sup> Personal Communication, WA Police, 8 September 2023.

<sup>11</sup> In correspondence to the Ombudsman dated 7 August 2023, the Department of Justice further noted: "...the Office of the Commissioner for Victims of Crime (OCVOC) is looking to report on Legislative Responses to Coercive Control in Western Australia. The OCVOC has conducted community consultation and liaised with stakeholders including [WA Police] (the Director of Public Prosecutions, Legal Aid WA and the Centre for Women's Safety and Wellbeing). The OCVOC report will provide guidance on responding to coercion and control across the justice system."



## 2.2. Recommendation 2

**Recommendation 2:** The Department of Justice consider the findings of this investigation and continues to identify opportunities for community-based suicide prevention for women known to have been victims of family and domestic violence related crime including those:

- receiving support from court counselling and support services; and
- convicted of criminal offences and being managed in the community by Adult Community Corrections.

The Report identified that population data and the research literature highlight criminal court proceedings and corrective services contact as a risk factor for suicide. Accordingly, the Office undertook analysis to examine contact between the court counselling and support services, criminal courts and corrective services and the 68 women and children who died by suicide.

Twenty-seven of the 68 women and children had contact with court counselling and support services prior to their death (40 per cent) on 411 occasions. Court counselling and support services are provided to victims of crime. In this context, 'victims of crime' includes those who 'suffer injury or loss as a direct result of an offence or [who] ... are a member of the immediate family where an offence results in the death of an individual.'<sup>12</sup>

The Office further undertook analysis to identify how many of the 68 women and children who died by suicide were charged or convicted of a criminal offence. As identifiable data from the Magistrates Court of WA, the District Court of WA, and the Supreme Court of WA concerned criminal offences relating only to adult matters, the Office undertook this analysis for the 59 women known to have experienced family and domestic violence prior to their suicide, who were aged 18 years or older at the time of their death.

The Office's analysis identified that 26 of the 59 women were convicted of a criminal offence (44 per cent). The 26 women were convicted on 356 occasions, with the majority of these convictions being recorded in relation to traffic and vehicle regulatory offences, offences against government procedures, government security and government operations and public order offences (236 convictions, 66 per cent of the 356 convictions).

The Office's analysis also identified that 16 of the 68 women and children had contact with corrective services. The Office's key findings about the 16 women and children who had contact with corrective services were that:

- eight of the 16 women and children who had contact with corrective services were Aboriginal and/or Torres Strait Islander.
- most of the 16 women and children had contact with custodial and community-based corrective services, including:
  - three women and one child had contact with Youth Justice Services and/or a juvenile detention facility during their childhood (25 per cent);
  - eleven women had contact with Adult Community Corrections (69 per cent); and
  - nine women had contact with an adult custodial facility (56 per cent).

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<sup>12</sup> Government of Western Australia, *Court Counselling and Support Services*, viewed 28 May 2022, <<https://www.wa.gov.au/service/community-services/counselling-services/court-counselling-and-support-services>>.

- six of the 11 women managed by Adult Community Corrections were identified in one or more WA Police family and domestic violence incident reports during the period of their management in the community.
- five women known to corrective services died while on an active period of adult community management or during a custodial stay.

The Department of Justice advised the Office that Adult Community Corrections staff managing offenders and defendants subject to community supervision, utilise the Kessler 10 (K 10) Self Harm Assessment Tool and Stress Management Workbooks for individuals presenting with mental health issues. Staff are also provided guidance by the Adult Community Corrections Handbook on the management of individuals presenting with mental health and self-harm issues.

The Department of Justice further advised the Office that:

- '[all Community Corrections Officers] are required to complete the Correctional Officer Foundation Program,' which includes 'Gatekeeper – Suicide Awareness' training (two-day training), 'Mental Health First Aid' training (two-day training), and 'Mental Health Matters' (half a day training); and
- 'on every occasion that ACC receives confirmation of the death of an offender/defendant subject to ACC supervision, the ACC Directorate will determine if the circumstances of the death require a review of the deceased's Case Management.'

This review is undertaken by an ACC Manager who is not connected with the case and with the purpose of ascertaining if the deceased's Case Management was conducted in accordance with ACC policy and practice, plus to identify if there were any missed opportunities.

The outcome of these reviews are used to identify if there are any systemic Case Management issues and provides the opportunity to implement any necessary remedial action whether it be on a local level or for ACC state-wide.<sup>13</sup>

For these reasons, the Ombudsman made Recommendation 2.

The Office requested that the Department of Justice inform the Office of the steps taken to give effect to the recommendation. In response, the Department of Justice provided the following information:

The Department's Court Counselling and Support Services is a service delivery directorate in the Court and Tribunal Services Division, which provides services to victims of crime through the Child Witness Service, Family Violence Service, Victim Support Services and the regionally based Victim Support and Child Witness Service. The directorate continues to identify, engage and refer to community-based services on an as-needs basis and in response to clients presenting issues.

The Department also advises that Adult Community Corrections (ACC) continues to promote safety throughout engagement with alleged and convicted offenders (those who are subject to a court order or early release order are supervised by ACC in the community).

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<sup>13</sup> Department of Justice, electronic communication, 13 October 2021.



Further, the Department is developing a Justice Aboriginal Family Safety Strategy, which aims to improve the overall justice response to family violence in Aboriginal families and communities. Strategy development will identify ways in which the cultural safety of Western Australia's courts and prisons can be achieved. Improved responses for Aboriginal women known to have experienced violence, including improved access to counselling and support services, will lower the risk of suicide and self-harm.

The Department of Justice is also implementing an Aboriginal Cultural Capability Training Strategy. Preparing all staff with the cultural capability tools they need to work in all Divisions of the Department of Justice, including Court and Tribunal Services and Correctives Services, will improve the ability to identify and address suicide risk and self-harm among Aboriginal people in contact with the justice system.

The Department of Justice provided additional evidence in support of its stated progress towards the implementation of Recommendation 2, specifically:

The Department when providing court counselling and support services to victims of crime, identifies relevant opportunities for women who have been family violence victims and require community-based support services relating to mental health and/or suicide prevention. This includes responding to high risk and emergency matters that require Western Australia Police Force intervention, through to referring or suggesting to a client that they engage in long term counselling options. For the latter, a range of culturally appropriate, trauma informed and financially supported opportunities are available.

ACC procedures and practices include guidance for the assessment of risk of suicide and appropriate planning for the management of offenders at risk of suicide and self-harm. This is completed at every stage of ACC contact with an offender including at the outset through to regular ongoing reviews of their progress in the community.

To assist, Community Corrections Officers (CCOs) are provided relevant training and resources. For example, CCOs are required to complete mandatory foundation training regarding Mental Health and Suicide Awareness, and Mental Health First Aid.

**Having carefully considered the information provided by the Department of Justice, I am of the view that steps have been taken and are proposed to be taken to give effect to Recommendation 2.**

## 2.3. Recommendation 3

**Recommendation 3:** The Department of Communities, working together with relevant State government departments and authorities and stakeholders, identify strategies and practices for identifying, recording, and utilising information about children and adolescents' experiences of family and domestic violence. Including, but not limited to:

- the number of children affected by family and domestic violence in Western Australia;
- the nature of how children and adolescents experience family and domestic violence; and
- strategies, principles, and practices for collecting information about children affected by family and domestic violence.

In 2020, the Ombudsman tabled his major own motion investigation report on *Preventing suicide by children and young people 2020*, which analysed the deaths of 115 children and young people (those aged under 18) who died by suicide in Western Australia between 1 July 2009 and 30 June 2018.

Arising from this analysis, the Office identified that the majority of the 115 children and young people (70 children and young people, 61 per cent) experienced significant and enduring life difficulties, including alleged child abuse or neglect and family dysfunction. Significantly, among these 70 children and young people (referred to in the report as 'Group 1') 53 had allegedly experienced family and domestic violence prior to their death.<sup>14</sup>

As noted in the Report, through a review of the research literature the Office identified a gap in available data relating to the contact between child protection services and young adults aged 18 to 25 who die by suicide in Western Australia, including in the context of experiences of family and domestic violence. For this reason and recognising that family and domestic violence is a crime against women, the Ombudsman decided to undertake additional analysis of the contact between child protection services and the 20 children and young women aged 25 and under who experienced family and domestic violence and died by suicide within the cohort of 68 women to better understand their experiences.

The Office's key findings about the 20 children and young women's contact with child protection services were that:

- the Department of Communities received information about the wellbeing of 13 children and young women who died by suicide in 201 interactions;
- all of the 13 children and young women known to the Department of Communities were the subject of multiple referrals;
- four of the 13 children and young women known to the Department of Communities were the subject of a Child Safety Investigation as children;
- two children were in the care of the Chief Executive Officer at the time they died by suicide;
- family and domestic violence was the second most frequently recorded primary issue in the 201 interactions for the 13 children and young women known to the Department of Communities;

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<sup>14</sup> Ombudsman Western Australia, *Preventing suicide by children and young people 2020, Volume 1: Ombudsman's Foreword and Executive Summary*, September 2020, p. 25.

- family and domestic violence was the most frequently recorded ‘other’ issue among the 201 interactions for the 13 children and young women known to the Department of Communities;
- the Department of Communities recorded family and domestic violence as an issue in 66 of the 201 interactions relating to the 13 children and young women, while the Office identified family and domestic violence in 110 of the 201 interactions relating to the 13 children and young people;
- the Department of Communities recorded the outcome of ‘not departmental business’ or ‘assessed as no further role’ in 35 per cent of interactions where the Office identified family and domestic violence;
- of the 110 interactions relating to the 13 children and young women where the Office identified family and domestic violence, the Department of Communities progressed to intake for additional actions on 26 occasions (27 per cent);
- nine of the 13 children and young people known to the Department of Communities were first in contact with the Department as a child between the ages of 0 and 13;
- referrals to the Department of Communities regarding the 13 children and young women occurred most frequently at age one and between the ages of 14 and 17 years;
- family and domestic violence related interactions for the 13 children and young women occurred most frequently between the ages of 10 and 13 years and again between the ages of 14 and 17 years; and
- intake of concerns for the 13 children and young people by the Department of Communities occurred most frequently at ages 1 and 13. Intake of interactions occurred most frequently at age 1 and between the ages of 10 to 13 years.

As noted in the Report, the Office consulted with the Department of Communities about patterns and trends in how they identified and responded to family and domestic violence among the children and young women who died by suicide and was advised that the Department of Communities is ‘currently undertaking a review of the practice guidance relating to family and domestic violence practice.’<sup>15</sup>

The Department of Communities further advised the Office that:

Communities is developing a Western Australian FDV-Informed Approach that is family violence, trauma and culturally-informed. The development of this approach sits across Strategy and Partnerships, Aboriginal Outcomes and Community Services.

We have partnered with the Safe and Together Institute to start this work:

1. An organisational assessment of Communities family and domestic violence policies, systems and practices. This is a process that requires staff to audit / review policies, data systems, governance arrangements etc. to examine current family violence capability. It includes a case reading analysis (same methodology as used in the PATRICIA research project) to support detailed analysis of current responses to family and domestic violence (an initial draft has been received by Communities).
2. Participatory protocol development. Informed by the organisational assessment, Safe and Together Institute will work with Aboriginal staff and Aboriginal stakeholders to develop approaches for working with Aboriginal families.

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<sup>15</sup> Department of Communities, electronic communication, 29 October 2021.

3. Implementation of the participatory protocol, and other necessary changes identified through the organisational assessment, to embed good family violence practice in our people, policy and systems.<sup>16</sup>

The Department of Communities also highlighted work on a family and domestic violence informed approach, and the priority of family and domestic violence responses congruent across agency projects and ongoing work, including:

- Aboriginal Cultural Framework and Cultural Capability.
- Aboriginal family safety strategy.
- Communities family and domestic violence service model.
- Recommissioning the family and domestic violence sector.
- Developing an integrated family and domestic violence response.
- Senior Officer's Group - Reinvigorated across government commitment.<sup>17</sup>

For these reasons, the Ombudsman made Recommendation 3.

The Office requested that the Department of Communities inform the Office of the steps taken to give effect to the recommendation. In response, the Department of Communities provided the following information:

As you might be aware, in March 2022, Communities established the Office for Prevention of Family and Domestic Violence (the Office) within the Strategy and Partnerships division. The Office has oversight of priority initiatives which are focused on delivering strategic programs and projects, towards the goals of preventing and reducing family and domestic violence in the Western Australian community.

...

The Office is overseeing implementation of recommendations 3, 4, 5, 6, 7 and 9 from the Report.

...the office is concentrating its attention on implementing the recommendations via the following four core projects....

The projects are:

1. One Communities Family and Domestic Violence Informed Practice Approach
2. Review and refresh of the Common Risk Assessment and Risk Management Strategy
3. Enhancement of the Family and Domestic Violence Response Teams
4. Family and domestic violence data project

...

#### One Communities Family and Domestic Violence Informed Practice Approach

In August 2022, the Office for Prevention of Family and Domestic Violence within Communities stood up a dedicated Practice Team (Practice Team) to deliver a program of work to improve Communities responses to family and domestic violence.

In March 2023, the project management plan for the One Communities Family and Domestic Violence Informed Practice Approach (Practice Approach) was endorsed by Communities Leadership Team.

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<sup>16</sup> Department of Communities, 'Family and Domestic Violence-Informed Approach' (PowerPoint presentation), Government of Western Australia, delivered 9 September 2021, Perth, slide 6.

<sup>17</sup> Department of Communities, 'Family and Domestic Violence-Informed Approach' (PowerPoint presentation), Government of Western Australia, delivered 9 September 2021, Perth, slide 7.

The project scope was informed by the findings and recommendations of the Report, along with other findings arising from oversight bodies or agency review processes, including child death and family and domestic violence fatality reviews.

The project will deliver the following key priorities:

- A common agency policy framework for family and domestic violence, including common language, definitions, and policy statements. The policy setting will speak to all of Communities service delivery, corporate and business functions, including processes for supporting staff who are experiencing or using violence in their intimate and family relationships
- A reformed service delivery model for front-line services including Child Protection (including residential care), Housing and Disability Services. The service delivery model will include aligning operational policies to the whole of Communities policy framework, and strategies for supporting and embedding family and domestic violence informed practice
- A workforce development strategy which will define the foundational knowledge required from all Communities staff regarding family and domestic violence and promote role specific skills and knowledge across the continuum of agency responses.

Key achievements to date:

- One Communities Family and Domestic Violence Informed Practice Approach – Project Management Plan, was endorsed in March 2023 by Communities Leadership Team.
- An interim training strategy to deliver Safe and Together to front-line staff in Child Protection and Housing staff has been developed, and a state-wide rollout commenced on 1st July 2023.
- Completion of an Organisational Assessment, by the Safe and Together Institute, examining Communities family and domestic violence policies, practices, and systems.

#### Common Risk Assessment and Risk Management Framework

In May 2023, Communities stood up a project to review the Common Risk Assessment and Risk Management Framework (CRARMF), which is a sector wide framework with accompanying practice tools for identifying and responding to family and domestic violence.

Cross-government and non-government stakeholder engagement is critical to the CRARMF review process. The first phase of stakeholder consultation has commenced through focus group discussions, with a key focus on:

- Understanding the extent to which the CRARMF is currently being used by practitioners across different sectors and geographies.
- Perceptions of strengths and opportunities for refinement across different cohorts of victim-survivors, including CaLD people, Aboriginal people and children and young people.
- Perceptions around how the CRARMF has been implemented, including integration with other frameworks (such as the Safe and Together Model), whether sufficient guidance and training has been provided, and other considerations for future implementation of the refined tools.

Focus groups include the following key stakeholders:

- Family Domestic Violence Response Team representatives in metropolitan and regional areas.

- Specialist Family and Domestic Violence Service Providers in metropolitan and regional areas, including Culturally and Linguistically Diverse specialist services
- WA Police Force
- Health services, including practice leads and key stakeholders from Department of Health, WA Country Health Service and Sexual Health Quarters
- Legal and justice services, including practice leads and key stakeholders from the Women's Legal Service, Commissioner for Victims of Crime and Department of Justice.

Findings from stakeholder consultation will be combined with a literature review, to inform recommendations about changes to the CRARMF. Recommendations will be finalised by late 2023.

#### Improving focus on children and young people in service delivery

Following a co-design process facilitated by the Australian Childhood Foundation, Communities sought a request for tender for one metropolitan and one regional service to deliver counselling programs to support young people who have experienced family and domestic violence.

The service in Rockingham commenced operation in March 2023 and the Northam service is expected to commence in late 2023.

Similarly, the One Stop Hubs include a dedicated focus on children and young people including:

- The Armadale One-stop hub will provide victim-survivors of family and domestic violence with access to services and supports in a single location, and also delivers off-site services for young people. The service is expected to open in late 2023.
- The Broome One-stop hub is expected to open in 2024. A request for tender to identify a suitable service provider will commence soon. The service model includes dedicated responses to children and young people.
- The Mirrabooka One-stop hub will undergo expansion to their current premises, to provide a dedicated space for children.

#### Safe and Supported

Communities is committed to implementation of Safe and Supported: National Framework for Protecting Australia's Children 2021-31 and the first actions plans include a broad range of deliverables focussing on:

- A national approach to early intervention and targeted support for children and families experiencing vulnerability or disadvantage.
- Addressing the over-representation of Aboriginal and Torres Strait Islander children in child protection systems.
- Improving information sharing, data development and analysis.
- Strengthening the child and family sector and workforce capability.

Safe and Supported priority groups include:

- Children and families with multiple and complex needs.
- Aboriginal and Torres Strait Islander children and young people experiencing disadvantage or who are vulnerable.
- Children and young people and/or parents/carers with disability experiencing disadvantage or who are vulnerable.



- Children and young people who have experienced abuse and/or neglect, including children in out-of-home care and young people leaving out-of-home care and transitioning to adulthood.

There are a number of guiding principles underpinning Safe and Supported including:

- Access to quality universal and targeted services designed to improve outcomes for children, young people, and families.
- Being trauma-informed, culturally safe, and inclusive in terms of policies and actions.

There are a number of actions and deliverables under both the Safe and Supported First Action Plan and First Aboriginal and Torres Strait Islander Action Plan 2023-26 relevant to the Report recommendations, including but not limited to workforce, Aboriginal data sovereignty, early supports and addressing social determinants of child safety and wellbeing.

#### Existing supporting policy and resources

The Emotional Abuse Family and Domestic Violence Toolkit (2015), developed by the former Department for Child Protection and Family Support references the Safe and Together 'Multiple Pathways to Harm Assessment Framework' which highlights how children and young people can express harm (including self-harm or suicidal behaviour) or engage in risk-taking behaviours, without direct 'exposure' to acts of family and domestic violence.

The Multiple Pathways to Harm Assessment Framework promotes a broader perpetrator pattern-based approach for identifying, assessing, and responding to family and domestic violence, including intervening with the perpetrator as the source of harm to the child or young person; and is a key practice tool trained as part of Safe and Together CORE (4-day) training and Overview (1-day) training, which can enhance recording and documentation for cases where family and domestic violence is present or suspected.

The Office obtained further information from the Department of Communities in order to clarify information and evidence provided in support of its stated progress towards the implementation of Recommendation 3. The Department of Communities informed the Office:<sup>18</sup>

- the review of the Common Risk Assessment and Risk Management Framework will be informed by the findings of the Report and will include consideration of how the risk assessment approach can best incorporate the experiences of children and young people affected by family and domestic violence;
- the deliverables of *Safe and Supported: National Framework for Protecting Australia's Children 2021-31* address social determinants of child wellbeing, including family and domestic violence. It is intended that new policies and strategies will be informed by the voices of children and young people, including children and young people affected by family and domestic violence;
- the initial intake process of One Stop Hubs identifies children and young people affected by family and domestic violence. Children and young people assessed as experiencing family and domestic violence are offered support, including counselling and therapeutic activities. The intake process further informs a 'genogram' illustrating relationships between family members, with this information analysed and utilised by Department of Communities staff; and

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<sup>18</sup> Personal Communication, Department of Communities, 12 September 2023.

- information on training in the Safe and Together Model provided to the Office in support of stated progress towards the implementation of Recommendation 4 is also relevant to the implementation of Recommendation 3. Specifically:

Training in the Safe and Together Model will support implementation of practices which enhance identification, analysis and recording of family and domestic violence, including better documentation regarding the ways in which children and adolescents experience and are impacted by family and domestic violence. The Safe and Together CORE (4-day) training constitutes 22.5hrs of educational learning, covering the practice themes of Assessment, Interviewing, Documentation and Case Planning.<sup>19</sup>

**Having carefully considered the information provided by the Department of Communities, I am of the view that steps have been taken and are proposed to be taken to give effect to Recommendation 3.**

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<sup>19</sup> Further information on training in the Safe and Together model that is proposed to be delivered as part of the One Communities Family and Domestic Violence Informed Practice Approach is provided in section 2.4.



## 2.4. Recommendation 4

**Recommendation 4:** That the Department of Communities consider and incorporate the findings of this investigation when undertaking the development and implementation of a 'Western Australian Family and Domestic Violence-Informed Approach,' regarding:

- the recording of family and domestic violence as a 'primary issue' or 'issue' in ASSIST;
- use of the outcomes 'Not departmental business' or 'Assessed as no further role' when family and domestic violence is identified; and
- the intake of interactions relating to family and domestic violence.

As set out in section 2.3, the Office undertook in depth analysis to understand the experiences of the 20 children and young women known to have experienced family and domestic violence who died by suicide during the investigation period. This analysis identified that the Department of Communities received information about the wellbeing of 13 children and young women who died by suicide in 201 interactions.

As further set out in section 2.3, the Office consulted with the Department of Communities about patterns and trends in how the Department identified and responded to family and domestic violence among the children and young women who died by suicide. The Department of Communities informed the Office of the work being undertaken to develop and implement a 'Western Australian FDV-Informed Approach that is family violence, trauma and culturally-informed'.

For these reasons, the Ombudsman made Recommendation 4.

The Office requested that the Department of Communities inform the Office of the steps taken to give effect to the recommendation. In response, the Department of Communities provided the following information:

### One Communities Family and Domestic Violence Informed Practice Approach

Further to the information provided in relation to recommendation 1, the Practice Approach is underpinned by the principles and critical components of the Safe and Together Model, a framework which promotes family and domestic violence informed practice, by keeping children safe and together with the non-offending parent and intervening with perpetrators of violence as the source of harm.

Training in the Safe and Together Model will support implementation of practices which enhance identification, analysis and recording of family and domestic violence, including better documentation regarding the ways in which children and adolescents experience and are impacted by family and domestic violence. The Safe and Together CORE (4-day) training constitutes 22.5hrs of educational learning, covering the practice themes of Assessment, Interviewing, Documentation and Case Planning.

Communities has maintained partner agency status with the Safe and Together Institute since 2019. Currently the agency has 12 internal staff who are Certified Trainers accredited to deliver Safe and Together training, with a further 26 Communities practitioners undertaking this accreditation program in September to December 2023.

Communities will continue to support staff in accessing the annual accreditation program, to deliver a sustainable approach to implementation of the Safe and

Together Model and develop structures for Certified Trainers to deliver family and domestic violence informed coaching and mentoring for Communities staff.

Communities monitors the percentage of duty interactions relating to FDV resulting in an outcome of 'concern for child' and progression to initial inquiries and safety and wellbeing assessments.

#### Updated practice guidance for child protection workers

Specific guidance has been created and incorporated into the Child Protection Manual entry 2.2.2 *Processing referrals and interactions*. This guidance instructs workers to conduct a history check and to screen out child protection and family and domestic violence concerns, for all inquiries, even where the call is not an explicit child protection referral. This update was actioned 24 April 2023.

A comprehensive list of high-risk factors for family and domestic violence have been included in the Case Practice Manual, along with instructions to reflect the presence of high-risk factors in the interaction tool. Where there are high-risk factors associated with increased risk of lethality, the interaction tool always recommends intake. This update was made 3 June 2021.

#### Child Protection – Recording

In 2016, legislative amendments were made to the *Children and Community Services Act 2004* to recognise exposing a child to family and domestic violence as a unique abuse type, which prompted changes to recording practices in assist; and introduction of the Interaction Tool and associated recording in Assist (Child Protection database).

Recording options in Assist were updated to replace 'Not departmental business' for the more suitable option of 'Assessed as no further role'.

#### Embedding the interaction tool

As of 1 March 2023, the Interaction Tool has been fully embedded into Assist. When responding to prompts for family and domestic violence if a 0 is selected (ie. no presence of family and domestic violence), in line with Communities' policy to screen out family domestic violence, Child Protection officers are now required to include a rationale in the text box for the tool to progress.

For any Interaction where a child is assess as a person and there is a primary issue of Child Protection or Domestic Violence, the Interaction Tool will be mandatory to complete before being able to finalise and close the Interaction.

Further work to progress this recommendation will be considered, particularly in light of the scoping work to replace the Assist system.

#### Early Intervention and Diversionary Programs

Since commencing in 2018, the Early Intervention and Family Support Strategy (EIFS) has strengthened outcomes for vulnerable children and young people by providing a framework for a coordinated response between Communities, other state government agencies, and the community sector to supporting families who are most vulnerable to their children coming into care.

The EIFS suite of services consists of internal programs and the following externally contracted services: Family Support Network (FSN), Intensive Family Support Service (IFSS), Aboriginal In-home Support Service (AISS), and the Regional Service Model (RSM).

EIFS services provide coordination, intensive in-home support, and case management service provision to families facing complex challenges including experiencing domestic violence, supporting them to address issues that impact on parenting, and to help keep children safe. These services prioritise Aboriginal families.

All EIFS services are led by or work in partnership with an ACCO to ensure a trauma informed, culturally safe and responsive service system that meets the needs of Aboriginal families.

Communities also delivers Target 120, an early intervention initiative targeting young people who are at risk of repeat criminal offending. The program currently operates in 11 metropolitan and regional sites.

Communities is also in the process of establishing the Target 120 Plus program, which is a new pilot program being developed to work with a small cohort of young people from Broome who have served or are serving time in detention.

Target 120 Plus will include services that are culturally appropriate and tailored for the young person's individual needs. This includes an in-home component seeking to provide a service to develop parenting skills and promote healthy child development.

**Having carefully considered the information provided by the Department of Communities, I am of the view that steps have been taken and are proposed to be taken to give effect to Recommendation 4.**

## 2.5. Recommendation 5

**Recommendation 5:** The Department of Communities, in order to better inform practice and policy, conducts a review and examines current data on:

- the presence of family and domestic violence in duty interactions concerning older children and adolescents;
- intake rates related to duty interactions concerning older children and adolescents, particularly where family and domestic violence is identified;
- policy, practice, and culture in relation to how the Department of Communities responds to older children and adolescents; and

provides the resulting review report to this Office within 12 months of the tabling in the Western Australian Parliament of the report of this Investigation.

As set out in sections 2.3 and 2.4, the Office undertook in depth analysis to understand the experiences of the 20 children and young women known to have experienced family and domestic violence who died by suicide during the investigation period. This analysis identified that the Department of Communities received information about the wellbeing of 13 children and young women who died by suicide in 201 interactions.

The Office's analysis further identified that the 13 children and young women known to the Department of Communities most frequently came to the attention of the Department when they were between the ages of 14 and 17 years.

In the context of the research literature, and in understanding that infants and younger children are often regarded as most vulnerable to harm, the Office undertook qualitative analysis to identify insights into the nature of concerns regarding the 13 children and young women, and the attitudes and decision-making processes of professionals responding to these issues.

The Office observed parallels between issues that were identified in the research literature and in the dialogue of interactions concerning the 13 children and young women during periods of contact as adolescents, including:

- **perceptions of challenging behaviour:** the research literature identifies that engagement with adolescents sometimes focuses on tackling behaviours, rather than exploring underlying causes and risk factors;<sup>20</sup>
- **affording maturity to adolescents:** researchers identify a tendency for practitioners to adopt an approach that affords maturity to adolescents, rather than centring their status as children. At times this manifested in adolescent's behaviour being perceived as 'a lifestyle choice',<sup>21</sup> or young people being 'allowed' to make decisions beyond their capacity.<sup>22</sup> In other instances, 'children's lack of willingness to engage with professionals was seen as a reason to end social work involvement';<sup>23</sup> and

<sup>20</sup> National Society for the Prevention of Cruelty to Children, *Teenagers: learning from case reviews briefing: Summary of key issues and learning for improved practice around working with teenagers*, 2021, NSPCC Learning, London, p. 1.

<sup>21</sup> Crest Advisory, *Violence and vulnerability*, 2020, London, p. 49.

<sup>22</sup> Commission for Children and Young People (Victoria), *Neither seen nor heard: Inquiry into issues of family violence in child deaths*, 2016, Victorian Government, p. 40.

<sup>23</sup> Her Majesty's Government, *Growing up neglected: a multi-agency response to older children*, 2018, Ofsted, the Care Quality Commission, Her Majesty's Inspectorate of Constabulary and Fire & Rescue Service and Her Majesty's Inspectorate of Probation, p. 24.

- **the long-term impacts of trauma, violence, abuse and neglect:** the research literature identifies that early childhood or chronic trauma ‘will most likely affect a child’s mental and emotional well-being and behaviour into adolescence and beyond.’<sup>24</sup> Researchers identify that in working with adolescents, there is a propensity for interventions to ‘focus on tackling challenging behaviour, rather than exploring the underlying causes and risk factors.’<sup>25</sup>

Underpinning these issues, researchers have identified that a tendency to view the actions of adolescents as arising from the conscious decisions of mature individuals does not align with the reality that ‘anyone aged under 18 is legally a child and should be protected as such.’<sup>26</sup> In Western Australia, the provisions of the *Children and Community Services Act 2004* relate to ‘children’, as defined in section 3. That is, ‘a person who is under 18 years of age.’

For these reasons, the Ombudsman made Recommendation 5.

The Office requested that the Department of Communities inform the Office of the steps taken to give effect to the recommendation. In response, the Department of Communities provided the following information:

A report responding to recommendation five, is due to your office in October 2023.

The review has commenced and is examining actions taken by Communities since 2017 to improve outcomes for children and young people impacted by family and domestic violence, including legislative and policy reforms or updates to practice guidance, staff training and service delivery models.

The review includes analysis of relevant data including emerging themes and practice trends relating to family and domestic violence responses for older children and adolescents.

**Having carefully considered the information provided by the Department of Communities, I am of the view that steps are proposed to be taken to give effect to Recommendation 5. Further, the Office will carefully consider the report from the Department of Communities as set out in the recommendation upon receipt and publish an update on the steps taken to give effect to Recommendation 5 in the Ombudsman’s 2023-24 Annual Report.**

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<sup>24</sup> Her Majesty’s Government, *Growing up neglected: a multi-agency response to older children*, 2018, Ofsted, the Care Quality Commission, Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Service and Her Majesty’s Inspectorate of Probation, p. 6.

<sup>25</sup> National Society for the Prevention of Cruelty to Children, *Teenagers: learning from case reviews briefing: Summary of key issues and learning for improved practice around working with teenagers*, 2021, NSPCC Learning, London, p. 1.

<sup>26</sup> National Society for the Prevention of Cruelty to Children, *Teenagers: learning from case reviews briefing: Summary of key issues and learning for improved practice around working with teenagers*, 2021, NSPCC Learning, London, p. 5.

## 2.6. Recommendation 6

**Recommendation 6:** The Department of Communities, in consultation with key government and non-government stakeholders, considers this investigation and incorporates the findings of the investigation into strategic initiatives aimed at reducing the incidence and impact of suicide and self-harm associated with family and domestic violence, including incorporation into Path to Safety beyond the First Action Plan.

The Office identified that in some other Australian jurisdictions, significant work has been undertaken to incorporate knowledge about the association between family and domestic violence and suicide into relevant strategies and frameworks, including in the:

- Victorian *Family Violence Multi-Agency Risk Assessment and Management Framework (the MARAM Framework)*, which ‘aims to address the gaps identified by the Commission’ and ‘provides a system-wide approach to risk assessment and risk management’;<sup>27</sup> and
- Queensland *Suicide prevention framework for working with people impacted by domestic and family violence*.<sup>28</sup>

The Office further identified that some Western Australian strategic frameworks recognise the association of family and domestic violence and suicide, including *Path to Safety: Western Australia’s Strategy to Reduce Family and Domestic Violence 2020 – 2030 (Path to Safety)*, Western Australia’s strategy for reducing and responding to family and domestic violence.

The Path to Safety framework for change has ‘four focus areas:’

- work with Aboriginal people to strengthen Aboriginal family safety;
- act immediately to keep people safe and hold perpetrators to account;
- grow primary prevention to stop family and domestic violence; and
- reform systems to prioritise safety, accountability and collaboration.<sup>29</sup>

The Report noted that Path to Safety will be supported by three action plans ‘that set out what needs to be done to achieve the long-term vision of all Western Australian’s living free from family and domestic violence.’ The First Action Plan, running from July 2020 to June 2022, initially focused on ‘actions to address the significant impact of COVID-19 on family and domestic violence in Western Australia.’<sup>30</sup>

For these reasons, the Ombudsman made Recommendation 6.

The Office requested that the Department of Communities inform the Office of the steps taken to give effect to the recommendation. In response, the Department of Communities provided the following information:

<sup>27</sup> Victorian Government, *Family Violence Multi-Agency Risk Assessment and Management Framework*, 2018, p. 5; Victorian Government, *MARAM Practice Guides Foundation Knowledge Guide*, 2021, p. 3.

<sup>28</sup> Queensland Government, *Suicide Prevention Framework for working with people impacted by domestic and family violence*, 2021, p. 1-2.

<sup>29</sup> Government of Western Australia, *Western Australia’s Strategy to Reduce Family and Domestic Violence*, 2021, viewed 15 December 2021 <<https://www.wa.gov.au/government/publications/western-australias-strategy-reduce-family-and-domestic-violence>>.

<sup>30</sup> Government of Western Australia, *Western Australia’s Strategy to Reduce Family and Domestic Violence*, 2021, viewed 15 December 2021 <<https://www.wa.gov.au/government/publications/western-australias-strategy-reduce-family-and-domestic-violence>>.



The Report findings, Recommendation 6 and implications for priority actions will be considered under the relevant focus areas of Path to Safety including:

- Focus area one – Work with Aboriginal people to strengthen family safety;
- Focus area two - Act now to keep people safe and hold perpetrators to account and
- Focus area four – Reform systems to prioritise safety accountability and collaboration.

Most immediately, these will be considered in preparation of the Second Action Plan supporting Path to Safety implementation. The Second Action Plan is currently under development and is due to be released by end of 2023.

Communities also notes several references in the National Plan to End Violence Against Women and Children 2022-2032 (released October 2022) about the impact of suicide and self-harm and integration with relevant national strategies (e.g. National Mental Health and Suicide Prevention Agreement; National Agreement on Closing the Gap) supporting early intervention and long-term recovery for individuals and families.

On 9 December 2022, the Aboriginal Family Safety Strategy was released, and is both a priority action of Path to Safety and a key action for addressing Outcome 13 of the National Agreement on Closing the Gap. Activities to support the implementation of the Strategy will consider the findings of the Report, and the association of family and domestic violence and suicide for Aboriginal and Torres Strait Island women and children.

Communities is funding the Family and Domestic Violence Codes of Practice and Audit Tool development project being led by the Centre for Women's Safety and Wellbeing. This tool will guide and support best practice across the family, domestic and sexual violence sector to improve access to and quality of support in services responding to victim/survivors.

**Having carefully considered the information provided by the Department of Communities, I am of the view that steps are proposed to be taken to give effect to Recommendation 6.**

## 2.7. Recommendation 7

**Recommendation 7:** The Department of Communities, Western Australia Police Force and the Department of Justice, in consultation with key government and non-government stakeholders consider this investigation and incorporates the findings of this investigation in the redesign of the Family and Domestic Violence Response Team Model including, but not limited to:

- the association between family and domestic violence and suicide, for women and children;
- the association between family and domestic violence and suicide for Aboriginal and Torres Strait Islander women and children; and
- the need to see and speak to children and adolescents who are exposed to family and domestic violence when engaging with families and assessing risk, including those alleged to be the perpetrator or instigator of parent-child conflicts.

As set out in section 2.1, when responding to family and domestic violence, WA Police record what a responding police officer has seen and been told in a FVIR.

As part of Western Australia’s approach in assessing and responding to family and domestic violence, FVIRs are provided to a multi-agency team comprising representatives from WA Police, the Department of Communities, and non-government organisations for triage, assessment, and further action. This model, known as the Family and Domestic Violence Response Team (**FDVRT**) model, became operational in February 2013.<sup>31</sup> It was therefore in place approximately four years prior to the commencement of the investigation period, when 711 (56 per cent) of the 1,276 FVIRs relating to the individuals who died by suicide were recorded.

In August 2020, the Department of Communities released the findings of the Family and Domestic Violence Response Team Review Report (**the Review Report**), summarising key themes and findings of a review undertaken into the operation of FDVRTs. The Review Report identified that ‘the review of the FDVRT model was conducted as a result of the Ombudsman Western Australia (OWA) findings in relation to various child death and family and domestic violence (FDV) fatality reviews that identified recurring issues with the FDVRT model. In addition, known issues have been identified through operational and contract management feedback.’<sup>32</sup>

The Review Report highlighted a number of findings, including that ‘there is an urgent and critical need for a focussed team to support and guide the FDVRT with appropriate governance, monitoring, and compliance processes.’<sup>33</sup>

In July 2021, government stakeholders including the Minister for Police, Hon Paul Papalia and the then-Minister for Prevention of Family and Domestic Violence, Hon Simone McGurk met with the Director General of the Department of Communities to discuss interagency Family and Domestic Violence responses.’<sup>34</sup>

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<sup>31</sup> Department of Communities, *Family and Domestic Violence Response Team Operating Procedures*, 2017, p. 4.

<sup>32</sup> Smith P, *Family and Domestic Violence Response Team Review*, 2020, Thirdforce Consultancy Services Pty Ltd, p. 6.

<sup>33</sup> Smith P, *Family and Domestic Violence Response Team Review*, 2020, Thirdforce Consultancy Services Pty Ltd, p. 8.

<sup>34</sup> Personal Communication, Department of Justice, 4 November 2021 and Personal Communication, Department of Communities, 29 October 2021.



As noted in the Report, the Department of Communities advised the Office that:

The FDVRT Project will be guided by the Aboriginal Family Safety Strategy, which is currently in development, and apply the principles and critical components of the nationally and internationally recognised Safe and Together model. Over the past two months, the project team has met fortnightly to develop a project plan which outlines the agreed principles and considerations which will guide the Project. This draft project plan was reviewed and endorsed by the committee on 2 September 2021.<sup>35</sup>

In December 2021, the Department of Communities further informed the Office that:

... the project team have finalised the design of the enhanced Family Domestic Violence Response Team (FDVRT) service delivery model.

The project team includes representatives from Communities, Justice and Police who have worked consultatively to implement the agreed deliverables, including

- The inclusion of Justice Officers in the co-located FDVRT
- Development of a Central Support and Coordination Team to provide governance of the model and ensure ongoing continuous improvement across the structure, policy, process and training. This is a tripartite arrangement, staffed by representatives of Communities', Police and Justice.

For these reasons, the Ombudsman made Recommendation 7.

The Office requested that the Department of Communities inform the Office of the steps taken to give effect to the recommendation. In response, the Department of Communities provided the following information:

In 2020, the Family and Domestic Violence Response Team (FDVRT) model was independently reviewed. With consideration to the findings and recommendations, Communities has worked closely with WA Police, the community sector peak bodies and the Department of Justice to design a program of reform for an enhanced FDVRT model, to be implemented through three phases and a range of operational improvements:

Phase one reforms: Centralised support and coordination

- Phase one established a dedicated, centralised team to: support and strengthen governance arrangements; plan, manage and monitor changes to the model; support workforce development; and track performance.
- The team is established and operational comprising nine FTE including five Communities staff, two Western Australia Police Force officers and two Department of Justice (Community Corrections) officers.

Phase Two reforms: High risk high harm responses

- Introducing 34 new Family Safety Officer positions within the FDVRTs, over a three-year period. These officers will be responsible for convening multi-agency case management for high-risk, high-harm cases of family domestic violence and provide intensive support for victim-survivors, including children and adolescents.

The roles will focus on providing a culturally responsive service for Aboriginal people and families, including intensive case management support. Recruitment

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<sup>35</sup> Personal Communication, Department of Communities, 29 October 2021.

strategies have included the use of Section 51 under the *Equal Opportunities Act* to promote employment of Aboriginal people to Family Safety Officers positions.

The FDVRT Operational Working Group and, Executive Steering Committee will provide governance for the roll-out of this initiative. The full program of implementation includes updates procedures, training and workforce development and new IT system.

Phase Three reforms: Coordinated Response Service capacity

- Focuses on a recurrent funding model to support the non-government partner to the FVDRT (the Coordinated Response Service providers).

A further evaluation of the enhanced FVDRT model is due in 2026-27.

Practice supports being progressed by FVRT Central

FDVRT Central have reviewed the Family and Domestic Violence Response Team Operational Procedures and developed induction training packages for staff co-located within the FDVRT model. The Operational Procedures are being progressed for final approval.

FDVRT Central is also progressing work to support improved assessment of and respond to young people experiencing or using family and domestic violence. This includes establishing clear assessment guidelines for identifying parent-teen conflict that has escalated to adolescents using violence in the home, intimate partner violence perpetrated and/or experienced by a young person, and where a young person uses violence as a form of resistance in response to family domestic violence or other forms of abuse in the home.

The Office requested that WA Police inform the Office of the steps taken to give effect to the recommendation. In response, WA Police provided the following information:

The WA Police Force are actively involved in the Family Domestic Violence Response Team (FDVRT) Model, led by the Department of Communities. As part of the FDVRT Central Support Team within the Department of Communities, the WA Police Force is collaborating in the revision of the FDVRT Operating Procedures. This revision specifically addresses the link between family domestic violence and suicide.

WA Police provided additional evidence in support of its stated progress towards the implementation of Recommendation 7, specifically:

- a) The WA Police Force continue to work with the Department of Communities, Department of Justice co-located at the Central Support Team, Fremantle.

...

Training review – Recognise and Respond, MAC  
Review of the Common Risk Assessment Risk Management Framework (CRAMRF)  
Review of the Multi Agency Case Management (MACM) process and procedures.

- b) Through this collaboration a full review of the Family and Domestic Violence Response Team Model is progressing.

...

Family and Domestic Violence Team Operating Guidelines.  
Update to the Family Violence Teams Guidelines with introduction of training Level 5a.

- c) The continuation of the Family Violence Team - FVT (Police) rotation model for the metropolitan only.

...

Two rotations per year – 8-month secondments of two to three officers per metropolitan FVT.

- d) Update to policy – MH-01.01- Mental Health

...

Policy active.

- e) The launch of the new Family Violence Incident Report Application on all police issued mobile phones (27 July 2023).

...

The new application includes built-in safeguards reminding officers to sight and check on the welfare of children.

The Office requested that the Department of Justice inform the Office of the steps taken to give effect to the recommendation. In response, the Department of Justice provided the following information:

The Department of Communities is the lead agency for the Family and Domestic Violence Response Team (FDVRT) service model. The model became operational in 2013 and was delivered in partnership with Communities, Western Australia Police Force (WAPF) and non-government organisations.

Review of the FDVRT was undertaken in 2020. Subsequently, Communities and WAPF received support to redesign the FDVRT and implement a new service model.

The redesign project has now progressed to the final stage of implementing an Enhanced FDVRT Model.

The Department of Justice provided additional evidence in support of its stated progress towards the implementation of Recommendation 7, specifically:

Since May 2022, as a part of the phase one of the implementation of the enhanced model, Justice has been included as a partner agency. The pilot has been operating at two Adult Community Corrections (ACC) sites - Fremantle and Broome.

The pilots have demonstrated positive outcomes in improving information sharing and collaborative practices, regarding the triage and risk assessment and management of FDV incidents between Communities, Justice, WAPF and the non-government Coordinated Response Service.

Justice ACC staff have been completing work arising from the FDVRT pilots in addition to their regular workload. Noting Justice has not been funded to extend engagement in the revised FDVRT models beyond the pilot sites, additional resourcing will be sought should the pilot be found effective.

**Having carefully considered the information provided by the Department of Communities, WA Police and the Department of Justice, I am of the view that steps have been taken and are proposed to be taken to give effect to Recommendation 7.**

## 2.8. Recommendation 8

**Recommendation 8:** The Mental Health Commission, in collaboration with relevant State government departments and authorities and stakeholders, develop and disseminate a common understanding of what constitutes a trauma informed approach for Western Australian State government departments and authorities. Including, but not limited to:

- a definition and key principles of a trauma informed approach;
- domains of implementation (including, but not limited to, an organisation's strategic leadership, policy, training for staff, and evaluation);
- consideration of vicarious trauma in the service delivery context;
- this approach being intersectional, and elevates the voices and experiences of Aboriginal and/or Torres Strait Islander people; and
- a timeline for undertaking this work.

Key Western Australian strategy documents in the area of suicide prevention, family and domestic violence, engaging with young people, empowering Aboriginal and/or Torres Strait Islanders, and workforce development recognise the significance of trauma and its impact upon individuals and communities.

These strategy instruments also emphasise the need for services to adequately understand and appropriately respond to trauma, including:

- *Path to Safety: Western Australia's Strategy to Reduce Family and Domestic Violence 2020 – 2030*, which identifies that Western Australian responses to family and domestic violence will be trauma-informed;<sup>36</sup>
- the *WA Suicide Prevention Framework*, which specifies the need for trauma informed supports;<sup>37</sup>
- the *Young People's Mental Health and Alcohol and Other Drug Use: Priorities for Action 2020-2025*, which identifies that services to young people must be trauma informed, and emphasises the need for all staff delivering services to young people to be appropriately trained;<sup>38</sup>
- the *Aboriginal Empowerment Strategy*, which identifies that healing trauma is an essential part of the strategy, emphasising trauma informed service delivery;<sup>39</sup> and
- *Western Australia's Mental Health, Alcohol and Other Drug Workforce Strategic Framework 2020-2025*, which identifies that implementation of trauma-informed care is necessary across health and human service systems, not just within mental health and alcohol and other drug settings.<sup>40</sup>

The Office identified that these strategies and frameworks recognise the importance of understanding trauma and identify the importance of trauma informed service delivery. However, the Office did not identify a unified whole of government service approach or

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<sup>36</sup> Government of Western Australia, *Path to Safety: Western Australia's strategy to reduce family and domestic violence 2020-2030*, 2020, Department of Communities, p. 6.

<sup>37</sup> Mental Health Commission, *Western Australian Suicide Prevention Framework 2021-2025*, 2020, p. 24.

<sup>38</sup> Mental Health Commission, *Young People's Mental Health and Alcohol and Other Drug Use: Priorities for Action 2020-2025*, 2020, p. 20.

<sup>39</sup> Government of Western Australia, *The Aboriginal Empowerment Strategy Western Australia 2021-2029: Policy Guide*, 2021, p. 11.

<sup>40</sup> Mental Health Commission, *Western Australian Mental Health, Alcohol and Other Drug Workforce Strategic Framework 2020-2025*, 2020, p. 48.

framework for creating shared definitions and understandings of trauma informed practice, its implementation and evaluation.

In other countries and in Australia, some agencies are 'moving towards a trauma-informed paradigm for considering health and human service delivery systems.'<sup>41</sup>

Researchers acknowledge that the implementation of trauma informed approaches at 'the systems level' is challenging 'due to the complex, dynamic nature of service systems.'<sup>42</sup> While the term 'trauma informed' is common, and used frequently across a range of service settings, some researchers highlight that 'there is not a common understanding of [trauma informed care],' or of how to implement it in different service settings. This 'causes confusion and difficulties in integrating and coordinating service delivery across sectors.'<sup>43</sup>

The research literature identifies that, while take-up of the idea of trauma informed approaches has been enthusiastic, 'leadership on framing trauma-informed care and collaborative initiatives to design, implement and evaluate organisational and systemic approaches are essential.'<sup>44</sup>

For these reasons, the Ombudsman made Recommendation 8.

The Office requested that the Mental Health Commission inform the Office of the steps taken to give effect to the recommendation. In response, the Mental Health Commission provided the following information:

A collaborative approach with relevant State government departments is underway, with the Department of Communities establishment of a Cross-Agency Working Group for the report's recommendations. The Mental Health Commission will engage with the group's members and include the Department of Health to developing and progressing a response for this recommendation.

Workforce Development at the Mental Health Commission produced a chapter on 'Trauma informed care and practice' (TICP) in the 2019 Counselling Guidelines: Alcohol and Other Drug Issues (4th Edition). They currently deliver TICP training to the AOD and mental health sectors.

Trauma informed care and practice and young people has been developed as part of the Youth Alcohol and Other Drug Workers in Youth Accommodation and Support Services election commitment and is being delivered regionally to wider youth sector along with Youth Alcohol and Other Drug Workers.

The Mental Health Commission provided additional evidence in support of its stated progress towards the implementation of Recommendation 8, specifically:

On 26 June 2023, the Cross-Agency Working Group members agreed with the Mental Health Commission's proposal to meet regarding Recommendation #8 and the related Recommendation #9 to develop and progress a collaborative response.

From October 2022 until June 2023 the MHC has provided the following:

- Three TICP training events through the AODtraining@MHC calendar.

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<sup>41</sup> Wall L, Higgins D, and Hunter C, *Trauma-informed care in child/family welfare services*, 2016, Australian Institute of Family Studies, p. 12.

<sup>42</sup> Quadara A and Hunter C, *Principles of Trauma-informed approaches to child sexual abuse: A discussion paper*, 2016, Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, p. 38.

<sup>43</sup> Domestic Violence Victoria, 'DV Vic Submission to Mental Health Royal Commission,' 2019, p. 19.

<sup>44</sup> Quadara A and Hunter C, *Principles of Trauma-informed approaches to child sexual abuse: A discussion paper*, 2016, Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, p. 36.

- Two metropolitan TICP with Young People (TICPYP) training events.
- Seven TICPYP events have been delivered in the regions.
- An on line version of the TICPYP training has been developed for regional new Drug Education Support Service Workers Youth Accommodation and Support Services to support regional workers where face-to-face training is not immediately available on commencement.
- TICP and TICPYP will continue to be promoted and provided in 2023/2024.
- Two metropolitan TICP with TICPYP training.

I have carefully considered the information provided by the Mental Health Commission. The Mental Health Commission informed the Office that '[o]n 26 June 2023, the Cross-Agency Working Group members agreed with the Mental Health Commission's proposal to meet regarding Recommendation #8 and the related Recommendation #9...' and that it will '...engage with the group's members and include the Department of Health to developing and progressing a response for this recommendation'. While it is noted that the Mental Health Commission have commenced work to give effect to Recommendation 8, this work commenced more than eight months after the tabling of the Report in Parliament. Given the exceptionally serious, and extraordinarily egregious nature, of men's violence to women, including the very welcome public attention being in relation to this violence, the fact that an eight month period elapsed prior to commencing this work is of concern. For this reason, in my preliminary view I informed the Mental Health Commission that the Office will review this matter again on 31 December 2023, and it is expected that this work will be significantly advanced, and have a clear timeline for completion, in accordance with, and giving effect to, Recommendation 8.

In correspondence dated 13 October 2023, the Commissioner of the Mental Health Commission noted my preliminary view and provided the following update:

I note the findings in the Preliminary Report and I want to reassure you the Mental Health Commission is committed to prioritising work required for address this recommendation. I can advise the interagency working group that will support the implementation of the recommendation 8 will be meeting on 31 October 2023.

As requested a further update on progress will be provided to you by 31 December 2023, including a clear timeline for completion.

**Having carefully considered the information provided by the Mental Health Commission, I am of the view that steps are proposed to be taken to give effect to Recommendation 8.**



## 2.9. Recommendation 9

**Recommendation 9:** Taking into account the outcome of Recommendation 8, the Western Australia Police Force; the Department of Justice; the Department of Health; and the Department of Communities each:

- consider how a trauma informed approach may be incorporated into their operations; and
- work to improve their organisation's understanding of trauma.

As set out in section 2.8, the Ombudsman recommended that the Mental Health Commission, in collaboration with relevant State government departments and authorities and stakeholders, develop and disseminate a common understanding of what constitutes a trauma informed approach for Western Australian State government departments and authorities.

The Report also noted that principles of trauma informed practice are not prescriptive, 'and cannot be given the wide range of possible service contexts in which they may be applied.'<sup>45</sup> In this context, the research literature highlights that an aspect of trauma informed approaches is that they 'must be culturally relevant' to the population served.<sup>46</sup>

The core idea behind trauma-informed systems is that they are relational, and human... It will also be difficult for others to prescribe. Each service, organisation and individual will need to work through how they can embrace the principles of trauma informed care, and then apply them in non-static ways to best meet the needs of the person in front of them.<sup>47</sup>

Accordingly, while the adoption of trauma informed approaches requires leadership, guidance, and visibility about how this is being implemented, what it means to practice a trauma informed approach will vary in different settings. Translating trauma informed approaches into practice also involves considering the needs of distinct workforces, and how staff in different settings engage with individuals, information, and are exposed to trauma.

In identifying that the implementation of a trauma informed approach is a 'paradigm shift in knowledge, perspective, attitudes and skills that continues to deepen and unfold over time,' researchers have identified a continuum of implementation for organisations increasing their awareness of trauma. This continuum of implementation begins 'with becoming trauma aware and ... [moving] to trauma sensitive to responsive to being fully trauma informed.'<sup>48</sup>

1. **Trauma aware:** where staff understand trauma and how individuals may have behavioural presentations in response to traumatic experiences.

<sup>45</sup> Jackson A and Walters S *Taking Time – Framework: A trauma-informed framework for supporting people with intellectual disability*, 2015, Berry Street, p. 18.

<sup>46</sup> Wall L, Higgins D and Hunter C, *Trauma-informed care in child/family welfare services*, 2016, Australian Institute of Family Studies, p. 13.

<sup>47</sup> Smith P and Kaleveld L, *Addressing Trauma in Western Australia*, 2020, Western Australian Association for Mental Health, p. 8.

<sup>48</sup> Missouri Department of Mental Health, 'Missouri Model: A Developmental Framework for Trauma Informed Approaches,' 2019, p. 1, viewed 11 November 2021 <<https://dmh.mo.gov/media/pdf/missouri-model-developmental-framework-trauma-informed-approaches>> and Blue Knot Foundation, 'Foundations for Building Trauma Awareness: Professional Development Training Booklet', delivered 17 September 2021.

2. **Trauma sensitive:** where an organisation's work practice can operationalise some concepts of a trauma-informed approach.
3. **Trauma responsive:** where the individual and organisational response enables changes in behaviour and strengthens resilience and protective factors.
4. **Trauma-informed:** where the culture of the whole system reflects a trauma-informed approach in all work practices and settings.<sup>49</sup>

For this reason, the Ombudsman made Recommendation 9.

The Office requested that WA Police inform the Office of the steps taken to give effect to the recommendation. In response, WA Police provided the following information:

Subject to Recommendation 8, which refers the Mental Health Commission developing a strategic framework for trauma, the WA Police Force will need to review that framework to consider how a trauma informed approach may be further developed and incorporated into overall operations. The WA Police Force has incorporated both trauma informed response and vicarious trauma in all new training and through collaborations with the Mental Health Commission, the WA Police Force facilitates 'Trauma Informed Care and Practice training.'

The WA Police Force is committed to working with other relevant government and non-government agencies to ensure the police response to family violence is meaningful, relevant, and aligned with best practices.

WA Police provided additional evidence in support of its stated progress towards the implementation of Recommendation 9, specifically:

- a) The WA Police Force facilitated 'Trauma Informed Care and Practice training,' by the Mental Health Commission to assist officers in recognising the impact that trauma can have on an individual.  
...The WA Police Force has trained 81 staff thus far with further training sessions being progressed.
- b) Implementation of the Family Violence Training and Assessment Strategy 2023-2025.  
...The recently designed training programs, Levels 1-5, encompass the vicarious trauma.

The Office requested that the Department of Justice inform the Office of the steps taken to give effect to the recommendation. In response, the Department of Justice provided the following information:

The Ombudsman's 2022 Report recognised the incorporation of trauma informed care into several settings including in the Western Australian Women's Estate (Vol.4). It also noted that in the provision of services to victims of crime, the Department's Court Counselling and Support Services directorate supports the principles of trauma informed practice and that staff are trained and experienced in delivery (Vol.3).

...

The Department of Justice will continue to support trauma informed practice and staff training in the delivery of services and supports including to victims and offenders. The Department looks forward to contributing to collaboration by the

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<sup>49</sup> Te Pou o te Whakaaro Nui, *Trauma-Informed Care: Literature Scan*, 2018, Te Pou (New Zealand's National Centre of Mental Health Research, Information and Workforce Development), Auckland, p. 38.



Mental Health Commission and stakeholders to progress understanding of what constitutes a trauma informed approach (Recommendation 8).

The Office requested that the Department of Health inform the Office of the steps taken to give effect to the recommendation. In response, the Department of Health provided the following information:

Family and Domestic Violence (FDV) Screening Policy is being developed by the Women and Newborn Health Service, North Metropolitan Health Service and supported by the Department of Health and will take a trauma-informed approach.

This policy outlines the mandatory requirements for a consistent approach across the public health system in identifying and responding to FDV (through targeted screening) as well as mandatory staff training requirements.

...

... A FDV Steering Group has been established with representatives from across the Health Service Providers as well as other key organisations such as Centre for Women's Safety and Wellbeing, Mental Health Commission, WA Police and Department of Justice.

...

The Sexual Assault Resource Centre (SARC) in collaboration with the Department of Health are developing a "Respond to a Sexual Assault" policy.

The policy outlines the minimum requirements for Health Service Providers and contracted Health Entities that provide care to individuals aged 13 years or older who have experienced a recent sexual assault.

...[the policy] will offer a consistent approach, based on trauma-informed care principles.

...

Women's Health Strategy and Programs (WHSP) provides guidance, resources, and training to WA Health staff in FDV and Gender-based Violence, including Honour-based Violence and Female Genital Cutting / Mutilation (FGC/M).

...

The education and training program is available for staff to assist with early identification, responding to, and referrals for people experiencing FDV. E-learning and video conferencing are available.

...

SARC provides training for Health Professionals, volunteers, and students.

...

Training provided includes E-Learning, face-to-face presentations, remote presentations, generic training, training for doctors and health workers, and customised training.

The Office requested that the Department of Communities inform the Office of the steps taken to give effect to the recommendation. In response, the Department of Communities provided the following information:

Subject to Recommendation 8 being progressed by the Mental Health Commission, Communities are supportive of continuing to develop an organisational understanding of trauma, and to further consider how a trauma informed approach may be developed and incorporated into operations.

#### Cumulative harm project

Communities Specialist Child Protection Unit leads the Cumulative Harm project in response to Recommendation 6 from the Own Motion Investigation into ways that State government departments and authorities can prevent or reduce suicide by children and young people (2020). Separate reporting has been provided to the Ombudsman in regard to this project.

#### Closing the Gap

Communities continues to collaborate with the Mental Health Commission as the lead responsible for the agency for the Social and Emotional Wellbeing Partnership Planning Group (PPG), specifically focused on the National Agreement on Closing the Gap Socioeconomic Target 14 – ‘Significant and sustained reduction in suicide of Aboriginal and Torres Strait Islander people towards zero’.

#### Complex trauma training via the Australian Centre for Child Protection

Communities provides grant funding to the Australian Centre for Child Protection to deliver:

- 400 places within the Professional Certificate Understanding Child Abuse and Trauma; and
- 50 places within the Professional Certificate Assessing Child Abuse and Trauma.

These courses, which are delivered via scholarship through the University of South Australia, support and enhance practitioners’ response to the treatment needs of children and young people with complex trauma, as well as increase the capacity of the specialised workforce to understand, respond, assess, and treat the harmful impacts of child abuse and trauma.

The grant funding provided to ACCP also includes another 10 scholarships to Communities practitioners to complete a Graduate Certificate in Childhood Trauma through the University of South Australia in the June 2023 intake.

Given the intersect between child abuse and family and domestic violence, this provision of funding further supports Communities’ commitment to the Royal Commission into Institutional Responses to Child Sexual Abuse’s intent and the need for high-quality workforce development in the provision of evidence-based therapeutic services for abuse-related trauma.

#### Practice guidance for child protection workers

Child Protection practice guidance in relation to family and domestic violence has been updated to better align with trauma-informed practice, such as the inclusion of language prompts when engaging with victim-survivors to better elicit information at interaction. This update to language and guidance will be further enhanced with the publication of the new Child Protection Safety Guide, which will replace Communities current Case Practice Manual for Child Protection staff.

New practice guidance has also been created with the explicit inclusion of trauma-informed practice when working with young people. This effort demonstrated in the creation of new entries, including 1.4.4 *Alcohol and other drug use – at risk young people* (published 30 August 2021), 3.4.3 *Cultural Support Planning* (published 21 December 2021), 3.4.31 *Young people who identify as sexuality and gender diverse* (published 10 June 2022) and the following entries that have been significantly updated to include trauma-informed guidance:

- 1.1.2 *Sexually active young people* (relevant update 6 May 2022)
- 3.2.13 *Termination of pregnancy (abortion)* (relevant update 13 April 2021)

- 3.4.13 *Leaving the CEO's care and transitioning to adulthood* (relevant update 29 April 2022).

#### Training for child protection workers

Communities facilitates the following training to assist staff in recognising the impacts of trauma on individuals and families, including self-harm and suicide:

- Suicide Prevention Workshop (Gatekeeper)
- Impact of Trauma on Children and Youth (CR.001181)
- Trauma Informed for Communities (CR.000737)
- Creating Sanctuary (CR.000137)

The following training delivered within existing programs of work, also seek to explore vicarious trauma for staff engaged in front-line service delivery:

- Recognise and Respond to Family and Domestic Violence (CR.0077356)
- Responding to Aggression (CR.007180)

#### Training for foster carers

Communities also provides specific trauma related training packages and regular webinars for approved General Foster Carers, who provide placement arrangements for children in care of the CEO:

- Understanding Childhood Trauma (Next webinar June 20th 2023)
- Therapeutic Crisis Intervention for Families (Next training August 7th 2023).
- Parents – Therapeutic Parenting Model (Next webinar September 14th, 2023)
- Attachment Disruption and Development Trauma Workshop (3 weekly face-to-face sessions commencing October 17th 2023)

In addition to compulsory training, all Foster Carers receive individualised Learning and Development plans to support them in caring for children in care.

Communities' assessment stages for all prospective Foster carers incorporate screening processes, questions and scenario exploration that includes specific emphasis on trauma, Domestic Violence, including the impact these events have on child behaviour, and provision of a therapeutic care.

Consideration is also given to prospective Foster carers managing their own personal/ or family dynamics also guided by trauma-informed approaches.

Communities Foster and Family Carers, and children under Special Guardianship Orders are entitled to access OurSPACE WA a trauma-informed, therapeutic counselling service.

**Having carefully considered the information provided by WA Police, the Department of Justice, the Department of Health and the Department of Communities, I am of the view that steps have been taken and are proposed to be taken to give effect to Recommendation 9.**

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## Major Investigations and Reports

Title	Date
<u>Investigation into family and domestic violence and suicide</u>	October 2022
<u>A report on giving effect to the recommendations arising from An investigation into the Office of the Public Advocate's role in notifying the families of Mrs Joyce Savage, Mr Robert Ayling and Mr Kenneth Hartley of the deaths of Mrs Savage, Mr Ayling and Mr Hartley</u>	October 2022
<u>A report on giving effect to the recommendations arising from the Investigation into the handling of complaints by the Legal Services and Complaints Committee</u>	September 2022
<u>A report on the steps taken to give effect to the recommendations arising from Preventing suicide by children and young people 2020</u>	September 2021
<u>An investigation into the Office of the Public Advocate's role in notifying the families of Mrs Joyce Savage, Mr Robert Ayling and Mr Kenneth Hartley of the deaths of Mrs Savage, Mr Ayling and Mr Hartley</u>	July 2021
<u>Preventing suicide by children and young people 2020</u>	September 2020
<u>A report on giving effect to the recommendations arising from Investigation into ways to prevent or reduce deaths of children by drowning</u>	November 2018
<u>Investigation into ways to prevent or reduce deaths of children by drowning</u>	November 2017
<u>A report on giving effect to the recommendations arising from the Investigation into issues associated with violence restraining orders and their relationship with family and domestic violence fatalities</u>	November 2016
<u>Investigation into issues associated with violence restraining orders and their relationship with family and domestic violence fatalities</u>	November 2015
<u>Investigation into ways that State Government departments and authorities can prevent or reduce suicide by young people</u>	April 2014
<u>Investigation into ways that State Government departments can prevent or reduce sleep-related infant deaths</u>	November 2012
<u>Planning for children in care: An Ombudsman's own motion investigation into the administration of the care planning provisions of the Children and Community Services Act 2004</u>	November 2011
<u>The Management of Personal Information - good practice and opportunities for improvement</u>	March 2011
<u>2009-10 Survey of Complaint Handling Practices in the Western Australian State and Local Government Sectors</u>	June 2010

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