



Settled & Safe

# SETTLEMENT WORKER TRAINING



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Settlement worker training

## PRE-SESSION BRIEFING

### PRE-SESSION BRIEFING

The pre-session briefing is a meeting or a telephone conversation between the host settlement worker and the CLE. The aim is to ensure the host settlement worker understands the objectives of the Settled & Safe information sharing program.

The Settlement Worker Pre-session Briefing form should be completed by the presenter. By using this form, the presenter can draw on the settlement worker's knowledge of the training group and gather information about the group's culture. This helps ensure the training is provided in a way that maximises engagement and reflects the group's learning preferences.

**These questions support a conversation between the CLE and the host settlement worker to prepare for the Settled & Safe settlement worker training.**

### GROUP KNOWLEDGE

How many participants will be attending the training?

How long has the group been meeting?

Are there any group dynamics that may impact on our ability to maximise participation in the group?

*(For example, are there any dominant personalities in the group that may stop other members from contributing to discussions?)*

Has the group received legal training on similar topics before? If so when?

How do you think this information will be received?

Is there anyone in the group you think may be personally affected by these issues?  
*(For example, a victim of family violence, someone who has had contact with Child Protection or who is separating?)*

Will people need to answer phones or leave during training? How should this be handled?

**PRESENTING INFORMATION TO AN ETHNO-SPECIFIC ORGANISATION**

ISSUE	STRATEGY
Is there a polite or preferred way to introduce myself?	
Is there a preference or taboo around touching (eg. handshaking) I should be aware of?	
Polite idioms of language?	

ISSUE	STRATEGY
Appropriate dress – What should I wear?	
Are there any social customs or taboos I should be aware of that might affect the way I present this training?	
How might these be negotiated or navigated to ensure the objectives of the training are met?	
Are there any social customs I should be aware of that might affect audience participation in the training?	
Will people be attending on time? How should this be handled?	
Is there anything else I need to know or need to have a strategy for?	

## EXPERIENCE OF WORKERS

ISSUE	STRATEGY
What kind of work do the people in the group do?	
Does anyone in the group have a background in law, social work, family violence or child protection?	
Does anyone in the group support clients in the legal system?	
Are there any specific questions about the legal system that they would like answered as part of the training?	
How interested will workers be in these areas of law and why?	

Settlement worker training

## DAY ONE: PRESENTER NOTES

### DELIVERING SETTLEMENT WORKER TRAINING

#### Learning outcomes

Settlement worker training aims to improve settlement workers' understanding of:

- the laws and legal processes for determining or resolving:
  - family violence intervention orders
  - parenting disputes about their children's lives
  - child protection issues
- the services provided by VLA and other legal service providers
- how to effectively refer clients to VLA or other legal service providers.

Following the two-day training, settlement workers will be able to:

- describe the key legal principles in the:
  - Family Violence Protection Act 2008 (Vic)
  - Family Law Act 1975 (Cth)
  - Children and Youth and Families Act 2005 (Vic)
- explain the legal process of:
  - applying for or responding to an intervention order
  - resolving a post-separation parenting dispute
  - responding to a child protection application or an agreement with Child Protection
- identify key community support services
- describe the role of professionals, government bodies, and institutions such as police, courts, lawyers, child protection services, and family violence support services.

#### Training delivery

The settlement worker training is made up of two, one-day training programs:

- day one – family law and child protection
- day two – family violence and family violence intervention orders

#### Target audience

Settlement worker training is targeted towards professionals who help members of newly emerging communities. Settlement workers may be employed by organisations that receive grants or funding from the Federal Department of Social Services. They may also be employees of community organisations that offer support and assistance to members of newly emerging communities.

It is assumed that people undertaking settlement worker training have a basic understanding of the Australian legal system and laws relevant to family relationships.

#### Audience

It is recommended that settlement worker training be run with a minimum of six people and a maximum of 20 to enhance audience participation.

#### Preparation

Before delivering settlement worker training the presenter should:

- review each of the session plans
- review all PowerPoint slides
- consult with lawyers if they are unclear about the application of a law
- prepare their own speaker notes.

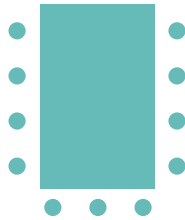
## Setting up the training room

You will need:

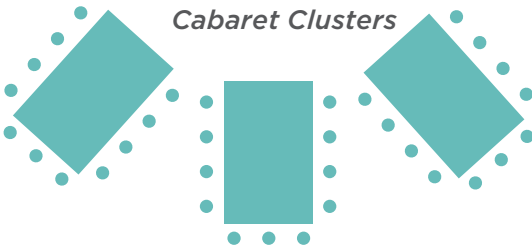
- whiteboard or butcher's paper
- table and chairs
- data projector and screen (or wall) to display video stories and PowerPoint slides
- laptop computer.

The training room should be organised so that people have clear vision of the projected image and whiteboard at the front. Tables and chairs should be arranged in a U shape or cabaret clusters that allow the training group to work in small groups.

*U Shape*



*Cabaret Clusters*





## DAY ONE SESSION PLAN

TIME	ACTIVITIES	AIMS
9:30 – 9:35 (5 min)	<b>Welcome</b> Presenter introduction <ul style="list-style-type: none"> <li>Housekeeping</li> </ul>	<ul style="list-style-type: none"> <li>Introduce presenter</li> <li>Build presenter’s credibility within the training group</li> <li>Provide housekeeping information, for example, toilet facilities, mobile phones</li> </ul>
9:35 – 10:05 (30 min)	<b>Introductions</b> <ul style="list-style-type: none"> <li>Group introductions</li> </ul>	<ul style="list-style-type: none"> <li>Gain an understanding of the people in the training group and their knowledge of the subject matter</li> <li>Gain an understanding of people’s work roles and how the training may be useful to their work</li> <li>Engage people by emphasising the benefits Settled &amp; Safe could have on their work</li> <li>Set expectations of the training</li> </ul>
10:05 – 10:30 (25 min)	<b>Introduction to Settled &amp; Safe</b> Presentation: <ul style="list-style-type: none"> <li>How Settled &amp; Safe works</li> <li>Roles and responsibilities of information sharing</li> <li>Areas of law</li> </ul>	<ul style="list-style-type: none"> <li>Build knowledge of Settled &amp; Safe</li> <li>Outline learning outcomes</li> <li>Engage the group in information sharing by emphasising the community development principles underlying Settled &amp; Safe</li> </ul>
10:30 – 11:10 (40 min)	<b>Our community and phases of adjustment</b> Small group discussion – 10 min <ul style="list-style-type: none"> <li>Difference between culture of origin and perceived Australian culture?</li> </ul> Large group feedback – 10 min Presentation: Phases of Adjustment Small group discussion – 10 min <ul style="list-style-type: none"> <li>Where is the community (that you work with) on their settlement journey?</li> <li>Do all people settle at the same rate?</li> <li>What does this mean for families?</li> </ul> Large group feedback – 10 min	<ul style="list-style-type: none"> <li>Focus on the community that people work with and the stage that community is at in the settlement journey</li> <li>Explore the stressors that migration places on family life and how family issues are handled</li> </ul>
11:10 – 11:20 (10 min)	<b>Break</b>	
11:20 – 11:40 (20 min)	<b>Australian laws and family laws – what does your community say?</b> Large group discussion – 20 min <ul style="list-style-type: none"> <li>What do people in the community they work with and in the wider community know about family laws?</li> </ul>	<ul style="list-style-type: none"> <li>Explore community knowledge and attitudes about family laws in Australia</li> <li>Listen to people’s responses about community views of family laws</li> </ul>
11:40 – 12:05 (25 min)	<b>Family law parenting disputes</b> Presentation: Mary and Peter case study Small group discussion – 15 min <ul style="list-style-type: none"> <li>What are the issues?</li> <li>How will they be resolved?</li> <li>What supports would be useful for these clients?</li> </ul> Large group feedback – 10 min	<ul style="list-style-type: none"> <li>Gain an understanding of people in the group’s family law knowledge</li> <li>Explore community resources and how communities might help families to resolve disputes</li> </ul>

TIME	ACTIVITIES	AIMS
12:05 – 12:20 (15 min)	<b>Family law parenting disputes: defining the issues</b> Presentation: Defining the issues Application to the Peter and Mary case study	<ul style="list-style-type: none"> <li>• Teach how parenting disputes are considered legally</li> <li>• Explain common family law terminology and processes</li> </ul>
12:20 – 12:40 (20 min)	<b>Family law parenting disputes: best interests</b> Presentation: Best interests Application to the Peter and Mary case study <ul style="list-style-type: none"> <li>• Draw contrast between Mary's and Peter's understandings of the situation and the law</li> </ul>	<ul style="list-style-type: none"> <li>• Explain the family law principle of best interests</li> <li>• Explain the many factors that are considered when determining what is in the best interests of children</li> <li>• Reinforce that the law is concerned with making arrangements that are in the best interests of children and not with the rights of parents</li> </ul>
12:40 – 1:20 (40 min)	<b>Lunch</b>	
1:20 – 1:40 (20 min)	<b>Family law parenting disputes: process</b> Presentation: Family law process Answer questions	<ul style="list-style-type: none"> <li>• Explore existing community ways of resolving parenting disputes</li> <li>• Explain non-court-based ways of resolving parenting disputes</li> <li>• Discuss the community services available and their roles</li> <li>• Discuss the process of court determination</li> </ul>
1:40 – 2:10 (30 min)	<b>Family law parenting disputes: answering questions</b> Small group activity – 10 min <ul style="list-style-type: none"> <li>• Answer commonly held beliefs (in training materials)</li> </ul> Large group feedback – 20 min	<ul style="list-style-type: none"> <li>• Turn theoretical knowledge about the family law system into understandable phrases</li> <li>• Clarify commonly held beliefs about the family law system</li> </ul>
2:10 – 2:30 (20 min)	<b>Child protection: welfare case study</b> Presentation: Nardalie case study Small group discussion – 15 min	<ul style="list-style-type: none"> <li>• Gain an understanding of the training group's child protection knowledge</li> <li>• Explore community resources and how communities might help parents</li> </ul>
2:30 – 2:45 (15 min)	<b>Child protection: key roles</b> Presentation: Key roles in the child protection system <ul style="list-style-type: none"> <li>• Questions</li> </ul>	<ul style="list-style-type: none"> <li>• Explain the roles of key players in the child protection system</li> </ul>
2:45 – 2:55 (10 min)	<b>Break</b>	
2:55 – 3:30 (35 min)	<b>Child protection: defining the issues</b> Large group discussion – 5 min <ul style="list-style-type: none"> <li>• Has Nardalie done anything wrong legally?</li> </ul> Presentation: Defining the issues <ul style="list-style-type: none"> <li>• Questions</li> </ul> Large group discussion – 5 min <ul style="list-style-type: none"> <li>• Thinking about Nardalie and her family, what things do you think Child Protection would be concerned about?</li> </ul>	<ul style="list-style-type: none"> <li>• Explain the grounds of a child protection application</li> <li>• Explain the concept of risk of significant harm</li> </ul>

TIME	ACTIVITIES	AIMS
3:30 – 4:00 (30 min)	<p><b>Overview and child protection processes</b></p> <p>Presentation: Overview of the child protection process</p> <ul style="list-style-type: none"> <li>• Questions</li> </ul> <p><b>Child Protection non-court process</b></p> <p>Presentation: Child protection non-court process</p> <ul style="list-style-type: none"> <li>• Questions</li> </ul> <p><b>Child protection court process</b></p> <p>Presentation: Child protection court process</p> <ul style="list-style-type: none"> <li>• Questions</li> </ul>	<ul style="list-style-type: none"> <li>• Provide the basis for considering the child protection system as a non-court process and a court process</li> <li>• Explain the different level of interaction Child Protection and other agencies may have with families after a Child Protection investigation</li> <li>• Engage the group in the need for legal advice for parents who are negotiating with Child Protection</li> <li>• Explain the court process where protection applications are settled by negotiation and determination</li> <li>• Emphasise the need for parents to access family support or other help to address Child Protection's concerns</li> <li>• Engage the group in the need for legal advice for parents who are negotiating with Child Protection</li> </ul>
4:00 – 4:25 (25 min)	<p><b>Answering questions and getting help</b></p> <p>Small group activity – 10 min</p> <ul style="list-style-type: none"> <li>• Answer commonly held beliefs (in training materials)</li> </ul> <p>Large group feedback –15 min</p>	<ul style="list-style-type: none"> <li>• Turn theoretical knowledge about the child protection system into understandable phrases.</li> <li>• Clarify commonly held beliefs about the child protection system.</li> </ul>
4:25 – 4:30 (5 min)	<p><b>Wrap up – what's next</b></p> <ul style="list-style-type: none"> <li>• Presentation</li> </ul>	<ul style="list-style-type: none"> <li>• Emphasise the benefits Settled &amp; Safe could have on their work</li> <li>• Set expectations for day two of the training</li> </ul>

## DAY ONE WELCOME AND INTRODUCTIONS

TIME	LEARNING OBJECTIVES	MATERIALS
9:30 – 9:35 (5 min)	Welcome and presenter introduction	PowerPoint slides
9:35 – 10:05 (30 min)	Group introductions	PowerPoint slides

### Activity sequence and presenter notes

The introduction session is made up of two parts:

- welcome and presenter introduction
- group introductions

#### **Welcome and presenter introduction**

The presenter's introduction enables the presenter to establish themselves as credible and equipped to deliver the training. The presenter should outline their:

- background and skills
- experience in teaching, training or group facilitation
- experience in presenting the Settled & Safe settlement worker training
- relevant experience or qualifications.

The presenter should briefly state that the training is a two-day program and the start of a partnership to deliver high level legal information about Australian law to newly

emerging communities.

The presenter should provide the training group with all necessary housekeeping information, for example:

- the location of amenities, toilets and refreshments
- a reminder to switch off mobile telephones
- emergency processes and exits, or occupational health and safety messages.

#### **Group introductions**

Ask each person to introduce themselves including:

- name
- the community they are working with
- what they want to get out of the training
- any questions they hope will be answered

## INTRODUCTION TO THE TRAINING

TIME	LEARNING OBJECTIVES	MATERIALS
10:05 – 10:30 (25 min)	<p><b>Introduction to Settled &amp; Safe</b></p> <p>By the end of the session the training group will be able to describe:</p> <ul style="list-style-type: none"> <li>• the aims and objectives of Settled &amp; Safe</li> <li>• Settled &amp; Safe's community access strategy</li> <li>• the learning strategy</li> </ul>	PowerPoint slides

### Preparation

Presenters should have read and considered:

- Centre for Refugee Research, It is not all right: Rights in refugee families in Australia
- Kaur, J, 2012, Cultural Diversity and Child Protection: Australian research review on

the needs of culturally and linguistically diverse (CALD) and refugee children and families, Queensland, Australia

- Family Law Council, 2012, 'Improving the Family Law System for Clients from Culturally and Linguistically Diverse Backgrounds'.

## Activity sequence and presenter notes

### Introduction to Settled & Safe

Using the PowerPoint slides and drawing on the presenter preparation, introduce Settled & Safe to the training group. The presenter should note:

- how Settled & Safe works
- the areas of law covered in Settled & Safe.
- Settled & Safe is a preventative family violence project that delivers legal information to workers and to newly emerging communities.

### Key points

- Research highlights the need for members of newly emerging communities to receive information about the laws that affect families, including child protection.
- Members of newly emerging communities have a high level of fear about interaction with child protection agencies.
- There is much confusion in newly emerging communities about the meaning of rights in Australia and the responsibilities which accompany these rights.

- CALD communities can benefit from early intervention and prevention strategies that focus on accepted parenting practices.
- Many communities do not understand the role of the child protection system and would benefit from community education (in their own language).
- CALD communities encounter many barriers to successfully negotiating the family law system, including:
  - lack of knowledge about the law
  - lack of awareness of available services due to language and literacy barriers
  - cultural and religious barriers that inhibit help-seeking outside the community
  - negative perceptions of the courts and family relationship services
  - social isolation
  - lack of collaboration between migrant services and the family law system
  - fear of government agencies
  - lack of culturally responsive services and bicultural personnel

## OUR COMMUNITY AND THE PHASES OF ADJUSTMENT

TIME	LEARNING OBJECTIVES	MATERIALS
10:30 – 11:10 (40 min)	<p>By the end of the session the training group will be able to:</p> <ul style="list-style-type: none"> <li>• identify where they think the community they work with is on their settlement journey</li> <li>• describe the diverse experiences of people in their community</li> <li>• describe stressors that migration can put on families and how this is being managed.</li> </ul>	<ul style="list-style-type: none"> <li>• “our community” Training materials – day one</li> <li>• PowerPoint slides</li> </ul>

### Preparation

Presenters should have read and considered:

- AVERT Family Violence Factsheet: Migration & Settlement
- Levine D & Adelman R, 1993, Beyond Language: Cross-Cultural Communication, New Jersey: Prentice Hall.

### Activity sequence and presenter notes

This session is made up of three activities:

- difference between culture of origin and perceived Australian culture
- presentation of the process of adjustment
- where is the community (that you work with) on their settlement journey?

**Small group discussion:** *difference between culture of origin and perceived Australian culture*

Divide the training group into smaller groups of between four and seven people. Allocate 10 minutes for group discussion and 10 minutes for each of the small groups to give feedback to the training group. Ask each of the groups to consider one or two of the issues in the “Our Community” Activity Sheet (see training materials). Ask the groups to discuss how these life issues are treated in the newly arrived community’s country of origin and their perception of how these issues are treated in Australia.

Use the following questions to prompt discussion.

- Schooling – What is taught by teachers and what is taught at home? What age do children start and finish school? Is this the same for everyone?
- Age of marriage and marriage customs – Does the legal age for marriage differ between women and men?
- Clothing – Does clothing hold symbolic meaning? Does clothing vary with age, gender or marital status?
- The elderly – What is their role in the family? How are they cared for when they can no longer look after themselves?
- Money and finances – How are finances in families organised? Is there his money, her money, and/or relationship money? Is one person more likely to earn the money? Does this matter?
- Dating – How do people meet? How long do you date for?
- Caring for children – How are children cared for?
- Gender roles – How are decisions made in relationships? Who is responsible for domestic tasks?

### **Presentation and small group discussion:** *Phases of adjustment*

Using the PowerPoint materials, explain the phases of adjustment concept. After a brief introduction to the concept, ask the training group if they are familiar with it and gauge their familiarity and understanding of it.

If the training group has familiarity with the concept, ask: Is it an accurate representation of people's settlement journey? If they were to change it, how would they?

If the training group is not familiar with the concept, provide further information and explanation.

### **Small group discussion:** *which stage of adjustment is the community that you work with in?*

Divide the training group into small groups of between four and seven people. Allocate 10 minutes for group discussion and 10 minutes for each of the small groups to give feedback to the training group. Ask the groups to discuss the process of adjustment diagram and consider the following questions:

- Which phase of adjustment is the community that you work with in?

- Does everybody settle or adjust at the same rate?
- How might these stages of adjustment impact on relationships between individuals in your community?

**Note:** Feedback from the groups may generate discussion about particular community stories and how a community views family laws. This discussion and specific references could be useful in later sessions.

### **Key points**<sup>1</sup>

- The concept of the phases of adjustment has been around in various forms for a long time. The settlement process occurs through the following key stages, however, individuals can move back and forth between the different phases many times.
  - **Arrival:** This phase is characterised by feelings of relief and hope. Individuals may feel very happy and relieved to have left a situation of extreme hardship and, in some cases, danger in their country of origin and may look forward to the prospect of rebuilding their life.
  - **Reality:** Many will experience some difficulty in adjusting to Australian society. The journey does not end with arrival in Australia and individuals are now often identified as part of a minority group. Individuals may feel they are not appreciated for their skills and life experiences. Practices and lifestyle in the new culture may seem unhealthy and strange.
  - **Recovery:** Individuals begin to adapt to the new culture. They blend their past culture with elements of the new culture. Healing from losses and past trauma begins and they achieve a sense of control over their lives. It is important to note that a small number of individuals do not adapt readily and become further isolated or marginalised.
  - **Balance:** The present reality becomes acceptable and the individual has a sense of belonging in the new country. Many still feel strong links to their country of origin but live well in the current situation by engaging in meaningful relationships and fulfilling activities.

<sup>1</sup> Levine D & Adelman R, 1993, *Beyond Language: Cross-Cultural Communication*, New Jersey: Prentice Hall

## BREAK

TIME	LEARNING OUTCOMES	MATERIALS
11:10 – 11:20 (10 min)		

## AUSTRALIAN LAW AND FAMILY LAWS

TIME	LEARNING OUTCOMES	MATERIALS
11:20 – 11:40 (20 min)	By the end of the session the training group will be able to identify the areas of law concerning their communities	PowerPoint slides Whiteboard or butcher's paper

### Preparation

Presenters should have read and considered:

- Family Law Council, 2012, 'Improving the Family Law System for Clients from Culturally and Linguistically Diverse Backgrounds'.
- Family Court of Australia, 2008, 'Families and the law in Australia – the Family Court working together with new and emerging communities'.

The presenter should have a good understanding of the following areas of law and be able to explain key principles in plain language:

- Commonwealth family law
- family violence intervention orders
- children's law (child protection).

### Activity sequence and presenter notes

#### **Large group discussion and presenter facilitation:** *family laws, community attitudes*

This is a large group discussion requiring a whiteboard or butcher's paper to record the group's responses. Allow 20 minutes for the group discussion. The presenter asks: What do people in the newly emerging community that you work with, and in the wider community, know about family laws?

If responses are not provided, the presenter should prompt the training group with some of the issues that were raised earlier in the training. For example: It is often said that in Australia women are favoured by the law, or, Australian law tears families apart.

Divide the responses and record them on the whiteboard or butcher's paper in the legal areas of:

- Commonwealth family law
- children's law
- family violence.

## FAMILY LAW PARENTING

TIME	LEARNING OUTCOMES	MATERIALS
11:40 – 12:05 (25 min)	By the end of the session the training group will be able to identify: <ul style="list-style-type: none"> <li>• key issues contained in the Mary and Peter case study</li> <li>• ways families and communities can intervene to support parents</li> </ul>	PowerPoint slides “Mary and Peter” Training materials – day one Whiteboard and butcher’s paper

### Activity sequence and presenter notes

#### **Small group discussion:** *Mary and Peter case study*

Divide the training group into smaller groups of between four and seven people. Allocate 15 minutes for discussion and 10 minutes for each of the small groups to feed back to the training group. This small group discussion is aided by the fictional case study of Mary and Peter. This case study is similar to the community stories used in Settled & Safe information sharing sessions.

After giving the groups the opportunity to read the Mary and Peter case study, ask them to consider the following questions.

- What are the issues?
- How could these issues be resolved with family and community involvement?
- How could these issues be resolved legally?
- What supports would be useful for Mary and Peter?

This is an opportunity to nominate and record issues that will be explained in later sessions. Presenters should avoid explaining the family law system while recording the training group responses. The discussion about how issues would be resolved gives the group an opportunity to look at how a community often helps resolve disputes in contrast with people’s experience of the court system.



### Case study: Mary and Peter

Mary sits at her cousin's kitchen table. She is having a cup of tea before she starts preparing dinner. Mary can hear her children watching television and playing in the background. She thinks about her life in Australia. There are things she likes and things she dislikes. Australia is a very safe place for her family, not like where they have come from. Mary thinks about each of her four children: two boys aged nine and seven, and two girls aged five and three. It seems each one is smarter than the next. How will she keep up! They have their lives ahead of them. They will each go to school and they will learn to read and write. They already speak English so well. Mary goes to a conversation class to improve her English. She loves to get out of the house and see other women. Mary often feels lonely – much of her family is back in the camps. She misses her mother, especially her support and advice.

Mary starts to think about her husband Peter. They come from very different backgrounds. Peter was raised in rural Democratic Republic of Congo, whereas Mary grew up in urban Burundi. They met in Tanzania. Although things were extremely hard in the camp (she already had two children then), they worked together and they made it to Australia. They now have two children of their own. At first they were so happy and excited about building a new life for all of their children, but now things are not good.

Peter struggles to find a job and they find it difficult to pay bills and feed and clothe the children (who are all growing too fast). Peter moved the family to the country where he feels more at home, but Mary feels she is losing connection with her friends from her English group. Mary is getting better at English and would love to learn how to be an interpreter. Peter wants her to stay at home as he wants to have another child. They fight a lot. Sometimes Peter does not come home for days and he drinks too much. Mary thinks Peter has another woman. This makes her very sad.

When Peter first arrived in Australia he thought it would be the end of his struggles; a new start. Now he thinks that life is not so simple. He does a lot for his community and hopes that he will soon find a job. Things are not like they are back home. Without a job he cannot be the head of the family and he feels that Mary does not show him respect as her husband. She is always asking for money and wanting to know where the money goes. Peter wants a big family for his children – lots of brothers and sisters to look after each other, like he had when he was growing up but Mary says “no”.

Peter made the decision to move to the country where the air is fresh, the houses are bigger and he might find some work. But Mary is unhappy and wants to move back to Dandenong. Sometimes Peter meets with friends and they all drink together. When he returns home Mary always questions him and yells at him – she calls him a drunk!

Mary's English is far better than his and she wants to be an interpreter and earn money, leaving the children at home; but that is not her role, she is the mother of his children not the father. They fight a lot.

Peter is unhappy. Mary is like a different person and now she wants different things. She has taken the children to stay at her cousin's house. They have tried to solve their problems in the past but Mary now says she does not want to be his wife. Peter cannot see how there can be any peace in their lives and they have decided to separate.

Mary wants to move the children back to Dandenong. Peter wants the children to live close by and be brought up in a country town. Mary believes it is her decision as to where the children should live. As she is the mother they should live with her. Mary thinks that the children are not safe with Peter because he drinks too much and she does not want them to see him. Peter says he doesn't drink around the children and he is still their father. Mary says she does not want the children to stay with Peter overnight because that would shame her in her community. Peter says that since Mary won't let the children stay at his house it is impossible for him to see them.

## FAMILY LAW PARENTING: DEFINING THE ISSUES

TIME	LEARNING OBJECTIVES	MATERIALS
12:05 –12:20 (15 mins)	<ul style="list-style-type: none"> <li>By the end of the session the training group will be able to categorise the issues contained in the Mary and Peter case study into:               <ul style="list-style-type: none"> <li>lives with</li> <li>spends time with</li> <li>major long-term issues</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>PowerPoint slides</li> <li>“Defining the issues” Training materials – day one</li> </ul>

### Preparation

Presenters should read and consider the Family Law Act 1975 (Cth) paying particular attention to part 7. The presenter should have a thorough understanding of how disputes about where children live and who they spend time with are resolved under this Act. Presenters should be able to explain common family law terms in plain language and be able to provide examples to the training group about how laws are applied.

### Activity sequence and presenter notes

This session is made up of two activities:

- defining the issues
- application of Peter and Mary case study.

#### **Presentation:** *Defining the issues*

Using the PowerPoint materials, the presenter should explain the slide titled “defining the issues” and explain common family law terminology. The “defining the issues” diagram is contained in the training materials.

#### **Large group discussion:** *application of the Peter and Mary case study*

Referring to the case study of Mary and Peter the presenter asks the training group to consider and respond to the following questions.

- Do Mary and Peter agree who the children should live with?
  - Yes, Mary.*
- Do Mary and Peter agree who the children should spend time with?
  - No, Mary is concerned Peter drinks too much. She doesn't want him to see them. Peter would like to see the children.*
- Do Mary and Peter agree on major long-term issues?
  - No, they do not agree on where the children should live. Mary wants to live in Dandenong and Peter wants the children to be brought up in a country town. Geographic distance presents practical difficulties for the children to maintain a relationship with both parents.*

### Key points

- Before 1996:
  - Custody was used to explain who the child lived with. The general public understood this as meaning that a person had full control over a child.
  - Access was seen as being granted by the custodial parent to the non custodial parent, allowing them to see or spend time with the child.
  - Guardianship was used to define a person who could make decisions for a child.
- 1996–2006
  - Residence was used to describe who a child lived with.
  - Contact was used to describe who a child would see or spend time with – the non-residential parent.
  - Specific issues described some decision making powers for the child.
- 2006–present
  - ‘Lives with’ is used to describe who a child lives with. Lives with does not determine who has full control or decision making power.
  - ‘Spends time and communicates with’ describes how children interact with parents or family members who they do not live with.
  - ‘Major long-term issues’ – Even if the child lives with one person the majority of the time, both parents can be responsible for making decisions concerning the child's life.
- Equal shared parental responsibility: It is presumed that both parents have equal shared responsibility for children. Equal shared parental responsibility refers to decision making about the children's lives (not who they live with). In some cases, for example where there has been family violence, the parents may not have equal shared parental responsibility for the children and decision making power may be given to one parent about all or some issues.

## FAMILY LAW PARENTING: BEST INTERESTS OF THE CHILD

TIME	LEARNING OUTCOMES	MATERIALS
12:20 – 12:40 (20 mins)	By the end of the session the training group will be able to: <ul style="list-style-type: none"> <li>• explain the relevant decision making criteria the court uses to come to a determination in a post-separation parenting dispute</li> <li>• understand what is taken into account when determining the best interests of the child</li> </ul>	PowerPoint slides “Best Interests of the Child” Training materials – day one

### Preparation

Presenters should be familiar with section 60CC of the Family Law Act and be able to explain in plain language how the best interest principles are applied to parenting cases.

Presenters should also be familiar with the following legal terms and principles, and be able to explain in plain language how they are applied to parenting cases:

- primary considerations – section 60CC(2)
- additional considerations – section 60CC(3)
- equal shared parental responsibility – sections 61A–61DA
- family violence – sections 60CC(3)k(i-v), 60CF, 60CG.

### Activity sequence and presenter notes

This session is made up of two activities:

- best interests of the child
- Mary and Peter case study.

#### **Presentation and large group discussion:** *best interests of the child*

Using the PowerPoint slides the presenter explains the “best interests” criteria the court uses to make decisions in family law parenting disputes. The best interests of the child criteria are contained in the training materials.

#### **Large group discussion:** *application of the Mary and Peter case study*

Leading a whole group discussion, the presenter should explore the Mary and Peter case study, asking the group which best interests criteria are relevant for Mary and Peter and why.

As issues are suggested from the case study, apply them to the relevant best interests. For example:

- Primary consideration: meaningful relationship with both parents.
  - Mary wants the children to live in Dandenong, which could conflict with the children’s ability to have a meaningful relationship with Peter.

- Parents’ capacity to provide for the child’s emotional and intellectual needs.
  - Could Peter care for the children if they spent time with him? Does Peter’s consumption of alcohol mean he could not provide proper care for the children?

### Key points

- The Family Court considers the benefits of children having a relationship with both parents.
- Children need to be protected from violence, abuse and ill treatment. This reflects the understanding that it is damaging for children to be exposed to family violence.
- In cases involving family violence the court must consider whether the children can be safe while having a relationship with both parents.
- Courts can take into consideration the children’s views (wishes) if they express a view, but parenting arrangements will not be solely guided by these views. The weight given to children’s views will depend on their age, level of development, and the reason why they hold that view.
- There is no age when a child can decide who they want to live with. The court considers the best interests factors. Children’s wishes or views are only one factor that is taken into consideration.
- The court will consider any family violence orders (intervention orders) that may be in place. However, the terms of the family violence intervention order are not binding on the court. The Family Court can make orders that conflict with family violence orders.

## LUNCH

TIME	ACTIVITIES	MATERIALS
12:40 – 1:20 (40 min)	Lunch	PowerPoint slides

## FAMILY LAW PARENTING: PROCESS

TIME	LEARNING OUTCOMES	MATERIALS
1:20 – 1:40 (20 min)	By the end of this session the training group will be able to describe the various non-adversarial mechanisms for reaching agreements.	PowerPoint slides “Family law process” Training materials – day one

### Preparation

Presenters should be familiar with how the judges and in some instances Magistrates, operating under the Family Law Act 1975 can determine matters involving children and ways to resolve parenting disputes. The presenter must be able to explain these processes in plain language.

The presenter should be familiar with the following legal terms and principles and be able to explain in plain language how they are applied to parenting cases:

- parenting plans
- consent orders
- court orders
- family relationship centres
- family dispute resolution practitioners.

### Activity sequence and presenter notes

#### **Presentation:** *Family law process*

Using the PowerPoint materials, the presenter should discuss and explain the family law process diagram (see training materials). This diagram presents the spectrum of parental control in the decision making process and how this overlaps and intersects with the legal process.

The left hand side of the diagram is where parents have the most control. However, the arrangements that arise out of these discussions and negotiations are less enforceable and less likely to be legally focused. On the right hand side of the diagram is the court system. Parents have less control over an order made (not by consent). However, the outcome of court orders will be legally focused and enforceable.

### Key points

- Parents can reach an agreement themselves about parenting arrangements post separation or have the matter determined by a court, resulting in a formal court order.
- Agreements made by parents that are written down, signed and dated by both parents are known as parenting plans. A parenting plan is not enforceable by the court. However, the court can take into consideration any agreement reached in a parenting plan.
- Parenting plans can be formalised (usually with the assistance of a lawyer) and filed with the court in the form of consent orders. Consent orders are enforceable by the court. A breach of consent orders can result in contravention and enforcement proceedings.
- It is an underlying principle of the Family Law Act that, where appropriate, parents should agree about the future parenting of their children. The family law system provides many opportunities for parents to negotiate and come to an agreement without going to court.
- It is recognised that in matters where there is a history of family violence, or risk of physical or psychological harm, family dispute resolution may not be appropriate.
- Negotiation
  - Parents can make an informal agreement between them. The parents are in control of how, when and what is discussed in their negotiations.
  - Negotiation may not be appropriate for some separated parents due to family violence or inappropriate communication between the parties.

- Some parents may make parenting arrangements in an ad hoc way using telephone conversations, texts, or email.
- Informal negotiations will be more successful where there is good communication and trust between the parents.
- Assisted negotiation
  - Some parents may use a third party, such as a relative, friend or lawyer, to help negotiate parenting arrangements.
  - Lawyers can provide legal advice about whether the negotiated arrangements are in the best interests of the children.
- Family dispute resolution
  - Family dispute resolution is negotiation with the help of a family dispute resolution practitioner (FDRP) who has training and experience in helping parents reach agreement and focusing their discussions on what is in the best interests of the children.
  - Family dispute resolution promotes and supports good communication between parents on issues about their children.
- Unlike a lawyer, a FDRP does not represent or take sides with either party. The FDRP will decide how negotiations will take place, for example, face to face or through a shuttle conference.
- Parents maintain control over the agreement that is reached.
- Family law courts
  - Negotiation and trying to reach agreement between the parents still forms a large part of the family law court process. These negotiations often involve lawyers.
  - Many parenting arrangements are negotiated at court and become consent orders.
  - The court process is started by a parent making an application to the court.
  - An independent children's lawyer (ICL) may be ordered by the court to represent the child's best interests. The ICL is not bound by the wishes of either the parents or the children.

## FAMILY LAW PARENTING: QUESTIONS

TIME	LEARNING OUTCOMES	MATERIALS
1:40 – 2:10 (30 mins)	By the end of this session the training group will understand commonly held myths expressed by their clients about Australia's family law system	"commonly held beliefs" Training materials - day one

### Activity sequence and presenter notes

#### **Small group discussion:** *commonly held beliefs*

Divide the training group into smaller groups of between four and seven people. Allocate 10 minutes for group discussion and 20 minutes for each of the small groups to give feedback to the training group. Encourage the groups to discuss and contest community beliefs about the family law system. Training group members should use the knowledge they have gained about the family law system, including the best interest factors and how parenting arrangements can be made.

Give each group one of the commonly held beliefs that was raised in the morning session. Additional commonly held beliefs can be found in the training materials. The presenter should review the group's responses and highlight why it is important that people have an accurate understanding of family laws in Australia.

### Key points

The following are commonly held community beliefs.

- ***I am going to get full custody.*** Full custody is often used to mean full control, or an arrangement where one person is the resident parent and they make all the decisions about their child's life. Custody is not a term used in the Family Law Act.
- ***He said: if you leave, you will never see the children again.*** The court makes decisions about post-separation parenting arrangements based on the best interests of the child, not who was responsible for the breakdown of the relationship.
- ***The court will order week about.*** The Family Law Act provides that where there are no allegations of family violence or child abuse the court must consider equal shared parental responsibility. This does not mean equal time with each parent.
- ***The children should live with their mother.*** The Family Law Act does not make reference to parents' gender or consider a parent's gender

when assessing the best interests of the child.

- **My child is 12 so they can make up their own mind.** There is no age at which a child can make a decision about who they should live with. The court considers the best interests of a child. The child's views about who they want to live with is one of many considerations that a court may take into account.

- **There is an intervention order in place so I am not able to see my children again.** The court looks at a range of issues when considering the impact of a family violence intervention order on parenting arrangements. The mere presence of an intervention order does not mean that children will not be able to spend time with or communicate with their parent.

## CHILD PROTECTION: WELFARE CASE STUDY

TIME	LEARNING OUTCOMES	MATERIALS
2:10 – 2:30 (20 min)	By the end of the session people in the training will be able to identify: <ul style="list-style-type: none"> <li>• key issues in the Nardalie case study</li> <li>• the various ways families and communities can intervene to support parents who are struggling.</li> </ul>	PowerPoint slides “Child Protection Case Study” Training materials – day one Whiteboard

### Preparation

Presenters should have read and considered:

- Kaur J, 2012, Cultural Diversity and Child Protection: Australian research review on the needs of culturally and linguistically diverse (CALD) and refugee children and families, Queensland, Australia  
[www.jkddiversityconsultants.com.au](http://www.jkddiversityconsultants.com.au)
- Child Protection, Department of Human Services website:  
[www.dhs.vic.gov.au](http://www.dhs.vic.gov.au)
- Child First Fact Sheet:  
[www.dhs.vic.gov.au](http://www.dhs.vic.gov.au)

### Activity sequence and presenter notes

#### **Small group discussion:** *Nardalie case study*

This session is a facilitated discussion about a fictional case study – Nardalie. The case study is contained in the training materials. Divide the training group into small groups. Allocate 15 minutes for small group discussion and five minutes for feedback to the large group. After giving people the opportunity to read the Nardalie case study, prompt the small groups to consider the following questions.

- What are the issues for Nardalie and her children?
- How could these issues be resolved with family and community involvement?
- What supports would be useful for Nardalie and her family?

Record responses on the whiteboard. This is an opportunity to nominate possible issues that will be further explained in later sessions. Presenters should avoid explaining the child protection system while recording responses. The exercise provides the opportunity for discussion about how the community can help in early intervention. The training group should be encouraged to be empathetic towards Nardalie and to look at ways of supporting her as a parent.

The presenter should encourage the groups to consider the following issues.

- The difficulties Nardalie is having trying to look after her children as well as provide for them.
- Nardalie relies on Laetitia, who is 15 years old, to look after the younger children after school and cook dinner.
- Nardalie may be suffering from post traumatic stress disorder from her experience of Kivu. This would make parenting even more difficult.
- Nardalie does not know what is happening with the children when she is not home.
- Nardalie may be isolated and unsupported.
- Nardalie has thrown the television and screamed and yelled at the children.
- The children do not understand and are frightened by their mum's psychological condition.
- Nardalie and her family need help.



## Child Protection case study<sup>2</sup>

Nardalie had been picking apples at the orchard. She started at six o'clock in the morning and finished at two in the afternoon. It was a long day, but this is work she needs to do to bring up her three children – Laetitia who is 15 years old, Fabrice who is 13 years old, and Joseph who is eight.

While her children are at school, Nardalie fills bins with red apples to make some extra money on top of her Centrelink benefits. The work is tough but she is used to it and the sun doesn't bother her. On the long bus ride home, Nardalie is thinking about her children. She hopes Laetitia has started making the fufu for dinner. Sometimes she makes it too lumpy. She is young and she will learn; she is a good girl. The boys are her angels, even when they are naughty.

The bus stops suddenly. Nardalie can see police cars and police. She hears an ambulance siren and looks out the window as they pass a car accident. The memories of Kivu and the killings come to her – her husband dead and her first son missing. She wants to run.

Nardalie finally reaches the door of her flat. She knocks but there is no answer. Nardalie knows they are inside as she can hear the television. She gets out her key, opens the door and walks in to see Laetitia on one side of the couch and Fabrice on the other side. Their eyes are hypnotised by the television which is very loud. 'It is too loud,'

Nardalie almost has to shout. 'Sssshhh,' Laetitia replies. 'Your mother is talking Laetitia, and I say it is too loud.' Nardalie unplugs the television from the wall. Fabrice says, 'Mama why did you do that?'

'You are watching rubbish, what good does that teach you?' Nardalie says. Laetitia gets up off the couch and puts the plug back in.

Nardalie smells something burnt. In the kitchen she finds not only lumpy fufu, but it is burnt too. When will Laetitia ever learn? And where is her little boy? Nardalie goes into Joseph's bedroom, but he is not there. Nardalie searches the house but she cannot find him. 'Where is Joseph?' Nardalie asks Laetitia and Fabrice. With her eyes glued to the TV, Laetitia replies, 'He's at Louie's house. We can pick him up later.' 'Louie? who is Louie?' Nardalie asks. 'He's a new kid. Joseph likes him,' says Fabrice. 'You left your little brother at a stranger's house? How could you, where are your brains? I come home to find no Joseph and no food!' Nardalie picks up the TV in her strong arms and throws it at the wall. The screen goes black. 'Mum!' screams Laetitia. 'Oh my God,' says Fabrice. 'Bring Joseph to me NOW!' says Nardalie.

Laetitia and Fabrice leave the flat, slamming the front door. Laetitia yells, 'I hate you!' as she walks off with Fabrice to get Joseph from his friend's house. Nardalie runs to her room, slamming the door. She crouches in a corner.

Five days later, Nardalie receives a phone call from a child protection worker from the Department of Human Services. She does not understand why.

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<sup>2</sup> Nardalie's story was developed by Angela Costi and the African communities of Shepparton as part of VLA's Family Harmony project

## CHILD PROTECTION: KEY ROLES IN THE SYSTEM

TIME	LEARNING OUTCOMES	MATERIALS
2:30 – 2:45 (15 min)	By the end of the session people will understand the different roles of agencies and courts in the child protection system	PowerPoint slides

### Preparation

Presenters should have read and considered the Children, Youth and Families Act 2005 (Vic).

### Activity sequence and presenter notes

**Presentation:** *Key roles in the child protection system*

Using the PowerPoint materials, the presenter should explain in plain language the key roles of professionals in the child protection system.

### Key points

- Each role in the child protection system works independently.
- The following roles are necessary to ensure that our child protection system is fair and just:
  - the Children’s Court

- lawyers who represent child protection services
- lawyers who represent parents/children
- Child Protection can make a protection application to the court. It is for the court to decide whether an order is necessary. If having heard from everyone the court decides an order is necessary, it will then decide what conditions (rules) need to be on the order and how long the order should be for.
- People should get legal advice when dealing with these issues.

## BREAK

TIME	LEARNING OUTCOMES	MATERIALS
2:45 – 2:55 (10 min)		

## CHILD PROTECTION: DEFINING THE ISSUES

TIME	LEARNING OUTCOMES	MATERIALS
2:55 – 3:30 (35 min)	By the end of the session people will be able to: <ul style="list-style-type: none"> <li>• identify the issues in the Nardalie case study</li> <li>• explain the relevant decision making criteria the court uses to determine a protection application</li> </ul>	PowerPoint slides Whiteboard

### Activity sequence and presenter notes

This session is made up of three activities:

- a large group discussion of the Nardalie case study
- a presentation using PowerPoint materials
- application of the Nardalie case study.

**Large group discussion:** *has Nardalie done anything wrong?*

Leading a whole group discussion, the presenter should explore the facts of the Nardalie case study, asking the training group: Has Nardalie done anything wrong legally?

As people suggest possible issues, list them on the whiteboard. The purpose of this discussion is to engage the group in the identification of possible issues prior to the presentation about the legal grounds for a protection application. Allow five minutes for this activity.



**Presentation:** *Defining the issues*

Using the PowerPoint materials, the presenter should explain how to define the issues drawing on illustrative stories and practical examples to add context. Allow 15 minutes for this activity. There is a notes page in the Training Materials.

**Large group discussion:** *Nardalie and her family*

Leading a whole group discussion, the presenter should again explore the facts of the Nardalie case study. Ask the group: Thinking about Nardalie and her family, what things do you think Child Protection may be concerned about?

After receiving feedback from the training group, discuss the case study. During discussions the presenter should reinforce that while the children have not been physically injured, there is a risk of this occurring if the current care arrangements continue.

Further, many of the issues that Nardalie faces could be resolved if she had community support structures in place. For example:

- Could Joseph be in after school care?
- Is there a homework club for Laetitia and Fabrice to go to?
- Is there a family in the community that could help care for the children after school?
- Can Nardalie receive help for her flashbacks?
- Are there parenting courses available that could help Nardalie with parenting strategies?

**Key points**

- Abandonment and incapacity do not have to be long term. It is enough that the child has been abandoned at the time that Child Protection intervenes.
- Neglect includes failure to provide the child with an adequate standard of nutrition, medical care, clothing, shelter or supervision to the extent where the health or development of the child is significantly impaired or placed at risk. A child is neglected if they are abandoned or left uncared for over unreasonable periods of time that is inconsistent with their age and stage of development.
- There are a number of grounds for a protection application.

## CHILD PROTECTION: OVERVIEW OF THE PROCESS

TIME	LEARNING OUTCOMES	MATERIALS
3:30 – 4:00 (30 min)	By the end of this session people will be able to describe the various non-court and court processes involved in addressing concerns raised by Child Protection.	PowerPoint slides “Child protection process” Training materials – day one

### Activity sequence and presenter notes

**Presentation:** *Overview of child protection*

Using the PowerPoint materials, the presenter should provide an overview of child protection.

The child protection process diagram describes non-court and court processes that will be followed when Child Protection receive a report of risk of significant harm about a child. Each colour represents a stage in the child protection process. The line of five purple blocks represents the different types of action Child Protection can take after investigating a report. The diagram reads from left to right in order of severity. A case may not always start at an interaction with a child. Parents may only become aware of Child Protection when Child Protection intervenes in a critical incident.

### Key points

- Child Protection intervention should be only that which is necessary to ensure the well being of the child.
- An advantage of an informal agreement is the ability to address issues without the court making a finding. Informal agreements need to be clear about what needs to happen so that the children are returned to their parents.
- A protection application by notice can be made when Child Protection has recommended that a family engage with a service or undertake certain behavioural changes and the family has not adequately complied with that direction.
- A protection application by emergency care can be made when there has been a critical incident, for example, a family violence incident or a serious health or mental health incident and Child Protection have been called.
- Where Child Protection makes a protection application by emergency care, they must make the application to the court: the same day, the next day, or the next working day.
- At the hearing of a protection application by emergency care the court will be guided by Child Protection about the allegations and concerns that they have. Negotiation between the parents and Child Protection is confined to the terms and duration of the order.
- It is important that parents seek legal advice and try to access support.

## CHILD PROTECTION: QUESTIONS AND WRAP UP

TIME	LEARNING OBJECTIVES	MATERIALS
4:00 – 4:25 min)	<ul style="list-style-type: none"> <li>By the end of this session people will be able to accurately answer commonly held myths expressed by their clients about Victoria's child protection system</li> </ul>	PowerPoint slide
5 min	Wrap up – what's on next time	

### Activity sequence and presenter notes

**Small group discussion:** *child protection commonly held beliefs*

Divide the training group into smaller groups of between four and seven people. Allocate 10 minutes for small group discussion and 15 minutes for feedback to the training group. Give each group a commonly held belief that was raised in the morning session. Additional commonly held beliefs can be found in the training materials.

The presenter should review the group's responses and highlight why it is important that people have an accurate understanding of child protection processes in Australia.

### Key points

The following are commonly held community beliefs.

- **Child Protection decides whether your child can live with you.** The decision about where a child will live will be made by a magistrate of the Children's Court or by negotiated agreement between the parents and Child Protection.
- **Child Protection just listens to what the children want.** Child Protection makes final protection applications based on their investigations. This investigation usually includes conversations with the parents, the reporter and any other services involved with the family. The police may also be involved.
- **In Australia parents are not allowed to discipline their children.** Child Protection can only make a protective application where they believe that a child is at risk of significant physical or emotional harm.
- **Once Child Protection takes your children you will never see them again.** Protection orders are generally time limited with dates for the matter to return to court. There are many opportunities for parents and Child Protection to negotiate for the children to be placed back in the home. Children are subject to child protection orders until they are 18.
- **Child Protection only gets involved when something really bad has happened.** Child Protection may seek to help a family on the basis of risk. They may have identified that a family needs extra support to ensure significant physical and psychological harm is avoided.

Settlement worker training

## DAY TWO: PRESENTER NOTES

### DAY TWO SESSION PLAN

TIME	ACTIVITIES	AIM
9:30 – 9:45 (15 min)	<b>Welcome and reflections</b> Presentation <ul style="list-style-type: none"> <li>• Welcome</li> </ul> Small group discussion – 5 min <ul style="list-style-type: none"> <li>• Reflecting on previous training day</li> </ul> Large group feedback – 10 min	<ul style="list-style-type: none"> <li>• Recap day one training</li> </ul>
9:45 – 10:45 (1 hour)	<b>Defining family violence</b> Small group discussion – 15 min <ul style="list-style-type: none"> <li>• What behaviours are violent, non-violent or depends</li> </ul> Large group feedback – 15 min Presentation <ul style="list-style-type: none"> <li>• Family Violence Protection Act (2008)</li> </ul>	<ul style="list-style-type: none"> <li>• Define common beliefs about family violence</li> <li>• Develop a shared understanding of violent and non-violent behaviour</li> <li>• Introduce the Family Violence Protection Act</li> </ul>
10:45 – 11:15 (30 min)	<b>Family violence in Victoria</b> Large group discussion – 5 min <ul style="list-style-type: none"> <li>• What causes family violence?</li> </ul> Presentation <ul style="list-style-type: none"> <li>• Causes of family violence, prevalence and impact</li> </ul>	<ul style="list-style-type: none"> <li>• Explain the causes of and contributing factors to family violence</li> <li>• Develop a shared understanding of the nature and prevalence of family violence</li> </ul>
11:15 – 11:30 (15 min)	<b>Preventing family violence</b> Presentation <ul style="list-style-type: none"> <li>• Preventing family violence</li> </ul>	<ul style="list-style-type: none"> <li>• Explain how family violence is a societal problem</li> <li>• Explain how Settled &amp; Safe works as a prevention strategy</li> </ul>
11:30 – 11:40 (10 min)	<b>Break</b>	
11:40 – 12:30 (50 min)	<b>Family violence intervention orders</b> Presentation <ul style="list-style-type: none"> <li>• Jaber and Zahara</li> </ul> Large group discussion – 15 min <ul style="list-style-type: none"> <li>• What has happened in this story?</li> <li>• Is it a common story?</li> </ul> Small group discussion – 15 min <ul style="list-style-type: none"> <li>• Locating supports</li> </ul>	<ul style="list-style-type: none"> <li>• Gain an understanding of the group's family violence intervention order knowledge</li> <li>• Explore community resources and how communities might assist families to resolve disputes</li> </ul>

TIME	ACTIVITIES	AIM
12:30 – 12:45 (15 min)	<b>Defining the legal issues</b> Large group discussion – 5 min <ul style="list-style-type: none"> <li>• Has Jaber done anything wrong?</li> </ul> Presentation <ul style="list-style-type: none"> <li>• Behaviours that are criminal and behaviours that are grounds for a family violence intervention order application</li> </ul>	<ul style="list-style-type: none"> <li>• Identify behaviours that are criminal and behaviours that are grounds for an Intervention order</li> <li>• Identify legal and non-legal referral options for individuals and families</li> </ul>
12:45 – 1:00 (15 min)	<b>Family violence police response</b> Presentation <ul style="list-style-type: none"> <li>• Victoria Police Code of Practice</li> </ul>	<ul style="list-style-type: none"> <li>• Explain the role of police when attending a family violence incident</li> </ul>
1:00 – 1:40 (40 min)	<b>Lunch</b>	
1:40 – 2:10 (30 min)	<b>Explaining family violence intervention orders</b> Small group discussion – 20 min <ul style="list-style-type: none"> <li>• What were the key elements in a good explanation?</li> </ul> Presentation: Key messages intervention orders	<ul style="list-style-type: none"> <li>• Develop strategies for explaining intervention orders</li> <li>• Deliver key messages about intervention orders</li> </ul>
2:10 – 2:40 (30 min)	<b>Intervention order process</b> Presentation <ul style="list-style-type: none"> <li>• Intervention order process</li> </ul>	<ul style="list-style-type: none"> <li>• Explain the legal process of applying for and responding to a family violence intervention order</li> </ul>
2:40 – 2:45 (5 min)	<b>Reflecting on the case study</b> Presentation <ul style="list-style-type: none"> <li>• Rules to protect Zahara and the children</li> </ul>	<ul style="list-style-type: none"> <li>• Apply the legal process to the case study</li> </ul>
2:45 – 3:00 (15 min)	<b>Break</b>	
3:00 – 3:30 (30 min)	<b>Barriers to disclosing family violence</b> Large group discussion – 30 min <ul style="list-style-type: none"> <li>• What ideas or beliefs might stop someone from seeking assistance?</li> <li>• What ideas or beliefs might support someone to seek help for their safety?</li> </ul>	<ul style="list-style-type: none"> <li>• Identify the skills needed to support clients to seek help</li> <li>• Outline the barriers to disclosing family violence</li> </ul>
3:30 – 4:00 (30 min)	<b>Services that can assist</b> Large group discussion – 30 min <ul style="list-style-type: none"> <li>• In your local area what services do you think might assist Zahara, Jaber and the children?</li> </ul>	<ul style="list-style-type: none"> <li>• Discuss services that could provide help</li> </ul>
4:00 – 4:20 (20 min)	<b>Wrap up and evaluation</b> <ul style="list-style-type: none"> <li>• Presenter facilitation – 20 min</li> <li>• Wrap up – what is the most important thing you will take away from today?</li> <li>• Closing statements</li> </ul>	Thank the training group for their involvement Identify further opportunities to collaborate

## DAY TWO WELCOME AND REFLECTIONS

TIME	LEARNING OBJECTIVES	MATERIALS
9:30 – 9:45 (15 min)		PowerPoint slides “Reflections” Training materials – day two

### Activity sequence and presenter notes

This session is made up of two activities:

- welcome presentation
- reflections on previous training day

#### **Presentation:** *Welcome*

The presenter reintroduces themselves to the training group and engages the group in the Settled & Safe settlement worker training.

You should provide a brief outline of the day’s program and how the training content will be beneficial to the work that they do, as well as housekeeping information. For example:

- the location of amenities, toilets, refreshments
- a reminder to switch off mobile phones
- emergency processes and exits or occupational health and safety messages.

#### **Small group discussion:** *reflections on previous training day*

Divide the training group into small groups of between four and seven depending on the size of the audience. Allocate five minutes for group discussion and 10 minutes for each of the small groups to feed back to the training group.

Ask each of the groups to share with each other:

- the most important piece of information they learnt from day one
- one thing they are hoping to learn today.

When listening to the training group’s feedback make a note of what they would like to learn and consider how that might affect the emphasis and time management of the training schedule. Where necessary the presenter may need to adjust the time allocated to activities to suit the training group’s needs.

### Key points

- Laws in Australia can be very confusing. As a community we want to ensure our loved ones are safe.
- By participating in Settled & Safe we hope to build a better understanding of what Australian laws are, why we have them and how they can help people.
- Settled & Safe provides legal information to newly emerging communities.

## DEFINING FAMILY VIOLENCE

TIME	LEARNING OBJECTIVES	MATERIALS
9:45 – 10:45 (1 hour)	By the end of the session the training group will be able to define family violence	PowerPoint slides Family Violence Protection Act – Preamble “What Behaviours are...” Training materials – day two

### Preparation

Presenters should have read and considered:

- AVERT Family Violence: Collaborative Responses in the Family Law System, 2010, Dimensions, Dynamics and Impact of Family Violence, Australian Attorney-General’s Department ([www.avertfamilyviolence.com.au](http://www.avertfamilyviolence.com.au))
- Family Violence Protection Act 2008
- VLA publications:
  - Safe at home
  - Responding to an intervention order
  - [www.vla.vic.gov.au/find-legal-answers/free-publications-and-resources](http://www.vla.vic.gov.au/find-legal-answers/free-publications-and-resources)

The presenter should have a thorough understanding of the definitions of family violence and family member in the Family Violence Protection Act and be able to provide plain language examples of their application.

The presenter requires a basic understanding of criminal offences that may be committed in family relationships involving family violence, and be able to provide plain language examples of how these crimes are established and the punishments available.

### Activity sequence and presenter notes

This session is made up of two activities:

- behaviours that are violent, non violent or depends
- Family Violence Protection Act 2008 – presentation.

**Small group discussion:** *what behaviours are violent, non-violent or depends?*<sup>1</sup>

Divide the training group into small groups. Allocate 15 minutes for the small group discussion and 15 minutes for each of the small groups to give feedback to the training group.

On a whiteboard or butcher’s paper that is visible to the training group write the following behaviours: hitting, yelling, sending repetitive text messages, refusing permission to visit relatives, tearing up photographs, drinking alcohol, calling names, threatening to hurt an animal, smashing glasses, hitting your own head, owning a gun, controlling finances, slamming doors, punching a wall, pushing.

<sup>1</sup> “This exercise is an adaptation of the “Defining Family Violence Exercise” found in Avert Family Violence: Collaborative Response in the Family Law System ([www.avertfamilyviolence.com.au](http://www.avertfamilyviolence.com.au)), © Commonwealth of Australia 2010, Australian Attorney-General’s Department.



Ask the small groups to consider each of the behaviours and decide if they think that the behaviour is family violence. Ask the groups to write each of the behaviours in one of the three columns in the Training Materials activity sheet: violent, not violent, and depends. If their answer is depends, ask the small group to discuss why.

**Presentation:** *Family Violence Protection Act 2008*

The presenter should lead the whole training group to consider:

- What behaviours have been placed differently? Why?
- What difference does it make if something is considered violent or not violent?
- Why is this relevant to family violence prevention and response?

Using the PowerPoint slides and knowledge gained from the presenter preparation engage the training group in a discussion about the Family Violence Protection Act 2008. The presenter should note that the Family Violence Protection Act 2008 Preamble highlights the serious nature of family violence.

### Key points

Whether a behaviour is family violence depends on the context or situation in which it takes place. For example, smashing glasses could be seen as family violence where this action is carried out to cause fear or to deliberately damage property. Smashing glasses may not be family violence when a glass is accidentally dropped. In the same way, yelling is often seen as intimidating or frightening during an argument. However, yelling at a sports event or in a noisy room would not be violent.

## FAMILY VIOLENCE IN VICTORIA

TIME	LEARNING OBJECTIVES	MATERIALS
10:45 – 11:15 (30 min)	By the end of the session the training group will be able to identify the causes of family violence	Whiteboard PowerPoint slides

### Preparation

Presenters should have read and considered:

- AVERT Family Violence: Collaborative Responses in the Family Law System, 2010, Dimensions, Dynamics and Impact of Family Violence, Australian Attorney General’s Department ([www.avertfamilyviolence.com.au](http://www.avertfamilyviolence.com.au))
- Meyering B, 2012, ‘Staying/Leaving: Barriers to Ending Violent Relationships’, Fact Sheet 7, Australian Domestic & Family Violence Clearing House ([www.adfvc.unsw.edu.au](http://www.adfvc.unsw.edu.au))
- InTouch, 2010, I lived in fear because I knew nothing: Barriers to the Justice System faced by CALD women experiencing family violence, Victoria Law Foundation ([www.lgpvaw.net.au](http://www.lgpvaw.net.au))

- Vic Health, 2007, Preventing Violence Before It Occurs: A framework and background paper to guide the primary prevention of violence against women in Victoria, ([www.vichealth.vic.gov.au](http://www.vichealth.vic.gov.au)).

The presenter must be able to distinguish between the causes of family violence and the factors that may contribute to family violence. The recommended reading, in addition to the AVERT website, contains valuable information for the presentation of this session.

### Activity sequence and presenter notes

This session is made up of two activities:

- What causes family violence?
- Causes of family violence – presentation.

#### **Large group discussion:** *what causes family violence?*

Ask the training group to consider the causes of family violence.

Write down the training group's responses on the whiteboard. Depending on the training group's level of knowledge of family violence, it is likely that they will provide responses that are contributing factors to family violence, for example, alcohol, mental illness, drugs or financial pressures. The presenter should not challenge or correct any incorrect responses, as this will be addressed in the next activity.

#### **Presentation:** *Causes of family violence, prevalence and impact*

Using the PowerPoint slides and knowledge gained from the presenter preparation, the presenter should note: that there are a variety of commonly held beliefs about family violence.

Present the slides that contain research findings about the contributing factors to family violence. After reviewing each slide, discuss the responses provided by the training group in the last activity. The presenter should draw attention to why a response would be viewed as a contributing factor to family violence and not a cause. Correct responses about the cause of family violence should be noted as being correct. The following examples may assist in leading this discussion.

- Poverty
  - Not all people who have financial difficulties use family violence.
  - Family violence affects all of the community.

- Poverty and financial stress can contribute to family violence.
- Alcohol
  - Not all people who drink alcohol use family violence.
  - If a person knows that they are likely to commit family violence when they drink alcohol and they continue to drink alcohol, is the cause of family violence the alcohol or the person who drinks it knowing they are likely to become abusive?
- Mental illness
  - Not all people with a diagnosable mental illness use family violence.
- Losing control or getting angry
  - Many people who commit family violence are not violent in other parts of their life. For example, they are not violent towards their work colleagues or friends.

Using the PowerPoint slides and knowledge gained from the presenter preparation, present the training slide that contains the causes of family violence, and engage the training group in a discussion about the true causes of family violence. The causes of family violence are based on current research. The presenter should note that family violence is always a choice exercised by the perpetrator.

### Key points

- Men are more likely to be victims of violent crime and that violence is generally committed by a stranger. Women are more likely to be victims of a violent crime committed by a male family member.
- Police family violence statistics are increasing as they are responding to family violence differently and the community has become less accepting of family violence.
- Witnessing family violence produces a range of negative outcomes for children.
- Family violence is the leading cause of homelessness for women and children in our community.



## PREVENTING FAMILY VIOLENCE

TIME	LEARNING OBJECTIVES	MATERIALS
11:15 – 11:30 (15 min)	By the end of the session the training group will be able to describe why Settled & Safe is a family violence prevention program	PowerPoint slides

### Preparation

Presenters should have read and considered:

- AVERT Family Violence: Collaborative Responses in the Family Law System, 2010, Dimensions, Dynamics and Impact of Family Violence', Australian Attorney-General's Department ([www.avertfamilyviolence.com.au](http://www.avertfamilyviolence.com.au))
- Meyering B, 2012, 'Staying/Leaving: Barriers to Ending Violent Relationships', Fact Sheet 7, Australian Domestic & Family Violence Clearing House ([www.adfvc.unsw.edu.au](http://www.adfvc.unsw.edu.au))
- InTouch, 2010, I lived in fear because I knew nothing: Barriers to the Justice System faced by CALD women experiencing family violence, Victoria Law Foundation ([www.lgpvaw.net.au](http://www.lgpvaw.net.au))
- Vic Health, 2007, Preventing Violence Before It Occurs: A framework and background paper to guide the primary prevention of violence against women in Victoria, ([www.vichealth.vic.gov.au](http://www.vichealth.vic.gov.au)).
- White ribbon, "What is primary prevention?" fact sheet ([www.whiteribbon.org.au](http://www.whiteribbon.org.au))

### Activity sequence and presenter notes

#### **Presentation:** *Preventing family violence*

Using the PowerPoint slides and knowledge gained from the preparation, the presenter should note:

- The ecology model of family violence recognises that the causes of family violence are complex and cannot be pinned on a single issue, for example, alcohol or poverty.
- The ecology model acknowledges that many issues contribute to family violence and preventing it will require many different approaches that target different parts of society.

- The ecology model depicts the different layers at which an individual interacts in a society. It evaluates each layer and considers what factors might increase or lessen a person's risk of experiencing family violence.<sup>2</sup>

The layers include:

- individual level: considers the developmental experiences and personality factors that shape a person's responses to stressors in their environment
- relationship level: considers the intimate interactions a person has with others
- community/organisational: considers the formal and informal social structures that impact on a person
- societal: the cultural values and beliefs that shape the other three levels of the social ecology.
- Settled & Safe increases newly emerging communities' knowledge about family violence and family law. Settled & Safe works on a number of levels in the ecology of family violence, primarily the relationship and community level. It is a mentoring and peer program designed to reduce conflict, foster problem solving skills, and promote healthy relationships.
- Settled & Safe generates awareness of why family violence is unacceptable and the legal consequences of family violence.

<sup>2</sup> Vic Health, 2007, Preventing Violence Before It Occurs: A framework and background paper to guide the primary prevention of violence against women in Victoria, p.26.

## BREAK

TIME	LEARNING OBJECTIVES	MATERIALS
11:30 – 11:40 (10 min)		

## FAMILY VIOLENCE INTERVENTION ORDERS

TIME	LEARNING OBJECTIVES	MATERIALS
11:40 – 12:30 (50 min)	<p>By the end of the session the training group will be able to identify:</p> <ul style="list-style-type: none"> <li>key issues in the Jaber and Zahara case study</li> <li>ways that families and communities can provide the family support</li> </ul>	<p>AVERT family violence materials (<a href="http://www.avertfamilyviolence.com.au">www.avertfamilyviolence.com.au</a>) see: Jaber &amp; Zahara “Family Violence Discussion” Training materials – day two</p>

### Preparation

Presenters should have read and considered:

- inTouch, 2010, I lived in fear because I knew nothing: Barriers to the Justice System faced by CALD women experiencing family violence, Victoria Law Foundation ([www.lgpvaw.net.au](http://www.lgpvaw.net.au))
- Family Violence Protection Act
- VLA publications:
  - Safe at home
  - Responding to an intervention order
  - [www.vla.vic.gov.au/find-legal-answers/free-publications-and-resources](http://www.vla.vic.gov.au/find-legal-answers/free-publications-and-resources)

The presenter should have a thorough understanding of the definitions of family violence and family member in the Family Violence Protection Act 2008 and be able to provide plain language examples of their application. The presenter must be familiar with the process and grounds for obtaining an intervention order.

### Activity sequence and presenter notes

This session is made up of two activities:

- Jaber and Zahara presentation
- Jaber and Zahara – what happened?

#### **Presentation:** *Jaber and Zahara*

Introduce the AVERT video and acknowledge its source by stating:

*This video was made as part of Avert Family Violence: Collaborative Responses in the Family Law System. This was a federal government initiative to help professionals develop a shared understanding of family violence and family violence responses when working with clients in the family law system.*

Play the Jaber and Zahara video to the training group. Stop the video at the point where the police woman has completed serving Jaber with the order.

#### **Large group discussion:** *Jaber and Zahara – what happened?*

Ask the training group: What are your thoughts on the Jaber and Zahara video?

Record the training group’s responses on a whiteboard or butcher’s paper. The presenter should avoid explaining the law or processes, as this information will be provided in later sessions.

Common responses may include:

- Jaber is depressed, he cannot see any opportunities for him but he can see opportunities for his children and his wife.
- Jaber is struggling with a loss of identity. He was a lawyer but it appears he no longer is. Zahara is progressing as a teacher
- The laws do not make sense to Jaber – it is his responsibility to look after his children but they are being taken from him.
- Jaber’s behaviour has been escalating toward Zahara. It has been going on for months. There have been physical injuries and the children have been observing the family violence incidents and the injuries Zahara sustained.
- The children may be in danger as Jamal intervened to protect his mother from another assault.
- Jaber did not choose to hit his boss, or the man on the bus, but he chooses to assault his wife.

Ask the training group: What support does this family need? (Think about each of the characters individually.) This discussion gives the training group the opportunity to think about services that could be available locally but also how families may help in situations of family violence. Possible supports that could be mentioned include:

- Jaber: Men’s Referral Service, Relationships Australia, Elders

- Zahara: inTouch, family violence outreach services, friends and work colleagues
- Jamal and Leila: school support, family counselling, family violence outreach, extended family members.

### Key points

- Often when we think of family violence incidents we think about adults in conflict or one adult threatening and intimidating another. The children are very prominent in this video. They have needs that are separate to Jaber and Zahara.
- It is not clear if this is the end of the relationship between Jaber and Zahara.

## DEFINING THE LEGAL ISSUES

TIME	LEARNING OBJECTIVES	MATERIALS
12:30 – 12:45 (15 min)	By the end of the session the training group will be able to: <ul style="list-style-type: none"> <li>• differentiate between criminal behaviours and behaviours that are grounds for an intervention order</li> <li>• identify behaviours which would be considered criminal</li> </ul>	PowerPoint slides “Family Violence defining the issues” Training materials – day two

### Preparation

Presenters should have read and considered:

- Family Violence Protection Act
- VLA publications:
  - Safe at home
  - Responding to an intervention order
  - [www.vla.vic.gov.au/find-legal-answers/free-publications-and-resources](http://www.vla.vic.gov.au/find-legal-answers/free-publications-and-resources)

The presenter should have a thorough understanding of the definitions of family violence and family member in the Family Violence Protection Act 2008 and be able to provide plain language examples of the Act’s application.

The presenter must be familiar with the process and grounds for obtaining an intervention order.

The presenter requires a basic understanding of criminal offences that may be committed in family relationships involving family violence, and be able to provide plain language examples of how these crimes are established and the punishments available

### Activity sequence and presenter notes

**Presentation:** *Has Jaber done anything wrong?*

Using the responses and feedback provided by the training group, the presenter should provide a brief summary of the group’s understanding of the Jaber and Zahara story. For example:

- Jaber has assaulted and injured Zahara on at least two occasions

- Zahara says it has been going on for months
- Jaber had assaulted Zahara in front of the children
- Jaber has broken household items in a threatening manner (glass breaking and screaming) in front of the children.

The presenter should then use the PowerPoint materials to emphasise that some of Jaber’s behaviours could be considered criminal and others could be used as grounds to apply for an intervention order.

### Key points

- Not all family violence behaviours are criminal. Common crimes sometimes committed by people in families include assault, sexual assault, rape, property damage, killing pets, breaching an intervention order.
- A crime is a punishable offence. There are different penalties available. The most serious is being ordered to go to jail. Being found guilty of a crime will give you a criminal record. Having a criminal record may affect a person’s ability to work in some jobs.
- The police can charge someone with a crime even if the victim does not want them to.
- An intervention order is a court order that can protect a person and their children. It has rules about how a family member can behave. For example, it might say they are not to threaten the family member. The rules must be followed exactly. If a person breaks the rules of an intervention order, it is serious and the police can charge them with a criminal offence.

- To obtain an intervention order a person must establish that there has been family violence committed by a family member and that this violence is likely to continue.
- Family violence is when a family member makes a person feel unsafe and afraid. It includes:
  - hitting or pushing (physical abuse)
  - threats to harm a person or a person close to them, a pet, or to damage property
  - forcing a person to have sex (sexual abuse)
  - insulting or calling a person names, putting them down or stopping them from seeing family members or friends (emotional or psychological abuse)
  - denying a person access to money, including their own (financial abuse)
- Children are badly affected by family violence. The law says that a child also suffers family violence if they see, hear or witness violence by a family member.

## FAMILY VIOLENCE POLICE RESPONSE

TIME	LEARNING OBJECTIVES	MATERIALS
12:45 – 1:00 (15 min)	By the end of the session the training group will be able to describe the key elements of a police response to a family violence incident	PowerPoint slides “Police Respond Diagram” Training materials – day two

### Preparation

Presenters should have read and considered:

- Victoria Police Code of Practice for the Investigation of Family Violence 2013 ([www.police.vic.gov.au](http://www.police.vic.gov.au))
- Family Violence Protection Act 2008
- VLA publications:
  - Safe at home
  - Responding to an intervention order
  - [www.vla.vic.gov.au/find-legal-answers/free-publications-and-resources](http://www.vla.vic.gov.au/find-legal-answers/free-publications-and-resources)

The presenter should be familiar with the following legal terms and principles and be able to explain them in plain language:

- family violence safety notices
- police powers to make a family violence safety notice, including holding powers and exclusion orders.

### Activity sequence and presenter notes

**Presentation:** *Victoria Police Code of Practice*

Using the PowerPoint materials and Day Two Training materials, the presenter should explain the Victoria Police Code of Practice. The slides contain basic information about what police should do when attending a family violence incident. The Victoria Police options model diagram is contained in the training materials.

The presenter should explain the following.

- Two documents guide police responses:
  - the Family Violence Protection Act 2008
  - the Police Code for the Investigation of Family Violence.
- When attending a family violence incident the police must:
  - assess immediate threats and risk
  - manage the incident
  - assess the level of protection required and take action
  - investigate and gather evidence.
- The police will investigate a family violence incident and choose to do one or all of the following:
  - make referrals to all family members
  - make an application for a safety notice or intervention order
  - decide to charge or not charge someone with a crime.
- When attending a family violence incident the police have the power to hold someone while they:
  - make a family violence safety notice
  - make an application for an intervention order
  - ensure someone is safe.
- The police can exclude someone from the family home as a condition on a family violence safety notice.

### Key points

- The Code of Practice for the Investigation of Family Violence is an operational manual for police responding to reports of family violence. It is a public document that ensures that police can be held accountable for their response to family violence.
- The introduction to the Police Code of Practice has seen an increase in consistency and intervention in family violence matters.
- Anyone can call the police and report a family violence incident.

## LUNCH

TIME	LEARNING OBJECTIVES	MATERIALS
1:00 – 1:40 (40 min)		

## EXPLAINING FAMILY VIOLENCE INTERVENTION ORDERS

TIME	LEARNING OBJECTIVES	MATERIALS
1:40 – 2:10 (30 min)	By the end of the session the training group will be able to explain what an intervention order is in a way that is readily understandable to their clients	PowerPoint slides “Family Violence Activity: Explaining Intervention Orders” Training materials – day two

### Preparation

Presenters should have read and considered:

- Family Violence Protection Act 2008
- VLA publications:
  - Safe at home
  - Responding to an intervention order
  - [www.vla.vic.gov.au/find-legal-answers/free-publications-and-resources](http://www.vla.vic.gov.au/find-legal-answers/free-publications-and-resources)

The presenter should have a thorough understanding of family violence intervention orders as provided in the Family Violence Protection Act 2008 and be able to explain them in plain language.

### Activity sequence and presenter notes

This session is made up of two activities:

- Small group discussion – what is an intervention order?
- Presentation – what is an intervention order?

**Small group discussion:** *what is an intervention order?*

Divide the training group into small groups of between four and seven people. Allocate 10 minutes for small group discussion and 10 minutes for each of the small groups to give feedback to the training group.

The presenter asks the small group to take turns in explaining to the other members of their group what an intervention order is. Once the small groups have had the opportunity to complete this activity, ask the large group: What were the key elements in a good explanation?

Some easy to understand examples include:

- An intervention order is a warning.
- An intervention order is an order of the court that has rules on it. Those rules are not to be broken. It is a crime to break those rules.

**Presentation:** *Explaining intervention orders*

Using the PowerPoint materials, the presenter should present the slides about explaining an order. Draw attention to the times when people provided good explanations provided by the group.

### Key points

- The term intervention order is frequently used. We often assume wrongly that people know what it is.
- It is sometimes hard to describe what an intervention order is in a way that people can understand.

## FAMILY VIOLENCE INTERVENTION ORDER PROCESS

TIME	LEARNING OBJECTIVES	MATERIALS
2:10 – 2:40 (30 min)	By the end of the session the training group will be able to describe the key stages of the intervention order process	PowerPoint slides “Family Violence Intervention Order Process” Training materials – day two

### Preparation

Presenters should have read and considered:

- Victoria Police Code of Practice for the Investigation of Family Violence 2013 ([www.police.vic.gov.au](http://www.police.vic.gov.au))
- Family Violence Protection Act 2008
- VLA publications:
  - Safe at home
  - Responding to an intervention order
  - [www.vla.vic.gov.au/find-legal-answers/free-publications-and-resources](http://www.vla.vic.gov.au/find-legal-answers/free-publications-and-resources)

The presenter should have a thorough understanding of the process of making an application for an intervention order, and the support services that are available for people attending court.

### Activity sequence and presenter notes

#### **Presentation:** *Intervention order process*

Using the intervention order process PowerPoint slides the presenter explains the intervention order process. The first slide contains a diagram of the process. This diagram is included in the training materials.

Ask the training group to look at the intervention order process diagram. Using the PowerPoint materials, the presenter should discuss the various stages of the diagram.

#### **Key points**

- The family violence intervention order process is a legal process with a number of court dates.
- Both the applicant and respondent benefit from legal advice prior to attending court.
- If the magistrate is satisfied that there are grounds for an intervention order and that

- the applicant requires immediate protection, they may make an interim intervention order.
- An application for an interim intervention order may be heard without the respondent attending court. This is called an *ex parte* hearing.
- The respondent will be served with the application that advises them when to come to court.
- The respondent may choose not to attend court, but the application may proceed without them.
- If the respondent attends court, there may be negotiation about whether there is to be an intervention order, and what the terms of the intervention order will be.
- Conditions on an intervention order do not have to be uniform. Anything that is necessary to protect an affected family member can be included on an order.
- If there is no agreement about the intervention order, the application will be adjourned to a directions hearing.
- The directions hearing is another opportunity to negotiate an agreement. If there is no agreement, the application will be set down for a contested hearing (also known as a final hearing or contest).
- At the final hearing the magistrate will hear from the applicant and the respondent, as well as any other witnesses. The magistrate will make a decision about whether to grant an intervention order on the balance of probabilities of whether family violence has occurred and if there is a need for an order.
- There is no set time frame for an intervention order. An intervention order can be made for a number of months or years.
- Most applications settle by negotiation.

## REFLECTING ON THE CASE STUDY

TIME	LEARNING OBJECTIVES	MATERIALS
2:40 – 2:45 (5 min)	By the end of the session the training group will be able to identify key legal issues in the Jaber and Zahara case study	PowerPoint slides

### Preparation

Presenters should have read and considered:

- VLA publications:
  - Safe at home
  - Responding to an intervention order
  - [www.vla.vic.gov.au/find-legal-answers/free-publications-and-resources](http://www.vla.vic.gov.au/find-legal-answers/free-publications-and-resources)

### Activity sequence and presenter notes

**Presentation:** *Rules to protect Zahara and the children*

The presenter should reintroduce the Jaber and Zahara case study and apply it to the information presented in the intervention order process presentation. It is not clear at this point in the video whether Jaber and Zahara are separating.

The following reflection on the case study explains how orders could be tailored to suit where this family is at.

### Key points

- It is not clear that this is the end of Zahara's and Jaber's relationship.
- After conducting a risk assessment the police may make a safety notice for the protection of Zahara and the children.
- Zahara may want short-term protection from Jaber while they explore if they can reconcile in a way that would ensure safety.
- While there are standard conditions that can be included on the intervention order, a person applying for an order should think about what rules would be needed to ensure safety.
- The conditions in the intervention order could be tailored to:
  - enable them to participate in relationship counselling
  - require Jaber to attend a men's behaviour change course
  - enable Jaber to have contact with the children in a way that is safe.

## BARRIERS TO DISCLOSING FAMILY VIOLENCE

TIME	LEARNING OBJECTIVES	MATERIALS
3:00 – 3:30 (30 min)	By the end of the session the training group will be able to: <ul style="list-style-type: none"> <li>• identify barriers people may face when seeking assistance in a family violence situation</li> <li>• respond appropriately to someone seeking assistance in a family violence situation</li> </ul>	PowerPoint slide Whiteboard or butcher's paper "Family Violence Activity: Barriers to disclosing family violence" Training materials – day two

### Preparation

Presenters should have read and considered:

- inTouch, 2010, I lived in fear because I knew nothing: Barriers to the Justice System faced by CALD women experiencing family violence, Victoria Law Foundation ([www.lgpvaw.net.au](http://www.lgpvaw.net.au))
- AVERT Family Violence: Collaborative Responses in the Family Law System, 2010, Dimensions, Dynamics and Impact of Family Violence, Australian Attorney-General's Department ([www.avertfamilyviolence.com.au](http://www.avertfamilyviolence.com.au))
- Meyering B, 2012, 'Staying/Leaving: Barriers to Ending Violent Relationships', Fact Sheet 7, Australian Domestic & Family Violence Clearing House ([www.adfvc.unsw.edu.au](http://www.adfvc.unsw.edu.au)).



## Activity sequence and presenter notes

### **Large group discussion and feedback activities:** *barriers to disclosing family violence*

This is a large group discussion that will require a whiteboard or butcher's paper to record people's responses. Allow 30 minutes for the whole training group discussion.

The presenter asks:

- What ideas or beliefs might stop someone from seeking help?
- What ideas or beliefs might support someone to seek help for their safety?

The presenter should review the group's responses and discuss the following points:

- Ideas and beliefs that may prevent a disclosure of family violence include: From a victim's perspective<sup>3</sup>:
  - fear they will not be believed
  - it is our family's business, not everyone else's
  - fear of contributing to negative (cultural) stereotyping
  - I will have to leave my family/community and I will be isolated
  - fear of bringing shame and dishonour on the family
  - fear of losing visa or jeopardising future residency
  - fear of losing children and involving Child Protection
  - fear of authority figures (police and court)

From the perspective of someone who uses violence:

- feel that it is not only acceptable but an expected way of maintaining authority and leadership in the home.
- don't know there are services that can help
- feeling shameful and fear of being judged.

Ask the training group to imagine that they are supporting a client or family who they suspect might be experiencing family violence. How would you ask this client if they are experiencing family violence?

Encourage the group to think of different ways of asking that they would be comfortable with. Examples may include:

- How are things at home?
- How are you and your partner getting along?

- Are there ever times when you are afraid of someone in your family?
- Are you worried about your safety or your children's safety?

The group's responses should be written on the whiteboard or butcher's paper. After talking about the responses ask:

- What is important when responding to somebody who is disclosing family violence?
- What responses might be unhelpful?

### Key points

- When responding to victims of family violence it is important to consider the following things.
    - Listen – being listened to can be empowering for a person who has experienced violence.
    - Communicate belief: That must have been very frightening for you.
    - Validate the decision to disclose: It must have been difficult for you to talk about this; I am glad you were able to tell me about this today.
    - Emphasise the unacceptability of violence: You do not deserve to be treated this way; You have a right to feel safe<sup>4</sup>.
    - When using interpreters, allow time to ensure questions are being communicated clearly.
    - Use short sentences and focus on one point at a time<sup>5</sup>.
  - Unhelpful responses to disclosures include the following.
    - Placing responsibility for the violence with the victim' "what could you have done to avoid the situation", "Why did he hit you?", "What do you stay?"
  - When responding to a person who has admitted to using violence it is important to consider the safety of victims and their children.
  - Be mindful of collusion. Collusion in this context means supporting people to avoid taking responsibility for their behaviour. "Typical ways that people may attempt to avoid responsibility include:
    - minimising and denying the act or impact of their violence, for example, I only..., I didn't....., or, I was drunk/angry/stressed
    - blaming the victim
- 
- 3** Women and Newborn Health Services, 2007. "Guidelines for responding to family and domestic violence" Women's Health Policy and Project Unit Department of Health WA, p39.
- 4** "It's time to talk, GP toolkit" 2013, Women's Legal Service NSW, p4.
- 5** Women and Newborn Health Services, 2007. "Guidelines for responding to family and domestic violence".



- justifying their actions
- blaming their past or present circumstances or experience
- using jokes or humour
- selectively disclosing facts
- focusing on the victim's or children's behaviour instead of their own.<sup>6</sup>
- Acknowledge that wanting to seek help is a very important first step.”
- You can help by providing referrals to services or organisations that can help.<sup>7</sup>

<sup>6</sup> No To Violence, 2005, Men's Behaviour Change Group Work Minimum Standards and Quality Practice p129.

<sup>7</sup> Women and Newborn Health Services, 2007. "Guidelines for responding to family and domestic violence".

## SERVICES THAT CAN ASSIST

TIME	LEARNING OBJECTIVES	MATERIALS
3:30 – 4:00 (30 min)	By the end of the session the training group will be able to identify key agencies that assist people in family violence situations	Whiteboard or butcher's paper Promotional material

### Preparation

Presenters should be familiar with local services and organisations that could assist in family law and family violence matters. Presenters should also have knowledge of statewide services, for example, VLA, Women's Domestic Violence Crisis Service, and inTouch.

Where possible, presenters should also come to the session with any promotional material their organisation may have that could be distributed.

### Activity sequence and presenter notes

#### **Large group discussion and feedback activities:** *local services*

This is a large group discussion and will require a whiteboard or butcher's paper to record the training group's responses. Allow 30 minutes for the discussion.

Training group members may work with a range of local services. This brief discussion will highlight their expertise and knowledge of local and relevant resources. Ask the group: In your local area what services do you think might assist Zahara, Jaber and the children?

Possible supports for Zahara include:

- legal advice
- family violence service
- counselling
- women's support group.

Possible supports for Jaber include:

- legal advice
- Men's CALD Behaviour Change
- housing.

Possible supports for the children include:

- school counsellor
- family violence support service.

The presenter should summarise the way that the organisation that they work for can provide assistance, as well as highlighting other relevant services that may be available. The presenter should highlight the importance of receiving legal advice.

### Key points

- Getting legal advice can be helpful. A lawyer's role is to:
  - explain what is happening
  - negotiate on behalf of a person
  - represent a person's wishes with police or the other family member
  - represent a person in court
- All conversations or discussions with lawyers are confidential. There are serious penalties for a lawyer who breaches your confidence.
- Free confidential information and advice about family violence is available on the telephone, in different languages, in publications and online.
- Legal services are available, including free lawyers at court. Some people may be eligible for VLA to pay for a lawyer.
- It is important to get legal help before court.

## SETTLED & SAFE WRAP UP AND EVALUATION

TIME	LEARNING OBJECTIVES	MATERIALS
4:00 – 4:20 (20 min)		PowerPoint slides

### Activity sequence and presenter notes

#### **Presentation:** *Wrap up*

As a concluding activity ask each person in the training group to contribute: what was the most important thing that they learnt today.

This is also an opportunity to canvass people who are interested in delivering the information sharing program with potential community groups, and how to get in contact with you to discuss this further.

Distribute the evaluations. As people are filling out the forms you may wish to conclude with one or more of the following points:

### Key points

- The Family Violence Protection Act is gender neutral and covers many familial relationships.
- Family violence affects the entire community and occurs in all areas of society, regardless of location, socioeconomic and health status, age and culture, gender, sexual identity, ability, ethnicity or religion
- Family violence is gendered. Women are more likely to be victims of family violence. Men are more likely to be the perpetrators of this violence. This does not mean that all men are violent or that women are never violent.
- Current statistics on the prevalence of family violence in Victoria are the tip of the iceberg, as many incidents of family violence go unreported.
- The impact of family violence is widespread. At an individual level family violence leads to increased rates of depression and suicide, and effects child development. At the broader community level it leads to homelessness and is a significant burden on the health system.
- Settled & Safe is a preventative strategy towards family violence and a platform for learning and discussion about legal rights and responsibilities in family relationships.