

Framework for providing culturally secure and safe family dispute resolution to Aboriginal and Torres Strait Islander clients at Victoria Legal Aid Family Dispute Resolution Service

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Victoria Legal Aid Family Dispute Resolution Service

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# Acknowledgement of Country and Appreciation

Victoria Legal Aid’s (VLA’s) Family Dispute Resolution Service (‘FDRS’) would like to acknowledge First Nations people across Victoria as the Traditional Custodians of the country on which we live and work. We pay our respects to Elders past, present and emerging.

We also acknowledge and pay respect to the knowledge, cultures and continued history of all Aboriginal and Torres Strait Islander people across Australia.

We thank all of the Aboriginal and Torres Strait Islander people (including clients and staff in our agency and others) who shared their experiences and ideas with us to help us to develop this Framework for Culturally Safe Family Dispute Resolution for Aboriginal and Torres Strait Islander Clients at Victoria Legal Aid Family Dispute Resolution Service (which we will refer to from now on as ‘the Framework’).

# Mediating with families at Victoria Legal Aid

Victoria Legal Aid’s Family Dispute Resolution Service (FDRS) offers an opportunity to many Victorian families to make their own decisions about parenting arrangements and related financial issues after separation in a lawyer-assisted, safe and supportive environment.

Our focus is on children and their best interests, which includes maintaining relationships with significant people in their lives, as well as with their culture. Our service can play a role in supporting families to manage separation issues, through the way we engage with them and through referrals, and help people source legal assistance to negotiate outcomes that are better for children, with decisions made by parents and carers, rather than a judge in court. Early engagement is important – we know that dispute resolution works very effectively at an early intervention stage.

We acknowledge that Aboriginal and Torres Strait Islander communities experience significant disadvantage and can be reluctant to use legal and other perceived ‘government’ services. There are myriad reasons for this reluctance, including historical policies of forced removal of children from families and relocation of communities from country, and the reality that proportionally more people identifying as having Aboriginal and Torres Strait Islander backgrounds are engaged with the criminal and child protection systems. The reality is that these communities are not having their complex legal needs met through existing mainstream service provision.

In the area in which FDRS operates – family law mediation – we can do more to provide a service that offers greater cultural security and safety to Aboriginal and Torres Strait Islander clients. We work with a range of excellent Aboriginal Community Controlled agencies who provide essential legal and related services to their clients. Lawyers from the Victorian Aboriginal Legal Service (VALS) and Djirra ably represent clients at FDRS conferences to support decision-making in a way that is culturally supportive for clients. We seek to take additional steps ourselves to encourage more Aboriginal and Torres Strait Islander families to use our service to resolve their family law disputes.

For this to occur, we understand that we need to make sure families are aware of our service and what it can offer, and then encourage its use. We are committed to making our service more accessible and more suited to the specific needs of each Aboriginal and Torres Strait Islander family we work with. We wish to be open and accepting of all feedback, and to adapt accordingly.

Our goal is to provide family dispute resolution that is culturally safe and secure for all families. We are building our cultural competence and we know that it will take time and effort to meet our goal. We published our first VLA Framework for culturally safe FDR for Aboriginal and Torres Strait Islander families in December 2018. After our review of the Framework that commenced in November 2019, we are now pleased to produce our updated Framework.

## VLA Reconciliation Action Plan July 2019 –-July 2021

This Framework supports commitments made by VLA in the VLA Reconciliation Action Plan 2015-2018 and the current [Reconciliation Action Plan July 2019-2021](https://www.legalaid.vic.gov.au/sites/www.legalaid.vic.gov.au/files/vla-reconciliation-action-plan-july-2019-2021.pdf)[[1]](#footnote-2) These include commitments to:

* establish and maintain relationships with Aboriginal and Torres Strait Islander stakeholders and organisations (particularly the Victorian Aboriginal Legal Service and Djirra (Action 1), promote reconciliation and promote positive race relations (Actions 1, 3, 4, 5 and 6)
* Increase the understanding, value and recognition of Aboriginal Strait Islander cultures, histories, knowledge and rights through cultural learning, and improve VLA’s cultural safety as a workplace and improve employment and professional development outcomes (Actions 9, 12 and 16)
* Demonstrating respect through observing cultural protocols (Action 10)
* Strengthening access to legal assistance to respond to Aboriginal and Torres Strait Islander civil and family law needs ((Action 20) and increase access to VLA services for Aboriginal and Torres Strait Islander people (Action 26).

This updated Reconciliation Action Plan confirms our recognition of the need to improve access to our service, the nurturing of relationships with organisations such as VALS and Djirra, staff cultural awareness training and a proactive approach to demonstrating a respect of Aboriginal and Torres Strait Islander experiences, cultural protocols and practices (including the inclusion of support people in dispute resolution).

The recommendations of each of VLA’s Reconciliation Action Plans have been considered in developing this framework. We will seek to respond to any new commitments and objectives arising from this and any future action plans.

## Meaning of ‘cultural safety and cultural security’

For the purposes of this Framework, ‘cultural safety’ is defined as ‘an environment that is safe for people: where there is no assault, challenge or denial of their identity, of who they are and what they need. It is about shared respect, shared meaning, shared knowledge and experience, of learning, living and working together with dignity and truly listening.’[[2]](#footnote-3).

‘Cultural security’ relates to ‘the obligations of those working with Aboriginal and Torres Strait Islander communities to ensure that there are policies and practices in place so that all interactions adequately meet cultural needs.

‘Whatever words you use, cultural safety and security requires the creation of:

* environments of cultural resilience within Aboriginal and Torres Strait Islander communities
* cultural competency by those who engage with Aboriginal and Torres Strait Islander communities.’ [[3]](#footnote-4)

We seek to achieve cultural safety and security by identifying, understanding and responding to the individual needs of Aboriginal and Torres Strait Islander who may wish to or do use our service. These families, like all families, have the right to feel heard, understood, respected and valued throughout their time with us.

## Established barriers to engagement

Our development of the Framework was guided by findings of relevant reports on the family law system for Aboriginal and Torres Strait Islander people, particularly the barriers to engagement with family law services, as follows:

* Family Law Council, Improving the family law system for Aboriginal and Torres Strait Islander Clients’ (‘the FLC report’)[[4]](#footnote-5)
* Australian Indigenous Legal Needs Project, ‘The civil and family law needs of Indigenous people in Victoria’ (‘the ILNP report’)[[5]](#footnote-6).

Both the FLC report and ILNP report state that Aboriginal and Torres Strait Islander people often have complex legal and non-legal needs, many of which are unmet.[[6]](#footnote-7)

These barriers include mistrust of services, lack of awareness of family law or culturally appropriate services, or siloed service delivery, and geographic and financial barriers. These factors can inhibit family violence being addressed, which is identified as prevalent in Aboriginal and Torres Strait Islander communities.

‘Looking at some of our clients who are ingrained in the criminal justice system and how they transfer some of the preconceived ideas into the family law—a very different system of law working around what is the best interest of the child need and that kind of stuff—I actually believe that for the general community as well as for Aboriginal people, the family law is a bit of a mystery. All the dispute resolution you can do and all that kind of stuff.’ (Community organisation worker)**[[7]](#footnote-8)**

## Consultation and feedback

The Framework was developed through collaboration and consultation with Aboriginal and Torres Strait Islander clients of FDRS, Victoria Legal Aid staff, FDRS chairpersons (mediators), FDRS child consultants and Aboriginal and Torres Strait Islander legal and non-legal services. We are extremely grateful for all the advice and assistance they provided.[[8]](#footnote-9)

We have already adopted actions arising from the development of the Framework as part of our regular practice in our service. Others will need further refinement and implementation. We will also continue to listen, learn and respond to our clients and community partners and adapt over time.

We welcome any feedback about the Framework or FDRS generally, particularly by Aboriginal and Torres Strait Islanders and Victorian Aboriginal Community Controlled agencies (email fdrs@vla.vic.gov.au) and commit to giving this feedback genuine consideration.

We reviewed our original Framework in December 2019. We will commit to review our actions in this updated Framework each year.

# Five areas of focus for culturally safe and secure family dispute resolution for Aboriginal and Torres Strait Islander clients

We chose five areas of focus, to help us address barriers to engagement with family law services and ensure Aboriginal and Torres Strait Islander people can engage in family dispute resolution in a way that meets their needs.

Our commitments, actions and timeframes for each area of focus are summarised below.

## Focus one: Access to the service

‘Access’ to service encompasses a range of different elements, which are present at each stage of the family dispute resolution process, so there is some overlap with other actions. These include awareness of the service, eligibility to use the service, and the ability to get to and participate in family dispute resolution, whether influenced by location, capacity or other factors.

### Awareness within communities

The ILNP report reflected that in certain priority family law areas, Aboriginal and Torres Strait Islander people face significant legal problems with ‘little knowledge about legal rights, the law and appropriate legal remedies’[[9]](#footnote-10).

‘A different way of communicating with Indigenous people is required, including in terms of how legal services inform the community of help that is available to them’[[10]](#footnote-11).

One of our priorities is to support Aboriginal Community Legal Services such as VALS and Djirra, and other services that work with Aboriginal and Torres Strait Islander families, to understand how we may best work with these families across Victoria. We are mindful of how much we ask of these services, given their stretched resources. Another priority is to work with VLA’s Aboriginal Community Engagement officers and other staff across VLA (including at regional offices) to improve our understanding of how to increase awareness of our service and who it may benefit, in a measurable and effective way.

### Location and nature of service delivery

As FDRS is a state-wide service, we offer telephone interviews (as part of the screening process prior to dispute resolution) and teleconferences to clients, as well as scheduling conferences where possible in locations close to clients and their representatives.

We understand that telephone interviewing does have some challenges, in terms of being able to build rapport and check understanding, for all clients, but may present additional barriers for some Aboriginal and Torres Strait Islander clients. We will consider this aspect in part of our ongoing work to ensure the cultural safety and security of our service, considering ways we can arrange interviews and conferences in a welcoming, supportive way. This includes how conference rooms are set up.

The ILNP report notes most legal services are based in Melbourne, making it more difficult for Aboriginal people in regional Victoria to access legal assistance.[[11]](#footnote-12)

Appropriate conference venues can be difficult to source and engage in regional and remote areas, for a variety of reasons. FDRS will continues to review the venues it uses, as this is critical for access to services for a range of FDRS clients, with particular focus on their appropriateness for Aboriginal and Torres Strait Islander clients.

### Non-direct service access: eligibility

To access FDRS at least one party must qualify for a grant of legal assistance from VLA (be able to get funding to have a VLA or VLA-panel lawyer).[[12]](#footnote-13) This creates an added complexity, but as Aboriginal and Torres Strait Islander people are considered ‘priority clients’ for the purposes of obtaining a grant (subject to means and merits tests) we will give consideration to ways we can ensure as many eligible clients access the service as possible.

As clients enter our service with support from a family lawyer (who can apply for a grant on their behalf) or after being invited to participate following a referral from another party, there are opportunities for us to identify ways we can ensure family lawyers working with these communities are aware of relevant VLA guidelines and services, as well as being proactive in referring other parties to appropriate (culturally and otherwise) legal services, with parties being given the right to choose representation. Part of this work will involve working with entry points to VLA, including Legal Help, our Assignments team and in-house family lawyers (including in regional offices), with assistance from the Aboriginal Community Engagement Officers.

### Culturally sensitive service design

Even if people are aware of our family dispute resolution services, and are eligible to use them, there is a risk they will not engage and achieve good outcomes if our services are not designed in a way that is welcoming, supportive and understanding of culture as well as of individual family needs. This requires us to ensure our staff have ongoing support, such as through regular cultural awareness training and taking up other opportunities, to deepen their cultural awareness and increase cultural competency, and that we regularly review how we are doing. This is also addressed in other actions, such as Action 5.

#### **Commitment**

To improve awareness of and access to FDRS for Aboriginal and Torres Strait Islander people

##### Action

* 1. FDRS to improve its use of data in service delivery, including reviewing and

monitoring data captured by VLA on the use of our service by Aboriginal and Torres Strait Islander clients on client numbers, residential location, preference for Chairperson and legal representation (and whether a lawyer is from an Aboriginal community controlled organisation), by financial year, with a particular focus on barriers to engagement

**Responsibility and timeframe**

FDRS management team – ongoing

##### Action

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* 1. FDRS to use its service delivery data and other data (such as state-wide legal need data) to inform planning for service delivery to Aboriginal and Torres Strait Islander clients, focusing on ways to increase engagement and improve family dispute resolution and other family law services to Aboriginal and Torres Strait Islander clients, in consultation with:
* VLA’s Legal Help, Access & Equity staff and Aboriginal Community Engagement Officers and family lawyers across VLA, and
* services assisting Aboriginal and Torres Strait Islander families, including legal assistance providers.

**Responsibility and timeframe**

FDRS management team –ongoing

##### Action

* 1. All FDRS staff to be supported to pursue opportunities to learn more about Aboriginal and Torres Strait Islander families and their needs, as well as sharing information about our service.
	2. Opportunities include engaging with other services that assist Aboriginal families such as VALS, Djirra, Community Legal Centres, Aboriginal Health Services and other Aboriginal Community Controlled Organisations, as well as participating in professional development and training.

**Responsibility and timeframe**

All FDRS staff – ongoing

FDRS Managers to support this engagement

##### Action

* 1. FDRS staff to seek out opportunities to engage in community events which allow for direct contact with Aboriginal services and Aboriginal families who may benefit from the service, such as the Sister’s Day Out organised by Djirra.

##### Responsibility and timeframe

All FDRS staff – ongoing

FDRS Managers to support this engagement

## Focus two: Assessment and preparation stage

Often the first engagement people have with a family law process is by speaking with our intake staff and case managers. It is important therefore that these staff members have an approach that is clear and welcoming as well as flexible, to meet the needs of the participants.

As there are often complexities in the families VLA assists, and dispute resolution is not appropriate for every family, FDRS case managers must undertake a comprehensive risk assessment for every case. This risk assessment is ongoing during the dispute resolution process. Clients will be asked questions about sensitive issues such as family violence, power imbalance and any risk to children. As the ILNP report indicates, how these screening questions are asked is extremely important:

*“[A] number of our clients have made it through the dispute resolution process because they have not disclosed family violence. Staff who do not receive cultural awareness training are not trained to ask the right questions that help overcome the complex cultural issues that contribute to a general hesitancy to disclose family violence within Aboriginal communities”.[[13]](#footnote-14)*

The case manager uses the information from a range of sources, including one-hour individual interviews with each party to decide whether the matter is suitable for FDRS and, if so, how the conference will be set up and who should attend. Case managers also provide referrals to other services where appropriate, particularly for legal (if not already in place) and personal support. Balancing the need to ensure that the correct information is gathered (which can involve us asking lots of questions) with the need to be sensitive is a complex task.

Generally, case managers then hand over the running of conferences to mediators (Chairpersons) who sit on an external panel. Case managers brief the Chairperson, and then receive a report back after the conference, but there may be cases where it is important for continuity and supportive case management for a case manager to be more actively involved in the conference process.

Our aim is to ensure Aboriginal and Torres Strait Islander clients have positive and supportive interactions with their case managers and therefore feel comfortable to openly discuss the background to the dispute, their concerns and proposals with them.

#### **Commitment**

To enhance the capability of case managers to respond to Aboriginal and Torres Strait Islander clients and to ensure all Aboriginal and Torres Strait Islander clients feel their identity is acknowledged, respected and valued during the assessment and preparation stage of FDRS

##### Action

* 1. FDRS case managers identify and then respond to the individual needs and wishes of each Aboriginal and Torres Strait Islander client, including:
* when providing referrals, investigating the specific Aboriginal and mainstream services available within the client’s community and offering warm referrals where appropriate (refer to Attachment B)
* in acknowledging that not all clients who identify as Aboriginal or Torres Strait Islander will wish to use Aboriginal and Torres Strait Islander services or have an Aboriginal Chairperson from the FDRS panel facilitate their conference, the case manager will provide Aboriginal and Torres Strait Islander clients with appropriate referral options.

##### Responsibility and Timeframe

FDRS case management leaders and case managers – ongoing

##### Action

* 1. FDRS case managers to consider alternative and flexible ways of conducting screening, and case management. This includes advising Aboriginal and Torres Strait Islander clients that they may have a professional support person with them during the screening interview (as well as a personal support person such as a family member). This may include a professional nominated by the client, their lawyer or a paralegal (e.g. if represented by Djirra) or a VLA Aboriginal Community Engagement Officer (‘ACEO’). It may also include case managers travelling to locations closer to clients, or more direct involvement in the conference process.

##### Responsibility and Timeframe

FDRS case management leaders and case managers – ongoing

##### Action

* 1. Policies and procedures to be designed (such as how screening questions asked) in a way that acknowledges and is sensitive to the experience of Aboriginal and Torres Strait Islander families, including historical separation of families.

##### Responsibility and Timeframe

FDRS management – throughout 2019

##### Action

* 1. FDRS staff to participate in ongoing Aboriginal cultural learning and education to build staff confidence and competence with working with Aboriginal and Torres Strait Islander clients.

##### Responsibility and Timeframe

FDRS staff – ongoing

##### Action

* 1. FDRS case managers acknowledge interaction with child protection authorities may be particularly traumatic for Aboriginal families given historical policies of forced removal of children from families and contemporary patterns of over-representation in the child protection system and will approach asking questions or gathering information in this area with sensitivity.

##### Responsibility and Timeframe

FDRS case managers – ongoing

Case management leaders to provide oversight – ongoing

## Focus three: Conference design and management

Like all clients, Aboriginal and Torres Strait Islander clients should feel valued, understood, safe and supported during their conferences, so they can make decisions that are in the best interests of their children. The following Actions have been developed in response to feedback about our conference venues and environments, conference formats, support person policy and the role of the chairperson. Actions will be subject to annual review and further service changes considered.

#### **Commitment**

**A. Environment**

To provide conference venues that are comfortable, welcoming and accessible for Aboriginal and Torres Strait Islander families

##### Action

* 1. FDRS carefully reviews existing conference venues and seeks out new venues to be used for Aboriginal families. In particular:
* As a rule, FDRS should not use rooms in court buildings as conference venues where there are Aboriginal participants. If there is no other appropriate venue in the region, FDRS may set up a teleconference unless the court venue is acceptable to all parties, their lawyers and FDRS.
* FDRS will investigate using Aboriginal community-controlled organisations (ACCOs) for conferences in cases where both parties consider the ACCO venue as appropriate or may contact local ACCOs for recommendations about appropriate meeting venues in their area.

#####  Responsibility and timeframe

FDRS management team – by July 2019

##### Action

##### Action

* 1. Where possible, FDRS will make the physical conference environment more welcoming, such as by using portable Aboriginal posters, table runners, artwork, cushions, bowls, a copy of the Koori Mail, and Aboriginal and Torres Strait Islander flags.

##### Responsibility and timeframe

FDRS management team – by July 2019

#### **Commitment**

**B. Format**

To consult with clients and seek guidance from others in order to provide the most appropriate conference format for the family

##### Action

* 1. In considering appropriate conference format (in person, skype or teleconference) for Aboriginal family members in conflict the FDRS case manager will consider the willingness and capacity of parties to negotiate in the same venue and seek guidance from Aboriginal Chairpersons or staff or chairpersons with particular expertise working with Aboriginal families when the parties have differing views on their preferred conference format.

##### Responsibility and timeframe

FDRS case management team – ongoing

#### **Commitment**

**C. Attendees**

To provide greater flexibility with respect to support persons in conferences involving Aboriginal families

##### Action

* 1. FDRS revise its existing support person policy to consider whether it may be important for extended family members or Elders to attend the conference and contribute to the discussion.

##### Responsibility and timeframe

FDRS management team – by March 2019

##### Action

* 1. In each case, the FDRS case manager will explore with clients the advantages and disadvantages of nominated support persons attending the conference. Where one party objects to another party’s support person, the FDRS case manager will consider whether it would be appropriate to proceed in shuttle format (in person or via teleconference), with the support person still in attendance.

##### Responsibility and timeframe

FDRS case management team – ongoing

##### Action

* 1. FDRS will investigate whether ACE Officers may attend conferences as a cultural adviser, whose role it is to work alongside the chairperson to raise cultural issues.

##### Responsibility and timeframe

FDRS management team – by July 2019

#### **Commitment**

**D. Chairperson**

To encourage Aboriginal and Torres Strait Islander people to apply to join the chairperson panel and support existing chairpersons to provide a culturally safe practice

##### Action

* 1. FDRS will seek out opportunities to support Aboriginal and Torres Strait Islanders people working in the family law sector to become FDRPs and will encourage Aboriginal and Torres Strait Islander Family Dispute Resolution Practitioners (FDRPs) to apply to join the chairperson panel at the next round for panel expansion.

##### Responsibility and timeframe

FDRS Managing FDRP – ongoing

##### Action

* 1. FDRS to support Chairpersons to have ongoing Aboriginal cultural learning and education to build on competence in with working with Aboriginal and Torres Strait Islander clients and encourage reflective and collaborative practice.

##### Responsibility and timeframe

FDRS Managing FDRP, FDRS Aboriginal Consultant Chairperson, Manager FDRS

##### Action

* 1. Chairpersons commence conferences involving Aboriginal and Torres Strait Islander families with an Acknowledgement of Country. Refer to Attachment C.

##### Responsibility and timeframe

FDRS Managing FDRP – 2019 ongoing

##### Action

* 1. Chairpersons include as an agenda item how the Aboriginal or Torres Strait Islander child may enjoy their right to connection to their Aboriginal or Torres Strait Islander culture (with reference to s60CC(3)(h) of the *Family Law Act 1975*).

##### Responsibility and timeframe

FDRS Managing FDRP – ongoing

##### Action

* 1. FDRS create an online resource pack for staff, chairpersons and child consultants, including a cultural plan template and cultural plan example that may be utilised in the assessment, preparation and conference stage of the family dispute resolution process. Such templates may include guidance on the layout of the room, allowing more time for the conference and other ways of creating an environment that encourages meaningful discussion and decision-makings.

##### Responsibility and timeframe

FDRS Aboriginal Consultant Chairperson, Managing FDRP and Manager Kids Talk –

by July 2019

## Action four: Post-conference follow-up

Our chairpersons and case managers routinely provide clients with referrals to other services arising from conference discussions, and other support. This happens both at the conferences as well as afterwards. We can also provide follow-up by checking in with clients about their experience of the conference and how any agreement may be working for families. Our aim is to provide post-conference follow-up for Aboriginal and Torres Strait clients that is relevant and helpful, while also providing an opportunity for reflection on how the dispute resolution process was experienced by them, to inform future dispute resolution delivery.

Our aim is to provide an opportunity for an open discussion about what worked and didn’t, and what could help in the future, for this family (with flow-on effects for other cases).

#### Commitment

To ensure parties feel supported after their conference and able to provide feedback about their experience, and that we reflect and take appropriate action

##### Action

* 1. FDRS provide Aboriginal and Torres Strait Islander clients with various opportunities to provide feedback, including:
* Following the conference, the FDRS case manager and/or chairperson acknowledge the hard work done during the conference and ask the parties if there was anything, we could have done differently to make them feel more comfortable. We will use this information to ensure further conferences involving the family are well managed and to promote continued improvement of the service for other families.
* FDRS to ensure Aboriginal and Torres Strait Islander clients are included in the sample group when conducting six monthly client feedback surveys and use the feedback provided to inform service improvements.

##### Responsibility and timeframe

FDRS chairpersons and case managers – from 2019 ongoing

Oversight by Managing FDRP and Case Management Leaders

Client surveys: FDRS Managing FDRP – by end of April and October each year

##### Action

* 1. Where the chairperson has identified further referrals may be required and/ or the conference has not resulted in a settlement, the FDRS case manager is encouraged to contact the parties to discuss what ongoing assistance they require such as providing information about Aboriginal support services in their area. Refer to Attachment B.

##### Responsibility and timeframe

FDRS case managers – ongoing

## Ongoing listening, learning and action

We acknowledge that implementation of this Framework is a continuous process of listening, learning and trying new things, and that it will take time for us to be able to genuinely provide a culturally safe and secure family dispute resolution service for Aboriginal and Torres Strait Islander families.

We are committed to continuous improvement of our service for these families and will continue to engage in training, seek feedback from our clients and community partners and work collaboratively with other areas of VLA to support this, as well as genuinely listening to clients and those wishing to engage with us.

#### **Commitment**

To engage in training about Aboriginal culture, history and identity; seek to involve Aboriginal and Torres Strait Islander people directly in our work; seek feedback from our clients and use feedback to improve service provision; and encourage our stakeholders to do the same

##### Action

* 1. FDRS continue to ensure all new FDRS staff complete cultural awareness training and that existing staff are encouraged to keep learning about Aboriginal and Torres Strait Islander history, culture and identity in order to promote understanding and respect and improve staff skills in working with Aboriginal clients.

##### Responsibility and timeframe

FDRS management team – ongoing

##### Action

* 1. FDRS provide chairpersons with opportunities to further their knowledge about Aboriginal and Torres Strait Islander history, culture and identity including participation in cultural awareness training.

##### Responsibility and timeframe

FDRS Managing FDRP – ongoing

##### Action

* 1. FDRS will continue to have regard to actions that we can take to improve the experience of Aboriginal and Torres Strait Islander clients when we finalise our annual FDRS business plan and individual work plans (VLA and Me).

##### Responsibility and timeframe

FDRS management team – ongoing

##### Action

* 1. When either creating or reviewing FDRS policies, practices, manuals and publications, FDRS will take steps to ensure that they are inclusive and consider the needs of Aboriginal and Torres Strait Islander clients.

##### Responsibility and timeframe

FDRS management team – ongoing

###### Action

* 1. FDRS continues to encourage Aboriginal and Torres Strait Islander people to apply for positions at FDRS, for FDRP practicum placements, and for positions on our child consultant and chairperson panels. Such encouragement could be through targeted recruitment, working with tertiary education and employment providers and other agencies.

##### Responsibility and timeframe

FDRS management team – ongoing

###### Action

* 1. FDRS works with the VLA Aboriginal Services, Family Law Services, and VLA Quality and Audit Panels teams to encourage and better support s29A panel lawyers to deliver culturally safe services to Aboriginal and Torres Strait Islander clients by for example:
* FDRS reporting to lawyers through Legal Aid Brief on actions we have taken under this Framework that have been positively received by Aboriginal and Torres Strait Islander clients (through our feedback process - Action 4.1); and
* requesting from the Quality Audit and Panels team that Practice Standard 5.4 – Working with clients from a CALD Aboriginal or Torres Strait Islander background is given attention in audits.

##### Responsibility and timeframe

FDRS management team – by July 2019

##### Action

FDRS will be responsive to new directions arising out of the Reconciliation Action Plan (RAP) as evaluated and currently in development for RAP 2 at VLA

##### Responsibility and timeframe

FDRS management team – ongoing

# Evaluation of the Framework

FDRS will review our progress on all actions in March 2019 and evaluate our Framework in November 2019. We intend for the Framework to be a guide and check on our work to provide more culturally secure and safe services to Aboriginal and Torres Strait Islander separated families in Victoria. The importance of the Framework lies in the positive steps and results that spring out of it, not the piece of paper itself. In November 2019 we will evaluate how we have performed on each action in the table above and review and update our approach. At any time, feedback about the Framework or FDRS generally is encouraged (email us at fdrs@vla.vic.gov.au), particularly by Aboriginal and Torres Strait Islander clients and service providers working with Aboriginal and Torres Strait Islander people.

# Attachment A – Our consultation process

## Client survey

A client feedback survey was conducted by telephone with 14 clients who identified as Aboriginal and had participated in an FDRS conference in the period October 2017–October 2018. The interviews took on a conversational style, but generally involved asking about:

* what clients thought of the service overall
* clients’ experience of the conference and their chairperson
* clients’ experience of the screening interview and their case manager
* if clients felt their Aboriginal culture was respected and valued throughout the process, and
* if clients had any suggestions for things we could do differently or better in the future.

## VLA consultation

Discussions with (then) Associate Director, Aboriginal Services, VLA, Meena Singh. Meena made herself available to FDRS for formal and informal discussions on several occasions covering suggestions on how to conduct our consultation and how to improve our service for Aboriginal and Torres Strait Islander clients.

Meena also delivered ‘[Asking about identity to support service delivery to Aboriginal and Torres Strait Islander clients](https://learninghub.vla.vic.gov.au/course/view.php?id=788)’ training to all FDRS staff.

Group discussion at the FDRS Development Day on 29 November 2017 involving FDRS staff, FDRS chairpersons and FDRS child consultants with respect to Aboriginal and Torres Strait Islander clients. We asked staff to consider in small groups:

* What are we doing well?
* What can we do better?
* What would be useful to include in the Framework?

Carman Parsons, Manager of Client and Intake Services, presented a review of VLA’s Reconciliation Action Plan to staff on 29 November 2017 and provided early invaluable advice on our approach to creating this framework, and further review.

## Chairperson consultation

Consultation with Aboriginal Consultant Chairperson, Kathy Cullen. We asked Kathy to provide reflections on the notes arising from the Development Day on 29 November 2017 as well as to assist us with our consultation process.

NOTE: Kathy Cullen provided significant support to FDRS with the 2019-20 review of this framework.

## Community and stakeholder consultation

Len Clarke, Elder, Brett Clarke, Jocelyn Craddock, and other community members hosted Freia Carlton, Manager FDRS and Kathy Cullen, Aboriginal Consultant Chairperson at Framlingham (Warrnambool area) on 16 March 2018. They provided valuable reflections on the FDRS process, the screening interview with the case manager and our conference venues.

Megan Ross, Manager Legal, Djirra, and Laura Vines, Manager Strategy & Policy, Djirra, hosted a meeting with Freia Carlton, Manager, FDRS, Helen Bryson, Senior Case Manager, FDRS and Hannah Fearnside, Case Manager FDRS at Djirra offices in Abbotsford on 6 September 2018. We recognise Djirra as experts in providing legal and non-legal support to Aboriginal people who are experiencing or have experienced family violence and are very grateful to Megan and Laura for their time and contribution.

FDRS staff visited the Broadmeadows Koori Court on 18 September 2018 and 16 October 2018. This is a program that aims to provide a culturally responsive court experience for Aboriginal and Torres Strait Islander families involved in child protection cases. Ashley Morris, Koori Services Coordinator, and Marie Sehgal, Koori Family Support Officer, provided a tour of the facilities and explained the key features of the Koori Court. Staff then had the opportunity to observe the hearings listed on those days.

FDRS case managers Hannah Fearnside and Kristen Spencer met with Georgia Morrissey, Rumbalara Community Lawyer, Goulburn Valley Community Legal Centre in Shepparton on 13 November 2018.

# Attachment B – Referrals for Aboriginal and Torres Strait Islander clients

## State-wide

### Crisis Response

**Safe Steps Family Violence Response Centre**

1800 015 188 (free call, 24 hours)

**Lifeline**

13 11 14

### Ongoing Support

**Djirra – legal and non-legal services**

1800 105 303

**Victorian Aboriginal Legal Service (VALS) – legal service**

**1800 064 865** (toll free) (offices in Geelong, Ballarat, Bairnsdale, Mildura, Heywood, Shepparton, Morwell, Swan Hill, Melbourne)

**Men’s Referral Service**

1300 766 491

**Dardi Munwurro** – Men’s healing and behaviour change programs

1800 435 799

**DirectLine - Drug and alcohol, counselling, detox referrals services**

1800 888 236

**Elizabeth Morgan House Aboriginal Women’s Service**

03 9482 5744

**Housing Victoria - Housing and Homelessness Service**

1800 825 955 (free call)

**Women’s Information and Referral Exchange (WIRE)**

1300 134 130

**Aboriginal Housing Victoria**

(03) 9403 2100 (offices in North Fitzroy, Warrnambool, Bairnsdale, Bendigo, Shepparton, Ballarat, Mildura, Morwell)

## Melbourne Metropolitan Region

**Djirra** **– Melbourne office - legal and non-legal support**

(03) 9244 3333, 1800 105 303 (free call)

**Victorian Aboriginal Legal Service (VALS) – legal service**

(03) 9418 5999 (Preston)

1800 064 865 (Toll free)

**Victorian Aboriginal Health Service (Preston, Fitzroy, Hastings)**

(03) 9419 3000 (medical)

(03) 9403 3300 (family counselling)

**The Orange Door**

1800 319 355 (Heidelberg)

1800 319 353 (Frankston)

## Barwon South Western Region

**Djirra – Warrnambool office**

(03) 5562 5755, 1800 105 303 (free call)

**VALS – Geelong office**

1800 064 865 (Geelong)

0417 284 499 (Heywood)

**The Orange Door**

1800 312 820 (Geelong)

**Bethany Community Support**

(03) 5278 8122 (Geelong)

1300 510 439 (Warrnambool)

**Brophy Family and Youth Services - Counselling and support for women and children**

(03) 5561 8888 (Warrnambool, Portland, Heywood, Hamilton)

**Dhauwurd-Wurrung Elderly & Community Health Service**

(03) 5521 7547 (Portland)

**Emma House Domestic Violence Service - Family violence counselling and support, emergency housing, outreach service**

(03) 5561 1934

**Gunditjmara Aboriginal Co-Operative – FV outreach services for Aboriginal women. Case management, court support, safety planning, advocacy and referrals**

1800 629 729 (free call) (Warrnambool)

**Kirrae Health Service**

(03) 5567 1270

**Wathaurong Aboriginal Co-Operative**

(03) 5277 0044 (Geelong)

**Winda-Mara Aboriginal Corporation**

(03) 5527 0000 (Heywood)

## Gippsland Region

**Djirra – Bairnsdale office**

(03) 5153 2322, 1800 105 303 (free call

**VALS**

(03) 9418 5966 (Bairnsdale)

(03) 9418 5965 (Morwell)

**Central Gippsland Aboriginal Health & Housing Cooperative**

(03) 5136 5100 (Morwell)

**Gippsland & East Gippsland Aboriginal Cooperative - Short term crisis accommodation for women and children escaping FV. Also, primary health care**

(03) 5150 0700 (Bairnsdale)

**Gippsland Lakes Community Health**

(03) 5152 0052

**Lakes Entrance Aboriginal Health Association**

(03) 5155 8465

**Lake Tyers Health & Children’s Service**

(03) 5155 8500 (Lake Tyers)

**Moogli Aboriginal Council**

(03) 5154 2133 (Orbost)

**Quantum Support Service**

1800 243 455 (free call)

(03) 5152 8000 (Bairnsdale)

(03) 5133 9853 (Morwell/ Sale)

**Ramahyuck District Aboriginal Corporation**

(03) 5143 1644 (Sale)

**Salvo Care Leongatha**

(03) 5662 6400, 1800 221 200 (free call)

**Wanjana Lidj Family Preservation Program**

(03) 5133 8200 (Morwell)

**Yoowinna Wurnalung Health Service**

(03) 5155 8420

## Loddon Mallee Region

**Djirra – Mildura office**

(03) 5021 3200, 1800 105 303 (free call)

**VALS - Mildura**

0418 146 773

**The Orange Door**

1800 290 943

**Meminar Ngangg Gimba - FV crisis support, safety planning, case management, in-house playgroups, court support, housing support etc.**

(03) 5022 5000

**Mallee Family Care** – **provide various services in the fields of family, youth and children, disability, mental health, housing and settlement, legal, financial, research and education**

(03) 5023 5966

**Mallee Accommodation Support Program**

(03) 5021 6500

**MDAS – Mallee District Aboriginal Services**

(03) 5018 4100

**Mallee Sexual Assault and Mallee Domestic Violence Service**

(03) 5025 5400 (Mildura) (24 hours)

(03) 5033 1899 (Swan Hill)

**Coomealla Health Aboriginal Cooperative**

(03) 5027 4824 (Dareton)

**Murray Valley Aboriginal Cooperative**

(03) 5026 3353

## Grampians region

**VALS – Ballarat**

0400 118 392

**The Ballarat and District Aboriginal Co-Operative (BADAC)** - Baarlinjan Medical Clinic, Koorie Family Services, Early Years/Playgroup, Kinship Care, Aboriginal Family Lead Decision Making (AFLDM), Emergency Housing, Drug and Alcohol Rehabilitation Support, Social & Emotional Wellbeing Program, Justice Support

(03) 5331 5344

**Budja Budja Aboriginal Co-Operative (Halls Gap)** – offers a range of health services, including bulk-billed GP services, chronic disease care plans, healthy kids checks, dental services, hearing tests

(03) 5356 4751

**Ballarat Health Services** - employs Aboriginal Health Liaison Officers who provide support and advocacy for Aboriginal and Torres Strait Islander people accessing care and services

03 5320 4000 (switchboard)

**Child and Family Services (CAFS)**

(03) 5337 3333 (Ballarat)

(03) 5352 2910 (Ararat)

## Hume Region

**VALS – Shepparton**

0407 867 140

**Rumbalara Aboriginal Co-operative, Shepparton** – provide a range of services including family services, health services and legal services (in conjunction with Goulburn Valley Community Legal Centre)

(03) 03 5820 0000

**Albury Wodonga Aboriginal Health Service**

(02) 6042 1200

**Mungabareena Aboriginal Corporation, Wodonga** - providing access to health services, youth sport & recreation, housing, education and cultural heritage

(02) 6024 7599

# Attachment C – Resources for FDRS staff, chairpersons and child consultants

## Welcome to Country and Acknowledgement of Traditional Owners – Aboriginal Victoria

This webpage provides information on Welcomes to Country and Acknowledgements of Traditional Owners.

https://www.aboriginalvictoria.vic.gov.au/acknowledgement-traditional-owners

View an interactive [map tool](https://achris.vic.gov.au/weave/wca.html) that will tell you who the Traditional Owners of an area are:

<https://achris.vic.gov.au/weave/wca.html>

1. <https://www.legalaid.vic.gov.au/about-us/our-organisation/reconciliation-action-plan> [↑](#footnote-ref-2)
2. Williams, R., ‘Cultural safety; what does it mean for our work practice?’ (2008) 23(2) *Australian and New Zealand Journal of Public Health* 213-214. [↑](#footnote-ref-3)
3. See, for example, the definitions of ‘cultural safety’ and cultural security’ on the Australian Human Rights Commission website: <https://www.humanrights.gov.au/publications/chapter-4-cultural-safety-and-security-tools-address-lateral-violence-social-justice> [↑](#footnote-ref-4)
4. Family Law Council, *Improving the family law system for Aboriginal and Torres Strait Islander Clients (2012)*. See: <https://www.ag.gov.au/FamiliesAndMarriage/FamilyLawCouncil/Documents/Improving%20the%20Family%20Law%20System%20for%20Aboriginal%20and%20Torres%20Strait%20Islander%20Clients.pdf>. [↑](#footnote-ref-5)
5. Schwartz, M, Allison, F and Cunneen, C, Australian Indigenous Legal Needs Project, *The civil and family law needs of Indigenous people in Victoria* (2013) (The ILNP report). See: <https://www.jcu.edu.au/__data/assets/pdf_file/0011/121889/jcu_131180.pdf>. [↑](#footnote-ref-6)
6. ILNP report p. 49-50; p. 50. [↑](#footnote-ref-7)
7. ILNP report, p.43 [↑](#footnote-ref-8)
8. Please refer to Attachment A for details about our consultation process. [↑](#footnote-ref-9)
9. ILNP report p.59 [↑](#footnote-ref-10)
10. ILNP report p.60 [↑](#footnote-ref-11)
11. ILNP report p.58. [↑](#footnote-ref-12)
12. An adult seeking to initiate family dispute resolution (FDR) at FDRS needs to meet VLA eligibility requirements set out here: <https://handbook.vla.vic.gov.au/handbook/4-commonwealth-family-law-and-child-support-guidelines/guideline-1-parenting-disputes/legal-assistance-for-adults-in-parenting-disputes/guideline-12-fdrs-for-adults-in-parenting-disputes>

People invited to participate in FDR (second or other parties) will have access to a legal aid funded lawyer if they also meet eligibility requirements. If an invited party is not eligible for legal aid, they may still be able to participate with their own lawyer or, in some cases, by representing themselves. [↑](#footnote-ref-13)
13. ILNP report p. 49 [↑](#footnote-ref-14)