

Notes from meeting on 26 June 2024

Inquiry into capturing data on family violence perpetrators [people using family violence] in Victoria

Legislative Assembly Legal and Social Issues Committee (Chair and Deputy Chair) meeting with Women with Disabilities Victoria

The Chair and Deputy Chair of the Legislative Assembly Legal and Social Issues Committee met with representatives from Women with Disabilities Victoria (WDV) to discuss the Inquiry into capturing data on family violence perpetrators [people using family violence] in Victoria.

WDV is a not-for-profit organisation led by women with disabilities, for women with disabilities. WDV's role is it to advocate for the rights of women with disabilities where gender and disability intersect. Strategically, prevention of violence is a key area of activity for WDV. WDV do not provide individual family violence advocacy or services, but provide community development, leadership and peer support programs for services providers.

This paper sets out the observations and suggestions made by WDV throughout the conversation, categorised by subheadings below.

Collection of data

- Focus on improving understanding of the underlying dynamics influencing the perpetuation of violence.
- A key goal should be to avoid misidentification of the person using violence to improve the accuracy of data collected. Women and non-binary people with disabilities—especially with a psychological, cognitive or communication disability—are less likely to be believed when reporting family violence and more likely to be misidentified as a perpetrator. This group also have higher rates of incarceration. Women and non-binary people with disabilities who do use violence may also be victim survivors. People with additional marginalisations

(such as migrant and refugee women with disabilities) also face higher rates of misidentification.

- Research has shown that people who have cognitive disabilities or complex communication needs are less likely to be willing to report family violence.
- Accessible communication techniques need to be implemented when collecting data. For example, using plain and easy English, using hearing loops for people who are hard of hearing, or using documents in accessible formats. It is also important to increase understanding that not all communication is verbal and people with complex communication needs may use nonverbal communication.

Improving data collection processes

- Disability and other social markers need to allow for self-description because of the different ways in which people identify or describe their disability. This could be for several reasons, for example, perhaps it is the language they use or that their disability is invisible or not obvious. This applies equally to perpetrators [people using violence] and victim survivors [people reporting violence].
- There is a tension between data collection and data sharing. If more data is shared an appropriate response to improve the situation is more likely. However, when data is collected and cross-referenced, for example with disability service providers, people with disability lose agency in where their data goes. In sharing data, the intent in which it was given may be lost, leading to stigmatisation or labelling. Data sharing should ensure that victim survivors are not stigmatised and retraumatised.
- To enhance the accuracy of disability-responsive data collection, data capture needs to be co-designed with affected groups, to ensure people with disabilities have agency over where their data goes and rights are not marginalised.
- It is important that training and development for people who collect data includes practical guidance on how to best collect information from people with disabilities.

Barriers to reporting family violence

- Women with disabilities face higher risks in reporting family violence and identifying a perpetrator and are more likely to experience longer durations of family violence by multiple perpetrators. Perpetrators may be a group, such as

other residents, a group of carers, or staff at an organisation. The definition of family violence in the Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM) guidelines notes violence within a broader family context, such as extended families, kinship networks and communities.

- Parents/caregivers with disabilities also face risks in reporting family violence and identifying a perpetrator, as they may fear that doubt will be cast on their ability to provide care and they will lose the opportunity to care for their child/children. WDV note Child Protection also place a high rate of distrust and scrutiny on women with disabilities who care for children/their parenting capacity.
- WDV note that Victoria Police are good at recognising and collecting data where situations involve criminal behaviour but not necessarily abusive behaviour. WDV recommend the Notice to Victim (L1 form) be amended to align with MARAM and include/allow self-description for disability status.
- The journey for reporting family violence for women with disabilities begins with a decision on what to do about the situation. Many women might find it less stressful to continue in the situation of violence rather than to report, as reporting may feel risky and require overcoming several barriers. Reporting family violence means women with disabilities must engage with systems, creating a risk of systems abuse or re-traumatisation.
- The process of reporting can take longer for women with disabilities, or it might take several attempts of testing the waters to see what response is received (for example, not being believed or being minimised, which discourages further reporting). Women with disabilities will make choices based on who is in their circle and who is inclined to listen, believe and support them (for example, they may take a traditional route and contact 1800 RESPECT or Safe Steps, or go to a service provider (NDIS/disability support) they work with regularly and trust). WDV's policy prevents WDV directly acting on disclosures but they support people to make referrals and follow up on them.
- Women with disabilities may make initial disclosures of family to disability support services (some of which WDV trains) or reporting happens when a disability support service provider acts on observations. Activating reporting protocols can lead to a chain of reactions/other events that can be detrimental (for example, the involvement of Child Protection or Victoria Police). Reporting of family violence

must prioritise victim survivor safety, directly benefit women with disabilities and support their agency.

- Stress makes communication more difficult for some people with disabilities. Without their usual supports they may be unable to communicate in a way that makes them likely to be believed. The behaviour of a victim survivor with disabilities may be labelled and become the focus of the system response rather than the abuse/violent behaviour. This can also be used by perpetrators to manipulate/deflect.
- If women with disabilities use nonverbal communication, this can also be a barrier to reporting family violence.
- Some Orange Door practice leaders in specific regions have received WDV training about responding effectively to women with disabilities experiencing family violence. Building capacity to use MARAM appropriately is especially important and an ongoing task. Sometimes professionals lack capacity to pick up on cues, and things are missed (for example, where a disability is not visible it may not be raised and recorded, and the violence may be minimised or justified). This leads to gaps in data collection.

Improving how data is used

- Data should be collected to overcome and prevent violence, reduce isolation from the community and demonstrate shared outcomes to survivors. There is often an emphasis on the data collection, but the purpose becomes obscured when it should strategically guide improvements on data collection.
- Research about women with disabilities' experiences of violence and the justice system demonstrates that being believed and provided follow up support for reporting is essential for inclusive practice for collecting data on how violence is perpetrated against women with disabilities. The follow up support can add to understanding of perpetrators and promote women's safety.
- WDV recommends Central Information Point (CIP) reports be made available to other agencies on request, which would help keep perpetrators in view. CIP reports should capture intersectional demographic data including disability status/how people communicate/accessibility requirements, for both perpetrators and victim survivors.

- CIP reports are valuable as they can capture data on violence when it happens and over time. Greater access to CIP reports could also help service providers prevent perpetrators from accessing victims through services, by creating greater awareness about the context of family violence (for example, if a service provider was unaware of a history of abuse they may unintentionally involve the perpetrator in ongoing care arrangements). Organisations working with women with disabilities need to be aware and flag issues if they arise, and access to CIP reports could help close loops.
- WDV recommend that Government should cover costs to update databases/systems used by service providers to improve data collection. Community services organisations with limited resources cannot afford updates, but updates are important to ensure data collection is not fragmented. Leaving the cost to service providers risks the creation of more data gaps.
- Co-design and roundtables with stakeholders with lived experience could help inform decision makers on what is happening in practice, and to share ideas about data collection improvements and what happens to data after it is collected.
- Opportunities exist to collect existing data from NDIS service providers (already collected for reporting purposes and service delivery). Community service providers with contracts with NDIA have greater responsibility in the data they collect and ensuring that their systems and processes are safe, to ensure data collection supports the recognition of family violence.
- WDV consistently advocates for data collection on disability wherever possible and with consent. If disability is not recorded, then violence can be missed. When collecting data on disability, self-description is important rather than fitting disability into categories. Service providers should also recognise that disabilities may be invisible, emerge after regular contact or need to be asked about, but keeping disability in view is important.

Improving data points

- Data collection should include self-description for gender identity, LGBTIQ+ or other intersectional markers in data collection.
- Data collection should include attitudes, context and backgrounds of people choosing to use violence

- Data collection should include whether someone has been misidentified as a perpetrator to enable analysis/greater understanding of the risks/common causes of misidentification. This could then inform a targeted response to reduce misidentification, for example through the development of training and awareness to build capacity around the issue.
- Data collection should include whether individuals experiencing violence have parenting or caring responsibilities to provide longitudinal data.
- People collecting data should be aware of the possibility of abuse for people with disability as not just intimate partner violence presents but also disability-related forms of violence (for example, denial of support or mismanaging medication) by carers, co-residents, support workers and other family members. People collecting data require training on how to ask questions that elicit further information, or to better recognise and observe other forms of violence and abuse for people with disability. Greater focus on disability-related forms of violence is required to overcome difficulties in capturing these experiences of violence.
- Data should capture the relationship/connection of the person using family violence to the person they are using violence against.

Appendix A: Summary of WDV notes prepared for the meeting

Inquiry in to Perpetrator Data-Summary presentation Notes

What data on the profile and volume of family violence perpetrators is collected in Victoria?

- Women with Disabilities Victoria (WDV) is the peak body for women and nonbinary people with disabilities in Victoria. In collecting data on perpetrators of family violence, we advocate for greater gender and disability awareness, in particular incorporating nuance in the comprehension of the gendered and ableist dynamics of perpetration, to avoid misidentification of victim-survivors as perpetrators.
- The implications of such misidentification are far-reaching, both in individuals' trust in and utilisation of reporting mechanisms, and in the veracity of the data in its reflection of perpetrator profiles.
- This especially applies to women and nonbinary people with psychosocial or cognitive disabilities, and people with complex communication needs, whose narratives concerning violence are less likely to be believed and who experience higher rates of incarceration due to convictions of perpetration.
- Perpetrator status can be fluid for women and nonbinary people with disabilities, who are likely to also be victim-survivors of gender and disability-based violence, especially if they have additional marginalised identities, such as Aboriginal and Torres Strait Islander, migrant and refugee, etc. and for whose safeguarding a nuanced understanding of this dynamic needs to influence data collection.
- Greater responsive communication techniques are recommended, e.g. use of Plain and Easy English (people with psychosocial or cognitive disabilities), hearing loops (people who are hard of hearing), documents in Word format (people who are blind), etc. Not all communications are verbal (people with complex communication needs).

How could these processes be improved?

- Disability and other social markers should allow for self-description; these cannot be captured, cross-referenced and shared by external parties, for example the NDIA, NDIS, or a disability service provider, and people with disabilities should have agency to choose to disclose their disability, or not, in inclusive, accessible and respectful ways, for example through the language used
- Training and development for data collectors, alongside centring of lived experience through consultation and co-design with lived experience experts, would enhance accuracy of disability responsive data collection
- For women with disabilities, identifying and reporting a perpetrator might feel riskier than not. The perpetrator might also be a group of people, or it might be difficult to document evidence unless this is accompanied by an attitudinal shift promoting victim survivor safety, and to demonstrate a benefit.
- Risks for mothers with disabilities – data collection about perpetrators must not increase doubt on the parenting capacity of women with disabilities.
- The Victoria Police Risk Assessment and Risk Management Report (L17 report) be aligned with the MARAM Comprehensive Assessment Framework, with scope for people present at a family violence incident to self-identify their disability status

How could the way this data is used be improved?

- Any data collection practice must be implemented with the purpose of overcoming and preventing violence overall, reducing isolation from the community, and demonstrating shared outcomes for survivors.
- ANROWS research about women with disabilities' experiences of violence and the justice system demonstrates that being believed and follow up support for reporting is essential for inclusive practice for collecting data on how violence is perpetrated against women with disabilities.
- The Central Information Point (CIP report) must be expanded to be available to all agencies in their work either alongside young people and adults choosing to use violence or keeping the perpetrator in view; upon information request under both the Family Violence Information Sharing Scheme (FVISS) and the Child Information Sharing Scheme (CISS), CIP reports must be updated to adequately reflect intersectional demographic data, inclusive of disability status, methods of communication and other accessibility requirements,

- All community service and public health online reporting systems to be updated at government expense to record disability status of victim/survivors and perpetrators
- Establishment of Roundtables of relevant stakeholders including lived experience representatives to inform, improve and monitor data collection processes

What additional data on the profile and volume of family violence perpetrators should be collected in Victoria?

- Disaggregated and longitudinal data that captures greater insight into the attitudes, background, and context in which individuals choose to use violence:
 - Capacity to identify perpetrator beliefs and attitudes to better understand information about the gendered and ableist drivers of violence.
- Expansion of recording categories to include self-described disability
- Expansion of gender, LGBTIQ+ and other intersectional markers with options for self-description within data collection systems
- Data on the rates of misidentification of/as perpetrators of violence to inform training for data collection practices.
- Data on parenting/caring responsibilities
 - Longitudinal data/value in understanding the context in which individuals choose to use violence and the long term impacts it can have on girls with disabilities (Approximately 30% of children who experience domestic and family violence are children with disability - ANROWS - [Australia's National Research Organisation for Women's Safety.29 Sept 2022](#))
- Data on perpetrators of violence outside the family context, such as carers, co-residents, and support workers.
 - Capacity to capture the types of violence that targets disability related needs or adjustments?

Additional Resources and References

Misidentification and barriers to reporting family violence for women with disabilities:

- Family Violence Reform Implementation Monitor. (2021). Monitoring Victoria's Family violence reforms. Accurate identification of the predominant aggressor, pp. 2; 11-12. Link (Pdf): [FVRIM Predominant Aggressor December 2021.pdf \(content.vic.gov.au\)](https://www.vic.gov.au/fvrim-predominant-aggressor-december-2021)
- Ulbrick, M. & Jago, M. (2020). "Officer she's psychotic and I need protection": Police misidentification of the 'primary aggressor' in family violence incidents in Victoria - Women's Legal Service Victoria Policy Brief, p.5. Link (Pdf & full text): ["Officer she's psychotic and I need protection": Police misidentification of the 'primary aggressor' in family violence incidents in Victoria - Women's Legal Service Victoria Policy Brief \(researchgate.net\)](https://www.researchgate.net/publication/354868909)
- Reeves, E. (2021) "'I'm Not at All Protected and I Think Other Women Should Know That, That They're Not Protected Either': Victim-Survivors' Experiences of 'Misidentification' in Victoria's Family Violence System", *International Journal for Crime, Justice and Social Democracy*, 10(4), pp. 39-51. doi: 10.5204/ijcjsd.1992, p. 4-5. Link (Pdf): [348689097 oa.pdf \(monash.edu\)](https://www.monash.edu/348689097)

Comment: more research focusing on women with disabilities only is needed; at the moment women with disabilities seem to be included in the broader 'marginalised' cohort.

WDV training:

- Taking Action Guide (Pdf): <https://www.wdv.org.au/wp-content/uploads/2023/06/WDV-Taking-Action-Guide-Jun2023-FINAL.pdf>
- Taking Action Guide (Word): <https://www.wdv.org.au/wp-content/uploads/2023/06/PVAWD-Taking-Action-Guide-Jun2023.docx>

Comment: this resource informs the content of WDV's Prevention of Violence Against Women with Disabilities (PVAWD) workforce development training.

Suggested service providers to contact:

- Support Referral Directory (Pdf): <https://www.wdv.org.au/wp-content/uploads/2022/12/Service-Referral-Options.pdf>
- Support Referral Directory (Word): <https://www.wdv.org.au/wp-content/uploads/2022/12/Service-Referral-Options-UPDATE-Dec22.docx>
- Australia's National Research Organisation for Women's Safety. (2020). Violence prevention and early intervention for mothers and children with disability: Building promising practice: Key findings and future directions (Research to policy and practice, 16/2020). Sydney: ANROWS. <https://www.anrows.org.au/publication/violence-prevention-and-early-intervention-for-mothers-and-children-with-disability-building-promising-practice-key-findings-and-future-directions/>
- Sutherland, G., Rangi, M., King, T., Llewellyn, G., Kavanagh, A., & Vaughan, C. (2022). A socio-ecological exploration of adolescent violence in the home and

young people with disability: The perceptions of mothers and practitioners (Research report, 19/2022). ANROWS.

<https://www.anrows.org.au/publication/a-socio-ecological-exploration-of-adolescent-violence-in-the-home-and-young-people-with-disability-the-perceptions-of-mothers-and-practitioners/>

- Australia's National Research Organisation for Women's Safety. (2020). Constructions of complex trauma and implications for women's wellbeing and safety from violence: Key findings and future directions (Research to policy and practice, 12/2020). Sydney: ANROWS.
<https://www.anrows.org.au/publication/constructions-of-complex-trauma-and-implications-for-womens-wellbeing-and-safety-from-violence-key-findings-and-future-directions/>
- Dyson, S., Frawley, P., & Robinson, S. (2017). "Whatever it takes": Access for women with disabilities to domestic and domestic violence services: Final report (ANROWS Horizons, 05/2017). Sydney: ANROWS.
<https://www.anrows.org.au/project/what-does-it-take-developing-informed-and-effective-tertiary-responses-to-violence-and-abuse-for-women-and-girls-with-disabilities-in-australia/>

Useful Organisations

Safe Steps Family Violence Support Centre

<http://www.safesteps.org.au/>

Safe and Equal

<http://www.safeandequal.org.au>

Family Violence and Disability practice Leader Initiative

<https://safeandequal.org.au/working-in-family-violence/tailored-inclusive-support/people-with-disability/fvdpli/>

Fitz-Gibbon, K., Walklate, S., McGowan, J., Maher, J., & McCulloch, J. (2024). Securing women's lives: examining system interactions and perpetrator risk in intimate femicide sentencing judgments over a decade in Australia. (Version 1). Monash University. <https://doi.org/10.26180/25855543.v1>