

An Open Door

NSW Women's Refuge Movement Access & Equity Manual



NSW Women's Refuge Working Party

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- Koori Support Group
- NESB Group
- Lesbian Support Group
- Child Support Group

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Introduction

Foreword

The NSW Women's Refuge Movement is proud to present its Access and Equity Manual for member refuges in NSW.

The NSW Women's Refuge Movement is dynamic. The professional level of service we deliver today has evolved through our 25 years of experience. The Movement remains committed to providing consistent, quality support and advocacy for women and children escaping domestic violence and will always respect women and children's rights to privacy, informed consent, confidentiality and safety.

The Movement agrees that this manual will be a living document, as services continue to develop, change and improve into the future.

The Access and Equity Manual is the result of extensive consultation. We have taken great care to ensure the views of refuges and interest groups, are represented. As the project developed, we have all had to challenge our existing ways of working. This has not always been easy. Debate has been intense and interesting. However, participation in debate has been high and resolutions have now been endorsed at three statewide conferences. We believe that this process reflects the Movement's genuine desire to address the complex issues of access and equity for women and children escaping domestic violence.

We are confident that this document reflects the essence and spirit of the women who

work and participate in, the NSW Women's Refuge Movement.

Developing this manual has highlighted the need for continued community development and lobbying for change. These remain critical aspects of refuge work if we are to improve access and equity for women and children escaping domestic violence. Issues such as housing, income, health, immigration, the needs of children and support such as outreach, groupwork, court assistance and child protection, are essential elements of refuge work and must continue to be supported by the funding body.

This project provides a valuable example of a collaborative project where the community sector and the NSW Department of Community Services work together towards the shared goal of improving the services to clients. We thank the Department of Community Services for funding this manual and providing support for our processes.

Pamela Foster and Sally Steele

On behalf of the NSW Women's Refuge Working Party

1.1 Women's refuges

The NSW Women's Refuge Movement is the statewide representative body of refuges, with a specific focus on the support and advocacy of women and children escaping domestic violence.

Following intense lobbying of the Whitlam government in the early 1970's, Elsie Refuge in the inner Sydney suburb of Glebe became the first funded refuge in Australia in 1974. The service worked towards addressing the absence of alternatives for women at that time by providing a safe option for women and children escaping domestic violence. This refuge was to be the precursor to the 55 women's refuges currently operating as part of the NSW Women's Refuge Movement.

In line with feminist philosophy, the focus of the early women's refuges in NSW was on women and children's empowerment through a safe, supported environment. There was an emphasis on mutual support between the women which was felt to be a valuable component to their empowerment. These ideals continue to remain as central principles in women's refuges. However twenty-five years on, refuges have evolved and now provide a broad range of services, support and advocacy including; outreach, court assistance, assistance with housing and legal matters, information, training and referral.

As the number of refuges increased, it became increasingly obvious that a unified approach was needed to effectively put domestic violence on the political agenda. In February 1979, refuges came together to meet in Bathurst for the first State Wide Conference.

Over the years the structure of the NSW Women's Refuge Movement evolved to ensure, as far as possible, that all refuges have the opportunity to be involved with policy development and lobbying for change. Based on equal representation in policy development and the decision making processes, the NSW Women's Refuge Movement has been used as the voice of all but a small number of refuges for women and children escaping domestic violence in NSW.

1.2 Structure of the NSW Women's Refuge Movement

Regionals

Due to the diverse and expansive area covered, the NSW Women's Refuge Movement developed Regional meetings where refuges within geographical areas meet on a regular basis for the purpose of sharing information and discussing important issues relating to their region and to the 'Movement' as a whole. A delegate, endorsed by that region, represents the region at the state Working Party meeting held monthly.

Support groups

In recognition of the disadvantages experienced by some groups, statewide networks were formed to provide a forum for support, networking and advocacy in raising specific issues. These include: NSW Walan Jineras (Koori Support, Immigrant Refuge Support Workers Action Group, Lesbian Support and Child Support Workers.

NSW Women's Refuge Working Party

The NSW Women's Refuge Working Party (which meets once a month) is a smaller and more manageable body that can implement decisions made at conference. It also has the authority to make decisions between conferences if necessary. Working Party is made up of delegates from the various regions as well as the Koori, non English speaking background, Lesbian Action and Child Support groups. The delegate's role is to represent the views of their region (and/or representational base) and provide feedback on any decisions which Working Party makes or activities it takes on.

State Conferences

Major policy decisions which affect the Movement are made at the state conferences of the Women's Refuge Movement. These conferences are held three times a year and all refuges are encouraged to take their views and proposals to be heard and discussed.

NSW Women's Refuge Resource Centre

The NSW Women's Refuge Resource Centre (WRRRC) is the contact point for the NSW Women's Refuge Movement. The NSW Women's Refuge Working Party forms the management committee of the WRRRC and ensures that the Centre reflects the interests of the NSW Women's Refuge Movement. The WRRRC's role includes representing the NSW Women's Refuge Movement in line with endorsed policies and philosophies. There is also a particular focus on policy formulation and specific projects.

1.3 The over-arching principles of the NSW Women's Refuge Movement

The NSW Women's refuge Movement operates within the framework of a feminist philosophy.

Domestic violence must be understood in the context of unequal relations of power between men and women and children. In the patriarchal structures of our society, men have greater access to power than do women or children.

Domestic violence is the result of this unequal power relationship and it also reinforces it. Those who perpetrate domestic violence often believe they have a 'right' to control and coerce women and children.

The NSW Women's Refuge Movement operates within a collective framework for decision making.

Historically the NSW Women's Refuge Movement has maintained a commitment to encourage all refuges to participate in the decision making process. This is achieved through Regional and State conferences and The NSW Women's Refuge Working Party, Koori, NESB, Lesbian and Child Support Groups.

Women's services for women

The NSW Women's Refuge Movement supports the policy and practice of women managing and operating refuges within a feminist framework for women alone and women with children escaping domestic violence.

Domestic Violence includes all types of violence

Domestic violence includes physical, verbal and emotional abuse, stalking, abduction and confinement, deprivation of cultural and spiritual rights, humiliation, harassment, intimidation, denial of access to money and resources, isolation from support, sexual abuse and assault including rape and incest, threat of or actual abuse, and, as part of the continuum of violence, murder.

Domestic violence occurs in all types of relationships

Domestic violence can occur within all relationships of a personal nature, including heterosexual or lesbian, marital or defacto, extended families and ex-relationships.

Domestic violence-power disparities based on cultural background

The NSW Women's Refuge Movement acknowledges the disadvantages experienced by women and children as a result of discriminatory policies, practices and attitudes in our society based on cultural background.

Domestic violence is a breach of human rights

Domestic violence is a violation of human rights. It is a crime against the individual and against society. Domestic violence is a problem for the whole of society and not just an individual or private problem.

Domestic violence is a crime

Domestic violence is a crime and must be responded to as such. The perpetrator is solely responsible for domestic violence.

Domestic violence requires a comprehensive response

A comprehensive response to domestic violence must involve government and community and include:

- Advocacy for the rights of individual women and children as well as for society as a whole;
- Change to the patriarchal structures of our society as they are reflected in the political, legal, economic, and social systems and as they occur in institutions and government departments
- Removing barriers to women and children's safety and empowerment wherever they occur.

Children experiencing domestic violence have particular needs

The NSW Women's Refuge Movement recognises that children have some needs that are separate to their mothers. Providing specific support for children is a crucial component of an effective response to domestic violence.

The NSW Women's Refuge Movement is committed to breaking the cycle of violence through providing effective support for children who have experienced domestic violence.

Access & equity

The NSW Women's Refuge Movement values diversity. The Movement is committed to promoting access to and equity of, services for all women. This includes Aboriginal & Torres Strait Islander women and children, women and children from non-English speaking backgrounds, lesbians and their children, women and children in rural and isolated areas, older women, young women and women and children with disabilities.

Representation of Aboriginal/lesbian/non-English speaking background women

The NSW Women's Refuge Movement promotes decision making processes that involve diverse groups in the community.

This includes promoting the involvement of Aboriginal women, Immigrant women and lesbians in staffing and management.

The Movement also supports the development of policies which ensure appropriate and sensitive support and responses to domestic violence.

Aboriginal issues

The NSW Women's Refuge Movement recognises that domestic violence experienced by Aboriginal women and children must be understood in a cultural and historical context, acknowledging that they remain a disadvantaged group due to discriminatory (overt and covert) structures in our society.

The NSW Women's Refuge Koori Support Group was formed by Aboriginal women in the NSW Women's Refuge Movement as a support network to ensure issues relating to Aboriginal women and children remain on the agenda.

The Walan Jineras support a pro-active approach in the development and implementation of strategies to combat domestic violence and family violence experienced by Aboriginal women and children.

1. The NSW Walan Jineras recognises that rural and remote and other services offer external service programs to Indigenous families and communities.
2. Funding for such service programs do not come from existing SAAP funding.

Migrant, non-English Speaking background issues

The NSW Women's Refuge Movement recognises that migrant, non-English speaking background and refugee women and children in our society, face many barriers to accessing services.

The Immigrant Refuge Support Workers Action Group was formed by women from a non-English speaking background as a support network in the NSW Women's Refuge Movement to ensure issues relating to non English speaking background women and children remain on the agenda.

Lesbian Issues

The NSW Women's Refuge Movement recognises that lesbians and their children experience particular difficulties and barriers when trying to access services.

The Lesbian Support Group was formed by lesbians in the NSW Women's Refuge Movement as a support network to ensure issues relating to lesbians and their children remain on the agenda.

Women and children with disabilities

The NSW Women's Refuge Movement recognises that there are a wide range of barriers which impede women and/or children with disabilities from accessing services and has a commitment to addressing these issues.

1.3.1 Child Support Overarching Principles Endorsed March 2002

Principle 1: Feminist Philosophy in Child support

The NSW Women's Refuge Movement is committed to working within a feminist framework by provision of Child Support, which addresses issues of power and gender roles in relation to domestic violence.

Principle 2: The Rights of Children

The NSW Women's Refuge Movement endorses the safety, needs and well being of children and young People is paramount.

Principle 3: Child Centred Focus

The NSW Women's Refuge Movement recognises children and young people in their own right. This is reflected in individual case management, which includes follow up outreach, advocacy, referral and liaising.

Principle 4: Aboriginal Children and Young People

The NSW Women's Refuge Movement recognises that issues affecting Aboriginal children and young people must be understood in a cultural and historical

context. Aboriginal children and young people often face barriers when accessing services.

The Movement aims to protect an awareness of the specific needs of Aboriginal children and young people in refuges and the wider community.

Principle 5: Children and Young People from a NESB Background

The NSW Women's Refuge Movement recognise that children and young people from a Non-English Speaking Background have specific cultural needs and often face barriers when accessing services.

The Movement aims to promote an awareness of the issues affecting children and young people from Non English Speaking Backgrounds in refuges and the wider community.

Principle 6: Children and Young People from Lesbian Relationships

The NSW Women's Refuge Movement recognises that children from lesbian relationships, and gay and lesbian children and young people often experience marginalisation and face the difficulty of living in a homophobic society.

The Movement is committed to improving access and providing appropriate support to children of lesbian relationships and gay and lesbian young people by promoting awareness of the issues in refuges and in the wider community.

Principle 7: Children and Young People with Disabilities

The NSW Women's Refuge Movement recognises that there are a wide range of issues and barriers affecting children and young people with disabilities.

The Movement has a commitment to improving access and providing support for children and young people with disabilities in refuges.

Principle 8: Child Support Staff in Refuges

The NSW Women's Refuge Movement endorses the equal status and rights of Child

Support Workers in refuges. This should be reflected in staffing ratio, hours of work, employment, training, working conditions, and job descriptions,

1.4 The development of the Access & Equity Manual for Women's Refuges in NSW

As all WRM refuges receive either partial or complete funding administered by the NSW Department of Community Services (DCS), the Department was approached by the NSW Women's Refuge Movement in 1997 to fund the production of an Access and Equity manual for NSW women's refuges. The DCS's position on access to its funded services is:

"Projects must be made accessible to all people regardless of race, gender, disability, sexual preference, religion, philosophy, cultural background or HIV status....."¹

In 1998 DCS agreed to fund the development of the Access and Equity project.

The project's **Aims and Outcomes** were developed by the NSW Women's Refuge Working Party and were as follows:

"The aim of the project is to develop a practical manual that can enhance a client's access to, and equity within women's refuges.

The manual will be in plain English and designed to be a tool that can actively assist workers in their daily client service provision. The focus is upon improved client outcomes in the area of access and equity.

The contents of the manual will largely be informed by research and consultations undertaken. However, it is envisaged that sections relating to the following will be included:

- Practical guidelines that can assist services to offer greater accessibility to Aboriginal, Lesbian and non English speaking background women and dependant children, and women and children with disabilities.

- Strategies that assist services to access appropriate support for clients with specific needs in addition to their domestic violence issues;
- Assessment, intake and referral procedures with particular reference to those groups to whom refuges have historically lacked a unified approach eg women with a mental illness; women with alcohol and other drug issues.

The manual contents would be consistent with currently agreed upon state and federal guidelines and other relevant material as is available.

The outcome of the manual will be greater accessibility to refuges for women and children escaping domestic violence and greater equity in the support that they receive. A further aim is to improve the standard of service offered and to work towards a more uniform approach of service delivery."²

This manual represents the position of the NSW Women's Refuge Movement on Access and Equity. It is the result of discussions and input from clients, non-refuge service providers and refuges within the NSW Women's Refuge Movement. It is designed to be an active, working tool that can assist refuge workers to meet client needs.

Its completion renders refuges as the only group funded by the Supported Accommodation Assistance Program (SAAP) in NSW with a publicly documented statement on Access and Equity.

1.5 Access and equity

Access and Equity are terms that are often used together and are sometimes seen as having the same meaning. They are, however, different concepts. For the purposes of this manual, **Access refers to the process of being accepted into a refuge and Equity refers to the treatment and opportunities received by clients once a refuge has accepted them.**

It is important to note however, that some issues have implications for both access and equity and may not, therefore, fit neatly into the definitions of one or the other. In this manual, we have tried to place issues in the section where it has its strongest influence while recognising that they may also impact on other sections.

Endnotes

- 1 NSW DCS Deed of Funding Agreement Section 9, 1997
- 2 Design brief for 'The development of an Access and Equity Manual for women and children escaping domestic violence in NSW' NSW Women's Refuge Referral & Resource Centre, 1998



2 Access

ACCESS to a refuge is affected by:

- Legal considerations;
- Service accessibility;
- The eligibility criteria of the refuge; and
- Assessment and intake procedures.

2.1 Legal considerations

The Anti-Discrimination Act 1977 makes it illegal to discriminate against people on the basis of their: sex; sexual preference; race; religious and political affiliation; marital status; health status; and/or age.

Transgender discrimination is covered by the Anti-Discrimination Act 1977 and has been illegal since 1996.

The Disability Discrimination Act 1992 makes it unlawful to discriminate against a person on the basis of a disability that “she or he has, had, may have in the future or is assumed to have.”

The Occupational Health and Safety Act 1983 and the Workplace Injury Management and Workers Compensation Act 1998 advises employers of their responsibility to make workplaces safe for workers. All refuges must adhere to this Act.

These Acts must be considered when a refuge determines its eligibility criteria. The implications of two of these Acts for refuges will be briefly discussed.

2.1.1 The Anti-Discrimination Act 1977

Resolution 1:

The NSW Women’s Refuge Movement recognises that women’s refuges must operate within the guidelines of the Anti-Discrimination Act 1977

Resolution 2:

The NSW Women’s Refuge Movement endorses that all women’s refuges must establish and/or maintain a non-discriminatory eligibility criteria.

Blanket exclusions based on specific characteristics can not be imposed.

Refuges in the NSW Women’s Refuge Movement have a focus on the provision of support and accommodation to women with/without dependant children who are escaping domestic violence. As the SAAP Act (1994) makes provision for the specific focus to women and women with dependant children, it is not illegal nor discriminatory for women’s refuges to exclude men or those women not escaping domestic violence. However, within the target group of women with/without dependant children escaping domestic violence, refuges should strive to ensure they are accessible.

For example, it would be discriminatory for refuges to exclude a woman because of some aspect of her person that is covered by the Act. For example, it would be discriminatory to exclude a woman *because* she is pregnant, or a lesbian, or has HIV.

On the other hand, it would not be discriminatory to exclude a violent woman who *happens to be* pregnant, a lesbian or have HIV since the reason to exclude the woman is based on her violence and not on any other characteristic.

2.1.2 Transgender discrimination

Resolution 3:

In line with the Transgender Discrimination Act (1996) the NSW Women's Refuge Movement recognises that women's refuges must not exclude access to service on the basis of transgender (male to female)

On 1st October 1996 Transgender (Transsexual) Discrimination was incorporated into the Anti-Discrimination Act 1977. It is now illegal to discriminate against transgender people in NSW.

For refuges, this means that all transgender people (male to female) seeking refuge access must be treated 'fairly'. Any written or unwritten policy or rule that disadvantages transgender women will be in conflict with the Anti-Discrimination Act unless it is "reasonable in all circumstances" to have that rule or policy.

For more information on what these terms mean and the legal position of transgender (male to female) people who seek access to women's accommodation services, contact either the WRRC, the Anti-Discrimination Board or the Gender Centre.



Contacts:

Anti-Discrimination Board
Phone (02) 9268 5544
Freecall 1800 670 812
TTY (02) 9268 5522

Gender Centre
Phone (02) 95692366

2.1.3 The Disability Discrimination Act 1992

Resolution 4:

The NSW Women's Refuge Movement recognises that women's refuges must accept women and children escaping domestic violence who have a physical, intellectual, sensory or neurological disability except in those cases which would cause unjustifiable hardship to service or client.

"Women and girls with disabilities live at the intersection of gender and disability bias. As a consequence, they experience higher rates of violence and lower rates of service access than their non-disabled peers".¹

It is therefore extremely important for women's refuges to ensure that they remove as far as possible, barriers to access for women and children with disabilities.

The Disability Discrimination Act 1992 (DDA) makes it unlawful to discriminate against people on the basis that they have, or may have, a disability. It is also unlawful to discriminate against a person on the basis that one of her or his associates has, or may have, a disability.

The DDA defines disability broadly and covers disabilities that are physical, intellectual, psychiatric, sensory and neurological. It also covers physical disfigurement and the presence in the body of an organism capable of causing disease.

The Act covers employment, education, goods, services and facilities. It aims to:

- eliminate discrimination against people on the grounds of their disability, in work, education, provision of services, access to premises, clubs and sports;

- ensure that people with disabilities have the same rights to equality as everyone else;
- promote recognition and acceptance that people with disabilities have the same rights as everyone else.

The Act applies throughout Australia including commonwealth, state and local government, non-government organisations, private organisations and individuals. It covers direct and indirect discrimination.

The Act promotes the development of Disability Action Plans to help eliminate discriminatory practices.

If a claim of discrimination is made about a service, the only acceptable legal defense is if the adjustments that are required to make the service accessible to the person would cause the service 'unjustifiable hardship'. An unjustifiable hardship may be argued if the adjustment would be very expensive to a refuge, for example a major renovation, or if it involved significant organisational changes, for example a complete reworking of existing staff rosters. There is however, no specific definition of what constitutes 'unjustifiable hardship' and it is usually determined on a case by case basis and usually by a court.

! **Direct discrimination** means treatment that is obviously unfair or unequal. For example, if a refuge does not accommodate a woman because she has a disability, or because she is a lesbian.

Indirect discrimination means a requirement that is the same for everyone but has an *effect* or *result* that is unequal and unreasonable in all circumstances. For example, a refuge may have a policy that clients share all the tasks of communal living. This may exclude a woman who has a disability if she is not able to do some or all of the tasks.

Resolution 5:

In line with the Disability Discrimination Act 1992, the NSW Women's Refuge Movement recognises that women's refuges must not exclude women on the basis that they have a mental illness.

The Human Rights and Equal Opportunity Commission states that:

"Research has consistently shown that women who have a history of violent and abusive relationships are more likely to be affected by a mental illness than women who do not".²

Women's refuges should therefore expect to accommodate some women with a mental illness given the profile of the client group that they serve.

Women who have a mental illness with/without accompanying children have sometimes experienced difficulties in accessing women's refuges. In many cases this is a result of the particular refuge being unable to provide the type and level of support required, particularly in relation to 24 hour support. Refuges must be aware however; that the majority of women with a mental illness do successfully self manage.

It is discriminatory to deny access to a woman on the grounds that she has a mental illness regardless as to whether or not she is on prescribed medication.

If the behaviour of *any* client compromises the safety of other clients and workers then it is not discriminatory to deny access to that client. However, women must be accommodated if there is no evidence that her presence would jeopardise either the safety of herself or others.

2.2 Service accessibility

Resolution 6:

The NSW Women's Refuge Movement recognises that to ensure accessibility to women's refuges, it is good practice that a refuge worker is directly contactable and available on a 24 hour basis.

Crises occur any time of the day or night. It can only increase the distress experienced by a woman escaping domestic violence if the process of accessing a refuge is impeded by unnecessary delays.

The accessibility of a service can be determined by how easy it is for clients, prospective clients or other service providers to contact the refuge and receive an appropriate service. Some policies or practices can make accessing the refuge more difficult.

Women's refuges are crisis services and therefore need to be able to be contacted easily and quickly on a 24 hour basis. Any policy or practice that creates a delay in service provision or makes that service more difficult to obtain, is a barrier to access.

Services are not considered to be accessible if they can only be contacted via another service. This is particularly important because some contact services – for example, Lifeline, are not gender specific. Women and children who are escaping domestic violence have a right to expect that domestic violence crisis lines will be staffed exclusively by women.

2.2.1 Rosters and on-call staff

Resolution 7:

The NSW Women's Refuge Movement recognises that it is good practice to review staff rosters to maximise the availability of workers on the premises during office hours.

Rosters which are organised so that all staff leave the premises during office hours does not help to promote access. It may also compromise the ability of relevant agencies or businesses to contact women regarding their support/legal/housing matters.

Resolution 8:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to develop a contact system to on-call staff that is of no cost to residents.

Refuges need to carefully consider staff rosters and staff availability and aim for a staff presence at the refuge as often as possible (not just during 'office hours').

At those times when it is not possible to have staff on the premises, access to on-call staff should be swift. The process of contacting on-call staff should not involve clients having to use their own money.

Some refuges solve this problem by having a telephone that is barred to all numbers except the refuge's mobile telephone and emergency contact number.

2.2.2 Staff planning

Resolution 9:

The NSW Women's Refuge Movement recognises that a client focused approach to planning of rosters will enhance accessibility to women's refuges.

Refuges need to make arrangements for the time when all staff are involved in meetings and how the refuge will be 'staffed' during this time. Similarly, refuges need to ensure that staff are not all off the premises at the same time during their shifts.

Refuges should consider the times meetings are held and could also try to keep the meetings to a shorter timeframe. Although

meetings are an important part of ensuring good practice, refuges need to consider access to the service during the times when they are held.

2.2.3 Answering machines

Resolution 10:

The NSW Women's Refuge Movement recognises that it is good practice for the use of answering machines in women's refuges to be kept to a minimum and only used at times of genuine need. Alternatives to answering machines should be considered.

Refuges are crisis services. Crisis services need to be easily contactable. Personal and professional contact on the telephone provides the best service to the person contacting the refuge and should always be adopted as best practice when staff are on the premises. Answering machines can be a useful aid to service provision if used appropriately. However, routine use of answering machines, particularly in office hours is inappropriate and creates a barrier to access by making the service more difficult to contact. Many clients and prospective clients, particularly those in crisis, will be deterred by answering machines and simply hang-up and look elsewhere for the service they need.

When refuge staff are not on the premises, systems such as diverting the refuge telephone to a mobile telephone should be explored and adopted, where possible.

2.3 Eligibility criteria – groups with a particular characteristic

Good Practice

Good practice for refuges means having policies which show a commitment to helping all women and children who are escaping domestic violence to live a life free of violence and have greater control over their lives.

Good practice recognises the diversity that exists in any community and that this diversity will also be reflected in the make-up of clients. There is no typical client. Policies need to be able to respond effectively to clients who may have diverse needs.

Examples of good practice include: ³

- Assisting a client to find alternative accommodation if the service cannot assist;
- Staff letting clients know that they're not alone or isolated with their problem;
- Non-judgmental staff support;
- Appropriate staff reactions to the different ways clients deal with their situation;
- Welcoming the children accompanying the primary client;
- Introducing clients to other residents and staff as soon as possible;
- Respecting and listening to clients;
- A safe and stable atmosphere;
- A safe physical environment.

At the WRM conference in July 1998, it was noted that there had been instances reported where women from the following groups had experienced difficulty accessing domestic violence services.

- Women on an assault charge for defending themselves against a violent partner;
- Young women;

- Women on methadone;
- Women who do not have immigration status and who are ineligible for an income;
- Other women who do not have an income;
- Pregnant women with accompanying children;
- Working women;
- Elderly women;
- women with very large families;
- Women with a mental illness;
- lesbians and their children
- Women with alcohol and other drug issues.
- Women with disabilities

The conference endorsed that exclusion of these groups of women from women's refuges is unacceptable and discriminatory.

It is emphasised that it is discriminatory to exclude 'groups' of women from accessing refuges. To exclude a woman from a particular group makes assumptions that *all* women who are in that group – (for example, women with a mental illness or women who have been in the criminal justice system) – share characteristics that will make them difficult to accommodate and threaten the safety of other residents. Not only is it untrue to make these kinds of assumptions, it is discriminatory and thus unlawful to do so.

However, under Occupational Health and Safety laws, refuges have an obligation to ensure, as much as is possible, a safe environment for residents and workers. What they do need to be concerned with is the *behaviour* of individuals within the refuge. Refuges provide a safe environment and usually accommodate very young children. It would be valid for a refuge to refuse to accommodate a *particular* individual who has compromised the comfort and safety of others.

A non-discriminatory eligibility criteria says that a refuge may exclude any *individual* who represents a genuine threat to others no matter what characteristics that person may have. For example, if a woman is violent and she has no income or she has a large family, she may be excluded from the refuge because of her violence. It also says that a refuge cannot exclude a woman only because she does not have an income or because she has a large family.

2.3.1 Women without an income

Resolution 11:

The NSW Women's Refuge Movement recognises that it is good practice to provide support and accommodation to women without an income.

Women without an income are amongst the most vulnerable as they have the fewest options and often have the least capacity to seek alternative accommodation. As part of their non-discriminatory eligibility criteria, refuges **must** accommodate women without an income.

As SAAP does not operate on a user-pays principle, good practice demands that refuges assist all those whom are in need of their advertised services, regardless of whether they can contribute financially or not. Excuses such as insufficient resources or funding are not acceptable reasons for a refuge not to accommodate a woman who does not have an income.

Often, although not exclusively, women without an income are seeking permanent residency status or citizenship. The processes of helping these women to get income security is often complex as it may involve negotiation with the Departments of Immigration and Social Security. Refuges, however, must undertake this challenge.

2.3.2 Women who work

Resolution 12:

The NSW Women's Refuge Movement endorses that refuges must not exclude women on the basis that they are employed.

Refuges provide women with opportunities that help them to be in control of their lives. Working outside of the home can be empowering, as well being a necessity for many women. Financial independence can give a woman choices in her life that she does not have when on a fixed income or dependent upon another person for her financial security. It is therefore the responsibility of all refuges to support women to become financially independent or to maintain the financial independence they already have.

Refuges may not be able to offer childcare to a woman who is working or studying. If this is the case, refuges should make the situation clear rather than saying they will not accommodate women who are working.

Women who are working or studying may not have small children or they may be able to make alternative childcare arrangements. Refuges should assist women in arranging childcare if this is relevant.

Resolution 13:

The NSW Women's Refuge Movement recognises that it is good practice for refuge routines to be flexibly applied to accommodate women who work or who study at night.

Similarly women who work at night, including those employed in the sex industry, cannot be excluded from refuges. Refuge routines must be applied flexibly so the needs of women who work or study at night can be accommodated.

2.3.3 A woman's usual area of residence

Resolution 14:

The NSW Women's Refuge Movement endorses that women must not be excluded from refuges on the grounds of their usual area of residence unless the safety of the woman or other residents is compromised by the proximity of the perpetrator.

Refuges should accept any woman eligible for their service and in need of it, regardless of what area the woman usually resides in. This policy will enable women to make their own decision about whether the needs of herself and her children would be better met in a local or an out of town refuge.

Women may chose a local service so they can be close to support networks, other support agencies that she may have a relationship with and also her children's school and/or child care arrangements.

2.3.4 Women with accompanying male adolescent children over 13 years

Women who are escaping domestic violence with an accompanying adolescent male child have sometimes had difficulty getting into refuges. This is because many refuges have policies that exclude accompanying males over a certain age, usually 14 years.

It was reported at consultations that the exclusion of young males has created a barrier to access to refuges for some women and/or may have increased their stress.

It is noted that the Commonwealth Supported Accommodation Assistance (SAA) Act 1994, which provides for the funding of SAAP services, seems unlikely to offer refuges protection against claims of discrimination if they exclude accompanying adolescent boys from their service. This is because

the Act does not specify the *age* of the children accompanying their carer to a refuge.

In a letter from the NSW Department of Community Services Policy and Planning Directorate, refuges are advised that:

“Services would have difficulty demonstrating that accompanying adolescent males do not require their support, particularly in view of the overriding importance of family groups receiving services, including accommodation, together ... Other than in exceptional circumstances, accompanying adolescent males should receive services ...”⁴

The interpretation of ‘exceptional circumstances’ has not been defined.

At the time of writing, the debate concerning whether refuges should seek exemption from prosecution under the Anti-Discrimination Act is unresolved.

2.3.5 Other important considerations

It is *discriminatory* to have an eligibility criteria that **demands that a woman has:**

- **Taken out an Apprehended Violence Order (AVO)** against the perpetrator. Refuges may inform a woman about the purposes and functions of an AVO but they *can not demand* that a woman seek an AVO, or otherwise attempt to exclude from a refuge, a woman who declines to seek an AVO. It is up to a woman to choose if she wants to pursue legal action or not.
- **Vaccinated her children.** Refuges may present information about vaccination, its advantages and its significance in reducing childhood diseases but they cannot demand that a woman vaccinate her children. The individual retains the right to choose whether or not to vaccinate her children. Refuges can however, request that the carer of non-vaccinated children sign a disclaimer stating that they understand the likely consequences for their children should there be an outbreak of an

infectious disease at the refuge. If a refuge is quarantined due to an outbreak of an infectious disease such as chickenpox, then a decision to accept no new residents may be made.

It is also *discriminatory* to exclude *as a group*:

- **Women whose partners already know, or become aware of, the location of the refuge.** Sometimes, the perpetrator may know or find out where the refuge is located, particularly in country towns. However, this knowledge does not *always* represent a threat to refuge residents and staff.

Refuge staff should review each case *individually*. Blanket exclusions of women in this category are discriminatory and can give women in this group a message that *they* are the problem.

2.4 Assessment procedure

2.4.1 Initial Contact

Resolution 15:

The NSW Women’s Refuge Movement recognises that it is good practice for women’s refuges to require a minimum amount of information at the time of assessment. Each refuge should develop a set of questions that are asked of all women accessing the refuge.

Only a minimum amount of information should be required for a refuge to accept a woman as a client. This will ensure that she is not distressed any further by a long and/or complicated process. In any case, most refuge workers have found that clients reveal more about their circumstances when they are feeling comfortable and established within a refuge.

It is important for services to have a standard set of questions so that all prospective clients are asked the same questions.

Standard questions need to facilitate access. This means ensuring the questions are simple and easy to understand and they are available in alternative forms – such as tape or illustrated formats. It may also require refuges to access interpreter services if there are language barriers and/or communication barriers (eg: deaf women)

Under no circumstances should questions be asked if the refuge is already full unless the questions are relevant for determining accurate referrals.

2.4.2 Specific needs

Resolution 16:

The NSW Women's Refuge Movement recognises that refuges must not discriminate against women and/or their accompanying children within the target group who have specific needs.

To comply with non-discriminatory eligibility criteria, provided there is space available, refuges cannot refuse access to any women (within the target group) with a specific need unless it is known that this woman represents a threat to the safety and/or well-being of clients and staff of the refuge.

The questions a refuge asks at assessment are to help the refuge plan the best way to meet the needs of the woman and her children. It is important that refuge workers use the information they collect in an appropriate way, particularly when a woman has specific needs. For example, if a woman speaks a language other than English as her first language and the worker knows a refuge where a worker speaks this language, the worker may let the woman know that she could go to this refuge if she preferred. If the woman would like to follow this option, then the refuge worker could contact the refuge for her and inquire about vacancies.

It would be inappropriate however, if the refuge did not give the woman a choice but simply told her to go to this other refuge and then provided no help for her to do this.

2.4.3 Referral

Resolution 17:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to provide appropriate referral services for women and children.

Referral is an important part of the service a refuge offers. It needs to be undertaken in a way that is useful to the woman being referred and helpful to the service to whom the woman is being referred.

Refuge staff need to be pro-active at the time of assessment. If a woman is not accepted into the refuge (following assessment or if the refuge is full), where possible, they should be offered a referral to another *appropriate* service. Referral should be seen as an extension of the assessment process.

Refuge workers need to be aware of the other services in their area, what they do, who they are for and their eligibility criteria. This will help to make sure that the referral is accurate and appropriate.

Referral should not be used as a means of 'dumping' clients who may be eligible for the refuge's service but for some reason, the refuge would prefer not to accommodate them. Nor should referral be careless – it is important that the service the person is referred to is a suitable and appropriate service.

2.5 Intake procedure

2.5.1 Acquiring information

Resolution 18:

The NSW Women's Refuge Movement endorses that it is good practice for refuges to adopt an intake procedure that assists clients to access the service quickly and comfortably.

A refuge is accessible when the environment feels safe and comfortable and clients feel welcomed, respected and able to get the support that they need.

First impressions are important. The way intake is conducted can impact on the client's perception of the refuge (and possibly refuges as a whole).

It is important to remember basic things – for example, the client's recent trauma and that she is not familiar with the refuge, its rules, residents or staff. Also, it is important to recognise a client's experience of refuges. This may be the first time that she has ever been in a refuge, or it may be the fifth time, and this may lead to her having intense feelings of failure.

As with assessment, refuges should seek the minimum amount of information that is required to complete the Intake process. Some clients may wish to speak at length about their circumstances and this should be facilitated. Other clients may be exhausted or in shock and the intake procedure should allow for this.

The intake procedure needs to be as welcoming as possible. Conduct Intake in private and attend to the immediate needs of the woman and accompanying children first. Reassure her that she and her children are now safe and that the staff are there to help and support her. Only after these steps have been taken should you begin with the Intake questions.

2.5.2 Procedures that delay access

Resolution 19:

The NSW Women's Refuge Movement recognises that it is good practice to always have a staff member available with the authority to assess and accept intake referrals.

Refuges need to develop an intake procedure that is simple and quick, avoiding unneces-

sary delays to a woman's access to the service. To help achieve this, a staff member with the authority to accept a woman into the refuge must always be available; either on the premises or on-call, if the refuge premises is unstaffed.

2.5.3 Giving information

Resolution 20:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to ensure that all important information is available to clients in written and taped form. This includes ensuring that information is available in as many community languages as is possible.

During the consultations for this project, many clients reported that they felt confused if they were given a lot of verbal information at one time. To help avoid confusion and keep Intake as simple as possible, the information given to women at this stage should be limited to essential information only.

The most important information to give to clients at intake is the support/assistance they can expect from the service and their rights and responsibilities. This includes letting women know about policies and procedures such as house rules, complaints procedures, confidentiality policy and client fees.

Large quantities of verbal information is difficult for anyone to remember. Information on the rights and responsibilities for clients and the service should be given in a form that can be absorbed and referred to, as and when it is needed. **At Intake**, refuges need to give each woman a *written* copy of each of the following that they can keep:

- Information on what the service offers
- House rules
- Internal and External Complaints Procedure

- Client Fees and *explanation* of all additional charges;
- Client Confidentiality and Information Release

It is recommended that refuges organise to have this information translated into as many community languages as possible.

It is acknowledged that initially refuges may not be able to provide a wide variety of languages. However, some refuges are starting off with translations to the languages most often used by clients of the service and the local community.

In addition, refuges need to make this information available in alternative forms. For example, having this information in taped form will help to make it accessible for clients with a visual impairment, or who may have low levels of literacy. It may also be useful for women who are from non-English speaking backgrounds who do not read English.

To make a tape, speak slowly and in a clear voice. Where possible, produce tapes in a range of community languages and make them available for clients to borrow.

If a client is not proficient in English and no staff member speaks this language, then there is a language barrier to accessing the service. The best way to overcome this barrier is to arrange for an interpreter.

It is also recognised that refuges have certain financial constraints that can prevent or inhibit the provision of an interpreter at intake or at house meetings. Where possible, refuges should provide this service when needed but clearly an overall solution to the problem needs to be found. ***This is an issue that all services should prioritise.***

At the time of writing, the SAAP Ministerial Advisory Committee (MAC) is examining this issue and seeking a solution with the Community Relations Commission for a multicultural NSW (CRC) to provide interpreters to individual SAAP services at no cost.

2.5.4 Emergency packs

Making clients feel welcome when they arrive helps to promote access to the refuge.

Clients have reported that arriving at a refuge without any possessions is very distressing and humiliating. If the refuge then does not offer them any emergency supplies, clients often report feeling even more distressed.

Many women and children presenting to the refuge for the first time will have left their home in a hurry. Refuges should keep 'emergency packs' on hand which contain items that clients will or may need immediately. These packs should be offered *free* to all clients who need them.

Emergency packs might include:

- Soap
- toothbrush
- Toothpaste
- shampoo
- Face washer
- comb

Other items to be included as needed are:

- tampons/sanitary pads
- disposable nappies
- baby formula to be purchased, as required
- baby's bottle

Endnotes

- 1 Waxman in Women with Disabilities Australia, 1997:10
More than just a ramp-A Guide for Women's Refuges to Develop Disability Discrimination Act Action plans
- 2 Human Rights and Equal Opportunity Commission "Report of the National Inquiry into the Human Rights of People with a Mental Illness" 1993 page 592
- 3 SAAP Standards & Case Management, Client Consultation Outcomes, Age Communication
- 4 To WRM Working Party Riverina Delegate, dated 2/6/98



3 Equity

EQUITY in women's refuges is concerned with ensuring that all clients have equal opportunities to all services that are offered by the refuge. Refuge policies and their implementation are integral to achieving equity in service provision to clients.

Policies must be developed with an understanding of the diverse needs of women and children and the difficulties they experience. Policies should include flexibility and an understanding of access, equity and empowerment issues. It is emphasised that policies alone will not achieve this unless there is a genuine acceptance of diversity. In a refuge exhibiting 'good practice', all clients have an equal opportunity to develop and maintain their sense of self worth and to gain greater strengths, independence and control over their life circumstances.

3.1 Policies

Clear and consistent policies are important for an equitable service as they help to ensure transparent and consistent service delivery. All policies need to be client focussed and promote the rights and responsibilities of clients.

3.1.1 Refuge Policies

Resolution 21:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to document and make accessible to clients the policies of the refuge.

Resolution 22:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to make policies available in both taped and written form.

Policies, which are available for everyone to refer to, are important for a number of reasons. Having policies which are available for everyone to refer to means that clients don't have to remember every house rule. It also means they do not have to remember information that they will not need once they have left the refuge.

Clients can become familiar with their rights and responsibilities and if they want to act on any of their rights, these procedures can help them to know what to do.

To assist in access to these policies, they should be provided in as many languages as possible as well as on tape. Documented policies that are clear and consistent ensure that all staff are following the same procedures in their work with clients. This applies to staff working together and also to

staff who work on different shifts. Written policies are also crucial for letting new and casual staff know how things get done.

3.2 House rules/sharing agreement

Resolution 23:

The NSW Women's Refuge Movement recognises that it good practice in women's refuges to keep house rules to a minimum and cover only those issues necessary for the safety and smooth running of the household.

Resolution 24:

The NSW Women's Refuge Movement recognises that it is good practice in women's refuges to ensure that House Rules do not undermine a person's rights under law.

Resolution 25:

The NSW Women's Refuge Movement recognises that it is good practice in women's refuges that House rules are flexibly administered to ensure that residents have equal access to and equity within refuges.

House rules/sharing agreements are necessary only to secure the safety and comfort of those who live in the refuge and to help the household to run efficiently. They do not need to be unnecessarily harsh and refuges need to ensure that the rules are not barriers to access or to equity. For example, a house rule/sharing agreement, which states that all women must share household tasks, may exclude a woman if she has a disability that prevents her from completing certain tasks. Or tasks that must be completed in the daytime may exclude a woman who works full-time or is a full-time student.

To promote equity, refuges may sometimes need to be flexible with house rules /sharing

agreements and recognise the special circumstances and needs of the clients involved. For example, if a client is unable to perform household tasks, they can be exempted from these tasks or could be allocated other duties which they feel they can do. Similarly, women who are working or studying should be able to undertake tasks at times that they are convenient to them.

It is discriminatory to exclude a woman because she cannot complete certain tasks or she cannot complete tasks at the times demanded. It is *disempowering* to make a woman give up her job or studies so she can access a safe place.

3.2.1 House rules/sharing agreement & human rights

House rules/sharing agreements cannot undermine a person's rights under the law. For example, a refuge cannot have a rule that prohibits a resident from associating with men in general or her ex-partner in particular. Freedom of association is a basic human right and a rule like this would breach an individual's human rights.

Many refuge workers report that a woman may return to a refuge many times before she can end a destructive relationship. For some women, maintaining contact with the perpetrator is part of the leaving process.

Refuges do have the right, however, to insist upon women-only visitors to the refuge.

They also have the right to exclude women who are perpetrators of domestic violence.



Following is an example of a client focused agreement/statement to be signed by both agency representative and client.

We would like to welcome you to Nancy's refuge, a service managed and operated by women, for women.

We try to remain a healthy environment that is free of violence, where your property is safe and you and your children will be treated with respect.

Nancy's is a smoke free zone, except in the back garden where ashtrays are provided for butts and matches.

Nancy's is an alcohol and drug-free house.

Household jobs are a shared activity, Nancy's does not employ a cleaner, although a handy person comes in once a week to mow grass and do simple repairs.

We do not expect you or your children to tolerate intimidation, threats, actual violence or theft of your property. Our policy is to act on behalf of /support any women or child who experience any such act in whatever action they want to pursue including reporting the matter to police or DCS.

We reassure you that people who are violent (including your partner) are not permitted on the property. The police will respond quickly to requests for removing offenders from the property.

You will of course keep your responsibility for caring for your children. You will not be expected to take care of other women's children while you stay at Nancy's. School age children can continue at their current school or you will be given help in enrolling at the local school. (Park Mill primary which is two streets away)

3.3 Concerns, complaints and disputes

Concerns, complaints and disputes may be individually defined.

3.3.1 Concerns

A concern is a matter that needs to be resolved but it is not yet a complaint. For example, a client may be concerned that the refuge has not repaired or replaced the VHS recorder which broke down three weeks ago. She does not wish to make a complaint but she wants to know the refuge's policy.

Concerns are best addressed by staff that are approachable and involved. Concerns can often be resolved quickly by attending to oversights or making policies clear for clients.

Concerns can become complaints if they are not addressed or are dismissed without consideration.

3.3.2 Complaints

A complaint is more explicit than a concern but does not always involve conflict or disagreement between two or more specific parties, which is a characteristic of a dispute. For example, a client may wish to complain that the refuge does not implement its rules flexibly and that she has been disadvantaged by this policy. The complainant is not lodging a complaint against a particular individual but rather against the refuge operation as a whole. Complaints that are not lodged against a specific individual or individuals need a different resolution process than those that are targeted towards an individual or individuals.

Often refuges fear having a complaint made against them. Refuge workers may be concerned that staff, individually or collectively or the refuge as a whole, will incur a penalty or punishment as a result of a complaint. However, most complaints are made because a service has not considered

the full impact of some policy(ies) or a policy on a particular issue is not clear. Many of these issues are very easily resolved.

Complaints give refugees an opportunity to review their service and to make changes if they are needed. Throughout SAAP services, many policies which are now in place are pro-active responses to a misunderstanding, a concern or a complaint. A client-focused refugee sees complaints as an important part of the service and use them as an opportunity to improve the service they provide.

All refugees need to develop or adopt an easy to use and non-threatening complaints procedure that is confidential. All clients need to have access to an internal and an external complaints procedure and workers may need to help clients to use this procedure if requested by a client.

An appropriate complaints mechanism is one which is consistent with the **Community Services (Complaints, Appeals and Monitoring) Act, 1993**, often known as the CAMA legislation.



The complaints procedure needs to:

- Respect the confidentiality of the complainant/s. The person making the complaint should have the right to keep her identity and the nature of the complaint confidential from anyone who does not need to know.
- Be consistent with Community Services (Complaints, Appeals and Monitoring) Act, 1993, legislation and the recommendations of the Community Services Division of the Ombudsman's Office, NSW (Previously called the Community Services Commission).
- Be genuine – that is, be prepared to hear client's concerns in a genuine manner and to solve problems and make operational and/or organisational changes if needed.

The complaints procedure needs to be accessible. This means having it available in written form and written in plain English so it is easy to understand and use. The procedures can also be translated into key community languages and be made available in alternative formats such as tape or disc.

It may also be useful to display the procedures on the wall or have copies available that clients can keep and refer to privately.

3.3.3 Complaints of a criminal nature

Some complaints may involve serious allegations of a criminal nature. A complaint that involves criminal behaviour, for example, assault or child abuse allegations should be referred to the appropriate authorities.

3.3.4 Important points to consider and training opportunities

In any concern, complaint or dispute, a quick response is vital.

If a dissatisfaction or disagreement is not dealt with quickly, it can leave the relevant party(ies) feeling frustrated and powerless and successful co-operative conclusions become more difficult to achieve

No client should ever be penalised, denied further access to a refuge or labelled as 'difficult' for raising a concern or making a complaint, regardless of the outcome.

Training courses for staff working in community organisations are available free from the Community Services Division of the Ombudsman's Office, NSW (CSD). These courses help staff to understand the role of the CSD and the Community Services (Complaints, Appeals and Monitoring) Act, 1993 legislation and to develop appropriate complaints procedures. Refugee workers who have attended these courses have reported that they found them to be useful.



Contacts:

Community Services Division of the Ombudsman's Office, NSW:

Phone: (02) 9286 1000

Freecall: 1800 451 524

TTY: (02) 9264 8050

Fax: (02) 9283 2911

3.3.5 Disputes

Resolution 26:

The NSW Women's Refuge Movement endorses that it is good practice for women's refuges to operate within the spirit of the Community Services (Complaints, Appeals and Monitoring) Act, 1993.

A dispute is a complaint about the conduct of a person or group of people. It always involves more than one person. For example, a resident might complain about the behaviour of another resident or a staff member or a number of staff members.

The experience of many refuges is that if disputes are tackled early, they are more likely to be resolved successfully with all parties feeling they have been treated equally and fairly. Refuges need to address conflicts as soon as they can to prevent protracted processes.

To resolve any dispute which does not involve a criminal accusation, refuges need to develop and implement a disputes procedure.

Resolution 27:

The NSW Women's Refuge Movement endorses that good practice for women's refuges is that all refuge staff receive training in conflict resolution or mediation.

Refuges have, on occasion, 'resolved' disputes between residents by referring one or more

of the disputing residents to another refuge. It is preferable for the staff to resolve the dispute in a way that enables all parties to remain at the refuge. Ensuring that all staff receives training in conflict resolution or mediation can help refuges to achieve this aim.

3.3.6 Disputes procedures

Resolution 28:

The NSW Women's Refuge Movement endorses that it is good practice for women's refuges to develop internal and external disputes procedures available to clients in written and taped form.

The following is a pro-forma disputes procedure. Refuges could use it as is or adapt it for their own needs.

Disputes may occur between a number of parties at a service. Disputes may be between:

- Residents;
- Residents and staff;
- Residents and the management committee/collective;
- Staff;
- The members of staff and the management committee/collective; or
- Members of the management committee/collective.

A dispute procedure aims to resolve a dispute in a way that is fair and satisfactory to all parties.

The following procedures can be applied to any dispute that may occur at the service.

! Example of a Procedure:

1 When a dispute arises, affected parties need to meet, talk through the dispute together and try to reach an agreement. This step should occur before a third party is approached. However, if the dispute involves a resident and a staff member, the resident has the right to have a support person or an advocate present.

2 If agreement is not reached by discussion between the parties, then the next step is to approach a third party who is not directly involved. This person will act as a mediator and their role is to keep the discussion focused on reaching resolution. An appropriate third party may be:

- If the dispute is between residents, a refuge worker/co-ordinator can act as a mediator;
- If the dispute is between residents and a refuge worker or between workers themselves, the co-ordinator/manager or members of management committee/collective can act as a mediator;
- If the dispute is between staff and management or between management committee/collective members, an independent mediator that is acceptable to all parties should be used.

If mediation is required, it should proceed within one week of the decision to use this process.

When discussing the conflict, the mediator must:

- Explain the role of the mediator and the process to be followed carefully and clearly.
- Allow each party to tell their story without interruption. This should include an account of the history of the dispute, a statement of what each party is unhappy with or afraid of and possible ways the dispute might be resolved.
- Clarify any uncertainties and draw up list of issues for discussion. These will form an agenda and a focus for further discussion.
- Work through the agenda with the parties, exploring each of the issues identified.
- If appropriate, meet with each party in confidential sessions to check how she/they feel(s) about the process and the issues and to see if any proposals are workable.

- Focus on the future, clarify options and work towards common interests when working with the parties in a joint session.
- Clarify proposals and agreements between parties.
- Ensure that all agreements are written down.
- Upon resolution, or end of discussion, close the session, thank the parties and advise them that further assistance is available if required.

3 If agreement is not reached with mediation or if the written agreement is breached, then the disputes procedure becomes formal. In these instances, the authority to hear and rule on a dispute is delegated by the management committee/collective to a specially formed Dispute Committee. A special meeting of this committee must be called to hear the dispute within seven working days of notifying the affected parties in writing.

The Dispute Committee must receive written statements from both sides of the dispute. These statements must include:

- The history of the dispute;
- What attempts have been made to rectify the situation; and
- Why these attempts have failed.

Both parties have the right to appear at the meeting of the Disputes Committee. After open discussion on the issue, the Disputes Committee must decide what action to take. The decision can be made either a committee decision or put to the vote. The decision must be recorded in the minutes of that meeting and tabled at the next management committee/collective meeting. The written record of the decision will be distributed to all parties who are directly involved in the dispute and must include;

- A brief statement about the dispute;
- The actions or changes required to resolve the dispute;
- A timeframe for any changes to be implemented; and
- What will happen if these changes do not resolve the dispute.

3.3.7 Disputes where residents are involved

Resolution 29:

The NSW Women's Refuge Movement endorses that it is good practice for women's refuges to observe confidentiality and ensure that clients who lodge a complaint are not penalised.

- A resident has the right to choose an appropriate person to provide support or act as an advocate for her. A resident can authorise an advocate to speak on her behalf during **any** stage in the dispute procedure and during the appeal.
- The person a resident chooses to support her may be another resident, refuge worker (unless this would be a conflict of interest for that worker) or a person from outside the refuge.

3.3.8 Appeals

Any party has the right to appeal against a decision made by the Disputes Committee.

Appeals must be in writing and lodged with the secretary of the Management Committee/ Collective/Board within one week of receiving the written copy of Disputes Committee's decision. The appeal must then be included on the agenda for the next scheduled management committee/ collective meeting.

At this meeting, the management committee/ collective will make a decision on appropriate action. This decision will be the final stage of an internal disputes procedure.

If anyone wishes to pursue the matter beyond this stage, they must refer their complaint to the Community Services Division of the Ombudsman's Office, NSW (CSD).

Note:

Residents *must* be advised that they are entitled to by-pass an internal complaints/disputes procedure and address their complaint directly to the CSD.

External Complaints

Refuges need to let residents know about the Community Services Division of the Ombudsman's Office, NSW.

Contacts

The Community Services Division of the Ombudsman's Office, NSW (CSD) can be contacted on:

Ph: (02) 9286 1000

Tollfree: 1800 451 524

TTY: (02) 9264 8050

Fax: (02) 9283 2911

Previously called the Community Services Commission



The CSD has the power to deal with complaints about:¹

- NSW Department of Community Services;
- NSW Ageing and Disability Department;
- Services funded by the NSW Minister for Community Services and the Minister for Ageing and Disability; and
- Home Care Service of NSW.

People may complain if they believe that a service provider has acted unreasonably:

- In the way they provide a service to someone; or
- By not providing a service to someone; or
- By withdrawing or changing a service to someone;
- By providing a service to someone that the complainant believes should not be receiving it.

A service provider may have acted unreasonably if its decisions or conduct:

- Do not conform to the relevant legislation or guidelines; or
- Do not meet acceptable standards; and
- Have a direct impact on a particular consumer or consumers of that service.

3.4 Client fees

Resolution 30:

The NSW Women's Refuge Movement endorses that good practice for women's refuges is that women will not be refused access to a refuge because of previous service debts or because of an inability to pay fees.

Fees are a barrier to access and to equity if a service refuses to accept a woman because she cannot pay the fee (perhaps the woman has no income or she is paying off debts elsewhere).

Refuges need to support all women, regardless of whether they can pay the fee or not. A flexible fees policy can help as this means that refuges could waive the fee if a woman has no income or she has to pay off debts elsewhere.

3.4.1 Charges

Resolution 31:

The NSW Women's Refuge Movement endorses that it is good practice for women's refuges to maintain resident fees at no more than 20% of a woman's income if food and utilities are included, and at no more than 10% of a woman's income without food and utilities.

At the NSW Women's Refuge Movement state conference held July, 1998 it was endorsed that the Women's Refuge Movement adopt a standard approach to setting fees and determining what services will be provided to clients for these fees.

The recommendation included that the standard client fee charged by refuges is a;

- **Maximum of 20% of a woman's income if food and utilities are included; and**

- **Maximum of 10% of a woman's income without food and utilities (eg electricity)**

Also endorsed was that this charge includes all children that the woman has in her care (regardless of the number of children or their age).

It was further endorsed that women whose income is less than an amount equivalent to the full Supporting Parents Pension or, in the case, of a woman without accompanying children an amount equal to the Youth, Disability or Abstudy allowance(s), be exempt from fees.

3.4.2 Services offered

Resolution 32:

The NSW Women's Refuge Movement endorses that it is good practice for women's refuges to ensure that women who have fees waived will be entitled to the same amount and types of services as those offered to fee-paying residents. A woman's fee-paying status should be kept confidential

The NSW Women's Refuge Movement agrees that the **minimum** services offered by refuges to **all** residents be:

- Accommodation;
- Support (as identified in individual case plans);
- Emergency food (or all food where women have no income or where refuge charge is more than 10% of a woman's income);
- Utilities;
- Linen;
- Transport.

All women should be treated in the same way and provided with the same services regardless of whether they have paid fees or

the fee has been waived. This includes services such as purchasing a woman or her children's preferred foods and/or culturally appropriate food if requested.

3.4.3 Payment processes

As part of the Intake procedure, all residents need to be told about any fee, including how much it is and how she can pay it. The process should be simple and clearly explained. It may also be useful to develop a range of ways for women to pay this fee so that she can choose one that will meet her needs.

Also at Intake, let residents know what services they get for their fees and how the refuge uses the money they collect from fees.

Any negotiations about rates of fees must be kept confidential between the client and the refuge.

3.4.4 Receipts

Resolution 33:

The NSW Women's Refuge Movement endorses that it is good practice for women's refuges to issue printed and numbered receipts containing full payment details for any payment made to the refuge.

Residents paying rent to refuges are entitled to receive proof of payment. Refuges need to get printed receipt books and all residents making a payment to a refuge must receive a **printed and numbered receipt** that clearly documents the following information:

- The name and address of the refuge;
- The date of payment;
- The name of the person making the payment;
- The amount of money paid;
- The payment form eg cash, cheque;

- The period of residency that the payment covers;
- The signature of the staff member to whom the payment has been made.

3.4.5 Hidden costs and donations

Resolution 34:

The NSW Women's Refuge Movement endorses that it is good practice for women's refuges to ensure that extra charges will be kept to a minimum and designed to cover costs or replacement (such as room keys) value only.

Hidden cost can include costs such as:

- Linen deposits;
- Key deposits;
- Room fines;
- Washing machine and dryer charges; and
- The need to use a blue or public telephone to contact on-call staff.

A refuge does not have a legal authority to impose fines or collect bonds. Practices such as fining clients for not keeping their room tidy is illegal and must not occur in any refuge.

Similarly, asking clients to make donations or imposing compulsory 'donations' on clients, should not occur in any refuge.

In some circumstances, additional charges may be justified. (eg. use of the clothes dryer). However, these charges should be set to cover the cost of the service being offered. Fees should not be charged to raise additional revenue for the refuge.

If possible refuges should not levy charges or deposits from service users. For refuges where lack of funding means that charges/deposits are deemed necessary, the following guidelines are suggested. It is suggested that only these service items attract a levy.

- **Where possible, linen deposits should not be levied.** However, where of lack of funding results in linen deposits being deemed necessary by the refuge they should not exceed \$40;
- Key replacement costs should not exceed the cost of replacement and should only be charged to those women who need to have their keys replaced;
- Clothes dryer usage should not exceed \$1 per load;
- Washing machine usage should be supplied as part of the utilities fee.

Deposits cannot be used for any other purpose than those stated. For example, if linen is returned in satisfactory condition, the deposit must be returned to the client in full. A refuge cannot keep the deposit to offset other amounts which the client may owe – for example, fees.

Any refuge which charges a deposit needs to have a clear policy in writing which outlines when and why deposits may be kept. For example, in relation to a linen deposit, the policy may state that if only some of the linen is returned, then only some of the deposit will be refunded. Refuges need to inform clients of this policy at the time the deposit is collected.

Some residents have reported experiencing financial difficulties while in the refuge because of hidden costs. Any levy or fee should be applied flexibly. There will be times when the levy is unfair, or a woman cannot afford to pay, or there may be circumstances when a service is used frequently so the levy adds up and becomes too expensive, for example if it rains for a long period, the cost of using the clothes dryer will greatly increase. In these circumstances, refuges may need to consider waiving levy's or reducing costs.

3.5 Confidentiality

Resolution 35:

The NSW Women's Refuge Movement endorses that it is good practice for women's refuges to gain client consent before releasing information relating to a resident's agreed case management or support plan. The exception is when criminal conduct or child abuse is alleged.

Confidentiality is vital if a refuge is to deliver services effectively.

For a woman to feel safe and supported in a refuge, she must know that information is treated carefully and appropriately. A woman's perception of whether a refuge will keep her story confidential can influence her decision to access and/or stay at, the service.

All refuges should have a written policy on confidentiality. This ensures that all staff are clear about what they can and cannot do with the information they are given by clients. It also enables a refuge to be clear with clients about what will happen to the information they reveal about themselves and what their rights are in relation to this information.

Refuges have a responsibility to ensure that information provided by residents is treated confidentially within certain guidelines.

Shortly after admission to a refuge, residents should be asked to sign a form consenting to the release of certain information about them to other agencies. Refuges may need to access interpreter services if there are language barriers and/or communication barriers.

The release form will need to specify which information will be released, to what types of agencies and in what circumstances. The release form also needs to state clearly that information will only be exchanged as part of a client's agreed case management or support plan. The only exception to this are cases which involve child protection issues

or of alleged criminal conduct. It is very important that refugees let clients know of these exceptions.

3.5.1 Guidelines for confidentiality

The following is an example of guidelines regarding confidentiality:

Refuges need to make sure that residents are aware that all information about clients of the service will be available to all staff working within that service.

- Clients are to be informed that information will only be exchanged with other agencies/organisations as part of a client's agreed case management or support plan with their approval. The only exception is a situation involving child protection issues or alleged criminal conduct.
- The name(s) of any woman and her children who are staying or who have stayed at the service are to be kept confidential to the service.
- All other information about a resident is also to be kept confidential. The only exception is where there is a clear necessity for a person to have access to information. For example, this may arise when a refuge is contacting on behalf of the resident and with the resident's consent. Even then, refugees should only give out information that is relevant to the other agency and that the resident has consented to be released.
- Any information that a resident has requested remain confidential must be kept confidential. If a worker is unsure whether she will be able to keep certain information confidential, then the resident must be advised of this **before** the resident reveals the information.
- If a refuge has asked a resident to leave the refuge because of an incident of violence, abuse or intimidation, then this information must be released to the referring service.

It is important that refugees provide this information in a factual way and without judgement. For example, "the woman was involved in a violent incident": rather than "this woman is 'violent' or 'difficult'". A woman who has been involved in a violent incident at one service will not necessarily be involved in a similar incident at another service.

- The personal details of any resident must not be discussed with any other resident.

3.5.2 Procedures for confidentiality

Before passing on any information about residents other agencies, it is crucial to make sure that the person you are talking to is actually who they say they are. If there is any doubt, then information should not be revealed until the person's identity can be confirmed.

Confirming identity is particularly important if you are speaking to an agency on the telephone. One way of getting confirmation is to request the name, agency and telephone number of the person seeking the information and arranging to return the call. When returning the call, the worker can check that this person actually represents the agency which is seeking the information. Alternatively, refugees could ask that the request is made in writing as this is easier to verify.

Only information that is directly relevant to the resident's case management or support plan should be offered and the information should be provided without worker opinions, observations or comments.

3.6 Record Keeping

It is important for refuges to ensure that clear, accurate and complete client records are maintained.

3.6.1 Resident Files

Resolution 36:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to ensure that information in resident files is recorded in an objective, factual manner.

Resolution 37:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to ensure client files will be kept in a secure form that safeguards privacy at all times.

All relevant information about residents should be recorded and kept in a client's file. For examples, these files could contain the Client or Resident Intake Form.

Other information which could be recorded in the resident's file includes:

- Personal details – for example, name, date of birth, nationality, source of income.
- The confidentiality release form.
- Particulars and records of fees levied and paid and financial assistance provided.
- The resident's case management or support plan. (This plan is only valid when planned in conjunction with and agreed to by the resident)
- Details of other agencies/individuals that may be involved with the resident's case management plan.
- Records of any decisions regarding clients/resident's should be documented – for example, reasons for a woman's exit or eviction from the refuge.

3.6.2 Guidelines for recording information

Resolution 38:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to ensure that residents have access to their own file and retain the right to clarify and to add to information contained in their files.

Resolution 39:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to record reasons for the exit or eviction of residents in their file.

Clients have a legal right to access all information in their own files and should be notified of this on intake. However, the file itself belongs to the refuge.

It is important that the type, amount and manner of the information recorded in these files promotes residents rights and access and equity principles.

Refuges could consider the following guidelines for keeping effective resident files.

- Record observations factually and accurately – for example, 'Janice has eaten very little at meal times for the last two days and it may be useful to discuss this with her' rather than 'Janice looks anorexic'. Avoid recording opinions which will usually contain assumptions and judgements made by the worker.
- Whenever a worker makes an entry in files or the diary/day book, it needs to be signed by the worker and the date of entry recorded.
- Treat all information in the file as confidential between the resident and the refuge. Information should only be released as per the refuge confidentiality policy.

- No file should be taken off the refuge premises unless it has been subpoenaed or the client has requested it. Lock files securely in a cabinet at all times and return them to this locked cabinet *immediately* after use. Files should not be left lying around and should not be accessible to other residents.
- Any record which are kept on computer needs to be protected by using a password system. The use of back-up files and records should not be placed on an on-line computer
- Clients have the right to read their files and clarify or add any information. Refuges need to facilitate this process in a way convenient to staff and residents.

3.6.3 Day Book

Resolution 40:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to ensure that only non-identifying, factual information will be recorded in a refuge's day book

Many refuges have a day book that is used to pass information from worker to worker and shift to shift.

The day book should only contain:

- Impersonal messages from staff to each other – for example, the car will be in for a service next Tuesday;
- Brief messages for residents which are not confidential – for example, please tell Kate that her mother rang; and/or
- Advice to staff that confidential information has been recorded in a resident's personal file – for example, please note entry in Kate's file.

Staff members should ensure that:

- Only messages/information which is not confidential and does not identify

residents should be recorded in the day book.

- Opinions, judgements or passing comments should not be recorded in the day book.

Endnotes

1 Community Services Division of the Ombudsman's Office, NSW pamphlet



4 Children accompanying women escaping domestic violence

*THIS section includes excerpts from the **It's not love – it's violence** – an information and resource kit about domestic violence.*

4.1 Effects of domestic violence on children

Children who witness and/or experience domestic violence suffer severe trauma and have very specific needs. Workers in the NSW Women's Refuge Movement were the first in NSW to identify this trauma. They realised that children exposed to domestic violence displayed high levels of distress, depression, low self-esteem and, in many cases, behavioural problems such as depression.¹

They frequently suffered from feelings of guilt, powerlessness, fear and uncertainty. The symptoms displayed by these children have been described by some as similar “to those of other severe traumas, such as witnessing a terrible accident or being caught in a war zone”²

The observations of refuge workers have been confirmed by research. It is now widely accepted that infants, children and adolescents who witness domestic violence suffer severe psychological trauma, and that this trauma may have far reaching and long term implications.

4.2 Accompanying children as clients

Resolution 41:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to provide support to children as clients in their own right with specific needs separate to their mothers'. It is essential that this be reflected in policies and procedures.

In 1996, the specific needs of children in SAAP was highlighted in a report that stated: “Children as clients of SAAP have generally a multitude of needs of which homelessness is just one factor. They have often experienced a transient lifestyle ... suffered continual upheaval that causes them to have no positive view of the future. Often this manifests in behavioural problems or withdrawal. They suffer from anxiety ... cannot trust the adults in their lives ... believe they are responsible for the parent(s) problems ... (their) schooling has been continually interrupted ... (they experience) ongoing abuse or neglect, including child sexual assault and may spend a significant part of their time protecting the family secrets”.³

The experience of Child Support Workers in the NSW Women's Refuge Movement has

been that children are often acutely aware of their total dependence upon adults for their basic needs, well being and safety. Seeing their mother/carers trauma and accompanying her flight from home, is likely to make children very anxious and intensify feelings of insecurity which requires specific support.

Children, particularly if they are very young, will often lack the social experience and language skills to speak about their experiences and fears. As every child is an individual, their responses to the violence that they have witnessed and/or experienced may vary. Some children may become withdrawn whilst others will exhibit anger, sadness and/or engage in violent acts themselves. Others may display a range of these behaviours. Until their arrival at a refuge, some children will have had no respite from violence in their lives, thus highlighting the important role refuges play in assisting the children's recovery. The provision of appropriate levels of individual and specific support for children who have experienced or witnessed domestic violence is therefore a critical aspect of refuge work.

Accompanying children **must** be recognised as clients in their own right.

4.3 Child focused programs

Children's programs are an integral component of service planning and delivery.

To achieve a supportive environment, refuges must consider the resource needs of implementing effective child support programs. Factors such as space, equipment, time and adequate staffing levels must be considered in all service planning and budget decisions.

4.4 Providing an inclusive environment for children

Resolution 42:

The NSW Women's Refuge Movement recognises that it is good practice for all staff in women's refuges to have a working knowledge of the effects of domestic violence on children.

It is important that the refuge policies, environment and attitudes are inclusive of all children and reflect their needs.

Policies have an integral influence on the operation of the service. Thus children's needs should be considered and reflected in all policy development and implementation. This means when developing policies the question "How does this impact on the children in the refuge?" must be considered.

Posters showing children and families from a range of backgrounds and family types such as Aboriginal, non-English speaking, lesbian and Anglo Celtic can assist in demonstrating an inclusive environment. However, the key factor in determining whether or not children feel comfortable in a refuge is the responsiveness of staff to the children's needs. Thus all refuge staff must have an understanding of the effects of domestic violence on children and be able to provide appropriate levels of support as required.

4.5 Child focused/ support workers

Resolution 43:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to recruit adequate numbers of skilled, child focused staff to meet the specific needs of children

Resolution 44:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to provide child focused programs and support including; one to one support, excursions, and opportunities for new experiences.

Child support workers have an essential role to play in preserving children's needs and self-esteem. They have an important part to play by acting as an advocate on behalf of children both in the refuge environment and in the community. It is important to understand that child support workers are more than babysitters or day care workers. Increasingly as children's suffering and disturbance becomes more apparent, one to one work and special care is essential. Child support workers provide this care in many ways that include:

- Talking and listening to children through both play and activities.
- Providing one to one support.
- Running children's meetings which allow children to talk about their feelings, including those about violence and their families.

Children often talk for the very first time about the violence they have experienced /witnessed while they are in the refuge. We believe this is often because we can provide a safe place to do so. Also that children can discuss their experience amongst workers who understand domestic violence and with other children who have had similar experiences. It is in refuges also that many children disclose for the first time the sexual abuse they have experienced in their lives.

Child Support workers provide many services to children:

- Ensuring that each child is re-assured and welcomed on arrival at the refuge.
- Individual work to facilitate the relationship between mother and children.

- Working on a one-to-one basis with children
- Support of victims of incest and of those children who have been sexually assaulted, including referral to appropriate agencies.
- Daily activities and basic care remembering that the primary objective for a child support program is not solely to free the parent for other activities but to meet the needs of the children with experiences which will foster their development as coping human beings.
- Providing age appropriate activities to school age children
- Referral and liaison with the Department of Community Services, schools and community groups ensuring the special needs of children are met.
- Fostering better mothering skills in a non-threatening atmosphere.
- Demonstrating high levels of awareness and understanding of diverse cultural backgrounds.
- Accompanying and supporting children at court.
- Organisation of outings, excursions and holidays for resident children and ex-resident children where possible.
- Provision of health and nutrition information for parents and children.
- Follow-up ex-resident care and support where possible.
- Active involvement in action groups such as children at risk, women against incest, day care groups, community tenancy schemes etc.
- Attending child support and state conferences, workshops and in-service training, resource sharing, networking and submission writing.
- Bringing the needs of children to the attention of other workers and management.

- Educating the community about domestic violence and its impact on witnessing children, Workers from refuges are constantly requested to address TAFE workers, university students, School Liaison Officers, police, judges, community groups and local domestic violence seminars.
- Offering alternatives to children about problem solving and giving clear messages about how unacceptable violent behaviours are.⁴

It is important that the expectations on child support workers remains realistic. As a result of their experiences, many children within a refuge have enormous difficulties to overcome, and the time spent in a refuge is relatively brief.

The provision of effective child support is reliant on a range of factors including adequate staffing and resources, and a genuine commitment to children from all refuge staff and management.

4.6 Child focused resources

Resolution 45:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to provide adequate, developmentally appropriate resources and equipment.

The Child support budget should be adequate to provide the resources required to support children. Examples include:

- Indoor and outdoor play areas.
 - Developmentally and age appropriate play equipment.
 - Educational aids and equipment.
 - Games, puzzles, books and toys from a range of cultures and in community languages.
- Space for individual attention and group activities.
 - Outings, excursions and holidays.
 - Television and audio equipment.
 - School uniforms.
 - Medication.

It is important to ensure that all children's resources reflect cultural diversity.

4.7 Cultural Issues

Resolution 46:

The NSW Women's Refuge Movement recognises that it is good practice in women's refuges for all staff to be aware of cultural issues for children.

Refuge workers need to be respectful and sensitive to specific cultural needs when supporting children from culturally diverse backgrounds. In particular refuge workers need to be aware of the issues that face children from Aboriginal and non-English-speaking-background. Examples include;

- **Institutionalised Racism** is reflected on most levels of society in Australia for Aboriginal people. Koori Support delegates highlighted that Aboriginal children are more likely to experience difficulties in relation to attendance at schools and school work as a result of racism. They therefore may require additional levels of advocacy and assistance.
- **Interpreting:** children from a non-English-speaking-background may experience additional pressures such as being responsible for interpreting in their mothers' communication with the other residents. This can result in the following issues:
 - The child reliving their mothers experience.

- Role reversal.
- An excess of responsibility.
- Conflict of interest.
- The child missing out on play or activities other children participate in.
- The child being held responsible for other siblings behaviour and safety.
- **Conflict arising from cultural differences:** sometimes, Aboriginal children and children from a non-English speaking background experience conflict because their culture is different from the dominant Anglo culture. They may feel pride in their own culture but also want to fit in with their Anglo peers.

The above issues highlight how important it is that children receive the individual specific support they require. It is the responsibility of refugees to ensure that cultural diversity and acceptance is reflected in the way the service operates. This can only occur when there is a genuine appreciation of the enrichment that cultural diversity brings to the service and to society as a whole.

Suggestions to assist refugees to enhance their accessibility and equity in service delivery to children include.

- Consideration of cultural factors/issues in all policy development, planning and operation of the service.
- Ensuring there is a cultural focus in activities and excursions.
- Celebration of occasions of specific cultural significance.
- Representation of Aboriginal and non-English speaking background staff members.
- Training about Aboriginal and non-English speaking background issues for all staff in relation to Children's programs should be included as an integral component of service planning and delivery to children.

- Ensuring staff possess or acquire appropriate levels of skill in the access and use of interpreters.
- Strong networks with Indigenous and NESB organisations in the local community.
- Physical environment including resources and posters etc should include Aboriginal and NESB perspective's.
- Non-judgemental attitudes and practices.
- Worker training in cross-cultural family mediation can assist to better the needs of NESB children who may experience cross-cultural conflicts.

To help children to feel safe and comfortable in the refuge, consider the processes included in the Indigenous, NESB and Disabilities sections of this manual.

4.8 Child protection issues

Resolution 47:

The NSW Women's Refuge Movement recognises that women's refuges must follow the Interagency Child Protection Guidelines

In February 1997, the NSW Child Protection Council released *Interagency Guidelines for Child Protection Intervention*. These guidelines outline the issues surrounding notification and who has a responsibility to notify. Copies of the guidelines are available from the Child Protection Council.

- Report child protection incidents to the Department of Community Services as per the requirements of the Interagency Guidelines for Child Protection Intervention.
- Where appropriate, approach the police to lay a separate complaint on behalf of the child/ren;

- Where a family court order pertaining to access or contact with the children exists, ensure that the mother/carer is aware that she may pursue legal advice to have the order varied;
- In matters of abuse, where children are distressed and refuse to attend access or contact visits, ensure that the mother/carer is aware that she can apply to have orders varied and refuse contact in certain circumstances. Legal advice is required in these matters.
- Ensure that all refuge staff and mother/carers are aware that children under 16 can be granted AVO protection in their own right and separate from that of the parent. Where appropriate, children under 16 may be included as protected persons in their mother's AVO. Children over 16 years can make a separate application for an AVO.

Endnotes

- 1 NSW Child Protection Council 1996, Abuse and Domestic Violence- a Child Protection Perspective, Sydney.
- 2 Blanchard, A. 1993 Violence in Families. Australian Institute of Family Studies no.34 May
- 3 NSW SAAP/CAP/MAC working party report, Accompanying Children in SAAP Agencies, February 1996
- 4 *NSW Women's Refuge Movement. 1996 – SAAP evaluation lobby kit*

Reference

NSW Womens Refuge Referral and Resource Centre 1997. *It's not love, it's violence* – an information and resource kit about domestic violence



5 Aboriginal women & children

*Much of the information in some of this section is from **It's not love, it's violence** – an information and resource kit about domestic violence – pages 43–65*

5.1 Violence in Aboriginal communities

The level of violence to which Aboriginal women and children are exposed is extremely high. In all statistics, there is an over-representation of Aboriginal women as victims, relative to their proportion within the general population. The following statistics give some indication of the extent of the problem:

- Aboriginal women are at substantially higher risk of fatal domestic violence than other women in Australia;
- In 1990-91 16% of all female victims of homicide were Aboriginal;
- Whilst the rate of homicide victimisation for all Australian women in 1990-91 was 1.7 per 100,000, the rate for Aboriginal women was *ten* times that figure.¹

In NSW the NSW Aboriginal Children's Services report that at least 30% of their cases are related to family violence.²

When trying to understand domestic violence in Aboriginal communities, it is important to remember that people and

culture vary from community to community, area to area and state to state. This diversity makes it impossible to generalise about the violence, its nature or extent. In Aboriginal communities, as in all communities, only some people in some communities use violence. Similarly, not all Aboriginal women have Aboriginal partners or live within an Aboriginal community. There are many instances of Aboriginal women experiencing violence from their non-Aboriginal partners.

5.1.1 Barriers to getting help

History

For Aboriginal and Torres Strait Islander (TSI) women many of the problems and barriers associated with escaping violence are compounded. These difficulties may arise from the complex social problems of unemployment, poverty, lack of educational opportunities and illness experienced by Aboriginal people. Or they may relate to the history of colonisation and imposed disadvantage against which Aboriginal and TSI people have struggled.

Family and community ties and networks

For all women, leaving family life is difficult. However, the meanings of family in Aboriginal culture can make taking action even more confusing and difficult for Aboriginal women. In Aboriginal communities, the family network is more complicated.

Many members of a woman's immediate community will be related to her or the perpetrator, or both. Kinship ties and loyalties are strong in Aboriginal communities and the community exerts a strong influence on women.

Aboriginal women may also find it difficult to protect their anonymity because communities are smaller and may be interconnected with communities all over the state.

Koori support representatives related that an Aboriginal woman who enters another community does not have the same status as those who belong to that particular community. In effect she loses the priority of service she may have had in her community of origin. Preferences for community support frequently operate under this system.

Racism, discrimination and inappropriate service response

Aboriginal women often report a far poorer quality of service than non-Aboriginal women. For example, the *Domestic Violence in Aboriginal Communities* report released by the NSW Police Service in 1996 (covering 21 areas across NSW) noted that:

- Although Aboriginal women who participated were more likely to contact the police than any other service, less than half of them actually did so. Of those that did contact the police, less than half reported getting the help they needed. Despite the fact that if called to a domestic dispute, police are instructed to take out an AVO on the woman's behalf, only seven out of ten women reported that they actually managed to get an AVO. These women had to ask for one.
- Only two-thirds of the participants reported receiving the medical help they needed.
- Little more than half the participants were satisfied that they had received the legal help they needed.

- Significant numbers of participants said they would avoid the police, the Department of Community Services, the Aboriginal Legal service and church based groups.

Aboriginal women and TSI women state that Departmental staff and service providers often lack understanding of Aboriginal communities and culture. This lack of awareness can lead to inaccurate assumptions about the woman's needs in domestic violence situations. As a result the service provider's response is often inadequate and, in some situations, racist, abusive or inconsistent.

Aboriginal women often mistrust government agencies. A history of inappropriate mainstream 'service' interventions, such as the removal of children and forced relocations of people from their homelands, have left deep scars. This can mean that Aboriginal women may be reluctant to access a refuge if the referral comes from a service such as police or DCS.

In 1994, Pam Greer, Aboriginal worker and author stated, "Inadequate or inappropriate services, a lack of staff with relevant training, little or no commitment to employing Aboriginal staff, and outright racism have been found to limit Aboriginal women's access to a range of crucial services."

Aboriginal women report that little information was available to them about their rights and how to access these rights. They also report there are few culturally appropriate information leaflets or other forms of information distributed to Aboriginal women.³

Resolution 48:

The NSW Women's Refuge Movement recognises that it is good practice to ensure that the refuge receives regular information on issues of concern to Aboriginal women.

There are a number of strategies that can be undertaken such as subscription to Indigenous specific newsletters from a local organisation or publications such as the Koori Mail. This however, does not replace the value of networking with Aboriginal women in the local community.

Another barrier to support included the practical problem of accessing transport to a refuge. For example, Koori women related that there are some areas where taxis simply will not go and refuges need to be aware that a woman living in Redfern, for instance, would not be able to travel to the refuge by taxi.

5.2 Making your service culturally appropriate for Aboriginal women

Aboriginal women emphasise that an improved response by service providers will help them to escape domestic violence.

5.2.1 Employment

Aboriginal women consulted indicated that in most occasions they would be more likely to access a service that employed Aboriginal women.

Resolution 49:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to develop policies that promote the employment of Aboriginal workers;

Resolution 50:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to implement a policy of designated positions for Aboriginal workers;

Some issues to consider include:

- Ensure job descriptions, contracts and job advertisements are culturally appropriate and developed in consultation with Aboriginal women.
- Recognition and valuing of the particular relevant skills of Aboriginal women should be evident in policies of the service.
- Advertise positions in appropriate locations such as Koori Mail, Indigenous organisations and communities.
- Ensure Aboriginal women are represented in the selection process.
- Implement a policy of Aboriginal designated position/s.

It is emphasised that Aboriginal women are much more likely to apply for the positions when the agency has a reputation of being culturally aware and supportive in the Aboriginal community.

Repeated Resolution:

The NSW Women's Refuge Movement recognises that it is good practice to include an understanding of cross cultural issues' in all job descriptions and ensure that the selection process demands that this skill is demonstrated;

To provide a consistent and culturally aware service environment, all staff must be sensitive to the needs and issues for Aboriginal women and children.

Support of Aboriginal workers

- Ensure that support networks exist for Aboriginal workers;
- Have an understanding of the demands upon Aboriginal workers, and remember that networking in their communities and the expectations that their communities have of them can produce additional stress and demands.

Reviewing Service Provision

- In consultation with Aboriginal women in the community and Aboriginal organisations, consider ways of best meeting the needs of Aboriginal women and children who have experienced or are escaping domestic violence. For example, it may be appropriate to offer a specific outreach service to Aboriginal women in the community.

5.2.2 Training

Resolution 51:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to organise cross-cultural and indigenous issues training for all staff as a matter of policy.

Representation of Aboriginal women on the staff and management of a service is important. Training for both Aboriginal and non-Aboriginal workers in meeting the needs of women and children escaping domestic violence is also an essential component.

5.2.3 Management

Resolution 52:

The NSW Women's Refuge Movement recognises that it is good practice to develop policies that actively seek Aboriginal participation and support at management level;

It is crucial for refuges to ensure that Aboriginal women who are participating in management are adequately supported.

The following strategies are summarised from the Service Response section of the It's not love, it's violence kit. For more detailed discussion, refer to the kit pages 54 – 65

Many refuges have made changes to policy and practice which has improved the service they can offer to Aboriginal women. Whilst this is important, a sincere attitude of acceptance is critical in making Aboriginal women feel welcome and supported. The work of promoting access is on-going and there is still more that can be done.

To overcome the barriers to getting help which Aboriginal women have repeatedly identified, an improved response will need to incorporate:

- An understanding of Aboriginal culture and issues including:
 - the meaning of 'culturally appropriate';
 - history;
 - family, kinship and community;
 - responding in a culturally appropriate way.
- Providing information to Aboriginal women and communities about domestic violence, their rights and how to access these rights.
- Working within the local community to identify problems, develop strategies and ensure that all services are accountable.
- An appreciation of the ways in which inadequate services contribute to the experience of domestic violence.
- A review of service policies and practices, including training, to ensure that they are relevant, inclusive and appropriate.
- The employment, training and support of Aboriginal workers and management committee members.

5.2.4 Service Accessibility

To help make sure the refuge is accessible to Aboriginal women, the following strategies are suggested:

Gain an understanding of Aboriginal issues

- Use the information on pages 55 – 62 of the It's not love. it's violence kit as a starting point. Discuss this within the refuge and with the broader community.
- Provide a non-judgmental, supportive service;
- Provide the service that *you say* you provide;

Make sure the physical environment is inclusive welcoming and comfortable

- Display culturally relevant information and leaflets targeted to Aboriginal women;
- Have signs inside and outside the service that reflects Aboriginal and TSI culture;

Let Aboriginal women in the community know about the refuge and build networks

- Let women in the community know about your service; what it is and what it can offer Aboriginal women and children;
- Release Aboriginal workers for issues days, networking, outreach and follow-up support work, taking consideration of added stresses/workload.
- Ask Aboriginal women for an invitation to participate in activities within their communities or to speak at community meetings;
- Ask agencies, and the women you make contact with, who to speak to in the community. For example, who are the older women, who are the respected women in the community, is there

anyone working in domestic violence or in health that you may be able to make contact with?

- Ensure that accurate and accessible information about domestic violence and women's rights in relation to it, is given to communities. This will enable communities to begin to understand and talk about the problem in different and constructive ways.

5.2.5 Building networks with other services

Resolution 53:

The NSW Women's Refuge Movement recognises that it is good practice to provide an appropriate service and build trust with community members by networking with Aboriginal women and organisations

- Speak to local agencies that provide services to the community and let them know about the refuge service;
- Know the local services that are sensitive to the needs of Aboriginal women and ensure that Aboriginal women at the refuge are aware of these culturally appropriate support services;
- Attend Koori interagency meetings where appropriate;
- Keep Aboriginal and TSI directories and contacts updated and available as a resource for all staff;



Contacts:

Wirringa Baiya Aboriginal Women's Legal Service

PO Box 785
MARKVILLE NSW 1475

Tel: (02) 9569 3847
Freecall: 1800 686 587

Indigenous Women's Program Women's Legal Resources Centre

PO Box 206
LITHCOMBE NSW 1825

Freecall: 1800 639 784

Aboriginal and Torres Strait Islander Commission (ATSIC)

GPO Box 4193
Sydney 2001

Tel: (02) 9256 6100

Endnotes

- 1 Sources for statistics are Greer, P. 1994, Judy Atkinson and Heather Strang as cited in Greer, P. 1994, Thomas, C. 1992, Bolger, A. 1991 and Carrington et al, 1996. Reproduced in Women's Refuge Resource Centre 1997 *It's not love, it's violence*, Sydney page 44
- 2 Secretariat of National Aboriginal Islander and Childcare, 1991 page 4 cited in Women's Refuge Resource Centre 1997 *It's not love, it's violence*, page 44
- 3 For a list of reports documenting consultations with Aboriginal women about their access to services and domestic violence within communities, see footnote 21 of WRRC *It's not love, it's violence*, page 68

Reference

NSW Womens Refuge Referral and Resource Centre 1997. *It's not love, it's violence* – an information and resource kit about domestic violence



6 Women & children from non-English speaking backgrounds

*THIS section includes excerpts from the **It's not love – it's violence** – an information and resource kit about domestic violence.*

Introduction

Ensuring that a service is accessible to all women and children escaping domestic violence involves understanding some of the factors which may determine a woman's experience and influence her needs.

Ultimately the goal for refugees is to provide effective support which meets the needs of *all* women and children.

6.1 Barriers to getting help for women and children from non-English speaking backgrounds

Immigrant and refugee women reported experiencing barriers to getting help when they try to escape domestic violence. Common barriers reported include:

- a lack of awareness of legal rights in Australia and the service options available;
- communication barriers;
- racism and discrimination;

- service providers who are not aware of cultural difference, nor the needs of women from non-English speaking backgrounds and are thus not able to respond in an appropriate way.

6.1.1 Factors which can affect a woman's experience of domestic violence

Immigrant and refugee women are not a homogeneous group. As with all women, factors such as their origins, age, education, sexuality, residency status and personal experiences will shape their needs. There may be great diversity between women from different cultural backgrounds and also among women from similar cultural backgrounds.

There are however, some factors which can impact on a woman's experience of domestic violence and what she feels she can do to escape the violence which may be shared by some or all women from non-English speaking backgrounds.

These include:

- Her family situation. If a woman is a member of an extended family in Australia which she strongly identifies with, then escaping domestic violence can mean leaving the entire family as well as her violent partner. While some

families may support a woman's action to leave, others may consider it inappropriate and align themselves with her partner. This may compound her feelings of loss if she contemplates leaving and make taking action more difficult. On the other hand, a woman's family may not be in Australia and she may miss this support. Social isolation and lack of support may make escaping the violence even more difficult.

- Access to an independent income – some women may not have access to nor be eligible for, an income – for example, a woman who migrated to Australia less than two years ago now has to wait for two years before she is eligible for income support.
- Awareness of Australian laws, and rights under Australian laws.
- Awareness of available support services and how to access services and rights.
- Proficiency in English.
- Attitude to authorities such as the police. If a woman's country of origin is, or has recently been, at war, previous experiences of the police or militia may have been negative or oppressive.
- Previous experience of trying to access services. Many women report that services did not understand their needs or that they received a racist or discriminatory response. This kind of experience is likely to discourage women from seeking help again.
- Some women are dependent upon their spouse for their residency status. They may fear that if they leave the violent relationship, they may be deported and/or separated from their children;

6.2 Improving access to services for women and children from non-English speaking backgrounds

Meeting women's needs

When your clients are women and children from a non-English speaking background, applying the following strategies may help you to meet their needs effectively:

- If there are language difficulties, use an independent and accredited interpreter to inform a woman of her rights and let her know her options.
- Avoid cultural stereotyping. Treat the woman as an individual.
- Ask the woman what she wants and what she needs and try to ensure that all necessary services are provided.
- Remember that an established migrant is subject to cultural influences in Australia as well as those of her country of origin.
- Respect her culture, beliefs and decisions regarding legal action.
- Make sure she understands that, in Australia, domestic violence is a crime. Neither she nor the perpetrator may be aware that to obtain an AVO (Apprehended Violence Order) or a divorce, you do not have to prove fault.
- Inform her of other support services for women from non-English speaking backgrounds.
- Do not simply refer a woman to migrant services, but work in co-operation with these services.¹

6.2.1 Letting women from non-English speaking backgrounds know about your service:

Resolution 54:

The NSW Women's Refugee Movement recognises that it is good practice to provide an appropriate service and build trust with ethnic and refugee women in the community as well as appropriate organisations.

Develop community networks and identify places where you can exchange information. Consider;

- Making contact with the migrant inter-agency in your area (if there is one);
- Locating community groups and community members who may be willing to talk with you or invite you to speak about your service at one of their meetings;
- Identifying places where you can display translated posters and brochures letting migrants know about where they can get help to escape domestic violence;
- Identifying relevant and appropriate community language newspapers and radio stations that could help to let migrant women know where they can get assistance;
- Compiling an up-to-date resource manual that contain information on ethnic communities and migrant support services in your area;
- Subscribing to newsletters from relevant services such as the Migrant Resource Centres and other migrant organisations such as Ethnic Affairs;
- Identifying appropriate, professional translators and interpreters in your area.

Flexible practices and policies

Sometimes, flexibility in policies and procedures can improve access to the service. For example, a woman may come to the refuge for assessment/intake and she may have a friend or family member with her. This person may be her support person and she may request that the person stay for the duration of the assessment/intake procedure. Wherever possible, this request should be accommodated even if this is not standard procedure.

6.2.2 Provision of a culturally aware environment

Resolution 55:

The NSW Women's Refugee Movement recognises that it is good practice to provide resources and information in different languages as well as access to cultural events and workshops.

The refuge's physical environment is very important. Creating a warm and welcoming environment is probably something that most refuges already aim for.

The following strategies can help to make the environment inclusive for women and children from a non-English speaking background;

- Have multilingual information available;
- Have important information such as House Rules/Sharing Agreement and disputes/complaints procedures translated into as many community languages as possible and available on tape;

It is acknowledged that initially refuges may not be able to provide a wide variety of languages. However, some refuges are starting off with translations to the languages most often used by clients of the service and the local community.

- Display language cards which let women know that they can request an interpreter if they want one;

- Provide information and access to cultural events, activities and workshops etc.
- Purchase culturally appropriate food and organise the preparation of culturally diverse meals.

6.2.3 Staff and management of the service

Resolution 56:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to develop policies and practices which actively encourages participation of women from diverse backgrounds on the management committee of the refuge.

- The make-up of the management and staff should reflect the client base and local community.
- Support management committee members to attend training. The SAAP Training Unit is currently piloting training for management committees.

Resolution 57:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to develop recruitment practices which actively promote the employment of women from non-English speaking backgrounds.

- Develop policies which actively promote employment of workers who are from a range of backgrounds;
 - Implement a policy for designated non English speaking background positions.
 - Ensure the job description and application are culturally aware and appropriate.
- Advertise in ethnic papers/journals/radio/organisations etc. Make sure there is representation of non English speaking background women on the interview panel.

- Ensure that adequate support is provided to workers and management committee members who are from non-English speaking backgrounds. Eg ongoing training

Resolution 58:

The NSW Women's Refuge Movement recognises that it is good practice to include an understanding of cross cultural issues in all job descriptions and ensure that the selection process demands that this skill is demonstrated;

It is important that **ALL** staff are aware of the issues and needs of women from non-English speaking backgrounds, and work with these clients to meet these needs.

6.2.4 Staff training

Resolution 59:

The NSW Women's Refuge Movement recognises that good practice for women's refuges is to ensure that all staff receive cross-cultural training as a matter of refuge policy,

Some examples of organisations to contact include:

DCS SAAP Training Unit
Ph: (02) 9692 7133

Education Centre Against Violence
Ph: (02) 9840 3737

Immigrant Women's Speakout
Ph: (02) 9635 8022

Or contact your local ethnic organisations such as Immigrant Women's Resource Centres.



6.2.5 Overcoming communication barriers

- Speak slowly and clearly but not loudly to women with limited English. Use plain English and avoid the use of colloquialisms. **Be patient, listen carefully and frequently check that the woman has understood what has been said.**
- Offer taped facts to reinforce the information that you have given;
- Be aware of differences in body language. Some body language is not appropriate to the particular culture, and may be offensive to the client.

6.2.6 Using interpreters

Resolution 60:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to ensure that all staff are trained in the use of both face to face and telephone interpreting services, and know how to book and work with interpreters;



**For an information session contact the Community Relations Commission for a multicultural NSW (CRC):
Ph: (02) 8255 6767**

The following information is an extract from the booklet Use of interpreters in domestic violence and sexual assault cases – a guide for service providers published by the Community Relations Commission for a multicultural NSW of New South Wales 1995.

This booklet is currently being updated.

The most important strategy for overcoming language barriers is to use an accredited interpreter.

The interpreters role is *only* to provide a

clear channel of communication between the service provider and the client.

When to use an interpreter

An interpreter should be used:

- if a client exhibits hesitation or difficulty in understanding and communicating in English;
- in times of crisis or emotionally charged situations where second language competency may be dramatically decreased; and
- if a client requests one.

Things to avoid when using interpreters

- When you have need of an interpreter, it is important not to settle for 'just anyone'. Interpreting is a specialised skill. It could be damaging to the woman to interview her via an unskilled interpreter.
- **Do not use children or other family members to interpret.** Even if the children have frequently interpreted for their mother, it is imperative that they are not used for this purpose as the issues involve domestic violence. It can be traumatic and damaging for a child to interpret the details that may emerge;
- Even if a woman does not speak English well, it is important not to discuss her circumstances with others in her presence or to discuss other residents whilst she is present;

Who is responsible for booking an interpreter?

In NSW it is the responsibility of officers from public agencies to book and pay for interpreters for their clients. This means that non-profit organisations, such as refuges, are responsible for booking and paying for any interpreters that they use.

Police and DCS workers have 24-hour access to an interpreter service via the Telephone Interpreter Service (TIS). For emergency after hours service, police should contact TIS

for immediate assistance and then use the Community Relations Commission for a multicultural NSW (CRC) after hours pager number.

If the matter is pursued through court, it is the officer's responsibility to ask the appropriate court staff to book the interpreter. The same applies for all court appearances and applications for AVOs.

The Community Relations Commission for a multicultural NSW ensures that domestic violence and sexual assault hearings and applications for AVOs receive priority when allocating interpreters.

When making a booking through any of the interpreter services you should:

- identify the job as one of domestic violence or sexual assault;
- indicate whether the situation is a crisis call;
- request the preferred gender of the interpreter.

How to book an interpreter

Telephone interpreters

In an emergency, you can access an interpreter by telephone by calling the 24hr **Translating and Interpreting Service (TIS)** on **13 14 50**.

The call itself is free from anywhere in Australia. The interpreting service is provided by the Commonwealth government. They will charge the refuge for this service unless the matter is related to an issue about the woman's settlement in Australia. Family law matters are also funded by the federal government and inquiries about family law may also be provided free of charge.

Face-to-face interpreters

To book an interpreter for an interview, call Community Relations Commission for a multicultural NSW on **1300 651 500**, as far in advance as you can.

CRC also provides a Telephone Typewriter service (TTY) for use by people with a hearing impairment.

**For more information
call the CRC on:**
Sydney (02) 8255 6767
TTY (02) 8255 6758
Newcastle (02) 4929 4191
Wollongong (02) 4224 9922



6.3 The Domestic Violence Provision of Immigration Law

The Domestic Violence Provision of Immigration Law (if applicable) enables a woman who is not a resident of Australia to leave a violent relationship and still be eligible for prominent residency. It applies where a residency application has been made on the basis of marriage or a de facto relationship with an Australian citizen or resident.

Refuges need to be aware of this provision so that they can let women know about it. However, it is also important that they refer women to appropriate legal help, as the legal aspects of the provision may be complex.

Because the information becomes quickly outdated, refuges needing current information should contact:

**Immigration Advice
and Rights Centre**
(02) 9281 1609 or
Immigrant Women's Speakout
(02) 9635 8022



Endnotes

1 These strategies are from Redfern Legal Centre 1996, *Domestic Violence Court Assistance: An Information and Training Kit* Redfern Legal Centre Publishing, Sydney, page 115

Reference

NSW Womens Refuge Referral and Resource Centre 1997. *It's not love, it's violence* – an information and resource kit about domestic violence



7 Women escaping violent lesbian relationships

The following information is an extract (with some variations) from the ***It's not love, it's violence*** kit – an information and resource kit about domestic violence – pages 29-31.

7.1 Violence in lesbian relationships

In Australia there has been no comprehensive survey of the prevalence of violence in lesbian relationships. The 1986 Brand and Kidd survey in the United States of America estimated that 25% of lesbians will experience violence from their partners.

Jude Irwin from the Australian Centre for Lesbian and Gay Research at the University of Sydney has stated: '... violence happens in lesbian relationships and it is common enough to be a concern. It is also common enough that we need to do something about the lack of services for lesbian survivors of abuse and ... the lack of sensitivity of service providers. In a society in which women are defined in relation to men ... lesbians are rendered all but invisible to the world.'

7.1.1 Isolation and discrimination

Resolution 61:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to display pamphlets about lesbian domestic violence.

These are available from
the Lesbian and Gay
Anti-Violence Project
Ph: (02) 9360 6687



Fear of discrimination and abuse is often why many lesbians choose not to openly express their sexuality. As a result, lesbian sexuality may not be visible and heterosexual members of the broader community may be unaware that some members of the community are lesbian or gay. For example, people might say that they have never met a lesbian, which is unlikely given that approximately 10% of the population is homosexual. The invisibility of lesbians and the discrimination experienced by this group has resulted in social isolation and a lack of services targeted to their needs.

7.1.2 Levels of domestic violence in lesbian relationships

It is believed that the level of domestic violence in lesbian relationships is far higher than is actually reported. At the first conference on violence in lesbian and gay relationships held in Sydney in 1994, Chris Puplick, current head of the Anti-Discrimination Board of NSW, speculated that fear of discrimination is one of the reasons for low levels of reporting of violence in lesbian relationships commenting that:

'... a tendency to idealise lesbian and gay relationships as not being exposed to many of the snags of heterosexual relationships ... [and] ... the fear of hostility from society at large [has added] to silence around the issue from within the gay and lesbian community itself.'

As with heterosexual survivors of domestic abuse, shame and self-blame may make it very difficult to disclose that domestic violence is happening. For a woman in a lesbian relationship who is experiencing domestic violence, a fear of discrimination if the nature of her relationship were to be revealed may prevent her from talking about the violence within that relationship.

7.1.3 Service provision

Whilst some services are, in general, responsive to the needs of lesbians escaping domestic violence, there are others where women may still experience discrimination. In response to this, groups such as the Surviving Lesbian Abuse Group (SLAG) have developed to provide support for lesbians who are survivors of domestic abuse.

The Anti-Violence Project also provides support, information and resources regarding domestic violence.

7.2 Improving access to refuges for lesbians escaping domestic violence

To support the needs of women escaping lesbian violence, refuges need to be able to acknowledge lesbian relationships and the experience of lesbians. Refuges can take steps to ensure that their staff and service provision is not homophobic, and that lesbians feel safe when using the service.

Resolution 62:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to inquire about a person's relationship rather than assume that all women who seek admission to the service are heterosexual;

Inclusive language is an important aspect of promoting an environment in which lesbians feel comfortable to access support.

7.2.1 Staff employment

Resolution 63:

The NSW Women's Refuge Movement recognises that it is good practice to promote the employment of lesbians in women's refuges.

Refuges have reported that Representation of lesbians on the staff reflects the refuges commitment to assist all women escaping domestic violence without prejudice.

7.2.2 Training

Resolution 64:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to provide training to all staff on the issues involved in assisting survivors of lesbian domestic violence.

This may include issues such as homophobia and coming out to family and friends in the context of involvement in an abusive relationship;

7.2.3 Management

Resolution 65::

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to encourage representation of lesbians on refuge management committees.

Participation of lesbians in management will assist in achieving a higher quality service delivery to clients through the development of policy and practices that are appropriate to lesbian women and their children's needs.

Resolution 66:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to ensure policies and procedures are not based on the assumption of heterosexuality.

For example, replacing any references to husbands or boyfriends in refuge forms, paperwork and manuals with the word 'partner';

7.2.4 Getting help from the police

Resolution 67:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to provide women with information on how to contact a Gay or Lesbian Liaison Officer within the NSW Police service.

This information can be given verbally to clients and reinforced by displaying posters and cards.

The contact number for local Gay and Lesbian Liaison Officers can be ascertained by telephoning
(02) 9281 0000



Endnotes

- 1 Puplic, C. 1994, 'Opening Address' in Violence in lesbian and gay relationship committee selected papers and future directions. Lesbian and Gay Anti-Violence Project, page 4.

Reference

NSW Womens Refuge Referral and Resource Centre 1997. *It's not love, it's violence* – an information and resource kit about domestic violence



8 Women & children with disabilities

8.1 Defining disability

The term 'disability' can be defined in several ways, and is influenced by cultural perspectives, political views, as well as requirements by governments and service providers to determine eligibility for services. One of the most accepted definitions of disability in Australia is that stated by the Australian Disability Discrimination Act (1992), which states that in relation to a person 'disability' means:

- total or partial loss of the person's bodily or mental functions;
- total or partial loss of a part of the body;
- the presence in the body of organisms causing illness or disease;
- the presence in the body of organisms capable of causing disease;
- the malfunction, malformation or disfigurement of part of the person's body;
- a disorder or malfunction which results in the person learning differently from a person without the disorder or malfunction;
- a disorder, illness or disease which affects a person's thought processes, perceptions of reality, emotions, or judgment, or which results in disturbed behaviour.

The Disability Discrimination Act, in its definition of disability, also includes a disability that:

- previously existed;

- previously existed but no longer exists;
- may exist in the future;
- is imputed to a person.

8.2 Gender and disability

The position from which women with disabilities seek to participate fully in the community is socially constructed rather than in direct relationship with medically defined impairment. This means that women who have physical, sensory or intellectual disabilities, or mental or emotional distress, are denied opportunities, discriminated against and excluded by the barriers that society creates. It is more often than not the experience of discrimination, lack of services, inaccessible transport, violence, inflexible working opportunities, and/or lack of access to education that disables many women with disabilities, rather than the actual experience of the impairment.

Despite the fact that in Australia, approximately 18% of all women are disabled and more than 50% of people with disabilities are women,¹ women with disabilities continue to be categorised as a special interest group; their experience isolated from the mainstream and marginalised.

Women with disabilities are among the most economically and socially disadvantaged of all groups in society. Over 50% of women

with disabilities in Australia live on less than \$200 per week, they are more likely to be institutionalised, less likely to own their own home, less likely to be employed, less likely to have completed basic schooling, obtain a university qualification, or successfully move from a rehabilitation program into employment; and less likely to receive appropriate services than men with equivalent needs or other women. Women with disabilities pay the highest level of their gross income on housing, yet are in the lowest income earning bracket. They are more likely to be institutionalised than their male counterparts, and are often forced to live in situations in which they are vulnerable to violence. Women with disabilities are more likely to experience violence at work than other women, men with disabilities or the population as a whole. They are also more likely to be unlawfully sterilised than their male counterparts.²

8.2.1 Women with disabilities and domestic violence

Women with disabilities, like their non-disabled counterparts, are wives, girlfriends, daughters, sisters, lovers, carers and mothers. This means that women with disabilities, like women without disabilities, experience violence in all its forms, including domestic violence.

Women with disabilities experience higher rates of, and face higher risks of domestic violence than women without disabilities. The abuse and violence against women with disabilities is easier to inflict because it is deeply rooted in society's hatred towards people with disability and compounded by the cultural oppression of women.³ Despite the fact that there has been very little research in Australia on the issue of domestic violence against women with disabilities, overseas studies have found that women with disabilities, regardless of age, race, ethnicity, sexual orientation or class are assaulted, raped and abused at a rate of at least two times greater than non-disabled women.⁴ Although there is no statistical

information available in Australia on the rates of domestic violence against women with disabilities, anecdotal evidence from women with disabilities about the incidence and significance of domestic violence has been accumulating, and it is now so compelling it cannot be ignored.⁵ This evidence suggests that domestic violence against women with disabilities differs in significant ways to domestic violence against other women. For instance, it seems that there are factors which make women with disabilities both more likely to be targets of domestic violence, and at the same time less likely to receive assistance or services if they experience domestic violence.

- Women who are dependent on carers may be more vulnerable to domestic violence than women who don't depend on carers. Many women with disabilities are in positions where they rely on a carer to provide a range of needs – from basic needs such as eating and dressing – to more complex ones such as transportation. The control the carer has on the lives of women with disabilities can be misused and often the women do not have a choice. This is particularly the case when the carer is a spouse/partner.
- A woman who is unable to speak may be seen by a perpetrator as an 'easier' target for abuse.
- Many women with disabilities are not believed when they disclose their experiences of domestic violence. People in positions of power such as doctors, police, carers, spouses and family may deny that the woman's evidence is credible.
- Women with disabilities can often be in situations where other people exercise control and power over their lives. This power imbalance increases the risk of women with disabilities as targets of domestic violence. Many women with disabilities are acutely aware of their own powerlessness – they may be more likely to fear harm due to the impact of their disability, particularly any physical, psychological or emotional dependency.

Disabled survivors of domestic violence often have a difficult time escaping from their assailants. They are often financially dependent on these individuals, and the physical means of fleeing assault, such as accessible transportation, are often unavailable on short notice. Even if a disabled woman does escape, she may have great difficulty finding an accessible refuge. Facilities without ramps and lifts, TTY's; attendant care; interpreter services; information in alternative formats; appropriately trained staff etc are not an option for women with disabilities. A woman with quadriplegia, in such an instance, could expect to find herself referred to a hospital or institution. In addition, disabled women with children who flee violent situations run the risk of losing custody of their children because authorities may question their ability to care for them alone.⁶

8.2.2 Factors which can affect a woman with a disability's experience of domestic violence

Strahan⁷ asserts that the factors that lead to an increased targeting and vulnerability of disabled women and girls to sexual and domestic violence include:

- social isolation, segregation and discrimination;
- low rates of education and employment;
- powerlessness;
- poverty;
- dependence on carers;
- ignorance that domestic violence is criminal;
- exploitation;
- not being believed;
- not knowing about services available to help
- a social denial that women and girls with disabilities are targets of domestic violence;

- lack of accessible information about domestic violence;
- lack of accessible and inclusive domestic violence services.

8.3 Barriers to accessing domestic violence services for women & children with disabilities

Women with disabilities who are escaping domestic violence have found that their attempts to access appropriate services difficult because, historically: *"... disability agencies have been seen to be the appropriate organisation to assist a woman with a disability rather than a domestic violence service."*⁸

The main barriers to women with disabilities in accessing refuges and other domestic violence services can be grouped into the following areas: communication; information; attitudes; physical environment; accessing/using a service; skills of workers.

8.3.1 Communication

- women with disabilities are often afraid of disclosing the violence for fear of losing their children; not being believed and fear of not getting residency;
- information about domestic violence services is not readily available in alternative formats and is generally not distributed to areas where it is likely to reach women with disabilities (such as appropriate disability services and other locations). This can often mean that women with disabilities don't know that domestic violence services exist;
- Telephone Typewriter (TTY) services are often not available in domestic violence services which means that women with hearing impairments cannot contact the service for help unless they use the Communication Relay Service. Often this is inappropriate due to issues of confidentiality;

- domestic violence services often have a structured orientation program which is given to clients in one sitting. This may not be appropriate for women who experience memory difficulties. Service procedures are often not available in alternative formats;
- there is generally a lack of staff proficient in sign language which can make access for deaf and/or hearing impaired women difficult. There may be a lack of awareness amongst service providers about sign interpreters and/or the after hours emergency service.

8.3.2 Information

- existing information about domestic violence and violence services can often be inaccessible for many women with disabilities and their children. Information is rarely available in braille; large print; audio cassette; electronic based; Compic; in Plain English and so on; nor does it address some of the particular issues women with disabilities may face;
- information is rarely made available to women with disabilities needing to access refuges about the level of accessibility of the refuge/service, including whether their children can accompany them to the refuge;
- Internet based information resources about domestic violence and services do not use accessible web design and are therefore inaccessible to some women with disabilities;
- domestic violence services have not traditionally promoted information about their service directly to women with disabilities.

8.3.3 Attitudes

- women with disabilities are often perceived by society as being dependent on others and therefore unable to speak for themselves;

- women with disabilities have traditionally been regarded by society as asexual and therefore not in any relationships and therefore not experiencing any domestic violence;
- service providers may tend to focus on the disability rather than the abuse. This can result in the woman's disability being 'blamed' for the abuse; in appropriate service provision; and in not being believed. Lack of credibility only contributes to further vulnerability for women with disabilities;
- service providers may tend to assume that a woman with a disability (such as a visual impairment) would be safer in her own environment rather than a refuge because she is familiar with her environment;
- women with disabilities have traditionally experienced discriminatory and paternalistic attitudes towards them by society in general. The effect of this can sometimes mean that women with disabilities may feel that they would be unwelcome in a refuge.

8.3.4 Physical environment

- refuges and domestic violence services may not be physically accessible to many women and children with disabilities. Even if a woman or child using a wheelchair can 'get into' a refuge, the physical design and internal arrangement may be inaccessible, meaning that the woman or child is restricted in moving around the refuge;
- women with disabilities can often fear that they may not be able to 'manage' in a strange environment. For example, a woman using a wheelchair may be independent in her own environment, but may fear becoming dependent in a refuge that does facilitate physical access;
- domestic violence services may not be set up to facilitate access for blind and/or visually impaired women. There can be

an assumption that 'physical access' relates only to women using wheelchairs;

- Service safety procedures (such as fire alarms etc) may not take into account the needs of women with disabilities – for example, a fire alarm is not relevant to a deaf woman unless it has flashing lights or some other appropriate warning mechanism;
- Lack of TTY's in refuges can mean a deaf woman is further isolated by her inability to communicate with family/friends.

8.3.5 Access to services

- potential referral services (such as disability services and other non-government agencies) may not have knowledge or expertise on domestic violence issues for women with a range of disabilities. Assumptions by community police and other agencies when confronted with a woman with a disability, can mean that women with disabilities are referred to a disability agency rather than a domestic violence agency;
- domestic violence service workers may not have had the opportunity to develop awareness or the skills to work with women with disabilities. Service providers may lack awareness of the issues of domestic violence for women with disabilities;
- the physical means of fleeing assault, such as accessible transportation, are often unavailable on short notice to many women with disabilities. Crisis services do not necessarily have accessible transport to assist a woman with a disability to leave the abusive situation. Women with disabilities will often need assistance to physically leave the abusive situation and in many cases, this assistance is not available. Disabled women with children who flee violent situations run the risk of losing custody of their children because authorities may question their ability to care for them alone;

- women with disabilities may not be aware that domestic violence is unacceptable and criminal behaviour. Those who experience domestic violence over a period of time often consider it to be 'normal' behaviour or believe that no one else would be concerned about it.

8.3.6 Skills of workers

- domestic violence workers may not have had opportunities to develop an understanding of the general issues facing women with disabilities or how to help women with disabilities who are experiencing domestic violence;
- domestic violence workers may not have had opportunities to undertake disability rights/awareness training;
- there may be a lack of intersectoral links and networking between domestic violence services and disability advocacy groups, organisations and services;
- there is an absence of Best Practice Standards for violence sector workers working with women with disabilities;
- disability services and organisations may not have an understanding of the general issues facing women with disabilities or how to help women with disabilities who are experiencing domestic violence;
- there is a perception among women with disabilities seeking access to a refuge that they may be seen as 'difficult' by refuge workers.

Many of these barriers have been identified by women with disabilities through consultations and research undertaken by Women With Disabilities Australia (WWDA),⁹ and are consistent with results of other research and reports about access to services for people with disabilities. Naturally, not every barrier will be present in every service, but overcoming those barriers which do exist is crucial in providing an accessible service for women with disabilities escaping domestic violence.

8.4 Improving access to refuges for women with disabilities

Women's refuges in Australia have shown a commitment to the rights of women and children to live without violence. Many have identified groups of women who experience increased discrimination and disadvantage in the community and as a result have developed strategies to ensure women from non-English speaking backgrounds, Indigenous women and lesbians get access to and are not discriminated against whilst in a refuge. The philosophies and welcome statements of refuges have indicated a commitment to embracing and valuing difference, and this often includes disability.

The Disability Discrimination Act 1992 (DDA) makes it unlawful to discriminate against people on the basis that they have, or may have, a disability. It is also unlawful to discriminate against a person on the basis that one of her or his associates has, or may have, a disability. The DDA promotes and protects equality of access for people with disabilities – attitudinal, informational and physical. The Disability Discrimination Act is saying that, as a provider of a service such as a women's refuge, you will need to make the appropriate and necessary adjustments to ensure women with disabilities do not experience less favourable treatment when accessing your service.



It is outside the scope of this Manual to detail all the strategies you can employ to facilitate access to your service for women with disabilities and their children. It is recommended that your service utilise the documents entitled: "More Than Just A Ramp – A Guide for Women's Refuges to Develop Disability Discrimination Act Action Plans", and 'The Woorarra Women's Refuge Action Plan' developed by Women With Disabilities Australia (WWDA). These documents provide practical and detailed information for refuges to make their service more accessible for women with disabilities.

Repeated Resolution (4):

The NSW Women's Refuge Movement recognises that women's refuges must accept women and children escaping domestic violence who have a physical, intellectual, sensory or neurological disability except in those cases which would cause unjustifiable hardship to service or client.

Repeated Resolution (5):

In line with the Disability Discrimination Act 1992, the NSW Women's Refuge Movement recognises that women's refuges must not exclude women on the basis that they have a mental illness.

8.4.1 Service Accessibility

For women with disabilities, access to a women's refuge includes:

- knowing that domestic violence is a crime and those who experience it have the right to escape;
- knowing that they can contact an organisation and get help – that the policies and practices of that organisation don't impede a women with disability gaining access;

- knowing that their children can accompany them;
- getting a referral to a refuge and having accessible information available to help her make an informed decision;
- entering the refuge and being able to move around the refuge safely;
- having access to all the necessary information;
- being able to participate in refuge activities;
- having needs met;

Resolution 68:

The NSW Women's Refuge Movement recognises that it is good practice to provide an accessible service for women with disabilities escaping domestic violence.

8.4.2 Developing an action plan

One of the most important strategies a refuge can use to address violence against women with disabilities and make their service more accessible and inclusive for women with disabilities is to develop and implement a Disability Discrimination Act Action Plan. Action Plans are strategies which identify discriminatory practices and develop blueprints for bringing about changes to those practices. Developing an Action Plan is a tool your service can use to minimise discrimination towards women and children with disabilities. An Action Plan is one way a refuge can more adequately address its responsibilities under the Disability Discrimination Act 1992. The Action Plan will clearly identify the barriers in your service and solutions to the elimination of them. The Action Plan will include timelines and levels of responsibility within the refuge and can be directly linked to any of your existing policies on access and equity.

The success of an Action Plan lies in developing a strong co-operative relationship between women with disabilities and the domestic violence sector. Therefore, it is critical from the beginning to have the Action Plan owned by women with disabilities and the key players in the domestic violence sector. The establishment of a Working Group is recommended as a useful step in ensuring that the development and implementation of an Action Plan is successful.

The process of how to develop an Action Plan for women's refuges has been developed by Women With Disabilities Australia (WWDA) and documented in a step-by-step guide entitled: *"More Than Just A Ramp – A Guide for Women's Refuges to Develop Disability Discrimination Act Action Plans."* This Guide provides practical and detailed information for refuges to make their service more accessible and inclusive for women with disabilities escaping domestic violence.

Resolution 69:

The NSW Women's Refuge Movement recognises that it is good practice for each refuge to develop and implement a Disability Discrimination Act Action Plan.

Resolution 70:

The NSW Women's Refuge Movement recognises that it is good practice for refuges to lodge their Disability Discrimination Act Action Plans with the Human Rights and Equal Opportunity Commission and make them available to other refuges.

8.4.3 Overcoming barriers in the physical environment

Providing an accessible environment for women with disabilities in your service does not necessarily have to mean a need for increased resources. Naturally, purpose built refuges designed and constructed to provide wheelchair accessible and secure environments are the ideal. However, there are many things your service can do to provide an accessible environment for women with disabilities.

- Examine the physical access of your service. Look at how it can be improved for women with all types of disabilities, not just women with physical disabilities. Can the furniture be rearranged to improve access? Can safety procedures be adapted to ensure access for women with visual impairments and/or deaf/hearing impaired women? Does your service have a TTY machine?
- Ask women with disabilities what you can do to improve the physical access of your service. Make contact with disability organisations for their expertise.
- Undertake an Access Audit of your service. Utilise the expertise of a recognised Disability Access Auditor.

Resolution 71:

The NSW Women's Refuge Movement recognises that it is good practice for refuges to provide (where possible) an accessible physical environment for women with disabilities.

8.4.4 Overcoming barriers in communication and information

- Develop information in alternative formats about the refuge and about domestic violence and distribute to other services and agencies. Consult with women with disabilities and ensure that their needs are reflected in the information and that women with disabilities are illustrated in any posters or photographs. Ensure the information lets women know if the refuge has wheelchair access and whether the refuge can accommodate children.
- Consider the needs of all women with disabilities when developing information. Is written information presented in clear and concise language that is easily understood? Is information available in several forms – (such as braille, on audio tape, in large print, on video etc)?
- Ensure that key information such as house rules, policies and procedures, and complaints procedures, are available in alternative formats and are made available to women with disabilities entering the refuge;
- Identify places where information about the refuge and domestic violence would be seen by women with disabilities – such as disability organisations, respite services, schools, venues for social groups, doctors surgeries, hospitals and other key points in the community;
- Make contact with other organisations in the disability and women's sectors to see what has already been done and whether your service can adapt any existing information;
- Examine the way your service presents information to women with disabilities who access your service. Does it meet the individual needs of the woman with a disability? Is support provided to deaf/hearing impaired women through the use of sign interpreters? Have you made sure that the information you have

presented has been understood? Are there support groups for women with disabilities who have experienced domestic violence?

Resolution 72:

The NSW Women's Refuge Movement recognises that it is good practice for refuges to provide information in ways which meets the different access needs of women with disabilities.

8.4.5 Overcoming barriers in relation to skills of workers

- Ensure that Position Descriptions contain 'an awareness of issues for women with disabilities' as a knowledge and skills requirement. Ensure that staff selection processes demand that this skill is demonstrated;
- Ensure that all staff receive disability awareness/rights training. Liaise with relevant disability organisations to find out the most appropriate training packages available. Women with disabilities should facilitate any training;
- Ensure that any Disability Awareness Training includes training about the rights of women with disabilities;
- Get a copy of the "Women With Disabilities and Violence Information Kit" (produced by Women With Disabilities Australia) which provides comprehensive information about disability, gender and violence;
- Ensure that all staff are aware of the AUSLAN (sign language) service and that they know how to book and work with AUSLAN interpreters;
- Examine what mechanisms your service has that allow women with disabilities to feed back their experience of your service;
- Develop Client Evaluation Surveys in alternative formats (such as braille, on audio tape, in large print etc);

- Provide opportunities for women with disabilities and their children accessing your service to identify their individual needs.

Resolution 73:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to organise Disability Awareness/Rights Training for all staff as a matter of policy.

Resolution 74:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to include an understanding of issues for women with disabilities in all job descriptions and ensure that the selection process demands that this skill is demonstrated.

8.4.6 Building networks with other services

Providing supportive environments for women with disabilities requires the co-ordination in the provision of links between the refuge and other services in order to meet the special needs of women with disabilities. These needs could be for personal care, medication for psychiatric illness, interpreter services and so on. It is also important to establish good networks with disability organisations in order to draw on the expertise and resources of these organisations.

- Speak to local agencies that provide services to women with disabilities and let them know about the refuge service;
- Compile an up-to-date resource manual that contains information on relevant disability organisations and support services in your area;
- Subscribe to newsletters from relevant organisations and services to keep up to date on issues concerning women with disabilities;

- Establish links with the national peak body for women with disabilities, Women With Disabilities Australia (WWDA).

Resolution 75:

The NSW Women's Refuge Movement recognises that it is good practice to provide an appropriate service and build trust with women with disabilities by networking with women with disabilities and relevant organisations.

8.4.7 Management

Participation of women with disabilities in management of your service will reflect in a higher quality service delivery to clients through the development of policy and practices that are appropriate to the needs of women with disabilities. It is also an important part of making your service more accessible to women with disabilities and their children.

- Ensure that your Management Committee includes women with disabilities as members;
- Look at other ways women with disabilities can have input into the management of your service – through, for example, a Disability Advisory Group;
- Ensure that adequate support is provided to enable women with disabilities to participate as management committee members;
- Review service policies and practices, including training, to ensure that they are relevant, inclusive of, and appropriate for women with disabilities.

Resolution 76:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to encourage representation of women with disabilities on refuge management committees and provide the support necessary to facilitate this.

8.4.8 Employment

Employing women with disabilities in your service will assist in promoting access to your service for women with disabilities and their children. Women with disabilities are more likely to apply for positions when the service has a reputation of being aware of, and sensitive to, the needs and concerns of women with disabilities. Women with disabilities make up more than 18% of the population. The make up of the refuge in regard to management and staff should reflect this.

- Ensure job descriptions, contracts and job advertisements are accessible and developed in consultation with women with disabilities;
- Develop service policies which recognise and value the particular relevant skills of women with disabilities;
- Advertise positions in accessible formats and in appropriate locations. Utilise networks with other disability organisations to disseminate job advertisements;
- Ensure women with disabilities are represented in selection processes;
- Consider the implementation of an Affirmative Action Policy for the employment of women with disabilities.

Resolution 77:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to develop policies that promote the employment of women with disabilities.

Resolution 78:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to implement an Affirmative Action Policy for the employment of women with disabilities.

Repeated Resolution:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to include an understanding of issues for women with disabilities in all job descriptions and ensure that the selection process demands that this skill is demonstrated.

8.5 Contacts for further information

National Disability Peak Bodies

(N.B. Many of the national peak disability bodies have branches in each State/Territory. Contact the relevant National body for contact details of State/Territory branches).

Women With Disabilities Australia (WWDA)

Ph: (02) 6242 1310
 Fax: (02) 6242 1314
 email: wwda@ozemail.com.au

National Council on Intellectual Disability

Ph: (02) 6296 4400
 Fax: (02) 6296 4488
 email: ncid@dice.org.au

Blind Citizens Australia

Ph: (03) 9521 3433 or 1800 033 660
 Fax: (03) 9521 3732
 TTY: (03) 9521 1200
 email: bca@bca.org.au

Deafness Forum

Ph: (02) 6262 7808
 Fax: (02) 6262 7810
 TTY: (02) 6262 7809
 email: deaforum@ozemail.com.au

Carers Association of the ACT

Ph: (02) 6288 9722
 Freecall: 1800 059 059
 Fax: (02) 6288 4893
 email: carrasn@carers.asn.au

Brain Injury Australia (BIA)

Ph: (02) 6290 2253
 Fax: (02) 6290 2252
 email: bianational@apex.net.au

The National Brain Injury Council

Ph: (02) 6282 2880
 Fax: (02) 6285 2649
 email: nbif@austarmetro.com.au

National Ethnic Disability Alliance

Ph: (02) 6290 2061
 Fax: (02) 6290 2561
 email: neda@ozemail.com.au

HIV/AIDS Legal Centre, NSW

Ph: (02) 9206 2060
 Fax: (02) 9206 2053
 email: halc@halc.org.au

New South Wales contacts

People With Disabilities NSW

Ph: (02) 9319 6622
 Fax: (02) 9318 1372

The Disability Council of NSW

Ph: (02) 9211 2866
 Freecall: 1800 044 848

The Northcott Society

Ph: (02) 4625 1061

Paraplegic & Quadriplegic Association of NSW

Ph: (02) 9687 8933

AUSLAN Interpreters

Community Relations Commission for a multicultural NSW

Ph: (02) 9716 2248

Australian Communication Exchange Limited (Previously Telephone Typewriters (TTYs))

Voice: (02) 9895 2970
 TTY: (02) 9895 2971

For installation of telephone facilities such as TTYs contact:

Telstra

Ph: 1800 808 981

Deaf Society of NSW

Ph: (02) 9893 8555

Self Help for Hard of Hearing People

Ph: (02) 9144 7586

Royal Institute for Deaf & Blind Children

Ph: (02) 9871 1233

Royal Blind Society of NSW

Ph: (02) 9334 3333

NSW Council for Intellectual Disability

Ph: (02) 9211 1611

Down Syndrome Assoc. of NSW Inc.

Ph: (02) 9683 4333

Association for Children with Learning Disabilities

Ph: (02) 9580 4788

Endnotes

- 1,2 Mulder, L. (1995) *Reclaiming Our Rights: Access to existing police, legal and support services for women with disabilities who are deaf or hearing impaired who are subject to violence*; A Report to the NSW Department for Women.
- 3 Anderson, I. (1996) *The Status of Women With Disabilities in Australia*; Report prepared for Women With Disabilities Australia (WWDA), Canberra.
Australian Bureau of Statistics (1996a). *Disability, Ageing & Carers, Australia, disability and disabling conditions 1993*. Cat.No.4433.0, Australian Government Publishing Service; Canberra.
Frohman, Carolyn. (1999) *Violence Against Women With Disabilities – A Report from the National Workshop on Violence Against Women With Disabilities*; Prepared for Women With Disabilities Australia (WWDA), Canberra, Australia.
- 4 Mulder, L. (1995) *Reclaiming Our Rights: Access to existing police, legal and support services for women with disabilities who are deaf or hearing impaired who are subject to violence*; A Report to the NSW Department for Women.
- 5 Sobsey, D. (1994) *Violence and Abuse in the Lives of People with Disabilities: The End of Silent Acceptance*; Baltimore USA; Paul H. Brookes Publishing.
Cusitar, L. (1994) *Strengthening the Links: Stopping the Violence*; Prepared for Disabled Women's Network, Toronto, Canada.
- 6 Sceriha, M. (1996) *Women with Disabilities and Domestic Violence*; Paper presented to the Domestic Violence Forum, Organised by the Office of the Status of Women, September 96, Parliament House, Canberra.
Sceriha, M. & Wilde, K. (1995) *Let Down the Drawbridge! Women with Disability are on the Move!*; Presentation to the Homelessness in the Lucky Country Conference, Council for Homeless Persons, held in Melbourne September 1995.
- 7 Strahan, F. (1997) *More Than Just A Ramp – A Guide for Women's Refuges to Develop Disability Discrimination Act Action Plans*; Prepared for Women With Disabilities Australia (WWDA), Canberra.
- 8 Strahan, F. (1997) *More Than Just A Ramp – A Guide for Women's Refuges to Develop Disability Discrimination Act Action Plans*; Prepared for Women With Disabilities Australia (WWDA), Canberra.
- 9 Strahan, F. (1997) *Woorarra Women's Refuge Action Plan*; Prepared for Women With Disabilities Australia (WWDA), Canberra.
- 10 Swift, K. (1998) *Women With Disabilities and Domestic Violence – WWDA's Response*; Paper presented to the NSW Women's Refuge Movement Conference, July 1998, Sydney.
Frohman, Carolyn. (1999) *Violence Against Women With Disabilities – A Report from the National Workshop on Violence Against Women With Disabilities*; Prepared for Women With Disabilities Australia (WWDA), Canberra, Australia.
Strahan, F. (1997) *More Than Just A Ramp – A Guide for Women's Refuges to Develop Disability Discrimination Act Action Plans*; Prepared for Women With Disabilities Australia (WWDA), Canberra.



9 Women with a mental illness

9.1 Understanding mental illness

It is estimated that more than 20% of the population will be affected by mental health problems or mental illness during their lifetime. Many people will spontaneously recover from their illness and the vast majority of others can be treated and will also fully recover. A smaller number will experience longer periods of distress and disability.¹

As with physical illnesses, many mental illnesses are not lifelong conditions. Depression, anxiety, post-traumatic stress disorder, panic disorders, postnatal depression and eating disorders are all illnesses that can be successfully treated and cured by therapeutic and/or drug treatments. Some of these illnesses are fairly common, particularly amongst women.

Mental illnesses which involve some level of psychosis, such as schizophrenia and bipolar disorder (previously known as manic depression) are less common. They are treatable but may be incurable.

It is also possible for someone to have an isolated psychotic incident without either schizophrenia or bipolar disorder being present. Such incidents may occur for a number of reasons (including use of some drugs – sometimes known as ‘drug induced psychosis’) and they can usually be successfully treated.

9.1.1 Women with a mental illness escaping domestic violence

Repeated Resolution (5):

In line with the Disability Discrimination Act 1992, the NSW Women’s Refuge Movement recognises that women’s refuges must not exclude women on the basis that they have a mental illness.

The relationship between mental illness and domestic violence is complex. There is a prevailing myth that women with a mental illness are highly likely to exhibit violent behaviour. This belief is false. Women with a mental illness are not necessarily violent. In fact, a woman with a mental illness is often more vulnerable to *experiencing* violence rather than being the aggressor. Additionally, women who have experienced domestic violence and/or sexual abuse are more likely to be affected by mental illness or mental health problems.

If the behaviour of *any* client compromises the safety of other clients and workers then it is not discriminatory to deny access to that client. However, women must be accommodated if there is no evidence that her presence would jeopardise either the safety of herself or others.

It is discriminatory to deny access to a woman on the grounds that she has a mental illness regardless as to whether or not she is on prescribed medication.

9.2 Networks and linkages

Resolution 79:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to include Mental health services in the refuge's local networks and establish protocols for working within these networks.

Establishing protocols for working with mental health professionals involves refuge workers knowing which mental health services will be appropriate to contact in each particular crisis situation. This will involve training in mental health issues and becoming familiar with local services and community crisis services.

9.2.1 Community crisis services

Community crisis teams are based in community health centres. The teams are made up of various health professionals (eg. psychiatric nurses, psychiatrists, psychologists and social workers) and they aim to help people with a mental illness live in the community.

Crisis teams vary from area to area ranging from non-existent to the provision of 24 hour service.

Many women who are managing their mental illness will have a case manager from the mental health team or some form of clinical support by private psychiatrist, therapist or 'Sharecare G.P.'. (A 'Sharecare GP' is a GP who has received training from a local medical health specialist to cater for the specific needs of people with a mental illness. They may replace the support of the Mental Health Case Manager. If the woman has moved out of her local area, she may need the refuge to help her transfer to the closest crisis team.

If a refuge worker is concerned about the behaviour of any woman at the refuge, she can ring the crisis team and ask them to undertake an assessment. Workers can contact the team even if the woman does not have a crisis team manager.

However, it is not appropriate to call the crisis team if a woman is violent. If *any* woman is violent then refuge workers should contact the police.

The response of the refuge will depend on the nature of the situation. Primarily refuge workers will be responding to either a crisis situation or assisting women to establish ongoing mental health support eg. Case management support.

NB Everyone has the right to be assessed for case management by the Mental Health Team, but it is not guaranteed that they will be given a further service.

9.3 Crisis – contacting the mental health team

If workers contact the crisis team, or any other mental health service, they will need to know the answers to the following questions:

- Why have you decided to contact the mental health service now?²
- What behaviour are you concerned about?
- How is the person's behaviour different to their usual behaviour?
- Is the person on medication? What medication?
- How urgent do you perceive the situation?
- How are you managing the situation at present?
- Are you aware if the person has had previous contact with mental health services? If so, give details (ie area, name of case manager etc.?)
- Other clinical supports in place eg psychiatrist

When reporting the behaviour that is of concern to the refuge, it is important to be clear, literal and specific. Give a clear description of the actual behaviour – for example, ‘She’s been laughing for 30 minutes but there is no-one with her, the TV or radio are not on and when I asked if she was OK, she ignored me but continued to laugh.’

Subjective descriptions such as, “She’s acting very strangely.” or “She’s behaving inappropriately.” are not useful.

If the crisis team receive a genuine call to conduct an assessment and it does not involve someone behaving violently, then they *must* attend that call. Refuge workers can insist that someone from the crisis team attends to their request.

9.4 On-going issues – non crisis

If a particular situation is not a crisis incident, but it is ascertained that the client has a mental illness and requires on-going clinical support;

- Establish whether she has existing clinical supports already in place and whether they are accessible.
- As part of case management, work out with the client how she is going to maintain appropriate levels of support with these contacts.

If it is assessed that there are no clinical supports in place but there needs to be;

- Attempt to access support from public/private system. Please note there are a significant number of private psychiatrists who bulk bill.
- The local Women’s Health Centre and Community Health Centre can supply contacts or can arrange for assistance with local Mental Health Schemes.

9.5 Training

Resolution 80:

The NSW Women’s Refuge Movement recognises that it is good practice for women’s refuges to organise training for staff in supporting women with a mental illness.

Staff training is important to assist refuges to overcome some of the difficulties they may experience in providing support to women with mental illnesses. Many refuge workers report that once they receive training, they feel more positive and confident in working with women who have a mental illness.

SAAP runs a three day training course to help workers in SAAP services to work effectively with women who have a mental illness. The course covers issues such as the symptoms of major mental illnesses and making a referral to mental health services.

If possible, all workers should complete this course.

9.6 Contacts for further information

Mental Health Branch
Health Services Development Division
Department of Health & Family Services
 GPO Box 9848
 Canberra ACT 2601
 Tel: 61 6 289 7983

National Community Advisory Group
 C/- NCAG Liaison Officer
 PO Box 355
 Woden ACT 2605
 Tel: 61 6 289 7983

Centre for Mental Health Branch
NSW Health Department
 Locked Mail Bag 961
 North Sydney NSW 2059
 Tel: 61 2 9391 9309



**Mental Health Services
Health & Community Services**

GPO Box 825
Canberra City ACT 2601
Tel: 61 6 205 1333

**Mental Health Information & Referral
Service**

Tel: (02) 9816 5688

Schizophrenia Fellowship of NSW

Tel: (02) 9878 2053

Endnotes

1 National Mental Health Strategy



10 Women with alcohol & other drug issues

10.1 Access to refuges for women with drug and alcohol issues

It has been reported that in some instances women with alcohol and/or other drug issues (A & OD) (including women who are receiving a treatment such as methadone) have experienced difficulty accessing refuges.

The *It's not love, it's violence* kit cites several studies that have identified a link between sexual violence and substance abuse. These studies suggest that alcohol and other drug abuse sometimes occurs as a *response to* unresolved issues of violence. If women with A&OD issues are only referred to alcohol and other drug services, women in this group may not receive help in overcoming the issues that have been the *causal factor* for their addictive behaviour.

There are instances where an A & OD agency is the most appropriate service for a woman irrespective of whether she is escaping domestic violence or not (for example if she is currently A & OD dependent or requires the services of a residential rehabilitation service or a proclaimed place.)

Where the woman is stabilised in her control of her addiction, refuges may be the most appropriate service. Access to women escaping domestic violence where she is addressing the A & OD issues (eg stabilised on the methadone program, or following completion of a controlled drinking/detox program) should not be denied.

10.2 Women on Methadone

Resolution 81:

The NSW Women's Refuge Movement recognises that in line with the Anti Discrimination Act Women must not be excluded from women's refuges on the basis of being on a methadone program.

The methadone program was established as a treatment for people who are addicted to heroin and is funded by the Department of Health.

Refuges need to be aware that the Anti-Discrimination Act 1977 states it is illegal to discriminate against someone who is receiving a legal and prescribed treatment for a health issue and methadone is recognised as such. Where possible refuge staff must support and accommodate women in this group, which may include assisting them to transfer their treatment to another health service if they have moved from another area, for instance.

Some refuges have allowed women to store their take-a-way methadone in a locked cabinet in their room as agreed by the medical prescriber. This option is on a case by case basis.

10.3 Detoxification units

Detoxification units offer short-term accommodation programs for people who have a problem with alcohol or drug addiction and who wish to detoxify from these substances. They are funded by the Department of Health and are sometimes viewed as a step towards controlling or ending drinking and/or drug use.

The success of these programs usually depends on the willingness and commitment of the people who participate. If women wish to know about these programs, then refuges could provide them with details.

However, if women are unwilling to seek help for an alcohol or other drug problem, it is neither useful or ethical to try to force or corece them into undertaking a detoxification program.

10.4 Improving access to refuges for women with alcohol and other drug issues

Except in cases where women are actively dependent on alcohol and other drugs, refuges must not exclude women on the grounds of alcohol and other drug issues.

Building a supportive, non-judgmental relationship with women in this group can often assist women to end or gain greater control over their substance abuse.

Resolution 82:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to use the SAAP Case Management Manual to establish ways to undertake case management with women with alcohol and other drug issues.

As with all clients, open, honest and respectful communication are important factors.

10.4.1 Training

Resolution 83:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to ensure all refuge staff develop a greater understanding of A & OD issues through undertaking relevant training offered by SAAP and CEIDA

- Ensure that the refuge staff undergo training in relation to alcohol & other drug issues to ensure they are informed and display a non-judgemental and supportive approach to women with A & OD issues.

10.4.2 Networks and Linkages

Resolution 84:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to include Alcohol & Other Drug (A&OD) services in the refuge's local networks and to establish protocols for working with local A & OD services.

It is important that refuges maintain good networks with local A & OD services and to establish protocols that are effective for all concerned.

10.5 Contacts for further information

**NSW Department of Health
Alcohol & Drug Information Service
(ADIS) (24 hour service)**
Tel: (02) 9361 8000
Freecall: 1800 422 599 (Sydney metro)

**Centre for Education & Information
on Drugs and Alcohol (CEIDA)**
Tel: (02) 9818 5222



11 Women with HIV/AIDS and/or Hepatitis

11.1 Barriers to access for women with HIV/AIDS and/or Hepatitis

Resolution 85:

The NSW Women's Refuge Movement recognises that in line with the Anti-Discrimination Act, women's refuges must not exclude women and children on the basis that they have HIV/AIDS and/or Hepatitis

Women with HIV/AIDS and women with Hepatitis B (HBV) and Hepatitis C (HCV) often experience barriers when trying to access a range of services, including women's refuges.

However, the Anti-Discrimination ACT 1977 and the Disability Discrimination Act 1992 makes it illegal to discriminate against someone on the basis of an illness. This means that **women and their accompanying children who are escaping domestic violence and who have HIV/AIDS and/or Hepatitis cannot legally be denied access to women's refuges.**

There are still many myths which surround illnesses such as HIV/AIDS and Hepatitis

and these myths sometimes generate fear. Often discrimination occurs because people are responding to myths rather than the reality.

To provide support to women with HIV/AIDS and/or Hepatitis, and to help overcome the myths, it is important that all workers are aware of the facts about these diseases. Refuges need to keep updated information on HIV/HBV/HCV and make these available to women in the refuge.

11.2 Facts about transmission

HIV/AIDS attacks the body's immune system and leaves the infected person less able to fight off infections.

How are these diseases transmitted?

HIV can only enter the blood through the following means:

- having unprotected anal, vaginal or oral sex with an infected person;
- any puncturing of the skin by a needle infected with HIV eg sharing needles and syringes, sharing tattooing or ear-piercing equipment;
- an infected mother passing the virus to her baby during pregnancy, childbirth or breastfeeding.

HIV dies very quickly outside of the body. It is *not* carried through the air and it cannot be transmitted through hugging, shaking hands, sharing household items or via toilet seats. Neither can HIV be transmitted by mosquitoes or other biting insects, water, food or drink. The virus *cannot* be absorbed through *intact* skin.

Hepatitis B (HBV) and Hepatitis C (HCV) can be acquired in the same way as HIV and can also be transmitted by:

- sharing toothbrushes, razors or other personal items that may lead to the exchange of bodily secretions such as blood and saliva;

It is recommended that people with HBV/HCV do not share toothbrushes, razors or other personal items that could transmit bodily secretions.

11.3 Minimising the risk of infection

There are a number of ways to reduce the risk of becoming infected with HIV, HBV and HCV.

The risk of contracting HBV and/or HCV can be minimised by:

- not puncturing the skin by a needle infected with HCV eg avoiding unhygienic tattooing or ear-piercing and by not sharing injecting drug use equipment;
- not sharing toothbrushes, razors or other personal items;
- safer sex (using condoms or dental dams). Although this is recommended as a means of avoiding HCV infection, sexual transmission is rare.

Hepatitis B

There is now a vaccine for Hepatitis B which is given in a course of three injections over six months. It is available through all sexual health clinics and also through private doctors. This protects against acquiring the disease, but will not cure it.

HIV/AIDS

The risk of contracting HIV/AIDS can be minimised by:

- using a condom (or for lesbians, a dental dam) when having vaginal, anal or oral sex;
- not sharing injecting drug use equipment eg needles, syringes.

11.4 Improving access to refuges for women with HIV/Aids, Hepatitis B and Hepatitis C

11.4.1 Confidentiality

Resolution 86:

The NSW Women's Refuge Movement recognises that refuges should not ask a woman to divulge the HIV or hepatitis status of herself or her children. If information on a resident's HIV or hepatitis status is offered to the refuge, this information must be kept confidential

A person's HIV or Hepatitis status is private to that person. **Refuges cannot ask a person whether they, or their accompanying child/ren, have HIV or Hepatitis.**

If a person does offer this information about themselves or their child, then it *must* be kept confidential. The information cannot be released to *any* other source without that person's consent. There are legal implications for refuges if they disclose this information inappropriately.

11.4.2 Provision of information/resources

To ensure that the refuge is accessible to women escaping domestic violence who have HIV/AIDS and/or HBV or HCV, the following strategies should be implemented:

- distribute information about refuges to services such as STD clinics and community health centres;
- establish contact with services such as STD clinics and develop networks with these services;
- compile a list of contacts that may be relevant to women with HIV/AIDS and hepatitis – for example, local clinics and support groups.

The following issues and strategies can be adopted as best practice for refuges. As it is likely that refuges will not know who has an illness and who does not, implementing safe practices which minimise risk of infection and transmission is the only sensible way to proceed.

Safe practices are important for workers and for residents. They include:

- Ensuring that blood, or blood in urine, faeces or vomit does not come into contact with broken skin.
- Keeping disposable gloves on the premises at all times and insisting that residents/workers use them when mopping up blood spills, faeces or vomit.
- Always using household bleach to mop up blood spills, faeces or vomit.
- Covering any exposed cuts on the body, such as on the hands, and encouraging residents to do the same. This is especially important for staff working with children and for children.
- Making HBV vaccinations available for all workers who want to take up this option.
- Ensuring that all workers are trained on issues which may affect people with HIV/AIDS and Hepatitis.

- Being aware of diet – fatty foods are often difficult to digest for people with hepatitis. Ensuring that people who request specific foods for health reasons have their needs met.

11.5 Contacts for further information

Albion St (AIDS) Centre

150-154 Albion St.
Surry Hills NSW 2010
Tel: (02) 9332 9600
AIDS Info Line: (02) 9332 9700
Freecall: 1800 451 600

AIDS Council of NSW (ACON)

Tel: (02) 9206 2000
Freecall: 1800 063 060
TTY: (02) 9283 2088

Sydney Sexual Health Centre

Tel: (02) 9382 7440
Freecall: 1800 451 624

Hepatitis C Helpline

Freecall: 1800 803 990

Hepatitis C Council of NSW

Tel: (02) 9332 1599



12 List of Resolutions

Resolution 1:

The NSW Women's Refuge Movement recognises that women's refuges must operate within the guidelines of the Anti-Discrimination Act 1977

Resolution 2:

The NSW Women's Refuge Movement endorses that all women's refuges must establish and/or maintain a non-discriminatory eligibility criteria.

Blanket exclusions based on specific characteristics can not be imposed.

Resolution 3:

In line with the Transgender Discrimination Act (1996) the NSW Women's Refuge Movement recognises that women's refuges must not exclude access to service on the basis of transgender (male to female)

Resolution 4:

The NSW Women's Refuge Movement recognises that women's refuges must accept women and children escaping domestic violence who have a physical, intellectual, sensory or neurological disability except in those cases which would cause unjustifiable hardship to service or client.

Resolution 5:

In line with the Disability Discrimination Act 1992, the NSW Women's Refuge Movement recognises that women's refuges must not exclude women on the basis that they have a mental illness.

Resolution 6:

The NSW Women's Refuge Movement recognises that to ensure accessibility to women's refuges, it is good practice that a refuge worker is directly contactable and available on a 24 hour basis.

Resolution 7:

The NSW Women's Refuge Movement recognises that it is good practice to review staff rosters to maximise the availability of workers on the premises during office hours.

Resolution 8:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to develop a contact system to on-call staff that is of no cost to residents

Resolution 9:

The NSW Women's Refuge Movement recognises that a client focused approach to planning of rosters will enhance accessibility to women's refuges.

Resolution 10:

The NSW Women's Refuge Movement recognises that it is good practice for the use of answering machines in women's refuges to be kept to a minimum and only used at times of genuine need. Alternatives to answering machines should be considered.

Resolution 11:

The NSW Women's Refuge Movement recognises that it is good practice to provide support and accommodation to women without an income.

Resolution 12:

The NSW Women's Refuge Movement endorses that refuges must not exclude women on the basis that they are employed.

Resolution 13:

The NSW Women's Refuge Movement recognises that it is good practice for refuge routines to be flexibly applied to accommodate women who work or who study at night.

Resolution 14:

The NSW Women's Refuge Movement endorses that women must not be excluded from refuges on the grounds of their usual area of residence unless the safety of the woman or other residents is compromised by the proximity of the perpetrator.

Resolution 15:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to require a minimum amount of information at the time of assessment. Each refuge should develop a set of questions that are asked of all women accessing the refuge.

Resolution 16:

The NSW Women's Refuge Movement recognises that refuges must not discriminate against women and/or their accompanying children within the target group who have specific needs.

Resolution 17:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to provide appropriate referral services for women and children.

Resolution 18:

The NSW Women's Refuge Movement endorses that it is good practice for refuges to adopt an intake procedure that assists clients to access the service quickly and comfortably.

Resolution 19:

The NSW Women's Refuge Movement recognises that it is good practice to always have a staff member available with the authority to assess and accept intake referrals.

Resolution 20:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to ensure that all important information is available to clients in written and taped form. This includes ensuring that information is available in as many community languages as is possible.

Resolution 21:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to document and make accessible to clients the policies of the refuge.

Resolution 22:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to make policies available in both taped and written form.

Resolution 23:

The NSW Women's Refuge Movement recognises that it good practice in women's refuges to keep house rules to a minimum and cover only those issues necessary for the safety and smooth running of the household.

Resolution 24:

The NSW Women's Refuge Movement recognises that it is good practice in women's refuges to ensure that House Rules do not undermine a person's rights under law.

Resolution 25:

The NSW Women's Refuge Movement recognises that it is good practice in women's refuges that House rules are flexibly administered to ensure that residents have equal access to and equity within refuges.

Resolution 26:

The NSW Women's Refuge Movement endorses that it is good practice for women's refuges to operate within the spirit of the Community Services (Complaints, Appeals and Monitoring) Act, 1993.

Resolution 27:

The NSW Women's Refuge Movement endorses that good practice for women's refuges is that all refuge staff receive training in conflict resolution or mediation.

Resolution 28:

The NSW Women's Refuge Movement endorses that it is good practice for women's refuges to develop internal and external disputes procedures available to clients in written and taped form.

Resolution 29:

The NSW Women's Refuge Movement endorses that it is good practice for women's refuges to observe confidentiality and ensure that clients who lodge a complaint are not penalised.

Resolution 30:

The NSW Women's Refuge Movement endorses that good practice for women's refuges is that women will not be refused access to a refuge because of previous service debts or because of an inability to pay fees.

Resolution 31:

The NSW Women's Refuge Movement endorses that it is good practice for women's refuges to maintain resident fees at no more than 20% of a woman's income if food and utilities are included, and at no more than 10% of a woman's income without food and utilities.

Resolution 32:

The NSW Women's Refuge Movement endorses that it is good practice for women's refuges to ensure that women who have fees waived will be entitled to the same amount and types of services as those offered to fee-paying residents. A woman's fee-paying status should be kept confidential

Resolution 33:

The NSW Women's Refuge Movement endorses that it is good practice for women's refuges to issue printed and numbered receipts containing full payment details for any payment made to the refuge.

Resolution 34:

The NSW Women's Refuge Movement endorses that it is good practice for women's refuges to ensure that extra charges will be kept to a minimum and designed to cover costs or replacement (such as room keys) value only

Resolution 35:

The NSW Women's Refuge Movement endorses that it is good practice for women's refuges to gain client consent before releasing information relating to a resident's agreed case management or support plan. The exception is when criminal conduct or child abuse is alleged.

Resolution 36:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to ensure that information in resident files is recorded in an objective, factual manner

Resolution 37:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to ensure client files will be kept in a secure form that safeguards privacy at all times.

Resolution 38:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to ensure that residents have access to their own file and retain the right to clarify and to add to information contained in their files

Resolution 39:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to record reasons for the exit or eviction of residents in their file.

Resolution 40:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to ensure that only non-identifying, factual information will be recorded in a refuge's day book

Resolution 41:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to provide support to children as clients in their own right with specific needs separate to their mothers'. It is essential that this be reflected in policies and procedures.

Resolution 42:

The NSW Women's Refuge Movement recognises that it is good practice for all staff in women's refuges to have a working knowledge of the effects of domestic violence on children.

Resolution 43:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to recruit adequate numbers of skilled, child focused staff to meet the specific needs of children

Resolution 44:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to provide child focused programs and support including; one to one support, excursions, and opportunities for new experiences.

Resolution 45:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to provide adequate, developmentally appropriate resources and equipment.

Resolution 46:

The NSW Women's Refuge Movement recognises that it is good practice in women's refuges for all staff to be aware of cultural issues for children.

Resolution 47:

The NSW Women's Refuge Movement recognises that women's refuges must follow the Interagency Child Protection Guidelines

Resolution 48:

The NSW Women's Refuge Movement recognises that it is good practice to ensure that the refuge receives regular information on issues of concern to Aboriginal women.

Resolution 49:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to develop policies that promote the employment of Aboriginal workers;

Resolution 50:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to implement a policy of designated positions for Aboriginal workers;

Resolution 51:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to organise cross-cultural and indigenous issues training for all staff as a matter of policy.

Resolution 52:

The NSW Women's Refuge Movement recognises that it is good practice to develop policies that actively seek Aboriginal participation and support at management level;

Resolution 53:

The NSW Women's Refuge Movement recognises that it is good practice to provide an appropriate service and build trust with community members by networking with Aboriginal women and organisations

Resolution 54:

The NSW Women's Refuge Movement recognises that it is good practice to provide an appropriate service and build trust with ethnic and refugee women in the community as well as appropriate organisations.

Resolution 55:

The NSW Women's Refuge Movement recognises that it is good practice to provide resources and information in different languages as well as access to cultural events and workshops.

Resolution 56:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to develop policies and practices which actively encourages participation of women from diverse backgrounds on the management committee of the refuge.

Resolution 57:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to develop recruitment

practices which actively promote the employment of women from non-English speaking backgrounds.

Resolution 58:

The NSW Women's Refuge Movement recognises that it is good practice to include an understanding of cross cultural issues in all job descriptions and ensure that the selection process demands that this skill is demonstrated;

Resolution 59:

The NSW Women's Refuge Movement recognises that good practice for women's refuges is to ensure that all staff receive cross-cultural training as a matter of refuge policy,

Resolution 60:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to ensure that all staff are trained in the use of both face to face and telephone interpreting services, and know how to book and work with interpreters;

Resolution 61:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to display pamphlets about lesbian domestic violence.

Resolution 62:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to inquire about a person's relationship rather than assume that all women who seek admission to the service are heterosexual;

Resolution 63:

The NSW Women's Refuge Movement recognises that it is good practice to promote the employment of lesbians in women's refuges.

Resolution 64:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to provide training to all staff on the issues involved in assisting survivors of lesbian domestic violence.

Resolution 65::

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to encourage representation of lesbians on refuge management committees.

Resolution 66:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to ensure policies and procedures are not based on the assumption of heterosexuality.

Resolution 67:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to provide women with information on how to contact a Gay or Lesbian Liaison Officer within the NSW Police service.

Resolution 68:

The NSW Women's Refuge Movement recognises that it is good practice to provide an accessible service for women and children with disabilities escaping domestic violence.

Resolution 69:

The NSW Women's Refuge Movement recognises that it is good practice for each refuge to develop and implement a Disability Discrimination Act Action Plan.

Resolution 70:

The NSW Women's Refuge Movement recognises that it is good practice for refuges to lodge their Disability Discrimination Act Action Plans with the Human Rights and Equal Opportunity Commission and make them available to other refuges.

Resolution 71:

The NSW Women's Refuge Movement recognises that it is good practice for refuges to provide (where possible) an accessible physical environment for women with disabilities.

Resolution 72:

The NSW Women's Refuge Movement recognises that it is good practice for refuges to provide information in ways which meets the different access needs of women with disabilities.

Resolution 73:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to organise Disability Awareness/Rights Training for all staff as a matter of policy.

Resolution 74:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to include an understanding of issues for women with disabilities in all job descriptions and ensure that the selection process demands that this skill is demonstrated.

Resolution 75:

The NSW Women's Refuge Movement recognises that it is good practice to provide an appropriate service and build trust with women with disabilities by networking with women with disabilities and relevant organisations.

Resolution 76:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to encourage representation of women with disabilities on refuge management committees and provide the support necessary to facilitate this.

Resolution 77:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to develop policies that promote the employment of women with disabilities.

Resolution 78:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to implement an Affirmative Action Policy for the employment of women with disabilities.

Resolution 79:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to include Mental health services in the refuge's local networks and establish protocols for working within these networks.

Resolution 80:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to organise training for staff in supporting women with a mental illness.

Resolution 81:

The NSW Women's Refuge Movement recognises that in line with the Anti Discrimination Act Women must not be excluded from women's refuges on the basis of being on a methadone program.

Resolution 82:

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Resolution 83:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to ensure all refuge staff develop a greater understanding of A & OD issues through undertaking relevant training offered by SAAP and CEIDA.

Resolution 84:

The NSW Women's Refuge Movement recognises that it is good practice for women's refuges to include Alcohol & Other Drug (A&OD) services in the refuge's local networks and to establish protocols for working with local A & OD services.

Resolution 85:

The NSW Women's Refuge Movement recognises that in line with the Anti-Discrimination Act, women's refuges must not exclude women and children on the basis that they have HIV/AIDS and/or Hepatitis.

Resolution 86:

The NSW Women's Refuge Movement recognises that refuges should not ask a woman to divulge the HIV or hepatitis status of herself or her children. If information on a resident's HIV or hepatitis status is offered to the refuge, this information must be kept confidential.