



Final grant report: Women's Access to Legal Protection from Domestic Violence

Project title	Women's Access to Legal Protection from Domestic Violence
Grant recipient	Faculty of Education and Social Work, University of Sydney
Project manager	Dr Lesley Laing
Position	Senior Lecturer
Law and Justice Foundation awarded amount	\$15,909.09
Grant period	May 2009 – August 2013
Date of this report	January 2013

Description of the project

Describe the project in just enough detail so that anyone can understand the aim of the project, the target group and what strategies were undertaken to achieve the aim

This research explored women's lived experience of participating in the civil legal system to obtain protection from domestic violence. Prior to the women's interviews, focus groups were conducted with service providers who had experience in supporting women through the legal process.

The guiding Research Question was: How do women experience the processes involved in seeking an AVO in NSW? This question inevitably involves consideration of questions of core concern to the NSW Law and Justice Foundation, i.e., to what extent are women affected by domestic violence able to:

- Participate effectively in the civil legal system?
- Obtain legal assistance (information, advice and legal representation)?
- Obtain non-legal support and advocacy?

The methodological approach aimed to allow the women to tell their story in their own words. This approach is designed to elicit rich, qualitative data. Women were encouraged to take the lead in talking about their experiences in the ways and the amount of detail that felt comfortable for them. This approach is consistent with principles of research with vulnerable, socially disadvantaged populations, in that it aims to 'give voice' to those who are vitally affected by policies and legislation, yet whose voices are often not heard. Efforts were made through the expertise of reference group members to recruit to the study women from marginalised groups, such as Aboriginal and CALD women and women with disabilities, who often face additional barriers to accessing the law. The women were positioned in the study as having expertise that was invaluable and unique because it arose from their lived experience of attempting to negotiate the system that is established to assist survivors of domestic violence, rather than as 'victims' (although the extent of the suffering and injustice that they had experienced was in no way minimised). Interview data was analysed according to the procedures appropriate to qualitative data analysis to identify key themes relevant to the

research questions, with the assistance of the software program N*Vivo. A limitation of this methodological approach is that the findings of a non-representative sample such as this cannot be generalised. However, the collection of data from multiple sources – in this case women and service providers – can strengthen the findings where there is consistency in findings across the different data sources. Where relevant, the findings from the women’s interviews are discussed in relation to findings that emerged in the focus groups.

The project – what happened?

How did the project come about?

Although Apprehended Domestic Violence Orders have been a cornerstone of the Australian response to domestic violence for almost 30 years, there has been only a small amount of research into their effectiveness in NSW, and even less research that seeks the views of those most affected by this legislation and the accompanying practices, that is, the women seeking legal protection from domestic violence. This project aimed to address this gap in knowledge and to identify where systemic improvements were required to improve access to justice for this vulnerable group.

Briefly set out the project stages and what happened in each stage.

The first stage of the project involved four focus groups with 24 legal and non-legal service providers whose role involved supporting women through the AVO process. In these groups, workers discussed their experiences of assisting women in accessing justice, focussing on: barriers to women’s access; aspects of the current arrangements that facilitate access; and suggestions for systemic and practice improvements. These service providers were key informants who sensitised the researchers to key issues for exploration in the subsequent interviews with women. A report of the focus groups will be available in the University of Sydney’s electronic research depository and findings from the focus groups were referred to where relevant in the report on the interviews with women.

The main part of the project involved conducting interviews with 40 women who had attempted to obtain an AVO. The group was culturally diverse: 17 of the women were Anglo-Australian; 14 were Aboriginal; 5 were from culturally and linguistically diverse backgrounds (CALD) and 4 were migrants from English speaking countries. There were two lesbian participants. Two women had a diagnosed mental illnesses and one, hearing impairment. The women were living in Sydney (30), Central Coast/Blue Mountains (5) and rural areas (5) of NSW.

If grant materials were produced:

Two reports were produced: A report on the service provider focus groups and a report on the interviews with women entitled: *'It's like this maze that you have to make your way through.'* *Women's experiences of seeking a domestic violence protection order in NSW.* The title comes from one woman's description of her experience that reflected much of the women's accounts.

How were they distributed?

Both will be available online through the University of Sydney Library e-repository and a PDF will also be provided for inclusion in the database of the Australian Domestic and Family Violence Clearinghouse. Electronic copies will be provided to all relevant agencies identified in the Dissemination Plan for the project (. E.g. WDVCS; Legal Aid, NSW; NSW Police; NSW Attorney General & Justice; Women NSW (Violence Prevention Coordination Unit); Community Legal Centres; Local Court staff; Magistrates; Women's Refuge Referral Centre; Immigrant Women's Speakout; Victims of Crime Bureau; Women's Health Centres; Wirringa Baiya Aboriginal Women's Legal Centre;) Copies will also be available to women who participated and referring agencies.

What was the extent of the distribution?

See above. Preliminary results were also presented at the Women's Domestic Violence Court Advocacy Program (WVDCAP) conference in August 2012

What has been the extent of online use (if applicable), at the time of this report?

Not yet available

Now that the project has concluded, how did the implementation and/or the outcome differ from what was originally intended?

The research process took longer than initially anticipated due to delays in recruiting certain key participants. In the end this was successful with Aboriginal participants but it would have been preferable to also recruit more CALD women, women with disabilities and rural women. The delays in recruitment meant that the analysis and report writing stages were delayed.

Evaluation

What questions did you ask to evaluate whether you had achieved your aim?

Do women who have used the system find that the report reflects their experiences?

Do service provider and policy makers find it useful?

What data was gathered?

Focus data with 24 service providers with expertise in the service delivery to women seeking civil protection orders

In depth data from interviews with 40 women

Did you achieve your aim? What did you find out?

The women's interviews yielded a comprehensive picture of the issues and challenges confronting women who seek legal protection from domestic violence. These were discussed against the context of the research literature and several policy reviews that have recently been concluded on this topic in NSW. The report of the project identified the complexity of women's experience when they are simultaneously involved in multiple legal systems, and additional barriers in accessing justice for women from disadvantaged social locations.

Conclusion and recommendations

What is your conclusion?

The Report identified and documented an extensive range of barriers to women accessing legal protection from domestic violence

What are your recommendations for improvements both for the intended audience of your project, and for the strategy you used to achieve your aim?

The report identified the recommendations from several recent policy reviews that speak to the issues highlighted by this research and to strategies proposed in the recently released *Domestic Violence Justice Strategy* that are relevant to addressing the barriers to justice identified in the report. In addition, it was recommended that free, independent legal advice be made available to all women entering the civil protection system, whether by private or police initiated application. This advice is needed because of the multiple legal needs of women who have disclosed domestic violence, beyond those pertaining to the civil law (e.g. Family Law, child protection, tenancy issues, criminal injuries compensation). It is suggested that this could be approached by expanding the Domestic Violence Practitioner Scheme but should also involve the enhancement of the community legal services that have proven expertise in domestic violence work and particularly in outreach and engaging the most disadvantaged women for whom the risks of using the legal system are greatest.

It was also recommended that further attention to the issue of women's ability to renew/extend protection orders at their expiration be addressed in the implementation and evaluation of the NSW *Domestic Violence Justice Strategy*.