



Australian Government

Department of Family and Community Services

Submission No. 59

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The Secretary
House of Representatives Standing Committee on
Legal and Constitutional Affairs
Parliament House
CANBERRA ACT 2600
Email: laca.reps@aph.gov.au

RECEIVED
20 JUL 2005
BY: LACA

Dear Ms Towner

**INQUIRY INTO THE PROVISIONS OF THE EXPOSURE DRAFT OF THE FAMILY
LAW AMENDMENT (SHARED PARENTAL RESPONSIBILITY) BILL 2005**

Thank you for your letter of 27 June 2005, in relation to invitation to the Australian Government Department of Family and Community Services (FaCS) to comment on the draft legislation.

FaCS welcomes the opportunity to contribute to the inquiry. FaCS works in collaboration with the Attorney-General's Department and is jointly responsible for the implementation of the measures set out in the Government's response to the House of Representatives Standing Committee on Family and Community Services inquiry into child custody arrangements in the event of family separation, titled *Every Picture Tells a Story*.

Please find enclosed a copy of the FaCS submission to the Committee's inquiry into the provisions of the Exposure Draft of the Family Law Amendment (Shared Parental Responsibility) Bill 2005.

The submission has also been emailed to laca.reps@aph.gov.au.

The department looks forward to assisting the Committee's inquiry. Should you have any enquiries please contact Deborah Winkler, Acting Branch Manager of Family Relationship Services and Child Support Policy Branch on (02) 6212 9143.

Yours sincerely

Glenys Beauchamp
Group Manager
Families and Children

18 July 2005



Australian Government

Department of Family and Community Services

**FaCS Response to the inquiry into the provisions of the
Exposure Draft of the Family Law Amendment
(Shared Parental Responsibility) Bill 2005**

July 2005

1. Introduction

The Australian Government Department of Family and Community Services (FaCS) welcomes the House of Representatives Standing Committee on Legal and Constitutional Affairs invitation to make a submission to their Inquiry into the provisions of the Exposure draft of the Family Law Amendment (Shared Parental Responsibility) Bill 2005.

2. FaCS Response

FaCS is generally supportive of the proposed policy changes provided in the Explanatory Statement and the legislative changes in the Exposure Draft of the Family Law Amendment (Shared Parental Responsibility) Bill 2005.

FaCS worked with the Attorney-General's Department on "A New Approach to the Family Law System" consultations Australia wide and also in the preparation of the Government's response to the House of Representatives Standing Committee on Family and Community Services inquiry into child custody arrangements in the event of family separation, titled *Every Picture Tells a Story*.

FaCS involvement in the implementation of the New Family Law package is outlined in section 3 of this submission, with further details provided in attachments. In the following we provide comments addressing specific Terms of Reference, namely to:

- encourage and assist parents to reach agreement on parenting arrangements after separation outside of the court system where appropriate
- promote the benefit to the child of both parents having a meaningful role in their lives
- recognise the need to protect children from family violence and abuse, and
- ensure that the court process is easier to navigate and less traumatic for the parties and children.

This includes not re-opening discussions on policy issues such as the rejection of the proposal of 50/50 custody in favour of the approach of sharing of parental responsibility.

2.1. Encourage and assist parents to reach agreement on parenting arrangements after separation outside of the court system where appropriate

FaCS supports the proposed requirement for compulsory attendance at family dispute resolution. The intent of this requirement is to:

- encourage parents to take responsibility for resolving disputes themselves;
- minimise conflict between parents through early intervention;
- assist parents to agree to parenting arrangements that will suit their family circumstances;
- promote resolution of parental disputes in a non adversarial manner; and
- assist parents to resolve disputes without the need to go through costly court procedures.

FaCS also supports provisions that encourage parents to maintain their focus on the changing needs of their children as they grow older, to provide for flexibility when the need arises, and to consider processes for negotiating the plans and orders outside the court system, whenever possible.

FaCS recognises that not all families will benefit from the requirement for compulsory attendance and supports exemptions in special circumstances including:

- cases involving violence or child abuse,
- urgent matters,
- situations where the parents lack the capacity to participate in dispute resolution;
- cases involving flagrant breaches of existing court orders;
- cases where the substantive proceedings have already commenced; and
- cases when parties have agreed to consent orders.

FaCS supports that matters involving special circumstances, such as these exceptions, should be dealt with expeditiously in the court system to ensure the safety of all parties and not create artificial care arrangements that are not reflective of the real needs of the child and the family.

The establishment of the new Family Relationship Centres and a range of other new and expanded family support services will enable families to access family dispute resolution services and achieve positive shared parenting where possible. The role of the Family Relationship Centres will be to provide information, referral, advice, and dispute resolution services to families to help them reach agreement on parenting arrangements without the need to go to court.

The compulsory attendance requirement will be met if the applicant files a certificate that verifies that the applicant has attended family dispute resolution, or that the other party or parties refused to attend. Parents will have a choice of obtaining a certificate by approved family dispute resolution practitioner working either at the Family

Relationship Centre, or one of the Family Relationship Program Service providers, or other approved family dispute resolution service.

FaCS notes that agreement to these legal provisions does not provide tacit agreement to any policy change relating to the administration of the Family Relationship Services Program (FRSP) through which the new Family Relationship Centres and expansion of other FRSP services will occur.

FaCS recognises that the proposed changes provide flexibility for parents to come to an agreement, even where there is a parenting order in force and will give parenting plans increased legal status, as the offset is that the parenting order will terminate to the extent of inconsistency with the parenting plan. In recognition of prior agreements, the court will be required take into account the terms of the most recent parenting plan if the parents subsequently end up in court over a parenting issue. It is important to recognise where parties have been in genuine agreement and assess if any level of coercion has been involved in the agreed arrangements.

Critical to these provisions is the timing of the Bill's enactment to ensure that the roll out of services is able to match the dispute resolution provisions. FaCS supports Phase 1 of the rollout. FaCS acknowledges Phase 2 and Phase 3 and would ask the Committee to consider whether there should be additional lead time for the establishment of the Family Relationship Centres to allow for any difficulties that could occur in the rollout and establishment of services. FaCS proposes that the Committee considers Phase 2 rolling out from 1 January 2008 to 31 December 2008 and Phase 3 rolling out on or after 1 January 2009. Alternatively, FaCS proposes that the Committee considers Phase 2 rolling out from 1 December 2007 to 30 November 2008 and Phase 3 rolling out on or after 1 December 2008.

FaCS would also like to bring to the Committee's attention the Government's current consideration of the recommendations made by the Ministerial Taskforce that reviewed the Child Support Scheme following the recommendations made in the *Every Picture Tells a Story* report. As part of its Terms of Reference, the Taskforce was asked to consider:

- how the Child Support Scheme can play a role in encouraging separating couples to reach agreement about parenting arrangements; and
- how Family Relationship Centres may contribute to the understanding of and compliance with the Child Support Scheme.

The Taskforce's report titled *In the Best Interests of Children – Reforming the Child Support Scheme*, makes a strong case for the role of the Family Relationship Centres in supporting parents to reach agreement on parenting arrangements (Recommendation 19).

2.2. Promote the benefit to the child of both parents having a meaningful role in their lives

FaCS supports the changes to the law that enable children to have a more meaningful relationship with their family as one of the two primary considerations in the first tier of determining the best interests of the child. These changes include:

- A new presumption of joint parental responsibility that encourages parents to share decision making about key issues in a child's life after separation, regardless of how much time the child spends with each parent. Key decisions will include decisions about a child's education, their religion, issues concerning their health and where they live;
- Parents will not have to consult on the day to day care of the children, but will be encouraged to include in the parenting plans other matters of importance relevant to their family circumstances;
- Removal of the terms 'residence' and 'contact' from the Family Law Act, will reinforce the Act's focus on the relationship that parents have with their children rather than the time a child spends with each parent; and
- Replacement of the term 'child's wishes' with the term 'child's views'.

In addition, these legislative changes will be supported through provision of additional Family Relationship Services Program to:

- assist children to establish or maintain contact with their parents;
- provide a range of help for parents to improve their parenting and communication skills and resolve disputes (including education and skills training during the formative stages of the family); and
- provide innovative child focussed practice and include children where appropriate.

In its deliberations, the Ministerial Taskforce on Child Support recognised the changes in patterns of parenting after separation, stating that the concept of shared parenting has very widespread support in the Australian population, including in the divorced population. As quoted in the Taskforce's report:

"Research by the Australian Institute of Family Studies in the mid-1990s¹ indicated that when parents are married, 78% think children should always be cared for by both parents, sharing the duties and responsibilities for their care, welfare and development and another 20% think this should mostly be the case. When parents are separated or divorced, assent is still strong for this proposition, although somewhat more conditional; 50% of Australians think this should *always* be the case and another 33% think this

¹ Kathleen Funder & Bruce Smyth, *Evaluation Of The Impact Of Part VII* (1996). The research was conducted mostly in November 1995 with some further interviewing done in January 1996.

should *mostly* be the way parents care for their children. These were the views of respondents in the survey taken as a whole. But even among the subset of those who had experienced separation and divorce, the results were very similar." (Taskforce report, 2005, page 109).

FaCS also supports changes to the Act that require courts to first consider substantially shared parenting time when making orders in cases where there is joint parental responsibility and each parent wishes to be the primary carer. Whether substantially shared parenting time is ordered will depend on the best interests of the child.

The proposed changes also recognise the interests of the child in spending time with grandparents and other extended family members who play significant roles in children's lives. FaCS is supportive of changes that assist in promoting healthy family relationships.

2.3. Recognise the need to protect children from family violence and abuse

FaCS supports the changes to the law that ensure children are protected from family violence and abuse as one of the two primary considerations in the first tier of determining the best interests of the child. The proposed amendments include:

- exemption from a requirement to attend family dispute resolution where there is or has been family violence or abuse; and
- requirement that the parties obtain information on the services and options available to them in cases involving violence or child abuse.

The Family Relationship Centres and other Family Relationship Services Program services will be required to screen for family violence and child abuse and to provide information and advice on options and referral to support services and to the courts where appropriate. In addition, additional funding to the Family Relationship Services Program services will enhance the capacity of the sector to deliver specialised family violence responses to assist in supporting these provisions. FaCS is highly supportive of any provisions that protect children from harm.

2.4. Ensure that the court process is easier to navigate and less traumatic for the parties and children

The establishment of the new network of Family Relationship Centres will provide a new entry point to the family law system outside the courts. The Centres will provide a range of services including information, advice, screening, referral and dispute resolution services. The integration of the Family Relationship Centres into the network of existing FRSP service providers and expansion of these services will enable a range of assistance to be provided to help families with their relationship issues and support them in accessing the court system when it is required.

The establishment of a combined registry for the Family Court of Australia and the Federal Magistrates Court will ensure that the family law court process is easier to navigate and less traumatic for the parents and children.

The new combined registry will work closely with Family Relationship Centres and other services to ensure that separating families have the best possible opportunity to resolve their disputes outside the courts.

The feedback FaCS received on the pilot Children's Cases Program from the Family Court of Australia strongly supports the proposed principles guiding the court. These principles aim to promote the best interests of the child through:

- encouraging parents to focus on their children and their parenting responsibilities;
- ensuring that the proceedings are focussed on the child;
- conducting proceedings expeditiously and with as little formality as possible; and
- moving towards a more inquisitorial system of litigation away from an adversarial one.

2.5. Additional comments

Exemptions

FaCS recommends that parties who are exempt from having to use the Family Relationship Centres before filing should still be able to use them with the informed consent of both parties in accordance with the principle that parties should utilise family dispute resolution services to resolve disputes. This should, however, only be in circumstances where the safety of all parties can be assured. This could include 'shuttle mediation' that does not necessarily require parties to be in the same place at the time of dispute resolution. Thorough assessment would be required prior to the parties participating in any dispute resolution process.

Special Requirement in cases of child abuse or family violence

The Special Requirement for parties to obtain information about the issues or issues in dispute from a family counsellor or family dispute practitioner is supported. This is conditional on no significant delays or increased risk to children and their families resulting from this requirement in accordance with the exception to this requirement.

Role of Adviser and new terminology

The role of 'Adviser' (legal practitioner, family counsellor, family dispute resolution practitioner, family and children specialist) is seen as positive in raising the awareness of parenting plans and understanding of the effect of such plans. FaCS is supportive of changes to terminology that is family-focussed through use of new terms such as 'family counsellor', 'family counselling', and 'family dispute resolution practitioner'.

Diversity

FaCS supports new provisions that facilitate greater involvement of extended family members including grandparents, when considering the best interests of a child and when making orders about parenting arrangements. However FaCS recommends that the term 'relative' be replaced with a term 'significant other' in recognition that other persons may play a significant role in a child's life. Inclusion of significant others will recognise diversity of families in contemporary Australia and will be in line with similar provisions in the state and territory child protection legislations.

FaCS supports greater emphasis on the specific needs of Aboriginal and Torres Strait Islander children. In addition, FaCS recommends that when considering the best interests of the child, children's right to maintain a connection with the lifestyle, culture and traditions of their parents be extended to all children in recognition of the diverse cultural and linguistic backgrounds of the Australian population.

Definition of abuse

FaCS also recommends that a definition of child abuse should be broadened to include neglect so that the term becomes "child abuse or neglect", as they are defined by the relevant State/Territory authority. FaCS recognises that some forms of neglect can

contribute to developmental delay and in some cases can be fatal. FaCS recommends that the Committee refers to the recent AIFS research paper on this issue available at the website <http://www.aifs.gov.au/nch/issues/issues21.html>.

Evidence

In reference to Section 3 Subdivision D - Matters relating to evidence that gives discretion to the judge about the kind of evidence that can be admitted, FaCS recommends that the court be given greater flexibility in admitting a broader range of evidence. This is in recognition of the difficulty in providing evidence in cases of family violence and abuse. Such issues are often hidden and can be psychological rather than physical.

Privacy and access to information

FaCS recommends that the new provisions ensure that when a parent has access to information about the child from a third party, such as from schools or medical records, these third parties ensure that confidential details of the other parent are not disclosed.

A Guide to Family Law Amendments

FaCS recommends that a user-friendly guide to the new Family Law Act be developed for a broad community education campaign and for reference by separated parents. The guide needs to be written in a plain English style, providing explanation and examples of the key concepts such as 'meaningful involvement', 'the best interests of children', 'abuse or family violence or other such behaviour',

Consideration of costs

FaCS recommends that the costs do not increase for parents in applying for financial orders and parenting orders due to the new requirement for compulsory attendance at family dispute resolution and the impact this may have on filing.

Approved Organisations

As noted previously in this submission, although the requirement that organisations be 'voluntary' or non-profit is to be removed this does not mean that a change in policy has been agreed for the organisations eligible to receive funding through the Family Relationship Services Program (FRSP).

Eligibility for approval currently requires organisations to be in receipt of, or approved to receive, funding to provide counselling and dispute resolution services. It was FaCS understanding that the new provisions were to extend the range of approved organisations beyond those eligible for funding.

3. The Role of FaCS

FaCS works in collaboration with the Attorney-General's Department (AGD) and is jointly responsible for the implementation of the Government's response to the House of Representatives Standing Committee on Family and Community Services inquiry into child custody arrangements in the event of family separation, titled *Every Picture Tells a Story*.

FaCS implements the Government's commitment to improve the lives of Australians by helping to build the capacity and well-being of individuals, families and communities. FaCS is working to build stronger families and stronger communities to ensure the strengths of individuals are recognised and that those most in need can increase their self-reliance and get practical support.

Under the Output Group 4.1: Support for Families, FaCS provides program management of the Family Relationship Services Program (FRSP) that aims to improve the well being of families and children by supporting positive family relationships through:

- Prevention and early intervention services; and
- Post separation services.

FRSP is jointly funded by FaCS and AGD and administered by FaCS in accordance with the Administrative Arrangements Order. Currently FRSP funding is provided to over 100 organisations in more than 350 outlets across Australia. A description of current FRSP sub-programs is at Attachment A. The current Program Guidelines can be accessed via the FaCS website at <http://www.facs.gov.au/internet/facsinternet.nsf/family/frsp-recontracting.htm>

As part of the Government's reforms to the family law system, the FRSP has received a significant boost in funding. Over the four years of the package, FRSP funding will increase by approximately 280% from \$73.8 million in 2004-05 to approximately \$210 million in 2008-09.

Part of this package includes the establishment of a network of 65 Family Relationship Centres to provide information, advice, referral and dispute resolution services to help prevent family separation or help deal with separation.

This increase in funding will also enable a significant expansion of pre-marriage education, early intervention services (including counselling and skills training), dispute resolution services, the Contact Orders Program, children's contact services, Men's Line Australia and the Men and Family Relationships Program.

The FaCS Administrative Approval Requirements and assessment process is focused on inputs (for instance qualified and trained staff) and some processes (for instance monitoring performance, and maintenance of confidentiality). The assessment process has been crucial for ensuring the FaCS and AGD are funding services that comply under the relevant legislation. A brief summary of the Approval Requirements is provided in Attachment B.

FaCS and AGD, in partnership with the sector have developed a comprehensive performance management framework for the FRSP. The performance framework aims to build on existing information collection and provide a more coherent link between client needs, research, program planning, and implementation. A copy of current FRSP Performance Framework is provided in Attachment C. The Performance Framework links closely to the Approval Requirements and Program Guidelines.

The proposed changes to the Family Law Act will have implications for the Program Guidelines, particularly in regard to the description of mediation, primary dispute resolution and conciliation services.

FAMILY RELATIONSHIPS SERVICES PROGRAMS
SUB-PROGRAMS

Family Relationships Counselling

Family Relationships Counselling assists couples with dispute resolution and with resolving relationship problems in the most appropriate and helpful way. It is available during the periods of pre-marriage, marriage, separation, divorce and re-marriage.

Family Relationships Mediation

Family Relationships Mediation (FRM) provides problem resolution services on issues which could be matters for proceedings in the Family Court. The purpose is to assist separating/divorcing couples to reach agreement on matters including parenting, care and residence of children, finances and property.

Conciliation Services

Conciliation services deliver a voluntary (pre-filing) counselling service for Family Court clients in metropolitan areas in relation to disputes involving children. The goals of the conciliation services include early resolution of disputes, ensuring safety of parties where violence is disclosed, and that agreements are in the best interest of the child(ren).

Children's Contact Services

Children's Contact Services help children of separated parents to re-establish and/or maintain a relationship with their non-resident parent where high levels of conflict or concern for the safety of family members exist. The services offer a neutral location for changeover between residential and non-residential parents and for supervised contact. Attorney-General's Department provides funding for CCS.

Family Relationships Education

Family Relationships Education assists men and women to develop skills to foster positive, stable relationships with their partner or family. FRE is administered in accordance with the Marriage Act 1961 (sections 9B, 9C, 9D, 9E).

Family Relationships Skills Training

Family Relationships Skills Training promotes positive parenting and non-violent problem solving by providing families with parenting and family functioning skills. The target groups include low income families, sole parents, locationally disadvantaged families and families with children with disabilities.

Adolescent Mediation and Family Therapy

Adolescent Mediation and Family Therapy works with adolescents and their families or caregivers who are experiencing conflict and complex family difficulties that may lead to family breakdown or youth homelessness.

Specialised Family Violence Initiatives

Specialised Family Violence Services provide integrated, whole-of-family interventions for men, women and children affected by family violence.

Rural and Regional Primary Dispute Resolution

PDR provides effective and inexpensive alternatives to litigious solutions to family law disputes. It describes processes, other than judicial determination, in which an impartial person (a PDR practitioner) assists those in a dispute to resolve the issues between them. It can also include approaches that enable parties to prevent or manage their own disputes without any outside assistance.

PDR can include a range of activities such as:

- Individual and/or joint counselling, mediation, or conciliation interventions;
- Group work;
- Information seminars/resources; and
- Community education.

Contact Orders Program

The Contact Orders Program (COP) assists separating parents in resolving and managing conflict over children's contact arrangements.

Men and Family Relationships

The Men and Family Relationships program aims to:

- assist men to manage a range of relationship difficulties with partners and ex-partners, children and step-children. This assists the reduction of male suicide and family violence and contributes to increased child support compliance;
- help organisations develop more sensitive and responsive approaches to working with male clients.

Services include counselling, relationship education and parenting skills programs — but they are designed to take men's particular help seeking and problem solving strategies into account.

FRSP ADMINISTRATIVE APPROVAL REQUIREMENTS

FaCS began the current process of assessing service providers in July 2000. Providers are assessed on a rolling basis, with the aim of assessing all providers within a three-year cycle. FaCS have contracted RPR Consulting Pty Ltd to undertake a review of the Approval Requirements, in consultation with stakeholders.

Providers are assessed against a set of Administrative Approval Requirements, which detail 15 standards, covering 7 broad areas of organisational operation, which the service provider must meet. These are:

1. Leadership and Governance

Standard 1: Values and Ethical Framework

Standard 2: Governance

2. Strategy, Policy and Planning

Standard 3: Planning

3. Information and Analysis

Standard 4: Management of Data

4. People

Standard 5: Entry of Practitioners

Standard 6: Supervision of Practitioners

Standard 7: Training and Development

Standard 8: Staff Appraisal

Standard 9: Safety of Staff

5. Client Focus

Standard 10: Accessibility of Services

Standard 11: Managing Client Feedback and Complaints

Standard 12: Client Confidentiality and Privacy

Standard 13: Client Safety

6. Processes, Products and Services

Standard 14: Service Design

7. Organisational Performance

Standard 15: Assessing Performance

A copy of the Approval Requirements can be accessed in the FaCS website at <http://www.facs.gov.au/internet/facsinternet.nsf/family/frsp-recontracting.htm>

Family **R**elationships **S**ervices **P**rogram:

**Developing and Implementing a
Performance Framework**

Performance Framework
2005-2008

May 2005

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Glossary of terms

Accountability—Reporting to explain expenditure (at a national program and individual service delivery level) consistent with the purpose for which funding was intended.

Accreditation—A process to externally assess individual service performance against a common set of standards.

Action Research—A process by which a group of people critically reflect on practice as it is occurring and continuously implement new action as a result.

Adversarial litigation—Contested legal process that may involve antagonistic approaches.

Community—A group of people bonded together by a common interest such as a school, suburb, ethnicity, or culture.

Continuous quality improvement—A process that links community need, planning, implementation of resources and client activities (or outputs), improvements for clients (or outcomes) and research; in order to continually improve service delivery.

Devolution—Family and Community Services (FaCS) has devolved or transferred the day-to-day administration of the Family Relationships Services Program to its State and Territory Office network.

Evidence based—Program planning, development and implementation is based on sound information collection and research that uses proven methodology.

External assessment—Independent review of organisational performance carried out by an external agency.

Family—For the purpose of the Family Relationships Services Program a family relates to any group of two or more people who perceive themselves as a family.

Input—The key resources used to deliver outputs or client activities.

Minimum standard—A set of standards (often legislatively based) that are designed to ensure a minimum standard of service delivery.

Needs Based Planning—A process whereby future action is mapped out based on critical analysis of available data that identifies a priority ranking of demand for services or products.

Outcome—The impact or effect on families and children of client activities delivered (is anyone better off—what changed for clients as a result of what [outputs] we provided?)

Outcome based—Program planning, development, implementation, information collection and research is centred on outcomes or improvements for clients.

Output—The goods or services provided to clients, or Client Service Activities (What did we provide to clients?)

Quantitative information—Data collection and reporting pertaining to the numerical measures, for example the number of clients accessing the program.

Program—All of the services nationally that make up the Family Relationships Service Program.

Qualitative information— Data collection, reporting, and monitoring, pertaining to the quality of service delivery to clients.

Stakeholders—All of the relevant participants involved such as clients, service providers, the legal profession, funding bodies, research organisations, peak bodies etc.

Target group—The population group (this may include cultural groups, geographically defined communities, or any group with a defined set of characteristics) for whom services provide interventions.

Transparency—Data collection, performance reporting, program development and planning that is open and accessible or publicly available.

1. Introduction

In October 2003 a Review of the Family Relationships Services Program (FRSP) was undertaken. The Review recommended a comprehensive and outcome focused performance framework should be developed for the FRSP. Subsequent Regional Workshops and a National Forum held in June 2004 recommended that the development of an outcome focused performance framework for the FRSP is a top priority.

A Performance Framework Discussion Paper was circulated to FRSP service providers in February 2005 and responses closed on 7 March 2005. This Paper represents a revised version of the Discussion Paper incorporating consideration of feedback received.

This paper represents the new FRSP Performance Framework developed by Family and Community Services in partnership with the Attorney General's Department. The Performance Framework has been developed in consultation with FRSP service providers and the three Industry Representative Bodies (Relationships Australia, Family Services Australia and Catholic Welfare Australia).

This paper outlines the purpose of a performance framework, the key elements of a performance framework, and these elements in relation to the FRSP.

The following key elements of the Performance Framework have now been finalised and are outlined in this paper:

- Research questions
- Target group including secondary target groups
- Principles
- Outcomes
- Outputs
- Processes
- Inputs

Other elements will be further developed over the next year:

- Performance measures
- Review of administrative Approval Requirements process
- Modifications to FaCSLink
- Modifications to Status Reports
- Modification of National Program report

This paper outlines progress made in relation to these elements and the next steps that will be undertaken to fully implement the Performance Framework

2. Background

The Review of the Family Relationships Services Program (FRSP) found that current performance information is not sufficiently serving the information needs of service providers or the Australian Government Department of Family and Community Services (FaCS) and the Attorney General's Department (AGD).

The Review of the Family Relationships Services Program (FRSP) and the subsequent Regional Workshops and National Forum identified the need to develop a comprehensive performance framework that:

- Positions the FRSP to provide sound evidence for future growth and development of the program;
- Provides information on outcomes for clients;
- Informs continuous quality improvement; and
- Focuses on both prevention and early intervention, and tertiary interventions.

Feedback suggests that monitoring and reporting on performance should be as efficient and streamlined as possible, where possible fit with other performance requirements (other State and Commonwealth funded programs), and meet the reporting requirements of government.

Industry representative bodies and their members have considerable expertise in service planning and evaluation, and collecting performance information. As such they have participated in the development of the FRSP performance framework outlined below.

FaCS has recently devolved the day-to-day management of the FRSP to its State and Territory Office (STO) Network. The STO network have considerable expertise in performance monitoring and reporting across a range of FaCS programs and has also participated in the development of the FRSP performance framework.

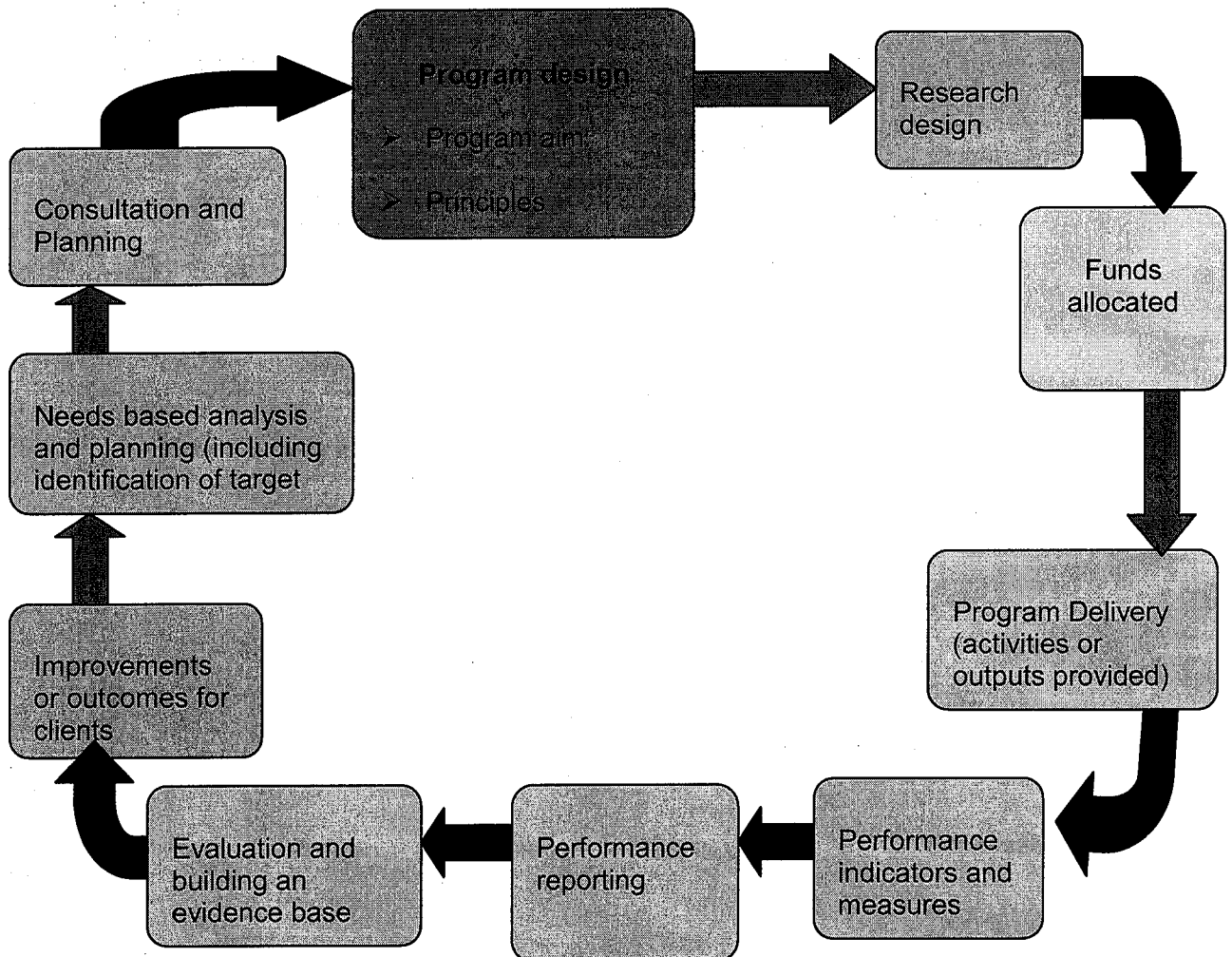
The aim of changes in performance reporting will be to, ensure that only information required for accountability and reporting purposes is collected, that data integrity is improved, and that the key questions regarding the impact and effectiveness of services and ultimately the program can be answered.

A shift in information collection and performance reporting further towards an outcome-based focus (or a focus that emphasises what changes for clients) will provide better evidence to inform government policy and program development. The implementation of changes outlined will be staged to reduce the administrative impact and cost on services and ensure that sufficient time is allowed for management.

3. Purpose of a Performance Framework

The FRSP performance framework will provide all of the information needed to manage and report on the program. Information collected through different methods will be used for different purposes. For example information collected through the current administrative Approval Requirements process is used to ensure a minimum standard in relation to the quality of service delivery, FaCsLink data is used mainly to collect quantitative information on the number and demographics of clients using the FRSP and the issues for which they present, and Status Reports provide a greater level of detail on qualitative information.

This performance framework aims to build on existing information collection and provide a more coherent link between client needs, research, program design and delivery, program monitoring and evaluation, outcomes for clients and consultation and planning.



A comprehensive and logical performance framework will provide information to ensure:

- Accountable and evidence based service delivery—both the community sector and government are accountable for public funds. Good information collection and reporting will promote and demonstrate what the program does, inform research, and ultimately improve responsiveness to client need.
- Strategic Planning and Development—will ensure all stakeholders are working towards a common goal and help inform future directions for the program. Good information will help identify gaps and focus on what changes for families as a result of the program (outcome or activities). It will inform decision making at all levels of planning and development.
- A case for current and future growth of the FRSP—information that supports arguments to justify current or additional resources and distribution of resources.
- Quality assurance and improvement—a feedback mechanism that provides greater quality of services for clients and supports continuous improvement of service delivery.
- Recognition—affirmation and acknowledgement that the program is achieving what it has set out to do.

4. What is a Performance Framework

A performance framework gives a clear line of sight between FaCS and AGD outcomes and service delivery to the client. It clearly defines and documents the process intended to measure program and provider performance and makes it clear who is responsible at each level of measurement. It is a documented strategy that contains how all performance that contributes to program outcomes will be measured and reported. It is acknowledged and understood that service providers do reflect on service delivery and undertake extensive planning, reporting, evaluation and research activities. This framework is designed to coordinate these efforts at a national level and meet government accountability requirements.

A performance framework includes:

- what the program is trying to achieve (planned outcomes—impact or effect on clients);
- how you will know that planned outcomes have been achieved;
- the program logic—how the inputs, processes, outputs and outcomes fit together into a hierarchy with broad outcomes (FaCS and AGD) at the top;
- what performance information is required by when and how that information will be measured and used to demonstrate results;
- who is responsible at each level of measurement and reporting.

5. Aim of the program

The way the aim of the program and its target group are stated will impact on all other aspects of accountability and the performance framework. Clients, providers and funding bodies alike need to be clear about what is being provided and what is the intended benefit for clients. What is the program trying to do or what is its vision?

FRSP — improving the well being of families and children by supporting positive family relationships through:

- a. prevention and early intervention services, and
- b. post separation services.

This program aim does not change the intent of the program but does more clearly align with FaCS' departmental outcome, Families and children have choices and opportunities, to promote healthy family relationships. It also more clearly aligns with AGDs' outcome to provide an equitable and accessible system of federal civil justice and also the Family Law Act focus on the best interests of children.

6. Target Group

All families and family members at various stages of the relationship cycle) prior to and during relationship formation, during relationships, through separation and divorce, during parenting and grand-parenting and through retirement.

In order to ensure greater universal access to the FRSP, services also target specific population groups or geographic areas with significant barriers to access. Specific target groups in the FRSP include children (children are defined as 0-18), families from culturally and linguistically diverse backgrounds, and Indigenous families. The FRSP also has specific service types for families experiencing family violence, young people and men.

7. Principles

The following principles are intended to clarify the broad visionary parameters and culture within which the program aspires to operate. The FRSP aspires to:

- ***Provide interventions that focus on whole of family approaches and are responsive to the needs of all family types***—Recognising that family relationship issues affect every member of a family the program will aim to provide interventions that are meaningful for all family members and where possible take account of the goals and aspirations of each member. The program and individual services will deliver interventions for all families regardless of their configuration.
- ***Focus on family and community strengths, build skills and be child focused***—The program will aim to provide flexible service delivery that adapts to the needs of each individual or family and community identifying and utilising the strengths of that individual or family and community. Interventions will build on the strengths of individuals, families and communities and assist them to develop skills to support the achievement of their goals and the best interests of their children.

- **Work with family law professionals, Australian and State and Territory programs, and communities to contribute to an integrated family support system**—The Departments will work in partnership with service providers to ensure collaboration is achieved with other key agencies in the human service and legal industries to develop effective ways of providing coordinated prevention and early intervention and tertiary services.
- **Ensure universal and equitable access to the program**—Individuals and families may experience significant barriers to access due to: culture or language background, disability, mental health and health issues, age, gender, poverty, homelessness, geographic location or other factors. The program will develop strategies at a national, state and organisation level to assist individuals and families with significant barriers to access to engage with service providers who can meet their family relationship needs.
- **Develop and maintain a skilled workforce**—In order to provide quality services effort must be made to support a skilled and diverse workforce through for example training and development, supervision and provision of resources.
- **Support a culture of continuous quality improvement**—The program will link research, planning, implementation, feedback, data collection, evaluation, and program development to facilitate continuous quality improvement. Program support will be provided to assist organisations operate within this framework.
- **Use a partnership approach to program development**—The departments will work in partnership with service providers to ensure the program is responsive to community needs. Research and evaluation will be used to inform program development so that children and families benefit from effective practice. Data collection and reporting will focus on providing evidence to inform future directions for the FRSP and ensure the sustainability of the FRSP.
- **Provide transparency and accountability**—National program performance and financial reporting and service level reporting requirements will ensure program and service level transparency and accountability.
- **Implement an outcomes based approach**—Program and service planning and reporting will focus on what changes for clients as a result of what is provided. Data collection and research will focus on providing evidence to inform future directions for the FRSP.
- **Provide flexibility in terms of service delivery**—Program design, service delivery and program reporting requirements will maximise flexibility by providing for a range of service delivery models relevant to individual, family and community needs.
- **Help build family friendly communities**—Recognising that children and families live within broader community environments that influence family relationships the program will promote the importance of strong family relationships to help build supportive and family friendly communities. Family transitions are easier when there are social networks, institutions and communities available to provide support.

8. FRSP Research questions

In order for relevant research to be undertaken and for the program to be evaluated effectively research questions have been posed to determine what it is we want to know or what information we need from the performance framework. Research coordinated at a national level will provide evidence to ensure the FRSP continues to be responsive to the needs of children, individuals, families, and communities into the future.

Broad research questions that will be the focus of longer term cost benefit research:

- What contribution do family relationships interventions make to enhancing relationships and preventing separation and divorce?
- What contribution do family relationships interventions make to reducing the costs of family separation [including social, financial and emotional costs to individuals and their family and the community]?

Research questions that will be the focus of national program outcome research:

- What impact does the FRSP have on individual, family and child well-being (including health, mental health, and workforce participation)?
- What contribution do family relationships interventions make to reducing conflict experienced by families and children?

Research questions that will be the focus of both national outcome research, service level reporting and program evaluation:

- What contribution do family relationships interventions make to improving communication skills within families?
- What contribution do family relationships interventions make to increasing parenting skills and providing for safe contact with both parents?
- What contribution do family relationships interventions make to social and community participation?
- What contribution do family relationships interventions make to improving family dispute resolution or assisting families to reach and maintain parenting agreements?

Data collection and reporting will focus on collecting information to inform program evaluation and research consistent with questions 3-6 of this framework. In addition to these research questions program evaluation will explore other issues for example: how well the program is reaching its intended target group and specific population groups, levels of unmet need, or what improvements should be made to the program at service delivery, program development and policy levels?

Possible future research questions:

- Do family relationships interventions assist families to redefine their relationships after separation to facilitate ongoing healthy relationships between both parents and their children?
- What contribution do family relationships interventions make to arrangements promoting shared parental responsibility?

9. Outcomes

(is anyone better off—what changed for clients as a result of the outputs or activities we provided?)

The impact or effect on families and children of client activities delivered. Outcomes should show a clear line of sight between FaCSs' and AGDs' outcomes through to program outcomes and service provider level outcomes

FaCS Outcome Strong and supportive families with choices and opportunities, and able to give children the best start.	AGD outcome An equitable and accessible system of federal civil justice		
<p style="text-align: center;">Suggested Family Relationship Services Program Outcomes</p> Improved well being of families and children by supporting positive family relationships through: <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;">a) Prevention and early intervention services</td> <td style="width: 50%; vertical-align: top;">b) Post separation services</td> </tr> </table>		a) Prevention and early intervention services	b) Post separation services
a) Prevention and early intervention services	b) Post separation services		
<p style="text-align: center;">Suggested Service Provider Level Outcomes</p>			
<p style="text-align: center;">Outcomes with a focus on the family:</p>			
<ul style="list-style-type: none"> • Increased communication skills (in the context of family relationships) • Increased parenting skills (both parents have parenting skills and are involved in their children's upbringing) • Increased family and social connections (improved help-seeking behaviour/able to identify support people and services) • Improved conflict resolution skills 	<ul style="list-style-type: none"> • Increased communication skills (particularly in relation to children after separation) • Increased parenting skills (both parents maintain a relationship with their children) • Increased [client] knowledge and awareness of professional support • Improved conflict resolution skills • Families learn to resolve their own disputes • Agreements reached are fair, sustainable and durable. 		
<p style="text-align: center;">Outcomes with a focus on children</p>			
<ul style="list-style-type: none"> • Improved developmental skills (eg language, social, relationship, physical) • Improved relationships with parents, carers and other family members • Increased participation or enjoyment of school or other social activities) 	<ul style="list-style-type: none"> • Children maintain a relationship with both parents post-separation (where this is in the children's best interests) • Children experience safe contact post-separation • Agreements reflect best interest of children 		
<p style="text-align: center;">Outcomes with a focus on community</p>			
<ul style="list-style-type: none"> • Community development)increased community participation, links and collaboration, within the community of interest to best support and address the needs of families and their relationships • Community Capacity Building)increased skills in the community of interest' to respond to the needs of families in maintaining strong and resilient relationships • Community Education)increased knowledge in the community of interest to respond to the needs of families in maintaining strong and resilient relationships. 	<ul style="list-style-type: none"> • Reduced litigation in the family law court system • Reduced negative impact of separation or divorce on the community 		

The next challenge for the FRSP is to develop a set of outcome measures that are meaningful in terms of demonstrating what changed for clients as a result of the program. Given the importance and challenge of this work it is anticipated that developing the right set of outcomes and performance measures will be an evolving process. Performance measures linked to the outcomes and outputs in this framework will be implemented over time throughout the three year funding agreement cycle. Outcomes may be modified in response to work undertaken to develop outcome measures.

10. Outputs (What did we provide to clients?)

Outputs are the goods or services provided to clients, or Client Service Activities

FRSP client activities or outputs

- Information and referral – A service that provides knowledge and awareness of services and resources that respond to clients needs, and helps to match and link people with appropriate services. (This includes follow up to ensure referrals were successful and in some cases may involve escorting clients to another service and supporting them by sitting in on a first appointment).
- Education and skills training – Theoretical instruction (based on professional educational frameworks) or practical training on family relationships and related topics to inform, maintain or develop family relationship skills (including for example parenting and behaviour management skills, conflict resolution skills, communication and negotiation skills, and life skills). Development and publication of relevant resources.
- Counselling (includes family therapy) – Professional therapeutic services from a qualified counsellor to assist people to identify and analyse family relationship and related problems, adjust to changed circumstances, and reach solutions that overcome their problems.
- Dispute resolution (includes mediation, conciliation and making post-separation agreements) – A service that assists families with the help of a neutral third party to identify and explore issues in dispute, develop options, consider alternatives, reconcile conflict, and reach agreements (in the case of parenting disputes reach agreements that are in the best interests of their child/ren without the need for litigation).
- Change-over and supervised contact - A service that provides supervision and a safe environment for the change over of children between carers and/or supervised visitation, to implement children's contact arrangements.
- Support – Activity responding to client needs such as support groups or informal client help.
- Community development – Working with communities to identify their own needs and find solutions that respond by utilising and building community skills and resources (includes any activities designed to identify need, build knowledge and skills in the community or generate interest and participation).

11. Processes

(The method used—what was important about the way we did it?)

The following processes are suggested as requirements of FRSP funding and should be counted as legitimate and important areas of activity through both quantitative and qualitative data collection. Processes are not less important than outputs as they help to ensure the quality of what is delivered.

- Client intake, assessment and Case management – A process used to determine eligibility and assess needs of clients being considered for ongoing service (the intake and assessment process needs to be able to identify critical factors such as family violence, child abuse, drug and alcohol misuse or suicide risk)—and an approach to service delivery that is based on assessment, planning, support, and review for clients with high and complex needs, that coordinates access to and delivery of services.
- Evaluation (includes client feedback) – Assessment of the quality of services delivered and outcomes achieved based on client and stakeholder feedback and other data collection.
- Quality assurance – Includes activities undertaken in relation to all aspects of monitoring and managing the program at a national and individual service level (eg Approval Requirements [staff training and development], self assessment—ongoing compliance, financial accountability—auditing, and reporting).
- Collaboration –joint projects undertaken to improve access to and integration of the service delivery system.
- Stakeholder relationships – activities undertaken to develop and maintain relationships with key internal and external stakeholders.
- Networking– activities undertaken to maintain and develop an awareness of other services and service delivery practice relevant to client need.
- Research – both at a program and service level.

12. Inputs

(what resources were used to provide [the outputs] what we provided?)

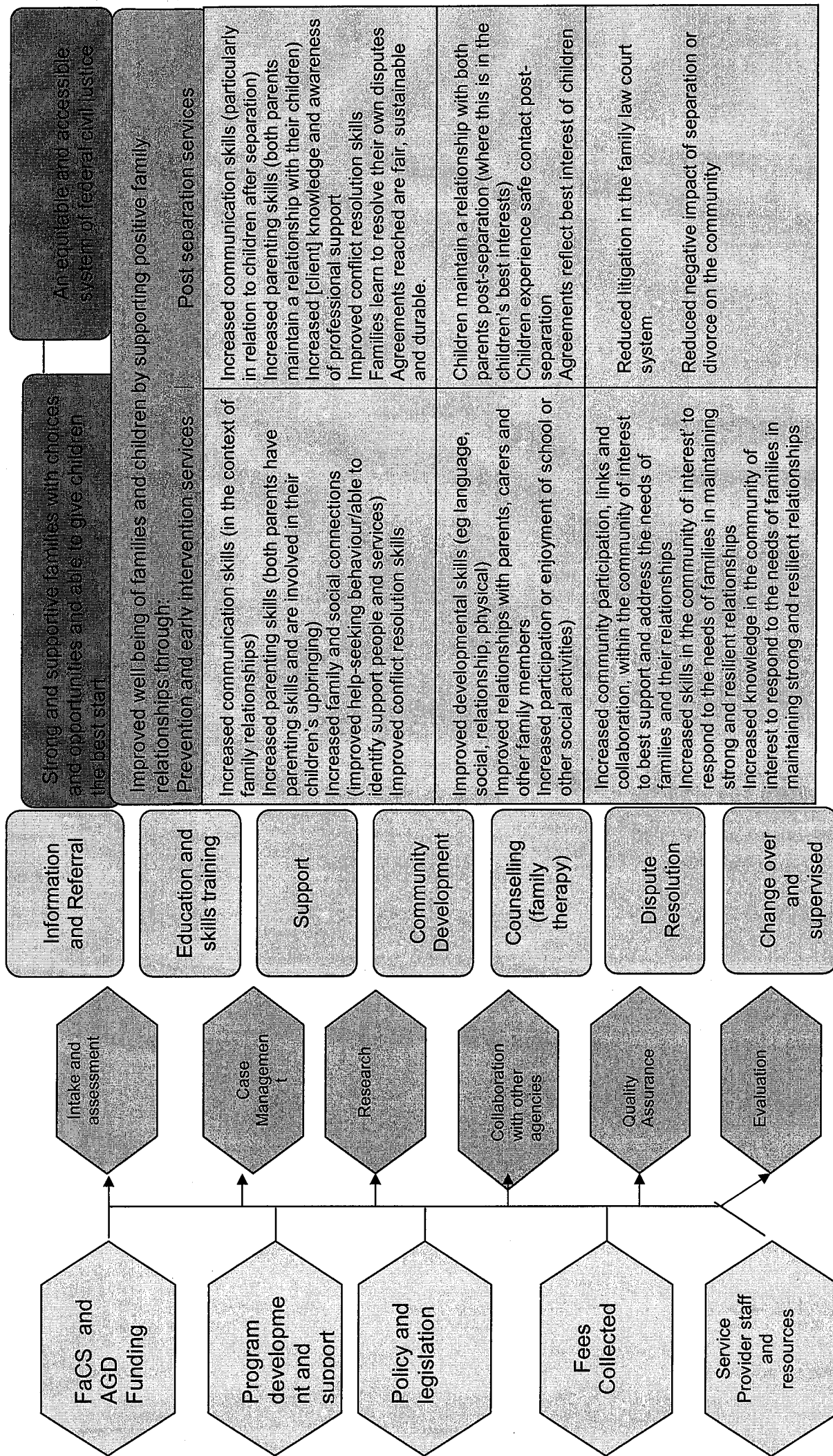
The key resources used to deliver the Family Relationships Services Program (FRSP)

Suggested inputs

- Policy
- Legislation, family law system
- Government funding both Attorney General's Department and FaCS
- Program support eg-industry support
- Program management (including research and program development)
- Community support (for example community infrastructure, volunteers, NGO resources [including fund raising], advocacy etc
- Client fees collected.

13. Program Logic Diagram

The program logic diagram below provides a summary of the key elements of the Performance Framework and how the elements link to each other.



INPUTS—What resources were used	PROCESSES—the method used	OUTPUTS—What did we provide	OUTCOMES—what changed for clients as a result of what [outputs] we provided
			<p>Improved wellbeing of families and children by supporting positive family relationships through:</p> <p>Prevention and early intervention services</p> <p>Post separation services</p> <p>Increased communication skills (in the context of family relationships)</p> <p>Increased parenting skills (both parents have parenting skills and are involved in their children's upbringing)</p> <p>Increased family and social connections (improved help-seeking behaviour/able to identify support people and services)</p> <p>Improved conflict resolution skills</p> <p>Improved developmental skills (eg language, social, relationship, physical)</p> <p>Improved relationships with parents, carers and other family members</p> <p>Increased participation or enjoyment of school or other social activities)</p> <p>Increased community participation, links and collaboration, within the community of interest to best support and address the needs of families and their relationships</p> <p>Increased skills in the community of interest to respond to the needs of families in maintaining strong and resilient relationships</p> <p>Increased knowledge in the community of interest to respond to the needs of families in maintaining strong and resilient relationships</p> <p>Children maintain a relationship with both parents post-separation (where this is in the children's best interests)</p> <p>Children experience safe contact post-separation</p> <p>Agreements reflect best interest of children</p> <p>Reduced litigation in the family law court system</p> <p>Reduced negative impact of separation or divorce on the community</p>