Continuing Professional Development for Legal Practitioners on Coercive Control

Discussion Paper

As part of the [*National Plan to End Violence against Women and Children 2022-2032*](https://www.dss.gov.au/ending-violence)(National Plan 2022-2032), the Australian Government announced funding to support a nationally coordinated approach to education and training on family, domestic and sexual violence for community frontline workers, health professionals, and the justice sector. This funding included $0.9 million over 4 years to develop and deliver continuing professional development (CPD) training for legal practitioners on coercive control.

The coercive control training measure responds to reports and inquiries that have recommended improved education for legal sector professionals. This includes the parliamentary [*Inquiry into family, domestic and sexual violence*](https://www.aph.gov.au/Parliamentary_Business/Committees/House/Social_Policy_and_Legal_Affairs/Familyviolence) and the [*Joint Select Committee’s inquiry on Australia’s Family Law System*](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Family_Law_System/FamilyLaw). These inquiries acknowledge a skilled and competent workforce is critical to better support people impacted by family and domestic violence (FDV).

The training is aimed at all legal practitioners in Australia, but particularly those who encounter clients affected by FDV, including coercive control, and work in areas such as:

* family law
* child protection
* criminal law
* immigration
* housing and tenancy
* consumer credit disputes
* partnership disputes
* wills and estate planning
* elder law.

The training will focus on identifying and responding to coercive control, including the use of technology-facilitated abuse as a means to perpetrate coercive control. The training will embed the [*National Principles to Address Coercive Control*](https://consultations.ag.gov.au/families-and-marriage/coercive-control/) (National Principles) as a common national foundation for legal practitioners and is likely to count towards annual CPD requirements.

# Working together to design the grant opportunity

We are consulting to inform the design of a grant opportunity for a suitably qualified organisation or consortium to develop and deliver a family safety professional competency package to educate and train legal practitioners on coercive control.

Not only are we seeking responses to the questions posed in the Discussion Paper, we also welcome your views on other matters that might not have been canvassed but should be considered. The purpose of the Discussion Paper is to initiate discussion among stakeholders on how to develop and implement the training package within current state and territory continuing professional development regulatory frameworks, and within the funding envelope. Respondents are asked to think broadly about solutions and factors affecting success, rather than focussing on solutions or projects they could individually offer.

This consultation is not part of the grant assessment process. Information gathered through the consultation process may also be used for Commonwealth purposes, such as informing potential future investment and policy decisions regarding advanced training for legal practitioners in FDV.

## Who we want to hear from

We want to hear from:

* legal profession continuing professional development providers
* peak and regulatory bodies for the legal profession
* state and territory government agencies
* legal and academic organisations with expertise in legal matters involving family and domestic violence, particularly with knowledge and experience in emerging issues and legislative reforms around coercive control.

We are open to views on how the grant opportunity should be designed, implemented and evaluated to arrive at a shared approach towards the:

* design of the training program, including
	+ providing flexible modes of delivery
	+ incorporating and tailoring the training to include the experiences of First Nations people and other vulnerable groups
* Grant Opportunity Guidelines
* data and evaluation requirements.

The consultation process will run until 21 July 2023. You can email your submission to FSBCompetencySupportServices@ag.gov.au. Alternatively, you can [provide your responses via this survey](https://consultations.ag.gov.au/families-and-marriage/cpd-coercive-control). Personal information shared through the consultation process will be treated in accordance with the *Privacy Act 1988*. For more information on how we collect, store and use personal information, refer to our [privacy policy](https://www.ag.gov.au/about-us/accountability-and-reporting/privacy-policy).

Following the consultation process, a grant round will open to eligible applicants in late 2023 / early 2024.

To meet probity requirements, relevant information gathered and shared through the consultation process will be made publicly available to ensure all parties have access to the relevant information as required. This consultation process is for information gathering only and, while all input will be considered, the final grant opportunity will be subject to the conditions of the Grant Opportunity Guidelines and Grant Agreement.

# Contributing to the National Plan to End Violence against Women and Children 2022-2032

The CPD training for legal practitioners on coercive control forms part of the Government’s commitment to the aims and objectives of the National Plan 2020-2023, which recognises that coercive control is often a significant part of a victim-survivor’s experience of violence. Coercive control is characterised by a pattern of abusive behaviours used by a perpetrator against another person over time, with the effect of establishing and maintaining power and dominance. One of the focus areas of the National Plan 2022-2032 includes increased specialist and targeted training for the legal profession.

The Australian, state and territory governments are also co-designing [*National Principles to Address Coercive Control*](https://consultations.ag.gov.au/families-and-marriage/coercive-control/). The National Principles will provide a common understanding of coercive control, and guiding considerations to underpin effective responses. The National Principles will consider how diverse groups of people, including Aboriginal and Torres Strait Islander peoples, are particularly impacted by coercive control, and will also consider the issue of misidentification of victim-survivors as primary aggressors of coercive control. The National Principles are expected to be finalised in 2023.

In addition to contributing to the National Plan 2022-2032 and taking account of the National Principles, the training should incorporate the experiences of First Nations people and other vulnerable groups like cultural and linguistically diverse (CALD) groups and people with disabilities.

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| **For consideration*** *With the National Plan 2022-23 and the draft National Principles in mind, what content should be included/covered in a family safety professional competency package to educate and train legal practitioners on coercive control. Consider the following:*
	+ *Understanding the nature and dynamics of coercive control, including gendered and intersectional drivers*
	+ *Increased understanding of the impacts on, and experiences of, different groups and individuals*
	+ *Coercive control risk identification, assessment and management*
	+ *Working with victim-survivors and adopting trauma informed and family and domestic violence informed practice*
	+ *Understanding perpetrator behaviour and referring to appropriate specialist services*
	+ *Knowledge of relevant legal frameworks on coercive control*
	+ *Understanding the relationship between coercive control and other issues, e.g. mental illness, drug and alcohol misuse*
	+ *Adherence to best practice guidelines*
	+ *Understanding vicarious trauma and ways to self-care*
	+ *Misidentification of victim-survivors as perpetrators*
	+ *Understanding how perpetrators can manipulate legal systems (i.e. systems abuse)*
	+ *Understanding how increased engagement with the criminal justice system may increase disadvantage for certain cohorts of people, and create barriers to reporting*
	+ *Are there other options that we haven’t considered?*
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# Continuing Professional Development for Legal Practitioners

There are an estimated 96,000 legal practitioners practising in Australia. The term ‘legal practitioners’ includes solicitors and barristers employed in private practice, legal aid commissions, community legal sector, public prosecutors, and government and corporate sectors. CPD requirements for legal practitioners are regulated by national, state and territory bodies, and differ slightly in each jurisdiction. In most jurisdictions, legal practitioners must complete 10 CPD units per year, with a minimum number of units undertaken in mandatory core areas. One hour of a CPD course is usually equivalent to 1 CPD point.

The aim is to make the training available to as many legal practitioners as possible by providing flexible modes of delivery. The training content should be designed to be easily adapted to different legal practice areas.

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| **For consideration*** *What would be the most effective way to deliver training on coercive control to as many legal practitioners nationally within the funding envelope?*
* *When thinking about the design, delivery and reach of the training program which of following is preferable:*
	+ *Introductory foundational training on coercive control that targets as many legal practitioners as possible*
	+ *Specialist intensive training which specifically targets lawyers working in areas of law that frequently encounter FDV*
	+ *Combination of developing introductory foundational and specialist intensive training modules*
	+ *Are there other options we haven’t considered?*
* *What training (CPD or otherwise) for legal practitioners on coercive control is currently available or proposed in your jurisdiction?*
* *What expertise or accreditation is required to develop and deliver CPD training for legal practitioners in your jurisdiction?*
* *How can the training be designed to attract interest and participation from legal practitioners?*
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# Grant Opportunity Guidelines

Grant Opportunity Guidelines (GOGs) must be developed for all grant opportunities. GOGs provide potential grantees with all the information required to understand the purpose of the grant opportunity.

The GOGs for the coercive control training program will be based on the standardised, [whole-of-government template](https://www.finance.gov.au/government/commonwealth-grants/tools-and-templates).

The submissions received through this consultation process will inform the design of the grant opportunity and the development of the GOGs.

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| **For consideration*** *Which types of organisations would be best placed to develop and deliver this training program?*
* *How could the training be tailored to address reforms on coercive control specific to the state or territory in which the training is being delivered?*
* *What challenges might be encountered in delivering this program and how could these be addressed?*
* *Would it be more effective to establish a consortium or coalition with suitable partner organisations to develop and deliver the training? If so, what would likely be the advantages/disadvantages?*
* *Alternatively, would it be preferable for one organisation to manage the development of the content and sub-contract the delivery of the training to state and territory organisations with expertise in delivering CPD programs. If so, what might that look like? Are there particular advantages or disadvantages to this model?*
* *In addition to the training, would legal practitioners benefit from an online resource on coercive control? If so, what would an online resource look like?*
* *How could the training program be tailored to address specific issues relevant to:*
	+ *geographical regions (e.g. regional and remote communities)*
	+ *vulnerable groups (e.g. First Nations people and CALD groups)*
	+ *different areas of legal practice (e.g. immigration, housing and tenancy, criminal law)*
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# Data and evaluation requirements

A key element of the coercive control training program will be to determine the effectiveness of the training at various milestones. Data collected will allow for an analysis of outcomes and will guide next steps. The data and evaluation elements of this program should meet the objectives underpinning the National Plan 2022-2032, National Principles and learning outcomes.

We are seeking your views and recommendations on reporting and data collection requirements for the grant opportunity. Data to be collected could include the:

* number of training sessions (and locations, if delivered in person)
* number of participants per training session
* participant’s location (state/territory and whether they are located regionally or in a city)
* diversity of participant (including gender, CALD, Aboriginal and Torres Strait Islander etc.)
* length of participant’s legal career
* participant’s current area of legal practice
* participant’s perceived prior knowledge of and reflections on how the training has challenged their thinking on coercive control.

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| **For consideration*** *What training evaluation models could assist in determining participant engagement and learning?*
* *What data should be collected to determine if the training is meeting the policy objectives?*
* *What evaluation criteria could be used to determine whether the training was effective in:*
	+ *meeting the objectives underpinning the National Plan 2023-2032*
	+ *embedding the National Principles as a common national foundation for legal practitioners?*
	+ *upskilling legal practitioners in this important aspect of legal competency?*
	+ *reaching and being accessible to legal practitioners that would most benefit from the training?*
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