



THE MINISTRY OF
SOCIAL POLICY

Te Manatū mō ngā Kaupapa Oranga Tangata
Information Centre

The Ministry of Social Policy is part of Strengthening Families

**GOOD
PRACTICE
GUIDELINES**

**FOR
CO-ORDINATION OF
FAMILY VIOLENCE SERVICES**

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GOOD PRACTICE GUIDELINES



FOR CO-ORDINATION
OF FAMILY VIOLENCE
SERVICES

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DEPARTMENT OF

Social Welfare

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**PART 1:
INTRODUCTION AND
BACKGROUND**

INTRODUCTION

The need to improve the response to family violence has been highlighted by agencies working with family violence victims and offenders. Maori and iwi who have been consulted in the development of these guidelines are particularly concerned that services are effective in reducing the impact of family violence on their communities and that the development and implementation of local protocols occurs within the Treaty of Waitangi relationship.

Government recognises that reducing family violence in our communities requires a co-ordinated approach in a wide range of activities, from public education and legal protection to crisis support and ongoing care. These guidelines deal with one aspect of this co-ordinated approach: the most effective response to family violence once it has occurred.

Three major principles are the basis of good practice in working with family violence:

- victim safety as the paramount concern;
- a consistent and comprehensive response by agencies; and
- a co-operative approach between agencies.

These good practice guidelines build on existing practice. A number of communities have instituted a co-ordinated response to family violence. Many of them have drawn on the experiences of the Government's pilot family violence intervention project in Hamilton. These experiences have been valuable in looking at the requirements for model good practice guidelines.

The guidelines set out the responsibilities and accountabilities of government agencies in this area and highlight areas of interface between government departments and between government and non-government agencies. They are intended to be used as a baseline from which local communities can establish more detailed procedures reflecting local needs and resources.

GOVERNMENT PLANNING PROCESSES IN FAMILY VIOLENCE

Reducing the incidence of family violence is a key Government strategy, and is integrated into Government's planning processes at a number of levels:

Strategic Result Areas (SRAs): the agreed policy priorities for Government departments set by Cabinet. SRAs form part of the annual performance agreements of departmental chief executives, and underpin the Government's budgetary and other decision-making processes. Reducing family violence is a key component of Strategic Result Area 5 - Community Security.

New Zealand Crime Prevention Strategy: reducing family violence is Goal 2 of the New Zealand Crime Prevention Strategy published in October 1994. The Crime Prevention Unit in the Department of the Prime Minister and Cabinet reports to the Prime Minister on departments' responses and activities in each of the crime prevention areas.

Government Statement of Policy on Family Violence: the Government Statement is an expansion of Goal 2 of the crime prevention strategy and establishes a common policy platform for government agencies working on family violence issues. It aims to enhance consistent and effective policy and services planning and to provide a clear indication of the Government's principles and directions for action.

THE NATIONAL FRAMEWORK FOR CO-ORDINATION OF FAMILY VIOLENCE SERVICES

The framework has several important elements to improve co-ordination between agencies. These are:

1. THE GOVERNMENT STATEMENT OF POLICY ON FAMILY VIOLENCE

The Statement sets out Government's principles and directions for action on family violence. This will underpin future family violence policies and services provided by government departments and help ensure an effective and consistent response based on a common understanding of, and approach to, key family violence issues.

2. PROTOCOLS, OR GOOD PRACTICE GUIDELINES

Good practice guidelines are at the centre of a co-ordinated approach. They set out how agencies will work together on family violence by focusing on the key phases of intervention in family violence cases and the various points of interaction between agencies. They do not replace systems and procedures which individual agencies have in place, or agreements or contracts between agencies, but provide a framework within which common practices can be agreed on.

3. LOCAL FORUMS, OR REGULAR MEETINGS BETWEEN AGENCIES INVOLVED IN FAMILY VIOLENCE WORK

The other key mechanism required, and already working in many communities, is the inter-agency forum at which agencies meet regularly, discuss issues arising, and work to find solutions to local problems.

KEY PRINCIPLES

The *New Zealand Government Statement of Policy on Family Violence* sets out a number of principles to guide and shape family violence policies and services. The guidelines are based on these principles:

- **Prevention:** prevention of family violence is a key concern for government agencies. Breaking the cycle of violence is a necessary component in preventing ongoing family violence.
- **Safety:** safety of victims should be the paramount concern of all policies and programmes where family violence is a focus.
- **Access to services:** victims require appropriate timely crisis intervention, ongoing support and have a right to adequate legal protection.
- **Support of victims:** the response of agencies should support survivors of family violence to make informed choices, enhance their rate of recovery and maintain their ongoing safety.
- **Protection of children:** children have a right to live in families free from violence.
- **Accountability:** abusers will be held accountable and encouraged to accept responsibility for their use of violence and for changing their behaviour.
- **Consistent response:** the response of government agencies should be co-ordinated. A multi-agency approach is required to avoid duplication and gaps in services and to provide a clear and consistent message that violence will not be tolerated.
- **Cultural relevance:** different cultural backgrounds must be recognised in the development and delivery of all government policies and programmes. Maori designed and managed services are a priority.
- **Equality:** the response of government agencies should contribute to a reduction in gender inequality and improvement in the status of women.
- **Community responsibility:** the whole community has a responsibility to be involved in preventing and eliminating family violence.

OBJECTIVES

Co-ordination of family violence services can lead to:

- greater effectiveness of actions as agencies build on each other's approaches rather than counteract or undermine them;
- more comprehensive responses;
- less duplication and, therefore, more efficient use of resources;
- identification of gaps; and
- increased consistency in dealing with family violence.

It is also useful to keep in mind the limitations of co-ordination. It is only one aspect of what is needed to respond to family violence. Services that are effective and well managed are just as important.

DEFINITIONS

For the purposes of these good practice guidelines, 'family violence' will be defined in accordance with Section 3 of the Domestic Violence Act 1995 and the *New Zealand Government Statement of Policy on Family Violence*.

The *New Zealand Government Statement of Policy on Family Violence* defines family violence as:

a range of behaviours perpetrated by partners and former partners, family members, household members and within other close personal relationships.

Family violence encompasses:

- Physical abuse
- Sexual abuse
- Psychological abuse, which is defined as including intimidation, harassment, damage to property, threats of physical, sexual, or psychological abuse, and (in relation to a child) causing the child to witness the physical, sexual, or psychological abuse of another person.

'Victims' refers to all victims of family violence, including children who witness family violence.

Under the Domestic Violence Act, the term 'applicant' refers to a person who applies to the Family Court for a protection order, and the term 'respondent' refers to the person against whom an application has been made.

**PART 2:
THE GOOD PRACTICE
GUIDELINES**

INTRODUCTION TO THE GOOD PRACTICE GUIDELINES

These guidelines, including the model intervention diagram and flowchart, are intended to form the basis for discussion and further development in communities. They do not replace protocols between local service providers and national agreements or contracts between agencies, but sit alongside them.

Local protocols based on these model guidelines will work best when they reflect the pattern of service delivery in communities, as well as the cultural and demographic composition of the community.

The guidelines deal with the response to family violence in the justice sector. The guidelines set out the responsibilities of government agencies and outline good practice on the part of agencies working with family violence cases in the justice sector - Police, Family Court, District Court, Corrections, Children Young Persons and their Families Service (CYPFS). Community agencies such as Women's Refuge, iwi/Maori organisations, Victim Support and Stopping Violence Services will also be involved because of their role in working alongside these agencies with victims or offenders. Protocols are also being developed for family violence services in the health sector and for child protection.

The guidelines are based on the two key points at which justice agencies become involved in family violence cases: (1) Police call-out, or (2) following an application for a domestic protection order.

WHAT THE GOOD PRACTICE GUIDELINES INCLUDE

The good practice guidelines cover:

- each agency's area of responsibility;
- how agencies' areas of responsibility link and how they should work together; and
- procedures for monitoring whether agencies are following the good practice guidelines, including procedures to be followed if problems or complaints arise.

NATIONAL GUIDELINES FOR LOCAL ADAPTATION

These good practice guidelines have been developed to help each local community shape the way it will respond to family violence. This adaptation is vital, given that each community is unique, with a different mix of agencies and often quite different approaches. The guidelines will help promote consistency in how family violence cases are dealt with in each community while allowing for flexibility to meet each community's needs.

In the model good practice guidelines on the following pages, issues that need to be noted and addressed in local protocols are indicated. These include issues such as information exchange, service providers to be involved, responsibility areas, and Privacy Act issues.

GOOD WORKING PRACTICE

Co-ordination between agencies is seen as a matter of good working practice. Rather than an end in itself, co-ordination is regarded as a means of doing the job well. The model good practice guidelines build on existing practice by clarifying areas of responsibility and the requirement for effective contact between government and non-government agencies.

For some agencies, effective co-ordination and communication with other agencies is a requirement of contracts for service or is reflected in their own standards of practice or policy guidelines.

GOOD PRACTICE GUIDELINES: DIAGRAM

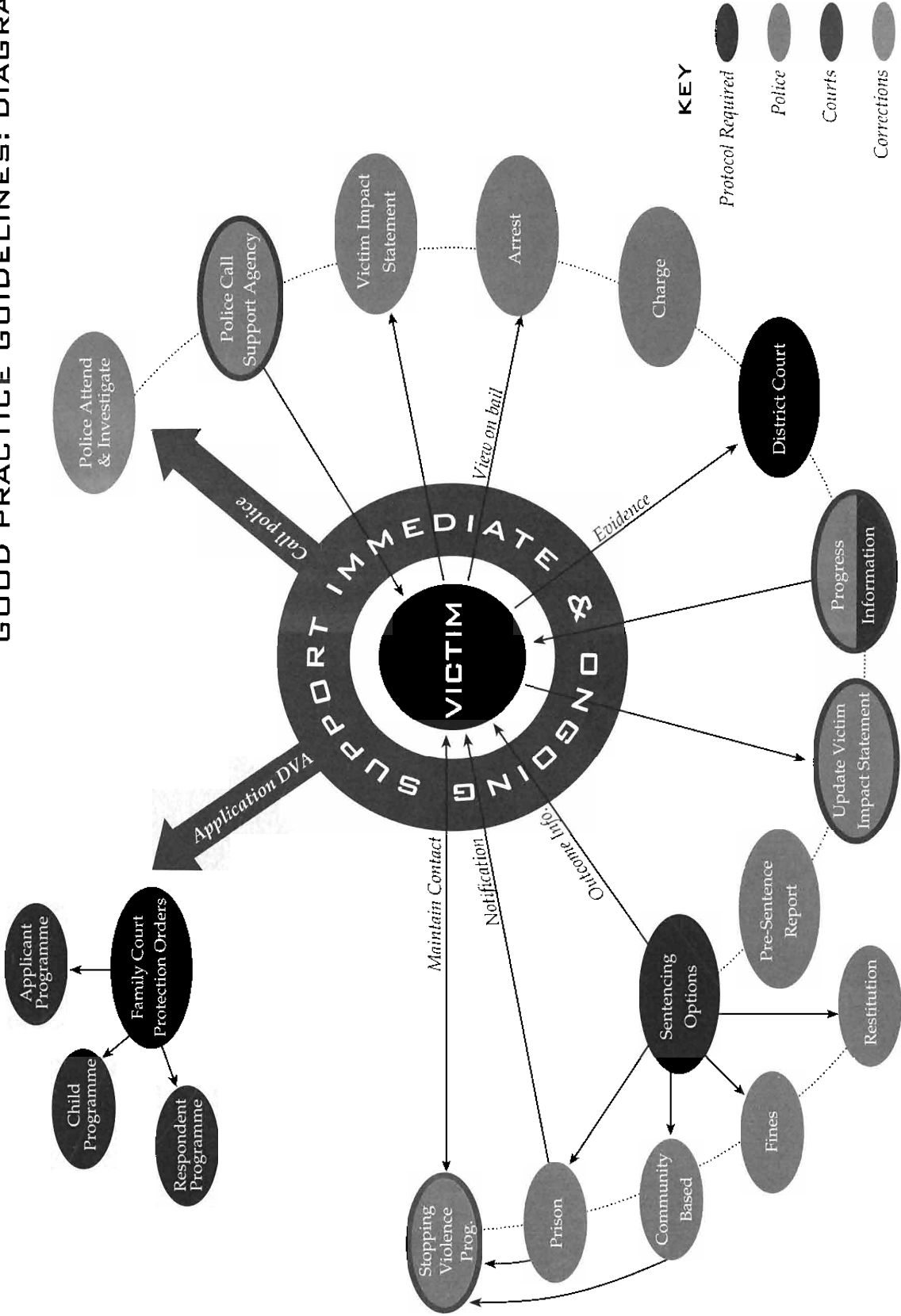


Fig 1: Diagram.

GOOD PRACTICE GUIDELINES: FLOW CHART

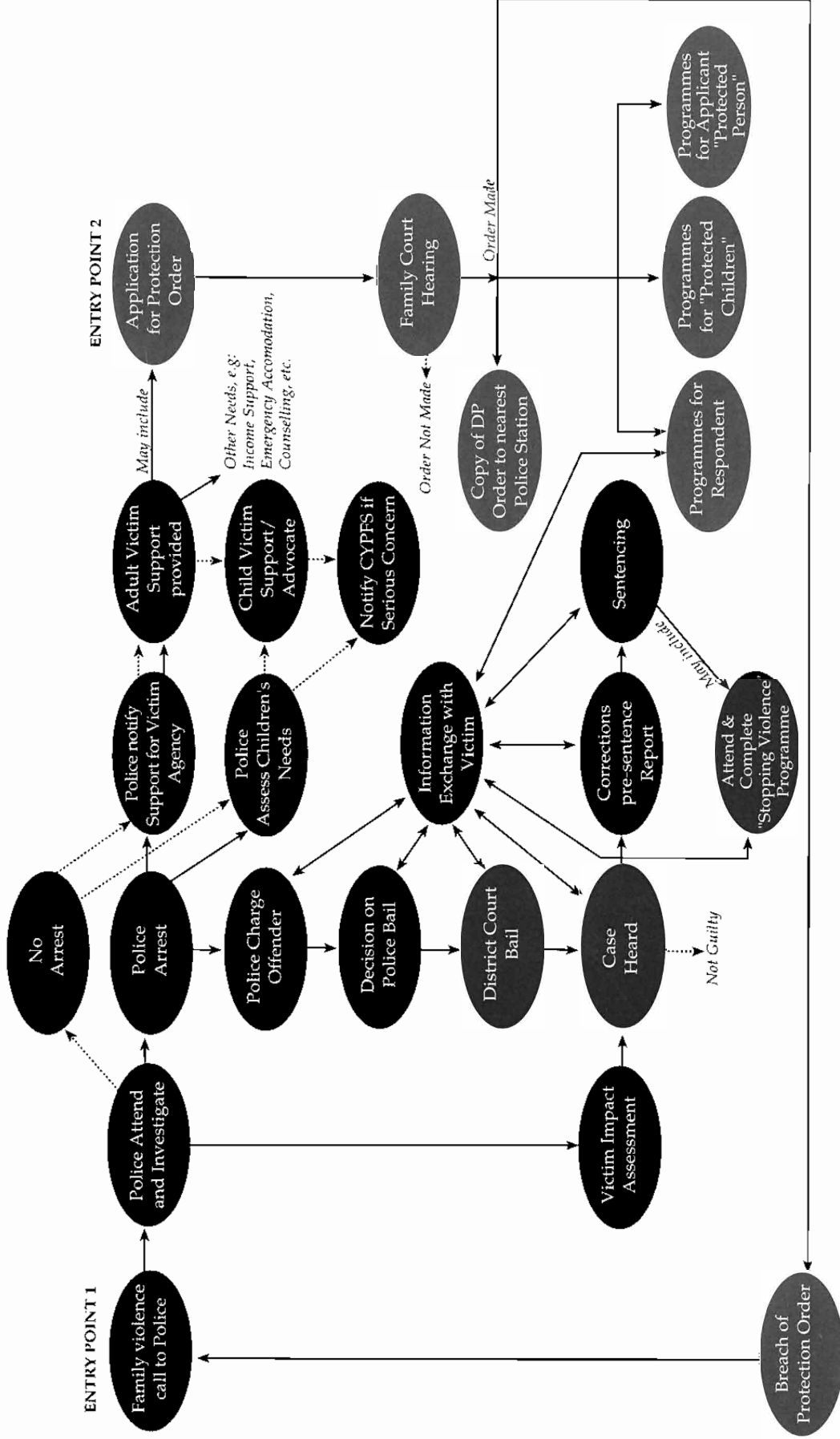


Fig 2: Flow chart.

INTERVENTIONS FOLLOWING CALL TO POLICE TO ATTEND FAMILY VIOLENCE INCIDENT

The following notes background and expand on the diagram shown in Fig. 1 on p.9 (and the flow chart shown in Fig. 2 on p.10)

ARREST SCENARIO (TABLE 1)

These guidelines assume a common scenario: the Police being called to a family violence incident where a male has assaulted a female (Section 194 of the Crimes Act 1961), and **where prosecution proceeds.**

ACTION TO BE TAKEN	MANDATE/AUTHORITY FOR ACTION	ISSUES FOR LOCAL PROTOCOLS
CALL TO POLICE		
Victim of family violence assault, or witness to the assault, contacts Police. (Also includes calls reporting breach of a protection order.)	Victim (or witness) decision	
<hr/>		
POLICE ATTEND AND INVESTIGATE		
Police attend call and investigate, with focus on protection for victim, ascertaining offender's possession or control of weapons, checking the family violence database, identifying and investigating offences. Police complete family violence report (POL 400) form.	Police Policy 1996 Arms Act 1983	Agree which agency will review POL 400's* and what follow-up procedures are required to support victims.
<hr/>		
POLICE ARREST		
Police will arrest, where there is sufficient evidence of an offence (or breach of a protection order).	Crimes Act 1961 Domestic Violence Act 1995 Police Policy 1996	

* This is subject to further consideration in light of consultation between the NZ. Police and the Privacy Commissioner on the Police Privacy Code of Practice.

ACTION TO BE TAKEN**MANDATE/AUTHORITY FOR ACTION****ISSUES FOR LOCAL PROTOCOLS****POLICE NOTIFY AGENCY PROVIDING SUPPORT FOR ADULT VICTIMS**

Police at the scene ensure contact is made at the earliest opportunity with agreed agency providing victim support services, unless victim has indicated otherwise*.

Police Policy 1996
 Police Privacy Code of Practice
 Police General Instructions:
 Victims of Crime Privacy Act 1993
 Victims of Offences Act 1987

(1) Local protocols will need to establish which service is to provide initial crisis intervention/ support for victim and how contact is to be made. Access to 24 hour service should be available.
 (2) POL 400 form is made available to agency, as agreed in local protocols*.

POLICE INITIAL ASSESSMENT OF SAFETY AND PROTECTION NEEDS OF CHILDREN AND YOUNG PEOPLE

Police attending the incident must ascertain whether children and young people have been involved as victims or witnesses of the incident. In cases where a child or young person has been harmed or there is a concern for their immediate safety, Police will notify CYPFS. In most instances Police will not need to notify CYPFS providing that the agency supporting the adult victim considers the safety and protection needs of the child or young person.

Police Policy 1996
 Children Young Persons & Their Families Act 1989
 CYPFS Interagency Guide To Child Abuse 1995
 CYPFS Interagency Protocols For Child Abuse Management 1996

Local protocols should address procedures for Police notifications to CYPFS.

* This is subject to further consideration in light of consultation between the NZ Police and the Privacy Commissioner on the Police Privacy Code of Practice.

ACTION TO BE TAKEN**MANDATE/AUTHORITY FOR ACTION****ISSUES FOR LOCAL PROTOCOLS****AGENCY PROVIDING SUPPORT FOR VICTIM OFFERS PROCESS FOR CRISIS INTERVENTION AND ADDRESSES IMMEDIATE SAFETY AND INFORMATION NEEDS****Adult:**

Crisis intervention provided, safety and information needs are identified and addressed by the victim and the support agency. This may include emergency accommodation, protection orders, information, income maintenance.

Request by victim for service(s).
 Funders contract agencies to provide services.
 Information to victim under Victims of Offences Act 1987 S.4, S.5

Local protocols will need to address range of agencies to be involved, process for information exchange, communication channels between agencies and victim(s).

Child:

Safety and protection needs of any child witnesses are considered. Then, in consultation with the adult victim, referral may be made to child advocacy service or group if non-crisis support services are required for the child.

Children, Young Persons & Their Families Act 1989
 CYPFS Interagency Guide To Child Abuse 1995
 CYPFS Interagency Protocols For Child Abuse Management 1996

Local protocols should identify which agencies will provide support, advocacy and protection services for children, and set out process for liaison between these agencies and CYPFS.
 Relevant issues between agencies providing support for child victims/witnesses and adult victims should also be addressed.

VICTIM IMPACT STATEMENT OBTAINED

Police ensure that accurate, current and comprehensive victim impact statement (VIS) is prepared and made available to the Court.
 The VIS should not include the victim's address.
 The VIS is for the Judge, but should also be made available to defence counsel, (the NZ Law Society have agreed that this copy must later be returned to the Court), and Corrections, but not to the offender.

Victims of Offences Act 1987 S.8
 Police Policy 1996
 Judicial Practice Notes

Local protocols should include agreement as to which agencies may assist Police to complete victim impact statement. The Police are responsible for ensuring it is obtained, updated as needed, and presented as information to the Court.
 Local protocols also need to include communication channels which ensure that a complete picture of victim impact is obtained, where more than one agency is working with a victim.

ACTION TO BE TAKEN	MANDATE/AUTHORITY FOR ACTION	ISSUES FOR LOCAL PROTOCOLS
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POLICE CHARGE OFFENDER

Investigative techniques may include: photographing the victim; noting injuries & damage to property; medical examination; having the victim identify the offender and the nature of their relationship; outlining the complaint in front of the offender and noting the offender's responses; and interviewing any witnesses.

Police Policy 1996
 Crimes Act 1961
 (esp. s.194 relating to 'male assaults female' charge)

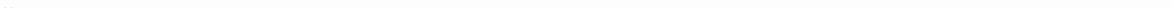


DECISION ON POLICE BAIL FOR OFFENDER

Victim's views must be sought by the Police (if serious violence has occurred). Police policy is to retain offenders in custody until the next available Court hearing. If bail is to be granted, full consideration must be given to victim safety. Conditions may be applied, e.g. non-association and residency clauses, reporting and curfew requirements. Victims should be given the opportunity to discuss the impact of any conditions imposed. Victim notified of decision re pending release and any conditions of bail.

Victims of Offences Act 1987
 Police Policy 1996
 Summary Proceedings Act 1957
 New Zealand Bill of Rights Act 1990

Local protocols need to clarify how victim's views will be obtained and procedures to promote victim safety. Local protocols should make clear the process of how the victim will be notified, e.g. copy of bail bond provided.



ACTION TO BE TAKEN**MANDATE/AUTHORITY FOR ACTION****ISSUES FOR LOCAL PROTOCOLS****PROGRESS INFORMATION TO VICTIM**

Police have responsibility, as prosecuting authority, to provide victim with progress information on the investigation, charges laid (or reasons for not laying charges), and the role of the victim as a witness in any prosecution.

Victims of Offences Act 1987

Local protocols should establish procedures for ongoing contact between victims and Police in respect both of progress information and protection issues.

DISTRICT COURT BAIL

The Judge may bail the defendant to appear at a later date. Where this is considered the victim has the right to make submissions on bail and the prosecution is responsible for ensuring that these are made known to the Court.

Victims of Offences Act 1987

Victims views on bail can also be conveyed by a victim's court assistant or support person.

DISTRICT COURT HEARING

Case heard in the District Court. Prosecution presents evidence.

Crimes Act 1961
Criminal Justice Act 1985
Summary Offences Act 1981

Local protocols can address which services can provide information, support or advocacy for victim, as required. Note Victims Court Assistance scheme in some District Courts.

ADMISSION OR FINDING OF GUILT

Victim impact statement considered by the Judge at sentencing. If the statement is over 21 days old the Police must ensure that it is updated.

Victims of Offences Act 1987
Police General Instructions: Victims of Crime

ACTION TO BE TAKEN**MANDATE/AUTHORITY
FOR ACTION****ISSUES FOR LOCAL
PROTOCOLS****CORRECTIONS PRE-SENTENCE REPORT**

At request of Judge, Corrections prepare pre-sentence report and/or reparation report, community programme agreement and psychological report on offender.

Criminal Justice Act 1985

Views of victim in relation to reparation required.

SENTENCING OPTIONS

Judge determines appropriate sentence. Options include: imprisonment; fine; restitution; and community-based sentence which often includes referral to a 'stopping violence' programme.

Crimes Act 1961 sets out maximum penalties

Criminal Justice Act 1985

COURT/POLICE NOTIFY VICTIM OF OUTCOME

Department for Courts or Police notify victim of progress of prosecution and the outcome of the proceedings.

Victims of Offences Act 1987

Local protocols will need to establish the system being used by their local Court to fulfil S.6 responsibilities. Regular contact between victim support agencies and the court official or office responsible for informing victims would be of value.

PRISON NOTIFIES VICTIM (IF PRIOR NOTIFICATION REQUEST MADE)

If offender imprisoned, a Victim Notification Request (VNR) can be made. Victim may also request to be notified in event of offender's impending release or escape from custody.

Victims of Offences Act 1987

Department of Corrections responsibility to maintain confidential register;

Corrections administer public prisons.

Agencies supporting victims need to make victims aware of VNR process and requirements including the need for the victim to request notification.

ACTION TO BE TAKEN**MANDATE/AUTHORITY FOR ACTION****ISSUES FOR LOCAL PROTOCOLS****OFFENDER STOPPING VIOLENCE PROGRAMME**

Offender may be ordered to attend a community-based stopping violence programme as part of the special conditions of a community-based sentence or as part of parole conditions. A stopping violence programme may be an option while in prison.

Corrections administer community-based sentences and orders, e.g. purchase delivery of programmes, monitor and encourage clients' attendance.

Stopping violence programmes may be delivered through contract between Corrections and local service providers. Local protocols need to address:
 (1) reporting mechanisms between Corrections and programme providers in respect of clients attendance and completion, and in respect of maintenance of victim safety.
 (2) mechanisms for maintaining contact between programme providers and victims, with view to maintaining victim safety.

RESPONSE TO BREACH OF PROTECTION ORDER

Police may arrest without warrant where there is good cause to suspect that a breach of a protection order has occurred. Police policy directs offenders to be held for 24 hours following the arrest.

Domestic Violence Act 1995
 Police Policy 1996
 Summary Proceedings Act 1957

Local protocols should establish procedures to provide support for victims, including safety requirements following offender's release on bail (See "Decision on Police bail for offender" p. 14).

VICTIM'S ONGOING NEEDS ARE ADDRESSED

Victim may request or require a range of ongoing supports, including: counselling; information; and legal protection.

Victim request

Local protocols will need to identify which agencies are able to offer ongoing support, and appropriate communication channels between agencies and with the victim.

NO ARREST SCENARIO (TABLE 2)

These guidelines assume a scenario where the Police have been called to a family violence incident **where there are insufficient grounds to justify an arrest.**

ACTION TO BE TAKEN	MANDATE/AUTHORITY FOR ACTION	ISSUES FOR LOCAL PROTOCOLS
CALL TO POLICE		
Police contacted regarding family violence. (Also includes calls reporting breach of protection order.)	Victim (or witness) decision	
.....		
POLICE ATTEND AND INVESTIGATE		
Police attend call and investigate, with focus on identifying and investigating offences. Police complete family violence report (POL 400) form.	Police Policy 1996 Arms Act 1983	Agree which agency will review POL 400's* and what follow-up procedures are required.
.....		
POLICE DECISION NOT TO ARREST		
Police will arrest, where there is sufficient evidence of an offence (or breach of a protection order).	Crimes Act 1961 Domestic Violence Act 1995 Police Policy 1996	
.....		
POLICE NOTIFY AGENCY PROVIDING SUPPORT FOR ADULT VICTIMS		
Police at the scene pass information to agreed agency providing victim support services, unless victim has indicated otherwise*.	Police Policy 1996 Police Privacy Code of Practice	Local protocols will need to establish which service is to provide support for victim and how, or if, contact is to be made.
.....		

* This is subject to further consideration in light of consultation between the NZ Police and the Privacy Commissioner on the Police Privacy Code of Practice.

ACTION TO BE TAKEN**MANDATE/AUTHORITY
FOR ACTION****ISSUES FOR LOCAL
PROTOCOLS****POLICE INITIAL ASSESSMENT OF SAFETY AND PROTECTION NEEDS OF CHILDREN AND
YOUNG PEOPLE**

Police attending the incident must ascertain whether children and young people have been involved as victims or witnesses of the incident. In cases where a child or young person has been harmed or there is a concern for their immediate safety, Police will notify CYPFS. In most instances Police will not need to notify CYPFS.

Police Policy 1996
Children Young Persons & Their Families Act 1989
CYPFS Interagency Guide To Child Abuse 1995
CYPFS Interagency Protocols For Child Abuse Management 1996

Local protocols should address procedures for Police notifications to CYPFS.

INTERVENTIONS FOLLOWING APPLICATION TO FAMILY COURT FOR PROTECTION ORDER

The other route for victims of family violence to access protection from, and remedies to, violence is in the Family Court jurisdiction. The two jurisdictions are not exclusive: victims of family violence often resort to Family Court protective provisions as well as remedies through the criminal justice system.

This table provides information based on the new Domestic Violence Act 1995 that came into force on 1 July 1996. The new legislation broadens the definition of domestic violence to include physical, sexual and psychological abuse in "domestic relationships".

DOMESTIC PROTECTION ORDER APPLICATION (TABLE 3)

ACTION TO BE TAKEN	MANDATE/AUTHORITY FOR ACTION	ISSUES FOR LOCAL PROTOCOLS
APPLICATION FOR PROTECTION ORDER		
Application made to Family Court for protection order. Application may be 'on notice' to respondent or 'without notice,' though applicant must justify where a 'without notice' application is made. Applicant may apply for property orders, e.g. occupation, tenancy, furniture or ancillary furniture orders.	Administered by Family Court, under the Domestic Violence Act 1995. Domestic Violence Rules 1996 (Family Court procedures under the Domestic Violence Act 1995) Part III of the Domestic Violence Act 1995.	Agencies helping victims need to maintain and convey knowledge of grounds for, and process of, obtaining protection orders.
FAMILY COURT JUDGE CONSIDERS APPLICATION AND CUSTODY/ACCESS ISSUES WHERE RELEVANT		
Registrar must arrange for Judge to consider application as soon as practicable. Judge considers application against requirements of the Act. Respondents who are found to have used domestic violence are not to obtain legal custody or unsupervised access unless the Court is satisfied that the child/ren will be safe.	Domestic Violence Act 1995 s.14 Guardianship Amendment Act 1995	Agencies providing supervised access services need to be involved in local protocol development.

ACTION TO BE TAKEN**MANDATE/AUTHORITY FOR ACTION****ISSUES FOR LOCAL PROTOCOLS****FAMILY COURT HEARING**

The Family Court Co-ordinator provides reports to the Judge, including any specialist (psychological) reports. Court determines whether an order is to be granted. The Court will also make directions regarding programmes for the parties.

Domestic Violence Act 1995

JUDGE GRANTS PROTECTION ORDER

Where the application is without notice the protection order is a temporary 3 month order. Protection order becomes final automatically after 3 months unless respondent files a notice of defence prior to that date. If so, Registrar must arrange a defended hearing.

Domestic Violence Act 1995 s.14

FIREARMS, LICENCE CHECK

Courts and/or Police must check to establish if respondent has weapons and/or licences for firearms.

Agencies involved in assisting victims must ask victims about respondents possession of, or access to, firearms and licences.

SERVICE OF PROTECTION ORDER - COURT ACTIONS

Court registrar arranges for order to be served on respondent, where respondents are not known to have possession or control of weapons or hold firearms licences. Copy of order sent to nearest Police District Commander.

Domestic Violence Act 1995
Domestic Violence Rules 1996
Police Policy 1996

Local arrangements must be in place between Court and Police which provide for speedy and efficient notice and service of protection orders, and information to victims.

ACTION TO BE TAKEN**MANDATE/AUTHORITY FOR ACTION****ISSUES FOR LOCAL PROTOCOLS****SERVICE OF PROTECTION ORDER - POLICE ACTIONS**

Copies of order forwarded to Police Stations nearest to applicant and respondent. Police and/or Bailiff serve order on respondent, where respondents are known to have possession or control of weapons or hold firearms licences. Where this is the case, Police institute procedures in respect of seizure of firearms and revocation of licences.

Domestic Violence Act 1995
Police Policy 1996
Arms Act 1983

Local arrangements must be in place between Court and Police which provide for speedy and efficient notice and service of protection orders, and information to victims.

APPLICANT PROGRAMMES - ADULTS

Programmes are offered to the applicant ('protected person'). The primary objective is to promote the protection of that person from domestic violence. Court must arrange for suitable programmes to be provided.

Administered by Family Court, under the Domestic Violence Act 1995.
Domestic Violence (Programmes) Regulations 1996.

Programmes will be provided by contract between Courts and approved local providers. Approval by the regional Approval Panel established under the regulations.

PROGRAMMES FOR 'PROTECTED CHILDREN'

Programmes are offered to 'protected children', ie the child/ren of the applicant, which have the primary aim of assisting children to deal with the effects of domestic violence.

Administered by Family Court, under the Domestic Violence Act 1995. Only available at the request of the applicant.
Domestic Violence (Programmes) Regulations 1996.

Programmes will be provided by contract between Courts and approved local providers. Approval by the regional Approval Panel established under the regulations.

ACTION TO BE TAKEN**MANDATE/AUTHORITY FOR ACTION****ISSUES FOR LOCAL PROTOCOLS****PROGRAMMES FOR RESPONDENT**

Respondents/offenders are directed to attend a programme which has the primary aim of stopping or preventing domestic violence on the part of the respondent.

Domestic Violence Act 1995
Domestic Violence (Programmes) Regulations 1996

Programmes will be provided by contract between Courts and approved local providers. Approval by the regional Approval Panel established under the regulations. Local protocols need to address mechanisms for maintaining contact between programme providers and victims, with view to maintaining victim safety.

RESPONDENT PROGRAMME - COMPLIANCE REPORTING

Programme providers report to the Court any of the following in respect of respondents: non-attendance at programmes; failure to participate fully in programmes; completion of programme.

Domestic Violence Act 1995
Domestic Violence (Programmes) Regulations 1996 (includes reporting mechanisms between Courts and programme providers in respect of clients attendance and completion, and in respect of maintenance of victim safety. Note: this is subject to contract arrangements between Courts and local providers.)

Local protocols need to establish mechanisms to maintain contact between programme providers and victims, with a view to maintaining victim safety.

BREACH OF PROTECTION ORDER

Police may arrest without warrant where there is good cause to suspect that a breach of a protection order has occurred. Police policy directs offenders to be held for 24 hours following the arrest.

Domestic Violence Act 1995
Police Policy 1996
Summary Proceedings Act 1957

Local protocols should establish procedures to provide support for victims, including safety requirements following offender's release on bail.

**PART 3:
IMPLEMENTATION
ISSUES**

**PART 3:
IMPLEMENTATION ISSUES**

LOCAL IMPLEMENTATION ISSUES

Local protocols will need to be negotiated between the agencies involved with services for family violence victims and offenders. They will set out the working practices which agencies agree should be followed in family violence cases. Because each community is different, local protocols will vary in detail. However, there is widespread agreement that it is important to have a consistent approach to family violence and the model good practice guidelines are intended to help achieve that.

ESTABLISHING A NETWORK

In a number of communities, family violence service providers have already established networks. These networks range from stand-alone organisations whose membership comprises the key government and community agencies working in the family violence area, to more informal groupings.

In a number of communities, Safer Community Councils (supported either by territorial local authorities or iwi) have assisted in establishing and maintaining family violence networks.

In the event that there is no existing family violence network, no Safer Community Council, or where the Safer Community Council is prioritising other crime prevention areas, Police family violence co-ordinators will take on the role of initiating inter-agency networks. However it is not envisaged that the Police would necessarily continue to chair the group.

Most communities who have worked through this process have agreed that it is important to ensure all agencies with an involvement in family violence work are identified and have the opportunity to become involved. The involvement of iwi is critical, especially as iwi are increasingly involved in delivering social services, including those previously delivered by government departments.

As well as the agencies which have family violence services as their core business, such as women's refuges and stopping violence services, other agencies which work more generally with whanau, hapu and families have a contribution to make to a co-ordinated approach to family violence. Links should also be made with individual practitioners who have a significant family violence involvement, e.g. psychologists and ACC approved counsellors. Where a network has already been established, it will still be important to ensure that a broad range of providers are represented.

Each community will need to decide which structure will best meet their needs. Key tasks in establishing a network should include:

- identifying lead / initiating agency;
- identifying all agencies which provide services to families affected by family violence; and
- agreeing on a process to prepare local good practice protocols.

PREPARING LOCAL PROTOCOLS

Below is a suggested process which can be used to draw up local protocols. The process is based on the experiences of existing family violence networks in developing protocols in their communities.

1. Define the broad areas which the protocols are going to cover - such as procedures following arrest, family court proceedings, child abuse notifications, involvement of health and education professionals.
2. Decide on the range of matters to be subject to protocols. As well as operational matters and information exchange, other key areas are monitoring arrangements, complaints procedures between agencies, inter-agency meetings and protocol review processes.
3. Confirm agency agreement about involvement in the protocols.
4. Set up a small group to write up the protocols for approval by the wider group.
5. Test the operation of the protocols over an agreed period.
6. Make any amendments or fine-tuning needed.
7. Establish regular reviews of the protocols. The inter-agency meetings can feed into this process, but a formal review, perhaps annually, will help maintain commitment to the protocols as well as adapt to any changes in the environment, such as new providers.

REGULAR INTER-AGENCY MEETINGS

Regular meetings between government and community agencies working with family violence are crucial to the implementation of local protocols. Inter-agency meetings are already occurring in many communities. These meetings provide opportunities to:

- share information;
- raise specific issues or concerns;
- give feedback on agency performance and compliance with protocols; and
- discuss wider family violence issues such as training and public education needs, identify service gaps and make representations to appropriate agencies.

Typically, a monthly meeting is held, attended by the co-ordinators or designated liaison people from the participating agencies. In most cases, government departments provide a venue and any administrative support required to maintain the effective working of the inter-agency meeting, such as minutes, notices of meeting, photocopying of papers. Responsibility for administrative support would normally be allocated to, or shared amongst, participating government departments. This matter can be clarified in local protocols.

MONITORING PRACTICE

In the context of the co-ordination of family violence services, monitoring may take several different forms and occur at different levels. These include:

- Performance / compliance
- Record keeping
- Case management
- Inter-agency meetings
- Complaints procedures

PERFORMANCE / COMPLIANCE

Government Agencies

Government agencies maintain internal performance monitoring procedures and are financially and operationally accountable to Parliament.

Internal procedures typically include the multilevel monitoring of:

- Individual performance against policy/operational performance standards, e.g. Police POL 400 forms.
- Group performance to standards, e.g. individual courts reporting against management plan objectives; or review by District Police Family Violence Co-ordinators.
- Departmental performance through reporting to the Chief Executive.

External monitoring includes:

- Purchase agreements. All departmental chief executives have purchase and performance agreements with their minister. The agreements establish outputs that the minister wishes to purchase and standards and volumes for those outputs. Performance against these agreements is then reviewed by the minister and chief executive concerned.
- Parliamentary select committees scrutinise the performance of departments in broad subject areas e.g. the Social Services Select Committee.
- Parliament reviews the financial and operational performance of departments.
- Departmental performance is also monitored through parliamentary questions and ministerial correspondence.

Government agencies adherence to protocols can therefore be specified in performance agreements as a performance indicator and monitored as such.

Community Organisations

Community organisations that enter into contracts with government agencies for the provision of services are monitored for performance against contract standards such as those operated by the Department for Courts under the Domestic Violence Act, and in many cases approval standards such as those used by the New Zealand Community Funding Agency and the Department of Corrections. Many community organisations are also members of collectives or associations that monitor member agency performance against codes of ethics and/or organisational philosophy. Individual workers may be members of professional associations with training, practice and ethical standards.

Community organisations meet approval standards on an annual basis as a precursor to service contracting. These standards cover services to clients as well as organisational structures and systems. Standards are presented in two ways: 'must' standards which have to be met prior to contracting; and 'may' standards which allow room for negotiation in order to promote voluntary best practice agreements or so that organisations may continue to develop services.

It is proposed that participation by family violence service providers in inter-agency protocols be inserted in the 'may' category of approval standards. This would promote service development and encourage voluntary participation in the inter-agency meetings and local protocols.

It should be noted that the Programme Regulations under the Domestic Violence Act 1995 include 'must' standards in relation to the exchange of information between approved programme providers for individual case management purposes in accordance with section 43 of the Act.

RECORD KEEPING AND INFORMATION EXCHANGE

In accordance with contract standards and Privacy Act requirements, each service provider should be responsible for keeping their own records. Records should not be centralised and care must be taken that any distribution of information is in accordance with the provisions of the Privacy Act.

The Privacy Act 1993 is intended to promote and protect the privacy of the individual. Privacy is an extremely important issue and, although a breach of the Act's principles is not a criminal offence, it may cause harm to the person whose privacy is breached, and can result in the Privacy Commissioner making enquiries and possible claims for damages.

The Act contains twelve Information Privacy Principles grouped around four major information themes: collection, use, disclosure and storage. Essentially the Act states that information must be collected only where necessary for a legal purpose connected with the function of the agency collecting it. Individuals are accorded rights surrounding information including the right to know that it is being collected, for what purpose and who the recipients will be. Information collected is to be stored in a manner that keeps it secure.

Perhaps the most important principle in relation to inter-agency working practice is Principle 11 which establishes limits on the disclosure of personal information. It states that personal information shall not be disclosed unless certain grounds for disclosure exist. Examples of such grounds for disclosure include:

- that the disclosure is directly related to the purpose for which the information was obtained; or
- that the disclosure is authorised by the person concerned; or
- that the disclosure is necessary to prevent or lessen a serious and imminent threat to public health or safety or the life or health of an individual.

Organisations should familiarise themselves with the Privacy Act principles and incorporate them in local agreements. As noted above, the Domestic Violence Act contains sections relating to communication from programme providers to the Court and between programme providers that specify circumstances where information can be provided or shared.

CASE MANAGEMENT

All service providers are responsible for tracking and monitoring their own cases. Where multiple agencies are involved with a case, information exchange is encouraged within the parameters laid out in the Privacy Act and other relevant legislation such as the Domestic Violence Act, Children Young Persons & Their Families Act, and in accordance with service or contractual agreements.

INTER-AGENCY MEETINGS

As noted on p.26, inter-agency meetings provide a vital forum for information exchange and feedback. Typically this will entail reference to practices and procedures or examples rather than case by case discussion. In this way each agency can provide ongoing monitoring of the performance of the other agencies.

COMPLAINTS PROCEDURES

Where concerns or complaints arise in relation to the working of the protocol, these should be resolved between the service providers concerned as soon as possible or at the next inter-agency meeting.

If concerns or complaints cannot be resolved early at the local level, then they should be promptly referred to the respective regional or national office for resolution.

Local protocols should detail the complaints procedure to be followed, based on the agencies participating, and their local, regional and national structures.

APPENDIX

NEW ZEALAND POLICE

RESPONSIBILITY / MANDATE:

New Zealand Police operate under a large number of enactments and internal directives, including:

- Policy Circular 1996 Family Violence
- Domestic Violence Act
- Crimes Act
- Victims of Offences Act
- Arms Act
- Children Young Persons & Their Families Act

POINT OF ENTRY	POINT OF EXIT	POINTS OF INTERFACE
Primarily following call for service from victims of, or witnesses to, family violence	Variable dependent on circumstances e.g.: <ul style="list-style-type: none"> – Service of summons – Prosecution – Advice/information to victims 	Victim/Applicant – At the scene and ongoing: <ul style="list-style-type: none"> – Agencies providing support for victim – Children Young Persons and their Families Service if required Offender/Respondent – At the Police Station: <ul style="list-style-type: none"> – Cell visitor where appropriate General e.g.: <ul style="list-style-type: none"> – Corrections – Family Court – District Court – Solicitors/Counsel – Victim advocates

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 Police responsibilities in relation to family violence cover the following broad areas:

- Responding to reported incidents involving violence by investigating, interviewing, apprehending offenders, file preparation;
- Providing support, referral and advice to victims;
- Prosecution services;
- Custodial services and enforcement of Court orders;
- Licensing and vetting services, including under the Arms Act; and
- Policing support to the community, including contact with community groups, education and crime prevention services, and public awareness campaigns.

The Police policy circular on family violence, issued in July 1996, provides comprehensive details of Police operational procedures in responding to family violence incidents. Copies of the policy circular can be obtained from Police family violence co-ordinators.

DEPARTMENT FOR COURTS - CRIMINAL JURISDICTION

RESPONSIBILITY / MANDATE:

The Department for Courts operates under multiple enactments within the criminal jurisdiction, including:

- Crimes Act
- Summary Proceedings Act
- Criminal Justice Act
- Domestic Violence Act
- Where available: Victims Court Assistance Scheme

POINT OF ENTRY	POINT OF EXIT	POINTS OF INTERFACE
Criminal prosecution by Police	Prosecution may conclude at: <ul style="list-style-type: none"> - Deposition - Summary trial - Jury trial - Conviction - Sentencing - Appeal 	<ul style="list-style-type: none"> - Police - Witnesses - Crown Law - Community Corrections - Victim support agencies & individual providers

DEPARTMENT FOR COURTS - FAMILY COURT

RESPONSIBILITY / MANDATE

The Department for Courts operates under multiple enactments, including:

- Domestic Violence Act and regulations
- Guardianship Act

POINT OF ENTRY	POINT OF EXIT	POINTS OF INTERFACE
Application for protection orders	<ul style="list-style-type: none"> - Protection order is made - Court arranges and pays for all programmes - Court notified when Offender / Respondent has completed programme 	<ul style="list-style-type: none"> - Counsel - Programme providers - Police - Community Corrections
Application for custody or access orders	<ul style="list-style-type: none"> - Custody or access orders made 	<ul style="list-style-type: none"> - Counsel for the Child - Counsel to assist the Court - Specialist advisors

The Department for Courts has responsibilities in respect of family violence in both the criminal jurisdiction and the Family Court jurisdiction. Judges play a direct role in dealing with the perpetrators of family violence in the criminal jurisdiction and both perpetrators and victims in the Family Court.

The Department's role in family violence work includes case processing and administration for both the criminal jurisdiction and the civil jurisdiction (including the Family Court).

Within the Family Court, the Family Court Co-ordinator plays a key role by ensuring that there is a list of approved programmes and accredited counsellors, assigning applicants and respondents to programmes, receiving reports on programmes and arranging specialist reports for the Court.

DEPARTMENT OF CORRECTIONS

RESPONSIBILITY / MANDATE

Corrections operates under multiple enactments, including:

- Criminal Justice Act and regulations
- Victims of Offences Act
- Penal Institutions Act and regulations

POINT OF ENTRY

POINT OF EXIT

POINTS OF INTERFACE

COMMUNITY CORRECTIONS

<ul style="list-style-type: none"> - Court reports - Prison/Parole reports 	<ul style="list-style-type: none"> - When imprisonment imposed 	<ul style="list-style-type: none"> - Programme providers - Victim support agencies & individual providers
<ul style="list-style-type: none"> - Community based sentence imposed - Parole supervision 	<ul style="list-style-type: none"> - Community based sentence or order terminates 	<ul style="list-style-type: none"> - Police - Courts - Public Prisons - CYPFS - RHAs - Psychological Service

PUBLIC PRISONS

<p>Offender becomes sentenced inmate</p>	<ul style="list-style-type: none"> - On release from prison 	<ul style="list-style-type: none"> - Programme providers - Courts - RHAs - Psychological Service - Community Corrections
<p>If victim has made notification request prior to or on notifiable event</p>	<ul style="list-style-type: none"> - When offender released 	<ul style="list-style-type: none"> - Community Corrections

PSYCHOLOGICAL SERVICE

<ul style="list-style-type: none"> - Pre-sentence psychological report - Treatment of offenders - Reports to prison/parole boards 	<ul style="list-style-type: none"> - When imprisonment or community sentence or order expires 	<ul style="list-style-type: none"> - Programme providers - Victim support agencies & individual providers - Courts - Police - Community Corrections - Public prisons
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The Department of Corrections responsibilities in relation to family violence are:

In respect of offenders:

- to inform decision making bodies (Courts and Prison/Parole Boards) of the offender's circumstances and comment on possible disposition;
- to administer Court and Board orders including any specific requirements related to violence prevention.

In respect of victims:

- to incorporate victim's perspective in relevant reports to decision making bodies particularly reparation reports;
- to ensure victims registered on the Victim Notification Register are informed of prison movements, as specified in legislation.

CHILDREN YOUNG PERSONS AND THEIR FAMILIES SERVICE

RESPONSIBILITY / MANDATE:

The Children Young Persons and their Families Service (CYPFS) operates under enactments, internal policies, and negotiated inter-agency protocols including:

- Children Young Persons & Their Families Act
- Guardianship Act
- 'Breaking The Cycle - An Inter-agency Guide To Child Abuse' 1995
- 'Breaking The Cycle - Inter-agency Protocols For Child Abuse Management' 1996

POINT OF ENTRY	POINT OF EXIT	POINTS OF INTERFACE
Primarily following notification by Police or adult victim support agency where there are concerns for the immediate safety of the child or young person.	When service has been provided and no further follow-up is required. Outcomes include: – Temporary CYPFS intervention – Referral – Family/whanau agreement – Family group conference – Warrant or Court action – Care placement	– Police Child Abuse Team – CYPFS Risk Assessment Team – Care & Protection Resource Panel – Primary health care provider – Agencies & individual providers of adult victim support – Adult parties involved – Family Court – Criminal Court

The Children Young Persons and their Families Service has negotiated inter-agency protocols with a wide range of service organisations to promote a consistent and comprehensive approach to the protection of children.

There are three principal areas whereby child abuse may be reported to the Children Young Persons and their Families Service. These areas include:

- Child sexual abuse
- Child physical abuse
- Emotional abuse and neglect

In all interventions pertaining to children or young people, consideration should always be given to the principles of the Children Young Persons & Their Families Act 1989, whereby the interests of the child or young person are paramount.