

Domestic Violence Service Provider Update

TRANSITIONING TO THE NEW FRAMEWORK | MAY 2014

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In the next update:

This will include information on the new contracting framework, Results Based Accountability™, and the Code of Practice that a provider will need to meet to comply with its contractual arrangements.

The Domestic Violence Amendment Act 2013 (the Amendment Act), which comes into force on 1 October 2014, will make changes to domestic violence programmes the Ministry of Justice funds, and to how the Ministry will procure those programmes.

This update informs providers on the new requirements and the approach being taken to ensure a smooth transition to the new legislative framework.

Information on the changes has been provided already in the Changes to Domestic Violence Programmes document, through the regional information sessions that were held around the country in February and March.

If you have not received either of the following and would like to, please let us know:

- Changes to Domestic Violence Programmes (overview)
- Changes to Domestic Violence Programmes information session notes.

UPDATES

We will keep you informed on a regular basis between now and when the Amendment Act comes into force on 1 October.

Contact us:

Please send written feedback and questions to:
PCSRequests@justice.govt.nz

Procurement

Approach

The full implementation of the Domestic Violence Amendment Act 2013 (the Act) means current approvals of providers and programmes will have no effect from 1 October 2014.

The Ministry, therefore, has to undertake a process to ensure the delivery of domestic violence services after 1 October 2014.

The Ministry will engage with all existing service providers to assess their ability to meet the new approval criteria, and will transition those that do to the new framework.

In addition, providers who, over the past two years, have submitted programmes for approval or initiated the approval process with the Ministry, will be considered potential providers as part of the procurement process.

The Ministry will be looking at projected demand for programmes, giving consideration to specialist needs such as programmes for Māori and specialist areas of delivery.

Any identified service gaps in coverage will be filled through a targeted procurement process that will allow new providers the opportunity to bid for work and current providers to seek greater service delivery levels.

Programme type

Providers will be approved as service providers for specific 'Programme Types'. Programme types are defined at a relatively high level:

- Adult safety programme – women
- Adult safety programme – men
- Child inclusive safety programme
- Assessment (non-violence programmes)
- Non-violence programme – men
- Non-violence programme –women.

Criteria for approval as a service provider

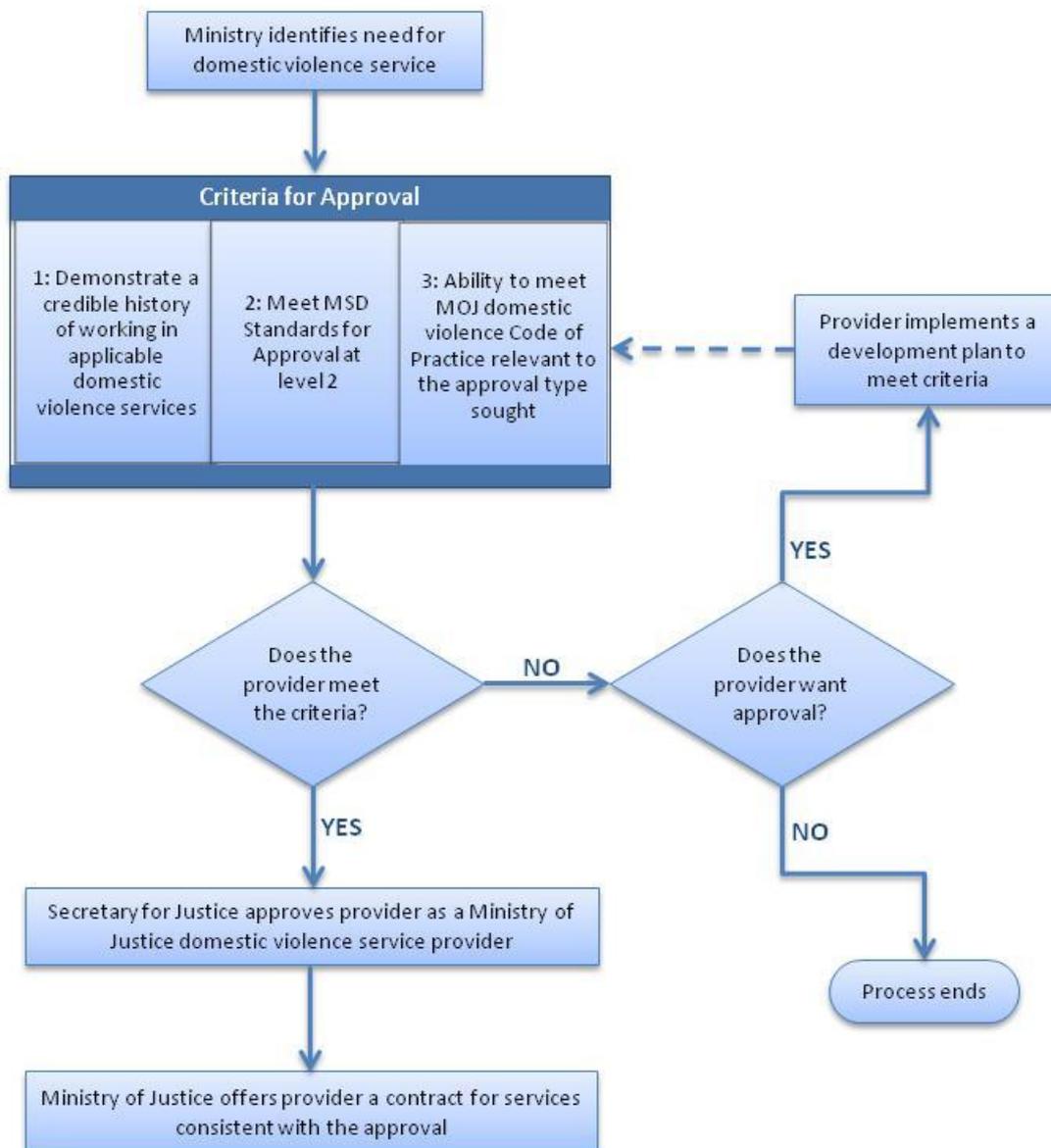
The following criteria will be used by the Secretary for Justice when deciding whether to grant an approval of a service provider under s 51B(1) of the Act.

The provider must be able to:

- demonstrate a credible history of working in applicable domestic violence services
- meet the Ministry of Social Development Standards for Approval at level 2
- demonstrate an ability to meet the Ministry of Justice domestic violence provider Code of Practice relevant to the approval type sought.

Service provider approval and contract process

The Ministry will seek new applications for approval only where it has identified a gap in its service needs. Contracts will be offered to approved service providers. The following diagram shows the approval and contracting process:



Transitioning current providers

A process has been developed to transition current providers to the new approvals process. This is covered in the next section.

The transition process

The process to transition providers to new contracts involves assessment against the three approval criteria.

The Ministry will assess provider ability to deliver one or more of the type of programmes required by the Act.

- The initial assessment will be based on existing information held about providers. We will need to verify information or seek additional information from providers to complete the assessment.
- Providers will soon be contacted to provide some high level information about their programmes and the ability of their organisation to meet the approvals criteria.
- The Ministry will also be seeking additional information about MSD audits, availability, capacity and capability to deliver programmes under the new framework.
- The next step will be to determine if there are any outstanding performance issues with the provider. We will do this by reviewing past performance as well as the results of any audits.
- We will then check whether a provider is an approved level 2 provider under the Ministry of Social Development's *Contracting for Social Services - Standards for Approval* (we know from our preliminary work that three-quarters of our current providers already have MSD approval at level 2).

FULLY COMPLIANT SERVICE PROVIDERS

Providers who meet all the requirements will be approved as service providers for that programme type, and contracts will be offered to deliver those specified services. Contracts will also detail location and whether the programme will be predominantly group or predominantly individual, gender of participants, and any specialised contexts such as programmes for Māori.

PROVIDERS WHO ARE NOT YET COMPLIANT

- If a provider does not appear to meet one or more of the approval criteria the Ministry will discuss with them what needs to be done to assist them to meet the requirements.
- Providers who have unresolved audit issues or other concerns that have been raised will need to address these issues to the satisfaction of the Ministry.
- Any provider who has any unresolved audit requirements with MSD will be asked to demonstrate that they have made significant progress towards addressing these requirements.
- Providers (individual or agency) who are not currently approved by MSD at Level 2, but would otherwise be eligible, will be guided by the Ministry in how to engage in the MSD approval process.

OPPORTUNITIES FOR NEW SERVICE PROVIDERS

On an ongoing basis, we will identify gaps in service coverage or capacity. These gaps may be filled using a procurement process that would allow new providers the opportunity to seek approval for work or current providers to seek greater service delivery levels.

Programmes

The revocation of the Domestic Violence (Programmes) Regulations 1996 means that the Ministry now approves providers rather than programmes.

The current prescriptive regime for programme design and delivery that is contained in the Programmes Regulations will be replaced by a principles-based Code of Practice. This will set the expectations to ensure that service providers are delivering safe, ethical, and effective non-violence or safety programmes, and compliance with the Code will be a requirement of all service providers contracting with the Ministry.

Once a provider has been contracted to deliver certain domestic violence services, they will be able to develop and tailor programmes without having to seek approval for those changes. This will give providers much greater scope to provide programmes that meet the needs of the people who are referred to them, and to keep their practice up to date.

A principles-based Code of Practice will replace the prescriptive Programmes Regulations to ensure safe, ethical, and effective domestic violence programmes are developed and delivered.

Principles-based approach

The Code of Practice is underpinned by the following principles¹:

Principle 1:

The safety of protected people and their children is paramount.

Principle 2:

Respondents must be held accountable for their behaviour.

Principle 3:

Programmes should be responsive to the individual needs of participants.

Principle 4:

Challenging domestic violence requires a sustained commitment to safe and research-informed practice.

Principle 5:

Improving safety and accountability is best achieved through an integrated, systemic response that ensures agencies work together.

Structure of programmes

From 1 October 2014, the current requirements for the structure of programmes for adult protected persons, for children, and for respondents will be removed.

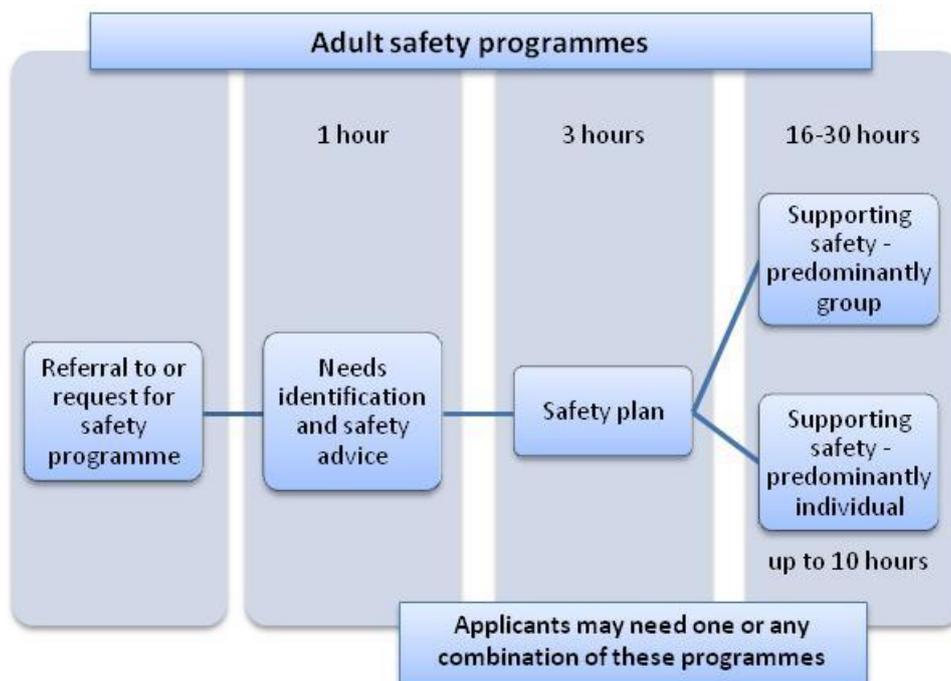
Instead of a one-size-fits-all programme, providers will be expected to assess an individual's needs and determine the most appropriate programme length and content in response to those needs.

¹ The exact wording of these may change in the final draft, or additional principles be added.

Adult safety programmes

Safety programmes are those provided to a protected person that have the primary objective of promoting (whether by education, information, support, or otherwise) the protection of the protected person from domestic violence².

The Ministry will look to fund three different types of safety programmes – *needs identification*; *safety planning*; and *supporting safety* programmes:



Needs identification programmes and safety planning programmes will be available for adult applicants from the time they apply for a protection order (to cover the high risk period until a protection order is made). All three types of safety programmes will be available to all protected persons (including minors) and their children once protection orders are in place.

Safety programmes:	Family Court - protection order application		Family Court - protection order made		Criminal Court – no protection order ³	
	Adult	Minor	Adult	Minor	Adult	Minor
Needs identification	✓	X	✓	✓	✓	X
Safety planning	✓	X	✓	✓	✓	X
Supporting safety	X	X	✓	✓	X	X

² Section 51A Domestic Violence Act 1995 (as amended by Domestic Violence Amendment Act 2013).

³ Confirmation has not yet been made on offering Adult Safety Programmes to victims in the Criminal Court where no protection order has been made.

CONTACT FOR ADULT SAFETY PROGRAMME

The Ministry's new domestic violence programme framework allows for both pro-active and reactive provision of safety programmes.

Pro-active referral

Applicants for a protection order will be informed they are entitled to access a safety programme from the time the application is made.

Reactive request

Once a protection order has been made, protected persons may request a programme for themselves or their children at any time the protection order is in place.

Pro-active contact can now be made with an adult protected person at the time of application for a protection order.

Referral from courts

Where an adult applicant has agreed to be contacted, or where any protected person (adult or minor) has requested a safety programme, the court will refer the matter to a service provider.

A service provider will be expected to contact the applicant or protected person as soon as possible, but within seven days of the referral, in order to complete the needs identification and offer safety advice.

ADULT NEEDS IDENTIFICATION PROGRAMME

Contact may be by phone, email, or in person, depending on what mode of contact the protected person selected on the Protection Order Application form. It is most likely to be by phone for practical reasons.

Contact must take place within a clear safety procedure which minimises safety risk to protected persons and their children.

This first contact with protected persons will be to identify safety needs and risks and to provide 'First Aid' safety advice to address immediate, practical requirements.

The Needs Identification Programme should cover standard questions (guidelines will be provided as part of the Code of Practice), which will allow a provider to determine whether the protected person needs to access a short, safety planning programme or a moderate, supporting safety programme (or both).

Engaging the protected person in these additional programmes will be essential to achieve the overarching principle of improving safety for protected people.

Adult Needs Identification Programme

- *Programme duration:* 1 hour
- *Programme mode:* phone, email, in person
- Referral from the court indicates approval to proceed

ADULT SAFETY PLANNING PROGRAMME

If the most appropriate response to the applicant's needs has been identified as a short, safety planning programme, then this is what will be offered to the protected person.

Safety planning refers to specific actions that protected persons and their children can take to:

- minimise their chances of being harmed by an act of violence by the respondent
- maximise the chances of making a safe escape
- attend to practical matters that might otherwise be barriers to leaving a situation of domestic violence.

Flexible safety plans

A protected person may need to access a safety planning programme more than once because of changes in circumstance, such as the birth of a new child, moving town, or planning to leave an abusive domestic relationship. A protected person may now access a programme more than once and may request access at any time the protection order is in place.

Providers need to have the flexibility to offer the following different types of safety planning:

- avoiding injury and escaping violence at home
- planning to flee and making arrangements for separation, and
- living safely and maintaining support networks after separation.

Safety planning for children and young people as part of adult safety programmes

Providers may find themselves working with adult applicants where a child of the applicant is not eligible to access a programme because there is no protection order in place at that point. In these cases, providers will need to ensure that, as part of the safety planning work with adults, safety plans are put in place for any children.

Once a protection order is in place, children of the protected person or minors in their own right as protected people may access safety planning programmes (see next section on child inclusive safety programmes)

Providers who work with children will need to be approved to deliver child inclusive safety programmes.



Adult safety planning programme

- *Programme duration:* 3 hours
 - *Programme mode:* face to face (other modes accepted for practical reasons)
 - Programme delivery is pre-approved as part of contract
- 

ADULT SUPPORTING SAFETY PROGRAMME

Supporting safety programmes, where identified as the best response, may comprise 16-30 hours in a predominantly group programme, or up to 10 hours in a predominantly individual programme to further develop a safety plan (as above) and educate, inform, and support participants to be protected from domestic violence.

Supporting safety programmes will usually be in the form of a group programme, but on an individual basis when required.

Seeking approval from court

The court must approve the delivery of a supporting safety programme before it can begin.



Adult supporting safety programmes

- *Programme duration*: up to 10 hours (individual); 16-30 hours (group)
 - *Programme mode*: face to face
 - Court approval is required before programme begins
- 

Child inclusive safety programmes

Safety programmes are those provided to a protected person that have the primary objective of promoting (whether by education, information, support, or otherwise) the protection of the protected person from domestic violence⁴.

Child inclusive safety programmes are those that meet the primary objective and are provided for, or allow for the inclusion of, a child or young person. This may be a child of the applicant's family (s 51C Domestic Violence Act), or as an applicant in his or her own right (s 9 Domestic Violence Act, 'Application by minors'). The Ministry will look to fund three different types of safety programmes – *needs identification*; *safety planning*; and *supporting safety* programmes:



Safety programmes that include children or young people are only available once a protection order is in place.

⁴ Section 51A Domestic Violence Act 1995 (as amended by Domestic Violence Amendment Act 2013).

CONTACT FOR A CHILD INCLUSIVE SAFETY PROGRAMME

Minors applying for a protection order in their own right and children of people applying for a protection order will not have access to Ministry-funded safety programmes until the protection order has been made.

Referral from Courts

Where a request is made for a safety programme as a result of a protection order being in place, the court will refer the matter to a service provider.

Service providers should not contact a child or young person directly:

1. In respect of a child of an adult protected person, contact should be made with the applicant to arrange attendance at a programme by the child.
2. In respect of a minor applicant, contact should be made with the minor's next friend or guardian *ad litem*, in accordance with the rules of court, to arrange attendance at a programme by the minor.

CHILD INCLUSIVE NEEDS IDENTIFICATION PROGRAMME

Needs identification with children and young people is likely to take place face-to-face and in the company of support persons, adult protected person or guardian.

Needs identification should cover the same things as in an adult programme – identifying safety needs and risks, and providing 'First Aid' safety advice to address immediate, practical requirements.

This first contact with the minor will also allow a provider to determine whether access to a safety planning or a supporting safety programme (or both) is the most appropriate response to the needs of the child or young person.

Child inclusive needs identification programme

- *Programme duration:* 1.5 hours
- *Programme mode:* in person
- Referral from the court indicates approval to proceed

CHILD INCLUSIVE SAFETY PLANNING PROGRAMME

If the provider has identified it as the most appropriate response to the child or young person's needs, then a short, safety planning programme will be offered.

Safety planning with children and young people

Once a protection order is in place, children of the protected person or minors in their own right as protected people and young people may access safety planning programmes. Providers who work with children will need to be approved to deliver child inclusive safety programmes.

Safety planning refers to specific actions that can be taken to:

- minimise their chances of being harmed by an act of violence by the respondent
- maximise the chances of making a safe escape.



Child inclusive safety planning programme

- *Programme duration:* 3.5 hours
 - *Programme mode:* face to face (other modes accepted for practical reasons)
 - Programme delivery is pre-approved as part of contract
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Flexible safety plans

A child or young person may need to access a safety planning programme more than once because of changes in circumstances, such as moving town, or the moving from primary school to high school. Safety programmes may now be requested more than once at any time the protection order is in place.

CHILD INCLUSIVE SUPPORTING SAFETY PROGRAMME

Supporting safety programmes, where identified as the best response, may comprise 16-30 hours in a predominantly group programme, or up to 10 hours in a predominantly individual programme to further develop a safety plan (as above) and provide some trauma and skills work.

Supporting safety programmes will usually be in the form of a group programme, but on an individual basis when required.

Seeking approval from court

The court must authorise the delivery of a supporting safety programme before it can be delivered to a child or young person.

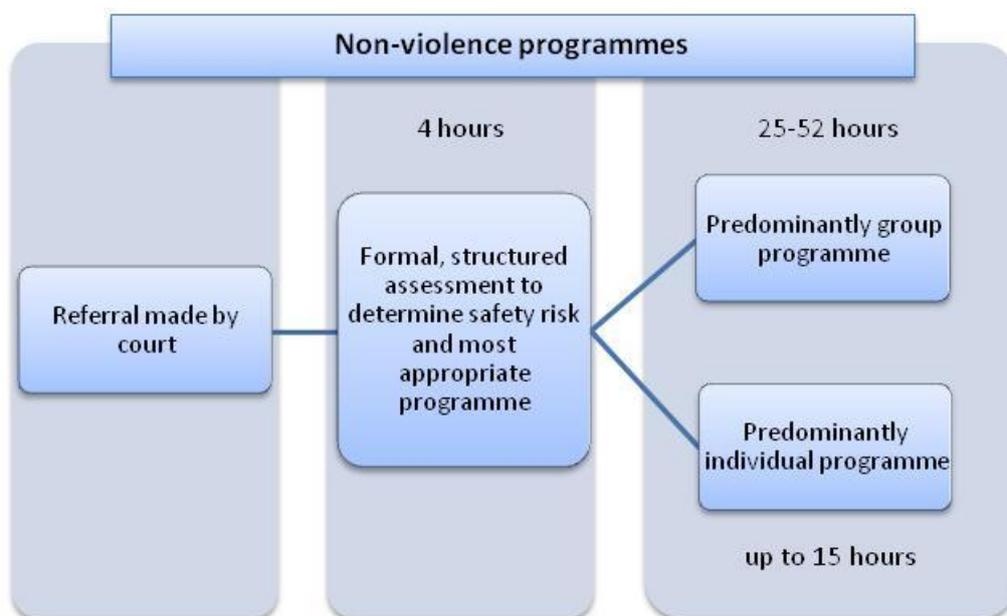


Child inclusive supporting safety programmes

- *Programme duration:* up to 10 hours (individual); 16-30 hours (group)
 - *Programme mode:* face to face
 - Court approval required before programme begins
- 

Non-violence programmes

Non-violence programmes are those provided to respondents who have the primary objective of stopping or preventing domestic violence on the part of the respondent⁵. Sections 51D to 51M of the Domestic Violence Act 1995 (as amended by the Domestic Violence Amendment Act 2013) cover non-violence programmes



REFERRAL BY THE COURT

The process of referring respondents to non-violence programmes will be substantially the same as it is now; respondents will be directed to attend an assessment and non-violence programme at a certain time, date and location.

The courts will use the respondent's information to match their needs to the most appropriate service provider in the person's location. We will be introducing a decision tree to be used by court staff when matching clients to provider. This will be a transparent process that will ensure, as far as possible, the client is referred to the most appropriate provider.

The match to provider will be at a macro level and is not a stand in for the refined work that will be done by the provider during the assessment or needs identification sessions to determine what programme, if any, is most suitable for the participant.

⁵ Section 51A Domestic Violence Act 1995 (as amended by Domestic Violence Amendment Act 2013).

ASSESSMENT

The use of a structured assessment over several hours will form a crucial part of the overall programme intervention. It will provide detailed information to determine the most appropriate non-violence programme structure for the respondent.

This will include exploring in detail the domestic violence history and outcome of any previous programmes, functioning across important life domains, mapping of the last violent incident and identifying strengths and supports. The sessions will assist the participant and providers to identify levels of motivation and commitment to change.

The assessment sessions also start to build the relationship, engage the respondent in the work they need to do and what they need to focus on during the programme. It will also set expectations for the respondent about the programme, and the responsibilities of both the service provider and the respondent.

Risk profile and intervention needs

The assessment will identify the risk profile and intervention needs of the individual respondent. International research on offender programmes shows that mixing offenders with different reoffending risk levels in the same programme can have an adverse effect on lower risk people and can increase the likelihood of them going on to further offending. The risk level also gives an indication of the length of intervention (treatment dosage) required.

Victim informed assessment

To provide an effective assessment of risk, non-violence programme service providers should seek input from the protected person (either directly or through another service provider), where it is safe and appropriate to do so.

Extreme care must be taken to ensure that contact with the protected person is made in a manner that is safe for them and protected persons are not exposed to coercive pressure from the respondent.

Providers must ensure information provided is gathered and used in line with the Code of Practice. The code will provide guidance on safe and appropriate contact between non-violence programme providers and protected persons, and how providers should ensure the confidentiality of any information a protected person gives.⁶

Settling terms of attendance

During the assessment the provider will determine the most appropriate non-violence programme based on the needs of the respondent.

The provider and respondent must settle, in writing, the terms of attendance (number of sessions and place, date and time of sessions) before the programme commences.

A copy of the signed terms of attendance will be sent to the court registrar.

Where the provider and respondent are unable to agree to the terms, the matter should be referred to the court.

A standard template for reporting will be developed and guidelines for this process will be included in the Code of Practice.

⁶ Towards Safe Families. A practice guide for men's domestic violence behaviour change programmes; Attorney General NSW 2012

NON-VIOLENCE PROGRAMME

Responding to individual needs

The move towards a more flexible and individual focus is aimed at improving outcomes for both protected people and respondents by giving providers greater flexibility in how they deliver non-violence and safety programmes.

Group non-violence programmes may be structured differently for people with different risk profiles and learning needs.

While still delivering to a group, programmes will need to have the flexibility to be matched to the identified needs of an individual and have the ability to provide a tailored intervention for that person.

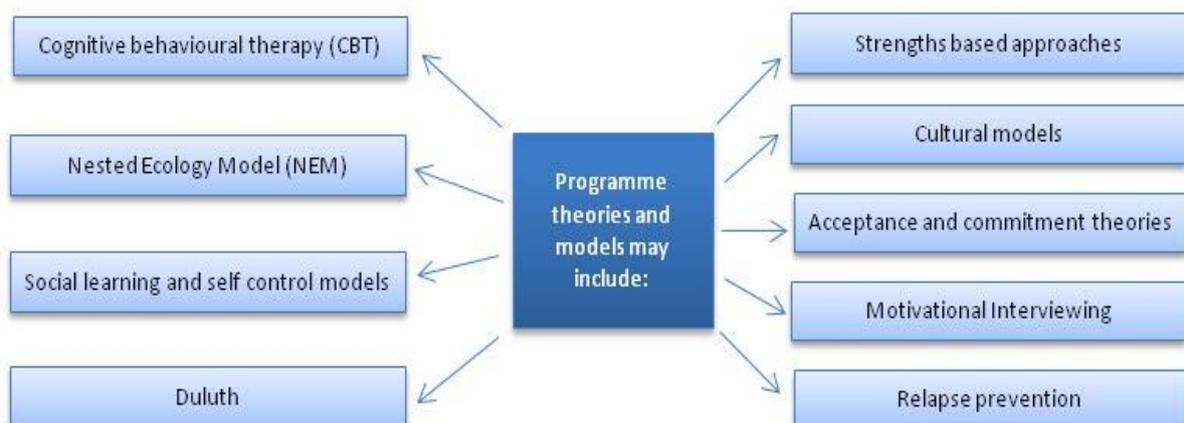
Providers will need to have regular intake points into programmes to minimise delays for respondents between assessments and a programme starting

Structured, modular programme design and delivery

Generally programmes will be structured, modular group programmes with the option of individual sessions scheduled at different points to work on particular issues. Family/whānau meetings may be scheduled towards the end of the programme, if appropriate and safe to do so. Where a respondent is assessed as unsuitable to participate in a group programme, then an individual programme should be provided.

Research-informed programmes

Programmes should be informed by current theories and models that have been shown in international research to be effective in changing behaviour. These include but are not limited to;



The Ministry of Justice domestic violence service provider Code of Practice will detail our expectations for service providers when developing and delivering their programmes.

Reporting requirements

NON-VIOLENCE PROGRAMMES

When the respondent has completed the programme the service provider must provide the registrar with a completion report which states whether the respondent has achieved the objectives of the programme and advises of any concerns that the service provider has about the safety of any protected person.

In addition to the requirements to provide the court with a copy of the agreed terms of attendance and the programme completion report, the Amendment Act contains a number of other mandatory reporting requirements. The provider must report to the court:

- concerns about safety and risk to the protected persons or their children
- if a respondent has been assessed as unsuitable for a programme or if there is a need for the programme to be delayed
- if a respondent is not participating in a programme or the non-violence service provider is unable to continue to provide the programme
- if a respondent has failed to attend or participate in the assessment
- significant non-attendance by a respondent at non-violence programmes.

SAFETY PROGRAMMES

Providers of safety programmes to adults or children must provide the following reports to the court:

- request for approval for a supporting safety programme
- safety programme completion notification.

REPORTING TEMPLATES

The Ministry is developing templates to ensure providers are easily able to meet the reporting requirements of the new legislative framework.

The Code of Practice will provide guidance in completing these.

Programme resources

The Code of Practice will include resources to help providers with their clinical work where these may not already have been developed. These will include resources to assist with:

- needs identification and giving 'First Aid' safety advice
- safety planning for adults
- safety planning for children and young people.