



**Strengthening New Zealand's
legislative response to family violence**

**- PSA submission on the discussion
document**

18 September 2015



For a better working life

New Zealand Public Service Association
Te Pūkenga Here Tikanga Mahi

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PSA submission

Who we are and why we are submitting

The New Zealand Public Service Association Te Pūkenga Here Tikanga Mahi (the PSA) is the largest trade union in New Zealand with over 62,000 members. We are a democratic organisation representing members in the public service, the wider state sector (the district health boards, crown research institutes and other crown entities), state owned enterprises, local government, tertiary education institutions and non-governmental organisations working in the health, social services and community sectors.

The PSA has been advocating for strong, innovative and effective public and community services since our establishment in 1913. People join the PSA to negotiate their terms of employment collectively, to have a voice within their workplace and to have an independent public voice on the quality of public and community services and how they’re delivered.

With members working in each of the public services departments, District Health Boards and other State agencies working with family violence, and also in non-governmental organisations in the sector, the PSA is well placed to comment on the workforce aspects of the discussion document.

This submission

This submission has two sections. The first comments on measures needed to ensure a safe and competent workforce and service delivery. The second recommends changes to legislation to improve outcomes for State servants who are subject to family violence, by supporting their ability to stay in work and therefore their financial independence.

In preparing this submission the PSA sought the views of its members working both directly providing services to victims and abusers, and those who come across various forms of family violence in the course of their work. We used an online questionnaire to gather views and comments. We have included edited quotations from some comments in the text of this submission and a copy of all of the comments provided are attached as an appendix.

Safe and competent family violence workforce and service delivery

The family violence workforce – central to effective delivery

The PSA commends the inclusion of a workforce framework in the overall family and sexual violence system framework and requests that the relevant agencies consult with the PSA in developing the agency frameworks within this.

Agreement on minimum standards required for effective working in the area of family violence should clarify expectations for individuals in the family violence

Workloads and full funding

workforce and assist agencies to put in place policies and systems to support this workforce. Other measures are also needed to achieve a safe competent workforce. The most important are commitments to appropriate levels of workload for family violence workers and full funding for organisations working in this area.

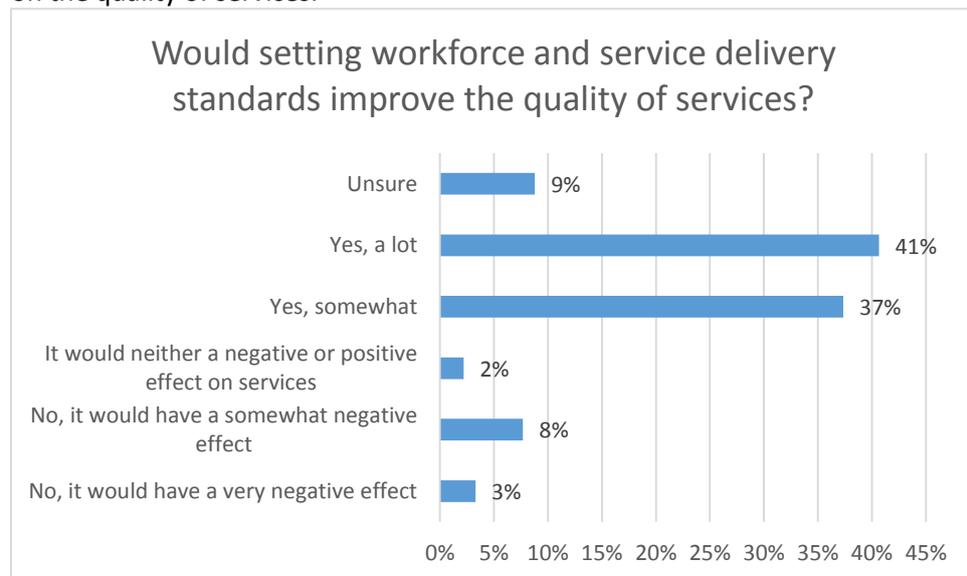
Full funding means contracts which have built in costings for changing needs and increases to cost of living. Organisations that deal with those who have experienced family violence need to be able to spend less time on fundraising and survival and more time working with people and developing innovative practice. Full funding will also make networking and sharing information easier as there would be more time and less anxiety about being in 'competition' for survival.

PSA response to specific discussion paper questions:

What impact would setting minimum workforce and service delivery standards have on the quality of services?

General support for minimum standards

78% of PSA members who responded to our online questionnaire thought that setting minimum workforce and service delivery standards would improve the quality of services somewhat or a lot. 11% thought it would have a negative effect on the quality of services.

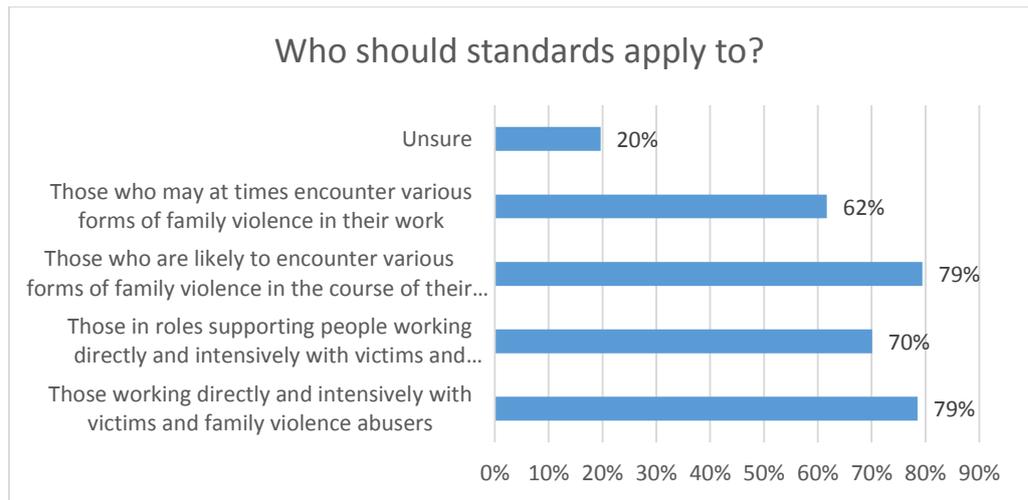


Who minimum standards should apply to

There is the question about how the family violence workforce is defined and who such standards should apply to. Of those who responded to our online questionnaire, 8 out of 10 agreed that such standards should apply to:

- Those who are likely to encounter various forms of family violence in the course of their work; and
- Those working directly and intensively with victims and family violence abusers.

There was also strong support for standards applying to those in roles working with people working directly with victims and family violence abusers, such as administration or management support. 6 out of 10 respondents supported such standards applying to those who may at times encounter various forms of family violence in their work.



Respondents provided a number of comments in response to these questions, many supportive of the idea of statutory workforce standards as a way of promoting a common cross-organization and cross-agency understanding of what family violence is and what response is appropriate.

“With Family Violence being such a significant community and social problem many services and organisations are currently doing this work. There needs to be standardisation across the board to provide a framework which talks to Best Practice standards and Safe ways of operating. - - Having these standards in place will ultimately help and support the key people in this equation -- the victims who are identified in this work. It will also contribute to the work needed to provide remedial and rehabilitative work for the perpetrators.” Employee of funded service provider working directly with family violence victims and abusers.

Avoid compliance culture

Some respondents cautioned that standards should not become “tick-boxes” that drive a compliance culture.

Develop standards with affected staff

It is also important standards are developed with input from affected staff and that they are regularly reviewed to ensure they retain relevance as understanding of quality practice and other aspects of service delivery evolve.

Standards should be regularly reviewed

“Standards need to be reviewed regularly to ensure that they remain relevant and fit for purpose. Staff should be encouraged to offer feedback and make suggestions for improvement. Changes to the standards need to be communicated clearly to staff promptly. - Good compliance systems cost money to develop and deliver effectively. Spend the money up front on quality development instead of damage control after the fact.” Employee of a government agency likely to come across family violence in the course of their work.

The systems and policies service providers and agencies should have to put in place to support people working in the family violence workforce to practise in a responsive, safe and competent way

We received many comments emphasizing the need for the family violence workforce to be supported by organisational systems and accountabilities that support safe practice.

Standards of organisational support are also needed

We recommend the creation of not just competency standards for family violence workers but also standards of organisational support that agencies and funded organisations working in this area should be required to meet. These could include minimum standards for:

- Access to supervision and adequate and ongoing training so that standards can be both maintained and strengthened over time as the understanding of effective practice evolves
- Appropriate levels of workload to ensure standards can be maintained

"I am a ... with the Approximately half my workload involves working with perpetrators of family violence. I also work with victims who are also sometimes perpetrators. My workload, and that of my immediate colleagues and also colleagues working all over the country is far too high to give the attention required, to this serious issue. - For the past 6 months, my workload has been over 200% of what it should be, according to the department's own work management tool. Ditto for all my immediate colleagues. We are hopelessly under resourced, in terms of front line staffing levels, leaving us unable to address these issues properly. There always seems to be plenty of money to spend on more 'advisors', practice leaders, high risk teams, extra layers of management (...) etc etc whilst starving the coal face of staffing resources."
Employee of a government agency dealing directly with family violence victims and abusers.

Supervision, training, debriefing and ongoing practise support

Supervision, training, debriefing and ongoing practise support were the systems and policies most mentioned by respondents to our survey. Memoranda of understanding between agencies in information sharing and standard contact / stakeholder information sheets for each region were also mentioned.

"Supervision from qualified providers, with competence in family violence - training and ongoing practise support". Employee of a government agency likely to come across family violence in the course of their work.

Types of training needed

Training and clear protocols around information sharing were identified as priorities. Other types of training mentioned included; disclosures, ethical practice, conflict resolution and training for those supporting frontline staff in how to do this support effectively.

Professional standards complementary

We asked members how any such standards would fit with existing professional standards. While setting common standards would hopefully have the effect of aligning expectations across the agencies and organisations working together on family violence, they should also complement professional standards set, for example for social workers.

Supporting

workforce professionalisation will support quality practise and service delivery

Social workers working for Child Youth and Family work with victims and perpetrators of family violence every day. It is of concern to the PSA that there is not Government support for the increased professionalisation of social workers through registration.

In addition, there are indications that the government may soon take decisions regarding CYF that reduce the professionalism of the workforce working with vulnerable children and their families. To us this is counterintuitive. Continued professionalisation of the family violence workforce can only help increase the quality of practice and service delivery.

Improving outcomes for State servants subject to family violence

The Cabinet paper Progress on the Work Programme of the Ministerial Group on Family Violence and Sexual Violence gives the annual government spend on family violence as \$1.4 billion per year. There is an additional cost not captured within this amount. That is the cost to the State as an employer.

\$47.84 million cost to State sector as employer

Family violence is estimated to cost New Zealand employers at least \$368 million per year¹. The New Zealand State sector employees around 300, 000 people – approximately 13% of the total New Zealand workforce. The annual cost to the State as an employer could thus be estimated as \$47.84 million.

This is a very conservative estimate as victims of family violence are more likely to be women and the State sector workforce is highly feminized compared with the overall New Zealand workforce – particularly in the health and education sectors. Even in the Public Service, 60.2% of the workforce are women².

Government can make a difference now as an employer

These costs can be mitigated by State sector employers actively adopting “strategies to support those who experience (family violence)” such as:

- “Adopting workplace practices and policies (e.g. flexible work hours, flexible work locations, security practices, awareness raising)
- The inclusion of entitlements that support victim’s safety in collective agreements
- Partnering with specialized family violence agencies to support in-house training and facilitate referrals”³.

Internationally, the workplace is increasingly recognized in family violence policy as a useful site of intervention. As the New Zealand Family Violence Clearinghouse notes, “employment, and the workplace can be crucial supports for women exposed to violence. Employment and the subsequent economic security that can arise from employment can help to create pathways out of the violence”⁴. They also state that

¹ Ibid p7

² SSC, 2014 Human Resource Capability In The New Zealand State Services, p31

³ Rayner Thomas, Fanslow and Dixon, Intimate Partner Violence and the Workplace, NZFVC Issues Paper 7, November 2014. Key Messages.

⁴ Rayner Thomas, Fanslow and Dixon, Intimate Partner Violence and the Workplace, NZFVC Issues Paper 7, November

“there is a growing body of evidence suggesting that as well as the potential for breaking the cycle of domestic violence, the introduction of workplace protections for people affected by domestic violence both saves employers costs (recruitment, retention, retraining, health and safety) and increases productivity.”⁵

The PSA has members working in all government departments. For the past two years, as the collective employment agreements we have with each of those departments has expired, we have consistently asked that departments put in place workplace supports for those subject to family violence. At the date of writing this submission, no department has agreed to do this.

*Departmental
chief executives
can lead this
together*

The PSA is advocating for these measures as we believe that we all have a role in preventing and reducing the impact of family violence. We are pleased to see agencies, through Ministerial Group on Family Violence and Sexual Violence increasingly working together to do this. Departments showing leadership as employers and putting workplace supports in place is another way of doing this.

Of course we all understand that family violence affects State services workers just as it affects workers in other sectors. In 2013, as part of understanding better how family violence impacts on workers within the coverage of the PSA we surveyed a structured sample of PSA members about their experience of family violence and how it impacts on their work.

55% of survey respondents reported having some experience with domestic violence either in their personal lives or through someone they know; and 31% reported that those who had this experience with domestic violence had it occur while they were in paid employment or the person they knew was in paid employment.

26% of respondents had personally experienced domestic violence and more than half of this group (58%) reported being in paid employment at the time. Of those who had personally experienced domestic violence while in paid employment:

- 38% reported that the abuse had a negative impact on their ability to get to work. The most common reasons reported by this group for this negative impact were physical injury or restraint (62%), fear of leaving children alone with the abusive partner (41%), partner hiding car keys (26%) and failure of the partner to care for children (24%).
- More than half (53%) reported they did take time off from work because of the domestic violence. Of this group, the most frequent reason for taking time off was health/medical reasons (52%), followed by attending counselling (48%), attending police or legal appointments (31%), sorting out accommodation (27%) and attending court (22%).
- The domestic violence also took place in the workplace with the main forms being abusive phone calls, emails or texts (16%), being stalked at work (16%) and the abusive person physically coming to work (10%).

- The major impacts reported on work performance were being late for work (84%) and being distracted, tired or unwell (16%). Of those who reported that the violence they were experiencing had an impact on their co-workers, most said that it created conflict or tension with colleagues (83%). 17% said colleagues were threatened or harmed.
- Less than half (47%) discussed the violence with someone at work. Most spoke with a colleague (69%) and/or supervisors and managers (54%). They also reported discussing the violence with HR staff (7%) or union representatives (4%). Of those who did not disclose at work 92% said that the main reasons for this were a combination of shame and /or a need for privacy.
- Of those who reported the outcome of disclosing at work, 65% reported positive outcomes and 32% reported that nothing happened. The most common help people received was paid time off (31%). Active responses by employers (e.g., alerted security or police, changed/screened phone calls or emails, moved victim to safer place at work, provided transportation, or provided a security alarm) were not commonly reported.
- A third of those who responded to a question about police involvement reported that they had gone to the police about the violence (33%). 8% were involved in Family Court proceedings and one in four had obtained a protection order. Of those who did obtain a protection order, 77% reported that that protection order did not include their workplace.

Of those who reported they knew someone else who experienced domestic violence while in paid employment:

- 29% said their friend or colleague was harassed through phone calls, emails or texts. 27% said the domestic violence their friend or colleague experienced created conflict or tension with their colleagues. 28% said that the workplace provided a supportive environment for their friend or colleague.

Of all of those who participated in the survey:

- 99% said that domestic violence can impact on the work lives of employees.
- 82% thought that workplace entitlements, such as paid leave and safety policies could reduce the impact of domestic violence in the workplace.

This can make a difference

Skills in recognising and responding to domestic violence are critical, especially in the workplace. Going to work can be one of the last things someone experiencing coercive control and isolation in a relationship is allowed to do. Workplaces can be skilled-up enough to recognise and identify violence and have the tools to respond and refer. Family violence needs to be explicitly named and talked about as if it is hidden in wider codes of conduct or harassment and bullying policy it will never be thought to apply to family violence.

There is help available

There is plenty of evidence that State services employers can make a difference by putting appropriate workplace supports in place. There are a number of organisations well-placed to support agencies in this. The New Zealand Family Violence Clearinghouse can provide the relevant research base, the Ministry of Social

Development's It's Not OK campaign's website⁶ provides a useful toolkit for employers and Shine and Women's Refuge can provide draft policies, advice and training.

This is within the purview of ministers

What is needed now is leadership from chief executives and a commitment to doing this because it is the right thing to do. In the absence of this leadership, the PSA recommends that responsible ministers request that the State Services Commissioner issue a workforce policy order under s55B of the State Sector Act 1988 providing for workplace supports for those subject to family violence.

Extend supports to the wider workforce through legislation

The State sector workforce is a good place to start but the PSA would also strongly support extension of these kind of supports to the total New Zealand workforce. This could be done through the legislative interventions outlined by the New Zealand Family Violence Clearinghouse at p21 of their November 2014 issues paper Intimate Partner Violence and the Workplace⁷.

⁶ <http://areyouok.org.nz/i-want-change/business/>

⁷ Rayner Thomas, Fanslow and Dixon, Intimate Partner Violence and the Workplace, NZFVC Issues Paper 7, November 2014.

Comments provided in response to survey

Q. Please write any comments you have here about the idea of setting minimum workforce and service delivery standards for the family violence workforce.

Privacy would always be an issue and working with individuals and families the issue of Privacy would arise and could hamper the effectiveness of any work.
Silly
The more frontline workers know the better they can support vulnerable families and children, in terms of FV. You can not underestimate the importance of team worker and professional networks in supporting families involved in FV.
The standards would need to be clear, robust, realistic and enforceable with oversight and very clear expectations of those working in the arena - with a complaints process if those working in the arena didn't meet, or acted outside of, the standards. - For example - Police working in Family Violence using a CYF investigation as a threat or coercive measure would not be acceptable (this currently happens)
The unusual dynamics within family violence offending requires highly skilled staff that can deal with the offender, the abused person and secondary victims eg children, neighbours, teachers etc. - Ad hoc training across Government Departments should be done away with and a National Standard should be available to staff who wish to specialise in this area, nurses, teachers, NGO workers, Police, Corrections, CYF, MSD.
There are minimum standards to be achieved in the service delivery of Primary Health and this should be part of that.
Think a good idea but there are other things that need to happen with legislation first. Legislation the most important things.
This is a sensitive and delicate matter especially when it comes to those who are victims and hence it needs people who are in charge with their therapy and care, and should be competent and certified to ensure that they
Time frames for follow up of notifications.
To achieve effective outcomes an inter-agency task force would be helpful to bring all of the services and supports together - maybe have this task force target high risk victims and offenders and then share their knowledge with others in their own agencies. Also need specialised training due to the dynamics of family violence.
We have too much family violence in NZ and everyone needs to 'own it' otherwise things may never change. - Some of it comes down to too much availability of Alcohol & Drugs in each community which can contribute to the violence. Start with limiting Liquor Outlets. - Education of 'Keeping Safe' and providing information on where to go to for help needs to start as school level. - Having Regional Joint Taskforces (such as what we have in the ... Region) need to be permanent fixtures to support Cross Government/Agency communication, information sharing and action.
When working with a client, the worker should in all instances provide something like a fact sheet on family violence, or it could even be as easy as a footer in all letters, something like 'need help with family violence call 0800.... If this was done as a matter of course, potentially most clients would not need the information. But if it saves one family from the abuse then it is well worth it. - - Why I think everyone should get it, is that it would not stigmatize obvious victims.

Whilst this is a good idea one of the areas services appear to be falling down over are around sharing of information.

Q. Please write any comments here you have about how you think these kinds of standards would fit with any professional standards that already apply to you.

They would sit nicely alongside our child protection and family violence policy and could be included in our training
We already have a minimum standard.
We already have minimum standards or practise within community probation, this would just further increase the requirement of probation officers to be vigilant in respect of family violence cases.
We should all be working under the Child Protection Policy, however, it may be of help to provide a quick checklist and contact list to Probation Officers that could assist them with making contact with the appropriate agencies.
With Social work standards they would fit well, almost could act as a spelling out of how these standards apply in the context of domestic violence.
With the multi discipline team approach for example working with youth Meetings such as right track are a good vessel where the MDT teams attends and discusses issues and puts in place support directions for the Prisoner.
Working with the families, I have had problems with individual police responses towards the victim. POL400 completed but the starchy detachment. And sometimes they have differing service, some will some wont. It is always a good idea to collect the good practises, good ideas, good procedures, workable options together and everyone deliver the same platform, setting these as minimum standards is a no brainer.
Would improve skill level to deal with a complex problem within the community
Yet more minimum standards, for some organizations/agencies will be repetition of practice requirements that already come from governing bodies like Social Worker Registration Board, Aotearoa New Zealand Association of Social Workers and then from the organizational and agency policies and procedures, competencies, mandatory standards, already in place. Each organization would need to see how minimum standards may already be being met through their particular ways of practice.

Q. What systems and polices do you think service providers and agencies should have to put in place to support people working in the family violence workforce to practise in a responsive, safe and competent way? For example, training, information sharing, documentation supervision, review etc.

Sufficient resources
Supervision for staff at what is raised. Level of intervention with offender needs to be looked at in terms of staffs own needs and issues e.g. victims of historic or current abuse may be less able to work effectively with abuse or identifying it if they have own distortions developed as self-preservation.
Supervision from qualified providers, with competence in family violence - training and ongoing practise support - training specific to information sharing, disclosures and ethical practise.
The ability communicate openly and honestly with other professionals especially police family violence teams reduces the risk of harm to individuals and children. MOU or information sharing agreements between agencies and the police is essential to reduce risk and harm to families.

The things that are being talked about in the discussion document sound good. As a (...) practitioner I wonder at arrest for men ringing their children - how does this fit with our taking children to the prison for access? That is what I mean about legislation and the sooner the better.
They should ensure that those staff are firstly trained to do these types of work and secondly, to ensure that there are standards that these people can be measured or come under to ensure that they maintain safe work practices and ethical approaches are employed.
Training - FVIP - visual posters in all frontline officers/contact numbers for each region - create 1 page of all contacts/stakeholders which can be included in each region home page - There will still be a need to be an overseer someone who specialises specifically and who specialises in this - All should be accountable - Teaching the clients that it is not OK and how to overcome these issues - They should attend counselling compulsory, Police/ other community groups that specialise in this should work closely with this group also are them with the understanding what Family violence with the tools and knowledge so they are able to choose a new way of living for some issues are generational there are many reasons why this can occur, Information sharing needs to be easier so we are able to identify which ones are currently experiencing this within our own community, making it safe for the victim and children
Training and network
Training for all staff members with extra more intensive training for those who work on the frontline. It would also be helpful for those supporting front line staff to have extra training in effectively supporting frontline staff members.
Training yes....conflict resolution Ten R which is adopted by police and corrections could be enhanced to train staff in the wider community across the spectrum of support workers. - Information sharing is difficult but legislation could be amended to support the effectiveness of this.
Training, reviewing, outside organisation training us. Need debrief from counselling service straight after.
Training, sharing of information, reviews, professional supervision.
Training, visual materials, meaningful assistance.
Training-external from a professional in the field, refresher courses - Clear process and agreements around information sharing-seems to be working well. - The process seems to get lost when the family deny abuse
training to increase skills and knowledge, sharing of information, and documentation are critical to breaking the cycle. Our area have meetings to share information, and decide the best responses to protect our whanau. More collaboration is always beneficial.
Whilst this is a good idea one of the areas services appear to be falling down over are around sharing of information which I think stems from concerns about privacy breaches and as a result possible disciplinary action. Perhaps better sharing of information held by individual agencies may be a good place to start along with better and more effective training around what can and cannot be disclosed and where overriding someone's privacy is appropriate may be more beneficial.

Q. Please write any other comments you have here about what would support people working in the family violence workforce to practise in a responsive, safe and competent way.

The police and FST provide good support in this area and are always happy to do joint visits which is great.
There is areas of high demand for providers who are working with victims and abusers of family violence. Capacity is more of an issue opposed to practises. The have been funding cuts made in Family Court and supportive services such as family counselling or parenting separation. Without this necessary services families' situations can escalate further due to frustrations. - - Family violence providers are consistently over delivery at their own cost in order to meet the demand. Funding allocations are finite and do not necessarily cover all of the costs of running a service. This undermines providers' ability to provide quality services to our most vulnerable with limited resources.
There needs to be set service specs and staff need training and supervision with oversight to ensure that cases are dealt with properly and fully and thus keeping victims and staff safe.

<p>This area carries with it a whole set of skills and competencies. These skills and competencies need to be measured and development supported adequately.</p>
<p>To be able to do this they should be checked for competency themselves, and belong to ANZASW body who maintains that the required standard is kept.</p>
<p>Training and supervision</p>
<p>Unless the Government fully funds the service agencies including the Police all this will be a waste of time. Police frontline staff are at present being thinned once again in a cost cutting exercise. From information I receive Police now spend 70% of their time attending family violence issues. How can anything be improved if the tools are not available.</p>
<p>Until all organisations work consistently there will be little shift or improvement for those living with DV.</p>
<p>We need to be counselled to stay safe when we go home.</p>
<p>When dealing with particularly nasty situations staff need to be given time and debriefing etc.</p>