

FAMILY VIOLENCE PROVIDER UPDATE | SEPTEMBER 2019

Family Violence Act 2018 implementation from 1 July 2019: Part three

Ngā mihi nui ki a koutou katoa

This is the next in a series of updates about the Family Violence Act 2018 and the Family Violence (Amendments) Act 2018 and how it relates to your programme delivery. Our May update contained an overview of the changes and is a good reference document for facilitators.

In the June update, we outlined our plans for supporting you through these changes and provided more details on contract variations, new options for approving assessors, exciting enhancements for safety programmes and using the updated Family Violence Programme Provider (FVPP) forms (formerly DVPP forms).

This update will introduce you to the newest iteration of the Family Violence Programme Provider Code of Practice (the Code). We will detail the major changes to the Code and highlight new sections. The changes to the Code are a result of changes to the Family Violence Act that came into effect on 1 July 2019. We have also incorporated changes based on feedback from providers to improve clarity.

Legislation references and terminology

All references to the Domestic Violence Act 1995 have been updated to reflect the new Family Violence Act 2018 (the Act). The Act has moved towards referring to 'family violence' rather than 'domestic violence' and we have incorporated this change in terminology in to the Code. All references to DVPP forms have been updated to reflect the new FVPP forms that were released as part of our June update.

The Code in Parts

The Code is now in three parts. Identifying each document as 'stand-alone' had meant some providers missed the need to understand the legislation and frameworks in the Overview section.

- **Part 1: Overview and frameworks** – for Department of Corrections and Ministry of Justice programmes. Provides an overview of legislation, programmes, fee schedules and facilitator approvals. For managers, administrators and facilitators.
- **Part 2: Non-violence programmes and assessments** – for Department of Corrections and Ministry of Justice providers of non-violence programmes with details of undertaking assessments, programme delivery, and resources to support the work. Primarily for facilitators.
- **Part 3: Safety programmes and the strengthening safety service** – for Ministry of Justice providers of child and adult safety programmes and the strengthening safety service for adults. Includes details of assessments, programme delivery and resources to support the work. Primarily for facilitators.

Foreword

A new foreword section at the beginning of each part of the Code provides an outline of the significant changes and additions to allow for easy reference.

Facilitator approval

You can now approve a facilitator to do assessments only, programme facilitation only, or both. We have amended the resources in Part 1 of the Code to reflect this change. The approval criteria will still require all facilitators to have a core understanding of the Act and programme requirements but recognises that the specific skill set of each function may be different.

Information Sharing

All three Parts of the code include a detailed explanation of the information sharing requirements and limitations set out in the new Act. The Act introduced rules about when personal information can be shared, to encourage the sector to collaborate and respond to family violence. Under the new laws, you must consider sharing information if you receive a request from another family violence agency or practitioner in the sector, if you believe that it may help to protect a victim from family violence. There are two groups of people who can share under the Act: family violence agencies and social services practitioners. A list of these agencies and practitioners is included in Part 1, 2 and 3 of the Code.

We have also included guidance around restrictions on programme information being admitted as evidence in court or used without court's authorisation.

Changes for children (including Victim Informed Assessments)

There are changes to the Family Violence Act and the Children's Act 2014 that impact on delivery of programmes for children. These changes are outlined below and have been incorporated into the Code.

- The definition of a child has changed to under 18 years of age (previously it was under 17).
- Children who are 16 and 17 years old can apply for a Protection Order without needing a representative. (Children under 16 years continue to require a representative).
- Children born to a protected person after the Protection Order has been granted will be automatically covered under the Order and therefore entitled to a child safety programme once they are of appropriate age.
- Children can now request a programme for themselves if they have not accessed one through the applicant of the protection order. We have amended the request for a programme form (FV3a) to include this as an option. We have included detailed guidance around this process in Part 3 of the Code, including consent and guardianship considerations.
- For non-violence programmes, when undertaking a Victim Informed Assessment, the assessor must take all reasonable steps to ascertain the views of the protected person *and the children* unless the assessor considers it unsafe or inappropriate to do so.

Safety notifications

Safety programme providers now have the provision to submit notices of safety concern concerns to the court where they identified imminent, escalating or grave safety concerns for the protected person during or after the safety programme. This is a significant change from the Domestic Violence Act, where it was only non-violence programme providers who had this provision.

The following requirements apply to both non-violence and safety programme providers:

- The safety concerns may be identified **after** as well as during an assessment or programme.

- Police notification is mandatory. The notice of concern should be sent to the local FV co-ordinator and to FV.PNHQ@Police.govt.nz
- Oranga Tamariki must also be notified if there is perceived risk to a protected child.

Non-compliance with Non-Violence Programme – not fully participating.

If a client attends programme sessions but fails to participate fully in the programme, this is now considered to be non-compliant and providers will send an FVPP04 to the court. Previously, it was reported on a DVPP03 – Continued provision inappropriate. This is a legislative change and may result in court sanctions.

Multiple sections added or amended for clarity

We have received feedback from providers that some processes were not communicated clearly in the previous version of the Code. We have taken this feedback on board and added and/or re-worded some sections to improve clarity and accurately reflect current practice. These sections include:

- Programme flexibility
- Programme core content (non-violence only)
- Dual referrals (non-violence only)
- Excusals, postponements and failure to attend (non-violence only)
- Indicative referrals (non-violence only)
- Child safety programme assessments - when to use long or short assessments.

Resources

We have added and amended several resources to reflect legislative changes and provider/client needs. The new resources include:

- Information sharing flowchart
- High-risk and complex needs client approval
- Non-violence progress report
- Safety programme assessment form for existing agency clients
- Child assessment form – Child safety programme
- Power and control wheel for rainbow families

Ongoing Support

We understand there has been a lot of information coming your way and it will take time to fully embed the programme and process changes to meet the intent of the new Act. If you have any questions, please contact your contract manager. We welcome your questions and feedback about how we can best support you and your team.

Mauri Ora, Sebastian and the Safety Services Team