



Issues Paper on the NSW Minimum Standards for Domestic Violence Behaviour Change Programs

Introduction

In February 2009 NSW Cabinet agreed that a government interagency working group should further progress the work on minimum standards for domestic violence behaviour change programs by developing the minimum standards and best practice guidelines in consultation with key stakeholders.

Cabinet also agreed that the working group should further progress the work on minimum standards by developing procedures for initial certification or accreditation of a program's compliance with the minimum standards, and procedures for monitoring compliance with the minimum standards.

An interagency working group comprised of representatives of the NSW Police Force, Ministry for Police, the NSW Department of Health, the Department of Community Services, the Department of Corrective Services, the Department of Premier and Cabinet, the Department of Aboriginal Affairs and Housing NSW has been established. The NSW Department of Justice and Attorney General chairs the interagency working group and is responsible for developing and administering the minimum standards. Administering the minimum standards includes the initial implementation of the standards, and the establishment and management of an accreditation process. The Department of Justice and Attorney General will be responsible for monitoring compliance with the standards.

The minimum standards will inform decisions about the funding of behaviour change programs and will inform referrals made by government agencies to these programs. Given that there is minimal evidence to support the effectiveness of domestic violence behaviour change programs, the working group has agreed that it is necessary to ensure that an accreditation or certification of a program is not seen as an endorsement of a program, or that a particular program is effective in reducing offending behaviour.

This issues paper relates only to a discrete aspect of the development of the minimum standards, the:

- Broad processes of a two-tier regulatory framework to encourage compliance to the standards
- Scope and definition of programs to which minimum standards will apply
- Key aspects of the minimum standards

At a later time, discussion will be invited on the processes of accreditation or certification, the formal administrative procedures and processes for evaluation. These aspects are not included in this paper as they rely heavily upon the actual content of the minimum standards.

The purpose of the issues paper

The paper aims to encourage discussion between people involved in the domestic violence sector including aspects of the sector responding to offending behaviour as well as responses from the general community. The paper provides a synopsis of the key, complex issues involved in the development of the NSW minimum standards, and asks stakeholders

to respond to key issues regarding the regulatory framework supporting the implementation of the standards, the scope of the programs to which the standards will apply and key aspects that the standards will address.

Considerable research and analysis has been undertaken to assess the national perspective on minimum standards. NSW provides a unique context in which to apply and monitor minimum standards, and it is in this context that your insight and knowledge is sought.

Responses to this paper and ensuing consultations will assist in developing the content of the minimum standards, as well as the scope and definition of programs to which the minimum standards will apply. Responses will also assist in further developing the regulatory framework including procedures for compliance and monitoring practice.

The paper is organised into the following parts:

INTRODUCTION

PART 1

THE REGULATORY FRAMEWORK

- 1.1 Introduction
- 1.2 Proposed approach
- 1.3 Other jurisdictions
- 1.4 The NSW context
- 1.5 Questions to guide your response to the regulatory framework.

PART 2

MINIMUM STANDARDS

- 2.1 The scope and definition of programs to which minimum standards will apply
- 2.2 Key elements of the standards.

Questions in PART 1.5 and PART 2.2 are to guide your discussion, and to which you should focus your response.

How to make a submission and the consultation process

Written submissions to the Issues Paper should be emailed to the Crime Prevention Division at cpd_unit@agd.nsw.gov.au or posted to the Manager, Domestic and Family Violence Team, Department of Justice and Attorney General, Locked Bag 5111, Parramatta NSW 2124 by 25 September 2009. Enquiries can be made at (02) 8688-6761.

Targeted consultations will be held throughout September 2009.

PART 1

THE REGULATORY FRAMEWORK

1.1 Introduction

NSW Cabinet has agreed that the following approaches be introduced to encourage compliance to the minimum standards:

1. Compliance with minimum standards to gain accreditation
2. Program accreditation linked to funding agreements
3. Program accreditation linked to government based referrals.

An accreditation or certification (these terms may change) would indicate that NSW Government observes that the program meets the minimum standards. The accreditation or certification of a program is not seen as an endorsement of a program, or that a particular program is effective in reducing offending behaviour.

Compliance measures are procedures by which the NSW Government encourages programs and agencies to implement and meet the minimum standards.

Monitoring the standards means overseeing those accredited programs to ensure they maintain their level of service.

A regulatory framework is the body of procedures incorporating the processes of implementation, accreditation, compliance, and monitoring.

1.2 Proposed approach

The NSW Government aims for an inclusive approach to developing minimum standards that is as broad as possible in order to support the development of good practice for as many program contexts as possible. For this reason it is proposed that the standards will incorporate a two-tiered regulatory approach.

The first tier will include domestic violence behaviour change programs funded by local, State or Federal government, and programs that government agencies might refer clients to.

A secondary response, or secondary tier, would involve a self-regulatory framework. Programs that might come under the secondary tier are those programs that are not funded by local, State or Federal government, and are not referred to by government and might include programs like anger management, parenting, father's or other groups where domestic violence perpetrating behaviour is not identified as the central program focus but where domestic violence might be a subject referred to in the program. This second tier provides a wider scope that will encourage a greater number of programs to implement and comply with the standards.

1.3 Other jurisdictions

To inform discussion about appropriate ways to monitor compliance about minimum standards, it is worthwhile to note that Western Australia and Queensland have minimum standards for domestic violence behaviour change programs, however compliance to the standards is not stringent.

Victoria is the only state that utilises a self-regulatory framework. (<http://www.ntv.org.au/pages/men-s-behaviour-change/ntv-s-self-regulatory-framework.php>).

In Victoria all providers of men's behaviour change programs who wish to be members of the peak non-government agency (No To Violence <http://www.ntv.org.au/>) are monitored, regardless of whether they are agencies, organisations, businesses, or sole traders and regardless of what they are called.

Compliance to the standards is monitored via a membership review panel comprising representatives from a management committee. Compliance is actively monitored on an annual basis, via a survey and statutory declaration.

Actions when a provider does not comply with the minimum standards range from support to become compliant, through to sanction. A five-step process is in place when non-compliance is alleged and this comprises of complaint, assessment, consideration and action by the membership review panel, recommendations to the management committee, and action by the management committee. Compliance with the minimum standards is a condition of membership to that peak agency.

1.4 The NSW context

In NSW the Department of Justice and Attorney General will administer both the first and second-tier regulatory frameworks. The second-tier fosters the inclusion of programs and offers incentives for transparency, communication and education. At both tiers, compliance to the standards is not intended to be an onerous process nor an inflexible one that inhibits local initiatives. The primary concern is providing safe and responsible programs consistent with the proposed first principle of the standards, namely the safety of all victims, including children and young people.

Compliance measures will need to be established that encompass both program tiers, and that seek to encourage the implementation of the standards to a broad scope of programs. All programs will be eligible to apply for accreditation, and ways in which the NSW Government will encourage compliance might include (but are not limited to):

- Implementing a communication strategy that informs the public about those programs that comply with the minimum standards, and those that do not. This communication strategy would relate to both program tiers, and would make explicit the meaning of the accreditation and regulatory scheme.
- A biannual forum on minimum standards for facilitators and agencies engaged in domestic violence behaviour change programs in order to identify aspects of the standards that are challenging to meet, as well as providing a forum for identifying emerging issues and practice trends.
- Establishing an interagency (government and non-government) board at two-year intervals to monitor compliance to the standards. This board would have a central role in the accreditation process and would inform the communication strategy.

Discussion is sought on the viability and interest in these compliance options.

1.5 Questions to guide your response to the regulatory framework

Q> 1. If your program falls into the second-tier, how willing are you to work with the minimum standards?

Q> 2. Are there ways to encourage compliance that does not require an accreditation or certification process?

Q> 3. What other compliance measures could be considered?

Q> 4. What should be considered to ensure that the standards can be met?

Q> 5. What additional resources or skills would be needed for you and your program to comply with the standards?

Q> 6. How practical do you think the framework is to implement?

PART 2

MINIMUM STANDARDS

2.1 The scope and definition of programs to which minimum standards will apply

The minimum standards will apply to all programs that work with people who use controlling and violent behaviours against intimate partners, and have a program philosophy that believes that attitudes and behaviours can be changed. This includes:

1. Programs that identify themselves as domestic violence behaviour change programs (mandated or voluntary).
2. Programs (anger management, parenting, father's or other groups) where domestic violence is not identified as the central program focus but where domestic violence might be a subject referred to in the program.

The application of the standards is not limited to whether or not government funds the programs, nor is it limited to those programs that government might refer to. All programs identified above are encouraged to apply the minimum standards to their full program(s) or to a part(s) of their program.

The standards aim to ensure programs for people who perpetrate domestic and family violence are safe, responsible and accountable. The standards provide a tool by which service delivery can be evaluated and reviewed and quality assurance measures can then be implemented to ensure that funding or referrals received by NSW Government is used for competent and transparent professional practice.

The central principle and priority for the programs must be enhancing the safety of victims and children, and to hold offenders to account for their behaviour. Domestic violence behaviour change programs must have some accountability and transparency to the women's sector and to victims of domestic violence including to children and young people. It is anticipated that the standards will lift practices and responses to ensure that programs are accountable in this context.

2.2 Key elements of the standards

Community and sector input is invited regarding key aspects of the minimum standards. The interagency working group is interested in hearing about what you consider to be a minimum standard for domestic violence behaviour change programs, what works best in practice and what standards are necessary to ensure offenders are held to account for their behaviour.

Each bold heading below represents a key aspect of the minimum standards, these have been drawn together from existing inter-state standards, the United Kingdom's Respect standards and similar standards implemented in Canada.

Under each heading there is a brief synopsis of what could be included for each theme followed by questions for your consideration and response. Each heading also provides you with the opportunity to add further comment and suggestion.

Principles underpinning the standards

The NSW Government interagency working group intends to support the introduction of minimum standards by outlining the key principles underpinning the standards and the theoretical basis of the programs. Your input is sought regarding these elements of the standards.

Q> 7. What do you consider the key principles of the minimum standards should be?

Q> 8. What do you believe is the primary theoretical base underpinning the work in domestic violence behaviour change programs?

Interagency coordination for domestic violence behaviour change programs

The interagency working group understands that an important element of good practice in the delivery of programs, is a systemic response rather than as a stand-alone response to reducing domestic violence re-offending. We are therefore interested in hearing about processes that foster working with other agencies (formally for mandated programs, as well as informally) and ways to coordinate a response.

Q> 9. What are the key elements in working with other agencies and coordinating an effective response in domestic violence intervention?

Q> 10. What other sectors are critical for programs to collaborate with, such as justice, children's services?

Further comments

Program facilitators

The working group has noted that the recruitment and training of program facilitators is an important aspect of the minimum standards. Stakeholders' input is sought regarding facilitators of domestic violence behaviour change programs, including:

A. How to recruit facilitators including the qualifications required, the skills, knowledge and experience required

Q> 11. What skills, knowledge and experience are necessary for facilitators? Should a minimum qualification be required?

Q> 12. If so, what should this minimum qualification be?

B. The number of formal clinical supervision hours required for facilitators to undertake?

Q> 13. Who should be providing the supervision?

Q> 14. How many hours per week of supervision is necessary?

C. The number and gender of program facilitators required for each session

Q> 15. Is it reasonable that a male and a female should co-facilitate sessions?

Q> 16. Can you foresee any challenges in meeting this requirement?

D. Professional development and training

Q> 17. What professional development and training is necessary for facilitators of behaviour change programs?

Q> 18. Does this training currently exist in NSW?

Q> 19. How much does the training cost per facilitator?

Q> 20. Is this reasonable and attainable?

E. The roles and responsibilities for the facilitators as well as the agency itself, the safety of staff, and the appropriateness of previous participants as facilitators.

Q> 21. What do you consider are the roles and responsibilities of a facilitator (or coordinator), and of the agency itself?

Q> 22. Is it appropriate that previous participants of domestic violence behaviour change programs become facilitators of these programs? Why?

Q> 23. Should there be any particular requirements to be met if previous participants undertake the role of a facilitator/coordinator?

Q> 24. What processes should be in place to increase the safety of program staff?

Further comments

Program participation

The minimum standards will address eligibility of participants to enter into behaviour change programs. The standards will include assessments for intake and safety, risk assessments throughout the course of the program including risk assessments for the safety of victims and children. They will also examine exclusion factors and what happens for participants who do not complete the course, and those who are repeat participants. Stakeholders are asked to consider how these issues might be addressed.

Q> 25. What are the key issues that NSW Government should consider around issues of participation, risk assessment and exclusion?

Q> 26. What are key conditions that could be in place to sanction/allow participants to repeat a course?

Further comments

Program content, structure and delivery

The content, structure and delivery of programs are fundamental to the minimum standards. The interagency working group seeks stakeholders feedback regarding the specific content of the behaviour change programs for domestic violence, including:

A. Theories of group work (including ways to address collusion)

Q> 27. What theories of group work underpin your current practice?

B. The importance of debriefing and structures to support this practice

Q> 28. What organisational structures are important to encourage professional practice?

C. The safety of the group and the facilitators including ways to respond to breaches of court orders, child protection issues and contact with victims and family members.

Q> 29. How do you think group programs are best structured to ensure program safety?

Q> 30. What safety features does your program incorporate for staff and for victims (including partners and children and young people)?

D. Addressing issues of victim empathy and relationship skills

Q> 31. What content elements should be included in the program to engender victim empathy?

Further comments

Program accountability

A key minimum standard will be offender accountability and program transparency. The interagency working group intends that the minimum standards will incorporate ways in which programs and agencies can be accountable to the women's sector, to the needs of

children and young people who are direct or indirect victims of domestic violence, and to the wider general public.

Q> 32. The regulatory framework in PART 1 will make public and transparent those programs that meet the minimum standards and those that do not. Is this sufficient in terms of accountability to the women's sector?

Q> 33. What's the best way to measure the effectiveness of behaviour change programs?

Q> 34. What else should NSW Government consider?

Further comments

Access and equity

The interagency working group sees that it is imperative that the minimum standards should ensure that programs are accessible to participants needs. Feedback is sought from stakeholders regarding:

1. Working with Aboriginal participants
2. Working with participants from backgrounds of cultural, linguistic and religious diversity
3. Working with participants who have a disability
4. Working with participants with low level literacy
5. Working in rural and remote regions

Q> 35. What should NSW Government be mindful of when detailing each of these sections?

Further comments

Working with victims

To increase the safety of victims and to hold offenders to account for their behaviour, contact (with consent) of the victim is proposed as a key aspect of the NSW minimum standards. Input from stakeholders is sought regarding appropriate processes for initial contact with victims, ongoing contact with victims and their family members.

Q> 36. What should be considered to ensure the safety of victims in this context?

Further comments

Evaluation

The interagency working group intends that the minimum standards will ensure that programs are appropriately evaluated, including evaluation of outcomes for victims, an evaluation of outcomes for participants and an evaluation of the program itself in order to build an evidence base. Stakeholder input regarding evaluation is requested.

Provide details of any process or outcome evaluation that your program has undertaken (an attachment may be provided).

Q> 37. To what extent can domestic violence behaviour change programs consider service outcomes such as parenting competence and the safety and wellbeing of children and young people?

Comments

Administration

It is intended that the minimum standards will address the operational aspects of domestic violence behaviour change programs, including such issues as; file keeping, confidentiality and privacy, reporting requirements for mandated participants, reporting to courts and other statutory or non-statutory bodies, follow-up with participants and risk management.

Q> 38. What are the necessary administrative requirements for domestic violence behaviour change programs?

Further comments