



Submission from the Backbone Collective on MSD consultation on Addressing service gaps in family violence and sexual violence

May 2023





About Backbone

The Backbone Collective (Backbone) was launched in March 2017 to enable women to safely and anonymously tell the Government, others in authority, and the public about how the 'system' responded to them when they experienced violence and abuse, and how they need it to respond for them to be safe and rebuild their lives. We currently have over 2,200 members and over 4,300 followers on our Facebook page.

Backbone is an independent organisation and a registered charity with the New Zealand Charities Commission. Our purpose is to contribute to the continuous improvement of the response system in Aotearoa New Zealand so that it works well to support and protect women and their children when they experience violence and abuse. We run online surveys to collect anonymous feedback from women victim-survivors (service users) about different parts of the response system. We share reports about the findings of these surveys with recommendations for how the system can work more safely.

Backbone is pleased that the government is working to address the service gaps for family and sexual violence victim-survivors. However, we note the need to fill these gaps is urgent and implore government to make specialist support and services available as soon as possible.

Background

Victim-survivors and Backbone have previously identified service gaps

In 2019, the Ministry of Social Development (MSD) contracted Backbone to find out from people who identify as female, via an online survey, what kind of longer-term support would have helped them get safe, recover and rebuild their lives after experiencing violence and abuse either from someone with whom they had been in an intimate partner relationship or from a whānau/family member. A Backbone survey was released and was live for one month attracting 528 valid responses from women living throughout New Zealand. In 2020, Backbone released a report detailing the survey findings including service gaps.¹ The report was shared with MSD along with further information detailing service gaps for each of the 12 regions (based on police districts). Our report was made publicly available and Backbone delivered a presentation in Wellington to government agencies in early 2020 detailing the findings and recommendations. The report was shared with Te Puna Aonui (then known as the MAT team,/Joint Venture Business Unit- JVBU).

In 2021, Backbone was contracted by Te Puna Aonui (JVBU) to provide an independent way for victim-survivors to provide feedback on the development of the Government's National Strategy. We heard from 264 victim-survivors (260 women and 4 identified as gender diverse). A report was provided to Te Puna Aonui and made public detailing victim-survivor feedback on the government's

¹ The Backbone Collective. (2020). *Victim-survivor perspectives on longer-term support after experiencing violence and abuse: A report prepared for the Ministry of Social Development*. The Backbone Collective.

<https://static1.squarespace.com/static/57d898ef8419c2ef50f63405/t/5f29217f4f222031501a82c5/159653111262/Victim+Survivor+Perspectives+on+Longer+Term+Support+Backbone+report+for+MSD+2020+FINAL.pdf>

draft strategy and detailing service gaps.² Backbone presented the findings to Te Puna Aonui and government agencies in person in July 2021. Backbone was active in providing feedback on the drafts of Te Aorerekura continually advocating for what victim-survivors has told us were necessary components of the national strategy and action plan.

After gathering many victim-survivor voices regarding service gaps, Backbone was surprised that MSD did not contact Backbone about their consultation project, either prior to releasing it or once it was live. Furthermore, the list of service gaps MSD (the List) is seeking consultation on does not include the service gaps most identified by victim-survivors who had taken part in previous Backbone surveys.

MSD consultation process may not be safe for victim-survivors

Backbone believes that the voice of lived experience is critical to ensuring that services are what victim-survivors need and are provided in the safest way possible. Backbone is concerned that the MSD consultation process may not be safe for victim-survivors to take part in which will impact on how reflective submissions will be of those with lived experience (the experts).

Backbone asked to meet with MSD staff and explained victim-survivors have continually said they prefer to share their experiences and feedback with an independent organisation with specialist knowledge of family and sexual violence, such as Backbone, rather than government agencies. Victim-survivors have told Backbone they do not trust government agencies to gather their experiences, hold their information securely, interpret their experiences with integrity or through a family and sexual violence lens, and act on their suggestions in meaningful ways. Victim-survivors are also concerned that government agencies such as MSD, (Oranga Tamariki and WINZ) and Justice (The Family Court) will have access to their information and it will be used in some way against them or their children.

In feedback on the development of Te Aorerekura, victim-survivors were clear that they want to be at the centre of the design of the strategy and that their safety and protection, and that of their children, must be prioritised in every aspect of it (including action areas). Unfortunately, there was not time from Backbone learning of the MSD consultation process and the closing of the MSD consultation for Backbone to run an independent way for victim-survivors to share their feedback. Therefore, we made recommendations to MSD to improve the options for victim-survivors wanting to take part in the consultation process as it was. However, we maintain that the MSD consultation process is not reflective of best practice in terms of gathering the lived experience of victim-survivors in a safe and meaningful way.³ The following section discusses the service gaps that victim-survivors have shared with Backbone and are available in our reports.⁴

² The Backbone Collective. (2021). *Victim-Survivor Feedback on The Government's National Strategy and Action Plans to Eliminate Family and Sexual Violence. A report prepared for the Joint Venture Business Unit by The Backbone Collective.*

<https://static1.squarespace.com/static/57d898ef8419c2ef50f63405/t/61a6f0b43ed02a77d1d608f9/1638330553786/Final+victim+survivor+feedback+National+Strategy+Sept+21.pdf>

³ <https://www.msd.govt.nz/documents/about-msd-and-our-work/work-programmes/initiatives/action-family-violence/voice-of-experience.pdf>

⁴ <https://www.backbone.org.nz/reports>

Service Gaps

Are there additional FVSV service gaps which should be added to the list?

The list of service gaps released by MSD does not include the services that victim-survivors prioritised in our 2020 report including:

- Access to long term, accessible and subsidised/free therapy/counselling for adult victim-survivors of family and sexual violence and their children.
- Independent advocacy support for interactions with Family Court and Oranga Tamariki.
- Practical support and services including food, housing, and financial support.
- A safe, specialist response to family and sexual violence in the Family Court.
- IT services to improve victim-survivors' digital and physical safety.

Backbone's 2021 report on victim-survivor feedback for Te Aorerekura identified the following list of support and services that are needed (there is considerable overlap with the list above):

- All sexual and family violence workers are trained specialists in family and sexual violence who understand the dynamics, levels of risk and long-term impact of violence and abuse and the resulting trauma.
- Free, easily available, accessible and long-term counselling and therapy provided by specialists (including culturally appropriate providers for diverse communities) that is available for all victim-survivors of family and sexual violence including children.
- Enough emergency safe housing and longer-term housing in all regions for all victim-survivors who need it.
- Practical support is easily available for victim-survivors and children who need it including food, financial support, healthcare, personal and home safety products etc.
- Free specialist advocacy services for victim-survivors to help them navigate the system and in particular the Family Court, Police, Oranga Tamariki, WINZ, IRD and ACC.
- Enough safe and effective support and helping services in every community including provision, support and acceptance of kaupapa Māori services and a by Māori for Māori approach.
- Support and services available in a range of ways that are safe, free, culturally appropriate, available in locations that are safe and welcoming, are inclusive and accessible for diverse communities.
- Free, accessible ongoing education and support programmes for victim-survivors and children in all regions.

Is there any important information or detail about a particular gap which should be added?

Gaps in the justice system

The List does not mention the Family Court which is a serious omission.

Submission from The Backbone Collective

In Backbone's interactions with hundreds of women victim-survivors over the last six years via surveys and email/Facebook communications, we have continuously heard that the Family Court is the single biggest barrier to women and children's safety.

The Family Court acts as a barrier to safety in the following ways:

- Orders preventing victim-survivors from relocating to another region where it is safer or where their support networks are.
- Ongoing court proceedings and applications filed by the abuser which force them into ongoing contact and litigation abuse.
- Orders for care and contact of children that mean children are forced into ongoing contact with the abuser.
- Orders that prevent children from accessing counselling or therapy to deal with the impacts of the abuse.
- Professionals working in the Family Court not believing the victim-survivor or the children about the violence and abuse resulting in the victim-survivor feeling retraumatised and abused by the system.
- The abuser using court ordered contact to destroy the victim-survivor's relationship with the children and using the children as the new weapon of abuse.
- Orders that result in her losing custody of children resulting in overwhelming grief.
- Being denied protection against the abuser and therefore always at risk of further abuse.
- Abusers using the Hague Convention to abuse her and take the children.
- Once involved in Family Court proceedings victim-survivors say social service providers cannot help them e.g. the Family Court does not permit risk and safety assessments from specialist community agencies, Family Court orders prevent victim-survivors from talking about the violence and abuse or accessing support and services for their children, care and contact orders force ongoing contact undermining safety plans.

Victim-survivors repeatedly explain that the Family Court should be reformed to respond safely and effectively when women approach it seeking protection for themselves and their children. Many women have expressed the need for professionals working in the Family Court to believe victim-survivors, to be non-judgmental and to ensure that children are safe and not ordered into care or contact with the abuser. Victim-survivors have described ongoing stress related to court proceedings and the financial damage it creates for them and their children impacting on both their own and their children's ability to get safe and recover.

Backbone has continuously advocated for a specialist family and sexual violence model for the Family Court. We maintain that unless a new specialist response is operationalised women and children will continue to be held in living situations that put them at great risk of further violence and abuse and prevent them from recovering and rebuilding their lives. No amount of community service provision will address this danger. Therefore, it must be a priority to create a safe specialist Family Court *which is then* supported by specialist services.

Making services work well - specialist services

While there is some recognition of knowledge gaps in service provision for services directed at particular population groups, the List does not include an overall gap identifying the lack of family and sexual violence specialist services. General social service providers might be very skilled in

working with their communities, but not necessarily highly skilled in responding safely to family and sexual violence.

Victim-survivors have repeatedly shared in their survey responses that they want the people who deliver services to be *highly* skilled in the dynamics of family violence and sexual violence. They need these people to understand and respond safely to:

- Coercive control/psychological/emotional abuse
- Abuser tactics including denial, minimisation, accusing the victim-survivor of being 'crazy', lying about the abuse, abusing drugs or alcohol, being a bad mother etc. and manipulation of service providers
- Grooming of children, using children to further abuse, impact on children
- Dangerousness of abusers e.g. listen to what victim-survivors say about risk
- The lack of options available to support escape .e.g. don't tell her to reach out for support when there is often none available
- The ways the system further abuses and traumatises victim-survivors e.g. Family Court prevents the victim-survivor and children from relocating
- The dangers of information sharing especially when not informing victim-survivors that it happens.

Victim-survivors also need support to come at no financial cost to them and to be flexible and available at times or in ways other than face to face appointments, that suit them. Many women told Backbone in our surveys that they need support services to be provided only by women, that services should not force them to work with their abuser and to believe that they were victim-survivors and not insist on them providing 'proof' before being eligible for support.

Practical financial support

Many women have shared in their survey responses how vital it is that victim-survivors have access to practical financial support to escape the abuser and to rebuild their lives post separation. Victim-survivors have explained how their experience of violence and abuse had impacted on their ability to earn or save and that after leaving (escaping) the abuser they faced ongoing hardship for costs related to his ongoing abuse (legal costs, new housing, damages to property and appliances, debt he had incurred, travel to take the children on contact visits etc.). In many cases these women also describe how they are penalised by their association with the abuser and this impacts on their ability to be seen as independent of him and therefore eligible for support (e.g. not receiving benefits (Accommodation supplement, Training Incentive Allowance, Disability Allowance) or Legal Aid because of joint home ownership that she no longer had access to, not receiving adequate child support because he hid his income etc.).

Currently there is very little financial support available and it is very hard to access. In Victoria Australia, victim-survivors are provided with a lumpsum non-refundable grant of up to \$10,000.00 each to be used for anything they need to help them get safe and recover. The support services apply to the [Family Violence Flexible Support Packages](#) fund on her behalf and the fund is not income tested. **A fund like this would make an immediate difference to women and children's safety.**

In Backbone's 2020 report we detail the types of financial support and services victim-survivors need including support to cover:

- Everyday basic items including food, petrol, grocery items, lawnmowing, repairs and maintenance on their homes, help with housework, furniture and clothing.
- Legal costs associated with involvement with the Family Court regarding Protection Orders, parenting orders or relationship property proceedings.
- Housing related costs including rent, bond, moving or relocation costs, assistance to purchase a home (including interest free or low interest loans), help with home maintenance costs, rates and costs associated with setting up a new home (furniture, bedding and whiteware).
- Ongoing counselling and trauma therapy.
- Costs relating to their children including school fees, school uniforms, respite care, carers to help with children with disabilities, children's activities and school camps and sporting fees.
- Medical costs like G.P. visits, medical specialists, prescriptions, and treatment for their injuries that were a result of the abuse
- Benefits set at adequate levels to live on and also include some assistance for children's extra activities.
- Ongoing financial advice and information pertaining to debt consolidation or management, budgeting, financial planning, support in purchasing a new home, an accountant, or how to avoid being lumped with the abuser's debt.
- Support to help the victim-survivor retrain or study.

Criteria

Backbone agrees that it is important to have criteria to prioritise the provision of services. However, we disagree with the criteria proposed.

Victim-survivors are adamant that all those who work in the system, and all services that are made available, must prioritise victim-survivor safety and offender accountability. To that end, we propose the criteria should include the following determinations in the order they appear:

- 1. The likely improvements (evidence based) to victim-survivors' and children's safety.**
- 2. The degree of specialisation in family and sexual violence.**
- 3. The lack of current specialist service provision for this population group/region.**
- 4. The degree to which the service will enhance accountability of individuals, service providers, and systems (including government agencies).**

Feedback on draft criteria

Phasing criteria 3 - Addressing the service gap has potential to reach a large number of people, relative to other service gaps

The service gaps listed in the consultation document have been clustered by population groups. However, women victim-survivors are not featured as a population group although 'violence against

women and children are the most common forms of family violence and sexual violence' in Aotearoa, New Zealand and family and sexual violence are gendered crimes.⁵ Some women are more vulnerable to experiencing violence and abuse, being further victimised by the state response and being isolated from support services such as Māori women, disabled women, Pasifika women, refugee and migrant women, women who live in rural areas and trans women. Therefore, specialist support must be made available that meets their needs.

While service provision must address particular groups of women's needs, it is also vital to recognise that specialist family and sexual violence services for all women are sparse and services do not currently exist in the forms that women victim-survivors need, as outlined above. In other words, there is no platform of existing specialist services that safely and adequately addresses the needs of victim-survivors overall. Backbone hopes the government will apply a gender lens to this criterion.

Phasing criteria 4 - Responding to the service gap will be straightforward/cost effective, relative to other service gaps

As explained previously it is not cost effective to focus on straightforward service gaps. The system's role in responding safely and effectively to victim-survivors cannot be overstated. Currently victim-survivors explain that the abuse they experience from the system compounds the distress and trauma they have already suffered as a result of the violence and abuse. Furthermore, system responses often put them in ongoing danger of continued violence and abuse.

There is no benefit in providing more support services if victim-survivors cannot access them, or the effect of them will be undermined by other parts of the system e.g. the Family Court prevents children accessing therapy or forces them into ongoing contact with the abuser.

Phasing criteria 6 - Work is underway or work planned to address the service gap

When government continues to draw on its own agenda to prioritise services it continues to ignore and silence the needs of victim-survivors. Te Aorerekura Action Plan is a government action plan and does not adequately reflect what actions victim-survivors told Te Puna Aonui they needed to eliminate family and sexual violence in Aotearoa New Zealand. The Action Plan reflects many government work programmes that were already underway and are not endorsed by victim-survivors. For example, the government has continued to ignore the way the Family Court works against women and children being safe and living freely. Even though the Family Court was identified as a main issue by victim-survivors in feedback gathered for Te Aorerekura, the action plan does not address the issue in any significant way.

Thankyou for the opportunity to make our submission.

⁵ Pg. 11. <https://www.tepunaonui.govt.nz/assets/National-strategy/Finals-translations-alt-formats/Te-Aorerekura-National-Strategy-final.pdf>