

Submission to the Independent Panel,
Family Justice Reforms,
By email: FamilyJusticeReforms@justice.govt.nz

Supervised contact sector - Risks and opportunities

Please accept this submission to the examination of the 2014 family justice reforms.

It is hoped that included in scope, or given some attention, can be an examination of the supervised contact sector.

Better Outcomes NZ is a reputable and MSD approved provider of supervised contact services to the family courts in the Wellington region, Manawatu, Wairarapa and recently Christchurch.

- Started in March 2016 and currently have 12 supervisors.
- As a Contact Supervisor and Supervisor Trainer/ Coordinator I have overseen over 3000 contacts for over 100 families.

I was asked in 2015 by the Hutt Valley Family Court and lawyers to provide a more professional and child focused service than what was on offer from existing providers at that time.

I was well-placed to offer such a service due to a background in teaching, public sector business advisory roles and early childhood education qualification and experience.

I believe more can be done to achieve a more child-focused, valued, professional and reliable supervised contact sector that connects better with all stakeholders.

Supervised contact offers an opportunity to achieve better outcomes for children thus contributing to a better return on investment for society.

Kind regards

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Theory of Change – Supervised Contact Sector

Who has what problem?	What is BONZ doing about it?	What changes immediately?	What changes eventually?
<p>Children suffer from inconsistent quality and basic errors of contact supervisors.</p> <p>Too many providers and contact supervisors:</p> <ul style="list-style-type: none"> • Lack child focus • Lack expert knowledge and experience working with children (thus issues go unidentified). • Lack training in best practice. • Lack leadership, professionalism and assertiveness thus poor judgement, make errors, can be manipulated. • Lack neutrality- sometimes due to bias from men’s or women’s groups. • Are low skilled and low paid (\$17 p/h) 	<p>Investing in professionalised frontline supervisors, who will be:</p> <ul style="list-style-type: none"> • More child-focused and committed to children as demonstrated by their child-related qualifications and work history. • More experienced in working with children, parents and families. • More capable, as impartial leaders identifying, managing and reporting risks for children. • More available, including weekends and at various locations. • More supported by a qualified and experienced expert / coordinator / trainer. • Paid better... the lean, purpose-design structure enables Better Outcomes NZ to pay supervisors 3 times more than current market rates. 	<p>Better results for children:</p> <ul style="list-style-type: none"> • Protected from inaccurate reporting, unidentified or unreported risks • Parents supported to create positive atmospheres. <p>Better results for families:</p> <ul style="list-style-type: none"> • Courts and stakeholders receive more accurate reporting. • Parents improve self-control and become more child-focused. <p>Greater savings for MSD & MoJ:</p> <ul style="list-style-type: none"> • Less time spent approving, managing & replacing supervisors. • Less interruptions and delays for Courts, legal representatives and stakeholders. 	<p>Better outcomes for children – healthier and thriving.</p> <p>Better return on investment for society, through a more effective, more valued supervision sector.</p>

What are Supervised Contacts?

1. An adult (parent, grandparent, relative, friend) must have professionally supervised contact with a child or children. Often weekly for a period of months or more.
2. Adults being supervised can maintain or build relationships with the children, perhaps while surrounding issues are being sorted.
3. The supervisor supports the parties to keep to agreed rules and conditions and will report to the court and/ or lawyer about how the contacts are going. These reports might also be read by specialists such as child psychologists.
4. Adults needing supervision could be deemed a risk, for example, anger and violence, mental health, drug or alcohol addiction, associating with others who are a risk, simply facing allegations that are progressing through the court.
5. Adults being supervised vary ethnically, socio-economically and perhaps 30-40% are women.

Risk and Opportunities

6. To not have child focused, qualified and expertly trained / supported contact supervisors is both a lost opportunity and a risk to children.
7. High emotions, mental health, and adversarial or manipulative parties (and support persons) means things can sometimes go wrong.
8. However, a child-focused, qualified and impartial contact supervisor trained and supported with best practice approaches will enable every opportunity for things to go right and will be a trusted source of information for stakeholders.
9. Are all contact supervisor providers (organisations and individuals) adequately skilled, knowledgeable and capable with children?
10. It seems some supervisors are deemed perfect for the role simply due to their older age or having completed first year in social work or a basic parent trainer course or having supported or counselled one of the parties.
11. However, how does this compare to the abilities of someone who is university qualified and experienced working with children daily?
12. Can a supervisor demonstrate a child-focus and commitment to better outcomes for children, e.g. university qualifications, registered teacher or social worker, knowledge about child development and a history working daily with children?
13. Child protection legislation and protocols require that workers with these children can demonstrate such commitment and knowledge.

14. A supervisor who is fully qualified (e.g. ECE) and experienced working daily with children can be a great resource for the parties being supervised and for all stakeholders.

Insufficient reporting putting children at risk

15. Concern that some providers could be under-reporting, for example:

- a. If a supervisor is untrained, knows little about child development and has little experience working with children, then signs may go unnoticed.
- b. Lack of experience working with children can lead to incidents being misunderstood, e.g. separation anxiety could be misinterpreted as a child not wanting to see the other parent thus a contact canceled.
- c. The stated approach of some providers is to not report opinions but only facts. This contradicts child protection guidelines to freely report. Stakeholders realise reports are simply the supervisor's perspective. Freely reporting aligns with the Vulnerable Children's Act and child protection protocols... "Rather than asking what if I'm wrong, ask what if I'm right". It might be a relevant piece of a wider puzzle. However, reports do take time to write and must include facts to inform a perspective.
- d. A lack of incentive for providers to report concerns. If the contacts stop then the provider's source of income also stops. Perhaps, a consequence of this might be a supervisor trying themselves to rectify an issue rather than report it.

Inconsistent Funding

16. To ensure summary reports and incident reports accurately show what was observed and done during the contacts can be time consuming and requires skilled writing.

17. Some providers receive 'admin funding' that helps with the writing up of incident or summary reports. Other providers do not receive this admin funding.

18. Some children's lawyers say they often never receive a summary report or maybe 6 months late and with little details, particularly from centre-based providers (who receive the additional admin funding).

Lack of expert support and training for new supervisors.

19. Some individuals might become approved providers but have never received training on supervising contacts. This can cause 'rookie' mistakes that otherwise could have been avoided, for example.
 - a. Being a passenger in the adult's being supervised car who then drives the children and supervisor to inappropriate places.
 - b. Allowing the adult and child to go swimming thus not being able to hear what is said to the child.
20. There will always be issues when new supervisors learn the ins and outs and experienced supervisors encounter new situations. However, quality training and support can help reduce incidents.

Lack of neutrality and professional boundaries.

21. Some supervisors are associated with men's or women's groups. Others are involved in counselling which immediately compromises neutrality and freedom to report possible concerns.
22. Some supervised contact providers associated with an interest group (e.g. 'Dads' group) have approached other providers to try to gain confidential information or influence a more positive report for one of the parties.

Lack of centralised governing body, best practice and quality control

23. There is generally little to nothing in terms of collaboration between providers. More of a competitive turf protecting nature.
24. Thus, no sharing or development of institutional knowledge or best practice.
25. The 'Aotearoa NZ Association of Supervised Contact Services' perhaps receives government funding.
26. Some providers report they have approached the association with the support of family court coordinators but didn't have emails or calls replied nor their application for membership processed.
27. Checks and balances on the association are unknown.
28. Some lawyers and court staff have mentioned their concern about the capability and motives of some within the association.
29. Family Court Coordinators wanting a new provider will ask that provider to go through MSD for approval as it would be more reliable and thorough.

30. Better Outcomes NZ recently consulted with the family court on a new child protection policy. Surprisingly, it appears this is the first time such a policy has been consulted with the court.

Unclear referral system

31. It appears the referral of families to providers is at the discretion of family court coordinators.

32. The question here is are the referrals going to providers who are capable, child focused and skilled, and not other reasons, e.g. to keep an individual (or perhaps colleague) gainfully employed.

Centre based supervised contacts – Lost opportunity and risk

33. Larger providers might supervise contacts on their premises, seemingly as a revenue stream and an aside to their core functions.

34. The supervised contact will be at a centre or pre-school or such. Mostly the duration is shorter (60 minutes) and more likely to be Monday to Friday business hours (difficult for many families). Also, there might be 5 or 6 supervised contacts happening at the same time at the same place.

35. The Wellington and Hutt Valley areas do not have a centre-based provider. An individual supervisor offers flexibility of days and times including weekends and after school when families are more available. Also, at different venues such as parks, museums, rock pools, etc.

36. Also, the contacts go for longer (expected to be 2hrs) for the same funding as received by the centre-based providers who often only do 60 minutes.

37. Perhaps there are reasons for centre-based provision of supervised contacts.

38. However, longer contacts out in the community provide opportunity for a genuine environment for the family to enjoy and for the supervisor to observe and gain more insights, e.g. if the adult is sensitive to the children's needs, if can play with the children, if can create a positive atmosphere, if can manage and positively guide children's behaviour, if the adult can last two hours, etc.

Inconsistent court processes and lawyer expectations

39. An example of inconsistent court processes across the country includes how courts differ in requiring from the provider a report prior to the actual supervised contacts starting.

40. The supervisor will assess each party and report on any concerns or disagreements regarding the rules and conditions.
41. The family court coordinator must receive the assessment report before approving the supervisor to begin.
42. Other courts will send the approval to start contacts along with the request to first assess the family. This saves time so the supervised contacts can start asap.
43. This seems to devalue the assessment process.
44. Some lawyers for children have said they see the assessment process as a formality and are surprised when the assessment throws up disagreement that requires the lawyer to assist with before starting the contacts.
45. A thorough and detailed assessment process is key to enabling the contacts to start well for the children and parties.

Variable involvement from children's lawyers

46. Children's lawyers vary in their involvement and accessibility. Some offer little help to the supervisor who is trying to have the parties agree on rules and conditions, e.g. if someone else can join the contact, duration, frequency.
47. They might also see the supervisor raising concern with them as a nuisance.
48. Others are approachable and appreciative of receiving notification of issues and updates.
49. Some regions where Better Outcomes NZ has recently started providing services, the children's lawyers are grateful to receive updates and notifications of concerns as they hadn't yet experienced this.

Collation of useful data and patterns

50. Hundreds of supervised contact reports could be analysed to identify common themes and patterns that might help improve measures to prevent family violence or parenting issues. Trends and common themes could be fed into parenting courses or parenting through separation or creation of new and more relevant courses.

Recommendations

That the 2014 Family Justice reform review:

1. Be 100% child focused and ensure the best outcomes for children are the basis for any changes.
2. Include as part of the current review, identifying improvements to the supervised contact sector to reduce risk and maximise opportunities to achieve better outcomes for children.
3. Consider more national office support to build child focus, quality, connectedness and best practice across supervised contact providers, courts and other stakeholders.

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