

# Iwi panels

An evaluation of their implementation and operation at  
Hutt Valley, Gisborne and Manukau from 2014 to 2015

17 June 2016

## Prepared for

Ministry of Justice, New Zealand Police and Department of Corrections

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# Glossary

## Some Māori terms used in this report

Term	Translation
awhi	help, support
kai	food
kaiwhakahaere	Whānau Ora navigator or support worker who works with iwi panel offenders to meet offender needs
kanohi-ki-te-kanohi	face-to-face engagement
karakia	prayer
kaumātua	elders, older male
kaupapa	purpose, aim, reason
kaupapa Māori	Māori worldview, theory, ideology
kawa	marae protocol, ancient mission statement
koha	gift, contribution
kōrero	conversation
marae	Māori gathering place
mihi	introduce oneself
mihimihi	introductions
noho marae	gathering on a marae
pakeke	elders, adult
pōwhiri	welcome
rangatiratanga	personal or collective sovereignty
rongoā	Māori medicine
rūnanga	governance body within iwi boundaries

tautoko	support
tikanga	procedures, customs, behaviours
tikanga Māori	procedures, customs and behaviours associated with a Māori worldview
tūpuna	ancestors
wānanga	educational forum
whakapapa	genealogy, kinship connections
whakatau	formal welcome
whakawhanaungatanga	the process of bonding with a relative, building relationships with others
whānau	family
whanaungatanga	bonding among a group of people, kinship
whānau ora/Whānau Ora	family wellbeing/a government programme

### Abbreviations

Term	Translation
ILO	Iwi Liaison Officer (NZ Police)
PROV	Partnering to Reduce Offending and Victimisation
WEAP	Whānau Education Action Plan

# Executive summary

The Partnering to Reduce Offending and Victimisation (PROV) project aimed to improve Māori justice outcomes through community engagement and partnership. While instances of overall crime and victimisation in New Zealand have fallen, the justice sector is committed to making better progress in improving outcomes for communities and areas affected by high levels of crime. With this in mind, justice sector and iwi/Māori leadership have sought a more collaborative way to address this issue.

PROV trialled ways for the justice sector, iwi/Māori service providers, and their communities to provide specific services to improve justice outcomes. Three services formed PROV: iwi panels, pre-sentence restorative justice conferences and reintegration support after release from prison. Of the three, iwi panels received specific funding through PROV.

The pilot of iwi panels began in August 2014 in Manukau, Gisborne and the Hutt Valley. Although the pilot ended in December 2015, iwi panels continue at the three pilot sites.

An iwi panel is a meeting at which a panel of community members, an offender, victim and their whānau discuss the offence committed. They work together to address harm caused, develop a plan that addresses factors related to the offending, and help get the offender's life on a more positive path.

Māori and non-Māori adults who commit a 'low-level' offence such as shoplifting or careless driving can be referred to the panel by Police before they're charged. They're invited to participate in finding a solution or to remedy the effects of their crime.

Panels adopt a problem-solving approach to address factors that contribute to offending. For example, panels may refer offenders to education or training programmes (among other social services) or ask them to commit to good behaviour for a certain period of time. For Māori offenders, panels aim to build whanaungatanga.

## Evaluation

Akroyd Research and Evaluation Ltd evaluated the implementation and early operation of the iwi panel pilot. The evaluation aimed to assess effectiveness of implementation, and identify lessons learned in relation to:

- the working relationships between groups
- the iwi panel providers' capability to deliver services effectively
- community engagement.

The evaluation included interviews ([see table 1](#)) with stakeholders and participants, and analysis of service-level documents and programme delivery data. The technical appendix accompanying this report contains copies of the interview guides, information sheets and consent forms. See [appendix A](#) for more information on methodology.

## Findings

Overall, providers at each site effectively implemented the iwi panel model according to contractual obligations and service specifications.

All sites are mostly operating effectively in terms of implementation criteria but there is room for improvement where service specifications don't reflect the reality of iwi panel operation ([see appendix B](#)). An example is the contractual requirement for providers to report on offenders' plan completion within 6 weeks of referral. In reality, most plans take several months to complete.

Offenders (Māori and non-Māori) interviewed across the sites were very satisfied with panel processes and the support from providers.

## Critical success factors

There have been 3 critical success factors for implementing the existing iwi panels:

1. Provider context supports and drives success.
2. Key champions are evident at all levels within providers and agencies.
3. Selection of experienced and skilled providers.

## 1. Provider context supports and drives success

Provider context is about expressing tikanga Māori to uphold the mana of all who take part in an iwi panel. Staff and panellists express tikanga Māori values consistently and repeatedly to engage, welcome, calm, be direct and challenge offenders and awhi and tautoko them. This includes expressing rangatiratanga, and iwi panel providers' proactive stance to do what it takes to get the job done.

It's also about establishing trusting relationships and forming collaborations that support success. Providers demonstrate these relationships and are adept at leveraging them to develop new ones as required.

As iwi panels became embedded, there was organisational buy-in from iwi/Māori providers and a consolidation of resources and processes to benefit offenders, victims and their whānau. While these contextual factors supported a service that might be expected to work well for Māori, provider staff noted it also worked well for people of other ethnicities who took part. Evaluation interviews and observation of panels supported these provider perceptions.

## 2. Key champions are evident at all levels within providers and agencies

Prominent iwi/Māori leadership is evident at every provider site to promote, drive and communicate the purpose of iwi panels internally and to the community. This greatly contributes to raising the profile of iwi panels.

Many leaders play a major role at a management advisory level. All have drawn mana to the establishment and delivery of iwi panels and have significant influence in brokering collaboration with iwi, community organisations and justice sector agencies, and influencing the selection of panellists (and the selection criteria).

Dedicated Police staff are also vital to ensure the successful promotion and socialisation of iwi panels within Police, for quality and timely referrals, and for enhancing the profile and validity of panels. The support of the Deputy

Chief Executive: Māori at Police National Headquarters has been key for spreading the message within Police about what needs to happen regarding mindset and process.

In Gisborne, positive relationships between the provider and senior Police and Corrections stakeholders have resulted in secondments of an iwi panel manager and probation officer (from Police and Corrections respectively).

Justice sector leaders also play a crucial role in supporting Police buy-in and freeing up staff to attend the panels.

## 3. Selection of experienced and skilled providers

Good advice from the PROV steering group ([see appendix A 'Project governance'](#)) enabled suitably experienced and skilled providers to be selected. The steering group selected providers based on:

- the level of offending and victimisation in their geographical area
- the capability and capacity of the provider to deliver the initiative
- whether the provider had existing or previous contracts or experience with Police, the Ministry of Justice and/or the Department of Corrections
- iwi/Māori leadership.

Manukau Urban Māori Authority (MUMA), Te Rūnanganui o Ngāti Porou in Gisborne and Te Rūnanganui o Taranaki Whānui in Hutt Valley were selected as the iwi/Māori service providers for the project. This was due to their strong leadership among provider networks. They had the capability to diversify and expand their service delivery.

All providers drew from their justice sector experience and leveraged community relationships to support, promote and deliver iwi panels. They recruited skilled and experienced staff and appropriate panellists to support the programme's delivery.

# Introduction

## Background

While instances of overall crime and victimisation in New Zealand have fallen, the justice sector is committed to making better progress in improving outcomes for communities and areas that are affected by high levels of crime.

Justice sector agencies, Māori leadership and service providers have sought a more collaborative way to address this issue:

‘[Iwi and Māori] authorities are ideally placed to build and strengthen connections between community-based services, community-led initiatives and a network of social service providers. They are concerned about the wellbeing of people in the communities and many now either provide certain social services or work with a network of other social service providers. They also work across multiple communities so can help to involve different marae and venues in the core justice services, including Pasifika communities.’<sup>1</sup>

This report presents an evaluation of iwi panels, during their trial as part of the PROV project. This involved justice sector agencies working in partnership with 3 iwi/Māori organisations.

PROV aimed to improve Māori justice outcomes through an approach of community engagement and partnership.<sup>2</sup> The project was initially known as Communities at High-risk of Offending and Victimisation.

The trial began in August 2014 in Manukau, Gisborne and the Hutt Valley. Although the trial ended in December 2015, iwi panels continue at the 3 pilot sites.

In this report the terms ‘iwi panel’ and ‘panel’ are catch-all terms for iwi and marae community justice panels which is the term the Manukau provider chose to use instead of iwi panel. The terms ‘provider’ or ‘iwi panel provider’ are catch-all terms for the providers at the 3 sites.

## Iwi panels

An iwi panel is a meeting at which a panel of community members, an offender, victim and their whānau discuss the offence committed. They work together to address harm caused, develop a plan that looks at factors related to the offending, and help get the offender’s life on a more positive path.

Māori and non-Māori adults who commit a low-level offence can be referred to the panel by Police before they’re charged. Offenders who commit an offence involving family violence or methamphetamines, or which carries a maximum penalty of more than 6 months’ imprisonment, are not eligible to attend an iwi panel.

Offenders and victims participate in finding a solution or remedying the effects of the offence. In this way, the panels adopt a problem-solving approach to address the factors that contribute to the offending. Panels might, for example, refer offenders to education or training programmes, other social services, ask them to commit to good behaviour for a period, or a combination of these. For Māori offenders, panels aim to build whanaungatanga.<sup>3</sup>

## Iwi panel components

**There are 4 components to the process:**

1. **Referrals.** Māori and non-Māori adults who commit low-level offences are referred by Police to iwi panel providers.
2. **Pre-panels.** Depending on the location, a Police Iwi Liaison Officer or an iwi panel staff member – the kaiwhakahaere or facilitator – meets the offender to prepare them for what to expect at the iwi panel and check the accuracy of the Police summary of facts.
3. **Panels.** The panels take a problem-solving approach to address the contributing factors of the offending. For example, they may refer offenders to education or training programmes or to other social services, and/or ask them to commit to good behaviour for a certain period.



4. **Monitoring and follow-up.** Offenders are typically expected to complete all of the conditions of their agreement – or ‘plan’ – with the panel within 3 months or sooner. It’s usually the provider’s staff, like the facilitator or kaiwhakahaere, who follow up with offenders to check their progress and wellbeing.

Providers deliver the same 4 components but tailor their approach to their own community and context, using their networks, relationships and resources ([see table 2](#)). However, every panel, regardless of the provider, is underpinned by tikanga Māori; karakia, kai, mihihihi and whakawhanaungatanga occur before a panel begins.

## Key questions

Two key questions were developed to guide data collection, analysis and reporting for evaluation of the pilot. They were:

1. How well were iwi panels implemented?
2. What are the lessons from implementation in relation to:
  - working relationships between groups?
  - capability to deliver services effectively?
  - community engagement?

## Evaluating the project

In evaluating the project, Akroyd Research and Evaluation Ltd focused on iwi panels and their implementation and operation at the pilot sites. Evaluators undertook qualitative research to examine the implementation and operation of the panels. They assessed the working relationships between various groups, the capability of providers to deliver the service effectively, and the extent of the providers’ community engagement.

The evaluation included interviews ([see table 1](#)) with iwi panel stakeholders and participants, and analysis of service-level documents and programme delivery data.

See [appendix A](#) for more information on methodology.

The findings are intended to help improve iwi panels, inform their expansion to other communities, and contribute to the development of an iwi panel outcomes framework (see [appendix C](#)). The evaluation contract timeframe was August 2015 to April 2016. Completed evaluation activities related to this report are detailed in [appendix D](#).

This report is linked to a technical appendix which gives an overview of the establishment and operation of iwi panels for each provider site, copies of the interview guides, information sheets and consent forms.

## Limitations of the data

### Few victims attended the panels

Victim participation at panels has been low. Consequently, very limited information could be gathered from victims of the offending committed. In the end, only one interview was conducted with a victim. Given initial contact with iwi panel providers, evaluators expected more victims would have been available to be interviewed. While providers indicated it was likely few victims would be willing to participate, they indicated they would do their best to recruit at least a small number.

### There are at least 4 potential reasons why so few victims attend panels:

- they’re unable or unwilling to attend
- the offence is victimless
- the secondary nature of the relationship between provider and victim
- limited provider capacity.

The reasons for such a low turnout of victims are more fully explored on [page 23](#).

### Timeframe

In the justice sector, a common measure of long-term programme or intervention success is the level of reoffending after 2 years. Given the pilot’s relatively short operating period, this evaluation instead looked at the implementation and operation of iwi panels.

## Risk of bias

The identification and recruitment of panel participants was conducted by providers. There was a possibility of sample selection bias by providers. However, evaluators felt recruitment by providers was more efficient and had a greater chance of success due to their established relationships with would-be participants.

## Establishing iwi panels

The PROV project was initially conceived as a multi-year proof-of-concept pilot; this was later scaled back to a one-year initiative. It received \$590,000 from the Justice Sector Fund. A one-year trial meant planned collection of results-based information (such as evidence of reoffending post-pilot) wasn't possible. One person who commented about the scaling back said:

'I argued strongly that, if you want the project to show whether it has an impact, you've got to let it run for 3 years at a minimum ... For a start, you won't get any reoffending evidence.'<sup>4</sup>

## Design and scope

There were a number of challenges in developing the iwi panels, including:

- identifying the programme's model and aims. For example, is it a form of restorative justice? Is it a form of alternative resolution? Or both?
- identifying its value to communities and the justice sector
- advancing it within what was allowable from a constitutional and policy perspective.

The idea of using community to divert people from reoffending was supported by some steering group members as a chance not to be missed. One member of the steering group said the model was thought to be operating in a similar way to Police's diversion scheme for adults.

We believe it would be more manageable if the model was similar to restorative justice which operates within court processes. This could involve putting parameters such as a clear code of practice and standards around it which, in turn, would support its ongoing sustainability.

'[Iwi panels need] to be put under a clear code of practice and standards so that they can get those restorative justice principles happening. That would be fantastic. Community panels are really driven by the personalities of the people. Without a code of practice and training and protocols and that stuff, it relies on magic. When that magic person goes, it goes to custard.'<sup>5</sup>

Another member suggested managing risks by legislating for the panels. The evaluators support this idea.

The early lack of clarity about the scope and criteria of iwi panels led to some initial tensions between Police and providers. For example, in some instances panels heard cases involving offences beyond those that were eligible:

'My understanding is they've struggled to keep within the boundaries of the range of offences they're supposed to keep within. I recognise that. It's always a struggle.'<sup>6</sup>

A couple of advisory group members ([see appendix A 'Project governance'](#)) felt that, among justice sector agencies (the Department of Corrections, Police, and Ministry of Justice), there was poor communication about the project.

For example, messages about iwi panel funding were seen as contradictory within and across these agencies. This has important implications for providers who prefer operating within a more certain funding environment.

Advisory group members said – and this was confirmed to some extent by some provider stakeholders – uncertainty about funding was an 'ongoing tediousness' that eventually affected the quality of service delivery and staff morale.<sup>7</sup>

## Service specifications

The Ministry of Justice gave providers service specifications to guide their delivery of iwi panels. Providers also received community justice panel operating guidelines from Police, which also apply to iwi panels.

## Provider and justice sector relationships

Iwi leaders play a central role in guiding the project locally from an iwi perspective. Police support is also crucial. The providers all have experience working with the justice sector and building valuable relationships.

**Iwi.** An example from Ngāti Porou is indicative of the types of relationships providers have with the justice sector. Ngāti Porou iwi have been working with the Ministry of Justice, Police and Department of Corrections since 2012. As a result, it was relatively simple for them to put systems in place to support iwi panels. All partners are on the 'same waka'<sup>8</sup> and have travelled together through The Turning of the Tide and Better Public Services initiatives. Also helpful are the lessons learned from a 3-month iwi panel pilot in 2012 which was conducted by Ngāti Porou's iwi panel manager in an earlier role with the iwi. It has provided useful guidance about partnership approaches.

**Police.** The relationship between providers and Police is very collaborative at a community level, and Police are very supportive of iwi panels. Gisborne and Hutt Valley had Police staff as their iwi panel manager; this was one way Police could assist with the pilot without directly funding it.

Police have also made a considerable investment in establishing dedicated Police iwi panel roles and creating processes to ensure referrals meet eligibility and timing criteria.

Community Police attended panels at Gisborne when the iwi panel manager couldn't, reflecting the strength of rapport between Police and the provider.

**Government.** The relationship between providers and the Ministry of Justice is mainly one of

funding, monitoring and compliance. There's also no formal collaboration between providers and the Department of Corrections who, like the Ministry of Justice, aren't required to work with providers to the same extent as Police.

## Promotion, socialisation, consolidation

The panels have been adequately promoted and socialised within providers and their partner organisations such as Police, Whānau Ora, Māori wardens, driving schools and drug and alcohol addiction treatment providers.

However, Police stakeholders at all of the providers noted that it had taken a lot of work for them to promote iwi panels within Police and make sure the initiative was well received.<sup>9</sup> Central to their continuing efforts is internal staff training by Police ILOs. Sometimes the Area Commander is present at the training, underscoring the importance of the initiative for Police. One ILO said the training has been complicated, however, by changes in Police personnel and processes:

'It definitely hinges on the frontline Police and their referrals, so that's what we need to keep in the forefront. Bearing in mind there are some structural changes within the Police that we have got to be mindful of too: changes in supervisors, changes in staffing levels and other things like that and change in systems and stuff. So you have got to kind of be on the forefront of that to make any adjustments.'

## Staff and panellist recruitment

Staff are recruited based on their experience with restorative justice, community engagement or social work, facilitation skills and tikanga.

Panellists are selected based on their cultural and professional knowledge and experience. Across all providers, staff and panellists are well-known and respected. They have long-established relationships with government agencies, community and marae, and voluntary organisations.

Panellists frequently leverage these relationships to support the panels, processes and agreement compliance. This is demonstrated by the use of Māori wardens, Whānau Ora and Māori health providers, and a number of marae representatives making themselves available to support offenders and their families.

### Make-up of the panels

**Manukau.** At MUMA, the manager of the restorative justice project was seconded to manage iwi panel development. Her experience, skills and resources has been key to iwi panel success at the site. Two other staff members completed the iwi panel team and are each employed for 32 hours a week. Other MUMA staff help the team and panel in an advisory and supervision capacity.

MUMA has 7 designated panel members. However, where applicable, kaumātua are seconded to fill the panels. Each panel has 3 members who were selected based on their relevant experience and skill in dealing with offenders.

Uniquely, MUMA decided quite early in the process that panellists would be paid for their participation. They felt it was wrong to expect panellists to be available without suitable acknowledgement of their time and expertise.

In hindsight, however, MUMA would have booked them for half a day rather than a full day, until the panels were properly established. In the pilot's initial phase, several panels had to be cancelled due to non-attendance of offenders, but the panellists were booked for the whole day. MUMA now compensates panellists after a panel has been held.

**Gisborne.** The Māori Responsiveness Advisor – Māori, Pacific and Ethnic Services at Gisborne Police was seconded full-time from Police to Ngāti Porou as the iwi panel manager. Two iwi panel facilitators were also appointed – initially part-time but they're now full-time.

The iwi panel manager said their ideal panellist is an elder with a mix of cultural, professional and community expertise and experience who are

leaders in their own right, with the capacity to support the new initiative.

One panellist is a probation officer on secondment to the rūnanga. They bring their Corrections experience to discussions about the factors related to offending, and a reintegration perspective to the discussion.

Panellists at Gisborne receive koha for their services.

**Hutt Valley.** The rūnanga at Hutt Valley employs 9 panellists (including the chair). The site tested an inclusive approach of drawing panellists from the wider Stokes Valley community but found that limiting panel membership to employees, representing a range of iwi, brought more certainty to the process.

Their approach ensures a consistent membership where capability and practice can be built:

‘We wanted to stabilise the panel, make sure we got the methodology right, the kōrero right, the actions right.’<sup>10</sup>

Five panellists are kaiwhakahaere whose role extends from receiving referrals and preparing the offender before the panel is held, to following up with the offender afterwards. The other 4 panellists take part only in the panels themselves.

### At all sites, panellists see their role as:

- creating a safe and welcoming environment (for example, making whakapapa connections, being calm and putting the offender and victim at ease, upholding mana and being respectful)
- drawing on the wisdom of their professional, personal, community and cultural experiences to effect positive change
- providing offenders with the opportunity to reflect on the seriousness of their offence and challenging them when required
- asking searching and critical questions designed to elicit a holistic picture of the offender and their environment (for example, reasons for the offence, support networks, financial position and transport)

- negotiating an offender plan appropriate for the offence that supports offenders on a pathway to change. For example, one that addressed reparation and offending and offered a chance for behavioural change.

See the separate technical appendix for more provider-specific information about staff and panellists' recruitment and roles.

## Staff and panellist training

### Facilitators

Facilitators received adequate training for their roles. Evaluators noted that all facilitators and kaiwhakahaere had some restorative justice facilitator training and received monthly supervision, as required by the specifications.<sup>11</sup>

The provider's staff completed a 5-day restorative justice facilitator training course. Facilitators at Gisborne felt they received sufficient training for their roles, including training in restorative justice and iwi panel processes, facilitation and report writing. They generally felt competent and confident in their roles.

'Probably the biggest thing that I got out of the training was that the people need to leave with their mana intact. That's our process here, which is really cool.'<sup>12</sup>

Hutt Valley stakeholders felt the restorative justice facilitator training content and accreditation model wasn't a good fit with iwi panel practice.

This was echoed to some degree by MUMA-trained restorative justice staff who said the focus of restorative justice training was quite different from how iwi panels operate and specific iwi panel training should be developed.

'When I went through the [training] modules, I thought: "Well, this isn't anything ... like the iwi panel" and I couldn't understand why we had to go through this restorative justice training door when we had an iwi panel door of our own and why couldn't we do training that was more relevant to iwi panel rather than restorative justice?'<sup>13</sup>

### Facilitators: room for improvement

Some providers said while there's a requirement for facilitators to complete restorative justice training, which has a strong focus on victims, iwi panels tend to focus on offenders. Some offences heard by a panel didn't have an identifiable victim and for those that did, few victims directly participated (though a victim statement was sometimes read out by the ILO at a panel). This is discussed later in this report [on page 23](#).

### Panellists

Providers' contracts with the Ministry of Justice require panellists to undergo training and Police checks.

The evaluation showed that panellists had generally received training about the purpose and operation of iwi panels. This covered their specific function in relation to the panels.

In late 2014, some panellists attended a professional development workshop with Police, facilitated by the Ministry of Justice; some also received WEAP champion training.

A few panellists have had no additional specific training, instead learning as they take part in the panels. All panellists spoken with said they feel confident and competent participating in the panels, irrespective of their training.

## Funding

Ministry of Justice contracts with providers weren't linked to panel volumes until June 2015. The contract didn't provide any restrictions on how much of the funding providers chose to allocate to pre-panels, the panels themselves, or monitoring and follow-up.

Providers have had to use other sources of funding to sustain the initiative. For example, much of the preparation and follow-up or monitoring work of kaiwhakahaere at Hutt Valley is funded through the rūnanga. For an overview of the funding providers received from the Ministry of Justice and how it was allocated, see [table 3](#).

## Funding: room for improvement

Providers feel the iwi panel initiatives are under-resourced for the effort required to successfully establish and deliver them. They feel their contribution is over and above the funding received from the justice sector. They also feel they exceed delivery expectations and that government gets more than it pays for.<sup>14</sup> The support and services that providers source for offenders include:

- an administrator (1x FTE – Gisborne only)
- driver licence courses
- counselling
- budgeting
- advocacy.

One iwi panel manager suggests the ideal funding allocation is the following:

- manager (1 x FTE)
- facilitators (2 x FTE)
- administrator (1 x FTE)
- panellists/pakeke (10 x 0.15 FTE – koha).

In Manukau, 2 Whānau Ora kaiwhakahaere attended the panels. This meant they heard the offender's story firsthand and could start developing plans immediately and the offender didn't need to retell their story after the panel.<sup>15</sup>

However, MUMA's overall Whānau Ora funding has since been cut and having 2 kaiwhakahaere in attendance is no longer viable. Offenders are now referred to Whānau Ora after the panel, as a condition of their offender plan. This is, however, seen as disruptive to what was previously a smooth process which minimised repetition and allowed solutions to be found as soon as possible.

In Hutt Valley, the rūnanga funds the kaiwhakahaere from its existing funding, so they were able to retain this crucial service despite their Whānau Ora funding being cut.

## Critical success factors for implementing iwi panels

1. Provider context supports and drives success.

2. Key champions are evident at all levels within providers and agencies.
3. Selection of experienced and skilled providers.

### 1. Provider context supports and drives success

Provider context is about expressing tikanga Māori to uphold the mana of all who take part in an iwi panel. Staff and panellists express tikanga Māori values consistently and repeatedly to engage, welcome, calm, be direct and challenge offenders and awahi and tautoko them. This includes expressing rangatiratanga, and iwi panel providers' proactive stance to do what it takes to get the job done.

It's also about establishing trusting relationships and forming collaborations that support success. Providers demonstrate these relationships and are adept at leveraging off them and developing new ones as required. This supports the use of Whānau Ora type navigational support for offenders.

As iwi panels became embedded, there was organisational buy-in from iwi/Māori providers and a consolidation of resources and processes to benefit offenders, victims and their whānau. While these contextual factors supported a service that might be expected to work well for Māori, provider staff noted the services also worked well for people of other ethnicities who took part. Evaluation interviews and observation of panels supported these provider perceptions.

### 2. Key champions are evident at all levels within providers and agencies

**Leadership** Prominent iwi/Māori leadership is evident at every provider site to promote, drive and communicate the purpose of iwi panels internally and to the community. This greatly contributes to raising the profile of iwi panels.

Many leaders play a major role at a management advisory level. All have drawn mana to the establishment and delivery of iwi panels and have significant influence in brokering collaboration with iwi, community organisations and justice

sector agencies, and influencing the selection of panellists (and the selection criteria).

Dedicated Police staff are also vital to ensure the successful promotion and socialisation of iwi panels within Police, for quality and timely referrals, and for enhancing the profile and validity of panels. The support of the Deputy Chief Executive: Māori at Police has been key for spreading the message within Police about what needs to happen regarding mindset and process.

In Gisborne, positive relationships between the provider and senior Police and Corrections stakeholders have resulted in secondments of an iwi panel manager and probation officer, from Police and Corrections respectively.

Justice sector leaders also play a crucial role in supporting Police buy-in and providing staff for the panels.

### **3. Selection of experienced and skilled providers**

Good advice from the PROV steering group enabled suitably experienced and skilled providers to be selected. The steering group selected providers based on:

- the level of offending and victimisation in their geographical area
- the capability and capacity of the provider to deliver the initiative
- whether the provider has existing or previous contracts or experience with Police, the Ministry of Justice and/or the Department of Corrections
- iwi/Māori leadership.

Manukau Urban Māori Authority (MUMA), Te Rūnanganui o Ngāti Porou in Gisborne and Te Rūnanganui o Taranaki Whānui in Hutt Valley were selected as the iwi/Māori service providers for the project. This was due to their strong leadership among provider networks. They had the capability to diversify and expand their service delivery and, importantly, already had good relationships with justice sector agencies.

All providers drew from their justice sector experience and leveraged community

relationships to support, promote and deliver iwi panels. They recruited skilled and experienced staff and appropriate panellists to support the programme's delivery.

Provider staff were trained for their role. All panellists felt confident and competent participating in the panels. Some providers felt more work-related training was preferable to the restorative justice training they received.

Service models were tailored to provider context to ensure they were a good fit for offenders. The models enabled providers to be true to who they were and responsive to their communities. Providers knew their communities well, were adept at including and involving them, and their knowledge benefited the establishment and implementation of iwi panels.

Holding the panels at appropriate venues for offenders was critical. Pre-panels and panels were held at marae or marae-type venues and helped engage offenders and whānau. They were a neutral, safe, community environment and, coupled with the use of tikanga Māori, helped put people at ease so they could fully concentrate on the process.

Overall, all providers effectively implemented the iwi panel model against contractual obligations and specifications.<sup>16</sup> There's room for improvement in:

- increasing the number of referrals to more effectively achieve targets
- holding the panel within required timeframe
- filing a report about an offender's progress within 6 weeks of them being referred.

These points are discussed further in this report [from page 25](#).

# Implementing iwi panels: referrals

At the smaller sites of Hutt Valley and Gisborne, the local Police ILO coordinate referrals to providers. At Manukau, referrals are coordinated by a nominated person within the local Police referral team. Before this person was appointed, the provider was receiving referrals of variable quality from 8 different Police sources.

The Police coordinator vets the information (including the Police summary of facts, information related to the offender's criminal history and offender and victim contact details) for accuracy and completeness. Referrals are then approved by Police before being given to the provider.

The referral process within Police has improved as the project has progressed; now if a provider gets a referral without all the required information, the referral is sent back to Police and fixed as soon as possible.

## Referral numbers and contractual obligations

For an overview of referral numbers and contractual obligations at all sites, see [table 4](#).

## Characteristics of offenders referred to iwi panels

### Demographic summary

- About 7 in every 10 offenders were males and just under half were aged 20-29 years.
- About two-thirds of offenders at Hutt Valley and about half at MUMA identified as Māori. Ethnicity data for the Gisborne site is captured in Police records but was not available to evaluators.
- About 1 in 7 offenders at Hutt Valley and about 1 in 3 at MUMA identified as Pasifika.
- About 1 in 5 offenders at Hutt Valley and Manukau identified as NZ European. A small number identified with other ethnicities.

Most offenders had offended previously; some had extensive criminal histories. For an overview of offender characteristics, see [table 5](#).

## Offences resulting in referral

Traffic offences were the most common primary offence for referral in Manukau and Gisborne. In Hutt Valley, theft and related offences were the most common for referral to iwi panel.

Panel databases tended not to record the specific offence. However, at least one contained evidence of a referral for a more serious offence, such as burglary or a family violence-related offence. In these cases, offenders wouldn't have qualified for referral under the iwi panel referral criteria.

## Weighing the success of referrals

### What worked well

- At the start of the project, Manukau received many referrals of varying quality from 8 Police sources. Consolidating the referral process to just 1 Police source made the referral process much more efficient and greatly improved referral quality.
- At Hutt Valley and Gisborne, a Police ILO coordinator or manager vetted each referral for accuracy and completeness. These were then approved by Police before being sent to providers. This process helped improve the quality and efficiency of their referrals.

### What needs more work

- All stakeholders agree the key to achieving quality and timely referrals is to ensure the initiative is positively received within Police and that a senior Police staff member oversees internal quality assurance.

'A Police ILO who had prior knowledge of iwi panels and who was a panel staff member made it an "easy sell" to Police. The ILO was responsible for promoting the programme within Police and for developing ways of socialising



the processes to enable quality referrals to the rūnanga. The administrative part of the referrals took a lot of work to ensure all information was present and correct in referral files and that referrals were made soon after arrest.<sup>17</sup>

- Providers described the effort they and Police took to improve referral quality:

‘Initially, the operation of the iwi panel was a mess, which mostly related to messy referrals: missing phone numbers, addresses, name, date of birth, incorrect summary of facts (incorrect gender of offender), offenders had not seen the summary of facts until attending the iwi panel, slow completion of paperwork by Police, which included sending away audio files to be transcribed and returned.’<sup>18</sup>
- Manukau and Gisborne found it difficult to meet their targets based on the number of referrals received. Targets could have been set too high; providers could have received insufficient referrals to meet them. The evaluators recommend reviewing the number and setting lower targets. This could increase if necessary, based on panels completed.
- The evaluators also suggest having only 1 dedicated Police contact per site responsible for referrals.

## Pre-panels: preparing for iwi panels

Pre-panels appeared to comply with the Ministry of Justice’s guide *Restorative Justice in New Zealand Best Practice* (2004).<sup>19</sup>

### The process is the same across all 3 sites:

**Offenders.** A facilitator, Police ILO or kaiwhakahaere:

- meets the offender soon after they’re referred to the iwi panel
- checks the accuracy of the Police summary of facts and tells the offender what to expect at the panel
- discusses with the offender the ground rules, benefits and risks of participating in the panel, the different roles and rights
- tells the offender that, when deciding on a plan for them, the panel will take into account issues such as living arrangements, health, education or money
- checks whether the offender accepts responsibility for their offence
- assesses whether there are any safety issues or risks if the offender takes part in the panel with their victim
- considers whether the offender is an appropriate fit for the iwi panel. If an offender is suitable and wants to take part, the offender must give their written consent.

**Victims.** Frontline Police officers who arrest an offender are responsible for asking victims if they’re willing to give their contact details to an iwi panel provider. A facilitator then contacts the victim to invite them to take part in the panel.

If a victim doesn’t want to attend the panel, they can instead prepare a statement to be read out by a Police representative at the panel. If a victim agrees to meet with the offender, a meeting can be arranged before and/or at the panel.

The offender and victim (if the victim’s attending) are informed of the time and place of the panel; both can take support people if they want.

**Panellists.** Usually 2 to 3 days before the panel, the facilitator emails panellists a summary of facts and some basic information about the offender. Panellists usually meet before panels start for the day to be briefed by the facilitator on the day’s cases.

To provide quality information to panellists or save time at the panels, the facilitator (or panellist) might look into the offender’s whakapapa links or issues relating to the offence. For example, if an offender committed a driving offence, the facilitator might, with the offender’s

permission, check with the Ministry of Transport about the number of demerit points they had accumulated.

At Manukau, a unique feature of their preparation is the development of a draft offender plan with potential components and timelines before the panel.

## Weighing the success of pre-panels

### What worked well

- The experience of the facilitators is that preparation makes for a smooth and efficient panel process. Meeting the facilitator once or twice before the panel helps put offenders at ease with the process.
- Preparation is also useful for making sure panels don't conflict with other time commitments of panel members and participants.

## Iwi panels in operation

### Scheduling a panel

The service specifications require providers to schedule a panel within a week of referral. Provider data shows just over three-quarters of Gisborne cases and just over half of Manukau and Hutt Valley cases are heard in the week following a referral. These figures are based on a 12-day window to provide for a referral to be on a Monday and the panel to be convened on the Friday of the following week.

The time between referral and panel averages about 8 days for Gisborne cases, 16 days for Manukau cases and 23 days for Hutt Valley cases.

In some cases, a panel isn't scheduled the week after a referral due to the time it takes providers to find and engage with offenders, victims or whānau about whether and how they might participate in iwi panel.

Providers find it valuable to have some flexibility around the timing of panels to try to

accommodate the different panellist, Police, offender and victim schedules.<sup>20</sup>

Typically, about 3 to 4 panels (in some cases, 5) are held in one day with each panel lasting about 30 to 60 minutes although this depends on the case. Panels involving driving offences, for example, are relatively straightforward and usually last half an hour.

Most panels are held on Wednesdays, though MUMA also hold panels on Thursdays. Mid-week panels allow providers some lead-in time in the first 2 days of the week to contact offenders and victims and conduct pre-panels. For an overview of how each provider implemented the iwi panels at their site, see [table 2](#).

### Delivering a panel

Tikanga Māori is clearly evident in all aspects of the iwi panel process and enhances offender (and victim) openness and participation in iwi panel.

All providers use marae or marae-type venues to deliver iwi panel services. MUMA uses 2 marae to hold panels. Hutt Valley uses a venue called Te Māori which has rich iwi and cultural significance and is attached to Waiwhetu Marae. Gisborne convenes panels in the main boardroom of the Ngāti Porou rūnanga but uses a local marae to host noho marae for participants who have this as a condition of their plan.

They all use similar tikanga though with slight differences in the expression of these according to iwi/Māori provider traditions and preferences. All sites believe cultural identity as an enabler of behavioural change is a priority. Gisborne panellists said this is the reason they direct most offenders to attend noho marae; this is where offenders can learn about their kawa and whakapapa. The noho marae is grounded in Ngāti Porou tikanga and is designed to give participants a 'sweet taste of their culture', said one panellist.

MUMA panels start with a formal pōwhiri; Gisborne uses more of a mihi whakatau process. At Hutt Valley and Manukau, the panel chair (iwi leader) facilitates panel discussion; at Gisborne, facilitators also chair panel meetings.

## A typical panel process includes:

- pōwhiri/mihi whakatau (including kai)
- karakia
- facilitator or chair welcomes everyone and states the purpose of the meeting
- whakawhanaungatanga from all present (unless this was done during the pōwhiri)
- the facilitator or chair reads the Police summary of facts
- offender has a chance to agree (or not) with main points in the summary of facts
- offender has a chance to speak to the panel about their offending
- victim (if in attendance) addresses the panel and the offender
- if the victim isn't in attendance, the facilitator or chair may read out the victim's statement where applicable
- consequences of the offending for the victim, community and offender are discussed
- offender plan is discussed and negotiated
- agreement is reached on the plan, monitoring and follow-up
- plan is drafted
- plan is signed by the facilitator and offender.

## Offender plans

The service specifications require providers to develop offender plans that:

- are fair and appropriate
- are achievable in reasonable time (up to 4 weeks)
- address underlying causes
- are able to be monitored.

At Hutt Valley, the Police representative ensures the offender's plan is similar to outcomes if the case were to proceed to court. This alignment can be quite challenging to achieve, especially if the aim of the plan is also to address the factors driving the offender's criminal behaviour.

'[We want] some sort of alignment. We don't want too much out of left field... Although having said that, if you take an example of a shoplifter who has got a terrible drug habit, ordinarily through the court you would get

community service and/or a fine or pay the reparations and be done with it. Actually, if you get into the heart of the matter, which is maybe drug and alcohol addiction, it would make more sense to address that.'<sup>21</sup>

Examples of plans with specific deadlines are:

- a good behaviour bond not to reoffend (for example, no unlicensed driving) within a specified period
- financial reparation
- community service (for example, with Māori Wardens or at the local Salvation Army)
- developing the WEAP or taking part in an educational course (for example, a driving course)
- self-referral to a specific health service (for example, the Community Alcohol and Drug Service (CADS) Māori Unit, Te Atea Marino for a drug and alcohol assessment, or the Manurewa Marae rongoā programme) or to a support group (for example, Dealing with Distress group)
- attending a 1-day wānanga at a local marae
- sending a letter of apology to the victim
- agreeing to work with a mentor.

The 3-month good behaviour bond commonly included in plans is 2 months longer than that suggested as 'reasonable' by the specifications.

One kaiwhakahaere said the good behaviour bond is a useful time to work with offenders, especially young men. She said she always 'took them for a feed' first because she thought they were always hungry and that feeding them helps them open up about their troubles. She tells them, 'This is about your plan, not my plan, and I'm going to make sure you follow it up.' She said meeting with her clients each week after the panel works well with those who have no regular structure in their lives. It also helps build trust.

Feedback from kaiwhakahaere was that their conversations with offenders outside the panel are probably more beneficial than those at the panel. They can spend more time with offenders finding out their strengths and help steer them towards a polytechnic, for example.

## The panel process is perhaps best shown by a typical case, that of Aden (not his real name):

### Aden's case

Aden is a young man charged with preparing to commit a crime in a public place (sections 28(1) and (2) of the Summary Offences Act 1981, which carry a maximum penalty of a \$2000 fine). He was seen with 2 other people behaving suspiciously in a car park with tools he could have used to break into a car. When Police arrived, he had thrown away the tools and run off.

When arrested nearby, Aden told the constable he'd been trying to steal a car because he needed it to get to his training course. He appeared at a panel about 3 weeks after he was arrested.

The panel was chaired and facilitated by a male Māori leader. Five other panellists were present: 3 community leaders (2 male, 1 female) and 2 'navigators' or support workers (1 male, 1 female). The Police ILO (male, not in Police uniform) was also there. Aden arrived by himself, having chosen not to bring any whānau in support. There was no victim representation.

The chair started by asking one of the Māori male community panellists to say a karakia (prayer) of Te Ātiawa. This was spoken in te reo Māori. The reasons for the karakia and its content were explained to Aden in English.

The chair asked the panellists and the Police ILO to mihi. Some shared their whakapapa links with Aden and speak about some other personal connection (such as living around the corner from the offender's aunt or having a son of the same age). As the chair explained:

'The karakia are all part of the healing process. The venue is part of the healing process ... It's about acknowledging their cultural existence as tribal people, that they bring with them their families and their tūpuna and so on. And that whakapapa connectedness is an important start to set them at ease inside the Māori environment.'

The karakia and mihi set the tone and direction of the panel. It also prepared Aden for a very

different process from the usual court appearance (which he had also experienced). It helped him understand the panel would proceed on the basis of trust and its aim was to try to help him put his life on a better footing.

The chair checked that Aden understood the panel's purpose. He then asked the Police ILO to read the summary of facts. Aden was asked whether he agreed with the material points in it, and he nodded.

The chair asked him to give his reasons for the offending. Aden appeared quite nervous, mostly avoided eye contact with others around the table and gave very short, often monosyllabic, responses to questions.

He said he had no money, wasn't eligible for a benefit, and lived with his mother. He attended a training course that he wasn't particularly interested in but needed transport to get to, hung around with anti-social peers, liked cars, didn't have a driver licence but aspired to be a car mechanic.<sup>22</sup> Drugs weren't an issue.

One panellist told Aden having a criminal conviction could restrict his prospects for employment and overseas travel but this wasn't further discussed. Instead, the panel emphasised finding ways to help Aden move forward more positively with his life.

Aden was asked to accompany a navigator out of the room while the panellists decided on a plan. After about 10 minutes, he was asked to come back in. His plan consisted of a 3-month good behaviour bond. The navigator also investigated options such as:

- a suitable course where Aden could train as a mechanic
- public transport
- a tour of a local training institute's mechanics workshop
- a course for Aden to get his driver licence
- taking part in some waka-related activities.

Aden appeared to understand and accept the plan's conditions. He and the chair signed the plan and Aden received a copy. He then had a chance to say some final words, if he had any.

The panel closed with the chair inviting a male panellist to say another karakia. Aden said goodbye and left to have a short meeting with the navigator about how to start working on his plan. The panel took about 45 minutes. The Police ILO monitored the good behaviour bond; the navigator monitored the rest of the plan.

## Post-panel monitoring and follow-up

Offenders are typically expected to complete the conditions of their plan within 3 months. It's usually the facilitator or kaiwhakahaere who follows up with an offender to see how they're going. All providers put a lot of effort into monitoring an offender's progress.

Plans typically direct an offender to attend counselling, get their driver licence, make financial reparation to the victim, and/or complete community service.

As offenders follow their plans, staff seek feedback from health and education providers about how offenders are engaging with them. If feedback isn't positive, staff will follow this up with the offender to try to get them engaged. Staff check in again with offenders as the 3-month deadline approaches.

'So what we try to do with providers is get a response back how they are going just to try and get, you know, a bit of a closure or an exit to some of that.'<sup>23</sup>

Not all plans have deadlines of 3 months but for those that do, facilitators at Manukau and Gisborne set up appointments with offenders to review their progress after about 2 months.

At Hutt Valley, the Police ILO receives an alert from the National Intelligence Application if an iwi panel offender is picked up for another offence during their plan period.

'I'll get an alert if they come up in our system, then I can backtrack and ask internally what they are looking at them for. So it's a sort of a

passive way I can monitor from a distance without having to be in catch-up directly.'

At all sites, if the offender completes their plan within the timeframe, this information is given to Police who then must decide whether or not they will charge the offender. If the offender doesn't complete the plan in time or reoffends during the plan period, they're referred back to Police.

### **Example: monitoring at Hutt Valley**

The Hutt Valley kaiwhakahaere work intensively with offenders as they complete their plans. One kaiwhakahaere met weekly with the offenders she was responsible for. This helped give some structure to offenders' lives and build trust.

Monitoring can extend well beyond 4 weeks. At Hutt Valley (and the other 2 sites), an offender's plan commonly includes a 3-month good behaviour bond.

'We needed something in there ... around putting the handbrake on calls for service and back into the court system. So 3 months was kind of an in-between suggestion around what's for me proportionate. So that's generally basic for a lot of those offences we deal with across the board, and sometimes it only needs that, you know.'<sup>24</sup>

Early in the monitoring period, staff will usually map out a whānau plan with the offender. This is a plan that looks at the social needs of the offender and their whānau (which may not be directly related to the offending), and how the iwi panel can support them.

They'll also often help arrange social services for them. A kaiwhakahaere gave the example of phoning the local WINZ office for help with paying for the offender to get his driver licence.

'I said: "I need this boy [offender] to get his licence. You can help me with that by assisting to pay for it now. We'll pay you back at \$5/week. How's that sound?'"

She said WINZ usually agrees with her suggestion, including how to pay the money back.

## Weighing the success of monitoring

### What worked well

- Providers demonstrated sufficient capability to monitor plans and had clear processes for monitoring the completion of plan conditions, including checking with community services about the extent to which offenders engaged with their services as required by the plan.
- A good behaviour bond was an effective way to monitor offenders for reoffending.
- There were positive accounts from providers about the impact of iwi panel on offenders' work, study and family circumstances.

The evaluation wasn't designed to collect outcome data but providers gave examples of offenders whose lives have improved significantly since their involvement in iwi panel. Some offenders now have jobs; others are enrolled in courses at tertiary institutions. Providers thought they were seeing some successes, not only for offenders but also their families and victims. For example, there appeared to be a correlation between reduced offending by iwi panel offenders and Police callouts for service to some homes in the region (known to the offender), previously the source of many Police callouts.

One external provider gave the example of an offender who was an ex-prisoner with a serious drug addiction who has turned his life around after attending an iwi panel for a minor offence. He now works full-time, studies part-time and has a good family life.

### What needs more work

Within 6 weeks of a referral, providers must file a report about the extent to which the offender has achieved their plan conditions. Evaluators didn't collect sufficient information about this to assess if it happened in a timely way. It's likely this would have been difficult to achieve, given the number of plans that include a 3-month good behaviour bond. We suggest this requirement be reassessed in line with service realities.

## Participant perspectives

### Offenders

All 16 offenders (Māori and non-Māori) interviewed across the sites during the follow-up period were very satisfied with panel processes and the support they received including:

- the chance to be heard
- being able to speak without interruption
- not being judged
- the directness and clarity of the process
- being welcomed through the pōwhiri or mihi whakatau
- having food and a warm drink
- mixing with panellists before the panel
- having the process explained before attending the panel.

In some cases, despite being told at pre-panels that panellists were there to support them, offenders still felt apprehensive before attending the panel. Afterwards, however, none recalled experiencing the panel as particularly punitive.

Some said they anticipated more of a 'ticking off'. Instead, offenders said they experienced a comfortable, safe and unpressured environment in which themselves and others could contribute freely and honestly to the discussion. It was a chance for offenders to reappraise their lives and, with the panel's help, move forward with their lives in a more positive way. Comments from offenders included:

'I thought I was going to get a growling at first, but they did things in a way that wasn't a beating. They had passion. The kōrero. They recognised that I didn't have my licence and reprimanded me for it, and they asked me why I didn't have a licence and then they helped me to get a licence.'

'I felt safe because of the way they talked to me and interacted with me. It made me comfortable. I felt they wanted to help me. That was a bonus. Before, I was doing nothing

with my life. They gave me guidance ... and with family support, I'm now doing stuff.'

'It was easy for me to communicate, easy for me to understand what they said ... It was awesome walking in there. Māoris [sic] on the panel. I wasn't expecting that. It was inviting and welcoming ... It's not something you get to do in a court system. It's nice to be able to be a voice for myself ... [I've got a] sense of accomplishment and succeeding.'

Most considered their plans to be fair. Some said appearing at the panel resulted in job opportunities (for example, farm work), a chance to explore their Māori ancestry, and other ways to develop themselves. One offender said he now had more insight and 'thought about things first rather than just going ahead and doing them'.

All offenders said they would recommend iwi panel to others, with one offender commenting:

'They would benefit from advice and guidance from not just one person but a body of people. It was a wonderful opportunity. They would come out of it with direction in life. How can you beat that?'

## Victims

Victim participation at panels has been very low and, as a result, evaluators gathered very limited feedback from victims. Across the 3 sites, only one victim could be interviewed (see below). This person expressed satisfaction with the service and support.

### **There are at least 4 potential reasons why so few victims attend panels:**

- they're unable or unwilling to attend
- the offence is victimless
- the secondary nature of the relationship between provider and victim
- limited provider capacity.

First, many of the crimes involve property crimes such as theft. Victims are often businesses such as large chain stores or clothing retailers who aren't willing for the most part to send a staff

member to attend a panel or participate in an evaluation interview.

Second, a number of offenders have been through the iwi panel process for crimes that have no identifiable victim, such as driving without a licence or disorderly offences.

Third, the relationship between the provider and the victim is a secondary one. There's a much more direct relationship between the provider and the offender, since it's the offender who was referred in the first instance. There's much more contact (and support) between the provider and offender than with victims.

Finally, providers may have decided to put their limited capacity to support the evaluation into recruiting offenders for interview – from whom they're more likely to get a better response rate – than victims.

Victims aren't required to appear at the panels and can instead send a statement to be read out. At one observed panel, the facilitator read out such a statement; the panel then discussed the statement with the offender to find out his level of remorse and understanding of the seriousness<sup>25</sup> of the situation. The offender gave his reasons for committing the offence and the panel discussed other ways he could deal with the underlying issues if they occurred again.

At another panel, a non-Māori victim attended with a family member. When interviewed for this evaluation, the victim said the offender seemed to take on board the things discussed and 'the panel hit the nail on the head about what [the offender] needed to change'. The victim had expected they would discuss the reasons for the offending and both sides would be able to tell their version of what happened. They said their expectations were exceeded, especially when the offender opened up.

The panel got to the heart of the matter and discussed the effect of the offender's actions on the victim. The offender discussed the changes required for him to stop offending and identified things that would support him in this, such as future goals, education and counselling. When the offender had his chance to speak, the victim

felt he was 'shifting blame' but was reassured to see the panel 'saw through it'.

The victim felt the quality of the offender's plan was good but said the offender had to want to change and follow it. The victim was asked for their input into the plan and said he felt it was important the offender found a suitable address to live, got off drugs and alcohol, got a job or returned to school and did not reoffend. The plan incorporated all of the victim's suggestions.

The victim thought the panellists were warm (they had hugged) and open-minded and had not played down the seriousness of the offence. The victim said the iwi panel process and follow-up were quick and they would definitely recommend it to other victims (and offenders):

'If he [the offender] can open up, I'm pretty sure others will open up as well.'<sup>26</sup>

## Panellists

Panellists at Gisborne said processes improved as facilitators learned and became more comfortable with their role. Their sites also became more efficient at operating iwi panels as time went on. They mostly put this down to the quality and commitment of staff and their strong relationships with Police.

Panellists at Hutt Valley said the strength of iwi panels was they allowed offenders, regardless of their ethnicity, to have a different type of conversation than they would at court, to set them in a more positive direction:

'The people that come to us have a wide variety of, if you like, problems, and we ask them questions like "Do you have any ambitions?", "What would you like to be if you were able to be that?"... We ask them whether they have got sporting interests, and if they haven't, we offer them, oh, you could join this club or that club, you can come on the wakas as a paddler, all sorts of things to draw them away from what they've been involved in, where they shouldn't have been. So there's a number of ways that you can encourage them to come to a better path.'

Some panellists thought the process was 'way harder' for offenders than appearing at court because they have to speak for themselves:

'Whereas in court your name gets called out and you stand up and you're watched, it's like a fashion parade, everybody's staring at you. You feel real cool. You stand in the dock, they do their thing and then you leave again or you go to jail. You cause a ruckus on your way through. Here, you have to talk for yourself, you have to tell the truth as well because we can all tell when somebody is bullshitting. You have to be accountable for yourself and sometimes that might make you cry.'

## Weighing the success of panels from participants' perspective

### What worked well

- Holding pre-panels and panels at venues appropriate for all participants.
- Offenders were happy with the duration of panels being between 30 and 60 minutes.
- Tikanga Māori enhanced participation.
- All participants interviewed<sup>27</sup> were very satisfied with the services.
- All offenders interviewed would recommend iwi panel to other offenders.
- Offenders benefited from the support given to them to help complete their plans and begin to set a more positive direction for their lives.
- The one victim interviewed as part of the evaluation expressed satisfaction with the service and support they received
- Panellists thought the panel process was tougher for offenders than appearing at court because they actually had to speak for themselves.

### What needs more work

- Providers and Police must consider ways to increase victim participation in iwi panels.



# Discussion and opportunities for improvement

## Transferability of iwi panels

In Manukau, Police said that although iwi panel providers serve Māori communities (but not exclusively Māori offenders), Asian and Pasifika communities have shown interest in replicating the process within their own cultural settings.

The Hutt Valley provider commented that although the process may be transferable to other cultures, the model has the ability to span cultures and backgrounds, and they are already doing so.

That other communities feel iwi panels can be of use to them is a positive sign of the transferability of iwi panel service delivery. It's important to keep in mind, however, the critical success factors when considering the transferability of iwi panels to other cultural settings and whether they can be replicated.

## Review service specifications

Service provision differed from specifications for at least 4 requirements:

- relevance of expected training
- referral targets
- completing panels within a week of referral
- report deadlines.

We recommend the justice sector consider redesigning service specifications in collaboration with iwi panel providers.

**Training.** Training of iwi panel facilitators and kaiwhakahaere should be reviewed in light of some feedback about the relevance of the restorative justice training and the relevance of the restorative justice accreditation system. We think there would be benefit in developing an accreditation system specifically for iwi panels.

**Targets.** There should be provision within contracts for targets to be varied if it becomes

clear not enough referrals are being received to achieve the required number of panels.

Providers have some way to go if they're to consistently deliver a panel within one week of a referral. This is because of the time needed to meet with the offender and complete preparatory panel tasks such as locating offenders and completing pre-panel meetings, which aren't currently achievable for all cases within this timeframe.

Consideration could be given to the possibility of extending this service requirement from within the week following to within the 3 weeks following (at least for an interim period) to ease pressure on providers, but at the same time, providers should be expected to improve their processes. The week following or a revised timing could be applied at a later date (after the interim period).

**Reporting deadlines.** Justice sector agencies should reassess the requirement for providers to file a report about whether offenders achieved their plan conditions within 6 weeks of referral. This doesn't fit with actual service delivery realities.

## Increase victim participation

Police decide whether or not to refer offenders to iwi panels based on the eligibility criteria. Providers accept the referrals hoping that victims (when they're able to be identified) will also agree to participate. However, most victims choose not to, for various reasons ([see page 25](#)).

**Effect on offenders.** Victim participation in panels has the potential to positively impact on the offender and the offender's plan. One thing missing from the iwi panels is that, through the non-attendance of victims, offenders don't get the chance to experience the impact of their offending from the victims' perspective.

From observation and interviews with facilitators, the victim's presence and input at the panel is a powerful contributor to offender remorse and behaviour change.

**Benefits for victims.** Victims themselves also miss out on the benefits of participation which, based on the sole victim interview, include the ability to have their say and get things off their chest, to get reparation, and to see the iwi panel process working effectively. For example, that panellists aren't taken in by the offender, discussion is considered and the content of the offender plan is fitting and acceptable to the victim.

We believe increased victim participation in iwi panels is desirable. The Hutt Valley provider also commented on this:

'Our panel have been engaging with victims to participate in the panel process but as with offenders, it's a voluntary process. However, we had a small number of victims appear and face their offenders with good outcomes. There is potential to continue to improve our work and increase victim participation.'<sup>28</sup>

**Police assistance.** Police could assist by better informing victims about the iwi panel service at referral and passing on their contact details to the provider.

Police could also inform victims of the different ways in which they can participate in iwi panel processes including:

- appearing in person at the panel with (or without) support people of their choice
- through a victim impact statement that can be read out at the panel by the facilitator (or another panellist)
- linking in via Skype or video conference to the panel if they would prefer (dependent on availability of the technology and equipment at the site)
- having someone else represent them at the panel if they can't participate themselves.

## Funding

The evaluators understand iwi panels are a proof of concept initiative and the pilot's success will influence decisions about their ongoing funding.

Providers take a holistic approach to the iwi panel initiative and seek to support the offender and, at

times, their whānau, to address their offending and the causes of it.

This means the scope of their services, for example, administrative support, driver licence courses, counselling, budgeting, advocacy, mentoring and benefit support, and delivery timeframe, go beyond what was originally envisaged for the programme.

Providers, therefore, feel their contribution to the successful delivery of services is over and above the funding they receive from the justice sector. They feel that iwi panel initiatives are under-resourced for the effort required to successfully establish and deliver them.

Some providers feel the effort required for iwi panels and restorative justice is similar but that restorative justice receives more funding. They feel that being funded at least to the same level as restorative justice programmes is reasonable. We agree with this expectation.

## Funding for follow-up work

Providers need sustainable funding to continue their follow-up work with offenders. Evaluators agree with iwi panel staff who said this work was where much of the value of iwi panel lies in terms of preventing reoffending.

The kaiwhakahaere did the work of supporting offenders, for example, by putting support mechanisms in place to help those with addiction issues avoid relapse. One iwi leader said:

'[Staff] in the systems who find dealing with Māori difficult ... they want to refer people over here out of probation and out of CYF and out of those other agency streams, which tells me that, within the mainstream systems, there probably isn't the overall skill to handle some of the people that we can handle from here.'

## Offender satisfaction and effects of iwi panels

All iwi panel participants interviewed<sup>29</sup> were very satisfied with the iwi panel process and would recommend it to other offenders. There were

accounts that offenders benefited from the support given to them to complete their plans and take a more positive direction in their lives.

Feedback from panellists was that they thought the panel process was not a 'soft touch' but 'way harder' for offenders than appearing at court because the offender actually had to speak for themselves at the panel.

## **Determine what the iwi panel service model is, including aims**

Some participants at advisory group level expressed concern about a lack of clarity about the iwi panel service model and what it was trying to achieve.

Was it an enhanced form of alternative resolution much like the Police adult diversion scheme that deals with not only first-time offenders but also with those who may have an extensive criminal history? Was it a form of restorative justice available to offenders pre-charge (rather than pre-sentence)? Was it a blend of both with Māori cultural expertise sitting alongside its practice?

Until these questions are clarified, the biggest risk is that iwi panels could be seen as communities running alternative crime resolution processes that don't work with the rest of the justice system.

## **Access**

Better access to external providers, such as residential services for those with serious alcohol and drug addictions, would help offenders address their addictions.

Providers have a suite of services to direct offenders to, most of which are marae partners engaged in social services and health services. In terms of primary health services, providers either operate the service themselves or have good access to one. However, access to specialist health services to treat, for example, methamphetamine addiction, is very difficult.

## **Eligibility for referral to an iwi panel**

Both Police and providers made concerted efforts to restrict themselves to the types of offending that fell within the iwi panel eligibility criteria. We're aware of panels held for offenders whose offence was more serious than allowed under the criteria.

## **Paying for panellists**

Sites operated differently when it came to paying panellists. As mentioned, koha was the method used at Gisborne; MUMA decided at the very start it would pay its panellists. In the Hutt Valley, at the start, all panellists were the provider's staff members. Issues arose regarding reimbursement when the Hutt Valley provider considered recruiting panellists who were employed elsewhere.

## **Other suggestions for improvement**

- More follow-up feedback to community panellists about offenders who have been through iwi panel.
- More administrative support to ease pressures to get paperwork and data entry completed in a timely way.
- Having a volunteer sit with offenders who turn up early for their panel (or if an earlier panel meeting runs on).
- Consider whether future funding should be on a case-by-case basis.
- One dedicated Police referral source and contact responsible for the quality of referrals.
- Consider whether Police can talk to the victim immediately after an offence occurs about attending a panel.

# Conclusion

## Overview

The evaluators' assessment of the evidence is that providers at all sites effectively implemented the iwi panel project.

All providers used tikanga Māori principles relevant to their traditions and preferences to engage with participants. This provided a safe and encouraging environment for offenders to fully take part in the panels.

Central to the success of the implementation of the project were:

- the provider context
- having key champions at all levels of establishment and implementation
- and selection of experienced and skilled providers.

Combined, these factors supported successful service delivery by:

- lending credibility and organisational buy-in to iwi panels
- promoting and socialising the service within Police and within community
- selecting the right providers for the job, that is, those with the requisite skills and experience to implement the service
- recruiting appropriate staff and panellists.

The providers' models of delivery clearly supported the practice of understanding the drivers of an offender's behaviour and supporting them to address this behaviour.

All providers used a Whānau Ora or 'navigational' approach to help offenders complete the specific conditions of their offender plans, such as accessing training or counselling services, and worked hard to support their holistic wellbeing.

Providers effectively used their established working relationships with the community and agencies to help offenders. This targeted approach enhanced their capability to deliver services effectively and efficiently, for example,

enabling offenders to access services in a timely way.

Panellists were representative of their provider sites (for example, iwi affiliation, Māori and non-Māori). This was a good example of effective provider engagement with their community that benefitted the service delivery of iwi panels.

Offenders indicated a positive reaction to the panel process; overall, they reported high satisfaction with it and regarded the process as challenging and rewarding.

Providers reported iwi panels worked well for Māori and non-Māori. Evaluator interviews and observation of panels supported this perception.

Victim participation in the panels was low for a number of reasons, and there is scope to improve on this. The evaluation was unable to assess the impact of victim participation on the panel process and offenders, so having sufficient victim feedback in ongoing evaluations will be useful.

## Risks

The iwi panel service could be vulnerable to disruption if the context changes – for example, if current staff or panellists move on. This can be avoided by:

- the justice sector more clearly articulating what the iwi panel model is and what it's trying to achieve
- developing an appropriate code of practice and training that reflects the model or service
- improving information collection systems and data quality
- providing iwi panel sites with funding certainty.

**Table 1: stakeholder engagement data collection activity**

Iwi panel stakeholder	Who interviewed or observed	Number of interviews and number attending
<p><b>Iwi panel provider: Hutt Valley</b> Te Rūnanganui o Taranaki Whānui</p>	<ul style="list-style-type: none"> <li>• Iwi panel offenders</li> <li>• Offender whānau support</li> <li>• Victims</li> <li>• Iwi panel chair/facilitator</li> <li>• Iwi panel panellists</li>   <li>• Other provider staff</li>   <li>• ILO – Police</li> <li>• Pre-panels</li> <li>• Panels</li> </ul>	<ul style="list-style-type: none"> <li>• 5 interviews, 5 offenders</li> <li>• 1 interview, 1 whānau member (joined interview with offender)</li> <li>• No interviews with victims</li> <li>• 1 interview, 1 panel chair</li> <li>• 1 group interview, 2 community panellists</li> <li>• 1 interview, 1 community panellist</li> <li>• 1 group interview, 2 kaiwhakahaere<sup>30</sup></li> <li>• 1 interview, 1 kaiwhakahaere</li> <li>• 1 group interview, 3 service providers</li> <li>• 1 interview, 1 service provider</li> <li>• 1 interview, 1 general manager</li> <li>• 1 interview, 1 auditor</li> <li>• 1 interview, 1 ILO</li> <li>• No pre-panel meetings observed</li> <li>• 3 panels observed</li> </ul>
<p><b>Iwi panel provider: Gisborne</b> Te Rūnanganui o Ngāti Porou</p>	<ul style="list-style-type: none"> <li>• Iwi panel offenders</li> <li>• Offender whānau support</li> <li>• Victims</li> <li>• Iwi panel manager</li> <li>• Iwi panel facilitators</li> <li>• Iwi panel panellists</li>   <li>• Other provider support staff</li> <li>• ILO – Police</li> <li>• Pre-panels</li> <li>• Panels</li> </ul>	<ul style="list-style-type: none"> <li>• 5 interviews, 6 offenders</li> <li>• 0 interviews, 0 whānau members</li> <li>• 1 interview, 1 victim</li> <li>• 1 interview, 1 manager</li> <li>• 2 interviews, 2 facilitators</li> <li>• 1 group, 5 panellists</li> <li>• 1 interview, 1 panellist</li> <li>• 1 interview (admin support), 1 staff member</li> <li>• 1 interview, 1 ILO</li> <li>• 2 pre-panels</li> <li>• 4 panels</li> </ul>

Iwi panel stakeholder	Who interviewed or observed	Number of interviews and number attending
<b>Iwi panel provider: Manukau</b> Manukau Urban Māori Authority	<ul style="list-style-type: none"> <li>• Iwi panel offenders</li> <li>• Offender whānau support</li> <li>• Victims</li> <li>• Iwi panel manager</li> <li>• Iwi panel facilitators</li> <li>• Iwi panel panellists</li> <li>• Other provider support staff</li> <li>• Pre-panels</li> <li>• Panels</li> </ul>	<ul style="list-style-type: none"> <li>• 5 interviews, 5 offenders</li> <li>• 0 interview(s), 0 whānau members</li> <li>• 0 interviews, 0 victims</li> <li>• 1 interview, 1 manager</li> <li>• 2 interviews, 2 facilitators</li> <li>• 2 groups, 5 panellists</li> <li>• 3 interview(s), 3 staff member(s)</li> <li>• 0 pre-panels</li> <li>• 5 panels</li> </ul>
<b>Justice sector steering/ advisory group members</b>	<ul style="list-style-type: none"> <li>• Māori, Pacific and Ethnic Services, NZ Police</li> <li>• Department of Corrections</li> <li>• Sector Group, Ministry of Justice</li> <li>• Policy Group, Ministry of Justice</li> <li>• Provider &amp; Community Services, Ministry of Justice</li> </ul>	<ul style="list-style-type: none"> <li>• 1 interview, 1 stakeholder</li> <li>• 1 interview, 1 stakeholder</li> <li>• 1 interview, 1 stakeholder</li> <li>• 1 interview, 1 stakeholder</li> <li>• 1 interview, 1 stakeholder</li> </ul>

**Table 2: overview of how each provider implemented the iwi panels**

Feature	Manukau Urban Māori Authority (Manukau)	Te Rūnanganui o Ngāti Porou (Gisborne)	Te Rūnanganui o Taranaki Whānui (Hutt Valley)
Provider staffing (including structure)	<p>1 x manager (initially iwi panel funded)<sup>31</sup></p> <p>2 x facilitators (iwi panel funded)</p> <p>Whānau Ora staff and Māori Wardens are key resource supports for the operation of the service.</p>	<p>1 x iwi panel manager (Police resourced)</p> <p>2 x facilitators (iwi panel funded)</p> <p>Administrative support (rūnanga resourced).</p>	<p>The community leader-type panellists undertake iwi panel work as part of a wider role with the rūnanga provider.</p> <p>Five kaiwhakahaere are supported by the rūnanga. One of their responsibilities is the case management of iwi panel offenders. One Police ILO also undertakes similar roles.</p> <p>Part of an administrative assistant's time goes to iwi panel work.</p>
Referral process	<p>Reduced from eight separate Police referral sources to just one referral source and point of contact from Police.</p>	<p>The Police ILO is the main point of contact and responsible for overall quality assurance of referrals.</p> <p>A designated senior sergeant approves referrals to the iwi panel service provider, and the ILO checks quality prior to sending referrals to the rūnanga.</p>	<p>The Police ILO is the main point of contact.</p> <p>The senior sergeant approves referrals to the iwi panel service provider.</p>
Approximate proportion of cases for which panels are held the week following a referral	Just over 50%	Just over 75%	Just over 50%

Feature	Manukau Urban Māori Authority (Manukau)	Te Rūnanganui o Ngāti Porou (Gisborne)	Te Rūnanganui o Taranaki Whānui (Hutt Valley)
Pre-panel preparation	Draft plan prepared for offender (for presentation at the panel). Held at marae community justice panel premises at MUMA. Efforts by Police and providers are made to obtain victim's consent to participate in a panel.	Held at a meeting room at rūnanga's community premises, usually early in the week or later in the week. Efforts by Police and providers are made to obtain victim's consent to participate in a panel.	Either the Police ILO or a kaiwhakahaere prepares the offender for what to expect at the panel. Efforts by Police and providers are made to obtain victim's consent to participate in a panel.
Venue(s) for panel	Two, both on marae: Papakura, and Ngā Whare Waatea	Large meeting room at rūnanga's community premises	Te Māori cultural centre
When held	Wednesdays and Thursdays	Wednesdays, with some flexibility to fit around offender and panellist availability	Wednesdays
Number of panels/day	Typically 3 to 4	Typically 3 to 4	Typically 3 to 4
Cultural processes followed at the panel	Tainui kawa – pōwhiri Whakawhanaungatanga after kai Tikanga Māori	Tikanga Māori – whakatau Whakawhanaungatanga during panel	Te Ātiawa karakia and tikanga
Panel composition	7 designated panel members, comprising of: <ul style="list-style-type: none"> <li>• iwi panel manager</li> <li>• panel chair</li> <li>• facilitators</li> <li>• kaumātua</li> <li>• Māori Wardens</li> </ul>	Typically 8–9 panellists, comprising of: <ul style="list-style-type: none"> <li>• iwi panel manager (representing the rūnanga and Police)</li> <li>• 1–2 facilitators</li> <li>• administrative support person</li> <li>• pakeke – usually at</li> </ul>	Typically 6 panellists, comprising of: <ul style="list-style-type: none"> <li>• Police member</li> <li>• chair</li> <li>• 3 x community leaders</li> <li>• kaiwhakahaere</li> </ul> All panellists identify as



Feature	Manukau Urban Māori Authority (Manukau)	Te Rūnanganui o Ngāti Porou (Gisborne)	Te Rūnanganui o Taranaki Whānui (Hutt Valley)
		least 4–5 per panel, including probation officer.	Māori.
Panellist payment	Panellist receive fixed payments, but are not employed by the provider	Pakeke receive koha for transport	All panellists are employed by the provider
Facilitation role at the panels	Panel chair facilitates	Iwi panel facilitators both facilitate and chair. The iwi panel manager, probations officer and a senior rūnanga pakeke (panellist) has also chaired panels over time.	Chair (iwi leader) facilitates panel conversations
Offenders' ethnicity Any other characteristics of note	Nearly half Māori Nearly one-fifth Pākehā Nearly one-third Pasifika Other is 4%	Ethnicity data not available to evaluators but captured in Police records	About two-thirds Māori Offenders may already have a criminal record. Some (including gang members) have extensive criminal records.
Offenders' most common primary offence for which referred	Traffic, offences against justice, theft and related offences	Traffic, dangerous acts, theft and related offences	Theft and related offences, property/environment offences
Victim involvement	Very little For every 10 cases, there was 1 victim associated	Very little For every 10 cases, there were about 5 victims associated	Very little For every 10 cases, there were about 7 victims associated
Panel duration	Approximately 45 - 60 minutes	Approximately 45 - 60 minutes with some quicker, for example,	Approximately one hour on average

Feature	Manukau Urban Māori Authority (Manukau)	Te Rūnanganui o Ngāti Porou (Gisborne)	Te Rūnanganui o Taranaki Whānui (Hutt Valley)
		unlicensed driving offenders	
Offender plans	<p>Range of conditions include:</p> <ul style="list-style-type: none"> <li>• financial reparation</li> <li>• community hours</li> <li>• not reoffending for three months</li> <li>• completing driver licence training and obtaining driver licence</li> <li>• write letter of apology to the victim</li> <li>• attend various programmes, i.e. te reo, gambling and addiction, parenting</li> <li>• go back to school.</li> </ul>	<p>Range of conditions include:</p> <ul style="list-style-type: none"> <li>• financial reparation</li> <li>• community hours</li> <li>• not reoffending for three months</li> <li>• completing driver licence training and obtaining driver licence</li> <li>• agreeing to be mentored</li> <li>• write letter of apology to the victim</li> <li>• attend a one-day noho marae</li> <li>• develop and implement a Whānau Education Action Plan (WEAP)<sup>32</sup></li> <li>• contemplate learning pathway options.</li> </ul>	<p>The iwi panel plan almost always includes a three-month good behaviour bond. Plan content is proportionate to the offence committed.</p> <p>A Whānau Ora plan is prepared in addition.</p>
Monitoring	<p>Offenders are expected to complete all their planned agreements within a 3-month timeframe or sooner.</p> <p>Facilitators follow-up with offenders to check on task completion and general wellbeing.</p> <p>For 3-month plans, facilitators book in a 2-month offender plan</p>	<p>Offenders are expected to complete all their planned agreements within a 3-month timeframe or sooner.</p> <p>Facilitators follow-up with offenders to check on task completion and general wellbeing.</p> <p>For three-month plans, facilitators book in a 2-month offender plan</p>	<p>For 3 months, mostly undertaken by the kaiwhakahaere</p> <p>Police ILO gets an alert on National Intelligence Application (NIA) if the offender is picked up for another offence. Also monitors who is coming through the custody suite.</p>

Feature	Manukau Urban Māori Authority (Manukau)	Te Rūnanganui o Ngāti Porou (Gisborne)	Te Rūnanganui o Taranaki Whānui (Hutt Valley)
	review.	review.	
Sign-off	<p>If the offender completes all the activities in their plan, no charge is filed.</p> <p>If the offender does not complete their plan or reoffends during the follow-up period, the matter is referred back to Police.</p>	<p>If the offender completes all the activities in their plan within a specified timeframe, that is the end of the matter. No charge is filed.</p> <p>If the offender does not complete their plan or reoffends during the follow-up period, the matter is referred back to Police.</p>	<p>If the offender completes all the activities in their plan within a specified timeframe, that is the end of the matter. No charge is filed.</p> <p>If the offender does not complete their plan or reoffends during the follow-up period, the matter is referred back to Police.</p>

**Table 3: allocation of iwi panel funding by providers over a specified period**

<b>Funding</b>	<b>Manukau Urban Māori Authority (Manukau)</b>	<b>Te Rūnanganui o Ngāti Porou (Gisborne)</b>	<b>Te Rūnanganui o Taranaki Whānui (Hutt Valley)</b>
	1 August 2014 – 31 Dec 2015	1 August 2014 – 31 Dec 2015	1 August 2014 – 31 Dec 2015
Funding received	\$121,666	\$106,266	\$153,266
Funding spent	\$93,502	\$74,828	\$93,922

**Funding allocation**

Salaries	\$39,841	\$37,074	\$53,840
Overheads (or admin)	\$14,390	\$26,219	\$16,000
Fees	\$6,340	-	\$15,360
Koha		\$2,450	-
Venue hire, catering	\$24,335	\$2,285	\$7,522
Travel (including vehicle expenses)	\$3,857	\$5,663	\$1,200
Training/supervision	-	\$3,087	-
Donations and reparation	-	\$498	-
Other expenses	\$2,289	-	-

**Table 4: referral numbers and contractual obligations across provider sites**

	<b>Manukau</b>	<b>Gisborne</b>	<b>Hutt Valley</b>
Contracted number of panels for August 2014 – December 2015	225	200	155
Monthly average referrals	12	10	9
Final number of panels completed by end of contract (December 2015)	149	146	155

**Table 5: characteristics of offenders referred to iwi panels across the provider sites.**

- The figures in table 5 are approximate. Evaluators corrected some obvious data entry errors in provider data spreadsheets. All sites had missing data in some fields (which may have been due to not being given the information by the Police or failing to record it in the provider database).
- Ethnicity data for the Gisborne site is captured in Police records but was not available to evaluators.

<b>Demographics</b>	<b>Manukau Urban Māori Authority (Manukau) (n=138 as of evaluation)</b>	<b>Te Rūnanganui o Ngāti Porou (Gisborne) (n=137 as of evaluation)</b>	<b>Te Rūnanganui o Taranaki Whānui (Hutt Valley) (n=117 as of evaluation)</b>
<b>Gender</b>			
Male	71%	69%	77%
Female	29%	31%	23%
<b>Age group</b>			
<20 years	25%	24%	21%
20–29 years	46%	45%	47%
30+ years	29%	31%	31%
<b>Ethnicity</b>			
Māori	47%	-	67%
NZ European	18%	-	20%
Pacific	31%	-	14%
Other	4%	-	<1%

# Appendix A: Methodology

## Approach

### Kaupapa Māori

The evaluation approach was informed by kaupapa Māori theory and principles. Kaupapa Māori means a Māori way of doing things. The concept of kaupapa implies a way of framing and structuring how we think about and do evaluation with Māori.

Kaupapa Māori is concerned with methodology (a process of enquiry that determines the methods used) and method (the tools that can be used to produce and analyse data). As such, kaupapa Māori is a theory and an analysis of the context of research that involves Māori as well as of the approaches to research with, by and for Māori.<sup>33</sup>

In the context of this evaluation, this meant ensuring both the appropriateness of methods for Māori and a critical analysis of the findings with respect to Māori. This included the use of karakia (prayer), mihi (introductions), acknowledging whakapapa, whanaungatanga, kanohi-ki-te-kanohi (face-to-face engagement) and acting in a respectful mana-enhancing way with all participants.

### Analysis and reporting

All evaluators completed written notes from their interviews and met in early October 2015 to discuss and synthesise the data. To support reporting, each evaluator developed an overview of the establishment and implementation phases for each site. Providers reviewed these for factual accuracy and to provide comments.

To enhance consistency of engagement and evidence across the sites, evaluators were briefed after the first day of interviewing and throughout fieldwork as required. Briefings were a chance for evaluators to reflect on what had gone well and discuss and resolve issues as they arose.

### Rubric development

Evaluators developed a rubric (see [appendix B](#)) to assess the effectiveness of the establishment and implementation of iwi panels. Service specifications were incorporated into the rubric and a ratings statement developed.

### Data collection

#### Site visits

Evaluators attended a preliminary meeting with key provider staff at 2 sites before conducting interviews, enabling them to observe tikanga Māori and giving them a chance to explain their data collection process.

They gave providers a list of the types and numbers of provider site evaluation participants they wanted to interview. Identification and recruitment of all provider site evaluation participants was conducted primarily through iwi panel facilitators, with support from other panel staff. All providers were very generous with their time and support in recruiting evaluation participants and were flexible in accommodating the evaluators' requirements.

Participants could choose to be interviewed individually, in a group or by phone. A semi-structured interview guide was used.

Fieldwork was undertaken at each site over 4 days in September 2015. Kirimatao Paipa gathered the information at the Manukau Urban Māori Authority (MUMA) sites (week of 7 September), Judy Paulin at Hutt Valley (week of 14 September) and Shaun Akroyd at Gisborne (week of 21 September).

The Ministry of Justice supplied evaluators with copies of the providers' quarterly reports. Operational and output data was mostly obtained by evaluators during site visits or, later, by email. In October 2015, evaluators interviewed people from the justice sector advisory and steering group.

They represented:

- Māori, Pacific and Ethnic Services, NZ Police
- Māori Services Team, Department of Corrections
- Sector Group, Ministry of Justice
- Policy Group, Ministry of Justice
- Provider and Community Services, Ministry of Justice.

In all, 46 one-on-one or group interviews involving 59 participants were conducted. Evaluators observed 12 panels and 2 pre-panel meetings. See [table 1](#) for an overview.

## Project governance

There were 2 levels of governance among justice sector agencies for PROV: the steering group and the advisory group. The steering group comprised 6 members from Justice, Police and Corrections (including the chair). Its key role was to provide strategic direction to the establishment and development of iwi panels and report to justice sector leadership (for example, deputy chief executives and chief executives).

The advisory group also comprised 6 members from Justice, Police, and Corrections (including the chair). Its key role was to advise the project team about day-to-day operational matters. The advisory group reported to the steering group.

## Ethical considerations

Qualitative methods gave rise to a number of ethical challenges that needed to be considered in evaluation design, planning and implementation. For example, voluntary participation, informed consent, confidentiality and the effect of the evaluation on participants.

### Voluntary participation

All participants were made aware that participation was voluntary at the initial point of contact (via a contact letter or telephone contact). Evaluators didn't exert undue pressure to secure participation but did explain the purpose and value of their contribution. Initial consent was followed up in writing.

## Informed consent

Prior to the interview, all participants were given an information sheet that explained the purpose of the evaluation and how it would be used, what their participation would involve, their right to not participate, that they could refuse to answer any of the questions, that they could stop the interview at any time and their right to withdraw their consent up until the time their information was incorporated into the evaluation analysis.

## Confidentiality

It was important that participants clearly understood that their kōrero would remain confidential; this included ensuring participants couldn't be identified by indicators such as the nature of the offence. Evaluators:

- removed all personal identification from all data used
- didn't personally attribute information to an individual or whānau without their permission
- offered participants the opportunity to review what had been written about them either through a review of the notes or transcripts.

Participants also had the opportunity to remove their contributions before the final report was completed. In addition, evaluators have:

- stored all research notes and transcripts in a locked filing cabinet
- ensured its computers, laptops and any participant lists are password-protected
- sought permission to audio-record all interviews and ensured its transcribers signed a privacy or confidentiality form.

ARE is a member of the Aotearoa New Zealand Evaluation Association (ANZEA), the Australasian Evaluation Society (AES), and the American Evaluation Association (AEA) and abides by each association's code of ethics.



## Effect of the evaluation on participants

ARE took all steps to ensure evaluation participants didn't experience any negative effects from the evaluation. These included:

- ensuring all participants were informed and their consent was given voluntarily
- establishing rapport with participants to put them at ease, particularly when answering questions where they might have felt vulnerable or embarrassed
- offering the contact details of counselling or support services, where appropriate
- being aware participants might change their behaviour because they were being observed. While this was largely outside our control, we did our best to limit this by sitting and observing quietly so they were more likely to behave as they would if we weren't there.<sup>34</sup>

Generally, it was our experience that interviewees found the experience positive. The interview gave them an opportunity to reflect on their experiences and voice their feelings, positive and negative.

## Appendix B: Evaluation rubric and implementation

### How well was the iwi panel implemented?

Level of effectiveness	Criteria	Manukau Urban Māori Authority (Manukau)	Te Rūnanganui o Ngāti Porou (Gisborne)	Te Rūnanganui o Taranaki Whānui (Hutt Valley)
<b>Highly Effective</b> All of the criteria under the rating 'Effective' are met, and in addition one or more of the following	Continuous service improvements are being made (for example, ongoing improvement to the quality and timelines of referrals, data entry and data management, increasing the number of panellists)	Yes	Yes	Yes
	Virtually all participants express satisfaction with the service and support received <sup>35</sup>	Yes	Yes	Yes
<b>Effective</b>	Provider has community networks with whom they engage that supports the effective operation of iwi panel services, utilising existing community relationships and developing new relationships as required and as is possible.	Yes	Yes	Yes
	Provider has developed partnerships with agencies, demonstrated by working relationships to the extent and type specific to the partners' roles in iwi panel service delivery, being able to collaborate and contribute in ongoing and supportive ways.	Yes	Yes	Yes

## How well was the iwi panel implemented?

<b>Effective</b>	Sufficient organisational capability to deliver services effectively (for example, pre-panels, panels, develop plans, monitor plans) demonstrated by having the right people in the right places, with organisational experience in restorative justice, post-release re-integration services and similar services, clear processes and procedures to support the operation of the iwi panel services, and an ability to draw on external expertise when needed, for example, counselling services.	Yes	Yes	Yes
	The iwi panel service is adequately promoted and socialised within the provider organisation, and externally (as is reasonably expected for its operation) as demonstrated by the familiarity of iwi panel provider staff, and other internal stakeholders' familiarity with the intent and function of the service, the presence of supportive processes and procedures, and collaborative working to support the operation of the service. All relevant iwi panel staff have attended training, and facilitators have been trained in restorative justice and receive monthly supervision. Iwi leaders have been influential in establishing and promoting the services.	Yes	Yes	Yes
	Offender plans meet service specifications <sup>36</sup> and demonstrate an understanding and use of resources available to meet offender plan conditions and tasks as demonstrated by a varied network of community and agency services available to accommodate the offender and offender plan conditions.	Yes	Yes	Yes

## How well was the iwi panel implemented?

<b>Effective</b>	There are clear Police referral processes in place, and providers have clear processes in place to receive and action referrals. Quality <sup>37</sup> of referrals to iwi panel providers is mostly good. Providers and Police have processes in place to quickly rectify information inaccuracies or omissions.	Yes	Yes	Yes
	Referral numbers are sufficient to meet all provider outputs (panels).	Partial	Yes	Partial
	Timeframes between referral and panel are meeting service specifications, and processes are being established to improve timeliness of panels. <sup>38</sup>	No	No	No
	Service is participant-centric <sup>39</sup> in terms of addressing underlying reasons for offending and tailoring a plan that fits offender realities and meets justice requirements, for example, whānau support, living conditions, health and wellbeing, financial environment, and meets 'sentencing' and 'preventative' requirements, for example, reparation amount and timing for payment(s), letter of apology, community hours, access to counselling, cultural wellbeing, for example, noho marae.	Yes	Yes	Yes
	The vast majority of participants express satisfaction with the service and support received (for example, fair and reasonable reparation and plan conditions, supportive panel processes, clear and understandable processes, support and sufficient contact from facilitator). <sup>40</sup>	Yes	Yes	Yes

## How well was the iwi panel implemented?

<b>Effective</b>	The iwi panel service is appropriate for the intended target group (ie 17+ years of age, offenders committing any offence liable for up to 6 months imprisonment if convicted in court; offenders free from family violence offences; offenders need to agree to participate and agree to the summary of facts; forbidden drivers, ie offenders driving without a current vehicle licence).	Yes	Yes	Yes
	The vast majority of offenders want to participate in the service, and offenders remain engaged for the length of time agreed in their plans. <sup>41</sup>	Yes	Yes	Yes
	Iwi panel staff/stakeholders possess the right qualities for their roles (ie qualities that make facilitators, iwi panel managers, and panellists credible and successful. For example, previous experience in restorative justice, social work experience, facilitation skills, relevant training, experience working with Iwi and community, project management, understanding and expression of tikanga Māori, organised).	Yes	Yes	Yes
	There are early indications that the service is having some positive outcomes (for example, helping people get driver licences, receive counselling, put debt repayment schedules in place). <sup>42</sup>	Yes	Yes	Yes
	Barriers to service delivery are identified early (and ongoing) and solutions are sought in a proactive manner. <sup>43</sup>	Yes	Yes	Yes

## How well was the iwi panel implemented?

<b>Developing effectiveness</b>	Providers are developing community networks with whom they can engage to support the effective operation of iwi panel services, and strengthening existing community relationships.	Yes	Yes	Yes
	Providers are developing partnerships with agencies (for example, to demonstrate working relationships with key partners to support iwi panel service delivery).	Yes	Yes	Yes
	The provider is establishing sufficient organisational infrastructure to supports its capability to deliver services effectively (for example, pre-panels, panels, develop plans, monitor plans), and is developing its processes and procedures to support iwi panel staff.	Yes	Yes	Yes
	The provider is promoting and socialising the iwi panel service internally, and externally, to ensure that staff have the necessary understanding of the intent and function of the service, and their roles in delivering the service. Iwi panel staff have been identified to attend relevant training.	Yes	Yes	Yes
	Facilitators and panellists have been trained in developing offender plans, and about the range of resources available to meet offender plan conditions and tasks.	Yes	Yes	Yes

## How well was the iwi panel implemented?

<b>Developing effectiveness</b>	There are clear Police referral processes in place, and providers have clear processes in place to receive and action referrals. Quality of referrals to iwi panel providers is variable. Providers and Police have processes in place to quickly rectify information inaccuracies or omissions. <sup>44</sup>	Yes	Yes	Yes
	Referral numbers are sufficient for providers to meet a high proportion of outputs (panels).	Yes	Yes	Yes
	Timeframes between offence and corresponding referral to iwi panel providers varies, and processes are being established to improve timeliness of referrals.	Yes	Yes	Yes
	Timeframes between referral and panel are approaching service specifications requirements, and processes are being established to improve timeliness of panels. <sup>45</sup>	Yes	Yes	Yes
	Service is becoming more participant-centric in terms of addressing underlying reasons for offending and tailoring a plan that fits offender realities, and meets justice requirements, for example, whānau support, living conditions, health and wellbeing, financial environment, and meets 'sentencing' and 'preventative' requirements, for example, reparation amount and timing for payment(s), letter of apology, community hours, access to counselling, cultural wellbeing, for example, noho marae.	Yes	Yes	Yes

## How well was the iwi panel implemented?

<b>Developing effectiveness</b>	Many participants (offenders and victims) express satisfaction with the service and support received (for example, fair and reasonable reparation and plan conditions, supportive panel processes, clear and understandable processes, support and sufficient contact from facilitator). <sup>46</sup>	Yes	Yes	Yes
	The iwi panel service is improving processes and checks to ensure that the iwi panel service is appropriate for the intended target group (ie 17+ years of age, offenders committing any offence liable for up to 6 months imprisonment if convicted in court; offenders free from family violence offences; offenders need to agree to participate and agree to the summary of facts; forbidden drivers, ie offenders driving without a current vehicle licence).	Yes	Yes	Yes
	Most of the offenders want to participate in the service, and offenders remain engaged for the length of time agreed in their plans. <sup>47</sup>	Yes	Yes	Yes
	The provider has employed or is employing appropriate iwi panel staff/stakeholders possessing the right qualities for their roles (i.e. qualities that make facilitators, iwi panel managers, and panellists credible and successful. For example, previous experience in restorative justice, social work experience, facilitation skills, relevant training, experience working with Iwi and community, project management, understanding and expression of tikanga Māori, organised).	Yes	Yes	Yes



**How well was the iwi panel implemented?**

<b>Developing effectiveness</b>	There are some positive stories about the impact of the service. The provider is looking at best ways of capturing some of these stories.	Yes	Yes	Yes
	Barriers to service delivery are being identified as they occur, and processes are being established to seek solutions in a proactive manner.	Yes	Yes	Yes
<b>Ineffective</b>	Any of the developing effectiveness requirements are not met.			

## Appendix C: Iwi panel draft outcomes framework

<b>Higher-level outcomes</b>	More offenders receive the help they need to stay crime-free	Reduced entry into the justice system and fewer court cases	Communities and whānau are safer, perceive they are safer and have confidence in the justice system	Iwi panels are valued as a complementary service alongside other justice sector programmes	Reduced reoffending	
<b>Intermediate outcomes for whānau and communities</b>	Improved communication and relationships between offenders, whānau and communities	Mutual trust and confidence between justice sector agencies and iwi/Māori organisations is enhanced	Whānau are invested in supporting offender participation in the community	Whānau are invested in supporting offender and community wellbeing	Increased whānau and community capacity and capability to support offenders	
<b>Intermediate outcomes for victims and offenders</b>	More offenders take responsibility for their actions and commit to pathway of change	More offenders are supported by iwi panel providers to make positive attitudinal and behavioural changes	More offenders show remorse and commit to addressing underlying causes for their offending	Victims have a sense of personal safety restored and receive appropriate assistance	More offenders are living crime-free in the community	More offenders are in education, training and employment
<b>Intermediate outcomes for government</b>	A credible, high-quality, effective and sustainable service that complements the court system	Policy settings and frameworks are enabling and flexible	Increased Police use of alternative resolutions	Justice and social sector work cohesively and collaboratively with iwi/Māori at strategic and operational levels	Iwi panels are well-promoted and socialised within justice and social sector agencies	
<b>Short-term outcomes</b>	Panellists use tikanga Maori and Whānau Ora principles & processes to engage, challenge, and support offender transformation	More offenders have a better opportunity to explain the reasons for their offending in a supportive environment	More victims have an opportunity to meet with the offender and explain the impact of the offending and receive reparation	More and better quality referrals of offenders are made to iwi panels		

## Appendix D: Evaluation activities

All planned evaluation activities and deliverables were completed as outlined in this table.

Description	Due date
Initial planning meeting with the Ministry of Justice	4 August 2015
Develop final data collection instruments: observation sheets, interview schedules, information sheets and consent forms	21 August 2015
Fieldwork and analysis, including: <ul style="list-style-type: none"> <li>• Reviewing background material on the PROV approach, with a particular focus on iwi panel</li> <li>• Analysing existing quantitative data, including relevant quantitative monitoring data</li> <li>• Data collection visits to the Manukau, Gisborne, and Hutt Valley iwi panel providers</li> <li>• Completing interviews with at least 10 people at each of the 3 sites</li> <li>• Observing 3 to 5 iwi panels at each site</li> </ul>	September – October 2015
Progress report	30 October 2015
Draft findings provided to the Ministry of Justice	6 November 2015
Findings provided to the Ministry of Justice	22 February 2016
Report reviewed and finalised	10 May 2016

## End notes

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<sup>1</sup>*Draft Project Brief: Partnering to reduce offending and victimisation v2.0*, page 3.

<sup>2</sup>Background information is taken from *Draft Project Brief: Partnering to reduce offending and victimisation v2.0*, pages 1–3.

<sup>3</sup>Culminating from conversations with justice sector and iwi panel provider staff about the definition of iwi panels.

<sup>4</sup>Advisory group member.

<sup>5</sup>Steering group member.

<sup>6</sup>Steering group member.

<sup>7</sup>Advisory group members.

<sup>8</sup>Email correspondence with iwi panel manager.

<sup>9</sup>Evaluator analysis of Police stakeholder interviews.

<sup>10</sup>Iwi panel staff.

<sup>11</sup>The Ministry of Justice funded a 5-day training course for some iwi panel staff. The course was delivered in October 2014 by PACT and the Community Law Wellington and Hutt Valley restorative justice team.

<sup>12</sup>Kaiwhakahaere.

<sup>13</sup>Kaiwhakahaere.

<sup>14</sup>While table 3 shows the Gisborne provider didn't spend all its funds allocated for the financial period, this was because referral numbers dropped from September to November 2015, causing a related decrease in service delivery cost.

<sup>15</sup>Minimising the need for client repetition had been a key feature of the Whānau Ora programme response.

<sup>16</sup>Ministry of Justice, *Outcome Agreement Iwi Panels (Service Specifications) – September 2014*. The Ministry of Justice provided this document to providers to guide their service delivery. Evaluators sought service specification documents from providers in order to assess their effectiveness. One of the documents received by the evaluators included the CJP Operating Guidelines, which was given to providers by Police to support provider delivery of community justice panels.

<sup>17</sup>Police.

<sup>18</sup>Facilitator.

<sup>19</sup>Ministry of Justice, *Outcome Agreement Iwi Panels (Service Specifications) – September 2014*. The Ministry of Justice provided this document to providers to guide their service delivery. Evaluators sought service specification documents from providers in order to assess their effectiveness. One of the documents received by the evaluators included the Community Justice Panels Operating Guidelines, which was given to providers by Police to support provider delivery of iwi panels.

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<sup>20</sup>Qualitative analysis of interviews across providers.

<sup>21</sup>Police.

<sup>22</sup>At some point, it came out that the offender had also committed other offences for which he was soon to be sentenced through the usual court process.

<sup>23</sup>Kaiwhakahaere.

<sup>24</sup> Panellist.

<sup>25</sup>In this case, the victim was hospitalised for heart-related problems immediately after the offender stole from them.

<sup>26</sup>Victim.

<sup>27</sup>Includes perspectives of the one victim interviewed.

<sup>28</sup> Hutt Valley provider.

<sup>29</sup>Includes perspectives of the one victim interviewed.

<sup>30</sup>Kaiwhakahaere are Whānau Ora navigators whose role includes navigating offenders to engage with other health, education and social services according to their needs.

<sup>31</sup>The manager's role was initially funded by the iwi panel. However, when funding was reduced, the manager opted to work in a voluntary position to enable the iwi panel funding to support the retention of the two trained facilitators.

<sup>32</sup>Whānau Education Action Plan (WEAP) is a tool used by providers contracted to the Ministry of Education to support children and whānau in higher educational achievement. Now called Whangaia te Pa Harakeke by this provider.

<sup>33</sup>Smith, L. (1999). *Decolonising methodologies: Research and indigenous peoples*. New York & Dunedin: Zed Books & Otago University Press.

<sup>34</sup>See [http://en.wikipedia.org/wiki/Reactivity\\_\(psychology\)](http://en.wikipedia.org/wiki/Reactivity_(psychology)).

<sup>35</sup> Evaluation participants only.

<sup>36</sup>Specifications are that a plan be fair and appropriate, achievable in a reasonable time (up to 4 weeks), seeks to address underlying causes, and can be monitored.

<sup>37</sup>Relevant information is contained in referrals and is correct.

<sup>38</sup>Service specifications require panels to occur within the week following a referral.

<sup>39</sup>Judgements about whether iwi panel services were participant-centric were made after reviewing a sample of offender plans, interview data from provider staff, panellists and offenders, and observing pre-panels and panels.

<sup>40</sup> Evaluation participants.

<sup>41</sup>Limited to offenders who were interviewed and as reported by providers. Evaluators do not have outcomes data to support broader assessment claims.

<sup>42</sup>Limited to data from offender interviews, and as reported by providers. Evaluators do not have outcome data to support broader assessment claims.

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<sup>43</sup>Yes, however some barriers (such as access to residential services for addicts) are outside their control.

<sup>44</sup>Quality of referrals relates to: relevant information is contained in referrals and is correct.

<sup>45</sup>Service specifications require panels to occur within the week following a referral.

<sup>46</sup>Evaluation participants.

<sup>47</sup>Limited to offenders who were interviewed, and as reported by providers. Evaluators do not have outcomes data to support broader assessment claims.