

A duty **to** care

Me manaaki te tangata



Family violence deaths
June 2022

Ngā mate tūkinō ā-whānau
Pipiri 2022



Te Kāwanatanga o Aotearoa
New Zealand Government



HEALTH QUALITY & SAFETY
COMMISSION NEW ZEALAND
Kupu Taurangi Hauora o Aotearoa

**Family Violence Death
Review Committee**



He tao huata e taea te karo

This document is a companion piece to the Seventh report of the Family Violence Death Review Committee and includes reflective points for agencies and services. Both documents can be downloaded from the Health Quality & Safety Commission website at: www.hqsc.govt.nz/resources/resource-library/fvdr-c-seventh-report

The *Seventh report* of the Family Violence Death Review Committee (the Committee) focuses on a **duty to care**.

It is related to but distinct from a common concept in a Western framework, a **duty of care**, which is a legal obligation to ensure the safety or wellbeing of others.

In contrast, te ao Māori introduces relevant relational obligations, values and practices. Whakapapa creates a duty to care for those who are joined together by blood and common ancestry. Whanaungatanga extends beyond people to include the environment and spiritual realm. Manaakitanga (ethos of care) embodies a type of caring that is reciprocal and unqualified, based on respect and kindness. It is holistically embedded in the values of whānau, emphasising obligations and reciprocal relationships within the whānau and wider groupings.

The *Seventh report* explores factors that have pushed Aotearoa New Zealand away from caring for people who experience family violence, reinforcing messages that no one is there to help them.

Reflective questions

Ūkaipō - recognising the origins of the voice and the story, recognising context and identity

- What is the story of this community?
- How will the community story influence interactions with government agencies?
- What resources are available?

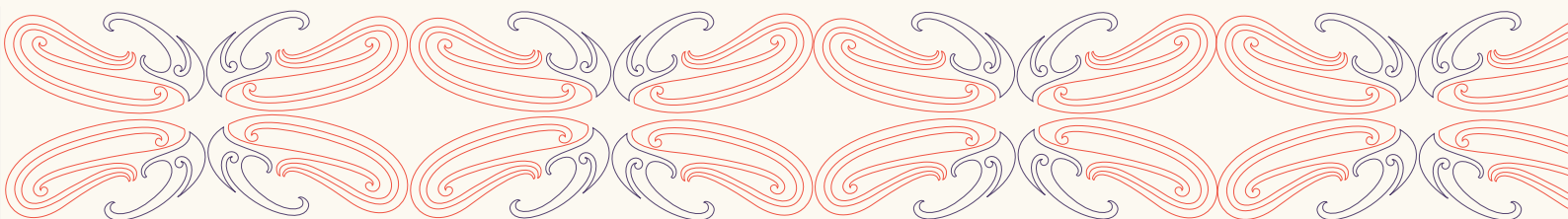
Kaupapa

Three elements have formed the Committee's thinking in the *Seventh report*.

1 Te Tiriti o Waitangi and responsiveness to Māori, where we acknowledge there are two parties to Te Tiriti - tangata whenua and tangata tiriti/Pākehā. Te Tiriti provides an opportunity for both tangata whenua and tangata tiriti to achieve wellbeing - to realise Te Tiriti dividends.

2 We describe a cascading waterfall - He Horowai, as a Te Tiriti-informed metaphor for developing culturally responsive understandings of people's life courses. We compare Māori and Pākehā experiences of entrapment to illustrate this metaphor.

3 We examine our 'duty to care'. We consider how living up to expectations of us all as carers is a way of disrupting the current family violence system and eliminating the burden of family violence and family violence deaths that family, whānau and hapori/community carry.



To provide a contrast to the usual siloed approach to service delivery, the Committee highlights the work of three kaupapa Māori organisations and their responses to whānau in need. After giving a brief overview of these organisations we include examples of their best practice throughout the report. An appendix on each organisation gives a detailed description of its kaupapa, practices, successes and challenges.

Reflective questions

Rangatiratanga – high-quality leadership, advocacy and service relationships in a practice based in humility, knowledge and knowing the limits of knowledge

- Do we come to the table to understand the needs of our community partners rather than to advance our agenda?
- How do we support our partners, seeking to highlight their successes rather than our own?
- How do we contribute to positive outcomes rather than determining what the outcome should be?

Family violence and the duty to care | Tūkinō ā-whānau me te manaaki tangata

Drawing from the in-depth reviews of family violence death events conducted between 2019 and 2021, the Committee highlights how family or whānau take on their obligations to their own and often shoulder the burden of poor service delivery or the divide between Crown and community services.

Finding alternative care pathways when hapori/ community services and government agencies are working better together

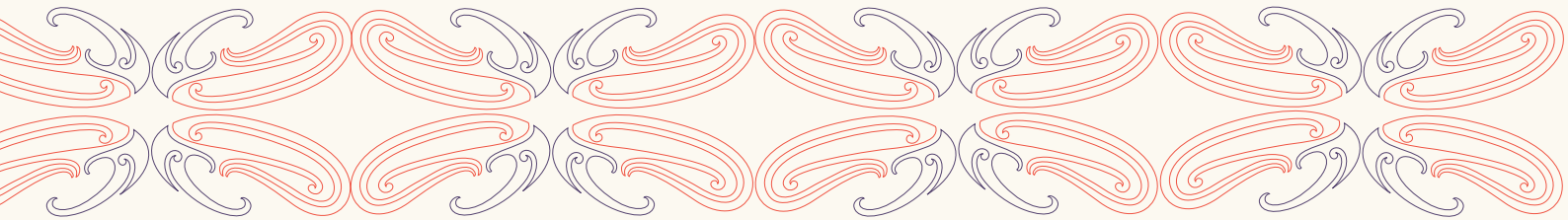
Taking whole-of-whānau approaches to respond to violence is important to avoid creating ‘silent victims’ – those who bear the effects of being exposed to violence and who are never seen as victims in their own right. Our reviews of death events show it is these circumstances that create the foundation for intra-familial violence.¹

Reflective questions

Whanaungatanga – actively strengthening meaningful, sustainable and purposeful relationships

- What are the efforts we are putting in to establishing trusting relationships?
- How does agency leadership model an acknowledgement that we need our community partners?
- What processes are we putting in place to help develop future leaders within the community?

¹ Intra-familial violence is violence between siblings, adult children against their parents, and wider family members.



The impact of failing in the duty of care for disabled people

Systems of care that are difficult to navigate place an added burden on family and whānau of disabled people. Current systems have limitations in identifying vulnerabilities and risks within family and whānau environments for disabled people. Societal assumptions that decision-making and caregiving responsibilities are equitable place disabled people at heightened risk of abuse through systems designed to be protective.

Reflective questions

Kaitiakitanga – protecting the vulnerable

- Do we have a clear understanding of how current systems reinforce the experience of violence?
- How do we support those at increased risk of being marginalised by service structures?
- Do we listen to our community partners when they tell us we are part of the problem?

Allowing family and whānau to be experts in their own lives

In deciding what type of information to collect about families and whānau, government agencies are driven more by their own interests than by the needs of the victim, offender, whānau or family. Misalignments and missed opportunities to care

result from inaccurate data recording. The quality of responses wāhine and tamariki receive influences both their outcomes and the likelihood they will return for help in the future.

Allowing individuals to be experts in their own lives requires services to ‘unlearn’ what it means to help. Out of the desire to help, it is possible to perpetuate colonisation by translating what people are seeking support for into the services that are within an agency’s mandate and buying in to ‘paternalistic and linear models of public service’.

Reflective questions

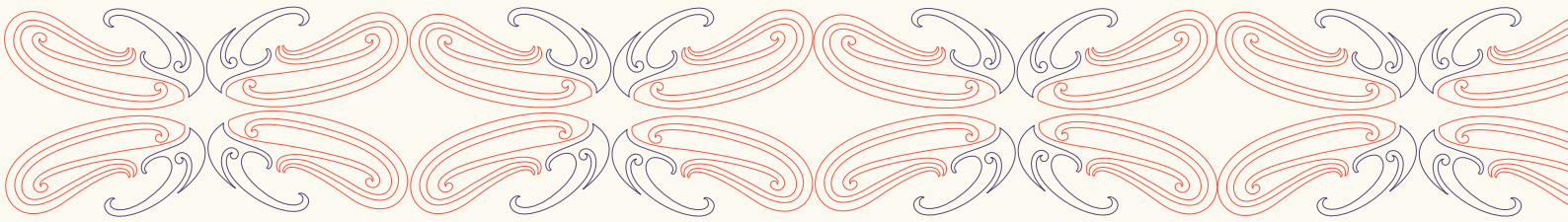
Aroha – accepting a person’s experience, suspending judgement and focusing on strengths

- How do we encourage victims/survivors and their family or whānau to be experts in their own life?
- How do we acknowledge that reality without shifting it to fit our mandate?

Manaakitanga – acknowledging the mana of others through the expression of aroha, hospitality, generosity and mutual respect

- How does our agency embody the spirit of service² to the community?
- Do our interactions with our community partners underscore an attitude of respect?
- Are we generous with our time and resources to support our community partners?

²Public Service Commission. Factsheet 2: He ratonga tūmatanui e kotahi ana | A unified public service. Wellington: Public Service Commission. URL: <https://www.publicservice.govt.nz/our-work/reforms/public-service-reforms-factsheets/?e5920=5928-factsheet-2-a-unified-public-service> (accessed 10 December 2021).



The need for an ongoing duty of care

A comprehensive after-care system is needed for family and whānau that have been involved in a family violence death. An after-care process is ultimately a prevention strategy for the next generation. It should not be limited to surviving children; the adults who care for those children also need support. After-care is about health **and** wellbeing.

Reflective questions

Kotahitanga – taking a collective, whole-of-whānau approach

- How does our agency act as part of a team?
- Are we open to radical change in order to change outcomes for families and whānau?

Achieving Te Tiriti dividends – how upholding Te Tiriti benefits everyone | Te tutuki tā Te Tiriti wawata – mā te hāpai ka hua mai mō te katoa

The country as a whole would benefit if we worked towards achieving Te Tiriti dividends. A zero sum argument, where the progress of some must come at the expense of others, saps our ability to work across ethnic lines to address our common problems. By working together, we can create Te Tiriti dividends that benefit all. By upholding the rights and basic

dignities of everyone in Aotearoa, we can take collective action to address the foundations of family violence.

Life transitions, a focus on oranga and being good partners | Nekenekē oranga, he oranga tangata, he hoa pai

Rather than recommending the development of new services, the Committee is advocating for a wiser and more respectful approach to people, families, whānau and hapori/community services and an acknowledgement of the harms that government agencies have caused in the past. Our recommendation for all government agencies is that, through everyday interactions with family, whānau and hapori/community services, they must be aware of the influences on those interactions through people's previous experiences and the bias that is built into historical data.

Our challenge in the *Seventh report*, in recommending a move towards an oranga model, is for agencies to understand wellbeing instead of simply focusing on the absence of symptoms. The Committee appreciates this is an uncomfortable conversation to have. This conversation will demand more resources than one person can effectively provide (depending instead on collective working for the benefit of the family or whānau), and yet it aligns more deliberately with a meaningful life.