

ABSTRACT

CONTRACTING EVALUATIONS IN THE AREA OF DOMESTIC VIOLENCE LEGISLATION: CHALLENGES AND RESPONSES

The Domestic Violence Act 1995 which came into force in New Zealand on 1 July 1996 introduced a number of changes to the obtaining and enforcement of protection orders. There is now one protection order to which non-violence and non-contact conditions may be attached. Eligibility has been broadened as has the scope of behaviour that provides the grounds for the granting of an order. The Act also provides for programmes for respondents (perpetrators), applicants (victims) and children.

A considerable amount of evaluation of various aspects of the Act is underway. All of the projects discussed in this paper have been contracted out.

The Department for Courts and the Ministry of Justice have jointly commissioned a number of projects. A scoping study of the Act has been completed. A process evaluation and evaluations of two programmes for adult Maori applicants and three programmes for children are in progress. The Ministry of Justice is managing an evaluation of two generic programmes for adult protected persons. The Department of Corrections is leading the evaluation of community-based violence prevention programmes, which includes programmes provided to Domestic Violence Act respondents.

Contracting evaluations in the area of domestic violence legislation presents a number of challenges, some of which are unique to research in this area. These challenges include:

- Getting evaluators with the necessary skills
- Getting provider buy-in to the evaluation
- Keeping participants safe
- Balancing funding and design
- Keeping the projects on track
- Consultation and keeping people informed.

The paper discusses these challenges and responses to them in the context of the Domestic Violence Act evaluations.

Angela Lee
Manager of Research and Evaluation
Department for Courts
PO Box 2750
Wellington
New Zealand

Email angela.lee@courts.govt.nz

CONTRACTING EVALUATIONS IN THE AREA OF DOMESTIC VIOLENCE LEGISLATION: CHALLENGES AND RESPONSES

Angela Lee

Department for Courts, New Zealand

INTRODUCTION

The Domestic Violence Act 1995 (DVA) came into force in New Zealand on 1 July 1996. It represents a philosophical shift in the way the justice system perceives and addresses domestic violence.

The primary objective of the Act is to “reduce and prevent violence in domestic relationships”. This is intended to be achieved by:

- recognising that domestic violence is unacceptable behaviour;
- ensuring legal protection for victims;
- empowering the court to make protection orders;
- providing appropriate programmes for victims;
- requiring respondents (perpetrators) to attend stopping violence programmes; and
- providing more effective sanctions and enforcement where protection orders are breached.

The Act widens the definition of domestic violence to include not only physical violence but also sexual and psychological abuse. Psychological abuse includes intimidation, harassment, threats and (in relation to a child), causing or allowing the child to witness (see or hear), the physical, sexual, or psychological abuse of another person.

The Act widens the definition of a domestic relationship to include partners, family members and those with close personal relationships, and those sharing a household.

Protection orders can have a number of conditions attached. These include – non-violence, firearms, non-contact conditions and programme conditions. Non-violence conditions apply in every case and non-contact conditions apply when the parties are living apart. When an order is made children are now automatically protected persons and are included in any non-contact provisions.

Respondents are usually required to attend a stopping violence programme. Domestic Violence Programmes are available for adult protected persons and children.

This is an important piece of legislation which has substantial resource implications for the New Zealand Government and there are a considerable number of evaluations assessing various aspects of the Act. These projects have been planned collaboratively by several government agencies with an interest in the operation of the Act. All of the projects discussed in this paper have been contracted out.

APPLICATIONS UNDER THE DOMESTIC VIOLENCE ACT

Period July 1996 to June 1999

Total to date since commencement of Act	22174
July 1996 to June 1997	7911
July 1997 to June 1998	7213
July 1998 to June 1999	7050

% On Notice applications since commencement of Act	16.1%
July 1996 to June 1997	14.3%
July 1997 to June 1998	16.4%
July 1998 to June 1999	17.8%

Average per month since commencement of Act	616
July 1996 to June 1997	659
July 1997 to June 1998	601
July 1998 to June 1999	588

Ethnicity of respondents and applicants since commencement of Act		
Ethnicity	Respondent	Applicant
NZ Pakeha	47.3%	53.0%
NZ Maori	24.6%	23.7%
Pacific Islander	7.6%	5.8%
Asian	1.5%	1.8%
Other	6.1%	5.1%
Unknown / Incomplete data	12.9%	10.6%

Number of children since commencement of Act	33903		
	Under 5 years	Over 5 years	Total
July 1996 to June 1997	5420	6682	12102
July 1997 to June 1998	5006	6087	11093
July 1998 to June 1999	4554	6154	10708

Gender of respondents since commencement of Act	
Male	91.2%
Female	8.0%
Unknown / Incomplete data	0.8%

Nature of relationship since commencement of Act	
	Relationship
Partner	48.4%
Married	34.4%
Family Member	7.7%
Close Personal Relationship	7.5%
Ordinarily Shares Household	0.7%
Unknown / Incomplete	1.3%

THE EVALUATIONS

Process Evaluation

The Department for Courts and the Ministry of Justice have commissioned a process evaluation of the Domestic Violence Act 1995. This evaluation was preceded by a scoping study which identified and assessed data sources, developed a safe and effective method for contacting applicants(victims) and respondents(perpetrators), proposed a possible research design for the process evaluation and identified issues and problems to be investigated.

The research team undertaking the process evaluation includes Helena Barwick, Alison Gray, Roger Macky and Ani Pitman.

The evaluation has six key components:

1. A database study which will provide statistics at both national and local levels.
2. A file study to provide factual information at a local level – approximately 100 court files at each of four courts (Whangarei, Auckland Central, Lower Hutt, Christchurch)
3. A national survey of Family Court Judges, court staff and selected counsel
4. National and local key informant interviews – those to be interviewed will include: Family Court Judges, District Court Judges, Police, Department for Courts staff, representatives from voluntary groups, lawyers, and programme providers.
5. Interviews with applicants, respondents and victims of domestic violence who have not applied for a protection order.
6. Case studies of best ‘practice’.

The process evaluation is progressing well with all phases on schedule.

Evaluation of Programmes

Adult Protected Persons Programmes

The Ministry of Justice is managing the contract for the research project which is evaluating two generic programmes for adult protected persons: DOVE in Hawkes Bay and the Wellington Violence Intervention Programme. The Institute of Criminology at Victoria University of Wellington is undertaking this project. The evaluation design includes quantitative data from providers, a review of programme documentation, entry, exit and follow-up interviews with protected persons, interviews with a comparison group of protected persons who have not attended a programme, and interviews with key informants. This project is now well underway. Many applicants attending the programmes have been interviewed and contact is being made with a comparison group of applicants who have not attended a programme.

The Department for Courts and the Ministry of Justice have jointly commissioned an evaluation of two programmes for adult Maori protected persons. Te Whare Ruruhou o Meri, Anglican Social Services in Otahuhu and Tu Tama Wahine o Taranaki in New Plymouth are the two programmes that have agreed to participate in the evaluation. The International Research Institute for Maori and Indigenous Education at Auckland University has been selected to undertake the evaluations. The design includes quantitative data collection from providers, a review of programme documentation, interviews with protected persons after completion of the programme and follow-up interviews 3 to 6 months later, interviews with a comparison group of protected persons who have not attended a programme, and interviews with key informants.

Children's Programmes

The Department for Courts and the Ministry of Justice have also commissioned evaluations of three children's programmes: Early Childhood Development, Auckland; Pat and Les Gray, Whangarei; and Heather Gifford, New Plymouth. The International Research Institute for Maori and Indigenous Education and The Centre for Child and Family Policy Research of Auckland University have been selected to undertake the evaluations. These evaluations will be formative in nature as these programmes have not been running for long. The evaluation will involve interviews with children attending programmes.

Respondents Programmes

The Department of Corrections is leading the evaluation of community-based violence prevention programmes which includes programmes provided to Domestic Violence Act respondents. Four programme providers have participated in the evaluation. Unfortunately, due to a poor contact rate with respondents, one programme has had to be withdrawn from the evaluation and another substituted. The Institute of Criminology is also undertaking this project. The evaluation design includes the collection of quantitative data from providers, a review of programme documentation, entry, exit and follow-up interviews with respondents, interviews with significant others and interviews with key informants. The researchers are mid way through interviewing respondents and they are also interviewing partners of respondents attending the programmes.

CONTRACTING EVALUATIONS

Contracting evaluations in the area of domestic violence legislation presents a number of challenges, some of which are unique to research in this area.

Getting Evaluators with the Necessary Skills

The overall DVA evaluation programme needed evaluators with a wide range of skills including:

- Extensive research or evaluation experience
- An understanding of the issues relating to research concerning domestic violence
- Experience of undertaking research concerning domestic violence or experience working with agencies such as Women's Refuge
- An understanding of research with Maori and experience in research with Maori communities
- The ability to work cross-culturally
- Experience of working with, or undertaking research involving, children
- The ability to work co-operatively with programme providers

Finding evaluators with all the necessary skills, or even most of them, is not easy. We attempted to do this by:

1. Using a database of researchers and research organisations
2. Canvassing key informants and programme providers for suggestions about potential evaluators
3. Sending project briefs out to a wide range of evaluators
4. For some projects, telling the researchers which other researchers had been sent the project brief and suggested they may like to submit joint proposals

Getting Provider Buy-in to the Evaluation

For the evaluations of programmes it was essential that the providers be willing participants in the evaluation and actively assist the evaluators. A number of strategies were used to achieve this:

1. Visits to providers by the people commissioning the evaluations
2. The establishment of an Advisory Committee for each project – participation in the selection of evaluators, in the design of the project etc.
3. Ensuring that the evaluators work co-operatively with the providers
4. Reimbursement to the providers for time spent

Keeping Participants Safe

The ethical requirement to keep participants safe is particularly significant for research or evaluation in the area of domestic violence. The main strategy we used was to ensure the involvement in the projects of people with a good understanding of the dynamics of domestic violence. This was done by:

1. Using evaluators who have previously worked in the area of domestic violence

2. Using evaluators who understand the dynamics of domestic violence
3. Having people on the Advisory Committee who have worked in the area of domestic violence - someone from Women's Refuge
4. Making sure that the providers felt comfortable with the design – asking them for advice

Balancing Funding and Design

The balancing of funding and design is obviously not unique to domestic violence evaluations. The Domestic Violence Act is a significant piece of legislation which has resulted in some fairly large costs for government, and there is a great deal of interest in whether the Act is “working”. However, the evaluation funding available to the Department for Courts is not sufficient to cover the evaluations needed to provide an overall picture of the operation and impact of the Act. Inter-agency co-operation has resulted in the development of a programme of evaluations funded by a range of government agencies. Even with inter-agency co-operation the funding for evaluation has not permitted an ideal design. There have had to be compromises in terms of the number of programmes evaluated, sample sizes, the use of comparison groups and follow-up periods. Also, for government agencies there is the problem of funding being allocated to specific financial years and not being able to be moved from one financial year to another to accommodate the design of an evaluation.

Keeping the Projects on Track

Keeping the projects on track means ensuring that the evaluations provide the information that is needed within the deadlines.

We have attempted to ensure that this happens by:

1. Developing a detailed project brief which specifies objectives, information needs and timelines
2. Having a detailed contract and proposal
3. Having active Evaluation Advisory Committees for each project
4. Having on-going and regular contact between the commissioning agencies and the evaluators
5. Requiring progress and interim reports from the evaluators

Consultation and Keeping People Informed.

As has already been mentioned, the Domestic Violence Act is a significant piece of legislation and there is a wide range of stakeholders with an interest in the evaluation results. A range of methods have been used to consult and to keep people informed about the evaluations:

1. A scoping study
2. Advisory committees
3. A reference group
4. Progress reports, information sheets