



**MINISTRY OF SOCIAL  
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

# **Court Support Service Guidelines**

## **F2021**

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# 1. About the Guidelines

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## **Who are these Guidelines for?**

These Court Support Service Guidelines (Guidelines) are for Providers who hold a Ministry of Social Development (the Purchasing Agency) Outcome Agreement to deliver a Court Support Service for victims of sexual violence going through the criminal justice process (Court Support Service).

Outcome Agreements with Providers of Court Support Services require that they are delivered in accordance with these Guidelines. These Guidelines form part of the Outcome Agreement.

## **What is the purpose of the Guidelines?**

The purpose of these Guidelines is to:

- provide a high-level overview of practice principles included in the delivery of Court Support Services
- ensure there is shared understanding between the Purchasing Agency and the Provider on the scope, nature of the service and the desired outcomes.

## **How will the Guidelines be used?**

The Guidelines set the minimum standard for effective service delivery, from which the Provider can deliver a service that reflects their own philosophical base, incorporating local need and the culture within which they work.

## **Will these Guidelines be revised?**

This is a living document in which there will be opportunity for continuous development of the Guidelines. As the service continues to develop and grow over time, the Guidelines will be updated to incorporate any required changes to reflect service growth and development. The Guidelines operate under the provisions and the spirit of the Treaty of Waitangi.

## **Where can you go for more information?**

For further information in relation to this service and on these Guidelines, please contact your Relationship Manager as identified in your Outcome Agreement.

## 2. Relationships

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### Relationship principles

The Provider and the Purchasing Agency shall collaborate to ensure that, in the contracted region, Court Support Services are available, accessible and effective for adult victims/survivors going through the criminal justice process.

All parties recognise these services are a joint endeavour, in which the parties have a shared goal to achieve positive outcomes for adult victims/survivors of sexual violence.

The parties agree to:

- act honestly and in good faith
- communicate openly and in a timely manner
- work in a collaborative and constructive manner
- recognise each other's responsibilities
- encourage quality and innovation to achieve these outcomes
- be committed to continuous improvements of service delivery.

Each party shall appoint Relationship Managers who will be responsible for effectively managing the contract relationship. Details of the Relationship Managers nominated by each party are set out in the Outcome Agreement.

### Inclusive practice

The Purchasing Agency is aware there are a number of different approaches to engaging with victims/survivors of sexual violence and there is no 'one size fits all' approach. However, the Purchasing Agency does expect that Court Support Services are provided in a way that is consistent with the differing social, economic, political, cultural and spiritual values of victims/survivors.

For guidance on inclusive practice within a Court Support Service, the Purchasing Agency recommends reviewing guidance that was developed for Sexual Harm Crisis Support Services as set out in the ['Good Practice Responding to Sexual Violence Guidelines for 'mainstream' crisis support services for survivors'<sup>1</sup>](#). Although this guidance was not developed specifically for a Court Support Service, the Purchasing Agency believes it is relevant and encourages the Provider to review the guidance and apply it to their practices where appropriate.

### Good practice approach

Court Support Services are specialist support services which aim to address the emotional, mental, spiritual and social needs of a victim/survivor of sexual violence going through the criminal justice process.

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<sup>1</sup> Wharewera-Mika, J.M. & McPhillips, K.M (2016). Good Practice Responding to Sexual Violence. Guidelines for 'mainstream' crisis support services for survivors.

All parties support the development of good practice in the delivery of this service. The Purchasing Agency determines that good practice includes:

- considering local and community contexts, as well as the knowledge and skills relevant to the purpose and focus of the service
- providing victim/survivor-centred support, including:
  - identifying and supporting the wide range of needs of different victims/survivors (including whānau centred approaches to wellbeing)
  - recognising the importance of culturally responsive services
  - providing services that are culturally responsive to Māori and Pasifika
  - recognising the importance that victims/survivors are entitled to be guided by the values and principles which underpin their own world view
  - the ability to translate the criminal justice process and practice into easy to understand terms for victims/survivors.
- developing services in a way that supports and increases accessibility to services for victims/survivors
- using a collaborative approach across services and agencies where possible and engaging with a 'community of practice' to share ideas, information and build professional practice knowledge. Networks between Court Support Service Providers should be developed and maintained to ensure a community of practice
- regularly reviewing, reflecting and monitoring the effectiveness of the service, including incorporating feedback from the victim/survivor, staff and external individuals, and changing and modifying practice in response
- attending or providing relevant training, professional development and (where appropriate) receiving supervision, and utilising appropriate resources and support
- participating in internal and external evaluation of services and using the information as part of a continuous improvements process
- all parties being committed to the provisions and spirit of the Treaty of Waitangi
- all parties being committed to Te Tiriti o Waitangi, specifically the parties are committed to building relationships and equitable decision-making with mana whēnua.

## 3. About Court Support Services

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### What is sexual violence?

Sexual violence is a descriptor for a number of sexual behaviours that are engaged in without consent and involve elements of force, coercion and/or power by one person over another for the purpose of sexual gratification and control. This can include both contact and non-contact behaviour, including 'online' computer-assisted sexual harm.

### Prevalence of sexual violence

Sexual violence, although significantly under-reported, is prevalent. Internationally, it has long been estimated that up to one in three women and up to one in six men experience some form of sexual victimisation in their lifetime, often before the age of 16.<sup>2</sup> New Zealand research has shown that young women and Māori women are almost twice as likely to experience sexual violence, this research additionally indicates that Pacific peoples report high rates of unwanted sexual contact.<sup>3</sup>

Despite the prevalence of sexual violence in New Zealand, it is estimated that less than 10 percent of sexual violence is reported to Police.<sup>4</sup> Within the justice system, further attrition occurs when victimisations that are reported to Police do not progress to prosecution and conviction.<sup>5</sup> Research shows that the victim/survivor can often perceive the court process as 'unfair' or weighted towards the defendant.<sup>6</sup> Furthermore, the process of going through criminal proceedings and the way court proceedings are conducted can cause psychological harm to the victims/survivors involved, known as secondary victimisation.<sup>7</sup>

### History of Court Support Services

The Law Commission's 2015 report '*The Justice Response to Victims of Sexual Violence*'<sup>8</sup> found that New Zealand's justice system often fails to respond appropriately to victims of sexual violence, leading to low rates of reporting of sexual violence incidents and high

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<sup>2</sup> Krug, E. G., Dahlberg, L.L., Mercy, J.A., Zwi, A. B., & Lozano, R. (2002), Chapter 6: Sexual Violence. In World Report on Violence and Health. Geneva.

<sup>3</sup> Mayhew, P., and Reilly, J. (2007) New Zealand Crime and Safety Survey 2006. Wellington: Ministry of Justice.

<sup>4</sup> Ministry of Justice, 2015. 2014 New Zealand Crime and Safety Survey: Main findings, Wellington: Ministry of Justice.

<sup>5</sup> Ministry of Justice, 2019. Attrition and progression: Reported sexual violence victimisations in the criminal justice system, Wellington: Ministry of Justice.

<sup>6</sup> Law Commission, 2012. Alternative Pre-trial and Trial Processes: some possible reforms [Issues Paper 30], Wellington: Law Commission.

<sup>7</sup> Orth, U. (2002) 'Secondary Victimization of Crime Victims by Criminal Proceedings' *Social Justice Research*. Vol 15, No.4.

Campbell, R. and Raja, S (1999) 'Secondary Victimization of Rape Victims: Insights from Mental Health Professionals Who Treat Survivors of Violence', *Violence and Victims*, Vol 14, No.3.

<sup>8</sup> The Law Commission, December 2015. 'The justice response to victims of sexual violence: Criminal trials and alternative processes' [Report 136], Wellington: The Law Commission.

rates of secondary victimisation.<sup>9</sup> The report made 82 recommendations to improve the justice experience of victims of sexual violence.

The Purchasing Agency piloted a psychosocial court support service in Auckland through Auckland Sexual Abuse Help Foundation (Auckland HELP) from June 2018 until July 2019. The pilot service responds to recommendation nine which recognised there is a lack of psycho-social support for victims/survivors of sexual violence going through the criminal justice process. This service also responds to the recommendation from the 2009 Taskforce for Action on Sexual Violence<sup>10</sup> to establish a specialist court support role to assist victims/survivors of sexual violence progressing through the court process.

The psychosocial court support service pilot was independently evaluated by Malatest International. Findings from the evaluation showed that the court support pilot service provided victims/survivors with access to trauma informed victim-centred care. The pilot was found to have a collaborative and close working relationship with other services and made a positive difference for victims/survivors and their ability to manage anxieties and outcomes (before and after trial).

The Purchasing Agency met with contracted Sexual Harm Crisis Support Service (SHCSS) providers in July and August 2019 and found that many provide unfunded support for victims/survivors through the court process. Following this, two Court Support Service design hui were held in October 2019, with representatives from the sexual violence sector. Alongside this, an international literature review was commissioned which found that international Court Support Service models generally involve:

- victim/survivor focused and centred approaches which are tailored to an individual's support needs
- a wraparound service which is collaborative and coordinated with other services
- on-going services which support the long-term needs of the victim/survivor
- empowering victims/survivors and involving them in the criminal justice process
- considering culture, gender, age and ethnicity when delivering court support.

The work and engagement outlined above has informed the development of these Guidelines.

Through [Budget 2019](#), \$90.3m will be invested in sexual violence services for adults. Of this, \$6.348 million has been made available for Court Support Services over four years (with baseline funding in further years). The Court Support Service will be implemented nationally in phases. In F2021, the service will begin in high-need main city centres, or where a specialist Sexual Violence Pilot Court is located. There are four service delivery areas in F2021:

- Whangarei

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<sup>9</sup> Secondary victimisation is defined as "a prolonged and compounded consequence of certain crimes; it results from negative, judgmental attitudes and behaviours directed toward the victim, which results in a lack of support, perhaps even condemnation and/or alienation of the victim" in R. Campbell et al. (1999). Secondary Victimization of Rape Victims: Insights From Mental Health Professionals Who Treat Survivors of Violence. *Violence and Victims, Vol. 14, No. 3*, page 262.

<sup>10</sup> Ministry of Justice, 2009. Te Toiora Mata Tauherenga report of the Taskforce for Action on Sexual Violence: incorporating the views of Te Ohaakii a Hine-National Network Ending Sexual Violence Together. Wellington: Ministry of Justice.



- Auckland
- Wellington
- Christchurch.

## 4. Service Overview

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### What is Court Support for victims/survivors of sexual violence?

A Court Support Service for victims/survivors of sexual violence going through the criminal justice process is a service that:

- is victim/survivor-centred; the wellbeing and emotional needs of the victim/survivor are put first by service providers who have the knowledge and experience to deliver the service
- is available to adult victims/survivors of all ethnicities, genders, disabilities and sexualities
- provides support to prepare the victim/survivor for the criminal justice process (this includes pre, during and post court support).

The service is linked to the [Sexual Harm Crisis Support Services](#) funded by the Purchasing Agency and is part of a broader suite of services that aim to support adult victims/survivors and reduce the impacts of sexual violence.

### Who are the services targeted at?

Court Support Services are delivered to people affected by sexual violence who have reported a claim to Police, given a statement of what has happened, and a charge has been filed by the Police against the perpetrator.

For the purposes of these Guidelines, the scope for Providers to deliver services to is adults (18 and over), with capability to also support their whānau and/or families in the context of supporting the primary adult victim/survivor.

Oranga Tamariki contracts with Providers to support children and young people affected by sexual violence. Court Support Service Providers should have internal capability and/or strong interagency links to other services that are able to work with children.

### Who can deliver Court Support Services?

The provision of Court Support Services is a Specialist Service Harm Service delivered by Providers that have specialist training and knowledge about sexual violence and interventions as well as a strong understanding of criminal justice system and its dynamics.

A Specialist Sexual Harm Service Provider has been defined as:

*"... a non-government organisation that provides services with a sole or primary focus on delivering psycho-social support to people affected by sexual violence" <sup>11</sup>*

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<sup>11</sup> As defined by Te Ohaakii A Hine – National Network Ending Sexual Violence Together (TOAH-NNEST).

In order to deliver Court Support Services, the Provider must also have a current contract with the Purchasing Agency for the delivery of Sexual Harm Crisis Support Services.

(see [Section 7 – Workforce capability and support](#) for more information on who can deliver services)

## **Social Sector Accreditation Standards**

Providers who deliver Court Support Services are required to meet Level 2, [Ministry of Social Development Accreditation Standards](#).

Providers are required to maintain their Approval Level according to the Purchasing Agency's relevant Approval and Accreditation Standards.

## **Who is involved?**

### ***The victim/survivor***

The victim/survivor is defined as an adult (over 18 years) who has a current charge filed<sup>12</sup> in the criminal justice system where they are the victim/survivor of sexual violence. The victim/survivor agrees to engage with the Provider for support to navigate through the criminal justice process.

The Provider must, to the degree possible, deliver a service that is responsive to both the diversity of the victim/survivor and the types of harm suffered. The Provider should use existing networks to support victims/survivors, as necessary. This may be through referral, collaboration between agencies or consultation.

The Provider, in respecting the provisions of the principles of Te Tiriti o Waitangi, should ensure the services delivered are responsive to the needs of Māori victims/survivors. If this is not possible within the Provider's service, it is encouraged the Providers works with their existing relationships, for example a kaupapa Māori provider or local hapū/iwi who has specialist training and is capable of working with Māori victims/survivors of sexual violence going through the criminal justice process.

The victim's/survivor's needs are the most important determinant of what approach the Provider will take with the victim's/survivor's case before, during and after the court process. The victim/survivor will be regularly and actively informed and consulted with to ensure they receive the support which is best suited to their needs.

In supporting the victim/survivor, the Provider may also be required to deliver support to the victim's/survivor's whānau and/or family in the context of supporting the primary adult victim/survivor. Support for the whānau and/or family may include the services noted [in Section 5 - What does the service focus on](#) however, support should involve the whānau and/or family only to the degree the victim/survivor wishes.

### ***The Provider***

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<sup>12</sup> The definition of a sexual case in the Sexual Violence Legislation Bill can be found at: <http://legislation.govt.nz/bill/government/2019/0185/latest/LMS268253.html>.

The Provider must hold a current contract with the Purchasing Agency for the delivery of Sexual Harm Crisis Support Services.

In addition to carrying out all requirements and responsibilities outlined in the Outcome Agreement and these Guidelines, the role of the Provider is to:

- provide services through a workforce that has the appropriate knowledge and expertise to deliver the service. Note: it is at the discretion of each Provider to ensure their staff are adequately experienced or qualified to be able to deliver services in accordance with these Guidelines and adhere to relevant legislation
- provide support to their staff, such as on-going training, management, safety procedures and supervision (including regular cultural supervision) to support, develop and protect their workforce
- ensure staff have access to training for cultural responsiveness and competence (this could include on Te Tiriti o Waitangi training or Māori or Pacific cultural responsiveness training)
- have strong cross-sector relationships and encourage collaboration with other key stakeholders by actively developing, participating and maintaining any regional and national networks and information sharing approaches. This is of particular importance when working with victims/survivors from a range of ethnicities, genders, disabilities or sexualities
- provide an environment and approach that is responsive to the privacy, safety and confidentiality of the victim/survivor<sup>13</sup>
- participate in training and up-skilling activities to keep up to date with innovation and good practice in the development and delivery of services
- participate in training and up-skilling activities to keep up to date with criminal justice legislation
- operate a viable service that can support all staff and their professional development, in accordance with the Purchasing Agency's Approval and Accreditation Standards and these Guidelines
- ensure robust processes are in place to minimise risk to victims/survivors if the staff member is away on annual or sick leave
- ensure systems and processes are in place to utilise and report on delivery of services and funding in line with the Outcome Agreement and these Guidelines
- maintain a commitment to Te Tiriti o Waitangi.

The above bullet points will ensure the Provider has a positive reputation within the community. It is vital that victims/survivors know that the service will deliver what is expected from them in a professional capacity.

### ***The Purchasing Agency***

The role of the Purchasing Agency is to:

- select Providers and ensure Providers are supported to deliver the service
- facilitate access to on-going training for Providers as needed
- continuously, as needed, clarify the role of different groups of professionals involved in the service

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<sup>13</sup> It is noted that within the court, the privacy, safety and confidentiality of the victim/survivor is not within the Provider's direct control.

- monitor the performance of the service and contractual management of the Provider. A feedback loop will be developed between the Provider and the Purchasing Agency to facilitate this
- lead the development of outcomes and Guidelines
- support the Provider by having national conversations about the Court Support Service to justice sector stakeholders to gain support for the service and provide an understanding of the vital role the Court Support Service Providers will play.

### ***National Sexual Violence Helpline***

The National Sexual Violence Helpline (Safe to talk – Kōrero mai ka ora) launched in April 2018 provides free, confidential information and support to those impacted by sexual harm, wherever, and whenever they might need it. Information and support can be accessed via phone, text message, email and website, which includes webchat.<sup>14</sup>

The Purchasing Agency expects that Providers will interact with the helpline, which will include:

- receiving referrals from the helpline
- making referrals through the helpline to access and align with other available services
- providing information to victims/survivors, whānau and/or family about the helpline
- using the helpline for information and/or support.

The helpline is not intended to inhibit a victim's/survivor's ability to connect with regional services via current local numbers already in operation. A victim/survivor's trust and relationship with the Provider is vital and should not be compromised by Safe to talk – Kōrero mai ka ora.

### ***The Ministry of Justice***

#### *Court Victim Advisors*

The primary people victims/survivors will encounter within the Ministry of Justice are Court Victim Advisors. Court Victim Advisors are employed by the Ministry of Justice. Victims/survivors of sexual violence have access to specialist Ministry of Justice Court Victim Advisors who have a focus on assisting sexual violence victims/survivors and are experienced in working within the sexual violence space, called Specialist Sexual Violence Court Victim Advisors.

The Court Victim Advisor/Specialist Sexual Violence Court Victim Advisors is an officer of the court and therefore acts as the conduit between the victim/survivor and the court and/or Police.

Following the defendants first appearance in court, the Court Victim Advisor will initiate contact (often via phone) to offer and explain their services to victims/survivors. The service is free, confidential, and client focused (with the victim/survivor determining the

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<sup>14</sup> Safe to talk – Kōrero mai ka ora can be accessed by calling 0800 044 334, or by going to the website: <https://safetotalk.nz/>.

frequency of contact) in order to assist the victim/survivor to take part in the court process from first appearance through to sentencing and any appeals.

Within this role Court Victim Advisors and the Specialist Sexual Violence Court Victim Advisors will:

- discuss the victim's/survivor's safety needs and facilitate access to Specialist Sexual Harm Services, as required
- advise the victim/survivor of their rights under the Victims' Rights Act 2002
- provide assistance and advice to the victim/survivor about taking part in the court process in order to ensure the victim/survivor is fully informed of process<sup>15</sup>
- provide procedural information, information about the case/court appearances<sup>16</sup> and alternative ways of giving evidence. The provision of this information can be provided by either the Court Victim Advisor, Crown Solicitor, the Officer in Charge or the Court Support Service Provider, however it will be informed by the victim/survivor's best interests, needs and wishes
- familiarise the victim/survivor with the courtroom, or the CCTV room (if that is where they are giving their evidence), Audio Visual Link and prepare a waiting area
- provide information on the formal complaints process if required
- ensure the victim/survivor is well supported at court and share information with the victim's/survivor's consent, as necessary, with the Court Support Service worker on behalf of the victim/survivor.

## **Police**

The role of the Police is to:

- ensure the evidential sufficiency and public interest tests are met for prosecution and file the charge/s
- advise the victim/survivor of any amendments to the charge/s, withdrawal or dismissal
- update the victim/survivor of any court appearances (for example bail conditions) and outcomes as per the legislation<sup>17</sup>
- work with the Provider to develop a plan to refer victims/survivors who have been in contact with the Police to the Court Support Service as early as possible
- share information, as necessary with the victim's/survivor's consent, with the Court Support Service worker on behalf of the victim/survivor
- prosecute category three sexual violence offences (indecent assault)
- co-ordinate with the victim/survivor on their Victim Impact Statement in line with court requirements and timeframes
- work to the victim's/survivor's best interests and needs.

## **Victim Support**

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<sup>15</sup> This may also include seeking their views on topics such as bail, name suppression, sentencing outcomes and present those views to the Court, when possible.

<sup>16</sup> This can include information from the court room for instance, the bail outcome and conditions, or, if the perpetrator is remanded in custody as well as the next steps.

<sup>17</sup> As per Section 29 of the Victims Rights Act, Police are required to determine that the victim/survivor fits the criteria of the Act. Section 31 allows for specified victims to appoint a representative to act of their behalf.

The role of Victim Support is to:

- provide victims/survivors with the details of a Specialist Sexual Harm Service when appropriate (for example: Sexual Harm Crisis Support Services)
- provide victims/survivors with financial grants to reimburse costs (for example: Sexual Violence Grant, Sexual Violence Travel Assistance Grant and Sexual Violence Court Attendance Grant)
- work with the Provider to ensure victims/survivors receive grants from Victim Support in a timely manner.

### ***Crown Solicitor***

The role of the Crown Solicitor is to:

- appear in court on behalf of the Crown as per the Criminal Procedure Act 2011
- meet with the victim/survivor before the trial to explain the role of the Crown Solicitor in the Judiciary. In particular, the Crown Solicitor will explain they are not the victim's/survivor's lawyer and are unable to rehearse evidence for trial with the victim/survivor
- prepare the victim/survivor for trial (this does not involve coaching) by discussing with them what is expected of a witness and what to expect in cross examination and evidence in chief
- provide the victim/survivor with information about any court appearances and the ability to give evidence in alternative ways<sup>18</sup>
- provide information about the likely timeframe for a trial date and the role/process for the Court Support person (or alternative support person) providing support in court. The Court Support Service person (or alternative support person) must be approved by the Judiciary in order to attend trial, the Crown Solicitor, if requested to, will work with the victim/survivor on their options
- discuss the nature and requirements of a Victim Impact Statement and enquire if the victim/survivor wishes to read it in court (the final decision will be made by the Judiciary).

### ***Follow-up services***

In this document two types of follow-up services are discussed, the Purchasing Agency's Sexual Violence Long Term Care and Recovery (SVLTREC) services and the Accident Compensation Corporation's (ACC) Integrated Services for Sensitive Claims (ISSC). The Purchasing Agency funds several sexual violence providers to deliver Sexual Violence SVLTREC services, which provide long term counselling and support to victims/survivors. ACC funds ISSC which provides fully funded support and treatment for people who have experienced sexual violence.

If the follow-up service/s have capacity, their role is to:

- receive referrals as required (via a warm handover<sup>19</sup> where possible) from the Court Support Service following the Provider and victims/survivors agreed end to the Court Support Service

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<sup>18</sup> Refer to Court Victim Advisor section for a list of who this information may be provided by.

<sup>19</sup> This would involve three-way contact between the victim/survivor, the Court Support Service and the follow-up service.

- refer victim/survivors to the Court Support Service or work in conjunction with the Court Support Service as required (via a warm handover<sup>20</sup> where possible), for instance the victim/survivor may have an upcoming court trial for a historical sexual violence event or if the perpetrator has an upcoming probation review the victim/survivor has chosen to attend.

### ***The Joint Venture***

The Government formed a Joint Venture for Family Violence and Sexual Violence (the Joint Venture) in September 2018. The Purchasing Agency is part of the Joint Venture along with nine other government agencies. The Joint Venture will set the future direction for cross-agency work to address family violence, sexual violence and violence within whānau.

### **Partnerships**

Providers of Court Support Services should work closely with iwi and community services to increase the awareness of the services available. This will help to ensure more victims/survivors get the support they need through the court process and ensure that providers are able to work together to support victims/survivors to exit the service.

The Provider will build connections, collaborate and maintain effective relationships with other relevant agencies and service providers that are able to provide complementary support to victims/survivors. This may include relationships with iwi services, kaupapa Māori services, Pacific services, victims' support services, ACC Sensitive Claims providers, Male Survivor services and health services.

The Provider must not enter into sub-contracting arrangements for delivery of Court Support Services.

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<sup>20</sup> Refer to footnote 19, above.



## 5. Service Delivery

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### **How will people access these services?**

People can self-refer or be referred to the Court Support Service.

For those already engaged with a Sexual Harm Crisis Support Service or a follow-up service it is expected, if the victim/survivor wishes, they refer the victim/survivor to a Court Support Service. Other forms of referral would include the Police Officer or Police Adult Sexual Assault team that is assigned the case (if the sexual violence has been reported and a charge filed), a Court Victim Advisor, whānau and/or family in the community, an online search or Safe to talk – Kōrero mai ka ora.

All official parties involved in the victim's/survivor's journey through the criminal justice system should check to see if the victim/survivor is accessing the service, and if not, check whether they would like a referral to the service.

The Provider will ensure that referral pathways to the service are clear and that barriers are minimised for people to access the services provided.

The victim/survivor will be given information about what to expect when they access the service, including informed-consent processes, collection and storage of personal information, confidentiality and limits to confidentiality and the complaints process. Information on what to expect is also available for the victim's/survivor's whānau and/or family, if they are involved as a support network.

The Provider will collect sufficient and appropriate administrative information in order to support the victim/survivor, their whānau and/or family.

The Provider must have processes in place for making referrals to other agencies and services, including Māori and Pacific providers and keeping records of referrals.

### ***Charging for the service***

The Provider will not charge victims/survivors for the delivery of the Court Support Service specified in these Guidelines.

The Provider should be well informed on the grants available from Victim Support and help the victim/survivor in accessing these.

### **How long does a victim/survivor remain with the service?**

The service begins after the victim/survivor has reported a claim to Police, given a statement of what has happened, and a charge has been filed by the Police against the perpetrator.

This service should be available from referral to the service, to having a court date set and through to sentencing and appeal processes (for example indecent assault trials).

In the weeks following the trial, a long-term plan should be put in place for the victim's/survivor's recovery, and the transition, if required, into follow-up services will begin. The 'completion' of services should be a joint agreement between the victim/survivor and the Provider.

Every victim's/survivor's journey through the court process will differ, so there is no set timeframe for the length of the service.

Providers may have internal capacity to provide follow-up services.<sup>21</sup> If not, they must have links to follow-up services<sup>22</sup> and make active referrals to such services.

### *Disengagement*

Should the victim/survivor begin the Court Support Service but decide to disengage with the criminal justice process, they would transition out of the service and a long-term plan would be discussed.

If the Provider has not heard from the victim/survivor following attempts of contact for six (6) months then they are to be noted as having disengaged with the service.<sup>23</sup> These attempts of contact and disengagement must take into account the victim's/survivor's trial date. For instance, if the trial is delayed for twelve (12) months it is expected that the Provider may not make contact with the victim/survivor for over six (6) months however, they are still to be counted as 1 engaged service user.

## **What does the service focus on?**

The Court Support Service focuses specifically on the victim's/survivor's mental, spiritual and physical support<sup>24</sup> needs whilst they are going through the criminal justice process, in order to reduce the severity and longevity of trauma.

Alongside the victim/survivor, the Provider should offer guidance, advice and support services, as required to the victim's/survivor's non-agency personal support person/people (for example a parent or friend, whānau) if the victim/survivor wishes.

The service offered may include (but is not limited to):

### **Preparation and support**

A key part of the Court Support Service is mentally, spiritually and physically<sup>25</sup> preparing the victim/survivor prior to trial and providing support during and after the trial. Processes where support could be provided include: pre-trial viewing of Evidential Video Interview, Victim Impact Statements, assistance to provide good evidence, emotional

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<sup>21</sup> Any further follow-up services are not covered by the contents of these Guidelines.

<sup>22</sup> Such as the Purchasing Agency's SVLTREC or the ACC ISSC service.

<sup>23</sup> If that victim/survivor later accesses services, they are counted again as a returning service user.

<sup>24</sup> Te Whare Tapa Wha model for wellbeing as noted in: Durie, M. (1994). Whaiora Māori health development (2nd ed). Auckland: Oxford University Press

<sup>25</sup> Te Whare Tapa Wha model for wellbeing as noted in: Durie, M. (1994). Whaiora Māori health development (2nd ed). Auckland: Oxford University Press

preparation for cross-examination and when possible, support during the trial. It is acknowledged that Court Victim Advisors may provide some of this support, the Court Support Service Provider will need to work closely with the Court Victim Advisor in order to determine who will provide this support to the victim/survivor, keeping the victim's/survivor's best interests in mind.

The victim/survivor should be taught skills and techniques to reduce their levels of stress and trauma before, during and after court. This support will include social work support and access to counselling.

The safety and wellbeing of the victim/survivor should be monitored by the Provider. The Provider could undertake a needs assessment (for example, travel, housing, child care, food) and make considered referrals to other services who may be able to assist in mitigating these needs (for example the Ministry of Social Development for the Social Housing Register, Victim Support for grants).

All crimes (offences) are placed into one of four categories<sup>26</sup>, for most sexual violence victims/survivors the offence will be placed into category three or four, in which case the offence will be heard in the District and High Court. It will be important for the Provider to understand, for each victim's/survivor's case, the different categories of offences and who the prosecuting agency is (whether this is the Police Prosecutor or Crown Prosecutor) in order to understand the level of support and information the victim/survivor may require.

### **Advocacy**

The Provider must advocate on behalf of the victim/survivor to ensure they are fully informed, their needs are met (to the degree possible) and they can participate fully in the criminal justice process, in turn this should help to reduce the trauma associated with a victim/survivor going through the criminal justice process. This will involve liaising with Government officials (for example Crown or Police Prosecutors, court staff and Court Victim Advisors) on behalf of the victim/survivor.

### **Communication**

The Provider must always ensure an open dialogue with the victim/survivor and include them in any decision-making process. When the Provider receives new information on the case, they must inform the victim/survivor and (if the victim/survivor wishes) their whānau and/or family. Continuing to keep the victim/survivor informed before, during and after court is important and will keep the victim/survivor at the centre of the service.

## **What are the outcomes we want to achieve?**

The primary outcomes we want to achieve for the Court Support Service are:

- the victim/survivor is supported, informed and prepared for the criminal justice process

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<sup>26</sup> More information on offence categories can be found here: <http://www.victimsinfo.govt.nz/assets/Uploads/infosheet-4-offence-categories-and-types-of-trial.pdf>

- the victim/survivor feels heard by the Provider who is responsive to their needs (including cultural needs), concerns and questions
- the victim/survivor has tools and/or coping mechanisms in place to manage stressful situations during the court process
- the whānau and/or family of the victim/survivor (if involved) feels supported and informed throughout the process, and their role in supporting the victim/survivor is valued.

In turn, these outcomes will contribute to the longer-term outcomes in which:

- the victim/survivor has tools and coping mechanisms in place to manage their wellbeing, including mental health, beyond the court process
- the victim/survivor is better able to cope with post-court processes and has the resources and referrals they need for on-going support, this will ensure the wrap-around approach of the service
- the whānau and/or family of the victim/survivor (if involved) feels reassured that the victim/survivor received the support they needed
- the whānau and/or family (if involved) have the tools they need in order to provide on-going support to the victim/survivor, in particular post-trial support.

The victim's/survivor's experience through the criminal justice process with a Court Support Service may result in the wider community:<sup>27</sup>

- having greater awareness of sexual violence, and are more open to talking about sexual violence
- more victims/survivors deciding to report sexual violence, go through the criminal justice process and chose to access the Court Support Service
- having trust and seeing value in the criminal justice process, with more victims/survivors telling their stories, reporting to police and going through the criminal justice process.

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<sup>27</sup> Wider community outcomes are dependent on wider systemic societal factors and are not expected measures of a successful service.

## **6. What is the service accountability?**

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In delivering a Court Support Service, Providers are required to meet Level 2 of the Purchasing Agency's Approval and Accreditation Standards. As part of that standard, the Provider must comply with the following broad service accountability obligations:<sup>28</sup>

### **Consent and information management**

The Provider must obtain the written consent of the victim/survivor under the Privacy Act 1993 for collection of their personal information before delivering services.<sup>29</sup> In addition, victims/survivors must be told that their anonymised data may be used in research and evaluations. Providers must also tell the victim/survivor how they can access and make changes to any of their personal information.

### **Complaints policy**

The Provider must have a documented and available complaints policy. Victims/survivors will be told how they can make a complaint and what to expect if they do make a complaint.

### **Mandatory reporting**

The Provider must have a documented and up-to-date child protection policy as required under the Vulnerable Children Act 2014. In addition, the Provider will understand and fulfil its statutory and/or regulatory obligations in relation to essential notification reporting.

### **Incident reporting**

The Provider must advise the Purchasing Agency (through its Relationship Manager) of any changes, problems, significant risks or issues that may, or are likely to, materially reduce or affect their ability to deliver the Court Support Service.

### **Health and safety**

The Provider will perform their obligations regarding health and safety matters in accordance with the Health and Safety at Work Act 2015 and will have a set of documented policies covering (but not limited to) risk management and staff safety and managing disruptive behaviour.

### **Feedback**

The Provider must have a feedback process in place. Victims/survivors will be informed about how they can provide feedback should they choose to and how that feedback will be used. The Provider will maintain a record of the feedback received to evaluate the

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<sup>28</sup> This section should be read in conjunction with the Ministry of Social Development's Social Sector Accreditation Standards – Level 2, which contains further detail around staffing, health and safety and resolution of complaints.

<sup>29</sup> If it is not possible to collect a physical consent form at the start of the process, written consent can be collected through electronic means (email and/or text message). However, this must be followed up with a physical written consent form in due course.

impact of their service in meeting victim/survivor needs at the time of engagement and inform on-going improvements in service delivery.

## 7. Workforce capability and support

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### Experience and personal characteristics

Given the specialist support needed to support people going through the criminal justice process there are specific skills a Court Support worker must have.

The description of key skills, knowledge, attitudes and beliefs required for the Court Support worker are as follows:

- a relevant, recognised qualification (for example: psychotherapy, psychology, counselling, social work, family therapy) and/or equivalent knowledge, skills and experience<sup>30</sup>
- the ability to build positive and trusting relationships with the victim/survivor and their whānau and/or family through strong personal skills (empathy, resilience, respect) and professional boundaries
- a strong understanding of the criminal justice system including: The Victims Act & Code, the Victims Notification Register, Criminal Procedure Act and what this means in regard to process and procedure
- the ability to work with stakeholders on behalf of the victim/survivor to assist them in navigating the criminal justice process. This includes Court Victim Advisors, New Zealand Police and other specialist support agencies
- understanding of the issue of secondary/vicarious trauma
- can demonstrate good work/life balance and self-care, and utilises workplace support and supervision
- an understanding of cultural responsiveness techniques to work with victims/survivors of different cultures and/or ethnicities and the ability to work with other providers to support these individuals
- knowledge and understanding of Te Ao Māori me ona tikanga (Māori world view and customs) and how to be culturally responsive to Māori and their whānau needs
- knowledge and understanding of Te Tiriti o Waitangi
- knowledge and understanding of sexual violence and rape myths
- trauma informed, understand and recognise the immediate and cumulative impacts of trauma that result from sexual violence.

The Provider must maintain current registration/membership with their relevant professional body or be in the process of obtaining registration/membership.

### Staff recruitment and induction

When recruiting staff, the Provider will ensure that new staff have the relevant personal characteristics, motivation and skills to be able to work with victims/survivors going through the criminal justice process.

The relevant person will demonstrate exceptional interpersonal skills, be a professional with qualifications in a relevant discipline such as: psychotherapy, psychology,

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<sup>30</sup> Knowledge, skills and experience may include time in the sector, workplace training, lived experience and recovery. If they have a lived experience, the person has processed any personal trauma and can engage without being triggered themselves.

counselling, social work, family therapy and/or equivalent knowledge, skills and experience.

With respect to recruitment and induction, the Provider must:

- have documented human resource policies covering the recruitment and vetting of all staff, including processes for recording and responding to criminal history checks
- ensure no applicant is employed if they have had a conviction for sexual offences, physical violence or any other serious crime
- ensure all staff meet the safety checking requirements required under the Vulnerable Children Act 2014
- ensure their recruitment processes encourage and enable applicants from a range of backgrounds, including gender, Māori, Pacific and CALD<sup>31</sup> people.

This section should be read together with the Social Sector Accreditation Standards – Level 2 (Staffing Requirements).

## **Staff Safety**

Given the context and nature of Court Support Services, it is important that Providers ensure a safe working environment for both its staff and victims/survivors.

In meeting this requirement, the Provider must:

- have documented health and safety procedures which align with the Health and Safety at Work Act 2015
- have documented workplace policies covering risk mitigation and management of disruptive victims/survivors
- have a documented complaints and escalation policy
- have policies and procedures in place for staff wellbeing and the prevention of staff burnout
- ensure all premises are safe and fit for purpose
- follow all rules within the court building.

This section should be read in conjunction with [Section 6](#)– What is the service accountability - the Social Sector Accreditation Standards – Level 2 (Health and Safety).

## **Supervision**

The Provider must ensure that all staff who provide a direct service to victims/survivors, whānau and/or family have access to regular professional supervision. The clinical supervisor must have a tertiary qualification in a relevant discipline, as well as relevant clinical experience and knowledge.

Supervision is delivered across a number of service lines and can include group supervision, individual (personal<sup>32</sup>) supervision and clinical and cultural supervision.

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<sup>31</sup> Culturally and Linguistically Diverse Groups (CALD).

<sup>32</sup> Personal supervision cannot be delivered by anyone with direct line management over the person requiring personal supervision (New Zealand Association of Counsellors Code of Ethics).



While the frequency of supervision can vary based on case load, severity of cases and experience in the sector, at a minimum the Provider must:

- have documented procedures specifying who delivers clinical supervision and the frequency (best practice suggests full-time clinical staff should receive at least one hour per fortnight of formal, one-to-one supervision)
- employ or contract a clinical supervisor and employ or contract a cultural supervisor or ensure staff have access to cultural supervision.

## **Professional development**

The Court Support Service is a specialist area and those working in this area require on-going professional development. As a matter of good practice, the Provider must:

- ensure staff have access to on-going professional development to build on existing knowledge, and access to current research and practice trends
- foster a culture of continuous professional development and learning and look for opportunities to share knowledge and experience internally
- ensure that supervisors and senior staff will have extensive face-to-face experience in working with victims/survivors of sexual violence and be suitably qualified
- ensure staff have access to training for cultural responsiveness and competence (this could include on Te Tiriti o Waitangi training or Māori or Pacific cultural responsiveness training).

## 8. Measuring and reporting

### What reports are required by the Purchasing Agency?

Reporting is required to meet the contractual obligations set out in the Provider's Outcome Agreement. Reporting is necessary to ensure accountability to Government for the funding provided under the Outcome Agreement. The Purchasing Agency has agreed on the quantity and nature of the services the funding supports and is required to report to Government that this has been achieved.

The following report must be completed and sent to your nominated Relationship Manager on the dates set out in the Outcome Agreement:

- service result measure reporting is to be reported to the Purchasing Agency through Provider's regular Provider Return Reports attached to the Outcome Agreement.

### Service Results Measures

Numeric Service Measures			
<i>Contracted Volumes</i>			
1	<b>FTE in place</b> within the period		
<i>Demand</i>			
2	No. of <b>new referrals</b> (to the Court Support Service)		
3	<b>Source of new referrals</b> to the Court Support Service	In-referral	
		Self-referral	
		Police	
		Crown	
		FVSV Service	
		Health service	
	Other		
4	Of the new referrals, the <b>no. starting</b> the Court Support Service		
<i>Timeliness</i>			
5	Of the new referrals, the no. received <b>less than 6 weeks</b> before the first planned court event		
<i>Workload</i>			
6	No. of <b>clients receiving support</b> from the Court Support Service		
7	No. of <b>family/whānau members receiving support</b> from the Court Support Service		

8	Average no. of hours per week <b>attending criminal justice events</b>		
<i>Outputs/outcomes</i>			
9	No. of clients who <b>exited</b> the Court Support Service		
10	Of the clients who exited, the no. who <b>completed their part in the court process</b>		
<b>Narrative Service Measures</b>			
1	Describe why some new referrals <b>did not start the service</b>		
2	Describe the reason for the no. of hours per week attending <b>criminal justice events</b>		
3	Describe why some closed cases did not <b>complete their part in the court process</b>		
4	What have been the main <b>challenges</b> for your agency this period?		
5	What have been the main <b>successes</b> for your agency this period?		

## Units of measure

The contracted volume of measure for Court Support Services is based on Full Time Equivalent (FTE).

The service aims address the emotional, mental, spiritual and social needs of a victim/survivor (and as requested, their whānau and/or family) going through the criminal justice process and will deliver preparation and support, advocacy and communication in order to address these aims.

The availability of Court Support Services in the specified regions is paramount. The intent is to ensure all people, within the specified region, affected by sexual violence and going through the criminal justice process can access these services.

## FTE rate

The FTE rate for Court Support Services has been developed through the use of the Oranga Tamariki Fair Funding Framework (the Framework). The Framework outlines the components of costs associated with providing a service. It aims to ensure that funding easily reflects costs relative to today's cost of operating a service; provides flexibility in order to apply to different service models, different commissioning arrangements and the ability to respond in an agile way when circumstances change; allows openness and transparency between us and our key partners, to help provide clarity and accountability; creates consistency between different service models, across different organisations and commissioning arrangements.

The rate of \$131,722.75 equates to 1 FTE employed and all associated costs (one FTE can be made up of multiple staff). This FTE rate considers:

- direct labour costs (e.g. social worker, team leader, travel)
- direct best practice costs (e.g. professional development and training)

- external best practice costs (e.g. external supervision)
- client related costs (costs that can remove barriers that might make people not attend court e.g. support with childcare costs and travel)
- overhead costs.

## **Evaluation**

The Provider agrees to co-operate with, and participate in, any evaluation of the services that is undertaken by the Purchasing Agency or by a third party appointed by the Purchasing Agency to facilitate such an evaluation.

## **Family Services Directory**

Through the term of the Outcome Agreement, Providers must ensure their organisation's details are listed and up to date on the Family Services Directory.

<https://www.familyservices.govt.nz/directory/>

## **Health Point**

Through the term of the Outcome Agreement, Providers must ensure their organisation's details are listed and up to date on Health Point.

<https://www.healthpoint.co.nz/>

# Appendix 1 – Provider Feedback Form

**Provider Feedback Form**

**Please email to your Contract Manager or your Community Investment Advisor.**

<b>Name of service</b>		
<b>Summary of, and reasons, for Suggested change</b>		
<b>Topic</b>	<b>Reference (section/page)</b>	<b>Suggested change/description</b>
<b>Contact Name:</b>		<b>Position:</b>
<b>Provider name:</b>		
<b>Provider email:</b>		
<b>Provider phone:</b>		<b>Date submitted:</b>

