

A duty **to** care Me manaaki te tangata



Seventh report
June 2022

Pūrongo tuawhitu
Pipiri 2022

**Executive summary | He kupu whakarāpopoto
extracted from full report at
[www.hqsc.govt.nz/resources/resource-
library/fvdr-c-seventh-report](http://www.hqsc.govt.nz/resources/resource-library/fvdr-c-seventh-report)**



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

Executive summary | He kupu whakarāpopoto

In this, the *Seventh report* of the Family Violence Death Review Committee (the Committee), we draw attention to the concept of 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 (see Table 2 in Chapter 2). Within this report we use both terms: ‘duty of care’ when referring to legal obligations of individuals and agencies; and ‘duty to care’ when describing our relational obligations to each other as humans.

This report explores factors that have pushed Aotearoa New Zealand (Aotearoa) away from caring for people who experience family violence, reinforcing messages that no one is there to help them. In developing the content of this report, the Committee has been guided by the learning from in-depth reviews we conducted between 2019 and 2021. Naturally, experiences during the COVID-19 pandemic have also shaped this report, as we reflect on the factors that have enabled the mobilisation of Māori communities. The report also focuses on those aspects of the system that are yet to move. In particular, Pākehā¹ institutional responses to family violence that continue to dominate government agencies. We take a broad view of family violence, reflecting the many different journeys towards the events that are the focus of the mahi of the Committee.

The report concludes with a series of reflective questions for government agencies seeking to work as good partners with hapori/community. We have tied these reflective questions to the relevant sections of this executive summary so that, if you have insufficient time to read the report in full, you may still benefit from some of the Committee’s thinking.

Kaupapa

Three elements have formed the Committee’s thinking in this report.

The first is Te Tiriti o Waitangi and responsiveness to Māori, where we acknowledge that there are two parties to Te Tiriti – tangata whenua and tangata tiriti/Pākehā. So often we see statements about Te Tiriti that only mention the Māori partner (for example, *Te Aorerekura: National Strategy to Eliminate Family Violence and Sexual Violence*²), which reinforces myths that Te Tiriti is the responsibility of Māori only. Instead, we position Te Tiriti as an opportunity for both tangata whenua and tangata tiriti to achieve wellbeing (to realise Te Tiriti dividends).

¹ Rather than refer to these as ‘mainstream’ responses, we describe them as ‘Pākehā’ responses to put the focus on the worldview that these responses come from. Using ‘mainstream’ makes it easier to normalise such responses and blame clients/service users when such responses do not fit to their needs. (McNamara RA, Naepi S. 2018. Decolonizing community psychology by supporting indigenous knowledge, projects and students: lessons from Aotearoa New Zealand and Canada. *American Journal of Community Psychology* 62: 340–9.)

² Joint Venture of the Social Wellbeing Board. 2021a. *Te Aorerekura: National Strategy to Eliminate Family Violence and Sexual Violence*. Wellington: Board for the Elimination of Family Violence and Sexual Violence. URL: <https://violencefree.govt.nz/national-strategy/> (accessed 14 February 2022).

For the second element, we describe a cascading waterfall – He Horowai, as a Te Tiriti-informed metaphor for the development of culturally responsive understandings of people’s life courses. We initially illustrate the use of He Horowai by comparing Māori and Pākehā experiences of entrapment.

Third, in looking back as a way of moving forward, we examine our ‘duty to care’. We consider how living up to expectations held for 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.

Chapter 2 describes each of these elements in more detail, as well as giving a background to the Committee.

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?

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 in Chapter 1, 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

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. Chapter 3 consists of four sub-sections on the following themes.

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

The Committee has used compound stories from our in-depth reviews to highlight how the experience of family or whānau could have changed where government agencies were more open to working with local communities. In this sub-section, we draw attention to the need to take a whole-of-whānau approach when responding to violence in order 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 violence between siblings or between adult children and their parents.

Reflective questions

Whanaungatanga – actively strengthening meaningful, sustainable and purposeful relationships

- What efforts are we making to establish 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?

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

In this sub-section, we explore the added burden placed on family and whānau of disabled people when they find it difficult to navigate systems of care. We highlight the limitations of the current system in identifying vulnerabilities and risks within family and whānau environments for disabled people. Further, we draw attention to societal assumptions that decision-making and caregiving responsibilities are equitable and how these assumptions place disabled people at risk of financial 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

The Committee has identified that 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. In this sub-section, we highlight the misalignments and missed opportunities to care that 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.

We reflect back on the Family Violence, Sexual Violence and Violence within Whānau Workforce Capability Framework and the principles built into this framework. We highlight

that 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 lives?
- 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 service³ 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?

The need for an ongoing duty to care

In the final sub-section, the Committee draws attention to a historical recommendation that has not yet been implemented – the need for a comprehensive after-care system for family and whānau following a family violence death. An after-care process is ultimately a prevention strategy for the next generation.

In highlighting this issue, we illustrate the patterns of hospitalisation for surviving children that follow family violence death events. This discussion provides a clear case for seeing family violence as a health issue. However, an after-care process should not be limited to surviving children – the adults who care for those children also need support. Further, while the Committee has focused on the health of surviving children in this report, after-care is about wellbeing as well.

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?

³ Public Service Commission. Factsheet 2: He ratonga tūmatanui e kotahi ana | A unified public service. URL: www.publicservice.govt.nz/our-work/reforms/public-service-reforms-factsheets/?e5920=5928-factsheet-2-a-unified-public-service (accessed 10 December 2021).

Achieving Te Tiriti dividends – how upholding Te Tiriti benefits everyone

In Chapter 4, the Committee builds on Heather McGhee's description of solidarity dividends to show how the country would benefit as a whole if we were to work towards achieving Te Tiriti dividends. Drawing on complementary thinking in this area from Tā Mason Durie and Sacha McMeeking, we highlight the destructive influence of the illusion of control that some government agencies have and how mātauranga Māori (particularly the concept of āta) can guide the deliberate steps we need to take to move away from this illusion.

In this section, we also canvass a number of changes to legislation that put structures in place to allow government agencies to work towards achieving Te Tiriti dividends and enable the provision of a locally defined and empowered duty to care.

Life transitions, a focus on oranga and being good partners

In the final chapter, the Committee returns to the need for a life-course understanding of family and whānau, with a focus on wellbeing and reflective questions for government agencies wanting to be 'good partners' in the family violence system. Using imagery, we describe the recommendations made from in-depth reviews between 2019 and 2021, as well as key themes from our previous reports.

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 their 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 this 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 that 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.



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