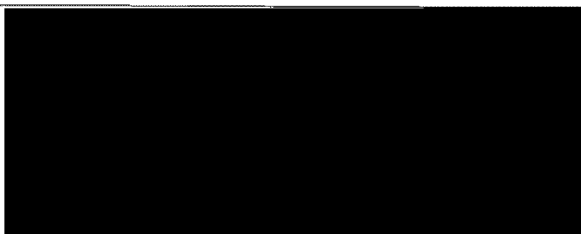


IN THE MATTER OF THE ROYAL COMMISSION  
INTO FAMILY VIOLENCE

ATTACHMENT MD-1 TO STATEMENT OF MARISA DE CICCO

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Prepared by:  
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This is the attachment marked "**MD-1**" produced and shown to **MARISA DE CICCO** at the time of signing her Statement on 21 July 2015.

Before me: ..





# Evaluation of the Family Violence Court Intervention Program

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## Final Report

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**ACRONYMS**

|       |   |
|-------|---|
| AFM   | Affected Family Member                                |
| ASW   | Applicant Support Worker                              |
| CALD  | Culturally and linguistically diverse                 |
| CAFS  | Child and Family Services Ballarat                    |
| CO    | Counselling Order                                     |
| CRAF  | Common Risk Assessment Form                           |
| DHS   | Department of Human Services                          |
| DOJ   | Department of Justice                                 |
| DTF   | Department of Treasury and Finance                    |
| DV    | Domestic Violence                                     |
| EAI   | Eligibility Assessment Interview                      |
| EAO   | Eligibility Assessment Order                          |
| FIR   | Family Incident Report                                |
| FVCD  | Family Violence Court Division                        |
| FVCIP | Family Violence Court Intervention Program            |
| FVIO  | Family Violence Intervention Order                    |
| FVLO  | Family Violence Liaison Officer                       |
| FVPA  | <i>Family Violence Protection Act 2008</i>            |
| FVT   | Victoria Police Family Violence Teams                 |
| IC    | Intensive Counselling                                 |
| IPV   | Intimate Partner Violence                             |
| IRIS  | Integrated Reports and Information System             |
| IRP   | Intensive Response Program                            |
| JHREC | Department of Justice Human Research Ethics Committee |
| LEAP  | Law Enforcement Assistance Program                    |
| MBC   | Men's Behaviour Change                                |
| MCV   | Magistrates' Court Victoria                           |
| NTV   | No to Violence  |
| RSW   | Respondent Support Worker                             |



## TERMINOLOGY

Terminology for women and men varies throughout the Family Violence and Justice systems.

Women affected by family violence can be referred to as:

Victims / survivors by women's and domestic violence services

Applicant by Victoria Police and in the courts

Affected Family Member (AFM) under the *Family Violence Protection Act 2008* (FVPA)

Partner / ex-partner in terms of the FVCIP and the No To Violence Minimum Standards

In the Family Violence service system, the following terms can apply to men who use violence:

Perpetrator

Respondent – to a Family Violence Intervention Order application

This report uses the terms 'women' or 'Affected Family Member' and 'respondents', 'men' or 'men who use violence' in order to maintain consistency with the FVPA. We have attempted to restrict the use of the term 'partner', as this can apply to either men or women and therefore cause confusion. Occasionally this term is used when quoting from women and men who were interviewed and in reference to 'partner contact', the service offered by the FVCIP to maintain contact with the AFM when the respondent is attending the Men's Behaviour Change group.







# Executive Summary

The Family Violence Court Intervention Program (FVCIP) is enshrined in the *Family Violence Protection Act 2008* (FVPA). The program has been operating alongside the Ballarat and Heidelberg Family Violence Court Division (FVCD) of the Magistrates' Court of Victoria (MCV) since June 2005. Under the legislation, men subject to a Family Violence Intervention Order (FVIO) can be ordered by the court to attend a group-based Men's Behaviour Change (MBC) program of approximately 20 weeks duration delivered by selected community-based service providers.

The FVCIP is delivered by Child and Family Services (CAFS) Ballarat and Kildonan Uniting Care in Heidelberg. The program is managed by the MCV. The aims of the FVCIP are:

- ♦ to enhance the safety of those women and children who have experienced family violence, and
- ♦ to increase accountability of those men who have used violence toward family members, through the provision of:
  - court-directed counselling to male respondents against whom an intervention order is made in response to their violence toward their partner / former partner, and
  - support programs and services to affected family members (AFMs) who are the former partner of the respondent and any child of their family affected by the respondent's violence.

Effective Change Pty Ltd was commissioned by the former Courts and Tribunals Unit of the Department of Justice (DOJ) to evaluate the FVCIP, with a focus on the program's efficiency and effectiveness. The evaluation was managed by the FVCIP Evaluation Steering Committee, chaired by the Director, Planning, Performance and Projects, DOJ.

Effective Change consulted a total of 94 stakeholders, including 38 FVCIP clients for the evaluation. Key stakeholders from the DOJ, MCV, Victoria Police, FVCIP service providers, Department of Human Services (DHS), and peak and locally-based women's, domestic violence and community legal services contributed to the evaluation. The evaluation was conducted with relevant ethics approvals, including from the Justice Human Research Ethics Committee (JHREC).

Program data and documentation were reviewed and an international review of literature conducted, with a focus on evaluation of mandated MBC programs.

Two central findings emerge from the evaluation. These findings revolve around the importance of the system that the program operates within, and the program itself.

## The system matters

While effectiveness of the MBC model remains a contested field, there is support in the literature for the finding that 'the system matters'. The effectiveness of MBC cannot be measured on program delivery alone, as its performance and impact is reliant on relationships and integration with the work of the courts, the police and the community sector – the system within which it is located.



Features of a coordinated and integrated system include:

- ◆ effective multi-agency cooperation
- ◆ the engagement of women in partner contact and safety monitoring
- ◆ prosecution of escalating consequences for non-compliance.<sup>1</sup>

### **The program matters**

The FVCIP evaluation has also found that ‘the program matters’ – its design, management, monitoring and evaluation.

The evaluation found a need to rebalance the program design to reflect that MBC programs are a means to an end - enhancing the safety of women and children who have experienced family violence – not an end in itself. The principle of enhancing the safety of women and children needs to be the program’s compass, and all elements of the program need to be able to respond to the question: *What would this element look like if enhancing the safety of women and children is at the centre of the program?*

The services to be delivered through the program need to be tested against this principle, as do the systems that support program monitoring and management. The program needs clear and coherent management systems – in particular effective databases, reporting tools and the capacity to raise alerts, for example, around potential risks to the safety of women and children and/or non-compliance.

### **Future improvements**

A number of findings from the evaluation provide opportunities for improvement and the report explores those.

The FVCIP evaluation recommends improvements to multi-agency cooperation and service coordination, the engagement of women in partner contact and safety monitoring and the prosecution of escalating consequences for non-compliance. On the latter point, it is recommended that counselling orders be made a condition of an FVIO, rather than a separate order.

Improvements are also recommended in the assessment and entry pathway to the program in order to improve efficiencies. FVCIP service providers should participate in the assessment process at court to reduce opportunities for women to inadvertently fall through the gaps and to support early engagement of both women and men.

Some recommendations require reform of the FVPA.

Some improvement opportunities also give rise to recommendations around the program’s governance, continuity, and quality. The bulk of improvements focus on re-designing elements of the FVCIP so that the central focus of the program is on managing risk, creating a safer, stronger system and enhancing the safety of women and children.

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<sup>1</sup> Gondolf, E 2004, ‘Evaluating batterer counseling programs: a difficult task showing some effects’, *Aggression and Violent Behavior*, vol. 9, no. 6, pp. 605–631.



The following diagram for the revised program encapsulates reflects this thinking.  
The purpose and elements of the Family Violence Court Intervention Program

Figure 1: Purpose and elements of the FVCIP



## Findings

### Data limitations

1. Data limitations in FVCIP records and documentation were found in five areas:
  - ◆ the service specifications
  - ◆ database management
  - ◆ financial information
  - ◆ program operation
  - ◆ service quality and consistency.
2. The units of service specified for the FVCIP are unclear, lack meaning, cannot be readily monitored or are time-consuming to monitor.
3. The levels of service to be delivered to men, women and children are not specific.
4. Monitoring processes do not clearly record minimum information of how many individuals are actually receiving a service.
5. There is no common database to capture FVCIP data, nor is there a data dictionary to provide unequivocal advice on counting rules.
6. There is a lack of consistency and accuracy in program records. Inaccurate records in the first contract period have rendered the data unusable, which is a lost opportunity in building the program's evidence base.
7. Unit cost estimates can be derived, but vary significantly between service providers.

█ The service levels specified for the service providers vary significantly in terms of service provision to women and children. █  
█

9. The program's referral pathway and the pathway for breaching processes are extremely complex. Neither of these process maps show the referral pathways for women or children to enter the FVCIP.

### Program Efficiency

10. FVCIP contract payments are tied to quarterly reporting rather than service delivery.
11. The FVCIP program cannot accurately report and account for all court-directed men referred to the program, or for all women or children participating in services. The overall quality of aggregate client data is questionable. This may be attributed to factors such as conflation of FVCIP data with DHS-funded voluntary MBC program data, double-counting of men re-referred to the program by courts, poor record-keeping and/or the absence of a reliable data management system.



12. [REDACTED]
13. [REDACTED]
14. [REDACTED]
15. The FVCIP program data shows very low take up of the On-going Change Program, Directed (individual) counselling for men and support group sessions for women.
16. The data shows considerable variation between the service providers in terms of the number of women and children participating in supports and services.
17. The entry pathway to the FVCIP for men is convoluted, time-consuming for courts and magistrates, has multiple points which can be breached requiring police follow-up, and requires potential clients to repeat their story.
18. The entry pathway to the FVCIP for women is fragmented and opaque, as is the point at which women enter the FVCIP, given that technically this is subject to the respondent receiving a counselling order. This process could take days.
19. As service providers are not co-located at courts, opportunities for early engagement with men and women are missed. For some women, if not seen at court by an Applicant Support Worker (ASW) or service provider, the opportunity to engage may not re-present itself.

### **Program Effectiveness**

#### *Effectiveness for Women*

20. Data combined from various sources indicates that women engaged with FVCIP services feel supported, value support for their children and gain access to information. However, there is relatively low participation of women and children in group programs.
21. There is a lack of local service coordination between FVCIP providers and women's services. While there are informal links between agencies, there are no formal protocols for communication, referral or feedback. Partner contact, and its associated safety monitoring, therefore does not occur systematically for women.
22. There is a gap in terms of the program and the evaluation's understanding of the experience of women who are not engaged with any services.



*Effectiveness for Men*

23. The majority of the 25 respondents interviewed were positive about the MBC program, and reported learning about their use of violence, types of violence and new strategies for managing their anger.
24. The re-offending study found participation in the Family Violence Court Intervention Program (FVCIP) was associated with higher levels of reported family violence than for non-participants. Reasons for this can only be conjectured, and could include that the program is associated with this result. However, the results could also point to greater vigilance of reporting in the FVCIP areas and a cohort of AFMs who are more informed and empowered.
25. The re-offending study also found higher levels of reported re-offending in non-metropolitan sites and for men under the age of 50 years. Both findings warrant further statistical research and potentially trialling of tailored program responses.

*Judicial confidence*

26. On balance, most magistrates, including all FVCD magistrates consulted, expressed confidence in the FVCIP program.
27. Concerns were raised about the cost of the program and the impact of greater demands on court time required by the FVCIP, in the context of a court system under pressure of responding to rising demand.

*The mandated nature of the program*

28. It was found that the program's mandate is weakened by inconsistent application of breaches and low penalties for non-compliance. This also highlights the need for the program's management system to trigger an alert when non-compliance figures do not match breach rates.

## Recommendations

The following recommendations should be read in conjunction with Section 7: Future Improvements to the FVCIP.

| Improvement area                  | Recommendations  |
|-----------------------------------|--|
| <b>Program level improvements</b> | <ol style="list-style-type: none"> <li data-bbox="467 1423 1408 1501">1. It is recommended that the FVCIP program logic is re-designed to reflect that the safety of women and children is the central and driving aim of the program.</li> <li data-bbox="467 1522 1408 1753">2. It is recommended that the FVCIP specifications for service are revised to:               <ul style="list-style-type: none"> <li data-bbox="511 1564 998 1596">• streamline the number of service types</li> <li data-bbox="511 1606 998 1638">• include clear, countable units of service</li> <li data-bbox="511 1648 901 1680">• establish unit cost benchmarks</li> <li data-bbox="511 1690 836 1722">• specify minimum targets</li> <li data-bbox="511 1732 1161 1764">• reflect a realistic ratio of men to women and children.</li> </ul> </li> <li data-bbox="467 1774 1408 1890">3. It is recommended that the FVCIP specifications include a clear unit of service for partner (AFM) contact work with a clear unit cost, in order to encourage partner contact work, and the monitoring and reporting of partner contact</li> </ol> |



| Improvement area          | Recommendations   |
|---------------------------|---|
| System level improvements | work.   |
|                           | <p>4. It is recommended that a revised data management system is developed for the FVCIP aligned to the revised units of service. The revised data management system should include a common database for service providers and a data dictionary. The revised data management system must be able to generate reports which:</p> <ul style="list-style-type: none"> <li>♦ provide a clear count of court-directed men, AFMs and children in the FVCIP</li> <li>♦ provide a clear status report for clients (eg. men in the program, being followed up or men subject to a Certificate of Non-Attendance; women participating in partner contact, participating in partner contact through a women’s service agency or not participating in partner contact), and</li> <li>♦ support program monitoring and contract management functions.</li> </ul> |
|                           | <p>5. It is recommended that the DHS-managed Integrated Reports and Information System (IRIS) database is investigated for its suitability for the FVCIP data management system.</p>  |
|                           | <p>6. It is recommended that FVCIP contract management systems are revised to include rigorous systems for performance management. Achievement of targets should be reviewed at regular intervals.</p>  |
|                           | <p>7. It is recommended that the FVCIP Operational Manual is updated to reflect changes implemented as a result of the FVCIP evaluation.</p>  |
|                           | <p>8. It is recommended that the FVCIP contracts are revised to pay on delivery of services, maintenance of quality standards and progress reporting. Appropriate fees should be set to cover establishment / infrastructure costs.</p>   |
|                           | <p>9. It is recommended that the FVCIP assessment and referral process is streamlined. The assessment interview should be conducted prior to the FVIO application. The assessment recommendation should be made available for the magistrate to consider and make order on, in conjunction with the FVIO application. This would streamline processes and make the Eligibility Assessment Order redundant. (see also: Recommendation 20)</p>  |
|                           | <p>10. It is recommended that service provider staff attend court on the relevant sitting days to participate in assessment and referral processes. This will:</p> <ul style="list-style-type: none"> <li>♦ reduce the level of demand on courts</li> <li>♦ enable the assessment process to commence sooner with men</li> <li>♦ reduce inappropriate referrals</li> <li>♦ promote effective relationships, regular communication and information-sharing between the court and service providers. Most critically this will enable service providers to engage early with women, reduce opportunities for women ‘fall through the gaps’, reduce the number of times women need to re-tell their story and enhance women’s safety. The sooner women are engaged with services, the sooner they can refer children in need of support.</li> </ul>      |

| Improvement area               | Recommendations  |
|--------------------------------|--|
|                                | <p>11. It is recommended that FVCIP eligibility criteria are refined:</p> <ul style="list-style-type: none"> <li>• prioritise men under the age of 50 years for counselling orders, and</li> <li>• exclude men with a history of violent crime, especially within a family violence context, as inappropriate for a group program.</li> </ul> <p>12. It is recommended that the implementation of culturally and linguistically diverse (CALD) specific MBC programs is considered. This could be investigated through reviewing data on ineligible referrals and consultation with Victoria Police and courts.</p> <p>13. It is recommended that FVCIP service providers are required to develop formal communication, referral and feedback protocols with local women’s agencies. This is to ensure effective coordination of services and safety monitoring.</p> <p>14. It is recommended that breaching processes and contract oversight are improved as a matter of urgency. It is essential that the program demonstrates its aim of holding men accountable and that consequences for non-compliance are applied in a consistent and timely manner. (See also: Recommendation 16)</p> <p>15. It is recommended that counselling orders are made a condition of the FVIO. Non-compliance would therefore be considered under the penalties for breaching an FVIO.</p> |
| <b>Governance improvements</b> | <p>16. It is recommended that for each FVCIP, there is a local FVCIP program governance group. It is essential that the FVCIP service provider, courts, police and local women’s agencies have a forum for regular discussion, safety monitoring and review of non-compliance.</p> <p>17. It is recommended that the FVCIP service providers are represented on and participate in regional family violence networks.</p>  |
| <b>Continuity and quality</b>  | <p>18. It is recommended that, given the complexity of the program, links are maintained with the DOJ to ensure continuity of program history knowledge.</p> <p>19. It is recommended that innovation and professional development for the program is supported. This should include practice forums, involving peers from the service providers, courts and police to discuss case scenarios, practice improvement and build peer relationships.</p>  |
| <b>Legislative changes</b>     | <p>20. It is recommended that the FVPA is reformed to:</p> <ul style="list-style-type: none"> <li>• revise the eligibility for assessment order process</li> <li>• remove the Eligibility for Assessment order</li> <li>• attach counselling orders as a condition of an FVIO</li> <li>• update breaching processes and penalties, subject to the change recommended above.</li> </ul>   |



# 1. Introduction

The Family Violence Court Intervention Program (FVCIP) has been operating alongside the Ballarat and Heidelberg Family Violence Court Division (FVCD) of the Magistrates' Court of Victoria (MCV) since June 2005. In March 2012, the former Courts and Tribunals Unit of the Department of Justice (DOJ) commissioned an evaluation of the FVCIP. Effective Change Pty Ltd was engaged to conduct the evaluation.

This report presents the evaluation of the program.

## A brief overview of the context for addressing family violence

Violence against women and children is unacceptable in any form and under any circumstances and in any community in Victoria.

**Everyone has a responsibility to Act:** Victoria's Action Plan to Address Violence Against Women and Children, 2012 – 2015

Victoria's *Action Plan to Address Violence against Women and Children* recognises:

- ♦ the enormous scope of the problem of violence against women and children and its effects on women, children, families and whole communities
- ♦ violence against women and children as a major social and economic concern
- ♦ violence against women as forms of violence that are mostly experienced by women and are mostly perpetrated by men, and
- ♦ that the evidence suggests that the key drivers of violence against women are:
  - unequal power relations between men and women
  - adherence to rigid gender stereotypes
  - broader cultures of violence.<sup>2</sup>

## Brief overview of the FVCIP

The FVCIP is enshrined in the *Family Violence Protection Act 2008* (FVPA). Under this legislation, men subject to a Family Violence Intervention Order (FVIO) appearing at the Ballarat or Heidelberg Magistrates' Courts can be ordered by the court to attend a group-based Men's Behaviour Change (MBC) program of approximately 20 weeks duration delivered by selected community-based service providers. Certain eligibility criteria must be met, including the requirement that the violence occurred in the context of an intimate partner relationship. In addition to the group-based program, individual counselling services can be provided, as needed. A critical feature of the MBC program is that the service provider maintains contact with the man's (ex)-partner (or Affected Family Member, the 'AFM'), where safe and possible to do so. This contact fulfills a number of functions including on-going assessment of risk to the AFM and the opportunity to validate men's reports in group discussions. The FVCIP also offers group and individual counselling for women and their children, as family members affected by family violence.

<sup>2</sup> Victorian Government 2012, 'Victoria's Action Plan to Address Violence Against Women and Children: Everyone has a Responsibility to Act', p.23, Office of Women's Policy, Department of Human Services, Melbourne, accessed 15 October 2012 <http://www.dhs.vic.gov.au/about-the-department/plans,-programs-and-projects/plans-and-strategies/women/action-plan-to-address-violence-against-women-and-children>



The FVCIP is currently in its second contract phase. Child and Family Services (CAFS) Ballarat and Relationships Australia were contracted by the DOJ to deliver the FVCIP from July 2005 to October 2010. CAFS and Kildonan Uniting Care are currently contracted to deliver the FVCIP in Ballarat and Heidelberg respectively until June 2014.

MCV manages the contract for service delivery. Contract management was transferred from the DOJ to MCV in 2010.

## Purpose and scope of the evaluation

The original purpose of this evaluation was to examine the efficiency and effectiveness of the FVCIP since its commencement in 2005<sup>3</sup>. The evaluation was required to:

- ♦ overview developments in the literature on family violence interventions
- ♦ determine the performance of the program against its outputs
- ♦ examine outcomes generated by the FVCIP for participants, ex-partners of participants and identified stakeholders, and
- ♦ identify improvements that would support the program in achieving its intended objectives of increasing family safety and the accountability of perpetrators.

The evaluation was required to identify characteristics of participants who have benefited from their involvement in the FVCIP and the characteristics of the program that contributed to its effectiveness.

The evaluation brief specified the application of the Department of Treasury and Finance's (DTF) methodology for evaluation of lapsing programs, which requires investigation into four key domains:

- ♦ the justification / evidence of need for the program
- ♦ effectiveness of the program
- ♦ efficiency of the program
- ♦ outcomes of the program.

This investigation should enable certain questions to be answered at a minimum, such as:

- ♦ the number and range of services delivered
- ♦ the number of participants per service type
- ♦ the program costs
- ♦ program operations
- ♦ how service quality and consistency is defined and measured
- ♦ the outcome and impact of the service on participants.

<sup>3</sup> While the FVCIP is closely linked to the FVCD, the operation and performance of the FVCD were not within the scope of this evaluation.



### Changes to the scope of the FVCIP evaluation

The scope of the evaluation changed during the life of the project, with an enhanced focus on identifying improvements for the future management of the program as a result of two factors:

- ♦ The Victorian Government’s decision to continue and increase Men’s Behaviour Change services in September 2012.<sup>4</sup> The requirement to comply with the *DTF Evaluation policy and standards for lapsing programs* was therefore no longer essential. This approach informed the evaluation methodology, but the reporting structure has been modified.
- ♦ Significant limitations in the program data were identified during the evaluation, particularly in relation to the program’s outputs and achievement of outcomes. These are explained in Section 4: Data limitations.

## Project management

The evaluation was managed by the FVCIP Evaluation Steering Committee. The committee was chaired by the Innovation and Strategy Unit from July 2012 to December 2012 and by the Director, Planning, Performance and Projects, from December 2012 to the completion of the evaluation. The FVCIP Evaluation Steering Committee met monthly during the evaluation. Membership of the FVCIP Evaluation Steering Committee is detailed in Attachment 1. The consultants provided regular monthly reports to the FVCIP Evaluation Steering Committee. The modification to the focus of the evaluation was discussed with and endorsed by the FVCIP Evaluation Steering Committee.

## Project personnel

The evaluation research and report writing was undertaken by Clare Keating and Pia Smith of Effective Change Pty Ltd. Dr Jack Harvey, University of Ballarat conducted the Study of Reported Reoffending. Dr Liz Curran of Curran Consulting prepared the Annotated Bibliography.

## Structure of the report

This report is provided in the following structure:

2. The Family Violence Court Intervention Program
3. Methodology
4. Data limitations
5. Program efficiency
6. Program effectiveness
7. Future improvements to the FVCIP
8. Literature review summary

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<sup>4</sup> ibid



## 2. The Family Violence Court Intervention Program

### Introduction

This section of the report provides an overview of the FVCIP, the program aims and background, program operation and the providers engaged to deliver the program.

### Background

#### The Family Violence Court Division

Commencing in 2005 at the MCV at Ballarat and Heidelberg, the aims of the FVCD are to make access to the court easier, promote the safety of people affected by family violence, increase the accountability of people who have used violence against family members and encourage them to change their behavior and increase the protection of children exposed to family violence. Key features of these courts relevant to the FVCIP include:

- ◆ specially assigned magistrates
- ◆ trained Applicant Support Workers (ASWs), assigned to support women in the courts proceeding through an FVIO hearing and to refer eligible women to the FVCIP
- ◆ trained Respondent Support Workers (RSWs), who assess men for their eligibility for the FVCIP, provide information and refer eligible men to the FVCIP and other services, as relevant
- ◆ a dedicated Family Violence Court Registrar
- ◆ magistrates can hear other related matters at the same time as hearing intervention order cases.<sup>5</sup>

### Legislative basis for the program

Section 129(1)(b) of the FVPA provides for the FVCD to order a respondent to attend an eligibility assessment interview to determine their eligibility to attend approved counselling. Section 130(1) of the FVPA provides for the FVCD to order a respondent to attend approved court directed counselling if satisfied that the respondent is eligible.<sup>6</sup> Orders to undertake an eligibility assessment and counselling orders are separate to the FVIO.

<sup>5</sup> [www.magistratescourt.vic.gov.au/jurisdictions/intervention-orders/family-violence-court-programs](http://www.magistratescourt.vic.gov.au/jurisdictions/intervention-orders/family-violence-court-programs)

<sup>6</sup> [www.magistratescourt.vic.gov.au/jurisdictions/intervention-orders/family-violence-court-programs/counselling-orders/court-directed-counselling](http://www.magistratescourt.vic.gov.au/jurisdictions/intervention-orders/family-violence-court-programs/counselling-orders/court-directed-counselling)



## FVCIP aims

The aim of the Family Violence Court Intervention Program is to **enhance the safety of those women and children who have experienced family violence.**

The aims of the FVCIP are:

- ♦ to enhance the safety of those women and children who have experienced family violence, and
- ♦ to increase accountability of those men who have used violence toward family members, through the provision of:
  - court-directed counselling to male respondents against whom an intervention order is made in response to their violence toward their partner / former partner, and
  - support programs and services to family members who are the former partner of the respondent and any child of their family affected by the respondent's violence.

## Relationship between the FVCD and the FVCIP

The FVCD is a division of the MCV. The FVCIP operates alongside, and is integrally linked, to the FVCD, as referrals to the program are only made through the FVCD courts currently, as shown in Figure 2 below. Legislation passed in December 2012 enables other courts to issue counselling orders. The Family Violence Programs and Initiatives Unit of the MCV manages the FVCIP.

Figure 2: Roles of the FVCD and the FVCIP and relationship between the FVCD and the FVCIP

## FVCIP service delivery

CAFS Ballarat and Kildonan Uniting Care are the current service providers contracted to deliver the FVCIP. These agencies deliver a range of services to families and children, including voluntary MBC programs funded by the DHS.



## Services

The FVCIP service providers are contracted to deliver services to:

- ♦ men directed to attend counselling ('court directed clients'),
- ♦ affected family members who are (former) partners<sup>7</sup>, and
- ♦ children who are either affected family members or children of an adult affected family member.

Table 1 below details the FVCIP service types for men, women and children

Table 1: Service types for court directed clients by service provider

| Services   | FVCIP specified service levels per annum |  |
|--|--|--|
|  |  |  |
| <b>Court directed counseling for men</b>   |  |  |
| A mandatory entry interview  |  |  |
| Men's Behaviour Change groups for up to 20 weeks (18 – 20 sessions)  |  |  |
| Intensive Response Program for directed clients assessed as unmotivated or resistant to behaviour change   |  |  |
| On-going Change Program to provide a behaviour-change maintenance role for men who have completed the group program  |  |  |
| Follow-up with court directed clients, and AFMs where appropriate, when court directed clients fail to attend  |  |  |
| Individual counselling for men to address a particular issue, in addition to participating in the group program  |  |  |
| <b>Support programs and services for (former) partners of directed clients</b>   |  |  |
| Contact with (former) partners of directed clients, where willing and appropriate, to respond to their safety needs and those of their children and other family members. It is the woman's choice whether she wishes to have involvement with the program |  |  |
| Support group entry assessment interview to engage with the woman and assess their ability and readiness to engage in a support group  |  |  |
| Support groups for (former) partners of directed clients (10 x 2 hour sessions)  |  |  |
| Individual counselling of (former) partners of directed clients  |  |  |
| <b>Support programs and services to children</b>   |  |  |
| Support group entry assessment interview to assess suitability for participating in a support group  |  |  |
| Support group (10 x 2 hour sessions)   |  |  |
| Individual counselling   |  |  |

<sup>7</sup> The program uses the term (former) partners to refer to women, recognising that some women are former partners and some are current partners of the respondent.



## How the FVCIP operates

The FVCIP has program streams for men, women and children. The FVCD courts refer eligible men to the program. Women may be referred through the courts or community agencies. Children are generally referred by the AFM. Figure 3 below presents an overview of the process flow of the three program streams as described in the program documentation, and shows the role of the FVCD and that of the FVCIP service providers. It is important to note that not all men are required to attend the Intensive Response Program or Individual Counselling, but some are referred by the service provider, as deemed appropriate. The operation of each of the program streams is discussed in detail below.

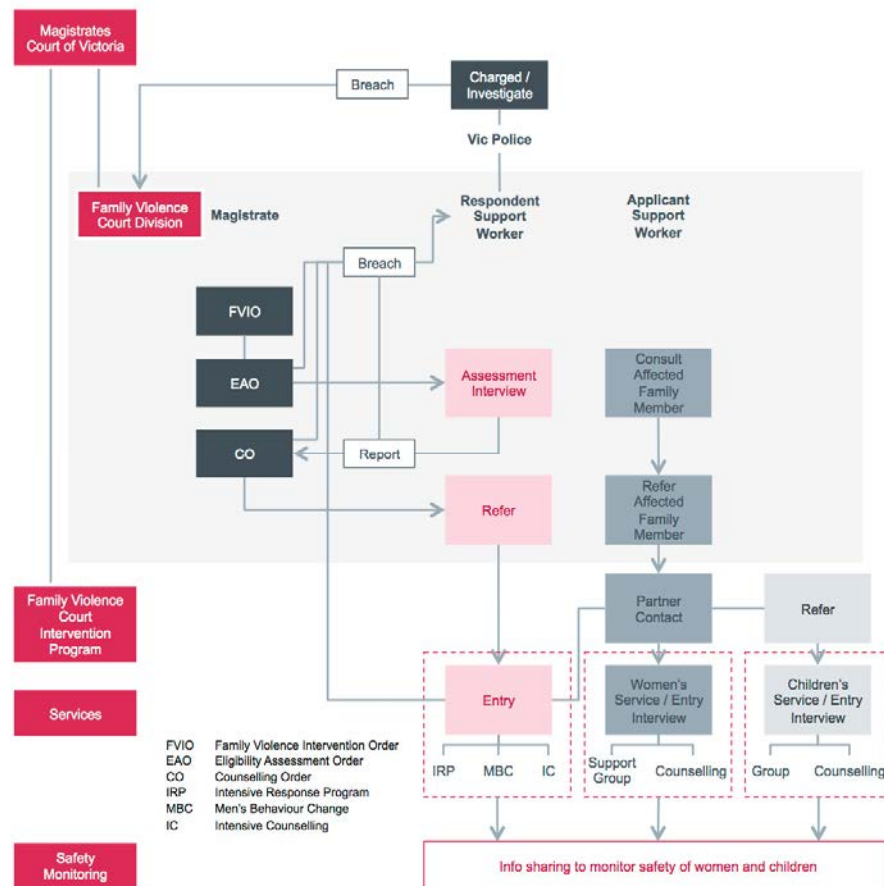


Figure 3: Overview of the operation of the FVCIP program

### FVCIP at the Magistrates' Court

Magistrates sitting in the FVCD are empowered by the FVPA<sup>8</sup> to direct men against whom an intervention order has been made who are potentially suitable for an eligibility assessment:

- ♦ to attend an eligibility assessment interview conducted by the court's RSW, and,

<sup>8</sup> These powers were originally enshrined in the *Crimes (Family Violence) Act 1987* and were then integrated in the FVPA following the Victorian Law Reform Commission's *Review of Family Violence Laws Report (2006)*.

- ♦ if assessed as eligible, to attend specialist counselling programs to prevent their future use of violence and abuse against women and children.

Potential suitability for an eligibility assessment is based on the respondent meeting the following criteria:

- ♦ over 18 years of age
- ♦ violence has occurred within a heterosexual intimate partner relationship
- ♦ living in a postcode area gazetted for the program.

If these criteria are met, the magistrate can order the respondent to attend an eligibility assessment interview, conducted at the Magistrates' Court by the RSW. The RSW assesses whether the respondent is eligible to attend the FVCIP based on:

- ♦ character, personal history or language skills
- ♦ disabilities
- ♦ severe psychiatric or psychological conditions
- ♦ alcohol or other drug problems
- ♦ any other matters the RSW considers relevant.

If the respondent is not present at court and orders are made, these need to be served on the respondent by the police. If the respondent fails to attend an eligibility interview, without a reasonable excuse provided to the RSW, the matter is reported to the police for investigation. A criminal charge for failing to attend and a warrant can be issued by the police and the matter heard at court. A respondent can seek to revoke, vary or appeal an eligibility assessment interview or a counselling order.

These steps are represented in the FVCIP process map from the 2010 FVCIP program specifications, included as Figure 4.

### **Entry to the FVCIP with the service provider**

Men who have received a counselling order are required to attend an entry interview with the service provider. This interview could be conducted over one or more sessions. The purpose of this interview is to ascertain the motivation and intention of the directed client, including their suitability for group sessions. Men are either referred to the MBC groups or to the Intensive Response Program (IRP) if deemed unsuitable or not ready for group sessions. Referrals to other services may be initiated following this interview.

Failure to attend the entry interview or attend counselling is a breach of the counselling order. The service provider is required to notify the court of failure to attend. The court is to inform police, police are to investigate, and if appropriate, seek criminal charges. The respondent has the option to seek to vary, revoke or appeal the counselling order.

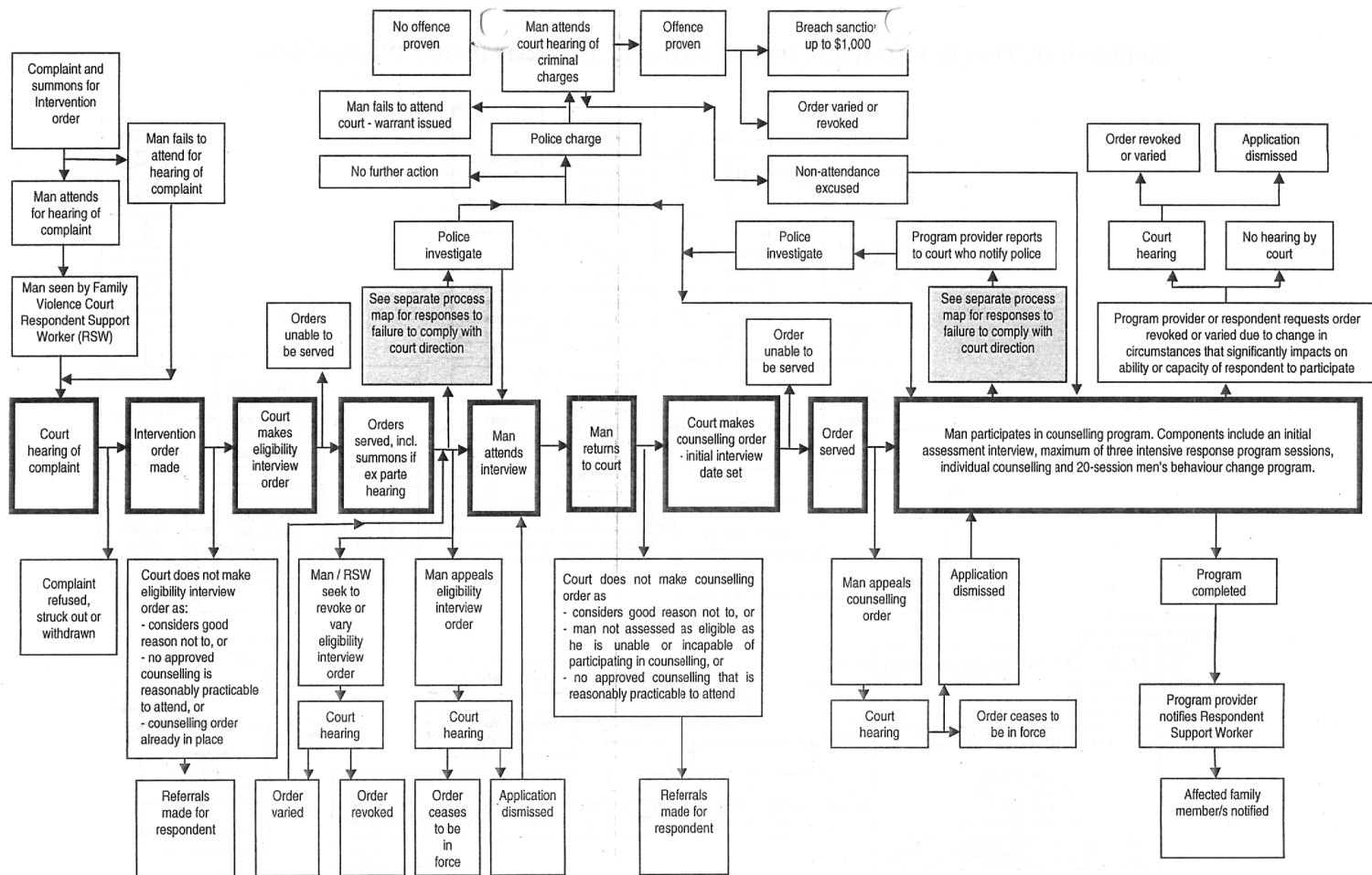
The process for breaching orders is discussed later in this report.







Figure 4: Process Map for Family Violence Court Intervention Project (Service Specifications, June 2010)



## **Engagement of women**

### *At the Magistrates' Court*

If the AFM is in attendance at court for the FVIO hearing, and the respondent has been deemed suitable for an eligibility assessment interview, the Family Violence Registrar should refer the AFM to the ASW. The ASW explains what a counselling order is, how the order works, what happens if a respondent does not comply with the order, how and why the service provider would seek to maintain contact with the AFM and the services that are available. Women will be informed that the service provider will want to maintain contact with them for the duration of the counselling order. They will also be informed about group programs or individual counselling for themselves or for their children. The ASW conducts a risk assessment with the woman, using the Common Risk Assessment Form (CRAF).

The ASW seeks the woman's consent to provide her contact details and the CRAF to the service provider. These are passed on to the service provider, however, the woman is not eligible for supports or services under the FVCIP until the man has received a counselling order.

The FVIO application process, eligibility for counselling order assessment and the subsequent issuing of a counselling order can be completed in one day, but may require the man to attend court on a number of different days. Women may or may not attend court on any of these days and may or may not be seen by the ASW.

### *By the service provider*

Practices for contacting the AFM vary between service providers, with Kildonan requiring that men provide the contact details of the AFM on entry to the program, with the understanding that the AFM will be contacted. Kildonan make up to six phone attempts to contact the AFM, and if still unsuccessful, will write to the AFM. In Ballarat, the ASW provides the service provider with the AFM's contact details and the service provider will contact her when they have been notified that the man has received a counselling order.

## **Engagement of children**

Children are generally referred to the program by the AFM.

## **FVCIP Operations manual**

The FVCIP Operations Manual (2011) provides policy guidance on:

- ◆ program infrastructure (staffing, external relationships, program administration)
- ◆ service delivery to clients (court directed clients, women, children, accountability)
- ◆ monitoring, evaluation and quality assurance (program monitoring, quarterly reports).



Standard forms, letters, tools, templates, process maps, curriculum materials and references are appended to the FVCIP Operations Manual.

### **Program monitoring and evaluation reporting**

Service providers are required to provide quarterly reports on services delivered. Program issues for discussion with the contract manager can be raised in this report. Program payments are made on a quarterly basis, and are dependent on submission of the quarterly report. On an annual basis, the contract manager conducts site visits to assess agency compliance with contract requirements.

### **Non-compliance**

The process map for responding to non-compliance with counselling orders is included as Attachment 2.



## 3. Methodology

This section of the report describes the methods for the evaluation of the FVCIP.

### Stage One: Planning and ethics applications

The four key domains of enquiry were outlined in the DOJ Request for Quotation:

- ◆ justification
- ◆ efficiency
- ◆ effectiveness
- ◆ achievement of long-term and intermediate outcomes.

The brief specified the key evaluation questions and key considerations to be addressed in the evaluation. The evaluation required a mixed method approach, utilising qualitative data collection, quantitative data analysis and desk-based research.

Conduct of the evaluation was subject to approval by the Justice Human Research Ethics Committee (JHREC). Information collection tools were prepared and submitted with the ethics application. The interviews and surveys were designed to address the key evaluation questions and explore the areas of key consideration, tailored to each stakeholder group. The full set of information collection tools included:

- ◆ Plain English Participant Information Sheets and consent forms
- ◆ interview schedules for:
  - DOJ representatives
  - MCV representatives
  - service provider representatives
  - Victoria Police representatives
  - key stakeholders including peak bodies, government departments, community legal representatives, community organisations and academics.

Interview schedules and on-line survey tools for:

- ◆ men subject to counselling orders (past and present clients)
- ◆ AFMs eligible for the FVCIP (past and present clients).

Full approval for the evaluation was granted by the JHREC in August 2012 after two re-submissions in which the JHREC sought further information on recruitment of AFMs to the study. In addition to the JHREC application, approval for the research was also sought from and provided by:

- ◆ the Victoria Police Research Coordinating Committee, and
- ◆ the Kildonan Uniting Care Ethics Committee.



The evaluation data collection plan was then developed.

### Stage Two: Literature Review

A review of national and international literature was conducted around MBC programs with a focus on national and international developments; approaches and challenges to evaluation; the critical nature of women's support and voices as part of the program and program evaluation, different models of implementation and evidence around the characteristics of perpetrators / cohorts for whom MBC are likely to be most effective and those for whom MBC is unlikely to be effective.

Key themes identified through the literature are included in summary in Section 8 of this report. The full, annotated bibliography from the literature review is included as Attachment 3.

### Stage Three: Data Collection

Data was collected through fieldwork and desk based reviews.

#### *Stakeholder interviews*

The evaluators consulted with a total of **94** people for the evaluation. Interviews were conducted with 56 key stakeholders (exceeding the 20 interviews anticipated in the ethics application) and 38 FVCIP clients (meeting the anticipated target of 20 – 40 interviews), as shown in Table 2 below.

Table 2: Number of stakeholder interviews

| <b>Stakeholder groups</b>                                 | <b>Number</b> |
|---|---------------|
| External stakeholders and peak bodies                     | 19            |
| Service providers   | 10            |
| DOJ representatives                                       | 5             |
| MCV representatives                                       | 18            |
| Victoria Police representatives                           | 4             |
| Men subject to counselling orders                         | 25            |
| AFMs whose (ex) partner is subject to a counselling order | 13            |
| <b>Total</b>  | <b>94</b>     |

External stakeholders and peak bodies included representatives from women's domestic violence peak bodies, services and networks, No to Violence, community legal representatives, academic institutions and government departments. A full list of consultations conducted is included as Attachment 4.

The interviews ranged from one-to-one interviews to small groups of between two to six people, usually from a single organisation. One group interview was conducted with representatives from five separate organisations. Service provider staff were



consulted as a team where possible. Service providers were consulted on a number of occasions, but only the formal structured interviews are counted in this list.

#### *Interviews with men and women*

Consultations with men were organised through the service providers. Interviews were conducted prior to group programs. Two researchers attended so that simultaneous interviews could be undertaken. Two group-based discussions were held with men. Two surveys were returned from court-directed men.

Consultations with women were more challenging to organise. Attachment 5 provides the evaluators approach to recruitment of women. The researchers conducted some face-to-face interviews, in group setting and by telephone. Some women were consulted by service provider staff, using the client survey tool.

Men and women participating in the research were compensated for their time with a \$30 gift voucher, as approved by the JHREC.

#### *Desk-based review*

In addition to reviewing the literature, a range of program reports and documentation was reviewed including:

- ♦ specifications for the Ballarat FVCIP and for the Heidelberg FVCIP (June 2010)
- ♦ quarterly reports submitted by the service providers (November 2010 – December 2012)
- ♦ the FVCIP Operations Manual (November, 2011)
- ♦ FVCIP program information for women
- ♦ FVICP program information including counselling orders for Men – Men’s Guide and counselling orders for Men – Women’s Guide<sup>9</sup>.

#### *Re-offending study*

A small study was undertaken to review rates of re-offending after an FVIO from the FVCIP sites (Ballarat and Heidelberg) compared to two control sites – Bendigo and Ringwood courts. Approvals for this study were granted by the JHREC as a variation to the original ethics application and by the Victoria Police Research Co-ordinating Committee. All data was provided to the evaluators in de-identified form.

An age-matched sample was selected from all FVIOs issued in the three-year period from 1/1/2007-31/12/2009. The selected cases were provided to Victoria Police (VicPol) Corporate Statistics to cross-link to the Law Enforcement Assistance Program (LEAP) database to identify re-offending. A re-offence was defined as any event for which a family incident report (FIR) was completed. Re-offending was examined from the start of the accrual period, 1/1/2007 to 30/06/2012. The target

<sup>9</sup> [www.magistratescourt.vic.gov.au/jurisdictions/intervention-orders/family-violence-court-programs/counselling-orders](http://www.magistratescourt.vic.gov.au/jurisdictions/intervention-orders/family-violence-court-programs/counselling-orders)



sample size was 500 offenders (cases). A final sample size of 493 or around 40 per court per year was achieved.

#### **Stage Four: Data assembly, collation and analysis**

Interview data was recorded on an excel spreadsheet coded by respondent categories and a content and thematic analysis undertaken of responses to identify patterns and themes. All qualitative data was analysed using a grounded theory approach where themes emerging across the data were extracted and used to develop the findings (rather than using a fixed hypothesis as a starting point). The multi-method approach taken in the evaluation allows for the triangulation of data (data cross-checking and comparison) across the various sources.

For the re-offending study an assessment of the level of reported re-offending in the intervention and control arms of the study was addressed through six complementary analyses looking at occurrence/non-occurrence of FIRs; number of FIRs; time to first FIR; and rate of FIRs. Two multivariate and four statistically naïve analyses were conducted. The Study of Reported Re-offending is included at Attachment 6.

Regular reports were provided to the FVCIP Evaluation Steering Committee made against the key research questions. This allowed for systematic assembling and reporting of developing themes.

#### **Stage Five: Reporting**

A draft and final report was prepared for the FVCIP Evaluation Steering Committee.



## 4. Data limitations

Data limitations in FVCIP records and documentation were found in five areas:

- ♦ the service specifications
- ♦ database management
- ♦ financial information
- ♦ program operation
- ♦ service quality and consistency.

### Data limitation 1: The specification of the services to be delivered

Services to be delivered through the contract are quantified in a range of units but these units of services (number of clients, number of groups, number of hours) are neither consistently monitored through the quarterly reports nor consistently reported. The table below provides some examples of this.

Table 3: Examples of inconsistent FVCIP units and reporting

| Units of service specified  | Quarterly reporting                                    | Service provider                           | Consequence                                     |
|---|--|--|---|
| # MBC groups per annum  | Number of groups started / continuing / finished       | Groups are continuous                      | Not meaningful                                  |
| # hours per week of follow up of court-directed men                                 | Not reported   | Not counted                                | Not monitored                                   |
| # hours of per week of contact initiated with (former) partners of directed clients | Average number of contact hours with (former) partners | Reporting varies between service providers | Unit of service is not clear and not meaningful |

Further:

- ♦ the number of men, women and children are specified as 'up to' a required number, rather than a minimum or actual target
- ♦ the number of MBC groups is specified, rather than the number of men required to participate in the groups
- ♦ quarterly reports record the number of men continuing, starting and finishing during the reporting period, and do not require a clear count of the number of men participating in MBC groups.

### Data limitation 2: No prescribed database or data dictionary

There is no prescribed database to record FVCIP data. Service providers report using a combination of databases:

- ♦ the Integrated Reports and Information System (IRIS) database (maintained by the DHS)
- ♦ Access database





- ♦ in-house client record systems.

Service providers are unable to readily generate data on levels of participation in the FVCIP. Requests from the evaluator on client numbers required one service provider to manually interrogate client files to generate a response. Heidelberg service delivery data for the first contract period (from 1 July, 2005 – 31 October, 2010) is not usable due to inconsistent or missing records.

In addition to the absence of a prescribed database, there is no data dictionary to guide consistency in interpretation of recording and counting of units. Terms such as '*contact initiated with the AFM*' or '*follow up*' with court directed men are not clearly defined. In terms of contacting AFMs, it is important to know how much time is spent in contact with women and it is useful to know how much time is spent in attempting to contact women. Reporting under the current system does not distinguish between these two activities, but service providers spend time in both activities (ie. attempting to contact women and direct contact with women).

A lack of consistency and accuracy was found in the program records of key events such as completion or non-completion of the program.

### **Data limitation 3: Financial information**

Service providers are unable to quantify unit costs for FVCIP services. Both service providers indicated that services were provided within the original budget.

When the total contract price is divided by different configurations of the reported number of clients in the FVCIP, the derived unit prices vary significantly. Using the unit of 'men who have completed the program' as a proxy for provision of services to all target groups, there is a difference of [REDACTED] between service providers. This is explained by the difference in the number of men who completed the group program with each service provider. The difference between derived unit costs is less when the total contract price is divided by the reported number of men, women and children receiving services.

However, unit costs lack meaning when the quantity of service to be delivered is only defined for men (40 hours of group program) not for women or children. The number of women and children in counselling services is not a meaningful or comparable measure of service investment, as there is no cross-reference to whether they have received one hour or 100 hours of service. The average number of contact hours with women and children is recorded in quarterly reports, but the calculations to arrive at the average are not recorded (ie. how many individuals, how many hours per service and therefore, the average number of hours).



|            |            |            |            |
|------------|------------|------------|------------|
| [REDACTED] |            |            |            |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] |            |            |            |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |

#### Data limitation 4: Consistency of service levels

There is variation in:

- ♦ the services specified for each service provider, and
- ♦ the actual services delivered.

With only two providers delivering the program (and two courts referring to the program), it is challenging to establish reasonable benchmarks with such wide variation in service performance.

This is discussed in detail under 'Efficiency'. Some examples to illustrate these variations include:

- ♦ [REDACTED]
- ♦ The difference in the ratio of men, women and children to be assessed. [REDACTED]

Both the literature in the field and practice wisdom indicates that it is unrealistic to expect a MBC program to reach equivalent numbers of men, women and children.

#### Data limitation 5: Program operation

Figure 4 (p.9) provides the process map for entry to the FVCIP from commencement of the application of the FVIO. The process map for responding to non-compliance with counselling orders is included as Attachment 2.

The diagrams indicate the level of complexity of entry into and through the program. The processes are further complicated as responsibilities lie with magistrates, registrars, Applicant and Respondent Support Workers, police and service providers. Figure 3 (p.7) sets out an overview FVCIP operation, with these responsibilities set out. Interestingly, the process map from the service

specifications does not include referral processes for women or children, which is in itself a finding.

## Implications of the data limitations

The implication of the data limitations for the evaluation is that some questions around program efficiency cannot be answered, or answered adequately. Comparisons of program performance are limited on some levels, given differences between the service providers. However, detecting and documenting the data limitations has been an important task for the evaluation. These learnings provide the opportunity for the evaluation to make recommendations for how the program is managed in the future.

A combination of factors has probably given rise to the data limitations, including:

- ◆ the continuation of the program in pilot form for eight years
- ◆ the lack of an evaluation earlier in the program cycle to gathering learnings and implement improvements
- ◆ loss of program operational history when responsibility for program management was transferred from the DOJ to the MCV.

This situation can be further understood when considering the broader context of:

- ◆ **The scope and pace of Victoria's family violence reforms.** Since 2005 when the FVCIP was established, considerable legislative, policy and service reforms have been introduced to prioritise the safety of women and children, hold perpetrators accountable for their behaviour and prevent family violence from occurring.<sup>10</sup> These include the introduction of the Victoria Police Code of Conduct for the Investigation of Family Violence, the FVPA and Family Violence Safety Notices (FVSNs), the introduction of the Family Violence Common Risk Assessment and Risk Management Framework, establishment of Victoria Police Family Violence Advisors and Family Violence Liaison Officers and the establishment of regional Family Violence Partnerships across Victoria.
- ◆ **The dramatic increase in the reporting of family violence in Victoria as a result of these reforms.** Since the FVCIP was introduced in 2005, there has been a 78 per cent increase in family violence incident reports to police (28,301 reports in 2005/6 to 50,382 reports in 2011/12)<sup>11</sup> and a 51 per cent increase in finalised FVIO applications in the court (20,759 finalised applications in 2005/06 to 31,332 applications in 2011/12)<sup>12</sup>.
- ◆ **Increased pressure on the justice and family violence systems as a result of the significant increases in family violence reporting,** which Justice and Family

<sup>10</sup> Victorian Government 2012, 'Measuring Family Violence in Victoria: Victorian Family Violence Database Volume 5', Department of Justice, Melbourne.

<sup>11</sup> Ibid.

<sup>12</sup> Magistrates' Court of Victoria 2012, *Annual Report 2011-12*, Victorian Government, Melbourne.



Violence agencies report challenges their ability to deliver comprehensive, consistent and efficient responses.

In addition, key stakeholders highlighted a range of changes in the social, economic and environmental conditions since the program commenced in 2005, including:

- ♦ policy developments at the national level, including the National Plan to Reduce Violence Against Women and their Children 2010 - 2022
- ♦ attitude and cultural changes in Victoria Police, the magistracy and the courts
- ♦ attitude and cultural change to family violence in the general community, with a greater understanding of the depth of the problem and the need for a community response, increased confidence to report family violence incidents and wider community support for initiatives such as White Ribbon Day
- ♦ increased media attention on issues of violence against women
- ♦ a perceived increase in social and health stressors coinciding with family violence (eg. drug and alcohol issues, the drug ice in particular was cited by key stakeholders; mental health / mental illness issues; unemployment and underemployment; financial and mortgage-stress)
- ♦ demand pressures on services resulting from population increases.

#### Key findings:

1. Data limitations in FVCIP records and documentation were found in five areas:
  - ♦ the service specifications
  - ♦ database management
  - ♦ financial information
  - ♦ program operation
  - ♦ service quality and consistency.
2. The units of service specified for the FVCIP are unclear, lack meaning, cannot be readily monitored or are time-consuming to monitor.
3. The levels of service to be delivered to men, women and children are not specific.
4. Monitoring processes do not clearly record minimum information of how many individuals are actually receiving a service.
5. There is no common database to capture FVCIP data, nor is there a data dictionary to provide unequivocal advice on counting rules.
6. There is a lack of consistency and accuracy in program records. Inaccurate records in the first contract period have rendered the data unusable, which is a lost opportunity in building the program's evidence base.
7. Unit cost estimates can be derived, but vary significantly between service providers.



8. The service levels specified for the service providers vary significantly in terms of service provision to women and children. [REDACTED]
9. The program's referral pathway and the pathway for breaching processes are extremely complex. Neither of these process maps show the referral pathways for women or children to enter the FVCIP.

### Improvement area Recommendations

#### Program level improvements

1. It is recommended that the FVCIP program logic is re-designed to reflect that the safety of women and children is the central and driving aim of the program.
2. It is recommended that the FVCIP specifications for service are revised to:
  - ♦ streamline the number of service types
  - ♦ include clear, countable units of service
  - ♦ establish unit cost benchmarks
  - ♦ specify minimum targets
  - ♦ reflect a realistic ratio of men to women and children.
3. It is recommended that the FVCIP specifications include a clear unit of service for partner (AFM) contact work with a clear unit cost, in order to encourage partner contact work, and the monitoring and reporting of partner contact work.
4. It is recommended that a revised data management system is developed for the FVCIP aligned to the revised units of service. The revised data management system should include a common database for service providers and a data dictionary. The revised data management system must be able to generate reports which:
  - ♦ provide a clear count of court-directed men, AFMs and children in the FVCIP
  - ♦ provide a clear status report for clients (eg. men in the program, being follow-up or men subject to a Certificate of Non-Attendance; women participating in partner contact, participating in partner contact through a women's service agency or not participating in partner contact), and
  - ♦ support program monitoring and contract management functions.



**Improvement area Recommendations**

5. It is recommended that the DHS-managed IRIS database is investigated for its suitability for the FVCIP data management system.
6. It is recommended that FVCIP contract management systems are revised to include rigorous systems for performance management. Performance management should review achievement of targets at regular intervals.
7. It is recommended that the FVCIP Operational Manual is updated to reflect changes implemented as a result of the FVCIP evaluation.



# 5. Program efficiency

## Introduction

Evaluation of program efficiency addresses whether the intended services are being delivered at the appropriate levels to the intended service targets. The investigations in this area have raised a range of related issues around topics such as data management, monitoring and reporting as well as the program's connections with the courts, police and other relevant service providers.

## Financial efficiency and challenges

Some of the challenges in establishing unit costs for the program have been discussed under 'Data limitations'. The challenges arise through a combination of factors.

### **1. Unclear or unworkable definitions of units of service**

#### **2. Units of service have not been updated to reflect changes in the model**

MBC groups are currently delivered on a continuous, open group model, rather than the original closed group approach, which ran through the 18 – 20 week program with a fixed group of participants. Under the open group model (instituted in 2011), new participants can join the group at any point and will work through the entire curriculum after 18 – 20 sessions. This model was instituted so that new referrals could be accepted into the group at any time, rather than a new participant waiting potentially for weeks or months for a new group to commence, recognising the potential risks to the safety of women and children in this delay.

#### **3. The number of individuals involved in the program are not clearly counted.**

A status report for all court-directed men should equal, and account for, all referrals from the FVCD. Due to inconsistencies and variations in counting, this is not currently the case.

#### **4. Time spent in establishing contact with women and follow-up of men is challenging to account for. Practices and time invested in this activity varies.**

This may involve leaving a series of messages and responding to calls at various times. It is not necessarily an activity for which set times can be allocated. There is also variation in practices between the service providers. Kildonan, for example, require that men provide relevant contact details of the AFM as part of their agreement to participate in the group. The agency will make up to six



phone calls to contact the AFM, and if no contact is made, will write to the AFM outlining their services and other services available to women who have experienced family violence. Women are referred to CAFS by the court's ASW, with consent for the agency to contact them.

## Financial efficiency at the contract level

### Establishing a unit price

It is evident from the contract price that a unit price of [REDACTED] was budgeted for the number of men in the program (with 'men' as a proxy for all men, women and children). This is reasonably close to the derived unit price of around [REDACTED]. However, the derived unit price masks the fact that, for one service provider, this figure is arrived at because they have worked with more men than women and children, and the other service provider has worked with fewer men but more women and children. As discussed, the data is not clear in relation to hours of service provided to women and children or hours of service provided to men in individual or intensive services, so caution must be expressed as these are not equivalent units.

Proposed benchmarks for units and unit prices are set out in Table 5 below. When these benchmarks are applied to the reported number of clients in the service, the fees are close to the contract fees paid. These units and costs however provide clarity, prevent potential double-counting and prioritise partner contact work. Contracts should include a fee of approximately [REDACTED] for start-up and overheads costs (eg. facilities, staff, professional development, out of hours service provision).

Table 5: Proposed benchmarks for units and unit prices

| Proposed Units  | Proposed Unit Cost               |
|---|----------------------------------|
| Men: MBC or individual counselling                        | [REDACTED] per individual        |
| Women: Support program or individual counselling          | [REDACTED] per individual        |
| Children: Support program or individual counselling       | [REDACTED] per individual        |
| Women: Partner contact work                               | [REDACTED] per individual        |
| Men: Follow-up resulting in Certificate of Non-attendance | [REDACTED] per individual        |
| Base establishment / overheads costs                      | [REDACTED] minimum potential fee |

### Payment schedules

Under the current FVCIP service agreements, the payment schedule is tied to delivery of quarterly reports, rather than delivery of services. There are neither incentives nor disincentives for delivering services. The service schedule specifies the services to be provided, but does not specify the outputs, ie. the number or proportion of men, women and children to have received a service.





## Efficiency of service delivery

### Court-directed counselling for men

[REDACTED]

Table 6: Court directed counselling for men [REDACTED]

|   | [REDACTED] | [REDACTED] |
|---|------------|------------|
| Referrals received                                      | [REDACTED] | [REDACTED] |
| Entry interviews  | [REDACTED] | [REDACTED] |
| <b>Intensive Response Program</b>                       | [REDACTED] | [REDACTED] |
| <b>Men's Behaviour Change Groups (18 – 20 sessions)</b> | [REDACTED] | [REDACTED] |
| Completed MBC program                                   | [REDACTED] | [REDACTED] |
| Cert of non-attendance                                  | [REDACTED] | [REDACTED] |
| Revocations   | [REDACTED] | [REDACTED] |
| Deceased / prison / excluded / lost contact             | [REDACTED] | [REDACTED] |
| Ongoing Change Program                                  | [REDACTED] | [REDACTED] |
| Follow-up when directed clients fail to attend          | [REDACTED] | [REDACTED] |
| Directed (individual) counselling for men               | [REDACTED] | [REDACTED] |

The following findings are evident:

- ◆ [REDACTED]
- ◆ [REDACTED]
- ◆ [REDACTED]

- ◆ There has been minimal take-up of the On-going Change Program and the Directed (individual) counselling for men ([REDACTED]).
- ◆ The total number of referrals of court-directed men should equal:
  - the number of individuals completing the MBC,
  - Certificates of Non-attendance issued, and
  - other legitimate reasons for withdrawal (eg. death, prison) or revocations.

However, CAFS data shows that the number of clients accounted for in the above categories is [REDACTED]. It is likely that



this is accounted for by re-counting men sent to court for a breach and referred back to the program.

Data from Kildonan shows that the number of men participating in the program combined with those issued a Certificate of Non-attendance or withdrawal [REDACTED] is equal to the number of entry interviews conducted. However, the total number of referrals was [REDACTED]. Certificates of Non-Attendance should have been issued for the men who did not present for their entry interview.

### Support services for AFMs

Table 7 following presents data in relation to services delivered against pro-rata service targets for women from November 2010 – December 2012. This data shows:

- ♦ At CAFS, virtually all women have been registered for partner contact [REDACTED] [REDACTED] but it is not clear from the reporting whether partner contact occurred with this number of women. Staff interviewed for the evaluation reported on the challenges of engaging women in partner contact services. The number of women registered is unlikely to equal the number of women participating in the partner contact services.
- ♦ The number of women reported as participating in partner contact with Kildonan Uniting Care is reported as [REDACTED] [REDACTED]. An AFM is eligible for partner contact irrespective of whether the respondent presents for the MBC group. It is unlikely that the service provider engaged in active partner contact with this number of women, and it is not consistent with staff reports about the challenges they experienced in engaging women.
- ♦ Both service providers report a low take-up of the support groups for women, with only [REDACTED] participating in this option over the contract period.
- ♦ Considerable variation exists between the service providers in the level of individual counselling provided to women, [REDACTED] [REDACTED]

Table 7: Support programs and services for AFMs: [REDACTED]

|  | [REDACTED] | [REDACTED] |
|--|------------|------------|
| Contact initiated with (former) partners of directed clients | [REDACTED] | [REDACTED] |
| Support group entry assessment interviews                    | [REDACTED] | [REDACTED] |
| Support groups (10 x 2 hour sessions)                        | [REDACTED] | [REDACTED] |
| Individual counselling                                       | [REDACTED] | [REDACTED] |

### Support services for AFMs (Children)



Table 8 following presents data in relation to services delivered against pro-rata service targets for children from November 2010 – December 2012. This data shows considerable variation between the service providers in terms of the number of children participating in services:

- ♦ Kildonan has undertaken a high number of assessment interviews with children, provided counselling to [REDACTED].
- ♦ CAFS has [REDACTED] have participated in support groups, but CAFS has not provided any individual counselling for children.

Table 8: Support programs and services to children [REDACTED]

|  | [REDACTED] | [REDACTED] |
|--|------------|------------|
| Support group entry                      | [REDACTED] | [REDACTED] |
| assessment interviews                    | [REDACTED] | [REDACTED] |
| Support groups (10 x 2<br>hour sessions) | [REDACTED] | [REDACTED] |
| Individual counselling                   | [REDACTED] | [REDACTED] |

## Efficiency at the system level

### The referral pathway for men

Men must meet prescribed eligibility criteria to be considered for the program (see p.8). The FVCD courts are the only Victorian courts with DOJ funded RSW roles. Key stakeholders identified numerous advantages in having this role:

- ♦ men responding to an FVIO application can present at court in an agitated state – having an opportunity to consult with a dedicated worker, gain information and ask questions can have a calming affect. Reducing potential agitation of men can assist in providing for the AFM's safety and in containing the atmosphere in court waiting rooms.
- ♦ the RSW role can reduce pressure on court staff and lawyers to respond to questions, and allow them to focus on procedural and legal matters.
- ♦ at Ballarat Magistrates' Court in particular, there is a strong collaboration between the magistrate and the RSW.
- ♦ the RSW can make referrals for eligible clients to other services when referrals to the FVCIP have reached capacity. This occurs in Ballarat.

I was not clear on what was going on. I had slept in my car for the past 24 hours in the car park because I couldn't go home.

Respondent

The majority of men consulted for the evaluation reported feeling treated respectfully at court, that the distinctions between the FVIO and the counselling order had been explained to them and that they knew they could contact the RSW if they had any further questions. The experience was less clear or less positive for other men.

*I remember the RSW. She was a really nice person, straightforward. They explained it was Men's Behaviour Change, but it was like 'Can you read and write? Yes? You can go.'*



*It was my first time at court – pretty scary, full-on. When I walked into the court I felt like I was a murderer, the worst person in the world. But after speaking with the RSW I felt reassured.*

*Assessment was just testing suitability. There was no one to talk to at court. I had the IVO on Wednesday, then court on Friday. Only person to speak was the duty solicitor.*

From the service providers' perspectives, some deficiencies with the process were identified. For example:

- ♦ service providers are not given information about the man's criminal history, use of violence, or consistently provided with the L17 Victoria Police Risk Assessment and Risk Management Report, through the assessment and referral process, presenting potential risks to their staff and organisation
- ♦ ineligibility for the program can be determined on the basis of psychiatric or psychological conditions, disabilities or language skills, however the assessment undertaken at court is not a therapeutic assessment. From the service providers' perspective, this could potentially result in inappropriate exclusions and occasionally in inappropriate referrals.
- ♦ the time from the commencement of assessment to entry into the FVCIP can be drawn out, and open opportunities for the man to disengage. More importantly, the AFM is not engaged in the program until the man has been accepted, and there are questions about their safety during this time.

### **Engagement of women**

The FVCDs, in common with a limited number of other courts in Victoria, have a DOJ funded ASW position. The role of the ASW (see p.10) is to explain processes, make referrals, assist with safety planning and gain consent to forward the AFM's details to the service provider. After referral to the service provider, a female Partner Contact Worker will contact the woman to explain service options. The woman can choose the level of engagement that suits her circumstances and supports her safety.

Women are not universally seen by the ASW, as they may not be in attendance at court, or may choose not to consult with the ASW, or attend court on a day when the ASW is not there. Kildonan seek the woman's contact details from the respondent. CAFS reported that this information is usually provided by the ASW.

As women's engagement with the program depends on the respondent receiving a counselling order, their pathway to the program can be more fragmented, drawn out and potentially risky. It was reported that in the earlier years of the program, women could be waiting weeks before being accepted into the program.

Most of the women interviewed felt that they understood the court process, all felt respected but only half reported having the counselling order explained to them.



Most women did not have concerns for their safety at court, but for some women the process was stressful and they were concerned about their safety.

*The lawyer mentioned the counselling order but I didn't understand: I was too focused on our stressful experience. I didn't really understand the counselling with (the service provider).*

*At the time I was too stressed, with not enough English. I didn't ask anything.*

*You have to pass the man going in. You can't go in the back entrance – they make a fuss. I told police of his behaviour in court.*

*It would be helpful to keep both parties separated. IVO is the last resort – it is a time when you feel most vulnerable. It is hard to walk past, or leave court on your own, or see them.*

### **Streamlining the referral pathway**

Figure 4 (p.9) shows the referral pathway into the program for respondents. This diagram is evidence itself that the pathway into the program is convoluted and confusing. Within this process, responsibilities are delegated to court staff, magistrates, RSWs and service providers. Figure 2 (p.5) aims to clarify the roles and responsibilities of the various parties for the three program streams (men, women and children), including the breach process.

With the current referral pathway, the opportunity for the service provider to participate in the assessment process for men and to commence the engagement process with women is lost. Co-locating the service providers at the court on the family violence list days to participate in these processes could assist the efficiency and effectiveness of the program. Figure 5 (p.46) is a conceptual diagram that shows how the FVCIP referral pathways could function if the service providers were co-located at courts.

### **Key findings:**

10. FVCIP contract payments are tied to quarterly reporting rather than service delivery.
11. The FVCIP program cannot accurately report and account for all court-directed men referred to the program, or for all women or children participating in services. The overall quality of aggregate client data is questionable. This may be attributed to factors such as conflation of FVCIP data with DHS-funded voluntary MBC program data, double-counting of men re-referred to the program by courts, poor record-keeping and/or the absence of a reliable data management system.

12. [REDACTED]



13. [REDACTED]
15. The FVCIP program data shows very low take up of the On-going Change Program, Directed (individual) counselling for men and support group sessions for women.
16. The data shows considerable variation between the service providers in terms of the number of women and children participating in supports and services.
17. The entry pathway to the FVCIP for men is convoluted, time-consuming for courts and magistrates, has multiple points which can be breached requiring police follow-up, and requires potential clients to repeat their story.
18. The entry pathway to the FVCIP for women is fragmented and opaque, as is the point at which women enter the FVCIP, given that technically this is subject to the respondent receiving a counselling order. This process could take days.
19. As service providers are not co-located at courts, opportunities to engage early with men and women are missed. For some women, if not seen at court by an ASW or service provider, the opportunity to engage may not re-present itself.

#### Improvement area Recommendations

- |                                   |   |
|-----------------------------------|---|
| <b>Program level improvements</b> | 8. It is recommended that the FVCIP contracts are revised to pay on delivery of services, maintenance of quality standards and progress reporting. Appropriate fees should be set to cover establishment / infrastructure costs.  |
| <b>System level improvements</b>  | 9. It is recommended that the FVCIP assessment and referral process is streamlined. The assessment interview should be conducted prior to the FVIO application. The assessment recommendation should be made available for the magistrate to consider and make order on, in conjunction with the FVIO application. This would streamline processes and make the Eligibility Assessment Order redundant. (see also: Recommendation 20) |
|                                   | 10. It is recommended that service provider staff attend court on the relevant sitting days to participate in assessment and referral processes. This will:   |



### Improvement area Recommendations

- ♦ reduce the level of demand on courts
  - ♦ enable the assessment process to commence sooner with men
  - ♦ reduce inappropriate referrals
  - ♦ promote effective relationships, regular communication and information-sharing between the court and service providers. Most critically this will enable service providers to engage early with women, reduce opportunities for women 'fall through the gaps', reduce the number of times women need to re-tell their story and enhance women's safety. The sooner women are engaged with services, the sooner they can refer children in need of support.
11. It is recommended that FVCIP eligibility criteria are refined:
- ♦ prioritise men under the age of 50 years for counselling orders, and
  - ♦ exclude men with a history of violent crime, especially within a family violence context, as inappropriate for a group program.
12. It is recommended that the implementation of CALD-specific MBC programs is considered. This could be investigated through reviewing data on ineligible referrals and consultation with Victoria Police and courts.



## 6. Program effectiveness

### Introduction

Whether the FVCIP is effective – whether this program ‘works’ – is the central question for the evaluation. A range of key stakeholders expressed interest in knowing whether the program ‘works’. Their motivations or perspectives around this question varied:

- ◆ some felt that the program was expensive
- ◆ others felt that this investment focused on men and diverted resources away from women’s services
- ◆ others were keen to see evidence about this program’s effectiveness
- ◆ a number queried the investment in specified postcode areas in two locations and whether that came at the expense of a less expensive approach, but with a broader reach
- ◆ others objected to the program on a philosophical or professional basis.

As with most elements in this evaluation, the question of whether the program works is complex. The literature shows that identifying whether a MBC model ‘works’ is in fact the subject of international debate.

The questions around establishing this point are complex. The research and literature examines factors such as:

- ◆ defining measures of success and for whom – are outcomes different for women who have lived with violence compared to men who have used violence?
- ◆ comparing the outcomes of like programs with like programs
- ◆ questions over ‘dosage’ and ‘treatment’ – do outcomes vary depending on the length or intensity of the program?
- ◆ do outcomes vary between programs that are voluntary and programs that are mandated?
- ◆ the need for longitudinal research to measure change and maintenance of change over time.

The findings, and questions raised by this evaluation, like most of the research are not able to provide a definitive response.

The key point of difference between the intention of the FVCIP and voluntary MBC programs in Victoria is that the FVCIP is a mandated program. The distinguishing and inter-related elements of the program are:

- ◆ mandated attendance at the MBC program
- ◆ the capacity to breach non-attendance.





Together, these elements are intended to provide a clear message about the unacceptability of the use of violence, and the application of consequences if that message is unheeded.

The third element of the program, also an aim of voluntary MBC programs, is that women are engaged in the process of partner contact, as a means to validate behaviour change, and to ensure that women are well-supported and monitored while the respondent attends MBC. The FVCIP Operational Manual states that partner contact has a five-fold purpose:

- ♦ *to ascertain the safety of partners and children*
- ♦ *to ascertain other support and information needs of partners and their children*
- ♦ *to give accurate information to partners about the group program*
- ♦ *to provide the group facilitators with information about the man's progress and any issues they may need to address with him*
- ♦ *to contribute to holding a man accountable for his ongoing behaviour.*

The evaluation has not been able to establish that the program has been implemented as fully as intended and therefore questions of its effectiveness are complicated – is the program as implemented, effective? Or is the program, as intended, effective? This chapter discusses the findings in relation to the program's effectiveness.

## Effectiveness for women

Now I feel more safe because of the Intervention Order, not about him doing the program. Once the FVIO finishes next year, I won't feel safe any more...I can call the police. I know there's a punishment if he breaks the order.

AFM

Thirteen women were interviewed for the evaluation. Of these, eight women reported that their partners (respondents) were attending MBC, one was unsure and it was not confirmed for the balance of women. One respondent had completed the program, and the other respondents were engaged in the early to middle stages of the program or the women were unsure. None of the women reported a change for the worse in the man's behaviour, two reported no change and the balance were not sure or had seen some early change, but this group was not confident that behaviour change would last.

*He sees the kids sometimes. He is trying to change, after the course. But I don't know how long he can keep it up.*

*In the beginning I thought I noticed a change. I thought maybe it's worked...But after a while he went back to the aggression he had before...Now in the end I haven't seen any change in him.*

*Could be either the counselling or the intervention order...*

Nine of the women interviewed had received information about other services and most had followed up. Most of the interviewees had accessed support services for themselves. Around one quarter of interviewees had accessed support groups or



supports for their children. Those who had been engaged with these services were highly positive about the experience.

*This support group has made a difference. It's a lifeline... We talk about kids, how we can help them, the whole cycle.*

*I've had counselling at Kildonan... I am now interested in joining a group to meet other women who have had like experiences.*

*Support from CAFS and WRISC has helped me feel safer.*

Feedback from this cohort of women shows some ambivalence about changes in men's behaviour, but the majority had not completed the MBC program. A clearer finding from women is that they have received information and referrals to other services. This function of providing information and support to women was observed by an external key stakeholder as '*valuable in itself – if not linked into other supports, this support empowers women to hold men accountable.*'

Counselling has been very empowering for me and my daughter. I have seen a great change in my daughter. She is resilient, more assertive...

AFM

All women consulted reported that they had been treated respectfully in court, however, some felt unsafe being in the same physical space as the respondent. Feedback from women underscores the complexity of their experiences – at court and after court. Some women interviewed for the evaluation were ready to focus on their future and/or were well-resourced, able to source information and contact other agencies independently. Others however were still recovering from their experiences, and their focus was on getting through, on a day-to-day basis. Those women requiring significant support reported dealing with other agencies, for example, to access financial support, housing services, family law, victims of crime applications and crisis support including food parcels. Some were involved with the child protection system. As one woman in this situation reported '*DHS is another organisation to manage - it's so stressful. The umbrella keeps on growing.*'

Women engaged with the FVCIP support services appreciated the counselling support, practical assistance and information to assist them in navigating a complex service system. One woman reported on the empowering effect of observing the service support someone in need:

*Seeing (the service provider) help a girl who was not safe - they went into action. It was amazing to see that. If I was ever in that situation I'd feel that they would do that for me... We wondered about the safety of the little boy. It was very empowering to watch. Empowering and scary.*

There was limited opportunity through the evaluation to validate women's feedback. One ASW reported getting good feedback about the partner contact program. The qualitative feedback from women participating in the evaluation is important, but not conclusive in relation to enhanced feelings of safety due to the size of the cohort engaged, the range of responses, and differences in relation to the respondent's participation in the MBC program. Women were more likely to report



that the FVIO made them feel safe than the MBC program, or that they weren't sure whether to attribute change to the FVIO or the MBC. In terms of an integrated system that places women's safety at the centre, this is useful feedback.

The FVCIP Operations Manual states that service providers 'will have protocols and referral procedures with external service providers including women's services.'<sup>13</sup> However, other women's services operating in the same localities as the FVCIP service providers indicated that there are no formal protocols governing the interface between their work and that of the FVCIP service provider. AFMs are not obligated to access services from the FVCIP service provider and may not be aware of the partner contact work or the FVCIP services available to them. Without formal connections between the agencies, local women's services do not know whether the partner / ex-partner (the respondent) of women engaged with their service is on a counselling order and eligible for partner contact, whether the women they are seeing are also undertaking partner contact, or, how to best create these connections. FVCIP service providers do not receive, or undertake, a risk assessment for women *not* engaged in partner contact with their organisation.

The quantitative data around women's participation (see Table 7 p.26) showed narrow uptake of support group services and variation in terms of the number of women engaged in counselling services. The FVCIP Operations Manual states that all women 'who are (former) partners of court directed men will be invited to use program services by the FVCD ASW or the program provider'<sup>14</sup> and partner contact is also covered through the NTV Minimum Standards that apply to the program. However, service usage data around partner contact is not clear and appears to be over-reported, as feedback from service provider staff and other agencies indicated that not all women are engaged in partner contact.

## Effectiveness for men

A total of 25 men were consulted for the evaluation, 14 in Heidelberg and 11 in Ballarat. All were participating in the program, with around 20% in the first few weeks, and the balance spread across the middle and later phases of the program. The men identified that the length of time in the group influenced their perception of it. A number described having initial reactions of denial and anger when they commenced the group, which shifted to a more passive or reflective phase, followed by breakthrough moments. These men reported 'recognising themselves' when they observed a new man join the group.

*The first few weeks I sat back, then I started tuning in to little things. 'I used to do that.' Things you don't realise can be classified, for example, as emotional abuse. It has given me a different outlook on it, how it makes others feel, how you come across. That third person, objective point of view... This also comes with age.*

<sup>13</sup> Victorian Government 2011, FVCIP Operations Manual, Department of Justice, November, p.25

<sup>14</sup> *ibid*, p.47



I'm surprised I'm still here. I'm surprised I come every week. I'm surprised I have got a few things out of it, even though I thought I wouldn't.

Respondent

During the interviews, men were asked directly whether the program was helping them to understand their use of violence and their need to be responsible for their use of violence. Responses to these questions were all positive, however cautions about self-reports are advised. Some men responded quite automatically. Many men talked about learning that violence is not just physical and takes many forms. Others talked about learning to identify their own 'triggers' and develop strategies to calm themselves down – time out, take a walk, listen to music. Some indicated that applying this new knowledge was also having a positive effect on their relationships with children, other family members and even in the workplace.

From a statistical perspective, the re-offending study found participation in the FVCIP was associated with higher levels of reported family violence than for non-participants (see Attachment 6). The study found statistically significant higher levels of reported re-offending in the FVCIP sample compared to the control group (selected from Ringwood and Bendigo Magistrates' Courts), and higher prevalence of FIRs and shorter time to the first FIR among the FVCIP sample compared to the control group. Reported re-offending was found for more than half (54%) of the FVCIP sample with an average of 1.8 FIRs for those who re-offended, compared to 43% of the control group with an average of 1.22 FIRs. On average, re-offenders from the FVCIP sample took 905 days for the first re-offence compared to 1,025 days for the control group.

Explanations for these results can only be conjectured. It must be considered that, by bringing offenders together, the program itself may provide opportunities for peer reinforcement and normalisation of family violence behaviour. The sample was accrued from FVIOs issued between 2007 – 2009, relatively early days of the program and may provide some context for the results. Alternatively, the results may not reflect a higher level of family violence, but higher levels of reporting of family violence associated with these areas, which have the combined resources of the FVCIP, the FVCD and Victoria Police Family Violence Teams (FVT)s. Ballarat's FVT has been operating since 2008 and Heidelberg's since 2010. However there is no FVT in Ringwood and the Bendigo FVT was established in 2011, the latter stages of the re-offending study timelines. Higher reporting could also be associated with a cohort of AFMs who are supported, informed and empowered. Other factors not known which may have provided more context for interpretation of the results include the respondent's previous history of re-offending or whether men in the control group had participated in voluntary programs.

In the MBC literature, the length of the program and the length of time for the program to have an impact are variables associated with effectiveness. Studies have found high levels of re-offending following MBC participation (around 50%) over a



four-year period, with a reduction in re-offending occurring at the 30-month point.<sup>15</sup> A Ballarat man who had completed the MBC program at CAFS was recently featured in a front-page article in the Ballarat Courier and provides insight from a personal perspective that the program can take time to have an effect:

*'I didn't walk out of the program and everything was fixed. There was still a prevalence of violence within the home, but I had to think about what was best for my family. It's no use them walking on eggshells and living in fear...It's not all fixed and I keep working on it constantly'<sup>16</sup>.*

Internationally, agencies are trialling new approaches to the MBC model. The Scottish Government's Caledonian System, for example, provides a program of work with men that last two years and includes preparation and motivation sessions, 25-week group program and post-program follow up.<sup>17</sup>

Service providers reported that there are cohorts of men that the group does not reach, particularly high risk / hardened men who use violence. These findings are consistent with the seven-year multi-site evaluation of batterer programs, which found that approximately 20% of violent men showed no program effect.<sup>18</sup>

Service providers felt that the program served many well, particularly men who would otherwise never attend a group like this unless they were ordered to do so. A number of men interviewed reinforced this observation, reporting that they had never previously sought assistance for their behaviour, or participated in a group program.

Both service providers ran groups around parenting without violence, which were open to FVCIP participants and reported success in engaging and motivating men around parenting without violence and improving their parenting skills. A number of men interviewed reported that the program had positive impact on their parenting, or had made them think about the impact of family violence on their children. This is also consistent with emerging developments in the MBC model internationally. Experts emphasise that addressing parenting as part of programs for men who use violence requires a specialised approach in order to appropriately address the complexities of the affects of violence within the family structure.

Other findings from the re-offending study included statistically significant higher levels of reported re-offending in non-metropolitan areas than the metropolitan areas and that levels of reported re-offending diminished statistically significantly

<sup>15</sup> Gondolf, E.W. Evaluating batterer counseling programs: A difficult task showing some effects and implications, *Aggression and Violent Behaviour*, Vol 9, No 6, 2004, pp 605-631

<sup>16</sup> Quinlin, K 2013, 'One man's struggle to defeat violence', *The Ballarat Courier*, 29 June, p. 4-5.

<sup>17</sup> The Scottish Government, 'The Caledonian System: An integrated approach to address men's domestic abuse and to improve the lives of women, children and men', accessed 21 June 2013 <http://www.scotland.gov.uk/Topics/People/Equality/violence-women/CaledonianSystem>

<sup>18</sup> Gondolf, E 2004, op cit



with increasing age of the offender. Research to further investigate these findings is warranted.

## Judicial confidence in the program

What is the alternative to MBC programs? Jail? Giving up? It is a whole community issue, there has to be general deterrence and specific deterrence.

FVCD Magistrate

A spectrum of views was gathered from magistrates about the program. Those most vocal and supportive were those most involved in the FVCD and therefore, with the legislative power to make counselling orders. These magistrates had observed the MBC sessions and had considerable experience in referring men to the program, and were confident about the program. They were not able to speak on behalf of their colleagues, however. Some magistrates were keen to see evidence of the program's effectiveness, in particular evidence of reduced recidivism.

Some magistrates, and other key stakeholders, pointed out that training and professional development for magistrates and court staff was to accompany the roll-out of the FVCD and the FVCIP. It was reported that there is less funding and fewer opportunities for relevant training than previously. Another key stakeholder that *'...when the FVCIP went from pilot to program and it was no longer under the microscope, supports fell away.'*

MCV and other court user stakeholders noted the strain on court resources as a result of the rise in family violence reporting. While FVIO and counselling orders have risen since 2005, the number of support staff, particularly in the ASW and RSW roles had not increased.

A range of views was offered in relation to the role of judicial oversight. Some magistrates questioned its value, particularly in terms of a report back to the magistrate and whether it actually provided any statement of future intent or not. Magistrates would also appreciate having access to the respondent's prior history of offending.

## Integration with courts

In this area, justice delayed is justice denied, because people are in unsafe situations. There is also a strong correlation with Child Protection matters and family violence.

Key stakeholder,  
Public sector

While the FVCD is not within the scope of the evaluation, key stakeholders observed the importance of the role of the court, as the gateway for the applicant and the respondent's entry to the FVCIP. *'All the elements are important, what is happening in court, what is the culture, the training, attitudes, physical arrangements, how seriously is Family Violence taken? What efforts are made to make the court experience a safe and accessible experience? What are the relationships between courts and women's services? What is the consistency of contact work?...'* The physical environment at court was considered crucial, and numerous key stakeholders observed that Heidelberg has such high numbers it *'can't run at an optimal level'*.

The roles of the ASW and RSW were seen as important for building a *'system of trust... There is more support at court, especially for the applicant. The specialist staff*



*are a bonus for the court – it's a hard area to work in, lots of burn-out. The RSW and ASW are needed. There is less 'them and us' at court – much more of a common focus on what are the best outcomes for the applicant and her kids'.*

## The mandated nature of the program

There is a need for the program on the condition that it is working as a program. Evidence of MBC programs' effectiveness is found when programs are linked into a system and there are timely and escalating consequences for non-compliance.

Key stakeholder,  
Non-government sector

A key element of a mandated program is that there are consequences for non-compliance. In the FVCIP, increasing men's accountability for their violence occurs through a tiered approach. The direction to attend counselling is the first tier. Failure to attend counselling is dealt with by a series of three escalating warnings. On the final warning, the Operations Manual directs that a Certificate of Non-Attendance is prepared and sent to the court. The court refers the Certificates of Non-Attendance to the police to investigate and, if a breach is found, to lay charges.

Data on breaches of counselling orders in the two courts varies: in Ballarat, from 2006 – 2012, 26.5% of counselling orders were breached compared to 9% in Heidelberg Court over the same period of time. Data from Heidelberg however shows that the lower proportion of breaches is not evidence of higher compliance. For example, between 2010 – 2012, 13 breaches of counselling orders are recorded for Heidelberg Court, but the service provider reported issuing 46 Certificates of Non-Attendance. The data also shows that a further 64 Certificates of Non-Attendance should have been issued to men who were 'no shows'. The evaluation found that service providers have not consistently worked through the non-attendance process and consequently, some men have not been breached, when they should have.

It is worth noting that CAFS, as the more experienced FVCIP service provider, indicated that establishing the program and its breaching requirements was challenging and involved significant learning for the organisation.

In the event of a counselling order breach, the penalty is ten penalty units (the current value of penalty unit is \$144.36) resulting in a relatively minor fine of \$1,443.60. This penalty can only be applied once, irrespective of the number of breaches. In contrast, the penalty for a breach of an FVIO may be up to 240 penalty units (\$34,646.40 on current penalty unit value) and/or imprisonment of up to two years.

Inconsistent application of breaches and low penalties undermine the program's mandate if the message delivered to those who do not comply is that there are no consequences. The literature shows that court monitoring can have significant impacts. When attendance at MBC program was mandated for a program in Pittsburgh, 'no shows' were reduced from 35% (roughly equivalent to the 33% no show result in Heidelberg) to 5% (equal to the no show result in Ballarat).<sup>19</sup>

<sup>19</sup> Gondolf, E 2012, 'The Future of Batterer Programs: Reassessing Evidence-Based Practice', Northeastern University Press, Boston.



These findings also reinforce the need for meaningful data and active and regular program monitoring and management. If respondents do not attend the program, this should be cross-checked against Certificates of Non-Attendance and breaches investigated. Courts, police and service providers need to be able to monitor these key performance indicators collectively and coordinate their response.

## Effectiveness of the program

While the focus of the evaluation has been directed towards identifying future program improvements, it is important that this is balanced with observations of the positive features of the program, which are equally essential to its future operation. The service providers demonstrated a genuine commitment to the FVCIP program and the NTV minimum standards. The evaluators observed:

- ◆ the pairs of facilitators preparing and de-briefing before and after MBC groups
- ◆ a reflective and questioning culture in the staff teams
- ◆ a commitment to professional learning and professional development
- ◆ an organisational commitment to staff and client safety
- ◆ safety of physical spaces
- ◆ an awareness of the risks of collusive behaviour
- ◆ a willingness to move men from group sessions to individual counselling if their behaviour was detrimental to the group
- ◆ a willingness to innovate, for example, with the implementation of the rolling group model, which enables men to enter the program as soon as a place is available rather than waiting for a new intake of the program, and
- ◆ an openness to evaluation.

## Conclusions

In common with the majority of MBC evaluations, the findings of the FVCIP evaluation are inexact, exacerbated by the program's data limitations. 'The system matters' is the key finding that emerged from Gondolf's seven-year evaluation of batterer programs. In this context, 'the system' includes courts, police and community services and features of a coordinated and integrated system include:

- ◆ effective multi-agency cooperation
- ◆ the engagement of women in partner contact and safety monitoring
- ◆ prosecution of escalating consequences for non-compliance.<sup>20</sup>

The FVCIP evaluation has also found that 'the system matters' and recommends improvements to multi-agency cooperation, the engagement of women in partner contact and safety monitoring and the prosecution of escalating consequences for non-compliance.

<sup>20</sup> Gondolf, E 2004, 'Evaluating batterer counseling programs: a difficult task showing some effects', *Aggression and Violent Behavior*, vol. 9, no. 6, pp. 605–631.





The FVCIP evaluation has also found that 'the program matters' – its design, management, monitoring and evaluation. The balance of recommended improvements address the program design and management.

### **Key findings:**

#### **Women**

20. Data combined from various sources indicates that women engaged with FVCIP services feel supported, value support for their children and gain access to information. However, there is relatively low participation of women and children in group programs.
21. There is a lack of local service coordination between FVCIP providers and women's services. While there are informal links between agencies, there are no formal protocols for communication, referral or feedback. Partner contact, and its associated safety monitoring, therefore does not occur systematically for women.
22. There is a gap in terms of the program and the evaluation's understanding of the experience of women who are not engaged with any services.

#### **Men**

23. The majority of the 25 respondents interviewed were positive about the MBC program, and reported learning about their use of violence, types of violence and new strategies for managing their anger.
24. The re-offending study found participation in the FVCIP was associated with higher levels of reported family violence than for non-participants. Reasons for this can only be conjectured, and could include that the program is associated with this result. However, the results could also point to greater vigilance of reporting in the FVCIP areas and a cohort of AFMs who are more informed and empowered.
25. The re-offending study also found higher levels of reported re-offending in non-metropolitan sites and for men under the age of 50 years. Both findings warrant further statistical research and potentially trialling of tailored program responses.

#### **Judicial confidence**

26. On balance, most magistrates, including all FVCD magistrates consulted, expressed confidence in the FVCIP program.



27. Concerns were raised about the cost of the program and the impact of greater demands on court time required by the FVCIP, in the context of a court system under pressure of responding to rising demand.

#### **The mandated nature of the program**

28. It was found that the program's mandate is weakened by inconsistent application of breaches and low penalties for non-compliance. This also highlights the need for the program's management system to trigger an alert when non-compliance figures do not match breach rates.

#### **Improvement area Recommendations**

##### **System level improvements**

13. It is recommended that FVCIP service providers are required to develop formal communication, referral and feedback protocols with local women's agencies. This is to ensure effective coordination of services and safety monitoring.
14. It is recommended that breaching processes and contract oversight are improved as a matter of urgency. It is essential that the program demonstrates its aim of holding men accountable and that consequences for non-compliance are applied in a consistent and timely manner. (See also: Recommendation 16)
15. It is recommended that counselling orders are made a condition of the FVIO. Non-compliance would therefore be considered under the penalties for breaching an FVIO.

##### **Governance improvements**

16. It is recommended that for each FVCIP, there is a local FVCIP program governance group. It is essential that the FVCIP service provider, courts, police and local women's agencies have a forum for regular discussion, safety monitoring and review of non-compliance.
17. It is recommended that the FVCIP service providers are represented on and participate in regional family violence networks.



# 7. Future improvements to the FVCIP

## Introduction

This section of the evaluation addresses future improvements to the program. Fundamentally, future improvements to the FVCIP need to be identified by responding to the question: *What would the program look like if the safety of women and children were at its centre, at a program, system and governance level?*

## Program level improvements

### FVCIP specifications for service

Defining the FVCIP services sets the groundwork for the future of the program. Future specifications for the FVCIP can set clearer expectations for service delivery and establish clearer contract management processes by instituting the changes proposed in Table 9 below.

Table 9: Proposed improvements to program specifications

| Contract component   | Proposed change  |
|----------------------|--|
| Service types        | Streamline number of service types.<br>Remove support group assessment interviews as service type, but retain as service requirement.  |
| Unit of service      | Number of individuals  |
| Unit costs           | Establish unit cost benchmarks.<br>Unit cost established for partner contact, to encourage this service activity.<br>Include follow-up of court-directed men in the unit cost for services for men.                                  |
| Service expectations | Specify minimum number (or range) of men, based on court data  |
| Ratios               | Establish realistic minimum targets for women and children receiving services, as a proportion of the minimum number of men in the program.<br>Acknowledge that the program will not reach equal numbers of men, women and children. |
| Contract payments    | On delivery of services and progress reporting.  |

### Design the FVCIP program logic

Aligned with the recommendation above, the FVCIP program logic needs to be re-developed and designed, with all elements of a program logic model, including indicators of success, clarity around program monitoring and reporting regimes and an enforceable continuous quality improvement strategy. Figure 1 (p.iii) presents the key elements in the revised program structure.

The program logic needs to clarify that:

- ♦ *enhancing the safety of women and children* is the outcome sought by the program, and



♦ *increasing accountability of men who have used violence toward family members, through the provision of court-directed counselling is a strategy or a means to achieving this outcome.*

We know from reform experience...that we are likely to see a continued increase in the numbers of women and children reporting family violence and sexual assault, before they decrease.

*Victoria's Action Plan to Address Violence Against Women and Children, 2012 – 2015*

### Define realistic measures of success

Measures of success for the program need to prioritise the program's work in enhancing women's safety. They should also reflect the reality that reduced recidivism is not guaranteed with work undertaken to increase men's accountability. The program needs to contribute to a deeper understanding of individual outcomes and contextualising results about whether women and children's safety has been enhanced or men's accountability has increased.

Determining success in relation to responses to family violence is challenging, compared to other population-based interventions. The Victorian Government, and Victoria Police in particular, have made clear that significant increases in family violence reporting are interpreted as a demonstration of the effectiveness of a coordinated effort in the community and an increased community confidence to report. Victoria Police anticipates that the number of family violence reports will continue to rise.<sup>21</sup>

When examining work in relation to MBC programs in particular, the national and international literature confirms that classifying and measuring success is challenging, conflicted and confounding.

### Data collection, monitoring and analysis

The program has not created a clear system for collection of data, and this in part has been tied to unclear specifications of the service. In the future, with clear and countable units of service, the program will be able to identify the number of people engaged in which service, and those not engaged. The data needs to be regularly reviewed and interrogated to identify trends, gaps and opportunities and to raise flags about issues of concern, particularly around safety of women and children. There needs to be a process instituted to correlate data between men and women to compare differences in outcomes when the AFM is and is not in partner contact. A common database is required. Service providers have used the DHS IRIS database for some data recording. It is recommended that this database is used for the program. A data dictionary is required which specifies and defines data recording rules.

### Contract management

It is recommended that contract management is structured around rigorous systems for performance management. Regular progress reports and contract review

<sup>21</sup> Bucci, N 2013, 'Police chief warns on rising cases', *The Age*, 22 April, accessed 28 July 2013, <http://www.theage.com.au/victoria/police-chief-warns-on-rising-cases-20130421-2i8f8.html>



meetings should provide the opportunity to discuss service targets or issues in meeting service targets. The efficiency and effectiveness of the service should be regularly reviewed, and any issues relating to the functioning of the service system raised. The FVCIP functions at the intersection between the courts, the police and the community sector, and challenges for the program do not always lie within the agency's responsibility. The contract management role needs to take carriage for strategic issues at this intersection.

The program's operations manual needs to be updated and will need to reflect any program changes arising from the FVCIP evaluation.

## System-level improvements

### **Streamline processes to reduce the burden on courts**

The dramatic increase in family violence reporting over the past five years has placed significant demands on court resources. Screening, assessing, ordering and referring men to the FVCIP is a resource-intensive process for the court. The respondent to an FVIO must appear before the court at least twice. If the process is appealed or adjourned, the number of appearances may increase. If the eligibility assessment interview could be undertaken prior to the FVIO hearing, the two matters could be considered at the same time, thus reducing some of the demands on courts.

### **Streamline the assessment and referral process**

FVCIP service provider representatives should attend courts on the relevant sitting days. This should include a facilitator from the MBC program to assess potentially eligible men and the partner contact worker to consult women.

Currently, men are assessed as eligible for counselling orders and then ordered to attend at the service provider, when a further entry interview is undertaken. Service providers can return men to court if they assess them as unsuitable for the program. Early contact between the service provider and the man is likely to avoid this outcome. Streamlining the process for men can reduce some of the anxiety raised by a day or multiple attendances at court, and multiple appearances before a magistrate. Earlier engagement with the service provider may de-mystify the process and reduce apprehension about the process.

### **Engage women early in a process that enhances their safety**

'Partner contact' is a critical element of the Men's Behaviour Change model's capacity to monitor women's safety. Women need a clear understanding of the purpose of partner contact, what it would involve and how their safety would be enhanced through participation in order to make an informed choice about this option.



Under the current assessment and referral system, there are too many opportunities for women to be missed by the system.

If the FVCIP service provider's partner contact worker attended court to consult women, and if processes were streamlined so that one hearing resulted in a decision on both the FVIO and counselling order, women's experience at court would be less stressful and there would be greater chance of successfully engaging with the service provider. From the woman's perspective, these changes would result in:

- ◆ less waiting time in stressful conditions
- ◆ less time when their status in relation to the FVCIP is unclear
- ◆ fewer occasions for telling their story
- ◆ less bureaucracy
- ◆ faster contact with the service provider, and
- ◆ an earlier opportunity to learn about services for themselves and for their children, offered under the FVCIP.

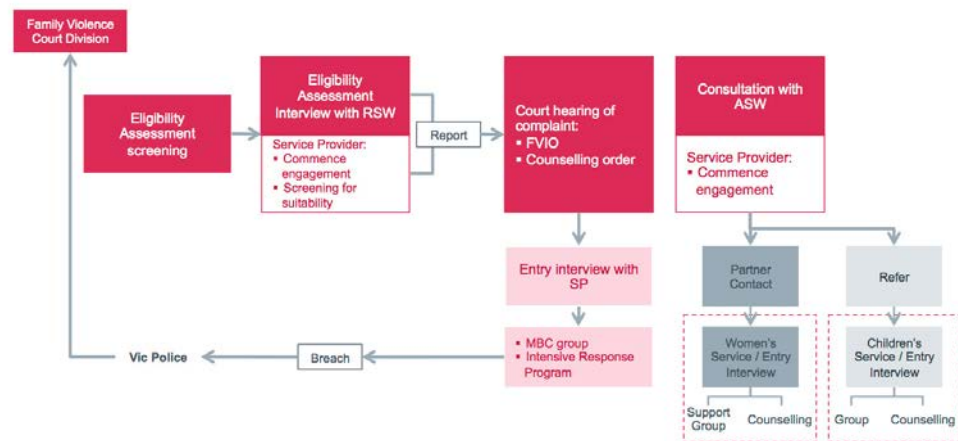


Figure 5: Proposed FVCIP referral pathways

### Refine eligibility

The rate of FVIO applications in Ballarat and Heidelberg has tripled since the program's initiation. Historically, the strategy for managing demand has been to restrict eligibility to the program to a limited number of municipalities (defined by their postcodes). Key stakeholders understood, but questioned the arbitrary nature of the postcode restrictions. Informed by the themes raised in consultations with a wide range of stakeholders and through the literature, there are consistent findings that MBC programs:

- ◆ are not suited to extremely violent men (as evidenced by the FV reports, and also prior history of offending within intimate partner relationships and in the community)
- ◆ are not suited to men with deviant or psychopathic tendencies (as assessed by an appropriate health professional)

- ♦ are suited to those most likely to benefit / change their behaviour, and broadly this category is described as 'younger, low risk' men

Key stakeholders from the service sector queried the potential to exclude men from a CALD background from the FVCIP and identified a need for CALD-specific programs.

While the FVCIP will need to continue to restrict entry, refining the program's eligibility criteria to prioritise men under 50 years of age and those without a history of violent offending is a better strategy for engaging men most likely to benefit from participating in the program.

### **Enforce accountability for men**

Within the FVCIP, increasing men's accountability for their violence is provided for through a tiered approach. The direction to attend counselling is the first tier. Failure to attend counselling is dealt with by a series of three escalating warnings. On the final warning, the Operations Manual directs that a Certificate of Non-Attendance is prepared and sent to the court. The court will then pass on the Certificates of Non-Attendance to the police to investigate and, if a breach is found, to charge the man.

It is important to note that the original rationale for separating the counselling order from the FVIO was to ensure that the respondent could not blame the applicant for having to attend counselling. Developments in dealing with family violence, including the increased frequency of police-led applications, would indicate that this rationale is no longer relevant. However, it is recommended that peak bodies in women's, men's and community legal services should be consulted to confirm that this change would not inadvertently cause risks to women's safety.

## Governance improvements

### **Local governance**

Appropriate collection and sharing of information between agencies is vital to achieving good outcomes for women and children experiencing violence. In the case of family violence, it is a critical element of managing risk to women's safety.

*Victoria's Action Plan to Address Violence Against Women and Children, 2012 – 2015*

The literature, current research and practice wisdom informs us that a tight, integrated system is critical to creating the best conditions for success. This is also the key plank of Victoria's Action Plan to Address Violence Against Women and Children.

The evaluation found that not all parties with an interest in the outcomes of the program were sharing information or had referral protocols. Local governance structures were in place when the program was instituted as a pilot, but they are no longer functioning. Service providers attend a range of FV and court network meetings, but there is no governance structure to maintain oversight of the program and ensure that key stakeholders are regularly monitoring program performance.

Local governance structures need to be re-instituted and to be a feature of the FVCIP in any new sites. This group should include magistrates, court staff, police and



the service providers. It should also include local women's services so that they can represent women engaged with their services. This group needs to develop referral protocols and memoranda of understanding for sharing information across services.

It is important that governance at the local level focuses on coordination for the express purpose of increasing the safety of women and children. This must include sharing of information on a need to know basis and may require agencies to undergo joint training around privacy legislation and the exemptions that apply when there are risks to safety.

The successful operation of local governance systems requires leadership, clear direction and purpose, and resourcing in order to maintain momentum and focus. The structure must be resilient enough to absorb turnover of personnel or internal agency changes.

### **Connections to the wider service system**

The FVCIP shares a responsibility for ensuring the safety of women and children and increasing the accountability of men who use violence. An important element of that shared responsibility is delivered through contributing to the integrated service system, through Family Violence Partnership Networks and with Regional Integration Coordinators. It is important that FVCIP service providers maintain links with relevant peak bodies and associations such as Domestic Violence Victoria and No To Violence and providers of voluntary MBC groups.

## Maintain links with the program's history

The FVCIP should maintain links with the program's history and development through the DOJ, to ensure that the future management and monitoring is informed by this earlier experience and knowledge.

## Innovation and professional development

In program and practice terms, responding to family violence is a developing field of practice. Those working in the field and the justice sector need opportunities to update professional knowledge and skills. Agencies, court staff, magistrates and police working on the program need opportunities to review their practice, maintain consistent standards and identify innovations.

## Reform opportunities

### **Legislation changes required**

Legislative changes to the FVPA will be required if changes are adopted for:

- ◆ the eligibility for assessment order process
- ◆ attaching counselling orders as a condition of an FVIO





- ♦ updating breaching processes and penalties, subject to the change recommended above.

| Improvement area              | Recommendations   |
|-------------------------------|---|
| <b>Continuity and quality</b> | <p>18. It is recommended that, given the complexity of the program, links are maintained with the DOJ to ensure continuity of program history knowledge.</p> <p>19. It is recommended that innovation and professional development for the program is supported. This should include practice forums, involving peers from the service providers, courts and police to discuss case scenarios, practice improvement and build peer relationships.</p> |
| <b>Legislative changes</b>    | <p>20. It is recommended that the <i>Family Violence Protection Act 2008</i> is reformed to:</p> <ul style="list-style-type: none"> <li>♦ revise the eligibility for assessment order process</li> <li>♦ remove the Eligibility for Assessment order</li> <li>♦ attach counselling orders as a condition of an FVIO</li> <li>♦ update breaching processes and penalties, subject to the change recommended above.</li> </ul>                          |

## 8. Literature review summary

### Introduction

This section of the report presents a summary of literature reviewed for the FVCIP evaluation. The review focussed on literature most relevant to MBC programs and the FVCIP evaluation. An Annotated Bibliography of the literature is attached to this report (see Attachment 3).

### Men's Behaviour Change (MBC) programs

#### Background / History

The genesis of the MBC program component of the FVCIP can be traced to the second wave of feminism in the seventies, when a socio-political interpretation evolved around the use of violence by men against their female partners. Activism of the time led to the establishment of refuges and women's shelters for women escaping domestic violence. In addition to providing supports for individual women, a need for change at a broader societal level was identified in terms of attitudes as well as 'legal and institutional changes necessary to name domestic violence as a crime... hold men accountable and to make services responsive to women's needs for safety'.<sup>22</sup>

Programs for men who have perpetrated domestic violence first began to emerge in the late 1970s and the 1980s, influenced by an understanding of domestic violence in the context of gender and power relationships.<sup>23</sup> The Domestic Violence Intervention Project (DVIP), in Duluth, Minnesota introduced in 1979 and continuing to the present day is recognised in the literature as one of the earliest attempts to implement a 'comprehensive, community based program for intervention in domestic abuse cases'.<sup>24</sup> The program's numerous features include a mandatory arrest policy, legal sanctions with increasingly harsh penalties for repeat offenders, strong emphasis on active follow-up of women partners and women's safety. It also includes a counselling and education program, using an approach that incorporates gender issues and cognitive behavioural techniques. The DVIP is often referred to as the 'Duluth model'<sup>25</sup>.

<sup>22</sup> Laing, L 2002, 'Responding to men who perpetrate domestic violence: controversies, interventions and challenges' Issues Paper no. 7, *Australian Domestic and Family Violence Clearinghouse*, UNSW, Sydney

<sup>23</sup> Day, A, Chung, D, O'Leary, P, Justo, D, Moore, S, Carson, E & Gerace, A 2010, 'Integrated responses to domestic violence: legally mandated intervention programs for male perpetrators', *Trends and Issues in Crime and Justice*, no. 404, December, accessed [30 August 2012 ]

<sup>24</sup> Keys Young Pty Ltd 1999, '*Ending domestic violence? Programs for perpetrators*', National Crime Prevention, Attorney General's Department, Canberra.

<sup>25</sup> This is a much-touted program in Minnesota in the United States. It develops a common philosophical framework; creates consistent policies and procedures which coordinate and standardise the intervention actions of practitioners involved in a community response; monitors/tracks cases from initial contact to case disposition to ensure practitioner and offender accountability; coordinates the exchange of information, inter-agency communication on a need-to-know basis, and inter-agency decisions on individual cases; provides resources and services to victims and at



Since then a range of programs have developed internationally, most notably in the United States, Canada, the United Kingdom, Ireland and New Zealand. As well as an array of program types, terminology also differs to describe various perpetrator education programs. In the US, the terms 'batterer' and 'batterer intervention programs (BIP)' are used.

### Key features of 'gender-based, cognitive behavioural' group programs

Numerous curricula have been developed around gender-based, cognitive behavioural group programs.<sup>26</sup> Key features of perpetrator education programs using a gender-based, cognitive behavioural approach include:

- ♦ that the program is but one component of a coordinated community response involving at a minimum, the criminal justice system and services for women
- ♦ the safety of women and children is the primary goal
- ♦ wider accountability to women and women's services
- ♦ limited confidentiality.

Laing notes the use of 'respectful interventions' in these group programs as a distinctly Australian development, differing from the educational approaches in North America.<sup>27</sup>

### MBC Programs: Australian context

In Australia, perpetrator education programs commenced in the 1980's with ad hoc and variable approaches across the states and territories.<sup>28</sup> In contrast to the US approach of mandatory arrest policies, there was not the same emphasis to develop mandated programs in concert with the criminal justice system.<sup>29</sup> Since the Keys Young audit of perpetrator programs in 1999, the field has continued to evolve, including varying approaches across the states and territories. Key interstate group programs for men, with a gender-based, cognitive behavioural approach include:

- ♦ The Gold Coast Domestic Violence Integrated Response (GCDVIR) which focuses on the provision of legally mandated interventions. The GCDVIR was an early pioneer of integrated approaches in Australia, originally prompted by a number of domestic homicides in the region that brought to the fore the need for agencies to work together to share information and develop effective practice protocols.<sup>30</sup>
- ♦ The ACT Family Violence Intervention Program (FVIP), a coordinated interagency response to family violence incidents that come to the attention of the police

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risk family members to protect them from further abuse; utilises a combination of sanctions, restrictions and rehabilitation services to hold the offender accountable and to protect victims from further abuse; works to undo the harm to children; and evaluates the coordinated community response from the standpoint of victim safety and the goals of the intervening agencies. See discussion Humphreys, C & Houghton, C 2008, *Better outcomes for children and young people experiencing domestic abuse – directions for good practice*, Scottish Government, accessed 17 July 2012, <<http://www.scotland.gov.uk/Publications/2008/08/04112614/15>>.

<sup>26</sup> Gondolf, E 2004, 'Evaluating batterer counseling programs: a difficult task showing some effects', *Aggression and Violent Behavior*, vol. 9, no. 6, pp. 605–631

<sup>27</sup> Laing, L, op cit

<sup>28</sup> Keys Young, op cit

<sup>29</sup> Laing, L op cit

<sup>30</sup> Day et al, op cit



and proceed to prosecution. Most family violence offenders are found suitable for some type of intervention including the Family Violence Self-Change (FVSC) Program facilitated by the Offender Interventions Unit. The FVSC Program is a cognitive skills module-based program. A key component of the FVSC Program is contact with the victims of persons participating in the program.

### **MBC Programs: Victorian Context**

In Victoria, MBC programs emerged out of community health and family support programs and developed in response to the identification of men's health as a social problem.<sup>31</sup> In the late 1990s there was a degree of scepticism about the use of mandated programs. The Victorian Statewide Committee to Reduce Family Violence, established in 2002, reviewed the operation of the family violence system in Victoria. This committee's report on *Reforming the Family Violence System in Victoria*, saw the adoption of principles of system-integration, informed by the underpinning principles of the Duluth model and a series of system reforms.<sup>32</sup> The FVCIP, Victoria's first and only mandated men's behaviour change program, was introduced during this period, with the enactment of the *Magistrates Court (Family Violence) Act 2004*.<sup>33</sup>

In 2009, the Victorian Government introduced a framework for comprehensive assessment of men's behaviour change programs for use by DHS-funded men's behaviour change programs operating in the context of the Victorian integrated family violence system.<sup>34</sup> The framework noted the '*growing worldwide trend towards an integrated family violence service system (and) a shift towards the development of 'common' standards and practices among service providers*'.<sup>35</sup> One of the aims of an integrated system was to ensure that both victims and users of violence receive consistent attention across the full range of services. The framework describes the components of comprehensive assessment, provides practice guides on initial assessment and on-going review and includes a Comprehensive Assessment Recording Template. The framework insists on a model which challenges violence and promotes non-violence.

The framework for comprehensive assessment is informed by and consistent with the No To Violence *Men's behaviour change group work: minimum standards and quality practice* (referred to as NTV's minimum standards).<sup>36</sup> The minimum standards operate in a self-regulatory framework. The minimum standards and good practice guidelines provide guidance for providers of MBC programs, in order to ensure safety, accountability, quality assurance, public information and the safe expansion

<sup>31</sup> Costello, S 2006, 'Invitations to collusion: a case for scrutiny of men's behaviour change programs', *ANZJFT*, vol. 27, no. 1, pp. 38–47.

<sup>32</sup> Statewide Steering Committee to Reduce Violence 2005, *Reforming the family violence system in Victoria: Report of the Statewide Steering Committee to Reduce Family Violence*, Office of Women's Policy, Department for Victorian Communities, Melbourne.

<sup>33</sup> *ibid*

<sup>34</sup> Victorian Government 2009, 'Men who use violent and controlling behaviours: a framework for comprehensive assessment of Men's Behaviour Change programs', Child Youth and Families Division, Department of Human Services, Melbourne.

<sup>35</sup> *ibid*, p. 5

<sup>36</sup> Wheeler, E & No to Violence Male Family Violence Family Prevention Association 2006, *Men's behaviour change group work: a manual for quality practice*, No to Violence (NTV) Male Family Violence Prevention Association Inc, Melbourne, Vic



of programs. The minimum standards do not provide a program curriculum, but include a resource manual and guidance about group processes for MBC. The NTV minimum standards apply to the FVCIP.

The Victorian Government has a whole-of-government approach to address violence against women, articulated in *Victoria's Action Plan to Address Violence Against Women and Children: Everyone has a Responsibility to Act*. Through this action plan, court-directed men's behaviour change programs, will be expanded during the period 2012 – 2015.<sup>37</sup>

## Effectiveness of MBC Programs

The literature examining the effectiveness of MBC group programs reveals a highly contested field, with continuing debate around inconsistent and inconclusive findings. Laing notes that there is no easy answer to the question as to whether or not perpetrator programs 'work' and that teasing out the complexities which underlie this apparently simple question is challenging.<sup>38</sup>

Some of the fundamental issues and questions raised in the literature include:

- ♦ program definition – when and where is the program defined to start and stop?
- ♦ what is meant by 'success'? – Is it a total cessation of all forms of abusive, coercive and controlling behaviour; cessation of physical abuse or a reduction in the amount of physical abuse?
- ♦ measurement of outcomes – how is success defined, characterised and measured? And when is the program deemed to start? And what is it a sufficient post-program follow-up period to measure a program effect?
- ♦ reliance on self-reports of change or rearrest records as outcome measures, both of which under-count re-offending
- ♦ low response rates
- ♦ difficulties in involving partners in follow-up research and/or inclusion of only initial partners
- ♦ what is meant by 'effective' in terms of the program – effective compared to what, with whom and under what circumstances?<sup>39, 40</sup>

These discussions also highlight the methodological challenges and some of the reasons for contradictory findings. They include discussion on the appropriateness of experimental, quasi-experimental design and research designs. The latter may, for example, take a before and after approach, all of which can raise questions about validity and reliability.<sup>41</sup>

<sup>37</sup> Victorian Government 2012, 'Victoria's Action Plan to Address Violence Against Women and Children: Everyone has a Responsibility to Act', Office of Women's Policy, Department of Human Services, Melbourne

<sup>38</sup> Laing, L 2002, 'Responding to men who perpetrate domestic violence: controversies, interventions and challenges, Issues Paper no. 7, Australian Domestic and Family Violence Clearinghouse, UNSW, Sydney.

<sup>39</sup> *ibid*

<sup>40</sup> Gondolf, E 2004 *op cit*

<sup>41</sup> Family and Domestic Violence Unit (undated), 'Evaluation of Perpetrator Programs for Mandated and Voluntary Participants in Western Australia' Centre for Research for Women



Some literature points out the problems with evaluations of MBCP that use control groups.<sup>42</sup> In practice, programs rarely encounter a homogeneous group of perpetrators.<sup>43</sup> Feder suggests that women victims of domestic violence (who are more difficult to retain in follow-up research) are both more marginal and more likely to be more frequently and severely abused and so unlikely to want to give feedback. It is noted there is difficulty with using treatment dropouts as a control group, even once statistical controls have been introduced.<sup>44</sup>

Laing also notes that experimental designs randomly assign participants to two groups – a control group, which does not receive the intervention being tested, and a treatment group which does receive it. The obvious problem here is that the comparison groups may be different - perhaps the men who drop out are more dangerous and disturbed, hence any differences between the groups are due to the characteristics of the two groups of participants rather than to the impact of the program. Laing notes there are 'non-experiments' that measure participants before and after intervention, and have no comparison group. Hence it is not possible to attribute identified changes to the program since they may be due to other intervening factors.<sup>45</sup>

Further, questions about transferability and general claims for program effectiveness based on specific programs are raised when programs differ considerably according to their location, target cultural group and sociopolitical legal context.<sup>46</sup>

The literature however frequently refers to the findings of Gondolf's longitudinal, multi-site evaluations which found that:

- ♦ the success of batterer intervention programs appears to be related to the intervention system of which the program is a part, i.e. 'the system matters'
- ♦ the programs appear to be effective for the vast (50 - 80%) majority of men, i.e. 'the program fits most'<sup>47</sup>

Gondolf does however continue to caution against a single, bottom-line interpretation of results, particularly from experimental-designed evaluations, and argues for greater interaction between practitioners and research to both ground and broaden evidence-based practice.<sup>48</sup>

<sup>42</sup> Laing, L 2002, 'Responding to men who perpetrate domestic violence: controversies, interventions and challenges, Issues Paper no. 7, Australian Domestic and Family Violence Clearinghouse, UNSW, Sydney.

<sup>43</sup> Fisher, E 2011, 'Perpetrators of Domestic Violence: Co-ordinating responses to complex needs' Irish Probation Journal Volume 8, Ireland, pp 124 – 143

<sup>44</sup> Feder, L & Wilson, DB 2005, 'A meta-analytic view of court mandated batterer intervention programs: can courts affect abuser's behavior?', *Journal of Experimental Criminology*, vol. 1, pp. 239–262.

<sup>45</sup> Laing, L 2002, 'Responding to men who perpetrate domestic violence: controversies, interventions and challenges, Issues Paper no. 7, Australian Domestic and Family Violence Clearinghouse, UNSW, Sydney, 10.

<sup>46</sup> Gondolf, E 2004, op cit

<sup>47</sup> ibid

<sup>48</sup> Gondolf, E 2012, 'The Future of Batterer Programs: Reassessing Evidence-Based Practice', Northeastern University Press, Boston.



Dobash et al's research evaluation of British programs for violent men found that the programs appeared to reduce the prevalence of criminal recidivism but revealed high rates of re-abuse of women partners, highlighting the dangers of assuming that a reduction of recidivism necessarily correlates with a change in behaviour in the violence against women and advises caution if using data on criminal recidivism to reflect change.<sup>49</sup> Further research by Dobash and Dobash contrasted randomised designs (of the type which Gondolf has also expressed caution) with extant evaluations of abuser programs. They argued for the use of more theoretically informed, contextual evaluations. Their three-year evaluation of two Scottish abuser programs demonstrated how the contextual approach is attuned to both outcome and process, and results in more empirically informed assessments of how change is achieved in the behaviour and orientations of violent men<sup>50</sup>.

## The critical role of women's perspectives in evaluation and program design

The literature on evaluating MBC stresses that it is critical that women's voices be heard in the evaluation process. Costello argues that without women's feedback about their partner's behaviour program, coordinators cannot know how effective their programs are.<sup>51</sup> While incidence of re-assault provides quantifiable data, Costello argues that it ignores the possibility of ongoing verbal, emotional, sexual, financial and social abuses that accompany physical assault. Using criminal offences as a measure reveals just the tip of the iceberg of violence, as Dobash et al found, and is only relevant to insinuations where criminal assault has been legally identified. Measuring changes in non-physical violence is more complex as the indicators are difficult to define and quantify. Costello stresses women are in the best position to comment on changes in their partner or ex-partner's attitude or behaviour but may not be available, feel safe to do so, or want to.<sup>52</sup>

Using women's reports of re-assault as the primary measure of success of a program is recommended.<sup>53</sup> The research reveals that there are consistently low response rates by women who are affected by violence and this reticence is understandable given issues of safety and the need to move on.<sup>54</sup> While the victim is usually viewed as the best source for information on the offender's continued abuse, a high rate of victim attrition has been noted in many studies.<sup>55, 56</sup> Work undertaken by the Inner South Community Health Service explored the partner contact component of a MBC

<sup>49</sup> Dobash, RE, Dobash, RP, Cavanagh, K & Lewis, R 1999, 'A research evaluation of British programs for violent men', *Journal of Social Policy*, vol. 28, no. 2, pp. 205–233.

<sup>50</sup> Dobash, RE & Dobash, RP 2000, 'Evaluating Criminal Justice Interventions for Domestic Violence', *Crime and Delinquency*, vol. 46, no. 2, pp. 252–270.

<sup>51</sup> Costello, S 2006, 'Invitations to collusion: a case for greater scrutiny of men's behaviour change programs', *ANZJFT*, vol. 27, no. 1, pp. 38–47.

<sup>52</sup> Costello, S 2006, 'Invitations to collusion: a case for scrutiny of men's behaviour change programs', *ANZJFT*, vol. 27, no. 1, pp. 38–47.

<sup>53</sup> Howard, J, Wright M, & the Borderlands Cooperative 2008, *Listening to what matters: a report on the partner contact component of a men's behaviour change program*, Inner South Community Health Service, Melbourne.

<sup>54</sup> Day, A, Chung, D & O'Leary, P 2009, 'Programs for men who perpetrate domestic violence: an examination of the issues underlying the effectiveness of intervention programs', *Journal of Family Violence*, vol. 24, no. 3, pp. 203–212.

<sup>55</sup> Feder, L & Wilson, DB 2005, 'A meta-analytic view of court mandated batterer intervention programs: can courts affect abuser's behavior?', *Journal of Experimental Criminology*, vol. 1, pp. 239–262.

<sup>56</sup> Fisher E, 2011, 'Perpetrators of Domestic Violence: Co-ordinating responses to complex needs' Irish Probation Journal Volume 8, Ireland, pp 124–143 and Howard, J, Wright M, & the Borderlands Cooperative 2008, *Listening to what matters: a report on the partner contact component of a men's behaviour change programs*, Inner South Community Health Service, Melbourne.



program and reveals a useful methodology, examining MBCP after six years of operation. Informed by 21 in-depth interviews with the women whose partners attended the MBCP from July 2006 to July 2007, it explored what the program meant to the women and gained their perspectives. This, and other preceding research, underscores the importance and challenges in providing partner contact as part of MBCPs. The report found that 'partner contact work was of particular value in assisting women to identify and address safety and wellbeing needs (and) validate their experience of domestic violence, (and that) partner contact work is a vital component of MBCPs and should be viewed as a central and complementary service to men's behavioural change.'<sup>57</sup>

## Individualised responses vs socio-political informed responses

There is oppositional and heated debate around the issue of treatment vs education programs for perpetrators, often with people adopting polarised positions either 'for' or 'against' the development of such programs.<sup>58,59</sup> Some, such as Dutton and Cordo, have argued for clinical, individualised treatment, maintaining that assessment of attitudes consistent with abuse is a proper target of MBCP.<sup>60</sup> They argue that these may vary with individual male perpetrators and should be explored on an individual pathological/medical basis. Gondolf's reply<sup>61</sup> attacked this research for portraying a caricatured view of the Duluth Model and being highly selective in the research to substantiate their position. To some extent, this debate or the underlying tenets of it continue. In his most recent book, Gondolf suggests that while batterer programs are criticised for a lack of an evidence base, a 'careful review of the evidence shows that many of the claims about the alternative approaches have weaker research and even contradictory findings behind them.'<sup>62</sup>

## The need for differentiated responses in MBC

Aligned with the finding that MBC programs 'fit most' is the associated theme that the approach is not appropriate for some groups of men. These men have been typified as high-risk men, and Gondolf suggests 'the existence of a group of batterers who warrant enhanced supervision, containment and treatment.'<sup>63</sup> His earlier research suggested that around 20 percent of men showed no program effect. This multisite evaluation found that this group of men did not show a

<sup>57</sup> Howard, J, Wright M, & the Borderlands Cooperative 2008, *Listening to what matters: a report on the partner contact component of a men's behaviour change programs*, Inner South Community Health Service, Melbourne.

<sup>58</sup> The Australian Law Reform Commission report into family violence (2010), noted that in their view they considered it appropriate to address the predominantly gendered nature of family violence...and in guiding principles, but that definitions should be gender neutral, providing redress regardless of the sex of the victim or the person using violence.

<sup>59</sup> Laing, L 2002, 'Responding to men who perpetrate domestic violence: controversies, interventions and challenges, Issues Paper no. 7, Australian Domestic and Family Violence Clearinghouse, UNSW, Sydney.

<sup>60</sup> Dutton D, Cordo K, 2007, 'The Duluth model: A data-impervious paradigm and a failed strategy', Vancouver, Canada, *Aggression and Violent Behavior* 12 (2007) 658-667, (<http://www.sciencedirect.com> accessed 20 September 2012 and Gondolf E, 2007 'Theoretical and research support for the Duluth Model: A reply to Dutton and Corvo' Science Direct, *Aggression and Violent Behaviour* 12 (2007) pp. 644-657 ([www.sciencedirect.com](http://www.sciencedirect.com))

<sup>61</sup> Gondolf, E 2007, 'Theoretical and research support for the Duluth Model: A reply to Dutton and Corvo', *Aggression and Violent Behavior*, vol. 12, no. 6, pp. 644-657.

<sup>62</sup> Gondolf, E 2012, op cit

<sup>63</sup> ibid





'particular constellation of risk factors or personality type'. Rather these were men who had very unassertive female partner and who the system dealt with poorly, allowing them to consistently 'get away with it' experiencing few consequences for their behaviour.<sup>64</sup>

More recent work from Ireland discusses a range of criminogenic and non-criminogenic factors (eg. substance use, mental health and personality attributes) that may hinder some perpetrators' engagement with current domestic violence programs. Borderline, avoidant, antisocial, impulsive and self-defeating behaviours as well as mental health problems such as depression and anxiety disorders are discussed as factors found to impede the response to treatment.<sup>65</sup> The interpretation of these findings is that those who fail to complete treatment do so because of high levels of lifestyle instability and a low stake in conformity. It is this group of perpetrators that, in not seeking or not completing treatment, poses the highest risk in the escalation of problems. Those who are more seriously violent initially are most likely to escalate their violence and to go on to inflict the most serious injuries. The author calls for a more coordinated and differentiated service to domestic violence perpetrators, enhanced through co-operation and coordination with other complementary organisations.<sup>66</sup>

Research suggests that the management of high-risk domestic violence offenders requires multiple agencies to interact with a high degree of precision and coordination.<sup>67</sup> Slater et al state that the research suggests that anti-recidivism initiatives are unlikely to be successful unless they are coupled with social welfare policies designed to address the housing, employment, health and other difficulties that are prevalent in the lives of serious domestic violence offenders and victims.

Gondolf's most recent publication describes the contemporary challenges and issues in responding to high-risk men, given that they are also more likely to drop out of the program and that safety risks to partners escalate. This work emphasises the importance of on-going risk assessment and notes that while risk assessment tools exist, further work is required and that the coordination of the community response is even more imperative when responding to high-risk men.<sup>68</sup>

## An evolving field

As important as it is to note that there are significant differences in the design, implementation and operation of MBC programs across jurisdictions, it is also necessary to note that the field is constantly evolving. Contemporary programs are

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<sup>64</sup> Gondolf, E 2004, op cit

<sup>65</sup> Fisher E, 2011, 'Perpetrators of Domestic Violence: Co-ordinating responses to complex needs' Irish Probation Journal Volume 8, Ireland, pp 124

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<sup>66</sup> ibid

<sup>67</sup> Salter M, 2011, 'Managing Risk Amongst High Risk Violent Men', University of Western Sydney (Hard copy conference paper).

<sup>68</sup> Gondolf, E 2012, op cit



being described in the literature, which show, for example, adjustments of program length, the need for program follow-up and integrating content around fatherhood.

## Key themes from the literature

The literature reviewed highlights the need for perpetrator programs to be seen as but one unit that must work in tandem with other collateral resources to stop domestic violence. Collaborations across government and between government, service providers and community organisations including women's services, is seen as integral to creating a consistent approach to domestic violence.<sup>69</sup>

The literature relevant to MBCPs and evaluation of program effectiveness reveals a highly contested and complex field. The range of debates within the MBC field extending across disciplines from women's studies, justice, criminal research and psychology, can deflect away from the core themes relating to MBC. However, given the primacy of 'the system', it is also critical to note that the literature also opens a wealth of discussion, and questions, for women who experience greater levels of systemic disadvantage: Indigenous women, women from culturally and linguistically diverse backgrounds, women with disabilities and women experiencing homelessness.

In essence, however, the research of the past decade reinforces a series of key messages about MBC programs:

- ♦ that they must sit within a system that provides a coordinated, community response to men's violence to women
- ♦ that partner contact is a vital component of MBC programs
- ♦ that women affected by violence, and women's services, must be involved in the program's evaluation, in defining measures of success and in identifying their achievement
- ♦ that a broad, rather than a narrow view is required to evaluate MBC, noting that the system within which the program operates is integral to the program outcomes and therefore a systems-analysis approach is more relevant than a discrete program evaluation
- ♦ there is a need for continued, and longitudinal research in the area, and
- ♦ unless operating within a set of standards for MBC, application of evaluation findings across different settings and context require cautions.

The research also underscores the need for longitudinal research in the effectiveness of MBCP in the Australian and Victorian contexts and support for building this evidence-base is noted in both the Victoria's *Action Plan to Address Violence Against Women and their Children*<sup>70</sup> and the *National Plan to reduce violence against women and their children*<sup>71</sup>.

<sup>69</sup> Family and Domestic Violence Unit, op cit

<sup>70</sup> Victorian Government 2012, op cit

<sup>71</sup> The Australian Government, 2011 *Safe and Free from Violence: The National Plan to Reduce Violence against Women and their Children, 2010-2022*



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### **Legislation**

*Family Violence Protection Act 2008* (Vic)

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