



Aotearoa New Zealand Association of Social Workers
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AOTEAROA NEW ZEALAND ASSOCIATION OF SOCIAL WORKERS (ANZASW)

Submission on the Victims' Orders against Violent
Offenders Bill

To the:

Law and Order Select Committee

Submissions due Thursday 10th October 2013



ANZASW: DX Box WX 33 484 Christchurch; 03 349 0190;

admin@anzasw.org.nz;

www.anzasw.org.nz

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2. INTRODUCTION

Aotearoa New Zealand Association of Social Workers, or ANZASW, is the professional body for social workers in New Zealand. It is imperative that we provide a voice for our members on the Victims' Orders against Violent Offenders Bill and its direct effect on the social work profession.

In order to be in a position to write this submission on behalf of our membership ANZASW conducted a survey. This was emailed to 2,880 members via Survey Monkey and we received 45 replies. The questions in the survey were related to the effect the Bill will have on client recovery, the duration of the non-contact order and the improvements that could be made to ensure client safety and recovery.

Social work practice is about providing assistance, understanding and encouragement to sensitive, stressed and vulnerable clients. Social workers are focused on improving client's wellbeing whilst affecting long term change. Our members have a significant professional interest in the potential or intended effects the Victims' Orders against Violent Offenders Bill will have on their abilities to help clients.

Considering the need to decrease violent acts in New Zealand and improve protection for victims our members have provided feedback from their unique social work point of view. The summary of their viewpoints and suggestions for improvements are below for your consideration.

3. AOTEAROA NEW ZEALAND ASSOCIATION OF SOCIAL WORKERS

Aotearoa New Zealand Association of Social Workers (ANZASW) is the professional body for a national collective of more than 3,500 social workers, who have day-to-day involvement with the most vulnerable people in our society. Our work is guided by a Code of Ethics that is aligned with the International Federation of Social Workers (IFSW). Our members work to help and support clients who are victims of violent offenders and are well placed to comment on the implications of the Victims' Orders against Violent Offenders Bill.

Social work is founded on principles of human rights and social justice. We are guided by the Treaty of Waitangi and respect the equality, worth and dignity of all people. In accordance with the March

2012 IFSW Global Agenda¹ “we commit ourselves to supporting influencing and enabling structures and systems that positively address the root cause of oppression and inequality. We commit ourselves wholeheartedly and urgently to work together, with people who use services and with others who share our objectives and aspirations, to create a more socially-just and fair world”. We believe the overarching principles of social work are respect for the inherent worth and dignity of human beings, doing no harm, respect for diversity and upholding human rights and social justice.

Our mission is to enable people to develop their full potential; our skill-set is problem solving and facilitation of positive change in individuals, organisations, whānau and communities. We recognise the environment contains opportunities for people to be both agents of change and victims of factors beyond their control. As a profession, we strive to alleviate poverty, foster social inclusion and liberate those who are vulnerable or oppressed. Social work is evidence-based and draws on theories of human development, behaviour and social systems.

Social workers respond to crises and emergencies along with the personal or social problems that arise from experience of barriers, inequities and injustices within our society. Our interventions involve problem solving, development of coping strategies, one-on-one counselling and therapy, family and group work, agency administration, community organisation and helping people to access services, resources and support systems within their community. We work across government and non-government settings including community organisations, iwi agencies, private practice, youth justice, child protection, mental health, addictions and disability. We are involved in research, training, education, professional development, competency assessment, data gathering, risk assessment, structural analysis, interagency protocols and the improvement of social policy.

4. BENEFITS TO CLIENTS/VICTIMS

The Victims’ Orders against Violent Offenders Bill is a positive step towards recognising and acknowledging the long term effects violence can have on victims. It promotes and increases victim rights in regards to their own safety and protection. Allowing them to feel protected and supported by the law and law enforcement.

The threat of retaliation/vengeance from the offender once released from prison is very real and this Bill looks to alleviate concern, fear and anxiety for victims. If this Bill is well enforced it would allow clients to focus all of their energy into recovery instead of continually looking over their shoulder. By acknowledging the long term effects on victims of violent offenders this Bill places victim rights before offender rights. This contributes to the overall success of services provided and improvement of mental health and wellbeing.

Understanding the terms and conditions of the Bill provides much needed stability for clients. The ability to have more control of their safety empowers victims and provides relief through their traumatic experience. Promoting the feelings of protection and control and reducing stress for clients at a mentally draining and highly emotional time.

¹ International Federation of Social Workers, International Association of Schools of Social Work and International Council on Social Welfare (2012). ‘The Global Agenda for Social Work and Social Development Commitment to Action’. Available at isw.sagepub.com (accessed 13 June 2012)

5. CONCERNS WITH THE BILL

The concerns our members have with this Bill is the possibility of the non-contact order becoming nothing more than a piece of paper to offenders and the reality of our resources not being strong enough to enforce the law.

This Bill may give victims peace of mind but this will only last if offenders adhere to the conditions and fear the consequences for breaches of the non-contact order. If this is just a piece of paper that is not going to stop an offender focused on revenge and retaliation it will not take long for victims to lose confidence in the process and its effectiveness. All that will be left is the veil of a non-contact order which has lost meaning for both offender and victim.

Another reality is that fact that police cannot keep an eye on all violent offenders all the time. How can we ensure victims that law enforcement will protect them when we don't have adequate resources to guarantee this? This bill is moving in a positive direction but the reality of its effectiveness remains to be seen.

6. DURATION OF THE NON-CONTACT ORDER

Majority of member's response regarding the duration of the non-contact order felt that it should be determined by circumstance. It should be flexible to meet the specific needs of the client once information about victim and offender have been evaluated. The combination of victim and offender, as well as the rehabilitation/recovery of both parties should be taken into consideration. Allowing the victim input into this decision would help to empower them and increase feelings of safety and peace of mind.

Some responses felt that two years was definitely not enough time for client safety and recovery. Effects of violence are long-lasting and often clients need to re-build their lives to understand and discover the changes they want and need to make. Not all mental and emotional issues can be solved in two years. The duration of non-contact orders need to allow for a victims full mental health recovery. From this perspective three to four years was deemed more appropriate.

7. IMPROVEMENTS TO FURTHER ASSIST CLIENTS

The biggest room for improvements identified by our members was the specification of consequences for offenders who breach their non-contact order. The framework needs to be substantial enough to deter the offender. Repercussions need to be serious in the form of further prison time and automatic extensions on non-contact orders with stricter guidelines. This would be a bigger step towards ensuring client safety. The conditions of non-contact orders should be focused on the needs, safety and recovery of victims to balance the power between victims and offenders.

In extreme cases the non-contact order should be mandatory so that the client who is in a highly vulnerable and emotional state can feel recognised and protected by law without having to endure the process. The order should also be applied for the time the offender is in prison as contact and harassment can begin then, the two years should then begin once released.

There is also need for support services for victims of violent offenders where they can access information and be supported by social workers and other professionals through the emotionally

challenging process. A step by step information guide and other informative resources need to be distributed throughout the country surrounding this Bill. People need to know who to contact, what to do and how to do it.

The Bill itself needs to include and recognise emotional and psychological damage and effect of any form of contact. The Bill currently defines a victim as "a person who, through or by means of a violent offence committed by another person, suffers physical injury, or loss of, or damage to, property". It is concerning that despite the research into effects on victims of violent offences there is still a focus on property rather than on the person. In other words there is no recognition given to the psychological impact of violent offending on victims and their families.

8. CONCLUSION

In the hopes that it will empower and assist victims of violent offenders ANZASW members are supportive of this Bill. If implemented correctly it will make the system more understanding of victim needs and provide additional protection and peace of mind. Victims of violent offenders can often be invisible so it is encouraging to see a Bill that is focused on advocating for these clients and providing options for their safety.

The Bill seeks to help victims through their recovery process and allocate more time to improve their mental health and wellbeing. Providing recognition of the long-term effects acts of violence can have on victims. Should it have its intended effect, this Bill will not only assist victims but contribute to a much needed reduction in violent acts in general.

Overall the hope is that the introduction of this bill will give clients and social workers a better platform for full client recovery and will empower the often powerless victim. The intent is to decrease violent acts and assist in the recovery and protection of victims which is why the Bill should be supported.

There is however very real member concern for the effectiveness of this Bill in reality. The duration of the non-contact order needs to be reviewed on a regular basis to have the best effect on client recovery and ensure victim safety. The terms and conditions and the process itself needs to be better explained and promoted. For some coming face to face with the offender they are trying to avoid will be detrimental to their progress and recovery.

To make a difference the non-contact order needs to deter the offender and be adhered to. The enforcement of the Bill and consequences for breaches will be the determining factors in whether or not it will actually protect victims.

In conclusion, our members are supportive of the Victims' Orders against Violent Offenders Bill on the condition that it is as effective in reality as it is on paper.