

30 JAN 2018

Dr Robert Shaw
fyi.org.nz

Dear Dr Shaw

I am replying to your Official Information Act 1982 (the Act) request of 13 December 2017, seeking a copy of the agreements that the Ministry of Justice have with Family Dispute Resolution (FDR) suppliers to incorporate the child's view in the mediation process.

In introducing changes to the FDR contracts in December 2016, the Ministry invited suppliers to strengthen the voice of the child as part of the FDR process, where appropriate.

Fully funded providers Fairway, Presbyterian Support Central and Family Works Northern have agreed with the Ministry different approaches to include the voice of the child within their service model.

Since 2014, Fairway has included the voice of the child in their FDR service model by having this as a fundamental part of parents' engagement in mediation. This means that whilst the child's voice is not directly sought, parents reflect on the child's voice as part of their mediation process in seeking resolution.

Presbyterian Support Central is currently researching literature and international good practice on how best a child's voice is facilitated in mediation. This research is expected to inform a pilot for them in early 2018.

Family Works Northern submitted a proposal in October 2016, which incorporates a specific session facilitated by one of their trained workers to capture the child's voice and for this to be presented at mediation.

The following documents fall within scope of your request and are attached:

- A copy of the email chain from Liam Knight, Manager Community Services approving the Child Consultation for Family Works Northern dated 19 September 2016.
- A copy of the email chain between the Ministry of Justice and Family Works Northern approving the sub-contractors for Child Consultation dated 25 November 2016.
- A copy of the email chain between the Ministry of Justice and the Presbyterian Support Northern dated 22 September 2016 agreeing with the training proposed by the FDR supplier.

If you are not satisfied with my response to your request, you have the right to make a complaint to the Ombudsman under section 28(3) of the Act. The Ombudsman may be contacted by writing to PO Box 10-152, Wellington.

Yours sincerely



Hayley MacKenzie

Manager (Acting), Provider and Community Services

Ref: 65086

Encl:

- Document 1
- Document 2
- Document 3

Pizarro, Rocio

From: Knight, Liam
Sent: Monday, 19 September 2016 8:37 a.m.
To: Johansson, Justine
Subject: RE: Child Consultation

Hi JJ

Good decision.
Liam

From: Johansson, Justine
Sent: Wednesday, 14 September 2016 4:05 p.m.
To: Knight, Liam
Subject: FW: Child Consultation

Hi Liam

In your absence I have told FWN that they can proceed with Child Consultation as part of the new model they deliver from 1 November.

However, I have also told them that we want to feedback on the process and policies document that they provided.

We need to ensure that the child consultation session is included as a PFM event, and the cost will not differ, that appropriate safety procedures are in place and confidentiality of information.

I hope this is ok? and you agree with my decision.

Ta
JJ

From: Timothy McMichael [mailto:timothy@resolution.org.nz]
Sent: Thursday, 8 September 2016 1:29 p.m.
To: Knight, Liam; Johansson, Justine
Cc: Wendy Hoskin
Subject: Child Consultation

Good afternoon Justine and Liam

Following our meeting last week, please find attached the collated responses of our family mediators who responded to our request for feedback.

We've attached all, showing an overall very positive view in favour of the proposed model, with one piece of feedback providing a balance which is always good.

We're very keen to proceed with recruiting and training up these new family workers, and mindful that we want to be ready to go on the 1st November, and with some staff leave coming up shortly, would appreciate your earliest feedback and approval for us to train up our workers in readiness for the 1st November.

Kind regards

Timothy



Resolution Service
Manager

Family Works Northern
111 Great South Road
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Timothy
McMichael

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Family Works Northern



Enliven Northern

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Pizarro, Rocio

From: Johansson, Justine
Sent: Friday, 25 November 2016 10:18 a.m.
To: Timothy McMichael
Subject: RE: Approval for 4 Sub Contractors please for Prep for Mediation (Child Consultation) Services

Oh sorry I understand now.

MoJ approval is given.

Thanks
Justine

From: Timothy McMichael [mailto:timothy@resolution.org.nz]
Sent: Friday, 25 November 2016 9:54 a.m.
To: Johansson, Justine
Subject: RE: Approval for 4 Sub Contractors please for Prep for Mediation (Child Consultation) Services

No attachment – I don't have all their names yet, as we won't be doing the training until Monday week! They were querying the contact we sent them as our contract to them says they need to be NZAC, NZAP etc etc or equivalent which we (FWRS) approved which we can't do until you OK it to us...

Hope this makes sense?

Cheers

Timothy

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From: Johansson, Justine [<mailto:Justine.Johansson@justice.govt.nz>]
Sent: Friday, 25 November 2016 9:31 a.m.
To: Timothy McMichael
Subject: RE: Approval for 4 Sub Contractors please for Prep for Mediation.(Child Consultation) Services

Morning Timothy

Is there supposed to be an attachment?
I can't see any details of the sub contractors.

Thanks
Justine

From: Timothy McMichael [<mailto:timothy@resolution.org.nz>]
Sent: Friday, 25 November 2016 8:50 a.m.
To: Johansson, Justine
Subject: Approval for 4 Sub Contractors please for Prep for Mediation (Child Consultation) Services

These 4 are all members of NZ Association of Family Therapists and will have undergone a day long FWRS Child Consultation training and will have been assessed as competent. All 4 work for Far North REAP in Kaitiaki as very experienced family and children's workers.

Kind regards

Timothy



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Pizarro, Rocio

From: Wendy Hoskin <Wendy.Hoskin@psn.org.nz>
Sent: Thursday, 22 September 2016 10:55 a.m.
To: Johansson, Justine
Subject: RE: Feedback regarding FWN proposed services for PFM

Thanks Justine



General Manager Development | Wendy Hoskin

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From: Johansson, Justine [mailto:Justine.Johansson@justice.govt.nz]
Sent: Thursday, 22 September 2016 10:11 a.m.
To: Wendy Hoskin; Knight, Liam
Cc: Timothy McMichael
Subject: RE: Feedback regarding FWN proposed services for PFM

Morning Wendy

Apologies for not getting back to you sooner.
 Thank you for the below email responding to our queries about the child consultation service.

Please go ahead with your planned training day and we look forward to working alongside you to ensure the service offered works well to help families.

Enjoy the rest of your week.
 Regards
 Justine

From: Wendy Hoskin [mailto:Wendy.Hoskin@psn.org.nz]
Sent: Thursday, 22 September 2016 8:55 a.m.
To: Johansson, Justine; Knight, Liam
Cc: Timothy McMichael
Subject: RE: Feedback regarding FWN proposed services for PFM

Hi Liam and Justine

Have you had a chance to consider our request – I need to cancel our planned training day if you aren't able to confirm at this stage.

Can you please update me to your thinking?

Thanks

Wendy



General Manager Development | Wendy Hoskin

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From: Timothy McMichael
Sent: Friday, 16 September 2016 1:17 p.m.
To: 'Johansson, Justine'
Cc: Knight, Liam; Wendy Hoskin
Subject: RE: Feedback regarding FWN proposed services for PFM

Afternoon Justine

Many thanks for getting back as promised.

In no particular order, I can confirm:-

1. We understand that any child consultation competent will be classed as the Preparation for Mediation, and that it will be seen as a subservient component to the actual family mediation meetings between the parties, and that it will come within the overall 12 hours available.
2. We will have copies of the scripted questions available by the 29th of September, along with a copy of the training programme. Annual leave from Monday will prevent this being sent to you I'm afraid. Nevertheless we do see this as essentially a professional practice issue. The training is being developed by Ian Tomkins, our FWN Professional Practice Leader, and by me.
3. Each FWN Service Centre Manager from each of the individual service centres will be nominating two staff members from their teams - 1 a SWIS worker and 1 a highly skilled family worker. Each staff member (who by default of being employed for their roles will already be a skilled child worker), will need to express a desire to be upskilled and be able to demonstrate they have the competences before their Service Manager will recommend them for the training. At the training the "trainees child consultants" will need to be able to demonstrate to the Clinical Practice Leader of FWN and me they have the necessary competencies to deliver the product. Only at that that point will they be sent referrals.
4. Referrals will come at the recommendation of the Family Mediators and only after informed consent has been received from the parties. We anticipate that perhaps no more than 20% of suitable cases will involve child consultation.

- 5. In most cases the child will need to be a minimum age of 10 and typically not above 16, and any requests for child consultation for children under this age will be made on a case by case basis to me, and will be seen as the exception.
- 6. We will be delivering a training to all our Family Mediators on the 28th November (as part of our annual region wide FDR Training Day) to be able to provide the outcome from the Child Consultation component to the parents in the appropriate way. NB Family Mediators won't be required to do this before then.

We hope that on the basis of this the MOJ will be able to give us confidence that we can go ahead and deliver the training as scheduled on the 30th September. To have to schedule our training around the other front line work that is already in the trainees diaries and this date works well for the majority. We understand that you will want to make sure that the service offered is appropriate, professional and acceptable and we undertake to work with you to make sure that this occurs.

If you think that approval is not likely to be gained can you please get back to Wendy early next week as we will need time to cancel our planned training and allow staff to fill their diaries with other commitments .

Thanks very much

Kind regards

Timothy



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From: Johansson, Justine [<mailto:Justine.Johansson@justice.govt.nz>]
Sent: Friday, 16 September 2016 11:26 a.m.
To: Timothy McMichael
Cc: Knight, Liam
Subject: Feedback regarding FWN proposed services for PFM

Morning Timothy

Thanks for your phone calls earlier this week. Please see the feedback below from the Ministry regarding the proposed services FWN would like to offer at Preparation for Mediation stage of the FDR process.

At our meeting on 31 August, we agreed that although the concept of an advanced PTS programme is good, it doesn't quite fit with FDR, and is not an appropriate service to offer under the new model at this stage.

We do however support the proposed child consultation component and asked you to gather feedback from your Family Mediators.

It is pleasing to see that overall, providers have a positive view in favour of this proposed component.

It would be helpful for us to have more information about the proposed service:

- We would be interested in seeing copies of the scripted questions that the child consultant will use, along with the resources and tools that are available to support them in this process.
- We would also like to understand how you have determined which staff from your service centres will be trained in this process and to see a copy of the one day training programme.
- If the delivery of this component is approved, how will this service will be offered to parties?
- Will it be dependent on the age of the children involved in the dispute? and what are the upper and lower limits? Will there be any exceptions?
- Who will make this decision, FWN Coordinators, or Mediators?

We will need to record in any FWN operating policy for this component, that when eligible parties use a child consultant session, this will be recorded as PFM and deducted from the total 12 hours available for PFM and Mediation. In circumstances where more than one child consultation session will take place, FWN Coordinators will ensure that the aim of FDR is for parties to attend mediation and reach agreement, so as not to take away from the purpose of the FDR process.

Regarding our conversation earlier this week, you should do what you feel is best in regards to bringing together FWN staff/mediators, please note the Ministry is unable to make any financial commitment to support this at this time.

I appreciate that we are all working to tight timeframes around the implementation of the new model, however we would seek your feedback on the above before progressing any further.

Thanks and regards

Justine Johansson
Senior Advisor Family Resolution Services
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