
Reporting outcomes from change-focused family violence perpetrator program work with court referrals – A discussion paper

RMIT Centre for Innovative Justice
Stopping Family Violence Inc.

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Written by Rodney Vlasis, Elena Campbell and Damian Green

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The **Centre for Innovative Justice (CIJ)** researches, advocates and applies innovative ways to improve the justice system with a particular focus on therapeutic jurisprudence, restorative justice and non-adversarial dispute resolution.

The CIJ's objective is to develop, drive and expand the capacity of the justice system to meet and adapt to the needs of its diverse users. The CIJ meets this objective by conducting rigorous research that focuses on having impact – taking our research findings, most of which involve direct engagement with service users, and using them to develop innovative and workable solutions.

Across our research we put our values into practice – ensuring that the process of the research is as useful as the ultimate 'product', that participants feel strengthened and empowered by their involvement, and that stakeholder engagement is built throughout. This supports implementation of the practical and achievable recommendations that the CIJ develops to inform its findings.

The CIJ runs a program of research concerning family and domestic violence (FDV). This includes a focus on how the legal system must function as part of an integrated system that responds to and prevents perpetration of FDV – with all parts of the system accountable for how they contribute to safety and reduce perpetrator-driven risk.

Stopping Family Violence (SFV) was formed in the belief that everyone deserves to live without fear of violence. The organisation's purpose is to help drive the social change that we believe is necessary to put an end to family and domestic violence.

SFV works to keep women and children, and others who experience gender-based violence, at the core of everything we do. For us, it is vital that all responses to FDV work to enhance safety and reduce risk for those experiencing FDV. We do this by focusing upon the cause of harm, which all too often is men in our communities. It is only through bringing into view and changing men's behaviour that we can hope to end FDV.

SFV works to drive change: by engaging with men (and with the services that support them) to help foster the changes that are necessary for them to stop choosing violence and to encourage alternative ways of behaving; by working with children and young people to address the trauma they have experienced as a result of FDV; by working with organisations that engage with men to change violent behaviours; and by working with the entire community to change perceptions about FVD and encourage people to stand together and stand up for anyone they believe may be in danger.

We do this work through pilot programs and action research, including the delivery of training programs within and across sectors; provision of some direct tertiary services work, and supervision for front-line and specialist workers; support for organisations who provide men's behaviour change programs or who may engage men who are violent in other ways; and by working in the community to raise awareness and change perceptions.

SFV also acts as a peak body for men's behaviour change programs in Western Australia and as part of this role convenes the WA Men's Behaviour Change Network.

Introduction

This discussion paper by the Centre for Innovative Justice (CIJ) and Stopping Family Violence (SFV) aims to stimulate discussion amongst Magistrates'/Local Courts and family and domestic violence (FDV) perpetrator change-focused program providers about the benefits of taking a collaborative approach towards setting, assessing and reporting outcomes of change-focused interventions.

The discussion paper accompanies a larger report by the CIJ and SFV, entitled *Signposts for assessing and reporting family and domestic violence perpetrator behaviour change*. This larger report provides an in-depth analysis of issues and considerations relevant to developing a framework of proximal indicators of a behaviour change process for use in reporting to referrers, monitoring program participants, tailoring interventions and in program evaluation.

The need for both papers stems in part from the reality that courts and statutory authorities regularly make decisions about the contact that a perpetrator can have with his family without much information about the type and nature of risk that he may continue to pose. In the absence of any more detailed information, these authorities often look to simplistic measures, such as the mere fact of an individual's attendance at a Men's Behaviour Change Program (MBCP), as an indication of reduced risk.

Participation in – or even completion of – an MBCP or other change-focused program, however, offers little, if any, indication in itself of a meaningful shift in a perpetrator's attitudes or patterns of behaviour. Relying on this type of measure may therefore lead inadvertently to decisions made on the basis of false assumptions that a perpetrator has been 'held accountable' simply by virtue of his referral to an MBCP and that his mere participation equates to him becoming a safer man.

Given this challenge, it is unsurprising that courts and statutory authorities ask for information about a perpetrator's 'progress' through his participation in an MBCP, other than just his attendance, because they are looking for guidance to inform their decisions. In the course of the CIJ's work with courts in the FDV context, therefore, some court staff or members of the judiciary have sometimes expressed frustration that they are generally not provided with any information other than attendance.

The request for further information, however, rests on an assumption that an MBCP is the custodian of sufficient – and sufficiently accurate – information about a perpetrator's risk, rather than just the custodian of *some* information that may be relevant at a particular point in time. The information that an MBCP possesses which can help to inform a current analysis of risk may or may not include recent disclosures or reports from the perpetrator's family, and may or may not encapsulate the full range of an individual's behaviours. The fullness of the information which is available to analyse risk and report to the court therefore varies significantly on a case-by-case basis.

Because of these caveats about the nature of the information that an MBCP can provide, practitioners have historically been reluctant to offer *any* comment about an individual perpetrator's participation or 'progress', due to the fear that such commentary could be misconstrued or given inappropriate weight by a decision-making authority. This position is adopted with the aim that information from an MBCP not contribute inadvertently to a decision which causes further harm, with any information provided accompanied by specific cautions that the perpetrator's mere participation in the program not be given any weight.

In the absence of anything else, however, decision-making bodies increasingly default to a perpetrator's attendance at a program to inform their decisions, reinforcing assumptions that participation in an MBCP equates to behaviour change.

For this reason, the CIJ and SFV consider that it is time for a cautious discussion about ways to reflect and report on the extent to which a perpetrator has started to take incremental steps on a journey towards becoming a safer man. This is to ensure that referring authorities do not make decisions on false assumptions. It is also to support the role of programs in the context of wider integrated and ongoing responses to a perpetrator's behaviours, including the continued development of a much-needed evidence base about perpetrator interventions on a broader scale.

Terminology

This discussion paper in part focuses on the concept of *signpost indicators* of the extent to which a perpetrator is engaging in a productive process towards becoming a safer man for current and/or future family members. A number of complexities and nuanced considerations in developing a framework of these indicators are explored in depth in the aforementioned larger report.

The CIJ and SFV emphasise in the larger report that these signposts are indicative of some of the *necessary* steppingstones that a perpetrator needs to make to be heading 'in a right direction'. They are not, however, *sufficient*. This is because a perpetrator might demonstrate these indicators, yet still not be making, or will not end up making, shifts in his violent and controlling behaviour. The fact that these indicators are conceptualised as necessary, but not sufficient, for the referrer and program provider to have some confidence that a perpetrator might be on a positive and productive journey of behaviour change is one of the several complexities explored in the larger report.

As such, this shorter paper and the larger report interchangeably use the terms 'proximal indicators', 'signpost indicators' and 'signposts', connoting variables that point towards possibilities of current and/or future shifts in behaviour.

The CIJ and SFV recognise the preference of many policymakers and practitioners to adopt terms other than 'perpetrator' in policy and written practice guidance. The term is adopted in this paper, however, due to its brevity, and because women's activist movements against gender-based violence have not determined that use of the term 'perpetrator' should be discontinued. The CIJ and SFV – like many gender-based violence policymakers and advocates – do not recommend the use of this term for adolescents who use harm against family members or in teenage relationships, nor for women who use force in the context of being victim-survivors of FDV.

Neither of these cohorts are addressed in this paper. The CIJ's program of research concerning adolescents who use violence at home highlights the vulnerability of these young people, including their legal status as children and the fact that any use of harm is frequently a manifestation of their own experiences as victim-survivors of violence.¹

¹ Campbell, E., Richter, J., Howard, J., & Cockburn, H. (2020). *The PIPA project: Positive Interventions for Perpetrators of Adolescent violence in the home (AVITH)*. ANROWS, (Research Report 04/2020).

Similarly, it is important to note here that a large and growing volume of research – including a number of studies conducted within Australia – demonstrate that a high proportion of women in heterosexual relationships who have been assessed by first responders (for example, police) as a (or the) perpetrator in a FDV situation are not the predominant aggressor in the relationship.² The distinction here is between women using one or a small number of isolated acts of force as self-defence, as part of their general resistance to their male partner’s use of patterned coercive control, as opposed to the widespread, continuous and patterned use of violence by the male adult in the family. Programs working with women who use force are substantially different from MBCPs³ and, as such, require a distinct body of work separate from that explored through this paper.

What is meant by a ‘perpetrator change-focused program’?

Historically, the term ‘perpetrator intervention’ – essentially meaning ‘specialist perpetrator intervention’⁴ – has been considered synonymous with MBCPs run by community sector organisations, as well as with violent offending behaviour programs run in Correctional contexts. Over the past decade, however, a wider set of specialist interventions and programs have arisen beyond those that aspire towards having sufficient intervention power to deliver comprehensive and sustainable behaviour change outcomes.

It could be argued that all perpetrator interventions work towards safety, human rights and dignity for individuals, families and communities affected by the violent and controlling behaviour of program participants. Taken as a whole, perpetrator interventions work towards this fundamental aim by pursuing a number of strategic objectives:

² Boxall, H., Dowling, C., & Morgan, A. (2020). Female perpetrated domestic violence: Prevalence of self-defensive and retaliatory violence. *Trends & issues in crime and criminal justice*, no. 584. Canberra: Australian Institute of Criminology; Larance, L., & Miller, S. (2017). In her own words: women describe their use of force resulting in court-ordered intervention. *Violence Against Women*, 23(12), 1536-1559; Mansour, J. (2014). *Women defendants of AVOs: What is their experience of the justice system?* Women’s Legal Service NSW; Nancarrow, H., Thomas, K., Ringland, V., & Modini, T. (2020). *Accurately identifying the “person most in need of protection” in domestic and family violence law* (Research report, 23/2020), Sydney: ANROWS; No to Violence (2019). *Predominant aggressor identification and victim misidentification. Identifying predominant aggressors remains a challenge to family violence responses*. NTV discussion paper, Melbourne; Office of the Family Violence Reform Implementation Monitor (2021). *Monitoring Victoria’s family violence reforms: Accurate identification of the predominant aggressor*. Melbourne: State of Victoria; Warren, A., Martin, R., Chung, D. (2020). *Women who use force: Final Report*. Volume 2 – International Literature Review. Melbourne: University of Melbourne; Women’s Legal Service of Victoria (2018a). *Snapshot of police Family Violence Intervention Order applications: January – May 2018*; Women’s Legal Service of Victoria (2018b). *“Officer she’s psychotic and I need protection”: Police misidentification of the ‘primary aggressor’ in family violence incidents in Victoria*. Policy Paper 1.

³ Kertesz, M., Humphreys, C., & Larance, L.Y. (2021). *Interventions for women who use force in a family context: An Australian Practice Framework*. Melbourne: University of Melbourne; Kertesz, M., Humphreys, C., Ovenden, G., & Spiteri-Staines, A. (2020). *Women who use force: Final Report. Volume 1 – Executive Summary*, Positive Shift Program, Evaluation of Positive Shift, and Practice Framework. Melbourne: University of Melbourne.

⁴ Recent analysis and focus on perpetrator intervention systems have helped to highlight that any direct or indirect engagement with a perpetrator can be considered an ‘intervention’. Analogous to how it ‘takes a village to raise a child’, it can take a number of services and influential people in a perpetrator’s life over some period of time to assist him to take incremental shifts towards taking responsibility for his behaviour. Any intentional and considered engagement with the perpetrator that focuses on appropriate opportunities to assist in this process – without going beyond the parameters of one’s expertise and role – can be considered a perpetrator intervention in this sense. However, the term is often used to mean perpetrator interventions or perpetrator intervention *programs* conducted by services and practitioners with partial or full specialisation in engaging FDV perpetrators. This is the sense in which this term is being used in this paper.

- Immediate and short-term safety gains for those affected by the perpetrator’s violence, through effective risk responses that engage with him in ways to contain risk.
- Enhanced comprehensive and ongoing risk assessment through augmenting information obtained from victim-survivors and from other sources with risk-relevant information and insights gained from direct or indirect engagement with the perpetrator.
- Enhanced understanding and mapping of the perpetrator’s patterns of coercive control, and of the impacts of these patterns on adult and child victim-survivors and on family functioning.
- Strengthened ongoing and longer-term risk management through contributing to a multi-agency integrated response that keeps the perpetrator within view and that scaffolds pathways towards accountability, beyond his involvement in any single intervention.
- Strengthened advocacy and support provided to adult and child victim-survivors, both individually and as parent-child units, through the partner and family safety contact component associated with some perpetrator interventions.
- Enhanced perpetrator motivation to participate genuinely in perpetrator intervention programs, as well as enhanced readiness to change, through supporting the development of internal motivation(s) to replace external motivations gradually and progressively.
- Shifts, even if only incremental and partial to begin with, in the perpetrator’s violent and controlling behaviour.
- Longer-term and more substantial and sustainable shifts in the perpetrator’s patterns of coercive control.

It is crucial to note that engaging perpetrators in specialist intervention programs can, in many instances, produce benefits for adult and child victim-survivor safety and wellbeing, even in the absence of any incremental or longer-term behaviour change outcomes. This reflects the potential positioning of perpetrator interventions as part of a systems response, to assist partner agencies within the local or regional system to fulfil their responsibilities to manage risk and to keep the perpetrator within view.

As outlined and featured here from an earlier paper by the CIJ and SFV,⁵ engagement with and responses to FDV perpetrators can occur at a number of different points over time along a spectrum of interventions. This spectrum can be divided into *front-end*, *middle-point* and *back-end* (or ‘intensive’) interventions.

Front-end interventions typically take place in the days or one to two weeks after a precipitating FDV incident or after the perpetrator becomes known to the system through other means. These include proactive attempts to telephone male FDV respondents⁶ based on active referrals from police, and court-based respondent workers who engage with men appearing for protection order proceedings in Magistrates’/Local Courts.

⁵ See pp. 56-60 of Vlasis, R., Campbell, E., & Green, D. (2019). *Foundations for family and domestic violence perpetrator intervention systems*. RMIT Centre for Innovative Justice and Stopping Family Violence.

⁶ Respondents to a police or victim-survivor application for a protection order, and/or respondents to immediate police-imposed conditions.

While sowing seeds for possible ‘back end’ interventions at a later point, the objectives of these front-end interventions are often based on reducing risk in the immediate term, as well as on increasing compliance with civil or criminal justice system conditions related to a perpetrator’s use of FDV. Front-end interventions often involve one-off contact with a perpetrator or, at most, a small number of contacts over a short period of time.

Next along the continuum, extending in time beyond the front-end, are those interventions that work with perpetrators in the short-term after initial referral, over a period of some weeks to a few months. These ‘middle-point’ interventions include specialist FDV men’s coordinated case management work to address risk factors accentuating the frequency and intensity of a perpetrator’s use of violence; to increase his capacity and willingness to engage in change-focused behaviour change interventions; and to introduce some very preliminary behaviour change work, such as basic violence interruption strategies. While these middle-point interventions have potential to help reduce risk in the short-term and to build capacity for participation in back-end programs, they generally cannot pursue intensive behaviour change goals or work towards significant and long-term reductions in his tactics of coercive control.

At the back end of this spectrum are MBCPs and other relatively more intensive interventions that attempt to work with men over a longer period. While MBCPs feature prominently in this part of the spectrum, other examples include Corrections-based supervision when this involves an active case management component, as well as intensive FDV-informed fathering programs, such as Caring Dads.⁷

This part of the spectrum includes post-MBCP interventions designed to support and extend the changes made through an MBCP. It also includes coordinated case management approaches designed to work with high-risk high-harm perpetrators over several months – often in close collaboration and coordination with law enforcement, justice system and child protection authorities – to reduce and contain risk amongst perpetrators who are not changing (or likely to change) through participation in an MBCP.⁸

Only some perpetrator interventions have a change-focused element that attempts to facilitate significant shifts in the perpetrator’s violent and controlling behaviour and patterns of coercive control. At the back end, MBCPs and Corrections-run FDV-focused violent offending behaviour programs are obvious examples; some short-term middle-point interventions can also work towards behaviour change outcomes.⁹

This discussion paper will centre on perpetrator interventions with a change-focused element. As such, it will use the term *change-focused program* to refer to perpetrator interventions, generally those operating at the back end of a spectrum of perpetrator interventions, which have a significant focus in facilitating behaviour change outcomes.

⁷ <https://caringdads.org/>

⁸ Robinson, A., & Clancy, A. (2020). ‘Systematically identifying and prioritising domestic abuse perpetrators for targeted intervention’. *Criminology & Criminal Justice*, Online First, April 8, 2020; See also <http://driveproject.org.uk/about/research-evaluation/>

⁹ See, for example: Scott, K., Heslop, L., Kelly, T., & Wiggins, K. (2015). Intervening to prevent repeat offending among moderate- to high- risk domestic violence offenders: A second-responder program for men. *International Journal of Offender Therapy and Comparative Criminology*, 59(3), 273-294.

It is important when using this terminology to reiterate, however, that facilitating behaviour change might be only one, and not even the most important, component of a change-focused program. For some change-focused programs, and in relation to some perpetrators whose behaviour proves difficult to shift, the benefits of engaging him in the program might fall mostly outside behaviour change outcomes.

In this sense, the term 'change-focused program' is used in this paper for those interventions that involve a significant change-focused component, and that work towards significant shifts in a perpetrator's behaviour, even if facilitating behaviour change is not the most important pathway through which the intervention will work towards its fundamental aim.

Reporting outcomes to courts

This section foreshadows change-focused program providers beginning to expand reporting beyond program attendance dates. It explains why program providers have historically been hesitant to report anything more than attendance dates, and why this practice is gradually changing. It also outlines implications of how such reporting will need to focus on changes in risk, rather than the perpetrator's 'progress', and of the limitations on the conclusions that program providers are able to reach in their reporting.

Reporting, confidentiality and consent

First, however, it is important to clarify what is meant by 'reporting'. The focus in this paper is not on the sharing of risk-related information between program providers and courts as part of ongoing risk assessment and risk management processes. Program providers are obviously often in regular contact with courts and other referrers and systems agencies as part of contributing towards a systems response to assessing and managing risk.

Rather, our paper focuses on the practice of change-focused program providers in reporting the outcomes of a perpetrator's participation in the program. This would generally occur through:

- the provision of exit reports at the conclusion of the perpetrator's participation in the program, whether this has occurred by virtue of the perpetrator having completed the program, discontinued the program before completion ('dropped out'), or having been exited from the program by the provider (for example, due to continuous disruptive behaviour or absence of any motivation to change his behaviour);
- responding to requests from the referrer for updates of the perpetrator's 'progress' during the course of the intervention; or
- the program provider proactively offering updates during the course of the intervention (for example, in relation to a perpetrator making little or no genuine effort to focus on his behaviour).

This paper mainly focuses on MBCP reporting to Magistrates'/Local Courts through civil law pathways where respondents to a protection order are mandated to attend an MBCP. This paper is also relevant, however, for arrangements in criminal jurisdictions where sentencing for a FDV-related crime is delayed for a set period of time, pending a perpetrator's participation in an MBCP; as well as to court-ordered participation in MBCPs associated with Correctional processes (for example, mandated participation in an MBCP as a Community Corrections or probation order condition).

Beyond the legislated and formal mechanisms described above, of course, any Magistrate can refer a respondent or offender to an MBCP on a voluntary basis. The degree to which such referrals are considered mandatory by the perpetrator depends in part on the skill of the Magistrate or what consequences might potentially arise if the perpetrator does not follow through with the referral. In other words, whether:

- there is any monitoring of the perpetrator’s follow-through after the referral is made;
- the perpetrator is expected to return to the court at a later date after participation in the MBCP for any reason; and
- whether the court will request a report or updates from the MBCP provider about the outcomes of the perpetrator’s participation in the program.

There are few circumstances in Australia where courts *systematically* seek updates or exit reports from MBCP providers as part of a formal program that spans across multiple courts, as distinct from any arrangements put in place by a specific Magistrate in a specific court. Indeed, judicial monitoring of FDV perpetrators is still quite rare across the vast majority of Magistrates’ or Local Courts in Australia.¹⁰

Some degree of Magistrate-specific judicial monitoring occurs on a variable basis. Some Magistrates, for example, adopt the practice of adjourning a matter (or, where relevant, deferring sentencing) to enable time for a perpetrator to participate in an MBCP and for the program provider to report back to the court on outcomes of the man’s participation in the program. On occasions, some Magistrates delay the finalisation of a protection order (that is, maintaining the order as interim for an extended period) to provide a reason for the respondent to return to court in several months’ time so that an MBCP provider has time to work with him and compile a report for the court.¹¹

In addition to significant variation in judicial requests for reports, change-focused perpetrator program providers vary substantially in terms of the reporting they provide to courts and statutory authorities. Some providers construct exit reports for most perpetrators who have participated in their program while, for others, this occurs only occasionally.

This variance between program providers depends on several factors, such as:

- the program’s referral patterns and sources, including the proportion of referrals which stem from particular mandated referrers;
- any reporting requirements specified in service agreements when a mandated referrer is a/the funder of the program;
- the provider’s stance about reporting to referrers, including the level of confidence that the provider has that referrers will use the information provided appropriately and productively;
- the provider’s approach and practices concerning coordination and collaboration with other agencies; and
- how issues of confidentiality and consent are approached.

¹⁰ Fitz-Gibbon, K., Maher, J., Thomas, K., McGowan, J., McCulloch, J., Burley, J., & Pfitzner, N. (2020). *The views of Australian judicial officers on domestic and family violence perpetrator interventions* (Research report, 13/2020). Sydney: ANROWS; Spencer, P. (2016). Strengthening the web of accountability: Criminal courts and family violence offenders. *Alternative Law Journal*, 41(4), 225–229.

¹¹ These arrangements are contentious, due to consequent delays in the finalisation of protection orders for victim-survivors.

Complexities in providing exit reports to referrers

The first iterations of minimum standards for running MBCPs in Victoria significantly limited the feedback that program providers could give to courts and other mandated referrers seeking exit reports.¹² First developed by No to Violence in 1995 and revised in 2006,¹³ these had significant influence Australia-wide, and shaped practice in reporting to referrers during the first few decades of MBCP work in Australia.

Most, if not all, MBCP minimum standards both in Australia and overseas, including those developed by No to Violence, emphasise(d) the critical importance of MBCPs providing information to referrers and other relevant agencies about issues of risk, in the course of these issues arising during a man's participation in a MBCP. The role of MBCPs in proactively engaging in information sharing activities in a timely manner to support coordinated and collaborative risk management responses to elevated risk has never been contentious.

By contrast, providing an exit report to mandated referrers regarding a man's participation in a program, outside the context of information sharing as part of an integrated response to manage escalations in risk, has until recently been strongly discouraged in the field. Minimum standard 29 in the (now outdated) No to Violence 2006 minimum standards stated:

When providing any information to a court or other statutory body, providers include information about the complexities and uncertainties of men's behaviour change work. They do not:

- *Provide any feedback about men that helps them to avoid penalties, or that lessens the strength of a justice or child protection response to their use of violent and controlling behaviour.*
- *Provide a court or other statutory body with any comments about men's behaviour outside the group, or with timelines for behaviour change or family reunification.*¹⁴

As such, at that time No to Violence advised that feedback letters to a court or other statutory authority should be guided by the following example:

The above named man has attended xxx sessions in the [insert name of program]

The process of behaviour change is a long one, and participation in our program is in no way predictive of positive change. Whilst there is evidence that men can and do modify their behaviour, research over the longer term demonstrates that it is exceedingly difficult to predict which men will sustain positive change or for how long.

¹² No To Violence. (2006). *Men's behaviour change group work: Minimum standards and quality practice*. Melbourne: No To Violence Male Family Violence Prevention Association.

¹³ The third iteration of Victorian state standards for MBCPs were published in 2018, with ownership transitioned from No to Violence to the government authority Family Safety Victoria.

¹⁴ *ibid*, p.100

Furthermore, any views that we might hold about xxx's behaviour outside the group are conjecture, based on our own observations, and what xxx and his family members say. Confidentiality precludes us making public any information from xxx's family members.

*As such, we can make no comments on xxx's behaviour now or in the future.*¹⁵

Essentially, MBCP providers were required under the minimum standards to report a list of the perpetrator's attendance dates and no more than that. The rationale for this minimum standard and suggested approach to exit report writing was stated as follows:

Usually men who are directed to participate by a statutory body are required to prove their attendance by having a facilitator sign an attendance sheet. However, courts or child protection workers do occasionally request information additional to an attendance record. Facilitators sometimes find themselves asked to give feedback on a man's participation in the group, his attitudes, and behaviour in or outside the group, or timelines for 'improvement in his behaviour'. In child protection matters, sometimes staff are asked to suggest reunification timelines.

Clearly, facilitators' views about a man's behaviour outside a group are conjecture, based on their own observations of the man, and what he and his family members say. Confidentiality precludes making public any information from family members, which can mean that facilitators are unable to back up their assertions and/or that only the man's voice is heard.

*For these reasons, NTV recommends that program staff do not provide a court or other statutory body with any comments about a man's behaviour outside the group, or timelines for behaviour change or family reunification. Furthermore, NTV strongly discourages providing information about a man's participation or behaviour in a group, as likelihood of this information being taken out of context, misunderstood, or misused is too great.*¹⁶

In the context of reporting to courts, NTV's stance was heavily influenced by concerns that any reports provided to a Magistrate about a perpetrator's behaviour would, if related to a civil or criminal jurisdiction matter, be made available to the perpetrator and his legal counsel as a matter of due legal process. In situations where information about the perpetrator's behaviour is sourced from victim-survivors, this can generate a risk of the perpetrator increasing his violent and controlling behaviour to prevent further disclosures from the adult victim-survivor and to punish her. This is a significant issue which this paper and the accompanying larger report attempt to address.

¹⁵ No To Violence. (2006). *Men's behaviour change group work: Resources for quality practice*. Melbourne: No To Violence Male Family Violence Prevention Association. p. 8

¹⁶ *Men's behaviour change group work: Minimum standards and quality practice*, p. 99

A change in course: Is reporting participation dates enough?

Based on valid concerns, NTV's stance over a period of approximately twenty years has shaped MBCP practice across Australia in providing exit reports to courts and to other mandated referrers. Calls to reconsider this practice, however, have accelerated. The NSW minimum standards for MBCPs, published initially in 2011 and revised in 2017, adopted the vaguely worded standard:

*Standard 5.8: MBCP providers must comply with the requirements of a referring agency to report on participants' completion of a program.*¹⁷

While this wording can be criticised as being too open to interpretation – understood literally, it can erroneously suggest that referring agencies have the power to 'dictate' what information should be included in exit reports – it earmarked a shift from the earlier stance taken by NTV.

An expanded view of exit reporting to referrers has also been adopted by Family Safety Victoria (FSV) in the current minimum standards for MBCP work in Victoria, which have been fully supported by NTV.¹⁸ The relevant minimum standard now states:

*Standard 4.4: A report should be made following the perpetrator's completion, termination or withdrawal from the program. The report must include: • reason for termination or withdrawal • assessment of risk (pre and post program) • attendance at the program • any relevant referrals.*¹⁹

This cautious 'opening up' of suggested MBCP practice in providing exit reports to referrers has taken place for at least two reasons.

First, as emphasised in the FSV minimum standards, the reporting of service attendance dates alone is not sufficient to assist mandated referrers to understand how the risk posed to adult and child victim-survivors might have (or not have) shifted – in either direction – at the point of the perpetrator's exit from the program, compared with the initial point of referral. This consideration corresponds with calls in the practice-based literature to focus exit reporting on changes in risk, rather than on the man's behaviour change 'progress',²⁰ a difference that will be unpacked below.

A second consideration concerns an increasing recognition of the roles and responsibilities of mandated referrers to be an effective part of perpetrator intervention systems, and to be part of a collective responsibility for scaffolding journeys of perpetrator accountability and to keep perpetrators within view.²¹ While the male family violence intervention field remains reluctant to provide information which

¹⁷ NSW Department of Justice (2017). *Practice standards for men's domestic violence behaviour change programs*. Sydney, Australia: State of New South Wales. p. 17

¹⁸ No to Violence published an implementation guide to assist program providers to interpret the FSV minimum standards [No to Violence (2018). *Implementation guide: Men's behaviour change minimum standards*] – however, this provides no additional guidance to standard 4.4.

¹⁹ Family Safety Victoria (2018). *Men's behaviour change minimum standards*. Melbourne, Australia: State of Victoria. p.11

²⁰ Shephard-Bayly, D. (2010). Working with men who use violence: the problem of reporting 'progress'. *Australian Domestic and Family Violence Clearinghouse Newsletter*, 39, 6-8.

²¹ State of Victoria (2016). *Royal Commission into Family Violence: Report and recommendations*, Vol III, Parl Paper No 132 (2014–16); Vlasis, R., & Campbell, E. (2019). *Bringing pathways towards accountability together: Perpetrator journeys and system roles and responsibilities*. Melbourne, Australia: RMIT University; Vlasis, R., Campbell, E., & Green, D. (2019).

could be misunderstood and misapplied in problematic and potentially dangerous ways, it is now becoming recognised that referrers need to be equipped with the knowledge and understanding required to use such information appropriately.

Accordingly, the CIJ and SFV argue in this paper that child protection, court-based and Correctional services referrers are often placed in the position of making important – sometimes crucial – decisions that can have major bearings on adult and child victim-survivor safety and wellbeing. Not to trust them with any information at the point of a man’s exit from a program other than attendance dates could deny the information they need to make appropriate and safe decisions to the best of their ability.

Reporting on risk, rather than on progress

As highlighted above, some MBCP provider concerns about reporting anything other than service attendance dates centre on the understandable hesitation to respond to questions about perpetrator ‘progress’. The CIJ and SFV share this hesitation and note the difference between reporting on risk, rather than reporting on progress.

Reflecting upon his experience managing MBCPs in South Australia, Shephard-Bayly strongly cautioned against reporting about men’s progress over a decade ago.²² Highly relevant to the current paper, it is worth quoting Shephard-Bayly at length:

FF ... we are often asked to comment on how much ‘progress’ men have made in the group. Our assessments may in turn inform important decisions such as: where the offender resides; whether contact with the partner or children is permitted; and sentencing outcomes... However, our experience suggests that using the notion of men’s ‘progress’ as the basis of these decisions can be problematic and potentially dangerous.

One of the main challenges we face is to report men’s ‘progress’ within a context that acknowledges the history of violence towards their partners and/or children. The reporting of ‘progress’ can be extremely problematic due to underreporting of domestic violence within the criminal justice system. Even when reported to police, the evidence required for conviction tends to lead to both a low conviction rate and convictions primarily for physical acts of violence and abuse. As a result, the starting point from which a man may make any ‘progress’ is often a more extensive use of violence and abuse than is apparent at face value.

... in the absence of women and/or children’s feedback, any reporting of ‘progress’ focused only upon a man’s favourable attendance, group interaction, understanding and application of the [men’s behaviour change] concepts is vastly inadequate. Such reporting cannot claim to reflect levels or occurrence of violence. Even where feedback from partners is available, including this information within formal reports without further endangering victims may be extremely difficult.

Foundations for family and domestic violence perpetrator intervention systems. RMIT Centre for Innovative Justice and Stopping Family Violence.

²² Shephard-Bayly D. (2010). Working with men who use violence: the problem of reporting "progress". *Australian Domestic and Family Violence Clearinghouse Newsletter*, 39, 6-8.

Another factor to consider is that during the time when men attend stopping violence programs, they are usually subjected to significant monitoring, for example by police, courts, correctional services, domestic violence services, child protection services and possibly their partner. Program attendees may face serious criminal, statutory and/or social sanctions for further acts of violence or non-compliance, including incarceration, child protection orders, family law orders or separation. Because of this monitoring, the man may be on his 'best behaviour'

... It is often counterproductive to violence reduction goals to assume that men's 'progress' can be ascribed to the men's group program. Ironically, if the complex array of factors that enable 'progress' to be made in relation to men's violence (including criminal justice responses, support for women and children, monitoring and intervention) are not formally acknowledged, then this may lead to decisions that discontinue these very measures, on the basis of the presumed 'success' of the men's group.²³

Critiquing the notion of reporting on a man's 'progress' to referrers at the completion of the program, Shephard-Bayly emphasises the alternative of reporting on the risk, at that point, that the man poses to those experiencing his violence:

FF *... we have identified a number of strategies that serve as effective alternatives to 'progress' reporting... One of our main responses has been to ensure that the principles of safety and accountability are prioritised within 'progress' reports for men attending [our program]. These principles have shaped a number of practices. Men's reports are qualified with clear statements if and when men's demonstrated behaviour within intervention sessions is not correlated with actual behaviour change outside of the group. Where available and when safe, the feedback from men's partners, former partners or children is included within the report. Men's self-disclosure around additional, unreported acts of violence and/or abuse and patterns of power and control are included.*

At a systems level, the implementation of risk and safety reports for women has been a vital component in documenting women's experiences and highlighting domestic violence risk factors within the criminal justice system... where 'progress' reports are requested by other statutory agencies, concurrent women's and children's risk and safety reports may be submitted by women's or children and young people's advocates. Both of these practices serve to challenge the often minimised, blaming and manipulative accounts offered by men who use violence.²⁴

A focus on reporting on risk rather than on the man's progress provides agencies who have the responsibility to keep the perpetrator within view to update their risk management strategies – rather than to just assume that risk has been lowered (or eliminated) due to the man's completion of the program.

²³ Ibid, pp. 6-7

²⁴ Ibid, p. 7

Shephard-Bayly's analysis is entirely consistent with the intent of FSV minimum standard 4.4, focusing the need for exit reporting to be based on key issues concerning risk, for example:

To what extent does the perpetrator pose a risk of continuing to use FDV – and of continuing to use particular FDV tactics – despite current service system responses designed to limit his opportunity and inclination to use violence?

What is the likelihood that the perpetrator will return to using FDV once those service system responses are relaxed or removed?

To what extent is this man a high-risk high-harm perpetrator, who is likely to pose a risk to future victim-survivors in future family configurations, and who therefore needs to be prioritised in terms of monitoring by the perpetrator intervention system?

Reporting on proximal indicators

Reporting on changes in risk, rather than the perpetrator's 'progress', has important implications in terms of the use of a framework of proximal or signpost indicators, the focus of the larger report accompanying this more targeted paper.

When a user of violence is clearly not demonstrating crucial proximal indicators of a behaviour change process – for example, if despite his participation in the change-focused intervention he continues to deny or minimise most of his use of violent and controlling behaviour, and/or focuses little attention on its impacts – then exit reports should draw a direct line in terms of what this means for the current and future risk that the perpetrator poses to family members.

If according to available disclosures from his family and/or direct observations of his participation in the program, however, he appears to be demonstrating some of these requirements, exit reports should not then assume that he has become a 'changed man'. A more nuanced analysis of what the perpetrator's demonstration of these indicators means in the context of current and ongoing risk is required.

Indeed, as outlined in the larger report accompanying this paper, drawing conclusions about current and ongoing risk is more straightforward when the person using violence is *not* demonstrating indicators or signposts of the fundamental requirements of a behaviour change process. It is clear that, outside of other systems interventions that might be temporarily reducing risk (such as responses by police, courts and statutory authorities), if a perpetrator is not demonstrating these signposts he is very unlikely to be a safer man for current and/or future family members to be around.

More complex, however, is if the perpetrator appears to be demonstrating many of the signposts. An example is when, by the end of the program, a perpetrator is disclosing a meaningful proportion of his use of violence, reflecting genuinely on impacts, and appears to be developing internal motivations to change. The CIJ and SFV caution against automatic conclusions in these situations that the risk landscape has now substantially changed and that the perpetrator no longer remains a risk to family members.

The pathways through which behaviour change journeys translate into building safety and reduced risk are complex. The ability of a person using violence to demonstrate some of the early fundamentals required in a behaviour change process does not necessarily mean that risk has reduced at that point. Even at program completion, it can sometimes be difficult to know how genuine, deep or sustainable these elements of the journey have become.

A difficulty here is that, in many situations involving court-referrals of perpetrators to a change-focused program, the perpetrator understandably has limited (or in some cases no) contact with family members due to protection order or other conditions stemming from the court. It is very common for perpetrators in these situations to complete the program while the order is still in place, meaning that there have been limited opportunities for the perpetrator to have demonstrated whether these signposts of change actually translate into changed behaviour with family members.²⁵

In this respect, the demonstration of proximal indicators cannot be taken to mean that the perpetrator has changed his behaviour but, rather, that there are indications that the perpetrator is stepping into a behaviour change journey and engaging in *processes of change*. Whether this will lead to eventual changes in behaviour is something that change-focused program providers are often unable to answer, as firm evidence might not be discernible until well after the program provider has discontinued work with the man.

Future developments in MBCP reporting to courts

It is difficult to predict the future developments that might arise in terms of formal arrangements between Magistrates'/Local Courts and MBCP providers involving the mandated referrals of FDV perpetrators, particularly arrangements that span across multiple courts within a jurisdiction. If the past fifteen years are any indication, the establishment of new programs by jurisdiction-wide court authorities or justice departments involving the mandated referral of protection order respondents, or of offenders as part of a deferred sentencing arrangement, will occur infrequently.

These programs generally require new legislation. They are also costly because, to be effective, they require at least some degree of FDV specialisation to be present in the broader court context. These requirements might include specialist FDV processes to support victim-survivors, court-based respondent workers, judicial officers and registry staff with sufficient training and supervision to become at least part-specialised in FDV matters, as well as an enhanced emphasis on coordination and integration.²⁶

It is likely, however, that momentum towards increased collaboration between Magistrates'/Local Courts and MBCP providers will build, albeit in a gradual fashion. Indeed, beyond any developments in formal collaborative arrangements linked to jurisdiction-wide approaches, momentum towards Magistrates'/Local Courts becoming more embedded within local integrated responses is likely to lead to opportunities for program providers to report to the court regarding outcomes of perpetrator participation in a program. The extent to which these opportunities translate into actual reporting practice will depend on the nature of locality-specific collaborative relationships.

²⁵ Of course, there are many situations where perpetrators have some contact with victim-survivors permitted by the protection order or other court conditions, for example with their partner and children in relation to co-parenting issues.

²⁶ Bond, C., Holder, R., Jeffries, S., & Fleming, C. (2017). *Evaluation of the specialist domestic and family violence court trial at Southport*. Griffith Criminology Institute; Stewart, J. (2010). *Specialist Domestic Violence Courts: What we know now – how far have Australian jurisdictions progressed?* Australian Domestic and Family Violence Clearinghouse, Topic Paper.

As outlined previously, perpetrators frequently begin and end participation in an MBCP with a protection order in place, given that these orders are generally in place for a period of twelve months (often beyond the length of program participation). In general, protection orders lapse after the specified period unless extended by the court upon application by police or the victim-survivor. In situations where a protection order is due to expire and a perpetrator is not demonstrating movement towards many of the steps required to begin a process of behaviour change, the risk management (and ethical) question is whether the program provider has a responsibility to inform the court of the potentially heightened risk that victim-survivors might face once the order expires.

Of course, in these situations the court cannot initiate action to prolong the order unless the matter is listed to return to court at expiry or unless police or the victim-survivor/s apply for an extension. In jurisdictions where legal mechanisms exist for orders to be prolonged through police or child protection authority application, however, MBCP reporting to the court can occur 'indirectly' through supporting third party action by these authorities.

MBCP reporting can also assist in relation to the variation of protection order conditions. For example, during the course of a perpetrator's participation in a program, it might become clear to a MBCP provider that the perpetrator's use of violent and controlling behaviour towards his partner is having substantial impacts on child and family functioning.

If a current protection order is in place with no or insufficient conditions limiting or focusing on safety and wellbeing issues during child contact, MBCP reporting can assist child protection authorities or police to apply for these conditions to be strengthened (or more fundamentally, for children to be named on the order if they currently are not).²⁷

For these reasons, the practice of change-focused program providers reporting to courts in relation to court-referred perpetrators is only likely to increase. This raises the important consideration of how Magistrates'/Local Courts can actively collaborate with program providers to maximise the benefits of this reporting, and take an FDV-informed approach towards seeking and using this information in ways that genuinely improve safety and reduce risk.

²⁷ Indeed, where jurisdiction specific FDV protection order legislation allows, supporting child protection authority and police action to apply for strengthened order conditions can be an alternative to child protection removal of children from the non-perpetrating parent.

Reporting to family courts

The ways in which many FDV perpetrators make use of the family law system to control and punish victim-survivors, and to target mother-child relationships, are widely documented.²⁸ Unfortunately, the family law system is highly amenable to manipulation by perpetrators and is ill equipped to respond to FDV issues, particularly in the context of a legislative emphasis on shared parenting.²⁹

There is little existing data on the frequency of family law system referrals of FDV perpetrators to MBCPs. It is likely that NGOs that simultaneously provide family law services (for example, through Family Relationships Centres) and MBCPs are generating internal referrals from the former to the latter on a voluntary basis. For example, a recent evaluation of the Family Advocacy and Support Services (FASS) suggests that men's FASS practitioners are referring some perpetrators to MBCPs (again, on a voluntary basis). There were no indications, however, of the volumes in which such referrals are occurring.³⁰ Certainly, the Fourth Action Plan of the National Plan of Action to Reduce Violence Against Women and their Children includes funding to place men's workers within all FASS locations, with the intention to generate referrals to MBCPs.³¹

Referrals generated through these parts of the family law system are unlikely to result in reporting requests, as they are informal and voluntary. The generation of formal referrals through the family law system to MBCPs in Australia is, at best, unsystematic, and likely to be occurring at low volumes.

Anecdotal reports suggest that, when a man is referred to a MBCP in the context of a family law matter, generally no referral documentation accompanies the referral. Often, the referral transpires through the perpetrator simply saying at MBCP intake that he has been asked by the Family Court Judge or by his solicitor to attend the MBCP. In these situations, it is usually unclear to whom the MBCP provider would actually report, and whether the relevant court would be amenable to receiving a report at the completion of the perpetrator's participation in the program. More streamlined referral processes that involve clear expectations and processes of reporting back in the context of the family law jurisdiction are likely to occur in contexts where a MBCP provider has developed a strong collaborative working relationship with the court in question.

²⁸ Campbell, E. (2017). How domestic violence batterers use custody procedures in family courts to abuse victims, and how courts can put a stop to it. *UCLA Women's Law Journal*, 24(1), 41-66; Laing, L. (2017). Secondary victimization: Domestic violence survivors navigating the family law system. *Violence Against Women*, 23(11), 1314-1335; Roberts, D., Chamberlain, P., & Delfabbro, P. (2015). Women's experiences of the processes associated with the family court of Australia in the context of domestic violence: A thematic analysis. *Psychiatry, Psychology and Law*, 22(4), 599-615; Silberg, J., & Dallam, S. (2019). Abusers gaining custody in family courts: A case series of overturned decisions. *Journal of Child Custody*, 16(2), 140-169; Thiara, R., & Humphreys, C. (2017). Absent presence: The ongoing impact of men's violence on the mother-child relationship. *Child & Family Social Work*, 22(1), 137-145.

²⁹ Australian Law Reform Commission (2019). *Family law for the future: An inquiry into the family law system*. ALRC Report 135. Commonwealth of Australia; Kirchner, I., & Tassone, S. (2020). *Submission to the Joint Select Committee on Australia's Family Law System*. Melbourne, Victoria: No to Violence; Ratus, Z. (2020). A history of the use of the concept of parental alienation in the Australian family law system: Contradictions, collisions and their consequences. *Journal of Social Welfare and Family Law*, 42(1), 5-17.

³⁰ Inside Policy (2018). *An evaluation of the Family Advocacy and Support Services: Final report*. Prepared for the Attorney General's Department of the Australian Government.

³¹ <https://plan4womenssafety.dss.gov.au/initiative/dedicated-mens-support-workers-in-all-family-advocacy-and-support-services/>

On this issue No to Violence recently wrote:

FF *MBCPs currently receive only a small number of referrals through the family law system. While a significant number of MBCP participants have current family law proceedings or parenting orders, they are rarely referred into the program by the family law system, and there is virtually no information shared between the MBCP and the family law system.*³²

There have been multiple calls in recent years for referral processes of FDV perpetrators from family law jurisdictions to MBCP providers to become more streamlined and formalised, to contribute towards assessments of fathers' safe parenting capacity.³³ No to Violence writes:

FF *The assessment of men's safe parenting capacity in the context of a history of family and domestic violence perpetration is complex. There is no single assessment tool or template that can be used by non-family violence specialists to determine whether a father is making progress in addressing and reducing his use of family and domestic violence; and whether he is engaging in reparative, restorative and responsible parenting mindful of the effects that his violence has had and is having on his partner, his children and the mother-child bond. Many family and domestic violence perpetrators engage in a range of behaviours and tactics to undermine their partner's or former partner's confidence and ability to parent, and the relationship she has with her children. MBCPs, working with men over a period of time and collaborating with child protection authorities and family services providers, are in the best position to provide accurate and informed advice in family court situations about the risk that family and domestic violence perpetrators pose to their children, and whether he is making the changes required to provide safe, reparative and restorative parenting.*³⁴

These calls have included recommending the establishment of an independent body that would serve a similar function to the Children and Family Court Advisory and Support Service (CAFCASS) in the UK, commissioning reports from relevant services to assist the Family Court to make determinations that are in the best interests of the child, including when FDV is involved.³⁵ CAFCASS is one of the largest referrers of men to domestic violence perpetrator programmes (DVPPs) in the UK, requesting reports from these providers regarding the extent of the perpetrator's safe parenting capacity in FDV situations.

While any such developments are a matter for the future, it is likely that momentum towards a more streamlined and formal process for referring perpetrators through the family court will build at some point. As the above comments from No to Violence attests, reporting on safe parenting capacity in the context of FDV is complex, and requires a focus on the father's patterns of behaviour including towards his (ex)partner and those impacting her relationship with their children.

³² Kirchner, L., & Tassone, S. (2020), *ibid*, p. 10

³³ Family Law Council (2016). *Families with complex needs and the intersection of the family law and child protection systems: Final report*. Attorney General's Department: Commonwealth of Australia; Kirchner, L., & Tassone, S. (2020), *ibid*.

³⁴ Kirchner, L., & Tassone, S. (2020), *ibid*, p. 10

³⁵ See <https://www.cafcass.gov.uk/grown-ups/parents-and-carers/domestic-abuse/>

Program completion is not a success criterion

In a range of key policy papers published in recent years, the CIJ, SFV and other Australian and international organisations have warned strongly against referrers assuming that a perpetrator's completion of a MBCP or other change-focused intervention is in itself an indicator of change.³⁶ This is due to the overwhelming evidence that outcomes of participation in an MBCP vary substantially between perpetrators, and that it is highly difficult to predict at the outset of an intervention what its impact will be and whether it will help to reduce risk.³⁷

This section of the paper will argue that, if court or statutory authorities refer a perpetrator to a change-focused program due to concerns about the risk and impacts that their behaviour poses to family members, *the referrer should assume there has been no reduction in risk associated with the perpetrator participating in and completing the program unless information is provided to the contrary by the program provider.* The available evidence suggests that, while MBCPs can work towards successful outcomes in reducing risk, this does not happen consistently enough for referrers to equate program completion with a reduction of risk.

Limiting reporting to attendance dates feeds the incorrect assumption

An erroneous assumption frequently made by referrers to MBCPs – across child protection and justice system contexts – is that program completion (in terms of the perpetrator meeting all program attendance requirements) automatically translates into behaviour change. In the context of high caseload pressures, it is understandable that many referrers would seek to consider their responsibilities as having been discharged by 'getting the perpetrator to a program.'³⁸ Given that correlations between program completion and sustained behaviour change outcomes are moderate at best, this assumption often results, however, in referrers basing decisions which have important bearings on risk and safety primarily on administrative milestones, rather than on any actual changes in risk.

When reporting a list of attendance dates, MBCP providers often include strong provisos about the inappropriateness of reading too much into a perpetrator's program participation and completion metrics. The NSW 'Towards Safe Families' manual, for example, recommends the following text be included in program exit reports:

³⁶ Centre for Innovative Justice (2018). *Beyond 'getting him to a program': Towards best practice for perpetrator accountability in the Specialist Family Violence Court context.* Melbourne, Australia: RMIT University; Day, A., Vlasis, R., Chung, D., & Green, D. (2019). *Evaluation readiness, program quality and outcomes in men's behaviour change programs* (Research report, 01/2019). Sydney, NSW: ANROWS; Mandel, D. (2020). *Perpetrator intervention program completion certificates are dangerous.* White paper. Safe and Together Institute; Respect (2017b). *Respect Outcomes Framework.* London: Respect UK; Scott, K., & Crooks, C. (2006). Intervention for abusive fathers: Promising practices in court and community responses. *Juvenile and Family Court Journal*, 29(44), 29-44; Vlasis, R., & Green, D. (2018). *Developing an outcomes framework for men's behaviour change programs: A discussion paper.* Stopping Family Violence.

³⁷ Arce, R., Arias, E., Novo, M., & Fariña, F. (2020). Are interventions with batterers effective? A meta-analytical review. *Psychosocial Intervention*, 29(3), 153–164; Cheng, S-Y, Davis, M., Jonson-Reid, M., & Yager, L. (2021). Compared to what? A meta-analysis of batterer intervention studies using non-treated controls or comparisons. *Trauma, Violence & Abuse*, 22(3), 496-511; Day, A., Vlasis, R., Chung D., & Green, D. (2019); Wilson, D., Feder, L., & Olaghere, A. (2021). Court-mandated interventions for individuals convicted of domestic violence: An updated Campbell systematic review. *Campbell Systematic Reviews*, 17(1), open access.

³⁸ Centre for Innovative Justice, 2018, *ibid.*

The process of behaviour change is a long one, and participation in our program is in no way predictive of positive change. While there is evidence that men can and do modify their behaviour, research over the longer term demonstrates that it is exceedingly difficult to predict which men will sustain positive change or for how long ... We strongly believe that men should not use their participation in men's behaviour change programs as a means to avoid the penalties that they are due, or in any other way to lessen the strength of a justice or child protection response to men's violent and controlling behaviour. We urge you not to take xxx's participation in our program into account when making decisions.³⁹

It is highly unlikely, however, that the inclusion of cautions such as these make much, if any, difference to the meanings that referrers draw from 'program completion'. Indeed, these cautions are directly contradicted when program exit reports contain no information other than a list of service attendance dates. In this situation, the unintended but inherent message is that, if program attendance dates are the only thing reported, then that is the main or sole type of information on which referrers should base decisions. In other words, the provision of attendance dates alone feeds the assumption that program completion is the most important proximal outcome or signpost on which to base decisions. This would potentially be one of the considerations driving any future shift that providers may consider making towards including additional information when reporting to courts.

Notifying referrers of perpetrators who are clearly not reaching 'first or second base'

MBCP practitioners frequently come across situations, at the mid-point or at a later stage in a program, where perpetrators are still clearly and unambiguously not taking responsibility for their behaviour; and where they clearly have not yet commenced in any genuine way on a journey of change. Providers also come across perpetrators who are taking initial tentative first steps towards taking responsibility, but are struggling to progress beyond 'first base', despite being close to completion of the program.

In these situations, the risk that the perpetrator poses to affected victim-survivors might (or might not) be temporarily lower as a result of him being monitored by the system, and/or as a result of protection order or other court order conditions with which he might be motivated to comply. Once these temporary restraints on and monitoring of his behaviour are removed, however, it is unlikely that these perpetrators will become safer men for current and/or future family members to be around.

These situations – of perpetrators who either demonstrate no genuine steps towards taking responsibility, or who make some initial fledgling steps but do not shift any further – are not uncommon. The CIJ and SFV foresee a shift where MBCP providers will draw upon a framework of proximal/signpost indicators to communicate this kind of information clearly and consistently to a referring court, so as to focus on why particular perpetrators should still be considered a significant risk to victim-survivors.

This is not to say that these perpetrators will not, at a later point, become safer and less controlling men. Rather, the focus of reporting in these situations is to convey that the lack of demonstrating particular signposts relative to time in the program, makes it highly unlikely that the perpetrator in question poses

³⁹ NSW Department of Attorney General and Justice (2012). *Towards safe families: A men's domestic violence men's behaviour change practice guide*. Sydney: Government of NSW. Written by No to Violence and Red Tree Consulting.

less of a risk to, and impact on, victim-survivors, beyond the temporary risk-reducing effects of other system mechanisms.

As outlined in the larger report accompanying this paper, the CIJ and SFV have conducted preliminary work on a framework of signpost indicators that would help change-focused programs to articulate and report this information about these perpetrators to referrers.

Reporting of this kind is not just important in the context of program exit. Change-focused program providers can also proactively report this information at earlier points, in a timely manner to have input into referrer decision-making, given that reserving this reporting until exit reporting can sometimes be too late. Timely reporting of this kind would enable the referrer and other key systems agencies to make informed decisions regarding their case plans and direct and indirect engagement with the perpetrator.

Increasing visibility of perpetrator patterns of behaviour

The sole focus on program completion also contributes to the continued invisibility of perpetrators. This is in the sense of the lack of attention to their patterns of behaviour; the impacts of these patterns on victim-survivors; and identifying what is required for these perpetrators to be accountable to these impacts. Equating accountability with program attendance and completion can be dangerous practice, especially given that some perpetrators who have completed an MBCP adopt the narrative “I’ve done my bit, it’s now her [the victim-survivor’s] responsibility to do hers”. Qualitative research into the experiences of victim-survivors whose partner has completed a MBCP is unfortunately replete with examples of how perpetrators have used their participation in a program as leverage, or as a direct or indirect tool to further control a victim-survivor’s behaviour.⁴⁰

A sole focus on program attendance and completion can potentially collude with these narratives, by inadvertently implying that the perpetrator has met his accountability requirements solely through attending the program. This practice can also result in information about his patterns of behaviour remaining ‘locked away’ within the program provider’s case file notes or undocumented knowledge, thereby inaccessible to other agencies and services who engage with the perpetrator or with victim-survivors, either now or in the future.

⁴⁰ Chung, D., Anderson, S., Green, D., & Vlasis, R. (2020). *Prioritising women’s safety in Australian perpetrator interventions: The purpose and practices of partner contact* (Research report, 08/2020). Sydney: ANROWS; Day, A., Vlasis, R., Chung D., & Green, D. (2019); McGinn, T., Taylor, B, McColgan, M. (2019). A qualitative study of the perspectives of domestic violence survivors on behavior change programs with perpetrators, *Journal of Interpersonal Violence*, online ahead of print; Opitz, C. (2014). Considerations for Partner contact during men’s behaviour change programs: Systemic responses and engagement. *Ending Men’s Violence Against Women and Children: The No to Violence Journal*, Autumn, 114–142.

What success means

In this section of the paper, the CIJ and SFV briefly focus on considerations of how to define ‘success’ in the context of court-referred or court-mandated, change-focused program provision. The section alludes to the width and breadth of relevant success criteria within the context of a focus on risk, and how success criteria need to be considered on a case-by-case basis, informed by an understanding of the experiences and needs of the victim-survivor and their family. The analysis in this section is informed in part by a recent SFV paper on considerations in developing an outcomes framework for MBCP work.⁴¹

Defining ‘success’ in court-based contexts

The variable nature of court approaches towards the referral of FDV perpetrators to change-focused programs – in subsequent judicial monitoring, and in expectations about any reporting from services to which perpetrators are referred – is underpinned in part by widely disparaging views about what perpetrator interventions are able to achieve, as well as how success is defined. Recent nation-wide ANROWS research on the perspectives of judicial officers found that:

FF *Interviewees’ definitions of successful interventions in the context of DFV offending varied widely. There was little consistency within jurisdictions or among similar roles when defining the effectiveness of DFV interventions, with measures of “success” ranging from prevention, to reduction in recidivism, improving safety outcomes for victims/survivors, demonstrated attitudinal change by perpetrators, or simply ensuring accountability (as defined by each interviewee).*

These diverse responses reflected a lack of cohesion nationally among judicial officers about the objectives of perpetrator interventions in both general and individual contexts. In fact, interviewees in similar roles within the same jurisdiction frequently conceptualised success very differently to each other, suggesting their approaches were highly individualised and grounded in personal understandings of dynamics of DFV, belief in whether behaviour change was achievable, and even basic definitions of “interventions”⁴²

The researchers further noted:

FF *Despite the lack of consensus generally about defining “success” in relation to perpetrator interventions for DFV, clear themes emerged where interviewees considered either decreased recidivism, behavioural change, and/or better outcomes for victims/survivors as key measures of the effectiveness of interventions. However, again, there were diverse views about the extent to which each of these indicators could be measured and, particularly in respect to behavioural change, how that could best be achieved and/or demonstrated. These views were evidenced by both judicial officers and MBCP providers reflecting on their work.*

⁴¹ Vlasis, R., & Green, D. (2018). *Developing an outcomes framework for men’s behaviour change programs: A discussion paper*. Stopping Family Violence.

⁴² Fitz-Gibbon, K., Maher, J., Thomas, K., McGowan, J., McCulloch, J., Burley, J., & Pfitzner, N. (2020). *The views of Australian judicial officers on domestic and family violence perpetrator interventions* (Research report, 13/2020). Sydney: ANROWS. pp. 56-57

... some judicial officers thought that behaviour change was difficult to achieve and sustain in the long term, particularly when using one-off interventions, thus making it difficult to assess the impact of interventions on an individual's behaviour. These disparate views often reflected the underlying differences in interviewee understandings of DFV dynamics and beliefs in the ability of interventions to change behaviour ... Some judicial officers viewed any engagement with an MBCP (regardless of completion) positively and some MBCPs encouraged repeated engagement with programs, as they viewed behaviour change as an incremental process. For those interviewees, "success" was defined by ongoing engagement, rather than a specific outcome.⁴³

The research, however, indicated fairly consistent support amongst judicial officers and MBCP providers alike for Magistrates to have a clear role in contributing towards perpetrator accountability, as well as for strengthened judicial monitoring and oversight. These views are broadly consistent with findings from a recent review of international best-practice approaches towards strengthening perpetrator accountability in the context of specialist FDV courts. This review highlighted, amongst other things, the important role that MBCP reporting can perform in assisting judicial monitoring and oversight in the context of an integrated response that promotes both accountability-based and 'therapeutic' goals.⁴⁴ Indeed, several judicial officers in the above-mentioned ANROWS research acknowledged the incremental nature of behaviour change and that, particularly for higher-risk perpetrators, courts have a role in monitoring perpetrators over a considerable period of time, spanning across multiple interventions and across periods where perpetrators do not comply.

Complexities in determining success criteria

Defining success in FDV MBCP work has been a difficult and contested issue since this work began. Several bodies of work, research publications and practice guides over the past ten years have attempted to explore this issue and provide options for MBCP evaluators and program providers. This has included:

- the delineation of outcome indicators based on qualitative research with women victim-survivors concerning what success means for them stemming from their partners' or former partners' participation in a program;⁴⁵
- research exploring child victim-survivor perspectives;⁴⁶

⁴³ *ibid*, p. 59

⁴⁴ Centre for Innovative Justice (2018). *Beyond 'getting him to a program': Towards best practice for perpetrator accountability in the Specialist Family Violence Court context*. Melbourne, Australia: RMIT University.

⁴⁵ Westmarland, N., Kelly, L., & Chalder-Mills, J. (2010). *Domestic violence perpetrator programmes: What counts as success?* London: Respect.

⁴⁶ Alderson, S., Kelly, L., & Westmarland, N. (2013). *Domestic violence perpetrator programmes and children and young people*. London and Durham: London Metropolitan University and Durham University; Lamb, K. (2017). *Seen and heard: embedding the voices of children and young people who have experienced family violence in programs for fathers*. PhD thesis. University of Melbourne; Noble-Carr, D., Moore, T., & McArthur, M. (2020). Children's experiences and needs in relation to domestic and family violence: Findings from a meta-synthesis. *Child & Family Social Work*, 25(1), 182-191.

- the use of Quality-of-Life indicators for measuring changes in victim-survivor wellbeing;⁴⁷
- analyses of the applicability of potentially relevant psychometric scales with validated psychometric properties;⁴⁸ and
- broader outcome frameworks that attempt to scope the complexities, nuances and wide-spanning objectives inherent in MBCP work.⁴⁹

Determining success criteria for MBCP work has proven difficult, partly as a result of the significant variability in how this work is conceptualised and, indeed, in how FDV itself is understood.⁵⁰ This is highlighted by a recent attempt to identify scales with strong psychometric properties for potential use in the evaluation of MBCPs.⁵¹ Many of the available scales with proven psychometric properties were found to be based on a conceptual and theoretical understanding of FDV which sits at odds with current understandings of coercive controlling violence, and would be seen by many in the field as measuring the wrong things.

Added to this complexity is the established understanding that MBCPs, like other specialist perpetrator interventions, operate most safely within the context of multi-agency and multi-sector integrated FDV responses. Defining what success means in MBCP work is influenced by the overall objectives of any given integrated response, as well as how those involved in the response (including courts) define and work towards victim-survivor safety and perpetrator accountability.⁵²

In this context, a successful outcome of a man's participation in an MBCP or other change-focused intervention can mean many different things, depending on the situation. Indeed, there are numerous ways in which a successful outcome can occur *even if there are no significant improvements in the perpetrator's behaviour stemming from the intervention*. These can include when:

- the intervention results in much more being known about a perpetrator's patterns of coercive controlling behaviour, his motives to engage in such behaviour, his violence-supporting beliefs and about other dynamic risk factors, therefore enabling a more informed integrated response to manage risk;
- the system as a whole becomes more able to respond to each family member in more FDV-informed ways (for example, services become less susceptible to systems abuse tactics by the perpetrator, and are less judgemental of the victim-survivor's choices and actions), as a result of this enhanced understanding of a perpetrator's patterns of behaviours and impacts on child and family functioning;

⁴⁷ McLaren, H., Fischer, J., & Zannettino, L. (2020). *Defining quality of life indicators for measuring perpetrator intervention effectiveness* (Research report, 05/2020). Sydney, NSW: ANROWS.

⁴⁸ Nicholas, A., Ovenden, G., & Vlasis, R. (2020). *The Evaluation guide: A guide for evaluating behaviour change programs for men who use domestic and family violence* (ANROWS Insights, 02/2020). Sydney: ANROWS.

⁴⁹ Respect (2017b). *Respect Outcomes Framework*. London: Respect UK; Vlasis, R., & Green, D. (2018). *Developing an outcomes framework for men's behaviour change programs: A discussion paper*. Stopping Family Violence.

⁵⁰ These complexities are scoped in the Stopping Family Violence discussion paper, Vlasis, R., & Green, D. (2018), *ibid*.

⁵¹ Nicholas, A., Ovenden, G., & Vlasis, R. (2020), *ibid*

⁵² Gover, A., Boots, D., & Harper, S. (2021). *Courting justice: Tracing the evolution and future of Domestic Violence Courts*. *Feminist Criminology*, 16(3), 366-381.

- a perpetrator’s breaching of a court order or other statutory authority conditions becomes known to the integrated response due to the added visibility afforded through his participation in the program, that might otherwise have occurred ‘under the radar’;
- a perpetrator’s ex/partner feels and is more supported as part of the parallel family safety support component of the perpetrator intervention; and/or when
- a perpetrator’s ex/partner and children have (at least slightly) more space for action and autonomy in their lives due to the increased visibility on the perpetrator, even though he might not be making any sustainable shifts in his behaviour.

Focusing success criteria exclusively on the question “Has he changed his behaviour?” renders important potential outcomes such as these invisible.

Determining success criteria on a case-by-case basis

To this effect, recent work on conceptualising the foundational principles that are required to underpin strong perpetrator intervention systems – that is, how agencies, sectors and workforces take collective responsibility for responding to perpetrator-driven risk, as well as for scaffolding processes and journeys of perpetrator accountability both in the short and longer-term – serves as an essential backdrop to how the success of any constituent perpetrator interventions are defined.⁵³

At the very core of determining what success means for how perpetrator interventions can contribute towards strong perpetrator intervention systems is how the oft-used term ‘perpetrator accountability’ is defined. Recent thinking and practice guidance in this area has challenged the default understanding of perpetrator accountability as mechanisms that are ‘done to’ perpetrators, inviting new conceptualisations that are based on an understanding of perpetrator patterns of behaviour and their impacts on adult and child victim-survivors, as well as accountability of constituent parts of a system to victim-survivor needs.⁵⁴

Identifying the outcomes that matter to a victim-survivor and their family rests upon an understanding of the perpetrator’s specific patterns of FDV behaviours, and the impacts of these behaviours on child and family functioning. The goals for the intervention depend on knowing what the perpetrator needs to do differently – to stop doing, to start doing, to do more of – as determined by what will make a difference to the victim-survivor and to her family. This includes knowing what would make a difference to them in terms of intermediate or incremental outcomes or shifts towards reduced risk and towards them having some more space for action and autonomy in their lives.

⁵³ Chung, D., Davis, K., Cordier, R., Campbell, E., Wong, T., Salter, S., Austen, S., O’Leary, P., Brackenridge, J., Vlasis, R., Green, D., Pracilio, A., Young, A., Gore, A., Speyer, S., Mahoney, N., Anderson, S., & Bisset, T. (2020). *Improved accountability: The role of perpetrator intervention systems* (Research report, 20/2020). Sydney: ANROWS; Vlasis, R., Campbell, E., & Green, D. (2019). *Foundations for family and domestic violence perpetrator intervention systems*. RMIT Centre for Innovative Justice and Stopping Family Violence.

⁵⁴ New Zealand Family Violence Death Review Committee (2020). *Sixth report | Te Pūrongo tuaono: Men who use violence | Ngā tāne ka whakamahi i te whakarekerekere*. Wellington: Health Quality & Safety Commission; Vlasis, R. (2020). *Recasting accountability*. Video-based resource commissioned by the Caboolture Perpetrator Accountability Task Group; Vlasis, R., Campbell, E., & Green, D. (2019), *ibid*

As outlined in our 2019 report *Foundations for family and domestic violence perpetrator intervention systems*,⁵⁵ understanding and mapping the perpetrator’s patterns of behaviour, and understanding what those impacted by his behaviour need to see as outcomes from a perpetrator intervention as a result, requires a collaborative approach involving those agencies and services that have direct or indirect windows into the perpetrator’s behaviour. MBCP and other change-focused program providers will be considerably impeded if they need to start from scratch in this mapping, in situations where courts and other services have valuable information that they could share.

This paper further argues that, based on the available information that courts have through engagement with victim-survivors and perpetrators, as well as through other less direct means, courts can collaborate with MBCP providers to help establish the intervention goals in relation to any perpetrator referred to the program. As such, while there will be some commonalities across case goals for many perpetrators, the outcomes used to gauge the impact of the intervention would be determined on a case-by-case basis, through a collaborative case planning approach.

Indeed, the CIJ and SFV argue that, as more information about outcomes becomes provided over the coming years, Magistrates’/Local Courts should not consider themselves as simply a recipient of this information. Rather, this change in practice will afford opportunities for courts to collaborate with MBCP providers towards determining the goals of the intervention for each perpetrator on a case-by-case basis. In turn this will help courts to perform an active role in helping to define the success criteria for each case.

Practical complications in assessing intermediate outcomes

Two practical issues complicate the ability to evaluate intermediate level outcomes related to shifts in a perpetrator’s behaviour. The first concerns variability in the availability of information about the man’s behaviour from victim-survivors. While partner and family safety contact is widely recognised as a crucial component of MBCPs, the ability of partner contact practitioners to reach out to victim-survivors is influenced by a wide variety of factors. These include:

- perpetrator gatekeeping of their partner’s access to services;
- her previous experience of support services and what this means for the degree of trust she has in the partner/family safety contact service;
- limitations in the capacity of the partner/family safety contact service and high caseloads;
- parallel processes through which partner/family safety contact work can become marginalised and de-prioritised at an organisational level relative to the work with the men; and
- organisational policies that restrict the ability of partner/family safety contact to be offered as a service in its own right independent of the man’s participation or lack thereof in the program.⁵⁶

⁵⁵ Vlasis, R., Campbell, E., & Green, D. (2019), *ibid*

⁵⁶ Chung, D., Anderson, S., Green, D., & Vlasis, R. (2020). *Prioritising women’s safety in Australian perpetrator interventions: The purpose and practices of partner contact* (Research report, 08/2020). Sydney: ANROWS.

These and other factors result in information about the man's behaviour, from the perspective of the victim-survivor, not being available to the program provider for a significant proportion of men participating in MBCPs.

A second and related practical limitation concerns the significant proportion of perpetrators referred into MBCPs who do not currently reside with their partner and family, and who have limited contact as a result of conditions of a protection order or other court order. In many of these situations, particularly when a child protection authority is involved, feedback from the MBCP provider to the referring organisation after the man has completed the program is used to make a judgement about whether it is safe for the man to reunite with his family, if reunification is desired by his family members.

If the man does become reunited with his family at this point, given that his participation in the program has ended, there is often no service system 'eyes' on him to determine how his behaviour actually pans out. In other words, due to his lack of or limited contact with his family during his participation in the MBCP, it is often not possible during this time to attempt to assess intermediate level outcomes concerning shifts in his actual behaviour.

This is also an issue for MBCP participants who are not in a current relationship and who have little or no contact with any of their past partners against whom they used violence.

These difficulties in assessing intermediate (let alone ultimate) outcomes of MBCP work necessitates, in some circumstances, an increased focus on evaluating *immediate* outcomes. In other words, it requires proximal indicators that might be 'signposts' that a perpetrator is 'on a journey' *towards* achieving shifts in his behaviour that would make a positive and important difference in the lives of those affected by his use of violence.

As this paper highlights, drawing conclusions on the basis of proximal or signpost indicators can be fraught in some situations. For example, it can be tricky to interpret positive indications gauged solely from the quality and nature of the man's participation in the program and his associated discourse and contributions, when there is no partner contact associated with the case or where his contact with his family is limited.

Despite these difficulties, there is a substantial need to conceptualise and define a set, or sets, of proximal indicators associated with MBCP work. This is the focus of the larger report written by the CIJ and SFV that accompanies this paper. While the adoption by MBCP and other change-focused program providers of the use of proximal indicators for perpetrator monitoring and case evaluation will be gradual, we anticipate that Magistrates'/Local Courts and statutory authorities may be likely to see the beginning of this shift in practice in the coming years.

Realistic expectations of success

Establishing realistic expectations for what any single MBCP or other specialist perpetrator intervention can achieve is crucial.⁵⁷ Facilitating meaningful shifts in a perpetrator's patterns of behaviour – including patterns of coercive control that impact significantly on adult and child victim-survivor safety and wellbeing and on family functioning as a whole – can take considerable time. For some perpetrators, in some situations, facilitating meaningful shifts in these patterns is too much to expect from participation in any single MBCP alone.⁵⁸ Indeed, it can often not be clear by the end of a perpetrator's participation in a program exactly what shifts in behaviour have been achieved and in what direction, as well as what shifts are likely to be sustained or only temporary.

Behaviour change as an incremental process

When conceptualising FDV as patterns of behaviour, and considering what adult and child victim-survivors might require a perpetrator to do differently to regain space for action and control over their lives, it is not surprising that the behaviour change process can, in some circumstances, require multiple specialist interventions over time. Indeed, the evidence concerning the effectiveness of single intervention programs is not strong.⁵⁹

Outcomes vary substantially across perpetrators and across circumstances, with many practitioners being able to attest to having reliable knowledge about at least some anecdotal examples of positive behaviour change through reports by a man's partner at program completion, or even at follow-up. With particular respect to patterned, coercive controlling violence, however, the behaviour change process can often be very long. A single change-focused program might result in the cessation of some tactics and patterns of controlling behaviour – either on a temporary or longer-term basis – but not in others. Indeed, while a single change-focused program might also change a perpetrator's patterns of coercive controlling behaviours more broadly, in some circumstances, it *cannot be expected* that this will occur.

Further, in some circumstances, a perpetrator's involvement in a single program can result in inadvertent negative consequences that makes things worse for adult and child victim-survivors. Several recent Australian and overseas studies have documented victim-survivor experiences of their partner's or former partner's participation in an MBCP being associated with a worsening of his patterns of coercive control.⁶⁰

⁵⁷ Day, Vlasis, Chung & Green (2019); Vlasis, R., Ridley, S., Green, D., & Chung, D. (2017). *Family and domestic violence perpetrator programs: Issues paper of current and emerging trends, developments and expectations*. Perth, Australia: Stopping Family Violence.

⁵⁸ Mandel, D. (2020). *Perpetrator intervention program completion certificates are dangerous*. White paper. Safe and Together Institute.

⁵⁹ Arce, R., Arias, E., Novo, M., & Fariña, F. (2020). Are interventions with batterers effective? A meta-analytical review. *Psychosocial Intervention*, 29(3), 153–164; Cheng, S-Y, Davis, M., Jonson-Reid, M., & Yager, L. (2021). Compared to what? A meta-analysis of batterer intervention studies using non-treated controls or comparisons. *Trauma, Violence & Abuse*, 22(3), 496-511; Day, A., Vlasis, R., Chung, D., & Green, D. (2019); Travers, A., McDonagh, T., Cunningham, T., Armour, C., & Hansen, M. (2021). The effectiveness of interventions to prevent recidivism in perpetrators of intimate partner violence: A systemic review and meta-analysis. *Clinical Psychology Review*, 84, online access; Wilson, D., Feder, L., & Olaghere, A. (2021). Court-mandated interventions for individuals convicted of domestic violence: An updated Campbell systematic review. *Campbell Systematic Reviews*, 17(1), open access.

⁶⁰ Chung, D., Anderson, S., Green, D., & Vlasis, R. (2020). *Prioritising women's safety in Australian perpetrator interventions: The purpose and practices of partner contact* (Research report, 08/2020). Sydney: ANROWS; Day, A., Vlasis,

The length of the intervention – or string of interventions – and scaffolding required for a behaviour change process for any given perpetrator will depend on several factors. These include the degree of risk that the perpetrator poses to adult and child victim-survivors; the complexity of the risk landscape and of the perpetrator’s patterns and tactics of coercive control; and the complexity of needs that interfere with his capacity to engage meaningfully in the work. The reality is that, in many circumstances, a single change-focused program is likely to result in incremental, rather than wholesale, shifts in a perpetrator’s behaviour.

R., Chung, D., & Green, D. (2019); McGinn, T., Taylor, B, McColgan, M. (2019). A qualitative study of the perspectives of domestic violence survivors on behavior change programs with perpetrators, *Journal of Interpersonal Violence*, online ahead of print; Opitz, C. (2014). Considerations for Partner contact during men’s behaviour change programs: Systemic responses and engagement. *Ending Men’s Violence Against Women and Children: The No to Violence Journal*, Autumn, 114–142.

Concluding comments: the benefits of taking a collaborative approach

Given the need for realistic expectations about the power of any single change-focused program to produce incremental, rather than wholesale, shifts in perpetrator behaviour, the broader context of perpetrator intervention systems in which both courts and change-focused program providers sit is vital. MBCPs and other change-focused programs are only one part of a broader service system, and cannot be solely responsible for what behaviour change outcomes do or do not occur with respect to any given perpetrator. Change-focused programs might be the only interventions that work intensely on facilitating behaviour change outcomes; however, their ability to do this depends to varying extents upon the actions of other parts of the service system – actions before, during and after the perpetrator’s participation in the change-focused program.

Building upon the concept of a *web of accountability* initially coined by Smith and her colleagues,⁶¹ and to support the implementation of Recommendation 85⁶² of the Victorian Royal Commission into Family Violence, the CIJ conceptualised the common and differentiated responsibilities for perpetrator engagement by a range of services that make up a perpetrator intervention system, including those with little or no specialisation in FDV.⁶³

This mapping process covers a wide terrain, focusing on roles and responsibilities that both precede and run parallel to a perpetrator’s participation in a change-focused intervention. Readers are directed to the CIJ’s report for further details.⁶⁴

It is crucial to keep in mind that change-focused perpetrator interventions cannot solely ‘bear the brunt’ of the hard work required to reduce perpetrator-driven risk. Many users of violence will never get to a MBCP or other change-focused program; and if they do, the MBCP will have limited success if other responses to the perpetrator are lacking, unskilled or counterproductive. All services and responders have roles and responsibilities, to a wider or narrower extent, to contribute towards reducing perpetrator-driven risk, even amongst those who will not be embarking on change-focused interventions.

Subsequent collaborative work by the CIJ and SFV situated this mapping within broader discussion about foundational principles of potentially robust perpetrator intervention systems. The second of these principles was expressed as follows:

⁶¹ Smith, J. (2013). *Experiences of consequences accountability and responsibility by men for their violence against women and children*. PhD dissertation. University of Melbourne; Smith, J., Humphreys, C., & Laming, C. (2013). The central place of women’s support and partner contact in men’s behaviour change programs. *Ending Men’s Violence Against Women and Children: The No To Violence Journal*, Spring, 7–28.

⁶² Recommendation 85 calls upon all Victorian government and non-government agencies that have direct or indirect engagement with perpetrators to: “map the roles and responsibilities of all government and non-government agencies and service providers that have contact with perpetrators of family & domestic violence”. State of Victoria (2016). *Royal Commission into Family Violence. Report and Recommendations*. Vol III. Parl Paper No 132 (2014–16).

⁶³ Vlasis, R., & Campbell, E. (2019) *Bringing pathways towards accountability together: Perpetrator journeys and system roles and responsibilities*. RMIT University: Melbourne. <https://cij.org.au/research-projects/bringing-pathways-towards-accountability-together/>

⁶⁴ Ibid

FF *Government and non-government agencies have a collective responsibility to bring perpetrators into view in a way that acknowledges adult and child victim-survivors' dignity and contributes to their safety and wellbeing. Each agency can map its roles and responsibilities for doing so as part of an ongoing, collaborative mapping exercise, so that these are transparent and serve to synergise positive outcomes across agencies.*⁶⁵

There is a crucial difference here between a court or other mandated referrer taking an approach of “I am referring X to you in the hope that you can send him back to me as a changed man” as distinct from “I am referring X to you so that you can help me to make a decision in # months’ time about where he is at in terms of becoming a safe man; to help me know if the risk that he poses to family members has changed; and to let me know what I can do over these # months, within the constraints of my time and skillset, to assist in keeping him on track”.

Indeed, the CIJ’s work to help inform the development of a best-practice Court Mandated Counselling Order Program in Victoria was based in part on the need to address the prevailing practice of courts seeing the actual act of mandating respondents to a MBCP as discharging their responsibilities towards promoting perpetrator accountability.⁶⁶

There are, of course, numerous (and sizable) systems, resources, practice capability and cultural/organisational constraints that prevent courts and other referring agencies from taking a collaborative approach, or at least from taking this approach most of the time. The CIJ and SFV do not underestimate the task ahead for agencies and systems to work towards understanding and adopting the roles and responsibilities they potentially have to help make a profound difference in the lives of adult and child victim-survivors of FDV. This needs to occur through skilled and strategic engagement – both direct and indirect – with perpetrators, as well as through adopting a perpetrator pattern-based lens in all of their FDV-related work.

This paper encourages more discussion about the extent to which change-focused programs can report on signpost indicators of any shifts towards starting a journey of change during a perpetrator’s program participation. Similarly, the accompanying larger report referred to throughout this paper focuses on potential for the development of proximal or signpost indicators in the context of change-focused perpetrator interventions.

These interventions cannot be held solely responsible for the work required to scaffold processes for men to journey across these steppingstones. Courts and change-focused program providers need to engage in more nuanced and detailed discussions about their shared objectives, as well as how they can work together to achieve them. Perpetrator intervention systems fail when one part of that system assumes that their role is necessarily separate from another. Victim-survivors (adult and child) require all parts of the system to be in conversation; to avoid mistaking activity for effectiveness; and to be accountable for the numerous ways in which they can collaborate to keep the risk that a perpetrator poses in view.

⁶⁵ Vlasis, R., Campbell, E., & Green, D. (2019). *Foundations for family and domestic violence perpetrator intervention systems*. RMIT Centre for Innovative Justice and Stopping Family Violence.

⁶⁶ Centre for Innovative Justice (2018). *Beyond ‘getting him to a program’: Towards best practice for perpetrator accountability in the Specialist Family Violence Court context*. Melbourne, Australia: RMIT University.

