



Ongoing form of the Joint Venture for Family Violence and Sexual Violence

Date: 2 June 2021

Security Level: IN CONFIDENCE

Report No: 2021/0150

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	Actions Sought	Due Date
Hon Marama Davidson, Minister for the Prevention of Family and Sexual Violence	Discuss your preferred approach	21 June 2021
CC: Hon Chris Hipkins, Minister for the Public Service		

Enclosure: No

Minister's Office Comments

Comments:

Date returned to Te Kawa Mataaho:

Executive Summary

- 1 The Joint Venture for Family Violence and Sexual Violence (the Joint Venture) was established in 2018 to lead Government's efforts to prevent family violence and sexual violence. There is a Cabinet report-back on the current and future arrangements due in June 2021, and you have requested advice on the ongoing form of the Joint Venture.
- 2 There is a long history of collaboration and cross-agency working in New Zealand, and we know that working across boundaries is often challenging; with the changes introduced through the Public Service Act 2020 (the Act), we now have more options to support Ministers and agencies that address some of these long-standing challenges.
- 3 This report outlines the options available for the ongoing form of the Joint Venture, developed on the understanding that to effectively address and prevent family violence and sexual violence requires a clear and sustained cross-agency approach. Our advice is that establishing the Joint Venture as an interdepartmental executive board under the Act offers the best opportunity to embed a collective and enduring approach to addressing family violence and sexual violence.
- 4 We note that the ongoing form of the Joint Venture is just one element of ensuring an effective approach is in place. Work on the National Strategy and subsequent action plans, and the engagement you are leading with tangata whenua on working in partnership with Māori will be critical to transform the system. As work is progressed on these priorities, we can provide further advice on implications and opportunities for the form of the Venture.
- 5 We recommend that you discuss this briefing and your preferred approach with officials. Following your feedback, we will provide advice on the specific arrangements (e.g. remit of the Board) and implementation of the model, and on other critical matters such as the involvement of ACC.

Recommended Action

We recommend that you:

- a **note** that this briefing responds to a request for advice on the ongoing form of the Joint Venture and a timeline for taking advice to Cabinet;
- b **note** that this advice considers:
 - the self-review by the Joint Venture and the performance audit by the Office of the Auditor-General, and goes some way to addressing their recommendations;
 - the views of relevant agencies and the availability of new tools under the Public Service Act 2020;
- c **note** that advice on supporting a partnership approach with Māori is being progressed separately, but that these options are designed to be enabling of future decisions;
- d **note** that formalising the Joint Venture as an interdepartmental executive board under the Public Service Act 2020 would clarify accountabilities, provide stronger transparency over performance and funding, and provide long-term stability for the cross-agency approach;
- e **discuss** this briefing and your preferred approach with officials;

- f **agree** that Te Kawa Mataaho release this briefing in full once Cabinet has considered substantive matters.

Agree/disagree.

Hon Marama Davidson

Minister for the Prevention of Family and Sexual Violence

PROACTIVELY RELEASED BY TE KAWA MATAAHO PUBLIC SERVICE COMMISSION

Te Kawa Mataaho Report: Ongoing form of the Joint Venture for Family Violence and Sexual Violence

Purpose of Report

- 1 You have requested advice on the options for the ongoing form of the Joint Venture for Family Violence and Sexual Violence and a timeline for taking advice on this matter to Cabinet.
- 2 In March this year, the Chair of the Joint Venture Board provided you with initial advice on the form of the Joint Venture and the options available. This is attached as Annex 1. This advice was referenced at a meeting of the Ministerial Group for Family Violence and Sexual Violence.
- 3 This report expands on that advice, providing a full assessment of the options for the form, and seeks feedback on your preferred approach.

Background

- 4 In 2018, Cabinet agreed to establish the Joint Venture for Family Violence and Sexual Violence (the Joint Venture). The Venture is governed by a board of chief executives who are responsible for leading the whole-of-government response to reduce family violence and sexual violence [SWC-18-MIN-0037/0117].
- 5 The Joint Venture was a new way of working for the public service, and Cabinet, aware that future legislative change would increase options for the form, invited the lead Minister to report to the Cabinet Social Wellbeing Committee on the effectiveness of the joint venture approach and the ongoing form of the Venture by December 2020. This was extended to June 2021.
- 6 Since its establishment, the Board has made significant progress towards developing a whole of government work programme to support Government's ambitions to prevent and eliminate family violence and sexual violence. The ongoing effectiveness of the Joint Venture will rely on continuing to break down silos and embed new ways of working across agencies and portfolios.
- 7 The question of how to support an effective cross-agency approach is not unique to the Joint Venture, but is part of a wider shift taking place within the Public Service towards a more unified and agile Service that can more easily come together around complex issues and the needs of New Zealanders.

Context

- 8 There have been long-standing concerns about the Public Service's ability to work effectively across boundaries. A series of reports and reviews, such as, the 2001 Review of the Centre, the 2011 Better Public Services Advisory Group Report, and more recently the review resulting in the new Public Service Act 2020, noted the challenges faced by the Public Service in functioning effectively as a cohesive system, particularly where complex cross-cutting problems are involved.
- 9 The Public Service's ability to work collectively has evolved over time, and a range of different models ranging from soft voluntary approaches (such as best-practice networks, lead-agency models, and front-line collaborations) through to Cabinet-mandated arrangements which bring together decision-making in a group (such as the Social Wellbeing Board and front-line Children's Teams and place-based initiatives) have been used. Despite this, the fundamental challenges of cross-agency working remained. This includes: a lack of joint ownership by agencies, a lack of stability over time and the continued prioritisation of individual departmental responsibilities over joint working.

- 10 To address these issues, the Public Service Act 2020 introduced two new collaborative organisational models in the Public Service:
 - Interdepartmental Executive Board (IEB) – supports joined-up strategic policy, planning and budgeting around shared outcomes, to support sustained collaboration by larger numbers of agencies.
 - Interdepartmental Venture – supports joined-up, agile service delivery through vehicles that enable a small number of agencies to hold joint resources including assets and staff.
- 11 The IEB model has since been used to address collaboration and assurance at the border with the Border Executive Board, which was established by the Government in January 2021, and to join up complex strategic policy in the reform of the Resource Management Act with the Strategic Planning Reform Board.
- 12 The IEB model is able to be tailored to specific requirements, and these existing boards are examples of ‘lighter-touch’ approaches to establish accountability to Ministers for collective work around reasonably tightly scoped functions. In the case of the Joint Venture, we anticipate that the full range of functions of an IEB would be utilised (such as, appropriation administration, employment of staff, reporting to Parliament).

Advice

- 13 For the Joint Venture, these challenges of collaborative working are significant as it leads government’s efforts in response to one of the most complex and interconnected social issues in Aotearoa. This current cross-agency approach builds on a long history of attempts within government to address family violence and sexual violence – from the Family Violence Taskforce to, more recently, the multi-agency team based out of the Ministry of Justice.
- 14 As noted above, when the Joint Venture was established, legislation did not enable formal collaborative models within the Public Service. Instead, the Venture was established through Cabinet mandate with the intention to mimic the new models that were being developed as part of the new Public Service Act. At the time, this was the strongest option available to support cross-agency working.
- 15 In 2020, Te Kawa Mataaho worked with the Joint Venture Business Unit in preparation for the report-back to Cabinet Social Wellbeing Committee. This included engaging with agencies involved in the Venture on the options for the ongoing form of the Joint Venture.
- 16 Through this engagement, officials broadly agreed that a collective approach was needed. It was recognised that even though cross-agency working was challenging at times and pushed against the boundaries of what the system enabled, it continues to be the best chance of transforming our response and improving outcomes for New Zealanders. Further, agencies were clear that clarity of roles and responsibilities in relation to the Joint Venture was key to ensuring its effectiveness. Officials agreed that the form of the Joint Venture was not a panacea, but that alongside other work (such as the development of the National Strategy) greater clarity could be achieved.
- 17 The form of the Joint Venture must support its role to work across agencies to identify and tackle complex strategic and policy issues, build specialist capability and share learnings, and monitor progress on government’s priorities. As part of this, the Venture has a central role in supporting and maintaining relationships with tangata whenua, and must have the capability to engage and partner with Māori.

- 18 The Venture is not intended to shift operations or policy from agencies. Instead, it works as part of a larger eco-system to drive change through agencies and harness collective efforts, such as through the governance and oversight of the upcoming National Strategy and Action Plans that will sit across the system.
- 19 Advice on the enduring form of the Venture will go some way to responding to the findings of the self-review undertaken by the Joint Venture and the performance audit recently completed by the Office of the Auditor-General. Summaries of these reviews and their key recommendations for change are included in **Annex 2**. Following the release of the final report by the OAG, we will consider any changes in recommendations and the implications for our advice.

Options for the ongoing form

- 20 Where issues like family violence and sexual violence cross agency boundaries, we have three broad approaches to organise our work; through mandated cooperation, formal cross-agency models, or structural change that places the responsibility for addressing the issue, and the functions necessary to do so, in one agency. Options for the ongoing form of the Joint Venture include:
- **Option 1: Mandated CE Group** (mandated coordination) – a group of chief executives are mandated by Cabinet to lead the Government response; they have few formal levers and operate through voluntary alignment.
 - **Option 2: Joint Venture** (formal cross-agency model) – a board of chief executives is established as an interdepartmental executive board under the Public Service Act that can join up strategic and policy activity across government.
 - **Option 3: Government Department** (structural integration) – relevant functions are transferred from existing departments into a new family violence and sexual violence department.
- 21 A full assessment of these options is included in **Annex 3** of this paper. Our view is that Option 3 (a new government department) remains unsuitable in the case of family violence and sexual violence as many of the most important functions are core functions of their current departments and it is not feasible to move them. The choice is then between shifting to a looser style of cross-agency working that seeks to align activity where possible, or formalising the current approach to joint working. Experience to date suggests that Option 1 will not deliver the sustainable, collective approach that Ministers are looking for and would risk losing the progress made so far.
- 22 Our advice is that Option 2, formalising the Joint Venture as an interdepartmental executive board under the Public Service Act, is the most appropriate option.¹ Though the status quo arrangements have been sufficient to establish the Joint Venture approach, only through formalising the Joint Venture can the following be delivered:
- **Stronger Ministerial role:** the Minister will become responsible for the Venture as an entity (in addition to existing portfolio responsibilities) and will have a clearer ability to direct activity and line of sight of performance.

¹ The alternative form under the Public Service Act, an interdepartmental venture, is designed to bring together the operational activity of a small number of departments. The purpose of an IEB is to align strategy and policy activity across agencies, and it thus the more suitable form for the Joint Venture.

- **Greater sustainability:** establishing the Venture under legislation increases the sustainability and commitment to the approach and provides the necessary certainty for those involved (from the Public Service to the community) to invest in developing relationships and ways of working.
 - **Clarity of accountability:** the responsibility of the Board of the Venture is placed on level footing with the individual responsibilities of chief executives, further supporting Ministers, Parliament and the Public Service Commissioner to hold the Board to account for its performance.
 - **Ensuring Māori Crown support:** the focus on ensuring capability to support relationships with Māori will be strengthened, but formalising the Venture does not preclude options around how relationships might be given effect to in partnership with Māori.
- 23 Establishing the Venture as an IEB requires Cabinet agreement which, in addition to confirming the form, will include consideration of the purpose, functions and remit of the Joint Venture. This will be an opportunity to further clarify the responsibilities that sit with the Joint Venture and those that remain with relevant agencies.
- 24 **Annex 1** sets out in more detail the immediate changes expected (which are largely technical in nature) and the future opportunities this will enable for the Joint Venture. The key changes as a result of formalising the Venture are that:
- The Joint Venture is given legal status under the Public Service Act and the Board is responsible to, and acts under the direction of, Ministers (as though it is a chief executive);
 - The Board is able to employ the Director and staff of the business unit (responsibility for employment decisions is currently held by the Ministry of Justice);
 - Funding can be appropriated to the Joint Venture in its own right and the Board can make decisions over it (relevant funding is currently held by Ministry of Justice); and,
 - The Joint Venture will be required to report to Parliament as an entity, and produce its own Annual Report and Strategic Intentions.
- 25 As the current Joint Venture and Business Unit were established to allow for a seamless transition into an interdepartmental executive board, we do not anticipate disruption or additional cost associated with a change in form.
- 26 As noted above, the process of establishment will require decisions on the specific arrangements (e.g. remit of the Venture, servicing department, name) and the functions to be formalised. Our starting position would be to carry over as many of the current arrangements as possible and we will provide further advice to you on these decisions (for instance, how to include associate members in the Venture).
- 27 We are also aware that there is an ongoing need to clarify the position of ACC (as a Crown Entity) in relation to the collective approach and how their critical role (particularly in prevention and addressing sexual violence) is reflected. Annex 3 provides a starting point for how ACC can be included, and we will provide separate full advice on the options for ensuring the ongoing involvement of ACC.

- 28 The timeframe below sets out the general steps and Cabinet process required to establish the Venture under the Act. In total, it will likely take around 3-4 months.

2 weeks	Development of a Cabinet paper
2 weeks	Agency consultation
2 weeks	Ministerial consultation
1 week	Finalising Cabinet paper and lodgement
2 weeks	Cabinet agreement
1 week	Order-in-Council to LEG Committee
1 month	Gazette and notice period

Next steps

- 29 We recommend that you discuss your preferred approach for the ongoing form of the Joint Venture with officials.
- 30 Should you wish to propose establishing the Joint Venture as an IEB, we will prepare a Cabinet paper for you to take to the Social Wellbeing Committee. As noted above, we will provide advice where decisions will be required on the specific arrangements to be put in place, as well as on related matters like the involvement of ACC.
- 31 You may wish to consider the timing of a change in form of the Joint Venture. It is viable for the Venture to continue in its current form over the short term, to allow for better sequencing with progress on other priorities (e.g. the national strategy and advice on ICR).
- 32 We will work with you on the options and your preference regarding timing, and note this may require delaying the Cabinet report back to later in the year.
- 33 We also recommend that you discuss this advice with the Ministerial Group for Family Violence and Sexual Violence. We can provide material to support this conversation.

FVSV Joint Venture – Options for ongoing form

Family violence and sexual violence is an issue that has widespread personal, social and economic impacts.

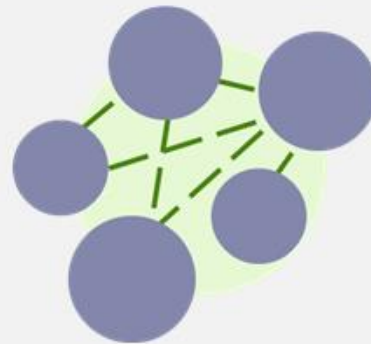
Over the past 20 years there have been many attempts to address FVSV through a range of different cross-agency programmes and approaches (including the Family Violence Taskforce, and more recently the Social Wellbeing Board).

It is clear that reducing the impact of violence and preventing FVSV requires joined up action across government and the wider sector.

There are a spectrum of approaches – from voluntary collaboration to full structural integration – that we have to choose from. In 2018 the decision was made to establish a Joint Venture to join up departments, and lead government's efforts.

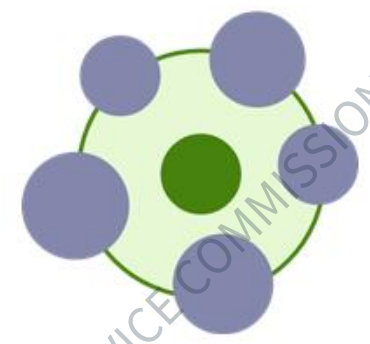
We now have the opportunity to formalise the Joint Venture and ensure it has the tools needed to drive progress.

Mandated CE Group



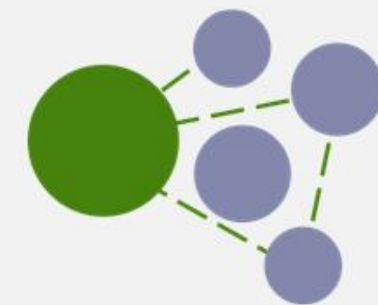
A group of chief executives are mandated by Cabinet to lead the Government response.

Joint Venture



A FVSV Joint Venture led by a board of CEs established under the Public Service Act that can join up: strategy and policy, or operations, or both.

Government Department



Relevant functions are transferred from existing departments into a new FVSV department.

We recommend formalising the Joint Venture so that it joins up strategic and policy activity across government while operations remain with agencies. Led by the chief executives of relevant agencies, it will harness the combined impact of agencies to achieve outcomes across New Zealand.

Immediate Changes

Establishing the Joint Venture for Family Violence and Sexual Violence as an interdepartmental executive board will mean that:



The chief executives of relevant agencies work together as a Board under the direction of Ministers. There is a single unifying strategy and policy advice is joined up.



The Joint Venture is established under the Public Service Act and given legal status. Roles and responsibilities of the Venture and agencies are clear.



The Board can employ the Director and staff of the business unit (these are currently employed by and staff of the Ministry of Justice). Agencies can second or locate staff with the Venture to improve collaboration.



Funding is appropriated to the Joint Venture in its own right. Currently relevant funding is held by Ministry of Justice.



The Joint Venture reports to Parliament. It has its own Annual Report and Strategic Intentions documents. Performance is transparent and reporting is around the issue and outcomes.

Future Opportunities

The following examples illustrate how formal Joint Venture can support transformational approaches to preventing family violence and sexual violence

1. Joining up funding

Funding relevant to FVSV is spread across agencies and appropriations. Over time appropriations can be restructured to:

- **Make it easier for providers** by adopting a common, joined up approach to funding (first cab off the rank for new social sector commissioning)
- **Make funding more outcomes-focused**
- **Give greater visibility of funding and drive alignment of investment**
- **Support Ministers to make strategic investment decisions** for FVSV as a sector

2. Single joined-up Budget packages

The Joint Venture has successfully led the development of a single, whole-of-government Budget package for the past two Budget cycles, resulting in significant investment in the sector.

Taking a sector-wide approach allows the Minister of Finance and Treasury to take a joined-up approach to funding as well.

This supports the Wellbeing Budget approach to funding the outcomes we want.

3. Driving progress on the National Strategy

Once agreed, putting the National Strategy into action will require **centralised and committed focus and leadership**. The Joint Venture will be able to lead and monitor the implementation of the National Strategy by taking a whole-of-system view to prioritise actions and areas of focus.

The Board is the vehicle for making sure that effort is joined up across agencies and implemented, and identifying where responsibilities lie with specific chief executives to make progress.

4. Enabling community led solutions

Addressing the harm caused by FVSV requires a sophisticated and citizen-centred response at the frontline.

The current Integrated Safety Response supported by Police as the lead agency has made significant progress in transforming how we respond in the moment, but there are limitations.

In the future, **the Joint Venture will be able to design and govern a community response model**. Its strong focus means it can build a model that is rooted in best practice and evidence from a FVSV perspective but also harness the operational capability of agencies.

5. Sharing data and insights across the system

Data is key to understanding the issues in front of us and how effective current interventions are – but this data needs to be joined up across agencies and the sector.

To date the benefit of this has not been enough for one agency to justify the expense. The collective nature of the Venture shifts incentives towards acting as a system.

The Joint Venture can provide a home for functions that benefit the system and support agencies to work more effectively.

It will be able to **hold and manage assets for use across the system** to ensure that data and insights are connected and pushed out to where they are most needed.

Annex 2 – Reviews of the Joint Venture

1. Insights into the effectiveness of the Joint Venture and particular areas where action could be taken to continue to support this approach have been provided through the following reviews.
2. Both reviews have drawn on the views of those involved in the Joint Venture, Chief Executives and Ministers, and in the case of the Continuous Improvement Review, key stakeholders and sector leaders.

Continuous Improvement Review

3. The Joint Venture instigated a forward-looking continuous improvement review supported by David Albury, an expert in collaborative public governance. The continuous improvement work has focused on the ways of working required to effectively lead an all-of-government response and drive progress alongside the wider sector, including how cross-agency work can continue to be strengthened.
4. The recommendations focus primarily on continuing to build an interdepartmental structure that increases accountability, stewardship and continuous learning in and around the family violence and sexual violence system, builds and strengthens relationships with Māori and enhances continual learning across the sector.
5. In particular, the review recommended that accountability of the Board and their stewardship of the Venture could be strengthened by adopting some of the tools provided by the new Public Service Act.

Performance Audit by Office of the Auditor General

This summary is based on the draft report provided by OAG; following the release of the final report (planned for 8 June 2021) we will provide an update on any implications for our advice on form if necessary.

6. The Auditor General has been carrying out a performance audit of the Joint Venture since 2019, asking “how effectively has the Family Violence and Sexual Violence Joint Venture been set up to support the delivery of significant reductions in family and sexual violence”. Though the Audit is yet to be finalised, the process of the review along with preliminary observations provide insights and lessons that inform action that can be taken now.
7. Key observations from the review, relating to the form of the Joint Venture, address the importance of:
 - Ensuring all parties understand their roles and the role of others in the JV, from Ministers to staff within individual agencies. It is also crucial for agencies to understand what it is they need to do to support their Minister in relation to that collective way of working; and,
 - Ensuring that the JV has sufficient and appropriate resources to deliver on its transformative role.
8. Once the performance audit by the Auditor General is released, the Board will consider the final recommendations and whether any further action is needed.

Annex 3 - Detailed options analysis

There are three options that have been considered for the ongoing form of the Joint Venture. These are:

- Cabinet mandated CE group
- Joint Venture with a legislative basis
- Government department

To assess the merits and suitability of these options, a set of criteria has been developed, in collaboration with the JVBU, based on known success factors for collaboration and engagement with agencies on the options. These criteria are:

Strength of joint ownership	To lead the collective efforts of government, it is agreed that there needs to be a collective approach that is underpinned by joint responsibility. In order to make progress on shared goals, the ability to make trade-offs between individual and collective interests is key.
Sustainability over time	A constraint of cross-agency working has been a lack of stability of arrangements, with too much reliance on the commitment of key individuals. Ensuring that focus does not wane over time is key, especially as the approach matures to address complex and difficult decisions, but must be balanced with flexibility to learn and adapt as more is learnt.
Mandate to lead the collective effort of government	Clarity over the responsibility to lead government's efforts and the levers to fulfil this role.
Accountability to Parliament and the public	Clear and transparent reporting to Parliament and the public of the collective efforts can drive commitment through stronger accountability. The ability to account as a collective increases the real accountability of members while making it more meaningful by reporting around the issue not administrative boundaries.
Control of resource	Who holds decision-making over resources (whether funding, people or holding contracts) effects the extent of collective approach that is taken. Retaining solely individual control of resource can constrain the level of collective working and initiatives undertaken, while the ability to control resources as a collective can reduce the transaction costs of collaboration by shifting incentives.

In addition, for each option a commentary is provided on how the forms can **support a commitment to strengthening relationships with Māori and a partnership approach** and **involve Accident Compensation Corporation, as a Crown agent, in the governance structures**. These have not been applied as criteria as we anticipate advice on giving effect to these priorities will be provided separately. The options for the form of the Joint Venture do not preclude future decisions in these areas.

Criteria	Cabinet mandated CE Group	Joint Venture under PSA	Government Department
Sustainability over time	Relies on ongoing Cabinet commitment and CEs embracing the intent. Likely to be less sustainable in the face of ongoing complexity and need to make trade-offs between agencies Higher coordination costs in the long run.	Sustainable over time as requires Order in Council to change More sustainable in face of complexity and able to make considerable trade-offs Lower coordination costs in the long run.	Sustainable over time as requires Order in Council to change Incurs coordination costs across agencies in the long run
Strength of collective ownership	Board is considered collectively responsible and strong collective ownership possible Remaining tension between agencies' collective accountability through the Board and their individual accountabilities to their Ministers	Board is collectively accountable by law to the appropriate Minister, strengthening joint ownership of the work Appropriate Minister designated for the Board	No model of collective ownership. Ownership of the work falls on the chief executive of the lead agency. Note, it is infeasible to transfer many key functions out of existing agencies so extent of activity that sits within department is limited.
Mandate to lead collective effort of government	Board collectively provides leadership, and has the mandate to make change across all relevant areas.	Board collectively provides leadership, and has the mandate to make change across all relevant areas.	Agency where functions are integrated provides the mandate to lead agencies - collaboration with relevant chief executives would still be required
Accountability to Parliament and the public	Reports indirectly as part of lead chief executives departmental reporting under the PFA. This may only indirectly include financial information about resourcing.	Board carries out reporting directly on FVSV under the PFA (e.g. annual reports and Strategic Intentions documents).	Agency carries out reporting directly on functions and resources within remit. Functions and resources that remain with other agencies reported on separately.
Control of resource	An agency can act on behalf of the Board and control funding to support the work and directly employ staff, and accounts for this funding through PFA reporting Joint Operational Agreements can formalise joint arrangements	Board can control funding to support the work and directly employ staff, and accounts for this funding through PFA reporting	Agency can control funding to support the work and directly employ staff, and accounts for this funding through PFA reporting.
Relationships with Māori	No separate responsibilities.	Introduces responsibilities on the Board to ensure JVBU has capability to support Māori Crown relationships.	Agency CE would have responsibility to ensure JVBU has capability to support Māori Crown relationship
Involvement of ACC	Due to more informal nature of CE group, role of ACC on board remains discretionary. Ministerial direction could be used to strengthen.	CE of ACC can be appointed as an 'independent advisor' to the Board by the PSCer, or ACC could enter into a formal agreement with the Board.	Involvement of ACC similar to other agencies – no joint decision making in governance of department.

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