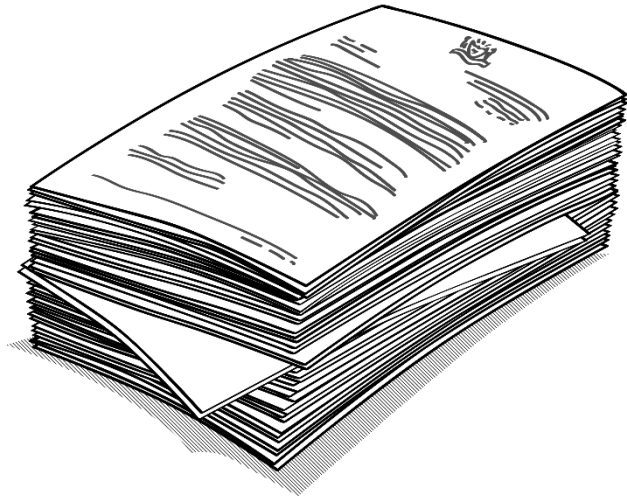


July 2020

The Language of Protection Orders

Hearing people's experiences of the
communication involved in
protection orders



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Acknowledgements

This report is the result of the efforts of many people. The focus of this report is the language and communication involved in interactions relating to protection orders in Aotearoa New Zealand. Many languages are spoken and understood in Aotearoa New Zealand, which has a unique linguistic and cultural context. In particular, we acknowledge Te Reo Māori as the language of Tangata Whenua. Each culture brings unique languages, values and world views and the information presented here needs to be considered through a respectful cultural lens. Communication is inherently cultural.

Mā te tangata te reo e rere, tiakina

It is through people that language flows, cherish them

The Talking Trouble team would like to thank the people who so willingly participated in this research. We hope that we have honoured the information you shared with us, and that positive change results from the contributions you provided.

The authors gratefully acknowledge the support of the Lynn Bevan Trust, without which this research would not have been possible.

Executive Summary

This small project provided an opportunity to hear about the language and communication involved in giving or receiving information related to protection orders in New Zealand. A small number of people who had lived experience of protection orders were approached and invited to take part in an interview in 2019. The five people who agreed to be interviewed had experience of giving, or receiving information relating to protection orders:

- One person with experience of applying for a protection order (Applicant).
- One person with experience of having a protection order taken out against them (Respondent).
- One Police Officer.
- One Social Worker.
- One person who had a support role for those seeking protection orders (Support Agency Worker).

The participants were encouraged to reflect on the wording of protection orders and how they are communicated to people. They were asked to comment on:

- The sort of information given.
- How simple or complex the information is.
- Barriers to effective communication about protection orders.
- What happens when people don't fully understand the information provided.
- What could be done differently.

The purpose of this small project was to learn from people with lived experience of protection orders and to hear how communication about protection orders could be more effective. This was not a full research project. Its narrow scope was dictated by the amount of funding available. A small number of participants were interviewed and we were not able to include a literature review or a discussion of the findings with reference to other studies or research. This project would provide more robust information if these limitations were addressed.

This report highlights the key themes that emerged in the interviews, the participants' experiences of barriers to successful communication, and their ideas about how complex legal processes could be communicated more effectively. It is hoped that the insights gathered here will be useful to academics, policy-makers and practitioners. If the experiences of the five individuals interviewed in this project are common, new practices and tools are needed. There are some quick and obvious solutions that could be trialled but additional projects and research that explore the themes uncovered with larger numbers of participants would also be helpful.

The themes, barriers and potential solutions that emerged are summarised in the following five boxes:

1 “A struggle to really take it in”

Difficulties with understanding all the talk involved

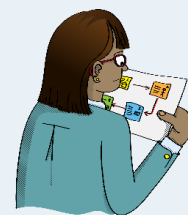
“Oh we’ll go to court and they’ll decide whether it was gonna be with or without notice... I didn’t know what it meant.”



It can be embarrassing to say that you don’t understand something and it’s hard to ask for help

Simple explanations help:
“wording that they can understand...”

Writing key words also can help:
“I often will write down the processes for them.”



Check understanding effectively to make sure that what has been said is fully understood

2 “Big-as legal words”

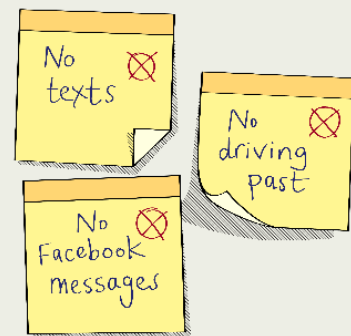
Complex written information

“They gave me a HUGE stack of paper – about the thickness of a bible.”

“You don’t know where to look for things that are important.”



“Have it not with heaps of words - just keep it real simple so you can actually know what to do.”



Using visuals to support understanding can help too

3 “There’s quite a lot of confusion”

Difficulties understanding the process

“I would say that maybe 20% of our front-line responders would know how you acquire a protection order.”

“I think training and development is a huge thing.”

Provide people who work in the protection order context with better training around protection orders AND with strategies to enable their communication around protection orders to be more effective.



“Maybe a number you can ring if you need some help.”

4 “I was so shamed out”

Emotional responses

“I wasn’t even listening – just wanted it over – I was so shamed out.”

“I did feel confident in my lawyer but I did feel intimidated as well.”



Consider and make allowances for the impact that someone’s emotional state will have on their ability to listen, think, and respond.



5 “If he wasn’t such a power puller...”

Relationships, trust, and support

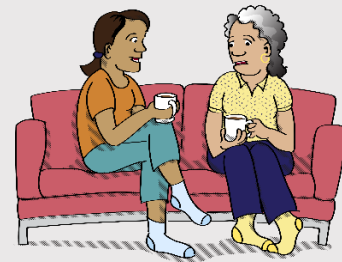
Judgemental attitudes (or ill-considered comments) can create barriers to effective communication

“Maybe if he wasn’t such a power puller, I would have asked him what it was about but I could tell no point in that coz he already decided what I was”

“No one cares about you and your whānau you know”

Focus on relationship. This can help offset the negative emotions and ensure the important stuff is understood.

“It sounded like they cared, so that’s who I went to”



“What matters more is having somebody there who can articulate and empower them in that process”

Introduction

Those of us who do not have a legal background can struggle to understand legal jargon and processes, and we may not fully understand the implications that these can have for our everyday lives. We can find ourselves swept up by confusing and perhaps emotive processes and find it hard to advocate for ourselves, our rights and/or the rights of others. The recognition that legal language can be confusing has led to many countries advocating for plain language to be used in legislation. In fact, New Zealand already has a draft consultation paper for a Plain Language Bill in place. Furthermore, New Zealand's Parliamentary Counsel Office encourages its staff to follow a plain language standard as detailed below:

Big picture elements

1. The purpose of the document is clear.
2. The whole document supports the purpose.
3. The structure and layout of the document is clear and logical.
4. Headings are useful and aid navigation.
5. The tone is consistent and supports the purpose.

Sentences

6. Sentences are short, simple, and precise.
7. Sentences focus on one topic.

Words

8. The words are precise and familiar.

Accuracy

9. The document is error-free.

From New Zealand's Parliamentary Counsel Office website www.pco.govt.nz/plain-language/

New Zealand is on the right track in advocating for an approach that provides information in ways that are accessible, however this quotation from one of the research participants shows that more needs to be done to support people to fully understand legislation and what it might mean for what they must do (or not do):

“...a mountain of information and it's all in legal speak or legal words, like it's not in the language of the people.”

Research participant

Now consider how much more challenging it is to understand and participate in processes such as the protection order process if you are someone with speech, language, and communication needs. These might impact on both spoken and written communication.

People may misunderstand what is said by police, lawyers, social workers, Oranga Tamariki staff, and many others. Some people may feel comfortable to ask for clarification when they are confused or need repetition, but others might mask their difficulties because they do not want to appear vulnerable. Providing detailed and specific explanations or expressing their own views clearly to others might be challenging.

There are other significant ways in which speech, language, and communication needs can impact hugely on people's involvement in legal processes such as protection orders. They might experience:

- Poor understanding of what police say, resulting in breaches and arrests.
- Poor understanding of and/or ability to read written documents about protection orders.
- Difficulty following legal processes and instructions, e.g. appointment requirements, court orders, remand and probation agreements.
- Reduced ability to engage in intervention programs and restorative processes that are talk-based and not communication-accessible enough to meet their specific needs.

When someone has speech, language and communication needs, it is important for professionals and support people to be aware of the impact these needs might have on effective communication, and to know what they can do differently. Communication is not a one-sided issue. The people on both sides of an interaction can struggle to understand each other, to provide information that makes sense to the other person, and to engage in effective, productive discussion.

Professionals who are very familiar with the context, jargon and processes involved in their work can forget that other people do not share their knowledge. Without realising, they might give explanations too quickly or at too complex a level. Many professionals and/or support people may work very hard to simplify information and check understanding in effective ways. Some of these professionals and/or support people may be skilled at using strategies to support speech, language, and communication needs, but some of them may not. Sadly, most people working in legal contexts have received little or no training in identifying and supporting speech, language and communication needs, and so there is considerable risk of legal mechanisms such as protection orders being breached, or being completely ineffective simply because of communication breakdowns. Of course, relationships, levels of trust, and heightened emotions can also significantly interfere with our understanding of and participation in conversations and processes.

This research sought to understand people's lived experiences of the language and communication involved in protection orders and to share those insights with a wider audience. This report highlights what people thought about the communication involved in protection orders, and what can be done to make that communication more effective. The participants also provided ideas for how services could adapt their communication and programmes so that they are more accessible, and easier to understand, which would then result in safer processes, whānau and homes.

Method

Semi-structured interviews were carried out with five participants:

- One person with experience of applying for a protection order (Applicant).
- One person with experience of having a protection order taken out against them (Respondent).
- One Police Officer.
- One Social Worker.
- One person who worked in a support role for those seeking protection orders (Support Agency Worker).

Participants were recruited through personal and professional contacts of Talking Trouble team members. We were aware that this method would not result in a group of participants whose views would represent all those who may have experience of protection orders, but we were interested in gathering some individuals' views. We did not collect biographic information from the participants e.g. their ages, ethnicity or their backgrounds.

Information about the project was provided to prospective participants by email, phone or face to face communication. They were told that Talking Trouble was interested to find out what people who had been involved in protection orders thought about the communication involved. They were invited to take part in an interview. Everyone was reassured that it was their choice to accept or decline the invitation to participate and that whatever decision they made was acceptable, and that no one would mind if they did not take part. They were informed that they did not need to reveal any personal information about why a protection order might have been something they had been involved in themselves, as we were only interested in the way they had experienced the communication involved. The participants were told that they did not have to answer any questions if they did not want to, could stop the interview at any time, and that they could change their mind about taking part. The interviews took place face to face at a location and time that suited each participant. Before the interviews started, the interviewers went through the information again about the purpose of the interview and the points outlined above.

As far as we know, participants were unknown to each other. The protection orders, individuals and situations that were discussed in one interview were not related to those discussed in any of the other interviews. Two different team members conducted the interviews and used a similar approach for the five interviews. Participants were invited to reflect on the wording of protection orders and how they are communicated to people. Within the interview, open-ended questions were used to introduce topics, and more specific follow-up questions were used to probe for more in-depth information or to gather further useful information on a topic. After the interviews, a koha was provided to each participant to thank them for their contribution.

All interviews were audio recorded if the participant consented to this, and then transcribed verbatim by a different person from the team member who had carried out the interview. One participant did not consent to audio recording, so the interviewer transcribed this participant's comments during the interview (with permission). The transcriptions were then analysed using a general thematic analysis by team members who had not been interviewers, which enabled key themes to be identified and connections between the ideas established. Two reviewers contributed to the thematic analysis, to ensure the themes accurately reflected what the participants had said.

Themes were then sorted into two groups:

- a) Barriers to effective communication.
- b) Opportunities (or facilitators of more effective communication).

Links between the themes were identified, and particular attention was paid to the concepts that came up in two or more participant interviews.

Summary of Findings

Section A explores the BARRIERS to effective communication. Section B explores factors that were FACILITATORS to more effective communication.

A. Barriers to effective communication about protection orders

Every participant reported that they had experienced barriers to effective communication in their involvement with protection orders. Barriers that were mentioned by more than one of the participants are summarised in the table below. Five main groups of barriers emerged. The sections following the table explore each barrier.

Barriers	Applicant	Respondent	Social Worker	Support Agency Worker	Police	Number of people who mentioned
1. Difficulties understanding all the talk involved						
People involved sometimes have difficulty understanding information	✓	✓	✓	✓	✓	5
Masking lack of comprehension			✓	✓	✓	3
Lack of understanding and participation in court proceedings	✓	✓				2
2. Dealing with complex written information						
Written information is long and complex	✓	✓	✓	✓	✓	5
Written information is not always read by participants	✓	✓				2
3. Difficulties understanding the process						
Some professionals have difficulty understanding the process			✓		✓	2
Some participants have difficulty understanding the process			✓		✓	2
4. Emotional responses						
Feelings of intimidation	✓	✓		✓		3
Feelings of vulnerability	✓		✓	✓		3
Feelings of shame		✓		✓		2
Emotional responses impaired comprehension		✓	✓		✓	3
5. Relationships, trust and support						
Judgement		✓		✓		2
Lack of support person	✓			✓		2
Lawyer as support/barrier	✓		✓	✓	✓	4

1. BARRIER: “A struggle to really take it in”

People involved sometimes have difficulty understanding all the talk involved in complicated legal processes

All five participants mentioned a problem with understanding important aspects of the communication involved with protection orders. Difficulties arose for a range of reasons. We’ve provided detail about some of these difficulties in other sections below, but the overarching theme was that the communication involved in protection orders can be very difficult to comprehend.



Some difficulties were because the overall process is complex and multi-layered. It was difficult to comprehend the spoken or written language because listening was challenging for a range of reasons.

Some of these difficulties were to do with understanding vocabulary which was complex and technical. The Applicant described difficulties in understanding a number of terms her lawyer used, such as ‘undertakings’, ‘round table meeting’, ‘directions conference’, and ‘with notice’ or ‘without notice’. She described receiving information about the process from her lawyer:

“

Oh, we’ll go to court and they’ll decide whether it was gonna be with or without notice’... I didn’t know what it meant.”

The Applicant

The Respondent also described some difficulties with understanding what the police told him. He reported the first protection order “*was with contact, that means that I could see her but she could kick me out.*” However, he stated: “*but I didn’t know that until the next one.*” The Respondent also described getting charged for failing to attend an ‘anger course’

that was not explained in a way he understood: *“I didn’t know and no one told me so when I got arrested I got charged for that too”*. This information was confirmed by the Social Worker, who stated that in her experience, people involved don’t really know *“what is allowed and what isn’t allowed”* when a person has taken out a protection order.

From the comments provided by the Applicant and Respondent participants in this small project, the language they experienced in court was particularly complex and appeared to lead to a lack of agency for both parties. The Applicant described not understanding most of the words that they used in court, despite her high level of education. It wasn’t until after the court had finished that she got an opportunity to ask her lawyer what had happened.

“

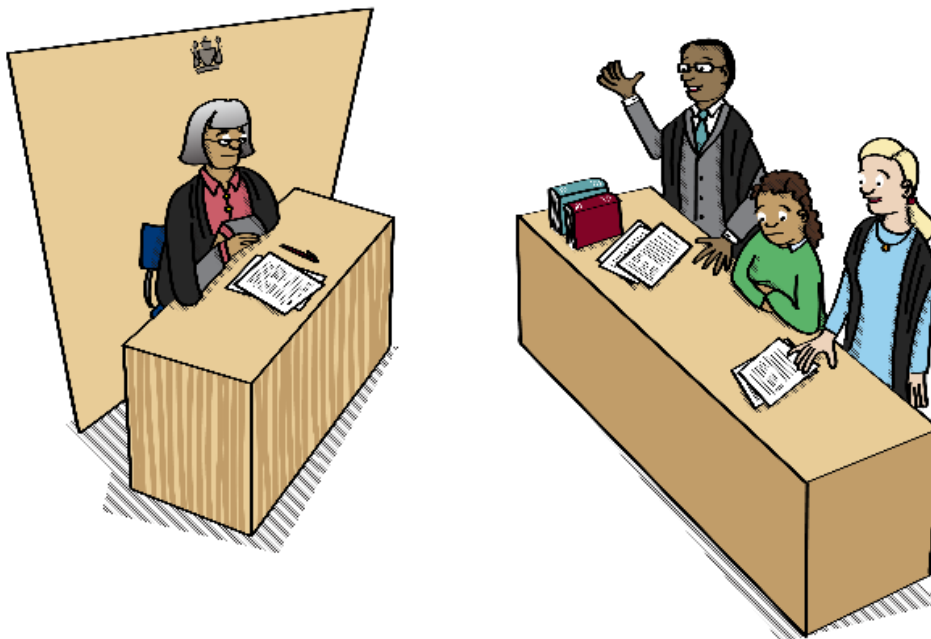
Some of the things that I thought... I thought that the judge was making the decision and that I was opposing something that was said but actually... that’s not what they were talking about at all.”

The Applicant

“

I don’t even know what they said in court. It’s just all talk between the lawyer and judge and you just stand there like a dog on a lead waiting to be told what to do.”

The Respondent



In addition to difficulties with understanding information, the people we interviewed commented that people did not generally ask for information to be clarified. Often they said they would hide or ‘mask’ their lack of comprehension, possibly embarrassed or unaware that they hadn’t fully understood. The Police Officer, the Support Agency Worker and the Social Worker all mentioned this:

“

We went to court and I don’t even know what they were saying but they’re talking about me and my children. All the communications were between the three lawyers and the judge... so his lawyer, my lawyer, my children’s lawyer and the judge, they were talking, I just sat there.”

The Applicant

Social Worker:	“I think for a lot of people they don’t speak up if they’re not understanding and I can admit that if I put myself in that situation it would be quite confusing leaving a meeting not really knowing what I’ve just done or what the impact of it is.”
Interviewer:	“So generally, you don’t think families are putting up their hands saying, ‘I don’t know that word’, or ‘I don’t understand?’”
Social Worker:	“Of course not, no”.

The Support Agency Worker recounted an interaction with a woman who had not felt able to ask for clarification about all the words and processes mentioned in relation to her protection order:

“

It wasn’t till she came here she was like, ‘hey... I don’t want to be the dummy in the room’ - even her terminology – ‘for the affidavit what do they mean when they...?’ And she’s like ‘okay, affidavit’ ... but they look at her like, ‘you know what we’re talking about’, and she actually didn’t.”

The Support Agency Worker

The Police Officer believed that police staff generally have limited skills in communicating the protection orders clearly, but felt that even when strategies are employed to

communicate the information effectively, emotional responses often get in the way of comprehension:

“

We're poor at explaining it, the people don't want to hear it, and the understanding level of the language is poor in general. Even if they really try, I think that it would be a struggle to really take it in. It's the sort of thing that you have a conversation and you almost want to come back tomorrow and have another conversation and admittedly those people don't want to have that second conversation, generally, they don't want to come back and have another yarn about it. If you left your card they wouldn't contact you, no chance! In 200-300 services I haven't had one respondent call afterwards to say to me, "I don't understand this" or "I don't understand that", they don't tend to."



The Police Officer

The same issue was seen from a different perspective by the Respondent, who described what the police said when they came to serve the order: "Nothing, just here's the papers, didn't tell me nothing about the stuff in it". He went on,

“

what happens if you're like me and you can't read it and shit? No-one asks you if you know what happened"

The Respondent

and he proposed a different solution to what is needed:

“

I reckon they need to like check up with you after a day or so and see if you know what to do. But it can't be cops. Nobody's gonna listen to a cop if they gonna be assholes because then you just want them gone."

The Respondent

2. BARRIER: “Big-as legal words”

Dealing with complex written information

All of the people interviewed told us that the protection order paperwork was a problem – complicated, full of jargon and, for some participants, it seemed like a huge amount of written information. The Applicant said that she received “*about a page*” of written information that was difficult to understand due to the amount of jargon. The Respondent perceived the paperwork he received as overwhelming.

“

They gave me a HUGE stack of paper – about the thickness of a bible.”

The Respondent

He explained that he had breached his protection order without knowing, because he had not understood the written information:

“

The papers are just the same over and over. It’s real small writing and some big-as legal words and just looks like they saying the same things so you don’t know where to look for things that are important.”

The Respondent



The Police Officer mentioned the difficulties associated with written information 14 times during his interview. For him, the amount of information was a concern, but more important to him was the fact that it includes complex language, and is not pitched at a level that respondents can understand:

Police Officer:

“You’re probably looking at five to six pages of info, about three of which are vital that they need to read - just basic conditions like you can’t go to this person’s address, you can’t contact them directly, indirectly, you

	can't go to their place of work, you can't follow or loiter, physical violence, sexual abuse and it goes on and on and on."
Interviewer:	"So, it uses words like psychological, loiter and things like that?"
Police Officer:	Yeah, it's not layman terms, and a vast majority of the people that you speak to it's going way over their head."

The Police Officer had given a lot of thought about how to simplify and explain the written information, and how to make sure that the respondents understand all the information that they need to. This theme is explored further in the Facilitators section below.

The Respondent believed that his partner also had difficulty understanding the written information she was given, and that this led to a decision that she might not otherwise have made: *"She don't read good and shit so she didn't even know it was like forever."*

Both the Respondent and the Applicant reported not reading some or all of the written information they were given, with consequences that differed for each of them. The Respondent received extra charges because he didn't read the written information, and the Applicant felt she didn't have a full understanding of the correct processes, which led to difficulties when dealing with her ex-partner.

3. BARRIER: “There’s quite a lot of confusion”

Difficulties understanding the process

Both professionals and those experiencing the protection order process appeared to lack key information about the how the process works. The following quotes give some insight into the gaps in knowledge:

“

I don’t think they (prospective applicants) are fully aware of how it kind of works...or even where to begin if they want one”

The Social Worker

“

I would say that maybe 20% of our front-line responders would know how you acquire a protection order”

The Police Officer



“

There’s quite a lot of confusion amongst social workers at our site”

The Social Worker



Where there is lack of understanding on the part of the professionals, it is unlikely that accurate and necessary information will get through to applicants and respondents in a clear manner. In the quotes above, the Police Officer and Social Worker felt that there was insufficient knowledge about the protection order processes amongst their colleagues. This was also illustrated by our Applicant’s experience, which left her feeling that nobody really had the definitive answer about what exactly was lawful in her situation.

“

My advice from my lawyer was that I'm not allowed to make any decisions on behalf of my children... that actually it has to be made by a judge... the decisions, but... (the respondent's) lawyer said actually, I can make the decisions as long as it's written but I still don't know about that either, I don't know what's right... so... I don't understand that, but neither do either of the legal representatives.”



The Applicant

The Applicant was looking for clearly stated information that could be shared between herself and the respondent of her protection order, and also their legal representatives about what was allowed and what was not. She did not think that such information existed.

The Social Worker participating in the research told us that in her view, breaches often occur because respondents do not understand the rules. The Police Officer explained that the information that needed to be communicated to respondents was extremely complex. By way of example, he explained that some protection orders are 'full contact' and this means that the respondent can live with the applicant and function as a normal member of the household, but that the applicant has the right to change the protection order to 'no contact' by verbally telling the respondent they need to leave. In this scenario, the respondent has 20 minutes to leave the house:

“

They go from a full contact protection order to no contact, verbally, and from then onwards there's no texting, there's no turning up, you can't come back, it's as if they're gone, so people struggle with that fluid nature and you have to have a pretty decent understanding of what can get you in trouble, the best way to explain it too - you can see how confusing it can be.”

The Police Officer

In situations where there is more than one relevant piece of legislation, the complexity can be increased even further:

“

You can have a parenting order which says that you can have supervised visits or you could have contact on the weekends, but then the protection order says that you can't make contact with the kids outside of that time so Monday to Friday you can't contact your kids, Saturday, Sunday you can because of the parenting order so it's a minefield that you need to understand.”

The Police Officer

4. BARRIER: “I was so shamed out”

Emotional responses

Emotional state appeared to have a significant influence on how the people involved managed situations. Participants mentioned feelings of vulnerability, and shame, as well as feeling intimidated and judged.

People we interviewed talked about a sense of vulnerability and feeling intimidated. The Applicant described feeling vulnerable:

“

... because it was sensitive for me – because it’s my children – and my life essentially – I did feel confident in my lawyer, but I did feel intimidated as well”.

The Applicant

The Applicant discussed another difficult emotion when she went to court and discovered that everyone waits together in the small waiting room: *“I’m grateful that he didn’t show up, cause I don’t know... I wouldn’t have felt comfortable at all.”* The Respondent also mentioned feeling intimidated by the person who ‘served’ the protection order on him, and this appeared to be linked with his lack of trust in the police.

Particularly for the Respondent, emotional responses appeared to get in the way of understanding the information presented. He stated he *“just wanted them gone”*. He reported that the person who served the protection order...

“

...did not ask for privacy, just started talking in front of my boss. I wasn’t even listening - just wanted it over – I was so shamed out.”

The Respondent

Communication barriers linked to high emotions were acknowledged by the Police Officer who stated,

“

They’re probably unhappy to see you, they’re probably a little bit antsy that this is being served on them, and what they take in is going to be only a small portion of what you say”.

The Police Officer

The Respondent confirmed this, explaining that when he was being served his protection order, he wasn't even listening:

“

I just wanted him to piss off so I could get back to mahi [work] and ring [the Applicant] to see what this was about”.

The Respondent

In this case, it seems that the person serving the protection order was not able to effectively communicate the rules (such as, 'don't call the Applicant') and the consequences of breaching of a protection order. This may have been because the information was too complex, but equally it may have been because the respondent's emotional response to the situation stopped him from listening and understanding.

It's not surprising that respondents sometimes disregard unwelcome messages, and may state they were not told information, even when they were actually told.

The Police officer commented:

“

When you see them again when they've breached for something, they'll be like, 'I never really understood this or never really understood that' but... it'll often be me serving it and then later arresting them (just the way it ended up working out) but some of them even denied being served.”

The Police Officer



Shame was an emotion reported on both sides of the protection order. The Support Agency Worker told of an applicant struggling to get the support that she needed:

“

We had encouraged her to talk with the neighbours but she wasn't ready for that step. She didn't want the neighbours knowing... She said the neighbours are great but she felt ashamed you know? She felt "oh my gosh here I am again... found myself in a relationship like worse than the one I left!", so she's got a whole lot of things going on.”

The Support Agency Worker



5. BARRIER: “If he wasn’t such a power puller”

Relationships, mistrust and lack of support

Several participants shared stories illustrating perceptions of judgement, racism, and marginalisation rather than stories of relationship and support. This had a very detrimental impact on their experience of, and participation in the process. For example, the Respondent’s feeling that someone had a preconceived notion, or had already made a negative judgement about him, contributed greatly to his lack of willingness to engage in the process.

“

Maybe if he wasn’t such a power puller I would have asked him what it was about but I could tell no point in that coz he already decided what I was.”

The Respondent

The people we spoke to felt that professionals sometimes judge the people involved and allocate them into undesirable social groups.

“

They looked at her and they judged her on her appearance and they said, ‘oh you know so you’re on a benefit’... she said, ‘no I work full time!’”

The Support Agency Worker

“

You could tell he was like – ‘yeah look at this brown niggah – bashing his missus and shit’. I could see it all over him. He don’t know shit though – he just knows what he reads. No one else knows what it’s like to live with her being an addict and shit.”

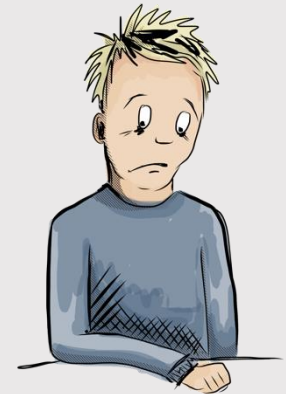
The Respondent

Sadly, people who were supposed to be helpful and supportive were often perceived as judgemental and as barriers to successful outcomes. The Support Agency Worker described

the risk of generic statements about applicants being perceived as judgements, and causing applicants to reconsider their applications for protection orders:

“

She said, 'Oh I want to get a protection order' and they said, "Oh, you know women that get these protection orders, you know they just end up back, they end up letting him back or they end up back at his house... so I mean... you know, are you...?' And straight away, given that this was a woman that had never rang the police, - straight away she's thinking, 'Oh my gosh have I done the right thing?'"



The Support Agency Worker

In a similar situation, the Support Agency Worker described how a person who is meant to be supporting an applicant or logging breaches can give the impression that the applicant's behaviour is inappropriate or is in some way contributing to the breaches. In the Support Agency Worker's view, this does not support the applicant in the process:

“

He was texting her and saying, 'oh... you'd better not be running your mouth around town about me'... and she showed the lady and said, 'oh you know these are the texts' and the receptionist, she said, 'well... what's he done wrong? They're just texts'... and she said, 'I'm sorry I thought he wasn't allowed to make contact with me'. 'Well how did he get your number? You must've given it to him!' She said, "No, he had my number when we were together' and she said, 'Well, why don't you change your number?'

The Support Agency Worker

The Support Agency Worker described a situation that had occurred in her workplace. An applicant had talked to her about feeling judged and finding it difficult to work out the process involved. The Support Agency Worker reported that the applicant had ended up saying, *"I don't know why women would get a protection order. I don't know why they'd do that to themselves, they just actually bring a whole lot of trouble to themselves."*

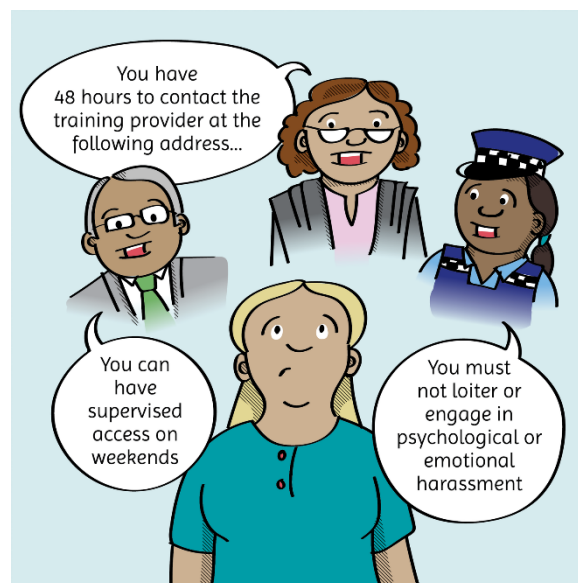
Both the Applicant and the Support Agency Worker felt that having no support person at key stages was a barrier to the process:

“

Some of the other stuff too I think was hard for me... to even get my head around was that I'm not allowed anybody to support me in the court because everything is private and confidential, I found that was intimidating.”

The Applicant

Having a lawyer to help you understand and navigate the protection order process would seem like an obvious solution. However, whilst some participants felt that lawyers offered useful support, *“I trust my lawyer and I know that she's working in my best interests”* (Applicant), other participants felt that needing to contact a lawyer was potentially a barrier (especially for those wanting to apply for a protection order). The requirement to contact a lawyer was mentioned by all participants except the Respondent. Two of the people we spoke to told us that people involved in a protection order need to pay for a lawyer if they don't qualify for legal aid. The respondent described a lack of positive relationship with his lawyer: *“That was last month and I not seen or heard from him since. They don't give a shit. They just there that day so they get the job”*.



Fortunately, despite the many experiences we heard that were linked to poor support, everyone we spoke to also made comments about other people being helpful, supportive, and playing a key role in facilitating good communication and clear processes. This will be discussed further in the Facilitators section below.

B. Facilitators of effective communication about protection orders

Participants' views on what would make communication more effective centred around four main ideas, which are shown in the Table below.

Facilitators	Applicant	Respondent	Social Worker	Support Agency Worker	Police	Number of people who mentioned
1. Effective Communication Strategies						
Simple verbal explanation	✓	✓	✓		✓	4
Use diagrams and flowcharts	✓	✓	✓			3
Check understanding			✓		✓	2
2. Provision of Support						
Someone to ask and explain it	✓	✓		✓	✓	4
Someone to help navigate the system and advocate			✓	✓		2
3. Choices						
Opportunities for self-determination			✓	✓	✓	3
4. Training						
Training and collaboration for professionals			✓	✓		2

1. FACILITATOR: “Not with heaps of words”

Effective Communication Strategies

Four of the participants mentioned simple verbal explanations as important for improving communication about protection orders. The Social Worker said “*obviously*”, there must be “*wording that they can understand*”. The Applicant reported receiving a clear explanation from the Police Officer who had served the protection order on her ex-partner:

“

He rang me and told me that I’ve served him... I’ve explained the whole process to him, told him what he needs to do, told him that he can’t contact you at all, so if he makes any contact with you at all, you need to call the police.”

The Applicant

The Police Officer described using simple language and a highlighter as strategies to increase comprehension of complex information:

“

I’ll work my way through the points and use [plain] English to explain what it all means, once I get to the page where it says about the course, I’ll highlight that and I’ll explain that you must attend this place, make contact and arrange an appointment. If you do not it will result in a breach of the order and I’ll explain the consequences which carries three years’ imprisonment.”

The Police Officer

“

If I felt that they’re not comprehending it, I often will write down the processes for them... Because I think that people can sometimes see something and then point and say, ‘okay I do this here, and then I do this here, what do I do here?’ So it's a different learning style.”

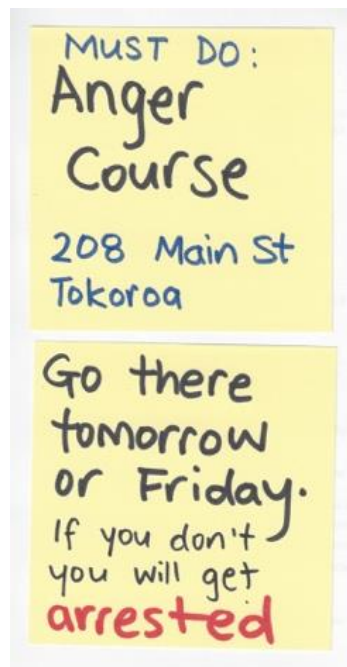
The Police Officer

The Police Officer explained that he found it useful to write key words to increase the chances that a respondent will understand and retain the information:

“

I think that people can sometimes see something and then point and say, 'okay I do this here, and then I do this here, what do I do here?'"

The Police Officer



The Police Officer also reported limiting what is said on the first meeting, to reduce the chance of overload. "We only explain the bits they need to know - the rest of it they need to go through in their own time".

Linked to this strategy is the importance of checking the listener's understanding of what has been said so far. The Police Officer and the Social Worker both mentioned this, but only briefly, for example, "*kind of checking in to make sure they understand what you're saying*", but neither added further information about how this might be done. Effective checking of a listener's understanding is a skill that takes some training, as people we spoke to suggested that they are not likely to speak up if they are confused, and sometimes will say "yes" when asked, "did you understand all that?".

Watch out – are you checking understanding effectively?

Most of us won't say when we are confused or unsure. We do not want to feel shamed or stupid.

Try asking young person to tell you what they think you said.

Review and write it down.



www.talkingtroublenz.org

<https://talkingtroublenz.org/links-and-resources/>

Three people we spoke to mentioned that there needed to be written materials for people going through the protection order process that were easy to read.

The Respondent suggested:

“

Have it not with heaps of words - just keep it real simple so you can actually know what to do.”

The Respondent

The Social Worker felt that *“for a lot of people taking something away with them is quite useful”* to aid their understanding and recall of what has been said. The Respondent described the way that pages of text made everything look the same, and it was hard to know where to look for the important information. He felt that diagrams made it much easier to understand written materials: *“I went to WINZ last week and they had this like diagram and it was good coz I knew what I had to do.”*

We showed people some written materials in communication-friendly format to hear their thoughts about them. The feedback was positive: People liked the information presented in this way, *“because it’s simple”* (Applicant).

Participants thought that written materials that explained things like, *“get someone else to do these things for you”*; and *“keep your distance”* in straightforward ways were helpful for understanding what was allowed and what was not allowed. The Applicant explained: *“because even after the order he would drive past my house but I think he thought that was okay.”*



2. FACILITATOR: “It sounded like they cared”

Provision of support

Each person we spoke to mentioned the need for a supportive person to help. They wanted a trusted person to go to with any questions, who could explain everything in a way that worked for them:

“

... maybe a number you can ring if you need some help – but not cops. No one’s gonna ring cops.”

The Respondent

“

Having someone to actually explain it to them in a way that works for them”

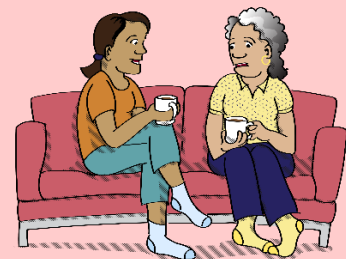
The Support Agency Worker

The Support Agency Worker and the Social Worker mentioned the need to have someone to listen, offer support and help applicants navigate the system. The Social Worker found that the open-door policy of an agency she often referred applicants to (*“yeah sure we’ll take anyone that walks in, look forward to seeing you shortly”*) was crucial: *“It’s a lot more reassuring, kind of just welcomes them through”*. The Support Agency Worker explained what she felt helped: *“Even the simple things like a cup of coffee, you just sit down and let me have a listen to your story”*. One of the Applicant’s comments confirmed this:

“

I suppose in the... state that I was in, I already felt really vulnerable... I ended up ringing (the agency) and it sounded like they cared, so that’s who I went to.”

The Applicant



3. FACILITATOR: “Choices” Opportunities for self-determination

Some of the people we spoke to felt that it was important that applicants have choices about their options. Specifically, professionals mentioned that it was important that applicants understood that they had the right to choose whether to stay in the relationship or leave it, based on their own individual and whānau context, including the needs of their children. Similarly, the Police Officer noted that when giving information about protection orders to a person, it is up to that person to decide whether it is the right decision for them, and to determine the right timing.

The Applicant described a tension between preserving relationships and following the law:

“

In relation to my order, my ex-husband thinks that I’m being difficult in not letting him see my children, where I’m actually just trying to do what is lawful but through my lawyer’s eyes. And I have to follow what she’s saying because she’s my legal representative so... I’m not trying to be difficult. I want him to see my children because they love him and I don’t feel like he will harm them.”

The Applicant

The Applicant described taking charge of communication by asking her lawyer to tell her what certain words meant, and she also described at times she felt she had to be quite assertive with her lawyer. She explained that it was really important that her lawyer used her exact words, *“because I didn’t want... my ex-husband to twist what I was trying to communicate and I knew that’s what he would do so it was important to me that (the lawyer) used the words that I was using”*. When the Applicant reviewed what the lawyer had written, she had to argue:

“

I said, 'no no, you have to take that out cause that’s not what he said and that’s not what happened', and my lawyer said it actually means the same thing... but it didn’t mean the same thing to me and it probably wouldn’t mean the same thing to him and he would manipulate that somehow to make me look bad.... but I just wanted it to be accurate.”

The Applicant

4. FACILITATOR: Training

Training and collaboration for professionals

People we spoke to felt that training and collaboration for professionals was important, to ensure that they fully understood the process, and were able to explain it clearly.



The Police Officer commented:

“

We're poor at explaining it.”

The Police Officer

And other participants also commented (as outlined in the Barriers Section 3 above on page 18) on the lack of knowledge of some of the professionals involved in the process, and that sometimes difficulties arose because professionals found it difficult to explain protection order requirements clearly.

When all professionals have clear, accurate information and work together effectively in ways that are experienced as respectful and sensitive, information given out to those who are involved in the protection order process is likely to be more accurate and consistent.

Training is required for the workforce who serve protection orders and others who may have a role in explaining them. They need to know how to explain information clearly, check understanding effectively, and deliver the information in a manner appropriate to the sensitive and emotive nature of the topic. They also need to know how to adapt the way they communicate according to the needs of the person they are speaking to. If the person has oral language, literacy, learning, mental health or any other needs, it will be important that professionals are equipped to recognise such needs and adapt their communication and the resources they use accordingly.

In addition to the problems that sometimes arose when protection orders needed to be explained, the Respondent and the Applicant in this study both commented that the

paperwork was lengthy and hard to comprehend (see section 2 on page 17 for the Barriers they identified that relate to documentation). Training is also needed for those people responsible for creating the documentation relating to protection orders. The wording, length and complexity of the paperwork needs to be addressed, based on the experiences of the people we spoke with. We would recommend that those who have experience of being applicants and respondents are asked for their expertise to ensure that the materials are designed appropriately. They are well-placed to provide advice and training to those who need to develop and explain this documentation.

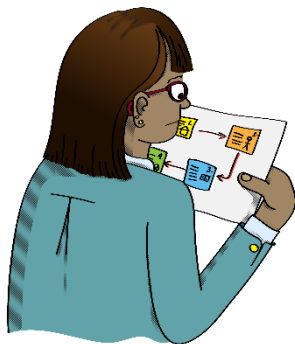
Conclusion

The people we spoke to for this project identified barriers to fully understanding protection orders and the processes surrounding them. They also had ideas about what could facilitate more effective communication.

The number of participants involved in this project was very small, and their experiences may not represent the experiences that others go through. However, their responses highlighted some common themes.

In terms of barriers, the information that needs to be explained is inherently complex, often contains unfamiliar jargon, and written resources are sometimes overwhelming and frequently not read by the people who need to understand them.

Some may not understand significant aspects of the process, which could lead to protection orders being breached. Participants may not receive sufficient support through the process, which could result in a protection order not being put in place despite a person believing that that is the best option for them, or other actions being taken (or not taken) that are not in line with the person's wishes.



However, the people we interviewed were also able to advise on how people might engage and communicate more effectively. They wanted information to be presented simply, using straightforward verbal explanations, and easy-to-understand (jargon free) written resources that could be taken away. They thought the most important information should be highlighted, not hidden in pages of small text. They wanted flowcharts and diagrams, so it would be clear what everyone had to do. People we spoke to wanted clear answers to any questions that may arise (both at the time, and a number to call later, if further questions came up), and they wanted consistent information, not different information depending on the person they spoke to.

FIVE TOP TIPS FOR EXPLAINING COMPLICATED INFORMATION

1: Simple words and phrases

~~loiter~~
~~harassment~~

5: Check understanding effectively

OK, so what have you got so far from the information we've gone through? through?"



2: Simple

diagrams

and pictures



4: Signpost topics

and highlight important information



3: Write the

KEY

WORDS

MUST DO:
Anger
Course
208 Main St
Tukorua
Go there
tomorrow
or Friday
if you don't
you will get
arrested

Having accurate information was important, and in addition to that, most of the people we spoke to felt that information needed to come from someone that the person could trust. When a respectful relationship was already established, full understanding of what was required was much more likely to be achieved.

We did not seek information about the speech, language and communication skills of the people involved in this project, but in our work as speech-language therapists and court-appointed Communication Assistants at Talking Trouble, we meet people who often have difficulty making sense of rules, orders, plans and expectations. When language is difficult for people (whether spoken or written) and things like concentrating and remembering information is challenging, (especially when the topic is sensitive and stressful), it can be particularly difficult to navigate the sophisticated language and systems involved in justice processes.

We did not include a review of other projects or research from Aotearoa New Zealand or other countries when writing about this project as the funding and scope did not allow for that. However, we would recommend considering the information presented here in the light of others' research and in the light of the expertise of practitioners and those with lived-experience of the Protection Order processes.

Taking out a protection order, or having a protection order taken out against you can trigger strong emotional reactions. Emotions sometimes interfere with clear communication, which makes it even more important that clear communication and straightforward written resources are provided, that can be referred to later. It is important that information is presented in a non-judgemental way, and that support is readily available when needed, throughout the process. Good communication is critical for those going through a protection order process, to give the best chance of fully understanding the process and navigating it without further harm to the whānau.

We hope this information provides insights into the changes that could easily be made to the paperwork and interactions for all involved in protection orders. We recommend that the current materials and processes are scrutinised by a bigger group who have lived experience of the protection order process. They can help inform the design of more effective materials and processes, and the design of training and support services.¹ These would all need to be developed for the specific context of Aotearoa New Zealand.

We are grateful to those individuals who gave up their time to help provide the insights reported here.

¹ E.g. please see the visual story cards created by the Blurred Borders project in Western Australia <https://blurredborders.legalaid.wa.gov.au/packs/family-violence/story-cards>