



Te Pou: An Indigenous Framework to Evaluate the Inclusion of Family Voice in Family Violence Homicide Reviews

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Abstract

Purpose Within this paper we evaluate the inclusion of the family voice in the domestic homicide review process. We use an Indigenous rubric (Te Pou) developed to ensure a culturally appropriate framework for conducting fatality reviews. We further draw on the creative potential of Indigenous knowledge systems, applying them alongside Western understandings of the engagement of family in homicide reviews, to seed new knowledge. This review has been undertaken early in the process of implementing family interviews to learn from current practices, seeking to improve them and, thereby, be better hosts for those invited to be part of a review.

Methods The process of including family input into the in-depth reviews of family violence homicide reviews, conducted between October 2019 and November 2021, was reviewed against the guidelines specified within Te Pou.

Results While there were strengths within the current process, the review established that further work is required to fully embed cultural understandings and processes within homicide reviews. Indeed, the current process and legislative framework in which it is based, works against relational obligations of reciprocity and a duty to care.

Conclusions Using indigenous frameworks and research methods, it is possible to determine how homicide review processes have the potential to embed trauma rather than providing an opportunity for critical reflection and healing. Repositioning homicide reviews will require a reconceptualization of the legislative framework and support system requirements for review panels.

Keywords Homicide reviews · Indigenous frameworks · Equity · Family violence

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Introduction

Te Tiriti o Waitangi is considered the founding document of Aotearoa New Zealand (Aotearoa) and was signed between the British Crown and Māori rangatira^{1,2,3} in 1840. It sets out Crown responsibilities, Māori rights, and a relationship framework between Māori and the Crown (Cabinet Office, 2019). However, the Crown failed to uphold its responsibilities, resulting in widespread health, social, justice and economic inequities that continue to persist to the present day (Waitangi Tribunal, 2017). Colonisation, land loss, intergenerational trauma and racism have been acknowledged as significant contributors to intimate partner violence (IPV) in Māori families (whānau⁴) (Cormack et al., 2018). Similarly, the corollary of unchecked settler privilege has been identified as a component of IPV and family violence homicide experiences of Pākehā⁵ families (Family Violence Death Review Committee, 2020).

He Awa Whiria (Macfarlane et al., 2015) is an inquiry methodology, described by Cram (2021) as one “that recognises the often separate journeys taken in accordance with mātauranga⁶ – Māori knowledge – and Western knowledge systems. It acknowledges that our knowing does not stand still, but rather that it flows forward as it is fed by new waters at the source and as it is joined by tributaries” (pg 1 (Cram, 2021), Fig. 1).

Within this paper, we use He Awa Whiria to draw on the creative potential of Indigenous knowledge systems (Durie, 2004), applying them alongside Western understandings of the engagement of family in homicide reviews, to seed new knowledge. Of particular interest is how to gather and care for the voices of Māori whānau within a death review process when much of what is officially known about the death is drawn from government agency records that have been compiled by non-Māori working within their own worldview.

Te Pou, is an Indigenous rubric developed to ensure a culturally appropriate framework for conducting fatality reviews (Wilson et al., 2020). Te Pou is used in this



Fig. 1 An example of a braided river, The Rakaia River, Canterbury New Zealand. Source: GNS Science, Reference: CN38455/15, Photograph by Lloyd Homer

reflection to evaluate how well our national Family Violence Death Review Committee (FVDRC) has included the views of whānau in the review process. Before moving to a fuller description of this, we begin with a more general overview of family violence homicide review. The Aotearoa review process is then described.

The origins of family violence homicide review panels, referred to domestic homicide review panels in other jurisdictions, can be traced to the 1991 Charon Investigation in San Francisco (Commission on the Status of Women & City and Council of San Francisco, 1991). Following the murder of Veena Charon by her estranged husband, the San Francisco Women’s Commission and the City and Council of San Francisco launched an investigation into community and system responses to Veena’s help-seeking in the 15-months prior to her death. As well as changing government and community responses to IPV, the report provided a framework to guide the establishment of family violence homicide review panels.

Domestic homicide reviews are now established in the United States (J. S. Wilson & Websdale, 2006), Canada (Jaffe et al., 2009), England, Wales (Rowlands, 2020b), Australia (David, 2007), Aotearoa (Family Violence Death Review Committee, 2010), Portugal (Castanho, 2018) and Northern Ireland (Department of Justice, 2018). Rowlands describes homicide reviews as primarily an exercise

¹ Except where specified otherwise, definitions of Māori terms used in this manuscript have been sourced from the Māori Dictionary: <https://maoridictionary.co.nz/>

² Māori: Indigenous New Zealander, indigenous person of Aotearoa/New Zealand.

³ Rangatira: chief (male or female)... qualities of a leader is a concern for the integrity and prosperity of the people, the land, the language and other cultural treasures (e.g. oratory and song poetry), and an aggressive and sustained response to outside forces that may threaten these.

⁴ Whānau: extended family, family group ...the primary economic unit of traditional Māori society. In the modern context the term is sometimes used to include friends who may not have any kinship ties to other members.

⁵ Pākehā: English, foreign, European, exotic—introduced from or originating in a foreign country.

⁶ Mātauranga: knowledge, wisdom, understanding, skill.

in meaning-making in a multi-agency setting (Rowlands, 2020a). While Websdale views them as a feature of a “dialogic democracy” (Websdale, 2012: cited in Rowlands, 2020b), where there is the potential for government agencies to engage in self-criticism and reflection for practice change.

Homicide reviews are not value free. In particular, Rowlands concerns himself with the objectification of the victim in the narrative generated by a review process heavily weighted towards reliance on government agency data and clinical records (Rowlands, 2020a). The guise of objectification is related to government agencies’ ways of “knowing” and recording the actions of the deceased and offenders. A poor understanding of Indigenous families by such agencies, results in inaccurate data recording and subsequent criticism of how such data is analysed and interpreted (Ministerial Advisory Committee on a Maori Perspective for the Development of Social Welfare, 1988).

The privileging of agency perspectives over those of families is founded on an assumption that the solutions to poor practice reside within the statutory sector (Mullane, 2017). To effectively include families in the review process, untapping knowledge held by those close to the deceased or offender (Monkton-Smith, 2012), requires a rebalancing of power dynamics between statutory services and families, building a process of respect and family ownership (Arnstein, 1969). In doing so, the privileged position of agency voice is challenged and the contextualised understanding of events leading to the death can be appreciated holistically.

To maintain an assumption that solutions reside within the statutory sector rests on an expectation of equitable service provision and a lack of structural bias exist within service design or delivery. However, within settler societies disparities within service design and delivery results in disparities between Indigenous and non-Indigenous disease-specific mortality rates (Bramley et al., 2004). Hence, fatality reviews must be placed within an understanding of the wider context within which individuals and families live, and within an appreciation of the inequitable experiences of Māori (the Indigenous population of Aotearoa) and non-Māori (Cram et al., 2021). Further, for homicide reviews to address disparities, they must be culturally responsive (Reid & Robson, 2007) enabling a nuanced understanding of help-seeking behaviours, coping strategies, historical context and cultural values (Bent-Goodley, 2013). Rather than the review process objectifying the deceased, it is the role of reviewers to understand the deceased and/or offender’s decision making in the context of available resources, expected responses from agencies and within an intergenerational context. The voice of the family allows this to occur in the first person, highlighting the actions undertaken and responses received (Fig. 2).

Within the current paper we evaluate the inclusion of the family and whānau voice against an Indigenous rubric

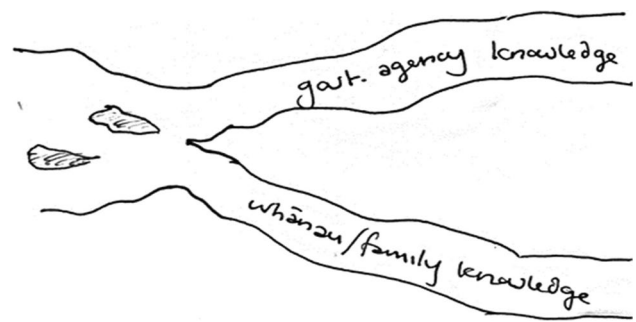


Fig. 2 Data collection sources and perspectives

(Te Pou) developed to ensure a culturally appropriate framework for conducting fatality reviews (Wilson et al., 2020). Te Pou provides guidelines for ethical practice in the context of in-depth reviews. As such, by evaluating the inclusion of the whānau voice against Te Pou, it is possible to identify strengths and limitations of the current Aotearoa family violence death review process, as well as the legislation on which it is based, and the placement of the family and whānau in the review process. This review has been undertaken early in the process of implementing family and whānau interviews to learn from current practices, seeking to improve them and, thereby, be better hosts for the family and whānau invited to be part of a review.

Context

The FVDRC was established in 2009, following recommendations from the Taskforce for Action to Address Violence within Families (Family Violence Death Review Committee, 2010). The multi-disciplinary Committee was established to provide independent advice to the Minister of Health, with the goal of reducing family violence morbidity and mortality (Taskforce for Action on Violence Within Families, 2007). The FVDRC established the process for in-depth reviews of death events, generally following the process undertaken for multi-agency reviews. Those captured within FVDRC’s terms of reference are:

The unnatural death of a person (adult or child) where the suspected offender(s) is a family or extended family member, caregiver, intimate partner, previous partner of the victim, or previous partner of the victim’s current partner, and where the death was an episode of family violence and/or there is an identifiable history of family violence (Family Violence Death Review Committee, 2010).

Suicide, bystanders and chronic illness following exposure to family violence are excluded. Agency representatives on review panels are expected to have sufficient status to be influential, be able to respond to the findings of the reviews, and to engage in a manner that embeds cultural safety, trust and goodwill (Family

Violence Death Review Committee, 2010). The inclusion of whānau voice in the review process began in 2019.

The term “whānau” has been used to capture the involvement of family, whānau and friends of the deceased or offender as it provides a wider scope than a western understanding of the nuclear family (see footnote 4). To date, five in-depth reviews have been conducted that include whānau voice. Unlike England and Wales, whānau are not included in the whole review process. Due to the legislative framework under which the FVDRC was established (New Zealand Public Health and Disability Amendment Act, 2010), whānau involvement is restricted to providing input through a discussion with representatives of the review panel. Whānau are unable to receive a copy of reports arising from the review process.

In August 2019, Ngā Pou Arawhenua, the Māori caucus for the Mortality Review Committees (MRCs), comprising of Māori representatives of each of the country’s five MRCs, published *Te Pou – the Māori Responsive Rubric* (Wilson et al., 2020). *Te Pou* was developed to provide good practice expectations for the interpretation and reporting of Māori mortality, as well as culturally appropriate components to embed in fatality reviews. *Te Pou* underscores the importance of ensuring a robust and appropriate process of engaging with whānau, considering and managing the potential for re-traumatising, by privileging the story and interpretation of the pathway to the death event as described by whānau.

Following an iterative process, four pou (metaphorical posts) were agreed. Each pou has been described using Māori terms, the concepts which they describe are not directly translatable to English. Brief descriptions, as described in the rubric, are provided below. A more comprehensive understanding of each concept is provided in the footnotes:

1. Tika—do things right, getting the story and interpretation right.
2. Manaakitanga—being culturally and socially responsible.
3. Mana—advancing equity, self-determination, and social justice.
4. Mahi tahi—establishing relationships for positive change.⁷

Expectations for ethical practice are described within each pou. This article has been developed to reflect these four pou, as the FVDRC reflects on its cultural and ethical obligations when including whānau voice. For each pou, the approach of the FVDRC is outlined, and opportunities for practice improvements highlighted.

While *Te Pou* has been developed specifically to enhance equity for Māori, implementation of the framework provides an example of a Te Tiriti dividend. Drawing on McGhee’s work on Solidarity Dividends (McGhee, 2021), where people come together across ethnic divides to work towards cultural and social justice,

Te Tiriti dividends represent a way of working in which mātauranga Māori is upheld and prioritised and which brings about a common good across the population of Aotearoa. The re-inclusion of Māori in ways that honour Te Tiriti (e.g., tino rangatiratanga or self-determination) often paves the way for the re-inclusion of others who have been marginalised by stigma, racism and othering practices. Indeed, in the shared genealogical and cultural history of Māori and Pasifika⁸ produces a tuakana-teina⁹ relationship between Pasifika and Māori, although Suaalii-Sauni highlights the need for Pasifika people to

⁷ The labels used in *Te Pou* underscore values that have a deeper understanding:

Tika: truth, correctness, directness, justice, fairness, righteousness, right.

Manaakitanga: the process of showing respect, generosity and care for others.

Mana: prestige, authority, control, power, influence, status, spiritual power, charisma—mana is a supernatural force in a person, place or object. Mana goes hand in hand with tapu, one affecting the other. The more prestigious the event, person or object, the more it is surrounded by tapu and mana. Mana is the enduring, indestructible power of the atua (ancestor with continuing influence) and is inherited at birth, the more senior the descent, the greater the mana. The authority of mana and tapu is inherited and delegated through the senior line from the atua as their human agent to act on revealed will. Since authority is a spiritual gift delegated by the atua, people remain the agent, never the source of mana... This divine choice is confirmed by the elders, initiated by the tohunga (leader) under traditional consecratory rites (tohi). Mana gives a person the authority to lead, organize, and regulate communal expeditions and activities, to make decisions regarding social and political matters. A person or tribe’s mana can increase from successful ventures or decrease through the lack of success... Almost every activity has a link with the maintenance and enhancement of mana and tapu... Mana Motuhake: separate identity, autonomy, self-government, self-determination, independence, sovereignty, authority—mana through self-determination and control over one’s own destiny.

Mahi tahi: working together, collaboration, cooperation, teamwork.

⁸ Pasifika: Pacific communities in Aotearoa. While used interchangeably with ‘Pacific’, it reflects a level of self-determination for the Pasifika communities in Aotearoa. The spelling of the term is symbolic of the Pasifika language and embodies the feel and nuance that is true for Pasifika people and communities.

⁹ Tuakana-Teina: As Williams (1985) defines, a tuakana is “an older brother of a male, an older sister of a

female and a cousin of the same sex in an older branch of the family” (p. 445), and a teina “as a younger brother of a male, a younger sister of a female and a cousin of the same sex in a younger branch of the family” (p. 410). This natural structuring, in effect, distinguished the paired relationships of “senior” and “junior” between people and things... Simply, status was accorded to the tuakana before the teina, and it accounted for the structuring of reciprocal relationships between kin members of descent groups, tribal groups, and Māori and their environment (Salmond, 1991, p. 348).” (from pg 31 Winitana, M. Remembering the deeds of Māui: What messages are in the tuakana-teina pedagogy for tertiary educators? *Mai Journal* 1(1): 29–37).

defer to Māori as tangata whenua¹⁰ of Aotearoa. There is a strong alignment between the dimensions of Te Pou and the principles and elements of Pasifika engagement models and approaches (Le Va, 2009; Seiuli, 2012; Te Pou o te Whakaaro Nui, 2018). Within this context Te Pou provides an opportunity to critically reflect on the inclusion of Pasifika families (whānau), rather than simply assuming cultural concepts will equally apply (Suaalii-Sauni, 2107), allowing for an understanding of how the cultural responsiveness of the process can be improved to bring about a common good for all of those who participate in the in-depth reviews.

Uiui¹¹ whānau

The naming of the process being undertaken is something that the FVDRC has wrestled with. “Interviews” give connotations of a formal process, while the review team set out to ensure that participation is comfortable. At these early stages we have termed our process, uiui whānau, which describes a line of enquiry or questioning. The FVDRC is working towards a process of wānanga (te reo Māori) or talanoa (Pasifika). Whānau wānanga¹² or whānau talanoa¹³ describes the ability to sit in conversation with the whānau. They are aspirational terms, highlighting the potential for a process of reconnection and healing (Savage et al., 2019) with an aim of facilitating change (Vaiotei, 2006).

Between November 2019 and October 2021, six in-depth reviews of family violence homicide events were conducted. The in-depth reviews were selected to develop further understanding about the nature of a family violence homicide event with given parameters (ethnicity, family violence homicide type, rural/urban location). In brief, the overall characteristics of the events reviewed were:

- Intrafamilial violence, adult child against a parent, Māori, urban
- Intimate partner violence, female offender, Samoan, urban
- Intimate partner violence, male offender with suicidal tendencies, European, rural
- Intrafamilial violence, siblings, Māori, rural
- Intrafamilial violence, adult child against a parent, European, urban
- Child abuse and neglect, European, rural.

¹⁰ Tangata whenua: local people, hosts, indigenous people—people born of the whenua, i.e. of the placenta and of the land where the people's ancestors have lived and where their placenta are buried.

¹¹ Uiui: to question, interrogate, investigate, cross-examine, examine.

¹² Wānanga: to meet and discuss, deliberate, consider.

¹³ Talanoa: A personal encounter where people story their issues, their realities and aspirations (from Vaiotei, T. M. (2006)).

The methods of contacting whānau varied depending upon ethnicity of those involved and their engagement with government agencies. Uiui whānau were conducted at a location chosen by whānau members and lasted approximately 90 min. They were recorded and were subsequently transcribed with whānau consent.

A Note on Ethics

The process of obtaining the whānau voice is enabled through the Health and Disability Act (2000). As such, ethical approval is not required, neither are cultural frameworks. Further consideration about the use of ethical guidelines is required to ensure safety for participants. Given the existence of research and ethical guidelines drawn from Māori (Hudson et al., 2019) and Pasifika world views (Le Va, 2009; Seiuli, 2012; Te Pou o te Whakaaro Nui, 2018), it is important that these are given equal weight as Western ethical frameworks.

A Note on Gender

The prevalence of IPV is impacted by gender norms at the global level (Garcia-Moreno et al., 2005). However, this manuscript focuses on understanding the place of the whānau in the death review process, not addressing risk factors for IPV. Cultural norms within Aotearoa and across the South Pacific have been significantly and adversely impacted by colonisation and the imposition of Western patriarchal ideas. The imposition of Anglo-American epistemologies, reflective of specific cultural, socio-political, economic and gendered perspectives (Kruger et al., 2002) serve to silence culturally derived frameworks that express specific understandings of gender, gender roles, relationships and wellbeing (Kruger et al., 2002; Rankine et al., 2017; Rua, 2015). Within this context, cultural leads are responsible for identifying, understanding and engaging in appropriate amelioration strategies in the event that gendered power imbalances emerge during uiui whānau.

Reflection on Te Pou

In this section, we reflect on the process undertaken for recruiting and involving whānau members. We consider the benefits and limitations for whānau, review panel members and for contributing a fuller understanding of the factors influencing engagement with services.

Tika – Getting the Story and the Interpretation Right

Ethical practice as described by this pou (tika) is “Arohi ki te tangata” – be respectful for the people that are being

researched, both those that live now and those that have passed.

Whānau involved in a family violence homicide can take on a lesser status through their treatment by government agencies both before and after the homicide event (Mullane, 2014). The family violence fatality review occurs after the judicial process to ensure clarity concerning the role of the offender. However, the criminal prosecution of a death can be a traumatising experience, resulting in fear, exclusion and perceptions of unfairness for deceased's families (Hargrave, 2019), or an inaccurate construction of the facts of the relationship (Henaghan et al., 2021). Where racist behaviours have been displayed by statutory agents, trust between the whānau and statutory services may be low. Further, there is an on-going impact of colonisation on Māori whānau as a result of increased rates of incarceration, reduced ability to receive adequate health support and a continual undermining of traditional, reciprocal gender roles (Mikaere, 1994). While the FVDR is a statutory committee, it is housed within a government entity (the Health Quality & Safety Commission). As such, there is the potential for review panel members to be seen as an extension of government agencies.

This context requires review panel members to tread with utmost respect when approaching whānau to participate, as well as when speaking about both the deceased and offender. A homicide review process is foreign to all but those who regularly engage in it. As such, there may be differences in understandings about what the process involves for whānau and what outcomes they can expect. As well as honouring process, an understanding of family values, structures and concepts enhances engagement and minimises the potential to produce conflict, tensions or breaches of tapu¹⁴ (Le Va, 2009).

Sufficient time and space are required to enable an understanding of the process and for whānau members to ask questions from the panel or cultural lead. Further consideration is required about how to communicate expectations effectively where panel leads are generally based in an urban government entity and whānau may be based in remote rural communities. To be fully respectful of the people who are

being researched requires a power balance that can only be generated through the establishment of effective relationships (D. Wilson et al., 2021).

Cultural guidelines for uiui whānau are clearly followed. To date, the cultural lead has borne the responsibility of making contact with the whānau, suggesting koha,¹⁵ outlining tikanga,¹⁶ and opening and closing the meeting. For members of the review panel the role of the reviewer is one of a humble inquirer (Lambrechts et al., 2011), acknowledging and valuing the expertise brought by the whānau involved.

Manaakitanga – being Culturally and Socially Responsible

Ethical practice outlined in Te Pou:

- Kia tupato – be cautious, culturally safe and reflexive
- Manaaki ki te tangata – look after the people and take the time to listen and understand
- He kanohi kitea – be a known and familiar face to those participating in the research

Cultural leads for in-depth reviews open and close the uiui whānau and establish cultural safety for all involved. For Māori and Pasifika, opening and closing recognises the spiritual and traditional protocols necessary to create a space that allow important discussion to take place and peaceful and favourable outcomes to be achieved (Seiuli, 2012).

The cultural lead also follow-up with the whānau to ensure their safety once the uiui whānau has been completed. It is their role to monitor body language throughout the uiui whānau and identify unspoken words that articulate discomfort or trauma. For Māori and Samoan uiui whānau, the review team have benefited from the expertise of cultural leads that share whakapapa¹⁷ and/or life stories with the whānau impacted. Because of the existing relationship, cultural leads can quickly establish shared worldviews, identify and address situations where one or more whānau members may appear 'silenced', such as in cases of gender-based power imbalances, and suggest amelioration strategies. However, of note is that, due to shared whakapapa, kaumātua often have to negotiate complex relationships as part of the in-depth review process as they are likely to

¹⁴ Tapu: restriction, prohibition—a supernatural condition. A person, place or thing is dedicated to an atua and is thus removed from the sphere of the profane and put into the sphere of the sacred. It is untouchable, no longer to be put to common use. The violation of tapu would result in retribution, sometimes including the death of the violator and others involved directly or indirectly. Appropriate karakia and ceremonies could mitigate these effects. Tapu was used as a way to control how people behaved towards each other and the environment, placing restrictions upon society to ensure that society flourished... People are tapu and it is each person's responsibility to preserve their own tapu and respect the tapu of others and of places. (Te Kōhure Textbook (Ed. 2): 237–240; Te Kōhure Video Tapes (Ed. 1): 6;).

¹⁵ Koha: gift, present, offering, donation, contribution—has connotations of reciprocity.

¹⁶ Tikanga: the customary system of values and practices that have developed over time and are deeply embedded in the social context.

¹⁷ Whakapapa: genealogy, genealogical table, lineage, descent—reciting whakapapa was, and is, an important skill and reflected the importance of genealogies in Māori society ... It is central to all Māori institutions.

have on-going involvement with whānau. Their involvement demands that the review team are respectful of the participating whānau and take a sensitive and balanced approach to interpreting the information obtained. It is testament to those kaumātua who have been involved to date that they are able to negotiate the complexities of engagement and this underscores the importance of a considered appointment process for this role.

Of central importance for all of the uiui whānau has been that sufficient time and energy is given over to the process. This speaks to the differences in the concept of time for Pasifika and Māori compared to Eurocentric concepts of time. The emphasises is not on generating concrete outputs but is on establishing and nurturing meaningful and strong relational connections (Seiuli, 2012). To date, a maximum of two uiui whānau have been conducted in a day, acknowledging the emotional and intellectual energy required.

The process of identifying the most appropriate whānau member to contact occurs through a review of government agency records. Through the judicial process, it may also become clear who is the most appropriate contact person, as those who have stood out in representing whānau views, or have provided a unique perspective through witness statements.

Whānau members are sent a letter describing the interview process, notifying them they will receive a phone call to arrange an interview and who will be in contact. Where there is uncertainty concerning their readiness to be involved in the process, whānau members are provided with the opportunity to contact the review panel, rather than panel members phoning as a follow-up. To date this has occurred in two uiui whānau, where the review panel were of the impression that the whānau still felt the weight of responsibility following the death event. This also presents an opportunity for improving methods of contacting whānau members and discussing the process before inviting them to take part. The establishment of a trusted relationship with kaumātua¹⁸ or other cultural lead before extending the invitation to participate in uiui whānau may provide an opportunity to determine readiness to participate and reduce any perceived barriers to the process.

Mana – Advancing Equity, Self-Determination and Social Justice

Ethical practice:

- Do not trample on the mana of the people

- The people are the experts on their own lives, challenges, needs and aspirations
- Collaborate with elders and kaupapa Māori researchers¹⁹ who can provide advice and guidance

Whānau provide accounts that conflict with the narrative presented by government agencies. They have described frustration with services, a perception that the deceased was not given due respect by the criminal process and an understanding of the wider dynamic of the whānau of the deceased and offender not captured through contact records with government agencies. However, their limited involvement in the death review process prevents whānau from being involved in the co-production of recommendations. Neither is there a reciprocal process whereby whānau are able to understand the outcomes of the reviews, re-establishing the inequitable relationship between agencies and whānau. Despite this drawback, where whānau are clear about limitations in service design and delivery, members of the review panel advocate with the agency concerned to address the limitations of service delivery.

Collaboration with kaumātua and kaupapa Māori researchers allows the review panel to go deeper into their understanding of the context of the death event. For example, prior to a uiui whānau, the kaumātua guiding the review took the review panel on a tour of the location, highlighting the road that delineated stolen lands from those who had been returned to tangata whenua. This narrative formed the backdrop on which the review identified inequitable distribution of power between Iwi-based services and government agencies, and between government agencies and the whānau. It established the on-going lived experience of colonisation and how this was evident in the life of the whānau.

Within this example, panel members also experienced the limitations of uiui whānau. Side conversations that occurred after the completion of the uiui gleaned more substantial information about the dynamics of the relationships between statutory agencies and whānau. It is possible that the formal setting was intimidating and reinforced perceptions of the State possessing power over whānau. However, once informal conversations were developed, whānau became more comfortable and willing to offer additional information.

Engagement with a Pasifika cultural lead where a Pasifika whānau was at the center of an in-depth review also facilitated the identification of on-going issues for the whānau of the deceased. Perceptions of being silenced and coerced into

¹⁸ Kaumātua: adult, elder, elderly man, elderly woman, old man—a person of status within the whānau.

¹⁹ Kaupapa Maori research: In a Kaupapa Māori Research paradigm research is undertaken by Māori, for Māori, with Māori. An important aspect of Kaupapa Māori Research is that it seeks to understand and represent Māori, as Māori. This includes a structural analysis of the historical, political, social and economic determinants (enablers and barriers) of Maori wellbeing. (From <https://www.katoa.net.nz/kaupapa-maori>, Accessed 2 December 2021).

taking unsuitable social housing occurred both before and after the death event, placing them in a vulnerable position. Difficulties in communication with health service providers, where the whānau felt that their concerns were minimised and trivialised, were also evident before and after the death event. These experiences led to a belief that there was no help available.

In contrast, where whānau were well supported to maintain their dignity in the process, they identified the solutions required (Seiuli, 2012). Sustained advocacy by the Pasifika cultural lead enabled the whānau to access comprehensive, culturally aligned support to provide for their physical, mental and spiritual wellbeing. Involvement of the cultural lead enhanced the review team's ability to respect and involve key players (elders, community leaders, church leaders, chiefly leaders) within the Samoan cultural context to ensure cultural safety when navigating the relational space (Seiuli, 2012).

Mahi tahi – Establishing Relationships for Positive Change

Ethical practice:

- Kia mahaki – be humble
- Share knowledge in a way that prioritises Māori way of being and doing, and being experts in their lives, and leads to shared understanding.

Establishing relationships for positive change starts when whānau are invited to take part in the in-depth review process. The production of recommendations for positive change must be grounded in the experience of whānau, including their identified frustrations, inequitable experiences and perceptions of silencing. Wilson has highlighted the importance of considering “cultural values, beliefs and practises into the interview process (for example, some Māori may want karakia²⁰ at the beginning and the end of the process).” (D. Wilson, 2008).

At each step, the review team focussed on the need for a humble approach to whānau, privileging their voice when writing reports and being guided by cultural leads to ensure culturally appropriate practices are undertaken. However, much like the FVDRC's review of report writing, it is this pou, Mahi Tahi, that the Committee struggles to implement

(Cram et al., 2021). This pou establishes the inherent worth of the whānau voice throughout the death review process, including report writing, allowing a shared understanding of service delivery failings that resulted in the death event. By not fully engaging with the whānau throughout the review process, the review team are effectively working against the principles of kaitiakitanga²¹ (an action to support, uphold, assist, guide and encourage (Webber-Dreadon, 2020)) and tino rangatiratanga²² (autonomy to make decisions and self-determination).

Further, the reciprocity inherent in te ao Māori²³ is not currently upheld by the process of including whānau voice in the in-depth reviews. While the process of sharing may be cathartic for those involved, it cannot be considered a healing process due to confidentiality require by the legislation (New Zealand Public Health and Disability Amendment Act, 2010). “Relationships for positive change” extend only as far as positive changes for services, rather than facilitating and supporting positive change for the whānau. Where there is mutual trust and strong relational connection and engagement established in the va²⁴ between agencies and whānau, there is the opportunity for open exchange, guided by the whānau. Such a process does not compromise confidentiality, but is a necessary process for healing or correcting an imbalance between people and/or environment (Suaalii-Sauni, 2017).

Wilson and colleagues have highlighted the importance of relational service design to provide effective health services for Māori and other Indigenous communities (Wilson et al., 2021). Indeed, recommendations from the FVDRC's reports on death events highlight the importance of relational service delivery, allowing professionals to walk alongside family and whānau on their healing journey. However, at present, uiui whānau does not facilitate the establishment of relational practice, instead it is largely transactional in nature.

²⁰ Karakia: incantation, ritual chant, chant, intoned incantation, charm, spell—a set form of words to state or make effective a ritual activity. Karakia are recited rapidly using traditional language, symbols and structures. Traditionally correct delivery of the karakia was essential: mispronunciation, hesitation or omissions courted disaster... There were karakia for all aspects of life, including for the major rituals, i.e. for the child, canoe, kumara, war party and the dead.

²¹ Kaitiakitanga: guardianship, stewardship, trusteeship, trustee.

²² Tino Rangatiratanga: self-determination, sovereignty, autonomy, self-government, domination, rule, control, power.

²³ Te ao Māori: the Māori world view From: <https://tewhariki.tki.org.nz/en/teaching-strategies-and-resources/wellbeing/te-ao-maori/> Accessed 4 February 2022.

²⁴ The ‘va’ is a central organising principle in many Pasifika cultures. It governs all interpersonal, inter-group, and sacred/secular relations and is intimately connected to a Pasifika sense of self or identity... in the Tongan context as a ‘social space’. A space that is organised... through reciprocal exchanges based on ‘one’s genealogy and kinship ties’ (Ka’ili, 2005, p. 89)... the va is a space that is relational and contextual... the space between, the betweenness, not the empty space, not space that separates but space that relates. From Suaalii-Sauni (2017).

Discussion and Conclusion

This review was conducted to learn from the early stages of implementing uiui whānau. By reflecting early there is the potential to implement improvements as the Committee moves forward, thereby being better hosts for whānau invited to be part of an in-depth review. Using Te Pou highlights how the process, as it currently stands, reinforces power imbalances between the State and whānau bereaved by a family violence fatality. Te Awēkotuku has raised questions about the illusion of a balanced relationship between researcher and subject, highlighting that research is about power as it involves the gathering of information with a view to allocating resources and facilitating control (Te Awēkotuku, 1991). While the inclusion of whānau voice is a step forward for the FVDRC, it is apparent the process can be improved to place the whānau at the centre. In this section, we outline lessons learnt from this reflection, pointing towards good practice standards for including whānau in homicide reviews.

Good Practice for Involving Whānau

Embedding Reciprocity

The FVDRC is guided by Schedule 5 of the New Zealand Government (2000), which provides access to all personally identifiable information stored by government agencies about whānau involved in a death event (New Zealand Public Health and Disability Amendment Act, 2010). Section 4 of the Schedule outlines prohibitions on the production, disclosure and recording of information unless exceptions outlined in section 5 are met:

- “(a) the production, disclosure, or recording of information if the information does not identify, either expressly or by implication, any particular individual:
(b) the disclosure of information—
(i) with the consent of every person who would be directly or indirectly identified by the disclosure;
(ii) to the Minister, or a person authorised by the Minister, for the purpose of enabling the Minister to decide whether or not to issue a ministerial authority;
(iii) for the purposes of the prosecution of an offence against section 18(7) (disclosure of information contrary to this schedule).”

Because the FVDRC takes a life-course approach to in-depth reviews, reports may contain information about individuals no longer associated with the whānau involved or

previously unsubstantiated claims of abuse from family members. This contextual information for the deceased, offender and their whānau, is relevant to understand help-seeking behaviour and the on-going impact of colonisation. As outlined by Justice Joe Williams, in te ao Māori, duties to repair the wrongdoing to the mana of an individual or whānau, which may occur through the information collected by and action of agencies, passes to the descendants (Van Beynen, 2020).

In practice, agents of the Committee take a cautious approach when handling information, resulting in the exclusion of whānau from reviewing the report and the development of recommendations. However, there is the potential to embed whānau more fully in the review process. While it might not be possible to release the complete report, it is possible to engage more fully by:

- identifying components of the whānau interview that provided additional depth of understanding about the actions of statutory agencies and how they were received by the deceased and/or offender;
- reflecting this back to whānau members during a follow-up session to discuss the results of the panel review day; and
- co-producing recommendations alongside whānau members.

As recommendations are seldom identifiable, it may also be possible to release finalised recommendations to whānau members. In the perspective of Mullane, such actions can position families as drivers of change (Mullane, 2017). However, equally, families may feel as though they lack the knowledge and finances to effect the change needed, potentially amplifying and exacerbating the grief experienced (Snell & Tombs, 2011). Aotearoa has examples of government entities who provide an advocacy function, including the Office of the Children's Commissioner (Office of the Children's Commissioner). Common to these independent Crown entities is the lack of an effective accountability framework for ensuring recommendations are adopted. Therefore, while the FVDRC works towards practice change, and would celebrate the inclusion of advocates to support the drive for change, this must occur within a system that is accountable.

The Duty of Care

The FVDRC was established within a Western legislative framework. However, Te Tiriti o Waitangi requires an understanding of tikanga to guide the actions of the Committee, embedding relational obligations, values and practices of Māori (Moewaka Barnes et al., 2018). Central to these

relational values are kaitiakitanga, manaakitanga, whanaungatanga,²⁵ aroha²⁶ and wairua.²⁷

Throughout this reflection it has been apparent that, while the review team has endeavoured to take a humble approach, privileging the experience of whānau and ensuring culturally appropriate engagement, this is insufficient if the in-depth reviews are to be truly whānau-centric and empowering of whānau. The Western approach described ensures a “professional distance” is maintained between the review team and the whānau. Currently, there is no consideration of on-going healing and the role of the Committee in facilitating this process.

Pitama and colleagues highlight the importance of wairua for ensuring on-going attachment to support systems that will work towards healing and the allocation of space for specific practices that uphold wairua (Pitama et al., 2007). While most frequently neglected by Western systems, wairua is crucial to the wellbeing of Māori (Ripikoi, 2015). It requires engaging in tikanga in appropriate spaces (such as marae) and providing sufficient time and respect for whanaungatanga, aroha, kaitiakitanga and manaakitanga.

The current process for incorporating whānau voice in in-depth reviews does not allow for true engagement at a cultural level. As described by Paiget (Miller, 2011), the FVDRC is guilty of assimilating Te Pou and the uiui whānau into a Western process. If the committee were to accommodate mātauranga Māori, embedding a Te Tiriti compliant and whānau centered approach, as outlined in Table 1, Western ideals of professional distance are replaced with a duty to care. Such a process would view the review as a component of a healing journey for whānau rather than the potential to reinforce structural power imbalances.

The current process requires that whānau engage with the review panel in the terms that are outlined by the review lead. A shift in the power dynamics between the review team and the whānau would allow whānau to create the terms

of engagement – identifying who they would like to have along to support them, where the engagement would occur, the process that is undertaken, and the voices that should be heard. For Māori whānau, this may include a marae-based hui,²⁸ ensuring adequate time for tikanga and for the review team to leave their agenda and questions “at the door” (Valentine & Tassell-Matamua, 2018). There is a wide array of diasporic cultural spaces that would be appropriate for Pasifika families, of which they would be forth coming in naming if they were given the autonomy to choose. Engaging in a truly reciprocal relationship requires that the review team be committed to a follow-up hui, actively debating the findings of the review and co-designing recommendations with whānau. To do so safely would require that whānau had support structures in place both before, during and after the hui, enabling those support structures to advocate for the on-going needs of the whānau. This outlined process may not be applicable across cultures, and highlights the unique position of Māori within Aotearoa (Pitama et al., 2007). However, some key features are applicable across cultures:

- Ensuring a place of belonging and connection when identifying the venue for engagement;
- Engaging with customs or processes to facilitate well-being;
- Allowing whānau to direct the conversation;
- Ensuring cultural supports before, during and after hui;
- Conducting follow-up conversations to feedback and co-design recommendations;
- Facilitate access to resources to ensure the long-term wellbeing of whānau.

Supporting Advocacy for Change

Advocating for change is a long-term, emotionally draining activity, especially where emotional bonds are involved (Leask, 2019). The establishment of review panels and independent government entities without effective accountability frameworks minimises the voice of those most impacted. Frequently, the closure of uiui whānau are met with questions about “what happens next”. The Public Health and Disability Act does not require a response to the recommendations resulting from in-depth reviews. Indeed, the confidential nature of the information contained within the reports precludes the sharing of the content of the reports with other government agencies. As such, the review team are unable to provide certainty for whānau members that their experience will not be shared by others.

By reflecting on the inclusion of the whānau voice against the guidelines of Te Pou, it is apparent that the in-depth review process, the inclusion of whānau voice, and the Public Health and

²⁵ Whanaungatanga: a relationship through shared experiences and working together which provides people with a sense of belonging. It develops as a result of kinship rights and obligations, which also serve to strengthen each member of the kin group. It also extends to others to whom one develops a close familial, friendship or reciprocal relationship.

²⁶ Aroha: loving, affectionate, caring, compassionate, kindly, sympathetic, benevolent.

²⁷ Wairua: spirit, soul—spirit of a person which exists beyond death. It is the non-physical spirit, distinct from the body and the mauri. To some, the wairua resides in the heart or mind of someone while others believe it is part of the whole person and is not located at any particular part of the body. The wairua begins its existence when the eyes form in the foetus and is immortal...During life, the wairua may leave the body for brief periods during dreams. The wairua has the power to warn the individual of impending danger through visions and dreams. On death the wairua becomes tapu. It is believed to remain with or near the body and speeches are addressed to the person and the wairua of that person encouraging it on its way to Te Pō. (Te Kōhure Textbook (Ed. 2): 221–228;).

²⁸ Hui: to gather, congregate, assemble, meet.

Table 1 Moving from assimilation to accommodation

Te Pou	Assimilation: Informed consent	Accommodation: Te Tiriti compliant, whānau-centred
Tika – do things right, get the story right	Achieved: • Tread with respect • Follow cultural lead • Value of whānau voice Room for improvement: • Ensure understanding of the review process • Establishment of relationships	Tika Privilege whānau narrative(s) • Fully embed whānau in the review process
Manaakitanga – being culturally & socially responsible	Achieved: • Embed cultural lead in the review process • Provide a familiar face Room for improvement: • Provide sufficient time for cultural lead to engage and support whānau • Establish relationships with other support agencies to facilitate engagement	Manaakitanga Hold space for whānau to process in their own space, at their own pace • Support healing
Mana – advancing equity, self-determination, social justice	Achieved: • Provides an alternate perspective of engagement with services • Collaboration with cultural leads and Kapa Māori researchers Room for improvement: • Include in the co-production of recommendations • Reciprocal relationship allowing whānau an understanding of the outcome of the review	Mana Whānau empowerment (Durie, 2006) including access to agency notes “shaped by access to quality information and advice, necessary resources, healthy living, a sense of self control and self-determination, and a conviction that the future can be created, not simply endured” (page 2 (Durie, 2009))
Mahi Tahi – establishing relationships for positive change	Achieved: • Privileging whānau voice • Guided by cultural leads Room for improvement: • Establish the inherent worth of the whānau in the review process • Fully engage with whānau throughout the review process • Facilitate and support positive change for whānau	Mahi Tahi Committed to working together for transformation • Establish reciprocal relationships • Embed kaitiakitanga, manaakitanga, aroha, and wairua in the review process • Facilitate and support positive change for whānau

Disability Act contravene Māori relational values and core aspects of Te Tiriti o Waitangi. This places the FVDRC in the same position as the government agencies that are reviewed, treating whānau as a transaction, a step in the review process, rather than sharing power and raising their voice to advocate for change. Embedding whānau in the review process requires that agencies are answerable for their characterisation of the deceased, offender, wider whānau and the decisions that were made. Such a shift in focus would help to answer questions about data sovereignty, ensuring an accurate interpretation of the data collected, using it as part of a healing process rather than to embed inequity (Te Mana Raraunga, 2022).

Conclusions

The tensions that are evident within this paper are not unique to the experience of the FVDRC. They mirror those articulated by Rowlands and Cook who conceptualised family

involvement in homicide reviews as potentially having a dual purpose: systems repair and relational repair for the family (Rowlands & Cook, 2021). Rowlands and Cook also acknowledged that current processes of involving family do not allow for either of those purposes to be achieved.

In the current homicide review system, relational repair for family or whānau cannot be achieved without a full and comprehensive understanding of cultural background, customs and processes, and the establishment of support systems to allow on-going connection. Systems repair is unlikely to be achieved without a re-balancing of power between the State, panel representatives and the whānau. This goes beyond an advocacy system for change, to a support system for healing.

Using He Awa Whiria to weave the ethical guidelines of Te Pou and Western understandings of family involvement in homicide review panels, it is possible to determine how homicide review processes have the potential to

embed trauma rather than provide an opportunity for critical reflection and healing. Repositioning homicide reviews to be whānau-centric will require a reconceptualization of the legislative framework and support system requirements for review panels.

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Declarations

Conflict of Interest The authors declare that they have no conflict of interest.

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