



**ORANGA
TAMARIKI**
Ministry for Children

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Briefing to the Incoming Minister for Children

November 2020





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Foreword

**E Te Minita mo ngā Tamariki
Nau mai haere mai ki tou tūranga hou**

**He kaupapa whakahirahira tēnei, ko te
oranga o ngā tamariki katoa o Aotearoa nei.**

Oranga Tamariki—Ministry for Children and our partners support children and young people in New Zealand who are at risk of harm now, or in the future, as a result of their family environment or their own complex needs, and young people who have offended or may offend in the future.

This briefing outlines your responsibilities as the Minister for Children, the purpose and work of Oranga Tamariki, the progress made since we were established in 2017, the key issues and opportunities, and the decisions and matters that will require your early attention.

I look forward to working with you to support the implementation of your priorities and objectives over the next term of Government.

Ahakoia ngā piki me ngā heke, ka pūmau tonu mātou kia whai oranga mō ngā tamariki me tou rātou whānau, hāpori, iwi hoki.



Gráinne Moss (she/her)

Te Tumu Whakarae mō ngā Tamariki
Secretary for Children

Welcome to the Children's portfolio

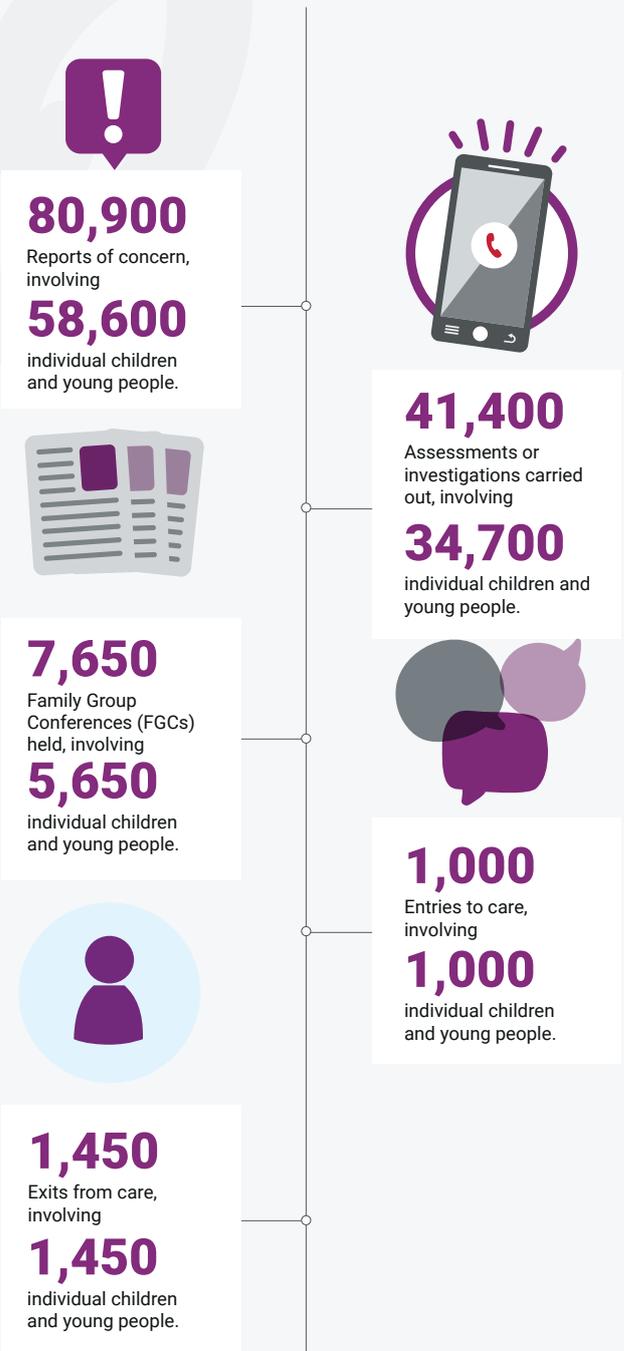
You are both portfolio Minister for Children and Responsible Minister for Oranga Tamariki—Ministry for Children (Oranga Tamariki) and therefore have a broad mandate to improve children's wellbeing. While most children and young people in Aotearoa New Zealand are safe and well, too many children have low wellbeing or have suffered harm, and tamariki and rangatahi Māori are disproportionately represented among those children and young people.

Oranga Tamariki has a critical role to play in achieving the vision set out in the Child and Youth Wellbeing Strategy of making New Zealand the best place in the world for children and young people – through ensuring that children and young people are in safe and loving homes and that tamariki and rangatahi Māori are thriving under the protection of whānau, hapū and iwi.

Oranga Tamariki is an operational agency that works in every part of Aotearoa New Zealand. We employ more than 4,000 service delivery staff, partner with over 500 non-government organisations and administer a Vote of just under \$1.4 billion. We operate a 24/7 call centre which receives more than 80,000 phone calls from professionals and members of the public concerned about the wellbeing or safety of more than 60,000 children and young people each year.

Established in 2017 to transform outcomes for children and young people at risk of harm and offending, we are working with iwi, Māori organisations, other government agencies, and the non-government sector on a programme of transformation. This programme sees us continuing to work through a range of strategic issues and opportunities.

Children and young people we have worked with in the care and protection system during the 12 months to 30 June 2020



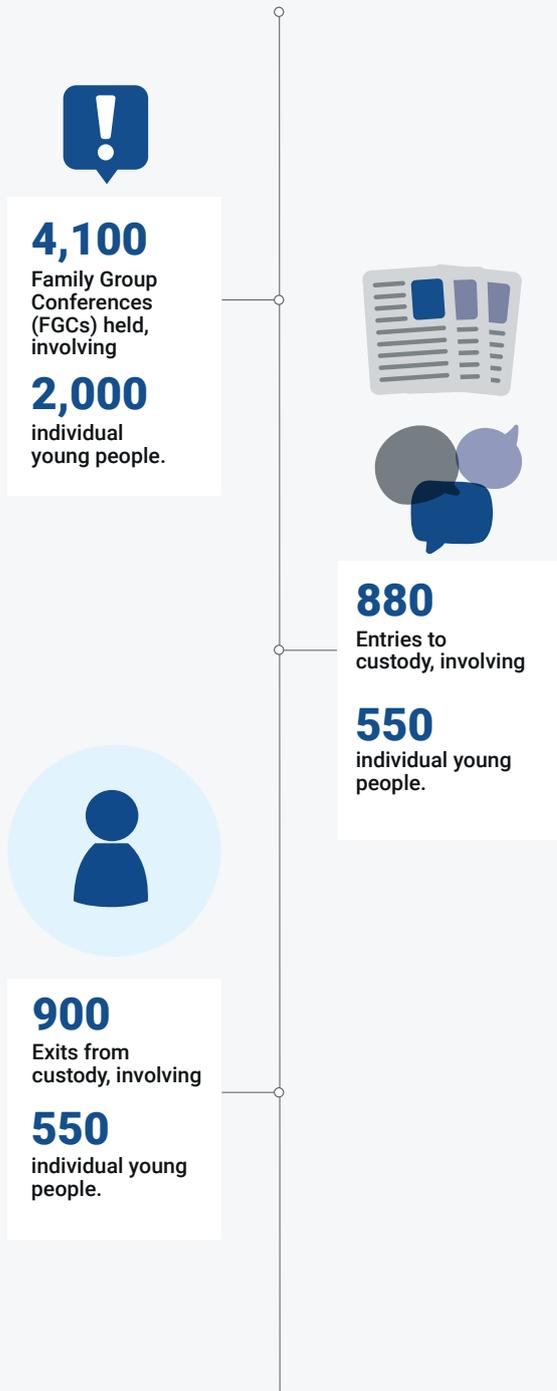
As Minister for Children, you currently have responsibility for:

- the **Oranga Tamariki Act 1989**, which has the purpose of promoting the wellbeing of children and young people and governs the care and protection and youth justice systems
- part 2 of the **Children's Act 2014**, and part 1 as it relates to the oranga tamariki action plan. The **Children's Act 2014** requires a strategy to improve the wellbeing of children and the development of an associated action plan to achieve the strategy's outcomes for children of interest to Oranga Tamariki.

You also have some responsibilities under the the Children's Commissioner Act 2003, which governs the powers and operation of the Children's Commissioner.

A more detailed description of the legislation you are responsible for is attached in **Appendix A**.

Children and young people in the youth justice system we have worked with during the 12 months to 30 June 2020



Overview of this briefing

This section provides you with an overview of the contents of this briefing.

Our history - an overview of previous attempts to transform the care and protection and youth justice systems and the reason for the establishment of Oranga Tamariki.

Our purpose and work areas - information about the purpose of Oranga Tamariki, the outcomes we are seeking for children and young people who are at risk of harm or offending, the areas of work we undertake to deliver that purpose. A more detailed description of the areas of our work (Intake, Assessment and Referral, Early Support, Intensive Response, Care, Youth Justice, Transitions and adoption) is attached to this briefing in **Appendix B**.

Our responsibilities as a Treaty partner - information about disproportionate representation of tamariki and rangatahi Māori throughout the care and protection and youth justice systems, the obligations that Oranga Tamariki has as a Treaty partner and under the Oranga Tamariki Act 1989 to improve outcomes for tamariki and rangatahi Māori, and the work that Oranga Tamariki is doing in this area.

Our Vote and Our Staff - details about Vote Oranga Tamariki, including investment we received through Budgets 2019 and 2020 and the range of staff that work for Oranga Tamariki. Our organisational chart is attached at **Appendix D**.

Our progress towards transformation – an outline of the work that we, and our partners, have been doing to transform outcomes for children and young people at risk of harm, including lifting the quality of care provided and beginning to work differently with iwi and Māori organisations.

Our context - recent reviews and the impact of COVID-19 - an overview of the recent reviews that have been conducted into parts of Oranga Tamariki policy and practice and the impact of COVID-19 on our operations and future. Further information about the monitoring and oversight system of Oranga Tamariki is attached to this briefing in **Appendix C**.

Our strategic issues and opportunities for change – describes the strategic issues facing Oranga Tamariki and the associated opportunities to change.

Early decisions you will have - a table outlining the decisions that you will have early on as Minister for Children.

Our work across government – describes the different sectors that Oranga Tamariki is involved in and some of the cross-government work that is underway to improve outcomes for children and young people at risk of harm and offending.



Our history

There have been a number of attempts across the last 30 years to transform outcomes for children and young people who come into contact with the care and protection and youth justice systems. Between 1986 and 2015, 14 reviews and reports of Child, Youth and Family and its predecessor organisations were undertaken. Together these reviews shared similar themes including the need for organisational change to increase cultural capability and understanding of Te Ao Māori, ensure greater clarity of responsibility and accountability in decision making, and greater involvement of communities in decision-making and delivery of services.

Pūao Te Ata Tū, the report from the Ministerial Advisory Committee on a Māori perspective for the Department of Social Welfare was published in 1986 and remains the most significant and poignant reflection of Māori views on child protection and youth justice. The Committee significantly shaped the principles of the Children, Young Persons and Their Families Act 1989, which is now the Oranga Tamariki Act 1989.

In April 2015, an independent Expert Panel was established with a mandate to determine how to transform the lives of vulnerable children. The Expert Panel published a report in April 2016 which concluded that a bold overhaul of the care and protection and youth justice systems was required.

Oranga Tamariki was established in 2017, following Government decisions on the Expert Panel report. Oranga Tamariki cannot achieve this transformation alone and success is dependent on our ability to effectively partner with iwi and Māori organisations, other government agencies, non-government organisations and communities.

Legislative change was made between 2017 and 2019, with the most wide-reaching and significant changes coming into force on 1 July 2019. In total, over 100 individual legislative changes were made and implemented.

In October 2018, Government agreed to significant changes to the way Oranga Tamariki works and the service response provided to children, young people and their families and whānau.

These Government decisions paved the way for an investment of \$1.1 billion of new funding through Budget 2019. This new funding builds up over six years, and the new baseline will be fully established on 1 July 2024. The changes being made across the system include:

- significantly lifting the quality of care and protection and youth justice services
- providing children, young people, families and whānau with a broader range of responses and services to meet their needs
- changing the approach to partnerships with iwi and Māori organisations
- working more effectively across the children's system, including with non-government organisations, partners and communities
- shifting practice and increasing Māori cultural competence across the workforce
- legislative change to support the transformation.

Our purpose

In 2018, Government agreed that the purpose of Oranga Tamariki is **to ensure that all tamariki are in loving whānau and communities where oranga tamariki can be realised**. To achieve our purpose, we are responsible for promoting the wellbeing of children and young people who are at risk of harm or offending now or in the future.

Specific responsibilities include:

- assisting families, whānau, hapū, iwi and family groups to fulfil their responsibility to meet the needs of their children and young people at the earliest opportunity
- ensuring that when a child or young person has suffered harm, they have a safe, stable and loving home at the earliest opportunity.

The diagram below shows the purpose and outcomes of Oranga Tamariki agreed to by Government in 2018. These were agreed to at the same time as considering proposals for how we would transform the way Oranga Tamariki works and the response we provide to children, young people and their families and whānau.

The outcomes were revised in 2019 to include a specific end goal for tamariki and rangatahi Māori: that tamariki Māori are thriving under the protection of whānau, hapū and iwi. Oranga Tamariki has committed to further work in collaboration with iwi and Māori to set specific and measurable outcomes for tamariki and rangatahi Māori.



Our areas of work

While most New Zealand children and young people are doing well, the reality is that many are not experiencing a good life. Between 150,000 and 235,000 children currently live in poverty in New Zealand, and an even greater number (approximately 300,000) experience or are exposed to family and sexual violence every year.

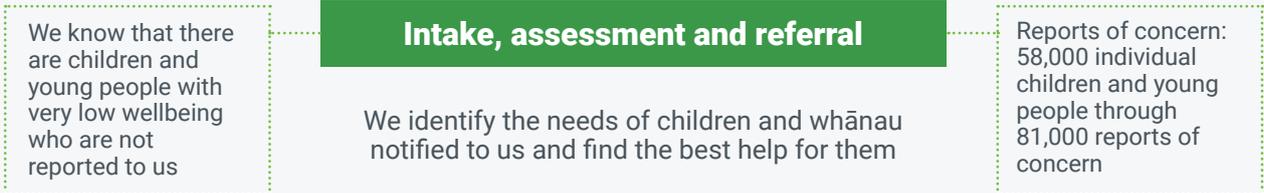
The negative impacts of poverty on children's health, development and wellbeing can begin before they are born and last throughout their lives. When severe and persistent, poverty can be profound and lead to severe stress, stigma and exclusion, housing instability and transience, all of which affect the immediate and long-term wellbeing of children and young people.

To deliver our responsibilities and promote the wellbeing of children and young people at risk of harm or offending, we work across six areas. These areas of work, what they deliver, and the number of children and young people that are supported, or may require support,

through each area is shown in the diagram below. The scope of our work was agreed to by Government in 2018 when proposals were considered for how we would transform the way Oranga Tamariki works and the responses and services provided to children, young people and their families and whānau.

We have recently re-named two of the functions. "Early Intervention" has become "Early Support" and "Intensive Intervention" has become "Intensive Response." This is to better recognise our role and approach in each of these areas.

In addition to these six functions, Oranga Tamariki is also responsible for the adoption system in New Zealand, although policy responsibility sits with the Ministry of Justice. More detail about these functions, including how the care and protection and youth justice systems operate, is attached to this briefing in **Appendix B**.



Early Support	Intensive Response	Care	Youth Justice	Transitions
<p>We coordinate support and services for children and whānau showing early signs of need</p> <p>95,000</p> <p>children and young people have families and whānau with multiple needs, who may require support and services</p>	<p>We support children at risk of harm and their whānau to keep them safely at home</p> <p>6,750</p> <p>children and young people may need an intensive response to keep them safely at home</p>	<p>We keep children in the custody of the Chief Executive safe and promote their wellbeing</p> <p>5,950</p> <p>children and young people are in the custody of the Oranga Tamariki Chief Executive</p>	<p>We support young people, whānau and victims of youth crime to restore their mana</p> <p>490</p> <p>children and young people are working with Oranga Tamariki on an order or sentence, 100 in custody and 390 supervised or with a monitored plan</p>	<p>We prepare and support young people leaving care and youth justice to transition successfully to adulthood</p> <p>740</p> <p>(Snapshot data from 30 June 2020) young people are working with a Transition Support worker</p>

The transformation will see Oranga Tamariki and our partners provide more effective support earlier. The development of these areas is ongoing and a key opportunity.

The transformation will fill gaps in the system of what we do and lift the quality of how we work in the care and protection and youth justice systems. This work is well underway and continuing.

We work with partners across all areas of our work

We are part of a broader government and non-government children's system that is responsible for the wellbeing of all children and young people in New Zealand. Part of our transformation is to work with children, young people and their families and whānau earlier to promote their wellbeing and, therefore, prevent harm. As we work more in the Early Support and Intensive Response areas, we become increasingly reliant on other government agencies and our partners.

Oranga Tamariki currently has over 500 partners who provide services to children, young people, their families and whānau. These providers can be non-government organisations (NGOs), iwi and Māori organisations. In 2019/2020, approximately \$382 million in funding was used to fund services delivered by external, contracted partners in 2019/2020. Since the establishment of Oranga Tamariki there have been significant increases in funding to our partner providers.

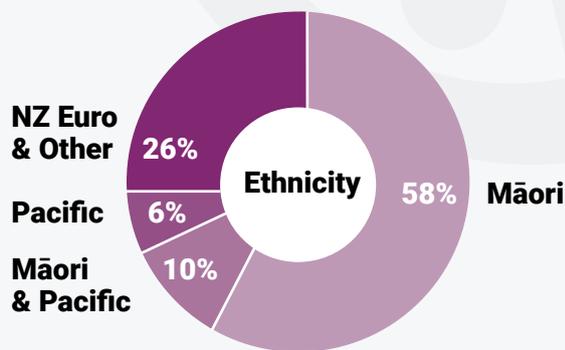
Current funding to providers is more than \$80 million per year higher than it was in 2017/2018.



Our responsibilities as a Treaty partner

Disparities in outcomes for, and disproportionate representation of, tamariki and rangatahi Māori throughout the care, protection and youth justice systems are a long-standing issue. Currently, 68% (4,000) of children and young people in State care are tamariki and rangatahi Māori. 74% (74) of children and young people in youth justice custody are tamariki and rangatahi Māori.

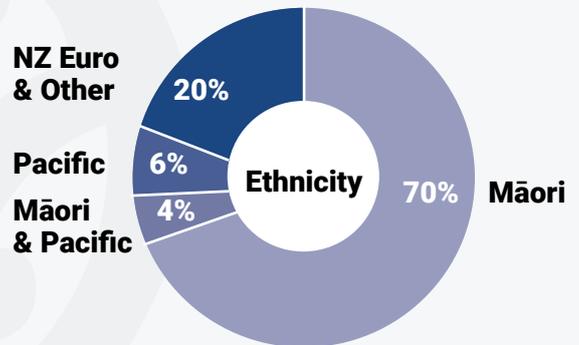
Children and young people in State care



As a Crown agency, we are obliged to uphold the principles of Te Tiriti o Waitangi - Treaty of Waitangi (the Treaty). These principles have been developed through interpretations of the Treaty by the Courts and the Waitangi Tribunal (sometimes referred to as Treaty jurisprudence). Principles of the Treaty that are critical for Oranga Tamariki include, but are not limited to, partnership, active protection and equity, kāwanatanga and rangatiratanga.

In addition to broader Treaty obligations, Oranga Tamariki has specific duties to provide a practical commitment to the principles of the Treaty of Waitangi under section 7AA of the Oranga Tamariki Act 1989. This provision came into force on 1 July 2019, as part of the wider legislative reform.

Young people in youth justice custody



Section 7AA sets out the duties of the Chief Executive to:

- ensure policies and practices have the objective of reducing disparities for tamariki and rangatahi Māori
- ensure that policies, practices and services have regard to mana tamaiti (tamariki), and the whakapapa of Māori children and young persons and the whanaungatanga responsibilities of their whānau, hapū, and iwi
- develop strategic partnerships with iwi and Māori organisations, for specific purposes including to provide opportunities, and invite innovative proposals, for those organisations to improve outcomes for tamariki Māori and to provide opportunities for the Chief Executive to delegate functions under the Act to appropriately qualified people within those organisations
- consider and respond to invitations from iwi or Māori organisations to enter into a strategic partnership
- report annually on the measures taken to meet these duties.

In July 2020, the first annual report on progress as required by section 7AA of the Oranga Tamariki Act was published. The report described the actions we have taken and progress that has been made. It also articulated that together with partners, we share the vision that “no tamaiti Māori needs State care.” This is intended to be achieved through our end goal that tamariki Māori are thriving under the protection of whānau, hapū and iwi underpinned by five mana tamaiti objectives.

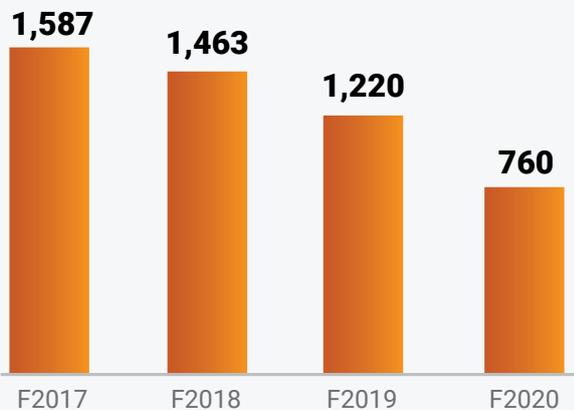
Through the report, Oranga Tamariki committed to three focus areas for the next year:

- Improving practice and ensuring whānau participation in decision-making.
- Enabling community-led responses to enhance whānau wellbeing and resilience, and ultimately prevent contact with the State system.
- Partnering to enable the Treaty aspirations of Māori.

Oranga Tamariki is working to reduce disparities in outcomes, and disproportionate representation, of tamariki and rangatahi Māori

Since the formation of Oranga Tamariki, the number and proportion of tamariki Māori entering State care has decreased. In 2016/17, the decrease in numbers is shown in the graph below. In relation to the proportion of children and young people in care, in 2016/17 69% were tamariki and rangatahi Maori, in 2019/20 59% were tamariki and rangatahi Maori.

Number of distinct tamariki and rangatahi Māori entering State care



As previously mentioned, the Oranga Tamariki outcomes were revised in 2019 to ensure obligations under the Treaty were met and that desired outcomes for tamariki and rangatahi Māori were central. This revision saw the addition of a specific outcome for tamariki and rangatahi Māori, that tamariki Māori are thriving under the protection of whānau, hapū and iwi, and five objectives for tamariki and rangatahi Māori – known as the mana tamaiti objectives.

Mana tamaiti objectives

Tamariki Māori are connected to, and nurtured by whānau, hapū, and iwi

Ensuring participation in decision-making	We will ensure early participation of whānau, hapū, and iwi in decisions affecting tamariki Māori
Preventing entry into care or custody	We will work with whānau to prevent the entry of tamariki Māori into State care or a youth justice response
Placing with whānau, hapū, and iwi	We will preference placements for tamariki Māori, and their siblings, with members of whānau, hapū, and iwi
Supporting identity and belonging	We will support tamariki Māori to establish, maintain, or strengthen cultural identity and connections to whānau, hapū, and iwi
Leaving care or custody	We will support, strengthen, and assist tamariki Māori and their whānau to prepare for return home or transition into the community



Strategic Partnerships

An element of the work to reduce disparities in outcomes, and disproportionate representation, of tamariki and rangatahi Māori is the formation of strategic partnerships under section 7AA.

The purpose of strategic partnerships is to improve outcomes for tamariki, rangatahi and whānau Māori and ensure tamariki and rangatahi Māori are thriving with whānau, hapū and iwi. Our obligations in relation to strategic partnership are set out in section 7AA, which states that we develop those partnerships to:

- provide opportunities, including through innovative proposals, to iwi and Māori organisations to improve outcomes for tamariki and rangatahi Māori and their whānau
- set expectations and targets to improve outcomes for tamariki and rangatahi Māori who come to the attention of Oranga Tamariki
- enable the robust, regular and genuine exchange of information between Oranga Tamariki and strategic partners
- provide opportunities for the Chief Executive to delegate functions under the Oranga Tamariki Act 1989 to people within strategic partner organisations
- provide, and regularly review, guidance that supports the cultural competence of people discharging functions under the Oranga Tamariki Act
- agree on any other action considered appropriate.

In developing its strategic partnerships so far, Oranga Tamariki has taken an approach that is underpinned by the Crown's obligations arising from the Treaty, the duties set out in section 7AA of the Oranga Tamariki Act, and the agreed Te Arawhiti engagement guidelines and partnership principles.

Information about the strategic partnerships we have entered to date is provided later in this briefing.

Our Vote

Vote Oranga Tamariki 2020/2021 is just under \$1.4 billion, across:

- over \$1,278 million for Investing in Children and Young People in a Multi-Category Appropriation (MCA) including prevention and early intervention (now Early Support) (\$368 million), intensive intervention (now Intensive Response) (\$14 million), statutory intervention and transition (\$866 million) and policy advice and ministerial services (\$10 million)
- over \$70 million for capital expenditure, and a capital injection of over \$69 million
- nearly \$10 million on adoption services
- over \$4 million on the reducing youth reoffending social bond pilot
- \$4 million for an independent connection and advocacy service.

The Vote includes funding that covers the financial support paid direct to whānau and non-kin caregivers, the costs of meeting the needs of children and young people in care and youth justice, provision of a wide variety of services by NGOs as well as the operating costs of the Ministry.

Within Vote Oranga Tamariki there is nearly \$8 million to fund the Crown Response to the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-Based Institutions. The Minister of State Services is responsible for this appropriation.

Over 98% of our funding is in an MCA. This means that Oranga Tamariki has some flexibility to move funding across categories of expenses to contribute to a single overarching purpose of the Vote. On inception of Vote Oranga Tamariki, the Chief Executive was delegated authority to transfer up to \$20 million between the categories of the Investing in Children and Young People appropriation every financial year.

Transfers of amounts over this limit require approval from the Minister for Children and Minister of Finance.

Investment in Oranga Tamariki through Budgets 2019 and 2020

Government invested \$1.094 billion of new operating expenditure and \$174.3 million of capital expenditure over four years to deliver child-centred services that met the new legislative requirements through Budget 2019.

In summary the new funding includes:

- \$874.9 million to implement new initiatives across our functions including providing better support to children and young people in State care, 350 new frontline roles, new Intensive Response services, the new Transitions Support Service and including 17 year olds in the youth justice system
- \$168.6 million to meet the increasing costs of children in State care, support the sustainability and effectiveness of our non-government organisation partners and contractually required pay rises
- \$48.8 million as part of cross-agency responses to issues including the provision of services for victims and perpetrators of sexual violence services and for the Crown Response into Historical Abuse in State Care and Faith-Based Institutions
- \$174.3 million of capital expenditure to build State care and youth justice community-based placements, upgrade core information technology systems and make improvements to community sites.

Budget 2020 focused on the response to COVID-19 and new funding has been focused on cost-pressures. Vote Oranga Tamariki received \$302.7 million over four years, including:

- \$32.0 million of operating expenditure to respond and recover from the effects of COVID-19
- \$229.9 million over a four-year period for cost pressures
- \$14.1 million over a four-year period for joint bids
- \$26.7 million of capital expenditure to refurbish a number of residential environments.

Vote Social Development also received significant funding of \$177.9 million over four years through Budget 2020 to increase financial support for caregivers of children through the Orphan's Benefit and Unsupported Child Benefit.



Our staff and structure

To deliver on the functions described, Oranga Tamariki has 56 sites around the country, three care and protection residences, four youth justice residences (with an additional one becoming operational in 2021) and a range of other community-based homes.

The organisation is structured across ten areas, with each having a responsible Deputy Chief Executive. The Deputy Chief Executives and their areas are described in the attachment in **Appendix C**.

At 30 September 2020, we employed 4,907 people across the groups shown in the table below. 75% of our staff are female. 27% are Māori and 15% are Pacific.

Service Delivery	4,001	Services for Children and Families, Youth Justice, Care Services and Partnering for Outcomes. This includes 1,743 FTE social workers as well as direct front-line support.
Enabling Functions	790	Corporate, Legal, Policy, Research and other functions.
Voices and Quality	116	Oversight of professional practice and support for children's voices and service design. This includes the staff of the Office of the Chief Social Worker.

Our progress towards transformation

When Oranga Tamariki was established, there were significant improvements required to what we did, particularly working with families and whānau to prevent harm occurring to children and young people, and working with children and young people who have left State care, or finished a youth justice order. Over the last three years we have filled some of the system gaps through the expansion of functions and focused on lifting the quality of care for children and young people in the State care and youth justice systems.

This expansion of what we do is critical to achieving our outcomes, but we also must focus on how we do our work. How we engage with families and whānau to meet their needs, how we connect families and whānau to their communities and support, how we partner with iwi and Māori organisations to improve our response in their community, how we work with children and young people in the care and protection and youth justice systems.

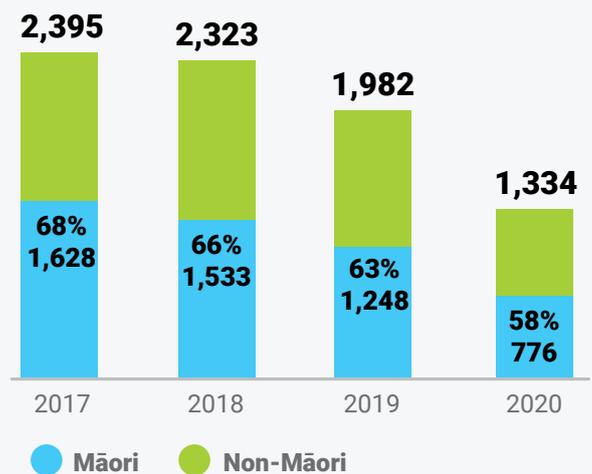
This section provides a high level-summary of the progress that has been made so far with the transformation programme.

We have lifted the quality of care and youth justice services by:

- increasing the number of frontline social workers by 400, which is a 30% increase
- reducing frontline care and protection social worker caseloads from an average of 1 social worker to 31 children, to 1 social worker to 21 children
- introducing the new National Care Standards, and have a continued work programme to more fully implement
- increasing support provided to caregivers of children who cannot live with their parents
- continuing work on the practice framework to implement Māori-centred ways of working
- implementing new ways of working in Youth Justice Residences, including a new model of restorative practice that incorporates Te Ao Māori

- establishing a new role of Director for Victim Engagement and Participation and developed a new strategy to improve the engagement of victims of crime committed by young people
- beginning a shift away from larger institutional settings for high-needs children and young people in State care through the establishment of new specialist group homes which will be built across the next six years
- beginning a similar shift in Youth Justice through the establishment of new community-based Remand Homes, and 16 new community-based placement settings being developed in partnership with iwi and Māori organisations over the next four years.

Total number of entries into State care:



We have begun to expand our role and the services we provide and fund by

- setting up new services to provide an intensive response to families and whānau to prevent the need for children and young people to enter State care. This includes collaboratively designed (with iwi) an Intensive Response model (previously referred to as Intensive Intervention) which will start in four locations in 2021.
- including 17 year olds into the youth justice system as a result of legislative change that came into force on 1 July 2019, and are now providing support through services, programmes and, where required, custody, to that group of young people as an alternative to entering the adult justice system.

- co-designing and delivering a new national service, the Transition Support Service, to work with young people who have been in State care or a youth justice residence and provide advice and assistance as one part of our responsibilities under our Transitions function. This has been established with funding received through Budget 2019.

We have begun to work differently with iwi and Māori organisations by:

- forming six strategic partnerships with iwi and Māori organisations to work together on transformational change. Four are with iwi (Ngāi Tahu, Ngāpuhi, Waikato Tainui, and Ngāi Tūhoe), one with a Māori organisation (Māori Women's Welfare League) and one with an iwi alliance (the Eastern Bay of Plenty Iwi Provider Alliance). These partnerships have already started to result in positive change for tamariki, rangatahi and whānau Māori.
- forming nine Whānau Care partnerships with iwi who've asked how we can work together to get better outcomes for tamariki in care who whakapapa to them.
- signing a Memorandum of Understanding between the Ariki of Tūwharetoa iwi and 11 government agencies, including Oranga Tamariki to establish and promote a collaborate working relationship to improve outcomes for whānau in the Taupō Area.
- five iwi social service providers around the country are now providing family group conference services - four for care and protection conferences and one for youth justice conferences.
- delegating statutory functions of the Chief Executive under the Oranga Tamariki Act 1989 to a youth justice social worker employed by Best Care (Whakapai Hauora) Charitable Trust Inc. Whakapai Hauora is the whānau ora, health and social service arm of Rangitaane o Manawatū iwi.
- establishing the Māori Design Group which provides expert advice to the Chief Executive, including thought-leadership and an independent Māori lens across our policies, practices and services.

We have started to shift our social work practice and improve cultural competence by:

- establishing, and are continuing to expand, Kairaranga-ā-whānau roles on the frontline, which has a direct impact on helping whānau to retain the care of their tamariki and finding whānau, hapū and iwi members to take on the care of tamariki when they cannot remain at home with their parents
- significantly changing our practice frameworks and the way we guide staff to do their roles, including incorporating the importance of trauma-informed and relational practice
- working to lift the cultural competence of frontline and national office practitioners.

Our context - recent reviews and the impact of COVID-19

This section provides information about the recent reviews that have been undertaken into aspects of Oranga Tamariki policy and practice, and the impact COVID-19 has had on our operations.

A description of the internal and external monitoring environment of Oranga Tamariki, and the work underway to strengthen both areas is attached in **Appendix C**.

A series of independent reviews have taken place into aspects of Oranga Tamariki policy and practice

Oranga Tamariki has recently been the subject of three independent reviews and inquiries into parts of the care and protection system, its legislation, policies and practices, and system issues for Māori. These reviews were triggered by an attempt to bring a new-born baby into State care in Hastings. An internal practice review into this case with independent oversight from the Office of the Children's Commissioner and representative of Ngāti Kahunguni was also completed. This review made a number of recommendations which were all accepted and immediate changes were made to social work practice. Further work to strengthen social work practice in response to the review is ongoing.

A summary of the reviews is provided in the table on the next page.



Review body and name of review	Purpose and scope of the review
<p>The Whānau Ora Commissioning Agency</p> <p>Ko Te Wā Whakawhiti: It's Time for Change (released in February 2020)</p>	<p>The purpose of this Inquiry was to:</p> <ul style="list-style-type: none"> – deliver an independent Māori-led inquiry – hear the voices of whānau, hapori (community) and those with lived experience of the policies and practices of Oranga Tamariki, in particular around the historical and contemporary incidence of removal of Māori children from their whānau, and the adverse effects of this practice – to review the context and development of Crown policy and practice underpinning the current experiences of whānau Māori in regards to Oranga Tamariki – to highlight the changes that need to be made to current Crown approaches and practices in tamariki Māori protection and wellbeing, and to provide action points for change. <p>We have provided a formal statement of response to some of the recommendations.</p>
<p>The Office of the Children's Commissioner</p> <p>Te Kuku O Te Manawa – ka puta te riri, ka momori te ngākau, ka heke ngā roimata mo tōku pēpi (released in June 2020)</p>	<p>The purpose of the review was to answer the question: what needs to change to enable pēpi Māori aged 0-3 months to remain in the care of their whānau in situations where Oranga Tamariki is notified of care and protection concerns?</p> <p>Te Kuku O Te Manawa was the first report of two. It explored the experiences of eight whānau who had come into contact with Oranga Tamariki, and four whānau who had come into contact with Child Youth and Family, during a pregnancy or while they had a baby aged 0-3 months.</p> <p>The second report has not yet been released.</p>
<p>The Office of the Ombudsman</p> <p>He Take Kōhukihuki: A Matter of Urgency (first part released in August 2020)</p>	<p>The purpose of the investigation was to examine policies, procedures and practices that relate to the removal of newborn pēpi (0-30 days old). The scope was limited to the time period between 1 July 2017 and 30 June 2019. Nine sites were visited and 74 case files of newborn and unborn pēpi were analysed. These were all the case files across the sites that had interim Custody Order applications.</p> <p>Across the period of the review Oranga Tamariki received 6,802 Reports of Concern about unborn and newborn babies (0-3 months).</p> <p>We have accepted all of the recommendations of this report and have begun work to implement them.</p>

There is an ongoing inquiry into the statutory care and protection system

There is an on-going Waitangi Tribunal urgent inquiry (Wai 2915) into the consistency of Oranga Tamariki policies and practice with the Treaty of Waitangi and specifically seeks to understand why there is such disparity in outcomes for tamariki and rangatahi Māori, and for their whānau. The Crown's substantive hearing is scheduled for late November. Findings and recommendations are likely to be released early to mid-2021.

Oranga Tamariki is involved in the Royal Commission of Inquiry into Historical Abuse in State Care and Faith-based Institutions

The Royal Commission is examining the nature and extent of the abuse of children, young people and vulnerable adults that occurred in direct or indirect State care and in faith-based institutions, focused on the period 1950 to 1999. The Oranga Tamariki Chief Executive is the nominated lead Chief Executive and, as such, we house the Secretariat function of the Royal Commission.

The Royal Commission will recommend opportunities for improving current systems and its first report to Government is due in December 2020, with a final report due in January 2023.

COVID-19 has had significant impacts on how we operate, and could continue to do so in the future

Oranga Tamariki is an essential service and has had to adapt its operations in order to comply with the restrictions in place under different COVID-19 Alert Levels. Under higher alert levels, we have had to find practical workarounds where our usual practices were not compatible with the new restrictions. Under Alert Levels 3 and 4, the focus has been on delivering critical functions remotely where possible, and wherever possible intensifying support for tamariki, whānau and caregivers using other means. Face-to-face service provision was possible only in very limited circumstances.

Under Alert Level 2, the focus has been on safely and effectively delivering services using a range of engagement methods, whereas under Alert Level 1, normal practice resumed with a strict focus on health and safety and the potential impacts of COVID-19 on children, young people, their families, whānau and the community.

Consideration has also been given to children and young people in Managed Quarantine or Isolation Facilities, which could occur because of arrival at the border or community transmission. Our responsibilities towards these children are the same as any other child, however if our involvement is required, we must comply with the requirements of Managed Quarantine or Isolation and consider the wellbeing of children and young people through the lens of isolation.

The long terms effects of the COVID-19 pandemic will likely be experienced for years after economic growth has returned, as we have seen following other economic downturns. A further resurgence of COVID-19 is also likely to have a disproportionate impact on population groups who are already affected by existing inequalities in social and economic outcomes.

Evidence suggests that children exposed to unusual levels of anxiety and stress could be at greater risk of exposure to and/or increased family harm. It is too soon to see the results of unusual anxiety and stress on children's experiences of abuse or family conflict - ongoing monitoring will be required in order to establish whether the impacts of COVID-19 are having this effect on child harm over the long-term.



Strategic issues and opportunities

This section provides an overview of the strategic issues and associated opportunities for Oranga Tamariki across our work. A number of these opportunities relate directly to reducing disparity in outcomes and disproportionality on representation of tamariki and rangatahi Māori. At the beginning of each section, a diagram indicates which part of Oranga Tamariki work the opportunity relates to.

Expanding iwi and community-led approaches to Early Support

Intake, Assessment and Referral

Early Support

Intensive Response

Care

Youth Justice

Transition

Oranga Tamariki inherited a wide range of Early Support programmes, from its predecessor Child, Youth and Family and we currently have \$200 million invested in prevention and early intervention services. We have continued to invest in programmes that have good results, including Family Start, Strengthening Families and Social Workers in Schools.

The opportunities are in providing support to new and consolidated approaches led by iwi and communities to increasing wellbeing and reducing harm, and consequently reducing the need for children and young people to enter State care. We are currently involved in two areas of work to expand these approaches. These are:

- Work with Te Puni Kōkiri, ACC and the Whānau Ora Commissioning Agency to co-design and implement a new whānau-led early support model, Ngā Tini Whetū. Agencies have pooled an investment of \$42.4 million over two years and programmes and services will be established across the North Island in early 2021.

- Working with the Child Wellbeing Unit in the Department of Prime Minister and Cabinet and Te Puni Kōkiri on ways of working together to support iwi, Māori organisations, and communities to develop sustainable, local and whānau-centred approaches to early support through strategic planning. This forms part of the next stage of policy work for the Child and Youth Wellbeing Strategy.

These examples are a strong starting point that can be built on across New Zealand. The recently passed Public Service Act 2020 provides a range of mechanisms to facilitate joined up government funding and service delivery options. These could facilitate new government approaches to providing Early Support to families and whānau.

Working increasingly in partnership with iwi and Māori organisations

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Effective partnering with iwi and Māori organisations has the potential to transform outcomes for tamariki, rangatahi and whānau Māori across all responsibilities of Oranga Tamariki, and was highlighted as a priority for Oranga Tamariki over the next 12 months in the July 2020 section 7AA annual report.

We work in partnership with iwi and communities to lead and shape the approach to preventing vulnerability to determine the nature and scale of support needed at a local level and reconfigure and redesign service and delivery mechanisms accordingly. Iwi and local communities are best placed to judge what will work, and they have the potential to build stronger and more enduring relationships with families and whānau.

We have entered six Strategic Partnerships under section 7AA of the Oranga Tamariki Act with iwi and Māori organisations. Four of these are with iwi (Ngāi Tahu, Ngāpuhi, Waikato Tainui, and Ngāi Tūhoe), one with a Māori organisation (the Māori Women’s Welfare League) and one with an iwi alliance (the Eastern Bay of Plenty Iwi Alliance.)

In addition to our obligations under section 7AA, strategic partnerships differ from other relationships we have with iwi and Māori organisations in several ways. They:

- have individual shared governance arrangements with Oranga Tamariki
- support the organisation to make changes at a “system settings” level, for example the long-term work in relation to setting measurable outcomes for tamariki and rangatahi Māori and their whānau
- are not contracts for the delivery of services
- do not require reporting back on key performance indicators; instead mutually agreed tasks carried out by parties are reported to a shared governance team.

Each of our strategic partnerships is unique to reflect differing priorities to meet the needs of tamariki, whānau, marae and hapū. These partnerships present a significant opportunity to work together to change system settings, design new services, better involve whānau, hapū and iwi in decision-making, and to delegate functions and powers. These partnerships are crucial to achieving the end goal that “tamariki Māori are thriving under the protection of whānau, hapū and iwi” and the vision that “no tamaiti Māori needs State care.”

We also have other formal relationship-based agreements with Treaty partners that present opportunities to work better and differently. These include memoranda of understanding, social accords and contractual relationships to deliver services. These partnerships present opportunities to work better and differently. The first ‘snapshot’ report detailing the iwi and Māori organisations we are partnered with was published in September 2020, showing that we are currently working with over 100 iwi and Māori organisations.

Exploring ways to share resources, responsibilities and powers with iwi and Māori organisations

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Transition

The 1989 Pūao Te Ata Tū report recommended sharing power and authority over the use of resources with Māori. While some innovative programmes and legislative changes resulted from Pūao Te Ata Tū, the intention of shifting resourcing and accountability to enable iwi and community leadership has not been fully realised. How this is progressed is complex and is a key strategic issue for Oranga Tamariki.

The key legal mechanisms by which Oranga Tamariki can formally share resources, responsibilities and powers with iwi and Māori organisations are:

- contracting for services
- delegating statutory powers under the Public Service Act 2020
- appointing Family Group Conference co-ordinators who are outside of Oranga Tamariki
- external entities having direct powers under the Oranga Tamariki Act.

These different mechanisms result in different amounts of responsibility, power and, importantly, accountability being shared. A full transfer of power and accountability of statutory functions for care and protection or youth justice away from central government is not available under the legislative framework. Currently, regardless of which mechanism is used, some accountability remains with the Oranga Tamariki Chief Executive.

Delegation of statutory functions of the Chief Executive is governed by Schedule 6 of the Public Service Act 2020. Under that Act, the Oranga Tamariki Chief Executive can delegate almost all of their statutory powers, with approval from the Minister for Children. However, even when delegating statutory powers, the Chief Executive remains accountable for the delivery of services and decisions taken when the person the power is delegated to exercises their power. Currently, there are four delegations in place under the Public Service Act, with two to an iwi or Māori organisation.



Under the Oranga Tamariki Act, iwi or cultural social services can be approved to hold some of the same statutory powers and functions as the Oranga Tamariki Chief Executive. There are only some powers that this applies to, for example the power to take direct custody of a child or young person under a Family or Youth Court order. In this situation, the Court could place the child or young person directly with an iwi social service.

There are opportunities to more fully use the mechanisms available to share resources, responsibilities and powers.

Mechanisms which support greater transfer of power and resources could require legislative change, new funding mechanisms and a cross-government response.

Strengthening social work practice

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Quality social work practice is at the heart of our transformation. This is how we do our work and strengthening social work practice is one of the biggest challenges that we face. We have examples of outstanding practice happening every day across New Zealand, and the challenge is to support all of our people to practice in this way. We have a major programme of work underway to define, support and create the system conditions necessary for quality practice. The key components of this work are:

- **Changing the environment** that our frontline staff work in. Fundamental to this is continuing to address high caseloads, improving access to technology, improving the system of professional supervision and reflective practice and increasing the contribution of partners to our work.
- **Continuing improvement to practice through on-going development of our practice framework.** We are continuing to develop a Māori-centred practice framework which provides a straight-forward, comprehensive and mandated way for staff to understand, organise, develop and apply practice knowledge, models, skills and behaviours. It will include a set of bespoke models and tools

designed specifically to support quality practice with tamariki and whānau Māori, including partnered practice with hapū, iwi and Māori organisations.

- **Improving cultural competence** to shift to Māori-centred practice. This will increase the competence of our staff to work with tamariki Māori in the context of their whakapapa and whānau, and work more broadly on the wellbeing of children, young people and their families and whānau instead of limiting our focus to certain areas of their lives. This also includes the expansion of partnerships for the delivery of our functions and the expansion of specialist Māori practice roles.
- **Developing options to replace our current online case management system.** The technological environment in which Oranga Tamariki operates is a critical component of ensuring children are well looked after and supported by the right people, at the right time in their life. Current technology and systems inhibit the ability to continually improve our professional practice and are a barrier to the partnerships and collaborative practice that are essential to the transformation.

Increasing financial and non-financial support for caregivers of children and young people who cannot live with their parents

Intake, Assessment and Referral

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Transition

In 2019 Government agreed to explore reforming the system of financial support provided to caregivers of children and young people who cannot live with their parents. This included efforts to make it simpler and more unified.

Around 14,000 caregivers provide day-to-day care for around 22,000 children and young people in New Zealand. They are mostly members of whānau or extended family who have stepped up to take the care of a child whose parents are unable to care for them. Most of these children and young people are not in State care, and most are tamariki or rangatahi Māori.

We have reviewed the financial assistance provided to caregivers and identified a range of fundamental issues with the system. A key finding from the review is that the current system is complex, fragmented and difficult for caregivers to navigate.

It was also agreed that some immediate changes would be made to reduce disparities between assistance provided, improve support for caregivers and address some of the most significant immediate issues affecting children and their caregivers. These included increases to rates of payment and additional eligibility for respite care.

To further continue reform of the system there are a number of elements to pursue and prioritise.

Changing the approach to “subsequent children” and their parents and whānau

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Under the Oranga Tamariki Act a “subsequent child” is a child that comes to the attention of Oranga Tamariki and their parents have previously had a child permanently removed from their care, or have been convicted in relation to the death of a child in their care. These children are currently subject to a particular care and protection pathway that differs from other children.

In July 2020 the Government considered the current legislative and practice approach to “subsequent children”, identifying that the provisions were difficult to apply, were not leading to greater safety for subsequent children, and that there is limited support provided to parents and whānau after a decision is made that a child is not able to return to their care.

The Government decided to partially repeal the “subsequent children” provisions of the Oranga Tamariki Act (retaining them in the small number of cases where there are convictions for the death of a child). To bring this into effect legislative amendment is required.

Alongside legislative change we will do work to consider what additional responses and services are needed to support parents, families and whānau who have had a child removed from their care.

Care options that support wellbeing

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Oranga Tamariki has a range of residential care settings for children and young people who are:

- in State care and placed in the custody of the Chief Executive
- detained in the custody of the Chief Executive awaiting trial for criminal charges, either in the youth or adult jurisdiction
- on an order of Supervision with Residence following Youth Court proceedings
- serving a sentence of imprisonment following adult court proceedings.

Children and young people who are in residential care settings often have needs relating to trauma, disability, mental health issues and alcohol and drug use. Historically these high needs children and young people have been managed through institutional settings, which use a range of strategies, including containment, to manage their needs.

There is work underway to further reform residential care both in the care and protection and youth justice systems. The objective is to move away from the small number of institutional environments to more family-like, community-based settings. The legislative framework that applies to the community-based settings is likely to require reform to provide the appropriate powers, rights and protections needed for residential settings.

Information withheld consistent with section 9(2)(f)(iv) of the Official Information Act 1982



Sustainability of the non-government sector

Intake, Assessment and Referral

Early Support

Intensive Response

Care

Youth Justice

Transition

The stability of the NGO sector is critical to promoting the wellbeing of children and young people, and their families and whānau. As previously mentioned, we work with over 500 non-government organisation partners that deliver services to children, young people and their families and whānau. NGOs deliver services across all areas of work but are most active in providing Early Support and Intensive Response services.

Most of our partners have mixed funding models and require fundraising to maintain service levels. This can limit their ability to function as resilient and effective organisations, including their ability to attract, retain and develop their staff.

Pay levels and the disparity in pay between community and statutory social workers are longstanding concerns within the sector. Since the 2018 pay equity settlement for Oranga Tamariki Social Workers, the pay gap between NGO social workers and Oranga Tamariki social workers has increased. Through Budget 2019 and Budget 2020 progress has been made to improve the pay of NGO social workers, and there is a Public Service Association-led pay equity process underway with a group of NGOs. However, there are opportunities to do more to support the sector.

The Oranga Tamariki Legislative Programme

Further legislative change will support our transformation programme. As well as matters that were before the House of Representatives when it dissolved, there will be opportunities to progress further legislative change through the 2021 Legislative Programme.

All business before the House of Representatives and committees lapsed at the dissolution of Parliament on 6 September 2020. Business can be reinstated by the new House at the same stage it had reached in the previous Parliament.

At the time of dissolution the Minister for Children was responsible for one Bill before the House, the Social Security (Financial Assistance for Caregivers) Amendment Bill.

Social Security (Financial Assistance for Caregivers) Amendment Bill

Intake, Assessment and Referral

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This Bill was introduced on 30 July 2020 and had not yet had its first reading when Parliament dissolved. The Bill will amend the Social Security Act 2018 and aims to improve support provided to caregivers of tamariki who cannot live with their parents. In December 2019, Government agreed to the strategic direction for the financial assistance system for caregivers to respond to issues identified through a review conducted by Oranga Tamariki (discussed in the section above titled Increasing financial and non-financial support to caregivers of children who cannot live with their parents).

The changes in the Bill are:

- extending eligibility for the Orphan’s Benefit and Unsupported Child’s Benefit to caregivers who may provide care for less than 12 months (removing the 12-month eligibility rule)

- extending the Christmas and Birthday Allowances to Orphan’s Benefit and Unsupported Child Benefit caregivers at the same rate as that received by recipients of the Foster Care Allowance (which is provided to caregivers of tamariki in State care).

Information withheld consistent with section 9(2)(f)(iv) of the Official Information Act 1982

Other legislation you may have an interest in

The information attached in **Appendix D** describes the strengthening of the system that provides external monitoring of Oranga Tamariki. Part of this work has been the establishment of the Independent Children’s Monitor. The legislative framework for the Independent Children’s Monitor is under development by the Ministry of Social Development, and they will be seeking Cabinet policy decisions early in this term of government. Under the previous government, the Minister for Social Development was leading this work.



Decisions and matters that require your early attention

There are a number of areas where you will be required to make early decisions as Minister for Children. The table below shows the key matters.

Area	Decision or action required from you	Timeframe
Budget		
Budget 2021	We will discuss your Budget 2021 priorities and potential bids for Oranga Tamariki.	November and December 2020 and January 2021
Legislative Programme and other policy matters		
Reinstatement of Parliamentary Bill	We will discuss the reinstatement of the Social Security (Financial Assistance for Caregivers) Bill which was introduced on 30 July 2020 and awaiting its first reading. This Bill was item three on the House Order Paper before Parliament dissolved.	November 2020
Information withheld consistent with section 9(2)(f)(iv) of the Official Information Act 1982		
The Oranga Tamariki Action Plan	If you are designated as the plan Minister, we will report to you on a draft plan.	December 2020
Legislation to govern external monitoring, oversight and assurance	You can expect to be consulted by the Minister for Social Development on the location of the Independent Children's Monitor and the the legislation that will govern the independent monitoring bodies.	December 2020
Reviews and inquiries		
Responding to reviews and other ongoing inquiries into Oranga Tamariki	We will be briefing you about our proposed response to the upcoming recommendations of the Children's Commissioner review, the approach to the Waitangi Tribunal hearings, response to outstanding recommendations from Ko Te Wā Whakawhiti: It's Time for Change the Whānau Ora Commissioning Agency report, and the first report from the Royal Commission.	November and December 2020
Appointments		
Residence Grievance Panel Appointments	There are currently vacancies on a number of Residence Grievance Panels. You are responsible for appointing members to those panels. We will provide you with advice for your decision about those appointments, and the process of making them.	November 2020

Our work across government

The drivers that often lead to the circumstances where Oranga Tamariki becomes involved in the life of a family and whānau are broad and include factors such as parental alcohol and drug addiction, family violence, poverty and housing instability.

Addressing the underlying causes and impacts of these drivers and supporting and empowering families and whānau to safely care for their own children requires societal change, with effort across social and justice sector agencies, and partnerships with iwi, Māori and communities.

This section provides you with a brief overview of some of the cross-agency work that Oranga Tamariki is involved with.

The Child and Youth Wellbeing Strategy and the Oranga Tamariki Action Plan

The Child and Youth Wellbeing Strategy was launched in 2019 and sets out a shared understanding of what is important for child and youth wellbeing. The Prime Minister is responsible for designating a responsible Minister for this strategy and designating a plan Minister for matters relating to the development of an Oranga Tamariki Action Plan. The purpose of the Action Plan is to indicate how responsible agencies will work together to improve the wellbeing of children and young people who are of interest to Oranga Tamariki.

To date, the Minister for Children and the Minister for Child Poverty Reduction have been jointly responsible for the development of the Child and Youth Wellbeing Strategy, and the Minister for Children has been the plan Minister.

An action plan (the Oranga Tamariki Action Plan) is required by the Children's Act 2014, with the purpose of indicating how the Chief Executives of children's agencies will work together to improve the wellbeing of children and young people of interest to Oranga Tamariki. The children's agencies are Oranga Tamariki, the New Zealand Police and the Ministries of Social Development, Education, Health and Justice.

These agencies, alongside others who have a role in the children's sector (the Ministry of Housing and Urban Development, Te Puni Kōkiri and the Department of Corrections) are currently, developing the first plan. Children's agencies Chief Executives are collectively accountable to deliver the actions set out in the plan.

While it is a decision for the Prime Minister, previous Ministers for Children have been the plan Minister, with the statutory responsibility for approving introduction, amendment or replacement of the action plan after consultation with relevant Ministerial colleagues.

The Social Wellbeing Sector

As a social sector agency, we work across the State sector on cross-cutting issues to improve the social wellbeing of current and future New Zealanders, with the overall approach led by the Social Wellbeing Board. Our focus is on initiatives that enhance the wellbeing of children and young people and their families and whānau, particularly the core populations of interest to Oranga Tamariki. The Social Wellbeing Board is responsible for leading a collective approach to social sector policy implementation and delivery, prioritises areas where collective action is needed to improve outcomes, and oversees alignment of work where necessary. It has taken an active role in repositioning its work programme for COVID-19 recovery. You will be provided with a separate Briefing to Incoming Ministers about the Social Wellbeing Board.

The Joint Venture to Eliminate Family Violence and Sexual Violence

We are one of 10 government agencies that make up a Joint Venture to respond collectively to family violence and sexual violence. The Joint Venture is a new model of government agencies working together and was established, supported by a Joint Venture Business Unit, in 2018. Collective accountability for reducing New Zealand's high instance of family and sexual violence, including against children, sits with the Joint Venture Board. The Board is made up of Chief Executives of the 10 government agencies.



The Justice Sector

As a Justice Sector agency, we work alongside the Ministry of Justice, the New Zealand Police, the Department of Corrections, the Serious Fraud Office and Crown Law Office to achieve good outcomes for people subject to the justice system. As discussed in this briefing, the Youth Justice system takes a diversionary approach and there is potential for the wider criminal justice system to learn from the youth justice experience. The Justice Sector Leadership Board of Chief Executives has committed to working together to transform the criminal justice system and, significantly, reduce disparity and disproportionality of representation of Māori. You will be provided with a separate Briefing from the Justice Sector agencies, about the work of the Justice Sector.

The Homelessness Action Plan

We are one of a number of agencies that is actively involved in the Aotearoa New Zealand Homelessness Action Plan (2020-2023), which was publicly released in February 2020. Overall responsibility for the action plan previously sat with the Minister of Housing, two Associate Ministers for Housing and the Minister for Social Development. Responsibility for individual actions within the action plan sit with a number of Ministers. The Minister for Children is responsible for an action to expand housing support for young people leaving Oranga Tamariki care.

Appendix A

Accountabilities, duties and responsibilities of the Minister for Children

The Minister for Children has responsibilities under:

- the Oranga Tamariki Act 1989
- the Children’s Act 2014, Part 1 and Part 2
- the Children's Commissioner Act 2003.

Oranga Tamariki Act 1989

(formerly, Children and Young Persons, and Their Families Act 1989)

General duties

The Minister for Children has assigned responsibility under the authority of the Prime Minister for the Oranga Tamariki Act.

Duties under the Oranga Tamariki (Residential Care) Regulations 1996

To appoint members of grievance panels for care and protection and youth justice residences, to which a child or young person in a residence may complain.

Not explicit statutory responsibility but note that:

The Oranga Tamariki Act requires the Chief Executive to establish and fund care and protection resource panels comprising professionals and community members to advise on care and protection cases and care and protection related matters.

The Oranga Tamariki (Residential Care) Regulations require residence managers to establish community liaison committees with community and professional membership, which have functions relating to the impact of the residence on the surrounding community.

Specific statutory duties

- To approve the establishment or closing of residences for the care and control of children and young people.
- To make written directions to the Chief Executive in relation to the provision of financial assistance to caregivers who have taken on the permanent care of a child previously in care.
- To make general directions to the Chief Executive regarding the making of grants or the provision of financial assistance to any community service.
- Appoint an independent agency or body to monitor and report on compliance with care standards regulations. However, given the significant changes underway in establishing independent monitoring, this decision currently sits with Cabinet. Ministry of Social Development was appointed by Cabinet to establish the interim monitoring function.
- To report to Parliament, not later than 1 July 2022, and at least every three years thereafter, on whether existing legislation, government policy and other accountability arrangements ensure that the needs of children and young people with whom the Ministry is concerned are met and whether any amendments to those arrangements are necessary or desirable.
- To issue a Code of Practice for information sharing to provide guidance and direction to agencies and persons with functions under the new information sharing provisions in the Act. The Minister also has obligations in respect of consultation on the Code and amendment to the Code.
- The information sharing provisions came into force on 1 July 2019.



Children's Act 2014

The Minister for Children currently has assigned responsibility under the authority of the Prime Minister for part 1 as it relates to the Oranga Tamariki Action Plan, and part 2 (but not part 3) of the Children's Act.

Part 1 concerns Government adopting, publishing, and reviewing a strategy for improving the well-being of children and the development of an Oranga Tamariki Action Plan.

Part 2 concerns requirements on prescribed State services that are providers of children's services to have child protection policies.

Contracts between these State services and providers of children's services must require the provider to have a child protection policy.

Part 3, which is administered by the Ministry of Education, contains a regime for children's worker safety checking.

Responsibilities under Part 1

To be consulted, along with all children's Ministers (the Ministers of Health, Education, Justice and Police, and the Minister for Social Development), on a strategy for improving the wellbeing of children. The exercise of this power triggers the requirement for Chief Executives to prepare the Oranga Tamariki Action Plan.

To approve the Oranga Tamariki Action Plan following consultation with the children's Ministers.

Responsibilities under Part 2

The Minister does not have any specific statutory responsibilities under Part 2.

The Children's Commissioner Act 2003 (CCA)

The Minister for Children, as Minister with responsibility for the Oranga Tamariki Act 1989, has the following functions under the CCA:

- notification and consultation requirements before recommending the appointment of the Commissioner under the Crown Entities Act 2004
- the power to request advice from the Commissioner on any matter that relates to the administration of the Oranga Tamariki Act or regulations made under that Act.

However, in 2017 the following arrangements were made to avoid any appearance of a conflict of interest, while maintaining the Minister for Children's other functions in relation to the Office of the Children's Commissioner:

- The Minister for Social Development is the responsible Minister for the Children's Commissioner for the purposes of the Crown Entities Act 2004
- The Ministry for Social Development monitors the Children's Commissioner for the purposes of the Crown Entities Act 2004
- The Minister for Social Development acts on behalf of the Minister for Children in relation to section 7 of the Children's Commissioner Act 2003 (the appointment of the Commissioner)

Appendix B: Further detail about our areas of work

Intake, Assessment and Referral, Early Support and Intensive Response

Over the last three years, Oranga Tamariki has received an average of 86,800 reports each year from people who are concerned about the wellbeing or safety of a child or young person. These reports were about 62,000 individual children and young people. In the last year there has been a drop of notifications received, down to 81,000 about 58,500 individual children and young people.

Approximately 60% (49,000) of these reports come from people in their professional capacity – including doctors, nurses, teachers, police officers and those who work for community organisations. 52% (42,200) of the notifications we receive are about tamariki and rangatahi Māori.

This means we are uniquely placed to identify and connect families and whānau to effective support and services, depending on the challenges they are facing.

Oranga Tamariki has a range of levers to do this, including:

- a duty of the Chief Executive to ensure that Oranga Tamariki services that reduce the need for statutory involvement (the care and protection and youth justice systems) are co-ordinated with other similar government-funded services
- an ability for the Chief Executive to hold a Family Group Conference if it would best assist in formulating a plan to help the child or young person, even if they are not in need of care and protection. Family Group Conferences, a statutory mechanism, are more usually held when a child or young person is in need of care and protection and are discussed in the section below
- a duty of the Chief Executive to take prompt and positive action to assist families, whānau, hapū, iwi and family groups to meet the needs of their children and young people, including providing a safe, stable and loving home

We currently have approximately \$200 million per year invested in prevention and early intervention services (now Early Support) delivered by providers to intervene early and improve the wellbeing of children, young people and their families and whānau to prevent harm and support them to remain safely at home. Two of the largest Early Support programmes funded by Oranga Tamariki are Family Start and Services in Schools, including Social Workers in Schools. Oranga Tamariki funds over 100 iwi and Māori organisations to deliver services, the majority of whom provide Early Support or Intensive Response services. Since 2017, funding has been increased and new partnerships have been formed at a local and national level to deliver new approaches.

In 2018, Government noted that the long-term approach of Oranga Tamariki to early intervention to promote wellbeing and prevent children and young people suffering harm would be developed with other agencies over time, in line with the direction set by the Child and Youth Wellbeing Strategy.

Where a child or young person is at significant risk of suffering harm, and therefore may need to enter State care, Oranga Tamariki has a range of levers to provide intensive support to enable children to remain safely at home. The levers include Family Group Conferences and, the more informal, hui-a-whānau to facilitate family and whānau led decision making about the best next steps to keep a child or young person safe.

Of the 6,750 children and young people who may require an Intensive Response

20%

had a parent who had spent time in prison in the last year

57%

had a family violence notification in the last year

50%

had a parent with non-pharmaceutical mental health treatment in the last year

29%

had a parent with statutory care and protection involvement as a child



Family Group Conferences and hui-a-whānau are used to put plans in place to ensure the child or young person can remain in the care and custody of their parents or usual guardians. Considerable work is undertaken by social workers to prevent the need for a child or young person to enter State care, including financial and non-financial support provided to caregivers. These agreements may include for the child or young person to live with another family or whānau member. This is referred to as being in an out of home placement.

There are a range of Intensive Response services that can be provided, with significant work being done on new approaches.

Care

The first and paramount consideration in all decisions made under the Oranga Tamariki Act about a child or young person is the wellbeing and best interests of the child or young person. This is except for in youth justice where there are four primary considerations which are outlined in the section below.

There are approximately 5,950 children and young people in State care. Being “in State care” means that they are in the care or custody of the Oranga Tamariki Chief Executive, an iwi social service, a cultural social service, or the director of a child and family support service - instead of in the care or custody of their parents or guardians. Children and young people are placed in State care by the Family Court or via a care agreement. These State care arrangements can be temporary or long-term.

The decision to place a child in State care is made because they are “in need of care and protection” which is defined in the Oranga Tamariki Act. Family Group Conferences, a statutory mechanism, are used to bring families and whānau together to discuss the best approach to a child’s care where there are concerns.

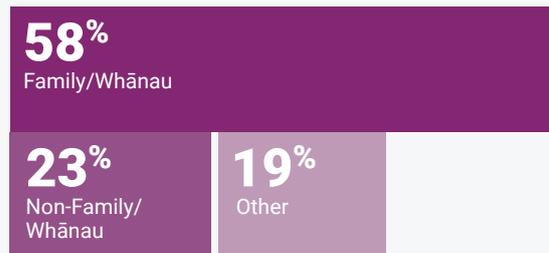
Findings of abuse prior to care entry



As well as considering alternative care arrangements Family Group Conferences are used to put plans in place to ensure the child or young person can remain in the care and custody of their parents or usual guardians. The more informal hui-a-whānau are also used for this purpose, and considerable work is undertaken by social workers to prevent the need for a child or young person to enter State care.

When a child or young person is in State care, the Oranga Tamariki Chief Executive or approved service has the authority to decide where the child or young person will live. This can be with the child’s parents or guardians, or an approved caregiver who can be a member of the child’s family, whānau, hapū, iwi or family group, or an organisation.

Where are children when they aren’t with their parents?



How long have children been in State care?

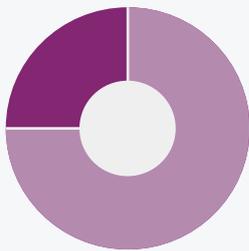


Nearly 60% (2,750) of children and young people in State care live with their family or whānau, and some remain with their parents. 76% (1,966) of tamariki and rangatahi Māori in a placement not with their parents or in State care are in the care of whānau. The Oranga Tamariki Act requires a set of placement principles to be worked through, which include that preference is given to placing the child or young person with whānau or family, hapū member, iwi member or family group who is able to meet their needs. There is a significant piece of ongoing work underway to develop Whānau Care partnerships with iwi and kaupapa Māori providers to continue to increase the number of tamariki Māori in the care of whānau, hapū or iwi.

Children and young people with especially high needs may live with specialised caregivers or in a residential care setting that is staffed by Oranga Tamariki or our partners. 1% (24) of children and young people in a placement not with their parents are in one of the three Care and Protection Residences managed by Oranga Tamariki or our partners and there is work underway to make all care settings family-like homes.

Siblings

Of children in care who have siblings, **three-quarters** are placed with at least one sibling



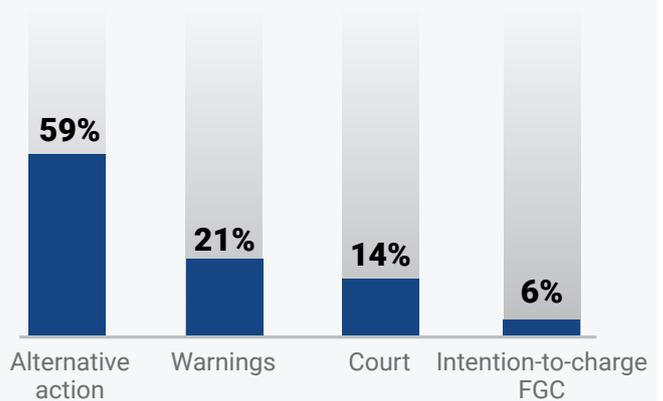
The Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 (the National Care Standards) state the level and quality of care that can be expected when a child is in State care, and the support caregivers will receive.

The reasons that children and young people enter State care are complex. Most children and young people who are notified to Oranga Tamariki are living in families with issues relating to drug and alcohol addiction, family violence and unresolved mental health issues.

Youth Justice

For children and young people subject to the youth justice system, the wellbeing and best interests of the child or young person is one of four primary considerations, along with public interest, the interests of victims and the accountability of the child or young person for their behaviour.

Ways offending behavior by young people was addressed in 2018:



Police dealt with 7,950 young people in 2018

The focus of the youth justice system in New Zealand is to divert children and young people (aged 10 to 17) away from Court responses and work with them, their families and whānau to address needs and reduce the chance of reoffending. The needs of victims are also responded to. Oranga Tamariki is one of four government departments that administer the youth justice system, alongside the Ministry of Justice, the New Zealand Police and the Department of Corrections.

One of the significant legislative changes that came into force on 1 July 2019 was the inclusion of 17 year olds in the youth justice system, instead of the adult criminal justice system. While 17 year olds charged with some serious offences continue to be processed through the adult court system, the youth justice system has successfully managed the first year of the expansion. It has meant that more young people are responded to in an age appropriate way.

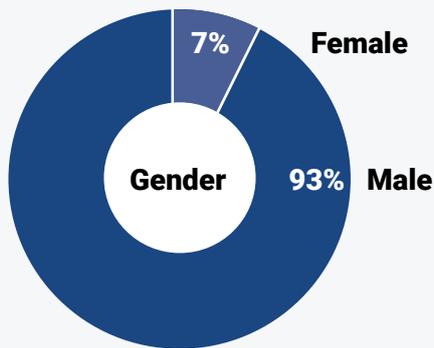


The Police make the decision about whether to refer a child or young person to Oranga Tamariki, and they do so when they have an intention to charge them with a criminal offence. Oranga Tamariki works with the Police to explore all options and the case may progress to an Intention to Charge Family Group Conference and then to Court.

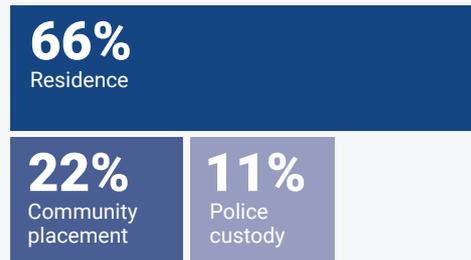
When young people have been placed on an order by the Youth Court in response to their offending, they are working with a Youth Justice Social Worker in the community to address their needs and reduce their likelihood of offending.

A range of programmes and services are provided.

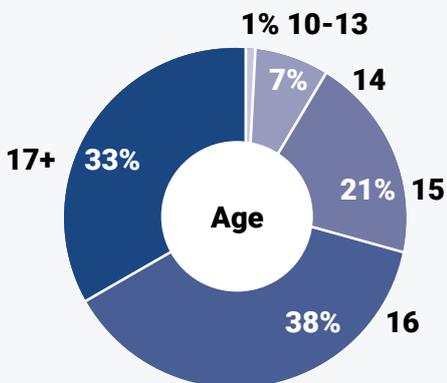
Gender of children and young people in youth justice custody



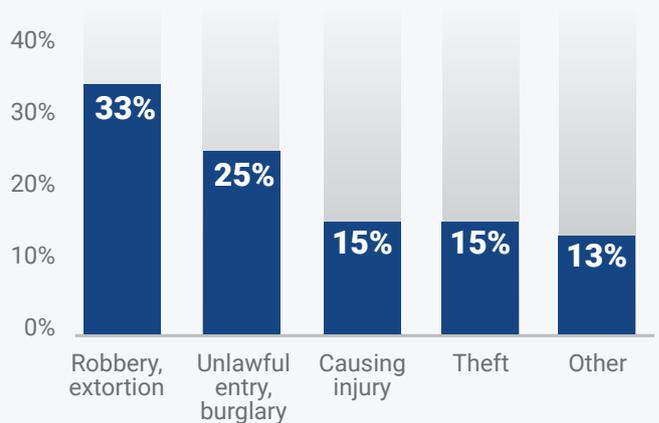
Where are young people in custody?



Age of children and young people in youth justice custody



Offence types for young people remanded into custody (2018)



A small number of young people receive an order from the Youth Court as a response to their offending, and an even smaller number enter youth justice custody.

There are currently approximately 100 young people in youth justice custody who are either waiting for the proceedings to be finalised in the Youth Court (remanded in detention) or on an order of "Supervision with Residence." These young people live in one of four Youth Justice Residences or a community-based Remand Home.

Transition Support

In the year to the 30 June 2020, 1,450 children and young people exited State care and 550 young people left youth justice custody. Young people leaving State care or finishing a youth justice order are at risk of poor long-term wellbeing. While social workers work with children and young people to prepare them for leaving State care or finishing a youth justice response, a significant gap identified by young people in the system was that there was no adequate provision of support to young people to transition into adulthood.

As a result, new statutory obligations were introduced. The key obligations relating to transitions support are:

- an entitlement for young people who have been in State care to be supported to live with a caregiver from age 18 to 21
- a duty to take reasonable steps to maintain contact with young people up to age 21 when they have been in State care or a youth justice residence
- duties for the provision of advice and assistance to young people up to the age of 25 who have been in State care or a youth justice residence.

As part of meeting these new obligations, a national Transitions Support Service was established from 1 July 2019, using new funding from Budget 2019. The service was designed based on what young people said they needed and is underpinned by a relationship-based model. It includes an advice and assistance phone line, Transition Support Workers to work one-on-one with young people and supported accommodation. Through the phone line and Transition Support Workers crisis support and financial assistance is available.

740

young people are actively working with a Transition Support Worker

78%*

were identified as either having, or were suspected to have, mental health needs

50%*

were identified as lacking in life skills, social skills, a driver's license and/or healthy relationships.

* The 2018 Transition Support Survey

involved 120 young people aged 15-17 who were in care or youth justice custody who were identified by social workers as being high or very high needs.

Adoption

The Oranga Tamariki responsibility for adoption covers domestic and intercountry adoption, including:

- providing information to adopted persons, birthparents, the Courts, and the public
- supporting birth parents showing interest to have their child adopted
- assessing adoptive applicants
- matching birth parents with adoptive applicants
- providing advice to the Family Court on adoption applications
- international and domestic surrogacy.

Policy responsibility for adoption sits with the Ministry of Justice.



Appendix C: Monitoring systems

The nature of the work of Oranga Tamariki means that there must be monitoring and oversight to provide assurance to the public, and to Ministers, that we are doing our work well and that we are improving. Both internal and external monitoring systems are being strengthened and this section provides an overview of that work.

Internal monitoring, oversight and assurance system

Oranga Tamariki has internal monitoring and assurance systems that enable us to improve our practice and anticipate where we may need to focus our efforts. Our social workers participate in supervision and have professional obligations to maintain their registration and the quality of their practice. By February 2021, all social workers will be required to be registered under the Social Workers Registration Act 2003.

Ensuring high quality practice

The quality of practice delivered by Oranga Tamariki practitioners in their work with children, young people, families, whānau and caregivers is led by the Chief Social Worker/Deputy Chief Executive Professional Practice, and monitored by a dedicated team in Oranga Tamariki. This monitoring includes a range of practice quality assurance activities designed to assess practice and decisions against legislative requirements and core standards of practice. The system identifies strengths in practice as well as key areas for improvement. Our internal monitoring system is undergoing ongoing strengthening.

Internal monitoring is also carried out by the Safety of Children in Care Unit. Oranga Tamariki established the Safety of Children in Care unit in 2018 to review and respond to incidents of harm against children and young people in State care. All reports are publicly released and shared with you prior.

An internal Treaty Response Unit provides assurance and advice on matters relating to Treaty of Waitangi obligations including provisions under section 7AA of the Oranga Tamariki Act 1989.

Feedback and complaints

Oranga Tamariki has a legislative requirement to establish mechanisms to respond to complaints in a way which is timely, fair and child centred, as well as a requirement to learn from the feedback we receive, and use this to improve our

policies and practices. As part of our response to complaints, we have a national team who receives, triages and responds to feedback and complaints. Between 1 March 2020 and 30 September 2020, 1,173 pieces of feedback were received by the national team.

Over the last two years we have introduced a number of changes to strengthen the complaints process, including the development and roll out of a new IT System and organisation wide training on the importance of both receiving and responding to feedback and complaints. Over the next 12 months there are several areas of work being progressed to ensure that we have a robust and child-centred complaints system in place.

A Chief Executive's Panel is also part of the internal complaints process. The Panel consists of independent members, with the purpose of providing assistance to the Chief Executive in their decision making in relation to complaints. It provides a further option for complainants who remain dissatisfied with the outcome of the internal complaints process.

External monitoring, oversight and assurance system

In recent years, work has been done to strengthen independent oversight and systematic monitoring of Oranga Tamariki and the wider Oranga Tamariki system. This strengthening is still to be completed. This work is being led by the Ministry of Social Development, with their Minister responsible for the work and for the progression of proposed legislation to govern the oversight system.

There are three external entities and bodies with responsibilities to monitor and report on Oranga Tamariki actions, policies and processes. Their monitoring activities and responsibilities overlap, and there is a possibility that multiple reviews and reports will be conducted in the same areas of practice. This risk has already been realised with the reviews recently completed and underway into the entry of new-born babies into State care.

The **Children's Commissioner** is a Crown Entity with responsibilities to advocate for children and monitor Oranga Tamariki policies, practices and services, as well as monitor places which detain children and young people as part of the United Nations Optional Protocol to the Convention against Torture. The Children's Commissioner recent activity has included the review discussed in the section below and the publication of their ninth "State of Care" report which considered improvements which could be made to the statutory response to 10–13 year olds who offend.

The **Office of the Ombudsman** is an Officer of Parliament with powers and responsibilities to investigate complaints about public sector agencies and undertake inspections and investigations. The Ombudsman has established a specific complaints oversight function to deal with complaints about Oranga Tamariki. This specific function was established as part of the work to strengthen the oversight system.

The **Independent Children's Monitor** (the ICM) was established in 2019. Government agreed in 2019 that the Ministry of Social Development be appointed as the ICM to establish the function with the intent that it is transferred to the Office of the Children's Commissioner. The legislative framework for the ICM is under development by MSD, and as Minister for Children you may have an interest in this work.

The initial purpose of the ICM was to monitor compliance with the regulations (the National Care Standards) which outline the standard of care children and young people in State care must receive. The scope of the ICM activity is likely to be broader in the future and will monitor the quality of practice across all Oranga Tamariki functions, and therefore include the activities of other government agencies and partners. The ICM has produced two monitoring reports to date, one in January 2020 and one in August 2020.

In addition to these bodies, there is also an advocacy service, **VOYCE – Whakarongo Mai**, which is an independent non-government agency which supports children and young people in State care or subject to a youth justice response to express their views.



Appendix D: Organisation chart

					
<p>Chief Executive Oranga Tamariki – Ministry for Children</p> <p>Gráinne Moss</p>	<p>Chief Māori Advisor to the Chief Executive Darrin Haimona</p> <p> Director Safety of Children in Care Andrea Nichols</p> <p>Monitoring Safety of Children in Care</p> <p>Oranga Tamariki Response to the Royal Commission</p>	<p>Deputy Chief Executive Partnering for Outcomes Celia Patrick</p> <p>Partnering for Outcomes</p> <p>Partnerships</p> <p>Commissioning and Market Building</p> <p>5 Regions</p>	<p>Deputy Chief Executive Services for Children & Families North Glynis Sandland</p> <p>Family Group Conferences</p> <p>Investigations and Assessment</p> <p>Intensive Response</p> <p>Transition Services</p> <p>6 Regions and 30 Sites</p> <p>National Contact Centre</p> <p>Specialist Services</p>	<p>Deputy Chief Executive Services for Children & Families South Alison McDonald</p> <p>Family Group Conferences</p> <p>Investigations and Assessment</p> <p>Intensive Response</p> <p>Children's Teams</p> <p>Transition Services</p> <p>6 Regions and 26 Sites plus 8 subsites</p> <p>Business Implementation and Operational Support</p>	<p>Deputy Chief Executive Youth Justice Services Allan Boreham</p> <p>Youth Programmes</p> <p>Family Group Conferences</p> <p>Post Arrest Plans and Bail Services</p> <p>Court Orders and Programmes</p> <p>Youth Justice Community Homes</p> <p>Youth Justice Residences</p> <p>Youth Justice Transformation Programme</p> <p>Operations Support, 3 Regions, 26 Sites, 4 Residences, 14 homes</p>

 <p>Deputy Chief Executive Care Services Trish Langridge</p>	 <p>Tamariki Advocate/ Deputy Chief Executive Voices of Children & Young People Hoani Lambert</p>	 <p>Chief Social Worker/ Deputy Chief Executive Professional Practice Grant Bennett</p>	 <p>Deputy Chief Executive Governance and Engagement Aphra Green</p>	 <p>Deputy Chief Executive Corporate Services Matt Winter</p>	 <p>Deputy Chief Executive Policy and Organisational Strategy Anita West</p>
<p>Caregiver Recruitment and Support</p> <p>Care Services Māori</p> <p>Pacific Voices and Strategy</p> <p>International Casework and Adoption</p> <p>High Needs Team</p> <p>High and Complex Needs Team</p>	<p>Voices of Children and Young People</p> <p>Voices of Whānau and Community</p> <p>Service Design</p> <p>Transition Support Service</p> <p>Treaty Response Unit</p>	<p>Professional Practice</p> <p>Quality Systems</p> <p>Practice Advice and Design</p> <p>Māori Centred Practice</p> <p>Pacific Practice</p> <p>Practice Framework, Assessment and tools</p> <p>Operational Policy</p>	<p>Risk & Assurance</p> <p>Engaging All New Zealanders</p> <p>Communications and Engagement</p> <p>Governance</p> <p>Office of the Chief Executive</p> <p>Review Management</p> <p>External Monitoring and Oversight</p>	<p>People and Leadership</p> <p>Funding and Performance</p> <p>Technology and Channels</p> <p>Professional Development</p> <p>Infrastructure</p> <p>Health Safety and Security</p> <p>Data and Information</p>	<p>Policy</p> <p>Legal Services</p> <p>Insights, Research and Evaluation</p> <p>Organisational Strategy and Performance</p> <p>Change Project Management Office</p> <p>Ministerial Support</p> <p>Compliments, Complaints and Suggestions</p> <p>Customer Information Requests</p>





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