



# Report

**Date:** 28 September 2023

**Security Level:** In-Confidence

**To:** Hon Kelvin Davis, Minister for Children

**Report number:** REP-OT/23/09/01054

## Dame Karen system review into the children's sector – Second six-monthly ministerial report back

### Purpose

1 This report:

- 1.1 provides you with the second six-monthly ministerial report back on the cross-agency actions in response to the Dame Karen system review into the children's sector
- 1.2 sets out early insights from the targeted engagement that took place over July and August 2023 on mandatory reporting and vetting and supporting of caregivers.

### Recommended actions

It is recommended that you:

- 1 **note** this six-monthly report back.

**Noted**

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Lydia Jarman  
Acting Deputy Chief Executive  
System Leadership

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Date: 20 September 2023

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Hon Kelvin Davis  
Minister for Children

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2 October 2023

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Date

## **Progress has been made against all the recommendations in the Dame Karen system review since the August 2023 Cabinet paper**

- 2 Oranga Tamariki has committed to delivering six-monthly ministerial reports on the cross-agency response to the Dame Karen Poutasi system review. So far, we have provided:
  - 2.1 the first six monthly report on 27 April 2023, *Update on the cross-agency action in response to Dame Karen Poutasi's system review into the children's sector* [REP-OT/23/04/0883]
  - 2.2 a report back to Cabinet on 23 August 2023, *Report to Cabinet on the progress made against the recommendations of the Dame Karen Poutasi system review* [CAB-23-MIN-0398].
- 3 This is the second six-monthly ministerial report back. Progress has been made against all the recommendations since the August 2023 Cabinet paper. Work on the substantive recommendations, being undertaken by the cross-agency work groups, is progressing on the timelines agreed with you. A full summary of progress is set out in **Appendix One**. Some of the key highlights include:
  - 3.1 Work to include the health sector as a partner to the Child Protection Protocol (CPP) between Police and Oranga Tamariki (recommendation 5) has been progressing. Opportunities to improve current CPP mechanisms within the existing Memorandum of Understanding (MoU) between Health (with the inclusion of Te Whatu Ora and Te Aka Whai Ora), Police and Oranga Tamariki are also being considered.
  - 3.2 The information sharing working group (recommendation 7) has agreed to progress a range of work to raise awareness about the information sharing provisions for respective agency frontline staff. This is in addition to ongoing work to establish a Government Legal Network Practice Group on information sharing in the child protection system.
  - 3.3 The children's system working group (recommendations 11 and 12) has produced a report for you with options for clarifying the existing children's system in New Zealand, [Dame Karen Poutasi Review: Overview of the current children's system in Aotearoa New Zealand] [REP-OT-23-08-01042]. The working group is currently identifying relevant agencies to be included in the children system and will consult with those agencies before proposing an ongoing programme of work for ministerial consideration.

## **We are receiving early insights on mandatory reporting, and vetting and supporting caregivers, through targeted engagement**

- 4 Targeted engagement took place over July and August 2023 on mandatory reporting and vetting and supporting caregivers with over 50 engagements using various formats such as in person and online across Aotearoa New Zealand. We've held focus groups, roundtables, stakeholder interviews, and wānanga, including marae-based hui. Engagement with Iwi Māori has and will continue to be central to understanding the recommendations and informing our future advice. There have been two youth-focussed engagements. For vetting and supporting caregivers, engagement has included caregivers and a sole parent who has been to prison.
- 5 We are still engaging with some stakeholders and preparing advice on these recommendations. For mandatory reporting, engagement over this time was undertaken with:
  - 5.1 relevant sector experts such as the Child Protection and Family Violence Network
  - 5.2 potentially impacted frontline professionals such as:

- 5.2.1.health practitioners
  - 5.2.2.teachers
  - 5.2.3.social workers
  - 5.2.4.probation officers
  - 5.3 professional bodies such as the Teaching Council
  - 5.4 Pacifica groups
  - 5.5 Iwi Māori including strategic partners and Māori providers.
- 6 For vetting and supporting caregivers, targeted engagement was undertaken with:
- 6.1 relevant providers including Iwi Māori providers
  - 6.2 peak bodies
  - 6.3 Oranga Tamariki strategic partners
  - 6.4 incarcerated women
  - 6.5 caregivers
  - 6.6 young people.
- 7 An initial summary of these targeted engagement findings is below and is being analysed in more detail to form part of our further advice. The nature of the feedback provided means that we cannot readily break it down into stakeholders for or against the recommendations. View across the range of stakeholders were thoughtful and nuanced.
- 8 The targeted engagement highlighted the need to think about the impact of the substantive recommendations in a strategic, system-wide way. For example, mandatory reporting would be one component of a system where people are better able to identify and respond to abuse child abuse. The recommendations associated with mandatory reporting are connected to several other recommendations we are updating you on in **Appendix One**, including:
- 8.1 recommendation 10 and ensuring early childhood education services implement their required child protection policies (which is being led by Ministry of Education)
  - 8.2 recommendation 13 and ongoing work to develop and promote awareness raising (which is being progressed by Oranga Tamariki).
- We heard strong views both for and against mandatory reporting as part of a wider approach to improve recognition and reporting of harm*
- 9 Some of the feedback in favour of mandatory reporting emphasised the benefits of increased case identification and the opportunity that it would create for earlier intervention to prevent harm. Some of that against mandatory reporting highlighted resource and capacity concerns, both in terms of Oranga Tamariki and community provider's ability to respond to increased reports of concern. There was widespread agreement among stakeholders on the need to improve and bring consistency to child protection training and other support, with wide support for a 'mandatory training' approach where those working with children and young people are better trained in recognising and reporting concerns of abuse.
- 10 Māori were largely (but not entirely) unsupportive of the recommendations related to mandatory reporting. We are hearing concerns that the approach would lead to ongoing oversurveillance of Māori, drive whānau underground and do little to prevent or respond to

child abuse. Iwi Māori providers were also concerned about the impacts on their relationship with whānau, particularly if Iwi Māori providers and their kaimahi were included as potential future mandated reporters.

*There are nuanced views on vetting, and a clear consensus that greater support should be provided to caregivers*

- 11 The feedback against vetting made it clear that it is not the role of Oranga Tamariki to be involved in family and whānau decision making. Some stakeholders told us that it would breach parental and human rights, and for whānau Māori, te Tiriti o Waitangi – the Treaty of Waitangi. The feedback in support of vetting highlighted its potential value as an additional safety net for children and young people. There was less feedback in support of vetting family and whānau caregivers compared to non-family and whānau caregivers.
- 12 There is clear consensus that greater support should be provided to parents, family, whānau and caregivers. Many stakeholders highlighted that any support made available to parents who are arrested, in-remand or incarcerated should extend to all caregivers also.

### **Following this report, we will update Malachi's whānau, Aroturuki Tamariki and the Ombudsman, and continue the work**

- 13 We will use the information in this six-monthly report to update Malachi's whānau on the response to the Dame Karen system review. We are in regular contact with the whānau. As with our last update we will also use the information to report to the Ombudsman and Aroturuki Tamariki (the Independent Children's Monitor - ICM). The ICM will be initiating their review of the government response in November 2023 (recommendation 14).
- 14 We will continue to progress work on the recommendations. You will receive weekly report updates when we have information to share ahead of any planned report. The Working Groups will work against their agreed timelines and seek your direction on the key policy considerations and the next steps by the end of the calendar year.

## Appendix One: The Dame Karen system review recommendations and current progress

Recommendation	Lead and supporting agencies	Update
<b>Critical gap: In identifying needs of a dependent child when charging and prosecuting sole parents through the court system</b>		
<p>1 <i>Oranga Tamariki should be engaged in vetting a carer when a sole parent of a child is arrested and/or taken into custody. Police (or other prosecuting agency) in the first instance, and the Court in the second, will need to build into their processes time for this to occur.</i></p>	<p><b>Oranga Tamariki</b> Ara Poutama - Department of Corrections (Corrections) Te Tahū o te Ture - Ministry of Justice (Justice) Ngā Pirihimana o Aotearoa - New Zealand Police (Police)</p>	<p>Targeted engagement for the vetting and supporting caregiver work is concluding. Engagement insights will inform advice on how agencies should respond to recommendations one, two and six. This advice will be provided early in the next parliamentary term.</p> <p>Officials have engaged with Whānau Care partners, national providers, members of the judiciary and legal profession, young people with care experience and/or who have or had a parent in prison, an organisation who supports children and whānau who have a parent in prison (Pillars Ka Pou Whakahou) and caregivers of children in and outside of state care (some of whom are from Ngāti Haua in Taumarunui).</p> <p>While findings are very early, and further analysis is required, initial insights from the consultation shows nuanced views for vetting:</p> <ul style="list-style-type: none"> <li>• Where there was opposition to vetting, stakeholders said that it is not the role of Oranga Tamariki to be involved in family and whānau decision making and that doing so would breach parental and human rights, as well as the Treaty of Waitangi / te Tiriti o Waitangi.</li> <li>• Where there was support for vetting, stakeholders saw vetting as a valuable additional safety net that would keep children and young people safe. However, there was less support for vetting of whānau caregivers compared to non-whānau caregivers.</li> <li>• Stakeholders emphasised that vetting should focus on assessing whether the caregiver has the necessary qualities and means to meet the child's needs, and identifying where further support could be provided to the caregiver.</li> </ul> <p>There was clear consensus that greater support should be provided to parents and caregivers. Many stakeholders highlighted that any support made available to parent(s) who are arrested, in-remand, or incarcerated should be extended to other caregivers also.</p> <p>Many stakeholders emphasised the need for parent(s) to be supported to make decisions on who cares for their child, as well as to keep in contact and remain involved in the child's life, whilst in prison or on remand.</p> <p>All stakeholders have expressed strongly that if vetting and support was to be implemented, it should be an Iwi Māori and/or community led response, and that Oranga Tamariki is not the right agency to oversee these processes.</p>
<p>2 <i>Oranga Tamariki should be engaged in regular follow-up checks and support for such an approved carer while the sole parent remains in custody. Resourcing must be addressed to enable this to occur.</i></p>	<p><b>Oranga Tamariki</b> <b>Corrections</b> <b>Justice</b> <b>Police</b></p>	<p><b>Refer recommendation one</b></p>

Recommendation	Lead and supporting agencies	Update
<b>Critical gap: In the process for assessing risk of harm to a child, which is too narrow and one dimensional</b>		
3 <i>Multi-agency teams working in communities in partnership with iwi and NGOs, resourced and supported throughout the country to prevent and respond to harm. There are examples of this happening already across the country. Implementation in all localities must be a priority so that locally relevant teams can help assess, respond to the risk to a child and provide support.</i>	<b>Oranga Tamariki</b> Police Te Manatū Whakahiato Ora – Ministry for Social Development (MSD) Manatū Hauora – Ministry of Health (Health) including: • Te Aka Whai Ora – Māori Health Authority • Te Whatu Ora – Health New Zealand Te Puna Aonui	<b>Work is being reported through existing reporting mechanisms</b>
4 <i>Medical records held in different parts of the health sector should be linked to enable health professionals to view a complete picture of a child's medical history.</i>	<b>Te Whatu Ora</b>	Work is continuing towards creating a secure point of access into the health ICT system – HIRA. It will enable different application programme interfaces (API) to be built, to access to patient summary information. This is a long-term and technical programme of work that, over time, should help health professionals to monitor wellbeing indicators over time and regardless of where health care is accessed. A shorter-term piece of work will enable individuals to access their own and their child's health patient summary through an app or website. This is now planned for mid-2024.
5 <i>The health sector should be added as a partner to the Child Protection Protocol between Police and Oranga Tamariki to enable access to health professionals experienced in the identification of child abuse, and to facilitate regular joint training.</i>	<b>Health</b> <b>Te Whatu Ora</b> <b>Te Aka Whai Ora</b> Oranga Tamariki Police	A survey has been sent to Police and Oranga Tamariki workers to seek their views on the Child Protection Protocol (CPP). The CPP is the agreement between Police and Oranga Tamariki to work together where abuse or neglect is suspected. Dame Karen's review recommended that health agencies join the protocol and the survey is specifically asking workers about their experiences engaging with health matters and getting access to health advice.  The survey feedback will help inform the ongoing review of the CPP and work being undertaken to ensure that clear, up-to-date operational guidance is available to front line workers to respond appropriately to the needs of children, young people, their family and whānau. Opportunities to improve current response mechanisms within the existing Memorandum of Understanding (MoU) between health agencies, Police and Oranga Tamariki are also being considered along with are opportunities for joint training.  Along with supporting the CPP review, Te Whatu Ora has employed an experienced advisor to develop a national Child Protection Policy for the health agencies that reflects the reformed health system. This policy is required under the Children's Act 2014 and will help guide the health agencies in their child protection activities.
<b>Critical gap: In agencies and their services not proactively sharing information, despite enabling provisions</b>		
6 <i>The Ministry of Social Development should notify Oranga Tamariki when a caregiver who is not a lawful guardian, and who has not been reviewed by Oranga Tamariki or authorised through the Family Court, requests a sole parent benefit or other assistance, including emergency housing support, from the agency for a child whose caregiver is in prison.</i>	<b>Oranga Tamariki/MSD</b> Corrections Justice Police	<b>Refer recommendation one</b>

Recommendation	Lead and supporting agencies	Update
<p>7 <i>The enhancement of understanding of the information sharing regime in the Oranga Tamariki Act 1989, to educate and encourage child welfare and protection agencies and individuals in the sector to share information with other child welfare and protection agencies on an ongoing basis.</i></p>	<p>Oranga Tamariki                      Corrections                      Justice                      Police                      MSD                      Health                      Te Whatu Ora                      Te Aka Whai Ora                      Te Tāhuhu o te Mātauranga - Ministry of Education (Education)</p>	<p>The information sharing working group has agreed to a range of actions to ensure respective agency frontline staff understand and use the information sharing provisions through:</p> <ul style="list-style-type: none"> <li>work to update information sharing guidance, communication and other resources so that there is shared advice and understanding about information sharing</li> <li>learning and development opportunities for professional groups that also extends to social work graduates, students on placement and youth workers</li> <li>highlighting the importance of information sharing work in regional leadership network meetings that reach a range of stakeholders.</li> </ul> <p>Work is continuing to establish a Government Legal Network Practice Group on information sharing in the child welfare sector. This will provide Crown lawyers and relevant agencies with a forum to work through information sharing challenges collaboratively.</p>
<p><b>Critical gap: In a lack of reporting of risk of abuse by some professionals and services</b></p>		
<p>8 <i>Professionals and services who work with children should be mandated to report suspected abuse to Oranga Tamariki. I recommend this be legislated by defining the professionals and service providers who are to be classed as 'mandatory reporters', to remove any uncertainty around their obligations to report.</i></p>	<p>Oranga Tamariki                      Corrections                      Justice                      Police                      MSD                      Health                      Te Aka Whai Ora                      Te Whatu Ora                      Education                      Education Review Office (ERO)</p>	<p>The mandatory reporting and training working group undertook targeted initial engagement over July and August 2023. Engagement sought to test initial responses to Dame Karen's recommendations, unpack what a mandatory reporting regime could look like in Aotearoa New Zealand, and identify other options to support professionals to recognise and respond to abuse.</p> <p>The working group held approximately 40 individual engagements with a range of sector experts and frontline professionals from across the social, health, education and justice sectors in Aotearoa New Zealand, as well as with experts from Australia and the United Kingdom. Engagement with Māori was central to this process, with rich insights provided by rangatahi Māori, kaimahi Māori, Iwi and Māori social service providers, and communities.</p> <p>There are strong views both for and against mandatory reporting, with limited consistency in views within and across sectors. Those in favour of mandatory reporting emphasise the benefits of increased case identification and opportunity for early intervention to prevent and respond to harm. Those opposed to mandatory reporting highlight resource and capacity concerns, both in terms of Oranga Tamariki and community ability to respond to increased reports and referrals.</p> <p>Iwi and Māori providers are concerned that mandatory reporting would lead to ongoing oversurveillance of Māori, drive whānau underground, and do little to prevent or respond to child abuse. Providers were also concerned about the impacts on their relationship with whānau.</p> <p>Academics in favour of mandatory reporting recommended narrow mandatory reporting regimes. The evidence is clear that mandatory reporting works best for sexual abuse, based on increased case identification. There is a gap in the literature in terms of whether mandatory reporting positively contributes to improved child and family outcomes.</p> <p>There was widespread agreement on the need to improve and bring consistency to child protection training and support, with wide support for a 'mandatory training' approach. Sports clubs and organisations were identified as an important cohort to consider within ongoing mahi.</p> <p>9(2)(f)(iv)</p>

Recommendation	Lead and supporting agencies	Update
<p>9 <i>The introduction of mandatory reporting should be supported by a package approach that includes:</i></p> <ul style="list-style-type: none"> <li>• <i>A mandatory reporting guide with a clear definition of the red flags that make up a high-risk Report of Concern, together with the creation of a 'High Report of Concern' category similar to the New South Wales 'Risk of Significant Harm' definition.</i></li> <li>• <i>Defining mandatory reporters, all of whom should receive regular training.</i></li> <li>• <i>In addition, for professionals deemed to be mandatory reporters, there should be:</i> <ul style="list-style-type: none"> <li>○ <i>undergraduate courses teaching risks and signs of child abuse</i></li> <li>○ <i>mandatory regular updated training regarding their responsibilities and the detection of child abuse, with practising certificates conditional on training and refreshers.</i></li> </ul> </li> </ul>	<p><b>Oranga Tamariki</b>                      Corrections                      Justice                      Police                      MSD                      Health                      Te Aka Whai Ora                      Te Whatu Ora                      Education                      ERO</p>	<p><b>Refer recommendation eight</b></p>
<p>10 <i>There should be active monitoring of the implementation by early childhood education services of their required child protection policies to ensure they are providing effective protection for children. Therefore, the Ministry of Education and the Education Review Office should jointly design and administer a monitoring and review cycle for the implementation of Child Protection Policies in Early Learning Services.</i></p>	<p><b>Education</b>                      ERO</p>	<p>Education and ERO continue to meet regularly to discuss and understand feedback and agree on actions to support early learning services in implementing their child protection responsibilities. Actions that contribute directly to strengthening the child protection monitoring and review cycle in early learning services will be prioritised as the work progresses.</p> <p>To get a better understanding of how the systems and processes for licensed early learning services can be improved, initial conversations were held with key stakeholders including teachers, service owners, and internal staff. Multiple, confidential one-on-one interviews have been conducted which covered a range of topics, including:</p> <ul style="list-style-type: none"> <li>• discussing some of the barriers to implementing child protection policies</li> <li>• access to professional learning and development for child protection</li> <li>• opportunities to improve visibility of child protection responsibilities in the early childhood sector.</li> </ul> <p>One of the next steps is to clarify roles and responsibilities for key agencies with the intention of establishing greater visibility and understanding of processes that support filling reports of concern and how these are responded to by key agencies.</p>
<p><b>Critical gap: In allowing a child to be invisible. The system's settings enabled Malachi to be unseen at key moments when he needed to be visible</b></p>		
<p>11 <i>The agencies that make up the formal Government's children's system should be specifically defined in legislation.</i></p>	<p><b>Oranga Tamariki</b>                      Corrections                      Justice                      Police                      MSD                      Education                      Health                      Te Whatu Ora</p>	<p>The Childrens System working group produced a report clarifying the existing children's system in Aotearoa New Zealand, including statutory accountabilities relating to child wellbeing and protection [REP-OT-23-08-01042]. It concluded that the existing formal children's system has a range of opportunities to improve child safety, including:</p> <ul style="list-style-type: none"> <li>• Reviewing the membership of the formal children's system, including children's agencies, agencies required to have child protection policies, agencies required to conduct safety checks of children's workers, and child welfare and protection agencies</li> <li>• Strengthening cross-agency practice of how these statutory obligations, particularly child protection policies, are implemented</li> <li>• Exploring options for what a cross-system responsibility to check on the safety of children could look like in practice (and the corresponding legislative options)</li> <li>• Strengthening practice in how the system provides early intervention support to children and young people before the point of involvement by Oranga Tamariki.</li> </ul>

Recommendation	Lead and supporting agencies	Update
		The opportunities identified generally involve a wider range of agencies than those currently participating in the work to respond to the recommendations. We will consult with relevant agencies before proposing an ongoing programme of work for ministerial consideration later in 2023.
12 <i>These agencies should have a specific responsibility included in their founding legislation to make clear that they share responsibility for checking the safety of children.</i>	Oranga Tamariki MSD Corrections Justice Police Health Te Whatu Ora Education	Refer recommendation 11
13 <i>Regular public awareness campaigns should be undertaken so the public is attuned to the signs and red flags that can signal abuse and are confident in knowing how to report, this so children can be helped. Aotearoa society needs to hear the message 'don't look away'.</i>	Oranga Tamariki / multi agency	Oranga Tamariki has been engaging with stakeholders and working to confirm the values, principles and plans need to design and deliver a public information campaign that: <ul style="list-style-type: none"> <li>• builds ongoing community capability and decision making</li> <li>• supports community-led communication approaches</li> <li>• included both universal and targeted communications</li> <li>• elicits a broad and inclusive definition of 'campaign' that allows for local worker engagement.</li> </ul> The work has highlighted the importance of carefully constructing a campaign so that it does not cause more harm to communities that have suffered historical harm by the care and protection system. Māori, Pacific and Pākehā audiences will need different messages, channels and vehicles and that there is a need to set short, medium, and long-term goals for delivery and to understand the effectiveness of any campaign. <p>Next steps are to advance a paper for the Oranga Tamariki senior leadership team that outlines a strategic plan and remains well-connected to other work to progress the recommendations.</p>
14 <i>So, change can be monitored, the recommendations made in this report should be reviewed in one year's time by the Independent Children's Monitor in its new system-wide role.</i>	Ombudsman Independent Children's Monitor	The Independent Children's Monitor has indicated that they are preparing for their review.