

In Confidence

Office of the Minister for Children

Chair, Cabinet Social Wellbeing Committee

ENHANCING THE WELLBEING OF TAMARIKI AND RANGATAHI MĀORI: SETTING MEASURABLE OUTCOMES AND DEVELOPING STRATEGIC PARTNERSHIPS

Proposal

1. This paper seeks agreement to a two-stage process for how Oranga Tamariki–Ministry for Children (Oranga Tamariki) will set measurable outcomes, and develop strategic partnerships with iwi and Māori organisations (including iwi authorities), to enhance the wellbeing of tamariki and rangatahi Māori who come to its attention.

Executive summary

2. Oranga Tamariki was established on 1 April 2017 with the aim of transforming the care, protection and youth justice systems. For the last two years, Oranga Tamariki has focused on implementing changes made to the Oranga Tamariki Act 1989 (the Act) in 2017. These include new duties upon the Chief Executive in relation to The Treaty of Waitangi/Te Tiriti o Waitangi (section 7AA of the Act), which came into force on 1 July 2019.
3. In October 2018, I provided a suite of papers to Cabinet outlining a vision for change through the implementation of the Oranga Tamariki operating model. This included a paper on improving outcomes for tamariki and rangatahi Māori at risk of harm (ie abuse and neglect) who come to the attention of Oranga Tamariki [SWC-18-MIN-0149 refers].
4. As at August 2019, 69 percent of children and young people in Oranga Tamariki care identified as Māori. The way Oranga Tamariki works must be focused on improving outcomes for tamariki and rangatahi Māori. This will require transformational change, which has already started but needs to be sustained and reflected in all aspects of Oranga Tamariki policies, practices and services. The changes made to the Act, specifically the new section 7AA, provide an accountability mechanism for ensuring this change will happen.
5. In October 2018, I noted how Oranga Tamariki would give practical effect to section 7AA principles of mana tamaiti (tamariki), whakapapa, and whanaungatanga through its operating model. This paper builds on that work, and fulfils the commitment I made to report back in 2019 on specific section 7AA elements, including the setting of outcomes for tamariki and rangatahi Māori, and developing strategic partnerships with iwi and Māori organisations.¹
6. Broad system change will require the setting of measurable outcomes and needs to be orientated towards tamariki and rangatahi Māori. In the long term, I expect to see Māori experts² guiding Oranga Tamariki on how it will set outcomes for tamariki, rangatahi and their whānau, with a stronger focus on the use of Māori wellbeing models, and greater input into the development of outcomes from iwi and Māori partners. I expect that this will drive

¹ As specified in section 7AA, this also includes iwi authorities.

² This could include Māori academics and practitioners with knowledge of Māori wellbeing models, and experts in social service provision.

real changes in Oranga Tamariki policies and practices, and have implications for the Oranga Tamariki Outcomes Framework.

7. The development of strategic partnerships with iwi and Māori organisations is also critical to driving this shift. Strategic partnerships are focused on achieving transformative change for tamariki, rangatahi and whānau Māori who come to the attention of Oranga Tamariki. In the long term, I expect strategic partners to challenge Oranga Tamariki to work in new ways with tamariki and rangatahi Māori and their whānau, hapū and iwi. Transformational change will take time to get right. As well as outlining an approach to developing a long-term response, in the immediate term I am seeking Cabinet agreement to:
 - 7.1. an approach to setting specific and measurable outcomes for tamariki and rangatahi Māori using a revised version of the Oranga Tamariki Outcomes Framework
 - 7.2. an initial framework and set of guidelines to support Oranga Tamariki decisions on developing strategic partnerships with iwi and Māori organisations.
8. This paper sits alongside advice I am providing to Cabinet on the Oranga Tamariki oversight and reporting framework, s9(2)(f)(iv) to support the Oranga Tamariki operating model.

Background

9. Historically, the Crown has struggled to address systemic barriers for whānau, hapū and iwi, and ensure their involvement in providing care and support for tamariki and rangatahi Māori at risk of harm, abuse, and/or neglect. Since the release of *Pūao-te-ata-tū* in 1986, there have been a number of reviews of Child, Youth and Family and its predecessor organisations that examined Māori experiences of the care, protection and youth justice systems. In recent months, a range of iwi and Māori commentators have renewed calls for addressing these issues and transforming the system with and for Māori.
10. The most recent review (the 2015 *Final Report* of the Expert Panel on Modernising Child, Youth and Family) reinforced that tamariki and rangatahi Māori are significantly over-represented in the care, protection and youth justice systems, and that Māori communities want to play a more strategic role in the welfare of tamariki and rangatahi Māori. In response, changes were made to the Act to place new duties on the chief executive of Oranga Tamariki in relation to the Treaty of Waitangi (section 7AA). These duties came into force on 1 July 2019 (see Appendix A). Section 7AA will help continue to drive transformative change and improve outcomes for the tamariki, rangatahi and whānau Māori who come to the attention of Oranga Tamariki.
11. In October 2018, I provided a suite of papers to Cabinet that outlined my aspirations for improving the wellbeing of children, and sought agreement to the Oranga Tamariki operating model. In line with section 7AA(2)(b), Cabinet noted the Mana Tamaiti objectives (see Appendix B), which underpin how Oranga Tamariki will ensure all policies, practices and services have regard to mana tamaiti (tamariki), whakapapa and whanaungatanga. Oranga Tamariki carried out public engagement with iwi and Māori communities from late 2018 to early 2019, and is now implementing the objectives throughout its operating model.
12. I agreed to report back to Cabinet in 2019 on two key elements of the Oranga Tamariki approach to meeting section 7AA requirements: setting measurable outcomes for tamariki and rangatahi Māori who come to the attention of Oranga Tamariki, and the development of strategic partnerships with iwi and Māori organisations [SWC-18-MIN-0149 refers].

The changes that Oranga Tamariki makes to deliver on section 7AA will build on a range of work it has already undertaken with iwi and Māori organisations

13. Leading up to and following the establishment of Oranga Tamariki on 1 April 2017, the Ministry has worked with iwi and Māori to develop:
 - key strategic policy and legislation, specifically the development of section 7AA and the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018
 - the design and delivery of Oranga Tamariki services, including the intensive intervention service, and the transition support service for young people leaving care.
14. Oranga Tamariki has also made improvements to the way it works with and delivers for Māori in its system. Recognising gaps in the existing Māori cultural capability of its workforce, this has included the launch of a Māori cultural framework and cultural competency tool 'Te Kete Ararau'. It also continues to involve iwi and Māori organisations in decisions about its future direction through national level hui and engagement with key Māori representatives through an independent Māori Design Group. Appendix C provides more detail on the work Oranga Tamariki has undertaken with Māori to date.

Setting measurable outcomes for tamariki and rangatahi Māori and reducing disparities

15. As the Expert Panel noted, tamariki and rangatahi Māori are disproportionately over-represented before and at key points in Oranga Tamariki processes. As at August 2019, tamariki and rangatahi Māori were two-and-a-half times more likely to be reported to Oranga Tamariki. Of those children identified as being at risk of harm and in the care of Oranga Tamariki, 69 percent identified as Māori. Given that tamariki and rangatahi Māori account for approximately 26 percent of the total children's population, this figure is too high and significant change is required. Appendix D sets out the proportion of Māori and non-Māori children before and throughout key points of the Oranga Tamariki operating model areas.

Significant changes are needed to Oranga Tamariki policies and practices to address disparities for tamariki and rangatahi Māori

16. The Oranga Tamariki Outcomes Framework sets the high-level outcomes sought for all children and young people who come to the attention of Oranga Tamariki. All policies and practices need to align with these outcomes. Cabinet agreed to release the first iteration of the Oranga Tamariki Outcomes Framework in October 2018 [SWC-18-MIN-0149]. While this has provided a good foundation to establish the core functions of Oranga Tamariki, more is required to reflect the needs and outcomes desired for tamariki and rangatahi Māori who come to the attention of Oranga Tamariki.
17. Section 7AA(2)(a) recognises that one of the key levers for generating key shifts in policies and practices is the way in which Oranga Tamariki sets measurable outcomes for Māori. To be effective in addressing the disproportionate representation of tamariki and rangatahi Māori who come to the attention of Oranga Tamariki, the approach to setting specific and measurable outcomes should be orientated towards tamariki, rangatahi and whānau Māori and informed by Māori models of wellbeing.
18. The importance of using Māori wellbeing models when identifying and measuring outcomes for tamariki and rangatahi Māori has been reinforced in recent discussions with our partners. Ensuring all Oranga Tamariki work is underpinned by these models would represent a significant policy and philosophical shift – for example, it may drive a much stronger focus on designing policies and practices for whānau rather than tamariki in isolation.

Over the next year, officials will work with Māori experts to integrate Māori models of wellbeing into how Oranga Tamariki sets outcomes for tamariki and rangatahi Māori

19. I propose that from November 2019 to June 2020 Oranga Tamariki work with a group of Māori experts³ with knowledge of Māori models of wellbeing and/or social service provision to guide the development of our approach to setting measurable outcomes for tamariki and rangatahi Māori. I expect this group of experts to play a key role in any engagement planned to develop these outcomes with whānau, hapū and iwi.
20. Developing a long-term vision for how Oranga Tamariki will work with Māori communities needs to be done in partnership with them. Oranga Tamariki expects to collaborate with whānau, hapū, iwi and Māori organisations on these proposals in early 2020. Paragraphs 37-38 set out the proposed process for this. Developing this vision will go hand in hand with the testing of specific outcomes for tamariki, rangatahi and whānau Māori, developed through collaboration with Māori experts.
21. I expect officials to report to me on the long-term approach to setting measurable outcomes for tamariki and rangatahi Māori before 1 July 2020. Oranga Tamariki is open to working with Māori experts on what would work best for tamariki, rangatahi and whānau Māori. While not pre-empting what this could look like, this may result in significant changes to the Oranga Tamariki Outcomes Framework. Any changes will need to consider the diverse needs of other children and young people who come to the attention of Oranga Tamariki.
22. In addition to the planned longer-term engagement, over the course of the year officials will:
 - 22.1. ensure that new outcomes and measures are informed by, and aligned with, cross-government work on Māori wellbeing (such as Whānau Ora outcomes, which have gathered useful insights into whānau wellbeing over the past nine years)
 - 22.2. explore the drivers of disparities between Māori and non-Māori children who come to the attention of Oranga Tamariki (for example, incidences of family violence, drug and alcohol use, mental health) as well as those associated with relative need (ie income), wider societal factors, and other practice and decision-making factors. This will inform a range of Oranga Tamariki and wider social sector work, including early and intensive intervention functions, and the Oranga Tamariki Action Plan.⁴

In the immediate term, I propose revisions to the Oranga Tamariki Outcomes Framework to set the immediate direction for policies and practices for Māori

23. Incorporating Māori models of wellbeing into the setting of measurable outcomes will take time to get right. While Oranga Tamariki works towards this approach, I propose that the Oranga Tamariki Outcomes Framework be updated to set the direction for immediate changes in policies and practices. This will provide a clear focus on improving outcomes for tamariki and rangatahi Māori, as well as recognising the whakapapa of these tamariki and rangatahi and the whanaungatanga responsibilities of whānau, hapū and iwi.
24. The updated Outcomes Framework (see Appendix C) seeks to highlight the Ministry's commitment to the Treaty of Waitangi, and articulates the initial steps Oranga Tamariki will take to prioritise principles of mana tamaiti, whakapapa and whanaungatanga into its policies, practices, and services.

³ This could include Māori academics and practitioners with knowledge of Māori wellbeing models, and experts in social service provision.

⁴ The Oranga Tamariki Action Plan is a mechanism in the Children's Act 2014 that requires chief executives of children's agencies to set out how they will work together to deliver the outcomes of the Child and Youth Wellbeing Strategy for the children and young people that Oranga Tamariki works with.

Strategic partnerships with iwi and Māori organisations

Alongside setting measurable outcomes, Oranga Tamariki is developing strategic partnerships with iwi and Māori organisations to drive transformative changes in the system

25. Section 7AA(2)(c) of the Act recognises that Oranga Tamariki must work in partnership with whānau, hapū, iwi and Māori organisations to transform the outcomes of tamariki, rangatahi and whānau Māori who have come to the attention of the Ministry. These groups have been clear that they want to be able to exercise tino rangatiratanga over the support and care of their tamariki at risk of harm, or who have experienced abuse and neglect. They have highlighted that Māori have the solutions to better support their tamariki, and that the system needs to provide space for them to have autonomy in decisions about their tamariki. The development of strategic partnerships is key to enabling this shift.
26. The core focus of strategic partnerships is to transform the wellbeing of tamariki, rangatahi and whānau Māori who have come to the attention of Oranga Tamariki. The content of each strategic partnership is shaped by the values and objectives of each strategic partner. They provide innovative opportunities to shape new ways of working together to improve outcomes for tamariki Māori and their whānau, build workforce cultural competency, and delegate functions within the Act to the strategic partner. In the long-term this change will be crucial in preventing the need for tamariki and rangatahi Māori to enter the care and protection or youth justice systems.
27. Oranga Tamariki has signed four strategic partnerships to date with Te Rūnanga o Ngāi Tahu, Waikato-Tainui, Te Rūnanga ā Iwi o Ngāpuhi and Tūhoe. The Ministry is exploring opportunities to develop further strategic partnerships with iwi and Māori organisations.

Oranga Tamariki is taking a relationship-based approach to developing strategic partnerships

28. In developing its four 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, and the agreed Te Arawhiti engagement guidelines and partnership principles. Appendix D shows how these elements will work together to enable strategic partners to drive transformative change in the Oranga Tamariki system.
29. Officials have sought perspectives from iwi and from Te Arawhiti to understand the elements of good partnership from existing partnerships between iwi and the Crown. Appendix G sets out the key lessons and principles they have identified.
30. Existing strategic partners have told Oranga Tamariki that while the initial intent of the partnership is good, there is currently a lack of alignment with Oranga Tamariki practices and behaviours. A key area of focus for Oranga Tamariki will therefore be identifying opportunities to improve practice, and to build the cultural competency of its workforce.

Over the next year, officials will partner with iwi and Māori organisations to develop a shared approach to developing strategic partnerships

31. Any strategic partnership is co-designed between an iwi or Māori organisation and Oranga Tamariki, based on their mutual aspirations. Having clear, shared processes and guidelines in place will help to ensure each party can do this in good faith. While Oranga Tamariki explores opportunities to develop partnerships with iwi and Māori organisations, it is important that it acts transparently and sets clear expectations now about how it will make decisions about these. While there has been an initial focus on working with iwi, Oranga Tamariki recognises that Māori organisations have a role in accessing and working with whānau Māori who live outside their tribal rohe, and will be key to enabling change.

32. Over the next 12 months, I propose that officials collaborate with iwi and Māori organisations to jointly develop the long-term approach for how Oranga Tamariki will develop strategic partnerships. This could include considering shared processes, guidelines and what successful strategic partnerships look like.⁵ Given the significance of this work for Māori, there must be a robust engagement process in place to develop this. Paragraphs 37-38 set out the proposed process.

In the immediate term, I propose that Oranga Tamariki decisions on strategic partnerships be underpinned by clear guidelines

33. In the immediate term, I propose that Oranga Tamariki decisions about whether to proceed in developing a strategic partnership should be guided by the following considerations:
- 33.1. which Māori communities the iwi or Māori organisation is accountable to, or mandated to represent, and how they are accountable (for example, this could include whakapapa connections to an iwi, or the support a Māori organisation provides for whānau Māori)
 - 33.2. the potential impact the partnership may have in improving the wellbeing of tamariki, rangatahi and whānau Māori including the development of innovative proposals
 - 33.3. the potential for Oranga Tamariki to work with the iwi or Māori organisation to carry out the activities set out in section 7AA(2)(c)(i-vi) of the Act.
34. Officials are developing guidance to support Oranga Tamariki relationship managers to use these considerations in practice. I believe this is consistent with the intent of section 7AA.

Oranga Tamariki will continue to build partnerships with iwi and Māori organisations at a range of other levels

35. Oranga Tamariki holds broader responsibilities towards iwi and Māori organisations as a Treaty partner. There will be situations where Oranga Tamariki and/or an iwi or Māori organisation decide not to develop a strategic partnership. In these situations, Oranga Tamariki will work with that iwi or Māori organisation to identify other opportunities for partnership, such as a Memorandum of Understanding or a site-level agreement.
36. While I expect strategic partnerships to drive change at the system level, the other Treaty partnerships that Oranga Tamariki holds with iwi or Māori organisations are also critical to identifying new ways of working for Oranga Tamariki and improving outcomes for tamariki, rangatahi and whānau Māori. Oranga Tamariki will continue to work with its wider Treaty partners to consider opportunities to enter a strategic partnership in the future.

Collaborating with whānau, hapū, iwi and Māori organisations to develop a long-term approach to setting measurable outcomes and developing strategic partnerships

37. Given the high importance of this work for Māori, I consider it should be developed in collaboration with key Māori experts. Oranga Tamariki will work with its existing iwi and Māori partners and the Māori Design Group to plan a shared collaboration process for developing the long-term approach, including considering any relevant technical experts who should be involved.

⁵ Officials considered an appropriate engagement approach in line with the Te Arawhiti engagement guidelines. Given the importance of this work for Māori, a high level of involvement from Māori is required. Collaboration means the Crown and Māori will work together to determine the issues/problems and develop solutions together that are reflected in proposals. The Crown will involve Māori in the decision-making process, but the Crown will ultimately decide.

38. As an initial approach, I consider that this could consist of:

38.1. A collaboration process from November 2019 to February 2020

Officials collaborate with key Māori experts to develop the long-term approaches for setting measurable outcomes for tamariki and rangatahi Māori, and for developing strategic partnerships. The Oranga Tamariki Māori Design Group (MDG) continues to provide input on this work. This collaboration process would feed into, and learn from, wider engagement Oranga Tamariki and other agencies will be carrying out with Māori.

38.2. Broader regional hui from March to April 2020

Building on the initial collaboration process, Oranga Tamariki officials work with strategic partners to hold regional hui to consult with whānau, hapū, iwi and Māori organisations on the draft proposals. These hui would also provide a forum to discuss related wider issues, such as the vision that whānau have for their tamariki.

39. Officials will report to me on this collaboration process as it progresses.

s9(2)(h) [Redacted]

[Redacted]

[Redacted]

[Redacted]

Oranga Tamariki will report annually on improving outcomes for Māori

41. Annual public reporting on section 7AA is a key accountability for Oranga Tamariki. The report will document how well Oranga Tamariki is meeting the specific duties outlined in section 7AA. It will highlight where improvement is required to meet those duties, and what work Oranga Tamariki is doing to make these improvements.

42. I expect that the first section 7AA report will be finalised after July 2020 (one year after the provisions of section 7AA came into force). I propose reporting to Cabinet after July 2020 on an overview of the first iteration of the section 7AA annual report, covering the period from 1 July 2019 to 30 June 2020.

Consultation

43. This paper was prepared by Oranga Tamariki. The following agencies were consulted in the preparation of this paper: Department of Corrections, Department of the Prime Minister and Cabinet, the Ministries of Education, Health, Justice and Social Development, NZ Police, the Office for Disability Issues, the Office for Māori-Crown Relations–Te Arawhiti, Te Puni Kōkiri, and Treasury. The Office of the Children’s Commissioner was also consulted.
44. Oranga Tamariki has also sought input from its external Māori Design Group, representatives from its four strategic partners, and representatives from the six other iwi with whom it holds formal Treaty relationships.⁶ Strategic and Treaty partners were broadly supportive of the proposals in this paper. Their key feedback included:
 - 44.1. making real changes at the frontline as well as the strategic level for Oranga Tamariki is a key challenge
 - 44.2. the development of outcomes for tamariki and rangatahi Māori should build on the outcomes that iwi and Māori organisations have already developed for their tamariki, rangatahi and whānau
 - 44.3. the strategic partnerships that Oranga Tamariki develops with iwi and Māori organisations need to acknowledge and build on the work those groups are already carrying out for their tamariki and rangatahi, such as the Mokopuna Ora programme⁷ being led by Waikato-Tainui
 - 44.4. partners highlighted the importance of having clear and early communication to engage in the design of options that will work for them, as well as in decision-making processes.
45. Appendix H provides a summary of feedback from strategic and other Treaty partners on these proposals.

Treaty of Waitangi implications

46. The Treaty places positive obligations on the Crown to act fairly between Māori and non-Māori and to uphold and actively protect Māori rights and interests. Officials have assessed the proposals in this paper against the three articles of the Treaty.⁸
 - 46.1. *Kāwanatanga/government* – these proposals are intended to drive significant changes in Oranga Tamariki policies, practices and culture so that they are focused on protecting the interests and wellbeing of tamariki and rangatahi Māori and their whānau. This will support the Crown to deliver kāwanatanga in a way that recognises the Treaty partnership.

⁶ Oranga Tamariki holds Memoranda of Understanding or Social Accords with: Te Hiku Social Accord, Ngāti Tūwharetoa, Ngāti Rangī Accord, Ngāti Porou, Ngāti Kahungunu and Ngāti Toa.

⁷ The Mokopuna Ora programme is a Waikato-Tainui initiative focused on improving the wellbeing of Waikato-Tainui tamariki. Through Mokopuna Ora, Waikato-Tainui builds a pool of whānau carers to care for Waikato-Tainui tamariki, and employs Iwi Liaison staff who provide a bridge between Oranga Tamariki staff and whānau.

⁸ Officials have analysed these proposals in line with analysis of the articles of the Treaty by the Waitangi Tribunal in the 2019 report *Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry*. Definitions provided for the articles have been taken from that report.

46.2. *Rangatiratanga/chieftainship* – the proposals for the development of strategic partnerships provide genuine opportunities for iwi and Māori organisations to exercise tino rangatiratanga. For example, it provides opportunities for decision-making by iwi and Māori organisations which respect the mana and whakapapa of the tamariki and their whānau. The collaboration process outlined in this paper also provides for whānau, hapū, iwi and Māori organisations to help to drive how Oranga Tamariki will set meaningful measurable outcomes and develop strategic partnerships in the long term. This will help address systemic issues which prevent the realisation of tino rangatiratanga.

46.3. *Oritetanga/equity* – these proposals in this paper focus on reducing disparities, in order to achieve equality for tamariki and rangatahi Māori who have come to the attention of Oranga Tamariki. The proposed approach to setting measurable outcomes will drive changes to Oranga Tamariki policies and practices to achieve this, and will help to hold Oranga Tamariki to account for addressing disparities in these outcomes.

47. These proposals were developed with close consideration of Te Arawhiti engagement guidelines and partnership principles, which state that engagement should occur at an appropriate level and respond to the needs and interests of Māori.

Financial implications

48. The proposals set out in this paper do not have any immediate financial implications. However, officials will continue to assess the potential financial implications of developing and maintaining strategic partnerships with iwi and Māori organisations, and of any innovative proposals that are progressed through these strategic partnerships. I expect officials to provide further advice on these matters as part of future Budget processes.

Legislative implications

49. The proposals outlined in this paper do not have any legislative implications.

Human rights

50. The proposals in this paper are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993. The proposals will increase New Zealand's alignment with the United Nations Convention on the Rights of the Child (UNCROC).

51. The proposals in this paper align with New Zealand's statement of support for the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration). Implementing the specific duties of Oranga Tamariki in relation to the Treaty of Waitangi through section 7AA in a way that recognises iwi, hapū and whānau Māori as Treaty partners demonstrates New Zealand's recognition of the existing rights provided by the Declaration.

Gender implications

52. Boys, and specifically Māori boys, are disproportionately over-represented in the care and custody of Oranga Tamariki. As at 31 March 2019, Māori boys made up around 36 percent of the tamariki and rangatahi in the care and custody of Oranga Tamariki.

53. The work on disparities and setting measurable outcomes for tamariki and rangatahi Māori using the Oranga Tamariki Outcomes Framework will take a focus on identifying gender disparities for tamariki and rangatahi Māori, and how these can be addressed.

Disability perspective

54. Disabled children are over-represented in the care system. The Ministry of Health estimates approximately 50 percent of tamariki and rangatahi in care will have some kind of disability, especially mental or neuro-developmental impairments as the result of earlier trauma. We also know that disabled tamariki and rangatahi Māori are over-represented across New Zealand.
55. The proposals in this paper are focused on improving outcomes for tamariki and rangatahi Māori, including those with disabilities. They contribute to giving effect to the United Nations Convention on the Rights of Persons with Disabilities, in particular Article 7 (Children with disabilities) and Article 23 (Respect for home and the family). Further work to address the disparities between tamariki and rangatahi Māori and non-Māori will include a disability lens.

Publicity and proactive release

56. I propose to proactively release this Cabinet paper, subject to redactions as appropriate under the Official Information Act 1982.

Recommendations

It is recommended that the Committee:

1. **note** that Oranga Tamariki–Ministry for Children (Oranga Tamariki) has been focused on implementing the legislative changes made to the Oranga Tamariki Act 1989 (the Act) in 2017, and on establishing its operating model
2. **note** that transformational change is needed to address historical disparities in outcomes for tamariki, rangatahi and whānau Māori who have come to the attention of Oranga Tamariki, and section 7AA of the Act helps to enable these changes
3. **note** that Oranga Tamariki will take a two-stage approach to set measurable outcomes, and develop strategic partnerships with iwi and Māori organisations (including iwi authorities) to enhance the wellbeing of tamariki, rangatahi and whānau Māori who come to the attention of Oranga Tamariki
4. **note** that Oranga Tamariki will work with existing iwi and Māori partners, and the Māori Design Group to plan a collaboration process with key Māori experts for developing the long-term approach to setting measurable outcomes and developing strategic partnerships
5. **agree** that in the immediate term, the revised Oranga Tamariki Outcomes Framework (Appendix C) is used to set measurable outcomes for tamariki and rangatahi Māori
6. **agree** that in the immediate term, Oranga Tamariki will be guided by the following considerations when making decisions about whether to develop a strategic partnership with an iwi or Māori organisation (including iwi authorities):
 - 6.1. which Māori communities the iwi or Māori organisation is accountable to, or mandated to represent, and how they are accountable
 - 6.2. the potential impact the partnership may have in improving the wellbeing of tamariki and rangatahi Māori and their whānau
 - 6.3. the potential for Oranga Tamariki to work with the iwi or Māori organisation to carry out the activities set out in section 7AA(2)(c)(i-vi) of the Act

7. **note** that officials will report to me before 1 July 2020 on:
 - 7.1. a long-term approach to setting measurable outcomes for tamariki and rangatahi Māori who come to the attention of Oranga Tamariki
 - 7.2. the longer-term response to developing strategic partnerships with iwi and Māori organisations.
8. **note** that I will report back to Cabinet after 1 July 2020 on:
 - 8.1. an overview of the first iteration of the section 7AA annual report (which will cover the period from 1 July 2019 to 30 June 2020).

Authorised for lodgement

Hon Tracey Martin

Minister for Children

Appendix A: Section 7AA provisions

Duties of chief executive in relation to Treaty of Waitangi (Tiriti o Waitangi)

- (1) The duties of the chief executive set out in subsection (2) are imposed in order to recognise and provide a practical commitment to the principles of the Treaty of Waitangi (te Tiriti o Waitangi).
- (2) The chief executive must ensure that—
 - (a) the policies and practices of the department that impact on the well-being of children and young persons have the objective of reducing disparities by setting measurable outcomes for Māori children and young persons who come to the attention of the department:
 - (b) the policies, practices, and services of the department 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:
 - (c) the department seeks to develop strategic partnerships with iwi and Māori organisations, including iwi authorities, in order to—
 - (i) provide opportunities to, and invite innovative proposals from, those organisations to improve outcomes for Māori children, young persons, and their whānau who come to the attention of the department:
 - (ii) set expectations and targets to improve outcomes for Māori children and young persons who come to the attention of the department:
 - (iii) enable the robust, regular, and genuine exchange of information between the department and those organisations:
 - (iv) provide opportunities for the chief executive to delegate functions under this Act or regulations made under this Act to appropriately qualified people within those organisations:
 - (v) provide, and regularly review, guidance to persons discharging functions under this Act to support cultural competency as a best-practice feature of the department's workforce:
 - (vi) agree on any action both or all parties consider is appropriate.
- (3) One or more iwi or Māori organisations may invite the chief executive to enter into a strategic partnership.
- (4) The chief executive must consider and respond to any invitation.
- (5) The chief executive must report to the public at least once a year on the measures taken by the chief executive to carry out the duties in subsections (2) and (4), including the impact of those measures in improving outcomes for Māori children and young persons who come to the attention of the department under this Act and the steps to be taken in the immediate future.
- (6) A copy of each report under subsection (5) must be published on an Internet site maintained by the department.

Appendix B: Mana Tamaiti objectives

Section 7AA(2)(b) of the Oranga Tamariki Act 1989 (the Act) requires the chief executive to ensure that the policies, practices and services of Oranga Tamariki have regard to mana tamaiti (tamariki), whakapapa and whanaungatanga. The definitions of these concepts are provided in section 2 (Interpretation) of the Act:

- **mana tamaiti (tamariki)** means the intrinsic value and inherent dignity derived from a child's or young person's whakapapa (genealogy) and their belonging to a whānau, hapū, iwi, or family group, in accordance with tikanga Māori or its equivalent in the culture of the child or young person
- **whakapapa**, in relation to a person, means the multi-generational kinship relationships that help to describe who the person is in terms of their mātua (parents), and tūpuna (ancestors), from whom they descend
- **whanaungatanga**, in relation to a person, means—
 - (a) the purposeful carrying out of responsibilities based on obligations to whakapapa:
 - (b) the kinship that provides the foundations for reciprocal obligations and responsibilities to be met:
 - (c) the wider kinship ties that need to be protected and maintained to ensure the maintenance and protection of their sense of belonging, identity, and connection.

A set of five measurable 'Mana Tamaiti' objectives that can be reported on and align to the Oranga Tamariki operating model have been developed by officials. These are:

- ensure the participation of Māori children, young people, whānau, hapū and iwi in decisions affecting them at the earliest opportunity to enhance their wellbeing and safety
- support, strengthen and assist whānau Māori to care for their children and young people to prevent the need for their removal from home into care or a youth justice response
- if removal from home is necessary, Oranga Tamariki will preference placements for Tamariki Māori (including siblings) with members of their whānau, hapū and iwi ensuring support and assistance is provided to meet their needs
- support Tamariki Māori to establish, maintain or strengthen their sense of belonging through cultural identity and connections to whānau, hapū and iwi
- support, strengthen and assist Māori children, young people and their whānau to prepare for their return home or transition into the community.

These objectives are underpinned by family, 'whānau, hapū, iwi' and family group references in the Act. As such the objectives deliver on legislative provisions for all children and young people.

The Mana Tamaiti objectives were noted by Cabinet in October 2018 [SWC-18-MIN-0149 refers], and have been used to inform the Oranga Tamariki response to section 7AA.

Appendix C: Oranga Tamariki has undertaken a range of work with iwi and Māori organisations since it was established

Iwi and Māori organisations have been involved in the development of key strategic policy and legislation for Oranga Tamariki, specifically the development of section 7AA of the Oranga Tamariki Act 1989 and the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018. They have also been involved in the design and delivery of a number of Oranga Tamariki services, including:

- the design of the intensive intervention prototype service, which is being rolled out in five locations around the country
- partnering with 40 organisations for the delivery of transition support services for young people leaving state care or a youth justice residence, with 50 percent of these partners being Māori or iwi social service providers
- the establishment of Mahuru, an iwi-led kaupapa Māori service to support young offenders in Northland, and the establishment of the Ngāti Ranginui 24-hour emergency whare in Tauranga
- the design and delivery of iwi-led Family Group Conferences with Rangitane, Ngāti Porou, Ngāti Toa, Ngāti Raukawa, Ngāti Kahungunu.

Oranga Tamariki has also made a number of improvements to the way it works with and delivers for tamariki and rangatahi Māori in its system. Examples include:

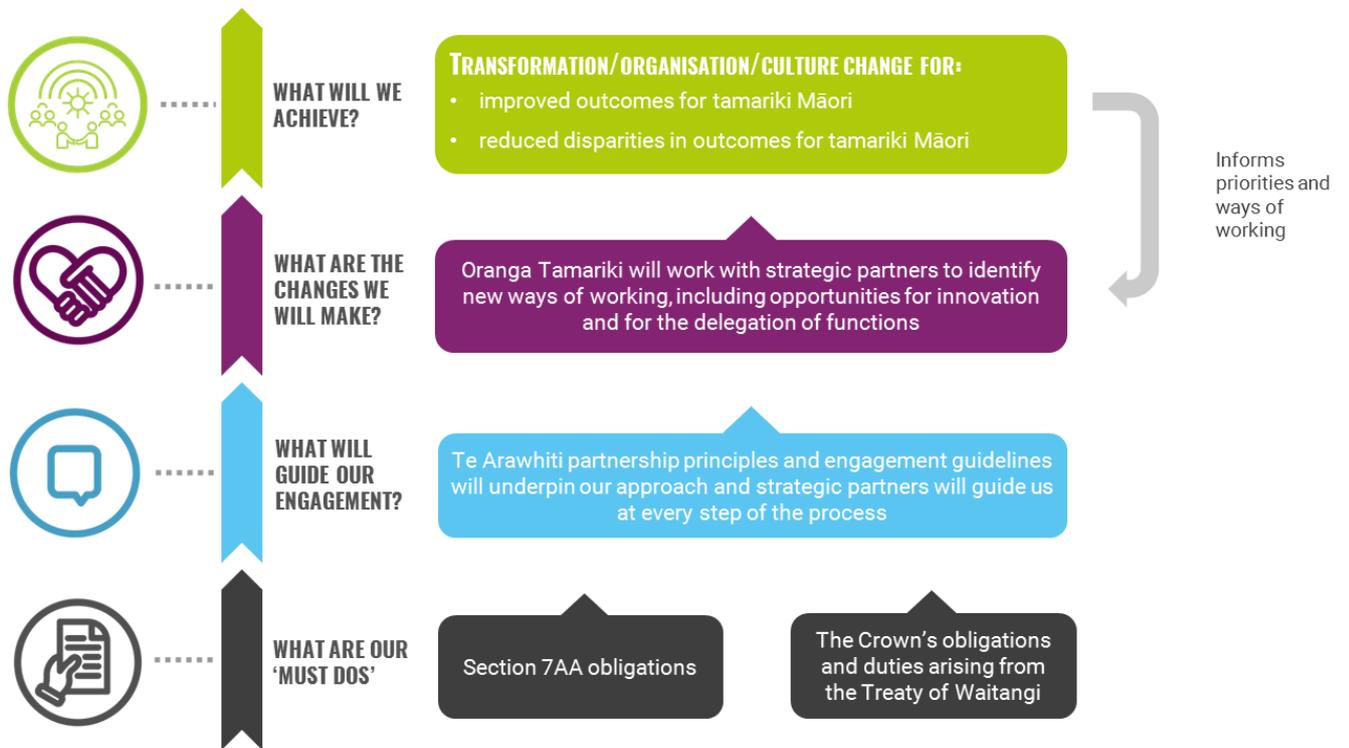
- the co-design of a Māori cultural framework and launch of *Te Kete Ararau*, a tool to support Oranga Tamariki staff to build cultural confidence
- funding in Budget 2019 for the continuation of Kairaranga a Whānau roles to support the involvement of whānau, hapū and iwi in decisions affecting tamariki and rangatahi Māori.

As Oranga Tamariki continues to deliver its operating model, the Ministry has been looking to involve iwi and Maori organisations in decisions about its future direction. This has included:

- working with an external Māori Design Group to provide input into Oranga Tamariki policies, practices and services
- a national-level hui held with iwi and Māori organisations in October 2018 that provided a forum to discuss the new section 7AA provisions, and expectations they have for working with Oranga Tamariki. This was followed by a number of regional hui that built on these conversations
- online consultation with internal and external stakeholders on the draft Oranga Tamariki settings to meet the requirements of section 7AA in late 2018 and early 2019
- targeted engagements on a range of broader aspects of the operating model, including a series of hui to inform the development of policy settings for the future intensive intervention service.

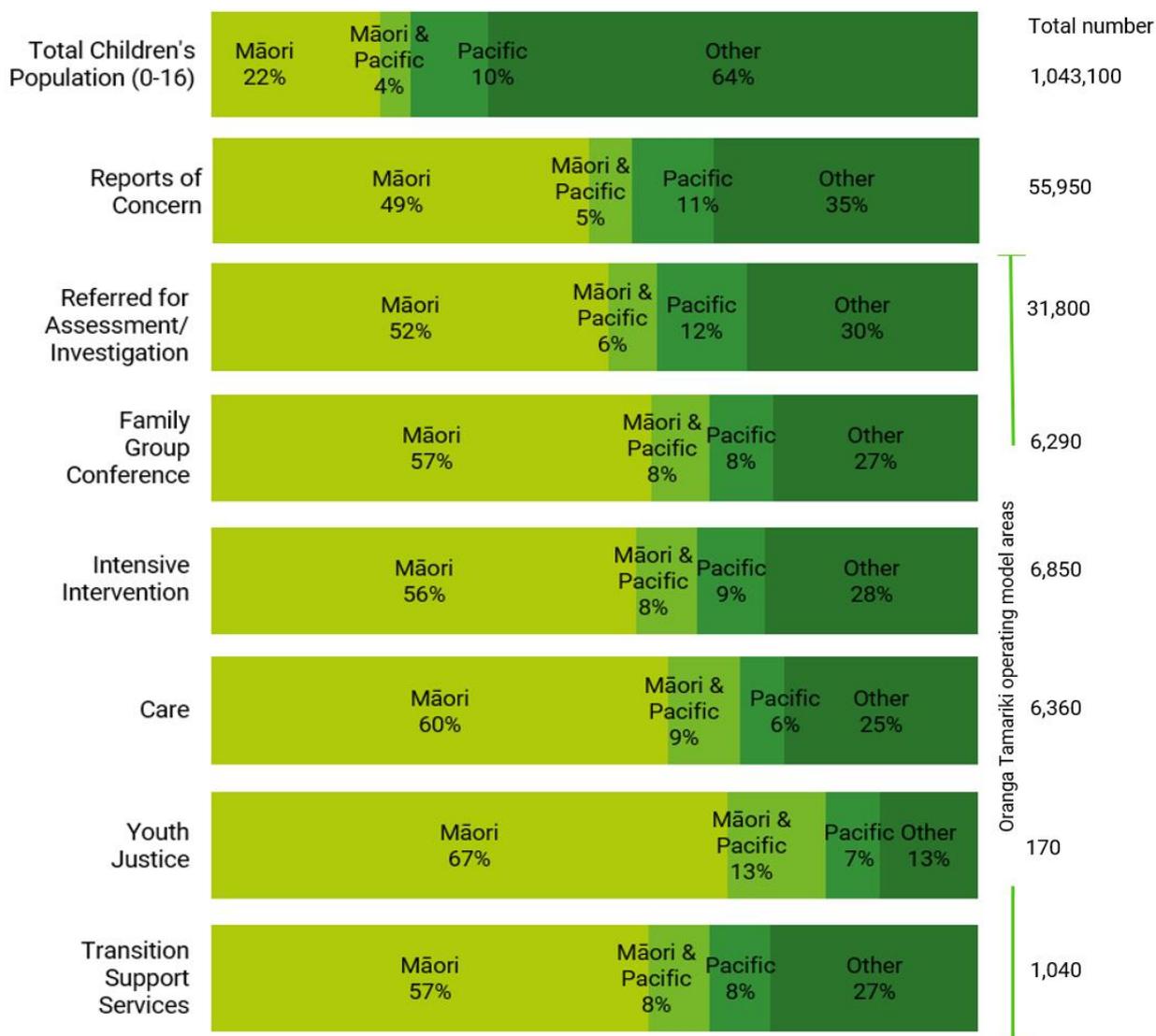
Appendix D: Relationship-based approach to developing strategic partnerships

The diagram below shows how the Crown’s obligations arising from the Treaty, the duties set out in section 7AA and the agreed Te Arawhiti engagement guidelines and partnership principles work together to enable strategic partners to drive transformative change in the Oranga Tamariki system.



Appendix E: Representation of Māori and non-Māori children who come to the attention of Oranga Tamariki

The diagram below compares the representation of Māori and non-Māori children at key points, both before and throughout their involvement with Oranga Tamariki.⁹



⁹ The diagram shows those who had a Report of Concern between 1 April and 31 March 2019, excluding those who had no recorded ethnicity at this stage (13 percent of total reports); those in Care and Youth Justice custody as at 31 March 2019; those who were referred for Assessment/Investigation and those who had a Family Group Conference between 1 April 2018 and the 31 March 2019; the modelled eligible populations for the new Intensive Intervention and Transition Support Services; and the total New Zealand population of 0-16 year olds as at 30 June 2017. Please note that information relating to Reports of Concern should be treated with caution, due to the level of missing ethnicity data. The results in this document are not official statistics, they have been created for research purposes from the Integrated Data Infrastructure (IDI) managed by Statistics New Zealand. Access to the anonymised data used in this study was provided by Statistics NZ in accordance with security and confidentiality provisions of the Statistics Act 1975. Only people authorised by the Statistics Act 1975 are allowed to see data about a particular person, household, business or organisation and the results in this document have been confidentialised to protect these groups from identification. Careful consideration has been given to the privacy, security and confidentiality issues associated with using administrative and survey data in the IDI. Further detail can be found in the Privacy impact assessment for the Integrated Data Infrastructure available from www.stats.govt.nz.

THE GOVERNMENT'S VISION: NEW ZEALAND IS THE BEST PLACE IN THE WORLD FOR CHILDREN AND YOUNG PEOPLE



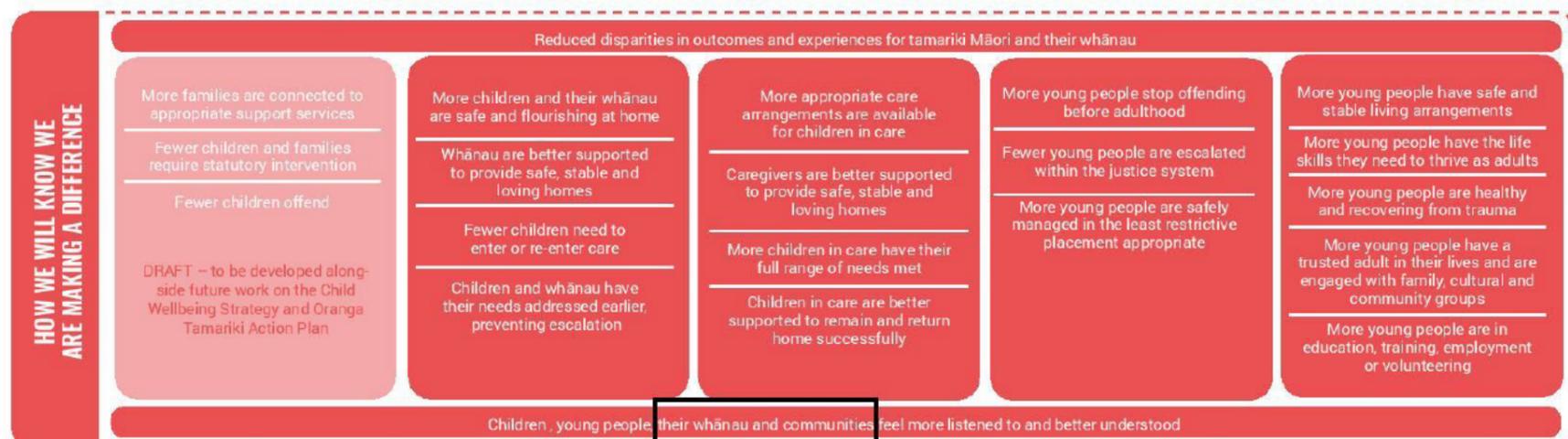
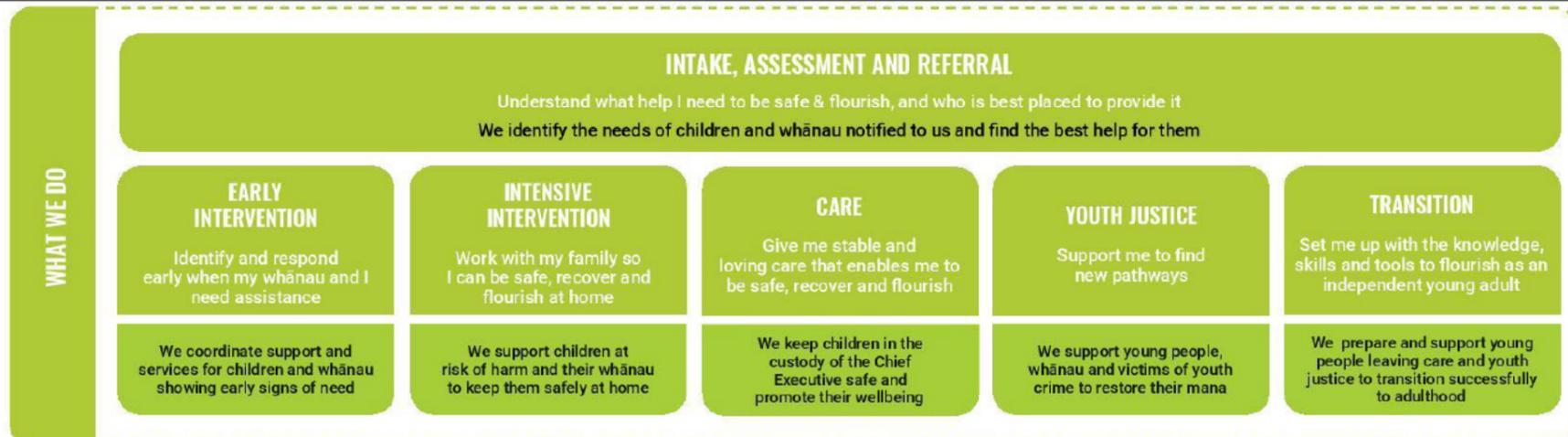
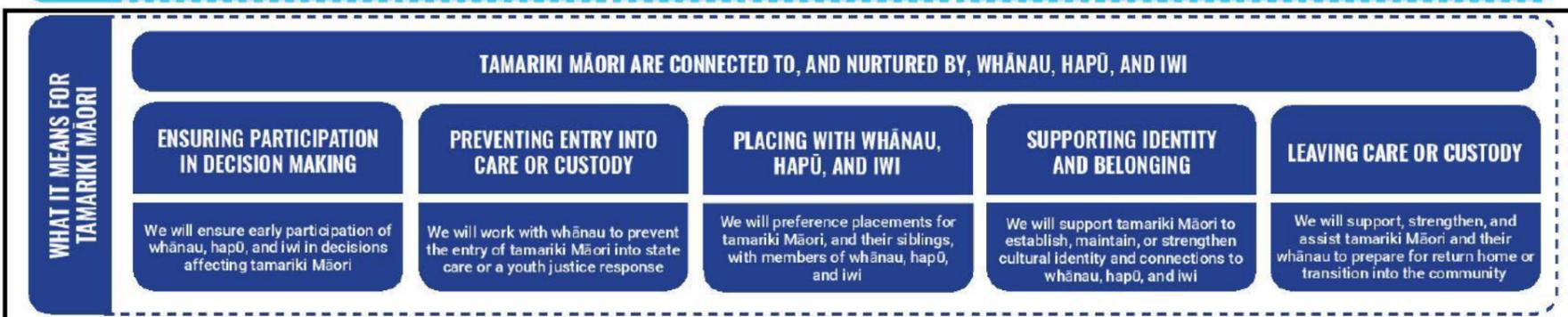
INCLUDING: CHILDREN AND YOUNG PEOPLE ARE SAFE AND NURTURED IN THEIR FAMILIES, WHĀNAU AND HOMES

OUR PURPOSE: TO ENSURE THAT ALL TAMARIKI ARE IN LOVING WHĀNAU AND COMMUNITIES WHERE ORANGA TAMARIKI CAN BE REALISED

WE WORK WITH CHILDREN AND YOUNG PEOPLE:

- Who are at significant risk of harm now and into the future as a consequence of their family environment, and/or their own complex needs
- Who have entered or are at risk of entering the Youth Justice system

WE ARE COMMITTED TO OUR OBLIGATIONS UNDER THE TREATY OF WAITANGI TO UPHOLD AND PROTECT MĀORI RIGHTS AND INTERESTS



Appendix G: Insights about good Treaty partnership gained from iwi and the Crown

In developing this Cabinet paper, Oranga Tamariki officials have sought perspectives from iwi and from Crown agencies to understand the elements of good Treaty partnership.

Iwi perspectives on good Treaty partnership

Officials commissioned external specialist advice, seeking iwi perspectives and identifying lessons learned from existing partnerships between iwi and the Crown. This advice underlined the importance of grounding strategic partnerships in three cultural dimensions:

- **kawa (the values and principles that underpin the partnership)** – this means the Crown working in ways that are tailored to the unique interests and circumstances of different iwi and Māori organisations, grounded in tikanga and Māori thought, and take a holistic view of issues where appropriate
- **mana (how the parties relate to each other)** – this means the Crown providing for an equitable relationship where power is shared; partners are involved in governance and decision-making; the relationship is appropriately resourced; there are relationships at multiple levels that reflect the reality of Māori society; and the Crown commits to and lives by clear relationship principles and values
- **mahi (the kaupapa and work to be done in the context of the partnership)** – this means co-designing the vision for the partnership together; ensuring the right people are involved in the relationship; being able to build capability and capacity on both sides where needed; and allowing sufficient time for the relationship to grow and endure.

Crown perspectives on good Treaty partnership

These insights were echoed by Crown agencies. Case studies by Te Arawhiti of three successful iwi-Crown partnerships identified the following key themes:

- having a **trusting** relationship is central to the partnership
- there must be **flexibility** in the process, to align with appropriate tikanga and kawa
- taking **time** to get the process right is key
- both parties must **contribute and benefit** from the partnership
- high levels of **empathy** are needed to maintain the relationship
- the right levels of **authority and accountability** must be represented.

Working principles for Oranga Tamariki

Based on insights from iwi and from the Crown, officials have identified key principles that Oranga Tamariki will follow as it works with iwi and Māori organisations to develop and maintain strategic partnerships:

- **Start from shared objectives and values** – When Oranga Tamariki holds conversations with potential strategic partners, these start from an understanding of what their shared objectives, priorities, values and aspirations are, and what can be achieved together. This will set the vision for the partnership. Oranga Tamariki lives by its values and can show how it is doing this.

- **Provide for an equitable process** – Strategic partnerships are developed through a co-design process, and are built on a basis of shared power and decision-making. Oranga Tamariki strives to make its relationships with iwi and Māori organisations more equitable, which means acknowledging existing power imbalances and seeking to address them. Oranga Tamariki considers opportunities to build both its own capability and capacity to develop a partnership, and that of iwi and Māori organisations.
- **Tailor how we work** – Oranga Tamariki behaves in ways that are appropriate to the kawa, interests and values of different iwi or Māori organisations. This means starting conversations with iwi and Māori organisations without a pre-conceived template for what a partnership may look like; taking the time to learn the tikanga of that iwi or Māori organisation; and adapting Oranga Tamariki processes and approaches to align with these. Oranga Tamariki recognises that to do this well, the cultural competency of its workforce needs to be developed at all levels.
- **Enhance the mana of the relationship** – Oranga Tamariki works in ways that support the mana of the relationship and respect the authority, value and role of the iwi and Māori organisations it works with. This means providing sufficient resource for the relationship, ensuring the right people with the right level of authority are represented in the relationship, and being open to having multi-tiered relationships that reflect the reality of Māori society.

Appendix H: Summary of feedback from strategic and other Treaty partners

Oranga Tamariki sought feedback on the draft proposals in this paper from its four existing strategic partners, and from the six other iwi with whom it holds formal Treaty relationships. The table below sets out the key themes in the feedback from these groups.

Comment	Oranga Tamariki response
Strategic and Treaty partners were broadly supportive of the proposals in this paper.	-
<p>While the intent behind these proposals is good, there is currently a lack of alignment with the practices and behaviours of Oranga Tamariki. Making real changes at the frontline as well as at the strategic level is a key challenge.</p> <p>One Treaty partner queried performance monitoring and how Oranga Tamariki will be held accountable to iwi and Māori organisations on the outcomes it seeks to achieve as part of section 7AA.</p>	<p>We agree that this is a key challenge. An important focus in this work will be identifying opportunities to improve practice, and to build the cultural competency of the Oranga Tamariki workforce. We are taking steps towards this.¹⁰</p> <p>We will look to our partners for honest feedback about how we are performing and where we can do better s9(2)(f)(iv) [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
The development of measurable outcomes for Māori should build on the outcomes that iwi and Māori organisations have already developed for their tamariki, rangatahi and whānau.	We want to support our partners to be able to determine the outcomes they want to achieve for their tamariki, rangatahi and whānau. The development of national-level outcomes for Māori will build on this work.
<p>Different iwi and Māori organisations have different aspirations for their tamariki, rangatahi and whānau.</p> <p>The way Oranga Tamariki develops strategic partnerships needs to acknowledge these different aspirations, and support the work already underway for their tamariki, and whānau.</p> <p>Partners sought clarity on what beneficial impact strategic partnerships would have on the ability of Oranga Tamariki to work in communities that do not have strategic partnership arrangements.</p>	This has been a key theme from many of our partners. The working principles set out in Appendix G are intended to support us to work with iwi and Māori organisations in line with their different aspirations.
Clear and early communication and engagement with partners is important to helping maintain positive working relationships and supporting them to play key roles in designing solutions that support system change.	We agree that having effective communication and engagement processes are important to maintain good relationships with partners. We will be working with partners to identify what process would work best for them.

¹⁰ For example, Oranga Tamariki has developed a Māori Cultural Framework to improve its engagements with iwi and Māori. It has also recently launched a self-assessment tool to help with developing the cultural competency of Oranga Tamariki staff.

<p>Not all of Oranga Tamariki strategic partners have had a positive experience of their strategic partnerships so far. In some cases, there has been a lack of clear accountability for those partnerships and uncertainty around the decision-making process around the development and resourcing of the partnerships. Partners also noted a lack of clear channels for strategic partners to provide feedback to Oranga Tamariki.</p>	<p>We are looking to improve our processes and accountabilities around strategic partnerships to ensure other iwi and Māori organisations have a better experience.</p> <p>The proposals in this paper, including the collaboration process, are intended to address this in the long term.</p>
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