



COVERSHEET

Minister	Hon Tracey Martin	Portfolio	Children
Name of package	Proactive release of Transforming our Response to Children and Young People at Risk of Harm: Paper Two: Improving Outcomes for Māori	Date of issue	02 August 2019

List of documents that have been proactively released		
Date	Title	Author
5 November 2018	Transforming our Response to Children and Young People at Risk of Harm: Paper Two: Improving Outcomes for Māori	Office of the Minister for Children
31 October 2018	SWC-18-MIN-0149 – Cabinet Social Wellbeing Committee Minute	SWC Committee Secretary

Information withheld	
<p>Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant sections of the Act that would apply have been identified. Where information has been withheld, no public interest in making the information available has been identified that would outweigh the reasons for withholding it.</p>	
Section of the Act	Reason for withholding
Section 9(2)(g)(i)	The release may undermine the future ability of Ministers to provide free and frank advice on Budget expenditure options. The importance of this process means it is not outweighed by the public interest in transparency.
Section 9(2)(f)(iv)	Maintain constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.

Office of the Minister for Children
Chair, Cabinet Social Wellbeing Committee

TRANSFORMING OUR RESPONSE TO CHILDREN AND YOUNG PEOPLE AT RISK OF HARM

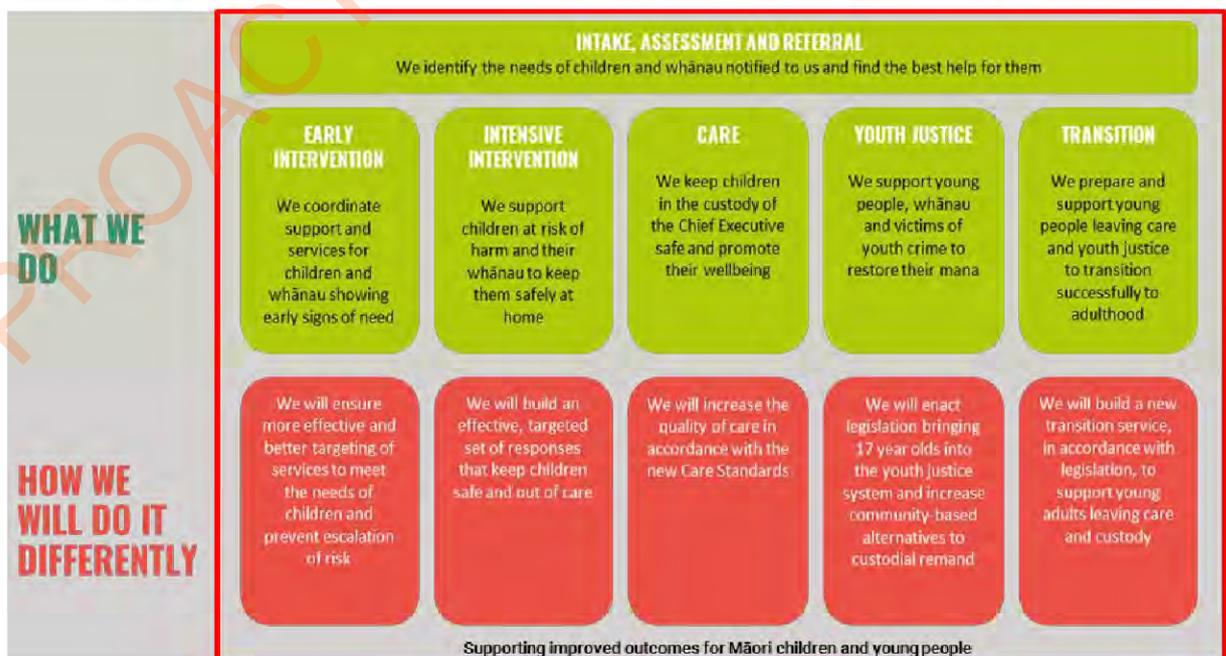
PAPER TWO: IMPROVING OUTCOMES FOR MĀORI

Proposal

- 1 This paper informs Cabinet of the direction that Oranga Tamariki–Ministry for Children (Oranga Tamariki) is taking to lift the wellbeing of Māori children, young people and their whānau, and seeks agreement to investment proposals to support this.

Executive Summary

- 2 Māori account for a significant proportion of children and young people in the Oranga Tamariki system. Disparities in the numbers of Māori and non-Māori in the system continue to widen. For example, 69 percent of all children in care are Māori.
- 3 Legislative amendments made to the Oranga Tamariki Act 1989 (the Act) which are due to come into force by 1 July 2019 at the latest, set out specific duties on the chief executive of Oranga Tamariki in relation to the Treaty of Waitangi (Tiriti o Waitangi) through section 7AA.
- 4 The primary approach to meet section 7AA obligations is through the development of the new Oranga Tamariki operating model. There is an explicit focus on how section 7AA will be reflected in each area of the new operating model – as set out in this suite of papers.



- 5 There are, however, gaps in the way that Oranga Tamariki currently partners with iwi and Māori, the capability of the Oranga Tamariki workforce, and the approach to identity and connectedness for Māori children and young people. These gaps require a distinct and targeted approach to effectively meet obligations under section 7AA and improve outcomes for Māori children and young people.
- 6 I am seeking broad agreement to some cross-cutting areas of investment that are required to undertake transformational change of the Oranga Tamariki system, in line with the requirements of section 7AA provisions and our broader aspirations of improving outcomes for Māori children, young people and their whānau. These areas are:

STRATEGIC PARTNERSHIPS	WORKFORCE	CULTURAL CONNECTION
Developing mechanisms that allow for genuine strategic partnership opportunities with iwi and Māori	Building frontline workforce capacity and capability to provide quality care and support to Māori	Supporting Māori children, young people and their whānau to develop positive cultural identity and connectedness

- 7 Subject to Cabinet agreement, the investment proposals outlined in this paper will be further refined and will form the basis of a Budget 2019 initiative.

Background

- 8 The over-representation of Māori children and young people in care and protection and youth justice systems is well known and documented (see Appendix A for details).
- 9 Amendments to the Act achieved Royal Assent on 13 July 2017 and include a new section 7AA – ‘Duties of the chief executive in relation to the Treaty of Waitangi (Tiriti o Waitangi)’ (see Appendix B for details). The majority of amendments, including section 7AA, will come into force by 1 July 2019 at the latest.
- 10 The intent of section 7AA is to:
- 10.1 strengthen and clarify the principles that apply to Māori children and young people (and their whānau, hapū and iwi) who are subject to the Act
 - 10.2 place specific and enforceable obligations on the Crown by requiring Oranga Tamariki to give practical effect to the Treaty of Waitangi (Tiriti o Waitangi) by:
 - setting measurable outcomes to ensure that its policies and practices have the object of reducing disparities for Māori children who come to the attention of Oranga Tamariki
 - ensuring that the policies, practices, and services of Oranga Tamariki have regard to mana tamaiti (tamariki) and the whakapapa of Māori children and young people, as well as the whanaungatanga responsibilities of their whānau, hapū and iwi

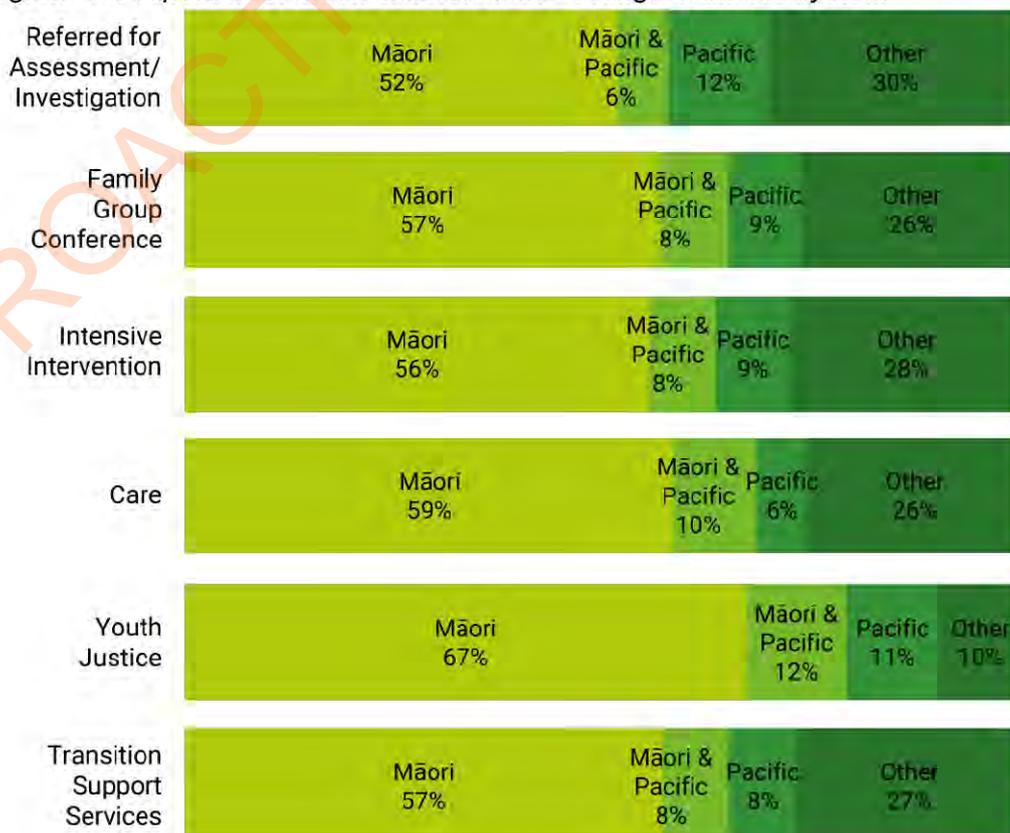
- seeking to develop strategic partnerships with Māori and iwi organisations, to set targets for Māori children, report on the progress of these partnerships, and invite innovative proposals from Māori and iwi organisations
- reporting annually on measures taken to carry out the above duties, including the impact of those measures on improving outcomes for Māori.

- 11 The annual public report (as required by section 7AA(5)) will document how well the chief executive is meeting these specific duties under the Treaty of Waitangi (Tiriti o Waitangi). It will highlight where improvement will be required to meet those duties, and what work Oranga Tamariki will be doing to address areas where improvement is needed. This will connect into internal and external monitoring and improvement processes.
- 12 It is anticipated that, in addition to recording how the new duties are being met, the annual report will also provide an opportunity to record how cross-government programmes are being utilised to meet these duties. Government initiatives, such as the Child and Youth Wellbeing Strategy, the Oranga Tamariki Action Plan, and the establishment of the Māori Crown Relations portfolio, will provide Oranga Tamariki opportunities to work across government in order to work more effectively and collaboratively with Māori children and young people and their whānau.

Māori children and young people account for a significant proportion of children in the Oranga Tamariki system and the disparity continues to widen

- 13 Despite legislative settings and associated efforts to date, the percentage of Māori children and young people in the Oranga Tamariki system remains consistently higher than non-Māori. This is evidenced from the point of referral through to the new projected transition service (see diagram 1 below).
- 14 In particular, 69 percent of children and young people in the care or custody of the chief executive of Oranga Tamariki identify as Māori; this proportion is up from 59 percent in 2011.

Diagram 1: Proportion of Māori children in the Oranga Tamariki system



- 15 While improving outcomes for Māori children and young people must be driven through all elements of the new operating model, successful implementation of section 7AA provisions will require an additional shift in the existing capability of the Oranga Tamariki workforce.
- 16 While almost 30 percent of the Oranga Tamariki workforce identify as Māori, cultural competency, including the need to engage effectively with Māori whānau, has been self-identified by frontline practitioners as an area requiring further improvement. The need for improvement is supported by research highlighting the experiences of Māori whānau when engaged by frontline staff.¹

Setting and measuring outcomes in order to reduce disparities is a key component of section 7AA

- 17 Section 7AA(2)(a) of the Act requires the chief executive of Oranga Tamariki to ensure that the policies and practices focus on reducing disparities for Māori children who come to the attention of Oranga Tamariki.
- 18 To support this, Oranga Tamariki will develop a set of outcomes and measures for Māori children and young people. The full set of outcomes and measures, yet to be developed, will need to align with the Oranga Tamariki outcomes framework referred to in *Paper One*. The set will also likely include indicators that have a focus on reducing the disparities in numbers of Māori children, young people and whānau requiring intervention and support from Oranga Tamariki (see Appendix C for more detail).
- 19 Māori-specific outcomes and measures will be informed by the views of whānau, hapū and iwi.
- 20 More detail on the set of outcomes and measures for Māori children and young people in Oranga Tamariki will be provided as part of a report back to Cabinet in 2019. An approach to partnerships, including strategic partnerships, will also be included in the report back as discussed further in paragraphs 37 and 38 of this paper.

Having regard to mana tamaiti, whakapapa and whanaungatanga will need to apply to all policies, practices and services

- 21 Section 7AA(2)(b) of 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 Act defines mana tamaiti, whakapapa and whanaungatanga (see Appendix D for definitions).
- 22 With these considerations in mind, a set of five measurable Mana Tamaiti objectives that can be reported on and align to the Oranga Tamariki operating model have been developed, these being:
 - 22.1 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
 - 22.2 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

¹ Boulton, A, Williams Blyth, T, et al. (2018) *E tipu E rea: The Care & Protection of Indigenous (Māori) Children - Indigenous Child Welfare and Well-being*. NZ Law Journal.

- 22.3 if removal from home is necessary, Oranga Tamariki will preference placements for Māori children and young people (including siblings) with members of their whānau, hapū and iwi ensuring support and assistance is provided to meet their needs
 - 22.4 support Māori children and young people to establish, maintain or strengthen their sense of belonging through cultural identity and connections to whānau, hapū and iwi
 - 22.5 support, strengthen and assist Māori children, young people and their whānau to prepare for their return home or transition into the community.
- 23 The Mana Tamaiti objectives will be reflected in the set of outcomes and measures for Māori children and young people including those with disabilities. 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.

New investments in the Oranga Tamariki operating model are required to improve outcomes for Māori children and young people and meet section 7AA obligations

- 24 The proposed overall direction to improving outcomes for Māori children, young people and their whānau who come to the attention of Oranga Tamariki is expected to sit within the context of government's broader priorities relating to child and family wellbeing, and focus on improving outcomes for Māori.
- 25 The primary approach to meet section 7AA obligations is through the development of the new operating model (see Diagram 2 below). There has been an explicit focus on the duties which underpin section 7AA throughout the operating model and how they will be reflected and delivered through the respective service areas. This enables a focus on working differently, and shifting the way that services are designed and delivered in order to ensure that improving outcomes for Māori remains a key factor for success.

Diagram 2: Mana Tamaiti Objectives analysis

Mana Tamaiti Objectives	Operating Model					Investment Proposal Areas
	Early Interventions	Intensive Interventions	Care Services	Youth Justice	Transition Services	
Decision making at the earliest opportunity	✓	✓	✓	✓	✓	Section 7AA: Workforce
Prevent entry into care	✓	✓				
Placements with whānau, hapū and iwi			✓	✓	✓	
Identity and connection	✓	✓	✓	✓	✓	Section 7AA: Workforce and Cultural Connection
Return home or transition to adulthood		✓	✓	✓	✓	

26 Further detail on investment proposals across the operating model will be found in respective Cabinet papers. Specific functions have clear alignment with the Mana Tamaiti Objectives which are designed to be applicable across the Oranga Tamariki operating model:

26.1 *Intensive Intervention (Paper Three)*: this new function intends to develop an intensive, culturally appropriate and responsive service for children and young people and their whānau at high risk of entering or re-entering care. This includes having whānau support workers who help children and young people and their families/whānau to be safe and to flourish in their own homes. This function will be delivered in partnership with groups including iwi and Māori organisations, with whānau support workers requiring a high level of cultural competence.

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Internal consult

26.3 *Youth Justice (Paper Five)*: proposals for youth justice include seeking new investment to provide increased capacity to accommodate 17 year-olds in the system. This includes preferencing investment to enable Oranga Tamariki to co-design and co-deliver any new capacity in partnership with iwi and/or Māori organisations. New funding is also being sought to enhance access to culturally appropriate programmes, interventions, services and support to be more responsive to the specific needs of Māori young people.

26.4 *Transition Support (Paper Six)*: the proposed transition support service will use a relationship-based model, in which a transition key worker builds and maintains a relationship with the young person to support them as they transition into adulthood. A key part of this will involve the worker supporting the young person to build and strengthen their relationships with their whānau, hapū and iwi and wider community.

Section 7AA provisions require a targeted investment that builds on and augments the investment proposals outlined across the Oranga Tamariki operating model

27 While the development of the Oranga Tamariki operating model will be the primary means for ensuring Oranga Tamariki delivers on the requirements of section 7AA, there is a need for a systematic approach across the operating model to improving outcomes for Māori children and young people.

- 28 The Office of the Children’s Commissioner have recently undertaken a developmental review on how section 7AA is being implemented in Oranga Tamariki. I am aware that this review is still underway, however early findings have noted that there is a visible commitment across the Oranga Tamariki workforce to achieve the desired outcomes for Māori children and young people.
- 29 Other key insights include:
- 29.1 there is no clear policy framework for determining how strategic partnerships should be established, but it is recognised that these have significant potential
- 29.2 further work is needed to ensure a consistent approach is taken to build the cultural confidence and competency of the Oranga Tamariki workforce, and embedding the lessons learned in implementing section 7AA.
- 30 These findings align with three broad, cross-cutting areas that have been identified for additional investment. These include strategic partnerships with iwi and Māori, improving workforce capability building and a diverse range of initiatives that strengthen cultural identity and connections to whānau, hapū and iwi. A combination of these cross-cutting changes through specific investment areas will improve outcomes for Māori children and young people.



Section 7AA provisions require the development of strategic partnerships with iwi and Māori organisations



- 31 Strategic partnerships with iwi and Māori are important and central to the success of implementing the Oranga Tamariki operating model.
- 32 Section 7AA(2)(c),(3) and (4) of the Act requires the chief executive to seek to develop strategic partnerships with iwi and Māori organisations including to:

- 32.1 provide opportunities to, and invite innovative proposals from, those organisations to improve outcomes for Māori children, young persons and their whānau
- 32.2 set expectations and targets and agree on actions to improve outcomes for Māori children
- 32.3 enable robust, regular and genuine exchange of information
- 32.4 provide opportunities to delegate functions under the Act
- 32.5 support cultural competency as a best-practice feature of the Oranga Tamariki workforce
- 32.6 agree on any action both or all parties may consider is appropriate.

Oranga Tamariki is currently engaging with and funding a range of services delivered by iwi and Māori organisations to Māori children, young people and their whānau

- 33 For this financial year 2018/2019, the total investment in social services is \$296m per annum delivered by 552 external provider organisations. From this investment, \$63m funds 118 services commissioned from iwi and Māori providers. This equates to approximately 22 percent of total investment in services.
- 34 Oranga Tamariki has a range of partnering mechanisms with iwi and Māori including site level agreements, contracts for service, Memoranda of Understanding (MOU) and Social Accords. The provision to develop strategic partnerships through section 7AA offers an opportunity to reframe existing partnering mechanisms with iwi and Māori.
- 35 There is an opportunity to work with a growing number of iwi and Māori organisations not currently working with Oranga Tamariki who are signalling their interest to partner to improve the wellbeing of Māori children and young people in the system.
- 36 In October 2018, Oranga Tamariki hosted a national hui with iwi and Māori organisations to provide a forum for robust discussion on what section 7AA provisions might look like in practice, and the expectations they have for working with Oranga Tamariki. This will be the first of a number of engagements with iwi and Māori organisations in the months to come.

Reconsidering the range of partnering mechanisms including strategic partnerships is critical to improving outcomes for Māori children and young people

- 37 The strategic partnership provisions under section 7AA provide an opportunity for Oranga Tamariki to revise its approach to partnering with iwi and Māori organisations and make clear the distinctions between the various mechanisms including when and how to apply them. Oranga Tamariki is already having discussions in relation to strategic partnerships with a number of iwi with whom it has previously had an MOU.
- 38 A review of the current partnering approach is underway and it is expected that ongoing engagement with iwi and Māori in coming months will inform a revised partnership approach. Due to the likely statutory status of strategic partnership agreements, it is proposed that Cabinet consider the revised partnership approach in early 2019.

Capability is a barrier to supporting the development of strategic partnerships with iwi and Māori

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9(2)(f)(iv)

Oranga Tamariki through discussions with iwi and Māori partners, and to ensure that Oranga Tamariki is able to respond to innovative proposals from iwi and Māori organisations.

- 40 I propose establishing a fund to support the development of strategic partnerships with iwi and Māori providers. The parameters of this fund will be based on what is needed to ensure that legislative provisions in relation to strategic partnerships are met (see paragraph 32).
- 41 A number of government agencies (including the Ministries of Social Development and Education and the Department of Corrections) have indicated their interest in ensuring that partnerships with iwi and Māori organisations form a system-wide response to supporting and improving outcomes for whānau. There may be opportunities to achieve this at local and regional levels subject to shared priorities as identified by iwi and Māori organisations.

Increased frontline cultural capability and capacity is required



- 42 To support the successful delivery of new services to Māori children, young people and their whānau, Oranga Tamariki must build its cultural capability and capacity at the frontline.

Whole-of-workforce capability building

- 43 In order to build the cultural capability required within Oranga Tamariki, investment will be sought to ensure that frontline practitioners who work directly with Māori children, young people, their whānau, as well as iwi and Māori organisations, have access to the specific tools and services they need to boost their cultural confidence and capability. This could include access to te reo and tikanga Māori training, as well as other activities which promote best practice with Māori.
- 44 As well as enabling the establishment of new and extended services, increased cultural capability and capacity will also be supported through implementation of the revised Oranga Tamariki practice standards (including a practice standard focussed on the Mana Tamaiti principles) and uptake of the new Oranga Tamariki cultural competency tool.

Additional roles to support culturally competent service delivery

- 45 Over the past 12 months, Oranga Tamariki has piloted options for improving culturally competent service delivery, including a trial of specialist Māori roles and iwi-based Family Group Conference (FGC) co-ordinators.
- 46 Oranga Tamariki is seeking funding to extend these pilots nationally. This investment will provide the necessary cultural support for frontline practitioners who work directly with Māori children, young people, their whānau, and iwi and Māori organisations.

Specialist Māori roles

- 47 For the 2017/2018 year, a budget bid was approved to trial specialised 'kairaranga-a-whānau' roles at 21 Oranga Tamariki sites, for one year. These specialist roles engage Māori whānau, ensure whānau understand the process and are participating in decisions being made about their child or young person as early as possible. In undertaking this role, they model how to engage more proactively and effectively with Māori children, young people and their whānau. Early feedback on the trial shows the value of these roles to support the workforce to make better decisions for the benefit of Māori children, young people and their whānau.

48 On the basis of positive feedback to date, Oranga Tamariki intends to expand kairaranga-a-whānau roles through a specific Budget proposal. While these roles will initially be employed through Oranga Tamariki, over time it is expected that a more partnered approach to these roles could occur with iwi and Māori organisations.

Iwi-based FGC co-ordinators

49 Funding will also be sought through Budget 2019 to continue and scale up iwi-based co-ordination of FGCs. The quality of whānau participation in FGCs is a key determinant for the successful development of an FGC plan.

50 In addition to the kairaranga-a-whānau roles, providing whānau with the option of holding FGCs within a tribal setting is a key step in ensuring an FGC process that works effectively for Māori. Iwi based coordination supports tribal options for enabling child safety and wellbeing, maintaining cultural identity and group decision-making.

51 Oranga Tamariki already supports FGC co-ordinators to be based with five iwi - Ngāti Porou, Rangitāne ki Wairarapa, Ngāti Toa Rangatira, Raukawa, and Ngāti Kahungunu. This has been funded from within baseline, during 2017/2018. Early indications from FGCs led by Rangitane ki Wairarapa are highly positive with Counsel for the Child requesting all FGCs be delivered by Rangitane ki Wairarapa including those for non-Māori children and young people. Full evaluations are planned for each of these locations, although only the Ngati Porou evaluation will be ready in time to inform the budget bid.

52 It is estimated that for the 2019/2020 year, up to five more iwi may be willing and able to respond and source the FGC co-ordinator capability. Engagement to date indicates that ongoing uncertainty of funding is a constraint, rather than ability to source capable co-ordinators.

Positive cultural identity and connectedness to whānau is crucial for Māori children and young people

INVESTMENT PROPOSALS		
STRATEGIC PARTNERSHIPS	WORKFORCE	CULTURAL CONNECTION

53 As well as increasing frontline cultural capability and capacity, Oranga Tamariki will need to increase investment to develop mechanisms to meet the identity and connections needs of tamariki Maori and their whanau, including increased use of the cultural component of the Tuituia Assessment.²

54 There is limited knowledge or expertise to identify the extent to which Māori young people have a negative, distorted or positive view of being Māori, and there are also no specific programmes or supports in place to work with these young people to build, strengthen or maintain a positive Māori cultural identity, except in some residences.

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² The Tuituia assessment is a framework that supports frontline practitioners to analyse and make decisions for children and young people who are referred to Oranga Tamariki. Three key domains in order to guide decision-making: child and youth wellbeing, caregiver capacity to support child and youth wellbeing, and whānau, social, cultural and environmental influences.

56 Oranga Tamariki intends to work with iwi and Māori and relevant agencies to develop similar mechanisms to meet the identity and connection needs of Māori children and young people. Investment will be sought to re-design and implement the cultural component of the Tuituia Assessment and co-develop initiatives with iwi and Māori that help improve a child or young person’s positive cultural identity, connection and belonging.

Consultation

57 This paper was prepared by Oranga Tamariki. The following agencies were consulted in the preparation of this paper: the Ministries of Health, Education, Justice, Social Development, and Youth Development; the Ministry of Business, Innovation and Employment; the Ministry of Housing and Urban Development; the Ministry for Pacific Peoples; the Ministry for Women; Te Puni Kōkiri; the Department of Corrections; the New Zealand Police; the Office of Disability Issues; the Accident Compensation Corporation; Inland Revenue; the Joint Venture Business Unit, Family Violence and Sexual Violence; the Tertiary Education Commission; the State Services Commission; the Treasury; the Policy Advisory Group, Child Wellbeing Unit and the Child Poverty Unit at the Department of the Prime Minister and Cabinet; and the Office of the Children’s Commissioner.

58 The Oranga Tamariki external Māori Design Group has also provided feedback on this paper.

Financial implications

59 Subject to Cabinet agreement, I will put forward a Budget 2019 initiative that covers three key investment areas: strategic partnerships, workforce capability and cultural connection.

60 There are different levels of investment possible in each of the areas described above. The type of investment, scaling and phasing will be explored through the Budget 2019 process with particular attention given to the divide between meeting legislative requirements and further uplifts in quality of practice.

61 I am seeking broad agreement for the direction of investment in these areas, with indicative costs for the total package over four years noted below:

9(2)(g)(i)

Getting these changes right will mean significant gains in wellbeing for Māori children, young people and their whānau

62 The proposals in this paper aim to enhance the suite of investment proposals across the operating model by taking a cross-cutting approach across the three key investment areas.

63 If these proposals are implemented, over time I would expect to see the benefits for Māori children, young people and their whānau through:

- 63.1 increased whānau participation in decision-making processes
 - 63.2 a reduction in the proportion of Māori children and young people requiring statutory interventions
 - 63.3 greater numbers of children and young people demonstrating positive cultural identity and connection.
- 64 The impact on measurable long-term wellbeing outcomes is expected to be the most significant in the areas of reduced offending, increased employment and improved physical and mental health and cultural wellbeing. Oranga Tamariki will model the benefits realisation in relation to the Children's Wellbeing Model as part of the Budget process.

Evaluation, monitoring and continuous improvement will be important for ensuring that annual reporting requirements are met

- 65 Under the Act, the chief executive of Oranga Tamariki is required to report publicly at least once a year on measures taken to carry out duties under section 7AA including the impact of those measures on improving outcomes for Māori children and young people, and steps to be taken in the immediate future. I expect these investment proposals, as well as monitoring and evaluation of the Oranga Tamariki operating model proposals, will require some funding for evaluation activities, allowing insight into how well Oranga Tamariki is working to improve outcomes for Māori children, young people and their whānau, and whether any changes are required.
- 66 Further details on the overall approach that Oranga Tamariki is taking with regard to evaluation, monitoring and continuous improvement is set out in *Paper One*.

Legislative implications

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

Impact analysis

- 68 The proposals outlined in this paper do not require an impact analysis.

Human rights implications

- 69 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).
- 70 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 recognizes iwi, hapū and whānau Māori as Treaty partners, demonstrates New Zealand's recognition of the existing rights provided by the Declaration.

Gender implications

- 71 No gender implications arise as a result of this paper.

Disability perspective

72 Oranga Tamariki is working to ensure all core functions of the new operating model are designed to be responsive to the needs of children and young people with disabilities. This means that consideration will be given to:

72.1 understanding the impact of disability on Māori children and young people

72.2 ensuring there are opportunities to create better outcomes for Māori children, young people and their whānau that respond to both culture and disability, and ensure there are no barriers to participation.

Publicity

73 Any announcements relating to final Budget 2019 decisions for Vote Oranga Tamariki will be made following Budget release day in May 2019. Any announcements will be co-ordinated with the Office of the Minister for Children.

Proactive Release

74 Consistent with section 9(2)(f)(iv) of the Official Information Act 1982, the content in this paper is under active consideration until final decisions relating to Budget 2019 have been made. Proactive release of this paper will be considered closer to Budget release day in May 2019.

Recommendations

75 The Minister for Children recommends that the Committee:

1 **note** that Māori continue to account for a significant proportion of children and young people in the Oranga Tamariki–Ministry for Children (Oranga Tamariki) system

2 **note** that legislative changes made to the Oranga Tamariki Act 1989 (the Act) require Oranga Tamariki to take a range of steps to improve outcomes for Māori children and young people and their whānau, hapū and iwi

3 **note** the Objectives that have been developed in response to section 7AA:

3.1 ensure the participation of tamariki, whānau, hapū and iwi in decisions affecting them at the earliest opportunity to enhance their wellbeing and safety

3.2 support, strengthen and assist whānau Māori to care for their tamaiti or tamariki to prevent the need for their removal from home into care or a youth justice response

3.3 if removal from home is necessary, Oranga Tamariki will preference placements for Māori children and young people (including siblings) as follows with members of their whānau, hapū, or iwi ensuring support and assistance is provided to meet their needs

3.4 support Māori children and young people in the custody of the chief executive to establish, maintain or strengthen their sense of belonging through cultural identity and connections to whānau, hapū and iwi

- 3.5 support, strengthen and assist Māori children and young people and their whānau to prepare for their return home or transition into the community
- 4 **note** that I will report back to Cabinet in 2019 on a strategic partnership approach with iwi and Māori, as well as a set of outcomes and measures for reducing disparities between Māori and non-Māori children and young people
- 5 **note** investment proposals across the Oranga Tamariki operating model that contribute to the objectives and intent of section 7AA provisions in the Act
- 6 **agree** that the following suite of investment proposals, which, in addition to other operating model changes, will support Oranga Tamariki to meet its obligations under section 7AA , and will be further developed in time to feed into Budget 2019 decisions:
- 6.1 develop strategic partnerships with iwi and Māori organisations (including iwi authorities)
- 6.2 expand workforce cultural capability, including specialist Māori roles and iwi-based FGC co-ordinators
- 6.3 enhance cultural connection initiatives within Oranga Tamariki, including the review and re-design of cultural competency assessments.
- 7 **note** that I will submit a detailed bid for Budget 2019 that reflects the direction outlined in recommendation 6.

Authorised for lodgement

Hon Tracey Martin
Minister for Children

Appendix A: Puao-te-ata-tu (1988) and the Expert Advisory Panel Report on Modernising Child Youth and Family (2016)

Iwi and Māori concerns about the State's role in the care of Māori children and young people are well known and long standing

'Puao-te-ata-tu' recognised the vital role of whānau, hapū and iwi which was reflected in the Children, Young Persons, and their Families Act 1989

The 1988 report Puao-te-ata-tu acknowledged the socio-economic disparities between Māori and non-Māori at the time, including an explicit focus on interactions with the Department of Social Welfare.³ At the heart of the report was a clear message that the Crown had profoundly misunderstood the place of the child in Māori society, their relationship with whānau, hapū and iwi and thus needed to do better for Māori children, young people and their whānau.

The Children, Young Persons and their Families Act 1989 (as it was then) now the Oranga Tamariki Act 1989 (the Act), was in a large part, the Crown's response to Puao-te-ata-tu. The Act provided principled commitments to Māori, acknowledging that whānau, hapū and iwi should:

- share decision-making about their children and young people when they entered into the care and protection or youth justice systems,
- wherever possible continue to provide care for their children and young people
- be supported to maintain and strengthen the relationship they have with their children and young people.

While the Act outlined principled commitments, it did not provide for the accountability mechanisms needed to ensure that the State continued to maintain a strong focus on Māori children, young people and their whānau in need of support.

The review conducted by the Expert Advisory Panel on Modernising Child, Youth and Family set expectations relating to tamariki Māori as part of its recommendations to improve the children's system

The Expert Advisory Panel on Modernising Child, Youth and Family (the Panel) conducted a review over a period of 18 months and in June 2016 the Panel's final report was released.⁴ The report observed that while it is important to focus on improving outcomes for all New Zealand children, a different and targeted approach would be needed to address the disparities in outcomes and experiences of Māori in the Oranga Tamariki system. This included identifying the need for accountability and reporting mechanisms absent from the Act. As a result, it was recommended that legislative changes be made requiring Oranga Tamariki to place a stronger focus on ensuring the disparities between Māori and non-Māori children are addressed.

³ Puao-te-ata-tu was commissioned by former Minister of Social Welfare, the Hon Ann Hercus. The Ministerial Advisory Committee responsible for the report was chaired by John Rangihau. The report was informed by 65 consultation hui across the country involving young people, staff, community workers and the judiciary.

⁴ The report set out a number of recommendations for a future Child, Youth and Family operating model including the systems, structures and future investments needed to provide better lives for children and young people. This report was informed by the voices of children and young people who had experiences in care and/or youth justice.

Appendix B: 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 whānau 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 C: Draft set of outcomes and measures for Māori children and young people in Oranga Tamariki

Section 7AA(2)(a) of the Act requires the chief executive of Oranga Tamariki to ensure that its policies and practices focus on reducing disparities for Māori children who come to the attention of Oranga Tamariki.

A set of outcomes and measures are being developed and will likely focus on four areas:

- **system-wide outcomes** linked to the Child and Youth Wellbeing Strategy and the Children's Wellbeing Model.
- **service outcomes** based on the Mana Tamaiti Objectives described in this paper.
- **system process outputs** such as reduction in numbers and disparities in notifications, reports of concern, assessments, Family Group Conferences, placements and exits.
- **quality outcomes** and enabling functions such as individual insights from Māori children, young people and their families and iwi and Māori organisations on their experiences with Oranga Tamariki.

Further work is needed to ensure that outcomes and measures for Māori children and young people align with the broader programme of work that is being undertaken to define and measure outcomes in Oranga Tamariki. It will also be important to ensure that the views of whānau, hapū and iwi are considered as this is developed.

PROACTIVELY REVIEWED

Appendix D: Definition of 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

PROACTIVELY RELEASED



Cabinet Social Wellbeing Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Transforming Our Response to Children and Young People at Risk of Harm - Paper Two: Improving Outcomes for Māori

Portfolio Children

On 31 October 2018, the Cabinet Social Wellbeing Committee:

- 1 **noted** that Māori continue to account for a significant proportion of children and young people in the Oranga Tamariki–Ministry for Children (Oranga Tamariki) system;
- 2 **noted** that legislative changes made to the Oranga Tamariki Act 1989 (the Act) require Oranga Tamariki to take a range of steps to improve outcomes for Māori children and young people and their whānau, hapū and iwi;
- 3 **noted** the following objectives that have been developed in response to section 7AA of the Act:
 - 3.1 ensure the participation of tamariki, whānau, hapū and iwi in decisions affecting them at the earliest opportunity to enhance their wellbeing and safety;
 - 3.2 support, strengthen and assist whānau Māori to care for their tamaiti or tamariki to prevent the need for their removal from home into care or a youth justice response;
 - 3.3 if removal from home is necessary, Oranga Tamariki will preference placements for Māori children and young people (including siblings) as follows with members of their whānau, hapū, or iwi ensuring support and assistance is provided to meet their needs;
 - 3.4 support Māori children and young people in the custody of the chief executive to establish, maintain or strengthen their sense of belonging through cultural identity and connections to whānau, hapū and iwi;
 - 3.5 support, strengthen and assist Māori children and young people and their whānau to prepare for their return home or transition into the community;
- 4 **noted** that the Minister for Children will report back to the Cabinet Social Wellbeing Committee in 2019 on a strategic partnership approach with iwi and Māori, as well as a set of outcomes and measures for reducing disparities between Māori and non-Māori children and young people;
- 5 **noted** that investment proposals across the Oranga Tamariki operating model contribute to the objectives and intent of section 7AA provisions in the Act;

- 6 **agreed** that the following suite of investment proposals, which, in addition to other operating model changes, will support Oranga Tamariki to meet its obligations under section 7AA of the Act, and will be further developed in time to feed into Budget 2019 decisions:
- 6.1 develop strategic partnerships with iwi and Māori organisations (including iwi authorities);
 - 6.2 expand workforce cultural capability, including specialist Māori roles and iwi-based Family Group Conference co-ordinators;
 - 6.3 enhance cultural connection initiatives within Oranga Tamariki, including the review and re-design of cultural competency assessments;
- 7 **noted** that the Minister for Children will submit a detailed bid for Budget 2019 that reflects the direction outlined in paragraph 6.

Jenny Vickers
Committee Secretary

Present:

Rt Hon Jacinda Ardern
Rt Hon Winston Peters
Hon Kelvin Davis
Hon Grant Robertson
Hon Phil Twyford
Hon Chris Hipkins
Hon Andrew Little
Hon Carmel Sepuloni (Chair)
Hon Dr David Clark
Hon Nanaia Mahuta
Hon Stuart Nash
Hon Jenny Salesa
Hon Damien O'Connor
Hon Tracey Martin
Hon Peeni Henare
Hon Willie Jackson
Hon Aupito William Sio
Hon Julie Anne Genter
Michael Wood, MP
Jan Logie, MP

Hard-copy distribution:

Minister for Children

Officials present from:

Office of the Prime Minister
Officials Committee for SWC