

20 September 2022

9(2)(a)

Tēnā koe 9(2)(a)

Thank you for your email of 9 August 2022 to Oranga Tamariki—Ministry for Children (Oranga Tamariki), requesting the following information under the Official Information Act 1982 (the Act):

[...] Can you please respond to the best of your knowledge,

- *“Undertaking a child and family assessment”. If the outcome of this assessment leaves Oranga Tamariki with concerns about care and protection subjecting them to initiate a safety plan for the child involved to live with extended family in the interim, could one assume that a referral for a care and is it common practice for it to take longer than six months before a hui takes place?*
- *“Hui ā-whānau”. What is Oranga Tamariki’s policy if a hui is unable to be arranged in an appropriate time frame? Your website states Hui ā-whānau is most effective when used early in the process of responding to concerns about tamariki”. Can you please explain what the alternative steps are if a hui is unable to be achieved within the appropriate time frame?*
- *What is the purpose of a safety plan in the eyes of Oranga Tamariki if it holds no weight?*
- *Can Oranga Tamariki make a referral for a family group conference if they have been unable to achieve hosting a Hui ā-whānau?*
- *Is it a policy that a hu ā-whānau must be held before a referral can be made?*
- *What is the timeframe in which it appears that no agreement is reached regarding concerns of care deeming a family group conference necessary?*

- *If a safety plan has been in place due to risk of harm or neglect and both parents choose to ignore this after agreeing and remove the child from the interim caregiver, should it be expected that a high-priority follow-up would be required?*

On 5 September 2022, we wrote to advise you that we were extending the time limit for responding to your request until 20 September 2022, in accordance with section 15A(1)(b) of the Act, as the consultations necessary to make a decision on the request were such that a proper response to the request could not reasonably be made within the original time limit.

Please accept our apologies for the time it has taken to respond.

For clarity, I will respond to each part of your request in turn.

“Undertaking a child and family assessment”. If the outcome of this assessment leaves Oranga Tamariki with concerns about care and protection subjecting them to initiate a safety plan for the child involved to live with extended family in the interim, could one assume that a referral for a care and is it common practice for it to take longer than six months before a hui takes place?

A child and family assessment (CFA) occurs when a Report of Concern (ROC) involves an allegation that the care, safety, or wellbeing of children may be at risk. It is central to all our work and is an ongoing process of building informed understanding across three phases, as needed:

- Initial.
- Core.
- Full assessment.

If the outcome of the initial assessment is that either a CFA or an investigation is required, then Oranga Tamariki must complete the core assessment within 20 days. Following this, if the outcome determines that a child is in need of care and/or protection, the law - as set out in the Oranga Tamariki Act 1989 - requires us to make a referral for a care and protection Family Group Conference (FGC).

The Social Worker must make a referral for an FGC to a care and protection coordinator. Depending on the situation, we may also refer whānau to services, should there be concerns for children that can be responded to by another agency, iwi or cultural social service.

Our Practice Centre provides guidance on the potential next steps, following the outcome of an assessment:

<https://practice.orangatamariki.govt.nz/core-practice/practice-tools/intake-decision-response-tool/report-of-concern-response-timeframe/>

<https://practice.orangatamariki.govt.nz/policy/assessment/>

<https://practice.orangatamariki.govt.nz/our-work/assessment-and-planning/assessments/intake-and-early-assessment/>

<https://practice.orangatamariki.govt.nz/our-work/assessment-and-planning/assessments/intake-and-early-assessment/initial-assessment-phase/>

<https://practice.orangatamariki.govt.nz/core-practice/practice-tools/intake-decision-response-tool/>

It is not common for an FGC to take longer than six months to be convened. There are no statutory timeframes for FGCs, however we would not consider a six month delay best practice. However, in some circumstances, there are reasons why it may take longer. For example, an important part of FGCs is engagement and whānau searching which can take time, as we need to ensure we engage widely with whānau as part of the preparation for convening. Whānau also need time for an FGC, with the opportunity to hui together (including without Oranga Tamariki present) to understand the assessed concerns and to discuss their solutions.

Our policies and guidance on FGCs and whānau searching are also available on the Practice Centre here:

<https://practice.orangatamariki.govt.nz/core-practice/practice-tools/intake-decision-response-tool/>

<https://practice.orangatamariki.govt.nz/our-work/interventions/family-group-conferencing/about-family-group-conferencing/>

<https://practice.orangatamariki.govt.nz/policy/family-group-conferencing-practice-standards/>

<https://www.orangatamariki.govt.nz/support-for-families/care-and-protection-family-group-conferences/>

<https://practice.orangatamariki.govt.nz/policy/family-group-conferencing-practice-standards/>

<https://practice.orangatamariki.govt.nz/core-practice/working-with-maori/how-to-work-effectively-with-maori/whanau-searching/>

Furthermore, sections 20 to 38 of the Oranga Tamariki Act set out all the statutory requirements of an FGC:

<https://www.legislation.govt.nz/act/public/1989/0024/latest/DLM147088.html>

“Hui ā-whānau”. What is Oranga Tamariki’s policy if a hui is unable to be arranged in an appropriate time frame? Your website states Hui ā-whānau is most effective when used early in the process of responding to concerns about tamariki”. Can you please explain what the alternative steps are if a hui is unable to be achieved within the appropriate time frame?

The purpose of hui ā-whānau is to support the rights, participation and decision making of children and their whānau, hapū, iwi and support network as early as possible. We encourage the use of hui ā-whānau throughout our involvement with children and their whānau from receiving a Report of Concern when we are assessing the needs of children and their whānau or family, through to when we are preparing to transition children out of care to adulthood.

We encourage the use of hui ā-whānau as a way to partner with whānau to share information about a concern, seek whānau views, hear their potential solutions, discuss their strengths and resources and hearing their views around what resources are needed to implement whānau solutions.

Please note, like care and protection FGCs, there are no statutory timeframes to hold a hui ā-whānau, but our expectation is that if a hui is recommended, it should convene at the earliest possible opportunity. Additionally, if a hui ā-whānau cannot be achieved, then the Social Worker will have to seek other means to progressing mahi and communication with the whānau, such as other types of family meetings, which may not include tikanga aspects of a hui ā-whānau.

Links to our hui ā-whānau policy and whānau searching guidance are outlined below:

<https://practice.orangatamariki.govt.nz/core-practice/working-with-maori/how-to-work-effectively-with-maori/hui-a-whanau/>

<https://practice.orangatamariki.govt.nz/core-practice/working-with-maori/how-to-work-effectively-with-maori/whanau-searching/>

What is the purpose of a safety plan in the eyes of Oranga Tamariki if it holds no weight?

Oranga Tamariki considers a safety plan critical to securing the safety and oranga of te tamaiti if there are care and/or protection concerns that require the continued involvement of Oranga Tamariki.

During the core assessment phase, we undertake a safety and risk screen to identify any concerns that require immediate action.

A safety and risk screen is used when we have received a Report of Concern and the site has confirmed a CFA or an investigation is required. The screen must be completed within:

- 24 or 48 hours where there is high risk and no immediate protection available
- 10 working days for all other cases.

When working with children and rangatahi it is vital that we build safety around them in ways that will endure beyond our involvement with the whānau or family. Building safety is an ongoing process which needs to be continuously reviewed as the circumstances of the child change. A safety plan is one of the most valuable tools we have to build safety

and is at the forefront of all our work with children and rangatahi, their family and whānau, from intake to case closure. As such, Oranga Tamariki would not classify the safety plan as holding no weight.

Relevant policies and guidance on building safety, the core assessment phase, and the safety and risk screen are available here:

<https://practice.orangatamariki.govt.nz/previous-practice-centre/policy/assessment-and-decision-making/key-information/building-safety-around-children-and-young-people/>

<https://practice.orangatamariki.govt.nz/our-work/assessment-and-planning/assessments/intake-and-early-assessment/core-assessment-phase/>

<https://practice.orangatamariki.govt.nz/core-practice/practice-tools/other-practice-and-assessment-tools/safety-and-risk-screen/>

Can Oranga Tamariki make a referral for a family group conference if they have been unable to achieve hosting a Hui ā-whānau?

Is it a policy that a hui ā-whānau must be held before a referral can be made?

Yes, Oranga Tamariki can make a referral for an FGC if they have been unable to hold a hui ā-whānau at that stage. If whānau express a preference not to come together for a hui ā-whānau during our assessment, then we would utilise other forms of whānau engagement and meetings in preparation for an FGC.

However, meaningful attempts to convene a hui ā-whānau should be made, as hui ā-whānau contributes to achieving the objectives of section 7AA of the Oranga Tamariki Act 1989 for improving outcomes for Māori. Many whānau Māori may have suffered intergenerational trauma and/or experiences with Oranga Tamariki or other official systems which can impact on our ability to engage them. Therefore, the hui ā-whānau process using tikanga engagement is important to support their early participation in discussions about their children's wellbeing that may be confronting and challenging.

<https://www.legislation.govt.nz/act/public/1989/0024/latest/versions.aspx>

Our policy requires us to have a family meeting or hui ā-whānau before the family group conference is held but not before we make a referral, although best practice would mean that we engage with whānau in either hui ā-whānau or other meetings throughout our assessment.

Other than forming the belief, and in relation to whānau, before we make a referral the policy requires the Social Worker to:

- share with the whānau or family the grounds for the referral to a family group conference, ensuring they understand why the belief has been formed that the child or rangatahi is in need of care and/or protection (what our concerns are)
- advise the whānau or family that legislation guides the family group conference process (as opposed to hui ā-whānau or family meetings, which may have been held before the referral)
- encourage and support the whānau or family to seek legal advice at the earliest opportunity to ensure they are fully informed about the implications of the family group conference, including:
 - the care and/or protection grounds that will be discussed at the family group conference
 - the implications of agreeing that there is no realistic possibility that a child or rangatahi will return to a parent's care and that applications for orders under sections 101 or 110 of the Oranga Tamariki Act 1989 or section 48 of the Care of Children Act 2004 will be made.

What is the timeframe in which it appears that no agreement is reached regarding concerns of care deeming a family group conference necessary?

Once we form the belief that a child is at risk of harm, abuse, or neglect, we make a referral for the FGC. Concerns are presented at the FGC and whānau are invited to make a plan. If whānau do not agree to make a plan, within the timeframe of the FGC being held, then this would be recorded as a non-agreement. A non-agreement does not lead to the FGC being held.

If a safety plan has been in place due to risk of harm or neglect and both parents choose to ignore this after agreeing and remove the child from the interim caregiver, should it be expected that a high-priority follow-up would be required?

The purpose of a safety plan is for wellbeing for children. Environments of safety are not static, but dynamic, and therefore the plan may need to be amended to meet the situation. If there is a lack of ability to enforce the plan, then replanning to meet areas of need would occur.

Additionally, if you have concerns that relate to a specific experience that you wish to raise as a complaint, you can make a complaint through the Oranga Tamariki website, at the local Oranga Tamariki office, or call 0508 326 459. The link to make a complaint is available here:

<https://www.orangatamariki.govt.nz/about-us/contact-us/feedback/>

Oranga Tamariki intends to make the information contained in this letter available to the wider public shortly. We will do this by publishing this letter on our website. Your personal

details will be withheld and we will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@ot.govt.nz.

If you are not satisfied with this response, you have the right to ask an Ombudsman to review this decision. Information about this is available at www.ombudsman.parliament.nz or by contacting them on 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'K Alexander', with a stylized, flowing script.

Kiri Alexander

General Manager Practice, Quality Practice and Experiences