

3 August 2021

9(2)(a)

Tēnā koe 9(2)(a)

Thank you for your email of 1 July 2021 to Oranga Tamariki—Ministry for Children (Oranga Tamariki), requesting the following information under the Official Information Act 1982 (the Act):

1. *What are the expected timeframes for a file on a tamariki to be transferred between local offices?*
2. *After a judge has ordered an action to be taken by Oranga Tamariki, how long should it take for said action to be carried out?*
3. *If Oranga Tamariki has been named as a guardian for tamariki, and they fail to comply with a judge's orders within expected timeframes, what recourse do the other guardians, care-givers and the tamariki's representation have in order to ensure compliance?*
4. *If tamariki are not adequately supported, under Oranga Tamariki's guardianship, i.e. expected timeframes are not met, in regards to ongoing mental health support and care, how much responsibility falls on Oranga Tamariki, and who steps in to ensure that tamariki are receiving appropriate support?*
5. *If a tamariki has been recommended to the High and Complex Needs team, what are the expected timeframes for that tamariki's case to be addressed by said team?*
6. *Who within Oranga Tamariki ensures courts recommendations and orders are followed, and how do care-givers and whanau know that action is being taken on behalf of their tamariki?*
7. *What are the standards of support to caregivers, looking after traumatised tamariki, that Oranga Tamariki should be offering?*
8. *After requesting support for caregivers, what are the expected timeframes with which said support is to be put in place?*
9. *What are the expected outcomes from lodging a 'notification of concern'?*
10. *What are the expected timeframes between lodging a notification of concern and any form of investigation, response or outcome to occur?*

IN-CONFIDENCE

11. *What is Oranga Tamariki's policy around removing one tamariki from the care of their parents, but allowing them custody and care of other tamariki in the home? How can a parent be simultaneously unfit to care for one or more tamariki, and yet also fit to care for one or more tamariki?*
12. *Once a parent has been deemed unfit to care for their tamariki, what are Oranga Tamariki's responsibilities to ensure that parent becomes fit once more and how is this fitness determined and monitored in an ongoing capacity?*
13. *Please explain how Oranga Tamariki puts the tamariki's needs first, and not the parent's? Particularly in the instances of long-term, systemic abuse of multiple tamariki, when Oranga Tamariki are aware of said abuse over a long period of time.*
14. *How does one report breaches of ethical behaviour by staff of Oranga Tamariki upon caregivers of Tamariki? And what governance is in place to ensure investigation into unethical behaviour is impartial, fair and timely?*

You will find a response to each of your questions in turn below:

1. *What are the expected timeframes for a file on a tamariki to be transferred between local offices?*

The best interests and needs of te tamaiti must be the first consideration when transferring cases between sites. A supervisor in the receiving site must accept the transfer and allocate a key social worker within 5 working days, even if additional work needs to be completed by the originating site. The appropriate Policy can be found at the link below:

<https://practice.orangatamariki.govt.nz/policy/casework-responsibilities-when-our-work-involves-more-than-1-site/>

2. *After a judge has ordered an action to be taken by Oranga Tamariki, how long should it take for said action to be carried out?*

This would depend on whether the Judge has made an order with a specified timeframe. If the Judge specified a timeframe then all reasonable endeavours would be made to meet the expectation of the Court, if those endeavours were unable to meet the timeframe then Oranga Tamariki would report to the Court and seek to expand the timeframe or obtain further directions from the Court. If no timeframe was explicitly specified then Oranga Tamariki would make all reasonable endeavours to take the action as soon as practicable, subject to the wellbeing and best interests of te tamaiti, and would report progress to the Court at the next Court event.

IN-CONFIDENCE

Some directions by the Court which relate to approval of a plan may contain a timeframe for actions stated within the plan itself, thus the action would be expected to be taken before the review of the plan which may be in three months, six months or 12 months' time.

- 3. If Oranga Tamariki has been named as a guardian for tamariki, and they fail to comply with a judge's orders within expected timeframes, what recourse do the other guardians, care-givers and the tamariki's representation have in order to ensure compliance?*

The other parties should take independent legal advice but can bring those matters to the attention of the Court for the Judge to consider what action may be required.

- 4. If tamariki are not adequately supported, under Oranga Tamariki's guardianship, i.e. expected timeframes are not met, in regards to ongoing mental health support and care, how much responsibility falls on Oranga Tamariki, and who steps in to ensure that tamariki are receiving appropriate support?*

We need to support tamariki to access health services to meet any health or disability needs whether they be physical or psychological. To ensure the right supports are in place for tamariki, it is important we build and maintain strong relationships with health professionals.

Assessment is critical to ensure a comprehensive understanding of the needs of tamariki we are involved with. Assessment will identify the range of health practitioners who may be required to support the health of those individuals.

Oranga Tamariki notes that the severity and range of complexities of vulnerable young people that it works with which means that social workers could not be expected to manage all health needs in isolation. General practitioners and mental health services provide the necessary treatment services. Oranga Tamariki social workers rely on the specialism of these healthcare professionals to keep young people safe. It is important that any information that is provided to anyone working to support tamariki, including mental health practitioners and GPs, is provided in a co-ordinated manner and is shared using the information sharing provisions and Privacy Act 2020 considerations. Oranga Tamariki has agreements with DHBs which describe our ongoing working relationship. This includes meeting at national, regional and district levels to discuss matters of mutual interest, and how to work together where there are abuse or neglect concerns. DHBs should also have their own Child Protection Policies in place regarding care and protection concerns.

IN-CONFIDENCE

On 1 July 2019, new information sharing provisions, found in section 66 of the Oranga Tamariki Act 1989, came into force to address issues that have previously led to a lack of consistent and proactive information sharing across the sector. More information on the policies and practices to help us effectively meet the health needs of tamariki can be found at the links below.

- Assessment Policy:
<https://practice.orangatamariki.govt.nz/policy/assessment/>
- Sharing information Policy:
<https://practice.orangatamariki.govt.nz/policy/sharing-information/>
- Guidance: <https://practice.orangatamariki.govt.nz/our-work/care/caring-for-tamariki-in-care/supporting-tamariki-with-their-health-needs/>
- Guidance: <https://practice.orangatamariki.govt.nz/practice-standards/work-closely-in-partnership-with-others/working-with-other-professionals/>
- Oranga Tamariki is responsible for meeting the cost of approved health and disability related services and treatments when there is a care agreement or custody order in place:
<https://practice.orangatamariki.govt.nz/our-work/care/caring-for-tamariki-in-care/supporting-tamariki-with-their-health-needs/our-responsibilities-regarding-health-related-costs/>

5. *If a tamariki has been recommended to the High and Complex Needs team, what are the expected timeframes for that tamariki's case to be addressed by said team?*

Once a referral to the High and Complex Needs Unit (HCN) is approved by the regional Inter-Agency Management Group (IMG) (managers from Oranga Tamariki, Ministry of Health and Ministry of Education) the expected timeframe for a plan to be developed and approved is two to three months. The HCN Unit is a national service and in some regions the demand for service outweighs capacity. In those cases, the IMG's are required to prioritise referrals..

6. *Who within Oranga Tamariki ensures courts recommendations and orders are followed, and how do care-givers and whanau know that action is being taken on behalf of their tamariki?*

The reporting line of the social worker with key worker status is primarily responsible for ensuring compliance, other parties should be regularly consulted or informed by the social worker as matters are attended to. If those parties do not believe they are being consulted or informed then they can escalate their concerns to the senior staff at the site or follow the formal complaint pathway.

IN-CONFIDENCE

7. What are the standards of support to caregivers, looking after traumatised tamariki, that Oranga Tamariki should be offering?

Part Three of the National Care Standards sets out the support that Oranga Tamariki will provide to caregivers to help them meet the needs of tamariki. The support provided to a caregiving whānau depends on their strengths, their areas for development, the needs of the child, what they can access through own support network in their community and what Oranga Tamariki commits to providing. A unique support plan is created collaboratively with the caregiving whānau and their caregiver social worker when they begin to provide care and is updated regularly and whenever there is a change in circumstances. Support may include:

- access to advice and assistance
- access to cultural support
- assistance to manage the emotional impact of providing care
- access to counselling
- access to learning opportunities to strengthen capability and wellbeing to support caregiving (this includes learning about the impact of trauma and how to support tamariki to heal and flourish)
- financial assistance
- resources, including the caregiver kete
- access to respite care
- access to peer support
- access to information
- access to a caregiver social worker who can:
 - help the caregiver understand their role and what is expected of them
 - provide practical, emotional and advocacy support to the caregiver.

8. After requesting support for caregivers, what are the expected timeframes with which said support is to be put in place?

The timeframe for support to be provided by Oranga Tamariki to caregivers will be agreed between the caregiving whānau and their caregiver social worker and recorded in their Caregiver Support Plan. The timeframe will vary depending on what support needs are a priority for caregiving whānau and potential wait times to access services, for example counselling or learning services. If a caregiving whānau is not receiving support in a timely manner they can raise this with their caregiver social worker or ask to speak with the Supervisor.

9. *What are the expected outcomes from lodging a 'notification of concern'?*

Our intake, assessment and referral work is essential to understanding the needs of tamariki and whānau when concerns about tamariki are reported to us. The purpose of this practice is to accurately identify tamariki and rangatahi whose safety and needs are best met by an Oranga Tamariki response when concerns are reported to us under section 15 of the Oranga Tamariki Act. The first step is to assess the concerns. The majority of these concerns are reports to our centralised 24/7 National Contact Centre, which anyone who has concerns for tamariki and rangatahi can call.

Once a report of concern has been raised with us, we undertake an initial assessment of the information. The initial assessment considers three key sources of information:

- the initial reported concern
- a conversation with the notifier to explore the concerns in the context of what they know about te tamaiti and their family/whānau
- a chronology that pulls together critical information to develop a picture of te tamaiti and their whānau over time. The chronology highlights harmful cumulative patterns as well as previous responses to any other reports of concern.

The Intake Decision Response tool is then utilised to decide on the appropriate response pathway. Our initial assessment establishes a picture of the safety, strengths, vulnerability and needs of te tamaiti and their whānau and informs our decision about next steps.

There are four potential pathways from our initial assessment:

1. **No further action** – when we consider that it is not necessary to complete any further assessment or undertake an investigation as the;
 - information does not disclose harm, abuse, neglect, safety or wellbeing needs,
 - family/whānau are actively pursuing wellbeing for te tamaiti and are willing and able to respond
 - information indicates other services are engaged and are meeting the safety and wellbeing needs of te tamaiti
 - the initial assessment identifies no need for a core assessment
 - the matters have already been reported and are being dealt with
 - the referrer is able to make appropriate alternative referrals to services for te tamaiti and their family/whānau
 - the local family violence inter-agency team has assessed the information and the outcome is no further action by Oranga Tamariki.

If we decide to take no further action, Oranga Tamariki ensures the referrer:

IN-CONFIDENCE

- understands why investigation or assessment is not considered necessary or desirable
- has alternative support options for tamariki and whānau where appropriate, such as connecting them to a local iwi or community support provider

When 'No further action' is the outcome on completion of the initial assessment, no additional assessment or an investigation is undertaken. Oranga Tamariki records the rationale for the decision and the agreed next steps.

2. **Refer to services** – this pathway is used when we consider the concerns can be addressed, or the impact on te tamaiti minimised, with the support of other professionals or services such as another agency, iwi or cultural social service and there are indications that the whānau are likely to be receptive to the support. When the 'Refer to Services' pathway is chosen on completion of the initial assessment, no additional assessment or an investigation is undertaken.
3. **Child and family assessment** – when te tamaiti is experiencing (or is likely to experience) serious harm, and/or the concerns are having a significant impact on their development, safety, health and/or wellbeing but do not indicate abuse which may constitute a criminal offence we progress for further assessment.
4. **Investigation** – when the concern for te tamaiti meets the criteria in the Child Protection Protocol (CPP) we progress for further assessment, working alongside the Police.

Following the initial assessment, the core assessment phase is undertaken for a child and family assessment or investigation. The purpose of this phase of assessment is to work with the family/whānau to:

- assess current and future safety and harm or the likelihood of harm to te tamaiti
- determine whether te tamaiti has needs that require addressing, and if so, who is best to provide those services
- inform the decision about future involvement by Oranga Tamariki, such as a family group conference, no further action (NFA) or referral to other services.

For an investigation to take place, the social worker determines through assessment that the actions or behaviour of an adult may constitute a criminal offence against te tamaiti, as defined in the Child Protection Protocol (CPP). Oranga Tamariki then works together with Police to investigate and establish safety. An investigation is required to explore allegations of one or more of the following:

IN-CONFIDENCE

- **Sexual abuse** when it is an act involving circumstances of indecency with, or sexual violation of, te tamaiti, or using te tamaiti in the making of sexual imaging through force or enticement.
- **Neglect** when a person intentionally ill-treats or neglects te tamaiti or causes or permits te tamaiti to be ill-treated in a manner likely to cause te tamaiti actual bodily harm, injury to health or any mental disorder or disability. This includes basic needs of te tamaiti being withheld. The ill-treatment or neglect must be serious and avoidable.
- **Physical abuse** when the actions of an offender result in, or could potentially result in, physical harm or injury being inflicted on te tamaiti. This is also known as non-accidental injury.

10. What are the expected timeframes between lodging a notification of concern and any form of investigation, response or outcome to occur?

The following link provides a tool for social workers to use to determine if a report of concern requires a statutory response and the timeframe to complete the safety and risk screen.

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

A safety and risk screen is used when Oranga Tamariki have received a report of concern and the site has confirmed a child and family assessment 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, and 10 working days for all other cases.

If the outcome of the initial assessment phase is either a child and family assessment or an investigation, then we must complete the core assessment phase within 20 days. Where the outcome of the core assessment phase is that te tamaiti is in need of care or protection, the social worker must make a referral for a care and protection family group conference and complete the full assessment phase within 20 days.

<https://practice.orangatamariki.govt.nz/policy/assessment/when-a-written-assessment-is-required>

11. What is Oranga Tamariki's policy around removing one tamariki from the care of their parents, but allowing them custody and care of other tamariki in the home? How can a parent be simultaneously unfit to care for one or more tamariki, and yet also fit to care for one or more tamariki?

IN-CONFIDENCE

There are a range of reasons for a child to come into our care under the Oranga Tamariki Act. Intake and assessment is the process following a report of concern about a child to inform professional decision making. More information on this guidance can be found at the link below.

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

Assessment is central to our work with tamariki and their parents and whānau. The assessment process is continual and collaborative to understand the risks, needs, challenges, and strengths specific and unique to the child, their parents and their whānau.

Wherever it is safe and possible to do so, the child's parents, whānau, or other important family group members will be involved in decisions around the child's care and custody. There are a number of different warrants and legal orders under the Act, each of which can apply in a range of different settings.

Guidance on what we need to do when working with children whose parents have had a child permanently removed from their care under section 18b of the Oranga Tamariki Act can be found here:

[https://practice.orangatamariki.govt.nz/our-work/assessment-and-planning/assessments/intake-and-early-assessment/subsequent-child-provisions/Cabinet has agreed to a partial repeal of this legislation and we are updating our guidance on subsequent children.](https://practice.orangatamariki.govt.nz/our-work/assessment-and-planning/assessments/intake-and-early-assessment/subsequent-child-provisions/Cabinet%20has%20agreed%20to%20a%20partial%20repeal%20of%20this%20legislation%20and%20we%20are%20updating%20our%20guidance%20on%20subsequent%20children.)

12. Once a parent has been deemed unfit to care for their tamariki, what are Oranga Tamariki's responsibilities to ensure that parent becomes fit once more and how is this fitness determined and monitored in an ongoing capacity?

When tamariki are in care, Oranga Tamariki works with parent/s and whānau, hapū, iwi and family groups to ensure tamariki in care have a safe, stable and loving home if they are unable to have their long-term care needs met by their parent/s or usual caregivers. More information on this policy can be found at the link below.

<https://practice.orangatamariki.govt.nz/policy/ensuring-a-safe-stable-and-loving-home-for-tamariki-in-care/>

We support tamariki to establish, maintain, and strengthen safe connections with their whānau or family (including siblings), hapū, iwi, marae and family group and anyone else they or their whānau or family identify as important. More information on this can be found here:

<https://practice.orangatamariki.govt.nz/our-work/care/caring-for-tamariki-in-care/supporting-whanau-connections/>

IN-CONFIDENCE

Supports for parent/s would be identified through assessment and recorded in the Family Court Plan. An updated assessment is required when reviewing a plan (via Court or a family group conference) at least every six months. Plans are then updated to reflect any changes in assessment and agreed actions.

Oranga Tamariki works with and funds a number of programmes and services that provide support to families. Some of our programmes and services are about early prevention to stop the cycle of harm before it happens.

Along with our partners, we are establishing a new collaborative approach of intensive support for families and whānau where a child is at risk of entering care. This involves working closely with whānau so that a child can remain, where possible, safely at home with their whānau, within their culture and connected to their communities..

In addition to this, Oranga Tamariki is currently working to develop whānau-centred supports for parents who are not in a position to provide long term care for their tamariki. Supports would seek to build whānau well-being, including to foster ongoing and positive connection between parents and their tamariki in care (where this is appropriate).

Whānau or family decision-making is at the heart of the Oranga Tamariki Act . The key strength of whānau or family decision-making is the involvement of all those who know and are committed to te tamaiti or rangatahi concerned, including te tamaiti or rangatahi. Tamariki and rangatahi and their whānau or family have a right to come together and create their own solutions to issues concerning their safety and well-being. Family/whānau/ are the experts of their own lives.

The following policy focuses on working with family/whānau to develop solutions to respond to care and wellbeing concerns for their tamariki and rangatahi:

<https://practice.orangatamariki.govt.nz/policy/family-group-conferences-for-care-and-or-protection-concerns/>

13. Please explain how Oranga Tamariki puts the tamariki's needs first, and not the parent's? Particularly in the instances of long-term, systemic abuse of multiple tamariki, when Oranga Tamariki are aware of said abuse over a long period of time.

Our vision is that New Zealand values the well-being of tamariki above all else. Our purpose is to ensure that all tamariki are in loving whānau and communities where oranga tamariki, the wellbeing of children, can be realised.

Our focus is on 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; and who have offended or may offend in the future.

IN-CONFIDENCE

We actively support and uphold the mana of te tamaiti and ensure we work with whānau, wider family, hapū and iwi to understand and meet the needs of tamariki. More information on this can be found here:

<https://practice.orangatamariki.govt.nz/practice-standards/see-and-engage-whanau-wider-family-caregivers-and-when-appropriate-victims-of-offending-by-tamariki/>

Tamariki are part of a family, whānau, hapū, iwi or family group. Oranga Tamariki works to support whānau and caregivers to care effectively for their tamariki, as dictated by the practice found at the link below.

<https://practice.orangatamariki.govt.nz/practice-standards/practice-framework-knowledge-and-evidence-base/oranga-whanau/>

Social workers understanding safety and oranga includes understanding the current impacts of harm and long-term impacts of cumulative harm and the impacts of trauma and working with tamariki and their family, whānau, hapū, iwi or family group to create their own solutions to address care and/or protection concerns. Please follow the below links to learn more about this.

<https://practice.orangatamariki.govt.nz/practice-standards/ensure-safety-and-wellbeing/definitions-of-abuse-neglect-and-harm/cumulative-harm/>

<https://practice.orangatamariki.govt.nz/practice-standards/practice-framework-knowledge-and-evidence-base/trauma-informed-practice/>

<https://practice.orangatamariki.govt.nz/practice-standards/ensure-safety-and-wellbeing/definitions-of-abuse-neglect-and-harm/family-violence/>

14. How does one report breaches of ethical behaviour by staff of Oranga Tamariki upon caregivers of Tamariki? And what governance is in place to ensure investigation into unethical behaviour is impartial, fair and timely?

Part three of the National Care Standards sets out what information must be provided to prospective caregivers, including how a caregiver can make a complaint. Caregivers receive this information through Prepare to Care, a learning programme delivered to all prospective caregivers. Information about making a complaint is also available in the Caregiver Kete (a handbook provided to all caregivers) and on the Oranga Tamariki website, which guides people through the Compliments, Complaints and Suggestions process (CCS). Caregivers making complaints through the CCS system will be responded to within five working days of lodging their complaint. If the caregiver is unsatisfied with the response or the issue has not been resolved satisfactorily, then the caregiver can ask for a review by the Chief Executive's Advisory Panel for Complaints. The caregiver can also take their concerns to the Office of the Children's Commissioner, the Social Workers Registration Board, or the Office of the Ombudsman.

IN-CONFIDENCE

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 deleted 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 be 'Steve Groom', written in a cursive style.

Steve Groom

General Manager Public, Ministerial and Executive Services