

29 March 2023

9(2)(a)

Tēnā koe 9(2)(a)

Thank you for your emails of 2 March 2023 and 6 March 2023 to Oranga Tamariki—Ministry for Children (Oranga Tamariki), requesting policies around information sharing internally from Family Group Conferences, and around care and protection policies and procedures. Your requests have been combined and have been considered under the Official Information Act 1982 (the Act).

I respond to your questions below:

1. *Could you please let me know what information can be shared from an FGC (Family Group Conference) internally (within Oranga Tamariki). For example in discussions, meetings or referrals.*

Any information from FGCs may be shared with employees who have a proper interest in accessing it, that is, those who need it as part of their role. Information shared internally within Oranga Tamariki following a Family Group Conference (FGC) can be shared in several ways:

- between the allocated Social Worker, FGC Co-ordinator and their Supervisor, FGC Team Leader and/or Practice Leader to ensure monitoring and regular reviewing of the agreed tasks, plans and continuity of oversight whether as discussions or post FGC consultations
- with an Oranga Tamariki Legal representative for such matters before Family Court
- with the Budget holder (Site Manager) to ensure financial approval or oversight of any plans or support agreed on
- and any other role that is required to provide further follow-up action or support to the tamariki, rangatahi or whānau such as a kairaranga-a-whānau.

For more information about Family Group Conference (FGC) policies and practice, please see our letter to you dated 15 February 2022.

2. Please provide all policies and information relating to when Oranga Tamariki decide to add or change care and protection concerns.

Assessment is an ongoing, continual and collaborative process of building understanding of the individual risks, needs, challenges and strengths of the child and their whānau or family to inform social work decision-making. Thorough and robust assessment supports social workers to form a belief that a child is in need of care and/or protection (or not). While new issues or circumstances for the child might arise over time, care and protection concerns would only 'change' as the new or additional information was considered by the social worker in their assessment.

Following a report of concern (ROC) social workers build understanding across three assessment phases, as needed – initial, core and full assessment. Because assessment is continual, care and/or protection concerns could be identified at any part of our involvement with them after the initial assessment. For example, it is possible that after initial assessment from a ROC there is 'no further action' required; but a year later there are significant changes in the situation, risks, or circumstances of the child and their whānau or family and a new ROC is made. It is important we access and utilise all relevant information in our assessments to inform the decision about what is the appropriate response.

Where new information identifies concerns that are different from the previous concerns or are the same as previous concerns but have occurred at a different time, this information must be considered using the decision response tool [here](#).

A casenote is appropriate if any new information is the same as the concerns (both in the nature and the timeframe of the concerns) being assessed or investigated in the open case, or in the context of the work with the child. The new information could be used to contribute to the assessment, leading to a potential change in case direction. Alternatively, a new ROC might be entered if the new information relates to new concerns or to similar concerns but a different period of time.

For more information about assessment, please see our letter to you dated 4 November 2021.

Practitioners have a legal requirement to maintain full and accurate records and casenotes must be a complete record of their work. This includes any information about oranga (wellbeing), care or protection needs. Casenotes are required to include all key decisions made and the rationale for these decisions. Assessment and analysis need to be supported by clear reasoning in what is recorded. More information about case recording can be found in our Practice Centre [here](#).

3. Can you please explain when parents/ guardians are be told about care and protection concerns or if the care and protections change and new ones are being investigated?

When responding to a ROC, it is the role of Oranga Tamariki to determine the appropriate response for the child and their whānau or family. Social workers determine whether it is

appropriate to speak with the child family or whānau, bearing in mind the importance of the role of whānau in a child's wellbeing. It may be appropriate to speak and engage directly with the child, whānau or family as part of our initial assessment and determining our response if it is helpful to inform decision-making.

If a new ROC was made or new situations or circumstances arose for the child, these would be included into the existing assessment and plan for the child. Oranga Tamariki assessment policy requires our staff to engage with parents/guardians where relevant.

Our practice standards include expectations for social workers' engagement with tamariki and engagement with whānau, wider family, and caregivers. These practice standards can be found [here](#).

4. If the outcome of an investigation into care and protection concerns by Oranga Tamariki does not meet the threshold are parents/guardians informed?

During the initial assessment phase, if the decision response is 'no further action', Oranga Tamariki may or may not advise the parents/guardians of the outcome of the ROC depending on the unique circumstances for the child and their whānau or family. If the decision is to 'refer to services' then it is expected that parents or guardians of the child would be notified, and social workers would be required to engage with the whānau or family to ensure they are aware of the situation and are open to engaging with services.

All cases that require an investigation response are worked in consultation with Police and must follow the Child Protection Protocol (CPP) when it meets the threshold. If so, Police and Oranga Tamariki discuss the case and agree on an Initial Joint Investigation Plan. This plan must consider when and how much information will be shared with parents/guardians. Information on the CPP can be found [here](#).

If there is no further action following either a core assessment or an investigation, social workers should communicate and record the rationale for their decision so that the whānau or family, other professionals and importantly te tamaiti can understand why further action is or is not occurring.

5. What records need to be on CYRAS about care and protection concerns being investigated?

Social workers must maintain full and accurate records. Social workers need to record on CYRAS their processes and the reasons for their decisions throughout all engagement, assessment and decision-making. Casenotes in CYRAS must cover *all* assessment and decision-making, case progress, plans and changes. This includes all stages of an investigation or when they form a belief about care and/or protection concerns. Recording is a vital element of good social work practice which contributes to quality assurance and accountability.

As part of the CPP process, Oranga Tamariki is responsible for recording the following on CYRAS:

- a record of the CPP case and whether or not it has met the threshold for the CPP investigation
- details of the CPP consultation and its outcome
- case updates and further tasks
- outcomes and case closure of the CPP investigation.

Social workers must adhere to the Social Work Registration Board Code of Conduct. This includes a requirement to keep accurate records. You can read more about this [here](#).

I encourage you to visit the Oranga Tamariki Practice Centre website which is publicly available [here](#). This site contains all Oranga Tamariki practice policy and guidance for our practitioners to adhere to.

Oranga Tamariki intends to make the information contained in this letter and any attached documents available to the public. We will do this by publishing this letter and attachments 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.

I trust the information provided is useful. I encourage you to raise any concerns about the response with OIA_Requests@ot.govt.nz.

Alternatively, you are advised of your right to also raise any concerns with the Office of the Ombudsman by contacting them on 0800 802 602 or at info@ombudsman.parliament.nz.

Nāku noa, nā



Cameron Oldfield
**Acting General Manager Monitoring and External Relationships
Quality Practice and Experiences.**

15 February 2022

9(2)(a)

Tēnā koe 9(2)(a)

Thank you for your email of 16 January 2022 to Oranga Tamariki—Ministry for Children (Oranga Tamariki), requesting the following information under the Official Information Act 1982 (the Act):

- *urgently seek an Official Information Act request on FGC rules. I would like to ask this be provided by Wednesday the 19th of January 2022 if possible as it is required for a court submission. This OIA is in the circumstances that 2 children (siblings) have been engaged for an FGC meeting. To engage in the FGC process we are aware that there must be agreed care and protection concerns as in accordance with the Oranga Tamariki Act section 28. When agreement is provided for 1 child but not the other (whether it be not agreeing there are any or disputing the grounds are different for the concerns) does Oranga Tamariki cancel the FGC process both children?*
- *When agreement on care and protection concerns is gained for 1 child does the FGC process for this child continue?*

I apologise we were unable to provide a response to you by 19 January 2022 as per your request.

If a social worker or other eligible person forms a belief that te tamaiti or rangatahi is in need of care or protection, they must make a referral under section 18(1) of the Oranga Tamariki Act 1989 for a family group conference to a care and protection coordinator.

The referral must be based on the outcome of the core assessment and must clearly state the specific concerns on which the belief is based that link to section

14(1)(a)–(d)¹ of the Act. The concerns under section 14(1)(a) are further defined under section 14AA, which outlines the circumstances where te tamaiti is suffering, or is likely to suffer, serious harm.

Your statement “*To engage in the FGC process we are aware that there must be agreed care and protection concerns as in accordance with the Oranga Tamariki Act section 28*” is not correct. Parties to the family group conference referred under section 18(1) are not required to agree to the section 14 concerns before the referral is made.

However, before making the referral, our operational policy requires that the social worker must:

- 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 te tamaiti or rangatahi needs 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

This information may be shared through a family meeting or hui ā-whānau.

A family group conference in respect of a child referred under section 18(1) must be based on a belief held by a social worker or other eligible person that the child is in need of care or protection. If siblings are to be included in the family group conference, a belief must have been formed for each one. If, for two siblings in this situation, the parties indicate likely agreement that there are care or protection concerns for one sibling but likely disagreement as to the other, this may be one factor taken into account when deciding whether the family group conferences for both siblings should be held together or separately.

Where a family group conference is convened because the belief has been formed that te tamaiti or rangatahi is in need of care or protection, the conference may, after considering the care or protection concerns, agree that it is desirable to develop a plan to either:

- address care or protection concerns for te tamaiti or rangatahi or
- to provide assistance for te tamaiti or rangatahi.

Either plan may address care, protection, needs and oranga (wellbeing) for te tamaiti or rangatahi.

When solutions to meet the needs of te tamaiti or rangatahi cannot be adequately identified or agreed on during the family group conference, resulting in the conference being unable to reach agreement on a plan or parts of a plan, an adjournment must be considered.

If, following an adjournment, adequate solutions are still not identified or agreed on, the care and protection coordinator must consult with the care and protection resource panel, and either make a report to the referrer (the social worker or other eligible person if the referral was made under section 18(1)) or report the matter back to the court.

The social worker must inform the conference if they:

- are concerned that any of the care or protection concerns presented to the conference have not been addressed in the plan and what these concerns are
- intend taking steps outside the conference to address any of those care or protection concerns, and, if so, what their intended actions are.

Further information about FGC processes is available on our practice centre:


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

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



Steve Groom
General Manager Public, Ministerial and Executive Services