

26 August 2022

9(2)(a)

Tēnā koe 9(2)(a)

Thank you for your email of July 1 2022 to Oranga Tamariki—Ministry for Children (Oranga Tamariki), requesting the following information under the Official Information Act 1982 (the Act):

- *Please provide the policy, procedure, templates, guidelines, rules and all information Oranga Tamariki holds on writing reports to the court for section 15 and all other report writing.*

Section 15 of the Oranga Tamariki Act 1989 (the “Act”) allows any person to make a report of concerns to the Chief Executive. The person (or body) making that report is usually referred to as the “notifier”. That report then draws on such investigation or response as the Chief Executive considers necessary or desirable pursuant to section 17 of the Act.

Section 17(1)(c) of the Act obliges the Chief Executive to advise the notifier of whether the report was investigated and if so whether any further action has been taken. Where the notifier was the Court then this feedback on the investigation outcome will be the report provided to the Court. This means that there is no information Oranga Tamariki holds on writing reports for section 15. However, Oranga Tamariki uses a range of policy, guidance and templates to support the writing of reports to the courts. You will find links outlining our policies and guidance relating to the Family Court, and relevant templates enclosed in this response. The templates are from our case management system CYRAS; Please note that due to a lag in implementing technical changes to our CYRAS system, some templates are not up to date. If needed, staff are able to modify templates as they use them to ensure reports reflect current needs.

It is worth noting, if the Family Court makes a section 15 Report of Concern, we would assess the concern in the same way as any other reported concern. To

understand how we assess concerns, you can find more information at the following links which outline how we write our assessments:

[Using the Tuituia recording tool | Practice Centre | Oranga Tamariki](#)

[Completing the Tuituia report | Practice Centre | Oranga Tamariki](#)

There has been a memorandum of understanding in place between the Court and Oranga Tamariki since 2000. This document shows the types of reports and the expected content of those reports that may be requested by the Family Court from Oranga Tamariki. This document can be found on the Ministry of Justice website

<https://www.justice.govt.nz/assets/Documents/Publications/fc-joint-protocol-moj-cyf.pdf>

We must prepare accurate, informative, clear and concise affidavits, reports and plans, responding in a timely manner in accordance with the brief set out by the Court and referrals made by the Court, and others engaged in the Court process.

Key components of an affidavit or report includes:

- The legal elements to enable the application to be made (e.g. the statement of the belief of the social worker that te tamaiti is in need of care or protection, the information that shows that the s14 grounds support this, and confirmation of holding an FGC)
- Robust analysis of the whole picture that is unbiased and fair
- Should reference the principles and other sources (academic research relied upon)
- Any time frames requiring urgency or priority
- All relevant information including information favourable to the respondents
- Information about alternative options (that may or not have been tried already) and why they may not be available
- The views/voices of te tamaiti, parents and whānau (and the reasons why these are not followed)
- Tone should be formal and professional, spell checked and proofread thoroughly
- The contents must be accurate, true and honest, and should be in the social worker's own voice/words
- If it is a Youth Justice matter, the affidavit should include the details of the order allegedly breached and the circumstances of how the breach was detected

The following links from our Practice Centre show our policy and guidance relating to the Family Court, which includes guidance on writing reports:

Family Court

- [Family Court | Practice Centre | Oranga Tamariki \(Policy\)](#)
- [Without notice application for interim custody of a tamaiti or rangatahi | Practice Centre | Oranga Tamariki \(Policy\)](#)
- [Applying for care or protection orders | Practice Centre | Oranga Tamariki \(Guidance\)](#)
- [Subsequent child | Practice Centre | Oranga Tamariki](#)
- [Subsequent child – section 18A assessment by social worker | Practice Centre | Oranga Tamariki](#)
- [Protection Order advice or report | Practice Centre | Oranga Tamariki](#)
- [The social worker's court report on the adoption application | Practice Centre | Oranga Tamariki \(Guidance\)](#)
- [Direct adoption applications to the Family Court | Practice Centre | Oranga Tamariki \(Guidance\)](#)

Youth Court

- [Youth Court \(Social work reports and plans for the Youth Court \(s334 and s335\) \(Policy\)](#)
- [Cancellation of a section 311 order – section 316\(1A\) | Practice Centre | Oranga Tamariki \(Guidance\)](#)

Oranga Tamariki intends to make the information contained in this letter and any attached documents available to the wider public shortly. 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.

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 long horizontal flourish extending to the right.

Kiri Alexander
General Manager, Practice