

## Appendix A:

### Oranga Tamariki response on each of the high-level actions recommended in *Ko te Wā Whakawhiti; it's time for change – A Māori Inquiry into Oranga Tamariki*

#### 1. Work that aligns with the actions

##### Action

**1A** – Develop localised and targeted supports and resources that empower whānau who are involved with Oranga Tamariki, including legal resources and resourcing for whānau, clear and coherent communication and complaints pathways, high quality navigation services, as well as other needed wrap-around supports and services, particularly for wāhine Māori.

**Establish a nationally funded helpdesk** for whānau who need immediate help around care and protection of Oranga Tamariki. An 0800 number, contacts for people/providers in the community that can help, including legal advice and resourcing for whānau; navigational services to include a wrap-around support system for whānau. 24/7 'By Māori – For Māori – With Māori' crisis centred for whānau need to be established in all regions, with easy to access follow-up in kaupapa Māori organisations.

**1B** – Develop a fully funded, **robust wraparound support package for whānau** which will be delivered by an especially trained workforce within Whānau Ora and other community providers across Aotearoa.

##### What we are doing

###### Currently we are:

- exploring opportunities to develop sustainable, local approaches to early intervention working with Child Wellbeing Unit in the Department of the Prime Minister and Cabinet (DPMC), and Te Puni Kōkiri. This includes looking at:
  - whānau planning approaches that meets their needs and aspirations, and by doing so identifying the strengths, gaps and weaknesses of existing early intervention services
  - supporting iwi and communities to lead conversations on how and when early interventions are delivered, and coordinated
  - being more joined up across government to support community-led approaches and being able to learn from these approaches in ways that drive system-level changes to government policy and service settings.
- progressing work on changes to subsequent children legislation policy and practice:
  - on 27 July 2020 Cabinet agreed to a partial repeal, removing the provisions for the vast majority of subsequent children – alongside noting changes to operational policy and practice guidance and monitoring and reporting on subsequent children
  - developing options for additional support to be provided to parents who have had a child permanently brought into state care, as well as parents who have a conviction for the death of a child in their care. This will support parents to reduce the risk of future children requiring care or protection, to maintain the best possible relationship with children in care, and with the grief and trauma of child removal.
- convening hui-a-whānau at the assessment stage. Hui-a-whānau enables the exploration of the needs, strengths, risks, vulnerabilities and protective factors for tamariki and enables whānau to start to address these concerns
- building the capacity and capability of iwi section 396 providers to care for their own (through Whānau Care).
- rolling out a new intensive intervention service, which focuses on providing whānau with the support they need to care for their tamariki so that pēpi and tamariki don't need to come into state care
- setting up national complaints pathways which will help to make sure that whānau who have concerns about Oranga Tamariki actions have a clear process for being heard and responded to
- reviewing the assessment framework used to make decisions on tamariki who come to our attention to ensure that it is better aligned with our obligations under section 7AA of the Oranga Tamariki Act 1989 (the Act), as well as responding to the unique needs and strengths within whānau Māori
- providing funding for Te Korimako Group, a group of Māori women lawyers, to offer training and resources to educate and support whānau involved with Oranga Tamariki and the Family Court
- supporting Ohomairangi Trust to work alongside parents and whānau who have had one or more tamariki removed from their care long-term
- working with Corrections staff at Arohata Prison (a facility for female prisoners located in Tawa, Wellington) to share information where appropriate, and to work together towards better outcomes for the children of the women in prison and the women themselves. This includes safe, appropriate and supported contact between mothers and children, for example via video links or a face-to-face prison visit for tamariki
- In Auckland, we are codesigning a kaupapa Māori commissioning approach with iwi and Māori providers to support the procurement of kaupapa Māori transition services across the greater Auckland region.
- We will provide initial advice on a nationally funded helpdesk to the Minister for Children in late 2020.

See above information on early intervention and subsequent children work programmes.

Kaupapa Māori homes are care homes supporting tamariki and rangatahi in our care and protection system and their whānau within a kaupapa Māori setting. For example, the aim of the Whāngarei Kaupapa Māori transition home is to establish life-long relationships with the goal to return tamariki to their whānau. Corralee and David are the caregivers in the home, who work with the whānau unit to provide each tamariki with a voice. The couple work in collaboration with social workers, whānau and community organisations to ensure the right support network is identified and implemented throughout the process. The couple have worked with more than 70 whānau and their approach has seen many of their tamariki successfully return to whānau.

Oranga Tamariki is improving its connections with Whānau Ora providers and navigators. For example:

- In Blenheim, a specialist social worker has been appointed to specifically focus on working with parents of unborn/newborn pēpi up to 12 months old. The social worker is part of a team that includes a supervisor, kairangahau-a-whānau, Whānau Ora Navigator and kairaranga. Through the site working in collaboration with Maataa Waka Ki Te Tau Ihu Trust and Te Pūtahitanga o Te Waipounamu, we maximise the Whānau Ora practice standards and methods of whānau engagement that each Navigator is trained in. By maintaining a strong relationship with these organisations we strengthen our connection with whānau and tamariki not only in Marlborough but across Te Waipounamu, as a significant number of our families have all of these whakapapa connections including Ngāi Tahu.
- In Christchurch East, there is a strong connection between the site with Ngāi Tahu and Te Pūtahitanga o Te Waipounamu (Whānau Ora commissioning agency, South Island), resulting in almost every single tamaiti Māori we're working with in the care of their whānau. This connection includes an increased use of hui-a-whānau, the skills and connections of Kairaranga-a-whānau and the co-operation between the site and Te Pūtahitanga o Te Waipounamu. A Whānau Ora navigator provides a link for Oranga Tamariki to ensure that whānau who need support, but where we don't need to provide state care for tamariki Māori, get it through Te Pūtahitanga.

## Action

**1C** – Develop an increase in **supports, training and resources for whānau caregivers**, including re-considerations around existing policies excluding whānau caregivers from receiving support.

**1D** – Develop and implement **better training and supports for the social worker workforce to deliver best services to tamariki Māori and whānau**. This may include:

- further requirements for social workers to prove their ability and competency to work with whānau in a mana-enhancing way
- identification of effective social workers (and social work practices) who can act as practice leaders and mentors and promote best practice for working with whānau.

## What we are doing

A package of initiatives was funded through Budget 2020 to improve financial assistance for caregivers both inside and outside the State care system, this includes:

- an increase to the rates of the Orphan's Benefit (OB), Unsupported Child's Benefit (UCB) and Foster Care Allowance (FCA) by \$25 per week per child
- continuing payments of the FCA to caregivers of children in State care for up to 20 days while the child is in respite care
- allowing caregivers who may have provided care for less than 12 months to access the OB and UCB
- extending Birthday and Christmas Allowances, which are currently only available to caregivers caring for children in State care, to OB and UCB caregivers.

We are currently making lots of changes to improve the supports, training and resources available to caregivers (including whānau caregivers). This includes:

- undertaking a long-term work programme, as agreed by Cabinet, to simplify and unify the financial assistance system for all caregiver payments. This includes considering how the system can be designed to take account of the needs and interest of Māori, and how to best meet any unmet care, protection or wellbeing needs of children living with caregivers outside the State care system. This includes some whāngai arrangements.
- establishing a new Caregiver Recruitment and Support Service
- piloting evidence-based trauma training for caregivers
- launching a 24/7 caregiver support line
- developing caregiver learning resources.

Mātua Kautia te Tamaiti ("One child, many parents") is one of six pilot programmes delivered during 2019 to provide greater support for caregivers. It addressed the need for specialised training to support caregivers in dealing with tamariki who have experienced trauma. It is based on a mātauranga Māori bicultural approach, with the focus on restoring the mana of tamariki in care.

We are also working with iwi and Māori organisations to co-design and implement models of "Whānau Care" that will ensure tamariki Māori are connected through their whakapapa to well-supported whānau, hapū or iwi caregivers. We currently have eight Whānau Care partnerships with iwi and Māori organisations, all of which have expressed a strong desire to support whānau and tamariki at risk of entering care.

- In Northland we have partnered with Waitomo Papakainga, a kaupapa-Māori organisation with a team of 25 kaimahi who research the whakapapa of tamariki to identify and support whānau who can care for them. Waitomo Papakainga facilitates whānau hui in partnership with the Oranga Tamariki Kaitiaki site.
- Oranga Tamariki and Ngāpuhi Iwi Social Services are currently designing the Whānau Care Service for tamariki and whānau in Ngāpuhi. The aim is to ensure tamariki, who need care, are living safely with carers who have whakapapa connections to them through whānau, hapū or Ngāpuhi.

At the Blenheim site we have established roles to support our partnership with the Māori Women's Welfare League and eight Te Tau Ihu iwi. This includes ensuring caregivers have support and are connected with each other, their marae, hapū and iwi; and that there is support for whānau who provide whāngai care for tamariki from within their extended family, outside of the Oranga Tamariki care system.

We have taken some steps to build the cultural capability of its workforce. This includes the development of the Māori Cultural Framework, the app Te Kete Ararau, and a workforce Māori cultural self-assessment.

We are also improving our Practice Framework to be more Māori-centred and mana-enhancing. We are also looking to expand specialist Māori roles (Kairaranga-a-whānau) and iwi-Māori NGO-based Family Group Conferences (FGC), both of which have contributed to sites reporting earlier engagement with whānau and more whānau involvement in decision-making.

- Ngāti Porou became the first iwi in the country to facilitate FGCs for their young people who had offended. Iwi have also taken the lead in the facilitation of Care and Protection FGCs, with Rangitāne ki Wairarapa delivering these in the Wairarapa and Tararua districts. We also provide funding for FGC co-ordinators through the Whakaatu Whanaunga Trust, based in Opotiki, and to Te Oranganui, based in Whanganui.

Through partnerships we will improve the capability of our workforce to collaborate and deliver improved services to tamariki and whānau Māori. For example, in Tokoroa, we have opened a new Oranga Tamariki youth justice office co-located with Ngāti Raukawa.

## Action

### 2E - Review Family Court processes

**2G - Review Oranga Tamariki compliance with legislative rights of whānau (section 7AA)**, including whakapapa rights of wider kin group and community (i.e. whānau/hapū/iwi) in decision-making and care of their mokopuna/tamariki.

**2J - Review and monitor Oranga Tamariki policies and practices to ensure consistency with Te Tiriti** and best outcomes for tamariki and their whānau.

**2K - Review interagency accountability** to ascertain where accountability lies at the moment. Develop and enshrine new measures to ensure agencies and their workers are directly accountable to and measured by positive outcomes for tamariki and whānau.

**2I - Abolish ex parte orders (section 78)**, that is, the uplift of tamariki 'without notice' to the whānau.

## What we are doing

The Ministry of Justice is leading reform of the family justice system, following the Independent Panel Report on the 2014 family justice reform. Oranga Tamariki is contributing to this work. A key focus of this review is on improving the experiences for Māori. The Ministry of Justice has proposed creating a new operating model for Care of Children Act proceedings that would be more children and whānau-centred. Oranga Tamariki continues to work with and encourage the Ministry of Justice to look at different models of design both physically and operationally for family court to offer a tikanga-based option to Māori children and young people, their whānau, hapū and iwi.

Section 7AA places an expectation on Oranga Tamariki that it will uphold and protect the familial structures of whānau, hapū and iwi, in line with commitments to the Treaty of Waitangi. Section 7AA places practical and clear duties on the chief executive to give effect to the Treaty— for example, by ensuring all policies and practices have regard to whakapapa and whanaungatanga (through ensuring there is whānau support) and by developing strategic partnerships with iwi and Māori organisations.

We have set up a significant programme of work to deliver on our obligations under section 7AA of the Act. This includes developing five 'mana tamaiti objectives' that underpin how our policies, practices and services will have regard to the concepts of mana tamaiti, whakapapa and whanaungatanga.

We have strengthened practice quality assurance to encompass the mana tamaiti objectives. This includes: an annual site self-assessment to identify core areas of strength and areas for improvement in practice; and monthly monitoring of core areas of practice by Practice Leaders using case review methodology. These tools mean that sites and practitioners are now regularly reviewing and taking steps to improve the strength of relationships with iwi and Māori providers and the quality of practice with tamariki and whānau Māori within their site.

We have established a Treaty Response Unit, which assesses Oranga Tamariki policies, practices and services against five Quality Assurance Standards to determine their compliance with section 7AA and Treaty of Waitangi (Tiriti o Waitangi) obligations.

The Māori Design Group, an external group of experts, provide an independent Māori lens across the Ministry's policies, practices and services to improve outcomes for tamariki Māori. Through collaboration with the Group, we have developed key system level responses, specifically the Māori Cultural Framework, Mana Tamaiti Objectives and Section 7AA Quality Assurance Standards. The group continue to challenge our thinking and identify gaps in legislation, policy and practice for further work.

This is something we will need to discuss further with the Whānau Ora Commissioning Agency. Two pieces of work relate to these recommendations:

- delivering on section 7AA obligations which put in place strong accountabilities for improving the outcomes of tamariki Māori. The first section 7AA report has been released and shows early changes that we have made (including on improving outcomes for tamariki).
- We are working with other children's agencies to develop the Oranga Tamariki Action Plan, which will hold chief executives for collectively improving outcomes for tamariki and whānau who are likely to, or have previously come to our attention.

We have acknowledged that the approach to section 78 'without notice' orders needed to change. Following the internal review into the Hastings case in 2019, Oranga Tamariki made changes to the seeking of section 78 orders which were designed to improve openness, transparency and early engagement with tamariki, parents and whānau. These changes are reducing the numbers of section 78 orders being sought on 'without notice'.

Shifts that we are starting to see as a result of these changes include:

- a new requirement was introduced that all 'Without Notice' applications go through additional checks with a Practice Leader and Regional Legal Manager signing off, and site managers approving the decision for the application to be made
- the Chief Social Worker has committed to reissuing and re-socialising this guidance by way of a practice note to leaders of practice and managers
- What we have seen since the introduction of these changes is a recognisable decrease in the number of pēpi and tamariki being taken into care via section 78 'Without Notice' orders overall.

## 2. Actions we are exploring further

### Action

**2A - Review to inform legislative reform;** accountability by Crown for best outcomes for Māori; Māori data sovereignty; adherence to Te Tiriti o Waitangi.

**2B - Review uplift practices,** particularly criteria for uplifts, with a view to abandoning 'uplift' as a legitimate intervention. Revised practices and procedures, at a bare minimum, must look to reduce the harm caused by whakapapa trauma, and optimally, support the fundamental and customary rights of tamariki Māori to:

- know about the circumstances of their adoption
- know their whakapapa (genealogy)
- whānaungatanga (kinship) – build a relationship with their hapū or iwi
- cultural integrity – a home within the same cultural group, Māori with Māori, should be preferred.

**2C – Review Oranga Tamariki social workers' parameters of legal authority** of investigations, scope of their investigations, and relevance of information to investigations.

**2D – Review interagency collusion and targeting practices**

**2F – Review Oranga Tamariki case management**

**2H – Implement better data, monitoring and tracking systems including a registry of tamariki/whānau in contact with Oranga Tamariki, improved transparency and whānau/hapū/iwi/community access to their data/information**

**3A – Establish a 'By Māori - For Māori, with Māori' funding authority which has multi-dimensional deliverables that address social and cultural determinants of health and wellbeing for whānau Māori**

### Opportunity for further work

A review of legislation took place as part of the 2015 review of Child, Youth and Family by the Modernising Child, Youth and Family Expert Panel. This led to wide-ranging reforms of the Act in 2017, including the introduction of section 7AA, a practical commitment to the Treaty of Waitangi in the Act. These came into force on 1 July 2019. This is something we will need to discuss further with the Whānau Ora Commissioning Agency and other agencies. We are also considering any other areas of potential legislation change that arise from the reviews and inquiries currently underway.

We will provide initial advice on this action to the Minister for Children in late 2020. In the meantime, we are also providing support for tamariki in care to be connected to their whakapapa and cultural identity through:

- working with iwi and Māori organisations to co-design and implement models of "Whānau Care" that will ensure mokopuna are connected through their whakapapa to well-supported whānau, hapū or iwi caregivers
- supporting our strategic partners to deliver their own care models, such as Mokopuna Ora – an initiative in which Waikato-Tainui is building a pool of whānau carers to care for tamariki with Waikato-Tainui whakapapa, and employs iwi liaison staff who work with both Oranga Tamariki and whānau
- implementing Part 2 of the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 to provide more support for children and young people in care to establish, maintain and improve their whānau connections, culture, belonging and identity.
- We have been focused on developing 'All About Me' plans for tamariki that capture information such as iwi affiliations and aspirations from the perspective of tamariki and whānau. This will better enable us, caregivers, whānau, hapū, iwi and other partners to support the cultural, identity and connection needs of tamariki Māori. 99.3 percent of tamariki Māori who should have a plan, do.
- Developing a 'Life Events' book for all tamariki who are in / have been in Oranga Tamariki care. This has involved working with our strategic partner Ngāi Tahu, who have allowed Oranga Tamariki to base the 'Life Event' books on their own Taku Waka Pākākano books for Ngāi Tahu tamariki.

We note that these are actions that we (alongside other agencies) would like to discuss further with the Whānau ora Commissioning Agency to understand the context behind this recommendation and its potential implications.

Some initial work is underway to support information sharing with specialist Māori roles based in iwi or Māori NGOs, as well as with section 7AA strategic partners when their tamariki come to our attention. We acknowledge that this is something we (alongside other agencies) would need to discuss further with the Whānau Ora Commissioning Agency to understand the context behind this recommendation and its potential implications for whānau we work with. This would be followed by advice to the Minister for Children in late 2020. We would also need to consider how this response could be part of the larger piece of work that is being done with the Iwi Chairs Forum by the Ministerial Group on Data Sovereignty.

This would need to be discussed at a Ministerial / Government level as we interpret this recommendation as a separate entity funded by Government to deliver exclusively for Māori, by Māori. This is not something that Oranga Tamariki could progress on its own as a government agency.

Oranga Tamariki is entering in strategic partnerships and other Treaty partnerships to design Maori services and support – this is part of for Māori, with Māori response. For example, we have signed a strategic partnership agreement with the Maori Women's Welfare League (MWWL). This initial collaborative work includes exploring the application of the innovative Kaiarahi model (currently used in Upper South region) to other areas of the country. This model see MWWL members work closely alongside iwi and our site staff to support whānau so they can be kept away from the care and protection system.