

Memorandum of Understanding

Between Oranga Tamariki – Ministry for Children and
the Oranga Tamariki Ministerial Advisory Board

November 2024

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Parties

This Memorandum of Understanding is between Oranga Tamariki—Ministry for Children (Oranga Tamariki) and the Oranga Tamariki Ministerial Advisory Board (the Board).

Background

The previous Minister for Children established the Oranga Tamariki Ministerial Advisory Board in 2021 to provide independent advice and assurance on how the work of Oranga Tamariki with tamariki, rangatahi, families, whānau, and Māori, including how it is devolving decision making and resources to Māori for Māori; its professional social work practice; the implementation of operational changes and enhancing its organisational culture.

In July 2021, the Board presented the previous Minister for Children with their initial report *Hipokingia ki te Kahu Aroha Hipokingia ki te Katoa* (Te Kahu Aroha). The Minister for Children and Cabinet accepted all the recommendations from Te Kahu Aroha in August 2021.

In response to Te Kahu Aroha, Cabinet agreed to the Future Direction Plan (the plan) which attempts to draw together themes from across Te Kahu Aroha, as well as recommendations from previous reviews and the Waitangi Tribunal's report into Oranga Tamariki. The Future Direction Plan has now been absorbed into the broader Oranga Tamariki transformation programme.

In November 2022, the previous Minister for Children asked the Board to continue in their role and provide assurance regarding the performance of Oranga Tamariki in fulfilling the recommendations of Te Kahu Aroha and progressing the actions in the Future Direction Plan. The terms of the previous Board then ended on 31 January 2024.

The current Minister for Children sought Cabinet approval in May 2024 to re-establish the Board for the purpose of providing advice and assurance to the Minister on the performance of Oranga Tamariki in progressing actions that give effect to the recommendations made in Te Kahu Aroha including:

- delegation and devolution of decision making to communities
- implementing the Oranga Tamariki strategic direction
- strengthening the role of caregivers
- professional social work practice
- organisational culture.

It is not intended that the Board will undertake any new review or produce new reports, other than assurance reports to the Minister for Children based on the above objectives.

The term of the Board will begin on 1 July 2024, and end on 30 September 2026. All members are appointed for the term of the Board through to 30 September 2026.

This Memorandum of Understanding (MoU) formalises the ongoing working relationship between both parties.

Purpose

The purpose of the MoU is to set out the commitment to an agreed and effective working relationship between Oranga Tamariki and the Board.

The agreement establishes the basis for:

- regular consultation between the parties
- shared agreements needed to support national, regional, and local engagement
- information sharing
- consultation on developments and initiatives
- management of disputes
- communication

The Board and Oranga Tamariki must work together to ensure the expectations of the Minister for Children are met.

Guiding principles

The parties aspire to have a partnership that aims to meaningfully improve the lives of tamariki, rangatahi and whānau who come in contact with Oranga Tamariki and ensure their voices influence and shape our work.

This will be achieved by having regard to the principles of Te Tiriti o Waitangi. These guiding principles include:

- Whanaungatanga / kinship
- Manaakitanga / looking after people
- Kaitiakitanga / stewardship
- Ōritetanga / striving for equity and equality
- Taonga Tuku Iho – centrality and legitimacy of te reo Māori, tikanga and mātauranga/knowledge and understanding
- Rangatiratanga / leadership; aroha / love, compassion, kindness, caring
- Ako Māori – cultural teaching and learning principles
- Respecting and enabling Mana Motuhake / self-determination

Effective communication is the foundation of a good working relationship that reflects our guiding principles. The parties agree to take all reasonable steps to adopt the following in their work:

- *No surprises* – to work within a no surprises approach where communication is honest, open, and timely. This means that both parties are to be kept informed of significant announcements and kept updated on changes and challenges to respective work programmes in advance. Where appropriate, key briefings and reports will be shared and discussed prior to providing them to the Minister for Children.
- *Working together* – commitment to working together towards shared objectives and outcomes.
- *Communication* – the parties will inform each other about relevant work programmes, initiatives, media campaigns or any developments that may affect or involve the other party.

- *Act in good faith* – be ethical and act with good intentions, recognise and value each other, be respectful and hold trusted relationships.
- *Autonomy* – recognising and accepting that each party is autonomous, holds their own mana, and is entitled to provide its own advice to the Minister and make its own decisions in accordance with this agreement.

Roles

The role of Oranga Tamariki

In addition to its statutory responsibilities, Oranga Tamariki is responsible for implementing changes to give effect to the recommendations of Te Kahu Aroha.

The role of the External Monitoring and Reviews team within the External Monitoring and Reviews group

- The External Monitoring and Reviews Team will act as the conduit of information between Oranga Tamariki and, through the Secretariat, to the Board.
- The External Monitoring and Reviews Team will support Oranga Tamariki in fulfilling the expectations set out in the Terms of Reference from the Minister for Children and this MoU.
- The External Monitoring and Reviews Team will develop and maintain a broad overview of issues, anticipating opportunities and challenges that could impact on Oranga Tamariki and its work programme to support the organisation's relationship with the Board.

The role of the Secretariat

- As the host agency, Oranga Tamariki will provide secretariat support for the Board. The Board Secretariat is responsible for providing advice to the Board and supporting the Board in its work. It also acts as the conduit of information from Oranga Tamariki External Monitoring and Reviews Team to the Board. Noting the Board is independent, its Secretariat, while employed by Oranga Tamariki, will maintain a level of independence from Oranga Tamariki to support the Board to fulfil its role.
- The Secretariat will assist the Board in fulfilling the Terms of Reference for the Board.
- The Secretariat will develop and maintain a broad overview of issues, anticipating opportunities and challenges that could impact on the Board's work programme.

The role of the Board

- The Board's role is to provide the Minister with independent assurance as set out in the Board's Terms of Reference.
- The Board will continue to provide the Minister for Children with independent, free, and frank advice on any concerns regarding the performance of Oranga Tamariki. To ensure that this takes place, the Director of the Board's Secretariat will meet regularly with the Minister's office.
- The Minister may seek advice from the Board on other matters related to her portfolio at her discretion. It is not intended that the Board will undertake any new reviews or produce new reports, other than providing assurance reporting as set out in the Board's Terms of Reference.
- The Minister may request advice from the Board on any other matters as they arise.

Regular Engagement

To ensure that there are opportunities to plan for and manage strategic issues and respective work programmes, the parties agree to formal regular meetings.

The Chief Executive of Oranga Tamariki (or delegate) and the Chair of the Board (or delegate) will meet at least once a month or as required. The Chief Executive of Oranga Tamariki may be invited to attend monthly Board meetings; a delegate can be agreed as required.

The purpose of the meetings is to:

- maintain a positive strategic relationship between the parties
- discuss strategic direction, priorities and plans, initiatives (including Cabinet submissions), and programme delivery
- discuss any issues that are impacting the ability of either party to achieve the outcomes agreed in this MOU or work programme.
- discuss any other matters necessary.

Oranga Tamariki will ensure that officials are available to meet with, and present to, the Board to support the provision of information for the Board's assurance to the Minister for Children and other commissioned work.

Where there are changes to Government policy which affect the purpose and functions of this MOU, each party agrees to inform the other of those changes at the earliest possible time and agree to meet to renegotiate aspects as required.

Issue or Dispute Resolution

Disputes or issues may arise from time to time between Oranga Tamariki and the Board. Any issue or concern should be raised with the Director of the Board's Secretariat and the appropriate Deputy Chief Executive in the first instance in a timely manner. If the issue or concern is unable to be resolved, it should be escalated to the Chief Executive of Oranga Tamariki and the Chair of the Board. If no resolution is found, the Minister should be informed.

Process for concerns or issues raised with the Board

During the Board's engagements, people may raise specific complaints regarding Oranga Tamariki.

The Board will:

- acknowledge and thank people for their willingness to raise their concerns
- explain that the Board cannot intervene in operational decisions for individuals, specific cases or investigate specific complaints
- refer any complainants to the Feedback and Complaints team in Oranga Tamariki, via the External Monitoring and Reviews Team.

Oranga Tamariki will advise the Board of progress monthly, so that the Board can be assured complaints are being progressed.

If the Board is given information regarding a care and protection concern, the Secretariat will make a report of concern to Oranga Tamariki.

Communication and consultation on media releases / statements

Both parties will inform each other of relevant communications that they are undertaking at the initial stages of development and on an ongoing basis. Each party will take all reasonable steps to ensure that adequate time is given to provide comment where appropriate.

Each party will consult with the other beforehand if either is considering providing information or comment to the media on a matter which:

- Directly impacts on the other party's responsibility, or
- In which the other party has an interest.

Each party will raise any concerns through appropriate channels. These will not be raised through the news media.

Information Sharing

Oranga Tamariki and the Board recognise the importance of sharing information to enable the Board to carry out its work programme and to provide assurance to the Minister for Children. Oranga Tamariki will endeavour to provide information to the Board in an open and timely manner on the understanding that where information is confidential, it will be treated as such.

Oranga Tamariki and the Board will develop strategies to share information to achieve the outcomes of the MOU. This may include information sharing agreements or other schedules to enable the provision of effective services while ensuring compliance with relevant obligations.

When an information request is received by Oranga Tamariki from the Board, the External Monitoring and Reviews Team will review the request and respond as soon as possible, but no later than 20 working days. If there is uncertainty regarding how the request fits with the Board's objectives, the External Monitoring and Reviews Team will discuss this with the Director of the Board Secretariat.

Information shared between the parties will be disclosed in compliance with any relevant legislation, including the Oranga Tamariki Act 1989, the Official Information Act 1982, and the Privacy Act 2020 (including any codes issued under the Act) as applicable.

Responding to Official Information Act and Privacy Act requests

Oranga Tamariki and the Minister for Children, on behalf of the Board, are both legally responsible for responding to any requests for Official Information related to their agency or for personal information they hold about people (under the Privacy Act). All information shared between the organisations may be subject to an Official Information Act request.

Oranga Tamariki will inform the Board if they are the subject of any Official Information requests even if the Board is not required to provide a response.

Review, Variation or Termination of the Memorandum of Understanding

The MOU will be reviewed at the end of June 2025, through discussion at a scheduled Board meeting. The MOU may otherwise be reviewed and varied following agreement by both parties. This is to be progressed by mutual agreement in writing signed by the persons authorised to do so by the Oranga Tamariki Chief Executive and the Chair of the Ministerial Advisory Board.

The MOU will be in effect while the Board is in operation through to 30 September 2026, or earlier if the Minister for Children disestablishes the Board.

Conditions of this Memorandum of Understanding

Nothing in this MOU shall make either party liable for the actions of the other or constitute any legal relationships between the parties.

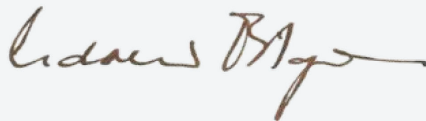
The parties agree that this MOU does not limit any party in the provision of services.

Any agreements of intention in this MOU are subject to the discretion of each party to act as necessary to perform its legal functions or obligations and to exercise any statutory powers.

The provisions of this MOU are to be read subject to any Chief Executive, Ministerial or Cabinet directive, and any enactment.

Signed by the **Chief Executive of Oranga Tamariki—Ministry for Children**

Signature:



Name: Andrew Bridgman, Acting Chief Executive

Date: 11 November 2024

Signed by the **Chair of the Oranga Tamariki Ministerial Advisory Board**

Signature:



Name: Tā Mark Solomon

Date: 11 November 2024