

TE KUKU O TE MANAWA RECOMMENDATIONS – ORANGA TAMARIKI RESPONSE

#	Recommendation	Oranga Tamariki Response
	Recommendation 1: Government [Prime Minister and Cabinet] commit to transferring power and resources, from Government, to enable by Māori for Māori approaches that keep pēpi Māori in the care of their whānau	Oranga Tamariki shares a commitment to partner with iwi and Māori and to delegate and devolve and has been working to do this. The transfer of power and resources to Māori is also one of the broader strategic issues currently before the Waitangi Tribunal. We are fully engaged in that process and will be looking to the Tribunal's guidance in future advice to Ministers.
1.1	Ministerial level partnership with iwi and Māori leadership, agreeing to establish by Māori, for Māori approaches to the current statutory care and protection system	See above.
1.2	The agreement outlines the process and provides timelines for enabling, resourcing and transferring power to by Māori, for Māori approaches	
1.3	Funding is provided to iwi and Māori organisations to enable them to participate fully in this process – starting now, and audited to show how resources and funding are allocated annually	
1.4	Commissioning an independent process, in line with Te Tiriti o Waitangi, to determine what the future role of the statutory care and protection system should be, for both Māori and non-Māori	
#	Recommendation 2: Oranga Tamariki to act immediately to stop harm from occurring, and improve the experience for pēpi Māori and whānau, in the current statutory care and protection system through urgent changes to social work policy and practice	<p>We do not accept the implication that Oranga Tamariki is primarily responsible for the harm that pēpi and whānau are experiencing. In the 12 months to June 2020, 12,861 children (around 1.1% of the population) were found to be abused or neglected after an investigation or assessment was completed by Oranga Tamariki. ("At a glance: Prevalence of harm to children in New Zealand")</p> <p>We have work underway to improve the experience for pēpi Māori and whānau in the current care and protection system.</p>
2.1	Prevent the use of without notice removals of pēpi from mums and whānau, by ensuring all practical steps are taken, with mums and whānau, to determine care plans for pēpi at the earliest opportunity, in order to support pēpi to remain in the care of their whānau	In exceptional circumstances, social workers still need to be able to respond to unforeseen, urgent and critical situations through the use of without notice orders where that is absolutely necessary to ensure the immediate safety of the pēpi. In similar exceptional circumstance, this might need to take place in a hospital setting.
2.2	Stop the practice of removals of pēpi from a hospital maternity ward, birthing unit or other similar place by Oranga Tamariki, in order to respect te whare tangata and the needs of pēpi to bond, breastfeed (when possible) and have a calm, trusted and safe environment	Significant changes have already been made to our without notice (s78) practice following the Hawke's Bay Practice Review and Ombudsman's investigation. These are reflected in our ongoing work programme.
2.3	Delegate the roles and functions of Care and Protection Co-ordinators so that all Family Group Conferences for pēpi are coordinated and facilitated independently of Oranga Tamariki	<p>We have already delegated some FGC functions to iwi who wish to lead FGCs and we will continue to do so wherever possible. We fully support whānau being able to choose from an internal or external FGC co-ordinator and to ensuring this is available across the country. We are continuing to build capability and capacity with external FGC co-ordinators, but this takes significant time.</p> <p>Requiring all FGCs for pēpi to be independently facilitated is an approach we would want to work through with our Treaty partners and would also be a policy matter for Ministerial consideration.</p>
2.4	Ensure all statutory assessment decisions give proper and sufficient weight to the current situation of whānau while giving consideration to relevant previous history and circumstances	We note that this issue was identified in the Hawke's Bay Practice Review and work is already underway to amend and enhance our guidance and policy.
2.5	<p>Ensure Oranga Tamariki social workers adhere to all current legislative, policy and professional Social Workers Registration Board requirements by undertaking actions to:</p> <p>i. Ensure social worker caseloads are at a level that allows them time to establish meaningful relationships, understand the context of each case, and support whānau to care for their pēpi</p>	Addressing social worker caseloads has been a priority for the organisation since 2017. Average caseloads in Care and Protection have reduced from 31 children to 21 children per social worker. However we think the more important point here is workload generally. New tools and processes have been introduced, such as Digital Workplace, to free up social worker time. We also anticipate workloads will ease as greater investment is made in communities and early intervention service which will prevent the need for social workers becoming involved in the first place.

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	<p>ii. <i>Strengthen and implement existing recruitment, retention, mentoring and supervision policies and practices that address interpersonal, institutional and structural racism and support staff to work effectively with pēpi Māori, their whānau, hapū and iwi</i></p> <p>iii. <i>Implement an ongoing training and coaching programme, to support the roll-out of the new Māori-centred Practice Framework, and enable consistent and high-quality practice</i></p>	<p>In addition, we have also introduced a number of new practitioner roles including youth workers, Kairaranga-a-whānau and specialist social work report writers to meet the needs of section 132 of the Care of Children Act. These changes will also ease the workloads of our social workers.</p> <p>New work is currently underway in respect of 2.5(ii) and (iii) - significant changes are underway for the induction for new social workers and in the supported practice step for new graduates. The shift towards a Māori-centred practice approach sits at the core of the Practice Programme and this includes major changes to our practice framework in order to change how we work with tamariki and whānau. It also brings a coaching model and reflective practice.</p>
#	<p>Recommendation 3: Oranga Tamariki change the contracting process, and increase funding and support to iwi and Māori organisations, to deliver better services now, and to support and resource a transition pathway to by Māori, for Māori approaches</p>	<p>Work is underway. See below.</p>
3.1	<p><i>Cost and fully-fund high-trust contracts with iwi and Māori organisations to ensure they can design, develop and deliver holistic supports and services to pēpi and their whānau</i></p>	<p>We agree with the need for more iwi and Māori-designed holistic services. We have costed and fully funded new arrangements with iwi and Māori partners since 2017 but addressing funding or service design issues for older arrangements, or those that are funded by multiple partners, would potentially require additional funding. We have a role in funding aspects but need to work with others who will help to develop and deliver. We also do not have the exclusive responsibility for funding – this needs to come from across the social sector dependent on the supports and services being provided.</p> <p>Note that Oranga Tamariki stopped prescribing whānau support models a couple of years ago – we now discuss the partner's preferred model with them and create an agreement that incorporates that model.</p>
3.2	<p><i>Fund iwi and Māori organisations to provide advocacy services to support whānau involved with the care and protection system</i></p>	<p>We are carrying out work on potential additional supports for parents of subsequent children and seeking Cabinet agreement to proposals in March 2021. As part of this, we are considering how Oranga Tamariki could make advocacy available to parents who have had previous tamariki removed from their care.</p> <p>Note also that Oranga Tamariki has partnered with Te Kopu Education and Research Limited to deliver the 'Te Korimako' legal education programme to iwi and Māori social service organisations who support vulnerable whānau around the country. The purpose of the training is to provide information and tools that can be used to assist whānau, hapū and iwi who come to the attention of Oranga Tamariki and the Family Court. The education is designed to ensure that, wherever possible, tamariki Māori remain in the care of their own whānau, hapū and iwi.</p>

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#	Recommendation 4: Minister and Oranga Tamariki act to improve the legislation and mechanisms in the current system to better work with Māori, both in the short and longer-term	Work is underway. See below.
4.1	<p>Undertake immediate amendment to the Oranga Tamariki Act 1989, including but not limited to the following:</p> <ul style="list-style-type: none"> • Repeal the subsequent child provision contained in sections 18A-18D • Remove references to 'at the earliest opportunity' in the purposes of the Oranga Tamariki Act s4(1)(e)(i) • Replace the word 'preference' with the word 'priority' in s13(2)(g), so that it is clear that priority must be given to placing a child or young person with a member of their wider family, whānau, hapū, iwi or family group • Strengthen the provision for sibling unity in s13(2)(g) so that a child or young person is placed with their siblings unless, because of exceptional circumstances, this is clearly impracticable • Simplify and harmonise the principles in sections 4, 4A, 5 and 13 • Explicitly incorporate Te Tiriti o Waitangi into the Act, so that the Act is interpreted and administered to give effect to the principles of Te Tiriti o Waitangi • Amend section 7AA to oblige the Chief Executive and department to engage in 'genuine Treaty partnership' with iwi and Māori organisations in the delivery of care and protection services, with all necessary consequential amendments 	<p>Legislative changes are subject to Government policy decisions and Parliamentary processes. Officials will consider and provide advice on these amendments to the Minister for Children in due course.</p> <p>In July 2020, Cabinet agreed to partially repeal the subsequent children provisions for the vast majority of children that these provisions apply to. The rationale for the partial repeal is that there are a small number of cases where the provisions are critical to ensuring the safety of subsequent children – these are cases where a parent has been convicted of the murder, manslaughter or infanticide of a child in their care. In these circumstances, the provisions act as an important safeguard for the subsequent child and are appropriate given the seriousness of these convictions.</p>
4.2	Seek Crown law legal opinion and consult with Māori on other legislative changes needed to enable the transfer of power to by Māori, for Māori approaches, as outlined in Recommendation 1	Oranga Tamariki is committed to comprehensive engagement with iwi and Māori for any system changes that may arise from decisions made under Recommendation 1
4.3	Increase transparency and accountability by proactive release of aggregated data about their activities and the impacts on pēpi Māori and whānau, including inequities, using common statistical standards and practices. This needs to use timely, high quality ethnicity data, be designed with Māori, and comply with Māori data sovereignty principles	Data is currently proactively released on our external website (under statistics and research), including research into the areas identified (disparities for tamariki Māori, number of babies entering care per year, etc). We have been proactively releasing data by ethnicity which accords to Statistics New Zealand ethnic classification and reporting protocols.
4.4	<p>Work with other social sector agencies to prioritise access to resources for pēpi and their whānau in areas of critical need, including but not limited to:</p> <ul style="list-style-type: none"> • 'live in' support for pēpi and parents • drug and alcohol rehabilitation services • respite care services • timely access to specialist services • support for father and other male whānau members • ongoing support services for mother and whānau when pēpi are removed • improved access services between whānau members and pēpi • Disability support services • Housing for pēpi and their whānau 	<p>The Children's Act 2014 requires children's agencies to develop an Oranga Tamariki Action Plan (OTAP), which sets out how the Chief Executives of children's agencies will work collectively to improve the wellbeing of the core populations of interest to Oranga Tamariki, in line with the outcomes of the Child and Youth Wellbeing Strategy. The children's agencies are Oranga Tamariki, the Ministry of Education, the Ministry of Health, the Ministry of Justice, the Ministry of Social Development, and New Zealand Police. For children receiving assistance under the care and protection provisions of the Oranga Tamariki Act 1989, the steps set out in the plan must include the provision of services (including any contracted or related services as appropriate) to those children. Chief Executives are currently engaging with proposed content of the plan before initial engagement with incoming Ministers</p> <p>Note that some of the list of services and resources are best provided by other social sector agencies. While we have a role in supporting and accessing these, we may not be the best agency to source and resource.</p>

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4.4	<i>Work with District Health Boards to develop policy regarding hospital stays and supports for mums and pēpi when care arrangements are still being confirmed, so that longer stay and greater support is available and without notice removals do not take place in hospitals</i>	Work is currently underway with DHBs, the Ministry of Health and midwives to clarify how we work with mums and pēpi where there are care and protection concerns. We invite the Office of the Children's Commissioner to be part of this work.
4.5	<i>Work with Police to develop policy in relation to their role in conducting removals of children, so that the approach is humane and child-centred, and uses specially trained officers.</i>	Work is already underway with NZ Police on this. We note that any decisions about moving to the use of specially trained officers would require decisions by the NZ Police.