

4 November 2020

Judge Peter Boshier  
Chief Ombudsman  
PO Box 10 152  
Wellington 6143

By email: [Peter.Boshier@ombudsman.parliament.nz](mailto:Peter.Boshier@ombudsman.parliament.nz)

Tēnā koe Peter

Please find attached our first quarterly report on progress in implementing actions in response to your recommendations for change outlined in *He Take Kōhukihuki | A Matter of Urgency*.

As you will recall, we accepted in principle all 32 of your recommendations in the report, and, reflecting the spirit of your call for urgency, we immediately got underway with our work programme in response. We are committed to remedying the gaps and failings highlighted in your report.

We know that achieving the sustained change *He Take Kōhukihuki* calls for will take ongoing commitment and time. We are nonetheless pleased to be able to note in the attached report that we have been able to complete some key actions in response to specific recommendations. By the end of this year we are on track to have completed, or have in place ongoing work streams for, a significant number of recommendations, with the remainder on track for becoming 'business as usual' in 2021. We think this means that whānau will experience the positive impact of these changes over the coming year.

As you know, as a result of our Hawkes Bay Practice Review we had already made changes that address some of the key issues identified in *He Take Kōhukihuki*. In particular, since 6 November 2019, all 'without notice' applications have to go through additional checks. Unless there is a clear need for immediate action to protect a child from imminent harm, all interim custody orders will be made on notice. This will ensure that whānau have strengthened opportunity to input before a decision is made by a Family Court judge.

We have also made progress in strengthening the oversight over reports of concern for unborn/newborn pēpi. A practice note was published earlier this year to guide significantly strengthened oversight by Practice Leaders, who must now review all reports of concern for unborn/newborn pēpi at their site, and ensure that appropriate support, assessment and action has been undertaken. Monitoring of this strengthened oversight confirms that compliance with the new process is high, and has effectively become 'practice BAU' already. This is already resulting in positive trends, with the data showing some early but significant declines in use of 'without notice' applications, and a resulting reduction in numbers of pēpi coming into the care of Oranga Tamariki. This is outlined in the attached A3.

## IN-CONFIDENCE

This work represents the first phase of our actions to strengthen transparency and process in the 'without notice' section 78 application and approval process. Meanwhile we are making progress in beginning implementation across all your recommendations. We wish to draw your attention to progress in our monitoring of implementation and quality assurance for new processes. In particular:

- We have completed the initial design for a new reporting mechanism to transparently report on Reports of Concerns for unborn/newborn pēpi and, in addition, a range of other quality assurance work is underway. This includes development of new intake and early assessment policy and guidance, and publication of a new decision response tool. This ensures that we are prioritising early engagement with whānau with the intention of being able to prevent children needing to enter care.
- Since the release of your recommendations, we have reviewed and strengthened policies and processes across the Practice Centre. Amended policies will be live on the Practice Centre in the coming months and we expect this process to be completed by March 2021.
- The strengthening of policies on the Practice Centre will be matched by additional training to practitioners as to expectations of their responsibilities in delivering these.
- In terms of your recommendation to regularly audit case files to ensure compliance with policy and practice guidance, we can advise that the process to develop this has been agreed and we are moving into testing options. We will report on next steps by March 2021. This will ensure the greater transparency and earlier ability to identify and address practice issues that we agree is needed is in place.

In terms of other priorities, we know we need to consolidate our work programme to improve our practice and policies to support parents with disabilities. This is a wide-ranging and complex area that requires us to work in collaboration across the sector, and specifically with the Disability and Human Rights team within your office, as with the Disability Rights Commissioner and others. We are prioritising this work for early in 2021.

In other areas, and as discussed with your office, we are continuing to frame up the specific work programme as a number of recommendations require ongoing effort and monitoring, and we will work with you to ensure the workstreams they lead to are open to continuous improvement. We are mindful also of keeping flexibility across our work programme so that we can incorporate the outcomes of the Waitangi Tribunal inquiry, and also reflect our response to the expected final report the Office of the Children's Commissioner from his current thematic review, Te Kuku o te Manawa.

Finally, I wish to note that we remain committed to reviewing the 74 cases that were the subject of your investigation, and intend to take a restorative approach in this. The practicalities of how we undertake the review are still being finalised. We will keep your office closely informed with progress on this.

Ngā manaakitanga



Gráinne Moss (she/her)  
Te Tumu Whakarae mō ngā Tamariki  
Secretary for Children