



**ORANGA
TAMARIKI**
Ministry for Children

Section 7AA

Quality Assurance Standards

What is the purpose of the Section 7AA Quality Assurance Standards?

This approach to quality assurance aims to ensure we meet our obligations under section 7AA (2)(a) and (b) of the Oranga Tamariki Act 1989 and standard Treaty of Waitangi principles (applicable to all Crown agencies) in the development of our policies, practices and services.

The five quality assurance standards outlined in this document will help shift the way we develop our work from a monocultural lens to a Māori-centred approach which in turn, will improve the effectiveness of policies, practices and services for the majority of those impacted by our Ministry – tamariki Māori, their whānau, hapū and iwi.

Why is this important?

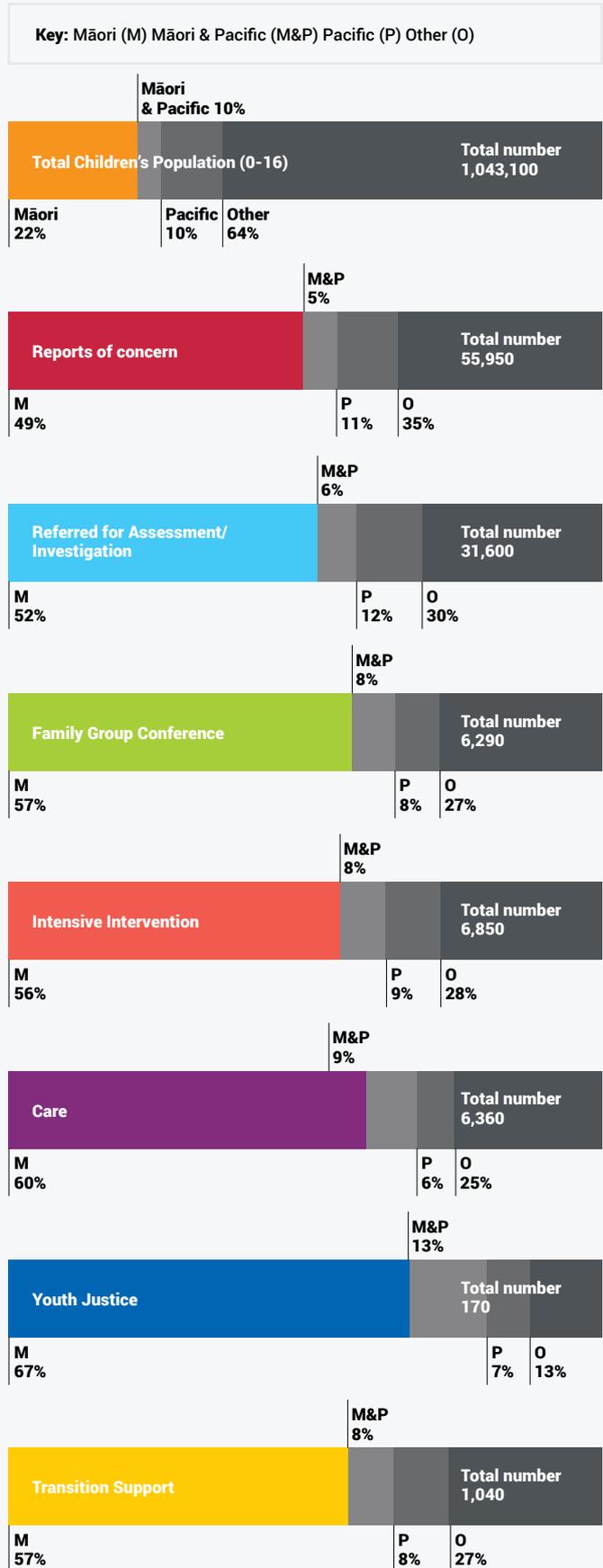
All government agencies are required to meet Treaty of Waitangi principles. These principles have been developed through interpretations of the Treaty of Waitangi by both the Courts and the Waitangi Tribunal.

Many people are familiar with three principles (also known as the “three Ps”) of partnership, protection and participation. Recently however, the Waitangi Tribunal found that these principles no longer cover all the guarantees outlined in the Treaty of Waitangi. Whilst the main principles used in the courts are partnership, active protection and redress, the Waitangi Tribunal refers to a wider range of principles including kāwanatanga, tino rangatiratanga and equity.

The Chief Executive of Oranga Tamariki has additional Treaty-based obligations through the Oranga Tamariki Act 1989 (the Act), Section 7AA. Section 7AA represents Treaty-based provisions specific only to tamariki Māori who come to the attention of Oranga Tamariki.

Since the release of the 1988 report ‘Puao-te-ata-Tu’, the hopes and aspirations held by whānau, hapū and iwi for their tamariki remain unmet. Today, the disparities between tamariki Māori and other tamariki continue to grow.

The diagram shows the current total children’s population by ethnicity and breakdown by various Oranga Tamariki services and processes.



Oranga Tamariki Operating Model Areas



What type of work do the standards apply to?

The section 7AA quality assurance standards apply to policies, practices and services that impact on the wellbeing of children and young people. Specifically, this includes the development, design or review of:

- Strategic, operational and other business policies
- Practice including the practice framework, practice standards, practice guidance and quality assurance as it relates to the practice of frontline staff
- Services intended to be delivered to children and young people including those we commission or pay others to deliver on our behalf and services we provide through the operating model.

What impacts and measures will we report on annually?

Section 7AA(5) requires us to report annually and publically on the impacts and measures associated with section 7AA(2)(a) and (b).

We will measure the extent to which the quality assurance standards are applied in the development of policies, practices and services during any given financial year (e.g. from 1 July 2020 to 30 June 2021).

We will also measure the extent to which mana tamaiti, whakapapa and whanaungatanga have been delivered across the operating model through five mana tamaiti objectives.

Quality will be assessed as part of an internal monitoring and assurance process in preparation for reporting.

What are the Standards?

In providing assurance that your work meets the expectations set out in Treaty of Waitangi principles and section 7AA of the Act, we expect to see evidence of the standards below ¹:

1. We uphold and protect Māori rights and interests: The following rights and interests are safeguarded:
 - a) The right of tamariki Māori to be connected to their culture and whakapapa
 - b) Enabling whānau, hapū and iwi to exercise their right to make decisions over their lands, resources and people (including tamariki)
 - c) Actively protecting the use of te reo Māori and the application of tikanga and kawa
2. We hear and act on the voices of Maori. The views and experiences of tamariki Māori and whānau, hapū, iwi or Māori organisations have been used to inform policies, practices and services
3. We ensure equity by reducing disparities for tamariki Māori and their whānau: Existing disparities relevant to the work are acknowledged and a clear and logical connection to the Māori specific outcome is made
4. We have regard to mana tamaiti: A clear explanation is provided on how the work directly contributes to one or more of the five mana tamaiti objectives including likely impacts and indicators of success
5. We value the Māori evidence base: Māori knowledge, Maori data and models, Māori-led research and evaluations are valid. We use this to inform our evidence base alongside other models and evidence.

Standard 1: We uphold and protect Māori rights and interests

This standard reflects the importance of Articles One and Two of the Treaty of Waitangi and various principles including kāwanatanga, tino rangatiratanga and active protection. A brief description of these principles is provided below.

Kāwanatanga and tino rangatiratanga

The Treaty of Waitangi was based on a fundamental exchange of kāwanatanga (the right of the Crown to govern and make laws for New Zealand), in exchange for the right of Māori to exercise tino rangatiratanga over their

land, resources and people. Finding the appropriate balance between governance for all New Zealanders and protection of the Treaty rights of Māori is complex and cannot be applied generally to any given situation.

The Crown's right of kāwanatanga is not an unfettered authority. The guarantee of rangatiratanga requires the Crown to acknowledge Māori control over their tikanga, and to manage their own affairs in a way that aligns with their customs and values.

Active protection

The principle of active protection flows from the exchange of kāwanatanga and tino rangatiratanga. Active protection extends beyond Crown protection of specific Māori resources, to the protection of Māori interests generally. In addition, taonga to be protected under Article two of the Treaty are things possessed by or related to Māori that are valued or treasured including tamariki Māori, the importance of whakapapa and whanaungatanga, the place of tamariki Māori in whānau, hapū and iwi structures, and the use and application of tikanga and te reo Māori.

With regard to addressing disparities, active protection includes the Crown's obligation to take appropriate measures on the basis of need so as to minimise these over the long term.

Key questions

- How have you ensured or provided opportunities for tamariki Māori to be connected to their culture and whakapapa (genealogical connections)?
- How have you supported whānau, hapū or iwi to exercise tino rangatiratanga in key decisions involving their lands, resources, and tamariki?
- Have you taken steps to ensure the use of te reo Māori and tikanga or kawa is understood and applied correctly?
- Have you considered how this may impact Māori groups differently, and if so, how will your work respond to this?
- Is there a potential effect on Māori rights and interests recognised in either common law or in practises governed by tikanga?

¹ Waitangi Tribunal, Wai2540 Tū Mai Te Rangī! (https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_121273708/Tu%20Mai%20Te%20Rangi%20W.pdf), April 2017

Standard 2:
We hear and act on the voices of Māori

This standard reflects the Treaty principles of partnership and reciprocity as described below ².

Partnership and reciprocity

The principle of partnership, arising out of the exchange of kāwanatanga and rangatiratanga, describes how the Crown and Māori relate to each other under the Treaty as two peoples living in one country. This relationship is founded on good faith and respect and requires both parties to act reasonably towards one another, with each party acknowledging the needs and interests of the other. This requires co-operation, compromise and the will to achieve mutual benefit.

The Crown’s duty to consult with Māori is a requirement of good governance and is also central to the partnership. For the Crown to actively protect the interests of Māori in any issue, it must adequately inform itself of the nature and extent of the relevant Māori rights and interests.

The requirement of the Crown to consult with Māori is particularly relevant when Māori are actively seeking a role in the process, and that requirement is heightened when inequalities in outcomes exist.

Partnership also requires the Crown to look beyond one-off consultations to building enduring and mutually beneficial relationships with Māori.

Key questions

- Who informed this work? What was the feedback and how was it incorporated into your work? Were there any differences in the feedback received by Māori and non-Māori and if so, how does your work address and acknowledge this?

Standard 3:
We ensure equity by reducing disparities for tamariki Māori and their whānau

This standard reflects the principles of equity and active protection (as previously described) and our obligation under section 7AA(2)(a) whereby:

‘the policies and practices of the department that impact on the well-being of children and young persons have the objective of reducing disparities by setting measurable outcomes for Māori children and young persons who come to the attention of the department’.

In response to this provision, we have developed an Oranga Tamariki Outcomes Framework which includes a Māori specific outcome shown in the graph below. For now, we will align the development of our policies and practices to this outcome and any others that may also apply.



Key questions

- Are there any existing disparities for tamariki Māori and their whānau? How does this work address these disparities and contribute to the Ministry's Māori specific outcome?
- If your proposal is successful, overtime, what indicators or measures of success for tamariki Māori and their whānau should we expect to see?

² Ibid



Standard 4:
We have regard to mana tamaiti, whakapapa and whanaungatanga

This standard reflects our obligation under section 7AA(2)(b) whereby:

'the policies, practices and services of the department have regard to mana tamaiti (tamariki) and the whakapapa of Māori children and young persons and the whanaungatanga responsibilities of their whānau, hapū and iwi'.

Having regard to mana tamaiti, whakapapa and whanaungatanga means that in the development of policies, practices and services we will:

- i.** Ensure the participation of tamariki, whānau, hapū and iwi in decisions affecting them at the earliest opportunity to enhance their wellbeing and safety.
- ii.** Support, strengthen and assist whānau Māori to care for their tamaiti or tamariki to prevent the need for their removal from home into care or a Youth Justice response.
- iii.** If removal from home is necessary, Oranga Tamariki will preference placements for tamariki Māori (including their siblings) with members of their wider whānau, hapū, iwi or family group who are able to meet their needs, including for a safe, stable, and loving home.
- iv.** Support tamariki Māori in the custody of the chief executive to establish, maintain or strengthen their sense of belonging through cultural identity and connections to whānau, hapū and iwi.
- v.** Support, strengthen and assist tamariki Māori (and their whānau) to prepare for their return home or transition into the community.

Key questions

- Which mana tamaiti objective is applicable to your proposal? How does your proposal support the achievement of this objective?
- If your proposal is successful, overtime, what indicators or measures of success should we expect to see?

Standard 5:
We value the Māori evidence base

This standard reflects the principle of partnership and reciprocity (as described previously) with a specific focus on ensuring that our policies, practices and services are sufficiently informed by Māori knowledge.

Key questions

- What Māori models, research or evidence has informed your work? If you are relying on western or international models, research or evidence, explain how effective this approach will be for tamariki Māori and their whānau including likely indicators or measures of success.

Where can I find guidance and assistance?

You can seek guidance and advice from the Treaty Response Unit at section7AA@ot.govt.nz.

The unit is responsible for assuring and reporting publicly on the application of these standards.

Groups

- The Māori Design Group (via OTMDG@ot.govt.nz)
- The Youth Advisory Group (via the Voices of Children team)
- Strategic partners, Treaty-based partners (including all other iwi and Māori organisations) through the Partnering for Outcomes group
- 'Voices of Children' and 'Voices of Whānau and Community' teams located in the Tamariki Advocate Business group (for insights from tamariki Māori and their whānau)
- The Evidence Centre (within Policy and Organisational Strategy) will provide guidance and advice on the use and interpretation of evidence and the approach to applying standard 5.

Resources

- **The Māori Cultural Framework**
- **Te Arawhiti – Māori Crown Relations Agency engagement guidelines and partnership principles**
- **Te Toka Tumoana**
- **The Māori Language Commission (for a list of qualified translators).**

Quick reference check

Standard 1:

We uphold and protect Māori rights and interests

How have you ensured or provided opportunities for tamariki Māori to be connected to their culture and whakapapa (genealogical connections)?

How have you supported whanau, hapu or iwi to exercise tino rangatiratanga in key decisions involving their lands, resources, and tamariki?

Have you taken steps to ensure the use of te reo Māori and tikanga or kawa is understood and applied correctly?

Have you considered how this may impact Māori groups differently, and if so, how will your work respond to this?

Is there a potential effect on Māori rights and interests recognised in either common law or in practises governed by tikanga?

Standard 2:

We hear and act on the voices of Māori

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Standard 3:

We ensure equity by reducing disparities for tamariki Māori and their whānau

Are there any existing disparities for tamariki Māori and their whānau? How does this work address these disparities and contribute to the Ministry's Māori specific outcome?

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We have regard to mana tamaiti, whakapapa and whanaungatanga

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If your proposal is successful, overtime, what indicators or measures of success should we expect to see?

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We value the Māori evidence base

What Māori models, research or evidence has informed your work? If you are relying on western or international models, research or evidence, explain how effective this approach will be for tamariki Māori and their whānau including likely indicators or measures of success.



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Printed in New Zealand on paper sourced from well-managed sustainable forests using mineral oil free, soy-based vegetable inks.

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