



Briefing for the Incoming Minister

November 2023

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Summary

- The voices of tamariki (children) and rangatahi (young people) are at the centre of our work.
- We deliver objective, evidence-based reports on the compliance and performance of agencies delivering services to tamariki and rangatahi in care or at risk of coming into care. We check that agencies are doing what they said they would, and whether this is making a difference for tamariki and rangatahi over time.
- We measure whether outcomes are improving for those tamariki and rangatahi.
- We are part of a strengthened oversight system and we are working with our partners to ensure there is no wrong door for tamariki, rangatahi and whānau.
- Our independence ensures our reporting can be trusted by both the public and decision makers.

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Nau mai, welcome

Welcome to your role as Minister with responsibility for Aroturuki Tamariki, the Independent Children's Monitor (the Monitor). This briefing provides you with information on:

- Our monitoring role
- How we work with our oversight partners
- Who we are here for
- What and how we monitor
- Publishing our findings
- Looking ahead
- Who we are

We are an operationally independent departmental agency, led by a chief executive who is also a statutory officer. We are hosted by the Education Review Office (ERO). Hosting means ERO provide us with some back-office services (such as finance, payroll and IT). We are located in our own offices.

The Independent Children's Monitor appropriation sits within Vote ERO and is \$11,568,000 for financial year 2023/2024.

We employ 60 staff and have four monitoring teams, one located in Wellington; two in Auckland; and one in Christchurch. More than half of our staff engage directly with communities, including tamariki and rangatahi and their whānau.

From July 2019 to May 2023 our role was limited to monitoring compliance of agencies with care and custody of tamariki and rangatahi with the *Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018* (NCS Regulations). With the commencement of the *Oversight of Oranga Tamariki System Act 2022* (the Oversight Act), our scope expanded to monitoring agencies with responsibilities under the Oranga Tamariki Act, such as the NZ Police, and those agencies providing services to children and young people known to Oranga Tamariki.

What the Oversight Act requires

The Oversight Act requires that we act independently in developing our monitoring tools and approaches, and in carrying out our monitoring function. This ensures that our operations and



findings are independent from Ministers and government agencies, and that our monitoring can be trusted by both the public, and decision makers.

We provide our monitoring reports to the Minister responsible for the administration of the *Oranga Tamariki Act 1989*, only when finalised. All our reports are published on our website and are required to be tabled in Parliament.

Our monitoring role

The role of the Monitor is to carry out objective, impartial, and evidence-based monitoring of what the legislation describes as “the oranga tamariki system”. Our monitoring activities inform our reports which are required to:

- assess how the oranga tamariki system supports the rights, interests, and well-being of tamariki, rangatahi and whānau experiencing the system
- assess whether powers used under the Oranga Tamariki Act 1989 are being used appropriately and consistently
- support public trust and confidence in the oversight of the oranga tamariki system
- drive continuous improvement by identifying areas of high performance and areas for improvement in the oranga tamariki system
- inform understanding of the oranga tamariki system and its interface with other systems
- support decision making.

We monitor the oranga tamariki system

The oranga tamariki system is responsible for providing services and support to tamariki and rangatahi and their whānau under, or in connection with, the Oranga Tamariki Act 1989.

This includes services like early support, emergency help, care, youth justice and transitions out of care. This also includes work to support whānau wellbeing and reduce risks to tamariki.



Who we monitor

We monitor agencies with statutory obligations under the Oranga Tamariki Act

- Oranga Tamariki - Ministry for Children
- Other organisations with statutory custodial responsibilities, currently Open Home Foundation and Barnardos
- NZ Police (Youth Justice)

We engage with organisations that provide services to tamariki and whānau under s396 and s403 of the Oranga Tamariki Act

- Other Non-Government Organisations such as care partners, youth justice programmes, and early intervention services
- Iwi hapū, and Māori social services

We also monitor how other government agencies, such as Education, Health, Kainga Ora, and Social Development interface with the oranga tamariki system

What we assess in monitoring the oranga tamariki system

-  **Compliance with the Oranga Tamariki Act, National Care Standards, and other regulations.**
-  **The quality and impact of service delivery and practices.**
-  **Outcomes for children, young people, families and whānau who receive services or support.**

We are required to have particular regard to tamariki and rangatahi Māori and their whānau. Tamariki and rangatahi Māori are 67 percent of those in State care. We work closely with our Māori Advisory Group, Te Kāhui, who provide expert advice and oversight to help us monitor and report in a way that supports improved outcomes.



We do not set the standards that we monitor

We do not set the standards; our role is to monitor compliance against existing regulations and quality measures. For example, the National Care Standards Regulations were developed by Oranga Tamariki with input from care-experienced tamariki and rangatahi. The regulations took effect in 2019. We check that agencies are doing what they said they would, and whether this is making a difference for tamariki and rangatahi over time.

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Tamariki and rangatahi in the oranga tamariki system

In 2022/2023

53,000

Tamariki (children) and rangatahi (young people) had a report of concern made to Oranga Tamariki about their wellbeing and/or safety

Of those reports, some were assessed as needing no further action or were referred to services in the community. Some received more intensive support and 6,600 care and protection family group conferences were held

1,000

Tamariki and rangatahi entered care, and 1,400 exited care



4,317

Tamariki and rangatahi in care as at 30 June 2023

1,600

Rangatahi were supported by a transition worker to help prepare them for adulthood

NZ Police decide whether tamariki and rangatahi are arrested, charged with an offence or receive diversion. Some tamariki and rangatahi may be subject to alternative action via an agreed plan. Oranga Tamariki manage family group conferences and youth justice residences

4,500

Youth justice family group conferences were held

1,464

Tamariki and rangatahi faced charges in the Youth Court

600

Rangatahi entered youth justice custody and a similar number exited youth justice custody



162

Rangatahi in youth justice custody as at 30 June 2023



The voices of tamariki and rangatahi are at the centre of our work

The voices of those who experience the system are at the centre of our work. Our monitoring approach is based on robust, evidence based, and verified models. As required by the Oversight Act, these incorporate a tikanga Māori approach and recognise the importance of whānau, hapū, iwi, communities and culture to tamariki and rangatahi. They assess compliance, quality of care, and changes over time.

Our monitoring teams visit all regions around the country every three years to hear from tamariki and rangatahi, their whānau and others who care for them, as well as the professionals who support them. We also hear from those who provide services to check and understand quality of services, and to identify what is working well and what needs to change.

Our data and insights team combine the information gathered by our monitoring teams with data from monitored agencies. This includes monitored agencies' assessment of how they are meeting their obligations under the *Oranga Tamariki Act 1989*, their plans to strengthen their self-monitoring, their assessment of areas of concern and noncompliance, and their plans to improve compliance. Combining this information with the qualitative data gathered in our monitoring visits allows us to validate the impact of changes and generate evidence-driven insights.



This work is also supported by a team that writes reports, runs continuous improvement processes and ensures our reports are effectively communicated to our stakeholders.



Te Kāhui

We collaborate with our Māori Advisory Group to develop our priorities, work programmes, and monitoring approaches as required under the Oversight Act. Our Māori Advisory Group, Te Kāhui, is appointed by our Chief Executive and is comprised of key Māori leaders with experience and knowledge of tamariki and rangatahi rights and issues within the oranga tamariki system, as well as extensive knowledge of tikanga Māori. Te Kāhui support and advise on our approach to monitoring the oranga tamariki system and engaging with communities. They also advise us on our obligations as set out in Section 6 of the Oversight Act on Te Tiriti o Waitangi.

The current members of Te Kāhui are:

- Tā Mark Solomon – Ngāi Tahu, Ngāti Kurī
- Druis Barrett - Ngāti Whatua-Ngāpuhi descent and her hapū are Uriroroi and Mahurehure
- Katie Murray - Te Rarawa, Te Aupouri, Ngāti Kuri, Ngāpuhi, Ngāti Kahu, Ngāi Takoto
- Eugene Ryder - Ngāti Kahu, Ngāti Awa and Tūwharetoa ki Kawerau
- Enid Ratahi-Pryor - Ngāti Awa, Te Whānau-ā-Apanui

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Our reports

The Oversight Act requires us to publish certain reports every year. We identify what is working well and what isn't. Our reports aim to support:

- understanding of the oranga tamariki system (and its interfaces with other systems)
- informed decision making
- public trust and confidence that the oranga tamariki system is being monitored
- improved outcomes for tamariki and rangatahi.

Annual reporting on compliance with the National Care Standard (NCS) Regulations

Our annual Experiences of Care report includes insights from regions we have visited during the year, and nationwide data that we request from Oranga Tamariki and other agencies with custody and care of tamariki and rangatahi. Our first full report was for the period 2020/2021. Our next report, covering 2022/2023, will be published in February 2024.

Annual reporting on outcomes for tamariki and rangatahi Māori and their whānau

This report relates to section 7AA of the *Oranga Tamariki Act 1989* which outlines the duties of Oranga Tamariki in improving outcomes for tamariki and rangatahi Māori as a practical commitment to te Tiriti o Waitangi. This report on the performance of the oranga tamariki system will focus on outcomes being achieved for tamariki and rangatahi Māori and their whānau, and how well policies, practices and services support those outcomes. Our first report on outcomes for tamariki Māori will be for the period 2023/2024 and will be published in early 2025.

Three-yearly reporting on the state of the oranga tamariki system

Every three years, we will produce a report on the state of the oranga tamariki system. This will be a comprehensive report on the performance of the system, from early intervention to youth justice, and will include insights from our visits across the country, data from agencies and national statistics from the IDI¹. Our first report will cover the period 2023 to 2026, and will be published in early 2027.

¹ [Integrated Data Infrastructure | Stats NZ](#)



Carrying out a review on any topic within the monitoring function at your request

As Minister responsible for the Monitor, you can request that we carry out a review on any topic within our monitoring function. You may also receive requests for reviews from other Ministers. Any request must not detract from monitoring activities currently underway or scheduled to begin.

A review of our own initiative

We are able to carry out and publish reviews of issues, themes, concerns, or areas of identified practice relating to the delivery of services or support through the *oranga tamariki* system. Our most recent in-depth review, *Returning Home From Care*, reported on the experiences and practices surrounding tamariki and rangatahi cared for at home by their parent/s while in State custody. Our next review looks at access to primary health services and dental care for tamariki and rangatahi in care and will be published early 2024.

A review on any topic within our monitoring function at the request of the chief executive of Oranga Tamariki

The chief executive of Oranga Tamariki may request that we undertake a review on any topic within our monitoring function. If we conduct the review, the results must be published.

Report process

Before finalising our reports, the Oversight Act requires that we provide a draft to the chief executive of the agency that is the subject of the report, to give them the opportunity to comment on the draft findings.

The Oversight Act requires that we provide you with a copy of our reports once they have been finalised. Final copies are also provided to:

- the Minister responsible for the administration of the *Oranga Tamariki Act 1989* (currently the Minister for Children)
- the Ombudsman and the Children and Young People's Commission, Mana Mokopuna
- agencies that are the subject of the report.

Agencies that are the subject of the report are required to respond in writing to the final report. They must state what they intend to do in response to the findings, specify timeframes for any changes, and state how they intend to monitor the impacts of those changes. Final reports are required to be tabled in the House of Representative. We will advise you on the process for this.



We are part of an oversight system



Together with the Ombudsman and the Children and Young People's Commission (the Commission), we provide oversight of the oranga tamariki system. The Oversight Act, alongside the *Children and Young People's Commission Act 2022*, clarifies agency responsibilities and accountabilities for complaints, oversight, and investigation of the oranga tamariki system:

- Our role is to provide sustained monitoring of the oranga tamariki system.
- The Ombudsman, as an officer of parliament, has retained the ability to carry out investigations and manage complaints.
- The Children and Young People's Commission, as a crown entity, retained responsibility for monitoring compliance of youth justice, and care and protection residences under the United Nations Optional Protocol to the Convention against Torture, alongside its wider role of advocating for the rights, wellbeing and voices of all children and young people in New Zealand.

This legislation provides that there is no wrong door for complainants seeking help. We meet regularly with the other agencies, to inform and co-ordinate work programmes.



Looking ahead

You will receive two reports before the end of 2023

Our in-depth report on *Access to primary health services and dental care* for tamariki and rangatahi in care was provided to the agencies who are the subject of the report on 27 November 2023. We have prepared a briefing which summarises the key findings of the report and outlines the next steps, which will be provided to you later this week.

In December you will receive our annual report on compliance with the National Care Standards Regulations, *Experiences of Care 2022/2023*.

These will be published in early 2024.

Strategic intentions

Under section 38 of the *Public Finance Act 1989*, we are required to provide you with information about our strategic intentions within six months of our establishment as a departmental agency. Our draft strategic intentions were provided to the caretaker minister on 31 October 2023. We will work with you in the coming weeks to understand and incorporate your priorities with a view to presenting our finalised Statement of Intent to the House of Representatives as soon as practicable.

Review of Oversight Act

Under Section 58 of the *Oversight of the Oranga Tamariki System Act 2022*, beginning no later than three years after its commencement, the Minister responsible for the Act must arrange for an independent review of the operation and effectiveness of the Act and our monitoring function. The latest date for initiating the review is 1 May 2026.

The Ministry of Social Development administers the Oversight Act and is responsible for completing the review.

Working with you

We will work with your office to put in place arrangements for supporting you in your role as Minister responsible for the Monitor, and confirming the type, and frequency, of reporting you would like us to provide.



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