

|  |
| --- |
| Q&As: Strengthening independent oversight of the Oranga Tamariki system and of children’s issues in New ZealandMay 2018 |

## Why do we need to make changes?

Recent changes to the Oranga Tamariki system, which supports our children who are most at risk, reflect a bold overhaul of how we respond to the needs of children and young people. These changes are transformational. There are also new Government priorities to reduce child poverty and embed a child wellbeing strategy.

In light of these changes and new priorities for children, we need to strengthen the system of independent oversight so that it can meet new legal requirements, and provide the public and Government with a strong and independent view on how we are managing the most important matters for children.

## Why do we need independent oversight? Isn’t there already enough internal oversight?

Independent oversight contributes to building transparency, public trust and confidence. It gives New Zealanders assurance that government agencies are working appropriately, and that children and young people are safe and achieving better outcomes.

Recent legislative changes strengthen accountabilities for Oranga Tamariki—The Ministry for Children, to deliver improved outcomes for at risk children. Oranga Tamariki has established a number of internal mechanisms to address these accountabilities. However, independent oversight adds to these and provides an additional safeguard for children and assurance that the system is working as intended.

Where government has strong statutory powers - such as the power to apply to the Family Court to remove children and young people from their families, and to place them with caregivers or in care and protection residences - independent oversight is particularly important. It provides an additional safeguard to help ensure their wellbeing and safety is paramount. It can take a role that assesses and responds to system processes before issues emerge.

Independent oversight also provides agency leaders, managers and Ministers with on-going access to a different and important perspective on agency processes and services, their decision-making and resource use. In this way, independent oversight contributes to a continuous learning culture.

## Is the Office of the Children’s Commissioner (OCC) involved in the review?

The Children’s Commissioner has been involved in the review, recognising it as an opportunity to improve outcomes for children and young people. Ministry of Social Development officials have met with Judge Becroft and his leadership team to seek their views and to keep them up to date. The OCC will continue to be engaged as the Review progresses.

## Doesn’t the OCC provide independent oversight now?

Yes. This review of independent oversight functions looks at what the office does now and what it could do in the future, the skills and capabilities required as well as what resources, core functions and factors will be critical to success.

Providing additional funding alone will not be sufficient to ensure effective independent oversight functions. Recent reforms have changed the Oranga Tamariki system, and the review is considering how these changes can best be reflected in what we now expect independent oversight to deliver.

For example, there is a new requirement for the Minister to appoint an agency or group independent of Oranga Tamariki to monitor compliance with the new National Care Standards regulations, and to report on compliance. The skills, capabilities and systems required to do this need to be considered.

## What oversight mechanisms are used for other social and justice organisations in New Zealand?

There is a range of oversight mechanisms across these sectors, including the following.

* The Education Review Office undertakes reviews on the quality of education provided for children and students in individual centres and schools, and provides independent reports to boards of trustees, managers of early childhood education services and the Government. Reviews are published and publicly available.
* The Office of the Inspector of Corrections includes a team of independent inspectors who check on the safe, fair, secure and humane treatment of prisoners and others detained in the Corrections system.
* The Ministry of Health contracts auditing agencies to undertake independent audits of rest homes and aged care facilities.
* The Health and Disability Commissioner receives and investigates complaints from health and disability service users relating to breaches of the Health and Disability Code of Rights.
* The Independent Police Conduct Authority considers complaints about police misconduct or neglect of duty, or police practices, policies and procedures.
* The Ombudsman handles complaints against government agencies and undertakes investigations and inspections.

## How does this work relate to the Royal Commission of Inquiry into historic abuse in state care? Could the review wait until we know the results?

We believe the review should not wait. We are reviewing independent oversight functions to provide assurance that circumstances such as those arising from historic claims will be less likely to occur in the future. Strong, independent oversight – particularly through monitoring, complaints review and investigations – will support the prompt identification and addressing of concerns within the system.

Establishing stronger independent oversight now provides opportunities for these structures to be in place as the Inquiry progresses. It also provides opportunities to ensure children and young people can access complaints process, which few currently do.

## Will we need to change the law?

Legislative change would be required for nearly all the options we are consulting on, particularly those that mean significant changes to the independent oversight system.

However, one of the options presented requires minimal changes within current legislation, as it makes improvements through organisational and appropriation changes.

## What could it cost to improve independent oversight?

Irrespective of the agreed option for the future of independent monitoring, additional funding is required to reflect the changes introduced through recent legislation (eg raising the age, young people transitioning from care, independent monitoring of care standards).

Further costs will depend on the scale of change eventually decided on.

## How widely are you consulting on the review?

So far we have talked with government agencies, crown entities and the Ombudsman. We are now starting consultation with Māori, children and young people themselves, and key stakeholders outside of government, eg experts on the care and protection of children and young people.

If final policy decisions involve legislative change, there will be opportunities for wide public engagement during the Select Committee phase.

## How will Māori be engaged?

Improving outcomes for Māori, who are over-represented in the Oranga Tamariki system, is a significant focus of the new way forward. Recent legislation places strong emphasis on partnerships with Māori, and on effective ways of delivering improved outcomes for Māori children, rangatahi and their whānau.

We are engaging with specific Māori agencies and organisations, including working with Te Puni Kōkiri so that we can have the views of Māori strongly reflected.

## How will children and young people be engaged?

To be successful, and in keeping with the child-focused nature of the reforms, the new model for independent oversight must be designed to be children and youth-centric. We will be engaging with a range of agencies such as VOYCE, a NGO that represents care-experienced children and young people. We will also talk to children and young people on relevant aspects of the review, what works and what doesn’t, and what would be better.

## Who can I tell about my complaint or issues that I want resolved?

## If you have complaint to make, or issues to resolve you should get in contact with the relevant agency, such as the Oranga Tamariki or the Office of the Children’s Commission. There is comprehensive information about getting help on the web pages for the Royal Commission of Inquiry into [Historical Abuse in State Care](http://www.abuseinstatecare.royalcommission.govt.nz/Getting-Help)  -it covers help for historical claims but also other matters.

## If you need help getting started, we can put you in contact with the right agency or person, but this review is not the best way to have individual complaints or issues resolved.

## Contact details for more information

If you have questions, please email them to Childrens\_independent\_oversight\_review@msd.govt.nz and we will respond.