



# *Modernising Child, Youth and Family*



Expert Panel: Interim Report

INTERIM REPORT: 31 JULY 2015 – VERSION 1.0

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## Foreword

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An independent Expert Panel was established by the Minister for Social Development in April 2015 to oversee the development of the business case for Modernising Child, Youth and Family.

We were asked to provide authoritative and independent advice on the future operating model for Child, Youth and Family.

This report is our initial assessment of the issues and future opportunities. As set out in the terms of reference for our work, in December 2015 we will provide a detailed plan and proposals for the future agency.

This interim report draws on the experience and knowledge of many young people, social workers, community workers, public servants, family and whānau members, carers and experts. We are particularly grateful to the young people who have shared their personal experiences and insights with us. Their courage and insight in the face of adversity provides an example for all New Zealanders.

We would also like to acknowledge the many staff and providers on the front-line of child protection and youth justice in New Zealand who have shared their experience with us and who do their best every day in difficult situations and often without enough support.

Child, Youth and Family represent our collective efforts to protect the complex and diverse interests of our most vulnerable children. It is one of the government's most important agencies, and central to our collective aspiration that all children and young people deserve to be nurtured by loving families.

The key finding in this report is that we are not achieving this aim and we are not preventing or adequately protecting children from harm. A significant number of children and young people in New Zealand continue to experience distressing levels of abuse and neglect.

What we have heard from young people about their often distressing experience of statutory care has been humbling and has provided us with the focus and motivation to complete our work and make a difference for all young people in need of care and protection and/or involved with youth justice.

The need to improve our response for vulnerable children is also backed up by research on long-term life trajectories of children and young people that shows very high rates of educational under-achievement, early adult benefit receipt and contact with the criminal justice system among children and young people who have had contact with Child, Youth and Family.

It is clear that our upfront investment in New Zealand's most vulnerable children is insufficient, and here we propose a number of directions for how this might be remedied.

This review presents an opportunity for New Zealand to make a real difference for vulnerable children.

Paula Rebstock (Chair)

Mike Bush

Peter Douglas

Duncan Dunlop

Helen Leahy

Professor Richie Poulton

*Whaia te pae tawhiti ki a tata, whaia te pae tata whakamaua kia tina  
- Pursue the vision of a distant horizon by achieving the goals at hand*

## 1.0 Executive Summary

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In April 2015, the Minister for Social Development established the Modernising Child, Youth and Family Expert Panel to review and develop a plan for the modernisation of Child, Youth and Family (CYF). The Panel's review focuses on the extent to which CYF's current operating model improves outcomes for children and young people, and any wider changes required to legislation and services provided by other agencies.

The Panel has completed the first phase of work including: consultation across the wider social sector, review of the current operating model, and engagement with children, young people and front-line workers. We have developed the purpose, principles and objectives for the future care, protection and youth justice system, identified the key shifts required to the future operating model and developed a design process for the next phase of work. The next phase of work will look at the design of the desired future experience for children and young people, and the operating model to deliver this.

### **Our Vision for New Zealand Children**

The long-standing vulnerability of many of our children and young people is the most pressing social issue confronting New Zealanders today. Child abuse and neglect affect many young peoples' lives and create enormous costs for our society in health, criminal justice, welfare, lost taxes and early morbidity.

This issue looks likely to be passed down to future generations unless a change occurs in our society and institutions. It is not the responsibility of children to change themselves, their families or communities. New Zealand adults – as parents, friends, neighbours and co-workers – must change our own attitudes to child vulnerability and protection.

New Zealand adults enjoy a far greater level of rights, protections, access to services, support and advocacy than are available to our vulnerable children. The Panel's vision is that New Zealand values the wellbeing of our children above all else.

### **The Role of the State in Caring for Children**

The purpose of the care, protection and youth justice system is to ensure children and young people are in loving families and communities where they can be safe, strong and flourish. Although government has a role, it cannot fulfil this purpose on its own. Most of the care and support children need must be provided through loving families rather than State or community agencies. As well, all New Zealanders have a personal responsibility to identify children who are potentially at risk, champion the rights of those children, and find practical day-to-day ways of helping parents and communities to care.

It is impossible for an organisation or a government agency to love a child the way a family should. While the care services are an essential part of child protection, children tell us their most basic need is to be part of a family that loves and protects them. Research shows the negative impact on the development and life opportunities of children subjected to abuse, neglect or denied the love and care of family, including long-term effects of self-harm, poor mental health, drug and alcohol problems, risky sexual behaviour, obesity, and youth and adult criminal behaviour.

Services provided, or paid for, by the State to children who have experienced abuse or neglect need to be high quality, proven services if we are to avoid high costs and poor results in the short and long term. Family support services need to be rigorously evaluated and improved to ensure they contribute to reducing abuse and neglect and help families to care safely for their children. Unfortunately, few services provided to vulnerable children and their families currently have the monitoring and evaluation required to demonstrate they work.

### **Historical Context for the Current System**

New Zealand has changed considerably since the introduction of the Children, Young Persons and Their Families Act 1989 ('the CYP&F Act'). For example, notifications of emotional abuse and neglect are now far more common, while physical abuse has become a smaller proportion of the urgent issues presented. We know that these types of harm can have profound and long-lasting consequences for children.

However, CYF has not made the necessary changes to its strategy and operating model to reflect these societal changes, and as a result has been unable to demonstrate that it is making a sufficiently positive difference in the lives of the children and young people it serves. These issues have led to CYF being reviewed almost continuously, including 14 restructures between 1998 and 2008 and reviews spanning 1988 to 2015.

While all reviews recognised the extremely challenging nature of the work, and the considerable efforts staff made to do a good job, all also had fundamental concerns that are consistent with those identified by the Panel. The reviews note lack of clarity in purpose, mandate and accountabilities of CYF within the wider sector, insufficient response to increasing demand and complexity of chronic need, and a reactive and incident-focused service.

The reviews identify concerns with the internal capabilities of CYF, including insufficient operational and management reporting, workforce planning and development, cultural competency, and a lack of analytical tools and methods to support an evidence based approach.

The Office of the Children's Commissioner (OCC) conducts periodic reviews of CYF's operations through a combination of site visits, direct engagement with children, young people and families, and speaking with frontline workers. These reviews have also identified consistent themes relating to high levels of variability in practice, lack of sufficient support for care placements for children and young people, the need for more support for young people leaving care, inadequate cross agency collaboration, and insufficient priority given to the cultural capability of CYF.

The Panel notes that past reviews largely concentrated on CYF, rather than also examining the linkages with the wider social sector and the level of support required from other agencies. Many of the recommendations of previous reviews were not put into effect, resulting only in incremental improvements to the system but leaving many fundamental concerns with regard to vulnerable children substantially unaddressed.

It is the view of the Panel that fundamental improvements for vulnerable children can only be made by taking a system level view and taking a legislative and systematic approach to drive accountability to change outcomes for vulnerable children across the sector.

## **Understanding the Needs of Vulnerable Children and their Families**

At the heart of the assessment of the current operating model has been the Panel's work to develop a deep understanding of the vulnerable children, young people and families. This has been through an evidence base of statistics and results, and through engaging directly with children and young people to hear their stories and listen to their insights.

### *Repeated re-entry and revictimisation within the system*

The overall number of children coming to the attention of CYF has been decreasing over the past six years. However, an increasing proportion of the children being referred to CYF each year are children who are already known to the agency. In 2014, six out of ten notifications made to CYF for protection were for children the agency already knew about, and many had extensive history with the agency. On average, these children had engaged with CYF on three previous occasions. There is also a concerning level of re-abuse for children who have been in care. In 2010 twenty three per cent of children who exited care and returned to their biological parents were re-abused and ten per cent of those who exited care to kin or whānau placements<sup>1</sup> were re-abused within 18 months. By contrast, re-abuse rates are one per cent for those exiting care in non-kin or non-whānau placements. In care re-abuse rates are currently unknown, but there is anecdotal evidence of significant re-victimisation of children and young people while in the care of the State.

### *Complex, long-term needs*

Child abuse and neglect occurs within families across all parts of the community. The last 10 years have seen a significant increase in findings of emotional abuse and chronic need, while findings of neglect, physical and sexual abuse have remained comparatively steady. Most of the families of children who are referred to CYF have high levels of long-term need and disadvantage. Many are experiencing combined impacts of long-term unemployment, low income, unaddressed physical and mental health needs, parental alcohol and drug addictions and family violence. In almost 70 per cent of cases, Police had records of at least one family violence incidence involving parents in the five years prior to the birth of the child. Among children notified to CYF by age five years, there are also high rates of sole parenthood, 36 per cent of the parents were previously known to CYF as a child and, in 37 per cent of cases, a parent had served a criminal sentence in the five years prior to the birth of the child.

### *Over-representation of Māori children*

Approximately 57 per cent of children seen by CYF by the time they are aged five are Māori. To put this in context, the demographic profile of New Zealand is that almost 30 per cent of all children born in New Zealand are Māori. To help understand why this over-representation occurs, Figure 4.2 looks at the extent of family needs and disadvantage for Māori and non-Māori families. As can be seen, Māori children are disproportionately represented in families with high levels of need and disadvantage. For example, Māori children are nearly four times more likely to have a parent who

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<sup>1</sup> 'Whanau placement' refers to placements where there was already a close relationship between the child and the caregiver prior to placement. In most cases the caregiver will be extended family/whanau, but could also be unrelated to the child, for example a close family friend.

was involved with CYF as a child and four times more likely to have a mother who has been dependent on a benefit. The high rates of need and disadvantage among Māori families is an important factor in the over-representation of Māori children among those who come to the attention of CYF.

The over representation of Māori children increases the further they become involved in the system with six out of every 10 children in care are Māori children.

### *Poor long-term outcomes despite significant fiscal expenditure*

Children and young people who have required the intervention of the care, protection and youth justice system have dramatically worse outcomes as young adults than the rest of the population. They are far more likely to leave school with few qualifications, receive a benefit or receive a community or custodial sentence. Fiscal analysis shows the government is spending a considerable amount in lifetime costs for children and young people who come to the attention of CYF. Unfortunately, most of this relates to subsequent benefit receipt and involvement in the adult criminal justice system, rather than investment in preventative services.

### **Hearing the Voices of Children and Young People**

In the first of a series of planned direct engagements, we conducted in-depth research with a small group of young people about their experiences with the care and protection system, the things they valued most and the changes they would like to see – some deeply personal stories were shared with us in the hope this would help others. Below are some of the main things they told us.

#### *We need more nurturing and love*

The young people told us the system often did not provide them with the nurturing and love they required. They felt their caregivers should provide more than food, shelter and supervision – they should also provide an environment where children and young people could learn, grow and heal.

#### *We want a say in what happens to us*

The young people felt they did not have a voice in important decisions being made about their futures. They felt people involved in the process were not being honest and transparent about the decisions that were being made. This left them confused, anxious and disempowered.

#### *We have experienced trauma and need help to make sense of what has happened to us*

Young people described being expected to transition into new environments frequently with little support. Young people commented that they need to be empowered to make sense of what they have been through and the reasons why things have happened to them.

#### *We crave belonging and being part of a family who bring out the best in us*

Finding a sense of family is critical for young people. Young people were concerned that if others knew they were in care then they would also know that they did not belong to anyone. Many reported the life-changing impacts of finding ‘the one’ adult who understood and supported them.

### *We want to strengthen our cultural identity and connection*

Young people talked of the value of cultural connections, especially in relation to building their sense of identity and well-being. They felt this was not well recognised or supported, and adults did not understand the importance of connection and under-valued it.

### *We do not stop needing help, support and nurturing just because we turn 17*

Some young people felt very unprepared, stressed and vulnerable when they age out of the care system at the age of 17. For some young people leaving care, the only option is going back to the unsafe environments they were initially removed from.

## **Our Objectives**

After considering the feedback and insight of young people and hearing from front-line staff, agencies, specialists, academics and practitioners, the Panel has agreed on the following list of objectives to cover what we expect from a child-centred care, protection and youth justice system.

1. Ensuring that children have the earliest opportunity for a loving and stable family
2. Addressing the full range of needs for each child.
3. Preventing harm and revictimisation of children.
4. Helping children to heal and recover.
5. Supporting children to become flourishing adults.
6. Helping children and young people to take responsibility for their actions and live crime-free lives.

## **Our Principles**

The Panel also sought a consistent set of principles to guide our assessment of the current system and consideration of options for the future system. After considering the extensive list of principles contained in various parts of the 1989 CYP&F Act and other strategic documentation, the Panel agreed on a set of principles. Our principles aim to:

1. *Place the child or young person at the centre of what we do.*  
We ensure that, whenever possible, children and young people understand what is happening to them and why, and participate in decisions affecting their lives. The emotional and physical wellbeing of each child will be paramount in our decisions.
2. *Support families to care for their children.*  
A child or young person's family/whānau (whether their original family, or a new family) and extended family have the primary role in loving and protecting them and should participate in decisions that affect the child or young person.
3. *Use evidence-based approaches to get the best results.*  
We use interventions that have been proven to make a difference. We clearly understand the results we are achieving for vulnerable children and young people and strive to do better. We recognise that early and effective help is better for children.
4. *Support the connection of all children, including Māori children, to their family, cultures and communities.*  
We will support children to feel connected to their communities, cultures and wider whānau

and family through understanding the significance of the genealogy and family context, their unique needs and ensuring that our services and care respect their uniqueness.

**5. *Have the same high level of aspiration for vulnerable children as we do for all other New Zealand children.***

We ensure that children receive the love that they need and have access to the same opportunities as other New Zealand children.

**6. *Help all New Zealanders to make a difference for vulnerable children.***

We will work to re-connect New Zealand families and communities with children who are in need of care and protection and youth justice services, and encourage New Zealanders and agencies to help, with the right support, children and young people in need.

### **Performance of the Current Operating Model**

The current operating model places a high priority on completion of tasks with narrow responsibility and accountability within and between agencies. Decision-making tends to be focused on managing immediate risk and containing short term costs. This focus has come at the expense of the prevention of re-victimisation, remediation of harm and supporting long term outcomes. While there are pockets of good practice, and a committed frontline workforce who strive to do a good job, the system as a whole is not delivering effectively for vulnerable children and young people.

#### *The system is fragmented and lacks common purpose and clear accountabilities*

The current system consists of multiple agencies and is largely based on the performance of functions with compartmentalised responsibility and accountability within and between them. This has been accompanied by on-going uncertainty within and between agencies on their respective roles and functions in realising the objectives set out in the CYP&F Act, which has not been resolved by the introduction of the Vulnerable Children Act. This includes confusion about the role of the statutory system in situations of chronic harm and high longer-term risk, and uncertainty about obligations around the needs of children in care.

CYF does not currently have a clear mandate to direct services from the wider sector towards the care and protection of vulnerable children. This results in their inability to access the right services for children and families until they have escalated further into the system, limiting effectiveness of early prevention activities. Children's teams, whānau ora, social sector trials are all working with vulnerable families but there is no systematic approach to achieving results for children and young people in a coordinated way.

#### *The system does not place children at the centre*

The current operating model is focused on process rather than on the needs of the child. At an individual level, the current service does not provide enough regular engagement with children, families or caregivers, or understanding of their needs. At a national level there is no independent voice or agency of sufficient size and capability to speak for children and hold the system to account in its day-to-day dealings with children. Current legislation does not consistently support a child-centred approach. The interests of children are represented in principles outlined in Sections 5, 6 and 13 of the current CYP&F Act. However, throughout the rest of the Act, children are treated as

passive participants in a process where decisions are made for them by others. There is no reference to the rights or voices of children in the Vulnerable Children Act.

*The system does not reflect a high level of aspiration for vulnerable children*

The services from the social sector are aimed at broad populations and are often inaccessible, or insufficient, for vulnerable children and their family and whānau. Health and Education have told the Panel their current priorities are driven by universal services objectives that relate to different (but often overlapping) priority populations. Agencies do not prioritise work with vulnerable children ahead of their general accountability for universal services, despite the fact that vulnerable children are harder to reach and have more complex needs. If we are to have the same high level of aspiration for vulnerable children as we do for all other New Zealand children then we need to establish specific targets for children in the care and protection and youth justice system and hold social sector agencies to account for the achievement of these targets.

*New Zealanders are not actively engaged in making a difference for vulnerable children*

Children report social stigma associated with being in care and, in particular, with not being part of a loving family. This can prevent their effective participation in society in every-day ways that are important for young people – such as in sports teams, clubs and friendships with children outside the care and protection system. The stigma is a symptom of a wider issue. The background, stories and needs of children in care are not well understood by the wider New Zealand population. Fundamental settings of the current system, such as ‘aging out at 17’ or the high average number of placement changes, are not understood by the majority of New Zealanders, and would be unacceptable if they were.

Care is not just a State responsibility and it is only through families and communities that love and nurturing will be found. There is great potential to find care in the community beyond the current formal definition of caregivers. The Panel believes we must encourage all New Zealanders to do what they can to help and take action to support vulnerable children and young people.

*The system is not effective in supporting families and whānau to care for their children*

Current preventative efforts are not working as evident from the pattern of repeat notifications and delayed intervention. The Family Group Conference is the centrepiece of preventative services in the system. However, little coordinated analysis has been completed on the needs of the children and young people currently receiving Family Group Conferences, or the effectiveness at meeting these needs. In 2014 children having their first care and protection Family Group Conference had, on average, more than four prior reports of concern and this figure had more than doubled since 2000.

CYF cannot support children and families on its own. Health, Education, Police and other agencies are key partners in the Family Group Conference process. However, it is not currently mandatory for agencies to participate, nor are all relevant agencies held accountable for the outcomes agreed at the conference. While agencies may commit to better service delivery in the forthcoming agency plan for vulnerable children, a more directive approach by Government through legislative change and improved governance is likely to be required.

While Children's Teams will in principle provide for better support to family and whānau, these are yet to be proven to be effective. The resourcing and implementation skills to bring these teams to scale is as yet untested.

System changes must be seen in combination with a move to engage all New Zealanders in supporting families and whānau to care for children. There is a fundamental shift required to recognise that prevention and support must be provided through caring communities, not solely through agencies of the State.

*The system does not focus on providing earliest opportunities for a loving and stable family*

Children and young people have told us, and evidence supports, that ideally the first long-term placement should be the right one. Data shows vulnerable children currently have seven to eight prior placements and are, on average, between seven and eight years old. The high average number of placement moves experienced by children at a young age is unacceptable.

A significant degree of trauma, confusion, stress and disruption to their development is an inevitable consequence of so many moves for any child or young person, and more so for children who are already vulnerable. Permanency should be achieved far more quickly than is currently the case.

When genuine, loving bonds are forming between a child and caregiver the system should do all it can to allow these bonds to deepen, rather than disrupting the relationship through a placement move that re-traumatises the child. The system needs to find the right caregiving environment as soon as possible – even if this is not with biological family – rather than relying on a succession of temporary, stop-gap placements.

*There is insufficient focus on the recruitment, support and retention of caregivers who are vital to provision of loving and stable families*

CYF currently works with about 3,500 caregivers, yet there is no national picture of the needs of our care population, the range and needs of caregivers, what works in their recruitment or retention and what kind of support is needed. There is no overarching, nationally co-ordinated approach to caregiver recruitment and there is an inability to predict and plan for future requirements.

A high proportion of caregivers are in low income households and 42 per cent of the caregiver population are on a current Work & Income benefit. The majority of CYF caregivers are middle-aged, but a significant proportion are nearing the age of 60 years or older. This is a concern in that children who have complex and significant needs are being placed in households where resources may already be stretched and the capacity of the caregiver to meet needs may be constrained.

Caregivers are largely a volunteer workforce, receiving allowances for the child's day to day costs. There have been clear historical reasons for using volunteers, and many caregivers have a strong value base as to why the care of children is not a paid job. However, greater financial and non-financial support may be required especially for those entrusted with the most vulnerable children with complex needs.

### *There is a lack of evidence-based approaches to achieve results*

The Panel has reviewed international experiences and from this has identified a range of well-tested and proven approaches that meet a high standard of evidence. Unfortunately, few of these approaches have been tested in New Zealand. Most of New Zealand's child protection system relies on practices and approaches that have not been proven to a high standard of evidence (the Family Group Conference, for example).

Evidence-based practice would require CYF and the wider system to have greater clarity on the results they are seeking, better monitoring of the results and understanding of the mechanisms by which results can be achieved. A fundamental requirement is to develop and maintain a comprehensive programme of evaluation. Some current programmes of work are starting to strengthen evidence-based approaches, such as the Community Investment Strategy which covers much of the community-based prevention services received by vulnerable children, young people and families. But it will take time to build up this knowledge, and the shared commitment of all social sector agencies.

### *The workforce lacks the capabilities and capacity to meet increasingly complex needs of children and families*

CYF employs about 3,200 FTEs and relies on social work and social workers as the primary means of service delivery. There is currently fragmentation at a national level in social worker qualification and training, which is reflected in a lack of consistent practice within CYF. There is also a lack of workforce planning and reporting capability within CYF that results in a lack of long term planning to address these issues.

Front-line child protection and youth justice workers need better support, training and a full range of skills to be able to make a lasting difference in the lives of vulnerable children. Key directions in many countries include measures to improve the professional supervision for staff doing child protection work, improve training for front-line workers, increase worker satisfaction and reduce turnover, and reduce administrative burden. An important issue for many countries is the appropriate mix of different professional skills required in the child protection workforce.<sup>2</sup>

The skills required to achieve results for vulnerable children reside across a range of different professional disciplines. Social work, psychology, psychiatry, general and specialised medicine, education and youth work all have a vital role to play. There is not currently a sufficiently multi-disciplinary approach to the CYF frontline workforce, and there are gaps in the professional skills required to meet diverse and complex needs.

Children, young people and their whānau have also told us that CYF needs to be more flexible and accommodating around how, where and when CYF interacts with them. The current operating model is based around a 'business working hours' approach which fails to accommodate the needs of school-age children and working families.

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<sup>2</sup> [1] Administration on Children, Youth and Families (United States) (2012) Promoting Social and Emotional Well-Being for Children and Youth Receiving Child Welfare Services, Information Memorandum, US Department of Health and Human Services. <http://www.acf.hhs.gov/sites/default/files/cb/im1204.pdf>

*There is more work to do on supporting the connection of children to their cultures and communities*

Young people talked of the value of cultural connections, especially in relation to building sense of identity and well-being, and that this was not well recognised or supported. We must acknowledge the connection of children – including Māori children – with their wider systems of support, such as whānau, and begin engaging early and productively.

CYF has made commitments and improvements to address cultural connection, including through its strategic vision, strategic vision Mā mātou, mā tātou, the development of a bi-cultural practice framework and establishing memorandums of understanding with iwi.

However, the Panel is mindful of reviews, as recent as the 2014 Casework Review and as far back as Pua-te-Atata-Tu in 1988, which point to a lack of consistent capability to work successfully with Māori and achieve better results. They highlight the need for better responsiveness to Māori and more consistency of practice. CYF should build staff and manager capability and confidence in this area and partner more effectively and extensively with Iwi and Māori organisations.

*The use of residences and custodial remand reflects an overly institutional approach to care and youth justice*

A number of children have suffered significant stress and trauma prior to being placed in a CYF residence. Evidence and experience show that the propensity of large-scale institutions to cause harm to vulnerable children generally outweighs the security and safety benefits. Cold, sterile facilities like some of the CYF residences run the risk of re-traumatising children and young people.

Security and safety can often be dealt with by smaller, more localised services where a stronger connection to communities and tailored support would also provide a better chance of healing and development.

CYF has started to develop a wider continuum of care options that are legitimate alternatives to residential placement. This is a positive trend, but any further investment needs to be informed by a more comprehensive understanding of the needs of children and young people.

The youth justice system deals with offending by children aged 10-13 years, and young people aged 14-16 years. Despite declining youth crime, youth justice residences are increasingly being used to house young people under remand and as a short term solution when other placement options cannot be found. Custodial remands form 73 percent of total admissions, but 75 percent of young people remanded go on to receive a non-custodial sentence at youth court. This over-use of custodial remand for young people is unacceptable, especially given the harm that can be caused in an institutional setting, and reflects an insufficient focus on keeping young people away from custodial and institutionalised settings, where these can be avoided.

The care and protection and youth justice system lacks integrated planning for the child or young person as they transition between care and youth justice and between agencies, providers and community. Greater alignment is needed between CYF and community providers, health and education around a common language and interoperable IT systems in order to achieve a coherent approach to individual young people across agencies.

## *Vulnerable young people need and deserve far more support to make a successful transition to adulthood*

Young people in need of care and protection should not have their assistance lapse at age 17, the current care leavers exit age in New Zealand. In most comparable jurisdictions, young people exit formal State care at age 18. In a handful of jurisdictions this age is 19. Jurisdictions are increasingly introducing provisions to allow young people to stay in care up until the age of 21. Similarly, most comparable jurisdictions have a higher upper age for youth justice.

Many young people leaving care report a sense of abandonment, anxiety and fear and experience high levels of instability and insecurity across many aspects of their lives. This includes unsafe, unstable and poor quality housing and homelessness and difficulty remaining connected to education. Most of these young people lack the kind of stable and safe family, peer and community relationships and resources that are available to other young people as they make the transition into adulthood.

Current transitional support for care leavers is limited in scale and scope. Many young care leavers get no government-funded support after leaving CYF care. The range of support available through the services that are funded are not, in large part, designed to address the range of material, health, education and safety needs affecting most of these young people.

### **Using International Experience as a Guide**

Reviews of child protection systems in similar jurisdictions, such as Australia and the United Kingdom, have identified many of the same problems and pressures.

All countries have faced pressures driven by rising demand and costs, struggled with over-representation of indigenous and minority children in their systems, and faced barriers to improving a cross-agency response to vulnerable children. International evidence also suggests achieving results can be difficult due to the long term nature of the changes required, a preoccupation with urgent issues, high staff turnover and caseloads, and sensitivity to the risk of adverse incidents.

There is a widespread recognition of the need to invest in increased prevention. Using and properly implementing evidence-based programmes is another major focus and recognition of the mix of different professional skills required in the child protection workforce.

Internationally, there is a preference for community-based care of young offenders, the use of secure residential care as a last resort is supported by research indicating that young people in less restrictive step-down residential care have better outcomes than those in more restrictive secure care facilities.

Of particular interest to the Panel has been a move in many countries to enable children and young people to participate in care and protection decisions that involve them. This has meant more legal rights, advocacy, and peer support networks of young people in care.

Ultimately, these international approaches would need to be adapted for New Zealand circumstances, through a framework for investing in services, evaluating their effectiveness and by engaging children, young people and families in decisions that affect them, at an individual and system level.

## The Important Changes We Need to Make

In response to the issues we have identified so far, the following significant shifts in the design and operation of the care, protection and youth justice system are required.

1. **A child-centred system** – The system must shift from being primarily centred on the services, processes and administrative convenience of the agencies, to bringing the voice of children, young people and their families to the forefront of:
  - decision-making on the services and interventions they require to be safe, nurtured and stable, and to flourish as adults;
  - design of services, policies and approaches at a system level; and
  - advocacy for their rights through an understanding of the expectations they can have of the system and all its participants.
2. **An investment approach** – The system must shift from an event-driven and response-based approach to one focused on evidence and long-term results across the social sector. The investment approach for vulnerable children will use data, evidence and analytics to:
  - provide incentives to intervene with the right service, as early as practicable with the right children, young people and families, by ensuring that agencies and non-government providers are accountable for achieving improved outcomes which will reduce costs in the longer term;
  - identify, evaluate and improve on the interventions; and
  - create a shared and consistent prioritisation and delivery of seamless services for children, young people and families across multiple agencies and providers within the sector.
3. **A professional practice framework** – The system must shift from a rules, compliance and timeframe-driven practice to professional judgement based on:
  4. an evidence-based understanding of the impact of trauma on children and young people, the science of child development, and best practice approaches in building resilience in children and young people;
  5. a high degree of cultural competency and confidence to support the needs of all children, including Māori children; and
  6. a framework for decision-making that sets out the principles and tools to guide effective professional practice.
4. **Engaging all New Zealanders** – We must re-engage with New Zealand families and communities to:
  - build their understanding of what care means for children
  - take action to support vulnerable children and young people wherever and whenever they can in their daily lives
  - provide access to safe, loving and stable families where they can
  - support children in their care to heal, recover and flourish, and
  - play a shared role in championing the role of children, young people and their families in designing the system.

Making these significant shifts will require legislative change in a number of areas and this report discusses those changes.

In addition to the shifts above, we have identified a number of programmes of work that relate to specific changes to services for vulnerable children, including:

- Care continuum – this will clearly articulate the range of care needs and options, and recommendations for increasing the range and quality of care options, including better recruitment and support for caregivers, and the role of residences.
- Stability in care – this will make recommendations to minimise the number of transition points for a child and manage transitions in a way that provides as much love and stability for children as possible. We will also look at the professional support required for frontline staff to have the right skills and capabilities for professional practice and decision making.
- Age of transition to adulthood – this will make a recommendation for the appropriate age (or range of ages) for young people to transition out of CYF care and protection and youth justice, in keeping with our core principles and objectives.
- Supporting effective transitions to adulthood – this will make recommendations for how to best support young people transitioning to adulthood, in a way that is consistent with the principles and objectives of the care system.
- Supporting young people to live crime free lives - this will make recommendations on establishing an integrated plan for the child or young person as they transition between care and youth justice and building assessment tools into the practice framework that have clinical utility and monitoring value.
- Options for remand – this will present options for custodial remand sentences, reflecting an understanding of how these would be provided and how they meet the needs and legal rights of young offenders.

The operating model design will bring together the system and organisation changes required to deliver these significant shifts. The operating model design will consider:

- structure, accountabilities, governance and monitoring;
- workforce, channels for service, technology and delivery models;
- data and information sharing and management; and
- complaints management, resolution and independent advocacy.

### **Our Next Phase of Work**

The next stage of the work is the development of a future operating model. This will create the framework for the more detailed design of the processes, systems, roles and responsibilities required within CYF. We will also identify required changes to current accountability and legislative frameworks that underpin the delivery of services across the sector.

This work will establish a blueprint of the desired outcomes, parameters and principles for detailed design work in 2016 conducted with CYF and partner agencies.

The future operating model will be developed using a collaborative design approach that engages children, young people, caregivers, families and providers as partners in design. This approach must be sustained in subsequent detailed design phases of work.

Three reference groups or advisory panels are being established in support of the design phase:

- A Youth Advisory Panel made up of young people with experience of CYF services;
- A Māori Reference Group to provide critical advice and expertise to the design work to ensure any elements relating to the circumstances of vulnerable Māori children are properly considered; and
- A Practice Reference Group for practice design to provide input and expertise on matters relating to effective practices and services for vulnerable children.

Two further pieces of work will begin for inclusion in the December report: a plan for detailed design and implementation, and the likely cost-envelope and cost-benefits of the proposed changes. The Panel will provide sufficient information to support any decisions that ministers may need to make in the context of Budget 2016.

### **Initiatives That Can Begin Immediately**

The Panel proposes a feasibility study to determine how an actuarial liability for vulnerable children could be determined, used to contribute to our understanding of vulnerable children, achieve better results and challenges that will need to be overcome. This study will inform the shift to an investment approach.

The Panel proposes to engage the philanthropic sector to strengthen the voice of New Zealand children and young people in care by developing a proposal for a new advocacy service. This proposal will inform the shift to a child centred system.

We expect the Ministry will also look at the linkages between its own service delivery areas and ensure that housing, youth services and information sharing are addressed proactively for vulnerable children and young people and their caregivers. This will reduce fragmentation of the system within the boundaries of the Ministry and CYF.

Once the Panel has presented its final report in December, a range of early changes overseen by the Vulnerable Children's Board can begin that will pave the way for the larger changes to follow, and help to establish change capability and readiness within CYF and across the sector.

### **Are We Ready for the Size of the Task Ahead?**

Achieving the scale of improvement required to the child care, protection and youth justice system is an enormous challenge. The current operating model for CYF and the wider system has not been effective in responding to long-term trends and a transformational change is required to reverse the current patterns of repeat abuse, poor life outcomes and overuse of custodial and institutional responses. Change on this scale will take years, rather than months to achieve and must be implemented in a way that ensures effective delivery of improved outcomes for vulnerable children.

To direct, manage and implement the shifts in operating model will require a significantly higher level of leadership, strategic vision and planning, service design, and delivery management than is

currently evident across the system. It is the Panel's observation that the current management capacity and capability of CYF, in particular, is heavily focussed on responding to incidents, and therefore significant change would be required to move to transformation and then continuous improvement.

Although CYF has progressively improved its connection to the corporate support functions within the Ministry, building blocks for implementing change such as robust performance management, workforce planning, management reporting and portfolio management are currently absent.

International evidence shows the contribution a positive organisational culture can make to the effectiveness of social services agencies. While we have seen many examples of high-quality practice, innovation and problem-solving from committed frontline staff, these are standalone instances lacking a systematic approach that supports and shares best practice. Building a culture that is innovative and responsive will be a pre-requisite for a successful transition to a child-centred model and will require significant effort from senior leadership.

A new operating model will also require the wider social sector to make substantially greater progress than has so far been evident. Government should expect social sector chief executives to deliver tangible results for children experiencing, or at risk of, abuse and neglect. This may require a strengthened legislative mandate and specific time-bound contributions from each agency to the seamless and co-ordinated effort needed for each child. More targeted performance indicators, metrics and evaluation at the system level will certainly be required.

The high degree of fragmentation between CYF, the Children's Action Plan, Children's Teams, Health, Education, Justice, Housing, Community Investment and Social Sector Trials and providers reduces the ability of the social sector to become truly centred on the needs of each vulnerable child. Government should expect the plan for vulnerable children will address this fragmentation. The Panel will also consider changes to sector governance as part of our final report.

A commitment to a substantial multi-year programme of work will be required to turn the current situation around and deliver on New Zealanders' aspirations for our vulnerable children.

Nevertheless, the Panel believes that lasting change is possible and within our ability to achieve.

## 1.1 Recommendations

The Panel recommends that you:

1. **Note** that the overall assessment of the Panel is that fundamental changes to the operating model are required for CYF to achieve all of the objectives relating to care, protection and youth justice, including:
  - i. A child-centred system where the new operating model of CYF, and the culture, services, practice, governance, processes and systems of all key providers and agencies, is oriented around the needs and voice of the child or young person.
  - ii. An investment approach that takes a lifetime view of costs and benefits and directs effort and capability towards earlier intervention for vulnerable children.
  - iii. A professional practice framework that provides the guidance, tools and information to support staff to make evidence-based professional judgement.

- iv. Engaging New Zealanders to improve awareness of children within the care and protection and youth justice system and to encourage New Zealanders and agencies to take action to support vulnerable children and young people and provide them with safe, loving and stable family care.
2. **Note** the Interim Report seeks your agreement to the commencement of two initiatives ahead of the completion of the final report in December 2015, specifically:
  - i. an actuarial feasibility study to support an investment approach for vulnerable children; and
  - ii. engaging the philanthropic sector to support the development of an advocacy service for children and young people involved with the care and protection and youth justice systems.
3. **Note** that the Panel also expects that the Ministry of Social Development will look at the linkages between its own service delivery areas and ensure that housing, youth services and information sharing are addressed proactively for vulnerable children and young people and their caregivers
4. **Note** the Interim Report identifies work that can begin in early 2016, overseen by the Vulnerable Children's Board, following the completion of work on a new operating model for Child, Youth and Family:
  - i. agencies in the social sector can contribute to the new operating model by extending their operating models to address the specific needs of vulnerable children, and this needs to be aligned with Child, Youth and Family's strategy and operating model; and
  - ii. Child, Youth and Family, with the support of the wider agency, can begin work to develop a co-ordinated approach to recruit and better support caregivers and to make improvements to the professional practice framework to better support staff in their professional judgement.
5. **Note** the Interim Report sets out an approach to collaborative design that includes additional engagement with children, young people and their families with prior contact with the system, and the establishment of two Reference Groups alongside the Youth Advisory Panel to test, challenge and refine the design work.
6. **Note** the Interim Report signals broad areas where the Panel is likely to recommend legislative change, and that the December report will include final advice on a package of legislative reform for possible inclusion in the 2016 legislation programme.
7. **Note** the December report will include high level costings of the new operating model as well as detailed costings of specific initiatives that could be funded through Budget 2016.
8. **Note** detailed costings of the new operating model will be developed as part of implementation planning in 2016 and that these will be finalised in time for consideration as part of Budget 2017 processes

## 2.0 Background

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In March 2014, the Cabinet Strategy Committee considered current issues in the care and protection system and possible responses. The Committee provided direction for Child Youth and Family (CYF) to modernise its operations in order to address environmental changes, organisational performance and continued funding pressures. The Committee directed CYF to develop an approach to invest in better results for children and young people.

Budget 2014 appropriated additional funding to CYF for the 2014/15 fiscal year only, with the understanding that the modernisation programme would inform future funding requirements.

In April 2015, after reviewing progress, the Minister for Social Development established the Modernising Child, Youth and Family Expert Panel to develop a plan for the modernisation of CYF. The terms of reference (see Appendix B) for the review have a broad scope with an overall focus on determining the extent to which CYF's current operating model concentrates on improving outcomes for children and young people, and any changes required to improve these outcomes. The terms of reference also include consideration of the relative responsibilities of CYF and other agencies for vulnerable children and young people across the social sector.

### 2.1 The Current Child Protection and Youth Justice Systems

The role, functions and services delivered by CYF are nested within the operation of the broader child protection and youth justice systems. The government has an interest in ensuring that all children have good lives and are able to achieve their potential, and reflects this interest across sectors and government agencies. The child protection and youth justice systems represent our collective efforts to protect the complex and diverse interests of our most vulnerable children.

#### Recognising the Central Importance of Family and Whānau

The love and care of parents, siblings and a wider network of family and whānau is central to the happiness and well-being of children and young people. Research also indicates that parents, family and whānau have a fundamental impact on the development and life opportunities of children. The very early years are a critical time for healthy development, but the importance of the family environment begins before birth and continues through to young adulthood.

*“ I just looked at [my family]. They would be doing drugs in front of me, and I would just leave because I don't want to be like that when I'm older. I need something better. I don't want to be a woman basher or alcoholic that spends his money on nothing except alcohol.”*

MALE, 15

There are profound later consequences when families neglect or abuse children. As well as emotional consequences, there are often long-term effects including self-harm, poor mental health, drug and alcohol problems, risky sexual behaviour, obesity, and youth and adult criminal behaviour. However, it is not just abuse and neglect that have an adverse impact on children and young people. Indifferent, unsupported or unprepared parenting, particularly where a child has significant needs or challenges, can also have a major influence on life trajectories.

There are a wide range of factors that influence the ability of families to appropriately nurture and support children. These include wider family supports, financial resources, the extent of unmet health needs (e.g. alcohol and drug addiction or unaddressed mental health needs), anger management and violence, and parenting skills and experience.

### **The Role of Government**

Government has a role in supporting families and whānau to fulfil their central and primary role in safely caring for and nurturing their children. Where children face a risk of maltreatment or offending, the child protection system is charged with ensuring children are protected and receive the necessary care and support. Where maltreatment or offending occurs, there is a need for care that addresses the impact of that and the causes of offending.

Although government has a role, it cannot provide the total answer. All New Zealanders play a part in identifying children who are potentially at risk and drawing this to the attention of parents, communities and, if necessary, the child protection system. More fundamentally, most of the care and support that children need – including vulnerable children – must be provided from families rather than State or community agencies.

Ideally, the birth families of children would provide the required level of love and care with access to the appropriate level of support. However, when children are no longer safe in the family of their birth, other New Zealand families or members of the extended family must open their homes and hearts to care. These families require access to support and resources to enable them to care and to know that they can make a difference.

## **2.2 Historical Context**

The context in which CYF has operated has changed considerably since the introduction of the CYP&F Act in 1989. In particular, the number of notifications to CYF has increased substantially, including throughout the 1990s, and by 222 per cent from 2002 to 2014. These trends have been observed across many developed countries and are discussed in more detail in Section 4.

These increases in notifications and findings have put considerable pressure on the agency. CYF has struggled to define the resources it needs to respond to this situation, and has also been unable to demonstrate that it is making a positive difference in the lives of the children and young people it serves. These problems have led to CYF being reviewed almost continuously, including 14 restructures between 1998 and 2008. These restructures have included being a business unit within the Department of Social Welfare from 1992 to 1999, a stand-alone agency from 1999 to 2006, and being integrated into the Ministry of Social Development (MSD) in 2006. They have also included multiple changes to responsibility for the contracted spending to community organisations, with some changes moving this closer to CYF, and others moving it further away.

Since 2006, further structural change has occurred to consolidate functions such as information technology, human resources and data analysis within the wider Ministry of Social Development.

If structural change was the sole solution to the challenges faced by the child protection and youth justice system, New Zealand should have solved them by now.

## Previous Reviews

Key reviews since 1988 have included:

- Puaoteatata (1988) – The Report of the Ministerial Advisory Committee on a Māori Perspective on the Department of Social Welfare.
- The Review of the Children, Young Persons and their Families Act (1992) – Report of the Ministerial Review Team to the Minister of Social Welfare.
- The Brown Report (2000) – The Ministerial Review of the Department of Child, Youth and Family Services.
- The Baseline Review (2003) – Report of the Department of Child, Youth and Family Services: First Principles Baseline Review.
- The Mel Smith Report (2011) – Report to the Minister of Social Development and Employment Following An Inquiry into the Serious Abuse of a Nine Year Old Girl and Other Matters Relating to the Welfare, Safety and Protection of Children in New Zealand.
- The White Paper on Vulnerable Children (2012).
- The Broad Report (2013) – Review of Child, Youth and Family Complaints System: A Report to the Minister of Social Development.
- The Qualitative Review of Social Worker Caseloads, Casework and Workload Management (2014).

Some of the common themes in these reviews have included:

- concern that CYF was not responding adequately to the increases in demand, and was becoming ‘reactive’ and ‘incident-focused’ rather than undertaking more preventative work with families, combined with a lack of on-going support to children once they were in care;
- scant management reporting and financial capability, including the organisation’s inability to provide a clear picture of workload and resourcing;
- uncertainty about where CYF sits within the ‘continuum’ of services purchased by government, including how it works with more preventative, community-based non-government organisations and the wider social sector;
- consistent concerns about social work capability and professionalism;
- the need for a better understanding of the place of children in Māori society and the roles of iwi, hapu and whānau in providing support and guidance for their children;
- continual tension between protecting the child and supporting the family/whānau, and more recently a concern about the loss of the ‘voice of the child’ in the system; and
- also more recently, a concern about the lack of an evidence base for child protection methods, including the limited use of supporting analytical tools and a lack of systematic evaluation of the effectiveness of many interventions.

It is our observation that many of the recommendations of previous reviews in New Zealand were not put into effect, resulting only in incremental improvements to the system but leaving many fundamental concerns substantially unaddressed. This is why many of the common concerns raised in previous reviews are directly addressed in the terms of reference for this review.

There are also some tensions between recommendations in different reviews that have not been addressed. A particular tension is the desire for CYF to both focus on its core role and purpose and make sure there is a greater focus on preventative services. In practice, it is very difficult for CYF to restrict its role to a narrow statutory scope when preventative services in health, education and welfare are either insufficient or poorly aligned to the needs of vulnerable children and their families. Past reviews largely concentrated on CYF – rather than also examining the linkages with the wider social sector and the level of support required from other agencies, providers and the community.

## 2.3 International Context

It is important to note that similar reviews of child protection systems in other countries, such as Australia and the United Kingdom, have identified many of the same problems and pressures – see Appendix F for more detail. All countries looked at had introduced reforms to increase the focus on early intervention and prevention, and all faced pressures driven by rising demand and costs. All had also struggled with the over-representation of indigenous and minority children in their systems, and had faced significant barriers to improving the cross-agency response to vulnerable children.

### Common Challenges

Most countries are facing rising costs. This is a result of the increasing recognition of the impact of emotional abuse, neglect and domestic violence. In many cases, financial pressures are also occurring because of increasing numbers of children and young people in out-of-home care. This has been driven by a number of factors – in particular, children staying for longer periods in the care system.

There is a widespread recognition of the need to invest in increased prevention. Many countries are attempting to implement a ‘differential response’ model where community and other organisations provide specific support services for families alongside, or instead of, formal statutory intervention.

Many countries are also attempting to reduce the number of children in out-of-home care and, given the mounting evidence of poor outcomes, significantly improve the quality of care. There are also associated efforts in many countries to provide increased support for young people into adulthood.<sup>3</sup>

Internationally, there is a preference for community-based care of young offenders in cases where out-of-home care is required. The use of secure residential care as a last resort is supported by research indicating that young people in less restrictive step-down residential care have better outcomes than those in more restrictive secure care facilities<sup>4</sup>.

Over-representation of indigenous and minority children is a central issue in many countries.<sup>5</sup>

Professional expertise, practice and workforce issues are also common across many jurisdictions. Key directions in many countries include measures to improve professional supervision for staff

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<sup>3</sup>CSSP Names Exemplary Youth Programs (2014) Centre for the Study of Social Policy, <http://www.cssp.org/media-center/press-releases/cssp>

<sup>4</sup>Ringle, J.L., Huelner, J.C., James, S., Pick, R., & Thompson, R.W. (2012). 12-month follow-up outcomes for youth departing an integrated residential continuum of care. *Children and Youth Services Review*, 34, 675-679.

<sup>5</sup>Katz, I. Cortis, N. Shlonsky, A. and Mildon, R. (forthcoming) Modernising Child Protection in New Zealand: Learning from system reforms in other jurisdictions, Social Policy Evaluation and Research Unit (SUPERU).

involved in child protection work, improve training for front-line workers, increase worker satisfaction and reduce turnover, and reduce administrative burden. An important issue for many countries is the appropriate mix of different professional skills required in the child protection workforce.<sup>6</sup>

Child protection agencies in many countries often look to better use administrative data to support both operational as well as front-line staff decision-making. There is an increasing use of 'big data' to go beyond simply providing average statistics to more personalised assessments of needs and outcomes.

Using and properly implementing evidence-based programmes is another major focus. There is increasing recognition of the need to use and properly implement approaches that are proven to be effective.

There is also a common recognition of the need for multi-agency responses. In many countries child protection authorities recognise that effective child protection requires responses from health, education, justice, police and non-government organisations. For example, in New South Wales, the 'Keep them Safe' initiative involved expanding responsibility for responding to children at risk to increase the involvement of health, education, Police and other government agencies, as well as the non-government sector.<sup>7</sup> Many countries are looking at the role of non-government organisations and exploring the relative effectiveness of private sector provision.

Lastly, an important direction in many countries has been the recognition of the need to enable children and young people to have a say in care and protection decisions that involve them. This has meant more legal rights, advocacy and peer support networks of young people in care.

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<sup>6</sup>Administration on Children, Youth and Families (United States) (2012) Promoting Social and Emotional Well-Being for Children and Youth Receiving Child Welfare Services, Information Memorandum, US Department of Health and Human Services.

<http://www.acf.hhs.gov/sites/default/files/cb/im1204.pdf>

<sup>7</sup>Cassells R, Cortis N, Duncan A, Eastman C, Gao G, Giuntoli, G, Katz I, Keegan M, Macvean M, Mavisakalyan A, Shlonsky A, Skattebol, J, Smyth C and valentine k (2014), Keep Them Safe Outcomes Evaluation Final Report, Sydney: NSW Department of Premier and Cabinet.

## Case Study: Changing Care in Scotland (Provided by D. Dunlop)

**Beyond statutory bodies are those citizens who populate the neighbourhoods, playgrounds and communities within which these vulnerable young people live. How much do they know about the reality of a life in care?**

Many will have an opinion on care but how accommodating or supportive of care-givers and children would these people potentially be if they really understood State care?

If the benefits of the recommendations of this review are to be maintained for the longer-term, we need those outside the care system to be conscious of these vulnerable young people's needs too. We need the wider cohort of professionals and lay-members of society to not only care and want to get involved in the lives of vulnerable children and young people, but to understand how they can practicably care on a daily basis. The wider public should recognise an emotional, moral, social and economic interest in delivering the best possible care.

If more scrutiny is brought to the issue of care from outside the current system, then we will get a system that is more accountable and better supported.

Children and young people are the *people we care for* yet they are rarely asked what they want.

In the last 18 months in Scotland more than 100 young people with experience of care have shared their stories. The compelling power of the emotive stories combined with direct calls for specific actions have made significant progress. Some examples include:

- care leaving age raised to 21 and after-care to 26
- a local authority offering all their care leavers a job
- communities welcoming a children's residential home in their neighbourhood.

Connecting these stakeholders with young people who have experienced care is a longer-term development process which should begin quickly and be maintained. Liberating these young voices will create a bridge to the broader group of corporate parents and potential community parents – in turn raising the quality of care, care-givers and the support they receive.

### **Corporate Parenting**

In Scotland there are now more than 120 state services that have Corporate Parenting responsibilities for children in care. This breadth of parenting children in care covers most State institutions from Sport Scotland and Creative Scotland, to Higher Education facilities and all government ministers. The Scottish experience has highlighted examples of how those services that regularly impact upon the daily lives of those in care, had no clear idea of care leavers' particular circumstances and lack of support (Housing Officers too readily made them homeless, for instance).

## 3.0 Introduction

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The stability and success of any child protection and youth justice system depends on the trust, confidence, understanding and support of New Zealanders including families, CYF staff, caregivers and other professionals (such as teachers). If they have a good understanding of the systems and provide a high level of support for vulnerable children, they will help to create a better system that champions children.

This report examines how the child protection and youth justice systems work today, assesses the current system and identifies key changes required. This report also recommends the development of a new high level operating model for the child protection and youth justice systems. More detail on the options for the operating model will be provided in the next report due in December 2015.

### 3.1 Scope

The modernisation programme covers all services within CYF, whether delivered in-house or purchased externally, and includes all areas of the agency, such as care and protection, youth justice, adoptions and all phases of engagement with CYF from the intake process through to transition from care.

While the focus of the report is on CYF, the scope also includes considering the broader child protection and youth justice system including:

- programmes and services for vulnerable children funded by the Ministry of Social Development through its Community Investment business unit (for example, Social Workers in Schools and Family Well-being programmes); and
- links with key partners, including the Ministries of Health, Education and Justice, Police, Children's Teams and non-government organisations and Iwi groups.

The focus of this report is to ensure that the needs and voices of vulnerable children and young people are at the heart of a modern system that delivers better outcomes.

### 3.2 The Expert Panel

The Expert Panel's task is to develop a plan for the modernisation of CYF. Within this, there are particular specific considerations including:

- the extent to which CYF's current operating model is 'child-centric';
- the core role and purpose of CYF and opportunities for a stronger focus on this, including through outsourcing some services;
- the effectiveness, efficiency and economy of CYF's current spend;
- the development of an investment approach to CYF;
- a consideration of all parts of the operating model – intake, assessment, planning, all forms of care (including looking at the quality of caregivers and residences), and transition from care (including the costs and benefits of increasing the age of leaving care);

- the professional knowledge, skills and expertise required by CYF;
- the adequacy of current independent oversight, advocacy and complaint mechanisms;
- the responsibilities of CYF and other agencies, such as Children’s Teams and the wider social sector, and approaches to forming stronger partnerships;
- the availability and use of evidence, data and information to support accountability and decision-making, as well as the potential role of data analytics, including predictive risk modelling; and
- technological and legislative barriers to improved practice.

The complete Terms of Reference for the Expert Panel are listed in Appendix B.

### Expert Panel Principles

The Expert Panel sought a consistent set of principles to guide our assessment of the current system and our consideration of potential options. Sections 5,6,13 and 208 of the CYP&F Act contain a total of 27 distinct principles guiding the operation of the Act overall and the application of different parts within the Act. We have condensed a number of these to give a clearer strategic direction for the Panel’s work, and to guide future development and delivery of services for vulnerable children. Our key principles are to:

- 1. Place the child or young person at the centre of what we do.** We will ensure that, whenever possible, children and young people will understand what is happening to them and why, and have a say in decisions affecting their lives. We will listen to children individually, locally and nationally as we design and implement services for them. The emotional and physical well-being of each child will be paramount in our decisions.
- 2. Support families to care for their children.** A child or young person’s family/whānau (whether their original family, or a new family) and extended family has the primary role in loving and protecting that child or young person, and their family/whānau should be supported and assisted to care for each child. Whenever possible, a child or young person’s family/whānau should participate in the making of decisions affecting that child or young person and their views should be listened to.
- 3. Use evidence-based approaches to get the best results.** Evidence-based approaches ensure that vulnerable children and family/whānau have access to interventions that have been proven to make a difference. We must clearly understand the results that we are achieving for vulnerable children and young people and strive to do better. We also recognise that early and effective help is better for children. Those children who have experienced trauma need to be supported to recover before they can develop.
- 4. Support the connection of all children, including Māori children, to their family, cultures and communities.** We will support children to feel connected to their communities, cultures and wider whānau and family through understanding the significance of the genealogy and family context, their unique needs and ensuring that our services and care respect their uniqueness.
- 5. Have the same high level of aspiration for vulnerable children as we do for all other New Zealand children.** Services for vulnerable children and their family/whānau should have the

same high aspirations for children's well-being and life outcomes. We should ensure that children receive the love that they need and have access to the same opportunities as other New Zealand children.

- 6. Help all New Zealanders to make a difference for vulnerable children.** We will work to re-connect New Zealand families and communities with children who are in need of care and protection and youth justice services. We expect that improving awareness will help to remove the stigma of children within the care and protection and youth justice systems and encourage more New Zealanders to step up and, with the right support, help a child or young person in need. We want agencies across the social, health, education sectors and all other providers, whether or not they are part of government, to make a bigger difference to the lives of vulnerable children.

### 3.3 Our Approach

As part of this work the Expert Panel and the Secretariat have met a wide range of stakeholders. A significant amount of background work has been undertaken, including detailed interviews with a group of children who have been in CYF care, statistical analysis about outcomes for children who have had contact with CYF, reviews of family vulnerability, reviews of all parts of the current operating model and key support systems, and an international comparative study of child protection systems. This has included work already completed by CYF and the wider Ministry of Social Development. Insights from previous reviews and from similar international studies have also informed our work.

#### **Parallels with Government's Better Business Case Methodology**

The Terms of Reference call for the Panel to provide the Minister for Social Development with a programme level business case by 30 July 2015. This will be focused on the case for change, desired future state for CYF and a high level assessment of options for a future CYF operating model.

This report addresses the specific items in the terms of reference and includes relevant elements of a programme level business case allowing for the fact that as an external review the Panel is bound to adopt an approach that is somewhat different from the Better Business Case process. For example:

- the better business case process is sponsored at the most senior levels within an organisation whereas an external review is independent (and may not arrive at the path that the organisation would have chosen); and
- an external review is always likely to have a less complete picture of the organisation's internal readiness and ability to implement the recommended changes and therefore an additional amount of work will be required after the recommendations to confirm costs, benefits and timeframes.

The Panel is acutely conscious of Government's wish to have sufficient clarity of the path ahead for CYF to make funding decisions as part of Budget 2016. The following elements of a programme level business case are addressed in this report:

1. The *strategic context* for the programme is summarised in sections 2, 4 and 5 of this report and the case for change is set out in Section 7.
2. The *objectives* of the programme are set out at the conclusion of section 5 and used to appraise the current state of the system in Section 7.
3. The *scope of the change and the high level business requirements* to fulfil the purpose and objectives of the system are set out in section 8 of the report.
4. The key *interdependencies* with other developments affecting vulnerable children are addressed throughout the report.
5. The *investment approach* proposed in section 8 of this report (to be further developed prior to our final report) will provide a way to set concrete targets, measure performance and manage implementation and realise benefits for children, their families and government.
6. Sections 8 and 9 set out a *range of possible changes for consideration*. These changes are aligned with the purpose, principles and objectives set out in Sections 2, 5 and 7 respectively.
7. The approach to *managing the remainder of our review* is outlined in Section 9 of the report.

We expect our final report will fulfil the remainder of our Terms of Reference and provide sufficient clarity not only for Budget 2016, but for the years ahead. Our final report will also:

- outline a comprehensive operating model for child protection and aspects of youth justice that will deliver on the purpose and objectives set out in this report
- provide options relating to scope, timing and implementation – assessed against the purpose, principles and objectives
- recommend any legislative change required to give effect to the new operating model
- outline a high level implementation pathway and timetable to guide agencies and hold them to account for delivery
- contain a high level assessment of likely costs and benefits arising from the changes (bearing in mind that it will take some time to prepare a proper actuarial assessment of the full range of avoided future costs), and
- set out specific budget implications for the 2016/17 year, aligned with the first phases of implementation and detailed planning set to occur over that period.

## 4.0 Vulnerable Children In New Zealand

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### 4.1 The Extent of Child Abuse and Neglect

Child abuse and neglect refers to behaviour that causes physical or emotional harm to a child or young person. Such behaviours may be intentional or unintentional and can include acts of omission (i.e. neglect) and commission (i.e. abuse). Defining child maltreatment is complex but it is commonly categorised into either physical abuse, sexual abuse, neglect or emotional abuse.

The severity and harm of abuse and neglect differs. On average there are almost nine child homicides per year. At the other end of the spectrum are community concerns around parenting.

Last year 61,000 children were notified to CYF as a result of care and protection concerns. Overall, the number of children coming to the attention of CYF each year has been decreasing since 2009 – where there was a peak of 76,000 children reported to CYF.

It is estimated that nearly one in five children in New Zealand will come into contact with CYF by age 17 because of care and protection concerns. These rates of contact differ, with Māori and, to a lesser extent, Pasifika children and young people having above average levels of overall contact.

Last year there were 6,500 Youth Justice referrals from New Zealand Police concerning 2,700 young people. Overall the number of Youth Justice referrals has been decreasing since it peaked in 2007, when there were 10,300 referrals concerning 5,700 young people.

### 4.2 High Proportions of Repeat Referrals and Unmet Need

An increasing proportion of the children being referred to CYF each year are already known to the agency. In 2004 most of the notifications made to CYF were for children not previously known to the agency<sup>8</sup>. In contrast, last year most of the notifications made to CYF were for children the agency already knew about and many were for children who had extensive history with the agency. Six out of every 10 children referred to CYF in 2014 were already known to the agency<sup>9</sup>. On average, CYF had engaged with these children on three previous occasions. See Section 6 for more detail.

The unavoidable conclusion is that the wider child protection system is not currently effective at preventing harm, and nor is it adequately addressing the factors that cause children to be re-victimised.

#### **A Concerning Level of Revictimisation of Children Leaving Care**

Poor levels of safety for children who leave the care of the State can be seen in the analysis of a group of children who exited care in 2010<sup>10</sup>. This analysis found a concerning level of revictimisation. Within 18 months of exiting care, three out of every 10 were re-notified to CYF. Those most likely to be re-notified were those who had returned home (42 per cent were re-notified), and those who exited to the care of family or whānau (22 per cent were re-notified). This

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<sup>8</sup> 58 per cent of children referred to CYF in 2004 were not previously known to the agency.

<sup>9</sup> Based on CYF administrative data in 2014 there were 86,000 sec15 reports of concern, for 61,000 children, only 22,000 of those were for children who were not known to CYF.

<sup>10</sup> Outcomes for children discharged from CYF care in 2010. Unpublished report, Centre for Social Research and Evaluation, Ministry of Social Development, May 2012. Note this study only looked at children who were under 15 years at the time of their exit from care, and where this was their first care episode.

analysis also found that 15 per cent of all children in the study were found to have been abused again within 18 months of exiting care. Again, those who returned home<sup>11</sup> or remained in whānau care<sup>12</sup> were more likely to be abused again than were those who exited State care and were cared for by non-whānau carers<sup>13</sup>.

Further details on the incidence of child maltreatment in New Zealand are included in Appendix G.

### 4.3 Children and Young People Living in High Need Families

Most of the families of children who are referred to CYF have high levels of long-term need and disadvantage. Many are living in families who are experiencing the combined impacts of long-term unemployment, low income, unaddressed physical and mental health needs, parental alcohol and drug addictions and family violence.<sup>14</sup> Understanding the nature of these underlying circumstances is an essential starting point for understanding how best to respond to child maltreatment and youth offending.

Figure 4.1 sets out a statistical profile of the family circumstances of all children born in New Zealand between 2005 and 2007.<sup>15</sup> The profile uses a number of indicators of need and disadvantage. This includes whether the caregiver was on a benefit at the time of the child's birth, the level of deprivation in the community, and records of family violence prior to the birth of the child. These indicators are drawn from administrative data and are proxies for a wide range of circumstances and needs such as poor health, low income, or adverse family backgrounds.

The profile shows the extent of disadvantage and need for the 18 per cent of all the children in these birth cohorts who were referred to CYF by the time they were aged five years.

Long-term benefit receipt was common among these families. For example, for 40 per cent of these children their mother had been receiving a benefit for more than four out of the last five years prior to the birth of the child. Almost 60 per cent of these children had a primary carer who was on a benefit at the time of birth.

Many parents were living in high deprivation areas, a relatively high proportion of mothers had identified mental health needs and, in almost 70 per cent of cases, the Police had records of at least one family violence incidence involving the parents in the five years prior to the birth of the child. Among children notified to CYF by age five, there were also high rates of sole parenthood, 36 per cent of the parents were previously known to CYF as a child and, in 37 per cent of cases, a parent had served a criminal sentence in the five years prior to the birth of the child.

As a comparison, the profile also shows the indicators of disadvantage and need for the families of the 82 per cent of children who were not referred to CYF by age five.

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<sup>11</sup> 23 per cent had a finding of abuse in the 18 months following exit from care.

<sup>12</sup> 10 per cent had a finding of abuse in the 18 months following exit from care.

<sup>13</sup> 1 per cent had a finding of abuse in the 18 months following exit from care.

<sup>14</sup> Harold, G. (2011) 'Families and children: a focus on parental separation, domestic violence and child maltreatment' in Gluckman, P and Hayne, H. (2011) *Improving the Transition: Reducing Social and Psychological Morbidity During Adolescence*.

<sup>15</sup> Source: Integrated Child Dataset. Note: Treatment for mental illness based on where the mother could be identified in Ministry of Health data as having received either a prescription or a publicly funded face-to-face service to meet mental health needs, and where that service or prescription is delivered for the sole reason of addressing mental health needs, including drug and alcohol addiction. Sole parenthood based on either the mother being recorded in benefit data as un-partnered, or where there is no father recorded on the birth certificate, or the parents' relationship was recorded on the birth registration as not married or in a civil union or de facto relationship.

Figure 4.1: Indicators of disadvantage and need for the families of children born in New Zealand between 2005 to 2007, by whether or not notified to CYF by five years of age.

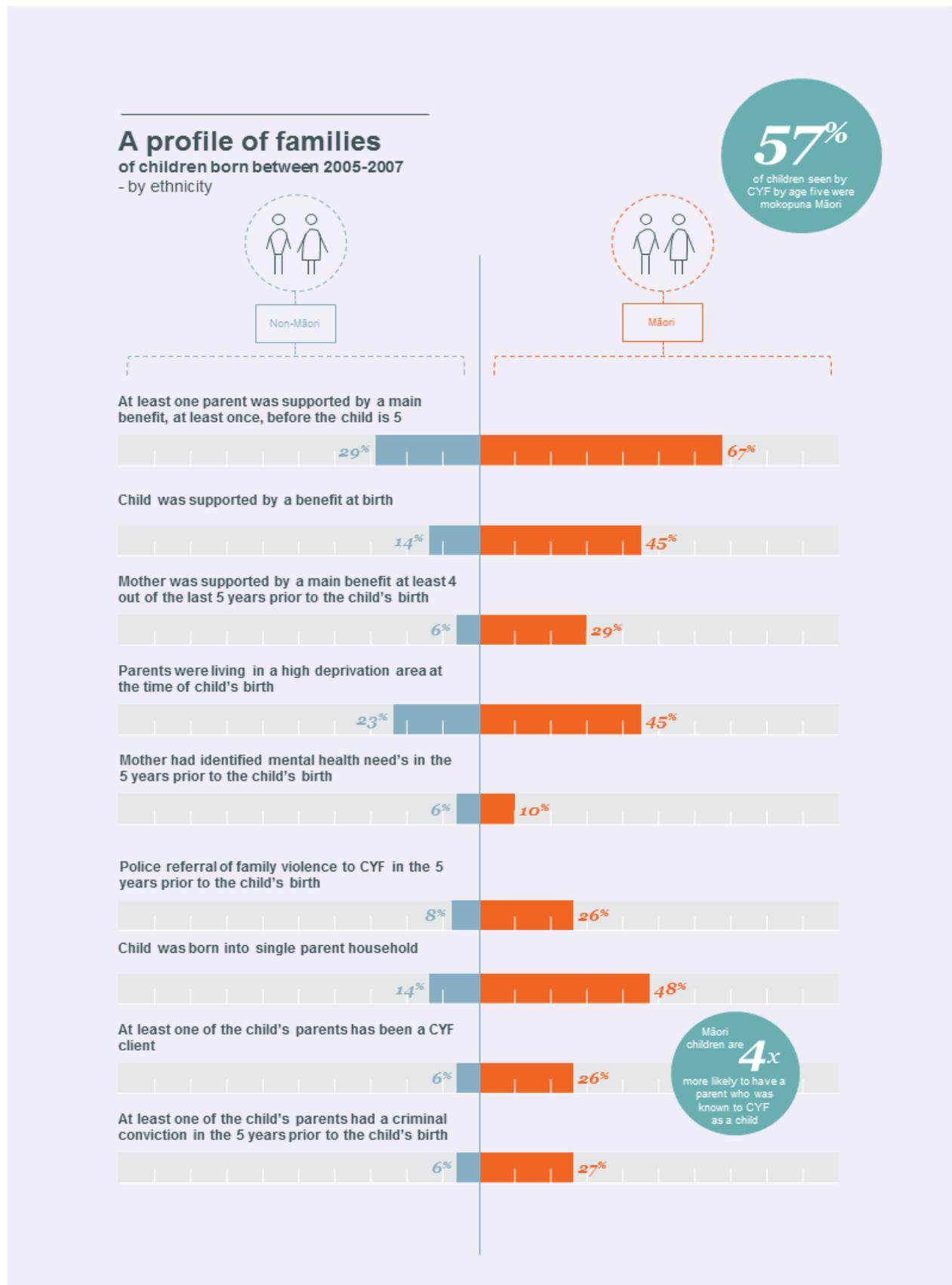


## **Māori Over-Representation**

Approximately 57 per cent of children seen by CYF by the time they are aged five are Māori. To put this in context, the demographic profile of New Zealand is that almost 30 per cent of all children born in New Zealand are Māori. To help understand why this over-representation occurs, Figure 4.2 looks at the extent of family needs and disadvantage for Māori and non-Māori families. As can be seen, Māori children are disproportionately represented in families with high levels of need and disadvantage. For example, Māori children are nearly four times more likely to have a parent who was involved with CYF as a child and four times more likely to have a mother who has been dependent on a benefit. The high rates of need and disadvantage among Māori families is an important factor in the over-representation of Māori children among those who come to the attention of CYF.

The over representation of Māori children increases the further they become involved in the system with six out of every 10 children in care are Māori children.

Table 4.2: Indicators of disadvantage and need of families of children born in New Zealand between 2005 to 2007, by Māori and non-Māori



#### 4.4 Poor Life Outcomes for Children and Young People

Children and young people who have contact with CYF go on to experience dramatically worse outcomes as young adults than the rest of the population.

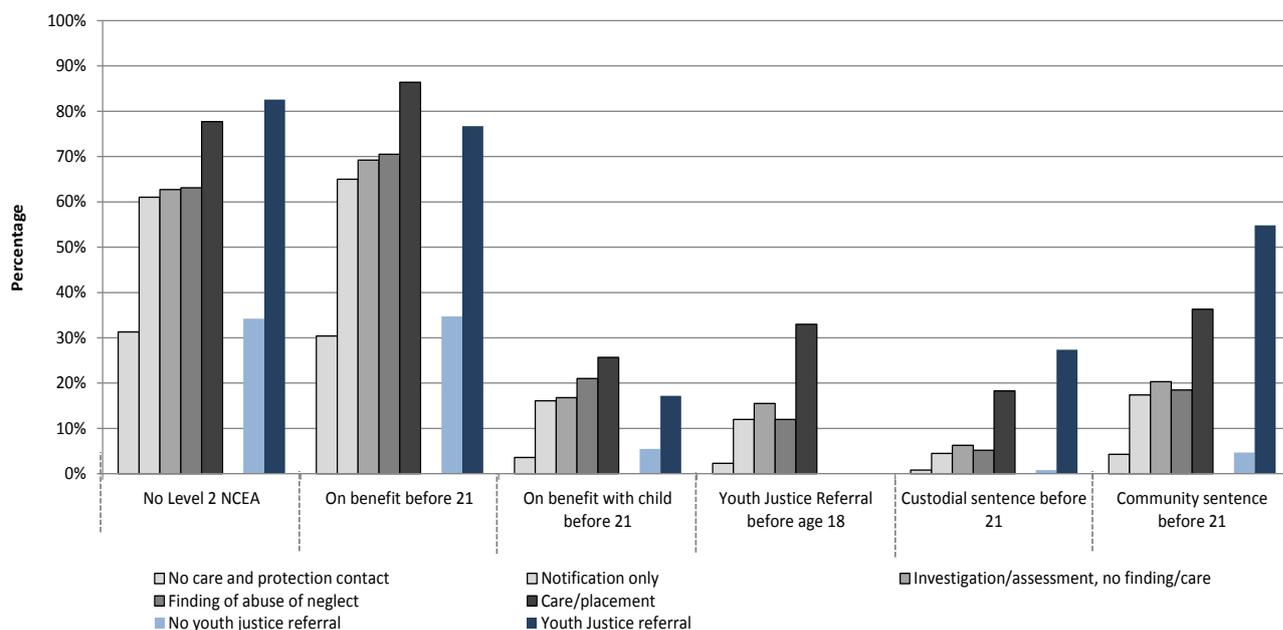
Analysis of children born in 1990/91 shows that, by age 22, those who had any type of contact with CYF were more likely to have:

- left school with few qualifications;
- been in receipt of a main benefit;
- been in receipt of a main benefit with a child;
- been referred to CYF for youth justice reasons; and
- received a community or custodial sentence in the adult corrections system.

Figure 4.3 shows these outcomes by the highest level of contact with CYF. For children in the cohort who had no contact with CYF for care and protection reasons, just over 30 per cent left school with less than level 2 National Certificate of Educational Achievement (NCEA). By way of contrast, about 80 per cent of children and young people who were taken into CYF care left school with less than level 2 NCEA qualifications.

The graph shows the dramatically worse outcomes for children and young people who experienced State care, as well as those who are referred to CYF for youth justice-related events by the Police. These groups entered young adulthood with few qualifications, and experienced very high rates of benefit receipt and contact with the adult corrections system. For those born in 1990/91, nearly nine out of 10 of those who experienced State care, and nearly eight out of 10 of those who had contact with Youth Justice were on a benefit by age 21. In addition, nearly eight out of 10 of those who experienced State care, and eight out of 10 of those who had contact with Youth Justice, did not achieve NCEA level 2.

**Figure 4.3: Selected life course outcomes to age 21 for cohort born in the 12 months to June 1991, by type of contact with CYF as a child/young person.**



Recent research that looks at the needs of children and young people currently in care suggests that young adult outcomes will likely be similar to those of the previous generation. Compared to the rest of the population, children currently in care have higher rates of stand downs, suspensions, exclusions and expulsions from school, lower levels of NCEA achievement, lower levels of public health organisation enrolment and high rates of use of mental health services.<sup>16</sup>

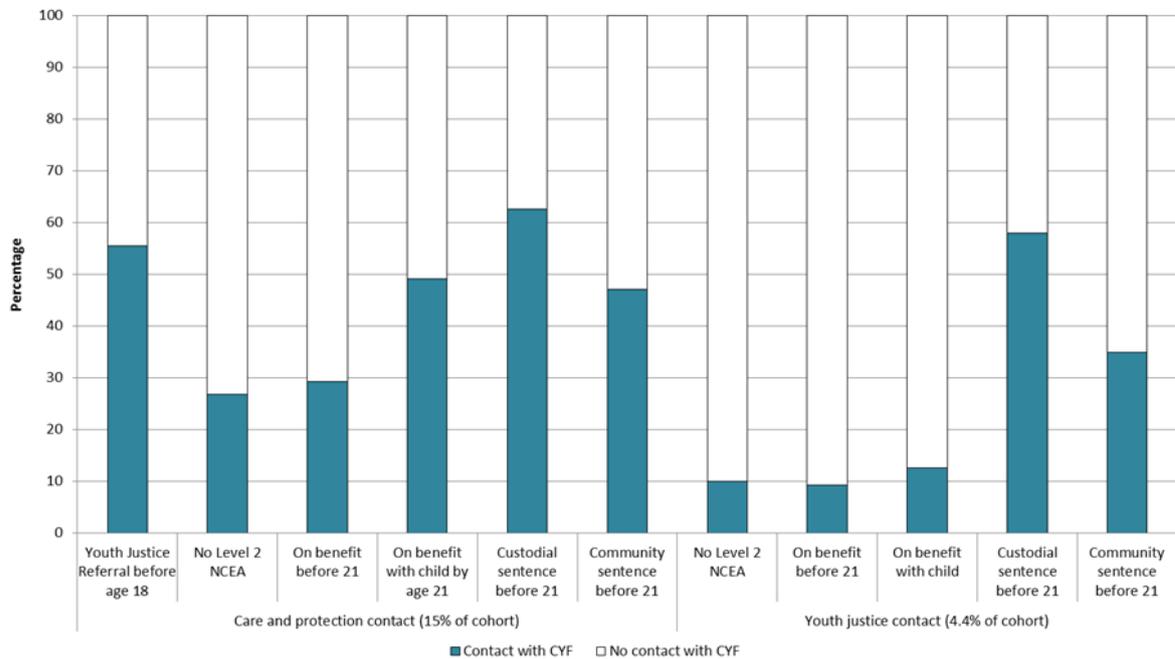
The high rates of adverse outcomes for many children and young people who have contact with CYF likely reflect a range of factors including:

- the underlying characteristics and circumstances of children and young people (for example poverty or behavioural issues linked to poor mental health);
- the experience of abuse and neglect (as well as causing immediate physical and psychological harm to children, abuse and neglect is highly likely to increase risks of poor health, education underachievement, criminal offending, benefit receipt, and early parenting); and
- insufficient help from a range of agencies for children to recover and lead productive and healthy lives.

The poor outcomes experienced by children who have contact with CYF mean that they make up a sizeable proportion of the ‘at risk’ group of many other agencies. This can be seen in Figure 4.4 which shows the percentage of individuals in the cohort who experienced poor outcomes, and who have previously had contact with CYF. For example, among young people in the 1990/91 birth cohort who were in receipt of a benefit with a child by age 21, just under half had previously had contact with CYF for care and protection reasons. More than 60 per cent of individuals with a custodial sentence by age 21 had previously had contact with CYF.

<sup>16</sup>Insights MSD (2014) Outcomes for Children in Care: Initial data-match between Child, Youth and Family, the Ministry of Education and the Ministry of Health, Unpublished.

**Figure 4.4: Percentage of individuals born in the 12 months to June 1991 with adverse outcomes who had prior contact with CYF (1990/91 birth cohort).**



In addition to the poor quality of life for these children and young people, there are considerable fiscal, economic and wider social costs associated with these outcomes.

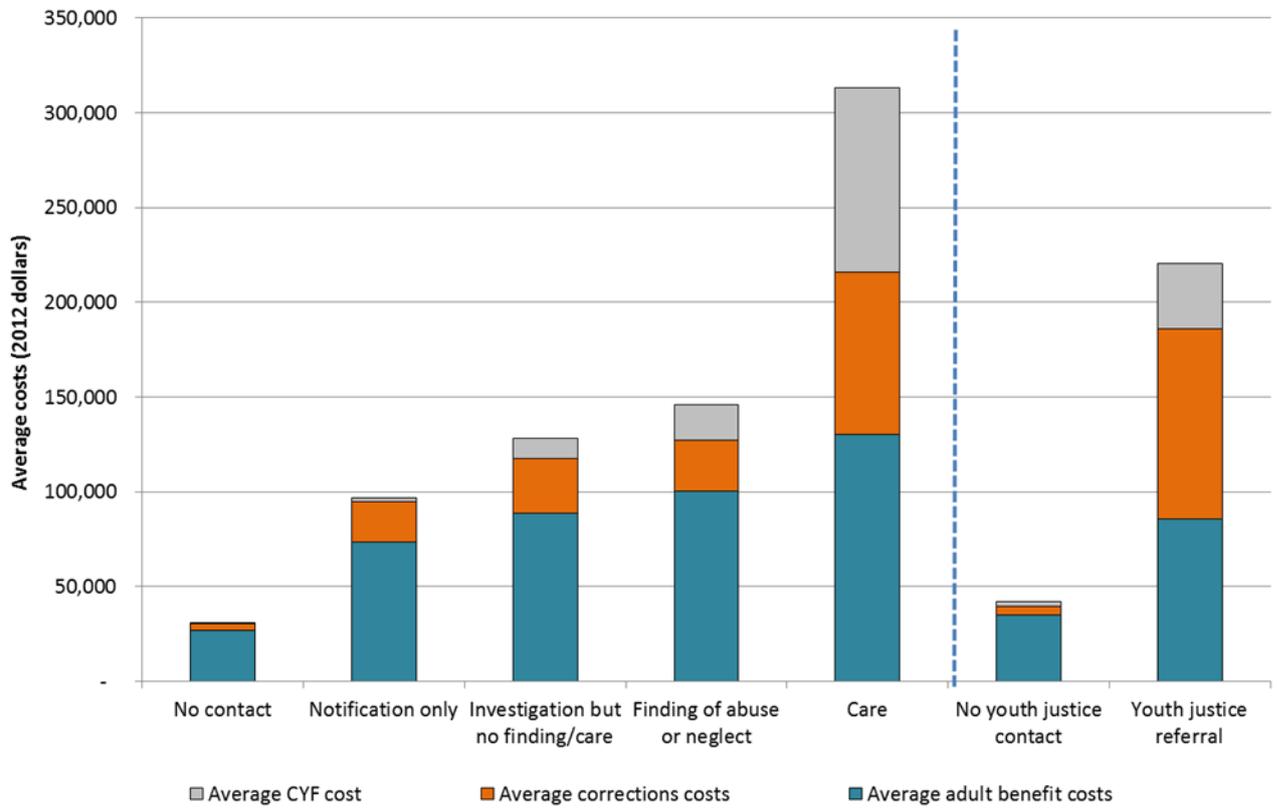
#### 4.5 High Fiscal Costs for Children and Young People

The fiscal analysis below shows that Government is currently investing a considerable amount in children and young people who come to the attention of CYF. Unfortunately, most of this investment relates to subsequent benefit receipt and involvement in the adult criminal justice system. The Panel’s Terms of Reference ask us to consider how earlier investment can prevent poor life outcomes for children and high down-stream costs.

Figure 4.5 sets out actual and estimated fiscal expenditure for different groups in the 1990/91 cohort until age 35 years. As can be seen, there are large fiscal costs associated with individuals who have an episode of care or youth justice referral. Specifically:

- for individuals who had at least one care experience, the average amount of CYF spending was almost \$100,000, but the subsequent benefit and corrections expenditure to age 35 years was just over \$200,000
- for young people who had a youth referral, average Child, Youth and Family spending was just under \$35,000, while subsequent average welfare and corrections expenditure to age 35 years was just under \$185,000.

Figure 4.5: Selected fiscal costs (CYF, benefit, and Corrections) up until age 35, for the cohort born in the 12 months to June 1991



## 5.0 Children's Voices

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### 5.1 First-hand Experience of the Care and Protection System

As part of the work of this review, in-depth research was conducted with a group of young people who have experience of the care and protection system in New Zealand. The young people were initially nominated by a number of non-government organisations, the Office of the Children's Commissioner and CYF. Nineteen of these young people were then selected to be interviewed by researchers with specialised expertise in empathy-based techniques. The selected group had a broad range of involvement with CYF. More than half of the young people interviewed were Māori.

Every young person interviewed was very keen to be part of this process and to help inform the direction of this work by sharing their story. They wanted to talk about their experience, their lives and the people in them, with some of the interviews lasting several hours. Many of the young people hoped that their stories would help other children and young people. It was a very humbling experience as much of the information disclosed by the young people was very sensitive and personal.

Young people were also given the opportunity to take photographs about some of the things that were important to them or made them happy or sad. Some of these feature in this report.

These interviews were an opportunity to develop key insights into the nature of the experiences that young people had, "what worked" and "what did not" and most importantly what they would like to be different for children and young people in the future.

The key insights and comments provided from these interviews are set out below and echo throughout this document.

Following on, it is anticipated that a group of seven young people will participate in further interviews on real life experiences with a particular focus on Youth Justice and Family Group Conferences where the young person was not placed in care.

#### **Insight – We are young, and it is the job of adults to nurture us.**

The young people told us that the system often did not provide them with the nurturing and love that they required. They felt that their caregivers should provide more than food, shelter and supervision and that they should provide an environment where they could learn, grow and heal.

The lack of 'parenting ability' these young people were exposed to, both before and after entry into care, particularly in relation to nurturing, had a significant impact on them.

As a result, many of these children and young people need an extra-ordinary level of care and nurturing, not simply a base level of care.

*“ Just love and affection like that's literally all a kid craves, like yeah they want toys and the latest game and stuff but for me my ideal caregiver would be just someone that loves me, someone that would support me through anything that I want to do.*

*Even if it's a pipe dream, like even if I just want to be like a person that busks on the side of the road, I really don't care as long as they support me I'm good. That's all I want in a caregiver. That is all I want - love, affection and support.”*

**FEMALE, 16**

**Insight – Things happen to us that we do not know about, do not understand and do not have a say in.**

Young people commented that CYF holds the power to make decisions despite what children may want or feel is best for them. The young people felt that they did not have a voice in important decisions being made about their future. Many of them had limited understanding of the Family Group Conference process and the resulting decisions that were made about them at the conference.

They felt that people involved in the process were not being honest and transparent with them about the decisions that were being made. Young people felt let down when told that certain things were going to happen but failed to materialise.

Many young people indicated that they wanted to remain in the very environment they were removed from. They could not understand why the offending adult(s) remained at the home while the child was the one taken away. Some of the young people commented that their parents needed specialised help for their problems to help the family work better.

**Insight – The experiences we have been exposed to have damaged us – from our initial upbringing, how we were taken away from our families, through to the care arrangements we’ve been put in.**

Young people were not chosen because they had either particularly good or bad experiences of care. Even so, of the young people who were spoken to, 17 out of 19 commented that they had been in some very unsafe situations or even harmed while in care. Young people reported that there was a very broad spectrum of care provided by caregivers – from appalling through to “gold star” care. Young people reported having been abused and bullied not only by the lead caregiver, but also by the caregiver’s wider family, including their children.

Some young people were put in homes where the caregiving family was stressed and stretched (emotionally and financially).

*“ I just thought it only took one call for me and my sister to be uplifted without a question, without even coming in to meet my dad or anything. I mean I understand now he drank a lot and my mum and dad used to fight but we were never hit, we were never mistreated, we got our food, we went to school sometimes, and I can understand why they took us now, but being a young kid and being taken away, you think oh my gosh my parents are like awesome, they're like the best.”*

FEMALE, 19

*And they just put me there and see ya and then I was stuck there with all these randoms looking at me... ♀*

*“ Yeah me and my twin brother, we got taken off Mum and got put into a new family, like new whole family, and they used to abuse us, and we got moved out of there. Like the lady she used to place my head into the bath, she used to punch me and she would get the shower and spray in my face so I couldn't breathe.*

*Before we actually got there [to new placement] because last time I got sent to some placement some home up north and I thought it was going to be all good but like the people were going to be cool as but I got there and they were like violent as and I was like.. And they just put me there and see ya and then I was stuck there with all these randoms looking at me... and they were all violent young people.*

*I was sleeping with this guy who was like mentally challenged, bangs his head on the walls and I don't know why he did that. ”*

MALE, 16

Being 'in the system' is a traumatic experience in itself. Most of the young people who were interviewed did not talk about receiving any support to help them manage the emotional impact of being removed from their family or being moved around. Attending a Family Group Conference or being placed in care often triggered a new set of needs for young people and they did not always have the support to help manage these.

Young people are affected by being placed with caregivers who they start to build relationships with, only to have that relationship taken away (for example, when CYF viewed it only as a transitional placement prior to moving the child to another caregiver).

**Insight – We need to be given the space, time and tools to make sense of things that have happened and help us cope. We also need to be listened to.**

Young people commented that they need to be empowered to make sense of what they had been through and the reasons why things have happened to them. Some of the young people commented that they did not know that the way they were being looked after (before CYF became involved) was unsafe, as it was the level of care they were used to and they thought it was normal.

Some abrupt changes were made in the young people's lives with little awareness of the knock-on consequences to them (for example, separation from aspects of their lives that were very positive such as their relationships with their siblings, the geographic location of where they live, and the school they attend). Some young people commented that even though specific issues had been identified (such as post-traumatic stress disorder, anxiety issues, etc.), they did not feel that things were being done to help them get better. They spoke of needing a safe way to open up to adults, to

just be able to talk and sometimes to be able to disclose what is actually happening to them. Young people described often retreating to these safe spaces to de-escalate a situation or calm themselves down – this is a key coping mechanism for the young people, and it is important that they are supported to make use of these 'safe spaces' when they need to.



“ What makes me happy ”

FEMALE, 24

“ I don't know why I can't see my younger siblings in a different caregiver home. I asked [my social worker] why she won't let us get to know her or at least see her so we know if she is a good caregiver because I care for my siblings and if they have a safe house and stuff but [my social worker] just says [the caregiver] likes it private...it's sad because I don't know what's going on. ”

FEMALE, 15

**Insight – We crave belonging and being part of a family who bring out the best in us.**

Finding a sense of family is critical for young people. This may not be their birth family but nevertheless an environment where they feel accepted and loved. The young people interviewed often had a very clear view of where they belonged and feel this was not taken into account when adults made decisions about, or for them.

Young people were concerned that if others knew that they were in care then they would also know that they did not belong to anyone. The stigma about being a young person in care was mainly about not belonging to a ‘normal’ family.

Young people will keep trying to make connections, including inappropriate ones, especially if that is all that is available to them (such as hanging out with the ‘wrong crowd’, or joining a gang).

Caregiving arrangements need to be well matched to the young person’s age, gender and stage of development.

For the young people, the caregiving experience is not just about the main carer – it’s about the carer’s entire family unit, including the carer’s own children. Young people commented that effective caregivers identified a strength area or a source of happiness and supported this so that the young person had the opportunity to excel at something (such as cheer-leading, music, sport, dance, bike repairs).

***They accept me. They don’t care if I’m in care or not, it feels like I’m their actual child...***



*“ [I enjoyed my caregiver placement] because I was with my friends and she like accepted me as her actual son. Yeah, she is like my second Mum. They accept me. They don’t care if I’m in care or not, it feels like I’m their actual child...Just tell them that you’re always there for them, you will be there for them and you have to be there for them. ”*

**MALE, 15**

***I was so involved in sport that I didn’t have time to rebel***



*“ Just listen to the child, what do they like, what do they enjoy, things like that. You can put them with a family that have different interests to them and if they’re not good in that field they’re always going to feel dumb or useless.*

*But if you put them in something they enjoy and something they’re good at, they will be able to see the potential in themselves. I loved it because I got involved in sport.*

*I was so involved in sport that I didn’t have time to rebel because I was just too busy and then with that family I started to see the importance of school and education because the oldest daughter she was actually my best friend and because she was in my class, and I was always hanging out with her. I would always do my work, she was just like a really good role model even though she was my age. I graduated high school because of them. ”*

**FEMALE, 17**

**Insight – We need caregivers and other adults in our lives to help us to strengthen our cultural identity and connection.**

Young people talked of the value of cultural connections, especially in relation to building young people’s sense of identity and well-being, and that this was not well recognised or supported. A lack of awareness about a young person’s culture can inhibit their ability to make a cultural connection.

There was a wide range in young people’s abilities to make and build cultural connections that went from; “I wanted to make the connection but there was no mechanism”; through to “I wanted the connection and made it happen”.

*...she wouldn’t let me go to kapa haka practices and she couldn’t see why it was important to me*

“ I suppose I just didn’t have that cultural connection with her [caregiver]. [My caregiver] didn’t understand and she wouldn’t let me to go kapa haka practices and she couldn’t see why it was important to me. [Connecting with the Marae] it’s like an uplifting feeling to know that you’re part of something like that, something bigger than you are.”

FEMALE, 17

**Insight – Adults have very high expectations of us to cope well and fit in, regardless of how much we have gone through.**

More transitioning support is required to help young people cope, given that each transition brings a risk of trauma that is simply about change itself (for example, moving from their own family home or from a care placement).

Young people described being expected to transition into new environments (such as new homes and new schools) frequently with little support. It’s important to remember that young people who have not been through traumatic experiences also find change difficult.

Expecting these young people to conform, be well behaved and ‘fit in’ is often unrealistic given the care experiences many of them have had. It was felt that adults could label young people as naughty and bad when they were just doing what young people do at their age, or the behaviour was a coping mechanism for them.

*I was the down child, I was the one that if anyone else did anything wrong I was the one that got the blame for it*

“ I wagged one class and I got my phone taken off me for a year, a whole fricken year without my phone like seriously who the hell does that. One class and a whole year. If I was your kid wouldn’t you just take it off me for like a month? I was the down child, I was the one that if anyone else did anything wrong I was the one that got the blame for it. Every little thing I did he wanted to pick it out and take every chance that he got to like take everything away from me.”

FEMALE, 16

**Insight – We do not stop needing help, support and nurturing just because we turn 17.**

Some young people felt very unprepared, stressed and vulnerable about having to ‘go it alone’. They need more help and support. Young people who were turning 17 and who were happy with their caregiving arrangements (for example, a family home, or with a caregiving family) want to stay where they are. For some young people leaving, the only option is going back to their parents. So they return to the unsafe environment which they were initially removed from. Some also have not had much contact with their parents, so have to try and re-connect.

“ The only sad thing that is not in place for CYF children when teenager are coming up to the age of 17 there is nothing there to support them when they leave care. Like I personally think that there should be something set up for them so that they're not left there to fend for themselves, some sort of support system after that to help them get into a flat or provide them with the basic necessities to set them up for life so they can get a job and then work to get their own income.”

FEMALE, 19

## 5.2 Journey Map

The journey map in Figure 5.1 reflects the young people’s interactions with CYF. The map illustrates the nature of their experience, what worked for them and what did not. The group of 19 young people interviewed clearly articulated their experiences covering the period before their initial contact with CYF through to when their relationship with CYF had ended. Young people discussed how they felt during the critical stages of their journey and identified what helped them cope while working with CYF.

The journey map reflects the difference between the intentions of New Zealand’s child protection system and the nature of the actual experience described by young people who were interviewed. For example, young people often thought that the caregivers and families who they were sent to after they were removed from their own families would be their “new family”. The system, on the other hand, regarded these shifts as temporary or transitional placements. Although the experiences of the young people differed greatly, themes of chaos, disruption, a sense of loss and abandonment came through very strongly during the interviews. Young people told us that they did not often get the support that they needed to address these needs and many of the young people had suffered further traumatic experiences while in the system.

The journey map challenges the idea that New Zealand’s current child protection system is child-centric. Young people described their subjective experience as one dominated by negative emotions such as anxiety, powerlessness and grief. To them, the system lacks humanity and struggles to keep children and young people safe, let alone helps them recover from the impact of abuse and neglect.

Young people who grow up in care often lead transient lives: moving from one care arrangement to the next, they are constantly searching for a sense of belonging. Not knowing who they are and lacking a reference point of where they have come from is the norm. As a society we give them the label of ‘child in care’, which too often carries negative connotations and we see communities and even the young people distancing themselves from this.

Other professionals, the media, the public and society are not encouraged or enabled to understand the perspective of vulnerable children and how they can help to meet the child's needs. Instead these key people can judge the children for their behaviours and for not conforming to society's norms rather than seeing the scared, vulnerable and rejected child. The result is inadvertent and often purposeful discrimination against these children.

*The wider public perception makes a real difference to the experience of children in care.*

“ Yeah I don't want to be known [that I don't live with my parents]. I think it's like an orphanage, I don't want to be known as that, like an orphan.”

MALE, 15

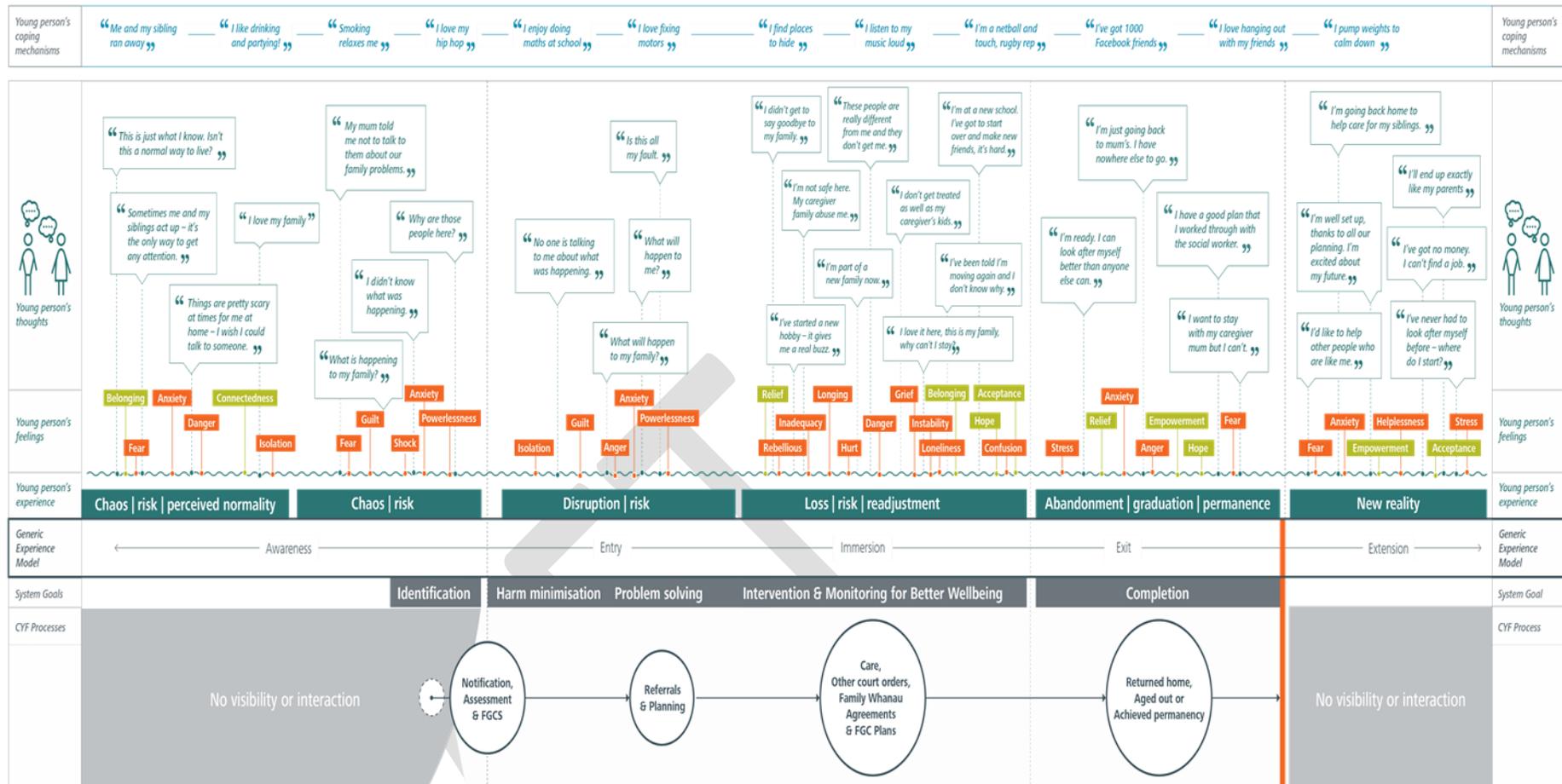
“ There is a lot of stigma with being a CYFS child for kids. I don't feel like a CYFS child, but I do feel very different compared to everyone else. Like some people live with their aunty and uncle but they have reasons behind it, but like I was placed there. And then like my mum is still around and so is my dad, and people are like, why don't you live with your mum and dad?”

FEMALE, 15

New Zealanders can make a real day-to-day difference for children in care. For example:

- Parents of the friends of vulnerable children could be less afraid of the impact they would have on their own children, and include them in sports clubs and invite them to their homes;
- The media could deliver informed, positive news articles about care;
- Teachers could understand that although a child might be disruptive, the school is the one place they feel stable;
- The State should fully realise its role as *parent* to children in care through accommodation, education, employment and leisure activity; and
- More quality, stable families could agree to be caregivers and in turn, be supported by their neighbours, friends, family and society.

Figure 5.1: The young people's journey map through the CYF system



### 5.3 Objectives for a Child-Centred System

The CYP&F Act currently sets out seven objectives for the legislation and 10 different functions for the care and protection and youth justice systems. In practice, this long set of objectives and functions is too complex to form a coherent, strategic focus. An outcomes framework commissioned and reviewed by the Vulnerable Children's Board<sup>17</sup> sets out six overall outcomes and 48 indicators and measures for vulnerable children. We have also received a further draft outcomes framework from the Vulnerable Children's Action Plan setting out seven outcomes for vulnerable children.

After considering the feedback and insight of young people and hearing from front-line staff, agencies, specialists, academics and practitioners, the Panel has agreed on the following list of objectives to cover what we expect from a child-centred child protection and youth justice system:

- *Ensuring that children have the earliest opportunity for a loving and stable family.* For many children, the fastest way to ensure that they receive the love and support they need is to work with their existing families and provide the support necessary to ensure that the adults in their lives change their behaviour. For other children, the love, support and stability that are essential human needs can only be provided in another family. The concept of "care" in the child protection system must include the objective of achieving the earliest possible transition to a loving, long-term family for each child through all means available.
- *Addressing the full range of needs for each child.* In addition to identifying and responding to children at risk of physical harm or sexual abuse, the system must also identify and respond to needs arising from emotional abuse, neglect and severe instability in the child's immediate environment. Cultural competency is key to understanding the identity of each child as connected to their culture. The child protection system must aim to meet needs for physical and emotional safety and stability as part of the core concept of care and protection.
- *Preventing harm and revictimisation of children.* First of all, there are many reasons why children can end up in danger in their own homes and families. If possible, we should try and prevent harm before it occurs. We need to make sure that our care of children does not place them at further risk – compounding the physical and emotional hurt they have suffered. But if children have been referred to the care and protection system then the reasons for their referral can require sustained attention to ensure it does not happen again.
- *Helping children to heal and recover.* The circumstances that can lead to children being referred to the child protection system will inevitably have caused trauma. Healing and recovery are essential for children if they are to move on with their lives and develop into healthy adults. However, in addition to living in an environment that avoids further harm and where they are loved, nurtured and valued, children also require on-going support and (in some cases) specialised services to recover from their past trauma and their physical and mental injuries.
- *Supporting children to become flourishing adults.* Once children are living in a stable, safe, nurturing environment and are on the road to healing and recovery, they deserve the opportunity to develop into healthy adults who can realise their potential. For children who have

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<sup>17</sup> *Better Public Services: Supporting Vulnerable Children*, 28 August, 2014

often been marginalised, additional support and services may be required to connect them with society. This support does not end when a child in State care turns 17. In fact, children who have been in State care may require a sustained focus over a number of years to help their transition into adulthood.

- *Helping children and young people to take responsibility for their actions and live crime-free lives.* The youth justice system should continue to help children be responsible for their actions and repair the harm that they have caused others. However, the youth justice system should also aim to help ensure that our other objectives are achieved for children so that the issues that have led to their offending are addressed.

More detail on how the system delivers against its purpose and objectives is included in Section 7 of this report.

## 6.0 An Overview Of The Current Child Protection And Youth Justice Systems

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The child protection system is a continuum of services for vulnerable children and young people, their families and whānau.

A child's vulnerability, and the nature of services required, depends on individual factors (such as age, disability, health) and the skills, attributes and resources of the caregivers and their wider family and whānau to meet a child's needs. The range of services differs according to whether the focus of the intervention is for the child, family and whānau, or the wider community.

There are three levels of response:

- The **primary level** covers universal or widely targeted services that address some of the wider risk factors associated with offending or maltreatment, and provide opportunities to identify families in need of more support;
- **Secondary level** services are targeted towards families and children where there is high risk of substantiated maltreatment or offending. These are early intervention services aimed at keeping children safe and preventing harm. These services are targeted to children and young people who require some level of intervention or support from the government, but not a statutory intervention; and
- The **tertiary level** covers events where a child is in need of care or protection, or where youth offending has occurred. These may be situations where the child has immediate safety needs; where work is needed with both the child and family to prevent repeated abuse and reoffending; and where the government can provide on-going support and remediation to address trauma and the developmental needs of children.

A range of services at these levels are provided, depending on the vulnerability of the child or young person. These range from primary and secondary preventative services, through to protection, care and support services and therapeutic services to address trauma and development.

### 6.1 CYF Functions, Vision and Strategy

#### Primary Legislation

CYF's statutory functions are primarily defined in the Children, Young Persons and Their Families Act 1989 (the CYP&F Act) which sets out a series of associated objectives and principles. It also guides the operation of the justice system, and the obligations of other government agencies, in relation to care and protection and youth justice processes.

These objectives are focused on keeping children safe, supporting families and whānau to flourish, preventing abuse and neglect, holding young people who commit offenses to account and giving them opportunities to develop. These general objectives are supplemented by specific youth justice objectives.

The key over-arching principles of the legislation are that:

- the welfare and interests of the child or young person are the first and paramount consideration ;
- wherever possible, a child’s or young person’s family, whānau, hapū, iwi and family group should participate in the making of decisions affecting the child or young person;
- wherever possible, the relationship between a child or young person and their family, whānau, hapū, iwi and family groups should be strengthened and maintained;
- consideration must be given to how decisions will affect the child or young person, as well as the stability of the child or young person’s family and whānau;
- wherever possible, consideration should be given to the wishes of the child or young person;
- endeavours should be made to obtain the support of parents, guardians and the child or young person when legislative powers are used;
- decisions affecting a child or young person should, wherever practicable, be made and implemented within an appropriate time-frame; and
- decisions should also take a holistic approach and include considerations of age, identity, cultural connection, education and health.

### **Related Legislation**

Other legislation relevant to children and young people includes:

- The Children’s Commissioner Act 2003;
- The Vulnerable Children Act 2014 ; and
- The Care of Children Act 2004 and the Adoption Act 1955, the Adoption (Inter-country) Act 1997 and the Adult Adoption Information Act 1985.

These are discussed in further detail later in this section and the next.

### **CYF Vision and Strategy**

CYF’s strategic vision and plan for discharging these legislative functions is set out in *Ma mātou, ma tātou: Changing young lives*.

The strategic plan presents the following vision, mission and goal for CYF.

- Vision: Children and young people are in families and communities where they can be safe, strong, and flourish.
- Mission: To embed quality, child-centred practice throughout our service, and inspire others to do the same.
- Goal: To establish a multi-agency approach to protecting and caring for New Zealand’s most vulnerable children and young people.

The strategic plan identifies five strategic priorities for CYF: quality social work practice; working together with Māori; voices of children and young people; connecting communities; and leadership.

Further detail on the five strategic priorities is included in Appendix C. They are also discussed further in Section 7. Progress on the strategy is mixed with little progress being made to embed child centred practice throughout the service and listen to the voices of children and young people.

## 6.2 Government and Agency Priorities

Since the passing of the CYP&F Act in 1989, there has been a considerable degree of uncertainty at a leadership level about whether and how to prioritise these different functions and how to weigh short-term and immediate goals (such as keeping children safe) against medium and longer-term objectives (such as advancing the well-being of families, prevention of harm and revictimisation, and remediation).

This has been accompanied by on-going uncertainty across and within agencies about their respective roles and functions in realising the objectives set out in the CYP&F Act, which has not been resolved by the Vulnerable Children Act 2014. This includes confusion about the role of the statutory system in situations of chronic harm and high longer-term risk, and uncertainty about obligations around the needs of children in care.

At the same time, there has also been a high level of understandable public and agency concern around some high-profile cases involving failure to identify and/or respond to serious abuse or neglect. CYF has responded to this situation by deprioritising prevention and care, which are less visible to the public and do not attract the same degree of attention and comment.

There have been a number of recent Government initiatives designed to help address this, including the White Paper on Vulnerable Children (2012), the Better Public Services targets (including 'Result Four'), and the Youth Crime Action Plan.

The Whānau Ora initiative, introduced in 2010, brought with it a collective approach to achieving outcomes driven by and relevant to the family. The approach is strengths-based and requires agencies to commit to intergenerational solutions which reflect and respect the aspirations of family to determine their own futures. The Whānau Ora Outcome Goals include; to be self-determining; to live healthy lifestyles; to confidently participate in society; to confidently participate in te Ao Māori; to be economically secure and wealth creating; and to be caring, resilient and nurturing.

The White Paper proposed a range of measures and reforms to reduce child abuse and neglect and led to the Vulnerable Children Act 2014 and the establishment of the Children's Action Plan.

The Vulnerable Children Act holds the Chief Executives of the Ministries of Education, Health, Justice and Social Development, and the Commissioner of Police, to account to the responsible Minister for a cross-agency plan to improve the well-being of vulnerable children. Chief Executives' performance expectations will include protecting vulnerable children. They will also be responsible for ensuring child protection policies are in place for government agency staff who work with children.

The Children's Action Plan also includes the establishment of the Children's Teams. These are cross-agency, multidisciplinary teams, currently in four locations around New Zealand. These teams are designed to deliver a co-ordinated service to support vulnerable children and young people who are below the threshold for intervention from CYF, but who still have multiple needs.

The Youth Crime Action Plan is a 10-year cross-agency plan to reduce crime by children and young people and help those who offend to turn their lives around.

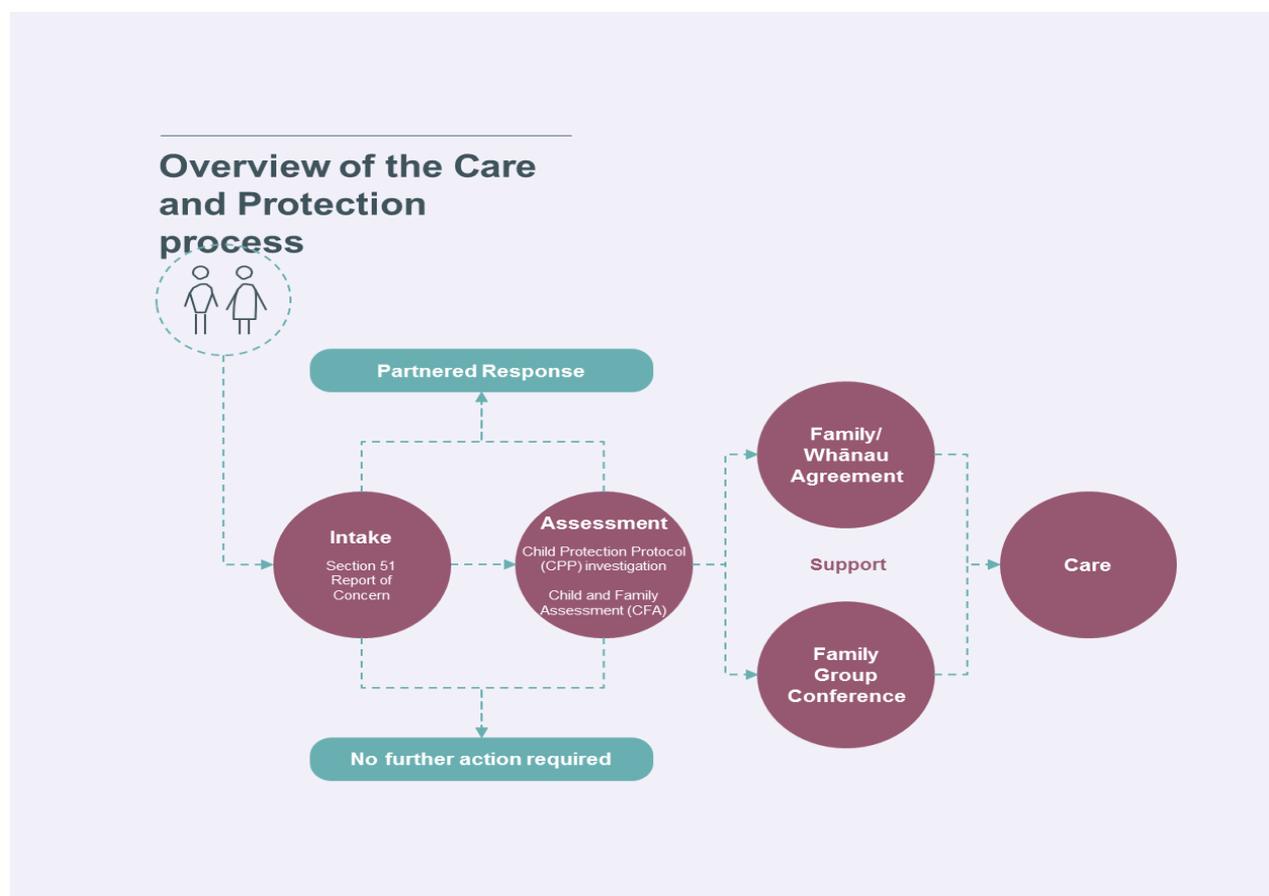
The Government is also reforming the delivery of public services through the Better Public Service Results which introduce a number of targets, including a target to reduce youth crime and reoffending rates (Result Seven).

These changes are in their early stages. Nevertheless, concerns remain that these measures will be unable to address on-going concerns about the ability of the social sector to work together for better outcomes for vulnerable children.

Health and Education have told the Expert Panel that their priorities are currently driven by the provision of universal services to much larger groups. Both agencies indicated that they needed to extend their operating model to address the specific needs of vulnerable children, and that this needs to be aligned with CYF’s strategy and operating model.

### 6.3 Child, Youth and Family’s Current Operating Model

Figure 6.1: Overview of the care and protection process



The diagram above outlines the Child, Youth and Family care and protection process. The pathways through which children experience the care and protection process differs. In Appendix H we outline the seven most common of these pathways.

## Intake Process

The intake system covers the processes by which children who are experiencing, or are highly vulnerable to harm are brought to the attention of Child Youth and Family and decisions are then made about an initial response.

Notifications about a child are first received by a National Contact Centre social worker. That social worker decides whether the concerns meet the threshold for CYF action. If so, the notification is recorded as a report of concern and the social worker makes an initial determination about the timeframe for responding. If not, the notification remains a contact record only. All reports of concern are then sent to the appropriate CYF local site office. The site office reviews the initial decision and either confirms or amends it.

In 2013

**63,000**  
Young people were  
Subject to Reports of Concern



**\$16.5m**  
of intake  
costs

**5%**  
of total care &  
protection  
costs

The intake system has several main influencing factors:

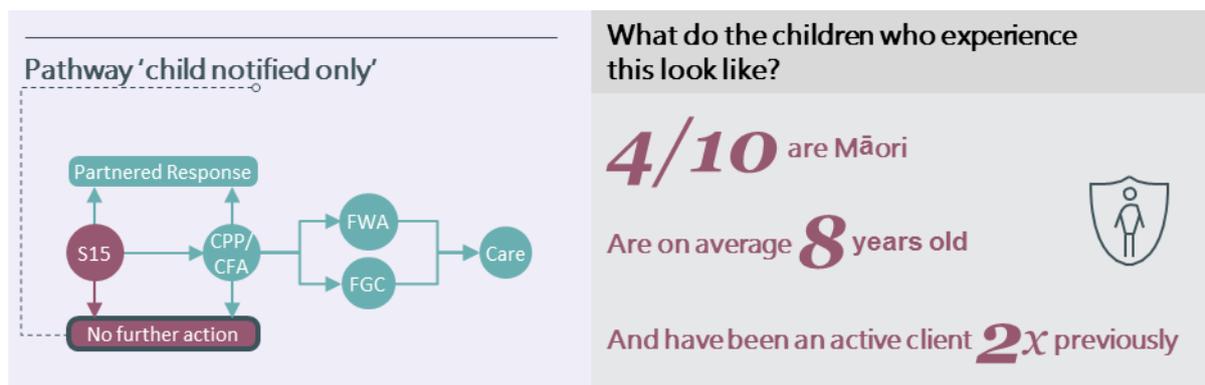
- family, neighbourhood, community, professional and national level norms about how we raise and treat our children and what is the best response when a caregiver, family or whānau is struggling to care for their child;
- the statutory rights and responsibilities associated with the identification and investigation of concerns;
- the skills and training of workers who are in position to either make or receive a formal concern;
- the infrastructure to support people making or investigating reports of concern (e.g. IT systems, sector-specific referral protocols and assessment tools for notifiers, decision-making tools at the National Contact Centre); and
- funding and performance frameworks around the quality and timeliness of decision-making at each point in the system.

Figure 6.2 below shows the profile of children whose pathway through the Child, Youth and Family process was 'notification resulting in no further intervention'<sup>18</sup>.

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<sup>18</sup> Appendix H outlines more fully the common pathways through the CYF care and protection process that children and young people experience, and the profiles of the children and young people who experience them.

Figure 6.2: Profile of children who were notified in 2013 but did not experience any further intervention as a result



### Partnered response

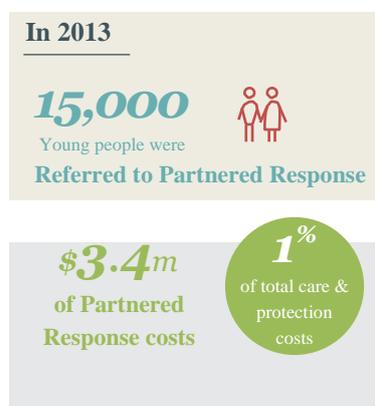
Following the receipt of a report of concern, or at a later point in the process, a child may be referred to a non-government organisation through the partnered response pathway.

This provides a mechanism by which front-line staff can ascertain which reports of concern do not need to be dealt with by the care and protection system, and can refer these to social service providers in the family support sector. It provides a less intrusive intervention for lower risk cases that still require a response.

As a voluntary pathway, families can choose whether or not they want to engage with a partnered response.

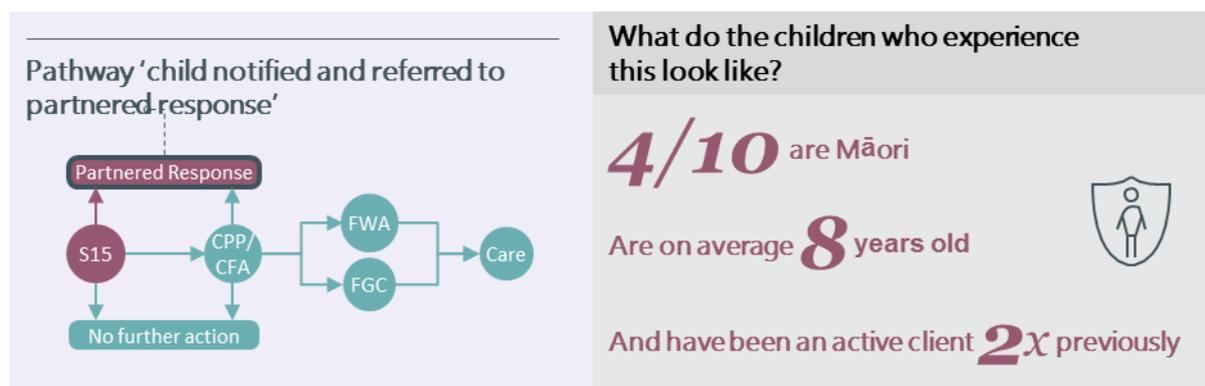
The referral process involves some initial investigation at the contact centre, where the intake social worker will determine whether the case is a care and protection concern or suitable for a partnership response. If the case is recommended for a partnership response, the agency will confirm this before referring to the partnership response pathway. It is also possible to refer to partnership response at a later stage when CYF has completed a fuller assessment and decided a community response would be best. The partnered response pathway is not set out in legislation.

Figure 6.3 below outlines the profiles of children whose pathway through the Child, Youth and Family process ended with a referral to partnered response after notification<sup>19</sup>.



<sup>19</sup> Appendix H outlines more fully the common pathways through the CYF care and protection process that children and young people experience, and the profiles of the children and young people who experience them

Figure 6.3: Profile of children who were notified in 2013 and then referred to partnered response



### Assessment Stage

Following a determination at the intake phase indicating that further action is required, CYF will move to an assessment phase. There are two options: (i) a joint assessment or investigation by CYF and the Police where there is the possibility of criminal charges being laid; or (ii) an assessment by CYF alone. Both these pathways require CYF to complete an assessment of the needs, strengths and risks that are evident for that child or young person, in order to determine what, if any, further care and protection intervention is required.

An initial safety assessment (a 'Safety and Risk Screen') is conducted to establish whether any immediate action is needed to secure the safety of the child or young person. Each child or young person referred for an investigation must have a safety and risk screen completed within 24 or 48 hours where there is high risk and no immediate protection available, or within seven days, or 20 working days, for all other cases.

The statutory level investigations and assessments are:

- to investigate and respond to the actual or alleged harm or abuse of children and young people, to ensure that children are kept safe and child harm is reduced; and
- to obtain an understanding of the needs, strengths and risk of the child or young person and their wider whānau within the context of their community, to: (a) inform a decision about whether or not a plan is needed to address identified care and protection concerns; and (b) determine the nature of the interventions that would best address those concerns and improve the well-being of the child and their whānau.



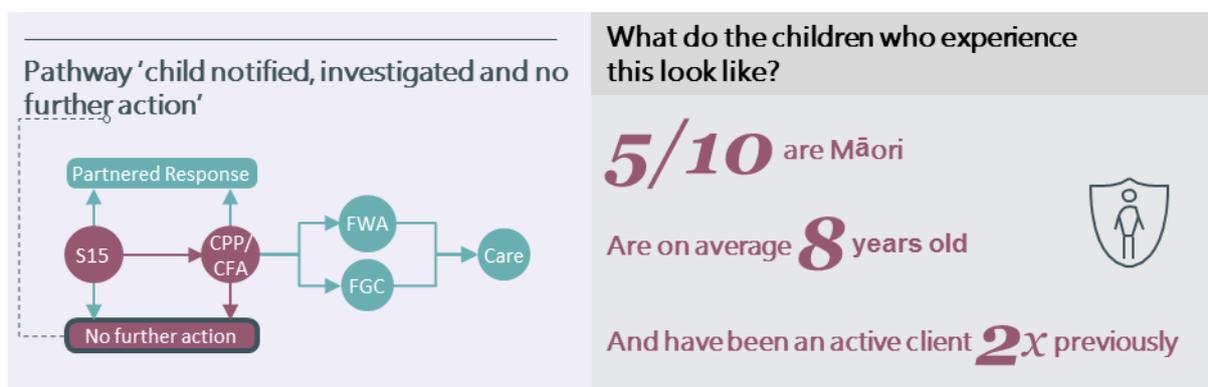
Cases determined at initial intake to meet the threshold for a joint investigation are assessed in partnership through formal agreement with New Zealand Police. This is commonly referred to as a Child Protection Protocol (CPP) investigation.

Where there is an immediate risk to the child’s safety or well-being, CYF works with the Police to remove the child or young person from their home environment and organise temporary living arrangements while next steps are determined.

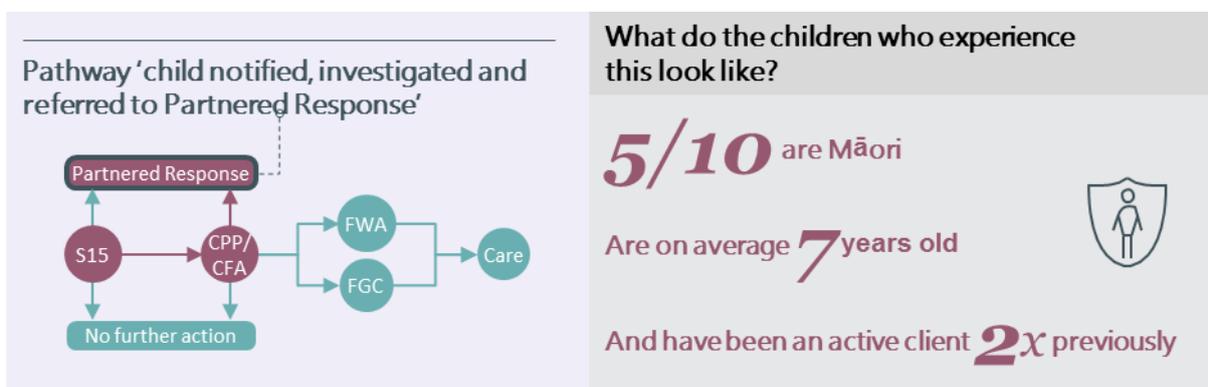
Where allegations of abuse do not meet the seriousness threshold for a joint investigation with Police, CYF investigates concerns through its ‘Child and Family Assessment’ process. Part of this stage entails decision-making about whether a child has been maltreated or not.

Figures 6.4 and 6.5 below show the profiles of children whose pathway through the Child Youth and Family process involved an investigation or assessment which resulted in either no further action or referral to partnered response<sup>20</sup>.

**Figure 6.4: Profile of children who were notified in 2013, subject of an investigation or assessment which resulted in no further action**



**Figure 6.5: Profile of children who were notified in 2013, subject of an investigation or assessment then referred to partnered response**



<sup>20</sup> Appendix H outlines more fully the common pathways through the CYF care and protection process that children and young people experience, and the profiles of the children and young people who experience them.

## Support Phase

Where an assessment reveals that further statutory intervention is required, support will be provided either as a Family Whānau Agreement (FWA) or a Family Group Conference (FGC). Currently CYF works directly with families and whānau to address risks and needs that are creating care and well-being concerns. They do so through two key processes:

- Family/Whānau Agreements, are completed where there are enough safety factors (as determined through a Tuituia assessment) for the family/whānau to engage in a voluntary agreement with CYF; and
- Family Group Conferences, where a social worker, member of the Police, or any other body or organisation concerned with child welfare, believes that the child or young person is in need of care and/or protection under the CYP&F Act and refers the case to a Family Group Conference coordinator for a conference to be convened and a care and protection plan developed.

Figures 6.6 and 6.7 outline the profiles of children whose pathways through the Child Youth and Family process included receiving support in the form of a Family Group Conference or a Family Whānau Agreement. Child, Youth and Family supported these families without bringing the child into custody.

**Figure 6.6: Profile of children who were notified, subject of an investigation or assessment then supported through the Family Whānau Agreement process in 2013**

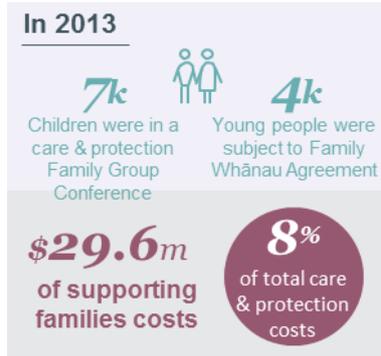
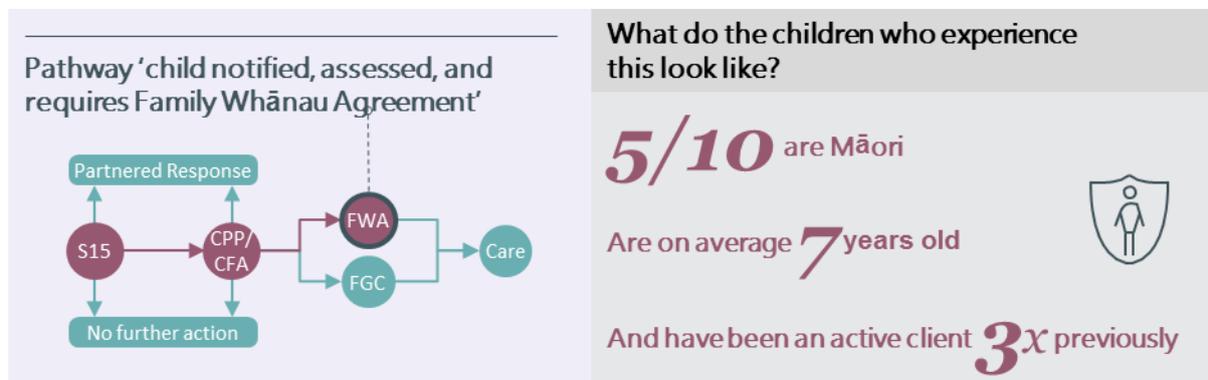
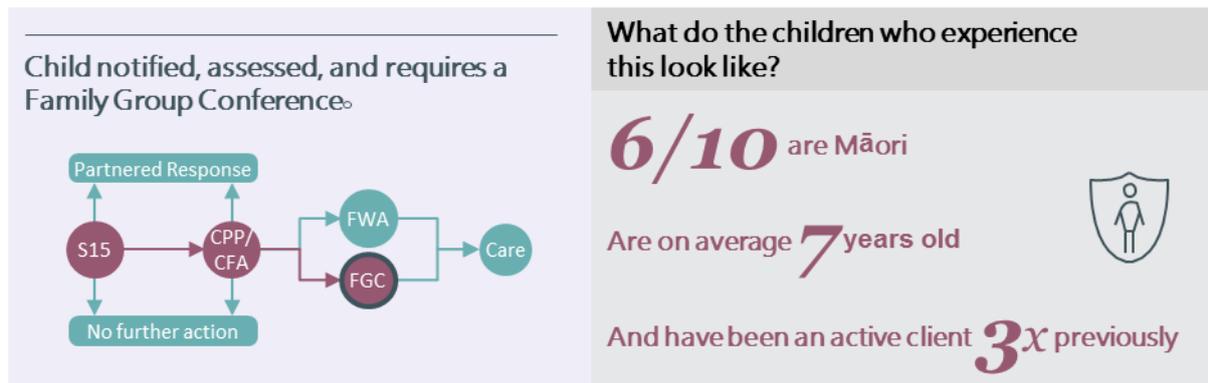


Figure 6.7: Profile of children who were notified, subject of an investigation or assessment then supported through the Family Group Conference process in 2013



### Custody Phase

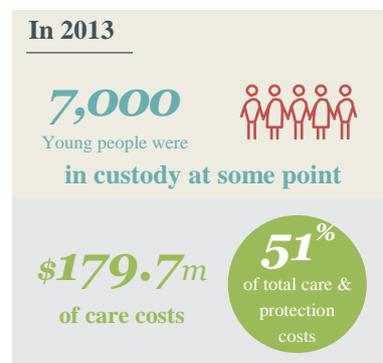
Following a Family Group Conference, a determination may be made on whether state care is required to secure the care and protection of the child.

The term ‘care’ generally refers to situations where children are unable to be cared for and kept safe within their own families of birth. Children and young people can be cared away from home until such time as it becomes a safe place for children to be, or if the home cannot be made safe to meet the needs of the child. The child or young person ‘in care’ is placed in the custody of the Chief Executive who is able to exercise day-to-day care for them. In some circumstances this may mean the child or young person living with their birth families, while a rehabilitation home plan is tested and closely monitored.

Section 13 of the CYP&F Act provides that children and young people should only be removed from their families if there is a serious risk of harm and where they are removed they should, where practicable, be returned to and protected from harm, within their own families.

The CYP&F Act outlines a ‘hierarchy’ of where children should be living, starting with the principle that the birth family has the primary role in caring for and protection of a child or young person, where this is not possible then with extended family and whānau and – where that is not possible – to live in a family-like setting, in the same locality, with family links. Priority should be given to a member of the family (with preference to hapū members) or, if not possible, a person who has the same tribal, racial, ethnic or cultural background as the child or young person. The placement must enable the child or young person to establish a ‘psychological attachment’ to their carer, and support a sense of identity and belonging.

There are a number of types of alternative care for children and young people and these are shown in Table 6.1 below:



**Table 6.1: Types of care**

Care Type	Details	Provision
Family/Whānau care	A care arrangement ordered or administered by a competent authority, on an emergency, short-term or long-term basis, whereby a child is placed within their extended family/whānau and there is a familial connection between the child and carer.	Kinship care
Foster care	A care arrangement ordered or administered by a competent authority, whether on an emergency, short-term or long-term basis, whereby a child is placed in a family home where the carers have been selected, prepared and authorised to provide such supervised care and may receive financial or other support or compensation for doing so.	Caregiver
Family-like setting	Arrangements whereby children are cared for in small groups, in a manner and under conditions that resemble those of an autonomous family, with one or more specific parental figures as caregivers, but not in the person’s usual domestic environment. Caregivers may receive financial or other support or compensation.	Family home
Residential care	A group-living environment where there may be one or more unrelated children or young people living, in a specially designed or designated facility where salaried staff or volunteers ensure care.	Residence Supervised group home

The current model for providing care for children and young people who are in the custody of the Chief Executive and who are unable to live with their parent(s) is a mix of options (non-whānau caregivers, whānau caregivers, family home caregivers, supervised group homes and residences) managed by an approved provider (non-government organisations and private sector). Caregiving in New Zealand predominantly relies on the willingness of volunteers, the majority of whom are related to the children.

In addition to the care placements available through CYF caregivers, each region purchases care placements. These are commonly referred to as ‘bed-nights’.

CYF works at any one time with an estimated 400-450 children and young people with high needs. The greatest demand is in relation to behavioural needs, mental health and physical and intellectual disabilities. As at February 2013, there were 408 children and young people with high needs in CYF care<sup>21</sup>.

### *Residences*

Most admissions to care and protection residences are sought by front-line staff following a period of rapidly escalating, out-of-control behaviour by a young person. Trigger events may include self-

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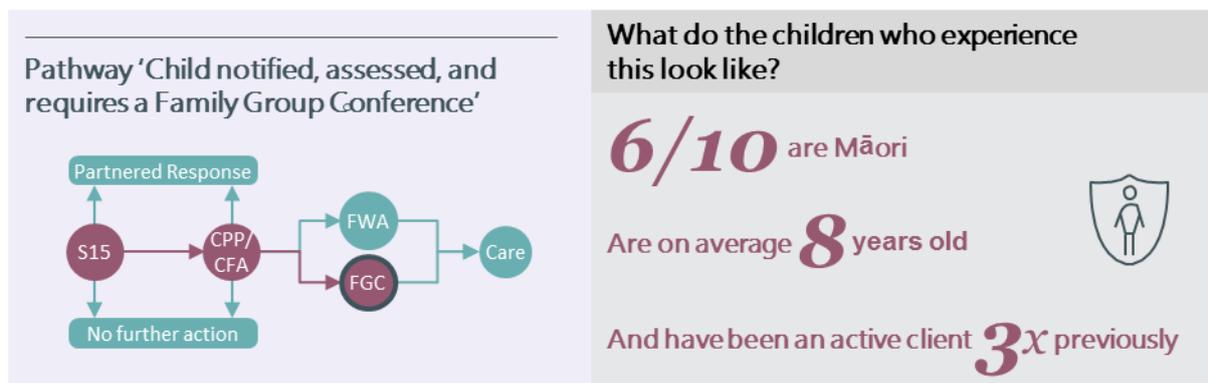
<sup>21</sup> This is the most up-to-date information available on the number of high needs children and young people CYF are working with. There is no agreed definition, either within CYF or externally, of children and young people with “high needs”, and there is no systematic way of identifying high needs children and young people. This number is the result of a manual process, which involved the collation and verification of manual spreadsheets by CYF regional and national office staff.

harming or suicide attempts, harmful sexual behaviour and/or chronic absconding from their existing placement. Generally, the child or young person has experienced a number of different placements and has exhausted present community-based options.

CYF operates four secure Care and Protection residences and four secure Youth Justice residences for young people who have committed criminal offences. The total secure residential capacity across the country is currently 220 beds<sup>22</sup>.

CYF also owns a secure residence (Te Poutama Ārahi Rangatahi) for adolescents with high risk harmful sexual behaviours, operated by Barnardos New Zealand. Te Poutama Ārahi Rangatahi accommodates adolescent males aged between 12 and 16 years who have engaged in harmful sexual behaviour and who are assessed by community-based teams (STOP, SAFE, WellStop) as being unsafe to live in, or receive treatment in, a community setting. Figure 6.8 below shows the profile of children whose pathway through the Child, Youth and Family process in 2013 resulted in being brought into custody.

**Figure 6.8: Profile of those whose pathway through the Child, Youth and Family process resulted in being brought in to custody in 2013.**



### Unsupported Child Benefit

The Unsupported Child Benefit paid by Work and Income provides funding for wider family and whānau to provide care for children and young people. This is in situations where the child or young person cannot be cared for by their parents due to a family breakdown. In many cases care funded by the Unsupported Child Benefit provides an alternative to initiating formal custody arrangements.

A comparison of the numbers of children and young people living in families receiving the Unsupported Child Benefit compared to formal out-of-home care placements gives some sense of the overall importance of this form of financial support.

In 2014 there were just over 5,800 children and young people living in informal out-of-home care with a carer paid the Unsupported Child Benefit, where the child or young person had been the subject of a notification, investigation or finding of maltreatment by CYF in the prior 12 months. At the same time there were just over 4,200 children and young people in formal out-of-home placements in New Zealand.

<sup>22</sup> Source: <http://www.teara.govt.nz>

A proportion of children in informal placements outside their families of birth may well be in traditional Māori whāngai arrangements where members of a child's extended family will parent the child for a period – or permanently.

### *“Home for life”*

Sections 5, 6 and 13 of the CYPF Act 1989, and the Practice Centre states:

*“When it is not possible to return a child or young person to the care of their parents, we want them to find a home for life where they will feel loved, wanted and valued. Creating a home for life for these children and young people is the key to establishing a sense of belonging and promoting their well-being.”*

Technically, this will have been achieved when:

- the child or young person is in an approved Home for Life placement
- the caregivers have obtained legal orders to secure the Home for Life placement, and
- custody orders in favour of the Chief Executive have been discharged.

The Home for Life support package consists of three years support including the payment of reasonable legal costs, an upfront payment to set the home up for a child, access to support, and advocating with other agencies for support, respite care and review.

### *Leaving or ‘ageing-out’ of care*

The CYP&F Act defines a young person as a boy or girl of, or over the age of, 14 but under the age of 17 years. This means that young people aged 17 years or over cannot be subject to a care and protection notification or remain in State care. Just under 1 percent of each year group, or around 500-600 young people in each year group, fall within the population leaving care as a 15-16 year-old<sup>23</sup>. In effect this means:

- the young person may need to leave their foster placement for independent living as there is no longer legal provision for CYF to fund the foster placement;
- they or their caregiver will need to apply for a benefit for financial support, unless they are fully self-supported through employment, and they may be responsible for the managing of their own finances;
- they will no longer receive social work support from CYF; and
- offences committed by young people aged 17 or older are treated as adult offences regardless of the nature or severity of the offending or the needs of the young person;

Recent amendments to the CYP&F Act aim to improve results for young people as they prepare for and leave state care to live independently. The changes are intended to create new obligations on the Chief Executive to provide additional advice and assistance, including financial support to young people who have been in care for at least three months after the age of 15, up until they are 20 years of age. These changes potentially create a clearer pathway to enable young people to ask for

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<sup>23</sup> This includes all 15 – 16 year-olds who have spent at least 3 months in the care of CYF as either a 15 or 16 year-old which is the definition used in the Vulnerable Children Bill.

support and for the Chief Executive to prioritise assistance to support them. There are about 2,000-2,500 young people in this group.

### *Adoptions*

Adoption is another means of providing some children with security and meeting their developmental needs by legally transferring on-going parental responsibilities from their birthparents to their adoptive parents.

Dedicated adoption social workers have statutory responsibilities under three pieces of legislation:

- The Adoption Act 1955;
- Adoption (Intercountry) Act 1997; and
- Adult Adoption Information Act 1985.

Adoption makes the adoptive parents the parents of the adoptive child and their relatives the child's relatives. It takes away the parenthood of the child's natural parents and severs the relationship with their relatives. Before making an Adoption Order, the Family Court must make sure that the mother or parents have agreed to give up the child for adoption.

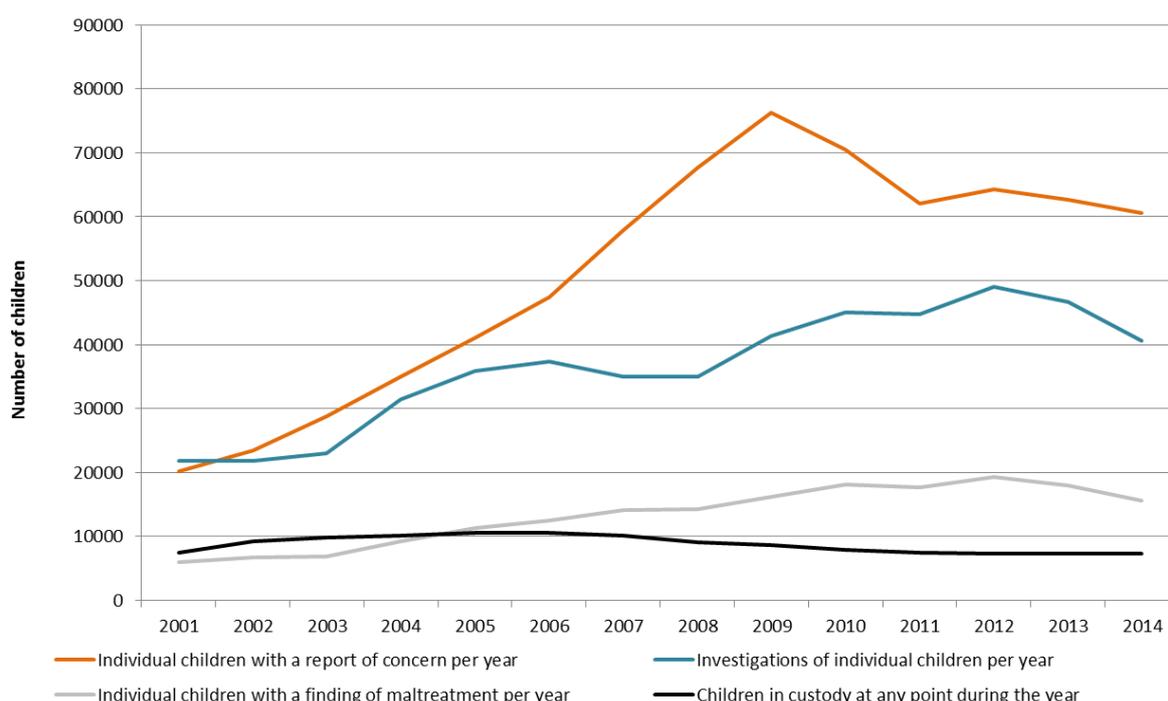
Both domestic and international surrogacies require an adoption in order to secure a legal relationship for the child with commissioning parents and adoption social workers are required to report on these applications. International surrogacy is a growing component of adoption social work.

Numbers of adoptions in New Zealand are small and have been steadily declining since the 1960s. There are fewer than 100 approved domestic adoptions each year.

### **Trends in Child Contact with the Care and Protection System since 2001**

Figure 6.9 shows the numbers of children who have had contact with different parts of the care and protection process each year since 2001. Numbers increased considerably from 2001, peaking between 2009 and 2012, but have declined in the last few years.

**Figure 6.9: Number of children involved with Child, Youth and Family per year**



The above Figure 6.9 reflects the following:

- **Notifications**

A combination of factors contributed to the peak of children being notified in 2009, including the ‘it’s not ok’ public awareness campaign (2007/08) and earlier changes to Police policies around referral of family violence situations to CYF<sup>24</sup>. Since 2009 there has been a steady decline in the numbers of children being notified to CYF for care and protection reasons. However numbers are still significantly higher than they were in 2001.

This increase in the number of notifications since 2001 has been driven less and less by new children coming to the attention of Child, Youth and Family each year, and more by the same children being repeatedly notified. In 2001, 36 per cent of the notifications Child, Youth and Family received were for children who have been notified previously. By 2014, this had increased to 64 per cent of notifications.

- **Investigations or assessments**

Overall, the number of children who are subject to an investigation or an assessment each year has more than doubled from 2001 (just on 22,000 children) through to 2012 (approximately 49,000 children). There has been a slight decline over the last two years.

- **Findings of maltreatment**

The number of individual children with a finding of maltreatment increased by 224 per cent from 2001 through to 2012. Numbers have declined slightly over the last two years.

<sup>24</sup> In 2004 Police policy changed and all incidences of family violence where a child was in the household began to be referred through to CYF.

- **Care**

Numbers of children in care each year have remained fairly steady. This may, in part, be related to the fact that funding for State care is capped and there is therefore an incentive to restrict volumes (regardless of the needs of families and children).

### The Youth Justice Process

The youth justice system deals with offending by children aged 10-13 years, and young people aged 14-16 years.

It is based on a set of objectives and principles that mandate a short-term, community-based approach focused on resolving the current offences rather than fixing wider care and protection concerns. As well as responding to the needs and deeds of the children and young people who offend, CYF are required to consider public safety issues and also deliver services that are victim-inclusive, meeting the rights of victims to participate in the youth justice process.

Children and young people in the youth justice system are subject to special protections and are treated differently from adults who offend. The law requires that a young person is dealt with in a way that acknowledges their needs and general well-being. It also requires they are held accountable and are encouraged to accept responsibility for their offending.

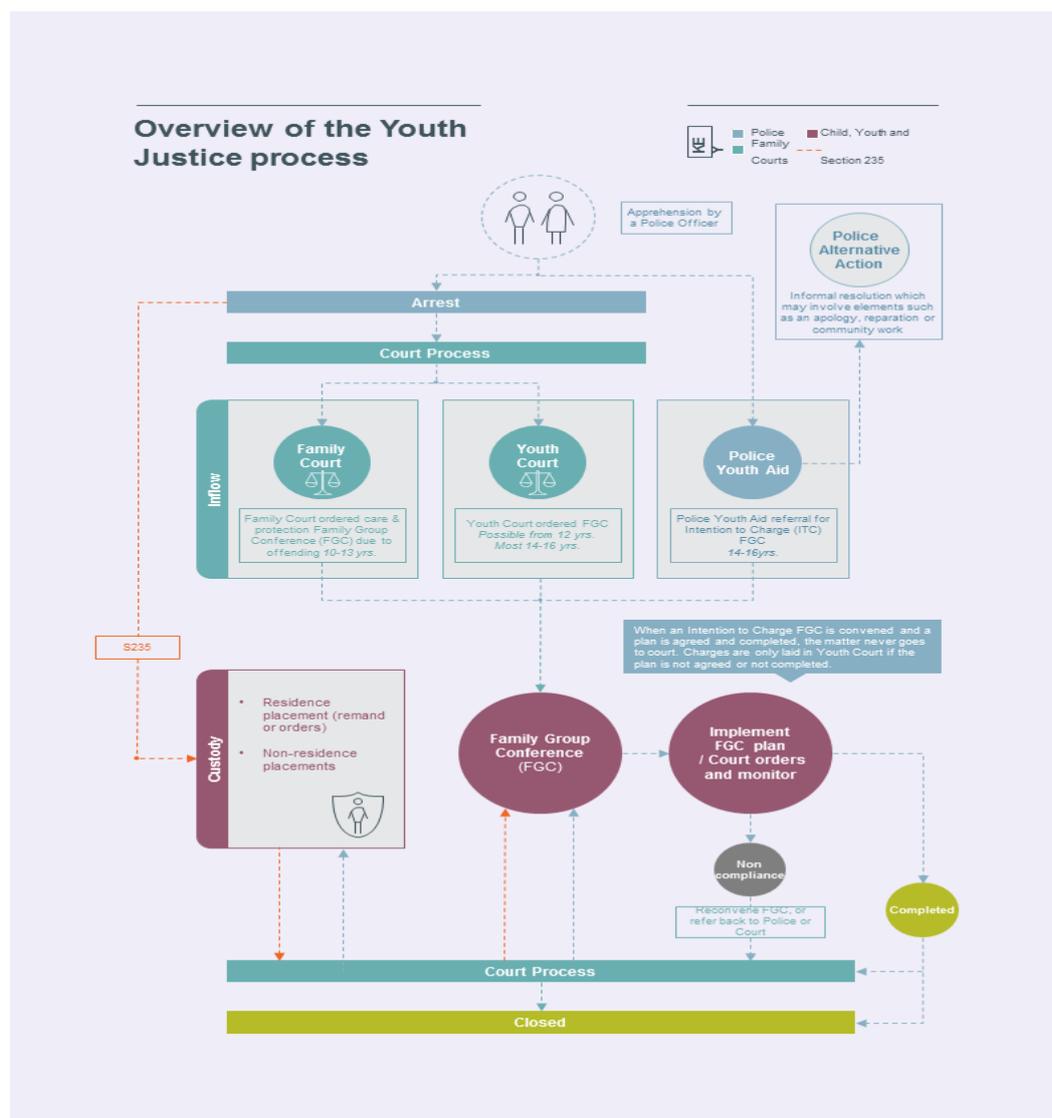
The New Zealand youth justice system works on the basis of diversion from prosecution. It aims to resolve offending without young people receiving a criminal conviction, as they would under the adult criminal justice system. The Government’s strategy for youth justice is set by the 2013 Youth Crime Action Plan (YCAP) which aims to reduce escalation and ensure that sustainable exits are achieved by young people entering the system<sup>25</sup>.

Most children and young people naturally desist from offending (or age out of this category) with some external support or encouragement. Historical data shows that around 4.4 percent of individuals born in the early 1990s were referred to CYF by the Police because of youth offending. Young people with a prior care and protection history were significantly more likely to be in this group. Among young people who had contact with CYF for care and protection reasons, approximately 17 per cent were then subsequently referred to the agency because of offending.



<sup>25</sup> Youth Crime Action Plan, Ministry of Justice publications 2013 <http://www.justice.govt.nz/policy/crime-prevention/youth-justice/youth-crime-action-plan>

Figure 6.10: Youth justice process



The process starts with an apprehension by a Police Officer. More than 24,000 youth apprehensions were recorded in 2014, but this number is falling year on year since a high of almost 47,000 in 2002/03. The Police will engage with the young person and whānau to attempt to resolve the offending without further action, as long as the young person accepts responsibility for the offence. For most children and young people that will be the end of their time in the youth justice system.

However, for around 3,000 children and young people CYF will become involved in their lives and, for the vast majority, CYF will have already been involved, on the basis of prior notification for abuse or neglect, or because they are currently in the care system. Those who have had previous contact with Child, Youth and Family as a result of care and protection concerns have had on average six to seven previous notifications.

Only about 2,000, (down from more than 4,000 in 2007), will have to go before a youth court. Other than those experiencing a custodial remand in a youth justice residence, while awaiting their court case, (about 550 in 2014), only 120 experienced a custodial sentence in 2014 – the lowest figure since reliable statistics in 2006/07, when 189 young people were placed on supervision with residence orders.

For most young people, the youth justice experience is short, focused on short-term non-court interventions designed to put right the wrong or harm caused by their offending, allowing them to make amends and move on, while remaining in their communities.

For a small group, their experience will be one of repeat apprehensions and multiple intervention events with an escalation to court, custody and, for some, transfer to the Corrections system at a point after their 17th birthday. Those that continue will experience an increasingly complex and procedure-laden process that will bring them into contact with a range of professionals from agencies and contracted services.

From a youth justice perspective, the age range set out in the CYP&F Act means that offences committed by young people aged 17 or older are treated as adult offences. In practice, this means that 17-year-olds do not have the protections or range of services and interventions offered by the youth justice system, including:

- Police Youth Aid alternative action;
- A Family Group Conference as a mechanism for addressing offending by young people outside of the formal court process; and
- The sentencing options available in the Youth Court which are tailored towards rehabilitation and reintegration.

## 6.4 CYF business Processes, Technology and Infrastructure

### Practice Framework

The Practice Centre has been developed over time and is dense with information that is less than clear in its articulation of mandatory and desirable practice requirements. The impact of this is evident through the very process-driven approach to social work practice which has led to relatively little time in direct work with children, young people and their families, and a focus on meeting timeframes instead of on achieving lasting change for children.

Our work talking with children has identified what is important to them in terms of their relationship with a social worker. They want a social worker:

- who sticks with them and does not change
- genuinely listens to them, explains things and takes their needs into account
- involves them in decision-making, and
- takes time to hang out with them and really get to know them.

The broader Practice Framework within which social workers operate does not support those workers to meet these needs. The 2013 Activity Monitoring Survey found that care and protection social workers spent 25 percent of their available time carrying out some form of contact with children, young people and their families and whānau. For youth justice social workers, total communication with children and their whānau took up 20 percent of recorded activity. This included face-to-face contact in meetings and Family Group Conferences, as well as other contact via channels such as telephone, email, letter and text. The time spent actually meeting in person with

children and young people was recorded at just 6 per cent and 9 per cent by care and protection and youth justice social workers, respectively.

## **Data and Information Management**

CYF has national data collected through the CYF case management system, CYRAS (Care and Protection, Youth Justice, Residential, Adoption Services). CYRAS was introduced in 2000/01. Data capture prior to the introduction of CYRAS in 2001 is limited.

The primary function of CYRAS is to provide an on-going record of CYF's involvement with individual children and their families. It has also been adapted and extended over time to meet other needs, particularly organisational reporting and monitoring requirements. This has resulted in a case management tool that is difficult to navigate and cumbersome. Data quality has suffered as a result.

CYF indicated in 2013 that work was underway within Ministry of Social Development Information Technology to modernise and evolve CYRAS. Replacement of CYRAS was considered. However, because of the upfront costs, and the level of customisation required to use any of the available commercial products, this option was not taken any further.

### *CYF's performance measures and internal monitoring*

The main tool for reporting on CYF's performance is the Output Plan. The 24 measures for 2015/16 are set out in Appendix D. There are 13 care and protection-related measures in the areas of intake and assessment decision-making, Family Group Conferences, residences and care, of which:

- ten of the 13 measures relate to the completion of key functions within specified timeframes (initial and subsequent assessments, care and Family Group Conferences plans, referrals);
- two of the measures relate to aspects of the quality and stability of care (placement with a sibling and multiple care placements), which are very narrow in focus; and
- one measure relates to re-abuse, but the way in which CYRAS data is recorded means that results will be difficult to interpret.

In contrast to the clarity with which children express what is important for them, the accountability and performance frameworks for the care and protection system are almost exclusively focused on the timely and efficient completion of key activities within the system. There are no effective performance measures in relation to family and whānau-focused prevention of harm and revictimisation. Similarly, there are no measures that are associated with ensuring enduring quality of statutory care, or long-term social and economic outcomes for children and young people in care.

There are 9 youth justice measures in the areas of Family Group Conferences, plans, and behaviour change. These include meaningful measures of exit and re-entry into the youth justice system and outcomes for youth offenders.

### *Cross-agency measures*

A number of key agencies have responsibilities for supporting vulnerable children. Current performance indicators however generally apply only to a single agency. These individual agency KPIs are not linked or shared. Definitions of the shared population groups also differ in important respects. This makes it more difficult for agencies to jointly address issues and to design and

provide the seamless and comprehensive services required by vulnerable children and their families/whānau.

For example the High and Complex Needs Interagency Groups, consisting of the Ministries of Social Development, Health and Education must agree on referrals to the programme. Two out of the three agencies need to agree on a referral for it to proceed, but each agency uses different definitions of vulnerability.

The 10 Key Result Areas released by the Government in 2012, are a mechanism for delivering to shared outcomes and measures. Result 4, for example, is to reduce the number of assaults on children as measured by the number of children with a finding of physical abuse<sup>26</sup>.

In 2013/2014, the number of substantiated physical assaults was stable at 3,178 compared with the 3,181 the previous year. The recent flattened trend appears to be continuing. Meeting the Better Public Services target means bringing down the projected number of children who are assessed as having experienced substantiated physical abuse to less than 3,000 by June 2017.

There are opportunities to improve access to data currently collected by other agencies to achieve better results. For example, key pieces of Work and Income and Police information related to family violence could be shared routinely and systematically to support CYF decision-making at a number of points in the care and protection process.

### *Challenges*

The nature of the information collected and the way in which it is organised is driven by a focus on timeliness and business processes. This means decision-makers have good information on key processes and whether they are occurring within specified time-frames. However, the data is not organised around individual children's actual experiences. As the structured data captured through this case management tool is output-orientated, there is little information available on actual outcomes for these children and young people.

Historical information about children and their families is stored under complex layers of information and is difficult to extract. This makes it difficult to identify patterns of chronic harm and reinforces the focus on incidents of immediate safety risk. It also makes it more difficult to identify possible early warning signs associated with a family's prior care and protection experiences. There is little directing decision-makers to the right information quickly, or automated combining and weighing of key pieces of information to help decision-makers.

### **Advocacy, External Monitoring and Complaints Mechanisms**

There are two main complaint mechanisms that apply for children and young people in the statutory care and protection system.

- The CYF complaints process allows children and young people to make a complaint about a service they have received. A complainant may choose to deal with the complaint by raising it with appropriate staff in a site office. Alternatively, a complaint may be dealt with by a regional

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<sup>26</sup> Ministry of Social Development (MSD). Annual report 2013/2014. Published online: <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/corporate/annual-report/2014/annual-report-2013-2014.pdf>

Complaints Officer. Reviews of decisions can be requested. These will be undertaken by the Chief Executive or The Ministry of Social Development Advisory Panel. Complainants who are dissatisfied with the Chief Executive's review can contact the Office of the Children's Commissioner or the Office of the Ombudsman. Children and young people in CYF residences have a right to complain also, they can do so by speaking with a staff member, visitor to the residence or advocate. They also have a right to take a grievance to an independent grievance panel.

### **Independent Monitoring by the Office of the Children's Commissioner**

The Children's Commissioner Act 2003 sets out the Commissioner's responsibility to monitor and assess the policies and practices of CYF under the CYP&F Act.

The Commissioner briefed the panel on the range of review work undertaken by the Office of the Children's Commissioner and the thematic findings of this review work. The Commissioner is summarising the findings in a public aggregate report due to be released in August 2015.

Since January 2014, the Office of the Children's Commissioner has:

- reviewed eight residences and examined their leadership and direction, quality of social work practice, partnerships and networks, and cultural capability;
- re-visited the Whangarei and Rotorua sites to assess their progress since they were reviewed in 2013; and
- undertaken two thematic reviews in the period covering the quality of CYF's case management and oversight of young people in Youth Services Strategy and front-end intake and assessment practice in the 14 CYF sites that will be working with a new children's team.

Overall, the Commissioner found CYF's performance in most areas of practice to be highly variable. In many cases, sites and residences did not meet expectations, and it was rare for a site or residence to consistently meet or exceeds expectations. The conclusion is that CYF's overall performance is inconsistent.

The Commissioner has reached the following overall conclusions on the basis of their review work – many of which are consistent with the findings in Sections 7 and 8 of this report. In summary, the Commissioner has concluded that:

- The CYP&F Legislation is sound (but the upper age of young person needs to be raised to 18)<sup>27</sup>;
- The care and protection aspects of CYF are not well geared to deal with chronic and cumulative issues;
- Multi-disciplinary front-end assessment and triage of referrals required;
- Care placements for children and young people are not well supported;
- Young people leaving care need more support;
- There is insufficient cross agency collaboration;
- The cultural capability of CYF is not given sufficient priority;
- A more accessible complaints system is required; and

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<sup>27</sup> The Expert Panel has identified a number of significant legislative changes that may be required to support a child-centred system. We are also considering the age to which care may be required – but this age may be different for distinct parts of the care, protection and youth justice system.

- Independent advocacy for children in care and youth justice is needed.

The Commissioner concludes that for the wider care and protection and youth justice system to be effective, it will need at least the following elements:

- A clear vision;
- Clear roles and responsibilities for all agencies;
- A child-centred approach, including independent advocacy and an accessible complaints system;
- A continuous improvement and data driven approach;
- A capable and well-trained multidisciplinary workforce;
- To be culturally responsive;
- An improved care and transitions service; and
- Independent monitoring and oversight.

Section 8 of the Panel's report sets out the significant changes required for the wider system to transition to an effective, child-centred model and elaborates on many of the points raised by the Children's Commissioner.

The Commissioner has also briefed the Panel on the adequacy of independent review and oversight that the Office is currently able to provide, concluding;

- The Commissioner is of the view that the Office cannot visit a sufficient number of sites and residences to ensure adequate oversight. The monitoring team consists of 3 monitoring advisors, a 0.5 youth engagement advisor and 0.9 FTE Manager, with an operating budget of \$60k to cover travel and accommodation costs.;
- The Office does not have ready access to the data on complaints or an oversight of the full complaints system to provide an independent assessment of its efficacy and what systemic issues complaints may point to; and
- The Commissioners Act 2003 restricts the monitoring function to services provided under the CYPF Act, which limits the ability to have an independent view across the entire care and protection system including Justice, Police, Health and Education services to children in state care and the newly established Children's Teams.

The Commissioner notes that other similar entities such as the Independent Police Conduct Authority and the Health and Disability Commissioner have Commission of Inquiry powers, and can seek a response to recommendations and if not satisfied, table a report with the Minister or in Parliament. They can also issue Proceedings to enforce accountability.

The Ministry of Youth Development also has mechanisms for obtaining young people's views to feed into the development of policy and legislation, but these mechanisms are not used by CYF.

## 6.5 CYF people, Organisation and Location

### Organisational Structure

CYF operates as a largely autonomous service line within the Ministry of Social Development headed by a Deputy Chief Executive. CYF receives support from the corporate centre (legal services, human resource and research) – but appears somewhat isolated from the other service delivery arms that might contribute to its work. Another service line (Community Investment) manages the investment strategy, contracting and relationship management with community providers of CYF services that are purchased from a national and local level. Any clash in priorities, processes or policies between these will impact on organisational efficiencies and effectiveness.

The Ministry of Social Development has been developing a new target operating model that, in its latest iteration<sup>28</sup>, envisages CYF retaining its current status as a stand-alone service delivery arm – but with a slightly enhanced level of support provided from the rest of the organisation.

The current version of the target operating model acknowledges that CYF does not currently possess any significant service design expertise and proposes that this capability be provided from the larger service delivery cluster (a combination largely comprised of Work and Income and services delivered to seniors and students). CYF would also be provided with corporate services and research support (which are labelled “insights” in the target operating model) from other large structural groups within the Ministry of Social Development.

### Workforce

As at February 2015, CYF employed about 3,200 FTEs. Existing CYF documentation on front-line practice and procedure relies almost exclusively on social work and social workers as the primary (even exclusive in some cases) means of service delivery to clients.

Overall, the CYF workforce are:

- predominantly social workers;
- predominately female – 76 percent overall and 83 percent in the field practice workforce;
- comprised of a greater proportion of Māori and Pasifika staff than the general population, but fewer Māori staff than the CYF client group; and
- focused on the regional delivery network with a comparatively small national office.

This description contrasts with the feedback from children and young people, who have expressed a desire for a greater number of younger, and male social workers.

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<sup>28</sup> Presentation to the Secretariat 26/05/2015.

**Table 6.2 Workforce by category, February 2015**

Workforce Category	Headcount	% of total
Practice	2,204	69.4
Professional Support	19	0.6
Advisory	153	4.8
Administration	499	15.6
Permanent Variable Hours (PVH)	40	1.3
Support	38	1.2
Management	218	6.9
Management (Executive)	5	0.2
<b>Grand Total</b>	<b>3,176</b>	<b>100%</b>

The ‘practice’ category, comprising almost 70 percent of the workforce, is made up of social workers and senior practitioners, supervisors and practice leaders, Family Group Conference coordinators, differentiated response coordinators and other front-line roles. Within the total ‘practice’ category are about 760 staff providing direct work with children in need of care or protection through case management. Professional support includes psychologists, therapists and consultants, making up less than 1 percent of CYF’s current workforce. Advisory includes all advisors and analysts to support the business, and is just under 5 percent of the current workforce. Management includes managers, team leaders and regional directors from across the site network and regional and national offices, comprising around 7 percent of the workforce.

The above analysis shows that less than 25 per cent of the total staff of CYF (760 out of a total staff of 3,176) are currently directly working with children in need of care or protection. Despite the complex nature of front-line care and protection work, less than 1 per cent of the current workforce has a dedicated professional support role.

Despite the relatively large proportion of staff providing advisory or administrative support within CYF, there are some key areas where capability and expertise is not sufficient, for example: Service design, including collaborative design and incorporating the voice of children, and business analysis.

The Workload and Caseload Review noted the amount of unpaid work regularly undertaken by social workers. Almost three-quarters of the social workers interviewed reported working more than their contracted hours. The activity study data supported these staff perceptions. At least a proportion of this unpaid time will be due to the lack of availability of school-age children and working families to meet within normal working hours. Children, young people and their whānau have also told us that CYF needs to be more flexible and accommodating around how, where and when CYF interacts with them.

The other capacity issue highlighted in the review was the impact that high levels of secondments and people acting in other roles had on the number of front-line staff available to do the social work. Many sites struggled to cover for absent or seconded social workers. This work was often picked up

by a supervisor or by already fully-loaded colleagues who usually covered only the most urgent activities.

In summary, there are a number of key workforce issues to address overall:

- the size and nature of the front-line workforce;
- the range and depth of the professional support required by the front-line workers;
- the range and depth of other professional skills needed in a multi-disciplinary care team
- strategic leadership, and
- how to increase CYF capability and capacity in critical areas such as service design and business analytics.

## Caregivers

CYF works with about 3,500 caregivers. At any one time about 1,500 of those caregivers do not have a placement for a range of reasons including ill-health, awaiting a placement or taking a break from caregiving. There are 84 caregiver social work roles budgeted for in the CYF baseline, to support the caregivers CYF works with.

There is no overarching, nationally co-ordinated approach to caregiver recruitment. CYF actively delivers recruitment strategies on a regional needs basis throughout the year.

Caregivers are provided allowances for the child's day-to-day costs, although these allowances do not enable them to consider their role as a full-time job, and some caregivers have other forms of employment.

The majority of CYF caregivers are middle-aged, but a significant proportion are nearing the age of 60 years or older. This is more evident for family/whānau placements and is not necessarily surprising – many of the family/whānau caregivers are grandparents.

Five out of every 10 caregivers are Pākehā, while about three out of 10 are Māori<sup>29</sup>. Māori caregivers are more likely to be providing family/whānau care than are non-Māori caregivers. Information from other parts of the Ministry of Social Development shows that 42 per cent of the caregiver population are on a current benefit, but there is a very clear difference between whānau and non-whānau caregivers:

- 33 per cent of non-family/non-whānau caregivers currently receive a benefit; and
- 47 per cent of family/whānau caregivers currently receive a benefit.

High proportions of caregivers on a benefit are a concern in that children with high needs are placed in low income households where resources may already be stretched.

## Leadership and Management

Effective system and organisational leadership, clear management accountabilities, aligned operating models and processes, and a strong and supportive culture are pre-requisites for success in the complex and evolving care and protection and youth justice sectors. These critical leadership

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<sup>29</sup> This is likely an underestimation, ethnicity is missing for one out of every five whānau caregivers who are caring for Māori children and young people.

dimensions are not well demonstrated in the current system. For example, despite a significant change in the demand profile for CYF, the overall strategy and operating model have failed to keep pace and adapt.

CYF requires greater clarity about its core purpose and mission, including its role relative to other parts of, and players in, the overall vulnerable child system. This clarity of purpose can then be reflected in a clear strategy that outlines how this purpose and mission can be achieved, how current and emerging demands can be responded to, and the needs of its core client group met. The operating model for CYF can then be aligned to ensure the organisation is providing all the practical systems, policies, and capability needed to fully deliver on the strategy.

The current organisational culture appears to be defensive and risk averse. International evidence points to the critical role that culture can make to the effectiveness of human services agencies and the ability to orient service design and delivery around the needs of clients<sup>30</sup>. An operating model that is capable of delivering on the CYF purpose and strategy will support a move to a more positive organisational culture.

## 6.6 Cost of the Current Operating Model

In 2013/14 the government spent just over \$700 million on a range of services targeting vulnerable children and families through the Ministry of Social Development. This represents around 1 percent of government expenditure and is about the same amount as is spent on the New Zealand Courts system.

This funding is administered by the Ministry of Social Development and is split across three business units:

- CYF – \$498 million – covering the costs of the statutory child protection service including care and protection, youth justice and prevention and adoption services. It includes \$79 million of contracted spending (technically managed by Community Investment but practically; determined by CYF as it covers client-level services such as community bed-nights);
- Children’s Action Plan (CAP) – \$6 million – this spending covers the operations of the Children’s Teams in four locations; and
- Community Investment – \$206 million<sup>31</sup> – this contains much of the contracted spending for the preventative and lower-level community services accessed by vulnerable children and families, including services for partnered response<sup>32</sup>.

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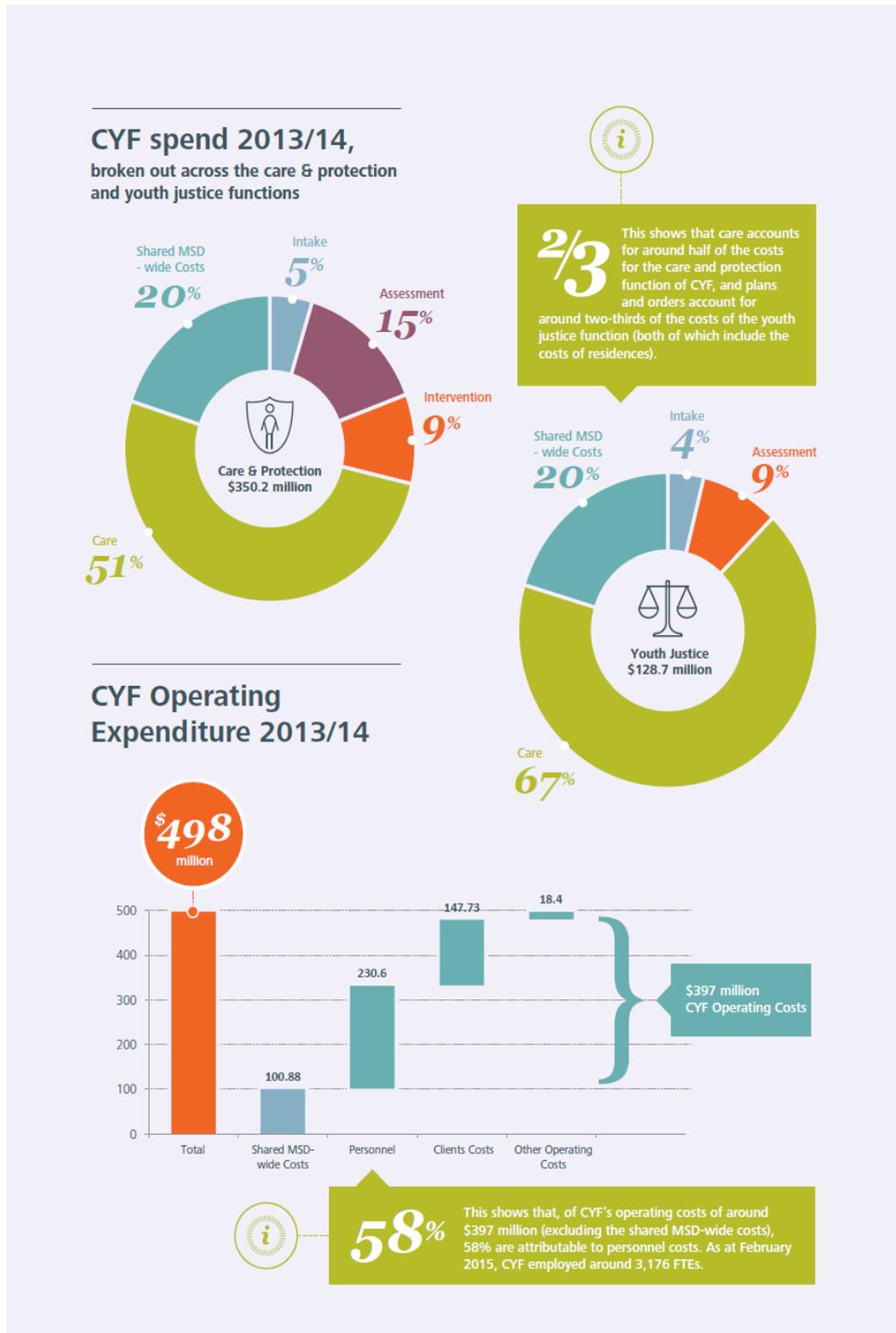
<sup>30</sup> Hemmelgarn et al (2006) *Organisational Culture and Climate: Implications for Services and Interventions Research*

<sup>31</sup> This does not include the \$79 million of contracted services spending listed under CYF.

<sup>32</sup> \$112 million of this funding was managed by CYF but was formally moved into Community Investment in October 2014. The remaining \$94 million was previously in Family and Community Services (FACS) until October 2014.

A breakdown of the CYF operating expenditure is shown in Figure 6.11 below:

Figure 6.11: Analysis of CYF expenditure 2013/14



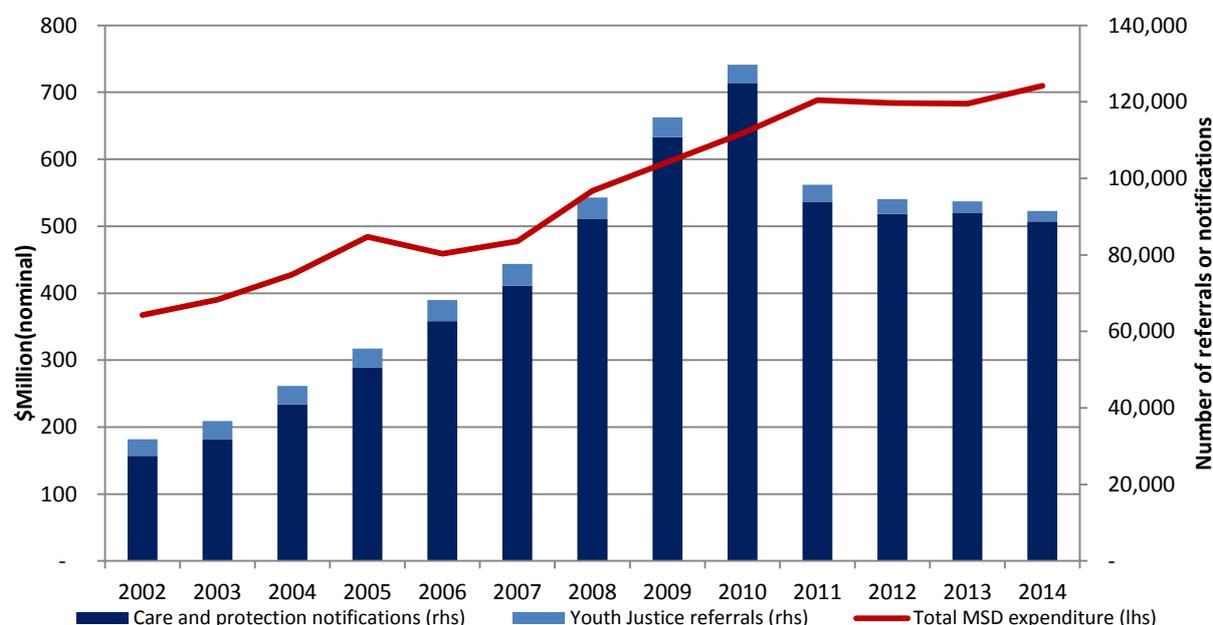
Note: The 9 per cent intervention costs indicated in the top pie graph include partnered response costs of 1 per cent

We have considered expenditure on CYF in the context of both recent funding levels and future demands.

## Recent Funding

Between 2000/01 and 2013/14, Ministry of Social Development spending on vulnerable children increased significantly. Until 2011, this increase was broadly in line with increased volumes of notifications and referrals to the agency as shown in Figure 6.12 below.

**Figure 6.12: MSD expenditure on vulnerable children and numbers of notification and referrals**



Key drivers of these increases in investment were larger numbers of children interacting with CYF (particularly between 2002 and 2011)<sup>33</sup>, increased staff, wage and salary increases, as well as explicit decisions to intensify services. While the pressure on the ‘front-end’ of the child protection and youth justice systems has fallen slightly in the last few years, this reduction has not been seen in the numbers of children receiving more intensive services, which are a key driver of costs.

## Future Financial Pressures

CYF had a deficit of \$7.7 million in 2014/15 (underwritten by the Ministry of Social Development), and has an expected deficit for the current year (2015/16) of \$11.2 million (which includes approximately \$18.8 million in cost pressures, offset by \$7.6 million of mostly one-off savings from within CYF budgets).

CYF is currently forecasting a deficit in its Budget for 2016/17 of between \$28 million and \$38 million. This is driven by the continuation of funding pressures from previous years (\$18.8 million), cessation of one-off funding in 2015/16 (\$13.4 million), and additional wage and other cost pressures in 2016/17 (\$6.4 million). The range reflects uncertainty about the offsetting savings that might be achieved both within CYF budgets and the Ministry of Social Development.

Overall, the projected deficit of \$38 million is driven by current demand pressure from client-related costs (\$14 million – this includes payments for bed-nights and care nights, and care-related costs),

<sup>33</sup> CYF’s appropriations are capped, meaning the increases in demand (for example, increases in notifications or demand for care placements) do not result in CYF’s spending increasing automatically. However, any increases in demand can form the basis for bids for additional funding from government, and have been a driver of decisions to grant additional funding in the past.

accumulated remuneration pressures (\$12.2 million), unfunded past agreements to increase social worker resource (\$5.9 million), continued costs of the implementation of changes to the CYP&F Act (\$5.4 million) and other pressures (\$1.1 million). This also currently excludes any estimate of future client-related demand increases or decreases, which are still being considered.

As noted above, we are unable to assess whether large components of the Ministry of Social Development and CYF spending on external services are effective, or even the degree to which clients referred for service subsequently access and receive these services. Consequently, it is difficult to determine the actual degree of demand-driven fiscal pressure, as some of the Ministry of Social Development and CYF's current spending may be unnecessary.

In any event, it is fair to assume that addressing the urgent and pressing issues identified here, through the programme of action that emerges from this report, will require some significant investment and reprioritisation.

The development of the cost model for the December report, and the on-going development of the Social Worker Resource Estimation Model, will help us to comprehensively map current costs, and will inform decisions about spending, prioritisation of resources and any additional investment that may be required to secure a better future for children in the care and protection and youth justice systems.

## 7.0 How Well Does The System Deliver Against Its Purpose And A Full Range Of Objectives?

### 7.1 Are We Fulfilling the Purpose of the Care and Protection System?

Our overall observation is that the care and protection system in New Zealand requires significant improvement in order to fulfil its purpose. We have noted that the current system is largely based on the performance of tasks – with narrow responsibility and accountability within and between agencies. Decision-making tends to be focused on managing immediate risk and containing short term costs, rather than on supporting better lives for children over the long-term.

**The purpose** of the child protection system in New Zealand is to ensure that children and young people are in loving families and communities where they can be safe, strong, and flourish.

This focus should be turned around so that decisions are made on the basis of the needs of children strongly supported by the operation of the wider system. This change in focus could greatly improve the lives of children in contact with the system.

A more effective system for children can also be expected to reduce costs for New Zealand in the long run – given the amount of costly repeated work and the significant downstream health, justice and welfare costs for children exposed to the child protection and youth justice systems.

At the strategic level, the Vulnerable Children’s Action Plan outlines the separate institutional arrangements for the delivery of universal services to families, as well as targeted, preventative assistance and statutory investigation, intervention and care. Agencies other than CYF and the separate Children’s Teams are still not prioritising this work ahead of their general accountability for delivery of universal services in health and education.<sup>34</sup> For example, government policy is for every child in State care to receive a comprehensive health and education assessment. Although the policy has been in place for some years, CYF data indicates that only five to six out of every 10 children in state care have a completed assessment, (let alone access to the required level of service from CYF, Education and Health to address the assessed need).

While it is encouraging to see that high level outcomes for vulnerable children have been agreed across agencies, it is not yet clear how the wider sector – including CYF – will make specific contributions to these and how these will be measured and translated into action on the ground.

CYF’s mandate and core business within the context of the wider sector is unclear. This diminishes its effectiveness at every level from strategy and service design through to delivery. The purpose, principles and objectives set out in Sections 2 and 5 of this report can be used as a yardstick to assess the current state of the system and define a better system.

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<sup>34</sup> Presentations to the Expert Panel by the Ministry of Education and Ministry of Health.

## 7.2 Is the Operation of the Current System Consistent with our Principles?

In Section 2, we outlined six principles to guide how the Panel undertakes its work and how we expect a high-performing child protection and youth justice system to operate.

Here we evaluate the current system and strategic direction against each principle.

### Place the Child or Young Person at the Centre of What We Do

Understanding the needs, preferences and experiences of children who are engaged with CYF is critical for the design and delivery of effective services and interventions.

We need this understanding at an individual level – to support decision-making for each child – but also at the system level, so that we can ensure that

services and systems are designed properly and that resources are used to meet identified needs and make a difference.

**Principle:** We will ensure that, whenever possible, children and young people will understand what is happening to them and why, and have a say in decisions affecting their lives. We will listen to children individually, locally and nationally as we design and implement services for them. The emotional and physical well-being of each child will be paramount in our decisions.

#### *Children need support to have their voices heard*

Children can feel alone and powerless in a system controlled and run by adults. As a result, their voices can remain unheard and their needs unaddressed. At worst, children can become disengaged from the system and reject it. These are the effects of an operating model which is focused on process rather than on the needs of the child.

There are two levels at which children in the care and protection system currently lack support to be heard. At an individual level, children have told us that they want an understanding voice of support in their corner. This person is not necessarily their social worker or a court-appointed lawyer for the child but is someone they can trust and build a relationship with. At a national level (and for children too young or otherwise unable to speak for themselves) there is no independent voice or agency of sufficient size and capability to speak for children and hold the system to account in its day-to-day dealings with children. The Panel propose to engage the philanthropic sector to help develop a proposal for a new advocacy service to provide this.

Health and education services are held to account by patients, students and their family members. In contrast, children in care often have no family to advocate on their behalf. They are rarely able to have their voices heard or represent their own needs, far less hold a child protection or youth justice system to account. Our observation is that the system often works without the child's understanding or active participation. Universal access to advocacy services will improve this, as will ensuring children in care are placed early on with loving families which advocate on their behalf.

Children leave or are "aged-out" of care just as they are able to understand their rights and know how to articulate what solutions would work best for them. We believe that when young people acknowledge their experience of being 'in care' as part of their identity, they can feel empowered, and begin to make sense of their lives. They can help their peers make sense of their identities too.

### *The current legislation does not support a child-centred approach*

Despite legislation that supports the idea that the best interests of children need to be at the centre of decision-making, we find that children are alienated from the core processes of the care and protection system. The rights of children and the responsibilities of government agencies to uphold those rights in tangible and practical ways are not currently present in the legislation.

The interests of children are represented in principles outlined in Sections 5, 6 and 13 of the current CYP&F Act. However, throughout the rest of the Act, children are treated as passive participants in a process where decisions are made for them by others.

Even when an important right is conferred on children, such as in Section 30, where the coordinator of the Family Group Conference is required to seek the agreement of all conference participants, children are not specifically mentioned and this important right is buried under a complicated, generalised reference to the conference process.

A truly child-centred piece of legislation would support the voices of children to be heard and considered at all stages of the process alongside the voices of the adults who are required to protect their interest. This means the law would provide an entitlement to support at all stages of the process – not just during court proceedings – and would give children a choice about what support they may prefer (in addition to their family, lawyer or social worker).

Children can also expect that their rights and entitlements at each stage of the process should be clearly outlined – rather than camouflaged by complex process – and that they can access rights to review.

### *The design of services does not include the people who use the services*

The people who receive these vital public services – children and their families and caregivers – are not regularly engaged in the design of those services. As we have shown, the insights that young people can offer through direct and honest engagement are hugely valuable. The young people we have talked to, and those who are members of the Minister's Youth Advisory Panel, are thoughtful, realistic and keen to share their experiences to help others. Their wisdom and compassion in the face of adversity has been humbling and is sorely needed across the system on an on-going basis.

### *We do not fully understand the needs of children*

The needs of children should sit at the centre of the design and delivery of the care and protection and youth justice systems. This requires information about needs assessment that is collected in a robust and consistent way, so it can be used to support case work and be aggregated at national, regional and local levels for policy, service design and operational capability and decision-making. There is considerable work underway on improving needs assessments and planning processes within CYF. There are some areas, however, where we have ongoing concerns:

- Tuituia was recently introduced by CYF to provide a robust assessment of the strengths and needs of vulnerable children. It is still in the early stages of implementation and coverage and quality is limited. Of concern is the fact that the tool has not been validated to check whether it actually measures what it is supposed to measure and whether people using the tool are making assessments in a consistent way. At the same time the tool does not synchronise with CYRAS,

which creates duplication and a level of rework and inefficient use of social worker time. Tuituia is also being implemented by Children’s Teams to support their assessment process; and

- Gateway assessments are carried out by District Health Board co-ordinators to identify health and education needs for children and young people entering care or already in care. Gateway assessments can also be carried out for children and young people going through the Family Group Conference process. However, coverage is limited: CYF estimates that currently about five to six out of every 10 children in care have a completed gateway assessment.

## **Support Families to Care for Their Children**

### *We need to do better at prevention*

We must improve the effectiveness of support for children and families ahead of a statutory intervention.

In general, early and effective intervention is preferable to a response later down the track after children have experienced further harm and their needs have escalated. We know – from the high number of repeat notifications to CYF – that prevention and early intervention must be strengthened. It is important, therefore, to ensure that children and families who have been referred to CYF, and who have significant issues but do not yet meet the threshold for statutory response, receive an effective service that addresses their needs and reduces the risk to children. This is discussed later under the objectives relating to prevention of harm and revictimisation.

### *We must improve the effectiveness of support for families within the statutory system*

The Family Group Conference is the centrepiece of decision-making for both care and protection and youth justice. Family Group Conferences are an internationally recognised model and New Zealand has traditionally been considered ‘world-leading’ in this area of its practice.

As with other areas of statutory child protection work in New Zealand, little systematic analysis has been completed on the needs of the children and young people currently receiving Family Group Conference services, or the effectiveness of services at meeting the needs of those children and their whānau<sup>35</sup>.

**Principle:** A child or young person’s family/whānau (whether their original family, or a new family) and extended family has the primary role in loving and protecting that child or young person, and their family/whānau should be supported and assisted to care for each child. Whenever possible, a child or young person’s family/whānau should participate in the making of decisions affecting that child or young person and listened to.

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<sup>35</sup> While some information relating to individual children and young people can be accessed in their case notes, it is not able to be aggregated to provide a strategic picture of the impact of Family Group Conference processes on short-term and longer term results for children.

A number of reviews have identified shortcomings in the Family Group Conference process, including processes that appear designed to meet the needs of CYF rather than those of families and children.<sup>36</sup> Some children have told us that they found the Family Group Conference process difficult to understand; and that they feel harmed by having to hear a litany

“ Family Group Conferences to me weren’t really the best because my grandma was always there and they always turned to custard by my grandma being there. Whenever [Court charges] get brought up my grandma always yells and shouts at me and calls me names, and it’s really scary for me. ”

FEMALE, 16

of their ‘bad behaviour’ repeated in front of family members. Family members also told us that they had very little notice of Family Group Conferences occurring and that they felt the process moved too fast for them to be able to make well-balanced decisions about the outcome of the conference.

We need to do more to ensure an appropriate balance is found between the needs of children and adults in the Family Group Conference process, so that children and young people understand what is happening. This may require repeated explanations over a long period until the child can make sense of it.

### *CYF cannot support children and families on its own*

Health, Education and Police are key partners in the Family Group Conference process and the role of other agencies and providers can also be very important. However, it is not currently mandatory for agencies to participate and to provide the required information to the conference, nor are all relevant agencies (CYF, Health, Education, Police) being held accountable for the outcomes of the child or young person agreed at the conference. Often the services offered by other agencies are necessary to help stabilise vulnerable families for example (family violence, mental health, addiction services, home visitation and housing needs). While agencies may commit to better service delivery in the forthcoming agency Plan for Vulnerable Children, a more directive approach by Government through legislative and governance change is likely to be required. For example, agencies could be required to attend Family Group Conferences and make more of a contribution to finding the best solutions.

### **Use Evidence-based Approaches to Get the Best Results**

Improving the immediate safety of children, addressing their needs and repairing the damage that has been done, require the use of practices and interventions that are based on: evidence of what works well; an assessment of children’s and families’ needs and circumstances; and the

**Principle:** Evidence-based approaches ensure that vulnerable children and family/whānau have access to interventions that have been proven to make a difference. We must clearly understand the results that we are achieving for vulnerable children and young people and strive to do better. We also recognise that early and effective help is better for children and children who have experienced trauma and need to be supported to recover before they can develop.

<sup>36</sup> <http://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/evaluation/review-family-group-conferences/improving-family-group-conferences.pdf>

preferences and decisions of children and families.<sup>37</sup>

### *Children deserve a better standard of service based on proven approaches*

New Zealanders who fall ill or suffer injury are entitled to expect that the health system will use effective, research-proven treatments to restore their health. Children who require care and protection are just as vulnerable and are also entitled to the best available service that is based on sound evidence. However, this is not currently the case.

### *Few evidence-based approaches to child protection are used in New Zealand*

Table E.1 in Appendix E sets out a range of well-tested and proven approaches that meet a high standard of evidence. Unfortunately, few of the approaches have been tested in New Zealand. Most of New Zealand's child protection system relies on practices and approaches that have not been proven to a high standard of evidence (the Family Group Conference, for example).

Evidence-based practice requires the agency to continuously review the evaluation literature and, to the extent possible, to use only proven approaches. A fundamental requirement is to develop and maintain a comprehensive programme of evaluation.

### *We do not always know who actually receives the service – let alone whether it was effective*

Evidence-based practice requires both CYF and the wider care and protection system to have greater clarity about the results they are seeking to achieve and the tools and methods which they can use. It also requires ways to identify individual children and families who are accessing purchased services and the results for those clients. Much of the approximately \$285 million spent through the Ministry of Social Development each year on contracted services for vulnerable children and their families cannot be linked to individual children and families. In addition, the current approaches to contracting with service providers and ensuring consistent and high quality delivery are variable<sup>38</sup>.

Some current programmes of work are starting to strengthen evidence-based approaches, such as the Community Investment Strategy which covers much of the community-based prevention services received by vulnerable children, young people and families. But it will take time to build up this knowledge, and it will require the shared commitment and alignment of all social sector agencies.

### *Lessons learned are not applied across CYF or the wider system*

Once evidence-based approaches are applied, CYF will still need to be able to learn lessons from implementation and to constantly refine and improve its approach. The large variation in practice and performance across the country suggests that current best practice within the organisation is not being identified and applied consistently nationwide.

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<sup>37</sup> Shlonsky, A. & Gibbs, L. (2004) Will the Real Evidence-Based Practice Please Stand Up? Teaching the process of Evidence-Based Practice to the Helping Professions. *Brief Treatment and Crisis Intervention*, Vol., 4(2), p 137 - 153.

<sup>38</sup> A proportion of this total is managed by the Community Investment Group within MSD – rather than by CYF. While MSD is implementing a comprehensive Community Investment Strategy, this is not necessarily tightly linked with the operational and strategic priorities of CYF.

## Support the Connection of all Children, including Māori Children, to their Family, Cultures and Communities.

Young people have told us about the importance of feeling connected to their culture and communities. This is a fundamental human need to belong and to understand their place in the world. This is an essential part of their development and vital to their well-being.

We must acknowledge the connection of children – including Māori children with their wider systems of support, such as whānau – and begin engaging early and productively. Understanding whakapapa is important for ensuring that Māori children can be linked with their wider whānau and, even in cases where whānau placement may not be appropriate, retain their sense of connection and identity.

**Principle:** Support the connection of all children, including Māori children, to their family, cultures and communities. We will support children to feel connected to their communities, cultures and wider whānau and family through understanding the significance of the genealogy and family context, their unique needs and ensuring that our services and care respect their uniqueness.

CYF's commitment to improving its responsiveness to Māori children is set out in its strategic vision Mā mātou, mā tātou, which builds on the foundations laid by Puaote-Atata Tu. The development of a bi-cultural practice framework in CYF is an initiative to assist Māori children to retain their support, connections and identity. CYF has also made efforts to establish memorandums of understanding with iwi and lay a foundation for a greater level of partnership between the child protection system and iwi.

However, the Panel is mindful of reviews, as recent as the 2014 Casework Review and as far back as Puaote-Atata-Tu in 1988, that point to a lack of consistent capability to work successfully with Māori and achieve better results.

The Workload and Caseload Review found that front-line workers often lacked confidence with bicultural practice. The Review identified a general lack of policy and procedure to help staff work with Māori children, and the need for more resources, support and tools to reinforce the expectation of improved practices for working with Māori. The review also identified that the organisation relied on a number of Māori staff members to provide cultural support and expertise to their peers over and above their own responsibilities.

CYF should build staff and manager capability and confidence in this area and partner more effectively and extensively with iwi and Māori organisations.

A study by Canterbury University of Family Group Conference's found that 23 years after the conferences first began "...the cultural competency and support of staff to work with Māori whānau needed to be more consistent." There were some good examples of the use of Māori Tikanga and cultural support at Family Group Conference's, but this was not always the case.<sup>39</sup>

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<sup>39</sup> The University of Canterbury study of Family Group Conferences found "...There were good examples of the use of Māori tikanga at FGCs, cultural support and supervision for staff, and conducting whakapapa searches to engage with whānau and hapū. ... There were also good examples of strong relationships with local hapū/iwi resulting in good working relationships with the community. However this was not the case everywhere and while some sites/regions had strong leadership in this regard, at other sites it was left more to individual staff to promote tikanga and provide cultural support to their colleagues".

## Have the Same High Level of Aspiration for Vulnerable Children as we do for all Other New Zealand Children.

As well as ensuring physical safety, the care and protection system should ensure that the necessary support is provided for children to recover from trauma and grow into successful, caring adults.

The Panel expects that a well-functioning, high performing organisation would have a strong vision and strategy focused on measurable results for children, supported by a well-articulated operating model. Although CYF's strategy, *Mā mātou, mā tātou*, articulates a comprehensive vision and approach, implementation of the strategy has fallen short in a

number of areas (such as improvements for caregivers, implementing a child-centred approach, and placing children in loving families as soon as possible). The current strategy does not address the recovery and rehabilitation for children in care, nor does it address the support families need to prevent future harm or revictimisation of children.

Organisationally, CYF remains strongly focused on immediate case-related risk, which absorbs a significant amount of management time and diverts focus away from achieving lasting results for young people at the earliest possible point of contact. A system that focuses almost exclusively on immediate physical safety is aiming too low and short-changing future generations of New Zealanders. It leads to poor outcomes and results in the same children and young people re-entering the system again and again.

There are some understandable reasons for this short-term focus. Public attention on high profile cases over the last decade, backed by political and organisational responses, have led to an increased emphasis on notification, screening, timeliness, case allocation and urgent response. CYF needs support to complement this strong response to immediate safety incidents with a focus on longer term outcomes.

**Principle:** Services for vulnerable children and their family/whānau should have the same high aspirations for children's well-being and life outcomes. We should ensure that children receive the love that they need and have access to the same opportunities as other New Zealand children.

## Help all New Zealanders to Make a Difference for Vulnerable Children.

Children report a substantial amount of stigma associated with being in care and, in particular, with not being part of a loving family. This can prevent their effective participation in society in every-day ways that are important for young people – such as in sports teams, clubs and friendships with children outside the care and protection system.

This stigma is a symptom of a wider issue. The background, stories and needs of children in care are not well understood by the wider New Zealand population. A more effective operating model could help build community engagement with children in care and better support communities and caregivers who step forward to offer their hearts and homes to children. Broader participation in child protection and youth justice would also expose the system to a wider range of ideas and approaches.

**Principle:** We will work to re-connect New Zealand families and communities with children who are in need of care and protection and youth justice services. We expect that improving awareness will help to remove the stigma of children within the care and protection system and encourage more New Zealanders to step up and, with the right support, help a child or young person in need. We want agencies across the social, health and education sectors, whether or not they are part of government, to make a bigger difference to the lives of vulnerable children.

### 7.3 Objectives for the Care and Protection and Youth Justice Systems

The following objectives represent the things that we expect the child protection and youth justice systems to do for children and young people. They are also necessary to ensure that children in need do not continue to cycle through the system.

#### Ensuring that Children Have the Earliest Opportunity for a Loving and Stable Family

*Too much reliance is currently placed on temporary and unstable placements for children*

Children and young people have told us, and we agree that, ideally, the first long-term placement should be the right one rather than just the one that is available. Permanency should be achieved far more quickly than is the case for many children and young people.

**Our Objective:** For many children, the fastest way to ensure that they receive the love and support they need is to work with their existing families and provide the support necessary to ensure that the adults in their lives change their behaviour. For other children, the love, support and stability that are essential human needs can only be provided in another family. The concept of “care” in the child protection system must include the objective of achieving the earliest possible transition to a loving, long-term family for each child through all means available.

Administrative data shows that children who have been placed with family/whānau or who remain at home have had seven to eight prior placements and are, on average, between seven and eight years old. The high average of placement moves experienced by children and young people during one care episode is unacceptable. A significant degree of trauma, confusion, stress and disruption to their development is an inevitable consequence of so many moves for any single child or young person. The effects can only be more profound for children who are already vulnerable.

In some cases, the objective of achieving a permanent placement with biological family must be more carefully weighed against the best long-term interests of the child. When genuine, loving bonds are beginning to form between a child and their caregiver the system should do all it can to allow these bonds to deepen – rather than re-traumatising the child, harming their development and further alienating current and potential caregivers.

The system needs to find the right caregiving environment as soon as possible – even if this is not with the birth family – rather than relying on a succession of temporary, stop-gap placements.

*We need to improve the level of support and training for caregivers and our overall level of engagement with them*

The lack of caregiver support is undoubtedly one of the key issues raised by caregivers themselves, be they whānau or non-whānau caregivers<sup>40</sup>. Issues that have been identified include a lack of contact with and support from social workers, caregivers not being treated as equals and their knowledge about the child in their care not being taken into account in decision-making, inadequate support and training to manage

### **Actually just the love, like that I didn't get from my own mum**



“ [My foster family are] what makes me happy, who loves me, who I love, and where I belong. They had a daughter at the time and she was cool she was kind of like my older sister. Almost immediately they welcomed me in and it was just different. Just them, like talking to me, asking me questions, giving me things that I had never had before. Nice room, nice sisters, it took me a while to call [her] mum. It took me about 2 months until I called her mum.

*Actually just the love, like that I didn't get from my own mum, and just being provided with everything, with things that I needed, she is just an amazing person. We are just one family. ”*

FEMALE, 19

### **...there were rules there that if you wanted to go to the bathroom you had to give something or do something for the lady**



“ I think one of the worst ones was a lady who had two kids and they were both girls and about the same age, which was kind of cool. We thought we were going to have friends.

*But one of the girls had some psychiatric problem. She used to shave off her eyebrows and pick out her eyelashes and shave her head, and she was about 14 at the time.*

*And the younger one, she used to pee herself a lot, and she was very scared of her mum, and I didn't understand why. I mean the lady was quite nice to begin with when the caregiver was there, but as soon as she left, she pretty much just put us all in a room and just said watch TV.*

*And I thought ok I need to go to the bathroom I will just leave. And there were rules there that if you wanted to go to the bathroom you had to give something or do something for the lady or clean up.”*

FEMALE, 19

<sup>40</sup> “The lack of appropriate support and training for caregivers is the most cited reason by New Zealand caregivers for being unable to provide care, leading to placement disruption and on-going change for the children and young people in care.” Improving outcomes for children in foster care: Fostering Kids April 2015

difficult behaviours and lack of specialist advice and information about the child in care<sup>41</sup>.

*The system must ensure a better match between caregiver and the child in need of care*

We know that children and young people in care have increasingly complex and multi-layered needs, and we need to understand how we can identify caregivers' individualised strengths, weaknesses and areas of development to support them in their role as carers, and to enable CYF to make a good match between the caregiver and child.

The lack of potential placements and insufficient oversight of caregivers can mean caregivers feel pressure to accept placements that may be unsuitable.

One of the challenges that young people in care talk about is that of managing group dynamics – in both family situations and group care settings. This can be particularly challenging where the caregiver has their own children, or is also caring for children from other families. The right match for the child must also ensure a match with the entire household.

*We need a better understanding of caregivers and their needs*

The fundamentally important role of caregivers in delivering service and support to vulnerable children is not supported by an understanding of their capabilities and needs. As a result, children are not being reliably matched with caregivers and it is difficult to design and deliver effective services to support caregivers.

*We need to broaden the population of caregivers to include a wider cross-section of New Zealand families with the willingness and ability to love and care for children*

We know that too many of our current caregivers are living in challenging circumstances themselves. In some cases, placing vulnerable children into another stretched environment can add to their trauma rather than address it.

*A recruitment strategy for caregivers is required along with improved approval processes*

At present, the responsibility for the recruitment, approval and retention of caregivers is delegated to regions. There is no national picture of the needs of our care population, the range and needs of our caregivers, what works in their recruitment or retention and what kind of support is needed. This also means there is an inability to predict future requirements and also to plan for this.

The spectrum of care required is quite significant, and there is a challenge to consider how this can best be met by a range of different providers. Some children and young people will need to move across and through this spectrum – for instance, a young person in a secure residence may need some kind of transitional placement from there before returning home.

Approval processes for caregivers appear variable and, on the whole, too light, given the immense trust and responsibility associated with caring for a vulnerable child<sup>42</sup>.

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<sup>41</sup> Atwool (2011)

<sup>42</sup> For instance, for a non-whānau applicant to become a caregiver, if there are no criminal convictions, then the assessing social worker who has achieved proficiency is the only required approver for a successful application. This raises questions about healthy critical challenge and debate.

## *Financial support for caregivers should better reflect the needs of children in care*

Caregivers are largely a volunteer workforce. There have been clear historical reasons for using volunteers, and many caregivers have a strong value base as to why the care of these children is not a task to receive 'pay' for. However, the needs of some of the children and young people can be significant. This can range from the need to support the child and young person to attend a range of specialist support interventions, through to direct work that they need to engage in with the child. This places a time demand on the caregiver (the opportunity to also work outside of the caregiving role is therefore diminished) and the level of training, skill and knowledge required by the caregiver is therefore more intensive. Greater financial support may be required – especially for those entrusted with the most vulnerable children with complex needs.

### **Addressing the Full Range of Needs for Each Child**

The last 10 years have seen a significant increase in findings of emotional abuse, and chronic need while findings of neglect, physical and sexual abuse have remained comparatively steady. The prevalent concerns now being notified to CYF relate to factors impacting on parenting ability, such as parental use of alcohol or drugs, their mental health or family violence in the home. Research shows that these children are at high risk of poor life outcomes.<sup>43</sup>

These children's needs are not being effectively met under the current operating model and have remained unaddressed for many years. CYF remains primarily focused on the identification and timely response to immediate physical harm child protection cases. This, in part, reflects the sustained pressure on CYF and its partners to identify and address situations where a child's physical safety is at immediate risk. There is also some ambiguity around CYF's role in relation to cases of chronic neglect or emotional abuse where there are no immediate safety risks.<sup>44</sup>

**Our Objective:** In addition to identifying and responding to children at risk of physical harm, the system must also identify and respond to any needs arising from emotional abuse, neglect and severe instability in the child's immediate environment. The child protection system must aim to meet needs for physical and emotional safety and stability as part of the core concept of care and protection.

*Once you're damaged as a kid, there is no cure for it. You just have to find different ways to deal with it*



*“ [Reading about my past] it brings back skeletons that obviously my brain has blocked out. But when I read them they retrigger again and it's just like woah!*

*I would rather the physical back then than the mental because the mental stays with you than the physical. Yeah, like I don't know, it's so hard. Once you're damaged as a kid, there is no cure for it. You just have to find different ways to deal with it, but it's still broken. ”*

**FEMALE, 24**

<sup>43</sup> Child Welfare Information Gateway. (2013). *What is Child Abuse and Neglect? Recognizing the Signs and Symptoms*.

<sup>44</sup> Social Worker Caseloads Review. The Qualitative Review of Social Worker Caseloads identified that many of the cases that are investigated but do not advance through to a Family Group Conference or Family Whānau Agreement involve situations of chronic neglect or emotional abuse where Child, Youth and Family is less clear about its role compared with situations involving incidents of harm or risk of harm, particularly physical and sexual abuse.

## Preventing Harm of Children

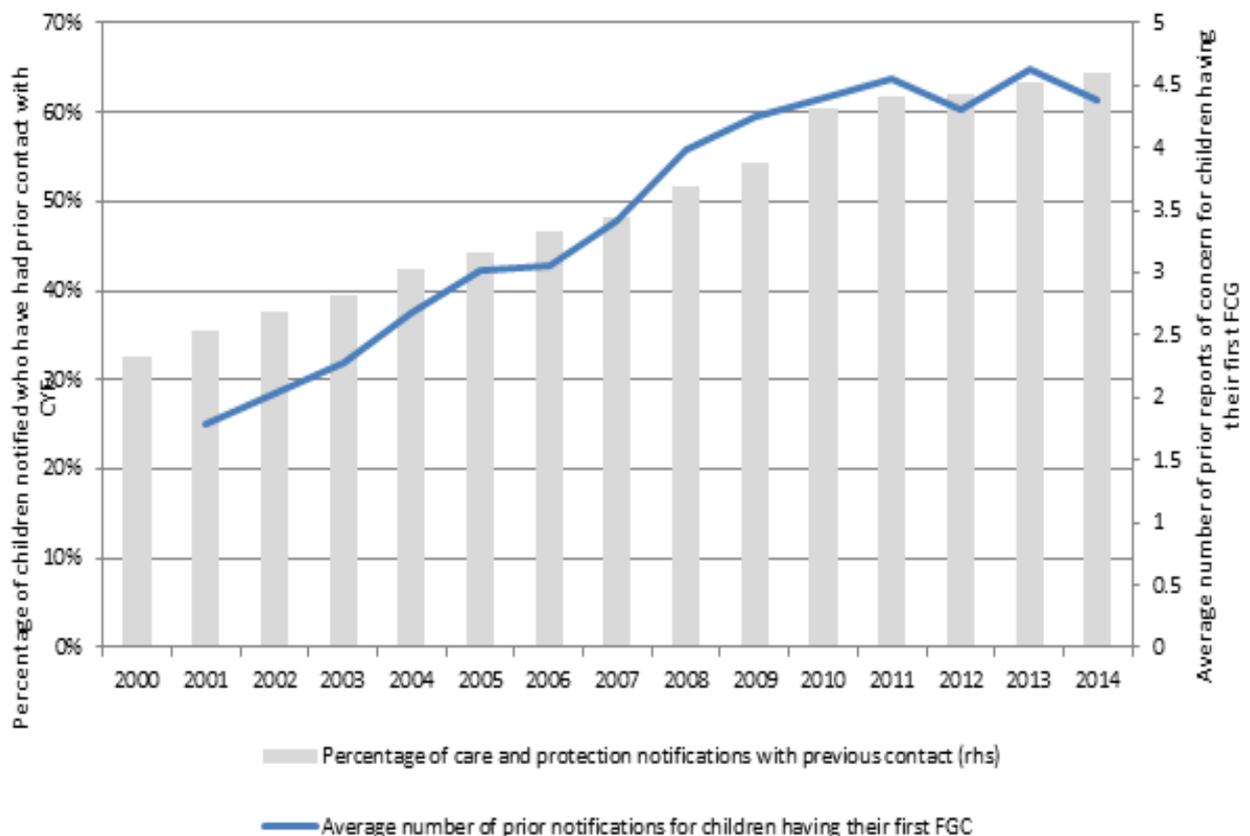
### *Prevention and early intervention must be significantly strengthened*

Clearly preventative efforts are not working, as is evident from the pattern of repeat notifications and delayed intervention. As we noted already, of about 61,000 children notified to CYF in 2014, about 64 percent had been previously notified to the agency. In the same year, children having their first care and protection Family Group Conference had, on average, more than four prior reports of concern and this figure more than doubled between 2000 and 2014. Not enough attention is being paid to the reasons for referrals, and to addressing those, so the cycle does not continue and children do not need to enter the system again later.

**Our Objective:** First of all, we need to make sure that our care of children does not place them at further risk – compounding the physical and emotional hurt they have suffered. There are many reasons why children can end up in danger in their own homes and families. If possible, we should try and prevent harm before it occurs. But if children have been referred to the care and protection system then the reasons for their referral can require sustained attention to ensure that they do not re-surface.

Figure 7.2 below provides some indication of the marked increase within the care and protection system in the extent of children re-entering the system on multiple occasions.

**Figure 7.2 Repeat notifications of care and protection concerns for individual children**



The community repeatedly identifies families where there is a concern about child vulnerability, but there is a lack of effective resources devoted to tackling the problem immediately. The resourcing

required to undertake multiple investigations and assessments consumes considerable front-line resources and puts considerable pressure on the resourcing of other parts of the system.

As children re-enter the system again and again, they often experience escalating harm and their needs also escalate. The increasing delay between first notification and any intervention will decrease the effectiveness of any intervention.

Re-notification and repeated engagement with children have escalated every year for the past 14 years and now comprise the majority of work for CYF. This is a clear and worrying trend. It is of grave concern that the leadership of CYF and the wider sector has lacked the ability to effectively deal with this issue.

*...I have been shifted around heaps, and there hasn't actually been a proper place for me to call home*



*“ Where I belong... that was a hard one for me because I haven't moved around heaps but I have lived at (CYF home), I lived in 3 homes. That's the girls home and like, I got adopted when I was a baby and thought that was my family and stuff happened then and then I got moved to my mum's and then stuff happened there and then to my uncle's and then to the home and then finally here. So I have been shifted around heaps, and there hasn't actually been a proper place for me to call home.”*

FEMALE, 19

### *Non-statutory interventions need better definition, monitoring and evaluation*

As set out in Section 6 of this report, cases that are referred to CYF and then assessed as not sufficiently serious to warrant statutory intervention can be referred to non-statutory services through “partnered response”. Unlike many other care and protection jurisdictions, however, this non-statutory pathway is not set out in legislation. In addition, we cannot reliably track families' service engagement after they have been referred down this pathway<sup>45</sup>, little is known about the impact those services are making, and there is some evidence of some highly vulnerable children being referred down this pathway in order to manage care and protection volumes at site level.

Within the Ministry of Social Development, many of the services accessed through partnered response are funded through the Community Investment Group (rather than from CYF). However, there is little connection between the accountability and performance frameworks for Community Investment and the operation of this part of the system.

A far more systematic and rigorous approach is required to ensure that children and their families are actually getting earlier access to services that will make a difference.

### *Better integration with Children's Teams is required*

The introduction of Children's Teams to provide co-ordinated multi-agency case management and services for children at the margins of the care and protection system is a major initiative. It is important that the work of the Children's Action Plan on the roll-out of the Children's Teams and the Hub and our work on CYF's operating model are closely linked and provide a seamless service for children. Presentations to the Panel have highlighted the following issues with Children's Teams:

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<sup>45</sup> A CYF report on the operation of partnered response identified that about 55 percent of children and their families disengage from the services. Partnered Response – a review of closed cases.

- The Children’s Teams have yet to prove that they can deal with the scale of referrals envisaged by the Children’s Action Plan. The first large-scale implementation is currently in the set-up stages in Hamilton;
- In part, the ability to increase the scale of the Children’s Teams has been constrained by the continued difficulty to secure lead professionals and other resources from the contributing agencies;
- The evolution of the operating model for Children’s Teams has relied on a locally-led approach which, although helpful for engaging the full range of local agencies and experts, has no mechanism to provide for a consistent level of service for vulnerable children; and
- The boundary between the Children’s Teams and CYF is still unclear. Children’s Teams were originally intended to reduce the flow of children into the statutory system. It is unclear whether they are consistently targeted at this in all sites.

### *Reducing our dependence on institutional residential care*

Evidence and experience show that the propensity of large-scale institutions to cause harm to vulnerable children generally outweighs the security and safety benefits. Security and safety can often be dealt with by smaller, more localised services where a stronger connection to communities and tailored support would also provide a better chance of healing and development. Community-based treatment offers increased flexibility and the inclusion of several therapy approaches, including group and individual therapies<sup>46</sup>.

Community-based treatment for adolescents is less restrictive and can better cater to the development needs of these young people than residential treatment and it is also argued to be the most effective intervention for adolescents with harmful sexual behaviour. Research also indicates that community-based services are more effective than long stays in institutions<sup>47</sup>.

Residences are more expensive than community-based alternatives. These alternatives, such as specialist one-to-one caregivers with intensive wrap-around services where appropriate, may be more cost-effective.

CYF has started to develop a wider continuum of care options that are legitimate alternatives to residential placement. This includes opening three new Teaching Family Homes, increasing the number of specialist one-to-one placements, contracting multi-dimensional treatment foster care placements and extending the provision of Multi-Systemic Therapy and Functional Family Therapy. This is a positive trend, but any further investment needs to be informed by a more comprehensive understanding of the needs of children and young people.

A significant number of children have suffered significant stress and trauma prior to being placed in a CYF residence. Cold, sterile facilities like some of the CYF residences run the risk of re-traumatising children and young people.

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<sup>46</sup> Nisbet, Rombouts and Smallbone, 2005

<sup>47</sup> Dicaldo 2009; Mulvey as reported in Lambie 2009

### *Minimising transitions and managing them more carefully*

Every transition into care, between caregivers or types of care, and out of care, can be traumatic for children and, if not handled carefully, can compound the damage already done to young lives. We know, based on the high incidence of re-notification, the deeply troubling life outcomes of those who have had contact with the care system, and we know – from what children have told us – that we are not managing transitions well enough.

The system must work to reduce the number of transitions but, when they need to occur, more effort is required to explain the changes clearly and often to children – ensuring their questions are answered and that they have time to understand any change. Changes in communities, schools and families are common for children in care – yet any one of these can seem monumental from the perspective of a child. For children who have suffered significant trauma, even more effort is needed to ensure that they are well prepared and well supported through any changes.

### **Helping Children to Heal and Recover**

Currently there is a low aspiration for the level of care for children who have experienced abuse and neglect. As well as physical safety, care should include help to recover from trauma. There are no statutory objectives or performance measures regarding this and the entitlements of children in care are either ambiguous or narrowly specified.

*We need to know more about the needs of children and young people in care and whether these needs are being addressed*

Gateway assessments are carried out by education and health professionals, and managed by District Health Board co-ordinators who receive referrals from CYF. For those in care, as at 31 March 2015, 55 percent had completed gateway assessments, and a further 23 percent had been referred for assessment but were not yet completed. This is disappointing – especially since Gateway assessments are a well-established requirement for all children in care.

For the children and young people who had completed a gateway assessment:

- three out of every 10 had mental health need;
- five out of every 10 had emotional needs;
- three out of every 10 had developmental needs;
- six out of every 10 had learning needs;

**Our Objective:** The circumstances that can lead to children being referred to the child protection system will inevitably have caused trauma. Healing and recovery are essential for children if they are to move on with their lives and develop into healthy adults. However, in addition to living in an environment that avoids further harm and where they are loved, nurtured and valued, children also require on-going support and (in some cases) specialised services to put their past trauma and their physical and mental injuries behind them.

*...I was more hating the idea that my family was messed up*



*“ I had big depression dips and I was kind of in and out of. I wasn't hating myself, I was more hating the idea that my family was messed up. Me and my sister had huge dips because when one of us went down, both of us went down. We were too connected to each other. So we did have dips in and out because it was hard to get out of the habit, hard not to realise oh my gosh we are pretty messed up. So I guess we did have dips...”*

**FEMALE, 19**

- three out of every 10 have dental needs; and
- four out of every 10 have needs as a result of parent or caregiver alcohol or drug addiction.

The performance measures associated with the Gateway process only measure whether an assessment has been completed. There is no information on whether or not services and interventions are then provided to address the needs identified through the Gateway Assessment process.

Social workers contribute unique and vital skills to a child protection service but, increasingly, they need to be supported by a range of other professional workforces in order to deliver effective services for children, young people and their whānau. The leadership of the child protection and youth justice systems should endeavour to ensure that front-line staff have the full spectrum of skills and abilities needed to achieve the outcomes for which they are held to account.

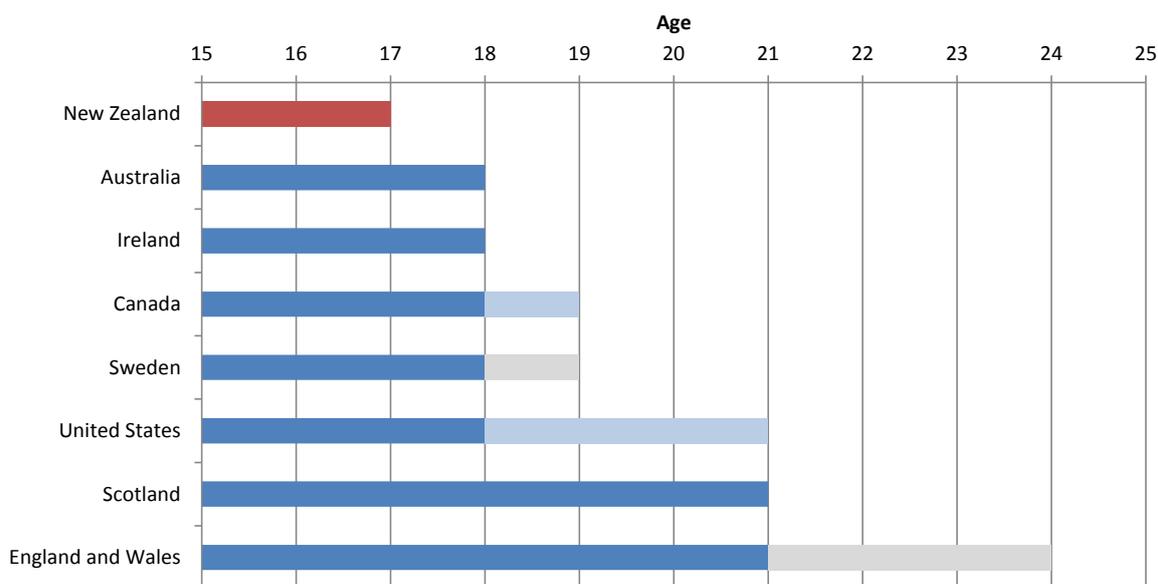
### Supporting Children to Become Flourishing Adults

Young people leaving care are at risk, and there is insufficient attention to manage this transition, particularly at older ages. Many young people we interviewed indicated that they do not feel ready to transition out of care at 17.

In New Zealand, care leavers exit care at age 17. In most comparable jurisdictions, young people exit formal State care at age 18. In a handful of jurisdictions this age is 19. Jurisdictions are increasingly introducing provisions to allow young people to stay in care up until the age of 21. Similarly, most comparable jurisdictions have a higher upper age for youth justice.

**Our Objective:** Once children are living in a stable, safe, nurturing environment and are on the road to healing and recovery, they deserve the opportunity to develop into healthy adults who can realise their potential. For children who have often been marginalised, additional support and services may be required to connect them with the society that most people take for granted. This support does not end when a child in State care turns 17. In fact, children who have been in State care may require a sustained focus over the longer term to help their transition into adulthood.

**Figure 7.3: The upper age that young people may remain in formal State care in selected countries**



Note: There are a small number of New Zealand young people who remain in formal care up to age 20 under a sole guardianship order. Light blue – subnational variation: Remaining in care is available to 19 years in several Canadian jurisdictions and to 21 years in close to half of USA States. Grey: In Sweden, most young people do not finish school until age 19; while court orders lapse at age 18, most out-of-home placements continue until schooling is finished. In England and Wales, remaining in care between the age of 21 and 24 is conditional on attending tertiary education. In jurisdictions that provide formal care over the age of 18, young people may elect to exit formal care, primarily from 18 and from 16 in Scotland.

The CYP&F Act was passed before New Zealand ratified the United Nations Convention on the Rights of the Child. The definition of a young person under the CYP&F Act has been criticised a number of times by the United Nations Committee on the Rights of the Child for failing to give full effect to the provisions of the Convention.

The age limit set out in the legislation reflected social norms of the time around the transition to adulthood. However, recent neuroscience findings suggest that the process of brain maturation takes longer than previously thought, and that parts of the brain responsible for impulsivity and judgement develop last.<sup>48</sup>

The definition in the CYF&P Act is inconsistent with other definitions of the age of majority in New Zealand which means that young care leavers fall into a ‘no-man’s land’ between care and full independence<sup>49</sup>. Current transitional support for care leavers is limited in scale and scope and many of those leaving care report a sense of abandonment, anxiety and fear and experience high levels of instability and insecurity across many aspects of their lives. This includes unsafe, unstable and poor quality housing and homelessness and difficulty remaining connected to education. Most of these young people lack the kind of stable and safe family, peer and community relationships and resources that are available to other young people as they make the transition into adulthood.

<sup>48</sup> See for example Gluckman and others (2011) Improving the Transition: Reducing Social and Psychological Morbidity During Adolescence. Office of the Prime Minister’s Science Advisory Committee.

<sup>49</sup> For example, the Residential Tenancies Act 1989 s2 defines an adult as someone who has attained 18 years of age or is married/in a civil union. People falling outside of that definition are not considered lawful signatories to a tenancy agreement unless they secure an exemption from the Tenancy Tribunal. Inevitably, this makes it even more difficult for young care leavers to secure accommodation.

Many young care leavers get no government-funded support after leaving CYF care. The range of support available through the services that are funded are not, in large part, designed to address the range of material, health, education and safety needs affecting most of these young people.

Many of these young people will have spent an extended period in the care of CYF and will be suffering from both the impact of abuse and neglect at home and potentially from inadequate and unstable care placements and the consequent adverse impact of this on schooling and peer networks.

While the recent changes to the CYP&F Act should increase the level of support provided over the transition process, it is unclear at this stage whether the entitlements set out in the new provisions will result in the level and duration of support likely to be required by many of these young people.

There is a fair degree of ambiguity in these provisions about exactly what range and level of support a care leaver should be able to reasonably expect. The new legislation requires the young person to ask for this uncertain level of support – rather than requiring the State to fully discharge its parental responsibility and offer a level of support that will ensure that young people leaving care can recover and lead full and productive lives.

New Zealand’s current policy and practice relating to transition from care is inadequate. Some other jurisdictions have legislated for a right to after-care support, or provide it as a matter of course, and we will consider these options in our final report.

## **Helping Children and Young People to Take Responsibility for their Actions and Live Crime-Free Lives**

Early intervention has the potential to reduce the likelihood of children who offend from entering the adult justice system. Early onset of offending is widely regarded as a predictor of long-term recidivism. Although the numbers of children who are offending is falling, there is a group of children who will offend persistently but who are not referred to CYF early. Only about 10 per cent of the 2,500 or so child apprehensions are referred to CYF by Police. Many in this group are at risk of offending again. This represents a missed opportunity to step in earlier to prevent that trajectory.<sup>50</sup>

**Our Objective:** The youth justice system should continue to help children be responsible for their actions and for helping to repair the harm that they have caused others. However, the youth justice system should also aim to ensure that the other objectives are achieved for children so that the issues that have led to their offending are addressed.

The Youth Justice residential accommodation is institutional and therefore suffers from the full range of harmful drawbacks discussed above. The facilities are modern but it seems that the focus in some is on security and safety rather than the therapeutic needs of young people. As a result, the facilities are large, cold and sterile and can be confronting and foreboding to people unfamiliar with them, especially vulnerable young people. Young people refer to the residences as “painted prisons”. Despite the best efforts of staff to decorate the facilities they still have an institutional atmosphere.

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<sup>50</sup> Reoffending by Child Offenders Insights MSD unpublished research paper March 2014

Youth Justice residences appear to be used less as a place of last resort – where the court removes the young person’s liberty due to risk to the public, or concern they will fail to appear at court – and more as a short-term solution for troubled young people who either live in unstable or unsafe homes, or are in CYF care and have suffered placement breakdown.

Custodial remands form 73 percent of total admissions, but 75 percent of those young people remanded, go on to receive a non-custodial sentence at youth court. The over-use of custodial remand for young people is unacceptable, especially given the harm that can be caused in an institutional setting. This would not be tolerated in the adult justice system and is a prime example of the system being run for the administrative convenience of adults and agencies rather than concentrating on better results for young people.

## 8.0 What Are The Important Changes We Need To Make?

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Changes to the care and protection and youth justice systems must be supported by:

- a clear strategic direction;
- the right organisational focus within CYF;
- the right support from partner agencies and non-government organisations; and
- renewed engagement with New Zealand communities and families who are essential for the success of child protection and youth justice.

A clearer strategic direction that delivers measurably better results for children will also require legislative change.

### 8.1 Shifting to a Strategy that Achieves All Objectives for Care, Protection and Youth Justice

The current approach for CYF places a very high priority on speed of response and on ensuring the immediate physical safety of children. However, there is insufficient attention paid to ensuring that children do not cycle back into the care and protection system and ensuring that they can recover to go on to fulfil their potential as adults.

A balanced strategy will help us better manage the demand for service by limiting the large volumes of repeated notifications that form the bulk of the current care and protection workload<sup>51</sup>. Most importantly, a balanced strategy will help us avoid the significant human cost of the current approach to children, their current families, their future families and to wider New Zealand society.

First and foremost, a strategy for CYF should be focused on the child or young person – and the results that are vital for children. A new strategy should aim to achieve all of the six objectives we have identified for the child protection and youth justice systems – not just a few. These objectives are:

- Ensuring that children have the earliest opportunity for a loving and stable family;
- Addressing the full range of needs for each child;
- Preventing harm and revictimisation of children;
- Helping children to heal and recover;
- Supporting children to become flourishing adults; and
- Helping children and young people to take responsibility for their actions and live crime-free lives.

Achieving simultaneously against all objectives is more easily said than done. International evidence suggests achieving enduring changes to child protection systems can be difficult due to high caseloads, a preoccupation with urgent issues, high staff turnover, and high sensitivity to negative media exposure<sup>52</sup>. Discipline will be needed at all levels to avoid over-reacting to understandable public concern over individual, tragic cases in a way that would simply return the entire care and

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<sup>51</sup> As at May 2015, those clients who had been the subject of a completed investigation had an average of **five** previous s15 reports of concern.

<sup>52</sup> Mildon & Shlonsky 2011; Munro, 2009.

protection system back to a reactive and defensive setting. Similarly, in youth justice, discipline will be needed to focus on the greater gains that can be made through ensuring that children have the best chance of living crime-free lives.

Past reviews of CYF have also identified the challenges CYF faces in meeting the multiple objectives set out in the CYP&F Act (for example, the 2003 Baseline Review). However, the Expert Panel proposes to give effect to the required changes through the development of a new operating model for CYF, developed using a collaborative design approach, that will show how the changes can be realised in practice.

## 8.2 A New Operating Model for CYF

The Panel expects to provide in our final report an outline of a new operating model for CYF that will provide an ability to effectively operate across our six objectives. This will include providing clarity about CYF's role within the wider system and sector.

The final report will also set out the expected key shifts required in CYF by the new operating model.

We see four equally important building blocks providing the foundation for the new way of working:

1. A **child-centred system** that is designed to support children, rather than the administrative ease of those running the system. The voices of children are included at each stage – in policy and service design, in service delivery, and in the rights of children, including the right of access to advocacy and support.
2. An **investment approach** that takes a lifetime view of costs and benefits and directs effort and capability towards earlier intervention with children and their families using evidence-based approaches.
3. A **professional practice framework** that is clear about the mandatory tasks for front-line workers delivering services to vulnerable children and young people and that are most critical in ensuring safety and wellbeing. The framework will provide the guidance, tools and information to support staff to make evidence-based, professional judgements about individual circumstances and needs.
4. **Greater engagement with all New Zealanders** is important for building wider understanding of what State care means for children and young people. This will encourage more New Zealanders to take action to support vulnerable children and young people and provide them with safe, loving and stable family care.

## 8.3 A 'Child-centred' System

The new operating model of CYF, as well as that of key providers and agencies, must re-orient their services, practice, governance, processes and systems to seeing the needs and voice of the child or young person as the central driver. A more integrated approach is required, where the needs of children form the basis of decision-making and intervention choices, which is then supported by the operation of the wider system.

As we have already noted, rather than systems and processes designed from the point of view of agencies and providers for administrative ease, they should be designed to meet the needs of children and young people. Service design must involve the people who will receive the services.

Even the most experienced policy and front-line practitioners and the best academic research cannot compensate for the direct input and insight of those who have experience of the system. Collaborative design with children, caregivers, providers and staff must continue as a fundamental and on-going feature of the child protection and youth justice systems.

The systems must also encourage and value feedback from children, families and caregivers about services with clear processes for operational change triggered by that feedback.

Better data and powerful insights from service users will be insufficient to support continued improvement unless there is improved capability for service design and operations. The inconsistency across CYF offices and regions, and the variability in the degree of regional service delivery across the wider social sector, all point to a need for greater focus and capability.

### **A System that Upholds Fundamental Rights for Children**

Supporting children to feel less alone and powerless in a system controlled and run by adults will reduce their anxiety and the potential for their needs to be overlooked. Children deserve the right to an understanding voice in their corner who is not necessarily their social worker or a lawyer. At a national level a strong, independent voice is required. More fundamentally, in order to ensure their safety and well-being, the system should provide children with the right to:

- a minimum standard of care from the State – should the State assume the role of parent;
- have their views considered along with those of relevant adults as a matter of course in any decision that may affect them;
- have their rights of review made accessible to them in an understandable format and language; and
- understand what is happening to them and receive support to help adjust to change.

As we have indicated, we want to explore the possibilities for a new advocacy service for vulnerable children. In our final report we will give more detail on how such a service could strengthen the voice of New Zealand children and young people in care.

### **Helping Young People Transition Successfully to Adulthood**

Young people in need of care and protection should not – as a matter of course – have their orders and State assistance lapse at age 17. The Panel will provide advice in its final report on the age through to which State support may be required, and the type of support necessary, based on the science of human development and collaborative design work with children and young people.

We expect all social sector agencies will need to help ease vulnerable young people's transition to adulthood in order to fulfil their accountabilities under an investment approach.

The (optional) provision of CYF support through to age 20, contained in the Vulnerable Children Act, has yet to be implemented and will be constrained by available resource. The Panel, in our final report, will present a case for investing in additional transitional support for young people with a return on investment based on improved economic, social and health, housing, education and justice outcomes.

## Other Features of a Child-centred System

Without prejudging the features of a child-centred model that will emerge through the next phases of collaborative design, we expect that our final report will outline a model with the following features:

- *Nurturing and sustaining the connection of all children to their culture, families and history.*  
Connecting all children, including Māori children, to their families, whānau, history and culture will allow the system to meet a fundamental need for children to belong, and better support their healthy development.  
Achieving this objective will require a more careful match of children to caregivers, better links with communities and the capability to help children search their whakapapa and connect with their culture and history.
- *Caregivers as valued partners.*  
The fundamentally important role of caregivers in the delivery of service and support to vulnerable children will be supported by an understanding of the caregivers' capability and needs and a focus on services that support and recognise their contribution. The trust that we place in caregivers to care for vulnerable children should be matched by the level of trust we place in them to make day-to-day decisions, rather than being bound in red tape and approval processes.
- *Strengthening families and whānau.*  
This will require better assessments of the needs of birth or other families, and the provision of more support (such as evidence-based parenting and health programmes) that address these needs.
- *A shift towards localised services and away from large scale residential care.*  
Reducing the current dependence on secure custodial care and moving towards smaller, more localised services with a stronger community connection and tailored support will provide a better chance of healing and healthy development for children and young people. Our final report will also address the current overuse of youth justice facilities for remand and present recommendations to curb the use of these facilities as a default placement option for young people.

“ When I did have the chance I actually asked them both like, what culture am I? I just wanted a really good clarification of what I am. So in order for me to find myself, I needed to know who I was. So I actually had to ask a lot of questions that I wasn't really comfortable with but I just needed to know.

Yeah I think it settled me for a bit because I actually found out like, what I'm about, what I am, who I am, who made me, who made my parents. [I didn't understand it all] but I just loved seeing that I have a big family. I think I'm hungry to know more about me and my blood and my family and my ancestors and everything.”

FEMALE, 16

## Cross-sector Support for a New Operating Model

Child Youth and Family cannot protect vulnerable children alone. Previous reviews have suggested that CYF should confine itself to a narrow statutory role but this is not possible unless Children's Teams and other agencies provide a full range of preventative and responsive services for vulnerable children and their families. Otherwise CYF (and Police), as the last link in a long chain, is inevitably drawn into filling the gaps left by other agencies.

A new operating model for CYF will require support from across the wider social sector to work and, as noted earlier, should be part of a comprehensive, multi-agency approach to investing in better lives for vulnerable children. Children in need and their families should not have to navigate complex agency boundaries, procedures and restrictions. Children's Teams, CYF, Work and Income, Health, Housing, and Education need to be accountable for and put vulnerable children with complex needs at the centre of a service designed from the child's perspective.

A stronger connection can be made between prevention, early intervention and statutory response across the range of agencies dealing with vulnerable children. The connection should be seamless. Whether supported by legislation or not, this connection will need to be reflected in the individual and collective accountability of social sector agencies and community providers.

In order to support the wider system of care and protection, it will be important that the Vulnerable Children's Board addresses:

- the need for Children's Teams to deliver a consistent level of service to much larger numbers of vulnerable children;
- resourcing of lead professionals from agencies who are also expected to maintain other core and essential services; and
- the need for clarity and stability of the threshold and referral processes between Children's Teams and CYF.

A future operating model for child protection and youth justice should also include a clear set of standards for what children and young people can expect while in care, for which all social sector agencies and providers will be held to account. CYF must have confidence that all agencies will fulfil their obligations.

### **Legislation to Support a Child-centred System**

The Expert Panel anticipates that a range of legislative changes will be required to make the change to a child-centred care, protection and youth justice system.

#### *Supporting the rights and perspectives of children within the system*

Legislative support could be required to ensure that children have a right to better advocacy, a minimum standard of care from the State and to ensure their review rights are clear and accessible.

#### *Legislation supporting different pathways for children through the system*

Because of its high cost and risk, statutory intervention should only be imposed on children and their families when strictly necessary. Therefore, children and young people who are eligible for a statutory intervention should have:

- a high level of vulnerability resulting either from risks in their environment and/or high levels of unmet need; and
- little means to address these risks and needs in their own environment.

There is clarity about CYF's role in situations involving serious maltreatment, but not for cases related to chronic need or emotional abuse. Similarly, the legislation could be clearer about cases

where a non-statutory pathway is most appropriate and about escalation and de-escalation between pathways to allow for changes in children and their families over time.

### *Helping young people in care to transition to adulthood more successfully*

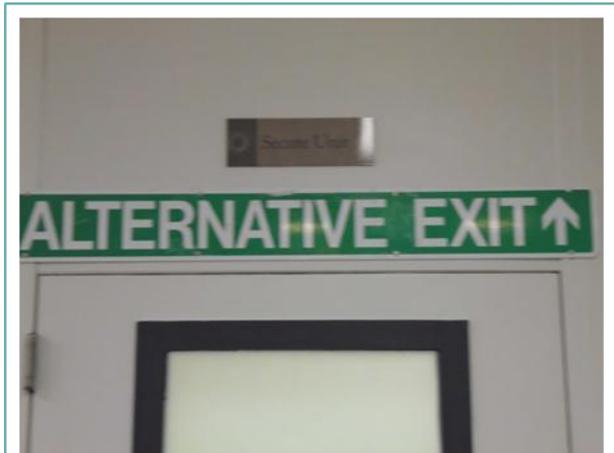
Legislative support will likely be required to support the Panel's advice in its final report on the age through to which State support may be required, the type of support and the accountability for the provision of such support.

### *Dealing with the high degree of potential harm arising from secure residential care*

The Panel will consider developing recommendations to restrict the use of secure residential care to the shortest possible time and only as a last resort for:

- those who have committed (or are charged with committing) serious violent or sexual offences; and/or
- children and young people with severe emotional, behavioural and/or safety issues that cannot be dealt with in the community.

To the extent that secure residences are still required for children and young people, there may need to be legislative or regulatory support for a consistent national operating model including a clinical and rehabilitative framework. These institutions need not be run by CYF.



“ What makes me sad ”

FEMALE, 16, IN A CYF RESIDENCE

### *Changes to youth justice*

In line with the changes recommended above, changes to youth justice provisions may be required to:

- curb the high use of harmful custodial remand for children and young people and ensure bail conditions are proportionate and relevant and permit the use of other places of detention where bail is denied; and
- specify timeframes and reviews for remand so that youth justice facilities do not become a default placement for vulnerable young people.

We may also consider amendments to the current age range for the youth justice provisions, in line with any changes recommended to better support the transition to adulthood.

### *Re-writing the CYP&F Act to make it easier to understand and to better cater to prevention, response and recovery*

There have been 66 pieces of amending legislation that have changed the CYP&F Act in its 26-year history<sup>53</sup>. This reflects that care and protection and youth justice are high profile areas that are often the subject of public and political debate. As a consequence, the language and structure of the Act are now unnecessarily complex, meaning the legislation can be hard to work with. The passage of the Vulnerable Children Act 2014 adds another layer of linkage and complexity.

The legislation does not establish activity to assist children and young people in need of care and protection to heal and recover from the physical and emotional damage they have suffered. This should be of equal importance to provisions in the current Act that relate to response.

Re-writing the legislation could provide an opportunity for a simpler, fresh approach that clearly outlines the full range of principles, rights and responsibilities and addresses linkages and overlap with related legislation.

## **8.4 An Investment Approach**

As we have shown, children who have contact with Child, Youth and Family are considerably more likely to experience poor outcomes later in life than other children. This results in considerable spending by government as well as a range of social costs that are borne by the children, their families and communities. Recent research suggests that children and young people who have had contact with CYF account for just under half of the Government's total benefit and corrections spending in early adulthood.

We do not currently have a good picture of the organisational performance of CYF or the wider social sector regarding their support for children and young people to avoid these poor outcomes. We cannot systematically identify how CYF and the social sector are working to make these outcomes better or worse.

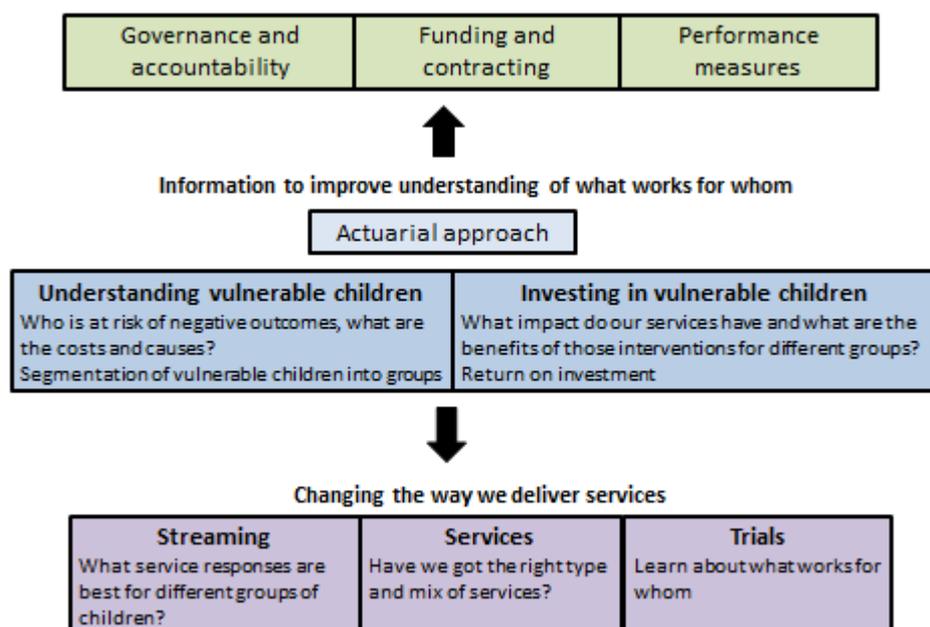
Most of this long-term spending is by organisations other than CYF, including the Children's Teams, Community Investment, Health, Work and Income, Housing, Justice and Education. This spending is largely undertaken from an agency perspective with little focus on ensuring that the social sector addresses underlying root causes in a systematic and coherent manner. Given the scale of the long-term costs associated with the poor outcomes for these children across the social sector, we need a system that: provides incentives for early and effective interventions to reduce poor outcomes; encourages agencies to prioritise spending based on the risks of the children, rather than on each agency's particular mandate; and provides a way to assess performance over time.

The challenge is to shift the nature of spending on vulnerable children to more effectively prevent poor outcomes. This needs to be done across the social sector with the child at the heart of the spending. In order to respond to these issues, an investment approach should be taken to supporting vulnerable children. Current examples of this approach can be found at ACC and Work and Income. Figure 8.1 below describes an investment approach to vulnerable children.

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<sup>53</sup> Government legislation online. <http://www.legislation.govt.nz/act/public/1989/0024/latest/versions.aspx>

Figure 8.1: An investment approach to vulnerable children



### An Actuarial Approach

At the centre of the investment approach is an actuarial valuation of the long-term costs to government associated with the poor outcomes of vulnerable children. This liability is a proxy for the risks of the poor outcomes that CYF and the wider social sector seek to reduce (for example, future spending on benefits and prisons). The liability is assessed for each individual based on risk factors that indicate the likelihood of future poor outcomes, which are reflected in the need for government support.

By reducing the likelihood of poor outcomes, the liability will reduce over time. The movement in the liability, therefore, provides a means to measure the effectiveness of the sector in improving outcomes. By linking poor outcomes to future costs, the liability allows a return on investment measure to be assessed, which aligns the achievement of social outcomes with the reduction in future costs to government and the wider community.

In order for the investment approach to be successful, it is essential that the actuarial liability is a good measure for the risk of poor outcomes for children. These outcomes relate to our aspirations to improve the overall well-being of children – including being safe, achieving at school, being in good health and making a successful transition to adulthood.

### Understanding Vulnerable Children

The actuarial liability approach allows segmentation of the population of children and young people into groups with different risk profiles and characteristics. This increases our understanding of children and young people, the drivers of their outcomes, and allows the development of targeted services. The risk profiles can also be tracked through time and the impact of this on the risk of poor outcomes, as reflected in the actuarial liability, can be monitored and responded to. For example,

this could include the identification of groups of children with different risks, i.e. children at immediate risk of physical abuse and children at risk of chronic neglect.

An investment approach to vulnerable children will involve defining what we mean by vulnerability. The Vulnerable Children's outcome framework (a framework agreed across social sector agencies as part of the work on the Children's Action Plan) provides a broad set of outcomes that we seek for children including safety, health, education, employment, positive participation in society and the avoidance of crime. The liability could be split into groups based on the risks of not achieving all of these outcomes, but also split by the risks for each of these different outcomes. This could also recognise the unique contribution and focus of each agency within the bigger picture.

### **Investing in Vulnerable Children**

In order for an investment approach to be successful, the social sector needs to work together to understand how best to invest in order to improve outcomes. We must build our knowledge about what interventions work at the frontline. As described in section 7 and set out in more detail in the appendices, we can build our knowledge base by learning from domestic and international literature, best practice and effectiveness information gained from looking critically at our own services. This will take time and require an ongoing commitment across the social sector.

This information is crucial to creating a learning system, where we constantly ask if we are providing the right services at the right time to the right people. It requires drawing on international evidence, testing, trialling and implementing effective approaches. It also requires the courage to abandon approaches that are not improving outcomes for children and young people.

For example, we currently see a lot of youth offenders go on to long-term criminal careers. There is evidence that intensive psychological therapies can reduce long-term criminal offending. By showing the impacts of these therapies in the long term and across the social sector, there is a stronger case to invest more in these services to reduce long-term costs.

### **Changing the Way we Deliver Services**

The investment approach needs to support the front line to ensure that the right services are going to the right clients at the right time – developing the right tools to support decisions.

### **Improving Performance**

Finally, the approach needs to be supported by the appropriate system structures to focus on improving outcomes for vulnerable children. In the Panel's view this should include governance and accountability arrangements such as an external and independent actuarial valuation, and a board with external monitoring. It should also include changes to funding to give more flexibility to achieve the outcomes for which management are being held to account.

Traditionally each chief executive has been accountable for results within their own agency which report to individual ministers. Creating an investment approach to vulnerable children that captures a broad set of outcomes shared across multiple agencies, means that accountability should change to reflect the results we are after and support a system-wide approach with children at the centre.

Our recommended approach requires agencies to work together to invest in children in a strategic and coherent way. This requires accountability and performance structures across the social sector to be aligned around the outcomes for children with transparency regarding the success of agencies' interventions. The actuarial valuation provides a means to achieve this common accountability and performance structure.

An accountability mechanism centred on the actuarial valuation will provide a means to assess the sector's success in achieving outcomes as well as to assess the success of individual agencies, including the services purchased from community organisations. Such an accountability regime within and across agencies will likely include a sharing of the actuarial liability between agencies, as well as assessments of each agency's specific contribution.

A strong governance framework is necessary to ensure that the entire social sector is effectively aligned around the key accountability measure of the actuarial liability. The governance body needs to ensure that the operating model, strategy and funding are aligned towards the improvement in life outcomes for vulnerable children, which can be represented by a reduction in the forward liability, and have the ability to hold the sector to account.

The accountability and governance arrangements, and other supporting systems such as the required information infrastructure for the investment approach, will be addressed in our final report.

### **An Incentive to Invest Early**

By adopting an actuarial liability measure the investment approach provides a mandate to invest early in vulnerable children. For example, a young child in a violent family with parental mental health and addiction issues would have a higher risk of poor educational and employment outcomes and hence a higher risk of future benefit receipt or time in prison, resulting in a high liability. This high liability then provides a strong case to invest in effective services to change life outcomes and therefore reduce this future liability.

We have noted that the current system encourages a focus on the immediate risk of short-term costs to a particular agency. An investment approach to vulnerable children would suggest that a more substantial up-front investment may be worthwhile, and demand consideration of interventions across the social sector to reduce poor outcomes – not just focus on the agency that bears the responsibility for the immediate costs.

The logic of the investment approach is that by investing in vulnerable children we will improve their outcomes and thereby reduce further costs. The approach does not start from the premise that costs should be reduced, rather, outcomes should be improved and this will reduce costs in the longer term. The return on investment framework allows a mechanism to assess the effectiveness of services and hold agencies to account for achieving outcomes.

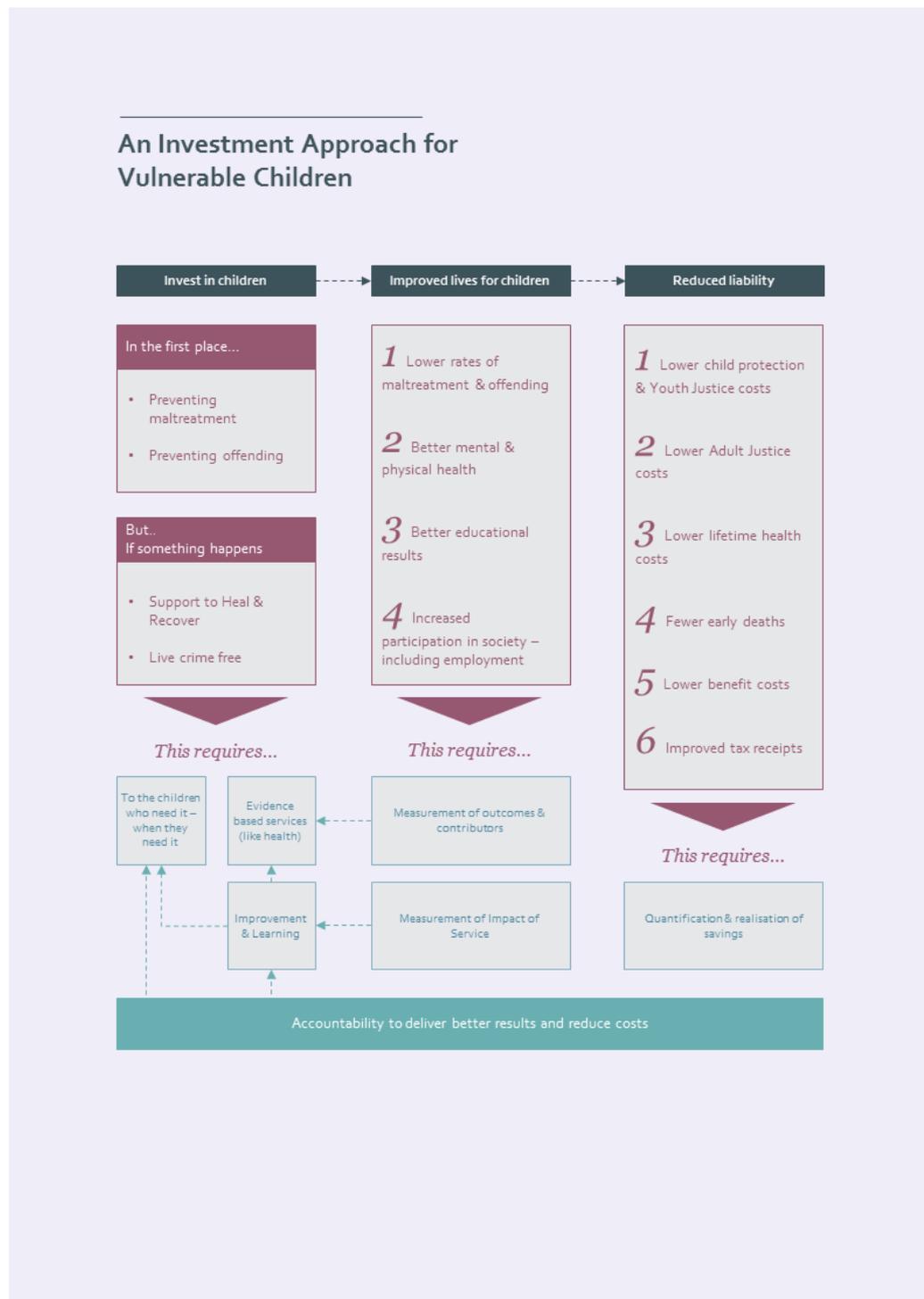
This approach must be centred on the child, rather than on agencies, and will need to consider the child's potential interactions with various agencies throughout their lives. It also requires mechanisms to ensure that the agencies are jointly accountable and work together systematically. We currently have sufficient data to make a start on a valuation for vulnerable children. However, there will need to be on-going work dedicated to improving the quality of the data, and to building

the wider set of information to look at the broad set of outcomes we are interested in measuring. The Panel proposes, prior to the final report, to begin with an RFP for an actuarial feasibility study that includes consideration of how to value a full range of factors relevant to achieving better life outcomes for children.

### An Investment Approach for Vulnerable Children

Figure 8.2 below shows how an investment approach for vulnerable children will shape the direction of CYF and lead to improved results.

Figure 8.2: An investment approach to Vulnerable Children



## **Feasibility Study**

If agreed, a feasibility study will be initiated in order to assess whether this new investment approach can be implemented, as well as to identify any challenges. The feasibility study could be completed by November 2015. The study will seek advice on:

- how an actuarial liability covering all possible future interactions of a child with the social sector could be determined, and any challenges that will need to be overcome
- how an actuarial liability can be used to improve our understanding of vulnerable children and contribute towards the improvement of their outcomes
- within this, a particular focus on those children currently in or previously from the child protection and youth justice system, and those at-risk of entering the system, and
- the availability, and any limitations, of data.

It is expected that an actuarial valuation covering the full social sector will be feasible. There will be modelling and data challenges that will need to be overcome. The feasibility study will provide advice on how we could best respond to these challenges, including any implications for timeframes and the roll-out approach.

## **Other Legislative Changes to Support an Investment Approach**

Cabinet has recently approved changes to the Social Security Act to provide a better basis for the flexible decision-making required to give effect to the investment approach for welfare. It is possible that a similar provision may be needed to support an investment approach to vulnerable children.

For example, although there is flexibility surrounding service provision for individual children and young people (particularly for actions arising from a Family Group Conference), there is not any established practice or support for looking at groups of young people who may be at particular risk of poor life outcomes and prioritising service and expenditure accordingly.

Addressing this issue with a law change could address a risk of litigation regarding an approach that prioritises certain groups based on characteristics (such as age, location, or needs).

### *Allowing wider participation by agencies and the community in service delivery*

If we are to take full advantage of the ideas and capability of the wider community to help deliver results for children, we will need to engage with the non-government and private sectors in creative and non-traditional ways. Legislation may be required to realise some of these potential opportunities.

### *A legal basis for ensuring that we have the information to make the best decisions*

There are legitimate and important rights to privacy for children and their families – but these must be balanced with the best interests of the child overall, especially where there is some risk of either immediate or long-term harm. A substantial number of New Zealand children continue to suffer because those with the power to make a difference in their lives lack the information to do so.

Previous advice to ministers has been that information could be shared by means of an Approved Information Sharing Agreement, as set out in recently amended privacy legislation. However – given that attempts to develop a national agreement under existing privacy law have been unsuccessful – specific legislation may now be required to cover both care and protection and youth justice. The

Children’s Action Plan is currently developing an Approved Information Sharing Agreement to cover the operation of the Hamilton Children’s team and contact hub. This experience will help us determine proposals for our final report which may include recommendations for legislative change.

## 8.5 A Professional Practice Framework

A new operating model needs to rest upon a clear framework of practice that outlines the values, principles, relationships, approaches and techniques for the system and for front-line staff, to help achieve the full range of our objectives. The key is for front-line practice to link business processes to drive desired results.

A practice framework will enable staff to understand how children and young people should experience the system, inform training and quality assurance processes, reshape employee performance expectations and influence the design and delivery of services. Work with vulnerable children will always require professional judgement to be exercised in individual circumstances. The professional practice framework will allow this judgement to be supported by a sound evidence base.

A concise, accessible and meaningful practice framework should clearly set out the evidence base supporting all professional practice with vulnerable children and young people. In particular, the development of the practice framework will be informed by the impact of trauma on children, the science of child development and best practice approaches in building resilience in children and young people.

The framework needs to be clear about the ‘must dos’ or mandatory tasks for front-line workers delivering services to vulnerable children and young people – a small number of requirements prescribed under legislation, or that are the most critical in ensuring children’s safety and well-being.

Beyond that, the framework needs to provide the guidance, tools and information to support staff to make evidence-based, professional judgments about the individual circumstances and needs of vulnerable children and young people. This includes clear guidance about the considerations that need to be made in key decisions, and what information needs to be recorded and when. It also needs to provide access to research, information and evidence to support workers to make the best possible decisions at the earliest possible opportunity about vulnerable children and young people.<sup>54</sup>

The framework needs to be supported by a model of professional supervision and coaching for front-line workers that supports the use of good judgment, good decision-making and evidence-based practice.

The framework that is developed needs to be able to support professional practice to:

- work seamlessly to support the business processes of the new operating model
- strip away the accumulated layers of staff instructions to ensure they can focus on the things that are most important and make the biggest difference to children and young people
- provide enough time for professionals working with children and young people to build relationships

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<sup>54</sup>Munro (2011) describes how supporting staff to deal with the complexity of the work is better “achieved by professionals understanding the underlying principles of good practice and developing the expertise to apply to them, taking account of the specifics of a child’s or young person’s circumstances” (para 3.5) .

- offer professional support, supervision and coaching to front-line workers regarding good decision-making and evidence-based practice in complex cases
- ensure that accurate and appropriate case records and required administrative support are seen as a core part of professional practice, and
- work confidently and effectively with all cultures, including whānau Māori.

## Elements of Effective Professional Practice

Our final report will contain a more detailed outline of the desired professional practice model and will reflect the input of children, caregivers, family/whānau and staff through a collaborative design approach. Nevertheless, we can signal some of the changes that are likely to be required in order for us to make a bigger difference for children in our day-to-day practice at the front-line.

### *Capturing reliable information on children's needs*

Systems and processes will capture information on children's health, education, social and other needs consistently and accurately. This information will be used reliably for front-line decision-making, and also compared and aggregated for the policy, service design and operational management to support front-line work. Information will be captured, processed and presented so we can clearly see whether we are making a difference for children and young people.

### *Evidence-based decision-making*

We will use evidence to target early and correct intervention for children, to better support professional decision-making, and to protect children from repeated abuse.

We will make the most of what we already know about the children who come to the attention of CYF to help us to make the right decisions and provide the right services.

Services and supports for children will be evidence-based and tailored to the needs and developmental stages of children and young people.

### *Fewer, better managed transitions for children*

Professional practice based on strong evidence, good information and supported by a better range of care options and organisational capability will reduce the number of disruptive changes endured by children. Our better understanding of children's needs will allow us to better manage every transition into care, between caregivers or types of care and out of care, to reduce trauma for children.

***CYF are very powerful. Like once you're in their system, it's very hard to get out***

“CYF are very powerful. Like once you're in their system, it's very hard to get out without going through those procedures that they have in place.”

FEMALE, 24

The practice framework will support better engagement with children and access to independent support for them at each stage so that they clearly understand what is happening and why. For

those children who are too young to understand, we will record the information in a meaningful way and proactively engage with the child as soon as practical.

### *A multi-disciplinary workforce*

The skills required to achieve results for vulnerable children (who may have needs across a broad spectrum) reside in a range of different professional disciplines. Social work, psychology, psychiatry, general and specialised medicine, Police, education and youth work all have a vital role to play. Professional practice needs to be inclusive and allow children and families to interact with a front-line workforce that has the capability to deliver lasting positive results.

Better engagement and partnering with communities, non-government organisations, Iwi and Māori organisations will add vital skills and ideas to front-line child protection.

### **Better Systems that Support a Better Way of Working**

Implementation of a new professional practice framework will require the right information (for example, regarding risk factors and the right evidence-based interventions) to be made available to the right people in front-line roles at the right time to support difficult professional choices. Information will need to be aggregated for management and on-going development, and to allow us to measure progress.

Significant improvement will be required to improve data integrity and consistency across CYF in order to provide the bedrock upon which the required improvements will be built. Good data is an essential ingredient for good decisions at all levels and for the on-going development of the child protection and youth justice systems. It is also essential to prioritise effort and scarce resources within CYF and across the wider system and to shift from a reactive to a proactive focus to improve overall effectiveness.

As discussed throughout this report, we need to improve the range and quality of information on the needs of children, family/whānau and caregivers. We need reliable information on the range of indicators required to measure whether we are making a difference in the lives of children and we need better and more accessible information on child and family risk factors and evidence-based practice to be available to the front-line CYF, health, housing and education workforce. This is likely to require some investment in the data infrastructure, information technology and workforce skills and training.

We must also ensure that information is better communicated to the children, young people and their families. As noted earlier, we need to do more to ensure children and young people understand what is happening during Family Group Conferences and other processes.

### **Legislation to Support Multi-Disciplinary Practice**

Legislative support will be required to ensure that a full range of expert professionals can play an active, early role in decision-making for vulnerable children. Appropriate flexibility should be provided – for example, by placing responsibility for decisions and actions affecting children and young people with the Chief Executive (for delegation).

## 8.6 Greater Engagement with All New Zealanders

As noted earlier in this report, the wider public perception can make a real difference to the experience of children in care.

We want to help all New Zealanders to have a better understanding of the realities of care for children and to encourage them to connect better with these children and young people and their families.

Care is not just a State responsibility and it is only through families and the community that the real love and nurturing which these young people need will be found. We want to encourage all New Zealanders to do what they can to help and take action to support vulnerable children and young people.

There are many every-day ways that people in the community can get involved with these children and young people – simply by inviting them to visit their homes or to get involved in sports teams, clubs and community groups.

We must find new ways of engaging the wider New Zealand public to better understand and support children in need of care and protection. The voices of children and young people themselves will be a powerful tool in this. We expect that improving awareness will boost their self-esteem and will help to remove the stigma of children within the care and protection system.

We expect all agencies across the social sector to play their part.

### **Increasing the Number of Caregivers and Community Support**

More support for caregivers and measures improving their recruitment, capability-building and retention will help attract people to these roles.

We want to find ways to promote caregiving to a wider range of people within society to help provide greater access for vulnerable children to safe, loving and stable families. We will work to explore opportunities to access a wider continuum of care, nurture and love from the community and to engage all New Zealanders in supporting children in care.

Care should also be provided through a range of social services, including accommodation, and opportunities for education, employment and leisure activities. Greater use of localised services within communities will require stronger engagement and may be best delivered in partnership with local organisations.

We can all do more to support these children to heal, to recover from trauma and to flourish and enjoy meaningful lives. There is great potential to find more care in the community beyond the current formal definition of caregivers.

## 8.7 Making an Early Start on Implementation

In Section 9 we identify that a substantial effort over a number of years will be required to design, implement and embed a new operating model, and associated change across the sector. Nevertheless, there are a number of areas where change can commence earlier.

### **Initiatives that can begin immediately, if Ministers agree to the Panel's Recommendations**

To assist in preparing for an investment approach, the Panel will commence a feasibility study to determine how an actuarial liability covering all possible future interactions of a child with the social sector could be determined, and any challenges that will need to be overcome. The study will also determine how an actuarial liability can be used to contribute to an improved understanding of vulnerable children.

In addition, the Panel will engage the philanthropic sector to strengthen the voice of New Zealand children and young people in care by developing a proposal for a new advocacy service.

The Ministry for Social Development has a wide scope and is one of the largest agencies in the public service. It is uniquely placed to make a powerful difference in the lives of vulnerable children and young people and there are some significant opportunities that can be quickly and fully realised, for example:

- families and caregivers of vulnerable children, especially those placed in State care, who have a need for housing should be placed at the top of the Ministry of Social Development waiting list for social housing or, at minimum, be assured of receiving their full entitlement of accommodation supplement;
- young people leaving care could be prioritised and proactively connected to Youth Services as a matter of course, whenever appropriate, rather than being left without service, or to find their own way; and
- work and Income and CYF could be sharing information routinely and systematically on any matter related to the safety and needs of vulnerable children.

### **Initiatives that can begin after the high level operating model has been developed by the Panel**

Once the Panel has presented its final report in December a range of changes overseen by the Vulnerable Children's Board can begin that will pave the way for the larger changes to follow, and help to establish change capability and readiness within CYF and across the sector:

- agencies<sup>55</sup> in the social sector can contribute to the new operating model by prioritising interventions for vulnerable children within their own agencies – especially for those children with a high level of assessed risk and/or a finding of abuse by CYF. These children should be at the front of the line for State services across Work and Income, CYF, Health, Education and Housing;
- meanwhile, the Panel also expects that the Ministry of Social Development will look at the linkages between its own service delivery areas and ensure that housing, youth services and

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<sup>55</sup> Presentations to the Expert Advisory Panel by the Ministry of Education and Ministry of Health

information sharing are addressed proactively for vulnerable children and young people and their caregivers; and

- Changes to professional practice can commence to better support staff in their professional judgement.

Making a start on these changes immediately will enable us to better assess the readiness of the sector overall for change on a larger scale. It may also help develop capability in these areas.

## 9.0 Our Approach To Developing A New Operating Model

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This section details our approach to designing the framework for a new operating model for CYF that will deliver the changes required to build better futures for children and young people. The design will build on our principles and objectives set out earlier in this report.

The new model will provide more detailed design at an organisational level of the processes, systems, roles and capabilities required within CYF. At a wider system level, it will also identify potential enhancements to the approaches taken by other agencies in delivering services to vulnerable children, young people, their families and whānau, and will spell out any required changes to current accountability and legislative frameworks underpinning services across the sector.

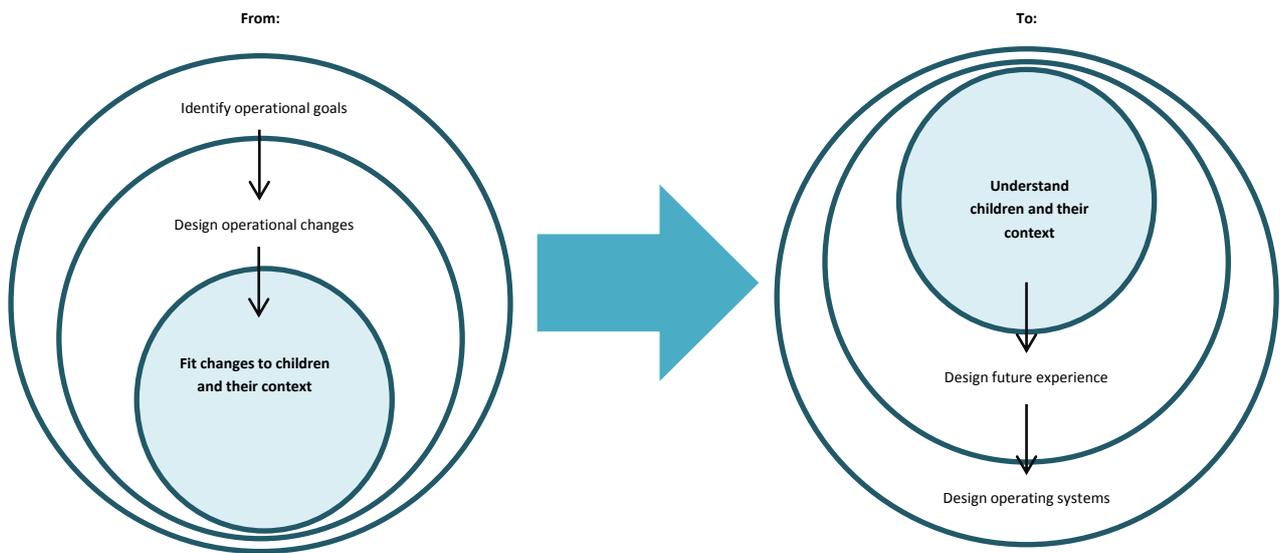
The principles the Panel has adopted represent a fundamental shift in the way the system of child protection and youth justice will deliver on its objectives for children, young people and their families.

The Panel's approach to design involves:

- **placing the child at the centre of the design.** The real lived experience of children and young people and the desired better future experience will be the anchor for the design work. This takes the scope of the design work beyond fixed organisational boundaries and puts the emphasis on making a visible and lasting difference for children. A principled approach also places the child in the context of their wider whakapapa, whānau, and those who are caring for them.
- **including a diverse set of participants who will contribute to the design process.** Recognising the many participants in the system who together deliver outcomes for the child, it is important the design process is participatory and inclusive. The method of design will include agencies, community organisations, families and young people all working together.
- **using evidence and expert research to inform the design.** Global jurisdictions and local communities have been working on tackling many of the same challenges, and there is a rich base of evidence and expert opinion that can be used to inform the design process. Using this, as well as accessing experts in the field for advice, will ensure the future design reflects leading practices and is grounded in evidence of what works and delivers results.
- **making sure the importance of identity, belonging and culture is emphasised throughout the design.** The future design must address what children told us – that their sense of identity, belonging and connection to their culture are vital to their well-being. The design work should not treat this as a stand-alone work stream but rather as an integral aspect of the design.

The diagram 9.1 below demonstrates the fundamental shift from a design approach that is centred on an organisation to one that is 'child-centred'.

Figure 9.1: Impacts of design shift

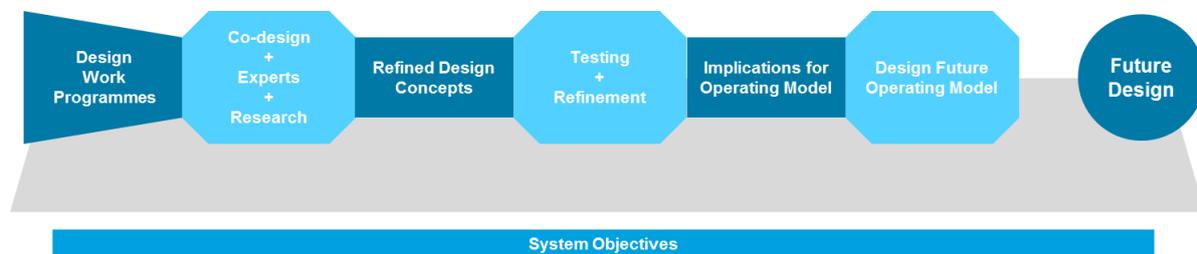


## 9.1 Design Process

### Overview

The diagram 9.2 below illustrates the design process.

Figure 9.2: Use of collaborative design to develop future experiences and operating model



- Design work programmes: These are the areas of change to the future operating model to be designed and developed.
- Design approaches: Input from a range of participants and experts, international and local research used to inform the design concepts, refine and test the ideas.
- Operating model implications: Ensuring the changes that will be required across the system of care, protection and youth justice are understood, tested for consistency and fit against the principles and objectives.
- Future design: The new operating model will detail the expected future experience for children, young people and families, and CYF and other agencies within the sector will be required to deliver this.

## Design Scope and Work Programme

The scope covers the care, protection and youth justice system, with a focus on the experience of children, young people and families and their journey through this system. This is an important shift from other design approaches where the organisational view of services and processes has been used as the framework.

The design phase will deliver: the design of the future experience; the changes required to the system; and the supporting infrastructure required. The design principles underpin the work programme, and the programmes of work have been developed to align to and deliver on the six system objectives.

To develop the work programmes, the Panel has reviewed the insights from young people who were directly engaged to advise it, the current State assessment of CYF, and expert research and international leading practice. This work has identified key challenges to be addressed and the set of changes required to deliver on our objectives.

Further work is being done in this phase to include the voices of young people who have experienced different parts of the care, protection and youth justice system, and to include adults who provide care, including caregivers, family/whānau and social workers. This work will continue to inform the design and will also engage these groups in helping to develop solutions.

As noted, the Panel has identified four fundamental building blocks that support all six system objectives and form the 'cross-cutting' elements of the future operating model. They represent fundamental shifts in the operating model for CYF, and for the wider care and protection system. See more detail provided below in Section 9.2.

The Panel has also identified a number of programmes of work that relate to specific changes to the services for vulnerable children and families. These will be developed through the collaborative design process, with expert input and research.

The programmes of work are framed in terms of the outcomes to be achieved, rather than focusing on issues in the current system, although these have been identified as part of the scoping for each work package.

The diagram below in Figure 9.3 depicts the full design work programme, and the mapping between the programmes of work and the relevant system objectives.

Figure 9.3 – Work programme design and relationship between programmes of work and system objectives

## Work Programme

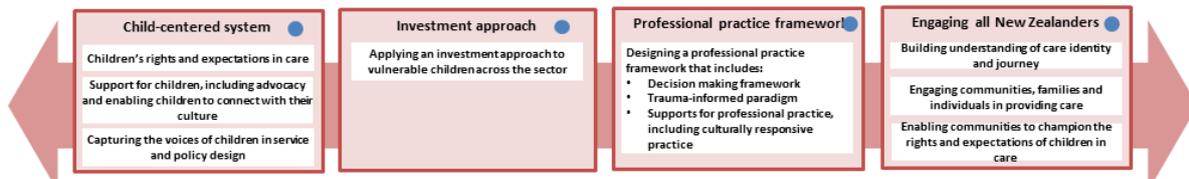
### THE PRINCIPLES WILL UNDERPIN THE DESIGN ACROSS ALL WORK

Place the child at the centre of what we do	Supporting families to care for their children	Use evidence-based approaches to get the best results	Support the connection of children including Māori children to their cultures and communities	Have the same high level of aspiration for vulnerable children as we do for all other New Zealand children	Help all New Zealanders to make a difference for vulnerable children
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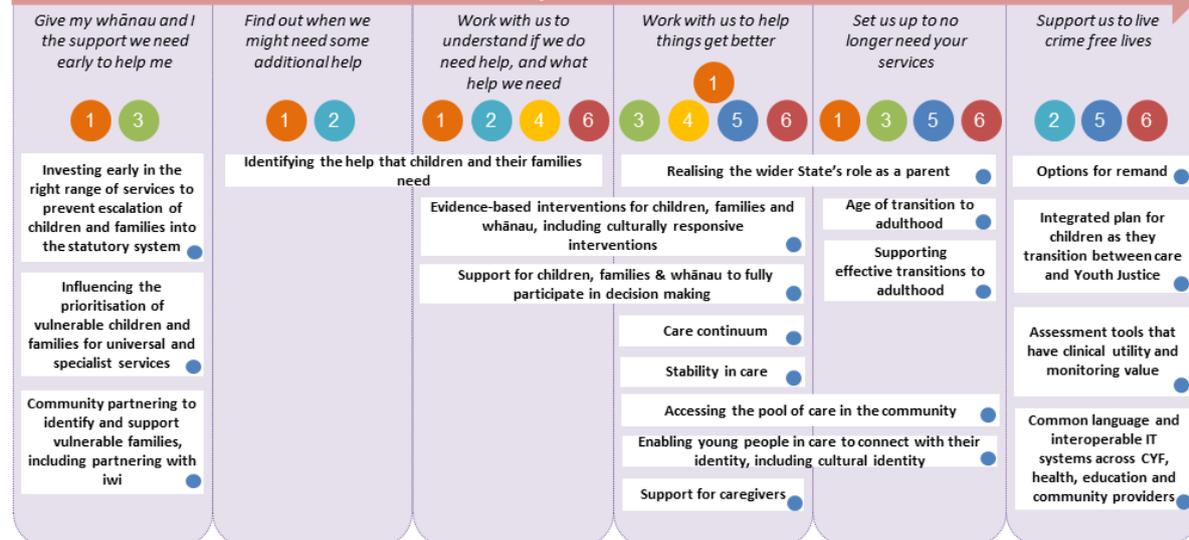
### THE WORK PROGRAMME WILL ENABLE THE ACHIEVEMENT OF THE SIX SYSTEM OBJECTIVES

<b>1</b> Ensuring that children have the earliest opportunity for a loving and stable family	<b>2</b> Addressing the full range of needs for each child	<b>3</b> Preventing harm and revictimisation of children	<b>4</b> Helping children to heal and recover	<b>5</b> Supporting children to become flourishing adults	<b>6</b> Helping children and young people to take responsibility for their actions and live crime free lives
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### BUILDING BLOCKS



### JOURNEY THROUGH CARE, PROTECTION AND YOUTH JUSTICE



● Youth Justice consideration

### OPERATING MODEL CONSIDERATIONS:

<b>Structure and accountabilities</b> <ul style="list-style-type: none"> <li>Sector organisational structures and governance</li> <li>Organisational accountabilities and associated performance measures</li> <li>Independent monitoring and oversight</li> </ul>	<b>Workforce</b> <ul style="list-style-type: none"> <li>Workforce</li> <li>Skills, capabilities and development</li> <li>Cultural competency</li> <li>Culture and leadership</li> </ul>	<b>Channels</b> <ul style="list-style-type: none"> <li>Referral channels</li> <li>Access for children and young people to their information</li> <li>Hours and locations of service provision</li> </ul>	<b>Data &amp; Info</b> <ul style="list-style-type: none"> <li>Mechanisms to collect and collate data and information</li> <li>Cross-agency information sharing</li> <li>Data governance</li> <li>Privacy and security</li> <li>Analytics</li> </ul>
<b>Legislation &amp; Policy</b> <ul style="list-style-type: none"> <li>CYP&amp;F Act and associated legislation</li> <li>Enabling a cross-sector investment approach and information sharing</li> <li>Associated policies and regulations</li> </ul>	<b>Delivery models</b> <ul style="list-style-type: none"> <li>Exploring alternative options for service provision, including partnering with iwi</li> </ul>		<b>Technology</b> <ul style="list-style-type: none"> <li>The right technology applications</li> <li>Interfaces with other agencies' systems</li> <li>Physical infrastructure required</li> </ul>

## 9.2 Building Blocks of a Future Operating Model

The four building blocks that support the future operating model are:

1. **A child-centred system** – this building block shifts the system from being primarily centred on the services and processes of the organisation, to bring in the voice of children, young people and their families at the forefront of:
  - decision-making on the services and interventions they require to be safe, nurtured and stable, and to flourish as adults;
  - design of services, policies and approaches at a system level;
  - advocacy for their rights through an understanding of their expectations of the system and its participants;
  - having an integrated plan for the child or young person as they transition between care and youth justice and between agencies, providers and community; and
  - CYF and community providers, health and education need to use common language and interoperable IT systems so there is a coherent approach to one-child across agencies.

This programme of work will be a blueprint for the advocacy and engagement model to bring the voice of children into the design and delivery of these services.

Particular programmes of work that contribute to this building block are:

- enabling young people in care to connect with their identity, including cultural identity; and
  - realising the wider State's role as a parent to children in care.
2. **An investment approach** – this building block shifts the system from an event-driven and response-based approach to one focused on evidence and long-term results across the social sector. The investment approach for vulnerable children will use data, evidence and analytics to:
    - provide incentives for early intervention with children, young people and families by capturing the full life-time benefits of this; and
    - identify, evaluate and improve on the interventions used.

This programme of work will be a blueprint for this new approach covering the principles, information, tools and analytics requirements and the expectations of CYF and other agencies in the sector including governance arrangements and accountabilities.

All work programmes will support this building block by defining the objectives they are seeking to achieve, and demonstrating how these objectives will be achieved based on evidence and consideration of the long-term costs and benefits.

3. **A professional practice framework** – this building block shifts the system from a rules, compliance and timeframe-driven practice to a focus on professional judgement based on:

- an evidence-based understanding of the impact of trauma on children and young people, the science of child development and best practice approaches in building resilience in children and young people;
- a high degree of cultural competency and confidence to support the needs of all children, including Māori children;
- a framework for decision-making that sets out the best principles, tools and practices; and
- build assessment tools into the practice framework for youth justice that have clinical utility and monitoring value.

This programme of work will be a blueprint for the practice framework which reflects the areas outlined above, and describes the supporting tools and processes required to embed the framework within CYF and across the sector.

Particular work programmes that contribute to this building block are:

- identifying the help that children and their families need; and
- support for children, families and whānau to fully participate in decision-making.

**4. Greater engagement with all New Zealanders** – this building block recognises the importance of engaging with all New Zealanders, as a community, to:

- build their understanding of what State care means for children and young people;
- take action to support vulnerable children and young people through a range of channels and settings;
- provide greater access for vulnerable children to safe, loving and stable families;
- support children in their care to heal, recover from trauma and to flourish; and
- play a shared role in championing the role of children, young people and their families in designing the care system.

This work programme will feature the principles, engagement model and framework for New Zealanders to build their understanding of, and connection to, children and young people in care, and to involve them more in their support and care.

Particular work programmes that contribute to this building block are:

- accessing the pool of care in the community beyond the current formal definition of caregivers; and
- more support for caregivers (including recruitment, capability-building and retention).

### **Specific service-related work programmes that support the future operating model**

Another set of specific work programmes, associated with redesign of the services and the way they are provided, will reflect the insights from the children and young people we have heard from, as well as expert and research-based perspectives from international experience. These include:

- Care continuum – this programme of work will clearly articulate the range of care needs, options and recommendations for increasing the range and quality of care options;

- Stability in care – this programme of work will make recommendations to minimise the number of transition points for a child and manage transitions in a way that provides as much love and stability for children as possible;
- Age of transition to adulthood – this programme of work will make a recommendation for the appropriate age (or range of ages) for young people to transition out of the care and protection and youth justice systems, in keeping with our principles and objectives;
- Supporting effective transitions to adulthood – this programme of work will look at options and recommendations for how to best support young people transitioning to adulthood, in a way that is consistent with the principles and objectives of the care system;
- Options for remand – this programme of work will look at options for custodial remand sentences, reflecting an understanding of how these would be provided and how they meet the needs and legal rights of young offenders; and
- Supporting young people to live crime free lives - this will make recommendations on establishing an integrated plan for the child or young person as they transition between care and youth justice and building assessment tools into the practice framework that have clinical utility and monitoring value.

As the design work progresses, the implications for the operating model across the system will be tested for cohesiveness and coherency, to ensure the recommendations capture all of the changes required to the underlying infrastructure.

The operating model considerations are shown in Table 9.1 as follows:

**Table 9.1: Operating model considerations**

<p><b>Structure and accountabilities</b></p> <p>Sector organisational structures and governance</p> <p>Organisational accountabilities and associated performance measures</p> <p>Independent monitoring and oversight</p>	<p><b>Workforce</b></p> <p>Workforce composition and roles</p> <p>Skills, capabilities and professional development</p> <p>Cultural competency and confidence</p> <p>Culture and leadership</p>	<p><b>Channels</b></p> <p>Referral channels</p> <p>Access for children and young people to their information</p> <p>Hours and locations of service provision</p>
<p><b>Data &amp; Information</b></p> <p>Data and information requirements to support evidence-based interventions</p> <p>Mechanisms to collect and collate data and information</p> <p>Cross-agency information-sharing</p> <p>Data governance</p> <p>Analytics</p>	<p><b>Technology</b></p> <p>The right technology applications</p> <p>Interfaces with other agencies' systems</p> <p>Physical infrastructure required</p>	<p><b>Delivery models</b></p> <p>Exploring alternative options for service provision, including community partnering</p>
<p><b>Legislation &amp; Policy</b></p> <p>CYP&amp;F Act, and associated legislation</p> <p>Enabling a cross-sector investment approach and information-sharing</p> <p>Associated policies and regulations</p>		

## Developing Capability

As the design stream progresses, areas will be identified where CYF or the wider care and protection system need to develop capability and improve results. For many of these areas, we need to examine whether results for children can be achieved more quickly (and cost-effectively) by making the best use of innovative approaches and capability that exists outside of the public service in non-government and private organisations.

It may take too long and/or be too expensive to produce the same results if we develop critical capability internally from a low level. We will assess the readiness of the non-government and private sectors to support the proposed operating model and discuss this further in the December report.

Our design will also need to ensure that the providers of purchased services support children and the loving families who need to care for them and do not interfere with the bonds between them.

The Panel intends to include an evaluation of the collaborative design process as part of the final report, including recommendations regarding its use, expansion or refinement in future work conducted within the sector.

### 9.3 The December Report

The results of the design phase will be key to the final report in December 2015. This will fully explain:

- **The desired future experience for children, young people and families:** this will be a visual and narrative description of the future journey through the care, protection and youth justice system, from the perspective of children, young people and their families. It will highlight the differences from the current model, and the alignment to the design principles and system objectives.
- **The future operating model:** this will be a visual and documented description of the layers of the operating model for the future system of care, protection and youth justice, including the key changes required to deliver this, and the cross-cutting enablers and considerations.

The design phase will not produce a detailed design for the changes at an organisation level. Rather this phase will establish a blueprint of the desired outcomes, design parameters and principles for a detailed design to be conducted within CYF and other agencies in the sector from 2016.

The Panel recognises the detailed design of organisational processes, roles, technology changes and practice models is best conducted within the respective organisations, with close collaboration between the front-line staff and leaders, but under the governance of the Vulnerable Children's Board.

To support ministerial decision-making and enable further detailed design to occur through 2016, two further pieces of work will be included in the December report:

- **Implementation plan:** A plan for detailed design and implementation will be developed, including a series of options for making progress on the proposed changes, overarching road map, sequencing, priorities and expectations for accountabilities; and

- **Cost benefit analysis:** This will include the financial and non-financial benefits and likely cost envelope of the proposed changes, and an assessment of the costs and benefits of the recommended option.

Our final report will also:

- provide options relating to scope, timing and implementation – assessed against the purpose, principles and objective;
- recommend any legislative change required to give effect to the new operating model; and
- set out specific budget implications for the 2016/17 year, aligned with the first phases of implementation and detailed planning set to occur over that period.

### **A Collaborative Design Approach**

The Panel will take a leading practice collaborative approach to the development of many of the design work programmes for the future operating model. Not all of the programmes of work are suitable for wide collaboration – some are focused on expert research and others will involve testing and refinement rather than generative design.

Our aim is to engage all of the participants in the system in its redesign, ranging from users of the service, suppliers of the service and those who create the framework for the service. In this context, this includes children, young people and families, caregivers, CYF staff and leaders, other agency staff and leaders, community and Iwi organisations and leaders.

This approach involves engaging a diverse set of participants to ensure all voices are heard and considered, and recognising that institutional knowledge is only one source of insight into the changes required.

The approach will go beyond asking users about their current experience, which is already being done through the ‘Voice of the Child’ work, and to asking users what they want in the future system. The approach will genuinely engage participants in developing future concepts, identifying the risks, constraints and challenges, and articulating the opportunities and benefits.

It is important to note the role of the Panel and the design team is not merely to facilitate this process, but also to challenge, test and bring coherence to the design ideas that are developed. This is achieved through remaining true to the principles, testing the designs against the system objectives, and through the design of the building blocks and operating model considerations.

The role of the Panel and the design team is also to bring the voice of expertise into the design work, through international and local research, experts and cross-industry experience. In addition, three reference groups will be established to test, challenge and refine the design work:

- A **Youth Advisory Panel** comprised of young people with experience of CYF services
- A **Māori Reference Group** to provide critical advice and expertise to the design work to ensure any elements relating to the circumstances of vulnerable Māori children are properly considered, and
- A **Practice Reference Group** to provide input and expertise on matters relating to effective practices and services for vulnerable children.

The attributes of this approach are as follows:

- *Collaborative design session logistics*: sessions are likely to involve up to 15 participants, over a three-four hour workshop. In some cases, participants will come together for a day-long workshop to explore a wider range of topics. The sessions will not be confined to a single location, to ensure participants from different parts of the country can participate.
- *Identifying participants*: the Panel, with support from the reference groups, will identify participants to be engaged in the collaborative design process. In many cases the same individuals will be engaged across multiple work packages and will form a single group.
- *Creating a collaborative space*: collaborative design work will be undertaken in a neutral physical space that is welcoming, engaging and does not place any participants in a power imbalance.
- *Bringing a culturally responsive lens*: cultural responsiveness will be a key principle underpinning all design work streams.
- *Establishing context and equalising participants*: The design teams will share contextual materials with all participants on the challenges, the 'voice of the child' insights, and relevant expert research. Ensuring a common understanding of the outcomes, objectives and principles will make sessions more productive.

The following collaborative design sessions have been initially identified:

- **Care in the community**: exploring opportunities to access a wider continuum of care, nurture and love from the community and to engage New Zealanders in supporting children in care.
- **Supporting caregivers**: exploring opportunities to recruit support and retain a wide, diverse base of caregivers to provide safe, secure and loving placements that match the needs of children and young people.
- **Supporting transitions**: exploring opportunities to minimise and manage transitions within care, and support the transition of young people in care into adulthood.
- **Supporting families**: exploring opportunities to support families and whānau to actively participate in decision-making, access the early assistance they need to care for children, and access independent advocacy for their needs.
- **Advocacy and voices**: exploring opportunities to support children and young people to have their voices fully heard and responded to in the design and delivery of services to them.

It is anticipated that further collaborative design sessions will be identified during this phase and testing and refinement sessions will follow. For the collaborative design process to be effective it must become a sustained and ongoing commitment in subsequent detailed design phases of the work.

## 9.4 Conclusion

This review presents an opportunity for New Zealand to make a real difference for vulnerable children. The panel acknowledges that there have been such opportunities for change in the past, but we have not succeeded in significantly improving outcomes for some of our most vulnerable children. There has been strong commonality in the problem definitions in the successive reviews,

restructures and legislative change over the last two decades. However, these attempts at changing CYF have not drawn a clear link between the purpose of CYF within the wider system, the strategy that gives effect to that purpose and the operating model that delivers the strategy.

The new system we have outlined at a high level in this report will require transformational change not only within CYF, but also across agencies, providers and the community. Change on this scale will take years, rather than months to achieve and must be implemented in a way that ensures effective delivery of improved outcomes for vulnerable children. Our final report will set out a high level operating model designed to deliver on a clear purpose and strategy and will outline a plan for implementation.

The Panel's approach to co-design with stakeholders and frontline staff, coupled with a continued, strong emphasis on the voices of system participants will assist those involved in care, protection and youth justice to be ready for changes ahead. Having listened to the voices of children and young people, each member of this Panel feels a deep sense of responsibility to ensure this review succeeds and delivers lasting improvements.

“ Right now, I wouldn't change anything about my life. Not even what happened to me in the past. I know it's really cheesy, because everyone is like “what doesn't kill you makes you stronger,” but for me it's nothing like that. Everything that has happened to me has literally happened for a purpose, and whatever that purpose is, I will never understand. Why God has given me this life, why he had given me this much grief but he had also given me this massive as heart that I carry every day with me...It's actually made me into someone that I'm inspired by my own story. I'm inspired to be more than what anybody thinks. She is just going to be this. No I'm going to be that...I'm not going to be that person that everyone expects me to be. I want to be bigger than that person.”

FEMALE, 16

***I'm not going to be that person that everyone expects me to be. I want to be bigger than that person***

## Appendix A: Glossary of Terms

Table A1: Glossary of terms for the Modernising Child, Youth and Family Programme

Term	Description
Administrative Data	This refers to data collected by CYF front-line staff during the normal course of business activities. It is predominantly captured in the CYRAS case management system, or in web-based platforms connected to CYRAS
CFA	<p>Child and Family Assessment – A full assessment of the needs, strengths and risks of a child or young person and their family/whānau, following an initial safety and risk screen</p> <p>Completed as an alternative to a joint investigation with Police for cases where the concerns do not meet the threshold for serious child abuse set out in the joint CYF/Police Child Protection Protocol</p>
Contact record	A written record made by the National Contact Centre for notifications or contacts that were not determined to have met the threshold for further CYF action
CPP	Child Protection Protocol - A joint agreement between CYF and Police that sets out the way that CYF and the Police will work alongside each other in situations of serious child abuse
FGC	Family Group Conference – A family-led decision-making process facilitated by a Family Group Conference Coordinator – families/whānau and professionals work together to agree a plan for how they will keep a child or young person safe within their community
FVIARS	Family Violence Interagency Response System – An interagency initiative used to consider cases of family violence and determine the most appropriate response
FWA	<p>Family/Whānau Agreement – A written contract between a family/whānau and CYF that is intended to provide the minimum necessary level of intervention required to address the safety and protection concerns for the child or young person</p> <p>An alternative to the Family Group Conference process</p>
HCN	High and Complex Needs – The High and Complex Needs Unit is an interagency unit that supports staff and managers across health, disability, education and CYF to identify, plan and better meet children's needs when they are high and complex
Investigation	An alternative to the Child and Family Assessment. A joint investigation with Police for serious allegations of child abuse and neglect that meet the threshold set out in the CPP
MAI	Mass Allegations Investigation – A 'potential mass allegations' investigation is an investigation of allegations relating to the serious abuse of several children and/or young people by the same person or group of people

NCC	National Contact Centre
Notification	A contact made to CYF's National Contact Centre or a site by a concerned member of the public or partner agency about the safety or well-being of a child or young person
Partnered Response	An alternative to a CYF intervention. The case is referred to a third party community provider to deliver services for families with lower level issues who do not require a formal CYF response
ROC	Report of Concern – A report completed by the National Contact Centre and sent to a site for further consideration summarising the nature of the concerns notified, history with CYF and recommended timeframe for CYF response
Safety and risk screen	An initial assessment of safety completed by CYF within a timeframe designated at intake (24 hours, 48 hours, 7 working days or 20 working days) to identify if immediate action is needed to secure the safety of the child or young person.

## Appendix B: Terms of Reference For The Modernising Child, Youth And Family Expert Panel

### *Terms of reference for the Modernising Child, Youth and Family Expert Panel*

#### **Purpose**

These terms of reference describe the objectives and functions of the Modernising Child, Youth and Family Expert Panel (Expert Panel), an independent advisory group appointed by the Minister of Social Development (the Minister).

#### **Background**

The former Department of Child, Youth and Family Services (CYFS) merged with Ministry of Social Development (MSD) in 2006. Prior to this time, CYFS experienced significant organisational and performance issues. While there have been improvements, a number of recent reports show that significant issues still exist within Child, Youth and Family. These include:

- The Mel Smith report (2011) emphasised the need for a child-centred approach with all of government taking joint responsibility for child safety and welfare.
- The Broad report (2013) proposed ways to ensure Child, Youth and Family is accountable for what it does, and identified areas for improving the framework of organisational, professional and regulatory structures to support the practice and framework of Child, Youth and Family.
- A Deloitte report looked into Child, Youth and Family spending.
- The Qualitative Review of Social Worker Caseloads, Casework and Workload Management (the Workload Review) (2014) found a lack of clarity around Child, Youth and Family's core business.

In addition, the Children's Action Plan, along with other Government and Ministry of Social Development initiatives, are changing the environment in which Child, Youth and Family operates – creating both opportunities and different expectations.

The Ministry of Social Development has initiated a programme of work that will lead to a significant transformation of Child, Youth and Family, known as Modernising Child, Youth and Family.

Modernising Child, Youth and Family aims to develop a new operating model which sets out the structure, systems and resources needed to help improve the outcomes for children and young people by strengthening and enhancing the way it operates, and provide advice to Government on what future investments should be made to improve Child, Youth and Family's performance.

A first draft of the Modernising Child, Youth and Family Business Case was provided to the Minister in December 2014.

The Minister considers the Modernising Child, Youth and Family programme would benefit from greater external oversight and expertise over the development of the business case. This objective will be achieved through the establishment of an expert panel to provide advice and oversight over the development and finalisation of the Modernising Child, Youth and Family Business Case.

## **Objectives**

The Government's expectation is that the Expert Panel will provide the Minister with authoritative and independent advice on the development and finalisation of the Modernising Child, Youth and Family Business Case.

Specifically, the Expert Panel is responsible for:

- Providing the Minister for Social Development with a programme level business case by 30 July 2015. The programme level business case will be focused on the case for change, desired future state for CYF and a high level assessment of options for a future CYF operating model; and
- Providing oversight and challenge on the development of the detailed business case, to be delivered to the Minister for Social Development by December 2015, with any Budget decisions considered as part by Budget 2016.

These dates are indicative and are subject to confirmation following discussion between the Chair of the Expert Panel and the responsible Minister.

## **Scope**

In developing the programme level and detailed business cases, the Expert Panel may consider any matter relating to Child, Youth and Family's operating model and core business.

It is the Government's expectation that the Expert Panel will specifically consider:

- The extent to which Child, Youth and Family's current operating model is child-centric and focused on improving results for children and young people
- The core role and purpose of Child, Youth and Family; and opportunities for a stronger focus on this, including through outsourcing some services
- The effectiveness, efficiency and economy of Child, Youth and Family's current spend and the extent to which it is delivering improved results for children and young people. This includes mechanisms for determining distribution of resources to national and regional areas, to individual clients and between care and protection and youth justice services
- The development of an investment approach for Child, Youth and Family to ensure spending is focused on results
- Approaches to improving intake, assessment and planning processes to reduce system churn and to better ensure that children and young people receive the support and services they need
- Actions required to ensure effective planning for young people transitioning from care, including consideration of the costs and benefits of increasing the age of leaving care
- The purpose of Child, Youth and Family care and protection residences and youth justice facilities, and the extent to which these provide effective use of resources to improve outcomes for children and young people
- The professional knowledge, skills and expertise required by Child, Youth and Family to deliver improved results for children and young people they work with, and implications of this for providers of training, development and contracted services

- The extent to which effective strategies are in place to recruit, support and retain high quality caregivers who are able to provide stable placements and meet the diverse needs to those requiring care
- The adequacy of current independent oversight, advocacy and complaints mechanisms for Child, Youth and Family
- Approaches that Child, Youth and Family could use to form stronger partnerships with other Government agencies and non-governmental organisations to improve results for children and young people
- The interactions, alignments and responsibilities of Child, Youth and Family, Children’s Teams and other relevant services
- The availability, access and use of evidence, data and information to support accountability and management decision-making, including monitoring and evaluation of the quality, costs and outcomes for children and young people
- The potential role of data analytics, including predictive risk modelling, to identify children and young people in need of care and protection
- How technology might be better utilised by Child, Youth and Family to enable staff to focus on more effective working with children, young people and their families
- Any legislative barriers that prevent the delivery of improved results for children and young people who come into contact with Child, Youth and Family
- How to ensure that the new operating model delivers better outcomes for all Child Youth and Family’s clients, and particularly for Māori
- Any other issues that the Expert Panel believe is necessary to be considered as part of the Modernising Child, Youth and Family Business Case or brought to the Minister of Social Development’s attention.

### **Accountability**

The Expert Panel is accountable to the Minister for the quality and timeliness of its advice and reports.

The Chief Executive is accountable to the Minister for the implementation and ongoing delivery of the Modernising Child, Youth and Family Programme.

The State Services Commissioner will have regard to the advice of the Expert Panel when assessing the performance of the Chief Executive on matters concerning the development of the Modernising Child, Youth and Family Business Case.

### **Conduct of Business**

The Expert Panel will agree an approach with the Minister for carrying out its role. This will specify the content and frequency of its reporting. Given the challenging timeframes for the development of the Modernising CYF Business Case, it is expected that the Expert Panel will meet frequently.

The chair of the Expert Panel will:

- provide free and frank advice using a no surprises approach with both the Minister and the Chief Executive
- provide advice that takes account of the resources allocated to the Ministry of Social Development for the development of the Modernising Child, Youth and Family Business Case
- consult the Minister and the Chief Executive before talking to the media
- receive from the Ministry regular, timely and accurate reporting, the nature and detail of which will be determined by the Board.

In order that the Expert Panel can fully execute its functions it is expected that the Ministry of Social Development will support their role by operating a no surprises approach, provide timely advice and information to the Expert Panel, and consult with the Expert Panel on engagement with the media.

All advice or information provided to the Expert Panel by the Ministry of Social Development will be subject to the provisions of the Official Information Act. All advice or information provided by the Expert Panel to the Minister, other ministers, and/or the Chief Executive, will be subject to the provisions of the Official Information Act 1982 and its release will be subject to consultation with ministers. Decision on the release of information will be determined after consultation with all interested parties.

The Chief Executive will support the Expert Panel by ensuring that it is provided with the information and expert advice (e.g. actuarial advice) relevant to the development of the Modernising Child, Youth and Family Business Case. The Chief Executive will meet with the Expert Panel's chair to determine the form and content of this information, and on other support to be provided. They will agree upon an annual budget for the Expert Panel following consultation with the Minister.

### **Authority**

The Expert Panel is an advisory body and has no authority to direct any Government department or agency, employ staff, enter into contracts, or make commitments or undertakings on behalf of any Minister or Chief Executive.

### **Review**

The Minister will review these terms of reference and the membership of the Expert Panel in November 2015, with a view to shifting their focus towards assurance over implementation of the Modernising Child, Youth and Family Business Case.

The Minister will consult with Cabinet on proposed changes to the Expert Panel's terms of reference and membership before the end of 2015.

### **Membership**

The Expert Panel shall consist of five members, including the chair.

Together, members should have:

- Extensive, large scale change management experience, preferably in an operational environment;
- Experience in developing and / or providing assurance on an actuarial valuation model;

- A strong understanding of CYF’s operating environment, or of a comparable operating environment in another jurisdiction;
- Senior and recent Public Service experience;
- Strong understanding of tikanga Māori; and
- Strong governance capability.

The chair and members of the Expert Panel are appointed by the Minister for Social Development, following consideration by Cabinet’s Social Policy Committee.

Members shall be appointed for a period determined by the Minister. Members may be reappointed at the discretion of the Minister.

The Minister for Social Development may remove a member of the Expert Panel from that office by issuing written notice stating the date from which the removal of the member is effective. The Minister may, at his or her discretion, consult with the chair before removing a member of the Expert Panel. The chair may be removed from the board by the Minister for Social Development issuing written notice stating the date from which the removal of the chair is effective.

Any member of the Expert Panel may tender their resignation at any time by way of letter addressed to the Minister for Social Development.

Members are expected to act in good faith, with integrity and with reasonable care in performing their duties on behalf of the Expert Panel.

The Chief Executive, or his or her designated representative, shall have a standing invitation to attend the Expert Panel’s meetings and to contribute to deliberations, but is not a member of the Expert Panel. The chair may choose, from time to time, to exclude officials from a meeting or part of a meeting.

### **Fees and Expenses**

Fees are determined under the fees framework set out in Cabinet Office Circular CO (12) 06.

## Appendix C: CYF Strategic Vision And Plan

CYF's strategic vision and plan for discharging its functions is set out in *Ma mātou, ma tātou: Changing young lives*.

The plan presents the following vision, mission and goal for CYF.

- Our vision: Children and young people are in families and communities where they can be safe, strong, and thrive.
- Our mission: Embed quality, child-centred practice throughout our service, and inspire others to do the same.
- Our goal: Establish a multi-agency approach to protecting and caring for New Zealand's most vulnerable children and young people.

The plan identifies five strategic priorities for CYF.

Within each priority area there are more detailed objectives from 2012 – 2015, set out in the table below:

**Table C1: CYF Strategic Priorities, 2012 - 2015**

### Quality social work practice

- Deliver world-leading Family Group Conference practice and one single, integrated plan for each child
- Establish a new outcomes framework that measures quality practice and real results for children and young people, and an enhanced practice and knowledge system to deliver it
- Reduce the number of children progressing into the youth justice system by working early with them, their siblings, whānau and others
- Develop a first class care system, so children and young people can be the best they can be.

### Working together with Māori

- Deliver a service that is internationally recognised as being culturally sensitive, respectful and responsive for Māori.
- Build strong, respectful and positive partnerships with hapū and iwi.
- Incorporate the values, culture and beliefs of Māori and promote te reo in our everyday work.
- Lead by example.

### Voices of children and young people

- Ensure children's participation and feelings shine through in all our interactions and planning, from assessment, to Family Group Conference, to Youth Court plans, social work visits and follow up.
- Involve children and young people in service enhancements at a national and local level, so they can help us create a service that is responsive to them.
- Ensure the participation and influence of children and young people shape the knowledge and skills of our

workforce, so we become recognised experts in enabling ‘children’s voices’.

- Uphold and protect children’s rights by establishing a systematic, real time complaints and feedback system.

### Connecting communities

- Build and lead a network of organisations that address a shared concern, and give children and young people better support for great outcomes.
- Get clear about our service areas of greatest need, where we can have the greatest impact for children and young people, and work with the provider sector to move services towards these.
- Review and revitalise the way we involve communities, with clear follow up and accountabilities, so we’re able to respond safely and consistently to the reports of concern coming into our organisation.
- Work with our partners to establish a training ‘hub’, where social service providers, agencies and others can share and learn together, building a strong, knowledgeable community that’s focused on kids.

### Leadership

#### *Our people*

- Harness the professional skill and expertise of our managers, supervisors and practice leaders, to coach, lead, challenge and support quality practice. This involves: clearer roles and accountabilities, professional development and 100 per cent registered professional workforce by 2015.
- Develop a social work graduate programme that progressively builds knowledge, experience and confidence in the bright new people who join our organisation.

#### *Our caregivers*

- Improve the quality of our caregiver recruitment, assessment and support.
- Celebrate and acknowledge those day to day achievements through local and national recognition programmes.

For each of the strategic priorities there are associated expectations for the first, second and third years for translating the strategy into action<sup>56</sup>.

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<sup>56</sup> For example, as part of the work around quality social work practice, the following expectations are set out in relation to Family Group Conferences: Family Group Conference standards in place; active participation of tamariki mokopuna, whānau and professionals; victims attending, supported, heard and engaged; Family Group Conference coordinator accreditation and support; evidence based, culturally responsive programmes prioritised.

## Appendix D: CYF Output Plan Performance Measures 2015/2016

Table D1: CYF Output Plan Performance Measures 2015/2016

Performance Measure	Standard
<b>Care and Protection Engagement and Assessment</b>	
The percentage of notifications where there are immediate concerns about the safety of the child, that have an initial assessment commenced within the timeframe appropriate to the safety of the child or young person will be between: Very urgent (up to 48 hours) or Critical (less than 24 hours)	95 –100%
The percentage of notifications requiring further action, where there are no immediate concerns about the safety of the child, that have an initial assessment commenced within the timeframe appropriate to the needs of the child or young person will be between: Urgent – (within seven working days) or Low urgent – (within 20 working days)	85–95%
The percentage of investigations/child and family assessments completed within 43 working days for those aged five and over will be between	80-90%
The percentage of investigations/child and family assessments completed within 36 working days for under five year-olds will be between	85-95%
The percentage of children and young people who have been abused/neglected within six months of a previous finding of abuse/neglect will be no more than <sup>57</sup> (new).	15%
<b>Output: Care and Protection Seeking Safety and Security</b>	
The percentage of Care and Protection Family Group Conference plans reviewed by the agreed due date will be between	95-100%
The percentage of children or young people who have a care plan within seven working days upon entering a care and protection residence will be between	90-100%
<b>Output: Care and Protection Securing Stability and Well-being</b>	
The percentage of children and young people in care referred for a Gateway Assessment will be between	70-80% (was an SOI measure)
The proportion of children aged under five years who are unable to return home who are placed with their home for life caregiver within 12 months of coming into care <sup>58</sup> will be between	60-70% (was an SOI measure)
The percentage of children and young people discharged from a care and protection residence with an individual plan to help them transition back to the community will be between	95-100%

<sup>57</sup> Note that repeat findings may relate to historical events before the child or young person came to our attention.

<sup>58</sup> A home for life placement occurs when a child is placed by Child, Youth and Family with a caregiver who is approved to offer a permanent home. Achieving a home for life occurs when the Chief Executive's custody is discharged in favour of a permanent caregiver.

Performance Measure	Standard
The percentage of children and young people in out-of-home care for more than 12 months, who have had more than three caregivers within the previous 12 months, will be no more than	16%
The percentage of Family Court plans reviewed on time will be between	95-100%
The percentage of children and young people with siblings in out-of-home care who are placed with at least one of their siblings will be no less than	80%
<b>Output: Youth Justice Engagement and Assessment</b>	
The percentage of young persons and/or key family members consulted by the Youth Justice Co-ordinator during the convening phase will be between	90-95%
<b>Output: Youth Justice Safety and Belonging</b>	
The percentage of Youth Justice Family Group Conferences held within statutory timeframes (unless there are special reasons for delay <sup>59</sup> ) will be between	95–100%
The proportion of victims engaging in Family Group Conferences will be between	55-65%
The percentage of young people who have an individual care plan within seven working days of entering a youth justice residence will be between	90-100%
<b>Youth Justice Changing Behaviour and Enhancing Well-being</b>	
The proportion of child offenders who have a subsequent youth justice referral will be no more than	65% (was an SOI measure)
The proportion of young offenders who are referred to a youth justice family group conference within one year of a previous youth justice Family Group Conference will be no more than	40% (was an SOI measure)
The proportion of young offenders who are in education, training or employment following our intervention will be between	60-70% (was an SOI measure)
The percentage of Youth Justice Family Group Conference plans reviewed on time will be between	95-100%
The percentage of young people discharged from a youth justice residence, after completing a Supervision with Residence order, who receive an individual transition plan to help them re-integrate into society will be no less than	100%
<b>Adoption Services</b>	
Number of requests <sup>60</sup> from adults seeking identifying information on birth parents will be between	150 -200
The percentage of Child, Youth and Family adoptive placements made where agreement for future contact between birth and adoptive parents has been discussed will be between	90-100%

<sup>59</sup> Special reasons for delay are set out in the practice guidelines.

<sup>60</sup> Under section 9(4)(c) of the Adult Adoption Information Act 1985.

## Appendix E: What Does The Evidence Say About Best Practice Approaches To Child Protection?

Children and young people who become involved with child protection agencies have the right to expect that the organisations and professionals that provide services will be able to make a positive difference in their lives, and most importantly, will not do them harm.

Evidence-based practices and programmes are an essential component of ensuring that this occurs. Just like in healthcare, proven interventions are a critical foundation for protecting the interests of children, young people and their families. Evidence-based practice necessitates bringing together research on proven programmes, an assessment of child and family circumstances, and the preferences and decisions of children and families.<sup>61</sup>

Among the child and youth focused programmes that have been properly tested, there are many that show positive impacts. However, many programmes also show no beneficial impacts, and a smaller number also appear to harm participants or particular sub groups<sup>62</sup>. For example, one study suggests that the US system of statutory care may be harmful for children and young people living in moderately risky families where the removal decision is not clear cut<sup>63</sup>.

Effective child protection requires service delivery to use processes and programmes that have been proven to be effective using modern scientific methods of testing, and also delivered and implemented in a manner consistent with what was tested. A particularly important component of evidence-based programmes is that they are implemented appropriately and with fidelity.

Set out below in Table E1 are a range of example programmes and practices that meet this high standard of evidence. These examples demonstrate the range of well-tested proven approaches that could potentially form the components of a well-functioning child protection system. Unfortunately, few of the approaches have been tested in New Zealand. Most of New Zealand’s child protection system relies on practices and approaches that have not been proven to a high standard of evidence.

**Table E1: Examples of evidence-based programmes and practices**

Intervention	Description	Impact	Standard of Evidence
Early Start	Early Start is a home visiting service targeted at families with infants who are facing severe social, economic or emotional challenges	Small to moderate impacts on health service usage, self-reported parenting quality, parent reported child behaviour problems and injury hospitalisations. Also effective for Māori	Well conducted trial in New Zealand
Incredible years	Intensive parent management	Improved child behaviour.	Multiple US and UK

<sup>61</sup> Shlonsky, A. & Gibbs, L. (2004) Will the Real Evidence-Based Practice Please Stand Up? Teaching the process of Evidence-Based Practice to the Helping Professions. *Brief Treatment and Crisis Intervention*, Vol., 4(2), p 137 - 153.

<sup>62</sup> (McCord, 2001)

<sup>63</sup> (Doyle, 2007)

Intervention	Description	Impact	Standard of Evidence
	training programme consisting of weekly two-hour sessions delivered over 12–18 weeks by two trained group leaders to a group of up to 16 participants	Effective for Māori families	trials and NZ pilot
Nurse Family Partnership	A nurse home visitation programme for low-income, pregnant women	Reduced child maltreatment, mothers' subsequent births, and children's cognitive/educational outcomes	US multiple site trials
Child First	A home visitation programme for low-income families with young children at risk of emotional, behavioural, or developmental problems, or child maltreatment	Reduced child maltreatment, and child conduct and language development	US near top tier
Triple P	A system of parenting programmes for families with children age 0-8, designed to prevent child maltreatment	Reduced child maltreatment and foster care placements	US trials
SEEK	Prevention and early intervention delivered in paediatric primary care settings	Associated with reduced maternal psychological aggression and minor physical assaults	US trial
Parent Management Training – the Oregon Model (PMTO)	Parenting programme for recently separated single mothers with sons aged six to 10 years	Sons of women in the programme group had substantially fewer arrests over nine years (an average of 0.76 arrests per boy in the PMTO group versus 1.34 per boy in the control group)	Well conducted trial
Carrera Adolescent Pregnancy Prevention Programme	A comprehensive, year-round youth development programme for economically disadvantaged teens	Reduced pregnancies and births	Multisite US trial
Recovery coaches	Programme for substance-abusing parents who have temporarily lost custody of their children	Increase in family reunifications and reduction in active foster care cases	Well conducted US trial
Montreal Prevention Programme	School and home-based delinquency prevention programme for disruptive boys aged 7-9 years	Increase in high school graduation rates, and decrease in criminal behaviour, in early adulthood	Well conducted Canadian trial

Intervention	Description	Impact	Standard of Evidence
Multidimensional Treatment Foster Care	A foster care programme for severely delinquent high needs young people	Reduced offending and pregnancies	Multiple US trials
Attachment and Bio behavioural Catch-Up	Support for caregivers of infants six months to two years old who have experienced early adversity	Impacts on attachment, cortisol production, executive functioning	Multiple US trials
Multisystemic therapy	Intensive family and community-based treatment for serious juvenile offenders with possible substance abuse issues and their families	Range of positive impacts including reduced overall offending, sexual offending and substance abuse	Multiple trials
Cognitive Behaviour Therapy (CBT) for youth offenders in residential facilities	CBT for youth offenders	Reduced re-incarceration and disciplinary infractions	Numerous control trials in different settings. One US trial among incarcerated youth offenders
Communities that Care	A coalition of community stakeholders receive training and technical assistance to identify needs and implement tested and effective programmes for youths (aged 10 to 14 years), their families and schools	Reduced drug use, alcohol, smoking, delinquency and violent behaviour	US cluster trial

Source: Fergusson, D., Boden, J. and Horwood, J. (2012) Early Start Evaluation Report: Nine Year Follow Up, Ministry of Social Development; Sturrock, F. et al., (2013) Incredible Years Pilot Study Evaluation Report, Ministry of Social Development; Ludwig, <http://home.uchicago.edu/ludwig/papers/Hamilton20Ludwig20and20Shah%202014.pdf>. Eckenrode, J., Campa, M., Luckey, D. W., Henderson, C. R., Cole, R., Kitzman, H., Anson, E., Olds, D. (2010). Long-term effects of prenatal and infancy nurse home visitation on the life course of youths: 19 year follow-up of a randomized trial. *Archives of Pediatrics & Adolescent Medicine*, 164(1), 9-16. Lind, T., Bernard, K., Ross, E., & Dozier, M. (2014). Intervention effects on negative effect of CPS-referred children: Results of a randomized clinical trial. *Child Abuse & Neglect*, 38(9), 1459–1467. Sanders, M. R. (2012a). Development, evaluation, and multinational dissemination of the Triple P-Positive Parenting Program. *Annual Review of Clinical Psychology*, 8, 345–379. doi: 10.1146/annurev-clinpsy-032511-143104. Dubowitz, H. et al., (2012) The SEEK Model of Pediatric Primary Care: Can Child Maltreatment Be Prevented in a Low-Risk Population? *Academic Paediatrics* 12(4):259-68. Forgatch, M. S., Patterson, G. R., DeGarmo, D. S., & Beldavs, Z. G. (2009). Testing the Oregon delinquency model with 9-year follow-up of the Oregon Divorce Study. *Development and Psychopathology*, 21, 637-660. Fisher, Philip A., and Patricia Chamberlain. "Multidimensional Treatment Foster Care: A Program for Intensive Parenting, Family Support, and Skill Building." *Journal of Emotional and Behavioral Disorders*, vol. 8, no. 3, fall 2000, pp. 155-164. Philliber, Susan, Jackie Kaye, Scott Herrling and Emily West, "Preventing Pregnancy and Improving Health Care Access Among Teenagers: An Evaluation of the Children's Aid Society-Carrera Program," *Perspectives on Sexual and Reproductive Health*, Vol. 34, No. 5, 2002, pp. 244-251. Henggeler, S. W., Schoenwald, S. K., Borduin, C. M., Rowland, M. D., & Cunningham, P. B. (2009). *Multisystemic Therapy for antisocial behaviour in children and adolescents* (2nd ed.). New York: Guilford Press. Ryan, Joseph P., Sam Choi, Jun Sung Hong, Pedro Hernandez, and Christopher R. Larrison, "Recovery Coaches and Substance Exposed Births: An Experiment in Child Welfare," *Child Abuse & Neglect*, vol. 32, 2008, pp. 1072-1079. Jens Ludwig and Anuj Shah(2-140 Think Before You Act: A New Approach to Preventing Youth Violence and Dropout, The Hamilton Project Discussion Paper 2014-02. Hawkins, J., Oesterle S., Brown, E., Abbott, R. and Catalano, R. (2014) Youth problem behaviours 8 years after implementing the communities that care prevention system: a community-randomized trial, *JAMA Paediatrics* Feb;168(2):122-9. doi: 10.1001/jamapediatrics.2013.400.

Evidence-based practice requires the agency to continuously review and appraise the evaluation literature, and to the extent possible, to use only proven approaches as part of the delivery of prevention and care for vulnerable children.

A fundamental requirement is to develop and maintain a comprehensive programme of developing and testing major practices and programmes. This programme needs to use best practice techniques (trials with qualitative components, as well as high quality statistical evaluations), and be undertaken by the agency in concert with independent academic collaborators.

The need for a comprehensive programme of rigorous trials is particularly urgent for Māori children given their over-representation in all aspects of child protection and youth justice. Such a programme requires careful definition of effectiveness to encompass outcomes important for Māori, and for interventions to be developed in partnership with Māori communities.

## Appendix F: International Comparisons and Characteristics

### Different Approaches

History, context and wider social policy settings mean that different countries have developed different ways of seeking to prevent and respond to child maltreatment.<sup>64</sup>

Child protection systems are usually compared based on judgements about the extent to which arrangements have a child protection or family service orientation.<sup>65</sup> Those with a child protection orientation tend to frame parents as culpable, leading to a focus on surveillance of families and child removal. Those with a family service orientation tend to focus on providing supportive services to prevent maltreatment. A comparison of these characteristics is included in table F.1 below.

**Table F.1: Characteristics of the ‘child protection’ and ‘family support’ orientations to child protection<sup>66</sup>**

Characteristic	Child protection orientation	Family service orientation
Framing the problem of child abuse	The need to protect children from harm	Abuse is a result of family conflict or dysfunction stemming from social, economic and psychological difficulties
Entry to services	Single entry point; report or notification by third party	Range of entry points and services
Basis of government intervention and services provided	Legalistic, investigatory in order to formulate child safety plans	Supportive or therapeutic responses to meeting the needs of children and families or resolving problems
Place of services	Separated from family support services	Embedded within broad child welfare or public health services
Coverage	Resources are concentrated on families where risks of (re-) abuse are high and immediate	Resources are available to more families at an earlier stage
Service approach	Standardised procedures and rigid timelines	Flexible to meet clients’ needs
State-parent relationship	Adversarial	Partnership
Role of the legal system	Adversarial and formal	Last resort, informal and

<sup>64</sup>This section draws heavily on Katz, I. Cortis, N. Shlonsky, A. and Mildon, R. (forthcoming) Modernising Child Protection in New Zealand: Learning from system reforms in other jurisdictions, Social Policy Evaluation and Research Unit (SUPERU)

<sup>65</sup>Gilbert, N. Parton, M. Skivenes (2011) Child protection systems: International trends and orientations, Oxford University Press, Oxford

<sup>66</sup>Price-Robertson, P. Bromfield, L. and Lamont, A. (2014) International approaches to child protection What can Australia learn? CFCA paper No. 23

		inquisitorial
Out-of-home care	Mainly involuntary	Mainly voluntary

A third approach that emerged from the mid-1990s is orientated towards child development.

New Zealand, like other English-speaking jurisdictions, would traditionally be classified as having a child protection orientation. Most countries, however, have a policy or legislative framework that comprises a combination of orientations, and recent changes here have incorporated an increasing family service and child development component. Like other English-speaking jurisdictions, New Zealand has in recent years attempted to provide increased services to prevent abuse and neglect and reduce the need for statutory care. Compared to other countries New Zealand is also distinctive in that it uses the Family Group Conference as a means of involving wider family and children and young people in decision-making.

### Indicators of referrals, findings and out-of-home care

Indicators of child protection activity in each country are useful in giving a sense of the nature of the overall activity of child protection agencies.

Countries differ in both the arrangements and recording of referrals of children to child protection services. As is shown below, New Zealand has a higher rate of referral of children to child protection compared to Australia. It is also likely that this is higher than England and the USA.<sup>67</sup> The volume of referrals in each country reflects a variety of factors including the underlying prevalence of maltreatment, differences in statutory definitions of what is counted, public and professional knowledge of thresholds, whether mandatory reporting laws are in place, and administrative practices for recording notifications. The following table F.2 describes the rate of referral per 1,000 children.

**Table F.2: Rates of referral to statutory child protection per 1,000 children in Australia and New Zealand, 2013/14**

Country	Referrals to child protection authorities per 1,000 children
Australia	38
New Zealand	59

Source: Australian Institute of Health and Welfare (2014) Child Protection in Australia. New Zealand data from CYRAS and Statistics New Zealand. The data refers to individual children subject to a notification each year expressed as a rate of all children and young people aged 16 years and under.

We have not compared New Zealand's maltreatment rate with other jurisdictions. This is for several reasons, including the fact that recent reviews of CYF maltreatment data have highlighted significant

<sup>67</sup>Munro et al (2011) Scoping review to draw together data on child injury and safeguarding and to compare the position of England with that in other countries, Childhood Wellbeing Research Centre, Research Report DFE-RR083.

concerns with the reliability of this information<sup>68</sup>, and the fact that policies, definitions and thresholds vary greatly across different jurisdictions, making comparisons problematic.

International comparisons of the rate of out-of home care are also difficult because of different approaches and definitions of formal out-of-home care. However, as is shown in Table F.3, it appears that New Zealand has a lower rate of children in out-of-home care than Australia, England, Norway and Finland.

**Table F.3: Number and rate of children in out-of-home care (per 1,000 children)**

Country	Rate per 1,000 children in out-of-home care
Australia (2013/14)	8.1
New Zealand with custody orders (2014)	5.3
New Zealand out-of-home care excluding placement with parents (2014)	4.1
England excluding placement with parents (2010)	5.3
USA (2010)	3.8
Norway (2010)	8.4
Finland (2010)	15.1

Source: Munro et al 2011 p 44. Australian Institute of Health and Welfare (2014) Child Protection in Australia and CYRAS. Note: Considerable caution should be exercised using these comparisons due to the different nature of child protection systems and data collection. Definitions of looked after children may include a combination of children voluntarily placed away from home and those on legal orders or simply the latter. Temporary stays in the form of respite may be included or excluded from the statistics.

An important issue for comparing the prevalence of children in out-of-home care in New Zealand is the existence of non-statutory care arrangements. In 2014 there were just over 4,200 children and young people in formal out-of-home placements in New Zealand. At the same time there were just over 5,800 children and young people living in informal out-of-home care with a carer paid the Unsupported Child Benefit (where the child or young person had been the subject of a notification, investigation or finding of maltreatment by CYF in the prior 12 months).

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<sup>68</sup> Unpublished findings from a review of 'Not founds' carried out by Insights MSD and the Office of the Chief Social Worker, and the Caseload and Workload Review carried out found limited options available to record the outcomes of investigations and assessments, and highlighted that improvements were needed to increase data reliability.

## Appendix G: Incidence Of Child Maltreatment in New Zealand

### Many children are affected by abuse and neglect

Table G.1 below sets out a range of measures of the overall extent of child abuse and neglect in New Zealand. These different measures cover child deaths and injuries from maltreatment, young peoples' self-reports of witnessing family violence in the home, and administrative measures of contact with CYF.

**Table G.1: Measures of the extent of child maltreatment in New Zealand**

Indicator	Measure
Child homicides	0.8 deaths per 100,000 children (annual average rate 2009-2013 for children 0-14 years)
Serious assault injuries for children (fatal and non-fatal)	4.3 children per 100,000 (2007 age standardised rate, three year moving average for children 0-14 years)
Young people reporting exposure to physical violence at home in the last year	10.4 per cent of secondary school students aged 12–18 years (2012)
Section 15 reports of concern made to CYF	6 per cent of 0-16 year olds (rate based on unique children with a section 15 report of concern in 2013)
CYF investigations and assessments of reported child maltreatment	5 per cent of 0-16 year olds (rate based on unique children who were the subject of an investigation or child and family assessment in 2013)
CYF findings of maltreatment	2 per cent of 0-16 year olds (rate based on unique children with a substantiated finding of maltreatment in 2013)

Source: Homicide rate based on the numbers of intentional deaths for 0-14 years olds from the 10th Data report 2009-2013, NZ Child and Youth Mortality Review Committee, and population estimates for 0-14 year olds from Statistics NZ. Serious assault injuries based on Statistics New Zealand (2011) Serious injury outcome indicators for children: 1994-2010 [http://www.stats.govt.nz/browse\\_for\\_stats/health/injuries/serious-injury-outcome-kids-94-10.aspx](http://www.stats.govt.nz/browse_for_stats/health/injuries/serious-injury-outcome-kids-94-10.aspx). Self-reported exposure to family violence from Youth 2012 survey, Adolescent Health Research Group (2012).

The underlying level of maltreatment is likely much higher than CYF administrative records suggest, as these records only include those cases reported and investigated. It is likely that abuse and neglect goes unrecorded for many children due to the private nature of the crime. Children may fear the consequences of coming forward if it means they are not believed or it leads to the break-up of their families.<sup>69</sup>

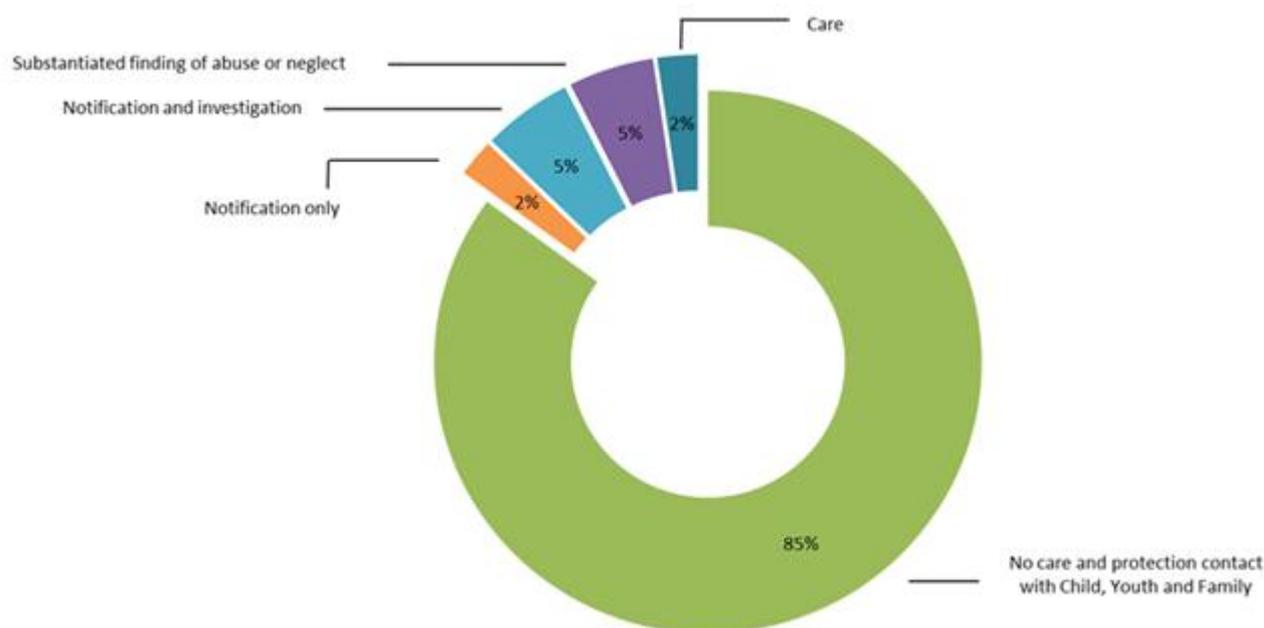
Administrative records from CYF shows that each year approximately 6 per cent of children are notified to Child, Youth and Family, 5 per cent are subject to investigation and assessment, and 2 per cent have findings of maltreatment.

A more complete picture of administrative records of abuse and neglect is gained by measuring

<sup>69</sup> Price-Robertson, P. Bromfield, L. and Lamont, A. (2014) International approaches to child protection, CFCA Paper No. 23 What can Australia learn? CFCA paper No. 23, and Bromfield, L. M., & Higgins, D. J. (2004). The limitations of using statutory child protection data for research into child maltreatment. *Australian Social Work*, 57(1), 19-30, and Hunter, C. (2011). Responding to children and young people's disclosures of abuse (NCPC Practice Brief). Melbourne: Australian Institute of Family Studies.

contact with CYF not just on an annual basis, but over the entire course of childhood.<sup>70</sup> Figure G.1 below provides an estimate of the extent of contact with CYF for all children born in 1990/91. For this cohort, approximately 15 percent had some form of care and protection-related contact with the agency by 18 years of age.

**Figure G.1: Prevalence of highest level of care and protection contact with Child, Youth and Family up until 18 years of age: cohort born in the 12 months to 30 June 1991**



The graph above also shows the highest level of contact with CYF for the 1990/91 birth cohort. *Around 7 per cent of the cohort had a substantiated finding of maltreatment.* This consisted of 5 per cent whose highest level of contact was a substantiated finding, and a further 2 per cent who as well as a substantiated finding, were also placed in CYF care.

Measured rates of childhood contact appear to be even higher for more recent birth cohorts. For the 1993 birth cohort just over 8 per cent had a finding of maltreatment. For children born in 2005 to 2007, 18 per cent were known to CYF by age five.<sup>71</sup>

Higher measured rates of contact for more recent cohorts reflect both measurement changes (some data on earlier cohorts are missing), and an increase in notifying behaviour in recent years.

### **A small group of young New Zealanders commit serious offences**

In 2014 approximately 2,729 young people were referred to Child Youth and Family by the Police as a result of serious youth offending. This represents almost 1 per cent of the population aged 12 to 16 years of age.

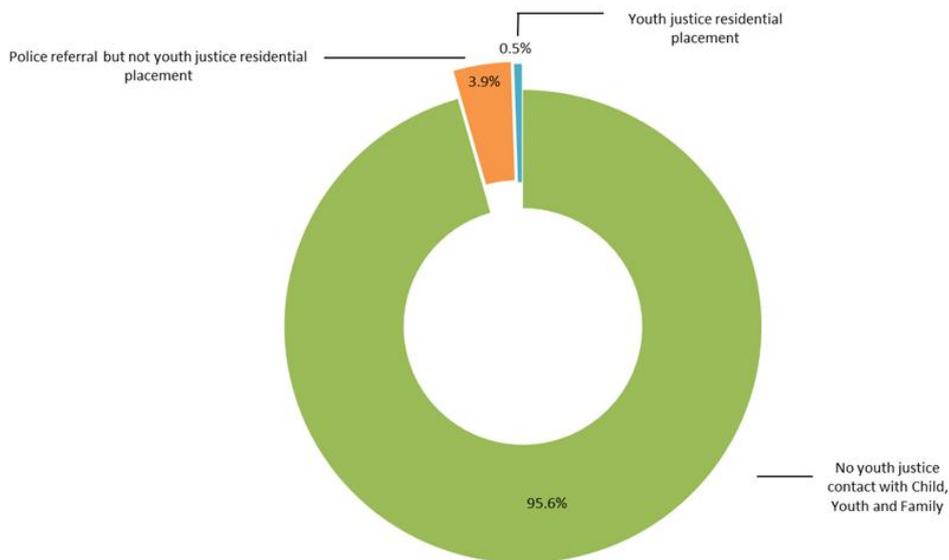
<sup>70</sup>The statistical analysis of cohort outcomes in this section draws heavily on Crichton, S., Tempelton, R., Tumen, S., Rissa Ota, Small, D., Wilson, M. and Rea, D. (2015) New findings on outcomes for children and young people who have contact with Child, Youth and Family

<sup>71</sup> Integrated Child Dataset

The childhood prevalence of involvement with CYF for youth justice reasons is considerably higher. For the 1990/91 birth cohort, 4.4 per cent of the cohort had some contact with the agency as a result of a Police youth justice referral, as shown in Figure G.2.

Importantly, just over half of these young people had previously had some form of involvement with the agency as a result of concerns about abuse and neglect.

**Figure G.2: Prevalence of youth justice contact with Child, Youth and Family up until 18 years of age: cohort born in the 12 months to 30 June 1991**



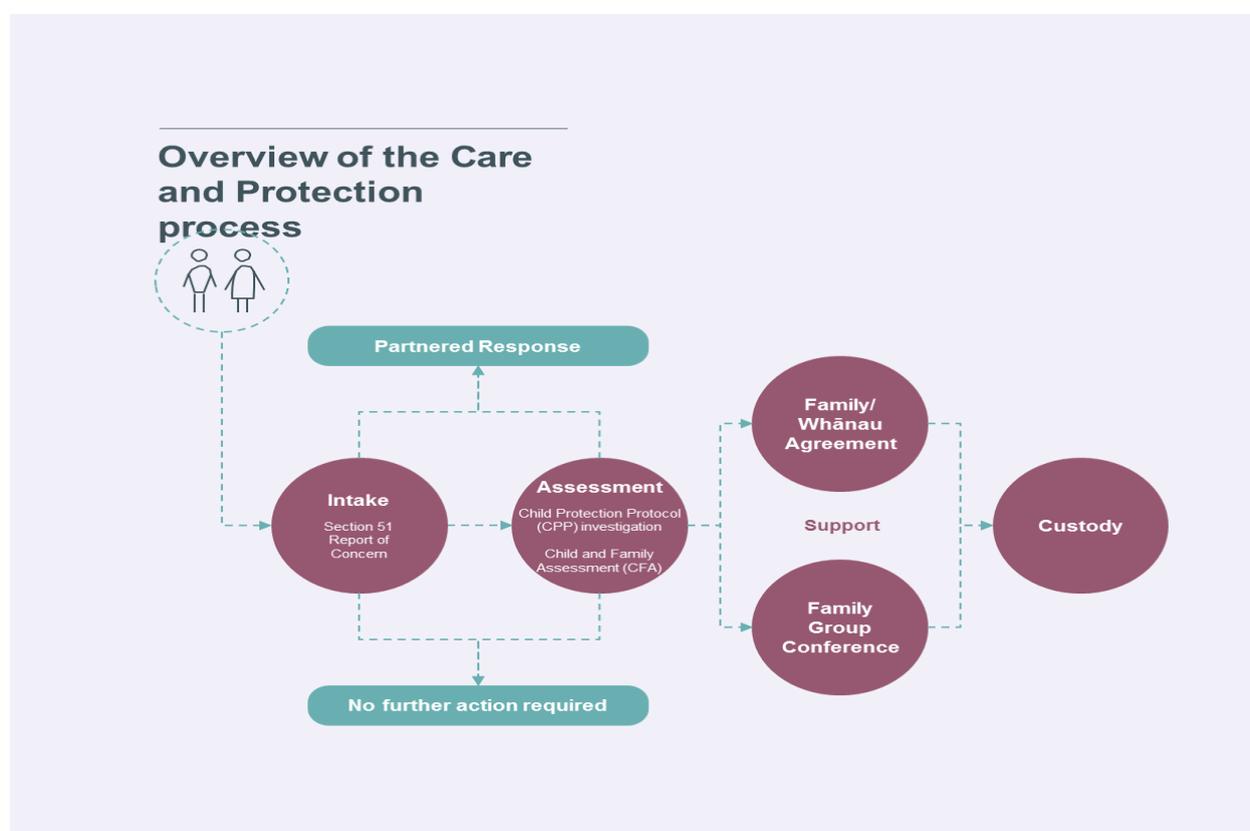
In recent years the number of young people being referred to CYF by the Police as a result of youth offending has declined.

## Appendix H – Client Pathways Through The CYF Process and The Profiles Of Those Who Experience Them.

This analysis identifies pathways through the CYF process that children experience. This was done using structured data captured through CYRAS<sup>72</sup>. This analysis is based on the first CYF engagement observed for each child or young person who was a CYF client in 2013. This includes client engagements which began prior to 2013.

The analysis considered the average profile of the children who experienced each of the main pathways and resulted in the pathways shown in Figure H.1 below.

**Figure H.1: Overview of CYF care and protection process**



**There are seven common pathways** or kinds of client engagement experience of the statutory care and protection system. These pathways are generally characterised by the level of intervention the child experiences and whether or not CYF remains involved in their lives; each is described below.

Overall most children who came to the attention of CYF in 2013 did not receive a statutory intervention<sup>73</sup>. Seven out of every 10 children who came to the attention of CYF because of care and protection concerns raised by the community or a professional are assessed at either the point of intake or after a formal investigation or assessment as not requiring CYF intervention. A minority of these children are referred to a non-government organisation through Partnered Response. Half of

<sup>72</sup> CYRAS is the software CYF uses to capture data and case management information

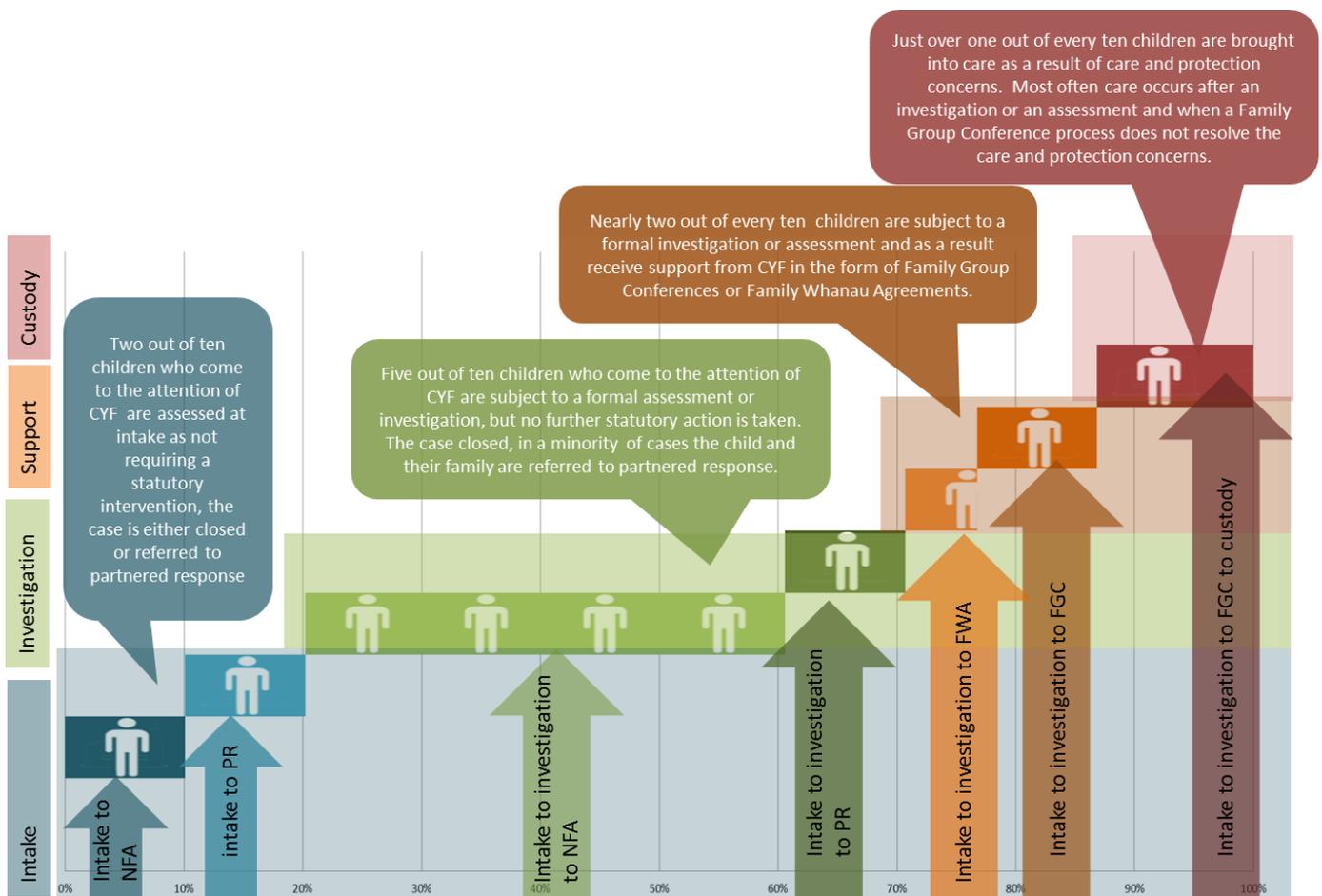
<sup>73</sup> Statutory intervention is defined here as direct CYF intervention after an assessment or investigation that has identified care and protection issues. This does not include support and services from other organisations that CYF may refer the child and their family to after determining that the care and protection issues do not require CYF intervention.

the children who do not receive a statutory response are re-notified within 12 months. For most of these children this was not the first time there was concern about their safety or care raised with CYF.

The remaining three out of every 10 children are assessed and it is determined that CYF intervention is required.

- For most of these children this involves a Family Group Conference. For a smaller group this involves the more informal process of a Family Whānau agreement.
- For just over one out of every 10 children their experience of CYF includes being brought into State care because safety and care was not able to be secured by working directly with the immediate family.

**Figure H.2: Pathways of all children who were engaged with CYF in 2013**



### Pathway – ‘Intake only resulting in no further action or partnership response’ pathways

CYF receives a notification about concerns for a child but determines that a statutory response is not required. To meet either a child’s needs, or those of their whānau, the matter may get referred to a non-government organisation through partnered response.

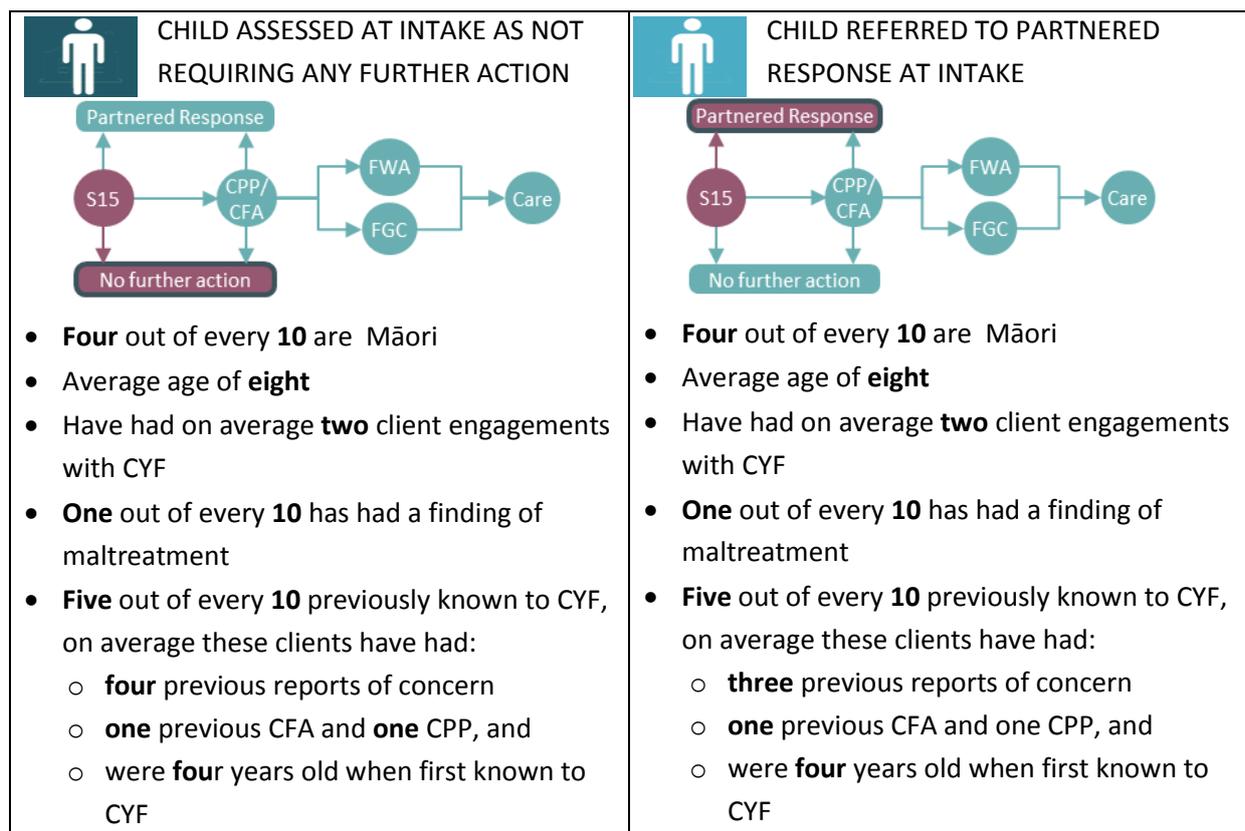


Nearly two out of 10 children who are notified to CYF for care and protection reasons are assessed at the point of intake as not requiring a statutory intervention. Within 12 months about half of these children will be re-referred to CYF because of community or professional concern for their safety and care.

About two-thirds of these clients are referred to community organisations (through partnered response), and there is no further action for one-third.

As the profiles below indicate, about half of these children were already known to CYF as a result of care and protection concerns.

Figure H.3: Profile of children whose pathway ended prior to CYF investigation



### Pathway – ‘Assessed or investigated, resulting in no further action or partnered response’

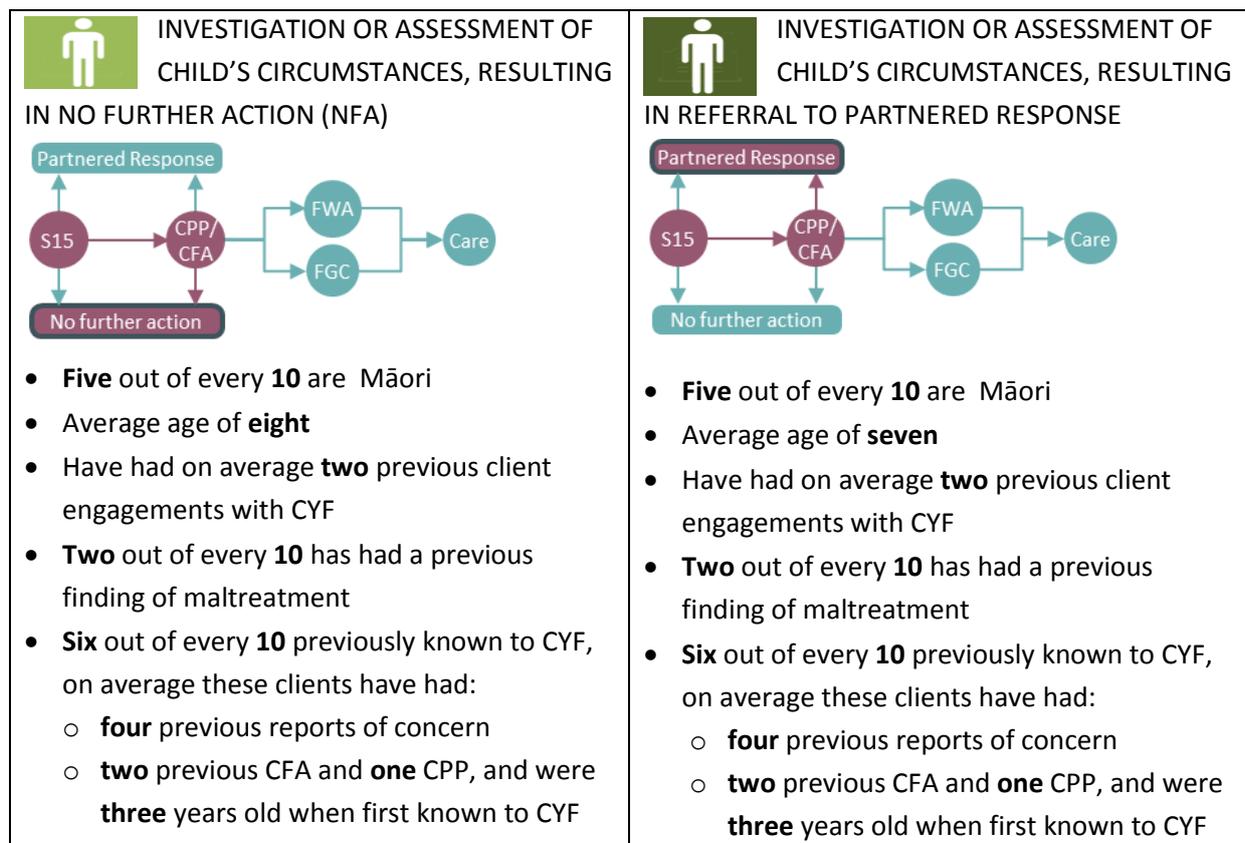
After intake an investigation or a child and family assessment is carried out into the allegations – the child may not be aware that this is happening, or that CYF is involved in their lives. As a result of the investigation or assessment, CYF may determine that further statutory intervention is not appropriate. To meet either a child’s needs or those of their whānau the matter may get referred to a non-government organisation through partnered response.



Five out of every 10 children who are notified are the subject of a formal investigation or an assessment of their circumstances, but no further statutory action is taken. Most of these children (80 per cent) receive no further support. A minority (20 per cent) are referred to community organisations through partnered response.

As the profiles below indicate, six out of every 10 of the children who experienced this pathway in 2013 were previously known to CYF on average at a very young age, and five out of every 10 are Māori.

**Figure H.4: Profile of children whose pathway ended post investigation/assessment, without a CYF intervention**



### Pathway – ‘Investigated or assessed, then received support in the form of Family Group Conference or Family Whānau Agreement’

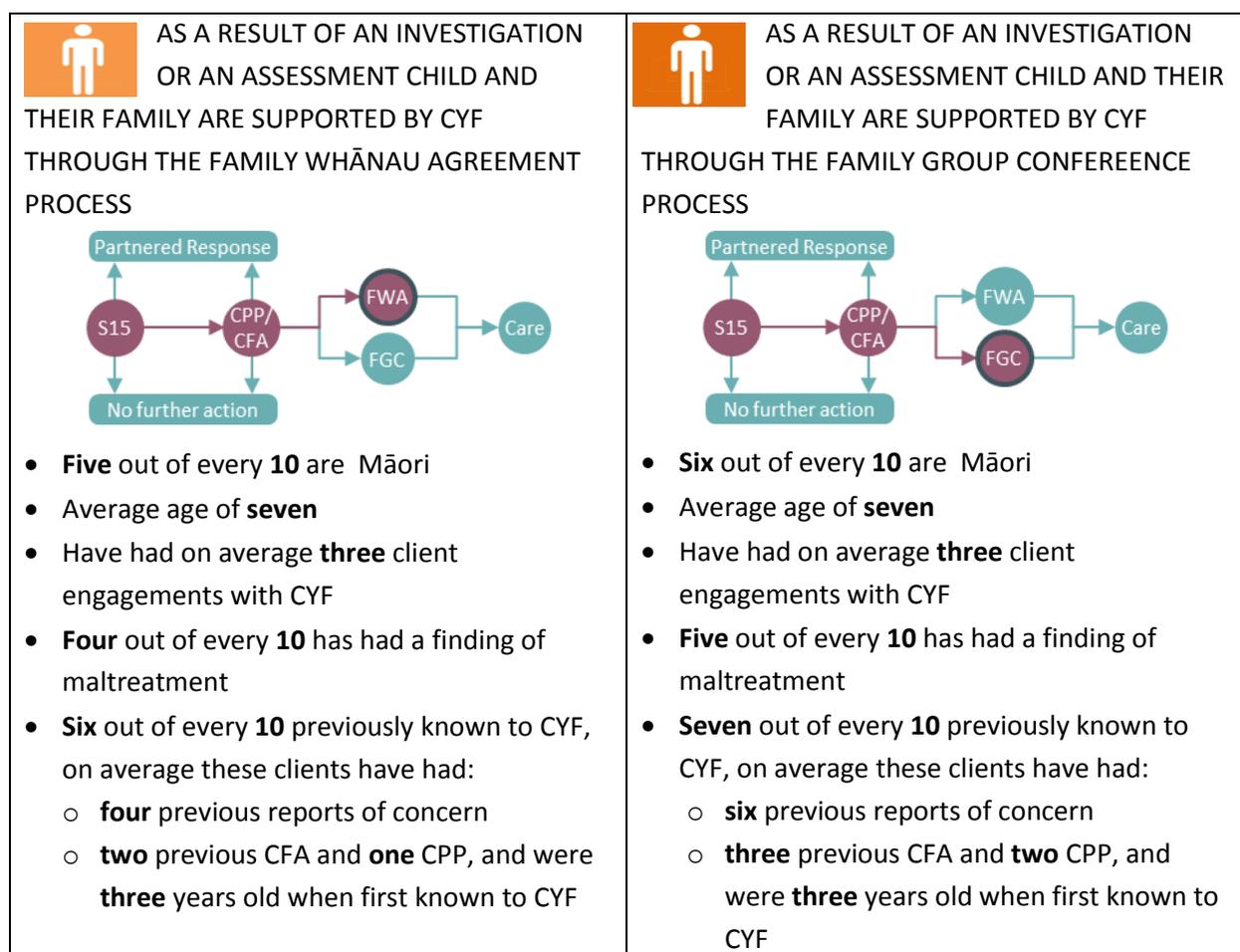
After intake an investigation or a child and family assessment is carried out into the allegations, CYF determines that the matter requires further statutory intervention. This will involve either a Family Whānau Agreement or the more formal process of a Family Group Conference. CYF continues to work with the whānau.



Nearly two out of every 10 children are investigated or assessed and as a result are receiving support from CYF in the form of Family Group Conferences process or Family Whānau Agreements. Two-thirds are children supported through the Family Group Conference process.

Five out of every 10 of the children who experience this pathway are Māori, and most were known to CYF at a very young age (average age of three).

**Figure H.5: Profile of children investigated/assessed and received CYF support**



### Pathway – ‘Investigated or assessed and brought into custody’

After intake an investigation or a child and family assessment is carried out into the allegations, CYF determines that the matter requires further statutory intervention. Following a Family Group Conference it is determined that State care is required to secure the care and protection of the child.



Just over one out of every 10 children is brought into care as a result of care and protection concerns. Most often care occurs after an investigation or an assessment and when a Family Group Conference process does not resolve the care and protection concerns. In rare situations children can be placed into care before these processes have occurred if the family court agrees there are immediate and serious care and protection concerns for the child.

Six out of every 10 of these children are Māori and on average they have had three engagements with CYF.

**Figure H.6: Profile of children whose pathway resulted in custody**

