

Establishing the Children and Young People's Commission - The Investment Case

December 2022



MANAAKITIA Ā TĀTOU TAMARIKI

Children's
Commissioner

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Purpose

This paper provides options and recommendations on the structure and associated investment required to establish a Children and Young People's Commission that strengthens system level advocacy for all New Zealand children and young people, enhancing the functions of the current Office of the Children's Commissioner. This is a new entity to take effect 1 July 2023.

The intent of this document is to support the decision-making process in regard to the optimal structure and resourcing of the new Commission to ensure it can deliver the expectations of the New Zealand public and the intent of the legislation. As a result, this paper does not offer recommendations.

It should be noted that the resourcing outlined under the two more streamlined options describe a minimum viable product. Care has been taken to make these options scalable if and when expansion might be considered. Regardless of the preferred model, it is the view of the authors that the resources described under Model Three (81 kaimahi) offer the most full-service option to effect change.

That notwithstanding, any of the model's described will be effective, accepting that the streamlined options may need to prioritise some work programmes above others due to capacity issues during some periods.

The **principles** that guide this work is the stated intent of the Government that the new Commission will:

- Be a loud and strong advocate prepared to challenge the status quo
- Have the flexibility, diversity, and mana to genuinely speak for our children and young people
- Bring more voices to the table through a Board that reflects the diversity of Aotearoa – specifically Pacific Peoples, the care experienced, and tāngata whaikaha, with significant input from a kaupapa Māori perspective
- Work collaboratively with the Independent Children's Monitor and the Ombudsman
- Ensure it has the capacity and skills to commission and analyse any information it has accessed in order to inquire into system-wide issues.

The proposed structure will reflect the Commissions **functions** under the Act, being:

- **Promoting interests and well-being of children and young people**
- **Promoting and advancing rights of children and young people**
- **Encouraging children's and young people's participation and voices**
- **To give effect to the Crown's responsibility to Te Tiriti o Waitangi**
- **Common Duties of the Monitor, the Ombudsman, and the Children and Young People's Commission.**

In addition, the new Commission retains the National Preventative Mechanism designation under the **Optional Protocol to the Convention Against Torture (OPCAT)** to monitor children and young people in Places of Detention.

Context

The restructure of the Office of the Children's Commissioner

The Status Quo

Sole Commissioner Model versus a Board Model

Timeframes for delivery

An Establishment Unit

The Office of the Children's Commissioner has recently undergone a change process to redesign our operating model. The **new structure** is designed to ensure greater collaboration across the tari and ready the OCC for the move to a Commission model. While this is the bare minimum structure within our current funding, it is a solid foundation that may be scaled and adapted to meet the requirements of the new Children and Young People's Commission.

The Children's Commissioner **currently** has 41 staff (excluding the Commissioner) with an Operating Budget of \$5.789 million and Crown Revenue of \$4.797 million for the 2022/23 financial year. Detail relating to the how that investment is expended and why may be found in our Statement of Performance Expectations 2022/23 and in Appendix One, and Two.

The move from a sole Commissioner model to that of a Board entails the creation of a **brand-new entity**. The existing model will cease to exist on 30 June, and the new structure, complete with its own governance arrangements, operational framework, financial systems, and leadership structure must be in place by that date. There is an aspect of transition – the movement of existing staff and functions into the new Commission, nevertheless the new functions required of the Commission under the Children and Young People's Act 2022 will require additional personnel, and an increase in capacity and expertise.

Given the new Commission will need to be in place by 1 July, effectively - given the holiday period – this suggests the **timeframe** for design and implementation will be a relatively constrained four and a half months.

It is of note that some one-off, limited resources will be required to set up the new Commission. This recognises the need of a specialised project team that will ensure that the 'bricks and mortar' are in place so the leadership of the new Commission can take the helm of a smooth running, efficient operation on day one, with an operating model that will equip the Commission to deliver on its broader vision. While many of the skills required are present within the tari, the dedicated focus required of the **Establishment Unit** cannot be met within current staffing levels.

Proposed Models

1. 1 FT Chief Children's Commissioner + 1 FT Commissioner – Maori + 3 PT Commissioners
2. 1 FT Chief Children's Commissioner + 4 PT Commissioners
3. 1 Chief Children's Commissioner and 4 Commissioners – all FT

Under the new legislation, the office will move from a single Commissioner to a Board consisting of a Chief Commissioner and up to 5 additional Commissioners. The models described below assume a board of 5 Commissioners (including the Chief Children's Commissioner), as what we anticipate is the most likely structure, noting a board totalling six members might risk the possibility of deadlock.

Should there be an appetite for these models to be recast comprising a total of three or six members, the OCC would be able to provide these figures at pace, while noting that there is limited financial savings associated with either reducing or increasing the number of Commissioners.

The three proposed models reflect the challenge of whether to establish a board with all members committed full-time to giving voice to the Commission's functions, or whether a number of part-time Commissioners in the first instance is sufficient as a minimum viable product.

Considerations/Observations:

- The models with part-time Commissioners assume a commitment of 6-10 days per month, for ten months each year.
- Under Model One a full-time Commissioner – Māori be appointed to ensure the board can meet its obligation to give effect to Te Tiriti o Waitangi, to build and maintain relationships with hapū, iwi, Māori organisations, community organisations and agencies with a strong focus on the rights, interests, and wellbeing of mokopuna Māori.
- While there are some opportunities for cost savings identified in the partial part-time models – notably travel – there are a number of supports needed that will be largely unchanged by scaling back board members time commitment. The rationale for this is that the range of skill sets required remain constant, in particular in the appointment of a Chief Executive and the establishment of a board secretariat.
- Given that the board members may be assigned portfolio's – such as Pacific People, the care-experienced, and tāngata whaikaha, it may be of note that under the partial part-time models the perception of external stakeholders may be that these groups are not being afforded adequate care and attention.
- A significant difference between the models is the nature and scope of work commissioned by the three part-time Commissioners. Under the full-time model, it is anticipated that these Commissioners will require significant support to progress their advocacy, research, and stakeholder outreach functions. This would require support from the Policy and Advocacy and Rights teams with sector expertise, and a level of communication support that a) ensures each voice is heard clearly by the New Zealand public and decision makers, while b) aligns across the Commission as a part of a cohesive whole. Under the partial part-time model, it is anticipated that the level of communications support may be reduced, however the policy and advocacy advice and support would be largely unchanged.
- Of note is that the existing Baseline Funding of \$3.157 million is insufficient to maintain any of the models discussed. The current operating expenditure is \$5.789 million. As a result, no funding can be re-prioritised.

Scaling:

- The models outlined are all associated with staff numbers and a core structure that is considered the minimum required to deliver on the functions outlined in the Act and the needs of the Commissioners as described.
- It is important to note that in the models with part-time Commissioners, a higher level of staffing would enable the Commission to deliver at a higher level, as this would enable a wider array of specialist knowledge, a greater ability to respond to unanticipated deliverables – such as the recent request made by the Abuse in Care – Royal Commission of Inquiry under s20 of the Inquiries Act 2013, and new government work programmes that would benefit from the Commissions support.

Foundation costs

A number of costs are associated with a new entity regardless of the composition of the board. For clarity these are outlined below as distinct from the three proposed models

Infrastructure

- Accommodation: Current lease arrangements expire 30 June 2024
The floor area is at capacity, accommodating 42 kaimahi on a 70% basis through hotdesking.
There is no capacity for the office to accommodate any growth in staffing.
Given the likelihood that at least one other Commissioner will be Auckland based, and the frequent presence of the Mai World team and the Monitoring team in Auckland, there are plans in place to establish an office in that city, with a single administration person.
- Outfitting: New furniture is required since the current furniture is end-of-life and also additional furniture required to meet the needs of an increase in the number of kaimahi will be required, that meets health and safety requirements.
- IT and Peripherals: The strengthened children's voices functions (s22) which include developing mechanisms and means to ensure that the Commission engages and supports children and young people to participate and express their views will require increased IT capacity and software. There is also an additional need to support an increase in kaimahi and additional Commissioners will require that the quality, capacity, and robustness of available equipment is fit for purpose. This includes computers, cell phones, printers, robust wi-fi, qualitative and quantitative research software, adequate archiving software, and monitors and AV screens suited to remote, online meetings.

Transition

Establishment Unit: As discussed above, a specialised project team is required to ensure the leadership of the new Commission can take the helm of a smooth running, efficient operation on day one, and that the Commission is able to deliver on the legislative requirements immediately.

Identity

- Web site: It is anticipated that a refreshed website will be required for the new entity, ready for 'Go Live'
- Branding: As per the above. For both the visual identity and the website, the existing look and feel might be repurposed, however the OCC anticipates that there will be an appetite from the new Board for the new Commission to be seen as fresh, and distinct from the existing identity.

Corporate

- Staffing: The new Act requires a Chief Executive, and they will require an EA to assist them with the running of the Commission. The Secretariat Support required to support the Board will consist of a Manager and four other staff. Other supports will be detailed in the model costings.

Foundation operating costings

Output	Existing investment	Proposed Investment	Offset existing against proposed?	Additional funding required
Accommodation	\$247,500	\$540,000	N/A	\$292,500
Establishment Unit	N/A	\$350,000 ¹	N/A	\$350,000 ²
TOTAL	\$247,500.00	\$890,000		\$642,500

Foundation capital costings

Output	Existing investment	Proposed Investment	Offset existing against proposed?	Additional funding required
Outfitting	-	\$340,000	N/A	\$340,000
IT and Peripherals	-	\$460,000	N/A	\$460,000
Identity	N/A	\$500,000	N/A	\$500,000
TOTAL	-	\$1,300,000		\$1,300,000

Note: The figures above do not include costs such as Holiday Pay, ACC, Eye care, etc. These costs are expressed in consolidated tables later in this document.

¹ Required in the 2022/23 financial year

² Based on a six-month tenure

Model One – staff costings

1 FT Chief Children's Commissioner + 1 FT Commissioner – Maori
+ 3 PT Commissioners

64 Staff in total

Output	Existing investment	Proposed Investment	Offset existing against proposed?	Additional funding required
Chief Children's Commissioner/EA	\$423,150	\$472,769 ³	N/A	\$49,619
Commissioner – Māori	-	\$347,769	N/A	\$347,769
3x PT Commissioners	-	\$208,661	N/A	\$208,661
+1 Chief Executive/EA	\$280,000	\$353,883	N/A	\$73,883
+4 Te Tiriti Staff	\$492,015	\$893,175	N/A	\$401,160
+1 Policy Staff	\$619,998	\$757,497	N/A	\$137,499
+3 Mai World Staff	\$767,200	\$1,030,861	N/A	\$263,661
+3 Advocacy & Rights Staff	\$840,145	\$1,103,806	N/A	\$263,661
+3 Corporate Staff (including Secretariat)	\$423,109	\$686,774	N/A	\$263,665
+2 Comms Staff	\$275,375	\$486,125	N/A	\$210,750
+1 HR Staff	\$155,000	\$223,593	N/A	\$68,593
Monitoring Staff	\$997,567	\$997,567	N/A	-
TOTAL	\$5,273,559	\$7,562,480		\$2,288,921

³ This is determined by the Remuneration Authority and may increase due to the new legislation.

Model Two – staff costings

1 FT Chief Children's Commissioner + 4 PT Commissioners

64 Staff in total

Output	Existing investment	Proposed Investment	Ability to offset existing against proposed?	Additional funding required
Chief Children's Commissioner/EA	\$423,150	\$472,769 ⁴	N/A	\$49,619
4x PT Commissioners	-	\$278,215	N/A	\$278,215
+1 Chief Executive/EA	\$280,000	\$353,883	N/A	\$73,883
+4 Te Tiriti Staff	\$492,015	\$893,175	N/A	\$401,160
+1 Policy staff	\$619,998	\$757,497	N/A	\$137,499
+3 Mai World Staff	\$767,200	\$1,030,861	N/A	\$263,661
+3 Advocacy & Rights Staff	\$840,145	\$1,103,806	N/A	\$263,661
+3 Corporate Staff (including Secretariat)	\$423,109	\$686,774	N/A	\$263,665
+2 Comms Staff	\$275,375	\$486,125	N/A	\$210,750
+1 HR Staff	\$155,000	\$223,593	N/A	\$68,593
Monitoring Staff	\$997,567	\$997,567	N/A	-
TOTAL	\$5,273,559	\$7,284,265		\$2,010,706

⁴ This is determined by the Remuneration Authority and may increase due to the new legislation.

Model Three – staff costings

1 FT Chief Children's Commissioner + 4 FT Commissioners

81 Staff in total

Output	Existing investment	Proposed Investment	Ability to offset existing against proposed?	Additional funding required
Chief Children's Commissioner/EA	\$423,150	\$472,769 ⁵	N/A	\$49,619
4 FT Commissioners	-	\$1,391,076	N/A	\$1,391,076
+1 Chief Executive/EA	\$280,000	\$353,883	N/A	\$73,883
+4 Te Tiriti Staff	\$492,015	\$893,175	N/A	\$401,160
+6 Policy Staff	\$619,998	\$1,386,638	N/A	\$766,640
+5 Mai World Staff	\$767,200	\$1,241,603	N/A	\$474,403
+5 Advocacy & Rights Staff	\$840,145	\$1,288,322	N/A	\$448,177
+8 Corporate Staff (including Secretariat)	\$423,109	\$1,298,688	N/A	\$875,579
+3 Comms Staff	\$275,375	\$591,500	N/A	\$316,125
+2 HR Staff	\$155,000	\$302,738	N/A	\$147,738
Monitoring Staff	\$997,567	\$997,567	N/A	-
TOTAL	\$5,273,559	\$10,217,959		\$4,944,400

⁵ This is determined by the Remuneration Authority and may increase due to the new legislation.

Rationale for increases.

Detailing the reasoning for the increase in kaimahi by business group, as assessed against the requirements of the new Act.

Please see the table in the next section for use as a reference. Current areas of impact show those areas where OCC teams are already active in the functions outlined in the new Act.

The Policy Team is responsible for setting the policy agenda for the tari and supporting the Commissioner by highlighting ad hoc issues that arise through the political, governmental or community arena. They are engaged by managers and kaimahi at the design phase of work and throughout to provide intellectual guidance and support in the mahi.

- Currently comprised of a Chief Policy Officer and three Principals Advisors the team is heavily utilised by the Commissioner and management across the tari.
- Should Model Three be progressed, it is anticipated that each full-time Commissioner will embark on dedicated work programmes that will require significant policy support and advice, recommended as an increase of five kaimahi. The recommendation that the team is strengthened by one kaimahi in Models One and Two, which should be considered the minimum required to meet the Commissions functions.
- Already performing across all policy related functions, the increase is associated with capacity, with the additional opportunity to broaden areas of specialist knowledge.

Current areas of Impact: 1 / 2 / 6 / 8 / 9 / 10 / 14 / 15 / 16 / 18

Te tīma Tiriti provides support, advice and guidance from a mātauranga Maori perspective to teams. The role of Pou Whakahaere o te Tīma Tiriti has been established to lead te tīma Tiriti, enabling the tari in our shift to genuinely honour our obligations under Te Tiriti o Waitangi. The Principal Advisor Maori works closely with the Policy team.

Te Tiriti team will be the kaitiaki of the Mana Mokopuna framework, given this will be the waharoa of our Te Tiriti-centric organisation.

- Under the new Act, the Board has a statutory requirement to give effect to Te Tiriti o Waitangi, to build and maintain relationships with hapū, iwi, Māori organisations, community organisations and agencies with a strong focus on the rights, interests, and wellbeing of mokopuna Māori.
- The Board is also tasked with setting strategic priorities and work programmes that support improved outcomes for Māori children and young people within the context of their whānau, hapū, and iwi, promoting Māori participation and leadership and te ao Māori approaches in the performance of its functions, as appropriate; while the Commission is tasked with undertaking and promoting research into any matter that relates to the rights, interests, or well-being of children and young people, while giving special attention to te ao Māori.
- Of note is that performance of this function is subject to review under s38 to determine how effectively the Commission is working with hapū, iwi and Māori organisations.
- Currently comprised of a Pou Whakahaere o te tīma Tiriti, and three Advisors, four new Advisors are required to ensure the Commission complies with this mandate.
- As this function is measured across the Commission this team will not be a core part of the Secretariat.

Current areas of Impact: All

The Monitoring Team focuses on enacting the Commissioner's National Preventative Mechanism mandate through undertaking OPCAT monitoring activity, which will also be aligned to the Mana Mokopuna framework.

- The Commission retains the NPM designation under the Optional Protocol to the Convention Against Torture (OPCAT) to monitor children and young people in Places of Detention.
- In addition, by delegation from the Chief Ombudsman, the OCC monitor Mother and Baby Units in the three Department of Corrections Women's Prison Facilities, and children and young people detained in DHB Mental Health Facilities.
- These functions have been entrusted with the Children's Commissioner to meet the expectation that it is fully independent of any Government agency.
- OCC has never received funding for OPCAT. Rather these obligations were managed as part of the monitoring functions under s12 of the Children's Commissioner's Act 2003. This function will now require dedicated funding now that the efficiencies associated with the s12 function no longer exist.
- The staffing of 9 full-time equivalents (FTEs) will need to be maintained and will require an operating budget of \$1.561 million to achieve this. Additional one-off funding of \$1.640 million was received in 2022/23 to fund this service but is required on an ongoing basis.
- There is currently no need or expectation that the team should be expanded as part of these decisions.

Current areas of Impact: 1 / 2 / 3

The Advocacy & Rights Team is responsible for providing advice which promotes the interests, rights, and wellbeing of mokopuna, with the ultimate goal of achieving our moemoeā: kia kuru pounamu te rongo – all mokopuna live their best lives.

- The team deliver reports, submissions and advice which puts mokopuna at the centre, and raise awareness and understanding of child rights, as set out in the Children's Convention, and monitoring the application of the Children's Convention by the Government.
- Currently comprising a Manager and seven advisors, an addition of eight kaimahi would be optimal to meet the expectations of the new Act and the demands of an additional four full-time Commissioners.
- As per the Policy Team, the recommendation that the Advocacy Team is strengthened by three kaimahi in Models One and Two should be considered the minimum required to meet the Commissions functions.

Current areas of Impact: 1 / 2 / 4 / 5 / 6 / 7 / 8 / 9 / 10 / 11 / 12 / 14 / 15 / 16

Child Rights Line: 3 / 4

The Participation and Engagement Team - Mai World is responsible for developing and implementing a strategic plan of engagements and initiatives that provides the opportunity for us to listen to mokopuna and understand their needs.

- Mokopuna voices inform the OCC's advocacy, and everything it does as a tari.
- Increasingly the team is undertaking work across the public sector – agencies, NGO's, Councils, and Iwi to assist them to access the voices of our young people to inform their decision making.
- Currently a team of seven, it is anticipated that Mai Voices skills will increasingly be utilised by the public sector, and that additional programmes of work will be initiated by Commissioners. A minimum increase of three kaimahi will be required to meet that demand, with an increase of four kaimahi (Model Three) being the optimal level.

Current areas of Impact: 1 / 2 / 5 / 6 / 7 / 9 / 14 / 15 / 16

The Communications Team is responsible for working across the tari to identify opportunities that ensure the voices of mokopuna and issues are amplified across different communications channels.

- This function is a critical lever for the Commissioner to advocate change for mokopuna. It also provides strategic advice on stakeholder engagement.
- From ensuring all external material is published at the highest possible standards, to providing advice on risks and opportunities, to liaising with other agencies on cooperative pieces of work, the Communications Team has a role in all aspects of the OCC's work.
- As a brand-new entity, it is anticipated that the new Commission will require a good deal of establishment work to be undertaken, such as rebranding, digital design, a reskinned website, and communications introducing the new Commissioners.
- Currently a team of two, the addition of four new part-time Commissioners will expand the expectation on the team for assisting with media, speeches, portfolio specific communications plans. This will require a minimum of two additional Communication Advisors.
- Should the new Commissioners be full-time, it is anticipated that the appetite for communications support will be exponentially greater, requiring a total addition of four new advisors.

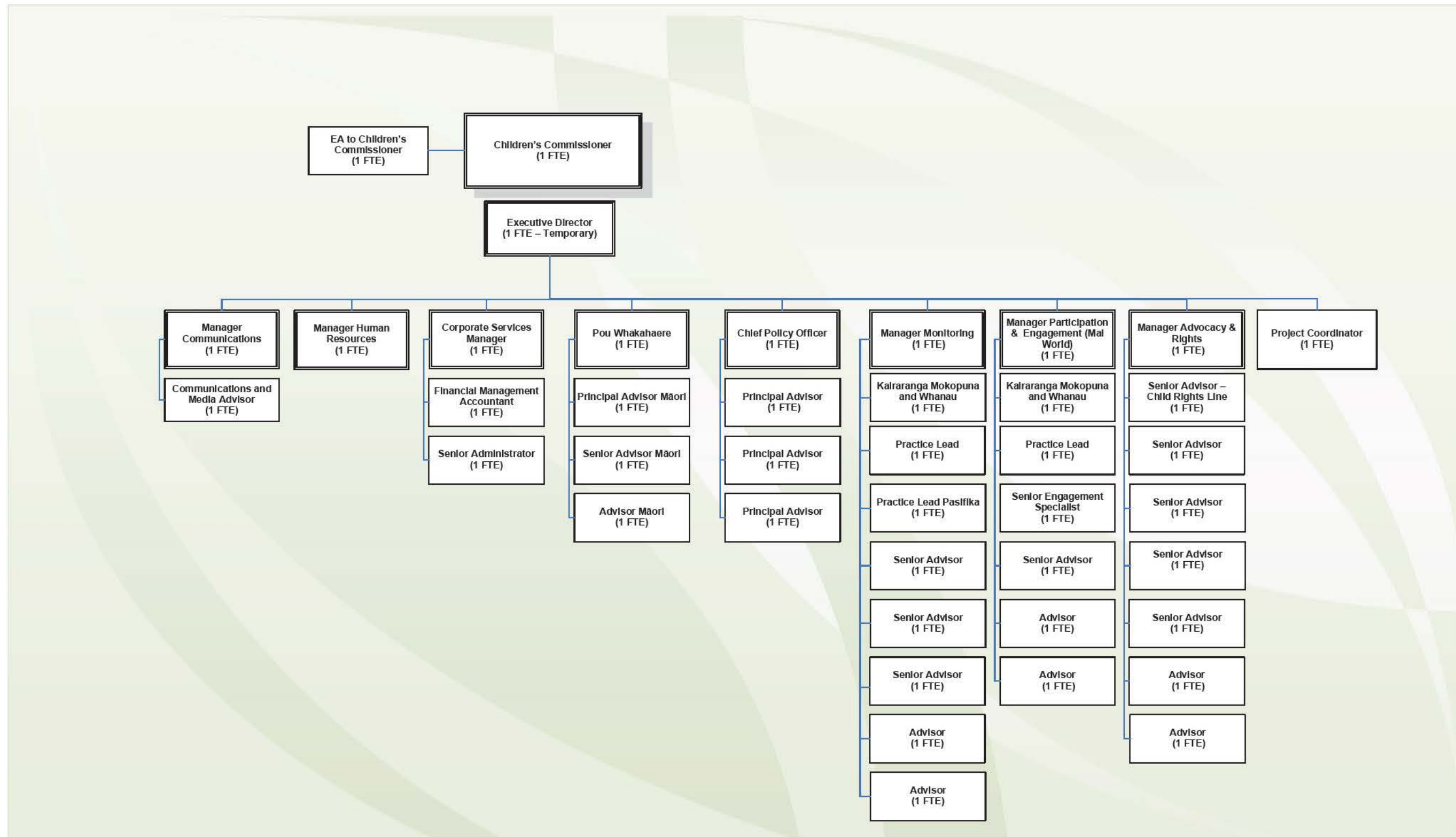
Current areas of Impact: All

The Human Resources Manager is currently a sole charge role. responsible for recruitment and hiring, training and development, employer-employee relations, maintaining company culture, managing employee benefits, creating a safe work environment, and handling disciplinary actions.

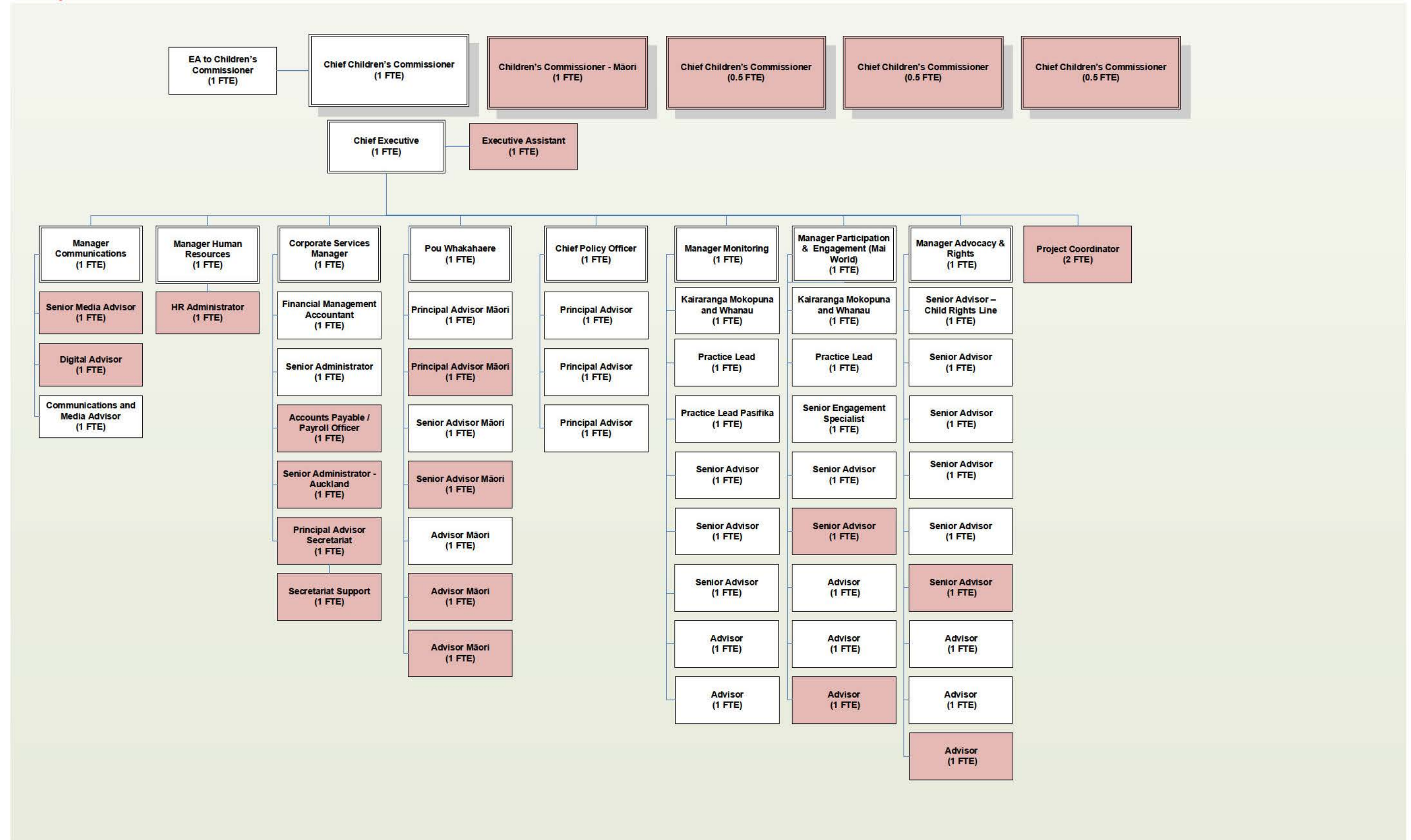
- Having already single-handedly rolled out and managed a new organisational structure, including kaimahi consultation and the development of associated training materials, it is anticipated that the existing capacity of the manager will be exhausted by the requirements of the establishment of the new entity, including a change programme, the potential creation of new roles, any alterations to work related policy, and embedding the same.
- A single person is not sustainable under this scenario, and an additional advisor is recommended.

Current areas of Impact: All

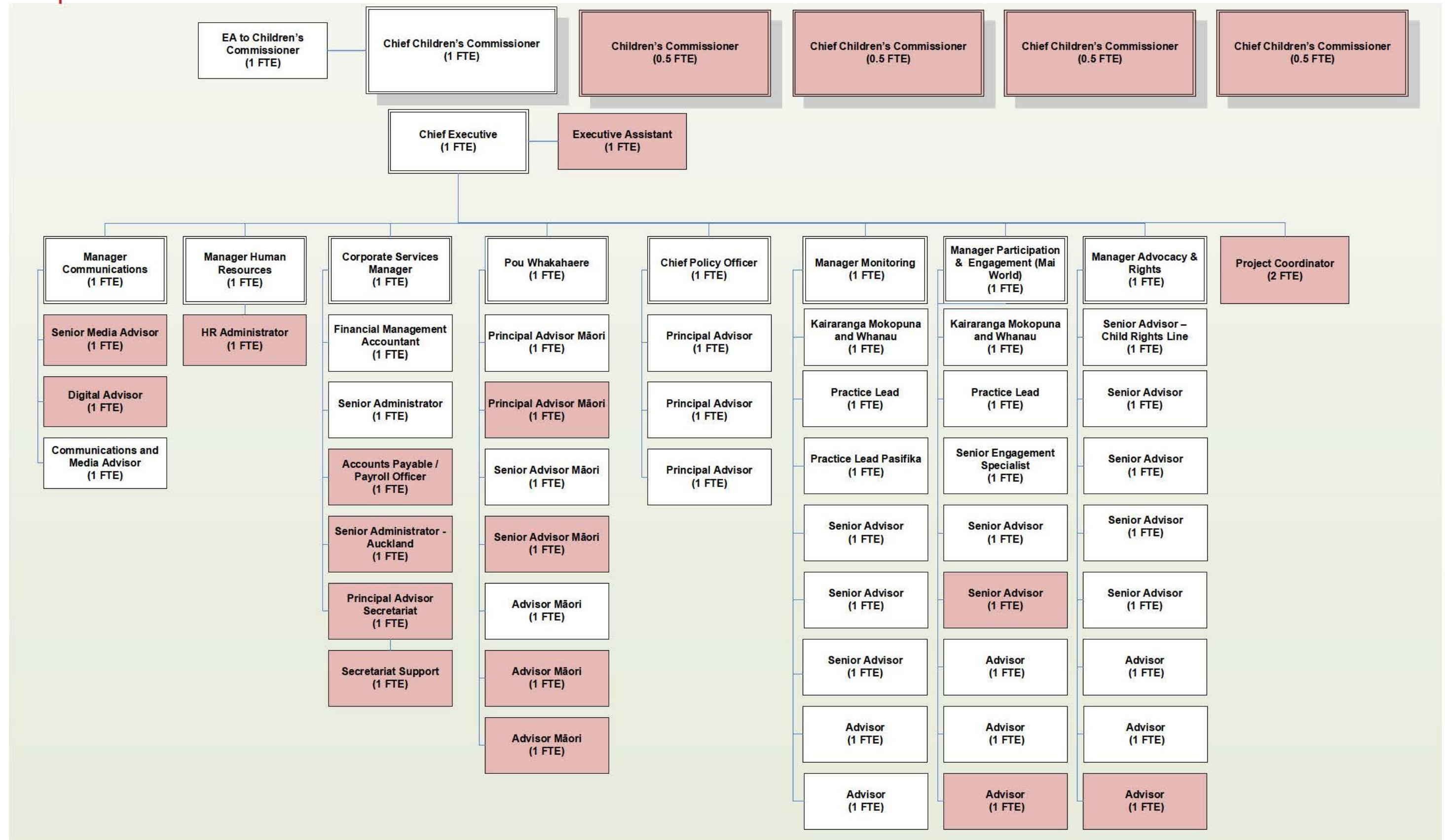
Existing OCC Structure



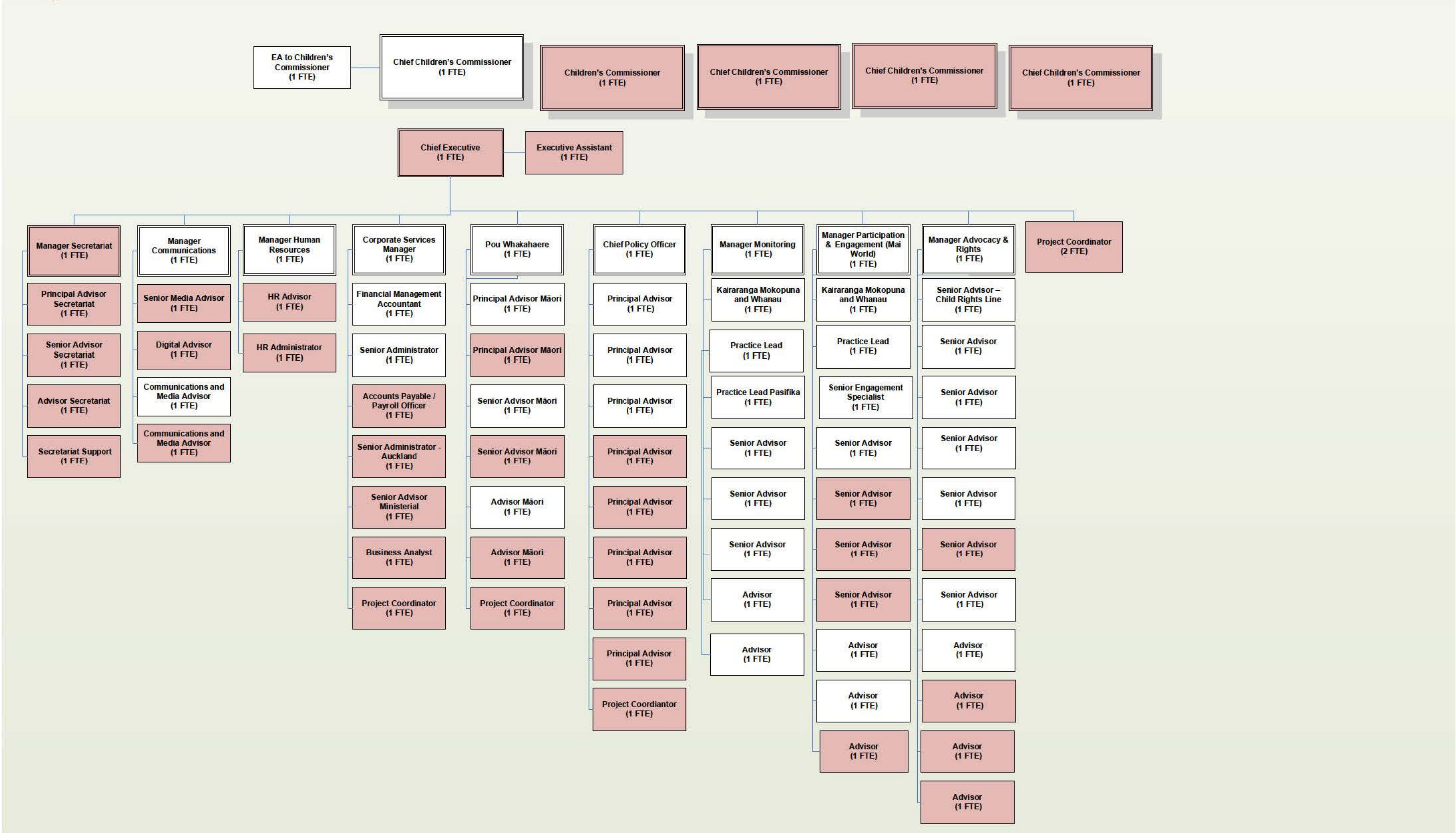
Proposed Model One Structure



Proposed Model Two Structure



Proposed Model Three Structure



Functions under the new Act.

Numbered here to relate to the rationale outlined above.

20 Function relating to promoting interests and well-being of children and young people

1. developing and publishing reports and submissions on issues through a child and young person-centred lens and, when appropriate, making those reports publicly available;
2. advocating for children’s and young people’s well-being, and their interests collectively.
3. supporting a child or young person to engage with agencies to facilitate the resolution of issues.
4. providing information to members of the public who have questions about matters relating to children’s and young people’s rights, interests, or well-being.
5. raising public awareness and understanding of matters that relate to children’s and young people’s rights, interests, or well-being, including (without limitation) by contributing to public debate.
6. undertaking and promoting research into any matter that relates to the rights, interests, or well-being of children and young people, while giving special attention to te ao Māori.
7. receiving and inviting representations from members of the public on any matter that relates to the rights, interests, or well-being of children and young people;
8. reporting, with or without request, to the Prime Minister on matters affecting the rights of children and young people.
9. inquiring generally into, and reporting on, any systemic matter, including (without limitation) any legislation or policy, or any practice or procedure, that relates to or affects the rights, interests, or well-being of children and young people.
10. presenting reports to proceedings before any court or tribunal that relate to the Children’s Convention or to the rights, interests, or well-being of children generally and presenting reports on such issues to the court or tribunal, at the request of:
 - the court or tribunal; or
 - counsel representing any party to the proceedings; or
 - counsel representing any child who is the subject of the proceedings; or counsel assisting the court or tribunal

21 Function relating to promoting and advancing rights of children and young people

11. raising awareness and understanding of children’s and young people’s rights, including the rights set out in the Children’s Convention, and advocating for the advancement of the application of the Children’s Convention by the public:
 - monitoring the application of the Children’s Convention by departments and other instruments of the Crown and making reports to the United Nations;
 - raising awareness and understanding of children’s rights and the Children’s Convention and advocating for the advancement of the application of the Children’s Convention, including (without limitation) by departments and other instruments of the Crown.

22 Function relating to encouraging children’s and young people’s participation and voices

12. promoting, in relation to decisions that affect the lives of children and young people —
 - the participation of children and young people in those decisions; and
 - best practice approaches to listening to the views of children and young people and taking those views into account.
 - developing mechanisms and means to ensure that the Commission engages and supports children and young people to participate and express their views and be informed by those views in the performance of the Commission’s functions.
 - modelling and promoting best practice in children’s and young people’s participation through the Commission’s engagements with children and young people.
 - publishing and sharing the views and voices of children and young people with the general public and relevant groups.
 - providing support and advice to any person, body, or organisation carrying out engagement with children and young people to better hear their views and uphold their rights.

6 & 17 Tiriti o Waitangi/Treaty of Waitangi

13. section 17(1)(a) provides that the duties of the board include building and maintaining relationships with hapū, iwi, and Māori organisations, including by—
 - having a strong focus on the rights, interests, and well-being of Māori children and young people within the context of their whānau, hapū, and iwi;
 - setting strategic priorities and work programmes that support improved outcomes for Māori children and young people within the context of their whānau, hapū, and iwi;
 - promoting Māori participation and leadership and te ao Māori approaches in the performance of its functions, as appropriate
14. section 20(f) provides that it is a function of the Commission to undertake and promote research into any matter that relates to the rights, interests, or well-being of children and young people, while giving special attention to te ao Māori
15. section 31(3) (a) requires the chief executive of the Commission to make reasonable efforts to consult hapū, iwi, and Māori organisations when making information rules relating to the collection, use, and disclosure of information by the Commission
16. section 38(2) (b) requires a review of this Act to consider whether the Commission is working effectively with hapū, iwi, and Māori organisations
17. The duties of the board are to—
 - having a strong focus on the rights, interests, and well-being of Māori children and young people within the context of their whānau, hapū, and iwi.
 - promoting Māori participation and leadership, and te ao Māori approaches, in the performance of its functions, as appropriate.
 - set strategic priorities and work programmes that support improved outcomes for Māori children and young people within the context of their whānau, hapū, and iwi..

7 Common Duties of the Monitor, the Ombudsman, and the Children and Young People’s Commission

18. to work together in a comprehensive, cohesive, and efficient way with each other, including by consulting and co-ordinating with each other and sharing information, as appropriate:
 - to minimise the burden and potential risk of harm to individuals when the Monitor, the Ombudsman, or the Children and Young People’s Commission is performing or exercising a function, duty, or power.
 - to minimise the burden on agencies when they are gathering information under this Act and carrying out preliminary inquiries, investigations, or reviews.
 - to co-ordinate communications to individuals, agencies, Ministers of the Crown, and the public, as appropriate.

Consolidated Costings

Each model presented for comparison together with foundation costs

Output	Model One	Model Two	Model Three
Board Composition	2FT/3PT	1FT/4PT	5FT
Total Staff numbers	64	64	81
Foundation Costs (Capital)	\$1,300,000	\$1,300,000	\$1,300,000
Staffing Expenditure	\$7,562,480	\$7,284,265	\$10,217,595
Staff associated costs (Kiwisaver, eyecare, ACC etc)	\$1,021,964	\$1,008,053	\$1,325,758
Travel	\$565,000	\$565,000	\$684,000
Operating Expenditure (minus travel)	\$1,700,500	\$1,700,500	\$2,151,000
TOTAL OPERATING COSTS	\$10,849,944	\$10,557,818	\$14,378,717

Please Note: These costs cannot be broken out further – such as for the Board compared to the Office, as there is significant interplay e.g., Commissioners traveling with kaimahi.

Appendix One: Overview of expenditure and variance explanations

This section is focused on detailing portfolio underspends from 2019/20 to 2021/22. The information is limited to Output expenses and Other expenses appropriations (for both non-departmental and departmental) including multi-year and multi-category appropriations.

The table provides an explanation for any appropriation underspend greater than 15% in 2019/20, 2020/21 and 2021/22, where that appropriation is material to the agency.

Underspend explanations for financial year 2021/22*

Vote and agency	Category – output expense or other expense	Appropriation name	Variance explanation of underspend greater than 15%
Vote Social Development Children's Commissioner M63	Output Expense	Baseline Funding & Departmental Funding from MSD	<p>Baseline Funding of \$3.157 million and \$1.200 million in Departmental Expenditure to <i>Supporting the Children's Commissioner to Make Changes Associated with the Independent Children's Monitor</i>. OCC also received additional funding of \$0.312 million for engagements, some donations from the Ministry of Justice for the Children's Commissioner's (Judge Becroft) salary and salary recovered for a staff member working at Ministry of Education (MoE) and another attending the Advisory Committee on Assisted Reproductive Technology. There was an underspend of \$0.051 million, representing a 1% underspend.</p> <p>Note: The \$1.2m was exclusively used to support the changes with ICM around thematic reviews and managing OPCAT functions and the deficit was used to cover personnel expenditure.</p>

*Underspends are the difference of final budgeted appropriations and the actual spend against the appropriations.

Underspend explanations for financial year 2020/21*

Vote and agency	Category – <i>output expense or other expense</i>	Appropriation name	Variance explanation of underspend greater than 15%
Vote Social Development Children's Commissioner M63	Output Expense	Baseline Funding of \$3.157 million and \$2 million additional funding	We received other revenue of \$0.702 million resulting in an overall surplus of \$0.559 million, but an actual underspend of \$0.073 million (1.75%) against the Appropriation. This was due to increased personnel costs.

*Underspends are the difference of final budgeted appropriations and the actual spend against the appropriations.

Underspend explanations for financial year 2019/20*

Vote and agency	Category – <i>output expense or other expense</i>	Appropriation name	Variance explanation of underspend greater than 15%
Vote Social Development Children's Commissioner M63	Output Expense	Baseline Funding of \$2.157 million and \$1 million additional funding.	OCC had an actual overspend of \$0.263 million against the appropriation. This was due to increased personnel and operating costs.

*Underspends are the difference of final budgeted appropriations and the actual spend against the appropriations.

Appendix Two: Workforce Pressure Details

This section is designed to enable Public Service Commission analysis of workforce/wage pressures to ensure consistent treatment across agencies.

Personnel Expenditure analysis

This analysis is designed to provide a better understanding of the crown entities' personnel spending trends.

The table below provides explanations of year-on-year movements in total personnel costs, including any past pressures and where Budget funding was received to specifically manage these personnel pressures.

Personnel Costs*

Financial Year	Personnel costs (\$million)	% Change from prior year	Explanation for change
2019/20	3.292	-0.2%	Less staff than the previous year
2020/21	3.712	12.75%	Some additional staff employed due to increased funding
2021/22	3.820	2.9%	Almost no change

*Personnel costs as reported in the Statement of Comprehensive Revenue and Expense.

Additional Workforce Questions.

The table below seeks to provide greater clarity on current capability gaps, based on funded vs filled FTE by position and band, and turnover rates as at 31 August 2022.

Additional analysis

Current vacancy rate?*	This rate is not available. A review was recently completed, and a new structure agreed consisting of a total of 42 staff (including the Commissioner), which will be in effect from 1 October 2022.													
Top three occupations that are currently vacant?	<table> <tr> <th>Occupation group</th><th>Number of Vacancies – request of FTE</th><th>Salary Bands (midpoint)</th></tr> <tr> <td>Manager</td><td>3</td><td>\$137,499 and \$158,655</td></tr> <tr> <td>Advisor</td><td>3</td><td>\$79,145</td></tr> <tr> <td>Principal Advisor</td><td>2</td><td>\$137,499</td></tr> </table>		Occupation group	Number of Vacancies – request of FTE	Salary Bands (midpoint)	Manager	3	\$137,499 and \$158,655	Advisor	3	\$79,145	Principal Advisor	2	\$137,499
Occupation group	Number of Vacancies – request of FTE	Salary Bands (midpoint)												
Manager	3	\$137,499 and \$158,655												
Advisor	3	\$79,145												
Principal Advisor	2	\$137,499												
Current turnover rate?*	This is not currently available.													

Remuneration bands breakdown	Number of funded FTE by band	Number of filled FTE
Under \$50,000	0	0
50,001 – 70,000	3	1
70,001 – 90,000	10	7
90,001 – 110,000	9	9
110,001 – 150,000	14	8
150,001 +	6	6
Total	42	31

* In some instances, PSC does not have the requested information for all agencies, hence it is being asked for here. If your agency has previously provided this information to PSC, please include that in the above tables.

Appendix Three – cross sector comparisons

In developing these options, the OCC has looked at comparative entities

The Mental Health & Wellbeing Commission

The OCC has had discussions with the newly established Mental Health & Wellbeing Commission, which are ongoing, for the OCC to understand the process undertaken and consider the implications for the new Children's Commission.

The Human Right's Commission

Four Commissioners

Budget (2021) \$13.3M

Personnel Cost \$8.8M

The Independent Child Monitor

The OCC has also considered the structure, operation, and functions of the ICM. The new ICM, although not a Board, is an agency set up to undertake the s13 monitoring of Oranga Tamariki, a function that sat with the Children's Commissioner. ICM has fewer functions than the new Commission and does not have the cost of operating a Board. Both ICM and the Commission have a responsibility to give effect to the Treaty of Waitangi, noting the consultation that is required for that to occur. ICM has a budget of \$11m per year.

