



13 May 2025

Tēnā koe

Official Information Act request

Thank you for your email of 27 March 2025, requesting a copy of the Memorandum of Understanding (MoU) between the Ministry of Social Development (the Ministry) and Oranga Tamariki (OT) relating to historic claims matters. You also requested copies of any drafts, meeting notes and emails regarding the MOU's creation and ongoing management/amendment.

I have considered your request under the Official Information Act 1982 (the Act). Please find my decision on your request set out below.

Please find attached two appendices that address your request:

- **Appendix 1: Memorandum of Understanding between the Ministry of Social Development and Oranga Tamariki, dated April 2023.**
- **Appendix 2: Administrative emails on the development of the Memorandum of Understanding between the Ministry of Social Development and Oranga Tamariki.**

There are a further 62 emails in scope of this request. However, as they comment on legal issues that needed to be resolved to finalise the MoU, they are withheld under section 9(2)(h) of the Act to maintain legal professional privilege. The greater public interest is in ensuring that government agencies can continue to obtain confidential legal advice.

Under section 16(1)(e) of the Act, I provide a summary of the development of the MoU to assist your understanding of the process.

The attached 2023 MoU briefly discusses the resolution of historic claims matters between the Ministry and OT but is not the MoU that was discussed in the report to Ministers. As noted in the MoU, this MoU was developed after there was a measure of uncertainty between OT and the Ministry as to which agency was the appropriate agency to respond to complaints from the Ombudsman.

The intended MoU noted in the report has not been progressed. The work was initially paused while OT finalised its interim claims process and at the time there were very few cross-over claims and any that did exist were not due for assessment. As you will be aware the Government has announced some changes as part of Budget 2025 which includes increasing alignment and consistency in

service offerings across claim agencies for survivors of historic abuse. This includes implementing a common payment framework, developing a common support service framework, and introducing a single set of operational policies which will help to address survivors with claims across multiple agencies. Whether there is still a need for a specific MoU regarding cross-over claims will be worked through.

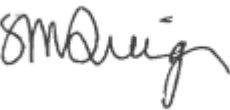
The Historic Claims team have advised that they are happy to continue to keep you updated on this work.

I will be publishing this decision letter, with your personal details deleted, on the Ministry's website in due course.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with my decision on your request, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Ngā mihi nui

pp. 

Anna Graham
General Manager
Ministerial and Executive Services

Ministry of Social Development:

Emails in scope - signing of MOU Ministry of Social Development and Oranga Tamariki

RE: Ministry of Social Development/Oranga Tamariki - responding to complaints and inquiries

Thank you Melissa, that was the swiftest part of the process!

s9(2)(a) please can you send a copy over to the Ombudsman (as a follow up to the joint letter from Steve Groom and I sent in October 2021).

I'll send a copy back to Oranga Tamariki, and to our IM team.

Ngā mihi

Magnus O'Neill (he/him) | General Manager of Ministerial and Executive Services

s9(2)(a) [@msd.govt.nz](mailto:s9(2)(a)@msd.govt.nz)

Ministry of Social Development, Level 5, 56 The Terrace, Wellington

MSD purpose:

We help New Zealanders to be safe, strong and independent

Manaaki tangata, manaaki whānau

From: Melissa Gill <s9(2)(a)@msd.govt.nz>

Sent: Friday, 21 April 2023 1:42 pm

To: Magnus O'Neill <s9(2)(a)@msd.govt.nz>

Cc: Christy Corlett <s9(2)(a)@msd.govt.nz>; Delwyn Clement <s9(2)(a)@msd.govt.nz>; Linda Hrstich-Meyer <s9(2)(a)@msd.govt.nz>;

Edward Sharpe-Davidson <s9(2)(a)@msd.govt.nz>; James Marshall

<s9(2)(a)@msd.govt.nz>; Uiti Pelenato <s9(2)(a)@msd.govt.nz>; Diane Anderson

<s9(2)(a)@msd.govt.nz>; Hayley Evans <s9(2)(a)@msd.govt.nz>; Nadine

Kilmister <s9(2)(a)@msd.govt.nz>

Subject: RE: Ministry of Social Development/Oranga Tamariki - responding to complaints and inquiries

Thanks Magnus – resolved in no time at all!

Signed MOU attached

Thanks for you perseverance on this!

Mel

Melissa Gill

Deputy Chief Executive

Organisational Assurance and Communication

Ministry of Social Development

☎ s9(2)(a) @msd.govt.nz

📍 Level 7 | 56 The Terrace | Wellington | New Zealand



From: Magnus O'Neill <s9(2)(a)@msd.govt.nz>

Sent: Thursday, 20 April 2023 7:04 PM

To: Melissa Gill <s9(2)(a)@msd.govt.nz>

Cc: Christy Corlett <s9(2)(a)@msd.govt.nz>; Delwyn Clement

<s9(2)(a)@msd.govt.nz>; Linda Hrstich-Meyer <s9(2)(a)@msd.govt.nz>;

Edward Sharpe-Davidson <s9(2)(a)@msd.govt.nz>; James Marshall

<s9(2)(a)@msd.govt.nz>; Uiti Pelenato <s9(2)(a)@msd.govt.nz>; Diane Anderson

<s9(2)(a)@msd.govt.nz>; Hayley Evans <s9(2)(a)@msd.govt.nz>; Nadine

Kilmister <s9(2)(a)@msd.govt.nz>

Subject: LISA PRINTED RE: Ministry of Social Development/Oranga Tamariki - responding to complaints and inquiries

Kia ora Melissa

I am happy to update you on this long-running piece of work which we started in September 2021. It clarifies Oranga Tamariki/MSD responsibilities for responding to complaints or inquiries about social work practice and historic claims of abuse or neglect. This is something we had committed to doing given the Ombudsman had expressed concern about how fragmented the experience was for claimants and his own inquiries.

s9(2)(h)

You will recall that we met with Oranga Tamariki about 18 months ago to discuss this. We then developed a MOU, which was reviewed by Legal and Historic claims.

The MOU has now been signed by Oranga Tamariki. I have compared the signed version with our original version and there are no changes other than to signature blocks and the information security classification.

As this primarily concerns Ombudsman inquiries, I recommend that you sign this MOU as DCE for organisational assurance and communication. Once signed we will share a copy with Oranga Tamariki and the Ombudsman, and log a copy with our IM team.

Ngā mihi

Magnus O'Neill ([he/him](#)) | General Manager of Ministerial and Executive Services

Phone: s9(2)(a)

[@msd.govt.nz](mailto:s9(2)(a)@msd.govt.nz)

Ministry of Social Development, Level 5, 56 The Terrace, Wellington

MSD purpose:

We help New Zealanders to be safe, strong and independent

Manaaki tangata, manaaki whānau

IN-CONFIDENCE

From: Magnus O'Neill <s9(2)(a)@msd.govt.nz>
Sent: Thursday, 20 April 2023 11:44 am
To: Michelle Malyon <s9(2)(a)@ot.govt.nz>
Subject: RE: Ministry of Social Development/Oranga Tamariki - responding to complaints and inquiries

Very much appreciated Michelle, thank you. Will be back with you shortly.

Ngā mihi

Magnus O'Neill (he/him) | General Manager of Ministerial and Executive Services
Phone: s9(2)(a)@msd.govt.nz
Ministry of Social Development, Level 5, 56 The Terrace, Wellington

MSD purpose:

We help New Zealanders to be safe, strong and independent
Manaaki tangata, manaaki whānau

From: Michelle Malyon <s9(2)(a)@ot.govt.nz>
Sent: Wednesday, 19 April 2023 4:32 pm
To: Magnus O'Neill <s9(2)(a)@msd.govt.nz>
Subject: RE: Ministry of Social Development/Oranga Tamariki - responding to complaints and inquiries

IN-CONFIDENCE

Kia ora Magnus

Signed copy attached, could you return a final signed copy once you have one?

Thanks

Michelle

Michelle Malyon

GM, Tamariki and Whānau Response

📧 T: s9(2)(a)

From: Magnus O'Neill <s9(2)(a)@msd.govt.nz>

Sent: Wednesday, 19 April 2023 3:00 pm

To: Michelle Malyon <s9(2)(a)@ot.govt.nz>

Subject: RE: Ministry of Social Development/Oranga Tamariki - responding to complaints and inquiries

Kia ora Michell just checking in around this.

Ngā mihi

Magnus O'Neill (he/him) | General Manager of Ministerial and Executive Services

Phone: s9(2)(a)@msd.govt.nz

Ministry of Social Development, Level 5, 56 The Terrace, Wellington

MSD purpose:

We help New Zealanders to be safe, strong and independent

Manaaki tangata, manaaki whānau

From: Michelle Malyon <s9(2)(a)@ot.govt.nz>

Sent: Thursday, 6 April 2023 8:26 am

To: Magnus O'Neill <s9(2)(a)@msd.govt.nz>

Subject: RE: Ministry of Social Development/Oranga Tamariki - responding to complaints and inquiries

IN-CONFIDENCE

Thanks Magnus that's really helpful.

I'll get the memo and MoU through our sign process next week.

Ngā mihi

Michelle

Michelle Malyon

GM, Tamariki and Whānau Response

T: s9(2)(a)

From: Magnus O'Neill <s9(2)(a)@msd.govt.nz>

Sent: Wednesday, 5 April 2023 6:07 pm

To: Michelle Malyon <s9(2)(a)@ot.govt.nz>

Cc: Diane Anderson <s9(2)(a)@msd.govt.nz>

Subject: RE: Ministry of Social Development/Oranga Tamariki - responding to complaints and inquiries

Kia ora Michelle

During my two years at MSD, there has only been 2 cases. They are rare. I doubt this will be a significant area of work, but rather the MOU seeks to address the commitment we have made to the Chief Ombudsman.

Ngā mihi

Magnus O'Neill ([he/him](#)) | General Manager of Ministerial and Executive Services

Phone: s9(2)(a)@msd.govt.nz

Ministry of Social Development, Level 5, 56 The Terrace, Wellington

MSD purpose:

We help New Zealanders to be safe, strong and independent

Manaaki tangata, manaaki whānau

IN-CONFIDENCE

From: Michelle Malyon <s9(2)(a)@ot.govt.nz>
Sent: Wednesday, 5 April 2023 2:55 pm
To: Magnus O'Neill <s9(2)(a)@msd.govt.nz>
Subject: RE: Ministry of Social Development/Oranga Tamariki - responding to complaints and inquiries

IN-CONFIDENCE

Kia ora Magnus

I have a request from our DCE. Could you advise how many cases MSD have investigated or reviewed that would come to Oranga Tamariki so that we can gauge the impact for resourcing going forward.

Could you also confirm if you have any cases that are waiting to be reviewed.

I seem to recall when we had the hui that there was a small number, and that you may not have had any for a while but confirmation either way would be great.

Thanks

Michelle

Michelle Malyon

GM, Tamariki and Whānau Response

📞 T: s9(2)(a)

From: Magnus O'Neill <s9(2)(a)@msd.govt.nz>
Sent: Thursday, 30 March 2023 3:24 pm
To: Michelle Malyon <s9(2)(a)@ot.govt.nz>
Subject: RE: Ministry of Social Development/Oranga Tamariki - responding to complaints and inquiries

Many thanks Michelle.

IN-CONFIDENCE

From: Michelle Malyon <s9(2)(a)@ot.govt.nz>
Sent: Thursday, 30 March 2023 2:03 pm
To: Magnus O'Neill <s9(2)(a)@msd.govt.nz>
Subject: RE: Ministry of Social Development/Oranga Tamariki - responding to complaints and inquiries

IN-CONFIDENCE

Kia ora Magnus

Apologies, like you this slipped off my radar. We remain committed to working in a collegial mana enhancing way.

The MoU is now at DCE sign out stage. I'll come back to you at the end of next week with a timeframe once I have briefed my DCE.

Ngā mihi

Michelle

Michelle Malyon

GM, Tamariki and Whānau Response

📞 T: s9(2)(a)

From: Magnus O'Neill <s9(2)(a)@msd.govt.nz>
Sent: Tuesday, 28 March 2023 3:48 pm
To: Michelle Malyon <s9(2)(a)@ot.govt.nz>; Amy Williams <s9(2)(a)@msd.govt.nz>; Helen Cook <s9(2)(a)@ot.govt.nz>; Elizabeth Devine <s9(2)(a)@ot.govt.nz>
Cc: Diane Anderson <s9(2)(a)@msd.govt.nz>; Christy Corlett <s9(2)(a)@msd.govt.nz>; Alex Pohl <s9(2)(a)@ot.govt.nz>
Subject: RE: Ministry of Social Development/Oranga Tamariki - responding to complaints and inquiries
Importance: High

Kia ora Michelle

I realised we still do not have this MOU returned from Oranga Tamariki. This has been in the works for a couple of years now, which seems like a very long time for what seems to be a quite straightforward matter. Is a signed copy able to be returned as a priority please, and if not, I would appreciate an explanation about what the issue is.

Many thanks.

Ngā mihi

Magnus O'Neill (he/him) | General Manager of Ministerial and Executive Services

Phone: s9(2)(a) @msd.govt.nz

Ministry of Social Development, Level 5, 56 The Terrace, Wellington

MSD purpose:

We help New Zealanders to be safe, strong and independent

Manaaki tangata, manaaki whānau

From: Michelle Malyon <s9(2)(a) @ot.govt.nz>

Sent: Tuesday, 22 November 2022 12:42 pm

To: Amy Williams <s9(2)(a) @msd.govt.nz>; Magnus O'Neill
s9(2)(a) @msd.govt.nz; Helen Cook <s9(2)(a) @ot.govt.nz>; Elizabeth Devine
s9(2)(a) @ot.govt.nz>

Cc: Diane Anderson <s9(2)(a) @msd.govt.nz>; Christy Corlett
s9(2)(a) @msd.govt.nz; Alex Pohl <s9(2)(a) @ot.govt.nz>

Subject: RE: Ministry of Social Development/Oranga Tamariki - responding to complaints and inquiries

IN-CONFIDENCE

Kia ora Amy

Just wanted to give you an update, we have completed internal review and will be forwarding to our DCE for her consideration within the next couple of days. I'll be in touch again when this as soon as I'm able.

Ngā mihi

Michelle

From: Amy Williams <s9(2)(a)@msd.govt.nz>

Sent: Friday, 4 November 2022 3:16 pm

To: Magnus O'Neill <s9(2)(a)@msd.govt.nz>; Michelle Malyon <s9(2)(a)@ot.govt.nz>; Helen Cook <s9(2)(a)@ot.govt.nz>; Elizabeth Devine <s9(2)(a)@ot.govt.nz>

Cc: Diane Anderson <s9(2)(a)@msd.govt.nz>; Christy Corlett <s9(2)(a)@msd.govt.nz>; Alex Pohl <s9(2)(a)@ot.govt.nz>

Subject: RE: Ministry of Social Development/Oranga Tamariki - responding to complaints and inquiries

You don't often get email from amy.williams053@msd.govt.nz. [Learn why this is important](#)

I am just following up on this. We have another complaint going on and need to get this one signed off.

Kind regards,

Amy

Ngā mihi nui

Amy Williams | Executive Assistant to GM Ministerial & Executive Services

Private Secretaries and Correspondence

Ministerial & Executive Services | Ministry of Social Development

Direct Dial s9(2)(a) | Mobile s9(2)(a)



From: Magnus O'Neill

Sent: Wednesday, 14 September 2022 11:34 am

To: Michelle Malyon <s9(2)(a)@ot.govt.nz>; Helen Cook <s9(2)(a)@ot.govt.nz>; Elizabeth Devine <s9(2)(a)@ot.govt.nz>

Cc: Diane Anderson <s9(2)(a)@msd.govt.nz>; Christy Corlett <s9(2)(a)@msd.govt.nz>; Alex Pohl <s9(2)(a)@ot.govt.nz>

Subject: RE: Ministry of Social Development/Oranga Tamariki - responding to complaints and inquiries

Importance: High

Kia ora koutou

Just following up again. We are pretty keen to get this signed off, so let me know how it looks at your end and we can reconvene if needed.

Ngā mihi

Magnus O'Neill | General Manager of Ministerial and Executive Services

Phone: s9(2)(a)@msd.govt.nz

Ministry of Social Development, Level 5, 56 The Terrace, Wellington

MSD purpose:

We help New Zealanders to be safe, strong and independent

Manaaki tangata, manaaki whānau

From: Michelle Malyon <s9(2)(a)@ot.govt.nz>

Sent: Wednesday, August 24, 2022 9:31 AM

To: Magnus O'Neill <s9(2)(a)@msd.govt.nz>; Helen Cook <s9(2)(a)@ot.govt.nz>; Elizabeth Devine <s9(2)(a)@ot.govt.nz>

Cc: Diane Anderson <s9(2)(a)@msd.govt.nz>; Christy Corlett <s9(2)(a)@msd.govt.nz>; Alex Pohl <s9(2)(a)@ot.govt.nz>

Subject: RE: Ministry of Social Development/Oranga Tamariki - responding to complaints and inquiries

IN-CONFIDENCE

Kia ora Magnus

This is at the top of our list, we hope to get a draft to Nicolette at the end of this week after the Royal Commission hearings have completed.

Ngā mihi

Michelle

From: Magnus O'Neill <s9(2)(a)@msd.govt.nz>
Sent: Tuesday, 23 August 2022 9:32 AM
To: Michelle Malyon <s9(2)(a)@ot.govt.nz>; Helen Cook <s9(2)(a)@ot.govt.nz>; Elizabeth Devine <s9(2)(a)@ot.govt.nz>
Cc: Diane Anderson <s9(2)(a)@msd.govt.nz>; Christy Corlett <s9(2)(a)@msd.govt.nz>; Alex Pohl <s9(2)(a)@ot.govt.nz>
Subject: RE: Ministry of Social Development/Oranga Tamariki - responding to complaints and inquiries

Kia ora koutou

Just following up again. We are pretty keen to get this signed off, so let me know how it looks at your end and we can reconvene if needed.

Ngā mihi

Magnus O'Neill | General Manager of Ministerial and Executive Services

Phone: s9(2)(a)@msd.govt.nz

Ministry of Social Development, Level 5, 56 The Terrace, Wellington

MSD purpose:

We help New Zealanders to be safe, strong and independent
Manaaki tangata, manaaki whānau

From: Michelle Malyon <s9(2)(a)@ot.govt.nz>
Sent: Friday, July 29, 2022 2:48 PM
To: Magnus O'Neill <s9(2)(a)@msd.govt.nz>; Helen Cook <s9(2)(a)@ot.govt.nz>; Elizabeth Devine <s9(2)(a)@ot.govt.nz>
Cc: Diane Anderson <s9(2)(a)@msd.govt.nz>; Christy Corlett <s9(2)(a)@msd.govt.nz>; Alex Pohl <s9(2)(a)@ot.govt.nz>
Subject: RE: Ministry of Social Development/Oranga Tamariki - responding to complaints and inquiries

IN-CONFIDENCE

Kia ora Magnus

Apologies for the delay, this is on my radar. I am reviewing a draft memo to our DCE for her consideration of the MoU. I hope to get this to her early next week.

Helen has (today) returned from leave so I also want to loop her back in.

I'll let you know when I get the memo and draft MoU to Nicolette.

Thanks

Michelle

From: Magnus O'Neill <s9(2)(a)@msd.govt.nz>
Sent: Thursday, 28 July 2022 1:31 PM
To: Michelle Malyon <s9(2)(a)@ot.govt.nz>; Helen Cook <s9(2)(a)@ot.govt.nz>; Elizabeth Devine <s9(2)(a)@ot.govt.nz>
Cc: Diane Anderson <s9(2)(a)@msd.govt.nz>; Christy Corlett <s9(2)(a)@msd.govt.nz>; Alex Pohl <s9(2)(a)@ot.govt.nz>
Subject: RE: Ministry of Social Development/Oranga Tamariki - responding to complaints and inquiries

Just following up from our discussion on this. We are pretty keen to get this signed off, so let me know how it looks at your end and we can reconvene if needed.

Ngā mihi

Magnus O'Neill | General Manager of Ministerial and Executive Services

Phone: s9(2)(a) [@msd.govt.nz](mailto:s9(2)(a)@msd.govt.nz)

Ministry of Social Development, Level 5, 56 The Terrace, Wellington

MSD purpose:

We help New Zealanders to be safe, strong and independent

Manaaki tangata, manaaki whānau

From: Magnus O'Neill

Sent: Monday, June 13, 2022 8:53 AM

To: Michelle Malyon <s9(2)(a)@ot.govt.nz>; Helen Cook <s9(2)(a)@ot.govt.nz>;

Elizabeth Devine <s9(2)(a)@ot.govt.nz>

Cc: Diane Anderson <s9(2)(a)@msd.govt.nz>; Christy Corlett

<s9(2)(a)@msd.govt.nz>

Subject: RE: Ministry of Social Development/Oranga Tamariki - responding to complaints and inquiries

Yes please, thank you Michelle.

From: Michelle Malyon <s9(2)(a)@ot.govt.nz>

Sent: Sunday, June 12, 2022 3:16 PM

To: Magnus O'Neill <s9(2)(a)@msd.govt.nz>; Helen Cook <s9(2)(a)@ot.govt.nz>;

Elizabeth Devine <s9(2)(a)@ot.govt.nz>

Cc: Diane Anderson <s9(2)(a)@msd.govt.nz>; Christy Corlett

<s9(2)(a)@msd.govt.nz>

Subject: RE: Ministry of Social Development/Oranga Tamariki - responding to complaints and inquiries

Kia ora Magnus

Thanks for this and very happy to meet.

I've copied in Helen Cook who as you suggest would be good to bring into this mahi.

Shall I arrange a meeting?

Ngā mihi

Michelle

From: Magnus O'Neill <s9(2)(a)@msd.govt.nz>
Sent: Wednesday, 8 June 2022 2:40 PM
To: Steve Groom <s9(2)(a)@ot.govt.nz>
Cc: Diane Anderson <s9(2)(a)@msd.govt.nz>; Christy Corlett <s9(2)(a)@msd.govt.nz>; Michelle Malyon <s9(2)(a)@ot.govt.nz>
Subject: RE: Ministry of Social Development/Oranga Tamariki - responding to complaints and inquiries

You don't often get email from magnus.o'neill012@msd.govt.nz. [Learn why this is important](#)

Michelle, attached are the relevant docs. Happy to discuss when you are ready.

Ngā mihi

Magnus O'Neill | General Manager of Ministerial and Executive Services

Phone: s9(2)(a)@msd.govt.nz

Ministry of Social Development, Level 5, 56 The Terrace, Wellington

MSD purpose:

We help New Zealanders to be safe, strong and independent
Manaaki tangata, manaaki whānau

From: Steve Groom <s9(2)(a)@ot.govt.nz>
Sent: Wednesday, June 8, 2022 2:31 PM
To: Magnus O'Neill <s9(2)(a)@msd.govt.nz>
Cc: Diane Anderson <s9(2)(a)@msd.govt.nz>; Christy Corlett <s9(2)(a)@msd.govt.nz>; Michelle Malyon <s9(2)(a)@ot.govt.nz>
Subject: RE: Ministry of Social Development/Oranga Tamariki - responding to complaints and inquiries

IN-CONFIDENCE

Kia ora Magnus

Thanks for your email, and for following up on this work. I've been seconded out from Oranga Tamariki until at least July next year. Michelle Malyon has taken over the GM role I held, so have copied her on this email so that you can discuss this directly with her.

Cheers

Steve

From: Magnus O'Neill <s9(2)(a)@msd.govt.nz>
Sent: Wednesday, 8 June 2022 11:15 am
To: Steve Groom <s9(2)(a)@ot.govt.nz>
Cc: Diane Anderson <s9(2)(a)@msd.govt.nz>; Christy Corlett <s9(2)(a)@msd.govt.nz>
Subject: Ministry of Social Development/Oranga Tamariki - responding to complaints and inquiries

Kia ora Steve

I trust you are well. Last year, you, Aphra, Melissa and me met regarding an Ombudsman complaint. We reached an agreement on how we would approach that matter, and undertook to formulate an MOU to cover future situations. We have recently picked up that piece of work again, prompted by a further complaint to the Ombudsman.

I attach a copy of the draft MOU which we think suitably covers the arrangements and understandings between us. Please can I ask you to socialise this at your end. I understand that Helen Cook from your complaints and feedback team would be a good person to start with.

Happy to arrange a meeting if that would help.

Ngā mihi

Magnus O'Neill | General Manager of Ministerial and Executive Services

Phone: s9(2)(a)

@msd.govt.nz

Ministry of Social Development, Level 5, 56 The Terrace, Wellington

MSD purpose:

We help New Zealanders to be safe, strong and independent

Manaaki tangata, manaaki whānau

RELEASED UNDER THE
OFFICIAL INFORMATION ACT



Memorandum of Understanding

**relating to complaints and inquiries about social work
practice and historic claims of abuse or neglect**

Ministry of Social Development

and

Oranga Tamariki

Memorandum of Understanding

Parties

The Sovereign in right of New Zealand acting by and through the Chief Executive of the **Ministry of Social Development (MSD)**

and

The Sovereign in right of New Zealand acting by and through the Chief Executive of **Oranga Tamariki**

Background

- 1 In April 2016, the Government announced a package of reforms including the complete overhaul of Child, Youth and Family (which was service line of the Ministry of Social Development) to improve the long-term life outcomes for New Zealand's most vulnerable population. The reforms included the creation of Oranga Tamariki.
- 2 The State Sector (Ministry for Vulnerable Children, Oranga Tamariki) Order 2016 established Oranga Tamariki as a public service department on 1 April 2017.
- 3 On 4 August 2019 the Minister of Social Development and the Minister for Children agreed that the Ministry of Social Development shall hold responsibility for resolving claims relating to acts or omissions in state care for the period up to 1 April 2017 ("historic claims of abuse or neglect"), and Oranga Tamariki holds responsibility for resolving claims relating to events that took place from 1 April 2017 onwards. The joint paper also discussed that for claims that relate to events that span the period before and after 1 April 2017 ("cross-over claims") that the agencies will work closely together to resolve the claim taking a claimant-centred approach, and could involve either MSD or Oranga Tamariki acting as a lead agency for responding to the claim.
- 4 In 2021 there was a measure of uncertainty between Oranga Tamariki and MSD as to whether Oranga Tamariki or MSD was the appropriate department to respond to inquiries from the Ombudsmen relating to complaints to the Ombudsmen about (a) social workers and social work practice, or (b) certain historic claims of abuse or neglect of people when they were in state care prior to 1 April 2017.
- 5 Following discussions with the Ombudsmen and the Crown Law Office, Oranga Tamariki and MSD have agreed upon arrangements as to which department ought to respond to complaints and inquiries about social work practice and historic claims of abuse or neglect, depending on the nature of the complaint or inquiry and the time period to which the complaint or inquiry relates.
- 6 This Memorandum of Understanding records the arrangements referred to above together with certain practical matters to facilitate the arrangements. It is likely to be amended as further work is carried out by the agencies on cross-over claims. MSD and Oranga Tamariki are in the process of discussing how these claims are to be managed, with individual decisions likely on a case-by-case basis. Once these discussions have concluded and agreement reached, these arrangements will likely be included in a Schedule to this MoU.

- 7 MSD and Oranga Tamariki agree that they will work together, in good faith and collaboratively, to give effect to these arrangements.

1. Responding to complaints or inquiries about social work practice and historic claims of abuse or neglect

1.1 Complaints or Inquiries regarding social work practice or service complaints

Oranga Tamariki will respond to all complaints and inquiries regarding social work practice or relevant social work service complaints (which, to avoid doubt, includes all complaints relating to the Child, Youth and Family function), except those described in clause 1.2.

1.2 Complaints or inquiries relating to historic claims of abuse or neglect

MSD will respond to complaints and inquiries relating to historic claims of abuse or neglect that are registered with MSD.

2. Forwarding of complaints and inquiries

2.1 Each party to forward inquiries for which the other has responsibility

- (a) If MSD receives a complaint or inquiry relating to a matter that falls within clause 1.1, MSD will:
 - (i) forward the complaint or inquiry to Oranga Tamariki; and
 - (ii) notify the complainant or person making the inquiry (copied to Oranga Tamariki) that, in accordance with a memorandum of understanding between MSD and Oranga Tamariki, Oranga Tamariki is the appropriate department to respond.
- (b) If Oranga Tamariki receives a complaint or inquiry relating to a matter that falls within clause 1.2, Oranga Tamariki will:
 - (i) forward the complaint or inquiry to MSD; and
 - (ii) notify the complainant or person making the inquiry (copied to MSD) that, in accordance with a memorandum of understanding between MSD and Oranga Tamariki, MSD is the appropriate department to respond.

3. Information sharing

- 3.1 If MSD or Oranga Tamariki (the **Requesting Department**) believes that the other department holds personal or other information relating to a complaint or inquiry for which the Requesting Department is responsible, it may ask the other department to share that information with the Requesting Department.
- 3.2 If MSD or Oranga Tamariki receives a request for such information, it will use all reasonable endeavours to locate the information and share it with the Requesting Department, reasonably promptly and by secure means, provided it is lawful to do so.

- 3.3 The party receiving the information will take reasonable steps to:
- (a) safeguard the information; and
 - (b) ensure that the information is only used for the purpose for which it is shared, or as otherwise permitted or required by law.

Signed

For the Ministry of Social Development


(Signature)

Name: *MELISSA GILL*

Title: *DCE Organisational Assurance + Communication*

Date: *21/4/2023*

For Oranga Tamariki


(Signature)

Name: Nicolette Dickson

Title: DCE Quality Practice & Experience

Date: 19/4/23

