

In Confidence

Office of the Minister for Children

Chair, Cabinet

Ministerial Advisory Board: Oranga Tamariki

Proposal

1. This paper asks that Cabinet:

- 1.1. Note that I intend to establish a Ministerial Advisory Board to provide me with advice and assurance on the work of Oranga Tamariki with families, whānau, and Māori, including how it is devolving decision making and actions to Māori for Māori; its professional social work practice; the implementation of operational changes; and enhancing its organisational culture;
- 1.2. Note the attached Terms of Reference for that Board; and
- 1.3. Note that I intend to appoint Matthew Tukaki (as Chair), Dame Naida Glavish, Shannon Pakura, s 9(2)(a), Sir Mark Solomon as members of that board.

Executive Summary

2. Public trust and confidence are crucial for Oranga Tamariki to meet its core responsibilities and serve those it comes into contact with. While it is a relatively new Ministry and some concerns are historic, a number of allegations, issues and concerns about the agency have been raised. These matters are having a negative impact on the ability of the organisation to fulfil its role and on public trust and confidence. They need to be addressed.
3. There is still significant work to be done and Oranga Tamariki needs to create a new operating model which includes advances in the ways it works with and/or devolves decision making and actions to Māori for Māori; lifting its professional social work practice; and enhancing its organisational culture. To assist with this, I propose to establish a Ministerial Advisory Board to provide me with independent advice and assurance with a focus on the areas identified above.
4. I would like the Ministerial Advisory Board's work to commence on 1 February 2021 and I expect an initial report-back before 30 June 2021.

Background

5. Oranga Tamariki was established 1 April 2017 in recognition that the system around child protection needed to change. It was an acknowledgement that the Government needed to devolve resourcing and responsibilities, and to work in partnership with Māori and community to strengthen families and whānau to insulate children from harm. The safety of our children and young people must always be our first concern but their Hauora cannot be achieved if across Government we do not also support their families and whānau to be their best.
6. Allegations have been made about the agency's professional social work practice and culture, the lack of coordination between Oranga Tamariki and other NGOs and its poor relationship with many Māori.

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Public trust and confidence in Oranga Tamariki are crucial to the agency's ability to meet its core responsibilities and care for the children and young people it comes into contact with. It is vital that if there are concerns for the safety or wellbeing of a child or young person that people have no hesitation in raising their concerns with the agency tasked to respond.

7. I take these allegations seriously and wish to receive advice and assurance regarding Oranga Tamariki's current operations and performance along with certainty that the future direction is understood and becoming entrenched.

Why a Ministerial Advisory Board is needed

8. Given the nature and context of Oranga Tamariki's work, public trust and confidence are crucial for it to meet its core responsibilities and serve those tamariki, rangatahi, whānau and communities it comes into contact with.
9. Allegations, issues and concerns have been raised regarding Oranga Tamariki and its practice, relationships and culture. These are having a negative impact on the ability of the agency to fulfil its role and on public trust and confidence. It is important that these are addressed.
10. In particular, I want to ensure Oranga Tamariki is focused on:
 - 1.4. Enhancing relationships with families, whānau and Māori;
 - 1.5. Embedding professional social work practices;
 - 1.6. Developing a positive organisational culture, in particular around speaking up around concerns regarding behaviour or practice within the agency; and
 - 1.7. Starting to devolve funding and decision making to Māori and communities.
11. Beyond appropriate and relevant formal reporting and data, what is also needed is real time information about Oranga Tamariki and its progress.
12. The Ministerial Advisory Board's activities will commence on 1 February 2021 and I expect an initial report-back by 30 June 2021.

What the Ministerial Advisory Board will do

13. The Advisory Board will provide me with independent advice and assurance about Oranga Tamariki with respect to the following areas.
14. Relationships with families, whānau, and Māori including but not limited to:
 - 14.1 If and how the agency has improved its capability to engage with Māori, including its current ways of working with Māori and/or how it is devolving decision making and actions to Māori for Māori.
 - 1.8. If and how the aims and aspirations of local Māori and local communities are acknowledged and what actions are taken by the agency at local and regional levels to partner to deliver on these aspirations.
15. Professional social work practices including but not limited to:

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- 15.1. Assurance that the agency is exemplifying quality social work practices that reflect the current standards expected by and of the profession.
 - 1.9. How the agency is ensuring professional opinion in statutory decision making is respected.
 - 1.10. If and how practices are inclusive and respectful of professional opinion and advice, including when opinions differ.
 - 1.11. The agency's commitment to training staff at onboarding and throughout their employment as part of professional development.
 - 1.12. Assurance that continuous improvement exists in the agency, including identifying what is working and what is not. Also, that functions exist to allow these learnings to be fed back into the agency to strengthen it.
 - 1.13. Assurance that continuous improvement extends to the professional development and training of staff.
16. Organisational culture including but not limited to:
- 1.14. Assurance that the whole organisation practices and adheres to the Positive Workplace Behaviours Model Standards.
 - 1.15. Improvements required to strengthen the connection and alignment between leadership, management and front-line staff.
 - 1.16. Assurance that the agency has robust procedures in place that relate to the confidence of staff that they can "speak up" safely.
 - 1.17. The level of understanding on the front line and at regional level of the operating model, the vision of devolvement for the future, and their individual roles in achieving that vision.
17. My proposed Terms of Reference is set out in Appendix A.

Proposed Appointees

18. It is appropriate that I select and appoint senior, experienced, well respected members of the community to the Ministerial Advisory Board. § 9(2)(a)
19. The term of appointment will be for any period up to two years with eligibility for reappointment. I will determine the makeup and renewal of the Board and I may revoke the appointment of the members or disestablish the Board at any time.
20. Members will disclose all actual, potential or perceived conflicts of interest as they relate to these Terms of Reference to myself.
21. I propose to appoint the following people:
 - 21.1 Mr Matthew Tukaki, as the Board Chair, who has an extensive career in Government and the NGO sector across a large number of public, social and economic policy areas across the Māori world. He has been appointed to the role of executive chairman of the National Māori Authority, Ngā Ngaru Rautahi O Aotearoa; became the Chair of the Auckland District Māori

Council; and most recently was elected to the National Executive of the New Zealand Māori Council.

21.2 Dame Naida Glavish who has dedicated many years of service to the health sector and Māori community, has been influential in addressing inequities and barriers for Māori in the health system, and is involved with a range of iwi, government and community organisations. She was awarded the New Zealand Order of Merit (ONZM), was the recipient of the Queen's Service Medal for services to Māori and the community and was awarded the title of Dame Companion of NZ Order of Merit (DNZM).

21.3 Ms Shannon Pakura who was the President of the Aotearoa Association of Social Workers and has actively lobbied for mandatory registration of Social Workers in New Zealand. She has worked extensively in both Statutory Child Protection and Youth Justice social work sector and was the former Chief Social Worker for the Department of Child, Youth and Family. Currently, Shannon is the Chair of the Social Workers Registration Board.

21.4 s 9(2)(a)



21.5 Sir Mark Solomon is a Tribal leader and has contributed to his community in many capacities, ranging from numerous board positions to trustees and directorships. He was instrumental in establishing the Te Putahitanga O Te Waipounamu, Whānau Ora Commissioning Agency of the South Island and is currently its Chairperson.

22. I am satisfied that the appointment of these individuals will provide an appropriate mix of skills, expertise, and experience to advise me on the areas described.

23. Fees for members of the Board have been assessed in accordance with the Cabinet Fees Framework, according to Cabinet Office Circular (12)6. The Ministerial Advisory Board falls within Group 4 ('All other committees and other bodies'), Level 1. In addition, the Chair and members will be reimbursed for actual and reasonable travel, meal and accommodation costs.

24. In line with the Cabinet Fees Framework, I recommend a fee of \$1,000/day for the Chair, and \$800/day for members.

Financial Implications

25. As noted, Oranga Tamariki will provide administrative and secretariat support to the Ministerial Advisory Board. In addition to sitting fees, there will be costs associated with travel and accommodation, and an operating budget to enable the board to carry out its functions. I propose that these costs, and member fees, be met by Oranga Tamariki.

Legislative Implications, Impact Analysis, Human Rights, Gender Implications, Disability Perspective

26. There are no such implications associated with this paper.

Publicity

27. I intend to announce the Terms of Reference and the Advisory Board members as soon as practicable after Cabinet's consideration.

Proactive Release

28. I intend to proactively release this paper at the time of public announcement of the Terms of Reference and Advisory Board Members.

Recommendations

29. It is recommended that Cabinet:

1.18. **Notes** my intention to establish a Ministerial Advisory Board to provide myself with advice and assurance about Oranga Tamariki with respect to its relationships with families, whānau, hapu, iwi, and Māori, including how it is devolving decision making and actions to Māori for Māori; lifting professional social work practice; and the implementation of operational changes and enhancing its organisational culture.

1.19. **Notes** my intention to appoint Matthew Tukaki (as Chair), Dame Naida Glavish, Shannon Pakura, § 9(2)(a), Sir Mark Solomon as members of the Ministerial Advisory Board.

29.1. **Notes** the Chair will be paid at \$1,000/day and members will be paid at \$800/day, for the duration of their appointment.

1.20. **Notes** the Terms of Reference attached, Appendix A.

Authorised for lodgement

Hon Kelvin Davis

Minister for Children

Appendix A

**Oranga Tamariki Ministerial Advisory Board
Terms of Reference**

Background

Oranga Tamariki was established 1 April 2017 in recognition that the system around child protection needed to change. It was an acknowledgement that the Government needed to devolve resourcing and responsibilities, and to work in partnership with Māori and community to strengthen families and whānau to protect tamariki from harm. The safety of our tamariki and rangatahi must always be our first concern but their hauora cannot be achieved if across Government we do not also support their families and whānau to be their best.

Three years on from its establishment, Oranga Tamariki has taken significant steps. These have included new and improved relationships with many iwi, Māori organisations and Not for Profit partners. These can be seen in the formation of strategic partnerships with iwi, Memorandums of Understanding with Māori Organisations such as the Māori Council and the Māori Women's Welfare League, and greater stability of contracting with NGOs. Transition Homes and prototypes of Intensive Intervention and Early Intervention to strengthen families and minimise the need for tamariki to come into statutory care have also been created.

While there have been a number of high profile reviews of Oranga Tamariki by the Whānau Ora Commissioning Agencies, the Children's Commissioner and the Ombudsman, they are predominantly retrospective, with many of the cases referred to having occurred prior to the establishment of the new Oranga Tamariki operating model, funded through Budget 2019. They also cover periods of time before the Government had agreed to invest in the implementation and embedding of the changes required to deliver on the vision of that model (1 July 2019).

More than a year has passed since that investment. It is timely to do a stocktake on the pace and implementation of change, to check that we are on the path of devolvement as envisioned, and that we are shifting investment from crisis intervention to prevention, early intervention, and intensive intervention.

Allegations have been made about the organisation's professional social work practice and culture. Public trust and confidence in Oranga Tamariki are crucial to the agency's ability to meet its core responsibilities and care for the tamariki and rangatahi it comes into contact with. It is vital that if there are concerns for the safety or wellbeing of a child or young person that people have no hesitation in raising their concerns with the agency tasked to respond.

The Minister for Children takes these allegations seriously and wishes to receive advice and assurance regarding Oranga Tamariki's current operations and performance along with certainty that the future direction is understood and becoming entrenched.

Formal reporting and data reflect the growing number of new services and support for tamariki and rangatahi in or transitioning from care, and the kin or non-kin carers who give homes to these tamariki and rangatahi.

Importantly, the focus is shifting from those already in care to be on more intensive and early interventions which work to keep tamariki safe in their own homes. These services are increasingly being

delivered by or in partnership with trusted providers, including Māori and iwi, who are close to the families that need this support.

What is also needed is “soft data” and real time information around the way the frontline and regional offices are embedding change, how staff are being supported through this change, and to understand the potential impacts of these changes on tamariki and rangatahi while also enhancing social work practices.

Ministerial Advisory Board

The Ministerial Advisory Board (the Board) will provide advice and assurance to the Minister for Children across three key areas of Oranga Tamariki:

Relationships with families, whānau, hapu, iwi, and Māori including but not limited to:

- If and how the organisation has improved its capability to engage with Māori, including its current ways of working with Māori and/or how it is devolving decision making and actions to Māori for Māori.
- If and how there has been an improvement in the understanding and incorporation of te ao Māori into its work, with a focus on the front line.
- If and how the aims and aspirations of local Māori and local communities are acknowledged and what actions are taken at local and regional levels to partner to deliver on these aspirations.
- What opportunities are there to enhance the experience and value of Māori social workers in the organisation, and how could these be further enhanced.

Professional social work practices including but not limited to:

- Assurance that the organisation is exemplifying quality social work practices that reflect the standards expected by and of the profession in 2020.
- How the organisation is ensuring professional opinion in statutory decision making is respected.
- If and how practices are inclusive and respectful of professional opinion and advice, including when opinions differ.
- Oranga Tamariki’s commitment to training staff from onboarding through to professional development.
- Assurance that a mindset of continuous improvement exists which involves identifying what is working and what is not. That functions exist to allow these learnings to be fed back in to the organisation in order to strengthen it.
- Assurance that continuous improvement includes professional development and appropriate training of staff.

Organisational culture including but not limited to:

- Assurance that the whole organisation practices and adheres to the Positive Workplace Behaviours Model Standards.
- Improvements required to strengthen the connection and alignment between leadership, management and front-line staff.
- Assurance that the organisation has robust procedures in place that relate to the confidence of staff that they can “speak up” safely.
- The level of understanding on the front line and at regional level of the operating model, the vision of devolvement for the future, and their individual roles in achieving that vision.

Contestability of advice

Both the Board and Oranga Tamariki will provide advice to the Minister for Children on Oranga Tamariki's work programme in good faith, and with regards to the interests of the other. Where appropriate, the Board and Oranga Tamariki will provide the other with copies of relevant advice provided to the Minister.

Operation of the Ministerial Advisory Board

The Minister will appoint Board members and will designate one member to be the Chair and another member to be the Deputy Chair. The Chair will meet with the Minister for Children to report the advice of the Ministerial Advisory Board. The Chair will facilitate the relationship between the Board and Oranga Tamariki (via the Secretariat).

When appointing members, the Minister will take into account their seniority, experience and standing in New Zealand. They will be paid in accordance with the Cabinet Fees Framework.

Oranga Tamariki will provide Secretariat support to the Board.

In addition to the Minister for Children and Oranga Tamariki, the Board will have relationships with a range of agencies and non-government organisations. Unless otherwise agreed with Oranga Tamariki, the Board's contact with these groups will be facilitated by Oranga Tamariki and the Minister respectively.

The Board may request information and insights from central Government (eg Public Service), children's services providers (eg NGOs), and monitoring bodies (Independent Children's Monitor, the Ombudsman, the Children's Commissioner). The requests should be managed via the Secretariat and Oranga Tamariki.

The Board may request information from Māori and Iwi. It is recommended that the insights and information obtained is shared with the Secretariat and Oranga Tamariki in good faith.

The Board will meet regularly. Members may be invited by the Minister for Children to attend ad hoc meetings, workshops or focus groups consistent with the mandate and objectives of the Board.

The Board will commence on 1 February 2021. The Minister may revoke the appointment of the members or disestablish the Board at any time.

Conflicts of Interest

Members will disclose all actual, potential or perceived conflicts of interest as they relate to these Terms of Reference to the Minister for Children.

Media

Members must refrain from representing the Board or commenting on the advice of the Board to the media.

The Chair may seek agreement from the Minister for Children for the Board to release media statements on any matter related to these Terms of Reference.

Confidentiality

For the Board to operate effectively, members must maintain the confidence of the Board, including maintaining confidentiality of matters discussed at meetings, and any information or documents provided

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to the Board. These confidentiality requirements do not apply to material that is already in the public domain.

Where the Board needs to release material or discuss the workings or advice of the Board to facilitate engagement with iwi and stakeholders, the Chair will seek permission from the Minister for Children.

All information provided to the Board will be treated as official information under the Official Information Act 1982 and, subject to the requirements of that Act, may be released to the public if there are no grounds for withholding it.