

**Office of the Minister for Children**  
**Cabinet Social Wellbeing Committee**

## **Direction for Oranga Tamariki**

### **Proposal**

1. This paper sets out my direction for Oranga Tamariki over the next two to five years, and brings together a consolidated and visible action plan for the agency. It is informed by the findings of the Oranga Tamariki Ministerial Advisory Board report, the feedback of the many people who the Ministerial Advisory Board spoke with, and the recommendations from the Waitangi Tribunal report and previous reviews and inquiries. I intend this new direction to build on system changes that are already underway to address ongoing concerns that Māori, the public and I have regarding the performance of Oranga Tamariki.

### **Relation to government priorities**

2. **Laying foundations for the future:** We are committed to ensuring that New Zealand is the best place in the world to be a child, we are also committed to ensuring Oranga Tamariki partners with iwi, hapū, and Māori organisations to find appropriate solutions for children in need.
3. This paper sets a new direction for Oranga Tamariki to ensure we are in a position to deliver on the commitments made in the Speech from the Throne in November 2020.

### **Vision**

4. My vision for the children and whānau that are served by Oranga Tamariki is that all children are safe, loved and nurtured by whānau, supported by thriving communities.
5. In order to achieve this vision, I am proposing that the role of Oranga Tamariki be clarified – so that it has two roles:
  - a. **A high-performing, highly-trusted statutory care and protection and youth justice agency** that works in an integrated way with other agencies and communities, including supporting the social work workforce
  - b. **An enabler and coordinator for Māori and communities**, to empower them to put in place the support, the solutions and the services they know will work for their people to prevent tamariki coming to the agency's attention.

6. We need to develop a system that meets the needs of children and whānau as a priority, and this paper sets out an action plan that will support the implementation of my vision. The action plan builds on the significant changes already made within Oranga Tamariki in its establishment phase and in response to previous reviews, and accelerates actions to ensure the agency works more effectively with whānau and communities.

### **The current state of Oranga Tamariki and an overview of work to date**

*“Oranga Tamariki (and CYFS before it) lacks cultural competency, compassion and the environment does not uphold the mana and dignity of the child, their parents or the whānau. In short, the system needs to be wiped clean and everything they think they know needs to be put in the rubbish bin.”*

- **Comments from Social Workers with 50 years’ experience**

7. We have a problem with the Child Care and Protection Agency, Oranga Tamariki.
8. Its failures have been well documented in the media. Traumatic uplifts of babies, unacceptable behaviour in both care and protection residences and youth justice facilities, concerning organisational culture, a lack of transparency and accountability and poor relationships with Māori and communities. Social workers are under extreme pressure with the number of vulnerable children and whānau with complex needs requiring more intensive support.
9. It is not just the media and the public that have brought attention to the failings of Oranga Tamariki and its predecessors. *Te Puao Te Ata Tu* was published in 1988 and many of the issues and recommendations it raised are still relevant today. There have been numerous inquiries and reviews and just this year the Waitangi Tribunal report, *He Pāharakeke, He Rito Whakakīkinga Whāruarua* continued to highlight the need for change.
10. After each review, report and inquiry into different functions and processes of Oranga Tamariki, the organisation recognised the need to address its problems, but failed to implement meaningful change as a result. This is unacceptable.
11. In response to the concerns raised by the public, Māori, communities, social workers, people with lived experience, the Children’s Commissioner and the Ombudsman, I established the Oranga Tamariki Ministerial Advisory Board (the Board) to provide me with independent advice and assurance on the work of Oranga Tamariki with 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 [CAB-21-MIN-0003 refers].

12. I appointed senior, experienced, and well-respected members of the community to the Board – Mr Matthew Tukaki (Chair), Dame Naida Glavish, Ms Shannon Pakura and Tā Mark Solomon.
13. In undertaking its work, the Board engaged extensively with iwi authorities, marae, providers, Government agencies or individuals, with over 70 hui across the country. Members reviewed dozens of reports and thousands of pages of documents and undertook significant data analysis. They also gathered insights from visits to 22 sites, a care residence, a youth justice facility and 12 virtual social worker clinics with frontline Oranga Tamariki staff.
14. The Board delivered its first report on 14 July 2021. I wish to acknowledge the dedication of Board members in undertaking this work, as well as the commitment from those community members who willingly gave their time and views.
15. The Board was unable to provide a high level of assurance that the Oranga Tamariki operating model and practices are fit for purpose. It made three overarching recommendations for change:
  - a. Māori and community collectives must be strengthened, restored, and empowered to lead prevention of harm for children, rangatahi and their whānau.
  - b. The purpose of Oranga Tamariki must be clarified, and the mana of core social work function rebuilt and properly supported.
  - c. A National Oranga Tamariki Governance Board should be established to oversee the diversity and depth of changes needed.
16. Each of these overarching recommendations is supported by more specific suggestions for change. The Board also emphasised the importance of collecting and using robust data and evidence to inform practice and for the transparent monitoring of progress and made several recommendations to this effect.

## **Setting a new direction and implementing an Action Plan**

### The Action Plan

17. I accept all of the Board's recommendations and believe they are in line with many of the recommendations of the Waitangi Tribunal Inquiry and those of other recent reviews.
18. There will always be a need for a state care and protection agency for all children in New Zealand. This role and responsibility, the power to remove children from their whānau, should be utilised in extreme situations and not as a go to solution for complex situations.
19. I also believe there needs to be a fundamental and significant shift in the approach, operating model, and practice of Oranga Tamariki to be truly children and family centred. Oranga Tamariki needs to be a high-performing,

highly trusted statutory care and protection and youth justice agency. It must also be an enabler and co-ordinator for Māori and communities, to empower them to put in place the support, the solutions and the services that they know will work for their people.

20. The Action Plan has three areas of focus aligned to the overarching themes from recommendations in the Board's Report and sets out what I have asked Oranga Tamariki to do over the next two to five years to implement the recommendations of the report. The Board's recommendations and the responding Action Plan are included in Annex A. The full report is attached as Annex B.
21. Delivery of the three areas of focus in the Action Plan will ensure Oranga Tamariki is in the best position to deliver better outcomes for children and whānau, empower staff to excel, enable local approaches, and lead across the system.

### Organisational Blueprint

*"We want to meet with our management more regularly. We want their respect. We want them to hear our voices! We desperately need improvement in staff morale, we need to feel respected as staff. We want more engagement, transparency and respect from our senior management and leadership."*

**- Oranga Tamariki Social Workers**

22. The structure and operating model of Oranga Tamariki needs to support and deliver transformation. The current model relies heavily on a matrix approach, with a large span of control and limited line of sight from the Chief Executive to the regions. This makes it a challenge to deliver the operating and cultural change needed to fundamentally shift the outlook of the agency.
23. To enact the change needed, the agency will get back to basics in its approach. It will create an operating model that will move the agency to a more integrated and regionally based way of working that will shift its resources to empower communities. In doing so we will, enable the voices and experiences of children and whānau to be central.
24. It will put in place a structure that aligns functions to best effect, has clear accountabilities and responsibilities for management and delivery, reduces duplication and fragmentation and supports joined up approaches across functions that need to work together.
25. Oranga Tamariki will:
  - a. Develop an operating model that drives locally led, centrally enabled ways of working.
  - a. Determine how functions are grouped for best effect, and then put in place a leadership team to reflect this, drive further change, and set

culture. This will ensure that professional social work practice is appropriately reflected at this leadership level.

- b. Alongside the operating model development, consider what functions and models best support subsequent change below the leadership team.
- c. Ensure the operating model allows the agency to invest more resources and staff into early support.
- d. Reset Oranga Tamariki regional boundaries to have one common set across the agency that better reflect the communities it serves.
- e. Place the voices of children and rangatahi at the centre of decision-making at all levels and support children and whānau to participate in and be central to decision-making.
- f. Embed evidence-based decision making from sites to national office, that encompass several actions including implementing new performance reporting tools to make data and information available to all staff to inform decision-making.
- g. Through a fit-for-purpose transition plan, close our current care and protection residences and replace them with a model that enables tailored care for children with high and complex needs.
- h. Strengthen the feedback and complaints system so it is 'fit-for-whānau', and ensures that tamariki, rangatahi and their whānau have their voices heard and have confidence in the process.

### People and Culture

*"OT is exhausting. People change all the time and don't know Puaote Atatu and don't know our people and don't know how to connect. Would much rather have our grandmothers as social workers – but some young social workers talk to our nannies like they are nothing"*

- **Māori stakeholders, Hastings**

- 26. Oranga Tamariki has not met the expectations of the public or the children and whānau it works with, and this has had a negative impact on the ability of the organisation to fulfil its role. The long-term success of operational and structural changes hinges on the creation of a culture that acts as an accelerator of positive change. To do this, the agency must support its staff to fundamentally shift a culture that has been in place for decades.
- 27. Oranga Tamariki will:
  - a. Develop a workforce strategy that will support high-quality social work, which will include:

- clarifying the role of Oranga Tamariki social workers, and other professionals.
  - working alongside the Social Worker Registration Board and the Aotearoa New Zealand Association of Social Workers to continue to build the social work workforce.
  - identifying the workforce needs of the community, regions and sites.
  - training, career progression pathways, leadership and professional development and workforce planning.
- b. Develop a Kaimahi Ora strategy for all staff, supporting staff to have work life balance and provide regular opportunities to debrief following traumatic events and manage the cumulative impacts of their work.
  - c. Implement the public services Positive and Safe Workplace model.
  - d. Develop a model to inform allocation and resourcing decisions at regional and national level.
  - e. Develop for all staff, in conjunction with the three whare wānanga, a suite of appropriate cultural competency programmes, to ensure staff can engage with whānau and wider communities in culturally responsive ways.
  - f. Invest in the capability of leaders (especially frontline leaders) to ensure shifts to practice and culture take place that support a locally led, centrally enabled way of working and that support tamariki and whānau to participate and be central in decision making.
  - g. Establish trained specialist caregiving roles for our high and complex needs tamariki that recognise the skills required to work with our most vulnerable children and enable appropriate remuneration and ongoing development and support to be provided.

#### Relationships, Partnering and decision-making

*“Different Māori groups across the country have different solutions to the issues in their respective rohe, but they need to be enabled to implement them*

- **Māori stakeholders**

28. The approach taken by Oranga Tamariki to date has placed the state at the centre of the system, rather than children. This has undermined the ability of communities to lead and engage in ensuring the wellbeing of children and their whānau who interact with the system.
29. To address this, Oranga Tamariki will build the required levels of trust and capability, alignment, and transparency to achieve authentic and genuine

partnership. This will further reinforce the change in approach to a locally led, centrally enabled way of working.

30. Oranga Tamariki will:

- a. Greater investment in partners with a particular focus on early support.
- b. Prototype new approaches to partnering to enable decision-making and resourcing to be made in closer proximity to whānau.
- c. Work with iwi and community leaders and Regional Public Service Commissioners in each region to identify opportunities to co-design services and co-locate with partners.
- d. Share data and evidence on needs and challenges of whānau and the support and resources that can make a difference.
- e. Invite and resource communities to work alongside them in the care and protection system (e.g., reclaim the intention of the Family Group Conference to enable whānau led decision-making).
- f. Fundamentally shift how we assess and respond to reports of concern to ensure collaborative decision-making and support at the earliest possible point.
- g. Ensure the delivery of Transition Support Services to ensure that rangatahi are successfully supported to transition to independence and prevent future generations from coming to notice.

#### Social Work Practice

*“The complexity of cases is increasing. Caseload figures don’t take account of complexity”*

*“We want to change and keep improving”*

- **OT Staff and Social workers**

31. Oranga Tamariki needs to reset the professional credibility of its social workers. We know that the experiences people have with Oranga Tamariki, both good and bad, are overwhelmingly shaped by interactions with staff. In some situations, the performance of the agency has been so poorly viewed the social work profession itself has come under intense pressure.

32. To truly transform, Oranga Tamariki needs to enhance the mana of social workers across both the agency and the wider care and protection sector.

33. Oranga Tamariki will:

- a. Set a clear direction to only use s78 Without Notice orders for children when there is clear evidence of solid engagement or attempts at

engagement with whānau, which leads to no workable safety plan being put in place.

- b. Build a framework that incorporates the current practice standards and the Social Workers Registration Board (SWRB) competency standards into one place.
- c. Develop a three-month post-degree professional practice course, partnering with tertiary providers, to develop a statutory child protection component that would involve a paper and placement within Oranga Tamariki.
- d. Working with the SWRB, introduce micro-credentialing for supervision and other specialist areas, which recognises the skills and knowledge that are required by supervisors and other specialist roles.
- e. Through a fit-for-purpose transition plan, close our current residential and protection homes and replace them with smaller purpose-built homes to enable tailored care for the high complex needs children in care.
- f. Ensure the appropriate application of MAPA and STAR by instituting a revised restraint practice, including more frequent training and recertification.
- g. Develop and implement a fit-for-whānau model for feedback and complaints.
- h. Fundamentally shift how staff assess and action reports of concern to ensure safety and security of children and whānau based on best practice.
- i. Develop standard operating procedures that give staff clarity on areas of practice that require national consistency.



## Oversight and Governance

34. It is critical that we do not just accept the recommendations of the Board or outline an Action Plan for implementation. We must put in place oversight and structures to ensure that these changes happen at pace.
35. Overseeing change, monitoring implementation, and ensuring accountability is a significant task. The Board has recommended that a permanent governance board should be established to hold Oranga Tamariki leadership to account and to ensure better outcomes for children and their whānau. I support this view. Oranga Tamariki will support the Board to develop options for a permanent governance board for Oranga Tamariki (noting the need for the Minister for Children to continue to be ultimately accountable for the agency's performance), and on any additional oversight and monitoring requirements.
36. This proposal has implications for the Waitangi Tribunal recommendation to establish a Crown-independent, Māori Transition Authority made in *He Pāharakeke, He Rito Whakakīkinga Whāruarua*. I am not minded to establish a Māori Transition Authority at this time. I want to act quickly to address the known issues in the care and protection system and increase our focus on prevention. The Tribunal report includes numerous observations that I agree with and will take forward reflecting the need for immediate action to reduce harm to children and whānau involved in the care and protection system and reduce the numbers of those who come to the attention of Oranga Tamariki.
37. The challenge of achieving transformation of the disparities Māori experience requires collective effort and bold thought leadership. Oranga Tamariki will look for further opportunities for the Governance Group and lead claimants to be involved in the development of the future direction.
38. I intend to amend the terms of reference for the current Board to reflect an expanded role to provide me with assurance on the implementation of its recommendations. This will include a particular interest in ensuring that Oranga Tamariki (and therefore the wider care and protection system) has fit-for-purpose data capture and use. I note that the Independent Children's Monitor, the Ombudsman and the Children's Commissioner each have discrete and important monitoring roles for the wider system for children in need that will be complementary to the Board's work.
39. I intend to work with the Chair of the Board to appoint two additional members.
40. In addition, Oranga Tamariki will:
  - a. Set out the role of Oranga Tamariki, including how its vision will be achieved, as part of its organisational strategy.
  - b. Support the Board to ensure advice is provided to Government on a permanent governance board for Oranga Tamariki, and on what additional measures beyond existing mechanisms such as the

Independent Children's Monitor are required to ensure appropriate oversight and monitoring.

## Trust and Confidence

*"We want our CE, our DCEs our Minister and the public to trust us. To do what we do really well. They don't value us right now. We want to regain their trust in us."*

- **Oranga Tamariki Social Worker**

41. In total, the actions outlined represent significant change to a more values-based children and whānau centred approach. It will mean a reset of Oranga Tamariki including increased transparency around performance, utilising regional accountability and delivery models and, moreover, empowering iwi and communities. I am confident that these actions together will deliver better outcomes for those children and rangatahi that interact with New Zealand's care and protection system and contribute to regaining the trust of the public.

## Financial Implications

42. There are no financial implications arising directly from this paper. It is possible some actions in the Action Plan may have fiscal impacts in outyears. However, Oranga Tamariki will firstly focus on reprioritising its baseline to achieve this Action Plan.

### *Treasury comment*

43. The Treasury is supportive of the Minister's intent to make Oranga Tamariki more responsive to the needs of tamariki and whānau, and accountable to key stakeholders. We support the Minister for Children's intention to fund any changes from within baselines, however this Cabinet paper does not outline how baseline funding will be made available, and there is a risk that new funding will be required. Furthermore, significant investment was made in Budget 19 to address issues in the focus areas of the Action Plan (Organisational Blueprint; People and Culture; Relationships, Partnering and decision-making; and Social Work practice), and it is unclear how the Action Plan will link into, and build on, that investment. We expect that Oranga Tamariki will continue to provide 6-monthly report-backs on the Budget 19 funding to Cabinet, suitably tailored to reflect the new direction.

### *Further reporting on financial implications*

44. The next report back to Cabinet on the implementation of Budget 2019 funding (due by 31 October 2021) will include indicative details of what funding, from baselines and new funding allocated in Budget 2021, could be re-prioritised to implement the Action Plan.
45. Officials will also report to me and the Minister of Finance on funding implications of implementing actions in this paper by December 2021.

## Legislative Implications

46. While there are no legislative proposals in this paper, some actions in the Action Plan may require legislative review and possible amendment in the future.

## **Impact Analysis**

### **Regulatory Impact Statement**

47. A Regulatory Impact Statement (RIS) is not required as there are no regulatory proposals in this paper.

### **Climate Implications of Policy Assessment**

48. A Climate Implications of Policy Assessment is not required.

### **Te Tiriti o Waitangi implications**

49. The Treaty of Waitangi is a partnership between Māori and the Crown. Officials have assessed the proposals in this paper against the principles and the articles of the Treaty. In particular:
- **Kāwanatanga/government** – the direction set out in this paper will support the Crown to meet its legislative obligations in a way that reflects the Treaty partnership.
  - **Rangatiratanga/chieftainship** – the actions in this paper seek to enable Māori to have more ownership of the care and protection system.
  - **Oritetanga/equity** – the paper outlines a series of actions to reduce disparities for Māori.
50. Officials consider the proposals appropriately balance the Crown's active protection obligations under Article II of the Treaty and the Crown's broader good government responsibilities.

### **Population Implications**

51. Recommendations made by the Board have implications for children, rangatahi and whānau:
- Māori: the majority of children and rangatahi in State care and in the youth justice system are Māori. A significant proportion of caregivers are also Māori. The actions in this paper will empower whānau and iwi to improve wellbeing outcomes for these children and whānau Māori.
  - Pasifika: Pasifika children are overrepresented in the care and protection and youth justice systems. Actions to support communities to perform their preventative and early support roles are expected to be central to improving outcomes for Pasifika children.

- Women: women are more likely than men to be the primary caregivers for children and rangatahi. These proposals will provide whānau (including caregivers), with greater support and assistance.
- Disabled people: children in State care and in the youth justice system have higher needs or are more likely to be disabled. This is likely to also be the case for children in the wider care and protection system, which also impacts their parents.

## Human Rights

52. This paper and the recommendations made by the Ministerial Advisory Board are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

## Consultation

53. The following agencies were informed of this paper: the Department of the Prime Minister and Cabinet (Child and Youth Wellbeing and Child Poverty Units), Treasury, the Ministries of Health, Education, Social Development, Justice, and Housing and Urban Development, the Department of Corrections, Te Puni Kōkiri, Police, the Ministry of Pacific Peoples, the Accident Compensation Corporation, the Ministry for Women, the Public Service Commission, the Social Wellbeing Agency, Te Arawhiti and the Crown Law Office.

## Communications

54. Decisions will be communicated publicly at an event following decisions being confirmed by Cabinet.

## Proactive Release

55. I intend to proactively release this Cabinet paper within seven business days of decisions being confirmed by Cabinet.

## Recommendations

56. The Minister for Children recommends that the Committee:
- a. **Note** I have accepted the recommendations of the Ministerial Advisory Board report and I have directed Oranga Tamariki to develop and implement an Action Plan to respond to recommendations and concerns raised.
  - b. **Agree** that the Oranga Tamariki priorities over the next two to five years are:
    - Making operational change and addressing organisational culture.
    - Building relationships and partnering to enable better wellbeing outcomes for children and whānau.

- Enhancing the mana of social work practice.
- c. **Note** that Oranga Tamariki and the Treasury will work closely to identify what could be reprioritised in the Oranga Tamariki baseline to fund the Action Plan.
- d. **Note** that the next report back to Cabinet on the implementation of Budget 2019 funding (due by 31 October 2021) will include indicative details of what funding, from baselines and new funding allocated in Budget 2021, could be re-prioritised to implement the Action Plan.
- e. **Agree** that officials report to the Minister for Children and the Minister of Finance on funding implications of implementing actions in this paper, including clarifying the links between these actions and initiatives funded through Budget 2019, by December 2021.
- f. **Agree** that I will adjust the current terms of reference of the Ministerial Advisory Board to:
  - a. establish permanent governance arrangements to support the leadership of Oranga Tamariki including the consideration of youth and disability representation
  - b. provide continued assurance on the implementation of the Action Plan.
- g. **Agree** I will report back to Cabinet in February 2022 on:
  - a. the implementation of the Action Plan
  - b. options for a permanent governance board for Oranga Tamariki
  - c. the development of a workforce strategy
  - d. regional funding and decision-making.

Authorised for lodgement

Hon Kelvin Davis

Minister for Children

Annex A: Consolidated Recommendations of the Ministerial Advisory Board and Action Plan

Annex B: Initial Report from Ministerial Advisory Board