



Cabinet


Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Report of the Cabinet Business Committee: Period Ended 7 June 2024

On 10 June 2024, Cabinet made the following decisions on the work of the Cabinet Business Committee for the period ended 7 June 2024

Out of Scope




CBC-24-MIN-0048

**Re-establishing an Oranga Tamariki
Ministerial Advisory Board**
Portfolio: Children

CONFIRMED

Out of Scope



Rachel Hayward
Secretary of the Cabinet



Cabinet Business Committee

Minute of Decision

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Re-establishing an Oranga Tamariki Ministerial Advisory Board

Portfolio **Children**

On 4 June 2024, the Cabinet Business Committee:

- 1 **noted** that in February 2021, the previous Minister for Children established a Ministerial Advisory Board to provide independent advice and assurance on the work of Oranga Tamariki [CAB-21-MIN-0003];
- 2 **noted** that the term of the previous Ministerial Advisory Board ended on 31 January 2024;
- 3 **agreed** to re-establish the Ministerial Advisory Board for a term beginning on 1 July 2024 and ending 30 September 2026;
- 4 **noted** that the Minister for Children will submit proposed membership of the Ministerial Advisory Board to the Cabinet Appointments and Honours Committee;
- 5 **noted** that it is intended that the Ministerial Advisory Board will provide independent advice and assurance to the Minister for Children on the performance of Oranga Tamariki in progressing actions that give effect to the recommendations made in its initial report, *Hipokingia ki te Kahu Aroha Hipokingia ki te Katoa* (the Te Kahu Aroha report);
- 6 **noted** that the Ministerial Advisory Board and secretariat support function is to be funded from a reprioritisation within the existing baseline of Oranga Tamariki;
- 7 **agreed** to establish the following new non-departmental output expense appropriation, to run from 1 July 2024;

Vote	Appropriation Minister	Appropriation Administrator	Title	Type	Scope
Oranga Tamariki	Minister for Children	Oranga Tamariki	Independent Advice on Oranga Tamariki	Non Departmental Output Expense	This appropriation is limited to independent advice and assurance to the Minister for Children

- 8 **noted** that the above appropriation will be used specifically for the Ministerial Advisory Board, including but not limited to members’ fees and travelling expenses, operating costs, and administrative secretariat support for the Board;
- 9 **approved** the following fiscally neutral adjustment to provide for the extension of the Ministerial Advisory Board, with no impact on the operating balance and net debt;

Vote Oranga Tamariki Minister for Children	\$m – Increase (decrease)			
	2024/25	2025/26	2026/27	2027/28 & Outyears
Multi Category Expenses and Capital Expenditure: Investing in Children and Young People (MCA) <i>Departmental output Expense:</i> Prevention and Early Support (funded by revenue crown)	(0.875)	(0.904)	(0.336)	
<i>Non-departmental output expense:</i> Independent Advice on Oranga Tamariki	0.875	0.904	0.336	

- 10 **agreed** that the changes to the appropriations for 2024/25 above be included in the 2024/25 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply.

Jenny Vickers
Committee Secretary

Present:

Rt Hon Winston Peters (Chair)
Hon David Seymour
Hon Brooke van Velden
Hon Shane Jones
Hon Chris Bishop
Hon Dr Shane Reti
Hon Simeon Brown
Hon Erica Stanford
Hon Paul Goldsmith
Hon Matt Dooccy
Hon Casey Costello
Hon Karen Chhour

Officials present from:

Department of the Prime Minister and Cabinet



Cabinet Business Committee

Summary

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Re-establishing an Oranga Tamariki Ministerial Advisory Board

Portfolio	Children
Purpose	This paper seeks agreement to re-establish a Ministerial Advisory Board to provide the Minister for Children (the Minister) with independent advice and assurance on the performance of Oranga Tamariki.
Previous Decisions	<p>The previous government:</p> <ul style="list-style-type: none"> in January 2021, noted the Minister's intention to establish a Ministerial Advisory Board to provide advice and assurance about Oranga Tamariki practices [CAB-21-MIN-0003]; in December 2022, noted that the Minister intended to extend the term of the Board's members until 31 January 2024 [APH-22-MIN-0287].
Proposal	<p>In July 2021, the Board provided its initial report, <i>Hipokingia ki te Kahu Aroha Hipokingia ki te Katoa</i> (Te Kahu Aroha), which included recommendations for change at Oranga Tamariki. The previous government accepted all recommendations, and the Board's extension until January 2024 enabled it to monitor progress against the recommended actions and provide assurance on progress to the Minister.</p> <p>Recognising the significant work still underway in response to Te Kahu Aroha and other reviews, the Minister wishes to re-establish the Board so it can continue to provide advice and assurance on Oranga Tamariki's progress. Terms of Reference are attached as Appendix One. It is not intended that the Board will undertake any new reviews or produce new reports.</p>
Impact Analysis	Not applicable.
Financial Implications	Approval is sought to establish a new appropriation in Vote Oranga Tamariki for the Board. The Board's expenses will be funded by a fiscally neutral transfer of \$2.115 million over three years from reprioritised Oranga Tamariki baseline funding.
Legislative Implications	None from this paper.

Timing Matters The Minister intends to submit proposed Board members to the Cabinet Appointments and Honours Committee. The Board will run 1 July 2024 to 30 September 2026.

Communications A press statement will be issued once appointments have been made.

Consultation Paper prepared by OT. Treasury was consulted.

The Minister indicates that all Ministers and Parliamentary Under-Secretaries were consulted.

The Minister for Children recommends that the Committee:

- 1 note that in February 2021, the previous Minister for Children established a Ministerial Advisory Board to provide independent advice and assurance on the work of Oranga Tamariki [CAB-21-MIN-0003];
- 2 note that the term of the previous Ministerial Advisory Board ended on 31 January 2024;
- 3 agree to re-establish the Ministerial Advisory Board for a term beginning on 1 July 2024 and ending 30 September 2026;
- 4 note that the Minister for Children will submit proposed membership of the Ministerial Advisory Board to the Cabinet Appointments and Honours Committee;
- 5 note that it is intended that the Ministerial Advisory Board will provide independent advice and assurance to the Minister for Children on the performance of Oranga Tamariki in progressing actions that give effect to the recommendations made in the Te Kahu Aroha report;
- 6 note that the Ministerial Advisory Board and secretariat support function is to be funded from a reprioritisation within the existing baseline of Oranga Tamariki;
- 7 agree to establish the following new non-departmental output expense appropriation, to run from 1 July 2024;

Vote	Appropriation Minister	Appropriation Administrator	Title	Type	Scope
Oranga Tamariki	Minister for Children	Oranga Tamariki	Independent Advice on Oranga Tamariki	Non Departmental Output Expense	This appropriation is limited to independent advice and assurance to the Minister for Children

8 note that the above appropriation will be used specifically for the Ministerial Advisory Board, including but not limited to members’ fees and travelling expenses, operating costs and administrative secretariat support for the Board;

9 approve the following fiscally neutral adjustment to provide for the extension of the Ministerial Advisory Board with no impact on the operating balance and net debt;

Vote Oranga Tamariki Minister for Children	\$m – Increase (decrease)			
	2024/25	2025/26	2026/27	2027/28 & Outyears
Multi Category Expenses and Capital Expenditure: Investing in Children and Young People (MCA) <i>Departmental output Expense:</i> Prevention and Early Support (funded by revenue crown)	(0.875)	(0.904)	(0.336)	
<i>Non-departmental output expense:</i> Independent Advice on Oranga Tamariki	0.875	0.904	0.336	

10 agree that the changes to the appropriations for 2024/25 above be included in the 2024/25 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply.

Rachel Clarke
Committee Secretary

Hard-copy distribution:
Cabinet Business Committee
Minister for Children

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Office of the Minister for Children

Cabinet Business Committee

SEEKING APPROVAL TO RE-ESTABLISH THE ORANGA TAMARIKI MINISTERIAL ADVISORY BOARD

Proposal

- 1 This paper seeks agreement to re-establish a Ministerial Advisory Board to provide independent advice and assurance on the performance of Oranga Tamariki—Ministry for Children (Oranga Tamariki).

Relation to government priorities

- 2 The establishment of a Ministerial Advisory Board supports the Government's priority to deliver better public services because the Board's core function is to provide independent advice and assurance to me, the Minister for Children, on the performance of Oranga Tamariki.

Background

- 3 The previous Minister for Children established a Ministerial Advisory Board in February 2021 to provide independent advice and assurance on the work of Oranga Tamariki with families, whānau, and Māori, including:
 - 3.1 how it is devolving decision-making and actions to Māori for Māori;
 - 3.2 professional social work practice;
 - 3.3 the implementation of operational changes; and
 - 3.4 enhancing organisational culture.
- 4 The Board's initial report, *Hipokingia ki te Kahu Aroha Hipokingia ki te Katoa* (Te Kahu Aroha), was provided to the previous Minister for Children in July 2021. The report included a list of recommendations for Oranga Tamariki which reflected that:
 - 4.1 decision-making and resources need to be shifted to communities, with tamariki and whānau at the centre of the system.
 - 4.2 a new operating model needs to be formed, with better support and training for social workers.
 - 4.3 the power to remove tamariki from their whānau should only be utilised in extreme situations and not as a go-to solution for complex circumstances.

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- 5 The previous Government accepted all the recommendation of Te Kahu Aroha, and responded through the Oranga Tamariki Future Direction Plan which drew together themes from across Te Kahu Aroha and recommendations from previous reviews and the 2021 Waitangi Tribunal inquiry into Oranga Tamariki.
- 6 In December 2022, the term of the Board was extended to 31 January 2024. The extension enabled the Board to continue to provide assurance on the performance of Oranga Tamariki in fulfilling the actions identified in the Future Direction Plan and ensured the organisation could continue to be held to account for its progress.
- 7 In the remainder of its term, the Board carried out the following additional reviews:
 - 7.1 a review of provision of care in Oranga Tamariki residences (the residences review)
 - 7.2 an addendum report on quality support and service outcomes for tamariki and rangatahi whaikaha, their whānau, parents and caregivers (the disability review)
 - 7.3 a review into the barriers to children exiting the custody of the Chief Executive of Oranga Tamariki (the children in care review).
- 8 The term of the Board ended on 31 January 2024. Oranga Tamariki continues to progress action against the recommendations made in the above reviews.

Re-establishing a Ministerial Advisory Board

- 9 Recognising the significant work underway in response to reviews and reports regarding Oranga Tamariki, I am seeking approval to re-establish a Ministerial Advisory Board to provide me with independent advice and assurance for a term beginning on 1 July 2024 and ending on 30 September 2026.
- 10 The Board will provide advice and assurance to me as Minister for Children on the performance of Oranga Tamariki in progressing actions that give effect to the recommendations made in Te Kahu Aroha. This includes actions related to:
 - 10.1 delegation and devolution of decision-making to communities
 - 10.2 implementing the Oranga Tamariki strategic direction
 - 10.3 strengthening the role of caregivers
 - 10.4 professional social work practice
 - 10.5 organisational culture.
- 11 It is not intended that the Board will undertake any new review or produce new reports, other than assurance reports to me based on the above objective.

- 12 It is intended that the Board will be supported by a small secretariat from Oranga Tamariki. The Terms of Reference provided in Appendix One outlines the objective and administration of the proposed Board in more detail.

Cost-of-living Implications

- 13 This proposal has no cost-of-living implications.

Financial Implications

- 14 Table 1 below details the expected cost profile of re-establishing the Board until 30 September 2026. This would be used specifically for the Board, including but not limited to members' fees and travelling expenses, operating costs and administrative secretariat support.

Table 1 – Expected cost profile of re-establishing the Board

	2024/25	2025/26	2026/27
Cost of re-establishing the Board	0.875	0.904	0.336

- 15 I am requesting the establishment of a non-departmental output expense appropriation to fund the Board from 1 July 2024 to 30 September 2026. These costs will be funded from reprioritisation within the existing baseline of Oranga Tamariki.

Legislative Implications

- 16 This proposal has no legislative implications.

Impact Analysis

Regulatory Impact Statement

- 17 This proposal has no regulatory implications.

Climate Implications of Policy Assessment

- 18 This proposal has no climate implications.

Population Implications

- 19 The establishment of a Ministerial Advisory Board will provide me with assurance that Oranga Tamariki is making sufficient progress in giving effect to the recommendations made in Te Kahu Aroha. This will have a demonstrable impact on outcomes for children and young people in care, one of our most vulnerable groups in New Zealand.

Human Rights

- 20 This proposal has no human rights implications.

Consultation

21 The Treasury has been consulted on this proposal.

Communications

22 I intend to issue a press statement once appointments have been made to the Ministerial Advisory Board and members have been notified.

Proactive Release

23 I intend to proactively release this Cabinet paper once appointments to the Board have been considered by the Appointment and Honours Committee, and members have been notified.

Recommendations

The Minister for Children recommends that the Committee:

- 1 **note** that the previous Minister for Children established a Ministerial Advisory Board in February 2021 to provide independent advice and assurance on the work of Oranga Tamariki;
- 2 **note** that, following an extension in December 2022, the term of the previous Ministerial Advisory Board ended on 31 January 2024;
- 3 **approve** the re-establishment of a Ministerial Advisory Board for a term beginning on 1 July 2024 and ending 30 September 2026;
- 4 **note** that it is intended that the Ministerial Advisory Board will provide independent advice and assurance to the Minister for Children on the performance of Oranga Tamariki in progressing actions that give effect to the recommendations made in the Te Kahu Aroha report;
- 5 **note** that the Ministerial Advisory Board and secretariat support function is to be funded from a reprioritisation within the existing baseline of Oranga Tamariki;
- 6 **agree** to establish the following new non-departmental output expense appropriation, to run from 1 July 2024;

Vote	Appropriation Minister	Appropriation Administrator	Title	Type	Scope
Oranga Tamariki	Minister for Children	Oranga Tamariki	Independent Advice on Oranga Tamariki	Non Departmental Output Expense	This appropriation is limited to independent advice and assurance to the Minister for Children

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- 7 **note** the appropriation would be used specifically for the Ministerial Advisory Board, including but not limited to members' fees and travelling expenses, operating costs and administrative secretariat support for the Board;
- 8 **approve** the following fiscally neutral adjustment to provide for the extension of the Ministerial Advisory Board with no impact on the operating balance and net debt;

Vote Oranga Tamariki Minister for Children	\$m – Increase (decrease)			
	2024/25	2025/26	2026/27	2027/28 & Outyears
Multi Category Expenses and Capital Expenditure: Investing in Children and Young People (MCA) <i>Departmental output Expense:</i> Prevention and Early Support (funded by revenue crown)	(0.875)	(0.904)	(0.336)	
<i>Non-departmental output expense:</i> Independent Advice on Oranga Tamariki	0.875	0.904	0.336	

- 9 **agree** that the proposed changes to the appropriations for 2024/25 above be included in the 2024/25 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply.

Authorised for lodgement.

Hon Karen Chhour

Minister for Children

Terms of Reference

Oranga Tamariki Ministerial Advisory Board

DATE **JULY 2024**

VERSION **0.2**



Oranga Tamariki Ministerial Advisory Board

Terms of Reference

Purpose of the Ministerial Advisory Board and Terms of Reference

The Board will provide free and frank advice and assurance to the Minister for Children on the performance of Oranga Tamariki in progressing actions that give effect to the recommendations made in Te Kahu Aroha.

Background

A Ministerial Advisory Board was established by the previous Minister for Children, Hon Kelvin Davis, on 1 February 2021, initially for a period of up to two years, to provide the Minister for Children with independent advice and assurance on the work of Oranga Tamariki. On 12 December 2022, Cabinet agreed to extend the term of the Board until 31 January 2024.

In July 2021 the Board presented the Minister for Children with their initial report, *Hipokingia ki te Kahu Aroha Hipokingia ki te katoa* (Te Kahu Aroha). The Minister for Children accepted all the recommendations from Te Kahu Aroha in August 2021, and Oranga Tamariki initially delivered action in response through the Future Direction Plan (FDP). The Board provided the Minister for Children with quarterly assurance reports regarding the performance of Oranga Tamariki in progressing the actions outlined in the FDP.

In addition, the Board carried out the following reviews for the Minister for Children:

- Review of provision of care in Oranga Tamariki residences (the Residences Review), completed in October 2021
- Addendum report on quality support and service outcomes for tamariki and rangatahi whaikaha, their whānau, parents and caregivers (the Disability Review), completed in August 2022
- Children in Care, to be finalised by February 2024.

In November 2023, Hon Karen Chhour became the Minister for Children. The term of the Board came to an end in January 2024.

Recognising the significant work underway to further realise the change required to fully transform the care and protection and youth justice systems, the Minister for Children subsequently sought Cabinet approval to re-establish a Ministerial Advisory Board to provide independent advice and assurance regarding Oranga Tamariki progress on actions that give effect to the recommendations made in Te Kahu Aroha.

Objectives and Responsibilities

The Board will provide advice and assurance to the Minister for Children on the performance of Oranga Tamariki in progressing actions that give effect to the recommendations made in Te Kahu Aroha. This includes actions related to:

- Delegation and devolution of decision-making to communities
- Implementing the Oranga Tamariki strategic direction
- Strengthening the role of caregivers
- Professional social work practice

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- Organisational culture

It is not intended that the Board will undertake any new review or produce new reports, other than assurance reports to the Minister for Children based on the above objectives.

The Minister for Children may seek advice or commission a report from the Board on other matters related to her portfolio at her discretion.

Membership

The Minister for Children will appoint Board members and will designate one member to be the Chair. The Chair will facilitate the relationship between the Board and Oranga Tamariki (via the Secretariat).

When appointing new members, the Minister for Children will consider their seniority, experience and standing in New Zealand.

Administration and meetings

A Memorandum of Understanding between the Board and Oranga Tamariki will be prepared to formalise the working relationship between both parties, to ensure an effective flow of information, and to confirm the expectations on Oranga Tamariki in regard to their engagement with the Board.

Oranga Tamariki will provide for an independent secretariat to support the Board. The secretariat will be made up of up to three members, with additional support provided by Oranga Tamariki as required to facilitate the provision of information to the Board.

The Board will meet regularly and meet with the Minister for Children at least quarterly to report its advice and to discuss any other matters related to their role in providing independent advice and assurance. 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 provide the Minister for Children assurance on a quarterly basis their view of the progress made by Oranga Tamariki. Prior to reporting to the Minister for Children, the Board will share their advice with Oranga Tamariki for the purposes of ensuring factual accuracy.

In addition to the Minister for Children and Oranga Tamariki, the Board may 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 for Children respectively.

The Board may request information and insights from central Government (e.g. Public Service), children's services providers (e.g. 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 commence on 1 July 2024, and end on 30 September 2026. The Minister for Children may revoke the appointment of the members or disestablish the Board at any time.

A member may, at any time, resign from the Board by providing written notice to the Minister for Children and the Chair.

Contestability of advice

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

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appropriate, the Board and Oranga Tamariki will provide the other with copies of relevant advice provided to the Minister for Children.

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. An Interest Register for Board members will be provided to Oranga Tamariki on a monthly basis to ensure any conflicts of interest are identified and addressed in a timely manner.

Funding and remuneration

Funding and remuneration for the Board will be managed by Oranga Tamariki. The Chair and Members of the Board will be remunerated in accordance with the Cabinet Fees Framework.

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 confidentiality of the Board, including maintaining confidentiality of matters discussed at meetings, and any information or documents provided to the Board. These confidentiality requirements do not apply to material that is already in the public domain.

When 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 the Act, may be released to the public if there are no grounds for withholding it.

Next Review of Terms of Reference

The terms of reference will be reviewed annually, with the next review scheduled to be completed by March 2025.