



**ORANGA  
TAMARIKI**  
Ministry for Children

## **Operational Delegations**

## Instrument of delegation

Pursuant to schedule 6 of the Public Service Act 2020 and sections 7A to 7D of the Oranga Tamariki Act 1989, I, Chappie Te Kani, Chief Executive of Oranga Tamariki—Ministry for Children (Oranga Tamariki), give the delegations set out in Schedule 2 and indicated with DSF to the persons holding or acting in the positions in Oranga Tamariki referred to in Schedule 2.

I am satisfied that the persons other than social workers who are delegated functions or powers under the Oranga Tamariki Act 1989 are appropriately qualified to perform or exercise them taking into account their training, experience, and interpersonal skills.

The delegated authority does not include the power to authorise or incur the expenditure of public money except where indicated. The financial delegations contain the delegations for departmental operating expenditure.

The delegated authority must be exercised strictly in accordance with the delegation, any specified conditions, and the rules attached in Schedule 1.

I revoke the Operational Delegations set out in the Instrument of Delegation which came into effect on 20 June 2021.

This instrument comes into effect on 12 April 2022.



\_\_\_\_\_  
Chappie Te Kani  
**Chief Executive**  
**Oranga Tamariki—Ministry for Children**

Date 11/04/2022

## Schedule 1 – Delegation rules

1. For the avoidance of doubt, the delegation of a power to a class of office holder shall include delegation of that power to a person validly acting in that class.
2. A delegation to a social worker may be exercised by a social worker supervisor.
3. Only Public Service employees, and contractors and secondees from elsewhere in the State services working in Oranga Tamariki can exercise these powers and functions: consultants, independent contractors not working in Oranga Tamariki and people seconded from private or overseas organisations cannot unless, with the responsible Minister's prior approval, they are individually delegated a clearly identified function or power under schedule 6 clause 5 of the Public Service Act 2020 and (where applicable) sections 7B to 7D of the Oranga Tamariki Act 1989.
4. Staff who are delegated functions and powers under this instrument must:
  - a. ensure they are appropriately trained to exercise the powers and functions
  - b. seek appropriate advice if they are unsure about the power or function
  - c. act in accordance with Ministry policies and procedures, in particular the Oranga Tamariki – Ministry for Children Code of Conduct 2019 and the Public Service Commission (Te Kawa Mataaho) Standards of Integrity and Conduct
5. Staff must document how they have exercised any power or function so that decisions can be appropriately audited.
6. If staff act without appropriate authority, they may be disciplined and may be made personally liable for unlawful expenditure.
7. Changes to the Delegations or to any part of this document will not be effective unless they are under the signature of the Chief Executive of Oranga Tamariki—Ministry of Children.
8. Some delegated authorities require (and as soon as practicable) the person with the authority to exercise this in consultation and with input from a supervisor or next level manager. In these cases the delegated level is marked with •.
9. Some delegated authorities require (and as soon as practicable) the person with the authority to exercise this in consultation and with input from a Ministry solicitor. In these cases the delegated level is marked with \*.
10. Individual delegations do not override the need for consultation and supervised practice.

## Schedule 2 – Operational Powers and functions for Oranga Tamariki

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## ***Notes for interpretation***

1. The instrument sets out functions and powers of the Chief Executive under the Oranga Tamariki Act 1989 and some other enactments that are delegated to social workers and other staff within Oranga Tamariki.
2. It also sets out which staff have the authority to make operational practice decisions that are preliminary or ancillary to the exercise of statutory powers and functions.
3. As specified in the delegation rules:
  - Some delegated authorities require (and as soon as practicable) the person with the authority to exercise this in consultation and with input from a supervisor or next level manager. In these cases the delegated level is marked with •.
  - Some delegated authorities require (and as soon as practicable) the person with the authority to exercise this in consultation and with input from a Ministry solicitor. In these cases the delegated level is marked with \*.



## ***Table of abbreviations***

The following abbreviations are used in the delegations tables below:

<b>Abbreviation</b>	<b>In full</b>
Assoc RM	Associate Regional Manager
CE	Chief Executive
Chief Social Worker	Oranga Tamariki Chief Social Worker
CPC	Care and Protection co-ordinator
CFSS	Child and Family Support Service
CGRS	Caregiver Recruitment and Support
CPRP	Care and Protection Resource Panel
Chairperson CPRP	Chairperson Care and Protection Resource Panel
CSS	Cultural Social Service
DCE MPC	Deputy Chief Executive Oranga Tamariki Māori, Partnerships and Communities
DCE Service Delivery	Deputy Chief Executive Oranga Tamariki Service Delivery
DCE QPE	Deputy Chief Executive Oranga Tamariki Quality Practice and Experiences
FH	Family Home
FH caregivers	Family Home Caregivers
GM	General Manager
GM YJ Res	General Manager Youth Justice Residence
HFCA	Higher Foster Care Allowance
Iwi SS	Iwi Social Service
Minister	The Minister, who is, with the authority of the Prime Minister, for the time being responsible for the administration of the Oranga Tamariki Act 1989
NCS Regs	Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018

## In-Confidence

<b>Abbreviation</b>	<b>In full</b>
NZ	New Zealand
Operations Manager CGRS	Operations Manager Caregiver Recruitment Service
Prac Manager	Practice Manager – Residence or Call Centre
Prac Leader	Practice Leader – Field
Reg Manager	Regional Manager
Res Manager	Residential Manager
ROC	Report of Concern
RSW	Residential social worker
Res Sup	Residential Supervisor
Sup	Supervisor
SW	Social worker
TL	Team Leader, Administration
NQL	National Quality Lead, Māori, Partnerships and Communities
QL	Regional Quality Lead, Māori, Partnerships and Communities
QM	Quality Manager, Māori, Partnerships and Communities
YJC	Youth Justice co-ordinator
YJ Manager	Youth Justice Manager
YJSW	Youth Justice Social Worker

## ***Investigation assessment: care and protection***

*This section covers the authority required to perform each investigation assessment task.*

### **Intake**

<b>Function/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational/ Practice Decisions (OPD)</b>
Receive Report of Concern (ROC) (s15)	SW	DSF	

### **Investigation and assessment of care or protection notifications [Report of Concern]**

<b>Function/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational/ Practice Decisions (OPD)</b>
Decide if investigation into matters contained in ROC is necessary or desirable (s17(1)(a))	SW •	DSF	
If decision not to investigate, (unless impracticable or undesirable) inform person who made the report that report not investigated (s17(1)(c))	SW •	DSF	
Investigate or arrange investigation into matters contained in ROC (s17(1)(a))	SW •	DSF	
Consult CPRP in relation to investigation (s17(1)(b))	SW •	DSF	
Approve investigation and assessment plan	Sup		OPD
After investigation, decide if there is reasonable belief that child is in need of care and protection (s17(2))	SW •	DSF	
Approval of investigation outcome	Sup		OPD
Decision to refer case of serious abuse to the police	Sup		OPD
Notify CPC of reasonable belief (formed after inquiry) that child is in need of care and protection (ss17(2) and 18(1))	SW •	DSF	

## In-Confidence

After investigation concluded, (unless impracticable or undesirable) inform person who made the report that report has been investigated and whether further action taken (s17)(1)(c))	SW	DSF	
After investigation concluded, if a care and protection co-ordinator is not notified under s17(2): <ul style="list-style-type: none"> <li>• undertake a further assessment or provide services to the child or young person; or</li> <li>• refer the child or young person, their family or other persons to other services; or</li> <li>• take no further action (s17(2A))</li> </ul>	SW •	DSF	
Refer a case to a care and protection co-ordinator if not satisfied that a child or young person is in need of care or protection, but believes that holding a family group conference would best assist in formulating a plan to help the child or young person (s18AAA)	Regional Manager	DSF	

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

### Assessment of Parent of Subsequent Child

Function/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Decide if there are reasonable grounds to believe that section 18A(1) applies to a person (s18A(2))	SW •	DSF	
Inform the person that he/she is to be assessed as a parent of a subsequent child (s18A(2))	SW	DSF	
Assess whether the person meets the requirements of section 18A(3) in respect of the subsequent child including whether section 18A(5) applies (s18A(2) and (5))	SW	DSF	
Decision to apply for a care or protection order because the subsequent child is in need of care or protection on ground in s14(1)(c) or not to apply on that ground (s18A(4)(a) and (b))	SW •*	DSF	
Make application for a care or protection order or for confirmation of decision not to apply for a care or protection order (s18A(4))	SW *	DSF	

## In-Confidence

<p>If required by the Court (in an application for confirmation)—</p> <p>provide any information the Court requires (s18C(4)(d)(i))</p> <p>reconsider all or part of the assessment under s18A and report to the Court (s18C(4)(d)(ii))</p>	SW *	DSF	
<p>If Court declines to confirm decision not to apply for a care or protection order, attend any FGC convened under s72(3) (s18D(b))</p>	SW	DSF	

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

### Production of documents relevant to investigation

Function/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
<p>Decide whether there is a belief on reasonable grounds that person has document that contains, or is likely to contain, information necessary or relevant to determining whether child or young person is in need of care or protection (s59(1)(a))</p>	SW •*	DSF	
<p>Apply for Court order for production of documents if person has refused to allow that document to be inspected. (s59(1))</p>	SW • *	DSF	
<p>Remove, retain or copy documents (s63)</p>	SW •*	DSF	
<p>Require a government department, instrument of the Crown or statutory body to supply information in its possession required to determine whether child or young person in need of care or protection or for proceedings under Part 2 of Oranga Tamariki Act (s66)</p>	SW • CPC •	DSF	OPD

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

**Emergency actions**

<b>Function/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational/ Practice Decisions (OPD)</b>
Decision to apply for place of safety warrant	SW •*		OPD
Apply to District Court Judge or, if unavailable, to an issuing officer for a place of safety warrant (s39(2))	SW *	DSF	
Execute place of safety warrant issued in favour of Chief Executive (s39(1A))	SW •	DSF	
Enter and search for child and young person under warrant (s39(3)(a))	SW •	DSF	
Remove or detain child or young person, or direct medical superintendent of hospital to keep child or young person in that hospital, if believe on reasonable grounds that child or young person has or is likely to suffer ill-treatment, serious neglect, abuse, serious deprivation, or serious harm. (s39(3)(b))	SW •	DSF	
Decision to apply for warrant to remove	SW •*		OPD
Apply to District Court Judge or, if unavailable, to an issuing officer for warrant to remove (s40(2))	SW *	DSF	
Execute warrant to remove issued in favour of Chief Executive (s40(1A))	SW •	DSF	
Enter and search for child and young person under warrant (s40(4)(a))	SW •	DSF	
Remove or detain child or young person, or direct medical superintendent of hospital to keep child or young person in that hospital. (s40(4)(b))	SW•	DSF	
Receive delivery of unaccompanied child or young person placed in Chief Executive's custody by a constable (s48(1))	SW •	DSF	
Detain unaccompanied child or young person or detain the child or young person in a residence until first of events set out in s48(2)(a) to (c) occurs (s48(2))	SW •	DSF	

## In-Confidence

Return unaccompanied child or young person who agrees to returned to a person or guardian or other person usually having the care of the child or young person who is willing to have care (s48(2)(a))	SW	DSF	
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The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

### Medical Examination

Functions/Tasks	Level	Delegation of Statutory functions (DSF)	Operational/ Practice Decisions (OPD)
Decision to apply for an order for a medical examination	SW		OPD
Apply to Court for an order for child or young person to undergo a medical examination by a health practitioner (s49(2))	SW •	DSF	
Arrange for any child or young person with the consent of any parent or guardian, to be medically examined by a medical practitioner (s53(2))	SW	DSF	
Require child or young person to be medically examined by a health practitioner where, after reasonable efforts, a social worker does not obtain consent of a parent or guardian (s53(3))	SW •*	DSF	
Nominate an adult who consents to be present during the child or young person's medical examination if, the age of maturity of the child or young person makes it impracticable for him or her to make the nomination. (s54(a))	SW •	DSF	
Report to Chief Executive (through Reg Manager or Assoc RM) on exercise of power to require medical examination (s57)	SW		OPD
Endorse report to Chief Executive pursuant to section 57	Sup		OPD

### Application for a Care or Protection Order

Function/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Decision to apply for a care or protection order	SW •*		OPD
Make an application to the Family Court for a care or protection order. (ss18A(4)(a) and 68(1))	SW *	DSF	
Make joint application for a care or protection order with parent or guardian or other person having care of child or young person (s69)	SW *	DSF	
Decision to propose withdrawal of application for a care or protection order	SW •*		OPD
Decision to apply for declaration where no FGC has been held and that an exception applies (s70)	SW *	DSF	
Make a joint application for a care or protection order with a parent, guardian, or other person having the care of the child or young person (s69)	SW *	DSF	

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

### Application for an interim restraining order

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Decision to apply for an interim restraining order	SW •*		OPD
Make application for an interim restraining order (s88)	SW *	DSF	

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.



### Application for custody pending determination of proceedings with notice

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Decision to apply to the Family Court for a custody order pending determination of proceedings with notice	SW •*		OPD
Apply to the Family Court for a custody order with notice pending determination of proceedings under Part 2 where Chief Executive is party to proceedings (s78)	SW *	DSF	

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

### Application for custody where no other proceedings with notice

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Apply to the Family Court for an interim custody order with notice where there are no other proceedings under Part 2 and the matter is urgent or the order relates to offending or alleged offending by the child or young person (s78(1A))	SW •*	DSF	

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor

### Application for custody pending determination of proceedings without notice

Function/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)

## In-Confidence

Decision to apply to the Family Court for a custody order pending determination of proceedings without notice	SW with the endorsement of the site Practice Leader and the Regional Litigation Manager and the approval of the Site Manager** (or any person acting in any of these roles)		OPD
Apply to the Family Court for a custody order without notice pending determination of proceedings under Part 2 where Chief Executive is party to proceedings (s78)	SW with the endorsement of the site Practice Leader and the Regional Litigation Manager and the approval of the Site Manager** (or any person acting in any of these roles)	DSF	

\*\* Where there is any disagreement the Site Manager may escalate the decision to the Regional Manager (or any person acting in this role).

### **Application for custody where no other proceedings without notice**

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Apply to the Family Court for an interim custody order without notice where there are no other proceedings under Part 2 and the matter is urgent or the order relates to offending or alleged offending by the child or young person (s78(1A))	SW with the endorsement of the site Practice Leader and the Regional Litigation Manager and the approval of the Site Manager** (or any person	DSF	

## In-Confidence

	acting in any of these roles)		
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\*\* Where there is any disagreement the Site Manager may escalate the decision to the Regional Manager (or any person acting in this role).

### Responsibilities relating to custody, access and other C&P issues

#### Children and young persons in the Chief Executive's custody under custody orders under s78

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Decision to place and make changes to placement of a child or young person in the Chief Executive's custody pursuant to section 78 custody order	SW •		OPD
Place a child or young person in the Chief Executive's custody under a s78 custody order with such person, or in such residence, as the principal manager for the area in which the court is situated may direct using such force as is reasonably necessary for the purpose (s104(2)(a) and (3) as applied by s80)	SW •	DSF	
Place a child or young person in the Chief Executive's custody under a s78 custody order: <ul style="list-style-type: none"> <li>• with a member of the child's or young person's family, whānau or family group: (s81(a))</li> <li>• in a residence (s81(b))</li> </ul>	SW •	DSF	
Make changes to placement of a child or young person during the currency of the s78 Custody order (s81(2))	SW •	DSF	
Return the child or young person, if appropriate, before the s78 custody order expires or is discharged, to the custody of the parent or guardian or other person who had the care of the child or young person immediately before the order was made (s82(2))	SW •*	DSF	

## In-Confidence

Direct that the child or young person be returned to the custody of the Chief Executive, if it is no longer desirable or in the interest of the child or young person to remain in the custody of that other person (s82(4))	SW •*	DSF	
Impose conditions relating to the supervision of the child or young person who is returned to the custody of the parent or guardian or person who had the care of the child or young person immediately before the order was made (s82(3))	SW •*	DSF	
Consult lawyer for child prior to returning child or young person pursuant to s82(2), (s82(5))	SW •*	DSF	
Consult lawyer for child prior to issuing a direction under s82(4), (s82(5))	SW •*	DSF	
<p>If direction is given pursuant to (s82(4)) (a) remove child or young person to whom the direction relates, using such force as is reasonably necessary for the purpose (s82(6)(a))</p> <p>(b) place the child or young person with a person or in a residence as appropriate (s82(6)(b))</p> <p>Arrange for the child or young person to be placed in any residence, school or other institution that provides care or training or physical or mental health. care: (s105(1)(b)(ii) as applied by s80)</p> <p>Arrange for the child or young person to undertake employment or any training for employment (s105(1)(b)(iii) as applied by s80)</p> <p>Cancel any of arrangement made under s105(1)(b)(ii) or (iii) and remove child or young person to a residence or other place decided by the delegate using such force as is reasonably necessary for the purpose. (s105(1)(d) as applied by s80)</p> <p>For purpose of removing child or young person, enter and search any dwelling house, building, aircraft, ship, carriage, vehicle, premises, or place with or without assistance and by force if necessary (s105(2) as applied by s80)</p> <p>Subject to any order made under s121, decide whether and on what terms and conditions (if any) that any person is to have access to the child or young person (s107 as applied by s80)</p>	<p>SW •</p> <p>SW •</p> <p>SW •</p> <p>SW •</p> <p>SW •</p> <p>SW •</p> <p>SW •</p>	<p>DSF</p> <p>DSF</p> <p>DSF</p> <p>DSF</p> <p>DSF</p> <p>DSF</p> <p>DSF</p>	

**Children and young person in Chief Executive’s custody under warrant or after search without warrant by constable**

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Place child or young person with a person referred to in s43(1)(a) to (d) or in a residence (s43(1) and (2))	SW	DSF	
Release child or young person from Chief Executive’s custody (s43(3))	SW	DSF	
Bring child or young person before court not later than 5 <sup>th</sup> day after placement in Chief Executive’s custody (unless released or s78 order made) (s45(a))	SW	DSF	
Keep child or young person in Chief Executives custody until brought before court or for any further period directed by a Family Court Judge (s45(b))	SW	DSF	
Decision to apply for extension of custody under sections 39, 40, 42, (s45(b))	SW •*		OPD
Decision to oppose an application for release or access made pursuant to section 44	Sup *		OPD
Report to Commissioner for Children on release from custody, before being required by section 45(a) to be brought before the Court. (s47(1) and (2))	SW	DSF	
Endorsement of report to the Children’s Commissioner pursuant to s47	Sup		OPD

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

## ***Information Sharing***

<b>Function/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational/ Practice Decisions (OPD)</b>
Disclose information relating to a child or young person obtained under s66 to a child welfare and protection agency or an independent person in accordance with s66A and 66B	SW CPC YJC Youth Workers Psychologists Adoptions Practice Advisor	DSF	

## ***Preventing removal of a child or young person from New Zealand***

<b>Functions/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational /Practice Decisions (OPD)</b>
Decision to apply for an order or warrant to prevent the removal from NZ of child or young person (s205(2)(b))	SW •*		OPD
Apply for warrant to prevent removal of child from NZ (s205(2)(b))	SW*	DSF	
Execute warrant and take possession of child, using such reasonable force as may be necessary to do so, and place the child in the custody of the Chief Executive pending the order or further order of the court (s205(2A) and (2B))	SW	DSF	

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

## ***Family Whānau Agreements***

<b>Function/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational /Practice Decisions (OPD)</b>
Decision to enter a family/whānau agreement	SW •		OPD
Decision to provide support services via family/whānau agreement	Sup		OPD
Approval for financial resourcing of family/whānau agreement plan with established guidelines	Site Manager		OPD
Approval for the early termination of family/whānau agreement	Sup		OPD
Approval for the renewal or 1 month extension of a family whānau agreement	Sup		OPD
Approval for the resourcing of an extended or renewed family/whānau agreement	Site Manager		OPD
Approval of the review and termination of a family/whānau agreement for no further action, referral to another agency, referral to a CPC, application for a care or protection order or temporary care agreement	Sup		OPD
Decision to refer belief after inquiry that child or young person is in need of care or protection to a CPC pursuant to section 18(1)	SW •	DSF	

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

## ***Care and Protection: Family Group Conference***

All decisions made by a CPC should be made in consultation with the CPRP and such other consultation as local protocols require.

### **S 18 -Referral to CPC**

<b>Function/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational /Practice Decisions (OPD)</b>
Report belief formed after inquiry that a child young person is in need of care or protection (except on grounds in section 14(1)(ba) or (e)) to a CPC (s18(1))	SW •	DSF	

## In-Confidence

Refer suspicion that child is in need of care and protection on ground in section 14(1)(e) to Police or other appropriate enforcement agency (S18(2))	SW •	DSF	
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The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

### Referrals to CPCs from courts or bodies or organisations concerned with the welfare of children and young persons

Function/Tasks  (# the functions of CPCs under s19 are conferred on them by that section and are not delegated by the Chief Executive)	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Receive referral of belief that child or young person is in need of care or protection (s19(1))	CPC	#	
Suggest to social worker or other referring agency that a referral is not (yet) appropriate and may require further investigation	CPC		OPD
Decision to convene FGC, refer matter to enforcement agency, or take other appropriate action. (s19(2))	CPC	#	
Arrange for Chief Executive's delegate to investigate case to determine if FGC is necessary (s19(3))	CPC	#	
Conduct investigation as arranged by CPC (s19(3))	SW •	DSF	
Furnish written reports to Court on referrals made by Court (s19(4)(a), (b), and (c)) <ul style="list-style-type: none"> <li>• within appropriate time-frames</li> <li>• furnishing all required information</li> </ul>	CPC	#	

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

### Convening the FGC

Function/Tasks  (# the functions and powers in this table (other than OPDs) are conferred on CPCs by the Oranga Tamariki Act and are not delegated by the Chief Executive)	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)



## In-Confidence

Before convening FGC consult:  <ul style="list-style-type: none"> <li>• CPRP (s21(a))</li> <li>• child's or young person's family/whānau (s21(b))</li> </ul>	CPC	#	
Set time, date and place for FGC (s20)	CPC	#	
Decision to exclude entitled member of FGC (s22(1)(b)(i)) or child or young person (s22(1)(b)(ii))	CPC		
Interpreters:  <ul style="list-style-type: none"> <li>• recommend that services of interpreter are required for FGC and associated processes</li> <li>• seek approval for payment for services</li> <li>• arrange for services of interpreter where first or preferred language of child or young person or parent, guardian, or person having care of child or young person is Maori or other than English (s9(2))</li> </ul>	CPC  CPC  CPC		OPD  OPD
Approval of expenses associated with convening the FGC	Site Manager		OPD
Ascertain views of those unable to attend or excluded from the FGC (s24(1))	CPC		
Ensure that notice of time, date and place of the FGC is given to those entitled to attend (s25(1))	CPC		
Decision that an entitled member of the FGC cannot reasonably be located and that no notice needs to be given	CPC		OPD

### Holding the FGC

Functions/Tasks  (# the functions and powers in this table (other than OPDs) are conferred on CPCs by the Oranga Tamariki Act and are not delegated by the Chief Executive)	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Attendance at an FGC convened under any other provision of Part 2 of the Oranga Tamariki Act (or under section 207D(3), 207K(2), or 207Q(2))	SW	DSF	

## In-Confidence

<p>Ensure that all information and advice that is required for the FGC to carry out its functions (including information and advice relating to health and education of the child or young person concerned is made available to the FGC (s23(1)) including:</p> <ul style="list-style-type: none"> <li>• Explain the functions of the FGC in s28</li> <li>• Ensure that information regarding the alleged need for care or protection is provided to the FGC</li> </ul>	CPC		OPD
<p>Ensure that the views of those unable to attend or excluded from attendance are made known to the FGC (s24(2))</p>	CPC	#	
<p>Ensure that family, whānau, hapū, iwi and family group members and their invitees have opportunity to deliberate in private</p>	CPC		OPD
<p>Ensure that written record is made of any decisions, recommendations and plans made or formulated by FGC (s29(3))</p>	CPC	#	
<p>Decision to adjourn FGC where agreement not possible and make report to person who reported the matter to CPC under s18(1) or the Chief Executive, and the Court (where applicable), and consult with CPRP (s32(1)(a), (c), (d), and (e))</p>	CPC	#	
<p>Ensure that the written record of any plan formulated by FGC specifies, contains or state all the matters in s130(1) and specifies a review date in accordance with s29A(2) (s29A(1))</p>	CPC	#	
<p>Seek agreement to decisions, recommendations and plans of FGC (s30(1))</p>	CPC	#	
<p>Entitlement to agree or disagree with decision, recommendation or plan made or formulated at a FGC</p>	SW• Who made the report under s18(1) to the CPC or another SW acting for that SW		OPD

## In-Confidence

Decision and powers to: <ul style="list-style-type: none"> <li>• reconvene FGC to reconsider the decision, recommendation, or plan to which agreement is not secured (s30(3))</li> </ul> or <ul style="list-style-type: none"> <li>• make report that agreement not secured to person who made the report under s18(1) to CPC or the Chief Executive and to a court (where applicable), and consult CPRP (s31(1)(b), (c), (d), and (e))</li> </ul>	CPC	#	
	CPC	#	

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### Post-FGC

Functions/Tasks (# the functions or powers given to a CPC are given to them by the Oranga Tamariki Act and not under delegation from the Chief Executive)	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Decision to not give effect to decisions, recommendations or plans of the FGC because it is impracticable, unreasonable, or clearly inconsistent with the principles of the Act in ss5, 6, and 13 (s34(1))	Practice Leader	DSF	
Decision to provide financial assistance (s34(2)) (within limits given by financial delegations)	Site Manager	DSF	
Accept report from CPC made to Chief Executive (s31(c)(ii))	SW •	DSF	
Decision on appropriate action where CPC reports non-agreement at FGC or non-agreement to decisions, recommendations, or plans of FGC under s30, to Chief Executive (s31(2))	SW •	DSF	
Decision on appropriate action where CPC reports non-agreement at FGC or non-agreement to decisions, recommendations, or plans of FGC under s30, to the Chief Executive's delegate who made the report under s18(1) on which the conference was convened (s31(2))	Chief Executive's delegate (as person to whom report made) •	DSF	
Ensure that copy of record of decisions made at FGC is distributed to those entitled to receive them and the court (s32(1) and (2))	CPC	#	
Decision on other persons who are or will be directly affected by FGC plan	CPC		OPD

## In-Confidence

Maintain records of decisions, recommendations and plans of FGC (s33(1))	Responsible Site Manager		
Decision whether person has genuine and property interest for access to decisions, recommendations and plans of FGC (s33(2)(d))	CPC•	DSF	
<p>Reconvene FGC to review decisions, recommendations, or plans of FGC:</p> <ul style="list-style-type: none"> <li>• before specified review date (unless s36(1A) applies), (s36(1)(a))</li> <li>• if required by the Chief Executive in accordance with s36(2), (s36(1)(b))</li> <li>• if required by Iwi SS, CSS, or CFSS who referred the matter to CPC under s19(1) or is directly involved in implantation of FGC decisions, recommendations, or plans (s36(1)(c))</li> <li>• on CPC's own motion or at request of 2 or more members of FGC (s36(1)(d))</li> </ul> <p>Decision that no further action required or that specified order has been made (s36(1A))</p>	CPC	#	
At CPC's request, provide advice to CPC to enable CPC to determine whether any further action under a plan is required (s36(1A)(a))	SW	DSF	
Require CPC to reconvene conference because change of circumstances means FGC decisions, recommendations, or plans no longer adequately address child's or young person's needs (s36(1B))	SW	DSF	
Ensure FGC decisions, recommendations, or plans are reviewed regularly (s424(f))	CPC	#	
Decision to refer breach(es) of section 38 to police for prosecution	Site Manager*		OPD

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## Other issues

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Delegate CPC's functions and powers to a social worker who CPC considers is suitable by reason of his or her training, or experience, to exercise or perform them (s427)	CPC (in consultation with the social worker's Supervisor and CPRP)	#	
Decision that social worker is available to be delegated the functions or powers of a CPC	Supervisor of social worker		OPD
Appoint, renew, and remove care and protection coordinators that are employees of an approved service (namely an iwi social service, a child and family support service or a community service) (s423(1) to (3))	Reg Manager  (Prior consultation with MPC Lead Advisor required to check compliance with statutory requirements)	DSF	

## *Family Court actions*

### Application for Variation or Discharge of Orders

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Decision to apply for variation or discharge, or suspension or discharge of conditions of an order	Sup *		OPD
Make application under s125 for variation or discharge or suspension or discharge of conditions of an order (s126(g))	SW •*	DSF	

## In-Confidence

Decision to oppose an application for variation or discharge of order or conditions of an order made in favour of Chief Executive	Sup *		OPD
Application under section 158(3) for a determination that there is no realistic possibility that a child or young person will be returned to the parent or guardian or person having the care of the child or young person before the order under section 48 of the Care of Children Act 2004 was made	SW	DSF	

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

### Pending determination of application

Function/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Decision to apply for interim support order	SW •*		OPD
Apply for interim support order (s92)	SW*	DSF	
Decision to apply for interim restraining order	SW • *		OPD
Apply for interim restraining order (s88(1))	SW*	DSF	
Apply for an interim restraining order where there are no other proceedings under Part 2 and the order is required as a matter of urgency (s88(2))	SW •*	DSF	

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### Reports and plans

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Functions/Task guidelines for s186 reports to Court (after consultation with Principal Family Court Judge), (s186(3)(a))	Manager Professional Practice	DSF	

## In-Confidence

Prepare plan under s128(2A), or if the Chief Executive is directed by the Court to prepare plan under s129(1)	SW •	DSF	
Consult on plan prepared by person who is not the Chief Executive's delegate (s129(1A))	SW	DSF	
Approval of an s128 plan prepared by the Chief Executive's delegate	Sup		OPD
Approval of costs in an s128 plan prepared by the Chief Executive's delegate within established guidelines	Site Manager		OPD
Review plan (if the Chief Executive was directed to review plan) and report to Court setting out results with revised plan (s135(1) and (2))	SW •	DSF	
Convene FGC for purposes of reviewing plan, if requested by person required to review plan (discretionary if plan relates only to services order) (s135(4))	CPC		
Ask the court to obtain a cultural and community report after consultation (s187(2))	SW •	DSF	

**NB: Function sits in Quality Practice and Experiences**

The bullet point sign • denotes consultation necessary with supervisor or next level manager.

Asterisk \* denotes consultation necessary with a Ministry solicitor.

### Orders under Part 2 of the Act

#### General

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Apply for the following orders: <ul style="list-style-type: none"> <li>• custody order under section 78 (s78(1))</li> <li>• interim support order (s92)</li> <li>• interim restraining order (s88)</li> </ul>	SW •*	DSF	
Make representation to Court when the Chief Executive is guardian or additional guardian. (s169(2))	SW •*	DSF	

## In-Confidence

Attend proceedings in Family Court when Chief Executive is applicant or respondent (s166(1)(l))	SW	DSF	
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The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

### Services orders

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions( OPD)
Present reasons to the Court as to why a services order against the Chief Executive should not be made (s86(3))	Practice Leader *	DSF	
Consent to services orders being made that requires the Chief Executive to provide services or assistance s86(2)	Site Manager	DSF	

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### Support orders

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Present reasons to the Court why a support order against the Chief Executive should not be made. (s91(3))	Practice Leader*	DSF	
Consent to support orders being made that require Chief Executive to provide support. (s91(2)(c))	Site Manager	DSF	
Where the Chief Executive is directed to provide support to child or young person under s91 or 92 order: <ul style="list-style-type: none"> <li>• monitor standard of care, protection, and control to and over child or young person (s93(a))</li> <li>• provide or co-ordinate the provision of services and resources as will ensure appropriate care, protection, and control to and over child or young person (s93(b))</li> </ul>	SW	DSF	



## In-Confidence

For the purpose of the Court imposing a condition of a support order requiring a child or young person under the age of 16 years to undergo any medical, psychiatric or psychological examination, treatment, counselling or therapy, give consent to the examination, treatment, counselling, or therapy if no parent or guardian or person acting in place of a parent capable of giving consent is able to be found in New Zealand (s98(a))	SW •*	DSF	
Report to Court on effectiveness of support order on its expiry (s99)	SW*	DSF	
Decision to make application to Court when a person has failed to comply with a condition of a support order	SW •*		OPD
Make application to Court for a declaration that a person has failed to comply with a condition of a support order without reasonable excuse (s100)	SW •*	DSF	

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### Custody orders

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Application under section 83(2B) for a determination that there is no realistic possibility that a child or young person will be returned to the parent or guardian or person having the care of the child or young person before the order under section 101 or section 110 was made	SW	DSF	
Place child or young person to whom custody order under s101 relates using such force as reasonably necessary (s104(2))	SW	DSF	
Authorise person other than a delegate of the Chief Executive to place a child or young person who is subject to a custody order under s101 (s104(2))	Practice Leader	DSF	
If s101 order places child or young person in custody of Chief Executive, decision on the person with whom or residence in which the child or young person may be placed (s104(2)(a))	SW •	DSF	

## In-Confidence

Decision on living arrangements for children and young persons placed in custody pursuant to section 101 (other than a residence) (s105(1))	SW	DSF	
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The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

### Residences

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Decision to approve placement of a child or young person in residence established under s364 (s365)	Res Sup in consultation with Residential Services National Office Advisor	DSF	
Transfer the child or young person from one residence under this Act to another residence under this Act (s105(1)(a))	Res Manager	DSF	

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Arrange for child or young person to be placed in any residence (s105(1)(b)(i))	SW •	DSF	
Arrange for the child or young person to be placed in any school or institution that provides care or training, or physical or mental health care (s105(1)(b)(ii))	SW •	DSF	
Arrange for child or young person to undertake employment or any training for employment (s105(1)(b)(iii))	SW •	DSF	

## In-Confidence

Arrange for child or young person to live temporarily with the parents or guardians or other person previously having the care of the child or young person, on such terms and conditions the delegate may specify (s105(1)(c))	SW •	DSF	
Cancel any arrangement under section 105(1)(b) or (c) and remove child or young person to a residence or another place the delegate decides (s105(1)(d))	SW •	DSF	
For the purpose of removing child or young person under s105(1)(d), enter and search by force if necessary (s105(2))	SW •*	DSF	
If Chief Executive is requested to do so, assist in carrying out direction by Iwi SS, CSS, or CFSS to remove child or young person in that Service's custody under s101 from one placement under s104 and place with another person or residence using such force as reasonably necessary (s106(1)(b) and (2))	SW	DSF	
For the purpose of assisting to carry out the direction, exercise the powers conferred by s105(2) (s106(3))	SW	DSF	
Decision on access, terms and conditions of a child or young person in Chief Executive's custody under s101 in absence of court order under s113B(1)(b) or s121 (s107)	SW •	DSF	

### Guardianship orders

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Decision to apply to Court to settle dispute between Chief Executive as additional guardian and other guardians (s115)	SW •*	DSF	
Exercise the functions and powers of a sole or additional guardian or a guardian for a particular purpose under an order under s110 appointing Chief Executive as sole or additional guardian or for a particular purpose (ss110 and 114)	SW		OPD

## In-Confidence

Apply for an interim guardianship order whether or not there are other proceedings under Part 2 (s110AA)	SW •*	DSF	
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### Other decisions in the course of proceedings

#### Recall

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Decision to apply for an order for recall before the Court	SW •*		OPD
Application for an order for recall before the Court. (ss83)(1)(b)), (85)(1)(a))	SW •*	DSF	

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

### Medical, psychological or psychiatric reports

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Decision to apply for medical, psychological or psychiatric report	SW •*		OPD
Application to court to order medical, psychological or psychiatric report: <ul style="list-style-type: none"> <li>• of child or young person (s178(1))</li> <li>• of parent, guardian, or other person having the care of the child or young person, or person proposed to have care of child or young</li> <li>• person, with consent (s178(2) and (3))</li> </ul>	SW	DSF	

## In-Confidence

Nominate 1 adult to be present with the child during the medical, psychological or psychiatric examination, if the child or young person's age or the level of maturity of the child or young person makes it impracticable for him or her to make such a nomination (s179(4)(a))	SW • *	DSF	
Decision to apply for an extension of time for the detention of a child or young person in a psychiatric hospital (s181)	Sup • *		OPD
Application for an extension of time in which child or young person may be detained under order for psychiatric assessment (s181(2))	SW *	DSF	
Detain the child or young person for the purpose of ensuring compliance with an order for psychiatric assessment (s181(4)(a) and (5))	SW •	DSF	
Transfer child or young person from a residence to a psychiatric hospital (s181(4)(b))		DSF	
Return child or young person to the residence in which detained prior to transfer to hospital (s181(4)(d))		DSF	

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

### Rehearings

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Decision to apply for a rehearing	Sup *		OPD
Make application for a rehearing (s204)	SW *	DSF	

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

### Appeals

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OP)
Decision to lodge an appeal against a Family Court decision subject to approval of the Solicitor-General	DCE Service Delivery in consultation with Chief Social Worker and Ministry solicitor		OPD
Decision to appeal decision of High Court or Court of Appeal subject to approval of the Solicitor-General	Chief Executive		OPD

### Other provisions relating to Family Court proceedings

#### Appointment of persons to represent child or young person or assist Court

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Decision to apply to Court for appointment of lay advocate	SW •*		OPD
Application to court for appointment of lay advocate (s163)	SW *	DSF	

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

#### Mediation conferences

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Decision to seek a mediation conference	SW •*		OPD

## In-Confidence

Ask registrar of the Family court to arrange a mediation conference (S170)	SW*	DSF	
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The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

## Caregivers

*This section covers caregivers for children and young persons who are in the care/custody or sole guardianship of the Chief Executive.*

*The term “caregiver” refers to people who are approved in principle as suitable to have a child or young person placed in their charge for the purpose of providing care, control and upbringing, However, final assessment as suitable needs to be made in relation to the specific child or young person when exercising the power to place a child or young person in the caregiver’s charge (s362). The recruitment, assessment and approval of FH caregivers are covered elsewhere in the delegation.*

*Additional delegations for caregivers are covered by Part 3 of the NCS Regs (refer to the National Care Standards section).*

## Recruitment

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Decision to recruit caregivers through advertising an or publicity campaign	GM CGRS		OPD
Instigate national recruitment campaign	Operations Manager CGRS		OPD

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

## Assessment

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Assessment of an application and the suitability of potential caregivers (NCS Regs 47-48)	SW	DSF	

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

## Approval

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Decision to approve or decline applicants as caregivers where the applicant, household member or regular visitor aged 18 years or older has been suitability checked and has not been convicted of any offence and there is no dispute over that decision (NCS Reg. 49)	Sup	DSF	
Decision to decline applicants as caregivers where the applicant, household member or regular visitor aged 18 years or older has been suitability checked and has been convicted of any offence(s) (NCS Reg. 49)	SW	DSF	
<p>Decision to approve applicants as caregivers where the applicant, household member or regular visitor aged 18 years or older has been suitability checked and has been convicted of a sexual offence involving the harm or sexual exploitation of children/young people (including child pornography) (<b>See note</b>) (NCS Reg. 49)</p> <p>This decision is to be made only in extraordinary circumstances in relation to a specific child or young person</p>	DCE Service Delivery in consultation with the Chief Social Worker and a Ministry Solicitor	DSF	
<p>Decision to approve applicants as caregivers where the applicant, household member or regular visitor aged 18 years or older has been suitability checked and has been convicted of rape, murder, manslaughter, kidnapping, abduction or grievous bodily harm against any person (including a child/young person) (<b>See note</b>) (NCS Reg. 49)</p> <p>This decision is to be made only in extraordinary circumstances in relation to a specific child or young person</p>	DCE Service Delivery in consultation with the Chief Social Worker and a Ministry Solicitor	DSF	
Decision to approve applicant, household member or regular visitor aged 18 years or older as caregivers where the applicant has been suitability checked and has been convicted of any other sexual offences (includes offences against adults, bestiality, and pornography) (NCS Reg. 49)	Operations Manager CGRS (Prior consultation with Practice Advisor CGRS required)	DSF	



## In-Confidence

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Decision to approve applicants as caregivers where the applicant, household member or regular visitor aged 18 years or older has been suitability checked and has been convicted of any other offences involving the physical harm, abuse or neglect of children or young people and other violent or cruelty related offences (includes offences against adults and animals) (NCS Reg. 49)	Operations Manager CGRS (Prior consultation with Practice Advisor CGRS required)	DSF	
Decision to approve applicants as caregiver where the applicant, household member or regular visitor aged 18 years or older has been suitability checked and has had a child or young person removed from their care in the past (family group conference decision or court order) (NCS Reg. 49)	Operations Manager CGRS (Prior consultation with Practice Advisor CGRS required)	DSF	
Decision to approve applicants as caregiver where the applicant, household member or regular visitor aged 18 years or older has been suitability checked and has a finding in CYRAS that they have abused or neglected a child or young person (NCS Reg. 49)	CGRS Manager  (Prior consultation with Practice Advisor CGRS required)	DSF	
Decision to approve applicant, household member or regular visitor aged 18 years or older as caregivers where the applicant has been suitability checked and has been convicted of drug and alcohol related offences (NCS Reg. 49)	CGRS Manager  (Prior consultation with Practice Advisor CGRS required)	DSF	
Decision to approve applicants aged 18 years or older as caregivers where the applicant has been suitability checked and has been convicted of any other offences (NCS Reg. 49)	CGRS Manager  (Prior consultation with Practice Advisor CGRS required)	DSF	

**Note:** Even if an applicant is approved as a caregiver in these circumstances, actual placement of a child or young person with that caregiver must not occur unless the DCE Service Delivery also approves the placement of the particular child or young person. See delegation for “Placement of a child with adult with history of sexual offending”.

### Placement of a child with adult with history of sexual offending

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
<p>Power to authorise a child or young person in the care or custody of the Chief Executive to be placed with, remain with, or have unsupervised access with an adult who has -</p> <ul style="list-style-type: none"> <li>• been convicted of a sexual offence against a child or young person;</li> <li>• been found by a Court to have sexually abused a child or young person; or has</li> <li>• admitted that they have sexually abused a child or young person</li> </ul> <p>(s362, s104, s107)</p> <p>This power is to be exercised only in extraordinary circumstances</p> <p><b>Note:</b> Approval of caregivers by the Operations Manager CGRS is also required for placement to occur - see delegation for Approval of Caregivers above</p>	DCE Service Delivery		OPD

### Departmental staff as caregivers

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OP)
<p>Decision to approve a staff member aged 18 years or older and who has been suitability checked as a caregiver for a child or young person in the Chief Executive’s care, custody or guardianship (NCS Reg.49)</p>	CGRS Manager	DSF	

## In-Confidence

Decision to place a child or young person in the Chief Executive's care custody or guardianship with a staff member who is an approved caregiver	Reg Manager (Prior consultation with Operations Manager CGRS required)		OPD
Decision to approve the appointment of a caregiver to a position within Oranga Tamariki while caring for a child/young person in Chief Executive's care, custody or guardianship	Employing Manager (Prior consultation with CGRS Manager required)	DSF: see Human Resources delegations – Not a delegation under Oranga Tamariki Act	

### ***Family Home caregivers***

*This section covers recruitment, assessment, and approval of persons as Family Home caregivers (FH caregivers) to care for children and young persons who are in the care, custody or guardianship of the Chief Executive.*

*Additional delegations for caregivers are covered by Part 3 of the NCS Regs (refer to the National Care Standards section).*

### **Recruitment**

<b>Functions/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational /Practice Decisions (OPD)</b>
Decision to recruit FH caregivers through an advertising or publicity campaign	Sup CGRS Manager		OPD

## Assessment

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OP)
Assessment of an application comprising medical, police and referees' reports as well as interviews and an assessment by a panel of area staff comprising at least two supervisors and two social workers in accordance with NCS Regs 47-48	SW	DSF	

## Approval

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Recommendation to manager on suitability of potential FH caregivers	Sup CGRS Manager		OPD
Decision to approve or decline applicants as FH caregivers on recommendation on the suitability of potential FH caregivers (NCS Reg.49)	Site Manager CGRS Manager		OPD
Notification of decision to decline applicants as FH caregivers	Site Manager CGRS Manager		OPD
Signatory on behalf of the Crown to contract between Oranga Tamariki and FH caregivers	Site Manager CGRS Manager	Financial Delegation (see Financial Delegations Document)	

### Revocation of appointment

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Approval of decision to revoke FH caregiver's contract	Site Manager • * CGRS Manager		OPD

### Relievers, cleaners, babysitters

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Approval of the employment of relievers, cleaners and babysitters to Family Home, following appropriate vetting	Site Manager CGRS Manager		OPD

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

### Resettlement grant

Functions/Task	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OP)
Approval of payment of resettlement grants to FH caregivers	Site Manager CGRS Manager	See Financial delegations	OPD

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

### Disputes between Family Home caregivers and Oranga Tamariki

This process is not to be used when there are allegations of abuse made against FH caregivers.

## In-Confidence

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OP)
Management of disputes with FH caregivers where abuse or neglect allegations are not involved	Site Manager *  CGRS Manager		OPD

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

### ***Allegations of abuse or neglect in relation to caregivers***

*This section covers allegations of abuse or neglect against all caregivers including FH caregivers who are caring for children or young persons in the Chief Executive's care, custody or guardianship.*

**Note:** *The investigation and emergency action processes and procedures apply with all necessary modifications.*

*When any member of staff receives information alleging abuse by a caregiver, they must follow the Practice Guidance.*

### **Notification of allegation of abuse**

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Advise Site Manager and Caregiver Manager of allegation of abuse, neglect or harm of tamariki by caregiver	SW		OPD
Advice to Regional Manager and Operations Manager CGRS of allegation of abuse, neglect or harm of tamariki by caregiver	Site Manager Caregiver Manager		OPD
Decision to withhold information about an allegation and placement from a parent.	Site Manager *		OPD

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

### Gathering information and planning the investigation

Functions/Task	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Development of investigation plan in consultation with CPRP (where necessary) and Practice Leader	SW		OPD
Approval of the investigation plan	Sup		OPD
Allocation of the case for investigation and assessment to two social workers who are not caseworkers for child or young person or the caregivers	Sup		OPD
Decision to refer case of serious abuse to the police	Sup •		OPD

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

### Alleged abuse in family home

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Decision to close FH and transfer resident children and young persons to other placements pending the outcome of the investigation	Site Manager• CGRS Manager		OPD
Transfer resident children and young persons to other placements or residences (ss 105(1)(a), and 362)	SW	DSF	
Decision to appoint temporary FH caregivers as relievers where there is an allegation of abuse against the permanent FH caregiver(s)	Site Manager CGRS Manager		OPD

**Assessment**

<b>Functions/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational/ Practice Decisions (OPD)</b>
Approval of investigation and assessment outcome	Sup		OPD
Advice of investigation and assessment outcome to Reg Manager and Operations Manager CGRS	Site Manager CGRS Manager		OPD

**Outcome**

<b>Functions/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational/ Practice Decisions (OPD)</b>
Review of the caregiver approval status following confirmation of investigation outcome	CGRS SW		OPD
Meeting with caregiver(s) to advise of the outcome of the review and decisions regarding their future as caregiver(s) for the Chief Executive	CGRS SW•		OPD
Advice to Caregiver Manager on outcome of review and decision on caregiver(s) suitability to continue or resume caregiving role for the Chief Executive	CGRS Supervisor• Supervisor		OPD

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.



## ***Children or young persons in the care, custody, or guardianship of the Chief Executive***

*This section covers the care of children or young persons in care, custody or guardianship of the Chief Executive as the result of warrants, agreements or Court orders. (s361)*

### **Day-to-day decisions**

*The matters detailed below cover both the routine day-to-day decisions involved in the care of a child or young person, and matters that may have greater significance and a longer term impact on them.*

*All decisions made about children and young persons in the Chief Executive's care must be based on a plan and meeting the objectives of that plan so as to secure a stable and permanent outcome for the child or young person.*

### **Care agreements**

#### **Section 139 temporary care agreement**

<b>Functions/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational /Practice Decisions (OPD)</b>
Enter temporary care agreement on behalf of Chief Executive (s139)	SW •	DSF	
Exercise power to place, in conjunction with parents, guardians, or usual caregivers (ss104, 105, and s148)	SW	DSF	
Decision on change of placement, in conjunction with parents, guardians, or usual caregivers (s105)	SW •	DSF	
Decision to enter a second consecutive temporary care agreement (s139(2))	Sup	DSF	
Decision to terminate temporary care agreement	SW •		OPD

**Section 140 extended care agreement**

<b>Functions/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational /Practice Decisions (OPD)</b>
Decision to seek s140 agreement	SW •		OPD
Represent Chief Executive at FGC to discuss proposed s140 agreement that proposes placement of child or young person in Chief Executive's care (s22(1)(f))	SW	DSF	
Ensure consent of child aged 12 or over or young person is given to proposed agreement (s144(1))	SW	DSF	
Ascertain wishes of child or young person where practicable and give them due consideration in concluding terms of agreement (s144(3))	SW	DSF	
Enter an extended care agreement on behalf of Chief Executive (ss140(1)(a))	Sup	DSF	
Exercise Chief Executive's powers of placement and change of placement in accordance with ss104 and 105 (s148)	SW •	DSF	
Exercise Chief Executive's power to terminate agreement <ul style="list-style-type: none"> <li>• in manner specified in agreement (s146(1)(c))</li> <li>• on decision of FGC. (s146(2)) (requires that the 7 day notice must be specified in the agreement, if no (other) manner is specified</li> </ul>	SW •	DSF	

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

**General**

<b>Functions/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational/ Practice Decisions (OP)</b>
<b>(# note powers and functions given to CPC by the Oranga Tamariki Act and not under delegation from the Chief Executive)</b>			

## In-Confidence

<p>Convene or reconvene FGC to consider whether:</p> <ul style="list-style-type: none"> <li>• an agreement under s140 should be entered into (s145(2)(a))</li> <li>• an agreement under s140(1)(d), 141, or 142 should be extended (s145(2)(b))</li> <li>• An agreement under s140(1)(d), 141, or 142 should be terminated other than in the manner specified in the agreement. (s145(2)(c))</li> </ul>	CPC	#	
<p>Issue a certificate that FGC has been held and approves the making of a s140, or an extension to a section 141 or section 142 agreement and that the co-ordinator is satisfied the agreement is an appropriate care option for the child or young person (s145(1)(d)(i) and (iii))</p>	CPC	#	

### Additional guardianship section 110 with custody

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Decision on placement and changes of placement of a child or young person, in consultation with other guardians where possible	SW •		OPD

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

### Sole guardianship where court has not made a custody order

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Exercise powers of placement and changes of placement in accordance with ss104 and 105 (s114(2)(c))	SW •	DSF	

### Other placement issues

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Approval to place more than one unrelated child or young person with the same private caregiver (i.e.	SW in consultation with CGRS		OPD
non-Family Home placement)	Supervisor		
Approval to place three or more unrelated children or young people with the same private caregiver (i.e. non-Family Home placement)	CGRS Manager		OPD
Approval to place a child or young person in the Chief Executive's care, custody or guardianship with CFSS, Iwi SS or Cultural SS	Site Manager		OPD
Approval of adoption as the legal means to secure a permanent placement for a child or young person	CGRS Supervisor in consultation with Team Leader Adoptions		OPD
Approval in principal to seek dispensation of consent to adoption	Practice Leader in consultation with Adoptions Practice Advisor		OPD
Consent to the appointment of the Chief Executive as a guardian for the purpose of giving consent to an adoption	Site Manager in consultation with Adoptions Practice Advisor	DSF	

**Medical treatment – under Care agreements**

<b>Functions/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational/ Practice Decisions (OPD)</b>
If agreement under s139 or 140 provides for Chief Executive to consent to medical surgical, or dental procedure, give consent to that procedure that a guardian may give under s36(3) Care of Children Act 2004 (s149)	SW	DSF	

The bullet point sign • denotes consultation necessary with supervisor or next level manager.  
Asterisk \* denotes consultation necessary with a Ministry solicitor.

**Medical Treatment – Chief Executive as custodian under sections 78, 101 and 102**

<b>Functions/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational/ Practice Decisions (OPD)</b>
Consent to routine medical treatment	SW	DSF	

**Provision of consent on behalf of Chief Executive under s36 Care of Children Act 2004**

<b>Functions/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational/ Practice Decisions (OPD)</b>
Consent to non-routine medical, surgical or dental treatment or procedure where no guardian or person acting in the place of a parent of the child or young person is in New Zealand or can be found or is capable of giving consent. (s36(3) Care of Children Act 2004)	Practice Leader	DSF	

**Chief Executive as Sole guardian**

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Consent to routine medical treatment (s36(3)(a) Care of Children Act 2004)	SW	DSF	
Consent to non-routine medical treatment. (ss16(2)(c) and 36(3)(a) Care of Children Act 2004)	Practice Leader	DSF	

**Immunisation**

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Consent to immunisation in an emergency, without the consent of guardian	Sup •		OPD

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

**Contraception, sterilisation and abortion**

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Contraceptive advice to a child or young person in the guardianship of the Chief Executive	SW		OPD
Contraceptive advice to a child or young person in the care or custody of the Chief Executive	SW		OPD
Recommendation to disclose child or young person's abortion to parents, guardians or usual caregivers where child or young person does not consent to disclosure ( <b>See note</b> )	Sup * (Prior consultation with a solicitor required)		OPD

## In-Confidence

<p>Approval for application to Court for decision on sterilisation of a child or young person where the Chief Executive has been appointed guardian:</p> <ul style="list-style-type: none"> <li>• section 110 Oranga Tamariki Act</li> <li>• section 27 Care of Children Act 2004</li> <li>• to be guardian for the purpose of section 36(3) of the Care of Children Act 2004</li> </ul>	<p>DCE Service Delivery (consult with Chief Social Worker and Ministry Solicitor)</p>		<p>OPD</p>
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**Note:** A female of any age has the legal capacity to consent to an abortion being performed for her under section 38 of the Care of Children Act 2004 regardless of the consent or opposition of her parents or guardians. Information that a child or young person has had an abortion should only be disclosed without her consent in some limited circumstances. Legal advice should be sought if disclosure is contemplated.

### Admission to psychiatric hospitals

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
<p>Decision to make application to Director of Area Mental Health Services for a mental health assessment of a child or young person under Mental Health (Compulsory Treatment) Act 1992 Assessment and</p>	<p>Sup *</p>		<p>OPD</p>

### General health matters

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
<p>Lodging a complaint on behalf of child or young person in care to appropriate professional body re medical, surgical and/or dental treatment</p>	<p>Sup *</p>		<p>OPD</p>

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

**ACC**

<b>Functions/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational/ Practice Decisions (OPD)</b>
Lodging a claim for ACC entitlement re costs of treatment, medical misadventure, rehabilitation, disability/independence allowance, on behalf of a child or young person in care	SW		OPD
Lodging a notice of appeal against an ACC decision on behalf of a child or young person in care	SW* *		OPD

**Care payments**

<b>Functions/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational/ Practice Decisions (OPD)</b>
Determine rates of payment to persons or organisations providing care for a child or young person placed pursuant to section 362 (s363(1))	DCE Service Delivery	DSF	
Approval to pay a higher rate of care allowance (HFCA) to meet special and ongoing needs (s363(3))	Site Manager	DSF	
Six monthly review of payment of HFCA	SW		OPD
Approval to continue payment of care allowances in special circumstances where a child or young person is hospitalised or absent for longer than six days	Site Manager		OPD
Approval to make payments under s363 to, guardians or usual caregivers (s363(1) and (4))	Site Manager		OPD



### Admission to a Residence for care or protection purposes

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Negotiation of proposed admission to a Residence	Sup & Res Sup in consultation with Care and Residences Services National Office Advisor		OPD
Approval or decline of a proposed admission to a Residence	Care and Protection Residential Services National Office Advisor		OPD
Resolution of a disputed decision to decline admission to a Residence	National Manager (Res) in consultation with Reg Manager		OPD
Resolution of disputed decision to decline admission to a Residence where managers cannot agree	General Manager Ops and General Manager Care and Protection Residences		OPD

## Marriage or civil union

**Note:** Any person aged 16 or 17 years of age requires the written consent of his or her parents or guardians to marry or enter into a civil union, section 18 Marriage Act 1955 and section 18 Civil Union Act 2004

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Report to Reg Manager or Assoc RM where marriage or civil union of a young person in guardianship of Chief Executive is proposed	SW •*		OPD
Consent to the marriage or civil union of a young person where Chief Executive is guardian (s114)	DCE Service Delivery	DSF	

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

## General matters

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Name change where parents, guardians consent	Practice Leader		OPD
Advice to Practice Leader of birth of a baby to a child or young person in Chief Executive's care	Sup		OPD
Engaging legal counsel for a child or young person, for proceedings other than care and protection or youth justice matters	Site Manager*		OPD

## Personal finances and property

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Authority to exercise control over the earnings and other income of any young person who is in care, custody or guardianship (s390(1) and (2))	SW	DSF	
Pay out all money standing to the credit of young person when young person is discharged from care, custody or guardianship (s390(3))	SW	DSF	
Decision to impose on child or young person a charge to meet expenses of providing care, not exceeding 25% of his or her net earnings and other income (s391)	Practice Leader	DSF	
Apply to the Family Court to appoint a manager under the Protection of Personal and Property Rights Act 1988 to manage the property of children and young persons subject to guardianship or custody orders (s392)	Sup *	DSF	

## Passports

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Apply for a passport for a child or young person under 16 years under the Chief Executive's guardianship (in consultation with parents/ guardian) (s114)	SW	DSF	
Complete sections 17, 18, and 19 of a child's or young person's passport application form	Sup		OPD
Confirm in writing, on letterhead that the person who completed sections 17, 18 and 19 of the child's or young person's passport application form is a supervisor for Oranga Tamariki	Practice Leader		OPD

## In-Confidence

Supply a copy of the original guardianship order to accompany passport application	SW		OPD
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**Note:** Passport applications require the signature of a parent/guardian for those under 16 years. Where the Chief Executive has only custodial responsibility for example via agreements or various custody orders, the Chief Executive cannot sign as guardian.

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

### Overseas travel – placement, extended period and holiday

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Approval of overseas travel for the purposes of a holiday for a child or young person in the custody or guardianship of the Chief Executive where guardians agree (s104 or s114)	Site Manager	DSF	
Approval of any overseas travel for the purposes of a holiday for a child or young person in the custody or guardianship of the Chief Executive where guardians object or do not agree ( <b>See note 1</b> ) (s104 or s114)	DCE Service Delivery	DSF	
Approval for overseas travel for an extended period of time, with usual caregivers, where the guardians agree for a child in the custody or guardianship of the Chief Executive (s104 or s114)	Reg Manager or Assoc RM	DSF	
Approval for overseas travel for an extended period of time, with usual caregivers, where the guardians do not agree for a child in the custody or guardianship of the Chief Executive ( <b>See note 1</b> ) (s104 or s114)	DCE Service Delivery	DSF	
Approval for overseas placement for a child or young person in the custody or guardianship of the Chief Executive where guardians agree (s104 or s114)	DCE Service Delivery	DSF	
Approval of overseas placement for child or young person in the custody or guardianship of the Chief Executive where guardians object or do not agree ( <b>See note 1</b> ) (s104 or s114)	DCE Service Delivery	DSF	

Asterisk \* denotes consultation necessary with a Ministry solicitor.

**Note 1:** If the other guardian(s) do not agree to overseas travel or placement, unless the Chief Executive has sole guardianship, the Chief Executive does not have authority to make the decision that the overseas travel occur and it may be necessary for the Court to resolve the issue as a dispute between guardians under s115. Please see policy for detail on appropriate next steps.

### Transfer of orders overseas and disclosure of information

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Transfer a protection order to a participating State in accordance with sections 207D to 207I	SW  (Prior consultation with Site Manager and a solicitor, and agreement of the ILO required)	DSF	
Decision to apply for an order transferring a protection order or proceedings to a participating State (Australia) (s207K and 207Q)	SW  (Prior consultation with Site Manager and a solicitor, and agreement of the ILO required)	DSF	
Application to make an order transferring a protection order or proceedings to a participating State (Australia) (s207K and 207Q)	SW  (Prior consultation with a solicitor required and agreement of ILOs (Aus. and NZ))	DSF	

## In-Confidence

Register a protection order or protection proceedings transferred to New Zealand under an interstate law in the office of a court in accordance with section 207X	SW	DSF	
Disclosure of information to interstate officer necessary or desirable to enable performance of duties or exercise of powers under child welfare law or interstate law under section 207ZL	ILO	DSF	

### Warrant/order preventing removal

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Decision to apply for an order or warrant to prevent the removal from New Zealand of a child or young person who is the subject of a section 67 application (s205)	SW •*	DSF	

The bullet • denotes consultation is necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

### Transition from Care to Independence

**Note:** It is intended that NGOs (Non-Governmental Organisations) will be contracted to provide some of the transition support services. If an NGO is unable for any reason to provide these services Oranga Tamariki staff will be able to provide the services under these delegations.

Function/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Advise a young person before they leave care or custody of their entitlements under s386AAD(2) to be supported to live with a caregiver between the ages of 18 to 21 in accordance with s386AAD	SW	DSF	
Provide a young person who is to live with a caregiver under s386AAD with support to negotiate a support arrangement in accordance with s386AAE(1)-(3)	SW	DSF	
Monitor the operation of all support arrangements (s386AAE(4))	SW	DSF	

## In-Confidence

<p>Provide financial assistance to a young person who lives with a caregiver under s386AAD to meet their reasonable costs of living with the caregiver, in accordance with s386AAG(1)-(3) and withdraw that financial assistance if necessary in accordance with s386AAG(4)</p>	SW	DSF	
<p>In relation to a young person aged between 18- 25 years who has been in one or more of the specified types of care or custody for a continuous period of at least 3 months after the age of 14 years and 9 months, and before they leave care or custody (s386A(1)-(2); (4)-(5):</p> <ul style="list-style-type: none"> <li>• Assess what support by way of advice and assistance the young person will need</li> <li>• Provide or arrange for the provision of that support to the young person</li> <li>• Advise the young person of their entitlements under s386A(4) and s386B</li> </ul> <p>Consider the entitlements of a young person under s386B on referral of a request for support (s386A(6)-(7))</p> <p>Consider the entitlements of a young person under s386B when an assessment is provided to the chief executive under s386A(3), taking the assessment into account (s386A(8))</p>	SW, or Transition Support Service Team Supervisor, National Contact Centre, or Site Manager	DSF	
<p>Provide (or arrange to provide) support by way of advice, non-financial and financial assistance under s386A in accordance with s386B including:</p> <ul style="list-style-type: none"> <li>• Giving particular consideration as to whether the young person has high or complex needs (s386B(3))</li> <li>• Paying financial assistance directly to the young person unless it is considered appropriate to pay it to the young person's caregiver or other person (s386B(4))</li> <li>• Continuing to provide financial assistance to a young person to complete and education or training course even though they turn 25 before completing the course (s386B(5))</li> </ul>	SW or Transition Support Service Team Supervisor, National Contact Centre, or Site Manager		

## In-Confidence

Take reasonable steps to maintain contact with a young person up to the age of 21 years who has been in any of the circumstances listed in s386A(1) (s386C)	SW or Transition Support Service Team Supervisor, National Contact Centre, or Site Manager	DSF	
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### Other Payments

Function/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Make payments as may be necessary to meet the reasonable needs of any child or young person (s387)	Site Manager or YJ Manager	DSF	
Make grants or provide financial or other assistance in respect of children and young persons subject to orders made under the Act (S388)	Site Manager or YJ Manager	DSF	
<b>Note:</b> s 388A and s389 – financial and other assistance to permanent caregivers is currently provided under a separate CE delegation to Turiki, which had prior ministerial approval			
<b>Note:</b> Part 8 (sections 396 to 409) regarding provisions relating to iwi social services, cultural social services, child and family support services and community services are all covered by separate “Approvals Functions” delegations, and are delegated to MS, who manage accreditations. The following 2 sections (sections 406 and 407) are exceptions to the foregoing			
Make grants or provide financial assistance to any community service, subject to any general directions given from time to time by the Minister (s406)	DCE MPC	DSF	
Enter into a contract with any community service for the provision of such services considered necessary or desirable for the purpose of enabling the chief executive to carry out any statutory function under the Act (s407)	DCE MPC	DSF	



## Care of Children Act 2004

### Appointment and removal of guardian

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Consent to appointment of Chief Executive as guardian for the purpose of being a testamentary guardian (s26(1))	Sup *	DSF	
Consent to appointment of Chief Executive as either a sole or additional guardian, whether generally or for a particular purpose (s27)	Sup *	DSF	
Applications on behalf of Chief Executive for court to be appointed custodian or agent under the Guardianship Act (s31(2)(f))	Sup *	DSF	
Applications on behalf of Chief Executive for direction or orders when there are disputes between guardians (s46R)	Sup *	DSF	
Applications on behalf of Chief Executive to vary or discharge orders (s56)	Sup *	DSF	
Execute a warrant to enforce custody and access rights (s75)	SW •*	Authority conferred on SW by s75 Care of Children Act.	
Execute a warrant to prevent the removal of children from NZ. Remove, using as much force as necessary, and place the child (s75)	SW •*	Authority conferred on SW by s75 Care of Children Act.	

## Reports to Family Court under the Family Proceedings Act 1980 or the Care of Children Act 2004

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
On request of a Registrar of the Family Court, provide brief written advice on the nature and extent of any involvement that the department has had with the parties (s131A)	SW	Authority conferred on SW by s131A COCA	
Report to the Court, when directed, in respect of any application for guardianship or custody or access (s132)	SW •	Authority conferred on SW by s132 Care of Children Act.	
Endorsement of recommendations in s132 report	Sup		OPD
Make arrangements to ensure timely delivery of social work reports where more than one service delivery unit or site is involved	Relevant Practice Leader(s)		OPD

## *Family Violence Act 2018*

Function/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
On request of a Registrar of the Family Court, provide brief written advice on the nature and extent of any involvement that the department has had with the parties (s65)	SW •	Authority conferred on SW by s65 Family Violence Act 2018	
Report to the Court, when directed, in respect of any application under s62 or s64 for a protection order (other than a temporary order)(s66)	SW •	Authority conferred on SW by s66 Family Violence Act 2018	

## ***Care and Protection Resource Panels (CPRP)***

<b>Functions/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational/ Practice Decisions (OPD)</b>
Authority to establish CPRP (s428(1))	Site Manager	DSF	
Decision on number of CPRPs required per site	Site Manager		OPD
Decision on number of members of CPRP (s428(2))	Site Manager	DSF	
Appoint members of CPRP (s428(2))	Site Manager	DSF	
Notification of appointment to CPRP – setting conditions of appointment, payment of fees etc	Site Manager		OPD
Setting of fees for CPRP members in accordance with Fees and Travelling Allowances Act 1951 (s432(2))	General Manager People and Leadership	DSF	
Revocation of appointment to CPRP (s428(4))	Site Manager with advice to Reg Manager or Assoc RM	DSF	
Two yearly review of CPRP membership	Site Manager		OPD
Appointment of liaison person at supervisor level or above from Oranga Tamariki	Site Manager		OPD
Authorisation for the payment of fees and allowances to members of CPRP (s432)	Site Manager	DSF	
Consult with the CPRP about the matters relating to the appointment of CPC (s429(d))	Site Manager	DSF	

## ***Reporting the death of a child or young person***

<b>Functions/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational /Practice Decisions (OPD)</b>
Receive report of death of child or young person in care or custody or guardianship of iwi or cultural social service or child and family support service (s395(a)(ii))	Principal manager for area where child or young person was residing at death	DSF	
Receive report of death of child or young person in the charge of any person or organisation under s362 (s395(b)(ii))	Principal manager for area where child or young person was residing at death	DSF	
Report to the police (as soon as practicable) the death of any child or young person residing in a s364 residence (s395(c))	Res Manager	DSF	
Report death of child or young person in official custody or care to police employee (s13(2) Coroners Act 2006)	Site Manager	DSF	
Give verbal advice to the Reg Manager or Assoc RM and the Chief Social Worker of the death of a child or young person in the care, custody or guardianship of the Chief Executive	Site Manager		OPD
Give verbal briefing to the DCE Service Delivery, and where circumstances indicate there is likely to be media interest, a written report to the Chief Executive and Minister	Chief Social Worker		OPD
Ensure that actions required at a site level are followed	Site Manager		OPD
Prepare media strategy and liaise with media if required	General Manager Communications		OPD

## ***Youth Justice***

### **Child or young person arrested and placed in the custody of the Chief Executive**

<b>Functions/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational /Practice Decisions (OPD)</b>
Receive delivery of child or young person arrested and placed in custody of Chief Executive by a constable (s235(2))	SW	DSF	
Receive on the prescribed form details from a constable relating to – <ul style="list-style-type: none"> <li>• the identity of the child or young person; and</li> <li>• the circumstances of the arrest of the child or young person; and</li> <li>• the date and time of the intended appearance of the child or young person before the court having jurisdiction in the matter in relation to which the child or young person was arrested</li> </ul> (s 235(2)(b)(i), (ii), and (iii))	SW	DSF	
Decision on placement of child or young person arrested and placed in custody of Chief Executive (s235(3))	SW	DSF	
Negotiate with Res Sup if detention of child or young person in a Residence is required pursuant to section 235(3)  If child or young person is placed in a Residence, Escort Policy applies	Sup		OPD
Decision to approve any person(s) as suitable custodians of a child or young person pending a hearing in the Youth Court (s235(3))	SW •	DSF	

## In-Confidence

Issue joint certificate (with Police) that grounds exist to detain young person in police custody (s236(1)) -This provision does not apply to a child  The legislation provides that any delegation by the Chief Executive of a function or power under this section must be made to senior employee/employees of OT	Sup	DSF	
Written report to Chief Executive on certificates issued pursuant to section 236 (s236(2))	Sup	DSF	
Receive reports and certificates pursuant to section 236(2)	YJ Manager	DSF	

The bullet point sign • denotes consultation necessary with supervisor or next level manager.  
Asterisk \* denotes consultation necessary with a Ministry solicitor.

### **Custody of child or young person pending determination of hearing**

<b>Functions/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational/ Practice Decisions (OPD)</b>
Approve a person into whose custody a child or young person may be ordered by the Youth Court pursuant to section 238(1)(c)	SW	DSF	
Receive from the Youth Court custody order placing child or young person in the custody of the Chief Executive pursuant to section 238(1)(d)	SW •	DSF	
Decision on placement of child or young person ordered in custody pursuant to section 238(1)(d) (s242(1), s362, s365)	Sup•	DSF	
Negotiate with Res Sup if detention in Residence is required pursuant to section 242(1)(a)	Sup		OPD
Decision (with Police) that specified grounds exist for child or young person to be detained in police custody (s242(1)(b))  s242(3) requires any delegation of a function or power under s242 must be made to a senior employee or senior employees of the department	Sup	DSF	

## In-Confidence

Decision with police that specified grounds exist for child or young person to be detained in police custody for not more than 24 hours (s242(1)(b))	Sup *	DSF	
Joint application with the chief executive of the Department of Corrections to Court for order under section 238(1)(f), (s239(2A))	GM YJ Res	DSF	
Decision to apply for review of orders made pursuant to section 238	Sup *		OPD
Application to Court for review of orders made pursuant to section 238	Sup *	DSF	
Review the detention of a child or young person in a residence at least once every 14 days, unless special circumstances apply (s 242(1A))	Sup	DSF	
Review the detention of a child or young person in a youth unit of a prison at least once every 14 days, unless special circumstances apply (s 242(2B))	Sup	DSF	
Appoint a youth advocate to represent a child or young person at a family group conference if an offence referred to in s245(1) is punishable by imprisonment of 10 years or more (s248A)	YJ Manager	DSF	

### Other issues

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Decision that it is impracticable for a child or young person detained in Chief Executive's custody to attend FGC which is to be held in respect of that child or young person (s252(1))	Sup •	DSF	
Decision as to reasonable conditions which may be necessary to prevent child or young person detained in Chief Executive's custody from absconding while attending FGC (s252(2))	Sup	DSF	
Arrange for the child or young person in custody to be taken to FGC (s252(3))	SW •	DSF	

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

## Youth Justice: Family Group Conference

### Consultation

Functions/Tasks Please note all functions and powers of YJC are statutory powers held directly by the YJC and not under delegation from Chief Executive)	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Consultation with enforcement officer to explore options and decide whether FGC is required pursuant to section 18(3) and section 245	YJC	DSF	

### Convening the FGC

Functions/Tasks (# all functions and powers of YJC are statutory powers held directly by the YJC and not under delegation from Chief Executive)	Level	Delegation of Statutory Functions (DSF)	Operational / Practice Decision (OPD)
Decision that FGC not required in certain cases (s248)	YJC	#	
Convene FGC within statutory time frames (s249)	YJC	#	
Consult with family, whānau, family group of child or young person prior to convening FGC about: <ul style="list-style-type: none"> <li>date, time, place</li> <li>persons who should attend</li> <li>procedure to be adopted (s250(1))</li> </ul>	YJC	#	
Consult with victim and informant about date, time and place of FGC (s250(2))	YJC	#	
Attend a family group conference under section 251(1)(h)	SW	DSF	



## In-Confidence

Where services of interpreter are required: recommend that services of interpreter are required for FGC and associated processes (s9)	YJC	#	
<ul style="list-style-type: none"> <li>• seek approval for payment for services</li> <li>• arrange for services of interpreter</li> <li>• approval of payment of interpreter</li> </ul>	YJC YJC YJC YJ Manager	# # See financial delegations	
Seek prior agreement of CPC that the FGC may make decisions recommendations and plans in relation to care or protection of a child or young person	YJC		OPD
Set the time, date and place at which FGC is to be held (s247)	YJC	#	
Ensure that notice of time, date and place of FGC is given to those entitled to attend (s253(1))	YJC	#	
Decision that an entitled member of FGC cannot be contacted and that no notice needs to be given (s253(2))	YJC	#	
Ascertain the views of those unable to attend the FGC (s254(1))	YJC	#	
Approval of expenses associated with the convening of the FGC	YJ Manager		OPD

### Holding the FGC

Functions/Task <b>(# all functions and powers of YJC are statutory powers held directly by the YJC and not under delegation from Chief Executive)</b>	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decision (OPD)
Attendance at an FGC convened under any other provision of Part 2 of the Oranga Tamariki Act (or under section 207D(3), 207K(2), or 207Q(2))	SW	DSF	
Ensure that all information and advice the coordinator considers is required by the FGC to carry out its functions (including information and advice in relation to the health and education needs of the child or young person) is made available to the FGC (s255(1)) This includes:	YJC	#	
<ul style="list-style-type: none"> <li>• Explaining the function of the FGC</li> </ul>	YJC	#	

## In-Confidence

<ul style="list-style-type: none"> <li>Ensuring the enforcement officer provides information regarding the alleged offending</li> </ul>	YJC	#	
<ul style="list-style-type: none"> <li>Ensuring the enforcement officer provides information regarding previous offences, victim impact and any other relevant background where FGC is convened to advise the Court in relation to custody of young person pending hearing</li> </ul>		#	
<ul style="list-style-type: none"> <li>Ensuring conference is aware that of its obligation under s259(1) to seek to ascertain whether the child or young person admits the offence</li> </ul> <p>Where FGC is unable to ascertain whether alleged offending is admitted, or if it is disputed or denied FGC must not make decisions, recommendations or plans that assume the child or young person committed the offence (s259(2))</p>	YJC	#	
<ul style="list-style-type: none"> <li>Explaining the nature of a formal police caution</li> </ul>	YJC	#	
<ul style="list-style-type: none"> <li>Advising the FGC of any co-offender(s) and the outcome of any FGC(s) convened in respect of them</li> </ul>	YJC	#	
Ascertain the views of those unable to attend and ensure those views are made known to the FGC (s254(1) and (2))	YJC	#	
Ensure family, whānau, hapū, iwi and/or family group members have opportunity to deliberate in private	YJC	#	
Make a written record is made of decisions recommendations and plans of FGC (s262)	YJC	#	
Seek agreement to decisions, recommendations and plans of FGC (s263)	YJC	#	
Decision to adjourn FGC where agreement not possible and inform enforcement agency or Court of non-agreement (s264)	YJC	#	

**Post-FGC**

<b>Functions/Tasks</b> (# all functions and powers of YJC are statutory powers held directly by the YJC and not under delegation from Chief Executive)	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational/ Practice Decision (OPD)</b>
Inform enforcement agency or Court of non-agreement (s264(1)(d) and (e))	YJC	#	
Make available decisions recommendations and plans to those entitled to receive them (s265)	YJC	#	
Decision on other persons who are, or will be directly affected by plan (s265(1)(g))	YJC	#	
Ensure records of decisions, recommendations and plans are maintained (s266(1))	YJC	#	
Decision that person(s) seeking access to decisions, recommendations and plans have a genuine and proper interest (s266(2)(d))	YJC •	#	
Decision not to give effect to decisions, recommendations or plans of a FGC because it is clearly impracticable or clearly inconsistent with the principles of the Oranga Tamariki Act (s268)	YJ Manager	DSF	
Notify YJ co-ordinator of non-agreement to give effect to decisions, recommendations and plans (s268(2))	YJ Manager	DSF	
Reconvene a FGC to consider whether to make or formulate any other decision, recommendation or plan where FGC agreement not possible or where agreement not secured to them (s268(2))	YJC	#	
Approve financial assistance to give effect to decisions, recommendations or plans of a FGC (s269)	YJ Manager	DSF	
Decision to reconvene a FGC to review decisions, recommendations and plans when requested by 2 or more members of FGC or own motion (s270)	YJC	#	
Receive information on completion/non completion of FGC decisions	YJC		OPD

## In-Confidence

Ascertain whether any victim of offence wishes to be notified of child's or young person's progress in taking action or steps under FGC decisions, recommendations, or plans (s269A(2)(a) -only if the FGC has not nominated another person to perform the duties under s269A(2)(a) and (b)	YJC	DSF	
Notify any victim who wishes to be notified of that progress from time to time (s269A(2)(b)) — only if the FGC has not nominated another person to perform the duties under s269A(2)(a) and (b)	YJC	DSF	

### Other matters

<b>Functions/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational /Practice Decisions (OPD)</b>
Delegate any of YJ co-ordinator's functions or powers to a social worker who is suitable to exercise or perform them (s427)	YJC	#	
Decision that a social worker is available to deputise for a YJ co-ordinator	Supervisor of Social Worker		OPD
Appoint, renew, and remove youth justice co-ordinators that are employees of an approved service (namely an iwi social service, a child and family support service or a community service) (s425(1) to (3))	Reg Manager  (Prior consultation with MPC Lead Advisor required to check compliance with statutory requirements)	DSF	

## Youth Court

### Social work reports and plans for orders under section 283

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Preparation of written reports pursuant to section 334  Reports and plans that propose a Supervision with Residence order must be made in consultation with Residential social workers	SW	Function conferred on social workers by s334, not by delegation	
Preparation of plan to accompany s334 report (s335)  -not for proposal to place child or young person under supervision of a person other than the Chief Executive or any organisation	SW	DSF	
Endorsement of reports and plans prepared pursuant to section 334 and section 335	Sup		OPD
Request that the Court obtain a cultural or community report (s336)	SW	DSF	
Obtain consent of young person and others involved in implementing proposed order	SW		OPD
Make representation to Court on proposal to make orders when child or young person in guardianship of Chief Executive (s288)	SW *	DSF	
Approve any person, or organisation to supervise a young person on a community work order (s298(2)(b)(ii))	Sup	DSF	
Provide supervision to young person as specified in supervision order that places young person under the supervision of the Chief Executive (ss283(k) and 304)	SW	DSF	

## In-Confidence

Decision to give consent for a young person under the age of 16 who is on a supervision or supervision with residence order to undergo medical, psychiatric, or psychological examination or treatment, or any psychiatric counselling or therapy when a parent, guardian, or other person acting cannot be located in New Zealand (s306(2)(b)(iii) and s319(b)(ii))	Sup *	DSF	
	Field, where supervision is not in residence,		
	Team Leader Operations		
	Team Leader Clinical		

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

### Variations, discharge, cancellation of orders

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Decisions to apply for variation or cancellation of community work order	SW •		OPD
Apply for variation or cancellation of a community work order (s299 & s300)	SW *	DSF	
Decision to apply to Court for declaration that a young person under the Chief Executive's supervision has failed to comply with the requirements of a supervision or supervision with activity order	SW		OPD
Apply for a declaration that a young person has failed to comply with an order made under section 296A(1), (s296B)	SW *	DSF	
Apply for the variation or cancellation of an order made under s296A(1) or (2) (s296E)	SW *	DSF	
Detain without warrant a young person and return them to their curfew address in accordance with section 296L, where they have failed to comply with a curfew condition	SW •	DSF	

## In-Confidence

Application for declaration that a young person has failed to comply with the requirements of a supervision or supervision with activity order (s296B(1))	SW *	DSF	
Decision to apply to the Youth Court to cancel, suspend or vary any condition of a supervision or supervision with activity order	SW •		OPD
Apply to the Youth Court to cancel, suspend, or vary any condition of a supervision or supervision with activity order	Sup	DSF	
Apply to the Youth Court to cancel a supervision with residence order if the child or young person has absconded from the Chief Executive's custody (s316(1))	Res Manager	DSF	
Apply to the Youth Court to cancel a supervision with residence order if a young person aged 17 has failed to comply with the order (s316(1A))	Res Manager	DSF	

### Effectiveness reports

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Apply to the Court for the issue of a summons to a young person to appear before the Court where the young person is subject to a judicial monitoring direction (s308B(2))	SW •	DSF	
Prepare and provide to the court a progress report (and any further progress reports) where the Court has given a direction under s308A regarding compliance with specified conditions of an order (s308C)	SW •	DSF	
Prepare and provide to the court a report where a young person will be considered for early release from custody before the expiry of their supervision with residence order (s314(2))	Case Leader	DSF	
Attend any hearing in the Youth Court for proceedings relating to a child or young person	Sup or SW •	DSF	

## In-Confidence

Preparation of effectiveness reports for orders made under section 283 (k), (l), (m) and (n) (s320)	SW	DSF	
Endorsement of effectiveness reports	Sup		OPD

### Other matters

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Apply to Court for appointment of lay advocate, where Chief Executive is the guardian or caregiver (s326)	SW •*	DSF	
Decision to lodge an appeal against a Youth Court decision (s352 or 354) subject to approval of the Solicitor-General	DCE Service Delivery		OPD
Decision to lodge an appeal to the Court of Appeal or Supreme Court in respect of a Youth Court decision subject to approval of the Solicitor-General	DCE Service Delivery		OPD
Ensure young person (if in custody of Chief Executive) is taken to High Court for appeal hearings under sections 352 and 353 (s358)	SW	DSF	
To be present at appeal when young person in care or guardianship of Chief Executive (s359)	SW	DSF	

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

## ***Residences***

### **Establishment of Residences**

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)



## In-Confidence

Provision of facilities and equipment and personnel necessary to give effect to the Oranga Tamariki (Residential Care) Regulations 1996 (Reg 25, Oranga Tamariki (Residential Care) Regulations 1996)	GM YJ Res and Manager Care and Protection Residences	DSF	
Provision of adequate training and resources to the staff of Residences to enable them to carry out their functions (Reg 25 Oranga Tamariki (Residential Care) Regulations 1996)	General Manager Youth Justice Residences and General Manager Care and Protection Residences	DSF	
Preparation of National Code of Practice relating to the management of Residences (Reg 26 Oranga Tamariki (Residential Care) Regulations 1996)	DCE Service Delivery	DSF	
Review, at least every two years, of National Code of Practice (Reg 26 Oranga Tamariki (Residential Care) Regulations 1996)	DCE Service Delivery	DSF	
Provision of a venue for each community liaison committee to meet quarterly; and secretarial services as reasonably required for the committee to keep a record of its meetings (Reg 36(1) and (3) Oranga Tamariki (Residential Care) Regulations 1996)	Residence Managers Youth Justice Residence Managers Care and Protection Managers	DSF	
Inspection of each Residence at least once each calendar year for the purposes of ensuring that the provisions of these regulations, the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018, and sections 384B to	DCE Quality Practice and Experiences	DSF	
384K of the Oranga Tamariki Act are complied with (Reg 37(1) Oranga Tamariki (Residential Care) Regulations 1996)	GM YJ Res and General Manager Care and Protection Residences		

## In-Confidence

As soon as possible after an inspection under Regulation 37(1), provision of a report in writing on that inspection to the Chief Executive (Reg 37(4) Oranga Tamariki (Residential Care) Regulations 1996)	GM YJ Res and General Manager Care and Protection Residences	DSF	
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### Supervision with residence orders

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Authority to take young person to Residence as specified in s335 plan (s312(2))	SW	DSF	
Apply to Court for approval to transfer young person to any other Residence (s312(3))	SW	DSF	
Decision to notify the police that an offence has allegedly been committed by a young person on a Supervision with Residence order	TL or Res Manager		OPD
Notification to police that a young person on a Supervision with Residence order has absconded	TL or Res Manager		OPD
Report to Court on whether young person subject to a Supervision with Residence order has absconded or committed further offences, behaved and complied with any obligations in s335 plan, and complied with any condition of the order that the young person undertake a specified programme or activity (s314(2))	Site YJSW	DSF	
Decision to search, without a warrant, in order to exercise authority vested in Chief Executive under section 312 (s318)	TL	DSF	
Decision to authorise another person to conduct a search without warrant (s318)	Res Manager	DSF	
Decision as to whether there is any person in New Zealand capable of giving consent to medical treatment (s319(b)(ii))	TL •*	DSF	

## In-Confidence

Give consent to medical treatment pursuant to section 319(b)(ii)	TL •*	DSF	
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The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

### Secure care

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Place child or young person in secure care subject to ss368 to 370 (s367)	TL	DSF	
Give notice to those entitled where child or young person is placed in secure care (s369)	TL	DSF	
Decision to make an application for approval for continued detention in secure care (s371 & s372)	TL		OPD
Application for continued detention in secure care (s371)	TL*	DSF	
Attend hearing of an application under section 371	TL	DSF	
Decision to make representations to Court on section 371 application (s374)	TL		OPD
Application to the court for renewal of an approval for continued detention in secure care (s377)	TL*	DSF	

### Discipline in Residences

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Reasonably discipline a child or young person in Residence within limits in Residential Care Regulations (s384)	Res Manager	DSF	

## Search and seizure

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Approval of person suitable to search child or young person	Res Manager		OPD
Decision to inspect or search a child or young person	TL		OPD

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

## Grievance Procedures – see The Schedule to the Residential Care Regulations 1996

Functions/Tasks (# the functions and powers of Grievance Panel Members are conferred on them under the Schedule to the Residential Care Regulations 1996 and are not delegated by the Chief Executive)	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Ensure residents are informed about grievance procedure, rights and ensure copies easily visible	Res Manager		OPD
Ensure child or young person assisted to complete complaint form	TL		OPD
Inform child or young person of right of access to advocate	TL		OPD
Decision to approve person nominated by child or young person as advocate in grievance process	Res Manager		OPD
Investigate complaints brought to the attention of the grievance panel	Grievance Panel Members	#	
Receive complaint and write acknowledgment to the complainant	Res Manager		OPD

## In-Confidence

Ensure child or young person complainant opportunity to approve complaint outcome	Grievance Panel Members	#	
Ensure child or young person is aware of rights to dispute complaint or review outcome	Res Manager		OPD
Implement recommendations of the Grievance Panel in relation to a complaint investigated	Res Manager		OPD

The bullet point sign • denotes consultation necessary with supervisor or next level manager. Asterisk \* denotes consultation necessary with a Ministry solicitor.

### Grievance Panels

<b>Functions/Task</b> <b>(# the functions and powers of Grievance Panel Members are conferred on them under the Schedule to the Residential Care Regulations 1996 and are not delegated by the Chief Executive)</b>	<b>Level</b>	<b>Delegations of Statutory Functions (DSF)</b>	<b>Operational Practice Decisions (OPD)</b>
Nominate to the Minister, members of grievance panels for every residence established pursuant to s364 Oranga Tamariki Act 1989 after consultation with: <ul style="list-style-type: none"> <li>• The Principal Youth Court Judge</li> <li>• The Principal Family Court Judge; and</li> <li>• The Children’s Commissioner</li> </ul>	TBC following final decisions resulting from the review of the Office of the Chief Executive	DSF	
Accept reports in writing from each grievance panel on the reviews carried out by the panel during the previous quarter pursuant to the grievance procedure (reviews will comment on whether, in the opinion of the grievance panel, there has been compliance with the grievance procedure, providing reasons for that opinion)  (Regs 31(4) and (5) of the Oranga Tamariki (Residential Care) Regulations 1996)	TBC following final decisions resulting from the review of the Office of the Chief Executive	DSF	
Review decisions about resident’s complaints	Grievance Panel Members	#	
Monitor and report quarterly on compliance with the complaints procedure	Grievance Panel Members	#	

## In-Confidence

Approve payments to Grievance panel members	Res Manager	DSF	
Ensure child or young person is aware of rights to dispute complaint or review outcome	Res Manager	DSF	
Implement recommendations of the Grievance Panel in relation to a complaint investigated	Res Manager		OPD

### **Absconding by child or young person in Residence**

<b>Functions/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational/ Practice Decisions (OPD)</b>
Detain child or young person who absconds from a Residence (s385)	Any staff member of the Residence	DSF	
Decision to apply for warrant for authority to enter, search and remove child or young person who has absconded from or is absent from Residence (s386)	TL	DSF	

### **Reporting of death of child or young person in Residence**

<b>Functions/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational /Practice Decisions (OPD)</b>
Report to the Police (as soon as practicable) the death of any child or young person in a Residence established under section 364 of Oranga Tamariki Act (whether or not the death occurred in Residence) (s395(b)(i))	Res Manager	DSF	
Report the death of a child or young person in Chief Executive custody or care pursuant to section 362 and who is in Residence to DCE Service Delivery (s395(c))	Res Manager	DSF	

## In-Confidence

Notify each victim of the offence if a child or young person dies; and at the time of his or her death, the child or young person was – on remand or the subject of a Supervision with Residence order and was residing in a 364 residence (s395A)	Res Manager	DSF	
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### **Actions under the Criminal Procedure Act 2011 and the Corrections Act 2004**

<b>Functions/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational/ Practice Decisions (OPD)</b>
Approval of Residence for detention of child or young person serving a sentence of imprisonment (jointly with Chief Executive of Department of Corrections) (s34A Corrections Act 2004)	GM YJ Res	DSF	
Decision as to placement of person aged under 17 remanded into custody of Chief Executive by District Court or High Court (s173(3) Criminal Procedure Act 2011)	GM YJ Res	DSF	
Decision that Chief Executive is willing and able to keep person aged under 18 in custody for the purposes of an assessment report (s174(1)(a))	GM YJ Res	DSF	
Decision as to placement of person aged under 18 remanded into custody of Chief Executive by District Court or High Court for the purpose of an assessment report (s174(3))	GM YJ Res	DSF	
Agree with the Chief Executive of the Department of Corrections that the detention of a person aged 17 years in a youth unit of a prison is necessary to ensure the safety of a young person (as defined in section 2(1) Oranga Tamariki Act 1989) who is in the custody of the Chief Executive of Oranga Tamariki (s175(1A) and (1B))	GM YJ Res	DSF	
Decision that Chief Executive is willing and able to keep person aged 18 or 19 years in custody (s 175(2)(a)(i))	GM YJ Res	DSF	
Decision as to placement of person aged 17, 18 or 19 remanded into custody of Chief Executive by District Court or High Court (s175(3))	GM YJ Res	DSF	

### Case Transfer within New Zealand

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational /Practice Decisions (OPD)
Verbal notification of case to be transferred to another site	Sup		OPD
Acceptance of case transfer	Sup		OPD

### ***Approval, assessment, and revocation of iwi social services, cultural social services, and child and family support services***

Functions/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Approve iwi social service, cultural social service, or child and family support service (s396)	DCE MPC	DSF	
Decline an application (s398)	DCE MPC*	DSF	
Suspend or revoke the approval of iwi social service, cultural social service, or family support service (s399)	DCE MPC*	DSF	
Carry out an assessment of an iwi social service or a cultural social service or a child and family support service (s400)	QM NQL• QL•	DSF	OPD
Exercise the powers of person carrying out an assessment of an iwi social service, cultural social service, or family support service (s401)	QM NQL• QL•	DSF	

The bullet point sign • denotes consultation necessary with supervisor or next level manager.

Asterisk \* denotes consultation necessary with a Ministry solicitor.



## **Trespass Act 1980**

<b>Functions/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational/ Practice Decisions (OPD)</b>
<p>Warning to leave premises under section 3 of the Trespass Act 1980, and authority to subdelegate in writing to office holders, and individuals working in Oranga Tamariki as contractors or secondees from elsewhere in the State Services, working on the premises</p> <p>Can only be issued to a person who is trespassing on a place</p> <p>In relation to an Oranga Tamariki, office a trespass is not committed until the person engages in behaviour inconsistent with their right to visit the premises for a lawful purpose Examples of behaviour may include:</p> <ul style="list-style-type: none"> <li>• Threats of harm or intimidation</li> <li>• Physical harm to a person</li> <li>• Wilful damage or theft or attempted theft of property</li> </ul>	Site Manager	DSF	
<p>Warning to stay off premises under section 4 of the Trespass Act 1980</p> <p>Can be issued to a person who is trespassing, or has trespassed, or is likely to trespass on any place</p> <p>In relation to an Oranga Tamariki office, a trespass is not committed until the person engages in behaviour inconsistent with their right to visit the premises for a lawful purpose Examples of behaviour may include:</p> <ul style="list-style-type: none"> <li>• Threats of harm or intimidation</li> <li>• Physical harm to a person</li> <li>• Wilful damage or theft or attempted theft of property</li> </ul>	Site Manager, Res Manager or YJ Manager	DSF	

## ***National Care Standards***

Under the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 (“NCS Regs”)

### **Written Records**

<b>Function/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational / Practice Decisions (OPD)</b>
Ensure a written record is created and maintained regarding non-compliance with the NCS Regs (Reg 3(4))	GM Quality Assurance	DSF	

### **Part 1: Needs Assessments, Plans, Visits to, and Collection of Information about Children and Young Persons**

<b>Function/Tasks</b>	<b>Level</b>	<b>Delegation of Statutory Functions (DSF)</b>	<b>Operational/ Practice Decisions (OPD)</b>
Ensure that a needs assessment is carried out when a custody order is sought, or a child or young person enters care or custody (Regs 7, 8 and 10)	SW	DSF	
Maintain a needs assessment for a child or young person in written or electronic form, or both (Reg 9)	SW	DSF	
Ensure that the process for assessing the educational needs of a child or young person is carried out in accordance with Regulation 11	SW	DSF	
Ensure that the process for identifying connections with family, whānau, hapū, iwi, and family group in relation to a child or young person is carried out in accordance with Regulation 12	SW	DSF	
Ensure that the process for assessing the health needs of a child or young person is carried out in accordance with Regulation 13	SW		

## In-Confidence

Ensure that the process for assessing the safety needs of a child or young person is carried out in accordance with Regulation 14	SW	DSF	
Ensure that a reassessment of child or young person's needs is carried out in accordance with regulation 15	SW	DSF	
<p>Ensure that a plan for a child or young person who enters custody or care:</p> <ul style="list-style-type: none"> <li>• is commenced and completed in accordance with Regulation 17</li> <li>• is developed in accordance with the process set out in Regulation 18</li> <li>• identifies those matters referred to in Regulation 19</li> <li>• includes information about arrangements with family, whānau, hapū, iwi, marae and family group in accordance with Regulation 20</li> </ul>		DSF	
Ensure that a plan (or any relevant aspect of a plan) is reviewed in accordance with Regulations 22 and 23	SW	DSF	
Ensure that information in a plan is given to the child or young person, caregiver and other persons in accordance with Regulation 24	SW	DSF	
Ensure that visits to a child or young person in care or custody are undertaken in accordance with Regulation 27	Supervisor	DSF	
Ensure that when a child or young person in care or custody is visited the visitor seeks to understand how the plan is working in accordance with Regulation 28	SW	DSF	
Ensure that the persons identified in Regulation 29 are contacted, and discussions are held on a regular basis to monitor the ongoing safety and well-being of a child or young person in care or custody in accordance with Regulation 29	SW	DSF	

## Part 2: Support to Address Child’s or Young Person’s Needs

Function/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Ensure that support is available to a child or young person in care or custody to address their needs as identified in their needs assessment (Reg 30)	SW	DSF	
Ensure that support is provided to a child or young person to promote mana tamaiti (tamariki) by ensuring that a child or young person is able to establish, maintain and strengthen their relationships with members of their family, whānau, hapū, iwi and family group in accordance with Regulation 31	SW	DSF	
Ensure that support is provided to address the cultural and identity needs of a child or young person in care or custody in a manner that promotes mana tamaiti (tamariki) (Reg 32)	SW	DSF	
Ensure that a child or young person in care or custody is able to have their own personal belongings and somewhere to store them (Reg 33)	SW	DSF	
Ensure that support is provided to address the play, recreational and community needs of a child or young person in care or custody, including arrangements for the payment of pocket money (Reg 34(1) and (2))	SW		
Ensure that financial support is provided that enables the child or young person to participate in sporting or cultural activities (Reg 34(3))	SW	DSF	
Ensure that support is provided to address the health needs of a child or young person in care or custody and a record of their health history is maintained (Reg 35)	SW	DSF	

## In-Confidence

Ensure that where it is in the best interests of a child aged 1-4 years who is in care or custody, they are enrolled in a licensed early childhood service or a certificated playgroup in accordance with Regulation 36	SW	DSF	
Ensure that in the case of a child aged 5 years in care or custody a decision is taken about whether it is in the child's best interests to be enrolled at a registered school or a licensed early childhood service (Reg 37)	SW	DSF	
Ensure that a child or young person aged 6 years or over but less than 16 years who is in care or custody is enrolled at a registered school, and take steps to resolve any dispute about a child or young person's enrolment in a particular school (Reg 38)	SW	DSF	
Ensure that a young person aged 16 years or over who is in care or custody is assisted to be enrolled at a registered school or tertiary education organisation, or to obtain employment (Reg 39)	SW	DSF	
Take reasonable steps to: <ul style="list-style-type: none"> <li>• ensure that where a child or young person in care or custody is enrolled at a registered school, they attend that school at the required times (Reg 40(1)-(2))</li> <li>• support the attendance of a child in care or custody at a licensed early childhood service or a certificated playgroup (Reg 40(3))</li> </ul>	SW	DSF	
Ensure that assistance (including the payment of education-related costs) is provided to a child or young person in care or custody to support their education and training needs (Reg 41)	SW	DSF	
Ensure in relation to a child or young person in care or custody that: <ul style="list-style-type: none"> <li>• their educational progress is monitored and regular contact with the education provider is maintained</li> <li>• their educational achievement is supported in accordance with Regulation 42</li> </ul>	SW	DSF	
Ensure that a child or young person in care or custody who wishes to make a complaint, or provide feedback, or raise issues of concern, receives sufficient support to enable them to do so (Reg 43)	SW	DSF	

### Part 3: Caregiver and Care Placement Assessment and Support

*Note: Delegations for the assessment and approval of certain types of caregivers are also covered elsewhere in this document as follows:*

- *Caregivers for children and young persons who are in the care/custody or sole guardianship of the Chief Executive: see “Caregivers” section*
- *Family home caregivers: see “Family Home Caregivers” section.*

*These delegations are cross-referenced below.*

#### Subpart 1 – Assessment of Caregivers

Function/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Ensure that information is provided to a prospective caregiver in accordance with Regulation 44	SW	DSF	
Ensure that an assessment of a prospective caregiver and their household is undertaken within the timeframes specified in Regulation 47 (including for urgent placements) and includes the suitability checks specified in Regulation 48, namely: <ul style="list-style-type: none"> <li>• confirmation of the person’s identity under Regulation 52</li> <li>• a Police vet carried out under Regulation 53</li> <li>• the consideration of other information provided under Regulation 54</li> <li>• a risk assessment under Regulation 55</li> </ul> and an assessment of any other relevant matters in accordance with Regulation 56	Refer to the delegations in the Caregivers and Family Home Caregivers sections	DSF	
Approved or not approve the person assessed as a caregiver (Reg 49)	Refer to the delegations in the Caregivers and Family Home Caregivers sections	DSF	

## In-Confidence

Ensure that once a person is approved as a caregiver that approval is reviewed every 2 years and otherwise in accordance with Regulation 50	SW•	DSF	
<p>Grant a prospective caregiver provisional approval to care for a child or young person placed under section 362, and ensure that:</p> <ul style="list-style-type: none"> <li>• a full assessment is carried out under Regulation 47 as soon as practicable, and</li> <li>• the placement of the child or young person with the person who holds provisional approval is closely monitored</li> </ul> <p>(Reg 51)</p>	Supervisor	DSF	

### Subpart 2 - Support

Function/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Ensure that a caregiver is provided with information to assist them to understand their roles and responsibilities in meeting the needs of the child or young person in their care in accordance with Regulation 57	SW	DSF	
Ensure that a caregiver support plan is developed in accordance with Regulations 59 and 60	SW	DSF	
Ensure that a caregiver support plan is regularly reviewed in accordance with Regulation 61(1) and reviewed if there is an allegation that a child or young person in the caregiver's care has suffered abuse or neglect (Reg 61(2)).	SW	DSF	

## In-Confidence

<p>Ensure that caregivers receive support to assist them to:</p> <ul style="list-style-type: none"> <li>• meet the needs of the child or young person in their care, and</li> <li>• promote the child or young person’s mana tamaiti (tamariki) and their knowledge of whakapapa, and to support the practice of whanaungatanga</li> </ul> <p>in accordance with Regulation 62, and the following regulations:</p> <ul style="list-style-type: none"> <li>• support for maintaining whānau connections (Reg 63)</li> <li>• Support for education (Reg 64)</li> <li>• Support for culture and identity (Reg 65)</li> </ul>	SW	DSF	
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### **Part 4: Supporting Children and Young Persons to Express their Views and Contribute to their Care Experience**

Function/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Ensure that the information specified in Regulation 66 is provided and explained to a child or young person who enters care or custody in a way that is appropriate to their age, development, language, and any disability (Reg 66)	SW	DSF	
Ensure that the other steps in Regulation 67 are taken whenever a child or young person enters care or custody, including if the care placement has to be carried out urgently (Reg 67)	SW	DSF	
Ensure that information is provided and explained to the child or young person in accordance with Regulation 68, including when a child or young person’s plan is reviewed (Reg 68)	SW	DSF	
Ensure that any disclosure passing on concerns in relation to the abuse or neglect of a child or young person in care or custody is responded to in accordance with Regulation 69	SW•	DSF	



Ensure that a record of important life events relating to a child or young person in care or custody is maintained in accordance with Regulation 70	SW	DSF	
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## Part 5: Supporting Children and Young Persons During Care Transitions

### Sub-part 1 – Care Transitions

Function/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Ensure that an assessment is undertaken and a care transition plan is developed after a decision or notification that a child or young person is to have care transition in accordance with Regulations 72 and 73	SW	DSF	
Ensure that sufficient monitoring and support are provided to a child or young person during their care transition to promote a positive care transition experience, including if the care transition has to be carried out urgently (Regulation 74)	SW	DSF	

### Sub-part 2 – Moving to Independence

Function/Tasks	Level	Delegation of Statutory Functions (DSF)	Operational/ Practice Decisions (OPD)
Ensure that an assessment of the life skills of any person under 18 years to whom section 386A applies is undertaken in accordance with Regulation 75	SW	DSF	
Ensure that the advice and assistance to be provided under section 386B(1)(a) to a person under 18 years for the purposes of section 386A(2)(b) includes those matters set out in Regulation 76	SW	DSF	