

Evaluating the voluntary information sharing provisions of the Oranga Tamariki Act 1989

Key findings from interviews



SYNERGIA

The Oranga Tamariki Evidence Centre works to build the evidence base that helps us better understand wellbeing and what works to improve outcomes for New Zealand's children, young people and their whānau.

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Introduction

This rapid formative report presents the key findings from the interviews conducted with people working in the child welfare and protection sector. Interview questions were designed to provide insights around the use and understanding of the voluntary information sharing provisions (new provisions) in the Oranga Tamariki Act 1989 which came into force on 1 July 2019.

The report draws on interviews with 32 people who have used the new provisions in some way. The interviews are one component of the wider evaluation that Oranga Tamariki has engaged in to understand the uptake and use of the new provisions. The insights from these interviews will be integrated with the findings from an online survey to provide a final evaluation report to Oranga Tamariki.

The insights in this report are designed to provide rapid feedback to Oranga Tamariki to continue to support the implementation and uptake of the new provisions.

Evaluation questions and methods

This phase of the evaluation was designed to provide a more detailed understanding of the uptake and use of the new provisions following an online survey in March 2020. All phases of the evaluation are designed to contribute to addressing the following evaluation questions:

1. How was the sector prepared to respond to the changes?
2. What has supported and challenged preparation?
3. How is information being shared across the sector and how are the new provisions influencing this?
4. Are the new provisions being implemented as intended?
5. What is supporting and challenging the sector in relation to sharing information?
6. How are whānau being engaged in the information sharing process?
7. What ideas are there for improvements?

These evaluation questions were used to guide the development of interview questions to ensure that the interview data contributes to the purpose of the evaluation.

Interview question development and sampling

Synergia and the Oranga Tamariki information sharing project team worked collaboratively to create the interview schedule. The interview questions were designed to help Oranga Tamariki gain more in-depth insight into how the child welfare and protection sector has been using the new provisions, the influence of the new provisions and ideas for improvements. The interview schedule was used as a guide for the interviews for both Māori and mainstream organisations and agencies. Prompts developed to accompany the questions were used where necessary or appropriate.

Interviewees were purposively sampled to ensure that they had used the new provisions. While this limits our ability to comment on the extent to which the new provisions are being used, it has provided a detailed insight into practice-based examples of the use of the new provisions and the benefits this brings. The survey planned for the New Year (Survey Two) will provide information regarding the extent to which the new provisions are being used.

Oranga Tamariki supported Synergia by connecting us to relevant organisations and people to interview. NGOs from the first Synergia survey were also given a follow-up call to see if they would like to participate in an interview. A list of all the organisations involved in the development of the guidance were also offered the opportunity to participate.

Initial email invites were sent out from Oranga Tamariki, then followed up with an email and phone call from Synergia to set up a time for the interview. Difficulties finding people to participate in the interviews arose due to turnover in roles, people not actively using the new provisions and a general lack of response to emails from Oranga Tamariki and Synergia.

Interviews conducted

Connecting with organisations to invite people to take part in an interview began on 27 August and the last interview was held on 10 December 2020. In total, we contacted over 62 organisations. From this, 23 organisations responded as having used the new provisions and people from their organisations took part in an interview.

From the 39 organisations that did not respond to the email invite, eight engaged through a phone call or email to indicate that they were not using the new provisions and/or that they did not know enough to take part. As part of the follow-up process, Synergia sent these organisations a link to the website and guidance on the new provisions, as well as contact details for follow up with Oranga Tamariki.

Of the 23 organisations formally interviewed, nine were Māori organisations. Many of the Māori interviewees had been part of the consultation process to inform the guidance for the legislation.

Table 1 provides a more detailed breakdown of the number and type of organisations represented in the interviews, as well as the roles of the people who

took part. To fully understand the use of the new provisions within an organisation, Synergia often spoke with multiple people within an organisation.

Table 1: Number and type of organisations that took part in the interviews, and the roles of the interviewees

	Frontline staff (n= people interviewed)	Managerial/Directors (n= people interviewed)	Total number (organisations)
Māori organisation	1	8	9 organisations
NGOs	3	10	9* organisations
Oranga Tamariki	3	1 Practice leader	1 agency
Education sector	1 Principal	1 Ministry representative	2 organisations
Health sector	1 DHB staff	3 clinical nurse leads	2 organisations/agencies
Total	32 people (9 frontline staff and 23 Managers/Directors)		23 organisations

*One organisation had 1 manager and 2 frontline staff formally interviewed.

Thematic analysis

A general inductive approach for analysing qualitative evaluation data was used (Thomas, 2006)¹. This approach provides an easily used and systematic set of procedures for analysing qualitative data able to produce reliable and valid findings. The advantage of this approach to qualitative analysis over theoretical frameworks, is that it enables the analysis to be driven by the key evaluation questions. While we were also open to other insights, this approach ensures that the requirements of Oranga Tamariki for this work are met.

¹ www.researchgate.net/publication/224029397_A_General_Inductive_Approach_for_Analyzing_Qualitative_Evaluation_Data

Key themes from the interview analysis

The new provisions are supporting practice and growing knowledge about information sharing

The majority of people interviewed discussed how the **new provisions are supporting their existing information sharing practices through providing a legal framework for sharing information well and reaffirming best practice.** Organisations with memorandums of understanding (MoU) with Oranga Tamariki have agreed processes for information sharing. The value of the new provisions meant these organisations could continue building trust and share information safely and legally alongside their shared understanding. Organisations without a MoU with Oranga Tamariki reported experiencing challenges in accessing information from Oranga Tamariki.

Although we engaged with organisations who knew about the provisions, there were **varying levels of knowledge about applying them to their work.** Those in managerial roles seemed to have a better understanding of what the new provisions meant for their organisations and played a vital role in informing, educating, and providing ongoing guidance to their staff. For example, frontline workers were unsure about the level of information they could share with other organisations and were **seeking the guidance of their managers as an extra measure of caution** to make sure their practice fell within the scope of the new provisions.

People who were using the information sharing provisions were also **sharing their growing knowledge about the new provisions while engaging with other organisations and across sectors.** For example, one of the NGO social workers interviewed explained how they took the guidance with them to one of the education meetings to let other people she was working with know that they could legally share more information with each other. After this, she was told that they went back and told their managers and team members about the new legislation.

Changing practice and shifting attitudes take time

The legislation provides an important framework to support best practice for sharing information about tamariki. However, many interviewees believed that **working in this way and sharing information with each other requires a culture shift.** Many reflected that being able to work in the way the legislation is intended would be great, but it would take a while to socialise.

“This sort of change requires a culture shift so it’s going to take a wee while. We need to get people to change the way they work and think... There is still a huge concern about sharing information. It is usually professionals that are too worried not families.” – Manager

“Our organisation is a slow-moving beast, and it takes time to translate changes in legislation to practice.” – Manager

There were still concerns and worries around sharing information, particularly from Oranga Tamariki and NGO social workers who have had bad experiences doing so. Some of the reasons people were worried about sharing information included:

- Having had a complaint against them for sharing information in the past
- Not understanding they are legally allowed to share information
- Concerns over the integrity of the information sharing practices of other people i.e. that they may not follow best practice guidelines.

“With my experience in the DHB before and the social sector now, there is definitely a culture of worry around sharing information about clients.” – Manager

Some interviewees mentioned they felt working professionals were more concerned about information sharing than families. It was also mentioned that agencies working in the family violence space or with low-to-medium risk clients shared more openly with one another. It was suggested that this was due to their familiarity with the Privacy Act and other legislation that informed their information sharing practice, as well as the strength of their local networks.

The interviewees from NGOs were ready and aware of the new provisions. They said they were working to incorporate the new provisions into their policies and inform their staff about how they affect practice. However, when we asked about the interactions happening more broadly in the sector, many reflected that other people were somewhat aware of the new provisions but slow to make changes to their practice. Some interviewees noted the value of formal training to support the use of the provisions, as well as the opportunity and value of ‘learning as you go’ or through the active use of the new provisions.

COVID-19 has slowed down awareness of the new provisions but has led to organisations sharing more information

COVID-19 has slowed down awareness of the new provisions as Oranga Tamariki-funded NGO **training workshops could not progress as intended** and organisations did not feel well informed about the new provisions. Organisations expressed **needing to focus on business as usual**. This meant resources available to staff about the new provisions such as the information sharing helpline and website resources were not well known.

Although, COVID-19 slowed down the ability to promote and increase awareness of the new provisions, organisations noticed information sharing practices naturally became better because **people were more available**. Interviewees expressed finding it easier to contact Oranga Tamariki social workers and other organisations because people were relying on each other to receive updates about clients known to each other. People were calling and emailing each other frequently so they could receive updates about client wellbeing and to provide needed ongoing support. As a result of increased connections during COVID-19, organisations learnt about how to use the new provisions in practice. Interviewees discussed examples of how their

learning of the new provisions increased as a result of needing to share more information in order to continue supporting their clients effectively.

“Everyone was a little easier to get a hold of because they were working from home. If we needed to know who saw the family last, we could just email or call, and we would get a quick response.”
– Social worker

“We were thankful for the community social workers who were in more contact with families. It made it easier and gave us more information about who saw the person last and what was needed.” – Manager

“We ended up working from home and so did Oranga Tamariki social workers. This meant everyone was easier to contact and it made sharing information about whānau easier.” – Frontline staff

Organisations are more confident in sharing information

Interviewees were **all more confident in sharing information** with Oranga Tamariki and other organisations as a result of the new provisions. Oranga Tamariki is beginning to share more information with NGOs and this is helping other organisations plan better care for their clients.

In general, most interviewees were finding it a lot **easier to access information** about their clients where they felt they had incomplete information. Interviewees mentioned that they felt able to make more informed decisions with a better picture of what was happening with tamariki and their whānau.

“It is a lot easier to access information about clients where we didn’t feel we were having the full truth.” – Manager

Building relationships and trust is an important part of sharing information

As previously mentioned in this report, sharing information requires a change in the way people have been working with each other. **Currently, a lot of information sharing is based on relationships and trust.** The biggest enabler to sharing information was already established relationships between the organisations. For example, we heard from one manager who took her workers to visit an Oranga Tamariki office so people could meet face-to-face and begin building relationships that support better sharing of information.

People who knew each other were more likely to share information in a timely way. In these situations, information sharing was more likely to be done over the phone or by email rather than using the form for requests. This level of understanding and openness to sharing information is usually supported by organisations having a shared memorandum of understanding (MoU) that has fostered an understanding of the information they can share with each other. National organisations in particular were drawing on MoUs to support them in sharing information. While MoUs have been used to create a shared understanding,

they do not provide a legal framework to support information sharing. The new provisions do.

The new provisions were noted for giving people the confidence to continue to share information, as well as the opportunity to further refine their information sharing practice. Importantly, the new provisions provide a framework that enables organisations to share information. This means that information can be shared to support the safety and wellbeing of tamariki, young people and their whānau, without requiring an MoU to detail the process. This provides an opportunity to build relationships and provide a more holistic approach to support.

“It’s all about building relationships so it is a safe place to share information.” – Frontline staff

Better relationships with Oranga Tamariki and other agencies were emerging

Although it was mentioned to us that some of the equivalent organisations and branches around the country may not be in similar positions as interviewees, those interviewed found that their **relationship with Oranga Tamariki had improved**. For example, one NGO said they had a change in leadership roles and teams in Oranga Tamariki office prior to the change in legislation and so many people didn’t know who was in the office. After the legislation passed, the NGO felt they were easily able to reach out and create a relationship with the Oranga Tamariki team in the region. This NGO spoke very highly of the Oranga Tamariki team in her region, saying that they were very helpful and their relationship now is great.

“It used to be more of a dictator like relationship from Oranga Tamariki to us. It is more like partnership now.” – NGO worker

“We can freely pick up the phone and have a honest conversation.” – Manager

Sharing information through this legislation **has increased collaboration between organisations** including between those where there would not usually be direct communication. As a result, relationships and trust between different organisations and agencies are growing.

“Definitely helping to work collaboratively, we were all so siloed and it was not working.” – Frontline staff

“I feel happier now to be properly collaborative with different community organisations and agencies.” – Manager

Level of consultation with tamariki varies

All of the interviewees had an organisational policy around consulting with tamariki and/or their representative. Most of the interviews were with people supporting whānau with quite young children and so instances where tamariki were consulted directly were not common. Most interviewees usually spoke with the representative for tamariki involved when wanting to share or request information.

The new provisions were designed to encourage the sector to consult with tamariki and their representative about any proposed disclosure, where practicable and

appropriate. The focus here is on consulting with, rather than gaining consent. Interviews highlighted some organisations may still be using the consent process when they start working with whānau for information sharing, instead of consulting with tamariki in relation to each specific disclosure of information.

Some of the different ways interviewees considered themselves to be consulting with tamariki or their representative included:

- Getting whānau consent from the beginning of the engagement (one-off signing)
- Getting whānau consent and consulting with whānau every time they are going to share (disclose and request) information
- Letting whānau know what information they are going to share with other organisations if certain situations happen
- Allowing whānau to join discussions where information is shared with other organisations working with them.

In one of the organisations interviewed, the social workers usually discussed the legal obligations around sharing information thoroughly with whānau and/or the representative for tamariki involved at the start of their relationship. Interviewees from this organisation said they reiterated their legal obligations regarding sharing information with whānau if they became concerned about their situation. Workers always tried to resolve concerns with whānau when sharing or requesting information with other agencies known to whānau. This is particularly the case when workers were highly concerned about the safety of tamariki.

“It is important to get social workers to be more transparent. Consult with families immediately and help them understand. This is about good practice – being fair and transparent and working collaboratively. We want parents to be good at parenting.” – Social worker

“I feel safer to share information now, particularly when there are families who don’t want information to be shared about them but it was very important and it needed to be shared. I would tell them I am sharing the information and worry less as I have the legal backing to do so.” – Social worker

Challenges are experienced when requesting information from Oranga Tamariki

The biggest challenge experienced by interviewees was with receiving timely information when needed from Oranga Tamariki. Interviewees talked about experiencing **inconsistencies in what information could be accessed between different social workers** and found it easier when they knew the Oranga Tamariki worker. The large turnover of people in Oranga Tamariki has also challenged this as people relied on relationships with people in Oranga Tamariki to receive information. Some Oranga Tamariki interviewees also **misunderstood how to send or receive requested information**, thinking it had to go through written forms and found that it was not always a timely option.

Feedback from interviewees expressed a need to increase awareness of the new provisions at Oranga Tamariki to avoid inconsistencies in sharing information. There

is a perception externally, that **Oranga Tamariki staff are not all aware of the new provisions**. These inconsistencies are about individual workers but also appear to be location dependant; this could be reflective of differences in the level of training and coverage across sites.

“We share across other community organisations fine; I have personal relationships with them all so it is really easy to communicate with them. But I still struggle with Oranga Tamariki... They often require forms, and this doesn’t always work out when the information is urgent. I get the feeling they still don’t want to share or don’t know they can share.” – Social worker

“The Oranga Tamariki health liaison person is great, we have proper relationships now and he’s been in his role for two years, so I don’t need to worry anymore, but before, there was such a large turnover that I never knew who the person was. I wouldn’t know where to get information or help. There is no point calling the National Contact Centre for information, they take ages, and you go in circles!” – DHB worker

Challenges around understanding the legislation

Although some of the principles of the Privacy Act apply when using the new provisions to enable better information sharing to occur, some interviewees were confused about how to do this. Interviewees mentioned how the Privacy Act was very restrictive, but the Oranga Tamariki Act allowed them to increase what sorts of information could be shared.

Many interviewees were **supportive of using broader terms such as ‘wellbeing’** as it allowed them to take the context around whānau into account as well as support all aspects of wellbeing for tamariki and whānau. **For others, the definition was too broad**, and they felt that wellbeing was too subjective and could allow for oversharing to happen.

Sharing in **‘good faith’** was also brought up as an aspect of the legislation that needed **to be further clarified** and interviewees wanted more guidance around what cases are considered sharing in bad faith.

*“I can tell this legislation is well intended but I worry that words like wellbeing are too subjective. It is entirely inclusive, what’s not to share? Can we share everything?”
– Director*

One of the Oranga Tamariki social workers who had a fairly good understanding around the legislation mentioned that she went to two lawyers and also sought advice from practice leaders. She said that the **lawyers did not seem to understand it very well** and she was confused around what her legal obligations were and whether she was legally protected, particularly around the vague words ‘wellbeing’ and ‘good faith’.

Nonetheless, many interviewees pointed out that **the guidance and workshops really helped with their understanding of the legislation**. A manager of an NGO said that previous Oranga Tamariki legislation changes were wordy, policy heavy and hard to understand. However, the information sharing guidance and workshops have helped her understand what the legislation is trying to achieve.

“In the past [the guidance] has been so wordy and policy heavy, it was hard to understand what we were trying to achieve... This one was easy to understand, I like the inclusion of words like wellbeing which is not so narrow.” – Manager

Many **NGO frontline staff** we spoke with did not understand the new provisions well because they **did not often get formal training** on what the legislation was. Their understanding of the new provisions often came from the information passed down to them from their workplace and manager. However, there are resources available to assist people to run training for their staff that the interviewees did not know about.

Training is a key vehicle for informing and equipping people to share information well

Training provided externally through Social Service Providers Aotearoa (SSPA) to various organisations was **helpful for people who attended**. However, limited workshop dates, locations, and number of seats available per workshop meant **not everyone could attend**. Interview feedback suggested providing more workshops across the country so more people from across different sectors could attend. Interview feedback also suggested having more than one workshop for people using the provisions so continuous improvement could be made to practice. The overall message received from the interviews was that **there is a need for more training about the new provisions**.

“The legislation is incredibly detailed. People need to have training.” – Manager

One organisation who sent some frontline staff to attend the workshop said they found it very interesting and helpful to their practice. The interviewee valued the legal explanations in particular, finding it very insightful to know the legal backing when trying to access or share information.

“Training was really fantastic.” – Frontline staff

Most organisations interviewed had not provided internal training to their staff about the new provisions. Interviewees talked about the possibility of receiving an email about the new provisions at the start of the year but could not remember more.

There is still a level of wariness and caution around sharing information between organisations. This reflects the need for training opportunities. Some interviewees explored the possibility of using team meetings or hui to learn about the new provisions and how it affects their roles. Some interviewees also proposed the possibility of Oranga Tamariki visiting them and providing their organisations with training about the new provisions as a way of building relationships and learning about the new provisions.

The consensus from interviews with organisations was that there is a **need for practical guidance about the use of the new provisions**. Interviewees expressed needing some guidance around how to apply the new provisions. For example, one director asked about providing staff with a flow chart about what steps to take when sharing information and examples of information sharing. However, there are some resources and flowcharts available which the interviewees did not know about.

“Sometimes I find it hard to marry up the legislation change in the Oranga Tamariki Act with the Privacy Act. A flowchart will be useful to help us find what our obligations are under both Acts and justify why we are doing what we are doing.” – Director

More formal training is required

Those interviewed identified the need for more training on the new provisions, both within Oranga Tamariki and across other sectors.

More training and awareness of the new provisions, particularly for Oranga Tamariki staff was a theme that emerged from the interviews. Despite, the internal training provided to Oranga Tamariki staff about the new provisions, interviewees discussed experiencing inconsistencies in sharing information practices and awareness of the new provisions within Oranga Tamariki. Some Oranga Tamariki social workers knew about the new provisions and were practicing better information sharing, while others were still reluctant to share information. Interviewees stated that some of the Oranga Tamariki staff reluctant to share information had been in their roles at Oranga Tamariki for a long time and were perceived to be stuck in ‘old ways’. This highlights the cultural change required to embed the new provisions into practice.

Several interviewees suggested the possibility of Oranga Tamariki staff championing the new provisions to other organisations. More broadly, there was support for an increase in the training opportunities provided to organisations across the country. While most of those interviewed identified the need for more workshops for government, cross sector and NGOs groups across the country. The option of organisations delivering training material developed by Oranga Tamariki was also suggested. **Having multiple options for learning and engaging was preferred,** with the need for regular hui and follow up workshops to support ongoing learning and the transfer of the new provisions into practice identified as ways to do this.

“There needs to be more training and shared training to get people onboard. Training needs to happen regularly for the team. We should be constantly telling people about this... Not a one-off training but something continual to help work towards this big change.” – Officer

It was noted that Oranga Tamariki-led delivery, especially at a local level, would support the relationship building and networking that have been identified as important enablers of working together.

Next steps

Synergia has completed the first survey (March 2020) and the interviews. There is one more survey to be disseminated in February 2021. As part of the evaluation report in April 2021, these interview key findings will be integrated alongside the findings of both surveys.