

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

Final report



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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The evaluation

This evaluation was designed to explore the levels of 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.



This evaluation explored the first two years since the roll out of the new provisions.

The aim of this evaluation was to understand



- The level of sector readiness and preparation
- The experiences of the sector
- The level of use and early indicators of influence of the new provisions

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?



Evaluation data collection methods



Feedback and engagement with Oranga Tamariki project team

The legislation

The new provisions can be found in s66 of the *Oranga Tamariki Act 1989*.

The new provisions aim to enable safe and appropriate information sharing to ensure everyone working in the sector can collaborate in the best interests of tamariki. One of the major changes (section 66C of the *Oranga Tamariki Act 1989*) involves:



proactive and voluntary sharing of information between professionals and agencies for either the safety or **wellbeing** of tamariki.

The guidance, forms for requesting and other supporting resources (e.g. a PowerPoint on how to train staff on the new provisions) can be found at: <https://www.orangatamariki.govt.nz/working-with-children/information-sharing>

Key insights from the evaluation found from both surveys and interviews with people using the new provisions



The new provisions are still being embedded into practice, and this takes time. It requires a significant change in mindset and practice. This shift involves moving from viewing information sharing as a privacy breach to seeing the sharing of information as a way to enable organisations to better support tamariki and whānau.

"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"
– NGO Manager

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

The provisions are enabling people to share information with other organisations that they have not had previous relationships with. When people understand and confidently use the provisions, it can positively influence information sharing practices by supporting best practice for information sharing. However, there is variation in awareness of the new provisions.

Different levels of awareness of the new provisions in the sector

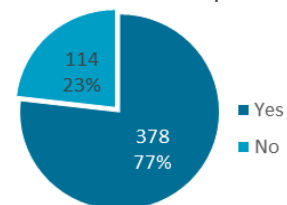
Those who **don't know** about the new provisions yet

Those who are **learning** about the new provisions

Those who are **using** the new provisions confidently

Many people wanted more training opportunities, sector specific guidance and case examples to increase their confidence in using the new provisions. Training was requested mostly around understanding the terms *Āgood faith* and what is and isn't included in the term *Āwellbeing*. There was also a need to continue to raise awareness of the new provisions across the whole sector, including Oranga Tamariki.

Number of respondents from the second survey who were aware of the new provisions



"I think the changes in the Act have had a positive impact with the culture in between the agencies (in general). It has also made my job easy (my role is to streamline child protection processes in our organisation) as I can clearly state (and point out) the Act and what it means."
– Health worker

"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? There needs to be more training and shared training to get people onboard... Not a one-off training but something continual to help work towards this big change"
– NGO Policy Officer

There were multiple legislation changes that came into effect at the same time including the Family Violence Act 2018 and changes to the Privacy Act 2020. This has led to some confusion which challenged the implementation of the new provisions. Some sectors were more engaged in information sharing, and used the new provisions more than others. For example, people in the family violence sector were sharing information a lot more freely than people in the health sector who were primarily sharing information based on the Privacy Act and Health Act 1956.

"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"
– NGO Director



Relationships and trust are important foundations for information sharing practices, and they can be both a barrier and enabler to information sharing. When people understand and confidently use the provisions, it can positively influence information sharing practices by supporting best practice for information sharing.

50%

Of survey respondents reported making a request to an individual/organisation they had not requested information from before either sometimes, often or always. (second survey, n=72)

43%

Agree or strongly agree that they had better relationships as a result of sharing information (second survey, n=174)

Introduction

On 1 July 2019, changes to section 66 of the Oranga Tamariki Act 1989 (the Act) came into effect. The new voluntary information sharing provisions were designed to enable safe and appropriate information sharing to ensure everyone working with tamariki can collaborate in the best interests of the child.¹ The new provisions give the child welfare and protection agencies the ability to request, collect, use and share personal information for purposes related to the wellbeing and safety of tamariki. This has broadened the information sharing provisions of the Act, enabling the child welfare and protection sector (the sector) to act together and ensure the safety and wellbeing of tamariki.

The Act also includes mandatory information sharing provisions between 'authorised' child welfare and protection agencies which have not been brought into force yet by issuing a Code of Practice. Cabinet agreed to review the effectiveness of the voluntary information sharing provisions before decisions were made about whether the mandatory provisions were needed.

Oranga Tamariki needs to understand how the voluntary provisions are working in practice, and if they are achieving the Government's objectives of better information sharing among the sector. This information sharing is for the purposes of keeping tamariki safe and improving their wellbeing.

Synergia was commissioned to provide an independent evaluation of the preparedness for and the implementation of the new voluntary information sharing provisions in the Act. The evaluation was designed to understand the sector's awareness and use of the new provisions. An online survey over two timepoints was used to establish an overall picture, and interviews with 32 stakeholders from the sector provided detailed insights into the use and influence on practice of the new provisions.

An initial evaluation plan was revised by Oranga Tamariki and Synergia in December 2020 due to the implications of Covid-19. The main revisions were an adjusted timeframe and the use of Zoom to conduct the stakeholder interviews.

Synergia worked with Oranga Tamariki to adopt a formative approach to the evaluation to ensure lessons learned and examples of good practice were regularly shared. This was achieved through shared sense making sessions and formative feedback reports.

This final evaluation report draws on the insights from the formative evaluation reports and sense making sessions to address the key evaluation questions.

¹ Information Sharing. Oranga Tamariki website. www.orangatamariki.govt.nz/working-with-children/information-sharing/

Reading the report

This introduction is followed by an overview of the evaluation questions and methods. The following sections address the evaluation questions by drawing on evidence gathered from across the evaluation activities. This report concludes by outlining key stakeholders' suggestions for improvements. This is followed by key considerations to support the developing understanding, confidence and use of the new provisions.

The following definitions of key terms are used in the evaluation, and should guide the reader when considering the findings:

The sector	The sector is used when referencing the child welfare and protection sector. Section 2(1) of the Act sets out which agencies are included in the definition of the child welfare and protection sector.
New provisions	This refers to the changes to information sharing in the Oranga Tamariki Act 1989 (sections 65A to 66Q)
NGOs	Non-governmental organisations

The [blue bubbles](#) at the start of each question outline the key messages related to the key evaluation questions.

Evaluation questions and methods

The evaluation sought to understand the use and early influence on practice of the voluntary information sharing provisions following the changes to section 66 of the Act that came into effect in July 2019.

Evaluation aims

The evaluation aimed to understand:

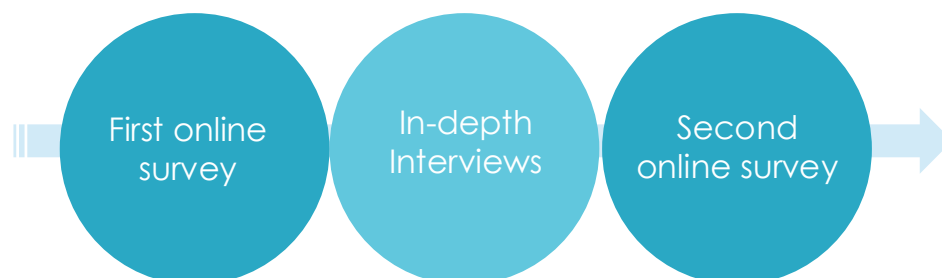
- Sector understanding and readiness to use the new provisions
- Sector experience of the new provisions
- The level of use and early influence of the new provisions.

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?

Evaluation methods

The data collection methods for the evaluation included:



 Feedback and engagement with Oranga Tamariki project team

Online surveys

Survey one was disseminated in **February and March 2020**. The survey was designed by Oranga Tamariki and implemented by Synergia. The survey was designed to identify the use and understanding of the new provisions. It asked respondents about their awareness of the provisions, involvement with information sharing, processes for consulting tamariki, and factors that supported or challenged engagement with and use of the new provisions. It also asked for respondents' ideas for improving people's understanding and use of the new provisions. **A total of 143 people responded to the survey.**

Sample: The contacts for the survey respondents were provided to Synergia by Oranga Tamariki. Respondents were contacts that Oranga Tamariki had previously engaged with on the new provisions, including during the development of the information sharing guidance (available on the Oranga Tamariki website). This purposeful sample was designed to ensure that people invited to take part in the survey would have some knowledge of the new provisions due to their engagement with Oranga Tamariki. The survey also had an open link so that people could easily and readily share it with their colleagues and wider networks.

The survey was available to all Oranga Tamariki staff, and sent to other government agencies, and NGOs working in the sector. The survey was disseminated via SurveyMonkey and was sent out via email and the Oranga Tamariki staff intranet.

Survey two was disseminated in **February and March 2021**. The online survey related to the awareness, understanding, use and influence on practice of the new provisions. **A total of 514 people responded to the survey.**

Synergia and Oranga Tamariki developed the second survey, which included some of the same questions from the first survey for comparison. Synergia disseminated the second survey via SurveyMonkey.

Sample: Oranga Tamariki identified a variety of channels for communicating about the survey with the wider sector. Like the first survey, the second survey also had an open link so that people could easily and readily share it with their colleagues and wider networks. The survey link was sent to contacts from the government information sharing inter-agency working group for inclusion in their agency's communications as appropriate. This included:

- Ministry of Health
- Ministry of Education
- ACC
- Ministry of Justice
- Ministry of Social Development
- Police.

The link was also included in Oranga Tamariki Update for Partners newsletters and sent to Social Service Providers Aotearoa (SSPA), Aotearoa New Zealand Association of Social Workers (ANZASW), Women's Refuge and Social Workers in Schools for them

to distribute to their networks and include in their communications (e.g., newsletters and emails).

A survey link was also directly emailed to those that were sent the first survey and a link to the survey was included on the Oranga Tamariki information sharing web page.

The survey was distributed to Oranga Tamariki staff through internal communication channels, including Pānui, a fortnightly newsletter for all Oranga Tamariki staff and the weekly operations email for frontline staff. A link to the survey was also published on Te Pae².

Interviews

Semi-structured interviews with the sector were conducted from August to December 2020. 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 a more in-depth insight into how the sector had been using the new provisions, the influence of the new provisions on practice and ideas for improvements. The interview schedule was used to guide the interviews.

Interviewees were purposively sampled to ensure that they had used the new provisions. Oranga Tamariki supported Synergia by connecting us to relevant organisations and people to interview, many of whom were involved in the early consultation process to inform the guidance for the legislation.

In total, we contacted over 62 organisations. From this, 23 organisations responded as having used the new provisions, and 32 people from these organisations took part in an interview. Of the 23 organisations formally interviewed, nine were Māori organisations.

A general inductive approach for analysing qualitative evaluation data was used (Thomas, 2006)³. The general inductive approach provides an easily used and systematic set of procedures for analysing qualitative data that can produce reliable and valid findings.

The following tables outline survey responses and interviews completed:

Table 1: Responses to surveys broken down by sector

	Oranga Tamariki	Education	Health	Police/justice /corrections	NGOs	Other/not specified	Total respondents
First survey (24 th Feb 2020 to 11 th March 2020)	44	9	16	6	18	50	143
Second survey (16 th Feb 2021 to 9 th March 2021)	153	59	42	6	168	86	514

² Pānui is a fortnightly internal communication newsletter that is sent via email to all Oranga Tamariki staff and Te Pae is the intranet site used by Oranga Tamariki.

³ www.researchgate.net/publication/224029397_A_General_Inductive_Approach_for_Analyzing_Qualitative_Evaluation_Data

Table 2: Responses to surveys broken down by role

	Frontline staff/ Kaimahi staff	Managerial staff	Officer worker – non managerial	Senior leadership	Other	Total respondents
First survey (24 th Feb 2020 to 11 th March 2020)	55	21	21	N/A	46	143
Second survey (16 th Feb 2021 to 9 th March 2021)	213	128	79	43	51	514

Table 3: Completed interviews

	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

Formative feedback

Rapid insights reports were provided to the Oranga Tamariki project team at the end of each data collection phase. The survey insights report contained a descriptive analysis of the data alongside data summary charts. The interview insights report used a general inductive approach for analysing qualitative evaluation data to present findings from the interviews. These reports provide more detail into specific examples from the findings.

Limitations and challenges

Key limitations and challenges to the evaluation design and implementation were:

- There were a small number of responses to survey one.
- There were lower numbers of responses to the surveys from some areas of the sector, for example health and justice.
- Although 360-degree case studies were planned, due to COVID-19, the evaluation was unable to hear from tamariki and whānau on their views and experiences of the new information sharing provisions.

Key insights from the evaluation

This section of the report provides an overview of the key insights from the two surveys and interviews.

Key insights from the evaluation include:

- The new provisions are still being embedded into practice, and this takes time. It requires a significant change in mindset and practice. This shift involves moving from viewing information sharing as a privacy breach to seeing information sharing as a way to enable organisations to better support tamariki and whānau.
- There were varying levels of awareness of the new provisions, from people who were aware of the new provisions and using them confidently to people who were not yet aware of them.
- The multiple legislative changes that came into effect at the same time as the information sharing provisions in the Act led to overload and some confusion which challenged implementing the new provisions. This included Care Standards regulations, other significant changes to the Oranga Tamariki Act, including the addition of section 7AA and changes to the Family Violence Act 2018 which also included new provisions relating to sharing information. Later the Privacy Act 2020 also came into force.
- Relationships and trust were important foundations for information sharing practices and could be both a barrier and enabler to information sharing.
- Some sectors were more engaged than others in information sharing prior to the introduction of the new provisions and have used the new provisions more than others. For example, people in the family violence sector were already sharing information more than people in the health sector. They have therefore adapted the provisions more quickly as there is less practice change required.
- Many people wanted more training opportunities, sector specific guidance and case examples to increase their confidence in using the new provisions. Training was requested mostly around understanding the terms “good faith” and what is and isn’t included in the term “wellbeing”.
- There was also a need to continue to raise awareness of the new provisions across the whole sector, including Oranga Tamariki.
- The provisions were enabling people to share information with organisations that they had not had previous relationships with.

- When people understand and confidently use the provisions, they can positively influence information sharing practices by supporting best practice⁴ for information sharing.

⁴ Best practice as set out in: *Information Sharing to support tamariki wellbeing and safety: Guidance for sharing information across the child welfare and protection sector* [Information-sharing-Guidance-OT-Act-1989.pdf \(orangatamariki.govt.nz\)](#)

How was the sector prepared to respond to the changes?

KEY MESSAGES

- **Oranga Tamariki supported sector preparation.** This contributed significantly to increasing people's understanding and use of the provisions.
- **There is awareness of the new provisions in the sector.** Some people were ready for the change and have been quicker than others to adopt the new provisions into their practice.
- **There is growing knowledge of the new provisions at an organisational level.** The size and diversity of the sector means that not everyone is yet aware or confident to use the new provisions.
- **Individuals have also supported awareness of the new provisions.** Those using the new provisions were also supporting others in the sector to understand and use them.

The information sharing provisions impact a wide range of individuals, organisations, and agencies in the sector. This section describes how the sector was supported to understand and use the new provisions prior to, and since, they came into force on 1 July 2019.

Oranga Tamariki supported sector preparation

To build awareness, and understanding, prior to the new provisions coming into effect Oranga Tamariki:

- developed guidance and other support resources in consultation with the sector to provide information on the application of the voluntary information sharing provisions
- publicised the provisions and available resources regularly with their provider partners
- worked with other government departments to support them to implement the provisions within their workforce
- publicised the new provisions within Oranga Tamariki, and developed operational policy and guidance for Oranga Tamariki staff, including an online information sharing MyLearn course.

In addition, an external information sharing webpage on the Oranga Tamariki website and helpline went live to coincide with the new provisions coming into force to ensure there was information and support available for individuals and agencies.

Since the provisions came into force, training and resources have continued to be updated and developed based on feedback from the sector about what would support their understanding and use of the provisions. For example:

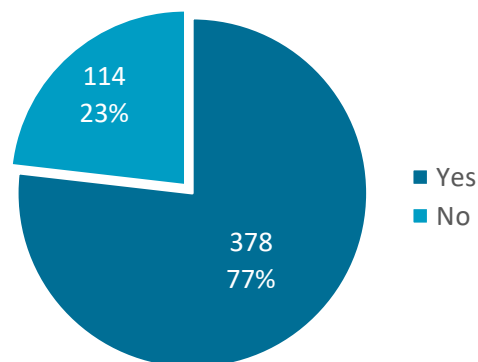
- webinars on the information sharing provisions hosted by Aotearoa New Zealand Association of Social Workers to members and non-members
- Capability building workshops developed in partnership with Social Service Providers Aotearoa and New Zealand Council of Christian Social Services
- Face-to-face NGO and Oranga Tamariki information sharing workshops
- A PowerPoint resource to help organisations develop their own organisational training for the new provisions.
- Case scenarios.

All resources for the new provisions can be found on the Oranga Tamariki information sharing website⁵ and were communicated to the sector as developed.

There is awareness of the new provisions in the sector

There was evidence of growing awareness of the new provisions in the sector. Survey two, undertaken in February 2021, found that most respondents were aware of the new provisions (See Figure 1).

Figure 1: Second survey respondents; awareness of the new provisions (n=492)

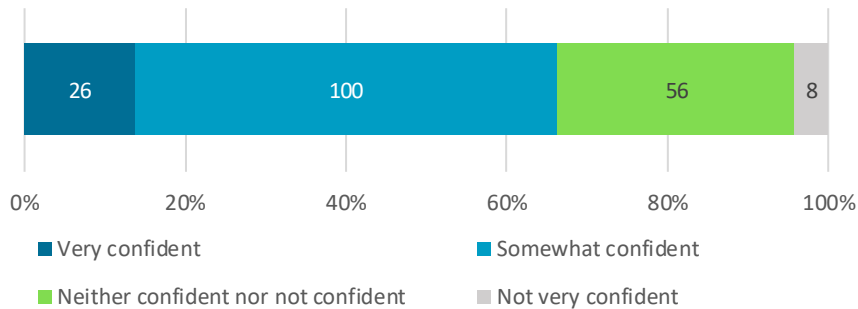


⁵ See: www.orangatamariki.govt.nz/working-with-children/information-sharing

Those who were aware of the new provisions, were also feeling confident about using them. For example, in survey two, 65% of people reported they were 'very' or 'somewhat confident' using the new provisions (see Figure 2).

"It definitely improved our confidence in sharing information. There is a lot more high-trust now"
 – NGO manager

Figure 2: Second survey responses on confidence using the new provisions (n=190)



However, not everyone was aware of the new provisions. Some of those who were unaware of the new provisions reported using other legislation and/or policies and guidelines to share information. These Acts, policies and guidelines include:

- Privacy Act 1993
- Health Act 1956
- Ministry of Education guidelines for sharing information
- Official Information Act 1982
- Accident Compensation Act 2001
- Vulnerable Children Act 2014
- Family Violence Act 2018
- Organisations' own internal guidelines/policies and existing agreed pathways to share information with agencies

There is growing knowledge of the new provisions at an organisational level

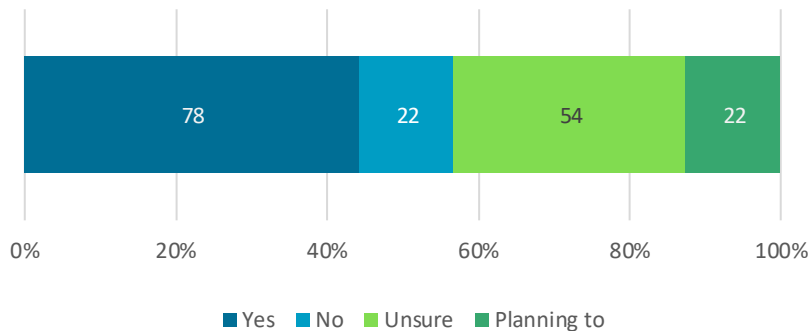
While Oranga Tamariki is responsible for administering the Act, other organisations are also covered by the provisions, and should ensure that their staff are aware of and able to use the provisions to support tamariki safety and wellbeing.

Some organisations have developed their own policies and internal training to support engagement with the new provisions⁶. As seen in **Error! Reference source not found.**, 44% of survey two respondents, were in organisations which had developed their own policies and/or guidance for sharing information under the new

⁶ Contracts that Oranga Tamariki has with its social service providers contain a clause on Information Sharing, which says the Parties will continue to work together to ensure that information that is shared is done so in accordance with the provisions of the Oranga Tamariki Act 1989 and the Privacy Act 2020.

provisions.

Figure 3: Number of respondents' organisations who had developed their own policies and/or guidance for sharing information under the new provisions in the second survey (n=176)



“Looking at the guidance, I feel that we may need to provide our own training and update our policies to fit with the changes around information sharing. We have annual training around some of our processes, so this was a good reminder to update it.”
 – NGO manager



Survey two also showed that those in managerial roles had a better understanding of what the new provisions meant for their organisations. Managers played a vital role in informing, educating, and providing ongoing guidance to their staff.

Individuals have also supported awareness of the new provisions

Those using the new provisions were also supporting others in the sector to understand and use them. For example, one of the NGO social workers interviewed explained how they took the information sharing guidance to an education meeting. This allowed them to let other people they were working with know that they could legally share more relevant information with each other. After this, the social worker was told that the others went back and told their managers and team members about the new legislation. Social workers requesting information were able to use the new provisions and the guidance to increase people’s confidence to share information to support the safety and wellbeing of tamariki.

1. What has supported and challenged preparation?

KEY MESSAGES

- **Training and the guidance have been key supports** in preparing the sector and raising awareness of the new provisions.
- **Existing relationships** have supported people with using the new provisions to share information.
- **Strong leadership in organisations and development of policies** around the new provisions have supported staff to understand and use the new provisions.
- **The new provisions encourage and support people to share information better. This is causing a shift in existing culture and mindsets regarding information sharing.** A sense of mistrust can challenge the use of the new provisions. Establishing relationships and trust is important for information sharing.
- **Not everyone in the sector was using the new provisions.** Most people were aware of and using the new provisions to support information sharing. However, there were still some people in the sector who reported not knowing about the new provisions. Some people attributed the lack of awareness about the new provisions to busy work environments which made it difficult to get timely advice on information sharing.

Factors that supported preparation

The following factors **supported** preparation for the new provisions by facilitating awareness and understanding.

- Prior to its implementation, Oranga Tamariki invited people to take part in conversations about the legislation, pre-implementation planning, and development of the evaluation framework. Survey participants and interviewees reported that these engagements supported their awareness and understanding of the new provisions.
- The guidance raised awareness about the new legislation and what changes in practice needed to happen. For example, survey one showed that 55% of respondents (n=46) 'agreed' or 'strongly agreed' that the information in the guidance clearly informed them of their rights and abilities to share information. Although many commented that the guidance was helpful, some also mentioned that more guidance on how to share information in practice would be useful.
- Other people who understood and used the new provisions also raised other people's awareness of the new provisions. This awareness raising was often supported with Oranga Tamariki resources, such as the guidance document.
- SSPA training and the Oranga Tamariki specific training, such as the internal, online MyLearn module, helped people understand the new provisions, and how they could be used.

- Those who had existing policies and procedures in place that allowed information to be shared under the Privacy Act were more ready and able to expand their practices when the new provisions came into force. Many of these organisations already had strong partnerships and processes for sharing information with relevant agencies and organisations. Being able to share for the wellbeing of tamariki under the Act just expanded what information they can share. People in the family violence space also supported this way of thinking and were more ready to respond to the new provisions than those who were not used to sharing information.
- Strong leadership within organisations supported people to prepare for the change in practice. In survey two, 57% (n=199) of respondents (n=351) who were aware of the new provisions said they heard about them from within their organisation. This is seen in Figure 4 below.
- Organisations who had people in charge of implementing new policies, practices and training opportunities ensured that there was consistency in practice in line with the guidance. This meant that the information from the management team filtered down to all frontline staff. Frontline staff stated that when their supervisors knew about the new provisions, it made it easy to get advice about how to share information.

Figure 4: How respondents from the second survey found out about the new provisions (n=351)



Factors that challenged preparation

The following factors **challenged** preparation for the new provisions:

- Preparing the sector to start sharing information in the way the new provisions allow required a culture shift. People had been working for years under the Privacy Act 1993 which has not encouraged proactive disclosure or sharing for reasons outside of immediate safety.

“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”
– NGO manager

- Some people’s experiences with information sharing had led them to be overly cautious when sharing information. An interviewee mentioned that they felt professionals were more concerned about sharing information in general than whānau. Some reasons people were worried about sharing information include:

- Having had a complaint made against them for sharing information in the past
- Not understanding what information, they were legally allowed to share
- Concerns over the integrity of the information sharing practices of other people. For example, believing that others may not follow best practice.

“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



- People may be unaware of the provisions, as they had not engaged in the communications that had been shared and/or because their organisation had not led out a response to support their engagement with the legislation.

“[The] agency wasn’t willing to share but later retracted that after me explaining the Act”
– Oranga Tamariki staff

- Covid-19 slowed down awareness of the new provisions as:

- Oranga Tamariki funded NGO training workshops could not be progressed as intended
- Organisations expressed needing to focus on business as usual. This meant resources available around internal policy development were used elsewhere.

“Lack of guidance of where to turn and who has time to be there for you, as on-site (at Oranga Tamariki) everyone is always so busy with the never-ending incoming tide of alerts and follow-ups.”
– Oranga Tamariki staff



- It was difficult for some people to find out more about the new provisions from within their organisations. It was mentioned that the busy working environment made it challenging to seek timely advice about information sharing.

2. How is information being shared across the sector and how are the new provisions influencing this?

KEY MESSAGES

- **Information was being shared in three main ways:** in person, over the phone and via email.
- **Most people were using their own organisation's forms or forms available to them on the Oranga Tamariki website** when requesting information from Oranga Tamariki. Organisations also created their own versions of this form to use when requesting information from others within the sector.
- **The results from survey two suggested that the use of the forms had increased since survey one** as 35% of respondents indicated that had not used any forms to support their information sharing in survey one (n=34).
- **The new provisions support best practice.**
- **People were building relationships through sharing information.** The new provisions were supporting people to share relevant information more confidently.
- People who were using the new provisions were **feeling confident** with sharing information and **building better relationships** through information sharing.

How is information being shared across the sector?

There are three main ways information is being shared:

1. Face-to-face

All interviewees mentioned face-to-face as their preference for sharing information, especially when talking about sensitive information. They said that this was supported by having existing relationships.

"In some communities like mine, there isn't a large turnover which makes it easier for us to share information with each other as we already have established relationships."
- NGO staff

2. Phone

Some people were requesting and sharing information over the phone. This was particularly evident for frontline staff who spend less time in front of a computer. Some people found the phones and face-to-face easier for explaining the context, need, and intended use of the information.



3. Email

Email was often used when people were reaching out to organisations for the first time, as it made using a form for requesting or sharing information a lot easier. When discussing information sharing, the interviewees noted that emails were often followed up by a phone call to discuss the request.

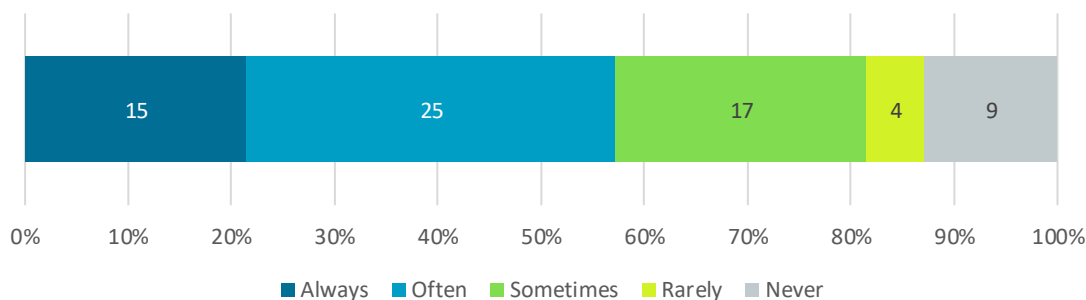
Request forms and recording information sharing

Most people used forms when requesting information. When sharing information over the phone or through face-to-face conversations, many people reported recording it to support the information sharing process. All interviewees stated that they were recording the information sharing in some way, usually as per their organisational systems and policies.

Most people were using the forms on the Oranga Tamariki website when requesting information from Oranga Tamariki. Organisations also created their own versions of this form to use when requesting information from others within the sector.

As can be seen in Figure 5, 81% of survey two respondents who didn't use the form based their information requests on the information outlined in the Oranga Tamariki forms at least "sometimes". Providing the information set out in the form ensured that the receiving organisation had the information they needed to make a good decision about what relevant information they held that could be disclosed.

Figure 5: Number of survey respondents from the second survey who based their request around the information outlined in the forms on the Oranga Tamariki website (n=70)



The survey results suggested that the use of the forms had increased since the first survey, as 35% of respondents to the first survey indicated that they did not use any forms to support their information sharing in survey one (n=34).

Keeping records about information sharing has increased people's workloads by adding more administration time. However, keeping records is important as it ensures transparency and ensures that case records are kept up-to-date and accurate. It also ensures that information is not lost as staff leave.

One manager reflected that while the additional administration currently causes frustration, as more people work in this way over time, the administration will be incorporated into their jobs and embedded into the ways of working.

How are the new provisions influencing information sharing practice?

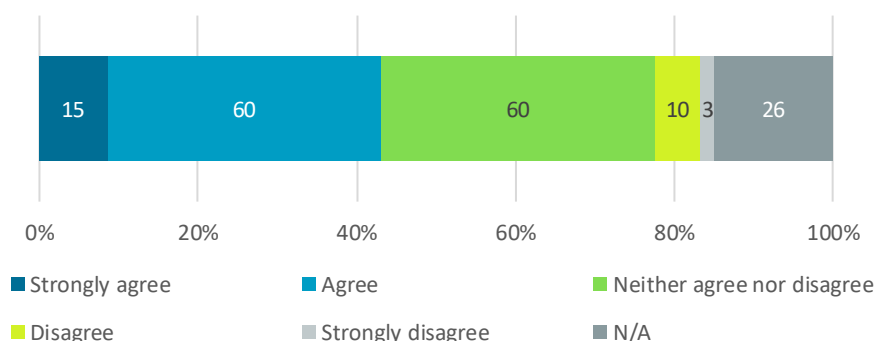
Overall, the interviewees and survey participants indicated that the new provisions were enabling best practice for information sharing by supporting people to share relevant information to support tamariki safety and wellbeing.

While many in the sector were already sharing information with each other, the provisions support and give legitimacy to people sharing information. They also support information being shared for the wellbeing of tamariki – not just safety.

People were building relationships through information sharing

People using the new provisions also indicated that they were beginning to build relationships with each other and communicating more through sharing information (Figure 6). Some people were also building relationships with new organisations and individuals through information sharing.

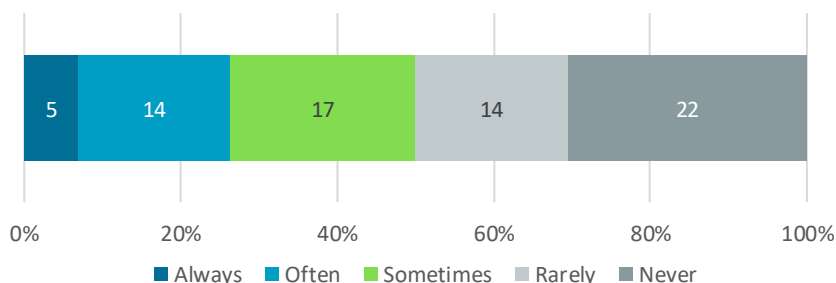
Figure 6: Respondents indicating that they were having better relationships with other individuals/organisations as a result of sharing information (survey two, n=174)



“I think the changes in the Act have had a positive impact with the culture in between the agencies (in general). It has also made my job easy (my role is to streamline child protection processes in our organisation) as I can clearly state (and point out) the Act and what it means.”
– Health worker

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

Figure 7: How often respondents made a request to an individual/organisation they have not requested information from before (n=72)

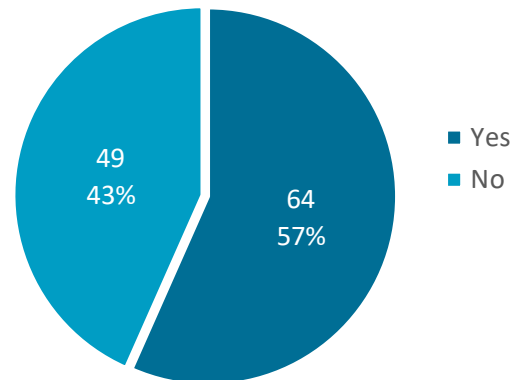


“I have definitely felt a positive difference since the change in Oranga Tamariki leadership in the area and the new provisions passed. It is much more of a two-way relationship now.”
– NGO manager

Overall, many people felt their relationships with Oranga Tamariki staff had improved since the new provisions came into force. This was because there were more conversations happening with Oranga Tamariki staff, and they were able to work in a more transparent and open way.

The interviews also highlighted that people with good existing relationships were more likely to proactively disclose information. For example, just under half of the interviewees would often meet with workers from other organisations. They noted that community organisations are usually tight-knit and that some people have been in the sector for a very long time, allowing for strong relationships. Often when they knew they were working with the same whānau, they were able to proactively share or ask for information if they thought it was appropriate for the safety and wellbeing of tamariki.

Figure 8: Number of respondents from the second survey who have proactively disclosed information (n=113)



The proactive disclosure of information was also evident in the survey findings. Figure 8 shows that of the 113 survey respondents in the second survey who had disclosed information to others under the new provisions, 57% had also proactively disclosed.

The new provisions supported best practice

The majority of people interviewed discussed how the new provisions were supporting their existing information sharing practices through providing a legal framework for sharing information well and reaffirming best practice. The value of the new provisions meant these organisations could continue building trust and share information safely and legally alongside building their shared understanding.

For some people in the sector, information sharing was already common practice. Nonetheless, it was noted that sharing information was getting easier for them with the sector’s increasing awareness and ability to share information to support wellbeing as well as safety. More specifically, the legislation provided a framework to guide and support effective information sharing practice. The provisions also provided greater access for the sector to relevant information held by Oranga Tamariki. Organisations commented that previously without a memorandum of understanding they experienced challenges in accessing information from Oranga Tamariki.

*“This legislation put a formal framework around the way we already worked”
- NGO manager*



4. Were the new provisions implemented as intended?

KEY MESSAGES

- **The new provisions were largely being implemented as intended**, although the use and influence of the new provisions were still developing across the sector and within organisations.
- **Training, organisational policies and leadership, and collaborative information sharing decisions** were supporting the provisions to be used as intended.
- **People were not confident about the definitions of certain wording such as wellbeing, good faith, and consultation used in the new provisions.**

There was evidence that people using the new provisions were confident with using them, and that they were being used as intended. 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 informed decisions with a better picture of what was happening for tamariki and their whānau.

“I think those who shared information in good faith and with tamariki at the centre of their work before the Act continue to do so and those who did not haven't much changed their practice.”
– Health worker



Factors influencing use of the new provisions

The following factors were **influencing the intended use** of the new provisions:

- The intention of the new provisions is for the sector to consult with tamariki or their representative about sharing their information where appropriate and practicable. However, people interviewed still talked about the process of gaining “consent”. This may be indicative that consent was a requirement under the Privacy Act and people were still developing their understanding about the consultation requirements in the provisions and how these are incorporated into practice. As people become more familiar with using the new provisions, it is likely a process for consultation rather than a need for consent will become normalised.
- Different messaging and expectations across other information sharing legislation caused confusion. For example, recent changes made to the Privacy Act 2020 caused confusion about what is expected of people when sharing information with others. This in turn caused people to be more hesitant to share information despite knowing the new provisions.

“I worry that words like wellbeing are too subjective. It is entirely inclusive, what's not to share? Can we share everything?”
– NGO policy officer



- The sector was still building its confidence to share information in relation to wellbeing and what it means to share in good faith, this is likely influencing what and how some people were sharing information.

Factors that were supporting the use of the new provisions

The following **factors were associated with supporting the use of the new provisions:**

- Attending training.
- Having internal organisational policies that reflect the new provisions and encourage information sharing processes.
- Information sharing decisions being made together e.g., social workers making decisions about information sharing with their team and/or management so knowledge and practice were shared.
- Cross sector conversations.
- Using the guidance in meetings to collectively work out what can be shared and developing a shared understanding of the provisions.

5. How were whānau being engaged in the information sharing process?

KEY MESSAGES

- **Most people consult with tamariki when appropriate** as part of the information sharing process.
- **Consultation** with tamariki or their representative(s) is occurring as per organisational policies and processes.
- **In some instances, people were still using a consent process** over a consultation approach with tamariki when sharing information.
- **Safety concerns** was the main reason for not consulting with tamariki and whānau.

Many in the sector were consulting with tamariki

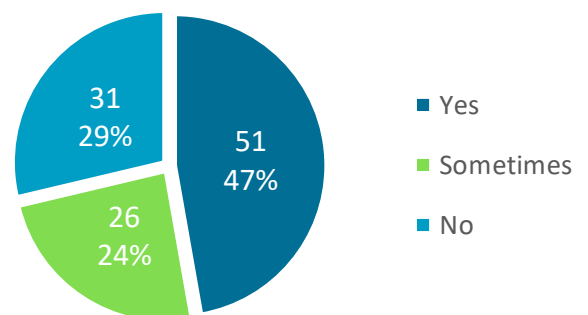
The new provisions were designed to encourage the sector to consult with tamariki and their representative where practicable and appropriate. The focus here is on consulting with, rather than gaining informed consent.

The graph on the right (Figure 10) shows 47% of respondents had consulted with tamariki or their representative when sharing information.

When reviewing this finding, it is important to note that it is not always appropriate or possible for tamariki to be consulted when sharing information. The percentage, therefore, should not be used to judge the success of consultation.

Respondents from survey one who had consulted with tamariki mentioned using face-to-face consultation and hui. Some respondents commented that whānau should be met face-to-face and in a way that is conducive to establishing a trusting and understanding relationship. This was a common theme on how to best engage with whānau.

Figure 9: Second survey respondents who had consulted with tamariki or their representative when using the new provisions



“Face to face engagement through whakawhanaungatanga and trust.”
– NGO stakeholder



People also reported being guided by their internal policies on how to consult with tamariki or their representative.

In some instances, people reported using the consent process at the start of working with whānau to gain consent for information sharing, instead of consulting with tamariki in relation to each specific disclosure of information.

There were some concerns around consulting with tamariki

In the interviews and surveys, there were concerns around consultation where there was no current relationship with tamariki or their representative. Interviewees suggested that it was not ideal for people to be contacting tamariki or whānau to discuss information sharing if they had not worked with them recently. This was specifically evident in responses from Oranga Tamariki staff. For example, some of the interviewees suggested that it could be confronting to receive a call from Oranga Tamariki in relation to historical information, particularly if it related to a past traumatic experience or event.

Collaborative relationships with tamariki and whānau supported engagement in information sharing decisions

Organisations drew on their relationships and connections with tamariki and their representatives to consult and engage them in information sharing discussions, as appropriate and practicable. For example, in one organisation the social workers usually discussed the legal obligations to share information thoroughly with tamariki or their representative 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.

People always tried to resolve concerns with tamariki or their representatives when sharing or requesting information with other agencies known to them. This was 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



There are some instances when consultation is not appropriate

Workers would usually try and consult with tamariki or their representatives. However, findings from survey two showed us that people would usually not consult with tamariki or their representatives when:

- Interactions with tamariki and their representatives were limited e.g., they do not work directly with whānau (n=10)
- Tamariki were considered too young for consultation or consultation could have led to adverse outcomes from tamariki (n=7)
- There were concerns for the safety of tamariki (n=7).

While these numbers may be low, the interview themes indicated that the survey findings are a good reflection of the factors influencing people's consultation with tamariki.

6. What was supporting and challenging the sector from sharing information?

KEY MESSAGES

- **Relationships and trust supported people** to share information better.
- **Sharing knowledge about** the new provisions among staff (e.g., frontline and manager) and **providing training** enabled information sharing processes that were consistent with the new provisions.
- **Covid-19 lockdowns** facilitated more information being shared across the sector
- There were still **uncertainties and inconsistencies** when sharing information under the new provisions. For example, people were still unsure how to use multiple Acts together.

Factors supported the sector to share information

The following factors were **supporting** the sector to share information:

- Relationships and trust between organisations enabled people to have more conversations. Currently, a lot of information sharing is based on relationships and trust.

“By seeing partnerships as a two way rather than just their way would help for sure.”
– Education worker

- The biggest enabler to sharing information was established relationships. That is, where there was already established relationships between organisations, information is shared more readily and proactively. One NGO manager explained that she took her social workers to visit their community-based Oranga Tamariki office so they could meet face-to-face and begin building relationships. This supported better sharing of information. It was also mentioned that people who knew each other were more likely to share information in a timely way.

“We share across other community organisations fine, I have personal relationships with them all so it is really easy to communicate with them.”
– Social worker



- Knowledge about the new provisions was being shared between management and frontline staff. For example, one social worker who was unsure about an information request spoke with their manager who was able to inform them about the new provisions and guide them on how to share information better. Having support from supervisors or managers was mentioned as helpful to build people’s confidence with using the new provisions.
- Having open conversations with other organisations was also supporting information sharing. That is, some people reported having conversations

when their requests for information were declined or when they chose not to disclose. When requests were declined, people noted using the guidance as criteria to review the information sharing request and to support each other's understanding of how the legislation enabled the sharing of information

- Polices and organisational processes that reflected the provisions and support good information sharing practices

- As previously mentioned, training opportunities and resources have supported staff understanding of the new provisions. For example, the MyLearn course for Oranga Tamariki social workers and the SSPA training courses were highlighted as helpful.

“The myLearn course was a great tool to use to familiarize yourself with the new provisions”
– Oranga Tamariki staff



- Professional commitment from social workers to share information and do good work for the tamariki they work with. All those interviewed were very passionate about their jobs and tamariki. They mentioned that the new provisions were a step in the right direction as they provided a framework for good practice. For example, a school principal interviewed talked about requesting information around a new student that was struggling. Other professionals who were involved were willing to share relevant information with her because they all wanted the best for the student involved.

“All a step in the right direction. Though I am always guided by the thought and question I ask myself, which is: “Is what I am doing with the information going to prevent a situation escalating, keeping a child safe and will help the child.” The child always sits absolutely at the centre of all deliberations.”
– NGO staff



- During Covid-19 lockdowns, more information sharing between organisations involved in supporting tamariki and whānau occurred through technologies including Zoom, email and phone. People found it easier to contact and receive responses from other organisations because people were more accessible when working from home.

Factors that challenged the sector to share information

The following factors **challenged** the sector to share information:

- The variability in understanding of the provisions across the sector. Some interviewees experienced challenges with receiving information because people in other organisations did not understand the new provisions. Interviewees and respondents to survey two reported that this made it difficult when requesting information as people who did not understand the new provisions often declined the request. However, people were having follow up conversations with organisations who declined their requests which in turn was increasing the awareness and understanding of the provisions.

- High staff turnover across the sector. This was mentioned in surveys and interviews as knowledge about cases and relationships that support information sharing practices can be lost when people move on from jobs.
- Some organisations had not updated their internal policies to reflect the new provisions (as seen in Figure 3). This caused some hesitancy with sharing information. This was especially true for the health and education workforce who were influenced by policies and/or practices that reportedly did not reflect the new provisions.
- Some people did not understand how to use multiple Acts together e.g., the Privacy Act 2020, the Oranga Tamariki Act 1989, and the Family Violence Act 2018. Interviewees mentioned how the Privacy Act 2020 was very restrictive, but the Oranga Tamariki Act allowed them to broaden what sort of information could be shared.
- Those working with tamariki Māori, commented on social workers' lack of knowledge around tikanga for information sharing practices. For example, the new provisions allow for people to speak to whānau if they wish, but does not require them to consult with whānau. Involving whānau in all family decisions is tikanga. Some social workers were unsure how to work in a way that respects cultural values and beliefs while applying the new provisions.
- Organisations have different record keeping practices and expectations on what information is recorded. This sometimes makes sharing of information challenging because the information requested may not have been something an organisation decided to record and store. There were also examples of people asking for information and receiving it in an unhelpful format which then required them to sift through large amounts of information to find what they were looking for. For example, when asking for information of the health workforce, many people were receiving a large volume of information or patient records which they need to sift through to find the specific information requested.
- People working in the sector were still influenced by previous expectations and guidance around information sharing. People tended to err on the side of caution, despite now being able to share certain information under the new provisions. Some people shared concerns about the use of 'good faith' because they were worried about what would happen if they shared information thinking it was in 'good faith' but later found out it was not. People wanted confirmation about what the term 'good faith' means to ensure they were covered from prosecution. For example, one social worker who had a good understanding around the legislation mentioned that she went to two lawyers and also sought advice from other practice leaders. She said that the lawyers did not seem to understand what was meant by good faith and she was confused about what her legal obligations were and whether she was legally protected.
- Many people were supportive of using broader terms such as 'wellbeing' as it allowed them to take the context around tamariki into account. For others, the

definition was too broad, and they felt that such terms were too subjective which may allow for oversharing of information to happen.

- There was uncertainty around the use of information shared with other agencies. For example, there were concerns about sharing information with people who might not have the knowledge or context needed to interpret the information in the right way.
- Receiving adequate and timely information was also identified as a challenge. People expressed the difficulty of receiving the right information when they need it. This was specifically mentioned in relation to Oranga Tamariki. This challenge was also influenced by inconsistencies in information sharing practices among Oranga Tamariki staff.

7. What ideas were there for improvements?

MAIN IMPROVEMENTS

- **Continue seeking opportunities to educate** and build confidence with using the new provisions.
- Supporting conversations across the sector to strengthen relationships needed for better information sharing practices.
- **Using communities of practice as a tool** for ongoing learning and use of the new provisions.
- **Development of systems to enable record keeping.**
- **Continue ongoing communications** about the new provisions.
- **Continue working to support shifts in practices,** policies and behaviours.

The following **suggested improvements** reflect the voices of the people the evaluation team heard from through surveys and interviews.

- One of the main themes to emerge from both the survey and interviews was a need for further training. Suggestions for further training included:

- Workshops
- Videos and webinars
- Training specifically for new staff as well as refresher training for those who have some knowledge of the provisions
- The MyLearn Module available for Oranga Tamariki staff to be accessible to contracted providers
- Organisation specific training, particularly for NGOs, education and legal professionals.

“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”
– NGO officer



- Another area which was identified that would further enhance the understanding and use of the new provisions was the development of additional specific case examples and guidance for how to use the new provisions in practice for different areas within the sector.
- Survey respondents identified email may not always be the most effective mode of communication for busy frontline staff. It was suggested that information about the provisions could be communicated through multiple channels such as email, staff room spaces, and other areas staff are likely to see and engage with information.

Posters in high information-sharing health staff areas (child health, ED, women's health) about the new provisions.”
– Health worker



- Based on feedback from research participants, communications centred around the following topics would be helpful to facilitate understanding and build confidence to use the new provisions:
 - Consultation with tamariki; that is, more information about what it means to have a conversation about the sharing of their information, where appropriate and the difference between this and gaining consent when tamariki and whānau begin engaging with a service.
 - Wellbeing and what this means in different contexts, and how to apply the concept. Examples of flowcharts where people can follow a diagram to understand whether something would fall under wellbeing or information being shared in good faith were suggested.
 - There is still some hesitancy to share information because of privacy fears. Further messaging and support to understand sharing in good faith and the boundaries between the new provisions and the Privacy Act 2020 were identified as areas for further clarity that would be useful.
- Though guidance on record keeping is available, there was confusion for some about what information should be recorded internally so that information sharing externally can be made easier. Some interviewees explained their request for information was rejected because the other organisation did not record the information needed; for example, some people talked about being unable to receive information from the health workforce on closed cases because information was not available. People expressed the need for consistency between organisations within the sector about what information is recorded to make information sharing easier.

“The guidance was very high level and gave an overview of the Act provisions and principles but did not get into the detail that is required on how to apply the provisions.”
– Oranga Tamariki staff



Conclusion

Overall, there was a positive shift in peoples' understanding and confidence with using the new provisions to share information in practice. Work has been done to educate and promote the new provisions with the child welfare and protection sector. Embedding the new provisions into everyday practice has led to better information sharing practice and new and improved relationships. Trust and relationships were a key factor for enabling the use of the new provisions.

Despite the challenges with embedding a change in information sharing culture across a wide and varied sector, people were generally ready to use the new provisions and improve their practice. The use of the new provisions were seen as an opportunity to connect and build stronger relationships within organisations in the sector.

There is still a group in the sector who are unaware of the provisions and others who are aware but are not yet confident using them. This group expressed wanting more information about how to use the new provisions.

Continued support and education is required to embed the new provisions into practice for the whole sector.

