

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

Findings from Survey Two



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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Contents

Introduction	2
Survey Key Findings.....	3
Respondents	4
Awareness of the new provisions	5
Development of organisational policies and/or guidance	7
Understanding of the new provisions	7
Confidence using the new provisions.....	9
Use of the new provisions.....	9
Reasons for not using the new provisions	9
Requesting information.....	10
Disclosing information	11
Consultation with tamariki.....	12
Reasons for not consulting with tamariki	13
Changes since the new provisions came into force.....	13
Challenges using the new provisions.....	14
Impact of COVID-19.....	15
Enhancing the new information sharing provisions and further comments	16
Conclusion and next steps.....	17

Introduction

This rapid feedback report presents the findings from an online survey on the voluntary information sharing provisions in the Oranga Tamariki Act 1989 that came into force on 1 July 2019 (the new provisions). Findings from this survey will be further analysed and integrated alongside the first survey and interview findings in the final evaluation report. This survey is part of a wider evaluation, designed to support Oranga Tamariki in understanding the new provisions as **per the evaluation questions below**.

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?

Synergia reviewed a survey designed by Oranga Tamariki and disseminated the survey via SurveyMonkey. A variety of channels for communicating about the survey with the wider social sector were identified. The survey 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 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
- NZ Police.

The link was also sent to the Social Service Providers Association (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).

The survey was distributed through internal communication channels for Oranga Tamariki staff. For example, through Pānui¹ with a link to the survey on the Ministry's internal website, Te Pae, as well as in an email to frontline staff.

A survey link was also directly emailed to those that were sent the first information sharing survey, that is individuals and providers who attended the initial engagement workshops in 2019, as well as to all Oranga Tamariki contracted providers. A link to providers was also included in the Oranga Tamariki Update for Partners newsletter.

The survey was live from 16 February 2021 until 9 March 2021 and took around 10-15 minutes to complete. The 33 questions were a mix of open and closed questions relating to the awareness, understanding, use and influence of the new provisions. **A total of 514 people responded.**

The purpose of this report is to provide rapid feedback on the main findings from the survey. The survey findings presented will be further analysed and integrated into the final evaluation report.

¹ Pānui is a weekly internal communication newsletter emailed to all Oranga Tamariki staff.

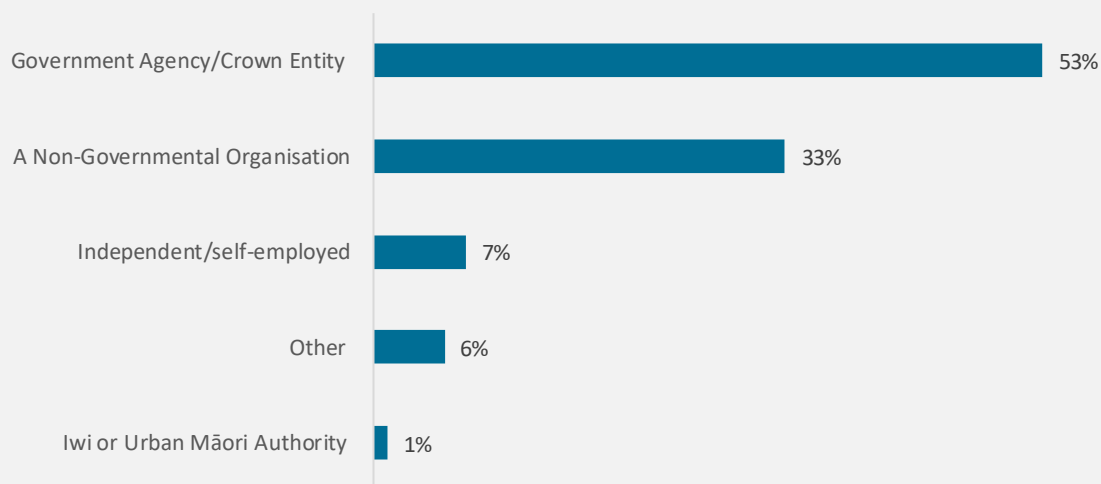
Key findings

Respondents

A total of **514 people responded to the survey**. As shown in Figure 1 below, just over half of all respondents (53%, n=273) worked at a government agency or Crown entity, followed by a third of respondents who worked for a non-governmental organisation (n=168).

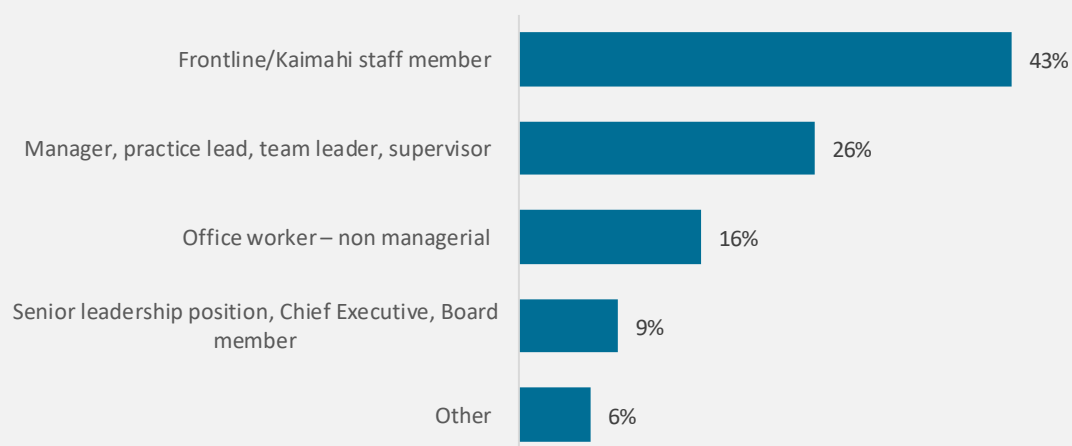
The majority of those who worked for a government agency or Crown entity, worked for Oranga Tamariki (57% n= 153), 22% of respondents worked in education (eg; schools, ECE, Kohanga Reo) and another 15% worked in health (eg; DHBs).

Figure 1: What best describes your employer? (n=514)



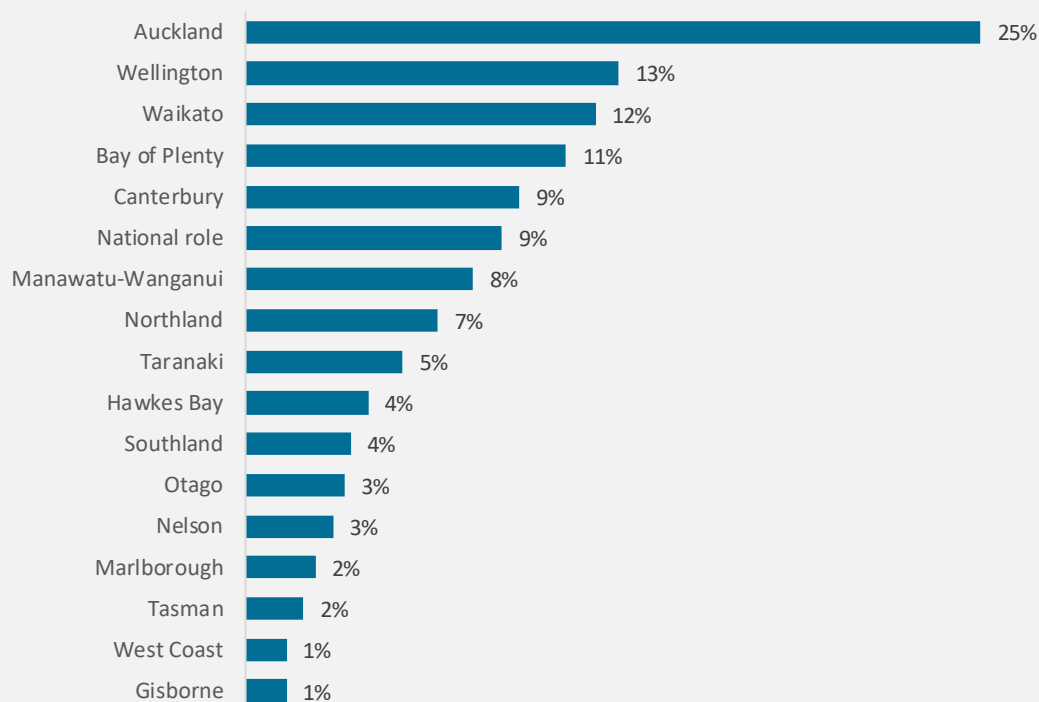
The largest proportion of respondents were frontline workers (43%, n=213). An additional 26% of respondents were managers, practice leads, team leaders and supervisors (see Figure 2).

Figure 2: What best describes your role? (n=494)



There was a good geographical spread of respondents, with all regions represented in the survey. A quarter of respondents worked in Auckland (n=126) and 9% (n=44) worked in a national role (see Figure 3).

Figure 3: Which regions are best aligned to your work?



Awareness of the new provisions

Most respondents 77% (n=378) were aware of the new information sharing provisions of the Oranga Tamariki Act 1989 (the new provisions).

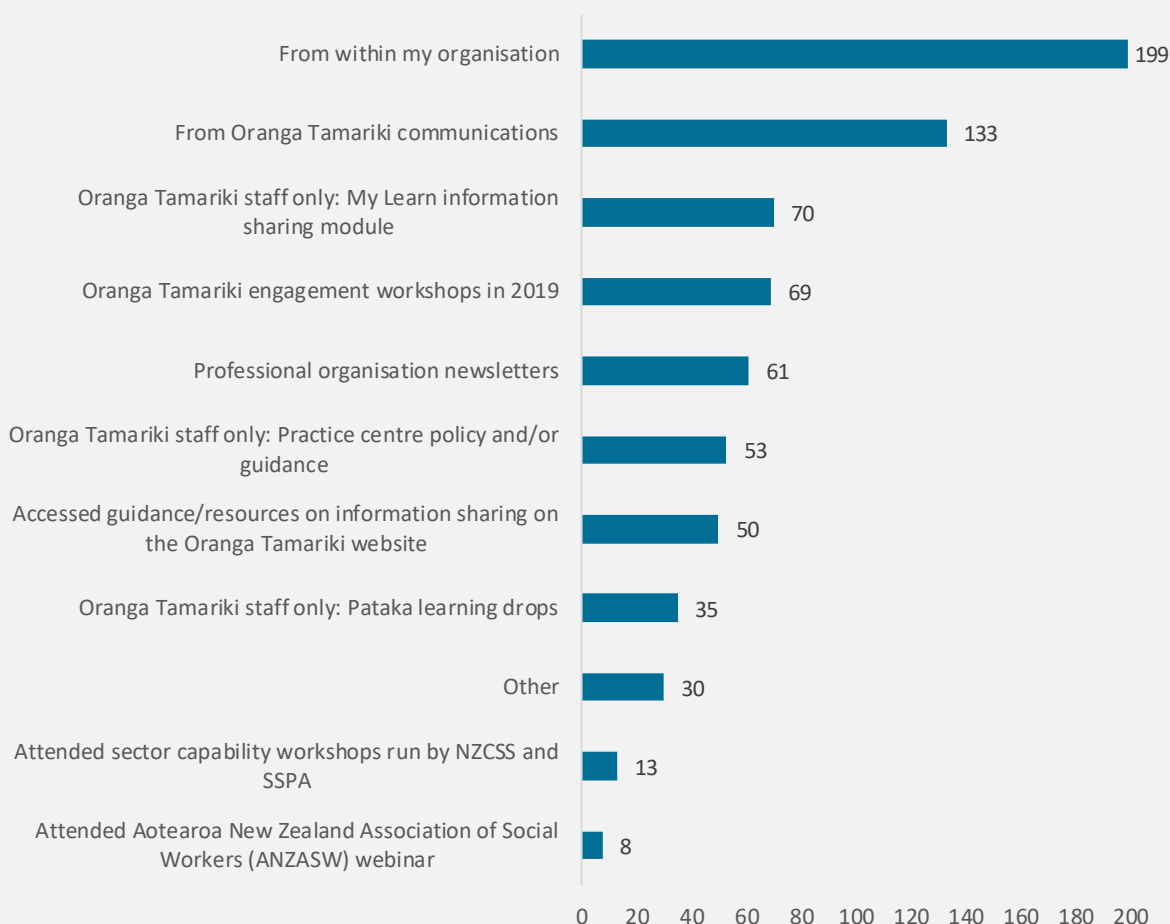
Awareness of the new provisions differed by respondent type. Those who worked at Oranga Tamariki were most aware of the new provisions (89%, n=134) and respondents who worked in the education sector were the least aware (69%, n=40). See Figure 4.

Figure 4: Awareness of the new provisions by sector



As shown in Figure 5, the main way respondents who were aware of the new provisions had heard about them was through their own organisation (57%, n=199).

Figure 5: How did you hear or learn about the new provisions of the Oranga Tamariki Act 1989?



Respondents from Oranga Tamariki reported hearing about the new provisions internally (n=72) through internal communications (n=69) or through the MyLearn information sharing module (n=68). See Figure 5.

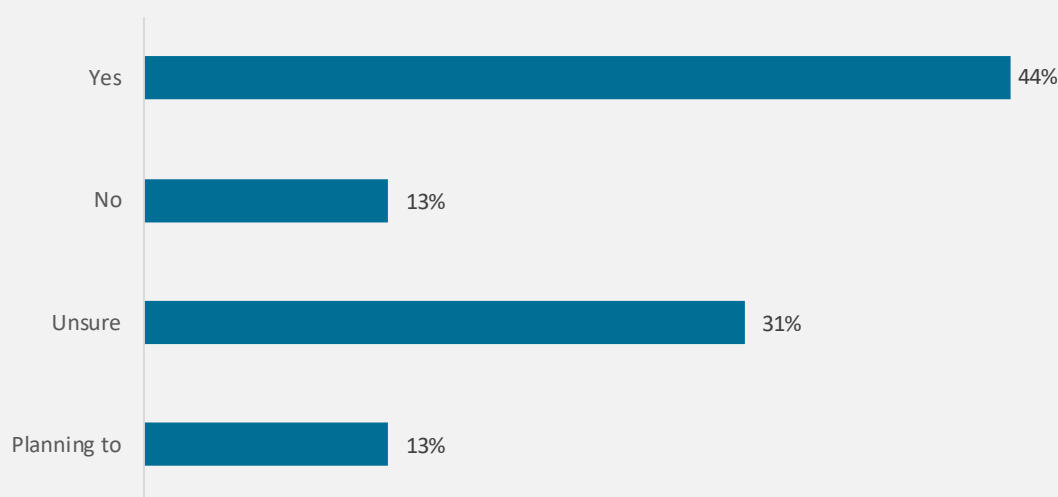
Just under a quarter of respondents were not aware of the new provisions (23%, n=114). Of these respondents, **72% (n=82) reported that they shared information as part of their role.**

Three-quarters of respondents (75%, n=72) who were unaware of the new provisions did not know where to find resources and training opportunities related to the new provisions. These respondents were given a link to the Oranga Tamariki Information Sharing website so they could access further resources.

Development of organisational policies and/or guidance

When asked if their organisation had developed its own policies and/or guidance for the sharing of information under the new provisions, 44% (n=78) of those who were asked this question answered 'yes' and a further 13% (n=22) reported that they were 'planning to'. See Figure 6.

Figure 6: Has your organisation developed its own policies and/or guidance for the sharing of information under the new provisions? (n=176)

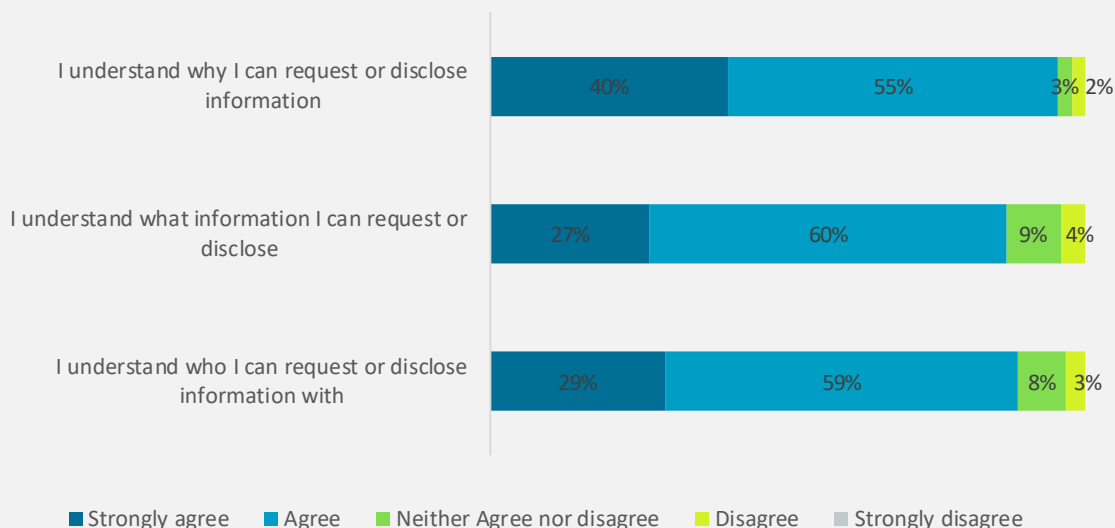


Understanding of the new provisions

As shown in Figure 7, most respondents who were aware of the new provisions² 'agreed' that they understood why they can share information, what information they can share and who they can share information with.

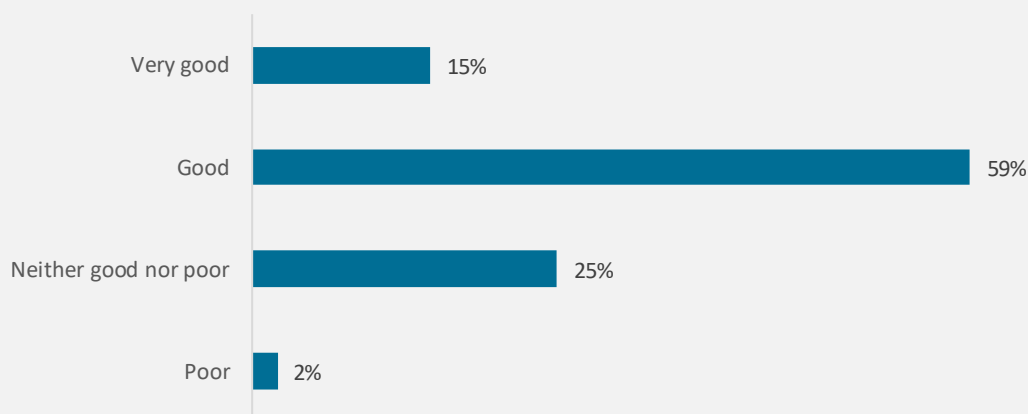
² Note survey respondent numbers from this section reflect those who were aware of the new provisions

Figure 7: Please indicate how much you agree with the following statements. (n=197)



In addition, many respondents who were aware of the new provisions rated their overall understanding of the new provisions as ‘good’ (59%, n=113). See Figure 8.

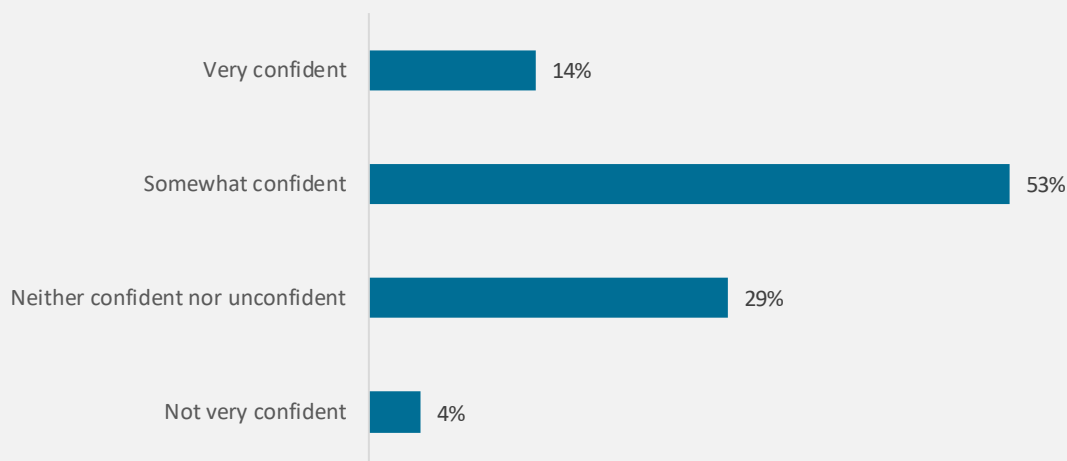
Figure 8: Overall, how would you rate your current understanding of the new provisions of the Oranga Tamariki Act 1989? (n=193)



Confidence using the new provisions

The survey also asked respondents to rate their overall level of confidence using the new provisions. As shown in Figure 9, most respondents reported that they were 'somewhat confident' (56%, n=100) in using the new provisions.

Figure 9: How would you rate your current level of confidence using the new provisions of the Oranga Tamariki Act 1989? (n=190)



Use of the new provisions

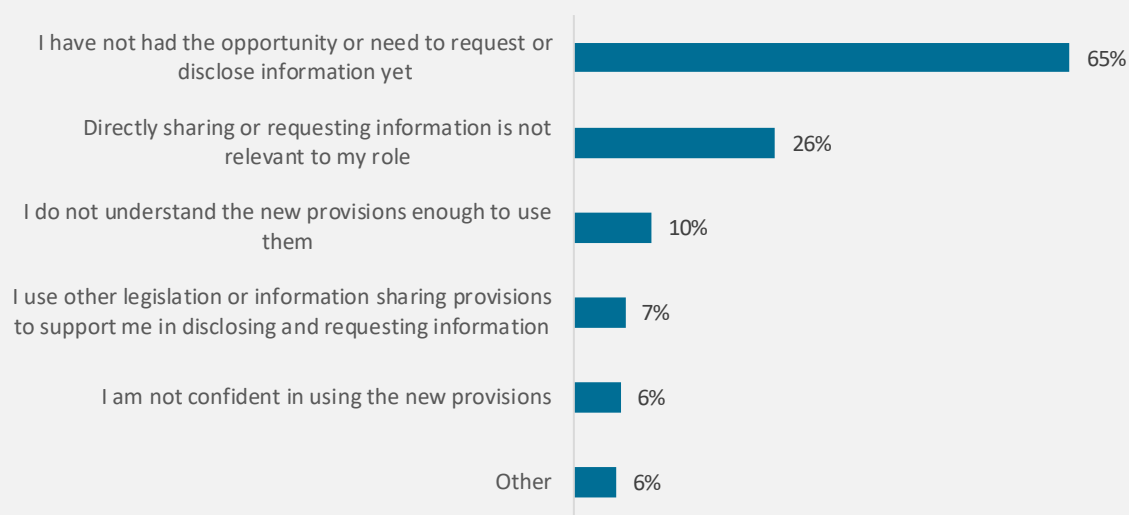
Of the respondents who are aware of the new provisions, 47% (n=164) had used them to request or disclose information.

A total of 65% (n=17) of respondents who identified that they worked in the health sector reported that they had used the new provisions to request or disclose information, followed by 55% (n=68) of those who worked at Oranga Tamariki, and 41% (n=15) of those from the education sector.

Reasons for not using the new provisions

As shown in Figure 10 below, the main reason respondents had not used the new provisions was because they had not yet had the opportunity or need to request or disclose information (65%, n=116). A further 16% had not used the new provisions because they either 'did not understand the new provisions enough to use them' (n=18) or were not 'confident in using the new provisions' (n=11).

Figure 10: Why have you not used the new provisions of the Oranga Tamariki Act 1989? (n=179)



Respondents who selected ‘other’ provided further insight into why they had not used the new provisions. These included:

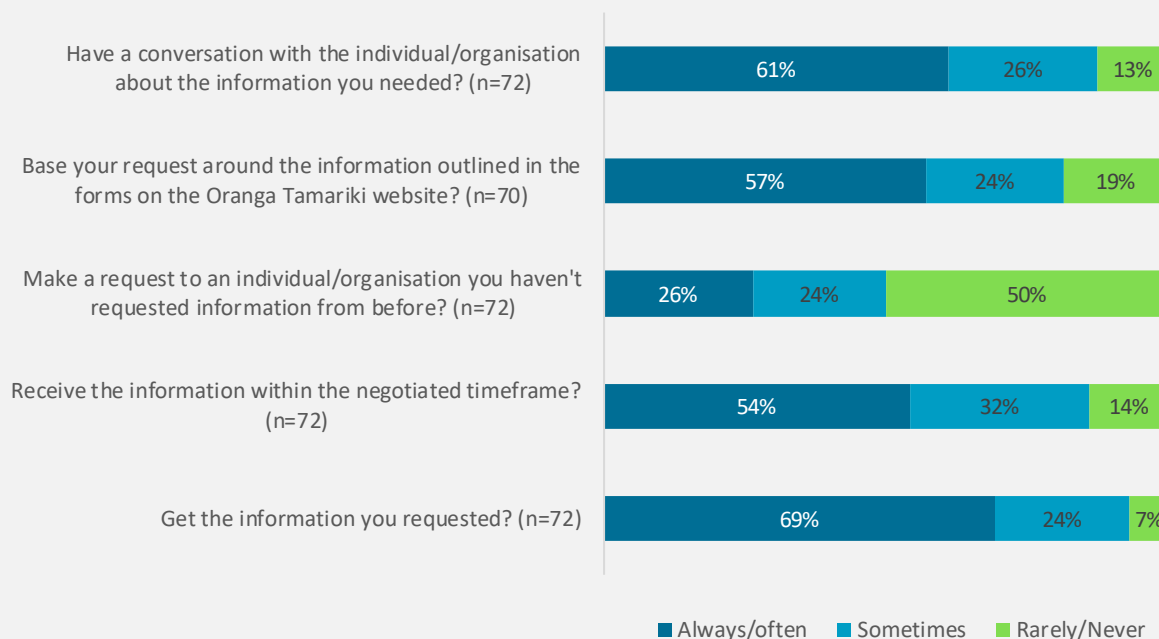
- Already have existing processes for sharing information with key agencies e.g., NZ Police
- New to the job and/or recently found out about the new provisions
- Need to grow their confidence with using the new provisions e.g., more training
- Concerns from NGOs about how to use the new provisions.

Requesting information

Almost two-thirds of respondents (62%, n=118) who were aware of the new provisions reported that they had not made a request for information under the new provisions.

Of the 72 respondents who had made a request for information, 69% ‘always/often’ got the information they requested, and just over a quarter (26%) ‘always/often’ made a request to an individual/organisation they hadn’t requested information from before. See Figure 11.

Figure 11: In relation to the request(s) for information you made using the Oranga Tamariki Act 1989, how often did you:



Reasons for requests for information being declined

Of the respondents who had made requests for information under the new provisions, **28% (n=20) said they have had requests declined.** Privacy concerns was the most common reason given for a request for information being declined. Other reasons included:

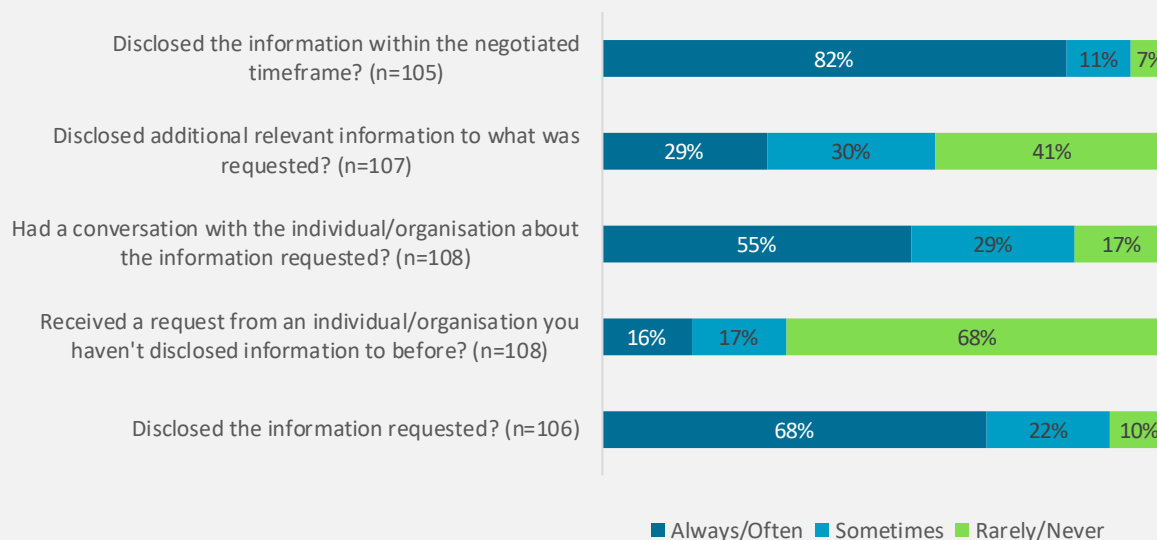
- The agency information was requested from was unaware of the new provisions e.g., Police did not know about the new provisions
- The worker/agency information was requested from was not confident and/or did not understand the new provisions. Information was released once the new provisions were explained and/or the worker sought advice from their supervisor
- NGO felt they were not required to share information with Oranga Tamariki
- Restrictions around disclosing information under section 66B of the Oranga Tamariki Act 1989
- The person information was requested from was not following the new provisions and cited privacy
- The Oranga Tamariki social worker cited privacy as the reason for not sharing information.

Disclosing information

A total of 60% (n=113) of respondents who were aware of the new provisions reported that they had disclosed information under the new provisions, and over half of these respondents (57%, n=64) reported doing so proactively; that is, without first receiving a request for information.

As shown in Figure 12, of those that had disclosed information, 82% (n= 86) 'always/often' did so within the negotiated timeframe. Over two-thirds (68%, n= 73) had 'rarely/never' received a request for information from an individual/organisation that they hadn't disclosed information to before.

Figure 12: In relation to the request(s) for information you have received using the Oranga Tamariki Act 1989, how often have you:



Reasons for declining requests for information

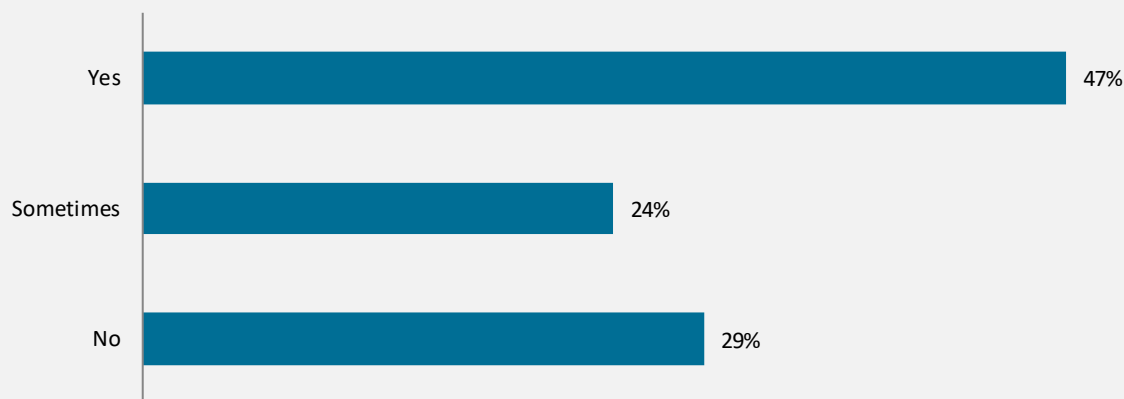
A total of 20 people said they had declined a request for information under the new provisions. The main reasons for not disclosing information were because:

- the request did not meet the criteria of the Act (n=13)
- no relevant information was held (n=13).
- it was not considered to be in the best interests or wellbeing of tamariki (n=4)
- of safety concerns for tamariki if information was disclosed (n=3)
- of consultation with tamariki or their representative (n=2)
- information held was not accurate and/or up to date (n=2).

Consultation with tamariki

As shown in Figure 13, almost half (47%, n=51) of respondents who had disclosed information, reported that they had consulted with tamariki or their representative first.

Figure 13: Since 1 July 2019, have you consulted with tamariki or their representative about the sharing of their information? (n=108)



Reasons for not consulting with tamariki

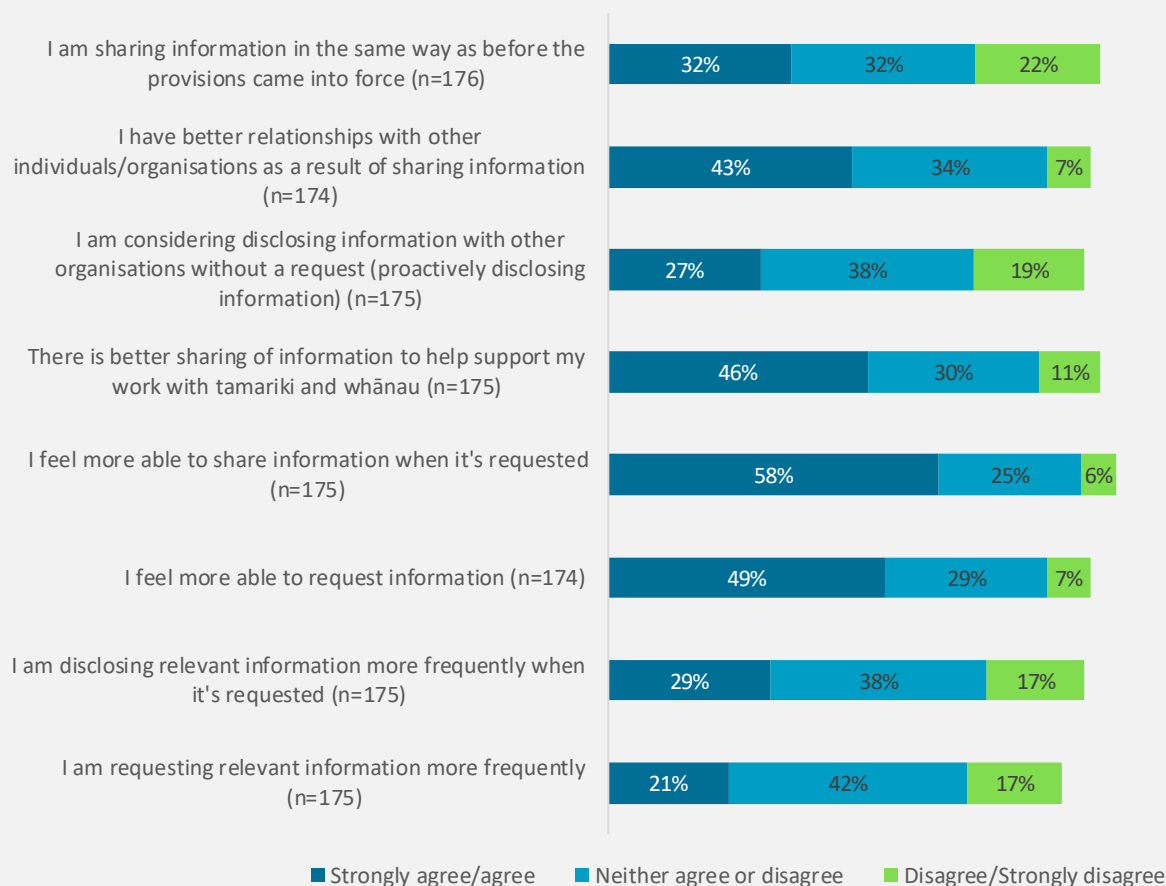
The survey asked those who had not consulted with tamariki or their representative the types of reasons for not consulting. The most common reasons included:

- consulting with tamariki was considered inappropriate due to limited or no direct contact with the client (e.g., not a frontline staff member) (n=14)
- safety concerns for tamariki (n=13)
- the inability of a child to understand due to their age or disability (n=8)
- unable to contact tamariki or whānau (n=5)
- concerns that tamariki or whānau would disengage from the service (n=4)
- whānau are informed about sharing information with Oranga Tamariki at the start of the service (n=2)
- inappropriate to consult due to the time elapsed since last interaction with whānau and tamariki (n=2).

Changes since the new provisions came into force

As shown in Figure 14, since the new provisions came into force, 58% (n=102) of respondents ‘strongly agree or agree’ that they feel more able to share information when it’s requested, 49% (n=85) felt more able to request information and 46% (n=80) thought that there is better sharing of information to support their work with tamariki and whānau.

Figure 14: Compared to before the new provisions came into force on 1 July 2019, how much do you agree with the following statements?



Challenges using the new provisions

The survey asked respondents what challenges as individuals and organisations they have experienced using the new provisions. A total of 105 respondents provided their feedback. A thematic analysis of the responses found the majority of comments made related to challenges working with Oranga Tamariki. The main challenges identified included:

- Some Oranga Tamariki social workers are **hard to contact**.

“Requests are often not responded to and have to be chased up, sometimes with help of their manager or the agencies consult liaison person. This happened prior to the new provisions and has not changed when it comes to some OT social workers.”

- Individual Oranga Tamariki **staff are unaware of the new provisions**

“The challenges relate to ... individual OT workers who are unaware that they can share information as it relates to the safety of a child without breaking confidentiality laws.”

- A perception that Oranga Tamariki is **unwilling to share information**:

“I think there is still a reluctance from OT kaimahi to share information with NGOs and an expectation that NGOs be more open. There is a power imbalance.”

The other dominant theme to emerge was that there are **inconsistent processes for sharing information** between agencies and organisations and a reluctance to share using the new provisions among some child and protection sector/agencies.

“Often different sites have differing understandings of the Act. Many are willing to share relevant information whilst others don’t.”

“Challenge has been understanding and feeling confident about having implemented the standards properly. There have been a couple of scenarios where organisations have declined our requests for information as their interpretation has been different to ours.”

Other challenges reported by respondents included:

- A lack of confidence and understanding of the new provisions
“Still some confusion as to how and when we can use the new provisions.”
- The need for more guidance and clarification around certain aspects of the new provisions
“Internal guidance on examples of what information we should share and how.”
- The timeliness of receiving information when it’s requested
“[biggest challenge is] waiting for information to come through”.
- The length and complexity of the new PDF template/form
“Existing methods/ templates of requesting information have changed and they are now more time consuming and generic. The PDF template of s66 is finicky to write on.”
- Developing systems for recording when information is shared, including an interagency system and business standards
“Perhaps there is a need for more clarity about record-keeping requirements and standards for service providers.”
- Consultation with tamariki and maintaining relationships with whānau
“Parents/caregivers know it’s us when we raise concerns, this has a big impact on the relationship we have tried to form with the family.”
- Identifying who is a child protection and welfare agency
“Figuring out who is a child welfare protection agency is really difficult.”

Impact of COVID-19

The survey asked respondents to share what, if any impact COVID-19 has had on their information sharing practices. A total of 107 people (21%) responded to this question.

Many people commented that COVID-19 did not impact on their information sharing practices (64%, n=68). Out of the responses provided, the following are the main impacts people shared:

- COVID-19 has **created an opportunity for organisations to focus on strengthening their information sharing practices** through updating processes/policies and providing staff training.
- **Most organisations moved to working online instead of face-to-face.** This involved requesting and disclosing information over Zoom, phone and email. Respondents found **working online meant people who were usually**

difficult to contact were more available and information was shared more quickly than usual.

- The main challenges to working this way have been around staff learning and seeking advice on information sharing in an online context and experiencing some delays in receiving information as organisations manage competing priorities.
- Some respondents also noted there has been an increase in requests due to **organisations prioritising the wellbeing of whānau** because of COVID-19.

Enhancing the new information sharing provisions and further comments

At the end of the survey, respondents were asked what could be done to support the use of the new provisions by them and their organisations. **The vast majority of responses were in relation to 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 open to contracted providers.
- Organisation-specific training, particularly for NGOs, the education sector and legal professionals.

“The presentation about the change in legislation was helpful when it came out – [there is] an opportunity to reach out ... to improve the education about the change of legislation that hasn’t reached a number of staff in organisations... I think the high-use agencies and stakeholders have probably got a better handle on it now. But stakeholders that are perhaps peripheral in the child protection community or less well connected may need more attention.”

The other common theme to emerge was a need for regular reminders and information on the information sharing provisions and what they mean with the sector and general advertising of the new provisions.

“Regular reminders, information, that is very accessible and does not just feel like more work.”

“Always receiving up-to-date information and more learnings is good.”

“I guess to promote it more so people are free of the shackles of the Privacy Act and then the confusion that can arise.”

Related to this was a need for more and simpler guidance and practice examples specific to an area e.g.; early childhood education, secondary schools, NGOs and the Oranga Tamariki contact centre:

“Clear instructions and guidance from the government level including examples, short videos (we are thinking about making these ourselves).”

“Sample info sharing policy for ECE.”

“More Oranga Tamariki contact centre specific guidance. We deal with many different types of requests and it is difficult to maintain awareness on all the different processes and legislation behind it.”

Other feedback on what could be done to support the new provisions included:

- Better relationships and communication with local Oranga Tamariki staff
“A stronger collaborative working partnership with OT.”
- Simpler, more time efficient forms
“Change the request PDF forms back or make the new one more time efficient to use.”
- More clarity around how to use the provisions and how the Act works alongside other Acts such as the Privacy Act.
“identification and clarification. Make the Act clear among other Acts i.e. Privacy Act.”

Others took the opportunity to provide some positive feedback on the new provisions:

“I have had better outcomes for client[s] when we can share information when there are multiple organisations in place and then everyone is informed and progress to outcome does not have as many barriers.”

“New provisions are working well and sharing of information [is] crucial to ensuring safety and wellbeing of tamariki.”

Conclusion and next steps

Overall, the survey found a reasonable level of awareness and understanding of the new provisions, but less use of the new provisions by those who responded to the survey in practice. While the survey indicates information sharing may not be widely embedded in practice as yet, many of those who are disclosing information are doing so proactively, and some are sharing information with individuals or organisations that they have not shared information with previously.

The free text comments reveal that there is inconsistent practice and knowledge of the provisions currently in the sector, and in particular respondents found sharing information with Oranga Tamariki challenging. There was also a strong demand for more training on the new provisions and a desire for regular updates, sector specific guidelines and practical examples of when and how to apply the new provisions.

The purpose of this report is to provide a rapid initial look into main findings from the survey responses. The survey findings will be further analysed and incorporated into the wider evaluation as part of our data analysis and integration process for the final evaluation report.