

30 July 2024

Arran Jones
Chief Executive
Aroturuki Tamariki | Independent Children's Monitor

Tēnā koe Arran

Thank you for providing Te Tāhuhu o te Mātauranga | the Ministry of Education (the Ministry) with your report *Towards a stronger safety net to prevent the abuse of children*. The report details your findings on agencies' progress towards recommendations made by Dame Karen Poutasi in her report *Ensuring strong and effective safety nets to prevent abuse of children*.

Dame Karen Poutasi's review was commissioned following the death of five-year-old Malachi Subecz. The Ministry remains committed to internal and cross-agency work to address the gaps in the system that should have protected Malachi.

The Ministry acknowledges the Monitor's findings in respect of cross-agency work under Dame Poutasi's recommendations and Ministry work under its own internal review. Insights from the Monitor's interviews with frontline staff reflect the fact that engagement and planning undertaken by central agencies has not yet reached the stage where it makes a difference to child protection practice. This underscores the need for ongoing progress towards practical change.

In response to your findings on agencies' progress against Dame Karen Poutasi's recommendations, we refer you to the multi-agency update which Oranga Tamariki will submit to you on behalf of agencies. This outlines progress against the recommendations and reflects a common view across agencies. The Ministry of Education is leading the response to Recommendation 10 in cooperation with the Education Review Office and has a contributed to work led by Oranga Tamariki on Recommendations 7, 8 & 9, and 11 & 12.

The Ministry's response to your findings on our internal recommendations can be found in **Appendix 1**. It includes updates on the implementation of the incident notification framework and details of our new approach to regulatory change and assurance. Following Ministerial and internal decisions, we would welcome a conversation with you about the Ministry's child protection work programme. This would be an opportunity for you to inform our ongoing work to improve child protection.

Nāku noa, nā



Andy Jackson
Hautū | Deputy Secretary
Te Pou Kaupapahere | Policy

Cc: Lynda Pura-Watson
General Manager, Ākonga and Community Delivery
Te Pae Aronui | Operations & Integration

Appendix 1: Ministry of Education response to the Monitor's findings on the recommendations of the Ministry's internal review

In September 2022, Ministry of Education (Ministry) staff examined the licence review process undertaken for of Malachi Subecz's childcare centre. They recommended changes to internal decision-making processes when a child has experienced serious harm and that lessons from the review of Abbey's Place Childcare Centre be used to inform regulatory work.

The Monitor has recognised work undertaken by the Ministry

The Ministry acknowledges that the Monitor's main finding was that there has been little progress made towards the recommendations. The Monitor's final report also recognised the Ministry's:

- development of a new a framework for managing incident notifications (in response to the recommendation for changes to internal decision making when a child has experienced serious harm)
- ongoing monitoring of incidents logged on work management systems in the takiwā (regions) to ensure escalation of high-risk incidents (pending final approval and implementation of the framework)
- completion of a current state assessment on the monitoring of safety checking and child protection policies
- continued participation in cross-agency groups including the group led by Te Kāhui Kāhu that has addressed gaps in Core Worker Exemption processes.¹

Child protection is a continued area of focus for the Ministry

Recommendation 1: Internal decision making when a child has experienced serious harm

The changes to internal decision making (*Framework for managing incident notifications*) have now been finalised and implementation of the framework began in July 2024. Monitoring of its implementation and of incident logs will continue to fill any gaps until all staff become familiar with the new escalation process.

The process will provide a greater level of oversight on child protection matters for decision makers within the Ministry and support us to connect with other relevant agencies. The process applies to cases when a child has experienced serious harm or died due to alleged abuse by their caregivers. This will lead to an investigation if the Ministry becomes aware that the child attends, or has previously attended, an early learning service.

In addition to any licence review process triggered by the incident, this will inform decisions about whether the service requires professional learning and development on child protection and if wider work with the early learning sector is required. The Ministry is also considering how this process can be extended to schools and kura to improve oversight of child protection policies in place to protect older ākonga.

¹ The Children's Act 2014 introduced a workforce restriction which means it is unlawful to employ a core children's worker with an offence outlined in schedule 2 of the Act unless they hold a core worker exemption. People subject to the workforce restriction can apply for a core worker exemption.

Recommendation 2: Regulatory work

Changes to the delivery of regulatory work

Due to substantial changes within both the Ministry and within the political environment the regulatory work will be delivered differently to the approach recommended in 2022. The Ministry will work alongside the new Ministry for Regulation on its sector review into early childhood education and the Ministry's own child protection programme will progress in parallel with the review.

Ongoing and planned child protection work.

The Ministry's Network and Regulatory group is developing a child protection work programme spanning early learning and schooling sectors. This will focus on making sure regulatory levers relating to child protection are used consistently and identify opportunities for improvement.

This includes responding to insights from cross-agency work. Following opportunities identified during cooperation with Te Kāhui Kāhu and other agencies, a work programme was developed to better support schools and early learning providers comply with the Children's Act 2014, with a focus on safety checking and child protection policies.

The main focus will be changing how the Ministry uses existing levers and supports regulated services to comply with requirements. Some of these actions will be undertaken in partnership with other key agencies:

Short term (this year)	Coordinated update of guidance on child protection responsibilities – focussing on Child Protection Policies and Safety Checking (with a particular focus on risk assessment)
	Review information sharing protocols and MOU and identify whether they are fit for purpose.
Medium term (by the end of 2025)	Improve and standardise oversight of safety checking (includes implementation of monitoring activities)
	Investigate legislative change to require people with international convictions who want to work in core children's roles to seek a core worker exemption.
Longer term (by the end of 2026)	Work with professional bodies to investigate coordinated and consistent vetting and standards across all sectors
	Review relevant regulations to ensure they are fit for purpose and to identify whether any updates are needed.