

Response: Independent Children's Monitor

Response from Oranga Tamariki–Ministry for Children to the initial report of the Independent Children's Monitor – Agency compliance with Regulations 69 and 85 of the Oranga Tamariki (National Care Standards and Related Matters) Regulations for December 2019.

Focus of the first report of the Independent Monitor

Oranga Tamariki–Ministry for Children (Oranga Tamariki) welcomes the first report of the Independent Children’s Monitor (‘the monitor’).

The report acknowledges the ongoing significant work within Oranga Tamariki to give effect to the new Oranga Tamariki (National Care Standards and Related Matters) Regulations (the NCS regulations). The standards represent a critical opportunity to lift the quality of our services and practices for children and their families, and achieving them forms part of our multi-year transformation journey. Whilst we know that fully achieving the aspiration of the standards will take time, we are committed to continuing to build on the work already started to better meet the needs and expectations of children in care.

The monitor’s first report focused on how Oranga Tamariki is performing against regulations 69 and 85 of the Oranga Tamariki (National Care Standards and Related Matters) Regulations (the NCS regulations) and acknowledges that the monitoring of the NCS regulations requires a phased approach, with Regulation 69 *Duties in relation to allegations of abuse and neglect* and Regulation 85 *Provision of information to the independent monitor* identified as the monitor’s initial areas of focus.

The monitor covered the three-month period from 1 July 2019 to 30 September 2019 and found Oranga Tamariki to be partially compliant with all aspects of the regulations being monitored. Our policies, procedures and practice guidance provide adequate information to support full compliance. The monitor also acknowledged our focus on tamariki and rangatahi Māori and the practice improvements Oranga Tamariki has made in this area.

Transformational change for children in care

– Improving our understanding of the needs of children and caregivers

Oranga Tamariki has a dedicated programme of work to provide children in care with safe, stable and loving care arrangements. We are making improvements in how we support children in care, their whānau, and their caregivers. We are also undertaking continuous work to enhance our own practice quality assurance system in order to monitor how well we are doing against the standards of care, and how this is improving over time. These broader improvements relate to a wider range of the NCS regulations, but also specifically support practice in those areas of initial focus by the monitor set out in regulations 69 and 85.

A range of resources have been created for children to communicate clearly what their rights are and what they can expect from us when in our care. This includes how we are required to take account of children and young people’s views and wishes in assessment, decision making and care planning.

– Ensuring earlier involvement of whānau

We have developed a range of roles and functions within our services for children in care which are being implemented currently to better meet the needs of tamariki Māori, including:

- the Kairāanga role at local sites, which provides dedicated and expert support to enable the connection of tamariki Māori to their whānau, hapū and iwi
- the greater use of hui-a-whānau in care planning to ensure that whānau, hapū and iwi views are reflected in early decision making
- the development of supports and resources that reflect Te Ao Māori, including Māori-based health models to ensure we are appropriately responding to the needs of tamariki Māori in our care.

– **Better support for caregivers**

Oranga Tamariki has implemented a range of supports for caregivers to enable them to provide responsive care that takes greater account of the impact of trauma for children. These include a 24/7 caregiver guidance and advice support phone line which can respond to immediate requests for support, and 11 dedicated care teams who provide more structured and ongoing supports and increased specialised and peer support training and opportunities. We are also progressing new strategic partnerships to establish different models of engaging, approving and supporting caregivers from within whānau, hapū and iwi.

Understanding the quality of our services for children in care

Building a culture of feedback and continuous improvement, and routinely examining the quality of practice in order to support better outcomes for the children and families we work with, is a key priority area for Oranga Tamariki and an area in which we have and are investing considerable effort.

Well before the care standards came into effect, we had improved our routine quality assurance processes. Since the standards came into effect, we have also broadened a number of other quality assurance processes to enable us to monitor our adherence to the standards, and the extent to which this is improving over time. Gathering direct feedback on the views and experiences of children, families, caregivers and partners is a critical part of our work to understand how well a site is doing in meeting the needs and expectations of children in care.

At a local level, sites use the findings of this quality assurance activity to inform real-time feedback to practitioners on specific cases, to identify trends and themes in practice, and to establish areas for learning and capability development. Nationally, the findings inform our understanding of the extent to which the Care Standards are being achieved in our practice with tamariki, their whānau, hapū, iwi and caregivers; to inform strategic and operational decision making about areas for additional support or improvement; and to share what can be learned from those sites who are doing well. Identifying and responding to allegations of abuse for children in care is a critical area of focus for Oranga Tamariki. The dedicated Safety of Children in Care unit measures and publicly reports on harm to children in care to support open and transparent accountability within the children's system and to the New Zealand public. The Safety of Children in Care unit's work provides the opportunity for practice development and improvement at an individual case level with the sites and social workers involved, and examines patterns and trends in what is happening for children in care to inform the longer-term design of services for children in care.

In 2019 Oranga Tamariki established a new System Enhancement Board to drive a co-ordinated approach to making changes that have been identified as needed from the range of internal and external assurance and monitoring activities. The System Enhancement Board will create effective feedback loops and decision-making to better ensure that continuous improvement is possible by:

- centrally coordinating findings and recommendations
- providing advice to decision makers on actions to drive improvement
- tracking progress of actions plans.

Meeting the required standards of practice in responding to allegations of abuse

There are some areas of practice where the monitor assessed Oranga Tamariki as partially complying with the full regulation requirements and, in relation to these, we have addressed the specific areas below.

1. Consistency of policies, processes and practices in responding to allegations of abuse or neglect for children in care.

2. Internal assurance mechanisms to test consistency of practice and ensure continuous improvement.
3. The need for a greater focus on outcomes-based information.
4. Promoting consistency of understanding across the sector in determining what circumstances regulation 69 relates to.

Consistency of policies, processes and practices in responding to allegations of abuse or neglect for children in care

– Timeliness of investigations and assessments

Our data for the period reported by the Monitor found that immediate safety planning is consistently in place for children in care, and that this is generally done in a timely manner and reflects ongoing planning that is responsive to the child or young person's needs. The Safety of Children in Care unit has observed that there has been a greater focus by social workers on the impact of harm for children over the last year. Follow up supports are evident in practice in a greater number of cases, which suggests that shifts in practice are underway, although widescale practice developments will take time to be reflected in monitoring activities.

The Safety of Children in Care unit has noted that assessments and investigations reflect the complexity of this area of social work, and are often lengthy processes involving several parties with differing evidential and assessment requirements. We recognise that we need to improve our timeliness of completion of assessments and investigations, but also note that supports for children and their caregivers are evident throughout the assessment process.

– Guidance and resources to communicate expected standards of practice

We are finalising the development of strengthened guidance for our frontline practitioners to use specifically when responding to concerns for children in care. Strengthened guidance will address a number of the areas noted by the monitor in its report and in particular will:

- call attention to the specific needs (including previous trauma) of children in care at the point of intake decision response
- be explicit about responding to allegations of abuse for children in care, irrespective of where or by whom the harm occurred
- provide greater clarity around roles and processes involving caregiver allegations
- ensure a stronger focus on the support and wellbeing of children through the investigation process (including once this process has concluded)
- emphasise the need to identify and respond to support needs arising from investigation or assessment irrespective of the findings, and to ensure these are addressed through the child's All About Me Plan and the caregiver's support plan.

– Early decision making in responding to concerns when raised

We are currently implementing a new Intake and Assessment approach to support earlier decision making for children and enable the involvement of children and their families.

We are using strengthened decision-making tools, including a revised Decision Response Tool, which provides a structured framework for making consistent decisions when concerns are raised about the safety and wellbeing of children. Additionally, as part of the preparatory work for the implementation of the 1 July 2019 legislative changes, Oranga Tamariki reviewed and refreshed the definitions of all abuse and neglect types to better align with legislation, including expanded responsibilities when concerns are reported about wellbeing.

– **Communicating outcomes**

Regulation 69 specifies very clear requirements to communicate outcomes of assessments and investigations to all parties and the need to record this accurately.

Oranga Tamariki acknowledges that the recording of decisions including outcomes and the communication of these to all parties is an area that requires greater consistency. Accuracy of record keeping and engagement with children and their families to ensure understanding of decision making are critical pieces of practice development within our wider organisational change, and the standards *See and Engage Tamariki* and *Keeping Accurate Records* form an integral part of our Practice Framework.

Internal assurance mechanisms to test consistency of practice and ensure continuous improvement

We are committed to an internal assurance process that takes account of our decision-making at all points in the system related to allegations of abuse for children in care. We are continuing to strengthen our internal assurance mechanisms to provide increasing insight into our practice with tamariki in care, and the findings of the monitor will be a useful input to this ongoing work.

The review work completed by the Safety of Children in Care unit also scrutinises individual case practice in undertaking assessments and investigations of allegations of abuse. Where needed, feedback is provided at an individual level to ensure that practice is consistent in responding to the needs of children and young people. The practice reflections and analysis of trends and patterns in data from the Safety of Children in Care unit's work also allow for higher level learnings to be identified and feed into system level improvements.

Greater focus on outcomes-based information

The monitor found that the current guidance that is available to practitioners to respond to allegations of abuse or neglect is not sufficiently outcomes-focused for children. The document, *The Steps to Follow*, cited by the monitor, is designed to be a simple reference guide for ensuring a consistent approach in carrying out the assessment/investigation process and was intended to complement the detailed information found within practice guidance and operational policy on the Practice Centre.

Our Practice Standards (in particular, the standard *Ensuring Safety and Wellbeing*) and resource materials clearly articulate what is expected as part of our response and centre on a wide range of actions and outcomes for children to address impact, cumulative harm and trauma. The monitor's report acknowledges that reporting on outcomes for children who have had findings of harm is difficult. This reflects that data provided under regulation 69 reports on specific phases of social work carried out in the immediate response to an allegation of abuse or neglect.

Promoting consistency of understanding across the sector in determining what circumstances regulation 69 relates to

The monitor recognises that Oranga Tamariki has completed extensive work on defining the circumstances in which formal reporting of allegations of abuse and neglect should occur. Work is underway and ongoing, both within our organisation and with partner agencies, to facilitate practice discussions that communicate the practice expectations required under Regulations 69 and 85, and to ensure we take account of any further need for supports in this area of work.